

CLARK COUNTY STAFF REPORT

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

DATE: May 15, 2018

REQUESTED ACTION: Authorize the Interim County Manager to accept a statutory warranty deed and storm drainage easement from Dana L. Kemper and Delain J. Yearout-Kemper.

Consent Hearing County Manager

BACKGROUND

Clark County acquired properties for the Northwest 117th/119th Street connection project in 2004, Capital Road Project No. 381022. The county made an offer of \$196,800 to purchase 32,424 square feet of land and a 410-square-foot storm drainage easement from Dana L. Kemper and Delain J. Yearout-Kemper, Tax Parcel No. 187107-000.

The Kempers needed more time to evaluate the offer. The then-Board of County Commissioners executed a possession and use agreement (Staff Report No. 277-05) so negotiations could continue to determine the amount of just compensation for the Kempers' property and allow the project to be built. In November 2004, the board declared the project a public use and necessity and started condemnation proceedings with the Superior Court (Cause No. 04-2-05195-2). The county's \$196,800 offer was deposited into the court and the Kempers withdrew the funds, but the case never proceeded to trial. Public Works needs a statutory warranty deed and storm drainage easement to complete the purchase.

COUNCIL POLICY IMPLICATIONS

None. Acquisition funds were included in the 2004 Capital Program Budget.

ADMINISTRATIVE POLICY IMPLICATIONS

None.

COMMUNITY OUTREACH

The project had an extensive public outreach program, including two open houses, a public hearing, a block meeting with local neighbors, a Citizen Design Team, informational mailings and many individual meetings.

BUDGET IMPLICATIONS

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

PW18-072

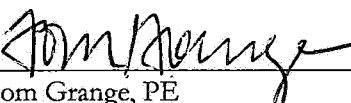
BUDGET DETAILS

Local Fund Dollar Amount	\$196,800.00
Grant Fund Dollar Amount	N/A
Account	Road Fund
Company Name	N/A

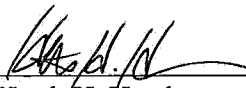
DISTRIBUTION:

Council staff will post all staff reports to the county website, www.clark.wa.gov/the-grid.
Please notify Real Property Services of the council's action by calling Paulette Matison, ext. 4975.

Attachments: Deed, Easement, Resolution, and Map



Tom Grange, PE
Engineering & Construction Division Manager



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

Primary Staff Contact: Steve Hansen Ext. 4370


APPROVED: _____
CLARK COUNTY, WASHINGTON
CLARK COUNTY COUNCIL

DATE: 9-15-18

SR# 100-18



APPROVED: _____
Jim Rumpeltes, Interim County Manager

DATE: _____

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

Document Title: Storm Drainage Easement
Grantors: Dana L. Kemper and Delain J. Yearout-Kemper
Grantee: Clark County, Washington
Legal Description: #35 of Joseph Goddard DLC
Additional Legal Description is attached as Exhibit "A"
Serial #: 187107-000
Project: NW 117th/119th St. Connection
CRP#: 381022

STORM DRAINAGE EASEMENT

THE GRANTORS, **DANA L. KEMPER** and **DELAIN J. YEAROUT-KEMPER**, husband and wife, for and in consideration of valuable consideration as set out in part below, do bargain, sell and convey to **CLARK COUNTY**, a political subdivision of the State of **Washington**, a perpetual Storm Drainage Easement to construct, install, reconstruct, repair, operate and maintain all necessary storm water facilities over, under, upon and across the following described real property situated in Clark County, Washington, more particularly described as follows:

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


Grantors agree that no building, wall or structure with footings shall be placed upon the granted property without the written permission of Clark County, Washington.

The terms and conditions of this easement shall be binding upon the heirs and assigns of the Grantors and Clark County, Washington.

CONSIDERATION: One Thousand and No/100 Dollars (\$1,000.00) paid under stipulated order for withdraw of deposited funds as Superior Court Cause Number 04-2-05195-2.

