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Kathy Hill, Skagit County Auditor
4/5/2000 Page 1 of 9 9:14:05AM

AFTER RECORDING MAIL TO:

Name: D. Douglas Matson
Whalen, Firestone, Landsman, Fleming, Dixon & Matson
Address: Suite 2150
1191 Second Avenue
City/State: Seattle, Washington 98101

LAND TITLE COMPANY OF SKAGIT COUNTY

P91232

Reference # (if applicable): _____
Grantor(s): Jessica Hellman, Karin Merzbacher, and Thomas Merzbacher
Grantee: Secret Harbor School
Legal Description (abbreviated): Portion of Government Lots 4 and 5, Section 4, Township 35
North, Range 1 East, W.M. SKAGIT COUNTY WASHINGTON
Additional legal(s) on Exhibit A Real Estate Excise Tax
Assessor's Tax Parcel I. D. No.: 350104-1-006-0602.

APR 05 2000

EASEMENT AGREEMENT

Amount Paid \$ -0-
Skagit Co. Treasurer
By Deputy

THIS EASEMENT AGREEMENT is made and entered into by and between:

1. JESSICA HELLMAN, a married woman dealing in her separate property, KARIN MERZBACHER, a single woman, and THOMAS MERZBACHER, a married man dealing in his separate property (collectively "**Grantor**") and

2. SECRET HARBOR SCHOOL, a Washington non-profit corporation ("**Grantee**").

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, the parties agree:

1. **Definitions.**

- (a) The "**Property**": That certain real property described on **Exhibit A** hereto.
- (b) The "**Secret Harbor School Property**": That certain real property described on **Exhibit B** hereto.
- (c) The "**Highland Road**": That certain path located on the Property more particularly indicated on the survey map attached as **Exhibit C** hereto.
- (d) The "**Extended Easement**": That certain easement that lies, in part, on Highland Road from the western boundary of the Property benefiting Secret Harbor School and recorded under Skagit County Auditor's No. 200004050002, as the location of such easement may be moved from time to time.

2. **Parties and Purpose.** Grantor is the fee owner of the Property. The purpose of this Agreement is to set forth the terms and conditions upon which Grantor will grant to Grantee an easement for loading and unloading passengers and/or supplies to and from a barge or other vessel over and across the Property to connect with the Extended Easement that lies, in part, on the legal lot directly to the west of the Property, this easement being for the benefit of the Secret Harbor School Property by providing access to the Extended Easement.

3. **Grant of Easement for Ingress and Egress**

(a) **Ingress and Egress.** Grantor hereby conveys and warrants to Grantee, its successors and assigns, a perpetual non-exclusive easement ("**Easement**") over and across the Easement Area (as described below) of the Property for the purpose of loading and unloading passengers and/or supplies from a barge or other vessel, subject to the terms and conditions hereof. The Easement is for the benefit of the Secret Harbor School Property by providing access to the Extended Easement that benefits the Secret Harbor School Property, and may be used by the Grantee, as well as their respective employees, agents, customers and invitees.

(b) **Location.** The easement rights granted hereby shall be exercised over that area of the Property adjacent to Extended Easement and extending therefrom in an eastward direction over the Property to the eastern shoreline and further extending over the tidelands adjoining and abutting the Property (together called the "**Easement Area**").

(c) **Use.** The easement rights granted hereby shall be exercised in a safe and prudent manner in accordance with all applicable laws, ordinances, rules and regulations of any governmental authority having jurisdiction thereof.

4. **Easements Run With the Land.** The Easement set forth in this Agreement shall be a burden upon the Easement Area and shall be appurtenant to and for the benefit of the Secret Harbor School Property and shall run with the land. The duration of this Easement shall be perpetual.



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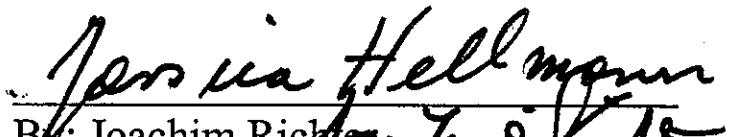
4/5/2000 Page 2 of 9 9:14:05AM

5. **Successors and Assigns.** This Agreement shall inure to the benefit of the Grantee and its successors and assigns and be binding upon Grantor and Grantor's successors and assigns; provided, however, that if any party conveys all of its interest in the Property, such owner or tenant shall thereupon be released and discharged from any and all obligations in connection with the Property arising after such conveyance, provided that the new owner agrees to be bound by this Agreement and, provided further, that this Agreement shall continue to be binding upon the Property.


