

When recorded return to:

Arthur E. Niblack
1319 37th Street
Anacortes, WA 98221

Recorded at the request of:

File Number: A98359



200910300155
Skagit County Auditor

10/30/2009 Page 1 of 4 4:02PM

Statutory Warranty Deed

A98359-1

GUARDIAN NORTHWEST TITLE CO.

THE GRANTORS Donald M. Kier and Caryle A. Kier, husband and wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Arthur E. Niblack, ~~a married man, as his separate estate~~ the following described real estate, situated in the County of Skagit, State of Washington

and Arsenia V. Niblack, husband and wife

Abbreviated Legal:

Lot 6, Plat of "SAMISH VIEW ESTATES"

Tax Parcel Number(s): P121386, 4831-000-006-0000

Lot 6, Plat of "SAMISH VIEW ESTATES" as recorded February 6, 2004 under Skagit County Auditor's File No. 200402060126, records of Skagit County, Washington.

SUBJECT TO the Easements, Restrictions and other Exceptions set forth on Exhibit "A" attached hereto.

Dated 9/23/2009

Donald M. Kier
Donald M. Kier

Caryle A. Kier
Caryle A. Kier

3339
SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

OCT 30 2009

Amount Paid \$ 5879.00
Skagit County Treasurer
By: *Lb* Deputy

STATE OF Washington }
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that Donald M. Kier and Caryle A. Kier, the persons who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledge it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

Date: 9-24-09

NOTARY PUBLIC
STATE OF WASHINGTON
KAREN ALDERSON
My Appointment Expires Mar 28, 2011

Karen Alderson
Karen Alderson
Notary Public in and for the State of Washington
Residing at Anacortes *va* Bellingham
My appointment expires: 10/08/2009 *va* 3-28-11

EXHIBIT A

EXCEPTIONS:

A. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Energy, Inc.
Dated: October 20, 2003
Recorded: November 3, 2003
Auditor's No: 200311030371
Purpose: "...utility systems for purposes of transmission, distribution and sale of gas and electricity..."

Area Affected:

Easement No. 1: All streets, road rights-of-way and access easements as now or hereafter designed, platted, and/or constructed with the above described property. (When said streets and roads are dedicated to the public, this clause shall become null and void.)

Easement No. 2: A strip of land 10 feet in width across all lots, tracts and open spaces located with the above described property being parallel to an coincident with the boundaries of all private/public street and road rights-of-way.

B. MATTERS AS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING PLAT/SUBDIVISION:

Plat/Subdivision Name: Skagit View Estates
Recorded: February 6, 2004
Auditor's No: 200402060126

Said matters include but are not limited to the following:

1. "...dedicate to the use of the public forever all streets, avenues, ways, boulevards, drives, places, circles, courts, lanes and loops shown thereon and the use thereof for all public purposes not inconsistent with the use thereof for public highway purposes; also the right to make all necessary slopes for cuts and fills upon the lots and blocks shown on this Plat in the original reasonable grading of the streets, avenues, ways, boulevards, drives, places, circles, courts, lanes and loops shown hereon."
2. An easement for the purpose of conveying local stormwater runoff is hereby granted in favor of all abutting lot owners in the areas designated as private drainage easements. The maintenance of private drainage easements established and granted herein shall be the responsibility of, the cost thereof shall be borne equally by, the present and future owners of the abutting property and their heirs, personal representatives, and assigns.

The City of Anacortes is hereby granted the right to enter said easements for emergency purposes at its own discretion.

3. A non-exclusive easement is hereby reserved for and granted to the City of Anacortes; Puget Sound Energy, Inc.; Cascade Natural Gas Corporation; Verizon, and AT&T Cablevision of Washington, Inc., and their respective successors and assigns under and upon the exterior ten (10) feet of all lots and tracts abutting public right-of-way, in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines, fixtures and appurtenances attached thereto, for the purpose of providing utility services to the subdivision and other property, together with the right to enter upon the lots and tracts at all times for the purposes stated, with the understanding that any Grantee shall be responsible to all unnecessary damage it causes to any real property owner in the subdivision by the exercise of rights and privileges herein granted. Property owner is prohibited from building improvements within this easement unless approval has been granted by the City Engineer.



