

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT**

| | |
|---|---|
| <p>ANNIE JANICKI, vs. CITY OF SEDRO-WOOLLEY, a municipal corporation, and DELUXE RECYCLING AND DISPOSAL, LLC, a Washington limited liability company,</p> <p style="text-align: right;">Petitioner, Respondents.</p> | <p>No. 08-2-01130-8</p> <p>NOTE FOR:</p> <p><input checked="" type="checkbox"/> Motion Docket (NTMTDK)</p> <p><input type="checkbox"/> Trial docket (NTTRDK) <i>(use separate sheet for each noting)</i></p> |
|---|---|

NOTE FOR MOTION DOCKET

Please take note that the issue in this case will be heard on the date set out in the margin and the clerk is requested to note the same in the motion docket for that day, subject to the confirmation rule.

Monday, July 21, 2008 at 1:30 pm
Date and Time of Initial Hearing

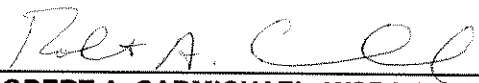
Motion to Dismiss
Nature of Hearing

Dated this 1st day of July 2008.

Names/Addresses of other attorneys or parties
Pro Se:


Attorneys for Respondent CITY OF SEDRO-WOOLLEY

C. Thomas Moser
Attorney at Law
411 Main
Mount Vernon, WA 98273



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400 N. Commercial Street
Bellingham WA 98225

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7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR THE COUNTY OF SKAGIT**

9 ANNIE JANICKI,

Petitioner,

No. 08-2-01130-8

10 vs.

11 CITY OF SEDRO-WOOLLEY, a municipal
12 corporation, and DELUXE RECYCLING
AND DISPOSAL, LLC, a Washington limited
13 liability company,

Respondents.

**RESPONDENT CITY OF SEDRO-
WOOLLEY'S MOTION TO DISMISS**

14
15 The City of Sedro-Woolley ("City"), by and through its attorneys, Robert
16 Carmichael of Zender Thurston, P.S., and Eron Berg, City Attorney for the City, moves to
17 dismiss Petitioner's Petition for Relief Under the Land Use Petition Act for failure to
18 timely serve all required persons.

19 **I. STATEMENT OF FACTS**

20 Deluxe Recycling and Disposal LLC ("Deluxe") filed a building permit application
21 with the City for a proposed solid waste facility. (Carmichael Decl, Ex. A.) Deluxe's
22 application listed the address of the proposed project (109 Jameson Street, Sedro-Woolley,
23 Washington) and the tax parcel numbers for that address (P37648, P75932, and P75933).
24 (*Id.*) The Skagit County Assessor records for that address and parcel numbers list Fire
25

1 Ridge LLC, located in Oregon, as the owner of the property. (*Id.*, Ex. B.)

2 In considering Deluxe's application, the City Planning Director issued a Mitigated
3 Determination of Non-Significance ("MDNS") for the proposed project under the State
4 Environmental Policy Act. (Pet., Ex. A.) Annie Janicki, the Petitioner, appealed the
5 decision to the hearing examiner. (*Id.*) The hearing examiner affirmed the City's issuance
6 of the MDNS on May 22, 2008. The written decision did not identify the owner of the
7 property on which the project would be located; it listed the name and address of the
8 applicant and the address of the property upon which the project was proposed. (*Id.*)
9

10 Petitioner filed this Land Use Petition Act ("LUPA") petition on June 12, 2008,
11 twenty-one (21) days after the hearing examiner's decision. (Pet.) The Petitioner named
12 and served Deluxe and the City, but failed to name and serve Fire Ridge LLC as the
13 taxpayer of the property. (*Id.*) More than twenty-one (21) days elapsed since the issuance
14 of the hearing examiner's decision. (*Id.*) On June 30, 2008, Petitioner filed a pleading
15 purporting to join Fire Ridge LLC as a party.
16

17 II. AUTHORITY

18 A. The Petition Should be Dismissed Because it was not Served on the 19 Taxpayer of the Property at Issue Within the Time Required by LUPA.

