



200112170143

Skagit County Auditor

12/17/2001 Page 1 of 8 12:21PM

After Recording Please Return to:

Skagit County Sewer District No. 2
17079 State Route 9
Mount Vernon, Washington 98274-9366
(360) 422-8373

Document Title(s): Pay-Back Agreement

Reference Number of Related Document: N/A

Grantor(s): (Print Last name, First Name and Initials)

1. WARDELL, EDWARD P.
2. _____
3. _____

Additional Grantors on Page of Document: N/A

Grantee(s): Skagit County Sewer District No. 2

Additional Grantees on Page of Document: N/A

Abbreviated Legal Description: Lots 1-4, 20 and 21 and portions of Lots 16-19, 25 and 26, Plat of Cheastys Big Lake Tracts, Lots 1 through 6, Plat of Merimbula and a portion of Tract A from Short Plat No. 17-76, Section 36, Township 34 North, Range 4 East, W.M.

Additional legal description is in Exhibit B of document.

Assessor's Tax/Parcel Number(s): P64392, P64407, P64408, P64410, P64415, P64417, P64418, P64419, P64411

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

DEC 17 2001

Amount Paid \$ 0
Skagit County Treasurer
By: LP Deputy

PAY-BACK AGREEMENT

This agreement made and entered into this 9th day of November, 2001, by and between Skagit County Sewer District No. 2, a municipal corporation of the State of Washington, located in Skagit County, Washington, and Grandview Inc.

WITNESSETH

WHEREAS: the aforementioned parties entered into developer extension agreement on the 7th day of September, 2000; and

WHEREAS: Edward P. Wardell (owner) owns the following described real estate situated in Skagit County, Washington, more particularly described as follows:

PARCELS 1 THROUGH 6 ON THE ATTACHED EXHIBIT B; and

WHEREAS, Edward P. Wardell constructed 902 feet of sewer system and appurtenances more particularly described as follows:

SEE ATTACHED EXHIBIT A; and

WHEREAS, the cost of construction and installation of the aforementioned sewer system extension to owners was \$101,831.01; and,

WHEREAS, said owners have conveyed by Conveyance of Sewer Facility the aforementioned sewer system to Skagit County Sewer District No. 2; and

WHEREAS, the parties wish to execute an agreement and record said agreement regarding the fair pro rata share to be paid by the owners of property which connect to the aforementioned line in the future,

NOW, THEREFORE, it is hereby agreed as follows:

1. That the parties hereto agree that this agreement is made and entered into pursuant to the Municipal Water and Sewer Facility Act, R.C.W. 35.91.010 et seq., and to further agree to be bound by and adhere to the provisions of said Act as exist at the time of the signing of this agreement.
2. That said owners have constructed and installed the 902 feet of sewer main and appurtenances hereinafter described (as portrayed on EXHIBIT C attached hereto).
3. That a copy of the Conveyance of Sewer Facility granting said sewer system to Skagit County Sewer District No. 2, duly executed by said owner is attached hereto and made a part thereof by reference.
4. The aforementioned sewer system has been accepted by the Skagit County Sewer District No. 2, which will supply said owners with service at the rate established by the District for the class of service applicable hereto.
5. It is hereby agreed that for a period of ten (10) years from the date of this agreement, upon the request of any of the owners of the hereinbelow described properties to connect to the aforementioned sewer system, then the District will collect the connection charge on behalf of the Developer of the Project, Edward P. Wardell, his transferees, successors or assigns in accordance with this agreement, that being the fair pro-rated share of the cost of the construction of said sewer system by the owners, from said properties requesting to connect to said line.



