

When Recorded Return to:  
Carmichael Clark, P.S.  
SIMI JAIN  
P.O. Box 5226  
Bellingham, WA 98227



Skagit County Auditor \$76.00  
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**Document Title:**  
Setback Easement

**Reference #of related documents:**

**Grantor:**  
Pine Creek Estates LLC, a Washington limited liability company

**Grantee:**  
Pine Creek Estates LLC, a Washington limited liability company

**Brief Legal Description:**  
Lot 11, Plat of Pine Creek Div. 1, AF# 201112200087 (Grantor)  
Lot 2, Plat of Pine Creek Div. 1, AF# 201112200087 (Grantee)  
Portion of the NW of the NE Sec 16, T34N, R4E, WM  
Full legal descriptions on pages 2 and 3

**Parcel numbers:**  
P131019 6005-000-000-0011 (Grantor)  
P131010 6005-000-000-0002 (Grantee)

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX  
EASEMENT  
JAN 27 2015

Amount Paid \$ —  
Skagit Co. Treasurer  
By HLB Deputy

## SETBACK EASEMENT

THIS Easement is made this 27<sup>th</sup> day of JANUARY, 2015, by Pine Creek Estates LLC (hereinafter referred to as the "Developer") a Washington limited liability company.

### WITNESSETH:

WHEREAS, Developer is the owner in fee of certain real property situated in Skagit County, Washington, legally described as follows and hereinafter referred to as "Lot 11":

Lot 11, Plat of Pine Creek Division 1, recorded under Auditor's File No. 201112200087, being a portion of Lot 3 Boundary Line Adjustment No. LU-10-024, recorded under Auditor's File No. 201006090035, located in the northwest quarter of the northeast quarter of Section 16, Township 34 North, Range 4 East, W.M. Situate in Skagit County Washington.

WHEREAS, Developer is also the owner in fee of certain real property immediately adjacent and to the south of Lot 11 legally described as follows and hereinafter referred to as "Lot 2":

Lot 2, Plat of Pine Creek Division 1, recorded under Auditor's File No. 201112200087, being a portion of Lot 3 Boundary Line Adjustment No. LU-10-024, recorded under Auditor's File No. 201006090035, located in the northwest quarter of the northeast quarter of Section 16, Township 34 North, Range 4 East, W.M. Situate in Skagit County Washington.

WHEREAS, Developer needs additional setback area for the proposed residence on Lot 2 in order to satisfy the City of Mount Vernon's setback requirements codified within Mount Vernon Municipal Code 17.15.070; and

WHEREAS, the City of Mount Vernon will allow Developer to satisfy the City of Mount Vernon's setback requirements if a setback easement is granted for the benefit of Lot 2; and

WHEREAS, pursuant to the City of Mount Vernon's municipal code, fences are permitted on property lines; however, due to the unique nature of this setback easement fences will not be allowed within the 3-foot setback easement area itself that is described in detail below. Fences will, however, be allowed on property lines and/or may abut either the north or south side of the easement area; and

WHEREAS, the above recitals are a material part of this Easement.

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### Easement Grant

NOW THEREFORE, Developer hereby grants an easement for setback purposes over a portion of Lot 11 to the owner of Lot 2, as depicted on Exhibit A, and legally described as follows, which shall remain vacant and free of all structures of any kind (hereinafter referred to as "Easement Area") except fences may be constructed on property lines and/or may abut the north and south boundaries of the Easement Area. This grant does not include the right to ingress and egress over and across the Easement Area:

The north 3 feet of Lot 11, Plat of Pine Creek Division 1, recorded under Auditor's File No. 201112200087, being a portion of Lot 3 Boundary Line Adjustment No. LU-10-024, recorded under Auditor's File No. 201006090035, located in the northwest quarter of the northeast quarter of Section 16, Township 34 North, Range 4 East, W.M. Situate in Skagit County Washington.

Developer covenants, agrees and declares that it shall keep the Easement Area free and clear of any structures of any kind. Developer understands and agrees that the south boundary of the Easement Area shall be treated as Lot 11's property line by the City of Mount Vernon for compliance with its development regulations and standards.

This Easement and covenants herein shall run with the land and burden Lot 11 and each part of it, and shall be binding on all parties having or acquiring any right, title or interest in Lot 11 and Lot 2 or any part thereof, and shall inure to the benefit of each and every owner thereof. Acceptance of an interest in Lot 11 or Lot 2 shall be deemed acceptance of the terms and provisions of this Easement and the covenants herein, and any conveyance hereafter of any portion or interest in Lot 11 or Lot 2 shall be subject to this Easement and the covenants herein.

Developer intends that this Easement and covenants herein be enforced to the greatest extent permitted by applicable law. If any provision of this Easement, on its face or as applied to any person or circumstance, is or becomes unenforceable to any extent, the remainder of this Easement and the application of that provision to other persons, circumstances, or extent, will not be impaired.

This Easement and the covenants herein shall not be amended or rescinded without prior approval from the City of Mount Vernon's Community & Economic Development Department.