Storm Drainage Easement
Serial #: 187107-000
Project: NW 117th/119th St. Connection
CRP#: 381022

Dated this 24 day of April, 2018

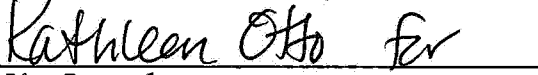


Dana L. Kemper



Delain J. Yearout-Kemper

Accepted on behalf of Clark County
Clark County, Washington



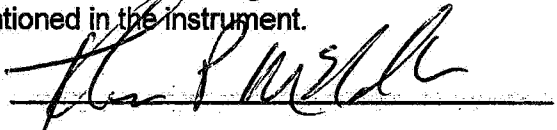
Kathleen Otto for
Jim Rumpeltes
Interim County Manager

STATE OF WASHINGTON

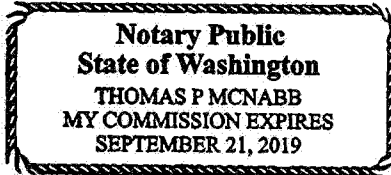
COUNTY OF CLARK

I hereby certify that I know or have satisfactory evidence that Dana L. Kemper and Delain J. Yearout-Kemper 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.

Dated: April 24, 2018



Notary Public in and for the State of WA
Residing at
My commission expires: 9-21-19





**DEPARTMENT OF
PUBLIC WORKS**

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**DESIGN & ENGINEERING
COUNTY SURVEYOR'S OFFICE**

EXHIBIT " A "
N.W. 117th/119th STREET PROJECT
KEMPER EASEMENT

A strip of land of variable width, lying in the Northwest quarter of Section 34, Township 3 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 Statutory Warranty Deed to Dana L. Kemper and Delain J. Yearout-Kemper, husband and wife, recorded June 16, 1997 under Auditor's file No. 9706160220, Records of Clark County, Washington, lying Southerly of a line drawn 35.00 feet Southerly of, when measured at right angles or radial to, the construction centerline of Northwest 117th/119th Street, as described in Exhibit "B", attached and Northerly of a line drawn 55.00 feet Southerly of, when measured at right angles or radial to, the said centerline, between Engineers' stations 9+33.07 and 9+55.93, all in Clark County, Washington.

This description contains 410 square feet as calculated by the double meridian distance method.



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COUNTY SURVEYOR'S OFFICE

EXHIBIT "B"
NORTHWEST 117-119th STREET
CONSTRUCTION CENTERLINE DESCRIPTION
CRP #381022

A strip of land of varying width lying in the Southwest 1/4 of Section 27, and the North 1/2 of Section 34, Township 3 North, Range 1 East of the Willamette Meridian, the centerline of said strip being more particularly described as follows:

Beginning at a point on the North line of the Northwest 1/4 of said Section 34, said point bears South 88°57'42" East 596.92 feet from a brass cap marking the Northwest corner of said Section 34, being designated as Engineer's station 0+00.00; thence South 88°57'42" East 718.95 feet; thence along the arc of a 440.00 foot radius curve right through a central angle of 56°43'24" a distance of 435.60 feet to a point of reverse curvature; thence along the arc of a 450.00 foot radius curve left through a central angle of 62°08'18" a distance of 488.03 feet; thence South 85°37'24" East 343.06 feet; thence along the arc of a 500.00 foot radius curve right through a central angle of 24°42'39" a distance of 215.64 feet; thence South 69°39'57" East 50.62 feet; thence along the arc of a 500.00 foot radius curve left through a central angle of 19°12'33" a distance of 167.63 feet; thence South 88°52'31" East 884.94 feet; thence along the arc of a 440.00 foot radius curve right through a central angle of 40°30'02" a distance of 311.02 feet to a point of reverse curvature; thence along the arc of a 440.00 foot radius curve left through a central angle of 52°50'13" a distance of 405.76 feet; thence North 78°47'19" East 88.82 feet; thence along the arc of a 1000.00





