

**WEST SOUND UTILITY DISTRICT  
RESOLUTION 494-14**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF WEST SOUND UTILITY DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS  
OF THE HORSTMAN HEIGHTS DEVELOPMENT**

**WHEREAS**, West Sound Utility District (“District”) and S&G Developing, LLC entered into development extension agreement on July 16, 2013, for the private developer water and sewer system extensions; and

**WHEREAS**, the water and sewer system improvements have been constructed by S&G Developing, LLC in accordance with the standards of the District and approved by the District’s water/sewer operations staff; and

**WHEREAS**, the water main system for a value of \$103,000 and sewer main system for a value of \$37,200 will be conveyed to the District upon the acceptance of the water and sewer system by the District’s Board of Commissioners; NOW, THEREFORE,


**THE BOARD OF COMMISSIONERS OF WEST SOUND UTILITY DISTRICT  
HEREBY RESOLVES:**


Section 1. West Sound Utility District hereby accepts the water and sewer utility system extensions for the Horstman Heights Development and hereby authorizes the District’s General Manager to sign the conveyance documents.


Section 2. West Sound Utility District hereby accepts the easement agreement for utility transmission lines for the Horstman Heights Development.

**APPROVED and ADOPTED by the Board of Commissioners of West Sound Utility District at a regular scheduled meeting on May 5, 2014**


**WEST SOUND UTILITY DISTRICT**  
Kitsap County, Washington

  
\_\_\_\_\_  
James J. Hart  
Chairperson

  
\_\_\_\_\_  
Jerry Lundberg  
Vice Chairperson

  
\_\_\_\_\_  
Susan Way  
Secretary

Mail Recorded Agreement To:  
West Sound Utility District  
2924 SE Lund Avenue  
Port Orchard, WA 98366

WEST SOUND UTILITY DIST 201405060135  
Easement Rec Fee: \$ 79.00  
05/06/2014 11:16 AM Page: 1 of 8  
Walter Washington, Kitsap Co Auditor  


EASEMENT AGREEMENT FOR UTILITY TRANSMISSION LINES

Summary for Recorder's Use:

1. Reference Number of documents  
being assigned or released: Not Applicable  
Located on page \_\_\_ of document.
2. Grantor ("Developer"): S and G Developing, LLC
3. Grantee: WEST SOUND UTILITY DISTRICT
4. Summary Legal Description: A portion of the NW ¼ of the SW ¼ of Section 30, Township 24 North, Range 2 East, W. M.,  
Additional legal description is on page 1 and 2 of document
5. Assessor's Property Tax Parcel Account Number(s): 302402-3-020-2000, 302402-3-021-2009 and 302402-3-025-2005.

PROJECT NAME: Horstman Heights Plat Phase 1.

S and G Developing, LLC, (hereinafter called "Grantor"), for and in consideration of the mutual promises and covenants contained in the Developer Extension Contract with West Sound Utility District, dedicates, conveys, and grants to WEST SOUND UTILITY DISTRICT (hereinafter called "Grantee") an easement (hereinafter also called "Easement" or "Easement Property") for water and/or wastewater mains, pumps, appurtenances thereto, and for other future utilities and appurtenances deemed necessary by Grantee, under, over, and across the Easement Property hereinafter legally described.

The real property (hereinafter called "Total Property") in which the Easement Property is located is legally described as follow:

LEGAL DESCRIPTION

302402-3-020-2000

THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 24 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SUBDIVISION SOUTH 89°38'39" EAST 966.92 FEET FROM THE SOUTHWEST CORNER THEREOF; THENCE CONTINUING ALONG SAID SOUTH LINE SOUTH 89°38'39" EAST 100.00 FEET; THENCE NORTH

**EXCISE TAX EXEMPT MAY 06 2014**

Mail Recorded Agreement To:  
West Sound Utility District  
2924 SE Lund Avenue  
Port Orchard, WA 98366

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5°12'00" WEST 230.00 FEET; THENCE NORTH 89°38'39" WEST 100.00 FEET; THENCE SOUTH 5°12'00" WEST 230.00 FEET TO THE POINT OF BEGINNING;  
EXCEPT THE SOUTH 30 FEET THEREOF CONVEYED TO KITSAP COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 862225.

