



200401280031
Skagit County Auditor

1/28/2004 Page 1 of 4 9:41AM

RETURN TO:
Public Utility District No. 1 of Skagit County
1415 Freeway Drive
P.O. Box 1436
Mount Vernon, WA 98273-1436

PUD UTILITY EASEMENT

THIS AGREEMENT is made this 28th day of January, 2004, between **JJMD INCORPORATED**, hereinafter referred to as "Grantor", and **PUBLIC UTILITY DISTRICT NO. 1 OF SKAGIT COUNTY, WASHINGTON**, a Municipal Corporation, hereinafter referred to as "District". Witnesseth:

WHEREAS, Grantors are the owners of certain lands and premises situated in the County of Skagit, and

WHEREAS, the District wishes to acquire certain rights and privileges along, within, across, under, and upon the said lands and premises.

NOW, THEREFORE, Grantors, for and in consideration of mutual benefits and other valuable consideration, receipt of which is hereby acknowledged, conveys and grants to the District, its successors or assigns, the perpetual right, privilege, and authority enabling the District to do all things necessary or proper in the construction and maintenance of a water, sewer and communication, lines or other similar public services related facilities, including the right to construct, operate, maintain, inspect, improve, remove, restore, alter, replace, relocate, connect to and locate at any time a pipe or pipes, line or lines or related facilities, along with necessary appurtenances for the transportation and control of water, sewer and electronic information on facilities over, across, along, in and under the following described lands and premises in the County of Skagit, State of Washington, to wit:

P36885, P36908 and P36909 (Exhibit "A" – Legal Description & Exhibit "B" – Map)

together with the right of ingress to and egress from said lands across adjacent lands of the Grantor; also, the right to cut and/or trim all timber, trees, brush, or other growth standing or growing upon the lands of the Grantor which, in the opinion of the District, constitutes a menace or danger to said line or to persons or property by reason of proximity to the line. The Grantor agrees that title to all brush, other vegetation or debris trimmed, cut, and removed from the easement pursuant to this Agreement is vested in the District.

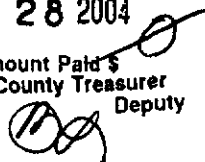
Grantors, their heirs, successors, or assigns hereby conveys and agrees not to construct or permit to be constructed structures of any kind on the easement area without written approval of the General Manager of the District. Grantors shall conduct their activities and all other activities on Grantor's property so as not to interfere with, obstruct or endanger the usefulness of any improvements or other facilities, now or hereafter maintained upon the easement or in any way interfere with, obstruct or endanger the District's use of the easement.

The Grantors also agree to and with the District that the Grantors lawfully own the land aforesaid, has a good and lawful right and power to sell and convey same, that same is free and clear of encumbrances except as indicated in the above legal description, and that Grantors will forever warrant and defend the title to said easement and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Any mortgage on said land held by a mortgagee is hereby subordinated to the rights herein granted to the District; but in all other respects the mortgage shall remain unimpaired.

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

JAN 28 2004

Amount Paid \$
By:  Skagit County Treasurer Deputy

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C.O. 4320
W.O. 03-2972

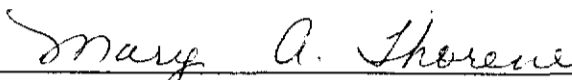
In Witness Whereof, the Grantor hereunto sets his hand and seal this 28th day of January 2004.


