



201604080087

Skagit County Auditor

\$86.00

4/8/2016 Page

1 of

14

3:30PM

Return Address:

Joseph A. Hamell
Montgomery Purdue Blankinship &
Austin PLLC
5500 Columbia Center
701 Fifth Avenue
Seattle, WA 98104-7096

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

20161262

APR 08 2016

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

BOUNDARY LINE ADJUSTMENT

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

20161262

APR 08 2016

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

Reference Number(s) of related document(s): N/A

Grantor: Alexander Beach Cabin, LLC

Grantee: Del Mar Beach LLC

Legal Description (abbreviated): LOT 23 AND PTN LOT 24, RANCHO SAN JUAN
DEL MAR SUBDIVISION NO. 1, VOL 5 OF PLATS, P 27 TGW TDLNS

Full legals on Exhibits A-1, A-2, B-1, and B-2.

Assessor's Tax Parcel ID Numbers: P68208; P68209

1. PARTIES AND OWNERSHIP.

1.1. Alexander Beach Cabin, LLC, a Washington limited liability company ("Alexander"), is the owner of real property commonly known as 4088 South Del Mar Drive, Anacortes, Skagit County, WA 98221, Tax Parcel ID No. P68208 legally described on attached *Exhibit A-1* ("Alexander Parcel"). Richard and Wendy Lipke ("Lipkes") are the sole members of Alexander.

1.2. Del Mar Beach LLC ("Del Mar") is the owner of real property commonly known as 4096 South Del Mar Drive, Anacortes, Skagit County, WA 98221, Tax Parcel ID No. P68209, legally described on attached *Exhibit B-1* ("Del Mar Parcel"). Laurel O'Neil ("O'Neil") is the sole member of Del Mar.

2. **BACKGROUND.** The Alexander Parcel and the Del Mar Parcel are adjacent, along the southerly border of the Alexander Parcel and the northerly border of the Del Mar Parcel. There are disputes between the parties as to where the legal boundary is between the parcels, and, in part, those disputes resulted in a lawsuit filed in Skagit County Superior Court, Cause No. 13-2-01829-5, by the Lipkes against Del Mar and O'Neill (the "Lawsuit"). The parties wish to clarify the boundary line between the Alexander Parcel and the Del Mar Parcel by this Agreement.

3. **BOUNDARY LINE AGREEMENT.** The parties agree that the true boundary line between the Alexander Parcel and Del Mar Parcel shall be as depicted in the Proposed Lot Line Adjustment by Schemmer Consulting Group PLLC, dated November 2, 2015 (the "Survey"), attached hereto as **Exhibit C**.

Alexander agrees to convey and quit claim to Del Mar any interest Alexander has or may have in the real property legally described in the "Legal Description Lipke to Del Mar Beach LLC," attached hereto as **Exhibit D**.

Del Mar agrees to convey and quit claim to Alexander any interest Del Mar has or may have in the real property legally described in the "Legal Description Del Mar Beach LLC to Lipke," attached hereto as **Exhibit E**.

The foregoing agreement as to the boundary line between the Del Mar Parcel and the Alexander Parcel is intended by them to resolve the Lawsuit and any other dispute between the parties regarding the parcels' mutual boundary, and to permanently fix the boundary line by agreement. The parties adjust the boundaries of the above-described parcels with their free consent, pursuant to their desires as owners, and in accordance with RCW 58.04.007 and 58.04.020, as amended. Neither of the lots affected are made substandard with respect to the requirements for lot size and dimensions as required under the respective zoning district; and no new or additional lots or building sites are created. No existing building or structure is made substandard or nonconforming in any respect, and no existing easements are jeopardized or rendered impractical to serve their purpose. No new streets, private roads or easements are required to provide access to the affected lots.

4. **NEW LEGAL DESCRIPTIONS.** Upon execution and recording of this Agreement, the legal description of the Alexander Parcel and the Del Mar Parcel shall be as described in **Exhibit A-2** and **Exhibit B-2**, respectively.

