

Return to County Engineer
 Right of Way Department

Grantor(s) North Division Complex LLC

Grantee(s) Spokane County; Jesse's Bluff Homeowners Association

Abrev Legal: Ptn. of NW ¼ of Section 13, Township 26 N, Rge 42 E

Parcel Nos.: Ptn of 26132.9095

Ref No. 5296745 - Road File 347

RES. NO. 10-0067

PARTIAL TERMINATION OF EASEMENT

This Partial Termination of Easement is made this 2 day of DECEMBER, 2009, by North Division Complex LLC, a Washington Limited Liability Company ("North Division"); Spokane County, a political subdivision of the State of Washington; and Jesse's Bluff Homeowners Association, a Washington non-profit corporation, ("Jesse's Bluff") as may be collectively referred to as Parties.

RECITALS

- A. A document entitled "Replacement Drainage Easement" was executed by North Division on October 27, 2005 and recorded under Spokane County Auditor No. 5296745 on October 27, 2005 ("Easement").
- B. The Easement was intended to serve a residential development located in Spokane County, known as Jesse's Bluff, in particular Jesse's Bluff 1st Addition. North Division is the developer of the Jesse's Bluff subdivision.
- C. The Easement was required by Spokane County as part of the subdivision approval process and was intended to be temporary in nature and terminated when permanent drainage facilities were constructed as the subdivision developed. A portion of the Easement is located in Jesse's Bluff 3rd

R. E. Excise Tax Exempt

Date 1-27 2010

Spokane County Treas.

By

M Olson

Addition, which is now under development for single family dwellings. At this time, that portion of the Easement area that is located in Jesse's Bluff 3rd Addition is no longer necessary for the development and the parties desire to vacate and terminate that portion of the Easement forever.

- D. North Division owns fee simple title to the burdened property and both Spokane County and the Jesse's Bluff Homeowners Association are the benefitted parties. All parties desire to terminate and extinguish forever, in part, the Easement.

NOW THEREFORE, this Partial Termination of Easement is intended to partially terminate and extinguish forever and does hereby partially terminate and extinguish forever that portion of the document entitled "Replacement Drainage Easement" recorded under Spokane County Auditor No. 5296745 on October 27, 2005, as follows:

The Legal Description of the Drainage Easement contained in Exhibit "B" shall exclude and except that portion of the Easement that is situated in Jesse's Bluff 3rd Addition, recorded in Book 35 of Plats, Page 8188 of said recorded document, recorded on January 5, 2009, under Auditor Recording No. 5865114.

IN WITNESS WHEREOF, the undersigned has set its hand as of the date first set forth above.

NORTH DIVISION COMPLEX LLC

By: Robert L Heitman Jr
Name/Title: ROBERT L HEITMAN, JR/MEMBER
Date: 12-2-09

JESSE'S BLUFF HOMEOWNERS ASSOCIATION

By: Robert L Heitman Jr
Name/Title: Developer / Member
Date: 12-2-09

CONSENTED TO:

WASHINGTON TRUST BANK, a Washington Banking Corporation

By: Constance M. Busch

Name/Title: RSVP

Date: 12-2-09

Unofficial Document

Dated this 19th day of January, 2010.

ATTEST:

By *Daniela Erickson*
Daniela Erickson
Clerk of the Board

Mark Richard
Mark Richard, Chair
Board of County Commissioners of
Spokane County



State of Washington)
) ss.
County of Spokane)

I certify that I know or have satisfactory evidence that Mark Richard is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as Chair of the Board of County Commissioners of Spokane County to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 19th day of January, 2010.



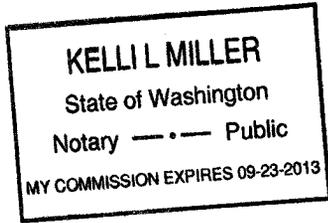
Daniela P. Erickson
NOTARY PUBLIC in and for the State of
Washington, residing at Spokane.
My Commission Expires: April 9, 2010
Printed Name: Daniela Erickson

Unofficial Document

STATE OF WASHINGTON)
) ss
County of Spokane)

I certify that I know or have satisfactory evidence that Constance M. Biscotti signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it, as the RSVP of WASHINGTON TRUST BANK, a Washington Banking Corporation to be the free and voluntary act of such corporation, for the uses and purposes mentioned in the instrument.

