

CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Works / Development Engineering /Engineering

DATE: March 22, 2016

REQUESTED ACTION: Consider Approval of a Developer's Agreement with C.C. Land Development, LLC and Gaither Family II LLC , which defines the partnership funding for intersection signal improvements to be made at NE 78th Street and NE 39th Avenue. Also, consider approval of the attached Resolution authorizing the execution of said Development Agreement.

_____ Consent X 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 purpose of this Developer's Agreement is to facilitate a joint effort to improve an intersection for the benefit of Clark County, C.C. Land Development, LLC and Gaither Family II LLC. This agreement will help minimize costs for all parties and allow Gaither Commercial and Padden Parkway Business Park to be able to move forward.

The County finds that the three parties benefit from the construction of the signal project and therefore it is appropriate for the County and Gaither Family II, LLC to reimburse C C Land Development LLC a share of the cost of the project. The County has committed to a payment of 1/3 of the Total Costs for the Required Improvement.

COUNCIL POLICY IMPLICATIONS

None

ADMINISTRATIVE POLICY IMPLICATIONS

None

COMMUNITY OUTREACH

None

BUDGET IMPLICATIONS

| YES | NO | |
|-----|----|-----------------------------------------------|
| X | | Action falls within existing budget capacity. |

PW16-031

| | | |
|--|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | 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. |

BUDGET DETAILS

| | |
|--------------------------|------------------------|
| Local Fund Dollar Amount | ≈\$175,000.00 |
| Grant Fund Dollar Amount | None |
| Account | Clark County Road Fund |
| Company Name | |

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

Ali Safayi for Greg Shafer
 Greg Shafer, P.E.
 Development Engineering Division Manager

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

Mark McCauley
 APPROVED:
 CLARK COUNTY, WASHINGTON
 BOARD OF COUNTY COUNCILORS

DATE: MAR. 22, 2016
 SR#

APPROVED: _____
 Mark McCauley, Acting County Manager

DATE: _____

PW16-031

BUDGET 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 County, CC Land Development and Gaither Family II LLC would pay for 1/3 share of total costs of required improvements.

Part II: Estimated Revenues

| Fund #/Title | Current Biennium | | Next Biennium | | Second Biennium | |
|--------------|------------------|-------|---------------|-------|-----------------|-------|
| | GF | Total | GF | Total | GF | Total |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Total | | | | | | |

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

Part III: Estimated Expenditures

III. A – Expenditures summed up

| Fund #/Title | FTE's | Current Biennium | | Next Biennium | | Second Biennium | |
|------------------|-------|------------------|------------|---------------|-------|-----------------|-------|
| | | GF | Total | GF | Total | GF | Total |
| 1012 – Road Fund | | ≈\$175,000 | ≈\$175,000 | | | | |
| | | | | | | | |
| | | | | | | | |
| Total | | | | | | | |

III. B – Expenditure by object category

| Fund #/Title | Current Biennium | | Next Biennium | | Second Biennium | |
|----------------------|------------------|-------|---------------|-------|-----------------|-------|
| | GF | Total | GF | Total | GF | Total |
| Salary/Benefits | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Travel | | | | | | |
| Other controllables | | | | | | |
| Capital Outlays | | | | | | |
| Inter-fund Transfers | | | | | | |
| Debt Service | | | | | | |
| Total | | | | | | |

SP

NOTICE OF PUBLIC HEARING

The Clark County Board of Commissioners will hold a public hearing on **Tuesday, the 22nd day of March 2016 at 10:00 a.m.** in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington to consider a developer's agreement to share costs of a traffic signal and necessary median construction among two developer's and Clark County at the intersection of NE 78th St. and NE 39th Ave.

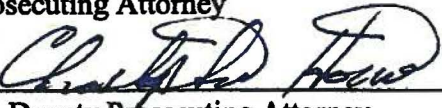
More information concerning this matter may be obtained by contacting Greg Shafer at the Clark County Public Works, 1300 Franklin Street, Vancouver, Washington, telephone (360) 397-6118.

