



200801300080

Skagit County Auditor

Recording Requested By And
When Recorded Mail To:

1/30/2008 Page 1 of 11 11:58AM

City of Sedro-Woolley
720 Murdock Street
Sedro-Woolley, WA 98284

CHICAGO TITLE COMPANY
IC44662

DOCUMENT TITLE: EASEMENT FOR SEWER FACILITIES

REFERENCE NUMBER OF RELATED DOCUMENT: Not Applicable

GRANTOR(S): Sedro Woolley Corner LLC

GRANTEE(S): City of Sedro-Woolley

ABBREVIATED LEGAL DESCRIPTION: a ptn of SE ¼ of SW ¼, 23-35-4 E W.M.

ASSESSOR'S TAX / PARCEL NUMBER(S): P37199

EASEMENT FOR SEWER FACILITIES

The undersigned, **Sedro Woolley Corner LLC**, a **Washington Limited Liability Company** ("Grantor"), for and in consideration of the public good, mutual benefits and no monetary consideration, hereby grants, conveys and warrants to the **City of Sedro-Woolley**, a municipal corporation in Skagit County, Washington ("Grantee"), and its successors and assigns, permanent Easements for Sewer Facilities including sewer lines and appurtenances thereto ("Easement") as follows:

1. Nature and Location of Easement. Grantor owns certain real property legally described in *Exhibit "A"*, attached hereto and incorporated herein by this reference ("Real Property").

A. Pump Station. The Easement granted by Grantor herein shall be a permanent easement for the benefit of Grantee over, upon, across, through and under the Real Property, such Easement as legally described on *Exhibits "B-1 and B-2"* and as described and depicted on *Exhibit "C"*, attached hereto and incorporated herein by this reference, for the purposes of installing, laying, constructing, maintaining, inspecting, repairing, removing, replacing, renewing, using and operating sewer lines, together with all facilities, connectors, pump stations, appurtenances and electrical equipment ("Sewer Facilities"), including the right of ingress and egress with all necessary vehicles and equipment for said purposes. The easement described in *Exhibit "B-1"* is an exclusive easement for the benefit of Grantee; the easement described in *Exhibit "B-2"* is a non-exclusive easement for the benefit of Grantee.

B. Generator Facilities. The Easement granted by Grantor herein shall be a permanent easement for the benefit of Grantee over, upon, across, through and under the Real Property, such Easement as legally described on *Exhibits "D-1 and D-2"* and as described and depicted on *Exhibit "E"*, attached hereto and incorporated herein by this reference, for the purposes of installing, constructing, maintaining, inspecting, repairing, removing, replacing, renewing, using and operating electrical generator to support the City's utilities, together with all facilities, connectors, and appurtenances, including the right of ingress and egress with all necessary vehicles and equipment for said purposes. The easement described in *Exhibit "D-1"* is an exclusive easement for the benefit of Grantee; the easement described in *Exhibit "D-2"* is a non-exclusive easement for the benefit of Grantee. Grantor further grants Grantee a permanent easement connecting the area described in *Exhibit "B-1"* to the area described in *Exhibit "D-1"* for the purpose of installing, maintaining and replacing electrical lines and conduit between the generator and the pump station as exists.

2. Encroachment/Construction Activity. Grantor shall not undertake, authorize, permit or consent to any construction or excavation including, without limitation, digging, tunneling, or other forms of construction activity on or near the Easement areas which might in any fashion unearth, undermine, or damage the Sewer Facilities or endanger the lateral or other support of the Sewer Facilities without Grantee's prior approval. Grantor further agrees that no structure or obstruction including, without limitation, fences and rockeries shall be erected over, upon or within the Easement areas, and no trees, bushes or other shrubbery shall be planted or maintained within the Easement areas, without consent of Grantee, provided Grantor shall have full use of the surface of the Real Property within the non-exclusive easement areas (Described on *Exhibits "B-2"* and *"D-2"*), so long as such use does not interfere with the Easement or the Sewer Lines.

3. Binding Effect/ Warranty of Title. The Easement and the covenants, terms, and conditions contained herein are intended to and shall run with the Real Property and shall be binding upon Grantee and Grantor and their respective successors, heirs and assigns. Grantor warrants that Grantor has good title to the Real Property and warrants the Grantee title to and quiet enjoyment of the Easement areas.

