

After recording, return document to:
Port of Skagit County
P.O. Box 348
Burlington, WA 98233



201104180183
Skagit County Auditor

4/18/2011 Page 1 of 5 12:47PM

Document Title:

NO-BUILD EASEMENT

Reference Number : N/A

Grantor(s):

☐ additional grantor names on page ____

1. Port of Skagit County

2.

Grantee(s):

☐ additional grantee names on page ____

1. Vikima, USA, Inc.

2.

Abbreviated legal description:

☒ full legal on page(s) 5

Portion of Tract "J" of the Amended Skagit Regional Airport Binding Site Plan, Phase 1, SW Quarter of Section 34 and SE Quarter of Section 33, Township 35 N R3E WM.

Assessor Parcel / Tax ID Number:

☐ additional tax parcel number(s) on page ____

Parcel No. 115640

NO-BUILD EASEMENT

I. Recitals

WHEREAS, the Port of Skagit County ("Port") is the owner of certain property situated in the county of Skagit legally described as Tract "J" of the Amended Skagit Regional Airport Binding Site Plan, Phase 1, recorded under Skagit County Auditors File No. 200303040030 ("Tract J Property"); and

WHEREAS, said Property is designated a Protected Critical Area / Wetland per Skagit WIN Phase III Wetland Management Plan; and

WHEREAS, said Property is currently undeveloped; and

WHEREAS, the Port is also the owner of Lot 52 of the Amended Skagit Regional Airport Binding Site Plan, Phase 1, recorded under Skagit County Auditors File No. 200303040030 ("Lot 52 Property"); and

WHEREAS, the Port is currently leasing the Lot 52 Property to Vikima, USA, Inc., for light industrial purposes; and

WHEREAS, the Lessee wishes to construct the "Proposed Building" depicted on Exhibit A hereto on the Lot 52 Property, to be sited to the Northwest of the existing warehouse building; and

WHEREAS, Skagit County Zoning Code 14.16.180(6)(a) requires minimum setbacks from structures necessitating a no-build area along a small portion of the Tract J Property in order for the "Proposed Building" to comply with mandated setbacks; and

WHEREAS, the Port wishes to grant such no-build easement for the benefit of the Lot 52 Property, NOW, THEREFORE,

II. Conveyance

For no monetary consideration, the Port grants to Vikima, USA, Inc., a no-build easement over the Tract J Property as depicted in Exhibit A and described in Exhibit B hereto, for the benefit of the Lot 52 Property. Within said easement no above ground buildings, structures or junk shall be erected, placed or maintained pursuant to Skagit County Code 14.04.020 "Setbacks". Said easement is not intended for the use of Vikima, USA, Inc., or the general public, but is intended to be kept open and free from above ground buildings, structures and junk. Said easement shall benefit the tenant of Lot 52 and shall commence upon the construction of the Proposed Building and shall terminate automatically if said building is removed.

DATED this 12th day of April, 2011.



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Skagit County Auditor

PORT OF SKAGIT COUNTY

Jerry Kaufman
Commission President, Jerry Kaufman

Attest:

Bill Shuler
Commission Vice-President, Bill Shuler

Approved as to Form:

BE Furlong
Bradford E. Furlong, Port Attorney

easement
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

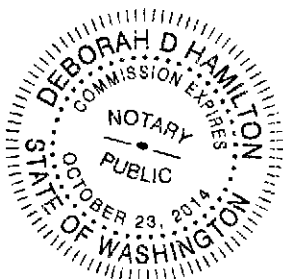
APR 18 2011

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

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this 12th day of April 2011 personally appeared, Jerry Kaufman and Bill Shuler, to me known to be the President and Vice-President, respectively, Board of Commissioners, Port of Skagit County, a Washington Municipal Corporation, the corporation that executed the within and 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 they were duly authorized to execute the same and that the seal affixed is the corporate seal of the corporation.

In witness whereof I have hereunto set my hand and official seal the day and year first above written.

