

Skagit County Auditor

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WHEN RECORDED RETURN TO:

JAMES E. ANDERSON P.S. P.O. BOX 727 ANACORTES, WA 98221

BOUNDARY LINE ADJUSTMENT

CITY OF ANACORTES, WASHINGTON, a Washington **GRANTORS:** municipal corporation; FIDALGO COUNTRY INN L.L.C., a Washington Limited Liability Company; and COMMODORE MOTOR HOTEL, INC., a Washington Corporation

THE PUBLIC GRANTEE:

LEGAL DESCRIPTION: Lots 1, 2, 3, and 4, Skagit County Short Plat No. 90-45, recorded January 24, 1991, under Auditor's File No. 9101240023, records of Skagit County, Washington, according to the Plat recorded in Volume 9 of Short Plats, Page 308, being a portion of the Northeast quarter of the Southwest quarter and Government Lot 3, Section 5, Township 34 North, Range 2 East. W.M. situated in the County of Skagit, State of Washington.

All of the above being subject to and together with all matters of record affecting the above-described property.

TAX PARCEL NOS: Lot 1: P19986 Lot 2: P96104 Lot 3: P19988 Lot 4: P96106

SKAGIT GOUNTY WASHINGTON REAL ESTATE EXCISE TAX # 4682 AUG 2 9 2005

Amount Paid \$ Skagilen Treasurer

By

RECITAL

Da Deputy A. The City of Anacortes, Washington, Washington municipal corporation (hereinafter "City") is the owner of lots 3 and 4 of the above described property and;

B. Fidalgo Country Inn, L.L.C., a Washington Limited Liability Company, as to an undivided 49.58% interest, and COMMODORE MOTOR HOTEL, INC., a Washington corporation, as to

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an undivided 50.42% interest (hereinafter collectively referred as "FIDALGO COUNTRY INN") are the owners of lots 1 and 2 of the above described property and;

C. FRONTIER BANK, a Washington banking corporation has security interests in lots 1 and 2 of the above described property and by the signature of its authorized representative below, agrees with, and joins in, this Boundary Line Adjustment; and

D. City and Fidalgo Country Inn have agreed to enter into this agreement which is in both of their respective best interests and have further agreed to execute "bargain and sale deeds" to carry out the terms of this agreement; and

NOW, THEREFORE in consideration of the mutual benefits inuring to each of the parties hereto and the consideration stated below agree and covenant as follows:

1. Subsequent to the recording of this Agreement, City agrees to cause to be recorded a bargain and sale deed conveying to Fidalgo Country Inn Lots 1, 2 and 3, the legal description of which after the recording of this agreement and the survey referred to below will be as set forth on Exhibit A which is attached hereto and incorporated by ref-Said deed shall also grant unto Fidalgo erence herein. Country Inn a non-exclusive easement for ingress, egress and utilities over, under and across the "Roadway Easement" which is described commencing in the second paragraph of page 4 of Exhibit A with the wording "all of the above together with an easement... " and continuing onto page 5 of said exhibit and to be depicted on the "Boundary Line Adjustment Survey" which will be filed with the Skagit Auditor's Office coincident with the filing of this agreement.

2. Subsequent to the recording of this Agreement, Fidalgo Country Inn agrees to cause to be recorded a bargain and sale deed conveying to the City of Anacortes Lot 4, the legal description of which after the recording of this agreement and the survey referred to above will be as set forth on Exhibit B which is attached hereto and incorporated by reference herein. Said deed shall also grant unto City a non-exclusive easement for ingress, egress and utilities over, under and across the "Roadway Easement" referred to in paragraph 1 above, described on page 4 and 5 of Exhibit A, and described on pages 2 and 3 of Exhibit B.

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That in addition to the conveyance referred to in 3. paragraph 1 above, at the time of the recording of the deeds referred to in paragraphs 1 and 2 above, City agrees to credit Fidalgo County Inn \$30,330 which shall be the cost to Fidalgo Country Inn for the sewer connection fee if said connection is made on or before May 1, 2006. Thereafter, said amount shall be credited towards the cost of said connection.

