

CLARK COUNTY
STAFF REPORT



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

DATE: June 16, 2015

REQUEST: Approve and execute an Easement to Washington State Department of Transportation (WSDOT) to access the State Storm Water Facility Adjacent to I-5.

SR Number:

FOR APPROVAL BY: X BOCC COUNTY MANAGER HEARING

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 construction of the Salmon Creek Interchange (County Road Project 330322) was a joint WSDOT and Clark County project. Clark County acquired the Miller Paint property (Tax Parcel No. 186583000) for this project at the corner of NE 139th and NE 20th Ave. This Easement will give WSDOT access to their Storm Water Facility adjacent to I-5.

ADMINISTRATIVE POLICY IMPLICATIONS

None.

COUNCIL POLICY IMPLICATIONS

None. Granting property/right-of-way requests from WSDOT for state highway improvement projects is consistent with county practice.

PREVIOUS REVIEWS AND ACTIONS

None.

COMMUNITY OUTREACH

During the road project WSDOT and Clark County had an extensive public outreach program through open houses, meetings, and newsletters.

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.

map OK N

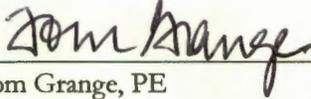
DISTRIBUTION OF BOARD STAFF REPORTS:

Distribution of staff reports is made via the Grid. <http://www.clark.wa.gov/thegrid/>
Copies are available by close of business on the Thursday after council deliberations.

DISTRIBUTION OF COUNTY MANAGER STAFF REPORTS:

Public Works Administration – Anita Temme
Please notify Real Property Services of the Board's action by calling extension 4975.

PUBLIC WORKS APPROVALS:



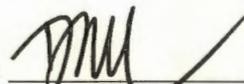
Tom Grange, PE
Engineering & Construction Division Manager



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

Attachments:

- Easement, Resolution, Map

APPROVED: 
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: June 16, 2015

SR #: SR 122-15

COUNTY MANAGER ACTION\RECOMMENDATION

By: Mark McCauley

Date:

SR Number:

REQUESTED ACTION:

Approve and execute an Easement to Washington State Department of Transportation (WSDOT) to access the State Storm Water Facility Adjacent to I-5.

COUNTY MANAGER RECOMMENDATION:

Action	Conditions	Referral to council?
<i>Approval</i> denial	<i>Enter conditions or requests here</i>	<i>Yes</i> No


Mark McCauley
Acting County Manager

DISTRIBUTION
Public Works Administration – Anita Temme

After recording return document to:

State of Washington
Department of Transportation
Real Estate Services Office
P O Box 47338
Olympia WA 98504-7338

Document Title: Easement

Reference Number of Related Document: None

Grantor: Clark County, a political subdivision of the State of Washington

Grantee: State of Washington, Department of Transportation

Legal Description: Ptn of NE of NE of NW of Sec 26 T3N, R1E, W.M.

Additional Legal Description is on Page 4 of Document

Assessor's Tax Parcel Number: 186583-000

EA 15-33

EASEMENT

State Route 5, NE 129th St. Vic. To Whipple Creek Vicinity.

The Grantor, **Clark County, a political subdivision of the State of Washington**, pursuant to RCW 47.12.040, hereby conveys and grants unto the **State of Washington, acting by and through its Department of Transportation** and its assigns, Grantee, under the imminent threat of the Grantee's exercise of its rights of Eminent Domain, an easement over, under, upon and across the hereinafter described lands for the purpose of Stormwater Conveyance Easement.

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

For legal description and additional conditions
See Exhibit A attached hereto and made a part hereof

The Grantor agrees that its donation of the herein described property to the State of Washington by and through its Department of Transportation is made voluntarily and with full knowledge of Grantor's entitlement to receive just compensation therefore. Grantor hereby waives the State's requirement of obtaining an appraisal of the acquired property.

FA No.

Project No.

Parcel No. 4-07400

EASEMENT

Clark County has authority to convey property to the Grantee under RCW 47.12.040, and Clark County deems it to be in the public interest to enter into this conveyance document.

It is understood and agreed that delivery of this easement is hereby tendered and that the terms and obligations hereof shall not become binding upon the State of Washington unless and until accepted and approved hereon in writing for the State of Washington, by and through its Department of Transportation, by its authorized agent.

