



200409280036

Skagit County Auditor

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## COVER SHEET

**Return Address:**

City of Sedro-Woolley  
720 Murdock Street  
Sedro-Woolley, WA 98284

FIRST AMERICAN TITLE CO.

75420-2

**Document Title:**

**TEMPORARY CONSTRUCTION EASEMENT**

**Reference Numbers:**

**Grantor:**

1. Averill, Daniel L. and Averill, Tracy L, husband and wife
2. Sedro Trail Corporation

**Grantee:**

City of Sedro-Woolley, a Washington Municipal Corporation

**Legal Description:**

Ptn. SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Sec. 23, Twp 35N Rge 4E, WM  
See page 1 of attached document

**Property Tax Account Numbers:** P37183 / 35043-0-033-0009

No Monetary Consideration.

## TEMPORARY CONSTRUCTION EASEMENT

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between the City of Sedro-Woolley, a Washington municipal corporation, hereinafter termed "Grantee", and Daniel L. Averill and Tracy L. Averill, husband and wife, hereinafter termed "Grantor".

WITNESSETH;

**Grant/Legal Description.** That the said Grantor for valuable consideration, receipt of which is hereby acknowledged, does by these presents grant unto the Grantee, and those acting under Grantee, a temporary right-of-way and easement for sewer mains with the necessary appurtenances through, over, and across the following described property situated in Skagit County, Washington, more particularly described as follows:

A ten (10) foot wide temporary construction easement lying Northerly of, adjacent to, and contiguous with the Northwesterly line of the following described tract and extending from the Northerly line of State Route 20 to the West line of Trail Road.

That portion of the Southwest 1/4 of the Southeast 1/4 of Section 23, Township 35 North, Range 4 East, W.M. described as follows:

Commencing at the Northeast corner of said Southwest 1/4 of the Southeast 1/4; thence South 00 degrees 58' 12" West along the East line thereof, a distance of 178.00 feet; thence North 89 degrees 27' 26" West, a distance of 10.00 feet to the West right of way line of Trail Road; thence South 00 degrees 58' 12" West, along the west right of way line of Trail Road, a distance of the 125.22 feet to the intersection of the West right of way line of Trail Road with the North right of way line of State Route 20 and the point of beginning of this description; thence North 00 degrees 58' 12" East along the West right of way line of Trail Road, a distance of 21.82 feet; thence South 52 degrees 05' 09" West, a distance of 29.50 feet; thence South 36 degrees 44' 12" West, a distance 33.41 feet to a point on the North right of way line of State Route 20 which is 48.69 feet from the point of beginning of this description; thence North 62 degrees 00' 12" East along the North right of way line of State Route 20, a distance of 48.69 feet to the point of beginning of this description.

Situated in Skagit County, Washington.

Temporary construction easement area contains 790 square feet.

**Duration.** This temporary easement shall have duration of fourteen (14) days, which shall begin upon commencement of the work. This easement shall terminate upon completion of the work, or 14 days after commencement of the work, or if the work is not sooner commenced, then 12 months after recording, whichever is less.



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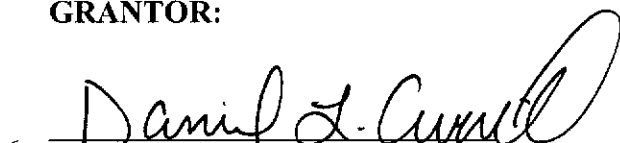
**Extension of Time.** If the work described above is delayed due to weather, flood, fire, or other natural disaster, accident, strike, act of god, or other unforeseen circumstance or condition, then the duration of the temporary easement may be extended by a time equal to the delay, provided that the delay is not caused by Grantee's negligence.

