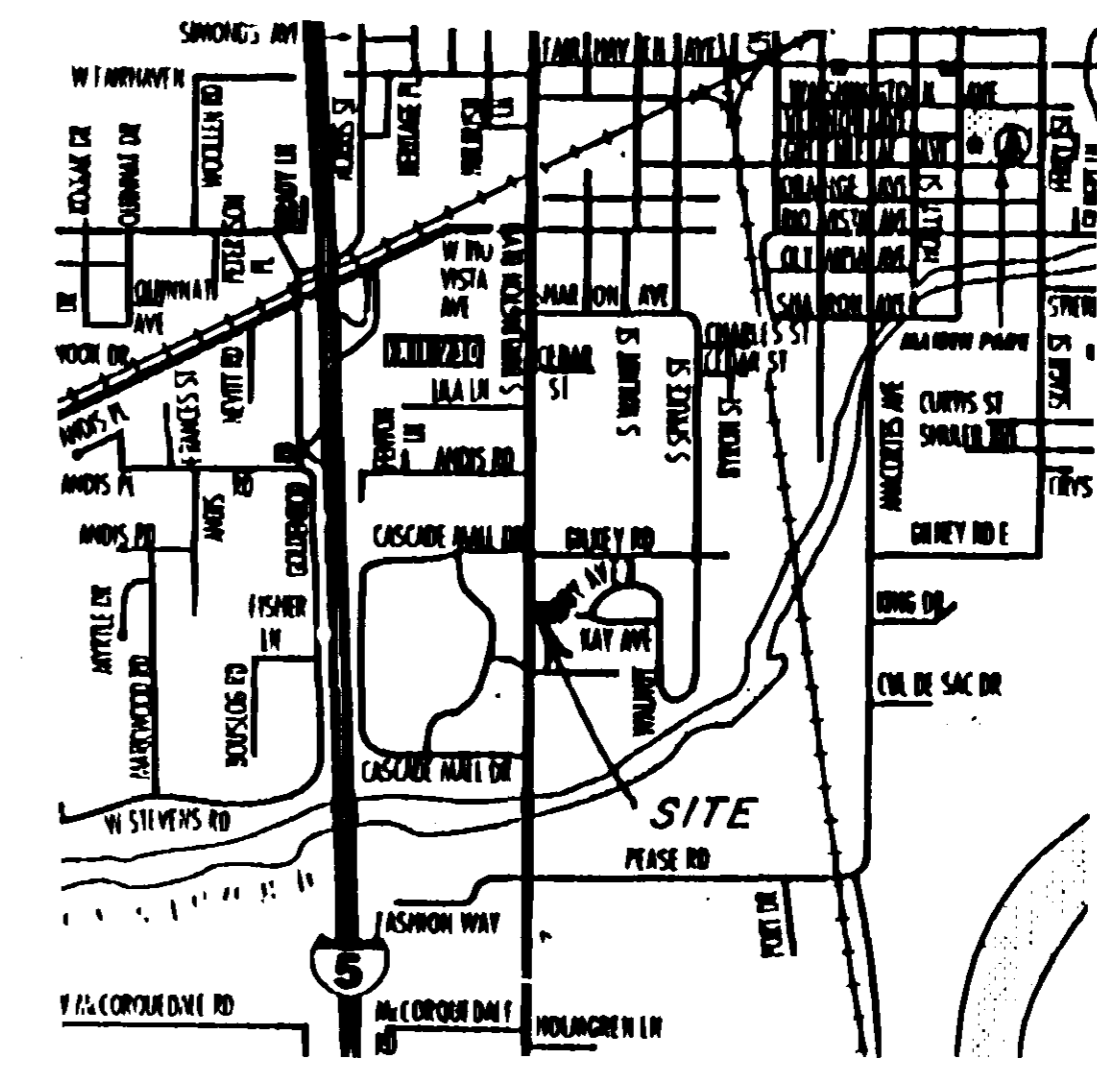


9605300101

BINDING SITE PLAN

31
26
59

of Just American



W. 1/4 COR. SEC. 5
SEE NOTE

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE LAND INCLUDED WITHIN THIS BINDING SITE PLAN DO HEREBY CERTIFY THAT THE DECISION TO MAKE THIS BINDING SITE PLAN WAS OUR FREE AND VOLUNTARY ACT AND DEED AND DO DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES SHOWN THEREON AND THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USES THEREOF FOR THE PUBLIC HIGHWAY PURPOSES; ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS AND BLOCKS SHOWN ON THIS BINDING SITE PLAN IN THE ORIGINAL REASONABLE GRADING OF THE STREETS AND AVENUES SHOWN HEREON. IN WITNESS WHEREOF WE HAVE HERE UNTO SET OUR HAND AND SEALS THIS 20 DAY OF January, 1994.

