



200509200014

Skagit County Auditor

9/20/2005 Page 1 of 9 9:00AM

When recorded return to:
Law Office of Alan R. Souders
913 7th Street
Post Office Box 1950
Anacortes, WA 98221

114975-PAE

LAND TITLE OF SKAGIT COUNTY

**AMENDMENT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR SANDS SHORT PLAT (ANA 02-003)**

Reference Number(s): Auditor's file numbers 200211220121 and 200211220122.

Grantor(s):
1. Anaco West Corporation;
2. Violet F. Torode;
3. Leldon D. King and Ashley D. King,
(As the collective owners of Sands Short Plat ANA 02-003)

Grantee(s): Public

Abbreviated Legal Description: Lots A, B, C, Sands Short Plat Addition to Anacortes,
Auditor's file number 200211220121.
(See full legal description in Exhibit A.)

Assessor's Tax Parcel Number(s): P32414; P119906; P119907

Assessor's Tax ID Number(s): 350127-4-001-0008; 350127-4-001-0200;
350127-4-001-0300, (respectively).

RECITALS

Grantors, Anaco West Corporation (owner of Lot "A"); Violet F. Torode (owner of Lot "B"); and Leldon D. King, II and Ashley D. King (owners of Lot "C"); collectively referred to as "the Declarants" are the owners of certain real property in Skagit County, Washington, described in Exhibit A (hereafter "the Property").

The Property, Sands Short Plat 02-003 Addition to Anacortes, was recorded under Skagit County Auditor's file number 200211220121. The Property is presently subject to certain Covenants, Conditions, Restrictions and Easements, recorded under Skagit County Auditor's file number 200211220122.

This document amends Note 9 of Sands Short Plat 02-003 Addition to Anacortes, and also amends the Covenants, Conditions, Restrictions and Easements for Sands Short Plat 02-003.

AGREEMENTS

As of the date of execution of this document, the Declarants are the only persons and parties having any ownership interest in the Property.

1. The Declarants hereby mutually agree to amend the Sands Short Plat 02-003 Addition to Anacortes, previously recorded under Skagit County Auditor's file number 200211220121, to make changes to Note 9 in that Short Plat to read as follows:

"Note 9. Lot "A" (18.25 acres) shall not be further subdivided into more than **TEN (10)** Lots/Homesites, and only the top plateau shall be utilized for Lots. The steep sloping western face of Lot "A" shall become the Common Area to all Lot Owners in Sands Short Plat. Lot "B" (2.48 acres) **shall not be further subdivided.** Lot "C" (0.73 acre) shall not be further subdivided, however, a 10' easement within Lot A, located along the northern boundary of Lot "C" shall be granted to the City of Anacortes as a walkway access from Marine Heights Way to the forest lands to the east. All future Lot subdivisions shall be in accord with Anacortes Municipal Code title 16 regulating the subdivision and short subdivision of land. Said future subdivision restrictions shall be inserted into, and made a part of all deeds issued in Sands Short Plat, and shall run with the land. At such time as Lot "A" (18.25 acres) is developed, whether for one home, or up to ten homes, the maximum allowed, the street servicing Lot "A", whether a city street or a private street, shall have an all-weather emergency-vehicle-only access road constructed at Lot "A's" northern proximity to the existing city service road to the north. The existing city service road presently links Clyde Way to the City water tank installation. Said service road connection, of necessity, will be constructed through the Common Area and have a locked gate, to eliminate any through traffic for reasons due to steep grades, safety and liability, unless a city street is either dedicated, or platted through Lot "A" and its common area. Prior to such a decision, the Sands Short Plat Homeowners Association will provide gate keys to all applicable agencies, and/or for City lock-box installation."

All other provisions in the Sands Short Plat No. 02-003 Addition to Anacortes, recorded under Skagit County Auditor's file number 200211220121, shall remain in full force and effect.

2. The Declarants hereby mutually agree to amend the Covenants, Conditions, Restrictions and Easements for Sands Short Plat Addition to the City of Anacortes, previously recorded under Skagit County Auditor's file number 200211220122, to make changes to Article 5, Use Covenants, Conditions, and Restrictions, Section 5.1 to read as follows:

"Section 5.1 "Authorized Uses". The Sands Short Plat shall be used solely for the uses authorized in the Master Plan, a copy of which is attached to, and made a part of this instrument as Exhibit "A" hereof. Such uses are limited to residential use, utility stations, and other uses and facilities normally incidental to a residential plat. During the Initial Platting Period Sands Short Plat will consist of Lot "A", Lot "B", & Lot "C", and no Lot shall be further subdivided. Thereafter, Lot "A" (18.25 acres) shall not be further subdivided into more than **TEN (10)** Lots/Homesites, and only the top plateau shall be utilized for Lots. The steep sloping western



face of Lot "A" shall become the Common Area to all Lot Owners in Sands Short Plat. Lot "B" (2.48 acres) **shall not be further subdivided**. Lot "C" (0.73 acre) shall not be further subdivided, however, a 10' easement within Lot A, located along the northern boundary of Lot "C" shall be granted to the City of Anacortes as a walkway access from Marine Heights Way to the forest lands to the east. All future Lot subdivisions shall be in accord with Anacortes Municipal Code title 16 regulating the subdivision and short subdivision of land. Said future subdivision restrictions shall be inserted into, and made a part of all deeds issued in Sands Short Plat, and shall run with the land. At such time as Lot "A" (18.25 acres) is developed, whether for one home, **or up to ten homes, the maximum allowed**, the street servicing Lot "A", whether a city street or a private street, shall have an all-weather emergency-vehicle-only access road constructed at Lot "A's" northern proximity to the existing city service road to the north. The existing city service road presently links Clyde Way to the City water tank installation. Said service road connection, of necessity, will be constructed through the Common Area and have a locked gate, to eliminate any through traffic for reasons due to steep grades, safety and liability, unless a city street is either dedicated, or platted through Lot "A" and its common area. Prior to such a decision, the Sands Short Plat Homeowners Association will provide gate keys to all applicable agencies, and/or for City lock-box installation."

All other provisions in the Covenants, Conditions, Restrictions, and Easements for Sands Short Plat No. 02-003 Addition to Anacortes, recorded under Skagit County Auditor's file number 200211220122, shall remain in full force and effect.

5184
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

SEP 20 2005

Amount Paid \$ 1785.00
By Skagit Co. Treasurer
Deposit



ACKNOWLEDGEMENTS

I, **William Turner**, as **President of Anaco West Corporation**, and acting on behalf of said corporation with all apparent authority thereof, have read and understand the terms stated above, and hereby agree and authorize Anaco West Corporation to be bound by such terms.

DATED this 29th day of April, 2005.

William Turner
William Turner,
President, Anaco West Corporation

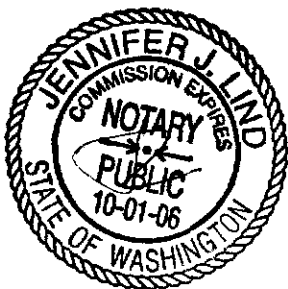
STATE OF WASHINGTON)

) ss.

COUNTY OF SKAGIT)

On this day personally appeared before me, **William Turner**, to me known to be the individual described herein, and acting in the capacity as the President of Anaco West Corporation, and who executed the within and foregoing instrument and acknowledged to me that he signed the same as his free and voluntary act and deed for the purposes therein mentioned.

Given under my hand and official seal this 29th day of April, 2005.



Jennifer J. Lind
Notary Public in and for the State of WA
Washington, residing at Bow
My commission expires 10-01-06



200509200014
Skagit County Auditor

I, **Sally Turner**, as **Secretary of Anaco West Corporation**, and acting on behalf of said corporation with all apparent authority thereof, have read and understand the terms stated above, and hereby agree and authorize Anaco West Corporation to be bound by such terms.

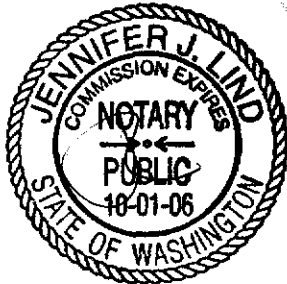
DATED this 29th day of April, 2005.

Sally Turner
Sally Turner, Secretary,
Anaco West Corporation

STATE OF WASHINGTON)
) ss.
 COUNTY OF SKAGIT)

On this day personally appeared before me, **Sally Turner**, to me known to be the individual described herein, and acting in the capacity as the Secretary of Anaco West Corporation, and who executed the within and foregoing instrument and acknowledged to me that she signed the same as her free and voluntary act and deed for the purposes therein mentioned.

Given under my hand and official seal this 29th day of April, 2005.



Jennifer J. Lind
 Notary Public in and for the State of WA
 Washington, residing at Bow
 My commission expires 10/01/06



I, Violet F. Torode, have read and understand the terms stated above, and hereby agree to be bound by such terms.

DATED this 15th day of September, 2005.

Violet F. Torode
Violet F. Torode as attorney in fact

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

power of attorney for

On this day personally appeared before me, Violet F. Torode, to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that she signed the same as her free and voluntary act and deed for the purposes therein mentioned.

Given under my hand and official seal this _____ day of _____, 2005.

