

ECAF #: 2022-0618
(council use only)



SNOHOMISH COUNTY
Public Works

C O N D E M N A T I O N M E M O R A N D U M

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; and **JASON CUMMINGS**, Chief Civil Deputy Prosecuting Attorney

FROM: *JB* **JOSEPH P. BENNETT**, Special Deputy Prosecuting Attorney

VIA: *JF* **JANICE FAHNING**, Public Works Engineering Services Director

DATE:

CONFIRMATION OF EMAIL: **SENT ON** 05/20/2022

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: 43rd Ave SE (SR524 – Sunset RD at 180th St SE)
Project Number: RC1592 UPI# 16-0040
Parcel Number: 054

Owner Names: Clay R. Baldwin and Marta J. Baldwin
Site Address: 18823 43rd Ave SE Bothell, WA 98012-7442
Mailing Address: 18823 43rd Ave SE Bothell, WA 98012-7442

Tax Parcel Number: 27051600402500

Please notify **JANICE FAHNING**, Public Works Engineering Services Director, at janice.fahning@co.snohomish.wa.us 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**

43rd Ave SE (SR524 to Sunset Rd at 180th St SE)

RC 1592 / UPI 16-0040

PARCEL 054

WHEREAS, it is a necessary and proper governmental purpose for Snohomish County to make certain road improvements to an existing County road, namely, 43rd Ave SE (SR 524 – Sunset Rd at 180th St SE) and;

WHEREAS, the County Council previously approved the right-of-way plan and funding plan for 43rd Ave SE (SR 524 – Sunset Rd at 180th St SE) 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 “G” 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, 10/25/2019 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 "G" are necessary for County purposes for certain road improvements to 43rd Ave SE (SR 524 – Sunset Rd at 180th St SE) 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" - Parcel Map for Fee Acquisition
- Exhibit "F" - Legal Description for Temporary Easement
- Exhibit "G" - Parcel Map for Temporary Easement

EXHIBIT "A"
Parties of Interest:

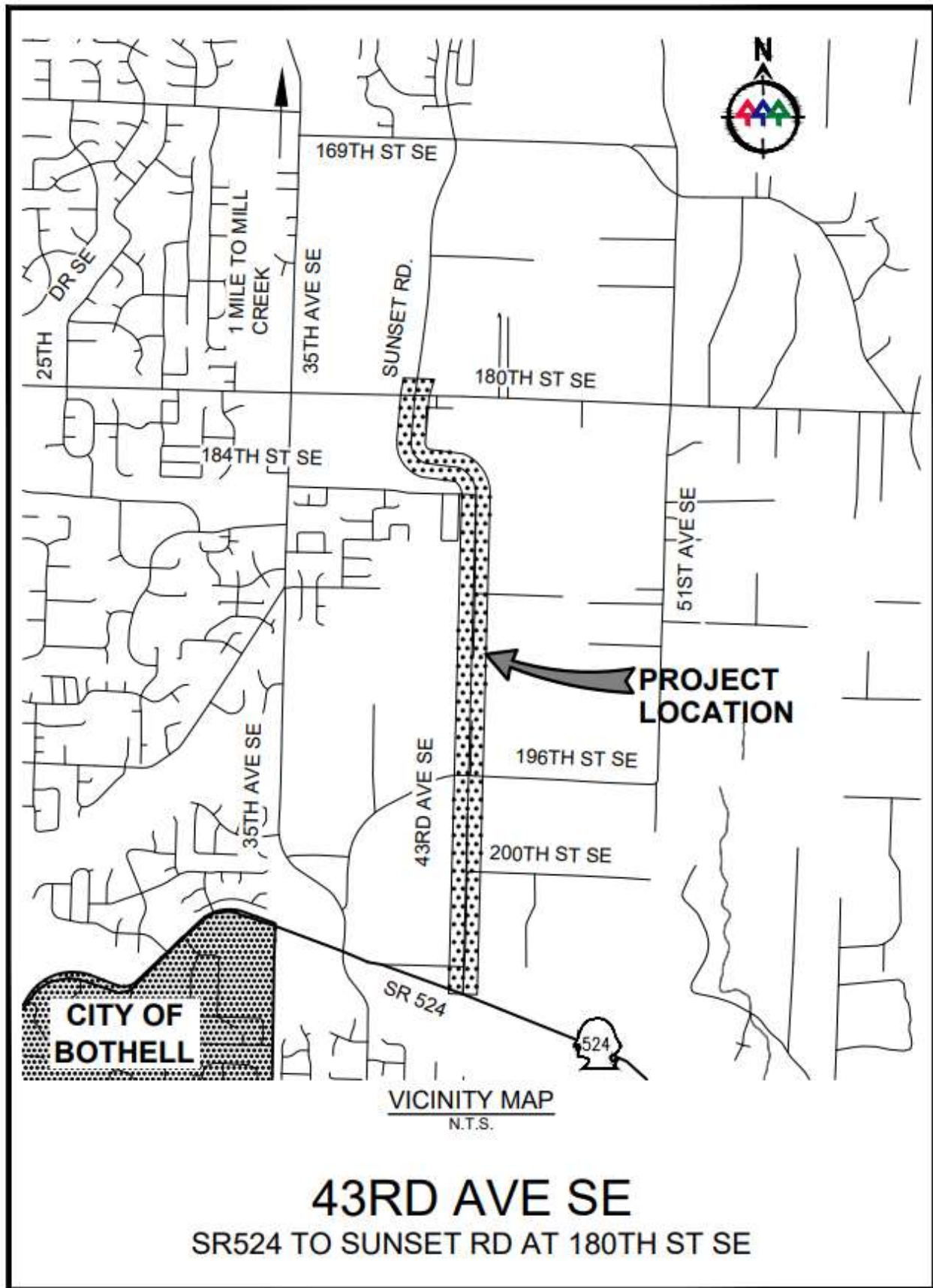
Legal Representative: Unknown

Vestee: Clay R. Baldwin and Marta J. Baldwin, husband and wife
Mailing Address: 18823 43rd Ave SE Bothell, WA 98012-7442
Site Address: 18823 43rd Ave SE Bothell, WA 98012-7442

Other Parties of Interest:

Mortgage Electronic Registration System, Inc., acting solely as nominee for Guaranteed Rate, Inc.
Address: 4410 N. Ravenswood Ave., Chicago Illinois 60640
Phone: 888.679.6377

EXHIBIT "B"
Vicinity Map



VICINITY MAP
N.T.S.