Any person wishing to give testimony in this matter should appear at the time, date, and place above stated.

BOARD OF COUNTY COMMISSIONERS


Clerk of the Board

Approved as to Form Only
ANTHONY F. GOLIK
Prosecuting Attorney

By 
Deputy Prosecuting Attorney

PLEASE PUBLISH: **MARCH 9, 2016**



For other formats contact the Clark County ADA Program:
Voice (360) 397-2322; Relay 711 or (800) 833-6388
Fax (360) 397-6165; Email ADA@clark.wa.gov

RESOLUTION NO. 2016 - 03-09

A RESOLUTION related to the Developer's Agreement for signal improvement at intersection NE 78th Street and NE 39th Avenue; authorizing the Chair to execute a Developer's Agreement.

WHEREAS, the legislature has authorized the execution of Developer's Agreements pursuant to RCW 36.70B.170 to address the particular needs of development and the orderly development; and

WHEREAS, the improvements at the intersection of NE 78th Street and NE 39th Avenue are necessary to mitigate an identified direct impact of Padden Parkway Business Park and Gaither Commercial Center; and

WHEREAS, based on the agreement, Padden Parkway Business Park, Gaither Commercial Center and Clark county has agreed to contribute a predetermined share of the estimated engineering and construction costs; and

WHEREAS, following the public hearing, the Board authorized execution of the attached Developer's Agreement; now, therefore,

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

Section 1. Authorization to execute development agreements. The Chair of the Board of County Commissioners is hereby authorized to execute the attached Developer's Agreement.

Section 2. Instruction to Clerk. The Clerk to the Board shall: Record a copy of this resolution with the Clark County Auditor; and

Section 3. Effective Date. This resolution shall take effect at midnight on the date of its adoption.

ADOPTED this 22nd day of MAR, 2016


Attest:


Clerk to the Board

BOARD OF CLARK COUNTY
COMMISSIONERS

By: 
Marc Boldt, Chair

Approved as to form only:
CHRIS HORNE
Prosecuting Attorney

By: 

Christopher Horne
Prosecuting Attorney

By: _____
Jeanne Stewart, Councilor

By: _____
Julie Olson, Councilor

By: _____
David Madore, Councilor

By: _____
Tom Mielke, Councilor

Recording requested by:
Clark County Public Works
Development Engineering Division
P.O. Box 9810
Vancouver, WA 98666-9810

Document Title: Gaither Commercial and Padden Parkway Business Park Developer Agreement
Grantor: Clark County, Washington
Grantee: C.C. Land Development, LLC and Gaither Family II LLC,
Legal Description: NW ¼ Sec 12 T2N R1E
Serial #: 144534-000, 144492-000, 144514-000, 144516-000, 144527-000.

DEVELOPER'S AGREEMENT (DA)

1. Parties

- (a) County: Clark County, State of Washington (County)
- (b) Developer: C.C. Land Development, LLC (C.C. Land)
9120 NE Vancouver Mall LP Ste 220
Vancouver, WA 98662

Otto E. Gaither and Gaither Family II LLC (Gaither)
8100 NE St Johns Rd Ste A-14
Vancouver, WA 98683

2. Vesting:

a) Uses

- (1) **Subject Development:** Hazel Dell Ball Fields; Padden Parkway Business Park and Gaither Commercial Center. Generally located at: NE 78th Street and NE St Johns Road Vancouver, WA 98686-9600 ("Subject Developments"). All uses approved under the permits in effect for the Properties when this document is executed or as thereafter approved ("The Approvals"), together with uses currently permitted within the General Commercial (GC) zone, as provided for by Clark County's Code on the effective Date of this Agreement, as may be amended. The property serial numbers for the Subject Developments are 144505-000 (County); 144534-000, 144492-000, 144514-000, 144516-000 (Gaither), 144527-000 (CC Land) and

CA

Developer's Agreement
NE 78th Street and NE 39th Avenue

the parcels are legally described in Exhibit "A, "Properties". The Vesting term will be governed by the Clark County code in effect when a fully complete application was filed by the Developers.

