

Filed for Record at Request of:

CHMELIK SITKIN & DAVIS P.S.
1500 Railroad Avenue
Bellingham, WA 98225
(360) 671-1796



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Skagit County Auditor \$83.00
11/21/2016 Page 1 of 11 9:07AM

DOCUMENT TITLE(S):

FIRST AMENDMENT TO NON-EXCLUSIVE ROAD ACCESS AND UTILITY EASEMENT AGREEMENT

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

200803310115

Additional reference numbers found on page N/A of document.

GRANTOR(S) (Last name, First name and MI):

**MARVIN PORTIS AND JEANETTE PORTIS
KENNY PORTIS**

Land Title and Escrow

Additional grantors found on page N/A of document.

GRANTEE(S) (Last name, First name, and MI):

RUSSELL PITTIS AND KATHERINE PITTIS

Additional grantees found on page N/A of document.

ABBREVIATED LEGAL DESCRIPTION (Lot, block, plat or section, township, range):

Ptn. NE ¼ of Section 18-T34N-R2E; additional legal on page 8 of document
Ptn. NW ¼ of Section 17-T34N-R2E; additional legal on page 8 of document
Lots 1-16, Blk 123, Plat Townsite of Gibraltar; additional legal on page 9 of document

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER(S):

P20486 (340218-1-003-0003)
P20445 (340217-2-011-0002)
P73611 (4109-123-016-0004)

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX
EASEMENT
NOV 21 2016

FIRST AMENDMENT TO NON-EXCLUSIVE ROAD
ACCESS AND UTILITY EASEMENT AGREEMENT - 1

Amount Paid \$
Skagit Co. Treasurer
By *HB* Deputy

**FIRST AMENDMENT TO NON-EXCLUSIVE ROAD ACCESS
AND UTILITY EASEMENT AGREEMENT**

THIS FIRST AMENDMENT TO NON-EXCLUSIVE ROAD ACCESS AND UTILITY EASEMENT AGREEMENT (the "Amendment") is made this ____ day of _____, 2016, by and between Marvin Portis and Jeanette Portis, husband and wife, and the marital community thereof, and Kenny Portis, a married man as his separate estate, (collectively "Grantors"), and Russell Pittis and Katherine Pittis, husband and wife, and the marital community thereof (the "Grantees"). Grantors and Grantees may be individually referred to herein as "Party" and may be collectively referred to herein as the "Parties."

WHEREAS, on March 31, 2008, Grantors and Grantees caused to be recorded a Non-Exclusive Road Access and Utility Easement Agreement under Skagit County Auditor File No. 200803310115 (the "Easement") against the following real properties:

Parcel / Skagit County Tax Parcel Number

Grantors' Property/Servient Estate:

P20486 (340218-1-003-0003)

P20445 (340217-2-011-0002)

Legally described on Exhibit "1" attached hereto.

Grantees' Property/Dominant Estate:

P73611 (4109-123-016-0004)

Legally described on Exhibit "2" attached hereto.

WHEREAS, after construction of the Driveway (as defined in the Easement), Easement Paragraphs 1.2.1, 1.2.2, and 3.5 requires that the Parties amend the Easement to include relevant legal descriptions for portions of the easements granted therein as Exhibits F and G to the Easement;

WHEREAS, the Grantees completed installation of the Driveway,

WHEREAS, the Parties now wish to amend the Easement to insert the appropriate legal descriptions as Exhibits F and G to the Easement.

NOW, THEREFORE, for and in consideration of the mutual benefit of the Parties hereto, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as hereinafter provided:

1. Easement Exhibit F, entitled "**DRIVEWAY AND UTILITIES EASEMENT AREA**" is amended to read as follows:

EXHIBIT "F"
(DRIVEWAY AND UTILITIES EASEMENT AREA)

That portion of the southeast quarter of the northeast quarter of Section 18, Township 34 North, Range 2 East, W.M. lying southerly of the SIXTY-FOOT ACCESS EASEMENT described as PARCEL "C" in Quit Claim Deed recorded under Auditor's File Number 200001070023, and lying east of the west line of California Street as shown on the PLAT OF THE TOWNSITE OF GIBRALTER, SKAGIT CO. WASHINGTON, U.S.A., recorded in Volume 1 of Plats at pages 19 and 20, records of Skagit County, Washington, and lying west of the following described line:

Commencing at the southwest corner of the southeast quarter of the northeast quarter, thence S 89°59'32" E along the south line thereof, a distance of 532.90 feet to the point of beginning of this line description; thence N 00°00'28" E, a distance of 57.10 feet to the south line of the easement described as Parcel "C" above.

Situate in Skagit County, Washington.

