

AFTER RECORDING, RETURN TO:

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

OUR FILE NO. 27-502

**NO EXCISE TAX
REQUIRED**

AUG 05 2010

KIRKE SIEVERS, Snohomish County Treasurer

By KIRKE SIEVERS

CONFORMED COPY
201008090070 13 PGS
08/09/2010 9:17am \$74.00
SNOHOMISH COUNTY, WASHINGTON

UTILITY EASEMENT

GRANTOR(S): RAZO LLC

GRANTEE(S): City of Arlington

COPY

LEGAL (Abbrev.): Ptn. SE ¼ of NE ¼ of Section 20, T. 31 N., Range 5 E., W.M.

ASSESSOR'S TAX #: 00472500000505, 00472500000503

REFERENCE #:

THIS AGREEMENT is made and entered into this 29th day of July, 2010, by and between RAZO LLC, a Washington limited liability company, (hereinafter "Grantors"); the City of Arlington, Washington (hereinafter "City"); and Cascade Bank (hereinafter referred to as "Mortgagee").

WHEREAS, Grantors are the owners of certain property located within the City of Arlington legally described on the attached Exhibit "A"; 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

UTILITY EASEMENT

RECEIVED

AUG 10 2010

Batley, Duskin, Peiffle & Canfield

assigns and permittees and licensees, a perpetual easement 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 Exhibit "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 Grantor's 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.

DATED this 29th day of July, 2010.

GRANTOR:

MORTGAGEE:

RAZO LLC

CASCADE BANK

A Washington Limited Liability Company

By: Himalaya Homes, Inc., Managing Member

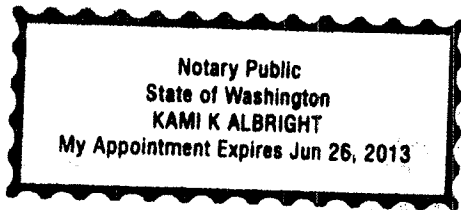
By: Zakir H. Parpia
Zakir H. Parpia, President

By: Wilbough Pooley
Its Vice President

STATE OF WASHINGTON)
) ss:
COUNTY OF SNOHOMISH)

On this 29th day of July, 2010, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Zakir H. Parpia, to me known to be the President of Himalaya Homes, Inc., the managing member of RAZO LLC, the limited liability company that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said company, 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, if any, is the corporate seal of said company.

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

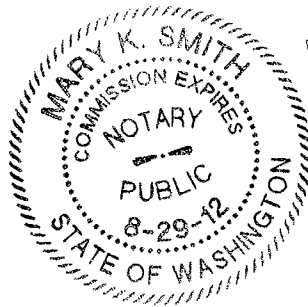


Kami Albright
NOTARY PUBLIC in and for the State of
Washington, residing at Lake Stevens
My commission expires: 6/26/2013
Printed name: Kami Albright

STATE OF WASHINGTON)
) ss:
COUNTY OF SNOHOMISH)

On this 29th day of July, 2010, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared William R. Raser, Jr., to me known to be the Vice Pres. of Cascade 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 he seal affixed is the corporate seal of said corporation.

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



Mary K. Smith
NOTARY PUBLIC in and for the State of
Washington, residing at Mansville
My commission expires: 8/29/2012
Printed name: Mary K. Smith

EXHIBIT A

(Grantor's Property)

(BASED UPON CHICAGO TITLE INSURANCE COMPANY SHORT PLAT CERTIFICATE, ORDER NO. 5610667, AMENDMENT NO. 1, DATED DECEMBER 1, 2009)

NEW PARCEL 3 OF CITY OF ARLINGTON BOUNDARY LINE ADJUSTMENT #Z-06-054-BLA RECORDED UNDER AUDITOR'S FILE NUMBER 200707105219, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 5, HIGHWAY HOME SITES, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 11 OF PLATS, PAGE 93, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; EXCEPT THAT PORTION CONVEYED TO THE CITY OF ARLINGTON, DEED RECORDED UNDER AUDITOR'S FILE NUMBER 200705010793; AND

ALSO EXCEPT THE EAST 10 FEET THEREOF; AND

ALSO EXCEPT THE EAST 178 FEET OF THE SOUTH 160 FEET OF THE REMAINDER; AND

ALSO EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF THE EAST 618.06 FEET OF TRACT 4 OF SAID PLAT;