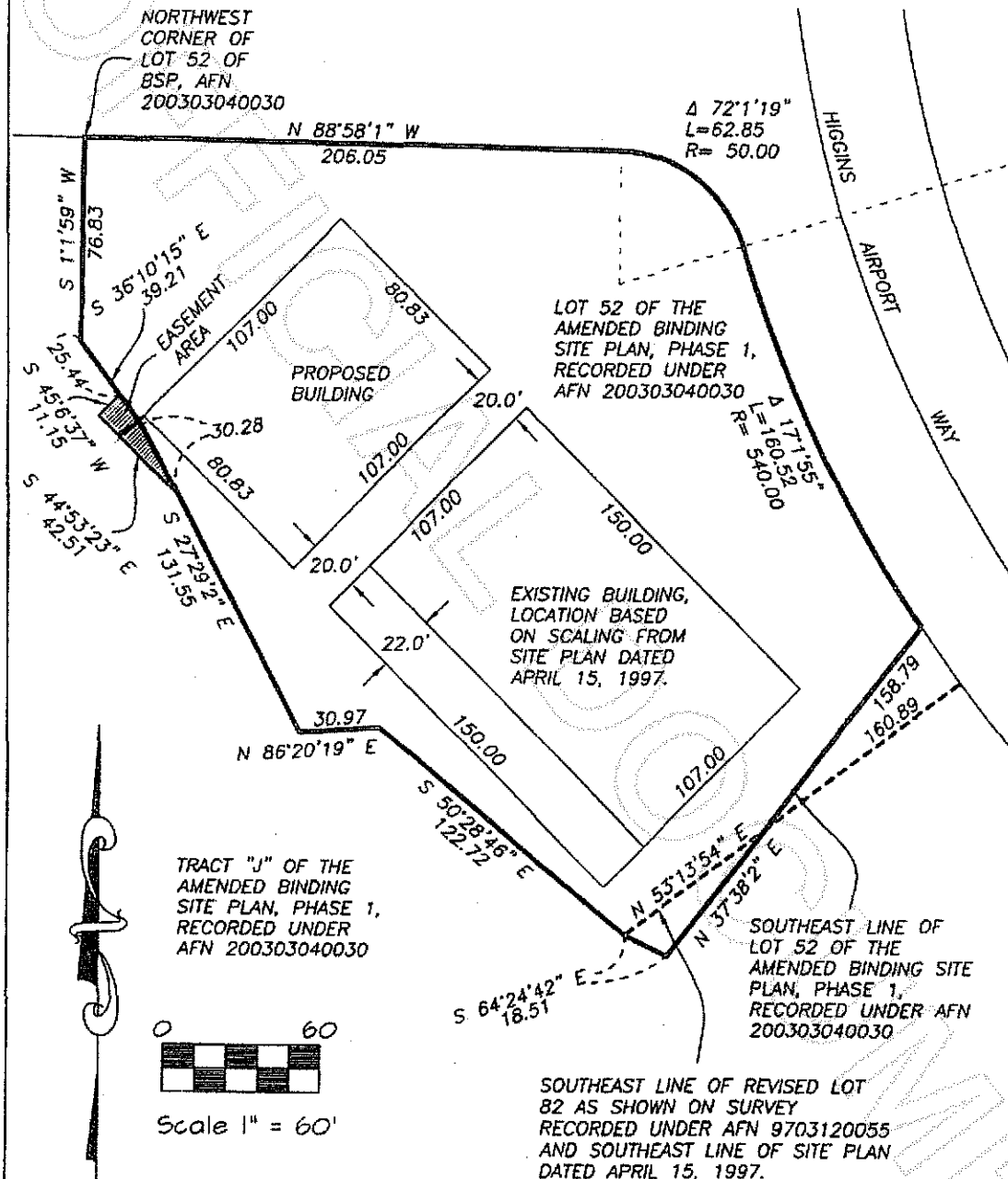


Deborah D. Hamilton
Notary Public in and for the state of Washington
Residing in: *Burlington, WA*
My appointment expires: *10/23/14*
Printed name: *Deborah D. Hamilton*



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PORTION OF SW 1/4 SECTION 34, T. 35 N., R. 3 E., WM
 PORTION OF SE 1/4 SECTION 33, T. 35 N., R. 3 E., WM



Sound Development Group

ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES

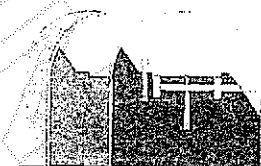
11004SURV 1-10-11 DJA

EXHIBIT A



201104180183

Skagit County Auditor



SOUND DEVELOPMENT GROUP, LLC.

Engineering, Surveying, GPS Construction Modeling and Land Development Services

1-10-11

AG Alternatives INC.

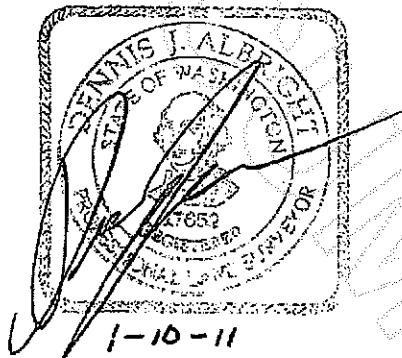
Setback Easement

Port of Skagit County

That portion of Tract "J" of the Amended Skagit Regional Airport Binding Site Plan, Phase 1, recorded under Auditors File No. 200303040030, being in a portion of the Southwest Quarter of Section 34 and the Southeast Quarter of Section 33, all in Township 35 North, Range 3 East, WM, described as follows:

Commencing at the Northwest corner of Lot 52 of said Binding Site Plan; Thence South $1^{\circ} 01' 59''$ West, along the West line thereof, 76.83 feet to an angle point in said Lot 52; Thence South $36^{\circ} 10' 15''$ East along the West line thereof, 25.44 feet to the TRUE POINT OF BEGINNING; Thence South $45^{\circ} 06' 37''$ West 11.15 feet; Thence South $44^{\circ} 53' 23''$ East 42.51 feet to an point on the Westerly line of said Lot 52; Thence North $27^{\circ} 29' 02''$ West, along the Westerly line thereof, 30.28 feet to an angle point in said line; Thence continue along said line North $36^{\circ} 10' 15''$ West 13.77 feet to the TRUE POINT OF BEGINNING.

Situate in the County of Skagit, State of Washington.



P.O. Box 1705 • 1111 Cleveland Avenue, Suite 202, Mount Vernon, WA 98273
Phone (360) 404-2010 • Fax (360) 404-2012

EXHIBIT B



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Skagit County Auditor