



**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**, Deputy Clerk of the Council; **HEIDI BEAZIZO**, Chief of Staff; **KELLY SNYDER**, Public Works Director; **DOUGLAS W. MCCORMICK**, Public Works Engineering Services County Engineer; **JANICE FAHNING**, Public Works Engineering Services Director; **BRIDGET CASEY**, Chief Civil Deputy Prosecuting Attorney; and **MICHELE PESCADOR**, Public Works Right-of- Way Supervisor

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

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

**DATE:** **OCTOBER 19, 2023**

**CONFIRMATION OF EMAIL:** **SENT ON** October 20, 2023

**RE:** **REQUEST FOR AUTHORIZATION TO PROCEED WITH CONDEMNATION**

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

Project Title: Swamp Creek #503 (Swamp Creek Bridge #503 Replacement)  
Project Number: UPI# 17-0009 / RC1420  
Parcel Number: 001

Owner Names: Timothy J. McDonald  
Site Address: 22770 Barker Road, Brier WA 98036  
Mailing Address: 22770 Barker Road, Brier WA 98036  
Tax Parcel Number: 003731-018-028-01

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

**SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON**

**MOTION NO. 23-\_\_\_**

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

**Swamp Creek #503 (Swamp Creek Bridge #503 Replacement)**

**RC 1420 / UPI# 17-0009**

**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, Swamp Creek #503 (Swamp Creek Bridge #503 Replacement) and;

WHEREAS, the County Council previously approved the right-of-way plan and funding plan for Swamp Creek #503 (Swamp Creek Bridge #503 Replacement) 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, 9/6/2022 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 Swamp Creek #503 (Swamp Creek Bridge #503 Replacement) 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 RW fee acquisition
- Exhibit "E" - Parcel Map for RW Fee Acquisition
- Exhibit "F" - Legal Description for Mitigation/Acquisition Fee
- Exhibit "G" - Parcel Map for Mitigation/Acquisition Fee

**EXHIBIT "A"**  
**Parties of Interest**

Parties of Interest: Timothy J. McDonald

Legal Representative: N/A

Vestee: Timothy J. McDonald, as a separate estate

Mailing Address: 22770 Barker Road, Brier WA 98036

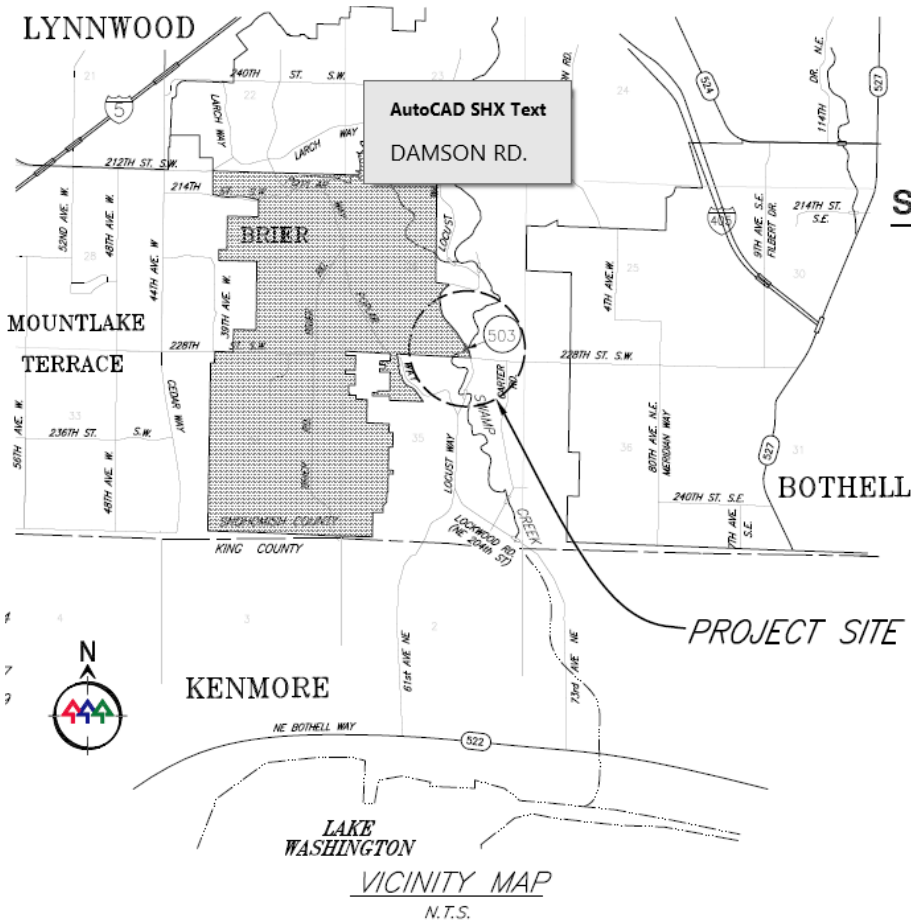
Site Address: 22770 Barker Road, Brier WA 98036

