

NO EXCISE TAX
REQUIRED

MAR 10 1993

KIRKE SIEVERS, Snohomish County Treasurer
By KIRKE SIEVERS

EASEMENT

West Ave.

4-P

THIS AGREEMENT, made this 25th day of January 1993, by and between the City of Arlington, a municipal corporation of Snohomish County, Washington, herein termed "Grantee", and James E. Stutzman and Ellen Mary C. Stutzman, hereinafter termed "Grantor".

WITNESSETH:

That the said Grantor, for valuable consideration, does by these presents grant, bargain, sell, convey, and confirm unto the Grantee a perpetual right-of-way or easement for street improvements, sidewalk and necessary appurtenances through, over, and across the following described property situated in Snohomish County, Washington, more particularly described as follows:

The southerly 15 feet of the easterly 25 feet of the following described property:

Parcel A:

All that portion of the SE 1/4 of the SW 1/4 of Section 2, Township 31 North, Range 5 East, W.M., described as follows:

Beginning 165 feet west of the southeast corner of the SE 1/4 of the SW 1/4 of said Section 2;

Thence north 227 feet to the northwest corner of that certain tract previously conveyed to Victor E. Cox and Marion I. Cox, his wife, by Deed recorded November 18, 1965, under Auditor's File No. 1825312 and True Point of Beginning;

Thence continue north for 70 feet to the south line of that certain tract previously conveyed to Howard Robb and Louise Robb, his wife, by Deed recorded May 1, 1963, under Auditor's File No. 1609669;

Thence east along the south line of said Robb Tract to an intersection with the west line of West Avenue;

Thence S 03°12'30" E along the west line of West Avenue 70 feet, more or less, to a point east of the True Point of Beginning;

Thence west to Point of Beginning;

EXCEPT any portion thereof lying within any streets or State Highway;

Parcel B:

That portion of Section 2, Township 31 North, Range 5 East, W.M., described as follows:

Commencing at the S 1/4 corner of said Section 2;

Thence N 00°04'00" W along the north-south centerline of said Section 2, a distance of 297 feet;

Thence S 89°56'00" W for a distance of 75.47 feet to the southeast corner of a parcel of land conveyed by Statutory Warranty Deed recorded in Volume 812, page 696, under Auditor's File No. 1609669, records of Snohomish County, State of Washington. Said point also being the True Point of Beginning for herein described tract of land:

Thence continue S 89°56'00" W along the south line of said parcel for a distance of 95.91 feet to a point on a curve to the easterly right-of-way of State Highway 1A, whose radius point lies S 87°09'02" W and 3,900 feet distance;

Thence along the arc of said curve in a northwesterly direction through a central angle of 00°01'58" for a distance of 2.23 feet;

Thence N 87°40'08" E for a distance of 95.76 feet to the westerly right-of-way on West Avenue;

Thence S 03°16'20" E along said right-of-way for a distance of 6.02 feet to the True Point of Beginning for herein described tract of land;

Situate in the County of Snohomish, State of Washington.

Exceptions:

Rights of parties in possession and claims that may be asserted under unrecorded instruments, if any.

Relinquishment of access to State Highway and of light, view and air by deed to the State of Washington recorded July 21, 1955, under Recording No. 1152904.

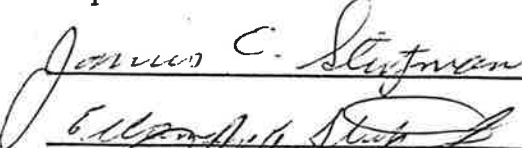
And also granting to the Grantee and to those acting under said Grantee the use of a twenty-five (25) foot temporary construction easement on and over the above described property, more particularly described as the easterly twenty-five (25) feet of the above described property.


Said temporary construction easement shall remain in force during construction and until such time as the street improvements, sidewalk and appurtenances have been accepted for maintenance and operation by the City of Arlington.

That said Grantee shall have the right without prior institution of any suit or proceeding at law, at times as may be necessary, to enter upon said property for the purposes of operating, constructing, repairing, altering, or reconstructing said street improvements, sidewalk and appurtenances, without incurring any legal obligation or liability therefor; provided that such street improvements, sidewalk and appurtenances shall be accomplished in such a manner that the private improvements existing in this right-of-way shall not be disturbed or destroyed, or in the event they are disturbed or destroyed, they will be replaced in as good a condition as they were immediately before the property was entered upon by the Grantee.

The Grantor shall retain the right to use the surface of said easement, so long as said use does not interfere with the installation, operation and maintenance of the street improvements, sidewalk and appurtenances and so long as no permanent buildings, rockeries, retaining walls or similar structures are erected on said easement.

This easement shall inure to the benefit of and shall be binding upon the successors, heirs, and assigns of both parties hereto.





