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Skagit County Auditor

7/10/2007 Page

1 of

7 2:55PM

**RETURN TO:**

Public Utility District No. 1 of Skagit County  
1415 Freeway Drive  
P.O. Box 1436  
Mount Vernon, WA 98273-1436

**PUD UTILITY EASEMENT**

THIS AGREEMENT is made this 4<sup>th</sup> day of May, 2007, between **SIERRA PACIFIC INDUSTRIES, a California Corporation**, hereinafter referred to as "Grantor(s)", and **PUBLIC UTILITY DISTRICT NO. 1 OF SKAGIT COUNTY, WASHINGTON**, a Municipal Corporation, hereinafter referred to as "District". Witnesseth:

WHEREAS, Grantor(s) are the owners of certain lands and premises situated in the County of Skagit, and

WHEREAS, the District wishes to acquire certain rights and privileges along, within, across, under, and upon the said lands and premises.

NOW, THEREFORE, Grantor(s), for and in consideration of mutual benefits and other valuable consideration, receipt of which is hereby acknowledged, conveys and grants to the District, its successors or assigns, the perpetual right, privilege, and authority enabling the District to do all things necessary or proper in the construction and maintenance of a water and communication, lines or other similar public services related facilities, including the right to construct, operate, maintain, inspect, improve, remove, restore, alter, replace, relocate, connect to and locate at any time a pipe or pipes, line or lines or related facilities, along with necessary appurtenances for the transportation and control of water and electronic information on facilities over, across, along, in and under the following described lands and premises in the County of Skagit, State of Washington, to wit:

**P21265, P117970, P21268, P117535, P21310 and P21234**

(Exhibit Maps # 1, 2 & 3 - Attached)

Said Easement being more particularly described as follows:

**Parcel A**

A strip of land 20.00 feet in width, said strip lying within portions of the Northwest quarter of the Northeast quarter, of the Southwest quarter of the Northeast quarter, of the Northwest quarter of the Southeast quarter, and of the Northeast quarter of the Southwest quarter, all in Section 9, Township 34 North, Range 3 East, W.M., Skagit County, Washington, said strip lying 10.00 feet on each side of the following described center line:

Commencing at the Northeast corner of Lot D, Skagit County Short Plat No. 93-007, as approved June 21, 1993 and recorded July 20, 1993 in Book 10 of Short Plats at pages 217 and 218 under Auditor's File No. 9307200029; thence North 89° 21' 11" West along the North line of said Northwest quarter of the Southeast quarter of Section 9, a distance of 22.50 feet; **thence** South 01° 09' 54" West, a distance of 660.03 feet to the South line of said Lot D, said point being on the South line of the North 660 feet of said Northwest quarter of the Northeast quarter, said point being to the **TRUE POINT OF BEGINNING** of said center line; **thence** continuing South 01° 09' 54" West, a distance of 0.30 feet; **thence** South 01° 40' 46" West, a distance of 1767.12 feet; **thence** South 01° 15' 56" West, a distance of 678.72 feet to the beginning of a curve to the right, the center of which bears North 88° 44' 04" West, a distance of 631.30 feet; **thence** Southerly, following said curve to the right through a central angle of 73° 15' 27" for an arc distance of 807.18 feet to the end of said curve; **thence** South 74° 31' 23" West a distance of 116.37 feet to the beginning of a curve to the right, the center of which bears North 15° 28' 37" West, a distance of 2767.50 feet; **thence** Westerly, following said curve to the right through a central angle of 17° 26' 09" for an arc distance of 842.19 feet to a point of reverse curvature; **thence** Westerly, following a curve to the left, said curve having a radius of 622.50 feet, through a central angle of 12° 11' 51" for an arc distance of 132.52 feet to a point of reverse curvature; **thence** Westerly, following a curve to the right, said curve having a radius of 577.50 feet, through a central angle of 12° 58' 47" for an arc distance of 130.83 feet to the end of said curve; **thence** North 87° 15' 31" West a distance of 383.10 feet to the end of said center line;

EXCEPTING THEREFROM any portion of said 20.00 foot wide strip lying within unvacated portions of Railroad Avenue and Samish Street, as said streets are shown on the "Plan of Fredonia, Skagit Co. Wash", as per plat recorded in Volume 2 of Plats, page 25, records of Skagit County, Washington, and also

EXCEPTING THEREFROM any portion of said 20.00 foot wide strip lying West of the West line of that certain 60 foot easement for ingress, egress and utilities as per easement agreement recorded under Auditor's File No. 9209140053.

