



Skagit County Auditor \$82.00
12/29/2015 Page 1 of 10 3:04PM

After recording return document to:

Skagit County Public Works
Attn: Shane Oden, P.E., Engineering Division
1800 Continental Place
Mount Vernon, WA 98273-5625

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

DEC 29 2015

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

PLEASE MAKE NO MARK IN THE MARGIN SPACE - RESERVED FOR COUNTY AUDITOR'S USE

Document Title: Permanent Perpetual Slope Easement
Reference Number of Related Documents: N/A
Grantor(s): United States of America
Grantee(s): Skagit County
Property Legal Description (abbreviated): Ptn Gov. Lots 1 & 2, 6-35-4 E W.M. (131 T 1001)
Additional Legal Description: See Exhibits A, B, C
Assessor's Tax Parcel Number: 350406-1-001-0200 (P123324)

PERMANENT PERPETUAL SLOPE EASEMENT

Bow Hill Road Reconstruction Project

Know All Men By These Presents:

That The United States Of America In Trust For The Upper Skagit Indian Tribe, acting by and on behalf of the Upper Skagit Indian Tribe, owners of the land described as Tribal Trust Tract Number 131 T 1001, through the Superintendent, Puget Sound Agency, Bureau of Indian Affairs, U.S. Department of the Interior, hereinafter referred to as "Grantor", under authority contained in 209 DM8 230 DM 1, 3 IAM 4, and Northwest Regional Office 10 BIAM Bulletin No. 901 Addendum to 10 BIAM 12, Bulletin 9901; and pursuant to the provisions of the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. Section 323 through 328), and Part 169 of the code of Federal Regulations, in consideration of \$1.00 (ONE DOLLAR) and other good and valuable consideration, the receipt of which acknowledged, does hereby grant to Skagit County, a political subdivision of the State of Washington, by and through the Skagit County Commissioners, its successors and assigns, hereinafter referred to as "Grantee", a non-exclusive PERMANENT PERPETUAL easement for the following purposes, namely:

The right to enter upon the hereinafter described land, cut, grade, build, drain, maintain, repair, renovate, replace, and rebuild slope stabilization and drainage structures, as is contained within the hereinafter described land, on, over, under, and across the land embraced within the right-of-way situated on the following described lands located within the Upper Skagit Indian Reservation, Skagit County, Washington:

For legal description and additional conditions see Exhibit A-Entire Parcel, Exhibit B-Permanent Perpetual Slope Easement, and Exhibit C-Easement Depiction attached hereto and made a part hereof.

This Easement is subject to any valid existing right or adverse claim and without limitation as to tenure, so long as said Easement shall be actually used for the purpose(s) above specified.

no consideration kw

Parcel: P123324 (131T1001)

PERMANENT PERPETUAL SLOPE EASEMENT

This Easement shall be terminable in whole or in part by the Grantor for any of the following causes upon 30 days written notice and failure of Grantee within said period to correct the basis for termination (25 CFR 169.20).

- A. Failure to comply with any term or conditions of the grant or the applicable regulations,
- B. A nonuse of the right-of-way for a consecutive two-year period for the purpose for which it was granted,
- C. An abandonment of the right-of-way,
- D. Failure of the Grantee, upon completion of designated slope work to file with the Grantor an affidavit of completion pursuant to 25 C.F.R. Section 169.16.

The conditions of this easement shall extend to and be binding upon and shall inure to the benefit of the successors and assigns of the Grantee.

IN WITNESS WHEREOF, Grantor has executed this grant of easement on the Dec. 16 day of 2015.

**GRANTORS: THE UNITED STATES OF AMERICA IN TRUST FOR THE
UPPER SKAGIT INDIAN TRIBE**

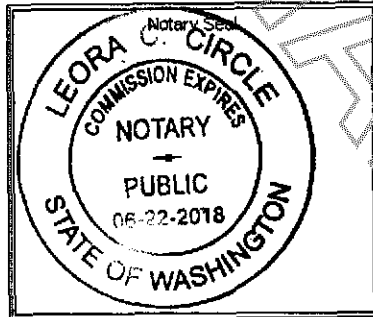
By: Ricky Joseph
Ricky Joseph, Acting Superintendent
Bureau of Indian Affairs
U.S. Department of the Interior
2707 Colby Avenue, Suite 1101
Everett, Washington 98201

PERMANENT PERPETUAL SLOPE EASEMENT

STATE OF WASHINGTON }
COUNTY OF SNOHOMISH } ss.

I certify that I know or have satisfactory evidence that RICKY JOSEPH is the person who appeared before me, and said person acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as the Acting Superintendent of Puget Sound Agency on behalf of THE UNITED STATES OF AMERICA, to be their free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 16th day of December, 2015.