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

see attached notarized Addendum A



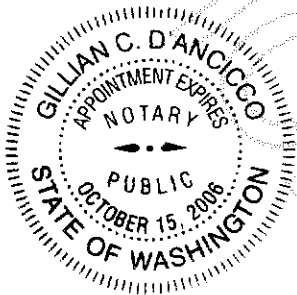
STATE OF Washington
COUNTY OF King } SS:

15 day of September before me personally appeared John
Q. Torode, to me known to be the individual described in and
who executed the foregoing instrument as her as Attorney in Fact for Violet
F. Torode and acknowledged that he signed and
sealed the same as his free and voluntary act and deed as Attorney in Fact for said principal for the uses
and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of
this instrument has not been revoked and that the said principal is now living, and is ~~not~~ incompetent.

Given under my hand and official seal the day and year last above written.
(Seal)

Gillian C. D'Anicco

Notary Public in and for the State of Washington
Residing at Woodinville, Wa.
My appointment expires: 10.15.06



**THIS IS THE NOTARY FOR AMENDMENT TO COVENANTS, CONDITIONS AND RESTRICTIONS
AND EASMENTS FOR SANDS SHORT PLAT (ANA 02-003)**

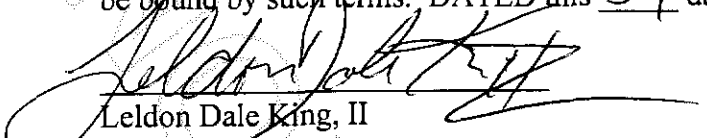


200509200014
Skagit County Auditor

9/20/2005 Page 7 of 9 9:00AM

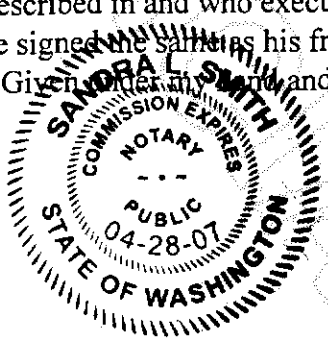
Addendum A


I, **Leldon Dale King, II**, have read and understand the terms stated above, and hereby agree to be bound by such terms. DATED this 29 day of April, 2005.


Leldon Dale King, II

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this day personally appeared before me, **Leldon Dale King, II**, to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that he signed the same as his free and voluntary act and deed for the purposes therein mentioned. Given under my hand and official seal this 29 day of April, 2005.



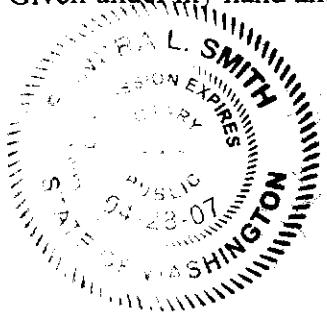

Notary Public in and for the State of Washington, residing at Deception Island
My commission expires 4/28/07

I, **Ashley Diane King**, have read and understand the terms stated above, and hereby agree to be bound by such terms. DATED this 3rd day of May, 2005.


Ashley Diane King

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this day personally appeared before me, **Ashley Diane King**, to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that she signed the same as her free and voluntary act and deed for the purposes therein mentioned. Given under my hand and official seal this 3rd day of May, 2005.



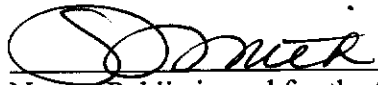

Notary Public in and for the State of Washington, residing at Deception Island
My commission expires 4/28/07



EXHIBIT A
(Legal Description)

That portion of the Northeast Quarter of the Southeast Quarter of Section 27, Township 35 North, Range 1 East of the Willamette Meridian, Described as follows:

Commencing at the Northeast corner of said Northeast Quarter of the Southeast Quarter; Thence South 01°58'08" West, along the East line of said Northeast Quarter of the Southeast Quarter 314.963 feet to the true point of beginning; Thence continuing South 01°58'08" West, 1065.002 feet to the South line of said Northeast Quarter of the Southeast Quarter; Thence North 88°22'03" West along said South line, 952.150 feet to and then continuing along the East line of Skyline No. 10, as per Plat recorded in Volume 9 of Plats, pages 117 to 120, inclusive, Records of Skagit County, Washington; Thence North 05°22'00" East 159.00 feet; Thence North 09°49'17" West 155.320 feet; Thence North 54°42'44" East 368.410 feet; Thence North 36°46'13" West, 253.490 feet; Thence 350.225 feet along the arc of a tangent curve to the left, having a radius of 650.00 feet and a central angle of 30°52'17"; Thence North 22°21'30" East, 70.000 feet; Thence South 67°38'30" East, 74.000 feet; Thence North 01°21'05" East, 152.790 feet to the Northeast corner of Lot 80 of said Skyline No. 10; Thence South 79°51'03" East, 145.549 feet; Thence North 53°18'36" East, 206.516 feet; Thence South 88°38'55" East, 90.000 feet; Thence South 01°58'08" West, 254.960 feet; Thence South 88°38'55" East, 150.009 feet to the true point of beginning.

Situated in Skagit County, Washington

