



LEARNED

COMMERCIAL, INC.

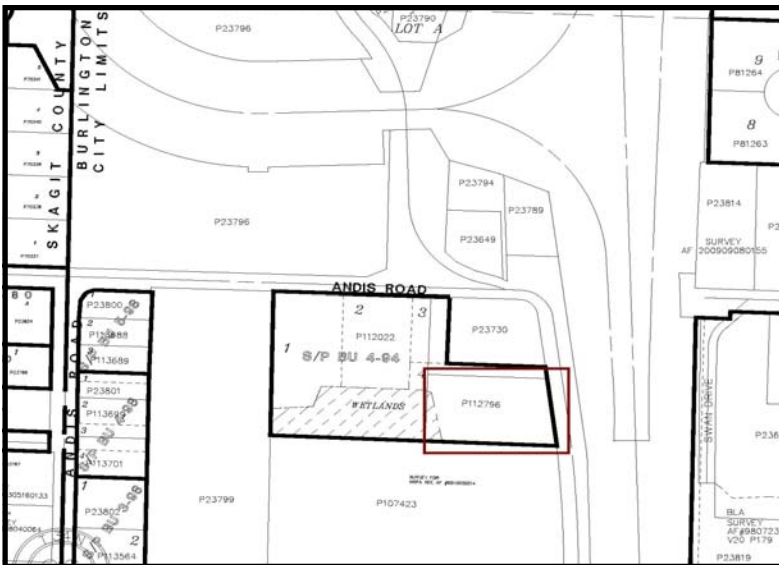
Providing Select Commercial Real Estate Services



For Lease

1043 Goldenrod Road
Burlington, WA

- ◆ 1,700+/- sf 2nd floor storage space [without elevator or restroom]
- ◆ Will modify to suit for a long term lease
- ◆ I-5 Visibility
- ◆ 1+ block to I-5 exit 230 and SR 20
- ◆ Adjacent to Holiday Inn Express & Hugo Helmer Music
- ◆ \$.50 psf per mo NNN



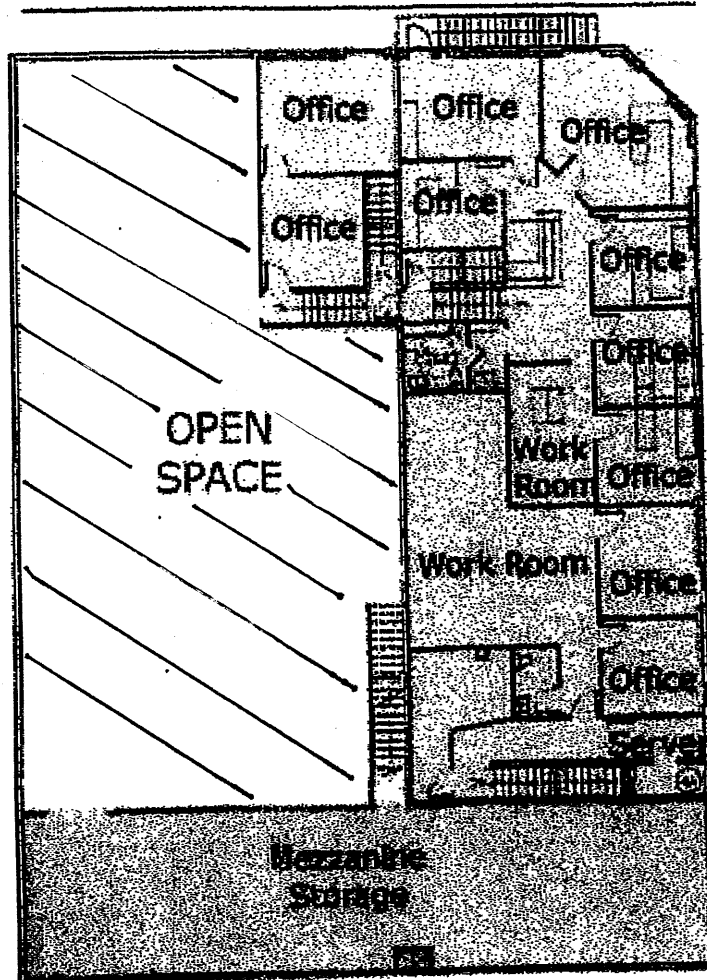
CLAY LEARNED

108 Gilkey Road, Burlington, WA 98233
ph: 360-757-3888 fx: 360-757-1850
clay@claylearned.com

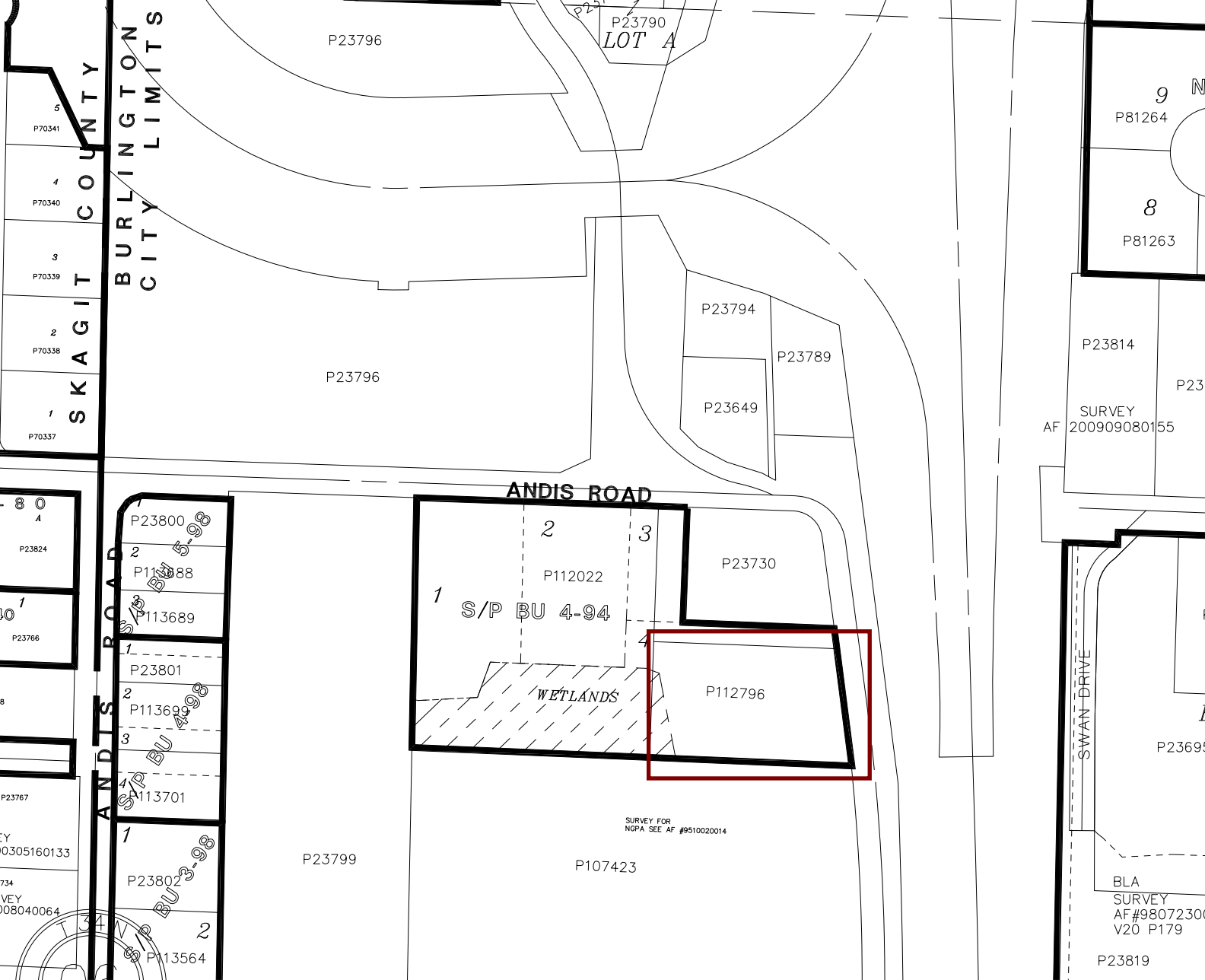
All info deemed reliable however verification recommended

