

WHEN RECORDED RETURN TO:

Gregory C. Gardner and Susan T. Gardner  
5884 NW Lac Leman Drive  
Issaquah, WA 98027



201407150056

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\$78.00

Escrow Number: 01348-26923

Filed for Record at Request of: **Stewart Title Company**

## STATUTORY WARRANTY DEED

THE GRANTOR(S), GP Anacortes, LLC, a Rhode Island Limited Liability Company for and in consideration of Ten Dollars and other good and valuable consideration in hand paid, conveys and warrants to Gregory C. Gardner and Susan T. Gardner, a married couple the following described real estate, situated in the County of Skagit, State of Washington:

LOT 81, "PLAT OF SAN JUAN PASSAGE PHASE IV", AS PER PLAT RECORDED DECEMBER 26, 2012, UNDER AUDITOR'S FILE NO. 201212260122, RECORDS OF SKAGIT COUNTY, WASHINGTON.

SITUATE IN THE CITY OF ANACORTES, COUNTY OF SKAGIT, STATE OF WASHINGTON.

Subject to items on Exhibit B

Subject to: This conveyance is subject to covenants, conditions, restrictions and easements, if any affecting title which may appear in the public record, including those shown on any recorded plat or survey.

Abbreviated Legal: (Required if full legal not inserted above.)

Tax Parcel Number(s): P131417/6010-000-000-0081

Dated: July 11, 2014

LAND TITLE OF SKAGIT COUNTY

148008-SA

GP ANACORTES, LLC



By: Matthew Lawrence  
Its: Senior Vice President

Rhode Island  
State of Washington

County of PROVIDENCE

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

20142578

JUL 15 2014

Amount Paid \$ 10017.50

Skagit Co. Treasurer

ss.

By: 

Deputy

I certify that I know or have satisfactory evidence that GP Anacortes, LLC is the person who appeared before me, and said person acknowledged that he/she/they signed this instrument and acknowledged it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

\*Matthew Lawrence, as Senior Vice President of

Dated: July 11, 2014

Notary name printed or typed: DANIEL P. STEVENSON

Notary Public in and for the State of Washington RI

Residing at CUMBERLAND, RI

My appointment expires: 3/11/16

DANIEL P. STEVENSON  
NOTARY PUBLIC  
STATE OF RHODE ISLAND  
MY COMMISSION EXPIRES 03/11/2016

**Schedule "B"**

**EXCEPTIONS:**

**A. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:**

Grantee: City of Anacortes  
Purpose: 20 foot storm water  
Recorded: January 3, 1997  
Auditor's No.: 9701030012

**B. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:**

Grantee: Port of Anacortes  
Purpose: Avigation Easement Agreement  
Recorded: September 15, 2006  
Auditor's No.: 200609150177

**C. TERMS AND CONDITIONS OF EASEMENT AGREEMENT AND THE TERMS AND CONDITIONS THEREOF**

Between: The Port of Anacortes  
And: GP Anacortes, LLC  
Recorded: September 15, 2006  
Auditor's No.: 200609150178  
Providing: View and landscaping easements

**D. RECORD OF SURVEY:**

Recorded: January 30, 2007  
Auditor's No.: 200701300036

**E. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:**

Grantee: Puget Sound Power & Light Company  
Purpose: The right to construct, operate, maintain, repair, replace improve, remove, enlarge, and use the easement area for one or more utility systems for purposes of transmission, distribution and sale of gas.  
Recorded: July 14, 2008  
Auditor's No.: 200807140094  
Area Affected: A strip of land 10 feet in width across all lots, tracts and open spaces located within the above described property being parallel to and coincident with the boundaries of private/public street and road rights-of-way.

**F. Terms and conditions of that certain "Decision to issue a Preliminary Development Plan Permit for the Ship Harbor Residential Community Planned Unit Development as recorded November 25, 2008, under Auditor's File No. 200811250001.**

- Continued -



**Schedule "R"**

**EXCEPTIONS CONTINUED:**

**G. MEMORANDUM OF UNDERSTANDING CONCERNING DESIGN AND CONSTRUCTION OF THE INTERSECTION OF EDWARDS WAY AND OAKS AVENUE AND THE TERMS AND CONDITIONS THEREOF:**

Recorded: November 25, 2008  
Auditor's No.: 200811250002

**H. DECLARATION AND COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND RESERVATIONS AND THE TERMS AND CONDITIONS THEREOF:**

Declaration Dated: November 26, 2008  
Recorded: November 26, 2008  
Auditor's No.: 200811260100  
Executed By: GP Anacortes, LLC

