

AFTER RECORDING, RETURN TO:

Frank J. Chmelik
Chmelik Sitkin & Davis, P.S.
1500 Railroad Avenue
Bellingham, Washington 98225



200906190002
Skagit County Auditor

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AUDITOR INFORMATION:

Document Title: Sewer Lift Station/Utility Corridor and Esplanade Easement
Ref. Nos. of Document(s)
Assigned or Released: N/A
Grantor: Northwest Educational Service District No. 189
Grantee: Port of Anacortes
Legal Description: Lots 2A of Short Plat No. ANA-98-003
Auditor's File No. 9902170072
Tax Parcel Number(s): P32948

**SEWER LIFT STATION/UTILITY CORRIDOR
AND
ESPLANADE EASEMENT**

THIS Sewer Lift Station/Utility Corridor and Esplanade Easement (the "**Easement**") is made and entered into this 12th day of June 2009, by and between **Northwest Educational Service District No. 189**, a Washington educational service district, hereinafter known as "Grantor;" and the **Port of Anacortes**, a Washington port district, hereinafter known as "Grantee."

WHEREAS, the Grantor is the owner of the following described real property located in Anacortes, Washington (the "**Serviant Estate**"):

Lot 2A of Short Plat No. ANA-98-003, recorded in the official records of Skagit County under Auditor's File No. 9902170072, along with associated tidelands. Situate in Skagit County, Washington.

WHEREAS, the Grantee is the owner of the following described real property located in Anacortes, Washington and legally described as follows:

Lot 3 of Short Plat No. ANA-98-003, recorded in the official records of Skagit County under Auditor's File No. 9902170072, along with associated tidelands. Situate in Skagit County, Washington.

Easement
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

JUN 19 2009

Amount Paid \$
Skagit Co. Treasurer
By *mem* Deputy

WHEREAS, this Easement concerns a sewer lift station/utility corridor, associated utilities and connecting lines to Parcels 2B, 2D, 3 and the sewer line at R Avenue (collectively the "**Sewer Lift Station/Utility Corridor**"). The legal description of the real property that is benefited by this Easement with regards to the Sewer Lift Station are located in Anacortes, Washington and legally described as follows:

Lots 2B, 2D and 3 of Short Plat No. ANA-98-003, recorded in the official records of Skagit County under Auditor's File No. 9902170072, along with associated tidelands.
Situate in Skagit County, Washington.

WHEREAS, this Easement also concerns a public access walkway esplanade along with associated utilities along the shoreline of the Serviant Estate (the "**Esplanade**").

WHEREAS, collectively, Lots 2B, 2D and 3 are the Dominant Estates with regard to the Sewer Lift Station and Lot 3 is the Dominant Estate with regard to the Esplanade (the "**Dominant Estates**")

NOW THEREFORE, for and in consideration of an exchange of promises and other obligations agreed to between the Grantor and the Grantee, Grantor does by these present grant and convey unto Grantee herein a perpetual non-exclusive easement over and across the Serviant Estate for the Sewer Lift Station/Utility Corridor and for the Esplanade (the "**Easement**"). A map depicting the various easement areas is attached hereto as **Exhibit "A"**. The legal description and exhibit map of each portion of the Easement is attached hereto as **Exhibit "B"**

This Easement is granted subject to the following terms, conditions, and limitations:

1. **Purpose.** Grantee shall have the right to construct, operate, maintain, repair, and replace the Sewer Lift Station (including all utilities and connecting lines) and the Esplanade (including associated utilities) within the Easement.

2. **Access/Repair.** Grantee shall have the right of access to the Easement areas over and across the Grantor's property adjacent to the Easement to enable Grantee to exercise its rights hereunder; provided, that Grantee shall notify Grantor reasonable written notice, and shall take all reasonable precautions and effort to avoid interference or obstruction of Grantor's use of the Dominant Estates while constructing, operating, maintaining, repairing, or replacing the Sewer Lift Station and the Esplanade within the Easement. However, in the event of an emergency repair is required, than subject to the forgoing limitations on interference and obstruction, the Grantee shall immediately upon notification of the requirement of an emergency repair, take the necessary measures to repair the facilities and any damaged property, and shall immediately notify the Grantor of the necessity of such repair and the plan for repair.

