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07/03/2018 12:24 PM Pages: 1 of 9 Fees: \$107.00  
Skagit County Auditor

PERMANENT PERPETUAL LEVEE EASEMENT & RIGHT OF ENTRY  
AGREEMENT TO ALLOW SKAGIT COUNTY CONSOLIDATED DIKING  
IMPROVEMENT DISTRICT NO. 22 AND U.S. ARMY CORPS  
REPRESENTATIVES TO ENTER SITE AND CROSS THROUGH SITE TO  
PERFORM REPAIRS & IMPROVEMENTS TO DIKES

(Skagit D22 SKA-02-18)

**A. Grantor and Grantee:**

For purposes of this Agreement and for indexing by the Skagit County Auditor as required by RCW 65.04, the parties to this agreement are NELSON PROPERTIES LLC, 21590 Mann Rd, Mount Vernon, WA 98273, **Grantor(s)**, and Skagit County Consolidated Diking Improvement District No. 22 of Skagit County ("Skagit County Consolidated Diking Improvement District No. 22"), **Grantee**.

**B. Legal Description of the Subject Property:**

A portion of the NW Quarter Section 25, Township 33, Range 03 East, W.M., being a parcel being approximately 9.08 ac, and described further as CU F&A #3 AF#8012080044 1982: DK 22: NE1/4 NW1/4 N OF SLO LESS DIKE 18 & TR TO DIKE 2 & TAX 4 & 5 [P16110]

AND

A portion of Section 24, Township 33 North, Range 3 East, W.M., being a parcel being approximately 5.14 acres, and described further as CU F&A #3-2017 AF#201709180094 (2019) SW1/4 SE1/4 N OF SLO & S OF NLY BASE OF DK 22 DIKE LESS RT-4-005-01 O/S DIKE, Section 24, Township 33 North, Range 3 East, W.M. [P16078]

AND

A portion of the SW quarter of Section 24, Township 33 North, Range 3 East, W.M., being a parcel being approximately 28.86 acres, and described further as CU F&A #210 AF#792000 1975: DK 22: SE1/4 SW1/4 S OF SLO & E OF W BR FRESHWATER SLO LESS RDS & TR TO DIKE [P16072].

Situate in the County of Skagit, State of Washington.

**C. Assessor Parcel No(s):**

- 1. P16110 ["5" on Exhibit A]

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX  
*easement*  
JUL -3 2018

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

ORIGINAL

2. P16078 ["7" on Exhibit A]
3. P16072 ["8" on Exhibit A]

#### D. RECITALS

1. **Exhibit A:** Reference is made to an **Exhibit A** dated March 19, 2018 11:15:33 AM., file no. SEE SE-RET, also attached hereto, and on file with the US Army Corps and also Skagit County Consolidated Diking Improvement District No. 22, which shows blue (Perpetual Levee Easement), magenta (Temporary Work Area Easement), and red (O & M Access Route) areas overlaid on a map including the above referenced tax parcels and legal description of the Subject Property, all related to and in furtherance of the *Rehabilitation of Flood Control Works, Skagit County Consolidated Diking Improvement District #22 Levee Non-Federal Levee, Skagit County, Washington, prepared by the District Engineer, Seattle District, U.S. Army Corps of Engineers and approved by the Division Deputy Engineer on March 20, 2018* (on file with the Army Corps of Engineers). The Diking District refers to the project as the ("Lundeen Rehabilitation Project 2018"); Exhibit A hereto may be substituted with a legal description describing the same areas prepared by a professional land surveyor and/or attorney, for recording purposes, and labeled Substitute Exhibit A.
2. Grantor is the owner of certain real property in Skagit County, Washington, described and referenced above and referred to in this agreement as the "Subject Property," also labeled as parcel "5" "7" and "8" on Exhibit A.
3. Grantor is a land owner within the boundaries of said Skagit County Consolidated Diking Improvement District No. 22, whose lands are specially benefited thereby.
4. Grantor's lands are subject to easements and/or deeds to rights of way of record for the benefit of Skagit County Consolidated Diking Improvement District No. 22, under Skagit County AF# 530855, recorded Jan 30, 2016 [date]. This information may be inserted by the Grantee.

