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Skagit County Auditor

1/13/2012 Page

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3 2:09PM

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 20th day of December, 2011, between **THE PORT OF SKAGIT COUNTY**, 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 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, except that any above-ground appurtenances shall require additional prior approval of the Grantor, over, across, along, in and under the following described lands and premises in the County of Skagit, State of Washington, to wit:

PARCEL: P115670 - See exhibit "A" attached, "utility easement exhibit map"

That portion of the northwest quarter of the northwest quarter of section 34, township 35 north, range 3 east, W.M. being a portion of lot 65 of the amended Skagit Regional Airport binding site plan, phase 1 as recorded under Auditor's file number 200303040030, records of Skagit County, Washington, and more particularly described as follows:

Beginning at the northeast corner of said lot 65;

Thence south 0°16'15" west along the east line of said lot 65, a distance of 70.00 feet;

Thence north 88°48'11" west, parallel with the north line of said lot 65, a distance of 53.02 feet to the east line of that certain sanitary sewer easement recorded under Auditor's file number 9111040032 and that certain waterline easement recorded under Auditor's file number 9710150061;

Thence north 0°16'15" east along said east line, a distance of 70.00 feet to a point on the north line of said lot 65, which bears north 88°48'11" west from the point of beginning;

Thence south 88°48'11" east along said north line, a distance of 53.02 feet to the point of beginning;

Situate in the County of Skagit, State of Washington

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, with the exception of any existing landscaping. The Grantor agrees that title to all brush, other vegetation with the exception of landscaping 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.

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

easement

JAN 13 2012

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C.O. 4636
W.O. 09-3316

Amount Paid \$ ✓
Skagit Co. Treasurer
By *man* Deputy

In the event the surface of said easement area is disturbed by the District's exercise of any of its rights under said easement, such area shall be restored to the condition in which it existed at the commencement of such activities, or a condition that is approved by the Grantor.

The District shall submit a written request for additional approval from the Grantor for any proposed structures or appurtenances related to said easement that will be constructed above the ground surface such that a visual or aesthetic impairment may be created on the Grantor's property. Grantor's approval or denial shall be issued in the form of a letter. Grantor retains the right to approve or deny such requests.

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.

In Witness Whereof, the Grantor hereunto sets his hand and seal this 20th day of December, 2011.

PORT OF SKAGIT COUNTY:

Kevin E. Ware
Dr. Kevin E. Ware, Commissioner

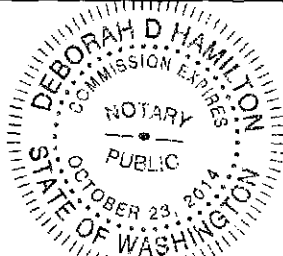
Absent
Jerry Kaufman, Commissioner

William Shuler
William Shuler, Commissioner

STATE OF WASHINGTON
COUNTY OF SKAGIT

I certify that I know or have satisfactory evidence that **Dr. Kevin E. Ware** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as a **Commissioner of the Port of Skagit County** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Date: 12-20-11



Deborah D. Hamilton
Notary Public in and for the State of Washington
My appointment expires: 10-23-14

STATE OF WASHINGTON
COUNTY OF SKAGIT

Absent
I certify that I know or have satisfactory evidence that **Mr. Jerry Kaufman** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as a **Commissioner of the Port of Skagit County** to be the free and voluntary act for the uses and purposes mentioned in the instrument.

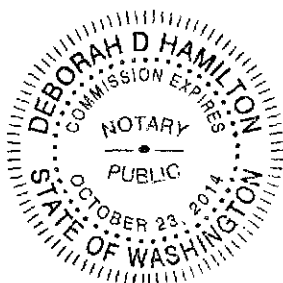
Date: _____

Notary Public in and for the State of _____
My appointment expires: _____

STATE OF WASHINGTON
COUNTY OF SKAGIT

I certify that I know or have satisfactory evidence that **Mr. William Shuler** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as a **Commissioner of the Port of Skagit County** to be the free and voluntary act for the uses and purposes mentioned in the instrument.

Date: 12-20-11



Deborah D. Hamilton
Notary Public in and for the State of Washington
My appointment expires: 10-23-14



EXHIBIT "A"

UTILITY EASEMENT
EXHIBIT MAP

