



CLARK COUNTY
STAFF REPORT

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

DATE: July 15, 2014

REQUEST: Execute and approve a Utility Easement to Public Utility District No. 1 of Clark County, across portions of NE 119th Street Right-of-Way adjacent to tax parcel numbers 119887-110; 119887-080; 119887-020; 198803-000; 198812-000; 198988-000; 198814-000; 198811-000.

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 NE 119th Street (NE 72nd Avenue to NE 87th Avenue) Road Project, CRP 390722, requires Public Utility District No. 1 of Clark County (CPU) to relocate several of their poles and service equipment. These were located within easements that CPU had previously acquired from private land owners.

COMMUNITY OUTREACH: This project has had extensive community involvement through several open houses, meetings, and newsletters.

BUDGET AND POLICY IMPLICATIONS: None. It has been our policy to accommodate utilities whenever possible.

FISCAL IMPACTS: Yes (see Fiscal Impacts Attachment) No

ACTION REQUESTED: Execute and approve a Utility Easement to Public Utility District No. 1 of Clark County, across portions of NE 119th Street Right-of-Way adjacent to tax parcel numbers 119887-110; 119887-080; 119887-020; 198803-000; 198812-000; 198988-000; 198814-000; 198811-000.

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

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

APPROVED: Tom Mulke
CLARK COUNTY, WASHINGTON
BOARD OF COMMISSIONERS

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

July 15, 2014
SR 153-14

TG/HHH/PM/pmm
Attachments: Easement, Resolution, Map

RETURN TO:
Clark Public Utilities
P. O. Box 8900
Vancouver, WA 98668

Document Title: Utility Easement
Grantor: Clark County
Grantee: Public Utility District No.1 of Clark County
Legal Description: Portions of NE 119th St. Right of Way in Sec. 30 & 31-3-2E WM
Serial No: Within ROW Adjacent to 119887-110; 119887-080; 119887-020;
198803-000; 198812-000; 198988-000; 198814-000; 198811-000
GEO: 3231111, 323022 and 323023
ENGINEER: Jarrell
RIO: 381052
NE 119th St & NE 72nd Avenue

**EASEMENT AND RIGHT OF WAY
UTILITY EASEMENT**

The GRANTOR(S), **CLARK COUNTY WASHINGTON, A Municipal Corporation**, for and in consideration of mutual benefits hereby acknowledged, does grant and convey to **PUBLIC UTILITY DISTRICT NO. 1 OF CLARK COUNTY, a municipal corporation of the state of Washington**, GRANTEE, its successors and assigns, including joint users, a non-exclusive, perpetual easement and right of way variable width in feet, together with the right of ingress and egress for the purpose of installing, constructing, erecting, altering, repairing, maintaining and operating thereon and therein an electric system, facilities and appurtenances including communication and service conductors with surface-mounted transformer(s), pole(s), anchor(s), and appurtenances necessary thereto, together with the right and easement to tap into said facilities to serve adjacent and/or adjoining lands, in, on, over, under and across the lands in Clark County, Washington, described as follows:

As of this date being a portion of the right of way in NE 119th St & NE 72nd Avenue and adjacent to Assessor Parcel Nos. 119887-110; 119887-080; 119887-020; 198803-000; 198812-000; 198988-000; 198814-000; 198811-000 in Sections 30 and 31, Township 3 North, Range 2 East WM, more particularly shown on the attached Exhibit "B", by reference made a part hereof.

PROVIDED, that upon completion of installation of all facilities required to serve all land above-described, THE EASEMENT HEREIN GRANTED SHALL BECOME LIMITED TO THE ACTUAL LOCATIONS OF THE FACILITIES AS INSTALLED WITH REASONABLE RIGHTS OF INGRESS AND EGRESS FOR THE PURPOSES ABOVE STATED.

The Grantor also covenants to and with the Grantee that Grantor has the right and power to convey an Easement and Right of Way over the tract of land described herein.