3. **Restoration of Surface Area.** Except for those portions of the Sewer Lift Station that are above ground and the required clearance areas adjacent to the Sewer Lift Station, the Grantee shall, after installation of the Sewer Lift Station and after any maintenance, repair or replacement of the Sewer Lift Station wherein the surface is

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disturbed restore the surface of the Serviant Estate over the Sewer Lift Station to the same condition as existed prior to the installation, maintenance repair or replacement.

4. **Covenants.** Grantee shall assume any and all responsibility and liability for acts of Grantee's employees, agents, contractors or other people working at the direction of Grantee within the Easement.

5. **Binding Effect.** This Easement and all rights associated therewith, and the Covenants shall be perpetual in existence and shall be considered and construed as covenants running with the land as a burden on Grantor's ownership interest in the Serviant Estate and as a benefit to the Dominant Estates as provided above. This Easement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the owners of the various lots comprising the Dominant Estates as provided above.

6. **Assignment to the City of Anacortes.** Without limiting the foregoing, the Grantee may assign this Easement and all its rights and obligations hereunder to the City of Anacortes. Upon such an assignment the Grantee shall have no further rights or responsibilities as the Grantee but shall retain all rights as an owner of Lot 3 described above. The Grantee shall provide written notice of the assignment to the Grantor.

IN WITNESS WHEREOF, the parties have set their hands and signed this Easement the day and year first above written.

GRANTOR:

**NORTHWEST EDUCATIONAL SERVICE
DISTRICT NO. 189**

By: _____

Dr. Gerald W. Jenkins, Superintendent

GRANTEE:

PORT OF ANACORTES

By: _____

R. W. Hyde, Executive Director



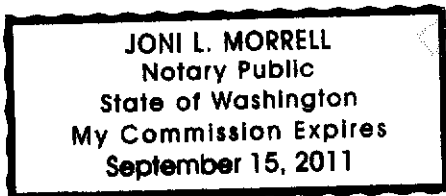
STATE OF WASHINGTON)

COUNTY OF SKAGIT)

) ss.

On this 12th day of June, 2009, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Dr. Gerald W. Jenkins, known to me to be the Superintendent of the **NORTHWEST EDUCATIONAL SERVICE DISTRICT NO. 189** and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument on behalf of the corporation.

Given under my hand and official seal this 12th day of June, 2009.



Joni L. Morrell
Print Name: Joni L. Morrell
NOTARY PUBLIC in and for the
State of Washington, residing at Anacortes

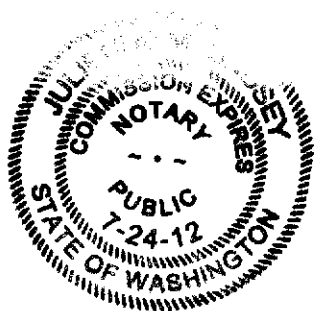
STATE OF WASHINGTON)

COUNTY OF SKAGIT)

) ss.

On this 12th day of June, 2009, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared R. W. Hyde, known to me to be the Executive Director of the **PORT OF ANACORTES** and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument on behalf of the corporation.

Given under my hand and official seal this 12th day of June, 2009.

