AMENDED WHITFIELD MITZEL, LLC, BINDING SITE PLAN

IN A PORTION OF
SW 1/4 OF SECTION 5, T.34 N., R.4 E. WM.

AUDITORS CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF SOUND DEVELOPMENT GROUP, LLC.

201301220124
Skagit County Auditor
1/22/2013 Page 1 of 4 9:52AM

J Vangquist
SKAGIT COUNTY AUDITOR

DEPUTY

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WHITFIELD / MITZEL, LLC, BURLINGTON PROPERTY, LLC, WELLS FARGO FINANCIAL NATIONAL BANK, AND WASHINGTON FEDERAL SAVINGS, OWNERS IN FEE SIMPLE OR CONTRACT PURCHASERS AND MORTGAGE OR LIEN HOLDERS OF THE LAND HEREBY PLATTED, DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER, THE STREETS AND AVENUES, IF ANY, SHOWN HEREON AND THE USE THEREOF FOR ALL PUBLIC PURPOSES CONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES TOGETHER WITH THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS AND BLOCKS SHOWN HEREON IN THE ORIGINAL REASONABLE GRADING OF ALL SUCH STREETS AND AVENUE SHOWN HEREON.

IN WITNESS WHEREOF, THE OWNERS HAVE CAUSED THEIR SIGNATURES TO BE HEREUNTO SUBSCRIBED AND AFFIXED THIS 21st DAY OF Jan., 2013.

WHITFIELD / MITZEL, LLC

BY: Kari Scott
WELLS FARGO FINANCIAL NATIONAL BANK

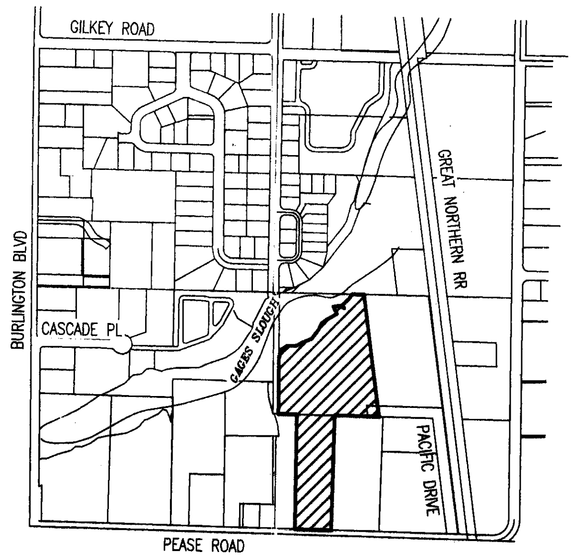
BY: Kari Scott

WASHINGTON FEDERAL SAVINGS

BY: Roger W. Ford V.P.

BURLINGTON PROPERTY, LLC

BY: STEVEN M LEWIS



VICINITY MAP
1" = 800'

SKAGIT COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT ALL TAXES HERETOFORE LEVIED AND WHICH HAVE BECOME A LIEN UPON THE LANDS HEREIN DESCRIBED HAVE BEEN FULLY PAID AND DISCHARGED ACCORDING TO THE RECORDS OF MY OFFICE UP TO AND INCLUDING THE YEAR OF 2012.

THIS 15th DAY OF Jan. 2013

SKAGIT COUNTY TREASURER

DEPUTY

Treasurer • Skagit County • OFFICIAL SEAL • State of Washington

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS AND ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS, ALLEYS OR FOR OTHER PUBLIC USE ARE PAID IN FULL.

THIS 15th DAY OF Jan., 2013

Crystal O. Robinson
CITY TREASURER

ACKNOWLEDGMENT

STATE OF Washington
COUNTY OF Whatcom

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT Roger W. Ford IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE V.P. OF WASHINGTON FEDERAL SAVINGS, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED 1/21, 2013

NOTARY PUBLIC
Lisa Renae Bruner
(NOTARY NAME TO BE PRINTED)
RESIDING AT Bellingham, WA
MY APPOINTMENT EXPIRES May 10, 2016

ACKNOWLEDGMENT

STATE OF WA
COUNTY OF Skagit

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT Dan Mitzel IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE Co-Managing Member OF WHITFIELD / MITZEL LLC, A WASHINGTON LIMITED LIABILITY COMPANY, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED Jan 21, 2013.

NOTARY PUBLIC
Rose M Tjeerdsma
(NOTARY NAME TO BE PRINTED)
RESIDING AT Burlington
MY APPOINTMENT EXPIRES 3/29/16

ACKNOWLEDGMENT

STATE OF Washington
COUNTY OF King

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT STEVEN M. LEWIS IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE Manager OF BURLINGTON PROPERTY LLC, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED 1/21, 2013

NOTARY PUBLIC
Theresa A. Melum
(NOTARY NAME TO BE PRINTED)
RESIDING AT Burien, WA
MY APPOINTMENT EXPIRES 11/16/15

ACKNOWLEDGMENT

STATE OF Washington
COUNTY OF King

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT Kari Scott IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE Senior VP OF WELLS FARGO FINANCIAL NATIONAL BANK, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED 1/21, 2013