4. Indemnity. Each party shall save, indemnify, defend, and hold harmless the other party harmless from any cost, claim, damages, judgments or liability caused by their wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees to the fullest extent required by law. It is further provided that no liability shall attach to the City by reason of entering into this contract except as expressly provided herein.

5. Bill of Sale. Upon its execution, the Easement shall serve as a Bill of Sale for the sewer pump station equipment as identified in that certain Memorandum of



Agreement dated September 14, 2005 and the amendment thereto. The consideration paid by the City is for the personal property consisting of the sewer facilities and not for the easement which Grantor agreed to grant for the public good and as required for its development.

6. Recording. Upon its execution, the Easement shall be recorded with the Skagit County Auditor.

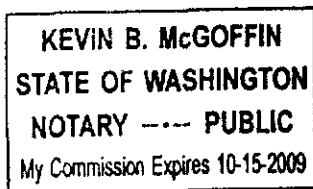
DATED this 24th day of January, 2008.

GRANTOR Sedro Woolley Corner LLC By <u>[Signature]</u> Its <u>Managing Member</u>	GRANTEE <u>[Signature]</u> MAYOR ATTEST: <u>[Signature]</u> CITY CLERK
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STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that
Robert Jan. LK. is the Managing Member of Sedro-Woolley
Corner LLC who appeared before me, and said person acknowledged that he/she/they
signed this instrument and acknowledged it to be the free and voluntary act of said
corporation, for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 23rd day of
January, 2008.



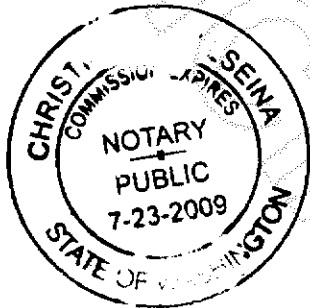
[Signature]
Kevin B. McGoffin (Printed Name)
NOTARY PUBLIC in and for the State of
Washington residing at: Sedro-Woolley
My Commission expires 10-15-2009



STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that Mike Anderson and Patsy Nelson appeared before me, acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument, and acknowledged it as the Mayor and City Clerk of City of Sedro-Woolley, to be the free and voluntary act of such entity, for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 24th day of
January, 2008.



Christine A. Salscina
Christine A. Salscina (Printed Name)
NOTARY PUBLIC in and for the State of
Washington residing at: Skagit Co.
My Commission expires 7/23/09

Easement
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

JAN 30 2008

Amount Paid \$ 0
Skagit Co. Treasurer
By mlm Deputy

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200801300080
Skagit County Auditor

EXHIBIT "A"
LEGAL DESCRIPTION
FOR ENTIRE PARCEL
SEDRO WOOLLEY CORNER LLC
(ASSESSOR'S PARCEL NO. P37199)

P37199: THE EASTERLY 300 FEET OF THE SOUTHERLY 150 FEET OF THE SOUTH 6 ACRES OF THE FOLLOWING DESCRIBED PROPERTY: THAT PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 4 EAST, W.M., LYING NORTHERLY AND WESTERLY OF THE STATE HIGHWAY, AND SOUTHERLY OF A TRACT CONVEYED TO HAROLD MCGLINCHY BY DEED RECORDED UNDER AUDITOR'S FILE NO. 545940 IN VOLUME 283 OF DEEDS, PAGE 706, EXCEPT THE SOUTH 20 FEET THEREOF, AND EXCEPT RIGHT OF WAY FOR DRAINAGE DITCH. THE NORTH LINE OF SAID 6 ACRES BEING A LINE RUNNING FROM EAST TO WEST FROM THE EAST LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER TO THE WEST LINE THEREOF. EXCEPT ANY PORTION LOCATED IN THE BINDING SITE PLAN #8044 GATEWAY BINDING SITE PLAN AP# 200305190183.

Situated in the City of Sedro-Woolley
Skagit County, Washington.



