

AFTER RECORDING MAIL TO:

JAMES L. KOTSCHWAR
Attorney at Law
265 NE Kettle Street
Post Office Box 1593
Oak Harbor, Washington 98277



200306050024

Skagit County Auditor

6/5/2003 Page 1 of 14 9:18AM

Document Title(s):

EASEMENT AGREEMENT

Grantors:

DANIEL E. DOWNING and ALIN G. DOWNING, husband and wife
CARL R. CLINESMITH and JUDITH A. CLINESMITH, husband and wife
GENE TANAKA and CHERYL L. TANAKA, husband and wife
HAROLD L. HARRINGTON and CAROL T. HARRINGTON, husband and wife
WILLIAM M. BUCHMAN and ELISABETH J. BUCHMAN, husband and wife

Grantees:

PUBLIC

Legal Description:

Abbreviated Legal – All parcels are a portion of Section 13, Township 34 North, Range 1 E.W.M, full legal descriptions found on pages 3, 13 and 14

Skagit County Assessor's tax parcel nos. 340113-3-009-0207, 340113-3-008-0008, 340113-3-005-0037, 340113-3-006-0101, 340113-3-006-0036, 340113-3-009-0009, and 340113-3-008-0026

AFTER RECORDING RETURN TO:

JAMES L. KOTSCHWAR
Attorney at Law
Post Office Box 1593
Oak Harbor, Washington 98277

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

JUN 05 2003

EASEMENT AGREEMENT

Amount Paid \$
Skagit Co. Treasurer
By *[Signature]* Deputy

THIS AGREEMENT is made as of this 2nd day of June, 2003, by the following parties:

DANIEL EDWARD DOWNING and **ALIN G. DOWNING**, husband and wife, who are the owners of those parcels of real estate located in Skagit County, Washington, which are fully and legally described in Exhibit "A", which is attached hereto as page 13 and made a part of this document by this reference; and which parcels of property are referenced herein as the "**DOWNING PARCEL NO. 5**" and the "**DOWNING PARCEL NO 6**", respectively. The abbreviated legal description of said parcels are as follows:

Parcel No. 5: Section 13, Township 34 North, Range 1 E.W.M., North $\frac{1}{2}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$; together with a portion of North $\frac{1}{2}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ thereof.

Parcel No. 6: Section 13, Township 34 North, Range 1 E.W.M., South $\frac{1}{2}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$,

which parcels are also known as Skagit County Assessor's tax parcel nos. 340113-3-009-0207 and 340113-3-008-0008, respectively; and,

CARL R. CLINESMITH and **JUDITH A. CLINESMITH**, husband and wife, who are the owners of that parcel of real estate located in Skagit County, Washington, which is fully and legally described in Exhibit "B", which is attached hereto as page 14 and made a part of this document by this reference; and which parcel of property is referenced herein as the "**CLINESMITH PARCEL**". The abbreviated legal description of said parcel is as follows:

Section 13, Township 34 North, Range 1 East W.M., E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$

which parcel is also known as Skagit County Assessor's tax parcel numbers 340113-3-005-0037 and 340113-3-006-0101; and,



200306050024

Skagit County Auditor

6/5/2003 Page

2 of 14 9:18AM

GENE TANAKA and CHERYL L. TANAKA, husband and wife, who are the owners of that parcel of real estate located in Skagit County, Washington, which parcel of property is referenced herein as the "**TANAKA PARCEL**", and is fully and legally described as follows:

The West Half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 13, Township 34 North, Range 1 East of the Willamette Meridian,

which parcel is also known as Skagit County Assessor's tax parcel no. 340113-3-006-0036; and,

HAROLD L. HARRINGTON and CAROL T. HARRINGTON, also known of record as **CAROL T. GAFFNEY**, husband and wife, who are the owners of that parcel of real estate located in Skagit County, Washington, which parcel of property is referenced herein as the "**HARRINGTON PARCEL**", and is fully and legally described as follows:

The Northwest Quarter of the Southeast Quarter of the Southwest Quarter **TOGETHER WITH** the North half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 13, Township 34 North, Range 1 East of the Willamette Meridian,

which parcel is also known as Skagit County Assessor's tax parcel no. 340113-3-009-0009; and,

WILLIAM M. BUCHMAN and ELISABETH J. BUCHMAN, husband and wife, who are the owners of that parcel of real estate located in Skagit County, Washington, which parcel of property is referenced herein as the "**BUCHMAN PARCEL**", and is fully and legally described as follows:

The South Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter and the South 70 feet of the North Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 13, Township 34 North, Range 1 East of the Willamette Meridian,

which parcel is also known as Skagit County Assessor's tax parcel no. 340113-3-008-0026; and,

WHEREAS, the parties desire to enter into an agreement pertaining to easements.

