

After Recording Return To:

City of Anacortes
PO Box 547
Anacortes WA 98221



200611130273
Skagit County Auditor

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CHICAGO TITLE CO.
1QB-2927

ACCOMMODATION RECORDING

TEMPORARY EASEMENT
FOR

WATER PIPELINE CONSTRUCTION AND OPERATION

Chicago Title Company has placed
this document for recording as a
customer courtesy and accepts no
liability for its accuracy or validity

THIS EASEMENT dated for reference purposes this 31st day of October, 2006 is made by and between M.V. GREENHOUSE, LLC, a Washington limited liability corporation ("Grantor") and the CITY OF ANACORTES, a municipal corporation ("Grantee"), with reference to the following facts:

- A. Grantor owns certain real property in Skagit County legally described on Exhibit "A" attached hereto (the "property"). *pm. 13-34-3 D21747*
- B. Grantee seeks four (4) temporary eighty (80) foot construction easements to facilitate construction of the water pipeline and appurtenances, over, under and across a portion of Grantor's real property legally described in Exhibit "B" attached hereto (the "Temporary Construction Easement").
- C. The location of the construction easement, set forth precisely in Exhibit B, is generally depicted in Exhibit C.

Based upon the foregoing, and the mutual covenants and conditions contained herein, the parties hereby agree as follows:

- 1. **Effective Date.** The effective date of this Easement shall be the date this Easement has been signed by the Grantor.

#5852
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

NOV 13 2006

Amount Paid \$
Skagit Co. Treasurer
By *[Signature]*

2. **Consideration.** Grantor shall receive the sum of Five thousand and 00/100 dollars (\$5000.00) when this document has been signed by all appropriate parties and properly recorded with the Skagit County Auditor.
3. **Temporary Construction Easement.**
- 3.1 Grantor hereby grants Grantee a Temporary Construction Easement for construction of the water pipeline and appurtenances, over, under and across that portion of Grantor's property legally described on Exhibit "B".
- 3.2 The Temporary Construction Easement described on Exhibit "B" shall expire upon final acceptance of the water pipeline improvements by the Anacortes City Council.
4. **Restoration.** Upon completion of the water pipeline construction and appurtenances Grantee shall restore the Temporary Construction Easement, any utilities, fences, plantings affected by construction, and any farm roads or driveways used to access said easements to as good a condition as they were immediately before Grantee entered the Property and reimburse to Grantor the value of any crops lost as a result of Granter's construction project. Photographs will be taken prior to any construction on the Property to assure the completeness of restoration.
5. **Indemnification.** To the extent permitted by law, the Grantee shall indemnify and hold Grantor harmless from any and all claims, actions, damages or liability occasioned wholly or in part by any act or omission of the Grantee, Its agents or invitees, relating to the construction, maintenance or repair of the water pipeline and appurtenances within the Temporary Easement areas, except to the extent attributable to the acts or omissions of the Grantor, its agents or invitees.
6. **Covenants Shall Run With The Land.** These Easements and each of the terms, provisions, conditions and covenants herein shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Any covenant granted herein shall be a covenant running with the land.
7. **Exemption From Excise Tax.** These Easements are granted under the threat of eminent domain proceedings by the Grantee, and therefore are exempt from State Excise Tax.
8. **Attorney's Fees.** In case suit or action is commenced against the Grantors or the successors, heirs or assigns of said Grantors, for removal of an encroachment from these Easements, the Grantors hereby promise to pay, in addition to costs provided by statute, such sum as the court may adjudge reasonable as attorney's fees therein.



IN WITNESS WHEREOF, the parties have executed this Easement on the date indicated below.

GRANTOR:
MOUNT VERNON GREENHOUSE

GRANTEE:
CITY OF ANACORTES

By: Daniel D. Ederer

By: A. Dean Maxwell

By: _____

By: H. DEAN MAXWELL

Dated: 10/31/06

Dated: 11/01/06

STATE OF WASHINGTON)
COUNTY OF SKAGIT)

On this day personally appeared before me Dan Ederer and _____ to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged to me that they signed and sealed said instrument as a free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 31 day of October, 2006.