6. The parcels of property falling within the provisions of this agreement are located in Skagit County, Washington, and are more particularly described as follows:

<u>PARCEL 1</u> , See Attached Exhibit B Pro-Rata Share for Parcel 1:	\$5,990.06	Paid
<u>PARCEL 2</u> , See Attached Exhibit B Pro-Rata Share for Parcel 2:	\$6,064.01	Paid
<u>PARCEL 3</u> , See Attached Exhibit B Pro-Rata Share for Parcel 3:	\$6,285.06	Paid
<u>PARCEL 4</u> , See Attached Exhibit B Pro-Rata Share for Parcel 4:	\$6,433.77	Paid
<u>PARCEL 5</u> , See Attached Exhibit B Pro-Rata Share for Parcel 5:	\$6,211.91	Paid
<u>PARCEL 6</u> , See Attached Exhibit B Pro-Rata Share for Parcel 6:	\$5,916.11	Paid
<u>PARCEL A</u> , See Attached Exhibit B Pro-Rata Share for Parcel A:	\$5,324.50	Latecomer
<u>PARCEL B</u> , See Attached Exhibit B Pro-Rata Share for Parcel B:	\$5,916.11	Latecomer
<u>PARCEL C</u> , See Attached Exhibit B Pro-Rata Share for Parcel C:	\$22,037.50	Latecomer
<u>PARCEL D</u> , See Attached Exhibit B Pro-Rata Share for Parcel D:	\$17,600.42	Latecomer
<u>PARCEL E</u> , See Attached Exhibit B Pro-Rata Share for Parcel E:	\$5,842.16	Latecomer
<u>PARCEL F</u> , See Attached Exhibit B Pro-Rata Share for Parcel F:	\$8,208.60	Latecomer

Pd E.P.W.
RL

7. It is agreed that all reimbursement payments shall be collected by the District and paid over to said Developer of Project, Edward P. Wardell, his transferees, heirs, successors or assigns in accordance with the Municipal Water and Sewer Facilities Act, RCW 35.91.010 et seq., and that in the event of the duty of the District to make said reimbursement collection and payment as herein provided shall terminate ten (10) years from the date of this agreement.



IN WITNESS WHEREOF, the parties have hereunto set their hands as of this day and year first above written.

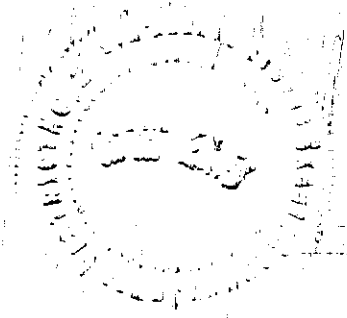
By: Edward P. Wardell
EDWARD P. WARDELL

SKAGIT COUNTY SEWER DISTRICT NO. 2
SKAGIT COUNTY, WASHINGTON

By: Robert J. Johnson
Acting President and Commissioner

By: Eugene W. Johnson
Commissioner

By: _____
Commissioner



**EXHIBIT A
FOR PAYBACK AGREEMENT
SKAGIT COUNTY SEWER DISTRICT NO. 2
PLAT OF MERIMBULA SEWER DEVELOPER EXTENSION DE# 00-04
ON-FROM-TO**

<u>APPROX. LENGTH</u>	<u>ON</u>	<u>FROM</u>	<u>TO</u>
140 feet	Right-of-Way	A point on the District's existing sewer main in the right-of-way approximately 7 feet \pm south and 2 feet \pm east of the intersection of Garden Street and Lakeview Blvd in Section 36, Township 34 North, Range 4 East, W.M. (This point is MH 47).	A point 140 feet \pm northeasterly in the right of way approximately 68 feet \pm north and 120 feet \pm east of said intersection. (This point is MH 004-1).
44 feet	Right-of-Way	Manhole 004-1	A point 44 feet \pm northeasterly in the right of way approximately 93 feet \pm north and 152 feet \pm east of said intersection. (This point is MH 004-2).
273 feet	Right-of-Way	Manhole 004-2	A point 273 feet \pm northeasterly in the right-of-way approximately 243 feet \pm north and 384 feet \pm east of said intersection. (This point is MH 004-3).



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ON-FROM-TO**

(continued)

<u>APPROX. LENGTH</u>	<u>ON</u>	<u>FROM</u>	<u>TO</u>
342 feet	Right of Way and Easement	Manhole 004-3	A point 342 feet \pm southeasterly on private property approximately 57 feet \pm south and 537 feet \pm east of said intersection. (This point is MH 004-4).
103 feet	Easement	Manhole 004-4	A point 103 feet \pm southeasterly on private property approximately 133 feet \pm south and 610 feet \pm east of said intersection. (This point is MH 004-5).



