

**AFTER RECORDING, RETURN TO
Bonneville Power Administration
TR - 3
P.O. BOX 3621
PORTLAND, OR 97208-3621**



200106180152
Skagit County Auditor
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Legal description: A portion of Tract 31 of the unrecorded plat of Panoramic Plateau in the SW1/4NE1/4 of Section 33, Township 35 North, Range 5 East, W.M., ~~Kitsap~~ Skagit County, WA, as shown on Exhibit A. (Affects Tax Account No. 350533-1-001-1604, Property ID No. P40564)

T-95099

LAND TITLE COMPANY OF SKAGIT COUNTY
2M-CU-48-AR-1RIP2(Easement)
Tract Nos. 2M-CU-48-AR-1(Partial Release)

BPA COPY

**U.S. DEPARTMENT OF ENERGY-BONNEVILLE POWER ADMINISTRATION
CONTRACT AND GRANT OF EASEMENT
Access Road
EASEMENT AND RELEASE**

THIS AGREEMENT, made this *2nd* day of *May*, 2001 between
MICHAEL E. WILCOX JR. and DENISE L. HYATT, each as their separate property,

the Grantor, whether one or more, and the UNITED STATES OF AMERICA, Department of Energy, Bonneville Power Administration, pursuant to the Bonneville Project Act, approved August 20, 1937, Ch. 720, 50 Stat. 731, as amended, 16 U.S.C. 832 (1977); the Federal Columbia River Transmission System Act, approved October 18, 1974, (P.L. 93-454), 88 Stat. 1376, 16 U.S.C. 838 (Supp IV); the Department of Energy Organization Act, approved August 4, 1977, (P.L. 95-91); and the Pacific Northwest Electric Power Planning and Conservation Act, approved December 5, 1980, (P.L. 96-501),

WITNESSETH:

That the parties hereto covenant and agree as follows:

The Grantor, for and in consideration of the mutual benefit to both parties and the release of access road easement shown on the attached BPA drawing dated February 28, 2001, and marked Exhibit B, and the provisions contained in this agreement, hereby grants and conveys to the United States of America a perpetual non-exclusive easement for access road purposes in, upon, and across the following-described land, to-wit:

A right-of-way over and along an existing road, over and across Tract 31 of the unrecorded plat of Panoramic Plateau in SW1/4NE1/4 of Section 33, Township 35 North, Range 5 East, Willamette Meridian, Skagit County, Washington, as shown on Exhibit A, which is BPA Access Road Acquisition Exhibit, attached hereto and by this reference made a part hereof. Affects a portion of Tax Account No. 350533-1-001-1604, Property ID No. P40564.

The grant shall include the right to enter and to locate, construct, use, maintain, repair, and reconstruct the road or roads, together with cuts and fills as needed.

The Grantor reserves the right to use the access for ingress and egress insofar as the same is located on the land of the Grantor, such reserved right to be exercised in a manner that will not interfere with the use of the access by the United States.

The United States shall repair damages to the access caused by or arising out of its use thereof.

The above-listed access may be used for access to and from any existing or future transmission facilities of the United States which have been or may be constructed adjacent or nearly adjacent thereto.

The rights granted herein are subject to easements of record and mineral rights of third parties.

In addition to the consideration recited herein, the United States shall repair or make compensation for damage to agricultural crops, and to United States' permitted fences, irrigation and drainage systems within the easement area. The United States shall repair or make compensation only for damage caused by the United States and which results from and during construction, reconstruction, removal, or maintenance activities within the easement area. Payment for such damage shall be made on the basis of a damage estimate approved by the United States.

The Grantor agrees to satisfy of record such encumbrances, including taxes and assessments, as may be required by the United States and to obtain such curative evidences of title as may be requested by the United States.

The United States shall pay all costs incidental to the preparation and recordation of this instrument and for the procurement of the title evidence.

The Grantor covenants to and with the United States that the Grantor is lawfully seized and possessed of the land aforesaid, with a good and lawful right and power to sell and convey the same; that the land is free and clear of all encumbrances, except as herein provided; and that the Grantor will forever warrant and defend the title to the rights granted herein and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors, and assigns of the Grantor and upon the assigns of the United States.

