



200409150053

Skagit County Auditor

9/15/2004 Page 1 of 17 11:23AM

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City of Anacortes  
Legal Department  
P.O. Box 547  
Anacortes, WA 98221

CHICAGO TITLE CO.  
9/15/2004

ACCOMMODATION RECORDING

DOCUMENT TITLE: **FIRST AMENDMENT TO EASEMENT AGREEMENT FOR LIFT STATION**

GRANTORS: THE SAMISH INDIAN NATION  
WALLACE R. EDWARDS

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

GRANTEE: THE CITY OF ANACORTES

SEP 14 2004

LEGAL DESCRIPTIONS: PTN. G1#, Sec. 22, T35N, R1EWM  
Tax Parcel#350122-0-007-0005

Amount Paid  
Skagit Co. Treasurer  
Display

THIS AGREEMENT is made and entered into as of this 13 day of SEPTEMBER, 2004, by and between THE SAMISH INDIAN NATION and WALLACE R. Edwards (collectively "Grantors"); and THE CITY OF ANACORTES ("Grantee").

RECITALS

A. Grantors are the owners of that certain parcel of real property legally described as follows ("Grantor's Lot"):

SEE EXHIBIT A

B. Grantors previously executed an *Easement Agreement for Lift Station* dated February 26, 2004, and recorded under Skagit County Auditor #200403020093, (the "Lift Station Easement") granting to the City of Anacortes ("Grantee") certain rights

on Grantor's Lot, and Grantee's also executed said Lift Station Easement, agreeing to certain conditions in consideration of said grant;

C. A dispute arose between Grantors and Grantee as to the final site location and design of said sewer lift station, which dispute has now been resolved by the parties, and the parties desire to amend the Lift Station Easement to reflect the terms of said resolution; and

D. Grantors and Grantee now desire to amend said Lift Station Easement, altering the footprint of the Easement Parcel as defined in Exhibit B to the Lift Station Easement.

**NOW, THEREFORE**, in consideration of all of the covenants and agreements hereinafter contained, the parties hereto agree as follows.

1. **Amendment of Exhibit B - The Easement Parcel.** Exhibit B to the Lift Station Easement is hereby deleted, and a new Exhibit B, in the form attached hereto as **Exhibit B**, is inserted in its place.

2. **Amendment to Paragraph 1 - Grant of Easement Parcels.** The following new clause is inserted and made a part of the existing last sentence of Paragraph 1 of the Lift Station Easement (entitled Grant of Easement Parcels), which sentence shall continue on with the following language: "and that a new driveway access is provided to the sewer lift station if and when the cul-de-sac is moved."

3. **Amendment to Paragraph 1 - Grant of Easement Parcels.** The following new subparagraph is inserted at the end of Paragraph 1 of the Lift Station Easement (entitled Grant of Easement Parcels): "Grantor further agrees to coordinate with Grantee and Puget Sound Energy (PSE) to execute and record a utility easement providing access to PSE to the sewer lift station being built on the Easement Parcel."

4. **Design/Landscaping.** The lift station design dated May 27, 2004 (Leonard, Boudinot & Skodje Inc Job #02174), is approved by Grantors, subject to the amendment terms herein and to Grantor's additional input on the exterior landscaping, painting, and other aesthetics after the generator casing is built, at Grantor's sole cost and expense, and otherwise pursuant to the other terms of the Lift Station Easement.

5. **No Waiver – Future Dispute(s).** Notwithstanding the parties' resolution of the immediate issues in dispute, as set forth above and without cost or expense to either of the parties, nothing herein shall be deemed to waive the other rights and obligations of Grantors and Grantee for other defaults under the Lift Station Easement, as amended by this First Amendment, including the right to seek injunctive relief.



200409150053

Skagit County Auditor

6. **No Other Changes.** All other terms of the Lift Station Easement shall remain in effect.

IN WITNESS WHEREOF this Amendment to Easement is executed as of this  
8<sup>th</sup> day of September 2004.

**THE SAMISH INDIAN NATION**  
By: [Signature]  
Kenneth C. Hansen, Chairman

Date: 9/8/04

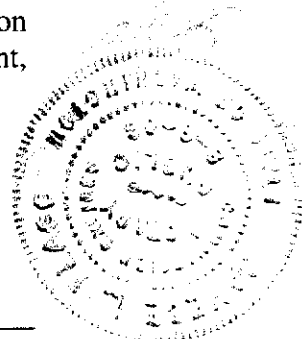
**ACKNOWLEDGEMENT**

STATE OF WASHINGTON                    )  
  )  
COUNTY OF SKAGIT..... ) ss.

I certify that I know or have satisfactory evidence that Kenneth C. Hansen is the person who appeared before me, and said person acknowledged that he signed this instrument, and said person acknowledged that he was authorized to execute the instrument and acknowledged it as the Chairman of The Samish Indian Nation to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 8<sup>th</sup> day of September 2004.

[Signature]  
Notary Public in and for the State of Washington  
Residing at: 19640 Melody Ln Mt. Vernon WA  
My commission expires: 8-9-06



**WALLACE R. EDWARDS**

By: Jane E. Fitzgerald  
Jane E. Fitzgerald, his duly appointed  
Attorney-in-Fact

Date: 9/03/04

**ACKNOWLEDGEMENT**

STATE OF WASHINGTON )  
 )  
COUNTY OF SKAGIT..... ) ss.

I certify that I know or have satisfactory evidence that Jane E. Fitzgerald is the person who appeared before me, and said person acknowledged that she signed this instrument, and said person acknowledged that she was authorized to execute the instrument and acknowledged it as the duly appointed attorney-in-fact for Wallace R. Edwards and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 3rd day of SEPTEMBER 2004.



Jane E. Fitzgerald  
Notary Public in and for the State of Washington  
Residing at: SEATTLE  
My commission expires: 12/7/05



**THE CITY OF ANACORTES**

By: H. Dean Maxwell  
 H. Dean Maxwell, Mayor

Date: 9/13/04

**ACKNOWLEDGEMENT**

STATE OF WASHINGTON    )  
   )  
 COUNTY OF SKAGIT.....) ss.


