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Document Title:

1) Agreement

2) Deed

3) Release of Easement

Reference Number:

200412030009

Grantor(s):

☐ additional grantor names on page \_\_\_\_

1. Burlington Edison School District

2.

Grantee(s):

☐ additional grantee names on page \_\_\_\_

1. Knutzen, Ronald C. Barbo, Charles K.

2. Sells, Clifford J. Knutzen, Einer Trust

Abbreviated legal description:

☐ full legal on page(s) \_\_\_\_

31-35-4

Assessor Parcel / Tax ID Number:

☐ additional tax parcel number(s) on page \_\_\_\_

P 122220

P 123583

P 38141

P 38151

## **AGREEMENT FOR RELEASE OF EASEMENT, TRANSFER OF REAL PROPERTY AND CONSTRUCTION OF ACCESS ROAD**

This Agreement is made between the Burlington-Edison School District ("the District") and Ronald C. Knutzen, Clifford J. Sells and Charles K. Barbo, as co-trustees of the Einer Knutzen Testamentary Trust ("Trust").

### **RECITALS**

A. On or about November 11, 2004, the District acquired from Trust, pursuant to a Real Estate Purchase Agreement dated on or about October 7, 2004, a parcel known as Parcel BESD (Skagit County Parcel No. P122220). The District also acquired from Trust an easement for ingress and egress over portions of parcels known as Parcels A, F and E (Skagit County Parcel Nos. P123583, P38141 and P38151, respectively). The foregoing parcels are depicted on Exhibit A, attached hereto and incorporated herein.

B. Pursuant to the Real Estate Purchase Agreement, Trust has the option of constructing a private access road over a portion of Parcel BESD and portions of Parcels A, F and E, in which event the District would make contributions to costs in accordance with Section 13 of the Real Estate Purchase Agreement.

C. The Washington State Department of Transportation ("WSDOT") has subsequently agreed in principle to construct the access road, with contributions from the District in accordance with Section 13 of the Real Estate Purchase Agreement, and from Trust in accordance with a separate agreement between WSDOT and Trust. WSDOT would then transfer such road to the City of Burlington, relieving the parties hereto of any obligation to maintain a private road.

D. In order to accomplish these measures, portions of Parcel BESD and Parcels A, F and E must be consolidated by release of the existing easement and transfer of a portion of Parcel BESD to Trust, which will in turn process a boundary line adjustment and transfer the road area to WSDOT.

E. The parties agree and acknowledge that the construction of such road by WSDOT would constitute adequate consideration for the release of the easement and the transfer of property provided for herein.

### **AGREEMENT**

NOW, THEREFORE, in consideration of the terms and conditions of this Agreement, and the mutual covenants herein contained, the District and Trust hereby agree as follows:

1. Transfer of Property. The District shall, upon execution of this Agreement, transfer a portion of Parcel BESD to Trust via execution of a Quit Claim Deed



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substantially in conformance with Exhibit B, attached hereto and incorporated herein by this reference.

2. Release of Easement. The District shall, upon execution of this Agreement, release its easement over portions of Parcels A, F and E via execution of a Release of Easement substantially in conformance with Exhibit C, attached hereto and incorporated herein by this reference.

3. Road Construction. The District affirms its obligation, pursuant to and in accordance with Section 13 of the Real Estate Purchase Agreement, to contribute to the costs of road construction and related improvements, with such contribution being made to the party (e.g., WSDOT, City of Burlington or Trust) constructing such improvements. In the event that an access road serving Parcel BESD and located in the right of way contemplated in sections 1 and 2 of this Agreement is not constructed by January 1, 2011, Trust shall reconvey (subject to the Trust's easement rights therein) to the District the property transferred pursuant to Section 1 of this Agreement, and the easement released pursuant to Section 2 of this Agreement, at no cost to the District. Trust shall include, in any recorded instrument transferring such property to WSDOT or any other party, a provision requiring the conveyance of such property and easement rights back to the District, at no cost to the District, in the event an access road serving Parcel BESD and located in the right of way contemplated in sections 1 and 2 of this Agreement is not constructed by January 1, 2011.

