

SNOHOMISH COUNTY COUNCIL  
PUBLIC HEARING PACKET

**MOTION 22-265**

**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**

ECAF: 2022-0618

Date/Time: Wednesday, July 6, 2022, at 10:30 a.m.

Staff Person: Deb Bell

DPA: Joe Bennett, Special Deputy Prosecuting Attorney

**EXHIBIT LIST**

*Click on Exhibit # to view document.*

| Exhibit #         | Date    | Exhibit Description                          |
|-------------------|---------|----------------------------------------------|
| <a href="#">1</a> | 6/13/22 | Council Staff Report                         |
| <a href="#">2</a> | 5/20/22 | Condemnation Memo                            |
| <a href="#">3</a> | 6/08/21 | Motion Assignment Slip                       |
| <a href="#">4</a> | 6/23/22 | Email testimony from Marta & Clay Baldwin    |
| <a href="#">5</a> | 6/24/22 | Email tesimonty from Alan & Michelle Johnson |

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

MOTION NO. 22-265

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 180<sup>th</sup> St SE); and

WHEREAS, the County Council previously approved the right-of-way plan and funding plan for 43<sup>rd</sup> 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.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

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Council Chair

ATTEST:

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Asst. Clerk of the Council

**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**

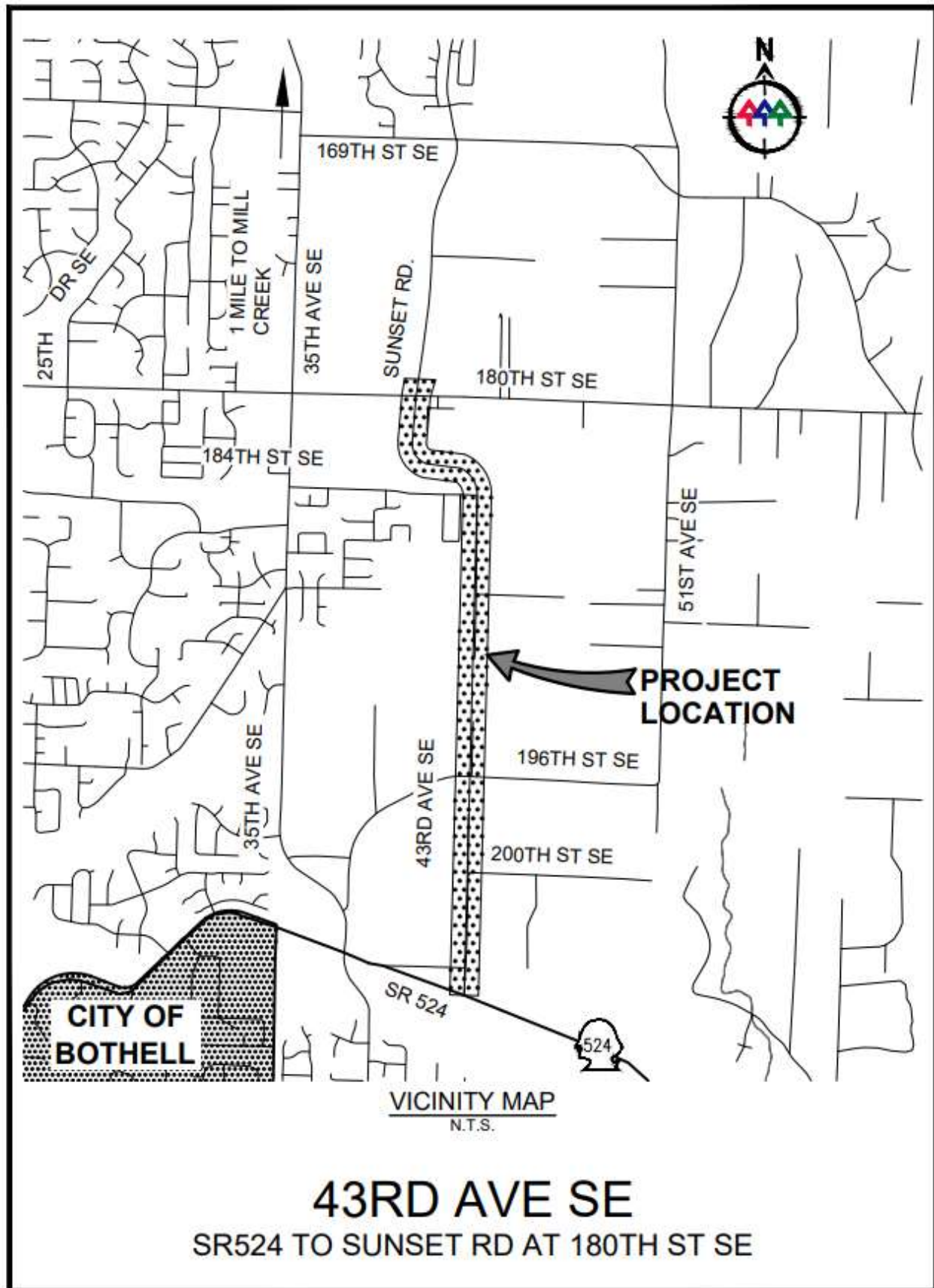
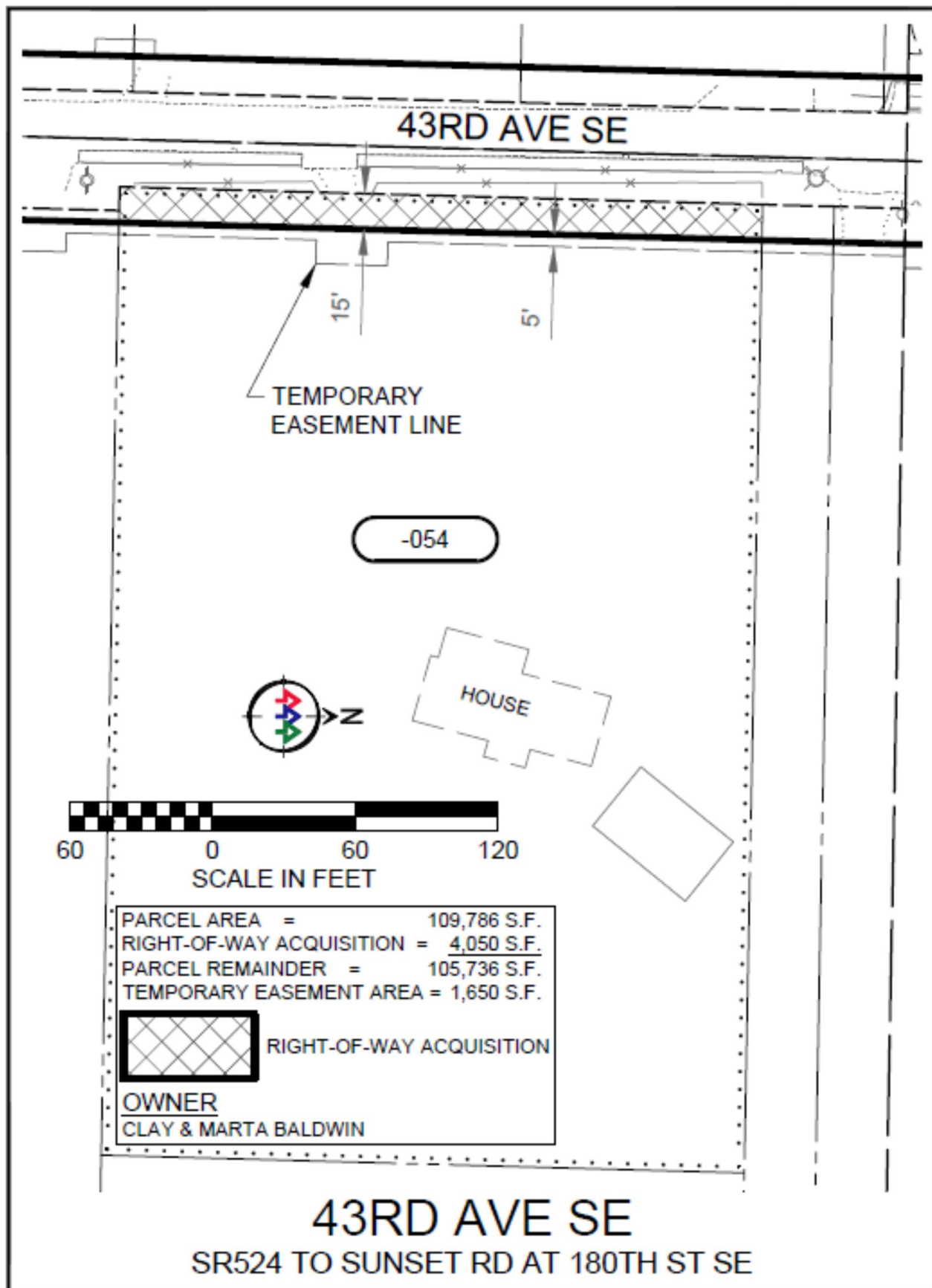


