



200610050095

Skagit County Auditor

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RETURN TO:  
JOHN W. HICKS  
SCHACHT & HICKS  
PO BOX 1165  
MOUNT VERNON WA 98273

DOCUMENT TITLE: AGREEMENT AND EASEMENT

GRANTOR: SKAGIT COUNTY, WASHINGTON

GRANTEE: GILBERTSON LAND COMPANY, LLC

ABBREVIATED LEGAL DESCRIPTION:

Affects:  
SE 1/4 Sec. 18, Twmsp 33 N, R 5 E.W.M.

SKAGIT COUNTY  
Contract # C20060431  
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Appurtenant to:  
Ptms SE 1/4 of NW 1/4, N 1/2 of the SW 1/4 and the SW 1/4 of  
the Southeast 1/4, Section 17, Twmsp 33 North, R 5 E.W.M. Ptms  
of the SE 1/4 of the SW 1/4, Sec 18, Twmsp 33 N. R 5 E.W.E.M.

ADDITIONAL LEGAL DESCRIPTION ON PAGES:  
Over and Across legal on EXHIBIT B  
Appurtenant to legal in EXHIBIT C

ASSESSOR'S TAX PARCEL NUMBER: EXHIBIT B 18129  
EXHIBIT C P18148 and P18117

**AGREEMENT AND EASEMENT**

This Agreement made and entered into October 2, 2006, by  
and between SKAGIT COUNTY, WASHINGTON, a political subdivision of  
the State of Washington (SKAGIT); STATE OF WASHINGTON by and  
through the INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION (IAC), and  
GILBERTSON LAND COMPANY, L.L.C. (LLC);

W I T N E S S E T H :

WHEREAS, the parties have negotiated the terms and conditions of an easement as set forth below over and across property owned by SKAGIT, which property may be utilized as a part of the Centennial Trail System for Outdoor Activities. The easement across the trail is to serve LLC's property described below.

NOW, THEREFORE, upon the terms and conditions set forth below, the parties agree as follows:

1. LLC, pursuant to the Class 1 trail standards set forth in Exhibit A shall safely construct the Centennial Trail through the easement area described in Exhibit B. LLC shall only be obligated to construct the trail at such time as the county shall have officially opened and provided independent access to any portion of the Centennial Trail which is adjacent to LLC's property described in Exhibit C.
2. SKAGIT and LLC agree that neither shall interfere unreasonably with the use to which the other intends to put either the easement or the trail. Each recognizes that at different times there may be momentary interference due to traffic in either direction either on the trail or across the trail.
3. Signage. Signage shall be placed on the north and south boundary lines of the easement area described in Exhibit B. Signage shall alert trail users to the conditions to be encountered throughout the easement. The signs shall be installed prior to easement construction. SKAGIT shall determine the signage design and context subject to LLC's review and approval. LLC shall pay the signage manufacturing costs. SKAGIT shall bear the cost of installation and maintenance.
4. LLC agrees to pay SKAGIT the sum of One thousand four hundred (\$1,400.00) as full and final compensation for the easement which has been granted by SKAGIT.
5. SKAGIT, as Grantor, hereby grants a perpetual non-exclusive easement for ingress, egress and utilities to LLC as Grantee and its heirs, successors and assigns over and across the real property described in Exhibit B, which easement shall be appurtenant to the real property described in Exhibit C as depicted on Exhibit D.



6. The STATE OF WASHINGTON by and through the IAC approves and confirms this agreement.

GILBERTSON LAND COMPANY, L.L.C.

By Traci M. Gilbertson  
TRACI M. GILBERTSON,  
Managing Member

SKAGIT COUNTY BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

Kenneth A. Dahlstedt  
KENNETH A. DAHLSTEDT, Chairman

Ted W. Anderson  
TED W. ANDERSON, Commissioner

Don Munks  
DON MUNKS, Commissioner

ATTEST:

Joanne Giesbrecht  
JOANNE GIESBRECHT, Clerk of the Board  
SKAGIT COUNTY BOARD OF COMMISSIONERS

Approved as to form:

SKAGIT COUNTY PROSECUTING ATTORNEY

By A.G. Denny  
~~A.G. DENNY, DPA~~

APPROVED AS TO CONTENT:

Robert W. Vaux  
ROBERT W. VAUX  
DIRECTOR PARKS AND RECREATION

Approved:  
STATE OF WASHINGTON INTERAGENCY  
COMMITTEE FOR OUTDOOR RECREATION (IAC)

By Please See Attached Commission Approval Document from I.A.C.

