



200401220063

Skagit County Auditor

1/22/2004 Page 1 of 7 11:56AM

**RETURN TO:**

LAW OFFICE OF  
BRADFORD E. FURLONG, P.S.  
825 CLEVELAND AVENUE  
MOUNT VERNON, WA 98273

CHICAGO TITLE AE9705

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

**Grantors:** Kevin P. Welch and Jenny Welch, husband and wife; and  
The Welch Family Charitable CRUT

**Grantee:** The Pointe at San Juan Homeowners Association

**Abbreviated Legal Descr.:** ptn 35-35-1  
Complete legal description on Exhibit A.

**Assessor's Tax Parcel Nos.:** 350135-2-001-1700/P115417

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Declaration") is made, granted, declared, established, and reserved this 14 day of Dec., 2003 by Kevin P. Welch and Jenny Welch, husband and wife, as to themselves, their heirs, successors and assigns, ("Grantors") for the benefit of the Pointe at San Juan Homeowners Association (the "Association").

**RECITALS**

A. Grantors are fee simple owners of certain real property located in Skagit County Washington described in Exhibit A ("Grantors' Property").

B. The Association is an association of homeowners formed under that Declaration of Covenants, Conditions, and Restrictions of The Pointe, recorded on December 19, 1989 under Skagit County Recording Number 8912190053 at Volume 863, page 404 (the "Pointe Declaration").

C. This Declaration sets forth Grantors' obligation to make payments to the Association for use of Association's common area roads pursuant to the easement rights reserved unto Grantors' Property.

## AGREEMENTS

**NOW THEREFORE**, Grantors hereby declare that the Grantors' Property is and shall be held subject to the following covenants, conditions, and restrictions:

1. Recitals Incorporated. The above recitals and attached exhibit are incorporated herein, and are made a part of this Declaration, by this reference.

2. Road Impact Fees. Grantors, and the successors and assigns to Grantors' Property shall pay to the Association a one-time road impact fee of five thousand dollars (\$5,000) for each additional residence constructed on the Grantors' Property, which residences utilizes, or has the right to utilize the Association's roadway system for ingress and egress. Such payment(s) shall be in lieu of other payment putatively due under any and all covenants, conditions or restrictions which may apply to the Grantors' Property now or in the future and are due on the earliest of: (a) change of title of any subdivided lot to an entity not controlled by Declarant; or (b) the commencement of construction of any permanent or temporary residential structure on the Grantors' Property.



3. Waiver of Protest. The Association, in consideration of Grantors' promises herein, hereby waives any right to object to the subdivision or improvement of Grantors' Property, so long as such subdivision or development is in compliance with the applicable requirements of Skagit County land use regulations.

4. Binding Effect. The foregoing covenant, condition, and restriction shall apply to, inure to the benefit of, and bind Grantors and their successors and assigns and shall run with the land.

5. No Public Rights. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the or right to the Grantors' Property to the general public, or for the general public, or for any public purposes whatsoever, it being the intention of the Grantors that this Declaration shall be strictly limited to the purposes expressed herein.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2003.

  
\_\_\_\_\_  
KEVIN P. WELCH, Trustee  
The Welch Family Charitable CRUT

  
\_\_\_\_\_  
KEVIN P. WELCH  
  
\_\_\_\_\_  
JENNY L.E. WELCH

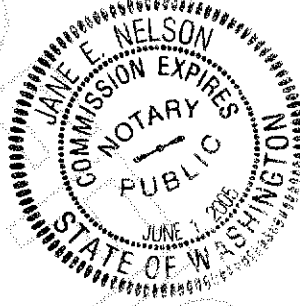
STATE OF WASHINGTON    )  
                                      ) ss.  
COUNTY OF SKAGIT     )

On this 17<sup>th</sup> day of December 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Kevin P. Welch and Jenny L.E. Welch, to me known to be the individuals described in and who



executed the foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes herein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

