

Recording Requested By And  
When Recorded Mail To:

Skagit County  
Public Works Department  
Attn: David Waide  
1800 Continental Place  
Mount Vernon, Washington 98273

201808220069

08/22/2018 02:52 PM Pages: 1 of 9 Fees: \$107.00  
Skagit County Auditor

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

AUG 22 2018

Amount Paid \$  
Skagit Co. Treasurer  
By *man* Deputy

DOCUMENT TITLE: **TEMPORARY CONSTRUCTION EASEMENT**

REFERENCE NUMBER OF RELATED DOCUMENT: *Not Applicable*

GRANTOR(S): **Clifford Ray Wickert and Connie L. Wickert**, as Trustees of the Wickert Family Trust, dated November 13, 1992

GRANTEE(S): **Skagit County**, a political subdivision of the State of Washington.

ASSESSOR'S TAX / PARCEL NUMBER(S): **P62435** (XrefID: 3867-000-025-0403)

ABBREVIATED LEGAL DESCRIPTION: THE NORTH 130 FEET OF THE WEST 110 FEET OF TRACT 25, PLAT OF THE BURLINGTON ACREAGE, RECORDED IN VOLUME 1 OF PLATS, PAGE 49, RECORDS OF SKAGIT COUNTY, WASHINGTON. TOGETHER WITH THAT PORTION OF THE GARDNER ROAD VACATED BY RESOLUTION #3939 DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF TRACT 25, PLAT OF BURLINGTON ACREAGE; THENCE SOUTH 00-14-00 EAST ALONG THE WEST LINE OF SAID TRACT 25 A DISTANCE OF 130 FEET; THENCE SOUTH 89-45-00 WEST A DISTANCE OF 28.10 FEET TO THE EAST LINE OF THE PRESENT GARDNER ROAD, BEING ALSO THE WEST LINE OF SAID VACATED ROAD; THENCE NORTH 00-43-44 WEST ALONG THE EAST LINE OF SAID PRESENT GARDNER ROAD A DISTANCE OF 130.01 FEET; THENCE NORTH 89 DEGREES EAST A DISTANCE OF 29.23 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION CONVEYED IN DEED RECORDED AUGUST 24, 1978 UNDER AF#886234, DESCRIBED AS FOLLOWS; THAT PORTION OF THE NORTH 130 FEET OF THE WEST 110 FEET OF TRACT 25, PLAT OF BURLINGTON ACREAGE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 25; THENCE NORTH 89-45-00 EAST ALONG THE NORTH LINE OF SAID TRACT 25 A DISTANCE OF 84 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE NORTH 89-45-00 EAST ALONG SAID NORTH LINE A DISTANCE OF 26 FEET TO THE EAST LINE OF SAID WEST 110 FEET OF TRACT 25; THENCE SOUTH 00-14-00 EAST ALONG SAID EAST LINE A DISTANCE OF 130 FEET TO THE SOUTH LINE OF SAID NORTH 130 FEET OF TRACT 25; THENCE SOUTH 89-45-00 WEST ALONG SAID SOUTH LINE A DISTANCE OF 27.50 FEET; THENCE NORTH 00-25-41 EAST A DISTANCE OF 130.01 FEET TO THE TRUE POINT OF BEGINNING. EXCEPT THAT PORTION DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF TRACT 25, PLAT OF BURLINGTON ACREAGE, RECORDED IN VOLUME 1 OF PLATS, PAGE 49, RECORDS OF SKAGIT COUNTY, WASHINGTON, BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 89-45-00 EAST ALONG THE NORTH LINE OF SAID TRACT 25, 84.00 FEET; THENCE SOUTH 00-25-41 WEST, 10.00 FEET; THENCE SOUTH 89-45-00 WEST, 83.88 FEET TO THE WEST LINE OF



TRACT 25; THENCE CONTINUING SOUTH 89-45-00 WEST, 29.14 FEET TO THE WEST LINE OF THE VACATED GARDENER ROAD AS RECORDED IN COMMISSIONER'S RESOLUTION NO. 3939; THENCE NORTH 00-43-44 WEST ALONG THE WEST LINE OF SAID VACATED ROAD, 10.00 FEET TO THE SOUTH MARGIN OF LAFAYETTE ROAD; THENCE NORTH 89-45-00 EAST, 29.23 FEET TO THE TRUE POINT OF BEGINNING. Situate in Skagit County, State of Washington.

