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05/24/2018 02:07 PM Pages: 1 of 10 Fees: \$83.00
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: B33 Skagit Valley, LLC

ABBREVIATED LEGAL DESCRIPTION: PTN LOT 6 BSP MVI-93

AUDITOR'S FILES NO.

COMPLETE LEGAL DESCRIPTION ON PAGE: 6, 8

ASSESSOR'S PARCEL/TAX ID NUMBER: P26285

17-2-01720-29
FNFCCL 63
Findings of Fact and Conclusions of Law
2926155



FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2018 APR 13 PM 1:49

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 5-22-18



MAVIS E. BETZ, County Clerk

By: [Signature]
Deputy Clerk

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

MAY 24 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. 3731,

No. 17-2-01720-29

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

[In re City of Mount Vernon - College Way Widening Project (P26285)]

CLERK'S ACTION REQUIRED

9

Petitioner, City of Mount Vernon (the "City"), and Respondents B33 Skagit Valley, LLC, and Skagit County (collectively known as the "Respondents") stipulate as follows:

1. JUDGMENT SUMMARY

1.1 AMOUNT OF JUDGMENT

1.1.1	Total amount:	\$ 95,000.00
1.1.2	Previous Possession and Use Deposit	\$ 65,600.00
1.1.3	Costs	\$ - 0 -
1.1.4	Balance remaining:	\$ 29,400.00

1.2 JUDGMENT CREDITORS. B33 Skagit Valley, LLC by Jamie L. Lisagor of Pacifica Law Group, LLP, 1191 Second Avenue Suite 2000, Seattle WA 98101-3404; Phone 206-245-1700.

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

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

CITY OF MOUNT VERNON
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MOUNT VERNON, WASHINGTON 98273
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1	1.4	JUDGMENT AMOUNT	
2	1.4.1	Balance remaining:	\$ 29,400.00
3	1.4.2	Interest owed:	\$ - 0 -
4	1.4.3	Costs	\$ - 0 -
5	1.4.4	Total amount due from City:	\$ 29,400.00

- 6 1.5 COSTS. Statutory costs are waived.
- 7 1.6 LEGAL DESCRIPTION. See attached Exhibits A- B ("the Property").
- 8 1.7 SKAGIT COUNTY TAX ACCOUNT NUMBERS: P26285.

9 **2. INTRODUCTION**

10 THIS MATTER came before the undersigned judge of the above-entitled court on the
11 stipulation of the City, Skagit County, and B33 Skagit Valley, LLC. The City is represented by
12 Kevin Rogerson, City Attorney. B33 Skagit Valley, LLC is represented by Jamie L. Lisagor of
13 Pacifica Law Group and Skagit County is represented by Stephen Fallquist of the Skagit County
14 Prosecuting Attorney's Office. The Court, having received the stipulation of the parties for
15 entry of this judgment and having been advised in the premises; NOW, THEREFORE makes
16 and enters the following judgment ("Judgment").

17 **3. PUBLIC USE AND NECESSITY**

- 18 3.1 On December 4, 2017, the Court entered a stipulation and order on public use
19 and necessity and immediate possession and use between B33 Skagit Valley, LLC and the City.
- 20 3.2 An Order on Public Use and Necessity was entered on December 15, 2017.

21 **4. OTHER PARTIES**

- 22 4.1 Respondent B33 Skagit Valley, LLC are the fee owners of the Property. Skagit
23 County is a taxing entity.
- 24 4.2 The other parties to this matter include, tenants, assignee of leases and/or rents, and
25 a deed of trust beneficiary.
- 26 4.3 On December 7, 2017, a stipulated dismissal against Tractor Supply Company was
entered ex parte. Tractor Supply Company has no interest in the just compensation for the

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

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1 Property or the total Judgment Amount.

2 4.4 On February 23, 2018, the Court entered an order of default against UBS AG,
3 DWO, LLC, Hobby Lobby Stores, Inc. and Denny's Inc. These defaulted parties have no
4 interest in the just compensation for the Property or in the total Judgment Amount.

5 4.5 On March 16, 2018, the Court entered an order of default against Unknown
6 Owners. Unknown Owners have no interest in the just compensation for the Property or in the
7 total Judgment Amount.

8 4.6 On March 30, 2018, a stipulated dismissal against A Washington, LLC was entered
9 ex parte. A Washington, LLC has no interest in the just compensation for the Property or the
10 total Judgment Amount.

11 4.7 Skagit County has no interest in the just compensation for the Property or in the
12 total Judgment Amount.

13 4.8 No party other than B33 Skagit Valley, LLC has an interest in the just
14 compensation for the Property or in the total Judgment Amount.