NOW, THEREFORE, for and in consideration of mutual benefits of a nonmonetary nature, including the covenants contained herein, the parties do hereby state, declare, grant, and establish the following:

1. ESTABLISHMENT OF EASEMENT. A non-exclusive easement for ingress, egress, and the installation, maintenance, repair, and/or replacement of utilities, over, under, and across that portion of the above-referenced **DOWNING PARCEL NO. 5**, which is described as follows:

Beginning at the Northwest corner of the **DOWNING PARCEL NO. 5**, which point is also the Southwest corner of the **TANAKA PARCEL**;
thence South 02°15'47" West, along the West line of the **DOWNING PARCEL NO. 5**, a distance of 40 feet;
thence South 88°09'09" East, parallel with the South line of the **TANAKA PARCEL**, a distance of 181.71 feet;
thence North 02°15'47" East, parallel with the West line of the **DOWNING PARCEL NO. 5**, a distance of 10 feet;
thence South 88°09'09" East, parallel with the South line of the **TANAKA PARCEL**, a distance of 150.36 feet;
thence North 02°07'49" East, a distance of 30 feet to the Southeast corner of the **TANAKA PARCEL**;
thence North 88°09'09" West, along the South line of the **TANAKA PARCEL**, a distance of 332.07 feet, to the Southwest corner of the **TANAKA PARCEL**, being the point of beginning.

to serve and benefit the present and future owners of the **CLINESMITH PARCEL**.

The access and utility easement provided for herein also expressly runs to the benefit of public utility providers, including, but not limited to, the following, as applicable: Puget Sound Energy, GTE Northwest, any natural gas company, any television cable company, and any water service provider, and their respective successors and assigns, providing them with the right to install, lay, construct, renew, operate, and maintain conduits, pipelines, cables, and wires, together with any necessary facilities and equipment for the purposes of providing the **CLINESMITH PARCEL** with electrical, telephone, television cable, and water services, respectively.

2. EXTINGUISHMENT OF EASEMENT. *With the exception of the easement established above in paragraph no. 1, which easement runs over, under, and across a portion of the DOWNING PARCEL NO. 5, and which easement is not affected by the extinguishments set forth in this paragraph,* the above-referenced owners of the **CLINESMITH PARCEL** and the **TANAKA PARCEL** do hereby extinguish certain easement rights for ingress, egress, and utilities that affect and run over, under, and across the **HARRINGTON PARCEL**, the **BUCHMAN PARCEL** and the **DOWNING PARCEL NO 5** and **DOWNING PARCEL NO. 6**. The easements hereby extinguished are referenced in that certain Declaration of Easements, Protective Covenants, and Road and Well Maintenance Provisions, recorded July 15, 1996, as Auditor's No. 9607150132, and are shown and referenced as a portion of Taggart Quarry Road in that certain survey recorded on July 15,



1996, as Auditor's No. 9607150009, records of Skagit County, Washington. More particularly, the centerline of the easements hereby extinguished are described on the face of said survey map and labeled as line 21, curve 1, line 22, curve 2, line 24, curve 3, line 25, curve 4, curve 5, line 26, and line 27, respectively. Also hereby extinguished is that portion of a 30-foot-wide easement for ingress, egress, and utilities running over, under, and across a portion of the **DOWNING PARCEL NO. 5**, the centerline of which is described on the face of said survey map (Auditor's No. 9607150009) and labeled as line 30, curve 16, and line 31, respectively.

3. EXTINGUISHMENT OF EASEMENT. The above-referenced owners of the **HARRINGTON PARCEL** do hereby extinguish their easement rights with respect to the same easements referenced and described above in paragraph no. 2, *with the exception* of that portion of the easement as described in paragraph no. 2 having a centerline shown and referenced in the said survey map (Auditor's No. 960715009) as line 20 and line 21, respectively, which portion of the described easement will continue to serve the **HARRINGTON PARCEL** and not be extinguished by this document insofar as the **HARRINGTON PARCEL** is concerned.

