

After recording return to:  
Gary T. Jones  
P. O. Box 1245  
Mount Vernon, WA 98273



200610170131

Skagit County Auditor

10/17/2006 Page 1 of 6 3:54PM

## EASEMENT

Abbreviated Legal: N margin of S  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of Sec 30 Township 33 N Range 4 E, W.M.

Together with portions of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Sec 30 Township 33 N  
Range 4 E, W.M.

Tax Parcel No.: P17513, P17511, P17510

GRANTORS, RICHARD H. SMITH and PATRICIA A. SMITH, husband and wife, owners of a servient estate described in Exhibit "B" attached hereto and S & B. PROPERTIES, INC., a Washington Corporation, as to a servient estate described in Exhibit "B" attached hereto and incorporated herein by this reference, for no monetary consideration, and for the benefit of MOUNT VERNON RESEARCH AND EXTENSION UNIT OF WASHINGTON STATE UNIVERSITY, convey and quit-claim to Grantee, WASHINGTON STATE UNIVERSITY FOUNDATIONS, a not-for-profit charitable organization, an easement for vehicle access appurtenant to the real estate described in Exhibit "A" attached hereto and incorporated herein by this reference as if fully set forth as a permanent non-exclusive Easement, on the following further terms and conditions.

1. The above described non-exclusive easement will run with the land and may be improved, maintained and used by the Grantee, the Grantee's employees, agents, tenants, representatives and contractors for regular vehicular access to and from the benefited property and as a haul road for trucks and equipment to and from the benefited property and other contiguous properties that may be in the ownership or control of the Grantee or the Grantor, their successors or assigns.

2. The Easement does not create access rights for the general public.
3. The Easement consists of a strip of land 16 feet in width, except for additional width necessary to accommodate turning radius at points of entry and curves in the road, provided that if lateral support for the construction, maintenance and operation of a 16 foot wide road bed requires cuts or fills for practical use, then this Easement will include such additional width as is necessary to maintain a 2-1 slope for cut and fill areas on the margins of the 16 foot wide strip. The Easement shall be located over, under, along and across the existing farm road commencing at the east edge of the Pioneer Highway right-of-way, thence running approximately along the north margin of the South 1/2 of the Southeast 1/4 of Section 30, Township 33 North, Range 4 East, W.M., to a farmhouse; thence south of the said farmhouse, then following the approximate centerline of said existing farm road along the east side of the farmhouse and thence northeasterly along the untilled land adjacent to the Grantors tilled fields to a point on the south margin of the benefited property.
4. It shall be the duty and obligation of the Grantors and the Grantees to contribute in proportion to use by that party, its agent, employees, contractors and tenants to the maintenance and repair of the Easement road, including the culvert crossing the Big Ditch or main canal of the Skagit County Drainage and Irrigation District No. 17. It shall also be the responsibility of each party to repair damage to the Easement road caused by that party and to restore the Easement road to its condition prior to the damage, all at the expense of the party causing the damage.
5. It is expected that the non-exclusive users of the easement will at least annually grade and gravel the road and share the cost of maintenance in proportion to each party's use during the period prior to the last regular annual maintenance work. If improvements other than regular annual maintenance made by one of the parties predominately benefit that party's use and provide in substantial additional benefit to the other party's use, then the other party shall not be obligated to



6. The Grantors and Grantee as owners of the burdened and benefited properties agree to consult each other and to share the reasonable costs of signage to inform the public that the Easement is not a public right-of-way and is reserved for the use of private owners, their employees, contractors, agents, representatives and tenants and not for general public use.

DATED this \_\_\_\_\_ day of September 2006.

S & B PROPERTIES, INC. LLC *R1/2*

Richard H. Smith  
RICHARD H. SMITH, Grantor

Richard H Smith, President

ATTEST:

Patricia A Smith  
PATRICIA A. SMITH, Grantor

\_\_\_\_\_, Secretary

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

On this day personally appeared before me RICHARD H. SMITH and PATRICIA A. SMITH, husband and wife, 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.



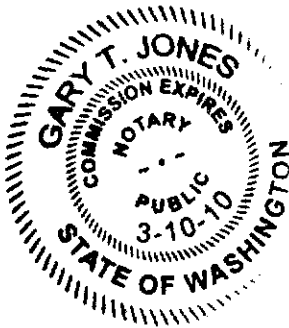
Notary Public in and for  
State of Washington  
Residing at: Mount Vernon  
My commission expires: 3/10/2010



STATE OF WASHINGTON )  
 )ss.  
COUNTY OF SKAGIT )

On this 22 day of September 2006, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Richard L. Smith and presented a resolution, to ~~me known to be the President and Secretary~~, respectively, of S & B PROPERTIES, INC., the Washington ~~corporation~~ that executed the foregoing instrument, and acknowledged the 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 are authorized to execute the said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

WITNESS MY HAND AND OFFICIAL SEAL affixed the day and year first above written.