5. **BOUNDARY LINE ADJUSTMENT IN SETTLEMENT OF DISPUTE.** The boundary line adjustment between the Del Mar Parcel and the Alexander Parcel is made solely to fully and finally resolve the boundary line dispute between the parties

BOUNDARY LINE ADJUSTMENT

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UNINCORPORATED DOCUMENT

regarding the shared property line between the parcels. The parties agree that other than settling the boundary line, no other consideration is present.

6. **SURVEY MAP.** The Survey, reflecting the revised portion of the boundaries of the parties, prepared in accordance with the requirements set forth in chapter 58.09 RCW, is incorporated herein.

7. **MISCELLANEOUS.**

7.1. **Severability.** The invalidity of any provision of this instrument, as determined by a court of competent jurisdiction, shall in no way affect the validity of any other provision hereof.

7.2. **Incorporation of Prior Agreement; Amendments.** This instrument contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective. This agreement may be modified in writing only, signed by the parties in interest at the time of the modification.

DATED this 23rd day of February 2016.

SIGNATURES ON FOLLOWING PAGES.

BOUNDARY ADJUSTMENT

Reviewed and approved in accordance
with Skagit County Code Chapter 14.18

Grace Rood
Skagit Co. Planning & Dev. Services

4/8/2016
Date

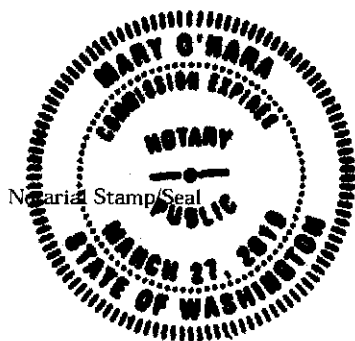
DEL MAR BEACH LLC

By: Laurel O'Neil
Laurel O'Neil, Managing Member

STATE OF WASHINGTON)
COUNTY OF King) ss.

I certify that I know or have satisfactory evidence that **Laurel O'Neil** is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the managing member of **Del Mar Beach LLC** to be the free and voluntary act of such party for the uses and purposes stated therein.

Dated March 3, 2010



Mary O'Hara
Name: Mary O'Hara
NOTARY PUBLIC, State of
Washington
My appointment expires 3/27/2010

UNOFFICIAL INSTRUMENT

ALEXANDER BEACH CABIN, LLC

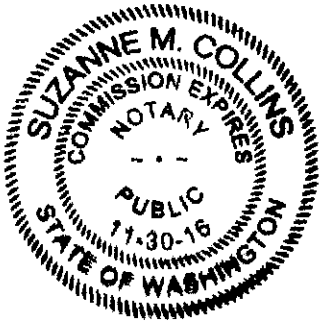
By: [Signature]
Richard Lipke, Member

STATE OF WASHINGTON)
) ss.
COUNTY OF Whatcom)

I certify that I know or have satisfactory evidence that **Richard Lipke** is the person who 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 a member of **Alexander Beach Cabin, LLC** to be the free and voluntary act of such party for the uses and purposes stated therein.

DATED: March 15, 2016

Suzanne M Collins
Print Name: Suzanne M. Collins
NOTARY PUBLIC for the State of Washington
Residing at Bellingham



My appointment expires:
11-30-16

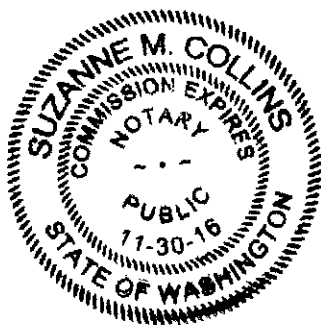
ALEXANDER BEACH CABIN, LLC

By: *Wendy Lipke*
Wendy Lipke, Member

STATE OF WASHINGTON)
 Whatcom) ss.
COUNTY OF ~~KING~~)

I certify that I know or have satisfactory evidence that **Wendy Lipke** is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as a member of **Alexander Beach Cabin, LLC** to be the free and voluntary act of such party for the uses and purposes stated therein.