DATED: 12/2, 2009.



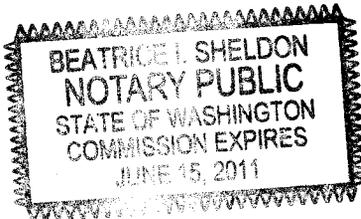
Kelli L. Miller
NOTARY PUBLIC in and for the
State of Washington, residing at
Spokane
My appointment expires: 9/23/13

Unofficial Document

STATE OF WASHINGTON)
) ss
County of Spokane)

I certify that I know or have satisfactory evidence that ROBERT L. HEITMAN, JR signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it, as the MEMBER of NORTH DIVISION COMPLEX LLC a Washington Limited Liability Company, to be the free and voluntary act of such company, for the uses and purposes mentioned in the instrument.

DATED 12/2, 2009.

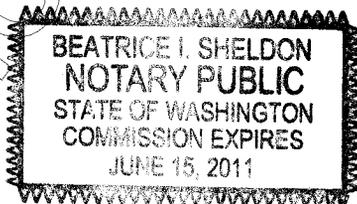


Beatrice I. Sheldon
NOTARY PUBLIC in and for the
State of Washington, residing at
SPOKANE
My appointment expires: 6/15/11

STATE OF WASHINGTON)
) ss
County of Spokane)

I certify that I know or have satisfactory evidence that ROBERT L. HEITMAN, SR. signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it, as the MEMBER of JESSE'S BLUFF HOMEOWNERS ASSOCIATION, a Washington Limited Liability Company, to be the free and voluntary act of such company, for the uses and purposes mentioned in the instrument.

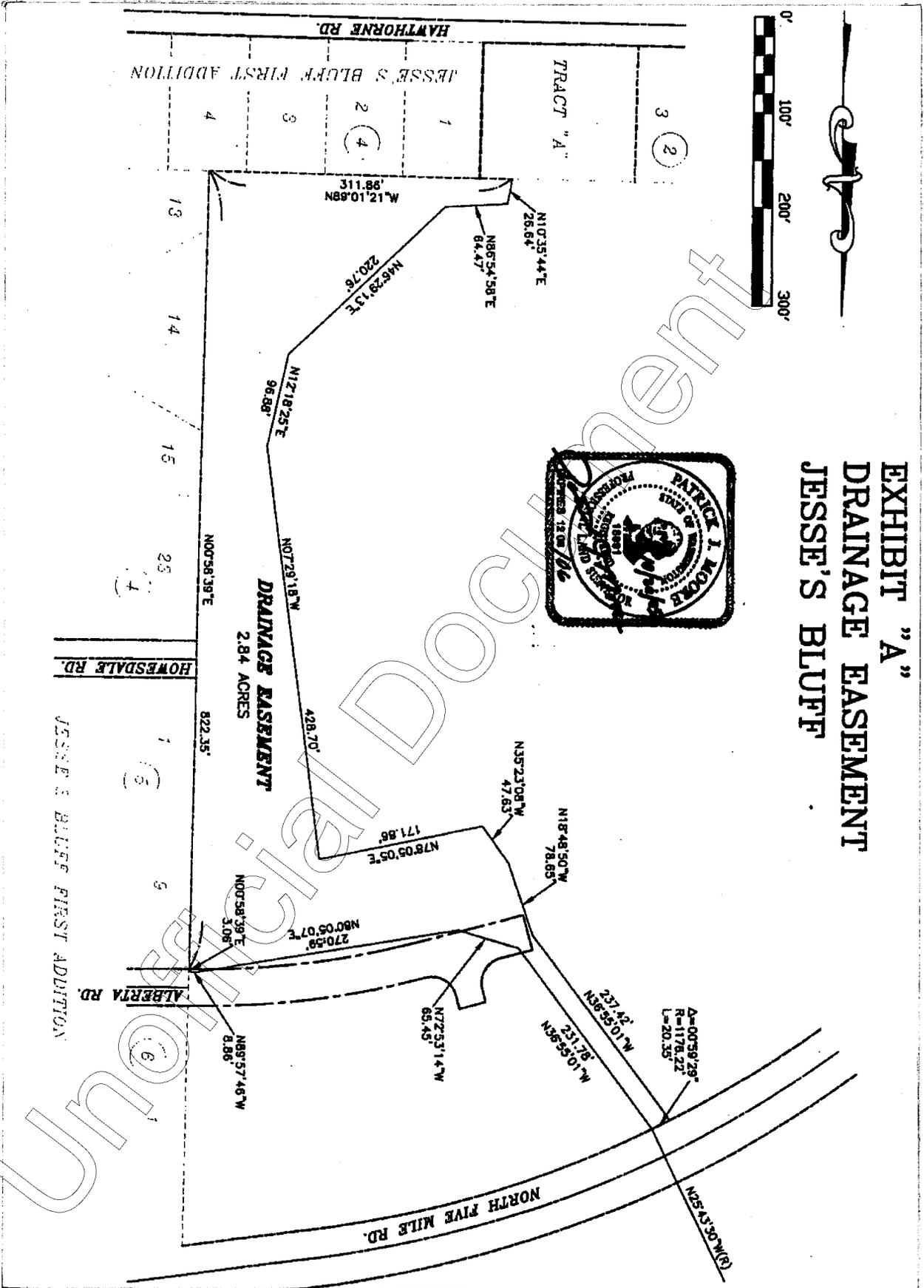
DATED 12/2, 2009.



