

**NO EXCISE TAX
REQUIRED**

MAR 15 2019

KIRKE SIEVERS, Snohomish County Treasurer
By KIRKE SIEVERS

AFTER RECORDING, RETURN TO:

CITY OF ARLINGTON
18204 59th Avenue NE
Arlington, WA 98223

201903150268 CONFORMED COPY
03/15/2019 11:22am \$104.00 6 PGS
SNOHOMISH COUNTY, WASHINGTON

WATER UTILITY EASEMENT

GRANTOR (S): **BTS ARLINGTON SE LLC**

GRANTEE (S): **City of Arlington, Washington**

LEGAL (Abbrev.): **NW ¼ of the NW ¼ of the NE ¼ of Section 14, Township
31 N, Range 5 E, W.M.**

ASSESSOR'S TAX #: **00920500000400**

THIS AGREEMENT is made and entered into this 14th day of, March
2019 by and between BTS Arlington SE LLC, (hereinafter "Grantors") and the City of
Arlington, Washington (hereinafter "City"); and bank (hereinafter referred to as
"Mortgage").

WHEREAS, Grantors are the owners of certain property located within the City of
Arlington, Washington; 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, a perpetual easement for utilities and the right, privilege and authority to construct, alter, improve, repair, operate and maintain a storm sewer, sanitary sewer lines, and/or water lines, pipes, and appurtenances, over, under and across Grantor's property legally described as follows:

See Attached Exhibit "A" & "B"

together with the right to 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.

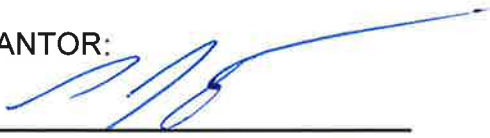
2.2 Modification. No provision of this Agreement may be amended or added to except by agreement in writing signed by the parties.

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 14 day of March, 2019.

GRANTOR:




By: Lucy L. Dinneen, Managing Director

This record was acknowledged before me on March 14, 2019 by
(date)

Lucy L. Dinneen as Managing Director of BTS Arlington SE LLC
(name) (type of authority) (name of party/company)

SHERRI L ROSSELOT
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #19984020864
MY COMMISSION EXPIRES JULY 29, 2022


Notary Public for the State of ~~Washington~~ Colorado
My Commission Expires: 7/29/2022

MORTGAGEE:

Citywide Banks

By: Brian K Hickey
Market President

This record was acknowledged before me on 3/14/19 by
(date)

Brian K Hickey as Market President of Citywide Banks
(name) (type of authority) (name of party/company)

MOLLY COOK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164018135
MY COMMISSION EXPIRES MAY 11, 2020



Notary Public for the State of ~~Washington~~ COLORADO
My Commission Expires: 5-11-20

EXHIBIT "A"

LEGAL DESCRIPTION

WATER LINE EASEMENT

THAT PORTION OF LOT 4 OF CITY OF ARLINGTON PLAT OF ARLINGTON RETAIL, ACCORDING TO THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NO. 200103195005, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, LYING IN A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

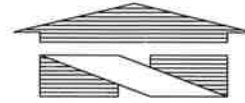
COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4;
THENCE SOUTH 01°22'14" WEST, 183.55 FEET ALONG THE WEST LINE OF SAID LOT 4 TO THE SOUTHWEST CORNER OF SAID LOT 4;
THENCE SOUTH 88°37'46" EAST, 163.58 FEET ALONG THE SOUTH LINE OF SAID LOT 4 TO THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID SOUTH LINE, SOUTH 88°37'46" EAST, 15.00 FEET;
THENCE NORTH 01°22'14" EAST, 0.75 FEET;
THENCE SOUTH 89°01'44" EAST, 4.10 FEET;
THENCE NORTH 00°58'16" EAST, 10.00 FEET;
THENCE NORTH 89°01'44" WEST, 4.04 FEET;
THENCE NORTH 01°22'14" EAST, 13.94 FEET;
THENCE NORTH 88°37'46" WEST, 15.00 FEET;
THENCE SOUTH 01°22'14" WEST, 24.69 FEET TO THE POINT OF BEGINNING.



