



200301170133  
Skagit County Auditor

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200109170140  
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200108220078  
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m/2969  
LAND TITLE COMPANY OF SKAGIT COUNTY

Parcel Nos: P62211, P62212, P662214, P62216, P62217, P62219  
Legal Desc.: Lots 1 - 13, Blk 5, Bingham Acreage

Amended to Correct Exhibits "C", "D" and "F" plus add Exhibits "G" and "H" ;

**DECLARATION OF EASEMENT  
FOR  
INGRESS, EGRESS, UTILITIES AND SEPTIC DRAINFIELD**

This Declaration is made this 20<sup>th</sup> day of ~~April~~ <sup>WAF</sup> ~~August~~ <sup>WAR</sup>, 2001 by Buchanan Avenue, LLC, a Washington limited liability company, hereinafter called "Declarant".

**W I T N E S S E T H**

**WHEREAS;** Declarant is the owner of the property described on Exhibit "A" attached hereto, and

**WHEREAS;** Declarants desire to establish five (5) non-exclusive easements for ingress, egress, utilities and drainage and to establish provisions for the joint use and maintenance of the same;

**NOW, THEREFORE:** Declarants hereby conveys and quit claims easements for ingress, egress, utilities and septic drainfield over the properties identified on Exhibits "B", "C", "D" "E" and "F" attached hereto, in favor of the parties therein named.

Declarants, and any future owner of the properties encumbered, herein hereby covenant and agree, one with the other, that all maintenance and repair of the roadways created herein shall be shared between the present and future owners thereof, their heirs, successors, administrators and assigns.

Declarants further covenant and agree that the decision for maintenance of roadways shall be by a majority vote of the owners of the lots encumbered herein, each Lot so encumbered being given one (1) vote. Should there be a disagreement as to the necessity of any maintenance or repair, each side shall select a licensed engineer, who together will select a third licensed engineer, and they shall determine whether the disputed maintenance or repair is required to maintain the roadway in a safe and passable manner. The costs of said engineers shall be born exclusively by the non-prevailing party.

Declarants further covenant and agree that this agreement shall be binding upon themselves, their heirs, successors, administrators and assigns, and shall be a covenant running with the lands said easements benefit.

This Declaration of Easement is made and executed the day and year first above written.

Buchanan Avenue, LLC

By: William A. Rimmer  
Its: Managing Member

*Easement*  
SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID

AUG 22 2001

Amount Paid \$ 0  
Skagit County Treasurer  
By: *man* Deputy

*Easement*  
SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax

SEP 17 2001

Amount Paid \$ 0  
Skagit Co. Treasurer  
By: *man* Deputy

STATE OF WASHINGTON

County of Skagit

SS

I hereby certify that I know or have satisfactory evidence that William A. Rimmer is the person who personally 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 the Managing Member of Buchanan Avenue LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated this 25 day of ~~April~~, 2001.  
20 August KT

Karan Othman

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

Bull

My appointment expires 3-1-05

Casement  
SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
JAN 17 2003  
Alison P. King  
Skagit County Treasurer  
By: AC Deputy



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Skagit County Auditor

**EXHIBIT "A"**

Lots 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, and 13, Block 5, "BINGHAM ACREAGE", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington;

Situate in the County of Skagit, State of Washington.



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**EXHIBIT "B"**

A non-exclusive easement for the installation, repair and maintenance of utilities over, under and across the following described property:

The West 20 feet of Lots 7 and 8, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

Said easement shall be for the benefit of the present and future owners of the following described lots:

Lots 6 and 7, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.



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Skagit County Auditor

Amendment to  
**EXHIBIT "C"**

Of instrument recorded under  
Auditors File Number 200109170140  
Records of Skagit County, WA.

A non-exclusive easement for ingress, egress, and roadway cut or fill slopes and the installation, repair and maintenance of utilities over, under and across the following described property:

The South 20 feet of Lot 3, EXCEPT the West 15.22 feet thereof and, all that portion of Lot 4 Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON" as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington, lying South of the following described line:

Commencing at the Southwest corner of Lot 4, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON"; thence North 01°02'42" West along the west line of said Lot 4 a distance of 30.00 feet to the True Point of Beginning of said Line; thence South 88° 54'55" East being parallel with the South line of said Lot 4 a distance of 35.00 feet; thence North 87° 17'59" East a distance of 75.74 feet to the intersection with the arc of a 60 foot circle as set forth in "EXHIBIT F" and terminus of said Line. EXCEPTING THEREFROM any portion lying within that certain easement set forth in "EXHIBIT F".

