

After Recording Return to:
Jack R. Wallace
P.O. Box 372
Burlington, WA 98233



200201070178
Skagit County Auditor
1/7/2002 Page 1 of 7 2:42PM

AMENDMENT TO SEWER EASEMENT

Grantor(s): **Astrid Traff, Trustee, et al**
Grantee(s): **City of Burlington**
Abbreviated Legal Description: W1/2 of NW1/4 of Sec. 10, Twnshp 34 N R3E WM
Additional legal description on page 7 of document.
Assessor's Tax Parcel Number 340310-2-002-0108

This Amendment to Sewer Easement is made this 28th day of September 2000, by Astrid M. Traff and Samuel B. Traff, co-trustees of the Robert S. Traff Family Trust, Buty Limited Partnership and Roy W. H. Johnson (hereinafter collectively "Grantor").

RECITALS

A. Grantor previously granted to Puget Sound Energy, a Washington corporation, formerly known as "Puget Sound Power & Light Company" ("PSE"), a 50-foot easement for the installation of utilities, including, but not limited to, a sewer pipeline. Said easement was created by Easement dated July 25, 1983, recorded September 14, 1983 under Skagit County Auditor's file #8309140046; and by Stipulated Judgement and Decree of Appropriation, Cause No. 82-2-00502-1, entered November 28, 1983, by the Superior Court of Washington for Skagit County. PSE subsequently assigned to the City of Burlington an easement for the installation of a sewer line. Said sewer easement shall be hereinafter referred to as the "original easement".

Easement
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

JAN 07 2002

Amendment to Sewer Easement 1
baslgd\fredonia\sewer.easement

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

B. Grantor has agreed to amend the original easement to provide that the City of Burlington shall have the right to install a second sewer line (12" inside diameter or smaller) in the north 20-feet of the right of way previously granted to PSE.

NOW THEREFORE , Grantor hereby amends the original easement as follows:

1. **Description of Grantor's Property.** Grantor is the owner of certain real property located in the *West half of the Northwest quarter of Section 10, Township 34 North, Range 3 East, W.M., in Skagit County, Washington, more particularly described on Exhibit "A".*

2. **Amendment of Easement.** Grantor hereby amends the original easement and grants and quit claims to Grantee, a perpetual easement for the installation of a second sewer line (12" inside diameter or smaller) in the North 20-feet of Grantor's property. Except as modified by this amendment, the terms of the original easement shall remain in full force and effect.

3. **Construction, Maintenance and Replacement.** Grantee shall have the right to enter upon Grantor's Property for the purpose of constructing, operating, maintaining, inspecting, altering, removing, and replacing or repairing said sewer line or lines and related components. Grantee may cut and remove any trees or other obstacles within the easement, may dig temporary wells, may install pumps and piping, and may utilize the property for the temporary storage of excavation material and equipment during construction or maintenance of said sewer system components.

4. **Restoration of Grantor's Property.** Grantee covenants and agrees to restore Grantor's Property to the condition it was in prior to the installation and/or maintenance of any utility lines installed in the easement pursuant to this amendment.

5. **Assignment.** The Grantee shall have the right to assign this easement in whole or in part. This easement shall run with the land and bind the Grantor, his heirs, successors and assigns.

6. **Excise Tax.** No monetary consideration shall be paid for this amendment. Accordingly, no excise tax is or shall be due.

7. **Enforcement.** This easement shall be construed according to the laws of the State of Washington.

DATED THIS 11 day of August, 2000.

The Robert S. Traff family Trust

By: Astrid M. Traff
Astrid M. Traff, co-trustee

By: Samuel B. Traff
Samuel B. Traff, co-trustee

Buty Limited Partnership

By: Frank C. Buty
Frank C. Buty
General Partner.

By: _____
Buty

Roy W. H. Johnson
Roy W. H. Johnson

STATE OF WASHINGTON)
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that **ASTRID TRAFF** is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Co-Trustee of the Robert S. Traff Family Trust, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED Aug. 11, 2000.



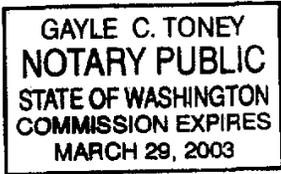
E.E. Brown Jr.

NOTARY PUBLIC
E.E. BROWN JR
(Print or Type Name of Notary)
My Appointment Expires 4-22-01

STATE OF WASHINGTON)
COUNTY OF King)

I certify that I know or have satisfactory evidence that **SAMUEL B. TRAFF** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Co-Trustee of the Robert S. Traff Family Trust, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: August 21, 2000.



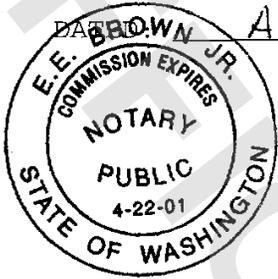
Gayle C. Toney

NOTARY PUBLIC
Gayle C. Toney
(Print or Type Name of Notary)
My Appointment Expires 3/29/03



STATE OF WASHINGTON)
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that **FRANK C. BUTY** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the General Partner of the Buty Limited Partnership, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



Aug. 11, 2000.

NOTARY PUBLIC
EE BROWN JR.
(Print or Type Name of Notary)
My Appointment Expires 4-22-01

STATE OF WASHINGTON)
COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ **BUTY** is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the _____ Partner of the Buty Limited Partnership, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____, 2000.

NOTARY PUBLIC
(Print or Type Name of Notary)
My Appointment Expires _____



STATE OF WASHINGTON)
COUNTY OF King)

I certify that I know or have satisfactory evidence that **ROY W.H. JOHNSON** is the person who appeared before me and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: 8-17-2000, 2000.



Trista Robinson
NOTARY PUBLIC
TRISTA ROBINSON
(Print or Type Name of Notary)
My Appointment Expires _____

Amendment to Sewer Easement 6
basig&d\fredonia\sewer easement



200201070178
Skagit County Auditor
1/7/2002 Page 6 of 7 2:42PM

EXHIBIT 'A'

LEGAL DESCRIPTION OF GRANTORS' PROPERTY

That portion of the West half of the Northwest quarter of Section 10, Township 34 North, Range 3 East, N.M., described as follows:

Beginning at the Northeast corner of said subdivision; thence North $80^{\circ}58'40''$ West along the North line thereof, a distance of 80.00 feet to the TRUE POINT OF BEGINNING; thence South $0^{\circ}30'44''$ West and parallel with the East line of said subdivision, a distance 1342.52 feet to a point on the South line of the Northwest quarter of the Northwest quarter of said Section 10; thence North $88^{\circ}31'55''$ West, a distance of 188.28 feet, thence South $68^{\circ}28'15''$ West, a distance 1001.27 feet, thence North $0^{\circ}33'15''$ East, and parallel with the West line of said Section 10, a distance 1713.10 feet to a point on the North line of Section 10, which is 148.00 feet from the Northwest corner of said Section 10, thence South $88^{\circ}56'48''$ East along the North line of Section 10, a distance of 1104.48 feet to the point of beginning.

Skagit County, State of Washington.



200201070178

Skagit County Auditor

1/7/2002 Page 7 of 7 2:42PM