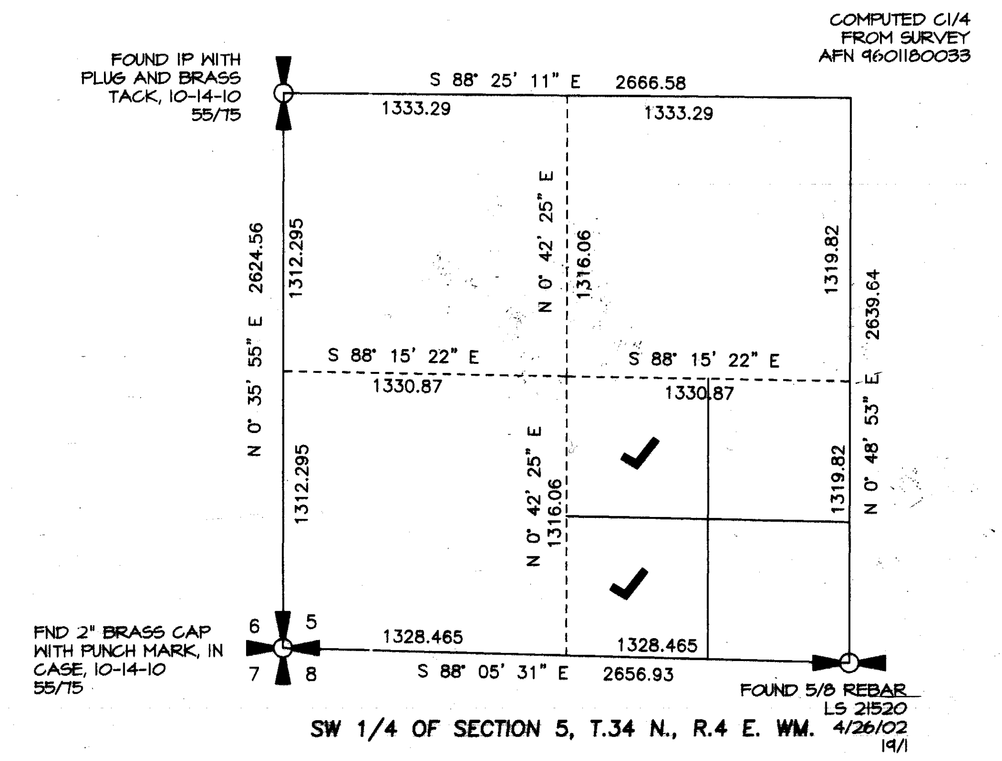
NOTARY PUBLIC
Theresa A. Melum
(NOTARY NAME TO BE PRINTED)
RESIDING AT Burien, WA
MY APPOINTMENT EXPIRES 11/16/15

APPROVALS

EXAMINED AND APPROVED THIS 17 DAY OF Jan., 2013

CITY ENGINEER

ATTEST: PLANNING DIRECTOR



AMENDED BINDING SITE PLAN CHANGES – ORIGINAL AFN 201212040067

1. DELETED THE LAST LINE OF THE PARAGRAPH UNDER "BINDING SITE PLAN – EASEMENTS, COVENANTS AND RESTRICTIONS".
2. CHANGED THE WORDS "PARCEL" TO "LOT" IN SECTION 5 UNDER "BINDING SITE PLAN – EASEMENTS, COVENANTS AND RESTRICTIONS".
3. ADDED SECTIONS 6 AND 7 UNDER "BINDING SITE PLAN – EASEMENTS, COVENANTS AND RESTRICTIONS".
4. ADDED BURLINGTON PROPERTY LLC TO SIGNATURE AND NOTARY BLOCKS.
5. ADDED WELLS FARGO FINANCIAL NATIONAL BANK TO SIGNATURE AND NOTARY BLOCKS.
6. REMOVED PEOPLES BANK FROM SIGNATURE AND NOTARY BLOCKS.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE "WHITFIELD / MITZEL BINDING SITE PLAN" IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 5, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM, AND THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON. THAT THE MONUMENTS HAVE BEEN SET AS SHOWN AND THE LOT CORNERS HAVE BEEN SET AS SHOWN, AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF THE STATUTES AND REGULATIONS OF THE CITY OF BURLINGTON.

DENNIS J. ALBRIGHT

1-14-13
DATE

DENNIS J. ALBRIGHT
STATE OF WASHINGTON
17652
REGISTERED
PROFESSIONAL LAND SURVEYOR

1-14-13

Sound Development Group

ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES
1111 CLEVELAND AVE. , SUITE 202
MOUNT VERNON WA. 98273
Tel: 360-404-2010 Fax: 360-404-2013

AMENDED
WHITFIELD MITZEL, LLC, BINDING SITE PLAN
IN A PORTION OF SW 1/4
SECTION 5, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM..
SKAGIT COUNTY, STATE OF WASHINGTON
CITY OF BURLINGTON
WHITFIELD MITZEL, LLC
PO BOX 188, MOUNT VERNON WA. 98213

DATE: 01.14.13	BY: DJA	SCALE:
PROJECT NO. 10064	10064SURV.DWG	FB: V 82, PGS 21-23

SHEET 1 OF 4

AMENDED WHITFIELD MITZEL, LLC, BINDING SITE PLAN

IN A PORTION OF
SW 1/4 OF SECTION 5, T.34 N., R.4 E. WM.

201301220124
Skagit County Auditor
1/22/2013 Page 2 of 4 9:52AM

LEGAL DESCRIPTION

PARCEL "B" OF THAT CERTAIN "BINDING SITE PLAN FOR ALLEGRE–MITZEL", AS RECORDED JANUARY 11, 1991, IN VOLUME 10 OF SURVEYS, PAGES 181 THOUGH 183, INCLUSIVE, UNDER AUDITORS FILE NO. 9101110040, AND BEING A PORTION OF LOTS 84 AND 85, "PLAT OF THE BURLINGTON ACREAGE PROPERTY", AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 49, RECORDS OF SKAGIT COUNTY, WASHINGTON.
TOGETHER WITH THAT PORTION OF PARCEL "A" OF SAID BINDING SITE PLAN, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "A", ALSO BEING THE NORTHEAST CORNER OF PARCEL "B" OF SAID BINDING SITE PLAN; THENCE SOUTH 8° 06' 32" EAST ALONG THE WEST LINE OF SAID PARCEL "A", 666.29 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE SOUTH 89° 23' 23" EAST ALONG THE SOUTH LINE OF SAID PARCEL "A", 14.05 FEET; THENCE NORTH 8° 04' 15" WEST 364.54 FEET; THENCE NORTH 8° 06' 32" WEST 301.73 FEET TO THE NORTH LINE OF SAID PARCEL "A"; THENCE NORTH 89° 28' 15" WEST ALONG SAID NORTH LINE, 14.29 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RECIPROCAL EASEMENTS FOR INGRESS, EGRESS, PARKING, UTILITIES AND STORM DRAINAGE AS SET FORTH IN SAID BINDING SITE PLAN.