Print Name: Theresa Huff
Theresa Huff
NOTARY PUBLIC in and for the State
of Washington, residing at Arlington
My commission expires: 6/3/09

STATE OF WASHINGTON)
COUNTY OF SKAGIT)

On this day personally appeared before me _____ and _____ to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged to me that they signed and sealed said instrument as a free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this ___ day of _____, 2006.

Print Name: _____

NOTARY PUBLIC in and for the State
of Washington, residing at _____
My commission expires: _____



EXHIBIT "A"

Legal Description

Parcel "A":

A portion of Section 13, Township 34 North, Range 3 East, W.M., and the West 1/2 of Section 18, Township 34 North, Range 4 East, W.M., Skagit County, Washington, described as follows:

Beginning at the North quarter corner of said Section 13, said point being on the North line of Lot 2, of Skagit County Short Plat No. 22-90, recorded in Book 10 of Short Plats, pages 111 and 112; thence along said North line, South 89 degrees 13'02" East, a distance of 850.15 feet to the Northeast corner of said Short Plat; thence along the East line thereof, South 01 degree 15'37" West, a distance of 662.71 feet; thence South 89 degrees 10'15" East, a distance of 1644.26 feet to the East line of said Section 13; thence along said East line, North 00 degrees 57'36" West, a distance of 610.69 feet to an existing fence; thence along said fence, North 88 degrees 52'08" East, a distance of 127.45 feet; thence continuing along said fence and a projection thereof, North 00 degrees 14'01" West, a distance of 326.10 feet to the South line of the North 40 feet of said Section 18; thence along said South line, South 89 degrees 29'11" East, a distance of 360.26 feet to the West line of the East 176 feet of the North 224 feet of the West 1/2 of Government Lot 1 of said Section 18; thence along said West line, South 00 degrees 44'51

East, a distance of 184.04 feet to the South line of said North 224 feet; thence along said South line, South 89 degrees 29'11" East, a distance of 167.96 feet to a projection of a fence coming from the South; thence along said fence and projection thereof, South 00 degrees 52'09" East, a distance of 1266.41 feet; thence North 89 degrees 13'02" West, a distance of 3162.30 feet to an existing fence; thence along said fence and projection thereof, the following six (6) courses and distances:

Thence North 00 degrees 42'21" East, a distance of 463.34 feet; thence South 84 degrees 56'28" West, a distance of 686.87 feet; thence South 10 degrees 59'25" West, a distance of 74.47 feet; thence South 84 degrees 24'33" West, a distance of 348.53 feet; thence North 05 degrees 05'12" West, a distance of 87.68 feet; thence North 85 degrees 00'17" West, a distance of 137.38 feet to the East right-of-way line of the County Road; thence along said County Road to the most Westerly corner of said Lot 2 of Short Plat No. 22-90; thence along the Westerly and Northerly boundary of said Lot 2 to the point of beginning; EXCEPT roads and dike right-of-way.

Exhibit "A"

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ALSO EXCEPT THEREFROM, any portion thereof lying within the four following described tracts:

1. Those portions along the North line thereof lying within Parcel 5 of those certain premises conveyed to The Krangnes Family Limited Partnership dated November 19, 1996, by Deed recorded January 29, 1997 as Auditor's File No. 9701290028;
2. That portion along the South line thereof lying within those premises conveyed to Gerald Koeffel by Deed recorded February 15, 1963, as Auditor's File No. 632197;
3. That portion in the Southwest corner thereof lying within those certain premises conveyed to Theodore C. Hutchinson by Deed recorded January 22, 1990, as Auditor's File No. 9001220043, and
4. That portion in the Northeast corner thereof lying within those certain premises conveyed to Elsie Fortin, et al, by Deed recorded July 13, 1998, as Auditor's File No. 9807130095.

