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LAND TITLE OF SKAGIT COUNTY  
127729-PC

**WATER UTILITY EASEMENT AGREEMENT**

128  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

DOCUMENT TITLE:	WATER UTILITY EASEMENT AGREEMENT	JAN 14 2008
REFERENCE NUMBER OF RELATED DOCUMENT:	N/A	Amount Paid \$ 227.50 Skagit Co. Treasurer by Deputy
GRANTORS:	KELLY R. QUEEN and KELLY GOODMANSEN, unmarried individuals	
GRANTEES:	DAVID SCHNEIDER and DANIELLE KIZER, husband and wife	
ABBREVIATED LEGAL DESCRIPTION:	N 1/2 of N 1/2 of NE 1/4 of NE 1/4 of SEC 2, T 36N, R 3E (P47576); W 1/2 of W 1/2 of NE 1/4 of NE 1/4 of SEC 2, T 36N, R 3E (P47574) COMPLETE LEGAL DESCRIPTION ON PGS 1-2 OF DOCUMENT	
ASSESSOR'S TAX PARCEL NUMBER:	P47576 and P47574	

THIS WATER UTILITY EASEMENT AGREEMENT ("Agreement") is made and entered into this 8<sup>th</sup> day of NOVEMBER, 2007, by KELLY R. QUEEN and KELLY GOODMANSEN, unmarried individuals ("Grantors") and DAVID SCHNEIDER and DANIELLE KIZER, husband and wife ("Grantees"). This Agreement is entered pursuant to the following facts:

A. The Grantors own a parcel of property located along Appaloosa Lane in Skagit County, Washington legally described as follows:

PARCEL A:

**WATER UTILITY EASEMENT AGREEMENT**

The North Half of the North Half of the Northeast Quarter of the Northeast Quarter of Section 2, Township 36 North, Range 3 East of the Willamette Meridian;

EXCEPT the West Half of the West Half thereof;

AND EXCEPT the East 30 feet reserved for road purposes;

ALSO the North 100 feet of the South Half of the North Half of the Northeast Quarter of the Northeast Quarter of Section 2, Township 36 North, Range 3 East of the Willamette Meridian;

EXCEPT the West Half of the West Half thereof;

AND EXCEPT the East 30 feet reserved for road purposes.

Situated in Skagit County, Washington

PARCEL B:

A non-exclusive easement for ingress and egress as granted in instrument recorded May 26, 2000, under Auditor's File No. 200005260001, records of Skagit County, Washington.

Situated in Skagit County, Washington

B. The Grantees own an adjacent parcel of property legally described as follows:

The West one-half of the West one-half of the Northeast quarter of the Northeast quarter of Section 2, Township 36 North, Range 3 East, W.M., containing 10 acres, more or less; TOGETHER with an easement for a roadway 10 feet in width along the North boundary line of the following described property, to-wit: That part of Government Lot 2, and the Southwest quarter of the Northeast quarter of Section 2, Township 3 North, Range 3 East, W.M. lying Northwesterly of a straight line running South 22 1/2° West from the Northeast corner of said Government Lot 2 to the Southwest corner of the Southwest quarter of the Northeast quarter in Skagit County, Washington, said easement to be for the use and benefit of the real property hereinbefore described to permit ingress to and egress from said property to the county highway.



## WATER UTILITY EASEMENT AGREEMENT

C. The Grantees intend to construct a water line utility over the southern eighty (80) feet of the Grantors' property; and the Grantors desire to convey an easement over Grantors' property for the construction of Grantees' water line utility.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, it is agreed as follows:

1. Grant of Easement. In consideration of mutual benefit to the parties, Grantors hereby convey to Grantees, their agents, tenants, successors, and assigns, a nonexclusive easement for the purpose of constructing, locating, maintaining, repairing, improving, and inspecting a water distribution line and appurtenances, under, over, through, and across the southern eighty (80) feet of Grantors' property. The easement area is further described in the map attached as Exhibit A and by this reference incorporated herein.