I certify that I know or have satisfactory evidence that H. Dean Maxwell is the person who appeared before me, and said person acknowledged that he signed this instrument, and said person acknowledged that he was authorized to execute the instrument and acknowledged it as the Mayor of the City of Anacortes to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 13<sup>th</sup> day of September 2004.



Cheri L. Kahns, Cheri L. Kahns  
 Notary Public in and for the State of Washington  
 Residing at: Mount Vernon

My commission expires: 10-19-06

  
 200409150053  
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**EXHIBIT "A"**

All that portion of Government Lot 3, Section 22, Township 35 North, Range 1 East of the Willamette Meridian lying Southerly of a line 30 feet South of and adjacent to the following described line:

Commencing at the Southwest corner of said Government Lot 3;  
thence North 1°40'47" East, along the West line of Government Lot 3, a distance of 499.24 feet to the South line of said Tract No. 4;  
thence North 1°40'47" East, a distance of 3.35 feet to the true point of beginning of said line;  
thence South 84°06'17" East, a distance of 253.64 feet;  
thence South 88°45'30" East, a distance of 330.91 feet;  
thence North 87°48'35" East, a distance of 192.73 feet;  
thence North 85°35'18" East, a distance of 134.85 feet;  
thence North 62°37'20" East, a distance of 261.45 feet;  
thence North 63°50'09" East, a distance of 144.43 feet;  
thence North 64°39'33" East, a distance of 53.22 feet to a point on the North projection of the East line of said Government Lot 3, and terminus of said line.

EXCEPT a 10.00 foot wide strip of land lying South of and adjacent to the South line of the above described 30.00 foot wide strip; said 10.00 foot wide strip is bounded on the East by that certain 30.00 foot wide Great Northern Railway Company right-of-way described under Auditor's File No. 313506, records of Skagit County, Washington, and as shown on said Record of Survey filed under Auditor's File No. 8006190004, records of Skagit County, Washington; and bounded on the West by the West line of said Government Lot 3;

ALSO EXCEPT those portions thereof lying within Wetlands Parcel No. 2, Wetlands Parcel No. 3, and Wetlands Parcel No. 4, all as set forth in document recorded under Auditor's File No. 9204300072, and as delineated on the face of said Survey recorded under Auditor's File No. 8107230002, records of Skagit County, Washington.

Situated in Skagit County, Washington

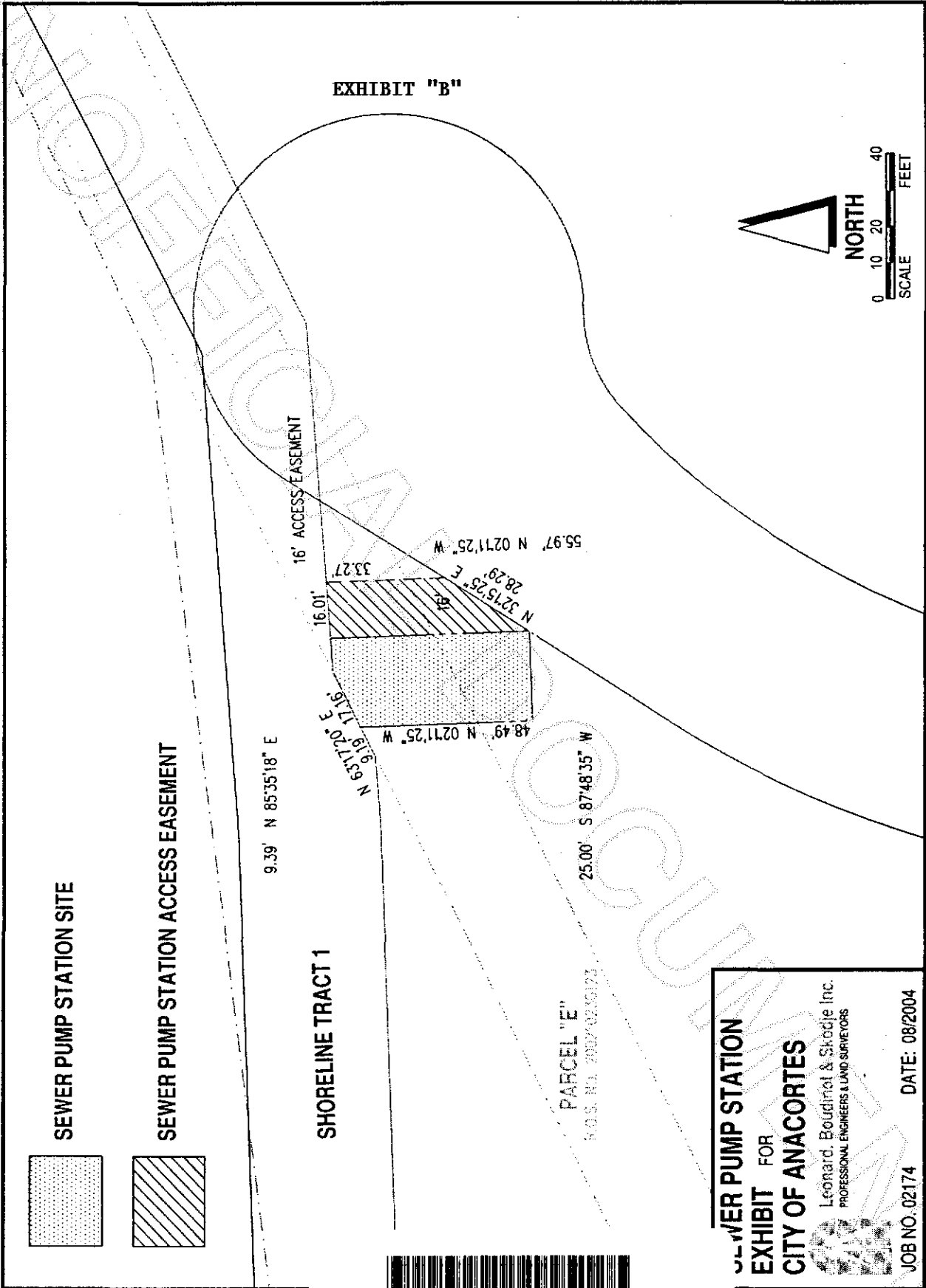
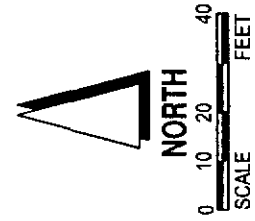
- END OF EXHIBIT "A" -



