



CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Works/Engineering & Construction Division/Real Property Services

DATE: November 10, 2015

REQUESTED ACTION: Approve and authorize the Acting County Manager to accept a Statutory Warranty Deed from Gillingham Properties, LLC for the NE 10th Ave (NE 154th St to NE 164th St) Road Project; Tax Parcel number 185407-000.

Consent Hearing County Manager

PUBLIC WORKS GOALS:

- Provide safe and efficient transportation systems in Clark County
- Create and maintain a vibrant system of parks, trails and green spaces
- Continue responsible stewardship of public funds
- Promote family-wage job creation and economic development to support a thriving community
- Maintain a healthy, desirable quality of life
- Increase partnerships and foster an engaged, informed community
- Cultivate a nimble, responsive work force
- Make Public Works a great place to work

BACKGROUND

The County Road Project CRP #370922 will improve NE 10th Avenue between NE 154th Street to NE 164th Street; a bridge will be built over the canyon to connect NE 154th Street to the northerly portion of NE 10th Avenue. This acquisition is a portion of the 217,800 sf parcel which is on the north side of the canyon; the 136,321 sf acquisition includes the residence. The commercial building will remain on the remaining property which is zoned IL (industrial). The acquisition price is based on an appraisal.

COUNCIL POLICY IMPLICATIONS

None. Funds for this parcel (\$982,134.00) are included in the 2015-2020 Transportation Improvement Program and the 2015 Annual Construction Program.

ADMINISTRATIVE POLICY IMPLICATIONS

None.

COMMUNITY OUTREACH

This project has been involved in a public outreach program that included heads up mailings to property owners, residences and developers within the area.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	X	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

*mgr
OK
S.*

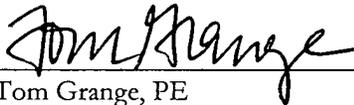
PW15-092

BUDGET DETAILS

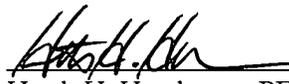
Local Fund Dollar Amount	\$982,134.00
Grant Fund Dollar Amount	
Account	Road Fund
Company Name	Not applicable

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>
Please contact Paulette Matison at extension 4975 when ready for pick up.



Tom Grange, PE
Engineering & Construction Division Manager



Heath H. Henderson, PE
Public Works Director/County Engineer

APPROVED: 
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: NOV. 10, 2015

SR# SR 211-15

APPROVED: _____
Mark McCauley, Acting County Manager

DATE: _____

CLARK COUNTY, WASHINGTON
RESOLUTION NO. 2015-11-09

IN THE MATTER OF A STATUTORY WARRANTY DEED TO CLARK COUNTY APPROVING THE ACQUISITION AND AUTHORIZING THE ACTING COUNTY MANAGER TO ACCEPT.

NOV - WHEREAS, the Board of County Councilors is in regular session this 10th day of _____, 2015, and

WHEREAS, it appears in the best interest of Clark County to accept the following:

Document

Statutory Warranty Deed

Data

FROM: Gillingham Properties, LLC
FOR: NE 10th Avenue (NE 154th St to NE 164th St)
CRP# 370922
Consideration: \$982,134.00

NOW THEREFORE, IT IS HEREBY RESOLVED that the hereinabove mentioned document(s) be recorded and filed.

IT IS FURTHER RESOLVED that copies of this resolution be filed with the County Auditor, County Engineer, and in the records of the County Councilors.

BOARD OF COUNTY COUNCILORS
CLARK COUNTY, WASHINGTON



David Madore, Chair

ATTEST:



Clerk of the Board

Jeanne E. Stewart, Councilor

Tom Mielke, Councilor

Recording requested by:
Clark County Public Works
Real Property Services
P.O. Box 9810
Vancouver, WA 98666-9810

Document Title: Statutory Warranty Deed
and Temporary Construction Easement
Grantor: Gillingham Properties, LLC
Grantee: Clark County, Washington
Legal Description: #10 of Sec 22 T3N R1E WM
Additional Legal Description is attached as Exhibit "A"
Serial #: 185407-000 (18)
Project: NE 10th Ave (NE 154th St to NE 164th St)
CRP #: 370922 Fed Aid #: STPUL-4201 (002)