That as a result of the above exchange of deeds, 4. City will be the owner of lot 4 and Fidalgo Country Inn the owner of lots 1, 2, and 3. All of said lots will have the easement rights over the roadway easement referred to in paragraphs 1 and 2 above.

5. The above described property will be combined or aggregated with contiguous property owned by each of the parties hereto. This boundary adjustment is not for the purposes of creating any additional building lots.

By their signatures below, Fidalgo Country Inn 6. acknowledges that this Agreement has been prepared by attorney James E. Anderson of Anacortes, Washington on behalf of City and that Fidalgo Country Inn has been advised that they have the right to have an attorney of their own choosing review said Agreement and all associated documents.

By

DATE: 6/8/05

DATE:

Bγ

CITY OF ANACORTES

Mayor DEAN MAXWEEL,

FIDALGO, COUNTRY INN, L.L.C.

Вy

RICHARD BESELIN, Manager

COMMODORE MOTOR HOTEL, INC.

RADEN,

DATE:

7005

BOUNDARY LINE ADJUSTMENT - 3



President

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STATE OF WASHINGTON

COUNTY OF SKAGIT

I certify that I know or have satisfactory evidence that H. DEAN MAXWELL signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged is as the Mayor of the CITY OF ANACORTES, WASHINGTON, a Washington municipal corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

SS



I certify that I know or have satisfactory evidence that RICHARD BESELIN signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged is as the Manager of FIDALGO COUNTRY INN, L.L.C., a Washington Limited Liability Company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



STATE OF WASHINGTON)) COUNTY OF SKAGIT)

SS

I certify that I know or have satisfactory evidence that MARK RADEN signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged is as the President of COMMODORE MOTOR HOTEL, INC., a Washington Corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: PORL 1 2005 Manna S. M. CONA Public in and for the State Notary Washington, residing at NOTARY of PUBLIC Edwands Commission expires: 11- 01-07 My WAS 0000Approved this <u>24</u> day of <u>MA</u> 2005.

FRONTIER BANK, a Washington Banking Corporation

By



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BOUNDARY LINE ADJUSTMENT - 5

STATE OF WASHINGTON)



I certify that I know or have satisfactory evidence that <u>LARY E With</u> signed this instrument, on oath stated that <u>He</u> is authorized to execute the instrument and acknowledged is as the <u>SrVICE HESHERT</u> of FRONTIER BANK, a Washington banking corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 05

SS

Notary Public in and for the State of Washington, residing at Suguennick

My Commission expires: <u>06/25/05</u> <u>1990 A M(CCC</u> (Printed Name)

Approved this 13 day of JUNE 2005.

CITY OF ANACORTES

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By MUNCE, Planning Director



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BOUNDARY LINE ADJUSTMENT - 6

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LEGAL DESCRIPTION FOR: City of Anacortes

Sharpes Corner Preliminary Binding Site Plan Lot Line Adjustments

Lot 1 After Boundary Line Adjustment

Lot 1, Skagit County Short Plat No. 90-45, recorded January 24,1991, under Auditor's File No. 9101240023, records of Skagit County, Washington, according to the plat recorded in Volume 9 of Short Plats, page 308, being a portion of the Northeast quarter of the Southwest quarter and Government Lot 3, Section 5, Township 34 North, Range 2 East, W.M.;

EXCEPT those portions thereof lying South of the South line and its Westerly extension, of the most Northerly portion of said Lot 1.

The above being subject to and together with easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

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All being situate in the County of Skagit, State of Washington.



