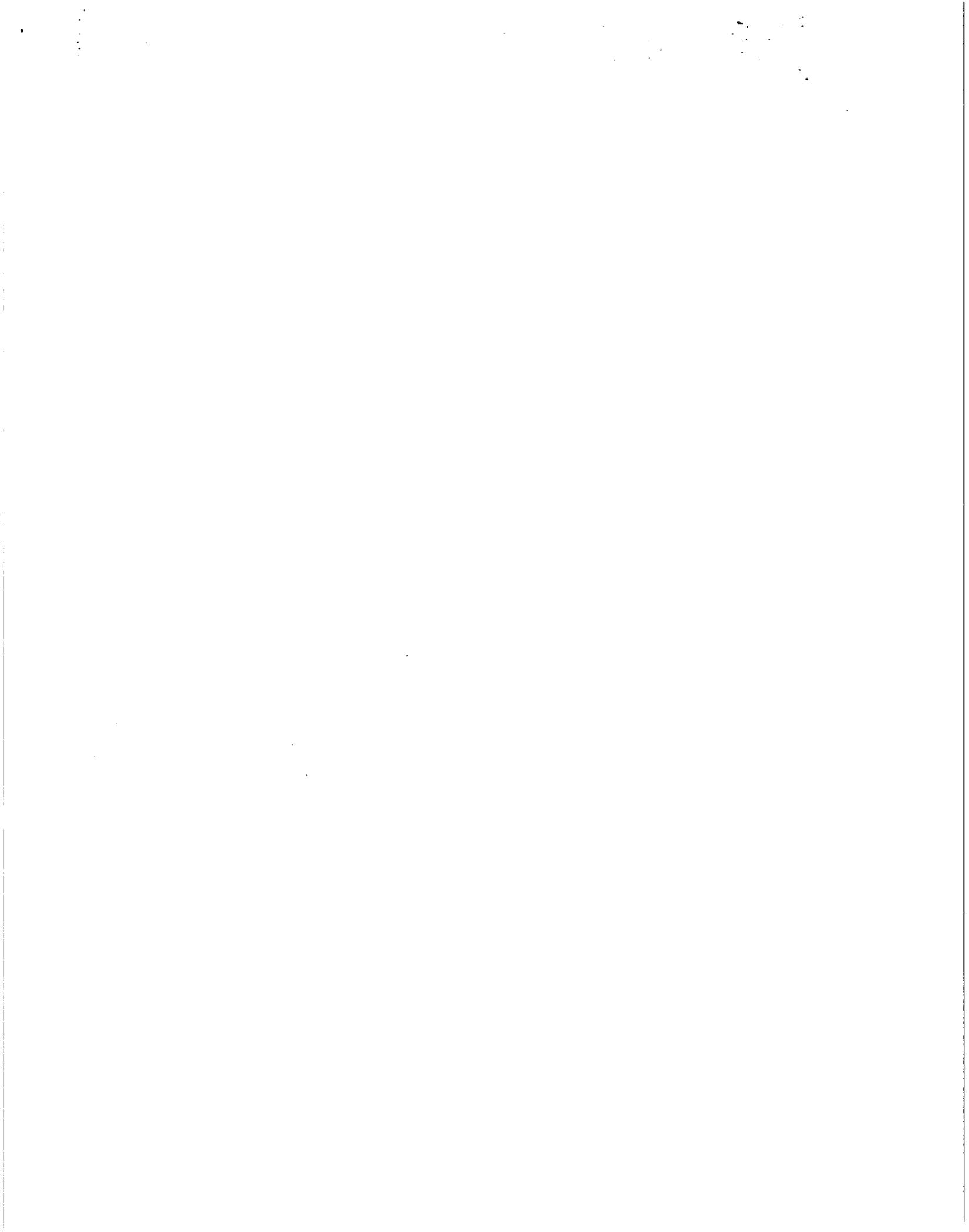


44.

Temporary Access and Utility Easement
for Plat 2C on Phase 1A
October 31, 2014



WHEN RECORDED RETURN TO:

Megan Nelson
Yarrow Bay Holdings LLC
10220 NE Points Drive, Suite 310
Kirkland, Washington 98033



20141105000251

TRIAD ENGINEER EAS 81.00
PAGE-001 OF 010
11/05/2014 10:55
KING COUNTY, WA

Document Title: TEMPORARY ACCESS AND UTILITY EASEMENT

Grantor: BD Village Partners, LP

Grantee: BD Village Partners, LP

Legal Description of Burdened Parcels: Ptn of NW ¼ lying southerly of the centerline of Auburn-Black Diamond Rd, a ptn of the SW ¼ and a ptn of the SE ¼, all in Section 15, Township 21 North, Range 06 East, W.M. TOGETHER WITH a portion of the NE ¼ of Section 22, Township 21 North, Range 06 East, W.M.

