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SKAGIT COUNTY SEWER DISTRICT NO. 2
1707 HIGHWAY 9
MOUNT VERNON, WASHINGTON 98274

DOCUMENT TITLE: PAY-BACK AGREEMENT

REFERENCE NUMBER OF RELATED DOCUMENT: N/A

GRANTOR(S): LRDTD JOHNSON PARTNERSHIP

ADDITIONAL GRANTORS ON PAGE OF DOCUMENT: N/A

GRANTEE(S): SKAGIT COUNTY SEWER DISTRICT NO. 2

ADDITIONAL GRANTEES ON PAGE OF DOCUMENT: N/A

ABBREVIATED LEGAL DESCRIPTION: Lots 1,2,3,4,5,6,7 & 8, Block 2. PLAT
OF RESERVE ADDITION OF THE TOWN OF MONTEBORNE

ADDITIONAL LEGAL DESCRIPTION ON PAGE(S) OF DOCUMENT: EXHIBIT B:
PARCEL A

ASSESSOR'S TAX/PARCEL NUMBER(S):

PAY-BACK AGREEMENT

THIS AGREEMENT made and entered into this 14th day of August,
1997, by and between Skagit County Sewer District No. 2, a municipal
corporation of the State of Washington, located in Skagit County,
Washington and LRDTD JOHNSON PARTNERSHIP.

WITNESSETH:

WHEREAS: the aforementioned parties entered into an agreement on
the 28th day of January, 1994; and

WHEREAS, LRDTD JOHNSON PARTNERSHIP owns the following
described real estate situated in Skagit County, Washington, more
particularly described as follows:

(See Attached Exhibit B: Parcel A)

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and

WHEREAS, LRD TD JOHNSON PARTNERSHIP constructed 1411 feet of sewer system hereinafter described:

ON

FROM

TO

SEE ATTACHED "EXHIBIT A"

and

WHEREAS, the cost of construction and installation of the aforementioned sewer line to owner was \$ 136,088.78; and,

WHEREAS, said owner has conveyed by Conveyance of Sewer Facility the aforementioned sewer system to Skagit County Sewer District No. 2; and

WHEREAS, the parties wish to execute an agreement and record said agreement regarding the fair pro rata share to be paid by the owners of property which connect to the aforementioned line in the future,

NOW, THEREFORE, it is hereby agreed as follows:

1. That the parties hereto agree that this agreement is made and entered into pursuant to the Municipal Water and Sewer Facility Act, R.C.W. 35.91.010 et seq., and to further agree to be bound by and adhere to the provisions of said Act as exist at the time of the signing of this agreement.

2. That said owner has constructed and installed the 1411 feet of sewer main hereinafter described (as portrayed by EXHIBIT C attached hereto).

3. That a copy of the Conveyance of Sewer Facility granting said sewer system to Skagit County Sewer District No. 2, duly executed by said owner is attached hereto and made a part hereof by reference.

4. The aforementioned sewer system has been accepted by the Skagit County Sewer District No. 2, which will supply said owner with service at the rate established by the District for the class of service applicable hereto.

5. It is hereby agreed that for a period of ten (10) years from the date of this agreement, upon the request of any of the owner's of the hereinbelow described properties to connect to the aforementioned sewer system, then the District will collect the connection charge on behalf of the Developer of the Project, LRD TD JOHNSON PARTNERSHIP, its transferees, successors or assigns in accordance with this agreement the fair pro-rated share of the cost of the construction of said sewer system by the owners of said properties requesting to connect to said line.

