

FILED FOR RECORD AT THE  
REQUEST OF/RETURN TO:

City of Burlington  
City Attorney's Office  
833 South Spruce Street  
Burlington, WA 98233



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Skagit County Auditor

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EASEMENT FOR ACCESS

Grantor (s) CITY OF BURLINGTON, a Washington municipal corporation.

Grantee (s) CAMMOCK, LLC, a Washington limited liability company

Additional Grantor(s) on page(s)

Additional Grantee(s) on page(s)

Abbreviated Legal: Ptn Tracts 18 & 21 "Plat of the Burlington Acreage Property"

Additional Legal on page(s)

Assessor's Tax Parcel No's: P62401; P62400

*lp*

THIS AGREEMENT (the "Agreement"), is made the date set forth below, by and between the CITY OF BURLINGTON, a Washington municipal corporation (hereinafter "Grantor"), and CAMMOCK, LLC, a Washington limited liability company (hereinafter "Grantee").

1) GRANTOR, is the owner of the following described parcel of property in the City of Burlington, Skagit County, Washington: ("BURLINGTON LOT")

*See attached Exhibit "A"*

2) GRANTEE is the owner of the following described parcel ("CAMMOCK LOT")

*See attached Exhibit "B"*

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

GRANTOR, hereby grants and conveys to GRANTEE, a non-exclusive perpetual easement

for ingress, egress and underground utilities over, under and across the following described property, modified as reasonably necessary to follow topography, for the purpose of providing ingress and egress to and from the CAMMOCK LOT for GRANTEE and GRANTEE'S invitees, guests, agents. GRANTOR retains all rights to the easement area, PROVIDED that GRANTOR'S exercise of such rights do not interfere with the GRANTEE'S rights under this easement.

*See attached Exhibit "C" for legal description of easement area.*

- 3) The GRANTEE when exercising its rights to install improvements in the easement area, shall notify GRANTOR of the intended activity and shall restore the easement area to a neat and proper order. Obstructions or interferences which in the GRANTOR'S opinion reduce the GRANTEE'S ability to maintain the easement area shall not be required to be restored. GRANTEE shall compensate GRANTEE of the value of any timber removed from the easement area at the time of removal.
- 4) No overhead utilities shall be installed by GRANTEE in the easement area.
- 5) At such time as GRANTEE improves the easement area. GRANTEE shall install a gate, of a design and at a location approved by the GRANTOR, to restrict public access to GRANTOR'S property. Installation and maintenance of the gate shall be at GRANTEE'S sole expense. GRANTEE shall provide a means of using and/or accessing the gate so that GRANTOR shall have full and unencumbered use of GRANTOR'S property.
- 6) This easement shall remain in effect in perpetuity, until terminated by the mutual written and recorded agreement of the GRANTOR and GRANTEE, or by the operation of law.
- 7) The benefits, burdens and covenants of the easement shall be deemed to run with the land and bind the owners of the CAMMOCK LOT and the BURLINGTON LOT, and their respective heirs, successors, and assigns and all persons possessing the property by, through and under the parties hereto and their respective heirs, successors and assigns.
- 8) GRANTEE, and its successors or assigns, will indemnify, defend, and save GRANTOR and its successors or assigns, harmless from, any damage or injury, either to persons or personal property, sustained by GRANTEE, its contractors, invitees, agents, employees or others, which damage or injuries are caused by any act or omission of GRANTOR, its agents, contractors, invitees or employees, or from any activity, work, or things done, permitted or suffered by GRANTEE in or about the easement areas, or caused by any condition or defects now or hereafter existing or occurring in the easement area and improvements now or hereafter located in the easement area.



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- 9) GRANTEE shall be solely responsible for any maintenance costs of the easement area.
- 10) The parties agree to exercise their best efforts in good faith to resolve problems associated with the easement. Should the parties be unable or unwilling to amicably resolve any dispute concerning this easement, including the interpretation of this easement, then they agree to submit to binding arbitration under the Rules of Mandatory Arbitration for Skagit County, Washington, regardless of the nature of the dispute or the amount in controversy, and the parties agree that the results reached in such arbitration shall be binding and may not be appealed. The prevailing party shall be entitled to reasonable costs and attorneys fees.
- 11) There are no verbal or other agreements which may modify or affect this easement. There are no other agreements between the parties relating to any easements of the subject Property other than those describe herein and this easement shall not be construed as applying to any easements not specifically described herein. This easement is an integrated, complete document and constitutes the entire agreement among the parties.

