

CLARK COUNTY  
STAFF REPORT

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

**DATE:** November 5, 2013

**REQUEST:** Execute and approve Possession and Use Agreements from Pavel M. and Yelena V. Makunin, Tax Parcel Number 198598-000; Marvin L. Smith, Tax Parcel Number 199416-000; Cam and Barbara H. Thomas, Tax Parcel Number 199381-000; and David M. and Anastacia Mousleh, Tax Parcel Numbers 198812-000 and 198803-000.

**CHECK ONE:**                      X   Consent                               Chief Administrative Officer

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**BACKGROUND:** Portions of these properties are being acquired for the NE 119<sup>th</sup> St. (NE 72<sup>nd</sup> Ave. to NE 87<sup>th</sup> Ave.) County Road Project. The property owners have executed Possession and Use Agreements which will allow the project to proceed to construction while acquisition negotiations and title clearance continues.

**COMMUNITY OUTREACH:** This project has had been involved in a public outreach program that included several Heads Up informational mailings as well as five (5) open house events.

**BUDGET AND POLICY IMPLICATIONS:** Funds for these parcels will be deposited into escrow.

**FISCAL IMPACTS:**             Yes (see Fiscal Impacts Attachment)     No

**ACTION REQUESTED:** Execute and approve Possession and Use Agreements from Pavel M. and Yelena V. Makunin, Tax Parcel Number 198598-000; Marvin L. Smith, Tax Parcel Number 199416-000; Cam and Barbara H. Thomas, Tax Parcel Number 199381-000; and David M. and Anastacia Mousleh, Tax Parcel Numbers 198812-000 and 198803-000.

**DISTRIBUTION:** Please notify the Real Property Service section of the Board's action by calling extension 4975.

  
\_\_\_\_\_  
Heath H. Henderson, P.E.  
Engineering & Construction Division Manager

APPROVED:   
\_\_\_\_\_  
CLARK COUNTY, WASHINGTON  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Peter Capell, P.E.  
Public Works Director/County Engineer

NOV. 5, 2013  
SR 226-13

PC/HHH/PAM/pmm

Attachments: Possession and Use Agreements, Map

*ms  
ok  
2.*

# FISCAL IMPACT ATTACHMENT

## Part I: Narrative Explanation

I.A - Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information.

The acquisition of these properties is currently in the approved 2013-2018 Transportation Improvement Program and the 2013 Annual Construction Program. The properties will be purchased for the appraised value; any portion of the parcels not needed for the NE 119th St (NE 72nd Ave to NE 87th Ave) project will be surplus and sold at a public auction at a later date. Revenue from any property sales will be directed back to the road fund.

## Part II: Estimated Revenues

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	RF	Total	GF	Total	GF	Total
1012/Road Fund	\$ 336,560	\$ 336,560				
<b>Total:</b>	<b>\$ 336,560</b>	<b>\$ 336,560</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

II.A - Describe the type of revenue (grant, fees, etc.)

Funding for this project is already budgeted in the 2013 budget for the Road Fund.

## Part III: Estimated Expenditures

III.A - Expenditures summed up

Fund #/Title	FTE's	Current Biennium		Next Biennium		Second Biennium	
		RF	Total	GF	Total	GF	Total
1012/Road Fund		\$ 336,560	\$ 336,560				
<b>Total:</b>		<b>\$ 336,560</b>	<b>\$ 336,560</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

III.B = Expenditure by object category

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	RF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual						
Supplies						
Travel						
Other controllables						
Capital Outlays	\$ 336,560	\$ 336,560				
Inter-fund Transfers						
Debt Service						
<b>Total:</b>	<b>\$ 336,560</b>	<b>\$ 336,560</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

SP

After recording return to:  
Clark County Public Works  
Real Property Services  
PO Box 9810  
Vancouver, WA 98666-9810

Document Title: Possession and Use Agreement  
Legal Description: #63 Sec 29 T3N R2E WM  
Serial #: 198598-000 (9)  
Project: NE 119th St (NE 72nd to 87th Ave)  
CRP #: 390722 Fed Aid #: STPUL-4430 (003)

PW 13-53

## **POSSESSION AND USE AGREEMENT**

THIS AGREEMENT is made and entered into by and between CLARK COUNTY, a political subdivision of the State of Washington, hereinafter referred to as the County, and PAVEL M. MAKUNIN and YELENA V. MAKUNIN, husband and wife, hereinafter referred to as the Owner.

### **WITNESSETH**

WHEREAS, the County affirms that the Owner's real property described herein is required by the County for immediate road construction; and

WHEREAS, the County affirms that any delay in its construction program is contrary to the public interest; and

WHEREAS, the Owner has accepted the County's offer of Thirty Eight Thousand Five Hundred and No/100 Dollars (\$38,500.00) for the purchase of fee ownership of the property in Clark County, Washington, being more fully described in Exhibit "A, B, C" attached hereto;

WHEREAS the Owner's lender requires additional time to review the request for a partial reconveyance that is needed to release the right-of-way property described in Exhibit "A", attached hereto, from the Deed of Trust recorded in Clark County Auditor's Records as AF#4497680.

### **IT IS AGREED THAT:**

1. The herein described real estate is necessary for a public use of the County.
2. This instrument will be treated as and accorded the same provisions as the Order for Immediate Possession provided by RCW 8.25.070.
3. If the Partial Reconveyance has not been received in thirty (30) days from your date of this Agreement and it becomes necessary to institute condemnation proceedings, the Owner has no objection to the County entering forthwith an Order Adjudicating Public Use provided by RCW 8.08.040.

Possession and Use Agreement  
Serial #: 198598-000 (9)  
Project: NE 119th St (NE 72nd to 87th Ave)  
CRP #: 390722 Fed Aid #: STPUL-4430 (003)

IT IS UNDERSTOOD AND AGREED that delivery of this Agreement is hereby tendered and that the terms and obligations hereof shall not become binding upon the County until this document is accepted and approved by the Clark County Board of County Commissioners or its duly authorized representative.

Dated this 7<sup>th</sup> day of October, 2013.

Makunin.  
Pavel M. Makunin

Yelena  
Yelena V. Makunin

Board of County Commissioners  
Clark County, Washington

Stuart  
Steve Stuart, Chair

Approved as to form only:  
Anthony F. Golik  
Prosecuting Attorney

Tom Mielke  
Tom Mielke, Commissioner

By: Christy P. [Signature]

David Madore  
David Madore, Commissioner

STATE OF WASHINGTON

COUNTY OF CLARK

I hereby certify that I know or have satisfactory evidence that Pavel M. Makunin and Yelena V. Makunin are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Date: 10-10-13

Pam Mason  
Pam Mason  
Notary Public in and for the State of WA  
Residing at Van Wap.  
My commission expires: 5-01-17



Possession and Use Agreement  
Serial #: 198598-000 (9)  
Project: NE 119th St (NE 72nd to 87th Ave)  
CRP #: 390722 Fed Aid #: STPUL-4430 (003)

STATE OF WASHINGTON

COUNTY OF CLARK

On this 5<sup>th</sup> day of November, 2013, before me personally appeared \_\_\_\_\_ and Steve Stuart, to me known to be the duly elected, qualified and acting County Commissioner(s) of Clark County, Washington, who executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of Clark County, for the uses and purposes therein mentioned, and on oath stated that she/they is/are authorized to execute said instrument by resolution of the Board of County Commissioners of Clark County and that the seal affixed is the official seal of Clark County.