Legal Description of Benefitted Parcel: Ptn of the SW ¼ and SE ¼ of Section 15, Township 21 North, Range 06 East, W.M. TOGETHER WITH a ptn of NE ¼ of Section 22, Township 21 North, Range 06 East, W.M.

Assessor's Tax Parcel Nos.: Benefitted Parcel: Ptn of 1521069108, 152069096, and 2221069004.
Burdened Parcels: 1521069099, 1521069100, 1521069106, 1521069102 and ptn of 1521069108, 1521069096, 2221069004 and 2221069053.

Reference Nos. of Documents Released or Assigned: N/A

TEMPORARY ACCESS AND UTILITY EASEMENT

This Temporary Access and Utility Easement ("Easement") is made this 31st day of October, 2014, by BD Village Partners, LP, a Washington limited partnership ("Grantor") for the benefit of that certain real property legally described in Exhibit B attached hereto and by this reference incorporated herein (the "Benefitted Parcel").

RECITALS

A. Grantor is the current owner in fee of that certain real property legally described in Exhibit A attached hereto and by this reference incorporated herein (the "Burdened Parcels").

EXCISE TAX NOT REQUIRED

King Co. Records

By [Signature], Deputy

- B. BD Village Partners, LP, a Washington limited partnership (“Grantee”), is the current owner in fee of the Benefitted Parcel.
- C. Grantee has submitted a preliminary plat application (Black Diamond PLN 13-0028) (hereinafter “Plat 2C”) affecting the Benefitted Parcel. In order to satisfy the City of Black Diamond’s concerns about appropriate provisions for sewer, water, storm drainage, and roads to Plat 2C, Grantor hereby agrees to record a temporary access and utility easement across the Burdened Parcels until such time as permanent utilities and roads are accessible to the Benefitted Parcel at approximately the intersection of Plat 2C’s Tract 926 and Willow Ave SE.

In consideration of the covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

AGREEMENT

1. Grant of Temporary Easement. Grantor hereby grants to Grantee a nonexclusive, temporary easement over, under, along, across, upon and through the described lands in the County of King, State of Washington, as legally described and shown on Exhibit A attached hereto (the “Temporary Easement”) for access and construction of the Utilities (as defined herein). The Utilities are defined as: (i) the roadway, storm drainage, water, sanitary sewer and dry utility improvements depicted in the plan set entitled: “Ring Road, The Villages, Phase 1A – Schedule B – Road and Utility Plans, Willow Ave SE to SE Dogwood Street” (Permit #PUB 13-0019); (ii) the utility access drive, storm drainage, water, sanitary sewer and dry utility improvements as depicted in the plan set entitled: “CCA/CCB, The Villages, Phase 1A – Schedule C- Road and Utility Plans, Villages Parkway SE” from Station 8 + 00 to Station 14 + 50” (currently under review by the City of Black Diamond); (iii) the storm drainage water quality and infiltration pond improvements as depicted in the approved Villages Phase 1A preliminary plat (PLN11-001) within The Villages MPD Parcel V23; (iv) the sanitary sewer lift station depicted in the approved Villages Phase 1A preliminary plat (PLN11-001); (v) the water main extension as depicted in the plan set dated 7/25/14 and entitled “Pipeline Road, The Villages, Offsite Water Main Extension Plans (750 and 850 Pressure Zones)” (currently under review by the City of Black Diamond); (vi) the staging and stockpile area as depicted in the plan set entitled “The Villages MPD Staging and Stockpile Area” under permit numbers PUB14-0030, PLN14-0024 (SEPA) and PLN 13-026 (Tree Removal) (currently under review by the City of Black Diamond); (vii) the wheel wash, access, and employee parking as depicted in the western portion of “The Villages Phase 1A – Schedule A Clearing Grading & TESC Plans” (PUB13-0009); (viii) access to temporary water installed across the northern portion of The Villages MPD Parcels V12 and V13; and (ix) the road and utility improvements from the northern end of The Villages Phase 1A - Schedule B – Road and Utility Plans Willow Ave SE- SE Dogwood St. (PUB 13-0019) to connect to Roberts Drive and construct improvements as depicted on “The Villages Roberts Drive Frontage Improvement Plans” (PUB13-005). The Temporary Easement granted herein is nonexclusive, and Grantor retains and reserves all other rights

with respect to the Burdened Parcels, including, without limitation, the right of ingress, egress, access, and construction together with the right to grant further nonexclusive easements for ingress, egress and access over, upon and across the properties owned by Grantor, or its successors or assigns, and to construct, reconstruct, maintain, repair, and replace the Utilities.

