



200504130053  
Skagit County Auditor

4/13/2005 Page 1 of 5 11:12AM

When recorded return to:

Craig Sjostrom  
411 Main Street  
Mount Vernon, Washington 98273

**Grantor:** (1) **Richard F. Rode**  
**Grantees:** (1) **James B. Kelley**  
(2) **Lindsay A. Fiker**  
**Legal Description:** **Lots 25 & 26, Block 42, Montbourne**

**Additional Legal Description Located Below**

**Assessor's Property Tax Parcel or Account No.:** P74688; P74689

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

**Conveyance:** Boundary Line Agreement

# 1690  
SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID

APR 13 2005

Amount Paid \$  
By: Skagit County Treasurer Deputy

### **BOUNDARY LINE AGREEMENT**

THIS AGREEMENT is made and executed on April 4, 2005 by and between RICHARD F. RODE, as his separate property, and JAMES B. KELLEY & LINDSAY A. FIKER, h/w.

#### **Recitals**

a. Rode owns real property, located in Skagit County, Washington and legally described as follows:

Montbourne Lots 26 to 28, less the Southeasterly 5 feet of Block 26, Block 42, together with that portion of vacated Lakeside Blvd. which attaches thereto by operation of law; EXCEPT roads, and TOGETHER WITH that portion of the 100 foot wide railroad right of way commonly known as the Northern Pacific Railway (originally conveyed to the Seattle, Lakeshore & Eastern Railway), lying Westerly of the centerline of the said right of way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Blvd. of "The Town of Montbourne" as per the plat thereof recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, described as follows: Lots 26, 27 and 28, Block 42, EXCEPT the Southeasterly 5 feet of the said Lot 26.

Tax Parcel No. P74689

- b. Kelley & Fiker own real property, located in Skagit County, Washington and legally described as follows:

Parcel A:

Lot 25 and the North ½ of Lot 24, Block 42, "Plat of the Town of Mountbourne, Skagit County, Washington", as per the plat thereof recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington; EXCEPT that portion thereof conveyed to Skagit County for road purposes; and TOGETHER WITH that portion of vacated Lakeside Blvd. adjoining the Westerly end of the said lots.

Parcel B:

The Southeasterly 5 feet of Lot 26, Block 42, "Plat of the Town of Mountbourne, Skagit County, Washington", as per the plat thereof recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington; EXCEPT that portion thereof conveyed to Skagit County for road purposes; and TOGETHER WITH the Southeasterly 5 feet of vacated Lakeside Blvd. Adjoining the Westerly end of the said lots, which, upon vacation, attached to the said premises by operation of law.

Parcel No. P74688

- c. The two parcels identified above adjoin one another.
- d. Kelley & Fiker commissioned a survey of their property, a Record of Survey thereof being recorded on August 30<sup>th</sup>, 2004 under Skagit County Auditor's File No. 2004083/00220. A copy of the said Record of Survey is attached hereto and fully incorporated herein by reference.
- e. The said Record of Survey shows a fence in the area of the common boundary between Rode's parcel and Kelley & Fiker's parcel. Rode believes that there may be a discrepancy in the Kelley & Fiker survey, but rather than go to the expense of re-surveying the area, the parties have reached an agreement concerning their common boundary and wish to set forth such agreement below.

#### *Agreement*

In consideration of the mutual promises and covenants set forth herein, which are deemed by both parties to be sufficient, IT IS HEREBY AGREED AS FOLLOWS:

1. The parties agree that the true boundary between their parcels shall be the fence which is currently located between their parcels, and which is depicted on the said Record of





Survey as being parallel with and 5 feet Northwest of the surveyed boundary.