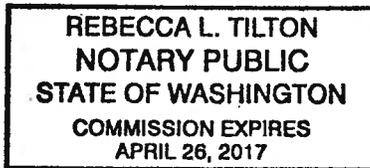
Date: 11-5-13

Rebecca L. Tilton

Notary Public in and for the State of WA

Residing at 4/26/17

My commission expires: Battle Ground





**proud past, promising future**

**CLARK COUNTY**  
WASHINGTON

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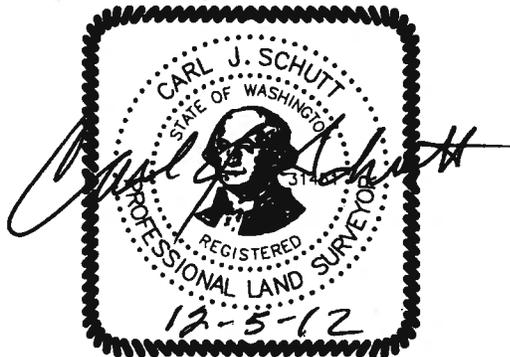
**DEPARTMENT OF PUBLIC WORKS**  
**COUNTY SURVEYOR'S OFFICE**

**EXHIBIT "A"**  
**NE 119th STREET – CRP # 390722**  
**MAKUNIN PARCEL**

A parcel of land lying in the southeast quarter of Section 29, Township 3 North, Range 2 East of the Willamette Meridian in Clark County, Washington, being more particularly described as follows:

All that portion of that parcel described in that Statutory Warranty Deed to Pavel M. Makunin and Yelena V. Makunin, husband and wife, recorded May 28, 2004 under Auditor's File No. 3834225, records of Clark County, Washington, listed as Serial No. 198598-000, lying southerly of a line 50.00 feet northerly of, when measured at right angles to the construction centerline of Northeast 119th Street, as described in Exhibit "B", attached, all in Clark County, Washington.

This description contains 3,600 square feet as calculated by the double meridian distance method.



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



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WASHINGTON

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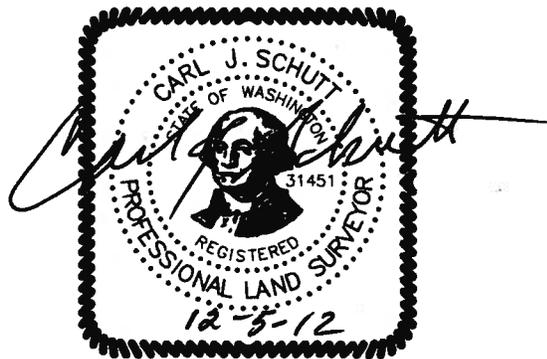
**DEPARTMENT OF PUBLIC WORKS**  
**COUNTY SURVEYOR'S OFFICE**

**EXHIBIT "B"**  
**N.E. 119th STREET CRP #390722**  
**CONSTRUCTION CENTERLINE DESCRIPTION**

A strip of land lying in Sections 29 and 30, Township 3 North, Range 2 East of the Willamette Meridian, the centerline of said strip being more particularly described as follows:

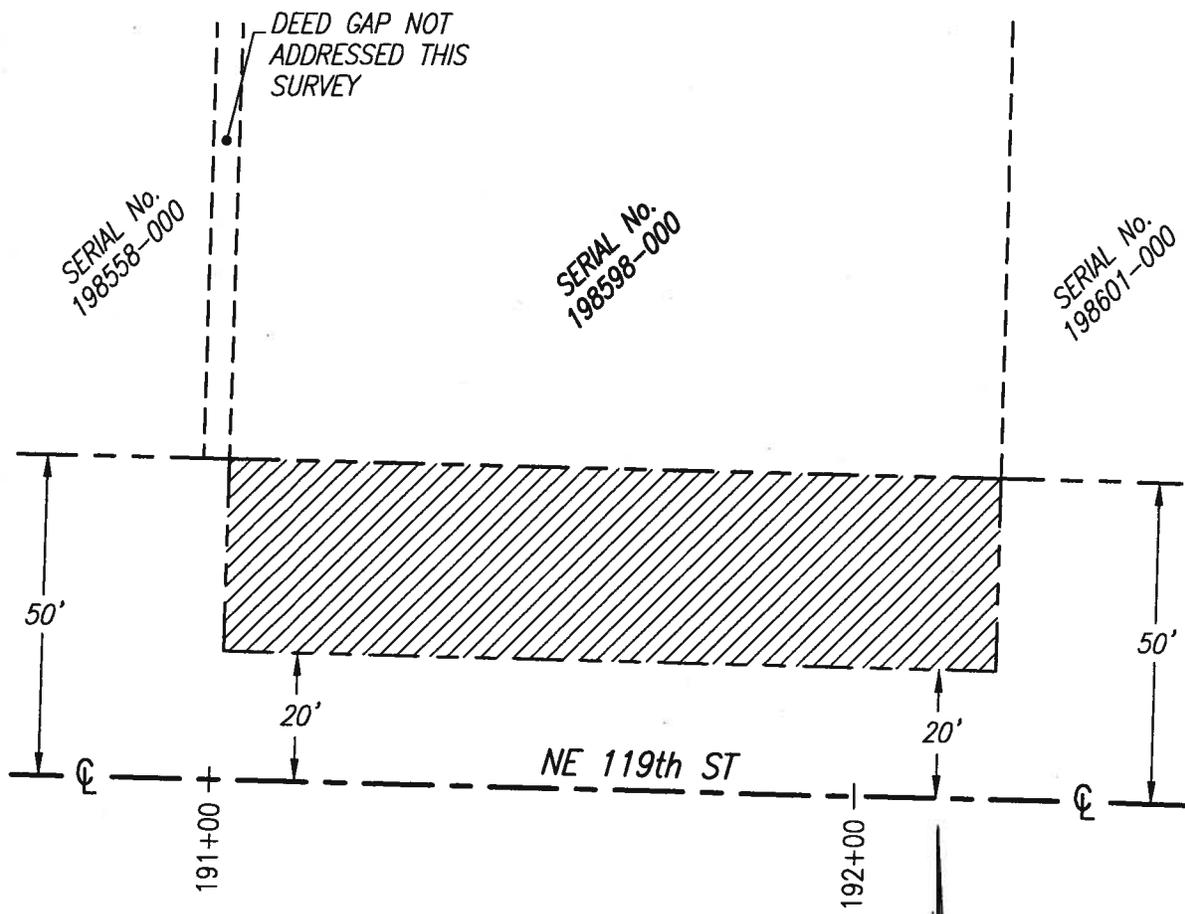
Beginning at a brass disk marking the south quarter corner of Section 30, Township 3 North, Range 2 East, Willamette Meridian, being designated as Engineers' station 120+59.30; thence South 88°41'55" East 1348.55 feet; thence along the arc of an 8650.00 foot radius curve left through a central angle of 1°22'47" a distance of 208.29; thence North 89°55'18" East 351.46 feet; thence along the arc of an 8650.00 foot radius curve right through a central angle of 1°25'53" a distance of 216.09 feet; thence South 88°38'49" East 529.31 feet; thence South 88°38'47" East 1472.96 feet; thence along the arc of an 8650.00 foot radius curve right through a central angle of 1°08'44" a distance of 172.94 feet; thence South 87°30'03" East 462.68 feet thence along the arc of an 8650.00 foot radius curve left through a central angle of 1°06'12" a distance of 166.55; thence South 88°36'15" East 3038.12 feet to a brass disk marking the southeast corner of Section 29, said Township and Range, and there terminating, all in Clark County, Washington.

Bearings are based on the south line of the southeast quarter of Section 30, Township 3 North, range 2 East, W.M., as being South 88°41'55" East based on Washington State Plane coordinates, South Zone, NAD83(91) adjustment. The control scheme is on file at the Clark County Surveyor's office.