Gary T. Jones  
NOTARY PUBLIC in and for the State  
of Washington, residing at Mount Vernon  
My commission expires: 3/10/2010

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

OCT 17 2006

Amount Paid \$ 2  
By Lp Skagit Co. Treasurer  
Deputy



200610170131  
Skagit County Auditor

10/17/2006 Page 4 of 6 3:54PM

March 10, 2006

**LEGAL DESCRIPTION :     EXHIBIT "A"**

**Lot B After Lot Line Adjustment**

All those portions of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 30, Township 33 North, Range 4 East, W.M., and of the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 30, Township 33 North, Range 4 East, W.M., lying East of the following described line:

Commencing at the Northeast corner of said South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 30, Township 33 North, Range 4 East, W.M., as said point is shown on that certain Record of Survey recorded under Auditor's File No. 200503310106, records of Skagit County, Washington;  
thence North  $88^{\circ} 38' 24''$  West along the North line of said subdivision, 608.86 feet to the TRUE POINT OF BEGINNING of said described line;  
thence South  $03^{\circ} 29' 20''$  West, 1316.37 feet to the South line of said North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 30, Township 33 North, Range 4 East, W.M., said point being the end of said described line, said point lying North  $88^{\circ} 43' 04''$  West, 653.82 feet from the Southeast corner of said North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 30;

TOGETHER WITH that portion of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 29, Township 33 North, Range 4 East, W.M., described as follows:

Beginning at the Southwest corner of said Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ;  
thence East along the South line thereof a distance of 293 feet;  
thence North, parallel to the West line of said subdivision, to the Southerly right of way line of the English Lumber Company Logging Railroad;  
thence Westerly along the Southerly right of way line of said logging railroad right of way to its intersection with the West line of said Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ;  
thence South along said West line to the point of beginning; and also

TOGETHER WITH that portion of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 29, Township 33 North, Range 4 East, W.M., described as follows:

Beginning at the Northwest corner of said Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ;  
thence East along the North line thereof a distance of 293 feet;  
thence Southwesterly in a straight line to a point on the East line of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 30, Township 33 North, Range 4 East, W.M., midway between the Northeast corner and the Southeast corner thereof;  
thence North along the West line of said Section 29 to the point of beginning.

Except from all of the above Diking and Drainage Districts rights -of-way, if any.



200610170131  
Skagit County Auditor

10/17/2006 Page

5 of

6 3:54PM

## EXHIBIT "B"

### PARCEL "A"

The South 908.6 feet of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  and the South 908.6 feet of that portion of Government Lot 13, lying East of State Highway right of way; all in Section 30, Township 33 North, Range 4 East, W. M.,

EXCEPT road and drainage ditch rights of way,

AND EXCEPT all that portion of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  and that portion of Government Lot 13, lying East of State Highway right of way; all in Section 30, Township 33 North, Range 4 East, W. M., described as follows:

Beginning at the Southeast section corner of said Section 30, from which the South line of said Section bears North  $88^{\circ}14'06''$  West;  
thence North  $01^{\circ}55'29''$  East along the East line of said Section 30, a distance of 624.05 feet;  
thence North  $88^{\circ}14'06''$  West being parallel with the South line of said section, a distance of 573.53 feet;  
thence South  $28^{\circ}36'54''$  West a distance of 105.62 feet;  
thence South  $33^{\circ}52'19''$  West, a distance of 85.50 feet;  
thence South  $27^{\circ}08'25''$  West, a distance of 85.82 feet;  
thence South  $09^{\circ}37'01''$  West, a distance of 146.12 feet;  
thence South  $11^{\circ}23'26''$  West a distance of 130.20 feet;  
thence South  $29^{\circ}34'56''$  West a distance of 120.67 feet to the intersection with the South line of said Section 30;  
thence South  $88^{\circ}14'06''$  East along said South line a distance of 469.94 feet to hereinafter described Point "X";  
thence continuing South  $88^{\circ}14'06''$  East along said South line a distance of 329.98 feet to the Southeast corner of said Section 30 and the true point of beginning.

Situate in the County of Skagit, State of Washington.

### PARCEL "B"

The South  $\frac{1}{2}$  of the following described tract:

The South  $\frac{1}{2}$  of Government Lot 8, the South  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , AND ALSO all that portion of Government Lot 13 and the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , lying North of a line 908.6 feet North from the South line of Section 30, and running parallel to said Section line, EXCEPTING THEREFROM the right of way of the Great Northern Railway Company and County roads, and dike right of way; all in Section 30, Township 33 North, Range 4 East, W. M.,

EXCEPTING from all of the above described property the State Highway.

Situate in the County of Skagit, State of Washington.



200610170131

Skagit County Auditor