DATED: March 15, 2016



Suzanne M Collins
Print Name: Suzanne M. Collins
NOTARY PUBLIC for the State of Washington
Residing at Bellingham

My appointment expires:
11-30-16

UNOFFICIAL DOCUMENT

Exhibit A-1

ALEXANDER BEACH CABIN, LLC PARCEL

Existing Legal Description – Tax Parcel No. P68208

LOT 23, RANCHO SAN JUAN DEL MAR SUBDIVISION 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 5 OF PLATS, PAGE 27, RECORDS OF SKAGIT COUNTY, WASHINGTON; TOGETHER WITH SECOND CLASS TIDELANDS ADJACENT THERETO.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, AGREEMENTS, EASEMENTS AND EXCEPTIONS SET FORTH IN SURVEY AF #201308200067.

Exhibit A-2

ALEXANDER BEACH CABIN, LLC PARCEL

New Legal Description – Tax Parcel No. P68208

Lot 23, RANCHO SAN JUAN DEL MAR SUBDIVISION NO. 1, according to the plat thereof, recorded in Volume 5 of Plats, page 27, records of Skagit County, Washington; TOGETHER WITH the Second Class Tidelands adjacent thereto.

TOGETHER WITH:

That portion of Lot 24 of said subdivision, lying Northerly of the following described line:

Beginning at the Northwest corner of said Lot 24;

Thence South 31°47'29" East 3.71 feet to a rebar with a plastic cap stamped "37550";

Thence South 61°53'11" East 19.40 feet to a rebar with a plastic cap stamped "37550";

Thence North 78°47'37" East 19.95 feet to a rebar with a plastic cap stamped "37550";

Thence North 81°13'01" East 4.45 feet to the North line of said Lot 24, said point being South 79°48'11" East 43.73 of the Northwest corner of said Lot 24.

EXCEPT:

That portion of said Lot 23 lying Southerly of the following described line:

Commencing at the Southwest corner of said Lot 23;

Thence South 79°48'11" East 43.73 feet along the south line of said Lot 23 to the True Point of Beginning;

Thence North 81°13'01" East 39.20 feet to a rebar with a plastic cap stamped "37550";

Thence North 90°00'00" East 41.21 feet to a rebar with a plastic cap stamped "37550";

Thence continuing North 90°00'00" East 32.62 feet to the East line of said Lot 23;

EXCEPT road as shown and dedicated on said plat.

Situate in Skagit County, Washington.

Exhibit B-1

DEL MAR BEACH LLC PARCEL

Existing Legal Description – Tax Parcel No. P68209

LOT 24, RANCHO SAN JUAN DEL MAR SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 5 OF PLATS, PAGE 27, RECORDS OF SKAGIT COUNTY WASHINGTON;

EXCEPT THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 24;
THENCE SOUTH 68°35' EAST ALONG THE SOUTH LINE OF SAID LOT 24 A
DISTANCE OF 187.96 FEET TO THE SOUTHEAST CORNER OF SAID LOT 24;
THENCE NORTH 58°53'07" WEST A DISTANCE OF 73.18 FEET;
THENCE NORTH 74°39'34" WEST A DISTANCE OF 116.48 FEET TO THE POINT
OF BEGINNING.

SITUATED IN SKAGIT COUNTY, WASHINGTON

Exhibit B-2

DEL MAR BEACH LLC PARCEL

New Legal Description – Tax Parcel No. P68209

Lot 24, RANCHO SAN JUAN DEL MAR SUBDIVISION NO. 1, according to the plat thereof, recorded in Volume 5 of Plats, page 27, records of Skagit County, Washington;

EXCEPT the following described tract:

Beginning at the Southwest corner of said Lot 24;
Thence South $68^{\circ}35'$ East along the South line of said Lot 24 a distance of 187.96 feet to the Southeast corner of said Lot 24;
Thence North $58^{\circ}53'07''$ West a distance of 73.18 feet;
Thence North $74^{\circ}39'34''$ West a distance of 116.48 feet to the point of beginning.

ALSO EXCEPT:

That portion of said Lot 24, lying Northerly of the following described line:
Beginning at the Northwest corner of said Lot 24;
Thence South $31^{\circ}47'29''$ East 3.71 feet to a rebar with a plastic cap stamped "37550";
Thence South $61^{\circ}53'11''$ East 19.40 feet to a rebar with a plastic cap stamped "37550";
Thence North $78^{\circ}47'37''$ East 19.95 feet to a rebar with a plastic cap stamped "37550";
Thence North $81^{\circ}13'01''$ East 4.45 feet to the North line of said Lot 24, said point being South $79^{\circ}48'11''$ East 43.73 of the Northwest corner of said Lot 24.