1043 Goldenrod Road
Burlington, WA

SECOND FLOOR PLAN



1,700+/- sf storage space



P23790
LOT A

P23796

P23796

P23794

P23789

P23649

P23814

P81264

P81263

SURVEY
AF 200909080155

P23

ANDIS ROAD

P23800

P113688

P113689

P23801

P113690

P113701

P23802

P113564

2 3

P112022

1 S/P BU 4-94

P23730

WETLANDS

P112796

SURVEY FOR
NGPA SEE AF #9510020014

P23799

P107423

SWAN DRIVE

P2369

BLA
SURVEY
AF#98072300
V20 P179

P23819

SKAGIT COUNTY

BURLINGTON CITY LIMITS

P70341

P70340

P70339

P70338

P70337

P23824

P23766

P23767

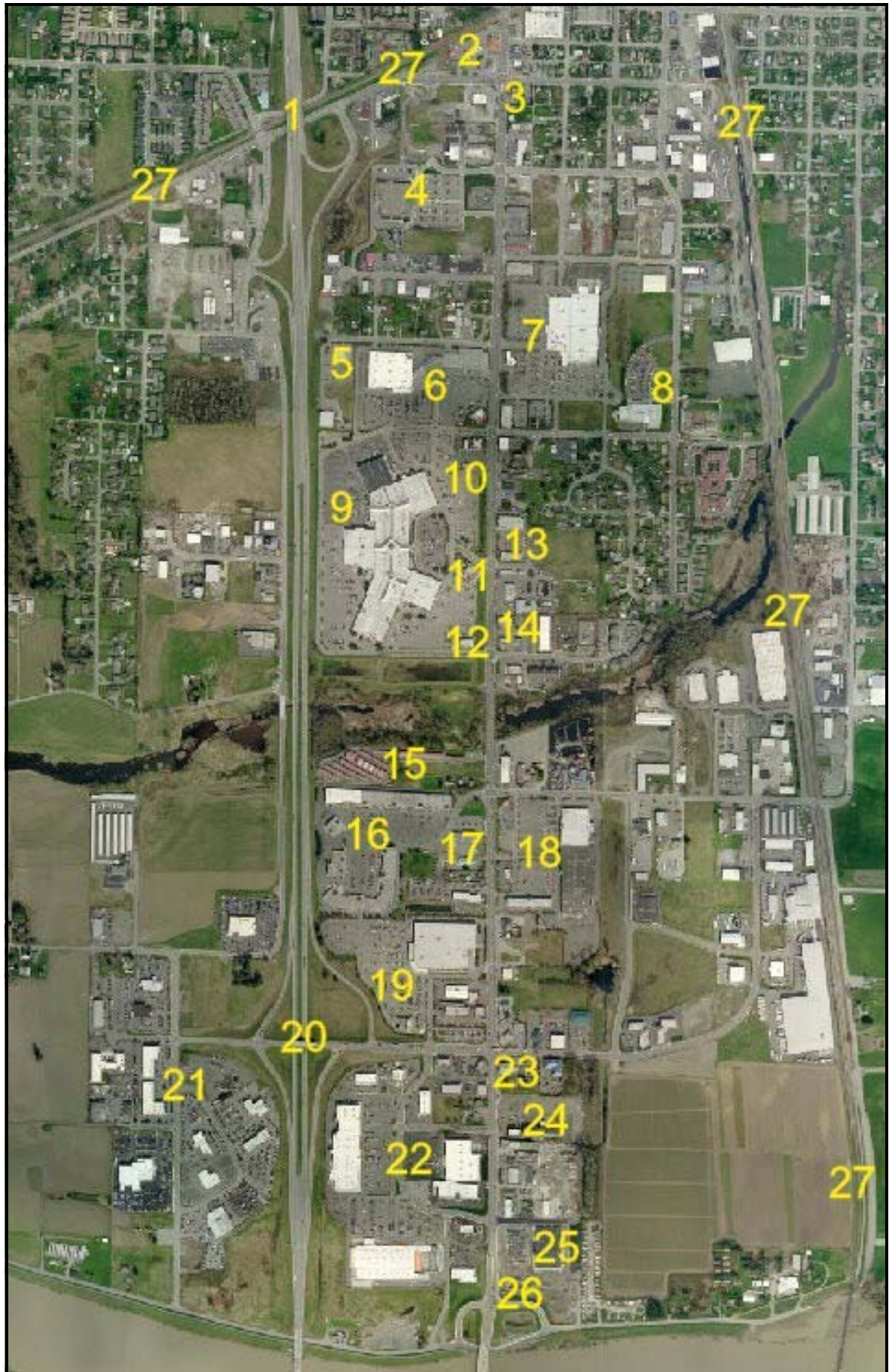
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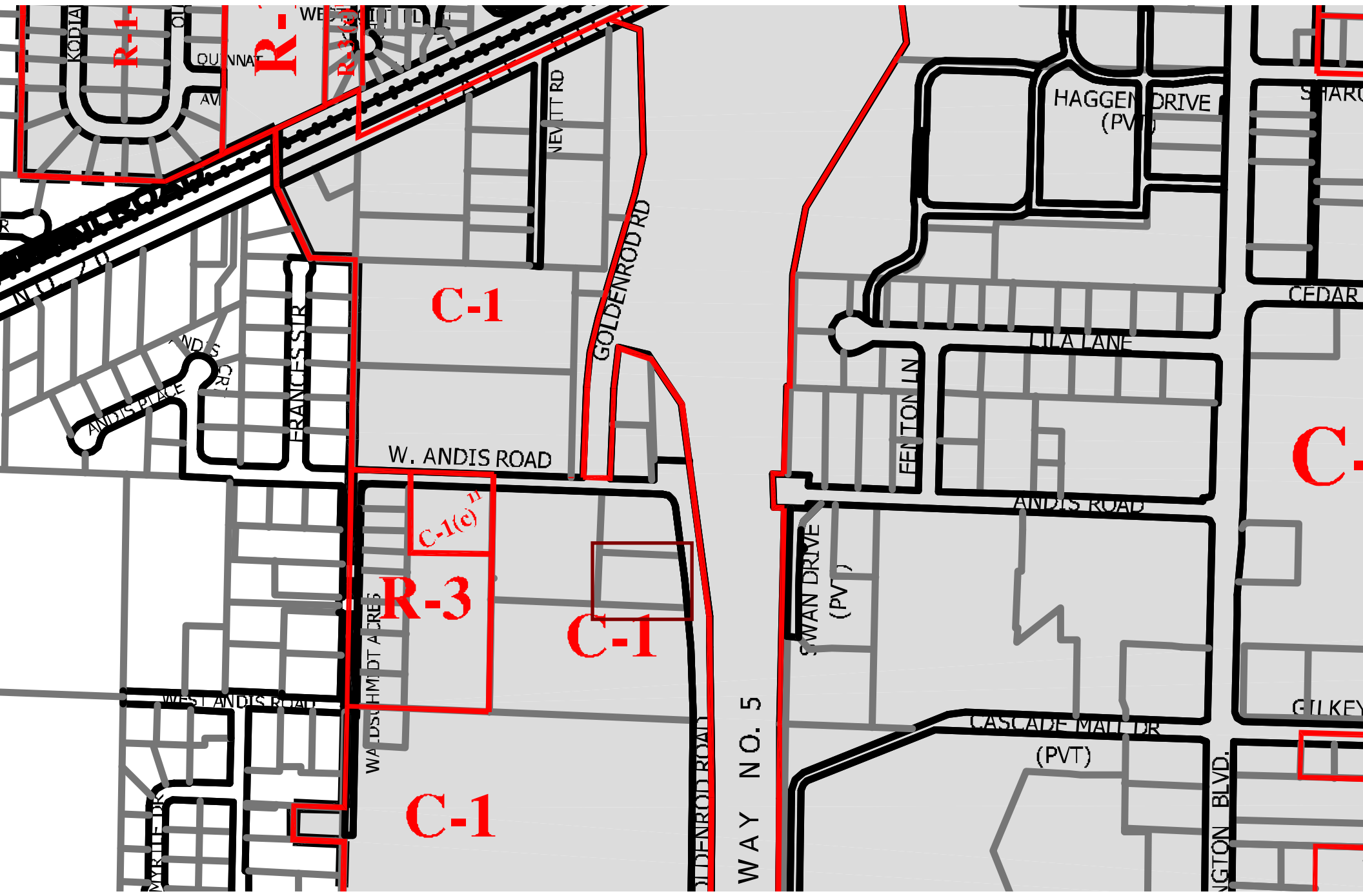
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Burlington Blvd: exit 229 to exit 230

