



200705220075
Skagit County Auditor

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When recorded return to:

Roger Stambaugh, Managing Member
120 E. George Hopper Road # 215
Burlington, Wa. 98233, WA 98233-3000

Recorded at the request of:
First American Title
File Number: B91033

Statutory Warranty Deed

THE GRANTORS Dan R. Mitzel and Patricia R. Burklund, husband and wife, for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, as Part of an IRS 1031 Tax Deferred Exchange in hand paid, conveys and warrants to PERICOWEST LLC, the following described real estate, situated in the County of Skagit, State of Washington

FIRST AMERICAN TITLE CO.

B91033E-1

Abbreviated Legal:

Section 5, Township 34, Range 4; Ptn. SW SW (aka Ptn. Lot 4 BSP 2-95)

For Full Legal See Attached Exhibit "A"

Subject to covenants, conditions, restrictions and easements as per attached Exhibit "B"

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

Tax Parcel Number(s): P108343, 8008-000-004-0000

MAY 22 2007 #2400

Dated 05/16/2007

Amount Paid \$ 4989.00
Skagit Co. Treasurer
By Q Deputy

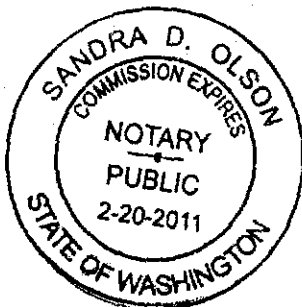
Dan R. Mitzel

Patricia R. Burklund

STATE OF Washington }
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that Dan R. Mitzel, Patricia R. Burklund the persons who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledge it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

Date: 5/16/2007



Notary Public in and for the State of Washington
Residing at Burlington, Wa
My appointment expires: 2-20-2011

EXHIBIT A

Lot 4, of Binding Site Plan No. 2-95, of Cascade Place/Cascade Meadows, approved January 18, 1996, recorded January 18, 1996, in Volume 12 of Short Plats, pages 66, 67 and 68, under Auditor's File No. 9601180033, records of Skagit County, Washington, being a portion of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 5, Township 34 North, Range 4 East, W.M..

EXCEPT commencing at the most Northwesterly corner of said Parcel 4; thence South $89^{\circ}28'22''$ East along the South line of Parcel 9 of said Binding Site Plan, a distance of 24.80 feet to the true point of beginning; thence continue South $89^{\circ}28'22''$ East a distance of 26.64 feet to the West line of Parcel 5 of said Binding Site Plan; thence South $0^{\circ}37'19''$ East along the West line thereof, a distance of 9.02 feet to an angle point in the Northerly line of said Parcel 4; thence North $70^{\circ}53'23''$ West a distance of 28.29 feet to the true point of beginning.

EXCEPT commencing at the most Northwesterly corner of said Parcel 4; thence South $0^{\circ}31'38''$ West along the West line thereof a distance of 24.39 feet to the true point of beginning; thence continue South $0^{\circ}31'38''$ West along the West line thereof, a distance of 161.23 feet to the Southwest corner of said Parcel 4; thence North $55^{\circ}29'16''$ East 2.38 feet; thence North $40^{\circ}42'53''$ East 19.74 feet; thence North $39^{\circ}02'33''$ East 5.31 feet; thence leaving the South line of said Parcel 4 North $0^{\circ}31'38''$ East 154.73 feet; thence Southwesterly along a non-tangent curve concave to the Northwest whose radius point bears North $49^{\circ}32'58''$ West a distance of 55.00 feet through a central angle of $23^{\circ}59'22''$ an arc distance of 23.03 feet to the true point of beginning.

AND EXCEPT beginning at the most Northwesterly corner of said Parcel 4; thence South $89^{\circ}28'22''$ East along the South line of Parcel 9 in said Binding Site Plan, a distance of 24.80 feet; thence Southwesterly along a non-tangent curve concave to the Northwest whose radius point bears North $62^{\circ}25'53''$ West a distance of 55.00 feet through a central angle of $36^{\circ}52'17''$ an arc distance of 35.39 feet to the West line of said Parcel 4; thence North $0^{\circ}31'38''$ East along the West line thereof a distance of 24.39 feet to the point of beginning.



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Exhibit "B"

EXCEPTIONS:

A. MATTERS AS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING BINDING SITE PLAN:

Binding Site Plan 2-95
Recorded: January 18, 1996
Auditor's No.: 9601180033

Said matters include but are not limited to the following:

1. Special flood risk boundary elevation was provided by the City of Burlington.

Buyers should be aware that this Binding Site Plan is located in the floodplain of the Skagit River and significant elevation may be required for the first floor of construction. Contact the City of Burlington for further information.

2. For additional supporting survey information see Short Plat No. 4-91, Book 10, pages 42-43 and survey recorded in Book 5, page 115.

3. Vertical datum is USC&GS Benchmark "E-13" at the intersection of Fairhaven and Pine at the Old Bank Building Burlington, Washington Elev.=33.72 Page/Field Book-1/348, 76/517.

4. To be included in conveyances of the respective parcels:

There is reserved and conveyed for the benefit of the respective parcels a right, as delineated on the face of the Binding Site Plan referred to in the legal description of the main parcel(s) described above, for ingress and egress over present or future developed parking lots. These reciprocal rights shall run with the land for the future benefit of the owners of the respective parcels, their heirs and assigns. No right shall exist that would force the immediate development of any proposed or shown parking lots on said Binding Site Plan.

