

Return to:

City of Arlington
Development Services
238 N. Olympic Avenue
Arlington, WA 98223



200911040056 11 PGS
11/04/2009 9:30am \$72.00
SNOHOMISH COUNTY, WASHINGTON

**NO EXCISE TAX
REQUIRED**

NOV 04 2009

KIRKE SIEVERS, Snohomish County Treasurer

By KIRKE SIEVERS

Please print neatly or type information:

Document Title(s)

Utility Easement

Reference Number(s) of related documents:

200911045001 - Eagle Springs Plat

Additional Reference #'s on page _____

Grantor(s) (Last, First, and Middle Initial)

DW Arlington, LLC

Additional Grantors on page _____

Grantee(s) (Last, First, and Middle Initial)

City of Arlington

Additional Grantees on page _____

Legal Description (abbreviated form: i.e. lot, block, plat or section, township, range, quarter/quarter)

Ptn. NW ¼ of NE ¼ of Sec. 19, T. 31N, R. 6E, W.M., situate in Snohomish County, WA

Complete legal on Exhibit A

Assessor's Property Tax Parcel/Account Number

310619-001-001-00; 310619-001-007-00; 310619-001-002-00; 310619-001-004-00

Additional parcel #'s on page _____

The Auditor/Recorder will rely on the information provided on this form. The responsibility for the accuracy of the indexing information is that of the document preparer.

*I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party

AFTER RECORDING, RETURN TO:

CITY OF ARLINGTON
DEVELOPMENT SERVICES
238 N. OLYMPIC AVENUE
ARLINGTON, WA 98223

OUR FILE NO. _____

UTILITY EASEMENT

GRANTOR(S): DW Arlington, LLC

GRANTEE(S): City of Arlington

LEGAL (Abbrev.): Ptn. NW ¼ of NE ¼ of Sec. 19, T. 31 N., R. 6 E., W.M.

ASSESSOR'S TAX #:

REFERENCE #:

THIS AGREEMENT is made and entered into this 3 day of November 2009, by and between DW Arlington, LLC, (hereinafter "Grantors"); the City of Arlington, Washington (hereinafter "City"); and Frontier Bank (hereinafter referred to as "Mortgagee").

WHEREAS, Grantors are the owners of certain property located within the urban growth area of the City of Arlington; and

WHEREAS, Grantor wishes to grant an easement to the Grantee;

NOW, THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, it is agreed by and between the parties hereto as follows:

1. Grant of Easements by Grantors to the City.

1.1 Grantors convey and grant to the City of Arlington, its successors and

assigns and permittees and licensees, three perpetual easements for utilities and the right, privilege and authority to construct, alter, improve, repair, operate and maintain a storm sewer and sanitary sewer lines, and/or water lines, pipes and appurtenances, over, under and across Grantors's property legally described as follows:

See Attached Exhibits "A" and "B"

together with the right of ingress to and egress from said lands across adjacent lands of the Grantor, for the purpose of constructing, reconstructing, repairing, renewing, altering, changing, patrolling and operating the said lines and appurtenances, and the right at any time to remove said lines and appurtenances from said lands.

- 1.2 The Grantor reserves the right to use the surface of the above-described easement in any manner now existing, but shall not erect any buildings, structures, patios, or other construction of any nature on said easement; provided, however, that Grantor shall have the right to make any use of the easement area not inconsistent with the Grantee's rights hereunder.

2. General Terms.

2.1 Entire Agreement. This Agreement contains all of the agreements of the parties and no prior agreements or understandings pertaining to any such matters shall be effective for any such purpose.

2.2 Modification. No provision of this Agreement may be amended or added to except by agreement in writing signed by the parties.

