



201603070112

Skagit County Auditor

\$84.00

3/7/2016 Page

1 of

12 3:38PM

WHEN RECORDED RETURN TO:

Mark A. Lackey
BELCHER SWANSON LAW FIRM, P.L.L.C.
900 Dupont Street
Bellingham, WA 98225

GUARDIAN NORTHWEST TITLE CO.

ACCOMMODATION RECORDING ONLY

Document Title:	Access and Utilities Easement	110605
Grantor:	George Leo Wolden Trustee of the Wolden Charitable Trust dated September 24, 2010	
Grantee:	Burlington Hill Holdings II, LLC, a Washington limited liability company	
Legal Description:	A portion of Tracts 10, 18, 19 and 20 of the Plat of Burlington Acreage Property	
Assessor's Tax Parcel Nos:	P 62328; P102189; P62387; P62325; P102188; P62320; P62331	

ACCESS AND UTILITIES EASEMENT

THIS ACCESS AND UTILITIES EASEMENT is made and entered into this _____ day of March, 2016, by and between George Leo Wolden Trustee of the Wolden Charitable Trust dated September 24, 2010 ("**Grantor**") and Burlington Hill Holdings II, LLC, a Washington limited liability company ("**Grantee**").

RECITALS

- A. Grantor owns real property situated in Skagit County, Washington, legally described on the attached Exhibit "A" (the "**Burdened Properties**").
- B. Grantee owns real property situated in the Skagit County, Washington, legally described on the attached Exhibit "B" (the "**Benefited Property**").
- C. Access to the Benefited Property is over a number of easements described on the attached as Exhibit "B" as Parcel Two, Parcel Three, and Parcel Four (collectively the "**Existing Easements**").
- D. The Existing Easements were granted by various deeds, easements, surveys and plats.

ACCESS AND UTILITIES EASEMENT - 1
NO MONETARY CONSIDERATION

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

MAR 07 2016

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

E. There are a number of roads constructed over the Burdened Properties. Some of these roads are located within the Existing Easements and some of these roads may be located outside the Existing Easements.

F. Grantor and Grantee desire to clarify the Existing Easements and grant additional easements pursuant to the terms and conditions included herein.

NOW, THEREFORE, in consideration of the mutual covenants contained in herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Existing Easements.** Grantor hereby grants and conveys to Grantee a perpetual, nonexclusive easement over, under, across and through the Existing Easements for ingress, egress, parking and utilities.

2. **Existing and Future Roads.** Grantor hereby grants and conveys to Grantee a perpetual nonexclusive easement over, under, across and through the existing roads or roadways on Burdened Properties for ingress, egress, parking and utilities. Grantee shall have the right to relocate the existing roads on the Burdened Properties. Upon relocation of a road the easement granted in this section shall relocate to the new road location. In the event Grantor constructs any additional roads or relocates any of the existing roads on Burdened Properties, Grantee shall have a perpetual non-exclusive easement over, under, across and through the additional roads or relocated roads for ingress, egress, parking and utilities.

3. **Garbage Storage Facility and Access Gate Easement Adjacent to Parcel Two.** Grantor hereby grants and conveys to Grantee a perpetual nonexclusive easement over, under, across and through all of Parcel Two and the thirty feet (30') adjacent to the both sides of Parcel Two running the entire length of Parcel Two for a garbage storage facility and an access gate. The easement described in this section includes, but is not limited to, the right to construct and maintain the garbage storage facility and access gate. Grantee may determine, in Grantee's sole and unrestricted discretion, the location, size and construction materials for the garbage storage facility and access gate. The access gate may include lighting, fencing and cameras.

4. **Garbage Storage Facility, Access Gate and Parking Easement Adjacent to Parcel Three.** Grantor hereby grants and conveys to Grantee a perpetual nonexclusive easement

over, under, across and through the area as shown on the attached Exhibit "C" for a garbage storage facility, access gate and parking. The easement described in this section includes, but is not limited to, the right to construct and maintain the garbage storage facility, access gate and parking. Grantee may determine, in Grantee's sole and unrestricted discretion, the location, size and construction materials for the garbage storage facility, access gate and parking. The access gate may include lighting, fencing and cameras.