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

OCT 05 2006

Amount Paid \$  
Skagit Co. Treasurer  
By MP Deputy

SKAGIT COUNTY  
Contract # C20060431

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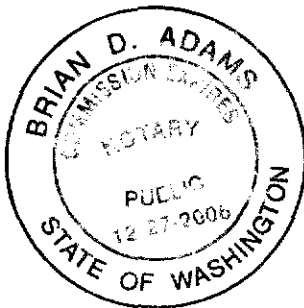


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Skagit County Auditor

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that TRACI M. GILBERTSON is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as managing member of GILBERTSON LAND COMPANY, L.L.C., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: Aug 22, 2006.

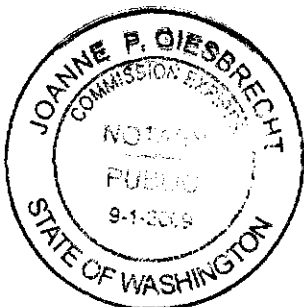


Brian Adams  
Printed name: BRIAN ADAMS  
Notary Public in and for the state of  
Washington, residing at SKAGIT CO  
My appointment expires: 12-27-06

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that DON MUNKS 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 a member of the Board of Commissioners of Skagit County to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 10/2, 2006.



Joanne P. Giesbrecht  
Printed name: JOANNE P. GIESBRECHT  
Notary Public in and for the state of  
Washington, residing at MOUNT VERNON  
My appointment expires: 9-1-09



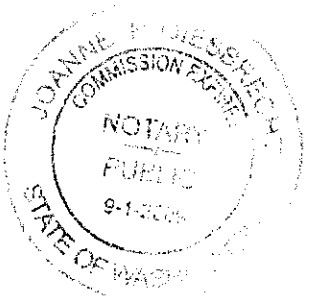
200610050095  
Skagit County Auditor

UNOFFICIAL

STATE OF WASHINGTON )  
 )  
 ) SS.  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that KENNETH A. DAHLSTEDT 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 a member of the Board of Commissioners of Skagit County to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 10/2, 2006.



*Joanne P. Giesbrecht*  
Printed name: JOANNE P. GIESBRECHT  
Notary Public in and for the state of  
Washington, residing at MOUNT VERNON  
My appointment expires: 9-1-09



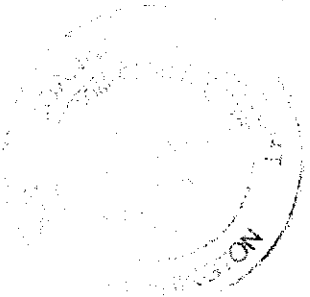
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STATE OF WASHINGTON )  
 )  
 ) SS.  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that TED W. ANDERSON 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 a member of the Board of Commissioners of Skagit County to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 10/2, 2006.



*Joanne P. Giesbrecht*  
Printed name: JOANNE P. GIESBRECHT  
Notary Public in and for the state of  
Washington, residing at MOUNT VERNON  
My appointment expires: 9-1-09

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Interagency Committee for Outdoor Recreation

360/902-3000  
360/902-3026 (fax)  
email: info@iac.wa.gov



Salmon Recovery Funding Board

360/902-2636  
360/902-3026 (fax)  
email: salmon@iac.wa.gov

STATE OF WASHINGTON

OFFICE OF THE INTERAGENCY COMMITTEE  
1111 Washington Street SE  
PO Box 40917  
Olympia, WA 98504-0917

Date: June 28, 2006  
To: Laura Eckert Johnson, Director  
From: Marguerite Austin, Manager: Recreation and Habitat Section  
Prepared by: Darrell Jennings, Outdoor Grant Manager  
Re: Administrative Conversion Request  
Skagit County, Centennial Trail Highway 9 IAC #91-157A

### Summary

On May 3, 2006 Skagit County Parks and Recreation Department submitted an Administrative Conversion request for property acquired through the assistance of a Washington Wildlife and Recreation Program – Trails category grant. The County is seeking to convey an access easement to an adjacent landowner across land acquired for trail purposes. Currently the landowner is landlocked with no legal access to their property.

