

AFTER RECORDING MAIL TO:

Dan R. Mitzel  
P.O. Box 2523  
1100 Cleveland Ave., Suite 203  
Mount Vernon, WA 98273



200707110066

Skagit County Auditor

7/11/2007 Page

1 of 13 11:23AM

FIRST AMERICAN TITLE CO.

ACCESS EASEMENT

B90559E-3

IN FAVOR OF DAN R. MITZEL AND PATRICIA R. BURKLUND

SEC 15 TSP 34 R4E P24488

ACCOMMODATION RECORDING ONLY

CLEAR VALLEY ENVIRONMENTAL FARM, LLC, a Washington limited liability company, as a "Tenant in Common," and CLEAR VALLEY ENVIRONMENTAL FARM II, INC., a Washington corporation, as a "Tenant in Common," herein referred to as **Grantors**, for due consideration, the receipt and sufficiency of which is hereby acknowledged and agreed to, and for which no lien expressed or implied is retained, have this day granted, sold, and conveyed, and by these presents hereby grant, sell and convey, to **DAN R. MITZEL AND PATRICIA R. BURKLUND, HUSBAND AND WIFE**, herein referred to as the **Grantee**, whose address is 1100 Cleveland Ave., Suite 201, Mount Vernon, Washington 98273, and to its successors and assigns, a nonexclusive right to access and utility line easement in, on and across the land described on **EXHIBIT A** hereto and represented in the drawing appearing on **EXHIBIT B** hereto (herein referred to as the "**Easement Tract**") for the benefit of the property legally described on **EXHIBIT C (the "Dominant Tract")**, and to the detriment of the property described or depicted on **EXHIBIT D (the "Servient Tract")**, to have and to hold the same perpetually to the Grantee and its successors and assigns, together with the right and privilege at any and all times to enter said premises, or any part thereof, for the purpose of ingress and egress, and for construction, operation, maintenance, replacement, upgrade and repair of roads, utility lines and making connections therewith; provided, however, that the Easement Tract shall only be as wide as is expressly required by local code, law, rule or regulation for the purpose prescribed for the easement, but in no case wider than eighty (80) feet, and; provided further, however, that Grantors reserve the right to enter upon and use the Easement Tract for its purposes not inconsistent with the uses granted to Grantee, including but not limited to a wetland mitigation bank or other conservation or preservation use, but in no event shall Grantors (i) use the Easement Tract in a way that interferes in any material way or is inconsistent with the rights granted hereunder, or (ii) erect or permit to be erected a building on any portion of the Easement Tract. In no event shall the use of the easement interfere significantly with the use of the Servient Tract.

With Grantors' written and recorded consent, and only with Grantors' written and recorded consent, Grantee may make a one time assignment of a nonexclusive right to the use of the easement granted herein for the benefit of property that is adjacent to the Easement Tract and that can be accessed in a practical manner over the Easement Tract.

An existing stream and wetland area is located on the Servient Tract that will be impacted by the construction of an access road, or of any other improvement of, construction on or passage over the Easement Tract. Said impacts shall be mitigated by the Grantee and/or any person to which a right in the assignment has been rightfully assigned, upon, at the time of or before such impact. Such mitigation shall be approved in advance by Grantors.

Any approval required of Grantors hereunder shall not be unreasonably withheld or delayed.

At Grantors' request, should Grantee erect any fence, barrier or other improvement impeding the passage of persons, animals or passenger, farm or other vehicles from one side of the Easement Tract to the other, then Grantee shall, at the request of Grantors, at the sole cost and expense of Grantee, erect and maintain a gate or other mechanism for passage in and through such barrier to allow for the passage of such persons, animals and vehicles.

Grantee shall be obligated to immediately restore the surface of the Easement Tract at Grantee's sole cost and expense, including the restoration of any surface improvements located on or adjacent to the Easement Tract that may have been removed, relocated, altered, damaged or destroyed as a result of Grantee's use of the Easement Tract or the easement granted hereunder.

