

## Return Address:

ABI Investments, LLC  
AB Lazy River, LLC  
P.O. Box 792505  
San Antonio, TX 78279  
Attn: Robert Schultz

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

Affidavit No. 2021-5754

Dec 16 2021

Amount Paid \$130205.00  
Skagit County Treasurer  
By Lena Thompson Deputy

## STATUTORY WARRANTY DEED

Reference Number(s) of related document(s): n/a

Grantor: VWA – Mount Vernon, LLC

Grantees: ABI Investments, LLC and AB Lazy River, LLC, as tenants-in-common with a eighty-one and 55/100 (81.55%) percent interest being conveyed to ABI Investments, LLC and a eighteen and 45/100 (18.45 %) percent interest being conveyed to AB Lazy River, LLC

## Legal Description (abbreviated):

Lot 4 of MV BLA No. ENGR 19-0308 recorded as AFN 201910040056 in the W ½  
SW ¼ of S.20, T. 34 N., R. 4 E.

Assessor's Tax Parcel ID Number: P134972/8100-000-004-0000

**VWA – MOUNT VERNON, LLC**, an Ohio limited liability company ("Grantor") for and in consideration of Ten Dollars and no/100 (\$10.00) and other valuable consideration, in hand paid, conveys and warrants to **ABI INVESTMENTS, LLC**, a Texas limited liability company, as to a 81.55% tenants in common interest, and **AB LAZY RIVER, LLC**, a Texas limited liability company, as to a 18.45% tenants in common interest (together, "Grantee"), the following described real estate, situated in Skagit County, Washington (the "Property"):

See attached Exhibit A incorporated herein by reference

Subject to the (i) the Permitted Encumbrances set forth on Exhibit B, attached hereto and incorporated herein by reference; and (ii) the Project Agreements as set forth on Exhibit C, attached hereto and incorporated herein by reference.

By virtue of this Deed, (i) Grantee hereby assumes all obligations applicable to the Property under the Project Agreements, (ii) the use of the Property shall be subject to any use restriction granted by Grantor (or by its affiliates) for the benefit of any other tenant or occupant of any portion of the Remaining Parcel, as legally described and depicted in Exhibit D attached hereto and incorporated herein by reference ("Future Use Restriction") for which Grantor shall deliver written notice thereof to Grantee upon receipt of request therefor from Grantee or Tenant

(as defined in Exhibit B), and (iii) Grantee shall be deemed to be the "Approving Owning Party" with respect to the Property under the Declaration. As of the date of the recording of this Deed, the Future Use Restrictions to which the Property is subject are as set forth in Exhibit E incorporated herein by reference.

The terms and conditions of this Deed shall be covenants running with the land, and shall bind the Property and shall be for the benefit of the Remaining Parcel, and shall inure to the benefit of, and be binding upon, each of Grantor and Grantee and their respective successors and assigns. This Deed shall constitute the requisite notice under the Project Agreements (including without limitation, pursuant to Section 1.8 of the Declaration) of the conveyance of the Property by Grantor to Grantee (and pursuant to Section 1.8 of the Declaration, Grantee shall also be a "Owning Party" of the Property for all purposes under the Declaration).

[Remainder of Page Intentionally Left Blank]

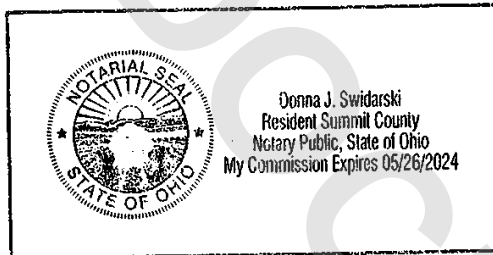
DATED: DECEMBER 16, 2021

GRANTOR:

VWA – MOUNT VERNON, LLC,  
an Ohio limited liability companyBy: Dominic A. Visconsi, Jr.  
Dominic A. Visconsi, Jr., ManagerSTATE OF OHIO )  
 ) SS:  
COUNTY OF CUYAHOGA )

The foregoing instrument was acknowledged before me this 10th day of DEC., 2021, by Dominic A. Visconsi, Jr., the Manager of VWA – Mount Vernon, LLC, an Ohio limited liability company, on behalf of the company. This is an acknowledgment clause. No oath or affirmation was administered to the signer.