DATED this 15th day of July, 2014.

BOARD OF COUNTY COMMISSIONERS
OF CLARK COUNTY, WASHINGTON

Tom Mielke
Tom Mielke, Chair

David Madore, Commissioner

Edward L. Barnes, Commissioner

NOTARIAL ACKNOWLEDGMENT

STATE OF WASHINGTON)
)ss
County of Clark)

On this 15th day of July 2014, before me personally appeared Tom Mielke, Chair and/or David Madore, Commissioner and/or Edward L. Barnes, Commissioner, 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.

Dated 7/15/14

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

Rebecca L. Tilton
Notary Public in and for the State of
WA, residing at Vanouver, WA
My commission expires: 4/26/2017

EXHIBIT A

Property Descriptions:

APN 119887-110 - known as 11706 NE 72nd Ave

The South half of lot 4 and the North half of Lot 5, Block 1, DONOVAN ACRES, according to the plat thereof, recorded in Volume F of the plats, page 71, records of Clark County Washington.

Excepting the portion conveyed by Marvin M King and Eva May King, husband and wife, to Clark County, Washington by deed recorded under Auditor's File No. 8702270232.

Excepting ALSO the portion conveyed by Viviane Nguyen, an unmarried woman, to Clark County, Washington by deed recorded under Auditor's File No. 4961293D.

APN 119887-080 – No address listed

APN 119887-020 – No address listed

Lot 1 and the North 100 feet of Lot 4, Block 1, DONOVAN ACRES, according to the plat thereof, recorded in Volume F of the plats, page 71, records of Clark County Washington.

Excepting that portion thereof conveyed to Clark County by instrument recorded on May 3, 1985, under Auditor's File No. 8505030154.

Further Excepting therefrom that portion conveyed to Clark County by deed recorded March 3, 1987 under Auditor's File No. 8703030166.

Excepting ALSO the portion conveyed by Issa Fakhouy, as his separate estate, to Clark County, Washington by deed recorded under Auditor's File No. 5018882D.

APN 198803-000 – No address listed

APN 198812-000 – known as 11914 NE 72nd Ave

Beginning at a point 20 feet North and 20 feet West of the Southeast corner of Section 30, Township 3 North, range 2 east of the Willamette Meridian, Clark County, Washington; running thence North 640 feet; thence West 674.52 feet; thence South 640 feet; thence East 674.52 feet to the point of beginning.

Except that portion, if any lying within NE 119th Street and NE 72nd Avenue

ALSO Excepting that portion conveyed to Clark County, Washington, a municipal corporation, by instrument recorded under Auditor's File No. 8412120019, records of Clark County, Washington

Excepting ALSO the portion conveyed by Marwan Said Al-Deen Mousleh, also known as David M. Mousleh and Anistacia Mousleh, husband and wife, to Clark County, Washington by deed recorded under Auditor's File No. 5038536D

APN 198988-000 – known as 6814 NE 119th St

A portion of the Southeast quarter of the Southeast quarter of Section 30, Township 3 North, Range 2 East of the Willamette Meridian, Clark County, Washington, described as follows:

Beginning at a Clark County concrete monument with brass cap at the Southeast corner of Section 30, as shown in Book 5 of Surveys, page 114, Clark County Auditor's Records; thence South 89°55'47" West along the South line of the Southeast quarter of the Southeast quarter of Section 30, for a distance of 704.52 feet; thence North 00°04'11" East parallel with the East line of the Southeast quarter of the Southeast quarter of Section 30, for a distance of 20.00 feet to a half inch iron rod set in a 1994 Hagedorn, Inc., Survey, on the North right of way line of NE 119th Street, at the Southeast corner of the Ward tract as described under Auditor's File No.