Dated this 23 day of April, 2009.

CITY OF BURLINGTON

By: Edward J Brunz  
Edward J. Brunz, Mayor

CAMMOCK, LLC

By: [Signature]

Its: Manager

Approved as to form:

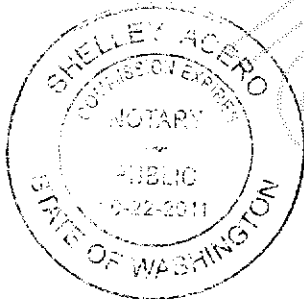
[Signature]  
Scott G. Thomas, City Attorney



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State of Washington )  
 ) ss  
County of Skagit )

I certify that I know or have satisfactory evidence that Edward Brunz 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 the Mayor of the CITY OF BURLINGTON to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



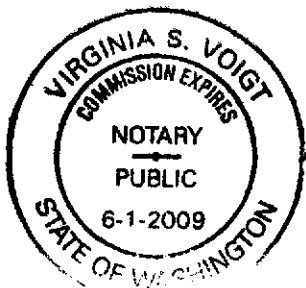
Dated: 4.23.09  
Shelley Acero  
(Signature)

NOTARY PUBLIC  
Shelley Acero

Print Name of Notary  
My appointment expires: 10.22.2011

State of Washington )  
 ) ss  
County of Skagit )

I certify that I know or have satisfactory evidence that CRAIG E. CAMMOCK 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 the MANAGER of CAMMOCK, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



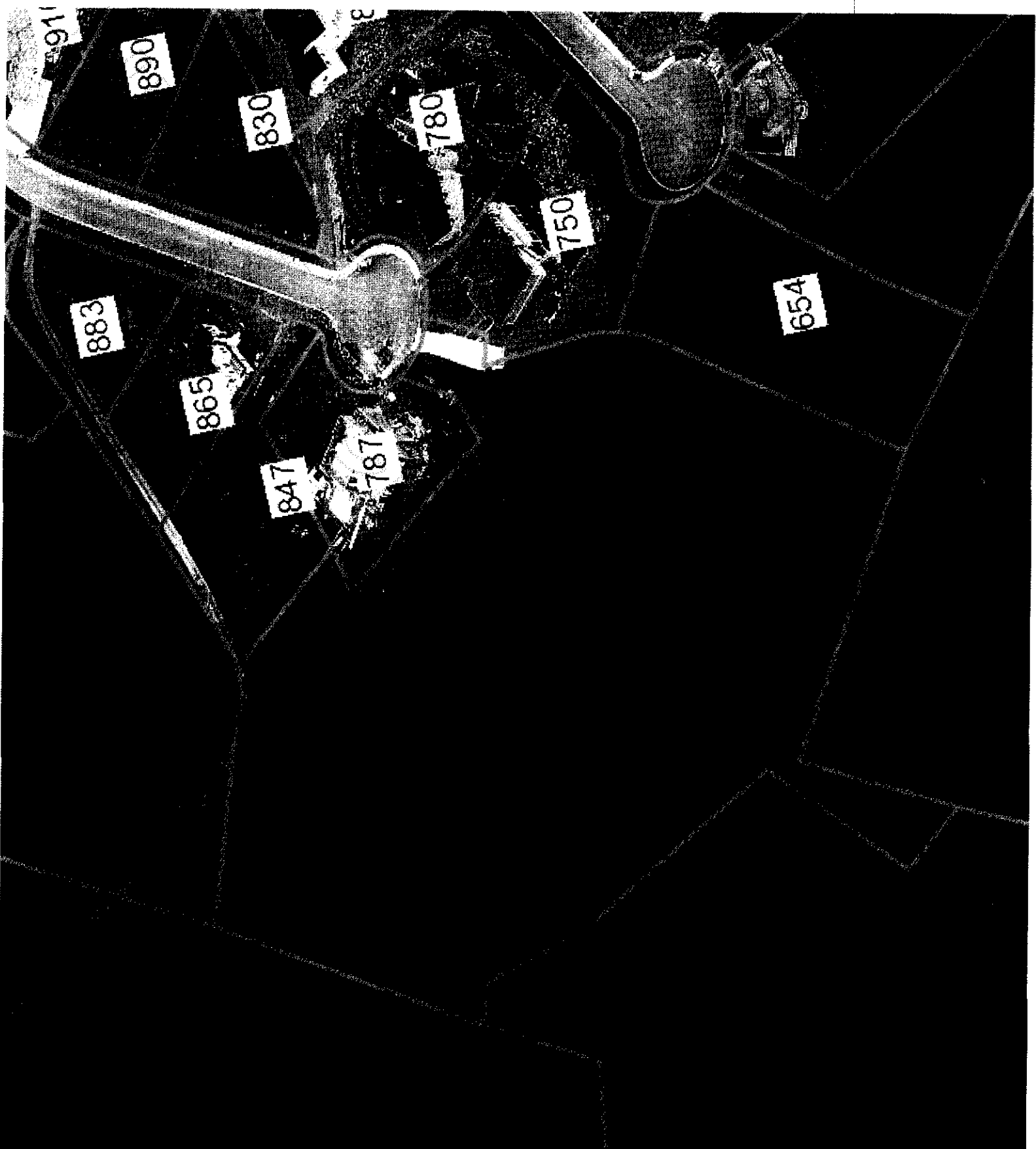
Dated: 4/20/09  
Virginia S. Voigt  
(Signature)

