



200410290028

Skagit County Auditor

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Return to:
SCHACHT & HICKS, INC., P.S.
PO BOX 1165
MOUNT VERNON WA 98273

113363-P
LAND TITLE OF SKAGIT COUNTY

COVER SHEET FOR
AMENDMENT OF NON-EXCLUSIVE EASEMENT
AND MAINTENANCE DECLARATION

REFERENCE NUMBER OF DOCUMENT AMENDED: 200310070057

GRANTOR: PORT GARDNER TIMBER COMPANY, INC.

GRANTEE: Current and future owners Lots 1 through 9 of Plat
of Elysian Meadows and Property lying East of
Elysian Meadows described in Exhibit B.

LEGAL DESCRIPTION:

Ptn SE 1/4 of SE 1/4 of Sec. 11; Gov. Lot 12 ptn
Gov. Lot 13 of Sec. 12; ptn NW 1/4 of the NW 1/4
and ptn Gov. Lot 4 of Sec. 13, all in Twp 35 N Rng
7 E. W.M.

ADDITIONAL LEGAL DESCRIPTION ON EXHIBIT A and B.

ASSESSOR'S PROPERTY TAX PARCEL NUMBERS:

P121056, P121057, P121058, P121059, P121060,
P121061, P121062, P121063, P121064, P121065,
P109565, P109566, P42536, P42556

**AMENDMENT TO
NON-EXCLUSIVE EASEMENT AND MAINTENANCE DECLARATION**

This Declaration made and entered into this 11th day of October, 2004, by PORT GARDNER TIMBER COMPANY, INC., hereinafter "Declarant", as owner of the following described land situated in Skagit County Washington:

Those certain tracts of land listed and described on EXHIBIT "A" attached hereto and by reference made a part hereof.

The Declarant under this declaration does hereby establish of record an easement for ingress, egress and utilities over, under and through a 60 foot wide strip of land, for the benefit of the owners and future owners of Lots 1 through 9, situated within The Plat of Elysian Meadows recorded under Auditor's File No. 200310070060 and property described in Exhibit B. Declarants further provide that this property access is perpetual.

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

A 60 foot right of way and County approved Hammerhead Turn-Around known as Elysian Lane (Corporate Rd. Tract J) terminating at the boundary between Lots 3 and 4 as shown on the Plat of Elysian Meadows recorded Under Auditor's File No. 200310070060.

The area of Elysian Lane described below:

That portion of Elysian Lane, (corporate Road Tract J), which lies east of the p
Lots 3 and 4, all according t



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Meadows filed in Skagit County Auditor's File No. 2000310070060, records of Skagit County, Washington.

Reserving an easement for ingress, egress, and utilities, over, under and through the above described portion of said Elysian Lane to benefit the property immediately adjacent to and east of said plat of Elysian Meadows as described in Exhibit B.

shall be exclusive to Lots 4, 5, 6, 7, 8, 9 and the property described in Exhibit B.

The remainder of Corporate Road Tract J West of the boundary line between Lots 3 and 4 shall remain a non-exclusive easement benefiting Lots 1 through 9.

Maintenance of the above described easement of Tract J West of the property line between Lots 3 and 4, including labor, material and expenses, shall be 25% each for Lots 1, 2 and 3 and 25% for Lots 4, 5, 6, 7, 8, 9 and the property described in Exhibit B.

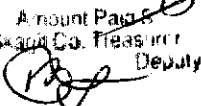
Maintenance as used herein shall mean the requirement of said Lot owners and their successors in ownership to share the labor and cost to maintain the roadway easement in a good and workmanlike manner and, so long as Declarants own one or more of the Lots, to the pleasure of the Declarants herein. Specific maintenance requirements particular to the drainage facilities located within the plat are included in the Operation and Maintenance Manual for the Elysian Meadows Stormwater Drainage System prepared by Skagit Surveyors and Engineers and dated December 2002. Said document is recorded under Auditor's File 200310070059.

Except as otherwise stated herein, the original Declarations remain in full force and effect.

