



201802230110

Skagit County Auditor

\$84.00

2/23/2018 Page

1 of

11

3:40PM

Name & Return Address:

Port of Skagit County

15400 Airport Drive

Burlington, WA 98233

Washington State Recorder's Cover Sheet (RCW 65.04) Please print legibly or type information.

Document Title(s)	Avigation Easement	GUARDIAN NORTHWEST TITLE CO. 114914
Grantor(s)	PACCAR INC	
____ Additional Names on Page ____ of Document		
Grantee(s)	Port of Skagit County	
____ Additional Names on Page ____ of Document		
Legal Description (Abbreviated: i.e., lot, block & subdivision name or number OR section/township/range and quarter/quarter section) Division 5 and Division 7, Skagit Regional Airport BSR Complete Legal Description on Page ____ of Document		
Auditor's Reference Number(s)		
Assessor's Property Tax Parcel/Account Number(s) P126291, P126293, P126531, P126296, P126303, P126300, P126302, P126301, P126532, P126299 P126298, P126297, P126290, P126289, P126295, P126292 Non Standard Fee \$50.00 P126304, P126294, P119965, P118966 By signing below, you agree to pay the \$50.00 non standard fee. I am requesting an emergency non standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.		
Signature of Party Requesting Non Standard Recording NOTE: Do not sign above or pay additional \$50.00 fee if document meets margin/formatting requirements. The Auditor/Recorder will rely on the information provided on this cover sheet. Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.		

AVIGATION EASEMENT

This easement made this 23rd day of FEB, 2018 between PACCAR Inc., a Delaware corporation (hereafter "Grantor"), and the Port of Skagit County, a municipal corporation within the County of Skagit of the State of Washington (hereafter "Grantee"), provides that:

RECITALS

The parties hereto acknowledge the following:

- A. Grantor owns certain real property in Skagit County, Washington, described on Exhibit A and depicted on Exhibit B (the "Property"). All exhibits mentioned herein and attached hereto are incorporated herein as if set forth in full.
- B. Grantee is the owner and operator of the Skagit Regional Airport ("Airport"), an identified essential public facility pursuant to the Washington Growth Management Act, Chapter 36.70A RCW. The Airport is operated pursuant to federal law and Title 53 RCW and RCW 36.70A.510 and RCW 36.70.547 and legally described in Exhibit C and depicted in Exhibit D hereto.
- C. The Airport is the principal airport in Skagit County, serving both recreational and commercial aircraft, including freight and passenger carriers. The Airport represents a public asset currently valued at over \$132,230,000.00. The Airport provides an essential transportation service and facilitates economic growth in Skagit County.
- D. Skagit County has identified undeveloped property in the vicinity of the Airport as part of an Urban Growth Area in which urban development is planned to occur. Unless carefully managed, urban development in the vicinity of airports leads to incompatible uses. Persons owning or occupying property within the vicinity of airports experience noise, exhaust fumes, illumination, smoke, vibration and loss of quiet enjoyment due to aircraft overflights associated with landing and taking off ("Overflight Effects"). In response to Overflight Effects, some persons are prone to assert legal claims or to exert other pressures to limit or terminate airport operations. The occurrence of urban development in the vicinity of the Airport therefore could, unless mitigated, have a harmful effect on Airport operations, limit the usefulness of an essential public facility and be contrary to the public interest and the requirements of the Growth Management Act.
- E. Portions of the Property lie within the Skagit Regional Airport Safety Overlay Zones established by the Washington State Department of Transportation's Aviation Division as set forth in Airport Land Use Compatibility Study, prepared by Reid Middleton and published in 2000 and on file with Skagit County. Portions of the Property also lie within certain aircraft noise contours established in the Airport Maser Plan, 1995, prepared by W & H Pacific and on file at the Port of Skagit County. These zones and contours are depicted on maps comprising a portion of the Skagit County UDC Airport Environs Overlay Map Portfolio.

