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Skagit County Auditor

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Planning/Permit/CO

Return to: Skagit Surveyors & Engineers
806 Metcalf St
Sedro-Woolley, WA 98284
Phone: (360) 855-2121

COVER SHEET
NON-EXCLUSIVE EASEMENT
AND
MAINTENANCE DECLARATION

GRANTOR: Port Gardner Timber

GRANTEE: Current and Future Owners Lots 1 through 9 of Plat of Elysian Meadows

LEGAL DESCRIPTION

Ptn SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 11; Gov. Lot 12 ptn Gov. Lot 13 of Sec. 12; ptn NW $\frac{1}{4}$ Of the NW $\frac{1}{4}$ & ptn Gov. Lot 4 of Sec. 13, all in Twp 35 N Rng 7 E W.M.

ASSESSOR'S PROPERTY TAX PARCEL NUMBER: P42509, P42579, P42580, P42535,
P42557

**NON-EXCLUSIVE EASEMENT
AND
MAINTENANCE DECLARATION**

THIS DECLARATION made and entered into this 16TH day of September 2003, by Port Gardner Timber (hereinafter "Declarants"), as owners of the following described land, situated in Skagit County, Washington:

PARCEL "A":

THAT PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 7 EAST, W.M., DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE S 0°37'38"W ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 306.85 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE S 0°37'38"W ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 356.60 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF AN EXISTING PRIVATE ROAD; THENCE N 49°56'35"W ALONG SAID ROAD, A DISTANCE OF 58.38 FEET; THENCE N 37°19'55"W ALONG THE NORTHEASTERLY BOUNDARY OF SAID ROAD, A DISTANCE OF 264.53 FEET TO A POINT ON CURVE ON THE EAST BOUNDARY OF THE CAPE HORN ROAD, FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS N 44°06'37"W; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 439.26 FEET, THROUGH A CENTRAL ANGLE OF 18°09'35", AN ARC DISTANCE OF 139.22 FEET TO A POINT ON CURVE ON THE EAST LINE OF SAID ROAD; THENCE S 88°56'23"E, A DISTANCE OF 125.96 FEET TO THE TRUE POINT OF BEGINNING, ALSO KNOWN AS TRACT "A" OF THAT CERTAIN RECORD OF SURVEY RECORDED FEBRUARY 3, 1975, UNDER AUDITOR'S FILE NO. 813008.

PARCEL "B":

GOVERNMENT LOT 12, SECTION 12, TOWNSHIP 35 NORTH, RANGE 7 EAST, W.M., EXCEPT THAT PORTION LYING WITHIN THE BOUNDARIES OF TRACT "B" OF THAT CERTAIN RECORD OF SURVEY RECORDED FEBRUARY 3, 1975, UNDER AUDITOR'S FILE NO. 813008.

PARCEL "C":

THAT PORTION OF GOVERNMENT LOT 13 IN SAID SECTION 12, LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12; THENCE S 88°43'11"E ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 2413.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS LINE DESCRIPTION; THENCE N 28°03'51"W, A DISTANCE OF 136.07 FEET; THENCE N 52°57'19"W, A DISTANCE OF 196.15 FEET; THENCE N 00°25'25" W, A DISTANCE OF 208.99 FEET; THENCE N 37°04'40"W, A DISTANCE OF 134.58 FEET, MORE OR LESS, TO THE SKAGIT RIVER, AND THE TERMINUS OF THIS LINE DESCRIPTION.

PARCEL "D":

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 35 NORTH, RANGE 7 EAST, W.M.
EXCEPT THE SOUTHWEST 1/4 THEREOF, AND EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE N 01°07'22"E ALONG THE WEST LINE THEREOF, A DISTANCE OF 458.22 FEET; THENCE S 67°51'29"E, A DISTANCE OF 712.01 FEET TO A POINT ON THE EAST LINE OF SAID SUBDIVISION WHICH IS 205.00 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE S 00°59'30"W, A DISTANCE OF 205.00 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE N 88°43'01"W ALONG THE



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SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 665.10 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL "E":

THAT PORTION OF GOVERNMENT LOT 4 IN SECTION 13, TOWNSHIP 35 NORTH, RANGE 7 EAST, W.M. LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE S 88°43'11"E, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 2413.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS LINE DESCRIPTION; THENCE S 28°03'51"E, A DISTANCE OF 33.09 FEET; THENCE S 01°36'21"E, A DISTANCE OF 425.51 FEET; THENCE S 24°23'04"E, A DISTANCE OF 265.29 FEET; THENCE S 04°59'14"E, A DISTANCE OF 116.82 FEET, MORE OR LESS, TO THE SKAGIT RIVER, AND THE TERMINUS OF THIS LINE DESCRIPTION.

THE DECLARANTS under this declaration do hereby establish of record a non-exclusive easement for ingress, egress and utilities over, under and through a sixty-foot (60') wide strip of land, for the benefit of the owners and future owners of Lots 1 through 9, situated within The Plat of Elysian Meadows recorded under Auditor's file 200310070060. Declarants further provide that this property access is perpetual.

SAID AND DESCRIBED roadway easement is more specifically described as follows:

A 60-foot right-of-way and 90-foot diameter cul de sac known as Elysian Lane (Corporate Rd. Tract J) as shown on the Plat of Elysian Meadows recorded under Auditor's file 200310070060.

MAINTENANCE OF THE ABOVE-DESCRIBED EASEMENT (including labor and expenses) shall be shared equally among the owners of Lots 1 through 9.

"MAINTENANCE" as used herein shall mean the equal requirement of said Lot owners and their successors in ownership to share the labor and cost to maintain the roadway easement in a good and workmanlike manner and, so long as Declarants own one or more of the Lots, to the pleasure of the Declarants herein. Specific maintenance requirements particular to the drainage facilities located within the plat are included in the Operation and Maintenance Manual for the Elysian Meadows Stormwater Drainage System prepared by Skagit Surveyors & Engineers and dated December 2002. Said document is recorded under Auditor's File 200310070059.



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