WRITTEN BY: *CS*  
REVIEWED BY: *UR*

**EXHIBIT "C"**  
 SERIAL No. 198598-000



NOT TO SCALE



Clark County Public Works Vancouver, Washington		
DESIGN & ENGINEERING DIVISION OFFICE OF THE COUNTY SURVEYOR		
SE 1/4 SECTION 29 T 3 N, R 2 E, W.M.		
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
DATE	SCALE	DRAWN BY
NOV 2012	NOT TO SCALE	CJS

After recording return to:  
Clark County Public Works  
Real Property Services  
PO Box 9810  
Vancouver, WA 98666-9810

Document Title: Possession and Use Agreement  
Legal Description: #47 Sec 32 T3N R2E WM  
Additional Legal Description is attached as Exhibit "A"  
Serial #: 199416-000 (89)  
Project: NE 119th St (NE 72nd to 87th Ave)  
CRP #: 390722 Fed Aid #: STPUL-4430 (003)

PW 1554

## **POSSESSION AND USE AGREEMENT**

THIS AGREEMENT is made and entered into by and between CLARK COUNTY, a political subdivision of the State of Washington, hereinafter referred to as the County, and MARVIN L. SMITH, a married man joined by his spouse Jeri Smith, hereinafter referred to as the Owner.

### **WITNESSETH**

WHEREAS, the County affirms that the Owner's real property described herein is required by the County for immediate road construction; and

WHEREAS, the County affirms that any delay in its construction program is contrary to the public interest; and

WHEREAS, the County has made a firm and continuing offer to pay the amount of Thirteen Thousand Six Hundred Fifty and No/100 Dollars (\$13,650.00) for the purchase of fee ownership and landscaping of the property in Clark County, Washington, being more fully described in Exhibit "A" attached hereto.

WHEREAS THE Owner requires additional time to evaluate said offer and/or to resolve any questions concerning just compensation.

### **IT IS AGREED THAT:**

1. The above-described real estate is necessary for a public use of the County.
2. This instrument will be treated as and accorded the same provisions as the Order for Immediate Possession provided by RCW 8.25.070.
3. If a satisfactory negotiation has not been reached between the Owner and the County within forty-five (45) days from your receipt of this Agreement and it becomes necessary to institute condemnation proceedings, the Owner has no objection to the County entering forthwith an Order Adjudicating Public Use provided by RCW 8.08.040.

Possession and Use Agreement  
Serial #: 199416-000 (89)  
Project: NE 119th St (NE 72nd to 87th Ave)  
CRP #: 390722 Fed Aid #: STPUL-4430 (003)

- At such time as questions concerning just compensation are resolved, the Owner will convey to the County all interest in the above-described property by Statutory Warranty Deed, free of any and all liens, at which time this Possession and Use Agreement will no longer be in effect.

IT IS UNDERSTOOD AND AGREED that delivery of this Agreement is hereby tendered and that the terms and obligations hereof shall not become binding upon the County until this document is accepted and approved by the Clark County Board of County Commissioners or its duly authorized representative.

Dated this 1 day of OCT, 2013.

Marvin L. Smith  
Marvin L. Smith  
Jeri K. Smith  
Jeri Smith

Board of County Commissioners  
Clark County, Washington

[Signature]  
Steve Stuart, Chair

Approved as to form only:  
Anthony F. Golik  
Prosecuting Attorney

\_\_\_\_\_  
Tom Mielke, Commissioner

By: [Signature]

\_\_\_\_\_  
David Madore, Commissioner

STATE OF WASHINGTON

COUNTY OF CLARK

I hereby certify that I know or have satisfactory evidence that Marvin L. Smith and Jeri Smith are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Date: Oct. 1, 2013



[Signature]  
Notary Public in and for the State of WA  
Residing at Ridgefield, WA  
My commission expires: 1-1-16

Possession and Use Agreement  
Serial #: 199416-000 (89)  
Project: NE 119th St (NE 72nd to 87th Ave)  
CRP #: 390722 Fed Aid #: STPUL-4430 (003)

STATE OF WASHINGTON

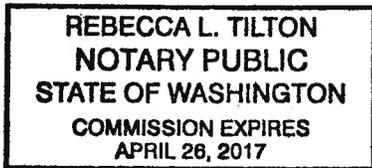
COUNTY OF CLARK

On this 5<sup>th</sup> day of November, 2013, before me personally appeared Steve Stuart and Steve Stuart, to me known to be the duly elected, qualified and acting County Commissioner(s) of Clark County, Washington, who executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of Clark County, for the uses and purposes therein mentioned, and on oath stated that he/they is/are authorized to execute said instrument by resolution of the Board of County Commissioners of Clark County and that the seal affixed is the official seal of Clark County.

Date: Nov. 5, 2013

Rebecca L. Tilton

Notary Public in and for the State of WA  
Residing at Battle Ground  
My commission expires: 4/26/2017





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**CLARK COUNTY  
WASHINGTON**

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**DEPARTMENT OF PUBLIC WORKS  
COUNTY SURVEYOR'S OFFICE**

**EXHIBIT "A"  
NE 119th STREET – CRP # 390722  
SMITH PARCEL**

A parcel of land lying in the northwest quarter of Section 32, Township 3 North, Range 2 East of the Willamette Meridian in Clark County, Washington, being more particularly described as follows:

All that portion of that parcel described in that Statutory Warranty Deed to Marvin L. Smith, a single person, recorded May 19, 1995 under auditor's file No. 9505190112, records of Clark County, Washington, listed as Serial No. 199416-000, lying northerly of a line 80.00 feet southerly of, when measured at right angles the construction centerline of Northeast 119th Street, as described in Exhibit "B", attached, all in Clark County, Washington.

This description contains 17,028 square feet as calculated by the double meridian distance method.



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

X089.doc



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WASHINGTON**

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**DEPARTMENT OF PUBLIC WORKS  
COUNTY SURVEYOR'S OFFICE**

**EXHIBIT "B"  
N.E. 119th STREET CRP #390722  
CONSTRUCTION CENTERLINE DESCRIPTION**

A strip of land lying in Sections 29 and 30, Township 3 North, Range 2 East of the Willamette Meridian, the centerline of said strip being more particularly described as follows:

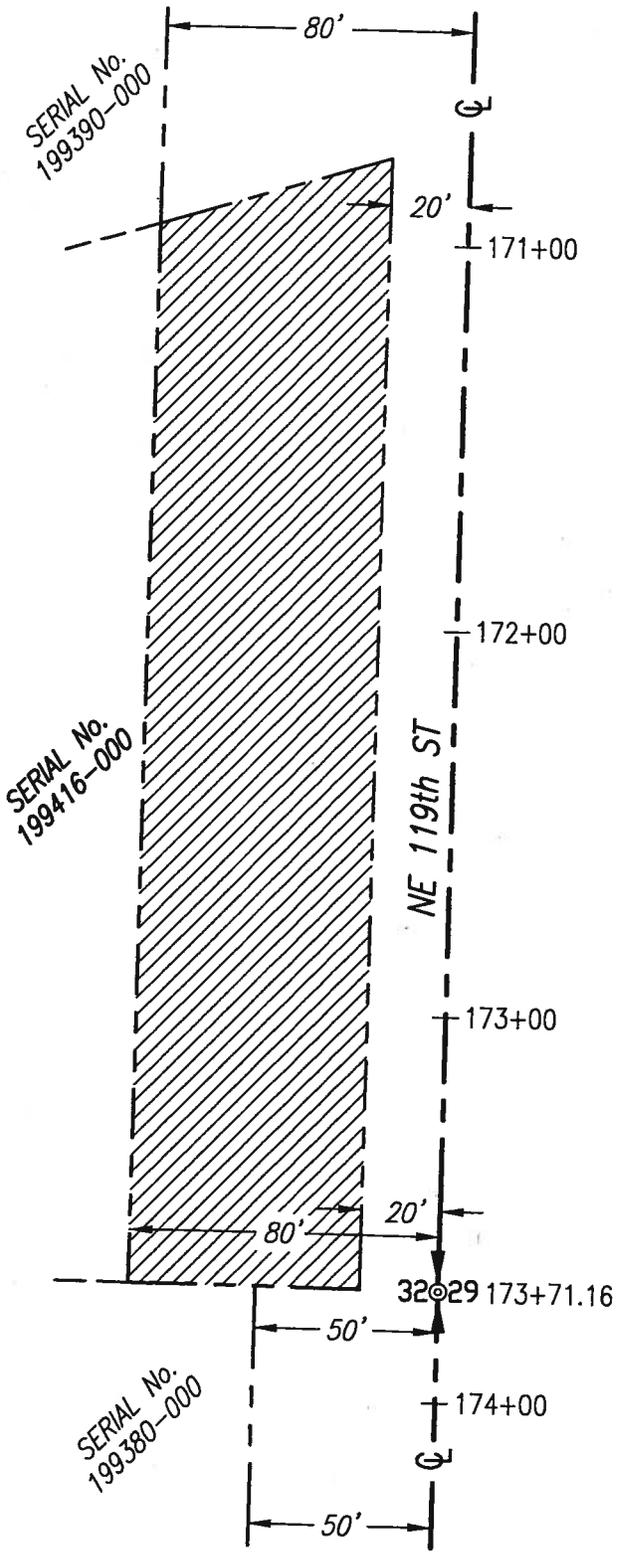
Beginning at a brass disk marking the south quarter corner of Section 30, Township 3 North, Range 2 East, Willamette Meridian, being designated as Engineers' station 120+59.30; thence South 88°41'55" East 1348.55 feet; thence along the arc of an 8650.00 foot radius curve left through a central angle of 1°22'47" a distance of 208.29; thence North 89°55'18" East 351.46 feet; thence along the arc of an 8650.00 foot radius curve right through a central angle of 1°25'53" a distance of 216.09 feet; thence South 88°38'49" East 529.31 feet; thence South 88°38'47" East 1472.96 feet; thence along the arc of an 8650.00 foot radius curve right through a central angle of 1°08'44" a distance of 172.94 feet; thence South 87°30'03" East 462.68 feet thence along the arc of an 8650.00 foot radius curve left through a central angle of 1°06'12" a distance of 166.55; thence South 88°36'15" East 3038.12 feet to a brass disk marking the southeast corner of Section 29, said Township and Range, and there terminating, all in Clark County, Washington.