PW 15-63

**STATUTORY WARRANTY DEED AND
TEMPORARY CONSTRUCTION EASEMENT**

THE GRANTOR, **GILLINGHAM PROPERTIES, LLC**, a Washington Limited Liability Company, for and in consideration of valuable consideration as set out in part below, grants, conveys and warrants to **CLARK COUNTY**, a political subdivision of the State of Washington, a Temporary Construction Easement and the following described real estate situated in the County of Clark, State of Washington, under the imminent threat of the grantee's exercise of its rights of Eminent Domain.

**SEE LEGAL DESCRIPTION ATTACHED HERETO, WHICH,
BY THIS REFERENCE, IS INCORPORATED HEREIN**

The Grantor requests the Clark County Assessor and Treasurer to set over to the remainder of the hereinafter described parcel "A-1", the lien of all unpaid taxes, if any, affecting the real estate herein conveyed, as provided for by RCW 84.60.070.

The Grantor represents and warrants that they are not aware of any hazardous or toxic waste, substance or material on or under the subject property.

Including the right for Grantee, its employees, and its agents performing work under contract for Clark County, to enter and use the easement area for a construction work area in connection with the construction of the NE 10th Ave (NE 154th St to NE 164th St) roadway improvement project as designed.

The Temporary Construction Easement shall be effective for a period of three (3) years, from the date the Temporary Construction Easement is recorded.

The Temporary Construction Easement shall not prevent Grantors from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted.

Statutory Warranty Deed and
Temporary Construction Easement
Serial #: 185407-000 (18)
Project: NE 10th Ave (NE 154th St to NE 164th St)
CRP #: 370922 Fed Aid #: STPUL-4201 (002)

NOTE: It is understood and agreed that the delivery of this document is hereby tendered and the terms and obligations hereof shall not become binding upon Clark County, Washington, until this document is accepted and approved by the Clark County Board of County Councilors.

CONSIDERATIONS: Nine Hundred Eighty Two Thousand One Hundred Thirty-four and No/100 Dollars (\$982,134.00) which includes \$477,124.00 for 136,321 sq. ft. of land, \$3,025.00 for a temporary construction easement and \$501,985.00 for improvements.

Dated this 23 day of October, 2015.

Gillingham Properties, LLC

By: [Signature]
Douglas Gillingham, Member

Accepted on behalf of Clark County
Clark County, Washington

[Signature]
Mark McCauley
Acting County Manager

11/10/15

STATE OF WASHINGTON

COUNTY OF CLARK

On this day personally appeared before me Douglas Gillingham to me known to be the Member of Gillingham Properties, LLC, a Washington Limited Liability Company, and acknowledged that said instrument to be the free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she/they was/were authorized to execute said instrument.

Dated: October 23, 2015

[Signature]
Pam Mason
Notary Public in and for the State of WA
Residing at Vancouver WA
My commission expires: 05-01-2017

PAM MASON
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
MAY 1, 2017



proud past, promising future

CLARK COUNTY
WASHINGTON

Superior service that is responsive and cost justified

PUBLIC WORKS
COUNTY SURVEYOR'S OFFICE

EXHIBIT "A"-1
NE 10th AVENUE - CRP # 370922
GILLINGHAM PROPERTIES, LLC DESCRIPTION

A parcel of land lying in the northeast 1/4 of Section 22, Township 3 North, Range 1 East of the Willamette Meridian in Clark County, Washington, described as follows:

All that portion of that parcel described in that Statutory Warranty Deed to Gillingham Properties, LLC, a Washington Limited Liability Company, recorded October 20, 2008, under Auditor's File # 4502575, listed as Serial No. 185407-000, records of Clark County, Washington, lying southerly and easterly of the following described line:

Beginning at a point on the westerly line of said parcel, said point being 120.00 feet southerly of, when measured at right angles to the northerly line of said parcel; thence easterly, parallel with said northerly line, to a point 95.00 feet westerly of, when measured at right angles to the easterly line of the northeast quarter of said Section 22; thence northerly, parallel with said easterly line, to a point 40.00 feet southerly of, when measured at right angles to the northerly line of said parcel; thence easterly, parallel with said northerly line to a point on the easterly line of said parcel, and there terminating, all in Clark County, Washington.