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LEGAL DESCRIPTION FOR: City of Anacortes

Sharpes Corner Preliminary Binding Site Plan Lot Line Adjustments

Lot 2 After Boundary Line Adjustment

Lot 2, Skagit County Short Plat No. 90-45, recorded January 24,1991, under Auditor's File No. 9101240023, records of Skagit County, Washington, according to the plat recorded in Volume 9 of Short Plats, page 308, being a portion of the Northeast quarter of the Southwest quarter and Government Lot 3, Section 5, Township 34 North, Range 2 East, W.M.;

EXCEPT all those portions thereof lying West of the West line and its Northerly extension, of Lot 5 of said Skagit County Short Plat No. 90-45; and TOGETHER WITH all that portion of Lot 1, Skagit County Short Plat No. 90-45, recorded January 24, 1991, under Auditor's File No. 9101240033, records of Skagit County, Washington, according to the plat recorded in Volume 9 of Short Plats, page 308; being a portion of the Northeast quarter of the Southwest quarter and Government Lot 3, Section 5, Township 34 North, Range 2 East, W.M., lying South of the South line and its Westerly extension, of the most Northerly portion of said Lot 1, and lying East of the West line and its Northerly extension, of Lot 5 of said Skagit County Short Plat No. 90-45.

All of the above being subject to and together with easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

All being situate in the County of Skagit, State of Washington.



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LEGAL DESCRIPTION FOR: City of Anacortes

Sharpes Corner Preliminary Binding Site Plan Lot Line Adjustments

Lot 3 After Boundary Line Adjustment

All those portions of Lots 1 and 2, Skagit County Short Plat No. 90-45, recorded January 24,1991, under Auditor's File No. 9101240023, records of Skagit County, Washington, according to the plat recorded in Volume 9 of Short Plats, page 308, being a portion of the Northeast quarter of the Southwest quarter and Government Lot 3, Section 5, Township 34 North, Range 2 East, W.M., lying South of the South line and its Easterly extension, of Lot 3, said Skagit County Short Plat No. 90-45;

TOGETHER WITH all that portion of Lot 4, said Skagit County Short Plat No. 90-45, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 4; thence North 01°37'58" East along the West line thereof, a distance of 170.02 feet to the Northeast corner of the most Southerly portion of Lot 1, said Skagit County Short Plat No. 90-45; thence North 87°33'28" West along the North line of said portion of Lot 1, a distance of 39.20 feet to the TRUE POINT OF BEGINNING; thence continuing North 87°33'28" West along said North line, a distance of 46.79 feet to the Southeast corner of the most Southerly portion of Lot 2, said Skagit County Short Plat No. 90-45; thence North 01°37'58" East along the East line of said portion of Lot 2, a distance of 80.01 feet to a point on a curve to the right, the center of which bears South 49°33'39" West and is 225.00 feet distant; thence Southerly, following said curve to the right through a central angle of 23°55'15", an arc distance of 93.94 feet to a point on the North line of said portion of Lot 1 and the TRUE POINT OF BEGINNING;

EXCEPTING from all of the above the following described tracts of land:

All that portion of said Lot 1 being more particularly described as follows: Beginning at the Northeast corner of the most Southerly portion of said Lot 1; thence South 01°37'58" West along the East line thereof, a distance of 170.02 feet to the Southeast corner thereof; thence North 87°33'28" West along the South line of said Lot 1, a distance of 28.00 feet; thence North 01°37'58" East a distance of 100.09 feet to the beginning of a curve to the left, the center of which is 225.00 feet distant; thence Northerly, following said curve to the left through a central angle of 18°09'04", an arc distance of 71.28 feet to a point on the North line of said portion of Lot 1; thence South 87°33'28" East along said North line, a distance of 39.20 feet to the point of beginning; and

All that portion of said Lot 2 being more particularly described as follows: Commencing at the Southeast corner of the most Southerly portion of Lot 1, said Skagit County Short Plat No. 90-45; **thence** North 01°37'58" East along the East line thereof, a distance of 170.02 feet to the Northeast corner of said portion of Lot 1; **thence** North



