



**201805250122**

05/25/2018 03:23 PM Pages: 1 of 12 Fees: \$85.00  
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 6t-2 2-B BSP MV1-94

**AUDITOR'S FILES NO.**

**COMPLETE LEGAL DESCRIPTION ON PAGE:** 8, 9

**ASSESSOR'S PARCEL/TAX ID NUMBER:** P107487

3/13/2018

201805250122

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

17-2-01717-29  
FNFLC 51  
Findings of Fact and Conclusions of Law  
2729886



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 5-25-18



MAVIS E. BETZ, County Clerk

By: [Signature]  
Deputy Clerk

FILED  
SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA

2018 MAR 12 PM 1:15

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

MAY 25 2018

Amount Paid \$ 0  
By [Signature] Skagit Co. Treasurer  
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. 3730.

*[In re City of Mount Vernon-College Way Widening Project (P107487)]*

No. 17-2-01717-29

STIPULATED 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:	\$ 53,000
1.1.2	Previous Possession and Use Deposit	\$ - 0 -
1.1.3	Costs	\$ - 0 -
1.1.4	Balance remaining:	\$ 53,000

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 - 1

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:	\$ 53,000
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: P107487.

**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 limited liability company, as to an undivided 80% interest, appearing pro se, as fee

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

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

1 owners in the Property ("Fee Owners").

2 ~~4.3.2 Tenants. To date, no Tenants have filed a notice of appearance.~~

3 4.3.3 Standard Insurance Company; Banner Bank; Banner Life Insurance  
4 Company; Employers Insurance Company of Wausau; Liberty Life Assurance  
5 Company' Liberty Mutual Fire Insurance Company; Liberty Mutual Insurance  
6 Company; The Ohio Casualty Insurance Company; Peerless Insurance Company;  
7 and Safeco Insurance Company of America, as assignees to a deed of trust  
8 beneficiary, have provided the City with a Notice of Appearance through their  
9 Attorney Janice Turner, McEwen Gisvold LLP, 1100 SW Sixth Avenue, Suite  
10 1600, Portland, OR 97204, (503) 226-7321.

11 4.3.4 Respondent Skagit County as a nominal party by virtue of its taxing  
12 jurisdiction, have provided a Notice of Appearance through their Attorney Stephen  
13 Fallquist.

14 4.3.5 On December 15, 2017 Respondent MUFG-Union Bank, NA formerly  
15 known as Frontier Bank disclaimed all interest in the condemnation proceedings  
16 and was dismissed from this matter.

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

## 23 5. JUDGMENT AND APPROPRIATION

24 5.1 The City and Settling Respondents agree that the Fair Market Value for the  
25 taking and damaging of the Property is Fifty Three Thousand Dollars (\$53,000.00).  
26

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

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

5.2 Judgement against Settling Respondents as to total just compensation to be paid by the City for and in connection with the taking and damaging of the real property described in the Petition for Condemnation ("Petition") and in Exhibit A attached hereto (the "Property"), together with all improvements thereon, attorney, expert/evaluation fees and interest, if any, is the amount of Fifty Three Thousand Dollars (\$53,000.00).

5.3 The City previously has not paid funds into the Court Registry for this matter. The total balance due from the City is Fifty Three Thousand Dollars (\$53,000.00) to be later disbursed pursuant to order of this Court.

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

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

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

5.7 Representation on Authority of Parties/Signatories. Each person signing this stipulation and order represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this stipulation and order. Each party represents and warrants to the other that the execution and delivery of the stipulation and order and the performance of

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

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

such party's obligations herein have been duly authorized and that the stipulation and order is a valid and binding on such party and enforceable in accordance with its terms.

## **6. JUST COMPENSATION**

6.1 Within ten (10) days of entry of this Judgment, the City shall deposit with the Clerk of the Court as payment in full of just compensation and costs for the Property ("Judgment Amount") funds in the amount of Fifty Three Thousand Dollars (\$53,000.00).

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

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

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

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

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

## **8. JUDGMENT**

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

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

8.3 The total amount to be paid by the City, as payment in full of just compensation for the Property, is Fifty Three Thousand Dollars (\$53,000.00).

