



SNOHOMISH COUNTY
Public Works

CONDEMNATION MEMORANDUM

TO: DEBBIE ECO, Clerk of the Council

ELECTRONIC COPIES TO: DEBBIE ECO, Clerk of the Council; ELENA LAO, Assistant to the Clerk of the Council; GEOFFREY THOMAS, Chief of Staff; KELLY SNYDER, Public Works Director; DOUGLAS W. MCCORMICK, Public Works Engineering Services County Engineer; JANICE FAHNING, Public Works Engineering Services Director; JASON CUMMINGS, Chief Civil Deputy Prosecuting Attorney; and MICHELE PESCADOR, Public Works Right-of- Way Supervisor

FROM: Type text here ^B JOSEPH P. BENNETT, Special Deputy Prosecuting Attorney

VIA: MICHELE PESCADOR, Public Works Right-of- Way Supervisor

DATE: NOVEMBER 3, 2022

CONFIRMATION OF EMAIL: SENT ON 11/11/2022

RE: REQUEST FOR AUTHORIZATION TO PROCEED WITH CONDEMNATION

We are requesting that the Snohomish County Council authorize the attached motion to proceed with condemnation for the following property:

Project Title: 36th Ave W / 35th Ave W (164th St SW-SR99)
Project Number: RC 1491 / UPI #06-0014
Parcel Number: 001

Owner Names: Houys Delaware Series LLC
Site Address: 16333 36th Ave W Lynnwood, WA 98087-1408
Mailing Address: 14920 72nd Ave W Edmonds, WA 98026
Tax Parcel Number: 003729-004-001-01

Please notify Michele Pescador, Public Works Right-of-Way Supervisor, at Michele.Pescador@snoco.org when the Council staff has scheduled an Executive Session for this item.

**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

MOTION NO. 22-___

**AUTHORIZING THE PROSECUTING ATTORNEY TO
COMMENCE CONDEMNATION PROCEEDINGS**

36th Ave W / 35th Ave W (164th St SW-SR99)

RC 1491 / UPI #06-0014

PARCEL 001

WHEREAS, it is a necessary and proper governmental purpose for Snohomish County to make certain road improvements to an existing County road, namely, 36th Ave W / 35th Ave W (164th St SW-SR99) and;

WHEREAS, the County Council previously approved the right-of-way plan and funding plan for 36th Ave W / 35th Ave W (164th St SW-SR99) and;

WHEREAS, the legal description of the parcel of real property to be acquired and a description of all persons having an interest of record so far as is known to the council or appearing of record, are shown on Exhibits "A" through "F" attached hereto and made a part hereof; and

WHEREAS, the property to be acquired is in accordance with the Council approved Right-of-Way Plan dated, 1/21/2021 on file with the Snohomish County Department of Public Works and consistent with the project prospectus as approved by the Washington State Department of Transportation; and

WHEREAS, the owners and/or all persons having an interest in said real properties are unable to agree upon compensation to be paid by Snohomish County for such properties;

NOW, THEREFORE, ON MOTION:

The County Council finds and determines that the acquisition of the real property described in Exhibits "D" through "F" are necessary for County purposes for certain road improvements to 36th Ave W / 35th Ave W (164th St SW-SR99) and the Prosecuting Attorney of Snohomish County is hereby authorized and directed to commence condemnation proceedings and make all litigation decisions, including settlement, for said real properties.

DATED this _____ day of _____, 20____.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Chairperson

ATTEST:

Clerk of Council

Attachments:

Exhibit "A" - Parties in interest

Exhibit "B" - Vicinity map

Exhibit "C" - Site Plan

Exhibit "D" - Legal Description for fee acquisition

Exhibit "E" - Legal Description for fee acquisition page 2

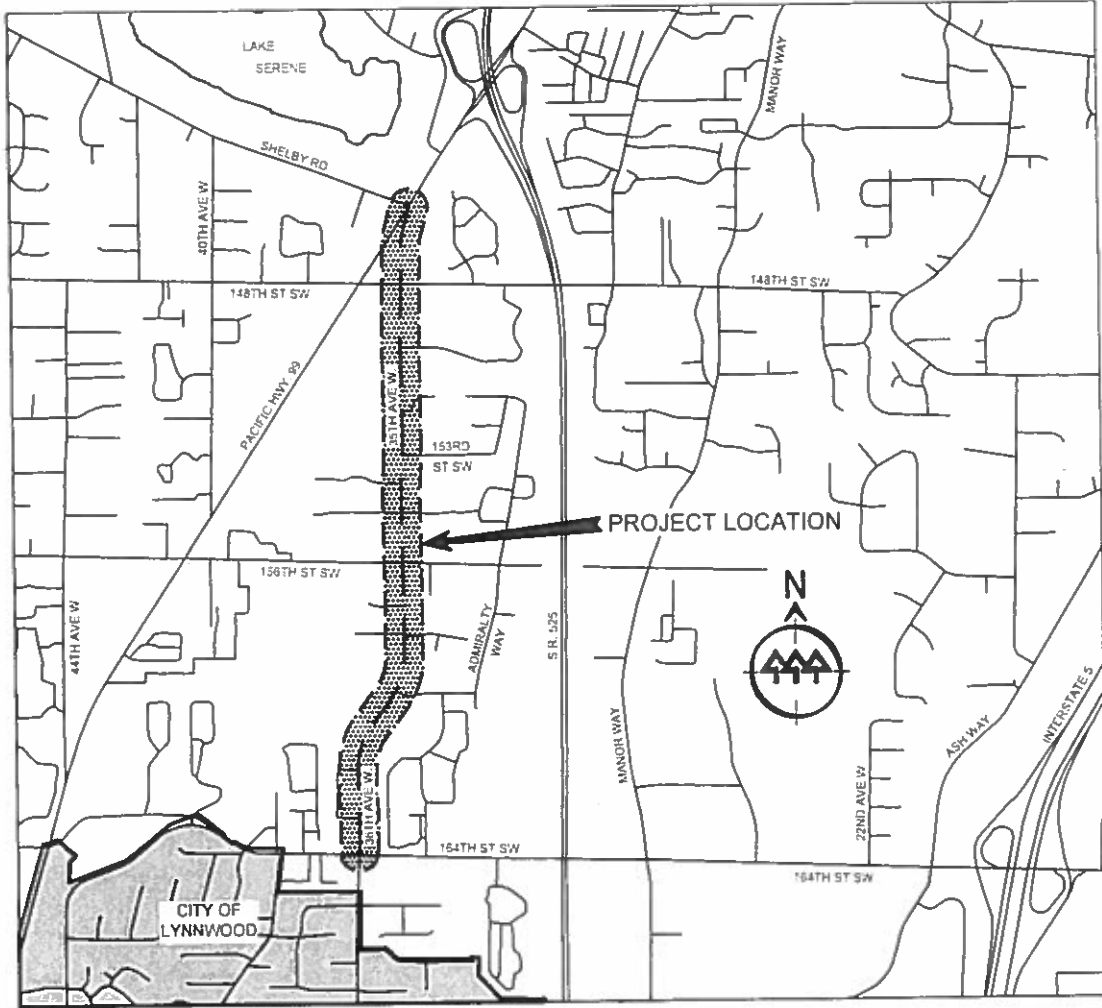
Exhibit "F" - Parcel Map for Fee Acquisition

EXHIBIT "A"
Parties of Interest

Legal Representative: N/A

Vestee: Houys Delaware Series LLC, a Delaware Limited Liability Company
Mail Address: 14920 72nd Ave W Edmonds, WA 98026
Site Address: 16333 36th Ave W Lynnwood, WA 98087-1408

EXHIBIT "B"
Vicinity Map



VICINITY MAP
N.T.S.

