



200502230063

Skagit County Auditor

2/23/2005 Page

1 of

11

1:52PM

RETURN TO:

Port of Skagit County  
P. O. Box 348  
Burlington, WA 98233

Document Title: First Supplement to Conveyance/Easement Agreement

Reference number: 200209300008

Grantor: Port of Skagit County

Grantee: City of Burlington

Abbreviated Legal Description: Portions of Sections 3 and 4, Township 34 North,  
Range 3 East, W.M.

Assessor's Parcel/Tax I.D. Number: P121743, P121744, P121745, P121751, P121746,  
P121752, P121747, P121753, P121748, P121754,  
P121749, P121755, P121750, P121756, P118866,  
P118865.

SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax

FEB 23 2005

Amount Paid \$  
Skagit County Treasurer  
By: Deputy

# FIRST SUPPLEMENT TO CONVEYANCE/EASEMENT AGREEMENT

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## I. RECITALS

**WHEREAS**, Grantor, the Port of Skagit County, a Washington municipal corporation, and Grantee, the City of Burlington, a Washington municipal corporation, entered into a Conveyance/Easement Agreement dated September 24, 2002, and recorded under Skagit County Auditor's File No. 200209300008 (the "Agreement"); and

**WHEREAS**, in the Agreement the Grantor conveyed to the Grantee certain described sanitary Sewer Facilities described therein, as well as a perpetual, non-exclusive easement right, privilege and authority enabling Grantee to do all things necessary or proper in the construction, repair and maintenance of underground sanitary sewer lines or related under ground facilities described in the Agreement; and

**WHEREAS**, in the Agreement Grantor and Grantee agreed that Grantor could grant, by recording an instrument executed with acknowledgment by both parties, to Grantee additional Sewer Facilities and could subject further property to the easement, each to be subject to the terms of the Agreement; and

**WHEREAS**, the Grantor has caused to be constructed additional Sewer Facilities as described in Exhibit 1 hereto, which Grantor wishes to convey to Grantee; and

**WHEREAS**, Grantor further wishes to subject additional property (as described and depicted in Exhibits 2 and 3 hereto) to the easement rights granted to Grantee in the Agreement;

**THEREFORE, THE PARTIES HEREBY AGREE** to this First Supplement to Conveyance/Easement Agreement as follows:

## II. CONVEYANCE

The Grantor, in consideration of the mutual promises contained herein, does hereby grant, convey and quitclaim to Grantee, all right, title and interest to Grantor's Sewer Facilities as described in Exhibit 1 hereto. This conveyance is made where is as is, with no warranty whatsoever.

Further, Grantor does hereby grant, convey and quitclaim a perpetual, non-exclusive easement right, privilege and authority enabling the Grantee to do all things necessary or proper in construction, repair and maintenance of underground sanitary sewer line or lines, or related underground facilities, including the right to construct, operate, maintain, inspect, improve, remove, restore, alter, pipes, line or lines, or related facilities along with necessary appurtenance for the transportation of sanitary sewer under Grantor's property legally described and depicted in Exhibits 2 and 3, attached hereto and incorporated herein as though fully set forth herein, for



200502230063  
Skagit County Auditor

Grantee's benefit, together with the right of ingress to and egress from said property for the above-stated purposes.

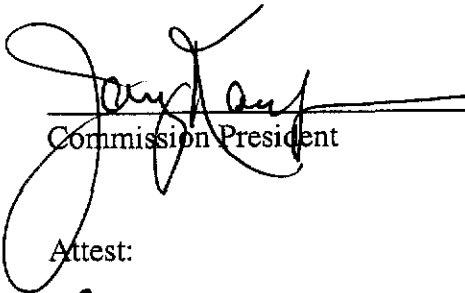
### III. ACKNOWLEDGMENT AND AGREEMENT TO TERMS AND CONDITIONS OF COVEYANCES

Grantor and Grantee, by their signatures below, hereby acknowledge and agree that the foregoing grants are subject to and conditioned upon the terms of the Agreement set forth in Article II. (A) - (J) and in Article III thereof and that all terms of this First Supplement to Conveyance/Easement Agreement shall extend to and be binding upon the heirs, successors, and assigns of the parties hereto.