EXCEPT THAT PORTION OF PARCEL "B" OF BINDING SITE PLAN FOR ALLEGRE / MITZEL PARTNERSHIP, AS RECORDED IN BOOK 10 OF SURVEYS, AT PAGES 181 THROUGH 183, INCLUSIVE, BEING IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "B"; THENCE SOUTH 89° 28' 15" EAST ALONG THE NORTH LINE OF SAID PARCEL "B", 395.29 FEET; THENCE SOUTH 30° 47' 34" WEST 29.24 FEET; THENCE SOUTH 46° 15' 56" WEST 49.42 FEET; THENCE SOUTH 29° 42' 47" EAST 22.51 FEET; THENCE NORTH 52° 03' 12" WEST 25.43 FEET; THENCE SOUTH 80° 46' 29" WEST 41.23 FEET; THENCE SOUTH 27° 07' 56" EAST 44.80 FEET; THENCE SOUTH 59° 31' 00" WEST 59.88 FEET; THENCE SOUTH 56° 26' 43" WEST 35.77 FEET; THENCE SOUTH 25° 04' 00" WEST 42.58 FEET; THENCE SOUTH 36° 55' 38" WEST 61.78 FEET; THENCE SOUTH 67° 00' 01" WEST 54.08 FEET; THENCE SOUTH 62° 05' 19" WEST 39.32 FEET; THENCE SOUTH 88° 36' 54" WEST 49.64 FEET; THENCE SOUTH 55° 35' 51" WEST 43.66 FEET; THENCE SOUTH 3° 23' 32" WEST 35.23 FEET; THENCE SOUTH 79° 16' 40" WEST 3.57 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL "B"; THENCE NORTH 0° 30' 19" WEST ALONG SAID WEST LINE 352.68 FEET TO THE POINT OF BEGINNING.

PARCEL "B"

THAT PORTION OF LOT 85, "PLAT OF THE BURLINGTON ACREAGE PROPERTY", AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 49, RECORDS OF SKAGIT COUNTY WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 85 THAT IS NORTH 88° 55' WEST 1005.4 FEET AND 30 FEET NORTH OF THE SOUTH QUARTER CORNER OF SECTION 5, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM; THENCE NORTH 629.3 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID LOT 85; THENCE NORTH 88° 45' WEST ALONG THE NORTH LINE OF SAID LOT 85, A DISTANCE OF 207 FEET; THENCE SOUTH 629.3 FEET, MORE OR LESS TO THE SOUTH LINE OF SAID LOT 85; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT TO THE POINT OF BEGINNING.

(THE ABOVE LEGAL DESCRIPTION IS BASED ON TITLE REPORT FROM FIRST AMERICAN TITLE OF SKAGIT COUNTY, ORDER NO. 99841, DATED MAY 15, 2012 – UPDATED 11–28–2012)

SCHEDULE B–1 EXCEPTIONS

A. AFN 758985, BURLINGTON RAILROAD SPUR TRACK.

B. AFN 875323, WATERLINE EASEMENT ON SOUTH 25' AS SHOWN HEREON.

C. AFN 9010160056, UPS AGREEMENT FOR WATERLINE REFUND.

D. AFN 9201160083, MAINTENANCE AGREEMENT FOR ACCESS AND DRAINAGE.

E. AFN 9012210053, PSP&L EASEMENT, 15' EASEMENT CENTERED ON THE EXISTING FACILITIES. EXACT LOCATION IS UNKNOWN.

F. AFN 9104170038, CASCADE GAS EASEMENT AS SHOWN HEREON, AFFECTS THE SOUTHEAST CORNER OF THE PARCEL.

G. AFN 9101110040, BINDING SITE PLAN, EASEMENTS SHOWN THEREON ARE SHOWN ON THIS BINDING SITE PLAN. OTHER ITEMS AS LISTED ON SAID REFERENCE BINDING SITE PLAN ARE AS FOLLOWS:
A. CROSS EASEMENTS FOR INGRESS, EGRESS, UTILITIES AND PARKING AS SHOWN ON SHEET 1 OF 3 OF AFN 9101110040.
B. SHEET 3 OF 3 OF AFN 9101110040 DESCRIBES EASEMENTS, COVENANTS AND RESTRICTIONS FOR SAID BINDING SITE PLAN.

H. AFN 200302180036, 20' EASEMENT TO PUD NO.1 AS SHOWN HEREON.

I. AFN 229443, EASEMENT TO PSP&L, EXACT LOCATION IS UNKNOWN.

J. AFN 8411130006, SURVEY.

K. AFN 9012030070, UTILITY EASEMENT TO THE CITY OF BURLINGTON OVER THE WEST 20 FEET AS SHOWN HEREON.

L. AFN 9012030071, 20 FOOT EASEMENT TO SKAGIT PUD AS SHOWN HEREON.

M. AFN 9412160059, AGREEMENT CONCERNING SEWER FACILITIES AND REIMBURSEMENT OF COSTS.

N. AFN 201211140061, PSP&L EASEMENT, 10' EASEMENT CENTERED ON THE EXISTING FACILITIES. LOCATION AS SHOWN IS BASED UPON EXISTING FACILITIES.