#### Parcel B

A strip of land 20.00 feet in width, said strip lying within a portion of the Northwest quarter of the Northeast quarter of Section 9, Township 34 North, Range 3 East, W.M., Skagit County, Washington, said strip lying 10.00 feet on each side of the following described center line:

Commencing at the Northeast corner of Lot D, Skagit County Short Plat No. 93-007, as approved June 21, 1993 and recorded July 20, 1993 in Book 10 of Short Plats at pages 217 and 218 under Auditor's File No. 9307200029; thence North  $89^{\circ} 21' 11''$  West along the North line of said Northwest quarter of the Southeast quarter of Section 9, a distance of 22.50 feet; thence South  $01^{\circ} 09' 54''$  West, a distance of 660.33 feet; **thence** South  $01^{\circ} 40' 46''$  West, a distance of 143.65 feet; **thence** South  $88^{\circ} 19' 14''$  East, a distance of 10.00 feet to the **TRUE POINT OF BEGINNING** of said center line; **thence** continuing South  $88^{\circ} 19' 14''$  East a distance of 68.41 feet to the end of said center line.

The outer margins of said strip are to be either lengthened or shortened to attach to the outer margin of Parcel A as it is described above.

#### Parcel C

A strip of land 20.00 feet in width, said strip lying within a portion of the Southwest quarter of the Northeast quarter of Section 9, Township 34 North, Range 3 East, W.M., Skagit County, Washington, said strip lying 10.00 feet on each side of the following described center line:

Commencing at the Northeast corner of Lot D, Skagit County Short Plat No. 93-007, as approved June 21, 1993 and recorded July 20, 1993 in Book 10 of Short Plats at pages 217 and 218 under Auditor's File No. 9307200029; thence North  $89^{\circ} 21' 11''$  West along the North line of said Northwest quarter of the Southeast quarter of Section 9, a distance of 22.50 feet; thence South  $01^{\circ} 09' 54''$  West, a distance of 660.33 feet; **thence** South  $01^{\circ} 40' 46''$  West, a distance of 855.84 feet; **thence** South  $88^{\circ} 23' 49''$  East, a distance of 10.00 feet to the **TRUE POINT OF BEGINNING** of said center line; **thence** continuing South  $88^{\circ} 23' 49''$  East a distance of 65.50 feet to the end of said center line.

The outer margins of said strip are to be either lengthened or shortened to attach to the outer margin of Parcel A as it is described above.

#### Parcel D

A strip of land 20.00 feet in width, said strip lying within a portion of the Southwest quarter of the Northeast quarter of Section 9, Township 34 North, Range 3 East, W.M., Skagit County, Washington, said strip lying 10.00 feet on each side of the following described center line:

Commencing at the Northeast corner of Lot D, Skagit County Short Plat No. 93-007, as approved June 21, 1993 and recorded July 20, 1993 in Book 10 of Short Plats at pages 217 and 218 under Auditor's File No. 9307200029; thence North  $89^{\circ} 21' 11''$  West along the North line of said Northwest quarter of the Southeast quarter of Section 9, a distance of 22.50 feet; thence South  $01^{\circ} 09' 54''$  West, a distance of 660.33 feet; **thence** South  $01^{\circ} 40' 46''$  West, a distance of 1153.15 feet; **thence** South  $88^{\circ} 23' 49''$  East, a distance of 10.00 feet to the **TRUE POINT OF BEGINNING** of said center line; **thence** continuing South  $88^{\circ} 23' 49''$  East a distance of 65.50 feet to the end of said center line.

The outer margins of said strip are to be either lengthened or shortened to attach to the outer margin of Parcel A as it is described above.