Jay Duffy, President
JJMD Incorporated

STATE OF WASHINGTON
COUNTY OF SKAGIT

I certify that I know or have satisfactory evidence that Jay Duffy is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as **President of JJMD Incorporated** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Date: 1-28-04


Notary Public in and for the State of Washington
My appointment expires: 10-01-06



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EXHIBIT "A"

A utility easement of varying widths in a portion of the South 1/2 of the Northeast 1/4 of Section 19, Township 35 North, Range 4 East, W.M. and also in a portion of Lots A and B, Skagit County Short Plat No. 22-82, approved July 29, 1982 and recorded July 29, 1982 in Book 6 of Short Plats, page 6, under Skagit County Auditor's File No. 8207290006, also being in a portion of the South 1/2 of the Northeast 1/4 of Section 19, Township 35 North, Range 4 East, W.M. said easement being more particularly described as follows:

Commencing at a point on the West line of said Lot B, Short Plat 22-82, 1,000.00 feet Northwesterly of the intersection of the centerlines of Cook Road and Interstate 5;
thence South 20°11'00" East along said West line of Lot B, Short Plat No. 22-82 for a distance of 176.63 feet to an angle point on said West line;
thence South 37°46'43" East along said West line for a distance of 370.32 feet, more or less, to the Northwesterly corner of the South 40 feet of the West 200 feet of said Lot B (as measured along the West and South lines thereof);
thence North 52°13'17" East along the Northerly line of said South 40 feet of the West 200 feet for a distance of 200.00 feet to the Northeasterly corner thereof;
thence South 37°46'43" East along the Easterly line of said South 40 feet of the West 200 feet, or Easterly line extended, for a distance of 74.53 feet to the TRUE POINT OF BEGINNING;
thence North 16°04'59" West for a distance of 128.52 feet to a point of curvature;
thence along the arc of said curve to the right, having a radius of 530.00 feet, through a central angle of 30°23'30", an arc distance of 281.13 feet, more or less, to a point on a non-tangent curve, the center of which is at the said intersection of the centerline of Cook Road and Interstate 5;
thence along the arc of said curve to the right, concave to the South, having an initial tangent bearing of South 77°45'47" East, a radius of 1,000.00 feet, through a central angle of 3°26'18", an arc distance of 60.01 feet to a point on a non-tangent curve;
thence along the arc of said curve to the left, concave to the East, having an initial tangent bearing of South 14°21'13" West, a radius of 470.00 feet, through a central angle of 30°26'12", an arc distance of 249.67 feet to a point of tangency;
thence South 16°04'59" East for a distance of 36.49 feet;
thence South 26°19'50" East for a distance of 150.00 feet to a point of non-tangent curvature;
thence along the arc of said curve to the left, concave to the Northeast, having an initial tangent bearing of South 37°46'47" East a radius of 81.40 feet, through a central angle of 57°48'47", an arc distance of 82.13 feet to a point of tangency;
thence North 84°24'30" East for a distance of 28.05 feet to a point of curvature;
thence along the arc of said curve to the left, having a radius of 25.00 feet through a central angle of 90°00'00" an arc distance of 39.27 feet to a cusp on the West right-of-way margin of Old Highway 99, as shown on the face of said Short Plat No. 22-82;
thence South 5°35'30" East along said West margin for a distance of 65.00 feet to a common corner for said Lots A and B, Short Plat No. 22-82;
thence continue along said West margin South 5°35'28" East for a distance of 37.90 feet to a point of curvature;
thence along the arc of said curve to the left having a radius of 5,780.00 feet, through a central angle of 0°16'03" an arc distance of 26.99 feet to a cusp;
thence along the arc of said curve to the left, concave to the Southwest, having an initial tangent bearing of North 5°51'33" West, a radius of 25.00 feet, through a central angle of 89°43'57", an arc distance of 39.15 feet to a point of tangency;
thence South 84°24'30" West for a distance of 28.12 feet to a point of curvature;
thence along the arc of said curve to the right, having a radius of 118.60 feet through a central angle of 57°48'47", an arc distance of 119.67 feet to a point of tangency;
thence North 37°46'43" West for a distance of 119.91 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.

This easement conforms to portions of that certain non-exclusive road and utilities easement "Regency Place" shown on said Short Plat No. 22-82, but does not conform to the East line of Tract "X" described on Boundary Line Adjustment document recorded under Auditor's File No. 200309290164.