43RD AVE SE
SR524 TO SUNSET RD AT 180TH ST SE

EXHIBIT "C"
Site Plan

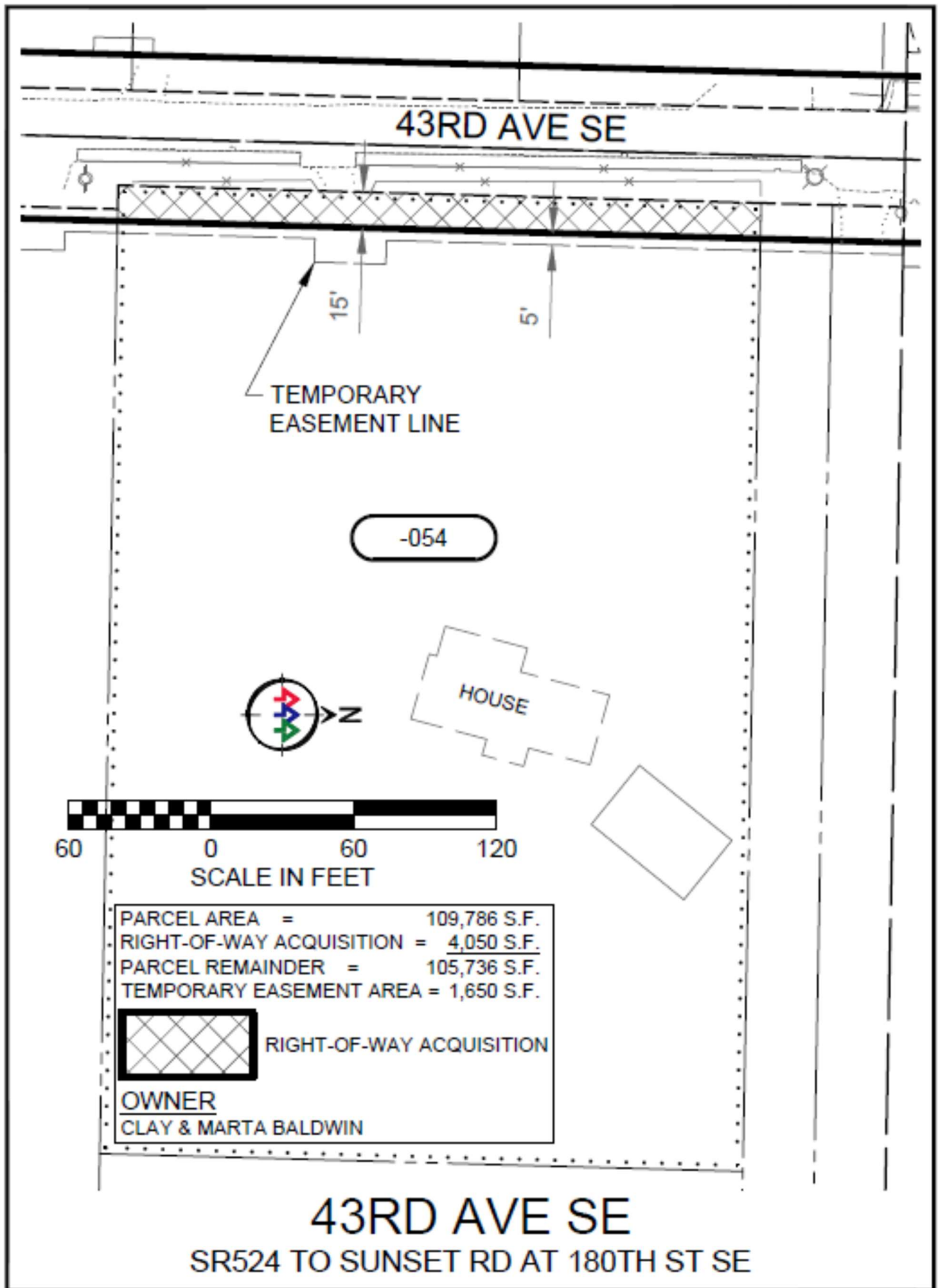


EXHIBIT "D"
Legal Description for Fee Acquisition

43RD Avenue SE (SR 524 to Sunset Road at 180th Street SE)
Survey 4659, RC 1592, UPI 16-0040
(Baldwin) -054
October 14, 2020

EXHIBIT 'A'

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

All that real property in the southeast quarter of section 16, township 27 north, range 5 east, Willamette Meridian, in the County of Snohomish, State of Washington, being a portion of that parcel conveyed by deed recorded at Auditor's File No. 200112070813, records of said county, described as follows:

That portion of said parcel lying westerly of a line parallel with and 35.00 feet easterly of the north-south centerline of said section 16, said north-south centerline being also the centerline alignment of 43rd Avenue SE, described as follows:

BEGNING at a 3-inch brass disk surface monument with chiseled cross stamped "1/4 SECTION CORNER" at the intersection of 43rd Ave SE with Jewell Road/196th St SE, for the quarter corner common to sections 16 and 21, said township, range and meridian.

Thence North 1°34'47" East a distance of 5319.08 feet to a 3-inch brass disk with punch mark stamped "SNOHOMISH COUNTY SURVEY PUBLIC WORKS SURVEY MONUMENT T27N R5E 1/4 S09 S16 PLS 15042 2014" for the quarter section corner common to sections 16 and 9, said township, range, and meridian, being the **TERMINUS** of the herein described line.

Containing an area of 4,050 square feet, more or less.



