

**SELLER DISCLOSURE STATEMENT  
 COMMERCIAL PROPERTY**

**SELLER:** City of Omak, Todd McDaniel, City Admin.  
Seller Seller

To be used in transfers of commercial real estate as defined in RCW 60.42.005. See RCW Chapter 64.06 for further information.

**INSTRUCTIONS TO THE SELLER**

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property check "NA." If the answer is "yes" to any asterisked (\*) item(s), please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and initial each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five (5) business days, unless otherwise agreed, after mutual acceptance of a written purchase and sale agreement between Buyer and Seller.

**NOTICE TO THE BUYER**

THE FOLLOWING DISCLOSURES ARE MADE BY THE SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT

1213 KOALA Drive, CITY Omak,  
 STATE WA, ZIP 98841, COUNTY Okanogan ("THE PROPERTY") OR AS  
 LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE (3) BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A PURCHASE AND SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

SELLER  IS /  IS NOT OCCUPYING THE PROPERTY.

**I. SELLER'S DISCLOSURES:**

\*If you answer "Yes" to a question with an asterisk (\*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

	YES	NO	DON'T KNOW	N/A	
<b>1. TITLE</b>					
A. Do you have legal authority to sell the property? If no, please explain. ....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	37
*B. Is title to the property subject to any of the following?					38
(1) First right of refusal .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	39
(2) Option .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40
(3) Lease or rental agreement .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	41
(4) Life estate? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	42
*C. Are there any encroachments, boundary agreements, or boundary disputes? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	43
*D. Is there any leased parking? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	44
*E. Is there a private road or easement agreement for access to the property? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	45
*F. Are there any rights-of-way, easements, shared use agreements or access limitations? ..	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	46
*G. Are there any written agreements for joint maintenance of an easement or right-of-way? ..	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	47
*H. Are there any zoning violations or nonconforming uses? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	48

*SPE Attached*

VS 8/15/15  
 SELLER'S INITIALS Date SELLER'S INITIALS Date

Western Real Estate Auctions, 31 ELTOPIA WEST ROAD Eltopia WA 99330  
 Phone: (509)297-9292 Fax: (509)293-5550 Merle Booker

City of Omak

**SELLER DISCLOSURE STATEMENT  
 COMMERCIAL PROPERTY**  
 (Continued)

	YES	NO	DON'T KNOW	N/A	
*I. Is there a survey for the property? <i>See Attached</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	49
*J. Are there any legal actions pending or threatened that affect the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	50
*K. Is the property in compliance with the Americans with Disabilities Act?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	51
<b>2. WATER</b>					52
*Are there any water rights for the property, such as a water right permit, certificate, or claim? <i>Public System</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	53
<b>3. SEWER/ON-SITE SEWAGE SYSTEM</b>					54
*Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service? <i>NO</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	55
<b>4. STRUCTURAL</b>					56
*A. Has the roof leaked within the last 5 years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	57
*B. Has any occupied subsurface flooded or leaked within the last five years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	58
*C. Have there been any conversions, additions or remodeling?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	59
*(1) If yes, were all building permits obtained?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	60
*(2) If yes, were all final inspections obtained?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	61
*D. Has there been any settling, slippage, or sliding of the property or its improvements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	62
*E. Are there any defects with the following: (If yes, please check applicable items and explain.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	63
<input type="checkbox"/> Foundations <input type="checkbox"/> Slab Floors					64
<input type="checkbox"/> Doors <input type="checkbox"/> Outbuildings					65
<input type="checkbox"/> Ceilings <input type="checkbox"/> Exterior Walls					66
<input type="checkbox"/> Sidewalks <input type="checkbox"/> Siding					67
<input type="checkbox"/> Interior Walls <input type="checkbox"/> Other _____					68
<input type="checkbox"/> Windows					69
<b>5. SYSTEMS AND FIXTURES</b>					70
*A. Are there any defects in the following systems? If yes, please explain.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	71
(1) Electrical system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	72
(2) Plumbing system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	73
(3) Heating and cooling systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	74
(4) Fire and security system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	75
(5) Carbon monoxide alarms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	76
<b>6. ENVIRONMENTAL</b>					77
*A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	78
*B. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	79
*C. Are there any shorelines, wetlands, floodplains, or critical areas on the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	80
*D. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	81