EXHIBIT "C"  
Site Plan



**EXHIBIT "D"**  
**Legal Description for Fee Acquisition**

43<sup>RD</sup> 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 43<sup>rd</sup> 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 43<sup>rd</sup> Ave SE with Jewell Road/196<sup>th</sup> 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.



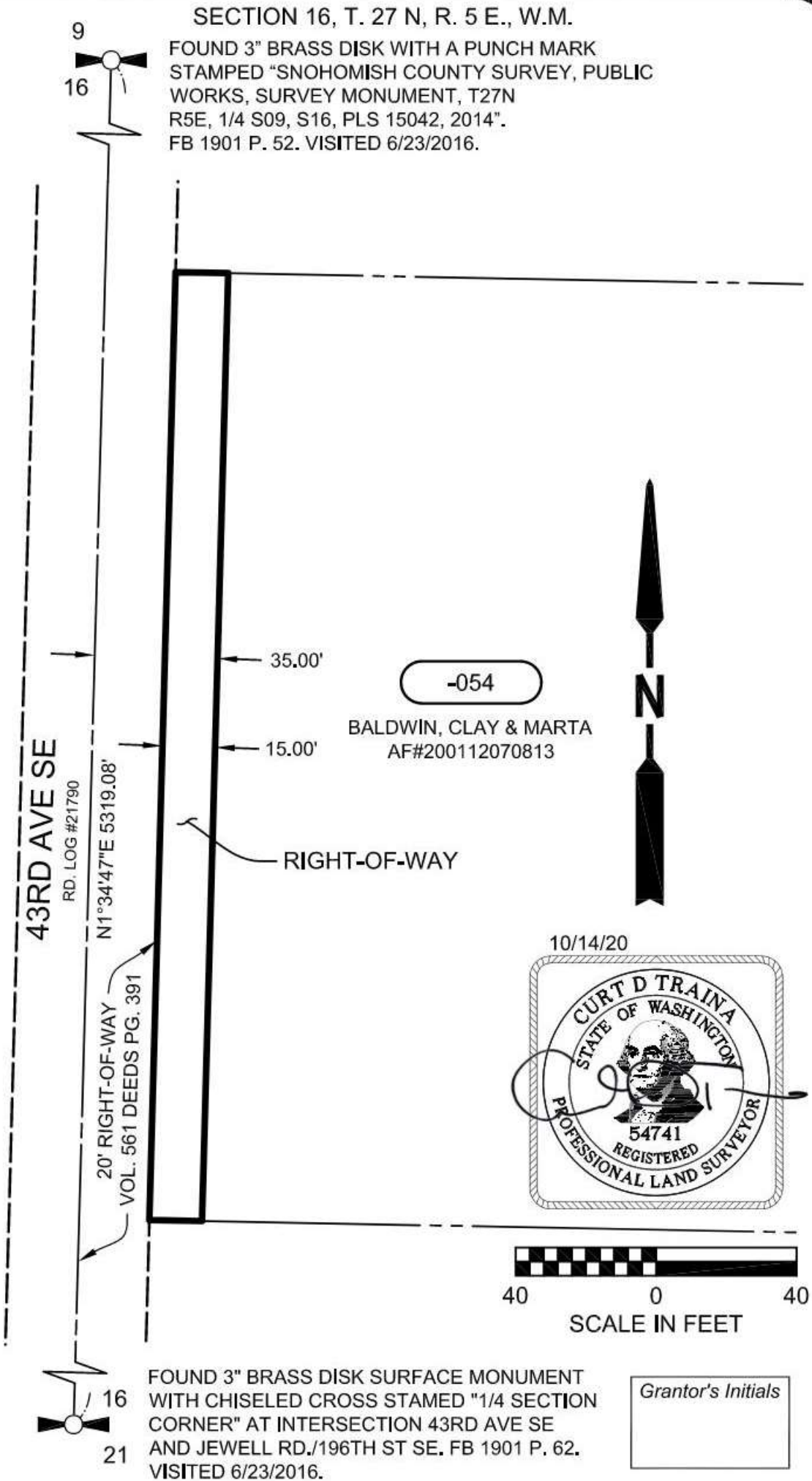
10/14/20

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)



**EXHIBIT “F”**  
**Legal Description for Temporary Easement area**

43<sup>RD</sup> 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 43<sup>rd</sup> 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 43<sup>rd</sup> Ave SE with Jewell Road/196<sup>th</sup> 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 43<sup>rd</sup> 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.