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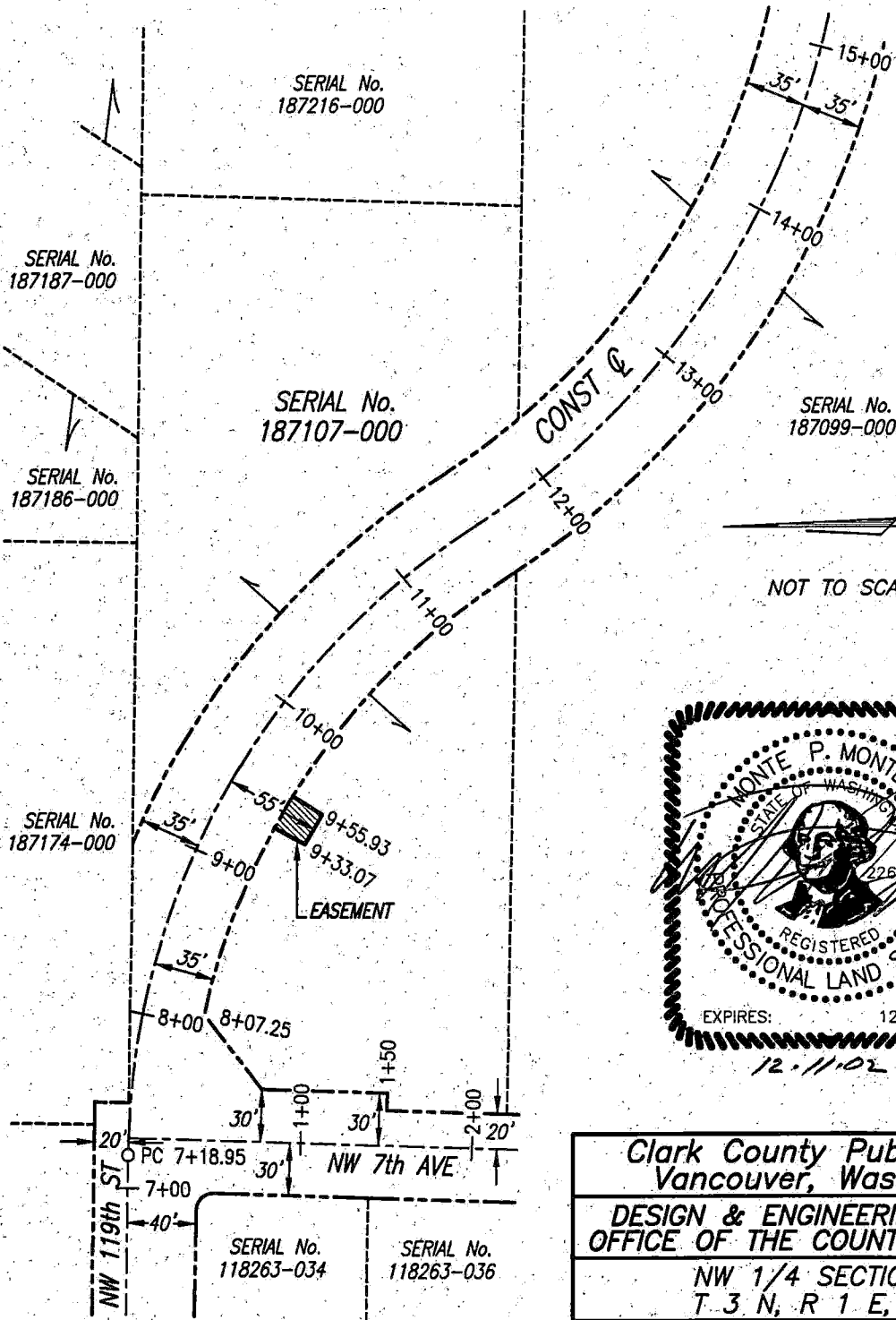
DESIGN & ENGINEERING
COUNTY SURVEYOR'S OFFICE

foot radius curve left through a central angle of $7^{\circ}14'35''$ a distance of 126.42 feet; thence North $71^{\circ}32'44''$ East 415.94 feet; thence along the arc of a 286.48 foot radius curve right through a central angle of $20^{\circ}57'45''$ a distance of 104.81 feet; thence South $87^{\circ}29'31''$ East 164.95 feet to a point on the East line of the Northeast 1/4 of said Section 34, said point bears South $1^{\circ}56'01''$ West 421.10 feet from a brass cap marking the Northeast corner of said Section 34, and there terminating, all in Clark County, Washington.

Bearings hereon use are based on the Washington State Plane Coordinate System, South Zone, NAD 83/91. Control scheme is on file at the County Surveyor's office.