DATED this 3 day of April, 2000.

GRANTOR MERZBACHER:


JESSICA HELLMAN


By: Joachim Richter
Her: Attorney-in-Fact

KARIN MERZBACHER


By: Joachim Richter
Her: Attorney-in-Fact

THOMAS MERZBACHER


By: Joachim Richter
His: Attorney-in-Fact

GRANTEE:

SECRET HARBOR SCHOOL


By: Brian Carroll
Its: Executive Director

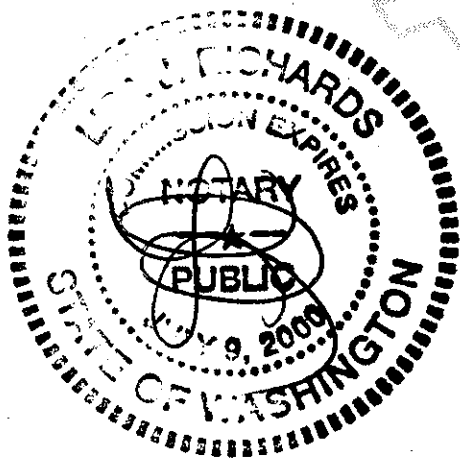


ACKNOWLEDGMENT

ATTACHED TO and made a part
of Easement Agreement

STATE OF Washington }
County of Skagit } SS:

On this 3 day of April, 2000 before me personally appeared Joachim Richter, who executed the within instrument as Attorney in Fact for Jessica Hellman, Karin Merzbacher and Thomas Merzbacher and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed as attorney in fact for Jessica Hellman, Karin Merzbacher and Thomas Merzbacher for the uses and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked and that the said Jessica Hellman, Karin Merzbacher and Thomas Merzbacher is now living, and is not incompetent. Given under my hand and official seal the day and year last above written.
(Seal)



Lisa J. Richards
Notary Public in and for the State of Washington
Residing at Mount Vernon
My appointment expires: July 9, 2000



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Kathy Hill, Skagit County Auditor

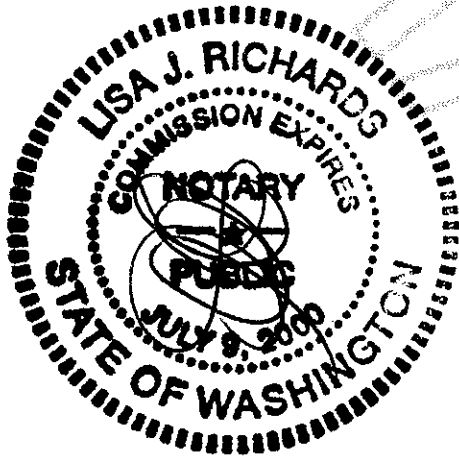
4/5/2000 Page 4 of 9 9:14:05AM

ACKNOWLEDGMENT

ATTACHED TO and made a part
of Easement Agreement

STATE OF Washington }
County of Skagit } SS:

I certify that I know or have satisfactory evidence that Brian Carroll
_____ is the person _____ who appeared before
me, and said person _____ acknowledged that he signed this instrument, on oath stated that he is
authorized to execute the instrument and acknowledge it as the Executive Director
_____ of Secret Harbor School
to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.
Dated: April 3, 2000



Lisa J. Richards
Notary Public in and for the State of Washington
Residing at Mount Vernon
My appointment expires: July 9, 2000



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EXHIBIT A

Property
Legal Description

Lots 7 of Skagit County Short Plat No. 127-78, as approved March 16, 1979, and recorded March 20, 1979, in Volume 3 of Short Plats, page 83, under Auditor's File No. 7903200011, records of Skagit County, Washington; being a portion of Government Lots 4 and 5, Section 4, Township 35 North, Range 1 East, W.M. Together with tidelands of the second class, if any, adjoining or abutting.

Situate in the County of Skagit, State of Washington.

