



LEGAL DESCRIPTION

THAT PORTION OF GOVERNMENT LOT 5 IN SECTION 10, TOWNSHIP 33 NORTH, RANGE 3 EAST, W.M., DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE CENTER LINE OF HANSON COUNTY ROAD NO. 292 WHICH IS 326 FEET SOUTH OF THE INTERSECTION OF SAID CENTER LINE WITH THE CENTER LINE OF MOORE COUNTY ROAD;  
THENCE EASTERLY 607 FEET TO THE POINT WHICH LIES 406.5 FEET SOUTHERLY OF A POINT ON THE CENTER LINE OF MOORE COUNTY ROAD WHICH IS 428 FEET 8 INCHES EASTERLY (AS MEASURED ALONG SAID CENTER LINE) FROM ITS INTERSECTION WITH THE CENTER LINE OF THE HANSON COUNTY ROAD, BEING THE TRUE POINT OF BEGINNING;  
THENCE NORTHERLY 406.5 FEET TO A POINT ON THE CENTER LINE OF SAID MOORE COUNTY ROAD WHICH IS 428 FEET 8 INCHES EASTERLY (AS MEASURED ALONG SAID CENTER LINE) FROM ITS INTERSECTION WITH THE CENTER LINE OF SAID MOORE COUNTY ROAD, BEING THE TRUE POINT OF BEGINNING;  
THENCE EASTERLY IN A STRAIGHT LINE A DISTANCE OF 355 FEET TO A POINT ON THE CENTER LINE OF SAID MOORE COUNTY ROAD, THENCE SOUTHERLY A DISTANCE OF 360.5 FEET TO A POINT 312 FEET EASTERLY OF THE TRUE POINT OF BEGINNING;  
THENCE WESTERLY 312 FEET TO THE TRUE POINT OF BEGINNING.  
EXCEPT COUNTY ROAD ALONG THE NORTHERLY LINE THEREOF.  
SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.  
SOURCE OF LEGAL DESCRIPTION IS STATUTORY WARRANTY DEED FILED UNDER AUDITOR'S FILE NUMBER 201401290050, RECORDS OF SKAGIT COUNTY, WASHINGTON.

DEED TO SKAGIT COUNTY FOR ROAD FILED JAN. 19, 1951 UNDER AUDITOR'S FILE NO. 455909, IN VOL. 243, PAGE 44:

A STRIP OF LAND IN GOV'T LOT 5, SEC. 10 TWP 33 N. R. 3 E. W.M., WHICH IS 18 FEET WIDE ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE: BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 5, WHICH IS N. 2° 5' 45" E. 1247.53 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 5, RUNNING THENCE ON A CURVE TO RIGHT WHOSE TANGENT IS N. 40° 38' 35" E. AND RADIUS IS 1432.4 FEET, A DISTANCE OF 95.65 FEET; THENCE N. 44° 38' 30" E. A DISTANCE OF 291.2 FEET; THENCE ON A CURVE TO RIGHT HAVING A RADIUS OF 409.26 FEET A DISTANCE OF 186.0 FEET; THENCE N. 70° 41' E. 248.3 FEET; THENCE ON A CURVE TO RIGHT HAVING A RADIUS OF 358.1 FEET A DISTANCE OF 162.9 FEET; THENCE S. 83° 15' 30" E. 149.1 FEET; THENCE ON A CURVE TO LEFT HAVING A RADIUS OF 716.2 FEET A DISTANCE OF 169.8 FEET; THENCE N. 83° 9' 30" E. 216.26 FEET TO A POINT ON THE EAST LINE OF SAID LOT 5, WHICH IS N. 2° 6' E. 1774.07 FEET FROM THE S. E. CORNER OF SAID LOT 5, AS NOW LOCATED AND MARKED ON THE GROUND BY THE SKAGIT COUNTY ROAD ENGINEER.

BOUNDARY RESOLUTION

THIS PROPERTY WAS FIRST CREATED BY A REAL ESTATE CONTRACT FILED ON OCTOBER 19, 1971, UNDER AUDITOR'S FILE NO. 759425. THE DESCRIPTION USED THEREIN HAS BEEN CONTINUED TO THE PRESENT TIME. THE CONDITION OF THE BOUNDARIES IS BEST DESCRIBED BY A CLAUSE IN THE REMAINDER OF THE PARENT PROPERTY CONVEYED TO DONALD KRAUSE UNDER AUDITOR'S FILE NUMBER 9603220084 RECORDS OF SKAGIT COUNTY WASHINGTON. SAID CONTRACT DESCRIBES THE PROPERTY AS GOVERNMENT LOT 5 SOUTH OF MOORE COUNTY ROAD, EXCEPT THE PROPERTY DESCRIBED ABOVE AND LOCATED BY THIS SURVEY. IN ADDENDUM 'B' OF SAID CONTRACT IS THE FOLLOWING CONDITION:

"THE FOLLOWING SHALL BE INCLUDED AS PART OF THE ABOVE DESCRIBED REAL ESTATE CONTRACT, AS FOLLOWS: SELLER IS NOT AWARE OF ANY ENCROACHMENTS OR BOUNDARY DISPUTES; HOWEVER, SELLER HAS NOT SURVEYED THE PROPERTY AND THE APPARENT PROPERTY LINES ARE MERELY ASSUMED TO BE CORRECT. SELLER MAKES NO WARRANTIES REGARDING THE PROPERTY LINES. PURCHASER IS RESPONSIBLE FOR ANY SURVEY, AT PURCHASER'S SOLE COST AND EXPENSE, THAT PURCHASER MAY DESIRE. PURCHASER MUST SATISFY ITSELF WITH THE RESPECT TO THE CORRECTNESS OF THE APPARENT BOUNDARIES BY SURVEY AND BY DISCUSSION WITH ADJOINING LAND OWNERS. ..."

THERE ARE NO SURVEYS OF RECORD FOR THIS PROPERTY, AND DISCUSSION WITH THE LANDOWNERS, PRESENT AND PREVIOUS, TURNED UP NO UNRECORDED SURVEYS.

THE MONUMENTS FOR THIS PROPERTY ARE MOORE ROAD AND HANSEN ROAD. WHILE THE ROAD HAS HAD DIFFERENT LOCATIONS THROUGHOUT ITS HISTORY, THE BEST EVIDENCE IS THAT ITS PRESENT LOCATION IS THE SAME AS IT WAS AT THE TIME OF THE DEED. AN INVESTIGATION WAS MADE INTO THE LOCATION OF THE ROAD AT THE TIME OF THE FIRST DEED. THIS INCLUDED RECORD SURVEYS OF THE TWO ROADS AS WELL AS INTERVIEWS OF THE CURRENT AND PREVIOUS LANDOWNER. ALSO CONSULTED WERE THREE "OLD TIMERS" FROM FIR ISLAND, AS WELL AS CATAPULT CONSTRUCTION (THE CONTRACTOR THE LATEST DIKE IMPROVEMENT PROJECT). ALL TESTIMONY INDICATED THAT THE LOCATION OF THE ROAD HAS NOT CHANGED. ALL PREVIOUS SURVEYS WERE INCONCLUSIVE. THESE ARE THE SURVEYS BY THE SKAGIT COUNTY ENGINEERS TRACED ON THE SECTION PLAT FOR SECTION 10, TWP. 33N. RGE. 3E. SAID ROAD TRACINGS ARE TIED BY MEASUREMENTS TO THE SECTION CORNERS OF SECTION 10. THE COUNTY SECTION PLATS LACK MEASUREMENTS OF RECORD MATCH THE CURRENT DISTANCES BETWEEN ANY COMBINATIONS OF THESE MONUMENTS. A RETRACING OF MOORE ROAD FROM THE SOUTHWEST CORNER OF SAID SECTION. NO TESTIMONY AND PHOTOGRAPHIC EVIDENCE INDICATES THAT THE ROAD HAS ALWAYS BEEN TIGHT AGAINST THE DIKE (THAT LIES IMMEDIATELY NORTH OF SAID ROAD). A MORE RECENT SURVEY BY GWYNN LEGRO WAS MADE OF THE DIKE FOR FIR ISLAND DIKING DISTRICT NO. 22. IN 1993, SAID SURVEY WAS BEFORE THE LATEST DIKE IMPROVEMENT AND CONTAINS MEASUREMENTS TO THE TOE OF THE DIKE AT THE NORTH EDGE OF MOORE ROAD. SAID SURVEY SHOWS THE ROAD TO BE IN SUBSTANTIALLY THE SAME PLACE AS IT NOW IS. THE CURRENT ASBLUIT CENTER LINE OF THE ROAD WAS USED AS THE BASIS OF THE BOUNDARY RESOLUTION AS THE BEST EVIDENCE OF THE DEED.