~~THIS EASEMENT SHALL BE A COVENANT RUNNING WITH THE LAND. THIS EASEMENT REPLACES THE EASEMENT OF THE SAME TYPE OVER THE SAME LAND GRANTED IN A BOUNDARY LINE ADJUSTMENT DEED RECORDED BY GRANTORS ON JUNE 27, 2007. Scrivener's error - deleted~~

Grantee hereby agrees to fully indemnify Grantors for and hold harmless Grantors from any and all injuries, claims and expenses, whether known or unknown, including but not limited to personal injury or damage relating to or arising from the exercise by Grantee, or its guests, invitees, agents, licensees or representatives of any of the rights granted herein.

In the event any action or proceeding is instituted arising out of or relating to this Access Easement, the prevailing party shall be entitled to its reasonable attorneys' fees and actual costs.



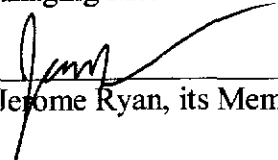
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This Access Easement may be executed in two or more counterparts and all counterparts so executed shall for all purposes constitute one agreement, binding upon all the parties hereto, notwithstanding that all parties shall not have executed the same counterpart.

IN WITNESS HEREOF, the Grantors have executed this Access Easement on June 28, 2007.


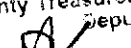
**CLEAR VALLEY ENVIRONMENTAL FARM, LLC**, a Washington limited liability company, as a Tenant in Common

By: Sustainable Environments, LLC, a Washington limited liability company, Its Managing Member

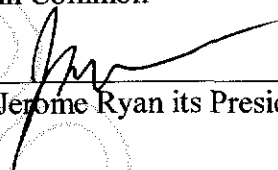
By:  \_\_\_\_\_  
Jerome Ryan, its Member

SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
Return

JUL 11 2007

Amount Paid \$   
Skagit County Treasurer  
By:  Deputy

**CLEAR VALLEY ENVIRONMENTAL FARM II, INC.**, a Washington corporation, as a Tenant in Common

By:  \_\_\_\_\_  
Jerome Ryan its President



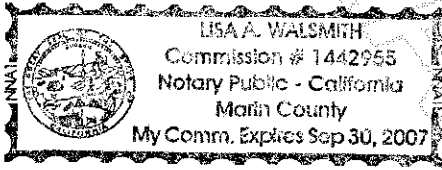
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STATE OF California )  
 ) ss.  
COUNTY OF Marin )

On this day personally appeared before me JEROME RYAN, to me known to be a Member and Manager of SUSTAINABLE ENVIROMENTS, LLC, a Washignton limited liability company, which is the Managing Member of CLEAR VALLEY ENVIRONMENTAL FARM, LLC, a Washington Limited Liability Company, and acknowledged the said instrument to be the free and voluntary act and deed of said Member and Manager for the uses and purposes therein mentioned, and on oath stated that JEROME RYAN was authorized to execute said instrument on behalf of said Limited Liability Company.

GIVEN under my hand and official seal this 28<sup>th</sup> day of June, 2007.

Lisa A. Wal Smith  
(Notary's printed name)



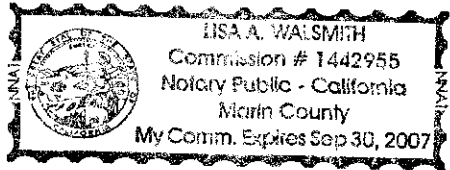
Lisa A. Wal Smith  
NOTARY PUBLIC in and for the  
State of California  
Residing at Mill Valley, Ca

STATE OF California )  
 ) ss.  
COUNTY OF Marin )

On this day personally appeared before me JEROME RYAN, to me known to be an officer of CLEAR VALLEY ENVIRONMENTAL FARM II, INC., a Washington Corporation, and acknowledged the said instrument to be the free and voluntary act and deed of said officer for the uses and purposes therein mentioned, and on oath stated that JEROME RYAN was authorized to execute said instrument on behalf of said Corporation.