20 A land use petition is barred if the petition is not timely filed with the court and
21 timely served on the appropriate persons. RCW 36.70C.040(2). A court lacks jurisdiction
22 to hear a LUPA petition where these procedural requirements are not met. *Lakeside Indus.*
23 *v. Thurston County*, 119 Wn. App. 886, 900, 83 P.3d 433 (2004). Strict compliance with
24 LUPA procedures is required. *Witt v. Port of Olympia*, 126 Wn. App. 752, 756, 109 P.3d
25 489 (2005). Substantial compliance is not sufficient. *Id.*

1 A land use petition is barred if service upon all required parties is not completed
2 within twenty-one (21) days from the date the land use decision is issued. RCW
3 36.70C.040(2) and (3); *Witt*, 126 Wn. App. at 756. A land use petition must be served on
4 (1) each person identified in the local jurisdiction's decision as the applicant for the permit
5 or approval at issue and (2) each person identified in the local jurisdiction's decision as an
6 owner of the property at issue, if the petitioner is not either of those people. RCW
7 36.70C.040(2)(b)(i) and (ii). If such a person is not identified in the written decision, as
8 the owner was not identified here, the petition must be served on each person identified as
9 a taxpayer for the property at issue in the records of the county assessor based upon the
10 description of the property in the application. RCW 36.70C.040(2)(c).¹

12 A LUPA petition must be dismissed where the petitioner failed to properly serve
13 parties identified in RCW 36.70C.040(2). *See Witt*, 126 Wn. App. 752 (dismissal of
14 LUPA petition for failure to properly serve party affirmed); *Overhulse Neighborhood*
15 *Ass'n v. Thurston County*, 94 Wn. App. 593, 972 P.2d 470 (1999) (same). Here, the
16 petitioner failed to serve the taxpayer/owner as required.

17 The Petitioner is not the building permit applicant or the owner of the property at
18 issue. (Pet. 1-2.) Therefore, she was required to serve each of those people as identified
19 in the hearing examiner's decision. RCW 36.70C.040(2)(b). However, because the
20 hearing examiner did not identify the owner of the property at issue (Pet., Ex. A), the
21 Petitioner was required to serve the taxpayer of the property at issue identified from the
22

23
24 ¹ Service must be at the address stated in the records of the county assessor. RCW 36.70C.040(5)(b).
25

1 county assessor records based upon the description of the property in the application.
2 RCW 36.70C.040(2)(c). The taxpayer for the property at issue here was not timely served.

3 The taxpayer of the property is easily identifiable from the description of the
4 property in Deluxe's building permit application. The application lists the address of the
5 property as 109 Jameson Street, Sedro-Woolley, Washington, and the tax parcel numbers
6 as P37648, P75932, and P75933. (Carmichael Decl., Ex. A.) From the Skagit County
7 Assessor's Web site, that information can be used to determine that the taxpayer for the
8 property is Fire Ridge LLC. (*Id.*, Ex. B.) But the Petitioner did not timely name Fire
9 Ridge LLC as a party to this petition or serve the petition upon Fire Ridge LLC. The
10 Petitioner has failed to timely serve the taxpayer of the property at issue as required by
11 RCW 36.70C.040(2) and (3). The petition should be dismissed with prejudice.

13 **B. Petitioner's Joinder of Fire Ridge LLC Does not Cure its Failure to**
14 **Serve Fire Ridge LLC Within the Time Required by LUPA.**

15 On June 30, 2008, Petitioner filed a pleading ("Notice of Joinder") purporting to join
16 Fire Ridge LLC as a party to its LUPA petition. Proof of service on Fire Ridge LLC did not
17 accompany this pleading. More important, however, this does not cure Petitioner's failure
18 to serve Fire Ridge LLC within the time required by RCW 36.70C.040(3):

19 Failure by the petitioner to name or serve, within the time required by RCW
20 36.70C.040(3), persons who are needed for just adjudication *but who are not*
21 *identified in the records referred to in RCW 36.70C.040(2)(b), or in RCW*
22 *36.70C.040(2)(c) if applicable*, shall not deprive the court of jurisdiction to
23 hear the land use petition.

