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Skagit County Auditor

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When Recorded Return to:

G. Paul Carpenter  
Anderson Hunter Law Firm  
P. O. Box 5397  
Everett, WA 98206

## VIEW EASEMENT

Grantors: WILLIAM and SHERI STROBAUGH

Grantees: JOEL and TAMI HYLBACK

Legal Description: Lot 4 S/P #93-011 A F # 9310200068; Lots 1 and 2, S/P #93-011 A F # 9310200068; and C-1 as shown on Alteration of Short Plat (Ca. R D) PL # 00-3-1, rev., A F # 200403290214, Skagit County, Washington.

Tax ID Nos: P 104043, P 104042, P 105653, P 104040, P 17012, P 17006, P 104044 and P 116061

THIS AGREEMENT is made this 6th day of August, 2003, by and between WILLIAM STROBAUGH and SHERI STROBAUGH, husband and wife ("Grantors") as the owners of a parcel of real property with Tax Parcel Nos. P 104043, P 104042 and P 105653 legally described in Exhibit A, attached hereto and by this reference incorporated herein, and JOEL HYLBACK AND TAMI HYLBACK, husband and wife, ("Grantees") as the owners of a parcel of real property with Tax Parcel Nos. P 104040, P 17012 and P 17006 legally described in Exhibit B, attached hereto and by this reference incorporated herein, P 104044, legally described in Exhibit C, attached hereto and by this reference incorporated herein, and possible future owners of P 116061, legally described in Exhibit D, attached hereto and by this reference incorporated herein.

Grantors and Grantees agree as follows:

WHEREAS, Grantors own the real property legally described on Exhibit A, attached hereto; and

WHEREAS, Grantors have consulted with Grantees with regard to completing some clearing of the above-described parcel of real property (Exhibit A); and

WHEREAS, Grantors, in partial consideration of said clearing is willing and wish to grant a view easement for the benefit of Grantees and the three parcels of real property legally

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NOW THEREFORE, in consideration of the foregoing and other valuable consideration, the receipt of which is hereby acknowledged, Grantors and Grantees agree as follows:

## I. VIEW EASEMENT

Grantors hereby grant to Grantees for the benefit of the parcels of real property legally described on Exhibits B, C and D (hereinafter "Benefited Property" and/or "Parcels B, C and D"), their successors and assigns a perpetual view easement across that portion of Parcel A shown as a shaded quadrilateral on Exhibit E attached hereto, together with an easement for access across Parcel A for the purpose of maintaining said view easement, said access as further described below. The parties authorize Skagit Surveyors, a licensed land surveyor to prepare a legal description for the shaded quadrilateral, which document will be attached hereto as Exhibit F and incorporated into this easement as though set forth herein.

1. In order to effectuate the view easement described herein, the owners of Parcel A, their successors and assigns, shall not plant any vegetation of any kind which will exceed the peak of the roofline on the existing house structure located on Parcel A as of 7/31/03. The Grantee will have said height documented by a surveyor. Skagit Surveyors, a licensed land surveyor is authorized to provide a document which establishes the roofline of the existing house structure located on Parcel A using normally accepted survey methods, which document will be attached hereto as Exhibit G and incorporated into this easement as though set forth herein.

2. To further effectuate this view easement, Grantors grant to Grantees, together with their employees and/or contractors, an easement for access across Parcel A for the sole purposes of measuring and trimming any and all vegetation on Parcel A to the extent said vegetation exceeds the peak of the roofline on the existing house structure located on Parcel A as of 7/31/03. To the extent the owners of Parcels B, C and D trim any vegetation on Parcel A that exceeds the peak of the roofline on the existing house structure located on Parcel A as of 7/31/03, the owners of Parcels B, C and D shall be responsible for removing from Parcel A and disposing of the trimmings and shall hold the owners of Parcel A harmless and indemnify them from any injury or damage which occurs to or on Parcel A or injury to any person occurring as a proximate result of the owners of Parcels B, C and D, their employees, or contractors, exercising the above right of access and the right to trim vegetation on Parcel A as above-described.

3. This grant of a view easement and easement for access and the right to trim vegetation to the extent it exceeds the peak of the roofline on the existing house structure located on Parcel A as of 7/31/03 as described in Section 2 hereof, together with the agreement herein shall run with the land and shall be binding and shall inure to the benefit of

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the parties to this agreement, their respective heirs, successors, or assigns. The property to be benefited by this easement shall be Parcels B, C and D and the subservient estate shall be Parcel A. Further adjustments of boundary lines of the dominant and serviant estates herein described shall not modify or affect the easement created by this document.