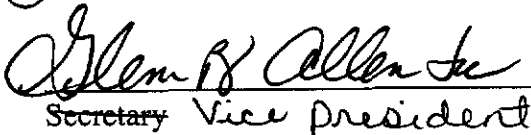
By their signatures below, the parties acknowledge that they have read and fully understand the terms of this First Supplement to Conveyance/Easement Agreement.

GRANTOR:

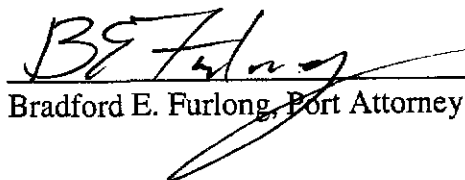
PORT OF SKAGIT COUNTY

  
Commission President

Attest:

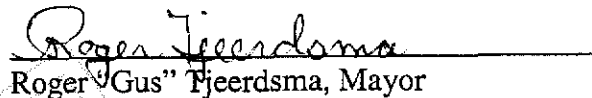
  
Secretary Vice President

Approved as to form:

  
Bradford E. Furlong, Port Attorney

GRANTEE:

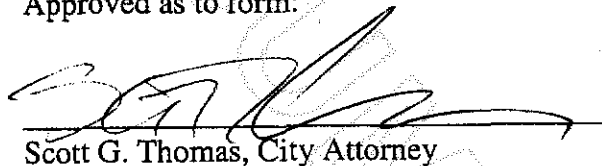
CITY OF BURLINGTON

  
Roger "Gus" Tjeerdsma, Mayor

Attest:

  
Richard A. Patrick, Finance Director

Approved as to form:

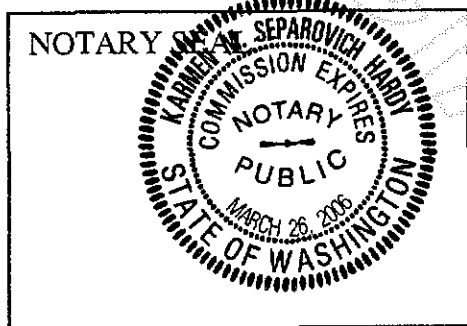
  
Scott G. Thomas, City Attorney



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

On this 15<sup>th</sup> day of February 2005, personally appeared Terry Kaufman  
~~Ware~~ and Glenn B. Allen, Jr., to me known to be the president and secretary, respectively, Board of  
Commissioners, Port of Skagit County, a Washington municipal corporation, the corporation that  
executed the within and foregoing instrument, and acknowledged said instrument to be the free and  
voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath  
stated that they were duly authorized to execute the same and that the seal affixed is the corporate seal of  
said corporation.

In witness whereof I have hereunto set my hand and official seal the day and year first above  
written.

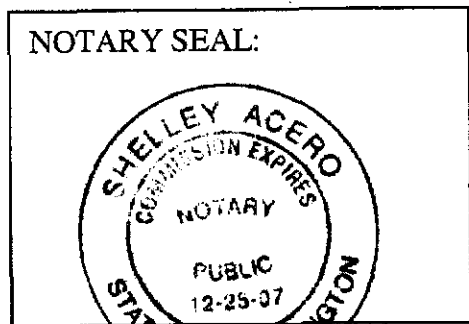


Karmen M. Separovich Hardy  
Notary Public in and for the state of Washington  
Residing in: Anacortes  
My appointment expires: 03-26-06  
Printed Name: Karmen M. Separovich Hardy

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

On this 13<sup>th</sup> day of January 2005, personally appeared Roger  
"Gus" Tjeerdsma and Richard A. Patrick, to me known to be the mayor and finance director, respectively,  
City of Burlington, a Washington municipal corporation, the corporation that executed the within and  
foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said  
corporation, for the uses and purposes therein mentioned, and on oath stated that they were duly  
authorized to execute the same and that the seal affixed is the corporate seal of said corporation.