Bearings are based on the south line of the southeast quarter of Section 30, Township 3 North, range 2 East, W.M., as being South 88°41'55" East based on Washington State Plane coordinates, South Zone, NAD83(91) adjustment. The control scheme is on file at the Clark County Surveyor's office.



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

**EXHIBIT "C"**  
SERIAL No. 199416-000



NOT TO SCALE

Clark County Public Works Vancouver, Washington		
DESIGN & ENGINEERING DIVISION OFFICE OF THE COUNTY SURVEYOR		
NW 1/4 SECTION 32 T 3 N, R 2 E, W.M.		
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
DATE	SCALE	DRAWN BY
NOV 2012	NOT TO SCALE	CJS

After recording return to:  
Clark County Public Works  
Real Property Services  
PO Box 9810  
Vancouver, WA 98666-9810

Document Title: Possession and Use Agreement  
Legal Description: #11 Sec 32 T3N R2E WM  
Serial #: 199381-000 (74)  
Project: NE 119th St (NE 72nd to 87th Ave)  
CRP #: 390722 Fed Aid #: STPUL-4430 (003)

PW 13-55

## **POSSESSION AND USE AGREEMENT**

THIS AGREEMENT is made and entered into by and between CLARK COUNTY, a political subdivision of the State of Washington, hereinafter referred to as the County, and CAM THOMAS, a married man joined by his spouse Barbara H. Thomas, hereinafter referred to as the Owner.

### **WITNESSETH**

WHEREAS, the County affirms that the Owner's real property described herein is required by the County for immediate road construction; and

WHEREAS, the County affirms that any delay in its construction program is contrary to the public interest; and

WHEREAS, the County has made a firm and continuing revised offer to pay the amount of Eighty One Thousand Six Hundred and No/100 Dollars (\$81,600.00) for the purchase of fee ownership and Twenty Six Thousand One Hundred Fifty and No/100 Dollars (\$26,150.00) for slope and storm drainage easement rights of the property in Clark County, Washington, being more fully described in Exhibit "A" attached hereto.

WHEREAS THE Owner requires additional time to evaluate the offer and/or to resolve any questions concerning just compensation. Upon execution of this Agreement, the funds will be deposited into escrow at Clark County Title Company.

### **IT IS AGREED THAT:**

1. The above-described real estate is necessary for a public use of the County.
2. This instrument will be treated as and accorded the same provisions as the Order for Immediate Possession provided by RCW 8.25.070.
3. If a satisfactory negotiation has not been reached between the Owner and the County within sixty (60) days from your receipt of this Agreement and it becomes necessary to institute condemnation proceedings, the Owner has no objection to the County entering forthwith an Order Adjudicating Public Use provided by RCW 8.08.040.

Possession and Use Agreement  
Serial #: 199381-000  
Project: NE 119th St (NE 72nd to 87th Ave)  
CRP #: 390722 Fed Aid #: STPUL-4430 (003)

4. At such time as questions concerning just compensation are resolved, the Owner will convey to the County all interest in the above-described property by Statutory Warranty Deed, free of any and all liens, at which time this Possession and Use Agreement will no longer be in effect.

IT IS UNDERSTOOD AND AGREED that delivery of this Agreement is hereby tendered and that the terms and obligations hereof shall not become binding upon the County until this document is accepted and approved by the Clark County Board of County Commissioners or its duly authorized representative.

Dated this 1 day of AUGUST, 2013.

Cam Thomas  
Cam Thomas

Barbara H. Thomas  
Barbara H. Thomas

Board of County Commissioners  
Clark County, Washington

Steve Stuart  
Steve Stuart, Chair

Approved as to form only:  
Anthony F. Golik  
Prosecuting Attorney

Tom Mielke  
Tom Mielke, Commissioner

David Madore  
David Madore, Commissioner

By: Christophe A. [Signature]

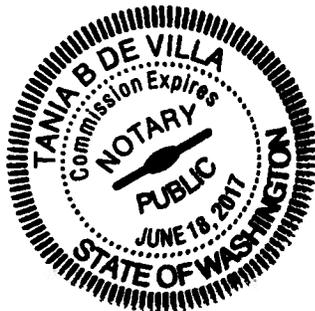
STATE OF WASHINGTON

COUNTY OF ~~SKAMANIA~~ Klickitat

I hereby certify that I know or have satisfactory evidence that Cam Thomas and Barbara H. Thomas are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Date August 7, 2013

Tania B de Villa



Notary Public in and for the State of WA  
Residing at White Salmon  
My commission expires: June 18 2017

Possession and Use Agreement  
Serial #: 199381-000  
Project: NE 119th St (NE 72nd to 87th Ave)  
CRP #: 390722 Fed Aid #: STPUL-4430 (003)

STATE OF WASHINGTON

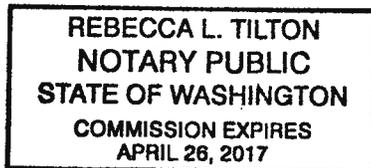
COUNTY OF CLARK

On this 5<sup>th</sup> day of November, 2013, before me personally appeared \_\_\_\_\_ and Steve Stuart, to me known to be the duly elected, qualified and acting County Commissioner(s) of Clark County, Washington, who executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of Clark County, for the uses and purposes therein mentioned, and on oath stated that he/they is/are authorized to execute said instrument by resolution of the Board of County Commissioners of Clark County and that the seal affixed is the official seal of Clark County.

Date: Nov. 5, 2013

Rebecca L. Tilton

Notary Public in and for the State of WA  
Residing at Battle Ground  
My commission expires: 4/26/17





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**CLARK COUNTY**  
WASHINGTON

*Superior service that is responsive and cost justified*

**DEPARTMENT OF PUBLIC WORKS**  
**COUNTY SURVEYOR'S OFFICE**

**EXHIBIT "A"-1**  
**NE 119th STREET – CRP # 390722**  
**THOMAS PARCEL**

A parcel of land lying in the northeast quarter of Section 32, Township 3 North, Range 2 East of the Willamette Meridian in Clark County, Washington, being more particularly described as follows:

All that portion of that parcel described in that Statutory Warranty Deed to Cam Thomas, a single person, recorded May 18, 2004 under Auditor's file No. 3829026, listed as Serial No. 199381-000, lying northerly of the following described line:

Beginning at a point on the westerly line of said parcel, said point being 50.00 feet southerly of, when measured at right angles to the construction centerline of Northeast 119th Street, as described in Exhibit "B", attached; thence to a point 50.00 feet southerly of, when measured at right angles to said centerline at Engineers' station 185+63.52; thence to a point 59.35 feet southerly of, when measured at right angles to said centerline at station 186+34.65; thence to a point 93.00 feet southerly of, when measured at right angles to said centerline at station 186+65.05; thence to a point 170.00 feet southerly of, when measured at right angles to said centerline on the easterly line of said parcel, said point also being on the westerly right-of-way line of Northeast 87th Avenue, and there terminating, all in Clark County, Washington.