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**EXHIBIT B
FOR PAYBACK AGREEMENT
SKAGIT COUNTY SEWER DISTRICT NO. 2
PLAT OF MERIMBULA SEWER DEVELOPER EXTENSION DE# 00-04**

PARCEL A

A portion of Lots 16, 17 and 18, also known as Tract B, Plat of Cheastys Big Lake Tracts as recorded in survey AF#8310180016, records of Skagit County, State of Washington, Section 36, Township 34 North, Range 4 East, W.M.

PARCEL B

A portion of Lots 18 and 19, also known as Tract C, Plat of Cheastys Big Lake Tracts as recorded in survey AF#8310180016, records of Skagit County, State of Washington, Section 36, Township 34 North, Range 4 East, W.M.

PARCEL C

Lots 1 through 4 of Plat of Cheastys Big Lake Tracts together with a 100-foot wide abandoned Northern Pacific railway right of way between the easterly extension of the northerly line of said Lot 1 and the a line drawn at a right angle to the centerline of the right of way through the midpoint of the northeasterly line of Garden Street.

PARCEL D

Lots 20 and 21, Plat of Cheastys Big Lake Tracts, Skagit County, State of Washington, Section 36, Township 34 North, Range 4 East, W.M.

PARCEL E

Lot 26 and that portion of Lot 25, lying northeasterly of northeasterly line of Lot 24, projected southeasterly, all in the Plat of Cheastys Big Lake Tracts, as per plat recorded in volume 4 of plats, page 49, records of Skagit County, Washington, except that portion of Lot 25 and Lot 26 of said plat, lying northeasterly of the following described line:

Commencing at the southeasterly corner of Lot 24 of said plat; thence northeasterly along the southeasterly line of Lots 20 and 21 of said plat, to a point that is 63.00 feet northeasterly, when measured at right angles, to the northeasterly line of said Lot 24 projected southeasterly, said point being the true point of beginning of this line description; thence southeasterly parallel with the southeasterly projection of the northeasterly line of said Lot 24, to the southeasterly line of Lot 26 of said plat, said point being the terminus of this line description.



**EXHIBIT B
FOR PAYBACK AGREEMENT
SKAGIT COUNTY SEWER DISTRICT NO. 2
PLAT OF MERIMBULA SEWER DEVELOPER EXTENSION DE# 00-04**

(Continued)

PARCEL F

Plat of Cheastys Big Lake Tracts, Tract A of short plat #17-76 as described in SF#834860 together with a 100-foot wide abandoned Northern Pacific railway right of way lying between a line drawn at a right angle to the centerline of the right of way through northerly most corner of Lot 41 of said plat and a line drawn at a right angle to the centerline of said right of way through the northerly most corner of Lot 27 of said plat.

PARCEL 1

Lot 1 of the Plat of Merimbula as recorded under AF#2000110300048, records of Skagit County, Washington, Section 36, Township 34 North, Range 4 East.

PARCEL 2

Lot 2 of the Plat of Merimbula as recorded under AF#2000110300048, records of Skagit County, Washington, Section 36, Township 34 North, Range 4 East.

PARCEL 3

Lot 3 of the Plat of Merimbula as recorded under AF#2000110300048, records of Skagit County, Washington, Section 36, Township 34 North, Range 4 East.

PARCEL 4

Lot 4 of the Plat of Merimbula as recorded under AF#2000110300048, records of Skagit County, Washington, Section 36, Township 34 North, Range 4 East.

PARCEL 5

Lot 5 of the Plat of Merimbula as recorded under AF#2000110300048, records of Skagit County, Washington, Section 36, Township 34 North, Range 4 East.

PARCEL 6

Lot 6 of the Plat of Merimbula as recorded under AF#2000110300048, records of Skagit County, Washington, Section 36, Township 34 North, Range 4 East.



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