

POOR ORIGINAL



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Skagit County Auditor

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After recording return document to:

State of Washington
Department of Transportation
Real Estate Services Office
P O Box 47338
Olympia, WA 98504-7338

GUARDIAN NORTHWEST TITLE CO.

Document Title: Temporary Easement

Reference Number of Related Documents: N/A

95832-2

Grantor(s): Diane M. Martin; Val D. Martin Testamentary Trust; The John W. and Jeanne E. Martin Family Limited Partnership

Grantee: State of Washington, Department of Transportation

Legal Description: Ptn SW 1/4 of the NE 1/4 of Section 6, T34N, R4E, W.M.

Additional Legal Description is on Page(s) 7, 8, and 9 of Document

Assessor's Tax Parcel Number(s): 340406-1-002-0204 (P23794); 340406-0-156-0010 (P23789); and 340406-0-039-0005 (P23649)

TEMPORARY EASEMENT

State Route 5, SR 20 Interchange

The Grantors, DIANE M. MARTIN, Trustee of the VAL D. MARTIN TESTAMENTARY TRUST established in Skagit County Probate Case No. 02-4-0-00143-2; DIANE M. MARTIN, a married woman, as her separate estate, and THE JOHN W. AND JEANNE E. MARTIN FAMILY LIMITED PARTNERSHIP, a Washington Limited Partnership, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration, hereby convey and grant unto the **State of Washington, Department of Transportation** and its assigns, under the imminent threat of the Grantee's exercise of its right of Eminent Domain, the right, privilege and easement over, upon, and across the hereinafter described lands for the purpose of providing a work area for adjacent highway construction-related activities.

The temporary rights herein granted shall terminate on October 31, 2012.

TEMPORARY EASEMENT

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

For legal description and additional conditions,
see Exhibit A attached hereto and made a part hereof.

It is understood and agreed that delivery of this Easement is hereby tendered and that the terms and obligations hereof shall not become binding upon the State of Washington, unless and until accepted and approved hereon in writing for the State of Washington, Department of Transportation, by its Director of Real Estate Services.

Date: February 21, 2008

Accepted and Approved:

VAL D. MARTIN TESTAMENTARY
TRUST

STATE OF WASHINGTON
Department of Transportation

By: Diane M. Martin
DIANE M. MARTIN, Trustee

By: Gerald L. Gallinger
Director, Real Estate Services

Diane M. Martin
DIANE M. MARTIN, Individually

Date: 6/24/09

THE JOHN W. AND JEANNE E. MARTIN
FAMILY LIMITED PARTNERSHIP,
a Washington limited partnership


By: John W. Martin
JOHN W. MARTIN, General Partner

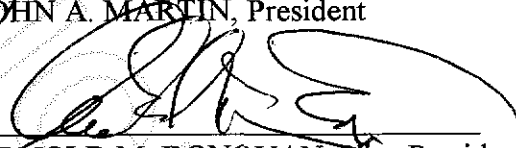


TEMPORARY EASEMENT

Concurred by:

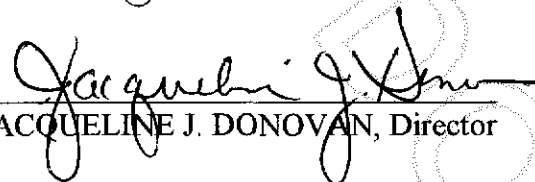
MARTIN COMMERCIAL FUELING, INC.,
a Washington corporation

By: 
JOHN A. MARTIN, President

By: 
ARNOLD M. DONOVAN, Vice President

By: 
JOHN W. MARTIN, Chair, Board of Directors

By: 
NANCY D. KEHL MARTIN, Director

By: 
JACQUELINE J. DONOVAN, Director



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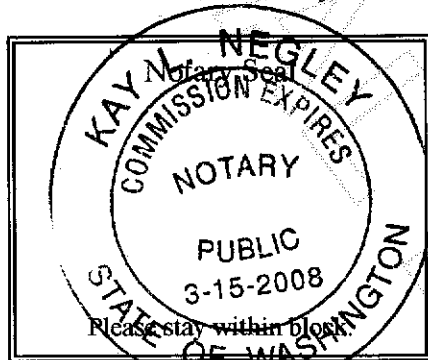
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TEMPORARY EASEMENT

STATE OF WASHINGTON)
: ss.
County of Skagit)

On this 21st day of February, 2008, before me personally appeared DIANE M. MARTIN, to me known to be the Trustee described in and who executed the foregoing instrument, and acknowledged that in that capacity as Trustee signed the same as the Trust's 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.



