CLARK COUNTY
STAFF REPORT

DEPARTMENT: Public Works, Engineering & Construction Division

DATE: February 18, 2020

REQUESTED ACTION: Authorize the County Manager to accept a Warranty Deed and Temporary Construction Easement from Highway 99 Center, LLC for Parcel No. 189629-000.

__X__ Consent ____ Hearing ____ County Manager

BACKGROUND

Clark County is acquiring 3,980 square feet of land and a 5,110 square foot temporary construction easement on Parcel No. 189629-000 from Highway 99 Center, LLC for the Highway 99 Corridor Improvement project (CRP No. 351022). The parcel is zoned as General Commercial. An independent appraiser determined just compensation to be $204,300. Through negotiations, the property owner agreed to settle for an additional $16,550, making the total acquisition price $220,850.

This project will improve the northwest corner of Northeast Highway 99 at Northeast 99th Street by widening the westbound lane of Northeast 99th Street and southbound right-turn lane on Northeast Highway 99, installing bike lanes, extending sidewalks, adding medians and upgrading the traffic signal. This project is scheduled to go to bid in May 2020.

COUNCIL POLICY IMPLICATIONS

None. Acquisition funds for this parcel are included in the 2020-2025 Transportation Improvement Program and the 2020 Annual Construction Program.

ADMINISTRATIVE POLICY IMPLICATIONS

None.

COMMUNITY OUTREACH

This project has been involved in a public outreach program that included direct property owner contact, open houses, Heads Up mailers, and information posted to the county website.

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.

BUDGET DETAILS

Road Fund Dollar Amount	$29,814.75
Grant Fund Dollar Amount	$191,035.25
Account	Road and Grant Fund
Company Name	N/A

DISTRIBUTION:
Council staff will post all staff reports to the web. https://www.clark.wa.gov/council-meetings

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ATTACHMENTS: (1) Warranty Deed; (2) Temporary Construction Easement; (3) Resolution; and (4) PowerPoint

Tom Grange, PE
Engineering & Construction Division Manager

Ahmad S. Qayoumi, PE
Public Works Director/County Engineer

for Cherie Sabug
Interim Finance Division Manager

Primary Staff Contact: Laura Slye, ext. 4777

APPROVED:
CLARK COUNTY, WASHINGTON
CLARK COUNTY COUNCIL

DATE: Feb. 18, 2020

SR# 030-20

CLARK COUNTY, WASHINGTON 1844

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

Document Title: Warranty Deed
Reference Number of Related Document:
Grantor: Highway 99 Center, LLC
Grantee: Clark County, Washington
Legal Description: #169 #181 Sec 35 T3N R1E WM
Additional Legal Description is on Page 3 of Document.
Assessor's Tax Parcel Number: 189629-000 (13)

WARRANTY DEED

Highway 99 Corridor Improvements

The Grantor, **HIGHWAY 99 CENTER, LLC, a Washington limited liability company** for and in consideration of the sum of One Hundred Ninety-four Thousand One Hundred and No/100 ($194,100.00) Dollars, and other valuable consideration, hereby conveys and warrants to **CLARK COUNTY, a political subdivision of the State of Washington**, Grantee, the following described real property situated in Clark County, in the State of Washington, under the imminent threat of the Grantee's exercise of its rights of Eminent Domain:

See Exhibits attached hereto and made a part hereof.

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.

It is understood and agreed that delivery of this deed is hereby tendered and that the terms and obligations hereof shall not become binding upon Clark County unless and until accepted and approved hereon in writing by the Clark County Council, Clark County, Washington or its authorized agent.

