



200604180097

Skagit County Auditor

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FILED FOR RECORD AT REQUEST OF:

John R. Shultz, Attorney at Law
Cascade Professional Center
160 Cascade Place, Suite 211
Burlington, WA 98233

VACATION OF EASEMENT

GRANTOR: **SKAGIT COUNTY DIKE, DRAINAGE, AND IRRIGATION IMPROVEMENT DISTRICT NO. 12**, a Washington special purpose district

GRANTEES: **PANATTONI INVESTMENTS, LLC**, a California Limited Liability Company; as to an undivided 75% interest; **BRYNESTAD FAMILY LLC**, a Washington Limited Washington Limited Liability Company, as to an undivided 15% interest, and **DIEPENBROCK WASHINGTON HOLDINGS, LLC**, a Washington Limited Liability Company, as to an undivided 10% interest

ABBREVIATED LEGAL: Ptn. of Lot 20, Hopper Rd. Business Park, Second Revised Binding Site Plan, NW/4 of Sec. 8 Twp. 34 N R 4 E.W.M.

ASSESSOR'S PARCEL NO.

P116593

THIS AGREEMENT is made this 11 day of April, 2006, by and between **SKAGIT COUNTY DIKE, DRAINAGE, AND IRRIGATION IMPROVEMENT DISTRICT NO. 12**, a Washington special purpose district, as Grantor, and **PANATTONI INVESTMENTS, LLC**, a California Limited Liability Company; as to an undivided 75% interest; **BRYNESTAD FAMILY LLC**, a Washington Limited Liability Company, as to an undivided 15% interest, and **DIEPENBROCK WASHINGTON HOLDINGS, LLC**, a Washington Limited Liability Company, as to an undivided 10% interest, as Grantees.

RECITALS:

WHEREAS, Grantor, is a Washington Special Purpose District responsible for ownership, repair, construction and maintenance of levees along the Skagit River for purposes of protection of life and property from flooding of the Skagit River within the boundaries of Skagit County Dike District No. 12; and

WHEREAS, Grantees are the current owners of real property as described above and on the attached Exhibit "A", and

WHEREAS, Grantor has previously been granted an access easement over and across the property of Grantees on December 5, 2000, under Skagit County Auditor's File No. 200012050027; and

WHEREAS, the parties hereto desire to vacate said easement, for purposes of relocating and granting a new location for said easement; and

WHEREAS, in exchange for Grantor vacating said easement, Grantees have agreed to contemporaneously convey a non-exclusive, mutually beneficial access easement for dike access and flood control, across, over and upon the lands and premises of Grantees.

NOW, THEREFORE, in consideration of the vacation of said easement, and the granting of a new relocated easement, under separate agreement to be contemporaneously recorded herein, Grantor hereby vacates, relinquishes, discontinues, and terminates said existing easement, located across, over and upon the lands of Grantees, as previously recorded under Skagit County Auditor's File No. 200012050027, and as legally described on Exhibit "A". Further, that in consideration of vacation of this easement, and the granting of a new relocated easement, Grantees hereby covenant and agree to indemnify and hold Grantor harmless from any and all loss, costs, damage, or injury caused by or arising out of Grantees' further use, ownership, and occupancy of said real property which is the subject of this Vacation of Easement.

GRANTOR:

**SKAGIT COUNTY DIKE, DRAINAGE AND
IRRIGATION IMPROVEMENT DISTRICT
NO. 12**

Easement
SKAGIT COUNTY, WASHINGTON
Real Estate Excise Tax
map

APR 18 2006

Amount Paid \$6
Skagit County Treasurer
By: *nam* Deputy

By: *Marvin B. Cannon*
Marvin B. Cannon, Commissioner

By: *Charles H. Bennett*
Charles H. Bennett, Commissioner



GRANTEE:

PANATTONI INVESTMENTS, LLC

By: [Signature]

Title: Carl D. Panattoni, Trustee of the Panattoni Living Trust, April 8, 1998, Managing Member

GRANTEE:

DIEPENBROCK WASHINGTON HOLDINGS, LLC

By: [Signature]

Title: Michael E. Diepenbrock, Trustee of the Diepenbrock Family Trust, Established March 12, 1997, Sole Member

GRANTEE:

BRYNESTAD FAMILY LLC

By: [Signature]

Title: SOLE MEMBER

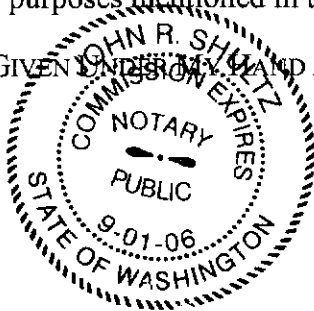
STATE OF WASHINGTON

COUNTY OF SKAGIT

SS.

I certify that I know or have satisfactory evidence that **MARVIN B. CANNON** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as Commissioner of **SKAGIT COUNTY DIKE, DRAINAGE AND IRRIGATION IMPROVEMENT DISTRICT NO. 12**, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 11th day of April, 2006.



