

ORIGINAL

AFTER RECORDING RETURN TO:

Name William R. Allen
Address 504 East Fairhaven, Suite 201
City, State, Zip Burlington, WA 98233



200302240018

Skagit County Auditor

2/24/2003 Page 1 of 10 9:16AM

Abbrev. Leg. Ptn Blocks 66, 67, 97 and 98, MAP OF FIDALGO CITY, Vol. 2, pp. 113-114
Tax Acct. Nos. 4101-066-009-0002/P73065; 4101-067-007-0002/P73071; 4101-067-011-0006/P73075;
4101-096-014-0002/P73108; 4101-097-002-0004/P73109; 4101-097-007-0009/P73111;
4101-097-005-0000/P119341; 4101-098-014-0016/P73114
Grantor/Grantee Haines, Vernon; Erickson, Jeffrey and Sandra; Moser, Lewis and Patricia
Grantee/Grantor Haines, Vernon; Erickson, Jeffrey and Sandra; Moser, Lewis and Patricia

DECLARATION OF EASEMENT

This Declaration of Easement is made by and between Vernon R. Haines, a single man, Jeffrey P. Erickson and Sandra J. Erickson, husband and wife; and Lewis A. Moser and Patricia A. Moser, husband and wife, hereafter referred to as "Declarants," "Grantors," or "Grantee," as follows:

RECITALS

A. Vernon R. Haines, a single man, is owner of property fully described on EXHIBIT A, which is attached hereto and by this reference incorporated herein, hereafter described as "the Haines property."

B. Jeffrey P. Erickson and Sandra J. Erickson, husband and wife, are owners of property fully described on EXHIBIT B, which is attached hereto and by this reference incorporated herein, hereafter described as "the Erickson property."

C. Patricia A. Moser, husband and wife, are owners of property fully described on EXHIBIT B, which is attached hereto and by this reference incorporated herein, hereafter described as "the Moser property."

D. The parties hereto intend, by this instrument, to create an easement for access and utilities over, and through a strip of land 40 feet in width, the "easement area," which is described on EXHIBIT D, attached hereto, and illustrated on EXHIBIT E, attached hereto. An easement for the portions of the easement area crossing Blocks 106 and 107 and the adjoining vacated streets has been previously granted by Everett C. Oman by

instrument recorded July 25, 2000, under Auditor's File No. 200007250089, records of Skagit County, Washington.

ACCESS AND UTILITY EASEMENT

THE DECLARANTS, Vernon R. Haines, a single man, Jeffrey P. Erickson and Sandra J. Erickson, husband and wife; and Lewis A. Moser and Patricia A. Moser, husband and wife, in consideration of the mutual agreements, covenants and easements herein, and for no monetary consideration, hereby grant to themselves and to the present and future owners of the real property described on Exhibits A, B, and C, attached hereto (the Haines, Erickson and Moser properties), a nonexclusive easement for ingress, egress, and utilities over, under and across those portions of the Haines, Erickson and Moser properties described on EXHIBIT D, which is attached hereto and incorporated by this reference, hereafter referred to as the "Access and Utility Easement Area." The easement is granted for the benefit of the Haines, Erickson and Moser properties described on Exhibits A, B, and C, attached hereto.

The above named declarants agree and covenant as follows:

The owners of the properties benefited by the access and utility easement (the Haines, Erickson and Moser properties), and their heirs, successors and assigns shall take said property together with and subject to this easement and maintenance agreement. All such owners shall share proportionately in the cost and expense of maintaining the road. The proportionate share of each property owner shall be established by dividing the number of parcels benefited by the road into the cost of maintenance and repair, PROVIDED HOWEVER, if any party shall do damage to the road in excess of normal wear and tear, the party doing such damage shall be responsible for cost of making the repairs necessitated by such excess use.

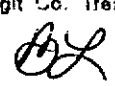
COVENANTS TO RUN WITH THE LAND

The covenants herein shall run with the land and shall be binding on the parties hereto, their heirs, successors or assigns, and all subsequent owners thereof

Dated 2/17, 2003.

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

FEB 24 2003

Amount Paid \$
Skagit Co. Treasurer
By  Deputy

Haines/Erickson/MoserEasement

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200302240018
Skagit County Auditor

Haines Property:

Vernon R. Haines

Vernon R. Haines

STATE OF WASHINGTON)
COUNTY OF Skagit) ss

I certify that I know or have satisfactory evidence that VERNON R. HAINES is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledged it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated February 17, 2003.

Typed/printed notary name

Veonne A. Awes

Veonne A. Awes

Residing at

Anacortes WA

My appointment expires

04-15-05



~~Erickson Property:~~

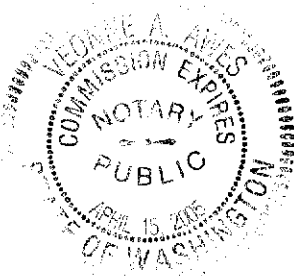
Jeffrey P. Erickson

Sandra J. Erickson

STATE OF WASHINGTON)
) ss
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that JEFFREY P. ERICKSON AND SANDRA J. ERICKSON is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledged it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated February 17, 2003.



