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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

LAND TITLE OF SKAGIT COUNTY  
142697-0

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

P37196 206 Gardner & Feder

GRANTOR(S) (Last name, first name and initials):

1. Solidity Investments LLC, a Washington Limited Liability company

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

1. City of Sedro-Woolley, a Municipal Corporation

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

That portion of the Northeast ¼ of the Northeast ¼ of Section 23, Township 35 North, Range 4 East, W.M., described as follows:

Beginning at a point on the East line of the Northeast ¼ of the Northeast ¼, 930 feet South of the Northeast corner of said Section;

thence South on said East line 106 feet;

thence North 88°15' West 177 feet;

thence North 106 feet;

thence South 88° 15' East 177 feet to the point of beginning,

EXCEPT 20 foot road right of way conveyed to Skagit County by deed recorded under Auditor's File No. 31205.

Situate in the City of Sedro-Woolley, County of Skagit, State of Washington.

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

**P37196 (206 Garden of Eden Road)**

**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: Solidity Investments LLC, a Washington Limited Liability company and owner 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-16-12.

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

That portion of the Northeast ¼ of the Northeast ¼ of Section 23, Township 35 North, Range 4 East, W.M., described as follows:

Beginning at a point on the East line of the Northeast ¼ of the Northeast ¼, 930 feet South of the Northeast corner of said Section;

thence South on said East line 106 feet;



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thence North 88°15' West 177 feet;

thence North 106 feet;

thence South 88°15' East 177 feet to the point of beginning,

EXCEPT 20 foot road right of way conveyed to Skagit County by deed recorded under Auditor's File No. 31205.

Situate in the City of Sedro-Woolley, County of Skagit, 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 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 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.



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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.

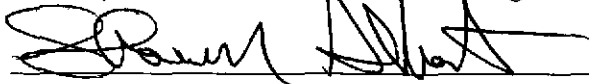
In the event of a foreclosure or other acquisition of the real property described above (including, without limitation, by deed in lieu of foreclosure), this Waiver shall be recognized as binding upon the Beneficiary, the purchaser at the foreclosure sale, or any such subsequent owner (collectively referred 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 approval, or otherwise, including those required by the permitting authority, hearing body, or shown on the face of the recorded plat or subdivision document, and are not in lieu thereof.

DATED this 21 day of June, 2012.

OWNER(S):

**Solidity Investments LLC, a Washington Limited Liability company**



*Managing member*



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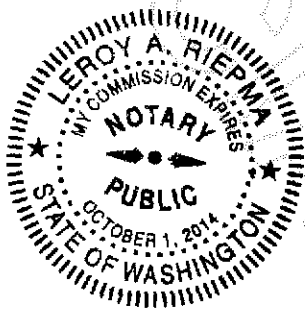
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STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF SKAGIT )

*Shawn Albert, managing partner*

On this day personally appeared before me **Solidity Investments LLC**, a Washington **Limited Liability company** to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he/she signed the same as his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 21 day of June, 2012.



*Leroy A Riepma*

Notary Public in and for the State of  
Washington, residing at Oak Harbor  
My Commission Expires: 10-1-14  
Print Name Leroy A Riepma



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