THENCE NORTH, ALONG THE NORTH EXTENSION OF THE WEST LINE THEREOF, A DISTANCE OF 4.60 FEET TO AN EXISTING WIRE AND POST FENCE LINE THAT IS IN FAIR CONDITION;

THENCE EAST, ALONG SAID WIRE AND POST FENCE LINE, A DISTANCE OF 256 FEET, MORE OR LESS, TO A POINT OF INTERSECTION WITH THE NORTH EXTENSION OF THE EAST LINE OF THE WEST 256.00 FEET OF SAID EAST 618.06 FEET;

THENCE SOUTH, ALONG THE EXTENSION OF THE EAST LINE THEREOF, A DISTANCE OF 5.5 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE SAID WEST 256.00 FEET OF THE EAST 618.06 FEET;

THENCE WEST, ALONG THE NORTH LINE OF SAID TRACT 4, A DISTANCE OF 256.18 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THE SOUTH 42 FEET OF LOT 1 OF SNOHOMISH COUNTY SHORT PLAT #ZA8806271, RECORDED UNDER AUDITOR'S FILE NUMBER 8812210070, SAID SHORT PLAT BEING A PORTION OF LOTS 6 AND 7 OF HIGHWAY HOME SITES, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 11 OF PLATS, PAGE 93, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;
EXCEPT THE EAST 20 FEET THEREOF.

ALSO TOGETHER WITH THE SOUTH 55.50 FEET OF LOT 1 OF SNOHOMISH COUNTY SHORT PLAT #SP-214 (5-79), RECORDED UNDER AUDITOR'S FILE NUMBER 7905230248, SAID SHORT PLAT BEING A PORTION OF LOTS 6 AND 7 OF HIGHWAY HOME SITES, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 11 OF PLATS, PAGE 93, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

EXCEPT THE NORTH 15.50 FEET OF THE WEST 273.50 FEET THEREOF;

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER THE NORTH 30 FEET OF THE SOUTH 72 FEET OF SAID LOT 6;

EXCEPT THE EAST 20 FEET THEREOF; AND

EXCEPT THE WEST 273.50 FEET THEREOF.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



**EXHIBIT B
LEGAL DESCRIPTION
FOR
WATER LINE EASEMENT**

(RAZO LLC portion)

Strips of land 10.00 feet in width, lying 5.00 feet on each side of the following described centerlines, of that portion of New Parcel 3 of City of Arlington Boundary Line Adjustment #Z-06-054-BLA recorded under Auditor's File Number 200707105219, said BLA being a portion of Lots 5, 6 and 7, Highway Home Sites, according to the plat thereof, recorded in Volume 11 of Plats, page 93, records of Snohomish County, Washington, all being a portion of the Southeast quarter of the Northeast quarter of Section 20, Township 31 North, Range 5 East, W.M., and more particularly described as follows:

Beginning at the northeast corner of New Parcel 3 of said City of Arlington Boundary Line Adjustment #Z-06-054-BLA;
thence South 00°05'54" West, along the east line of said New Parcel 3, a distance of 63.12 feet to the True Point of Beginning;
thence South 89°59'49" West, a distance of 130.16 feet;
thence North 67°10'26" West, a distance of 18.91 feet;
thence South 89°59'49" West, a distance of 80.55 feet to a point hereinafter referred to as Point "A";
thence continuing South 89°59'49" West, a distance of 34.10 feet to a point hereinafter referred to as Point "B";
thence continuing South 89°59'49" West, a distance of 2.75 feet;
thence South 00°05'54" West, a distance of 106.08 feet;
thence South 49°46'23" West, a distance of 10.77 feet to a point hereinafter referred to as Point "C";
thence continuing South 49°46'23" West, a distance of 3.93 feet;
thence South 89°21'27" West, a distance of 27.04 feet to a point hereinafter referred to as Point "D";
thence continuing South 89°21'27" West, a distance of 68.60 feet to a point hereinafter referred to as Point "E";
thence continuing South 89°21'27" West, a distance of 190.34 feet;
thence South 77°39'32" West, a distance of 36.00 feet to a point hereinafter referred to as Point "F";
thence continuing South 77°39'32" West, a distance of 8.69 feet to a point hereinafter referred to as Point "G";
thence continuing South 77°39'32" West, a distance of 16.08 feet to a point hereinafter referred to as Point "H";
thence continuing South 77°39'32" West, a distance of 31.46 feet to a point hereinafter referred to as Point "I";
thence South 89°39'42" West, a distance of 10.40 feet;
thence North 45°20'18" West, a distance of 7.00 feet;
thence North 00°00'00" East, a distance of 29.80 feet to a point hereinafter referred to as Point "J";
thence continuing North 00°00'00" East, a distance of 59.00 feet to a point hereinafter referred to as Point "K";
thence North 90°00'00" East, a distance of 135.25 feet;