1. Exit 230 - Hwy 20 west to Anacortes or east to N Cascade Hwy
2. El Cazador
3. Jack in the Box
4. Haggen Grocery
Krispy Kreme
5. Outback Steakhouse
6. Target
Party City
Office Max
Red Robin Restaurant
7. Fred Meyer
Big 5
Hollywood Video
Alfy's Pizza
Horizon Bank
8. NW Medical Bureau
9. Cascade Mall
Bon Macy's
Sears
JC Penneys
Loew's Cineplex
10. Popeye's
11. Johnny Corino's
12. Applebees
13. Pier 1
14. TacoBell/Pizza Hut
15. Mini-Storage
16. Pacific Edge Outlet Mall
17. Michael's
18. K Mart
Shari's Restaurant
Wendy's
19. Costco
Subway
Taco Del Mar
20. Exit 229
21. I-5 Auto World
- 22.. Retail Center:
Home Depot
Pet Co.
Ross
Old Navy
Olive Garden
Starbucks
McDonald's
Kohl's
23. Whidbey Island Bank
24. Hampton Inn
25. Wholesale Sports
26. Discount Tire Center
27. Burlington Northern RR





R-1

R-

R-3

C-1

W. ANDIS ROAD

C-1(e)

R-3

C-1

C-1

HAGGEN DRIVE (PV)

CEDAR

C-

GILKEY

WAY NO. 5

SWAN DRIVE (PV)

CASCADE MALL DR (PVT)

INGTON BLVD.

Chapter 17.36 C-1 GENERAL COMMERCIAL DISTRICT¹

Sections:

- [17.36.010](#) Intent.
- [17.36.020](#) Permitted primary uses.
- [17.36.025](#) Accessory uses.
- [17.36.030](#) Uses requiring permit.
- [17.36.040](#) Development standards.
- [17.36.050](#) Supplemental development standards.

17.36.010 Intent.

The intent and objective of this classification and its application is to provide for the location of a grouping of uses which are considered compatible uses having common or similar performance standards in that they represent types of enterprises involving the rendering of services, both professional or to the person, or on-premises retail activities. This zone represents the prime commercial designation for small to moderate scale commercial activities and should be developed in a manner which is consistent with and attracts pedestrian oriented activities. This zone encourages leisure shopping and provides amenities conducive to attracting shoppers.

There are several blocks zoned C-1 general commercial in old downtown Burlington located along Fairhaven, Victoria and Washington between Burlington Boulevard and Anacortes Avenue. The goal of the commercial zoning in this area is to attract new businesses and uses, and to upgrade existing businesses and uses that enhance the district as a whole, without having an adverse impact on parking or changing the character of the area. The process for improving the central business district, old downtown, is an on-going process that will continue over many years. See also BMC [17.09.070](#). (Ord. 1396 § 46, 1999; Ord. 1206 § 3, 1992).

17.36.020 Permitted primary uses.

Property located in downtown Burlington as mapped in the comprehensive plan that is zoned C-1 general commercial shall comply with the B-1 business district zoning regulations, unless a conditional use permit is authorized by the city council. See also BMC [17.09.070](#).

Hereafter all buildings, structures, or parcels of land zoned general commercial, but located outside downtown Burlington, shall only be used for the following, unless otherwise provided for in this title:

- A. Apartments or other multifamily housing types, provided they are located in a mixed use building with commercial on the lower floor(s) and apartments on the upper floor(s);
- B. Art, music and photography studios;
- C. Automobile parking facilities;
- D. Automotive parts and accessories sales;
- E. Banking and related financial institutions, excluding drive-in facilities and located in a mixed use building;
- F. Bowling alleys, bingo halls, skating rinks and other commercial recreation;
- G. Bus passenger terminals;

- H. Caretaker apartment;
- I. Civic, social, and fraternal clubs;
- J. Day care, including home based, mini day care, day care center, preschools or nursery schools;
- K. Existing automobile service stations;
- L. Funeral homes;
- M. Hospitals and health care, to include small animal, but does not allow outside runs or kennels;
- N. Hotels;
- O. Medical service;
- P. Meeting rooms and/or reception facilities;
- Q. Motels;
- R. Nursing homes;
- S. Offices;
- T. Personal and household retail sales and service;
- U. Printing and publishing;
- V. Religious institutions;
- W. Residences, existing single-family and duplex;
- X. Restaurants and fast-food restaurants, including outdoor seating, but excluding drive-in facilities;
- Y. Schools, including art, business, barber, beauty, dancing, martial arts and music;
- Z. Theaters, except drive-in;
- AA. Trailer parks within 1,000 feet of the Skagit River Dike, subject to the following requirements:
 - 1. A flood evacuation plan shall be prepared by the applicant, approved by the city and posted on the site. The plan shall include the following elements at a minimum:
 - a. A requirement that wheels shall not be removed from units,
 - b. A requirement that the hitch shall not be removed from units,
 - c. A requirement that only quickly removable, knockdown skirting shall be used,
 - d. A requirement that a plan is in place to move the units out;

2. The site shall have a row of screening trees or hedge around the perimeter;
3. The site shall be designed and maintained as a permanent long-term viable use, rather than an interim use and shall meet city standards for utilities and infrastructure;
4. The site shall be located in an area where it is unlikely to create land use conflicts with either industrial or residential properties;
5. The site shall be developed to minimize drainage impacts, with gravel and lawn and minimal asphalt;
6. The site shall take advantage of FEMA recommendations for location and shall be planned for ease of evacuation in the event of flood danger;
7. Park rules shall be approved by the city and posted on the site;
8. Health department and other required permits shall be obtained for the use;
9. A children's play area approved by the city shall be provided on the site;

BB. Other uses may be permitted by the planning director if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted in this section;

CC. Uses permitted in the C-2 heavy commercial and M-1 industrial districts may be permitted on a portion of the site by the planning commission, in accordance with BMC [17.68.150](#). This review may be conducted only if there is a recommendation for approval by the planning director, in consultation with the public works director, fire marshal, building official and police chief, based on the following criteria:

1. The lot is deep or irregular and C-1 uses may not be appropriate on a portion of the site;
2. The site abuts a more intense use and a transitional use is a better fit with the character of the area. (Ord. 1396 § 47, 1999; Ord. 1365 § 1, 1998; Ord. 1356 § 3, 1997; Ord. 1322 § 4, 1996; Ord. 1260 § 11, 1994; Ord. 1227 § 3, 1993; Ord. 1206 § 3, 1992).