Kay L. Negley
Notary (print name) KAY L. NEGLEY
Notary Public in and for the State of Washington,
residing at MOUNT VERNON
My Appointment expires 3-15-2008



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Skagit County Auditor

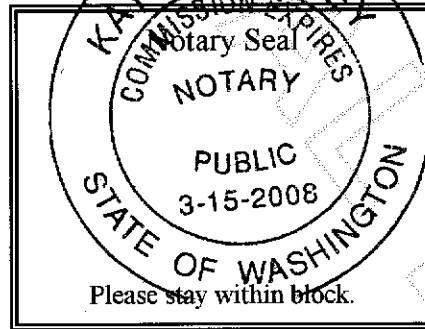
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TEMPORARY EASEMENT

STATE OF WASHINGTON)
 : ss.
County of Skagit)

On this 21st day of February, 2008, before me personally appeared DIANE M. MARTIN, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she signed the same as her 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.



Kay L. Negley
Notary (print name) KAY L. NEGLEY
Notary Public in and for the State of Washington,
residing at MOUNT VERNON
My Appointment expires 3/15/2008



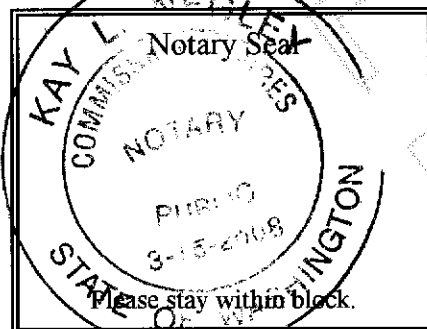
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TEMPORARY EASEMENT

STATE OF WASHINGTON)
: ss.
County of Skagit)

On this 21 day of February, 2008, before me personally appeared JOHN W. MARTIN known to me to be the General Partner of THE JOHN W. AND JEANNE E. MARTIN FAMILY LIMITED PARTNERSHIP, the limited partnership that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said limited partnership, for the uses and purposes therein mentioned, and each on oath stated that they were authorized to execute said instrument.

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



Kay L. Negley
Notary (print name) KAY L. NEGLEY
Notary Public in and for the State of Washington,
residing at MOUNT VERNON
My Appointment expires 3/15/2008



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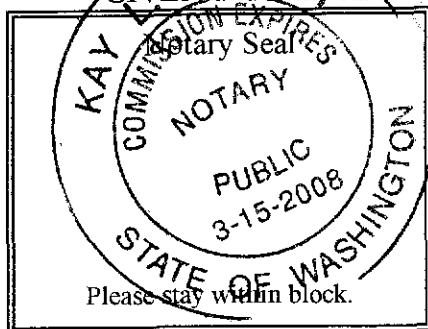
STATE OF WASHINGTON)

: ss.

County of SKAGIT)

On this 21st day of February, 2008, before me personally appeared JOHN A. MARTIN, to me known to be the President of the corporation that executed the foregoing instrument, and acknowledged 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 said instrument and that the seal affixed is the corporate seal of said corporation.

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



Kay L. Negley
Notary (print name) KAY L. NEGLEY
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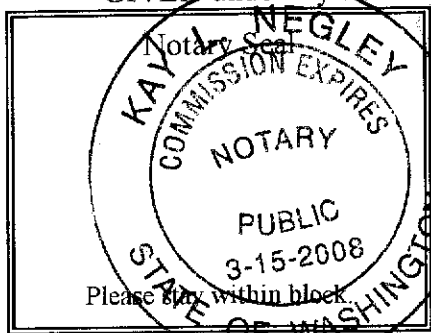
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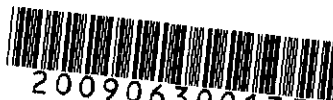
STATE OF WASHINGTON)
) ss.
County of SKAGIT)

On this 21st day of February, 2008, before me personally appeared ARNOLD M. DONOVAN, to me known to be the Vice President of the corporation that executed the foregoing instrument, and acknowledged 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 said instrument and that the seal affixed is the corporate seal of said corporation.