DATED: October 11, 2004.

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

OCT 29 2004

Amount Paid
By  Skagit Co. Treasurer Deputy

PORT GARDNER TIMBER COMPANY, INC.

By  HOWARD E. DORSEY, SR., President



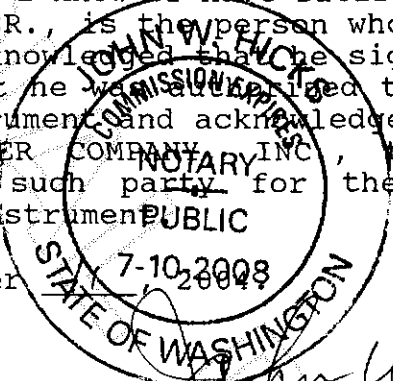
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STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that HOWARD E. DORSEY, SR., is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the within and foregoing instrument and acknowledged it as President of PORT GARDNER TIMBER COMPANY, INC., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: October

7-10-2008


Printed name: John W. Hicks
Notary Public in and for the state of
Washington, residing at Mt. Vernon.
My appointment expires: 07-10-08.



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PARCEL "A":

THAT PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 7 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE S 0°37'38"W ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 306.85 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE S 0°37'38"W ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 356.60 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF AN EXISTING PRIVATE ROAD; THENCE N 49°56'35"W ALONG SAID ROAD, A DISTANCE OF 58.38 FEET; THENCE N 37°19'55"W ALONG THE NORTHEASTERLY BOUNDARY OF SAID ROAD, A DISTANCE OF 264.53 FEET TO A POINT ON CURVE ON THE EAST BOUNDARY OF THE CAPE HORN ROAD, FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS N 44°06'37"W; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 439.26 FEET, THROUGH A CENTRAL ANGLE OF 18°09'35", AN ARC DISTANCE OF 139.22 FEET TO A POINT ON CURVE ON THE EAST LINE OF SAID ROAD; THENCE S 88°56'23"E, A DISTANCE OF 125.96 FEET TO THE TRUE POINT OF BEGINNING, ALSO KNOWN AS TRACT "A" OF THAT CERTAIN RECORD OF SURVEY RECORDED FEBRUARY 3, 1975, UNDER AUDITOR'S FILE NO. 813008.

PARCEL "B":

GOVERNMENT LOT 12, SECTION 12, TOWNSHIP 35 NORTH, RANGE 7 EAST, W.M., EXCEPT THAT PORTION LYING WITHIN THE BOUNDARIES OF TRACT "B" OF THAT CERTAIN RECORD OF SURVEY RECORDED FEBRUARY 3, 1975, UNDER AUDITOR'S FILE NO. 813008.

PARCEL "C":

THAT PORTION OF GOVERNMENT LOT 13 IN SAID SECTION 12, LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12; THENCE S 88°43'11"E ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 2413.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS LINE DESCRIPTION; THENCE N 28°03'51"W, A DISTANCE OF 136.07 FEET; THENCE N 52°57'19"W, A DISTANCE OF 196.15 FEET; THENCE N 00°25'25"W, A DISTANCE OF 208.99 FEET; THENCE N 37°04'40"W, A DISTANCE OF 134.58 FEET, MORE OR LESS, TO THE SKAGIT RIVER, AND THE TERMINUS OF THIS LINE DESCRIPTION.

PARCEL "D":

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 35 NORTH, RANGE 7 EAST, W.M.

