



201608010236

Skagit County Auditor

\$79.00

8/1/2016 Page

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7 4:17PM

RETURN TO:

HUGH LEWIS,
ATTORNEY AT LAW, P.C.
2200 RIMLAND DRIVE, SUITE 115
BELLINGHAM, WA 98226-6639
360-392-2880

TITLE OF DOCUMENT:

DRAINAGE EASEMENT

GRANTOR:

PW CREEK, INC.

GRANTEE:

PW CREEK, INC., TWIN BROOKS COMMUNITY ASSOCIATION and CITY OF MOUNT VERNON, a Municipal Corporation

ABBREV. LEGAL DESCRIPTION:

TRACT H, TWIN BROOKS PHASE 2, AF# 2001503180026, and LOT 11, TWIN BROOKS PHASE 4, AF# P132816

FULL LEGAL DESCRIPTION

EXHIBITS "A", "B" and "C" [pp. 4, 5 & 6] *portion of*
P132816

ASSESSOR'S TAX PARCEL NO.:

DRAINAGE EASEMENT

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 a tract of land which is hereinafter referred to as "Parcel A", and which is 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:

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX
EASEMENT
AUG 1 2016

Amount Paid \$—
Skagit Co. Treasurer
By HB Deputy

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 Area" 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 lands adjoining Parcel A that includes the land described in Parcel B; upon dedication of the Plat for such lands, such lands will be known as Twin Brooks Phase 4, the legal description for which appears in Exhibit B attached hereto. Certain drainage improvements known as "rain gardens" to be constructed by Grantor to serve Parcel B are located partially within Parcel B and partially outside of the boundary of Phase 4, in Parcel A. An easement over portions of Parcel A is thus necessary to permit water from the rain garden facilities to drain into the Easement Area in Parcel A and to secure necessary maintenance, repair, replacement and inspection of the rain garden 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 drainage into the Easement Area, and for the installation and perpetual maintenance of rain garden drainage facilities and conduits therefrom, on, over, under and across the Easement Area in Parcel A. Specifically, the owner of Parcel B and the City of Mount Vernon shall have rights of ingress, egress and inspection of the rain garden facilities, and to cause surface waters captured by the rain garden facilities to drain into the Easement Area. Twin Brooks Community Association shall have rights of ingress, egress, inspection and perpetual maintenance responsibility for the rain garden 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.

2. **RESTRICTIONS ON USE OF EASEMENT AREA.** Use of the Easement Area is intended to be consistent with the needs of lawful owner of the Lot in Parcel B and Twin Brooks Community Association, consistent with all Notes affecting same appearing on the Plat of Twin Brooks Phase 4.

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

EXHIBIT A

Legal Description of Grantor's Parcel

Tract H, "Plat of Twin Brooks Phase 2, LU-05-024", approved February 27, 2015, and recorded March 18, 2015, under Auditor's File No. 2001503180026, records of Skagit County, Washington.

Parcel No. P 132816

EXHIBIT B

Legal Description of Grantee's Parcel

Lot 11, "Twin Brooks Phase 4, LU-05-024", approved June ~~21~~^{July}, 2016 and recorded ~~Aug 1~~^{Aug 1}, 2016, at Auditor's File No. ~~29608010235~~, Records of Skagit County, Washington.

Parcel No. Part of P 132812

EXHIBIT C

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Legal Description and Depiction of Easement Area

A drainage easement over Tract H, "Plat of Twin Brooks Phase 2, LU-05-024", approved February 27, 2015, and recorded March 18, 2015, under Auditor's File No. 2001503180026, records of Skagit County, Washington, more particularly described as follows:

Commencing at the Southeast corner of said Tract H, Plat of Twin Brooks Phase 2, LU-05-024;

Thence North $88^{\circ} 39' 43''$ West, 12.92 feet along the South line of said Tract H to the Point of Beginning of the centerline of a 10 foot wide tract (5 feet each side);

Thence North $7^{\circ} 12' 47''$ East, 22.00 feet, to the Point of Terminus;

Situate in the County of Skagit, State of Washington.

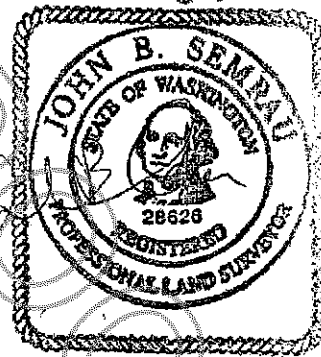


EXHIBIT C

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Legal Description and Depiction of Easement Area