Leora C Circle
Notary Public

LEORA C CIRCLE
Printed Name

Residing at EVERETT, WA

My appointment expires 6/22/2018

PERMANENT PERPETUAL SLOPE EASEMENT

DATED this 28 day of December, 2015.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt
Kenneth A. Dahlstedt, Chair

Lisa Janicki
Lisa Janicki, Commissioner

Ron Wesen
Ron Wesen, Commissioner

Attest:

Dinda Hammer
Clerk of the Board

Authorization per Resolution # R20050224:

Recommended:

[Signature]
Department Head

County Administrator

Approved as to form:

[Signature] 12/18/15
Civil Deputy Prosecuting Attorney

Approved as to indemnification:

[Signature]
Risk Manager

Approved as to budget:

Lisa Yagne
Budget & Finance Director

PERMANENT PERPETUAL SLOPE EASEMENT

EXHIBIT "A"
ENTIRE PARCEL LEGAL DESCRIPTION

That portion of Government Lots 1 and 2, in Section 6, Township 35 North, Range 4 East, W.M., lying Northerly of the right of way for the Bow Hill County Road, as said road existed on April 16, 1968;

EXCEPT that portion thereof lying Southerly of the Old Bow Hill County Road, as said road existed on January 18, 1963.

TOGETHER WITH that portion of Darrk Lane (Old Bow Hill, Warner Road, County Road No. 50010) as vacated pursuant to Skagit County Resolution R20070481 and Final Order recorded November 9, 2007, under Auditor's File No. 200711090143, a re-recording of document recorded under Auditor's File No. 200710090107, records of Skagit County, Washington.
Situate in the County of Skagit, State of Washington.

PERMANENT PERPETUAL SLOPE EASEMENT

EXHIBIT "B" **SLOPE EASEMENT LEGAL DESCRIPTION**

A 20 foot strip of land lying in Section 6, Township 35 North, Range 4 East W.M., County of Skagit, State of Washington.

The Slope Easement acquisition being all of the above described property lying within the boundaries of Slope Easement hereinafter described with reference to the centerline of the Bow Hill Road, which centerline is described as follows:

COMMENCING at a concrete monument with a brass cap at the Northwest corner of Section 6, Township 35 North, Range 4 East, of the Willamette Meridian; **thence** S86°28'57"E along the North line of said Section 6, a distance of 2,707.82 feet to an axle 1.4' above ground at the Northeast corner of the Northwest quarter of said Section 6; **thence** back said N86°28'57"W a distance 306.69 feet; **thence** S03°31'03"W a distance of 754.39 feet to a **POINT ON THE CENTERLINE OF BOW HILL ROAD** at Station 78+00.00; **thence** S71°30'27"E along said centerline 260.05 feet to Station 80+60.05 the point of curvature (PC) of a curve to the left, the radius a distance of 1,145.65 feet; **thence** along said curve to the left, through central angle 46°33'16", a distance of 930.87 feet to Station 89+90.92 and the point of tangency (PT) of said curve; **thence** N61°56'18"E along said centerline, a distance of 57.02 feet to Station 90+47.94 the point of curvature (PC) of a curve to the right, the radius a distance of 3,798.56 feet; **thence** along said curve to the right, through central angle 02°15'44", a distance of 149.98 feet to Station 91+97.92 and the point of tangency (PT) of said curve; **thence** N64°12'02"E along said centerline, a distance of 205.82 feet to Station 94+03.74 the point of curvature (PC) of a curve to the left, the radius a distance of 954.59 feet; **thence** along said curve to the left, through central angle 05°32'30", a distance of 92.33 feet to Station 94+96.07 and the point of tangency (PT) of said curve; **thence** N58°39'32"E along said centerline, a distance of 543.80 feet to Station 100+39.87 the point of curvature (PC) of a curve to the right, the radius a distance of 1,432.78 feet; **thence** along said curve to the right, through central angle 06°34'30", a distance of 164.42 feet to Station 102+04.29 and the point of tangency (PT) of said curve; **thence** N65°14'02"E along said centerline, a distance of 382.30 feet to Station 105+86.59 the point of curvature (PC) of a curve to the right, the radius distance of 286.56 feet; **thence** along said curve to the right, through central angle 40°46'28", a distance of 203.93 feet to Station 107+90.52 and the point of tangency (PT) of said curve; **thence** S73°59'28"E along said centerline, a distance of 244.20 feet to Station 110+34.72 the point of curvature (PC) of a curve to the right, the radius distance of 5730.52 feet; **thence** along said curve to the right, through central angle 02°46'30", a distance of 277.55 feet to Station 113+12.27 and the point of tangency (PT) of said curve; **thence** S71°12'58"E along said centerline, a distance of 181.93 feet to Station 114+94.20 the terminus of said centerline description; **thence** N83°54'12"W, a distance of 318.31 feet to a 1 inch iron rod at the Northeast corner of the Northeast Quarter of said Section 6.