IN WITNESS WHEREOF, this Easement is executed this 27<sup>th</sup> day of JANUARY, 2015.

COAST PACIFIC, INC.,  
Member of PINE CREEK ESTATES LLC

By: *Samuel E. Mulder*

Samuel E. Mulder,  
President of Coast Pacific, Inc.

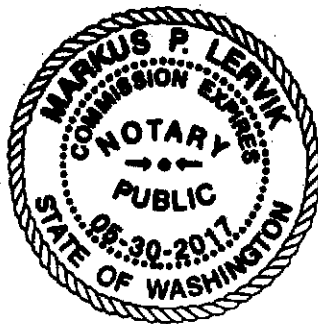
STATE OF WASHINGTON )

) ss

County of Whatcom )

I certify that I know or have satisfactory evidence that SAMUEL E. MULDER is the person who appeared before me and said person acknowledged that he signed this instrument and acknowledged it as the President of Coast Pacific, Inc., the member of Pine Creek Estates LLC, to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: JANUARY 27<sup>th</sup>, 2015



*Markus P. Lervik*  
NOTARY PUBLIC in and for the  
State of Washington. My  
Commission expires MAY 30, 2017



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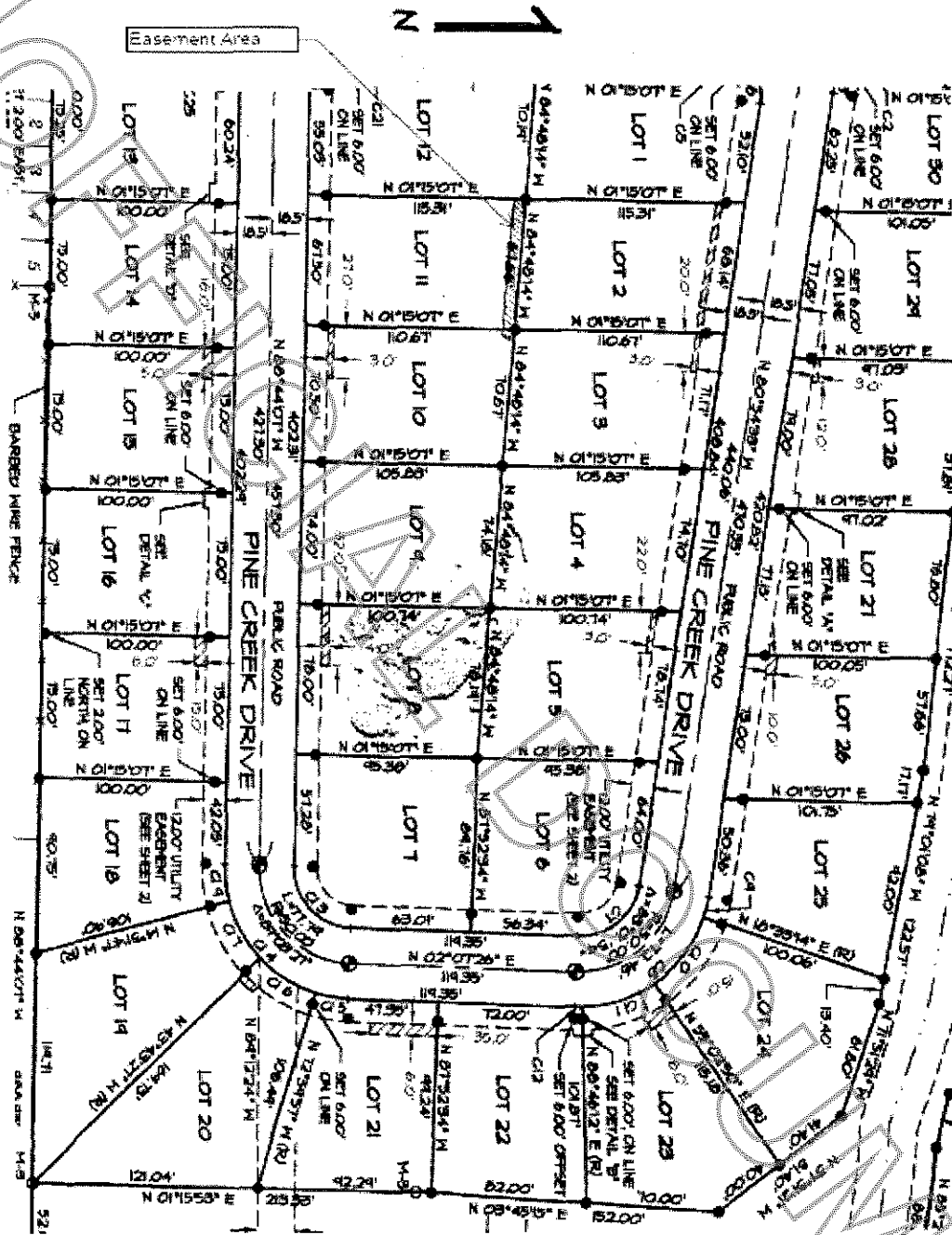
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# EXHIBIT A - EASEMENT AREA



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