Situated in the County of Skagit, State of Washington.

Said easement shall be for the benefit of the present owners, successors and assigns of the following described lots:

Lot 2, Except the West 30.45 feet thereof, and, the West 15.22 feet of Lot 3 and Lot 3, EXCEPT the West 15.22 feet thereof, and, the South 20 feet of Lot 4 all being of Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON" as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

*WAR 1-17-03*



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Skagit County Auditor

Amendment to  
**EXHIBIT "D"**  
Of instrument recorded under  
Auditors File Number 200109170140  
Records of Skagit County, WA.

A non-exclusive easement for ingress, egress and the installation, repair and maintenance of utilities over, under and across the following described property:

The East 40 feet of Lot 11, EXCEPT the South 6.1 feet thereof, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON" as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situated in the County of Skagit, State of Washington.

Said easement shall be for the benefit of the present and future owners of the following described lots:

Lot 13 and the South 6.1 feet of lot 11, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON" as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Also for the benefit of the present owners, successors and assigns of Lot 3 as per that "Quit Claim Deed" as recorded under Skagit County Auditor Number 2001108150115, and, Lot 2 and the West 15.22 feet of Lot 3 of Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON" as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington, shall have a non-exclusive easement for ingress, egress, roadway cut or fill slopes and the installation, repair and maintenance of utilities over, under and across that portion of said Lot 11, lying North of the following described line:

Commencing at the Northeast corner of Lot 11, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON"; thence North  $88^{\circ} 54' 55''$  West along the north line of said Lot 11 a distance of 124.82 feet to the True Point of Beginning of said Line; thence South  $76^{\circ} 14' 46''$  East a distance of 68.39 feet to the intersection with the arc of a 60 foot circle as set forth in "EXHIBIT F" and terminus of said Line. EXCEPTING THEREFROM any portion lying within that certain easement set forth in "EXHIBIT F".



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EXHIBIT "E"

A non-exclusive easement for the installation, repair and maintenance of a septic drainfield system over, under, across and through the real property described in Servient-1, Servient-2, Servient-3, Servient-4 and Servient-5, which shall be for the benefit of the real property described as Dominant "A", Dominant "B", Dominant "C", Dominant "D" and Dominant "E" respectively:

SERVIENT-1:

The West 20 feet of Lot 7 and 8; the North 25 feet of the West 70 feet of Lot 9; the East 35 feet of the West 70 feet of Lot 9, EXCEPT the North 25 feet thereof; and, the East 35 feet of the West 70 feet of the North 8.46 feet of Lot 10; all in Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

SERVIENT-2:

The West 20 feet of Lot 8; the West 20 feet of the North 25 feet of Lot 9; the West 35 feet of Lot 9 EXCEPT the North 25 feet thereof, and, the West 35 feet of the North 8.46 feet of Lot 10, all in Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

SERVIENT-3:

The East 40 feet of the North 120 feet of the South 264.23 feet of Lot 12, all in Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

SERVIENT-4:

The East 40 feet of the North 70 feet of the South 144.23 feet of Lot 12; the West 70 feet of the South 70 feet of the North 78.46 feet of Lot 10; the East 15 feet of the West 85 feet of the North 23.46 feet of Lot 10, all in Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.



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SRVIENT-5:

The East 40 feet of the South 74.23 of Lot 12, and, the West 70 feet of Lot 10 EXCEPT the North 78.46 feet thereof, all in Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

DOMINANT "A":

Lot 6, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

DOMINANT "B":

Lot 7, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

DOMINANT "C":

Lot 8, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

DOMINANT "D":

Lot 9, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

DOMINANT "E":

Lot 10, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.