Donna J. Swidarski  
Notary Public  
My Commission Expires:



[Signature Page to Statutory Warranty Deed]

EXHIBIT A

LEGAL DESCRIPTION

Lot 4 of Mount Vernon Boundary Line Adjustment No. ENGR 19-0308 approved October 2, 2019 and recorded October 4, 2019 as Auditor's File No. 201910040056; being a portion of the West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 20, Township 34 North, Range 4 East, W.M.

APN: P134972/8100-000-004-0000

EXHIBIT B

PERMITTED EXCEPTIONS

1. Liens of taxes and assessments, both general and special, not yet due and payable.
2. The Ground Lease effective as of June 7, 2019 with 7-Eleven, Inc., a Texas corporation ("Tenant"), as amended (the "Lease").
3. Any and all reservations, restrictions, easements, conditions, encumbrances, and other matters of title and/or of survey.

## EXHIBIT C

## PROJECT AGREEMENTS

1. Public Benefits Agreement by and between Landlord and the City of Mount Vernon recorded October 4, 2019 under Auditor's File No. 201910040085, as amended by document recorded December 22, 2020 under Auditor's File No. 202012220068.
2. Public Trail Access and Maintenance Easement Agreement recorded October 4, 2019 as Auditor's File No. 201910040088.
3. Covenant and Easement for Maintenance recorded October 4, 2019 under Auditor's File No. 201910040087.
4. Declaration of Easements, Restrictive Covenants and Conditions dated as of July 19, 2021 and recorded on August 16, 2021 under Auditor's File No. 202108160044 (the "Declaration").

EXHIBIT D  
REMAINING PARCEL

1. Legal Description – See attached.
2. Drawing – See attached.



# Pacific Surveying & Engineering, Inc

land surveying • civil engineering • consulting • environmental

909 Squallicum Way #111, Bellingham, WA 98226  
Phone 360.671.7387 Facsimile 360.671.4685 Email info@pseurvey.com

## EXHIBIT 'C'

### LOT A:

THAT PORTION OF LOTS 1, 2, 6 AND 7, CITY OF MOUNT VERNON BOUNDARY LINE ADJUSTMENT NO. ENGR19-0308, APPROVED OCTOBER 2, 2019, AND RECORDED UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 201910040056, TOGETHER WITH ALL OF THE FORMER REMNANT RAILROAD PROPERTY AS DEEDED TO VWA-MOUNT VERNON, LLC UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 201910280074, AND TOGETHER WITH A PORTION OF PROPERTY CONVEYED TO VWA-MOUNT VERNON, LLC BY THE CITY OF MOUNT VERNON UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 201910040083, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE ALONG THE WEST LINE THEREOF NORTH 01°50'50" EAST 50.00 FEET; THENCE CONTINUING ALONG SAID WEST LINE NORTH 01°53'12" EAST 148.62 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE ALONG THE NORTH LINE THEREOF SOUTH 88°06'48" EAST 178.01 FEET TO THE WEST LINE OF LOT 3 OF SAID BOUNDARY LINE ADJUSTMENT, ALSO BEING THE WEST MARGIN OF A RIGHT OF WAY DEEDED TO THE CITY OF MOUNT VERNON UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 202102170166; THENCE ALONG SAID WEST MARGIN SOUTH 01°53'12" WEST 46.00 FEET; THENCE ALONG THE SOUTH MARGIN OF SAID RIGHT OF WAY SOUTH 88°06'48" EAST 30.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 6, ALSO BEING THE NORTHWEST CORNER OF SAID LOT 7; THENCE CONTINUING ALONG SAID SOUTH MARGIN SOUTH 88°06'48" EAST 19.00 FEET; THENCE ALONG THE EAST MARGIN OF SAID RIGHT OF WAY NORTH 01°53'12" EAST 44.46 FEET TO A POINT ON A NON-TANGENT CURVE, FROM WHICH THE RADIUS POINT BEARS NORTH 73°02'51" EAST A DISTANCE OF 28.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 71°09'39" A DISTANCE OF 34.78 FEET TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID LOT 2; THENCE ALONG SAID NORTH LINE SOUTH 88°06'48" EAST 96.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 1 SOUTH 01°53'12" WEST 43.00 FEET; THENCE AT RIGHT ANGLES SOUTH 88°06'48" EAST 140.62 FEET TO THE WEST MARGIN OF THE INTERSTATE 5 RIGHT OF WAY; THENCE SOUTHEASTERLY ALONG SAID WEST MARGIN TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE ALONG THE SOUTH LINE OF SAID LOTS 7 AND 6 NORTH 88°09'10" WEST 541.54 FEET TO THE POINT OF BEGINNING.