4. Payment of Costs. Seller and the District shall pay their own respective costs incurred with respect to this Agreement including, without limitation, attorneys' fees. Seller shall pay the full cost of recording documents pursuant to this Agreement.

5. Miscellaneous.

(a) Applicable Law. This Agreement shall in all respects be governed by the laws of the State of Washington.

(b) Further Assurances. Each of the parties shall execute and deliver any and all additional papers, documents and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of its obligations hereunder, to carry out the intent of the parties hereto.

(c) Modification or Amendment. No amendment, change or modification of this Agreement shall be valid, unless in writing and signed by all of the parties hereto.

(d) Successors and Assigns. All of the terms and provisions contained herein shall inure to the benefit of and shall be binding upon the parties hereto and their respective heirs, successors and assigns.

(e) Attorneys' Fees. Should either party bring suit to enforce this Agreement, the prevailing party in such lawsuit shall be entitled to an award of its



reasonable attorneys' fees and costs incurred in connection with such lawsuit.

(f) Headings. The captions and paragraph headings used in this Agreement are inserted for convenience of reference only and are not intended to define, limit or affect the interpretation or construction of any term or provision hereof.

(g) Counterparts. This Agreement may be executed in counterparts, and each set of duly delivered identical counterparts which includes all signatories shall be deemed to be one original document.

### EINER KNUTZEN TESTAMENTARY TRUST

By: Ronald C. Knutzen

Ronald C. Knutzen, as co-trustees of the Einer Knutzen Testamentary Trust

Its: co-trustee

Date: 12/19/06

By: Clifford J. Sells

Clifford J. Sells, as co-trustees of the Einer Knutzen Testamentary Trust

Its: co-trustee

Date: 12/19/06

By: Charles K. Barbo

Charles K. Barbo, as co-trustees of the Einer Knutzen Testamentary Trust

Its: co-trustee

Date: 12/20/06

### BURLINGTON-EDISON SCHOOL DISTRICT

By: Dr. Richard O. Jones

Dr. Richard O. Jones, Superintendent

Date: 12/18/06

SKAGIT COUNTY, WASHINGTON  
Real Estate Excise Tax

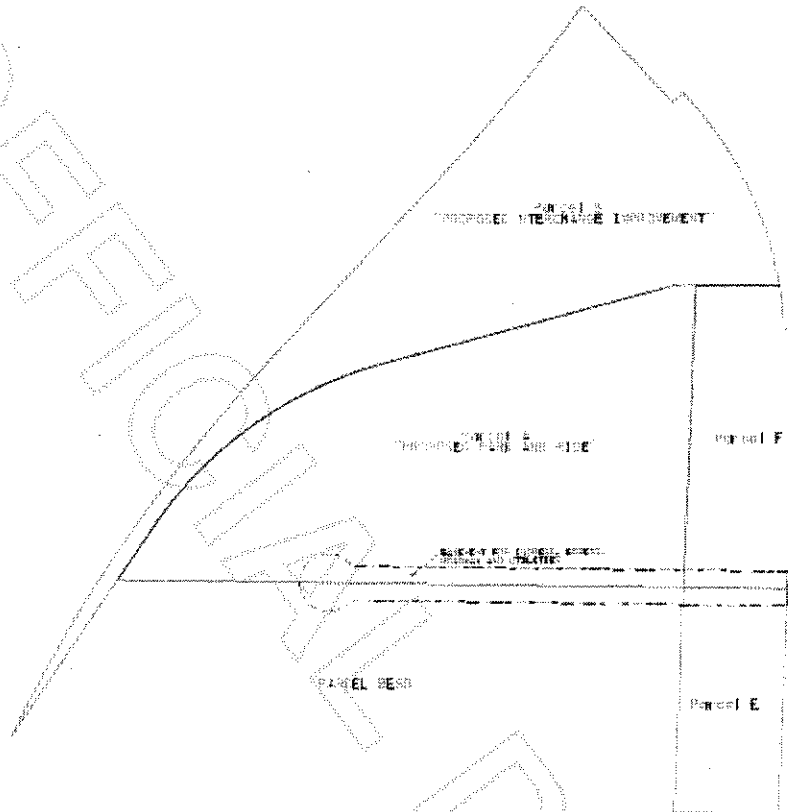
JAN 04 2007

Amount Paid \$  
Skagit County Treasurer  
By: [Signature] Deputy



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**EXHIBIT A TO AGREEMENT – PARCEL MAP**