Paul Ware
A Suzanne Ware
Elizabeth P. Ware

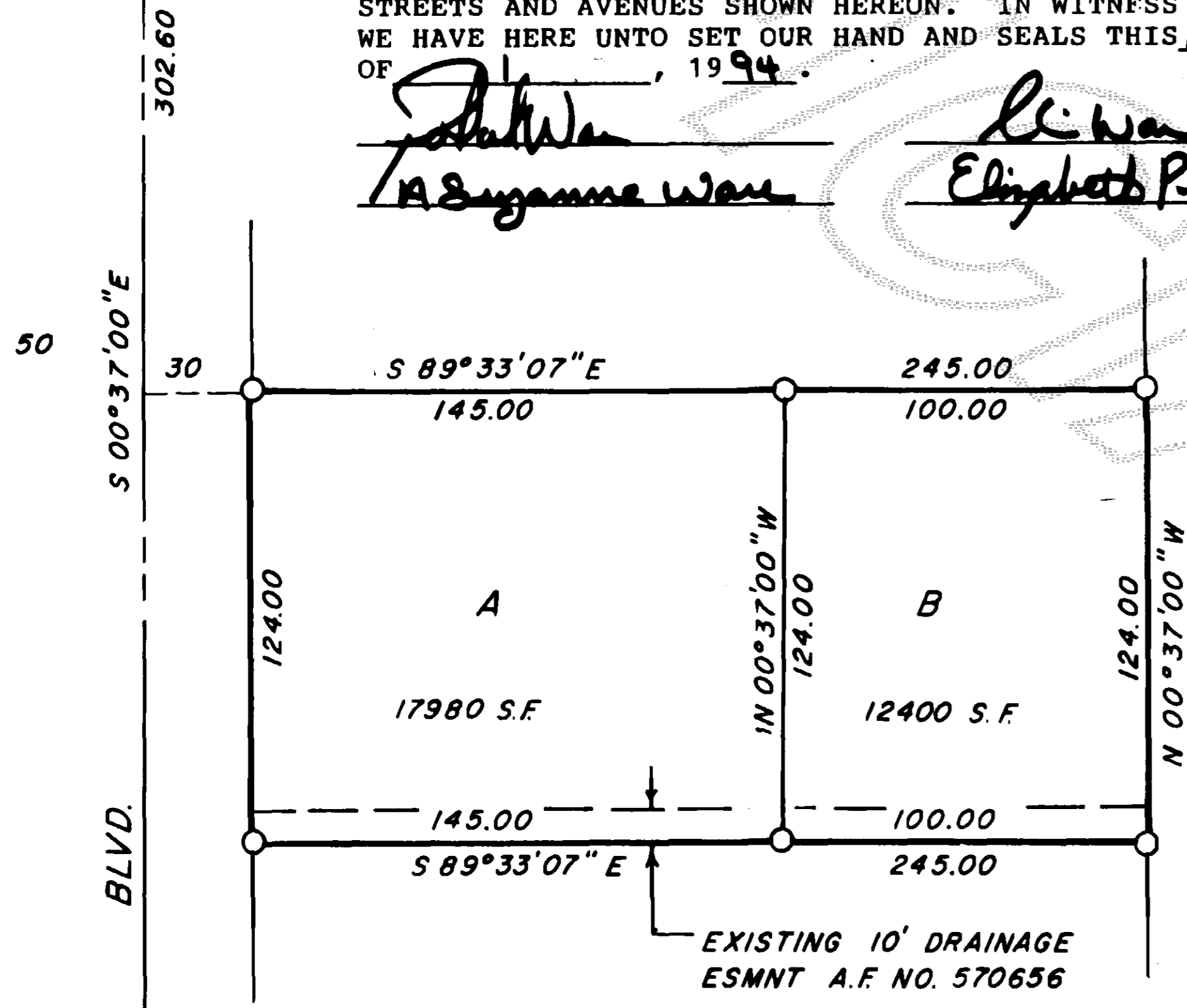
ACKNOWLEDGMENT

STATE OF WASHINGTON)
) SNOWHISH SS
COUNTY OF ~~SMITH~~)

ON THIS 20TH DAY OF JANUARY, 1994 PERSONALLY APPEARED BEFORE ME, PAUL CLIVE, ELIZABETH & SUZANNE WARE

TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED.

Theda A. Iverson
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT MARYSVILLE



LOT 34
GILKEY'S ADD. TO BURLINGTON

SET 3/8" I.R. NO. 17068
(TYPICAL)

LEGAL DESCRIPTION

The North 124 feet of that portion of the North 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 5, Township 34 North, Range 4 East, W.M., described as follows:

Beginning at a point on the East right of way line of State Highway No. 99 which is 30 feet East and 302.60 feet South of the Northwest corner of said Northwest 1/4 of the Southwest 1/4, which point is also the Southwest corner of those premises conveyed to Clarence Dolan et ux, by deed dated February 14, 1950, filed February 15, 1950, under Auditor's File No. 441713 and recorded in Volume 237 of Deeds, page 673; thence South 0°37' East along said East right of way line 143.65 feet to the Northwest corner of those premises conveyed to Emerson D. Grover et ux, by deed dated February 26, 1953, filed February 27, 1953, under Auditor's File No. 485371 and recorded in Volume 254 of Deeds, page 655; thence South 