302402-3-021-2009

THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 24 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER, SAID SECTION 30; THENCE EAST ALONG THE SOUTH LINE SAID SUBDIVISION 670 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING EAST 396.92 FEET; THENCE NORTH 5°12'00" WEST 218.92 FEET TO THE TOP OF THE HILL; THENCE NORTH 75° 38'27" EAST 86.33 FEET; THENCE SOUTH 75°31'33" EAST 65.64 FEET; THENCE SOUTH 5°59'04"E 30.00 FEET; THENCE EAST 56.16 FEET; THENCE NORTH 15° WEST TO THE SOUTH MARGIN OF HORSTMAN COUNTY ROAD (COUNTY ROAD NUMBER 41); THENCE WESTERLY ALONG SAID MARGIN TO A POINT 670 FEET EAST OF THE WEST LINE OF SAID SUBDIVISION; THENCE SOUTHERLY PARALLEL TO SAID WEST LINE TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION OF THE SOUTH 30 FEET OF SAID TRACT AS CONVEYED TO KITSAP COUNTY FOR RIGHT OF WAY PURPOSES FOR ORLANDO STREET BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 862225;

AND EXCEPT TRACT DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 24 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SUBDIVISION SOUTH 89°38'39" EAST 966.92 FEET FROM THE SOUTHWEST CORNER THEREOF; THENCE CONTINUING ALONG SAID SOUTH LINE SOUTH 89°38'39" EAST 100.00 FEET; THENCE NORTH 5°12'00" WEST 230.00 FEET; THENCE NORTH 89°38'39" WEST 100.00 FEET; THENCE SOUTH 5°12'00" EAST 230.00 FEET TO THE POINT OF BEGINNING; EXCEPT THE SOUTH 30 FEET THEREOF CONVEYED TO KITSAP COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 862225;

302402-3-025-2005

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 24 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30; THENCE RUNNING NORTH 89°52'00" EAST 245.91 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 00°06'00" EAST 455.00 FEET; THENCE NORTH 89°52'00" EAST 107.60 FEET; THENCE SOUTH 00°06'00" WEST 35 FEET; THENCE EAST PARALLEL WITH HORSTMAN ROAD 101 FEET; THENCE NORTH 00°06'00" EAST 200 FEET TO THE SOUTHERLY MARGIN OF SAID HORSTMAN ROAD; THENCE NORTH 89°52'00" EAST ALONG THE SOUTH MARGIN OF SAID HORSTMAN ROAD, A DISTANCE OF 215.49 FEET; THENCE SOUTH 00°06'00" WEST 620 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°52'00" WEST ALONG SAID SOUTH LINE 424.09 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30; THENCE NORTH 89°52'00" EAST 670 FEET;

THENCE NORTH 00°06'00" EAST 620 FEET TO THE SOUTHERLY MARGIN OF HORSTMAN ROAD; THENCE ALONG THE SOUTHERLY MARGIN OF HORSTMAN ROAD SOUTH 89°52'00" WEST 215.49 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID MARGIN OF SAID ROAD SOUTH 89°52'00" WEST 10.00 FEET; THENCE SOUTH 00°06'00" WEST 200.00 FEET; THENCE NORTH 89°52'00" EAST 10.00 FEET; THENCE NORTH 00°06'00" EAST 200.00 FEET; TO THE TRUE POINT OF BEGINNING;  
ALSO EXCEPT THE SOUTH 30 FEET CONVEYED TO KITSAP COUNTY FOR RIGHT OF WAY PURPOSES FOR ORLANDO STREET BY AUDITOR'S FILE NUMBER 862225; SITUATE IN THE COUNTY OF KITSAP, STATE OF WASHINGTON.

The tax parcel number(s) of the Total Property is/are as follows: 302402-3-020-2000, 302402-3-021-2009 and 302402-3-025-2005.