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**EXHIBIT B TO AGREEMENT – QUIT CLAIM DEED**



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**WHEN RECORDED RETURN TO:**

Einer Knutzen Testamentary Trust  
Attn: Mr. Charles K. Barbo  
507 McGilvra Blvd. East  
Seattle, WA 98122

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**QUIT CLAIM DEED**

Grantor: Burlington-Edison School District

Grantee: Ronald C. Knutzen, Clifford J. Sells and Charles K. Barbo, as co-trustees of the Einer Knutzen Testamentary Trust

Abbreviated Legal Description: A portion of tax parcel P122220 in Skagit County, Washington.

Full legal description appears on page 2.

Assessor's Property Tax Parcel or Account Number: P122220

Reference Numbers of Documents Assigned or Released: n/a



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## QUIT CLAIM DEED

The Grantor, Burlington-Edison School District, conveys and quit claims for consideration of ten dollars (\$10.00), in hand paid, and other good and valuable consideration, receipt of which is hereby acknowledged, to Grantee Ronald C. Knutzen, Clifford J. Sells and Charles K. Barbo, as co-trustees of the Einer Knutzen Testamentary Trust, the following described real estate, situated in the County of Skagit, State of Washington, together with all after acquired title of the Grantor therein:

That portion of Exhibit A to Special Warranty Deed recorded as Auditor's File Number 200412030009, records of Skagit County, Washington, and being a portion of "NEW PARCEL C" as delineated on Record of Survey Map recorded as Auditor's File Number 200401070083, records of Skagit County, Washington, in the North 1/2 of the South 1/2 of the Northeast 1/4, of Section 31, Township 35 North, Range 4 East, W.M., said portion being more particularly described as follows:

Beginning at the Northeast corner of said "NEW PARCEL C";  
thence South 02°22'25" West 30.01 feet along the West line of North Garl Street (now Burlington Blvd.);  
thence North 89°09'19" West 180.06 feet to the East line of Exhibit A to Special Warranty Deed recorded as Auditor's File Number 200412030009, records of Skagit County, Washington, and the TRUE POINT OF BEGINNING;  
thence continue North 89°09'19" West 579.14 feet to a point on a curve that is South 52°17'07" East 50.00 feet from the center of said curve;  
thence along the arc of said curve to the right concave to the Northeast having a radius of said 50.00 feet, through a central angle of 143°07'48", an arc distance of 124.91 feet to the North line of said "NEW PARCEL C";  
thence South 89°09'19" East 669.94 feet to a point that is North 02°22'25" East from the TRUE POINT OF BEGINNING;  
thence South 02°22'25" West 30.01 feet to the TRUE POINT OF BEGINNING.  
SUBJECT TO and TOGETHER WITH easements, restrictions, exceptions and other instruments of record.

Containing 0.48 acres, more or less

Situate in Skagit County, Washington

DATED this 18<sup>th</sup> day of December, 2006.

The above described property will be combined or merged with contiguous property owned by the grantor for the purpose of creating an additional lot.

Margaret Sells  
PLANNING DIRECTOR

1/4/07  
DATE

SKAGIT COUNTY WASHINGTON

Real Estate Excise Tax

Pay To

#36  
JAN 04 2007

Amount Paid \$

Skagit County Treasurer

By:

Deputy

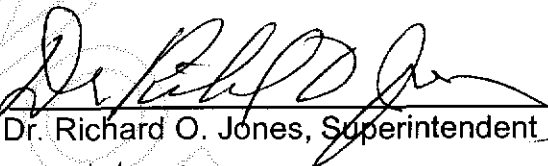


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**GRANTOR  
BURLINGTON-EDISON SCHOOL DISTRICT**

By:   
Dr. Richard O. Jones, Superintendent

Date: 12/18/06

State of Washington )  
County of Skagit ) ss.

