

WHEN RECORDED RETURN TO:

City of Anacortes Legal Department  
904 6th Street  
Anacortes, WA 98221

REVIEWED BY  
SKAGIT COUNTY TREASURER  
DEPUTY Lena Thompson  
DATE 10/06/2021

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DOCUMENT TITLE: UTILITY EASEMENT for the purposes of fiber infrastructure  
GRANTORS: JOHN C. GERNER and ANN M. GERNER  
GRANTEE: City of Anacortes, a Washington municipal corporation  
ABBREVIATED LEGAL: Unit 13, Plat of Portalis Island Homes Condominium  
ASSESSOR PARCEL/TAX ID NUMBER: P122168/ 4847-000-013-0000

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**UTILITY EASEMENT**

THIS EASEMENT is made by and between John C. Gerner and Ann M. Gerner (Grantors) and the City of Anacortes, a Washington municipal corporation (Grantee), for good and valuable consideration, including access to fiber infrastructure, the receipt and sufficiency of which hereby are acknowledged, for the construction, maintenance, inspection, and repair of fiber infrastructure and appurtenances, over, under, and across that certain real property described in Exhibit A (the Property), together with all after acquired title of Grantor therein, and as described in Exhibit B (the Easement), subject to the terms and provisions set forth below. The effective date of this Easement shall be the date this Easement has been signed by the Grantors.

The Easement described in Exhibit B shall be to construct, or cause to construct, maintain, replace, reconstruct, and remove fiber optic and telecommunication facilities, with all appurtenances thereto or necessary therewith, in, under and across the said premises, and to cut and remove any obstruction which may interfere with the use of

said fiber optic and telecommunication facilities or appurtenances attached or connected therewith, recognizing the rights of other easement holders, as well as the rights of Grantors to the quiet enjoyment of their premises, including any repairs or reconstruction to existing landscaping or sprinkler systems to the Property necessary because of Grantee's actions, needed to return the premises to its prior condition; and the right of ingress and egress to and over said premises at any and all times for the purpose of doing anything necessary or useful for the purposes stated above.

This Easement and each of the terms, provisions, conditions and covenants herein shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Any covenant granted herein shall be a covenant running with the land.

Dated this 2nd day of July, 2021.

By: *John C. Gerner*  
John C. Gerner

By: *Ann M. Gerner*  
Ann M. Gerner

STATE OF WASHINGTON )  
 )ss.  
COUNTY OF SKAGIT )

On this 2<sup>nd</sup> day of July, 2021, before the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared John C. Gerner + Ann M. Gerner, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged said instrument to be their free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto given my hand and official seal this 2 day of July, 2021.

Notary Public  
State of Washington  
DARLA T. SIMPSON  
COMMISSION # 162398  
MY COMM. EXP. OCTOBER 25, 2024

*Darla T. Simpson*  
Notary Public in and for the State of Washington  
Residing at Anacortes  
My appointment expires 10/25/2024

EXHIBIT A

Legal Description of Parcel P122168

Unit 13, "PLAT OF PORTALIS ISLAND HOMES CONDOMINIUM," as per the Survey Map and Plans recorded December 8, 2004, under Auditor's File No. 200412080101, and the Declaration thereof recorded December 8, 2004, under Auditor's File No. 200412080102, all records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.

EXHIBIT B  
Legal Description of Easement Area

THE EXTERIOR TEN (10) FEET OF Unit 13, "PLAT OF PORTALIS ISLAND HOMES CONDOMINIUM," AS PER THE SURVEY MAP AND PLANS RECORDED DECEMBER 8, 2004, UNDER AUDITOR'S FILE NO. 200412080101, AND THE DECLARATION THEREOF RECORDED DECEMBER 8, 2004, UNDER AUDITOR'S FILE NO. 200412080102, ALL RECORDS OF SKAGIT COUNTY, WASHINGTON, PARALLEL AND ADJACENT TO THE STREET FRONTAGE SHOWN AS CHANNEL MARKERY LANE ON SAID PLAT.