Slope Easement widths measured in feet, from the above-described centerline either radial to, or perpendicular from, are as follows:

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PERMANENT PERPETUAL SLOPE EASEMENT

**EXHIBIT "B" continued
SLOPE EASEMENT LEGAL DESCRIPTION**

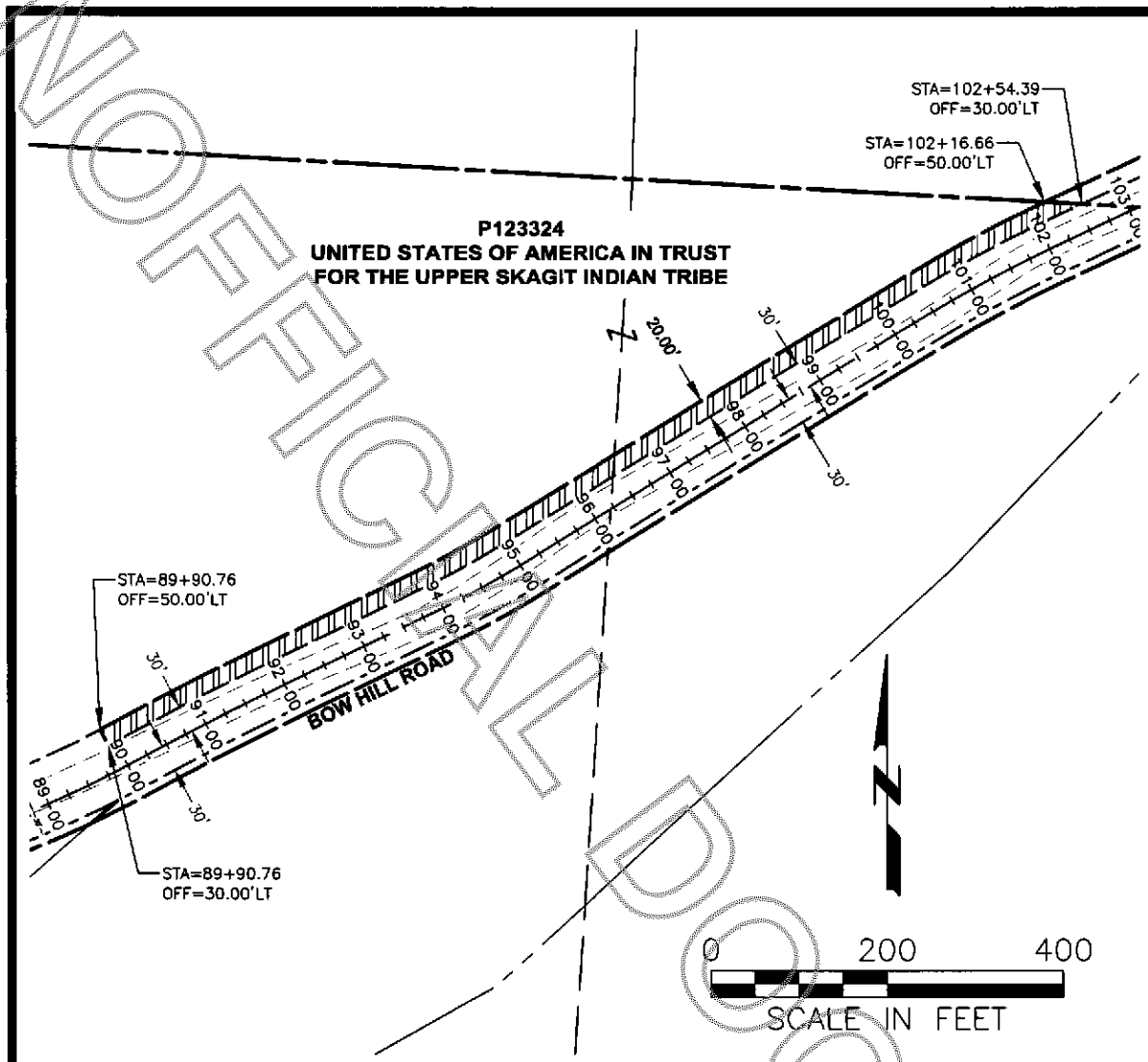
A 20 foot strip of land, parallel with and adjoining to the Northerly edge of the Bow Hill Road Right-of-Way, starting at Station 89+90.76 with an offset of 30 feet left and Station 89+90.76 with an offset of 50 feet left; **thence** going Easterly along the said centerline; **thence** terminating at the Northerly Property line of Parcel Number P123324 at Station 102+16.66 with an offset of 50 feet left and Station 102+54.39 with an offset of 30 feet left.