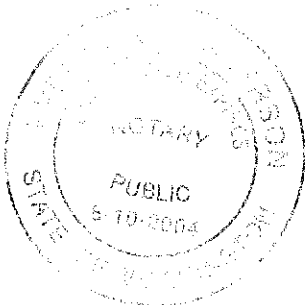


Jane E. Nelson  
Notary Public in and for the State of Washington  
Residing at ANACOSTIA  
My commission expires: 6/1/05  
Printed Name: JANE E. NELSON

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

One this 16<sup>th</sup> day of December 2003, personally appeared before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Kevin P. Welch, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he is authorized to sign the same as Trustee of the Welch Family Charitable CRUT for the uses and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Evelyn L. Anderson  
Notary Public in and for the State of Washington  
Residing at Bow  
My Commission Expires: 8-10-2004  
Printed Name: Evelyn L. Anderson



Accepted and Agreed this 16<sup>th</sup> day of December, 2003:

THE POINTE AT SAN JAUN HOMEOWNERS ASSOCIATION

Michael R. Freeman  
Michael R. Freeman, President  
(Printed Name)

Attest:

\_\_\_\_\_, Secretary  
(Printed Name)

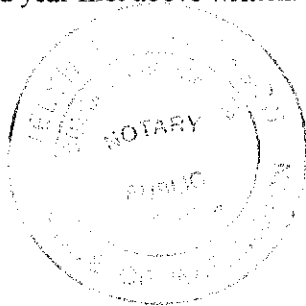
STATE OF WASHINGTON )

) ss.

COUNTY OF SKAGIT )

On this 16<sup>th</sup> day of December, 2003 before me, the undersigned, a Notary Public in and for the state of Washington, duly commissioned and sworn, personally appeared Michael R. Freeman and \_\_\_\_\_ to me known to be the president and secretary, respectively of the Pointe at San Juan Homeowners Association, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they/he/she is/are authorized to execute the said instrument,

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Evelyn L. Anderson  
Notary Public in and for the state of Wash.  
Washington, residing at Bow  
My commission expires: 8-10-2004  
Printed Name: Evelyn L. Anderson

EXHIBIT "A"

All of the North 1/2 of the Southeast Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian; all of the Northeast Quarter of the Northwest Quarter of said Section 35; and all that portion of the Northwest Quarter of the Northwest Quarter, said Section 35, being more particularly described as follows:

Commencing at the Southwest corner of the North 1/2 of the Northwest Quarter of said Section 35, as said point is shown on Short Plat No. 10-89, recorded August 2, 1989 in Book 8 of Short Plats at page 150, in the Auditor's office of Skagit County, Washington;

thence North 89°35'35" East, along the South line of said North half, for a distance of 348.48 feet to the Southwest corner of the East 980 feet of the Northwest quarter of the Northwest quarter of Section 35;

thence North 00°56'08" East along the West line of said East 980 feet for a distance of 200.06 feet to the Northwest corner of the South 200 feet of said East 980 feet;

thence North 89°35'35" East along said North line of said South 200 feet for a distance of 729.40 feet to the West line of the East 250.80 feet of said Northwest Quarter of the Northwest Quarter and the true point of beginning;

thence North 00°56'08" East, along said West line, for a distance of 285.01 feet to the North line of the South 484.94 feet of said Northwest Quarter of the Northwest Quarter;

thence North 89°35'35" East, along said North line, for a distance of 81.64 feet;

thence North 20°30'45" East for a distance of 112.09 feet;

thence North 36°00'35" East for a distance of 234.94 feet to the East line of said Northwest Quarter of the Northwest Quarter;

thence South 00°58'08" West along said East line for a distance of 581.26 feet to the Northeast corner of said South 200 feet of the East 980 feet;

thence South 89°35'35" West along said North line of said South 200 feet for a distance of 250.87 feet to the true point of beginning;

TOGETHER WITH a non-exclusive easement for ingress, egress and utilities over, under and across the following described tract of land:

A 60.00 foot wide strip of land, being a portion of the Northwest Quarter of the Northwest Quarter of Section 35, Township 35 North Range 1 East of the Willamette Meridian, said strip lying 30.00 feet on each side of the following described centerline:

continued . . . . .