In witness whereof I have hereunto set my hand and official seal the day and year first above  
written.



Shelley Acero  
Notary Public in and for the state of Washington  
Residing in: Mt. Vernon  
My appointment expires: 12-25-07  
Printed Name: Shelley Acero

First Supplement to Conveyance/Easement Agreement  
Port of Skagit County, Grantor  
City of Burlington, Grantee



200502230063  
Skagit County Auditor

## Exhibit 1

### Sewer Facilities

1. 3,464.19 feet of 8" sewer line
2. 10 manholes
3. Sewer pump station and associated 96" wet well located approximately 335 feet northwest of the intersection of Ovenell Road and the entrance to Olympic Pipeline's lease parcel at 14879 Ovenell Road.



200502230063  
Skagit County Auditor

September 13, 2004

EXHIBIT 2

LEGAL DESCRIPTION FOR: Port of Skagit County

Skagit Regional Airport Binding Site Plans  
Sanitary Sewer Gravity and Force Mains Easement

A strip of land 10.00 feet in width, said strip lying within portions of the Northwest quarter of the Southwest quarter of Section 3 and of the East half of the Southeast quarter of Section 4, Township 34 North, Range 3 East, W.M., Skagit County, Washington, said strip lying 5.00 feet on each side of the following described center line:

Commencing at the most Easterly corner of Lot 15, "Skagit Regional Airport Binding Site Plan, Phase 2, Div. 2", according to the map thereof recorded under Auditor's File No. 200406280198, records of Skagit County, Washington; thence South  $71^{\circ} 41' 53''$  West a distance of 185.63 feet to the **TRUE POINT OF BEGINNING** of said center line; **thence** South  $57^{\circ} 35' 27''$  West a distance of 399.99 feet; **thence** South  $57^{\circ} 35' 35''$  West a distance of 337.00 feet; **thence** South  $57^{\circ} 34' 41''$  West a distance of 342.98 feet; **thence** South  $57^{\circ} 30' 18''$  West a distance of 265.01 feet; **thence** South  $58^{\circ} 29' 24''$  West a distance of 364.89 feet; **thence** South  $32^{\circ} 22' 14''$  East a distance of 384.95 feet; **thence** South  $00^{\circ} 25' 58''$  East a distance of 340.16 feet; **thence** South  $00^{\circ} 35' 19''$  West a distance of 400.01 feet; **thence** South  $48^{\circ} 16' 57''$  West a distance of 220.81 feet; **thence** South  $47^{\circ} 32' 18''$  East a distance of 291.85 feet; **thence** South  $01^{\circ} 00' 30''$  West a distance of 116.54 feet to the North right of way margin of the Ovenell Road and the end of said center line.

SUBJECT TO public or private easements, covenants, restrictions, or other encumbrances of record.