Beneficiary: N/A

# EXHIBIT "B"

## Vicinity Map

Temporary exhibit, pending EXHIBIT prepared by design



**Snohomish County Officials**

**DIRECTOR OF PUBLIC WORKS**  
*KELLY SNYDER, MPA*

**COUNTY ENGINEER**  
*DOUGLAS W. McCORMICK, P.E.*

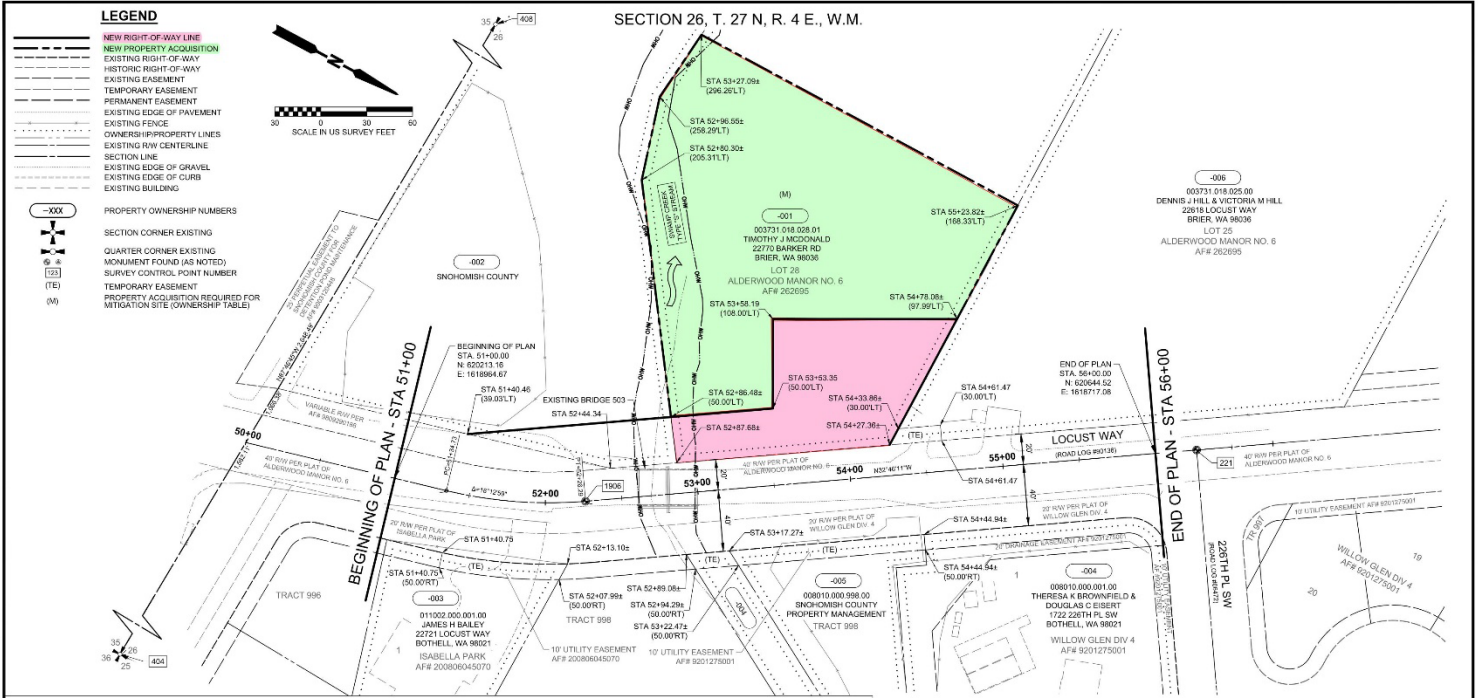
**EXECUTIVE**  
*DAVE SOMERS*

**COUNCIL MEMBERS**  
*NATE NEHRING – DIST. 1*  
*MEGAN DUNN – DIST. 2*  
*STROM PETERSON – DIST. 3*  
*JARED MEAD – DIST. 4*  
*SAM LOW – DIST. 5*

# EXHIBIT "C"

## Site Plan

Temporary exhibit, pending EXHIBIT prepared by design  
Not to scale, for illustrative purposes only.



### OWNERSHIPS

ACQUISITION DOCUMENT (AUDITOR FILE NO.)	PARCEL NO.	NAME	AREA	R/W REQ'D	REMAINDER	PERMANENT EASEMENTS	TEMPORARY EASEMENT	MITIGATION
	001	TIMOTHY J MCDONALD	314,000 SF	1644 SF	288,718 SF	-	-	36,281 SF
	002	SNOHOMISH COUNTY	60,724 SF	2,400 SF	63,133 SF	-	-	-
	003	JAMES H BAILEY	16,860 SF	-	-	-	307 SF	-
	004	THERESA K BROWNFIELD & DOUGLAS C EISERT	44,180 SF	-	-	-	282 SF	-
	005	SNOHOMISH COUNTY PROPERTY MANAGEMENT	16,002 SF	-	-	-	1,251 SF	-
	006	DENIS J HILL & VICTORIA M HILL	188,768 SF	-	-	-	339 SF	-

### MONUMENT TABLE

NO.	STATION	OFFSET	DESCRIPTION
