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State of Washington  
Department of Transportation  
Real Estate Services Office  
P O Box 47338  
Olympia, WA 98504-7338



200604210087

Skagit County Auditor

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*Document Title: Warranty Deed (Access Rights Only)*

*Reference Number of Related Document: N/A*

*Grantor(s): Cargill, Incorporated*

*Grantee: State of Washington, Department of Transportation*

*Legal Description: Ptn SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 2 and ptn of the SW $\frac{1}{4}$  Section 1, T34N, R3E, WM*

*Additional Legal Description is on Page(s) 4, 5 & 6 of Document*

*Assessor's Tax Parcel Number(s): 340301-0-012-0002 (P20933); 340302-4-009-0000 (P85134)*

FIRST AMERICAN TITLE CO.

69399-1

**SPECIAL WARRANTY DEED  
(ACCESS RIGHTS ONLY)**

State Route 20, Fredonia to Pulver Rd. Vic.

The Grantor CARGILL, INCORPORATED, a Delaware corporation, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, in hand paid, grants, bargains, sells, conveys, and confirms to the **State of Washington, Department of Transportation**, all rights of ingress and egress (including all existing, future or potential easements of access, light, view and air) to, from and between State Route 20, Fredonia to Pulver Rd. Vic. and the following described property abutting thereon, situated in Skagit County, State of Washington, under the imminent threat of the Grantee's exercise of its right of Eminent Domain:

For legal description and additional conditions,  
see Exhibit A attached hereto and made a part hereof.

**SPECIAL WARRANTY DEED (ACCESS RIGHTS ONLY)**

The Grantor, for itself and for its successors in interest does by these presents expressly limit the covenants of the deed to those herein expressed, and exclude all covenants arising or to arise by statutory or other implication, and does hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through or under said Grantor and not otherwise, and will forever warrant and defend the said described real estate.

It is understood and agreed that delivery of this deed is hereby tendered and that the terms and obligations hereof shall not become binding upon the State of Washington unless and until accepted and approved hereon in writing for the State of Washington, Department of Transportation, by the Director of Real Estate Services.

Date: February 16, 2006

**CARGILL, INCORPORATED,**  
a Delaware corporation

By: *David G. Cieslak*  
David G. Cieslak

Its: Vice President of the  
Cargill Animal Nutrition  
Business Unit

1885  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

APR 21 2006

Amount Paid \$ 14.90  
Skagit Co. Treasurer  
By *JP* Deputy

Accepted and Approved

STATE OF WASHINGTON,  
Department of Transportation

By: *ML Palange*  
for Gerald L. Gallinger  
Director, Real Estate Services

Date: 4/19/06

**SPECIAL WARRANTY DEED (ACCESS RIGHTS ONLY)**

STATE OF MINNESOTA )

: ss.

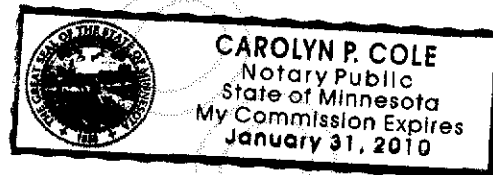
County of HENNEPIN )

On this 16th day of February, 2006, before me personally appeared David G. Cieslak to me known to be the Vice President \* of the corporation that executed the 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 authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

GIVEN under my hand and official seal the day and year last above written.

\* of the Cargill Animal  
Nutrition Business Unit

Carolyn P. Cole  
Notary (print name) Carolyn P. Cole  
Notary Public in and for the State of Minnesota,  
residing at Hennepin County  
My Appointment expires January 31, 2010



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**SPECIAL WARRANTY DEED (ACCESS RIGHTS ONLY)**

**EXHIBIT A**

**TRACT "X"**

**ACCESS RIGHTS ONLY in and to the following described parcels:**

**PARCEL A**

That portion of the southwest quarter of Section 1, Township 34 North, Range 3 East, W.M., in Skagit County, Washington, lying between the south line of the Great Northern Railroad right-of-way and the north line of the State Highway right-of-way as said right-of-way is shown on that certain map approved May 20, 1944, entitled SR 20, Bayview-Burlington Naval Access Road, on sheet 1 of 2 on file with the State of Washington, Department of Transportation;

EXCEPT mineral rights, as reserved by the United States of America by Deed recorded under Auditor's File No. 370956, records of Skagit County, Washington.

