

AFTER RECORDING RETURN TO:

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



200501050146  
Skagit County Auditor

1/5/2005 Page 1 of 8 4:10PM

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 Erickson, Jeffrey and Sandra; Moser, Lewis and Patricia  
Grantee/Grantor Erickson, Jeffrey and Sandra; Moser, Lewis and Patricia

### DECLARATION OF EASEMENT

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

B. Lewis A. Moser and 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 clarify the descriptions and extend the benefit to additional property owned by Moser and not included in that Declaration of Easement recorded February 24, 2002, under Auditor's File Number 200202240018, records of Skagit County. The parties intend 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 C, attached hereto, and illustrated on EXHIBIT D, 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, 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 and B, attached hereto (the Erickson and Moser properties), a nonexclusive easement for ingress, egress, and utilities over, under and across those portions of the 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 Erickson and Moser properties described on Exhibits A and B, attached hereto.

The above named declarants agree and covenant as follows:

The owners of the properties benefited by the access and utility easement (the 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. This agreement is not intended to modify or supersede the easement provisions of the Declaration of Easement referenced above, in which Vernon Haines was a party, together with parties herein.

## 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 January 5, 2004.

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

JAN 05 2005

Amount Paid \$  
By Skagit Co. Treasurer  
Deputy



Erickson Property:

  
Jeffrey P. Erickson

  
Sandra J. Erickson

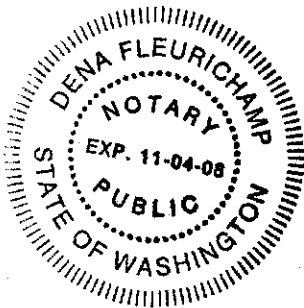
STATE OF WASHINGTON )

) 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.

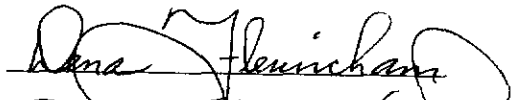
Dated Jan 5, ~~2004~~ 2005



Typed/printed notary name

Residing at

My appointment expires

  
Dena Fleurichamp  
Oedro Woolley, WA  
11/4/2008



Moser Property:

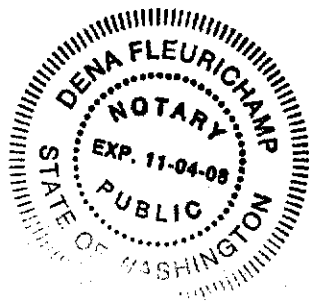
Lewis A. Moser  
Lewis A. Moser

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 1/5/05, 2004



Dena Fleurichamp  
Typed/printed notary name Dena Fleurichamp  
Residing at Edna Woolley, WA  
My appointment expires 11/4/2008



**EXHIBIT A**  
**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 1 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 Block 97, and also together with the South Half of vacated Seventh Street, the East Half of Jefferson Avenue, the West Half of Lincoln Avenue, and the North Half of Sixth Street adjoining Blocks 96 and 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.

All Situate in Skagit County, Washington.



**EXHIBIT B**  
**Moser Property**

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 together with those portions of the vacated alley in said block, vacated East Half of Lincoln Avenue, and West Half of vacated Walla Walla Avenue, South Half of Vacated 7th Street, adjacent to said lots.

Situate in Skagit County, Washington.

Block 105, 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,

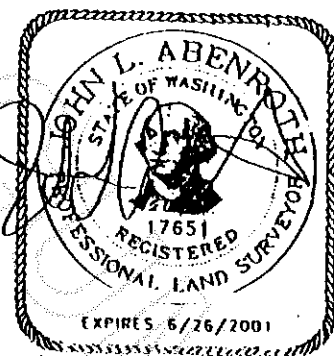
TOGETHER WITH together with those portions of the vacated alley in said block, vacated East Half of Lincoln Avenue, and West Half of vacated Walla Walla Avenue, All of Vacated 6<sup>th</sup> Street, and North Half of Vacated 5 th Street, adjacent to said lots.

Situate in Skagit County, Washington.

**EXHIBIT C**  
**Easement Description**

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 D** **Illustration**