4. The parties will mutually agree that certain trees are to remain on Parcel A. These trees are exempt from the requirements of this view easement, unless the owners of Parcel A agree in writing that one or more of the exempt trees shall be subject to this view easement. ~~The benefited landowners shall have the right to do some selective pruning on the trees to keep them from growing out of control. This selective pruning shall not interfere with the general appearance and structural integrity of the trees.~~ These trees shall be permanently documented on a map prepared by Skagit Surveyors, a licensed land surveyor, which map will be attached hereto as Exhibit H and incorporated into this easement as though set forth herein. *WPS*

5. In the event that the Former English Lumber Company 50' Right-of-Way that is adjacent to Parcel A, also commonly known as Franklin Road, comes into the ownership or possession of the owner of Parcel A then the view easement shall be effective as to that right-of-way as well.

## II. GENERAL TERMS

It is agreed that this Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Washington. This Agreement shall constitute the entire agreement between the parties. Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing and signed by the parties hereto or their respective heirs, successors or assigns.

IN WITNESS WHEREOF, this easement is executed as of this 6 day of August, 2003.

### GRANTORS:

William Strobaugh  
WILLIAM STROBAUGH

Sheri Strobaugh  
SHERI STROBAUGH

### GRANTEES:

Joel Hylback  
JOEL HYLBACK

Tami Hylback  
TAMI HYLBACK

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STATE OF WASHINGTON )  
 ) *Skagit* ) ss.  
COUNTY OF SNOHOMISH )

On this day personally appeared before me William Strobaugh and Sheri Strobaugh, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me by William Strobaugh and Sheri Strobaugh on this 6<sup>th</sup> day of August, 2003.



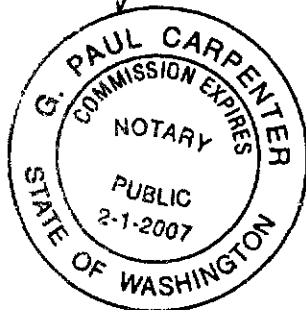
*Carrie Huffer*  
PRINTED NAME: Carrie Huffer  
NOTARY PUBLIC  
in and for the State of Washington.  
My commission expires: 12-31-03

STATE OF WASHINGTON )  
 )  
COUNTY OF SNOHOMISH )

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

On this day personally appeared before me Joel Hylback and Tami Hylback, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me by Joel Hylback and Tami Hylback on this 6<sup>th</sup> day of August, 2003.



*G. Paul Carpenter*  
PRINTED NAME: G. PAUL CARPENTER  
NOTARY PUBLIC  
in and for the State of Washington.  
My commission expires: 2/1/07

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EXHIBIT A

Legal Description for Tax Parcel Nos. P 104043, P 104042 and P 105653

Abbreviated legal: LT 4 S/P #93-11 A F # 9310200068

Lot 4 of Short Plat No. 93-011 (number corrected), recorded in Volume 11 of Short Plats at page 4, records of Skagit County, Washington.

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EXHIBIT B

Legal Description for Tax Parcel No. P104040, P 17012 and P 17006

Abbreviated legal: Lot 1, S/P #93-011 A F # 9310200068

Legal Description:

Lot 1, Skagit County Short Plat No. 93-011, approved October 19, 1993, recorded October 20, 1993, in Book 11 of Short Plats, pages 3 and 4, under Auditor's File No. 9310200068, being a portion of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 20, Township 33 North, Range 4 East, W.M.,

EXCEPT THAT PORTION OF SAID LOT 1, DESCRIBED BELOW AS "TRACT Y"

Tract Y

That portion of Lot 1 lying north of the following described line:

Commencing at the northeast corner of Lot 2 of said Short Plat;  
thence S 02°31'08" W along the east line of said Lot 2, a distance of 326.69 feet  
to the point of beginning of this line description;  
thence N 87°37'06" W a distance of 697.08 feet to the most westerly line of said  
Lot 1 and the terminus of this line description.

