



201403170150

Skagit County Auditor

3/17/2014 Page

1 of

\$80.00

9 11:23AM

Return Address:

CITY OF MOUNT VERNON
910 CLEVELAND AVE.
MOUNT VERNON WA 98273

Document Title:

Findings of Fact, Judgment & Decree

Reference Number (if applicable):

Grantor(s):

☐ additional grantor names on page ____

- 1) Loyal Order of Moose No. 1140
- 2)

Grantee(s):

☐ additional grantor names on page ____

- 1) City of Mount Vernon
- 2)

Abbreviated Legal Description:

☐ full legal on page(s) ____

19-34-04 E66 & SE SE

Assessor Parcel /Tax ID Number:

☐ additional parcel numbers on page ____

P26530

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX
2014812
MAR 14 2014

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2013 MAY -8 AM 8:55

Amount Paid \$0
Skagit Co. Treasurer
By *mem* Deputy

SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

In The Matter of the Petition of the City of Mount Vernon to acquire by condemnation certain property and property rights for the improvements of the City's Downtown Flood Protection System and Associated Recreational Amenities, as Contemplated by City of Mount Vernon Ordinance No. 3585.
[In re City of Mount Vernon-Downtown Flood Project (P26530)- Loyal Order of the Moose No. 1640]

Honorable Susan K. Cook

No. 12-2-02237-5

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

CLERK'S ACTION REQUIRED

1. JUDGMENT SUMMARY

1.1 AMOUNT OF JUDGMENT

1.1.1	Total amount:	\$ 488,236
1.1.2	Previous Possession and Use Deposit	\$ - 0 -
1.1.3	Costs	\$ - 0 -
1.1.4	Balance remaining:	\$ 488,236

1.2 JUDGMENT CREDITOR. Loyal Order of the Moose No. 1640 by David Day, Fairhaven Legal Associates, PS, PO Box 526, Burlington, WA 98233; Phone 360-755-0611.

1.3 JUDGMENT DEBTOR. City of Mount Vernon by Kevin Rogerson, City Attorney, 910 Cleveland Avenue, Mount Vernon, WA 98273; Phone 360-336-6203.

1.4 JUDGMENT AMOUNT

1.4.1	Balance remaining:	\$ 488,236
1.4.2	Interest owed:	\$ - 0 -
1.4.3	Costs	\$ - 0 -
1.4.4	Total amount due from the City:	\$ 488,236

FINDINGS OF FACT, CONCLUSIONS OF LAW,
JUDGMENT AND DECREE OF APPROPRIATION - 1

13-9-00749-3

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- 1.5 COSTS. Costs were not awarded.
- 1.6 LEGAL DESCRIPTION. See attached Exhibit A (the "Property").
- 1.7 SKAGIT COUNTY TAX ACCOUNT NUMBER: P26530/Xref Id: 340419-0-183-0004.

2. INTRODUCTION

THIS MATTER having come on regularly for trial; the jury having rendered its verdict on April 18, 2013 (copy attached as Exhibit B); and, the Court, having been advised in the premises, NOW, THEREFORE the Court makes and enters the following judgment ("Judgment").

3. PUBLIC USE AND NECESSITY

An Order on Public Use and Necessity was entered on December 17, 2013.

4. PARTIES

4.1 The Petitioner, City of Mount Vernon ("City") is the condemning authority in this matter. The Respondent, Loyal Order of the Moose No. 1640 ("Moose Lodge"), owns the property subject to condemnation in this matter.

4.2 The other parties to this action include Skagit State Bank as a creditor/lienholder on the property and Skagit County as a taxing entity.

4.3 On January 25, 2013, the Court entered an order of dismissal against Respondent Skagit State Bank based upon a stipulation. Skagit State Bank has no interest in the just compensation for the Property or in the Judgment Amount.

4.4 No party other than Moose Lodge has an interest in the just compensation for the Property or in the Judgment Amount.

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 City to Moose Lodge for and in
3 connection with the taking and damaging of the Property (described in the Petition for
4 Condemnation ("Petition") and in Exhibit A), together with all improvements thereon, is the
5 amount of Four Hundred Eighty-Eight Thousand Two Hundred Thirty-Six Dollars
6 (\$488,236.00) (the "Judgment Amount"). The Judgment Amount is subject to any taxes owed to
7 Skagit County at the time of disbursement, if any.

8 5.2 The City has not previously paid any funds to either the Moose Lodge or the
9 Registry of the Court in this matter. The total balance due from the City is Four Hundred
10 Eighty-Eight Thousand Two Hundred Thirty-Six Dollars (\$488,236.00).

11 5.3 Upon entry of this Judgment and payment of Judgment Amount under Section
12 5.1, the City shall have all right, title and interest in the Property, and all of the Respondent's
13 interest in the Property will be extinguished.