thence North 00°00'00" East, a distance of 25.50 feet to a point hereinafter referred to as Point "L";
thence continuing North 00°00'00" East, a distance of 17.70 feet to a point hereinafter referred to as Point "M";
thence continuing North 00°00'00" East, a distance of 10.00 feet;
thence North 45°00'18" East, a distance of 22.50 feet;
thence North 00°00'00" East, a distance of 10.04 feet to a point hereinafter referred to as Point "N";
thence North 10°55'21" West, a distance of 16.57 feet to the terminus of this centerline description, and from which terminus, the southeast corner of New Parcel 2 of said City of Arlington Boundary Line Adjustment #Z-06-054-BLA bears North 87°56'13" East, a distance of 130.49 feet.

ALSO, strips of land 10.00 feet in width, lying 5.00 feet on each side of the following described centerlines,

Beginning at the hereinabove referenced Point "C",
thence South 42°58'47" East, a distance of 55.77 feet;
thence South 00°13'28" West, a distance of 15.46 feet to a point hereinafter referred to as Point "O";
thence continuing South 00°13'28" West, a distance of 10.62 feet to the terminus of this centerline description;

Beginning at the hereinabove referenced Point "H",
thence North 12°20'28" West, a distance of 22.25 feet to the terminus of this centerline description;

Beginning at the hereinabove referenced Point "L",
thence North 90°00'00" West, a distance of 6.75 feet to the terminus of this centerline description.

ALSO, a strip of land 12.50 feet in width, lying 6.25 feet on each side of the following described centerline,

Beginning at the hereinabove referenced Point "I",
thence South 44°39'42" West, a distance of 19.57 feet to a point hereinafter referred to as Point "P";
thence continuing South 44°39'42" West, a distance of 3.68 feet to the terminus of this centerline description.

ALSO, strips of land 15.50 feet in width, lying 7.75 feet on each side of the following described centerlines,

Beginning at the hereinabove referenced Point "B",
thence North 00°05'54" East, a distance of 13.00 feet to the terminus of this centerline description;

Beginning at the hereinbelow referenced Point "Q",
thence North 00°00'00" East, a distance of 16.50 feet to the terminus of this centerline description.



ALSO, strips of land 6.00 feet in width, lying 3.00 feet on each side of the following described centerlines,

Beginning at the hereinabove referenced Point "J",
thence North 90°00'00" West, a distance of 11.50 feet to the terminus of this centerline description;

Beginning at the hereinabove reference Point "K",
thence North 00°00'00" East, a distance of 7.62 feet;
thence North 90°00'00" West, a distance of 15.25 feet to a point hereinafter referred to as Point "Q";
thence continuing North 90°00'00" West, a distance of 7.75 feet to the terminus of this centerline description;

Beginning at the hereinabove referenced Point "P",
thence South 00°00'00" East, a distance of 11.50 feet to the terminus of this centerline description.

ALSO, strips of land 5.00 feet in width, lying 2.50 feet on each side of the following described centerlines,

Beginning at the hereinabove referenced Point "F",
thence North 12°20'28" West, a distance of 16.75 feet to the terminus of this centerline description;

Beginning at the hereinabove referenced Point "G",
thence South 12°20'28" East, a distance of 20.25 feet to the terminus of this centerline description;

Beginning at the hereinabove referenced Point "M",
thence North 90°00'00" West, a distance of 6.50 feet to the terminus of this centerline description;

Beginning at the hereinabove referenced Point "O",
thence North 89°46'32" East, a distance of 19.00 feet to the terminus of this centerline description.

ALSO, a strip of land 7.50 feet in width, lying 3.75 feet on each side of the following described centerline,

Beginning at the hereinabove referenced Point "E",
thence South 00°38'33" East, a distance of 25.25 feet to the terminus of this centerline description.

ALSO, a strip of land 9.50 feet in width, lying 4.75 feet on each side of the following described centerline,

Beginning at the hereinabove referenced Point "D",
thence North 00°00'00" East, a distance of 15.50 feet to the terminus of this centerline description.