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4. All installed landscaping within this Plat including the trees in the public right-of-way, shall be maintained by the each home owners.
5. Sewage - City of Anacortes
6. Storm - City of Anacortes
7. Water - City of Anacortes
8. Power - Puget Sound Energy
9. Phone - Verizon
10. Gas - Cascade Natural Gas
11. G.E.: Pre-Developed Ground Elevation. The elevation shown for each lot shall govern the "grade" to determine the building height.
12. The project shall comply with the City of Anacortes Construction Standards as modified herein, as required by the Director of Public Works for water, sewer, street access, and storm drainage. All work performed within public rights-of-way shall comply with City Construction Standards and all utilities shall be constructed to City Standards.
13. Engineering and inspection fees in the amount of \$500 plus 2% of the total construction cost shall be due at or before the mandatory pre-construction conference. No construction activity is allowed until construction plans are approved, fees have been paid and the pre-construction conference completed.
14. This project is subject to applicable water, sewer, and stormwater general facility and hookup fees and transportation, fire, school and park impact fees. These fees are payable at levels in effect at the time of building permit issuance and may differ from those fee levels currently in effect: sewer and water latecomer charges may be payable.
15. A temporary Erosion Sedimentation Control Plan shall be prepared and submitted with the Grading Plan for approval by the City Director of Public works. The plan shall identify the potential for erosion and downstream sedimentation during construction and describe the measures that will be used to mitigate impacts of erosion. Measures that will likely be employed include sedimentation ponds, silt fences, hay bale filters, and restricting the amount of excavation until conditions are favorable.
16. Prior to clearing or fill and grade beginning, both a Large Parcel Stormwater Plan and a Water Quality Control Plan, as spelled out in the City's Storm Drainage Ordinance #2441, shall be prepared by the applicant, approved by the City Department of Public Works, and implemented. The Water Quality Control Plan shall address permanent best management practices to be incorporated in the project to control pollution of stormwater runoff after construction and/or land clearing activities are completed. All on-site detention facilities and all off-site stormwater improvements shall be made before construction or vegetation removal begins.
17. Fire hydrants are to be located as approved by the City Fire Chief. Fire flow shall be addressed in a manner acceptable to the Fire Chief and to the Public Works Department. Fire sprinklers for structure protection may be required by the Fire Department.
18. In keeping with the City's street grid street name system, the Public Works Director shall approve street names.
19. The City Engineer shall approve all street pavement thickness.



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20. School bus waiting area(s) and mailbox location shall be as determined by the Public Works Department. The Anacortes Post Office will also approve mailbox locations.

21. Street and sidewalk design shall meet ADA Standards.

22. The developer shall purchase and install all street signs.

23. A minimum of two off-street parking spaces shall be provided for each dwelling unit, as required by City Ordinances. Required off-street parking locations shall not interrupt or block in any way the required cul-de-sac diameter or sidewalks.

24. "No Parking" signs shall be posed in the cul-de-sac. Lots 3 through 7 shall/must have two off-street parking spaces per unit.

25. Street lighting shall be energy efficient and installed as per PSE Schedule 52, Option "B", and shall be installed as approved by the City Engineer.

26. The Public Works Director shall approve proposed underground storm water detention.

27. City Water Quality Standards shall be met as required by the City Engineer.

28. Structural alteration necessary to develop this Plat shall not encroach into adjacent land parcels without recorded easements for such encroachment. All easements, including the 20' utility/access easement to the West end of the project shall be shown on the face of the Plat.

29. No modifications beyond those set forth in Section 7.3.9.1 are authorized.

30. The project shall comply with the City of Anacortes Construction Standards as required by the Director of Public Works for water, sewer, street access, and storm drainage.

31. Construction in the 20' sewer and storm sewer easement shall be as approved by the Public Works Director.

32. The Landscaping Plan shall be approved by the Planning Commission.

33. No construction of the plat shall occur between May 1 and July 15, 2003.

34. The duplex on Lot 5 must be on the R3 side of the zoning line.

35. There shall be a 15-foot setback on the South side of Lot 6

36. Setback on Lots 3, 4 and 7 shall be a minimum of 10 feet from the sidewalk with a 15-foot rear setback on Lot 7.

C. AGREEMENT, AND THE TERMS AND PROVISIONS THEREOF:

Between:	City of Anacortes
And:	Donald and Caryle Kier
Dated:	October 18, 2005
Recorded:	October 21, 2005
Auditor's No.:	200510210159
Regarding:	Encroachment Agreement
Affects:	Portion of the subject property



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