FEB 23 2018

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

- F. The Property has been continuously subject to aircraft overflights, either directly above the Property or over adjacent properties for an uninterrupted period in excess of ten years. These overflights, known to Grantor and/or Grantor's predecessors, by aircraft either landing at or taking off from the Skagit Regional Airport have subjected the Property to Overflight Effects. Grantee has not sought, nor has either Grantor nor Grantor's predecessors granted, permission to operate the Airport or to cause Overflight Effects upon the Property.
- G. The term "Average sound level" as used herein shall mean the level, in decibels, of the mean-square, A-weighted sound pressure during a specified period, with reference to the square of the standard reference sound pressure of 20 micropascals.
- H. The term "Day-night average sound level" or "DNL" as used herein shall mean the 24-hour Average Sound Level, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between midnight and 7 a.m., and between 10 p.m., and midnight, local time.
- I. The Federal Aviation Administration has determined that noise from Overflight Effects is incompatible with ground uses when in excess of sixty-five (65) DNL.
- J. Urban Development in the vicinity of the Airport upon which noise from Overflight Effects is sixty-five 65 DNL or less poses minimal risk of harmful effects on the Airport.
- K. Pursuant to Section 14.16.210 of the Skagit County Code, Grantor must grant to Grantee an aviation easement for the portions of Grantor's real property within the Skagit Regional Airport Safety Overlay Zones.
- L. Grantor is willing to grant Grantee an easement with respect to Grantor's real property in accordance with the terms and conditions of this Agreement as a condition of development approval by Skagit County.

CONVEYANCE OF EASEMENT

1. The GRANTOR, for no monetary consideration and in consideration of fulfillment of a condition of the Real Estate Purchase and Sale Agreement between Grantor and Grantee dated October 11, 2017, does hereby grant to Grantee, its successors and assigns, a perpetual and assignable easement over the Property (legally described in Exhibit "A" and depicted on Exhibit "B") for the free and unrestricted passage and flight of aircraft of the class size and category as is now or hereinafter may be operationally compatible with the Skagit Regional Airport ("Aircraft"), across and about the airspace above an imaginary plane, as such plane is defined by Part 77 of the Federal Aviation Regulations, over or in the vicinity of the Property (the "Airspace").

2. The aforesaid easement described in Paragraph Number 1 above includes but is not limited to:

- a. For the use and benefit of the public and Grantee, the continuing right to fly, or cause or permit the flight by any and all persons of Aircraft in, through, across or about any portion of the Airspace hereinabove described; and
 - b. The right to cause or create, or permit or allow to be caused or created upon the Property, Overflight Effects as may be inherent in the proper operation of Aircraft.
 - c. *Provided*, that the rights conveyed to Grantee pursuant to this Aviation Easement shall be limited to those operations of the Skagit Regional Airport that meet noise level classification sixty-five (65) DNL.
3. The easement herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which now or hereinafter constitutes the Skagit Regional Airport, and shall further be deemed in gross, being conveyed to the GRANTEE for the benefit of the GRANTEE, and any and all members of the general public who may use said easement taking off from, landing upon, or operating such aircraft in or about the Airport, or in otherwise flying through said Airspace.
4. This grant of aviation easement shall not operate to deprive the GRANTOR, its successors or assigns, of any rights that it may otherwise have from time to time against any individual or private operator for negligent or unlawful operation of aircraft.
5. It is understood and agreed that these covenants and agreements run with the land and shall be binding upon the heirs, representatives, administrators, executives, successors, an assigns of the GRANTOR, and that for the purposes of this instrument, the Property shall be the servient tenement and the Airport shall be the dominant tenement.
6. The aviation easement, covenants and agreements described herein shall continue in effect until the Airport shall be abandoned or shall cease to be used for public airport purpose, at which time this easement shall automatically terminate.

[Balance of page intentionally blank, signatures on following page]

GRANTOR:

Rob Reifsnyder 2/23/18
Rob Reifsnyder Date
Executive Director, Property & Environment

STATE OF WASHINGTON)

) SS

COUNTY OF King)

On this 23rd day of February, 2018, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Rob Reifsnyder, to me known to be the Executive Director, Property & Environment, of the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute the same and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto the day and year in this certificate first above written.

Kate S. Lamb
(signature)

Kate S. Lamb

(print name)

NOTARY PUBLIC in and for the State of Washington
residing at Seattle, WA

My appointment expires: 2/29/2020

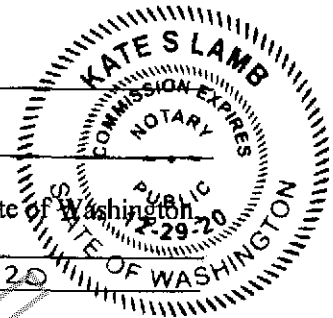


EXHIBIT A

Legal Description

Parcel "A":

All of "SKAGIT REGIONAL AIRPORT BINDING SITE PLAN, PHASE 2, DIV. 5," also known as PL 04-0672 recorded May 30, 2007, as Auditor's File No. 200705300029.

