

RETURN TO:

NELSEN BURLINGTON B, LLC
2510 NORTH 45TH ST
SEATTLE, WA 98103



200404010070
Skagit County Auditor

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LAND TITLE OF SKAGIT COUNTY
106540

STATUTORY WARRANTY DEED

Reference # (if applicable) _____

Grantor(s): ARMADA/BURLINGTON, L.L.C.
Additional on Page: _____

Grantee(s): NELSEN BURLINGTON B, LLC
Additional on Page: _____

Abbreviated Legal Description: LOT 2, BURL BSP 2-00 IN 5-34-4 E W.M.
Additional on Page: _____

Assessor's Tax Parcel ID# 8031-000-002-0000

THE GRANTOR ARMADA/BURLINGTON, L.L.C., A WASHINGTON LIMITED LIABILITY COMPANY

for and in consideration of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION AND AS PART OF AN IRC SECTION 1031 TAX DEFERRED EXCHANGE

in hand paid, conveys and warrants to NELSEN BURLINGTON B, LLC, A WASHINGTON LIMITED LIABILITY COMPANY

the following described real estate, situated in the County of SKAGIT State of Washington:
SEE EXHIBIT "A" ATTACHED HERETO AND A PART HEREOF.
SUBJECT TO: SEE EXHIBIT "B" ATTACHED HERETO.

1551
SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

APR 01 2004

Amount Paid \$ 0
Skagit County Treasurer
By: *JLM* Deputy

Dated: 3/30/04

ALAN J. WINNINGHAM
MANAGING MEMBER

ARMADA/BURLINGTON, L.L.C.

JAMES W. LAGERQUIST
MANAGING MEMBER

NOTARY PAGE

STATE OF WASHINGTON }
 } ss.
County of _____ }

I hereby certify that I know or have satisfactory evidence that _____

is the person(s) who appeared before me, and said person(s) acknowledged that (he, she, they) signed this instrument and acknowledged it to be (his, her, their) free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: _____

Notary Public in and for the State of Washington

Printed Name _____

Residing at _____

My appointment expires _____

STATE OF WASHINGTON }
 } ss.
County of KING }

I hereby certify that I know or have satisfactory evidence that JAMES W. LAGERQUIST AND ALAN J. WINNINGHAM

is the person(s) who appeared before me, and said person(s) acknowledged that (he, she, they) signed this instrument, on oath stated that they are

authorized to execute the instrument and acknowledge it as the MANAGING MEMBER of ARMADA/BURLINGTON, L.L.C. to be the free and voluntary

act of such party for the uses and purposes mentioned in this instrument.

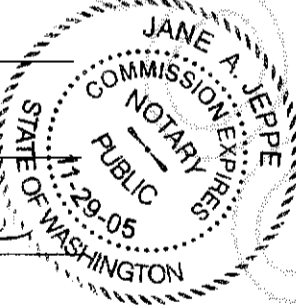
Dated: 3/30/04

Jane A. Jeppe
Notary Public in and for the State of Washington

Printed Name Jane A. Jeppe

Residing at Little

My appointment expires 11/29/05



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Schedule "A-1"

DESCRIPTION:

Lot 2, Revised City of Burlington Binding Site Plan No. Burl-BSP-2-00, approved October 3, 2001, recorded October 3, 2001, under Skagit County Auditor's File No. 200110030143, and being a portion of the Northwest ¼ of the Southwest ¼, Section 5, Township 34 North, Range 4 East, W.M.

TOGETHER WITH parking, access and utility easements delineated on said Plan as appurtenant thereto and as set forth in instrument recorded March 5, 2001, under Auditor's File No. 200103150016.

Situate in the County of Skagit, State of Washington.