#### Parcel E

A strip of land 20.00 feet in width, said strip lying within a portion of the Southwest quarter of the Northeast quarter of Section 9, Township 34 North, Range 3 East, W.M., Skagit County, Washington, said strip lying 10.00 feet on each side of the following described center line:

Commencing at the Northeast corner of Lot D, Skagit County Short Plat No. 93-007, as approved June 21, 1993 and recorded July 20, 1993 in Book 10 of Short Plats at pages 217 and 218 under Auditor's File No. 9307200029; thence North  $89^{\circ} 21' 11''$  West along the North line of said Northwest quarter of the Southeast quarter of Section 9, a distance of 22.50 feet; thence South  $01^{\circ} 09' 54''$  West, a distance of 660.33 feet; **thence** South  $01^{\circ} 40' 46''$  West, a distance of 1755.62 feet; **thence** South  $88^{\circ} 19' 14''$  East, a distance of 10.00 feet to the **TRUE POINT OF BEGINNING** of said center line; **thence** continuing South  $88^{\circ} 19' 14''$  East a distance of 65.50 feet to the end of said center line.



The outer margins of said strip are to be either lengthened or shortened to attach to the outer margin of Parcel A as it is described above.

**Parcel F**

A strip of land 20.00 feet in width, said strip lying within a portion of the Southwest quarter of the Northeast quarter of Section 9, Township 34 North, Range 3 East, W.M., Skagit County, Washington, said strip lying 10.00 feet on each side of the following described center line: Commencing at the Northeast corner of Lot D, Skagit County Short Plat No. 93-007, as approved June 21, 1993 and recorded July 20, 1993 in Book 10 of Short Plats at pages 217 and 218 under Auditor's File No. 9307200029; thence North  $89^{\circ} 21' 11''$  West along the North line of said Northwest quarter of the Southeast quarter of Section 9, a distance of 22.50 feet; thence South  $01^{\circ} 09' 54''$  West, a distance of 660.33 feet; **thence** South  $01^{\circ} 40' 46''$  West, a distance of 1767.12 feet; **thence** South  $01^{\circ} 15' 56''$  West, a distance of 282.10 feet; **thence** South  $88^{\circ} 25' 04''$  East, a distance of 10.00 feet to the **TRUE POINT OF BEGINNING** of said center line; **thence** continuing South  $88^{\circ} 25' 04''$  East a distance of 63.36 feet to the end of said center line.

The outer margins of said strip are to be either lengthened or shortened to attach to the outer margin of Parcel A as it is described above.

**Parcel G**

A strip of land 20.00 feet in width, said strip lying within a portion of the Northwest quarter of the Southeast quarter of Section 9, Township 34 North, Range 3 East, W.M., Skagit County, Washington, said strip lying 10.00 feet on each side of the following described center line: Commencing at the Northeast corner of Lot D, Skagit County Short Plat No. 93-007, as approved June 21, 1993 and recorded July 20, 1993 in Book 10 of Short Plats at pages 217 and 218 under Auditor's File No. 9307200029; thence North  $89^{\circ} 21' 11''$  West along the North line of said Northwest quarter of the Southeast quarter of Section 9, a distance of 22.50 feet; thence South  $01^{\circ} 09' 54''$  West, a distance of 660.33 feet; **thence** South  $01^{\circ} 40' 46''$  West, a distance of 1767.12 feet; **thence** South  $01^{\circ} 15' 56''$  West, a distance of 678.72 feet to the beginning of a curve to the right, the center of which bears North  $88^{\circ} 44' 04''$  West, a distance of 631.30 feet; **thence** Southerly, following said curve to the right through a central angle of  $07^{\circ} 59' 39''$  for an arc distance of 88.08 feet; **thence** South  $89^{\circ} 58' 08''$  East, a distance of 10.15 feet to the **TRUE POINT OF BEGINNING** of said center line; **thence** continuing South  $89^{\circ} 58' 08''$  East a distance of 81.94 feet to the end of said center line.

The outer margins of said strip are to be either lengthened or shortened to attach to the outer margin of Parcel A as it is described above.