201	50+28.97	0.30' LT	EXISTING CASSED 4" W/ CONCRETE MONUMENT WITH PUNCHED 1" W/ BRASS DISC (DOWN 0.5') - VISITED JUNE 2017, 2/1/18
404	---	---	EXISTING CASSED 4" W/ CONCRETE MONUMENT WITH CHISELED "X" MARK IN A 1" W/ BRASS DISC (DOWN 0.5') - VISITED MAY 2018, 8/1/18
405	---	---	EXISTING 2" DIAMETER IRON PIPE WITH PUNCHED TOP (DOWN 0.5') - VISITED MAY 2018, 8/1/18
1108	52+38.31	0.00' RT	EXISTING CASSED 4" W/ CONCRETE MONUMENT WITH PUNCHED 1" W/ BRASS DISC (DOWN 0.5') - VISITED AUGUST 2018, 9/1/19

MOTION #

UPI NO.: 17-0008 SURVEY NO.: 4785 HORZ. DATUM: PROJECT DESIGNED BY: NWA	FED. AID PROJ. NO.: BRW-2843(022) FIELD BOOK(S): VERT. DATUM: DRAWN BY: GCL		REVIEWED AND APPROVED BY: <i>Douglas W. Burtch</i> DOUGLAS W. BURTRCH, PE SNOHOMISH COUNTY ENGINEER DATE: 9/6/2022 DRAWN BY: Michelle Passador MICHELLE PASSADOR, BRWA RIGHT-OF-WAY SUPERVISOR	<b>SNOHOMISH COUNTY DEPARTMENT OF PUBLIC WORKS</b> 	<b>SWAMP CREEK BRIDGE #503 REPLACEMENT PROJECT</b> <b>RIGHT OF WAY PLAN</b> FUNDING NO. DC1420	REFERENCE SHEET NO. RW01 SHEET 03 OF 03 9/23/17
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September 1, 2022 8:05 AM S:\PROJECTS\2022\17-0008\PROJECT\_DATA\MANAGEMENT\PROJECTS\17-0008\PROJECT\_DATA\DRAWINGS\DWG\_001.dwg - Layout Name: RW01