A copy of the current quarter section map showing the above stated property serial numbers is attached as "Exhibit B.

This agreement is approved in recognition that each party is entitled to the benefits of and agrees to comply with the conditions of approval of their respective project approval.

(b) Project: This Developer's Agreement is to provide a partnership between the County, Padden Parkway Business Park, and Gaither Commercial Center to fund the design and construction of the traffic signal and associated improvements along NE 78th Street fronting the subject parcels identified above.

(1) Requirements of Gaither Commercial Center:

- The applicant shall dedicate any additional Right of-Way along its frontage required to obtain a 50-foot half width along NE 78th Street.
- The applicant shall submit a signing and striping plan for County review and approval. This plan will show signing and striping and all related features for required frontage improvements and any required adjacent improvements. This signing and striping plan will also include installation of the separate westbound left turn lane at NE 78th Street/NE 39th Avenue. This separate westbound left turn lane, at NE 78th Street/NE 39th Avenue, shall have a minimum storage length of 375 feet with the appropriate lane tapers. The applicant will obtain a work order from Clark County to reimburse the County for the signing and striping changes needed along the frontage of this development.
- The applicant will submit construction drawings for the construction of right in/right out access locations on NE 78th Street, at the western access and the middle access, for review and approval. These drawings will include a raised median on NE 78th Street. The required raised median will be continuous from the NE 39th Avenue/NE 78th Street intersection to a point west of the proposed westernmost access location to discourage left turns into the site from westbound traffic. These drawings will also include all related features for the restricted access construction. These related features include, but are not limited to, civil

CA

Developer's Agreement
NE 78th Street and NE 39th Avenue

improvements such as curbs, gutter, sidewalks, signing and striping and ADA ramps.

- The applicant will ensure the submittal of construction drawings for review and approval by the County.
- Developers are required to dedicate the ROW necessary for signal and roadway intersection improvements.

(2) Requirements of Padden Parkway Business Park:

- NE 78th Street is classified as a 4-lane Urban Principal Arterial Road (Pr-4cb). The total right-of-way and easement width will be a minimum half-width of 56- feet. This development will dedicate a minimum of 41.5-feet of ROW. The remaining 14.5-feet may be located in an easement.
- On the final transportation plan, the applicant will include the right-of-way dedication or easements for the chord of the radius for roads that intersect with arterial roads. These construction drawings will show the design of the entire traffic signal system at the intersection of NE 39th Avenue/NE 78th Street. This traffic signal system design will include masts and arms constructed at ultimate grade and location, a traffic signal controller and vehicle detection. The design of this system will also show all related features including striping and civil improvements such as curbs, gutter, sidewalks, and ADA ramps.
- The applicant will submit and obtain County approval of a signing, striping, and signalization plan showing how a traffic signal and all related features will be installed at the western site access.
- The applicant will submit and obtain County approval of a signing and striping plan showing how a center raised median and all related features, constructed using Type A or Type C curb sections per WSDOT standard plan F-2, will be constructed on NE 78th Street between the western site access and NE St. Johns Road.
- The applicant will submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way.
- Undertake and successfully complete Project as described in

CB

Developer's Agreement
NE 78th Street and NE 39th Avenue

subsection 4 below.

- (3) County capital improvements include:
- Traffic Signs, Striping, to be credited against its payment.
 - Pay one-third of the Total Costs of the Required Improvement.
- (4) Project-Traffic design and construction and related capital improvements for the Required Improvement include:
- Design and construction of a Traffic Signal (on NE 78th Street at NE 39th Avenue), IT improvements, ancillary traffic improvements per approved construction plans.
 - Roadway and paving construction through the south end of the SW and SE curb returns of the NE 39th Avenue intersection (which will match the design, including vertical and horizontal alignments, of the future extension on NE 39th Ave) per approved construction plans.
 - Raised Median per approved construction plans.
- Additional improvements required by Parties:
- Developers to share in cost of striping design and pavement markings, and signs.
 - Developers are required to dedicate the ROW necessary for signal and roadway intersection improvements.