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6. The parcels of property falling within the provisions of this agreement are located in Skagit County, Washington and are more particularly described as follows:

PARCEL A (Developer)

LRDTD JOHNSON PARTNERSHIP

See Attached EXHIBIT "B"

Pro-rata Share on Parcel A:

\$28,039.04 Paid

PARCEL B-1

MASON

See Attached "EXHIBIT B"

Pro-rata Share of Parcel B-1:

\$19,030.72

PARCEL B-2

MASON

See Attached "EXHIBIT B"

Pro-rata Share of Parcel B-1:

\$10,728.73

PARCEL C

Hoyes

See Attached "EXHIBIT B"

Pro-rata Share on Parcel C:

\$16,603.98

PARCEL D

Douglas Burns

See Attached "EXHIBIT B"

Pro-rata share of Parcel D:

\$ 7,152.48

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PARCEL E

Morrison

See Attached "EXHIBIT B"

Pro-rata share of Parcel E:

\$ 9,451.50

PARCEL F

Blair

See Attached "EXHIBIT B"

Pro-rata share of Parcel F:

\$ 9,898.53

PARCEL G

Janet White

See Attached "EXHIBIT B"

Pro-rata share of Parcel G

\$17,561.90

PARCEL H

Janet White

See Attached "EXHIBIT B"

Pro-rata share of Parcel H

\$ 7,663.38

PARCEL I

Kilert

See attached "EXHIBIT B"

Pro-rata share on Parcel H

\$ 9,898.53

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7. It is agreed that all reimbursement payments shall be collected by the District and paid over to said Developer of Project, LRDTD JOHNSON PARTNERSHIP, its transferees, heirs, successors or assigns in accordance with the Municipal Water and Sewer Facilities Act, RCW 35.91.010 et seq., and that in the event of the duty of the District to make said reimbursement collection and payment as herein provided shall terminate ten (10) years from the date of this agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of this day and year first above written.

LRDTDJOHNSON PARTNERSHIP

Owner:

BY: David E. Johnson

BY: David E. Johnson

SKAGIT COUNTY SEWER DISTRICT NO. 2

BY: Robert J. Kline

President/Commissioner

BY: Eugene R. Johnson

Commissioner

BY: William S. Ebeling

Commissioner

EXHIBIT A

**SKAGIT COUNTY SEWER DISTRICT NO. 2
FOUR JAY LANE SEWER DEVELOPER EXTENSION DE#93-03
ON - FROM - TO**

All Pipe is 8" Diameter.

<u>APPROX. LENGTH</u>	<u>ON</u>	<u>FROM</u>	<u>TO</u>
225'	Easement	A point on Noyes' property (900-0209) approximately 135 feet± south and 30 feet± west of the intersection of West View Road South and vacated Jackson Street, on the District's existing sewer main.	A point 225 feet± northeasterly on Noyes' property (014-0003) approximately 10 feet± south and 150 feet± east of the intersection of West View Road South and vacated Jackson Street, on the District's existing sewer main. (This point is MH 933-3.)
380'	Easement	Manhole 933-3	A point 380 feet± northwesterly on White's property (013-0006 & 002-0009) approximately 270 feet± north and 100 feet ± west of the intersection of West View Road South and vacated Jackson Street, on the District's existing sewer main. (This point is MH 933-4.)
85'	Easement	Manhole 933-4	A point 85 feet± northeasterly on White's property.
721'	Easement	Manhole 933-3	A point 721 feet± southeasterly on Johnson's property (010-0001, 008-0007 & 0-012-0006) approximately 595 feet± south and 580 feet± east of the intersection of West View Road South and vacated Jackson Street, on the District's existing sewer main.

**LEGAL DESCRIPTIONS FOR PAYBACK AGREEMENT
FOUR JAY LANE SEWER EXTENSION - DE #93-03**

THAT CERTAIN TRACT OF LAND DESCRIBED UNDER SKAGIT COUNTY
AUDITORS FILE NO 9207210109 IN SECTION 6, TOWNSHIP 33 NORTH, RANGE 5
EAST, W.M.

THAT PORTION OF THE NORTH 1/2 OF GOVERNMENT LOT 6, SECTION 6, TOWNSHIP 33 NORTH, RANGE 5 EAST, W.M., LYING SOUTHWESTERLY OF THE MONTEBORNE-MCMURRAY ROAD AND NORTHEASTERLY OF THE NORTHERN PACIFIC RAILWAY COMPANY RIGHT-OF-WAY. EXCEPT THAT PORTION THEREOF LYING WITHIN THE "PLAT OF RESERVE ADDITION TO THE TOWN OF MONTEBORNE", AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 59. RECORDS OF SKAGIT COUNTY, WASHINGTON.

