



201404250044

Skagit County Auditor \$76.00
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201404170015

Skagit County Auditor \$75.00
4/17/2014 Page 1 of 4 9:36AM

After Recording Return To:

Timothy Potts
Zender Thurston PS
1700 D Street
Bellingham, WA 98225

Title of Document: Notice of Encroachment**Reference Nos. to Docs Affected:** None**Grantor:** Anacortes Apartment Assoc., LP**Grantee:** Anacortes Apartment Assoc., LP**Legal Description:****Burdened Property:** Ptns SE ¼ SE ¼ S24 T35N R1ESkagit Co. See Exhibit "A"**Benefited Property:** Ptns SE ¼ SE ¼ S24 T35N R1ESkagit Co. See Exhibit "B"**Tax Parcel #s:****Burdened Property:** 1110 29th St.

350124-0-116-0001 (P31893) - HII

350124-0- -0005 (P31897) - HII

Benefited Property: 1210, 1212 and 1214 29th St.

350124-0-119-0008 (P31896)

350124-0-117-0000 (P31894)

350124-0-121-0004 (P31898)

NOTICE OF ENCROACHMENT*Re-recorded to include Exhibit B*THIS NOTICE OF ENCROACHMENT ("Notice") is dated this 16 day of April 2014.**RECITALS**

- A. Anacortes Apartment Associates, a Washington limited partnership (the "Owner") owns the real property described on attached Exhibit A located at 1110 29th Street, Anacortes, Washington (the "Burdened Property"). At some time in the past several years a sewer line extension (the "SLE") benefiting the real property described on one or more of the legal descriptions shown on attached Exhibit B (the "Benefited Property") was placed

over, through and under the Burdened Property. The Owner's offices are in Bellingham, Washington. Such use been has been made without permission or acquiesce of the Owner and under no right, license, lease or other agreement of Owner.

- B. Owner just recently discovered the existence of the SLE that is an unauthorized use of Owner's land and sewer line connection, including the pumping system. Further, Owner has been paying such sewer service fees and real estate taxes for the Burdened Property all along without knowledge of the existence of the SLE or its encroachment onto Owner's property.
- C. Several of the elements of achieving prescription rights as to use of the Burdened Property to benefit the Benefited Property have not been met and will not be met. Therefore, regardless of the time period that this encroachment has occurred, the owner(s) of the Benefited Property do not have and will not have any right to the use or benefit from the Burdened Property in this manner. Such encroachment represents one or more tort offenses as well as violation of City of Anacortes and/or sewer provider rules and ordinances for tapping into sewer services without authorization.
- D. This document being recorded to provide notice of this unauthorized encroachment.

ENCROACHMENT

OWNER HEREBY NOTIFIES THE OWNER(S) OF THE BENEFITED PROPERTY AND THE PUBLIC, THAT THE SLE, AND THE ENCROACHMENT OF SAME ON, THROUGH AND/OR UNDER THE BURDENED PROPERTY, AND THE USE OF THE BURDENED PROPERTY AND ITS SEWER FACILITIES IN ANY WAY TO BENEFIT THE BENEFITED PROPERTY WAS AND IS NOT AUTHORIZED. THE BENEFITED PROPERTY HAS NO PERMISSION OR LEGAL RIGHT TO ANY SUCH USE.

ANACORTES APARTMENT ASSOCIATES, a Washington limited partnership

By: Gene Bouma
Print Name: GENE BOUMA
Its: GENERAL PARTER

Date: 4-16-14

STATE OF ~~ARIZONA~~ ^{WASHINGTON})
COUNTY OF WHATCOM) ss.

On this 16th day of April, 2014, before me a Notary Public in and for the State of Arizona, duly commissioned and sworn, personally appeared Gene Bouma to me known to be the individual who executed the foregoing instrument as the general partner of Anacortes Apartment Associates, a Washington limited partnership, and acknowledged the said instrument to be his free and



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voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument for said entity.

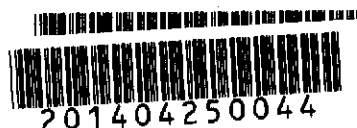
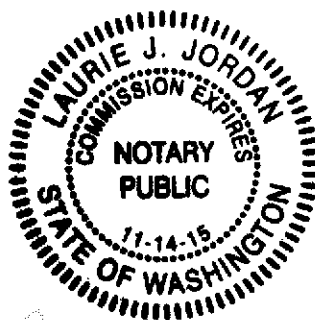
WITNESS my hand and official seal hereto affixed the day and year first written above.