TOGETHER WITH:

That portion of Lot 23 of said subdivision lying Southerly of the following described line:
Commencing at the Southwest corner of said Lot 23;
Thence South $79^{\circ}48'11''$ East 43.73 feet along the south line of said Lot 23 to the True Point of Beginning;
Thence North $81^{\circ}13'01''$ East 39.20 feet to a rebar with a plastic cap stamped "37550";
Thence North $90^{\circ}00'00''$ East 41.21 feet to a rebar with a plastic cap stamped "37550";
Thence continuing North $90^{\circ}00'00''$ East 32.62 feet to the East line of said Lot 23;

EXCEPT road as shown and dedicated on said plat.

Situate in Skagit County, Washington.

BOUNDARY LINE ADJUSTMENT

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Exhibit C

SURVEY

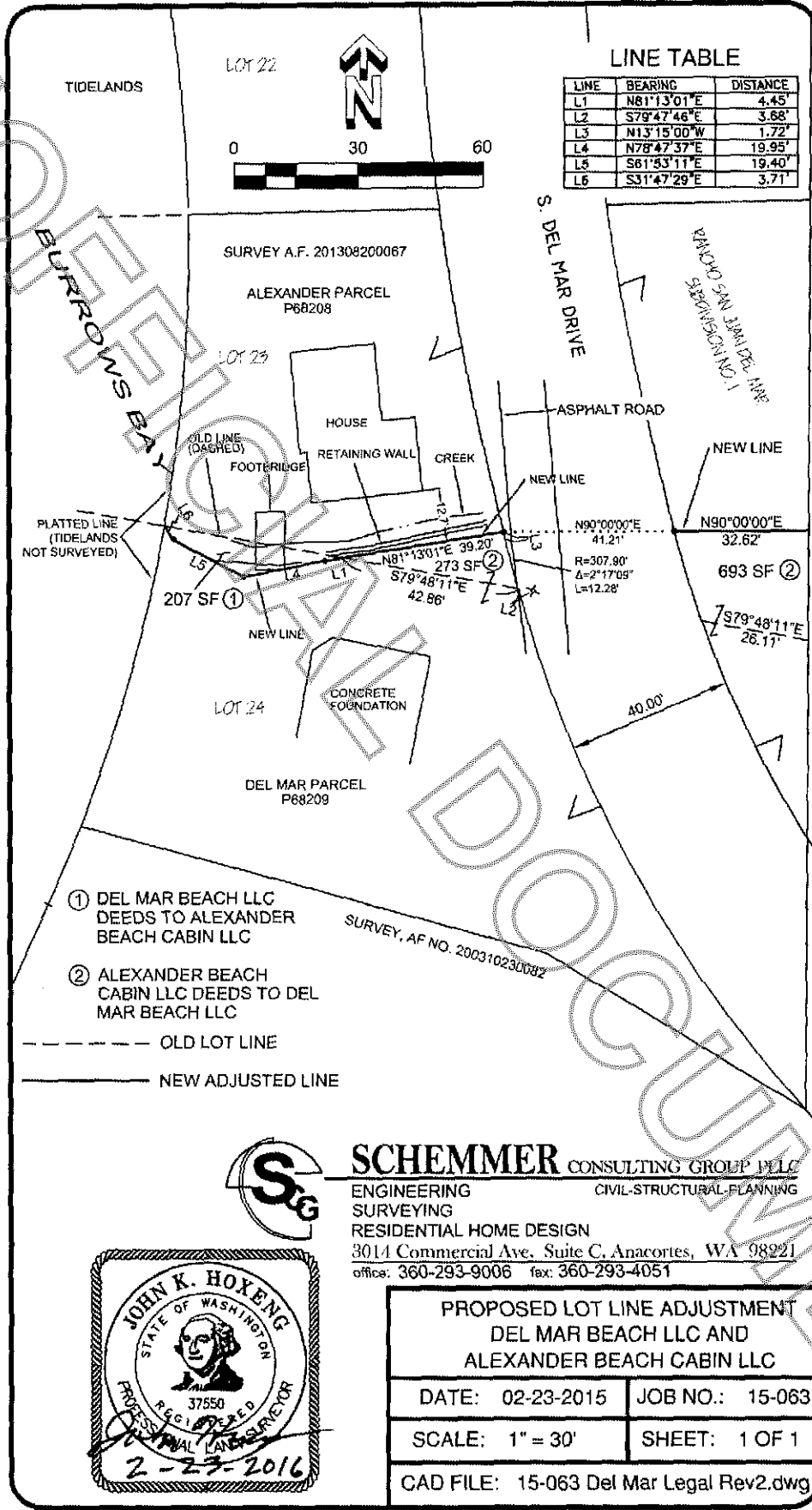
BOUNDARY LINE ADJUSTMENT

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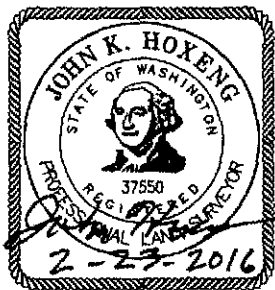
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UNOFFICIAL DOCUMENT



SCHEMMER CONSULTING GROUP P.C.
 ENGINEERING CIVIL-STRUCTURAL-PLANNING
 SURVEYING
 RESIDENTIAL HOME DESIGN
 3014 Commercial Ave. Suite C, Anacortes, WA 98221
 office: 360-293-9006 fax: 360-293-4051



PROPOSED LOT LINE ADJUSTMENT DEL MAR BEACH LLC AND ALEXANDER BEACH CABIN LLC	
DATE: 02-23-2015	JOB NO.: 15-063
SCALE: 1" = 30'	SHEET: 1 OF 1
CAD FILE: 15-063 Del Mar Legal Rev2.dwg	

UNOFFICIAL DOCUMENT

Exhibit D

**CONVEYANCE FROM ALEXANDER BEACH CABIN, LLC TO
DEL MAR BEACH LLC**

A portion of Lot 23, RANCHO SAN JUAN DEL MAR SUBDIVISION NO. 1,
