

After recording return to:

JEFF SLOTHOWER
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
P.O. Box 1088
Ellensburg, WA 98926



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Kittitas County CDS

REVIEWED BY: [Signature]
DEPUTY KITTITAS COUNTY TREASURER
DATE: 10-22-07
STANOS BEFORE ME, JINDRAVATHAS
REPRESENTING JEFF SLOTHOWER
STATING THAT NO CONSIDERATION
IS BEING PAID.

DOCUMENT TITLE: ACCESS EASEMENT
GRANTOR: ANDREW J. and MICHELL M. SCHMIDT
GRANTEE: WILLIAM D. and MELVA M. SCHMIDT
LEGAL DESCRIPTION: Ptns NE1/4 Sec. 32, T-18N R. 19 EWM
ASSESSOR'S TAX PARCEL NOS.: 18-19-32010-0003; 18-19-32010-0006;
18-19-32040-0001

GRANT OF NONEXCLUSIVE
ACCESS EASEMENT

THIS NONEXCLUSIVE EASEMENT (hereinafter referred to as the "Easement") is made, declared and established this 19 day of October, 2007, by and between ANDREW J. and MICHELL M. SCHMIDT, Grantor and WILLIAM D. and MELVA M. SCHMIDT, Grantee (collectively referred to as the "Parties");

WHEREAS, the Grantor owns the property legally described on Exhibit A (hereinafter referred to as "Parcel A"). Exhibit A is attached hereto and incorporated herein by this reference; and

WHEREAS, the Grantee owns the property legally described on Exhibit B "Parcel B"; and

WHEREAS, the Parties mutually desire to establish certain nonexclusive easements and rights of way for utilities over and across a portion of Parcel A;

Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
Attorneys at Law
PO Box 1088/201 West 7th Avenue
Ellensburg, WA 98926
Fax (509) 962-8093
Tel (509) 925-6916

NOW, THEREFORE, for and in consideration of the benefits contained and derived hereunder, and for other good and valuable consideration, the receipt and sufficiency of which Grantor hereby acknowledges, Grantor, for and on behalf of itself and its respective successors in interest and assigns, does hereby respectively grant, declare, reserve, and establish the following easement for the benefit of Grantee:

1. ACCESS EASEMENT.

1.1. **EASEMENT P.** A non-exclusive easement as legally described in Exhibit C, attached hereto and incorporated herein by this reference (hereinafter referred to as Easement P).

1.1.1. Use:

1.1.1.1. Private road for ingress and egress, together with, but not limited to, the right to reconstruct, replace, repair, maintain and use said road; and

1.1.1.2. Underground utilities, including, but not limited to, power, telephone, cable and natural gas, together with, but not limited to, the right to install, replace, repair, maintain and use said utilities; and

1.1.1.3. Underground irrigation pipeline(s), together with, but not limited to, the right to install, replace, repair, maintain and use said pipeline(s).

1.1.2. **Property Burdened by the Easement:** The Property legally described on Exhibit A is burdened by the Easement.

1.1.3. **Property Benefited by the Easement:** The Property legally described on Exhibit B is burdened by the Easement.

1.1.4. **Restrictions on use:** The area of Easement shall not be used for long term parking, storage, staging of construction equipment (except construction required for Easement) or any other use that would unreasonably interfere with intended purpose of the easement.

2. EMINENT DOMAIN.

If the easement areas, or any part thereof, are taken by any governmental agency in the exercise of its power of eminent domain, the award granted under such proceedings, or any settlement in lieu thereof, for the taking of such property shall be wholly payable to the fee owner of the portion of the easement area which is taken. If all or any part of the easement area is taken, this Declaration shall terminate with respect to the portion so taken and the obligations hereunder of the then owners of the easement area shall automatically cease and terminate when possession is transferred to the condemning agency with respect to any portion of the easement area so condemned.

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(Parcel A)

PARCEL G:

PARCEL G OF THAT CERTAIN SURVEY AS RECORDED JANUARY 31, 1997 IN BOOK 22 OF SURVEYS AT PAGES 154-155, UNDER AUDITOR'S FILE NO. 199701310017, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON; BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

PARCEL K

PARCEL K OF THAT CERTAIN SURVEY AS RECORDED AUGUST 30, 1999 IN BOOK 24 OF SURVEYS AT PAGES 122-123, UNDER AUDITOR'S FILE NO. 199908300029, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON; BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

PARCEL L

PARCEL L OF THAT CERTAIN SURVEY AS RECORDED AUGUST 30, 1999 IN BOOK 24 OF SURVEYS AT PAGES 122-123, UNDER AUDITOR'S FILE NO. 199908300029, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON; BEING A PORTION OF THE SOUTHEAST QUARTER, ALL IN SECTION 32, TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.



EXHIBIT B

(Parcel B)

Parcel 4 of that certain Boundary Line Adjustment Survey filed for record on November 20, 2006 in Book 33 of Surveys 140 under Kittitas County Auditor's File No. 200611200102, being a portion of Section 32, Township 18 North, Range 19 East, W.M. in Kittitas County, Washington.

Unofficial Copy

Lathrop, Winbauer, Harrel, Slothower & Denson L.L.P.
Attorneys at Law
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**EXHIBIT C**

**EASEMENT "P" LEGAL DESCRIPTION
ANDREW SCHMIDT TO WILLIAM SCHMIDT**

ACCESS AND UTILITY EASEMENT "P" WHICH IS BOUNDED BY LINE DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SECTION 32; THENCE SOUTH 89°12'52" WEST, 1323.65 FEET ALONG NORTH LINE OF THE SECTION 32, THENCE SOUTH 01°03'11" EAST 30.00 FEET TO THE POINT OF TRUE BEGINNING OF SAID LINE; THENCE SOUTH 01°03'11" EAST 1336.93 FEET, THENCE SOUTH 46°03'11" EAST 84.85 FEET, THENCE SOUTH 01°03'11" EAST 1298.96 FEET, THENCE SOUTH 89°11'19" WEST 19.85 FEET, THENCE SOUTH 01°11'25" EAST 40.82 FEET; THENCE SOUTH 89°11'19" WEST 265.78 FEET, THENCE NORTH 01°11'25" WEST 40.00 FEET, THENCE NORTH 89°11'19" EAST 225.78 FEET, THENCE NORTH 01°11'25" WEST 60.35 FEET, THENCE NORTH 01°03'11" WEST 1212.32 FEET, THENCE NORTH 46°03'11" WEST 84.85 FEET, THENCE NORTH 01°03'11" WEST 1362.06 FEET THENCE NORTH 89°12'52" EAST 60.00 FEET TO THE TRUE POINT OF BEGINNING AND THE TERMINUS OF SAID LINE.



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