4. EXTINGUISHMENT OF EASEMENT. The above-referenced owners of the **BUCHMAN PARCEL** do hereby extinguish their easement rights with respect to the same easements referenced and described above in paragraph no. 2, *with the exception* of that portion of the easement as described in paragraph no. 2 having a centerline shown and referenced in the said survey map (Auditor's No. 960715009) as line 20, line 21, curve 1, and line 22, respectively, which portion of the described easement will continue to serve the **BUCHMAN PARCEL** and not be extinguished by this document insofar as the **BUCHMAN PARCEL** is concerned.

5. CONSENT TO BE BOUND BY DECLARATION OF EASEMENT. The above-referenced owners of the **CLINESMITH PARCEL** hereby declare and confirm and/or consent that the **CLINESMITH PARCEL** is subject to the terms and conditions of that certain document entitled "Declaration of Easements, Protective Covenants, and Road and Well Maintenance Provisions" recorded July 15, 1996, as Auditor's File No. 9607150132.

6. BINDING NATURE OF AGREEMENT.

(a) **Affected Parties.** Except as otherwise herein provided, each and every easement, right, privilege, or extinguishment thereof contained herein shall run with the land, and shall be binding upon the parties and their respective successors and assigns, and shall inure to the benefit of the owners of the referenced parcels and to their respective successors and assigns.



(b) No Dedication to Public. Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of the said easement or above-described properties to the general public or for any public use or purpose whatsoever.

(continue to next page for signatures)

IN WITNESS WHEREOF, the parties have caused this document to be executed as of the day and year first above written.

Daniel E. Downing
DANIEL E. DOWNING

Alin G. Downing
ALIN G. DOWNING

Carl R. Clinesmith
CARL R. CLINESMITH

Judith A. Clinesmith
JUDITH A. CLINESMITH

Gene Tanaka
GENE TANAKA

Cheryl L. Tanaka
CHERYL L. TANAKA

Harold L. Harrington
HAROLD L. HARRINGTON

Carol T. Harrington
CAROL T. HARRINGTON

William M. Buchman
WILLIAM M. BUCHMAN

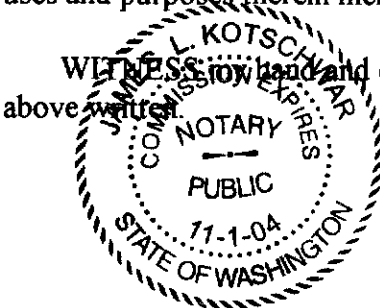
Elisabeth J. Buchman
ELISABETH J. BUCHMAN

STATE OF WASHINGTON)

County of Island) ss.

On this 2nd day of JUNE, A.D. 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **DANIEL E. DOWNING** and **ALIN G. DOWNING** 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 therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



James L. Kotschman
Notary Public in and for the State of
Washington, residing at OAK HARBOR, WA.
My commission expires NOV. 1, 2004.

(b) No Dedication to Public. Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of the said easement or above-described properties to the general public or for any public use or purpose whatsoever.

(continue to next page for signatures)

IN WITNESS WHEREOF, the parties have caused this document to be executed as of the day and year first above written.

DANIEL E. DOWNING

ALIN G. DOWNING

CARL R. CLINESMITH

JUDITH A. CLINESMITH

GENE TANAKA

CHERYL L. TANAKA

HAROLD L. HARRINGTON

CAROL T. HARRINGTON

WILLIAM M. BUCHMAN

ELISABETH J. BUCHMAN

STATE OF WASHINGTON)

County of _____) ss.

On this _____ day of _____, A.D. 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **DANIEL E. DOWNING** and **ALIN G. DOWNING** 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 therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Notary Public in and for the State of
Washington, residing at _____
My commission expires _____



(b) No Dedication to Public. Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of the said easement or above-described properties to the general public or for any public use or purpose whatsoever.

(continue to next page for signatures)

IN WITNESS WHEREOF, the parties have caused this document to be executed as of the day and year first above written.