This description contains 20,397 square feet as calculated by the double meridian distance method.



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

X074.doc



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**CLARK COUNTY  
WASHINGTON**

*Superior service that is responsive and cost justified*

**PUBLIC WORKS  
COUNTY SURVEYOR'S OFFICE**

**EXHIBIT "A"-2**

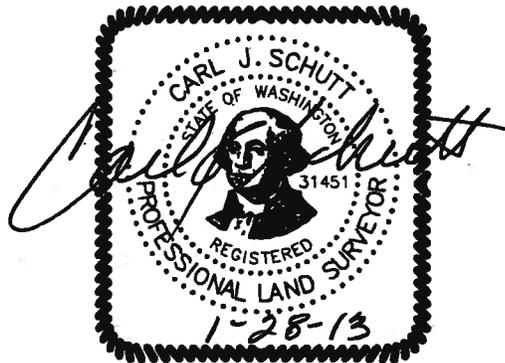
**NE 119th STREET – CRP # 390722**

**THOMAS EASEMENT DESCRIPTION**

A parcel of land lying in the northeast quarter of Section 32, Township 3 North, Range 2 East of the Willamette Meridian in Clark County, Washington, being more particularly described as follows:

All that portion of that parcel described in that Statutory Warranty Deed to Cam Thomas, a single person, recorded May 18, 2004 under Auditor's file No. 3829026, listed as Serial No. 199381-000, lying northerly of a line 60.00 feet southerly of, when measured at right angles to the construction centerline of Northeast 119th Street, as described in Exhibit "B", attached, together with all that portion lying easterly of a line 35.00 feet westerly of, when measured at right angles to the east line of the west half of the northeast quarter of Section 32, Township 3 North, Range 2 East of the Willamette Meridian, all in Clark County, Washington.

This description contains 6,881 square feet as calculated by the double meridian distance method.



E074.doc

WRITTEN BY: *CSJ*  
REVIEWED BY: *CSJ*



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**CLARK COUNTY**  
WASHINGTON

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**DEPARTMENT OF PUBLIC WORKS**  
**COUNTY SURVEYOR'S OFFICE**

**EXHIBIT "B"**

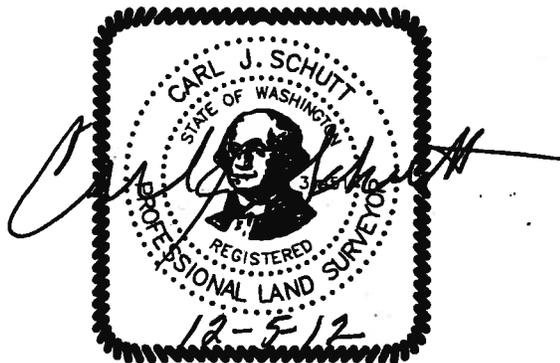
**N.E. 119th STREET CRP #390722**

**CONSTRUCTION CENTERLINE DESCRIPTION**

A strip of land lying in Sections 29 and 30, Township 3 North, Range 2 East of the Willamette Meridian, the centerline of said strip being more particularly described as follows:

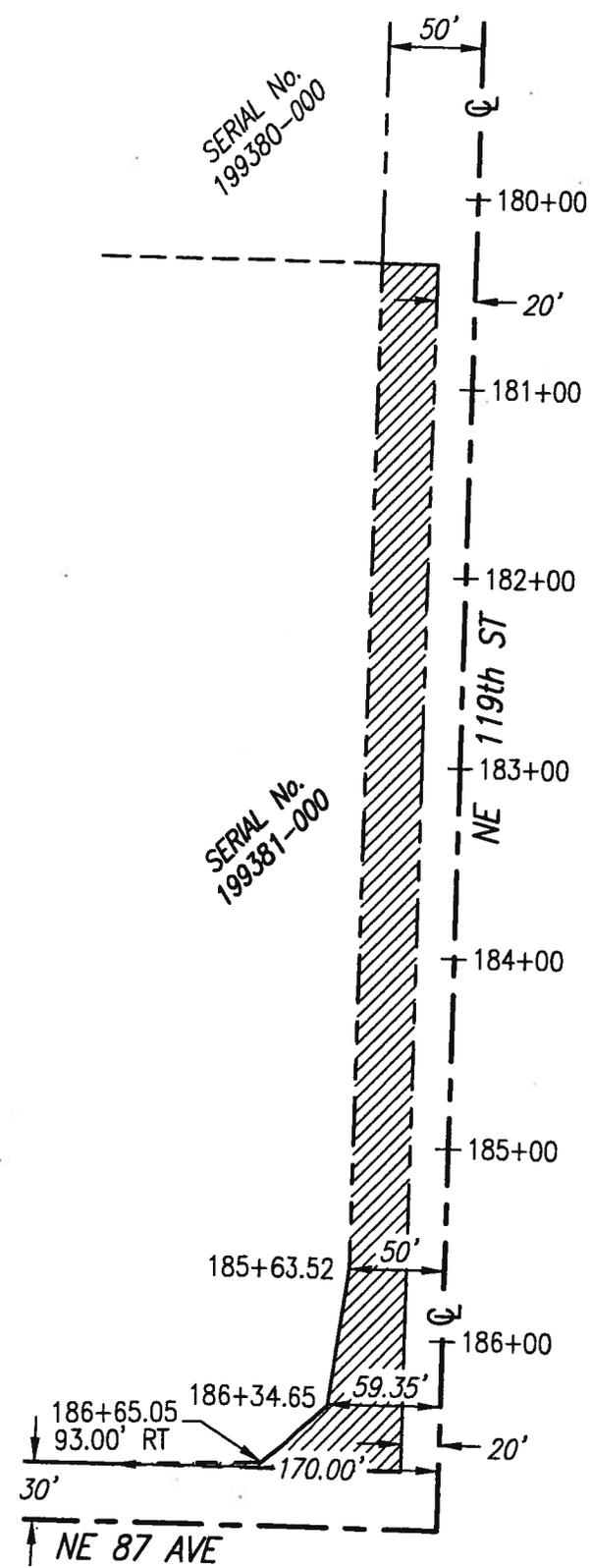
Beginning at a brass disk marking the south quarter corner of Section 30, Township 3 North, Range 2 East, Willamette Meridian, being designated as Engineers' station 120+59.30; thence South 88°41'55" East 1348.55 feet; thence along the arc of an 8650.00 foot radius curve left through a central angle of 1°22'47" a distance of 208.29; thence North 89°55'18" East 351.46 feet; thence along the arc of an 8650.00 foot radius curve right through a central angle of 1°25'53" a distance of 216.09 feet; thence South 88°38'49" East 529.31 feet; thence South 88°38'47" East 1472.96 feet; thence along the arc of an 8650.00 foot radius curve right through a central angle of 1°08'44" a distance of 172.94 feet; thence South 87°30'03" East 462.68 feet thence along the arc of an 8650.00 foot radius curve left through a central angle of 1°06'12" a distance of 166.55; thence South 88°36'15" East 3038.12 feet to a brass disk marking the southeast corner of Section 29, said Township and Range, and there terminating, all in Clark County, Washington.