WARRANTY DEED

Date: 1/21/20

Highway 99 Center, LLC

By: _____
Bret Robert King, Managing Member

Accepted on behalf of Clark County
Clark County, Washington

_____
Shawn Henessee
County Manager

STATE OF CALIFORNIA

COUNTY OF Los Angeles

On this day personally appeared before me Bret Robert King to me known to be the Managing Member of Highway 99 Center, LLC, a Washington limited liability company, and acknowledged that said instrument to be the free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

Dated: 1/21/2020

_____
Notary Public in and for the State of CA
Residing at
My commission expires: 10/15/2021

SURANGANIE S. EKANAYAKE
COMM. #2218387
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires 10/15/2021

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WASHINGTON
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PUBLIC WORKS
COUNTY SURVEYOR'S OFFICE

EXHIBIT "A"
NE HIGHWAY 99/NE99th STREET INTERSECTION – CRP # 351022
HIGHWAY 99 CENTER, LLC PARCEL

A parcel of land lying in the southwest quarter of Section 35, 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 Highway 99 Center, LLC, recorded December 23, 2008 under Auditor's file No. 4517756, records of Clark County, Washington, listed as Serial No. 189629-000, lying southerly and easterly of the following described line:

Beginning at a point on the westerly line of said parcel, said point being 50.10 feet northerly of, when measured at right angles to the centerline of NE 99th Street, as described in Exhibit "B", attached; thence to a point 49.40 feet northerly of, when measured at right angles to said centerline opposite Engineers' station 11+77.40; thence to a point 50.00 feet northerly of, when measured at right angles to said centerline opposite station 11+95.00; thence to a point 55.00 feet northerly of, when measured at right angles to said centerline opposite station 12+47.00; thence to a point 65.00 feet westerly of, when measured at right angles to the centerline of Highway 99, as described in Exhibit "C", attached, opposite station 160+66.00; thence to a point 65.00 feet westerly of, when measured at right angles to the centerline of said Highway 99 on the easterly line of said parcel, and there terminating, all in Clark County, Washington.

This description contains 3,980 square feet as calculated by the double meridian distance method.

CARL J. SCHUTT
STATE OF WASHINGTON
31451
REGISTERED
PROFESSIONAL LAND SURVEYOR
10-15-18

13-AQ_351022.doc

WRITTEN BY: CJS
REVIEWED BY:

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WASHINGTON

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PUBLIC WORKS
COUNTY SURVEYOR'S OFFICE

EXHIBIT "B"
NE 99th STREET CRP #351022
CENTERLINE DESCRIPTION

A strip of land lying in the northwest quarter of Section 2, Township 2 North, Range 1 East, and the southwest quarter of Section 35, Township 3 North, Range 1 East, of the Willamette Meridian, the centerline of said strip being more particularly described as follows:

Beginning at a bronze cap marking the southwest corner of said Section 35, being designated as Engineers' station 0+00.00; thence South 89°06'51" East 2645.15 feet to a bronze cap marking the south quarter corner of said Section 35, and there terminating, all in Clark County, Washington.

CARL J. SCHUTT
STATE OF WASHINGTON
31451
REGISTERED
PROFESSIONAL LAND SURVEYOR
10-15-18

WRITTEN BY: CJS
REVIEWED BY:

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Highhway 99-cl.doc

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PUBLIC WORKS
COUNTY SURVEYOR'S OFFICE

EXHIBIT "C"
HIGHWAY 99 CRP #351022
CENTERLINE DESCRIPTION

A strip of land lying in the northwest quarter of Section 2, Township 2 North, Range 1 East, and the southwest quarter of Section 35, 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 centerline of Highway 99, said point bears South 42°45'28" East 1338.55 feet from a bronze cap marking the southwest corner of said Section 35, being designated as Engineers' station 149+76.42; thence North 22°30'36" East 1042.10 feet; thence North 22°32'53" East 1411.99 feet to a point that bears North 30°59'20" West 1545.42 feet from a bronze cap marking the south quarter corner of said Section 35, and there terminating, all in Clark County, Washington.

Bearings are based on the south line of the southwest quarter of Section 35, T3N, R1E, WM as being South 89°06'51" East.