Parcel "B":

Those portions of Government Lot 2 of Section 18, Township 34 North, Range 4 East, W.M., and of the Northeast 1/4 of Section 13, Township 34 North, Range 3 East, W.M., described as follows:

Begin at the intersection of the South line of said Government Lot 2 and the fence line marking the East line of those certain premises sold to Summersun Greenhouse Company by Real Estate Contract recorded as Auditor's File No. 9709220099, continued South; thence North 00 degrees 44'51" West 554.06 feet to the true point of beginning; thence North 88 degrees 19'23" West, 3096.69 feet, more or less, to a point on the East line of the West 100 feet of the Southwest 1/4 of the Northeast 1/4 of said Section 13; thence North 01 degree 15'37" East along said East line to a point on the North line of said subdivision; thence South 85 degrees 31'33" West along said North line, 100.50 feet to an existing fence line; thence North 00 degrees 42'21" East along said fence line to the Southerlymost Southeast corner of said Summersun premises; thence South 89 degrees 13'02" East along the South line of said Summersun premises, 3162.30 feet to the Southeast corner thereof; thence South 00 degrees 44'51" East along the fence line, marking the East line of said Summersun premises, continued South, a distance of 564.21 feet, more or less, to the true point of beginning.

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Parcel "C":

Those portions of Government Lots 2 and 3 of Section 18, Township 34 North, Range 4 East, W.M., and of the East 1/2 of Section 13, Township 34 North, Range 3 East, W.M., described as follows:

Begin at the intersection of the South line of said Government Lot 2 and the fence line marking the East line of those certain premises sold to Summersun Greenhouse Company by Real Estate Contract recorded as Auditor's File No. 9709220099, continued South; thence North 00 degrees 44'51" West, 554.06 feet; thence North 88 degrees 19'23" West, 3096.69 feet, more or less, to a point on the East line of the West 100 feet of the Southwest 1/4 of the Northeast 1/4 of said Section 13, said point being the true point of beginning; thence South 88 degrees 19'23" East, 3096.69, more or less, to the above referenced fence line; thence South 00 degrees 44'51" East, 554.06 feet, along said fence line to the South line of said Government Lot 2; thence along said South line North 89 degrees 38'59" West, a distance of 231.37 feet; thence South 00 degrees 35'38" East, a distance of 1580.84 feet; thence North 73 degrees 16'10" West to the East line of the West 15 acres of said Government Lot 3; thence North 00 degrees 06'25" West, along said East line to the North line of those certain premises conveyed to Randy Adams by Deed recorded as Auditor's File No. 8504040048; thence North 73 degrees 14'33" West along said North line to the Northwest corner thereof; thence South 00 degrees 06'25" East, 130 feet to the North line of the County Road right-of-way known as the Riverbend Road; thence Northwesterly along said North line to the Southeast corner of that certain tract conveyed to Mathew M. Paul and Wilma Paul by Partial Fulfillment Deed recorded January 16, 1974 under Auditor's File No. 795687; thence North 1 degree 26'30" East along the East line of said Paul Tract, a distance of 415.0 feet to the Northeast corner thereof; thence North 60 degrees 03'23" West along the North line of said Paul Tract, a distance of 91.03 feet to the Northwest corner thereof and the East line of the West 100 feet of Government Lot 6 of said Section 13; thence North 1 degree 26'30" East along the East line of the West 100 feet to the point of beginning.