NOTARY PUBLIC  
VIRGINIA S. VOIGT

Print Name of Notary  
My appointment expires: 6/1/09



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EXHIBIT "A"  
BURLINGTON LOT

That portion of the below described Tract A lying Westerly of the following described line:

Commencing at the Southwest corner of Block 3, "Amended Plat of Burlington, Skagit County, Wash." as per plat recorded in Volume 3 of Plats, page 17, records of Skagit County, Washington;  
thence North 0°06'40" East (called North 0°02'25" East on previous descriptions) along the East line of Holly Street if extended Northerly for a distance of 569.50 feet, more or less, to a point on the North line of that certain tract acquired by Public Utility District No. 1 by Order of Condemnation under Skagit County Superior Court Case No. 16285 and dated November 3, 1939;  
thence North 89°53'50" West (called North 89°58'05" West on previous descriptions) for a distance of 110.00 feet to the Northwest corner of said P.U.D. tract;  
thence South 0°06'40" West (called South 0°02'25" West on previous descriptions) along the West line of said P.U.D. tract for a distance of 144.38 feet to the TRUE POINT OF BEGINNING of said line description;  
thence North 0°06'40" East for a distance of 144.38 feet;  
thence North 3°12'09" West for a distance of 85.14 feet to a point on a non-tangent curvature;  
thence along said non-tangent curve to the right, concave to the East, having an initial tangent bearing of North 1°11'28" East, a radius of 505.00 feet, through a central angle of 9°11'12", an arc distance of 80.97 feet;  
thence North 59°05'09" West for a distance of 144.48 feet;  
thence North 31°25'11" East for a distance of 290.74 feet, more or less, to the Southerly corner common to Lots 58 and 59, Plat of Tinas Coma, per plat recorded under Skagit County Auditor's File No. 200008110004 and being the terminus of said line description.