I certify that I know or have satisfactory evidence that Richard O. Jones is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the Superintendent of the Burlington-Edison School District to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 18<sup>th</sup> day of December, 2006.

Wicki A. Kelley

Notary Public in and for the state of Washington, residing at Burlington, WA  
My appointment expires 03-20-07.



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**EXHIBIT C TO AGREEMENT – RELEASE OF EASEMENT**



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WHEN RECORDED RETURN TO:

Einer Knutzen Testamentary Trust  
Attn: Mr. Charles K. Barbo  
507 McGilvra Blvd. East  
Seattle, WA 98122

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**RELEASE OF EASEMENT**

Grantor: Burlington-Edison School District

Grantee: Einer Knutzen Testamentary Trust

Abbreviated Legal Description: Portions of tax parcels P123583, P38141 and P38151 in Skagit County, Washington.  
Full legal description appears on page 2.

Assessor's Property Tax Parcel or Account Number: P123583, P38141 and P38151

Reference Numbers of Documents Assigned or Released: Rec. No. 200412030009



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## RELEASE OF EASEMENT

Grantor, Burlington-Edison School District, is the owner of an easement for ingress and egress acquired from Grantee Ronald C. Knutzen, Clifford J. Sells and Charles K. Barbo, as co-trustees of the Einer Knutzen Testamentary Trust via Special Warranty Deed dated November 11, 2004, recorded under recording number 200412030009, records of Skagit County, Washington. The legal description of the easement area is as follows:

That portion of "NEW PARCEL A" and "NEW PARCEL C" as delineated on Record of Survey Map recorded as Auditor's File Number 200401070083, records of Skagit County, Washington, in the North  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$ , of Section 31, Township 35 North, Range 4 East, W.M., said portion being more particularly described as follows:

Beginning at the Southeast corner of said "NEW PARCEL A";  
thence North  $02^{\circ}22'25''$  East 30.01 feet along the West line of North Garl Street (now Burlington Blvd.);  
thence North  $89^{\circ}09'19''$  West 760.80 feet to a point on a curve that is North  $53^{\circ}58'29''$  East from the center of said curve;  
thence along the arc of said curve to the left concave to the east having a radius of said 50.00 feet, through a central angle of  $286^{\circ}15'37''$ , an arc distance of 249.81 feet to a point that is South  $52^{\circ}17'07''$  East from said center;  
thence South  $89^{\circ}09'19''$  East 759.20 feet to said West line of North Garl Street (now Burlington Blvd.);  
thence North  $02^{\circ}22'25''$  East 30.01 feet along said West line of North Garl Street to the POINT OF BEGINNING;  
SUBJECT TO and TOGETHER WITH easements, restrictions, exceptions and other instruments of record.  
Containing 1.22 acres, more or less  
Situate in Skagit County, Washington

For consideration of ten dollars (\$10.00), in hand paid, and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby abandons and releases all easement rights acquired under said document.

DATED this 18<sup>th</sup> day of December, 2006.

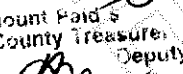
**GRANTOR**  
**BURLINGTON-EDISON SCHOOL DISTRICT**

By:   
Dr. Richard O. Jones, Superintendent

Date: 12/18/06

SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax

JAN 04 2007

Amount Paid \$  
Skagit County Treasurer  
By:  Deputy



200701040086  
Skagit County Auditor

State of Washington )  
 ) ss.  
County of Skagit )

I certify that I know or have satisfactory evidence that Richard O. Jones is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the Superintendent of the Burlington-Edison School District to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 18th day of December, 2006.

Chicki A. Kelley

Notary Public in and for the state of Washington, residing at Burlington, WA  
My appointment expires 03-20-07.



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