



201105030031

Skagit County Auditor

When recorded return to:

5/3/2011 Page 1 of 11 10:06AM

Craig Sjostrom
1204 Cleveland Ave.
Mount Vernon, Washington 98273

***Agreement re: Uncertain Boundary
& Grant of Easements***

Grantors: James A Driscoll & Melissa Jane Buchan, h/w

Grantee: Albert Lawrence Ayres & Marilyn Ann Ayres, h/w

Legal Description: ptn Govt. Lot 3, 34-35-1
Additional Legal Description Located on Exhibits A-E

Assessor's Property Tax Parcel or Account Nos.: **P32511; P68187**

Reference Nos of Documents Assigned or Released: N/A

THIS AGREEMENT is made and entered into by and between JAMES A. DRISCOLL & MELISSA JANE BUCHAN, h/w ("Driscoll"), and ALBERT LAWRENCE AYRES & MARILYN ANN AYRES, h/w ("Ayres").

Recitals

- a. Driscoll is the owner of the real property, located in Skagit County, Wash., described in the attached Exhibit A.
- b. Ayres is the owner of the real property, located in Skagit County, Wash., adjacent to the Driscoll property which is described in the attached Exhibit B.
- c. A parking area is located in the area of the common boundary between the two parcels, a portion of which lies on the Driscoll side, with the remainder on the Ayres side. This parking area has been in existence for a number of years and has been used by the owners of the Ayres parcel in conjunction with the use and occupancy of the same property.

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

MAY 03 2011

Amount Paid \$
Skagit Co. Treasurer
By *mdm* Deputy

- d. A tramway runs downhill from the parking area, to a point adjacent to the house located on the Ayres property, which tramway likewise has been used by Ayres and her predecessors for a number of years. All or a portion of the tramway lies (or may lie) on the Driscoll property as surveyed.
- e. Finally, the septic system drainfield serving the Ayres property apparently lies to some extent on the Driscoll property (as surveyed). The drainfield was installed in approximately 1980 and has been in use since that time by Ayres and her predecessors.
- f. There are no recorded easements for use of the parking area or drainfield.
- g. The tramway has been in existence for at least ten years, and may form the basis for the quieting of title to Ayres in and to the area of the Driscoll property between the tramway and the surveyed boundary line, based on adverse possession and/or mutual recognition and acquiescence. This creates an uncertainty as to the location of the true boundary. There may also be prescriptive easements that have arisen by operation of law over the parking area and the drainfield.
- h. RCW 58.04.007 provides a mechanism for affected landowners to resolve the location of an uncertain or disputed boundary. The parties have reached an agreement as to the resolution of this matter, and execute this instrument to that end.

Agreement

Now, therefore, in consideration of the mutual promises and covenants set forth herein, the sufficiency of which is acknowledged by all parties, and for no monetary consideration, IT IS HEREBY AGREED AS FOLLOWS:

1. The boundary between the Driscoll and Ayres property shall be as is depicted in the attached Exhibit C, and Driscoll does hereby convey and quitclaim to Ayres the property described therein.
2. Driscoll does further hereby grant and convey to Ayres a non-exclusive easement for the maintenance, operation and repair of the septic drainfield, over the area described in Exhibit D, and also grants and conveys to Ayres a non-exclusive easement for the area described in Exhibit E, for ingress, egress, utilities and parking purposes.

*UNCERTAIN BOUNDARY
& EASEMENT AGREEMENT*

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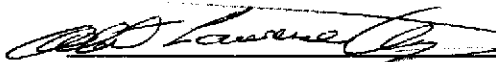


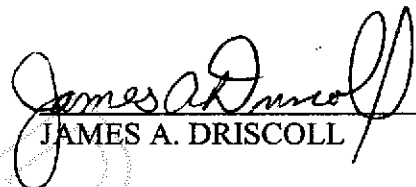
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3. Also attached for illustrative purposes only, as Exhibit F, is a diagram showing the areas herein conveyed.
4. The provisions of this Agreement shall be construed as covenants running with the land, and shall be binding on the parties hereto and their respective heirs, successors and assigns.
5. This Agreement shall be construed under the laws of the State of Washington. If any part of this Agreement is rendered unenforceable by a court of competent jurisdiction, the remaining portions shall continue to be fully enforceable.
6. Both parties acknowledge that they have been represented by counsel in the negotiation and drafting of this Agreement, or have been given the opportunity to do so, and that no specific construction shall be placed on any of the provisions of this Agreement resulting from the identity of the party drafting the same. Each party shall bear their own costs and fees, including surveying costs, associated with this agreement.