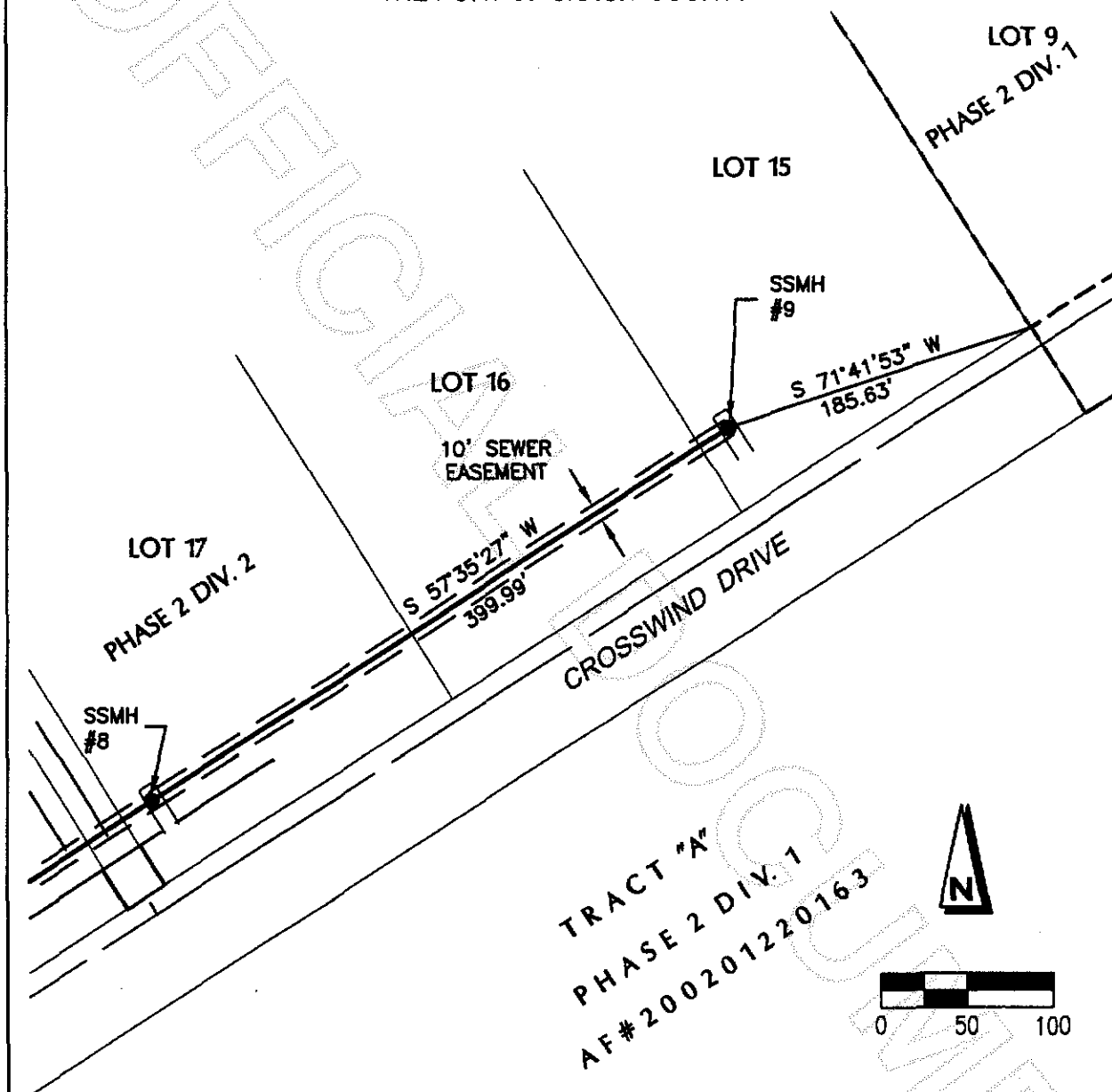
Situate in the County of Skagit, State of Washington.