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



Kay L. Negley
Notary (print name) KAY L. NEGLEY
Notary Public in and for the State of Washington,
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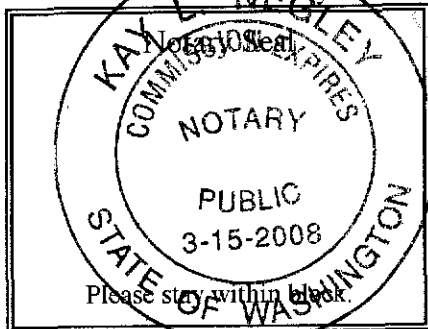
STATE OF WASHINGTON)

: ss.

County of SKAGIT)

On this 21st day of February, 2008, before me personally appeared JOHN W. MARTIN, to me known to be the Chair, Board of Directors of the corporation that executed the foregoing instrument, and acknowledged 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 said instrument and that the seal affixed is the corporate seal of said corporation.

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



Kay L. Negley
Notary (print name) KAY L. NEGLEY
Notary Public in and for the State of Washington,
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Skagit County Auditor

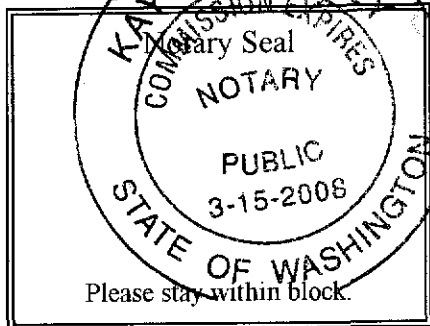
STATE OF WASHINGTON)

: ss.

County of SKAGIT)

On this 21st day of February, 2008, before me personally appeared NANCY D. KEHL MARTIN, to me known to be a Director of the corporation that executed the foregoing instrument, and acknowledged 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 she was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

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



Kay L. Negley
Notary (print name) KAY L. NEGLEY
Notary Public in and for the State of Washington,
residing at MOUNT VERNON
My Appointment expires 3/15/2008



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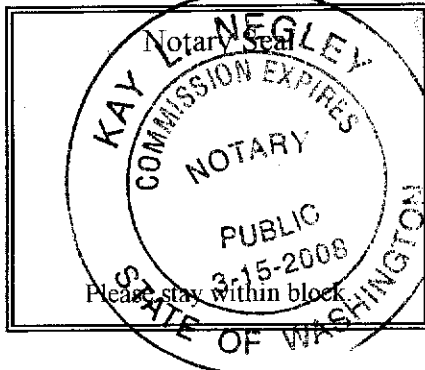
STATE OF WASHINGTON)

: ss.

County of SKAGIT)

On this 21st day of February, 2008, before me personally appeared JACQUELINE J. DONOVAN, to me known to be a Director of the corporation that executed the foregoing instrument, and acknowledged 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 she was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

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



Kay L. Negley
Notary (print name) KAY L. NEGLEY
Notary Public in and for the State of Washington,
residing at MOUNT VERNON
My Appointment expires 3/15/2008



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Skagit County Auditor

TEMPORARY EASEMENT

EXHIBIT A

All that portion of the hereinafter described PARCEL "A" lying within a tract of land beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 314+90.64 on the SR 5 line survey of SR 5, SR 20 Interchange and 361.81 feet westerly therefrom; thence on the arc of a curve to the left having a radius of 760 feet for a distance of 13.4 feet to a point opposite HES NT 20+24.89 on the NT line survey of said Highway and 87.26 feet easterly therefrom; thence southerly to a point opposite HES NT 20+65.15 on said NT line survey and 84.62 feet easterly therefrom; thence southeasterly to a point opposite HES NT 20+81.79 on said NT line survey and 134.32 feet easterly therefrom; thence northeasterly to a point opposite HES NT 20+32.47 on said NT line survey and 150.83 feet easterly therefrom; thence northwesterly to the point of beginning.

