



201111150204

Skagit County Auditor

11/15/2011 Page 1 of 4 2:03PM

When recorded return to:

Craig Sjostrom
1204 Cleveland Ave.
Mount Vernon, Washington 98273

***Declaration Terminating Covenant & Agreement
Concerning Marblemount Diner (fka Howie's Diner)
Marblemount, Wash.***

Grantor: Skagit County Health Dept.
Grantees: Alan Goerdt & Lori Poock-Goerdt
Legal Description: ptn Govt. Lot 11 7-35-11
Assessor's Property Tax Parcel or Account No.: 45908
Reference Nos of Documents Assigned or Released: 200209040060; 200208290066

THIS DECLARATION is made concerning the property commonly known as 60147 SR 20, Marblemount, Wash., described in the attached Exhibit A, and bearing Skagit County Assessor's parcel No. P45908.

Recitals

- a. The property in question consists of a residence and diner/ restaurant, formerly known as Howie's Diner and now known as the Marblemount Diner. Alan Goerdt and Lori Poock- Goerd, h/w, are the owners.
- b. The diner was formerly served by a private well. Concerns arose as to the suitability of the water for use in the diner, for food preparation and public consumption. As a result, the Skagit County Health Department and the then-owners of the diner, Gerald Howard & Johanna Howard, h/w, executed two documents relating to the water issues.
- c. One document was an Agreement, which was dated August 30th, 2002 and which set forth certain practices and procedures relating to water usage in and for the diner. The Agreement was recorded as an

encumbrance against the subject property, under Skagit County Auditor's File No. 200209040060. The said Agreement is fully incorporated herein by reference.

d. The other document is a Covenant, dated August 24th, 2002 and recorded as an encumbrance against the subject property under Skagit County Auditor's File No. 200209040060. The Covenant is also fully incorporated herein by reference. The Covenant states certain restrictions on building and land use activities in the vicinity of the wellhead. (A.B.)
→ 200208290066
(L.P.G.) (CS)

e. Since acquiring the subject property, the current owners have ceased using the well as the source of water for the diner, and have instead hooked up to PUD water. As a consequence, the restrictions and agreements set forth in the Covenant and also in the Agreement have no further utility or justification.

f. The Skagit County health Department is therefore willing to release the subject property from the requirements and restrictions set forth in the Agreement and the Covenant, and executes this Agreement to that end.

Declaration

Based on the foregoing, the Skagit County Health Department declares as follows:

That the above-referenced Agreement and Covenant should be invalidated and released of record as encumbrances against the subject property.

DATED: Nov. 15, 2011

SKAGIT COUNTY HEALTH DEPARTMENT

By: Corinne Story

CORINNE STORY
ENV'L PUBLIC HEALTH ~~PRG~~ MGR.
(Name & title)

Acknowledged:

Alan Goerd
ALAN GOERDT

Lori Pock-Goerd
LORI POOCK-GOERDT



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Exhibit A

Legal Description

That portion of Government Lot 11, Section 7, Township 35 North, Range 11 East, W.M., described as follows:

Beginning at a point on the South line of the said Section 7 which lies 1,588 feet East of the Southwest corner of the said Section 7;

thence North a distance of 132.5 feet along the Westerly line of that certain tract described in deed to Louis A. Wright *et. ux.*, dated October 16th, 1922 and recorded under Auditor's File No. 159898, records of Skagit County, Washington, to the Northwest corner thereof;

thence continuing North along the West line of that certain tract described in deed to C. Ernst Greene *et. ux.*, recorded under Auditor's File No. 767381, records of Skagit County, Washington, a distance of 15 feet to the Northwest corner thereof;

thence East along the North line of the said Greene Tract a distance of 12.45 feet to the true point of beginning;

thence North along the East line of that certain tract conveyed to Mervyn Peterson by deed recorded under Auditor's File No. 8804060053, records of Skagit County, Washington, a distance of 252.50 feet, more or less, to the South line of that certain tract conveyed to Marblemount Community Club, Inc., by deed recorded under Auditor's File No. 537800, records of Skagit County, Washington;

thence East along the South line of the said tract a distance of 212.82 feet, more or less, to the Westerly line of State Highway 20;

thence Southerly along the Westerly line of the said State Highway a distance of 261.05 feet, more or less, to the North line of the above-referenced Greene Tract;

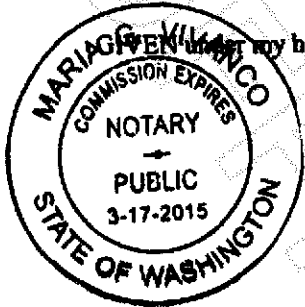
thence West along the North line of the said Greene Tract a distance of 149.41 feet, more or less, to the true point of beginning.



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STATE OF WASHINGTON)
) :ss
COUNTY OF SKAGIT)

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

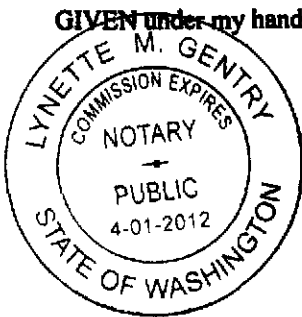


GIVEN under my hand and official seal this 15th day of November, 2011.

Maria G. Vivanco
NOTARY PUBLIC in and for the State of Washington, residing at
Mount Vernon
My commission expires: 03-17-2015
Name: MARIA G. VIVANCO

STATE OF WASHINGTON)
) :ss
COUNTY OF SKAGIT)

On this day personally appeared before me Alan Goerd, 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.



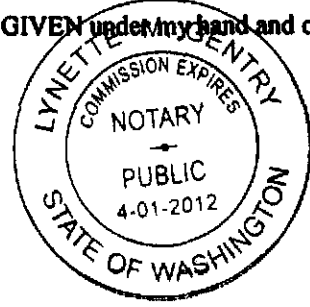
GIVEN under my hand and official seal this 15 day of November, 2011.

Lynette M Gentry
NOTARY PUBLIC in and for the State of Washington, residing at
Concrete WA
My commission expires: 4-1-12
Name: Lynette M Gentry

STATE OF WASHINGTON)
) :ss
COUNTY OF SKAGIT)

On this day personally appeared before me Lori Poock-Goerd, 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 15 day of November, 2011.



Lynette M Gentry
NOTARY PUBLIC in and for the State of Washington, residing at
Concrete, WA
My commission expires: 4-1-12
Name: Lynette M Gentry