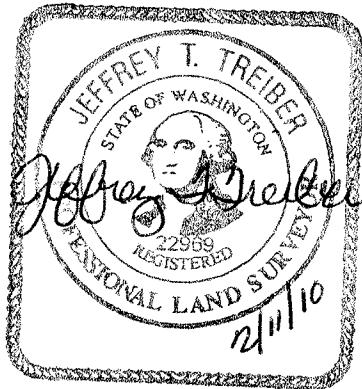
ALSO, a strip of land 11.50 feet in width, lying 5.75 feet on each side of the following described centerline,

Beginning at the hereinabove referenced Point "A",
thence North 00°00'11" West, a distance of 14.50 feet to the terminus of this centerline description.

ALSO, a strip of land 13.00 feet in width, lying 6.50 feet on each side of the following described centerline,

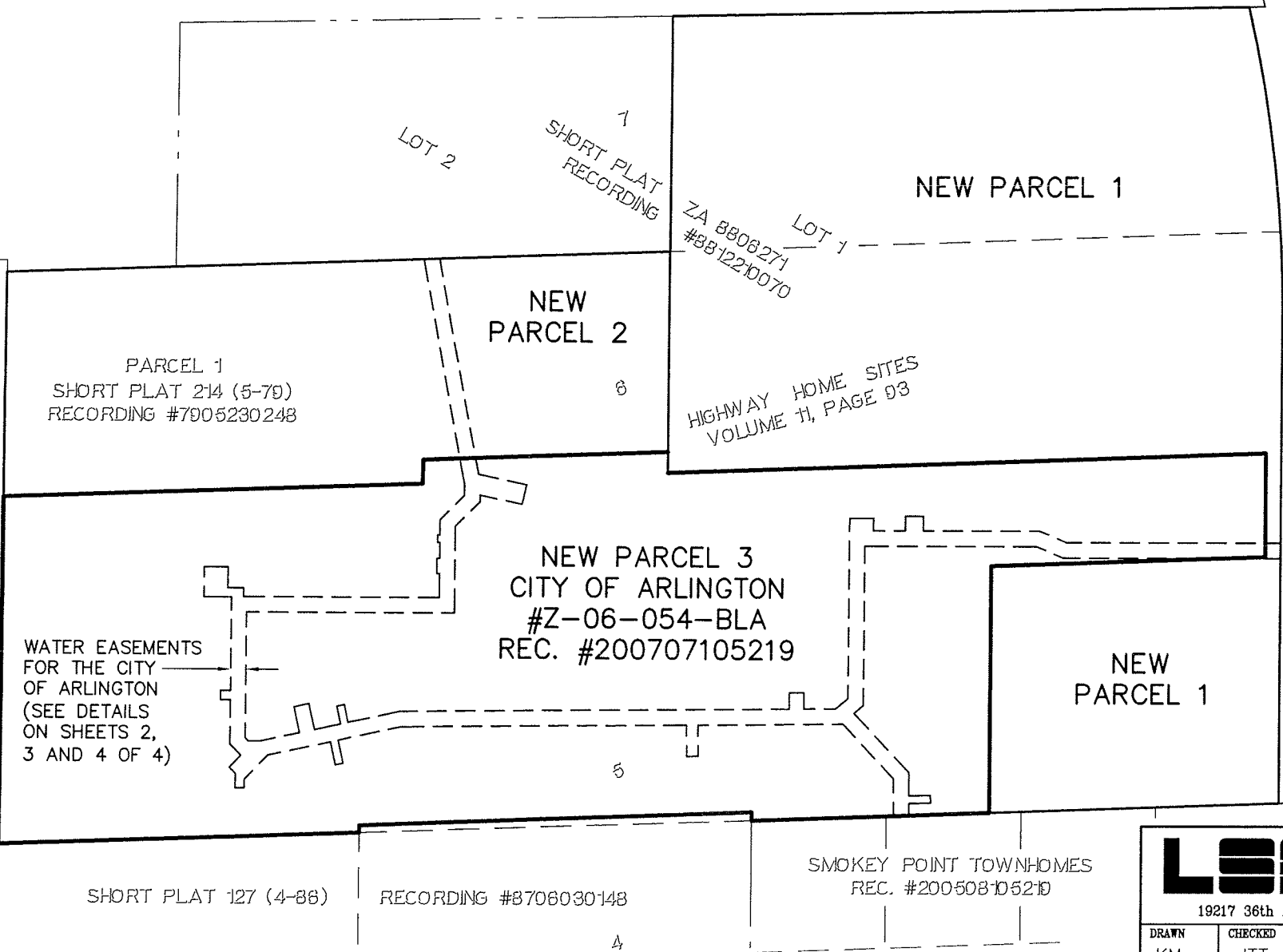
Beginning at the hereinabove referenced Point "N",
thence South 78°00'00" East, a distance of 34.50 feet to the terminus of this centerline description.