5. Garbage Storage Facility and Access Gate Easement Adjacent to Parcel

Four. Grantor hereby grants and conveys to Grantee a perpetual nonexclusive easement over, under, across and through all of Parcel Four and the thirty (30') feet adjacent to northern northwestern boundaries of Parcel Four running the entire length of Parcel Four for a garbage storage facility and an access gate. The easement described in this section includes, but is not limited to, the right to construct and maintain the garbage storage facility and access gate. Grantee may determine, in Grantee's sole and unrestricted discretion, the location, size and construction materials for the garbage storage facility and access gate. The access gate may include lighting, fencing and cameras.

6. Benefit. The Easements granted herein are for the benefit of the Benefited Property, Grantee, and any heirs, assigns, successors to, and personal representatives of the Grantee.

7. Previous Easements. This document is not intended to terminate or extinguish any rights of the Grantee under the documents previously granting the Existing Easements. Any rights of Grantee shall survive the execution of this document.

8. Binding Effect. In all respects, the provisions of this document shall be construed and interpreted as covenants which run with and are pertinent to the land of the parties above described, and shall be binding upon and inure to the benefit of the heirs, assigns, successors to and personal representatives of the parties hereto.

9. No Waiver. Failure to enforce any provision of this document shall not operate as a waiver of any such provision.

10. Attorney's fees. In the event any of the parties' institutes suit to enforce this document, the prevailing party shall be entitled to court costs and reasonable attorney's fees against the losing party.

11. **Severability.** Invalidation of any of the provisions of this document by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

12. **Entire Agreement.** This document contains all representations and is the entire understanding between the parties hereto with respect to the subject matter hereof.

IN WITNESS THEREOF, the parties have executed this document as of the date first above written.

GRANTOR:

George Leo Wolden
GEORGE LEO WOLDEN
Trustee of the Wolden Charitable Trust
dated September 24, 2010

GRANTEE:

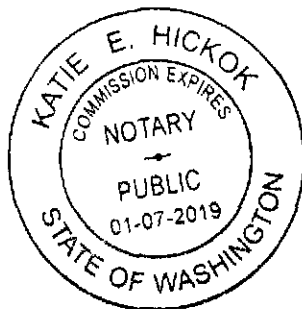
BURLINGTON HILL HOLDINGS II, LLC

[Signature]
By: ADAM WARE, Member

STATE OF WASHINGTON)
 : ss.
COUNTY OF SKAGIT)

On this 4th day of March, 2016, before me personally appeared GEORGE LEO WOLDEN AS TRUSTEE OF THE WOLDEN CHARITABLE TRUST DATED SEPTEMBER 24, 2010, to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal the day and year first above written.

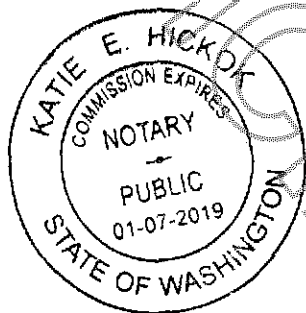


[Signature]
Print Name: Katie E. Hickok
Notary Public in and for the State of Washington,
residing at W. Vanon
My commission expires: 1-7-19

STATE OF WASHINGTON)
 : ss.
COUNTY OF SKAGIT)

On this 24th day of March, 2016, before me personally appeared ADAM WARE, to me known to be a member of Burlington Hill Holdings II, LLC, the limited liability company that executed the within and foregoing instrument to be the free and voluntary act and deed of said limited liability company for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



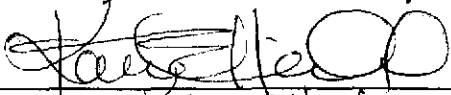

Print Name: Katie E. Hickok
Notary Public in and for the State of Washington,
residing at W. Vernon
My commission expires: 1-7-19

EXHIBIT "A"
(Burdened Properties)

