

AFTER RECORDING RETURN TO:

MGP X BURLINGTON, LLC
c/o Merlone Geier Partners
425 CALIFORNIA ST. 11TH FLOOR
SAN FRANCISCO, CA 98104
Attn: Glenn Goodman

REVIEWED BY
SKAGIT COUNTY TREASURER
DEPUTY Belen Massey
DATE November 7, 2023

Grantor: NNN OPP OWNER VII LLC, a Delaware Limited Liability Company,
Grantee: City of Burlington, State of Washington

Abbreviated Legal Description: Ptn. Lots 1, Burlington North Marketplace BSP,
Skagit County Recording No. 201610140005

Assessor's Property Tax Parcel or Account Nos.: P133470

THIS NON EXCLUSIVE PUBLIC ACCESS EASEMENT is made the 7th day
of AUGUST, 202 3 by and between NNN OPP VII, LLC, a Delaware
Limited Liability Company (Grantor) and The City of Burlington, State of
Washington, (Grantee) the beneficiary of the of the easement described herein, and
is being made for no monetary consideration.

RECITALS

WHEREAS, Grantor owns a certain parcel(s) of real property located in the City of
Burlington, Skagit County, Washington, commonly known as Lot 1, Burlington
North Marketplace BSP, Skagit County Recording No. 201610140005

GRANT OF EASEMENT

1. GRANTOR does hereby grant and convey to GRANTEE, its heirs, successors in interest and assigns and invitees and permittees, a non-exclusive public access easement, over the parcels as described on the attached **Exhibit A** and said Easement Area described on the attached **Exhibit B** and depicted on the attached **Exhibit C**. The easement may be relocated upon the mutual written agreement of Grantor and Grantee.

GRANTOR reserves the rights to use the easement area for any purposes not inconsistent with the access right herein granted, provided that the GRANTOR shall not construct or maintain any building or structure or permit an obstruction within the Easement Area which would interfere with the exercise of the right of ingress and egress to and from the Easement Area.

2. This Easement shall be recorded in Skagit County, shall run with the land described herein on **EXHIBIT B**, and shall be binding upon the parties hereto, their heirs, successors in interest and assigns.
3. The invalidity of any portion of this Easement will not and shall not be deemed to affect the validity of any other provision. If any provision of the Easement is held to be invalid, the remaining provisions shall be deemed to be in full force and affect.
4. GRANTOR covenants that it is the lawful owner of the above-described property and described on **Exhibit A** and has the authority to convey such easement.
5. This Easement shall be governed by and construed in accordance with the laws of the State of Washington, and venue shall be in Skagit County, Washington.
6. In the event of any dispute, action or proceeding arising out of, or relating to, or otherwise affecting this Easement, the prevailing party shall be reimbursed by the

[remainder of page blank]

other party for all reasonable costs and expenses, including attorneys' fees, incurred by the prevailing party in connection therewith.

GRANTOR:

**NNN OPP OWNER VII LLC,
a Delaware Limited Liability Company**

**By: NNN Opp Mezz Borrower, LLC,
a Delaware limited liability company,
Its: Sole Member**

**By: NNN Opportunities Fund, L.P.,
a Delaware limited partnership
Its: Sole Member**

**By: Apollo Net Lease Co., LLC,
a Delaware limited liability company
Its: General Partner**

By:

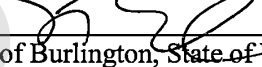

Jennette O'Brien
Its: Authorized Signor

Dated

8/7/2023

[remainder of page blank; signatures continue on next page]

GRANTEE - The City of Burlington, State of Washington,

BY: 
City of Burlington, State of Washington
its: Mayor

Dated 11/1/23

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Diego

)

On AUGUST 7, 2023 before me, Kagan Light, Notary Public, personally appeared Jenette O'Brien who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/ her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

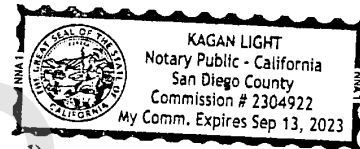
I certify under PENALTY of PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

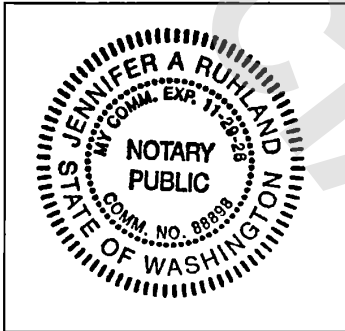


STATE OF Washington
COUNTY OF Skagit

ss.

