



201604210099

Skagit County Auditor \$79.00
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201604150161

Skagit County Auditor \$77.00
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RETURN TO:

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TITLE OF DOCUMENT:	EASEMENT FOR DRAINAGE FACILITIES
GRANTOR:	PW CREEK, INC.
GRANTEE:	PW CREEK, INC., TWIN BROOKS COMMUNITY ASSOCIATION and CITY OF MOUNT VERNON, a Municipal Corporation
ABBREV. LEGAL DESCRIPTION:	TRACTS A, C, and G, TWIN BROOKS PHASE 2, AF# 201503180026, and TRACT "S", TWIN BROOKS PHASE 3, AF# <u>201604150158 *</u>
FULL LEGAL DESCRIPTION	EXHIBITS "A", "B" and "C" [pp. 4-7]
ASSESSOR'S TAX PARCEL NO.:	<u>* 20160421098</u> <u>P132811</u>

EASEMENT FOR DRAINAGE FACILITIES

This Easement is made by PW CREEK, INC., a Washington Corporation (hereinafter referred to as the "Grantor"), for the use and benefit of PW CREEK, INC., a Washington Corporation, TWIN BROOKS COMMUNITY ASSOCIATION, a Washington Nonprofit Miscellaneous and Mutual Corporation, and CITY OF MOUNT VERNON, a Municipal Corporation (hereinafter collectively referred to as the "Grantee").

The following recitals of fact are a material part of this instrument:

A. The Grantor has reserved certain Development Rights in that certain Declaration of Covenants for Twin Brooks recorded among the Land Records of Skagit County, Washington at Auditor's File No. 201503180027 with respect to certain tracts of land which are hereinafter referred to, collectively, as "Parcel A", and which are legally described as follows:

See attached Exhibit A.

B. The Grantee PW CREEK, INC. is the sole owner in fee simple of a certain parcel of land which is hereinafter referred to as "Parcel B", as to which the Grantee TWIN BROOKS COMMUNITY ASSOCIATION has certain maintenance responsibilities, which Parcel is legally described as follows:

See attached Exhibit B.

C. The Grantor wishes to grant and the Grantee has indicated a need to receive easements on, over, under and across those portions of Parcel A which are hereinafter referred to as the "Easement Areas" and which portions are described as follows:

See attached Exhibit C.

D. By way of background, the Grantor, contemporaneously herewith, is in the process of platting certain land that adjoins Parcel A and that includes the land described in Parcel B; upon dedication of the Plat for such land, such land will be known as Twin Brooks Phase 3, the legal description for which appears in Exhibit B attached hereto. Certain drainage improvements associated with Lupine Drive to be constructed by Grantor within Tract S, Twin Brooks Phase 3, are partially located outside of the boundary of Phase 3, in Parcel A. An easement over portions of Parcel A is thus necessary to secure necessary maintenance, repair, replacement and inspection of the drainage facilities.

Now, therefore, in consideration of One Dollar and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does by these presents:

1. **GRANT OF EASEMENT - PURPOSES.** The Grantor hereby grants to the Grantee, as and for an easement appurtenant to Parcel B, a perpetual, nonexclusive easement for ingress, egress and inspection, and for the installation and perpetual maintenance of drainage facilities, on, over, under and across the Easement Areas in Parcel A. Specifically, Grantee Twin Brooks Community Association shall have rights of ingress, egress, inspection and perpetual maintenance responsibility for the drainage facilities, as provided in that certain Declaration of Covenants for Twin Brooks recorded among the land records of Skagit County, Washington at Auditor's File No. 201503180027, as amended, and Grantee the City of Mount Vernon shall have rights of ingress, egress and inspection of the drainage facilities.

2. **RESTRICTIONS ON USE OF EASEMENT AREA.** Use of the Easement Areas is intended to be consistent with the needs of lawful users of Lupine Drive in Parcel B and Twin Brooks Community Association, consistent with all Notes affecting same appearing on the Plat of Twin Brooks Phase 3.

3. **RUNNING OF BENEFITS AND BURDENS.** The grant of easement contained herein, along with any and all benefits and burdens arising therefrom, and all covenants, conditions, restrictions and reservations included herein are intended to become, and by the recordation of this instrument shall be conclusively deemed to be legal and equitable servitudes which shall run with the land of the above-described Parcels owned by Grantor and Grantee, and which shall be binding upon both Parcels, and upon their respective owners and occupiers, and upon the respective heirs, personal representatives, successors and assigns of such parties, through all successive transfers of either Parcel and/or the granting of any security interests therein, without requirement of further specific reference or inclusion in deeds, contracts

or security instruments, and regardless of any subsequent forfeiture, foreclosures, or sales under security instruments, or of any forfeiture, foreclosures, or sales instituted for nonpayment of governmental tax, levy or assessment of any kind.

