

Return Address:

North Bonneville Public Development
Authority
P.O. BOX 374
North Bonneville

Document Title(s) or transactions contained herein:

Land Use Agreement

GRANTOR(S) (Last name, first name, middle initial)

Eric Kackley

[] Additional names on page _____ of document.

GRANTEE(S) (Last name, first name, middle initial)

Dan Smith

[] Additional names on page _____ of document.

LEGAL DESCRIPTION (Abbreviated: i.e., Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)

EXHIBIT "A"

[] Complete legal on page _____ of document.

REFERENCE NUMBER(S) of Documents assigned or released:

[] Additional numbers on page _____ of document.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

02-07-19-0-0-0304-00

[] Property Tax Parcel ID is not yet assigned

[] Additional parcel numbers on page _____ of document.

The Auditor/Recorder will rely on the information provided on the form. The Staff will not read the document to verify the accuracy or completeness of the indexing information.

November 16, 2015

Land Use Agreement

This land use agreement is entered into this 16th day of November 2015, by and between Eric Kackley, owner of real property [Owner] located at 420 Evergreen Drive in North Bonneville, Washington and the North Bonneville Public Development Authority [Authority], a Washington Municipal Corporation.

This agreement has been constructed for purposes of establishing cross driveway and parking access on Owner's single parcel of land to reasonably accommodate Owner and Authority needs.

Owner and Authority have previously constructed a lease agreement [attached] whereby Authority leases a designated portion of Owner's land for retail purposes. The land shared by Owner and Authority has not been divided by way of a City of North Bonneville [City] recognized land division process nor has the divided land been legally described. Rather, there is a general understanding of which portion of this single lot is leased to the Authority and that general demarcation is identified on an attached map [see map exhibit].

The Authority with Owner's permission sought a conditional use permit [CUP] from City in order to establish their retail usage on this single lot because the designated retail use was not permitted within a commercial zone without an approved CUP.

As a condition of City use permit approval, the Authority is required to provide a site plan for their portion of the property they control through lease agreement [see attached site plan].

Among the conditions of City approval is a need for Authority to establish a commercial driveway access on Owner's property at a location determined by a qualified traffic engineer.

Additionally, the Authority is required to construct a site plan for the leased portion of the property that includes a parking plan that defines the number and location of the parking spaces required for public health and safety purposes.

After analysis, the traffic engineer has determined the location for driveway placement is not within the portion of land that is leased by Authority. Reconfiguring the portion of land leased by the Authority to include the driveway access does not advantage either Owner or Authority.

To resolve possible conflict with the Authority's usage of a driveway access not on land located in the lease agreement, Owner agrees by way of this cross access agreement to afford continual driveway access to Authority's retail operation the life of the noted lease agreement. Authority agrees to construct and maintain the commercial driveway access to the City's satisfaction and in keeping with traffic engineer's placement requirements.

In consideration for cross driveway access sharing, Owner and Authority also agree to make available full use of the single parcel for cross access parking purposes.

Hence, Owner and his assigns are welcome to park in Authority's designated parking spaces and likewise, Authority will be provided similar parking benefits on Owner's portion of this real property.

This agreement also satisfies a portion of the City's conditional use permit requirements and conditions of approval as noted in the planning commission decision dated July 30, 2014.

This agreement shall be recorded with the Skamania County Assessor's office and remain in effect until the lease arrangement is terminated and Authority vacates Owner's property. Any changes to this agreement will need City approval as this agreement is tied to the CUP.

IN WITNESS WHEREOF, Owner and Authority have executed this agreement as of the day and year first above written.