CARL J. SCHUTT
STATE OF WASHINGTON
31451
REGISTERED
PROFESSIONAL LAND SURVEYOR
10-15-18

WRITTEN BY:
REVIEWED BY:

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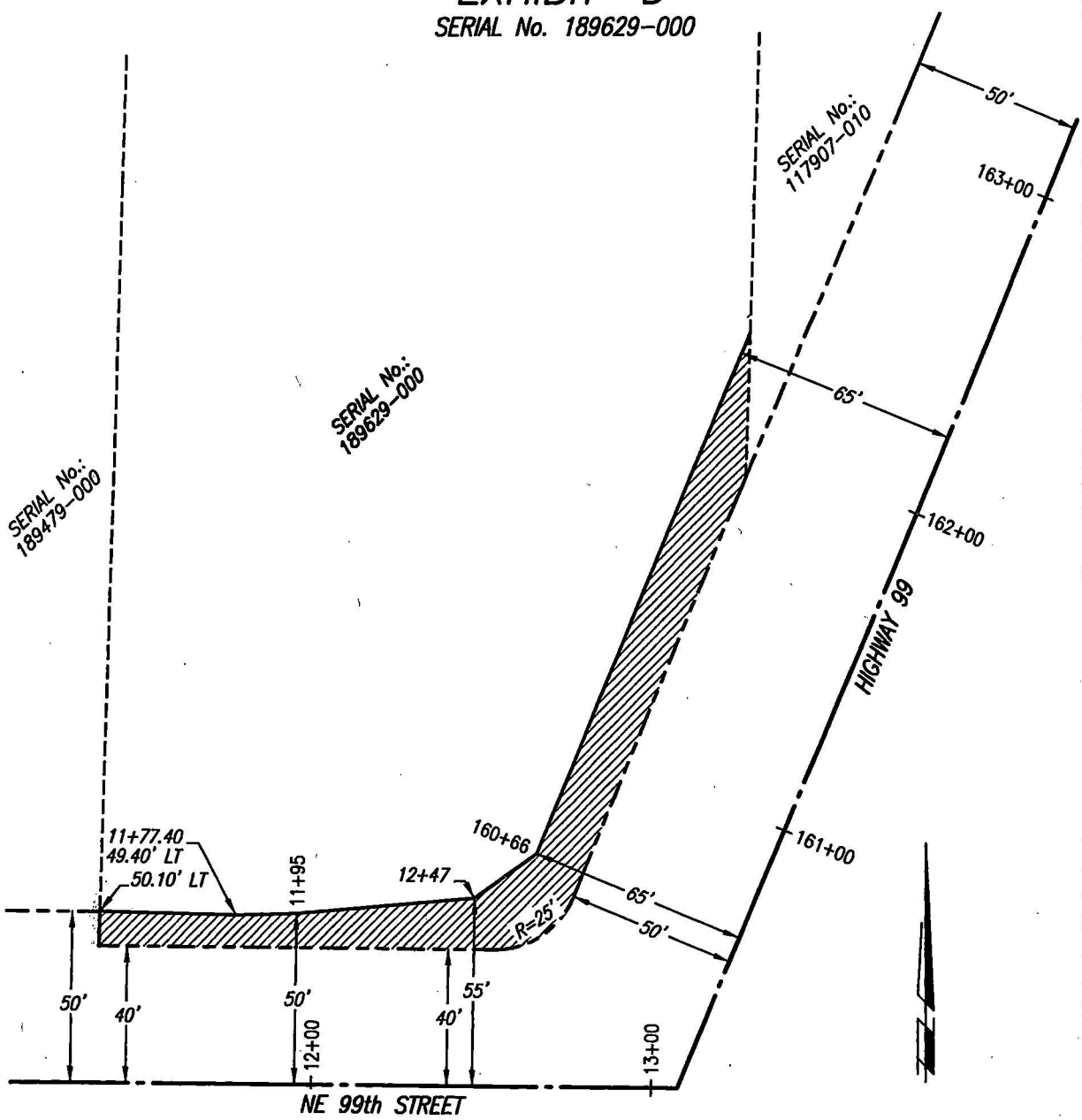
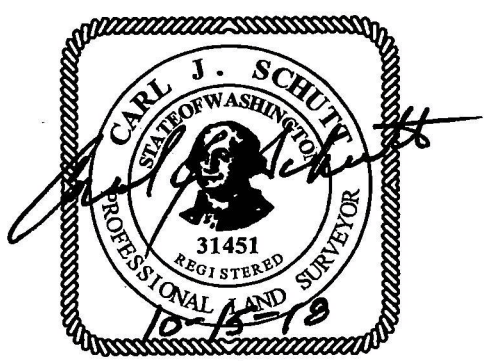
EXHIBIT "D"

