



201004290031

Skagit County Auditor

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4 11:28AM

**RETURN TO:**

Public Utility District No. 1 of Skagit County  
1415 Freeway Drive  
P.O. Box 1436  
Mount Vernon, WA 98273-1436

**PUD UTILITY EASEMENT**

THIS AGREEMENT is made this 19th day of April, 2010, between **CWS BURLINGTON, LLC**, a Washington Limited Liability Company, hereinafter referred to as "Grantor(s)", and **PUBLIC UTILITY DISTRICT NO. 1 OF SKAGIT COUNTY, WASHINGTON**, a Municipal Corporation, hereinafter referred to as "District". Witnesseth:

WHEREAS, Grantor(s) are the owners of certain lands and premises situated in the County of Skagit, and

WHEREAS, the District wishes to acquire certain rights and privileges along, within, across, under, and upon the said lands and premises.

NOW, THEREFORE, Grantor(s), for and in consideration of mutual benefits and other valuable consideration, receipt of which is hereby acknowledged, conveys and grants to the District, its successors or assigns, the perpetual right, privilege, and authority enabling the District to do all things necessary or proper in the construction and maintenance of a water and communication, lines or other similar public services related facilities, including the right to construct, operate, maintain, inspect, improve, remove, restore, alter, replace, relocate, connect to and locate at any time a pipe or pipes, line or lines or related facilities, along with necessary appurtenances for the transportation and control of water and electronic information on facilities over, across, along, in and under the following described lands and premises in the County of Skagit, State of Washington, to wit:

**P122962**

Exhibit "A" – Easement Legal Description

Exhibit "B" – Easement Map

together with the right of ingress to and egress from said lands across adjacent lands of the Grantor; also, the right to cut and/or trim all timber, trees, brush, or other growth standing or growing upon the lands of the Grantor which, in the opinion of the District, constitutes a menace or danger to said line or to persons or property by reason of proximity to the line. The Grantor agrees that title to all brush, other vegetation or debris trimmed, cut, and removed from the easement pursuant to this Agreement is vested in the District.

Grantors, their heirs, successors, or assigns hereby conveys and agrees not to construct or permit to be constructed structures of any kind on the easement area without written approval of the General Manager of the District. Grantors shall conduct their activities and all other activities on Grantor's property so as not to interfere with, obstruct or endanger the usefulness of any improvements or other facilities, now or hereafter maintained upon the easement or in any way interfere with, obstruct or endanger the District's use of the easement.

The Grantors also agree to and with the District that the Grantors lawfully own the land aforesaid, has a good and lawful right and power to sell and convey same, that same is free and clear of encumbrances except as indicated in the above legal description, and that Grantors will forever warrant and defend the title to said easement and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Any mortgage on said land held by a mortgagee is hereby subordinated to the rights herein granted to the District; but in all other respects the mortgage shall remain unimpaired.

*Easement*  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

APR 29 2010

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C.O. 4583

W.O. 08-3258

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

In Witness Whereof, the Grantor hereunto sets his hand and seal this 19<sup>th</sup> day of April, 2010.

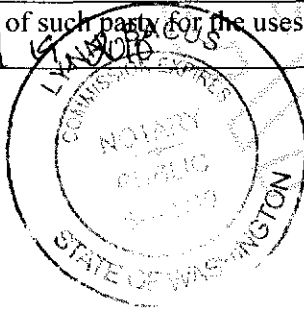
**CWS BURLINGTON, LLC:**

[Signature]  
Signature  
Dan R. Mitzel  
Print Name  
Co-Managing Member  
Print Title

[Signature]  
Signature  
Colonel F. Betz  
Print Name  
CO-MANAGING MEMBER  
Print Title

STATE OF Washington  
COUNTY OF Skagit

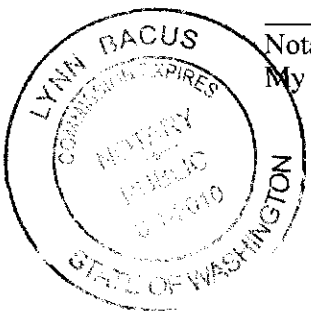
I certify that I know or have satisfactory evidence that Dan R. Mitzel  
is the person who appeared before me, and said person acknowledged that (he/she) signed this  
instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as  
the act of the co-mbrs of **CWS BURLINGTON, LLC** to be the free and  
voluntary act of such party for the uses and purposes mentioned in the instrument.  
Date: April 19, 2010



Lynn Bacus  
Notary Public in and for the State of Washington  
My appointment expires: 6/1/10

STATE OF Washington  
COUNTY OF Skagit

I certify that I know or have satisfactory evidence that Colonel F. Betz  
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 act of the co-mbrs of **CWS BURLINGTON, LLC** to be the free and  
voluntary act of such party for the uses and purposes mentioned in the instrument.  
Date: April 19, 2010



Lynn Bacus  
Notary Public in and for the State of Washington  
My appointment expires: 6/1/10



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**Exhibit "A"**

An Easement in a portion of the Southwest Quarter of the Northwest Quarter of Section 8, Township 34 North, Range 4 East, WM described as follows:

Commencing at the Northwest corner of Parcel "A" of the City of Burlington Binding Site Plan for B-D-M Properties LLC, approved May 23, 2005 and recorded May 26, 2005 under Auditors File No. 200505260114, records of Skagit County Washington; Thence South 1° 23' 26" East, along the West line of said Parcel "A", a distance of 157.81 feet to the Northwest corner of an existing 20.00 foot utility easement as recorded December 8, 2005 under Auditors File No. 200512080035, records of Skagit County Washington;

Thence South 88° 37' 56" East, along the North line of said easement, 561.59 feet to the East line of said 20.00 foot easement and **THE TRUE POINT OF BEGINNING**; Thence North 1° 21' 55" East 93.67 feet; Thence North 46° 21' 55" East 46.60 feet; Thence South 88° 35' 59" East 94.84 feet to the East line of Parcel "D" as shown on said Binding Site Plan; Thence North 0° 09' 29" West, along said East line, 31.10 feet to the Northeast corner of said Parcel "D"; Thence North 88° 38' 05" West, along the North line of said Parcel "D", 114.46 feet; Thence South 1° 21' 55" West 23.19 feet; Thence South 46° 21' 55" West 30.33 feet; Thence North 43° 38' 05" West 23.27 feet; Thence South 46° 21' 55" West 15.00 feet; Thence South 43° 38' 05" East 22.64 feet; Thence South 1° 21' 55" West 102.85 feet, more or less to a point which lies North 88° 37' 56" West from the true point of beginning; Thence South 88° 37' 56" East 20.00 feet to the **TRUE POINT OF BEGINNING**.

Situate in the County of Skagit, State of Washington



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# Exhibit "B"