TOGETHER WITH THOSE PORTIONS OF VACATED DIVISION STREET AND RAILROAD AVENUE AS ATTACHED BY JUDGMENT ENTERED IN SKAGIT COUNTY SUPERIOR COURT CAUSE NO. 91-2-00743-1.

THAT PORTION OF THE 100 FOOT WIDE RAILROAD RIGHT-OF-WAY COMMONLY KNOWN AS THE NORTHERN PACIFIC RAILWAY (AND ORIGINALLY CONVEYED TO THE SEATTLE LAKE SHORE AND EASTERN RAILWAY), ADJOINING THE WESTERLY LINE OF BLOCK 2 OF THE VACATED PLAT OF "RESERVE ADD. TO THE TOWN OF MONTEBORNE" AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 59, RECORDS OF SKAGIT COUNTY, WASHINGTON, WHICH LIES NORTHERLY OF THE SOUTHERLY LINE OF SAID BLOCK 2 EXTENDED WEST TO THE CENTERLINE OF THE LAST MAINLINE TRACT OF THE NORTHERN PACIFIC RAILWAY AS IT EXISTED IN 1970, AND EASTERLY OF SAID CENTERLINE, AND SOUTHERLY OF THE CENTERLINE OF VACATED ALDER STREET EXTENDED WEST TO SAID RAILWAY CENTERLINE; TOGETHER WITH LOTS 1,2,3,4,5,6,7, AND 8, BLOCK 2 OF THE VACATED PLAT OF "RESERVE ADD. TO THE TOWN OF MONTEBORNE", AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 59, RECORDS OF SKAGIT COUNTY, WASHINGTON TOGETHER WITH THAT PORTION OF VACATED ALDER STREET WHICH HAS

REVERTED THERETO BY OPERATION OF LAW; TOGETHER WITH LOTS 1,2,3,4,9 AND 10, BLOCK 51, OF THE VACATED PLAT OF "THE TOWN OF MONTEBORNE", AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 80, RECORDS OF SKAGIT COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF VACATED ALDER STREET WHICH HAS REVERTED THERETO BY OPERATION OF LAW; EXCEPT FROM ALL OF THE ABOVE THOSE PORTIONS THEREOF LYING WITHIN THE SOUTH 650 FEET OF GOVERNMENT LOT 6 OF SECTION 6, TOWNSHIP 33 NORTH, RANGE 5 EAST W.M.; ALSO EXCEPT THOSE PORTIONS THEREOF, IF ANY, LYING WITHIN THE SOUTH 1/2 OF SAID GOVERNMENT LOT 6.

EXCEPT FROM ALL OF THE ABOVE THOSE PORTIONS THEREOF LYING WITHIN THE SOUTH 650 FEET OF GOVERNMENT LOT 6 OF SECTION 6, TOWNSHIP 33 NORTH, RANGE 5 EAST, W.M.; ALSO EXCEPT THOSE PORTIONS THEREOF, IF ANY, LYING WITHIN THE SOUTH 1/2 OF SAID GOVERNMENT LOT 6; ALSO

EXCEPT THEREFROM THAT PORTION THEREOF LYING WESTERLY OF THE LAST MAINLINE TRACK OF THE NORTHERN PACIFIC RAILWAY AS IT EXISTED IN 1970.

SITUATED IN SKAGIT COUNTY, WASHINGTON.

PARCEL B (MASON)

(PAYBACK AMOUNT HAS BEEN PRO-RATED BETWEEN AREAS B1 AND B2 AS INDICATED ON THE ATTACHED MAP. THE TOTAL AREA OF B1 AND B2 IS DESCRIBED AS FOLLOWS.)

BASED UPON A RECORD OF SURVEY FILED IN VOLUME 15 OF SURVEYS, PAGE 35, (AF # 9311160042) RECORDS OF SKAGIT COUNTY, WASHINGTON.