2. Payment of Consideration to Grantors. As consideration for this Agreement, Grantees shall pay to Grantors Twelve Thousand Five Hundred Dollars (\$12,500.00) upon the Closing of the Purchase and Sale Agreement, dated October 22, 2007, and executed by Grantees and Scott Davis. Upon execution of this Agreement, said amount shall be deposited into escrow. If for any reason said Closing fails to occur, this Agreement shall be null and void, and all funds deposited into escrow shall be returned to Grantees. Grantors shall be solely responsible for payment of any excise or other tax due on this amount.

3. Installation and Maintenance. Grantees shall be solely responsible for all costs associated with the installation, maintenance, and repair of the waterline utility. Installation shall be performed by Grantee's contractor and the Public Utility District of Skagit County pursuant to the comments set forth in Exhibit B, attached hereto and incorporated by reference. The parties acknowledge that an Olympic Gas pipeline is located within the easement area. Installation of the waterline utility shall comply with those conditions set forth in Exhibit C, attached hereto and incorporated by reference, including, but not limited to, filling of the easement area with material to achieve a thirty-six (36) inch burial depth and maintenance of this same level of burial depth in perpetuity. Upon completion of installation of the waterline utility, Grantees shall make all reasonable efforts to restore the easement area to its original condition. Grantees shall provide Grantors with forty-eight (48) hours' notice prior to performing any maintenance or repair activities, provided that such notice shall not be required in the event of an emergency.

4. Amendment of Easement Area. The parties acknowledge that as of the date of execution of this Agreement, the exact location of the area in which the waterline utility will be located is not known. The parties agree that upon completion of construction of the waterline utility, Grantees shall obtain a survey of the exact location of the waterline utility. Upon completion of said survey, this Agreement shall be amended such that the easement area shall be limited to the area depicted on the survey. In no event shall the survey depict an easement area more than ten (10) feet in width, centered on the water line utility.











Letter for 2" Water Line

**Subject:** Letter for 2" Water Line  
**From:** "Williamson, Holly L" <Holly.Williamson@bp.com>  
**Date:** Thu, 25 Oct 2007 20:15:53 +0100  
**To:** <schneider.d@comcast.net>

EXHIBIT "B"

Dear Mr. Schneider,

Per our conversation on October 24, 2007, we will allow you to cross the Olympic Pipeline with a 2" PVC water line.

We require 24" of vertical clearance between said water line and our 16" High Pressure Petroleum Pipeline. According to our field verification of location and depth of the pipeline on October 24, 2007 you will need to add fill over the pipeline in the area of the water line crossing to meet our clearance requirements. We also ask that prior to installing the water line you provide a sketch of the location showing the pipeline and the water line crossing. During installation our field representative must be on site. Included in this letter is an attachment of our Construction & Right of Way requirements.

Sincerely,

**Holly Williamson**  
**BP/Olympic Pipe Line**  
**Field Project Coordinator**  
**Office 425-235-7767**  
**Cell 206-510-5388**  
**Fax 425-271-5320**  
**Holly.Williamson@bp.com**

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**OLYMPIC PIPE LINE COMPANY / BP PIPELINES NA INC**  
**GENERAL CONSTRUCTION & RIGHT OF WAY REQUIREMENTS**

Olympic Pipe Line Company ("OPLC"), which is operated by BP Pipelines (North America) Inc. ("BP"), is committed to environmental stewardship and maintaining the safety of its employees, contractors and the general public. The pipelines BP/OPLC operates transport various liquids at high pressure, and do so very safely each and every day. There are however, potential hazards associated with construction or excavation work around pipelines. As a result of these potential hazards, and in compliance with the requirements imposed upon BP/OPLC as an industry regulated by the U.S. Department of Transportation and Office of Pipeline Safety, the following list of general requirements for working on the Pipeline rights-of-way has been compiled.