GIVEN under my hand and official seal this 28<sup>th</sup> day of June, 2007.

Lisa A. Wal Smith  
(Notary's printed name)



Lisa A. Wal Smith  
NOTARY PUBLIC in and for the  
State of California  
Residing at Mill Valley, Ca  
My Commission expires: 9-30-07



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EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT TRACT

College Way Access

That portion of Section 15 of Township 34 North, Range 4 East WM, described as follows:

An easement not to exceed 80.00 feet in width for ingress, egress and utilities, over, under and across of portion of said Section 15, the West line of said easement is described as follows all as described and limited by the Access Easement to which this description is attached:

Commencing at the Northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 15; thence South along the West line thereof 20 feet to the Southerly line of McLaughlin Road; thence continuing South along said West line 666.63 feet, more or less, to the Northwest corner of that certain parcel described in real estate contract in favor of Kenneth Moore and Phyllis Marie Moore and recorded under Auditors File No. 8305270054; thence East along the North line of said Moore parcel and said line extended 980.15 feet; thence North, parallel to the West line of said Southeast Quarter of the Northwest Quarter 666.63 feet, more or less, to the South line of McLaughlin Road and the **TRUE POINT OF BEGINNING** of this line description; thence South, parallel to the West line of said Southeast Quarter of the Northwest Quarter 1380 feet, more or less, to the North margin of the existing as-built location of College Way (SR 538), and the terminus of said line description.

The Easterly line of said easement shall be extended or trimmed so as to form a continuous line across the grantors ownership.

Situate in the County of Skagit, State of Washington.



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**EXHIBIT B**

**SKETCH OF EASEMENT TRACT TO ACCOMPANY LEGAL DESCRIPTION**

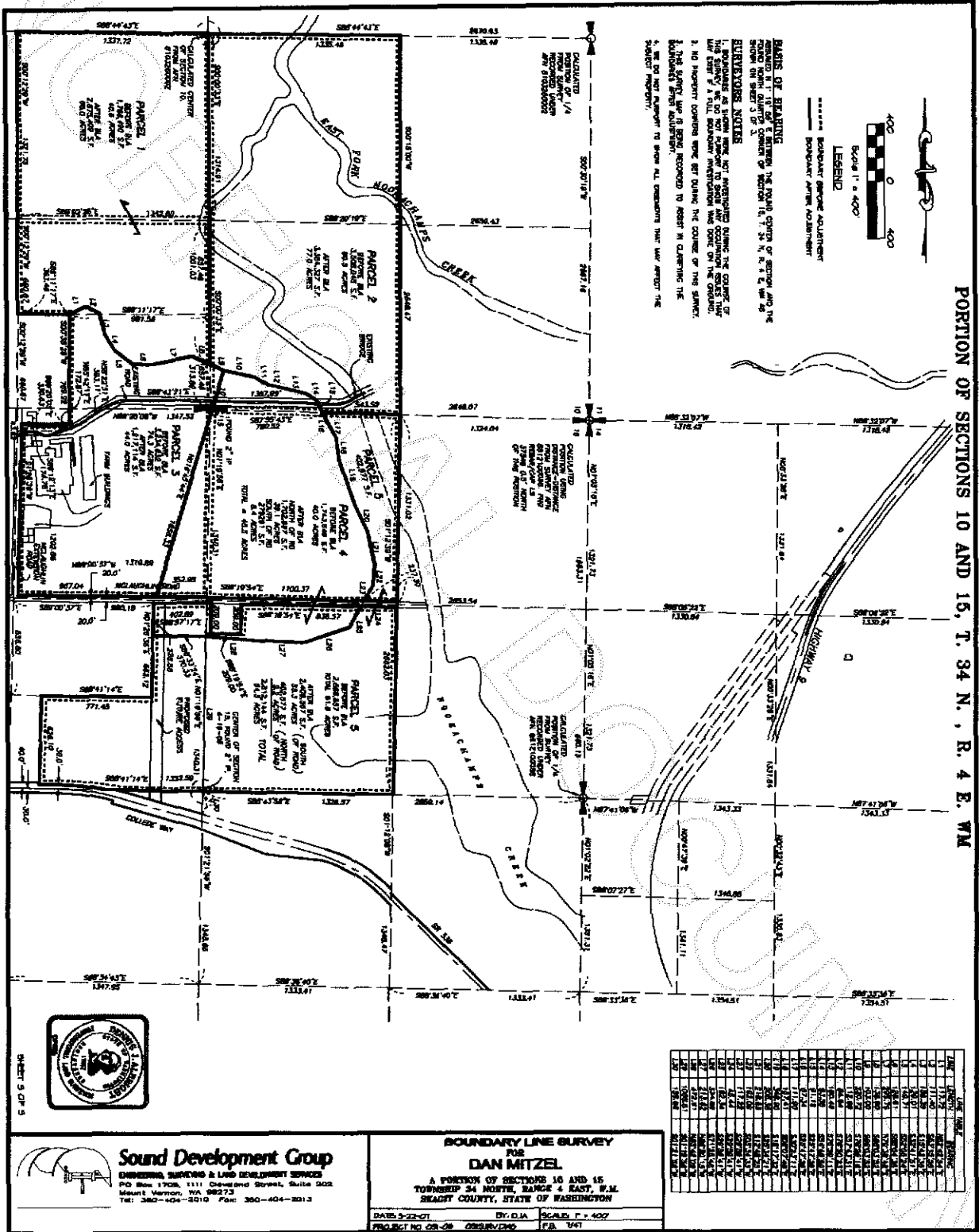
Being that portion of the attached map labeled as the "Proposed Future Access"