IN WITNESS WHEREOF the Grantor has caused this instrument to be executed this 11th day of APRIL, 2016.

PW CREEK, INC.

By [Signature]
BRIAN GENTRY, its President

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

APR 15 2016

Amount Paid \$ 0
Skagit Co. Treasurer
By [Signature] Deputy

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I hereby certify that I know or have satisfactory evidence that BRIAN GENTRY is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the President of the Grantor, PW CREEK, INC., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: APRIL 11TH, 2016.

STEVEN G. BAUGHN
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
01-29-18

[Signature]
NOTARY PUBLIC for the State of
Washington. My Commission
expires 01-29-2018

EXHIBIT A

Legal Description of Grantor's Parcel

Tracts A, C, and G, "Plat of Twin Brooks Phase 2, LU-050-024", approved February 27, 2015, and recorded March 18, 2015, under Auditor's File No. 2 01503180026, records of Skagit County, Washington.

Parcel No. 132815 - TRACT A

132821 - TRACT C

132814 - TRACT G

EXHIBIT B

Legal Description of Grantee's Parcel

Tract S, "Twin Brooks Phase 3, LU-05-024", approved APRIL 15, 2016 and recorded APRIL 15, 2016, at Auditor's File No 20160450158^K, Records of Skagit County, Washington. * 201604210098

Parcel No. P132811

EXHIBIT C

Legal Description of Easement Areas

Affecting Tract A:

A private drainage easement over Tract A, "Plat of Twin Brooks Phase 2, LU-05-024", approved February 27, 2015, and recorded March 18, 2015, under Auditor's File No. 2 0 1503180026, records of Skagit County, Washington, more particularly described as follows:

Beginning at the Southwest corner of said Tract A, Plat of Twin Brooks Phase 2, LU-05-024;
Thence North $1^{\circ} 20' 17''$ East, 112.55 feet along the common line between said Tract A and the West line of Lot 12, "Plat of Parkwood Estates of Mount Vernon"; approved April 29, 1991, and recorded May 7, 1991, under Auditor's File No. 9105070019, records of Skagit County, Washington, to a Northeast corner of said Lot 12;
Thence South $88^{\circ} 39' 43''$ East perpendicular to said common line, 25.18 feet;
Thence South $44^{\circ} 20' 18''$ East, 76.22 feet to the South line of said Tract A;
Thence South $45^{\circ} 04' 29''$ West, along said South line, 50.37 feet to the beginning of a tangent curve to the right, having a central angle of $38^{\circ} 27' 15''$, a radius of 76.50 feet, and an arc length of 51.34 feet to the Point of Beginning

Situate in the County of Skagit, State of Washington.

Affecting Tract C:

A 20 foot wide private drainage easement over Tract C, "Plat of Twin Brooks Phase 2, LU-05-024", approved February 27, 2015, and recorded March 18, 2015, under Auditor's File No. 2 0 1503180026, records of Skagit County, Washington, more particularly described as follows:

Beginning at the common corner between Tract C, Tract D and Tract G, Plat of Twin Brooks Phase 2, LU-05-024;
Thence North $45^{\circ} 04' 29''$ East, 79.48 feet along the common line between Tract C and Tract D;
Thence continuing along the said common line South $33^{\circ} 52' 09''$ West, 20.38 feet;
Thence South $45^{\circ} 04' 29''$ West, 96.49 feet, course being 20 feet from and parallel with the first course;
Thence North $1^{\circ} 21' 39''$ East, 28.94 feet to the Point of Beginning.

Situate in the County of Skagit, State of Washington.

See next page

Affecting Tract G:

A drainage easement over Tract G, "Plat of Twin Brooks Phase 2, LU-05-024", approved February 27, 2015, and recorded March 18, 2015, under Auditor's File No. 201503180026, records of Skagit County, Washington, more particularly described as follows:

Beginning at the Northwest corner of said Tract G, Plat of Twin Brooks Phase 2, LU-05-024; Thence South $1^{\circ}20'17''$ West, 24.91 feet along the common line between said Tract G and the West line of "Plat of Parkwood Estates of Mount Vernon"; approved April 29, 1991, and recorded May 7, 1991, under Auditor's File No. 9105070019, records of Skagit County, Washington;

Thence South $88^{\circ}39'43''$ East perpendicular to said common line, 47.89 feet;

Thence South $1^{\circ}20'17''$ West, 56.66 feet;

Thence South $88^{\circ}29'49''$ East, 47.90 feet to a point of the East line of said Tract G;

Thence North $1^{\circ}21'39''$ East along said East line a distance of 139.26 feet to the North line of said Tract G;

Thence South $45^{\circ}04'29''$ West along said North line, 27.49 feet, to the beginning of a tangent curve to the right, having a central angle of $41^{\circ}26'07''$, a radius of 123.50 feet, and an arc length of 89.31 feet to the Point of Beginning.

Situate in the County of Skagit, State of Washington.