SITUATE IN THE CITY OF MOUNT VERNON, SKAGIT COUNTY, WASHINGTON.

### LOT B:

THOSE PORTIONS OF LOTS 2 & 7, CITY OF MOUNT VERNON BOUNDARY LINE ADJUSTMENT NO. ENGR19-0308, APPROVED OCTOBER 2, 2019, AND RECORDED UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 201910040056, TOGETHER WITH A PORTION OF PROPERTY CONVEYED TO VWA-MOUNT VERNON, LLC BY THE CITY OF MOUNT VERNON UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 201910040083, MORE PARTICULARLY DESCRIBED AS FOLLOWS:



**Pacific Surveying & Engineering, Inc**

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COMMENCING AT SOUTHEAST CORNER OF LOT 7 OF SAID CITY OF MOUNT VERNON  
BOUNDARY LINE ADJUSTMENT; THENCE ALONG THE EAST LINE THEREOF AND THE WESTERLY  
MARGIN OF INTERSTATE 5 THE FOLLOWING COURSES AND DISTANCES:

NORTH 18°41'08" WEST, 53.39 FEET; THENCE

NORTH 18°48'13" WEST, 20.60 FEET; THENCE

NORTH 18°48'40" WEST, 82.80 FEET; THENCE

NORTH 23°33'59" WEST, 7.47 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID MARGIN NORTH 23°33'59" WEST, 173.33 FEET; THENCE  
DEPARTING SAID MARGIN, NORTH 88°06'48" WEST, 66.13 FEET TO A POINT ON THE WEST LINE  
OF SAID LOT 2; THENCE ALONG SAID WEST LINE AND EXTENSION THEREOF, SOUTH 01°53'12"  
WEST, 156.51 FEET; THENCE AT RIGHT ANGLES, SOUTH 88°06'48" EAST, 140.62 FEET TO THE  
POINT OF BEGINNING

SITUATE IN THE CITY OF MOUNT VERNON, SKAGIT COUNTY, WASHINGTON.