**Parcel H**

A strip of land 20.00 feet in width, said strip lying within a portion of the Northwest quarter of the Southeast quarter of Section 9, Township 34 North, Range 3 East, W.M., Skagit County, Washington, said strip lying 10.00 feet on each side of the following described center line: Commencing at the Northeast corner of Lot D, Skagit County Short Plat No. 93-007, as approved June 21, 1993 and recorded July 20, 1993 in Book 10 of Short Plats at pages 217 and 218 under Auditor's File No. 9307200029; thence North  $89^{\circ} 21' 11''$  West along the North line of said Northwest quarter of the Southeast quarter of Section 9, a distance of 22.50 feet; thence South  $01^{\circ} 09' 54''$  West, a distance of 660.33 feet; **thence** South  $01^{\circ} 40' 46''$  West, a distance of 1767.12 feet; **thence** South  $01^{\circ} 15' 56''$  West, a distance of 678.72 feet to the beginning of a curve to the right, the center of which bears North  $88^{\circ} 44' 04''$  West, a distance of 631.30 feet; **thence** Southerly, following said curve to the right through a central angle of  $68^{\circ} 11' 05''$  for an arc distance of 751.05 feet; **thence** South  $20^{\circ} 33' 50''$  East, a distance of 10.00 feet to the **TRUE POINT OF BEGINNING** of said center line; **thence** continuing South  $20^{\circ} 33' 50''$  East a distance of 55.67 feet to the Northerly margin of that certain easement conveyed to Public Utility District No. 1 of Skagit County by instrument dated October 1, 1982 and recorded January 12, 1983 under Auditor's File No. 8301120041 and the end of said center line.

The outer margins of said strip are to be either lengthened or shortened to attach to the outer margin of Parcel A as it is described above, and to said Northerly easement margin.

ALL OF THE ABOVE BEING SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

All being situate in the County of Skagit, State of Washington.

together with the right of ingress to and egress from said lands across adjacent lands of the Grantor; also, the right to cut and/or trim all timber, trees, brush, or other growth standing or growing upon the lands of the Grantor which, in the opinion of the District, constitutes a menace or danger to said line or to persons or property by reason of proximity to the line. The Grantor agrees that title to all brush, other vegetation

or debris trimmed, cut, and removed from the easement pursuant to this Agreement is vested in the District.


Grantors, their heirs, successors, or assigns hereby conveys and agrees not to construct or permit to be constructed structures of any kind on the easement area without written approval of the General Manager of the District. Grantors shall conduct their activities and all other activities on Grantor's property so as not to interfere with, obstruct or endanger the usefulness of any improvements or other facilities, now or hereafter maintained upon the easement or in any way interfere with, obstruct or endanger the District's use of the easement.

The Grantors also agree to and with the District that the Grantors lawfully own the land aforesaid, has a good and lawful right and power to sell and convey same, that same is free and clear of encumbrances except as indicated in the above legal description, and that Grantors will forever warrant and defend the title to said easement and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Any mortgage on said land held by a mortgagee is hereby subordinated to the rights herein granted to the District; but in all other respects the mortgage shall remain unimpaired.

In Witness Whereof, the Grantor hereunto sets his hand and seal this 4 day of May, 2007.

**SIERRA PACIFIC INDUSTRIES, a California Corporation:**

  
SIGNATURE M.D. Emmerson  
CFO - VP

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

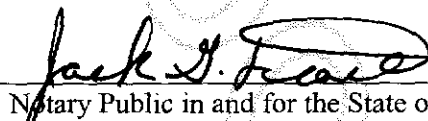
JUL 10 2007

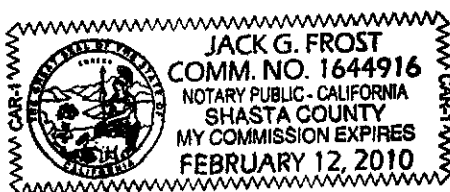
Amount Paid \$ 0  
By [Signature] Skagit Co. Treasurer Deputy