The Easement Property, located within a portion of the Total Property, is legally described as follows:

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 24 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE ALONG THE EAST LINE OF SAID SECTION 30, NORTH 00°53'45" EAST A DISTANCE OF 1325.24 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30; THENCE CONTINUING NORTH 00°53'45" EAST A DISTANCE OF 30.00 FEET TO THE NORTH LINE OF ORLANDO STREET; THENCE ALONG THE NORTH LINE OF SAID ORLANDO STREET, SOUTH 89°17'56" EAST A DISTANCE OF 334.37 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°56'03" EAST A DISTANCE OF 208.17 FEET; THENCE ALONG A CURVE TURNING TO THE RIGHT WITH A RADIUS OF 125.00 FEET THROUGH A DELTA ANGLE OF 52°02'51" FOR AN ARC LENGTH OF 113.55'; THENCE ALONG A REVERSE CURVE TURNING TO THE LEFT WITH A RADIUS OF 325.00 FEET THROUGH A DELTA ANGLE OF 09°45'47" FOR AN ARC LENGTH OF 55.38'; THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH A RADIUS OF 74.00 FEET THROUGH A DELTA ANGLE OF 35°59'52" FOR AN ARC LENGTH OF 46.49 FEET; THENCE NORTH 16°16'41" EAST A DISTANCE OF 22.94 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A RADIUS OF 335.25 FEET THROUGH A DELTA ANGLE OF 04°39'14" FOR AN ARC LENGTH OF 27.23 FEET; THENCE NORTH 20°55'55" EAST A DISTANCE OF 100.29 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A RADIAL BEARING OF NORTH 70°18'28" EAST WITH A RADIUS OF 74.00 FEET THROUGH A DELTA ANGLE OF 24°35'49" FOR AN ARC LENGTH OF 31.77 FEET; THENCE WITH A REVERSE CURVE TURNING TO THE LEFT WITH A RADIUS OF 325.00 FEET THROUGH A DELTA ANGLE OF 04°00'30" FOR AN ARC LENGTH OF 22.74 FEET; THENCE NORTH 00°53'22" EAST A DISTANCE OF 25.40 FEET TO THE SOUTH LINE OF SE HORSTMAN RD; THENCE ALONG SAID SOUTH LINE OF SE HORSTMAN RD, NORTH 88°03'26" EAST A DISTANCE OF 50.06 FEET; THENCE SOUTH 00°53'48" WEST A DISTANCE OF 108.96 FEET; THENCE SOUTH 28°50'55" WEST A DISTANCE OF 36.70 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 24.00 FEET THROUGH A DELTA ANGLE OF 09°43'59" FOR AN ARC LENGTH OF 4.08 FEET; THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH A RADIUS OF 375.00 FEET THROUGH A DELTA ANGLE OF 09°59'40" FOR AN ARC LENGTH OF 65.41 FEET; THENCE WITH A REVERSE CURVE TURNING TO THE LEFT WITH A RADIUS OF 24.00 FEET THROUGH A DELTA ANGLE OF 82°41'21" FOR AN ARC LENGTH OF 34.64 FEET; THENCE SOUTH 53°34'45" EAST A DISTANCE OF 17.98 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A RADIUS OF 141.08 FEET THROUGH A DELTA ANGLE OF 54°16'48" FOR AN ARC LENGTH OF 133.65 FEET; THENCE SOUTH 00°42'03" WEST A DISTANCE OF 89.40 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 24.00 FEET THROUGH A DELTA ANGLE OF 62°38'52" FOR AN ARC LENGTH OF 26.24 FEET; THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH A RADIUS OF 50.00 FEET THROUGH A DELTA ANGLE OF 272°46'50" FOR AN ARC LENGTH OF 238.05 FEET; THENCE WITH A REVERSE CURVE TURNING TO THE LEFT WITH A RADIUS OF 24.00 FEET THROUGH A DELTA ANGLE OF 30°07'58" FOR AN ARC LENGTH OF 12.62 FEET; THENCE NORTH 00°42'03"