**General Safety Requirements**

Washington One-Call at **1-800-424-5555** or Oregon One-Call at **1-800-332-2344** must be contacted at least 48 hours (2 working days) before any construction and or excavation activities are initiated within the pipeline right of way so that OPLC may have a representative present to ensure that there are no conflicts with the pipeline. (There is no cost to the third party contractor to use the One-Call Notification service. However, failure to utilize the One-Call service can be quite costly in terms of unnecessary risk for the contractor/excavator, their employees, innocent bystanders, personal property of other and the environment; as well as potential civil penalties and/or fines.)

To have the pipeline physically located and depth verified, please call OPLC's Field Project Office at **(425)235-7767** or the Damage Prevention Office at **(425)981-2517**. OPLC requires a representative/inspector on site when any work is being performed within ten feet (10') of the pipeline(s) or if the reach of mechanized equipment is capable of extending within ten feet (10') of the pipeline(s). Forty-eight (48) hours prior notice to OPLC is highly recommended for any work. Notice to OPLC does not relieve the contractor of any notification responsibility to the appropriate state One-Call System.

OPLC requires detailed construction plans and or drawings for any work within the pipeline easement. OPLC requests at least 10 working days for review and comments/approval of plans. Plans and drawings should be submitted to Olympic Pipeline Company, Field Project Office, 2319 Lind Ave, SW, Renton WA 98055.

The contractor is responsible for having the pipeline location added to the construction drawings. The contractor is also responsible for taking all the necessary safety precautions and will be held responsible for any damages caused to the pipeline or property as a result of their work.

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### **Excavation Specific Requirements**

. No excavation or construction activity will be permitted in the vicinity of the pipeline(s) until all appropriate

communications have been made with OPLC's field projects and engineering personnel.

There shall be no excavation or backfilling within the pipeline right of way for any reason without a representative from OPLC on site stating permission.

In some instances, excavation and other construction activities around certain pipelines can be conducted safely only when the pipeline operating pressure has been reduced.

Contractors are therefore cautioned that excavation which exposes or significantly reduces the cover over a pipeline may have to be delayed until the reduced pressure is achieved.

### **General Construction Activities**

The contractor shall not be permitted to transport construction materials or equipment longitudinally over the pipeline.

Any required relocation or encasement of the pipeline(s) will be at the developer's expense.

Development grading should not remove any of the existing ground cover from; or add excessive fill over the pipeline(s). OPLC's prior approval to add fill is required.

Where it is necessary for construction equipment (Le. tractors, backhoes, dump trucks etc.) or equipment transporting construction materials to cross the pipeline to gain access to the job site, a crossing shall be constructed at a 90 degree angle to the pipeline. The contractor will be responsible for protecting the pipeline depending on depth, soil conditions and type of equipment for temporary or permanent crossings using either fill or steel sheeting. These methods must meet OPLC's requirements and have prior approval from our Engineering and Construction Departments.

No track type construction equipment shall be permitted to pivot or turn directly over the top of the pipeline.

A scraper or pan type tractor shall not be used for removal of soil within ten feet (10') of the centerline of the pipeline. Rubber tire or small track type equipment is an acceptable alternative.

A sheepsfoot roller shall not be used for compaction purposes within five feet (5') of the centerline of the pipeline.

No vibratory rollers shall be used within three feet (3') of the centerline of the pipeline until the compacted cover over the pipeline has reached a depth of three and one-half feet (3 1/2').

**Parking Lots, Roads, Driveways, Fences and Structures** No permanent structures may be constructed on the pipeline right of way.

No roads or fences shall run parallel to the pipeline within the pipeline right of way. Roads and fences shall cross the pipeline right of way at, or as near to, a 90 degree angle as is feasible. In no instance shall the angle of the crossing be less than 45 degrees. Fence posts must maintain a minimum three feet (3') clearance off the pipeline(s) when crossing the easement.

There shall be a minimum vertical separation of two feet (2') between the pipeline and any underground structure.

