

1/5/2006 Page

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RETURN TO: Public Utility District No. 1 of Skagit County 1415 Freeway Drive P.O. Box 1436 Mount Vernon, WA 98273-1436

#### PUD UTILITY EASEMENT

day of JANUARY, 2006, between THIS AGREEMENT is made this PANATTONI INVESTMENTS, LLC, a California limited liability company; BRYNESTAD FAMILY, LLC, a Washington limited liability company; AND DIEPENBROCK WASHINGTON HOLDINGS, LLC, a Washington limited liability company, hereinafter referred to as "Grantor(s)", and PUBLIC UTILITY DISTRICT NO. 1 OF SKAGIT COUNTY, WASHINGTON, a Municipal Corporation, hereinafter referred to as "District". Witnesseth:

WHEREAS, Grantor(s) are the owners of certain lands and premises situated in the County of Skagit, and

WHEREAS, the District wishes to acquire certain rights and privileges along, within, across, under, and upon the said lands and premises.

NOW, THEREFORE, Grantor(s), for and in consideration of mutual benefits and other valuable consideration, receipt of which is hereby acknowledged, conveys and grants to the District, its successors or assigns, the perpetual right, privilege, and authority enabling the District to do all things necessary or proper in the construction and maintenance of a water and communication, lines or other similar public services related facilities, including the right to construct, operate, maintain, inspect, improve, remove, restore, alter, replace, relocate, connect to and locate at any time a pipe or pipes, line or lines or related facilities, along with necessary appurtenances for the transportation and control of water and electronic information on facilities over, across, along, in and under the following described lands and premises in the County of Skagit, State of Washington, to wit:

#### P116593

Exhibit "A" - Easement Description Exhibit "B" - Easement Map

together with the right of ingress to and egress from said lands across adjacent lands of the Grantor; also, the right to cut and/or trim all timber, trees, brush, or other growth standing or growing upon the lands of the Grantor which, in the opinion of the District, constitutes a menace or danger to said line or to persons or property by reason of proximity to the line. The Grantor agrees that title to all brush, other vegetation or debris trimmed, cut, and removed from the easement pursuant to this Agreement is vested in the District.

Grantors, their heirs, successors, or assigns hereby conveys and agrees not to construct or permit to be constructed structures of any kind on the easement area without written approval of the General Manager of the District. Grantors shall conduct their activities and all other activities on Grantor's property so as not to interfere with, obstruct or endanger the usefulness of any improvements or other facilities, now or hereafter maintained upon the easement or in any way interfere with, obstruct or endanger the District's use of the easement.

The Grantors also agree to and with the District that the Grantors lawfully own the land aforesaid, has a good and lawful right and power to sell and convey same, that same is free and clear of encumbrances except as indicated in the above legal description, and that Grantors will forever warrant and defend the title to said easement and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Any mortgage on said land held by a mortgagee is hereby subordinated to the rights herein granted to the District; but in all other respects the mortgage shall remain unimpaired.

Page 1 of

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In Witness Whereof, the Grantor hereo	unto sets his hand and seal this $\frac{3^{6}D}{2}$ day of $\frac{3^{6}D}{2}$ and $\frac{3^{6}D}{2}$ .
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## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

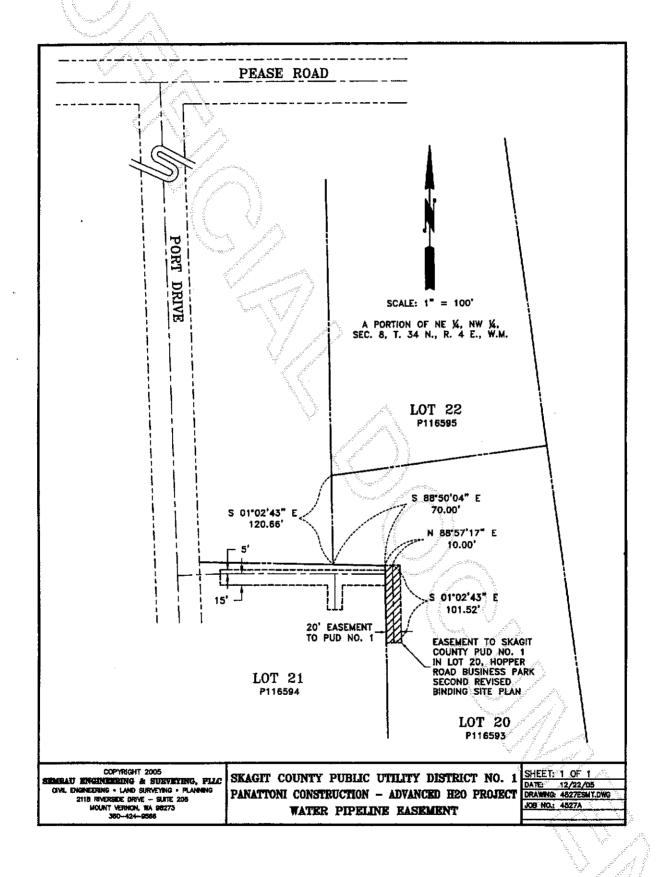
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personally appeared Michael &	Name(s) of Signer(s)
	Personally known to me ☐ proved to me on the basis of satisfactory evidence
TAMMY L. CARO Commission # 1588567 Notory Public - Colifornia	Name and Title of Drilicer (e.g., "Jane Doe, Notary Public")  Name(s) of Signet(s)  Repersonally known to me proved to me on the basis of satisfactory evidence  to be the person(s) whose name(s) is/aye subscribed to the within instrument and acknowledged to me that he/she/the/y executed the same in his/he/r/the/ir authorized capacity(ies), and that by his/he/r/the/r signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  WITNESS my hand and official seal.
Sacramento County My Comm. Expires Jun 19, 2009	signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
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Document Date: January 3,	2006 Number of Pages: 44his accin ou
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<ul><li>☐ Individual</li><li>☐ Corporate Officer — Title(s):</li></ul>	Too of thumb Here
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<ul><li>☐ Trustee</li><li>☐ Guardian or Conservator</li><li>☐ Other:</li></ul>	
Signer Is Representing:	

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## EXHIBIT "A"



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#### EXHIBIT "B"

Description for Panattoni Construction, Inc.

# Easement to PUD NO. 1 for installed facilities on Lot 20, HOPPER ROAD BUSINESS PARK SECOND REVISED BINDING SITE PLAN

A 20.00 foot wide strip of land in a portion of the Northeast Quarter of the Northwest Quarter of Section 8, Township 34 North, Range 4 East, W.M., lying 10.00 feet left and right of the following described centerline:

Commencing at the Northwest corner of Lot 20, HOPPER ROAD BUSINESS PARK SECOND REVISED BINDING SITE PLAN, as recorded June 28, 2005, under Auditor's File No. 200506280192, records of Skagit County, Washington; thence South 01°02'43" East 120.66 along the Westerly line of said Lot 20 to a corner thereof;

thence South 88°50'04" East 70.00 feet along the line of said Lot 20 to a corner there of:

thence North 88°57'17" East 10.00 feet to the TRUE POINT OF BEGINNING of said centerline description;

thence South 01°02'43" East 101.52 feet parallel with the Westerly line of said Lot 20 to the terminus of said centerline description.

Situate in the County of Skagit, State of Washington

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12/22/2005

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