MAYOR - CITY OF ARLINGTON

9303110001

STATE OF WASHINGTON)

SS:

COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that JAMES E STUTZMAN and ELLMARY C STUTZMAN signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated January 25, 1993

Whiskey Guffe

Notary Public in and for the State of Washington, residing at ARLINGTON
My Appointment Expires 10/18/96

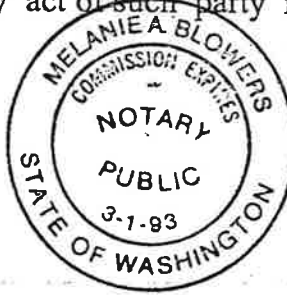
STATE OF WASHINGTON)

SS:

COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that Robert Kraski signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of the City of Arlington to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

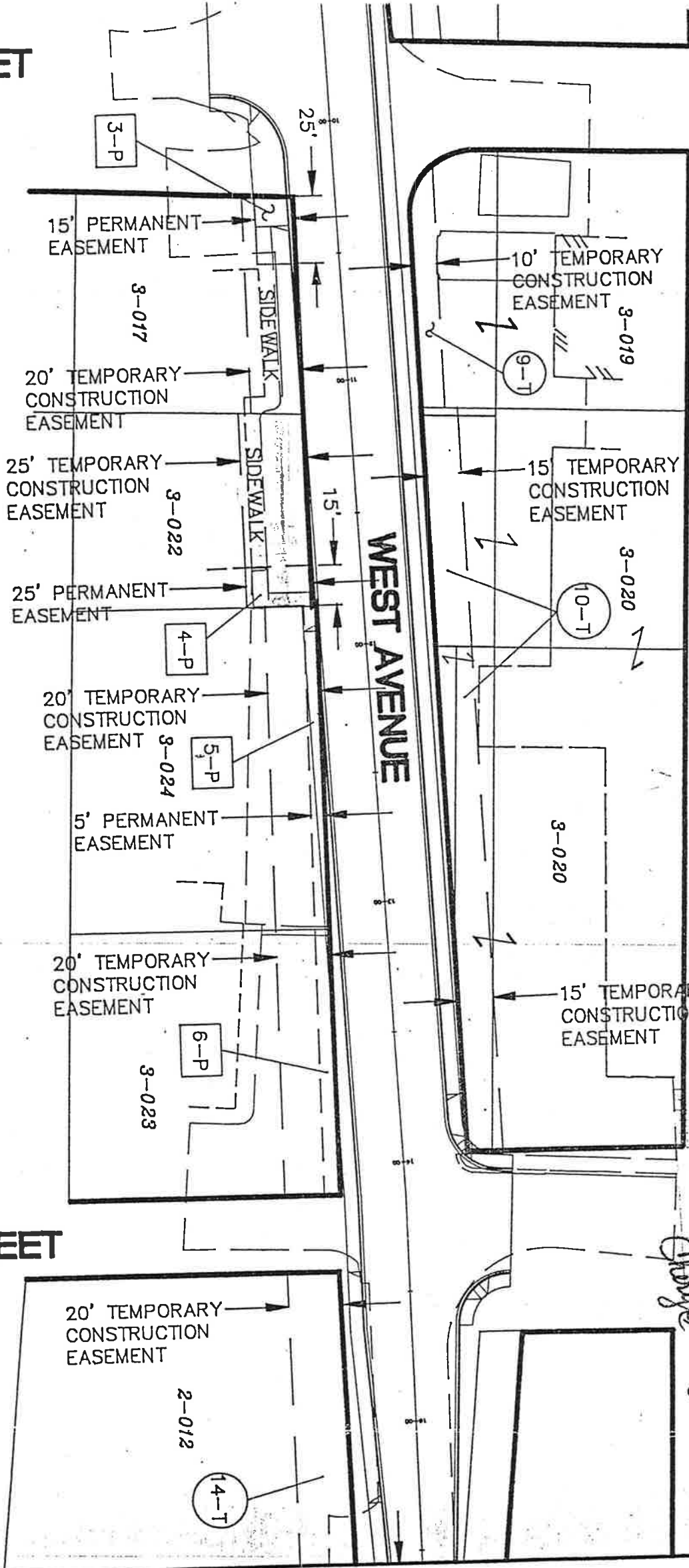
Dated 1-27-93



Melanica A. Blowers
Notary Public in and for the State of Washington, residing at Marionville
My Appointment Expires 3-1-93

9303110001

H STREET



100' BURLINGTON NORTHERN RAILROAD R.O.W.

RECORDED

93 MAR 11 AM 9:00

DEAN V. REILLY, AUDITOR
SHROBESH COUNTY, WASH.

Cheryl Partridge

IRD STREET

H LINE

SEE SHEET 2

9303110001