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87°33'28" West along the North line of said portion of Lot 1, a distance of 85.99 feet to the Southeast corner of the most Southerly portion of said Lot 2; thence North 01°37'58" East along the East line of said portion of Lot 2, a distance of 80.01 feet to a point on a curve to the left, the center of which bears South 49°33'39" West and is 225.00 feet distant, said point being the TRUE POINT OF BEGINNING; thence Northerly, following said curve to the left through a central angle of 09°55'41", an arc distance of 38.99 feet; thence North 50°22'02" West a distance of 22.93 feet to a point on the North line of said portion of Lot 2; thence South 87°33'28" East along said North line, a distance of 46.57 feet to the Northeast corner of said most Southerly portion of lot 2; thence South 01°37'58" West along the East line of said portion of Lot 2, a distance of 40.00 feet to the TRUE POINT OF BEGINNING;

All of the above TOGETHER WITH an easement for ingress, egress and utilities over, under and across the following described tract of land:

All those portions of Lots 1, 2, 3 and 4, Skagit County Short Plat No. 90-45, recorded January 24, 1991, under Auditor's File No. 9101240033, records of Skagit County, Washington, according to the plat recorded in Volume 9 of Short Plats, page 308; being a portion of the Northeast quarter of the Southwest quarter and Government Lot 3, Section 5, Township 34 North, Range 2 East, W.M., being more particularly described as follows:

Beginning at the Southeast corner of said Lot 4; thence North 87°33'28" West along the South line thereof and along the South line of said lot 1, a distance of 284.94 feet; thence North 01°37'58" East parallel with the East line of the most Southerly portion of said Lot 1, a distance of 100.09 feet to the beginning of a curve to the left, said curve having a radius of 225.00 feet; thence Northerly, following said curve to the left through a central angle of 52°00'00", an arc distance of 204.20 feet to the end of said curve; thence North 50°22'02" West a distance of 93.21 feet to the beginning of a curve to the right, said curve having a radius of 125.00 feet; thence Northerly, following said curve to the right through a central angle of 52°00'00", an arc distance of 113.45 feet to a point on the East line of the most Northerly portion of said Lot 4; thence North 01°37'58" East along the East line of said portion of Lot 4, a distance of 105.27 feet to the Northeast corner of said portion of Lot 4, said point lying on the Southerly line of a portion of Lot 2, said Skagit County Short Plat no. 90-45, said point also being the beginning of a curve to the left, said curve having a radius of 140.00 feet; thence Northerly, following said curve to the left through a central angle of 08°16'17", an arc distance of 20.21 feet to a point on the South line of the most Northerly portion of Lot 3, said Skagit County Short Plat No. 90-45; thence continuing Northerly, following said curve to the left through a central angle of 85°49'37", an arc distance of 209.71 feet to a point on the West line of said Lot 3; thence North 01°37'58" East along said West line, a distance of 60.11 feet to its intersection with a curve to the right, the center of which bears South 01°14'05" East and is 200.00 feet distant; thence Southerly, following said curve to the right through a central angle of 83°27'17", an arc distance of 291.31 feet to its intersection with said South line of the most Northerly portion of Lot 3; thence continuing Southerly, following said curve to the right through a central angle of 05°45'31", an arc distance of 20,10 feet to a point on said Southerly line of a portion of Lot 2; thence continuing Southerly,

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following said curve to the right through a central angle of 03°39'15", an arc distance of 12.76 feet to the end of said curve; thence South 01°37'58" West a distance of 105.27 feet to the beginning of a curve to the left, said curve having a radius of 65.00 feet: thence Southerly, following said curve to the left through a central angle of 52°00'00", an arc distance of 58.99 feet to the end of said curve; thence South 50°22'02" East a distance of 93.21 feet to the beginning of a curve to the right, said curve having a radius of 285.00 feet: thence Southerly, following said curve to the right through a central angle of 52°00'00", an arc distance of 258.66 feet to the end of said curve; thence South 01°37'58" West a distance of 61.35 feet to the beginning of a curve to the left, said curve having a radius of 30.00 feet; thence Southerly and Easterly, following said curve to the left through a central angle of 89°11'26", an arc distance of 46.70 feet to the end of said curve, said point lying on a line parallel with and 10.00 feet north of, as measured at right angles to, the south line of said Lot 4; thence South 87°33'28" East along said parallel line, a distance of 169.99 feet to the beginning of a curve to the left, said curve having a radius of 25.00 feet; thence Easterly and Northerly, following said curve to the left through a central angle of 90°49'00", an arc distance of 39.63 feet to the east line of said Lot 4; thence South 01°37'58" West along said east line, a distance of 35.36 feet to the point of beginning.