2. Purpose. The purpose of the Temporary Easement granted herein is to ensure the ability to appropriately provide water, sewer, storm drainage and roads to Plat 2C and the Burdened Parcels.
3. Relocation. Upon written notice to the owners of the Benefitted Parcel, Grantor shall have the right to permanently or temporarily relocate the Temporary Easement; provided, however, that any relocation of the Temporary Easement shall satisfy the same purpose as the Temporary Easement contemplated herein.
4. Use. The Grantee shall be entitled to use the Temporary Easement for legal access to and from the Benefitted Parcel and construction of the Utilities if necessary to provide Plat 2C with appropriate utility service.
5. Term. This agreement shall take effect on the date first written above. For the purpose of the Benefitted Parcel, this Easement shall automatically terminate absolutely and forever at such time as permanent Utilities are accessible to the Benefitted Parcel at approximately the intersection of Plat 2C's Tract 926 and Willow Ave SE or ten (10) years after the date of recording of this Easement, whichever occurs first.
6. Binding Effect. The covenants and obligations contained in this Easement are not personal, but shall run with the land and be binding upon and inure to the benefit of the respective heirs, personal representatives, transferees or successors in interest.
7. Non-Merger. It is intended that the rights and obligations created by this Easement shall NOT be affected by merger of title and similar doctrines that would terminate the rights and obligations created hereby and, therefore, they shall NOT automatically terminate or be extinguished by reason of existing or future common ownership of the properties described herein.
8. Captions. The captions and paragraph headings contained in this Easement are for convenience and reference only and in no way define, describe, extend or limit the scope or intent of this Easement, nor the intent of any provision hereof.
9. Governing Law. This Easement shall be governed by and constructed in accordance with the laws of the state of Washington.

EXHIBIT A
BURDENED PARCELS

See Attached

**EXHIBIT A
PHASE 2 PLAT C ACCESS AND UTILITY EASEMENT
BURDENED PARCELS LEGAL DESCRIPTIONS**

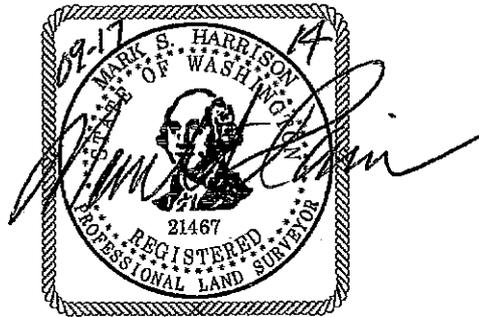
**SEPTEMBER 17, 2014
TRIAD JOB NO. 10-001**

BURDENED PARCELS:

LOTS 3, 4, 8 AND 10 OF CITY OF BLACK DIAMOND LOT LINE ADJUSTMENT NUMBER PLN12-0013, AS RECORDED SEPTEMBER 6, 2012 IN VOLUME 291 OF SURVEYS, PAGES 66-73 UNDER KING COUNTY RECORDING NUMBER 20120906900006, LOCATED IN THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON;

TOGETHER WITH PROPOSED LOT 4 OF CITY OF BLACK DIAMOND LOT LINE ADJUSTMENT NUMBER PLN13-0026, LOCATED IN THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 15 AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, ALL IN TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON.