UNOFFICIAL DOCUMENT



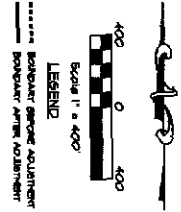
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PORTION OF SECTIONS 10 AND 15, T. 34 N., R. 4 E. WM



**BOUNDARY LINE SURVEY**  
 BEARING AND DISTANCE FROM THE POINT CENTER OF SECTION AND THE  
 POINT CENTER OF SECTION 10, T. 34 N., R. 4 E. WM  
 SHOWN ON SHEET 3 OF 5

**SURVEYOR'S NOTICE**  
 1. I, DAN MITZEL, BEING NOT ANCHORED DURING THE COURSE OF  
 THIS SURVEY, BE DO NOT COMPARE TO SHOW THE LOCATION OF THE  
 BOUNDARY LINE SURVEY WITH THE LOCATION OF THE BOUNDARY LINE SURVEY  
 2. NO IMPROVEMENTS WERE SET DURING THE COURSE OF THIS SURVEY.  
 3. THE SURVEY WAS CONDUCTED TO ASSIST IN DETERMINING THE  
 LOCATION OF THE BOUNDARY LINE SURVEY.  
 4. THE SURVEY WAS CONDUCTED TO SHOW ALL CORNERS THAT WERE SET BY THE  
 SURVEYOR.