SERIAL No. 189629-000



NOT TO SCALE



Clark County Public Works Vancouver, Washington		
DESIGN & ENGINEERING DIVISION OFFICE OF THE COUNTY SURVEYOR		
SW 1/4 SECTION 35 T 3 N, R 1 E, W.M.		
RIGHT-OF-WAY ACQUISITION SKETCH FOR LEGAL DESCRIPTION		
DATE	SCALE	DRAWN BY
OCT 2018	NOT TO SCALE	CJS

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

Document Title: Temporary Construction Easement
Grantor: Highway 99 Center, LLC
Grantee: Clark County, Washington
Legal Description: #169 #181 Sec 35 T3N R1E WM
Additional Legal Description is on Page 3 of Document.
Assessor's Tax Parcel Number: 189629-000 (13)

TEMPORARY CONSTRUCTION EASEMENT

Highway 99 Corridor Improvements

The Grantor, **HIGHWAY 99 CENTER, LLC, a Washington limited liability company**, for and in consideration of Twenty-six Thousand Seven Hundred Fifty and No/100 ($26,750.00) Dollars, conveys and grants unto **CLARK COUNTY, a political subdivision of the State of Washington**, and its assigns, Grantee, under the imminent threat of the Grantee's exercise of its right of Eminent Domain, the right, privilege and easement over, upon, and across the hereinafter described lands for the purpose of entering and using the easement area for a construction work area in connection with the construction of the Highway 99 Corridor Improvement project.

The temporary rights herein granted shall terminate two (2) years, from the date this Temporary Construction Easement is recorded.

Said lands being situated in Clark County, State of Washington, and described as follows:

See Exhibits attached hereto and made a part hereof.

It is understood and agreed that delivery of this temporary construction easement is hereby tendered and that the terms and obligations hereof shall not become binding upon the County unless and until accepted and approved hereon in writing by the County Council, Clark County, Washington or its authorized agent.

TEMPORARY CONSTRUCTION EASEMENT

Dated: 1-21-20, _____

Highway 99 Center, LLC

By: _____
Bret Robert King, Managing Member

Accepted on behalf of Clark County
Clark County, Washington

_____
Shawn Henessee
County Manager

STATE OF CALIFORNIA

COUNTY OF Los Angeles

On this day personally appeared before me Bret Robert King to me known to be the Managing Member of Highway 99 Center, LLC, a Washington limited liability company, and acknowledged that said instrument to be the free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

Dated: 1/21/2020

_____
Notary Public in and for the State of CA
Residing at
My commission expires: 10/15/2021

SURANGANIE S. EKANAYAKE
COMM. #2218387
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires 10/15/2021

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PUBLIC WORKS
COUNTY SURVEYOR'S OFFICE

EXHIBIT "A"
NE HIGHWAY 99/NE99th STREET INTERSECTION – CRP # 351022
HIGHWAY 99 CENTER, LLC TEMPORARY CONSTRUCTION EASEMENT

A parcel of land lying in the southwest quarter of Section 35, 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 Highway 99 Center, LLC, recorded December 23, 2008 under Auditor's file No. 4517756, records of Clark County, Washington, listed as Serial No. 189629-000, lying southerly and easterly of the following described line:

Beginning at a point on the southerly line of said parcel, said point being 49.40 feet northerly of, when measured at right angles to the centerline of NE 99th Street, as described in Exhibit "B", attached, opposite engineers' station 11+77.40; thence to a point 60.00 feet northerly of, when measured at right angles to the centerline of said NE 99th Street opposite station 11+77.58; thence to a point 65.00 feet northerly of, when measured at right angles to the centerline of said NE 99th Street opposite station 12+45.00; thence to a point 75.00 feet westerly of, when measured at right angles to the centerline of Highway 99, as described in Exhibit "C", attached, opposite station 160+90.00; thence to a point 100.00 feet westerly of, when measured at right angles to the centerline of said Highway 99 opposite station 161+29.00; thence to a point 105.00 feet westerly of, when measured at right angles to the centerline of said Highway 99 opposite station 161+50.00; thence to a point 95.00 feet westerly of, when measured at right angles to the centerline of said Highway 99 opposite station 161+95.00; thence to a point 80.00 feet westerly of, when measured at right angles to the centerline of said Highway 99 opposite station