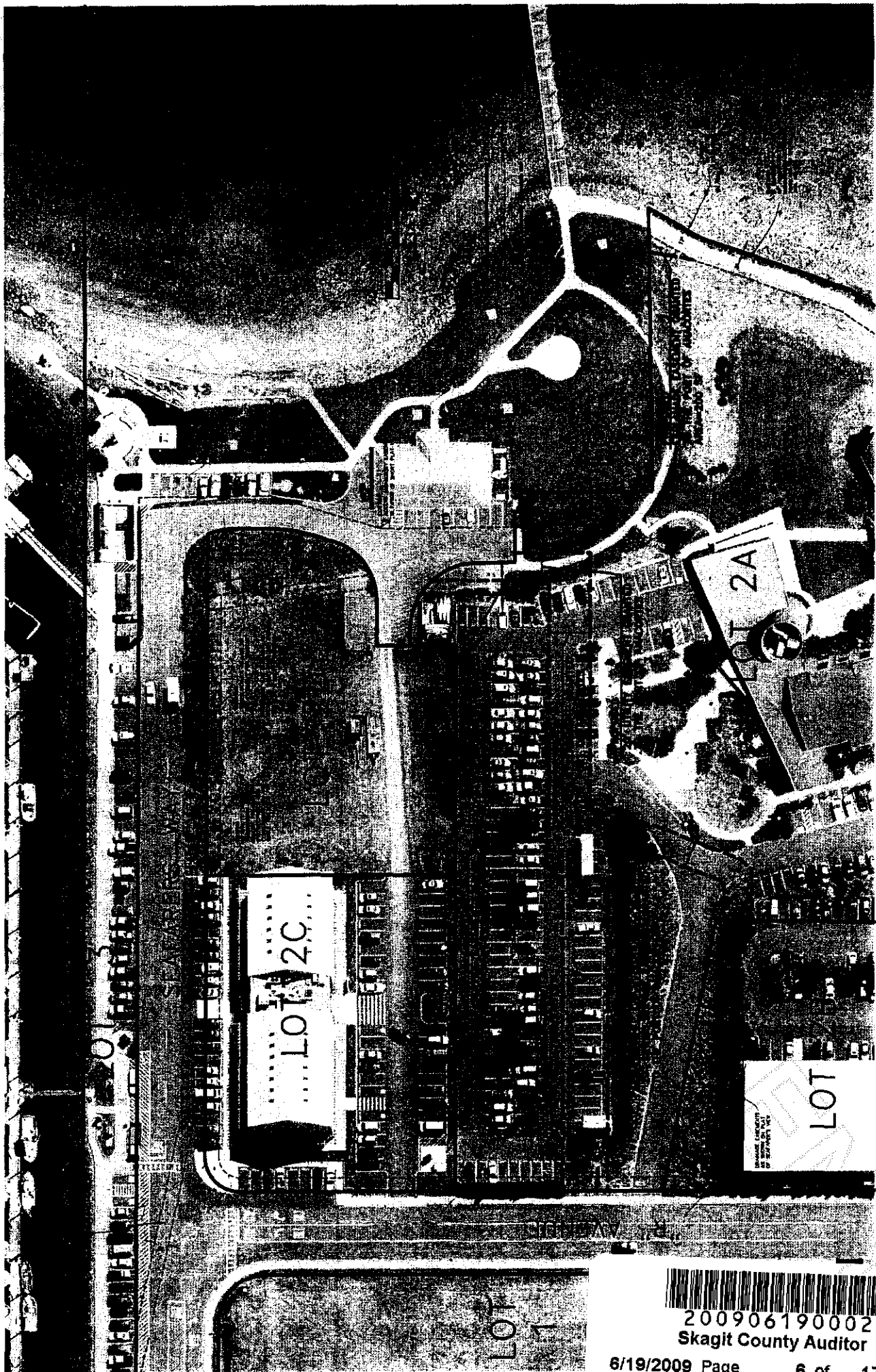


Julie M. Lindsey
Print Name: Julienne M. Lindsey
NOTARY PUBLIC in and for the
State of Washington, residing at Anacortes, WA



EXHIBIT "A"
MAP OF SEWER LIFT STATION AND ESPLANADE EASEMENT AREA





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EXHIBIT "B"
LEGAL DESCRIPTION & EXHIBIT MAP OF ALL EASEMENT AREAS



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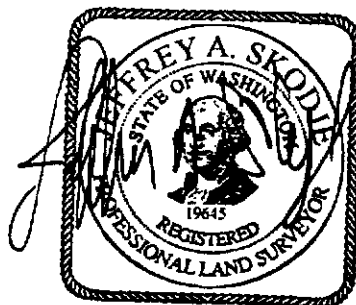
June 10, 2009

**LEGAL DESCRIPTION: UTILITY EASEMENT TO BE GRANTED TO
THE PORT OF ANACORTES FROM NORTHWEST
EDUCATIONAL SERVICE DISTRICT #189**

That portion of Lot 2A as shown on Boundary Line Adjustment Survey recorded under Skagit County Auditor's File No. 200306060196, more particularly described as follows:

Commencing at the Northwest corner of said Lot 2A; thence South $01^{\circ}53'23''$ West along the west line of said Lot 2A distance of 78.44 feet to the **True Point of Beginning** of a utility easement; thence continuing South $01^{\circ}53'23''$ West along said line a distance of 33.00 feet; thence South $88^{\circ}06'37''$ East a distance of 233.10 feet; thence South $01^{\circ}56'30''$ West a distance of 14.41 feet; thence South $88^{\circ}03'30''$ East a distance of 45.00 feet; thence North $01^{\circ}56'30''$ East a distance of 27.45 feet; thence South $88^{\circ}06'37''$ East a distance of 188.71 feet; thence North $01^{\circ}53'23''$ East a distance of 55.10 feet to the intersection with the easterly line of said Lot 2A; thence North $88^{\circ}10'43''$ West along said line a distance of 6.89 feet; thence North $01^{\circ}18'01''$ East along said line a distance of 27.32 feet to the beginning of a curve to the left whose radius is 50 feet distant; thence northwesterly along the arc of said curve through a central angle of $41^{\circ}23'20''$ an arc distance of 36.12 feet; thence South $01^{\circ}53'23''$ West a distance of 85.34 feet; thence North $88^{\circ}06'37''$ West a distance of 197.77 feet; thence South $00^{\circ}15'10''$ West a distance of 10.00 feet; thence North $88^{\circ}06'37''$ West a distance of 249.34 feet to the **True Point of Beginning** of said utility easement

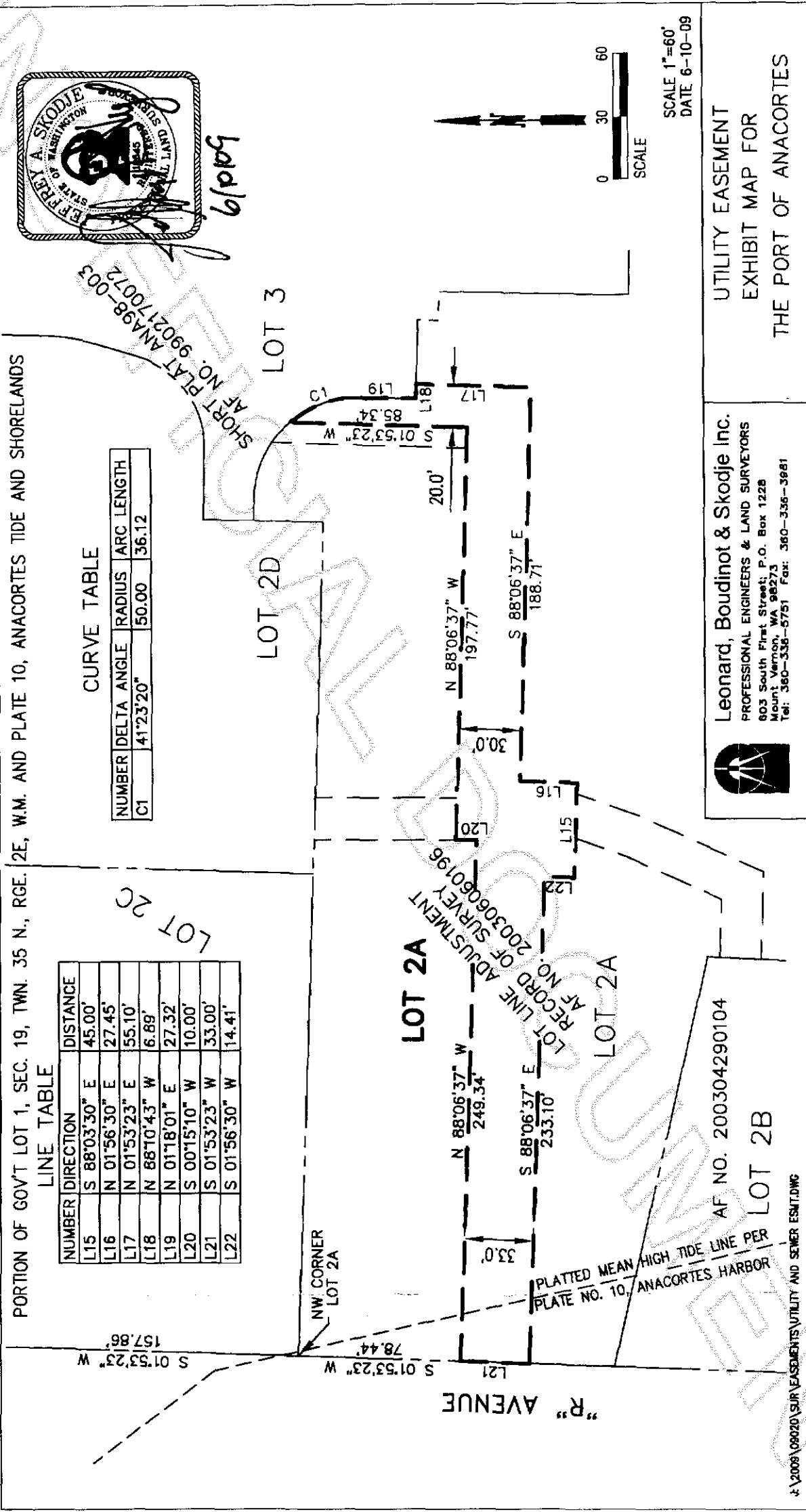
Situate in the County of Skagit, State of Washington



