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Jaques, Sharp, Sherrerd et al
20 Third Steet
Hood River, OR 97031

Doc # 2007168593
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Date: 12/26/2007 12:18P
Filed by: EVAN GIDLEY
Filed & Recorded in Official Records
of SKAMANIA COUNTY
SKAMANIA COUNTY AUDITOR
J MICHAEL GARVISON
Fee: \$44.00

REAL ESTATE EXCISE TAX

N/A

DEC 26 2007

PAID

NA

9 deputy **EASEMENT AGREEMENT FOR PIPELINE
AND RESTRICTIVE COVENANTS**
SKAMANIA COUNTY TREASURER

GRANTOR: SDS COMPANY, LLC, a Washington limited liability company

GRANTEE: EVAN J. GIDLEY

LEGAL DESCRIPTION:

1. Ptn NW NE Sec 15, T3N R9 EWM, in Skamania County, Washington.
2. Additional Legal Description is in Document ~~Book~~ 2, 4, 5

ASSESSOR'S PROPERTY TAX ACCOUNT NUMBER: 03 09 15 00 02 00 00 00
12-26-07 03 09 15 00 01 00 00

In consideration of \$1.00 and other consideration, SDS COMPANY, LLC, a Washington limited liability company, herein termed Grantor, does hereby agree with EVAN J. GIDLEY, herein termed Grantee, and with Grantees' heirs, successors and assigns, as follows:

1. **PIPELINE EASEMENT.** Grantor grants and conveys to Grantee a 10 foot wide perpetual nonexclusive easement for the location of an underground water pipeline, together with the right to go upon the premises for the purpose of repair, maintenance, and replacement of said water pipeline as may be necessary, the centerline of which easement is described on the attached Exhibit "A," entitled "Pipeline Easement and 50' Radius Spring Protection Zone."

If at any time in the future the pipeline is replaced, it shall be buried at least 24 inches underground. Grantor reserves the right to use the easement area for any purposes which do not interfere with the rights granted to Grantee herein. Grantor shall promptly repair or replace the pipeline or the spring facilities if any damage thereto is caused by Grantor or Grantor's agents.

2. **RESTRICTIVE COVENANTS.** The terminus of the easement described on Exhibit

"A" is the location of an existing spring, and Grantor hereby declares that Grantor's property shall be held, sold and conveyed subject to Grantor's covenant that it will not apply, or cause to be applied, any chemical pesticides, nor will it harvest timber, clear brush, or otherwise cut vegetation, within a 50-foot radius circle area centered on said terminus.

Grantor also covenants that it will not apply, or cause to be applied, chemical pesticides within the "100 Foot Well Head Protection Zone" described on the attached Exhibit "B."

These restrictive covenants shall run with the Grantor's land which is the subject to the covenants, and bind the heirs, successors and assigns of Grantor.

3. The foregoing easement and restrictive covenants shall be appurtenant to and for the benefit and use of Grantee's adjacent real property described as follows:

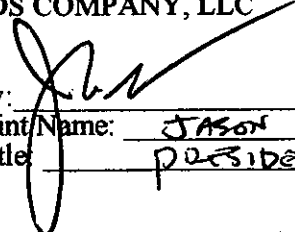
The North half of Lot 1 of Block 15 of THE MANZANOLA ORCHARD AND LAND COMPANY TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND RECORD AT Page 37 of Book 'A' of plats, records of Skamania County, Washington, said real property being also described as: The North half of the Northeast quarter of the Northwest quarter of the Northeast quarter of Section 35, Township 3 North, Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington.

Should any person violate or attempt to violate any of the provisions of the restriction, Grantee or his heirs, successors and assigns to Grantee's property shall have full power and authority to prosecute any proceeding at law or in equity against Grantor and its heirs, successors and assigns to enforce the restrictive covenants.

Any and all of the terms herein may be amended, modified or terminated by written agreement duly executed and recorded by all respective owners of Grantors property and Grantee's property.

DATED this 19 day of DECEMBER, 2007

SDS COMPANY, LLC

By: 
Print Name: JASON SPINDARO
Title: PRESIDENT


EVAN J. GIDLEY

STATE OF Washington)
County of Klickitat) ss.

I certify that I know or have satisfactory evidence that Jason S. Spadaro, who is the President of SDS Company, LLC, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument, on behalf of and with full authority of said company.

DATED this 19th day of December, 2007.