17.36.025 Accessory uses.

A. Telecommunication macro facilities, subject to the following requirements:

1. Macro facilities may be located on buildings and structures provided that the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.
2. The macro facility shall be exempt from review by the design review board if the antenna and related components are the same color as the existing building, pole or support structure on which it is proposed to be located.
3. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.
4. Macro facilities shall comply with the height limitation specified for all zones except as follows: Omnidirectional antennas may exceed the height limitation by 15 feet, or in the case of nonconforming structures the antennas may extend 15 feet above the existing structure. Panel antennas may exceed

the height limitation if affixed to the side of an existing building and architecturally blends in with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure. (Ord. 1396 § 48, 1999).

17.36.030 Uses requiring permit.

The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of BMC [17.68.130](#):

- A. Apartments or other multifamily housing types, either single purpose or as part of a mixed use development; provided, that an additional criterion for approval is that the site is better suited for housing than commercial development and the project complies with the plan review criteria in BMC [17.24.020](#) and [17.24.050](#);
- B. Arcades;
- C. Brewpubs;
- D. Dance halls;
- E. Drive-in facilities, including banks and restaurants, when located on a tenant pad on an existing development site or at a signalized intersection;
- F. Government facilities, excluding offices and related uses that are permitted outright;
- G. Household goods storage, provided the following requirements are met:
 - 1. No more than two main entrances and/or exits to the building and access to the individual storage area shall be from the inside of the building;
 - 2. Landscaping and architectural improvements required to ensure compatibility with present and potential C-1 uses in the vicinity;
 - 3. The site does not front on Burlington Boulevard;
- H. Taverns;
- I. Utility substations. (Ord. 1717 § 9, 2010; Ord. 1630 § 2, 2007; Ord. 1396 § 49, 1999; Ord. 1365 § 2, 1998; Ord. 1361 § 1, 1998; Ord. 1356 § 4, 1997; Ord. 1322 § 5, 1996; Ord. 1206 § 3, 1992).

17.36.040 Development standards.

A. Minimum Lot Area.

- 1. Minimum lot area per dwelling unit: 3,000 square feet, except as provided in chapter [17.70](#) BMC.
- 2. Minimum lot area for nonresidential use: none required. Nonresidential uses may be added to the residential uses without requiring additional lot area beyond that required for the residential uses.

B. Minimum lot width: none required.

C. Minimum lot depth: none required.

D. Maximum lot coverage: none required.

E. Maximum building height: four stories not to exceed 45 feet. Buildings may exceed 45 feet if one foot of setback is provided from each property line, for each foot the building exceeds 45 feet.

F. Minimum yard setbacks:

1. Front: zero feet;
2. Side, interior: none required;
3. Side, street: zero feet;
4. Rear: none required.

G. Maximum front yard setback on Fairhaven Avenue is zero feet.

1. When a wider sidewalk or additional landscaping is approved at the building entrance.
2. When a setback is necessary to maintain the continuity of the street front because of the setback line of the buildings on either side.

H. Maximum Setback Requirement in all Other Locations.

1. Ten feet from the property line on the street side for new construction. If the new construction occurs on a corner lot, the maximum setback shall apply to each boundary line adjacent to a street.
2. Parking shall not be located in the setback in front of the building.
3. Exceptions which may be authorized through the planning commission plan review process include the following list:
 - a. Drive-in businesses shall have the building setback established as part of the conditional use permit for the drive-in use.
 - b. Utility easements.
 - c. When a wider sidewalk or additional landscaping is approved at the building entrance.
 - d. Architectural design features such as a unique building entrance, outside seating area, pocket park or similar element.
 - e. Irregular shaped lots or lots that do not directly abut the right-of-way.
 - f. Site development that incorporates existing buildings, when needed to preserve existing visual and physical access.
 - g. Other exceptions consistent with the intent of providing a well defined street edge and pedestrian-oriented streetscape.

I. Fences: see BMC [17.45.050](#).

J. Parking: see chapter [17.54](#) BMC.

K. Landscaping: see chapter [17.50](#) BMC.

L. Signs: see chapter [17.63](#) BMC. (Ord. 1717 § 10, 2010; Ord. 1237 § 6, 1993; Ord. 1233 § 3, 1993; Ord. 1206 § 3, 1992).

17.36.050 Supplemental development standards.

A. All uses shall be conducted entirely within a building or structure except:

1. Automobile parking lots;
2. Automobile sales and leasing;
3. Display or sales of goods that do not extend eight feet past the front of the building, do not block entrances or interfere with pedestrian travel, do not interfere with the parking areas and do not encroach upon public property;
4. Outdoor seating for restaurants, theaters, or other entertainment;
5. Play areas for day cares;
6. Refuse containers;
7. Temporary uses as permitted by the fire marshal, building official, planning director or city engineer pursuant to the applicable ordinances;
8. Unloading and loading areas;
9. Utility substations.

B. Any repairing done on the premises shall be incidental only, and limited to custom repairing of the types of merchandise sold on the premises at retail. The floor area devoted to such repairing shall not exceed 30 percent of the total floor area occupied by the particular enterprise, except that the limitations of this subsection shall not apply to shoe, radio, television, or other small appliance repair services.

C. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises.

D. Operations conducted on the premises shall not be objectionable beyond the property boundary lines by reason of noise, odor, fumes, gases, smoke, vibration, hazard, or other causes.

E. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use, subject to the requirements of the International Fire Code.

F. Commercial land abutting directly a residential zone shall provide for a transition to the residential use as required in chapter [17.48](#) BMC, Performance Standards, and the following:

1. A six-foot screening fence and a 20-foot landscaped buffer designed for sight and noise baffling or a six-foot solid block wall and a 10-foot landscaped buffer designed for sight and noise baffling; and
2. Uses generating noise after 9:00 p.m. shall not be permitted, including taverns, assembly occupancies, restaurants with cocktail lounges or dance floors, all night business and other similar types of uses;
3. Measures shall be taken to prevent light and glare from being directed to residential uses.

G. New construction shall comply with the citywide design guidelines and chapter [17.69](#) BMC, Design Review Board, on sites one acre or larger in size. (Ord. 1322 § 6, 1996; Ord. 1260 § 12, 1994; Ord. 1206 § 3, 1992).

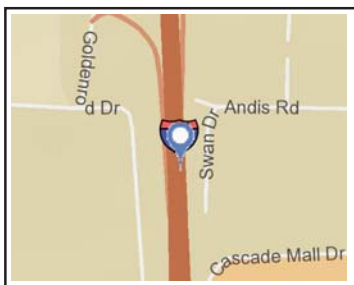


Traffic Count Map

Prepared by Marshall Learned

1043 Goldenrod
1043 Goldenrod Rd, Burlington, WA 98233-3415
Ring: 5, 10, 15 Miles

Latitude: 48.465839
Longitude: -122.341621



- Average Daily Traffic Volume**
- ▲ Up to 6,000 vehicles per day
 - ▲ 6,001 - 15,000
 - ▲ 15,001 - 30,000
 - ▲ 30,001 - 50,000
 - ▲ 50,001 - 100,000
 - ▲ More than 100,000 per day



Source: © 2010 MPSI (Market Planning Solutions Inc.) Systems Inc. d.b.a. DataMetrix®



Executive Summary

Prepared by Marshall Learned

1043 Goldenrod
1043 Goldenrod Rd, Burlington, WA 98233-3415
Ring: 5, 10, 15 Miles

Latitude: 48.465839
Longitude: -122.341621

	5 miles radius	10 miles radius	15 miles radius
2010 Population			
Total Population	54,045	85,726	127,077
Male Population	49.6%	49.7%	49.6%
Female Population	50.4%	50.3%	50.4%
Median Age	33.9	36.5	39.0
2010 Income			
Median HH Income	\$52,749	\$52,869	\$55,448
Per Capita Income	\$22,485	\$23,201	\$24,911
Average HH Income	\$62,041	\$62,639	\$65,517
2010 Households			
Total Households	19,223	31,035	47,712
Average Household Size	2.75	2.71	2.62
2010 Housing			
Owner Occupied Housing Units	59.8%	62.9%	63.5%
Renter Occupied Housing Units	35.2%	30.8%	27.3%
Vacant Housing Units	4.9%	6.3%	9.1%
Population			
1990 Population	33,614	55,360	83,688
2000 Population	45,418	72,444	107,461
2010 Population	54,045	85,726	127,077
2015 Population	57,398	91,085	135,132
1990-2000 Annual Rate	3.06%	2.73%	2.53%
2000-2010 Annual Rate	1.71%	1.66%	1.65%
2010-2015 Annual Rate	1.21%	1.22%	1.24%

In the identified market area, the current year population is 127,077. In 2000, the Census count in the market area was 107,461. The rate of change since 2000 was 1.65 percent annually. The five-year projection for the population in the market area is 135,132, representing a change of 1.24 percent annually from 2010 to 2015. Currently, the population is 49.6 percent male and 50.4 percent female.