200409150053

Skagit County Auditor

EXHIBIT "B"



SEWER PUMP STATION SITE

SEWER PUMP STATION ACCESS EASEMENT

SHORELINE TRACT 1

PARCEL "E"

S.O.S. NO. 2002/0210123

**SEWER PUMP STATION**  
**EXHIBIT FOR**  
**CITY OF ANACORTES**

Leonard, Boudinot & Skodje Inc.  
 PROFESSIONAL ENGINEERS & LAND SURVEYORS

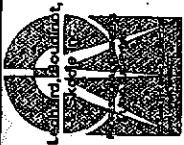
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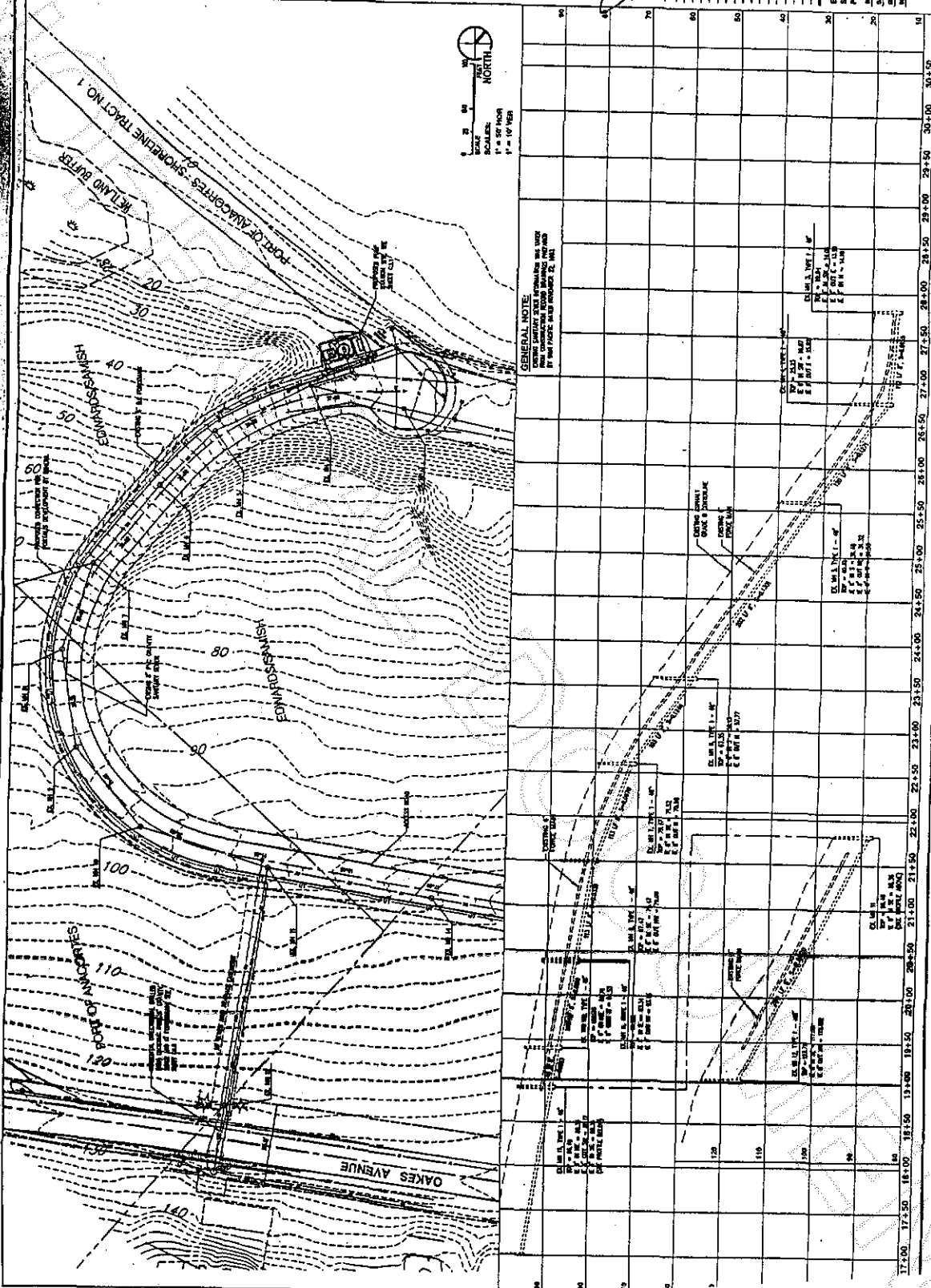
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**SHIP HARBOR  
 PUMP STATION**  
 LOCATED IN:  
 CITY OF ANACORTES, WA  
 SECTION 22, TOWNSHIP 35 N., RANGE 1 E., W.M.

PROJECT CLIENT:  
**CITY OF  
 ANACORTES**  
 P.O. BOX 547  
 ANACORTES, WA 98221



DATE	5/27/04
PROJECT	SHIP HARBOR PUMP STATION
DRAWN BY	DAVID W. BROWN
CHECKED BY	DAVID W. BROWN
SCALE	AS SHOWN
DATE	5/27/04
PROJECT	SHIP HARBOR PUMP STATION
DRAWN BY	DAVID W. BROWN
CHECKED BY	DAVID W. BROWN
SCALE	AS SHOWN

**C1.0**

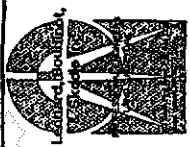


HP LaserPlot 9000 Dtg - 12007(Windows 2000).dwt, 12



200409150053  
 Skagit County Auditor





PROJECT TITLE:  
**SHIP HARBOR PUMP STATION**  
LOCATED IN:  
CITY OF ANACORTES, WA  
SECTION 22, TOWNSHIP 36 N., RANGE 1 E., WA.