200801300080
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1/30/2008 Page

5 of 11 11:58AM

EXHIBIT "B-1"
LEGAL DESCRIPTION
FOR THE CITY OF SEDRO-WOOLLEY
OF A PERMANENT EXCLUSIVE SEWER EASEMENT

PUMP STATION PARCEL EASEMENT "A"

THAT PORTION OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER
OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 35 NORTH,
RANGE 4 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE SOUTH ONE QUARTER CORNER OF SAID SECTION
23; THENCE NORTH 00°23'31" WEST ALONG THE NORTH-SOUTH CENTER
OF SECTION LINE, 267.86 FEET; THENCE SOUTH 60°19'19" WEST, 39.54
FEET TO THE TRUE POINT OF BEGINNING WHICH IS THE INTERSECTION
POINT OF THE WEST RIGHT OF WAY LINE OF HODGIN ROAD AND THE
NORTHWESTERLY RIGHT OF WAY LINE OF SR-20; THENCE CONTINUING
SOUTH 60°19'19" WEST ALONG SAID NORTHWESTERLY RIGHT OF WAY
LINE 23.10 FEET; THENCE NORTH 20°34'28" WEST, 18.47 FEET; THENCE
NORTH 18°22'49" EAST 40.85 FEET; THENCE NORTH 85°19'19" EAST 10.00
FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF HODGIN ROAD;
THENCE SOUTH 04°40'41" EAST ALONG SAID WEST RIGHT OF WAY LINE
45.59 FEET TO THE POINT OF BEGINNING.

SITUATE WITHIN THE CITY LIMITS OF SEDRO-WOOLLEY, SKAGIT
COUNTY, WA

EASEMENTS/00050 ORIG PUMP STATION PARCEL A 11/07



EXHIBIT "B-2"
LEGAL DESCRIPTION
FOR THE CITY OF SEDRO-WOOLLEY
OF A PERMANENT NON-EXCLUSIVE SEWER EASEMENT

PUMP STATION PARCEL EASEMENT "A"

NON EXCLUSIVE ACCESS EASEMENT FOR MAINTENANCE PURPOSES

THAT PORTION OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER
OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 35 NORTH,
RANGE 4 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE SOUTH ONE QUARTER CORNER OF SAID SECTION
23; THENCE NORTH 00°23'31" WEST ALONG THE NORTH-SOUTH CENTER
OF SECTION LINE, 267.86 FEET; THENCE SOUTH 60°19'19" WEST, 39.54
FEET TO THE INTERSECTION POINT OF THE WEST RIGHT OF WAY LINE
OF HODGIN ROAD AND THE NORTHWESTERLY RIGHT OF WAY LINE OF
SR-20; THENCE CONTINUING SOUTH 60°19'19" WEST ALONG SAID
NORTHWESTERLY RIGHT OF WAY LINE 23.10 FEET TO THE POINT OF
BEGINNING; THENCE NORTH 20°34'28" WEST, 18.47 FEET; THENCE
NORTH 18°22'49" EAST 40.85 FEET; THENCE NORTH 85°19'19" EAST 10.00
FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF HODGIN ROAD;
THENCE NORTH 04°40'41" WEST ALONG SAID WEST RIGHT OF WAY LINE
20.00 FEET; THENCE SOUTH 85°19'19" WEST, 23.22 FEET; THENCE SOUTH
18°22'49" WEST, 61.15 FEET; THENCE SOUTH 20°34'28" EAST, 28.73 FEET
TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF SR-20;
THENCE NORTH 60°19'19" EAST ALONG SAID RIGHT OF WAY LINE, 20.26
FEET TO THE POINT OF BEGINNING.