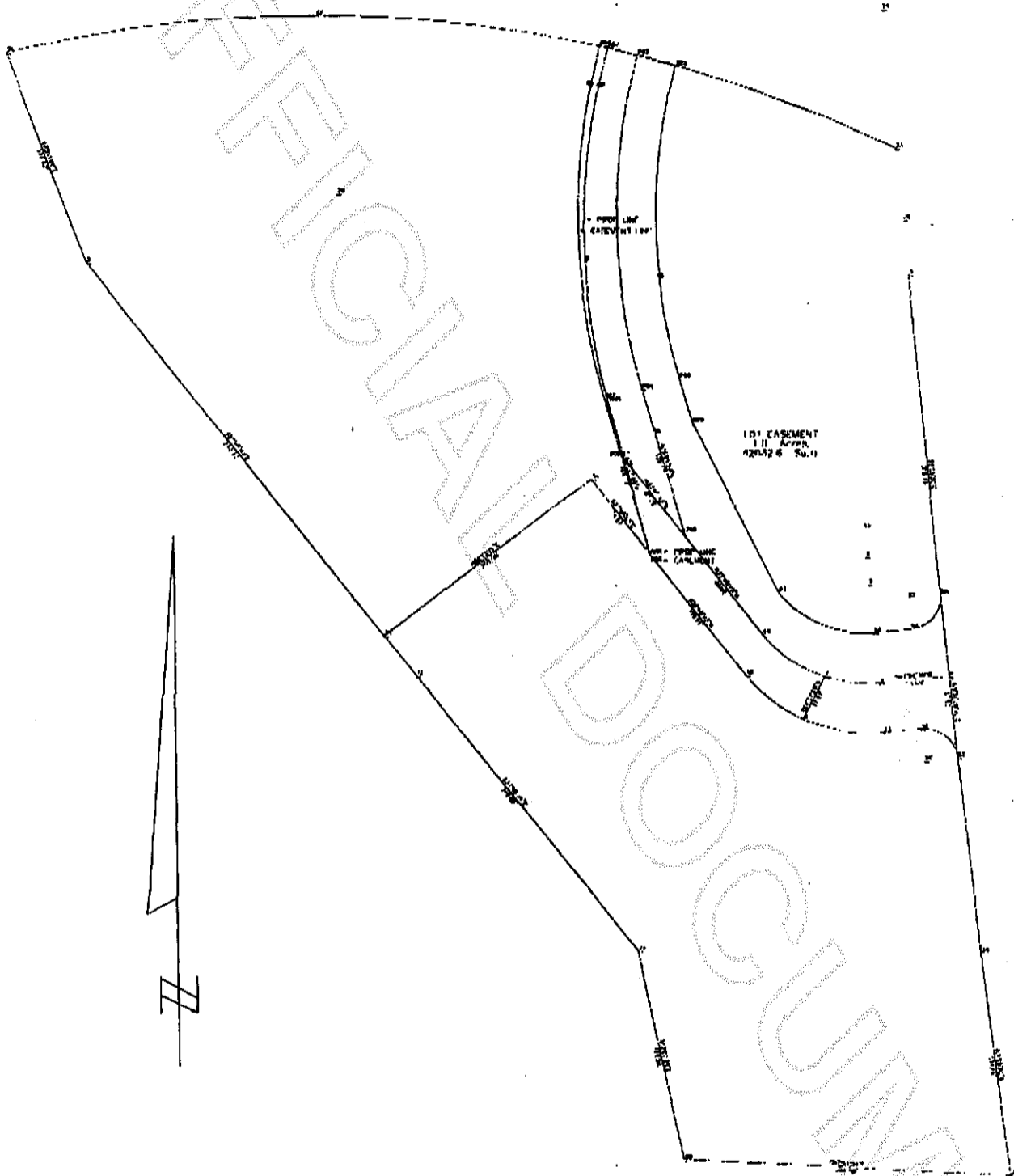


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EXHIBIT "B"



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