EXCEPT therefrom the following described:

Beginning at the Southeast corner of the West 100 feet of the Northeast 1/4 of said Section 13; thence North 1 degree 26'30" East along the East line of said West 100 feet, a distance of 486.43 feet; thence North 87 degrees 40'33" East parallel with the South line of the Northeast 1/4 of said Section 13, a distance of 1450.57 feet; thence South 11 degrees 37'55" West, a distance of 877.46 feet; thence South 20 degrees 09'08" East, a distance of 660.48 feet; thence South 19 degrees 09'54" West, a distance of 104.43 feet to the North line of the County Road; thence along the North

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line of the County Road through the following four courses; North 68 degrees 55'40" West, a distance of 97.55 feet to the point of curvature of a curve to the left having a radius of 5203.50 feet; thence Westerly along said curve through a central angle of 3 degrees 12'32", and an arc distance of 291.42 feet; thence North 72 degrees 08'12" West, a distance of 845.63 feet to the point of curvature of a curve to the right having a radius of 1333.50 feet; thence Westerly along said curve through a central angle of 11 degrees 18'11", and an arc distance of 263.07 feet to the Southeast corner of that certain tract conveyed to Mathew M. Paul and Wilma Paul by Partial Fulfillment Deed recorded January 16, 1974 under Auditor's File No. 795687; thence North 1 degree 26'30" East along the East line of said Paul Tract, a distance of 415.00 feet to the Northeast corner thereof; thence North 60 degrees 03'23" West along the North line of said Paul Tract, a distance of 91.03 feet to the Northwest corner thereof and the East line of the West 100 feet of Government Lot 6 of said Section 13; thence North 1 degree 26'30" East along the East line of the West 100 feet, a distance of 76.36 feet to the point of beginning.

Parcel "D":

Those portions of Government Lot 6 and of the Southwest 1/4 of the Northeast 1/4 of Section 13, Township 34 North, Range 3 East, W.M., described as follows:

Beginning at a point on the West line of said subdivision which is 415 feet North of the North line of the County Road commonly known as the Riverbend Road as said road existed on January 16, 1974; thence North along the West line of said subdivision to the Northwest corner of said Southwest 1/4 of the Northeast 1/4; thence East along the North line of said subdivision 100 feet; thence South on a line parallel with the West line of said subdivision to a point which is 415 feet North of the North line of said County Road; thence Westerly to the point of beginning.

Parcel "E":

Tract 2 of Skagit County Short Plat No. 6-88 approved March 7, 1988 and recorded March 8, 1988 under Auditor's File No. 8803080006 in Volume 8 of Short Plats, page 26, records of Skagit County, Washington, being a portion of the Southeast 1/4 of Section 2, Township 33 North, Range 3 East, W.M.

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Parcel "F":

That portion of the Southeast 1/4 of the Southeast 1/4 of Section 2, Township 33 North, Range 3 East, W.M., lying and being between the East right-of-way of Diking District No. 2 of Skagit County, in said section and subdivision thereof; and a line 25 feet East of and parallel to the following described line:

Beginning at a point on the section line between Sections 2 and 11 of Township 33 North, Range 3 East, W.M., 330.1 feet West of the Section corner common to Sections 1, 2, 11 and 12 above, said township and range; thence North 39 degrees 31' East 6.15 feet; thence North 40 degrees 30' East 248.4 feet; thence North 18 degrees 15' East 133.2 feet; thence North 2 degrees 11' West 50.5 feet; thence North 15 degrees 38' East 97.8 feet; thence North 37 degrees 27' West 90.5 feet; thence North 58 degrees 24' West 388.6 feet EXCEPTING THEREFROM the right-of-way of the Charles J. Johnson County Road No. 97.

Parcel "G":

That portion of the South 1/2 of the North 1/2 of the Southeast 1/4 of Section 2, Township 33 North, Range 3 East, W.M., lying Easterly of the Old Dike along Dry Slough, and the West of the following described line:

Beginning at a point on the North line of said South 1/2 of the North 1/2 of the Southeast 1/4, which is North 87 degrees 36'20" West 1880.5 feet from the Northeast corner of said subdivision; thence South 8 degrees 22'10" West 458 feet.

