

Return Address:

City of Mount Vernon
Department of Engineering
P.O. Box 809
Mount Vernon, WA 98273



199910200053

Kathy Hill, Skagit County Auditor
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EASEMENT

Grantor(s) Pasquale J. Senatore, Jr.
Grantee(s) Isaac and Kay Nonaka
Samuel K. and Aileen S. Nonaka

Additional Grantor(s) on page(s)

Additional Grantee(s) on pages(s)

Abbreviated Legal: Section 16, Twp. 34 N., Rge. 4 E.W.M.; Ptn. NE ¼ SW ¼

Additional Legal on page(s): *5-8*

Assessor's Tax Parcel No.'s: P104938, P25067, P25068, P25069

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AGREEMENT EASEMENT

WHEREAS the Grantor, as defined herein, desires to obtain access from and to its property from certain public right-of-way commonly known as North 30th Street in the City of Mount Vernon, and

WHEREAS such access must necessarily run over and across adjoining property, and

WHEREAS the Grantor is willing and able to grant the Grantee, as defined herein, a reciprocal right of access over and across Grantor's property from and to certain public right-of-way commonly known as College Way, and

WHEREAS such access, whether over and across Grantor's property, or over and across adjoining property is intended solely to serve the owners, agents, tenants, guests, and licensees of the Grantor, Grantee, and the owners, agents, tenants, guests, and licensees of any adjoining property, if any there be; NOW, THEREFORE,

KNOW ALL MEN BY THESE PRESENTS, that **PASQUALE J. SENATORE, JR.** (referred to hereinafter as "Grantor") for and in consideration of Ten Dollars and other valuable consideration, and in consideration of the performance by Grantee of the covenants hereinafter set forth, does hereby grant unto **ISAAC AND KAY NONAKA; SAMUEL K. AND AILEEN S. NONAKA**, (referred to hereinafter as the "Grantee") a nonexclusive, perpetual nonexclusive, perpetual easement over, along and across the full width and length of Grantor's property described in the attached Exhibit "A" for the purpose of ingress and egress.

This grant is subject to the following covenants and shall be construed to be subordinate and obedient to such covenants:

1. Notwithstanding that Grantee is granted the right of ingress and egress from the area described in Exhibit "A" attached hereto, Grantee may exercise its right of ingress and egress only after such time as Grantee executes and grants a nonexclusive, perpetual easement, benefiting that property described in Exhibit "B," which nonexclusive, perpetual easement shall grant a corresponding right of ingress and egress over Grantee's property and provide access from Grantor's property to that public right-of-way denominated as North 30th Street in the City of Mount Vernon all as



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described in the attached Exhibit "C," PROVIDED THAT, upon mutual agreement the Grantor and Grantee may modify by written instrument the description of property contained in Exhibit "C" so long as the width of the nonexclusive, perpetual easement remains the same, and PROVIDED FURTHER that if only a portion of that property described in Exhibit "C" is under the ownership and control of the Grantee, then in that event the Grantee shall not exercise its right of ingress and egress until such time as the Grantor is granted an nonexclusive, perpetual easement by the owner of such property conforming to the requirements of this paragraph such that the Grantor is provided access to that public right-of-way denominated as North 30th Street as contemplated herein.

2. Grantee shall at all times exercise its rights herein in accordance with the requirements (as from time to time may be amended) and all applicable statutes, ordinances, rules, and regulations of any public authority having jurisdiction.

3. Grantee has been advised and is aware that Grantor is using, or intends to use, the property described in Exhibit "B" for the purpose of constructing and providing housing for senior citizens. Grantee shall exercise its rights hereunder so as not to interfere with the Grantor's, or the Grantor's tenants', peaceful enjoyment of the property described in Exhibit "B."

4. Grantor reserves all rights with regard to its property, including, without limitation, the right to grant nonexclusive, perpetual easements and licenses to others subject to the rights granted in this nonexclusive, perpetual easement .

5. The rights and obligations of the Grantor and Grantee shall inure to the benefit of and be binding upon the Grantor and Grantee's respective successors and assigns.