### TEMPORARY CONSTRUCTION EASEMENT

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The undersigned, **Clifford Ray Wickert and Connie L. Wickert**, as Trustees of the Wickert Family Trust, dated November 13, 1992 (herein "Grantors"), and **Skagit County**, a political subdivision of the State of Washington (herein "Grantee"), for good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, hereby grants a temporary, non-exclusive construction easement and appurtenances thereto ("Temporary Easement"), as provided herein. Grantors and Grantee may be individually referred to herein as a "party", and may be collectively referred to herein as the "parties." The terms of this Temporary Easement are further provided as follows:

**1. Nature and Location of Easement.** The Temporary Easement hereby granted by Grantors herein shall be a temporary construction easement for the benefit of Grantee, Grantee's agents, employees, and contractors over, upon, across, through, a portion of real property located within and upon Grantors' Property, such Temporary Easement area as legally described on *Exhibit "A"* and as further described and depicted on *Exhibit "B"*, attached hereto and incorporated herein by this reference, for the purpose of providing a temporary construction easement (and any related appurtenances thereto), including the right of ingress and egress with all necessary equipment for a Project, maintenance to existing open conveyance, within said Temporary Easement, for any and all other purposes reasonably related thereto. A legal description for the Grantors' Property is attached hereto as *Exhibit "C"*, and is hereby incorporated by reference. The Temporary Easement shall be for the purpose of a Project (further described in *Exhibit "D"*).

**2. Use of Easement.** Except as provided herein to the contrary, the Grantee, Grantee's employees, agents, and contractors, shall have the right, without notice, and at all times, to enter upon the Grantors' Property within the Temporary Easement area (as described and depicted in *Exhibit "A"* and *"B"*) for purposes of using the Temporary Easement for the Project (as further described in *Exhibit "D"*, attached hereto and incorporated by reference). This includes the area needed for staging (stockpile of materials to be used in the Project). Grantors shall not have the right to exclude Grantee, Grantee's employees, agents, contractors, or other third parties from the Temporary Easement area. Grantors shall not place, construct, or cause to be placed or constructed or maintained any building, structure, obstruction, and/or improvements within or upon the Temporary Easement area (or otherwise alter, interfere with, or disturb the Project) while the Temporary Easement is in effect, without approval of the Grantee. The Grantors specifically recognize and agree that Grantee is in no way obligated in the future to make, construct, operate, maintain, or repair the Project or any specific facilities at (or within the vicinity of) Grantors' Property pursuant to the terms of this Temporary Easement.

**3. Termination of Temporary Easement.** This Temporary Easement shall expire and terminate at such time as the Grantee has completed the Project or activity necessitating the use of the Temporary Easement as described hereinabove (as determined by Grantee). This

Temporary Easement shall otherwise expire by its own terms and terminate on September 30, 2018, whichever is sooner.

**4. Governing Law; Venue.** This Temporary Easement shall be construed under the laws of the State of Washington. It is agreed by the parties that the venue for any legal action brought under or relating to the term of this Temporary Easement shall be in Skagit County, State of Washington.

**5. Entire Agreement.** This Temporary Easement contains the entire agreement between the parties hereto and incorporates and supersedes all prior negotiations or agreements. It may not be modified or supplemented in any manner for form whatsoever, either by course of dealing or by parol or written evidence of prior agreements and negotiations, except upon the subsequent written agreement of the parties. Waiver or breach of any term or condition of this Temporary Easement shall not be considered a waiver of any prior or subsequent breach.

**GRANTORS:**

**Clifford Ray Wickert and Connie L. Wickert**, as Trustees of the Wickert Family Trust, dated November 13, 1992

DATED this 2 day of August, 2018.