3. Statutory Authority.

(a) RCW 35.72.020-030 authorizes counties to provide partial reimbursement to the owner/s of the costs of the project by other property owners who are determined to have a reimbursement share based upon a benefit to the property owner.

(b) The County finds and concludes and the parties concur that the three parties benefit from the construction of the project and therefore it is appropriate for the County and Gaither Family II, LLC to reimburse C C Land Development LLC a share of the cost of the project. The County has committed to a payment of 1/3 of the Total Costs for the Required Improvement.

(c) The design and construction of the Required Improvement by C C Land Development LLC, will satisfy some of the conditions of approval as issued in Gaither Commercial Center PSR2008-00016; APL2008-00005 and APL2008-00018 and an alternate condition of approval of Clark County.

(d) RCW 36.75.255 authorizes reimbursement of a portion of the Total Costs of the Required Improvement.



Developer's Agreement
NE 78th Street and NE 39th Avenue

4. Recitals incorporated into this Agreement.

- (a) The Required Improvement is necessary to mitigate an identified direct impact of the Subject Developments.
- (b) Developers have volunteered a contribution of 2/3rd's share towards the total design and construction costs of the Required Improvement, (engineering design and construction for said traffic signal, roadway, paving, median, signs, striping, and ancillary improvements (Total Costs).

5. Payments:

- (a). County portion is 1/3rd of Required Improvement, Total Costs.
- (b) Invoices are to be submitted on a monthly basis and within 30 days of receipt, County shall pay to the C C Land Development LLC, 1/3rd of the Total Costs incurred to date. C C Land Development LLC will provide a copy of the original invoice of actual costs with breakdowns for each 1/3 share costs.

6. Schedule: C C Land Development LLC is to complete the construction of the signal, median and associated Project improvements within 18 months of execution of the DA.

7. Authority. RCW 35.72.020-030; RCW 36.70B.170 through 36.70B.190; RCW 36.75.255; and Clark County Code 40.350.

8. Binding Effect. This Developer's Agreement shall be recorded against the Property and shall run with the land, subject only to the express conditions or limitations of this Agreement, and shall be binding upon and inure to the benefit of the respective successors and assigns of the parties. Upon assignment of this Development Agreement or the conveyance of the Property, the assignee/grantee shall be deemed to assume all rights, obligations and liabilities set forth in this Agreement as they relate to the Property or the development thereof.

9. Reserve Account. Should a party remit payment in advance of signal completion, it will be held by C C Land Development LLC in a reserve account and may only be utilized to fund the Required Improvement.

10. Expenditure. All Project payments shall be used to reimburse for the Required Project Improvements. C C Land Development LLC will maintain records of engineering and construction costs.


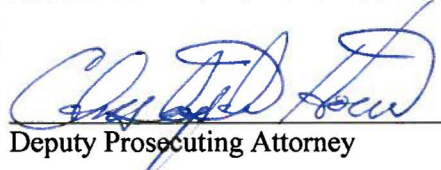
11. Refund.

- (a) No refunds less than \$100.00 will be allowed
- (b) Following construction, the three parties will reconcile their payments with the final cost of construction.

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Developer's Agreement
 NE 78th Street and NE 39th Avenue

Executed this 22nd day of MARCH, 2016.