Bearings are based on the south line of the southeast quarter of Section 30, Township 3 North, range 2 East, W.M., as being South 88°41'55" East based on Washington State Plane coordinates, South Zone, NAD83(91) adjustment. The control scheme is on file at the Clark County Surveyor's office.

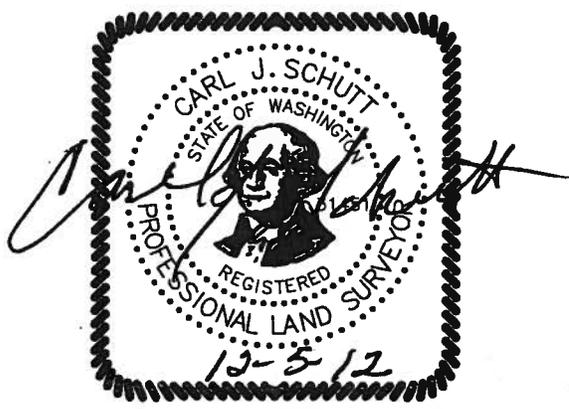


WRITTEN BY: *[Signature]*  
REVIEWED BY: *[Signature]*

**EXHIBIT "C"-1**  
 SERIAL No. 199381-000

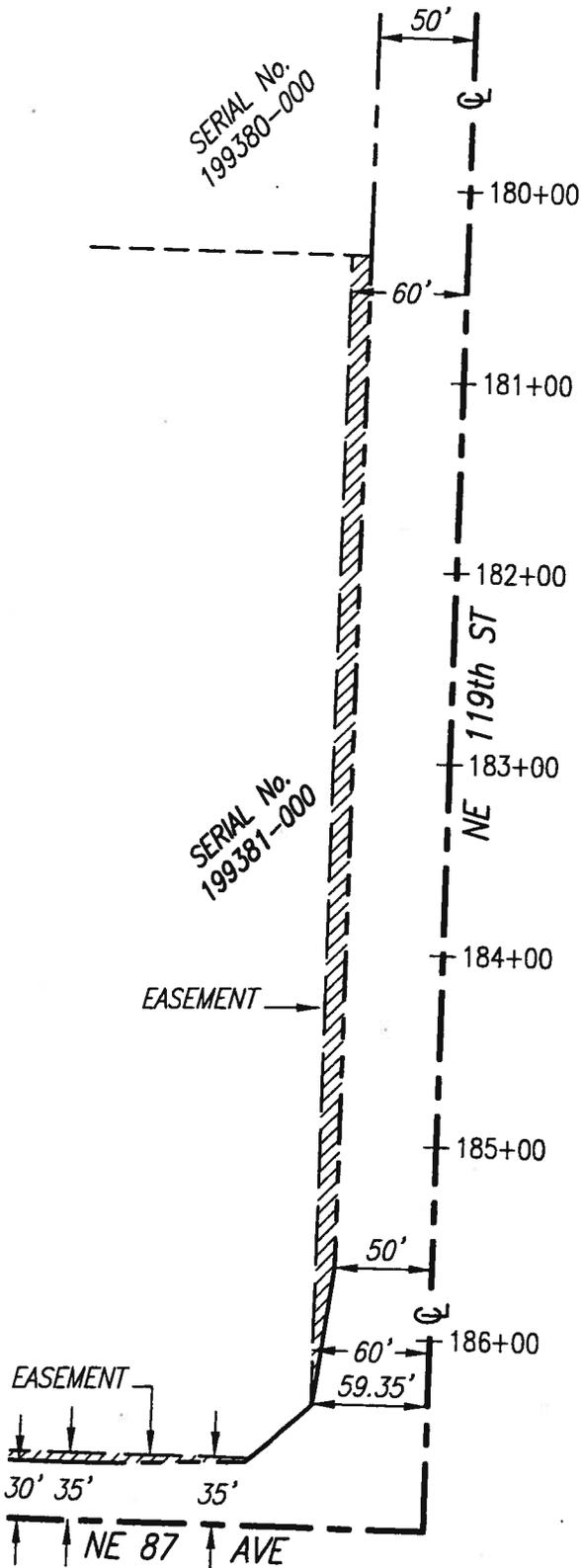


NOT TO SCALE



Clark County Public Works Vancouver, Washington		
DESIGN & ENGINEERING DIVISION OFFICE OF THE COUNTY SURVEYOR		
NE 1/4 SECTION 32 T 3 N, R 2 E, W.M.		
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
DATE	SCALE	DRAWN BY
NOV 2012	NOT TO SCALE	CJS

**EXHIBIT "C"-2**  
 SERIAL No. 199381-000



NOT TO SCALE



Clark County Public Works Vancouver, Washington		
DESIGN & ENGINEERING DIVISION OFFICE OF THE COUNTY SURVEYOR		
NE 1/4 SECTION 32 T 3 N, R 2 E, W.M.		
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
DATE	SCALE	DRAWN BY
JAN 2013	NOT TO SCALE	CJS

After recording return to:  
Clark County Public Works  
Real Property Services  
PO Box 9810  
Vancouver, WA 98666-9810

Document Title: Possession and Use Agreement  
Legal Description: #42 #34 Sec 30 T3N R2E WM  
Serial #: 198812-000 (1); 198803-000 (127)  
Project: NE 119th St (NE 72nd to 87th Ave)  
CRP #: 390722 Fed Aid #: STPUL-4430 (003)

FW 15-56

## **POSSESSION AND USE AGREEMENT**

THIS AGREEMENT is made and entered into by and between CLARK COUNTY, a political subdivision of the State of Washington, hereinafter referred to as the County, and DAVID M. MOUSLEH and ANASTACIA MOUSLEH, husband and wife, hereinafter referred to as the Owner.

### **WITNESSETH**

WHEREAS, the County affirms that the Owner's real property described herein is required by the County for immediate road construction; and

WHEREAS, the County affirms that any delay in its construction program is contrary to the public interest; and

WHEREAS, the County has made a firm and continuing offer to pay the amount of One Hundred Seventy Three Seven Thousand One Hundred Sixty and No/100 Dollars (\$173,160.00) for the purchase of 35,182 square feet in fee and Three Thousand Five Hundred and No/100 Dollars (\$3,500.00) for 580 square feet in easement for a total of One Hundred Seventy Three Thousand, Six Hundred Sixty Dollars and No/100 Dollars (\$176,660.00) in Clark County, Washington, being more fully described in Exhibits "A-1, A-2, B, C, D-1 and D-2" attached hereto.

WHEREAS THE Owner requires additional time to evaluate the offer and/or to resolve any questions concerning just compensation.

#### **IT IS AGREED THAT:**

1. The herein described real estate is necessary for a public use of the County.
2. This instrument will be treated as and accorded the same provisions as the Order for Immediate Possession provided by RCW 8.25.070.
3. If a satisfactory negotiation has not been reached between the Owner and the County within ninety (90) days from your receipt of this Agreement and it becomes necessary to institute condemnation proceedings, the Owner has no objection to the County entering forthwith an Order Adjudicating Public Use provided by RCW 8.08.040.

Possession and Use Agreement  
Serial #: 198812-000 (1); 198803-000 (127)  
Project: NE 119th St (NE 72nd to 87th Ave)  
CRP #: 390722 Fed Aid #: STPUL-4430 (003)

4. At such time as questions concerning just compensation are resolved, the Owner will convey to the County all interest in the herein described property in Exhibit "A-1, A-2, B, C, D-1 and D-2" by Statutory Warranty Deed and a Storm Drainage Easement free of any and all liens, at which time this Possession and Use Agreement will no longer be in effect.

IT IS UNDERSTOOD AND AGREED that delivery of this Agreement is hereby tendered and that the terms and obligations hereof shall not become binding upon the County until this document is accepted and approved by the Clark County Board of County Commissioners or its duly authorized representative.

Dated this 23rd day of October, 2013.