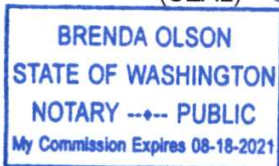
By: Clifford Ray Wickert, TRUSTEE  
Clifford Ray Wickert, Trustee

By: Connie L. Wickert, trustee  
Connie L. Wickert, Trustee

STATE OF WASHINGTON }  
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that **Clifford Ray Wickert and Connie L. Wickert**, as Trustees of the Wickert Family Trust, dated November 13, 1992, are the persons who appeared before me, and said persons acknowledged that they signed this instrument, and on oath stated that they are duly authorized executed the forgoing instrument as their free and voluntary act for the uses and purposes herein mentioned.

DATED this 2 day of August, 2018.  
(SEAL)



Notary Public  
Print name: Brenda Olson  
Residing at: Mount Vernon, WA  
My commission expires: August 18, 2021



DATED this 20 day of August, 2018.

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

Kenneth A. Dahlstedt  
Kenneth A. Dahlstedt, Chair

Lisa Janicki  
Lisa Janicki, Commissioner

Ron Wesen  
Ron Wesen, Commissioner

Attest:

Linda Heunnes  
Clerk of the Board

Authorization per Resolution R20050224:

Recommended: [Signature]  
Department Head

\_\_\_\_\_  
County Administrator

Approved as to form:  
[Signature] 8/7/18  
Civil Deputy Prosecuting Attorney

Approved as to indemnification:  
Sharon Quibb (8-9-18)  
Risk Manager

Approved as to budget:  
Lisa Yegor  
Budget & Finance Director



EXHIBIT "A"  
P62435

TEMPORARY EASEMENT AREA LEGAL DESCRIPTION

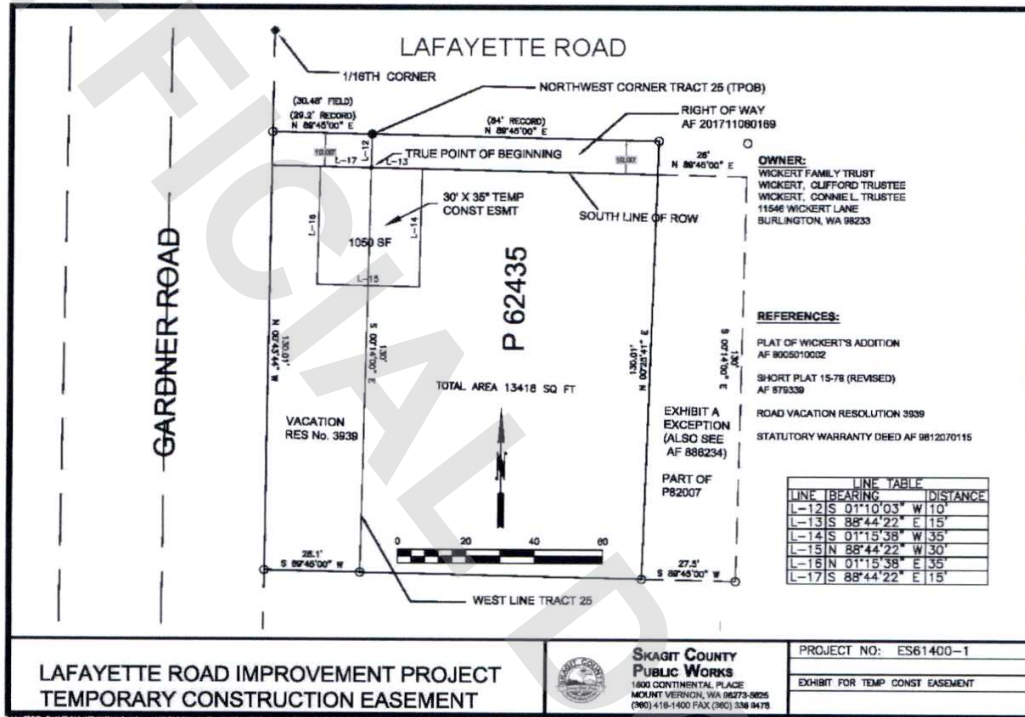
A portion of land in the Northeast Quarter of the Southwest Quarter of Section 33, Township 35 North; Range 4 East, Willamette Meridian, situate in the County of Skagit, State of Washington, described as follows:

**Commencing** at the Northwest corner of Tract 25, PLAT OF THE BURLINGTON ACREAGE PROPERTY, according to the plat thereof recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, Thence South  $01^{\circ} 10' 03''$  East along the west line of said Tract 25 a distance of 10.00 feet to the South margin of the Right of Way of Lafayette Road, also being the TRUE POINT OF BEGINNING, thence South  $88^{\circ} 44' 22''$  East a distance of 15.00 feet, thence South  $01^{\circ} 15' 38''$  West a distance of 35.00 feet, thence North  $88^{\circ} 44' 22''$  West a distance of 30.00 feet, thence North  $01^{\circ} 15' 38''$  East a distance of 35.00 feet, thence South  $88^{\circ} 44' 22''$  East a distance of 15.00 to the True Point of Beginning and the terminus of this description.

Containing 1050 square feet

EXHIBIT "B"  
 P62435

GRAPHIC DEPICTION OF TEMPORARY EASEMENT AREA





**EXHIBIT "C"**  
**P62435**

**LEGAL DESCRIPTION OF GRANTORS' PROPERTY**

The North 130.00 feet of the West 110.00 feet of Tract 25, PLAT OF THE BURLINGTON ACREAGE PROPERTY, according to the plat thereof recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington;

TOGETHER WITH that portion of the Gardner Road, vacated by Resolution No. 3939, Commissioners File No. 11597, described as follows:

Beginning at the Northwest corner of Tract 25, Plat of the Burlington Acreage Property, according to the plat thereof recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington; thence South 00°14'00" East along the West line of said Tract 25 a distance of 130.00 feet; thence South 89°45'00" West a distance of 28.10 feet to the East line of the present Gardner Road, being also the West line of said vacated road; thence North 00°43'44" West along the East line of the said present Gardner Road a distance of 130.01 feet; thence North 89° East a distance of 29.23 feet to the point of beginning;

EXCEPT that portion conveyed in deed recorded August 24, 1978, under Auditor's File No. 886234, records of Skagit County, Washington, described as follows:

That portion of the North 130.00 feet of the West 110.00 feet of Tract 25, Plat of the Burlington Acreage Property, according to the plat thereof recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, being more particularly described as follows:

Commencing at the Northwest corner of said Tract 25; thence North 89°45'00" East along the North line of said Tract 25 a distance of 84.00 feet to the true point of beginning; thence continue North 89°45'00" East along said North line a distance of 26.00 feet to the East line of said West 110.00 feet of Tract 25; thence South 00°14'00" East along said East line a distance of 130.00 feet to the South line of said North 130.00 feet of Tract 25; thence South 89°45'00" West along said South line a distance of 27.50 feet; thence North 00°25'41" East a distance of 130.01 feet to the true point of beginning.

EXCEPT that portion conveyed in deed recorded November 6, 2017, under Auditor's File No. 201711060169, records of Skagit County, Washington, described as follows;

A portion of land in the Northeast Quarter of the Southwest Quarter of Section 33, Township 35 North; Range 4 East, Willamette Meridian, situate in the County of Skagit, State of Washington, described as follows:

Commencing at the Northwest corner of Tract 25, PLAT OF THE BURLINGTON ACREAGE PROPERTY, according to the plat thereof recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, also being the TRUE POINT OF BEGINNING;

Thence North 89°45'00" East along the North line of said Tract 25, 84.00 feet to the east line of Parcel 62435, thence South 00°25'41" West along the east boundary of the above parcel, 10.00 feet, thence South 89°45'00" West 83.88 feet to the West line of Tract 25, thence continuing South 89°45'00" West 29.14 feet to the west line of the Vacated Gardner Road as recorded in

Commissioner's Resolution No. 3939. Thence North  $00^{\circ}43'44''$  West along the west line of the above mentioned vacated road, 10.00 feet to the south margin of Lafayette Road, thence North  $89^{\circ}45'00''$  East, 29.23 feet to the True Point of Beginning and the terminus of this description.

Situated in Skagit County, Washington.



Exhibit "D"  
P62435

PROJECT DESCRIPTION

The Project shall include the following work by Grantee:

- Removal and replacement of a portion of the concrete driveway in order to match the grade of the new driveway approach/sidewalk.

