

PERMISSION TO ENTER PRIVATE LAND AND WAIVER OF LIABILITY

THIS AGREEMENT INCLUDES PERMISSION TO ENTER PRIVATE PROPERTY AND A WAIVER OF CERTAIN CLAIMS OF LIABILITY. READ CAREFULLY BEFORE SIGNING.

This Permission to Enter Private Land and Waiver of Liability is made between the Island County Noxious Weed Control Board, hereafter referred to as "the Board," and

hereafter referred to individually or collectively as "the property owner(s)."

INTRODUCTION

1. The control and eradication of noxious weeds on public and private lands is in the public interest and the presence of knotweed (*Polygonum* spp.) on private lands threatens wildlife habitat and provides a source for renewed infestation of public lands. Effective eradication of knotweed requires concerted efforts on both public and private lands to protect public resources.
2. The Board and its agents desire to perform activities to eradicate and/or control knotweed on public and private lands within Island County. These activities are authorized and carried out under one or more of the following chapters: 17.04 RCW, 17.06 RCW, 17.10 RCW, 17.24 RCW.
3. The property owner(s) is/are the sole owner of property located at 844 CA... in Isla...
1. B. V. E. T. A. N. S. T. Y.
Washington, hereafter referred to as "the property."
4. The property owner(s) is/are interested in and benefited by the eradication and/or control of knotweed on the property.
5. The property owner(s) and the Board desire to memorialize an agreement for the purpose of eradication and/or control of knotweed on the property.

AGREEMENT

1. **Permission.** In consideration of the benefits described above, the property owner(s) grant permission to the Board and its agents, contractors, cooperators and employees to enter onto the property, with at least twenty-four (24) hours notice, from April 1, 2006, to October 31, 2010, to perform activities to eradicate and/or control knotweed on the property. The property owner(s) acknowledge and agree that these activities may include the application of herbicide to the property.

The property owner(s) also grant permission to agents, contractors, cooperators and employees of the Washington State University and/or the Washington State Department of Agriculture to enter onto the property, with at least twenty-four (24) hours notice, from April 1, 2006, through October 31, 2010, for the purpose of monitoring and evaluating the success of knotweed eradication and/or control activities.

2. **Expiration and Revocation.** The Board and its agents, contractors, cooperators and employees are permitted to enter the property on all of the above dates and until October 31, 2010, or until this permission is revoked, whichever occurs first. The property owner(s) may revoke this permission by presenting a written letter of revocation to the Board. The revocation is effective five (5) business days after receipt by the Board.

3. **Liability Waiver.** The purpose of entry onto the property is to perform activities to eradicate and/or control knotweed. The property owner(s) expressly agree to hold harmless The Board, the Washington State University (WSU), the Washington Department of Agriculture (WSDA), and the agents, contractors, cooperators and employees of The Board, WSU, or WSDA, and to waive any claim of liability against The Board, WSU, WSDA, and the agents, contractors, cooperators and employees of The Board, WSU, or WSDA, for any injury, damage, or harm which is the logical and intended consequence of activities properly performed to eradicate and/or control knotweed. As to any other act or omission of either party under this agreement, each party shall be responsible for its own acts or omissions and those of its officers, employees and agents under this agreement. No party to this agreement shall be responsible to the other for the acts or omissions of entities or individuals not a party to this agreement.

4. **Entire Agreement.** This Permission to Enter Private Land and Waiver of Liability contains the entire agreement between the parties with regard to the matters set forth herein.

5. **Applicable Law.** This Permission to Enter Private Land and Waiver of Liability shall be construed and interpreted according to the laws of the State of Washington.

BY THE SIGNATURE BELOW, THE PROPERTY OWNER(S) DECLARE THAT THE TERMS OF THIS PERMISSION TO ENTER PRIVATE LAND AND WAIVER OF LIABILITY HAVE BEEN COMPLETELY READ AND FULLY UNDERSTOOD AND VOLUNTARILY ACCEPTED AND EXPRESSLY WAIVE ANY CLAIM THAT THIS PERMISSION TO ENTER PRIVATE LAND AND WAIVER OF LIABILITY IS NOT FAIRLY AND KNOWINGLY MADE.

Property Owner(s) Phone Number: 360-321-1533

Property Owner(s) Address: 5535 CAMERON RD

Street FREELAND ISLAND 98249
 City County Zip

ISLAND CO. FIRE DIST #3 [Signature] 6/8/06
 Name of property owner Signature of property owner Date

 Name of property owner Signature of property owner Date

 Name of property owner Signature of property owner Date

 Name of authorized representative, Signature of authorized representative, Date
 Island County Noxious Weed Island County Noxious Weed
 Control Board Control Board

Contact information for the Island County Noxious Weed Control Board: Susan Horton, (360) 240-5597
 P.O. Box 5000, Coupeville, WA 98239