LINE NO.	BEARING	DISTANCE
1	N 89° 58' 12" E	100.00
2	S 89° 58' 12" E	100.00
3	N 89° 58' 12" E	100.00
4	S 89° 58' 12" E	100.00
5	N 89° 58' 12" E	100.00
6	S 89° 58' 12" E	100.00
7	N 89° 58' 12" E	100.00
8	S 89° 58' 12" E	100.00
9	N 89° 58' 12" E	100.00
10	S 89° 58' 12" E	100.00
11	N 89° 58' 12" E	100.00
12	S 89° 58' 12" E	100.00
13	N 89° 58' 12" E	100.00
14	S 89° 58' 12" E	100.00
15	N 89° 58' 12" E	100.00
16	S 89° 58' 12" E	100.00
17	N 89° 58' 12" E	100.00
18	S 89° 58' 12" E	100.00
19	N 89° 58' 12" E	100.00
20	S 89° 58' 12" E	100.00
21	N 89° 58' 12" E	100.00
22	S 89° 58' 12" E	100.00
23	N 89° 58' 12" E	100.00
24	S 89° 58' 12" E	100.00
25	N 89° 58' 12" E	100.00
26	S 89° 58' 12" E	100.00
27	N 89° 58' 12" E	100.00
28	S 89° 58' 12" E	100.00
29	N 89° 58' 12" E	100.00
30	S 89° 58' 12" E	100.00
31	N 89° 58' 12" E	100.00
32	S 89° 58' 12" E	100.00
33	N 89° 58' 12" E	100.00
34	S 89° 58' 12" E	100.00
35	N 89° 58' 12" E	100.00
36	S 89° 58' 12" E	100.00
37	N 89° 58' 12" E	100.00
38	S 89° 58' 12" E	100.00
39	N 89° 58' 12" E	100.00
40	S 89° 58' 12" E	100.00
41	N 89° 58' 12" E	100.00
42	S 89° 58' 12" E	100.00
43	N 89° 58' 12" E	100.00
44	S 89° 58' 12" E	100.00
45	N 89° 58' 12" E	100.00
46	S 89° 58' 12" E	100.00
47	N 89° 58' 12" E	100.00
48	S 89° 58' 12" E	100.00
49	N 89° 58' 12" E	100.00
50	S 89° 58' 12" E	100.00



**Sound Development Group**  
 ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES  
 900 Hwy. 1700N, 111 Cleveland Street, Suite 302  
 Mount Vernon, WA 98273  
 Tel: 360-404-2010 Fax: 360-404-8013

**BOUNDARY LINE SURVEY**  
 FOR  
**DAN MITZEL**  
 A PORTION OF SECTIONS 10 AND 15  
 TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.  
 SKAGIT COUNTY, STATE OF WASHINGTON

DATE: 5-22-07 BY: D.J.A. SCALE: 1" = 400'  
 PROJECT NO: 06-26 062626/DAN P.B. 1947

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EXHIBIT C

LEGAL DESCRIPTION OF DOMINANT TRACT

**Parcel 3:**

That portion of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 10, together with that portion of the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 15, all in Township 34 North, Range 4 East WM, described as follows:

Commencing at the Northwest corner of the Southeast Quarter of the Southwest Quarter of said Section 10; thence South 0° 12' 29" West, along the West line thereof, a distance of 660.87 feet, more or less, to the Northwest corner of that certain parcel as conveyed by Deed recorded April 10, 2006, under Auditors File No. 200604100126; thence South 89° 11' 17" East, along the North line thereof, 363.49 feet to the Northeast corner thereof; thence North 62° 42' 54" East 117.72 feet; thence South 63° 15' 58" East 111.40 feet; thence South 15° 42' 36" East 159.39 feet; thence South 32° 41' 51" East 129.01 feet; thence South 52° 05' 24" East 149.71 feet; thence South 88° 04' 38" East 128.61 feet; thence North 79° 36' 46" East 295.79 feet; thence South 66° 03' 52" East 138.90 feet, thence South 66° 03' 52" East 103.00 feet to the **TRUE POINT OF BEGINNING**; thence North 66° 03' 52" West 103.00 feet; thence North 66° 03' 52" West 138.90 feet; thence South 79° 36' 46" West 295.79 feet; thence North 88° 04' 38" West 128.61 feet; thence North 52° 05' 24" West 149.71 feet; thence North 32° 41' 51" West 129.01 feet; thence North 15° 42' 36" West 159.39 feet; thence North 63° 15' 58" West 111.40 feet; thence South 62° 42' 54" West 117.72 feet to the aforementioned Northeast corner of parcel described under Auditors File No. 200604100126; thence South 0° 38' 29" West, along the East line of said parcel and said parcel extended, a distance of 769.92 feet to the Southeast corner of Tract "A" of Skagit County Short Plat 60-77, approved August 30, 1977 and recorded August 30, 1977 under Auditors File No. 863767, in Volume 2 of Short Plats, page 112, records of Skagit County Washington; thence North 89° 20' 05" West, along the South line thereof, 330.03 feet to the Southwest corner thereof, said point being on the East margin of McLaughlin Extension Road, thence South 1° 26' 36" West, along said margin, 1202.86 feet to an intersection with the North margin of McLaughlin Road; thence South 89° 00' 37" East, along said North margin, 967.04 feet to a point which lies South 16° 45' 44" West from the true point of beginning; thence North 16° 45' 44" East 1656.33 feet to the **TRUE POINT OF BEGINNING**.