Print Name: Laurie J. Jordan

Notary in and for the State of Arizona

Residing at: Bellingham

My commission expires on 11-14-15



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*Ex A Bordered Property*Parcel A

That portion of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 24, Township 35 North, Range 1 East W.M., described as follows:

Beginning at a point 295.2 feet West of the Southeast corner of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$;
thence West 98.4 feet;
thence North 296 feet;
thence East 98.4 feet;
thence South 296 feet to the point of beginning. Except that portion thereof deeded to the City of Anacortes for 29th Street by deed dated July 2, 1964, recorded November 8, 1965 under Auditor's File No. 674255 in Volume 350 of Deeds, page 408;

And also EXCEPT that portion of the East $9\frac{1}{2}$ feet of the above described premises lying Southerly of a line drawn parallel to and 148 feet North of the South line of said Southeast $\frac{1}{4}$ as measured along the East line thereof as conveyed in deed to Lyle R. Spradley et ux dated September 1, 1972, recorded September 1, 1972, under Auditor's File No. 773472.

Together with an easement as set forth in an instrument dated September 27, 1963, filed September 30, 1963 under Auditor's File No. 641417, from Charles A. Parks and Lucille A. Parks, his wife, over and across the easterly 4 feet of the Southerly 160 feet of the following described tract:

Beginning at a point 393.6 feet West of the Southeast Corner of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ (or a point 98.4 feet West of the Southeast corner of a tract of land conveyed to one A. H. Moore);
thence West 49.2 feet;
thence North 296 feet;
thence East 49.2 feet;
thence South 296 feet to the point of beginning.

PARCEL B

The North 125 feet of the following described property:

That portion of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 24, Township 35 North, Range 1, East W.M., described as follows:

Beginning at a point 393.6 feet West of the Southeast corner of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, (or a point 98.4 feet West of the Southwest corner of a tract of land conveyed to one A. H. Moore);
thence West 49.2 feet;
thence North 296 feet;
thence East 49.2 feet;
thence South 296 feet to the point of beginning;

EXHIBIT B (1/1)

Tax Parcel #

P31894

350124-0-117-0000

Legal Description Definitions

TAX 37B: THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 1 EAST OF W.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SUBDIVISION WHICH IS 492 FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION; THENCE EAST 49.2 FEET; THENCE NORTH 296 FEET; THENCE WEST 49.2 FEET; THENCE SOUTH 296 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF ANACORTES FOR STREET PURPOSES BY DEED RECORDED MARCH 9, 1959, UNDER AUDITOR'S FILE NO. 577490, RECORDS OF SKAGIT COUNTY, WASHINGTON; ALSO EXCEPT THAT PORTION THEREOF LYING WITHIN THE BOUNDARIES OF THE FOLLOWING DESCRIBED TRACT: BEGINNING AT A POINT WHICH IS 442.8 FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION; THENCE NORTH 8 DEGREES 15'16" WEST TO THE CENTER LINE OF 28TH STREET IN ANACORTES, WASHINGTON, IF PRODUCED; THENCE SOUTHERLY TO A POINT ON THE SOUTH LINE OF SAID SUBDIVISION 8 FEET WESTERLY OF THE POINT OF BEGINNING; THENCE EASTERLY ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

Tax Parcel #

P 31898

350124-0-121-0004

Legal Description Definitions

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 492 FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION; THENCE WEST 74.1 FEET; THENCE NORTH 128 FEET; THENCE EAST 74.1 FEET TO A POINT NORTH OF THE POINT OF BEGINNING; THENCE SOUTH TO THE POINT OF BEGINNING; EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF ANACORTES FOR ROAD BY DEED DATED MARCH 5, 1959, RECORDED MARCH 9, 1959, UNDER AUDITOR'S FILE NO. 577489.

Tax Parcel #

P31896

350124-0-119-0008

Legal Description Definitions

(TAX 37AA) THAT PORTION OF THE SE1/4 SE1/4 OF SEC 24, TWP 35, RNG 1 DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 393.6 FEET WEST OF THE SOUTHEAST CORNER OF SAID SE1/4 SE1/4 (OR A POINT 98.4 FEET WEST OF THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO ONE A.H. MOORE;) THENCE WEST 49.2 FEET; THENCE NORTH 296 FEET; THENCE EAST 49.2 FEET; THENCE SOUTH 296 FEET TO THE PLACE OF BEGINNING; EXCEPT THE NORTH 125 FEET THEREOF, AND ALSO EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF ANACORTES RECORDED UNDER AF#674254



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