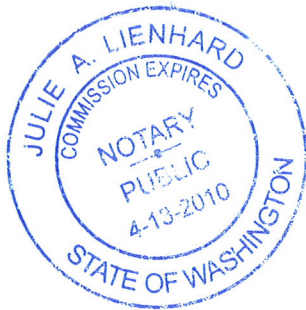
2.3 Successors in Interest. This easement shall be a covenant running with the land and shall be binding on the Grantor, and Grantors heirs, successors and assigns forever.

2.4 Subordination of Mortgage. Any mortgage on said land held by Mortgagee shall be subordinated to the rights herein granted to the Grantee, but in all other respects shall remain unimpaired.

STATE OF WASHINGTON)
) ss:
COUNTY OF SNOHOMISH)

On this 28th day of October, 2009, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Murcia Lopez, to me known to be the AVP of Frontier Bank, the corporation that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes herein mentioned, and on oath stated that he/she is authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.



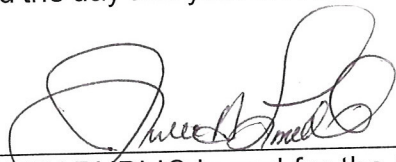

NOTARY PUBLIC in and for the State of
Washington, residing at EVERETT
My commission expires: 4-13-2010
Printed name: Julie A. Lienhard

EXHIBIT A

EASEMENT A

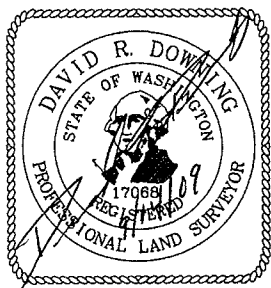
A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH, RANGE 6 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SAID SECTION 19; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, NORTH 89°20'24" WEST A DISTANCE OF 2472.09 FEET TO A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 12°29'40" EAST A DISTANCE OF 1282.89 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°52'43" EAST A DISTANCE OF 288.23 FEET; THENCE NORTH 05°01'23" WEST A DISTANCE OF 51.38 FEET; THENCE SOUTH 84°58'37" WEST A DISTANCE OF 4.00 FEET; THENCE NORTH 05°01'23" WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 84°58'37" EAST A DISTANCE OF 4.00 FEET; THENCE NORTH 05°01'23" WEST A DISTANCE OF 6.00 FEET; THENCE NORTH 84°58'37" EAST A DISTANCE OF 20.00 FEET; THENCE SOUTH 05°01'23" EAST A DISTANCE OF 68.41 FEET; THENCE SOUTH 00°52'43" WEST A DISTANCE OF 289.24 FEET; THENCE NORTH 89°11'36" WEST A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

EASEMENT B

A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH, RANGE 6 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SAID SECTION 19; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, NORTH 89°20'24" WEST A DISTANCE OF 2472.09 FEET TO A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 14°48'51" EAST A DISTANCE OF 1296.36 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°48'24" EAST A DISTANCE OF 5.59 FEET; THENCE SOUTH 89°11'36" EAST A DISTANCE OF 10.00 FEET; THENCE SOUTH 00°48'24" WEST A DISTANCE OF 5.59 FEET; THENCE NORTH 89°11'36" WEST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.