This description contains 136,321 square feet as calculated by the double meridian distance method.



WRITTEN BY: *[Signature]*
REVIEWED BY: *[Signature]*



proud past, promising future

CLARK COUNTY
WASHINGTON

Superior service that is responsive and cost justified

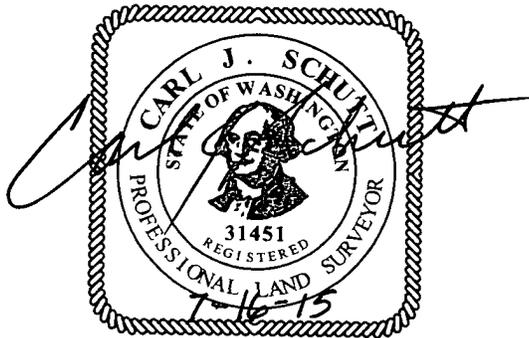
PUBLIC WORKS
COUNTY SURVEYOR'S OFFICE

EXHIBIT "A"-2
NE 10th AVENUE - CRP # 370922
GILLINGHAM PROPERTIES, LLC
TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

A parcel of land lying in the northeast quarter of Section 22, Township 3 North, Range 1 East of the Willamette Meridian in Clark County, Washington, described as follows:

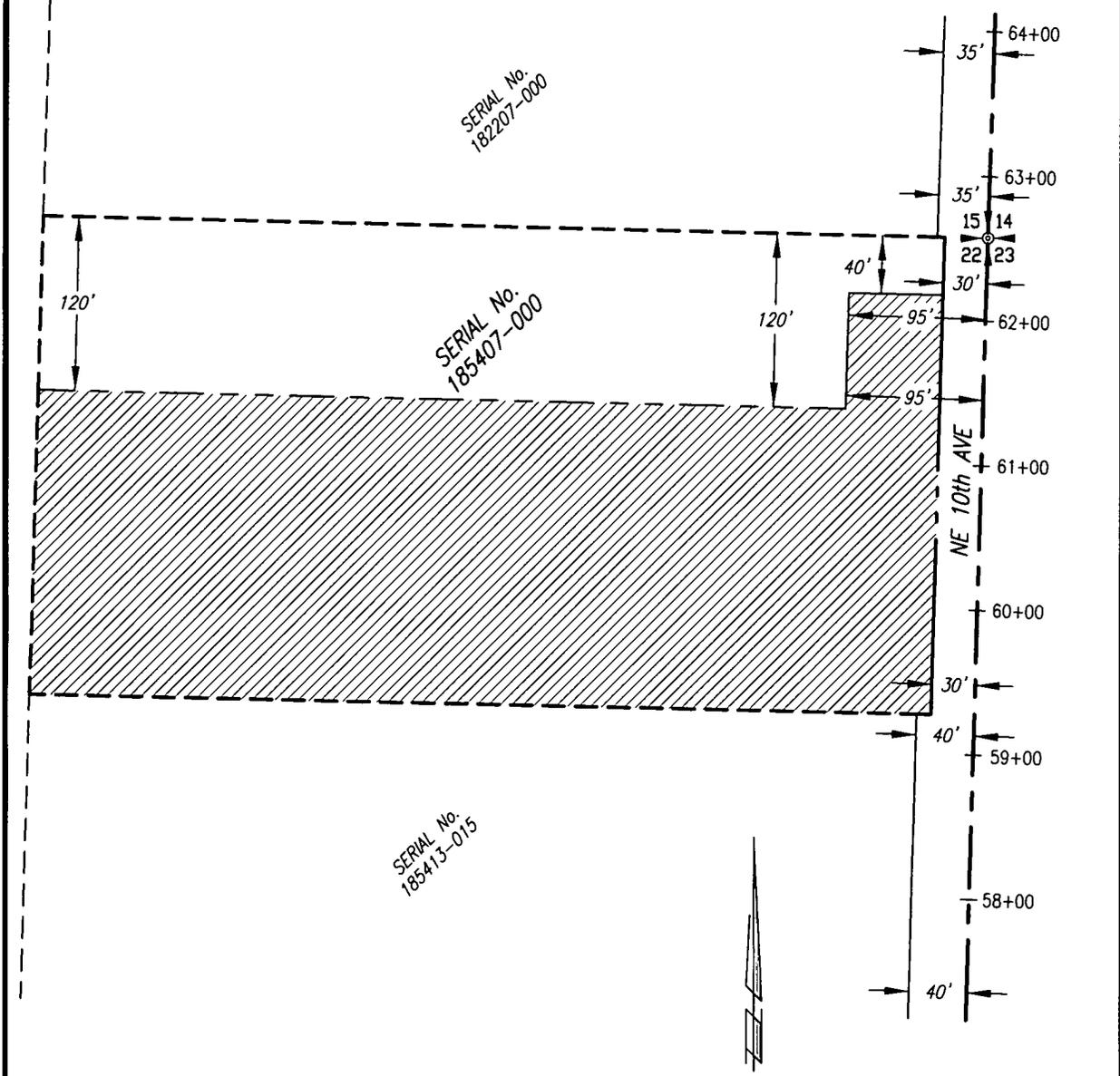
The westerly 90 feet of the northerly 20.00 feet of that parcel described in that Statutory Warranty Deed to Gillingham Properties, LLC, a Washington Limited Liability Company, recorded October 20, 2008, under Auditor's File # 4502575, listed as Serial No. 185407-000, records of Clark County, Washington, **except** the westerly 30.00 feet thereof, **together** with that portion of said parcel described as follows: Commencing at the northeast corner of said Section 22; thence southerly along the east line of said northeast quarter 120.00 feet; thence westerly parallel with the north line of said northeast quarter 95.00 feet to the true point of beginning; thence continuing westerly parallel with said north line 75.00 feet; thence northerly parallel with said east line 20.00 feet; thence easterly parallel with said north line 30.00 feet; thence northerly parallel with said east line 60.00 feet; thence easterly parallel with said north line 45.00 feet; thence southerly parallel with said east line 80.00 feet to the point of beginning and there terminating, all in Clark County, Washington.

This description contains 5,400 square feet as calculated by the double meridian distance method.



