

WHEN RECORDED RETURN TO:

Name: FORREST A FOSS  
Address: 1145 WHISLER LAKE RD  
City, State, Zip ANACORTES WASH 98221

SKAGIT COUNTY

97 SEP -8 AIO:39

9709080043

**EASEMENT**

The GRANTORS, JOHN L. MILLER Jr. and MARGARET K. MILLER, as DECLARANTS under that certain Declaration of Covenants, Conditions, and Restrictions of Fidalgo Bay Addition to Anacortes, dated April 22, 1991, and recorded under Skagit County Auditor's File No. 9104220048, for and in consideration of an EXCHANGE OF EASEMENT, do hereby grant and convey, in accordance with Section 12.3.3 of said Covenants, unto JOHN C. WIEGAND and JANE L. WIEGAND (H/W), HOWARD W. ROGERS and CHERYL A. ROGERS (H/W), and FORREST A. FOSS, GRANTEES, a non-exclusive Twenty Foot (20') Easement for ingress and egress and utility purposes, together with the right of ingress and egress for the purpose of construction, repair, and maintenance of said utilities, over, along, across, and under the following described property situated in Skagit County, Washington, to-wit:

TAX ASSESSOR'S PARCEL No. P60674, P60694

Those portions of FIDALGO BAY ADDITION TO ANACORTES, BLOCKS 3, 4, 11, 12, 13, 14, 18, 19, as recorded in Volume 2 of Plats Page 24, Records of Skagit County, more particularly described as follows:

A strip of land, Twenty Foot (20') wide, lying Ten Feet (10') on both sides of the following described centerline, commonly known as SAN JUAN HILL ROAD:

Commencing at the SW corner of Section 32, Township 35 N, Range 2 E, WM;  
THENCE: S88 03' 11"E, along the South Line of said Section 32, 1,155.48 feet to the Westerly R/W Line of State Highway No. 20 (Alternate);  
THENCE: N11 37'35" W, 102.85 feet to the Southerly Line of unconstructed Tennessee Ave.;  
THENCE: S88 04'49"E, along said Southerly Line, 26.22 feet to the TRUE POINT OF BEGINNING of the description:

THENCE: N32 52'12"W, 124.22 feet;  
THENCE: S50 42'01"W, 99.77 feet;  
THENCE: S63 47'42"W, 158.03 feet;  
THENCE: N77 14'12"W, 192.49 feet, MORE OR LESS, to the Easterly R/W Line of the City of Anacortes Waterline Easement (AF #242886);  
THENCE: N26 45'57"W, along said Waterline Easement, 1126.72 feet, MORE OR LESS, to the point at which this description intersects that R/W described as "ACCESS TO STATE FRONTAGE ROAD" in that Fidalgo Bay Addition to Anacortes MAP OF AGGREGATION as filed under Record of Surveys Volume 12, pages 147 and 148, and recorded under Skagit County Auditor's File No. 9204200040, and the termination of this portion of description;

TOGETHER WITH: A Twenty Foot (20') Strip of Land, Ten foot (10') on both sides of

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the centerline of those certain road right-of-ways described as FIRE LANE and SAN JUAN HILL ROAD on that Fidalgo Bay Addition to Anacortes MAP OF AGGREGATION as filed under Record of Surveys Volume 12, pages 147 and 148, and recorded under Skagit Co. Auditor's File No. 9204200040.

THIS EASEMENT IS SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) A power utility junction vault shall be installed at Grantees' expense, for purposes of bifurcating primary supply line, along said FIRE LANE easement at a location approved by Grantor;
- (2) Any water storage requirements needed to serve Grantees' properties shall be constructed at Grantees' expense. Grantees shall not use any existing water storage capacity supplied by existing storage tank located within Fidalgo Bay Addition;
- (3) FIRE LANE right-of-way shall be returned to preconstruction condition immediately upon completion of utility installation, at Grantees' expense.
- (4) RESTRICTION: This easement is expressly limited to the appurtenant properties below and is specifically unavailable to the benefit of The West Half (W 1/2) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 31, Township 35 North, Range 2 East, W.M. without the express written consent of the Grantor; which said consent shall include and require the granting of a twenty foot (20') non-exclusive easement for ingress and egress over said West Half (W 1/2) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 31, Township 35 North, Range 2 East, W.M., in favor of Grantor, on behalf of Fidalgo Bay Community. Any granting of utility easements by Grantees Rogers and Foss, their heirs, successors, and assigns, in favor of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 31, Township 35 North, Range 2 East, W.M. shall require prior written approval of Grantor. In event Grantees Rogers and Foss grant easement without Grantors approval, Grantees Rogers and Foss agree, by the act of recording this easement and the granting of ingress and egress easement in favor of Grantor, to pay the Grantor the sum of fifty thousand dollars (\$50,000) for which Grantor shall have the right to place a security lien against the below described property of the Grantees Rogers (Parcel B) and Foss (Parcel C), their heirs, successors, and assigns.

THIS EASEMENT SHALL BE APPURTENANT TO AND RUN WITH THE FOLLOWING DESCRIBED PROPERTY, SITUATED IN SKAGIT COUNTY, WASHINGTON:

PARCEL A: Parcel 2, REVISION TO CLARKE SHORT PLAT NO 24-78, approved May 31, 1984, and recorded in Volume 6 of Short Plats, page 156, records of Skagit County; TOGETHER WITH, that aggregated portion as described in that Quit Claim Deed recorded in Volume 760, Page 73, Records of Skagit County, under Auditor's File No. 8806010034;

PARCEL B: The South Fifteen Acres (15 Ac.) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 31, Township 35 North, Range 2 East, W.M.; EXCEPT, that aggregated portion as described in that Quit Claim Deed recorded in Volume 760, Pg. 73, Records of Skagit County, under Auditor's File No. 8806010034;

PARCEL C: The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 31, Township 35 North, Range 2 East, W.M.

Dated this August 26, 1997.

  
John L. Miller Jr., Declarant

  
Margaret K. Miller, Declarant

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STATE OF WASHINGTON )

COUNTY OF Skagit )

ss.

On this day personally appeared before me  
John L. and Margaret K. Miller  
to me known to be the individual described in an  
d who executed the within and foregoing instrument, and  
acknowledged that they signed the  
same as their free and voluntary  
act and deed, for the uses and purposes therein mentioned.

26th GIVEN under my hand and official seal this  
day of August, 19 97.

M. Spache

Notary Public and for the State of Washington,  
residing at Ascoctia

SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID

SEP - 8 1997

Amount Paid \$ 0  
Skagit County Treasurer  
By: Kh Deputy

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