

RETURN TO:
Public Utility District No. 1 of Skagit County
Post Office Box 1436
Mount Vernon WA 98273-1436



200601120074
Skagit County Auditor

1/12/2006 Page 1 of 3 10:43AM

AGREEMENT FOR NON-LIABILITY

This Agreement is entered into this 15 day of Dec, 2005, between **Public Utility District No. 1 of Skagit County**, hereunder referred to as the "District" and **BDM Properties LLC** (Land Owner), their successors and assigns, and **H & H Coffee LLC** (Building Owner), their successors and assigns, hereinafter referred to as the "Owners".

The District hereby agrees to allow the existing espresso stand building, located at 1850 South Burlington Boulevard, **P122964**, on Parcel "F" of B-D-M Binding Site Plan recorded under Auditor's File No. 200505260114, records of Skagit County, Washington, to be on the District's existing utility easement recorded under Auditor's File No. 200512080035, records of Skagit County, Washington, located as shown and depicted on the drawing designated as "Exhibit A" of this document.

The Owners acknowledge and agree to indemnify and hold the District harmless for any damages including, but not limited to, damage to the adjacent building or property that is caused by leaks, breaks, or failure of the District's existing or future water pipeline(s) for as long as the building exists.

The Owners will not interfere with the District's operation and maintenance of the water pipeline(s), in any manner, and agree to abide by all the rules and regulations of the District.

The Owners agrees that they are fully aware of the risks involved with locating improvements on or near a water pipeline in the easement including, but not limited to, the potential for foundation settlement due to soil failure as a result of the water pipeline trench excavation or discharge from the pipe(s). The Owners assume full responsibility for any risks of loss of property damage or personal injury.

In the event of dispute between the Owners and the District over the terms and conditions hereof or over any claims pursuant hereto the prevailing party shall be entitled to their attorney fees and costs. Venue shall be in the Superior Court of the State of Washington for Skagit County.

This Agreement shall remain with the land. The District shall record this Agreement with the Auditor's Office of Skagit County.

BDM PROPERTIES LLC (Land Owner)

[Signature]
Signature

Dan R. Mitzel
Print Name
Managing Member
Title

STATE OF WASHINGTON)ss
COUNTY OF SKAGIT)

On this 15 day of Dec, 2005, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Dan Mitzel to me known to be the member, of BDM Properties the corporation that executed the foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute the said instrument

Witness my hand and official seal hereto affixed the day and year first above written.



Rose Tjeldsch
Notary Public in and for the State of Washington,
residing at Burlington
My Commission Expires: 3/29/08

H & H COFFEE LLC (Building Owner)

Jeff Hansell
Print Name

[Signature]
Signature

Title

STATE OF WASHINGTON)ss
COUNTY OF SKAGIT)

On this 15 day of Dec, 2005, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Jeff Hansell to me known to be the member, of H&H Coffee, the corporation that executed the foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute the said instrument

Witness my hand and official seal hereto affixed the day and year first above written.

[Signature]
Notary Public in and for the State of Washington,
residing at Burlington
My Commission Expires: 3/29/08



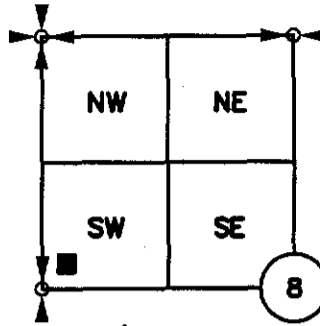
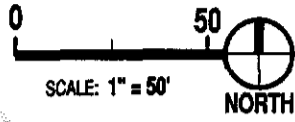
PUBLIC UTILITY DISTRICT NO. 1 OF SKAGIT COUNTY:

