



CLARK COUNTY
STAFF REPORT

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

DATE: June 3, 2014

REQUEST: Execute and approve a Possession and Use Agreement from Wells Fargo Bank NA, Tax Parcel Number 149848-000, for the NE 49th Street Sidewalk project.

CHECK ONE: Consent Chief Administrative Officer

PUBLIC WORKS GOALS:

- Provide safe and efficient transportation systems within Clark County
- Continue responsible stewardship of public funds
- Promote family-wage job creation and economic development to support a thriving community
- Maintain a desirable quality of life
- Improve environmental stewardship and protection of natural resources
- Increase partnerships and foster an engaged, informed community
- Make Public Works a great place to work

BACKGROUND: The 49th Street Sidewalk Project, County Road Project 322812 will construct a walkway on the south side of NE 49th Street between St. Johns Road and NE 40th Avenue, close to Harry S. Truman Elementary School. Seven of the eight acquisitions that were needed for the project have been completed. This Possession and Use Agreement will allow the project to proceed to construction while acquisition negotiations continue with Wells Fargo Bank.

COMMUNITY OUTREACH: Prior to the commencement of negotiations notices about the project were sent to area residents.

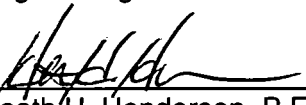
BUDGET AND POLICY IMPLICATIONS: Funds for this parcel will be deposited into escrow.

FISCAL IMPACTS: Yes (see Fiscal Impacts Attachment) No

ACTION REQUESTED: Execute and approve a Possession and Use Agreement from Wells Fargo Bank NA, Tax Parcel Number 149848-000, for the NE 49th Street Sidewalk project.

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


Tom Grange, P.E.
Engineering & Construction Division Manager


Heath H. Henderson, P.E.
Public Works Director/County Engineer

TG/HHH/PAM/pmm

Attachments: Possession and Use Agreements, Map

APPROVED: June 3, 2014
CLARK COUNTY, WASHINGTON
BOARD OF COMMISSIONERS

SR 111-14



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: #145 G Labland CL
Serial #: 149848-000 (5)
Project: NE 49th Street Sidewalk
CRP #: 322812

PW 14-17

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 WELLS FARGO BANK NA, 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 Seven Thousand Two Hundred Sixty and No/100 Dollars (\$7,260.00) for the purchase of fee ownership and landscaping/site improvements 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 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 #: 149848-000 (5)
CRP #: 322812

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 Bargain and Sale 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 12 day of May, 2014.

Wells Fargo Bank NA

By: Cari Ann Yeries
Vice President Loan Documentation

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

Board of County Commissioners
Clark County, Washington

Tom Mielke
Tom Mielke, Chair

David Madore, Commissioner

By: Jane E. Vetter

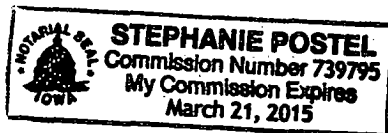
Vacant Position, Commissioner

STATE OF Iowa
COUNTY OF Dallas

I certify that I know or have satisfactory evidence that Cari Ann Yeries is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated that he/she/they is/are authorized to execute the instrument and acknowledged it as the UP loan doc of Wells Fargo Bank NA, to be the free and voluntary act and deed of such party(ies) for the uses and purposes therein mentioned in the instrument.

Dated: 5/12/14

Stephanie Postel



Notary Public in and for the State of IA
Residing at

My commission expires: March 21, 2015

Possession and Use Agreement
Serial #: 149848-000 (5)
CRP #: 322812

STATE OF WASHINGTON

COUNTY OF CLARK

On this 3rd day of June, 2014, before me personally appeared
Tom Muelke and
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: 6/3/14

Rebecca L. Tilton

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

REBECCA L. TILTON
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
APRIL 26, 2017



proud past, promising future

CLARK COUNTY
WASHINGTON

Superior service that is responsive and cost justified

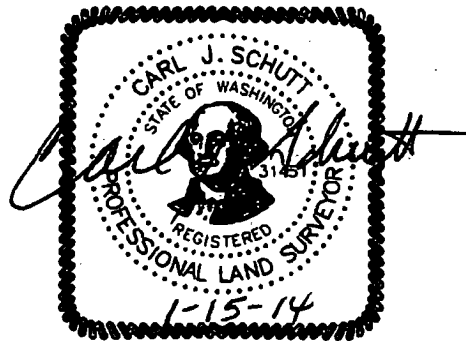
**PUBLIC WORKS
COUNTY SURVEYOR'S OFFICE**

**EXHIBIT "A"
NE 49th STREET - CRP # 322812
WELLS FARGO BANK NA PARCEL**

A parcel of land lying in the southwest quarter of Section 13, Township 2 North, Range 1 East of the Willamette Meridian in Clark County, Washington, being more particularly described as follows:

All that portion of that parcel described in that Trustee's Deed to Wells Fargo Bank, NA, recorded September 18, 2013 under Auditor's file # 5015557, records of Clark County, Washington, listed as Serial No. 149848-000, lying northerly of a line 30.00 feet southerly of, when measured at right angles to the centerline of NE 49th Street, as described in Exhibit "B", attached, all in Clark County, Washington.