24 RCW 36.70C.050 (emphasis added). When the petitioner fails to name or serve a necessary
25 party within the required time under LUPA, the court is only deprived of jurisdiction if the
unnamed and unserved party is not identified in the records referred to in RCW


1 36.70C.040(2)(b) and (c). As established above, RCW 36.70C.040(2)(c) applies here. Fire
2 Ridge LLC, as taxpayer of the property at issue on the date the petition was filed, was
3 identifiable from the county assessor records based on information in Deluxe's application
4 and the hearing examiner's decision. (Carmichael Decl., Ex. B.) Because Fire Ridge LLC
5 was identified in records referred to in RCW 36.70C.040(2)(c) and not named or served
6 within the time required by RCW 36.70C.040(3), the court is deprived of jurisdiction.
7


8 III. CONCLUSION

9 Based on the foregoing reasons, the City's motion to dismiss should be granted and
10 this LUPA petition dismissed with prejudice.

11 Dated this 1st day of July, 2008.
12

13
14 **ZENDER THURSTON, P.S.**
Attorneys for City of Sedro-Woolley

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16 
17 **ROBERT A. CARMICHAEL, WSBA #14008**
Zender Thurston, PS, Attorneys at Law
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20 
21 *for* **ERON M. BERG, WSBA #29930**
City Attorney, City of Sedro-Woolley
22 325 Metcalf Street, Sedro-Woolley, WA 98284
Phone: (360) 855-9922 • Fax: (360) 855-9923
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT

ANNIE JANICKI,

Petitioner,

No. 08-2-01130-8

vs.

CITY OF SEDRO-WOOLLEY, a municipal
corporation, and DELUXE RECYCLING
AND DISPOSAL, LLC, a Washington limited
liability company,

Respondents.

**DECLARATION OF ROBERT
CARMICHAEL IN SUPPORT OF
RESPONDENT CITY OF SEDRO-
WOOLLEY'S MOTION TO DISMISS**

I, ROBERT CARMICHAEL, hereby declare, under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

1. I am over the age of twenty one and competent to testify.
2. I am counsel for Respondent, City of Sedro-Woolley, in the above-noted

matter.

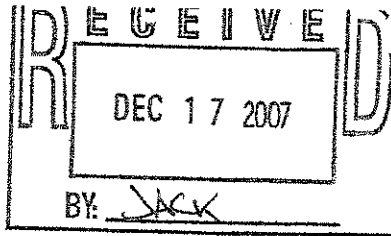
3. Attached as **Exhibit A** hereto is a true and correct copy of Respondent Deluxe Recycling and Disposal LLC's building permit application to the City of Sedro-Woolley for the proposed solid waste management facility that forms the subject of this petition.

ORIGINAL

1 4. Attached as **Exhibit B** hereto is a true and correct copy of the Skagit County
2 Assessor record for the property at issue in this appeal located at 109 Jameson Street,
3 Sedro-Woolley, WA, and having tax parcel numbers P37648, P75932, and P75933,
4 obtained from the Skagit County Assessor website.

5 EXECUTED at Bellingham, Washington, this 1st day of July, under penalty of
6 perjury under the laws of the State of Washington.
7

8
9 
10 ROBERT A. CARMICHAEL, WSBA #14008



COMMERCIAL BUILDING PERMIT APPLICATION CHECKLIST

Date Stamp

APPLICATION No. BP-111-07

All Commercial Building Permit applications must be accompanied by four (4) copies of the documents listed below. Failure to attach all the required submittal documents will result in an incomplete application and will not be accepted by City staff. Commercial projects 4,000 sq. ft. or large must be drawn by a registered architect or design professional. A Plan Review Fee is required to be paid prior to beginning plan review. Plan review fees are 65% of the building permit fee as calculated by the methods set forth in the 1997 edition of the Uniform Building Code.