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

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

1 8.4 This Judgment is a Final Judgment as to fewer than all of the parties, namely  
2 Settling Respondents Mt. Vernon College Way, LLC and MVSH, LLC.

3 8.5 Separate findings where there are several interests—Interpleader of adverse  
4 claimants. Pursuant to RCW 8.12.150, separate findings may be later entered where there are  
5 several interests. This Judgment authorizes the City's interpleader of funds. Under Rule 54(b),  
6 this Court recognizes that this Judgment is a final judgment as between the City and Settling  
7 Respondents. There is no just reason for delay of entry of judgment in this matter and entry of  
8 this Judgment is expressly directed. This Judgment is without prejudice to a Respondent with  
9 respect to claims against the Judgment Amount.

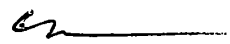
10 8.6 The Clerk shall issue no "certified abstract of judgment" contained in the  
11 execution docket, otherwise denominated by the Clerk "transcript of judgment docket," the sole  
12 and only purpose of which is presentation for payment. The sole method of payment shall be  
13 through the registry of the Court and pursuant to further court order.

14 8.7 Costs are waived as to all parties.

15  
16 SO ORDERED this 12 day of <sup>March</sup> February, 2018.

17  
18   
19 JUDGE / COURT COMMISSIONER

20 Stipulated to and Presented by:  
21 CITY OF MOUNT VERNON

22   
23 KEVIN ROGERSON, WSBA No. 31664  
24 City Attorney

25  
26 STIPULATED FINDINGS OF FACT, CONCLUSIONS OF  
LAW, JUDGMENT AND DECREE OF APPROPRIATION - 6

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 Kapner  
12 Its: Sr. Vice President

13 MVSH, LLC,  
14 a Washington limited liability company

15 By:   
16 Steve Hansen, Sole Member

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
STIPULATED FINDINGS OF FACT, CONCLUSIONS OF  
LAW, JUDGMENT AND DECREE OF APPROPRIATION - 7

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



**Exhibit "A"**

**Legal Description  
For  
Right of Way Acquisition  
Parcel Number: P107487**

The South 10 feet of the following described tract:

That portion of Lot 2 and of Lot 2B, City of Mount Vernon Binding Site Plan No. MV-1-94 BSP, approved May 31, 1994 and recorded May 31, 1994, in Volume 11 of Short Plats, pages 77-81, under Auditor's file no. 9405310129, more particularly described as follows:

**Commencing** at the Southeast corner of said Lot 2B of said Binding Site Plan;  
Thence North 90°00'00" West 0.54 feet to the **True Point of Beginning**;  
Thence North 0°00'00" East 158.41 feet;  
Thence South 90°00'00" West 128.50 feet;  
Thence South 0°00'00" East 158.4 feet to a point on the South line of said Lot 2B;  
Thence South 90°00'00" East along said South line, 128.50 feet, to the **True Point of Beginning**.

Also displayed on that particular Record of Survey recorded in Volume 21 of Surveys, Page 185 under Auditor's file no. 9904150012, records of Skagit County, Washington.