P62328

3867-000-010-0400

BURLINGTON AC PORTION OF TRACTS 19 AND 20 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER FO THE PLAT OF WALLACE ADDITION TO BURLINGTON BEING THE TRUE POINT OF BEGINNING. THENCE NORTH 1-35-07 EAST ALONG THE NORTHERLY PROJECTION OF THE EAST LINE OF SAID PLAT 189.63 FEET TO A POINT ON A CURVE TO THE RIGHT WHOSE CENTRAL ANGLE BEARS NORTH 27-27-59 EAST FOR A RADIAL DISTANCE OF 180.00 FEET; THENCE ALONG SAID CURVE FOR AN ARC DISTANCE OF 172.67 FEET; THENCE NORTH 7-34-12 WEST FOR A DISTANCE OF 196.82 FEET TO THE BEGINNING OF A CURVE TO THE LEFT WHOSE CENTRAL ANGLE BEARS SOUTH 82-25-48 WEST FOR A RADIAL DISTANCE OF 615.41 FEET THENCE ALONG SAID CURVE FOR AN ARC DISTANCE OF 189.20 FEET; THENCE NORTH 25-11-05 WEST FOR A DISTANCE OF 77.46 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT WHOSE CENTRAL ANGLE BEARS NORTH 64-48-55 EAST FOR A RADIAL DISTANCE OF 348.20 FEET THENCE ALONG SAID CURVE FOR AN ARC DISTANCE OF 58.35 FEET; THENCE NORTH 89-15-53 WEST ON A LINE PARALLEL WITH THE NORTH LINE OF SAID TRACT 19 FOR A DISTANCE OF 88.95 FEET TO A POINT ON THE EAST LINE OF THE PARCEL CONVEYED IN AUDITOR'S FILE NO. 579792 OF SAID COUNTY; THENCE SOUTH 2-13-04 WEST ALONG SAID EAST LINE FOR A DISTANCE OF 244.76 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL; THENCE SOUTH 46-33-39 WEST ALONG THE SOUTH LINE OF SAID PARCEL FOR A DISTANCE OF 214.61 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 19; THENCE SOUTH 2-13-04 WEST ALONG SAID EAST LINE FOR A DISTANCE OF 150.00 FEET TO THE WEST CORNER COMMON TO SAID TRACTS 19 AND 20; THENCE SOUTH 54-56-40 EAST ALONG THE NORTH LINE OF THE PARCELS CONVEYED TO TOM COLOUZIS UNDER AUDITOR'S FILE NOS. 378119 AND 514251 FOR A DISTANCE OF 189.92 FEET TO THE NORTHWEST CORNER OF SAID PLAT OF WALLACE ADDITION; THENCE SOUTH 57-20-20 EAST ALONG THE NORTH LINE OF SAID PLAT FOR A DISTANCE OF 323.23 FEET; THENCE SOUTH 88-07-46 EAST FOR A DISTANCE OF 54.99 FEET TO THE TRUE POINT OF BEGINNING ALSO KNOWN AS PARCEL B OF SURVEY RECORDED UNDER AUDITOR'S FILE NO. 8002060006.

P62387

3867-000-020-0002

BURLINGTON AC TR 20 N OF LINE OF HILL LESS W 100' & 15' RD & EASE. LESS PTN TO TAX 2

P62331

3867-000-011-0201

PARCEL "A":

A portion of Tracts 11 and 18, "PLAT OF THE BURLINGTON ACREAGE PROPERTY", as per plat recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, more particularly described as follows:

Beginning at the North 1/4 corner of Section 32, Township 35 North, Range 4 East, W.M.;
thence South 2°11'42" West along the North-South centerline of said Section 32 for a distance of 1,171.00 feet to the true point of beginning;
thence South 87°48'18" East for a distance of 287.55 feet;
thence South 2°11'42" West on a line parallel with the West line of said Tracts 11 and 18 for a distance of