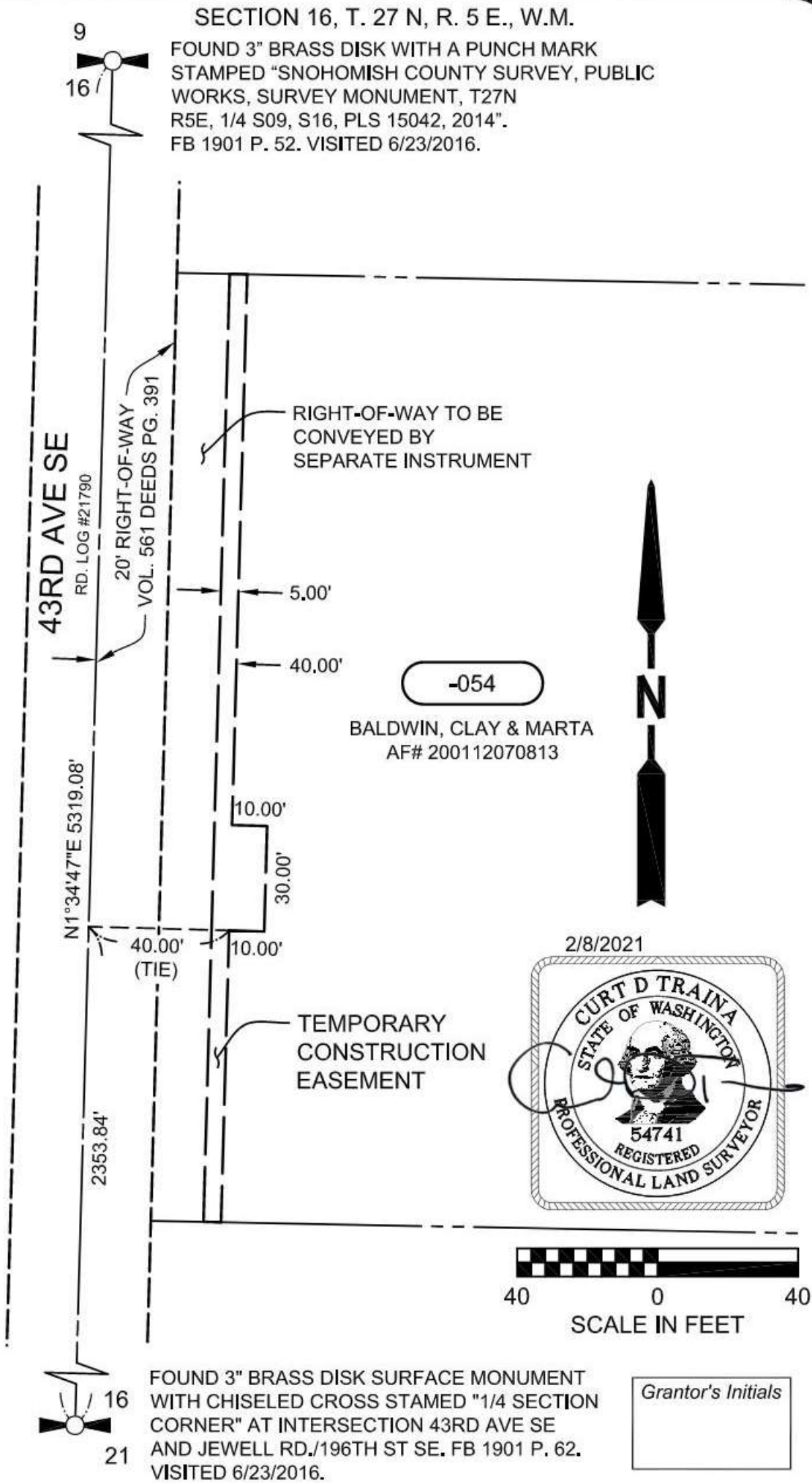
**Grantor's Initials**

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)





## Snohomish County Council

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 1

FILE MOT 22-265

**Committee:** Committee of the Whole

**ECAF:** 2022-0618

**Proposal:** Motion 22-265

**Analyst:** Deb Evison Bell

**Date:** June 13, 2022

### **Consideration:**

Motion authorizing the prosecuting attorney to commence condemnation proceedings necessary for certain road improvements to 43rd Ave SE (SR524 to Sunset Rd at 180th St SE) RC 1592/UPI 16-0040; Parcel 054, under RCW 36.85.

### **Background:**

The project involves improving 43<sup>rd</sup> Ave SE (Sunset Rd at 180<sup>th</sup> St SE through SR 524 (Maltby Rd)) to arterial road standards. The project includes adding bike lanes, sidewalks, shoulders, and drainage facilities. New single-lane roundabouts will be constructed at the intersection of 43<sup>rd</sup> Ave at SR 524 and at the intersection of 43<sup>rd</sup> Ave at 196<sup>th</sup> St SE. A new traffic signal with turn pockets will also be constructed at the intersection of Sunset Rd at 180<sup>th</sup> St SE. County Council previously approved the right-of way plan in October 2019 and the funding for 43<sup>rd</sup> Ave SE (SR 524 through Sunset Road at 180<sup>th</sup> St SE) road improvement project.

The County needs to acquire additional right-of-way, including a temporary construction easement (as described in Exhibits "D" through Exhibit "G" of the proposed motion) of a parcel of real property (Tax Parcel No. 27051600402500) which is in accordance with the Council approved Right-of-Way Plan 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. The County and the owners are unable to agree upon compensation.

### **Current Proposal:**

*Scope:* The proposed motion would authorize and direct the prosecuting attorney of Snohomish County to commence condemnation proceedings<sup>1</sup> and make all litigation decisions including settlement for the real property of interest.

*Fiscal Implications:* This project is included in the 2022-2027 Transportation Improvement Plan (TIP) and the adopted 2022 Annual Construction Program (ACP) as Item E.59.