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EXCEPTIONS:

A. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Pacific Telephone and Telegraph Company
 Purpose: Right of way to place and maintain an anchor with the necessary fixtures and wires thereon
 Dated: April 12, 1927
 Recorded: May 18, 1927
 Auditor's No.: 203792

B. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company
 Dated: August 30, 1957
 Recorded: September 6, 1957
 Auditor's No.: 555795

C. RECIPROCAL AGREEMENTS AND THE TERMS AND CONDITIONS THEREOF:

Between: Stanley C. Walters and Helen L. Walters, husband and wife
 And: Armada/Burlington LLC "Armada"
 Dated: March 5, 2001
 Recorded: March 15, 2001
 Auditor's No.: 200103150016

D. MATTERS DISCLOSED BY RECORD OF SURVEY

FILED: April 9, 1997 and May 6, 1999
 VOL./PG.: Volume 19 of Surveys, page 87 and Volume 21 of Surveys, pages 195 and 196
 AUDITOR'S NOS.: 9704090050 and 9905060091

E. Dedication provision contained on the face of Burl-BSP-2-00, as follows:

"...declare this binding site plan and dedicate to the City of Burlington a 10 foot utility easement adjoining the 30 foot right of way of Burlington Boulevard and a 10 foot easement adjoining that certain 50 foot private road easement, pump drive. Both as shown on Sheet 2 of 2 and as outlined under easements on this street.

It is understood that any development of the subject property shall be in conformance with this binding site plan unless otherwise approved by the City of Burlington."

F. Easement provision contained on the face of Burl-BSP-2-00, as follows:

Easements hereby reserved for and granted to the City of Burlington, Public Utility District No. 1, Puget Sound Energy, G.T.E., Cascade Natural Gas Corp. and TCI Cablevision of Washington Inc. and their respective successors and assigns under and upon the exterior ten (10) feet of front boundary line along Burlington Boulevard and the South twenty-five (25) feet of the property along pump drive of all lots and tracts and other utility easements as shown on the face of "



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EXCEPTIONS CONTINUED:

F. (Continued):

construct, renew, operate, maintain and remove utility systems, lines, fixtures and appurtenances attached thereto, for the purpose of providing utility services to the subdivision and other property. Together with the right to enter upon the lots and tracts at all times for the purposes stated, with the understanding that any grantee shall be responsible for all unnecessary damage it causes to any real property owned in the subdivision by the exercise of rights and privileges herein granted."

G. Notes contained on the face of Burl-BSP-2-00, as follows:

- 1. All maintenance and construction of private roads shall be the responsibility of the lot owners;
- 2. Zoning - C-1 Commercial
City of Burlington Development standards (Chapter 17.36.040).
 - A. Minimum lot area - none required.
 - B. Minimum lot width - none required.
 - C. Minimum Lot depth - none required.
 - D. Maximum lot coverage - none required.
 - E. Maximum building height - For stories not to exceed 45 feet. Buildings may exceed 45 feet if one foot of the setback is provided from each property line, for each foot the building exceeds 45 feet.
 - F. Minimum yard setbacks -
 - 1. Front - 0 feet.
 - 2. Side, interior - none required.
 - 3. Side, street - 0 feet.
 - 4. Rear - none required.
 - H. Maximum setback, requirement in all other locations.
 - 1. Ten feet from the property line on the street side for new construction, if the new construction occurs on a corner lot, the maximum setback shall apply to each boundary line adjacent to a street.
 - 2. Parking shall not be located in the setback in front of the building.
- 3. Sewage Disposal - City of Burlington Public Sewer.
- 4. Water - P.U.D. No. 1.
- 5. ° - Indicates iron rod set with yellow cap Survey Number Lisser 22960.
° - Indicates existing rebar or iron rod found.
- 6. Meridian - Assumed.
- 7. Basis of bearings - Monumented West line of the Southwest ¼ of Section 5, Township 34 North, Range 4 East, W.M. bearing North 00°37'00" West.
- 8. For additional meridian and survey information, see record of survey maps recorded in Volume 21 of Surveys, pages 195 and 196, Volume 19 of Surveys, page 87, Volume 8 of Surveys, page 193 and Plat of Gilkey's Addition to Burlington recorded in Volume 7 of Plats, page 29 and Burlington Short Plat No. BURL-1-80, recorded in Volume 3 of Short Plats, page 10, all in records of Skagit County, Washington.