All of the above being subject to and together with easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

All being situate in the County of Skagit, State of Washington.



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LEGAL DESCRIPTION FOR: City of Anacortes

Sharpes Corner Preliminary Binding Site Plan Lot Line Adjustments

Lot 4 After Boundary Line Adjustment

Lots 3 and 4, Skagit County Short Plat No. 90-45, recorded January 24, 1991, under Auditor's File No. 9101240023, records of Skagit County, Washington, according to the plat recorded in Volume 9 of Short Plats, page 308, being a portion of the Northeast quarter of the Southwest quarter and Government Lot 3, Section 5, Township 34 North, Range 2 East. W.M.:

TOGETHER WITH all those portions of Lots 1 and 2, said Skagit County Short Plat No. 90-45, lying North of the South line and its Easterly extension, of Lot 3 of said Skagit County Short Plat No. 90-45, and lying West of the West line and its Northerly extension. of Lot 5 of said Skagit County Short Plat No. 90-45; also

TOGETHER WITH the following described tracts of land:

All that portion of said Lot 1 being more particularly described as follows: Beginning at the Northeast corner of the most Southerly portion of said Lot 1; thence South 01°37'58" West along the East line thereof, a distance of 170.02 feet to the Southeast corner thereof; thence North 87°33'28" West along the South line of said Lot 1, a distance of 28.00 feet: thence North 01°37'58" East a distance of 100.09 feet to the beginning of a curve to the left, the center of which is 225.00 feet distant; thence Northerly, following said curve to the left through a central angle of 18°09'04", an arc distance of 71.28 feet to a point on the North line of said portion of Lot 1; thence South 87°33'28" East along said North line, a distance of 39.20 feet to the point of beginning; and

All that portion of said Lot 2 being more particularly described as follows: Commencing at the Southeast corner of the most Southerly portion of Lot 1, said Skagit County Short Plat No. 90-45; thence North 01°37'58" East along the East line thereof, a distance of 170.02 feet to the northeast corner of said portion of Lot 1; thence North 87°33'28" West along the North line of said portion of Lot 1, a distance of 85.99 feet to the southeast corner of the most Southerly portion of said Lot 2; thence North 01°37'58" East along the East line of said portion of Lot 2, a distance of 80.01 feet to a point on a curve to the left, the center of which bears South 49°33'39" West and is 225.00 feet distant, said point being the TRUE POINT OF BEGINNING; thence Northerly, following said curve to the left through a central angle of 09°55'41", an arc distance of 38.99 feet; thence North 50°22'02" West a distance of 22.93 feet to a point on the North line of said portion of Lot 2; thence South 87°33'28" East along said North line, a distance of 46.57 feet to the Northeast corner of said most Southerly portion of Lot 2. thence South 01°37'58" West along the East line of said portion of Lot 2, a distance of 40.00 feet to the TRUE POINT OF BEGINNING:

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EXCEPTING from all of the above all that portion of said Lot 4 being more particularly described as follows:

Commencing at the Southwest corner of said Lot 4; thence North 01°37'58" East along the West line thereof, a distance of 170.02 feet to the Northeast corner of the most Southerly portion of Lot 1, said Skagit County Short Plat No. 90-45; thence North 87°33'28" West along the North line of said portion of Lot 1, a distance of 39.20 feet to the TRUE POINT OF BEGINNING; thence continuing North 87°33'28" West along said North line, a distance of 46.79 feet to the Southeast corner of the most Southerly portion of Lot 2, said Skagit County Short Plat No. 90-45; thence North 01°37'58" East along the East line of said portion of Lot 2, a distance of 80.01 feet to a point on a curve to the right, the center of which bears South 49°33'39" West and is 225.00 feet distant; thence Southerly, following said curve to the right through a central angle of 23°55'15", an arc distance of 93.94 feet to a point on the North line of said portion of Lot 1 and the TRUE POINT OF BEGINNING;