Owner: Eric Kackley

Eric Kackley

Eric Kackley

8/13/15

Date

Authority: North Bonneville Public Development Authority

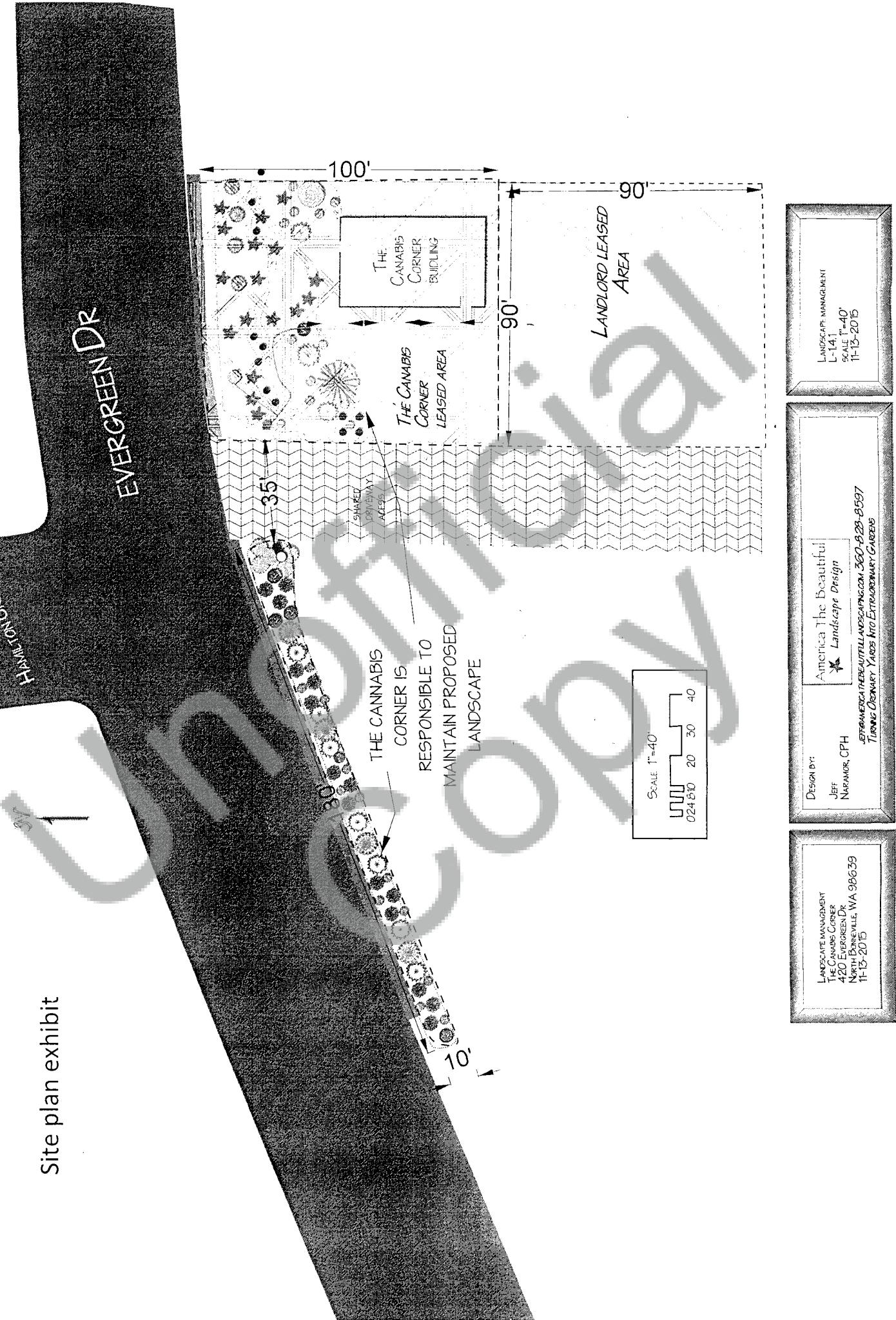
Dan Smith

Dan Smith Executive Director

7/10/2015

Date

Site plan exhibit



STATE OF WASHINGTON)

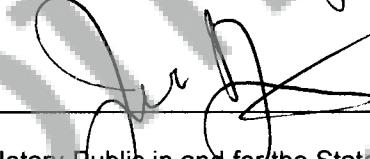
) ss.

County of Skamania)

Dan Smith being first duly sworn on oath, deposes and states: I represent the interests of the North Bonneville Public Development Authority [NBPDA] with respect to property located at 420 Evergreen Drive in the City of North Bonneville. I acknowledge the NBPDA has entered into a lease arrangement with Mr. Kackley for use of a portion of the aforementioned property. I affirm, by my signature below having read the land use agreement and knowing its contents.



SUBSCRIBED AND SWORN TO before me this 10 day of Aug, 20 2015


Notary Public in and for the State of Washington, residing
at North Bonneville WA 98639

Commission expires 2/7/2019

	STATE OF WASHINGTON
	COUNTY OF <u>Skamania</u>
DATE <u>8/10/2015</u>	
I <u>Dan Smith</u>	
Swear, or Affirm that the documents that are being notarized on the above date, are truthful and are not misrepresentative or false in any way.	
Witnesses if necessary	
<u>Kathy</u> <u>Dein C. Armstrong</u>	
Signed this <u>10</u> of <u>Aug</u> , 20 <u>15</u>	
John H. Broughton	
Notary Public commission exp. <u>2/7/2019</u>	

NOTARY PUBLIC STATE OF WASHINGTON JOHN H BROUGHTON COMMISSION EXPIRES 02-07-19

STATE OF WASHINGTON)

) ss.

County of Skamania)

Eric Kackley being first duly sworn on oath, deposes and states: I am the owner of real property located at 420 Evergreen Drive in the City of North Bonneville. I have entered into a lease arrangement with the North Bonneville Public Development Authority for use of a portion of the aforementioned property. I affirm by my signature below having read the land use agreement and knowing its contents.

Eric Kackley

SUBSCRIBED AND SWORN TO before me this 12 day of Nov, 20 15

KRISTEN HERMANCE
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
AUGUST 30, 2017

Kristen Hermance
Notary Public in and for the State of Washington, residing
at 102 C 11

Commission expires Aug 30, 2017

AFN #2014000271 Page: 7 of 9

EXHIBIT "A"

Lot 1 of the Fifth Addition to the Plats of Relocated North Bonneville (a Plat of the Industrial Lots) according to the plat thereof, recorded in Book 'B' of Plats, Page 51, Skamania County, State of Washington.

Skamania County Assessor
Date 2/15/11 Parcel# 2-7-19-304
C.S.

Unofficial
Copy