*5/8/18*  
 SELLER'S INITIALS \_\_\_\_\_ Date

SELLER'S INITIALS \_\_\_\_\_ Date

**SELLER DISCLOSURE STATEMENT  
 COMMERCIAL PROPERTY**  
 (Continued)

	YES	NO	DON'T KNOW	N/A	89 90
*E. Is there any soil or groundwater contamination? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	91
*F. Has the property been used as a legal or illegal dumping site? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	92
*G. Has the property been used as an illegal drug manufacturing site? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	93


**7. FULL DISCLOSURE BY SELLER**

A. Other conditions or defects:

*Are there any other existing material defects affecting the property that a prospective buyer should know about? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	94 95 96 97 98
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\*B. Verification

The foregoing answers and attached explanations (if any) are complete and correct to the best of Seller's knowledge and Seller has received a copy hereof. Seller agrees to defend, indemnify and hold real estate licensees harmless from and against any and all claims that the above information is inaccurate. Seller authorizes real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

Seller	Date		Date	
City of Omak		Todd McDaniel, City Admin.	8/5/18	105 106

If the answer is "Yes" to any asterisked (\*) items, please explain below (use additional sheets if necessary). Please refer to the line number(s) of the question(s).

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NORTH OMAK INVESTMENTS, LLC  
PO Box 4200  
Omak WA 98841  
509 826-6000  
Fax 826-4660

RECEIVED

AUG 18 2011

CITY OF OMAK

August 18, 2011

Cindy Gagne', Mayor  
City of Omak  
PO Box 72  
Omak WA 98841

Dear Mayor Gagne':

North Omak Investments, LLC (NOI) is proposing a boundary line adjustment between a parcel of land owned by NOI, and a parcel of land owned by the City of Omak to provide a configuration of our adjoining lot that will allow construction of a driveway off of Koala Drive onto our parcel that will meet the offset standards imposed by the Department of Transportation from Highway 97 connector road.

The development of a joint driveway access at the point where our two lots meet would be in the best interest of the City, but an easement needs to be granted over the NOI parcel to guarantee the City will be allowed to traverse the property to the north to gain access to the City parcel from the driveway to be developed.

To that end, I propose and affirm that NOI, LLC will grant an easement to the City of Omak for access to their lot identified by Assessor No. 9400160008 over and across a portion of the land owned by NOI, LLC identified by Assessor No. 9400160016 in the location approximately depicted on the attached Exhibit "A", to provide vehicle access to the City of Omak parcel that will result from the completion of the boundary line adjustment proposed above.