I certify that I know or have satisfactory evidence that Steve Sexton is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the Mayor of City of Burlington, State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: November 1st, 2023



Jennifer Ruhland

Notary Public

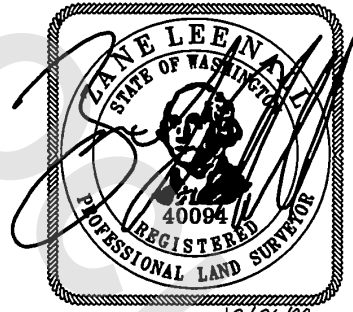
Print Name Jennifer Ruhland

My commission expires 11/29/2026

(Use this space for notarial stamp/seal)

**EXHIBIT A
PARCEL DESCRIPTION**

LOT 1 OF BURLINGTON NORTH MARKETPLACE BINDING SITE PLAN, AS PER SURVEY
APPROVED OCTOBER 11, 2016 AND RECORDED OCTOBER 14, 2016 AS SKAGIT COUNTY
AUDITOR'S FILE NO. 201610140005.



10/06/22



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Survey & Mapping

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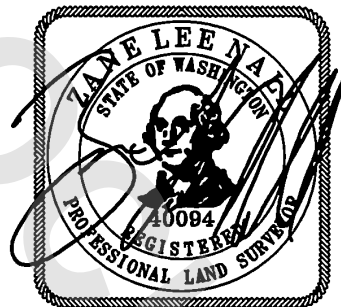
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SCALE N/A	SHEET 1 OF 8

EXHIBIT B EASEMENT DESCRIPTION

THAT PORTION OF LOT 1 OF BURLINGTON NORTH MARKETPLACE BINDING SITE PLAN, AS PER SURVEY APPROVED OCTOBER 11, 2016 AND RECORDED OCTOBER 14, 2916 AS SKAGIT COUNTY AUDITOR'S FILE NO. 201610140005, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1;
 THENCE SOUTH 89°42'18" EAST, ALONG THE NORTH LINE THEREOF, 88.58 FEET TO THE POINT OF BEGINNING;
 THENCE CONTINUING SOUTH 89°42'18" EAST 308.89 FEET TO A NON-TANGENT CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 25.00 FEET, THE CENTER OF WHICH BEARS NORTH 17°36'35" EAST;
 THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°37'46", AN ARC DISTANCE OF 15.11 FEET TO THE NORTH LINE OF SAID LOT 1;
 THENCE SOUTH 89°42'18" EAST, ALONG SAID NORTH LINE, 9.13 FEET;
 THENCE SOUTH 00°17'42" WEST 5.04 FEET;
 THENCE SOUTH 89°42'18" EAST 70.68 FEET;
 THENCE SOUTH 59°44'24" WEST 43.08 FEET TO A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 54.02 FEET;
 THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°43'01", AN ARC DISTANCE OF 29.90 FEET;
 THENCE NORTH 75°18'21" WEST 88.52 FEET;
 THENCE NORTH 89°50'10" WEST 227.94 FEET TO A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 24.96 FEET;
 THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 91°45'25", AN ARC DISTANCE OF 39.97 FEET;
 THENCE SOUTH 01°35'36" EAST 6.64 FEET;
 THENCE SOUTH 19°27'05" WEST 46.04 FEET;
 THENCE SOUTH 00°07'48" WEST 365.62 FEET;
 THENCE SOUTH 89°46'52" EAST 6.56 FEET;
 THENCE SOUTH 00°03'18" WEST 65.10 FEET TO A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 92.00 FEET;
 THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 64°35'55", AN ARC DISTANCE OF 103.73 FEET TO THE BOUNDARY OF SAID LOT 1;
 THENCE ALONG SAID BOUNDARY THE NEXT 3 CALLS;
 THENCE SOUTH 64°39'13" WEST 57.39 FEET TO A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 70.07 FEET, THE CENTER OF WHICH BEARS SOUTH 32°28'54" EAST;
 THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 4°33'33", AN ARC DISTANCE OF 5.58 FEET;
 THENCE SOUTH 00°28'12" WEST 3.17 FEET TO A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 68.82 FEET, THE CENTER OF WHICH BEARS SOUTH 39°08'41" EAST;
 THENCE LEAVING SAID BOUNDARY OF LOT 1, SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°21'10", AN ARC DISTANCE OF 60.48 FEET;