VERTICAL DATUM NGVD29

GPS OBSERVATIONS DONE ON 10–14–10 AND SUBMITTED TO OPUS ON 10–18–10 GAVE OUR BASE ELEVATION TO HAVE AN ELEVATION OF 34.792 (NAVD88)

THE VERTICAL DATUM FOR THIS PROJECT IS NGVD29 (VERTCON CONVERSION IS NGVD29 + 3.79 = NAVD88).

WE COMPARED OUR RESULTS WITH THE CITY OF BURLINGTON BENCHMARKS 235 AND 236 AND FOUND OUR ELEVATIONS TO BE 0.1 FEET LOWER THAN THE CITIES, WE ADJUSTED OUR ELEVATIONS TO MATCH THE CITIES ELEVATIONS. OUR DATUM IS BASED ON CITY POINT NUMBER 235 WITH AN ELEVATION OF 28.33.

NOTES

1. ZONING M1, INDUSTRIAL DISTRICT
2. SEWAGE DISPOSAL – CITY OF BURLINGTON
   WATER – SKAGIT COUNTY PUD
   POWER – PUGET SOUND ENERGY
   TELEPHONE – VERIZON
   GAS – CASCADE NATURAL GAS
   CABLE – AT&T CABLE
   STORM – CITY OF BURLINGTON

3. ALL LOTS WITHIN THIS BINDING SITE PLAN ARE SUBJECT TO IMPACT FEES FOR SCHOOLS, FIRE, PARKS AND ROADS, PAYABLE UPON ISSUANCE OF A BUILDING PERMIT.

4. THIS SURVEY HAS DEPICTED EXISTING FENCE LINES AND OTHER OCCUPATIONAL INDICATORS IN ACCORDANCE WITH W.A.C. CH. 332.130. THESE OCCUPATIONAL INDICATORS MAY INDICATE A POTENTIAL FOR CLAIMS OF UNWRITTEN TITLE OWNERSHIP. THE LEGAL RESOLUTION OF OWNERSHIP BASED UPON UNWRITTEN TITLE CLAIMS HAS NOT BEEN RESOLVED BY THIS BOUNDARY SURVEY.

5. BUYER SHOULD BE AWARE THAT THIS BINDING SITE PLAN IS LOCATED IN THE FLOOD PLAIN OF THE SKAGIT RIVER AND SIGNIFICANT ELEVATION MAY BE NECESSARY FOR THE FIRST FLOOR OF CONSTRUCTION, CONTACT THE CITY OF BURLINGTON BUILDING DEPARTMENT FOR FINISHED FLOOR ELEVATIONS.

6. ALL UTILITIES SHALL BE INSTALLED BEFORE BUILDING PERMITS WILL BE ISSUED.

7. BASIS OF BEARING, ASSUMED N 0° 35' 55" E BETWEEN THE SOUTHWEST AND WEST CORNERS OF SECTION 5 AS SHOWN HEREON.

8. THIS SURVEY WAS ACCOMPLISHED BY FIELD TRAVERSE WITH A "TRIMBLE S6" AND A TRIMBLE 5800 DUAL FREQUENCY GPS RECEIVER, STANDARD ER, STANDARD ERROR DISTANCE +/– 2CM (1 PPM), AND MEETS OR EXCEEDS STANDARDS AS SET FORTH IN W.A.C. CH. 332–130.