**FIRST AMENDMENT AND THE TERMS AND CONDITIONS THEREOF:**

Dated: May 18, 2011  
Recorded: May 24, 2011  
Auditor's No.: 201105240062

**I. NATIVE GROWTH PROTECTION EASEMENT AGREEMENT, AND THE TERMS AND CONDITIONS THEREOF:**

Between: GP Anacortes, LLC, its successor and assigns  
And: The City of Anacortes  
Dated: May 5, 2011  
Recorded: May 24, 2011  
Auditor's No.: 201105240061

**J. MATTERS DISCLOSED ON THE FACE OF THE PLAT OF SAN JUAN PASSAGE PHASE IV, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:**

**DEDICATION**

Know all men by these present that Wells Fargo Bank, mortgage holder, and GP Anacortes, LLC, owner of the land hereby platted, declare this plat and dedicate to the use of the public forever, streets and avenues 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 slope for cuts and fills upon the lots and blocks shown here on. The owners and their assigns hereby waive all claims for damages against which may be occasioned to the adjacent properties by the construction, drainage and maintenance of said road and or area.



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**Schedule "B"**

**EXCEPTIONS CONTINUED:**

**J. (continued):**

**UTILITY EASEMENTS**

An easement is hereby reserved for and conveyed to the City of Anacortes, Puget Sound Energy, Inc. (A.F. No. 200807140094), Frontier Communications Telephone Company, Cascade Natural Gas Company, and Comcast Cable Television Company and their respective successors and assigns under and upon the front ten (10) feet, or as shown on the plat, of front boundary lines all lots, tracts and spaces within the plot lying parallel with and adjoining all public street(s), as shown on the plat, in which to construct, operate, maintain, repair, replace and enlarge underground pipes, conduits, cables and wires all necessary or convenient underground or ground mounted appurtenances thereto for the purpose of serving this subdivision and other property with electric, gas, telephone and other utility service, together with the right to enter upon the streets, lots, tracts and spaces at all times for the purposes herein stated.

**TYPICAL MINIMUM SETBACK REQUIREMENTS**

R2 and R3 Zonings Districts

See Anacortes Municipal Code 17.34.060 and 17.36.060

Rear Property Line:	20.0 feet
Side Property Line:	10.0 feet
Interior Side Property Line:	5.0 feet
Front Property Line:	20.0 feet

**NOTES:**

1. Assessor's Account No. 6004-000-999-1100 (P128128), 4941-000-999-1100 (P128127) and 6004-000-999-0500 (P130619), 4974-000-999-1200 (P128122), 6600-000-999-0300 (P130617) & 4974-000-999-1300 (P128130).
2. This survey was performed with the benefit of a current title report, dated September 14, 2012, Guarantee/Certificate No. 620016832, supplied by Chicago Title Company, of Skagit County, description and exception information provided in said report.
3. This property is subject to and together with easements, reservations, restriction, covenants and other instruments of record including but not limited to those instruments referred to the Chicago Title Company report referenced under Note 2 above. Said report lists documents recorded under Auditor's File Number 200807140094 (Puget Sound Power and Light Company Easement), AF #200701300036 (record of survey), AF #200609150177 (Port of Anacortes aviation easement agreement) AF #200609150178 (view and landscaping easement), 9701030012 (storm drain easement), AF #200611260099 and 200611260100 and Modification AF #201105240062 (covenants identified in Note 22 below) AF #200611250001 (preliminary plat approved facts and findings identified in Note 23 below), AF #200811250002 (Memorandum of Understanding identified in Note 24 below), AF #200605050061 (Latecomers Agreement identified in Note 17 below), AF #201105240061 (Native Growth Protection ESMT Agreement) and AF #201112080064 (Covenants noted in Phase III plat). Deeds of Trust are recorded under AF #200701190060, 200610170067 and 201002170052.