**2022 Budget:** Contingent on condemnation proceedings.

**Handling:** NA

**Approved-as-to-form:** N/A as the set standard is prepared by licensed professionals.

**Risk Management:** N/A as the set standard is prepared by licensed professionals.

**Executive Recommendation:** APPROVE

**Requests:** Council to set time and day for Public Hearing.

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<sup>1</sup> [Chapter 36.85 RCW: ROADS AND BRIDGES—RIGHTS-OF-WAY](#)

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 2

FILE MOT 22-265



**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; 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**

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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: 43<sup>rd</sup> Ave SE (SR524 – Sunset RD at 180<sup>th</sup> 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](mailto: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**

**43<sup>rd</sup> Ave SE (SR524 to Sunset Rd at 180<sup>th</sup> 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, 43<sup>rd</sup> Ave SE (SR 524 – Sunset Rd at 180<sup>th</sup> St SE) and;

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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"**  
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**Vestee:** Clay R. Baldwin and Marta J. Baldwin, husband and wife

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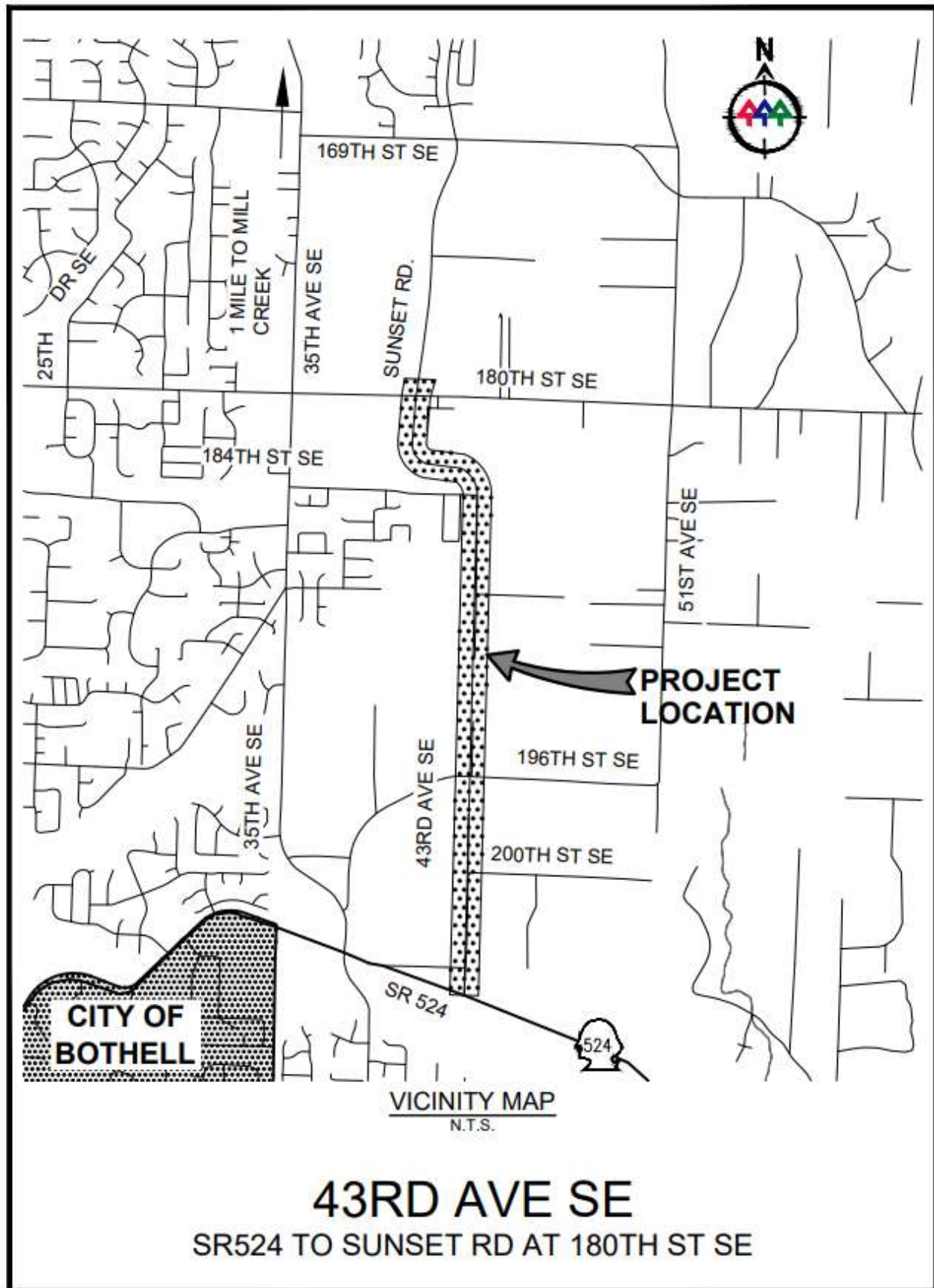
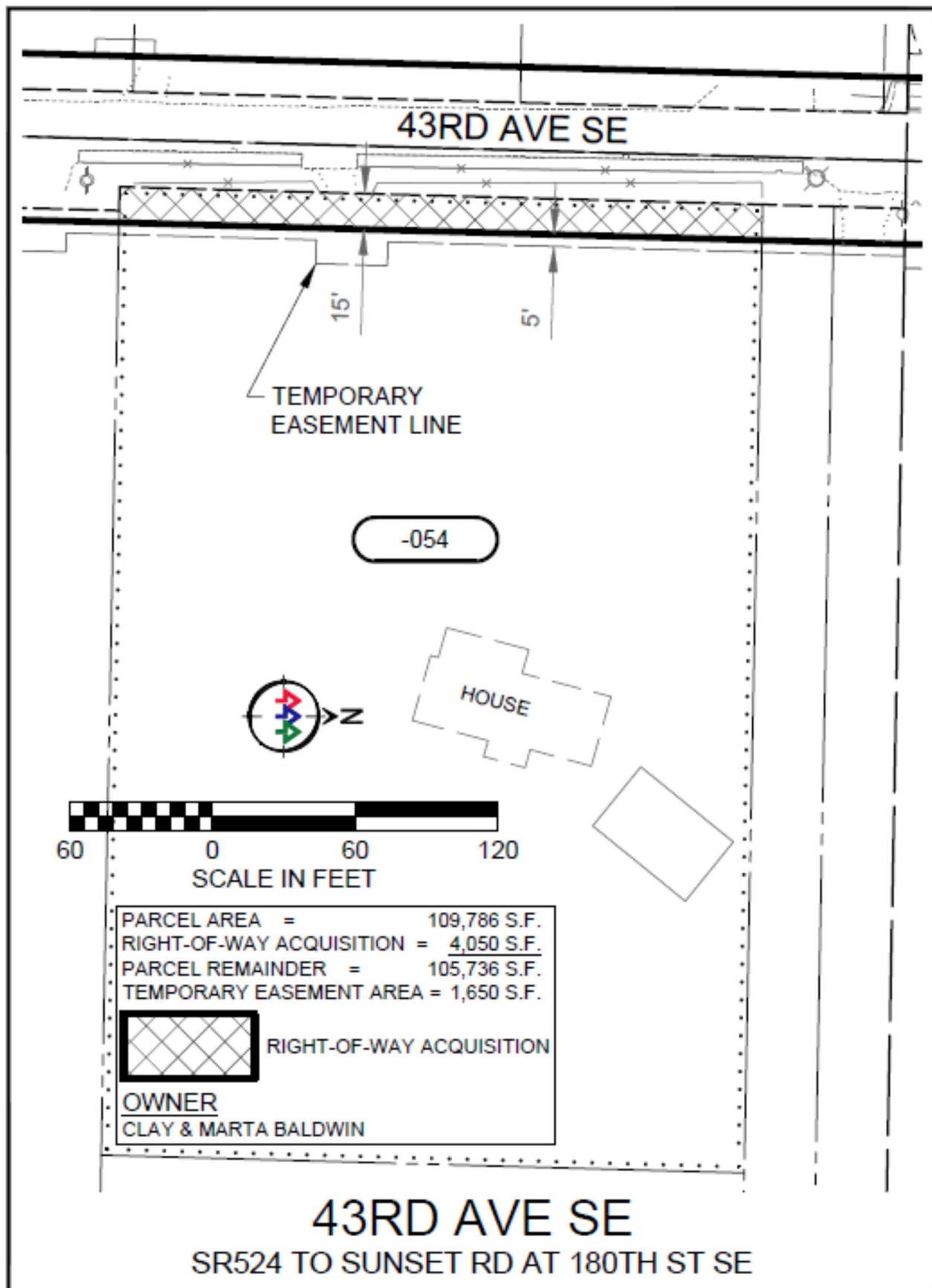


