

After recording return document to:

City of Burlington
833 S Spruce St.
Burlington, WA 98233



200801310189
Skagit County Auditor

1/31/2008 Page 1 of 8 4:23PM

Document Title: *Temporary Construction Easement*

Grantors: *Paul and Tammy Isaacson*

Grantee: *CITY OF BURLINGTON*

Legal Description: *Ptn NW 1/4, 32-35-4 E W.M.*

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

Assessor's Tax Parcel Numbers: *P38168, P38169, P38175 & P38206*

In the Matter of: **NORTH BURLINGTON BOULEVARD IMPROVEMENTS**

TEMPORARY CONSTRUCTION EASEMENT

The Grantors, **PAUL ISAACSON and TAMMY ISAACSON, husband and wife**, for and in consideration of **MUTUAL BENEFITS**, conveys and grants unto the **CITY OF BURLINGTON**, 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:

*For legal descriptions
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

TEMPORARY CONSTRUCTION EASEMENT

construction, constructing road works, matching driveway entrances, and miscellaneous construction, all costs of which shall be borne by the City of Burlington.

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**. The GRANTOR also grants to the GRANTEE, its successors, assigns, agents, contractors, and employees the right to erect and use construction equipment at the site of the construction herein described.

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.

2 of 8

Parcel No.: P38168, P38169, P38175, P38206



200801310189

Skagit County Auditor

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: 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 Burlington unless and until accepted and approved hereon in writing for the City of Burlington.

Dated this 14th day of January, 2008

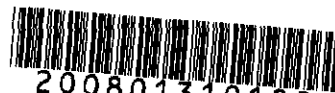
SKAGIT COUNTY WASHINGTON
Rec. Estate Excise Tax

JAN 31 2008

Amount Paid to
Skagit County Treasurer
By: *[Signature]* Deputy

3 of 8

Parcel No.: P38168, P38169, P38175, P38206



200801310189
Skagit County Auditor

TEMPORARY CONSTRUCTION EASEMENT

GRANTORS:

Paul Isaacson
Paul Isaacson

Tammy Isaacson
Tammy Isaacson

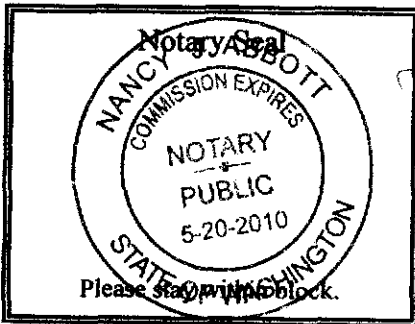
STATE OF WASHINGTON)

County of Whatcom)

: ss.

On this 14th day of January, 2008, before me personally appeared Paul Isaacson and Tammy Isaacson, 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.



Nancy J. Abbott
Notary (print name) Nancy J. Abbott
Notary Public in and for the State of Washington,
residing at Maple Falls
My Appointment expires 5/20/10




TEMPORARY CONSTRUCTION EASEMENT

GRANTEE:

Approved as to Form:

CITY OF BURLINGTON

 FOR:

Chal A. Martin, P.E.
Public Works Director

Attest:

5 of 8



200801310189

Skagit County Auditor

1/31/2008 Page

5 of

8

4:23PM

TEMPORARY CONSTRUCTION EASEMENT

**EXHIBIT A
LEGAL DESCRIPTIONS OF PARCELS P38168, P38169, P38175 & 638206**

Legal Description of Parcel P38168:

(Shown as Parcel "E" on Land Title Company Second Limited Liability Report Order No. 120955-LL dated Sept. 11, 2007)

That portion of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 32, Township 35 North, Range 4 East, W.M., described as follows:

Beginning at a point on the East line of the Pacific Highway 99 (Burlington Boulevard), where it intersects the North line of said South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$;
thence East 333 feet along said North line;
thence South 209 feet;
thence West parallel to said North line for a distance of 333 feet to the East line of said Highway;
thence North 209 feet along said East line of the Pacific Highway 99 to the point of beginning.