89°33'07" East along the North line of said Grover premises 245 feet to the West line of "GILKEY'S ADDITION TO BURLINGTON", as per plat recorded in Volume 7 of Plats, page 29, records of Skagit County; thence North 0°37' West along the West line of said Gilkey's Addition to Burlington 143.65 feet to the South line of those premises conveyed to Clarence Dolan et ux, by Deed dated February 14, 1950, filed February 25, 1950, under Auditor's File No. 442125 and recorded in Volume 237 of Deeds, page 788; thence North 89°33'07" West along the South line of the last named Dolan premises and along the South line of the first named Dolan premises, a distance of 245 feet to the point of beginning.

situate in the County of Skagit, State of Washington.

NOTES:

1. SURVEYOR - DAVID R. DOWNING & ASSOCIATES
4229 76th ST. N.E. #104
MARYSVILLE, WA. 98270
(206) 653-5385
2. INSTRUMENT DATA - LIETZ SET 4 (5" DIRECT READING) TOTAL STATION
3. FIELD METHOD USED - TRAVERSE
4. METHOD OF ADJUSTMENT - NONE
5. MONUMENTS VISITED - 1/4/94
6. BASIS OF BEARING: WEST LINE OF SW 1/4 SEC. 5, TWP. 34N., R. 4E., W.M., AS SHOWN ON THE PLAT OF GILKEY'S ADDITION TO BURLINGTON

S.W. COR. SEC. 5
SEE NOTE

APPROVALS

EXAMINED AND APPROVED THIS 11 DAY OF FEBRUARY, 1994

Paul A. Barrett
CITY ENGINEER

APPROVED BY THE PLANNING DIRECTOR OF THE CITY OF BURLINGTON, WASHINGTON, THIS 11th DAY OF February, 1994.