EXHIBIT "C"  
Site Plan



**EXHIBIT "D"**  
**Legal Description for Fee Acquisition**

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

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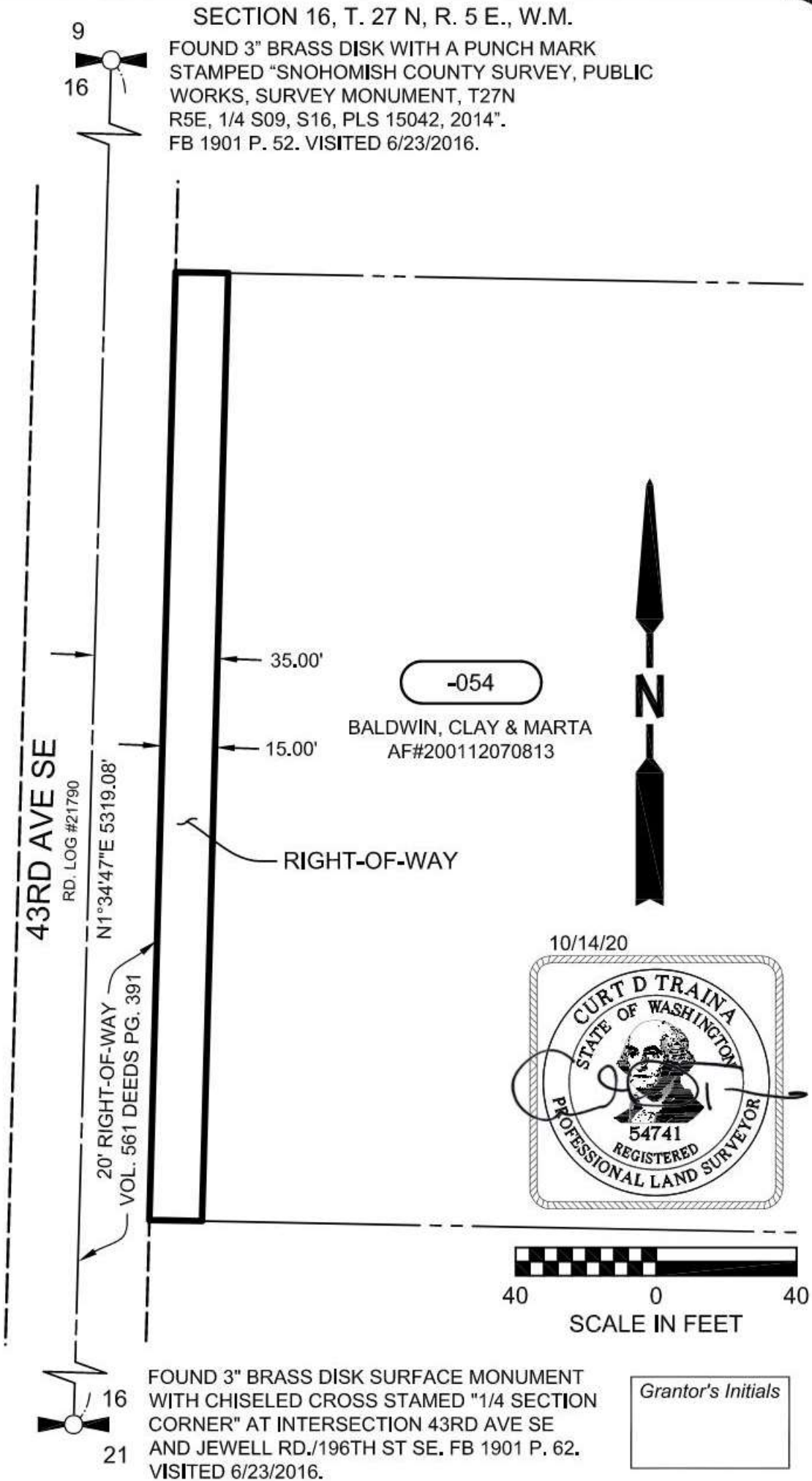
10/14/20

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)



**EXHIBIT "F"**  
**Legal Description for Temporary Easement area**

43<sup>RD</sup> Avenue SE (SR 524 to Sunset Road at 180th Street SE)  
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February 8, 2021

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(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.



