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05/25/2018 03:23 PM Pages: 1 of 11 Fees: \$84.00
Skagit County Auditor

COVER SHEET FOR RECORDING DOCUMENTS

Return to: Chrissy Sprouse
City of Mount Vernon
P.O. Box 809
Mount Vernon, WA 98273

DOCUMENT: Stipulated Findings of Fact, Conclusions of Law, Judgment

GRANTEE: City of Mount Vernon

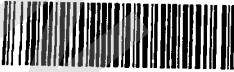
GRANTORS: MVSH, LLC & MT. VERNON COLLEGE WAY, LLC

ABBREVIATED LEGAL DESCRIPTION: PTN LOT 2B-2 BSP MV-94

AUDITOR'S FILES NO.

COMPLETE LEGAL DESCRIPTION ON PAGE: 8

ASSESSOR'S PARCEL/TAX ID NUMBER: P111995



3/13/2018

I, MAVIS E. BETZ, Clerk of the Superior Court of the State of Washington, for Skagit County, do hereby certify that this is a true copy of the original now on file in my office. Dated 6-25-18



MAVIS E. BETZ, County Clerk
By: [Signature]
Deputy Clerk

201805250121

05/25/2018 03:23 PM Page 2 of 11

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2018 MAR 12 PM 1:15

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

20182205
MAY 25 2018

Amount Paid \$0
Skagit Co. Treasurer
By [Signature] 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 College Way Widening Project and Associated Amenities, as Contemplated by City of Mount Vernon Ordinance No. 3729.
[In re City of Mount Vernon-College Way Widening Project (P111995)]

No. 17-2-01718-29

STIPLATED FINDINGS OF FACT,
CONCLUSIONS OF LAW, ORDER
AND JUDGMENT AS TO
RESPONDENTS MVSH, LLC AND
MT. VERNON COLLEGE WAY, LLC

CLERK'S ACTION REQUIRED

Petitioner, City of Mount Vernon (the "City"), and Respondents MVSH, LLC and Mt. Vernon College Way LLC, fee simple owners, ("Settling Respondents") stipulate as follows:

1. JUDGMENT SUMMARY

1.1 AMOUNT OF JUDGMENT

1.1.1	Total amount:	\$ 85,700
1.1.2	Previous Possession and Use Deposit	\$ - 0 -
1.1.3	Costs	\$ - 0 -
1.1.4	Balance remaining:	\$ 85,700

1.2 JUDGMENT CREDITORS. See Section 4, below.

1.3 JUDGMENT DEBTOR. City of Mount Vernon by Kevin Rogerson, City Attorney, 910 Cleveland Avenue, Mount Vernon WA 98273; Phone 360-336-6203; Fax 360-336-6267.

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

CITY OF MOUNT VERNON
910 CLEVELAND AVENUE
MOUNT VERNON, WASHINGTON 98273
Phone (360) 336-6203 Fax (360) 336-6267

1.4 JUDGMENT AMOUNT

1.4.1	Balance remaining:	\$ 85,700
1.4.2	Interest owed:	\$ - 0 -
1.4.3	Costs	\$ - 0 -

1.5 COSTS. Statutory costs are waived.

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

1.7 SKAGIT COUNTY TAX ACCOUNT NUMBER: P111995.

2. INTRODUCTION

THIS MATTER came before the undersigned judge of the above-entitled court on the stipulation of the City and Settling Respondents. The City is represented by Kevin Rogerson, City Attorney. The Court, having received the stipulation of the parties for entry of this 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 December 15, 2017. No appeal therefrom has been timely filed. Regardless, the City and Settling Respondents stipulate that the use for which the Property to be acquired in this action is a public use and necessity requires the acquisition of such Property.

4. PARTIES

4.1 Petitioner is the City of Mount Vernon. The City is acquiring certain right of way for road improvements at the intersection of College Way and I-5.

4.2 Respondents who have or may claim an interest in the property subject to this action are:

4.3.1 MVSH, LLC, a Washington limited liability company, as to an undivided 20% interest, appearing pro se, and Mt. Vernon College Way, LLC, a Washington

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

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1 limited liability company, as to an undivided 80% interest, appearing pro se, as fee
2 owners in the Property ("Fee Owners").