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EXHIBIT B

December 2, 2005

LEGAL DESCRIPTION FOR: City of Anacortes

Waterline Replacement Project – Segment 5/6

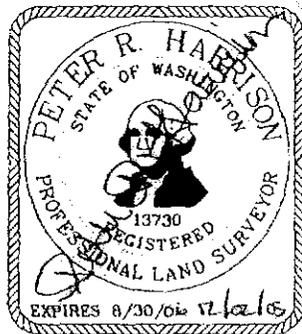
M.V. Greenhouses, LLC – Temporary Construction Easement

That portion of the East ½ of Section 13, Township 34 North, Range 3 East, W.M., said portion being a strip of land 80.00 feet in width, the Westerly line of said strip abutting and lying on the West line of the East ½ of Section 13, Township 34 North, Range 3 East, W.M., and said strip being more particularly described as follows:

Commencing at the Northwest corner of said East ½ of Section 13; thence South 2° 23' 12" West along the West line thereof, 1249.21 feet to the Southwest corner of the Northwest ¼ of the Northeast ¼ of said Section 13; thence continuing South 2° 23' 12" West along said West line, 146.17 feet to the TRUE POINT OF BEGINNING; thence North 87° 21' 13" East, 1212.54 feet; thence South 2° 38' 47" East, 80.00 feet; thence South 87° 21' 13" West, 1219.59 feet to said West line; thence North 2° 23' 12" West along said West line, 80.31 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.



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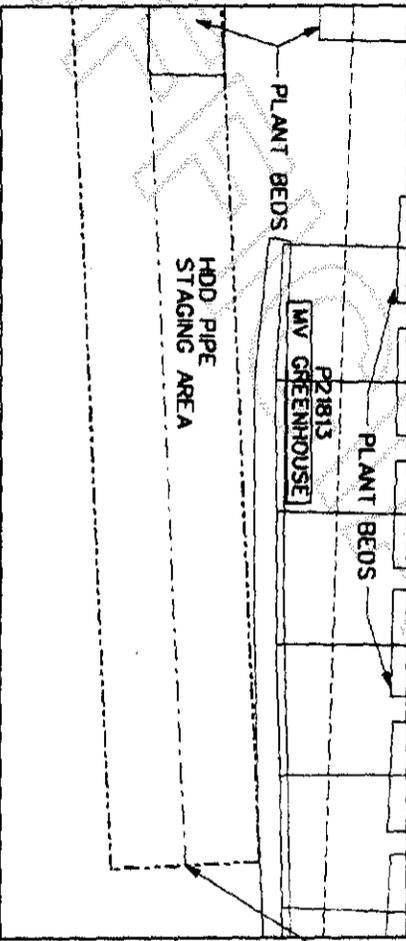
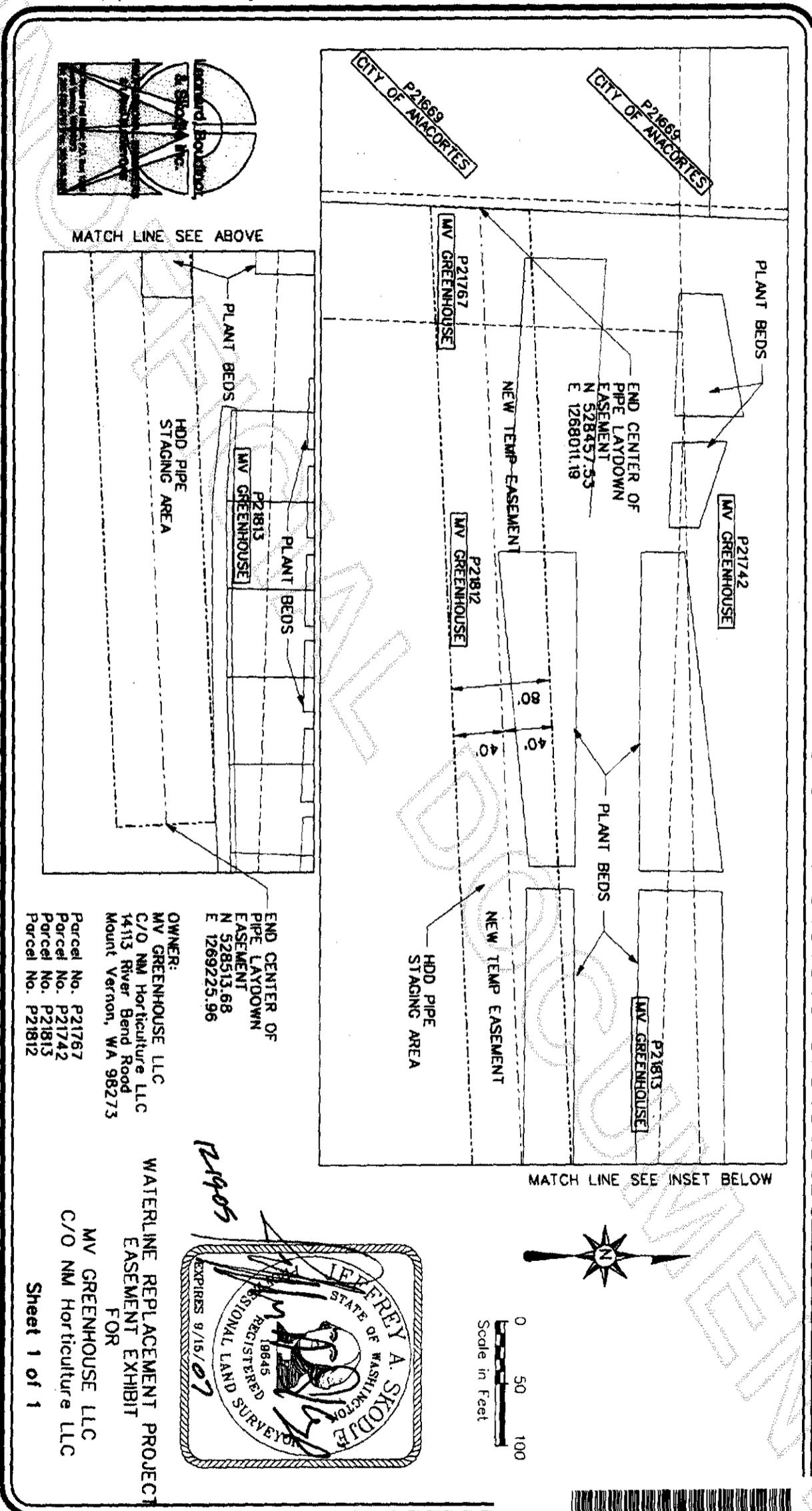
EXHIBIT C