G588142, Clark County Auditor's Records, and the True Point of Beginning; thence South 89°55'47" West along the North right of way line of NE 119th Street a distance of 146.00 feet to a half inch iron rod set in said 1994 Hagedorn Inc., Survey; thence leaving the North right of way line of NE 119th Street, North 00°04'11" East parallel with the East line of the Southeast quarter of section 30, for a distance of 300.00 feet to a half inch iron rod set in said 1994 Hagedorn Inc., Survey; thence North 89°55'47" East parallel with the South line of the Southeast quarter of the Southeast quarter of Section 30, for a distance of 146.00 feet to a half inch iron rod set in said 1994 Hagedorn Inc., Survey, on the East line of the Ward tract; thence South 00°04'11" West parallel with the East line of the Southeast quarter of the Southeast quarter of Section 30, and along the east line of the Ward tract, for a distance of 300.00 feet to the True Point of Beginning.

Except County Roads

APN 198814-000 known as 6800 NE 119th St

That portion of the South half of the Southeast quarter of Section 30, Township 3 North, Range 2 east of the Willamette Meridian, Clark County, Washington, described as follows:

Beginning at a point 20 feet North and 704.52 feet west of the Southeast corner of the Southeast quarter of said Section 30; thence North on the line parallel to the East boundary line of said Southeast quarter, a distance of 640 feet, more or less, to the North boundary line of the Cunningham farm; thence running Westerly along the North boundary line of said Cunningham farm, a distance of 330 feet; thence Southerly on a line parallel to the East boundary line of the tract herein described, a distance of 640 feet more or less, to a point in the North boundary line of the County road; thence Easterly 330 feet to the Point of Beginning.

Excepting the parcel described as follows;

Beginning at a Clark County concrete monument with brass cap at the Southeast corner of Section 30, as shown in Book 5 of Surveys, page 114, Clark County Auditor's Records; thence South 89°55'47" West along the South line of the Southeast quarter of the Southeast quarter of Section 30, for a distance of 704.52 feet; thence North 00°04'11" East parallel with the East line of the Southeast quarter of the Southeast quarter of Section 30, for a distance of 20.00 feet to a half inch iron rod set in a 1994 Hagedorn, Inc., Survey, on the North right of way line of NE 119th Street, at

the Southeast corner of the Ward tract as described under Auditor's File No. G588142, Clark County Auditor's Records, and the True Point of Beginning; thence South 89°55'47" West along the North right of way line of NE 119th Street a distance of 146.00 feet to a half inch iron rod set in said 1994 Hagedorn Inc., Survey; thence leaving the North right of way line of NE 119th Street, North 00°04'11" East parallel with the East line of the Southeast quarter of section 30, for a distance of 300.00 feet to a half inch iron rod set in said 1994 Hagedorn Inc., Survey; thence North 89°55'47" East parallel with the South line of the Southeast quarter of the Southeast quarter of Section 30, for a distance of 146.00 feet to a half inch iron rod set in said 1994 Hagedorn Inc., Survey, on the East line of the Ward tract; thence South 00°04'11" West parallel with the East line of the Southeast quarter of the Southeast quarter of Section 30, and along the east line of the Ward tract, for a distance of 300.00 feet to the True Point of Beginning.

Except that portion lying within the right of way of NE 119th Street
ALSO Except any portion conveyed to Lucille M Ward by Auditor's File No. 8910270215

APN 198811-000 known as 6700 NE 119th St

That portion of the South half of the South half of the Southeast quarter of Section 30, Township 3 North, Range 2 east of the Willamette Meridian.

Commencing at a point 20 feet North and 30 feet West of the Southeast corner of said Section 30; thence West 15.22 chains to the True Point of Beginning; thence North 10 chains; thence West 5 chains; thence South 10 chains; thence east 5 chains to the Point of Beginning.