15
16 **5. JUDGMENT AND APPROPRIATION**

17 5.1 The total just compensation to be paid by the City to B33 Skagit Valley, LLC for
18 and in connection with the taking and damaging of the real property described in the Petition for
19 Condemnation ("Petition") and in Exhibit A and Exhibit B attached hereto (the "Property"),
20 together with all improvements thereon, attorney, expert/evaluation fees and interest, if any, is
21 the amount of Ninety-Five Thousand Dollars (\$95,000.00).

22 5.2 The City previously paid into the Court Registry pursuant to the Possession and Use
23 Agreement the just compensation in the total amount of Sixty Five Thousand Six Hundred
24 Dollars (\$65,600.00). The total balance due from the City is Twenty Nine Thousand Four
25 Hundred Dollars (\$29,400.00).

26 5.3 Upon entry of this Judgment, the City shall have all right, title and interest in the

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

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1 Property, and all of the Respondents' interest in the Property will be extinguished.

2 **6. JUST COMPENSATION**

3 6.1 Within ten (10) days of entry of this Judgment, the City shall disburse the Total
4 Balance of the Judgment Amount as payment in full of just compensation and costs for the
5 Property as follows: disbursement shall be made by check payable to and mailed to Respondent
6 B33 Skagit Valley, LLC c/o Jamie L. Lisagor, Pacifica Law Group, LLP, 1191 Second Avenue
7 Suite 2000, Seattle Washington, 98101-3404.

8 6.2 Upon entry of this Judgment, the City shall have all right, title and interest in the
9 Respondents' interest in the Property, as described in the Petition and in Exhibit A and Exhibit
10 B.

11 6.3 The Respondents' interest in the Property will be extinguished as of the date that
12 this Judgment is entered by the Court.

13 **7. FINDINGS OF FACT AND CONCLUSION OF LAW**

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

17 **8. JUDGMENT**

18 8.1 Sections 3 through 7 above are incorporated herein by this reference.

19 8.2 Upon entry of this Judgment, the City shall have all right, title and interest in the
20 Property as described in the Petition and in Exhibit A and Exhibit B attached hereto, and all of
21 the Respondents' interest in the Property will be extinguished.

22 8.3 The total amount to be paid by the City to B33 Skagit Valley, LLC, as payment in
23 full of just compensation, is Ninety Five Thousand Dollars (US \$95,000.00), with statutory and
24 all other costs waived. The total balance due from the City is Twenty Nine Thousand Four
25 Hundred Dollars (US \$29,400.00).
26

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

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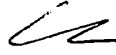
1 8.4 The Clerk shall issue no "certified abstract of judgment" contained in the
 2 execution docket, otherwise denominated by the Clerk "transcript of judgment docket," the sole
 3 and only purpose of which is presentation for payment. The sole method of payment shall by as
 4 set forth in Section 6.1.

5 8.5 Costs are waived as to all parties.

6 //
 7

8 SO ORDERED this 3rd day of April, 2018.

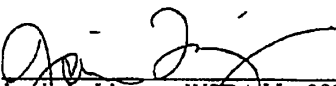
9
 10 
 11 JUDGE / COURT COMMISSIONER

12 
 13 Presented By, and stipulation to entry:

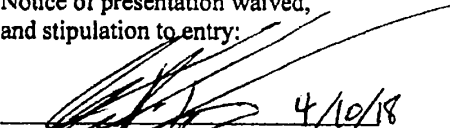
14 MOUNT VERNON CITY ATTORNEY
 15 Kevin Rogerson, WSBA No. 31664

16 Notice of presentation waived,
 17 and stipulation to entry:

18 PACIFICA LAW GROUP, LLP.

19 
 20 Jamie L. Lisagor, WSBA No. 39946
 21 Attorneys for Respondents B33 Skagit Valley, LLC

22 Notice of presentation waived,
 23 and stipulation to entry:

24  4/10/18
 25 Stephen Fallquist, WABA No. 31678
 26 Attorney for Respondent Skagit County

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

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 MOUNT VERNON, WASHINGTON 98273
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EXHIBIT "A"

**LEGAL DESCRIPTION
FOR
RIGHT OF WAY ACQUISITION**

PARCEL NUMBER: P26285

A portion of Lot 6, City of Mount Vernon Binding Site Plan No. MV-1-93, entitled Skagit Valley Square, approved September 29, 1993 and recorded September 30, 1993 in Book 10 of Short Plats, Pages 240-246, inclusive, as Auditor's File No. 9309300143; being a portion of the Northeast 1/4 of the Southeast 1/4 of Section 18, Township 34 North, Range 4 East, W.M., more particularly described as follows:

Beginning at the Northwest corner of said Lot 6; Thence South 88°34'09" East along the South Right of Way line of East College Way (SR 538), for a distance of 78.62 feet; Thence South 81°09'14" West for a distance of 89.76 feet to the Easterly Right of Way line of Interstate 5; Thence North 32°37'26" East along said Right of Way, for a distance of 18.72 feet to the **Point of Beginning**.