EXHIBIT "C"
 SERIAL No. 187107-000



NOT TO SCALE



Clark County Public Works Vancouver, Washington		
DESIGN & ENGINEERING DIVISION OFFICE OF THE COUNTY SURVEYOR		
NW 1/4 SECTION 34 T. 3 N., R. 1 E., W.M.		
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
DATE	SCALE	DRAWN BY
DEC 2002	NOT TO SCALE	CJS

CLARK COUNTY, WASHINGTON
RESOLUTION NO. 2018-05-09

IN THE MATTER OF EXECUTION OF STORM DRAINAGE EASEMENT TO CLARK COUNTY

WHEREAS, the Clark County Council, Clark County, WA is in regular session this 15th
day of May, 2018, and

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

Document

Storm Drainage Easement

Data

FROM: Dana L. Kemper and Delain J. Yearout-Kemper
TO: Clark County, Washington
CONSIDERATION: \$1,000.00

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

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

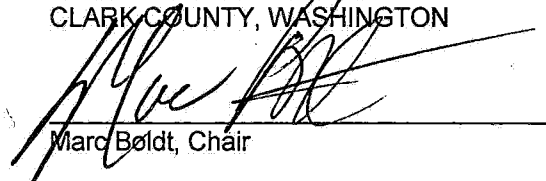


ATTEST:



Clerk of the Board

CLARK COUNTY COUNCIL
CLARK COUNTY, WASHINGTON



Marc Boldt, Chair

Jeanne E. Stewart, Councilor

Julie Olson, Councilor

John Blom, Councilor

Eileen Quiring, Councilor

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

Document Title: Statutory Warranty Deed
Grantors: Dana L. Kemper and Delain J. Yearout-Kemper
Grantee: Clark County, Washington
Legal Description: #35 of Joseph Goddard DLC
Additional Legal Description is attached as Exhibit "A"
Serial #: 187107-000
Project: NW 117th/119th St. Connection
CRP#: 381022

STATUTORY WARRANTY DEED

THE GRANTORS, **DANA L. KEMPER and DELAIN J. YEAROUT-KEMPER, husband and wife**, for and in consideration of valuable consideration as set out in part below, conveys and warrants to **CLARK COUNTY, a political subdivision of the State of Washington**, the following described real estate situated in the County of Clark, State of Washington, under the imminent threat of the grantee's exercise of its rights of Eminent Domain.

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

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


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

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

CONSIDERATIONS: One Hundred Ninety-five Thousand Eight Hundred and No/100 Dollars (\$195,800.00) paid under stipulated order for withdraw of deposited funds as Superior Court Cause Number 04-2-05195-2.

Statutory Warranty Deed
Serial #: 187107-000
Project: NW 117th/119th St. Connection
CRP#: 381022

Dated this 24 day of April, 2018.



Dana L. Kemper



Delain J. Yearout-Kemper

Accepted on behalf of Clark County
Clark County, Washington



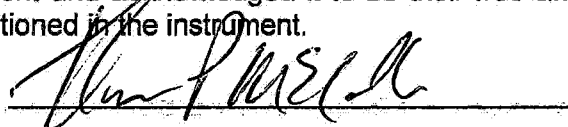
Kathleen Otto for
Jim Rumpeltes
Interim County Manager

STATE OF WASHINGTON

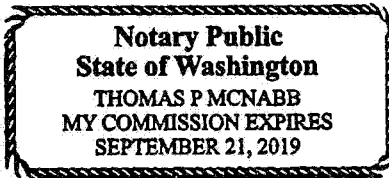
COUNTY OF CLARK

I hereby certify that I know or have satisfactory evidence that Dana L. Kemper and Delain J. Yearout-Kemper 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.

Dated: APRIL 24, 2018



Notary Public in and for the State of WA
Residing at _____
My commission expires: 9-21-19





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

EXHIBIT " A "
N.W. 117th/119th STREET PROJECT
KEMPER PARCEL

A strip of land of variable width, lying in the Northwest quarter of Section 34, Township 3 North, Range 1 East of the Willamette Meridian in Clark County, Washington, being more particularly described as follows:

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Beginning at the Northwest corner of said parcel, said point being on the Easterly right-of-way line of Northwest 7th Avenue; thence South $1^{\circ}42'35''$ West along said right-of-way line 150.35 feet; thence leaving said right-of-way line South $88^{\circ}17'25''$ East 10.00 feet; thence North $1^{\circ}42'35''$ East 73.44 feet; thence North $52^{\circ}07'24''$ East 53.95 feet to a point 35.00 feet Southerly of, when measured at right angles or radial to, the construction centerline of Northwest 119th/117th Street, as decribed in Exhibit "B", attached at Engineers' station 8+07.25; thence from a tangent which bears South $77^{\circ}27'46''$ East along the arc of a 405.00 foot radius curve right through a central angle of $45^{\circ}13'28''$ a distance of 319.67 feet to a point of reverse curvature; thence along the arc of a 485.00 foot radius curve left through a central angle of $00^{\circ}18'51''$ a distance of 2.66 feet to a