	5 miles radius	10 miles radius	15 miles radius
Households			
1990 Households	12,949	20,908	31,964
2000 Households	16,390	26,423	40,452
2010 Households	19,223	31,035	47,712
2015 Households	20,385	32,957	50,732
1990-2000 Annual Rate	2.38%	2.37%	2.38%
2000-2010 Annual Rate	1.57%	1.58%	1.62%
2010-2015 Annual Rate	1.18%	1.21%	1.24%

The household count in this market area has changed from 40,452 in 2000 to 47,712 in the current year, a change of 1.62 percent annually. The five-year projection of households is 50,732, a change of 1.24 percent annually from the current year total. Average household size is currently 2.62, compared to 2.61 in the year 2000. The number of families in the current year is 33,365 in the market area.

Housing

Currently, 63.5 percent of the 52,505 housing units in the market area are owner occupied; 27.3 percent, renter occupied; and 9.1 percent are vacant. In 2000, there were 44,078 housing units - 64.5 percent owner occupied, 27.3 percent renter occupied and 8.2 percent vacant. The rate of change in housing units since 2000 is 1.72 percent. Median home value in the market area is \$264,742, compared to a median home value of \$157,913 for the U.S. In five years, median home value is projected to change by 4.82 percent annually to \$335,032. From 2000 to the current year, median home value changed by 5.25 percent annually.

Source: U.S. Bureau of the Census, 2000 Census of Population and Housing. Esri forecasts for 2010 and 2015. Esri converted 1990 Census data into 2000 geography.



Executive Summary

Prepared by Marshall Learned

1043 Goldenrod
1043 Goldenrod Rd, Burlington, WA 98233-3415
Ring: 5, 10, 15 Miles

Latitude: 48.465839
Longitude: -122.341621

	5 miles radius	10 miles radius	15 miles radius
Median Household Income			
1990 Median HH Income	\$28,920	\$28,314	\$29,165
2000 Median HH Income	\$41,686	\$42,438	\$44,485
2010 Median HH Income	\$52,749	\$52,869	\$55,448
2015 Median HH Income	\$59,875	\$60,130	\$63,034
1990-2000 Annual Rate	3.72%	4.13%	4.31%
2000-2010 Annual Rate	2.32%	2.17%	2.17%
2010-2015 Annual Rate	2.57%	2.61%	2.6%
Per Capita Income			
1990 Per Capita Income	\$14,036	\$13,672	\$14,065
2000 Per Capita Income	\$19,986	\$20,537	\$21,743
2010 Per Capita Income	\$22,485	\$23,201	\$24,911
2015 Per Capita Income	\$25,872	\$26,823	\$28,765
1990-2000 Annual Rate	3.6%	4.15%	4.45%
2000-2010 Annual Rate	1.16%	1.2%	1.34%
2010-2015 Annual Rate	2.85%	2.94%	2.92%
Average Household Income			
1990 Average Household Income	\$36,052	\$35,612	\$36,256
2000 Average Household Income	\$54,417	\$55,323	\$57,242
2010 Average HH Income	\$62,041	\$62,639	\$65,517
2015 Average HH Income	\$71,583	\$72,543	\$75,731
1990-2000 Annual Rate	4.2%	4.5%	4.67%
2000-2010 Annual Rate	1.29%	1.22%	1.33%
2010-2015 Annual Rate	2.9%	2.98%	2.94%

Households by Income

Current median household income is \$55,448 in the market area, compared to \$54,442 for all U.S. households. Median household income is projected to be \$63,034 in five years. In 2000, median household income was \$44,485, compared to \$29,165 in 1990.

Current average household income is \$65,517 in this market area, compared to \$70,173 for all U.S. households. Average household income is projected to be \$75,731 in five years. In 2000, average household income was \$57,242, compared to \$36,256 in 1990.

Current per capita income is \$24,911 in the market area, compared to the U.S. per capita income of \$26,739. The per capita income is projected to be \$28,765 in five years. In 2000, the per capita income was \$21,743, compared to \$14,065 in 1990.

Population by Employment

Total Businesses	2,884	4,001	5,388
Total Employees	28,439	38,522	47,195

Currently, 89.4 percent of the civilian labor force in the identified market area is employed and 10.6 percent are unemployed. In comparison, 89.2 percent of the U.S. civilian labor force is employed, and 10.8 percent are unemployed. In five years the rate of employment in the market area will be 91.1 percent of the civilian labor force, and unemployment will be 8.9 percent. The percentage of the U.S. civilian labor force that will be employed in five years is 91.2 percent, and 8.8 percent will be unemployed. In 2000, 63.8 percent of the population aged 16 years or older in the market area participated in the labor force, and 1.2 percent were in the Armed Forces.

In the current year, the occupational distribution of the employed population is:

- 57.1 percent in white collar jobs (compared to 61.6 percent of U.S. employment)
- 18.4 percent in service jobs (compared to 17.3 percent of U.S. employment)
- 24.5 percent in blue collar jobs (compared to 21.1 percent of U.S. employment)

In 2000, 78.1 percent of the market area population drove alone to work, and 4.6 percent worked at home. The average travel time to work in 2000 was 24.7 minutes in the market area, compared to the U.S. average of 25.5 minutes.

Population by Education

In 2010, the educational attainment of the population aged 25 years or older in the market area was distributed as follows:

- 12.2 percent had not earned a high school diploma (14.8 percent in the U.S.)
- 25.8 percent were high school graduates only (29.6 percent in the U.S.)
- 11.4 percent had completed an Associate degree (7.7 percent in the U.S.)
- 15.9 percent had a Bachelor's degree (17.7 percent in the U.S.)
- 8.6 percent had earned a Master's/Professional/Doctorate Degree (10.4 percent in the U.S.)

Source: U.S. Bureau of the Census, 2000 Census of Population and Housing. Esri forecasts for 2010 and 2015. Esri converted 1990 Census data into 2000 geography.



200702060085

Skagit County Auditor

2/6/2007 Page

1 of

9 12:00PM

INGRESS, EGRESS, PARKING AND MAINTENANCE AGREEMENT

The PARTIES, HIE Burlington LLC, A Washington limited liability company, as Owner of Parcel B as depicted in Exhibit A and legally described in Exhibit B-1 hereto attached, Daniel R. Mitzel and Patricia R. Burklund, husband and wife as a undivided 50% interest, and in Donald G. DeBode and Patricia J. DeBode, Trustees of the Donald G. DeBode and Patricia J. DeBode Revocable Living Trust date August 16, 1994, as Owner of Parcel A as depicted in Exhibit A and legally described in Exhibit B-2 hereto attached and Dan R. Mitzel and Patricia R. Burklund, Owner of Parcel C as depicted in Exhibit A and legally described in Exhibit B-3 hereto attached for and in consideration of the mutual benefits of this Agreement herein agree to the following:

BACKGROUND INFORMATION

The Parties hereto have been mutually using the ingress, egress, utilities and parking as common areas illustrated in Exhibit A to this Agreement since the date of the construction of the Holiday Inn Express Hotel & Suites (the Hotel property) and the building located at 1043 Goldenrod Road in 1999. The Parties desire to formalize the verbal agreement that has existed since 1999 by entering into this agreement that will provide for a mutual **INGRESS, EGRESS, PARKING, UTILITIES AND MAINTENANCE**. Therefore the Parties herein agree to the following:

- 1.) The Parties herein agree that they are herein establishing a mutually beneficial easement for ingress, egress and parking over the properties whose legal descriptions are herein attached as **Exhibits B-1, B-2 and B-3** to this Agreement and graphically illustrated in Exhibit A as Parcels A, B and C.
- 2.) The Parties herein agree to establish areas within the easement areas as illustrated in Exhibit A hereto attached that provide for areas of cross utilization of parking by customers, guests and employees that shall not interfere in any material way with any of the Parties primary parking needs.