200401220063

Skagit County Auditor

EXHIBIT "A"

Page 2

Commencing at the Southwest corner of the North 1/2 of the Northwest Quarter of said Section 35, as said point is shown on Short Plat No. 10-89, recorded August 2, 1989 in Book 8 of Short Plats at page 150, in the Auditor's office of Skagit County, Washington;

thence North 89°35'35" East, along the South line of said North half, for a distance of 348.48 feet to the Southwest corner of the East 980 feet of the Northwest quarter of the Northwest quarter of Section 35;

thence North 00°56'08" East along the West line of said East 980 feet for a distance of 200.06 feet to the Northwest corner of the South 200 feet of said East 980 feet;

thence North 89°35'35" East along said North line of said South 200 feet for a distance of 518.71 feet to the true point of beginning of said centerline;

thence North 42°54'48" East for a distance of 115.93 feet;

thence North 36°22'12" East for a distance of 50.21 feet to the point of curvature of a curve to the right, said curve having a radius of 127.43 feet;

thence Northeasterly, following said curve to the right through a central angle of 34°46'10" for an arc distance of 77.33 feet to the end of said curve;

thence North 71°25'42" East for a distance of 45.63 feet to the end of said centerline, said point lying on said West line of the East 250.80 feet of said Northwest Quarter of the Northwest Quarter.

The margins of said 60.00 foot wide strip of land are to be lengthened or shortened to intersect with said North line of the South 200 feet and with said West line of the East 250.80 feet of said Northwest Quarter of the Northwest Quarter;

TOGETHER WITH that certain grant of easement described in instrument dated June 27, 1994 and recorded under Auditor's File No. 9408120107;

TOGETHER WITH that certain easement, including the terms, covenants, and provisions thereof granted by instrument recorded December 1, 1992 and recorded under Auditor's File No. 9212010078; and

SUBJECT TO a non-exclusive easement for ingress, egress and utilities over, under and across the following described tract of land:

continued . . . . .



200401220063

Skagit County Auditor

EXHIBIT "A"

Page 3

A 60.00 foot wide strip of land, being a portion of the Northwest Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, said strip lying 30.00 feet on each side of the following described centerline:

Commencing at the Southwest corner of the North 1/2 of the Northwest Quarter of said Section 35, as said point is shown on Short Plat No. 10-89, recorded August 2, 1989 in book 8 of Short Plats at page 150, in the Auditor's office of Skagit County, Washington;

thence North 89°35'35" East, along the south line of said North half, for a distance of 348.48 feet to the Southwest corner of the East 980 feet of the Northwest Quarter of the Northwest Quarter of Section 35;

thence North 00°56'08" East along the West line of said East 980 feet for a distance of 200.06 feet to the Northwest corner of the South 200 feet of said East 980 feet;

thence North 89°35'35" East along said North line of said South 200 feet for a distance of 518.71 feet;

thence North 42°54'48" East for a distance of 115.93 feet;

thence North 36°22'12" East for a distance of 50.21 feet to the point of curvature of a curve to the right, said curve having a radius of 127.43 feet;

thence Northeasterly, following said curve to the right through a central angle of 34°46'10" for an arc distance of 77.33 feet to the end of said curve;

thence North 71°25'42" East for a distance of 45.63 feet to the true point of beginning of said centerline, said point lying on said West line of the East 250.80 feet of said Northwest Quarter of the Northwest Quarter;

thence continuing North 71°25'42" East for a distance of 43.52 feet;

thence North 44°42'23" East for a distance of 47.69 feet;

thence North 12°47'01" West for a distance of 56.01 feet to the end of said centerline, said point lying on said North line of the South 481.26 feet of said Northwest Quarter of the Northwest Quarter.

The margins of said 60.00 foot wide strip of land are to be lengthened or shortened to intersect with said West line of the East 250.80 feet of said Northwest Quarter of the Northwest Quarter and with North line of the South 481.26 feet of said Northwest Quarter of the Northwest Quarter.

Situated in Skagit County, Washington.

- END OF EXHIBIT "A" -



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