PROJECT CLIENT:  
CITY OF ANACORTES  
P.O. BOX 547  
ANACORTES, WA 98221

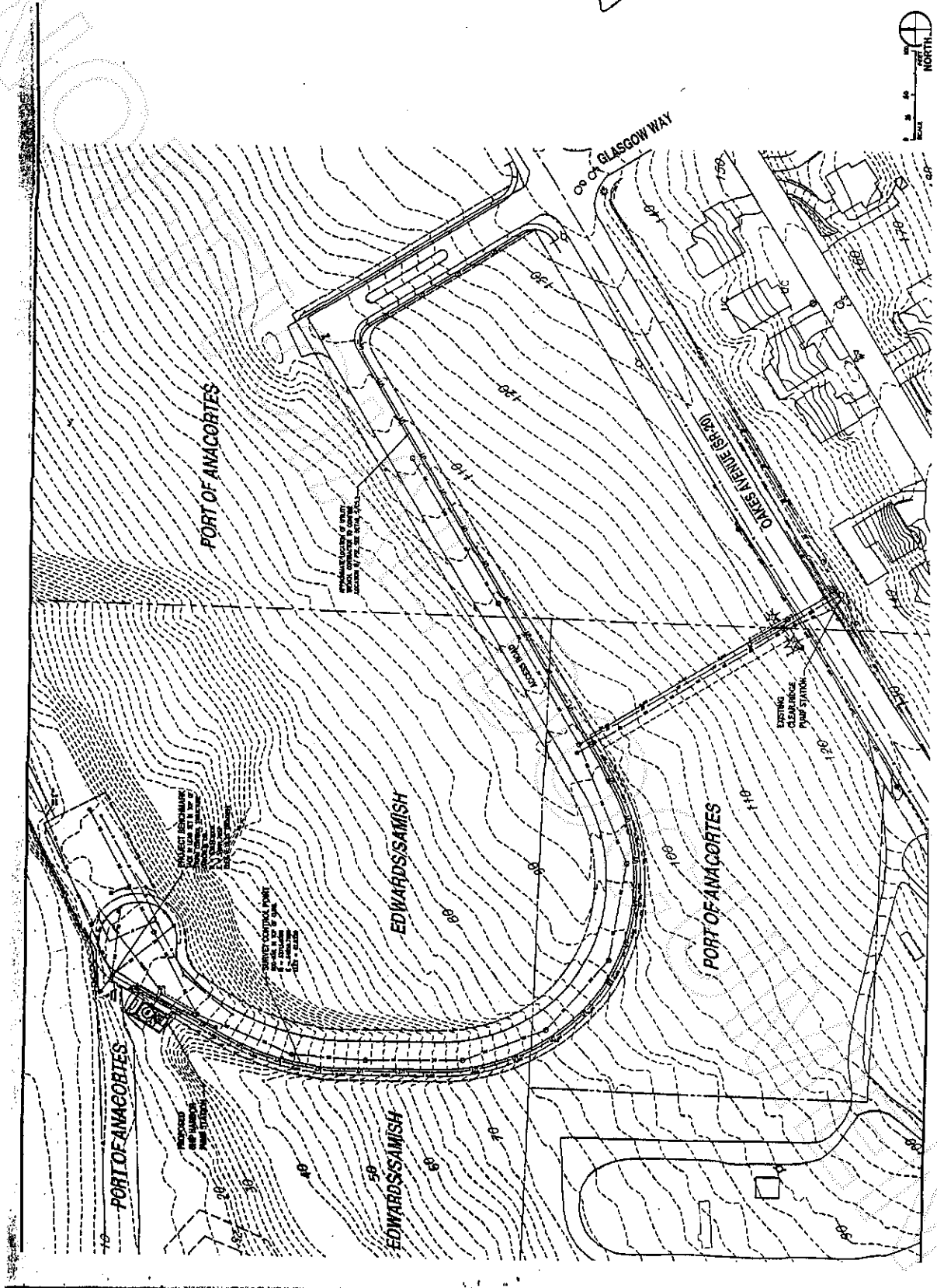
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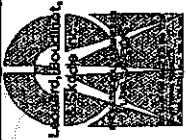
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CHECKED BY: [unreadable]

**C-3.0**



200409150053  
Skagit County Auditor



PROJECT TITLE:  
**SHIP HARBOR  
PUMP STATION**

LOCATED IN:  
CITY OF ANACORTES, WA

SECTION 22, TOWNSHIP 35 N., RANGE 1 E., W4E.

