

Return address:

Mika Fanning

SKAGIT County Public Works

1800 Continental Pl.

Mt. Vernon, WA 98273-5625



201201260131

Skagit County Auditor

1/26/2012 Page

1 of 12 1:59PM

Document Title:

Stipulated Findings of Fact, Conclusions of Law
Judgment And Decree of Appropriation

Reference Number:

11-2-01297-5

Grantor(s):

☐ additional grantor names on page ____

1. Cedar Hills Development LLC

2. SKAGIT County

Grantee(s):

☐ additional grantee names on page ____

1. SKAGIT County

2. Cedar Hills Dev. LLC

Abbreviated legal description:

☐ full legal on page(s) ____

Sec. 28 T. 34 R. 04E Wm.

Assessor Parcel / Tax ID Number:

☐ additional tax parcel number(s) on page ____

P28036

2012 JAN 12 PM 1:28

SUPERIOR COURT OF WASHINGTON 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

STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW,
JUDGMENT AND DECREE OF
APPROPRIATION

CLERK'S ACTION REQUIRED

Petitioner, Skagit County ("County"), and Respondent Cedar Hills Development, LLC ("Cedar Hills") stipulate as follows:

1. JUDGMENT SUMMARY

1.1 AMOUNT OF JUDGMENT

1.1.1	Total amount:	\$41,729.49
1.1.2	Previous Possession and Use Deposit	\$10,100
1.1.3	Costs	\$ - 0 -
1.1.4	Balance remaining:	\$31,629.49

1.2 JUDGMENT CREDITORS. Cedar Hills by Colonel F. Betz, Law Offices of Youngquist & Betz, 904 South Third Street, Mount Vernon, WA 98273; Phone 360-336-6505.

1.3 JUDGMENT DEBTOR. Skagit County by Richard A. Weyrich, Stephen R. Fallquist, and William W. Honea, Skagit County Prosecuting Attorney's Office and P. Stephen DiJulio and Michael S. Schechter, Foster Pepper PLLC, 1111 Third Avenue, Suite 3400, Seattle, WA 98101; Phone 206-447-4400.

STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, JUDGMENT AND DECREE OF APPROPRIATION - I

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
Phone (206) 447-4400 Fax (206) 447-9700



1.4 JUDGMENT AMOUNT

1.4.1	Balance remaining:	\$ 31,629.49
1.4.2	Interest owed:	\$ - 0 -
1.4.3	Costs	\$ - 0 -
1.4.4	Total amount due from the County:	\$ 31,629.49

1.5 COSTS. Statutory costs are waived.

1.6 LEGAL DESCRIPTION. See attached **Exhibit A** ("the Property").

1.7 SKAGIT COUNTY TAX ACCOUNT NUMBER: P28036.

2. INTRODUCTION

THIS MATTER came before the undersigned judge of the above-entitled court on the stipulation of the County and Cedar Hills. 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. Cedar Hills is represented by Colonel F. Betz, Law Offices of Youngquist & Betz. The Court, having received this stipulation of the parties for entry of judgment and having been advised in the premises; NOW, THEREFORE makes and enters the following judgment ("Judgment").

3. PUBLIC USE AND NECESSITY

An Order on Public Use and Necessity was entered on July 15, 2011.

4. OTHER PARTIES

4.1 There are no other parties to this action.

4.2 The Petition for Condemnation (Exhibit B) identified Hollace Hoag, Richard M. Hoag, and Richard M. Hoag and Hollace E. Hoag Living Trust (and/or successors thereof) but they have no apparent individual interest in the Property and were never served as individuals.

4.3 No party other than Cedar Hills has an interest in the just compensation for the Property or in the total Judgment Amount.

STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, JUDGMENT AND DECREE OF APPROPRIATION - 2

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1 **5. JUDGMENT AND APPROPRIATION**

2 5.1 The total just compensation to be paid by the County to Cedar Hills for and in
3 connection with the taking and damaging of the real property described in the Petition for
4 Condemnation ("Petition") and in Exhibit A attached hereto (the "Property"), together with all
5 improvements thereon, attorney, expert/evaluation fees and interest, if any, is the amount of
6 Forty-One Thousand Seven Hundred Twenty-Nine Dollars and Forty-Nine Cents (\$41,729.49),
7 less any taxes owed to Skagit County at the time of disbursement, if any (collectively, the
8 "Judgment Amount").

