


TEMPORARY CONSTRUCTION EASEMENT

After recording return document to:

City of Mount Vernon  
P.O. Box 809  
Mount Vernon, WA 98273-0809

  
200712030189  
Skagit County Auditor  
12/3/2007 Page 1 of 7 2:32PM

**Document Title:** *Temporary Construction Easement*

**Grantor:** *EDWARD J. KAPTEIN AND CHERYL A. KAPTEIN*

**Grantee:** *CITY OF MOUNT VERNON*

**Legal Description:** *Ptn. of NW 1/4 of SW 1/4, 17-34-4E, W. M.*

**Additional Legal Description is on:** *Exhibit "A" of this Document*

**Assessor's Tax Parcel Number:** *P25537*

In the Matter of: COLLEGE WAY/RIVERSIDE DRIVE IMPROVEMENT PROJECT

TEMPORARY CONSTRUCTION EASEMENT

The Grantor, **EDWARD J. KAPTEIN AND CHERYL A. KAPTEIN, husband and wife**, for and in consideration of MUTUAL BENEFITS, and other valuable consideration, conveys and grants unto the **CITY OF MOUNT VERNON, a Municipal Corporation** of the State of Washington, and it assigns, a Temporary Construction Easement over, under, upon and across the hereinafter described lands (hereinafter referred to as the "**Construction Area.**").

Said lands being situated in Skagit County, State of Washington, and described as follows:

*See Exhibit A attached hereto and made a part hereof.*

**PURPOSE**

GRANTEE and its assigns shall have the rights of ingress and egress to take whatever actions necessary within the **Construction Area** for reshaping and repairs to existing improvements affected by the City's project construction; and, to construct road improvements, including excavating, compacting, shaping and grading, sidewalk construction, constructing road works, matching driveway entrances, and miscellaneous construction, all costs of which shall be borne by the City of Mount Vernon.

## **TEMPORARY CONSTRUCTION EASEMENT**

### **GRANTORS' USE OF THE CONSTRUCTION AREA**

GRANTORS shall have access to the **Construction Area** at all times except during the time actual construction activities are being carried out within the **Construction Area**.

### **RESTORATION OF THE CONSTRUCTION AREA**

Following completion of the GRANTEE'S construction and related work in the **Construction Area**, GRANTEE shall, at GRANTEE'S expense, promptly restore **Construction Area** as nearly to and reasonably as possible to the condition in which it existed prior to such damage.

### **DAMAGE TO OTHER PROPERTY**

If at any time after the execution of this agreement, the GRANTEE, in the exercise of the rights granted to the GRANTEE herein, shall damage any of the property owned by the GRANTORS which abuts and is outside of the **Construction Area**, the GRANTEE shall, at the GRANTEE'S expense, promptly restore any such property as nearly to and reasonably as possible to the condition in which it existed prior to such damage.

### **DURATION**

The rights granted shall commence upon the GRANTORS' execution of this easement document and shall continue for a period of two years, or until the GRANTEE ceases to use the **Construction Area** for the purposes stated herein, whichever occurs first.



## TEMPORARY CONSTRUCTION EASEMENT

### RELATIONSHIP BETWEEN PARTIES

GRANTORS: GRANTORS shall assume the risk of, be liable for, and pay all damage, loss, cost and expense caused by the GRANTORS and their agents arising out of any duty performed, or not performed, while acting in good faith within the scope of this Construction Easement.

GRANTEE: The GRANTEE shall assume the risk of, be liable for, and pay all damage, loss, cost, and expense caused by its officers, officials, employees and agents arising out of any duty performed, or not performed, while acting in good faith within the scope of this Construction Easement.

It is understood and agreed that delivery of this Temporary Construction Easement is hereby tendered and that the terms and obligations hereof shall not become binding upon the City of Mount Vernon unless and until accepted and approved hereon in writing for the City of Mount Vernon.

Dated this 24<sup>th</sup> day of August, 2007

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

DEC 03 2007

Amount Paid  
By man Skagit Co. Treasurer  
Debit

3 of 6



200712030189  
Skagit County Auditor

25537

TEMPORARY CONSTRUCTION EASEMENT

GRANTORS:

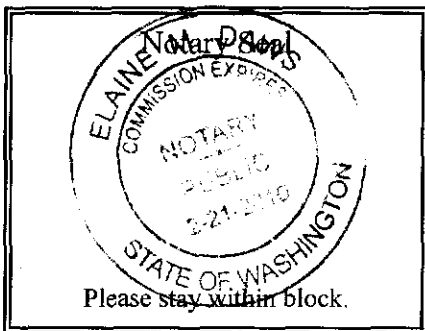
Edward J. Kaptein  
Edward J Kaptein

Cheryl A. Kaptein  
Cheryl A. Kaptein

STATE OF WASHINGTON )  
 ) : ss.  
County of Skagit )

On this day of August 24, 2007, before me personally appeared  
EDWARD J. KAPTEIN AND CHERYL A. KAPTEIN, to me known to be the  
individuals described in and who executed the foregoing instrument, and acknowledged  
that they signed the same as their free and voluntary act and deed, for the uses and  
purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.