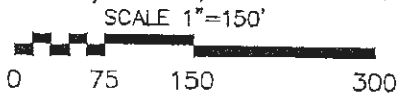
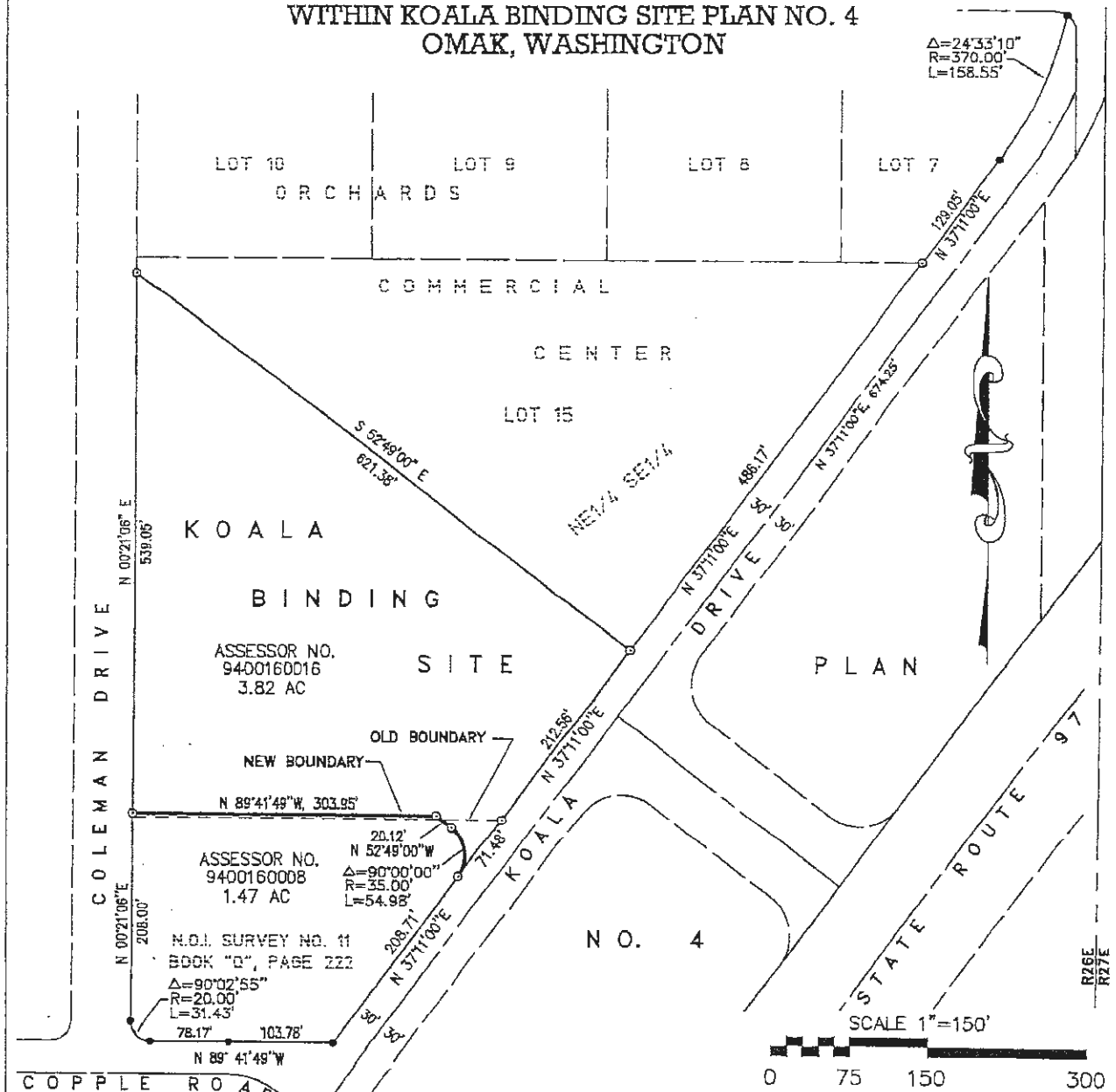
Sincerely,



Robert E Tollefson  
Managing Member  
North Omak Investments, LLC

Exhibit "A"