EXHIBIT 3

EXHIBIT OF SANITARY SEWER EASEMENT

FOR  
THE PORT OF SKAGIT COUNTY



**Leonard, Boudinot & Skodje Inc.**

PROFESSIONAL ENGINEERS & LAND SURVEYORS

603 South First Street, P.O. Box 1226

Mount Vernon, WA 98273

Tel: 360-338-5751 Fax: 360-338-3981

SHEET 1

J:\2004\041123\SUR\EXHIBIT

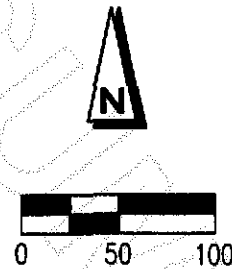
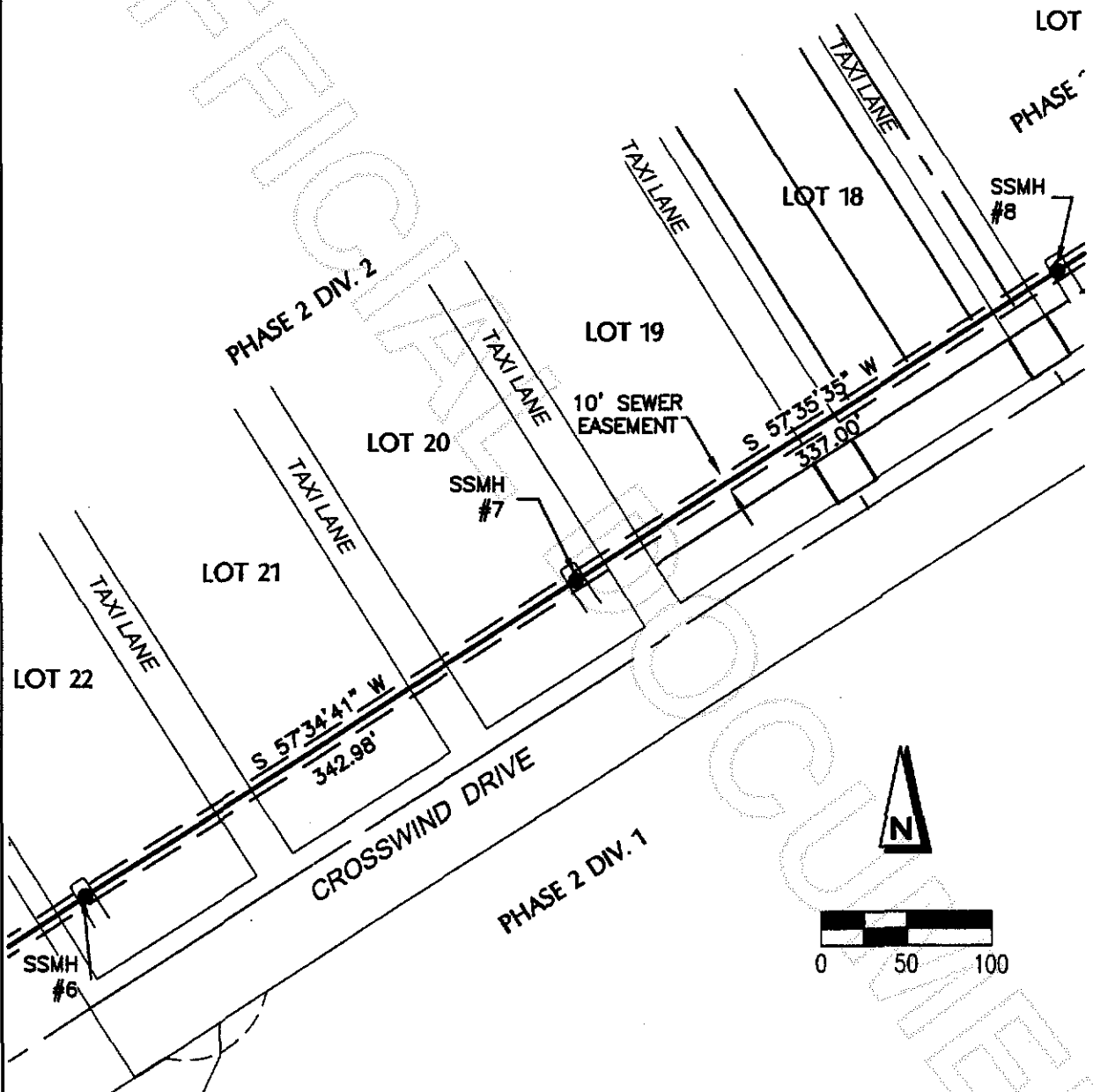


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# EXHIBIT OF SANITARY SEWER EASEMENT

FOR  
THE PORT OF SKAGIT COUNTY



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603 South First Street, P.O. Box 1228  
Mount Vernon, WA 98273  
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SHEET 2