36TH/35TH AVE W
164TH ST SW TO SR 99

EXHIBIT "C"
Site Plan

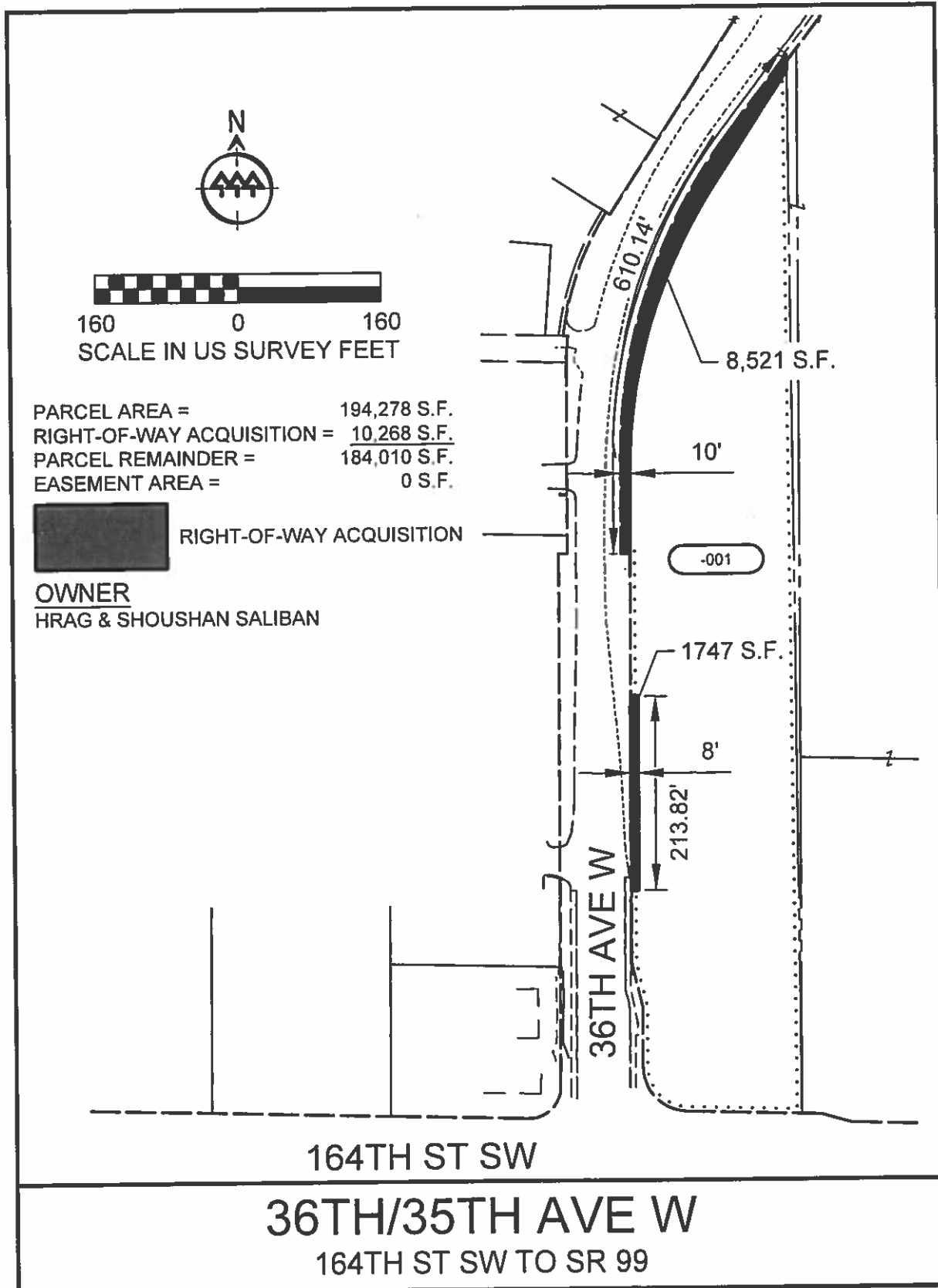


EXHIBIT "D"
Legal Description for Fee Acquisition

36th/35th Avenue W., 164th Street S.W. to SR 99
Survey 4155, RC1491, UPI 06-0014
(Houys Delaware Series, LLC) -001
October 12, 2021

EXHIBIT 'A'