WRITTEN BY: ARJ
CHECKED BY: MSH



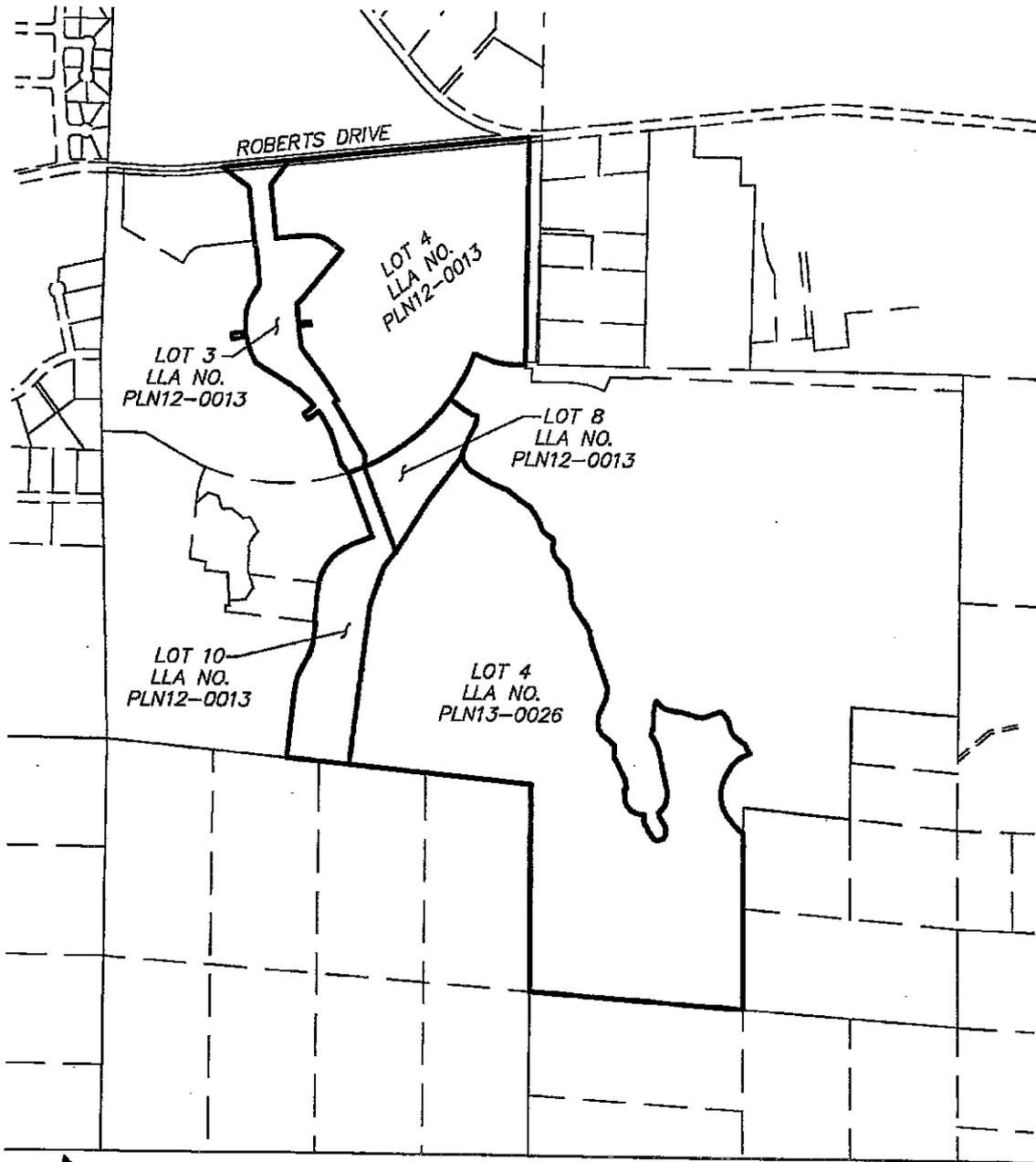
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115th Avenue NE Kirkland, Washington 98034-6929
425.821.8448 · 800.488.0756 · Fax 425.821.3481
www.triadassociates.net

Page 1 of 1

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THE VILLAGES
EXHIBIT A-1
BURDENED PARCELS

TRIAD JOB # 10-001
SEPTEMBER 17, 2014



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EXHIBIT B
BENEFITTED PARCEL

See Attached

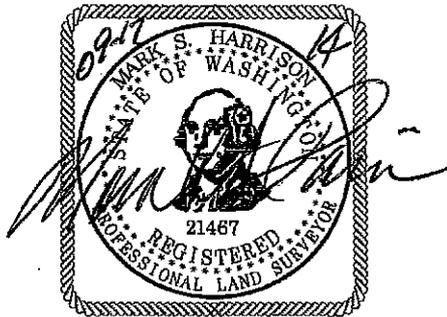
**EXHIBIT B
PHASE 2 PLAT C ACCESS AND UTILITY EASEMENT
BENEFITTED PARCEL LEGAL DESCRIPTION**

**SEPTEMBER 17, 2014
TRIAD JOB NO. 10-001**

BENEFITTED PARCEL:

PROPOSED LOT 3 OF CITY OF BLACK DIAMOND LOT LINE ADJUSTMENT NUMBER PLN13-0026, LOCATED IN THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 15 AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, ALL IN TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON.