TOGETHER WITH THAT PORTION OF TRACT 2 OF SAID SHORT PLAT DESCRIBED  
BELOW AS "TRACT X"

Tract X

That portion of Lot 2 lying south of the following described line:

Commencing at the northeast corner of Lot 2 of said Short Plat;  
thence S 02°31'08" W along the east line of said Lot 2, a distance of 326.69 feet  
to the point of beginning of this line description;  
thence N 87°37'06" W a distance of 697.08 feet to the most westerly line of Lot  
1 of said Short Plat and the terminus of this line description.



TOGETHER WITH AND SUBJECT TO a non exclusive easement for ingress, egress and utilities, over, under and across that certain private road entitled Snowden Lane, as said lane is delineated on the face of said Short Plat.

ALSO TOGETHER WITH a non-exclusive easement for ingress, egress and utilities over, under and through that portion of the east 30 feet of Lot 2 of said Short Plat No. 93-011 which lies north of the above described line.

ALSO TOGETHER WITH a non-exclusive easement for the installation, maintenance and operation of a sewer line and utilities over, under and through the east 15 feet of that portion of Lot 1 lying within the above described "Tract Y".

AND ALSO TOGETHER WITH an easement for the installation, maintenance and operation of a drain field and sewer lines over, under and through the following described tract:

Commencing at the northeast corner of Lot 1 of said Short Plat No. 93-011;  
Thence S 02°31'08" W a distance of 136.59 feet to the point of beginning of this easement description;  
thence N 87°32'45" W a distance of 50.98 feet;  
thence N 02°27'15" E a distance of 75 feet;  
thence N 87°32'45" W a distance of 165.00 feet;  
thence S 02°27'15" W a distance of 90.00 feet;  
thence S 87°32'45" E a distance of 215.96 feet to the east line of said Lot 1;  
thence N 02°31'08" E along the east line of said Lot 1, a distance of 14.94 feet to the point of beginning of this easement description.

AND ALSO TOGETHER WITH a non exclusive easement for ingress, egress and utilities over, under and across those portions of Lot 1 lying within the above described "Tract Y" and of Lot 4 of said Short Plat lying Westerly of the Westerly line of Franklin Road, as shown on the face of the Short Plat.

SUBJECT TO an easement for well protection lying over, under and through that portion of a 100 foot radius circle that lies south of the above described line "Tract Y" and "Tract X" line; the center of said circle bears S 31°30'49" W a distance of 288.11 feet from the northeast corner of Lot 1 of said Short Plat No. 93-011 and is an existing well No. AHH667.

Situate in Skagit County, Washington.



EXHIBIT C

Legal Description for Tax Parcel No. P104044

Abbreviated legal: Lot 2, S/P #93-011 A F # 9310200068

Legal Description:

Lot 2, Skagit County Short Plat No. 93-011, approved October 19, 1993, recorded October 20, 1993, in Book 11 of Short Plats, pages 3 and 4, under Auditor's File No. 9310200068, being a portion of the South Half of Section 20, Township 33 North, Range 4 East, W.M.,

EXCEPT THAT PORTION OF SAID TRACT 2 DESCRIBED BELOW AS "TRACT X"

Tract X

That portion of Lot 2 lying south of the following described line:

Commencing at the northeast corner of Lot 2 of said Short Plat;  
thence S 02°31'08" W along the east line of said Lot 2, a distance of 326.69 feet  
to the point of beginning of this line description;  
thence N 87°37'06" W a distance of 697.08 feet to the most westerly line of Lot  
1 of said Short Plat and the terminus of this line description.

TOGETHER WITH THAT PORTION OF LOT 1 OF SAID SHORT PLAT DESCRIBED  
BELOW AS "TRACT Y"

Tract Y

That portion of Lot 1 lying north of the following described line:

Commencing at the northeast corner of Lot 2 of said Short Plat;  
thence S 02°31'08" W along the east line of said Lot 2, a distance of 326.69 feet  
to the point of beginning of this line description;  
thence N 87°37'06" W a distance of 697.08 feet to the most westerly line of said  
Lot 1 and the terminus of this line description.

TOGETHER WITH a non exclusive easement for ingress, egress and utilities, over, under and  
across Snowden Lane, as shown on the face of said Short Plat.

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ALSO TOGETHER WITH a non-exclusive easement for ingress, egress and utilities over, under and across that portion of Lot 4 of said Short Plat, lying Westerly of the Westerly Line of Franklin Road, as shown on the face of the Short Plat.