The United States of America, Department of Energy, Bonneville Power Administration, does hereby release and quitclaim to Michael E. Wilcox Jr. and Denise L. Hyatt, each as their separate property, all right, title, and interest in and to a portion of access road No. 2M-CU-48-AR-1, acquired by the United States for electric power transmission purposes by instrument dated May 20, 1971, and recorded May 27, 1971, in Volume 65, Page 763, File No. 753297, Deed Records of Skagit County, Washington, said road being located in the SW1/4NE1/4 of Section 33, Township 35 North, Range 5 East, Willamette Meridian, Skagit County, Washington.

The rights herein released are no longer required for access to electric power transmission facilities and are released pursuant to the Acts of August 20, 1937, (50 Stat. 732, 16 U.S.C. 832) as amended and June 30, 1949, (63 Stat. 385, 40 U.S.C. S 484) as amended, and regulations and delegations of authority issued pursuant thereto.

Accepted for the
UNITED STATES OF AMERICA 5/2/01
Date

Michael E Wilcox
Grantor MICHAEL E. WILCOX

By Mari Rosales

Denise L Hyatt
Grantor DENISE L. HYATT

Title Realty Specialist

Tract No. 2M-CU-48-AR-1R1, P. 2(Easement)
2M-CU-48-AR-1(Partial Release)
GDB:gdb:03/15/01

BPA JANUARY 2000

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax

JUN 18 2001

Amount Paid \$
Skagit Co. Treasurer
By [Signature] Deputy

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200106180152

Skagit County Auditor

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PERSONAL ACKNOWLEDGMENT

Washington, Oregon, Idaho, Montana, and California

State of Washington
County Skagit) ss

On this 2nd day of May, 2001, before me personally appeared Michael Wilcox, known to me, or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is subscribed to the within instrument and who acknowledged to me that — he executed the same as his voluntary act and deed for the uses and purposes therein mentioned.



(SEAL)

Mari E. Rosales
Notary Public in and for the
State of Washington
Residing at Mead, Washington
My commission expires 5-9-04



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Skagit County Auditor

PERSONAL ACKNOWLEDGMENT

Washington, Oregon, Idaho, Montana, and California

State of Washington
County Skagit) ss

On this 2nd day of May, 2001, before me personally
appeared Denise Hyatt
known to me, or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s)
is subscribed to the within instrument and who acknowledged to me that s he
executed the same as her voluntary act and deed for the uses and purposes therein
mentioned.