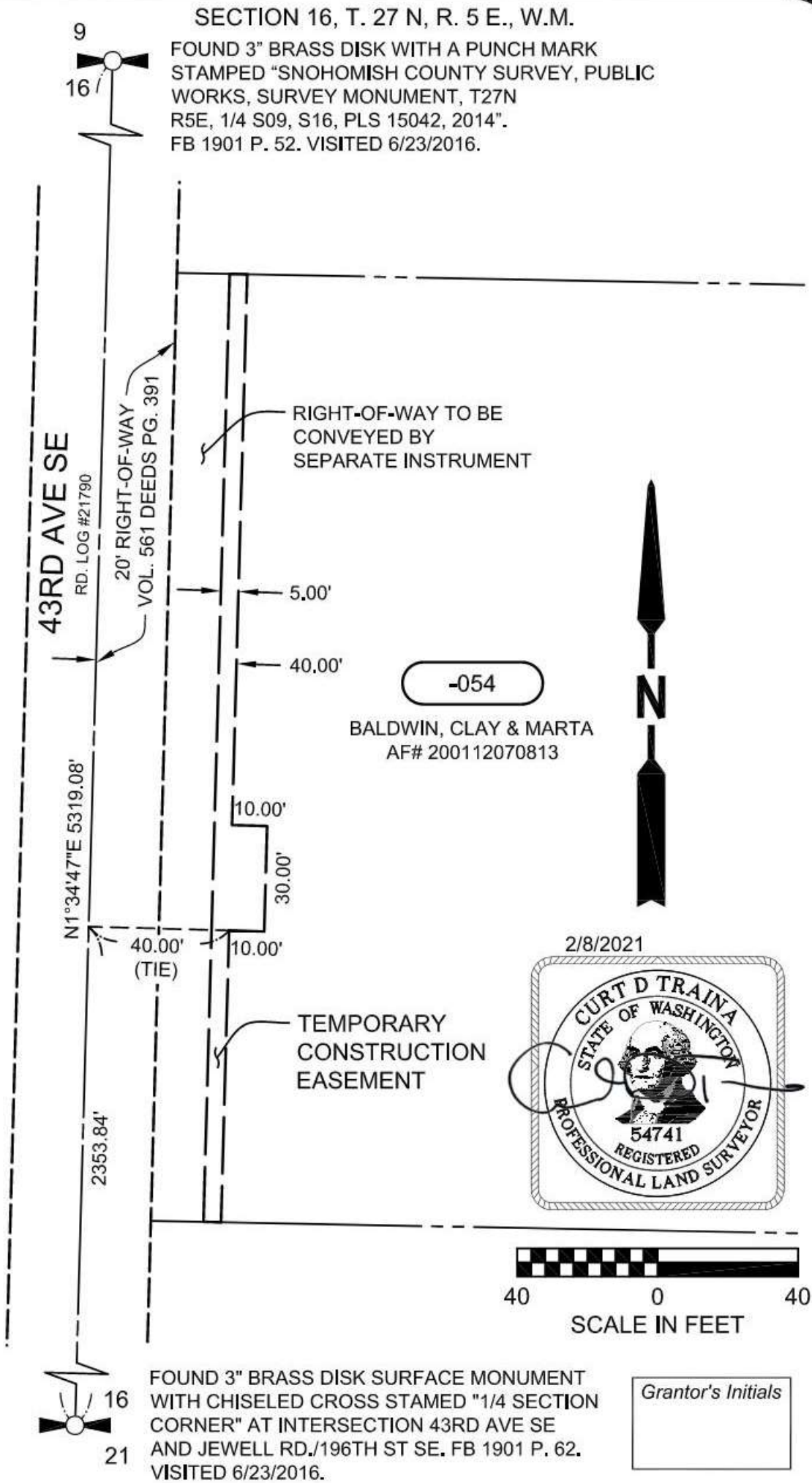
**Grantor's Initials**

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)



ECAF NO.:  
ECAF RECEIVED:

**MOTION  
ASSIGNMENT SLIP**

**SNOHOMISH COUNTY COUNCIL**

**EXHIBIT # 3**

**FILE MOT 22-265**

TO: Clerk of the Council

TITLE OF PROPOSED MOTION:

~~~~~  
Clerk's Action: Proposed Motion No. \_\_\_\_\_

Assigned to: \_\_\_\_\_ Date: \_\_\_\_\_

~~~~~  
**STANDING COMMITTEE RECOMMENDATION FORM**

On \_\_\_\_\_, the Committee made the following recommendation:

\_\_\_\_\_ Move to Council for action on: **Public Hearing on July 6, 2022 at 10:30 a.m.**

\_\_\_\_\_ Move to Council as amended for action on: \_\_\_\_\_

\_\_\_\_\_ Move to Council with no recommendation

**This item \_\_\_should/\_\_\_should not be placed on the Consent Agenda.**

(Consent agenda may be used for routine items that do not require public hearing and do not need discussion at General Legislative Session)

**This item \_\_\_should/\_\_\_should not be placed on the Administrative Matters Agenda**

(Administrative Matters agenda may be used for routine action to set time and date for public hearings)

  
\_\_\_\_\_  
Acting Committee Chair

**From:** Marta B <martajayne@gmail.com>  
**Sent:** Thursday, June 23, 2022 11:45 AM  
**To:** Contact Council <Contact.Council@co.snohomish.wa.us>  
**Subject:** Motion 22-265

**SNOHOMISH COUNTY COUNCIL**

**EXHIBIT #** 4

**FILE** MOT 22-265

**CAUTION :** This email originated from outside of this organization. Please exercise caution with links and attachments.



**Marta B** <[martajayne@gmail.com](mailto:martajayne@gmail.com)>

11:41 AM  
(1 minute  
ago)

to Stephanie.Wright

Dear Councilmembers,

I can't tell you how upset we are to have received motion 22-265 yesterday. It seems that Snohomish County, on one hand, wants to do the right thing and put 43rd into the SWUGA in 2024. On the other hand, it appears Snohomish County wants to do the wrong thing and take the land for the 43rd Ave Sunset Rd Road Project by force and create a dangerous road.

Here are the facts:

1. The policy to reimburse homeowners only \$750 when the cost of representation and appraisals is \$10,000 - \$12,500 is discriminatory against people who can't afford this large expense. Sound Transit affected homeowners were given the full reimbursement. Why is it not available to us?
2. We are less than two years away from your vote whether or not to put 43rd Ave SE in the SWUGA. Many (if not all) of your fellow council members have voiced opinions and/or put forth motions that lead us to believe that we will be voted in.
3. Construction for the road project doesn't start until late 2023-2024. Especially if you have a bunch of lawsuits holding up the start date.
4. When valuing land for taking, you must value it at its highest and best use. Even if it isn't zoned that way currently.
5. The Everett School District vs Gese case set precedence that land can be valued significantly higher when there is a distinct probability that it will be up-zoned in the near future. (Decree of Appropriation attached). This case was several years ago and they still got twice what the county appraiser valued their land at.
6. The fact that you may be willing to take homeowners to court without taking into consideration the probability of our properties getting into the SWUGA gives the appearance that Snohomish County is so cheap and petty that they would rather drag a bunch of upstanding tax paying citizens to court rather than being honest when valuing our land.

