

Exhibit C-49 S-17: Tom Ehrichman  
Declaration, Deed AF#202202080087,  
Map showing four parcels

Exhibit 49, S-17

**BEFORE THE HEARING EXAMINER  
FOR SKAGIT COUNTY**

In the Matter of the Application for a  
Special Use Permit

No. PL16-0097, No. PL16-0098

**Concrete Nor'West/Miles Sand  
and Gravel SUP**

DECLARATION OF  
TOM EHRLICHMAN  
SUBMITTING  
PARCEL DATA SHOWING  
OTHER OWNERSHIPS BY  
APPLICANT  
(Exhibit 49, S-17)

I, Tom Ehrlichman, am an attorney at law at the Dykes Ehrlichman Law Firm, am  
over 18 years of age, and I am competent to testify as to the matters contained herein:

1. At the conclusion of the hearing in the above-captioned matter, Hearing  
Examiner Andrew Reeves authorized our firm to submit an "Exhibit 49, S-16" containing  
the Declaration of Wallace Groda and "Exhibit 49, S-17" containing parcel information  
related to properties purchased by Miles Sand and Gravel in proximity to the Grip Road  
Mine on Brookings Road and utilizing Grip Road for access.

2. This Declaration provides the information for Exhibit 49, S-17, as  
authorized. The Declaration of Wallace Groda is submitted separately as Exhibit 49, S-  
16, as authorized.

DECLARATION OF TOM EHRLICHMAN  
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Dykes Ehrlichman Law Firm  
Attorneys at Law  
P.O. Box 3308, Sequim, WA 98382  
tel: (425) 268-5553 email: tom@dykesehrlichman.com

1           3.       Attached hereto as Exhibit 49, S-17A is a true and correct copy of a deed  
2 recorded at Skagit County Auditor's File No. 202202080087 granting title to real property  
3 located in unincorporated Skagit County to Miles Sand and Gravel Company (the  
4 "deed").

5           4.       The deed contains a legal description and lists four tax parcel numbers: P50796,  
6 P50770, P50781 and P50782.

7           5.       Attached hereto as Exhibit 49, S-17B is a true and correct copy of the Skagit County  
8 IMAP parcel viewer map available online today, depicting the four tax parcels listed in the deed,  
9 including one touching Brookings Road (a dead-end road), and showing them as adjoining parcels of  
10 land.

11           Under penalty of perjury under the laws of the State of Washington, I hereby declare the  
12 foregoing to be true and correct to the best of my knowledge,

13           Executed this 30th day of September 2022, in Port Townsend, Washington.

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Tom Ehrlichman

DECLARATION OF TOM EHRLICHMAN  
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**When recorded return to:**

Brad Barton  
Miles Sand & Gravel Company  
400 Valley Ave NE  
Puyallup, WA 98372

Filed for record at the request of:



**CHICAGO TITLE**  
COMPANY OF WASHINGTON

425 Commercial St  
Mount Vernon, WA 98273

Escrow No.: 620050288

**CHICAGO TITLE CO**  
620050288JD

**STATUTORY WARRANTY DEED**

THE GRANTOR(S) Peggy Daw, Personal Representative of the Estate of Dixie Proctor

for and in consideration of Ten And No/100 Dollars (\$10.00) , and other valuable consideration  
in hand paid, conveys, and warrants to Miles Sand & Gravel Company

the following described real estate, situated in the County of Skagit, State of Washington:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Abbreviated Legal: (Required if full legal not inserted above.)

Ptn. SE NW, NE NW and SE NE, 36-36-4E, W.M.

Tax Parcel Number(s): P50796 / 360436-2-009-0009, P50770 / 360436-1-008-0002, P50781 /  
360436-2-002-0006, P50782 / 360436-2-002-0105

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

Affidavit No. 2022-464

Feb 08 2022

Amount Paid \$20465.00  
Skagit County Treasurer  
By Lena Thompson Deputy

## STATUTORY WARRANTY DEED

(continued)

Dated: January 7, 2022

Estate of Dixie Proctor

BY: Peggy Daw  
Peggy Daw  
Personal Representative

State of Washington  
County of Skagit

This record was acknowledged before me on 2-3-2022 by  
Peggy Daw

as Personal Representative of  
Estate of Dixie Proctor  
Jennifer Brazil  
(Signature of notary public)

Notary Public in and for the State of Washington  
Residing at: Skagit County  
My commission expires: 7-25-2024



**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): P50796 / 360436-2-009-0009, P50770 / 360436-1-008-0002, P50781 / 360436-2-002-0006 and P50782 / 360436-2-002-0105**

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**Parcel A:**

That portion of the Southeast Quarter of the Northwest Quarter of Section 36, Township 36 North, Range 4 East, W.M. lying Southeasterly of the Northern Pacific Railroad Company Right of way.

EXCEPT the South 20 feet of the West 400 feet.