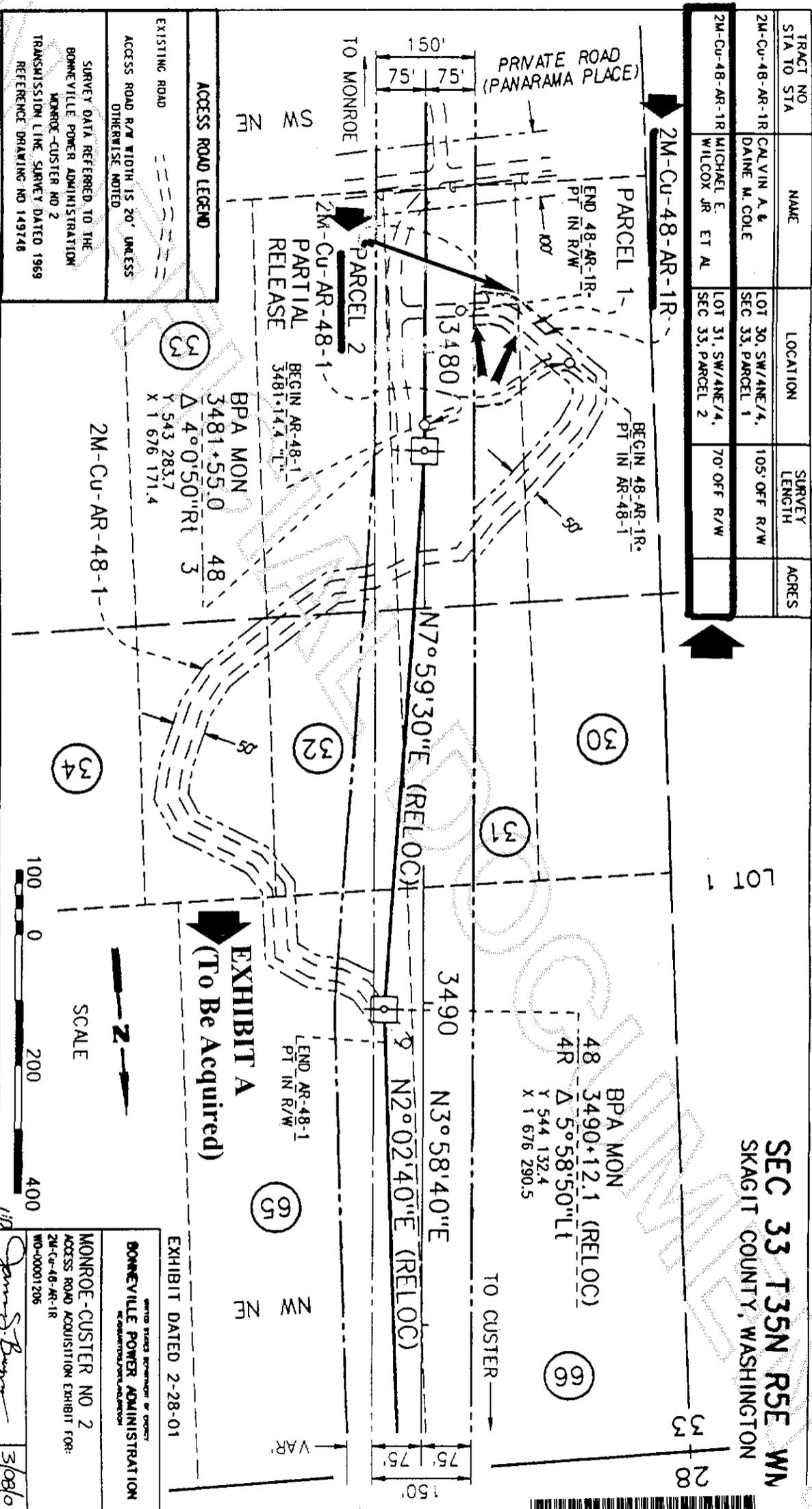
Mari E. Rosales
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TRACT NO STA TO STA	NAME	LOCATION	SURVEY LENGTH	ACRES
2M-Cu-48-AR-1R	DAINE M COLE	LOT 30, SW/4NE/4, SEC 33, PARCEL 1	105' OFF R/W	
2M-Cu-48-AR-1R	MICHAEL E. WILCOX JR ET AL	LOT 31, SW/4NE/4, SEC 33, PARCEL 2	70' OFF R/W	

LOT 1

SEC 33 T35N R5E WN
SKAGIT COUNTY, WASHINGTON



ACCESS ROAD LEGEND

EXISTING ROAD

ACCESS ROAD R/W WIDTH 15 20' UNLESS OTHERWISE NOTED

SURVEY DATA REFERRED TO THE BONNEVILLE POWER ADMINISTRATION MONROE-CUSTER NO 2 TRANSMISSION LINE SURVEY DATED 1969 REFERENCE DRAWING NO 149748

EXHIBIT DATED 2-28-01

BONNEVILLE POWER ADMINISTRATION

MONROE-CUSTER NO 2

ACCESS ROAD ACQUISITION EXHIBIT FOR:

2M-Cu-48-AR-1R

WD-00001206

3/08/01

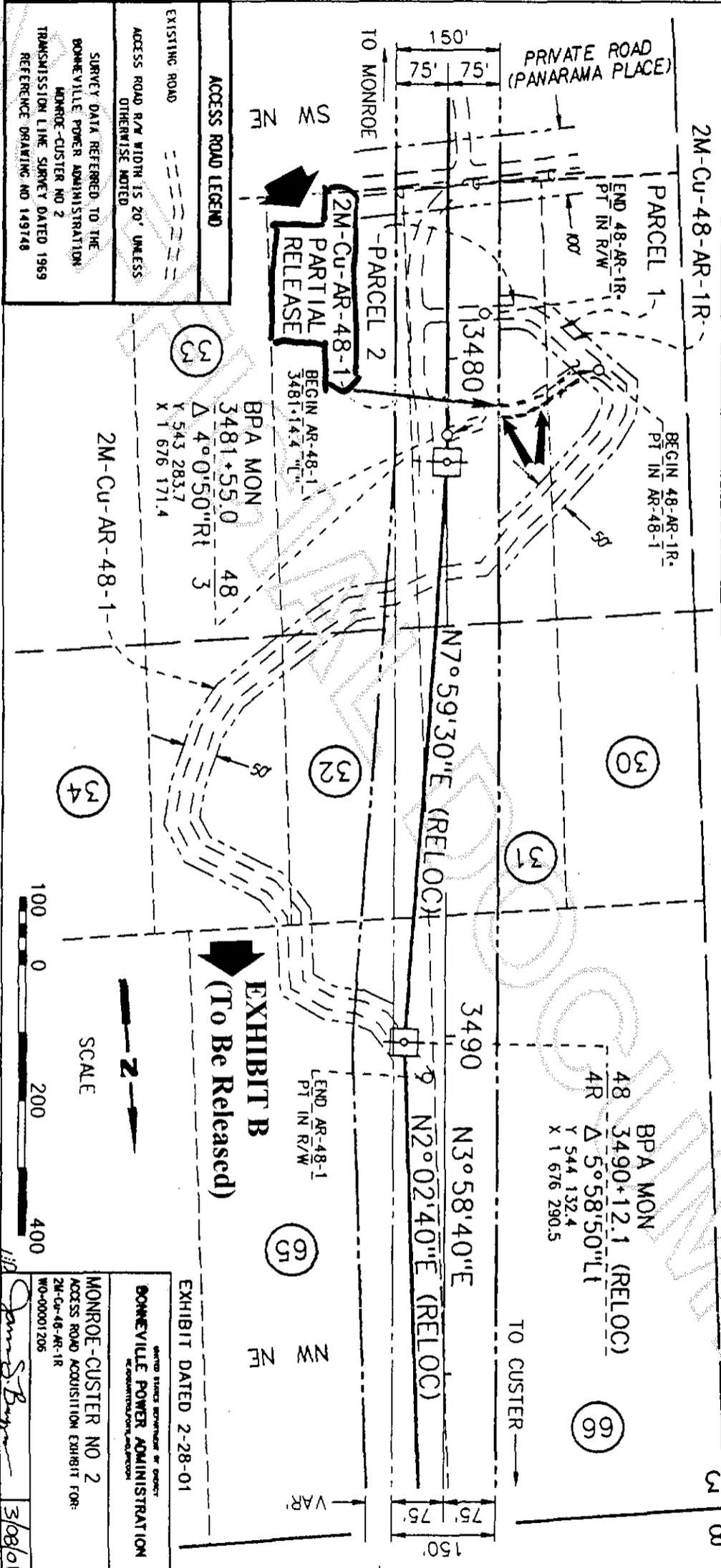


TRACT NO STA TO STA	NAME	LOCATION	SURVEY LENGTH	ACRES
2M-Cu-48-AR-1R	CALVIN A. & DAINE M. COLE	LOT 30, SW/4NE/4, SEC 33, PARCEL 1	105' OFF R/W	
2M-Cu-48-AR-1R	MICHAEL E. WILCOX JR ET AL	LOT 31, SW/4NE/4, SEC 33, PARCEL 2	70' OFF R/W	

2M-Cu-48-AR-1R

LOT 1

SEC 33 T35N R5E WM
SKAGIT COUNTY, WASHINGTON



ACCESS ROAD LEGEND

EXISTING ROAD

ACCESS ROAD R/W WIDTH IS 20' UNLESS OTHERWISE NOTED

SURVEY DATA REFERRED TO THE BONNEVILLE POWER ADMINISTRATION MONROE-CUSTER NO 2 TRANSMISSION LINE SURVEY DATED 1969 REFERENCE DRAWING NO 149748

EXHIBIT DATED 2-28-01

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