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Skagit County Auditor



**EXHIBIT "F"**

A non-exclusive easement for ingress, egress and the installation, repair and maintenance of utilities over, under and across the following described property:

A strip of land feet in width lying 25 feet on either side of the following described center line:

Beginning at the Northeast corner of Lot 9, Block 5, "BINGHAM ACREAGE", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington; thence North  $88^{\circ}55'59''$  West, along the North line thereof, a distance of 319.28 feet to the Northwest corner of said Lot 9, said point also being the beginning of a curve to the right with a radius of 250.00 feet; thence Northwesterly, along the arc of said curve, through a central angle of  $41^{\circ}57'49''$ , an arc length of 174.38 feet to the Northeast corner of Lot 11, Block 5, of said "BINGHAM ACREAGE", and the TERMINUS of this line description.

TOGETHER WITH those portions of Lots 4, 5, 11 and 12 of said Block 5, which lie within the arc of a circle whose radius is 60 feet, the center of said circle being the above described point of terminus. EXCEPTING THEREFROM any portion lying within the easement first above described.

Situate in the County of Skagit, State of Washington.

Said easement shall be for the benefit of the present and future owners of the following described lots:

Lots 2, 3, 4, 5, 8, 9, 11, 12 and 13, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.



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Skagit County Auditor

**Amendment to  
EXHIBIT "F"**

**Of instrument recorded under  
Auditors File Number 200109170140  
Records of Skagit County, WA.**

*ORIGINAL RECITAL  
FOLLOWED BY THE FOLLOWING*

With respect to the private road described by non-exclusive easement over, under and upon, on said lands before mentioned, whether it remains private or becomes a public road, there is the additional right to make all necessary slopes for cuts and fills for a roadway consistent with county code; and the right to continue to drain said roads and ways over and across any lot or lots where the water might take a natural course upon reasonable grading pursuant to improvements. Also PROVIDED, That if the road should become a public road at some time in the future, all easements within the road shall become null and void, and any utility facilities that physically exist shall become subject to the franchise requirements of the county.

*WAR 1-17-03*



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**Addendum to  
Instrument recorded under  
Auditors File Number 200109170140  
Records of Skagit County, WA.**

**EXHIBIT "G"**

**A non-exclusive easement for ingress, egress, roadway cut or fill slopes and the installation, repair and maintenance of utilities over, under and across the following described property:**

**The East 10 feet of the of South 110 feet, EXCEPT the South 20 feet thereof, all of Lot 4 Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON" as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington, EXCEPTING THEREFROM any portion lying within that certain easement set forth in "EXHIBIT F".**

**Situated in the County of Skagit, State of Washington.**

**Said easement shall be for the benefit of the present owners, successors and assigns of the following described lot:**

**Lot 5 of Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON" as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.**

*WAR 1-17-03*



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UNRECORDED

Addendum to  
Instrument recorded under  
Auditors File Number 200109170140  
Records of Skagit County, WA.

**EXHIBIT "H"**

A non-exclusive easement for a storm water conveyance system is here by granted and conveyed. For the right of ingress, egress, and, but not limited to, the right to excavate, construct and operate, with all obligations to maintain, repair and/or take emergency procedures on the storm water conveyance system consistent with county code. Together with the right to convey storm water in an enclosed or open channel system and/or other drainage facilities, under, over and upon that certain portion of Lot 5, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON" as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington together with that portion of Lot 12 as per that "Quit Claim Deed" as recorded under Skagit County Auditor Number 200108150116, all of, Lying North of "EXHIBIT F" and Lying South of the following described line:

Commencing at the Southeast Corner of said Lot 5, thence North 01° 05'28" East along the East line thereof a distance of 123.00' feet, said point being 48.27' North of the Southwest Corner of Lot 7 and also the True Point of Beginning of said Line; thence North 88°54'55" West a distance of 90.00 feet; thence South 01°05'28" West a distance of 63.00 feet; thence North 88°54'55" West a distance of 69.31 feet to the intersection with the West line of said Lot 5 and Terminus of said Line.

Said easement shall be for the benefit of the present owners, successors and assigns, and, which shall be responsible for, and share the payment for the upkeep and repair of said storm system to the standards in place at the time of construction, and, shall remain an appurtenance to and inseparable from each of the following described lots:

Lots 2,3,4,5,11,12 and 13, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON" as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington,

Situate in the County of Skagit, State of Washington.



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