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COUNTY SURVEYOR'S OFFICE**

point on the Southerly line of said parcel, said point also being 35.00 feet Southerly of, when measured at right angles or radial to, said centerline; thence along said Southerly line South 88°57'43" East 87.43 feet to a point 35.00 feet Northerly of, when measured at right angles or radial to, said centerline; thence from a tangent which bears North 39°14'43" West along the arc of a 415.00 foot radius curve right through a central angle of 7°00'25" a distance of 50.75 feet to a point of reverse curvature; thence along the arc of a 475.00 foot radius curve left through a central angle of 21°56'55" a distance of 181.96 feet to a point 35.00 feet Northerly of, when measured at right angles or radial to, said centerline at station 9+86.00; thence North 35°48'48" East 31.00 feet; thence North 88°56'17" East 25.18 feet; thence North 1°022'17" East 23.45 feet to a point on the Northerly line of said parcel; thence North 88°57'43" West along said Northerly line 284.10 feet to the point of beginning, all in Clark County, Washington.

This description contains 32,424 square feet as calculated by the double meridian distance method.



6-4-04



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WASHINGTON**

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

**EXHIBIT "B"
NORTHWEST 119-117th STREET
CONSTRUCTION CENTERLINE DESCRIPTION
CRP #381022**

A strip of land of varying width lying in the Southwest 1/4 of Section 27, and the North 1/2 of Section 34, Township 3 North, Range 1 East of the Willamette Meridian, the centerline of said strip being more particularly described as follows:

Beginning at a point on the North line of the Northwest 1/4 of said Section 34, said point bears South 88°57'42" East 596.92 feet from a brass cap marking the Northwest corner of said Section 34, being designated as Engineer's station 0+00.00; thence South 88°57'42" East 718.95 feet; thence along the arc of a 440.00 foot radius curve right through a central angle of 56°43'24" a distance of 435.60 feet to a point of reverse curvature; thence along the arc of a 450.00 foot radius curve left through a central angle of 62°08'18" a distance of 488.03 feet; thence South 85°37'24" East 343.06 feet; thence along the arc of a 500.00 foot radius curve right through a central angle of 24°42'39" a distance of 215.64 feet; thence South 69°39'57" East 50.62 feet; thence along the arc of a 500.00 foot radius curve left through a central angle of 19°12'33" a distance of 167.63 feet; thence South 88°52'31" East 884.94 feet; thence along the arc of a 440.00 foot radius curve right through a central angle of 40°30'02" a distance of 311.02 feet to a point of reverse curvature; thence along the arc of a 440.00 foot radius curve left through a central angle of 52°50'13" a distance of 405.76 feet; thence North 78°47'19" East 88.82 feet; thence along the arc of a 1000.00





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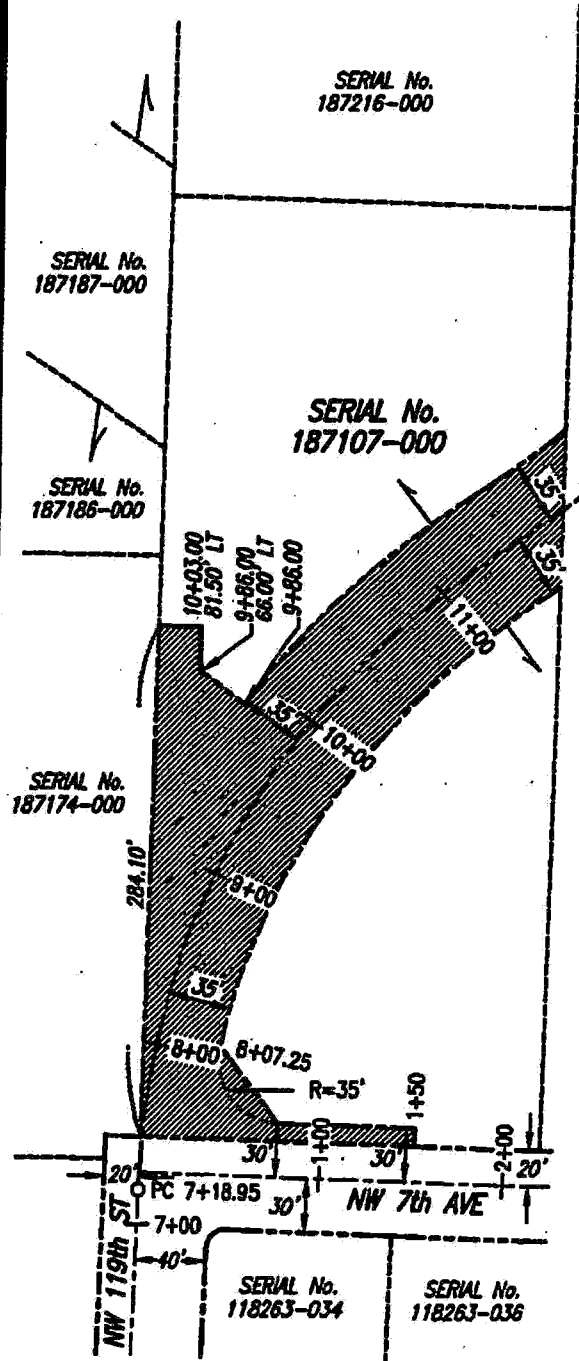
foot radius curve left through a central angle of $7^{\circ}14'35''$ a distance of 126.42 feet; thence North $71^{\circ}32'44''$ East 415.94 feet; thence along the arc of a 286.48 foot radius curve right through a central angle of $20^{\circ}57'45''$ a distance of 104.81 feet; thence South $87^{\circ}29'31''$ East 164.95 feet to a point on the East line of the Northeast 1/4 of said Section 34, said point bears South $1^{\circ}56'01''$ West 421.10 feet from a brass cap marking the Northeast corner of said Section 34, and there terminating, all in Clark County, Washington.