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LINE TABLE

NUMBER	DIRECTION	DISTANCE
L15	S 88°06'30" E	45.00'
L16	N 01°56'30" E	27.45'
L17	N 01°53'23" E	55.10'
L18	N 88°10'43" W	6.89'
L19	N 01°18'01" E	27.32'
L20	S 00°15'10" W	10.00'
L21	S 01°53'23" W	33.00'
L22	S 01°56'30" W	14.41'

CURVE TABLE

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH
C1	41°23'20"	50.00	36.12

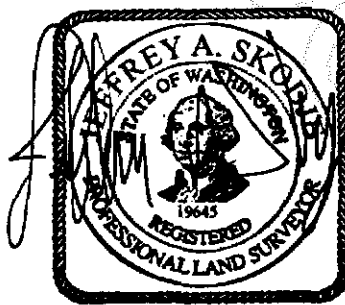
June 10, 2009

LEGAL DESCRIPTION: 20' SANITARY SEWER EASEMENT TO BE GRANTED
BY NORTHWEST EDUCATIONAL SERVICE DISTRICT #189
TO THE PORT OF ANACORTES

That portion of Lot 2A as shown on Boundary Line Adjustment Survey recorded under Skagit
County Auditor's File No. 200306060196, more particularly described as follows:

Commencing at the Northwest corner of said Lot 2A; thence South $01^{\circ}53'23''$ West along the
west line of said lot 2A distance of 78.44 feet; thence South $88^{\circ}06'37''$ East a distance of 249.34
feet; thence North $00^{\circ}15'10''$ East a distance of 10.00 feet to the **True Point of Beginning** of a
20' sanitary sewer easement; thence continuing North $00^{\circ}15'10''$ East a distance of 68.37 feet to
the north line of said Lot 2A; thence South $88^{\circ}05'15''$ East along said north line a distance of
20.01 feet; thence South $00^{\circ}15'10''$ West a distance of 68.36 feet; thence North $88^{\circ}06'37''$ West
a distance of 20.01 feet to the **True Point of Beginning** of said 20' easement

Situate in the County of Skagit, State of Washington



6/10/09

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PORTION OF GOV'T LOT 1, SEC. 19, TWN. 35 N., RGE. 12E, W.M. AND PLATE 10, ANACORTES TIDE AND SHORELANDS

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L23	S 00°15'10" W	68.36'
L24	N 88°06'37" W	20.01'
L25	N 00°15'10" E	68.37'
L26	S 88°05'15" E	20.01'
L20	N 00°15'10" E	10.00'

S 01°53'23" W 157.86'

LOT 2C
LOT 2D
LOT 3

NW CORNER LOT 2A

"R" AVENUE

S 01°53'23" W 78.44'

N 88°06'37" W 249.34'

S 88°06'37" E 233.10'