10/14/20

Grantor's Initials

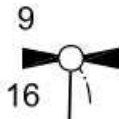
EXHIBIT "E"
Parcel Map for Fee Acquisition

EXHIBIT 'B'

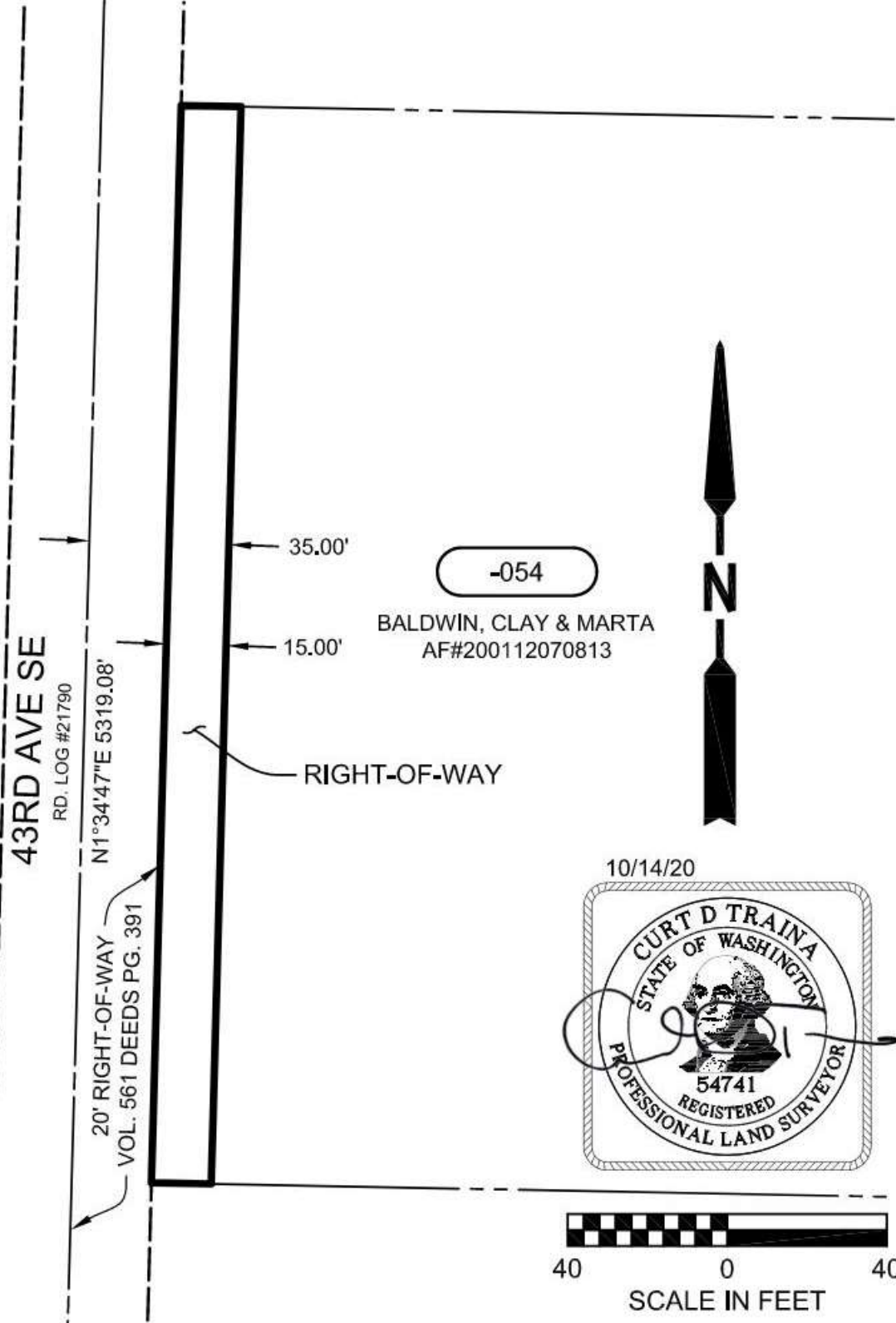
43rd Ave SE (SR 524 TO SUNSET RD AT 180TH ST SE)
SN 4659 (-054 BALDWIN)



SECTION 16, T. 27 N, R. 5 E., W.M.