Containing 630 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
July 18, 2017

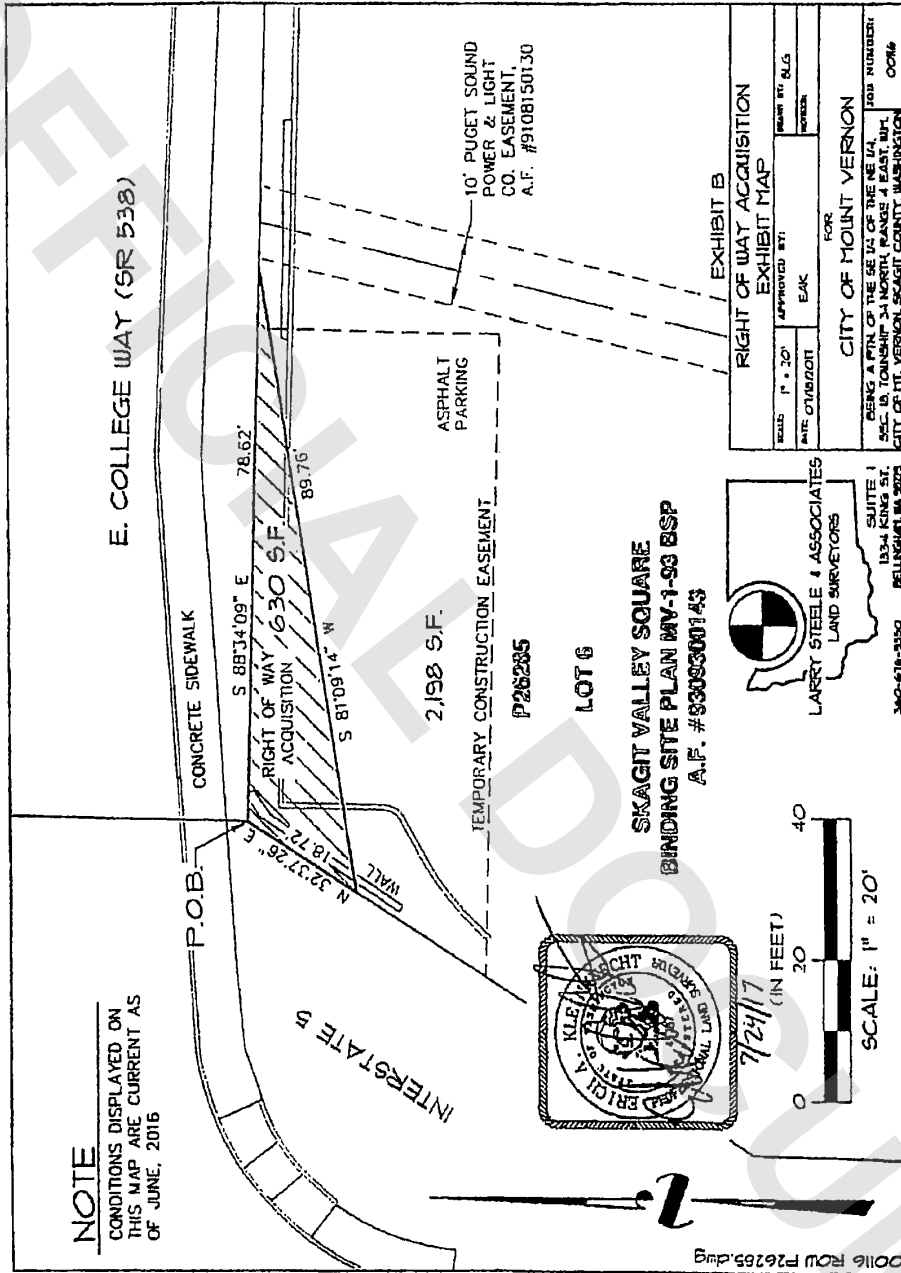


Exhibit "B"**Legal Description
For
Temporary Construction Easement****Parcel Number: P26285**

A portion of Lot 6, City of Mount Vernon Binding Site Plan No. MV-1-93, entitled Skagit Valley Square, approved September 29, 1993 and recorded September 30, 1993 in Book 10 of Short Plats, Pages 240-246, inclusive, as Auditor's File No. 9309300143; being a portion of the Northeast 1/4 of the Southeast 1/4 of Section 18, Township 34 North, Range 4 East, W.M., more particularly described as follows:

Commencing at the Northwest corner of said Lot 6; Thence South 32°37'26" West along the Easterly Right of Way line of Interstate 5, for a distance of 18.72 feet to the Point of Beginning; Thence continuing South 32°37'26" West along said Easterly Right of Way, for a distance of 22.20 feet; Thence South 88°34'09" East for a distance of 91.19 feet; Thence North 01°26'20" East for a distance of 33.44 feet; Thence South 81°09'14" West for a distance of 81.00 feet to the Easterly Right of Way line of said Interstate 5 and to the Point of Beginning.

Containing 2,198 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