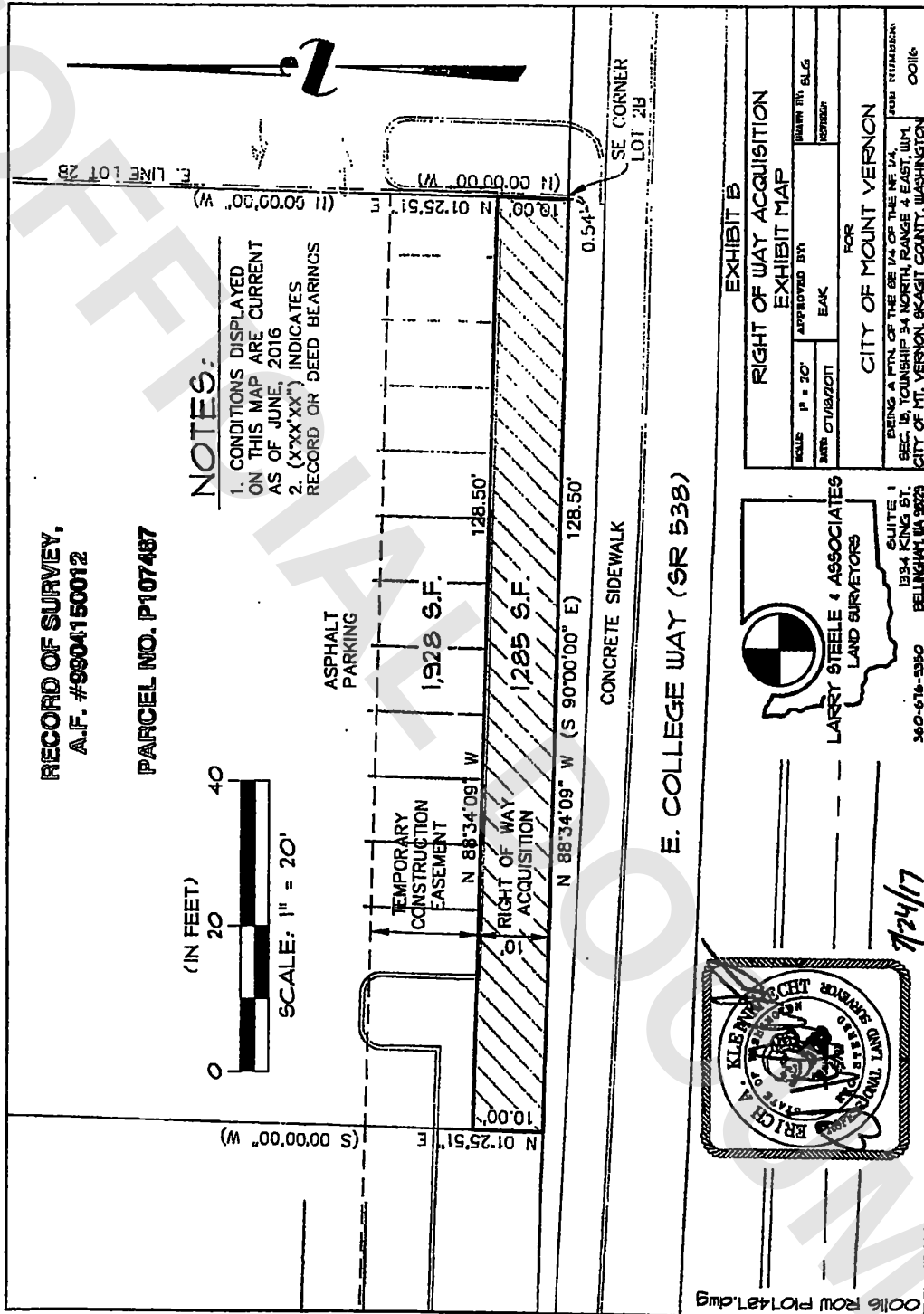
Containing 1285 Square Feet, more or less.

Situate in Skagit County, Washington.



7/24/17

Prepared by Larry Steele & Associates, Inc.  
Land Surveyors  
1334 King Street, Suite 1  
Bellingham WA 98229  
360-676-9350  
Job #00116  
July 18, 2017



**Legal Description  
For  
Temporary Construction Easement**

**Parcel Number: P107487**

The North 15 feet of the South 25 feet of the following described tract:

That portion of Lot 2 and of Lot 2B, City of Mount Vernon Binding Site Plan No. MV-1-94 BSP, approved May 31, 1994 and recorded May 31, 1994, in Volume 11 of Short Plats, pages 77-81, under Auditor's file no. 9405310129, more particularly described as follows:

Commencing at the Southeast corner of said Lot 2B of said Binding Site Plan;  
Thence North 90°00'00" West 0.54 feet to the True Point of Beginning;  
Thence North 0°00'00" East 158.41 feet;  
Thence South 90°00'00" West 128.50 feet;  
Thence South 0°00'00" East 158.4 feet to a point on the South line of said Lot 2B;  
Thence South 90°00'00" East along said South line, 128.50 feet, to the True Point of Beginning.

Also displayed on that particular Record of Survey recorded in Volume 21 of Surveys, Page 185 under Auditor's file no. 9904150012, records of Skagit County, Washington.

Containing 1,928 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 10, 2017