**LOT C:**

THOSE PORTIONS OF LOTS 1 & 2, CITY OF MOUNT VERNON BOUNDARY LINE ADJUSTMENT NO.  
ENGR19-0308, APPROVED OCTOBER 2, 2019, AND RECORDED UNDER SKAGIT COUNTY  
AUDITOR'S FILE NO. 201910040056, TOGETHER WITH A PORTION OF LOTS 1 TO 4 INCLUSIVE,  
BLOCK 1, KINCAID'S ADDITION TO MT VERNON, SKAGIT CO., WASH., AS PER PLAT RECORDED  
IN VOLUME 2 OF PLATS, PAGE 64, RECORDS OF SKAGIT COUNTY, MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; SAID CORNER ALSO BEING A  
POINT ON THE EAST MARGIN OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF  
MOUNT VERNON FOR RIGHT OF WAY PURPOSES UNDER SKAGIT COUNTY AUDITOR'S FILE NO.  
202102170166; THENCE ALONG SAID EAST MARGIN, NORTH 01°53'12" EAST, 18.96 FEET TO THE  
POINT OF BEGINNING; THENCE CONTINUING ALONG SAID MARGIN, NORTH 01°53'12" EAST,  
242.08 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO  
VVA-MOUNT VERNON, LLC BY QUIT CLAIM DEED RECORDED UNDER SKAGIT COUNTY  
AUDITOR'S FILE NO. 201910040083; THENCE ALONG THE NORTH LINE OF SAID TRACT, SOUTH  
62°11'13" EAST, 171.30 FEET TO A POINT ON THE WESTERLY MARGIN OF INTERSTATE 5;  
THENCE DEPARTING SAID MARGIN, SOUTH 23°33'59" EAST, 11.84 FEET; THENCE SOUTH  
01°50'50" WEST, 3.49 FEET; THENCE AT RIGHT ANGLES, SOUTH 88°09'10" EAST, 1.66 FEET TO A  
POINT ON SAID WESTERLY MARGIN OF INTERSTATE 5; THENCE ALONG SAID MARGIN, SOUTH  
23°33'59" EAST, 64.95 FEET; THENCE DEPARTING SAID MARGIN, NORTH 88°06'48" WEST, 66.13  
FEET; THENCE AT RIGHT ANGLES, SOUTH 01°53'12" WEST, 113.51 FEET; THENCE AT RIGHT  
ANGLES, NORTH 88°06'48" WEST, 96.00 FEET TO A POINT OF CURVATURE FROM WHICH THE  
RADIUS POINT BEARS NORTH 01°53'12" EAST, 28.00 FEET; THENCE WESTERLY AND  
NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 71°09'39" A DISTANCE OF  
34.78 FEET TO THE POINT OF BEGINNING.

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EXCEPT ANY PORTION THEREOF LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