**SUBJECT TO** a 60 foot wide non-exclusive easement for ingress, egress and utilities over, under and across, the exact location to be determined at a future time and under mutual consent as to location to benefit the following described parcel:



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The Northeast Quarter of the Southwest Quarter of Section 10, Township 34 North, Range 4 East, WM.

TOGETHER WITH that portion of the Southeast Quarter of the Southwest Quarter of Section 10, Township 34 North, Range 4 East, WM. Described as follows:

Beginning at the Northwest corner of said Southeast Quarter of the Southwest Quarter; Thence South  $0^{\circ} 12' 29''$  West, along the West line thereof, a distance of 660.87 feet, more or less, to the Northwest corner of that certain parcel as conveyed by Deed recorded April 10, 2006, under Auditors File No. 200604100126; thence South  $89^{\circ} 11' 17''$  East, along the North line thereof, 363.49 feet to the Northeast corner thereof; thence North  $62^{\circ} 42' 54''$  East 117.72 feet; thence South  $63^{\circ} 15' 58''$  East 111.40 feet; thence South  $15^{\circ} 42' 36''$  East 159.39 feet; thence  $32^{\circ} 41' 51''$  East 129.01 feet; thence South  $52^{\circ} 05' 24''$  East 149.71 feet; thence South  $88^{\circ} 04' 38''$  East 128.61 feet; thence North  $79^{\circ} 36' 46''$  East 295.79 feet; thence South  $66^{\circ} 03' 52''$  East 138.90 feet, more or less, to the East line of said Southeast Quarter of the Southwest Quarter; thence North  $0^{\circ} 00' 33''$  West, along said East line, 1001.03 feet to the Northeast corner thereof; thence North  $89^{\circ} 02' 28''$  West, along the North line of said Southeast Quarter of the Southwest Quarter, 1342.60 feet to the point of beginning.

**ALSO SUBJECT TO** a 60.00 foot non-exclusive easement for ingress, egress and utilities being 30.00 feet on both sides of the following described centerline, being in a portion of Section 10 and Section 15, Township 34 North, Range 4 East, WM.

Commencing at the Southwest corner of Tract "A" of Skagit County Short Plat 60-77, approved August 30, 1977 and recorded August 30, 1977 under Auditors File No. 863767, in Volume 2 of short plats, page 112, records of Skagit County Washington; thence South  $1^{\circ} 26' 36''$  West, along the East margin of McLaughlin road extension, as shown on said Short Plat, 43.62 feet to the **TRUE POINT OF BEGINNING** of this centerline description; thence the following courses along said centerline, South  $86^{\circ} 12' 13''$  East 174.78 feet; thence North  $85^{\circ} 42' 17''$  East 172.87 feet; thence North  $58^{\circ} 22' 51''$  East 393.11 feet; thence South  $88^{\circ} 43' 21''$  East 668.41 feet, more or less, to a point of intersection with the Easterly line of the above described parcel and the terminus of said centerline description.

The sidelines of said easement shall be extended or trimmed so as to form a continuous line across the grantors ownership.

Situate in the County of Skagit, State of Washington

Containing 44.0 acres, more or less.