L26

L23

L24

L20

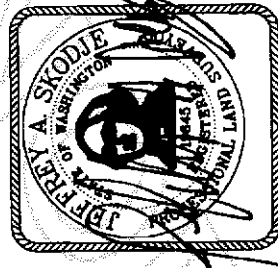
L22

LOT 2A

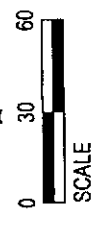
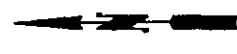
AF NO. 200304290104

LOT 2B

PLATTED MEAN HIGH TIDE LINE PER PLATE NO. 10, ANACORTES HARBOR



6/18/09



SCALE 1"=60'
DATE 6-10-09

Leonard, Boudinot & Skodje Inc.
PROFESSIONAL ENGINEERS & LAND SURVEYORS
603 South First Street, P.O. Box 1228
Mount Vernon, WA 98275
Tel: 360-336-5751 Fax: 360-336-3981



20' SANITARY SEWER
EXHIBIT MAP FOR
THE PORT OF ANACORTES

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Skagit County Auditor

June 10, 2009

LEGAL DESCRIPTION: 20' SANITARY SEWER EASEMENT TO BE GRANTED
BY NORTHWEST EDUCATIONAL SERVICE DISTRICT #189
TO THE PORT OF ANACORTES

That portion of Lot 2A as shown on Boundary Line Adjustment Survey recorded under Skagit
County Auditor's File No. 200306060196, more particularly described as follows:

Commencing at the Northwest corner of said Lot 2A; thence South 01°53'23" West along the
west line of said Lot 2A a distance of 78.44 feet; thence continuing South 01°53'23" West along
said west line distance of 33.00 feet; thence South 88°06'37" East a distance of 233.10 feet;
thence South 01°56'30" West a distance of 14.41 feet; thence South 88°03'30" East a distance of
18.75 feet to the **True Point of Beginning** of a 20' sanitary sewer easement; thence continuing
South 88°03'30" East a distance of 21.01 feet; thence South 19°47'21" West a distance of 33.53
feet; thence South 23°52'42" West a distance of 63.21 feet; thence North 88°08'50" West a
distance of 41.67 feet to the east line of Lot 2B as shown on said Boundary Line Adjustment
Survey; thence North 02°46'53" East along said east line a distance of 20.00 feet; thence South
88°08'50" East a distance of 27.86 feet; thence North 23°52'42" East a distance of 49.01 feet;
thence North 19°47'21" East a distance of 26.37 feet to the **True Point of Beginning** of said 20'
sanitary sewer easement

Situate in the County of Skagit, State of Washington



PORTION OF GOV'T LOT 1, SEC. 19, TWN. 35 N., RGE. 2E, W.M. AND PLATE 10, ANACORTES TIDE AND SHORELANDS

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L21	S 01°53'23" W	33.00'
L22	S 01°56'30" W	14.41'
L28	S 23°52'42" W	63.21'
L29	N 88°08'50" W	41.67'
L30	N 02°46'53" E	20.00'
L31	S 88°08'50" E	27.86'
L32	N 23°52'42" E	49.01'
L33	N 19°47'21" E	26.37'
L34	S 88°03'30" E	21.01'
L35	S 19°47'21" W	33.53'
L36	S 88°03'30" E	18.75'

S 01°53'23" W 157.86'

NW CORNER
LOT 2A

S 01°53'23" W 78.44'

"R" AVENUE

N 88°06'37" W
249.34'

S 88°06'37" E
233.10'

LOT LINE ADJUSTMENT
RECORD OF SURVEY
AF NO. 2003060196

LOT 2A

AF NO. 200304290104

LOT 2B

PLATTED MEAN HIGH TIDE LINE PER
PLATE NO. 10, ANACORTES HARBOR



6/10/09

SHORT PLAT ANA98-003
AF NO. 9902170072

LOT 3

LOT 2D



SCALE 1"=60'
DATE 6-10-09

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



20' SANITARY SEWER
EXHIBIT MAP FOR
THE PORT OF ANACORTES

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200906190002
Skagit County Auditor

June 10, 2009

LEGAL DESCRIPTION: 10' SANITARY SEWER EASEMENT TO BE GRANTED BY
NORTHWEST EDUCATIONAL SERVICE DISTRICT #189 TO
THE PORT OF ANACORTES