The sides of said easement shall be lengthened or shortened, as required, so as to commence and terminate upon themselves or property lines.



SHORT PLAT ZA 0112344 REC. #0312095004

BRICKWOOD REC. #200103215002



SMOKEY POINT BOULEVARD

LSA Lovell-Sauer
Engineers/Surveyors
e-mail: info@lsaeng.com
19217 36th Avenue W., Suite 106 · Lynnwood, WA 98036

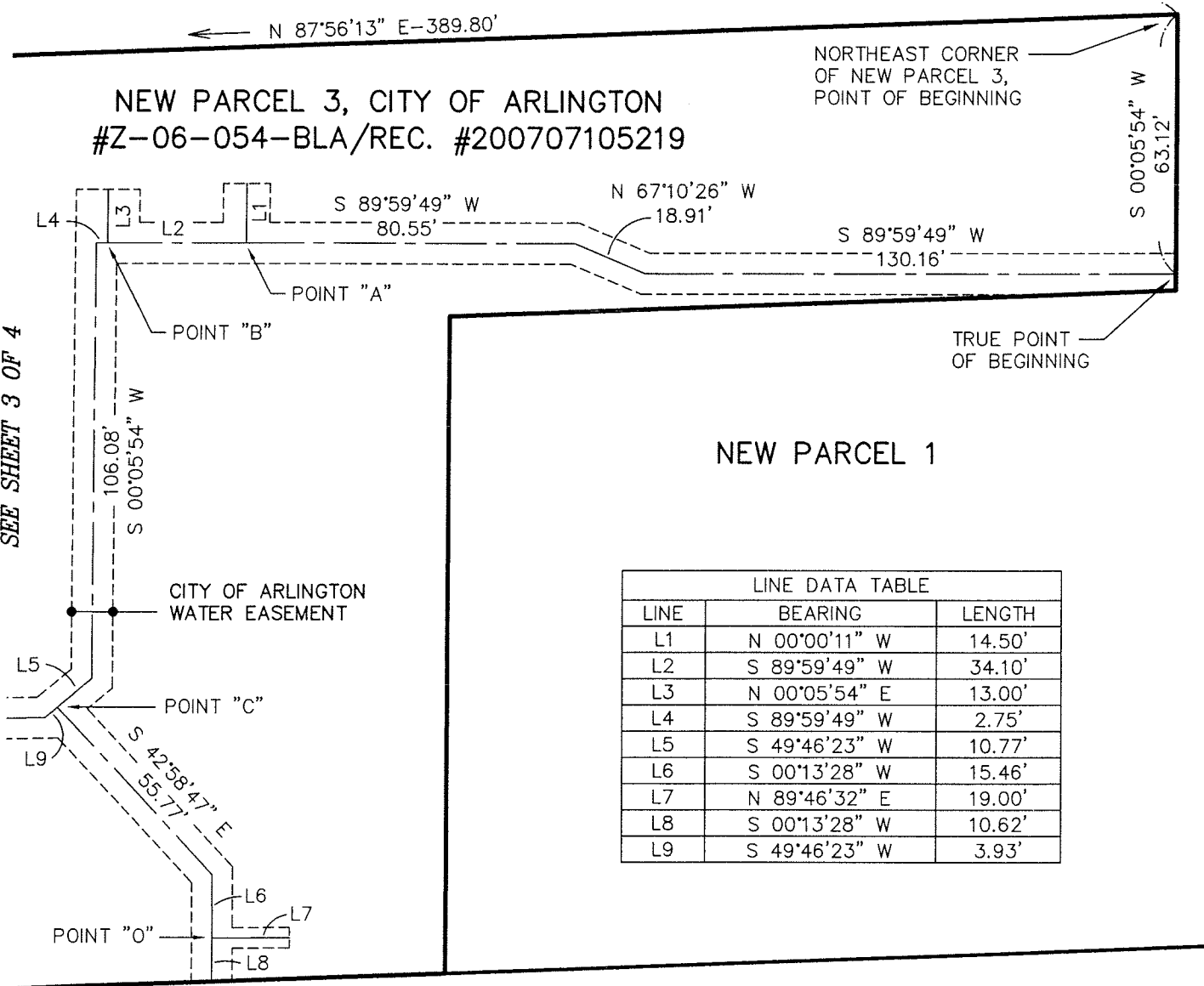
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KM	JTT	01.27.10	-

