



200312240165
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: GERRIT KUIPERS and TRUDY KUIPERS,
HUSBAND AND WIFE;

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

LEGAL DESCRIPTION: Section 2, Township 33, Range 3; Ptn. Government
Lot 6. See attached Exhibit "A" for full legal
description

ASSESSOR'S PROPERTY
TAX PARCEL NOS: P15300

THIS AGREEMENT is made this 5th day of December, 2003,
by and between GERRIT KUIPERS and TRUDY KUIPERS, husband and wife
("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 No. 9302240105, recorded February 24, 1993, 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 facilities 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 662.1 feet long, for installation of a seepage berm and other flood control devices 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. 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.

6. 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.

GRANTORS:

By: *Gerrit Kuipers*
GERRIT KUIPERS, Husband

By: *Trudy Kuipers*
TRUDY KUIPERS, Wife

GRANTEE:

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

Easement
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

DEC 24 2003

Paid to
Skagit Co. Treasurer
By *man* Deputy

By: *Robert Dean Jr*
ROBERT DEAN, JR., COMMISSIONER

By: *Donal J. Moe*
DON MOE, COMMISSIONER

By: *Bob Jungquist*
BOB JUNGQUIST, COMMISSIONER

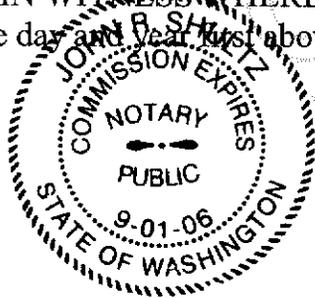


STATE OF WASHINGTON)
)
COUNTY OF SKAGIT)

ss.

On this 22d day of December, 2003, before me personally appeared ROBERT DEAN, JR., DON MOE, and BOB JUNGQUIST, to me known to be Commissioners of SKAGIT COUNTY DIKING DISTRICT NO. 1, a Washington special purpose district, Grantee named herein, who executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said special purpose district, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument, and that the seal affixed is the corporate seal of said special purpose district.

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



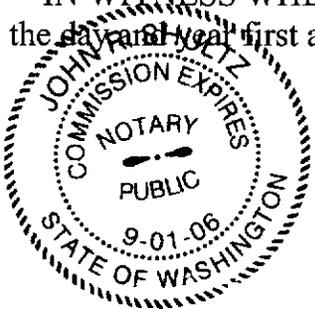
Signature: [Handwritten Signature]
Print Name: John R. Shultz
Notary Public
My Appointment Expires: 9/1/06

STATE OF WASHINGTON)
)
COUNTY OF SKAGIT)

ss.

On this 5th day of December, 2003, before me personally appeared GERRIT KUIPERS and TRUDY KUIPERS, husband and wife, to me known to be the individuals named herein, who executed the within and foregoing instrument, and acknowledged the said instrument to be their 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: [Handwritten Signature]
Print Name: John R. Shultz
Notary Public
My Appointment Expires: 9/1/06



That portion of Government Lot 6, in Section 2, Township 33 North, Range 3 East, WM, bounded on the East by the existing dike of Dike District No. 1, as said dike exists on 11-25-03 and bounded on the West by the following described line:

Commencing at the West one quarter corner of said Section 2; Thence South 89° 41' 19" East, along the East-West centerline of said Section 2, a distance of 1307.23 feet to a set rebar marked with a yellow cap and "LS 17652"; Thence North 12° 53' 10" East 244.43 feet; Thence North 12° 33' 41" East 241.96 feet; Thence along a curve to the right having a radius of 9777.47 feet through a central angle of 1° 06' 42" an arc distance of 189.69 feet to the North line of the South 660.00 feet of said Government Lot 6 and the **TRUE POINT OF BEGINNING** of this line description, said point being further defined by a set rebar marked with a yellow cap and "LS 17652"; Thence continue along said line the following courses; Continuing along the last curve having a radius of 9777.47 feet through a central angle of 0° 19' 30" an arc distance of 55.45 feet; Thence along a curve to the right having a radius of 1240.00 feet through a central angle of 21° 13' 05" an arc distance of 459.20 feet; Thence North 35° 12' 57" East 237.22 feet, more or less, to the North line of said Government Lot 6 and the terminus of said line description.

Containing 0.68 Acres, more or less

Situate in Skagit County, State of Washington



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