THIS PAGE TO BE COMPLETED BY CITY STAFF AT THE TIME OF APPLICATION

Received

Required Submittals

- 1 Completed Application Signed by Applicant
- 2 Four (4): Scaled construction drawings showing the following elements along with their dimensions:
 - (a) Typical Foundation Plan
 - (b) Typical Floor Plan
 - (c) Typical Cross Section
 - (d) Typical Elevation Drawing
 - (d) Sprinkler Plans (When required. May be submitted on a deferred basis as approved by the Building Official and/or Fire Chief)

IMPORTANT! Be sure to clearly identify the occupancy type, construction type and square footage of all new construction, tenant improvements additions or remodel work.
- 3 Three (3): Scaled conceptual site plan showing the following elements along with their dimensions:
 - (a) proposed new building or addition;
 - (b) existing structures, utilities, easements and right-of-ways;
 - (c) existing and proposed street access;
 - (d) parking area(s);

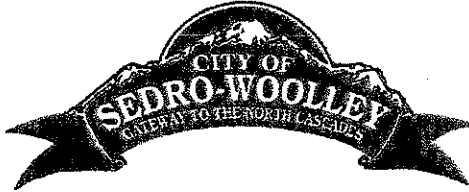
IMPORTANT! Items (a)-(d) above must be clearly marked or the application cannot be accepted.
- 4 Plan Review Fee Paid

Application Accepted? YES / NO City Official JACK Date: 12-17-07

If not accepted, list corrections required to make the application complete:

| Correction Description | Correction approved | Date Received |
|------------------------|---------------------|---------------|
| | | |
| | | |
| | | |

EXHIBIT A



COMMERCIAL BUILDING PERMIT APPLICATION

SECTION I - PROPERTY AND BUILDING INFORMATION

Fill out completely. Attach legal descriptions and supporting documents as necessary. Please be sure to complete Sections II-III. Failure to complete all sections will result in an incomplete application and will not be accepted by City staff.

| APPLICANT/CONTACT | OWNER (if different from applicant) | CONTRACTOR |
|--|---|---|
| Name: <u>DELUXE RECYCLING AND DISPOSAL LLC</u> Address: <u>4916 LADOUX PL.</u> City: <u>FERNDALE</u> Zip Code: <u>98248</u> Day Phone: <u>425-765-9182</u> Cell Phone: <u>206-953-2580</u> Fax: <u>360-384-0873</u> | Name: _____ Address: _____ City: _____ Zip Code: _____ Day Phone: _____ Cell Phone: _____ Fax: _____ | Company: <u>PAINTERS CHOICE</u> Contact: <u>ROB SIMPSON</u> Address: <u>PO BOX 1378</u> City: <u>RONALD</u> Zip: <u>98940</u> Day Phone: <u>509-859-4738</u> Cell: <u>253-677-3112</u> Fax: <u>509-649-3191</u> Contractor #: <u>PAINT # 077JB</u> Expiration Date: <u>7-12-09</u> City License #: _____ |

| PROJECT SITE IDENTIFICATION | | |
|--|--|--|
| Site Address: <u>109 JAMBON STREET</u> | Lot/Block#: <u>55, 56, 57</u> (VARIOUS) | Lot Size: <u>12.84</u> acres/sq.ft. |
| Parcel I.D. #: <u>P75932, 33, 34, 35, 36, 37, 37648</u> (VARIOUS) Section # <u>25</u> Township <u>35N</u> Range: <u>4 E. W. M.</u> | | |

| NEW CONSTRUCTION | CHANGE OF USE | TENANT IMPROVEMENT |
|--|--|---|
| Project Description: <u>RECYCLING CENTER</u> Occupancy Type/Use: <u>F-1</u> Construction Type: <u>STEEL</u> Square Feet: <u>30450</u> Project Value: \$ <u>2,580,300</u> Heated? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Sprinklers? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Proposed Use: _____ Previous Use: _____ Bldg Square Feet: _____ Project Value: \$ _____ Currently Sprinkled? Y / N Heated? Y / N Other bldgs within 30 ft? YES / NO | Project Description: _____ Occupancy Type/Use: _____ Construction Type: _____ Square Feet: _____ Uses Adjacent to this Space: _____ Project Value: \$ _____ Currently Sprinkled? Y / N Heated? Y / N |

| PROJECT SITE INFORMATION | GRADING | IMPERVIOUS SURFACES |
|--|---|--|
| Current zoning: <u>INDUSTRIAL</u> Are there any existing structures on the property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Will it be necessary to clear any trees or vegetation for this project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Do you own adjoining pieces of land? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is the property within 200 feet of a Critical Area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Cuts <u>20,600</u> cy Fill <u>22,600</u> cy Total <u>43,200</u> cy | Bldg <u>30450</u> sq. ft. Drive/Parking <u>25871</u> sq. ft. Sidewalk(s) <u>1600</u> sq. ft. Other <u>26869</u> sq. ft. Total Impervious <u>55930</u> sq. ft. |
| Total Percentage of Lot Coverage: <u>100</u> % | | |