PROJECT CLIENT:  
CITY OF  
ANACORTES

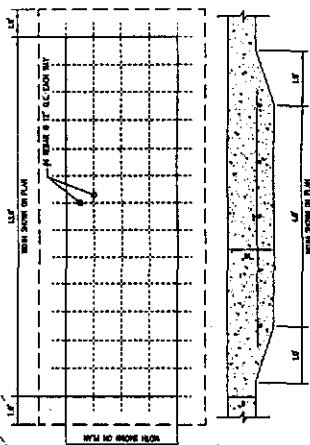
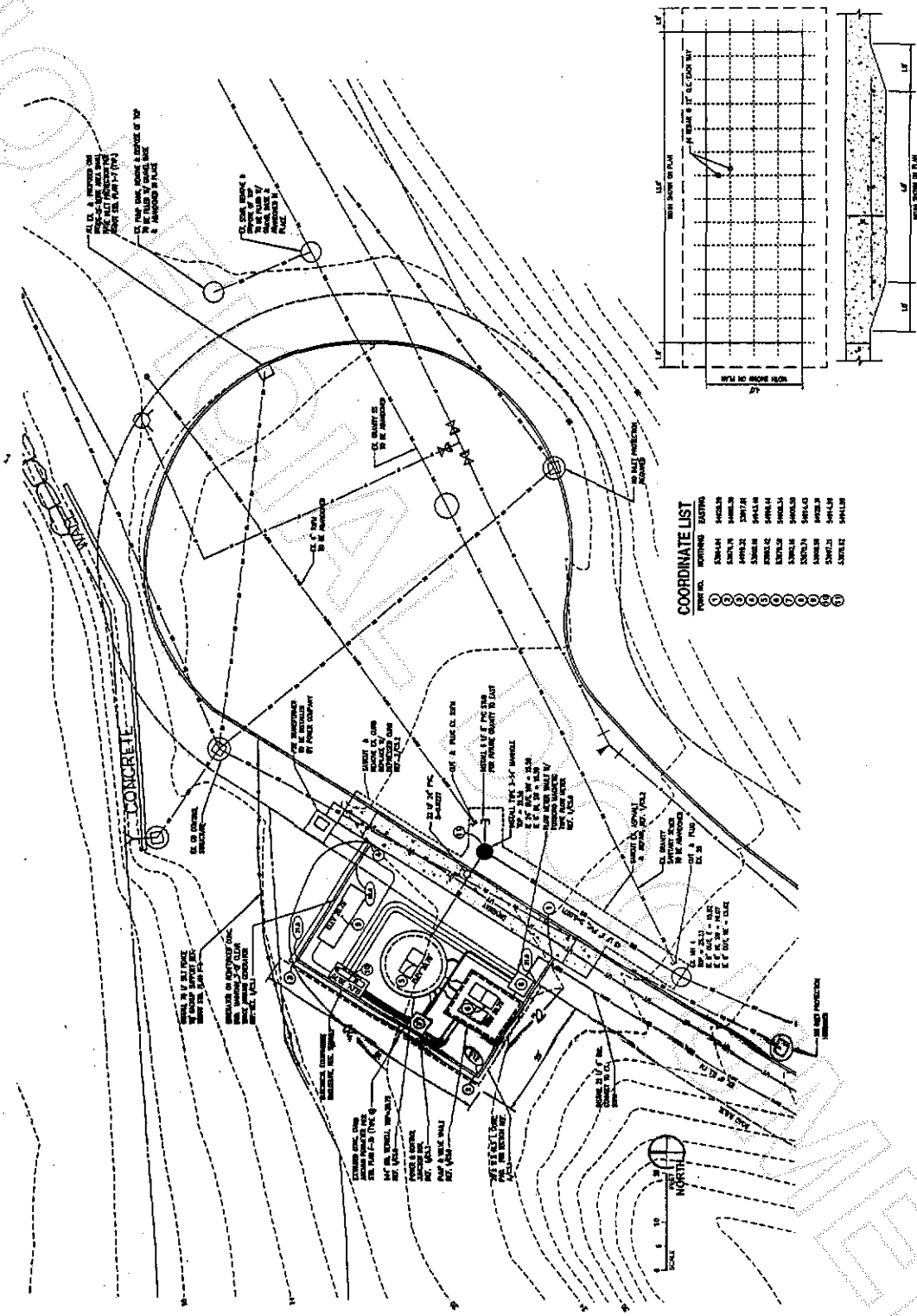
P.O. BOX 647  
ANACORTES, WA 98221



DATE	5/27/04
BY	[Signature]
CHECKED BY	[Signature]
SCALE	N.T.S.

PUMP STATION  
SITE PLAN

C3.1



1 GENERATOR PAD REINFORCING DETAIL  
SCALE N.T.S.

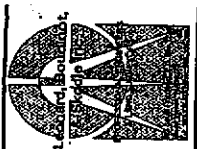
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200409150053  
Skagit County Auditor

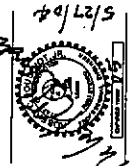
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PROJECT TITLE:  
**SHIP HARBOR  
 PUMP STATION**

LOCATED IN  
 CITY OF ANACORTES, WA  
 SECTION 22, TOWNSHIP 34 N., RANGE 1 E., W. 1/4

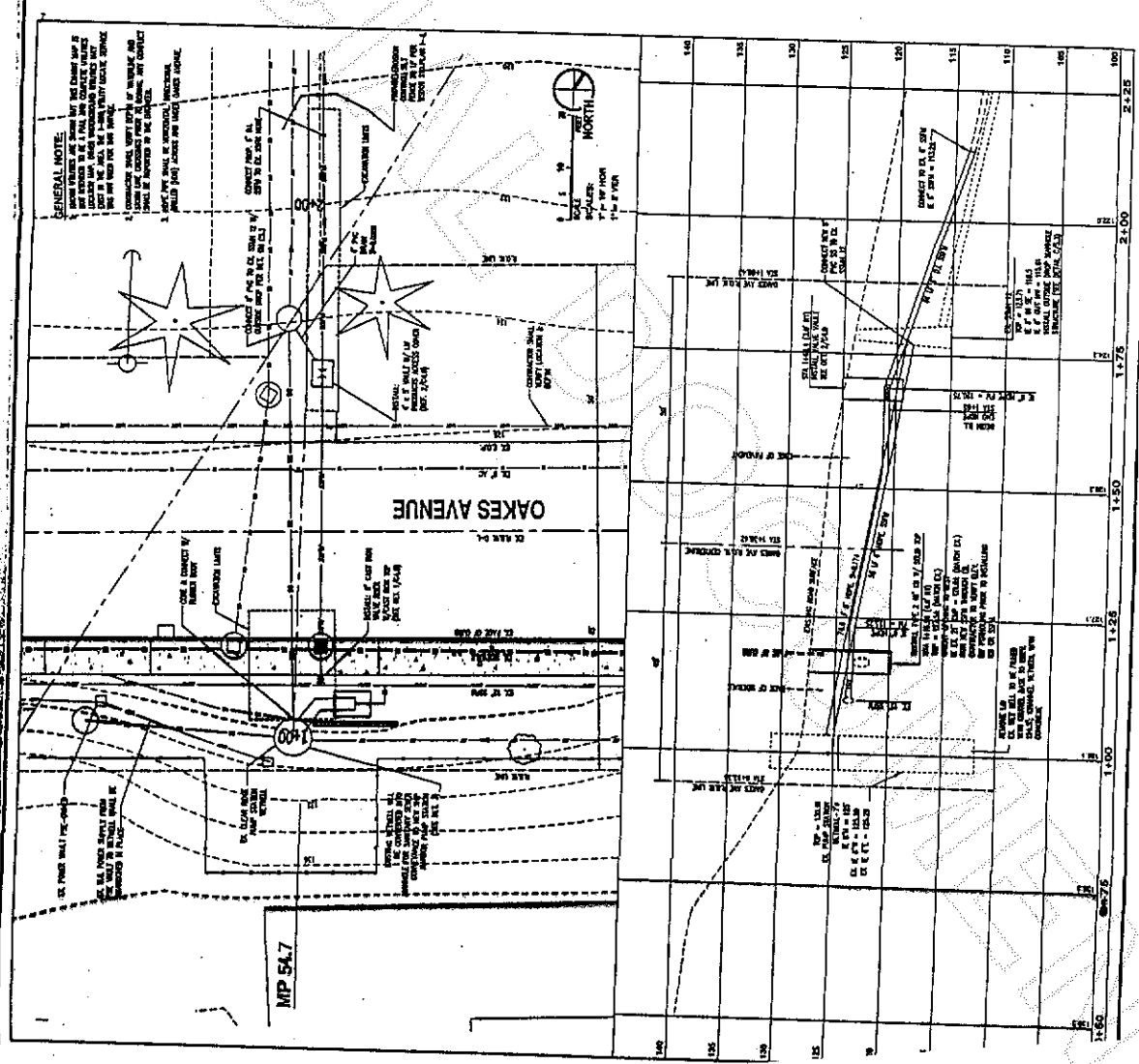
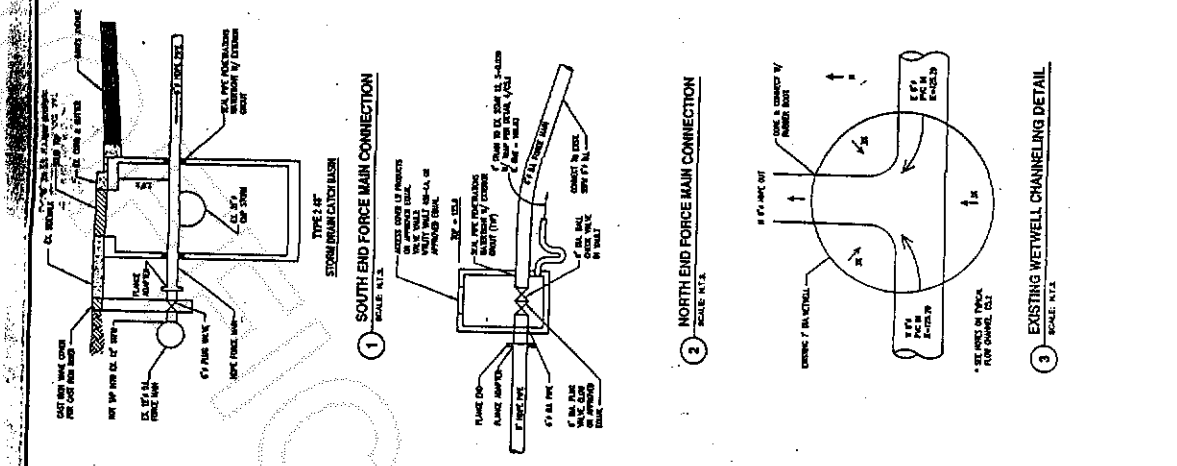
PROJECT CLIENT:  
**CITY OF  
 ANACORTES**  
 P.O. BOX 547  
 ANACORTES, WA 98221