CARL J. SCHUTT
STATE OF WASHINGTON
31451
REGISTERED
PROFESSIONAL LAND SURVEYOR
10-23-18

WRITTEN BY CJS
REVIEWED BY

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162+10.00; thence to a point 80.00 feet westerly of, when measured at right angles to the centerline of said Highway 99 opposite station 162+18.00; thence to a point 71.00 feet westerly of, when measured at right angles to the centerline of said Highway 99 opposite station 162+33.00; thence to a point 71.00 feet westerly of, when measured at right angles to the centerline of said Highway 99 on the easterly line of said parcel, and there terminating, **except** all that portion of said parcel lying southerly and easterly of the following described line: beginning at a point on the southerly line of said parcel, said point being 50.10 feet northerly of, when measured at right angles to the centerline of NE 99th Street, as described in Exhibit "B", attached; thence to a point 49.40 feet northerly of, when measured at right angles to the centerline of said NE 99th Street opposite Engineers' station 11+77.40; thence to a point 50.00 feet northerly of, when measured at right angles to the centerline of said NE 99th Street opposite station 11+95.00; thence to a point 55.00 feet northerly of, when measured at right angles to the centerline of said NE 99th Street opposite station 12+47.00; thence to a point 65.00 feet westerly of, when measured at right angles to the centerline of Highway 99, as described in Exhibit "C", attached, opposite station 160+66.00; thence to a point 65.00 feet westerly of, when measured at right angles to the centerline of said Highway 99 on the easterly line of said parcel, and there terminating, all in Clark County, Washington.

This description contains 5,110 square feet as calculated by the double meridian distance method.

CARL J. SCHUTT
STATE OF WASHINGTON
31451
REGISTERED
PROFESSIONAL LAND SURVEYOR
10-25-18

WRITTEN BY: CJS
REVIEWED BY: CB

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PUBLIC WORKS
COUNTY SURVEYOR'S OFFICE

EXHIBIT "B"
NE 99th STREET CRP #351022
CENTERLINE DESCRIPTION

A strip of land lying in the northwest quarter of Section 2, Township 2 North, Range 1 East, and the southwest quarter of Section 35, Township 3 North, Range 1 East, of the Willamette Meridian, the centerline of said strip being more particularly described as follows:

Beginning at a bronze cap marking the southwest corner of said Section 35, being designated as Engineers' station 0+00.00; thence South 89°06'51" East 2645.15 feet to a bronze cap marking the south quarter corner of said Section 35, and there terminating, all in Clark County, Washington.

CARL J. SCHUTT
STATE OF WASHINGTON
31451
REGISTERED
PROFESSIONAL LAND SURVEYOR
12-23-18

WRITTEN BY: CJS
REVIEWED BY: RO

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EXHIBIT "C"
HIGHWAY 99 CRP #351022
CENTERLINE DESCRIPTION

A strip of land lying in the northwest quarter of Section 2, Township 2 North, Range 1 East, and the southwest quarter of Section 35, 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 centerline of Highway 99, said point bears South 42°45'28" East 1338.55 feet from a bronze cap marking the southwest corner of said Section 35, being designated as Engineers' station 149+76.42; thence North 22°30'36" East 1042.10 feet; thence North 22°32'53" East 1411.99 feet to a point that bears North 30°59'20" West 1545.42 feet from a bronze cap marking the south quarter corner of said Section 35, and there terminating, all in Clark County, Washington.

Bearings are based on the south line of the southwest quarter of Section 35, T3N, R1E, WM as being South 89°06'51" East.