### Background

In 1991 The Interagency Committee for Outdoor Recreation approved one of the first Washington Wildlife and Recreation Program (WWRP) – Trails category grants to Skagit County to acquire segments of a former railroad line. The trail that will eventually be developed on this route will be an extension of the Centennial Trail extending south into Snohomish and King Counties. Through the grant, the County was able to secure 120+ acres from numerous landowners. Many of the properties were not contiguous to one another but have become the foundation and vision for future development of a north-south trail corridor paralleling Highway 9 through Skagit County. Currently, the only developed portion of the Centennial Trail in Skagit County totals only about one mile and is located approximately 7 miles south of the location subject to this conversion request.

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In 2004, the adjacent property owner contacted Skagit County about obtaining an easement crossing a portion of property acquired through the above referenced grant. The landowner presently has no legal access to their 92- acre property and negotiations with other landowners have failed. The purpose access easement would be used for truck hauling at a proposed gravel extraction operation on the landowner's property. At peak production, it is expected to be as many as 200 truck-trips per day.

### Analysis

Staff reviewed the proposal based on the criteria set for the in IAC Manual #7, Funded Project: Policies and Procedures as follows:

**1. All practical alternatives have been evaluated and rejected on sound basis.**

This request was initiated from a neighboring private property owner that had tried negotiations with another landowner and failed. The only other alternative for this landowner to obtain access to their property was legal action. The County working with the landowner to grant an easement seemed to be the best alternative for all parties involved.

**2. Fair market value.**

The opinion of fair market value of both the converted and replacement properties has been established in an appraisal report. The appraiser determined a value of \$1400 for the access easement (converted area). The replacement property also appraised equally at \$1400. Because the opinion of value is below the \$10,000 threshold requiring sponsors to follow the USPAP format, and a review appraisal was not required.

**3. Recreation utility and location.**

The location of both the converted replacement properties are located within close proximity of one another – separated by only a few hundred feet. While the replacement property does not afford additional trail miles, it does however provide a benefit to the future Centennial Trail. The replacement property will provide the opportunity to develop a picnic/rest area designed for trail users.

Another benefit for establishing this access easement is that it also provides access to this trail segment for maintenance purposes. As mentioned above, the trail corridor is not developed at this time and made up of several non-contiguous parcels. This particular trail segment lies 15-20 feet above the adjacent state highway grade. The neighboring landowner that will benefit from the access easement will develop their access road from SR9 across the trail corridor to their property. To do so, significant cut and removal of material will be necessary. The conversion area footprint takes into consideration adequate area to achieve a slope that meets ADA guidelines for when the trail is eventually constructed.



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**4. Eligibility.**

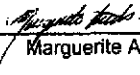
The property proposed for replacement meets the eligibility requirements established by the Interagency Committee for Outdoor Recreation Board and set forth in IAC participation manual #3: Acquiring Land: Policies and Procedures.

**Recommendation**

Due to the size and scope of the request, the conversion meets the criteria for administrative conversion, which the IAC Director has been granted authority to approve. Based upon the information provided by the Project Sponsor and field visits by IAC staff, staff is recommending approval of the conversion.

  
\_\_\_\_\_  
Darrell Jennings, Outdoor Grant Manager

6-27-06  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Marguerite Austin, Manager Recreation Section

6/27/06  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Laura Eckert Johnson, IAC Director

7/5/2006  
\_\_\_\_\_  
Date



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### Class I Trails

1. Single surfaced tread with a minimum width of eight feet. Parallel treads (surfaced and unsurfaced will have a minimum widths of eight feet and four feet, respectively. Tread width may be reduced to 36 inches for a maximum distance of 10 feet to pass or preserve significant features such as rock formations, important vegetation, etc.
2. Tread surface will be asphalt, concrete, pavers set on concrete, wood decking, natural lines, or a well maintained compacted crushed gravel mixture. The tread material including any base course will have a total minimum thickness of six inches. Wood deck planks must be run perpendicular to the direction of travel and joints must not exceed 36 inch. Planks must be securely fastened so they do not warp.
3. The minimum cleared zone will be tread width plus 2 feet to either side of the tread and 10 feet vertical.
4. Maximum sustained running grade is 8%. A 10% maximum grade is allowed for a maximum distance of 30 feet.
5. Tread will be raised above adjacent surfaces and have a 1 to 2 inch crown. Where this requirement is not possible, the tread will have a 1 to 20 cross slope and/or side ditches outside the cleared zone. Stream crossings will be over culverts or bridges. Only dips or slot-entrance drainpipe will be used for cross tread water stops.
6. Wood chips are not an acceptable tread material for Class I trails.
7. Geo-textile material will be placed beneath the tread material in poorly drained, boggy or marshy areas, or wet meadows and on any of the following soil types; clays, clayey loams, silts, silty loams, or loess.
8. Adequate visibility for safety.
9. All above items may be modified to meet current ADA specifications.