Bearings hereon use are based on the Washington State Plane Coordinate System, South Zone, NAD 83/91. Control scheme is on file at the County Surveyor's office.



1300 FRANKLIN STREET • P.O. BOX 5000 • VANCOUVER, WASHINGTON 98666-5000 • <http://www.clark.wa.gov>
(360) 397-6118, EXTENSION 4372 • FAX (360) 397-6087 • TDD (360) 397-8057

EXHIBIT "C"
 SERIAL No. 187107-000



NOT TO SCALE



Clark County Public Works Vancouver, Washington		
DESIGN & ENGINEERING DIVISION OFFICE OF THE COUNTY SURVEYOR		
NW 1/4 SECTION 34 T 3 N, R 1 E, W.M.		
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
DATE	SCALE	DRAWN BY
JUN 2004	NOT TO SCALE	CJS

CLARK COUNTY, WASHINGTON
RESOLUTION NO. 2018-05-10

IN THE MATTER OF EXECUTION OF STATUTORY WARRANTY DEED TO CLARK COUNTY

WHEREAS, the Clark County Council, Clark County, WA is in regular session this 15th
day of May, 2018, and

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

Document

Statutory Warranty Deed

Data

FROM:

Dana L. Kemper and Delain J. Yearout-Kemper

TO:

Clark County, Washington

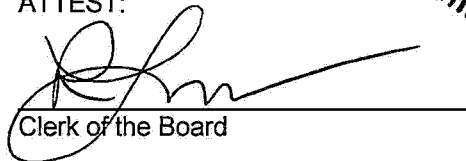
CONSIDERATION: \$195,800.00

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

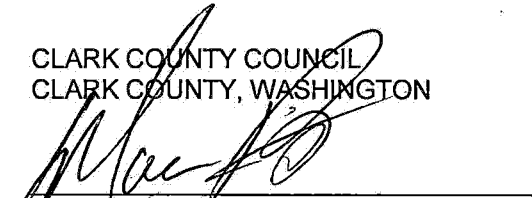
IT IS FURTHER RESOLVED that copies of this resolution be filed with the County Auditor, County Engineer, and in the records of the County Council.



ATTEST:


Clerk of the Board

CLARK COUNTY COUNCIL
CLARK COUNTY, WASHINGTON


Marc Bofdt, Chair

Jeanne E. Stewart, Councilor

Julie Olson, Councilor

John Blom, Councilor

Eileen Quiring, Councilor

Tax Parcel #187107-000/Kemper

NW 120th St

NW 7th Ave

187107000
KEMPER DANA &
KEMPER DELAIN

NW 19th St

NW 117th St

KEY

1:1,080



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CLARK COUNTY WASHINGTON Geographic Information System

Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

Printed On: Apr 08, 2018
Project: G:\RealPropEdit\RealPropEditing_ni20.mxd (daniel)