The Hotel's parking needs are primarily during the hours of 6:00 pm and 8:00 am and as such the use of the common area parking located between Parcels, A, B and C as illustrated in Exhibit A shall be the area where mutually beneficial parking shall occur.

The retail building that will be constructed on Parcel A shall have the right to restrict the parking on parking stalls, located directly adjacent to the Parcel A building, for the exclusive use of the customers of the business located within the Parcel A building during normal business hours. This restriction shall include the right to install customer only signs for the purpose of enforcing this provision of this Agreement.

The Building located on Parcel C has both retail and office uses that have peak parking requirements that differ from the peak parking requirements of the Hotel and coincide with the parking requirements of the building that will be located on Parcel B. The Party who owns the Parcel C building herein agrees to enforce a prohibition against any parking adjacent to the Parcel A building as a result of use by the customers or employees of any Tenant that is located within the Parcel C building.

P112022

SEC. 6 TWP. 34 R 4

- 3.) The Parties herein agree to the right of mutual ingress and egress over and across the existing driveways and parking lot areas of their respective parcels as they exist as of the date of this recording of this Agreement and as may be modified in the future. No Party to this Agreement shall permit any changes to the functionality of exiting ingress, egress, utility facilities or parking without the written approval of the other Parties to this Agreement that are effected by any proposed change.
- 4.) The Parties herein agree to each pay 1/3 of the costs of maintaining the common parking, ingress, egress and storm water drainage facilities as depicted in Exhibit A hereto attached. This maintenance shall include but not be limited to the cost of sweeping, paint stripping, sealing and repaving of all areas contained in the common ingress, egress and parking areas as illustrated in Exhibit A and the maintenance of all storm drainage facilities including catch basins and pipes within the Common area as depicted in Exhibit A and to each pay 1/3 of the cost of maintaining the commonly used storm water treatment swale. Each Party will be responsible for its own landscaping maintenance on each of the Parcels. The owner of Parcel C shall be designated as the Party to this Agreement who shall make the determination as to when maintenance and or repaving shall occur and shall also coordinate and manage the maintenance of the common areas including any pavement sealing, replacement of paving or stripping and maintenance of storm water facilities. The Parcel C Owner shall inform the other Parcel owners as to their share of the costs and shall bill the other parcel Owners for their share of the cost after all planned work has been completed. In the event that any parcel Owner does not pay it's share of the costs within 45 days from the date of the billing for said costs, then the Parcel Owner or Owner's that incurred the cost and billed the cost to the other Parcel Owner or Owners shall have the right to file a lien against any non-paying Parcel owner, and to foreclose on said lien as provided for by Washington State law.
- 5.) There presently exists a pylon sign that is located at the northeast corner of the Parcel A that benefits both parcels A and B. The Owners of Parcel A and B herein agree to share the cost of the maintenance and operation of said pylon sign in direct relationship to the percentage of sign face area that is placed on the sign pylon. Presently the only sign located on the pylon is the Holiday Inn Express Hotel & Suites sign. As long as the Parcel B owners are the only Parcel owner with a sign on the pylon, then the Parcel B owner will be responsible for 100% of the cost of operating and maintaining the pylon sign.

In the event that the location of the pylon sign must move as a result of any City of Burlington public works project or any Washington State Department of Transportation (WSDOT) project, then the Parcel A and B owners agree to cooperate in any way required to effect the moving of the pylon sign. It is the intent of the Parties that the City of Burlington or WSDOT shall pay for the cost of relocating the existing pylon sign if the relocation is required as a part of any City of Burlington public works project or a WSDOT road improvement project.



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6.) In the event that any Parcel Owner incurs legal costs as a result of the enforcement of any provision of this Agreement then the prevailing party shall have the right to recover its attorney's fees and court costs from the non-prevailing Party.

Parcel A Owners

Dan R. Mitzel 2/21/07
Dan R. Mitzel Date

Patricia R. Burklund 1/31/07
Patricia R. Burklund Date

Donald G. DeBode TREE 1/31/07
Donald G. DeBode as Trustee for the Date
DeBode Revocable Living Trust

Patricia J. DeBode TR 1/31/07
Patricia J. DeBode as Trustee for the Date
DeBode Revocable Living Trust

Parcel B Owners

Dan R. Mitzel 1/31/07
Dan R. Mitzel Date

Patricia R. Burklund 1/31/07
Patricia R. Burklund Date

Donald DeBode TR 1/31/07
Donald DeBode as Trustee for the Date
DeBode Family Trust

Patricia DeBode TR 1/31/07
Patricia DeBode as Trustee for the Date
DeBode Family Trust

Parcel C Owners

Dan R. Mitzel 2/21/07
Dan R. Mitzel Date

Patricia R. Burklund 1/31/07
Patricia R. Burklund Date



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Notary Attachment

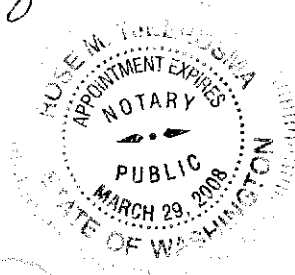
State of Washington))
)) ss
County of Skagit))

On this day before me, the undersigned Notary public, personally appeared **Dan R Mitzel & Patricia R Burklund**, (Owners of Parcel A, B & C) personally know to me or proved to me on the basis of satisfactory evidence to be the individuals described in , and acknowledged that they signed the Ingress, Egress Parking & Maintenance Agreement as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 31 day of January, 2007.

By *Rose M. Treanor* Residing at *Burlington*

Notary Public in and for the State of Washington
My commission expires *3/29/08*



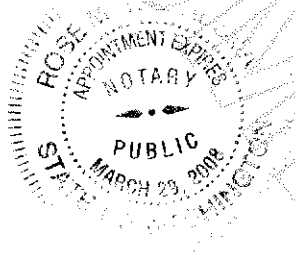
State of Washington))
)) ss
County of Skagit))

On this day before me, the undersigned Notary public, personally appeared **Donald DeBode & Patricia DeBode**, (Owners of Parcel A, B & C) personally know to me or proved to me on the basis of satisfactory evidence to be the individuals described in , and acknowledged that they signed the Ingress, Egress Parking & Maintenance Agreement as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 31 day of January, 2007.