### EXHIBIT A

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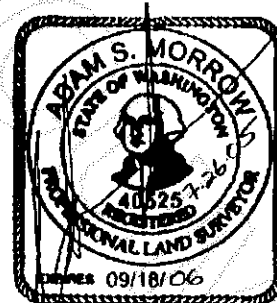
**EASEMENT DESCRIPTION**

AN EASEMENT FOR ACCESS, SLOPE AND UTILITIES, LYING OVER, UNDER AND ACROSS THAT PORTION OF THE NORTHERN PACIFIC RAILWAY COMPANY'S ABANDONED RIGHT OF WAY, AS RELOCATED PER DECREE ENTERED JUNE 13, 1913, IN SKAGIT COUNTY SUPERIOR COURT CAUSE NO. 6944, WITHIN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 33 NORTH, RANGE 5 EAST, W.M., SKAGIT COUNTY, AND DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE ALONG THE SOUTH LINE THEREOF, NORTH 88°47'35" WEST 173.97 FEET TO THE EASTERLY MARGIN OF SAID NORTHERN PACIFIC RAILWAY COMPANY RIGHT OF WAY; THENCE ALONG SAID EASTERLY MARGIN NORTH 11°45'21" EAST 50.21 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY MARGIN NORTH 11°45'21" EAST 124.35 FEET TO A POINT OF CURVATURE CONCAVE TO THE SOUTHEAST FROM WHICH THE RADIUS POINT BEARS SOUTH 78°14'39" EAST 1780.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE 26.78 FEET THROUGH A CENTRAL ANGLE OF 00°51'43"; THENCE SOUTH 85°51'53" WEST 27.70 FEET; THENCE NORTH 22°38'48" WEST 32.23 FEET; THENCE NORTH 14°27'50" EAST 102.30 FEET; THENCE NORTH 16°14'26" EAST 93.97 FEET; THENCE NORTH 28°47'09" WEST 17.22 FEET; THENCE SOUTH 86°57'28" WEST 26.70 FEET TO THE EASTERLY RIGHT OF WAY MARGIN OF STATE ROUTE 9, AS ORIGINALLY DEEDED TO SKAGIT COUNTY BY DEED RECORDED DECEMBER 17, 1915 UNDER AUDITOR'S FILE NO. 111152, FROM WHICH THE CENTERLINE OF SAID RIGHT OF WAY MEASURES 30.00 FEET; THENCE ALONG SAID EASTERLY MARGIN SOUTH 22°59'25" WEST 86.41; THENCE CONTINUING ALONG SAID EASTERLY MARGIN SOUTH 06°56'25" WEST 265.20 FEET; THENCE NORTH 78°55'47" EAST 69.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,945 SQUARE FEET, MORE OR LESS.

SITUATE IN SKAGIT COUNTY, WASHINGTON.



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DESCRIPTION:

PARCEL "A":

That portion of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ; the North  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  and the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 17, Township 33 North, Range 5 East, W.M., lying Easterly of the Northern Pacific Railway Co. right-of-way as relocated as per decree entered June 30, 1913, in Skagit County Superior Court Cause No. 6944, EXCEPT any portion thereof lying within a tract of land as conveyed to School District No. 67, by deed recorded July 20, 1914, in Volume 97 of Deeds, page 272, records of said County, EXCEPT County road and railroads.

Situate in the County of Skagit, State of Washington.

PARCEL "B":

That portion of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , Section 18, Township 33 North, Range 5 East, W.M., lying Easterly of the Northern Pacific Railway Co., right of way as relocated as per decree entered June 13, 1913, in Skagit County Superior Court Cause No. 6944,

EXCEPT that portion conveyed to the State of Washington by instrument recorded September 6, 1938 in Volume 175 of Deeds, page 303.

Situate in the County of Skagit, State of Washington.