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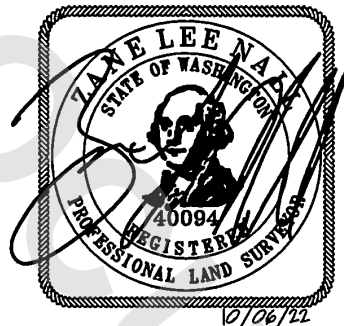
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SCALE N/A	SHEET 2 OF 8

EXHIBIT B EASEMENT DESCRIPTION

THENCE SOUTH 00°30'09" WEST 72.80 FEET TO A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 13.32 FEET;
 THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 40°34'49", AN ARC DISTANCE OF 9.43 FEET TO THE NORTHERLY MARGIN OF LILA LANE;
 THENCE NORTH 89°03'37" WEST, ALONG SAID MARGIN, 16.26 FEET TO A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 25.00 FEET;
 THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 49°40'47", AN ARC DISTANCE OF 21.68 FEET TO A REVERSE CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 60.00 FEET;
 THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 9°04'16", AN ARC DISTANCE OF 9.50 FEET TO A NON-TANGENT CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 7.46 FEET, THE CENTER OF WHICH BEARS NORTH 40°28'22" WEST;
 THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 49°58'13", AN ARC DISTANCE OF 6.51 FEET;
 THENCE NORTH 00°26'35" WEST 61.31 FEET TO A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 100.00 FEET;
 THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 64°48'40", AN ARC DISTANCE OF 113.12 FEET;
 THENCE NORTH 64°22'05" EAST 52.88 FEET;
 THENCE NORTH 55°52'37" EAST 13.63 FEET TO A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 21.93 FEET;
 THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°49'23", AN ARC DISTANCE OF 5.91 FEET;
 THENCE NORTH 40°03'14" EAST 10.00 FEET TO A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 50.00 FEET;
 THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39°39'31", AN ARC DISTANCE OF 34.61 FEET;
 THENCE NORTH 00°23'43" EAST 101.23 FEET;
 THENCE NORTH 10°17'27" WEST 19.36 FEET;
 THENCE NORTH 00°21'43" EAST 185.24 FEET;
 THENCE NORTH 09°44'02" EAST 20.61 FEET;
 THENCE NORTH 00°24'41" 161.94 FEET TO A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 49.00 FEET;
 THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 69°53'31", AN ARC DISTANCE OF 59.77 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 37,704 S.F. MORE OR LESS



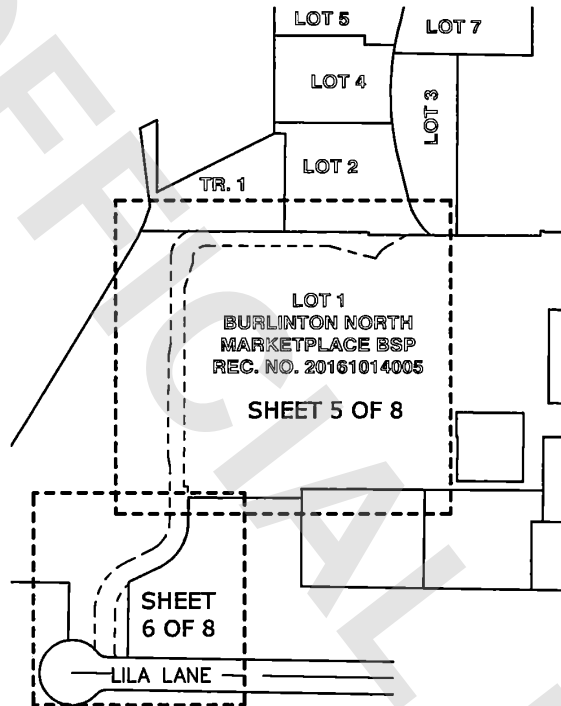
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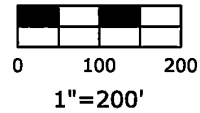
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SCALE N/A	SHEET 3 OF 8

EXHIBIT C EASEMENT DEPICTION



GRAPHIC SCALE



— EXHIBIT NOTE —

THIS EXHIBIT HAS BEEN PREPARED TO ASSIST IN THE INTERPRETATION OF THE ACCOMPANYING LEGAL DESCRIPTION. IF THERE IS A CONFLICT BETWEEN THE WRITTEN LEGAL DESCRIPTION AND THIS SKETCH, THE LEGAL DESCRIPTION SHALL PREVAIL.