Right-of-way (see Exhibit 'B'):

That portion of Tract 1, Block 4, Alderwood Manor No. 4 as recorded at Auditor's File No. 237258 of Snohomish County; said portion being described as all that portion of real property conveyed by deed recorded at Auditor's File No. 201201110144 and corrected by deed recorded at Auditor's File No. 201203140060 lying westerly of the following described line:

COMMENCING at a cased 4 inch by 4 inch concrete monument with a punched "X" mark in 3 inch brass disc and stamped, "1/4 CORNER 3 10" marking the south quarter corner of section 3, township 27 north, range 4 east, Willamette Meridian, from which point a cased 2" iron pipe with brass tack marking the north quarter corner of said section bears north 0°50'32" east, 5160.70 feet;

Thence from said **POINT OF COMMENCEMENT**, along the centerline of 36th Avenue W. (Lake Road), as shown on said plat of Alderwood Manor No. 4, north 0°15'09" east a distance of 311.29 feet;

Thence leaving said centerline, perpendicular thereto, south 89°44'51" east a distance of 40.00 feet to the easterly margin of that certain Decree of Appropriation entered May 19, 2004 in Snohomish County case no. 03-2-06128-8 for 36th Avenue W. and 164th Street S.W. widening, said point being the **POINT OF BEGINNING**;

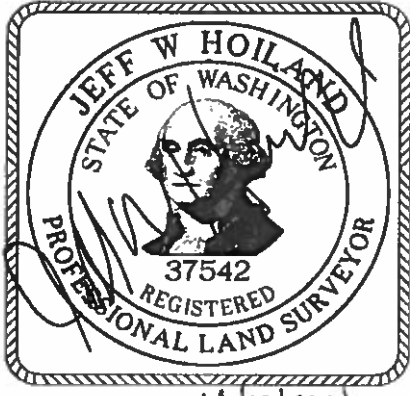
Thence leaving said **POINT OF BEGINNING** the following courses:

1. Thence continuing perpendicular to said centerline alignment a distance of 8.00 feet, to a point being 48.00 feet easterly, when measured at right angles, of said centerline;
2. Thence parallel to and 48.00 feet distant from said centerline a distance of 218.32 feet;
3. Thence perpendicular to said centerline, north 89° 44'51" west a distance of 8.00 feet to the easterly margin of said decree;
4. Thence along the east line of said decree and the projection thereof a distance of 248.72 feet, to the start of a tangent curve to the right, said curve having a radius of 600.00 feet;
5. Thence along the arc of said curve through a central angle of 32°40'10", a distance of 342.11 feet to a point 50.00 distant from said centerline;
6. Thence parallel to and 50.00 feet distant from said centerline a distance of 155.31 feet, more or less, to the easterly line of said parcel recorded at Auditor's File No. 201201110144 and corrected by deed recorded at Auditor's File No. 201203140060;

EXHIBIT "E"
Legal Description for Fee Acquisition page 2

7. Thence along said easterly line north $0^{\circ}16'51''$ west a distance of 9.18 feet, more or less, to the easterly margin of said 36th Avenue W., according to that certain Quit Claim Deed recorded under Auditor's file no. 669773, records of said county, and as shown on Snohomish County Road Survey no. 1621, on record in the County Road Engineers Office, said point being the **TERMINUS** of the line described herein.

Containing an area of 10,268 square feet, more or less.