SECTION II - MECHANICAL AND PLUMBING INFORMATION

Fill out completely. Mechanical/Plumbing plans must show the location and size of fixtures, equipment, sized fuel gas piping, medical gas piping/fixtures, ducts, shut offs, return air, exhaust fans, supply and drainage piping, valves, cleanouts, floor drains, vent risers, grease traps, commercial range hoods, extinguishing systems, duct and shaft construction and roof terminations.

| MECHANICAL INFORMATION | | |
|---|---------|--------------------|
| Equipment/Fixtures | | Quantity |
| Furnace(s) <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Electric (Btu/h: _____) | x 4 | OVER 100,000 BTU ! |
| Boiler(s) <input type="checkbox"/> Gas <input type="checkbox"/> Electric (hp: _____) | x - | |
| Air Handler(s) (cfm: _____) | x - | |
| Ventilation Fan(s) | x 7 | |
| Appliance Vent (s) | x - | |
| Commercial Hood fire suppression system | x - | |
| Other: | x _____ | |
| Other: | x _____ | |
| Other: | x _____ | |
| Other: | x _____ | |
| Other: | x _____ | |

| PLUMBING INFORMATION | | |
|--|---------|-----------|
| Fixtures | | Quantity |
| Hot water Heater <input type="checkbox"/> Gas <input checked="" type="checkbox"/> Electric | x 1 | |
| Bathroom Sinks <i>public or private</i> | x 4 | |
| Toilets | x 8 | |
| Kitchen Sink(s) | x 1 | <i>20</i> |
| Utility Sink(s) | x 2 | |
| Floor Drain(s) | x - | |
| Grease Trap(s) | x - | |
| Fuel Piping (number of fixtures) | x 4 | |
| Exterior Water Faucet(s) | x 2 | |
| Other: | x _____ | |
| Other: | x _____ | |
| Other: | x _____ | |
| Other: | x _____ | |
| Other: | x _____ | |
| Other: | x _____ | |

SECTION III - SIGNATURE

Complete for this application. Failure to sign the permit application will result in an incomplete application.

Application is hereby COMMERCIAL BUILDING PERMIT. I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the officials of the City of Sedro-Woolley the right to enter the above-described property to inspect the property as part of the permit application review and approval process and/or the proposed or completed work.

Signature (Required): *[Signature]*

Date: 12-17-07

Skagit County Assessor Parcel Details

| | | | | | |
|---|-------------------|----------------|---|-----------------|--------------|
| Parcel Number | XrefID | Quarter | Section | Township | Range |
| P37648 | 350425-2-002-0000 | 02 | 25 | 35 | 04 |
| Zoom to this Parcel on iMap | | | View Assessor Parcel Map of this section: (PDF) (DWF) | | |

Owner Information
 FIRE RIDGE LLC
 9495 SW LODESTONE DRIVE
 Beaverton, Or 97007

Site Addresses
 109 Jameson St
 [Old Situs] 109 Jameson St
 Sedro Woolley, WA 98284

2008 Value Breakdown

| | |
|------------------------------|--------------|
| Building Market Value | \$.00 |
| Land Market Value | \$448,500.00 |
| Total Market Value | \$448,500.00 |
| Assessed Value | \$448,500.00 |
| Taxable Value | \$448,500.00 |

[View Value History](#)

2008 Property Tax Summary

| | |
|----------------------------|--------------|
| 2008 Taxable Value | \$448,500.00 |
| General Taxes | \$4,245.46 |
| Special Assessments | \$.00 |
| Total Taxes | \$4,245.46 |

[View Tax Statement](#)

Legal Description [Abbreviation Definitions](#)