DENNIS J. ALBRIGHT
STATE OF WASHINGTON
REGISTERED
PROFESSIONAL LAND SURVEYOR
1-14-13

BINDING SITE PLAN – EASEMENTS, COVENANTS AND RESTRICTIONS

DECLARANTS HEREON PLACE UPON THE PROPERTY DESCRIBED THE FOLLOWING DECLARATION FOR EASEMENTS, COVENANTS AND RESTRICTIONS:
1. LOTS 4 AND 5 SHALL HAVE THE RIGHT TO USE THE STORM DRAINAGE SYSTEM LOCATED ON LOT 1 FOR THE PURPOSE OF A CONNECTION FOR AN OVERFLOW OF STORM WATER FROM THE STORM WATER TREATMENT AND CONVEYANCE SYSTEM LOCATED ON LOTS 4 AND 5.
2. LOTS 1, 2 AND 3 SHALL HAVE A RECIPROCAL EASEMENT OVER ALL PARKING AND DRIVEWAYS THAT EITHER EXIST AT THE TIME OF THE RECORDING OF THIS BSP OR ARE CONSTRUCTED SUBSEQUENT TO THE RECORDING OF THIS BSP FOR THE EXPRESSED PURPOSE OF A MUTUALLY BENEFICIAL EASEMENT FOR INGRESS, EGRESS, PARKING AND ACCESS TO UTILITIES AND SHALL INCLUDE AS COMMON AREA THE DRIVEWAYS AND PARKING AREAS THAT EITHER EXIST AT THE TIME OF THE RECORDING OF THE BSP OR ARE CONSTRUCTED SUBSEQUENT TO THE RECORDING OF THE BSP. THE COMMON DETENTION POND LOCATED ON LOT 3 IS A COMMON AREA THAT SHALL BE FOR THE BENEFIT OF AND MAINTAINED AS COMMON AREA BY THE OWNERS OF LOTS 1, 2 AND 3. IN NO EVENT SHALL THE USE OF COMMON PARKING AREA BY ONE LOT OWNER BE SUCH AS TO CAUSE A NUISANCE OR HARDSHIP UPON ANOTHER LOT OWNER. THE FOREGOING EASEMENTS, RESERVATIONS AND RIGHTS–OF–WAY SHALL AT ALL TIMES BE OPEN AND ACCESSIBLE TO PUBLIC UTILITIES AND THEIR EMPLOYEES AND CONTRACTORS, AND SHALL ALSO BE OPEN AND ACCESSIBLE TO THE RESPECTIVE OWNERS OF LOTS 1 THROUGH 3 OF THE BSP, ALL OF WHOM SHALL HAVE THE RIGHT AND PRIVILEGE OF DOING WHATEVER MAY BE REASONABLY NECESSARY TO CARRY OUT ANY OF THE PURPOSES FOR WHICH SUCH EASEMENTS ARE RESERVED. ANY RESTORATION OR REPAIR NEEDED AS A RESULT OF ANY REPAIRS OR MAINTENANCE DONE BY ANY UTILITY COMPANY EITHER PUBLIC OR PRIVATE, WILL BE DONE BY THAT COMPANY AT ITS OWN EXPENSE.
3. CONSTRUCTION AND DESIGN: ALL BUILDINGS OR IMPROVEMENTS MADE ON LOTS 1 THROUGH 5 OF THIS BSP SHALL BE IN COMPLIANCE WITH LOCAL, STATE AND NATIONAL BUILDING CODES. NO OTHER RESTRICTIONS APPLY.
4. THE CITY OF BURLINGTON ENGINEERING, BUILDING, PLANNING AND OTHER PERTINENT DEPARTMENTS SHALL REVIEW AND APPROVE DEVELOPMENT PLANS FOR ALL LOTS WITHIN THE BSP. USES FOR ALL LOTS MUST CONFORM WITH ALL GOVERNMENTAL REGULATIONS.
5. THE COST OF MAINTAINING AND REPAIRING ALL COMMON AREAS OF LOTS 1 THROUGH 3 SHALL BE BORNE BY THE RESPECTIVE OWNERS OF LOT 1 THROUGH 3 ON A PRO–RATA BASIS. THE PRO–RATA FORMULA WILL BE CALCULATED BY TAKING THE SQUARE FOOTAGE OF EACH RESPECTIVE LOT DIVIDED BY THE SQUARE FOOTAGE OF THE ENTIRE AREA ENCOMPASSED BY LOTS 1, 2 AND 3 OF THE BINDING SITE PLAN. ADDITIONAL PRORATION SHALL BE TAKEN INTO CONSIDERATION BASED UPON THE DATE THAT ANY IMPROVEMENTS ON LOTS 1 THROUGH 3 WERE PUT INTO SERVICE SUCH THAT LOT 3 SHALL NOT BE RESPONSIBLE FOR ANY COMMON AREA MAINTENANCE UNTIL IT HAS BEEN DEVELOPED AND THE DATE OF DEVELOPMENT FOR LOTS 1 AND 2 SHALL ALSO BE TAKEN INTO CONSIDERATION WHENEVER A PRORATION OF MAINTENANCE COSTS ARE CALCULATED.
6. THE COST OF MAINTAINING AND REPAIRING ALL COMMON AREAS OF LOTS 4 AND 5 SHALL BE BORNE BY THE RESPECTIVE OWNERS OF LOT 4 AND 5 ON A PRO–RATA BASIS. THE PRO–RATA FORMULA WILL BE CALCULATED BY TAKING THE SQUARE FOOTAGE OF EACH RESPECTIVE PARCEL DIVIDED BY THE SQUARE FOOTAGE OF THE ENTIRE AREA ENCOMPASSED BY LOTS 4 AND 5 OF THE BINDING SITE PLAN.
7. EXCEPT AS SPECIFICALLY SET FORTH HEREIN FOR ACCESS TO ANY UTILITIES EASEMENTS GRANTED TO ONE OR MORE OF LOTS 1, 2, 3, 4 AND 5: (a) THE OWNERS OF LOTS 1, 2 AND 3 SHALL HAVE NO RIGHT OF INGRESS, EGRESS OR ACCESS ON, OVER OR ACROSS ANY PORTION OF LOTS 4 AND 5, AND (b) THE OWNERS OF LOTS 4 AND 5 SHALL HAVE NO RIGHT OF INGRESS, EGRESS OR ACCESS ON, OVER OR ACROSS ANY PORTION OF LOTS 1, 2 AND 3 OR ON, OVER OR ACROSS ANY PORTION OF THE CROSS EASEMENT DESCRIBED IN THE BINDING SITE PLAN RECORDED ON JANUARY 11, 1991 UNDER AUDITOR FILE NO. 9101110040.

THE OWNER OF LOT 1 SHALL BE RESPONSIBLE FOR THE ANNUAL INSPECTION AND MAINTENANCE OF THE FIRE PROTECTION SYSTEM VAULT LOCATED ON LOT 1. THE OWNERS OF LOTS 2, 3 AND 4 SHALL EACH REIMBURSE TO THE OWNER OF LOT 1 AN AMOUNT EQUAL TO 25% OF THE COST OF THE MAINTENANCE OF THE FIRE LINE VAULT.

THE COMMON AREA IS HEREBY DEFINED TO INCLUDE ALL OF THOSE AREAS USED FOR STREETS, PARKING, OR OTHER VEHICULAR ACCESS TO THE SITE, SIDEWALKS PARALLELING SUCH STREETS, VEHICULAR ACCESS WAYS, ALL LIGHTING, LANDSCAPING OR BEAUTIFICATION, SIGNAGE, DRAINAGE AND STORM WATER DETENTION ASSOCIATED WITH SUCH AREAS, ANY STORM WATER DETENTION SYSTEM, FIRE PROTECTION SYSTEMS AND FACILITIES, AND ALL UTILITIES.