Elaine M. Dawns  
Notary (print name) Elaine M. Dawns  
Notary Public in and for the State of Washington,  
residing at Sedro Woolley  
My Appointment expires 2/21/2010





**TEMPORARY CONSTRUCTION EASEMENT**

**GRANTEE:**

CITY OF MOUNT VERNON

Approved as to Form:

  
Bud Norris, Mayor

  
Kevin Rogerson, City Attorney

Attest:

  
Alicia Huschka, Finance Director



200712030189  
Skagit County Auditor

12/3/2007 Page 5 of 7 2:32PM

5537

**TEMPORARY CONSTRUCTION EASEMENT**

**EXHIBIT A**

(Shown as PARCEL "A" on Land Title Company Limited Liability Report Order No. 123864)

That portion of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 17, Township 34 North, Range 4 East, W.M., described as follows:

BEGINNING at the Southwest corner of said North 1/2 of the Northwest 1/4 of the Southwest 1/4;  
thence East 210 feet;  
thence North 50 feet;  
thence West 210 feet;  
thence South 50 feet of the POINT OF BEGINNING,

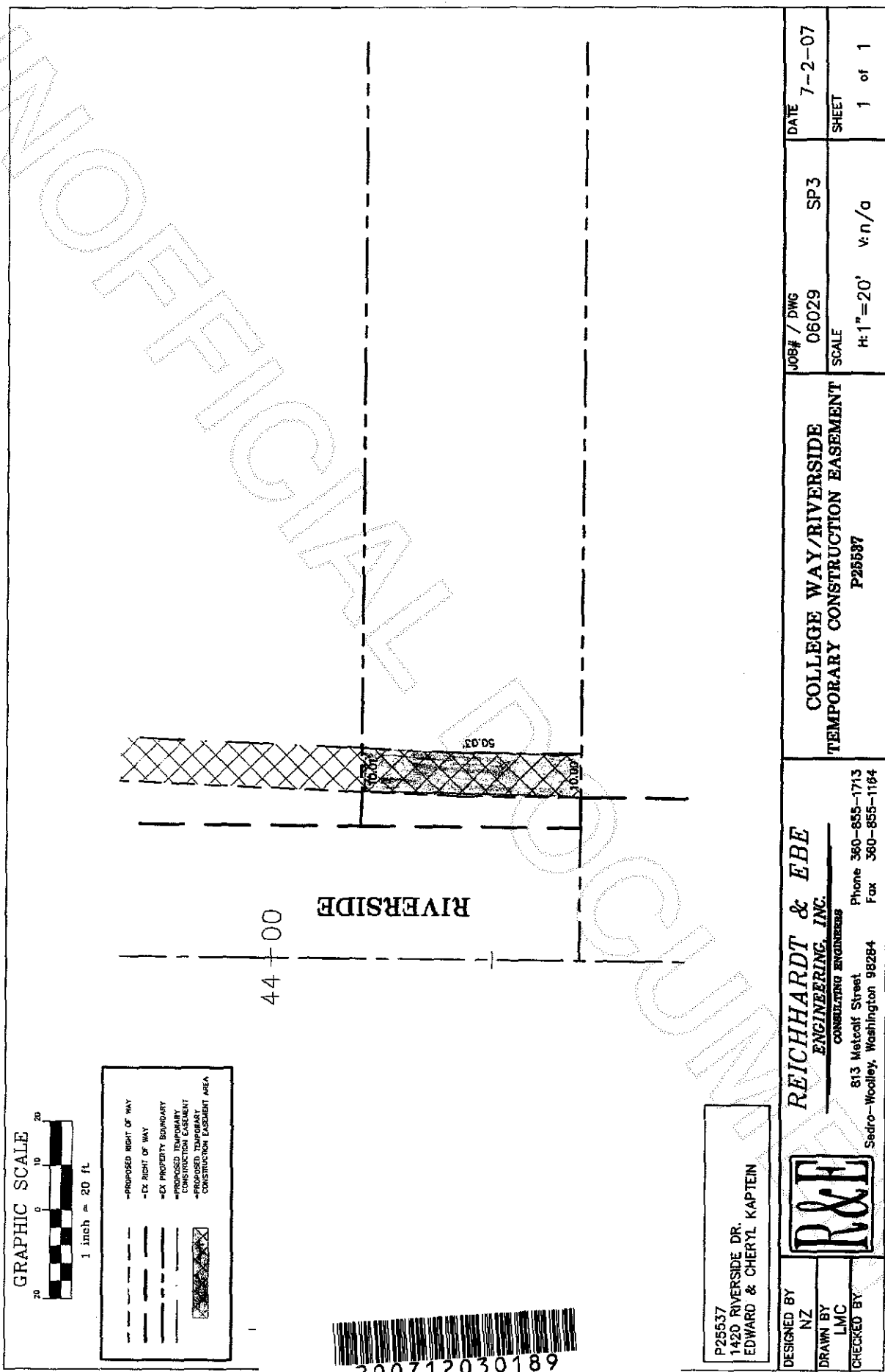
EXCEPT state highway right-of-way.

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

Situate in the City of Mount Vernon, County of Skagit, State of Washington.

Area of new right-of-way = 359 sq. ft.





200712030189  
Skagit County Auditor

P25537  
1420 RIVERSIDE DR.  
EDWARD & CHERYL KAPTEIN

DESIGNED BY NZ	<b>REICHHARDT &amp; EBE</b> <b>ENGINEERING, INC.</b> CONSULTING ENGINEERS 813 Melcoff Street Sedro-Woolley, Washington 98284 Phone 360-855-1713 Fax 360-855-1184
DRAWN BY LMC	
CHECKED BY	

COLLEGE WAY/RIVERSIDE		JOB# / DWG 06029	DATE 7-2-07
TEMPORARY CONSTRUCTION EASEMENT		SCALE H: 1"=20' V: N/A	SHEET 1 of 1
P25537			