Grantor's Initials

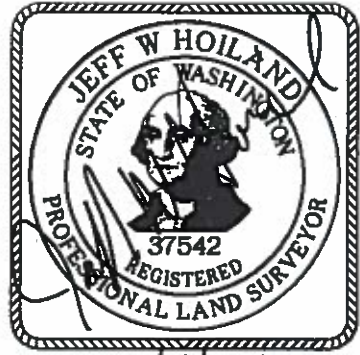
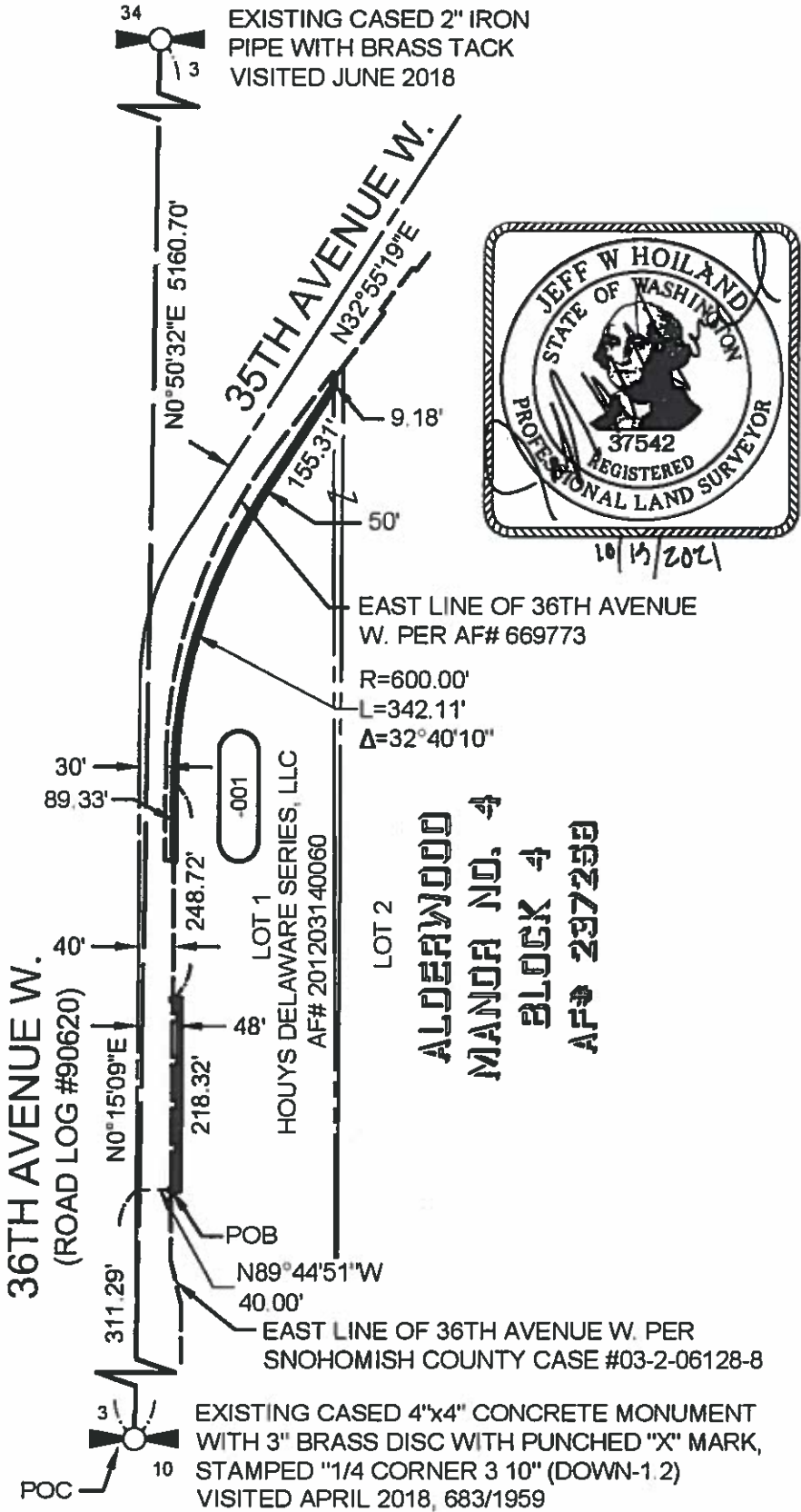
EXHIBIT "F"
Parcel Map for Fee Acquisition

EXHIBIT 'B'

36TH/35TH AVE W, 164TH ST SW - SR 99
SN 4155 (-001 HOUYS DELAWARE SERIES, LLC)



SECTION 3, T. 27 N, R. 4 E., W.M.



Grantor's Initials