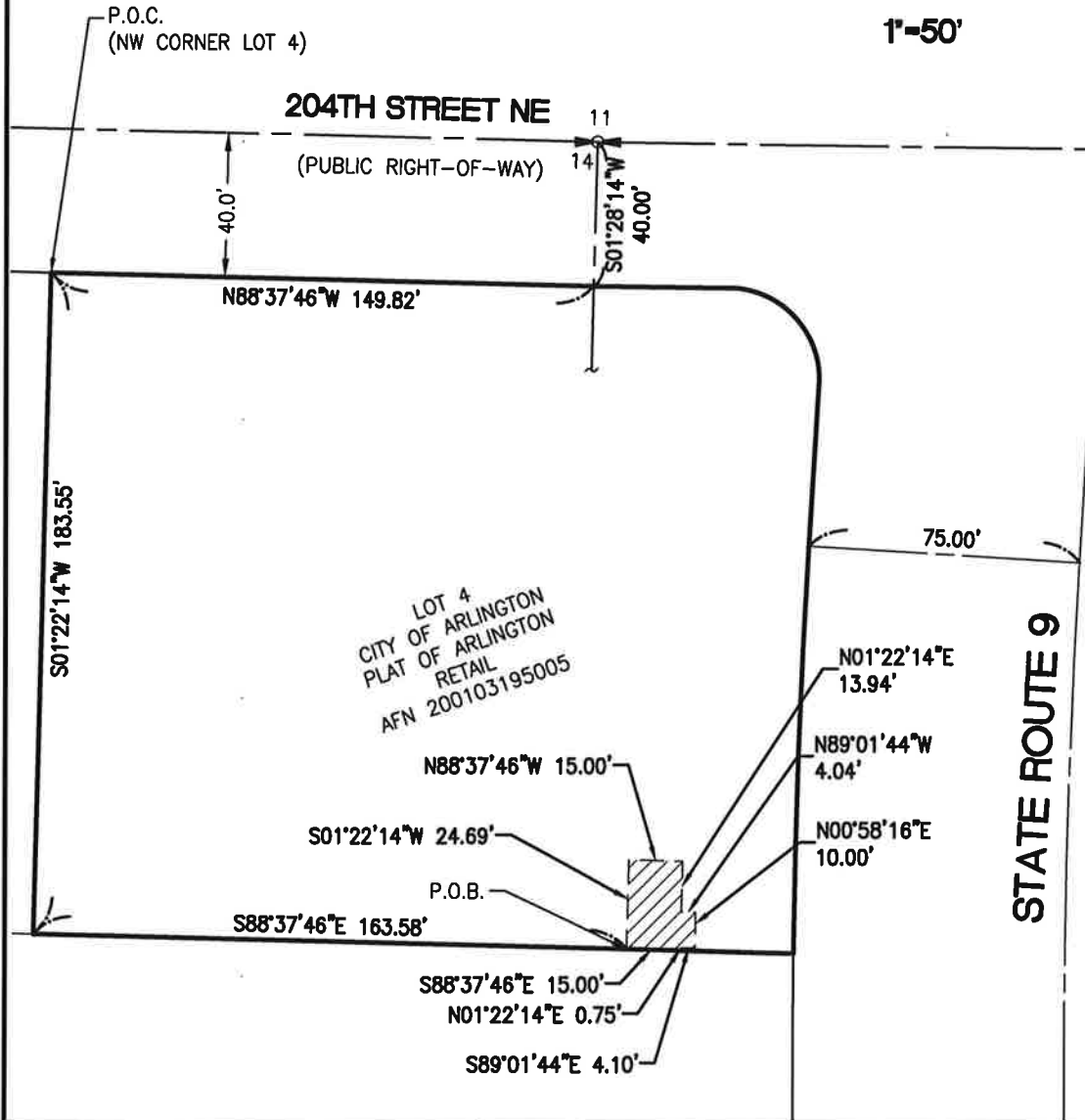
Project Name: Cadence Arlington
December 14, 2018

OBH / JSE
20217L.003


EXHIBIT 'B'



1"=50'



File:P:\20000s\20217\survey\20217exh03_water.dwg Date/Time:12/17/2018 12:13 PM JUSTIN EMERY

| | | |
|--|--|---|
| <p>SCALE: HORIZONTAL 1"=50' VERTICAL N/A</p> | <p>For: CADENCE ARLINGTON</p> | <p>JOB NUMBER 20217 20217L.003.doc</p> |
|  <p>18215 72ND AVENUE SOUTH KENT, WA 98032 (425)251-6222 (425)251-8782 FAX</p> <p>CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES</p> | <p>Title: WATER LINE EASEMENT</p> | <p>SHEET 1 of 1</p> |
| <p>DESIGNED <u>XXX</u> DRAWN <u>JSE</u> CHECKED <u>OBH</u> APPROVED <u>OBH</u> DATE <u>12/14/18</u></p> | | |