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EXCEPTIONS CONTINUED:

G. (Continued):

9. Survey description is from First American Title Company of Skagit County, Subdivision Guarantee Order No. H-443168, dated July 5, 2000.
10. The property is subject to and together with easements, reservations, restrictions, covenants, leases, court causes and other instruments of record as disclosed in the above referenced title report including those instruments recorded under Auditor's File Numbers 9303040052, 203792, 555795, 8207130033, 9607180070, 9208240071, 8906260015, 9905060091 and 200003200036.
11. Instrumentation - Lietz set 4A Theodolite distance meter.
12. Survey procedure - field traverse.
13. Owner - Stanley and Helen Walters
14744 Beaver Marsh Road
Mount Vernon, WA 98273
Phone (360)424-6688.
Developer - Armada
2115 Sixth Avenue
Seattle, WA 98121
Phone (206)443-1940 ext. 3083
14. Each lot within this binding site plan may be subject to impact fees, payable prior to issuance of a building permit.
15. Approval of access to Burlington Boulevard will be determined at the time of building permit application.
15. Buyers should be aware that this binding site plan is located in the flood plain of the Skagit River and significant elevation may be required for the first floor of construction, contact the City of Burlington for further information.
17. Flood Zone Designation - A-78 per national flood insurance firm map no. 530153-0001-B dated January 3, 1985, the City of Burlington requires an additional 1.0 foot of elevation above the minimum fema requirements. Minimum elevation is determined at the time of building permit application, the fema map shows a minimum of 30.5, therefore city requires should be 31.5.
18. There shall exist for the benefit of the respective parcels, their owners, successors in interest and assignees shown hereon the right of ingress and egress over future parking lots to be developed and/or placed on Parcels 1 through 4. The future development of the respective parcels shall be such that there shall be no prevention of reasonable access to the private easement road (pump drive) along the South line of this binding site plan as shown.
19. Common multi-tenant sign easement area for the equal benefit of Lots 1 through 4. Total sign face area is subject to the requirements of the City of Burlington as defined by City of Burlington municipal code.



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EXCEPTIONS CONTINUED:

G. (continued):

20. A 10.00 (ten) foot landscaping buffer is provided along the Easterly and Northerly property lines of Lots 2 and 4 as shown. The area will contain landscaping as approved by the City of Burlington Planning Department. Additionally a 6 (six) foot high concrete block wall shall be constructed along the same property lines. The concrete block wall shall be constructed on a schedule consistent with the development of the binding site plan. Said schedule is based upon a City of Burlington Memorandum from Margaret Fleek, Planning Director, dated July 13, 2000, at this time only Lot 2 and the West 60.00 feet of Lot 4 of the binding site plan shall require construction of said concrete wall (area of Phase 1 Development), the final construction of the concrete wall along the Lot 4 property lines shall be required as a condition of future development of said Lot 4.

21. The locations of the utility easements for storm, sanitary and water shown hereon are based upon approved civil engineering drawings. All as constructed storm, sanitary and water lines shall be provided with an easement along the as constructed utility line, 10 (ten) foot wide for storm and sanitary and 20.00 (twenty) foot wide for water.

22. Approximate locations of existing utilities have been obtained from the land owner and/or available records and are shown for convenience. The utility companies do not locate their utilities outside of public rights of way underground on site utilities and the utility locations are not known or were not available to us at this time except as shown underground utility information may be requested from the following sources:

Gas (-G-) Cascade Natural Gas Co.
1520 S. Second St.
Mount Vernon, WA 98273
(360) 336-6155

Water (-W-) Public Utility District No. 1
1415 Freeway Drive
Mount Vernon, WA 98273
(360) 424-7104

Sanitary Sewer (-S-) City of Burlington
Engineering Department
820 E. Washington St.
Burlington, WA 98233
(360) 757-9715

Storm Sewer (-D-) City of Burlington
Engineering Department
820 E. Washington St.
Burlington, WA 98233
(360) 757-9715



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EXCEPTIONS CONTINUED:

G. (Continued):

Buried Telephone (-Buried Tel-) G.T.E.
Pease Rd.,
Burlington, WA 98233
(360) 757-1620

Electrical (-P-) Puget Sound Energy
1700 E. College Way
Mount Vernon, WA 98273
(360) 336-9604

Television (-Cable-) TCI Cablevision
717 Bennett Rd.
Burlington, WA 98233
(360) 757-2877

H. DECLARATION AND COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND RESERVATIONS, AND THE TERMS AND CONDITIONS THEREOF:

Executed By: Armada/Burlington LLC
Recorded: October 4, 2001
Auditor's No.: 200110040038



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