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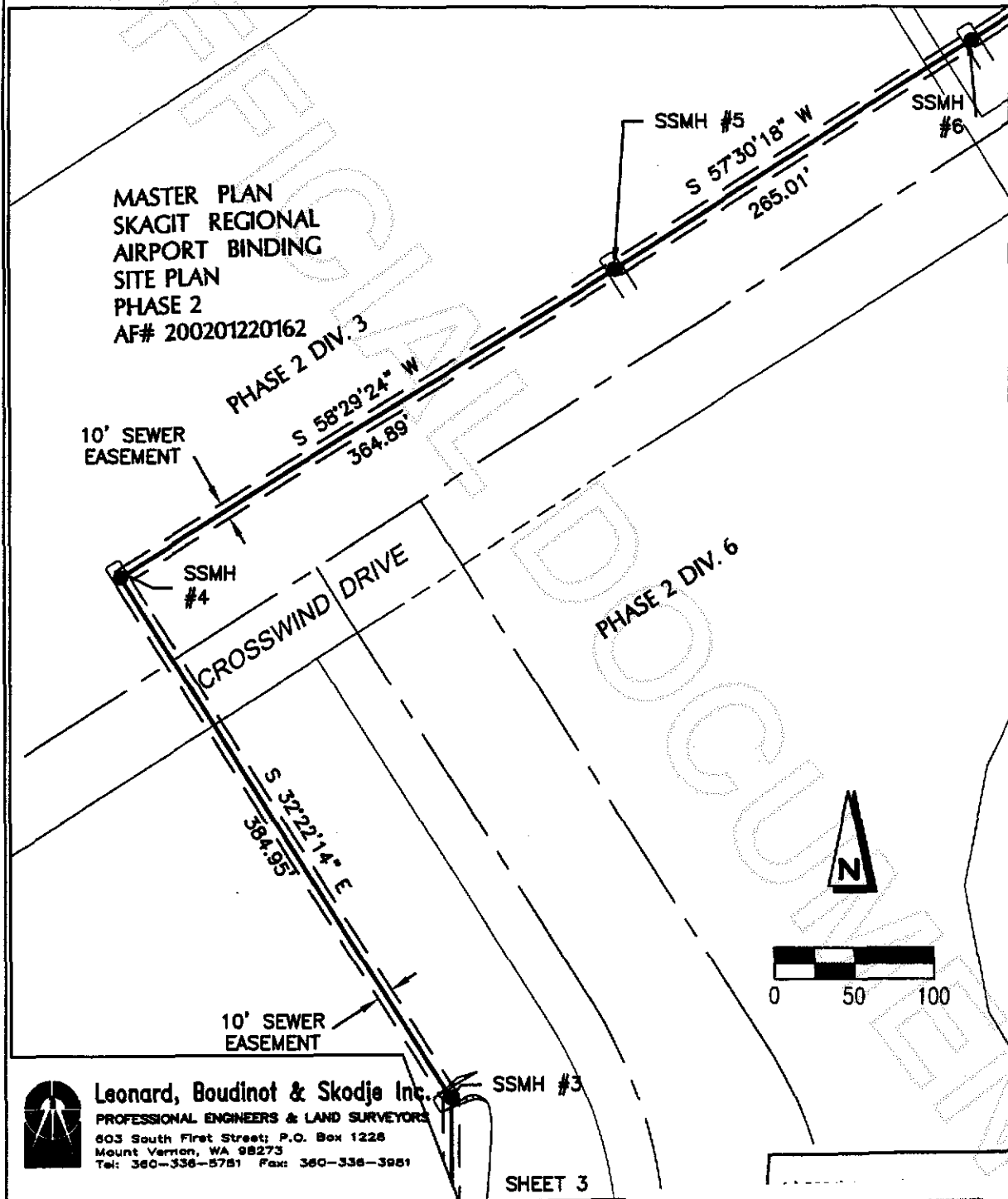


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# EXHIBIT OF SANITARY SEWER EASEMENT