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**Schedule "R"**

**EXCEPTIONS CONTINUED:**

J. (continued):

4. Zoning: Commercial Marine (CM)
5. Water Supply: City of Anacortes
6. Sewer Disposal: City of Anacortes
7. Storm Sewer: City of Anacortes
8. Equipment Used: Pentax 323N Total Station
9. All existing rebar & caps and concrete monuments were visited on 2-11-2011.
10. Error of closure meets Washington State survey standards
11. Survey Method: Standard Field Traverse
12. Basis of Bearings: Record of Survey/Plat of San Juan Passage Phase 1, AF 200811260099.
13. Addresses shown on Plat Sheet 2
14. Monuments set by me or under my supervision
15. Building Setbacks, Lot Coverage and Height Limit:  
Lots less than 6,000 sq. ft. -R3 Zone shall apply  
Lots 6,000 sq. ft. or larger - R2 Zone shall apply.  
On Oakes Ave. the setback shall be 20 feet with 10 feet being a planting easement to be maintained by the San Juan Passage Homeowners Association.
16. This project is subject to applicable water, sewer and stormwater general facility and hookup fees as well as transportation, fire and park impact fees.
17. Each lot shall be subject to a latecomer's fee of \$2,840.00 per Latecomer's Agreement recorded under A.F. No. 200605050061.
18. There is a park impact fee of \$1,200 per lot with \$120,000.00 going towards construction of the Ship Harbor Interpretive Preserve Trail System.
19. All retaining walls will be the responsibility of the San Juan Passage Homeowners Association and respective lot owners, per section 2.11 Retaining walls of the San Juan Passage Declarations, Restrictions, Easements and Reservations, AF #200811260099 & 200811260100 and modified in AF #201105240062.
20. A 10 foot planting easement across Lots 68 through 89 as shown on the plat parallel with Oakes Avenue is hereby granted to the San Juan Passage Homeowners Association for the purposes of landscaping and landscape maintenance.



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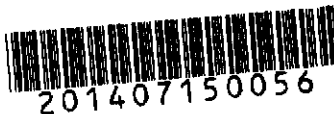
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**Schedule "B"**

**EXCEPTIONS CONTINUED:**

**J. (continued):**

21. A section breakdown and boundary resolution is identified in the plat of San Juan Passage Phase I Note 23 See: ALTA/ACSM record of survey filed under A.F. No. 200701300036 record of survey BK. AA Pgs 131-136. A.F. No 9107230002 record of survey A.F. No. 200210230123.
22. All parcels within the subdivision are subject to the covenants, conditions, restriction, ect. as stated in the Declaration and Covenants, Conditions, Restrictions, Easements and Reservations for San Juan Passage Phase I AF #200811260099 & 200811260100 and modified in AF #201105240062.
23. All parcels within the subdivision are subject to the "Findings of Fact and Conclusion of Law" as adopted by the Anacortes City Council on May 15, 2008 recorded November 25, 2008 AF #201105050001.
24. All parcels within this subdivision are subject to the "Memorandum of Understanding" recorded November 25, 2008, A.F. No. 200811250002.
25. Encroachment Agreement – with the recording of this plat, all parcels and or the San Juan Passage Homeowners Association with this subdivision are subject to an encroachment agreement, per Chapter 12.30 – Encroachment permits for street and utility improvements of the City of Anacortes Municipal Code for private infrastructure installed in the public right-of-way. Said appurtenance, retaining walls and appurtenances, and any other deemed as private infrastructure by the City of Anacortes Public Works Director.
26. Vertical Datum. NAVD 88  
Project benchmark – Top of brass cap in case at the intersection of Schooner Drive and Ship Harbor Boulevard. Elevation = 125.07' (NAVD 88).
27. A 20 foot planting easement across the rear yards of Lots 75 to 79 parallel with SJP's Western property line with the Portalis residential community is hereby granted to the San Juan Passage Homeowners Association for the purposes of landscaping and maintaining a 20-foot landscaped buffer at its sole cost and expense.
28. Lots 66 and 86 are subject to sanitary sewer and storm sewer easements. No Encroachments (i.e. structures, fences, driveways, paving, etc.) are permitted in the easements without first obtaining an Encroachment Agreement from the City of Anacortes per Anacortes Municipal Code Ch. 12.30 "Encroachment Permits."
29. A planting easement coinciding with the boundaries of the recorded 20-foot storm and sanitary easements on Lots 66 & 86 is hereby granted to the San Juan Passage Homeowners Association for the purpose of landscaping and maintaining landscaping at its sole cost and expense.
30. Tract R is a limited common area for use solely by the San Juan Passage Lot Owners and shall be owned and maintained by the San Juan Passage Homeowners Association.



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**Schedule "B"**

**EXCEPTIONS CONTINUED:**

**J. (continued):**

**ADDITIONAL NOTES:**

1. 20.0' sanitary sewer easement see San Jan Passage Phase I (AF. No. 200811260099) Sht 2, Note 28.
2. 20.0' storm sewer easement AF. No. 97011030012.
3. See Note 28 and 29 on Sheet 1 for easement encroachment restrictions and landscaping responsibilities.
4. 10.0' public trail easement on and across Lot 79 is hereby dedicated to the public and Will be maintained by the San Juan Passage Homeowners Association.



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