3 ~~4.3.2 Tenants To date, no Tenants have filed a notice of appearance.~~

4 4.3.3 Standard Insurance Company; Banner Bank; Banner Life Insurance
5 Company; Employers Insurance Company of Wausau; Liberty Life Assurance
6 Company' Liberty Mutual Fire Insurance Company; Liberty Mutual Insurance
7 Company; The Ohio Casualty Insurance Company; Peerless Insurance Company;
8 and Safeco Insurance Company of America, as assignees to a deed of trust
9 beneficiary, have provided the City with a Notice of Appearance through their
10 Attorney Janice Turner, McEwen Gisvold LLP, 1100 SW Sixth Avenue, Suite
11 1600, Portland, OR 97204, (503) 226-7321.

12 4.3.4 Respondent Skagit County as a nominal party by virtue of its taxing
13 jurisdiction, have provided a Notice of Appearance through their Attorney Stephen
14 Fallquist.

15 4.4 On December 15, 2017, the Court granted the City's motion to serve by
16 publication all unknown parties that have or claim an interest, share, or estate or lien upon the
17 Property or any portion thereof ("unknown owners"). The City began service by publication on
18 December 20th 2017. To date, no other parties have filed a notice of appearance. ~~The City has~~
19 ~~filed a motion for default judgment noted for Friday February 23rd, 2018 at 9:30 a.m. against~~
20 ~~all unknown owners having failed to appear within sixty days of the date of the first publication.~~

21 5. JUDGMENT AND APPROPRIATION

22 5.1 The City and Settling Respondents agree that the Fair Market Value for the
23 taking and damaging of the Property is Eighty Five Thousand Seven Hundred Dollars
24 (\$85,700.00).

25 5.2 Judgement against Settling Respondents as to total just compensation to be paid
26 by the City for and in connection with the taking and damaging of the real property described in

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

CITY OF MOUNT VERNON
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1 the Petition for Condemnation ("Petition") and in Exhibit A attached hereto (the "Property"),
2 together with all improvements thereon, attorney, expert/evaluation fees and interest, if any, is
3 the amount of Eighty Five Thousand Seven Hundred Dollars (\$85,700.00).

4 5.3 The City previously has not paid funds into the Court Registry for this matter.
5 The total balance due from the City is Eighty Five Thousand Seven Hundred Dollars
6 (\$85,700.00) to be later disbursed pursuant to order of this Court.

7 5.4 Upon entry of this Judgment, the City shall have all Settling Respondents' right,
8 title and interest in the in the Property, and all of the Settling Respondents' interest in the
9 Property will be extinguished.

10 5.5 Within fifteen days of the entry of this Judgment, Settling Respondents shall
11 produce all documents in their possession, custody or control that refer and/or relate, in whole
12 or in part, including but not limited to all rental or lease agreements, that identify any other
13 party, not identified as Respondent in the City's Petition (not including parties named unknown
14 owners or tenants), who have a property interest, or assert a property interest in (a) the Property
15 to be acquired in this action (including Temporary Construction Easements) and/or (b) the
16 proposed Acquisition Area. "Interest" or "claim of interest" means an asserted real or personal
17 property right.

18 5.6 The Parties stipulate that the use of the Temporary Construction Easement
19 identified in the City's Petition shall be restricted to use between the hours of 9:00 pm to 10:00
20 a.m. and that the City use, including any storage of materials, shall be limited to those hours.

21 5.7 Representation on Authority of Parties/Signatories. Each person signing this
22 stipulation and order represents and warrants that he or she is duly authorized and has legal
23 capacity to execute and deliver this stipulation and order. Each party represents and warrants to
24 the other that the execution and delivery of the stipulation and order and the performance of
25 such party's obligations herein have been duly authorized and that the stipulation and order is a
26 valid and binding on such party and enforceable in accordance with its terms.

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

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1
2 **6. JUST COMPENSATION**

3 6.1 Within ten (10) days of entry of this Judgment, the City shall deposit with the
4 Clerk of the Court as payment in full of just compensation and costs for the Property
5 ("Judgment Amount") funds in the amount of Eighty Five Thousand Seven Hundred Dollars
6 (\$85,700.00).

7 6.2 Upon entry of this judgment, the City shall have all Settling Respondents' right,
8 title and interest in the Property as described in Exhibit A.

9 6.3 The Respondents' interest in the Property, if any, will be extinguished as of the
10 date of payment of Judgment Amount pursuant to Section 6.1, above.

11 6.4 The parties agree the disbursement of the Judgment Amount shall be available
12 for disbursement to all Respondents entitled to them as directed by subsequent order of the
13 Court.

