



200312010207

Skagit County Auditor

RETURN TO:

City of Sedro-Woolley
720 Murdock Street
Sedro-Woolley, WA 98284

DOCUMENT TITLE(S) (or transactions contained herein):

Agreement Regarding ULID 1994-2 Assessments

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

GRANTOR(S) (Last name, first name and initials);

1. City of Sedro-Woolley, a Washington Municipal Corporation
2. Stiles, Jr., William A. and Stiles, Betty M., Husband and Wife
3. Trail Investments, LLC, a Washington Limited Liability Company

GRANTEE(S) (Last name, first name and initials):

1. City of Sedro-Woolley, a Washington Municipal Corporation
2. Stiles, Jr., William A. and Stiles, Betty M., Husband and Wife
3. Trail Investments, LLC, a Washington Limited Liability Company

LEGAL DESCRIPTION (Abbreviated: i.e., lot, block, plat or quarter, quarter, section, township and range).

A portion of Lot 3, Short Plat No. SW-07-79, approved September 4, 1980 and recorded September 4, 1980 under AF# 8009040011, in Vol. 4 of Short Plats, Page 169, records of Skagit County, Washington; being a portion of Lots 8, 9, 10, and 11 of SEDRO ACREAGE;

Now being a portion of CASCADE PALMS BINDING SITE PLAN, BSP 02-973, recorded November 12, 2002, under AF# 200211120149

ASSESSOR'S PARCEL/TAX I.D. NUMBER: P119777, P119773, P119780, P119771, P119782, P119775, P119778, P119774, P119783, P119772, P119779, P119776, P119781, P119769, P119784, P119770, P119767, P119788, P119789, P119761, P119785, P119786, P119768, P119791, P119792, P119787, P119765, P119766, P119790, P119763, P119762, P119764, P119793, P119799, P119805, P119795, P119801, P119797, 119803

AGREEMENT REGARDING ULID 1994-2 ASSESSMENTS

THIS AGREEMENT, made and entered into this 26 day of Nov., 2003 by and between the CITY OF SEDRO-WOOLLEY, a municipal corporation of the state of Washington, hereinafter referred to as "City", and WILLIAM A. STILES, JR. and BETTY M. STILES, husband and wife, and TRAIL INVESTMENTS, LLC, a Washington Limited Liability Company, as their interests appear, hereinafter referred to as "Owner",

WITNESSETH:

WHEREAS, the Owner is the owner of record of that real property legally described as follows:

That portion of Lot 3, Short Plat No. SW-07-79, approved September 4, 1980 and recorded September 4, 1980 under Auditor's File No. 8009040011, in Volume 4 of Short Plats, Page 169, records of Skagit County, Washington, being a portion of Lots 8,9,10, and 11 of SEDRO ACREAGE", As per plat recorded in Volume 3 of Plats, page 35, records of Skagit County, Washington, lying North of North line of Lot 1 of said Short Plat SW-07-79 extended Easterly; except that 10 foot strip conveyed by deed recorded in Skagit County Auditor's File No. 200103230144; Situated in Skagit County, Washington.

This property is included in the Cascade Palms Binding Site Plan, recorded November 12, 2002, in Skagit County Auditor's File No. 200211120149.

and

WHEREAS, the Owner objected to the ULID assessment for Sedro-Woolley ULID 1994-2 being levied on said property, and has appealed the assessment; and

WHEREAS, the parties agree that the property is not benefited by the improvements funded by ULID 1994-2 if the Owner does not utilize said improvements but connects through a private sewer line to the sewer main on SR 20, for which he paid a connection fee at the time of installation; and

WHEREAS, the parties resolve their dispute by this agreement in lieu of the Owner's appeal and possible court action,

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The City and Owner enter in this agreement in lieu the appeal of the ULID assessment by the Owner.

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2. The dollar amount of the ULID assessment for Parcel No. P105129 is \$2,125.11 for 13,000 SF zoned AC, and \$10,882.09 for 67,000 SF zoned MF, for a total of \$13,007.20 as of the inception of the ULID assessment.