DAVID R. DOWNING & ASSOCIATES PROFESSIONAL LAND SURVEYORS

4229 76th ST. N.E. SUITE 202
MARYSVILLE, WA., 98270
(360) 653-5385

DATE: 9/11/09

SCALE: _____

JOB# 07-061

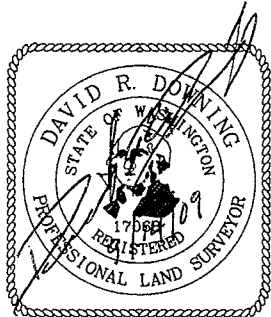
SH 1 OF 2

EXHIBIT A

EASEMENT C

A PORTION OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH, RANGE 6 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SAID SECTION 19; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, NORTH 89°20'24" WEST A DISTANCE OF 2472.09 FEET TO A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 50°10'58" EAST A DISTANCE OF 2530.41 FEET TO THE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET THROUGH A CENTRAL ANGLE OF 48°22'32" AN ARC DISTANCE OF 337.72 FEET AND A RADIUS POINT WHICH BEARS NORTH 86°16'52" EAST FROM THE POINT OF BEGINNING; THENCE NORTH 46°20'18" WEST A DISTANCE OF 17.01 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 402.00 FEET THROUGH A CENTRAL ANGLE 35°31'54" AN ARC LENGTH OF 249.30 FEET; THENCE NORTH 10°48'24" WEST A DISTANCE OF 226.95 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 498.00 FEET, THROUGH A CENTRAL ANGLE OF 13°14'08", AN ARC LENGTH OF 115.04 FEET; THENCE NORTH 24°02'33" WEST A DISTANCE OF 277.30 FEET; THENCE NORTH 21°27'19" WEST A DISTANCE OF 79.71 FEET; THENCE NORTH 68°32'41" EAST A DISTANCE OF 20.00 FEET; THENCE SOUTH 21°27'19" EAST A DISTANCE OF 79.25 FEET; THENCE SOUTH 24°02'33" EAST A DISTANCE OF 276.85 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 518.00 FEET THROUGH A CENTRAL ANGLE OF 13°14'08" AN ARC LENGTH OF 119.66 FEET; THENCE SOUTH 10°48'24" EAST A DISTANCE OF 60.71 FEET; THENCE NORTH 79°11'36" EAST A DISTANCE OF 6.72 FEET; THENCE SOUTH 10°48'24" EAST A DISTANCE OF 10.00 FEET; THENCE SOUTH 79°11'36" WEST A DISTANCE OF 6.72 FEET; THENCE SOUTH 10°48'24" EAST A DISTANCE OF 156.25 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 382.00 THROUGH A CENTRAL ANGLE OF 28°07'40" AN ARC LENGTH OF 187.53 FEET; THENCE NORTH 50°18'56" EAST A DISTANCE OF 3.02 FEET; THENCE SOUTH 39°41'04" EAST A DISTANCE OF 10.00 FEET; THENCE SOUTH 50°18'56" WEST A DISTANCE OF 3.02 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 382.00 FEET THROUGH A CENTRAL ANGLE OF 5°54'15" AN ARC LENGTH OF 39.36 FEET AND A RADIUS POINT WHICH BEARS NORTH 49°33'56" EAST FROM THE LAST DESCRIBED POINT; THENCE SOUTH 46°20'18" EAST A DISTANCE OF 33.33 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 418.00 FEET THROUGH A CENTRAL ANGLE OF 12°23'00" AN ARC LENGTH OF 90.34 FEET; THENCE SOUTH 29°07'08" EAST A DISTANCE OF 91.48 FEET; THENCE SOUTH 60°52'52" WEST A DISTANCE OF 20.00 FEET; THENCE NORTH 29°07'08" WEST A DISTANCE OF 7.00 FEET; THENCE SOUTH 60°52'52" WEST A DISTANCE OF 9.33 FEET; THENCE NORTH 29°07'08" WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 60°52'52" EAST 9.33 FEET; THENCE NORTH 29°07'08" WEST A DISTANCE OF 73.62 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 398.00 FEET THROUGH A CENTRAL ANGLE 11°44'00" AN ARC LENGTH OF 81.50 FEET AND A RADIUS POINT WHICH BEARS SOUTH 55°55'29" WEST FROM THE LAST DESCRIBED POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 380.00 FEET THROUGH A CENTRAL ANGLE 48°15'52" AN ARC LENGTH OF 320.10 FEET AND A RADIUS POINT WHICH BEARS SOUTH 45°17'37" EAST FROM THE LAST DESCRIBED POINT; THENCE SOUTH 83°13'39" WEST A DISTANCE OF 20.03 FEET TO THE POINT OF BEGINNING.



