



200505260070

Skagit County Auditor

5/26/2005 Page

1 of

6 11:39AM

WHEN RECORDED RETURN TO:

Jeffery J. Solomon  
BELCHER, SWANSON, LACKEY, DORAN,  
LEWIS & ROBERTSON, P.L.L.C.  
900 Dupont Street  
Bellingham, WA 98225

LAND TITLE OF SKAGIT COUNTY

114816-S

---

|                            |   |
|----------------------------|---|
| Document Title:            | Water Line Easement   |
| Grantors:                  | Larry G. Hower and I. Lynne Hower, Trustees of the Larry G. Hower and I. Lynne Hower Revocable Living Trust |
| Grantees:                  | Don and Lorelee Ruzicka   |
| Legal Description:         | Ptn NW ¼ of NW ¼ and ptn SW ¼ of NW ¼ of Sec. 22 Twp. 36N Range 3E, W.M.                                    |
| Assessor's Tax Parcel ID#: | Ptn 360322-2-006-0108   |

---

**WATER LINE EASEMENT**

**THIS EASEMENT**, is made and entered into this 7<sup>th</sup> day of April 2005, by and between **LARRY G. HOWER AND I. LYNNE HOWER, TRUSTEES OF THE LARRY G. HOWER AND I. LYNNE HOWER REVOCABLE LIVING TRUST**, hereinafter collectively referred to as "Grantors", and **DON and LORALEE RUZICKA**, hereinafter collectively referred to as "Grantees".

**RECITALS:**

**WHEREAS**, the Grantors own real property located in Skagit County, Washington legally described as follows:

*See attached Exhibit "A"*

hereinafter referred to as "Lot A";

**WHEREAS**, the Grantees own real property located in Skagit County, Washington legally described as follows:

*See attached Exhibit "B"*

hereinafter referred to as "Lot B";

**WHEREAS**, a water line presently exists across Lot A to benefit Lot B as sketched in Exhibit "C". The water line servicing Lot B is the westernmost water line in that location; and

**WHEREAS**, the parties wish to enter into an agreement granting an easement in order to perpetuate the use and location of the water line across Lot A for the benefit of Lot B;

**NOW, THEREFORE**, the parties covenant and agree as follows:

1. **Easement.** In consideration of Grantee's promise to pay two thousand five hundred dollars (\$2,500) and the obligations herein, the Grantors do hereby grant to Grantees a nonexclusive easement which will run with the land for an underground water line over and across that portion of Lot A located seven and one half (7 ½) feet on either side of the water line servicing Lot B. This grant of easement also includes the right to enter the easement area for the purposes of inspecting, maintaining and/or repairing the water line.

2. **Payment, Recordation and Effectiveness.** Grantees shall pay Grantors from the proceeds of the sale of Lot B. This signed Agreement shall be held in trust by Grantees until such time as the sale of Lot B is prepared to close. Grantees will instruct escrow to record this Agreement before the deed transferring Grantees' interest in Lot B and to pay Grantors directly from the proceeds of the corresponding sale. Grantees are responsible for payment of excise tax, escrow and recording fees. This Agreement shall not be effective until recorded with the Skagit County Auditor and until payment is tendered to Grantors.

3. **Maintenance and Indemnification.** Grantees shall be solely responsible for maintenance and upkeep of the water line. Grantees shall further indemnify and hold harmless Grantors against any claims for damages caused by the water line.

4. **Relocation of Easement.** The easement shall not be relocated at any time except by agreement of the parties.

5. **Binding Effect.** In all respects, the provisions of this agreement shall be construed and interpreted as covenants which run with and are appurtenant to the land of the parties above described, and shall be binding upon and inure to the benefit of the heirs, assigns, successors to and personal representatives of the parties hereto.

**IN WITNESS WHEREOF**, the parties have executed this document as of the date first above written.

**GRANTORS:**

LARRY G. HOWER AND I. LYNNE  
 HOWER, TRUSTEES OF THE LARRY G.  
 HOWER AND I. LYNNE HOWER  
 REVOCABLE LIVING TRUST

By: *Larry G. Hower*  
 LARRY G. HOWER, Trustee

By: *I. Lynne Hower*  
 I. LYNNE HOWER, Trustee

**GRANTEES:**

*Don Ruzicka*  
 DON RUZICKA

*Loralee Ruzicka*  
 LORALEE RUZICKA

STATE OF WASHINGTON )  
 )ss.  
 COUNTY OF PIERCE )

On this 12<sup>th</sup> day of April, 2005, before me personally appeared Don and Lorelee Ruzicka, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal the day and year first above written.