Typed/printed notary name

Residing at

My appointment expires

Wm. A. Dues

Leanne A. Aves

Anacortes WA

04-15-05



Moser Property:

Lewis A. Moser
Lewis A. Moser

Patricia A. Moser
Patricia A. Moser

STATE OF WASHINGTON)
) ss
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that LEWIS A. MOSER AND PATRICIA A. MOSER is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledged it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated February 10th, 2003.

Diana Jordan-New
Typed/printed notary name DIANA JORDAN-NEW
Residing at SKAGIT CO.
My appointment expires 8/11/2006

EXHIBIT A
Haines Property

All of Lots 5, 6, 7, 8, 9, and 10, the South Half of Lot 4, and the South Half of Lot 11, Block 66, MAP OF FIDALGO CITY, SKAGIT CO., according to the plat thereof recorded in Volume 2 of Plats, pages 113 and 114, records of Skagit County, Washington,

TOGETHER WITH the vacated alley between the lots, and also together with those portions of vacated West Half of Lincoln Street, East Half of Jefferson Avenue, and the North Half of Seventh Street lying between the center line of Jefferson Avenue and the center line of Lincoln Street, adjacent to said lots.

Situate in Skagit County, Washington.



EXHIBIT B
Erickson Property

All of Lots 6, 7, 8, 9, and 10, the South Half of Lot 4, and the South Half of Lot 11, Block 67, MAP OF FIDALGO CITY, SKAGIT CO., according to the plat thereof recorded in Volume 2 of Plats, pages 113 and 114, records of Skagit County, Washington;

TOGETHER WITH the vacated alley between Lots 6-9, the West Half of the vacated alley adjoining Lot 10 and the South Half of Lot 11, and the East Half of the vacated alley adjoining the South Half of Lot 4, and also together with those portions of vacated East Half of Washington Street, West Half of Jefferson Avenue, and the North Half of Seventh Street lying between the center line of Washington Street and the center line of Jefferson Avenue, adjacent to said lots.

ALSO, Lots 3, 4, and 5, Block 97, MAP OF FIDALGO CITY, SKAGIT CO., according to the plat thereof recorded in Volume 2 of Plats, pages 113 and 114, records of Skagit County, Washington;

TOGETHER WITH the East Half of vacated alley adjoining said lots and West Half of vacated Lincoln Avenue adjacent to said lots.

ALSO, Lots 1 through 14, Block 96, and Lots 8 through 14, Block 97, MAP OF FIDALGO CITY, SKAGIT CO., according to the plat thereof recorded in Volume 2 of Plats, pages 113 and 114, records of Skagit County, Washington;

TOGETHER WITH all of the vacated alley in Block 96 and the West Half of the vacated alley adjoining Lots 8-14, Block 97, and also together with the South Half of vacated Seventh Street between the center line of Washington Avenue and the Northerly extension of the center line of Block 97, and together with the East Half of Washington Avenue between the center line of Seventh Street and the center line of Sixth Street, and together with the West Half of vacated Jefferson Avenue adjacent to Lots 1-7, Block 96, and together with the East Half of vacated Jefferson Avenue adjacent to Lots 8-14, Block 97, and together with the North Half of vacated Sixth Street between the center line of Washington Avenue and the Southerly extension of the center line of Block 97.

All Situate in Skagit County, Washington.

EXHIBIT C
Moser Property

Lots 1 through 14, Block 98, MAP OF FIDALGO CITY, SKAGIT CO., according to the plat thereof recorded in Volume 2 of Plats, pages 113 and 114, records of Skagit County, Washington,

TOGETHER WITH the vacated alley between the lots, and also together with those portions of vacated East Half of Lincoln Street, West Half of Walla Walla Street, and the South Half of Seventh Street and the North Half of Sixth Street adjacent to said lots.

Situate in Skagit County, Washington.



EXHIBIT D
Access and Utility Easement Area

A forty (40) foot wide easement for ingress, egress and utilities over, under, and through that portion of the plat of MAP OF FIDALGO CITY, SKAGIT CO., WASHINGTON, recorded in Volume 2 of Plats at page 113 and 114, records of Skagit County, Washington, the centerline of which is described as follows:

Beginning at a point on the centerline of 5th Street which lies S 89°59'18"E, a distance of 10.20 feet from the intersection of 5th Avenue and Jefferson Avenue as shown on said plat; thence N 3°01'17"E, a distance of 28.42 feet to a point on a non-tangent curve concave to the east from which the radius point bears N 57°37'26"E, a distance of 399.00 feet; thence northerly along said curve through a central angle of 52°22'20", an arc distance of 364.71 feet to point of compound curvature with a curve concave to the south having a radius of 110.00 feet; thence easterly along said curve through a central of 91°52'18", an arc distance of 176.38 feet to a point of reverse curvature with a curve concave to the north having a radius of 219.00 feet; thence easterly along said curve through a central angle of 31°46'05", an arc distance of 121.43 feet; thence N 80°05'59"E, a distance of 52.92 feet to the point of curvature of a curve concave to the northwest having a radius of 70.00 feet; thence northeasterly and northerly along said curve through a central angle of 76°33'47", an arc distance of 93.54 feet to point of compound curvature with a curve concave to the west having a radius of 912.00 feet; thence northerly along said curve through a central angle of 6°48'14", an arc distance of 108.30 feet to point of reverse curvature with a curve concave to the east having a radius of 1337.00 feet; thence northerly along said curve through a central angle of 3°59'17", an arc distance of 93.06 feet; thence N 00°43'15"E, a distance of 154.41 feet to a point on the centerline of 7th Street which lies S 89°59'18"E, a distance of 4.53 feet from the intersection of 7th Street and Lincoln Avenue as shown on said plat and the terminal point of this centerline description.