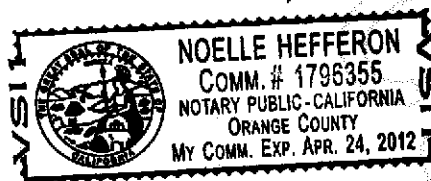

ALBERT LAWRENCE AYRES 4/27/2011
(Date)


JAMES A. DRISCOLL 4/11/2011
(Date)


MARILYN ANN AYRES 4/27/2011
(Date)

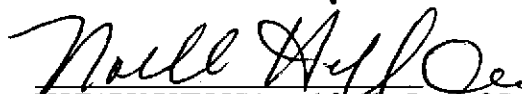

MELISSA JANE BUCHAN 4/11/2011
(Date)

STATE OF CALIFORNIA)
COUNTY OF Orange) :ss



On this day personally appeared before me James A. Driscoll, to me known to be one of the individuals described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 11 day of April, 2010: 2011


NOTARY PUBLIC in and for the State of California, residing at
Paamco

UNCERTAIN BOUNDARY
& EASEMENT AGREEMENT

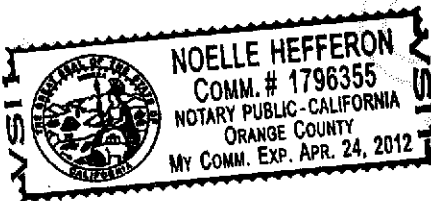


My commission expires: April 24, 2012
Name: NOELLE HEFFERON

STATE OF CALIFORNIA)
)
COUNTY OF Orange)

On this day personally appeared before me Melissa Jane Buchan, to me known to be one of the individuals described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 11 day of April, ~~2010~~ 2011

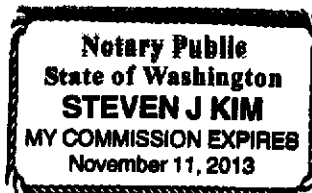


Noelle Hefferon
NOTARY PUBLIC in and for the State of California, residing at
PRAMCO My
commission expires: April 24, 2012
Name: NOELLE HEFFERON

STATE OF WASHINGTON)
)
COUNTY OF King)

On this day personally appeared before me Albert Lawrence Ayres, to me known to be one of the individuals described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 27 day of April, ~~2010~~ 2011



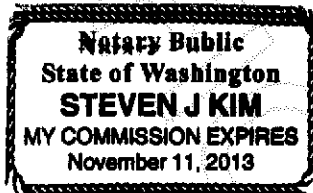
Albert Lawrence Ayres
NOTARY PUBLIC in and for the State of Washington, residing at
Des Moines WA
My commission expires: Nov 11, 2013
Name: Steven Kim

STATE OF WASHINGTON)
)
COUNTY OF King)

UNCERTAIN BOUNDARY
& EASEMENT AGREEMENT

On this day personally appeared before me Marilyn Ann Ayres, to me known to be one of the individuals described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 27 day of April, 2011.



Steven J Kim
NOTARY PUBLIC in and for the State of Washington, residing at
Des Moines, WA
My commission expires: NOV 11, 2013
Name: Steven Kim

UNCERTAIN BOUNDARY
& EASEMENT AGREEMENT

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EXHIBIT A

PARCEL "A":

The South 20 feet of Tract 52; all of Tracts 53 and 54, "ANACO BEACH, SKAGIT COUNTY, WASHINGTON", according to the plat thereof recorded in Volume 5 of Plats, page 4, records of Skagit County, Washington;

TOGETHER WITH that part of Tract 2, Plate 2, "Anacortes Tide and Shore Lands", as shown on the official map thereof in the office of the Commissioner of Public Lands at Olympia, Washington, lying South of the production of a line that is 20 feet North of and parallel with the Southeasterly line of Tract 52, "ANACO BEACH, SKAGIT COUNTY, WASHINGTON", according to the plat thereof recorded in Volume 5 of Plats, page 4, records of Skagit County, Washington.