**Tract A**

That portion of Tracts 18 and 21, "Plat of the Burlington Acreage Property," as per plat recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, described as follows:

BEGINNING at the Southwest corner of Block 3, "Amended Plat of Burlington, Skagit County, Wash.," as per plat recorded in Volume 3 of Plats, page 17, records of Skagit County, Washington;  
thence North 0°02'25" East along the East line of Holly Street if extended Northerly, a distance of 569.50 feet to a point on the North line of that certain tract acquired by Public Utility District No. 1 by order of Condemnation under Skagit County Superior Court Case



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No. 16285 and dated November 3, 1939;  
thence North 89°58'05" West along the North line of said P.U.D. tract a distance of 110.00 feet to the Northwest corner of said P.U.D. tract and which point is the TRUE POINT OF BEGINNING of this description;  
thence South 89°58'05" East along said North line of said P.U.D. tract, a distance of 198.58 feet;  
thence North 6°36'55" East a distance of 238.27 feet;  
thence on a curve to the left having a radius of 144.16 feet, an arc distance of 72.46 feet;  
thence North 22°11'05" West, a distance of 105.11 feet;  
thence North 60°27'05" West, a distance of 277.76 feet to a point on the South right of way line of a proposed 60 foot road, and which point is on a curve, the tangent to which bears South 65°43'42" West at said point;  
thence Southwesterly along said curve to the right having a radius of 166.42 feet, an arc distance of 65.10 feet;  
thence continuing South 88°08'25" West along the South right of way line of said proposed 60 foot road, a distance of 88.47 feet to a point 30.00 feet East of the North and South centerline of Section 32;  
thence South 0°43'30" West along a line which is parallel to and 30.00 feet East of said North and South centerline of said Section 32, a distance of 260.13 feet;  
thence South 29°54'55" East, a distance of 110.75 feet;  
thence South 44°24'10" East, a distance of 200.02 feet;  
thence South 16°21'25" West, a distance of 133.03 feet;  
thence South 55°53'35" East, a distance of 75.22 feet to a point on the West line of said P.U.D. tract;  
thence North 0°02'25" East along the West line of said P.U.D. tract, a distance of 144.38 feet to the TRUE POINT OF BEGINNING.

EXCEPT that portion described as follows:

That portion of Tract 18, "Plat of the Burlington Acreage Property," as per plat recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, described as follows:

BEGINNING at the Southwesterly most corner of Lot 59, Plat of Tinas Coma, as per plat recorded under Skagit County Auditor's File No. 200008110004;  
thence South 60°22'50" East (called South 60°27'05" East in previous descriptions) along the Southwesterly line of said Lot 59, for a distance of 138.11 feet;  
thence South 32°37'04" West for a distance of 45.00 feet;  
thence North 60°22'50" West for a distance of 137.18 feet, more or less, to a point bearing South 31°25'11" West from the POINT OF BEGINNING;  
thence North 31°25'11" East for a distance of 44.96 feet, more or less, to the POINT OF BEGINNING.

TOGETHER WITH that portion of Lot 59, Plat of Tinas Coma, as per plat recorded under



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Skagit County Auditor's File No. 200008110004, described as follows:

Commencing at the Southwesterly most corner of said Lot 59, Plat of Tinas Coma; thence South 60°22'50" East (called South 60°27'05" East in previous descriptions) along the Southwesterly line of said Lot 59 for a distance of 138.11 feet to the TRUE POINT OF BEGINNING;  
thence continue South 60°22'50" East along said Southwesterly line for a distance of 30.00 feet, more or less, to an angle point on the Southerly line of said Lot 59, being a corner common to Lot 76 of said Plat of Tinas Coma;  
thence North 77°18'09" East along the line common to said Lots 59 and 76 for a distance of 20.92 feet to an angle point thereof;  
thence North 1°57'17" East along the line common to said Lots 59 and 76 for a distance of 63.74 feet, more or less, to a point on a non-tangent curve;  
thence along the arc of said non-tangent curve to the right, concave to the North, having an initial tangent bearing of South 81°56'49" West, a radius of 55.00 feet, through a central angle of 52°38'30" an arc distance of 50.53 feet, more or less, to a point bearing North 1°57'17" East from the TRUE POINT OF BEGINNING;  
thence South 1°57'17" West for a distance of 68.80 feet, more or less, to the TRUE POINT OF BEGINNING.

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

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

The above described parcel is shown as Tract X on Burlington Short Plat No. SS-3-07.