SITUATE WITHIN THE CITY LIMITS OF SEDRO-WOOLLEY, SKAGIT
COUNTY, WA

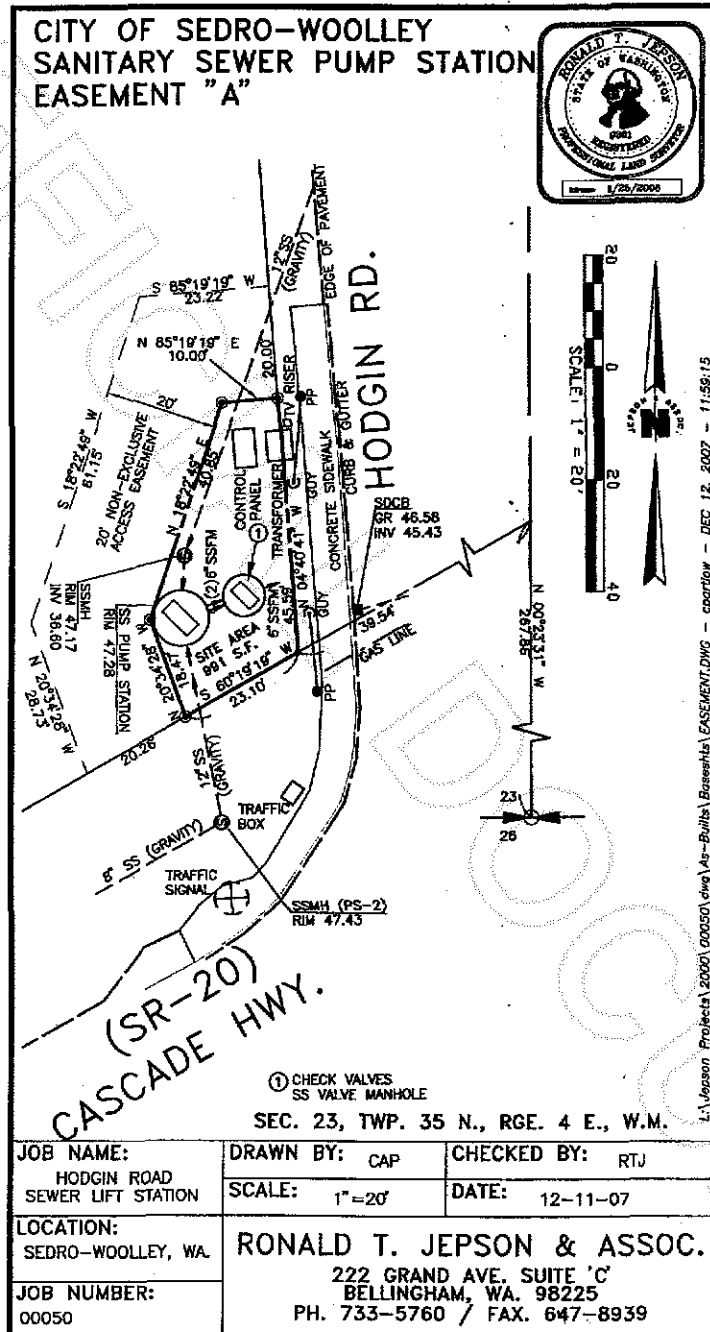
EASEMENTS/00050 PUMP STATION PARCEL A

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Skagit County Auditor

EXHIBIT "C"



200801300080
Skagit County Auditor

EXHIBIT "D-1"
LEGAL DESCRIPTION
FOR THE CITY OF SEDRO-WOOLLEY
OF A PERMANENT EXCLUSIVE SEWER EASEMENT

PUMP STATION GENERATOR EASEMENT "B"

THAT PORTION OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 4 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°23'31" WEST ALONG THE NORTH-SOUTH CENTER OF SECTION LINE 417.68 FEET; THENCE SOUTH 60°19'19" WEST, 38.06 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF HODGIN ROAD; THENCE CONTINUING SOUTH 60°19'19" WEST 21.82 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 60°19'19" WEST, 19.43 FEET; THENCE SOUTH 29°55'35" EAST, 11.41 FEET; THENCE NORTH 64°04'42" EAST, 14.04 FEET; THENCE NORTH 06°07'33" WEST 13.45 FEET TO THE POINT OF BEGINNING.

SITUATE WITHIN THE CITY LIMITS OF SEDRO-WOOLLEY, SKAGIT COUNTY, WA

EASEMENTS/00050 ORIG PUMP STATION B GENERATOR



EXHIBIT "D-2"
LEGAL DESCRIPTION
FOR THE CITY OF SEDRO-WOOLLEY
OF A PERMANENT NON-EXCLUSIVE SEWER EASEMENT

PUMP STATION GENERATOR EASEMENT "B"