Dated: June 16, 2015

**Board of County Councilors
Clark County, Washington**



David Madore, Chair

Jeanne E. Stewart, Councilor

Tom Mielke, Councilor

Accepted and Approved

STATE OF WASHINGTON
Department of Transportation

By: _____
Mike Palazzo, Southwest Region Real Estate
Services Manager, Authorized Agent

Date: _____

EASEMENT

STATE OF WASHINGTON)

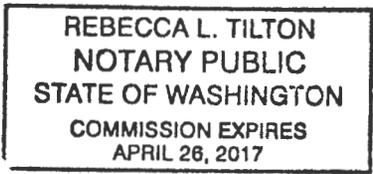
: ss

County of CLARK)

On this 16th day of June, 2015, before me personally appeared David Madore and _____, to me known to be the duly elected, qualified and acting County Councilors(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/she/they is/are authorized to execute said instrument by resolution of the Board of County Councilors of Clark County and that the seal affixed is the official seal of Clark County.

GIVEN under my hand and official seal the day and year last above written.

Rebecca L. Tilton
Notary Public in and for the State of
Washington, residing at Vancouver
My commission expires 4/26/17



EASEMENT

EXHIBIT A

All the portion of the hereinafter described Parcel "A" lying within the following described property:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) MR 33+85.82 on the MR line survey of SR 5, NE 129th St. Vic. To Whipple Creek Vicinity and 75.78 feet Southerly therefrom; thence Easterly along a curve to the right having a radius of 754.5 feet and an arc length of 133.70 feet to a point opposite HES MR 35+18.61 on said line survey and 61.76 feet Southerly therefrom; thence Easterly to a point opposite HES 35+50.07 on said line survey and 61.23 feet Southerly therefrom; thence Southerly to a point opposite HES MR 35+56.93 on said line survey and 68.00 feet Southerly therefrom; thence Westerly to a point opposite HES L 387+12.54 on the L line survey of said highway and 707.84 feet Easterly therefrom; thence Northwesterly to the point of beginning.

Parcel A

That portion of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 26, Township 3 North, Range 1 East of the Willamette Meridian, Clark County, Washington, lying between the right of way of the old and new Pacific Highway.

EXCEPT the South 400 feet.

ALSO EXCEPT that portion thereof conveyed to the State of Washington for highway purposes by deed recorded under Auditor's File No. G 133202, in Book 582, page 581 of Clark County Deed Records.

ALSO EXCEPT that portion conveyed to the State of Washington, recorded under Auditor's File No. G 562055.

ALSO EXCEPT those tracts of land conveyed to Clark County, Washington by deed recorded June 10, 1999, under Auditor's File No. 3116957.

ALSO EXCEPT that portion thereof conveyed to the State of Washington for highway purposes by deed recorded under Auditor's File No. 4885053.

The specific details concerning all of which are to be found on sheet 12 of that certain plan entitled SR5, NE 129th St. Vic. To Whipple Creek Vicinity, now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval April 22, 2010, revised May 1, 2015.

Grantor's Initials


BEFORE THE BOARD OF COUNTY COUNCILORS OF
CLARK COUNTY, WASHINGTON

IN RE: **APPROVING AN EASEMENT**)
 TO STATE OF WASHINGTON,)
 DEPARTMENT OF TRANSPORTATION,)
 OF COUNTY PROPERTY WITH IN)
 THE HIGHWAY PROJECT KNOWN)
 AS SR 5, NE 129TH ST. VIC TO)
 WHIPPLE CREEK VICINITY)
 AND AUTHORIZING SIGNATURES)
 THEREON)

RESOLUTION
NO. 2015-06-09

RESOLUTION by the Board of Clark County Councilors of the County of CLARK, State of Washington in the matter of SR 5, NE 129th St. Vic To Whipple Creek Vicinity.

WHEREAS, the County of CLARK is the record owner of real property as shown colored in red on Exhibit A and as WSDOT Parcel 4-08421 attached hereto and made a part hereof; and located within the proposed right of way for the above-referenced project;

AND WHEREAS, in the improvement of SR 5, NE 129th St. Vic To Whipple Creek Vicinity, the State of Washington, Department of Transportation, deems that it is necessary and advisable for the State of Washington to acquire rights over the following described portion of said lands for a Stormwater Conveyance Easement for said highway:

County of CLARK real property within the highway project known as SR 5, NE 129th St. Vic To Whipple Creek Vicinity, for the purpose of constructing, maintaining said highway, described as follows:

For legal description and additional conditions,
see Exhibit A attached hereto and made a part hereof.