14
15 **7. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

19 **8. JUDGMENT**

20 8.1 Sections 3 through 8 above are incorporated herein by this reference.

21 8.2 Upon entry of this Judgment and payment as set forth in Section 6.1 above, the
22 City shall have all Settling Respondent's right, title and interest in the Property as described in
23 the Petition, in Exhibit A attached hereto and as further described in this Stipulated Order and
24 Judgement, and all of the Settling Respondents' interest in the Property will be extinguished.

25 8.3 The total amount to be paid by the City, as payment in full of just compensation
26 for the Property, is Eighty Five Thousand Seven Hundred Dollars (\$85,700.00).

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

CITY OF MOUNT VERNON
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SO ORDERED this 12 day of February, 2018.

JUDGE / ~~COURT COMMISSIONER~~

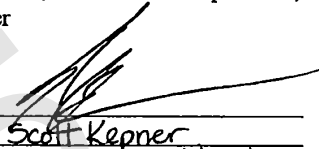
CITY OF MOUNT VERNON
910 CLEVELAND AVENUE
MOUNT VERNON, WASHINGTON 98273
Phone (360) 336-6203 Fax (360) 336-6267

1 Stipulation to entry and
2 notice of presentation waived:

3 Mt. Vernon College Way, LLC,
4 a Washington limited liability company

5 By: VPDC 2015, LLC,
6 a Delaware limited liability company,
7 its manager

8 By: VPI 2004, Inc., a California corporation,
9 its manager

10 By: 
11 Name: Scott Kepner
12 Its: Sr. Vice President

13 MVSH, LLC,
14 a Washington limited liability company

15 By: 
16 Steve Hansen, Sole Member

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STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, JUDGMENT AND DECREE OF APPROPRIATION - 7

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EXHIBIT "A"**LEGAL DESCRIPTION
FOR
RIGHT OF WAY ACQUISITION****PARCEL NUMBER: P111995**

The South 14 feet of the following described tract:

That portion of Lot 2B and Lot 2 of the City of Mount Vernon Binding Site Plan MV-1-94 BSP, approved May 31, 1994, and recorded May 31, 1994, under Auditor's file no. 9405310129, in Volume 11 of Short Plats, page 77, more particularly described as follows:

Beginning at the Southwest corner of said Lot 2B of said Binding Site Plan; Thence North 00°20'56" West along the West line of said Lot 2B and said West line produced Northerly, 175.00 feet; Thence South 90°00'00" East, 93.06 feet; Thence South 00°00'00" West, 175.00 feet to a point on the South line of said Lot 2B; Thence North 90°00'00" West along said South line 92.00 feet to the **Point of Beginning**.

Also displayed as Lot 2D on that particular Record of Survey recorded in Volume 20 of Surveys, Page 152 under Auditor's file no. 9806230113, records of Skagit County, Washington.

Containing 1289 Square Feet, more or less.

Situate in Skagit County, Washington.



Prepared by Larry Steele & Associates, Inc.
Land Surveyors
1334 King Street, Suite 1
Bellingham WA 98229
360-676-9350
Job #00116
October 6, 2017

**Legal Description
For
Temporary Construction Easement**

Parcel Number: P111995

The North 11 feet of the South 25 feet of the following described tract:

That portion of Lot 2B and Lot 2 of the City of Mount Vernon Binding Site Plan MV-1-94 BSP, approved May 31, 1994, and recorded May 31, 1994, under Auditor's file no. 9405310129, in Volume 11 of Short Plats, page 77, more particularly described as follows:

Beginning at the Southwest corner of said Lot 2B of said Binding Site Plan; Thence North 00°20'56" West along the West line of said Lot 2B and said West line produced Northerly, 175.00 feet; Thence South 90°00'00" East, 93.06 feet; Thence South 00°00'00" West, 175.00 feet to a point on the South line of said Lot 2B; Thence North 90°00'00" West along said South line 92.00 feet to the Point of Beginning.

Also displayed as Lot 2D on that particular Record of Survey recorded in Volume 20 of Surveys, Page 152 under Auditor's file no. 9806230113, records of Skagit County, Washington.

Containing 1,013 Square Feet, more or less.

Situate in Skagit County, Washington.



10/10/17

Prepared by Larry Steele & Associates, Inc.
Land Surveyors
1334 King Street, Suite 1
Bellingham WA 98229
360-676-9350
Job #00116
October 10, 2017