In regards to the designs of the new road...Creating a hap-hazard road that turns from urban to rural without any thought for the safety of the children who will be using it is down right negligent. It honestly scares me to think about it.

We've lived on 43rd Ave SE for 21 years. We raised our kids here. They walked up and down 43rd when it was a safe place to be. We love our children more than life itself and would do anything for them. Back in 2007 our son Cole had a brain aneurysm. He was almost 13 years old when he was declared brain dead. We cared enough about other people to make the decision for him to be an organ donor. Cole gave 5 people a second chance at life. He was at Fernwood back then. There's a bench out by the playground with his name on it.

We would like to see you make the right decision and make sure this neighborhood is a safe place for kids to walk to and from school and give the residents what they deserve too. Please put the road project acquisitions on hold until 2024, re-evaluate the road design and vote no on 22-265.

Thank you for your time,

Marta & Clay Baldwin  
18823 43rd Ave SE  
Bothell, WA 98012  
425-949-6109

FILED

2018 JUN -6 AM 9:08

SONYA KRASKI  
COUNTY CLERK  
SNOHOMISH CO. WASH

17-2-09544-31  
DCA 93  
Decree of Appropriation  
3235457



SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR SNOHOMISH COUNTY

IN THE MATTER OF THE PETITION OF  
EVERETT SCHOOL DISTRICT NO. 2, a  
municipal corporation of the State of  
Washington, FOR THE ACQUISITION BY  
EMINENT DOMAIN OF CERTAIN  
PROPERTIES IN SNOHOMISH COUNTY,  
WASHINGTON, IN CONNECTION WITH  
THE CONSTRUCTION, MAINTENANCE  
AND OPERATION OF COMPREHENSIVE  
HIGH SCHOOL NO. 4.

No. 17-2-09544-31

STIPULATED JUDGMENT AND  
DECREE OF APPROPRIATION

Tax Parcel No. 270509-004-022-00  
270509-004-007-00

[CLERK'S ACTION REQUIRED]

JUDGMENT SUMMARY - JUDGMENT AFFECTING TITLE

1. Abbrev. Legal  
Description of  
Property

The South 200 feet of the North 570 feet of the West 264  
feet of the West half of the Southwest Quarter of the  
Northwest Quarter of the Southeast Quarter Section 9,  
Township 27 North, Range 5 East W.M.

The West 264 feet of the West half of the Southwest  
Quarter of the Northwest Quarter of the Southeast Quarter  
of Section 9, Township 27 North, Range 5 East W.M.

Except the North 20 feet;

STIPULATED JUDGMENT AND  
DECREE OF APPROPRIATION - 1

LEGAL139997379.1

Perkins Coie LLP  
The PSE Building  
10885 N.E. Fourth Street, Suite 700  
Bellevue, WA 98004-5579  
Phone: 425.635.1400  
Fax: 425.635.2400



ORIGINAL

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And Except the South 200 feet of the North 570 feet of said West 264 feet of the West half of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter.

- |                                                       |                                                                                                                          |
|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| 2. Petitioner                                         | Everett School District ("School District")                                                                              |
| 3. Respondent                                         | Leo and Marla Gese ("Gesese")                                                                                            |
| 4. Just Compensation/<br>Principal Judgment<br>Amount | \$1,257,000.00                                                                                                           |
| 5. Costs and fees                                     | The School District pays attorney's fees and costs (included in the Just Compensation / Principal Judgment Amount above) |
| 6. Prejudgment interest                               | None                                                                                                                     |

**STIPULATION**

THIS MATTER came before the Court upon the Petition of the School District, seeking:

1. A determination of just compensation to be paid in money for the taking and appropriation of the subject property;
2. A judgment and decree of the Court providing for payment of the just compensation so determined; and
3. A decree of appropriation appropriating certain property rights, title, and interests to the subject property in the School District.

The School District, though its undersigned attorneys of Perkins Coie LLP, and the Gesese, appearing through their undersigned attorneys, hereby stipulate to the following facts and consent to entry of the following Stipulated Judgment and Decree of Appropriation.

STIPULATED JUDGMENT AND  
DECREE OF APPROPRIATION - 2

LEGAL139997379.1

**Perkins Coie LLP**  
The PSE Building  
10885 N.E. Fourth Street, Suite 700  
Bellevue, WA 98004-5579  
Phone: 425.635.1400  
Fax: 425.635.2400

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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1. The Geses are the vested fee owners of the real property identified as Snohomish County Tax Parcel Nos. 270509-004-022-00 and 270509-004-007-00 (the "Property"), located at 4320 174th Street SE, Bothell, WA 98012. The legal description of the Property is as follows:

The South 200 feet of the North 570 feet of the West 264 feet of the West half of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter Section 9, Township 27 North, Range 5 East W.M.

The West 264 feet of the West half of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 9, Township 27 North, Range 5 East W.M.

Except the North 20 feet;

And Except the South 200 feet of the North 570 feet of said West 264 feet of the West half of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter.

2. On September 28, 2017, the School District initiated proceedings to acquire the Property through eminent domain. On October 25, 2017, the Court issued an Order and Judgment Adjudicating Public Use and Necessity for the School District.

3. In December 2017, the Geses and the School District entered into a Stipulation for Immediate Possession and Use, which provided for the School District to deposit into the Court Registry, and authorized the Geses to withdraw, \$664,900.00, following payment of taxes and liens from such deposit. The School District deposited these funds into the Court Registry and the Geses withdrew them.