AND all that portion of the hereinafter described PARCEL "A" lying within a tract of land beginning at a point opposite HES 312+04.08 on the SR 5 line survey of said Highway and 237.01 feet westerly therefrom; thence northeasterly to a point opposite HES 312+29.33 on said line survey and 202.22 feet westerly therefrom; thence northerly to a point opposite HES 312+62.29 on said line survey and 196.40 feet westerly therefrom; thence easterly to a point opposite HES 312+67.27 on said line survey and 146.49 feet westerly therefrom; thence southerly to a point opposite HES 311+97.55 on said line survey and 139.46 feet westerly therefrom; thence westerly to the point of beginning.

PARCEL "A"

All that portion of the northeast quarter of the southwest quarter of the northeast quarter of Section 6, Township 34 North, Range 4 East, W.M., Skagit County, Washington lying northerly of the Andis Road and lying within the boundaries of the following described tract:

Beginning at a point on the south line of said Andis Road opposite Highway Engineer's Station (hereinafter referred to as HES) 311+64 on the survey line of State Highway Route No. 5, Skagit River to Junction SR 20 and 136.08 feet westerly therefrom, thence northwesterly to a point opposite HES 314+30 on said survey line and 162.90 feet westerly therefrom; thence northwesterly to point opposite HES 315+78.54 on said survey line and 259.09 feet westerly therefrom; thence northwesterly to a point 60 foot



TEMPORARY EASEMENT

EXHIBIT A (continued)

distant southerly when measured at right angles and/or radially from the WE-S Ramp line survey of said SR 5 at Station 1+01-61 P.C.; thence westerly to an intersection with the easterly boundary of a strip of land having a width of 80 feet, being 40 feet wide on each side when measured at right angles and/or radially from the A line survey of SR 5, Skagit River to Junction SR 20; thence southerly along the easterly line of said 80 foot wide strip (being also identified in Skagit County Superior Court Cause No. 33-037 as condemned therein) to the southerly line of the Andis Road; thence east along the south line of the Andis Road to the point of beginning;

EXCEPT therefrom that portion thereof lying with the boundaries of the four following described tracts:

No. 1: Beginning at a point on the south line of said Andis Road opposite HES 311+64 on the survey line of State Route No. 5, Skagit River to Junction SR 20 and 136.08 feet westerly therefrom; thence west along the south line of the said Andis Road, a distance of 115.00 feet; thence northerly at right angles to said south line, a distance of 100.00 feet; thence east parallel with said south line to the east line of the hereinabove described main tract; thence southerly along the east line of said main tract to the point of beginning.

No. 2: All that portion of the hereinabove main tract lying easterly of a line described as follows:

Beginning at a point on the south line of said Andis Road opposite HES 311+64 on the survey line of State Highway Route No. 5, Skagit River to Junction SR 20 and 136.08 feet westerly therefrom; thence westerly along said south line a distance of 115.00 feet to the True Point of Beginning of this right-of-way line description; thence northerly, at right angles to said south line 100.00 feet; thence east parallel with said south line to a line extending northwesterly from said point of beginning to a point opposite HES 314+30 on said survey line and 162.90 feet westerly therefrom; thence northerly to said point opposite HES 314+30; thence northwesterly to a point opposite HES 315+78.54 on said survey line and 259.09 feet westerly therefrom and the terminal point of the right-of-way line description.



TEMPORARY EASEMENT

EXHIBIT A (continued)

No. 3: All that northerly portion of the hereinabove described main tract lying within those premises conveyed to the State of Washington by deeds recorded as Auditor's File No. 8107270034 and 8107270035.

No. 4: All that southerly portion of the hereinabove described main tract lying within the unvacated portion of the right-of-way for Andis Road.

TOGETHER WITH all that portion of the former cul-de-sac for Andis Road, State Turnback as described and set forth in "Order Vacating County Road" recorded under Auditor's File No. 9102080020, records of Skagit County, Washington which upon vacation reverted to said premises by operation of law.

The lands herein described contain an area of 7,310 square feet, more or less, the specific details concerning all of which are to be found in that certain map of definite location now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval November 20, 2006, revised November 29, 2007.

Grantors' Initials
km
QWM

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