



201108120023

Skagit County Auditor

8/12/2011 Page

1 of

7 10:23AM

Document Title:

Stipulation and Order for Immediate Possession and Use, No. 11-2-01297-5

Reference Number : 11-2-01297-5

Grantor(s):

☐ additional grantor names on page ____.

1. Cedar Hills Development, LLC

2.

Grantee(s):

☐ additional grantee names on page ____.

1. Skagit County

2.

Abbreviated legal description:

☒ full legal on page(s) 5.

(30.4400 ac) THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28,
TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.; EXCEPT THE SOUTH 20 ACRES THEREOF,
EXCEPT THE COUNTY ROAD ALONG THE NORTH LINE THEREOF; AND EXCEPT THAT
PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNI

Assessor Parcel / Tax ID Number:

☐ additional tax parcel number(s) on page ____.

P28036

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2011 AUG -2 1:23

SUPERIOR COURT OF WASHINGTON IN AND FOR SKAGIT COUNTY.

In the Matter of the Petition of Skagit County to acquire by condemnation certain property and property rights for the Anderson/LaVenture Road Extension Cedardale to Blodgett Project No. STPUS-7337 (005) and Anderson/LaVenture Road Extension Blodgett to Blackburn Project No. STPUS-7337 (004) as contemplated by Skagit County Resolutions Nos. R20110145 and R20110175, [Parcel P28036]

No. 11-2-01297-5

STIPULATION AND ORDER FOR
IMMEDIATE POSSESSION AND USE

[CLERK'S ACTION REQUIRED]

1. Stipulation on Immediate Possession and Use

Petitioner, Skagit County ("County"), and Respondent Cedar Hills Development, LLC ("Respondent"), by and through their counsel, hereby stipulate and agree to an Order for Immediate Possession and Use of the property which is the subject of this action. The subject property is located at and within the project described as the Anderson/LaVenture Road Extension Cedardale to Blodgett Project No. STPUS-7337 (005) and Anderson/LaVenture Road Extension Blodgett to Blackburn Project No. STPUS-7337 (004), and is commonly described as Skagit County Assessor Tax Parcel No. P28036 [XrefID: 340428-3-009-0009], and is described more particularly in Exhibit A to the Petition for Condemnation herein ("Property").

The County is represented by Richard A. Weyrich, Skagit County Prosecuting Attorney, Stephen R. Fallquist, Deputy Prosecuting Attorney, William W. Honea, Chief Civil Deputy Prosecuting Attorney, and P. Stephen DiJulio & Michael S. Schechter, Special Deputy Prosecuting Attorneys of FOSTER PEPPER, PLLC. Respondent is represented by Colonel F. Betz, Law Offices

STIPULATION AND ORDER FOR
IMMEDIATE POSSESSION AND USE - 1

SKAGIT COUNTY PROSECUTING ATTORNEY
605 S. 3RD ST. - Courthouse Annex
Mount Vernon, WA 98273
PHONE: (360) 336-8480
Fax: (360) 336-8487

511556362



201108120023
Skagit County Auditor

of Youngquist & Betz. The parties, by and through their respective counsel, hereby stipulate and agree to the entry of this Order as follows:

This stipulation is conditioned as follows:

1.1 On or after July 27, 2011, the County shall deposit in the registry of the Skagit County Superior Court Ten Thousand One Hundred Dollars (US \$10,100), representing the County's offer of just compensation for the property rights to be acquired in this action ("Possession and Use Deposit"). The County shall deposit the Possession and Use Deposit on a date to be determined by the County, but no earlier than July 27, 2011.

1.2 The County shall take possession of the Property on the date of the Possession and Use deposit, as set forth in Paragraph 1.1, above, but no earlier than July 27, 2011.

1.3 The date of valuation for the determination of just compensation shall be the date of the Possession and Use Deposit.

1.4 Funds held by the Clerk shall be available for disbursement as directed by a subsequent Order of the Court.

1.5 Should the jury, or the Court upon jury waiver, determine that just compensation exceeds the Possession and Use Deposit, then interest shall accrue to the benefit of respondent(s) at the statutory rate from and after the date of valuation until the deposit of the balance of just compensation by the County with the Clerk of the Court.

1.6 This agreement fulfills the obligations regarding the granting of immediate possession and use under RCW 8.25.070(3), and Respondent shall have all rights to claim attorney fees and costs consistent with RCW 8.25.070.

//

//

STIPULATION AND ORDER FOR
IMMEDIATE POSSESSION AND USE - 2

5115501.2

SKAGIT COUNTY PROSECUTING ATTORNEY
805 S. 3RD ST. - Courthouse Annex
Mount Vernon, WA 98273
PHONE: (360) 336-9480
Fax: (360) 336-9497




201108120023
Skagit County Auditor

1 1.7 This Stipulation and Order may be entered by the County without further notice of
2 presentation.