WRITTEN BY: *CS*
REVIEWED BY: *JAB*

EXHIBIT "B"-1
 SERIAL No. 185407-000

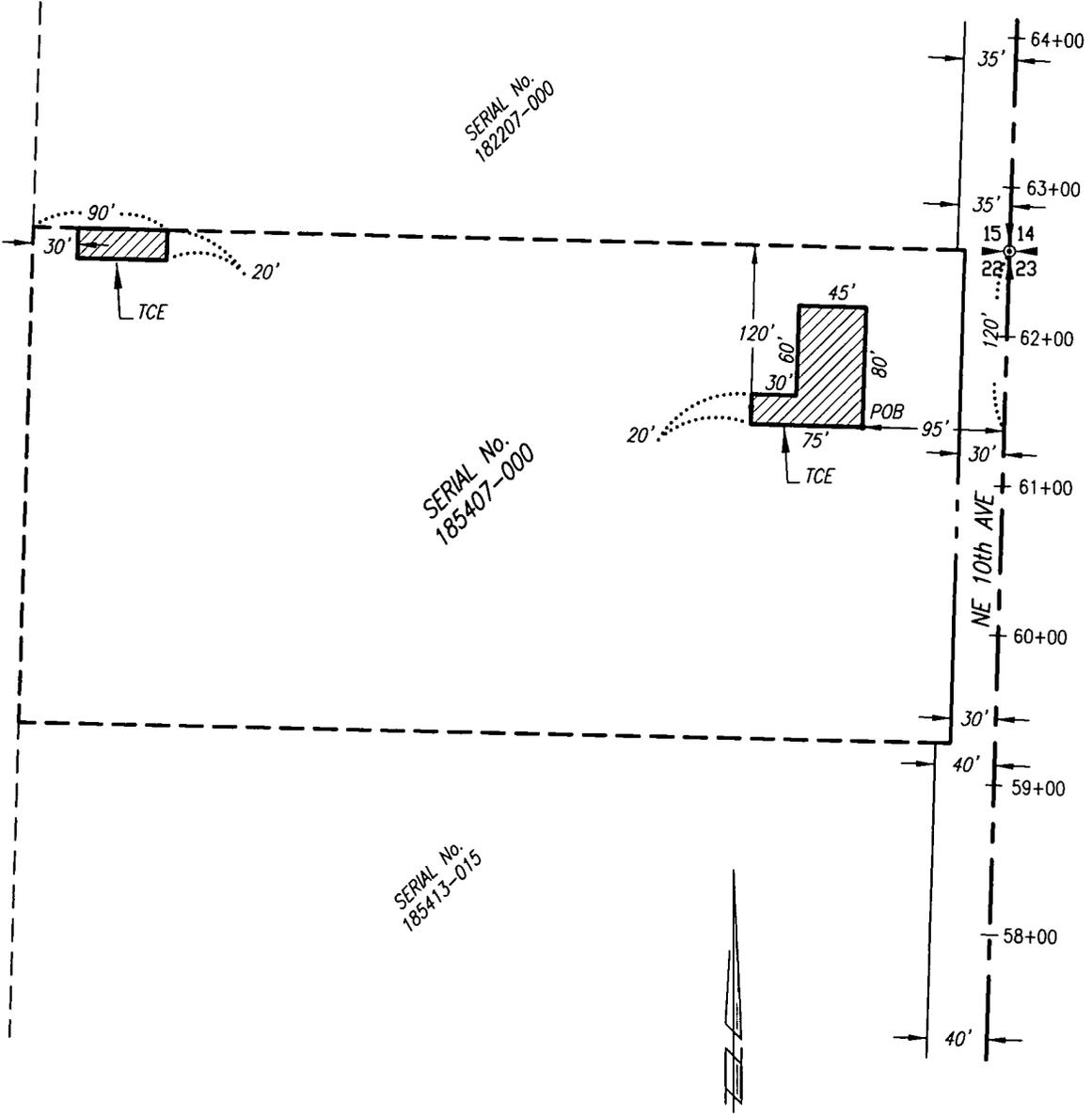


NOT TO SCALE

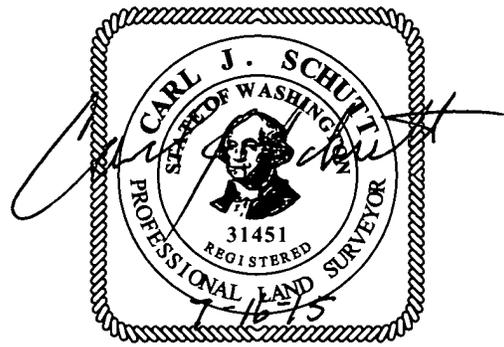


Clark County Public Works Vancouver, Washington		
DESIGN & ENGINEERING DIVISION OFFICE OF THE COUNTY SURVEYOR		
NE 1/4 SECTION 22 T 3 N, R 1 E, W.M.		
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
DATE	SCALE	DRAWN BY
JUN 2015	NOT TO SCALE	CJS

EXHIBIT "B"-2
 SERIAL No. 185407-000



NOT TO SCALE



Clark County Public Works Vancouver, Washington		
DESIGN & ENGINEERING DIVISION OFFICE OF THE COUNTY SURVEYOR		
NE 1/4 SECTION 22 T 3 N, R 1 E, W.M.		
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
DATE	SCALE	DRAWN BY
JUL 2015	NOT TO SCALE	CJS