EXCEPT THE SOUTHWEST 1/4 THEREOF, AND EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE N 01°07'22"E ALONG THE WEST LINE THEREOF, A DISTANCE OF 458.22 FEET; THENCE S 67°51'29"E, A DISTANCE OF 712.01 FEET TO A POINT ON THE EAST LINE OF SAID SUBDIVISION WHICH IS 205.00 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE S 00°59'30"W, A DISTANCE OF 205.00 FEET TO THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE N 88°43'01"W ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 665.10 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL "E":

THAT PORTION OF GOVERNMENT LOT 4 IN SECTION 13, TOWNSHIP 35 NORTH, RANGE 7 EAST, W.M. LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE S 88°43'11"E, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 2413.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS LINE DESCRIPTION; THENCE S 28°03'51"E, A DISTANCE OF 33.09 FEET; THENCE S 01°36'21"E, A DISTANCE OF 425.51 FEET; THENCE S 24°23'04"E, A DISTANCE OF 265.29 FEET; THENCE S 04°59'14"E, A DISTANCE OF 116.82 FEET, MORE OR LESS, TO THE SKAGIT RIVER, AND THE TERMINUS OF THIS LINE DESCRIPTION.

EXHIBIT "A"



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808 Melcelf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

LEGAL DESCRIPTION
FOR

HOWARD DORSEY
OF

OWNERSHIP EAST OF PLAT OF ELYSIAN MEADOWS

October 13, 2004

Government Lot 14, Section 12, Township 35 North, Range 7 East, W.M.;

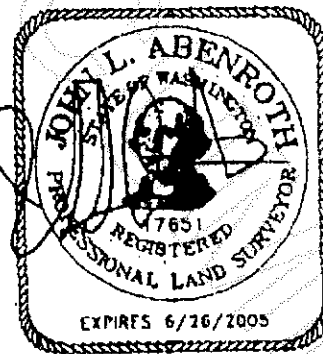
TOGETHER WITH Government Lot 3, Section 13, Township 35 North, Range 7 East, W.M.;

AND TOGETHER WITH that portion of Government Lot 13, Section 12, Township 35 North, Range 7 East, W.M. lying easterly of the following described line:

Commencing at the south one quarter corner of said Section 12 as shown on the plat of Elysian Meadows filed under Auditor's File No. 200310070060, Records of Skagit County, Washington; thence N 88°43'11"W along the south line of said Section 12, a distance of 241.34 feet to its intersection with the east line of Lot 7 of said plat and the initial point of this line description; thence N 28°03'51"W along the east line of said Lot 7, a distance of 136.07 feet; thence N 52°57'19"W along the east line of said Lot 7, a distance of 196.15 feet; thence N 00°25'25"W along the east line of said Lot 7, a distance of 208.99 feet; thence N 37°04'40"W along the east line of said Lot 7, a distance of 135 feet, more or less to the Skagit River and the terminus of this line description.

AND TOGETHER WITH that portion of Government Lot 4, Section 13, Township 35 North, Range 7 East, W.M. lying easterly of the following described line:

Commencing at the north one quarter corner of said Section 13 as shown on the plat of Elysian Meadows filed under Auditor's File No. 200310070060, Records of Skagit County, Washington; thence N 88°43'11"W along the north line of said Section 13, a distance of 241.34 feet to its intersection with the east line of Lot 7 of said plat and the initial



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EXHIBIT E - page



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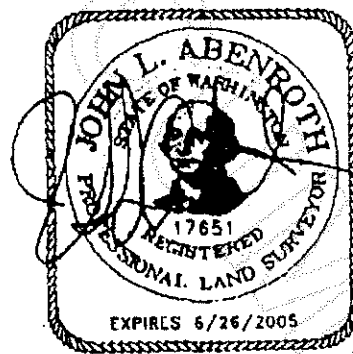
806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

LEGAL DESCRIPTION FOR
HOWARD DORSEY OF OWNERSHIP
EAST OF PLAT OF ELYSIAN MEADOWS
(Continued)

point of this line description: thence S 28°03'51"E along
the east line of said Lot 7, a distance of 33.09 feet;
thence S 01°36'21"E along the west line of said Lot 7, a
distance of 425.51 feet; thence S 24°23'04"E along the east
line of said Lot 7, a distance of 265.29 feet; thence
S 04°59'14"E along the east line of said Lot 7, a distance
of 117 feet, more or less, to the Skagit River and the
terminus of this line description.

Containing 37 acres, more or less.

Situate in Skagit County, Washington.



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EXHIBIT B - page 2



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