

AFTER RECORDING, RETURN TO



199911010442 199911010442
11/01/1999 12:01 PM Snohomish
P.0007 RECORDED County

BAILEY, DUSKIN & PEIFFLE
P.O. BOX 188
ARLINGTON, WA 98223

OUR FILE NO. 27-183

**NO EXCISE TAX
REQUIRED**

NOV 01 1999

BOB DANTINI, Snohomish County Treasurer
By BOB DANTINI

EASEMENT AND AGREEMENT

GRANTOR(S): Karen Zimmerman, as to 1/2 interest
Karen Zimmerman and Curt Hecla, co-personal representatives of
the Estate of Gerald Zimmerman, as to 1/2 interest

GRANTEE(S): City of Arlington

LEGAL (Abbrev.): West 30' of Lot 1 of short plat 670 (12-78) in
S. 13, T. 31 N, R. 5 E, W.M.

ASSESSOR'S TAX #: 133105-2-031-0002

REFERENCE #:

THIS CONTRACT is made and entered into this 16th day of August, 1999, by and between Karen Zimmerman, as to an undivided one-half interest, and Karen Zimmerman and Curt Hecla, co-personal representatives of the Estate of Gerald Zimmerman, as to an undivided one-half interest (hereinafter "Grantors") and the City of Arlington, Washington (hereinafter "City")

WHEREAS, Grantors are the owners of certain property located within the City of Arlington, and

WHEREAS, the City wishes to locate a water transmission line through the property owned by Grantors, and

WHEREAS, the parties have agreed to an easement under the terms and conditions set forth herein, and

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WHEREAS, the parties desire to enter into a written agreement to memorialize their agreement,

NOW, THEREFORE, it is agreed by and between the parties hereto as follows

1 Description of Property

1 1 Owner's Property Grantors are the owners of certain real property located within the City of Arlington, Washington, legally described on the attached **Exhibit "A"**, attached hereto and incorporated herein by this reference

2 Grant of Easements by Grantors to the City

2 1 Grantors grant and quit claim to the City of Arlington, and to the public, a perpetual easement for ingress, egress and utilities and the location of a water line system over, under and across a strip of property extending across Grantors's above described property and legally described as follows

See Exhibit "B"

2 2 This easement shall be binding upon the heirs, successors and assigns of the parties

2 3 The easement shall include the right to enter upon and to install underground utilities and to enter upon the easement to maintain the same

3 1 Maintenance Responsibilities

From and after the construction of the water line facilities on the property described in paragraph 2 1, above, said facilities shall be maintained and repaired solely by the City of Arlington and solely at the City's expense

4 1 Consideration

In consideration for the granting of this easement, the Grantors shall be entitled to a credit equal to the water system connection charges applicable to two single family domestic water services or equivalent residential units (ERUs), which credit may be used solely for water system connection

5 General Provisions.

5.1 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.

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

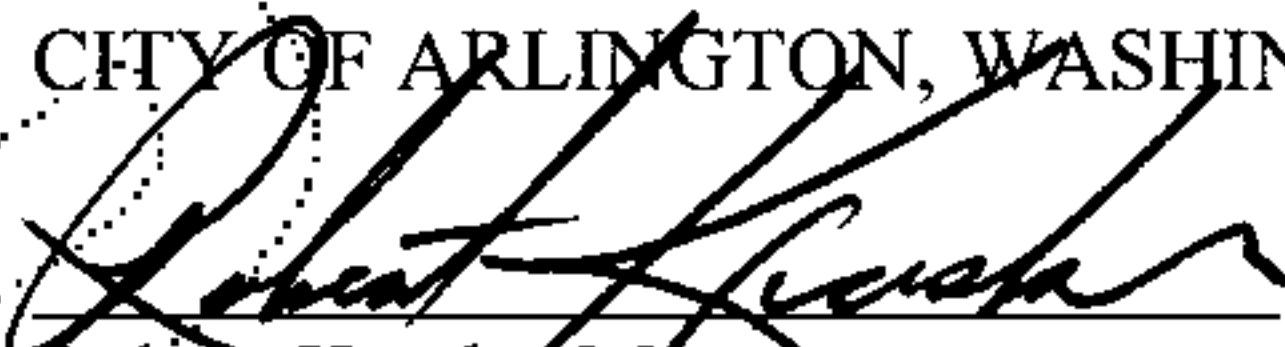
5.3 Severability Any determination by any court of competent jurisdiction that any provision of this Agreement is invalid, void or illegal shall in no way affect, impair or invalidate any other provision of this agreement and such other provisions shall remain in full force and effect.

5.4 Successors in Interest This Agreement shall inure to and be for the benefit of and shall obligate all of the parties' respective successors in interest, heirs or assigns. In the event Grantors assigns its interests hereunder, a copy of said written assignment shall be provided to the City.