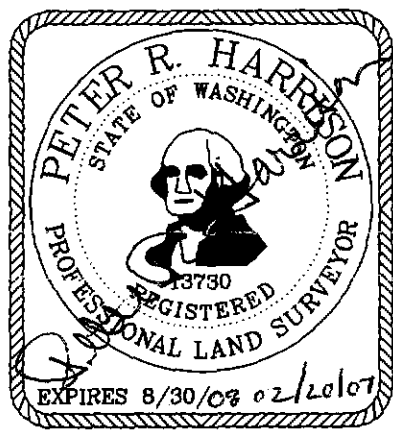
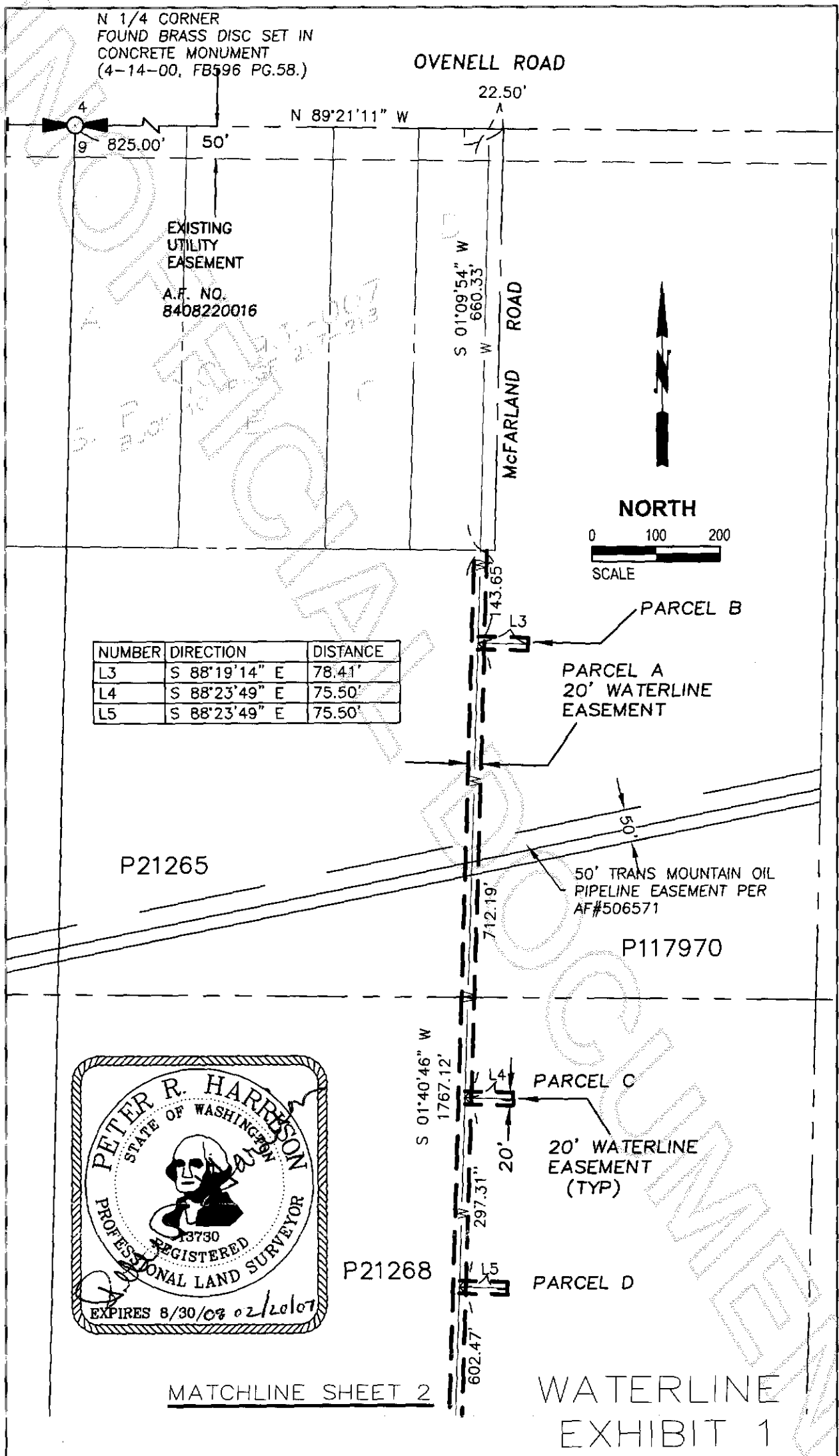
STATE OF California  
COUNTY OF Shasta

I certify that I know or have satisfactory evidence that M.D. Emmerson 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 CFO - VP of **SIERRA PACIFIC INDUSTRIES, a California Corporation**, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Date: 5-4-07