Except the North 270 feet of the above described property

Except the west 30 feet of the South 370 feet of the above described property

EXHIBIT "B"

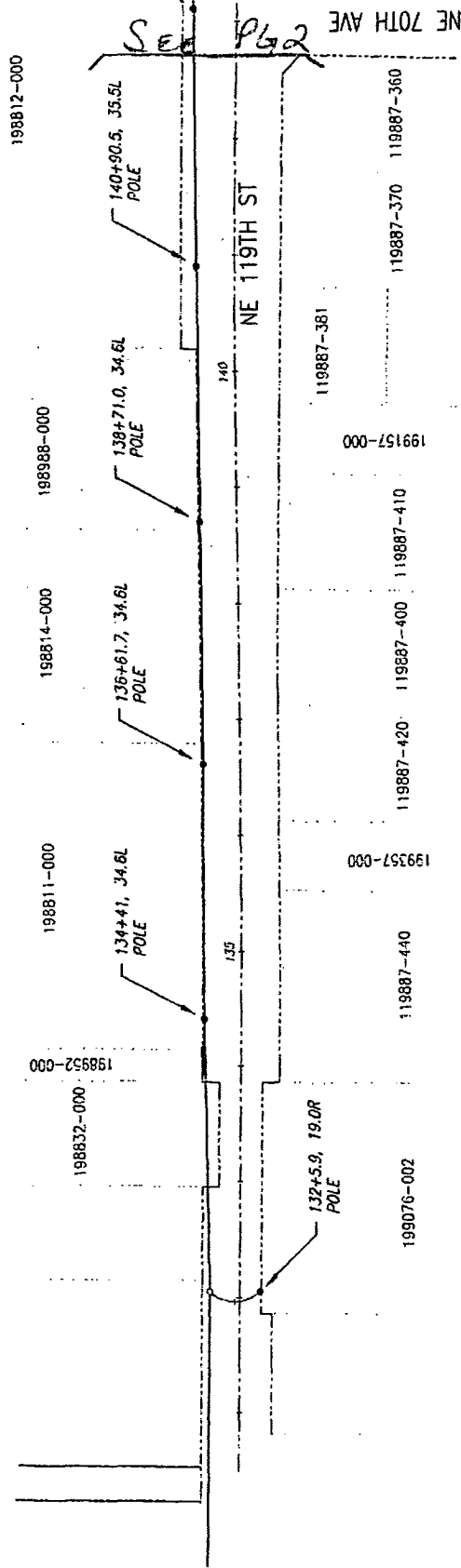
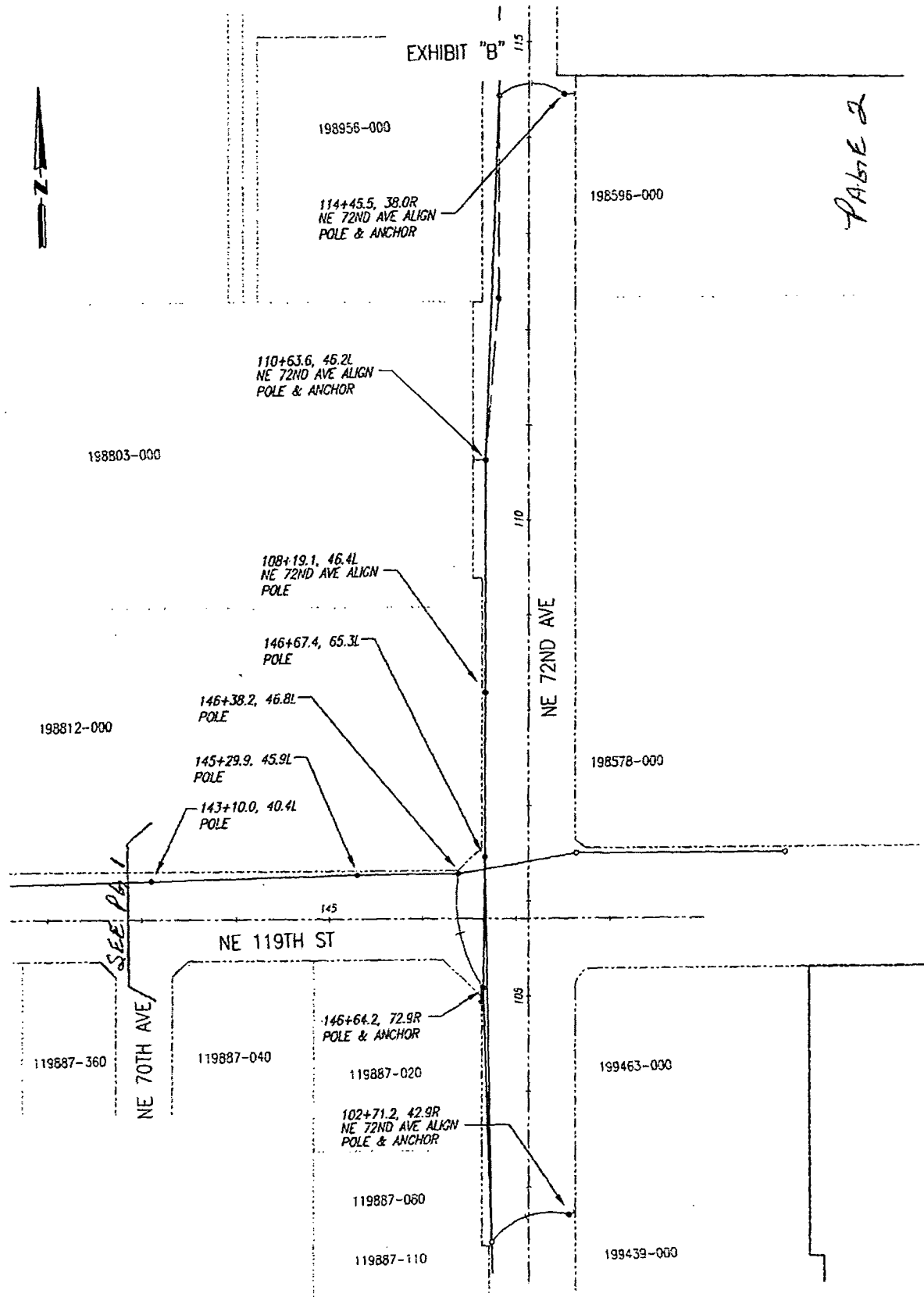




