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Skagit County Auditor

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RETURN TO:

Attn: City Engineer
City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284

**WAIVER OF PROTEST REGARDING ULID/LID
WITHIN THE CITY OF SEDRO-WOOLLEY**

GRANTOR(S) *(Last name, first name and initials);*

Burke, Jody R., & Burke, Judith., husband and wife

GRANTEE(S) *(Last name, first name and initials):*

City of Sedro-Woolley, a Municipal Corporation

LEGAL DESCRIPTION *(Abbreviated: i.e., lot, block, plat or quarter, quarter, section, township and range).*

Lot 10 and the East half of Lot 9, Block 20, "PLAT OF THE TOWN OF SEDRO, according to the plat thereof, recorded in Volume 1 of Plats, page 17, records of Skagit County, Washington.

Situated in Skagit County, State of Washington.

ASSESSOR'S PARCEL/TAX I.D. NUMBER:

P75515 and 4149-020-010-0000 (735 Fidalgo Street)

**WAIVER OF PROTEST REGARDING ULID/LID FOR DEVELOPMENT
WITHIN THE CITY OF SEDRO-WOOLLEY**

(Must be recorded with the Skagit County Auditor)

THE UNDERSIGNED hereby agree as follows:

1. Parties. The Grantors to this agreement are: Burke, Jody R., & Burke, Judith. husband and wife the owners of certain real property situated in Skagit County, Washington, (hereinafter "Owner/s"). The Grantee is the City of Sedro-Woolley, a Washington Municipal Corporation.

2. Requested Approval. The Owner/s has applied to the City of Sedro-Woolley, Washington, for:

- City sewer service
- Approval of a short plat / subdivision / BSP / PUD
- Variance: Frontage improvements
- Other:

This waiver is given as a condition of approval of building permit BP-1-12.

3. Real Property. This Waiver of Protest concerns the following described real property, situated in Skagit County, Washington, and legally described as follows:

Lot 10 and the East half of Lot 9, Block 20, "PLAT OF THE TOWN OF SEDRO, according to the plat thereof, recorded in Volume 1 of Plats, page 17, records of Skagit County, Washington.

Situated in Skagit County, State of Washington.

4. LID/ULID Districts.

a. The Owner/s hereby waives all rights to protest against future Local Improvement District (LID) or Utility Local Improvement District (ULID) proceedings of the City of Sedro-Woolley for the construction of municipal improvements for: *(Check if applicable)*

- Sanitary sewer system improvements
- Water system improvements
- Streets, sidewalks, and ROW improvements
- Drainage facilities / storm sewer system improvements
- Other: street light improvements

For purposes of this waiver and power of attorney, "rights of protest" shall mean only those formal rights to protest contained within LID or ULID statutes, except, however, nothing herein shall constitute a waiver of Owners of the Owner's heirs, assign or successors in interest, of the

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right to object to the Owner's individual assessment amount or to appeal to the Superior Court the decisions of the Council affirming the final assessment roll, which rights are specifically preserved.

b. The Owner/s hereby grants and conveys to the Public Works Director/City Engineer at City of Sedro-Woolley, or his successor in interest or designee, a Special Power of Attorney to exercise any and all rights of the Owner/s, including any purchasers, mortgage holders, lien holders or other person who may claim an interest in the property described herein, to accomplish the following: At such time as a Local Improvements District or Utility Local Improvements District is proposed that would cause said improvements to be made available to the Owner's property described hereinabove, to execute a Petition on behalf of the Owner/s for the creation of such LID or ULID. This Special Power of Attorney is granted in consideration of the City executing this Instrument, and shall be a power coupled with an interest which may not be terminated. This Special Power of Attorney shall not be affected by the disability of the Owner/s.

c. The Owner/s hereby declares that she/he is/are the sole owner(s) of the property described herein and has/have full power to commit said property to this Waiver of Protest and Special Power of Attorney.

d. For purposes of compliance with RCW 35.43.182, the effective term of this Section (*LID/ULID Districts*) shall be a period of ten (10) years from the date hereof.

5. Enforcement. If the Owner/s fails to perform in good faith in accordance with this instrument, it is agreed that the City of Sedro-Woolley may, after giving 20 days notice thereof and an opportunity for hearing thereon, pursue any remedy, legal or equitable, including specific performance. The obligations set forth herein are in addition to any other obligations and conditions or annexation, sewer service, and other utilities, and not in lieu or satisfaction thereof

6. Ownership. The undersigned Owner(s) hereby declares that he/they is/are the sole owner(s) of the property described herein and has/have full power to commit said property to this Waiver of Protest and Special Power of Attorney.

7. Successors in Interest. This waiver and power of attorney, and the promises and powers granted herein, do constitute a covenant running with the land described above and shall be binding on the Owner/s, his heirs, assigns and successors in interest to such property, and that this document shall be filed for record in the office of the Skagit County Auditor.

In the event of a foreclosure or other acquisition of the real property described above (including, without limitation, by deed in lieu of foreclosure), this Waiver shall be recognized as binding upon the Beneficiary, the purchaser at the foreclosure sale, or any such subsequent owner (collectively referred to as "Purchaser"), except Beneficiary and Purchaser shall not be liable for any previous act or omission of Owner under this Waiver occurring prior to their acquisition of the real property.

8. Non-Merger. The obligations set forth in this document are in addition to any other conditions of approval, obligations, and duties imposed by law, statute, ordinance, administrative