NE 1/4, NE 1/4, SEC. 6, TWP. 34N., RGE. 4E., W.M.
CITY OF BURLINGTON, SKAGIT COUNTY, WASHINGTON



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SCALE 1"=200'	SHEET 4 OF 8

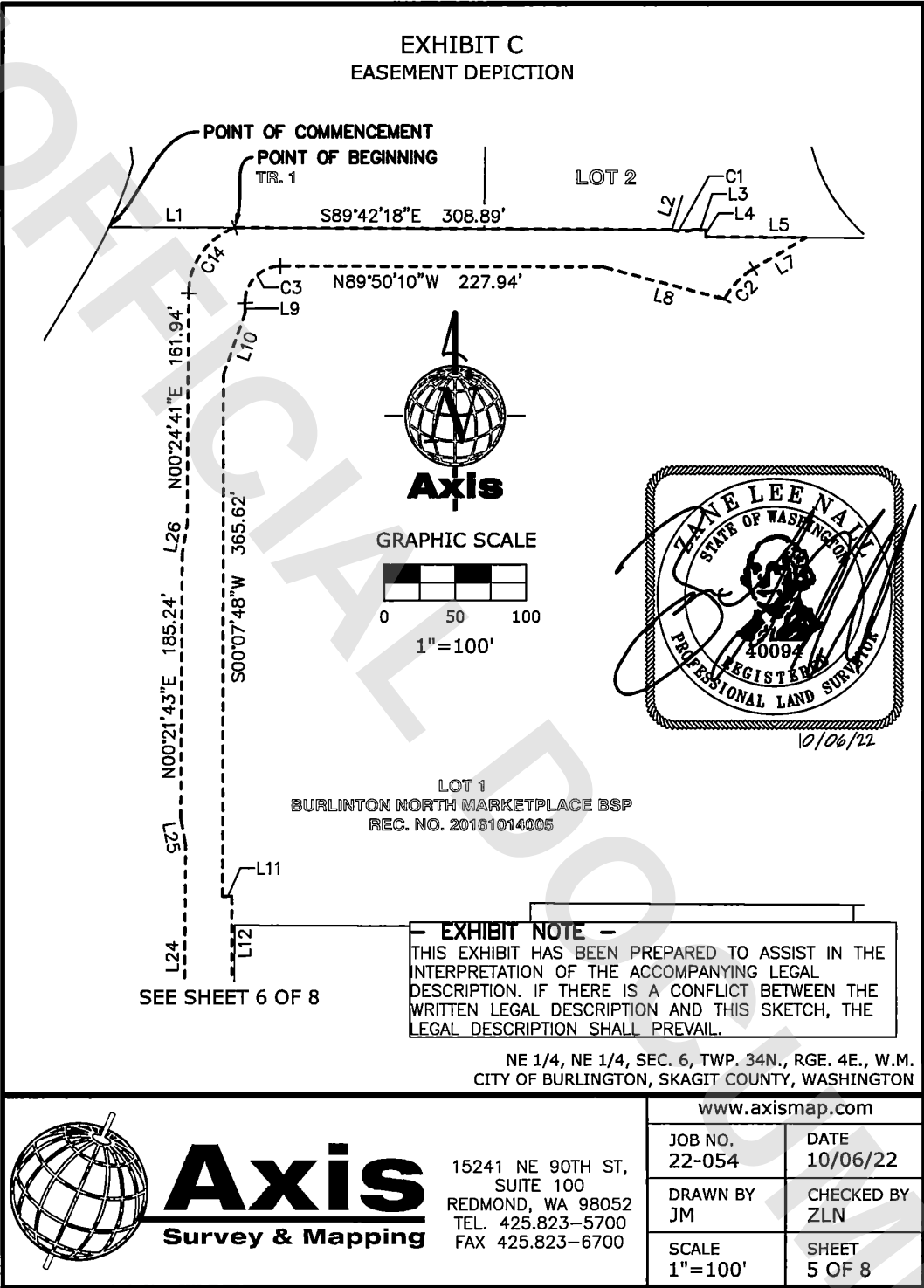
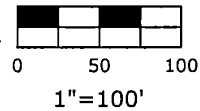