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Gaither Family II, LLC</p> <hr/> <p>By: _____ Title: _____ Date: _____</p> | <p>C C Land Development LLC</p> <hr/> <p>By: _____ Title: _____ Date: _____</p> |
| <p></p> <hr/> <p>By: Marc Boldt Title: Chair Date: <u>3-22-16</u></p> | <p>CLARK COUNTY, WASHINGTON</p> <hr/> <p>By: Jeanne Stewart Title: Councilor Date: _____</p> |
| <p>CLARK COUNTY, WASHINGTON</p> <hr/> <p>By: Julie Olson Title: Councilor Date: _____</p> | <p>APPROVED AS TO FORM ONLY:</p> <p></p> <hr/> <p>Deputy Prosecuting Attorney</p> |
| <p>CLARK COUNTY, WASHINGTON</p> | <p>CLARK COUNTY, WASHINGTON</p> |

Developer's Agreement
NE 78th Street and NE 39th Avenue

| | |
|--------------------------------------------------------------|------------------------------------------------------------|
| <hr/> By: David Madore Title: Councilor Date: _____ | <hr/> By: Tom Mielke Title: Councilor Date: _____ |
|--------------------------------------------------------------|------------------------------------------------------------|

State of Washington)

County of Clark) ss.
)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the _____ of Gaither Commercial Center to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 201

| |
|-------------|
| Notary Seal |
|-------------|

Notary Public for Washington

Name of Notary

My appointment expires: _____

Developer's Agreement
NE 78th Street and NE 39th Avenue

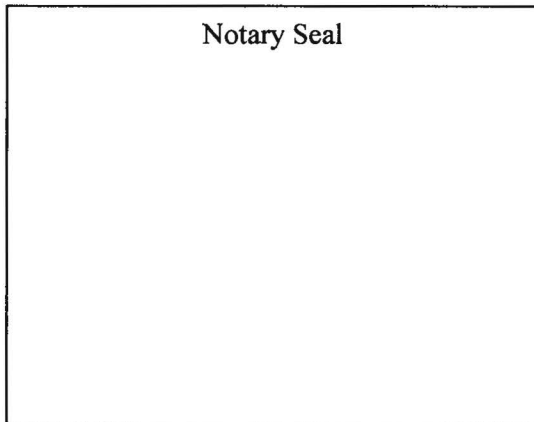
Developer's Agreement
NE 78th Street and NE 39th Avenue

State of Washington)

County of Clark) ss.
)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the _____ of Padden Parkway Business Park to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 201



Notary Public for Washington

Name of Notary

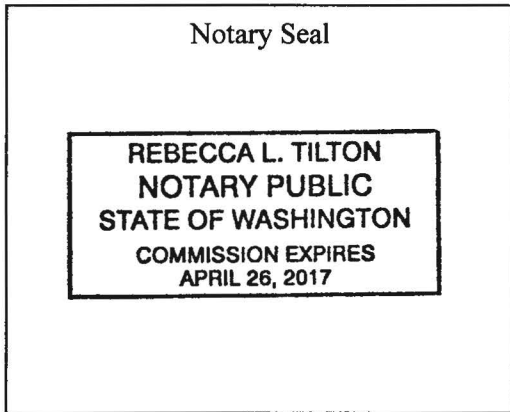
My appointment expires: _____

Developer's Agreement
NE 78th Street and NE 39th Avenue

State of Washington)
) ss.
County of Clark)

I certify that I know or have satisfactory evidence that MARC BOLDT is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the County Council Chair of Clark County, Washington to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: MARCH 22, 2016



Rebecca L. Tilton
Notary Public for Washington

REBECCA L. TILTON
Name of Notary

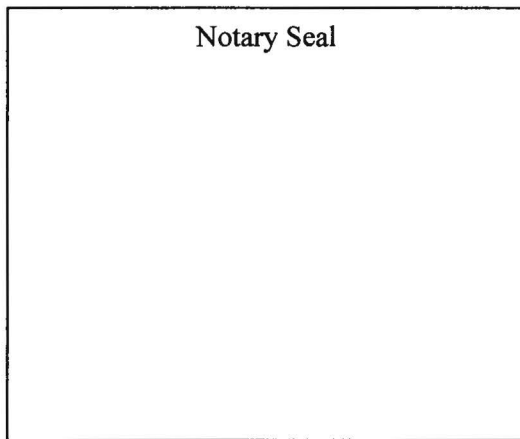
My appointment expires: 4/26/2017

Developer's Agreement
NE 78th Street and NE 39th Avenue

State of Washington)
) ss.
County of Clark)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the _____ of Clark County, Washington to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 201