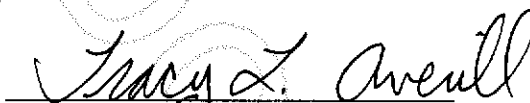
**Right of Entry.** Grantee shall have the right, without prior institution of any suit or proceeding at law, at such times as may be necessary, to enter upon the property described herein for the purpose of constructing, repairing, altering, or reconstructing sanitary sewers or making any connections therewith, without incurring any legal obligation or liability therefore except as provided herein, *provided* that such constructing, repairing, altering or reconstructing of such sanitary sewers shall be accomplished in such a manner that the improvements and land contours existing in the temporary easement area shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed, they will be replaced as is reasonably possible, in as good a condition as they were immediately before the property was entered upon by the Grantee.

Grantor also conveys to Grantee and to those acting under said Grantee the temporary use of such additional area immediately adjacent to said easement as shall be reasonably required to access the temporary easement area, provided that this access shall be conducted so as not to interfere with Grantor's use of said property.

This easement shall be a covenant running with the land and shall be binding on the successors, heirs and assigns of both parties hereto.

**GRANTOR:**


  
Daniel L. Averill


  
Tracy L. Averill

**GRANTEE:**

**CITY OF SEDRO-WOOLLEY,  
A Washington Municipal Corporation**

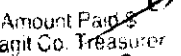
Attest:

By   
Mayor

  
City Clerk

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

SEP 28 2004

Amount Paid  
By  Skagit Co. Treasurer  
Deputy

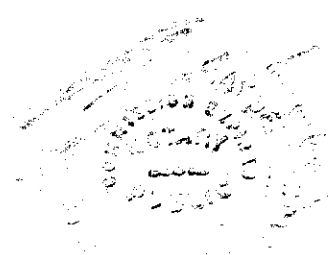


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STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

I, the undersigned Notary Public, in and for the State of Washington, do hereby certify that on this day personal appeared before me Sharon Dillon and Patsy Nelson, to me know to be the Mayor and City Clerk of the City of Sedro-Woolley, who executed the within instrument and acknowledged that they signed and sealed the same as the free and voluntary act and deed of said City for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal this 27 day of Sept, 2004.



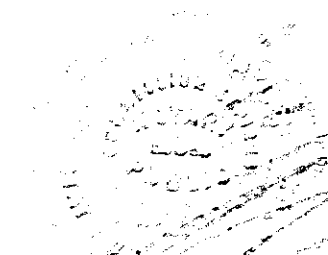
*Patrick M. Hayden*

Notary Public in and for the State of  
Washington, residing at Sedro Woolley  
My Commission Expires: 10.1.04  
Print Name Patrick M. Hayden

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF SKAGIT )

I, the undersigned Notary Public, in and for the State of Washington, do hereby certify that on this day personal appeared before me Daniel L. Averill and Tracy L. Averill, husband and wife, to me know to be the persons above-named who executed the within instrument and acknowledged that they signed and sealed the same as the free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal this 27 day of Sept, 2004.



*Patrick M. Hayden*

Notary Public in and for the State of  
Washington, residing at Sedro-Woolley  
My Commission Expires: 10.1.04  
Print Name Patrick M. Hayden



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AGREEMENT

Comes now the Sedro Trail Corporation, a Washington Corporation, consents to this deed of trust, and agrees that in the event of Grantor's default and a foreclosure of the Beneficiaries' interest in that Deed of Trust dated January 5, 2004, recorded January 12, 2004 in Skagit County Auditor's File No. 200401120395,, any successor at any foreclosure sale shall not foreclose against this deed, and the rights of the City of Sedro-Woolley herein shall be undisturbed.

Dated: Sept 27, 2004

SEDRO TRAIL CORPORATION

By: Albert C. Reiser Pres.  
Authorized Agent

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF SKAGIT )

I, the undersigned Notary Public, in and for the State of Washington, do hereby certify that on this day personal appeared before me Albert C. Reiser Pres., to me know to be Authorized Agent of Sedro Trail Corporation, as Washington State Corporation, who executed the within instrument and acknowledged that he signed and sealed the same as the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal this 27 day of Sept, 2004.

Albert C. Reiser  
Notary Public in and for the State of  
Washington, residing at Sedro Woolley  
My Commission Expires: 10.1.04  
Print Name Albert C. Reiser



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