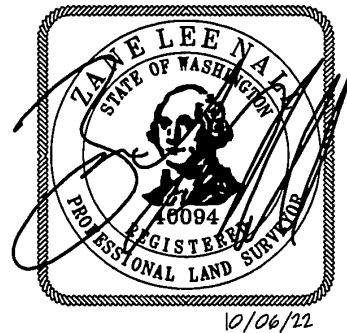
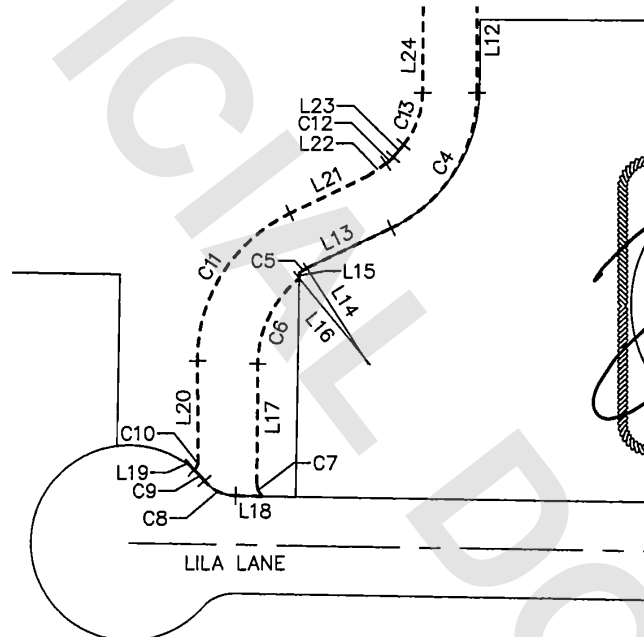
EXHIBIT C EASEMENT DEPICTION



GRAPHIC SCALE



SEE SHEET 5 OF 8

**EXHIBIT NOTE -**

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SCALE 1"=100'	SHEET 6 OF 8

EXHIBIT C EASEMENT DEPICTION

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°42'18" E	88.58'
L2	N 17°36'35" E	25.00'
L3	S 89°42'18" E	9.13'
L4	S 00°17'42" W	5.04'
L5	S 89°42'18" E	70.68'
L7	S 59°44'24" W	43.08'
L8	N 75°18'21" W	88.52'
L9	S 01°35'36" E	6.64'
L10	S 19°27'05" W	46.04'
L11	S 89°46'52" E	6.56'
L12	S 00°03'18" W	65.10'
L13	S 64°39'13" W	57.39'
L14	S 32°28'54" E	70.07'
L15	N 00°28'12" E	3.17'
L16	S 39°08'41" E	68.82'
L17	S 00°30'09" W	72.80'
L18	N 89°03'37" W	16.26'
L19	N 40°28'22" W	7.46'
L20	N 00°26'35" W	61.31'
L21	N 64°22'05" E	52.88'

LINE TABLE

LINE	BEARING	DISTANCE
L22	N 55°52'37" E	13.63'
L23	N 40°03'14" E	10.00'
L24	S 00°23'43" W	101.23'
L25	N 10°17'27" W	19.36'
L26	N 09°44'02" E	20.61'



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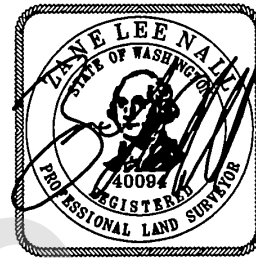
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SCALE N/A	SHEET 7 OF 8

**EXHIBIT C
EASEMENT DEPICTION**

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	34°37'46"	25.00	15.11
C2	31°43'01"	54.02	29.90
C3	91°45'25"	24.96	39.97
C4	64°35'55"	92.00	103.73
C5	4°33'33"	70.07	5.58
C6	50°21'10"	68.82	60.48
C7	40°34'49"	13.32	9.43
C8	49°40'47"	25.00	21.68
C9	9°04'16"	60.00	9.50
C10	49°58'13"	7.46	6.51
C11	64°48'40"	100.00	113.12
C12	15°49'23"	21.39	5.91
C13	39°39'31"	50.00	34.61
C14	69°53'31"	49.00	59.77



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