4. The School District and the Geses, as the vested fee simple owners of the Property, have agreed through settlement, that the total just compensation to be paid for the

1 School District's taking of fee simple ownership of the Property, plus reimbursement of the  
2 Geses' costs and attorney's fees, consistent with the School District's discretion pursuant to  
3 RCW 8.25.070(2), is One Million, Two Hundred and Fifty-Seven Thousand Dollars  
4 (\$1,257,000.00). The School District previously deposited \$664,900.00 into the Court  
5 Registry, which amount has already been withdrawn by the Geses. The School District shall  
6 deposit the remaining Five Hundred and Ninety-Two Thousand, One Hundred Dollars  
7 (\$592,100.00) into the Court Registry as soon as practicable. If such additional deposit is  
8 not made within ten (10) business days following the date of the Court's entry of this Order,  
9 the School District shall also deposit per diem interest of One Hundred Ninety-Four and  
10 66/100ths Dollars (\$194.66) per day calculated to begin on the 11th day following the date  
11 of the Court's entry of this Order.  
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22 5. These amounts include all compensation owed by the School District for its  
23 taking of the Property, any claims for prejudgment interest, damages to the remainder, cost-  
24 to-cure, attorney and expert fees and costs, and any other amount that could have been  
25 claimed in this proceeding.  
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30 6. The Geses represent that no amounts are owing with respect to real property  
31 taxes or liens, but any such taxes and liens, if any, shall be the responsibility of the Geses to  
32 be paid from the School District's deposit before the remaining funds are disbursed to the  
33 Geses.  
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### 38 **JUDGMENT AND DECREE OF APPROPRIATION**

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40 NOW, THEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED  
41 as follows:  
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44 1. The sum of **One Million, Two Hundred and Fifty-Seven Thousand**  
45 **Dollars (\$1,257,000.00)** represents the total just compensation to be paid by the School  
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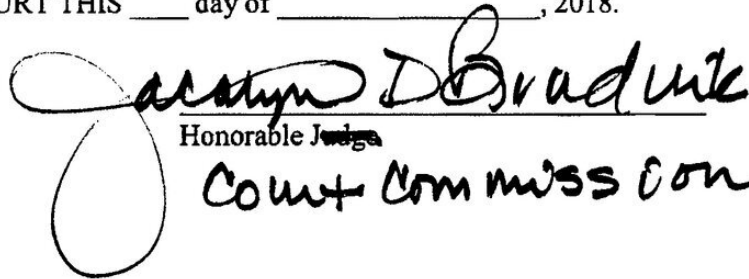
1 District for the full fee take of the Property, as legally described and depicted herein. This  
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3 amount includes all compensation owed by the School District based on the appropriation of  
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5 the Property, including any claims for prejudgment interest, damages to the remainder, cost-  
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7 to-cure, attorney and expert fees and costs, and any other amount that could have been  
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9 claimed in this proceeding.

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11 2. In order to satisfy the monetary requirements of this Stipulated Judgment and  
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13 Decree of Appropriation and the Settlement Agreement, the School District shall deposit  
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15 \$592,100.00 into the Court Registry, and upon payment, the School District shall be the fee  
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17 owner of the Property.

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19 3. A certified copy of this Stipulated Judgment and Decree of Appropriation  
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21 shall be filed in the Office of the County Auditor and shall be recorded by such Auditor as a  
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23 deed of real estate with like effect.

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25 JUN 06 2018

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27 DONE IN OPEN COURT THIS \_\_\_\_ day of \_\_\_\_\_, 2018.

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Honorable Judge

Court Commissioner

STIPULATED JUDGMENT AND  
DECREE OF APPROPRIATION – 5

LEGAL139997379.1

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Fax: 425.635.2400

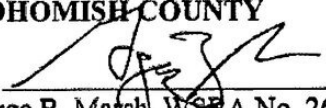
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5 **WEED, GRAAFSTRA & ASSOCIATES,**  
6 **INC., P.S.**

7 By:   
8  
9 Thom H. Graafstra, WSBA No. 7099  
10 ThomG@snohomishlaw.com  
11 Peter C. Ojala, WSBA No. 42163  
12 PeterO@snohomishlaw.com  
13 110 Cedar Avenue, Suite 102  
14 Snohomish, WA 98290  
15 Telephone: 360.568.3119  
16 Facsimile: 360.568.4437  
17  
18

19  
20 *Attorneys for Respondents*  
21 *Leo and Marla Gese*  
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23

24 **SNOHOMISH COUNTY**

25 By:   
26  
27 George B. Marsh, WSBA No. 26188  
28 Snohomish County Prosecuting Attorney's  
29 Office, Civil Division, Municipal Law Unit  
30 gmarsh@co.snohomish.wa.us  
31 Robert J. Drewel Bldg., 8th Floor  
32 3000 Rockefeller Avenue, M/S 504  
33 Everett, WA 98201-4060  
34 Telephone: 425.388.6330  
35 Facsimile: 425.388.6333  
36  
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39 *Attorney for Snohomish County*  
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**PERKINS COIE LLP**

By:   
R. Gerard Lutz, WSBA No. 17692  
JLutz@perkinscoie.com  
David S. Steele, WSBA No. 45640  
DSteele@perkinscoie.com  
The PSE Building  
10885 N.E. Fourth Street, Suite 700  
Bellevue, WA 98004-5579  
Telephone: 425.635.1400  
Facsimile: 425.635.2400

*Attorneys for Petitioner Everett School  
District*

**STIPULATED JUDGMENT AND  
DECREE OF APPROPRIATION - 6**

LEGAL139997379.1

**Perkins Coie LLP**  
The PSE Building  
10885 N.E. Fourth Street, Suite 700  
Bellevue, WA 98004-5579  
Phone: 425.635.1400  
Fax: 425.635.2400

EXHIBIT # 5

**From:** [Alan Johnson](#)  
**To:** [Contact Council](#)  
**Subject:** Comments on Motion 22-265  
**Date:** Friday, June 24, 2022 6:17:36 PM

FILE MOT 22-265

**CAUTION :** This email originated from outside of this organization. Please exercise caution with links and attachments.

Snohomish County Council,

We are writing today to ask you to reject motion 22-265. By rejecting 22-265, PDS will be forced to align their plans for 43rd Ave SE, with the Council's.

It appears that PDS is unwilling to accept that the Council unanimously passed motion 22-134 back in March. 22-134 sets in motion a County led effort to study the 43rd Ave area for inclusion in the UGA as part of the 2024 Comp Plan update.

In spite of 22-134, PDS is actively trying to build a Rural road on 43rd, beginning construction in 2023. A Rural standard road has a sidewalk on only one side, no bike lanes, and is completely inappropriate for 43rd if it is opened for through-traffic, let alone if it is added to the UGA in the future.

Construction of the proposed Rural road is slated to complete just as the Council will be finalizing the 2024 Comp Plan update. As a taxpayer, the idea that PDS will build a new Rural road, then tear it up just weeks after completion to build an Urban road in its place, is infuriating. Pausing construction now will force PDS to revamp their near-term plans, yet not pausing construction, will only guarantee that our tax dollars are wasted.

We understand it is PDS that is pushing the 43rd Rural road project at this time. However, the Council has an opportunity to inject some sanity into this situation. By rejecting motion 22-265, the Council can say to PDS, "just wait, then build an Urban road when the time is right."

Please reject Motion 22-265.

Thank you,  
Alan and Michelle Johnson, 19328 43rd Ave SE  
Roger and Mary Ann Johnson, 19225 43rd Ave SE