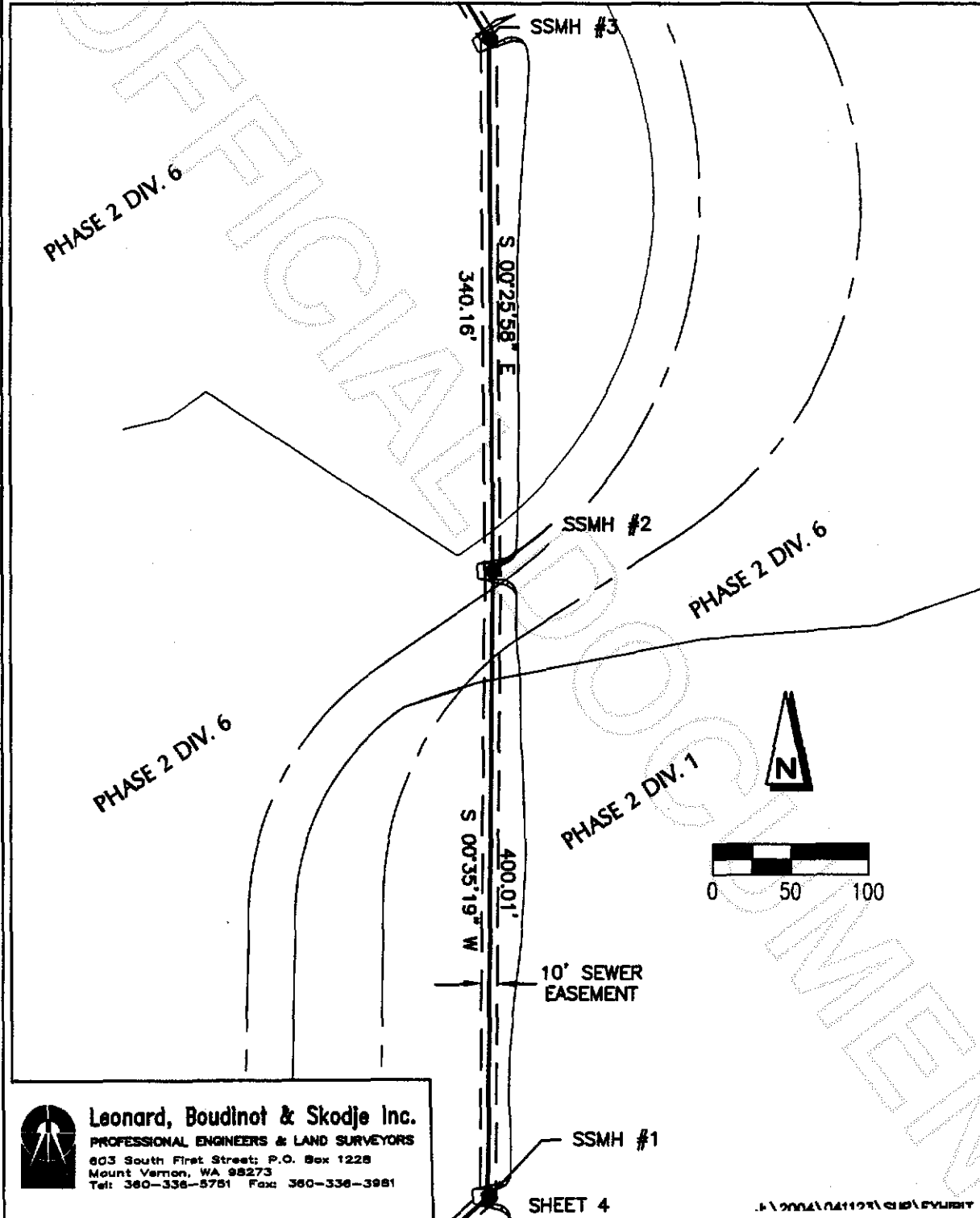
FOR  
THE PORT OF SKAGIT COUNTY



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THE PORT OF SKAGIT COUNTY



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SHEET 4