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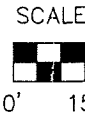
NEW PARCEL 3, CITY OF ARLINGTON
 #Z-06-054-BLA/REC. #200707105219

NORTHEAST CORNER
 OF NEW PARCEL 3,
 POINT OF BEGINNING



LINE DATA TABLE		
LINE	BEARING	LENGTH
L1	N 00°00'11" W	14.50'
L2	S 89°59'49" W	34.10'
L3	N 00°05'54" E	13.00'
L4	S 89°59'49" W	2.75'
L5	S 49°46'23" W	10.77'
L6	S 00°13'28" W	15.46'
L7	N 89°46'32" E	19.00'
L8	S 00°13'28" W	10.62'
L9	S 49°46'23" W	3.93'

SEE SHEET 3 OF 4

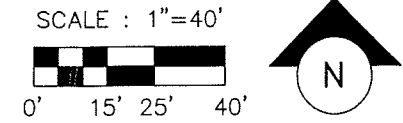
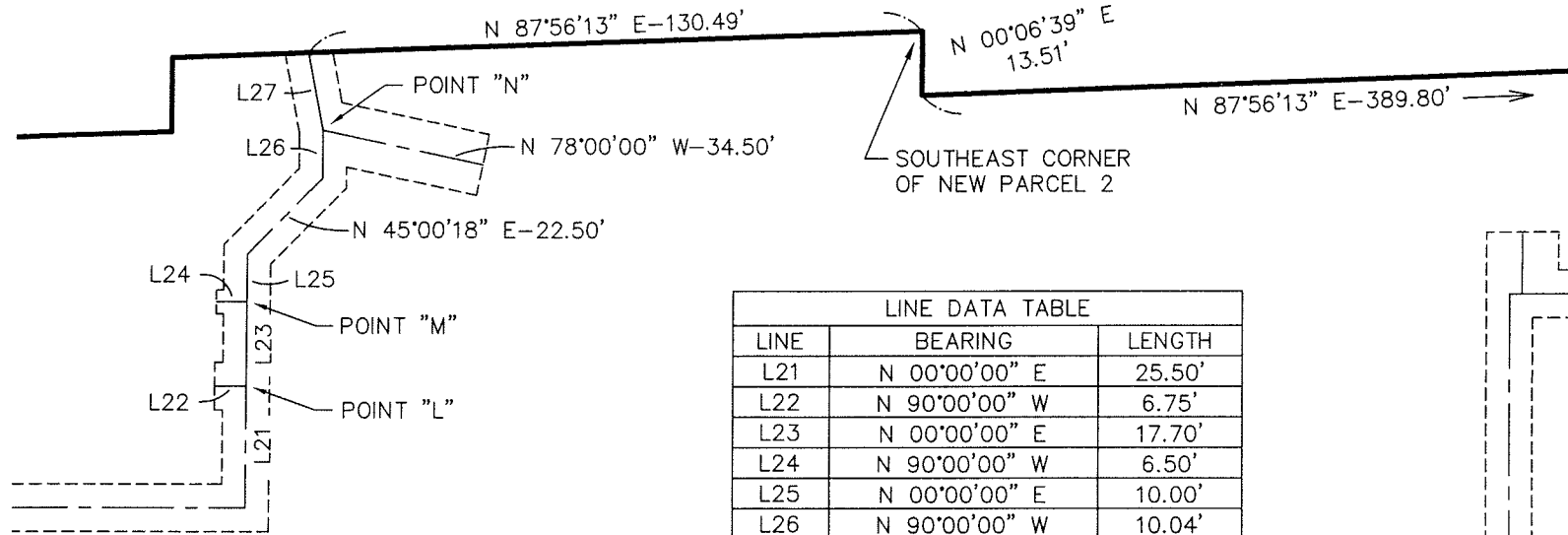


SMOKEY POINT BOULEVARD

EXHIBIT
 PORTION OF WATER EASEMENT
 RAZO LLC
 IN SE1/4, NE1/4, SEC. 16
 CITY OF ARLINGTON
 SNOHOMISH COUNTY

LSA Lovell-Sauer
 Engineers/Surveyors
 e-mail: info@lsae.com
 19217 36th Avenue W., Suite 106 · Lynnwood, WA 98037