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**Parcel 4:**

That portion of the Southwest Quarter of the Southeast Quarter of Section 10, together with that portion of the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 15, all in Township 34 North, Range 4 East WM, described as follows:

Commencing at the Northwest corner of the Southeast Quarter of the Southwest Quarter of said Section 10; thence South  $0^{\circ} 12' 29''$  West, along the West line thereof, a distance of 660.87 feet, more or less, to the Northwest corner of that certain parcel as conveyed by Deed recorded April 10, 2006, under Auditors File No. 200604100126; thence South  $89^{\circ} 11' 17''$  East, along the North line thereof, 363.49 feet to the Northeast corner thereof; thence North  $62^{\circ} 42' 54''$  East 117.72 feet; thence South  $63^{\circ} 15' 58''$  East 111.40 feet; thence South  $15^{\circ} 42' 36''$  East 159.39 feet; thence South  $32^{\circ} 41' 51''$  East 129.01 feet; thence South  $52^{\circ} 05' 24''$  East 149.71 feet; thence South  $88^{\circ} 04' 38''$  East 128.61 feet; thence North  $79^{\circ} 36' 46''$  East 295.79 feet; thence South  $66^{\circ} 03' 52''$  East 138.90 feet, thence South  $66^{\circ} 03' 52''$  East 103.00 feet to the **TRUE POINT OF BEGINNING**; thence South  $78^{\circ} 26' 16''$  East 220.72 feet; thence South  $57^{\circ} 43' 31''$  East 112.69 feet; thence South  $76^{\circ} 50' 23''$  East 84.64 feet; thence South  $76^{\circ} 59' 11''$  East 180.46 feet; thence South  $54^{\circ} 48' 59''$  East 93.58 feet; thence South  $25^{\circ} 47' 39''$  East 91.15 feet; thence South  $25^{\circ} 47' 39''$  East 87.34 feet; thence South  $30^{\circ} 23' 11''$  East 111.90 feet; thence South  $8^{\circ} 07' 49''$  East 157.41 feet; thence South  $18^{\circ} 17' 32''$  East 348.90 feet; thence South  $25^{\circ} 34' 21''$  East 205.38 feet; thence South  $12^{\circ} 48' 25''$  East 218.85 feet; thence South  $5^{\circ} 34' 33''$  West 162.09 feet; thence South  $29^{\circ} 59' 41''$  West 117.22 feet to the North margin of McLaughlin Road; thence North  $88^{\circ} 19' 54''$  West, along said margin, 1100.37 feet, to the West line of the Northwest Quarter of the Northeast Quarter of said Section 15; thence continue along said margin, North  $89^{\circ} 00' 37''$  West 352.95 feet, to a point which lies South  $16^{\circ} 45' 44''$  West from the true point of beginning; thence North  $16^{\circ} 45' 44''$  East 1656.33 feet to the **TRUE POINT OF BEGINNING**.

**Together with** Commencing the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 10, Township 34 North, Range 4 East W.M.; thence South  $0^{\circ} 12' 29''$  West, along the West line thereof, a distance of 660.87 feet, more or less, to the Northwest corner of that certain parcel as conveyed by Deed recorded April 10, 2006, under Auditors File No. 200604100126; thence South  $89^{\circ} 11' 17''$  East, along the North line thereof, 363.49 feet to the Northeast corner thereof; thence North  $62^{\circ} 42' 54''$  East 117.72 feet; thence South  $63^{\circ} 15' 58''$  East 111.40 feet; thence South  $15^{\circ} 42' 36''$  East 159.39 feet; thence  $32^{\circ} 41' 51''$  East 129.01 feet; thence South  $52^{\circ} 05' 24''$  East 149.71 feet; thence South  $88^{\circ} 04' 38''$  East 128.61 feet; thence North  $79^{\circ} 36' 46''$  East 295.79 feet; thence South  $66^{\circ} 03' 52''$  East 138.90 feet, more or less, to the West line of the West Half of the Southeast Quarter of said Section 10; thence South  $66^{\circ} 03' 52''$  East 103.00 feet; thence South  $78^{\circ} 26' 16''$  East 220.72 feet; thence South  $57^{\circ} 43' 31''$