6. Grantee does hereby release, indemnify, and promise to defend and save harmless Grantor from and against any and all liability, loss, damage, expense, actions and claims, including costs and reasonable attorneys fees incurred by Grantor in defense thereof, asserted or arising directly or indirectly on account of or out of acts or omissions of Grantee and Grantee's servants, agents, employees, licensees and invitees in the exercise of the rights granted herein, PROVIDED, HOWEVER, this paragraph does not purport to indemnify Grantor against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of Grantor, or Grantor's agents or employees.

7. The nonexclusive, perpetual easement described in Exhibit "A" shall not be used by the Grantee for the installation of utilities, including, but not limited to sanitary sewage facilities, storm drainage facilities, power transmission facilities, telephone communication facilities, cable television facilities, and any other utilities without limitation.

Dated this 19 day of OCT., 1999.



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PASQUALE J. SENATORE, JR.

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

STATE OF WASHINGTON)
)ss.
COUNTY OF SKAGIT)

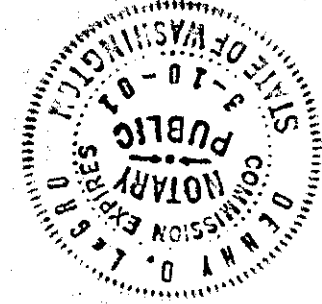
OCT 20 1999

Amount Paid \$-0-
Skagit County Treasurer
By: *ac* Deputy

On this 19TH day of OCT., 1999, before me a Notary Public in and for the State of Washington, County of Skagit, personally appeared PASQUALE J. SENATORE, JR. known to me to be the individual described herein and who executed the foregoing instrument and acknowledged that he voluntarily executed the same as his free and voluntary act and deed for the uses and purposes herein mentioned.

GIVEN under my hand and official seal this 19TH day of OCTOBER, 1999.

Dorothy D. Lehto
Notary Public in and for the State of Washington
Residing at MOUNT VERNON
My commission expires 3-10-01



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EXHIBIT "A"

That portion of Lot 2 of Short Plat No. MV-3-92 by that instrument recorded in Book 10 of Short Plats at pages 64 and 65 under Auditor's File No. 9202280046, records of Skagit County, described as follows:

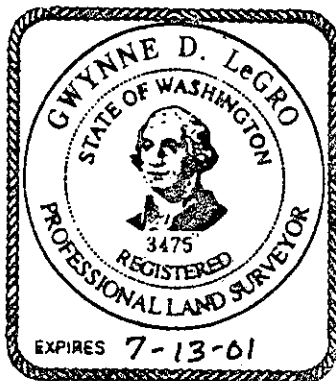
The West 30.00 feet of said Lot 2 lying North of a line parallel to and 281.00 feet South of the North line of the Southwest Quarter (SW 1/4) of Section 16, Township 34 North, Range 4 East, W.M., said line being also the centerline of East College Way, formerly S.R. 538.

TOGETHER WITH the South 30.00 feet of the North 311.00 feet of said Lot 2 as measured from the North line of the Southwest Quarter (SW 1/4) of Section 16, Township 34 North, Range 4 East, W.M., said line being also the centerline of East College Way, formerly S.R. 538.

AND TOGETHER WITH a triangular shaped parcel described as follows:
Beginning at the Southwest corner of Lot 1. of said Short Plat No. MV-3-92, thence S 89°27'37" E, a distance of 135.00 feet along the South line of Lot 1. and the Easterly projection thereof, said line being also the North line of Lot 2. of said Short Plat MV-3-92, to the Northeast corner of said Lot 2.; thence S 0°27'04" W along the most Easterly line of said Lot 2., a distance of 21.00 feet to the North line of the above described 30.00 feet wide Easement strip and the TRUE POINT OF BEGINNING; thence N 89°27'37" W along the North line of said 30.00 foot strip, a distance of 20.00 feet; thence N 61°42'30" E, a distance of 22.81 feet to a point on the East line of said Lot 2. which bears N 0°27'04" E a distance of 11.00 feet from the True Point Of Beginning; thence S 0°27'04" W a distance of 11.00 feet to the TRUE POINT OF BEGINNING.