CARL J. SCHUTT
STATE OF WASHINGTON
31451
REGISTERED
PROFESSIONAL LAND SURVEYOR
10-15-18

WRITTEN BY: CJS
REVIEWED BY:

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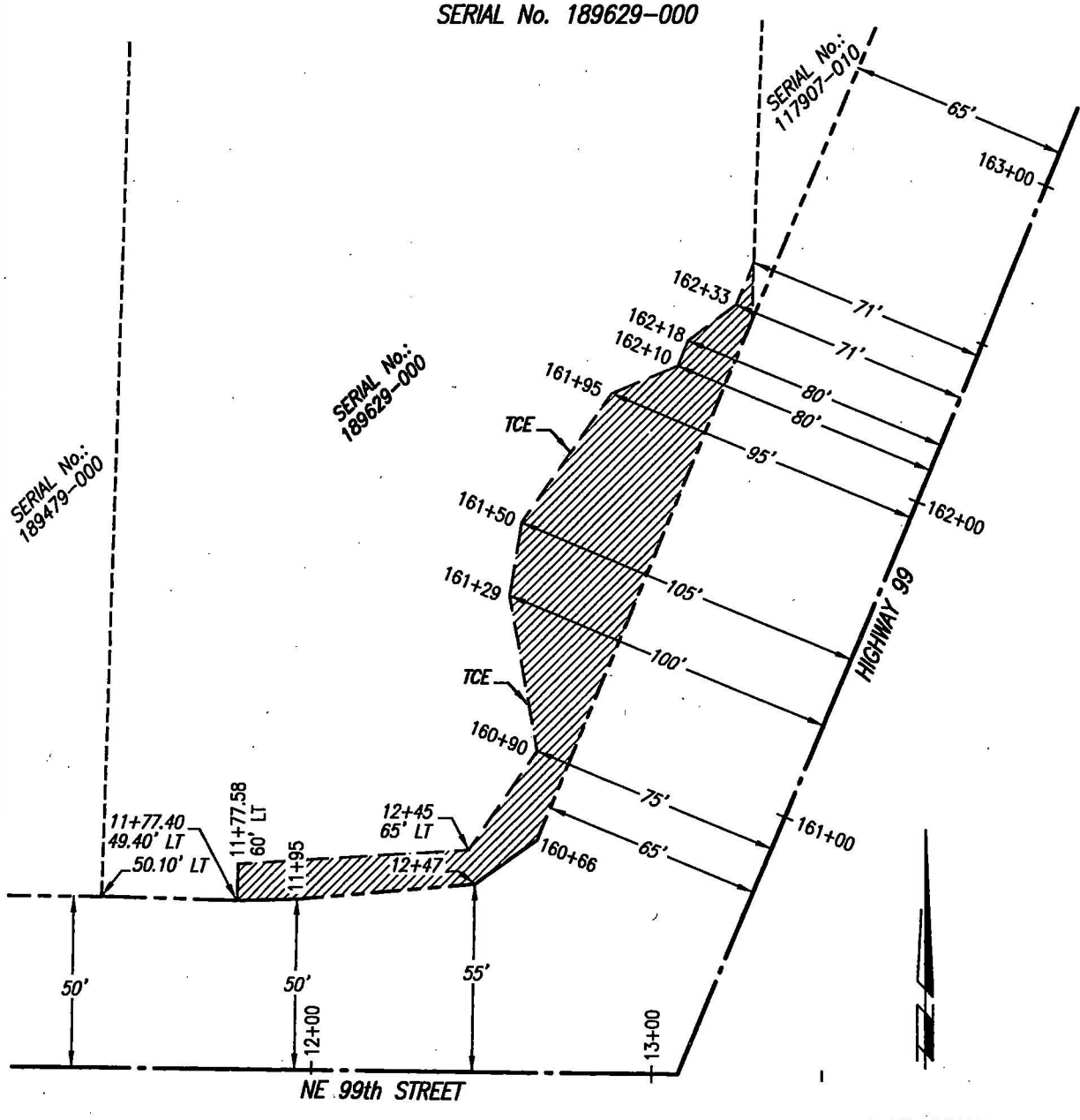
EXHIBIT "D"