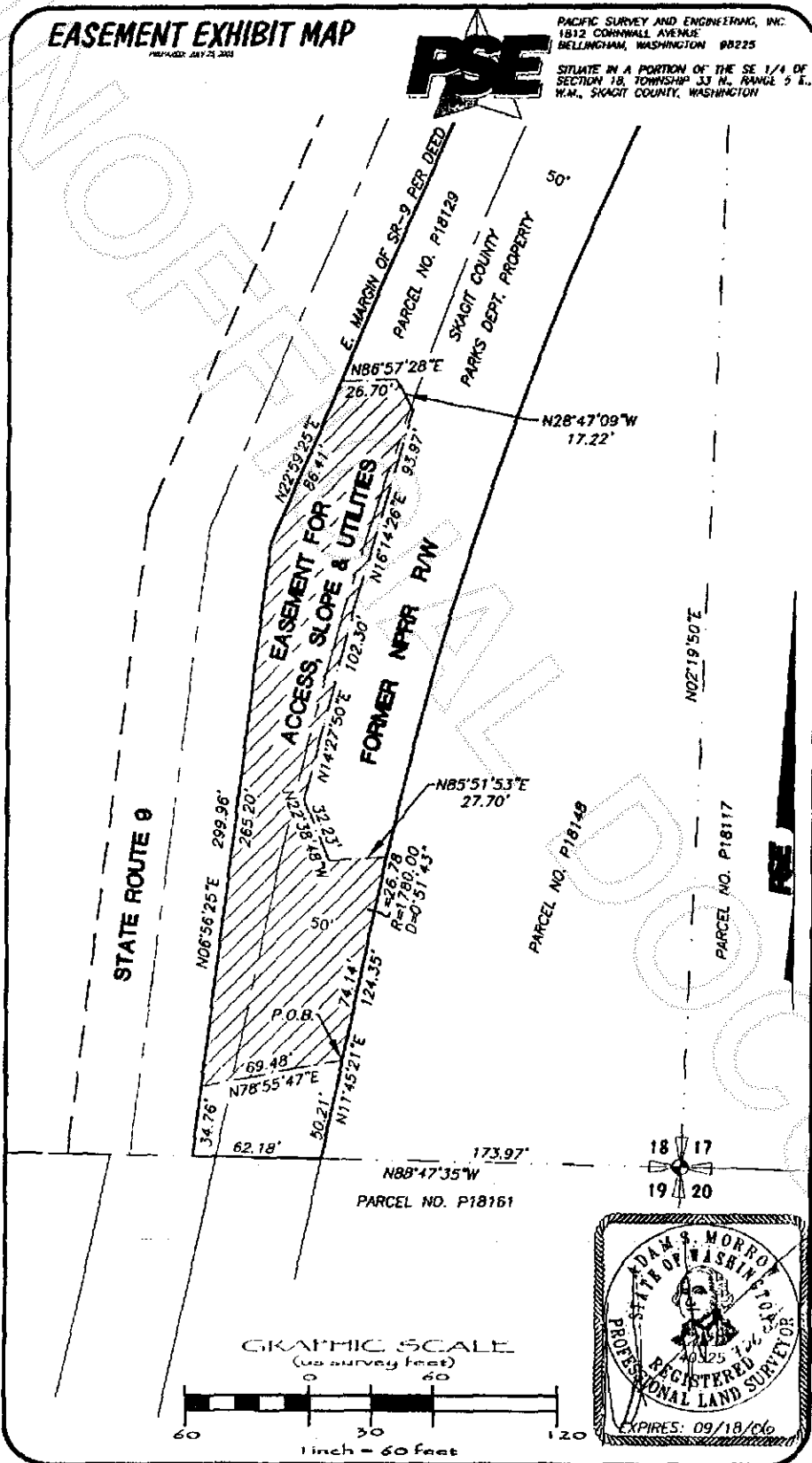
**EASEMENT EXHIBIT MAP**

PN21402Z JAN 25 2003

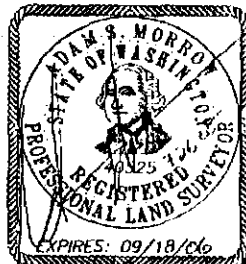
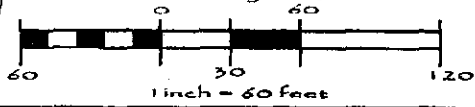


PACIFIC SURVEY AND ENGINEERING, INC.  
1812 CORNWALL AVENUE  
BELLINGHAM, WASHINGTON 98225

SITUATE IN A PORTION OF THE SE 1/4 OF SECTION 18, TOWNSHIP 33 N., RANGE 5 E., W.M., SKAGIT COUNTY, WASHINGTON



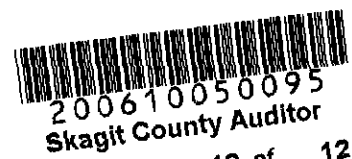
GRAPHIC SCALE  
(in survey feet)



SKAGIT COUNTY  
Contract # C20060431

EXHIBIT D

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