WRITTEN BY: ARJ
CHECKED BY: MSH



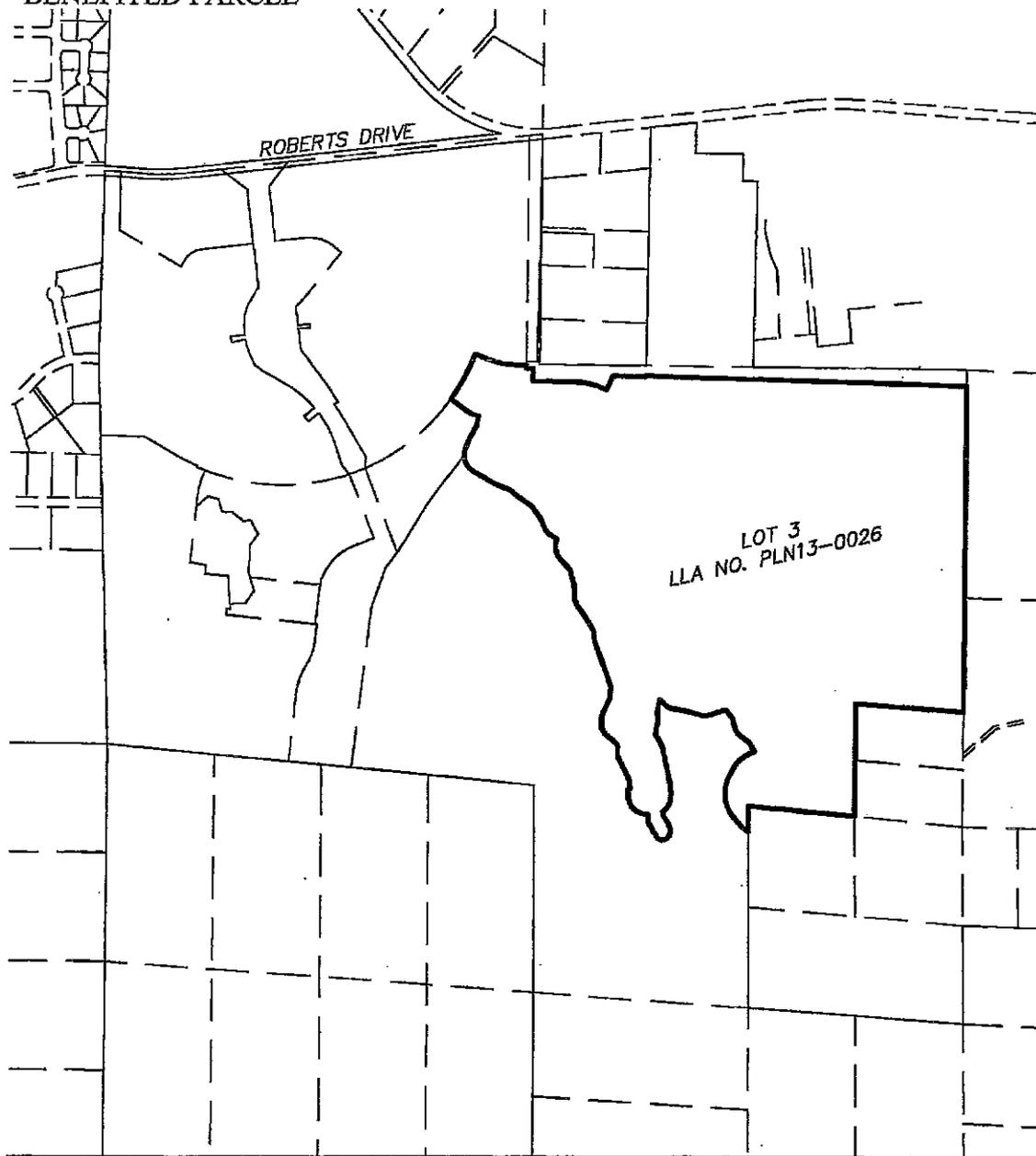
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2013 V28-V29 Preliminary Plat\Legals and Exhibits for Easement Through 1A
Benefitting 2C\14-0917 10-001 Exhibit B Benefitted Parcel Phase 2 Plat C Access and
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THE VILLAGES
EXHIBIT B-1
BENEFITED PARCEL

TRIAD JOB # 10-001
SEPTEMBER 17, 2014



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