5.5 Notices Any notices required to be given by the City to Grantors or by Grantors to the City shall be delivered or mailed postage prepaid to the parties at the addresses set forth below.

DATED this 27th day of August, 1999.

CITY OF ARLINGTON, WASHINGTON


Robert Kraskz, Mayor

ATTEST:


Kathy Peterson, City Clerk

GRANTORS

Karen Zimmerman
Karen Zimmerman

Estate of Gerald Zimmerman

By Karen Zimmerman
Karen Zimmerman
Co-Personal Representative

By Curt Hecla
Curt Hecla
Co-Personal Representative

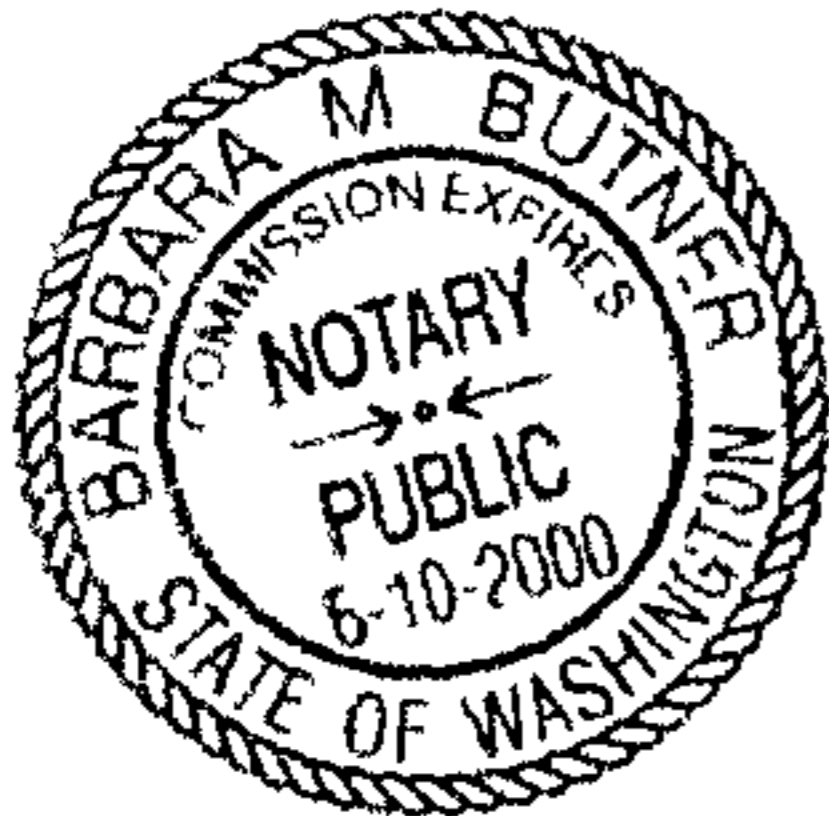
STATE OF WASHINGTON)

)ss

COUNTY OF SNOHOMISH)

On this 27th day of August, 1999, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Robert Kraski and Kathy Peterson, to me known to be the Mayor and City Clerk of the City of Arlington, 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 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



Barbara Butner
NOTARY PUBLIC in and for the State of
Washington, residing at Arlington
My commission expires 6-10-2000
Name BARBARA BUTNER

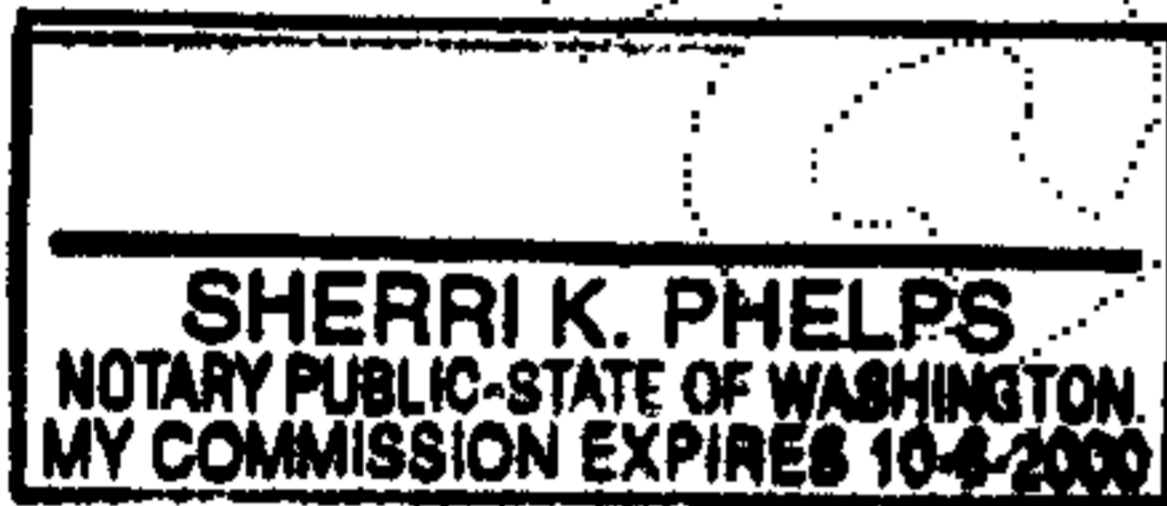
STATE OF WASHINGTON)