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200004050004

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4/5/2000 Page 6 of 9 9:14:05AM

EXHIBIT B

Secret Harbor School Property
Legal Description

PARCEL "A":

Government Lot 3, EXCEPT the part thereof conveyed to Nels Petter Nicholson, by Deed recorded November 30, 1897, in Volume 34 of Deeds, page 180, and more particularly described as follows:

Commencing at the point on the meander line on the East side of said Lot 3, where said meander line intersects with the creek running across said Lot 3; thence running in a Northerly direction along said meander line, 416 feet to a stake or post; thence running in a Westerly direction 416 feet to a stake or post; thence in a Southerly direction to the point where said creek intersects with the quarter section line on the South side of said Lot 3; thence in an Easterly direction along said creek to the place of beginning.

ALSO, Government Lot 9, EXCEPT the West 21.29 acres, and the West $\frac{1}{4}$ of Government Lot 8, and the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, ALL in Section 4, Township 35 North, Range 1 E.W.M..

Situate in the County of Skagit, State of Washington.

PARCEL "B":

That portion of Lot 1 Skagit County Short Plat No. 127-78 as approved March 16, 1979, and recorded March 20, 1979, in Volume 3 of Short Plats, page 83, under Auditor's File No. 7903200011, records of Skagit County, Washington; being a portion of Government Lots 4 and 5, Section 4, Township 35 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southwest corner of said Lot 1; thence North along the West line thereof 170 feet; thence East parallel to the South line of said Short Plat 80 feet; thence South parallel to the West line of Lot 1 170 feet to the South line of said Short Plat; thence West along the South line thereof for 80 feet to the true point of beginning.

Situate in Skagit County, Washington.

PARCEL "C":

Tidelands of the second class, to the line of mean low tide, situated in front of, adjacent to or abutting on that part of the meander line described as follows:

Beginning at the meander corner common to Section 4, Township 35 North, Range 1 East W.M., and Section 33, Township 36 North, Range 1 East W.M. thence South 52°30' West, 8.45 chains; thence South 63° West 10 chains, EXCEPT mineral rights as reserved by the State of Washington by Deed recorded April 3, 1915 under Auditor's File No. 107270, in Volume 100 of Deeds, page 128, records of Skagit County.

B-1



200004050004

Kathy Hill, Skagit County Auditor

4/5/2000 Page 7 of 9 9:14:05AM

PARCEL "D":

All tidelands of the second class lying above the line of mean low tide situate in front of Government Lots 9 and 10, Section 4, Township 35 North, Range 1 East W.M., EXCEPT mineral rights as reserved by the State of Washington by Deed recorded April 3, 1915 under Auditor's File No. 107270, in Volume 100 of Deeds, page 128, records of Skagit County.

PARCEL "E":

Tidelands of the second class as conveyed by the State of Washington situate in front of, adjoining or abutting upon Government Lots 2, 3 and 4, and portions of Government Lots 1 and 5, Section 4, Township 35 North, Range 1 East W.M., being measured along the meander line as follows:

Beginning at the meander corner of fractional Sections 4 and 33, Township 35 and 36 North, Range 1 East W.M., and running thence South $52\frac{1}{2}^{\circ}$ West, 8.45 chains, and South 63° West, 10.00 chains to the true point of beginning of this description; thence South $68\text{-}3/4^{\circ}$ West 5.00 chains, South $43\frac{1}{2}^{\circ}$ West, 3.50 chains, South 56° West, 5.00 chains, South 47° West, 7.50 chains, South 12° West, 9.00 chains, South $34\frac{1}{2}^{\circ}$ East, 5.00 chains, South 68° East, 1.50 chains, North $34\frac{1}{2}^{\circ}$ East, 5.00 chains, North $63\frac{1}{2}^{\circ}$ East, 3.00 chains, South 87° East, 7.00 chains, North $41\frac{1}{2}^{\circ}$ East, 14.50 chains, North $86\frac{1}{2}^{\circ}$ East, 1.80 chains, South 25° East, 5.50 chains and South 80° East, 8.90 chains to the terminal point of this description; EXCEPT mineral rights as reserved by the State of Washington by Deed recorded October 27, 1909, under Auditor's File No. 76080, in Volume 78 of Deeds, page 359, records of Skagit County.