DRAWN KM	CHECKED JTT	DATE 01.27.10	P.B. -
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LINE DATA TABLE		
LINE	BEARING	LENGTH
L21	N 00°00'00" E	25.50'
L22	N 90°00'00" W	6.75'
L23	N 00°00'00" E	17.70'
L24	N 90°00'00" W	6.50'
L25	N 00°00'00" E	10.00'
L26	N 90°00'00" W	10.04'
L27	N 10°55'21" W	16.57'

NEW PARCEL 3
CITY OF ARLINGTON
#Z-06-054-BLA
REC. #200707105219

SEE SHEET 4 OF 4

SEE SHEET 2 OF 4

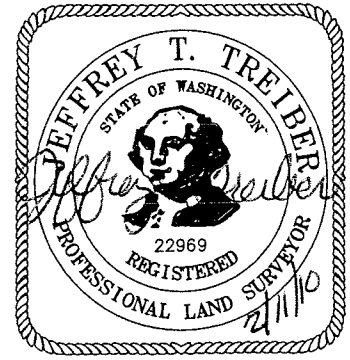
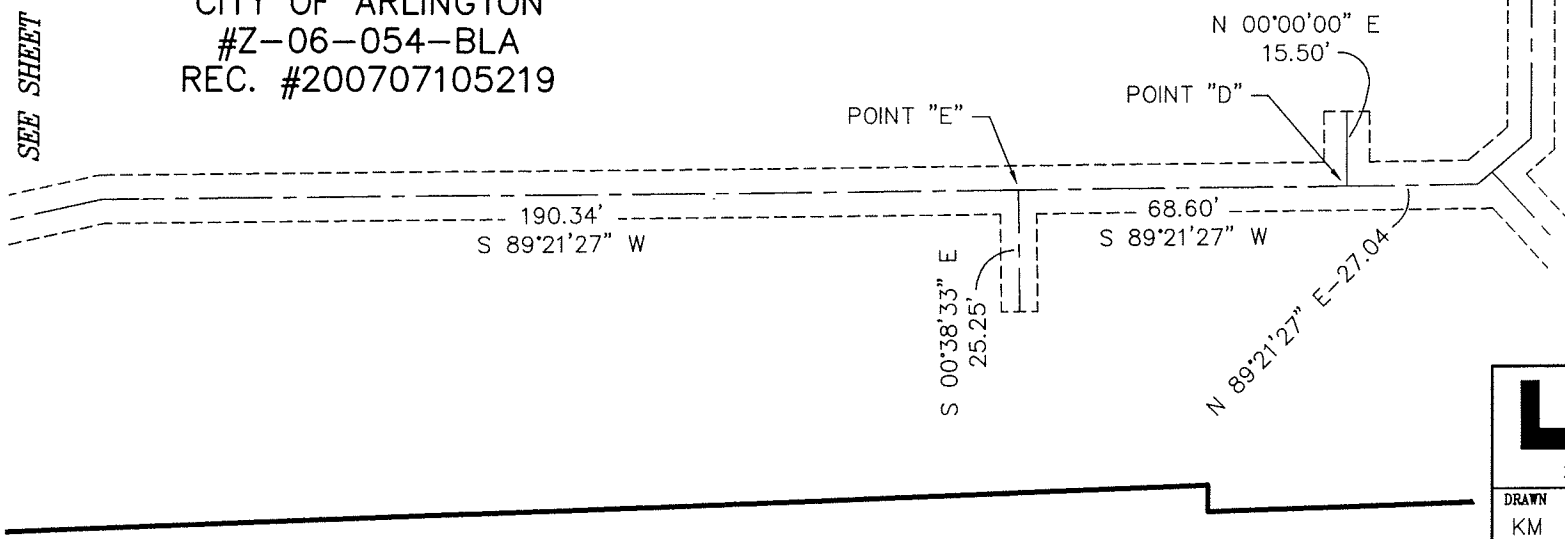


EXHIBIT C
PORTION OF WATER EASEMENT ACROSS
RAZO LLC PROPERTY
IN SE1/4, NE1/4, SEC. 20, T.31N., R.5E., W.M.
CITY OF ARLINGTON
SNOHOMISH COUNTY, WASHINGTON