2. Easement Exhibit G, entitled "**10-FOOT UTILITIES EASEMENT AREA**" is amended to read as follows:

EXHIBIT "G"
(10-FOOT UTILITIES EASEMENT AREA)

A 10 foot wide strip of land, the centerline of which is described as follows:

Commencing at the southwest corner of the southeast quarter of the northeast quarter of Section 18, Township 34 North, Range 2 East, W.M.; thence S 89°59'32" E along the south line of said southeast quarter of the northeast quarter, a distance of 27.18 feet; thence N 00°00'28" E, a distance of 51.80 feet to the center of an existing power transformer and the point of beginning of this centerline description; thence along an existing underground primary power line on the following courses: S 68°29'41" E, a distance of 78.14 feet; thence S 84°31'35" E, a distance of 128.45 feet; then N 89°15'18" E, a distance of 163.43 feet; then N 81°12'49" E, a distance of 76.50 feet to the centerline of an existing power transformer and terminus of this centerline description.

Situate in Skagit County, Washington.

3. Attached as Exhibit "3" to this Amendment is a map depicting the easement areas described in the amended Easement Exhibits F and G.
4. **Other Terms.** Except as otherwise provided herein, all other terms and conditions of the Easement not addressed in this Amendment are hereby ratified and shall remain in full force and effect. In the event that any provision of the Easement and this Amendment are in conflict, this Amendment shall control.
5. **Binding Effect.** This Amendment, and all rights associated therewith, shall be perpetual in existence and duration and considered and construed as covenants running with the land.

and shall be binding upon and inure and extend to the benefit of the successors and assigns of the parties hereto.

6. **Counterparts.** This Amendment may be executed in any number of counterparts, and each such counterpart hereof shall be deemed to be an original instrument, but all such counterparts together shall constitute but one Amendment.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed as of the date set forth above.

Marvin Portis
MARVIN PORTIS
9/6/16
Date

Russell Pittis
RUSSELL PITTIS
9-28-16
Date

Jeanette Portis
JEANETTE PORTIS
9/6/16
Date

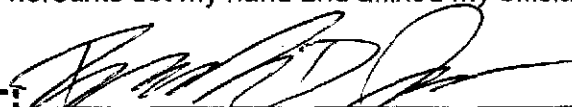
Katherine Pittis
KATHERINE PITTIS
9/28/16
Date

Kenny Portis
KENNY PORTIS
9/6/16
Date

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

This is to certify that on the 6th day of September, 2016, before me the undersigned Notary Public in and for the State of Washington, personally appeared **MARVIN PORTIS**, to me known to be the individual described in and who executed the foregoing instrument and acknowledged to me that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

BRENDEN D. JONES NOTARY PUBLIC STATE OF WASHINGTON My Commission Expires April 1, 2019	 _____ NOTARY PUBLIC in and for the State of Washington, residing at: <u>Aracortes, WA 98221</u> _____ My commission expires <u>April 1, 2019</u>
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STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

This is to certify that on the 6th day of September, 2016, before me the undersigned Notary Public in and for the State of Washington, personally appeared **JEANETTE PORTIS**, to me known to be the individual described in and who executed the foregoing instrument and acknowledged to me that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.


BRENDEN D. JONES NOTARY PUBLIC STATE OF WASHINGTON My Commission Expires April 1, 2019	 _____ NOTARY PUBLIC in and for the State of Washington, residing at: <u>Aracortes, WA 98221</u> _____ My commission expires <u>April 1, 2019</u>
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STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

This is to certify that on the 0th day of September, 2016, before me the undersigned Notary Public in and for the State of Washington, personally appeared **KENNY PORTIS**, to me known to be the individual described in and who executed the foregoing instrument and acknowledged to me that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

BRENDEN D. JONES
NOTARY PUBLIC
STATE OF WASHINGTON
My Commission Expires April 1, 2019

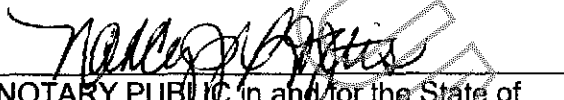
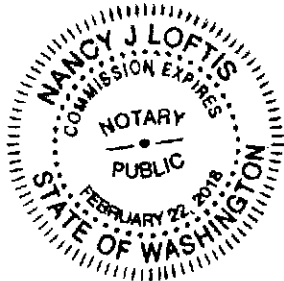


NOTARY PUBLIC in and for the State of Washington, residing at:
Anacortes, WA 98221
My commission expires Apr 1, 2019

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

This is to certify that on the 28th day of September, 2016, before me the undersigned Notary Public in and for the State of Washington, personally appeared **RUSSELL PITTIS**, to me known to be the individual described in and who executed the foregoing instrument and acknowledged to me that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