SERIAL No. 189629-000



NOT TO SCALE

CARL J. SCHUTT
STATE OF WASHINGTON
31451
REGISTERED
PROFESSIONAL LAND SURVEYOR
10-25-18

Clark County Public Works Vancouver, Washington		
DESIGN & ENGINEERING DIVISION OFFICE OF THE COUNTY SURVEYOR		
SW 1/4 SECTION 35 T 3 N, R 1 E, W.M.		
TEMPORARY CONSTRUCTION EASEMENT SKETCH FOR LEGAL DESCRIPTION		
DATE	SCALE	DRAWN BY
OCT 2018	NOT TO SCALE	CJS

CLARK COUNTY, WASHINGTON
RESOLUTION NO. 2020-02-20

IN THE MATTER OF EXECUTION OF WARRANTY DEED TO CLARK COUNTY

WHEREAS, the County Council, Clark County, WA is in regular session this 18th day of February, 2020, and

WHEREAS, it appears to the council that the best interests of Clark County will be served by the acceptance of the following document:

Document	Data	
Warranty Deed	FROM:	Highway 99 Center, LLC
	TO:	Clark County, Washington
	CONSIDERATION:	$194,100.00

NOW THEREFORE, IT IS HEREBY RESOLVED that the above mentioned documents be accepted by the County Manager and then be recorded and filed.

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

CLARK COUNTY, WASHINGTON 1844

COUNTY COUNCIL
CLARK COUNTY, WASHINGTON

Eileen Quiring, Chair

Temple Lentz, District 1

Julie Olson, District 2

John Blom, District 3

Gary Medvigy, District 4

ATTEST:

Clerk of the Council

Approved as to Form Only:
Anthony F. Golik
Prosecuting Attorney

By:

N:\CIP\PROJECTS\351022-NEHWY99-99THTO117TH\REAL PROPERTY\ACQUISITIONS A-Z\PARCEL OWNERS\HWY 99 CENTER 189629-000; 986048-206 #13\RESOLUTION-DEED.DOCX

WASHINGTON COUNTY SPLK COO
1984

CLARK COUNTY, WASHINGTON
RESOLUTION NO. 2020-02-21

IN THE MATTER OF EXECUTION OF TEMPORARY CONSTRUCTION EASEMENT TO CLARK COUNTY

WHEREAS, the County Council, Clark County, WA is in regular session this 18th day of February, 2020, and

WHEREAS, it appears to the council that the best interests of Clark County will be served by the acceptance of the following document:

Document	Data	
Temporary Construction Easement	FROM:	Highway 99 Center, LLC
	TO:	Clark County, Washington
	CONSIDERATION:	$26,750.00

NOW THEREFORE, IT IS HEREBY RESOLVED that the above mentioned documents be accepted by the County Manager and then be recorded and filed.

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

COUNTY COUNCIL
CLARK COUNTY, WASHINGTON

Eileen Quiring, Chair

Temple Lentz, District 1

Julie Olson, District 2

John Blom, District 3

Gary Medvigy, District 4

ATTEST:

Clerk of the Council

Approved as to Form Only:
Anthony F. Golik
Prosecuting Attorney

By: _____

N:\CIP\PROJECTS\351022-NEHWY99-99THTO117TH\REAL PROPERTY\ACQUISITIONS A-Z\PARCEL OWNERS\HWY 99 CENTER 189629-000; 986048-206 #13\RESOLUTION-TCE.DOCX

Accept a Warranty Deed and Temporary Construction Easement for Parcel No. 189629-000

Highway 99 Corridor Improvements CRP No. 351022

Clark County Public Works

February 18, 2020

Accept a Warranty Deed and Temporary Construction Easement from Highway 99 Center, LLC, Parcel No. 189629-000

- Clark County is acquiring 3,980 square feet of land and a 5,110 square foot temporary construction easement on Parcel No. 189629-000 from Highway 99 Center, LLC.
- This project will improve the northwest corner of Northeast Highway 99 at Northeast 99th Street by:
  - Widening the west bound lane of Northeast 99th Street and southbound right turn lane on Northeast Highway 99
  - Installing bike lanes, extending sidewalks, adding medians, and upgrading the traffic signal

Highway 99 Corridor Improvements, CRP No. 351022

Council District 2