Notary Public for Washington

Name of Notary

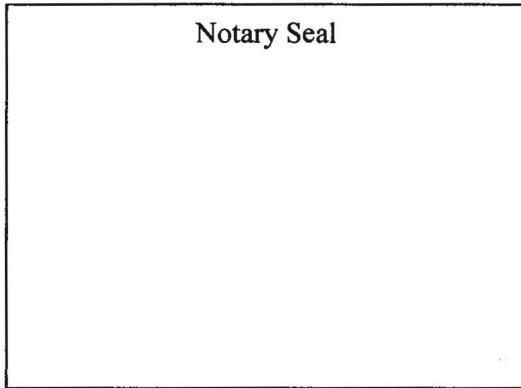
My appointment expires: _____

Developer's Agreement
NE 78th Street and NE 39th Avenue

State of Washington)
) ss.
County of Clark)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the _____ of Clark County, Washington to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 201



Notary Public for Washington

Name of Notary

My appointment expires: _____

Developer's Agreement
NE 78th Street and NE 39th Avenue

DISTRIBUTION:
Public Works (original)
Treasurer's Office
Developer
Finance (PW 4th^h floor)
File

RECEIPT OF FUNDS

Funds in the amount of \$ _____ were received this _____ date
of _____, 20 _____ from the above named Developer.

By _____

County Cashier



3406694

Page: 2 of 2
12/24/2001 01:44P
Clark County, WA

OTTO & LOIS GAITHER

D

9.00

"Exhibit A"

PARCEL 1414534

LEGAL DESCRIPTION:

Order No.: 160059-B

Page No.: 2

The East half of the following described property:

That portion of the Peter Fulkerson Donation Land Claim lying Southerly of the North line of the Northeast quarter of Section 12; Township 2 North, Range 1 East of the Willamette Meridian in Clark County, Washington. *OEG*

EXCEPT the Easterly 1360 feet as measured along the North line thereof.

AND EXCEPT the Westerly 260.61 feet as measured along the North line thereof.

AND EXCEPT the Westerly 467.38 feet as measured along the South line of that portion thereof lying Easterly of the West 260.61 feet as measured along the North line thereof.

AND EXCEPT the North 30 feet thereof conveyed to Clark County for road purposes by deed recorded under Auditor's File No. G 292030.

Situate in the County of Clark, State of Washington.



3409201
Page: 2 of 2
12/31/2001 12:55P
Clark County, WA

EXHIBIT "A"

PARCEL 114492-000

The ~~WS~~ half of the following described property:

That portion of the Peter Fulkerson Donation Land Claim lying Southerly of the North line of Section 12; Township 2 North, Range 1 East of the Willamette Meridian in Clark County, Washington.

EXCEPT the Easterly 1360 feet as measured along the North line thereof. AND EXCEPT the Easterly 260.61 feet as measured along the North line thereof.

~~and EXCEPT the Westerly 467.98 feet as measured along the south line of that portion thereof lying Easterly of the West 260.61 feet as measured along the North line thereof.~~

AND EXCEPT the North 30 feet thereof conveyed to Clark County for road purposes by deed recorded under Auditor's File No. G 292030.