PARCEL "B":

Part of Government Lot 3, Section 34, Township 35 North, Range 1 East, W.M., described as follows:

Beginning at the Northwest corner of said Government Lot 3; thence Southeasterly along the Westerly line of said lot 50 feet; thence Northeasterly in a straight line to the point where the South line of Tract 54, "ANACO BEACH", according to the recorded plat thereof in the office of the auditor of Skagit County, Washington, in Volume 5 of Plats, page 4, intersects the West line of the present County Road; thence West to the place of beginning.



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EXHIBIT B

Lot 1, "RANCHO SAN JUAN DEL MAR, Subdivision No. 1", according to the plat thereof recorded in Volume 5 of Plats, page 27, records of Skagit County, Washington.

TOGETHER WITH tidelands adjacent to the said Lot 1, "Rancho San Juan Del Mar Subdivision No. 1".



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Skagit County Auditor



LEGAL DESCRIPTION

For

JAMES A. DRISCOLL

**OF A PORTION OF ASSESSOR'S PARCEL P32511 (DRISCOLL PROPERTY)
TO BE CONVEYED TO
ASSESSOR'S PARCEL P68187 (AYRES PROPERTY)**

November 18, 2010

A portion of Government Lot 3, Section 34, Township 35 North,
Range 1 East, W.M., described as follows:

Commencing at the northwest corner of said Government Lot 3;
thence S 36°08'06" E along the westerly line of said Government
Lot 3, a distance of 50 feet to the southwest corner of PARCEL
"B" as shown on Record of Survey for James A. Driscoll recorded
under Auditor's File Number 200808290094, thence N 83°04'59" E
along the south line of said PARCEL "B", a distance of 53.80 feet
to the point of beginning of this description; thence
N 76°37'44" E, a distance of 112.10 feet; thence N 14°31'04" W, a
distance of 0.76 feet; thence N 73°47'49" E, a distance of 5.97
feet; thence S 70°54'19" E, a distance of 32.64 feet to the south
line of said PARCEL B; thence S 83°04'59" W along said south
line, a distance of 146.52 feet to the point of beginning of this
description.

Situate in Skagit County, Washington.

Containing 992 square feet.



EXHIBIT C



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LEGAL DESCRIPTION
For
JAMES A. DRISCOLL
OF A DRAINFIELD EASEMENT

August 26, 2010

A portion of Government Lot 3, Section 34, Township 35 North,
Range 1 East, W.M., described as follows:

Beginning at the northwest corner of said Government Lot 3;
thence S 36°08'06" E along the westerly line of said Government
Lot 3, a distance of 50 feet to the southwest corner of PARCEL
"B" as shown on Record of Survey for James A. Driscoll recorded
under Auditor's File Number 200808290094, thence N 83°04'59 E
along the south line of said PARCEL "B", a distance of 53.80
feet; thence N 76°37'44" E, a distance of 35.53 feet; thence
N 27°39'35" W, a distance of 27.70 feet to the north line of said
Government Lot 3; thence N 89°22'00" W along said north line, a
distance of 104.61 feet to the point of beginning of this
description.

Situate in Skagit County, Washington.



EXHIBIT D



201105030031
Skagit County Auditor

LEGAL DESCRIPTION
For
JAMES A. DRISCOLL
OF A PARKING EASEMENT

November 18, 2010

Those portions of Government Lot 3 and Tract 54, "ANACO BEACH, SKAGIT COUNTY WASHINGTON", according to the plat thereof recorded in Volume 5 of Plats, Page 4, records of Skagit County, Washington, all in Section 34, Township 35 North, Range 1 East, W.M., described as follows:

Commencing at the northwest corner of said Government Lot 3; thence S 36°08'06" E along the westerly line of said Government Lot 3, a distance of 50 feet to the southwest corner of PARCEL "B" as shown on Record of Survey for James A. Driscoll recorded under Auditor's File Number 200808290094, thence N 83°04'59" E along the south line of said PARCEL "B", a distance of 53.80 feet; thence N 76°37'44" E, a distance of 112.10 feet; thence N 14°31'04" W, a distance of 0.76 feet; thence N 73°47'49" E, a distance of 5.97 feet to the point of beginning of this description; thence S 70°54'19" E, a distance of 32.64 feet to the south line of said PARCEL B; thence N 40°23'12" W, a distance of 20.93 feet; thence N 89°22'00" W, a distance of 17.22 feet; thence S 00°38'00" W, a distance of 5.46 feet to the point of beginning of this description.

Situate in Skagit County, Washington.

EXHIBIT E



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Skagit County Auditor