All of the above being SUBJECT TO an easement for ingress, egress and utilities over, under and across the following described tract of land:

All those portions of Lots 1, 2, 3 and 4, Skagit County Short Plat No. 90-45, recorded January 24, 1991, under Auditor's File No. 9101240033, records of Skagit County, Washington, according to the plat recorded in Volume 9 of Short Plats, page 308; being a portion of the Northeast quarter of the Southwest quarter and Government Lot 3, Section 5, Township 34 North, Range 2 East, W.M., being more particularly described as follows:

Beginning at the southeast corner of said Lot 4; thence North 87°33'28" West along the South line thereof and along the South line of said Lot 1, a distance of 284.94 feet; thence North 01°37'58" East parallel with the East line of the most Southerly portion of said Lot 1, a distance of 100.09 feet to the beginning of a curve to the left, said curve having a radius of 225.00 feet; thence Northerly, following said curve to the left through a central angle of 52°00'00", an arc distance of 204.20 feet to the end of said curve; thence North 50°22'02" West a distance of 93.21 feet to the beginning of a curve to the right, said curve having a radius of 125.00 feet; thence Northerly, following said curve to the right through a central angle of 52°00'00", an arc distance of 113,45 feet to a point on the East line of the most Northerly portion of said Lot 4; thence North 01°37'58" East along the East line of said portion of Lot 4, a distance of 105.27 feet to the Northeast corner of said portion of Lot 4, said point lying on the Southerly line of a portion of Lot 2, said Skagit County Short Plat No. 90-45, said point also being the beginning of a curve to the left, said curve having a radius of 140.00 feet; thence Northerly, following said curve to the left through a central angle of 08°16'17", an arc distance of 20.21 feet to a point on the South line of the most Northerly portion of Lot 3, said Skagit County Short Plat No. 90-45; thence continuing Northerly, following said curve to the left through a central angle of 85°49'37", an arc distance of 209.71 feet to a point on the West line of said Lot 3; thence North 01°37'58" East along said West line, a distance of 60.11 feet to its intersection with a curve to the right, the center of which bears south 01°14'05" east and is 200.00 feet distant; thence Southerly, following said curve to the right through a central angle of 83°27'17", an arc distance of 291.31 feet to its intersection with said South line of the most Northerly portion of Lot 3; thence continuing Southerly, following

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said curve to the right through a central angle of 05°45'31", an arc distance of 20.10 feet to a point on said Southerly line of a portion of Lot 2; thence continuing Southerly, following said curve to the right through a central angle of 03°39'15", an arc distance of 12.76 feet to the end of said curve; thence South 01°37'58" West a distance of 105.27 feet to the beginning of a curve to the left, said curve having a radius of 65.00 feet: thence Southerly, following said curve to the left through a central angle of 52°00'00", an arc distance of 58.99 feet to the end of said curve; thence South 50°22'02" East a distance of 93.21 feet to the beginning of a curve to the right, said curve having a radius of 285.00 feet; thence Southerly, following said curve to the right through a central angle of 52°00'00", an arc distance of 258.66 feet to the end of said curve: thence South 01°37'58" Wst a distance of 61.35 feet to the beginning of a curve to the left, said curve having a radius of 30.00 feet; thence Southerly and Easterly, following said curve to the left through a central angle of 89°11'26", an arc distance of 46.70 feet to the end of said curve, said point lying on a line parallel with and 10.00 feet North of, as measured at right angles to, the South line of said Lot 4; thence South 87°33'28" East along said parallel line, a distance of 169,99 feet to the beginning of a curve to the left, said curve having a radius of 25.00 feet; thence Easterly and Northerly, following said curve to the left through a central angle of 90°49'00", an arc distance of 39.63 feet to the East line of said Lot 4; thence South 01°37'58" West along said East line, a distance of 35.36 feet to the point of beginning.

All of the above being subject to and together with easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

All being situate in the County of Skagit, State of Washington.



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