TOGETHER WITH the following described portion of intended Divisions 4 and 6 of the Master Plan Skagit Regional Airport Binding Site Plan, Phase II as per Map recorded as Auditor's File No. 200101220162:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT H OF SKAGIT REGIONAL AIRPORT BINDING SITE PLAN, PHASE 2, DIV. 5 ACCORDING TO THE MAP THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 200705300029, RECORDS OF SKAGIT COUNTY, WASHINGTON;

THENCE NORTH 5°59'53" WEST ALONG EAST LINE OF SAID TRACT H FOR A DISTANCE OF 88.28 FEET;
THENCE NORTH 74°10'23" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 65.20 FEET;
THENCE NORTH 54°47'19" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 40.51 FEET;
THENCE NORTH 43°56'31" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 107.94 FEET;
THENCE NORTH 24°02'32" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 67.54 FEET;
THENCE NORTH 15°50'42" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 56.15 FEET;
THENCE NORTH 9°44'09" WEST ALONG SAID EAST LINE FOR A DISTANCE OF 76.37 FEET;
THENCE NORTH 31°28'44" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 65.38 FEET;
THENCE NORTH 84°43'02" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 22.75 FEET;
THENCE NORTH 75°36'23" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 28.06 FEET;
THENCE NORTH 60°25'24" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 23.41 FEET;
THENCE NORTH 54°59'11" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 26.15 FEET;
THENCE NORTH 44°58'25" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 26.14 FEET;
THENCE NORTH 35°00'16" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 26.14 FEET;
THENCE NORTH 24°49'36" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 27.00 FEET;
THENCE NORTH 19°39'57" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 88.96 FEET;
THENCE SOUTH 1°56'33" WEST FOR A DISTANCE OF 93.51 FEET;
THENCE SOUTH 2°23'50" WEST FOR A DISTANCE OF 199.41 FEET;
THENCE SOUTH 1°00'30" WEST FOR A DISTANCE OF 348.90 FEET TO THE NORTH MARGIN OF OVENELL ROAD;
THENCE NORTH 89°20'53" WEST ALONG SAID NORTH MARGIN FOR A DISTANCE OF 350.00 FEET;
THENCE NORTH 89°08'13" WEST ALONG SAID NORTH MARGIN FOR A DISTANCE OF 24.30 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION OF TRACT H OF SKAGIT REGIONAL AIRPORT BINDING SITE PLAN, PHASE 2, DIV. 5
ACCORDING TO THE MAP THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 200705300029,
RECORDS OF SKAGIT COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT H;
THENCE NORTH 88°37'42" WEST ALONG THE NORTH LINE OF SAID TRACT H FOR A DISTANCE OF 183.50
FEET;
THENCE SOUTH 28°57'38" WEST FOR A DISTANCE OF 713.59 FEET;
THENCE SOUTH 26°38'53" EAST FOR A DISTANCE OF 241.85 FEET; THENCE SOUTH 58°00'29" EAST FOR A
DISTANCE OF 118.07 FEET; THENCE SOUTH 28°23'06" EAST FOR A DISTANCE OF 118.30 FEET;
THENCE SOUTH 1°56'33" WEST FOR A DISTANCE OF 210.26 FEET TO A POINT ON THE EAST LINE OF SAID
TRACT H;
THENCE NORTH 19°39'57" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 275.04 FEET TO A POINT
ON AN ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 149.49 FEET;
THENCE NORTHERLY ALONG SAID EAST LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL
ANGLE OF 77°36'55" FOR A DISTANCE OF 202.51 FEET;
THENCE NORTH 27°51'11" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 294.37 FEET; THENCE
SOUTH 56°58'12" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 45.87 FEET; THENCE NORTH
57°29'53" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 69.16 FEET; THENCE NORTH 0°39'38" EAST
FOR A DISTANCE OF 504.49 FEET TO THE TRUE POINT OF BEGINNING.

Parcel "B":

All of "SKAGIT REGIONAL AIRPORT BINDING SITE PLAN, PHASE 2, DIV. 7," also known as PL 04-0673
recorded May 30, 2007, as Auditor's File No. 200705300031.

Situate in Skagit County, State of Washington.