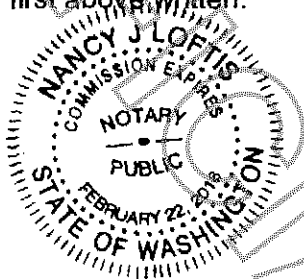


NOTARY PUBLIC in and for the State of Washington, residing at:
Anacortes
My commission expires 2/22/18

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

This is to certify that on the 28th day of September, 2016, before me the undersigned Notary Public in and for the State of Washington, personally appeared **KATHERINE PITTIS**, to me known to be the individual described in and who executed the foregoing instrument and acknowledged to me that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Nancy J. Loftis
NOTARY PUBLIC in and for the State of
Washington, residing at:
Anacortes

My commission expires 2/22/18

F:\CLIENTS\1-01\Pittis\Road Access Issue\Road Access and Utility Agreement\First Amendment to Road Access and Utility Agreement_5.15.16.doc

EXHIBIT "1"
(GRANTORS' PROPERTY)

The land referred to herein is situated in the County of Skagit, State of Washington, and is described as follows:

ACREAGE ACCOUNT, ACRES 39.50, SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 34 NORTH, RANGE 2 EAST, EXCEPT A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE NORTH 00 DEGREES 58' 17" WEST ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 389.17 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 58' 17" WEST, 208.00 FEET; THENCE NORTH 89 DEGREES 01' 43" EAST, A DISTANCE OF 104.00 FEET; THENCE SOUTH 0 DEGREES 58' 17" EAST A DISTANCE OF 208.00 FEET; THENCE SOUTH 89 DEGREES 01' 43" WEST, A DISTANCE OF 104.00 FEET TO THE TRUE POINT OF BEGINNING.

SKAGIT COUNTY TAX PARCEL NO. P20486 (340218-1-003-0003)

ACREAGE ACCOUNT, ACRES 13.16, SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 34 NORTH, RANGE 2 EAST W.M. EXCEPT THE SOUTH 300 FEET OF THE NORTH 360 FEET OF THE EAST 990.63 FEET OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4.

SKAGIT COUNTY TAX PARCEL NO. P20445 (340217-2-011-0002)

EXHIBIT "2"
(GRANTEES' PROPERTY)

The land referred to herein is situated in the County of Skagit, State of Washington, and is described as follows:

LOTS 1 THROUGH 16, INCLUSIVE, BLOCK 123, PLAT OF THE TOWNSITE OF GIBRALTER, SKAGIT COUNTY, WASHINGTON, U.S.A., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGES 19 AND 20, RECORDS OF SKAGIT COUNTY WASHINGTON.

SKAGIT COUNTY TAX PARCEL NO. P73611 (4109-123-016-0004)

**EXHIBIT "3"
(MAP)**

UNOFFICIAL DOCUMENT

NUMBER	DIRECTION	DISTANCE
L1	S 89°59'32" E	27.18'
L2	N 00°00'28" E	51.80'
L3	S 68°29'41" E	78.14'
L4	S 84°31'35" E	128.45'
L5	N 89°15'18" E	163.43'
L6	N 81°12'49" E	78.50'

SURVEY A.F. NO. 199912020055

EXISTING DRIVEWAY
EASEMENT
A.F. 20080330115

EASEMENT FOR INGRESS,
EGRESS AND UTILITIES
TO BLOCK 123

10' UTILITY EASEMENT

SW CORNER
SE 1/4 OF
NE 1/4 OF
SEC 18

405.01
532.80

S 89°59'32" E

127.63

N 00°00'28" E
57.10'

BLOCK 122

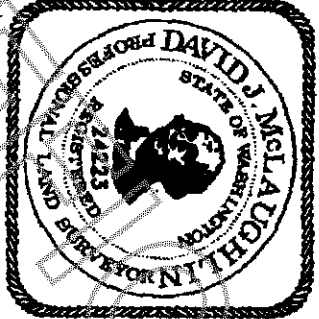
VOL. 1 OF PLATS
PAGES 19-20

BLOCK 123

PLAT OF THE TOWNSITE OF GIBRALTER
SKAGIT COUNTY, WASHINGTON, USA

CALIFORNIA
STREET

MINNESOTA AVENUE



SECTION 18, TWP. 34 N., RGE 2 E., W.M.

Leonard, Boudinot & Skodje Inc.
PROFESSIONAL ENGINEERS & LAND SURVEYORS
603 South First Street, P.O. Box 1328
Naselle, WA 98273
PHN 200-338-0791 FAX 200-338-3881

EXHIBIT MAP
FOR
KATHY PITTS

DATE
8-15-10
JOB NO.
10078

NORTH
SCALE
0 50 100 200
FEET

LEGEND

WM WATER METER

PT POWER TRANSFORMER

SET REBAR THIS SURVEY

FOUND REBAR PER A79812080080