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Exhibit "B"  
Cammock Lot

UNOFFICIAL DOCUMENT



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"EXHIBIT B"

That portion of Tracts 18 and 21, "PLAT OF THE BURLINGTON ACREAGE PROPERTY," as per plat recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, described as follows:

Beginning at the Southwest corner of Block 3, "AMENDED PLAT OF BURLINGTON, SKAGIT COUNTY, WASH.," as per plat recorded in Volume 3 of Plats, page 17, records of Skagit County, Washington;

thence North 0°02'25" East along the East line of Holly Street if extended Northerly, a distance of 569.50 feet to a point on the North line of that certain tract acquired by Public Utility District No. 1 by Order of Condemnation under Skagit County Superior Court Cause No. 16285 and dated November 3, 1939;

thence North 89°58'05" West along the North line of said P.U.D. tract a distance of 110.00 feet to the Northwest corner of said P.U.D. tract and which point is the true point of beginning of this description;

thence South 89°58'05" East along said North line of said P.U.D. tract, a distance of 198.58 feet;

thence North 6°36'55" East a distance of 238.27 feet;

thence on a curve to the left having a radius of 144.16 feet, an arc distance of 72.46 feet;

thence North 22°11'05" West, a distance of 105.11 feet;

thence North 60°27'05" West, a distance of 277.76 feet to a point on the South right of way line of a proposed 60 foot road, and which point is on a curve, the tangent to which bears South 65°43'42" West at said point;

thence Southwesterly along said curve to the right having a radius of 166.42 feet, an arc distance of 65.10 feet;

thence continuing South 88°08'25" West along the South right of way line of said proposed 60 foot road, a distance of 88.47 feet to a point 30.00 feet East of the North and South centerline of Section 32;

thence South 0°43'30" West along a line which is parallel to and 30.00 feet East of said North and South centerline of said Section 32, a distance of 260.13 feet;

thence South 29°54'55" East, a distance of 110.75 feet;

thence South 44°24'10" East, a distance of 200.02 feet;

thence South 16°21'25" West, a distance of 133.03 feet;

thence South 55°53'35" East, a distance of 75.22 feet to a point on the West line of said P.U.D. tract;

thence North 0°02'25" East along the West line of said P.U.D. tract, a distance of 144.38 feet to the true point of beginning.

EXCEPT that portion described as follows:

That portion of Tract 18, "PLAT OF THE BURLINGTON ACREAGE PROPERTY," as per plat recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, described as follows:

EXHIBIT B  
consisting of 4 pages



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Beginning at the Southwesterly most corner of Lot 59, "PLAT OF TINAS COMA," as per plat recorded on August 11, 2000, under Auditor's File No. 200008110004, records of Skagit County, Washington; thence South 60°22'50" East (called South 60°27'05" East in previous descriptions) along the Southwesterly line of said Lot 59, for a distance of 138.11 feet; thence South 32°37'04" West for a distance of 45.00 feet; thence North 60°22'50" West for a distance of 137.18 feet, more or less, to a point bearing South 31°25'11" West from the point of beginning; thence North 31°25'11" East for a distance of 44.96 feet, more or less, to the point of beginning.

TOGETHER WITH that portion of Lot 59 "PLAT OF TINAS COMA," as per plat recorded on August 11, 2000, under Auditor's File No. 200008110004, described as follows:

Beginning at the Southwesterly most corner of said Lot 59, "PLAT OF TINAS COMA"; thence South 60°22'50" East (called South 60°27'05" East in previous descriptions) along the Southwesterly line of said Lot 59 for a distance of 138.11 feet to the true point of beginning; thence continue South 60°22'50" East along said Southwesterly line for a distance of 30.00 feet, more or less, to an angle point on the Southerly line of said Lot 59, being a corner common to Lot 76 of said "PLAT OF TINAS COMA"; thence North 77°18'09" East along the line common to said Lots 59 and 76 for a distance of 20.92 feet to an angle point thereof; thence North 1°57'17" East along the line common to said Lots 59 and 76 for a distance of 63.74 feet, more or less, to a point on a non-tangent curve; thence along the arc of said non-tangent curve to the right, concave to the North, having an initial tangent bearing of South 81°56'49" West, a radius of 55.00 feet, through a central angle of 52°38'30" an arc distance of 50.53 feet, more or less, to a point bearing North 1°57'17" East from the true point of beginning; thence South 1°57'17" West for a distance of 68.80 feet, more or less, to the true point of beginning.