NON-EXCLUSIVE ACCESS EASEMENT FOR MAINTENANCE PURPOSES

THAT PORTION OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 4 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°23'31" WEST ALONG THE NORTH-SOUTH CENTER OF SECTION LINE 417.68 FEET; THENCE SOUTH 60°19'19" WEST, 38.06 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF HODGIN ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 60°19'19" WEST, 21.82 FEET; THENCE SOUTH 06°07'33" EAST 13.45 FEET; THENCE SOUTH 64°04'42" WEST, 14.04 FEET; THENCE NORTH 29°55'35" WEST, 11.41 FEET; THENCE SOUTH 60°19'19" WEST, 20.00 FEET; THENCE SOUTH 29°55'35" EAST, 30.14 FEET; THENCE NORTH 64°04'42" EAST, 46.74 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF HODGIN ROAD; THENCE NORTH 06°07'33" WEST ALONG SAID WEST RIGHT OF WAY LINE 36.22 FEET TO THE POINT OF BEGINNING.

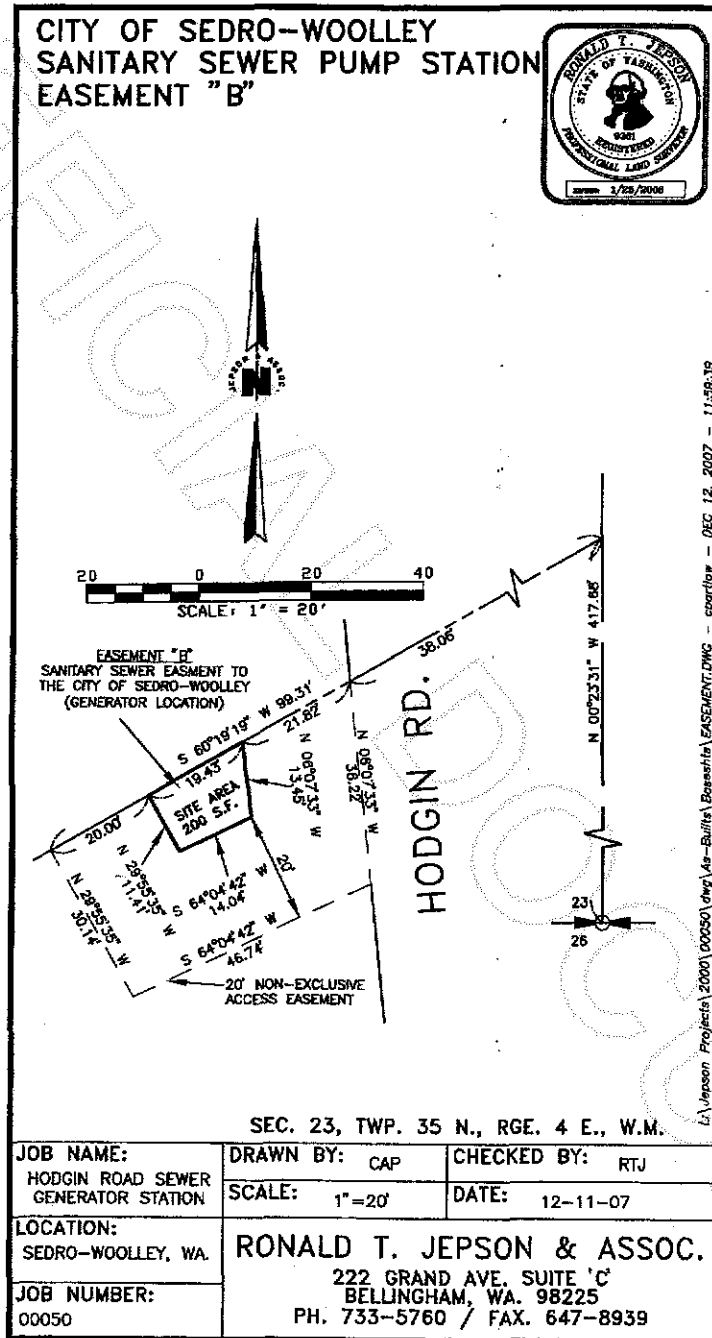
SITUATE WITHIN THE CITY LIMITS OF SEDRO-WOOLLEY, SKAGIT COUNTY, WA

EASEMENTS/00050 PUMP STATION B GENERATOR



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Skagit County Auditor

EXHIBIT "E"



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