AND WHEREAS, after due consideration by the Board of the County of CLARK, it appears to the said Board that it will be for the best interest of both the County of CLARK and the State of Washington that the County of

CLARK convey said lands to the State of Washington by Easement Deed pursuant to RCW 47.12.040:

NOW THEREFORE, be it hereby resolved by the Board of The County of CLARK, that the County of CLARK, in accordance with RCW 47.12.040 and through its Board of Councilors, execute and deliver said deed to the State of Washington, Department of Transportation.

Done at a regular meeting of the Board of County Councilors of the County of CLARK this 16th day of June.

Clark County, a political subdivision of the State of Washington

By:



David Madore, Chair

Jeanne E. Stewart, Councilor

Tom Mielke, Councilor

ATTEST



Clerk of the Board

EXHIBIT A

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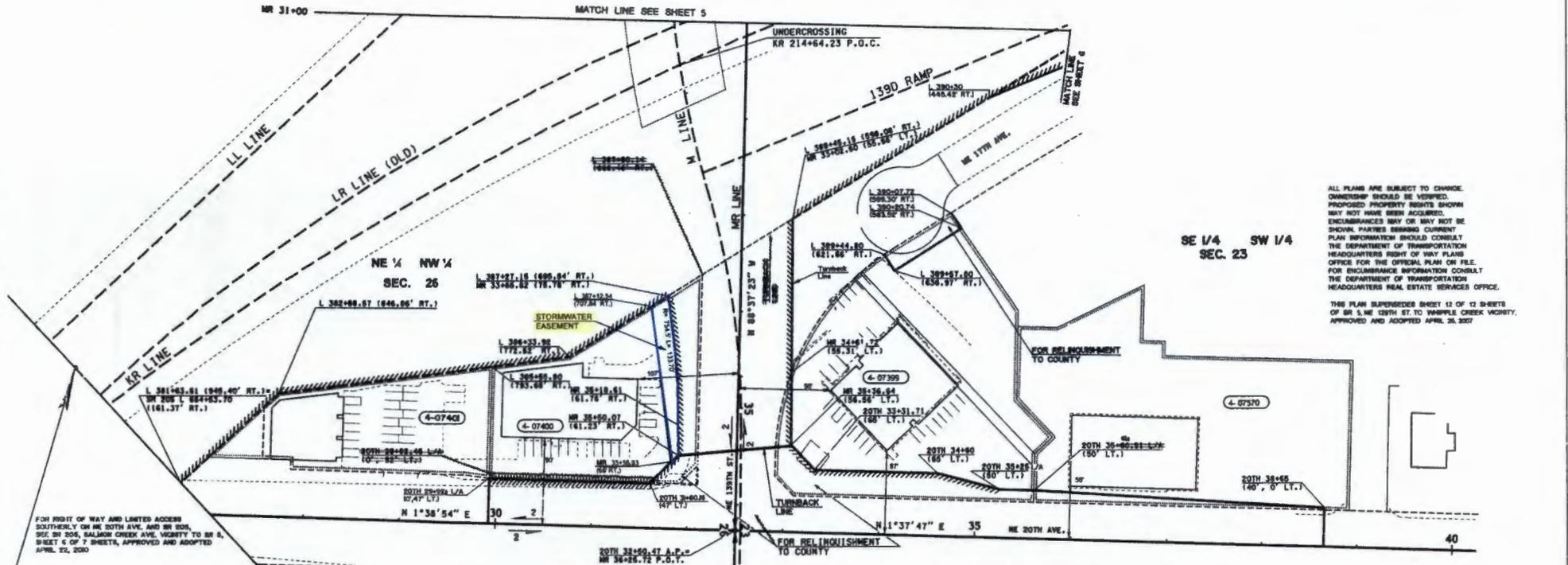
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Grantor's Initials


THE BASIS OF BEARINGS AND DISTANCES ARE DETERMINED FROM WASHINGTON STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 83), US SURVEY FEET.
THE DISTANCES SHOWN ARE GROUND DISTANCES.
FOR SURVEY INFORMATION SEE RECORD OF SURVEY, BOOK 01, PAGE 74 SHEETS 1-10 RECORDED OCTOBER 7, 2009.

T.3N. R.1E. W.M.