2. Each party waives any claim such that the boundary between the two parcels identified above is located in any different location than that of the fence identified above. Either party may repair or replace the existing fence with new construction using similar materials, provided that the other party be given reasonable prior notice and that the repair or replacement shall not alter the location of the common boundary as set forth herein.
3. This Agreement is intended to be a covenant running with the land, and as such is binding on the parties hereto and their respective heirs, successors and assigns.
4. This Agreement was drafted by the attorney for Rode. Kelley & Fiker have been advised to seek competent legal counsel and advice with respect to the terms of this agreement, and has either done so or waived that right. No presumption shall attach to any of the provisions of this Agreement that may otherwise arise owing to the identity of the drafting party.
5. Each party has undertaken a full investigation of the issues concerning the boundary, and is not relying on any representation or statement made by the other concerning such issues. Each party is aware of the possible uncertainty regarding the true boundary location, and has elected to enter into this agreement as a means of forever settling the boundary issues between their respective lots. This agreement should not be construed as affecting any other boundary, nor should it be construed as any claim or admission as to the validity of the survey referenced above.

EXECUTED to be effective on the date first above written.

  
RICHARD F. RODE

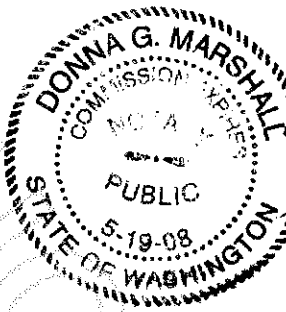
  
JAMES B. KELLEY  
  
LINDSAY A. FIKER

STATE OF WASHINGTON     )  
  :SS  
COUNTY OF Skagit

On this day personally appeared before me Richard F. Rode, to me known to be one of the individuals described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 29 day of March, 2005.



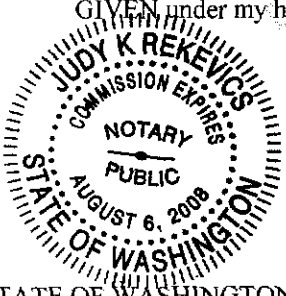


Donna G Marshall  
NOTARY PUBLIC in and for the State of Washington, residing at  
Seattle  
My commission expires: 05-19-08  
Name: Donna G Marshall

STATE OF WASHINGTON )  
  ) :ss  
COUNTY OF SKAGIT )

On this day personally appeared before me James B. Kelley, to me known to be one of the individuals described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 4<sup>th</sup> day of April, 2005.

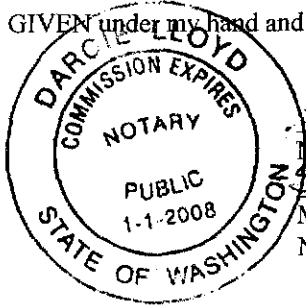


Judy K Rekevic  
NOTARY PUBLIC in and for the State of Washington, residing at  
Snovvitt  
My commission expires: Aug 6, 2008  
Name: Judy Rekevic

STATE OF WASHINGTON )  
  ) :ss  
COUNTY OF SKAGIT )

On this day personally appeared before me Lindsay A. Fiker, to me known to be one of the individuals described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 2<sup>nd</sup> day of April, 2005.



Darcie Lloyd  
NOTARY PUBLIC in and for the State of Washington, residing at  
Bedro Woolley  
My commission expires: 1-1-2008  
Name: Darcie Lloyd

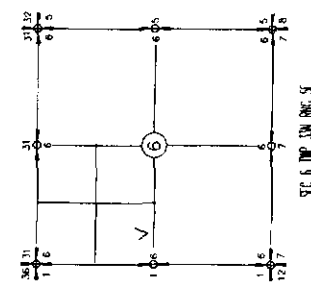
**BOUNDARY ADJUSTMENT**  
Reviewed and approved  
in accordance with S.C.  
Code Chapter 14.18  
Bob Roeder  
SKAGIT CO. PLANNING & PERMIT CENTER  
Date: 4/12/2005



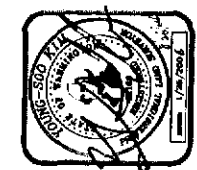
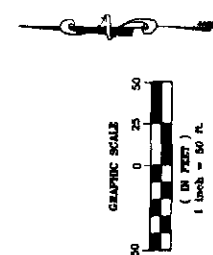
**AUDITORS CERTIFICATE**  
 FILED FOR RECORD AT THE REQUEST OF SKAGIT ENGINEERS & SURVEYORS, INC.

