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Kathy Hill, Skagit County Auditor
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Return to:

Robert Ensley
PO Box 733
Mount Vernon, WA 98273

Document Title:

NON-EXCLUSIVE EASEMENT AND MAINTENANCE DECLARATION

Grantors (Last name, first name, initials):

Ensley, Robert L.

Grantees (Last name, first name, initials):

Future owners of Lot 1, 2, 3, and 4 of Short Plat No. 97-0016

Legal Description (Abbreviated: i.e., lot, block, plat or quarter section)

See attached Exhibit A

NWNE

1-344

Assessor Parcel/Tax I.D. Number:

340401-0-007-0107 P23271

**NON-EXCLUSIVE EASEMENT
AND
MAINTENANCE DECLARATION**

THIS DECLARATION made and entered into this 5 day of May, 1999, by Robert L. Ensley of PO Box 733, Mount Vernon, WA 98273 (hereinafter "Declarants"), as owner of the following described land, situated in Skagit County, Washington:

(SEE ATTACHED EXHIBIT A)

THE DECLARANTS under this declaration does hereby establish of record a Non-Exclusive Easement for ingress, egress and utilities over, under and through a sixty-foot (60') wide strip of land, and a 45' radius cul de sac, for the benefit of the owners and future owners of Lots 1, 2, 3, and 4, situated within Skagit County Short Plat Number 97-0016.

Recorded in Volume _____ of Short Plats at page _____, under Skagit County Auditor's file 200004050059 records of Skagit County, Washington. Declarants further provides that this property access is perpetual and SUBJECT TO the right of Declarants to dedicate the roadway to Skagit County as a public County road, all at the exclusive option of Declarants or their successors owning a majority of the Lots.



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SAID AND DESCRIBED roadway easement is more specifically described as follows:

Beths Lane as shown on the face of Short Plat No. 97-0016.

MAINTENANCE OF THE ABOVE-DESCRIBED EASEMENT (including labor and expenses) shall be shared equally among the owners of Lots 1, 2, 3, and 4.

"MAINTENANCE" as used herein shall mean the equal requirement of said Lot owners and their successors in ownership to share the labor and cost to maintain the roadway easement in a good and workmanlike manner and, so long as Declarants own one or more of the Lots, to the pleasure of the Declarants herein.

FURTHER, THE DECLARANTS under this declaration acknowledge and grant a perpetual easement for installation of utilities and for all reasonable utility maintenance and servicing requirements, including the right to enter in, cross under, through and over the described roadway to provide utility services to each owner of a property within Short Plat No. 97-0016 and any division or refinement thereof, and Declarants specifically grant to, but not limited to, Puget Sound Power & Light Company, General Telephone Company, County Cable, and any successors and assigns of said companies.



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DATED the 14th day of June, 1999.

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

APR 05 2000

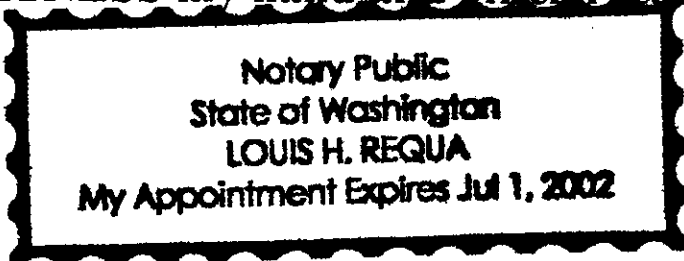
Amount Paid \$
Skagit County Treasurer
By: Deputy

Robert L. Ensley
Robert L. Ensley

STATE OF WASHINGTON)
) SS.
COUNTY OF SKAGIT)

On this 14th day of June, 1999, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Robert Ensley, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged to me that they signed and sealed the said instrument as their free and voluntary act and deed for the uses and purposes mentioned herein,

WITNESS my hand and official seal hereto affixed the day and year above written,



Louis H. Requa
Notary Public in and for the State of
Washington residing at: Sedro-Woolley
My commission expires: July 1, 2002



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Exhibit A

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

Parcel "A":

Tract 4, of Short Plat No. 90-47, approved October 1, 1990, and recorded October 2, 1990, in Volume 9 of Short Plats at Page 268, under Auditor's File No. 9010020054, records of Skagit County, Washington. (Being a portion of Government Lot 2, Section 1, Township 34 North, Range 4 East, W.M., lying East of the Northern Pacific Railway right-of-way.)

Parcel "B":

That portion of the following described tract 1 located in Government Lot 2, in Section 1, Township 34 North, Range 4 East, W.M., EXCEPT for any portion thereof lying South of the North line of the County Road known as the "Old Day Creek Road" and FURTHER EXCEPT from the West 1/2 of said Tract 1 in the aforesaid Government Lot 2 lying South of the North line of that certain parcel of real estate owned by Robert Hubschmitt and described as Tract 3 of Short Plat No. 48-75, approved October 29, 1975, and recorded in Volume 1 of Short Plats, Page 77, on November 3, 1975, under Auditor's File No. 825700, records of Skagit County, Washington, extended Easterly to the centerline of the real estate described in Tract 1.

Tract 1: That portion of Governments Lots 2 and 6, Section 1, Township 34 North, Range 4 East, W.M., and that portion of the Southwest 1/4 of the Southeast 1/4 and of the East 1/2 of the Southwest 1/4, and of the Southeast 1/4 of the Northwest 1/4, all in Section 36, Township 35 North, Range 4 East, W.M., in Skagit County, Washington, described as follows:

A strip of land 100.00 feet in width as conveyed to the Seattle Lake Shore and Eastern Railway Company by instruments recorded in Volume 10 of Deeds, page 32, on January 22, 1890, and recorded in Volume 11 of Deeds, Page 427, on May 12, 1890, and as conveyed to the S. & I. Railway Company by instrument recorded in Volume 37, Page 227, on March 21, 1899, records of said County,

EXCEPT any portion conveyed to Robert L. Mumford by instrument recorded in Volume 532 of Deeds, Page 70, under recording No. 8309290021, records of said County.