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East 112.69 feet; thence South 76° 50' 23" East 84.64 feet; thence South 76° 59' 11" East 180.46 feet; thence South 54° 48' 59" East 93.58 feet; thence South 25° 47' 39" East 91.15 feet to the South line of the West Half of the Southeast Quarter of said Section 10; thence South 25° 47' 39" East 87.34 feet; thence South 30° 23' 11" East 111.90 feet; thence South 8° 07' 49" East 157.41 feet; thence South 18° 17' 32" East 348.90 feet; thence South 25° 34' 21" East 205.38 feet; thence South 12° 48' 25" East 218.85 feet; thence South 5° 34' 33" West 162.09 feet; thence South 29° 59' 41" West 139.94 feet to the South line of the Northwest Quarter of the Northeast Quarter and the **TRUE POINT OF BEGINNING**; thence continue South 29° 59' 41" West 185.06 feet; thence South 71° 25' 46" West 334.89 feet; thence North 86° 50' 15" West 213.62 feet; thence North 85° 42' 09" West 472.91 feet to the West line of the said Southwest Quarter of the Northeast Quarter of Section 15; thence North 88° 33' 24" West 370.33 feet, to the East line of Exception 4 described above; thence North 1° 26' 36" East, along said East line, 248.56 feet to the North line of the Southeast Quarter of the Northwest Quarter of said Section 15; thence South 89° 00' 37" East, along said North line, 369.85 feet to the Northeast corner of said Southeast Quarter of the Northwest Quarter; thence South 88° 19' 54" East, along the North line of the Northwest Quarter of the Northeast Quarter of said Section 15, a distance of 1089.47 feet to the **TRUE POINT OF BEGINNING**.

**Except** Any portion lying within the right of way of McLaughlin Road.  
**And Except** The East 209 feet of the West 242 feet of the North 229 feet of the Southwest Quarter of the Northeast Quarter of said Section 15, **EXCEPT** the North 20 feet thereof for McLaughlin Road.

**SUBJECT TO** a 60.00 foot non-exclusive easement for ingress, egress and utilities being 30.00 feet on both sides of the following described centerline, being in a portion of Section 10 and Section 15, Township 34 North, Range 4 East, WM.

Commencing at the Southwest corner of Tract "A" of Skagit County Short Plat 60-77, approved August 30, 1977 and recorded August 30, 1977 under Auditors File No. 863767, in Volume 2 of short plats, page 112, records of Skagit County Washington; thence South 1° 26' 36" West, along the East margin of McLaughlin road extension, as shown on said Short Plat, 43.62 feet; thence the following courses along the centerline, South 86° 12' 13" East 174.78 feet; thence North 85° 42' 17" East 172.87 feet; thence North 58° 22' 51" East 393.11 feet; thence South 88° 43' 21" East 668.41 feet, more or less, to a point of intersection with the Westerly line of the above described parcel and the **TRUE POINT OF BEGINNING**; thence continue South 88° 43' 21" East 719.58 feet to the Northeasterly line of the above described parcel and the terminus of said centerline description.

The sidelines of said easement shall be extended or trimmed so as to form a continuous line across the grantors ownership.



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Situate in the County of Skagit, State of Washington

Containing 45.5 acres, more or less



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EXHIBIT D

DESCRIPTION OF SERVIENT TRACT

Those portions of Sections 10, 11, 14 and 15 of Township 34 North,  
Range 4  
East, W.M. conveyed to Clear Valley Environmental Farm, LLC and Clear  
Valley  
Environmental Farm II, Inc., by deeds recorded as Skagit County  
Auditor's  
File Numbers 200604270154 and 200705110097 EXCEPT therefrom "Parcel 3  
After  
BLA" and "Parcel 4 After BLA" as set forth both on a Survey recorded as  
Auditor's File No. 200706190095 and on a boundary line adjustment deed  
recorded as Auditor's File No. 200706190096.



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