FOUND 3" BRASS DISK WITH A PUNCH MARK
STAMPED "SNOHOMISH COUNTY SURVEY, PUBLIC
WORKS, SURVEY MONUMENT, T27N
R5E, 1/4 S09, S16, PLS 15042, 2014".
FB 1901 P. 52. VISITED 6/23/2016.



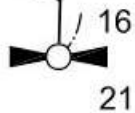
-054

BALDWIN, CLAY & MARTA
AF#200112070813

10/14/20



SCALE IN FEET



FOUND 3" BRASS DISK SURFACE MONUMENT
WITH CHISELED CROSS STAMPED "1/4 SECTION
CORNER" AT INTERSECTION 43RD AVE SE
AND JEWELL RD./196TH ST SE. FB 1901 P. 62.
VISITED 6/23/2016.

Grantor's Initials

EXHIBIT "F"
Legal Description for Temporary Easement area

43RD Avenue SE (SR 524 to Sunset Road at 180th Street SE)
Survey 4659, RC 1592, UPI 16-0040
(Baldwin) -054
February 8, 2021

EXHIBIT 'A'

Temporary Construction Easement (see Exhibit 'B'):

All that real property in the southeast quarter of section 16, township 27 north, range 5 east, Willamette Meridian, in the County of Snohomish, State of Washington, being a portion of that parcel conveyed by deed recorded at Auditor's File No. 200112070813, records of said county, described as follows:

That portion of said parcel lying westerly of a line parallel with and 40.00 feet easterly of the north-south centerline of said section 16, said north-south centerline being also the centerline alignment of 43rd Avenue SE, described as follows:

BEGINNING at a 3-inch brass disk surface monument with chiseled cross stamped "1/4 SECTION CORNER" at the intersection of 43rd Ave SE with Jewell Road/196th St SE, for the quarter corner common to sections 16 and 21, said township, range and meridian.

Thence North 1°34'47" East a distance of 5319.08 feet to a 3-inch brass disk with punch mark stamped "SNOHOMISH COUNTY SURVEY PUBLIC WORKS SURVEY MONUMENT T27N R5E 1/4 S09 S16 PLS 15042 2014" for the quarter section corner common to sections 16 and 9, said township, range, and meridian, being the **TERMINUS** of the herein described line.

TOGETHER WITH that portion of said property lying westerly of the following described line:

COMMENCING at said monument for the quarter section corner between said sections 16 and 21. Thence northerly along said centerline alignment of 43rd Ave SE a distance of 2353.84 feet. Thence, leaving said centerline, perpendicular thereto, easterly a distance of 40.00 feet to the **BEGINNING** of the herein described line. Thence, continuing easterly, perpendicular to said centerline, a distance of 10.00 feet. Thence northerly, parallel with said centerline, a distance of 30.00 feet. Thence westerly, perpendicular to said centerline, a distance of 10.00 feet to the **TERMINUS** of the herein described line.

(continued on Page 2)

EXHIBIT "F"
CONTINUED

EXCEPT the right-of-way to be conveyed to Snohomish County by separate instrument;
Containing an area of 1,650 square feet, more or less.



Grantor's Initials

2/8/2021

EXHIBIT "G"
Parcel Map for Temporary Easement area

EXHIBIT 'B'

43rd Ave SE (SR 524 TO SUNSET RD AT 180TH ST SE)
SN 4659 (-054 BALDWIN)



SECTION 16, T. 27 N, R. 5 E., W.M.

FOUND 3" BRASS DISK WITH A PUNCH MARK
STAMPED "SNOHOMISH COUNTY SURVEY, PUBLIC
WORKS, SURVEY MONUMENT, T27N
R5E, 1/4 S09, S16, PLS 15042, 2014".
FB 1901 P. 52. VISITED 6/23/2016.