NE1/4 NW1/4 S OF RR AVE & W OF 3RD ST

Levy Code
0935

Neighborhood
INDUSTRIAL BLDG

City District
SEDRO WOOLLEY

School District
SD101

Fire District

Utilities
SEW,WTR-P

[View Septic Information](#)

| | | | | |
|-------------------|--------------|--------------------|------------------------|--------------|
| Year Built | Acres | Living Area | Number Of Rooms | Bdrms |
| | 12.68 | | | |

| | | | | |
|---------------------------|-------------------|-----------------------|----------------------|-------------------|
| Construction Style | Foundation | Exterior Walls | Roof Covering | Roof Style |
|---------------------------|-------------------|-----------------------|----------------------|-------------------|

| | | | |
|------------------------|-----------------------|---------------------------|-----------------|
| Interior Finish | Floor Covering | Floor Construction | Plumbing |
|------------------------|-----------------------|---------------------------|-----------------|

Appliances

Heat-AirCond

Fireplace

Sale Deed Type
WARRANTY DEED

Sale Date
5/21/2008

Sale Price
\$950,000.00

[View Sales History](#)



EXHIBIT B

Skagit County Assessor Parcel Details

| | | | | | |
|---|-------------------|----------------|---|-----------------|--------------|
| Parcel Number | XrefID | Quarter | Section | Township | Range |
| P75933 | 4150-055-003-0001 | | 24 | 35 | 04 |
| Zoom to this Parcel on iMap | | | View Assessor Parcel Map of this section: (PDF) (DWF) | | |

Owner Information
 FIRE RIDGE LLC
 9495 SW LODESTONE DRIVE
 Beaverton, Or 97007

Site Addresses
 109 Jameson St
 [Old Situs] 109 Jameson St
 Sedro Woolley, WA 98284

2008 Value Breakdown

| | |
|------------------------------|-------------|
| Building Market Value | \$.00 |
| Land Market Value | \$13,100.00 |
| Total Market Value | \$13,100.00 |
| Assessed Value | \$13,100.00 |
| Taxable Value | \$13,100.00 |

[View Value History](#)

2008 Property Tax Summary

| | |
|----------------------------|-------------|
| 2008 Taxable Value | \$13,100.00 |
| General Taxes | \$124.00 |
| Special Assessments | \$.00 |
| Total Taxes | \$124.00 |

[View Tax Statement](#)

Legal Description [Abbreviation Definitions](#)

FIRST TO SEDRO PTN LT 4 LY W C/L VAC METCALF ST & ALL LTS 2 & 3 BLK 55 TGW VAC 2ND ST & ALLEY ADJ ORD #537

Levy Code
0935

Neighborhood
INDUSTRIAL BLDG

City District
SEDRO WOOLLEY

School District
SD101

Fire District

Utilities
SEW,WTR-P

[View Septic Information](#)

Year Built

Acres

Living Area

Number Of Rooms

Bdrms

Construction Style

Foundation

Exterior Walls

Roof Covering

Roof Style

Interior Finish

Floor Covering

Floor Construction

Plumbing

Appliances

Heat-AirCond

Fireplace

Sale Deed Type
WARRANTY DEED

Sale Date
5/21/2008

Sale Price
\$950,000.00

[View Sales History](#)

NO PHOTO AVAILABLE FOR THIS PARCEL

Skagit County Assessor Parcel Details

| | | | | | |
|---|-------------------|----------------|---|-----------------|--------------|
| Parcel Number | XrefID | Quarter | Section | Township | Range |
| P75932 | 4150-055-001-0003 | | 24 | 35 | 04 |
| Zoom to this Parcel on iMap | | | View Assessor Parcel Map of this section: (PDF) (DWF) | | |

Owner Information
 FIRE RIDGE LLC
 9495 SW LODESTONE DRIVE
 Beaverton, Or 97007

Site Addresses
 109 Jameson St
 [Old Situs] 109 Jameson St
 Sedro Woolley, WA 98284

2008 Value Breakdown

| | |
|------------------------------|------------|
| Building Market Value | \$.00 |
| Land Market Value | \$9,600.00 |
| Total Market Value | \$9,600.00 |
| Assessed Value | \$9,600.00 |
| Taxable Value | \$9,600.00 |

[View Value History](#)