)ss

COUNTY OF SNOHOMISH)

On this 19th day of August, 1999, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Karen Zimmerman, to me known to be the individual(s) that executed the foregoing instrument and acknowledged the said instrument to be their free and voluntary act, for the uses and purposes herein mentioned

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



Sherrri K. Phelps

NOTARY PUBLIC in and for the State of Washington, residing at Arlington

My commission expires 10-6-2000

Name Sherrri K. Phelps

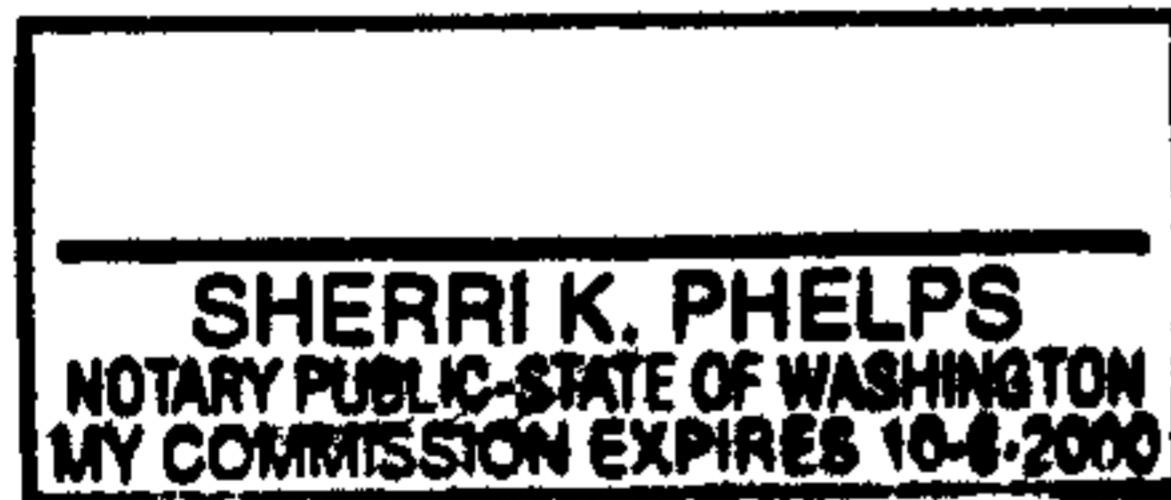
STATE OF WASHINGTON)

) ss

COUNTY OF SNOHOMISH)

On this 16th day of August, 1999, before me, the undersigned, a Notary Public in and or the State of Washington, duly commissioned and sworn, personally appeared Karen Zimmerman and Curt Hecla, to me known to be the co-personal representatives of the Estate of Gerald Zimmerman, who executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said estate for the uses and purposes herein mentioned

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



Sherrri K. Phelps

NOTARY PUBLIC in and for the State of Washington, residing at Arlington

My commission expires 10-6-2000

Printed name Sherrri K. Phelps

Exhibit "A" to Zimmerman Easement

The North 390 feet of the West 280 feet (as measured parallel to the west line of the Northwest Quarter of Section 13, Township 31 North, Range 5 East, W.M.) of all that portion of the West Half of the Northwest Quarter of the Northwest Quarter of Section 13, Township 31 North, Range 5 East, W.M., lying northeasterly of Old Burn Hill Road and Northwesterly of a Line which is 141 feet Northwesterly of and parallel to the centerline of the Puget Sound Power and Light Transmission Right of Way;

Except any portion lying within Burn Hill Road;

(Also known as Lot 1 of Short Plat 670 (12-78) recorded under Auditor's File Number 8004140225)

Records of Snohomish County, Washington

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Exhibit "B" to Zimmerman Easement

The west thirty (30) feet of the following described parcel:

The North 390 feet of the West 280 feet (as measured parallel to the west line of the Northwest Quarter of Section 13, Township 31 North, Range 5 East, W.M.) of all that portion of the West Half of the Northwest Quarter of the Northwest Quarter of Section 13, Township 31 North, Range 5 East, W.M., lying northeasterly of Old Burn Hill Road and Northwesterly of a Line which is 141 feet Northwesterly of and parallel to the centerline of the Puget Sound Power and Light Transmission Right of Way;

Except any portion lying within Burn Hill Road;

(Also known as Lot 1 of Short Plat 670 (12-78) recorded under Auditor's File Number 8004140225),

Records of Snohomish County, Washington.

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