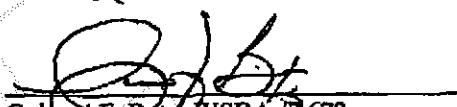
3 DATED this 2nd ^{August} day of ~~July~~, 2011

4 Richard A. Weyrich
5 Skagit County Prosecuting Attorney

6 
7 Stephen K. Fallquist, WSBA # 31678
8 William W. Honea, WSBA # 33528, and

9 FOSTER PEPPER PLLC
10 P. Stephen DiJulio, WSBA # 7139
11 Michael S. Schechter, WSBA # 35602
12 Special Deputy Prosecuting Attorneys
13 Attorneys for Skagit County

14 YOUNGQUIST & BETZ

15 
16 Colonel F. Betz, WSBA #1672
17 Attorneys for Cedar Hills Development, LLC
18
19
20
21
22
23
24
25
26

STIPULATION AND ORDER FOR
IMMEDIATE POSSESSION AND USE - 3

5115369.2

SKAGIT COUNTY PROSECUTING ATTORNEY
805 S. 1ST ST. - Courthouse Annex
Mount Vernon, WA 98273
PHONE: (360) 336-9480
FAX: (360) 336-9497



201108120023
Skagit County Auditor

2. **Order on Immediate Possession and Use**

This matter having duly and regularly come before the undersigned judge of the above-entitled Court, and the Court having considered the stipulation of the County and Respondent, above, and the records and files herein, the Court enters the following ORDER:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the County shall have immediate possession and use of the property described in the Petition for Condemnation filed with this Court, consistent with the stipulation of the parties herein. The County's right to possession and use of the property shall be conditioned upon a prior deposit into the court registry by the County of Ten Thousand One Hundred Dollars (US \$10,100). The date of valuation for the determination of just compensation shall be the date of the Possession and Use Deposit.

SO ORDERED this 2 day of Aug, 2011.


SUPERIOR COURT JUDGE

Presented By:

Richard A. Weyrich

Skagit County Prosecuting Attorney


Stephen R. Fallquist, WSBA # 31678

William W. Honea, WSBA #33528, and

FOSTER PEPPER PLLC

P. Stephen DiJulio, WSBA # 7139

Michael S. Schechter, WSBA # 35602

Special Deputy Prosecuting Attorneys

Attorneys for Skagit County

Stipulation for Entry By:

YOUNGQUIST & BETZ


Colonel P. Betz, WSBA #4672

Attorneys for Cedar Hills Development, LLC

STIPULATION AND ORDER FOR
IMMEDIATE POSSESSION AND USE - 4

51135638.2

SKAGIT COUNTY PROSECUTING ATTORNEY

655 S. 3RD ST. - Courthouse Annex

Mount Vernon, WA 98273

PHONE: (360) 336-8460

Fax: (360) 336-9487



201108120023

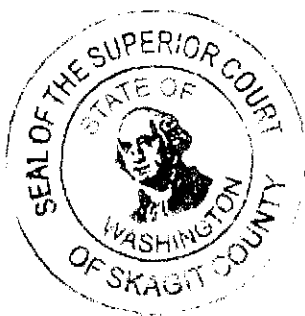
Skagit County Auditor

State of Washington, } ss.
County of Skagit

Nancy K. Scott, County Clerk of Skagit County and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Skagit, do hereby certify that the foregoing instrument is a true and correct copy of the original, consisting of 4 pages, now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office at Mount Vernon this 14 day of Aug, 20 11. Nancy K. Scott, County Clerk.

By Carol Quinlan
Deputy Clerk



201108120023
Skagit County Auditor

EXHIBIT "A"

P28036

Right of Way Acquisition

Acquisition Description

All that portion of that parcel of land as described at Page 9 of 9 of Quit Claim Deed Recorded under Auditor's File Number 200903110142, Records of Skagit County, State of Washington, lying westerly and northerly of the following described line:

Beginning at a point 64.98 feet right of Highway Engineer's Station (hereinafter referred to as HES) 65+27.97 on the Anderson/LaVenture Road (Cedardale Rd. to Blackburn Rd.) Right of Way and Easement plans when measured at right angles from the Anderson/LaVenture centerline said point being on the North line of said Parcel; thence southwesterly to a point 40.00 feet right of HES 65+02.10; thence southerly parallel to the West line of said Parcel to a point 40.00 feet right of HES 60+11.21 said point being a point of curve right of a 840.00 foot radius curve; thence leaving said parallel line along the arc of said curve right through a central angle of $17^{\circ}45'10''$, a distance of 260.27 feet more or less to a point 40.00 feet right of HES 57+63.34 said point being on the West line of said Parcel and the terminus of herein described line.

Containing 27,783 square feet, more or less.



201108120023
Skagit County Auditor