David M. Mousleh  
David M. Mousleh  
Anastacia Mousleh  
Anastacia Mousleh

Board of County Commissioners  
Clark County, Washington

Steve Stuart  
Steve Stuart, Chair

Approved as to form only:  
Anthony F. Golik  
Prosecuting Attorney

Tom Mielke  
Tom Mielke, Commissioner

By: Christy D. Fisher

David Madore  
David Madore, Commissioner

STATE OF WASHINGTON  
COUNTY OF CLARK

I hereby certify that I know or have satisfactory evidence that David M. Mousleh and Anastacia Mousleh are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Date: 10-23-2013

Fam Mason  
Fam Mason

Notary Public in and for the State of WA  
Residing at Vancouver WA  
My commission expires: 5-01-17



Possession and Use Agreement  
Serial #: 198812-000 (1); 198803-000 (127)  
Project: NE 119th St (NE 72nd to 87th Ave)  
CRP #: 390722 Fed Aid #: STPUL-4430 (003)

STATE OF WASHINGTON

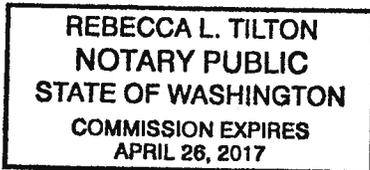
COUNTY OF CLARK

On this 5<sup>th</sup> day of November, 2013, before me personally appeared \_\_\_\_\_ and Steve Stuart, to me known to be the duly elected, qualified and acting County Commissioner(s) of Clark County, Washington, who executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of Clark County, for the uses and purposes therein mentioned, and on oath stated that he/they is/are authorized to execute said instrument by resolution of the Board of County Commissioners of Clark County and that the seal affixed is the official seal of Clark County.

Date: NOV. 5, 2013

Rebecca L. Tilton

Notary Public in and for the State of WA  
Residing at Battle Ground  
My commission expires: 4/26/17





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**DEPARTMENT OF PUBLIC WORKS  
COUNTY SURVEYOR'S OFFICE**

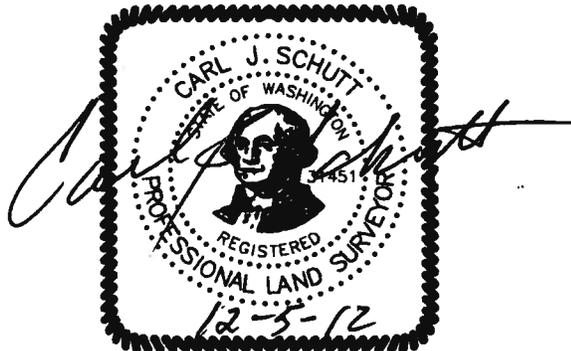
**EXHIBIT "A"  
NE 119th STREET – CRP # 390722  
MOUSLEH PARCEL**

A parcel of land lying in the Southeast quarter of Section 30, Township 3 North, Range 2 East of the Willamette Meridian in Clark County, Washington, being more particularly described as follows:

All that portion of that parcel described in that Statutory Warranty Deed to David M. Mousleh and Anastacia Mousleh, husband and wife, recorded December 4, 1998 under Auditor's file no. 3038294, records of Clark County, Washington, listed as Serial No.'s 198812-000 and 198803-000, lying southerly and easterly of the following described line"

Beginning at a point on the westerly line of said parcel, said point being 50.00 feet northerly of, when measured at right angles to the construction centerline of Northeast 119th Street, as described in Exhibit "B", attached; thence to a point 50.00 feet northerly of, when measured at right angles to said centerline opposite Engineers' station 146+38.10; thence to a point 74.97 feet northerly of, when measured at right angles to said centerline and 50.00 feet westerly of, when measured at right angles to the centerline of Northeast 72nd Avenue, as described in Exhibit "C", attached; thence to a point 50.00 feet westerly of, when measured at right angles to the centerline of said Northeast 72nd Avenue opposite Engineers' station 82+50.00; thence to a point 60.00 feet westerly of, when measured at right angles to the centerline of said Northeast 72nd Avenue opposite station 82+50.00; thence to a point 60.00 feet westerly of, when measured at right angles to the centerline of said Northeast 72nd Avenue on the north line of said parcel, and there terminating, all in Clark County, Washington.

This description contains 35,182 square feet as calculated by the double meridian distance method.



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

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WASHINGTON

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**DEPARTMENT OF PUBLIC WORKS**  
**COUNTY SURVEYOR'S OFFICE**

**EXHIBIT "B"**  
**N.E. 119th STREET CRP #390722**  
**CONSTRUCTION CENTERLINE DESCRIPTION**

A strip of land lying in Sections 29 and 30, Township 3 North, Range 2 East of the Willamette Meridian, the centerline of said strip being more particularly described as follows:

Beginning at a brass disk marking the south quarter corner of Section 30, Township 3 North, Range 2 East, Willamette Meridian, being designated as Engineers' station 120+59.30; thence South 88°41'55" East 1348.55 feet; thence along the arc of an 8650.00 foot radius curve left through a central angle of 1°22'47" a distance of 208.29; thence North 89°55'18" East 351.46 feet; thence along the arc of an 8650.00 foot radius curve right through a central angle of 1°25'53" a distance of 216.09 feet; thence South 88°38'49" East 529.31 feet; thence South 88°38'47" East 1472.96 feet; thence along the arc of an 8650.00 foot radius curve right through a central angle of 1°08'44" a distance of 172.94 feet; thence South 87°30'03" East 462.68 feet thence along the arc of an 8650.00 foot radius curve left through a central angle of 1°06'12" a distance of 166.55; thence South 88°36'15" East 3038.12 feet to a brass disk marking the southeast corner of Section 29, said Township and Range, and there terminating, all in Clark County, Washington.

Bearings are based on the south line of the southeast quarter of Section 30, Township 3 North, range 2 East, W.M., as being South 88°41'55" East based on Washington State Plane coordinates, South Zone, NAD83(91) adjustment. The control scheme is on file at the Clark County Surveyor's office.



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



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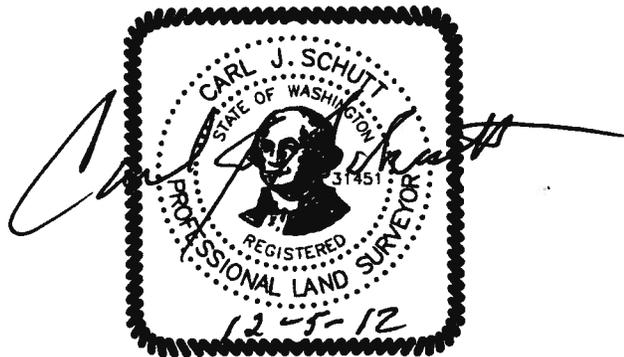
**DEPARTMENT OF PUBLIC WORKS**  
**COUNTY SURVEYOR'S OFFICE**

**EXHIBIT "C"**  
**N.E. 72nd AVENUE**  
**CENTERLINE DESCRIPTION**

A strip of land of varying width lying in Sections 29, 30, 31, and 32, Township 3 North, Range 2 East of the Willamette Meridian, the centerline of said strip being more particularly described as follows:

Beginning at a brass cap marking the quarter corner between Sections 31 and 32, Township 3 North, Range 2 East of the Willamette Meridian, said point being in the center of NE 72nd Avenue, being designated as Engineer's station 52+44.94; thence North 1°35'37" East 2634.76 feet to a brass cap marking the northeast corner of said Section 31, said Township and Range; thence North 1°25'51" East 2660.78 feet to a brass cap marking the quarter corner between said Sections 29 and 30, said Township and Range, and there terminating, all in Clark County, Washington

Bearings hereon used are based on Washington State Plane coordinates, South Zone, NAD83(91) adjustment. The control scheme is on file at the Clark County Surveyor's office.