Situate in the County of Clark, State of Washington
Subject to easements, restrictions, covenants and conditions of record

OFFICIAL

EXHIBIT A

PARCEL 14K1514-000

BEGINNING at the Southwest corner of the Peter Fulkerson Donation Land Claim No. 58 in Township 2 North, Range 1 East of the Willamette Meridian, and running thence Northerly, along the West line of said Donation Land Claim, 780.02 feet to the North line of Section 12, in said Township and Range; thence Easterly along the North line of said Section, 558.45 feet to the true point of beginning of the real property herein described, and running thence Easterly, along the North line of said Section, 169.54 feet; thence Southerly, parallel with the West line of said Donation Land Claim, 780.02 feet, more or less, to the South line thereof; thence Westerly, along the South line of said Donation Land Claim, 169.54 feet; and thence Northerly, parallel with the West line of said Donation Land Claim, 780.02 feet, more or less, to the point of beginning.

EXCEPT County Roads.

EXHIBIT 'A'

DESCRIPTION:

Parcel 144516-000

BEGINNING at the Southwest corner of the Peter Fulkerson Donation Land Claim No. 58 in Township 2 North, Range 1 East of the Willamette Meridian, and running thence Northerly along the West line of said Donation Land Claim, 780.02 feet to the North line of Section 12, Township 2 North, Range 1 East of the Willamette Meridian; thence Easterly, along the North line of said Section, 409.53 feet to the East line of the R. J. Horn tract, the TRUE Point of Beginning of the real property herein described; thence Southerly parallel with the West line of said Donation Land Claim, 780.02 feet, more or less, to the South line thereof; thence Easterly along the South line of said Donation Land Claim, 148.92 feet; thence Northerly parallel with the West line of said Donation Land Claim, 780.02 feet to the North line of said Section; thence Westerly 148.92 feet to the Point of Beginning.

EXCEPT the North 42 feet for N.E. 78th Street.

Fidelity National Title Insurance Company

EXHIBIT A

Parcel 144527-006

Description:

Order No.: V44117

A tract in the North half of Section 12, Township 2 North, Range 1 East of the Willamette Meridian, Clark County, Washington and lying within the Peter Fulkerson Donation Land Claim, said tract being more particularly described as follows:

BEGINNING on the North line of said Section 12 and on the centerline of Northeast 78th Street, at a point 200 feet West from an intersection with the East line of said Fulkerson Donation Land Claim, said point being at the Northwest corner of the tract conveyed to Columbia Fire Engineering Company by deed recorded under Auditor's File No. F 95452 and the TRUE POINT OF BEGINNING hereof; thence West along the North line of said Section, 1180 feet; thence South, parallel with the East line of said Donation Land Claim, 780 feet, more or less, to the South line of said claim; thence East along said South line, 220 feet, more or less, to the West line of a tract conveyed to A. L. Miller by deed recorded in Volume 116, at page 247; thence North 13 feet to the Northwest corner of said Miller tract; thence East along the North line of said tract, 645 feet, more or less, to the Northwesterly line of Northeast St. Johns Road; thence Northwesterly and North along the line of said road, 762 feet, more or less, to the South line of said Columbia Fire Engineering Company tract; thence West 170 feet to the Southwest corner of said tract; thence North 200 feet to the TRUE POINT OF BEGINNING.