Situate in the County of Skagit, State of Washington.

Legal Description of Parcel P38169:

(Shown as Parcel "D" on Land Title Company Second Limited Liability Report Order No. 120955-LL dated Sept. 11, 2007)

Beginning at a point on the East line of the Pacific Highway 99 (Burlington Boulevard), 209 feet South of the Northwest corner of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 32, Township 35 North, Range 4 East, W.M.;
thence East 208 feet;
thence South 104.5 feet;
thence West 208 to the East line of said Highway;
thence North to the point of beginning.

Situate in the City of Burlington, County of Skagit, State of Washington.



TEMPORARY CONSTRUCTION EASEMENT

Legal Description of Parcel P38175 - Before Right of Way Acquisition

(All but the last paragraph shown as Parcel "B" on Land Title Company Second Limited Liability Report Order No. 120955-LL dated Sept. 11, 2007. The last paragraph is from Skagit County Assessor's records for Parcel P38207)

That portion of the Southwest ¼ of the Northwest ¼ and of the Northwest ¼ of the Southwest ¼ of Section 32, Township 35 North, Range 4 East, W.M., described as follows:

Beginning at the intersection of the North line of Avon Street as established in the City of Burlington, Skagit County, Washington, and the East line of the Pacific Highway; Thence East 350 feet, more or less, to the Southwest corner of that Parcel conveyed to Skagit County by deed recorded under Auditor's number 347909, records of Skagit County; Thence North along the west line of said Parcel to a point 209 feet South of the North line of the South ½ of the Southwest ¼ of the Southwest ¼ of the Northwest ¼ of Section 32, Township 35 North, Range 4 East, W.M.; Thence West parallel to said North line to the east line of the Pacific Highway; Thence South along said east line to the point of beginning,

EXCEPTING THEREFROM the South 120 feet of the West 275 feet thereof also known as Lots A and B of City of Burlington short plat no. 76-2 as approved on October 21, 1976 and recorded January 12, 1977 under Auditor's file number 849132 in Volume 2 of short plats, page 16 records of Skagit County

ALSO EXCEPTING THEREFROM the following tract:

Beginning at a point on the East line of State Highway No. 99, 209 feet South of the Northwest corner of the South ½ of the Southwest ¼ of the Southwest ¼ of the Northwest ¼, Section 32, Township 35 North, Range 4 East, W.M.; Thence East 208 feet; Thence South 104.5 feet; Thence West 208 feet to the East line of said highway; Thence North to the Point of Beginning.

ALSO EXCEPTING THEREFROM that portion of the North 313.5 feet of the South ½ of the Southwest ¼ of the Southwest ¼ of the Northwest ¼, Section 32, Township 35 North, Range 4 East, W.M., lying East of the East line of Pacific Highway, and West of the West line of that Parcel conveyed to Skagit County by deed recorded under Auditor's number 347909, records of Skagit County, except the West 208 feet thereof, and also except the North 209 feet thereof.

Situate in the City of Burlington, County of Skagit, State of Washington.

7 of 8

Parcel No.: P38168, P38169, P38175, P38206



200801310189
Skagit County Auditor

1/31/2008 Page 7 of 8 4:23PM

TEMPORARY CONSTRUCTION EASEMENT

Legal Description of Parcel P38206:

(Shown as Parcel "E" on Land Title Company Second Limited Liability Report Order No. 120955-LL dated Sept. 11, 2007)

The North ½ of the Southwest ¼ of the Southwest ¼ of the Northwest ¼ of Section 32, Township 35 North, Range 4 East, W.M., EXCEPT State and County road rights of way.

Situate in the County of Skagit, State of Washington.

8 of 8

Parcel No.: P38168, P38169, P38175, P38206



200801310189

Skagit County Auditor