

WHEN RECORDED RETURN TO:
CASCADE NATURAL GAS CORPORATION
PO BOX 24464
SEATTLE, WA 98124-0464
ATTENTION: Engineering / Right of Way



200403240047
Skagit County Auditor

3/24/2004 Page

1 of

2 11:30AM

RIGHT OF WAY EASEMENT

CNG317

County: Skagit

GG005103

The undersigned **THEODORE T. BIRINGER** and **DONNA R. BIRINGER**, husband and wife, (hereinafter referred to as the "Grantor"), for and in consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, convey, and warrant to **CASCADE NATURAL GAS CORPORATION**, a Washington corporation (hereinafter referred to as the "Grantee"), a permanent nonexclusive easement over the following described property of the Grantor:

Parcel # 340102-0-007-1180
PROPERTY DESCRIPTION:

THAT PORTION OF GOVERNMENT LOT 4, SECTION 2, TOWNSHIP 34 NORTH, RANGE 1 EAST OF THE WILLIAMETTER MERIDIAN, AND A PORTION OF LOT 1 OF SHORT PLAT NO. 17-75, RECORDED IN BOOK 1 OF SHORT PLATS, AT PAGE 36, RECORDS OF SKAGIT COUNTY, WA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 2; THENCE SOUTH 0° 14' WEST 723.29 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID SHORT PLAT NO. 17-75; THENCE SOUTH 87° 44' WEST ALONG THE NORTH LINE OF SAID SHORT PLAT A DISTANCE OF 1,326.18 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID SHORT PLAT, BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 87° 44' WEST A DISTANCE OF 367.81 FEET TO THE EASTERLY RIGHT OF WAY LINE OF A 40 FOOT WIDE COUNTY RIGHT OF WAY AS SHOWN ON THE PLAT OF RANCHO SAN JUAN DEL MAR, DIVISION II, AS PER PLAT FILED IN VOLUME 5 OF PLATS AT PAGE 30, RECORDS OF SKAGIT COUNTY, WA; THENCE SOUTH 0° 14' WEST ALONG THE EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 240.00 FEET; THENCE NORTH 87° 44' WEST EAST A DISTANCE OF 150.00 FEET; THENCE SOUTH 35° 11' 17" EAST 245.37; THENCE SOUTH 42° 27' 38" EAST A DISTANCE 332.77 FEET TO THE POINT ON THE WESTERLY RIGHT OF WAY LINE TO THE ROSSARIO/HAVEKOST ROAD; THENCE NORTH 41° 27' 35" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 240.00 FEET TO THE SOUTH LINE OF MARINE DRIVE; THENCE NORTH 48° 03' 22" WEST, A DISTANCE OF 52.66 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 602.96 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29° 47' 00", A DISTANCE OF 313.43 FEET; THENCE NORTH 18° 15' 22" WEST, A DISTANCE OF 232.54 FEET TO THE NORTH LINE OF SHORT PLAT NO. 17-75; THENCE SOUTH 87° 44' WEST, A DISTANCE OF 25.11 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT ALL THAT PORTION THEREOF CONVEYED TO SKAGIT COUNTY FOR ROAD PURPOSES BY DEED, RECORDED MAY 1, 1984, UNDER AUDITOR'S FILE NUMBER 8405010029, RECORDS OF SKAGIT COUNTY WASHINGTON.

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

MAR 24 2004

EASEMENT DESCRIPTION:

A STRIP OF LAND TEN (10) FEET IN WIDTH HAVING FIVE (5) FEET ON EACH SIDE OF THE CENTER OF GRANTEE FACILITIES AS CONSTRUCTED, TO BE CONSTRUCTED, EXTENDED OR RELOCATED WITHIN THE EASTERLY SHOULDER OF PRIVATE ABBOTT LANE.

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

TAX PARCEL NUMBER: 340102-0-007-1100

The Grantee is granted the right to construct, install, operate, maintain, protect, improve, repair, and abandon in place a natural gas pipeline or pipelines under, over, through, and across the above-described property. The Grantee is further granted an easement for the nonexclusive right of access to and from said property for the purposes of utilizing the rights herein granted.

The term "pipeline" includes gas lines; services, machinery, equipment, and facilities related to the operation or maintenance of said gas lines. The Grantor, on behalf of itself and its agents, invitees and licensees, agrees not to impair or interfere with the full use and enjoyment by the Grantee of the rights herein granted. Without limiting the generality of the foregoing, the Grantor shall not erect any structure within the easement area, or conduct or permit any activities which may impair or interfere with the rights herein granted.

Grantor agrees to cooperate with Grantee to obtain all necessary permits, licenses and governmental action so that Grantee may enjoy the full use and benefit of this right-of-way easement.

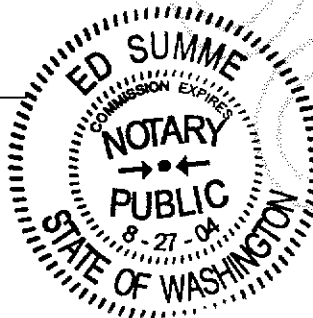
The Grantee agrees to hold the Grantor harmless from any loss, cost, or damage resulting from the Grantee's negligence in connection with the operation or maintenance of any pipelines installed under or over the easement premises and the Grantor agrees to hold the Grantee harmless from any loss, cost, or damage caused by the Grantor, its agents, invitees, or licensees or from any breach of this easement.

This easement shall be binding upon the heirs, executors, administrators, personal representatives, successors, and assigns of the parties hereto.

In witness whereof, the undersigned have executed this easement this 18 day of December, 2003.

THEODORE T. BIRINGER

State of Washington)
) ss.
County of Skagit)



Donna R. Biringer
DONNA R. BIRINGER

On this day personally appeared before me **THEODORE T. BIRINGER** and **DONNA R. BIRINGER** to me known to be the individuals that executed the foregoing instrument, and on oath acknowledged said instrument to be of their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 18 day of December, 2003

Ed Sumner

Residing at: Anacortes Washington

Notary Public for: Washington State

My Commission Expires: 8-27-04

Project # G0071271

WIR # 245621

C:\TEMP\Biringer.doc

w/o # GG 005103



2004052
Skagit County Auditor
3/24/2004 Page 2 of 2 11:30AM