2008 Property Tax Summary

| | |
|----------------------------|------------|
| 2008 Taxable Value | \$9,600.00 |
| General Taxes | \$90.87 |
| Special Assessments | \$.00 |
| Total Taxes | \$90.87 |

[View Tax Statement](#)

Legal Description [Abbreviation Definitions](#)

FIRST TO SEDRO E1/2 VAC 2ND ST & LT 1 BLK 55 & VAC ALLEY ORD#537

Levy Code
0935

Neighborhood
INDUSTRIAL BLDG

City District
SEDRO WOOLLEY

School District
SD101

Fire District

Utilities
SEW,WTR-P

| | | | | |
|-------------------|--------------|--------------------|------------------------|--------------|
| Year Built | Acres | Living Area | Number Of Rooms | Bdrms |
|-------------------|--------------|--------------------|------------------------|--------------|

| | | | | |
|---------------------------|-------------------|-----------------------|----------------------|-------------------|
| Construction Style | Foundation | Exterior Walls | Roof Covering | Roof Style |
|---------------------------|-------------------|-----------------------|----------------------|-------------------|

| | | | |
|------------------------|-----------------------|---------------------------|-----------------|
| Interior Finish | Floor Covering | Floor Construction | Plumbing |
|------------------------|-----------------------|---------------------------|-----------------|

| | | |
|-------------------|---------------------|------------------|
| Appliances | Heat-AirCond | Fireplace |
|-------------------|---------------------|------------------|

| | | |
|--|-------------------------------|-----------------------------------|
| Sale Deed Type WARRANTY DEED | Sale Date 5/21/2008 | Sale Price \$950,000.00 |
|--|-------------------------------|-----------------------------------|

[View Sales History](#)



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7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR THE COUNTY OF SKAGIT**

9 ANNIE JANICKI,

Petitioner,

No. 08-2-01130-8

10 vs.

11 CITY OF SEDRO-WOOLLEY, a municipal
12 corporation, and DELUXE RECYCLING
13 AND DISPOSAL, LLC, a Washington limited
14 liability company,

Respondents.

PROPOSED

**ORDER GRANTING RESPONDENT
CITY OF SEDRO-WOOLLEY'S
MOTION TO DISMISS**

15 THIS MATTER having come before the Court on the 21st day of July, 2008, on
16 Respondent City of Sedro-Woolley's Motion to Dismiss and the Court having heard
17 argument from all parties and considered the written materials submitted, the Court finds as
18 follows:

19 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Respondent's
20 Motion Dismiss is hereby GRANTED and this LUPA petition is DISMISSED WITH
21 PREJUDICE.
22

23
24 _____
25 JUDGE

PROPOSED
ORDER GRANTING RESPONDENT CITY OF SEDRO-
WOOLLEY'S MOTION TO DISMISS- 1

ZENDER THURSTON, P.S.
ATTORNEYS AT LAW
1700 D Street, Bellingham, WA 98227
Phone: (360) 647-1500 • Fax: (360) 647-1501

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT**

ANNIE JANICKI,

Petitioner,

No. 08-2-01130-8

vs.

CERTIFICATE OF SERVICE

CITY OF SEDRO-WOOLLEY, a municipal corporation, and DELUXE RECYCLING AND DISPOSAL, LLC, a Washington limited liability company,

Respondents.


I, Karen Reich, certify that on July 1, 2008, I caused delivery of **Respondent City of Sedro-Woolley's Motion to Dismiss; Proposed Order Granting Respondent City of Sedro-Woolley's Motion to Dismiss; Note for Motion Docket; Declaration of Robert A. Carmichael in Support of Motion to Dismiss;** and this Certificate of Service in the above noted matter to the following individuals via e-mail and first-class postal service:

Philip Serka
Attorney at Law
400 N. Commercial Steet
Bellingham WA 98225

C. Thomas Moser
Attorney at Law
411 Main
Mount Vernon, WA 98273

1 Steven Fallquist
2 Skagit County Prosecuting Attorney
3 605 S. 3rd Street, Courthouse Annex
4 Mount Vernon, WA 98273

5 I certify under penalty of perjury under the laws of the State of Washington that the
6 foregoing is true and correct. Executed at Bellingham, Washington this 1st day of July,
7 2008.

8 
9 KAREN REICH