EXCEPT that portion of the below described Tract A lying Westerly of the following described line:

Commencing at the Southwest corner of Block 3, "Amended Plat of Burlington, Skagit County, Wash." as per plat recorded in Volume 3 of Plats, page 17, records of Skagit County, Washington; thence North 0°06'40" East (called North 0°02'25" East on previous descriptions) along the East line of Holly Street if extended Northerly for a distance of 569.50 feet, more or less, to a point on the North line of that certain tract acquired by Public Utility District No. 1 by Order of Condemnation under Skagit County Superior Court Case No. 16285 and dated November 3, 1939; thence North 89°53'50" West (called North 89°58'05" West on previous descriptions) for a distance of 110.00 feet to the Northwest corner of said P.U.D. tract; thence South 0°06'40" West (called South 0°02'25" West on previous descriptions) along the West line of said P.U.D. tract for a distance of 144.38 feet to the TRUE POINT OF BEGINNING of said line description; thence North 0°06'40" East for a distance of 144.38 feet; thence North 3°12'09" West for a distance of 85.14 feet to a point on a non-tangent



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curvature;  
thence along said non-tangent curve to the right, concave to the East, having an initial tangent bearing of North 1°11'28" East, a radius of 505.00 feet, through a central angle of 9°11'12", an arc distance of 80.97 feet;  
thence North 59°05'09" West for a distance of 144.48 feet;  
thence North 31°25'11" East for a distance of 290.74 feet, more or less, to the Southerly corner common to Lots 58 and 59, Plat of Tinas Coma, per plat recorded under Skagit County Auditor's File No. 200008110004 and being the terminus of said line description.

#### Tract A

That portion of Tracts 18 and 21, "Plat of the Burlington Acreage Property," as per plat recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, described as follows:

BEGINNING at the Southwest corner of Block 3, "Amended Plat of Burlington, Skagit County, Wash.," as per plat recorded in Volume 3 of Plats, page 17, records of Skagit County, Washington; thence North 0°02'25" East along the East line of Holly Street if extended Northerly, a distance of 569.50 feet to a point on the North line of that certain tract acquired by Public Utility District No. 1 by order of Condemnation under Skagit County Superior Court Case No. 16285 and dated November 3, 1939;  
thence North 89°58'05" West along the North line of said P.U.D. tract a distance of 110.00 feet to the Northwest corner of said P.U.D. tract and which point is the TRUE POINT OF BEGINNING of this description;  
thence South 89°58'05" East along said North line of said P.U.D. tract, a distance of 198.58 feet;  
thence North 6°36'55" East a distance of 238.27 feet;  
thence on a curve to the left having a radius of 144.16 feet, an arc distance of 72.46 feet;  
thence North 22°11'05" West, a distance of 105.11 feet;  
thence North 60°27'05" West, a distance of 277.76 feet to a point on the South right of way line of a proposed 60 foot road, and which point is on a curve, the tangent to which bears South 65°43'42" West at said point;  
thence Southwesterly along said curve to the right having a radius of 166.42 feet, an arc distance of 65.10 feet;  
thence continuing South 88°08'25" West along the South right of way line of said proposed 60 foot road, a distance of 88.47 feet to a point 30.00 feet East of the North and South centerline of Section 32;  
thence South 0°43'30" West along a line which is parallel to and 30.00 feet East of said North and South centerline of said Section 32, a distance of 260.13 feet;  
thence South 29°54'55" East, a distance of 110.75 feet;  
thence South 44°24'10" East, a distance of 200.02 feet;  
thence South 16°21'25" West, a distance of 133.03 feet;  
thence South 55°53'35" East, a distance of 75.22 feet to a point on the West line of said P.U.D. tract;  
thence North 0°02'25" East along the West line of said P.U.D. tract, a distance of 144.38 feet to the TRUE POINT OF BEGINNING.