#### E. GRANT:

1. Without altering any rights of record or as established through the common law, in conjunction with the benefits Grantor receives from being within the boundaries of said Skagit County Consolidated Diking Improvement District No. 22, the Grantor grants and conveys to, and agrees to allow, said Skagit County Consolidated Diking Improvement District No. 22 and its representatives, including but not limited to the United States Army Corps of Engineers, access, ingress, and egress to and through, and on, the Subject Property, to and onto and for the dikes and related appurtenances maintained by said Skagit County Consolidated Diking Improvement District No. 22, for the maintenance, reconstruction, and construction of repairs to said dikes and appurtenances, and winding up any repairs, as follows:

- i. **Perpetual Flood Protection Levee Easement (Blue)**: Grantor hereby grants and conveys to Grantee a perpetual and assignable right and easement in the land delineated on the attached location map, Exhibit A (and above referenced in blue), by this reference made a part hereof, to construct, maintain, repair, operate, patrol and replace a flood protection levee, including all appurtenances thereto including seepage berm(s); reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines. **The area of this grant is approximately 1.91 acres +/- . It includes the existing levee and a strip of land fifty feet wide landward of the existing landward levee toe.**

**This legal description and/or reference may be revised and updated by a professional land surveyor or attorney for Grantee, for recording purposes, in an exhibit substituted and labeled "Substitute Exhibit A" prior to recording which will not include color but a legal description and/or map.**

- ii. **Temporary Access Easement (O&M Access Route)(Red)** -- A temporary access easement and right-of-way in, on, over and across the land described in Exhibit A for the location, construction, operation, maintenance, alteration replacement of (a) road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving, however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated on Exhibit A **parcel "5" "7" and "8"**; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines. **This area is approximately 0.13 acres.**
2. Grantor further grants to Skagit County Consolidated Diking Improvement District No. 22 personnel and representatives access to the subject property for the limited purposes of completion of said work for site stabilization, completion of conditions of approval and/or mitigation measures, or correcting defective work.
3. Nothing in this agreement grants Skagit County Consolidated Diking Improvement District No. 22 the right to enter into any residential, agricultural, or commercial structure on the property without the express consent of the property owner.

4. This agreement is intended to protect and increase the value and desirability of the subject property, and to benefit all property owners in the said Skagit County Consolidated Diking Improvement District No. 22. During its term, it shall run with the land and be binding on all parties having or acquiring any right, title, interest, or any part thereof, of the subject property, including the grantor, heirs, successors and assigns. During its term, this agreement shall inure to the benefit of each present or future successor in interest of the subject property or any party thereof, or interest therein, and to the benefit of the citizens of Skagit County.
5. This right of entry does not alter the rights and obligations of the parties in any other way, is cumulative, and shall not be deemed to extinguish or alter any other rights or easements express or implied.
6. The Grantee may elect to record this instrument in which event Grantor shall reasonably cooperate therewith and agrees that a land surveyor may prepare legal descriptions based upon Exhibit A as/if needed and/or modify Exhibit A to allow for recording without changing the substance thereof.

DATED this 8 day of June, 2018.

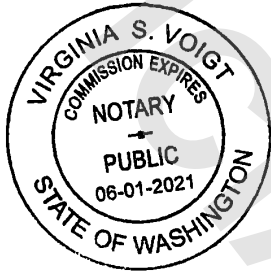
Grantor: NELSON PROPERTIES LLC

By:  (signature)  
Jerry Nelson, Governor

STATE OF WASHINGTON )  
 )ss.  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that Jerry Nelson is the person who appeared before me, and said person acknowledged that he signed this instrument as the Governor of NELSON PROPERTIES, LLC, a Washington limited liability company, and acknowledged it to be his free and voluntary act of said party for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal hereto affixed DATED: 6/8/18.



Virginia S. Voigt  
Signature of Notary Public  
VIRGINIA S. VOIGT  
Appt. Expires: 6/1/21

# EXHIBIT A

SUBSTITUTE  
EXHIBIT A

**Dike Easement**

A tract of land located in the Southeast 1/4 of the Southwest 1/4 of Section 24, and in the Northeast 1/4 of the Northwest 1/4 of Section 25, both in Township 33 North, Range 3 East, W.M., more particularly described as follows:

Commencing at the Southwest corner of said Southwest 1/4 of Section 24; thence South 89°21'02" East along the South line of said Southwest 1/4 a distance of 2113.76 feet to the Northwesterly line of Statutory Quit Claim Deed, recorded January 30, 1956, under Auditor's File No. 530855, records of Skagit County, Washington and the Point of Beginning; thence South 52°07'08" West along said Northwesterly line a distance of 779.11 feet; thence North 37°52'52" West a distance of 20.66 feet; thence North 50°45'34" East a distance of 731.57 feet to a point on said South line of the Southwest 1/4 of Section 24; thence continuing North 50°45'34" East a distance of 684.89 feet; thence South 37°52'52" East a distance of 54.27 feet to said Northwesterly line; thence South 52°07'08" West along said Northwesterly line a distance of 779.11 feet; to the point of beginning.

Situate in the County of Skagit, State of Washington.