Margaret Fleck
PLANNING DIRECTOR

APPROVED BY THE BUILDING OFFICIAL OF THE CITY OF BURLINGTON, WASHINGTON, THIS 11 DAY OF FEBRUARY, 1994.

James Sheppard
CITY BUILDING OFFICIAL

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS AND ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED DEDICATED AS STREETS, ALLEYS, OR FOR OTHER PUBLIC USE, ARE PAID IN FULL.

DATED THIS 23rd DAY OF February, 1994.

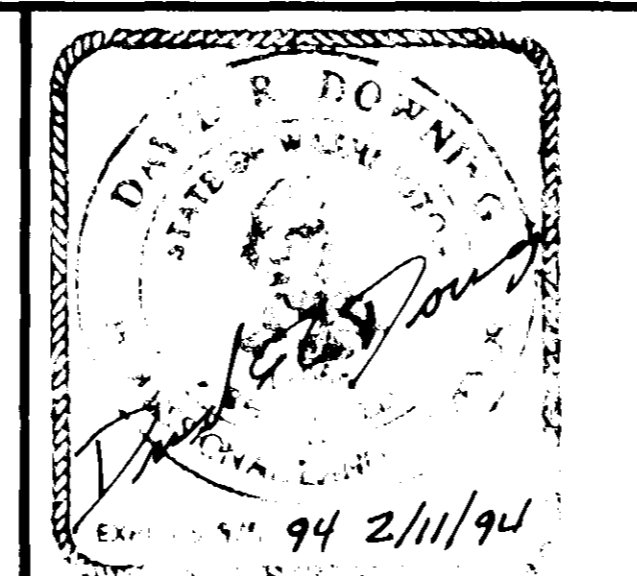
Rick Gault
TREASURER, CITY OF BURLINGTON

I HEREBY CERTIFY THAT ALL TAXES HERETOFORE LEVIED AND WHICH HAVE BECOME A LIEN UPON THE LANDS HEREIN DESCRIBED, HAVE BEEN FULLY PAID AND DISCHARGED, ACCORDING TO THE RECORDS OF MY OFFICE, UP TO AND INCLUDING THE YEAR 1994.

Paula Patterson
TREASURER, SKAGIT COUNTY

RECORDER'S CERTIFICATE 9605300101
FILED FOR RECORD THIS 30 DAY OF May, 1994 AT 2:30 P.M. IN BOOK 12 OF SURVEYS, AT PAGE 105 AT THE REQUEST OF DAVID R. DOWNING.
AUDITOR Ronny Hill DEPUTY Clayton Ingram

SURVEYOR'S CERTIFICATE
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF PAUL WARE
IN NOV., 1993.
DAVID R. DOWNING
CERTIFICATE NO. 17068



N. W. 1/4 S.W. 1/4
SEC. 5, TWP. 34N., R. 4E.
SKAGIT CO., WA.
DATE: 11/23/93 SCALE: 1" = 50'
F.B. 65/50 JOB NO. 93-055

BINDING SITE PLAN
PAUL WARE
6508 40th ST.
MARYSVILLE, WA., 98270
(206) 388-1190

SHT.
1
OF
2

12shPlats Pg 105

BINDING SITE PLAN EASEMENTS, COVENANTS & RESTRICTIONS

G. PAUL WARR & A SUZANNE WARR
CLIVE T WARR & ELIZABETH WARR

HEREIN REFERRED TO AS DECLARANTS HEREIN PLACE UPON THE PROPERTY DESCRIBED AS EXHIBIT A TO THIS DECLARATION THE FOLLOWING EASEMENTS, COVENANTS AND RESTRICTIONS:

1. PARCEL A & B OF THIS BINDING SITE PLAN ARE ENTITLED BY THE RECORDING OF THIS BINDING SITE PLAN TO A RECIPROCAL EASEMENT FOR INGRESS, EGRESS, PARKING AND ACCESS TO ALL UTILITIES AND COMMON AREAS THAT ARE INSTALLED FOR THE BENEFIT OF BOTH PARCEL A OR B OF THIS BINDING SITE PLAN. PARCEL B HEREIN HAS ACCESS OVER AND ACROSS PARCEL A, AND PARCEL B'S ONLY ACCESS AT THE TIME OF THE RECORDING OF THIS BINDING SITE PLAN IS THROUGH PARCEL A.

THE FOREGOING EASEMENTS, RESERVATIONS AND RIGHTS-OF-WAY SHALL AT ALL TIMES BE OPEN AND ACCESSIBLE TO PUBLIC UTILITIES AND THEIR EMPLOYEES AND CONTRACTORS AND SHALL ALSO BE OPEN AND ACCESSIBLE TO THE RESPECTIVE OWNERS OF EITHER PARCEL A AND B, ALL OF WHOM SHALL HAVE THE RIGHT AND PRIVILEGE OF DOING WHATEVER MAY BE REASONABLY NECESSARY TO CARRY OUT ANY OF THE PURPOSES FOR WHICH SUCH EASEMENTS, RESERVATIONS AND RIGHTS-OF-WAY ARE RESERVED. ANY RESTORATION OR REPAIR NEEDED AS A RESULT OF ANY REPAIRS OR MAINTENANCE DONE BY ANY UTILITY COMPANY EITHER PUBLIC OR PRIVATE, WILL BE DONE BY THAT COMPANY AT ITS OWN EXPENSE.

2. CONSTRUCTION AND DESIGN: ALL BUILDINGS OR IMPROVEMENTS MADE ON EITHER PARCEL A OR PARCEL B OF THIS BINDING SITE PLAN SHALL BE IN COMPLIANCE WITH LOCAL, STATE AND NATIONAL BUILDING CODES. NO OTHER RESTRICTIONS APPLY.
3. THE CITY OF BURLINGTON ENGINEERING, BUILDING, PLANNING AND OTHER PERTINENT DEPARTMENTS SHALL REVIEW AND APPROVE DEVELOPMENT PLANS FOR EITHER PARCEL OF THIS BINDING SITE PLAN. USE FOR EITHER PARCEL MUST CONFORM WITH ALL GOVERNMENTAL REGULATIONS.
4. THE COST OF MAINTAINING AND REPAIRING ALL COMMON AREAS SHALL BE BORNE BY THE RESPECTIVE OWNERS OF PARCEL A AND PARCEL B ON A PRO-RATA BASIS. THE PRO-RATA FORMULA WILL BE CALCULATED BY TAKING THE SQUARE FOOTAGE OF EACH RESPECTIVE PARCEL DIVIDED BY THE SQUARE FOOTAGE OF THE ENTIRE AREA ENCOMPASSED BY THE BINDING SITE PLAN, LESS ANY AREA DESIGNATED AS SPECIAL FLOOD RISK ZONE AS DELINEATED ON THE BINDING SITE PLAN.

THE COMMON AREA IS HEREBY DEFINED TO INCLUDE ALL OF THOSE AREAS USED FOR STREETS OR OTHER VEHICULAR ACCESS TO THE SITE, SIDEWALKS PARALLELING SUCH STREETS, VEHICULAR ACCESS WAYS, ALL LIGHTING, LANDSCAPING OR BEAUTIFICATION, SIGNAGE, DRAINAGE AND STORM WATER DETENTION ASSOCIATED WITH SUCH AREAS, ANY STORM WATER DETENTION SYSTEM AND ALL UTILITIES. EVERY OWNER SHALL HAVE A RIGHT AND EASEMENT IN AND TO THE COMMON AREA.