Notary Public
State of Washington
PHYLLIS J. BLUMENSTEIN
MY COMMISSION EXPIRES
September 28, 2010

Phyllis J Blumenstein
Notary Public for State of Washington
My Commission Expires: 9-28-10

STATE OF Washington)
County of Klickitat) ss.

I certify that I know or have satisfactory evidence that EVAN J. GIDLEY, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 20th day of December, 2007.

Notary Public
State of Washington
PHYLLIS J. BLUMENSTEIN
MY COMMISSION EXPIRES
September 28, 2010

Phyllis J Blumenstein
Notary Public for State of Washington
My Commission Expires: 9-28-10

Exhibit 'B'
TERRA SURVEYING
P.O. Box 617
Hood River, OR 97031
PHONE & FAX (541) 386-4531
terra@gorge.net

LEGAL DESCRIPTION
For
EVAN GIDLEY
EASEMENT FROM SDS LUMBER TO EVAN GIDLEY
100 FOOT WELL HEAD PROTECTION ZONE

PAGE 1 OF 1

A 100 foot well head protection zone located in the Northwest Quarter of the Northeast Quarter of Section 15, Township 3 North, Range 9 East, W.M., Skamania County, Washington, center-point is described as follows:

Commencing at a 5/8" iron rod P.L.S. 15673 monumenting the Northwest corner of the north half of lot 1 of Block 15 of the MANZANOLA ORCHARD AND LAND COMPANY TRACTS as recorded on the official plat in Book A, Page 37 of Skamania County records. Thence N (North) $89^{\circ}19'00''$ E (East) a distance of 165.32 feet to the point of beginning and the beginning of a non-tangential curve concave South whose chord bears N $89^{\circ}19'00''$ E a distance of 136.54 feet. The radius point of said curve bears S(South) $43^{\circ}44'20''$ E a distance of 100 feet, said radius point is also the center-point of 100 foot well head protection zone. Thence Northeasterly from said point of beginning along said curve a distance of 150.29 feet to the point of cusp; thence S $89^{\circ}19'00''$ W(West) a distance of 136.54 feet to the point of beginning.

Contains 2,526 sq. ft.
November 15, 2007
EMC



Exhibit 'A'
TERRA SURVEYING
P.O. Box 617
Hood River, OR 97031
PHONE & FAX (541) 386-4531
terra@gorge.net

LEGAL DESCRIPTION
For
EVAN GIDLEY
EASEMENT FROM SDS TO EVAN GIDLEY
PIPELINE EASEMENT AND 50' RADIUS SPRING PROTECTION ZONE

PAGE 1 OF 1

A 10 Foot in even width Pipeline Easement located in the Northwest Quarter of the Northeast Quarter of Section 15, Township 3 North, Range 9 East, W.M., Skamania County, Washington, centerline is described as follows:

Commencing at a 5/8" iron rod P.L.S. 15673 monumenting the Northwest corner of the north half of lot 1 of Block 15 of the MANZANOLA ORCHARD AND LAND COMPANY TRACTS as recorded on the official plat in Book A, Page 37 of Skamania County records. Thence S(South) 02°07'26" E(East) along the west line of said lot 1 a distance of 104.46 feet to the point of beginning of the following described 10 foot in even width Pipeline Easement centerline:
Thence N(North) 89°12'21" W(West) a distance of 20.53 feet to a point;
thence S 80°09'36" W a distance of 174.74 feet to a point;
thence S 80°08'13" W a distance of 103.95 feet to a point;
thence S 83°06'42" W a distance of 155.21 feet to a point;
thence S 71°50'13" W a distance of 109.62 feet to a point;
thence S 62°17'10" W a distance of 66.74 feet to a point;
thence S 81°11'29" W a distance of 106.10 feet to a point;
thence N 62°41'10" W a distance of 96.92 feet to a point;
thence N 74°23'37" W a distance of 61.21 feet to a 4 1/2" diameter concrete lid. Thence S 72°17'55" W a distance of 139.85 feet to a 3 foot diameter concrete lid which is the source of the spring and the terminus of the centerline of said 10 foot Easement. The boundaries of said Easement to be extended or shortened to meet at the angle points. Said terminus point being the centerpoint of a 50 foot radius well protection area which is located S 76°45'11" W a distance of 1018.71 feet from the said 5/8" iron rod P.L.S. 15673 marking the point of commencement.

November 15, 2007
EMC