FURTHER DECLARATION OF COVENANTS AND PROPERTY OWNER'S ASSOCIATION FOR LOTS 1–3

1. A COMMON STORM DRAINAGE SYSTEM SHALL BE CONSTRUCTED TO BENEFIT LOTS 1 THROUGH 3 OF THIS BSP. THE SYSTEM IS LOCATED ON LOT 3 AND A CROSS–EASEMENT FOR THE CONVEYANCE AND TREATMENT OF STORM WATER HEREIN IS ESTABLISHED BETWEEN LOTS 1 THROUGH 3. THE DECLARANTS HEREIN GRANT TO THE CITY OF BURLINGTON ACCESS OVER AND ACROSS LOTS 1 THROUGH 3 FOR THE PURPOSE OF MAINTAINING AND IMPROVING AN AREA CONSISTING OF ALL AREA DESCRIBED ON THE BINDING SITE PLAN.
2. DECLARANTS AGREE TO FORM A PROPERTY OWNERS ASSOCIATION IN THE EVENT THAT ANY OF THE LOTS ARE SOLD. THE PROPERTY OWNERS ASSOCIATION SHALL BE CHARGED WITH THE DUTY OF ADMINISTRATING THIS DOCUMENT FOR THE BENEFIT OF THE RESPECTIVE PROPERTY OWNERS AND ASSESSING ALL PROPERTY OWNERS ANY CHARGES FOR THE COST OF MAINTAINING THE COMMON AREAS.
3. DELINQUENCY. ANY COMMON AREA ASSESSMENT SHALL BE DEEMED DELINQUENT IF NOT PAID WITHIN 30 DAYS OF RECEIPT OF WRITTEN NOTICE. DELINQUENT ASSESSMENTS WILL BE SUBJECT TO A FIVE PERCENT (5%) LATE CHARGE. SUBSEQUENT LACK OF PAYMENT WILL BEAR A MONTHLY INTEREST CARRYING CHARGE OF NOT LESS THAN AN ANNUAL RATE EQUAL TO THE SECURITY PACIFIC PRIME RATE PLUS TWO (2) PERCENT.
4. LIEN RIGHTS. THE PROPERTY OWNERS ASSOCIATION, IF AND WHEN FORMED, IS HEREBY VESTED WITH THE AUTHORITY TO RECORD A LIEN AGAINST ANY SUCH PROPERTY FOR THE COLLECTION OF DELINQUENT ASSESSMENTS, LATE FEES, AND INTEREST OWING AGAINST SUCH PROPERTY. SUCH CLAIM OF LIEN INCLUDES NOT ONLY ASSESSMENTS WHICH ARE DUE AND PAYABLE WHEN THE CLAIM OF LIEN IS RECORDED, PLUS INTEREST, COSTS, ATTORNEY'S FEES AND PRIOR ENCUMBRANCES AND INTEREST THEREON, BUT ALSO SUBSEQUENT INSTALLMENTS AND ADDITIONAL ASSESSMENTS WITH ACCRUE FROM THE DATE OF THE CLAIM OF LIEN.
5. LEGAL PROCEEDINGS. FAILURE TO COMPLY WITH ANY OF THE TERMS OF THIS DOCUMENT, OR ANY REGULATIONS ADOPTED SUBSEQUENT TO ITS RECORDING, SHALL BE GROUNDS FOR RELIEF WHICH MAY INCLUDE, WITHOUT LIMITATION, AN ACTION TO RECOVER SUMS DUE FOR DAMAGES, INJUNCTIVE RELIEF, OR ANY OTHER REMEDIES PROVIDED BY LAW.
6. THESE EASEMENTS, COVENANTS AND RESTRICTIONS SHALL RUN WITH THE LAND AND BENEFIT ALL SUBSEQUENT OWNERS OF LOTS 1 THROUGH 3 OF THIS BSP.
7. THESE EASEMENTS, COVENANTS AND RESTRICTIONS SHALL BE MODIFIED ONLY UPON THE APPROVAL OF OWNERS OF LOTS 1 THROUGH 3.

PRIVATE DRAINAGE AND SEWER EASEMENTS

LOTS 1 THROUGH 3 SHALL OPERATE AND MAINTAIN THE DRAINAGE SYSTEM LOCATED ON SAID PARCELS INDEPENDENTLY OF LOTS 4 AND 5. LOTS 4 AND 5 SHALL OPERATE AND MAINTAIN THE DRAINAGE SYSTEM LOCATED ON SAID PARCELS INDEPENDENTLY OF LOTS 1 THROUGH 3. EASEMENTS FOR THE PURPOSE OF CONVEYING LOCAL STORM WATER RUNOFF AND SANITARY SEWER ARE HEREBY GRANTED AND CONVEYED IN FAVOR OF SAID LOT OWNERS, OVER, UNDER AND ACROSS SAID LOTS SHOWN HEREON. THE MAINTENANCE OF PRIVATE EASEMENTS ESTABLISHED AND GRANTED HEREIN SHALL BE THE RESPONSIBILITY OF SAID OWNERS AND THE COSTS THEREOF SHALL BE BORNE EQUALLY BY THE PRESENT AND FUTURE OWNERS OF SAID LOT OWNERS AND THEIR HEIRS, OWNERS, PERSONAL REPRESENTATIVES AND ASSIGNS.

THE CITY OF BURLINGTON IS HEREBY GRANTED THE RIGHT TO ENTER SAID EASEMENTS FOR EMERGENCY PURPOSES AT ITS OWN DISCRETION.

UTILITY EASEMENT

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF BURLINGTON, SKAGIT COUNTY PUBLIC UTILITY DISTRICT NO. 1, PUGET SOUND ENERGY, VERIZON NORTHWEST, CASCADE NATURAL GAS CORPORATION, AND AT&T BROAD BAND AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON THE EXTERIOR 10 FEET OF ALL LOTS AND TRACTS ABUTTING ALL PUBLIC ROADS AND RIGHTS OF WAY AS SHOWN HEREON 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. 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 FOR ALL UNNECESSARY DAMAGE IT CAUSES TO ANY REAL PROPERTY OWNER IN THE SUBDIVISION BY THE EXERCISE OF RIGHTS AND PRIVILEGES HEREIN GRANTED.