That portion of Lot 2A, as shown on Boundary Line Adjustment Survey recorded under Skagit
County Auditor's File No. 200306060196, more particularly described as follows:

Commencing at the Northwest corner of said Lot 2A; thence South $01^{\circ}53'23''$ West a distance of 78.44 feet; thence South $88^{\circ}06'37''$ East a distance of 249.34 feet; thence North $00^{\circ}15'10''$ East a distance of 10.00; thence South $88^{\circ}06'37''$ East a distance of 187.77 feet to the **True Point of Beginning** of a ten (10) foot sanitary sewer easement; thence continuing South $88^{\circ}06'37''$ East a distance of 10.00 feet; thence North $01^{\circ}53'23''$ East a distance of 85.34 feet to a point on a non tangent curve to the left whose radius point bears South $49^{\circ}54'41''$ West and is 50 feet distant; said curve also being a northeasterly line of said Lot 2A; thence northwesterly along said curve through a central angle of $15^{\circ}06'25''$ and arc distance of 13.18 feet; thence South $01^{\circ}53'23''$ West a distance of 93.87 feet to the **True Point of Beginning** of said ten foot sanitary sewer easement..

Situate in the County of Skagit, State of Washington



6/10/09





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Skagit County Auditor

June 10, 2009

LEGAL DESCRIPTION: ADDITIONAL ESPLANADE EASEMENT FROM
 NORTHWEST EDUCATIONAL SERVICE DISTRICT
 #189 TO THE PORT OF ANACORTES

That portion of Lot 2A as shown on Boundary Line Adjustment Survey recorded under Skagit County Auditor's File No. 200306060196, more particularly described as follows:

Commencing at the most easterly corner of said Lot 2A; thence North $88^{\circ}40'56''$ West along the north line of said Lot 2A a distance of 19.65 feet to the west margin of a 17.00 foot wide esplanade easement as shown on sheet 3 of "Seafarer's View" recorded under Skagit County Auditor's File No. 200112030101 and **The True Point of Beginning** of esplanade easement; thence South $31^{\circ}25'56''$ West along said westerly margin of said esplanade easement a distance of 36.48 feet; thence North $11^{\circ}26'35''$ East a distance of 32.05 feet to a northerly line of said Lot 2A; thence South $88^{\circ}40'56''$ East along said northerly line a distance of 12.67 feet to the **True Point of Beginning** of said esplanade easement.

Situate in the County of Skagit, State of Washington



6/10/09



PORTION OF GOV'T LOT 1, SEC. 19, TWN. 35 N., RGE. 2E, W.M. AND PLATE 10, ANACORTES TIDE AND SHORELANDS



NUMBER	DIRECTION	DISTANCE
L37	N 11°26'35" E	32.05'
L38	S 31°25'56" W	36.48'
L39	S 88°40'56" E	12.67'
L40	N 88°40'56" W	19.65'

LOT 3
SHORT PLAT ANA98-002
A.F. NO. 9902170012

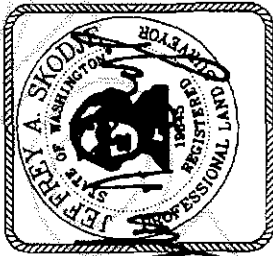
BOUNDARY LINE
ADJUSTMENT SURVEY
A.F. NO. 200306060196

MOST EASTERLY
CORNER OF LOT 2A

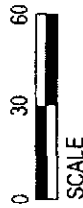
17' ESPLANADE EASEMENT
TO CITY OF ANACORTES
AS SHOWN ON PLAT "SEAFARER'S VIEW"
A.F. NO. '200112030101

EXISTING
2' EASEMENT
AS SHOWN ON SHORT PLAT
ANA 98-003

LOT 2A



6/10/09



SCALE 1"=60'
DATE 6-10-09

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



ADDITIONAL ESPLANADE EASEMENT
EXHIBIT MAP FOR
THE PORT OF ANACORTES

(2009\09020\SUR EASEMENTS\UTILITY AND SEWER ESMT.DWG



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Skagit County Auditor