



200312240164

Skagit County Auditor

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AFTER RECORDING, RETURN TO:

John R. Shultz, Attorney at Law  
160 Cascade Place, Suite 218  
Burlington, Washington 98233

**EASEMENT AGREEMENT**

GRANTOR: RAY DEVRIES, as Trustee of the Testamentary Trust of RALPH DEVRIES pursuant to Skagit County Probate Cause No. 94-4-00104-3 as to an undivided interest, and FRIEDA DEVRIES, as her separate property, as to the remainder

GRANTEE: SKAGIT COUNTY DIKE DISTRICT NO. 1, a Washington special purpose district;

LEGAL DESCRIPTION: Section 36, Township 34, Range 3; Ptn. Government Lots 1 and 2. See attached Exhibit "A" for full legal description.

ASSESSOR'S PROPERTY TAX PARCEL NOS: P23244

THIS AGREEMENT is made this 22d day of December, 2003, by and between RAY DEVRIES, as Trustee of the Testamentary Trust of RALPH DEVRIES pursuant to Skagit County Probate Cause No. 94-4-00104-3 as to an undivided interest, and FRIEDA DEVRIES, as her separate property, as to the remainder ("Grantor"), and SKAGIT COUNTY DIKE DISTRICT NO. 1, a Washington special purpose district ("Grantee").

## RECITALS

WHEREAS, Grantor is the owner of the property described in a Deed recorded under Skagit County Auditor's File Nos. 9612310241 and 9612310244, recorded December 31, 1996, in Skagit County, Washington; and

WHEREAS, Grantee is a Washington special purpose district responsible for ownership, repair, construction, and maintenance of levees along the Skagit River, for purposes of protection of life and property from flooding of the Skagit River, within the boundaries of Skagit County Dike District No. 1; and

WHEREAS, Grantee requires access to its levee system on the property of Grantor for construction, maintenance, and improvements, including installation of a seepage berm and flood control devices in and on said levee to stabilize the toe of the levee, on the property of Grantor, and requires an easement for construction, maintenance, and improvements of the same for said purposes; and

WHEREAS, Grantor desires to convey and grant to Grantee, its successors, assigns, and permittees, the non-exclusive right, privilege and authority to access, use, construct, improve, repair, operate, and maintain said seepage berm and flood control devices in and on said levee located on Grantor's real property:

The parties covenant and agree as follows:

1. Easement. Grantor hereby conveys and quit claims to Grantee, its successors, assigns, and permittees, the non-exclusive right, privilege and authority to enter, access, use, construct, improve, repair, install, operate and maintain seepage berm construction and other flood control devices, to stabilize the levee system located under, over, and across a portion of Grantor's real property, being more particularly described as follows:

A strip of land approximately 40 feet wide by 2,705 feet long, for installation of a seepage berm upon an existing levee operated and maintained by Skagit County Dike District No. 1, over, across and under the following described property:

SEE ATTACHED EXHIBIT "A"

2. Construction, Maintenance and Operation. The construction, maintenance and operation of said levee improvements, including installation of a seepage berm to stabilize the toe of the levee, and including construction, reconstruction, repair and



alteration, shall be at the sole expense of Grantee. Grantee shall comply with all pertinent and applicable city, county, state, governmental, and Army Corps of Engineers laws, rules, regulations, and ordinances, governing the construction, reconstruction, repairing, maintenance, and installation and operation of said seepage berm and levee system.

3. Term of Easement. This easement shall be perpetual.

4. Indemnity. Grantee hereby covenants and agrees to indemnify and hold Grantor harmless from any and all loss, damage, or injury caused by or arising out of Grantee's use, construction, reconstruction, repair, alteration, and installation and operation of said seepage berm, flood control devices and levee system on said real property.

5. Property Ingress and Egress/Maintenance. Grantee hereby agrees to maintain, and repair as necessary, the ramp roadway currently existing on the dike behind the Spud House, used for access to Grantor's property. Grantee shall not disturb or in any way impair Grantor's right of access on said ramp, and Grantor shall further retain all rights of ingress and egress over, across, and on the dike/levee for unrestricted access to Grantor's property on the land side and the river side of said dike/levee. Grantor shall also retain a right of access through any gate installed by Grantee, and Grantee shall provide a key for said access. Further, Grantor shall refrain from and not permit any chemical spraying on, or adjacent to said seepage berm, or on the land side of the dike/levee.

6. Survey. Grantee hereby agrees to provide a survey, at its costs, to determine the location of said easement and preparation of legal description, which shall be subject to approval by Grantor.

7. Consideration. The consideration for this easement agreement shall be in the amount of \$10,000.00 per acre for said surveyed real property subject to said easement, and other good and valuable consideration.

GRANTOR:

*Easement*  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

DEC 24 2003

Paic 30  
Skagit Co. Treasurer  
By *M. Ann* Deputy

*Ray Devries*  
RAY DEVRIES, as Trustee of the Testamentary Trust of RALPH DEVRIES pursuant to Skagit County Probate Cause No. 94-4-00104-3 as to an undivided interest

*Frieda Devries*  
FRIEDA DEVRIES, as her separate property, as to the remainder of said undivided interest

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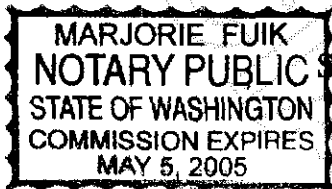
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STATE OF WASHINGTON )  
 )  
COUNTY OF SKAGIT ) ss.