Sound Development Group
ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES
1111 CLEVELAND AVE. , SUITE 202
MOUNT VERNON WA. 98273
Tel: 360–404–2010 Fax: 360–404–2013

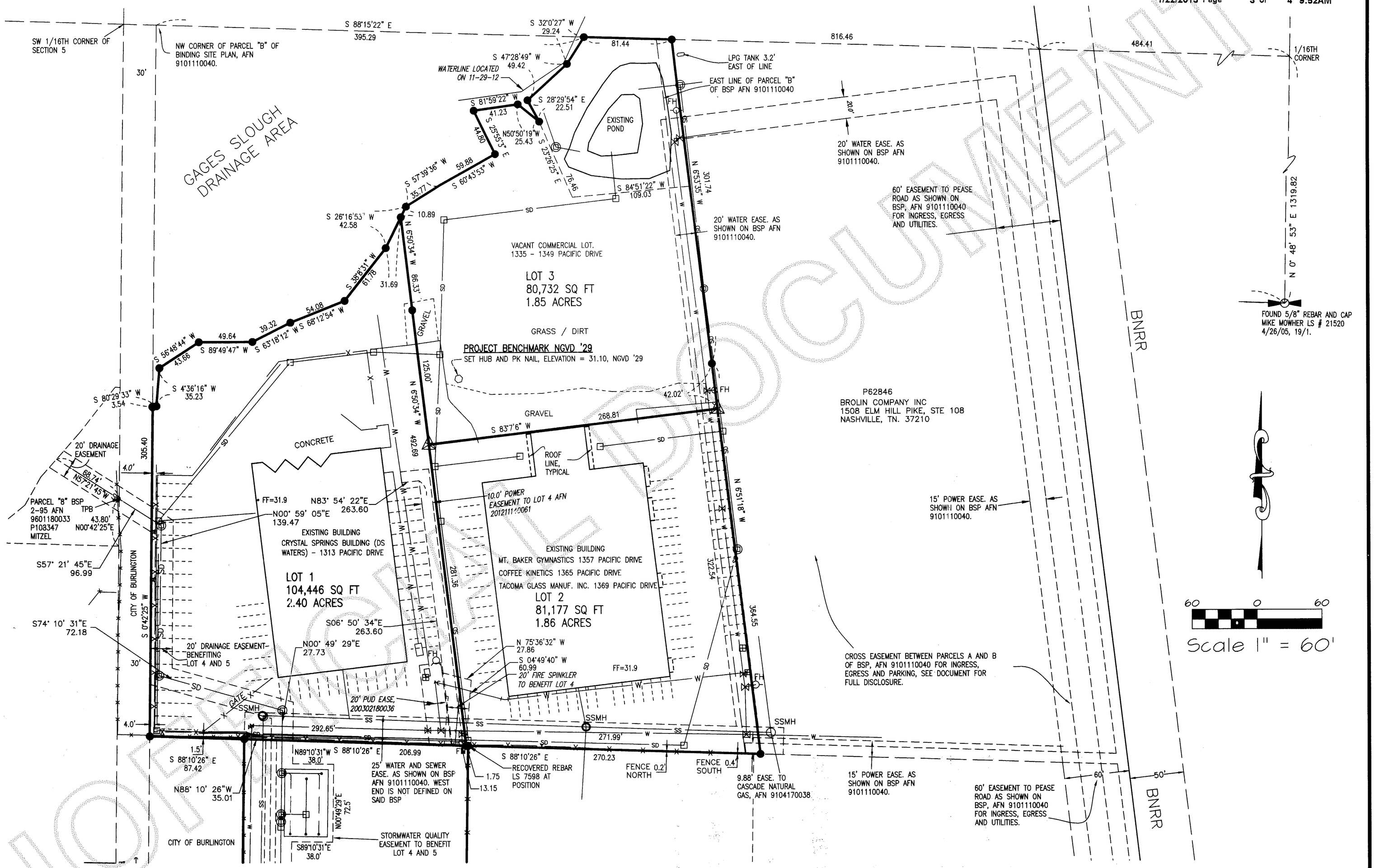
AMENDED
WHITFIELD MITZEL, LLC, BINDING SITE PLAN
IN A PORTION OF SW 1/4
SECTION 5, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM..
SKAGIT COUNTY, STATE OF WASHINGTON
CITY OF BURLINGTON
WHITFIELD MITZEL, LLC
PO BOX 188, MOUNT VERNON WA. 98213

DATE: 11.12.12	BY: DJA	SCALE:
PROJECT NO. 10064	10064SURV.DWG	FB: V 82, PGS 21–23

AMENDED WHITFIELD MITZEL, LLC, BINDING SITE PLAN

IN A PORTION OF
SW 1/4 OF SECTION 5, T.34 N., R.4 E. WM.

201301220124
Skagit County Auditor
1/22/2013 Page 3 of 4 9:52AM



SHEET 3 OF 4

LEGEND

- SET NAIL WITH SHINER
- SET 5/8" REBAR WITH CAP STAMPED "LS 17652"
- RECOVERED MONUMENT IN CASE AS NOTED
- FENCE LINE
- EXISTING WATERLINE
- C.O. CLEAN OUT
- WATER VALVE
- SD STORM SEWER
- SS SANITARY SEWER
- WATER METER
- CATCH BASIN
- SSMH SEWER MANHOLE
- FH FIRE HYDRANT