By *Rose M. Treanor* Residing at *Burlington*

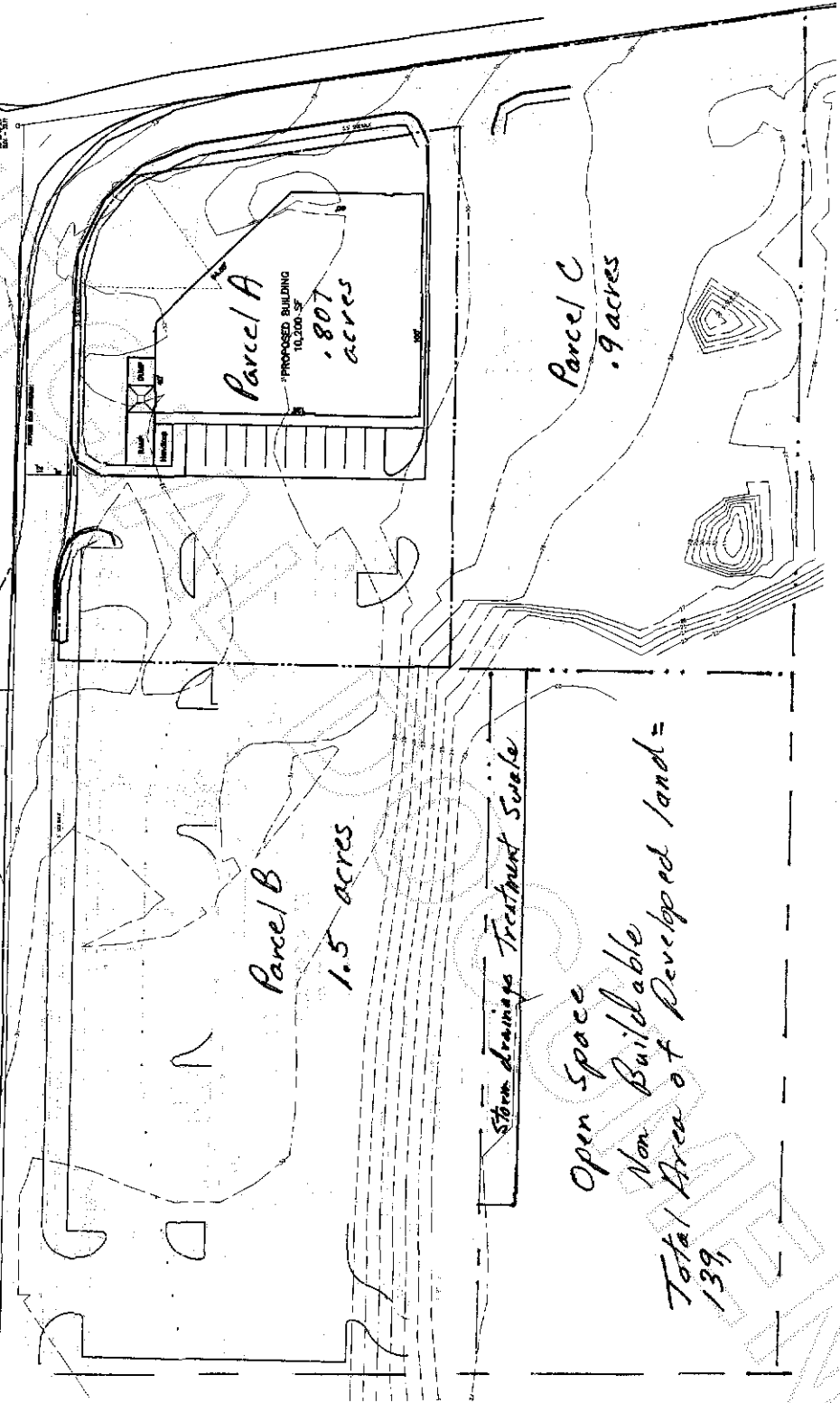
Notary Public in and for the State of Washington
My commission expires *3/29/08*



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UNOFFICIAL

Exhibit A



Open Space
Non Buildable
Total Area of Developed Land =
139,



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EXHIBIT B-3

DK12) LOT 4 SHORT PLAT BURL-4-94 RECORDED UNDER AF#9505240069 IN VOLUME 11 PAGE 204 AND 205 SHORT PLATS, BEING A PORTION OF NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 34 NORTH, RANGE 4 EAST. EXCEPT THAT PORTION OF LOT 4 SHORT PLAT BURL-4-94 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE NORTH 88 DEGREES 59' 18" WEST, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 239.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 1 DEGREE 00' 42" WEST, A DISTANCE OF 181.20 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE NORTH 88 DEGREES 54' 58" WEST, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 315.57 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTH 0 DEGREES 01' 24" WEST, ALONG THE WEST LINE THEREOF, A DISTANCE OF 63.45 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID SHORT PLAT; THENCE THE FOLLOWING COURSES ALONG THE SOUTH LINES OF LOT 1 AND LOT 2 OF SAID SHORT PLAT; THENCE SOUTH 82 DEGREES 24' 41" EAST, A DISTANCE OF 7.40 FEET; THENCE NORTH 85 DEGREES 47' 46" EAST, A DISTANCE OF 78.55 FEET; THENCE NORTH 18 DEGREES 39' 46" EAST, A DISTANCE OF 49.90 FEET; THENCE SOUTH 88 DEGREES 59' 18" EAST, A DISTANCE OF 40.28 FEET; THENCE SOUTH 88 DEGREES 59' 18" EAST, A DISTANCE OF 138.11 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 1 DEGREE 00' 42" EAST, A DISTANCE OF 63.52 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF SAID SHORT PLAT; THENCE SOUTH 88 DEGREES 59' 18" EAST, A DISTANCE OF 37.61 FEET TO THE TRUE POINT OF BEGINNING. ALSO EXCEPT THAT PORTION OF LOT 4 SHORT PLAT BURL-4-94 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE NORTH 88 DEGREES 59' 18" WEST, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 239.06 FEET; THENCE SOUTH 1 DEGREE 00' 42" WEST, A DISTANCE OF 27.00 FEET; THENCE SOUTH 88 DEGREES 59' 18" EAST PARALLEL TO THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 243.63 FEET TO THE WEST RIGHT-OF-WAY LINE OF GOLDENROD ROAD AS SHOWN ON SAID SHORT PLAT; THENCE NORTH 8 DEGREES 36' 09" WEST, ALONG SAID WEST LINE, A DISTANCE OF 27.38 FEET, MORE OR LESS TO THE POINT OF BEGINNING.



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EXHIBIT B-1
LEGAL DESCRIPTION

DK12) INCLUDING 2003 REDMAN SILVERTON 57X27 SERIAL NUMBER 11829102 LOTS 1 AND LOT 2 OF SHORT PLAT BURL-4-94 AND ALSO TOGETHER WITH THAT PORTION OF LOT 3 SHORT PLAT OF BURL-4-94, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF SAID SHORT PLAT; THENCE NORTH 88 DEGREES 59' 18" WEST, ALONG THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 239.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 1 DEGREE 00' 42" EAST, A DISTANCE OF 150.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ANDIS ROAD, AS SHOWN ON SAID SHORT PLAT; THENCE NORTH 88 DEGREES 59' 18" WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF ANDIS ROAD, A DISTANCE OF 37.61 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 1 DEGREE 00' 42" WEST, ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 88 DEGREES 59' 18" EAST, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 37.61 FEET TO THE TRUE POINT OF BEGINNING. ALSO TOGETHER WITH THAT PORTION OF LOT 4 OF SHORT PLAT BURL-4-94 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE NORTH 88 DEGREES 59' 18" WEST, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 239.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 1 DEGREES 00' 42" WEST, A DISTANCE OF 181.20 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE NORTH 88 DEGREES 54' 58" WEST, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 315.57 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTH 0 DEGREES 01' 24" WEST, ALONG THE WEST LINE THEREOF, A DISTANCE OF 63.45 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID SHORT PLAT; THENCE THE FOLLOWING COURSES ALONG THE SOUTH LINES OF LOT 1 AND LOT 2 OF SAID SHORT PLAT; THENCE SOUTH 82 DEGREES 24' 41" EAST, A DISTANCE OF 7.40 FEET; THENCE NORTH 85 DEGREES 47' 46" EAST, A DISTANCE OF 78.55 FEET; THENCE NORTH 18 DEGREES 39' 46" EAST, A DISTANCE OF 49.90 FEET; THENCE SOUTH 88 DEGREES 59' 18" EAST, A DISTANCE OF 40.28 FEET; THENCE SOUTH 88 DEGREES 59' 18" EAST, A DISTANCE OF 138.11 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 1 DEGREE 00' 42" EAST, A DISTANCE OF 63.52 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF SAID SHORT PLAT; THENCE SOUTH 88 DEGREES 59' 18" EAST, A DISTANCE 37.61 FEET TO THE TRUE POINT OF BEGINNING. BEING A PORTION OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 34 NORTH, RANGE 4 EAST.