This description contains 800 square feet as calculated by the double meridian distance method.



X005.doc

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

1300 FRANKLIN STREET • P.O. BOX 9810 • VANCOUVER, WASHINGTON 98666-9810 • <http://www.clark.wa.gov>
(360) 397-6118, EXTENSION 5130 • FAX (360) 759-6046 • TDD (360) 397-6057



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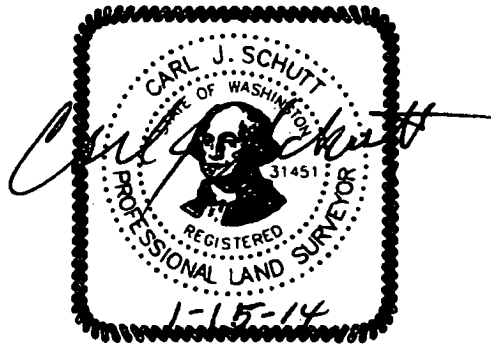
PUBLIC WORKS
COUNTY SURVEYOR'S OFFICE

EXHIBIT "B"
NE 49th STREET CENTERLINE DESCRIPTION

A strip of land lying in the south 1/2 and the north 1/2 of Section 13, Township 2 North, Range 1 East, W.M., in Clark County, Washington, described as follows:

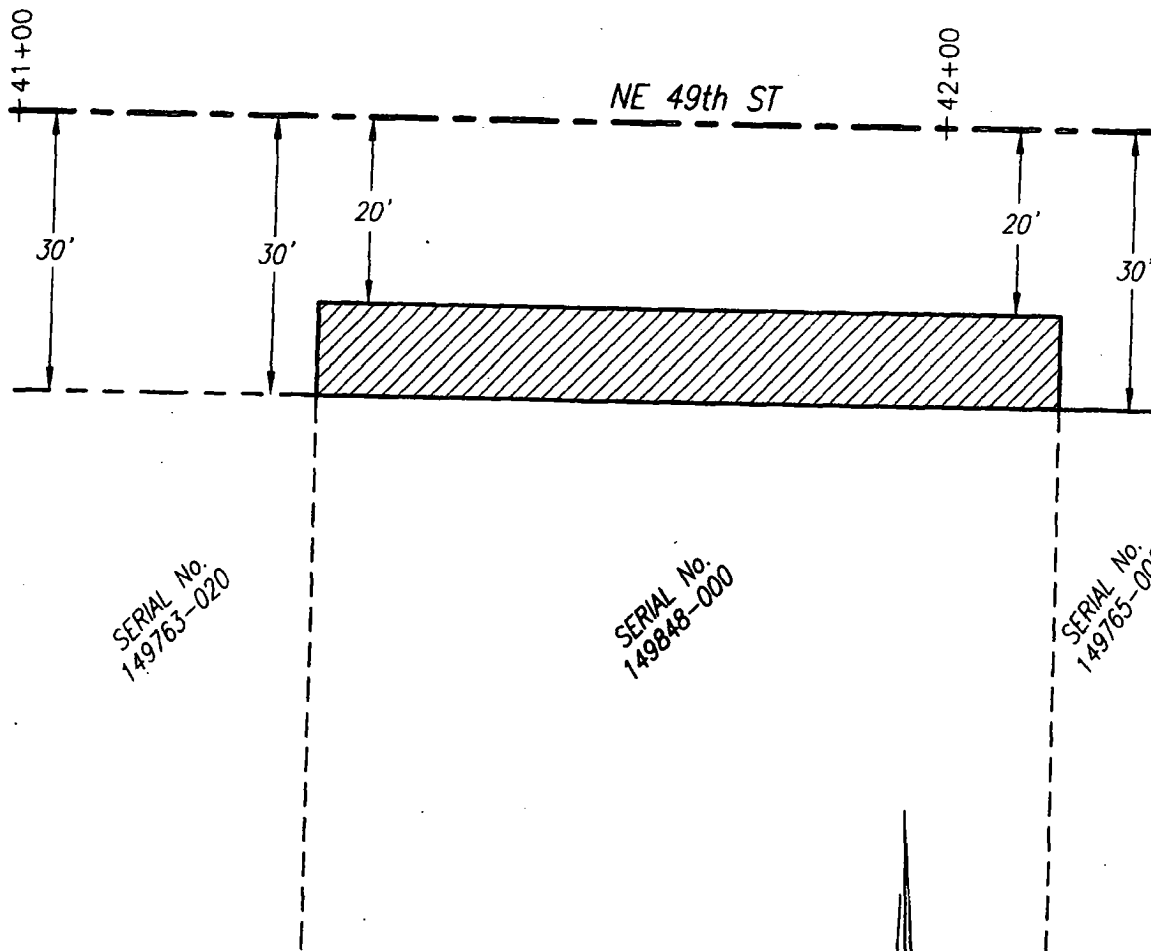
Beginning at a brass cap marking the west quarter corner of said Section 13, being designated as Engineers' station 21+93.93: thence South 88°24'58" East 2806.07 feet to a point at the intersection of NE 49th Street with NE 40th Avenue, said point bears North 1°53'29"E 216.77 feet from a brass cap marking the southwest corner of the E. Thomlinson DLC #42, and there terminating, all in Clark County, Washington.

