



200611150103
Skagit County Auditor

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AFTER RECORDING, RETURN TO:

John R. Shultz, Attorney at Law
160 Cascade Place, Suite 218
Burlington, Washington 98233

EASEMENT AGREEMENT

GRANTOR: DONALD W. GIBSON, and MARION GIBSON,
husband and wife,

GRANTEE: SKAGIT COUNTY DIKE DISTRICT NO. 1,
a Washington special purpose district;

LEGAL DESCRIPTION: Government Lot 3, Section 2, Township 33 North,
Range 3 East, W.M.
(See attached Exhibit "A" for full legal
description)

ASSESSOR'S PROPERTY
TAX PARCEL NOS: P15295

THIS AGREEMENT is made this 17th day of November, 2006,
by and between DONALD W. GIBSON and MARION GIBSON, husband and wife,
("Grantor"), and SKAGIT COUNTY DIKE DISTRICT NO. 1, a Washington special
purpose district ("Grantee").

RECITALS

WHEREAS, Grantor is the owner of the property described in a Deed recorded
under Skagit County Auditor's File No. 585342, recorded September 10, 1959, in Skagit
County, Washington; and

WHEREAS, Grantee 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. 1; and

WHEREAS, Grantee requires access to its levee system on the property of Grantor for construction, maintenance, and improvements, including installation of a seepage berm in and on said levee to stabilize the toe of the levee, on the property of Grantor, and requires an easement for construction, maintenance, and improvements of the same for said purposes; and

WHEREAS, Grantor desires to convey and grant to Grantee, its successors, assigns, and permittees, the non-exclusive right, privilege, and authority to access, use, construct, improve, repair, operate, and maintain said seepage berm in and on said levee located on Grantor's real property.

The parties covenant and agree as follows:

1. Easement. Grantor hereby conveys and quit claims to Grantee, its successors, assigns, and permittees, the non-exclusive right, privilege and authority to enter, access, use, construct, improve, repair, install, operate and maintain seepage berm construction, to stabilize the levee system located under, over, and across a portion of Grantor's real property, being more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

2. Construction, Maintenance and Operation. The construction, maintenance and operation of said levee improvements, including installation of a seepage berm to stabilize the toe of the levee, and including construction, reconstruction, repair, and alteration, shall be at the sole expense of Grantee. Grantee shall comply with all pertinent and applicable city, county, state, governmental, and Army Corps of Engineers laws, rules, regulations, and ordinances, governing the construction, reconstruction, repairing, maintenance, and installation and operation of said seepage berm and levee system.

3. Term of Easement. This easement shall be perpetual.

4. Indemnity. Grantee hereby covenants and agrees to indemnify and hold Grantor harmless from any and all loss, damage, or injury caused by or arising out of Grantee's use, construction, reconstruction, repair, alteration, and installation and operation of said seepage berm, and levee system on said real property.



5. Survey. Grantee hereby agrees to provide a survey, at its costs, to determine the location of said easement and preparation of legal description, which shall be subject to approval by Grantor.

6. Consideration. The consideration for this easement agreement shall be the amount of \$7,869.61, and other good and valuable consideration, for said surveyed real property, consisting of 34,280 sq. ft., and being approximately 40 ft. x 857 ft.

GRANTORS:

By:

Donald W. Gibson
DONALD W. GIBSON

By:

Marion Gibson
MARION GIBSON

GRANTEE:

SKAGIT COUNTY DIKE DISTRICT NO. 1,
a Washington special purpose district:

By:

Robert Dean Jr.
ROBERT DEAN, JR., COMMISSIONER

By:

Donald J. Moe
DON MOE, COMMISSIONER

By:

Bob Jungquist
BOB JUNGQUIST, COMMISSIONER

5875
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

NOV 14 2006

Amount Paid \$ 145.26
Skagit Co. Treasurer
By PP

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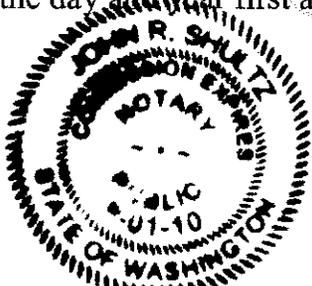
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STATE OF WASHINGTON)
)
COUNTY OF SKAGIT)

ss.

On this 11th day of November, 2006, before me personally appeared ROBERT DEAN, JR., DON MOE, and BOB JUNGQUIST, to me known to be Commissioners of SKAGIT COUNTY DIKING DISTRICT NO. 1, a Washington special purpose district, Grantee named herein, who executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said special purpose district, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument, and that the seal affixed is the corporate seal of said special purpose district.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Signature: _____

Print Name: John R. Shultz

Notary Public for Washington

My Appointment Expires: 9/01/10

STATE OF WASHINGTON)
)
COUNTY OF SKAGIT)

ss.

On this 11th day of November, 2006, before me personally appeared DONALD W. GIBSON, and MARION GIBSON, husband and wife, to me known to be the individuals named herein, who executed the within and foregoing instrument, and acknowledged the said instrument to be their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Signature: _____

Print Name: John R. Shultz

Notary Public for Washington

My Appointment Expires: 9/01/10



A 40' strip of land bounded on the North by the following described line and on the South by the toe of a dike as it existed on April 26, 2006, all a portion of Government Lot 3, Section 2, Township 33 North, Range 3 East, W.M., said line being described as follows:

Commencing on the South line of said Government Lot 4, at a found rebar with yellow cap marked "17652", said point being S 88°45'58" E a distance of 1775.65 feet from the North one-sixteenth corner on the West line of said Section 2, thence North 52° 34' 09" East a distance of 158.68 feet; thence North 48° 18' 52" East a distance of 303.63 feet to the beginning of a tangent curve to the right having a radius of 350.00 feet; thence Northeasterly passing through a central angle of 17°09'16" an arc distance of 104.79 feet; thence North 65° 28' 08" East a distance of 656.23 feet to the beginning of a tangent curve to the right having a radius of 500.00 feet; thence Northeasterly passing through a central angle of 20°25'05" an arc distance of 178.18 feet; thence North 85° 53' 13" East a distance of 50.26 feet to the East line of the West 26 rods (429 feet) of said Government lot 3 and the BEGINNING of said line; thence continuing North 85° 53' 13" East a distance of 248.14 feet; thence North 78°42'02" East a distance of 102.93 feet; thence North 83°03'56" East a distance of 101.68 feet; thence North 80°25'00" East a distance of 361.35 feet; thence North 82°08'47" East a distance of 64.30 feet to the Westerly margin of Gilbert S. Garland Road No. 127 and the TERMINUS of said line.

The Southerly margin of said strip of land shall be shortened or lengthened to intersect with the East line of the West 429 feet of said Government lot 3 and the West margin of said Gilbert S. Garland Road No. 127

Situate in the County of Skagit, State of Washington.



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