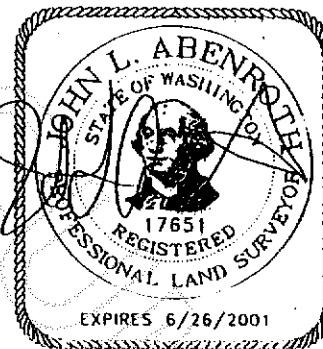
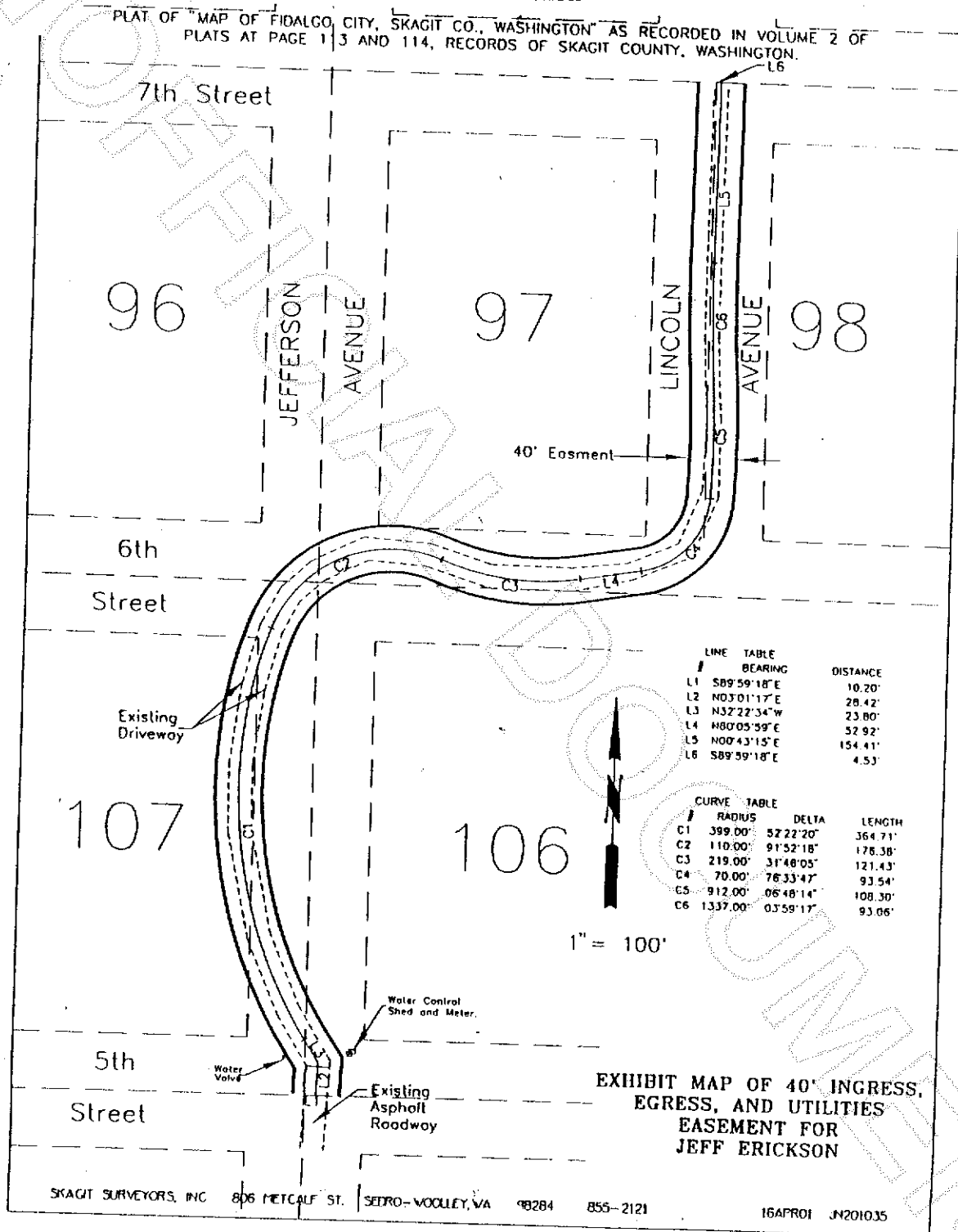


EXHIBIT E **Illustration**



Haines/Erickson/Moser Easement

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