Exhibit B

SECTION 4, TWN 34N, RNG 3E W.M.
DIVISION 7 AND RECONFIGURED DIVISION 5

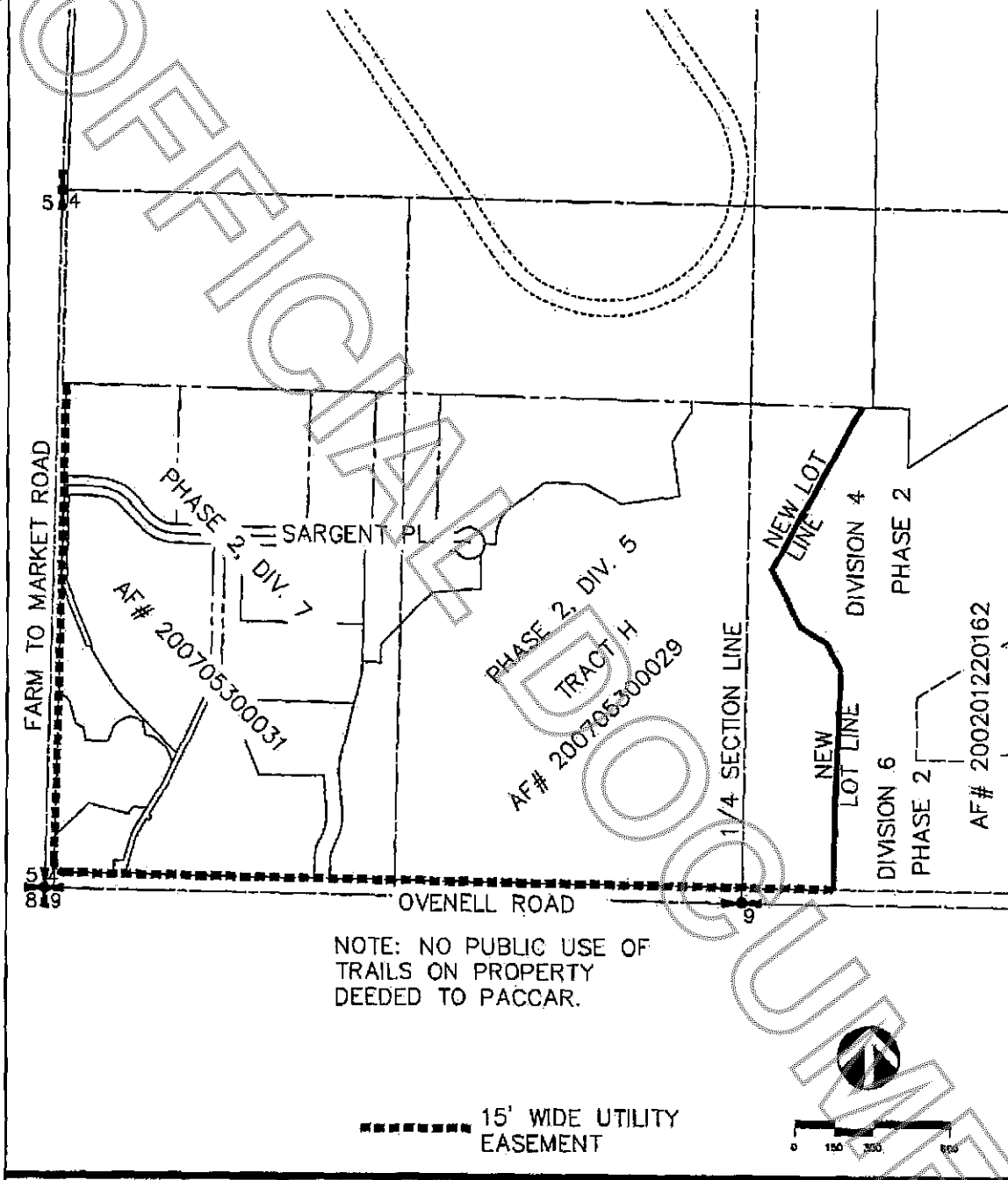


EXHIBIT A

DATE: 12-7-2017 DESIGNED: G.J.A.
SY-EM-07-PSCX0038
RE: PSCX0038 / DRAWN: G.J.A.



DAVID EVANS
AND ASSOCIATES, INC.
1620 W. Marine View Drive, Suite 200
Everett, Washington 98201
Phone: 425.259.4099

SKAGIT REGIONAL AIRPORT
BOUNDARY LINE ADJUSTMENT
DIV. 5 AND DIV. 7

gja 12/07/17 10:12am - P:\PSCX00000038\0400CAD\SV\SHEETS\sv-EM-07-pscx0038-After BLA-Eamf.dwg

Exhibit C

BAYVIEW AIRPORT—PERIMETER DESCRIPTION

Those portions of Sections 33 and 34, Township 35 North, Range 3 East, W.M., and of Sections 3, 4 and 10, Township 34 North, Range 3 East, W.M., described as follows:

Beginning at the intersection of the South line of the County Road along the North line of section 34, Township 35 North, Range 3 East, W. M., and the West line of said Section 34;

thence East, along said South line of the County Road, a distance of 208 feet;

thence South to a point 300 feet North of the South line of the North $\frac{1}{4}$ of the North $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 34;

thence East, along a line which is 300 feet North of said South line, a distance of 291 feet to the East line of the West 499 feet of the North $\frac{1}{4}$ of the North $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 34;

thence South, along the East line of said West 499 feet, a distance of 300 feet to the South line of said North $\frac{1}{4}$ of the North $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 34;

thence East, along said South line, to the East line of the Northwest $\frac{1}{4}$ of said Section 34;

thence South, along said East line, to the center of said Section 34;

thence East, along the East/West center line of said Section 34, to the East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 34;

thence South, along said East line, and along the East line of the West $\frac{1}{2}$ of the East $\frac{1}{2}$ of Section 3, Township 34 North, Range 3 East, W.M., to the North line of Ovenell Road;

thence West, along the North line of Ovenell Road, a distance of 100 feet;

thence Northwesterly to a point on the North line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 3 that is 150 feet West of the Northeast corner thereof;

thence West, along the North line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ to the Northwest corner thereof;

thence South, along the North/South center line of said Section 3 and the North/South center line of Section 10, Township 34 North, Range 3 East, W.M., to the Southeast corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 10;

thence South $0^{\circ}21'30''$ West, along the East line of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 10, a distance of 379.7 feet to the center of Higgins Slough;

thence South $83^{\circ}45'00''$ East, along the center of said slough, a distance of 56.1 feet;

thence South $77^{\circ}49'00''$ East a distance of 171.0 feet;

thence South $54^{\circ}30'00''$ East a distance of 67.0 feet;

thence South 46°17'30" East a distance of 479.0 feet to the Northerly line of the Great Northern Railway right-of-way;

thence South 73°20'30" West, along said Northerly line, to the North/South center line of said Section 10;

thence Southwesterly, along Northerly right-of-way line, to the East line of the West 687.7 feet, as measured along the North line, of the Southeast ¼ of the Northwest ¼ of said Section 10;

thence North, along said East line of the West 687.7 feet, to the North line of said Southeast ¼ of the Northwest ¼;

thence West, along the North line thereof, a distance of 687.7 feet to the Northwest corner thereof;

thence North, along the West line of the Northeast ¼ of the Northwest ¼ of said Section 10, to the North line thereof, which point is also the South line of Section 3, Township 34 North, Range 3 East, W.M.;

thence West, along the South line of Sections 3 and 4 of said Township 34 North, Range 3 East, W.M., to the Southwest corner of said Section 4;

thence North, along the West line of said Section 4, to the Southwest corner of a tract conveyed to PACCAR Inc., a Delaware corporation, by deed recorded December 21, 1979, under Auditor's File No. 7912210064, said point being South 1°18'41" West a distance of 746.70 feet from the West ¼ corner of said Section 4;

thence South 88°37'12" West, a distance of 3,139.05 feet, along the South line of said PACCAR, Inc. tract, to the Southeast corner thereof;

thence North 0°37'03" East, along the East line of said PACCAR, Inc. tract, a distance of 3,159.99 feet;

thence North 88°39'12" West a distance of 120.01 feet;

thence North 0°37'13" East a distance of 320.36 feet to the North line of said Section 4;

thence North 88°37'12" West, along the North line of said Section 4, a distance of 2,601.20 feet to the Northwest corner of said Section 4;

thence North, along the West line of Section 33, Township 35 North, Range 3 East, W.M., to the North line of the South ¼ of the North ¼ of the North ¼ of said Section 33;

thence East, along said North line, to the East line of said Section 33;

thence North, along said East line, to the point of beginning.

EXCEPTING THEREFROM those portions above described which lie within the rights-of-way of the County Roads known as Ovenell Road, Farm-to-Market Road, Josh Wilson Road, Peterson Road and Higgins Airport Way.

Situate in the County of Skagit, State of Washington

NOTE: A portion of the property described above has been included within a Binding Site Plan known as "SKAGIT REGIONAL AIRPORT BINDING SITE PLAN PHASE 1", as approved August 22, 1986, and recorded August 25, 1986, in Volume 7 of Short Plats, pages 111 through 120, under Auditor's File No. 8608250002, records of Skagit County, Washington; being a portion of Section 34, Township 35 North, Range 3 East, W.M. END OF EXHIBIT C

EXHIBIT D