DATE:	5/27/04
BY:	[Signature]
CHECKED BY:	[Signature]
SCALE:	AS SHOWN

DAKES AVENUE-30  
 SEWER CROSSING  
 PLAN & PROFILE  
 DATE: 5/27/04  
 PROJECT NO: 200409150053  
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C4.0



200409150053  
 Skagit County Auditor

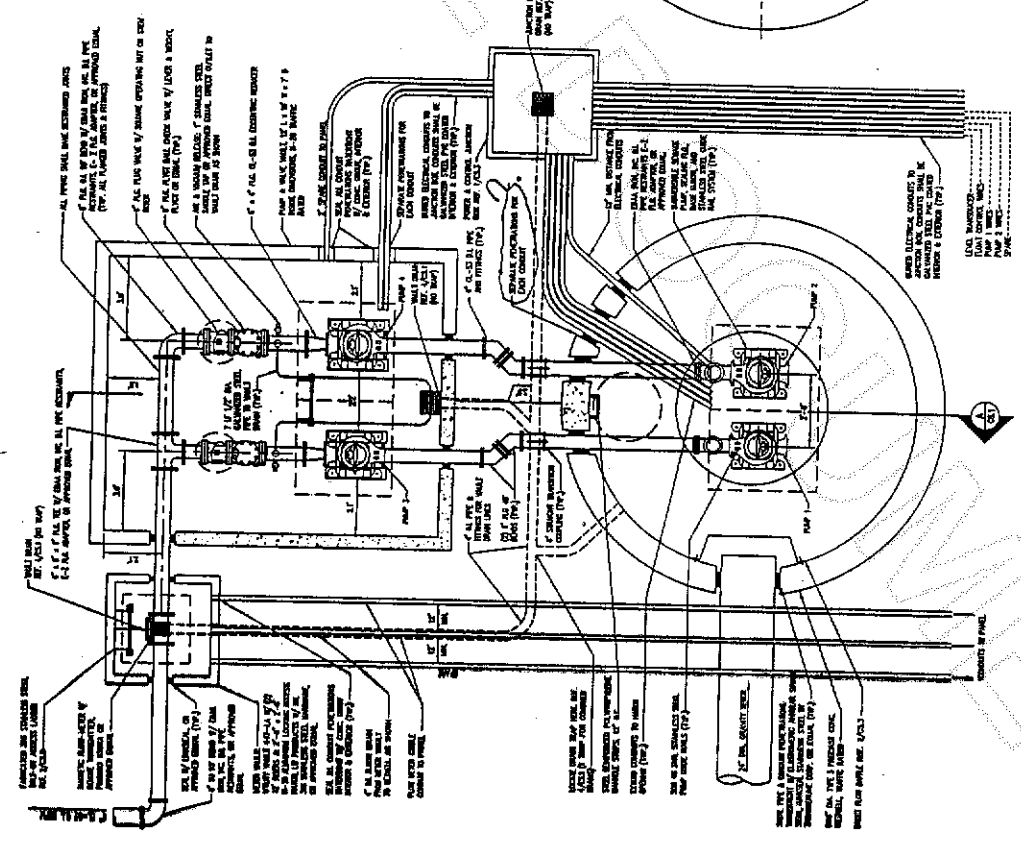
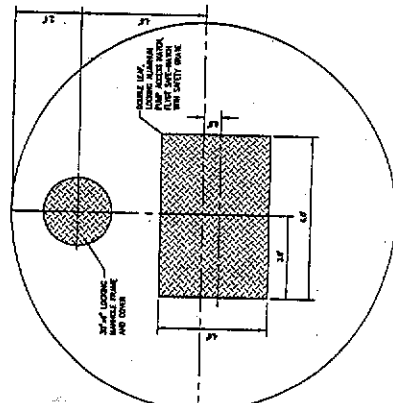
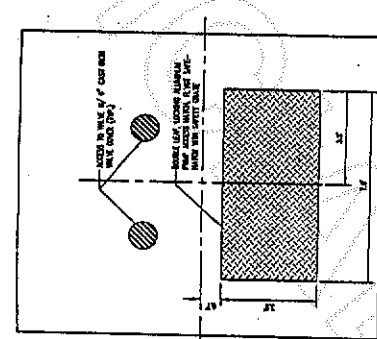
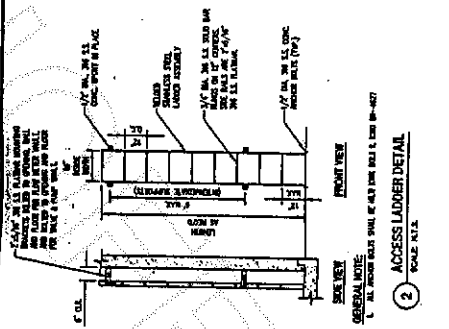
UNIVERSITY MICROFILMS