3. The City agrees that the City will not collect the assessment for ULID 1994-2 for Parcel No. P105129, being that property legally described as follows:

That portion of Lot 3, Short Plat No. SW-07-79, approved September 4, 1980 and recorded September 4, 1980 under Auditor's File No. 8009040011, in Volume 4 of Short Plats, Page 169, records of Skagit County, Washington, being a portion of Lots 8,9,10, and 11 of SEDRO ACREAGE", as per plat recorded in Volume 3 of Plats, page 35, records of Skagit County, Washington, lying North of North line of Lot 1 of said Short Plat SW-07-79 extended Easterly; except that 10 foot strip conveyed by deed recorded in Skagit County Auditor's File No. 200103230144; Situated in Skagit County, Washington.

for 20-year life of the ULID, and it need not be paid except as set forth herein.

4. If the Owner should connect any portion of that real property described above to the Trail Road sanitary sewer main and appurtenances funded by ULID 1994-2 during the 20 year life of the ULID district, the Owner agrees to pay to the City the assessment, as provided by law for ULID 1994-2.

5. The owner may divide the above-described real property into separate parcels, and in such event, may serve only a portion of the property with the ULID funded sewer. In such event, the Owner shall only pay a pro-rated portion of the assessment as determined pursuant to RCW Ch. 35.44 and RCW 35.44.410 and as otherwise provided by law.

6. Unless determined by a court to be in contrary to law, in the event the Owner contests the amount of the assessment to be paid in Section 5 above, it shall be decided by a single neutral arbitrator to be selected by the parties. If the parties are unable to agree upon an arbitrator, one shall be appointed by the presiding judge of the Skagit County Superior Court. The decision of the arbitrator shall be based upon the provisions of state law governing ULID assessments, and shall be final and binding on the parties.

7. The Owner shall have no obligation to pay the ULID assessment unless the above-described property should connect to ULID 1994-2 funded sewer on Trail Road within the 20 year term of the ULID.

8. This agreement shall be a covenant running with the above-described property and shall bind the heirs, executors, successors and assigns of the undersigned.



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9. This agreement may be enforced in Skagit County Superior Court by specific performance, injunctive relief, or any other remedy available at law or equity.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

CITY OF SEDRO-WOOLLEY,
a municipal corporation:

Sharon Dillon
Mayor

ATTEST TO:

Ruby K. Nelson
City Clerk

APPROVED TO AS TO FORM:

[Signature]
City Attorney

OWNER:

William A. Stiles, Jr.
William A. Stiles, Jr.

Betty M. Stiles
Betty M. Stiles

Trail Investments, LLC

By William A. Stiles, Jr.
Managing Member

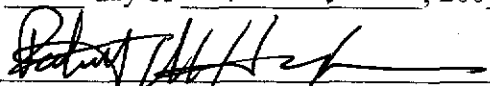


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STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this date personally appeared before me Sharon Dillon and Patsy Nelson, to me known to be the Mayor and Clerk of the City of Sedro-Woolley, described in and who executed the foregoing instrument on behalf of said municipal corporation, and acknowledged that they signed the same as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 26 day of Nov., 2003.

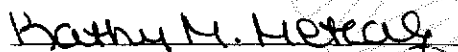

Notary Public in and for the State of
Washington, residing at Sedro-Woolley
My Commission Expires: 10.1.04
Print Name: Patrick M. Hayden

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this day personally appeared before me William A. Stiles, Jr. and Betty M. Stiles, to me known to be persons that executed the foregoing instrument, and acknowledged they signed said instrument as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 25 day of November, 2003




Notary Public in and for the State of
Washington, residing at Sedro-Woolley
My Commission Expires: 4-12-2006
Print Name: Kathy Metcalf



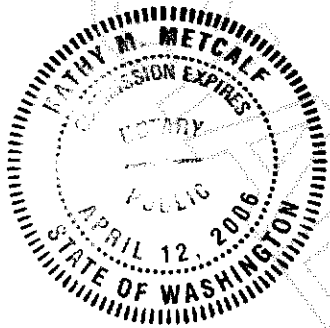
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STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this date personally appeared before me William A. Stiles to me known to be the MANAGER of Trail Investments, LLC, described in and who executed the foregoing instrument on behalf of said limited liability corporation, and acknowledged that he signed the same as the free and voluntary act and deed of said limited liability corporation, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 25 day of November, 2003.



Kathy M. Metcalf
Notary Public in and for the State of
Washington, residing at Georo-Woodley
My Commission Expires: 4-12-2006
Print Name: Kathy Metcalf



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