AND EXCEPT road by Superior Court Cause No. 90-2-00353-4

Situated in Skagit County, Washington.

**Parcel B:**

That portion of Section 36, Township 36 North, Range 4 East, W.M., described as follows: South 1/2 of the Southwest Quarter of the Northeast Quarter AND the South 40 feet of that portion of the North 1/2 of the South 1/2 of the Southeast Quarter of the Northeast Quarter lying West of the center line of a small stream known as "Whiskey Creek," as said creek existed on July 13, 1964.

Situated in Skagit County, Washington.

**Parcel C:**

That Portion of the Northeast Quarter of the Northwest Quarter of Section 36, Township 36 North, Range 4 East, W.M. lying Southeasterly of the Northern Pacific Railroad Company Right of way.

EXCEPT the following described Parcel:

BEGINNING at the Southwest corner of said subdivision; thence North 0° 38' 33" East, 278.95 feet to the Southeasterly margin of said right of way; thence North 52° 24' 33" East along said margin a distance of 2117.61 feet to the True Point of Beginning; thence continuing North 52° 24' 33" East along said margin 1277.77 feet to the Easterly limits of said subdivision; thence South 0° 15' 34" West along said Easterly limit 604.38 feet; thence along a curve to the left having a radius of 1322.69 feet; the center of which bears South 9° 10' 29" West, for an arc distance of 315.36 feet; thence North 4° 29' 09" West, 60.00 feet; thence along a curve to the left having a radius of 1382.69 feet, the center of which bears South 4° 29' 09" East, for an arc distance of 673.30 feet; thence South 57° 36' 51" West, 69.00 feet to the True Point of Beginning.

Situate in the County of Skagit, State of Washington.

**Parcel D:**

**EXHIBIT "A"****Legal Description**  
(continued)

That Portion of the Northeast Quarter of the Northwest Quarter of Section 36, Township 36 North, Range 4 East, W.M. lying Southeasterly of the Northern Pacific Railroad Company Right of way described as follows:

BEGINNING at the Southwest corner of said subdivision; thence North 0° 38' 33" East, 278.95 feet to the Southeasterly margin of said right of way; thence North 52° 24' 33" East along said margin a distance of 2117.61 feet to the True Point of Beginning; thence continuing North 52° 24' 33" East along said margin 1277.77 feet to the Easterly limits of said subdivision; thence South 0° 15' 34" West along said Easterly limit 604.38 feet; thence along a curve to the left having a radius of 1322.69 feet; the center of which bears South 9° 10' 29" West, for an arc distance of 315.36 feet; thence North 4° 29' 09" West, 60.00 feet; thence along a curve to the left having a radius of 1382.69 feet, the center of which bears South 4° 29' 09" East, for an arc distance of 673.30 feet; thence South 57° 36' 51" West, 69.00 feet to the True Point of Beginning.

Situate in the County of Skagit, State of Washington.

TOGETHER WITH 1974 SUNNYBROOK 64x24

**EXHIBIT "B"**  
**Exceptions**

1. Reservations in Deed from Glacier Park Company, including the terms, covenants and provisions thereof  
  
Recording No.: 389374  
Recording No.: 402257  
Recording No.: 547215
2. As to any portion of said land now, formerly or in the future covered by water: Questions or adverse claims related to (1) lateral boundaries of any tidelands or shorelands; (2) shifting in course, boundary or location of the body of water; (3) rights of the State of Washington if the body of water is or was navigable; and (4) public regulatory and recreational rights (including powers of the USA) or private riparian rights which limit or prohibit use of the land or water.
3. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Surveys:  
  
Recording No.: 895890  
Recording No.: 7906220050  
Recording No.: 8108240016  
Recording No.: 9302030090  
Recording No.: 200001180043  
  
Affecting various lines
4. Easement Agreement, including the terms, covenants and provisions thereof  
  
Recording No.: 855745
5. Grant of Easement, including the terms, covenants and provisions thereof  
  
Recording Date: August 14, 2001  
Recording No.: 200108140098
6. Quit Claim Deeds for Boundary Line Adjustments, including the terms, covenants and provisions thereof  
  
Recording No.: 8509250056  
Recording No.: 8509260024



**EXHIBIT "B"****Exceptions  
(continued)**

7. The property may be subject to the Skagit County Right-to-Manage Natural Resource Lands Disclosure, Skagit County Code Section 14.38, which states:

"This disclosure applies to parcels designated or within 1 mile of designated agricultural land or designated or within 1/4 mile of rural resource, forest or mineral resource lands of long-term commercial significance in Skagit County. A variety of Natural Resource Land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated Natural Resource Lands, and area residents should be prepared to accept such incompatibilities, inconveniences or discomfort from normal, necessary Natural Resource Land operations when performed in compliance with Best Management Practices and local, State, and Federal law.

In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. If you are adjacent to designated NR Lands, you will have setback requirements from designated NR Lands."