**EXHIBIT "D"**  
**Legal Description for Right of Way Fee Acquisition**

Swamp Creek Bridge #503 replacement project  
Survey 4789, RC1420, UPI 17-0009  
(Timothy J McDonald) -001  
June 12, 2023

**EXHIBIT 'A'**

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

That portion of Lot 28, Block 18 of Alderwood Manor No. 6, according to the plat thereof recorded in Volume 9 of Plats, pages 93 through 96, inclusive, records of Snohomish County, Washington;

**EXCEPT** that portion described in that certain Statutory Warranty Deed recorded under Auditors file no. 9901280600, records of said County;

Described as follows:

That portion of said parcel lying easterly of a line parallel with and 50.00 feet westerly of the north-south centerline of Locust Way according to said plat;

**TOGETHER WITH** that portion of said parcel lying northerly and easterly of following described line:

**COMMENCING** at a cased 4" x 4" concrete monument with a punch mark in a 1-5/8" brass disc marking the intersection of 226<sup>th</sup> Place S.W. with Locust Way, according to the plat of Willow Glen, Div. 4 recorded under Auditors file no. 9201275001, from which a cased 4" x 4" concrete monument with a punch mark in a 1-3/4" brass disc bears South 32°46'11" East 400.68 feet;

Thence from said **POINT OF COMMENCEMENT** southeasterly along the centerline alignment of said Locust Way 273.62 feet;

Thence leaving said centerline alignment, perpendicular thereto, South 57°13'49" West, 50.00 feet to the **POINT OF BEGINNING** of the line described herein;

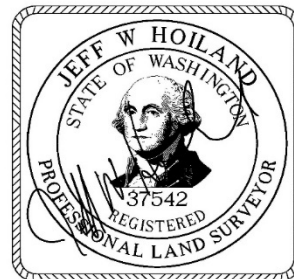
Thence South 62°00'01" West, 58.20 feet.

Thence North 27°59'50" West, 120.30 feet, more or less, to the north line of said parcel and **TERMINUS** of the herein described line.

Situate in the County of Snohomish, State of Washington.

Containing an area of 10,247 square feet, more or less.

Grantor's Initials



6/20/2023

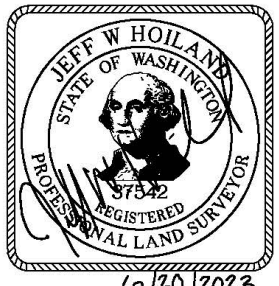
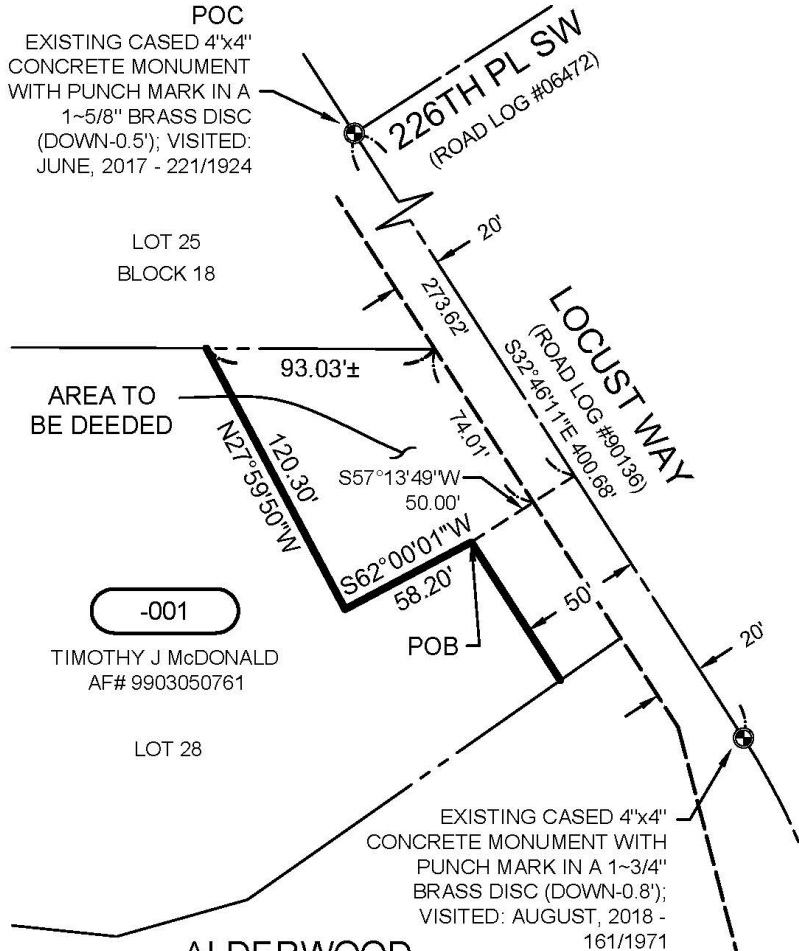
**EXHIBIT "E"**  
**Parcel Map for Right of Way Fee Acquisition**  
 Not to scale, for illustrative purposes only.