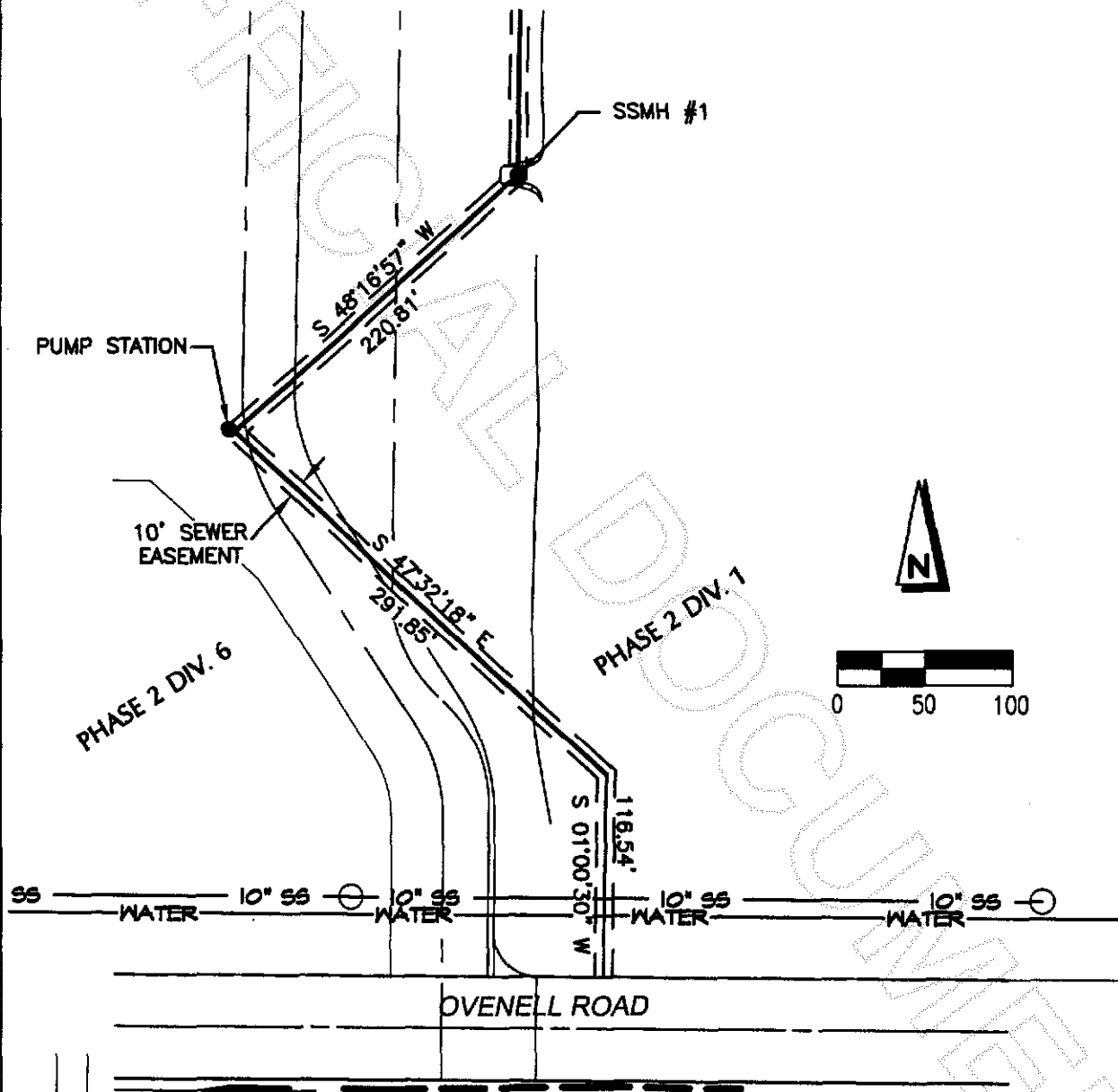


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SHEET 5

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200502230063

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