

After recording return document to:

City of Mount Vernon
Attn.: Mikael Love, Public Works Department
P.O. Box 809
Mount Vernon, WA 98273-0809



200804240079

Skagit County Auditor

4/24/2008 Page 1 of 6 3:30PM

Document Title: Possession and Use Agreement
Reference Number of Related Document: N/A
Grantor: Naelmaroma, LLC
Grantee: City of Mount Vernon
Legal Description: Ptn of Tr. 7, Mt. Vernon Acreage.
Additional Legal Description is on Exhibit "A" of this Document.
Assessor's Tax Parcel Number: P53845

POSSESSION AND USE AGREEMENT

City of Mount Vernon, College Way and Riverside Drive Improvement Project

This AGREEMENT is made and entered into by and between the **CITY OF MOUNT VERNON, a municipal corporation of the State of Washington**, hereinafter referred to as the "City", and **NAELMAROMA, LLC, a limited liability company**, hereinafter referred to as the "Owner":

WITNESSETH

WHEREAS, the City affirms that the Owner's real estate described herein is required by the City for immediate construction of a transportation project.

AND WHEREAS, the City affirms that any delay in its construction program is contrary to the public interest;

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AND WHEREAS, the City has made a firm and continuing offer to pay the amount of THIRTY THREE THOUSAND SIX HUNDRED AND NO/100 (\$33,600.00) DOLLARS for the purchase of the following described real property situated in Skagit County, in the State of Washington:

For legal description and additional conditions,
see Exhibit "A" attached hereto and made a part hereof.

AND WHEREAS, the Owner requires additional time to evaluate said offer and/or to resolve any questions concerning just compensation;

NOW THEREFORE, for and in consideration of the payment of said offer, the Owner hereby grants to the City a right to possess and use the above described real estate and the parties further agree that:

1. The real estate is necessary for a public use of the City of Mount Vernon.
2. The City will issue a check in payment to the Owner of the amount of the offer stated above, subject only to deduction of the value of interests of others therein.
3. Execution of this agreement by the undersigned parties shall not prejudice such party's rights to subsequent adjudication of just compensation pursuant to state law, and neither shall this agreement, nor the basis therefore, be construed as an admission of fair market value or just compensation by any of the parties named herein.
4. If it becomes necessary for the City to institute condemnation proceedings, the Owner has no objection to the State entering an Order Adjudicating Public Use, as provided by RCW 8.08.040, and agrees that this instrument shall be treated as having the same legal effect as an Order for Immediate Possession provided by RCW 8.04.090, et seq., which, by this reference, are incorporated herein as if fully set forth.
5. The date of valuation for the determination of just compensation shall be the date that this agreement is accepted and approved by the City of Mount



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Vernon.

- 6. The Owner hereby waives the requirement of a written notice to move, as provided by RCW 8.26.180, and will surrender possession of the above described real estate to the City not later than date of receipt of payment, *subject only to a reasonable length of time to move the present sign.*

BT

It is understood and agreed that delivery of this agreement is hereby tendered and that the terms and obligations hereof shall not become binding upon the City of Mount Vernon unless and until accepted and approved hereon in writing for the City of Mount Vernon.

Dated March 31, 2008

Naelmaroma, LLC

[Handwritten signature]

By:

Elliott W Johnson
Its *Authorized member*

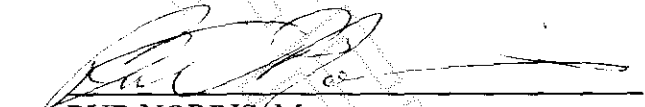
By:

Its

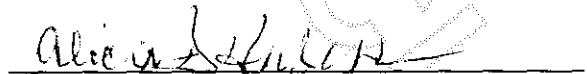


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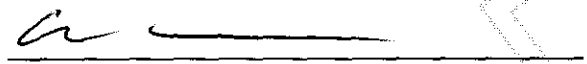
ACCEPTED AND APPROVED this 18 day of April, 2008.


BUD NORRIS, Mayor

Attest:


Alicia D. Huschka, Finance Director

Approved as to form:


City Attorney
Accepted and Approved



POSSESSION AND USE AGREEMENT

EXHIBIT A

That portion of the following described Tract "X", lying Westerly of the following described line:

Commencing at the Southwest corner of the Northwest 1/4 (West 1/4 corner) of Section 17, Township 34 North, Range 4 East, W.M.;

thence South 87°37'00" East along the South line of said Northwest 1/4 for a distance of 275.04 feet;

thence North 0°40'15" West for a distance of 30.00 feet, more or less, to the Southeast corner of Tract B Short Plat No. MV-26-76, approved September 10, 1976 and recorded September 23, 1976 in Volume 1 of Short Plats, page 175 under Auditor's File No. 843161;

thence continue North 0°40'15" West along the East line of said Short Plat NO. MV-26-76 for a distance of 10.00 feet, more or less, to the North line of the South 40.00 feet of said Northwest 1/4 and being the TRUE POINT OF BEGINNING of said line description;

thence North 74°32'14" West for a distance of 29.71 feet,

thence North 88°30'23" West for a distance of 158.19 feet;

thence North 44°36'10" West for a distance of 47.07 feet;

thence North 2°57'41" West for a distance of 75.83 feet;

thence North 2°57'41" West for a distance of 92.27 feet;

thence North 0°40'15" West for a distance of 37.19 feet;

thence North 89°19'45" East for a distance of 2.00 feet;

thence North 0°40'15" West for a distance of 17.65 feet;

thence North 2°51'58" West for a distance of 241.29 feet;

thence North 89°19'45" East for a distance of 2.00 feet;

thence North 2°51'58" West for a distance of 129.48 feet, more or less, to the North line of Tract 6, "PLAT OF MOUNT VERNON ACREAGE, SKAGIT COUNTY, WASH.", as per plat recorded in Volume 3 of Plats, page 102 records of Skagit County, Washington, at a point bearing North 89°19'45" East a distance of 8.80 feet from the Northwest corner of said Tract 6 and being the terminus of said line description.

Tract "X"

(Shown as description on Land Title Company Limited Liability Report Order No.



RES-317



200804240079

Skagit County Auditor

POSSESSION AND USE AGREEMENT

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The West 179 feet of Lot 7, "PLAT OF MOUNT VERNON ACREAGE, SKAGIT COUNTY, WASH.," as per plat recorded in Volume 3 of Plats, page 102, records of Skagit County, Washington. (Also known as Tract "A", Short Plat No. MV-24-76, approved September 10, 1976, recorded September 14, 1976, under Auditor's File No. 842359 in Volume 1 of Short Plats, page 168, records of Skagit County Washington.)

EXCEPT the West 10 feet as conveyed to the City of Mount Vernon, recorded August 15, 1985, under Auditor's File No. 8508150006.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

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

~~Area of new right-of-way 548 sq. ft.~~

Grantor's Initials