EAST A DISTANCE OF 117.98 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 91.08 FEET THROUGH A DELTA ANGLE OF 54°16'48" FOR AN ARC LENGTH OF 86.29 FEET; THENCE NORTH 53°34'45" WEST A DISTANCE OF 17.55 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 24.00 FEET THROUGH A DELTA ANGLE OF 83°12'09" FOR AN ARC LENGTH OF 34.85 FEET; THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH A RADIUS OF 375.00 FEET THROUGH A DELTA ANGLE OF 09°45'47" FOR AN ARC LENGTH OF 63.90 FEET; THENCE WITH A REVERSE CURVE TURNING TO THE LEFT WITH A RADIUS OF 75.00 FEET THROUGH A DELTA ANGLE OF 52°02'51" FOR AN ARC LENGTH OF 68.13 FEET; THENCE SOUTH 00°56'03" WEST A DISTANCE OF 207.97 FEET; THENCE NORTH 89°17'57" WEST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;  
SITUATE IN THE CITY OF PORT ORCHARD, COUNTY OF KITSAP AND STATE OF WASHINGTON.

For illustrative purposes, a map showing the location of the Total Property, and the Easement Property within the Total Property, is attached hereto, marked "EXHIBIT A", and by this reference incorporated herein. For recording purposes it is understood EXHIBIT A must have one inch margin borders on its top, bottom, and sides.

IN CONSIDERATION of the foregoing recitals, and the promises and covenants of Grantor and Grantee hereinafter set forth, they agree as follows:

1. Grantee's Access Rights and Rights in Easement Property. The Grantee shall have the right at all times to enter upon the Easement Property to install, lay, construct, renew, upgrade, operate, and maintain its water and/or wastewater transmission lines and other facilities and equipment (hereinafter simply referred to as "District Facilities") under, on, across, and/or over the Easement Property as it shall deem necessary in its sole discretion, now and in the future. The District Facilities located at the Easement Property shall be used, for the purposes of serving the Total Property and other property parcels and members of the public located within Grantee's jurisdictional boundaries and service area, now, and as hereafter configured. In accessing the Easement Property the Grantee shall have the right at all times to travel over those portions of the Total Property as it shall deem reasonably necessary to obtain ingress and egress to and from the Easement Property.
2. Easement Time Length. The Easement rights granted to the Grantee in the Easement Property shall last in perpetuity.
3. Unobstructed Easement Property Access by Grantee. The Grantor shall never allow any permanent or other structures to be constructed or installed, or allow any trees or shrubs taller than 18 inches, to be planted on or over the Easement Property, or in any locations that would make it difficult for Grantee to reasonably access the Easement Property. The Grantor shall also never permit Grantee's access to the Easement Property to ever be obstructed in any fashion.
4. Running of Benefits and Burdens. All provisions of this instrument, including the benefits and burdens, run with the land and shall be binding and inure to the Grantor, Grantee, and their successors, heirs, tenants, personal representatives, and assigns.
5. Grantor's Warranty of Title. Grantor warrants it has good and indefeasible fee simple title to the Total Property and Easement Property, and possesses the right to enter into the Easement grant made herein.
6. Enforcement of Agreement. Either party may enforce this instrument by appropriate legal action, and the party who substantially prevails in any such legal action shall be entitled to recover its reasonable attorney fees and costs from the party who substantially loses.

7. Cooperation of the Parties. The parties shall diligently strive to cooperate with one another in effectuating the terms and spirit of this Agreement. This Agreement shall be given a reasonable construction.

**GRANTOR:**

State full legal name of Grantor: \_

By: Stephen A. Skibbs  
Print Name: Stephen A. Skibbs  
Its Manager

who is legally and duly authorized to enter into this Easement Agreement on behalf of Grantor .

