



201004050145

Skagit County Auditor

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AFTER RECORDING RETURN TO:

ATTN: REAL ESTATE SERVICES
DEPARTMENT OF TRANSPORTATION
P.O. BOX 4 7338
OLYMPIA, WA 98504-7338

Document Title: Easement Deed

Reference Number of Related Document:

Grantor(s): State of Washington

Grantee(s): Joe Zender & Sons, Inc., A Washington corporation

Legal Description: Ptn S 1/2 of S 1/2 of SE 1/4 of Sec 5, Twp 36N, Rng 4 EWM, Skagit County

Additional Legal Description is on Pages 1 and 2 of document

Assessor's Tax Parcel Number: P119261

858
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

EASEMENT DEED

APR 6 2010

Amount Paid \$0
Skagit Co. Treasurer
By *mdm* Deputy

Skagit County Sundry Site Plans, Pits and Stockpile Sites

KNOW ALL MEN BY THESE PRESENTS, that the STATE OF WASHINGTON, for and in consideration of FIVE THOUSAND AND NO/100THS DOLLARS (\$5,000.00), hereby grants and conveys unto JOE ZENDER & SONS, INC., A WASHINGTON CORPORATION, a non-exclusive easement for ingress and egress over, under, across, and upon the following described real property under the jurisdiction of the Department of Transportation, situated in Skagit County, State of Washington:

Easement Parcel "1"

A strip of land 30 feet in width, lying 15 feet on each side of a centerline described as follows:

Beginning at a point on the westerly right of way line of County Road No. 254 also know as Able Lane (old Cain Lake Road), that is 15 feet South of the North line of the South half of the South

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half of the Southeast quarter of Section 5, Township 36 North, Range 4 East, W.M.; thence Westerly parallel with and 15 feet South of said North line to a point on the east line of Parcel "B" as described in deed to the State of Washington, recorded June 17, 1963 as Instrument No. 637263, records of Skagit County Auditor, being a point on a curve concave to the Northeast; thence Northwesterly along said curve to intersect a point bearing North 87° 28' 36" West a distance of 43.35 feet from the Southeast corner of the North half of the Southwest quarter of the Southeast quarter of said Section 5, being the end of the described line and know as Point X.

Easement Parcel "2"

A strip of land 50 feet in width, lying 25 feet on each side of a centerline described as follows:

Beginning at Point X as described in Easement Parcel "1" above; thence Northwesterly on a curve to the right with a radius of 67.00 feet, central angle of 27°08' 57" an arc distance of 31.75 feet to a point of tangency; thence North 21°14'03" West 157.71 feet to a point of curvature; thence on a curve to the left with a radius of 420.00 feet, central angle of 23°38'47" an arc distance of 173.34 feet to a point of tangency; thence North 44°52'50" West 218.26 feet to a point of curvature; thence on a curve to the left with a radius of 170.00 feet, central angle of 19°51'01" an arc distance of 58.90 feet to a point of tangency; thence North 54°43'51" West 372.13 feet to a point of curvature; thence on a curve to the left with a radius of 397.00 feet, central angle of 21°22'40" an arc distance of 148.13 feet ± to a point on the West line of that certain property described in Judgment and Decree of Appropriation entered in Superior Court of the State of Washington in and for Skagit county dated August 24, 1962 in cause No. 26708 and the end of the described line.

SUBJECT TO all existing encumbrances, including easements, restrictions and reservations, if any.

The specific details concerning all of which may be found on Sheet 4 of that certain plan entitled Skagit County Sundry Site Plans, Pit and Stockpile Sites now of record and on file in the Office of the Secretary of Transportation at Olympia, Washington, bearing date of approval September 3, 1958, revised February 28, 2008.

The grantee, its successors or assigns, will protect, save, and hold harmless the Washington State Department of Transportation, its authorized agents and employees from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the acts or omission of the grantee, its agents, contractors, licensees, invitees, employees, or any person whomsoever arising out of or in connection with any acts or activities related to this deed. The grantee further agrees to defend the Washington State Department of Transportation, its agents or employees in any litigation, including payment of any costs or attorney's fees, for any claims or action commenced arising out of or in connection with acts or activities related to this deed. This

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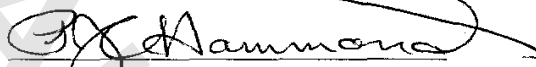
obligation shall not include such claims, cost, damages, or expenses which may be caused by the sole negligence of the Washington State Department of Transportation or its authorized agents or employees; provided that if the claims or damages are caused by or result from the concurrent negligence of (a) the grantor, its agents or employees and (b) the grantee, its agents or employees, or involves those actions covered by RCW 4.24.115, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the grantee or grantee's agents or employees.

The grantee as part consideration herein does hereby agree to comply with all civil rights and anti-discrimination requirements of Chapter 49.60 RCW as to the lands herein described.

The lands herein described are not required for State highway purposes and are conveyed pursuant to the provisions of RCW 47.12.063.

Dated at Olympia, Washington, this 30 day of March, 2010.

STATE OF WASHINGTON



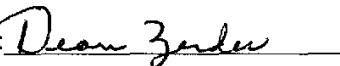
Paula L. Hammond, P.E.
Secretary of Transportation


APPROVED AS TO FORM:

By: 
Assistant Attorney General

REVIEWED AS TO FORM:

JOE ZENDER & SONS, INC.

By: 

By: 

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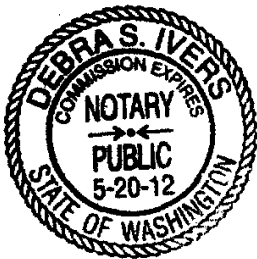
STATE OF WASHINGTON)

) : ss

County of Thurston)

On this 30 day of March, 2010, before me personally appeared Paula J. Hammond, P.E., known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that she was authorized to execute said instrument.

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



Debra S. Ivers
Notary (print name) Debra S. Ivers Notary Public
in and for the State of Washington, residing at Olympia
My Appointment Expires 5-20-12



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