ACCESS AND UTILITIES EASEMENT - 6

177.60 feet to a 1 inch iron pipe; thence South 53°58'20" East for a distance of 37.58 feet to the Northerly edge of an existing gravel road; thence Westerly along the Northerly edge of said road South 29°15'57" West for a distance of 118.64 feet; thence South 32°49'30" West for a distance of 162.61 feet to a point on the North line of the parcel conveyed to James Bendtsen under Auditor's File No. 619347; thence around a curve to the right whose central angle bears North 22°45'15" East a radial distance of 166.42 feet; thence along said curve for an arc distance of 65.10 feet; thence South 89°39'31" West for a distance of 119.01 feet to a point on the North-South centerline of said Section 32; thence North 2°11'42" East along said centerline for a distance of 464.72 feet to the true point of beginning; said parcel including that portion of Anacortes Street contained within as vacated under Commissioner's File No. 14188.

EXCEPT that portion thereof, if any, lying within the Plat of "Tinas Coma" as per plat recorded as Auditor's File No. 200008110004.

PARCEL "B":

All that portion of Lot 11 and of the vacated Anacortes Street abutting thereon, "PLAT OF THE BURLINGTON ACREAGE PROPERTY", as per plat recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, more particularly described as follows:

Beginning at the North 1/4 corner of Section 32, Township 35 North, Range 4 East, W.M., said County and State, said point being shown as a brass tack in rock on Sheet 4 of 4, BURLINGTON HILL BUSINESS PARK, PHASE II, BINDING SITE PLAN, approved October 15, 1997, recorded October 29, 1997, in Volume 13 of Short Plats, pages 53 through 56, inclusive, under Auditor's File No. 9710290033, records of Skagit County, Washington; thence South 0°47'23" West along the North-South centerline of said Section 32 for a distance of 1,071.00 feet to the true point of beginning; thence South 89°12'37" East for a distance of 75.00 feet; thence North 0°47'23" East, parallel with said North-South centerline, for a distance of 90.00 feet; thence South 89°12'37" East for a distance of 50.00 feet; thence South 0°47'23" West, parallel with said North-South centerline, for a distance of 90.00 feet; thence South 89°12'37" East for a distance of 162.55 feet to the Northerly extension of the East line of that certain tract of land shown as Parcel "A" on Record of Survey recorded in Volume 3 of Surveys, page 7, under Auditor's File No. 8002060006, records of Skagit County, Washington; thence South 0°47'23" West along said Northerly extension for a distance of 100.00 feet to the Northeast corner of said Parcel "A"; thence North 89°12'37" West along the North line of said Parcel "A" for a distance of 287.55 feet to the Northwest corner of said Parcel "A" and a point on said North-South centerline; thence North 0°47'23" East along said North-South centerline for a distance of 100.00 feet to the true point of beginning.

EXCEPT a strip of land 23.00 feet in width and 129.08 feet in length described as follows:

Beginning at the Southeast corner of Lot 40, "PLAT OF TINAS COMA," as per plat recorded on August 11, 2000, under Auditor's File No. 200008110004, records of Skagit County, Washington, and which point is also the Southwest corner of Lot 38 of said plat; thence North 89°12'36" West along the South line of said Lot 40, a distance of 129.08 feet to a Southwest corner of said Lot 40;

thence South 0°47'24" West, at right angles to the aforesaid line, a distance of 23.00 feet; thence South 89°12'36" East, a distance of 129.08 feet; thence North 0°47'24" East, a distance of 23.00 feet to the point of beginning.

TOGETHER WITH an easement 10 feet in width for ingress and egress over and across that portion of Lot 40, "PLAT OF TINAS COMA," as per plat recorded on August 11, 2000, under Auditor's File No. 200008110004, records of Skagit County, Washington, described as follows:

Beginning at the Southeast corner of said Lot 40, and which point is also the Southwest corner of Lot 38 of said Plat of Tinas Coma;

thence North 89°12'36" West along the South line of said Lot 40, a distance of 129.08 feet to a Southwest corner of said Lot 40;

thence North 0°47'24" East along a Westerly line of said Lot 40, a distance of 90.00 feet to a corner of said Lot 40 and the true point of beginning of this easement description; thence North 56°59'29" West, a distance of 35.55 feet; thence North 13°47'47" West, a distance of 50.95 feet, more or less, to a point on the Southerly right of way line of the cul-de-sac to Bella Vista Lane as platted, and which point bears South 7°49'38" East, a distance of 55.00 feet from said cul-de-sac radius point;

thence Westerly along the Southerly line of said cul-de-sac on a curve to the right having a central angle of 10°38'17" and a radius of 55.00 feet, an arc distance of 10.21 feet; thence South 13°47'47" East, a distance of 56.91 feet;

thence South 56°59'29" East, a distance of 23.64 feet, more or less, to a point on a Southerly line of said Lot 40 which bears North 89°12'36" West, a distance of 18.76 feet from the true point of beginning; thence South 89°12'36" East along a Southerly line of said Lot 40, a distance of 18.76 feet to the true point of beginning of this easement description.

All situate in the City of Burlington, County of Skagit, State of Washington.

P102188

3867-000-010-0500

BURLINGTON AC TR 10 AKA TR B S/P #13-84

P62320

3867-000-009-0106

BURLINGTON AC TR 9 AKA PTN TR A S/P#13-84

P62325

3867-000-010-0103

BURLINGTON AC PTN TRS 9 & 10 AKA TR A S/P #13-84 EXCEPT PORTION OF SAID TR A DESCRIBED AS FOLLOWS BEGINNING AT THE NORTHEAST CORNER SAID TR A THENCE NORTH 89-37-49 WEST 537.52 FEET THENCE SOUTH 2-13-04 W 266.57 FEET TO THE POINT OF BEGINNING THENCE NORTH 89-37-49 WEST 500.26 FEET THENCE SOUTH 2-13-04 WEST 391.04 FEET THENCE SOUTH 89-26-51 EAST TO A POINT SOUTH 2-13-04 W OF THE POINT OF BEGINNING THENCE NORTH 2-13-04 EAST TO THE POINT OF BEGINNING

ACCESS AND UTILITIES EASEMENT - 8

EXHIBIT "B"
(Benefited Properties)

The land referred to in this report/policy is situated in the State of Washington, County of Skagit, and is described as follows:

Parcel One:

Tract 19, "Plat of the Burlington Acreage Property" as per plat recorded in Volume 1 of Plats page 49, records of Skagit County, Washington.

TOGETHER WITH that portion of vacated Anacortes Street appurtenant thereto.

EXCEPT the 3 following described portions thereof:

- 1) Parcel "B" of Survey recorded February 6, 1980 as Skagit County Auditor's File No. 8002060006.
- 2) That portion of said Tract 19 lying Westerly of the following described line: Begin at the North 1/4 corner of Section 32, Township 35 North, Range 4 East, W.M.; thence South 0°35'18" West along the North/South center line of Section 32, a distance of 1,983.22 feet; thence South 89°24'18" West a distance of 1,290.62 feet to the True Point of Beginning of this line description; thence North 0°37'03" East a distance of 150 feet; thence North 45°37'03" East a distance of 212.13 feet; thence North 0°37'03" East to the North line of said Tract 19, the terminus of this line description.
- 3) Beginning at the North 1/4 corner of Section 32 Township 35 North, Range 4 East, W.M.; thence South 0°35'18" West a distance of 1,627.83 feet; thence South 89°19' West a distance of 592.46 feet to the true point of beginning; thence South 89°19' West a distance of 168.21 feet; thence South 0°41' East a distance of 299.18 feet; thence North 89°19' East a distance of 168.21 feet; thence North 0°41' West a distance of 299.18 feet to the true point of beginning. (Said parcel being sometimes referred to as Tract "A" of an unrecorded survey.)

Parcel Two:

A non-exclusive easement for ingress, egress and utilities over, across and under that certain 60-foot wide strip of land delineated on Survey recorded February 6, 1980 as Auditor's File No. 8002060006 and re-delineated as "Hendricks Place" on Skagit County Short Plat No. 13-84, approved May 6, 1985 and recorded May 7, 1985 as Auditor's File No. 8505070009; all lying within Tracts 19 and 20 of the "Plat of the Burlington Acreage Property", recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington.