DAVID R. DOWNING & ASSOCIATES
PROFESSIONAL LAND SURVEYORS

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(360) 653-5385

DATE: 9/11/09

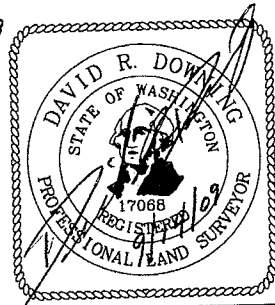
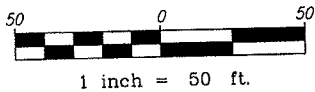
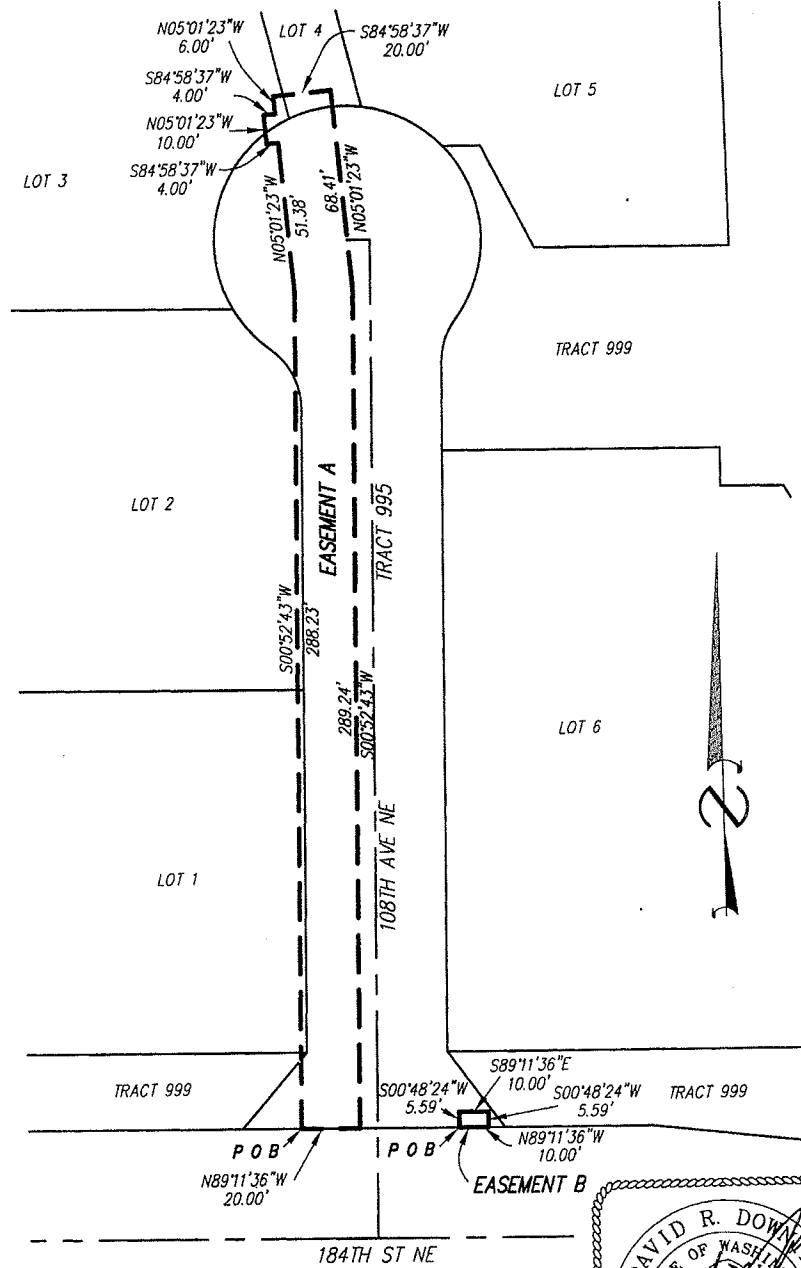
SCALE: _____