9 5.2 The County has previously paid to the Registry of the Court pursuant to the
10 Possession and Use Agreement the amount of \$10,100. The total balance due from the County
11 is Thirty-One Thousand Six Hundred Twenty-Nine Dollars and Forty-Nine Cents (\$31,629.49).

12 5.3 Upon entry of this Judgment and payment of Judgment Amount under Section
13 6.1, the County shall have all right, title and interest in the Property, and all of the Respondent's
14 interest in the Property will be extinguished.

15 **6. JUST COMPENSATION**

16 6.1 Within thirty (30) days of entry of this Judgment, the County shall pay into the
17 court registry the Judgment Amount as payment in full of just compensation and costs for the
18 Property. Interest at the statutory rate shall accrue on and after the thirty-first (31st) day
19 following entry of the Judgment, on the Judgment Amount until paid.

20 6.2 The parties agree to the disbursement by the Court's check, less taxes, if any,
21 and the Clerk is hereby directed to make payment of the entire Judgment Amount to Cedar Hills
22 Development, LLC, as follows: payment shall be made payable to and mailed to Respondent
23 Cedar Hills c/o Colonel F. Betz, Law Offices of Youngquist & Betz, 904 South Third Street,
24 Mount Vernon, WA 98273.

25 **7. ADDITIONAL AGREEMENTS**

26 The County agrees to install, at its sole expense, one (1) storm drainage and one (1)

STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, JUDGMENT AND DECREE OF APPROPRIATION - 3

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1 sanitary sewer line stubbed to the Cedar Hills Property. The storm drain shall be a minimum of
2 fifteen inches (15") in diameter. The County will locate the storm drain consistent with the
3 Project design near the southwest corner of the Cedar Hills Property. The County shall locate
4 one eight inch (8") sanitary sewer stub in close proximity to the storm drain.

5 **8. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

6 Sections 3 through 7 above shall be and hereby are adopted as and made the Findings of
7 Fact and Conclusions of Law. Now, therefore, in accordance with the foregoing Findings of
8 Fact and Conclusions of Law, it is hereby ordered, adjudged and decreed as follows.

9 **9. JUDGMENT**

10 9.1 Sections 3 through 8 above are incorporated herein by this reference.

11 9.2 Upon entry of this Judgment and payment as set forth in Section 6.1 above, the
12 County shall have all right, title and interest in the Property as described in the Petition and in
13 Exhibit A attached hereto, and all of the Respondent's interest in the Property will be
14 extinguished.

15 9.3 The total Judgment Amount to be paid by the County to Cedar Hills, as payment
16 in full of just compensation, is Forty-One Thousand Seven Hundred Twenty-Nine Dollars and
17 Forty-Nine Cents (\$41,729.49). The total balance due from the County is Thirty-One Thousand
18 Six Hundred Twenty-Nine Dollars and Forty-Nine Cents (\$31,629.49).

19 9.4 The Clerk shall issue no "certified abstract of judgment" contained in the
20 execution docket, otherwise denominated by the Clerk "transcript of judgment docket," the sole
21 and only purpose of which is presentation for payment. The sole method of payment shall be
22 through the Court registry.

23 9.5 Costs are waived as to all parties.
24
25
26

STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, JUDGMENT AND DECREE OF APPROPRIATION - 4

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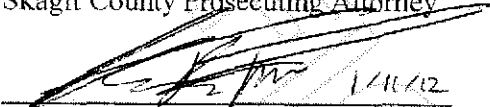
Skagit County Auditor

1 SO ORDERED this 12 day of ^{January} ~~December~~, 2012.

2
3 
4 JUDGE / COURT COMMISSIONER

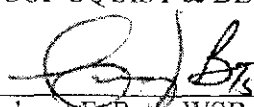
5 Presented by:

6 RICHARD A. WEYRICH
7 Skagit County Prosecuting Attorney

8  1/11/12
9 Stephen R. Fallquist, WSBA No. 31678
William W. Honea, WSBA No. 33528, and