ALL PLANS ARE SUBJECT TO CHANCE OWNERSHIP SHOULD BE VIEWED. PROPOSED PROPERTY RIGHTS SHOWN MAY NOT HAVE BEEN ACQUIRED. ENCUMBRANCES MAY OR MAY NOT BE SHOWN. PARTIES BEARING CURRENT PLAN INFORMATION SHOULD CONSULT THE DEPARTMENT OF TRANSPORTATION HEADQUARTERS RIGHT OF WAY PLANS OFFICE FOR THE OFFICIAL PLAN OR FILE. FOR ENCUMBRANCE INFORMATION CONSULT THE DEPARTMENT OF TRANSPORTATION HEADQUARTERS REAL ESTATE SERVICES OFFICE.
THIS PLAN SUPERSEDES SHEET 12 OF 12 SHEETS OF SR L 129TH ST. TO WHIPPLE CREEK VICINITY, APPROVED AND ADOPTED APRIL 26, 2007

FOR RIGHT OF WAY AND LIMITED ACCESS SOUTHERLY ON NE 20TH AVE. AND SR 205, SEC. 26, SALMON CREEK AVE. VICINITY TO SR 5, SHEET 6 OF 7 SHEETS, APPROVED AND ADOPTED APRIL 22, 2009

LIMIT OF PLAN
STA. L 380+16.58 P.O.C. (830.21' RT.) =
SR 205 STA. L 654+53.70 P.O.T.
SR 205 MP 36.93

- ▲ STORMWATER EASEMENT
- APPROACH IS TO BE USED BY WSDOT TO ACCESS STORMWATER EASEMENT AREA FOR MAINTENANCE PURPOSES.

ACCESS NOTES:
TRAFFIC MOVEMENT WILL BE PERMITTED OVER THE HIGHWAY STRUCTURES AT SR 205 STA. K 154+44.23 NE 139TH ST.

SR 5
NE 129TH ST. VIC. TO WHIPPLE CREEK VICINITY
CLARK COUNTY
RIGHT OF WAY AND LIMITED ACCESS PLAN
FULL CONTROL
STATION MR 31+00 TO STATION MR 36+86.72
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
OLYMPIA, WASHINGTON

WSDOT	MR 35+43 RT.	M
OWNER	CENTERLINE OF APPROACH STATION	TYPE
ACCESS APPROACH SCHEDULE		
LEGEND		
ACCESS TO BE PROHIBITED SHOWN THIS		
PROPERTY OWNERSHIP NUMBERS		
PROPERTY LINES		

Letter	Date	Description	By
Letter 11-24-14	5-1-15	Added Stormwater Easement, Access Approach Schedule, Easement Area, WSDOT Access RT. Sta. L 387+20 and RT. Sta. MR 35+43	SH
Letter 9-5-15	10-4-15	Added Turnback Line on Rt. Via R/L 17th Ave. Revised Ownership N. Line Parcel 4-07400	SH
Letter 8-2-15	8-26-15	Labeled SR Lines, Revised Encumbrances in County NW & SW Quarter of NE 139th St. & NE 20th Ave. Revised SR Turnback Line on L.L. and R.L. Sta. MR 35+24.64 to 35+50.07, Revised Property Boundaries Parcel 4-07400, Revised Ownership Name, Updated R/W Acquisition, and Added Access Only Parcel 4-07400	SH
Letter 1-24-16	2-25-16	Added Storm Line, Sheet 5	SH
Letter 1-4-16	1-12	Parcel 4-07400, Revised R/W and L/A on L.L. Sta. 20TH 29+85 to 20TH 3+81, "Added L/A on L.L. Sta. 20TH 28+92 to 28+90.81, Revised Access Parcel 4-07400	SH
Letter 10-3-10	10-7-10	Revised Total Area Parcel 4-07400	SH
Letter 8-8-10	8-18-10	Revised Parcel Area in Square Feet, Updated Parcel 4-07400	SH
Reference	Approved	Revised Description	By

PARCEL NO.	NAME	TOTAL AREA	R/W	LT. REMAINDER RT.	EASMT
4-0748	LIFE PROPERTIES				
4-0730	CMP LLC	67,935	5,228	66,709	
4-0740	CLARK COUNTY	33,246	5,440	29,806	A 2,403
4-0739	205 GROUP, INC.	61,677	5,222	60,399	
TOTAL AREA IS FROM ASSESSORS RECORDS UNLESS OTHERWISE NOTED.					

OWNERSHIPS



APPROVED AND ADOPTED APRIL 22, 2010
Tom A. Vitale
SEAL OF WASHINGTON STATE

PROJECT NUMBER: SHEET 12 OF 12 SHEETS
Designed For Limited Access Control by Construction Resolution No. 2009 August 19, 2009
United Access Grantee by the Director of Environmental & Engineering Programs, Findings and Order Related October 1, 2009