Said Easement being appurtenant to Parcel One.

Parcel Three:

A non-exclusive easement for ingress, egress and utilities over, across and under that portion of the following described 60-foot wide strip of land lying within those portions of Tracts "A" and "B" of Skagit

County Short Plat No. 13-84, approved May 6, 1985 and recorded May 7, 1985 as Auditor's File No. 8505070009 lying within Tract 10 of the "Burlington Acreage Property", as per plat recorded in Volume 1 of Plats, Page 49, records of Skagit County, Washington:

The centerline of this 60-foot wide strip of land is described as follows: Begin at a point on the West line of Bella Vista Lane in the "Plat of Tinas Coma", recorded as Skagit County Auditor's File No. 200008110004 at the Southeasterlymost point of Lot 30 of said Plat which is on the West line of said Bella Vista Lane; thence Southeasterly along the West line of said Bella Vista Lane to a point on a line 30 feet Southeasterly of and concentric to the curve which is the Southeasterly line of said Lot 30, said point being the True Point of Beginning of this centerline description; thence Southwesterly along said concentric line to its intersection with a line parallel with and 30 feet Southerly of the South line of said Lot 30; thence Westerly along said parallel line and its Westerly extension, if necessary, to the intersection with the centerline of an existing roadway lying within this 60-foot wide strip of land; thence continue Westerly, Southerly, Westerly and Northwesterly to its intersection with the Easterly line of the 30-foot wide road easement delineated on the face of said Short Plat No. 13-84; thence North $14^{\circ}39'36''$ West (North $16^{\circ}16''$ West) along said Easterly line to a point 30 feet Southeasterly of an angle point on said Easterly line; thence West to a point on a line delineated on said Short Plat as being parallel with and 10 feet Easterly of the Easterly line of Tract "B" of said Short Plat; thence Southwesterly along said parallel line to its intersection with the Easterly extension of the South line of said Tract "B"; from said point of intersection said parallel line becomes the centerline of the 60-foot wide road and utility easement delineated on said Short Plat as a Northerly extension of Hendricks Place; thence continue Southwesterly along said centerline to the South line of said Tract "A", the terminus of this 60-foot wide strip of land.

If the centerline of the existing roadway reference at the beginning of this centerline description is more than 30 feet Southerly of the Southeasterly and Southerly lines of Lot 30 then the centerline of this 60-foot wide strip of land shall follow said existing centerline in lieu of the 30-foot concentric and parallel lines described above.

Said Easement is appurtenant to Parcel One.

Parcel Four:

A non-exclusive easement for ingress, egress and utilities over, across and under those three portions of Tract "A" of Record of Survey recorded February 6, 1980 as Auditor's File No. 80002060026 in Volume 3 of Surveys, Page 7, records of Skagit County, described as follows:

- a) That certain 60-foot wide Southerly portion of said Tract "A" delineated on said Record of Survey as a "road easement".
- b) Those Southeasterly portions of said Tract "A" lying within a 40-foot wide strip of land adjoining portions of the Northwesterly lines of Lots 56, 57 and 58 "Plat of Tinas Coma" as per plat recorded as Auditor's File No. 200008110004, EXCEPT any portions of said 40-foot wide strip of land lying within a) above.
- c) That Southwesterly portion of said Tract "A" lying both within 30 feet of the centerline of an existing as-built road as delineated on said Survey and Northerly of a) above.

The above described portion of Tract "A" being a portion of Tract 18 "Plat of the Burlington Acreage Property" as per plat recorded in Volume 1 of Plats, Page 49, records of Skagit County, Washington.

Parcel Six:

The South 85 feet of that portion of Tract "A" of Skagit County Short Plat No. 13-84, approved May 6,

1985 and recorded May 7, 1985 as Auditor's File No. 8505070009, lying Easterly of the East line of the

Westerlymost extension of Hendricks Place as delineated on said Short Plat, being a portion of Tract 10 "Plat of the Burlington Acreage Property" as per plat recorded in Volume 1 of Plats, Page 49, records of Skagit County, Washington.

Said Easement is appurtenant to Parcel One.