14 **6. JUST COMPENSATION**

15 6.1 Within ten (10) days of entry of this Judgment, the City shall pay into the court
16 registry the Judgment Amount as payment in full of just compensation and costs for the
17 Property. Interest at the statutory rate shall accrue on and after the eleventh (11) day following
18 entry of the Judgment, on the Judgment Amount until paid.

19 6.2 The Judgment Amount shall be disbursed by the Court's check and the Clerk is X
20 hereby directed to make payment of the Judgment Amount, less taxes, if any, to Loyal Order of
21 the Moose No. 1640, as follows: payment shall be made payable to and mailed to Respondent
22 Loyal Order of the Moose No. 1640 c/o David Day, Fairhaven Legal Associates, PS, PO Box
23 526, Burlington, WA 98233.

24
25
26
FINDINGS OF FACT, CONCLUSIONS OF LAW,
JUDGMENT AND DECREE OF APPROPRIATION - J

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1 **7. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

5 **8. JUDGMENT**

6 8.1 Sections 3 through 7 above are incorporated herein by this reference.

7 8.2 Upon entry of this Judgment and payment as set forth in Section 5.1 above, the
8 City shall have all right, title and interest in the Property (as described in the Petition and in
9 Exhibit A attached hereto), and all of the Respondent's interest in the Property will be
10 extinguished.

11 8.3 The total Judgment Amount to be paid by the City to Moose Lodge, as payment
12 in full of just compensation, is Four Hundred Eighty-Eight Thousand Two Hundred Thirty-Six
13 Dollars (\$488,236.00). The total balance due from the City is Four Hundred Eighty-Eight
14 Thousand Two Hundred Thirty-Six Dollars (\$488,236.00).

15 8.4 The Clerk shall issue no "certified abstract of judgment" contained in the
16 execution docket, otherwise denominated by the Clerk "transcript of judgment docket," the sole
17 and only purpose of which is presentation for payment. The sole method of payment shall be
18 through the court registry.

19 8.5 Costs or fees are not available or awarded to any party.

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21
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23 SO ORDERED this 8 day of ^{May}~~April~~, 2013.

24 Susan K Cook
25 JUDGE SUSAN K. COOK
26

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

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Copy Rec'd

Presented by:
CITY OF MOUNT VERNON

Notice of Presentation Waived


Kevin Rogerson, WSBA No. 31664
Prosecuting Attorney, and


David L. Day, WSBA No. 8361
Attorney for Respondent
Loyal Order of the Moose No. 1640

FOSTER PEPPER PLLC
P. Stephen DiJulio, WSBA No. 7139

Stipulated to and Approved for Entry by:
SKAGIT COUNTY PROSECUTING
ATTORNEY RICHARD A. WEYRICH

Steve Fallquist, WSBA No. 31678
Civil Deputy
Attorney for Respondent Skagit County

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

CITY OF MOUNT VERNON
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EXHIBIT "A"

That portion of Government Lot 6 and the Southeast ¼ of the Southeast ¼ of Section 19, Township 34 North, Range 4 East, W.M., described as follows:

Beginning at a point on the West side of First Street in "RIVERSIDE ADDITION TO MOUNT VERNON", at the intersection of the North line of Broadway Street, if extended, with the West line of First Street; thence North 20° East along the West line of said First Street 85 feet to the true point of beginning; thence North 20° East along the West line of said First Street 85 feet; thence Westerly at right angles with said First Street to the bank of the Skagit River; thence Southerly along the bank of said river to a point North 70° West of the point of beginning; thence South 70° East to the point of beginning.

Situate in the City of Mount Vernon, County of Skagit, State of Washington.

FINDINGS OF FACT, CONCLUSIONS OF LAW,
JUDGMENT AND DECREE OF APPROPRIATION - 6

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B

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

Instruction No. _____

2013 APR 18 PM 3:20

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SKAGIT COUNTY

(Signature)

In The Matter of the Petition of the City of Mount Vernon to acquire by condemnation certain property and property rights for the improvements of the City's Downtown Flood Protection System and Associated Recreational Amenities, as Contemplated by City of Mount Vernon Ordinance No. 3585.
(In re City of Mount Vernon-Downtown Flood Project (P26530)- Loyal Order of the Moose No. 1640)

NO. 12-2-02237-5

VERDICT FORM

We, the jury, find the just compensation to be paid by The City of Mount Vernon to The Loyal Order of the Moose Lodge No. 1640 for Parcel No. 26530 is \$ 488,236.00

Date: 4-18-13

Presiding Juror: (Signature)

OK
OK



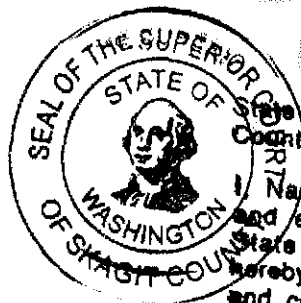
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State of Washington, } ss.
County of Skagit

I, 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 2 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 17 day of March, 2014
Nancy K. Scott, County Clerk.

By [Signature]
Deputy Clerk



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