

When Recorded, Return to:

The Nature Conservancy  
74 Wall Street  
Seattle, WA 98121

REVIEWED BY  
SKAGIT COUNTY TREASURER  
DEPUTY Nosie Blair  
DATE 3-11-22

**DRIVEWAY ACCESS EASEMENT**

Grantor:	<u>THE NATURE CONSERVANCY</u>
Grantee:	<u>SERSLAND, CLAUDIA</u>
Legal Description: (abbreviated)	<u>Portion of SW ¼ of Sec. 29, Twp. 33 N, R. 4 W, W.M., Skagit County, Washington</u>
<input checked="" type="checkbox"/> Additional on:	<u>EXHIBIT A</u>
Assessor's Property Tax Parcel / Account No.	<u>P17436, P17468, P17469</u>
Reference Nos.:	<u>N/A</u>

This Driveway Access Easement is granted and conveyed this \_\_\_\_ day of December 2021, by **THE NATURE CONSERVANCY**, a District of Columbia nonprofit corporation (the "Grantor"), to **CLAUDIA SERSLAND** (the "Grantee").

**RECITALS**

A. The Grantor is the owner of that certain real estate situated in Skagit County, Washington, which is legally described in **EXHIBIT A** (the "Burdened Property").

B. The Grantee desires to utilize an existing driveway located partially on the Property for purposes of accessing Grantee's property, which is legally described in **EXHIBIT B** (the "Benefited Property"), on the terms described in the Easement below.

**EASEMENT**

NOW THEREFORE, in consideration of the foregoing and of the covenants and agreements set forth in this Driveway Access Easement and other good and valuable

consideration, the receipt and sufficiency of which is hereby acknowledged, the parties covenant and agree as follows:

**1. Driveway Access Easement.** Grantor hereby conveys and grants to the Grantee a permanent, nonexclusive easement over and across a portion of the Burdened Property consisting of a strip of land no wider than five feet strip parallel to the southern property boundary between the portion of the Burdened and Benefited Properties located in the southwest quarter of Section 29, Township 33 North, Range 4 West, W.M. ("Driveway Access Easement Area"), for purposes of vehicular and pedestrian access to the Benefited Property. The easement granted herein may be utilized by the Grantee's invitees, agents, and contractors for the purposes described above and for construction and maintenance of the driveway surface, culvert, and bridge crossing Little Fisher Creek as designed by Skagit County, all in compliance with applicable laws and permits. This easement is subject to all existing easements, encumbrances, rights, reservations, covenants, and restrictions of record.

**2. Conditions of Easement Use.** The Grantee shall not make or permit any use of the Burdened Property that is unlawful, improper, or contrary to any applicable law or ordinance. The Grantee shall be solely responsible, at its own cost and expense, for compliance with all federal, state, and local laws governing or applicable to use of the Driveway Access Easement, including without limitation any responsibility to obtain, maintain, and comply with any necessary governmental permits, approvals, or licenses for Grantee's permitted activities on the Burdened and Benefited Properties.

**3. Grantor's Reservation.** Grantor hereby reserves the right to use the Driveway Access Easement area and the Burdened Property for any and all purposes that do not materially interfere with the Grantee's rights under this Driveway Access Easement. Grantor further reserves the right to convey the Burdened Property or to grant any other easement, license, lease, or right-of-way over, under, or across the Driveway Access Easement for any purpose consistent with the easement granted herein.

**4. Indemnification.** To the maximum extent allowed by law, the Grantee agrees to indemnify and hold the Grantor harmless from any and all liability, loss, or penalty arising in any way; including without limitation from personal injury or death, property damage, fire, or harm to wildlife; out of use of the easement by Grantee and invitees, contractors, or agents.

**5. Binding Effect.** The Easement granted herein and the conditions contained herein shall be covenants running with the land and shall be binding upon Grantor's and the Grantee's successors and assigns and all future owners of the Burdened and Benefited Properties.

EXECUTED as of the day and year first above written.

THE NATURE CONSERVANCY, a District of Columbia nonprofit corporation

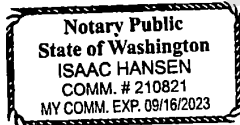
By James Schroeder  
Name: JAMES SCHROEDER  
Its: DIRECTOR OF CONSERVATION

Claudia Serstrand  
CLAUDIA SERSLAND

STATE OF WASHINGTON )  
 )  
COUNTY OF King ) ss.

On this day personally appeared before me, James Schroeder, known to me to be the Director of Conservation of The Nature Conservancy, the corporation that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such corporation for the uses and purposes therein mentioned, and on oath stated that they were duly authorized to execute such instrument on behalf of such corporation.

Given under my hand and official seal this 25<sup>th</sup> day of February, <sup>2022</sup>2021.

