

After recording return document to:

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

4
200108150092
Skagit County Auditor
8/15/2001 Page 1 of 4 1:51:31PM

Document Title: Temporary Construction Easement
Grantor(s): David S. Phillips and Anna Marie Phillips
Grantee: The City of Mount Vernon
Legal Description: a ptn of NE1/4 of SE1/4, 16-34-4 E. W. M.
Additional Legal Description is on: Attached Exhibit "A"
Assessor's Tax Parcel Numbers: 340416-4-001-0009 (P25260)

In the Matter of: COLLEGE WAY IMPROVEMENT PROJECT

TEMPORARY CONSTRUCTION EASEMENT AND AGREEMENT

THIS EASEMENT AND AGREEMENT is executed this 5th day of June, 2001, by DAVID S. PHILLIPS and ANNA MARIE PHILLIPS, husband and wife, as "Grantors," and THE CITY OF MOUNT VERNON, a municipal corporation of the State of Washington, as "Grantee," over, under, through, across, and upon real property in Skagit County, Washington, legally described in attached Exhibit "A".

WITNESSETH: Grantors, for and in consideration of MUTUAL BENEFITS, and the covenants and promises of Grantee hereinafter set forth, hereby grants Grantee a temporary construction easement to facilitate the construction of the College Way Improvement Project .

This temporary construction easement shall include only such rights in the land above described as shall be necessary or convenient for the construction of the College Way Improvement Project. The Grantors, their successors and assigns, shall have the right to use said property in any way and for any purpose not inconsistent with the rights herein granted.

To the extent allowed by law, Grantee agrees to indemnify Grantors from and against any and all claims, demands, suits, damages, or loss, or liability arising from

Grantee's exercise of the rights granted herein except for such claims, demands, loss or liability arising out of the negligence of Grantors, or Grantors' employees or agents.

This temporary construction easement shall be binding on the parties, their successors, and assigns, in full force and effect until the Project is constructed and accepted as complete by Grantee, or upon the expiration of two years from the date of this instrument, whichever event occurs first, PROVIDED THAT Grantee, in its sole discretion, may extend this easement for three additional one-year periods.

At Grantor's request, Grantee shall execute a release of easement in a standard form, upon the completion of the Project or upon the termination of this easement and any extensions thereto as provided for herein.

GRANTORS:

Name: ANNA MARIE PHILLIPS

Dated: 6-5-01

Name: Ann Marie Phillips

Name: David Phillip

Dated: 6/5/01

Name: David Phillips

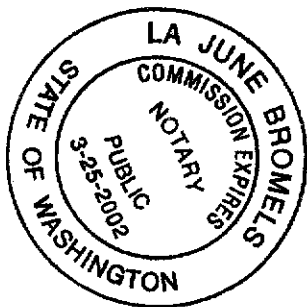
Temporary Construction Easement Agreement
SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax

STATE OF WASHINGTON)
) §
COUNTY OF SKAGIT)

AUG 15 2001

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

I certify that I know or have satisfactory evidence that David & Anna M. Phillips signed this instrument, on oath stated that (he/she/they) (was/were) authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



Dated: June 5th 2001

Notary Signature: La June Bromels

Notary Public in and for the State of Washington

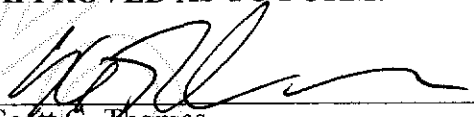
Notary (print name): La June Bromels

Residing at: MT Vernon

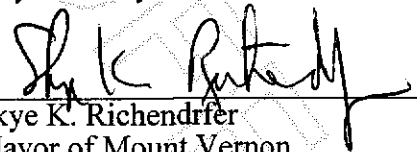
My appointment expires: 3-25-2001



APPROVED AS TO FORM:

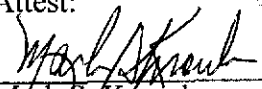


Scott G. Thomas
City Attorney of Mount Vernon



Skye K. Richendrfer
Mayor of Mount Vernon

Attest:



Mark S. Knowles
Finance Director of Mount Vernon



200108150092
, Skagit County Auditor
8/15/2001 Page 3 of 4 1:51:31PM

EXHIBIT A

TEMPORARY EASEMENT ACQUISITION SKAGIT COUNTY ASSESSOR'S PARCEL NUMBER P-25260

RIGHT-OF-WAY

THE SOUTH 10 FEET OF THE NORTH 20 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE WEST 10 ACRES OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF
SECTION 16, TOWNSHIP 34 NORTH, RANGE 4 EAST W.M.

EXCEPT THAT PORTION, IF ANY, LYING WITHIN THE EAST HALF OF THE WEST HALF OF
THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER,

AND EXCEPT RIGHT OF WAY FOR COLLEGE WAY (SR-538) AS ESTABLISHED BY
UNRECORDED WAIVER DATED MARCH, 1909 AS 30 FEET.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

DRAINAGE

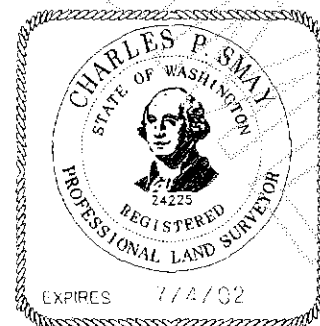
THE SOUTH 35 FEET OF THE NORTH 45 FEET OF THE EAST 69.5 FEET FOLLOWING
DESCRIBED PROPERTY:

THE WEST 10 ACRES OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF
SECTION 16, TOWNSHIP 34 NORTH, RANGE 4 EAST W.M.

EXCEPT THAT PORTION, IF ANY, LYING WITHIN THE EAST HALF OF THE WEST HALF OF
THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER,

AND EXCEPT RIGHT OF WAY FOR COLLEGE WAY (SR-538) AS ESTABLISHED BY
UNRECORDED WAIVER DATED MARCH, 1909 AS 30 FEET ON THE SOUTH SIDE.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.



200108150092
, Skagit County Auditor