PARCEL "A"

THAT PORTION OF THE 100 FOOT WIDE RAILROAD RIGHT-OF-WAY, COMMONLY KNOWN AS THE NORTHERN PACIFIC RAILWAY (AND ORIGINALLY CONVEYED TO THE SEATTLE LAKE SHORE AND EASTERN RAILWAY) LYING EASTERLY OF LINE "RR" DESCRIBED BELOW AND LYING SOUTHEASTERLY OF THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF LOT 15, BLOCK 3, "PLAT OF THE RESERVE ADDITION TO MONTBORNE", AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 59, RECORDS OF SKAGIT COUNTY, WASHINGTON, AND LYING NORTHERLY OF THE CENTERLINE OF ALDER STREET EXTENDED WESTERLY;

TOGETHER WITH LOTS 15 THROUGH 20, INCLUSIVE OF SAID BLOCK 3; TOGETHER WITH THOSE PORTIONS OF VACATED ALDER AND DIVISION STREETS WHICH HAVE REVERTED THERETO BY OPERATION OF LAW.

PARCEL "B"

LOTS 1, 2 AND 3, BLOCK 3, "PLAT OF RESERVE ADDITION TO THE TOWN OF MONTBORNE", IN SKAGIT COUNTY, WASHINGTON, AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 59, RECORDS OF SKAGIT COUNTY, WASHINGTON.

TOGETHER WITH THOSE PORTIONS OF DIVISION STREET VACATED BY COMMISSIONERS' ORDERS FILED IN AF#8412050012 AND AF#8607210128.

THE DESCRIPTION IN ITEM 64, CAUSE NO. 91-2-00070-3 SAYS "LOTS 13 THROUGH 20", LOTS 13 AND 14 ARE ALSO INCLUDED IN ITEM 63 OF SAID CAUSE AND IT IS MY (SURVEYOR'S) UNDERSTANDING FROM DISCUSSIONS WITH THE PARTIES INVOLVED THAT ITEM 64 SHOULD HAVE READ "LOTS 15 THROUGH 20".

LINE "RR":

BEGIN AT A POINT ON THE NORTH LINE OF THE SOUTH ½ OF GOVERNMENT LOT 6 OF SECTION 6, TOWNSHIP 33 NORTH, RANGE 5 EAST, W.M., WHICH IS MIDWAY BETWEEN THE CENTERLINE OF THE ORIGINAL 100-FOOT WIDE RIGHT-OF-WAY OF THE SEATTLE LAKE SHORE AND EASTERN RAILWAY AND THE CENTERLINE OF THE LAST MAINLINE TRACK OF THE NORTHERN PACIFIC RAILWAY AS IT EXISTED IN 1970; THENCE NORTHERLY ON A LINE DRAWN MIDWAY BETWEEN THE CENTERLINE OF THE ORIGINAL 100 FOOT WIDE RIGHT-OF-WAY AND THE CENTERLINE OF THE ABOVE DESCRIBED MAINLINE TRACK TO THE POINT OF INTERSECTION OF SAID CENTERLINES, SAID POINT BEING THE TERMINUS OF THIS LINE DESCRIPTION.

PARCEL C (NOYES)

PARCEL "A"

LOTS 10, 11, 12, 13 AND 14, BLOCK 3 "PLAT OF RESERVE ADDITION TO THE TOWN OF MONTBORNE" IN SKAGIT COUNTY, WASHINGTON. AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 59, RECORDS OF SKAGIT COUNTY,

WASHINGTON. TOGETHER WITH THE SOUTHEASTERLY ONE HALF OF VACATED JACKSON STREET ABUTTING THEREON.

PARCEL "B"

THAT PORTION OF THE 100 FOOT WIDE RAILROAD RIGHT OF WAY, COMMONLY KNOWN AS THE NORTHERN PACIFIC RAILWAY (AND ORIGINALLY CONVEYED TO THE SEATTLE CARE HOME AND EASTERN RAILWAY) LYING EASTERLY OF LINE "RR" DESCRIBED BELOW AND BETWEEN THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF LOT 14, BLOCK 3 " PLAT OF RESERVE ADDITION TO THE TOWN OF MONTBORNE," IN SKAGIT COUNTY, WASHINGTON AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 59, RECORDS OF SKAGIT COUNTY, WASHINGTON, AND THE SOUTHWESTERLY EXTENSION OF THE CENTERLINE OF JACKSON STREET.