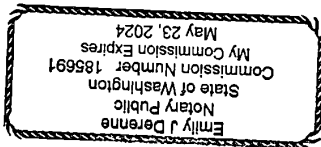


Isaac Hansen  
Notary Public in and for the State of Washington  
Residing at Seattle, WA  
My commission expires: 09/16/2023

STATE OF WASHINGTON )  
 )  
COUNTY OF SKAGIT ) ss.

On this 31 day of January, <sup>2022</sup>2021, before me, the undersigned, personally appeared Claudia Serstrand, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 31 day of January, 2021.2022



Emily J. Derenne  
Notary Public in and for the State of Washington  
Residing at Bellingham, WA  
My commission expires: 5/23/2024

**EXHIBIT A****LEGAL DESCRIPTION OF BURDENED PROPERTY**

Those portions of PARCEL "A," PARCEL "B" AND PARCEL "C" described hereinafter lying westerly of the following described line:

Commencing at the southwest corner of the southwest quarter of the northwest quarter of Section 29, Township 33 North, Range 4 East, W.M.; thence S 87° 48' 44" E along the south line of said southwest quarter of the northwest quarter, a distance of 293 feet; thence N 01° 07' 53" E parallel with the west line of said subdivision, a distance of 611.53 feet to the southerly right of way line of the English Lumber Company Logging Railroad; thence S 71° 58' 35" E along said southerly right of way line, a distance of 142.28 feet to the point of beginning of this description, said point being the northwest corner of a parcel conveyed to Dike District Number 16, dated December 8<sup>th</sup>, 1933 and recorded under Auditor's File Number 259261; thence S 14° 28' 35" E along the west line of said Dike District Number 16 parcel, a distance of 446.43 feet to a point on the westerly extension of the north line of that parcel conveyed to Harvey Lee Moyer and Jennifer L. Moyer, dated January 12, 1987, recorded under Auditor's File Number 8701150019, being the southwest corner of said Dike District Number 16 parcel; thence S 87° 48' 44" E along the north line of said Moyer parcel, a distance of 67.86 feet; thence S 00° 31' 08" E, a distance of 249.20 feet; thence S 34° 51' 54" W, a distance of 378.61 feet; thence S 25° 52' 57" E, a distance of 605.55 feet to the south line of the north 58 rods of the northwest quarter of the southwest quarter of Section 29, Township 33 North, Range 4 East, W.M. and terminus of this line description.

**PARCEL "A"**

The north 58 rods of the northwest quarter of the southwest quarter of Section 29, Township 33 North, Range 4 East, W.M.;

EXCEPT dike and drainage ditch rights of way;

AND EXCEPT County road right of way;

ALSO EXCEPT therefrom the following described tract:

Beginning at the northwest corner of said northwest quarter of the southwest quarter; thence East along the north line thereof 293 feet; thence southwesterly in a straight line to a point on the east line of the northeast quarter of the southeast quarter of Section 30, Township 33 North, Range 4 East, W.M. midway between the northeast corner and the southeast corner thereof; thence North along the west line of said Section 29 to the point of beginning.

EXHIBIT A

## PARCEL "B"

That portion of the southwest quarter of the northwest quarter of Section 29, Township 33 North, Range 4 East, W.M. described as follows:

That portion of the south half of the said southwest quarter of the northwest quarter lying west of the dike right of way of Dike District No. 16 following a small creek and south of the logging railroad right of way of the English Lumber Company;

EXCEPT therefrom the following described tract;

Beginning at the southwest corner of said southwest quarter of the northwest quarter; thence East along the south line thereof, a distance of 293 feet; thence North parallel to the west line of said subdivision to the southerly right of way line of the English Lumber Company logging railroad; thence westerly along the southerly right of way line of said logging railroad right of way to its intersection with the west line of said southwest quarter of the northwest quarter; thence South along said west line to the point of beginning.

## PARCEL "C"

That portion of the southwest quarter of the northwest quarter of Section 29, Township 33 North, Range 4 East, W.M., described as follows:

Beginning at the intersection of the east bank of a small creek with the south line of the southwest quarter of the northwest quarter, which point is 601 feet, more or less, east of the southwest corner of said subdivision; thence East, 301 feet; thence North, 145 feet; thence West, 352 feet, more or less, to said creek; thence S 19° 22' E along said creek, 153.6 feet, more or less, to the point of beginning.

Situate in Skagit County, Washington.

Containing 13.03 acres.

**EXHIBIT B****LEGAL DESCRIPTION OF BENEFITED PROPERTY**

The South 363 feet of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and all of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 29, Township 33 North, Range 4 East, W.M., EXCEPT roads, and EXCEPT the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of said Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , situate in Skagit County, Washington.

EXHIBIT B