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Model: Model

User: Owner

11/30/2005



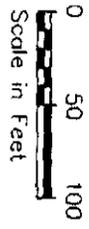
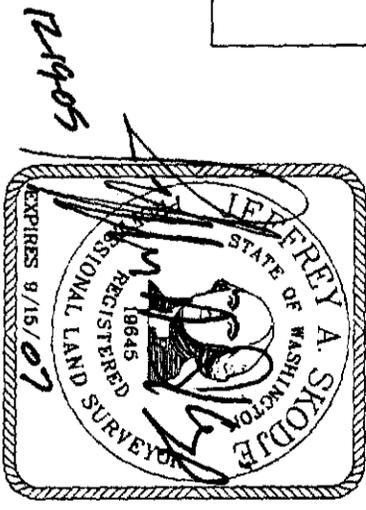
END CENTER OF PIPE LAYDOWN EASEMENT
N 528513.68
E 1269225.96

OWNER:
MV GREENHOUSE LLC
C/O NM Horticulture LLC
14113 River Bend Road
Mount Vernon, WA 98273

Parcel No. P21767
Parcel No. P21742
Parcel No. P21813
Parcel No. P21812

WATERLINE REPLACEMENT PROJECT
EASEMENT EXHIBIT
FOR
MV GREENHOUSE LLC
C/O NM Horticulture LLC

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