Bearings used hereon are based on the north line of the southwest quarter of said Section 13 as being South 89°06'54" East based on the Washington State Plane Coordinate System, South Zone, NAD(83) 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. 149B48-000



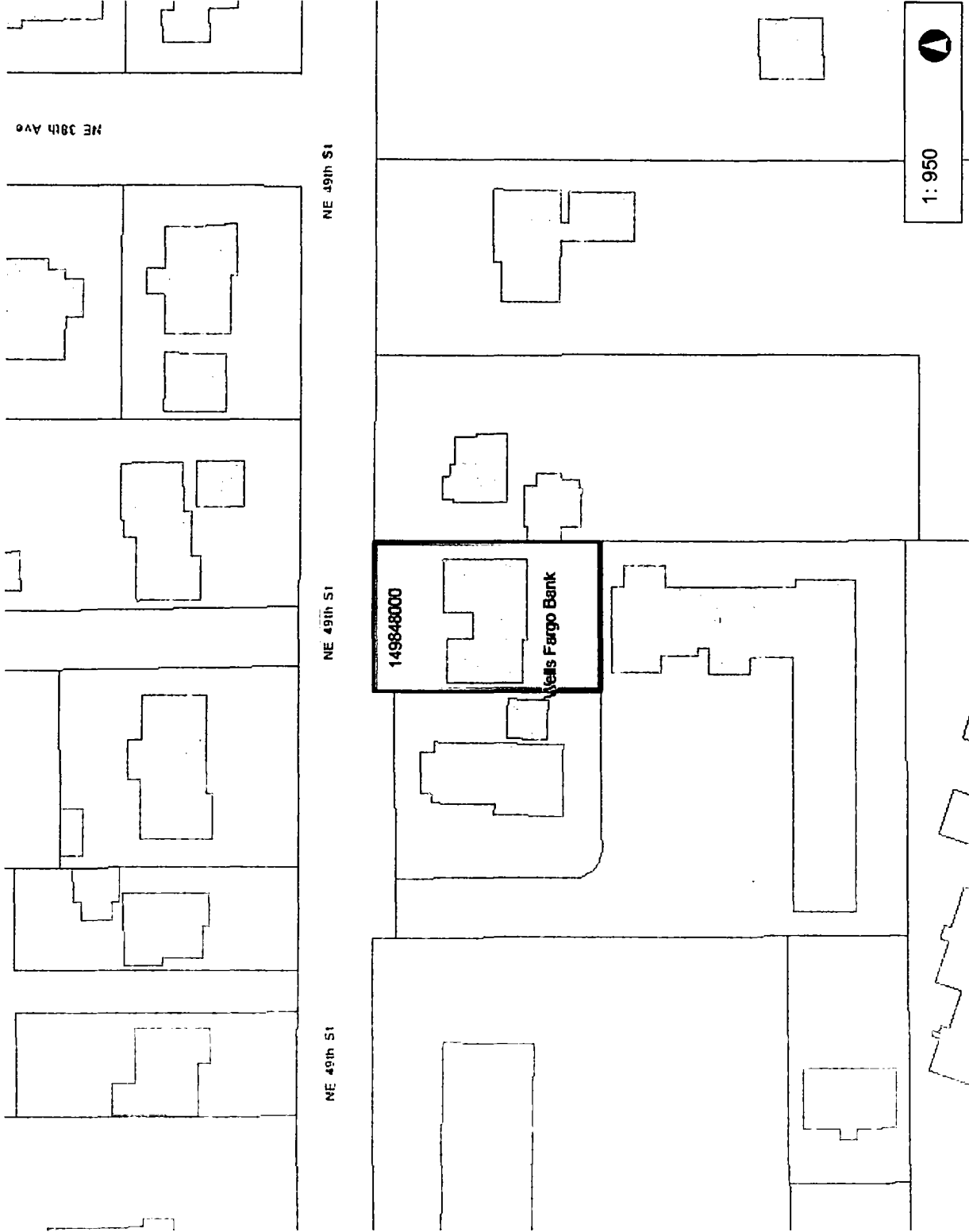
NOT TO SCALE




Clark County Public Works Vancouver, Washington		
DESIGN & ENGINEERING DIVISION OFFICE OF THE COUNTY SURVEYOR		
SW 1/4 SECTION 13 T 2 N, R 1 E, W.M.		
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
DATE	SCALE	DRAWN BY
JAN 2014	NOT TO SCALE	CJS



NE 49th St Sidewalk



- Legend**
-  Building Footprints
 -  Taxlots
 -  World Street Map

Notes:



1: 950

158.4 Feet

79.20

0

158.4

This map was generated by Clark County's "MapsOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

WGS_1984_Web_Mercator_Auxiliary_Sphere
Clark County, WA, GIS - <http://gis.clark.wa.gov>