**PARCEL B**

That portion of the two strips of land conveyed to the Seattle and Northern Railway Company by Deeds recorded in Volume 9 of Deeds, at page 311, and Volume 16 of Deeds, at page 65, described as follows:

All that portion of the Burlington Northern and Sante Fe Railway Company's right-of-way in the southeast quarter of the southeast quarter of Section 2, Township 34 North, Range 3 East, W.M., in Skagit County, Washington, described as follows:

Beginning at a point on the east line of said Section 2, distant northerly 441.72 feet from the southeast corner of said Section 2; thence South 63°27'50" West (bearing assumed for the purpose of this description) along a line parallel with and distant southeasterly, 150.0 feet from the centerline of the Burlington Northern and Sante Fe Railway Company's main line track, a distance of 448.8 feet to the easterly line of that certain parcel of land described in Deed dated November 24, 1997, from the Burlington Northern and Sante Fe Railway Company to Northwest Fuel Company, Inc., recorded under Auditor's File No. 9712110022, records of Skagit County, Washington, said easterly line of said Deed being parallel with and distant 275.0 feet northeasterly, as measured at right angles from the northwesterly extension of the northeasterly line of 60 foot wide Main Street, according to the recorded plat of Avon; thence North 28°52'18" West along the easterly line of said



**SPECIAL WARRANTY DEED (ACCESS RIGHTS ONLY)**

**EXHIBIT A**  
(continued)

Deed, a distance of 126.10 feet to a line parallel with and distant southeasterly 24.0 feet from said centerline; thence North 63°27'50" East along said parallel line, a distance of 514.20 feet to said east line of Section 2; thence South 00°58'30" East along said east line, a distance of 139.67 feet to the point of beginning.

EXCEPT that the State shall construct on its right of way a Type "D" off and on approach not to exceed 50 feet in width for use necessary to the normal operation of a commercial establishment at or near a point opposite and northwesterly of HES 662+30 as shown on Sheet 13 of 23 Sheets of the hereinafter mentioned map of definite location, and to which off and on approach only, the Grantor, its successors or assigns reserves a right of reasonable access for that purpose only. Traffic using this approach will be limited to right in/right out movements.

AND EXCEPT that the State shall construct on its right of way a Type "D" off and on approach not to exceed 50 feet in width for use necessary to the normal operation of a commercial establishment at or near a point opposite and northwesterly of HES 668+09 as shown on Sheet 14 of 23 Sheets of the hereinafter mentioned map of definite location, and to which off and on approach only, the Grantor, its successors or assigns reserves a right of reasonable access for that purpose only. Traffic using this approach will be limited to right in/right out movements.

AND EXCEPT that the State shall construct on its right of way a Type "D" off and on approach not to exceed 50 feet in width for use necessary to the normal operation of a commercial establishment at or near a point opposite and northwesterly of HES 670+44 as shown on Sheet 14 of 23 Sheets of the hereinafter mentioned map of definite location, and to which off and on approach only, the Grantor, its successors or assigns reserves a right of reasonable access for that purpose only. Traffic using this approach will be limited to right in/right out movements.

Said approaches shall be maintained between the right of way line and the shoulder line of said highway by the Grantor, its successors or assigns.

The Grantor herein further grants to the State of Washington, or its agents, the right to enter upon the Grantor's remaining lands where necessary to reconstruct said road approaches.



## **SPECIAL WARRANTY DEED (ACCESS RIGHTS ONLY)**

The specific details concerning all of which are to be found in that certain map of definite location now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval June 3, 2005, revised November 4, 2005.

Grantor's Initials

*DS*



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