



201910280075

10/28/2019 10:28 AM Pages: 1 of 4 Fees: \$106.50
Skagit County Auditor

WHEN RECORDED RETURN TO:

Visconsi Companies
Attn: Brad Goldberg or Kelly Fleming
30050 Chagrin Blvd., Ste. 360
Pepper Pike, OH 44124

GUARDIAN NORTHWEST TITLE CO.

DOCUMENT TITLE(S)

1. Railroad Noise, Vibration and Light Disclosure Covenant.

19-2683

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

☐ Additional numbers on page 3 of document

GRANTOR(S):

BNSF RAILWAY COMPANY, a Delaware corporation

☐ Additional names on page n/a of document

GRANTEE(S):

1. **VWA-MOUNT VERNON, LLC**, an Ohio limited liability company

☐ Additional names on page n/a of document

ABBREVIATED LEGAL DESCRIPTION:

Sec.20, Twp., 34 North, Rng., 4 East, W.M., Ptn. SW SW.

☐ Complete legal description on page 3 of document

ASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER(S):

~~P26788~~ P134974, P134975

☐ Additional tax account numbers on page of document

The Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

FORM OF RAILROAD NOISE, VIBRATION AND LIGHT
DISCLOSURE COVENANT

The following is part of the Real Estate Purchase and Sale Agreement dated 18, October, 2019, **VWA-MOUNT VERNON, LLC**, an Ohio limited liability company and or assigns ("Grantee") and BNSF Railway Company ("Grantor") concerning the property located at Mount Vernon (the "Property").

Grantee hereby acknowledges, on behalf of itself and its heirs, successors and assigns, that the Property is located either adjacent to and in the vicinity of an operating railroad corridor. As such, the Property shall be subject to periodic, active use of the corridor for rail traffic producing noise, vibration, light and other conditions typically resulting from railroad activity which may subject the Property to associated impacts. Grantee acknowledges and agrees that any such impacts are not a nuisance and shall not be subject to complaint or legal action by Grantee as such.

This covenant shall be recorded against the Property as a permanent and perpetual covenant running with the land. A copy of this disclosure will be provided to all subsequent Grantee of all or any portion of the Property.

GRANTEE:

VWA-MOUNT VERNON, LLC
an Ohio limited liability company

By: Dominic A. Visconsi Jr.
Dominic A. Visconsi Jr.
It's: Member

GRANTOR:

BNSF Railway Company

By: Blaine Bilderback
Blaine Bilderback
It's: Director Real Estate

STATE OF OHIO

§
§ ss.
§

COUNTY OF CUYAHOGA

On this 14th day of October, 2019, before me, the undersigned, a Notary Public in and for the State of Ohio, duly commissioned and sworn, personally appeared Dominic A. Visconti Jr, to me known to be the Manager of VWA-Mount Vernon, LLC, an Ohio limited liability company, that accepted the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company for the uses and purposes therein mentioned, and on oath stated that he authorized to accept said instrument for said limited liability company.

Witness my hand and official seal hereto affixed the day and year first above written.



THERESA M. BALES
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Geauga County
My Comm. Exp. 9/21/2020

Theresa M. Bales
Notary Public for the State of Ohio

Residing at: in Geauga County
My appointment expires: 9/21/2020

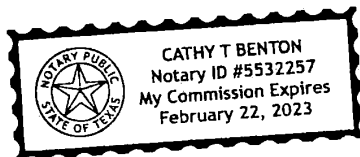
STATE OF TEXAS

§
§ ss.
§

COUNTY OF TARRANT

On this 18th day of October, 2019, before me, the undersigned, a Notary Public in and for the State of Texas, duly commissioned and sworn, personally appeared Blaine Bilderback, to me known to be the Director Real Estate, of **BNSF RAILWAY COMPANY**, the corporation that executed the foregoing instrument, and acknowledged the 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 they are authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.



CATHY T BENTON
Notary ID #5532257
My Commission Expires
February 22, 2023

Cathy T. Benton
Notary Public for the State of Texas

Residing at: Weatherford, Texas

My appointment expires Feb 22, 2023

EXHIBIT "A"**(The Property)**

THAT PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGIN AT A POINT IN THE WEST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; THAT IS 462.11 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE EASTERLY PERPENDICULAR TO SAID WEST LINE, A DISTANCE OF 65 FEET, MORE OR LESS, TO A POINT PERPENDICULARLY 54 FEET EASTERLY, FROM THE CENTER LINE OF THE MAIN TRACK OF THE RAILWAY OF THE GREAT NORTHERN RAILWAY COMPANY, AS LOCATED ON MAY 8, 1955; TO THE TRUE POINT OF BEGINNING, WHICH POINT IS ALSO THE NORTHWEST CORNER OF THE SECOND PARCEL OF LAND DESCRIBED ON THAT CERTAIN DEED IN FAVOR OF LIBBY, MCNEILL & LIBBY CORPORATION BY DEED RECORDED OCTOBER 31, 1955 AS SKAGIT COUNTY AUDITOR'S FILE NUMBER 526435; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LIBBY, MCNEILL & LIBBY PARCEL 215 FEET, MORE OR LESS, TO THE NORTHEAST CORNER THEREOF, SAID POINT BEING ON A LINE 280 FEET PERPENDICULAR TO THE WEST LINE OF SAID SUBDIVISION; THENCE NORTH, A DISTANCE OF 3.11 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE GLACIER PARK COMPANY AS PARCEL 1 ON THAT CERTAIN DEED RECORDED JUNE 2, 1989 AS AUDITOR'S FILE NO. 8906020025; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID GLACIER PARK PARCEL 215 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 3.11 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.