  
Notary Public in and for the State of Washington  
California





**Leonard, Boudinot & Skodje Inc.**  
PROFESSIONAL ENGINEERS & LAND SURVEYORS  
603 South First Street, P.O. Box 1228  
Mount Vernon, WA 98273  
Tel: 360-336-5751 Fax: 360-336-3981

WATERLINE EASEMENT  
FREDONIA BUSINESS PARK  
for SIERRA PACIFIC INDUSTRIES  
FROM OVEN

SCALE:  
1"=200'



200707100078  
Skagit County Auditor

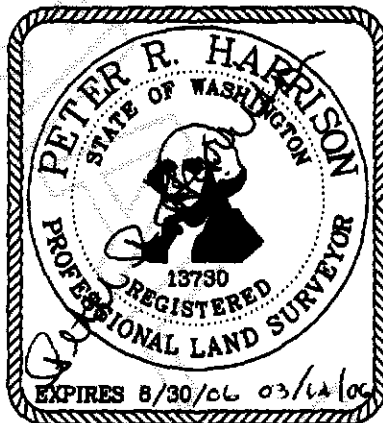
MATCHLINE SHEET 1

PARCEL A  
20' WATERLINE  
EASEMENT

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH
C8	05°04'22"	631.30'	56.13'
C11	07°59'39"	631.30'	88.08'

NUMBER	DIRECTION	DISTANCE
L1	S 74°31'23" W	116.37'
L2	S 89°19'14" E	75.50'
L6	S 88°25'04" E	73.36'
L8	S 89°58'08" E	92.09'
L9	S 20°33'50" E	65.67'

P117535



NORTH

0 100 200  
SCALE

P21310

P21234

MATCHLINE SHEET 3

D=17°26'09"  
R=2767.50'  
L=842.19'

PARCEL H

OVERALL  
D=73°15'27"  
R=831.30'  
L=807.18'

McFARLAND ROAD  
TO PARCEL  
D=68°11'05"  
R=631.30'  
L=751.05'

RAILROAD

STATE ROUTE 20

WATERLINE  
EXHIBIT 2



Leonard, Boudinot & Skodje Inc.  
PROFESSIONAL ENGINEERS & LAND SURVEYORS  
603 South First Street, P.O. Box 1228  
Mount Vernon, WA 98273  
Tel: 360-336-6761 Fax: 360-336-3981

WATERLINE EASEMENT  
FREDONIA BUSINESS PARK  
for SIERRA PACIFIC INDUSTRIES  
FROM OVENELL ROAD SOUTH

SCALE:  
1"=200'  
05097

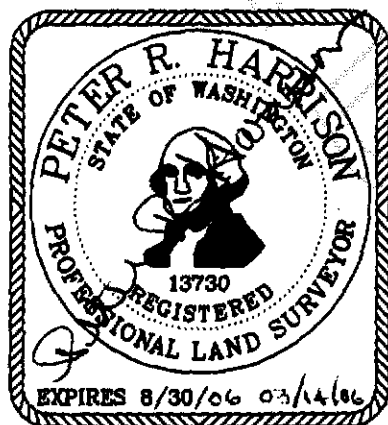


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Skagit County Auditor

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH
C1	12°58'47"	577.50'	130.83'
C2	12°11'51"	622.50'	132.52'

1320±



NORTH

0 100 200  
SCALE

P21234

P21310

MATCHLINE SHEET 2

PARCEL A  
20' WATERLINE  
EASEMENT

D=17°26'09"  
R=2767.50'  
L=842.19'

N 87°15'31" W  
383.10'

McFARLAND ROAD

BURLINGTON NORTHERN RAILROAD

WATERLINE  
EXHIBIT 3



**Leonard, Boudinot & Skodje Inc.**  
PROFESSIONAL ENGINEERS & LAND SURVEYORS  
603 South First Street, P.O. Box 1228  
Mount Vernon, WA 98273  
Tel: 360-336-6751 Fax: 360-336-3981

WATERLINE EASEMENT  
FREDONIA BUSINESS PARK  
for SIERRA PACIFIC INDUSTRIES  
FROM OVENELL ROAD SOUTH

SCALE:  
1"=200'  
05097



200707100078

Skagit County Auditor