10 FOSTER PEPPER PLLC
11 P. Stephen DiJulio, WSBA No. 7139
Michael S. Schechter, WSBA No. 35602
12 Special Deputy Prosecuting Attorneys

Stipulated to and Approved for Entry by:
LAW OFFICES OF
YOUNGQUIST & BETZ

13 
Colonel P. Betz, WSBA No. 4672
14 Attorney for Respondent Cedar Hills
Development, LLC



25 201201260131
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STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, JUDGMENT AND DECREE OF APPROPRIATION - 5

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EXHIBIT "A"

P28036

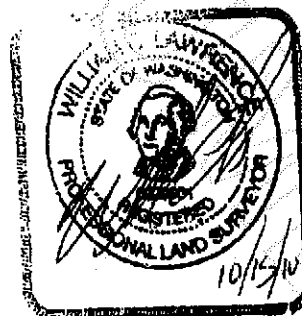
Right of Way Acquisition

Acquisition Description

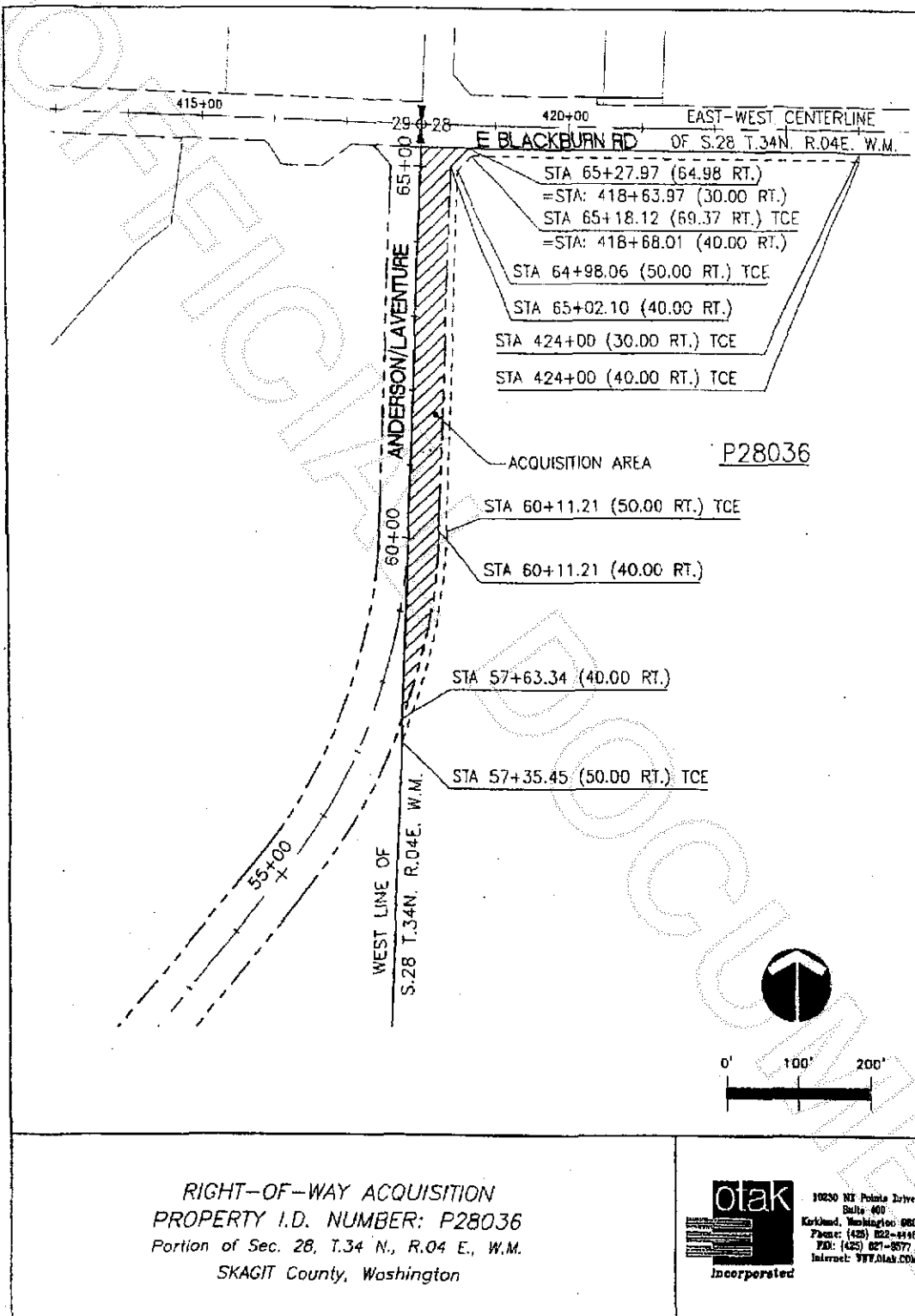
All that portion of that parcel of land as described at Page 9 of 9 of Quit Claim Deed Recorded under Auditor's File Number 200903110142, Records of Skagit County, State of Washington, lying westerly and northerly of the following described line:

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°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.



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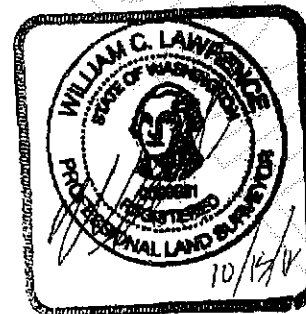
Temporary Construction Easement

TCE Description

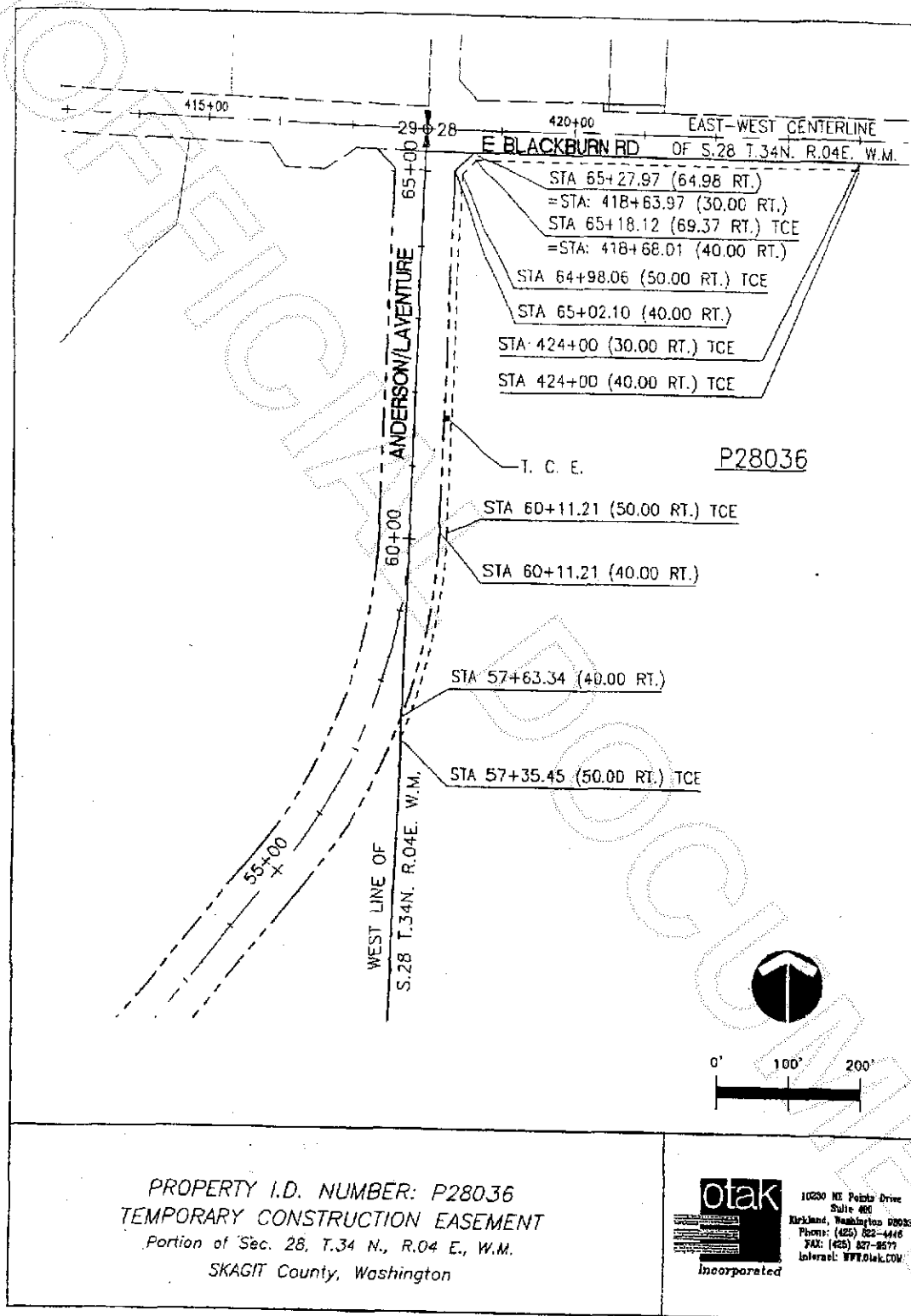
All that portion of that parcel of land as described at Page 9 of 9 of Quit Claim Deed Recorded under Auditor's File Number 200903110142, Records of Skagit County, State of Washington, more particularly described as follows:

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 also being 30.00 feet right of HES 418+63.97 East Blackburn Road; 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°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; thence leaving said curve right southerly along the West line of said parcel to a point 50.00 feet right of HES 57+35.45 said point being a point of nontangent curvature; thence leaving said West line northerly along the arc of a 850.00 foot radius curve left (the radius point of which bears N.67°47'15"W.) through a central angle of 19°45'00", a distance of 293.00 feet to a point 50.00 feet right of HES 60+11.21; thence northerly to a point 50.00 feet right of HES 64+98.06; thence northeasterly to a point 69.37 feet right of HES 65+18.12 and 40.00 feet right of HES 418+68.01 East Blackburn Road; thence easterly parallel to the south margin of said East Blackburn road to a point 40.00 feet right of HES 424+00; thence north to a point on said south margin said point being 30.00 feet right of HES 424+00; thence westerly to the point of beginning.

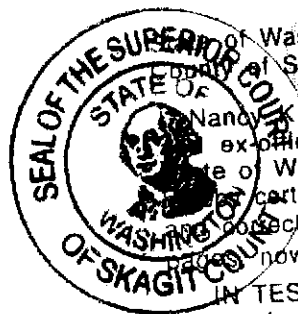
Containing 13,317 square feet, more or less.



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of Washington, } ss.
County of Skagit

Nancy K. Scott, County Clerk of Skagit County
ex-officio Clerk of the Superior Court of the
State of Washington, for the County of Skagit, do
certify that the foregoing instrument is a true
correct copy of the original, consisting of 9
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 12 day of Jan,
20 12. Nancy K. Scott, County Clerk

By [Signature]
Deputy Clerk



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Skagit County Auditor

FILED

SKAGIT COUNTY CLERK

FILED

SKAGIT COUNTY CLERK

FILED

11-2-01297-5

Time 01:59 PM
Date 01/26/2012
Receipt/Trans # 3129
2012-01-01489/01
Cashier: RF
Paid By: CTR, Mark Farthing
Transaction Amount: \$31,629.49

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2012 JAN 26 PM 1:47

SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

In re Condemnation petition RE

CEDAR HILLS DEVELOPMENT,
ET AL

Case No.: 11-2-01297-5

CIVIL TRUST TENDER SHEET

\$ 31,629.49

CK# 354862

Mike Farthing
Signature

Mike Farthing
Printed Name

DOB

1/26/12
Date

360 419-3471
Telephone Number

5000 1800 Continental Pl. Everett, WA 98293
Mailing Address

Funds to be deposited in B-1 X C-1

Funds were for:

 Garnishment

 Civil Cash Bail

 Rent

 Bonds

 Settlements

Other

 Interpleader

Other TRUST

 Judgments

 Surplus Funds

 Civil Fine/Sanctions

Trust Tender Sheet



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