*Karen L. Hickman*  
 Notary Public in and for the State of Washington,  
 residing at Tacoma, WA  
 My Commission Expires: 3/6/08

STATE OF WASHINGTON )  
 )ss.  
 COUNTY OF Skagit )

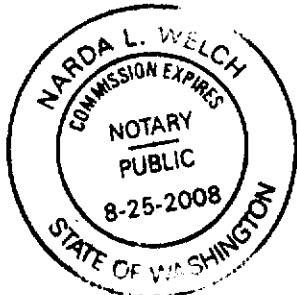
SKAGIT COUNTY WASHINGTON  
 Real Estate Excise Tax  
 PAID

MAY 26 2005

Amount Paid \$ 0  
 Skagit County Treasurer  
 By: *RP* Deputy

On this 7<sup>th</sup> day of April, 2005, before me personally appeared Larry G. Hower and I. Lynne Hower, Trustees of the Larry G. Hower and I. Lynne Hower Revocable Living Trust, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged to me that they were authorized to sign the same and did so as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal the day and year first above written.



*Narda L. Welch* NARDA L. WELCH  
 Notary Public in and for the State of Washington,  
 residing at Burlington  
 My Commission Expires: 08-25-2008

N:\WPJ\S\CLIENTS\RUZICKA, DON AND LORALEE\DOCUMENTS\WATER LINE EASEMENT - HOWER REVISED.DOC

EASEMENT - Page 3 of 3



200505260070  
 Skagit County Auditor

5/26/2005 Page 3 of 6 11:39AM

EXHIBIT A

That portion of the Northwest Quarter of the Northwest Quarter and that portion of the Southwest Quarter of said Northwest Quarter all in Section 22, Township 36 North, Range 3 East, W.M., being described as follows:

Commencing at the Southwest corner of said Northwest Quarter of Section 22; thence North  $0^{\circ} 36' 52''$  East along the Northerly extension of the West line of the Southwest Quarter of said Section 22, a distance of 1680.00 feet to the True Point of Beginning; thence South  $0^{\circ} 38' 52''$  West along said extension, 655.00 feet; thence North  $79^{\circ} 35' 00''$  East 750.00 feet; thence South  $10^{\circ} 25' 00''$  East 600.00 feet; thence East 475 feet, more or less, to the East line of said Southwest Quarter of the Northwest Quarter; thence North along said East line and the East line of said Northwest Quarter of the Northwest Quarter to a point that is North  $79^{\circ} 35' 00''$  East from the True Point of Beginning; thence South  $79^{\circ} 35' 00''$  West to the True Point of Beginning.

Except that portion thereof lying Westerly of the County Road known as the Blanchard Road or Legg Road.

Containing approximately 20 acres, all situated in Skagit County, Washington.

PARCEL NUMBER: P48051

TAX ID NUMBER: 360322-2-006-0108



200505260070

Skagit County Auditor

## EXHIBIT B

### PARCEL A:

That portion of Government Lot 1 of Section 21, Township 36 North, Range 3 East of the Willamette Meridian, described as follows:

Beginning at a point 681 feet South of the Northeast corner of said Government Lot 1;  
Thence North along the East line of said Government Lot 1, a distance of 416 feet;  
Thence West parallel with the North line of said Government Lot 1, a distance of 208 feet;  
Thence South a distance of 416 feet;  
Thence East to the point of beginning;

EXCEPT that portion embraced within the boundaries of that certain tract conveyed to Mrs. O.J. Frederickson, by deed recorded January 9, 1931, under Auditor's File No. 240131, records of Skagit County, Washington;

### PARCEL B:

An easement in Government Lot 1 of Section 21, Township 36 North, Range 3 East of the Willamette Meridian, 20 feet in width, along the North line of the old railway grade in said Government Lot 1, from said Parcel A to the County road.

All situated in Skagit County, Washington.

PARCEL NUMBER: P47944

TAX ID NUMBER: 360321-0-007-0003



200505260070

Skagit County Auditor

5/26/2005 Page

5 of

6 11:39AM

[illegible]

Note  
1st 300 feet from  
meters 3 - 2" lines  
in ditch  
Line 3 western to Line 1st 2

gate

Howser  
Parcel # 48051

1 H<sub>2</sub>O meters

1

## Survey Pin

Parcel 48052  
Leight

$$\rightarrow$$
$$I = 70$$

③ 2" poly

② H<sub>2</sub>O Line

H<sub>2</sub>O Line ①

105.

## Couplings

Fir Trees

60' Row

existing  
road

[illegible]

200505260070  
Skagit County Auditor