ALSO, that portion of Government Lot 3, Section 4, Township 35 North, Range 1 East W.M., described as follows:

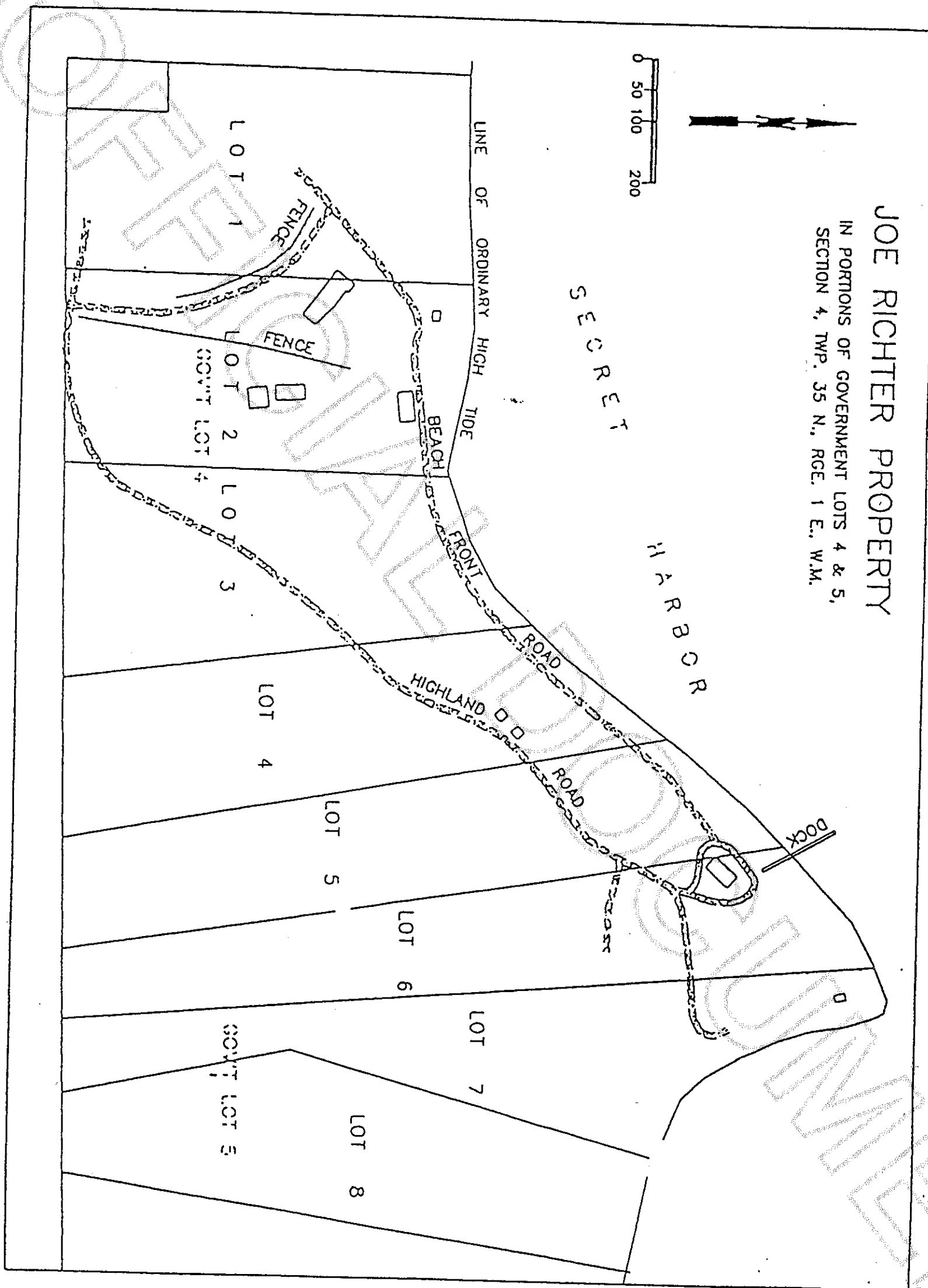
Commencing at the point of the meander line on the Easterly side of said Government Lot 3 where said meander line intersects with the creek running across said Lot 3, as said creek existed on November 13, 1897; thence running in a Northerly direction along said meander line 416 feet to a stake or post as it existed on November 13, 1897; thence running in a Westerly direction 416 feet to a stake or post as it existed on November 13, 1897; thence in a Southerly direction to a point where the creek intersects with the quarter section line of the South side of Lot 3, as said creek existed on November 13, 1897; thence in an Easterly direction along said creek to the place of beginning.

Situate in the County of Skagit, State of Washington.



EXHIBIT C

Survey Map



C



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