according to the plat thereof, recorded in Volume 5 of Plats, page 27, records of Skagit
County, Washington;

That portion of said Lot 23 lying Southerly of the following described line:

Commencing at the Southwest corner of said Lot 23;

Thence South $79^{\circ}48'11''$ East 43.73 feet along the south line of said Lot 23 to the True
Point of Beginning;

Thence North $81^{\circ}13'01''$ East 39.20 feet to a rebar with a plastic cap stamped "37550";

Thence North $90^{\circ}00'00''$ East 41.21 feet to a rebar with a plastic cap stamped "37550";

Thence continuing North $90^{\circ}00'00''$ East 32.62 feet to the East line of said Lot 23;

EXCEPT road as shown and dedicated on said plat.

Situate in Skagit County, Washington.

Exhibit E

**CONVEYANCE FROM DEL MAR BEACH LLC TO
ALEXANDER BEACH CABIN, LLC**

A portion of Lot 24, RANCHO SAN JUAN DEL MAR SUBDIVISION NO. 1,
according to the plat thereof, recorded in Volume 5 of Plats, page 27, records of Skagit
County, Washington;

That portion of said Lot 24, lying Northerly of the following described line:

Beginning at the Northwest corner of said Lot 24;
Thence South $31^{\circ}47'29''$ East 3.71 feet to a rebar with a plastic cap stamped "37550";
Thence South $61^{\circ}53'11''$ East 19.40 feet to a rebar with a plastic cap stamped "37550";
Thence North $78^{\circ}47'37''$ East 19.95 feet to a rebar with a plastic cap stamped "37550";
Thence North $81^{\circ}13'01''$ East 4.45 feet to the North line of said Lot 24, said point being
South $79^{\circ}48'11''$ East 43.73 of the Northwest corner of said Lot 24.

Situate in Skagit County, Washington.