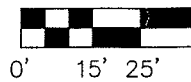


SHEET 3 OF 4

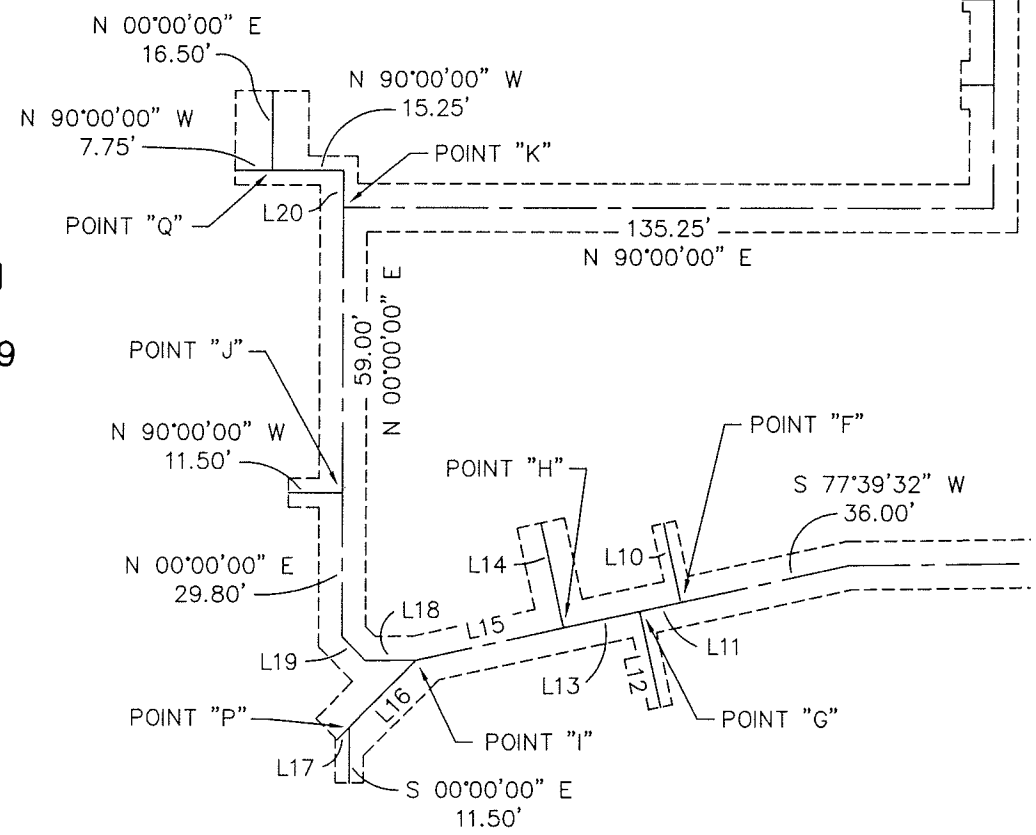
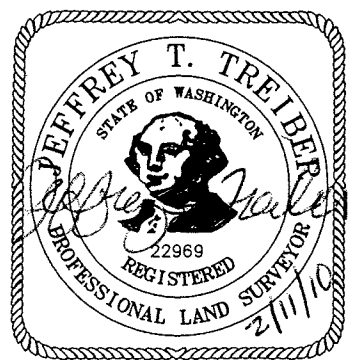
LSA Lovell-Sauerland & Associates, Inc.
Engineers/Surveyors/Planners/Development Consultants
e-mail: info@lsaengineering.com · web: lsaengineering.com
19217 36th Avenue W., Suite 106 · Lynnwood, WA 98036 · (425) 775-1591

DRAWN KM	CHECKED JTT	DATE 01.27.10	F.B. -	SCALE 1"=40'	FILE NO. 4815-0-05
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SCALE : 1"=40'



NEW PARCEL 3
CITY OF ARLINGTON
#Z-06-054-BLA
REC. #200707105219



SEE SHEET 3 OF 4

LINE	BEARING	LINE DATA
L10	N 12°20'2"	
L11	S 77°39'3"	
L12	S 12°20'2"	
L13	S 77°39'3"	
L14	N 12°20'2"	
L15	S 77°39'3"	
L16	S 44°39'4"	
L17	S 44°39'4"	
L18	S 89°39'4"	
L19	N 45°20'1"	
L20	N 00°00'0"	

EXHIBIT
PORTION OF WATER
RAZO LLC
IN SE1/4, NE1/4, SEC.
CITY OF
SNOHOMISH COU

LSA Lovell-Sauer
Engineers/Surveyors
e-mail: info@lsae
19217 36th Avenue W., Suite 106 · Lynnwood, WA

DRAWN	CHECKED	DATE	F.B.
KM	JTT	01.27.10	-