**NW14, SEC. 6, TWP. 33 N., RANG. 5 E., W.14.**  
**Record of Survey - Jim Kelley**

**NOVA SURVEYING**  
 Auditor  
 SKAGIT COUNTY, WASHINGTON  
 6830204 Page 1 of 1 2:47PM  
 BY DEPUTY  
 JIM KELLEY



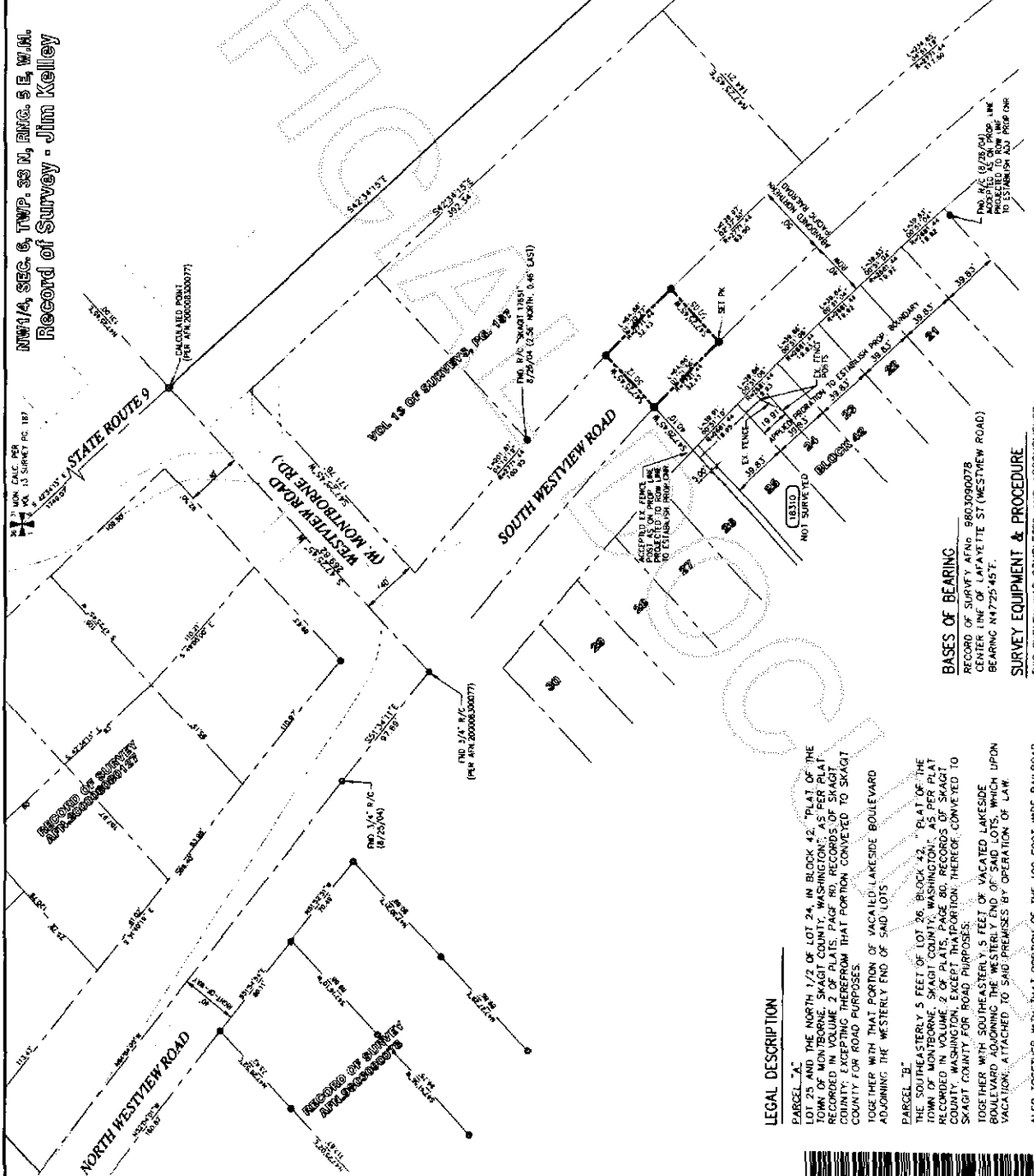
SEC. 6, TWP. 33N. RANG. 5E



**SURVEYOR'S CERTIFICATE**  
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE WITH THE REQUIREMENTS OF THE SURVEYING ACT AT THE OFFICE OF JIM KELLEY, SURVEYOR, SKAGIT COUNTY, WASHINGTON, 2004.  
 JIM KELLEY  
 SURVEYOR  
 SKAGIT ENGINEERS & SURVEYORS, INC.

**OWNER**  
 JIM KELLEY  
 18310 SOUTH WESTVIEW ROAD  
 MOUNT WENOM, WA 98274

**LEGEND**  
 ● SET POINT  
 ○ END BEARING & CAP #32169  
 ○ END BEARING & CAP  
 ○ CALCULATED POINT  
 □ ADDRESS



**BASES OF BEARING**  
 RECORD OF SURVEY AFG 9803090078  
 CENTER LINE OF LAFAYETTE ST (WESTVIEW ROAD)  
 BEARING N47°25'45\"/>

**SURVEY EQUIPMENT & PROCEDURE**  
 THIS SURVEY WAS COMPLETED AND ACCOMPLISHED BY FIELD TRAVERSE USING A NIKON DTM-520 TOTAL STATION ON 8 - 2004.

**NOTE**  
 LEGAL DESCRIPTION PER SPECIAL WARRANTY DEED AFN 8705210048  
 RAILROAD COMPUTATION PER AFN 930120067.

**LEGAL DESCRIPTION**

**PARCEL "A"**  
 THE NORTH 1/2 OF THE NORTH 1/2 OF LOT 24, IN BLOCK 42, PLAT OF THE LOT 23 AND THE NORTH 1/2 OF LOT 24, IN BLOCK 42, PLAT OF THE TOWN OF MONTBORNE, SKAGIT COUNTY, WASHINGTON, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 80, RECORDS OF SKAGIT COUNTY, WASHINGTON, EXCEPT THAT PORTION CONVERTED TO SKAGIT COUNTY FOR ROAD PURPOSES.