EXCEPT that portion lying within the existing County Road Right-of-Way.

Containing 0.57 acres.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court cases and other instruments of record.

Parcel: P123324 (131T1001)



LEGEND



SLOPE
EASEMENT

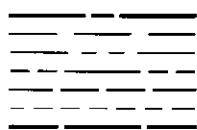
OWNER INFO

UNITED STATES OF AMERICA
IN TRUST FOR THE UPPER
SKAGIT INDIAN TRIBE
911 NE 11TH AVE
PORTLAND, OR 97232

SITE LOCATION PARCEL AREA

BOW HILL ROAD
BOW, WA
SECTION: 6
TOWNSHIP: 35
RANGE: 4

TOTAL PARCEL AREA:
20.74* ACRES
SLOPE EASEMENT:
0.57 ACRE (24,941 S.F.)



SECTION LINE
SIXTEENTH SECTION LINE
PROPERTY LINE
RIGHT-OF-WAY CENTERLINE
RIGHT-OF-WAY LINE
EXISTING EDGE OF PAVEMENT
SLOPE EASEMENT

PARCELS WITH AN ASTRISK (*) ARE APPROXIMATE
ACRES. THE ASSESSOR'S RECORDS DID NOT HAVE
AN ACREAGE AMOUNT.

BOW HILL ROAD

SLOPE EASEMENT



**SKAGIT COUNTY
PUBLIC WORKS**

1800 CONTINENTAL PLACE
MOUNT VERNON, WA 98273-5625
(360) 336-9400 FAX (360) 336 9478

PROJECT NO: ES21200-6

EXHIBIT **X** C

P123324 (131T1001)

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PERMANENT PERPETUAL SLOPE EASEMENT



**UPPER SKAGIT TRIBAL COUNCIL
RESOLUTION 2015-086**

Re: Authorization Approving the Bureau of Indian Affairs granting an Easement to Skagit County for Work on Bow Hill Road Affecting Trust Property held by the United States for the Benefit of the Upper Skagit Indian Tribe

WHEREAS the Upper Skagit Tribal Council is the duly elected governing body of the Upper Skagit Indian Tribe, a federally recognized Indian Tribe; and

WHEREAS, Skagit County is going to improve Bow Hill Road in order to provide for greater public safety and environmental safety; and;

WHEREAS, in order to improve Bow Hill Road, the County has sought the approval by Upper Skagit of an easement on approximately .57 acre of trust land in order to accomplish soil protection by soil stabilization, drainage improvement and other benefits along Bow Hill Road; and

WHEREAS, the creation of the slope easement will be for the mutual benefit of Upper Skagit and the County and will increase the value of the Trust lands held for Upper Skagit and, therefore, no compensation is required or requested; and

WHEREAS, Upper Skagit hereby requests and authorizes the BIA to enter into the said easement of the property legally described on Exhibit A attached hereto and made a part hereof and authorizes the Chairwoman to sign any documents necessary to accomplish this result.

NOW THEREFORE BE IT RESOLVED that the Tribal Council hereby requests and approves the execution of a Slope Easement for the benefit of Skagit County for the improvement of Bow Hill Road and particularly for a parcel of .57 acre or less to be used for the purpose of slope stabilization, drainage and other purposes; and

And Be it Further Resolved that Jennifer R. Washington, Chairwoman, is authorized to execute any document necessary to accomplish the execution of the Easement for the property described on Exhibit A.

PERMANENT PERPETUAL SLOPE EASEMENT

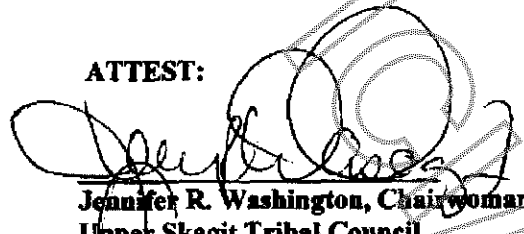
CERTIFICATION

The above resolution was duly enacted by the Upper Skagit Tribal Council at a regular meeting held on November 4, 2015 on the Upper Skagit Reservation, at which time a quorum was present. The resolution was approved by a vote of 6 FOR, 0 AGAINST, and 0 ABSTENTIONS.


Thomas G. McLeod, Secretary
Upper Skagit Tribal Council

Date: November 4, 2015, _

ATTEST:


Jennifer R. Washington, Chairwoman
Upper Skagit Tribal Council

Date: November 4, 2015

Parcel: P123324 (131T1001)