Beatrice I. Sheldon
NOTARY PUBLIC in and for the
State of Washington, residing at
SPOKANE
My appointment expires: 6/15/11



EXHIBIT "A" DRAINAGE EASEMENT JESSE'S BLUFF



That portion of the Northwest Quarter of Section 13, Township 26 North, Range 42 East, W.M. in the County of Spokane, State of Washington being more particularly described as follows: Beginning at the Southwest Corner of Lot 13, Block 4 of JESSE'S BLUFF FIRST ADDITION according to the plat thereof recorded in Book 29 of Plats, Pages 29 and 30, records of Spokane County; thence $N00^{\circ}58'39''E$ along the boundary of said plat, a distance of 822.35 feet to the Northwest corner of Lot 9, Block 5 of said plat; thence continue along the boundary of said plat, $N00^{\circ}58'39''E$ a distance of 3.06 feet; thence $N89^{\circ}57'46''W$ a distance of 8.86 feet; thence $S80^{\circ}05'07''W$ a distance of 270.59 feet; thence $N72^{\circ}53'14''W$ a distance of 65.45 feet; thence $N36^{\circ}55'01''W$ a distance of 231.78 feet to the southerly margin of North Five Mile Road, being also the beginning of a non-tangent curve concave to the southeast the radius of which bears $S25^{\circ}43'30''E$ a distance of 1176.22 feet; thence westerly along said curve through a central angle of $00^{\circ}59'29''$ an arc distance of 20.53 feet; thence $S36^{\circ}55'01''E$ a distance of 237.42 feet; thence $S18^{\circ}48'50''E$ a distance of 78.65 feet thence $S35^{\circ}23'08''E$ a distance of 47.63 feet; thence $N78^{\circ}05'05''E$ a distance of 171.86 feet; thence $S07^{\circ}29'18''E$ a distance of 428.70 feet; thence $S12^{\circ}18'25''W$ a distance of 96.88 feet; thence $S46^{\circ}29'13''W$ a distance of 220.76 feet; thence $S86^{\circ}54'58''W$ a distance of 64.47 feet; thence $S10^{\circ}35'44''W$ a distance of 26.64 feet to its intersection with the north line of Tract "A" of JESSE'S BLUFF according to the plat thereof recorded in Book 26 of Plats, Pages 87 and 88, records of Spokane County; thence $S89^{\circ}01'21''E$ along said north line, a distance of 33.99 feet to the Northeast corner of said tract, being also the Northwest corner of Lot 1, Block 4 of said plat of Jesse's Bluff First Addition; thence $S89^{\circ}01'21''E$ along the boundary of said plat of Jesse's Bluff First Addition a distance of 277.87 feet to the point of beginning.

Containing 2.84 acres more or less

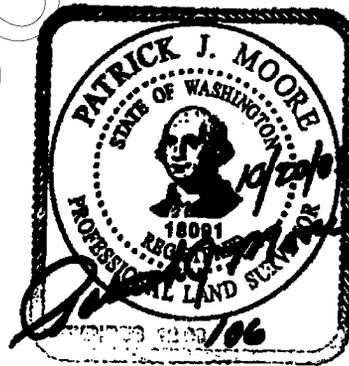


Exhibit "B"