Parcel 9 is subject to an Easement for ingress, egress and utilities over, under and across, benefiting Lots 1 through 6. The maintenance and construction of which shall be shared by Lots 2 through 6. If at a future date parcel 9 becomes public right-of-way this Easement becomes null and void.

The main route for ingress and egress to the parcels included in the Binding Site Plan lies partially on the subject property, Parcel 9, and partially on property to the North. In the event the owner is unable to obtain ownership of easements over the property to the North such that the road for ingress and egress cannot be constructed as depicted, the location of said road shall be moved South such that it is constructed entirely on owner's property thereby enlarging Parcel 9 provided, however, that any enlargement of Parcel 9 in excess of 10 feet South into Parcels 2, 3 and 4 shall require written approval from underlying leinholders, if any, prior to the constructing of a roadway, whether private or public for vehicular ingress and egress to the subject parcels.

5. There shall exist for the benefit of the respective parcels, their owners, successors in interest and assignees shown hereon the right of ingress and egress over future parking lots to be developed and/or placed on Parcels 2, 3 and 4. The future development of the respective parcels shall be such that there shall be no prevention of reasonable access to the dedicated road right-of-way along the Northerly line of the Binding Site Plan. Though not required to be exact, the traffic flows and respective parking locations shall adhere reasonably to the general representation shown hereon. Nothing herein shall imply that these rights set forth shall be for the benefit of said Parcels, 2, 3 and 4 over Parcel 1.

6. This survey was performed in the field using a Lietz Set 4-A Electronic Total Station.



7. The approval of this Binding Site Plan is part of a Settlement Agreement regarding Skagit County Superior Court Cause #95-2-00808-1 entered into between Dan R. Mitzel as Petitioner/Plaintiff, the City of Burlington as Respondent/Defendant, and Lannie Wixson and the Gilkey Addition Neighborhood Organization as intervenors.

After the conveyance of Parcels 2, 3, 4, 5, 6, 7, 8 and 9 to Dan R. Mitzel and Patricia R. Burklund from Marvin and Larona Hamilton, there shall be no sale of parcels of land other than conveyance to affiliated entities of which Mitzel/Burklund are no less than 50% owners of that entity which title is being conveyed to until public improvements are constructed and/or bonded in compliance with city standards.

8. Storm Water Easement or Easements will be provided to the City of Burlington across Parcels 3 and 4 covering the installation and maintenance of pipes or channels installed to convey stormwater from the street constructed on Parcel 9.

9. An Easement is hereby reserved for and granted to the City of Burlington, Public Utility District No. 1, Puget Sound Power & Light Company, G.T.E., Cascade Natural Gas Corp. and TCI Cablevision of Washington Inc. and their respective successors and assigns under and upon the exterior 10 feet of front boundary lines of all lots and tracts and other Utility Easements shown on the face of the Binding Site Plan, in which to install, lay, construct, renew, operate, maintain, and remove utility systems, line, fixtures, and appurtenances attached thereto, for the purpose of providing utility services to the subdivision and other property, together with the right to enter upon the lots and tracts at all times for the purposes stated, with the understanding that any grantee shall be responsible for all unnecessary damage it causes to any real property owner in the subdivision by the exercise of rights and privileges herein granted.

10. A 20 foot Sewer Easement to the City of Burlington as shown on sheets 2 and 3 for ingress, egress, installation and maintenance.

11. Easement for utilities, sewer and sanitary sewer.

12. Mislocated fence lines.

13. Building set-back lines as delineated on the face of the plat.

B. RESERVATION CONTAINED IN DEED

Executed by:	Marvin and Larona Hamilton
Recorded:	January 18, 1996
Auditor's No.:	9601180067
As Follows:	

There is reserved and conveyed for the benefit of the respective parcels a right, as delineated on the face of the binding site plan referred to in the legal description of the main parcel(s) described above, for ingress and egress over present or future developed parking lots. These reciprocal rights shall run with the land for the future benefit of the owners of the respective parcels, their heirs and assigns. No right shall exist that would force the immediate development of any proposed or shown parking lots on said binding site plan.



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C. EASEMENT, INCLUDING TERMS AND PROVISIONS THEREOF:

Grantee: City of Burlington
Dated: June 16, 1997
Recorded: July 2, 1997
Auditor's No.: 9707020023
Purpose: Storm Drainage
Area Affected: Portion of subject property

Said instrument is a re-recording of instrument recorded under Auditor's File No. 9706180075.

D. PROTECTIVE COVENANTS AND/OR EASEMENTS, BUT OMITTING RESTRICTIONS, IF ANY, BASED ON RACE, COLOR, RELIGION OR NATIONAL ORIGIN:

Dated: February 26, 1998
Recorded: June 26, 1998
Auditor's No.: 9806260178
Executed By: Dan Mitzel and Patricia Burklund, husband and wife

E. EASEMENT, INCLUDING TERMS AND PROVISIONS THEREOF:

Grantee: City of Burlington
Dated: April 7, 1997
Recorded: June 4, 1997
Auditor's No.: 9706040049
Purpose: Sanitary Sewer
Area Affected: Portion of subject property and other property



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