ALSO TOGETHER WITH a non exclusive easement for ingress, egress and utilities, over, under and across strip of land 50 feet wide, being 25 feet each side of the center line of the railroad of the English Lumber Company, as the same has heretofore been surveyed, staked and established upon, over and across the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 29, Township 33 North, Range 4 East, W.M., lying Northeasterly of the Northeasterly line of Cedardale Road.

SUBJECT TO a non-exclusive easement for ingress, egress and utilities over, under and through that portion of the east 30 feet of said Lot 2 which lies north of the above described line.

ALSO SUBJECT TO a non-exclusive easement for the installation, maintenance and operation of a sewer line and utilities over, under and through the east 15 feet of that portion of Lot 1 lying within the above described "Tract Y".

SUBJECT TO a non exclusive easement for ingress, egress and utilities over, under and across that portion of Lot 1 lying Westerly of the Westerly line of Franklin Road, as shown on the face of the Short Plat, and lying within the above described "Tract Y".

Situate in Skagit County, Washington.

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EXHIBIT D

Legal Description for Tax Parcel No. P 116061

Abbreviated Legal: C-1 as shown on Alteration of Short Plat (Ca. R D) PL # 00-0301, rev. (Auditor's File No. 200403290214).

Legal Description:

Lot C-1 of Short Plat No. PL00-0301, approved September 12, 2000, under Auditor's File No. 200009150019 and being a portion of lot "C" of Short Plat No. 99-0016 approved October 28, 1999, recorded October 28, 1999, as Auditor's File No. 199910280103, records of Skagit County, Washington and being a portion of Lot 3 of Short Plat No. 93-011 in the South ½ of Section 20, Township 33 North, Range 4 East, W.M.

TOGETHER WITH a non-exclusive easement for ingress, egress and utilities over, under and across Snowden Lane as shown on the face of said Short Plat No. 93-011.

ALSO, TOGETHER WITH a non-exclusive easement for ingress, egress and utilities over, under and across that portion of Lots 1 and 4 of Short Plat No. 93-011, lying Westerly of the Westerly line of Franklin Road as shown on the face of the Short Plat No. 93-011.

ALSO, TOGETHER WITH a non-exclusive easement for ingress, egress and utilities over, under and across a strip of land 50 feet wide, being 25 feet wide on each side of the centerline of the railroad of the English Lumber Company, as the same has heretofore been surveyed, staked out and established upon, over and across the South ½ of the Northwest ¼ and the Northeast ¼ of the Northwest ¼ of Section 29, Township 33 North, Range 4 East, W.M., lying Northeasterly of the Northeasterly line of Cedardale Road.

Situate in Skagit County, Washington.



# Exhibit E

FRANKLIN ROAD (DOES NOT  
AND APPARENTLY NEVER  
HAS CONTAINED ANY ROAD.)

9/21/02  
WPS/02

FOUND REINFORCING ROD  
WITH YELLOW CAP MARKED  
"LEONARD LS #8997"

FORMER ENGLISH  
LUMBER COMPANY  
50' RIGHT-OF-WAY  
(EMBRACES THE  
EXISTING TRAVELLED  
ROADWAY)

1,328,776sf  
30.50 AC.

SNOWDEN  
LANE (PRIVATE)  
60' WIDE EASEMENT  
FOR INGRESS, EGRESS AND  
UTILITIES TO LOTS 1-4.

45' RADIUS CUL DE SAC  
FOR INGRESS, EGRESS AND  
UTILITIES TO LOTS 1-4..

POSITION COMPUTED  
FROM SURVEY FILED  
IN VOLUME 5 OF  
SURVEYS AT PAGE  
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| CURVE TABLE |           |          |
|-------------|-----------|----------|
| #           | DELTA     | RADIUS   |
| C1          | 06°27'01" | 1934.86' |
| C2          | 06°27'01" | 1884.86' |
| C3          | 06°27'01" | 1834.86' |
| C4          | 09°22'07" | 1025.00' |

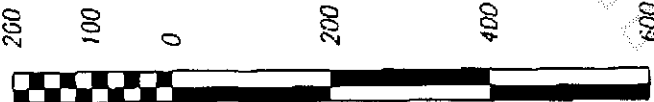


N87°48'51"W  
2640.33'

FOUND 1 1/4" IRON PIPE  
WITH PLUG AND TACK  
IN ROCK FILL.  
9/28/92

N87°41'28"W

2638



Scale in Feet



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