All situate in the County of Skagit, State of Washington.

Gwynne D. Legro
GWYNNE D. LEGRO
Registered Professional
Engineer & Land Surveyor
Lic. # 3475
Date: October 13, 1999




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EXHIBIT "B"

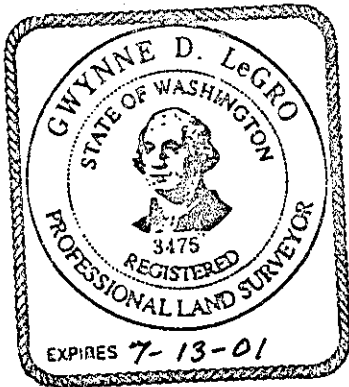
Tract 2, Short Plat No. MV-3-92, approved February 27, 1992, and recorded February 28, 1992, under Auditor's File No. 9202280046, in Volume 10 of Short Plats, Pages 64 and 65, records of Skagit County, Washington, and being a portion of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 16, Township 34 North, Range 4 East, W.M.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, liens, covenants and other instruments of record.

Situate in the County of Skagit, State of Washington.


Gwynne D. Legro
Registered Professional
Engineer & Land Surveyor
License No. 3475
LEGRO & ASSOCIATES

Dated: October 7, 1999



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EXHIBIT "C"

The South 30 feet of the North 300.00 feet of that portion of the East 660 feet of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 16, Township 34 North, Range 4 East, W.M. lying within those tracts of land described as follows:

Parcel "A":

The West 165 feet of the East 660 feet of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 16, Township 34 North, Range 4 East, W.M.

Parcel "B":

The West 330 feet of the East 495 feet of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 16, Township 34 North, Range 4 East, W.M.

EXCEPT from both of the above Parcels "A" and "B", the South 60 feet and the North 40 feet from both of the above described parcels for road and right-of-way purposes as conveyed to the City of Mount Vernon by Deed recorded under Auditor's File No. 9904090045.

Parcel "C":

That portion of the East 165 feet of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 16, Township 34 North, Range 4 East W.M., lying South of the South line of that certain 15 foot wide strip conveyed to the City of Mount Vernon by Deed recorded March 1, 1983, as Auditor's File No. 8303010015, EXCEPT the South 60 feet thereof; ALSO EXCEPT the right-of-way for street and utility purposes conveyed to the City of Mount Vernon by easement recorded September 25, 1985, as Auditor's File No. 8509250004, over the East 30 feet thereof; ALSO EXCEPT that portion conveyed to the City of Mount Vernon by Deed recorded under Auditor's File No. 9904090045, described as follows:

Beginning at the Northeast corner of said Parcel "C", at the intersection of the South line of the right-of-way for College Way and the West line of the right-of-way for North 30th Street; thence West along the South line of the right-of-way for College Way, a distance of 15 feet; thence Southeasterly to a point on the West line of the right-of-way for North 30th Street that is 15 feet South of the point of beginning; thence North along the West line of North 30th Street to the point of beginning.




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Page 2.
EXHIBIT "C"

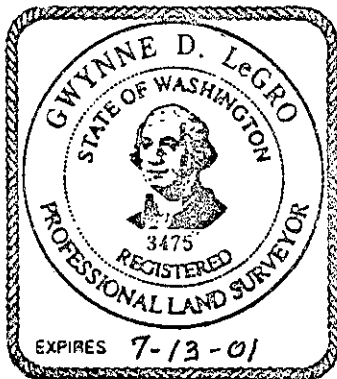
SUBJECT TO AND TOGETHER WITH easements, reservations,
restrictions, liens, covenants and other instruments of
record.

All Situate in the County of Skagit, State of Washington.



GWYNNE D. LEGRO
Registered Professional
Engineer & Land Surveyor
License No. 3475
LEGRO & ASSOCIATES

Dated: October 7, 1999



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