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9 12:00PM

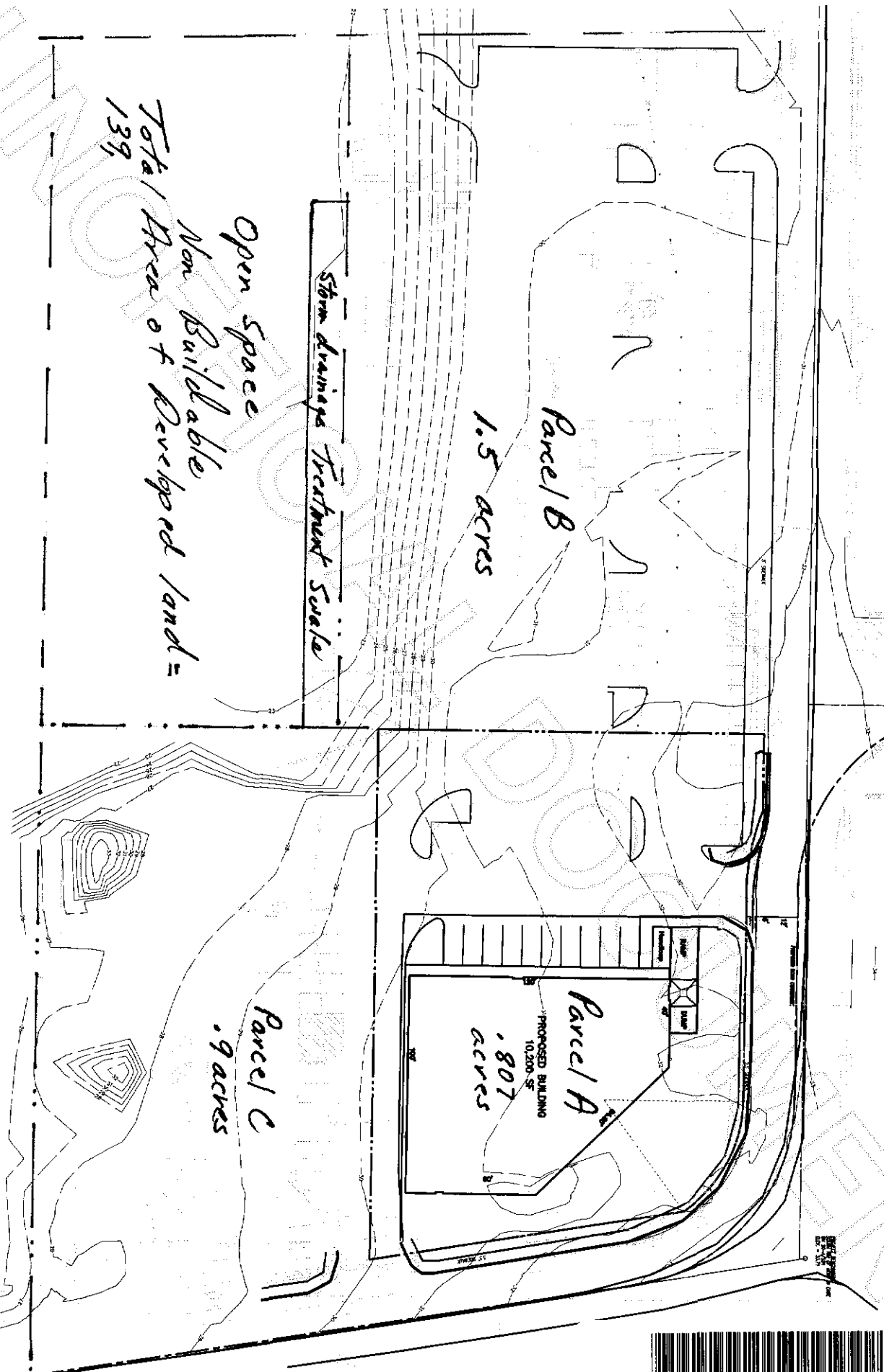
EXHIBIT B-2

DK12) THAT PORTION OF LOT 4 OF SHORT PLAT BURL-4-94 RECORDED UNDER AF#9505240069, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE NORTH 88 DEGREES 59' 18" WEST, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 239.06 FEET; THENCE SOUTH 1 DEGREE 00' 42" WEST, A DISTANCE OF 27.00 FEET; THENCE SOUTH 88 DEGREES 59' 18" EAST PARALLEL TO THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 243.63 FEET TO THE WEST RIGHT-OF-WAY LINE OF GOLDENROD ROAD ON SAID SHORT PLAT; THENCE NORTH 8 DEGREES 36' 09" WEST, ALONG SAID WEST LINE, A DISTANCE OF 27.38 FEET, MORE OR LESS TO THE POINT OF BEGINNING. ALSO TOGETHER WITH LOT 3 SHORT PLAT BURL-4-94 EXCEPT THE FOLLOWING DESCRIBED PORTION THEREOF: COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF SAID SHORT PLAT; THENCE NORTH 88 DEGREES 59' 18" WEST, ALONG THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 239.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 1 DEGREE 00' 42" EAST, A DISTANCE OF 150.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ANDIS ROAD, AS SHOWN ON SAID SHORT PLAT; THENCE NORTH 88 DEGREES 59' 18" WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF ANDIS ROAD, A DISTANCE OF 37.61 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 1 DEGREE 00' 42" WEST, ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 88 DEGREES 59' 18" EAST, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 37.61 FEET TO THE TRUE POINT OF BEGINNING. ALSO TOGETHER WITH THAT PORTION OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF THE SAID SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 325.24 FEET WEST OF THE NORTHEAST CORNER THEREOF, SAID POINT BEING THE INTERSECTION OF THE WESTERLY LINE OF PRIMARY STATE HIGHWAY NO. 1 ALONG THE NORTH LINE OF AID SUBDIVISION; THENCE NORTH 89 DEGREES 02' 30" WEST ALONG THE NORTH LINE OF SAID SUBDIVISION 194.14 FEET; THENCE SOUTH 0 DEGREES 57' 30" WEST 150 FEET; THENCE SOUTH 89 DEGREES 02' 30" EAST 236.66 FEET, MORE OR LESS, TO THE WESTERLY RIGHT OF WAY LINE OF SAID STATE HIGHWAY; THENCE NORTH 14 DEGREES 52' WEST ALONG SAID STATE HIGHWAY LINE 155.90 FEET TO THE POINT OF BEGINNING, EXCEPT THEREFROM THAT PORTION THEREOF LYING WITHIN THE BOUNDARIES OF GOLDENROD ROAD AND ANDIS COUNTY ROAD, AND ALSO EXCEPT THOSE PORTIONS THEREOF CONVEYED TO SKAGIT COUNTY FOR SAID ROADS BY DEEDS RECORDED UNDER AUDITORS' FILE NOS. 835798, 836976, 835797 AND 836077, RECORDS OF SKAGIT COUNTY, WASHINGTON; AND ALSO EXCEPT THAT PORTION CONVEYED TO THE CITY OF BURLINGTON BY DEED RECORDED UNDER AUDITOR'S FILE NO. 9505050031. ALL SITUATE IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 34 NORTH, RANGE 4 EAST.



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Exhibit A



Open Space
Non-Buildable
Total Area of Developed Land =
139

Storm Drainage Treatment Swale

Parcel B
1.5 acres

Parcel A
Proposed Building
10,200 sq ft
.807 acres

Parcel C
.9 acres



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