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





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**CLARK COUNTY  
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**DEPARTMENT OF PUBLIC WORKS  
COUNTY SURVEYOR'S OFFICE**

**EXHIBIT "A"**

**NE 119th STREET – CRP # 390722**

**MOUSLEH EASEMENT DESCRIPTION**

A parcel of land lying in the Southeast quarter of Section 30, Township 3 North, Range 2 East of the Willamette Meridian in Clark County, Washington, being more particularly described as follows:

All that portion of that parcel described in that Statutory Warranty Deed to David M. Mousleh and Anastacia Mousleh, husband and wife, recorded December 4, 1998 under Auditor's file no. 3038294, records of Clark County, Washington, listed as Serial No.'s 198812-000 and 198803-000, lying southerly of a line 66.00 feet northerly of, when measured at right angles to the construction centerline of Northeast 119th Street, as described in Exhibit "B", attached, between Engineers' stations 145+01.50 and 145+21.50, together with all that parcel lying easterly of a line 73.00 feet westerly of, when measured at right angles to the centerline of Northeast 72nd Avenue, as described in Exhibit "C", attached, between Engineers' stations 83+82.00 and 84+02.00, all in Clark County, Washington.

This description contains 580 square feet as calculated by the double meridian distance method.



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

E001.doc



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WASHINGTON**

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**DEPARTMENT OF PUBLIC WORKS  
COUNTY SURVEYOR'S OFFICE**

**EXHIBIT "B"  
N.E. 119th STREET CRP #390722  
CONSTRUCTION CENTERLINE DESCRIPTION**

A strip of land lying in Sections 29 and 30, Township 3 North, Range 2 East of the Willamette Meridian, the centerline of said strip being more particularly described as follows:

Beginning at a brass disk marking the south quarter corner of Section 30, Township 3 North, Range 2 East, Willamette Meridian, being designated as Engineers' station 120+59.30; thence South 88°41'55" East 1348.55 feet; thence along the arc of an 8650.00 foot radius curve left through a central angle of 1°22'47" a distance of 208.29; thence North 89°55'18" East 351.46 feet; thence along the arc of an 8650.00 foot radius curve right through a central angle of 1°25'53" a distance of 216.09 feet; thence South 88°38'49" East 529.31 feet; thence South 88°38'47" East 1472.96 feet; thence along the arc of an 8650.00 foot radius curve right through a central angle of 1°08'44" a distance of 172.94 feet; thence South 87°30'03" East 462.68 feet thence along the arc of an 8650.00 foot radius curve left through a central angle of 1°06'12" a distance of 166.55; thence South 88°36'15" East 3038.12 feet to a brass disk marking the southeast corner of Section 29, said Township and Range, and there terminating, all in Clark County, Washington.

Bearings are based on the south line of the southeast quarter of Section 30, Township 3 North, range 2 East, W.M., as being South 88°41'55" East based on Washington State Plane coordinates, South Zone, NAD83(91) adjustment. The control scheme is on file at the Clark County Surveyor's office.



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



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**DEPARTMENT OF PUBLIC WORKS**  
**COUNTY SURVEYOR'S OFFICE**

**EXHIBIT "C"**  
**N.E. 72nd AVENUE**  
**CENTERLINE DESCRIPTION**

A strip of land of varying width lying in Sections 29, 30, 31, and 32, Township 3 North, Range 2 East of the Willamette Meridian, the centerline of said strip being more particularly described as follows:

Beginning at a brass cap marking the quarter corner between Sections 31 and 32, Township 3 North, Range 2 East of the Willamette Meridian, said point being in the center of NE 72nd Avenue, being designated as Engineer's station 52+44.94; thence North 1°35'37" East 2634.76 feet to a brass cap marking the northeast corner of said Section 31, said Township and Range; thence North 1°25'51" East 2660.78 feet to a brass cap marking the quarter corner between said Sections 29 and 30, said Township and Range, and there terminating, all in Clark County, Washington

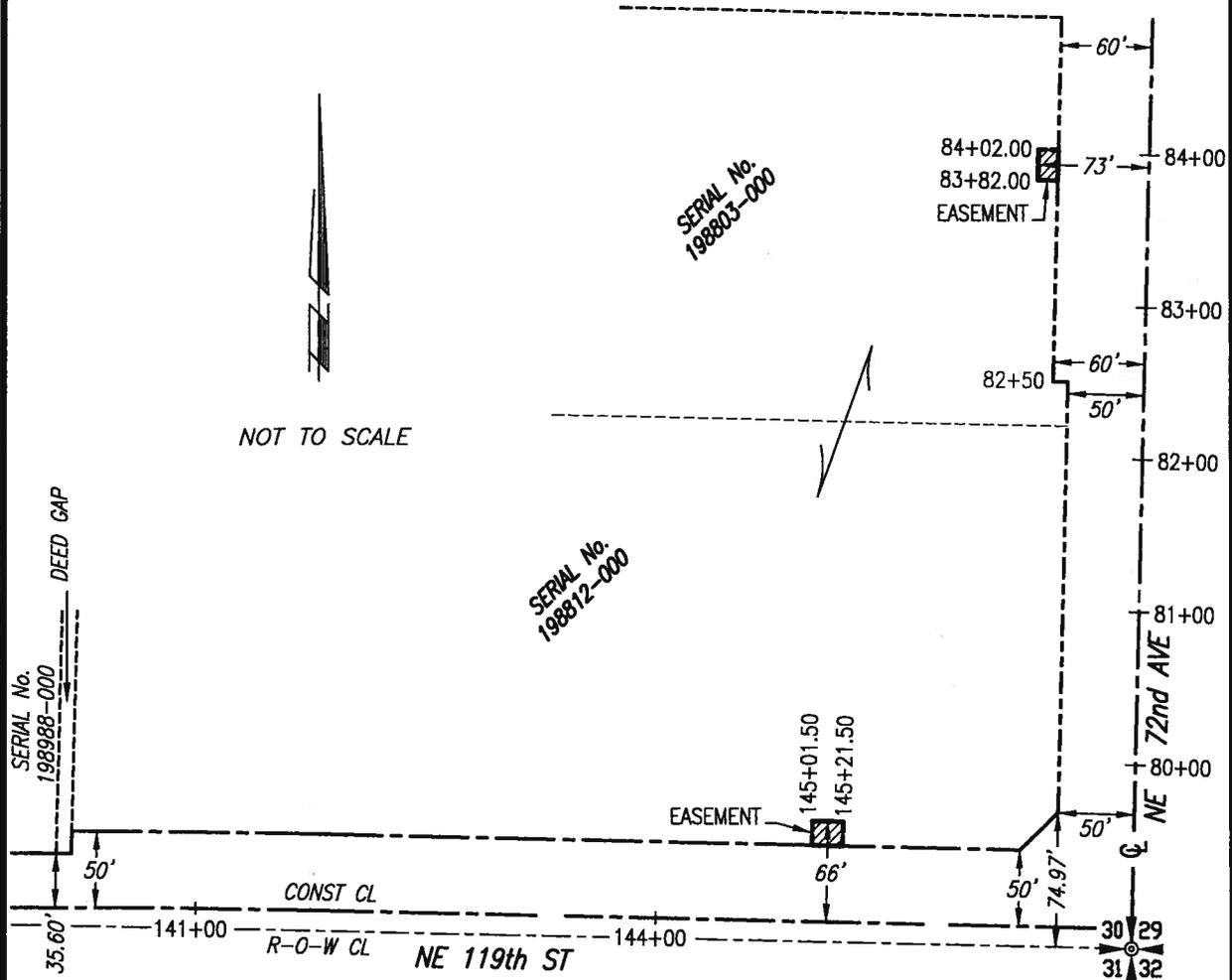
Bearings hereon used are based on Washington State Plane coordinates, South Zone, NAD83(91) adjustment. The control scheme is on file at the Clark County Surveyor's office.



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

# EXHIBIT "D"

SERIAL No.'s 198812-000 & 198803-000



Clark County Public Works Vancouver, Washington		
DESIGN & ENGINEERING DIVISION OFFICE OF THE COUNTY SURVEYOR		
SE 1/4 SECTION 30 T 3 N, R 2 E, W.M.		
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
DATE	SCALE	DRAWN BY
OCT 2012	NOT TO SCALE	CJS