DENNIS J. ALBRIGHT
STATE OF WASHINGTON
17652
REGISTERED
PROFESSIONAL LAND SURVEYOR

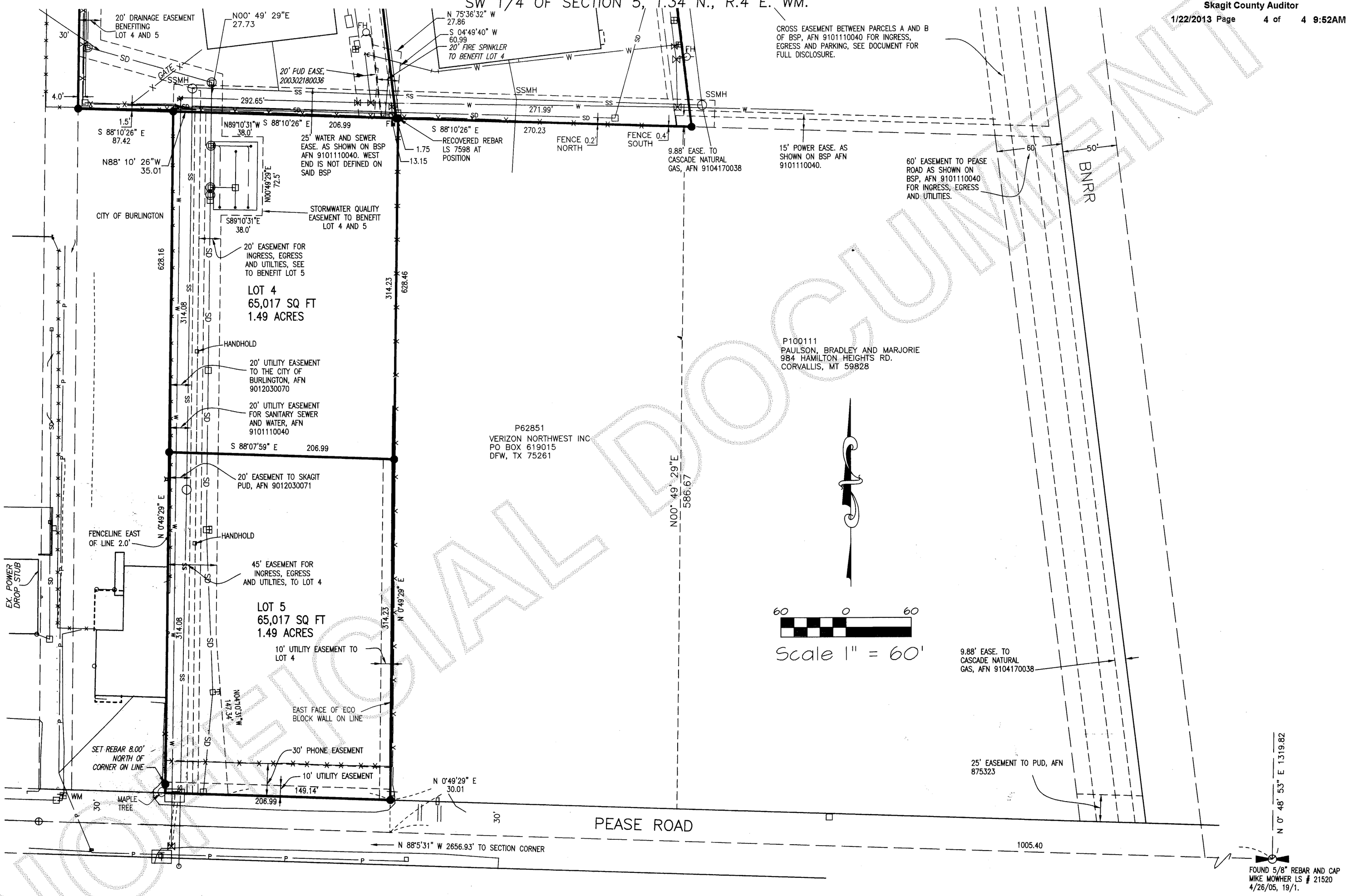
Sound Development Group
ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES
1111 CLEVELAND AVE. , SUITE 202
MOUNT VERNON WA. 98273
Tel: 360-404-2010 Fax: 360-404-2013

AMENDED
WHITFIELD MITZEL, LLC, BINDING SITE PLAN
IN A PORTION OF SW 1/4
SECTION 5, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM..
SKAGIT COUNTY, STATE OF WASHINGTON
CITY OF BURLINGTON
WHITFIELD MITZEL, LLC
PO BOX 188, MOUNT VERNON WA. 98213

DATE: 11.12.12	BY: DJA	SCALE: 1" = 60'
PROJECT NO. 10064	10064SURV.DWG	FB: V 82, PGS 21-23

AMENDED WHITFIELD MITZEL, LLC, BINDING SITE PLAN

IN A PORTION OF
SW 1/4 OF SECTION 5, T.34 N., R.4 E. WM.



SHEET 4 OF 4

LEGEND

- SET NAIL WITH SHINER
- SET 5/8" REBAR WITH CAP STAMPED "LS 17652"
- RECOVERED MONUMENT IN CASE AS NOTED
- FENCE LINE
- EXISTING WATERLINE
- c.o. CLEAN OUT
- WATER VALVE
- SD STORM SEWER
- SS SANITARY SEWER
- WATER METER
- CATCH BASIN
- SSMH SEWER MANHOLE
- FH FIRE HYDRANT

DENNIS J. ALBRIGHT
STATE OF WASHINGTON
17652
REGISTERED PROFESSIONAL LAND SURVEYOR
1-14-13

Sound Development Group

ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES
1111 CLEVELAND AVE. , SUITE 202
MOUNT VERNON WA. 98273
Tel: 360-404-2010 Fax: 360-404-2013

AMENDED
WHITFIELD MITZEL, LLC, BINDING SITE PLAN
IN A PORTION OF SW 1/4
SECTION 5, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM..
SKAGIT COUNTY, STATE OF WASHINGTON
CITY OF BURLINGTON
WHITFIELD MITZEL, LLC
PO BOX 188, MOUNT VERNON WA. 98213

DATE: 11.12.12	BY: DJA	SCALE: 1" = 60'
PROJECT NO. 10064	10064SURV.DWG	FB: V 82, PGS 21-23