A minimum of five feet (5') of cover is required for all road crossings, and three feet (3') for driveways; however a stress factor calculation may be needed to determine the actual amount of cover required depending on soil conditions and other circumstances.

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Proposals for parking lot construction on the pipeline right of way are discouraged. Asphalt paving may be permitted as an exception under certain conditions with an agreement executed by the property owner and OPLC. The agreement grants OPLC the right to excavate within the pavement area for any pipeline maintenance that may be necessary in the future and acknowledges the property owner as the party responsible for the expense of pavement replacement. If a parking lot is permitted by OPLC a minimum of four feet (4') of cover will be required. However OPLC will evaluate each proposal on an individual basis, and may impose additional requirements.

Concrete pavement is discouraged; and in most instances will not be allowed.

A minimum of three feet (3') of cover is required for all drainage ditches.

No structures such as manholes, catch basins, thrust blocks or fire hydrants shall be located over the pipeline. A minimum horizontal clearance of ten feet (10') is required between the structure and pipeline.

#### **Foreign Line or Utility Crossings**

All foreign lines shall cross the pipeline right-of-way at, or as near to, a 90 degree angle as is feasible.

In no instance shall the angle of the crossing be less than 45 degrees.

In no instance shall the foreign line be placed parallel to the pipeline within the pipeline right-of-way.

The foreign line shall cross under the pipeline with at least two feet (2') of vertical separation unless the pipeline is at a prohibitive depth. In such cases, OPLC personnel will review and evaluate the proposed crossing location to determine if it will be allowable for the foreign line to cross above.

If the foreign line is a telecommunications cable, power cable or similar in nature, the foreign line shall be placed in Schedule 40 PVC conduit, or greater, for a linear distance extending ten feet (10') on either side of centerline of the pipeline. In the case of a power cable it shall be encased in red-dyed concrete for a linear distance of ten feet (10') on either side of centerline of pipeline.

A utility with a cathodically protected foreign line which crosses or is placed adjacent to OPLC's pipeline(s) must install a test point and perform interference testing between the utility and OPLC. Please contact OPLC's Corrosion Technician by calling our main office at (425) 226-8883.

Below ground warning tape shall be placed in the ditch line above the foreign line. The warning tape shall be placed approximately one foot (1') below the final surface grade/elevation. The warning tape shall extend for a linear distance of ten feet (10') on either side of the centerline of the pipeline.

#### **Landscape and Vegetation**

No trees are allowed on the pipeline right of way. OPLC may permit the installation of limited

landscaping and minor shrubbery plantings with a verbal communication. For major development, landscaping plans must first be submitted in writing to OPLC for review and approval. Any plantings that restrict efficient aerial inspection or limit access to the easement area will be considered an interference and must be addressed accordingly

*OPLC reserves the right to impose further stipulations or requirements consistent with each individual easement or situation. Should you anticipate any problems regarding these requirements please contact OPLC's Field Project Office at (425)235-7767.*

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October 15, 2007

Mr. David Schneider  
Apartment 201  
338 East Bellis Parkway  
Bellingham WA 98226

EXHIBIT "C"

**RE: Bear Creek Lane; P47574  
Proposed Single Family Residence  
Water Availability**

Dear Mr. Schneider:

In response to your request, the Public Utility District has reviewed the above location for water availability and offers the following comments:

- The above-mentioned property (P47545) is a 10-acre parcel in Skagit County. The north line of the property line is the Skagit/Whatcom County line. The property is accessed by Bear Creek Lane which is located in Whatcom County.
- The District presently **does not own or operate a water pipeline** fronting the above-mentioned property.
- The District **owns and operates** a 6-inch water pipeline along Appaloosa Lane, approximately 1,000 feet east of the property (P47574), which was installed during the Lake Samish Road Local Utility District (LUD) No. 24 project. The property (P47574) was not included inside the LUD boundary.
- The District **has sufficient supply** to furnish domestic water to the property.
- It is the District's understanding that as a potential buyer of the property, you intend to build a single-family residence on the property. You have indicated you would pursue obtaining a private utility easement through the adjacent property to the east out to Appaloosa Lane if the District would allow a water service at Appaloosa Lane.
- Upon receipt of the necessary fees, address, copies of building permit, site plan, and a recorded private utility easement, a domestic metered water service can be installed on Appaloosa Lane to serve the property.
- Presently, the fees for a standard 5/8-inch metered water service include a System Development Fee (SDF) of \$2,350.00 and a Type I service fee of \$1,280.00, for a total of \$3,630.00; the current fees for a standard 3/4-inch metered water service include a SDF of \$3,525.00 and a Type I service fee of \$1,335.00, for a total of \$4,860.00; and the current fees for a standard 1-inch metered water service include a SDF of \$5,875.00 and a Type I service fee of \$1,360.00, for a total of \$7,235.00. These fees are scheduled to increase annually beginning on January 1, 2008, per Section 4 of the District's Water Policy Manual. Upon request, the cost for metered water services larger than 1-inch can be determined by District personnel.
- In addition to any standard water service fees, a cost in lieu of assessment will be required. The amount of the cost in lieu of assessment shall be \$6,003.08, which is equivalent to those assessments which would have been applied to that property had it been included within LUD No. 24.



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- The current standard service design and bill of materials do not allow for the installation of a residential fire sprinkler system. If a residential fire sprinkler system is required, or desired, then the service line size, the meter location and the bill of materials will need to be reviewed and possibly revised by the District.
- **Cross Connection Control.** The current Washington Administrative Code (246-290-490) states the water purveyor's responsibility for cross connection control begins at the water supply and ends at the point of delivery to the consumer's water system, typically being the water meter. The water purveyor is not responsible for eliminating or controlling cross-connections within the consumer's water system. Under RCW 19.27, the local administrative authority (i.e., City or County) is responsible for cross connection protection within the consumer's water system, and property lines.
- To protect the public water supply, the District may require premise isolation of a facility based on the highest potential health risk from potential or actual cross-connection onsite and/or within the building. Appropriate planning should address the possible requirement of a Reduced Pressure Backflow Assembly (RPBA) or Double Check Valve Assembly (DCVA) to be installed immediately after any metered water service or fire service connection, now or in the future. DCVAs can be installed below ground with brass plugs in the test cocks. RPBA's are to be installed above ground and protected from freezing and abuse and with a minimum of 12-inches of clearance below the assembly to finish grade. If the RPBA is installed in an above ground enclosure, the enclosure must have a drain opening adequately sized to handle the maximum flow of the relief valve.
- For new water services, 2-inch and smaller, a dual check valve will be included in the meter assembly. The check valves will create a closed pressure zone within the customer's plumbing system. Installation and maintenance of a thermal expansion tank and pressure/temperature relief valve is necessary to satisfy building regulations. Consult with a licensed plumber, the appropriate local building department and the Uniform Plumbing Code for the specific requirements.
- Currently, the normal static water pressure along Appaloosa Lane is approximately 60 to 65 pounds per square inch (psi). Based on the County GIS contour map elevations within the property ranging from 490 to 530 feet above mean sea level (AMSL), the normal static water pressure within the property would range from approximately 10 to 30 pounds per square inch. Pressure below 40 psi is considered lower pressure and is less than most people prefer. The customer may wish to consider installation of a booster pump with a low-pressure cut-off switch, pressure tank and pressure relief valve on their private plumbing system and/or over-sizing the pipeline and household plumbing.

The comments in this letter are based on information available at the time of writing. Modification to the water system or policy change can make the information provided outdated. A re-evaluation of the comments is necessary one year after the date of this letter.

Thank you for this opportunity to review and comment on water availability to the above property.

Sincerely,



Jeanne Mirosevich  
Engineering Technician



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