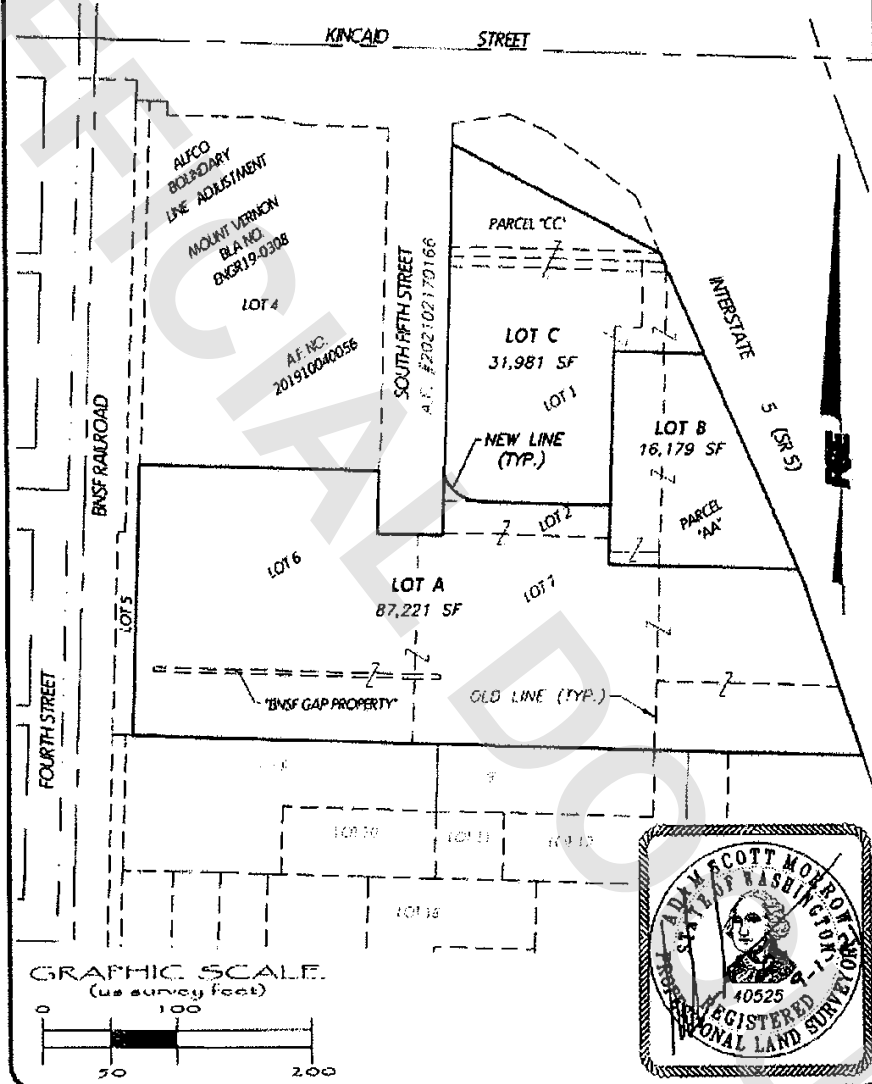
BEGINNING AT A POINT OF INTERSECTION OF THE SOUTH LINE OF LOT 4, BLOCK 1, KINCAID'S ADDITION TO MT VERNON, SKAGIT CO., WASH., AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 84, RECORDS OF SKAGIT COUNTY, WITH THE WESTERLY RIGHT OF WAY LINE OF SR 5, AS SHOWN ON SR 5, MOUNT VERNON: BLACKBURN ST. TO SKAGIT RIVER, AS IT EXISTED ON JULY 7, 2018, THENCE NORTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE TO A POINT ON THE WEST LINE OF LOT 1, BLOCK 1, OF SAID KINCAID'S ADDITION TO MT VERNON, BEING A POINT OPPOSITE HIGHWAY ENGINEER'S STATION K2+80, ON THE KLINE SURVEY OF SAID HIGHWAY, AND 70 FEET SOUTHERLY THEREFROM AND THE TERMINUS OF THIS LINE DESCRIPTION



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# EXHIBIT 'D'

SITUATE IN A PORTION OF THE SW 1/4 OF THE SW 1/4 OF SECTION 20,  
 TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., CITY OF MOUNT VERNON,  
 SKAGIT COUNTY, WASHINGTON



## EXHIBIT E

## FUTURE USE RESTRICTIONS

1. In no event shall the Property be used for purposes of a "Medical Office Building Use", which is defined as both (i) medical office purposes and uses incidental thereto, and/or (ii) an urgent care facility and uses incidental thereto.
2. In no event shall the Property be used by any medical provider which would cause material commercial damage to Public Health District No. 1, Skagit County, Washington, D/B/A Skagit Regional Health, provided that the use of the Property by medical providers who primarily provide optical, dental, chiropractic, and/or naturopathic medical services shall not be deemed a violation of this use restriction.
3. In no event shall the Property be used for the primary business of a fast-food restaurant with a drive-thru window and non-table service primarily selling hamburgers, chicken sandwiches, any other type of products served in sandwich form, ground meat or meat substitute, or a combination of ground meat and meat substitute and substitute chicken sandwiches. Such restrictions shall not prohibit the sale of such products by any tenant or occupant to the extent such sales are equal to, or less than, 15% of the gross sales of such tenant or occupant. Notwithstanding the foregoing, without limitation or regard to the percentage of sales of the restricted products permitted herein, in no event shall the Property be used for purposes of any restaurant operating under the following tradenames or any successor tradename thereto: Big Boy, Burger Chef, Burger King, Carl's Jr., Checkers, Chick-fil-A, Kristal, Five Guys, Fuddrucker's, Hardee's, In & Out Burgers, Jack-In-the-Box, McDonalds, Nathan's, Rally's, Rax, Roy Rogers, Shoney's, Smashburger, Sonic, or White Castle.