**GRANTEE:**

**West Sound Utility District**

by: James Hart  
Commissioner  
Print Name: James Hart

by: Jerry Lundberg  
Commissioner  
Print Name: Jerry Lundberg

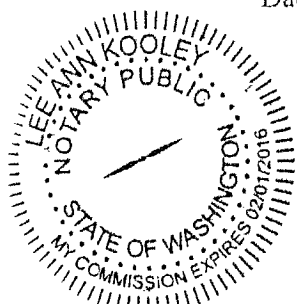
by: Susan Way  
Commissioner  
Print Name: Susan Way

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF KITSAP )

Grantor -  
Corporation or LLC Acknowledgment

I certify that I know or have satisfactory evidence that Stephen A. Skibbs is the person who appeared before me, and said person acknowledged he signed this instrument, and on oath stated he was authorized to execute it on behalf of S and G Developing, LLC, a Washington limited liability company; and he acknowledged it as the manager of said business entity, to be the free and voluntary act of such business entity for the uses and purposes mentioned in the instrument.

Dated: 4/24/14



Lee Ann Kooley  
Print Name: LEE ANN KOOLEY

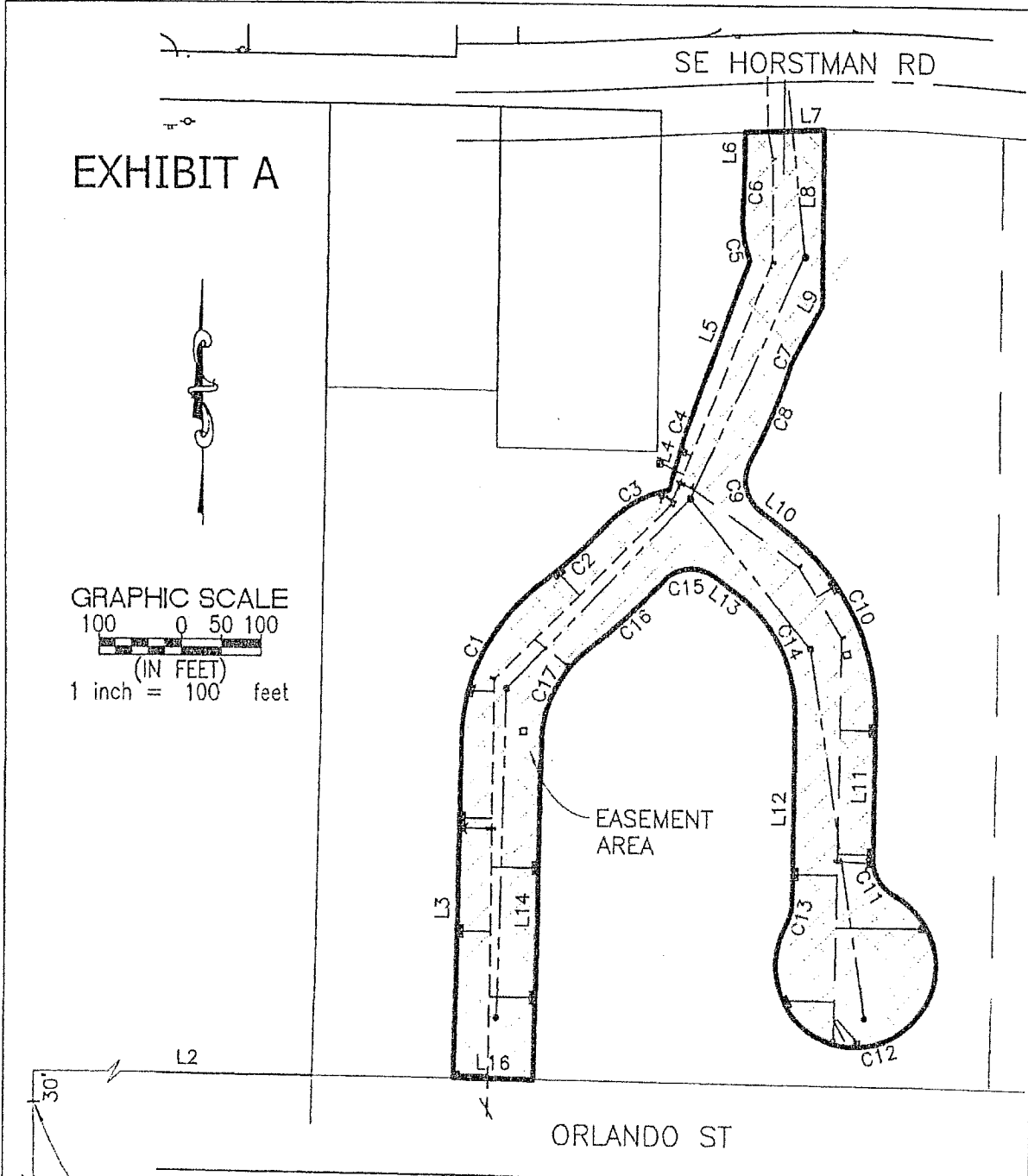




EXHIBIT A



GRAPHIC SCALE  
 100 0 50 100  
 (IN FEET)  
 1 inch = 100 feet



L1  
 1325.24'  
 30'  
 SW CORNER  
 NW1/4-SW1/4  
 SEC. 30-24-2E  
 SW CORNER SEC.  
 30-24-2E

**WSE**  
**WestSound Engineering, Inc.**  
 217 S.W. Wilkins Drive Port Orchard, Wa. 98366  
 Phone (360) 878-3770 Fax (360) 878-0439  
 E-mail: [wse@wseengineering.com](mailto:wse@wseengineering.com)  
 JOB No. 2232 SHT 1 OF 2 SHTS

