



200203120170

Skagit County Auditor

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Return to: Skagit Surveyors & Engineers  
806 Metcalf Street  
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Phone: (360) 855-2121

COVER SHEET

NON-EXCLUSIVE EASEMENT AND MAINTENANCE DECLARATION

GRANTOR: Chester James and Juanita James

GRANTEE: Chester James and Juanita James

LEGAL DESCRIPTION

A portion of the West half of the East half of the Northwest quarter of Section 35, Township 36 North, Range 4 East, W.M.; TOGETHER WITH a portion of the East half of the East half of the Northwest quarter of Section 35, Township 36 North, Range 4 East, W.M.

ASSESSOR'S PROPERTY TAX PARCEL NUMBER: P50702, P50705

ASSESSOR'S PROPERTY TAX ACCOUNT NUMBER: 360435-2-003-0006  
360435-2-002-0007

**NON-EXCLUSIVE EASEMENT  
AND  
MAINTENANCE DECLARATION**

THIS DECLARATION made and entered into this 4th day of September 2001, by Chester James and Juanita James (hereinafter "Declarants"), as owners of the following described land, situated in Skagit County, Washington:

PARCEL "A"

That portion of the West half of the East half of the Northwest quarter of Section 35, Township 36 North, Range 4 East, W.M., lying South of the Samish River as it existed on June 26, 1929, EXCEPT the South 50 feet thereof deeded to Skagit County for road purposes by deed recorded June 4, 1954, under Auditor's File No. 502379.

PARCEL "B"

That portion of the East half of the East half of the Northwest quarter of Section 35, Township 36 North, Range 4 East, W.M., lying South and West of the Samish River as it existed on June 26, 1929, and being more particularly described as follows:

Beginning at the Northwest corner of said East half of the East half of the Northwest quarter of Section 35, as shown on survey map by Rader and Leonard & Associates, Inc., Engineers and Land Surveyors; thence S00°41'51"E, a distance of 2794.52 feet to the South line of said subdivision; thence N83°39'37"W along the South line of said subdivision, a distance of 51.03 feet to the Southwest corner of said subdivision; thence N00°20'35"E along the West line of said subdivision, a distance of 2788.72 feet to the point of beginning; EXCEPT the South 50 feet thereof conveyed to Skagit County for road purposes by deed recorded June 4, 1954, under Auditor's File No. 502379.



THE DECLARANTS under this declaration do 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 (Nita Lane), for the benefit of the owners and future owners of Lots 1 through 4, situated within Skagit County Short Plat Number SP97-0031 recorded under Skagit County Auditor's File Number 200203120169. The Declarants further provide that the portion of Nita Lane extending from the Hoogdal Branch Road to the west boundary of the above described sixty-foot (60') wide strip of land is in a portion of the 50 foot wide county right of way described in Quit Claim Deeds under Auditor's File Numbers 502379 and 841446 and within a portion of the 5 foot wide strip of additional right-of-way land conveyed to Skagit County as part of Short Plat Number SP97-0031, and that this portion of the county owned right-of-way is opened pursuant to the permit to open same approved by Skagit County Public Works Department on July 7, 1997, and the roadway constructed therein is to be privately maintained. The Declarants further provide that this property access is perpetual and SUBJECT TO the right of the Declarants to dedicate the roadway to Skagit County as an opened public County road, all at the exclusive option of the Declarants or their successors owning a majority of the Lots.

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

60-foot wide easement and 90-foot diameter cul-de-sac easement (Nita Lane) for access and utilities as shown on Short Plat Number SP97-0031 recorded under Skagit County Auditor's File No 200203120169.

SAID AND DESCRIBED opened County road is more specifically described as follows:

50 and 55 foot wide County right-of-way running from Hoogdal Branch Road to the west line of the above 60 foot wide easement (Nita Lane) for access and utilities as shown on Short Plat Number 97-0031 recorded under Skagit County Auditor's File No 200203120169.



MAINTENANCE OF THE ABOVE-DESCRIBED EASEMENT AND COUNTY RIGHT-OF-WAY (including labor and expenses) shall be shared equally among the owners of Lots 1 through 4. Nothing herein shall preclude the future division of any lot in this short plat. Lots resulting from said future divisions shall share equally with all other lots in all expenses provided for herein.

"MAINTENANCE" as used herein shall mean the requirement of said Lot owners and their successors in ownership to share the labor and cost to maintain the roadway easement and County right-of-way in a good and workmanlike manner and, so long as the 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 easement roadway to provide utility services, and the Declarants specifically grant these rights to, but not limited to, Puget Sound Energy, Verizon and any successors and assigns of said companies.

DATED the 15 day of October, 2001

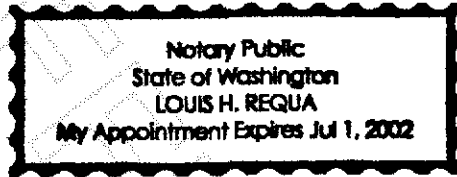
Chester James  
Chester James

Juanita James  
Juanita James



State of Washington  
County of Skagit

I certify that I know or have satisfactory evidence that Chester James and Juanita James are the persons who appeared before me, and said persons acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentions in the instrument.



Dated 10/15/01  
Louis H. Regua  
Signature  
Notary  
Title  
My appointment expires July 1, 2002

Easement  
SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID

MAR 12 2002

Amount Paid \$  
Skagit County Treasurer  
By: Mdm Deputy