THE DEED FOR TOLBERT ROAD, A.F.N. 455909, WAS USED TO DETERMINE THE RIGHT OF WAY FOR MOORE ROAD. (WHAT IS LEFT UNSTATED BY SAID DEED IS THE LOCATION OF THE ROAD CENTER LINE AS IT IS BUILT TO THE CENTERLINE OF SAID RIGHT OF WAY.) THIS DEED FITS MUCH BETTER THAN THE TRACINGS ON THE SECTION PLATS. IT CLOSES WELL WITH THE SECTION DIMENSIONS OF THE COUNTY ROAD TRACING, SHOWING THEREBY WHAT SECTION DIMENSIONS WERE USED IN ITS CREATION. THE COURSES AND DISTANCE, WHEN TRANSLATED AND ROTATED TO THE NORTHEAST AND SOUTHEAST SECTION CORNERS, FIT THE CURRENT COURSE OF THE ROAD QUITE WELL.

RESOLUTION OF THE RIGHT OF WAY FOR MOORE ROAD: THE SECTION DIMENSIONS OF THE COUNTY SECTION PLAT FOR THE EAST LINE OF THE SECTION WERE PROPORTIONED TO FIT THE MEASUREMENTS MADE BY THE CURRENT SURVEY. ALSO PROPORTIONED ALONG THE EAST LINE WAS THE DISTANCE (TAKEN FROM A.F.N. 455909, BETWEEN THE INTERSECTION OF THE DEED CENTER LINE AND THE SOUTH EAST CORNER OF GOVERNMENT LOT 5. THE CALCULATED INTERSECTION OF THE CENTERLINE OF THE RIGHT OF WAY FALLS 2 FEET SOUTH OF THE CURRENT ASBLUIT CENTER LINE. THE BEARINGS OF THE DEED WERE ROTATED TO THE RECORD BEARING OF THE COUNTY ROAD PLAT AND THE COURSES AND DISTANCE CALCULATED FROM THE POINT OF INTERSECTION ON THE EAST LINE OF GOVERNMENT LOT 5. THE SOLUTION IS REMARKABLY PARALLEL TO THE CURRENT ASBLUIT CENTER LINE.

MAPPING: THE PROPERTY HAS BEEN SHOWN IN RELATION THE THE NORTH EAST AND SOUTH EAST SECTION CORNERS FOR THE PURPOSE OF RETRACEMENT AND RECOVERY.

NOTES:

1. BASIS OF BEARING IS SOUTH 0° 57' 48" WEST FROM THE FOUND MONUMENT AT THE NORTHEAST CORNER OF SECTION 10, TWP. 33 N., RGE. 3E. TO THE FOUND MONUMENT AT THE SOUTHEAST CORNER OF SAID SECTION.
2. BASIS OF BEARING HAS BEEN CALCULATED FROM THE COUNTY SECTION PLAT FOR SECTION 10, TWP. 33 N. RGE. 3 E. W.M., SKAGIT COUNTY, WASHINGTON, DATED SEPTEMBER 3, 1968, BY LLOYD H JOHNSON, COUNTY ENGINEER
3. THIS SURVEY WAS PERFORMED BY A STANDARD FIELD TRAVERSE USING A LEICA TCPR (3 SECOND) TOTAL STATION. THIS SURVEY MEETS OR EXCEEDS THE ACCURACY REQUIREMENTS SPECIFIED IN W.A.C. 332-130-090.
4. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. IT DOES NOT PURPORT TO SHOW ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, PROVISION, COVENANTS OR CONDITIONS WHICH MAY AFFECT THE PARCEL SHOWN.
5. THIS SURVEY HAS DEPICTED OCCUPATIONAL INDICATORS IN ACCORDANCE WITH W.A.C. CHAP. 332-130. THESE OCCUPATIONAL INDICATORS MAY INDICATE A POTENTIAL FOR CLAIMS OF UNWRITTEN TITLE OWNERSHIP. THE LEGAL RESOLUTION OF UNWRITTEN TITLE CLAIMS HAS NOT BEEN RESOLVED BY THIS BOUNDARY SURVEY.



RECORD OF SURVEY

IN GOVERNMENT LOT 5 IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND ALSO IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TWP. 33 N., RGE. 3 E., W.M., SKAGIT COUNTY WASHINGTON, FOR GEORGE ROTH AND DON ELLIOTT

ZITKOVICH LAND SURVEYING, PLLC

PROFESSIONAL LAND SURVEYING  
CONCRETE, WA 98237  
(360) 391-3494

DRAWN BY: SAZ

JUNE 6, 2014

PAGE 2 OF 2

FIELD BOOK:13, PAGES 1-12 DATE OF FIELD WORK: 12/23/2013 TO 6/5/2014