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	125.00'	113.55'	109.69'	N 26°57'29" E	52°02'51"
C2	325.00'	55.38'	55.31'	N 48°06'01" E	9°45'47"
C3	74.00'	46.49'	45.73'	N 61°13'03" E	35°59'52"
C4	335.25'	27.23'	27.22'	N 18°36'18" E	4°39'14"
C5	74.00'	31.77'	31.52'	N 07°23'37" W	24°35'49"
C6	325.00'	22.74'	22.73'	N 02°54'02" E	4°00'30"
C7	24.00'	4.08'	4.07'	S 23°58'55" W	9°43'59"
C8	375.00'	65.41'	65.33'	S 24°06'46" W	9°59'40"
C9	24.00'	34.64'	31.71'	S 12°14'04" E	82°41'21"
C10	141.08'	133.65'	128.71'	S 26°26'21" E	54°16'48"
C11	24.00'	26.24'	24.95'	S 30°37'23" E	62°38'52"
C12	50.00'	238.05'	68.97'	S 74°26'36" W	272°46'50"
C13	24.00'	12.62'	12.48'	N 15°46'02" E	30°07'58"
C14	91.08'	86.29'	83.10'	N 26°26'21" W	54°16'48"
C15	24.00'	34.85'	31.87'	S 84°49'11" W	83°12'09"
C16	375.00'	63.90'	63.82'	S 48°06'01" W	9°45'47"
C17	75.00'	68.13'	65.81'	S 26°57'29" W	52°02'51"

LINE	BEARING	DISTANCE
L1	N 00°53'45" E	1355.24'
L2	S 89°17'56" E	334.37'
L3	N 00°56'03" E	208.17'
L4	N 16°16'41" E	22.94'
L5	N 20°55'55" E	100.29'
L6	N 00°53'22" E	25.40'
L7	N 88°03'26" E	50.06'
L8	S 00°53'48" W	108.96'
L9	S 28°50'55" W	36.70'
L10	S 53°34'45" E	17.98'
L11	S 00°42'03" W	89.40'
L12	N 00°42'03" E	117.98'
L13	N 53°34'45" W	17.55'
L14	S 00°56'03" W	207.97'
L15	N 89°17'57" W	50.00'



**WestSound  
Engineering, Inc.**

217 S.W. Wilkna Drive Port Orchard, Wa. 98366  
 Phone (360) 876-3770 Fax (360) 876-0439  
 E-mail: wse@wsengineering.com

JCB No. 2232 SHT 2 OF 2 SHTS