Printed Name John R. Shultz
NOTARY PUBLIC in and for the State of Washington
My Commission Expires 9/1/06

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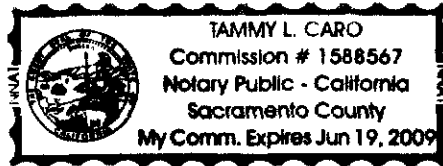
ACKNOWLEDGMENT

STATE OF California)
COUNTY OF Sacramento)

On 3/30/06 before me, Tammy L. Caro, Notary Public, personally appeared Michael E. Diepenbrock, personally known to me, or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their 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.

Tammy L. Caro (SEAL)
Notary Public Signature



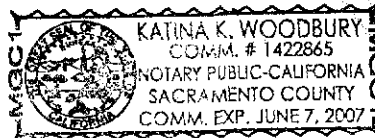
ACKNOWLEDGMENT

STATE OF California)
COUNTY OF Sacramento)

On 3-30-2006 before me, Katrina K. Woodbury, Notary Public, personally appeared Carl D. Panatten, personally known to me, or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their 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.

Katrina K. Woodbury (SEAL)
Notary Public Signature



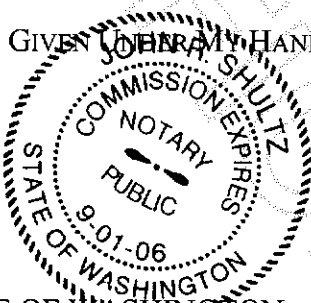
200604180097
Skagit County Auditor

STATE OF WASHINGTON
COUNTY OF SKAGIT

SS.

I certify that I know or have satisfactory evidence that **CHARLES H. BENNETT** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as Commissioner of **SKAGIT COUNTY DIKE, DRAINAGE AND IRRIGATION IMPROVEMENT DISTRICT NO. 12**, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 11th day of April, 2006.



Printed Name John R. Shultz
NOTARY PUBLIC in and for the State of Washington
My Commission Expires 9/1/06

STATE OF WASHINGTON
COUNTY OF SKAGIT

SS.

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the _____ of **PANATTONI INVESTMENTS, LLC**, to be the free and voluntary act of said entity for the uses and purposes mentioned in the instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this _____ day of _____, 2006.

Printed Name _____
NOTARY PUBLIC in and for the State of Washington
My Commission Expires _____



STATE OF WASHINGTON

COUNTY OF SKAGIT

SS.

I certify that I know or have satisfactory evidence that _____
is the person who appeared before me, and said person acknowledged that he signed this
instrument, on oath stated that he was authorized to execute the instrument and acknowledged it
as the _____ of **DIEPENBROCK WASHINGTON HOLDINGS, LLC**, to
be the free and voluntary act of said entity for the uses and purposes mentioned in the instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this _____ day of _____, 2006.

Printed Name _____

NOTARY PUBLIC in and for the State of Washington

My Commission Expires _____

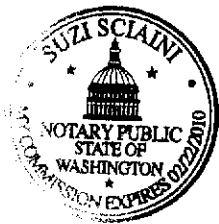
STATE OF WASHINGTON

COUNTY OF SKAGIT *KING*

SS.

I certify that I know or have satisfactory evidence that BART BRYNESTAD
is the person who appeared before me, and said person acknowledged that he signed this
instrument, on oath stated that he was authorized to execute the instrument and acknowledged it
as the SOLE MEMBER of **BRYNESTAD FAMILY LLC**, to be the free and voluntary
act of said entity for the uses and purposes mentioned in the instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 5TH day of APRIL, 2006.



Printed Name SUZI SCIANI

NOTARY PUBLIC in and for the State of Washington

My Commission Expires 2/22/10

VACATION OF EASEMENT - 5



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An easement for access purposes over and across a 20 foot wide tract in a portion 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, the centerline of said easement being more particularly described as follows:

Beginning at the Southeast corner of said Lot 20;
thence North $07^{\circ}50'01''$ West 62.00 feet along the Easterly line of said Lot 20 to the TRUE POINT OF BEGINNING of said easement centerline;
thence South $82^{\circ}09'59''$ West 96.24 feet;
thence North $88^{\circ}44'05''$ West 315.05 feet to a point of curvature;
thence along the arc of said curve to the right having a radius of 40.00 feet; through a central angle of $80^{\circ}54'04''$, an arc distance of 56.48 feet to a point of tangency;
thence North $07^{\circ}50'01''$ West 407.09 feet to a point of curvature;
thence along the arc of said curve to the left having a radius of 40.00 feet, through a central angle of $81^{\circ}00'03''$, an arc distance of 56.55 feet to a point of tangency;
thence North $88^{\circ}50'04''$ West 62.58 feet to the Westerly line of said Lot 20 and the terminus of said centerline.
The side lines of said easement are to be lengthened or shortened to intersect with the lot lines at each end of said easement.

Situate in the County of Skagit, State of Washington.



200604180097
Skagit County Auditor