SECTION 22, TOWNSHIP 35 N., RANGE 1 E., WY4.  
CITY OF ANACORTES, WA  
LOCATED IN  
**SHIP HARBOR  
PUMP STATION**  
PROJECT TITLE:

PROJECT CLIENT:  
**CITY OF  
ANACORTES**  
P.O. BOX 647  
ANACORTES, WA 98221

DATE: 5/27/04  
DRAWN BY: [Signature]  
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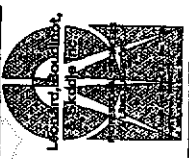
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NOTE:  
SEE APPENDIX FOR DETAILED  
EQUIPMENT SPECIFICATIONS.



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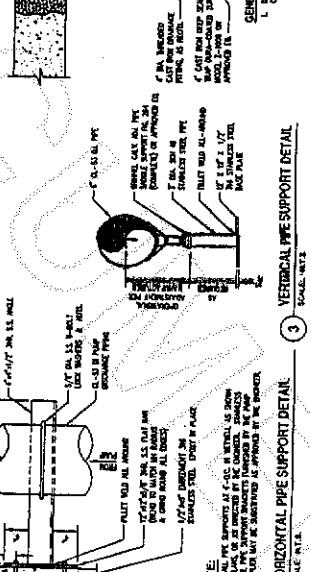
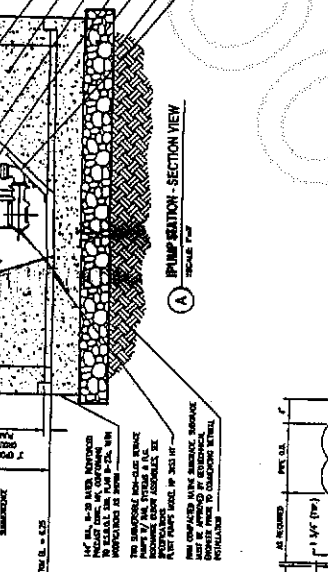
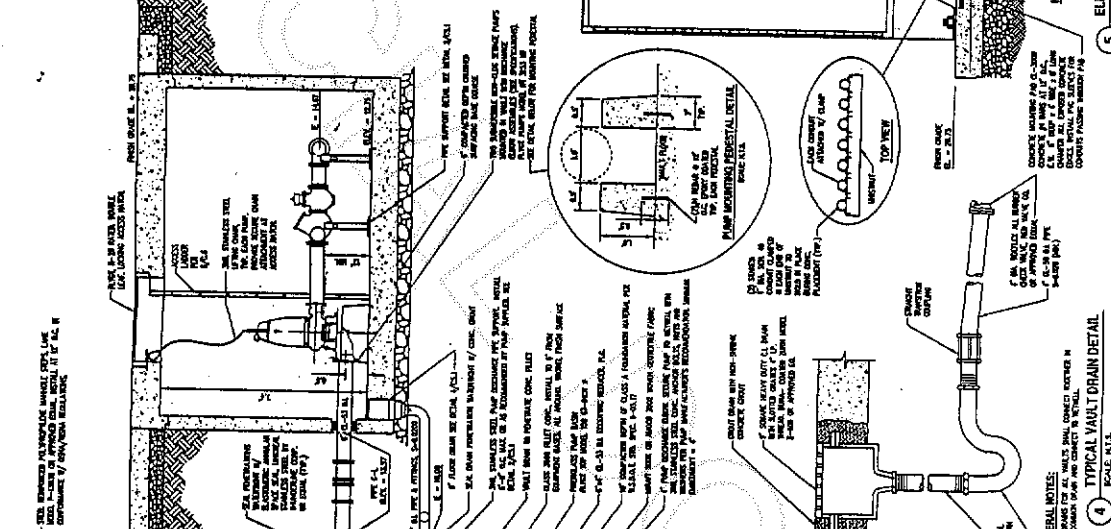
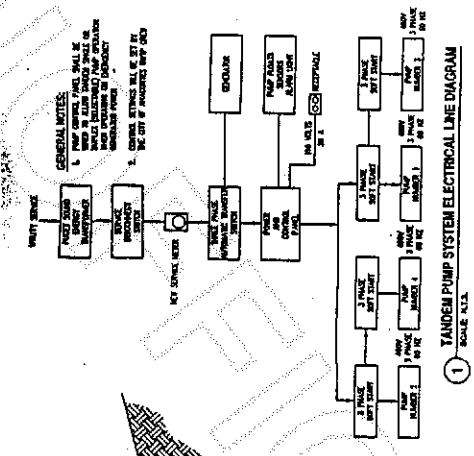