LINE "RR"

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTH HALF OF GOVERNMENT LOT 6 OF SECTION 6, TOWNSHIP 33 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, WHICH IS MIDWAY BETWEEN THE CENTERLINE OF THE ORIGINAL 100 FOOT WIDE RIGHT OF WAY OF THE SEATTLE LAKE SHORE AND EASTERN RAILWAY AND THE CENTERLINE OF THE LAST MAINLINE TRACK OF THE NORTHERN PACIFIC RAILWAY AS IT EXISTED IN 1970; THENCE NORTHERLY ON A LINE DRAWN MIDWAY BETWEEN THE CENTERLINE OF THE ORIGINAL 100 FOOT WIDE RIGHT OF WAY AND THE CENTERLINE OF THE ABOVE DESCRIBED MAINLINE TRACT TO THE POINT OF INTERSECTION OF SAID CENTERLINES, SAID POINT BEING THE TERMINUS OF THIS LINE DESCRIPTION.

SITUATED IN SKAGIT COUNTY, WASHINGTON.

PARCEL D (DOUGLAS BURNS)

LOTS 4, 5 AND 6, BLOCK 3 "PLAT OF RESERVE ADDITION TO THE TOWN OF MONTBORNE" IN SKAGIT COUNTY, WASHINGTON. AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 59, RECORDS OF SKAGIT COUNTY, WASHINGTON.

SITUATED IN SKAGIT COUNTY, WASHINGTON.

PARCEL E (MORRISON)

LOTS 7, 8 AND 9, BLOCK 3 "PLAT OF RESERVE ADDITION TO THE TOWN OF MONTBORNE" IN SKAGIT COUNTY, WASHINGTON. AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 59. RECORDS OF SKAGIT COUNTY, WASHINGTON. TOGETHER WITH THE SOUTHEASTERLY ONE HALF OF VACATED JACKSON STREET ABUTTING THEREON.

SITUATED IN SKAGIT COUNTY, WASHINGTON.

PARCEL F (BLAIR)

LOTS 3, 4, AND 5, BLOCK 4 "PLAT OF RESERVE ADDITION TO THE TOWN OF MONTBORNE" IN SKAGIT COUNTY, WASHINGTON AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 59. RECORDS OF SKAGIT COUNTY, WASHINGTON. TOGETHER WITH THE NORTHWESTERLY ONE HALF OF JACKSON STREET ABUTTING THEREON.

SITUATED IN SKAGIT COUNTY, WASHINGTON.

PARCEL G (WHITE)

PARCEL "A"

LOTS 1, 2, AND 13, BLOCK 4 "PLAT OF RESERVE ADDITION TO THE TOWN OF MONTBORNE" IN SKAGIT COUNTY, WASHINGTON AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 59. RECORDS OF SKAGIT COUNTY, WASHINGTON. TOGETHER WITH THE NORTHWESTERLY ONE HALF OF JACKSON STREET ABUTTING THEREON.

PARCEL "B"

THAT PORTION OF THE 100 FOOT WIDE RAILROAD RIGHT OF WAY, COMMONLY KNOWN AS THE NORTHERN PACIFIC RAILWAY (AND ORIGINALLY CONVEYED TO THE SEATTLE LAKE SHORE AND EASTERN RAILWAY) LYING EASTERLY OF LINE "RR" DESCRIBED BELOW AND BETWEEN THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF LOT 13, BLOCK 4, "PLAT OF RESERVE ADDITION TO THE TOWN OF MONTBORNE IN SKAGIT COUNTY, WASHINGTON" AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 59, RECORDS OF SKAGIT COUNTY,

DIVISION ST.

VACATED
DIVISION ST.

20' MD= BANITAPV
SEAF= CASMEN

10' WIDE TEMPORARY
CONSTRUCTION EASEMENT

10' WIDE SANITARY
SEWER EASEMENT

LINE "RR" PER R.O.S.
A.F.#9401210047 &
A.F.#9311160042

EXIST SSCOM1104
RIM EL=90.00
NV EL=81.50
PROJECT TAM

3708180058

ЕК 1697 PG0459