EXCEPT that portion described as follows:

That portion of Tract 18, "Plat of the Burlington Acreage Property," as per plat recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, described as follows:



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BEGINNING at the Southwesterly most corner of Lot 59, Plat of Tinas Coma, as per plat recorded under Skagit County Auditor's File No. 200008110004; thence South 60°22'50" East (called South 60°27'05" East in previous descriptions) along the Southwesterly line of said Lot 59, for a distance of 138.11 feet; thence South 32°37'04" West for a distance of 45.00 feet; thence North 60°22'50" West for a distance of 137.18 feet, more or less, to a point bearing South 31°25'11" West from the POINT OF BEGINNING; thence North 31°25'11" East for a distance of 44.96 feet, more or less, to the POINT OF BEGINNING.

TOGETHER WITH that portion of Lot 59, Plat of Tinas Coma, as per plat recorded under Skagit County Auditor's File No. 200008110004, described as follows:

Commencing at the Southwesterly most corner of said Lot 59, Plat of Tinas Coma; thence South 60°22'50" East (called South 60°27'05" East in previous descriptions) along the Southwesterly line of said Lot 59 for a distance of 138.11 feet to the TRUE POINT OF BEGINNING; thence continue South 60°22'50" East along said Southwesterly line for a distance of 30.00 feet, more or less, to an angle point on the Southerly line of said Lot 59, being a corner common to Lot 76 of said Plat of Tinas Coma; thence North 77°18'09" East along the line common to said Lots 59 and 76 for a distance of 20.92 feet to an angle point thereof; thence North 1°57'17" East along the line common to said Lots 59 and 76 for a distance of 63.74 feet, more or less, to a point on a non-tangent curve; thence along the arc of said non-tangent curve to the right, concave to the North, having an initial tangent bearing of South 81°56'49" West, a radius of 55.00 feet, through a central angle of 52°38'30" an arc distance of 50.53 feet, more or less, to a point bearing North 1°57'17" East from the TRUE POINT OF BEGINNING; thence South 1°57'17" West for a distance of 68.80 feet, more or less, to the TRUE POINT OF BEGINNING.

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

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



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Exhibit "C"  
Easement

A 15.00 foot wide exclusive easement for ingress, egress and utilities (and the installation and maintenance thereof) over, under and across a portion of Tract 18, "Plat of the Burlington Acreage Property" as per plat recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington and being more particularly described as follows:

BEGINNING at Westerly most corner of Lot 58, Plat of Tinas Coma, as per plat recorded under Skagit County Auditor's File No. 200008110004, also being the Northerly most corner of that certain parcel conveyed to the City of Burlington per Deed for Boundary Line Adjustment, Exhibit "D", (City of Burlington After Boundary Line Adjustment), recorded under Skagit County Auditor's File No. 200803210109;  
thence South 37°54'28" East for a distance of 117.57 feet, more or less, to the Northwest corner of that certain remainder parcel described on Exhibit "E" (Cammock, LLC After Boundary Line Adjustment), said Deed for Boundary Line Adjustment recorded under Skagit County Auditor's File No. 200803210109, also being the Southwest corner of that certain parcel conveyed to Andrey and Nataliya Murza, husband and wife, by Statutory Warranty deed recorded under Skagit County Auditor's File No. 200705240074;  
thence South 31°25'11" West along a Westerly line of said Exhibit "E" (Cammock, LLC After Boundary Line Adjustment) for a distance of 16.03 feet;  
thence North 37°54'28" West for a distance of 127.64 feet, more or less, to a point on a non-tangent curve on the Northwesterly line of said City of Burlington property described on Exhibit "D" Auditor's File No. 200803210109;  
thence along the arc of said curve to the left, concave to the Northwest, having an initial tangent bearing of North 71°11'04" East, a radius of 166.42 feet, through a central angle of 5°23'07", an arc distance of 15.64 feet, more or less, to the POINT OF BEGINNING.

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

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



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