8. Liability, if any, for personal property taxes pursuant to RCW 84.56.070 wherein no sale can be made without prepayment of said tax, including advance tax for the following calendar year. The personal property advance tax request has been provided along with this commitment.

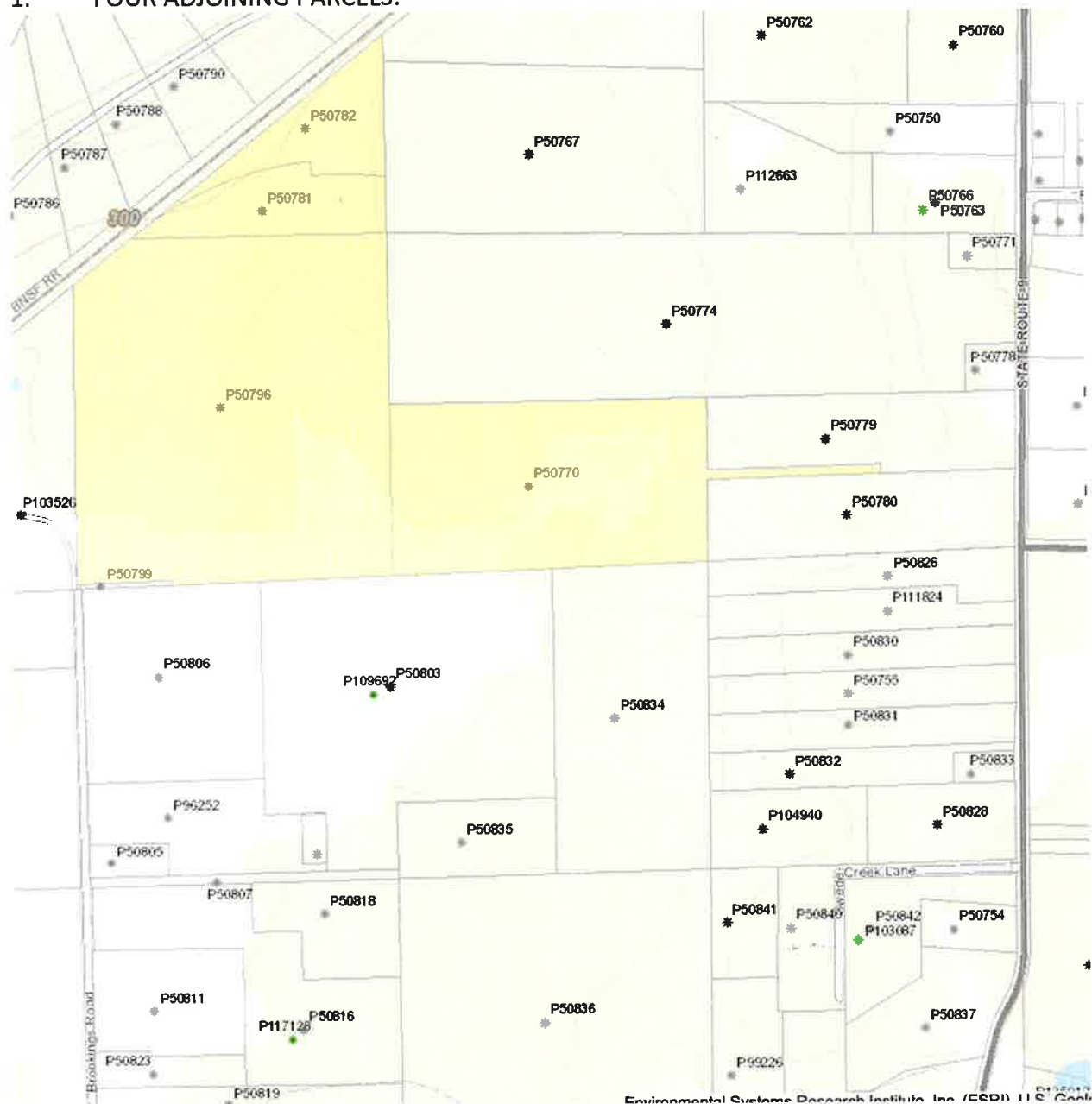
PLEASE NOTE: The Skagit County Treasurer will not process any conveyance document on any property where they determine personal property taxes are due or advance taxes required, without the payment of those taxes. This process must be completed before the proposed deed or any quit claim deed is presented for recordation.

9. City, county or local improvement district assessments, if any.

Exhibit 49, S-17(B)

### Map: Miles Sand & Gravel Acquisition to East, Off of Grip Road

**1. FOUR ADJOINING PARCELS:**



Source: <https://www.skagitcounty.net/Maps/iMap/?pid=P50781>

## Map: Miles Sand & Gravel Acquisition to East, Off of Grip Road

### 2. VICINITY MAP SHOWING GRIP ROAD MINE AND BROOKINGS RD. ACCESS TO THE EAST:



Source:

<https://www.skagitcounty.net/Maps/iMap/?pid=P50781>