**EXHIBIT 'B'**

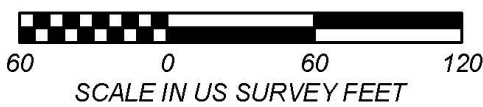
SWAMP CREEK BRIDGE #503 REPLACEMENT PROJECT  
 SN 4789 (-001 McDONALD, TIMOTHY J)



SECTION 26, T. 27 N, R. 4 E., W.M.



AF# AUDITOR'S FILE NUMBER  
 POB POINT OF BEGINNING  
 POC POINT OF COMMENCEMENT



Grantor's Initials



**EXHIBIT "F"**  
**Legal Description for Mitigation/Acquisition Area Fee Acquisition**

Swamp Creek Bridge #503 replacement project  
Survey 4789, RC1420, UPI 17-0009  
(Timothy J McDonald) -001  
June 12, 2023

**EXHIBIT 'A'**

**Acquisition** (see Exhibit 'B'):

That portion of Lot 28, Block 18 of Alderwood Manor No. 6, according to the plat thereof recorded in Volume 9 of Plats, pages 93 through 96, inclusive, records of Snohomish County, Washington;

Except that portion described in that certain Statutory Warranty Deed recorded under Auditors file no. 9901280600, records of said County, herein referred to as Parcel A;

Described as follows:

**COMMENCING** at a cased 4" x 4" concrete monument with a punch mark in a 1-5/8" brass disc marking the intersection of 226<sup>th</sup> Place S.W. with Locust Way, according to the plat of Willow Glen, Div. 4 recorded under Auditors file no. 9201275001, from which a cased 4" x 4" concrete monument with a punch mark in a 1-3/4" brass disc bears South 32°46'11" East 400.68 feet;

Thence from said **POINT OF COMMENCEMENT** southeasterly along the centerline alignment of said Locust Way 273.62 feet;

Thence leaving said centerline alignment, perpendicular thereto, South 57°13'49" West, 50.00 feet to the **POINT OF BEGINNING**;

Thence South 62°00'01" West, 58.20 feet;

Thence North 27°59'50" West, 120.30 feet, more or less, to the north line of said Lot 28, Block 18 of Alderwood Manor No. 6;

Thence North 83°44'04" West, along the north line of said parcel, 83.91 feet;

Thence South 0°15'55" West, 234.66 feet, more or less, to the northerly line of that parcel mentioned herein as Parcel A;

Thence easterly along said northerly line of Parcel A, South 83°56'59" East, 48.73 feet;

Thence continuing along said north line North 74°16'40" East, 55.42 feet;

Thence continuing along said north line North 54°56'59" East, 155.43 feet, more or less, to a point that measures 50.00 feet perpendicular to said alignment of Locust Way;

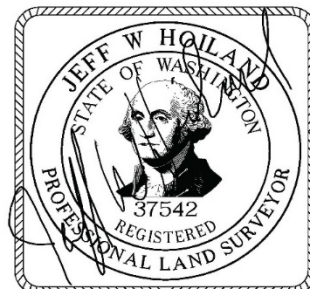
Thence leaving said north line North 32°46'11" East, 66.87 feet, more or less, to the **POINT OF BEGINNING**.