SEE ATTACHED
DANIEL E. DOWNING

ALIN G. DOWNING

CARL R. CLINESMITH

JUDITH A. CLINESMITH

GENE TANAKA

CHERYL L. TANAKA

Harold L. Harrington
HAROLD L. HARRINGTON

Carol T. Harrington
CAROL T. HARRINGTON

SEE ATTACHED
WILLIAM M. BUCHMAN

ELISABETH J. BUCHMAN

STATE OF WASHINGTON)

) ss.

County of _____)

On this ____ day of _____, A.D. 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **DANIEL E. DOWNING** and **ALIN G. DOWNING** 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 therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Notary Public in and for the State of
Washington, residing at _____
My commission expires _____



(b) No Dedication to Public. Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of the said easement or above-described properties to the general public or for any public use or purpose whatsoever.

(continue to next page for signatures)

IN WITNESS WHEREOF, the parties have caused this document to be executed as of the day and year first above written.

DANIEL E. DOWNING

ALIN G. DOWNING

CARL R. CLINESMITH

JUDITH A. CLINESMITH

GENE TANAKA

CHERYL L. TANAKA

HAROLD L. HARRINGTON

CAROL T. HARRINGTON

WILLIAM M. BUCHMAN

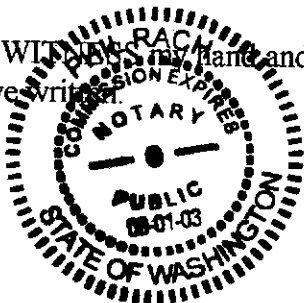
ELISABETH J. BUCHMAN

STATE OF WASHINGTON)

County of King) ss.

On this 27th day of April, A.D. 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared William M. Buchman and Elizabeth J. Buchman 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 therein mentioned.

WITH MY HAND and official seal hereto affixed the day and year in this certificate above written.



Notary Public in and for the State of Washington, residing at Lebanonville, WA
My commission expires 2-1-03

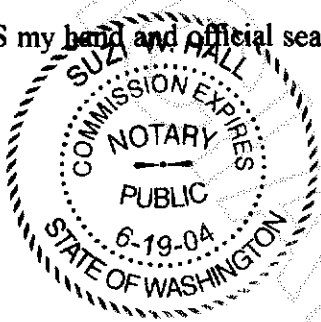


STATE OF WASHINGTON)

) ss.
County of Island)

On this 31st day of March, A.D. 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **CARL R. CLINESMITH and JUDITH CLINESMITH** 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 therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



Suzi W. Hall
Notary Public in and for the State of
Washington, residing at Oak Harbor
My commission expires 6/19/04.

STATE OF WASHINGTON)

) ss.
County of _____)

On this _____ day of _____, A.D. 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **GENE TANAKA and CHERYL L. TANAKA** 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 therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Notary Public in and for the State of
Washington, residing at _____
My commission expires _____



STATE OF WASHINGTON)

) ss.

County of _____)

On this _____ day of _____, A.D. 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **CARL R. CLINESMITH and JUDITH CLINESMITH** 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 therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Notary Public in and for the State of
Washington, residing at _____
My commission expires _____

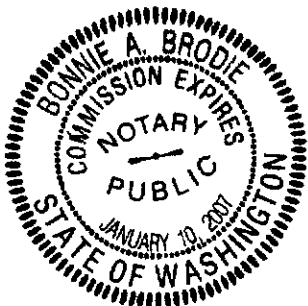
STATE OF WASHINGTON)

) ss.

County of Skagit)

On this 22 day of May, A.D. 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **GENE TANAKA and CHERYL L. TANAKA** 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 therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



Notary Public in and for the State of
Washington, residing at LaConner, WA
My commission expires 1-10-07

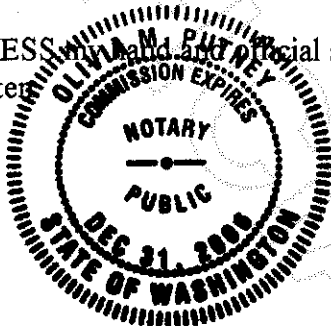


STATE OF WASHINGTON)

) ss.
County of Skagit)

On this 28th day of April, A.D. 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **HAROLD L. HARRINGTON and CAROL T. HARRINGTON** 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 therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



Olivia M. Putney
Notary Public in and for the State of
Washington, residing at Anacortes
My commission expires 12/31/06

