

After recording return document to:

City of Burlington  
833 S Spruce St.  
Burlington, WA 98233



200801310199  
Skagit County Auditor

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**Document Title:** *Temporary Construction Easement*

**Grantor:** *The Starlight Group LLC*

**Grantee:** *CITY OF BURLINGTON*

**Legal Description:** *Ptn NW ¼, 32-35-4E W.M., aka Trs. 1, 2& 5, BSP Burl-1-99.*

**Additional Legal Description is on:** *Exhibit "A" of this Document*

**Assessor's Tax Parcel Numbers:** *P116701, P116705*

In the Matter of: NORTH BURLINGTON BOULEVARD IMPROVEMENTS

### TEMPORARY CONSTRUCTION EASEMENT

The Grantor, **THE STARLIGHT GROUP LLC**, a Washington liability company, for and in consideration of MUTUAL BENEFITS, and other valuable consideration, conveys and grants unto the **CITY OF BURLINGTON**, a Municipal Corporation of the State of Washington, and it assigns, a Temporary Construction Easement over, under, upon and across the hereinafter described lands (hereinafter referred to as the "**Construction Area.**").

Said lands being situated in Skagit County, State of Washington, and described as follows:

*For legal description  
See Exhibit A attached hereto and made a part hereof.*

### PURPOSE

GRANTEE and its assigns shall have the rights of ingress and egress to take whatever actions necessary within the **Construction Area** for reshaping and repairs to existing improvements affected by the City's project construction; and, to construct road improvements, including excavating, compacting, shaping and grading, sidewalk construction, constructing road works, matching driveway entrances, and miscellaneous construction, all costs of which shall be borne by the City of Burlington.

## TEMPORARY CONSTRUCTION EASEMENT

### GRANTOR'S USE OF THE CONSTRUCTION AREA

GRANTOR shall have access to the **Construction Area** at all times except during the time actual construction activities are being carried out within the **Construction Area**. The GRANTOR also grants to the GRANTEE, its successors, assigns, agents, contractors, and employees the right to erect and use construction equipment at the site of the construction herein described.

### RESTORATION OF THE CONSTRUCTION AREA

Following completion of the GRANTEE'S construction and related work in the **Construction Area**, GRANTEE shall, at GRANTEE'S expense, promptly restore **Construction Area** as nearly to and reasonably as possible to the condition in which it existed prior to such damage.

### DAMAGE TO OTHER PROPERTY

If at any time after the execution of this agreement, the GRANTEE, in the exercise of the rights granted to the GRANTEE herein, shall damage any of the property owned by the GRANTOR which abuts and is outside of the **Construction Area**, the GRANTEE shall, at the GRANTEE'S expense, promptly restore any such property as nearly to and reasonably as possible to the condition in which it existed prior to such damage.

### DURATION

The rights granted shall commence upon the GRANTOR'S execution of this easement document and shall continue for a period of two years, or until the GRANTEE ceases to use the **Construction Area** for the purposes stated herein, whichever occurs first.

### RELATIONSHIP BETWEEN PARTIES

GRANTOR: GRANTOR shall assume the risk of, be liable for, and pay all damage, loss, cost and expense caused by the GRANTORS and their agents arising out of any duty performed, or not performed, while acting in good faith within the scope of the this Construction Easement.



**TEMPORARY CONSTRUCTION EASEMENT**

GRANTEE: GRANTEE shall assume the risk of, be liable for, and pay all damage, loss, cost and expense caused by its officers, officials, employees and agents arising out of any duty performed, or not performed, while acting in good faith within the scope of this Construction Easement.

It is understood and agreed that delivery of this Temporary Construction Easement is hereby tendered and that the terms and obligations hereof shall not become binding upon the City of Burlington unless and until accepted and approved hereon in writing for the City of Burlington.

Dated this 15<sup>th</sup> day of January, 2008

**GRANTOR:**

THE STARLIGHT GROUP LLC

By: Robert A. Egerer

By: Christina L. Egerer

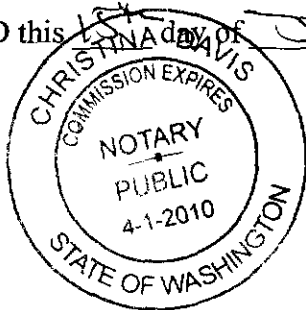
Its: Mgr. Mbr

Its: Member

STATE OF WASHINGTON }  
COUNTY OF SKAGIT } ss.

On this day of January 15, 2008, before me personally appeared Robert A. Egerer and Christina L. Egerer, to me known to be the Managing member and member of THE STARLIGHT GROUP LLC, that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

DATED this 15<sup>th</sup> day of January, 2008.



Christina Davis  
Notary Public  
Residing at Burlington  
My appointment expires 4-1-2010



**TEMPORARY CONSTRUCTION EASEMENT**

**GRANTEE:**

Approved as to Form:

CITY OF BURLINGTON


 **FOR:**  
Chal Martin, P.E.  
Public Works Director

Attest:

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SKAGIT COUNTY WASHINGTON  
Real Estate Services

JAN 31 2008

By:  Deputy  
Skagit County Treasurer

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200801310199  
Skagit County Auditor

**TEMPORARY CONSTRUCTION EASEMENT**

**EXHIBIT "A"**

**Legal Description of Parcel P116701**

(Shown on Land Title Company Second Limited Liability Report Order No. 120959-LL dated September 11, 2007)

Lot 1 of Binding Site Plan No. Burl-1-99, approved May 1, 2000, recorded May 3, 2000, under Auditor's File No.200005030015 and being a portion of the Northwest ¼ of Section 32, Township 35 North, Range 4 East, W.M.

TOGETHER WITH a non-exclusive easement for access and utilities over, under and across Lots 1, 2 and 3 of said BSP No. Burl-1-99.

Situate in the County of Skagit, State of Washington.

**Legal Description of Parcel P116705**

(Shown on Land Title Company Second Limited Liability Report Order No. 120959-LL dated September 11, 2007)

Lot 5 of Binding Site Plan No. Burl-1-99, approved May 1, 2000, recorded May 3, 2000, under Auditor's File No.200005030015 and being a portion of the Northwest ¼ of Section 32, Township 35 North, Range 4 East, W.M.

TOGETHER WITH a non-exclusive easement for access and utilities over, under and across Lots 1, 2 and 3 of said BSP No. Burl-1-99.

Situate in the County of Skagit, State of Washington.