JOB# 07-061

SH 1 OF 4

EXHIBIT B

EASEMENT A & B



DAVID R. DOWNING & ASSOCIATES
PROFESSIONAL LAND SURVEYORS

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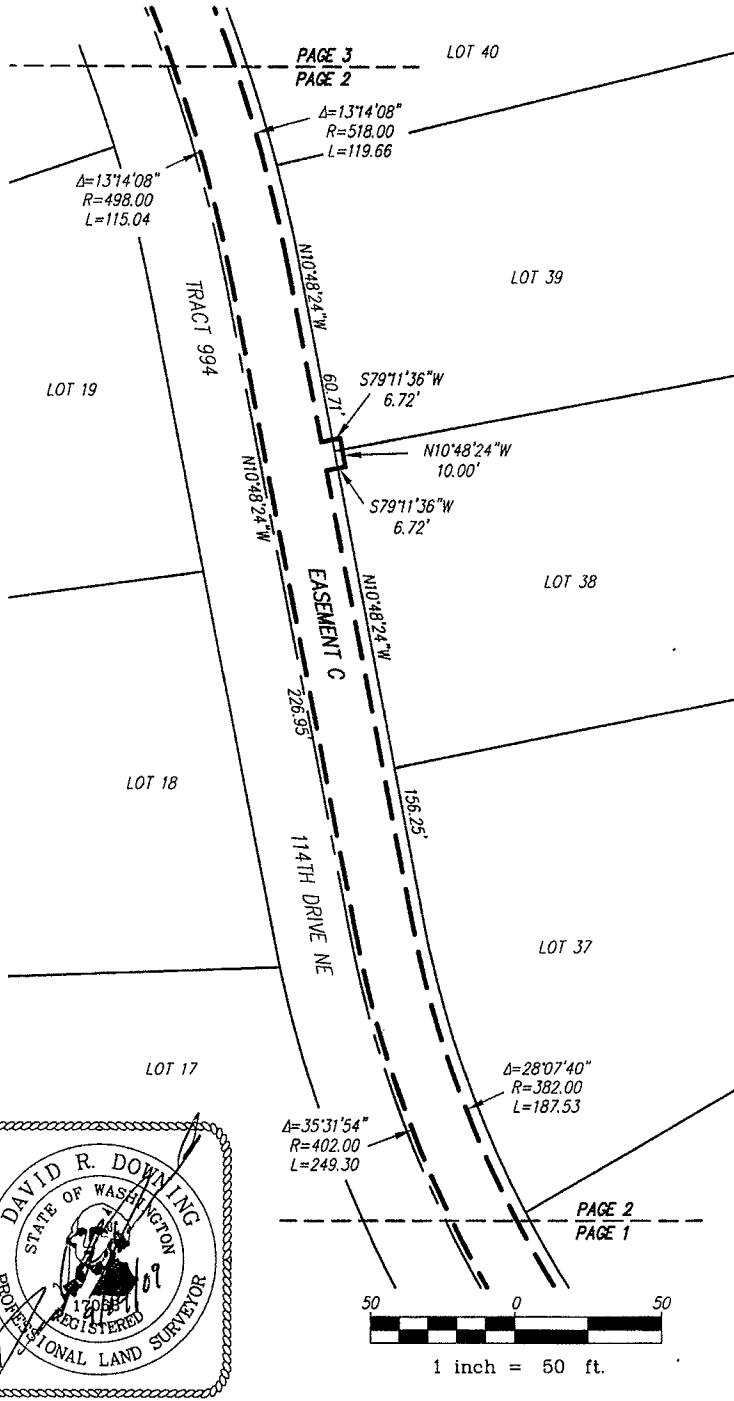
DATE: 9/11/09

SCALE: 1" = 50'

JOB# 07-061

SH 2 OF 2

EXHIBIT B
EASEMENT C PAGE 2



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SH 3 OF 4