5. A COMMON STORM DRAINAGE SYSTEM SHALL BE CONSTRUCTED TO BENEFIT BOTH PARCELS OF THIS BINDING SITE PLAN. THE SYSTEM SHALL BE LOCATED ON PARCEL B AND A CROSS-EASEMENT EXISTS BETWEEN PARCEL A AND PARCEL B BY THE RECORDING OF THIS BINDING SITE PLAN.
6. DECLARANTS AGREE TO FORM A PROPERTY OWNERS ASSOCIATION IN THE EVENT THAT PARCEL A OR B IS SOLD. THE PROPERTY OWNERS ASSOCIATION SHALL BE CHARGED WITH THE DUTY OF ADMINISTRATING THIS DOCUMENT FOR THE BENEFIT OF THE RESPECTIVE PROPERTY OWNERS AND ASSESSING ALL PROPERTY OWNERS ANY CHARGES FOR THE COST OF MAINTAINING THE COMMON AREAS.
7. DELINQUENCY. ANY COMMON AREA ASSESSMENT SHALL BE DEEDED DELINQUENT IF NOT PAID WITHIN 30 DAYS OF RECEIPT OF WRITTEN NOTICE. DELINQUENT ASSESSMENTS WILL BE SUBJECT TO A FIVE PERCENT (5%) LATE CHARGE. SUBSEQUENT LACK OF PAYMENT WILL BEAR A MONTHLY INTEREST CARRYING CHARGE OF NOT LESS THAN AN ANNUAL RATE EQUAL TO THE _____ PRIME RATE PLUS TWO (2) PERCENT.
8. LIEN RIGHTS. THE PROPERTY OWNERS ASSOCIATION IF FORMED IS HEREBY VESTED WITH THE AUTHORITY TO RECORD A LIEN AGAINST ANY SUCH PROPERTY FOR THE COLLECTION OF DELINQUENT ASSESSMENTS, LATE FEES, AND INTEREST OWING AGAINST SUCH PROPERTY. SUCH CLAIM OF LIEN INCLUDES NOT ONLY ASSESSMENTS WHICH ARE DUE AND PAYABLE WHEN THE CLAIM OF LIEN IS RECORDED, PLUS INTEREST, COST, ATTORNEY'S FEES AND PRIOR ENCUMBRANCES AND INTEREST THEREON, BUT ALSO SUBSEQUENT INSTALLMENTS AND ADDITIONAL ASSESSMENTS WHICH ACCRUE FROM THE DATE OF THE CLAIM OF LIEN.
9. LEGAL PROCEEDINGS. FAILURE TO COMPLY WITH ANY OF THE TERMS OF THIS DOCUMENT, OR ANY REGULATIONS ADOPTED SUBSEQUENT TO ITS RECORDING, SHALL BE GROUNDS FOR RELIEF WHICH MAY INCLUDE, WITHOUT LIMITATION, AN ACTION TO RECOVER SUMS DUE FOR DAMAGES, INJUNCTIVE RELIEF, OR ANY OTHER REMEDIES PROVIDED BY LAW.
10. THESE EASEMENTS, COVENANTS AND RESTRICTIONS SHALL RUN WITH THE LAND AND BENEFIT ALL SUBSEQUENT OWNERS OF EITHER PARCEL A OR B OF THE BINDING SITE PLAN.
11. THESE EASEMENTS, COVENANTS AND RESTRICTIONS SHALL BE MODIFIED ONLY UPON THE APPROVAL OF OWNERS OF BOTH PARCEL A AND B OF THE BINDING SITE PLAN.
12. THIS DOCUMENT WILL BE RECORDED WITH THE SKAGIT COUNTY AUDITOR AS A PART OF THE BINDING SITE PLAN AS DESCRIBED AS EXHIBIT A.