TOGETHER WITH THAT PORTION OF VACATED LAKESIDE BOULEVARD ADJOINING THE WESTERLY END OF SAID LOTS.

**PARCEL "B"**  
 THE SOUTHEASTERLY 5 FEET OF LOT 26, BLOCK 42, PLAT OF THE TOWN OF MONTBORNE, SKAGIT COUNTY, WASHINGTON, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 80, RECORDS OF SKAGIT COUNTY, WASHINGTON, EXCEPT THAT PORTION CONVERTED TO SKAGIT COUNTY FOR ROAD PURPOSES.

TOGETHER WITH SOUTHEASTERLY 5 FEET OF VACATED LAKESIDE BOULEVARD ADJOINING THE WESTERLY END OF SAID LOTS, WHICH UPON VACATION, ATTACHED TO SAID PREMISES BY OPERATION OF LAW.

ALSO TOGETHER WITH THAT PORTION OF THE 100 FOOT WIDE RAILROAD RIGHT-OF-WAY, COMMONLY KNOWN AS THE NORTHERN PACIFIC RAILWAY (AND ORIGINALLY CONVERTED TO THE SEATTLE LAKE SHORE AND EASTERN RAILWAY) LYING WESTERLY OF THE CENTERLINE OF SAID RIGHT-OF-WAY EASTERLY LINE, WHICH IS THE NORTHERN PACIFIC RAILROAD, AND SOUTHEASTERLY LINES OF THAT CERTAIN TRACT OF LAND IN BLOCK 42 AND VACATED LAKESIDE BOULEVARD OF THE TOWN OF MONTBORNE, AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 80, RECORDS OF SKAGIT COUNTY, WASHINGTON, CONVERTED TO JAMES BERRY KELLEY, ET UX, BY DEED RECORDED 5/21/87 AS AFR8705210048.

ALL SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

200504130053  
 Skagit County Auditor