



200402100043

Skagit County Auditor

After recording return document to:

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City of Anacortes Public Works
P.O. Box 547
City Hall 6th & Q Avenue
Anacortes, WA 98221-0547

Document Title: Mitigation Easement
Grantor(s): Lawrence D. Nelson and Amber L. Nelson
Grantee: City of Anacortes
Legal Description: Ptn. NE SW, Sec. 25, T35N, R1EWM
Additional Legal Description is on: Attached Exhibit "A"
Assessor's Tax Parcel Numbers: 350125-0-087-0005 (P32073)

MITIGATION EASEMENT

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

IN THE MATTER OF:

CITY OF ANACORTES

H AVENUE IMPROVEMENT PROJECT

Parcel # P32073

FEB 10 2004

Amount Paid \$
By: Skagit County Treasurer Deputy

The Grantors, LAWRENCE D. NELSON and AMBER L. NELSON, as husband and wife, for and in consideration of the sum of ZERO AND NO/100 (\$0.00) DOLLARS, and other valuable consideration, convey and warrant unto the CITY OF ANACORTES and its assigns, a Mitigation Easement over, under, upon and across the hereinafter described lands for the purpose of stream relocation, mitigation, and buffer planting, to the same extent and purpose as if the rights herein granted had been acquired under Eminent Domain statutes of the State of Washington.

Said lands being situated in Skagit County, State of Washington, and described as follows:

See Exhibit A attached hereto and made a part hereof

See Exhibit B attached hereto and made a part hereof for mutual benefit items

The CITY shall have the right of ingress and egress to enter upon the above-described lands to clean, construct, maintain, and operate a creek mitigation system. All expense and costs for the construction, maintenance, and operation of said creek mitigation shall be the responsibility of the CITY. The CITY may cut and remove from the said premises any trees and other obstructions that may endanger the safety of or interfere with the use of such facilities or appurtenances in the CITY easement. The CITY has the right of ingress and egress to and over said premises at any and all times for the purpose of doing anything necessary, useful or convenient for the enjoyment of the easement hereby granted; and the right of conveyance of said easement and privileges.

MITIGATION EASEMENT

THE GRANTOR AND THE CITY HEREBY COVENANT AND AGREE that this Easement shall be binding upon their heirs, assigns, executors, or administrators.

It is understood and agreed that delivery of this easement is hereby tendered and that the terms and obligations hereof shall not become binding upon the City of Anacortes unless and until accepted and approved hereon in writing for the City of Anacortes, by the mayor of the City of Anacortes.

Dated this 26th day of January, 2004.

GRANTOR:

By: Lawrence D. Nelson

By: Amber Nelson

Print Name: Lawrence D. Nelson

Print Name: Amber Nelson

STATE OF WASHINGTON)

COUNTY OF SKAGIT) §

I certify that I know or have satisfactory evidence that Lawrence D. Nelson and Amber Nelson 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:

January 26, 2004

Notary Signature:

Kathy J. Andersen

Notary Public in and for the State of Washington

Notary (print name):

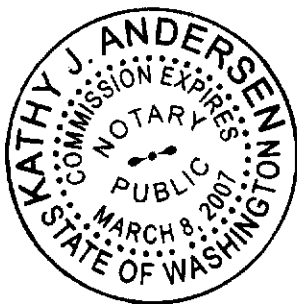
Kathy J. Andersen

Residing at:

Whatcom County

My appointment expires:

3-8-07



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MITIGATION EASEMENT

Dated this 27 day of JANUARY, 2004.

CITY OF ANACORTES

H. Dean Maxwell
H. Dean Maxwell, Mayor

Approved as to form:

Ian L. Munce
Ian Munce, City Attorney



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EXHIBIT A

MITIGATION EASEMENT ACQUISITION
SKAGIT COUNTY ASSESSOR'S
PARCEL NUMBER P-32073

THE WEST 50 FEET OF THE EAST 80 FEET OF THE FOLLOWING DESCRIBED
PROPERTY:

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF
SECTION 25, TOWNSHIP 35 NORTH, RANGE 1 EAST OF THE WILLAMETTE
MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 116.5 FEET NORTH OF THE SOUTHEAST
CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST
QUARTER;

THENCE WEST 577.1 FEET;
THENCE NORTH 281.2 FEET;
THENCE EAST 577.1 FEET;
THENCE SOUTH 281.2 FEET TO PLACE OF BEGINNING;

EXCEPT THE NORTH 100 FEET OF THE EAST 291 FEET THEREOF.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.



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EXHIBIT B

EASEMENT AGREEMENT FOR P-32073

The City of Anacortes will provide the following along the eastern portion of the Nelson Property running parallel with H Avenue:

1. City to provide access to the 6-lot short plat from H Avenue across the ditch with asphalt, curbs, walks, utilities, and conduits extending a distance of 20 feet past the west line of proposed easement.
2. City to extend all utilities including culvert, asphalt, curbs, walks, storm sewer, catch basins, sanitary sewer, natural gas; conduits for telephone, cable tv, and power; and 2" PVC waterline for 6 separate water services.
3. City will install 12" CPED SD pipe 20 feet past west line of easement.
4. City will provide approximately 240 lf of 12" CPEP pipe to continue along the south property line, but owner will install.
5. Zero setbacks on for foundations on west line of easement.



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