SECTION 22, TOWNSHIP 35 N., RANGE 1 E., WY. 4  
 CITY OF ANACORTES, WA  
 PROJECT TITLE: SHIP HARBOR PUMP STATION  
 LOCATED IN: ANACORTES, WA 98223

PROJECT CLIENT: CITY OF ANACORTES  
 P.O. BOX 647  
 ANACORTES, WA 98223  
 5/27/04  


NO.	REVISION	DATE
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C5.1



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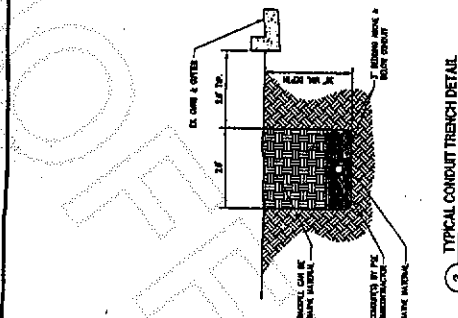
**SHIP HARBOR PUMP STATION**  
 PROJECT TITLE:  
 LOCATED IN:  
 CITY OF ANACORTES, WA  
 SECTION 22, TOWNSHIP 35 N., RANGE 1 E., W. 1/4

PROJECT CLIENT:  
 CITY OF ANACORTES  
 P.O. BOX 547  
 ANACORTES, WA 98221

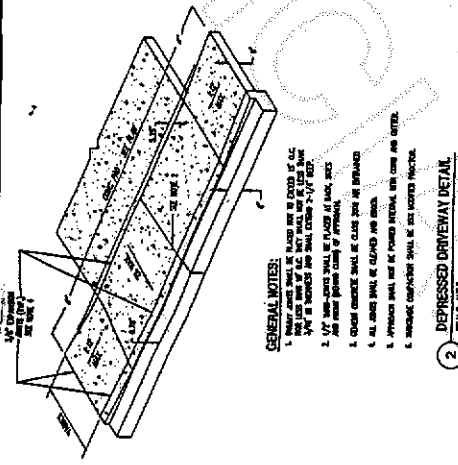
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DATE AS NOTED	
DATE REVISED	
REVISION NO.	
BY	
CHECKED BY	
DESIGNED BY	
IN CHARGE	
DATE	

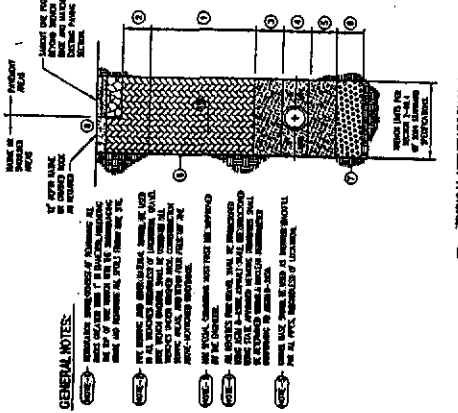
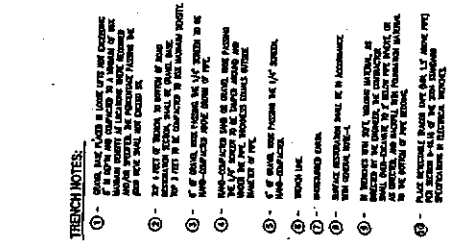
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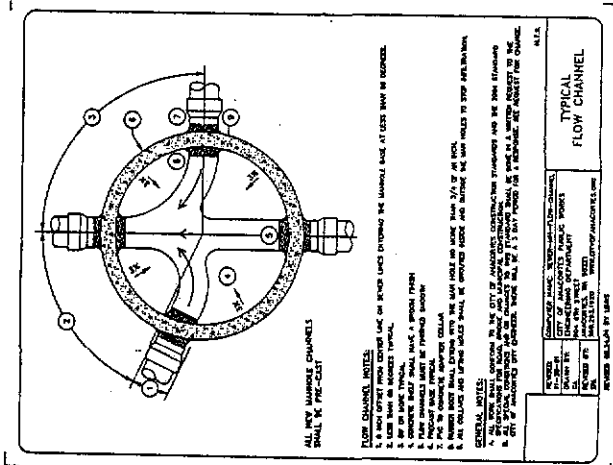
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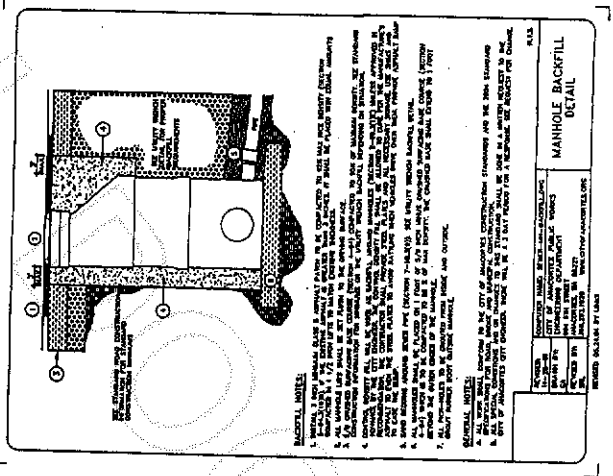
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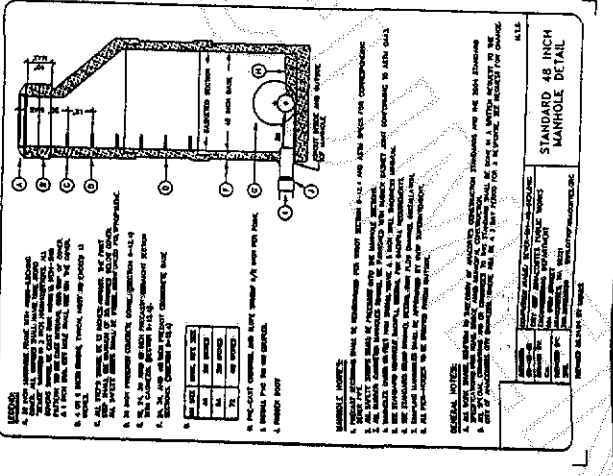
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4 TYPICAL FLOW CHANNEL  
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5 MANHOLE BACKFILL DETAIL  
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6 STANDARD 48 INCH MANHOLE DETAIL  
 SCALE 1/4\"/>