[Signature]
Kenneth K. Kukuk, General Manager

1-06-06
Date

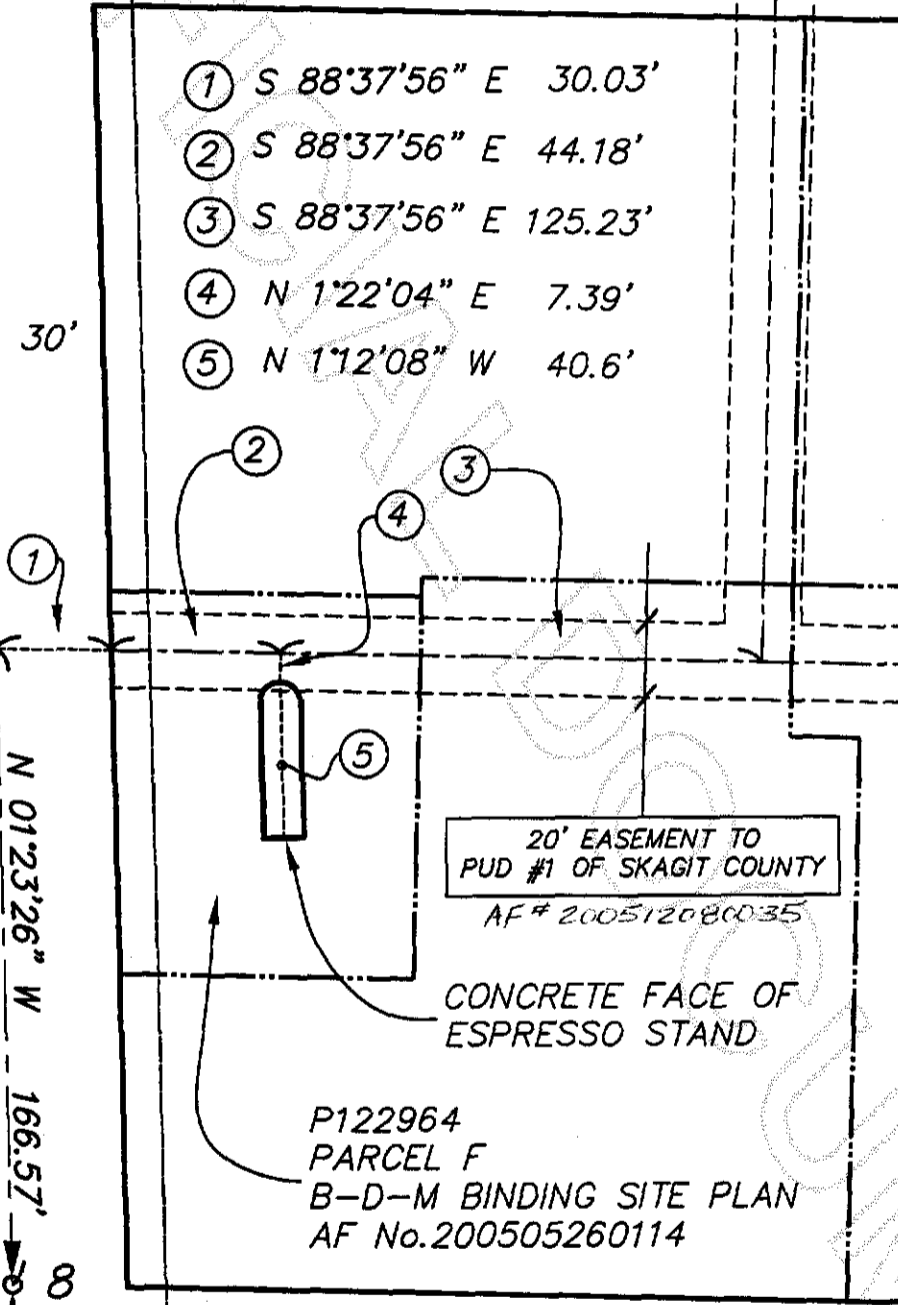


EXHIBIT "A"



NW/4 SECTION 8,
TWP 34N, R4E, W.M.

BURLINGTON BOULEVARD



- ① S 88°37'56" E 30.03'
- ② S 88°37'56" E 44.18'
- ③ S 88°37'56" E 125.23'
- ④ N 1°22'04" E 7.39'
- ⑤ N 1°12'08" W 40.6'

20' EASEMENT TO
PUD #1 OF SKAGIT COUNTY
AF # 200512080035

CONCRETE FACE OF
ESPRESSO STAND

P122964
PARCEL F
B-D-M BINDING SITE PLAN
AF No. 200505260114

N 01°23'26" W 166.57'

DRAWING NO.
80-SDG-02.DWG
JOB NO.
80-SDG-02
SHEET NO.
1 OF 1

SHEET TITLE
UTILITY EASEMENT ENCROACHMENT

SCALE: 1"=50'
DRAWN BY: MEW
CHECKED BY: PLS
DATE: 11/2005

Sound Development Group
ENGINEERING & LAND DEVELOPMENT SERVICES
160 Cascade Place, Suite 206
Burlington, WA 98233
Tel: 360-404-2010 Fax: 360-404-2013