EXHIBIT "B"

PAGE 2



CLARK COUNTY, WASHINGTON
RESOLUTION NO. 2014-07-18

IN THE MATTER OF EXECUTION OF EASEMENT FROM CLARK COUNTY

WHEREAS, the Board of County Commissioners is in regular session this 15th day of July, 2014, and

WHEREAS, it appears in the best interest of Clark County the following is hereby executed:

Document

Utility Easement

Data

FROM: Clark County, Washington

TO: Public Utility District No. 1 of Clark County

FOR: NE 119th Street Project (NE 72nd Ave to NE 87th Ave)

CRP: 390722

CONSIDERATION: Mutual Benefit

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 Commissioners.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, WASHINGTON


Tom Mielke, Chair

ATTEST:

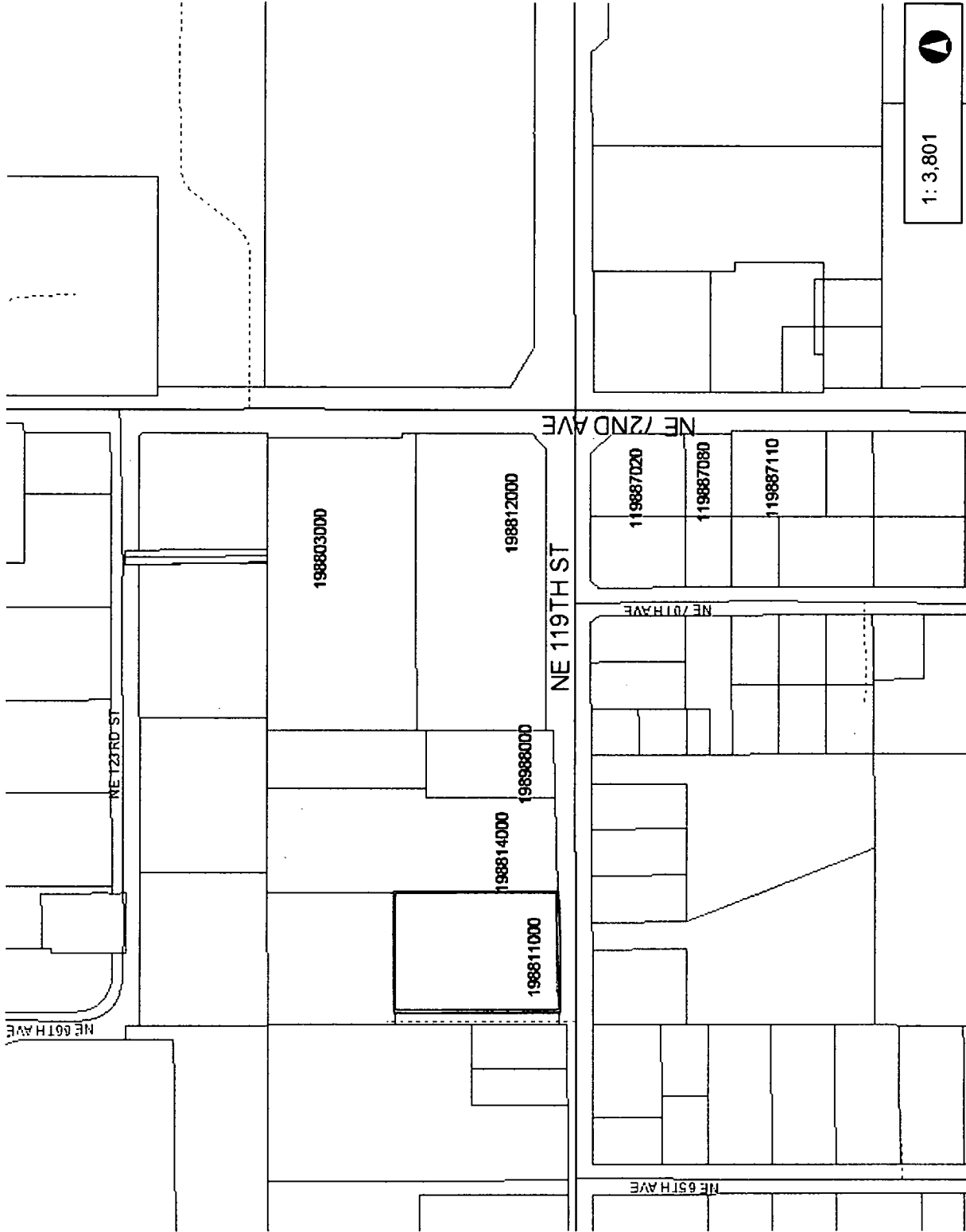

Clerk of the Board

David Madore, Commissioner

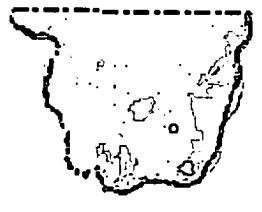
Edward L. Barnes, Commissioner






















Adj to Tax parcels on NE 119th St & Ne 72nd Ave



1: 3,801

Legend

-  Taxlots
-  County Outline
- Highway**
 -  Interstate
 -  State Route
 -  Interstate Ramp
 -  State Ramp
- Arterial** 
- Collector** 
- Minor** 
- DNR** 
- Other**
 -  Private, Other
 -  Proposed
 -  Unknown
- Stream Channels** 
- Major Waterbodies** 
- Rural Centers** 
- Cities Boundaries** 
- Urban Growth Boundaries** 
- County Boundary** 

Notes:

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.

633.6 0 316.78 633.6 Feet
 WGS_1984_Web_Mercator_Auxiliary_Sphere
 Clark County, WA, GIS - <http://gis.clark.wa.gov>