On this 22<sup>nd</sup> day of December, 2003, before me personally appeared RAY DEVRIES, as Trustee of the Testamentary Trust of RALPH DEVRIES pursuant to Skagit County Probate Cause No. 94-4-00104-3, to me known to be the individual named herein, who executed the within and foregoing instrument, and acknowledged the said instrument to be his free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

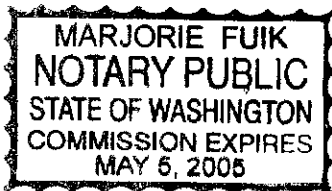


Signature: Marjorie Fuik  
Print Name: Marjorie Fuik  
Notary Public  
My Appointment Expires: 5-5-05

STATE OF WASHINGTON )  
 )  
COUNTY OF SKAGIT ) ss.

On this 22<sup>nd</sup> day of December, 2003, before me personally appeared FRIEDA DEVRIES, to me known to be the individual named herein, who executed the within and foregoing instrument, and acknowledged the said instrument to be her free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Signature: Marjorie Fuik  
Print Name: Marjorie Fuik  
Notary Public  
My Appointment Expires: 5-5-05



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Those portions of Government Lot 1 and Government Lot 2 in Section 36, Township 34 North, Range 3 East, W.M., described as follows:

**PARCEL A:**

That portion of Government Lot 1, lying Northerly, Northwesterly, and Westerly, 40.00 feet from the toe of the existing dike and Southerly, Southeasterly and Easterly of the following described line:

Commencing at the North One Quarter corner of Section 36, Township 34 North, Range 3 East, W.M.; thence South  $0^{\circ} 40' 44''$  East, 1415.99 feet to a point hereinafter referred to as point "X" and the **TRUE POINT OF BEGINNING** of said line description; thence the following courses along a line lying 40 feet Northerly, Northwesterly and Westerly of the toe of the existing dike as said dike existed on 11/05/03, North  $89^{\circ} 39' 18''$  East 24.81 feet; thence North  $86^{\circ} 24' 21''$  East, 158.04 feet; thence North  $85^{\circ} 40' 52''$  East, 165.84 feet; thence North  $81^{\circ} 29' 17''$  East, 86.42 feet; thence North  $73^{\circ} 38' 10''$  East, 72.74 feet; thence along a curve to the left, having a radius of 100.00 feet through a central angle of  $33^{\circ} 31' 43''$ , an arc distance of 58.52 feet; thence North  $40^{\circ} 06' 27''$  East, 69.16 feet; thence North  $27^{\circ} 23' 07''$  East, 67.07 feet; thence North  $16^{\circ} 34' 18''$  East, 98.26 feet; thence North  $8^{\circ} 07' 53''$  East, 97.95 feet; thence North  $2^{\circ} 04' 23''$  West, 127.76 feet; thence North  $11^{\circ} 34' 08''$  West, 160.28 feet; thence North  $2^{\circ} 05' 10''$  West, 43.54 feet; thence North  $10^{\circ} 52' 45''$  West, 90.31 feet; thence North  $10^{\circ} 52' 45''$  West, 51.15 feet to intersect with the South line of Plat No. 2 of Granary Lots, as recorded in Volume 3 of Plats, page 75, records of Skagit County; thence North  $72^{\circ} 37' 15''$  East along the South line of said Plat, 40.26 feet, more or less, to the toe of the existing dike and the terminus of said line description.

**PARCEL B:**

That portion of Government Lot 2, lying Northerly and 40.00 feet from the toe of the existing dike and Southerly of the following described line:

Beginning at the afore mentioned point "X"; thence the following courses along a line, lying 40.00 feet Northerly of the toe of said dike, South  $89^{\circ} 39' 18''$  West, 107.04 feet; thence North  $84^{\circ} 00' 50''$  West, 67.38 feet; thence North  $77^{\circ} 10' 26''$  West, 90.03 feet; thence North  $80^{\circ} 27' 43''$  West, 137.02 feet; thence along a curve to the left, having a radius of 500.00 feet, through a central angle of  $19^{\circ} 04' 49''$ , an arc distance of 166.51 feet; thence South  $80^{\circ} 29' 08''$  West, 168.74 feet; thence South  $76^{\circ} 44' 09''$  West, 124.18 feet; thence South  $75^{\circ} 36' 37''$  West, 130.21 feet; thence South  $87^{\circ} 27' 01''$  West, 93.65 feet; thence North  $87^{\circ} 56' 54''$  West, 199.25 feet; thence South  $89^{\circ} 11' 22''$  West, 53.53 feet to the West line of said Government Lot 2; Thence South  $0^{\circ} 58' 21''$  East, along said Lot line, 40.00 feet to the toe of the existing dike and the terminus of said line description.

Parcels A and B containing 2.52 acres, more or less.

Situated in the County of Skagit, State of Washington.



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