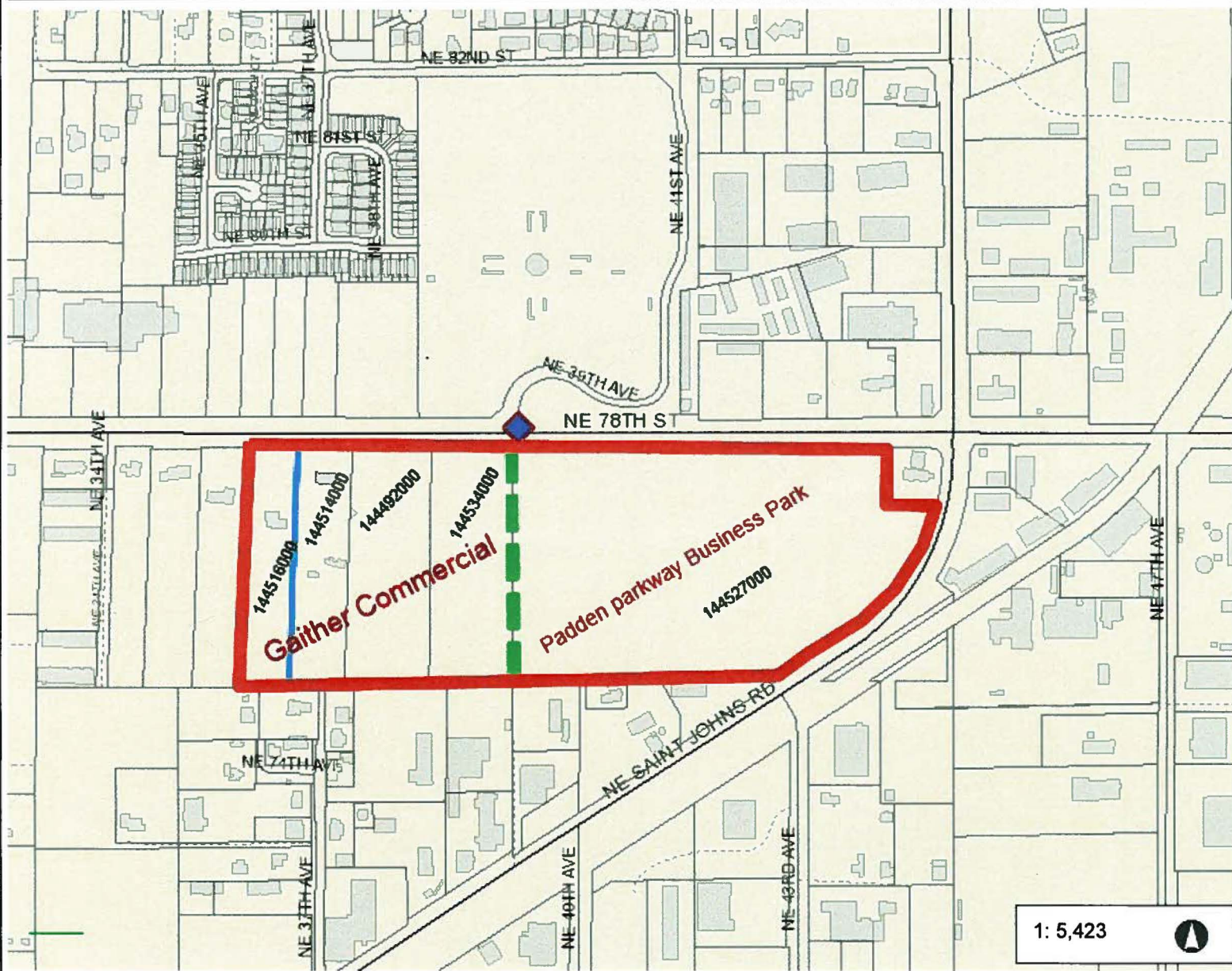
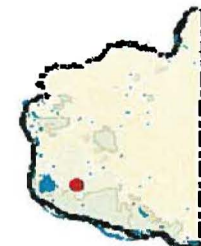
EXCEPT those portions conveyed to Clark County, Washington by deeds recorded under Auditor's File Nos. 8008110058 and 8008110060.

ALSO EXCEPT that tract taken by Clark County, Washington under Decree of Appropriation filed June 21, 2002, under Superior Court Case No. 97-2-02922-1.

EXCEPT that part lying within NE 78th Street.



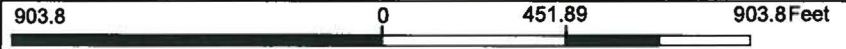
EXHIBIT B



- Legend**
- Building Footprints
 - Taxlots
 - Cities Boundaries
 - Urban Growth Boundaries

Notes:

1: 5,423



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

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.