BOUNDARY LINE ADJUSTMENT  
FOR  
**NOI, LLC & CITY OF OMAK**  
WITHIN KOALA BINDING SITE PLAN NO. 4  
OMAK, WASHINGTON



**NW Land Surveying, LLC**  
SURVEYING \* LAND USE PLANNING

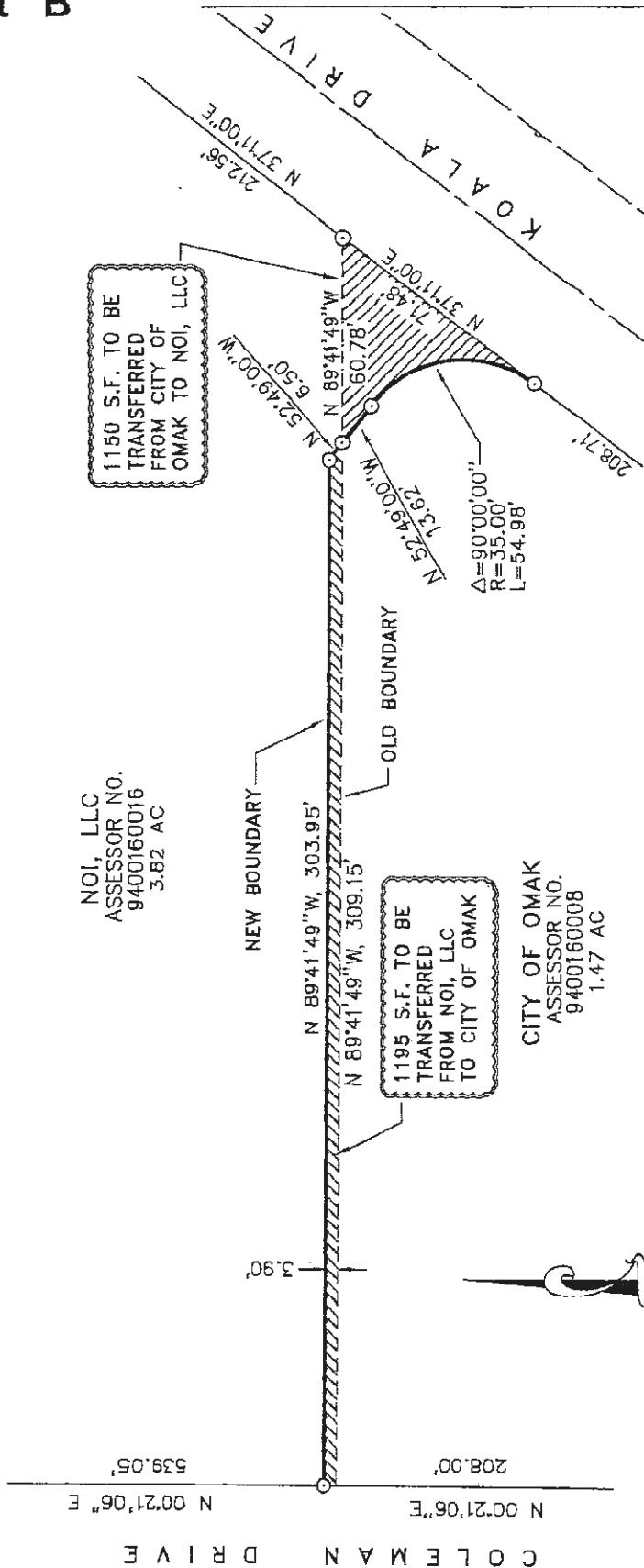
1105 KOALA DRIVE  
OMAK, WA  
(509) 826-1763

101 E. LOCUST ST.  
WATERVILLE, WA  
(509) 745-8530

DATE:	8-09-11	DWG NAME:	CITY BLA.DWG
DRAWN BY:	BEB	JOB NO.:	10098
SCALE:	1" = 150'	SHEET 1 OF 2	

Exhibit "B"

BOUNDARY LINE ADJUSTMENT  
FOR  
**NOI, LLC & CITY OF OMAK**  
WITHIN KOALA BINDING SITE PLAN NO. 4  
OMAK, WASHINGTON



1150 S.F. TO BE  
TRANSFERRED  
FROM CITY OF  
OMAK TO NOI, LLC

1195 S.F. TO BE  
TRANSFERRED  
FROM NOI, LLC  
TO CITY OF OMAK

NOI, LLC  
ASSESSOR NO.  
9400160016  
3.62 AC

CITY OF OMAK  
ASSESSOR NO.  
9400160008  
1.47 AC

**NW Land Surveying, LLC**

SURVEYING \* LAND USE PLANNING  
101 E. LOCUST ST.  
WATERVILLE, WA  
(509) 745-8530

DATE:	8-9-11	DWG NAME:	CITY BLD.DWG
DRAWN BY:	BEB	JOB NO.:	10098
SCALE:	1" = 50'	SHEET 2 OF 2	