STATE OF WASHINGTON)

) ss.
County of _____)

On this _____ day of _____, A.D. 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **WILLIAM M. BUCHMAN and ELISABETH J. BUCHMAN** 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 therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Notary Public in and for the State of
Washington, residing at _____
My commission expires _____

EZ18:D



EXHIBIT "A"

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON

DOWNING PARCEL NO. 5

The North Half of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 13, Township 34 North, Range 1 East of the Willamette Meridian;
TOGETHER WITH that portion of the North Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 13 lying Westerly of an existing gravel roadway as set forth in an easement to Earl and Teresa Rodgers by instrument recorded under Auditor's File No. 610687, records of Skagit County, Washington;
EXCEPT all that portion described as follows:

Commencing at the South Quarter corner of said Section 13;
thence North 1°59'50" East along the North-South centerline of said Section 13, a distance of 660.90 feet to the Northeast corner of the South Half of the Southeast Quarter of the Southwest Quarter of said Section 13, being the true point of beginning;
thence North 88°09'09" West along the North line of said South Half of the Southeast Quarter of the Southwest Quarter a distance of 332.07 feet to the Southwest corner of the East Half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of said Section 13;
thence South 2°07'49" West a distance of 30.00 feet;
thence South 88°09'09" East parallel to the said North line of the South Half of the Southeast Quarter of the Southwest Quarter a distance of 577.11 feet, more or less, to the Westerly line of an existing gravel road, being that roadway as set forth in an easement to Earl and Teresa Rodgers by instrument recorded under Auditor's File No. 610687, records of Skagit County, Washington;
thence North 20°47'28" West a distance of 32.76 feet to the North line of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 13;
thence North 88°12'39" West along said North line of the South Half of the Southwest Quarter of the Southeast Quarter, a distance of 202.20 feet, more or less, to the true point of beginning.

DOWNING PARCEL NO. 6

The South Half of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 13, Township 34 North, Range 1 East of the Willamette Meridian;
TOGETHER WITH that portion of the south Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 13 lying Westerly of an existing gravel roadway as set forth in an easement to Earl and Teresa Rodgers by instrument recorded under Auditor's File No. 610687, records of Skagit County, Washington.



EXHIBIT "B"

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON

CLINESMITH PARCEL

The East Half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of the Southeast Quarter lying Westerly of that certain roadway as set forth in an easement granted to Earl B. and Teresa A. Rodgers by instrument dated July 28, 1961, and recorded August 2, 1961, under Auditor's File No. 610687, records of Skagit County, Washington, as said roadway was located and established on February 6, 1967, all in Section 13, Township 34 North, Range 1 East of the Willamette Meridian, Skagit County, Washington;

TOGETHER WITH that portion of the North Half of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 13, Township 34 North, Range 1 East of the Willamette Meridian, and that portion of the North Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 13 lying Westerly of an existing gravel roadway as set forth in an easement to Earl and Teresa Rodgers by instrument recorded under Auditor's File No. 610687, records of Skagit County, Washington, described as follows: Commencing at the South Quarter corner of said Section 13;

thence North $1^{\circ}59'50''$ East along the North-South centerline of said Section 13, a distance of 660.90 feet to the Northeast corner of the South Half of the Southeast Quarter of the Southwest Quarter of Section 13, being the true point of beginning;

thence North $88^{\circ}09'09''$ West along the North line of said South Half of the Southeast Quarter of the Southwest Quarter, a distance of 332.07 feet to the Southwest corner of the East Half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of said Section 13;

thence South $2^{\circ}07'49''$ West a distance of 30.00 feet;

thence South $88^{\circ}09'09''$ East parallel to the North line of the South Half of the Southeast Quarter of the Southwest Quarter, a distance of 577.11 feet, more or less, to the Westerly line of an existing gravel road, being that roadway as set forth in an easement to Earl and Teresa Rodgers by instrument recorded under Auditor's File No. 610687, records of Skagit County, Washington;

thence North $20^{\circ}47'28''$ West a distance of 32.76 feet to the North line of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 13;

thence North $88^{\circ}12'39''$ West along said North line of the South Half of the Southwest Quarter of the Southeast Quarter, a distance of 202.20 feet, more or less, to the true point of beginning.