Situate in the County of Snohomish, State of Washington.

Containing an area of 34,981 square feet, more or less.

Grantor's Initials

Page of page(s)



6/20/2023

**EXHIBIT "G"**  
**Parcel Map for Mitigation/Acquisition Area Fee Acquisition**  
 Not to scale, for illustrative purposes only.

**EXHIBIT 'B'**

SWAMP CREEK BRIDGE #503 REPLACEMENT PROJECT  
 SN 4789 (-001 McDONALD, TIMOTHY J)



SECTION 26, T. 27 N, R. 4 E., W.M.

POC  
 EXISTING CASED 4"x4"  
 CONCRETE MONUMENT WITH  
 PUNCH MARK IN A 1~5/8"  
 BRASS DISC (DOWN-0.5');  
 VISITED: JUNE, 2017 - 221/1924

LOT 25  
 AREA TO BE DEEDED TO SNOHOMISH  
 COUNTY BY SEPARATE INSTRUMENT  
 N89°44'04"W 176.94'

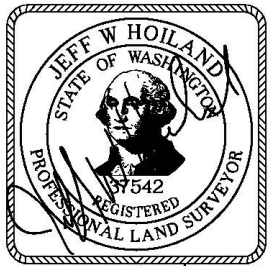
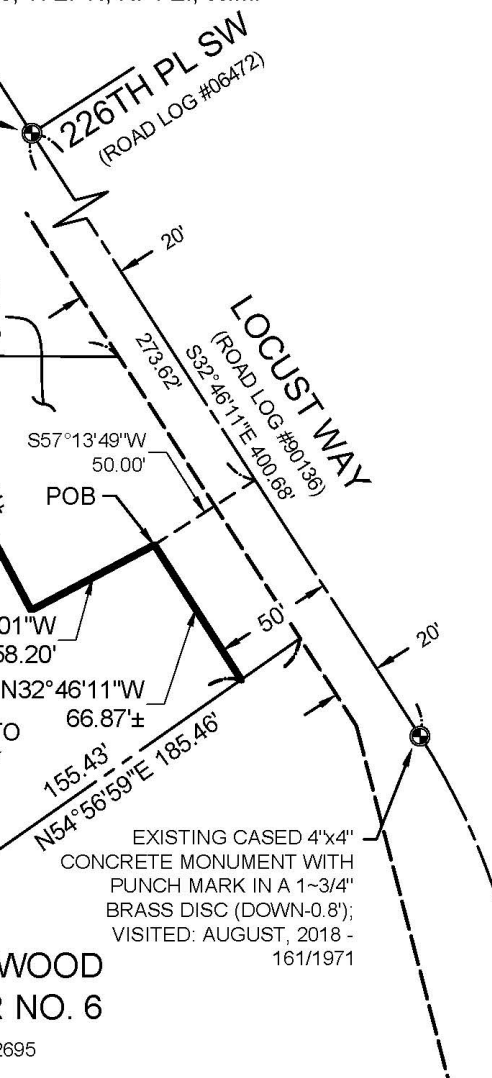
83.91'  
 N27°59'50"W 120.30'±  
 S57°13'49"W 50.00'  
 S62°00'01"W 58.20'  
 N32°46'11"W 66.87'±  
 S0°15'55"W 234.66'±  
 -001  
 TIMOTHY J McDONALD  
 AF# 9903050761  
 LOT 28  
 BLOCK 18

AREA TO BE DEEDED TO  
 SNOHOMISH COUNTY  
 155.43'  
 N54°56'59"E 185.46'  
 48.73' N74°16'40"E  
 S83°56'59"E 55.42'

**ALDERWOOD  
 MANOR NO. 6**

AF# 262695

EXISTING CASED 4"x4"  
 CONCRETE MONUMENT WITH  
 PUNCH MARK IN A 1~3/4"  
 BRASS DISC (DOWN-0.8);  
 VISITED: AUGUST, 2018 -  
 161/1971



- AF# AUDITOR'S FILE NUMBER
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

Grantor's Initials

