



201601190151

Skagit County Auditor

\$133.00

1/19/2016 Page

1 of

11

2:12PM

Document Title: Notice on the Record

Reference Number:

Grantor(s): additional grantor names on page ___

1. JOANNE EQUINES

2.

Grantee(s): additional grantee names on page ___

1. Public Record

2.

Abbreviated legal description: full legal on page(s) Attachment A

PTN Gov Lots 7+8+504 SE 1/4 in S36T36N R2E

Assessor Parcel / Tax ID Number: additional tax parcel number(s) on page ___

P47454

I, Charles Sander, am hereby requesting an emergency non-standard recording for an additional fee provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document. Recording fee is \$73.00 for the first page, \$1.00 per page thereafter per document. In addition to the standard fee, an emergency recording fee of \$50.00 is assessed. This statement is to become part of the recorded document.

Signed

Dated

1-19-16

AFTER RECORDING, RETURN TO:

Charles W. Sandell
7010 35th Ave. NE
Seattle, WA 98115

NOTICE ON THE RECORD

Grantor: Joanne Squires
Grantee: The Public Record

COMES NOW Joanne Squires, Personal Representative of the Estate of James C. Squires and sole heir, and does hereby for public record purposes offer the following statements and documents in clarification of the matter of ownership and maintenance responsibilities relating to that certain dike traversing the entire eastern side of that certain parcel of property located in Skagit County, Washington, as legally described on Attachment A, and for Skagit County property identification purposes as P47454; and further, the documents attached provide explanation to the matter of non-action as to that certain "Petition for Annexation of Contiguous Territory" as filed of record under Skagit County Auditor's file no. 9203230075.

The documents as attached consist of the following:

1. Email of October 29, 2015, from Norm Hoffman, Secretary, Dike, Drainage, and Irrigation District No. 5, as sent to Charles W. Sandell, attorney for Joanne Squires, owner of parcel P47454;
2. Letter dated October 21, 2015, from Norm Hoffman, Secretary, Dike, Drainage, and Irrigation District No. 5 as addressed to John Cooper, Planning & Development Services, Skagit County;
3. Dike, Drainage, and Irrigation Improvement District No. 5 Skagit County Resolution No. 2015-4 Adopted November 19, 2015;
4. Letter of December 15, 2015 from attorney Charles W. Sandell to Norm Hoffman;
5. Letter of January 5, 2016, from Norm Hoffman to attorney Charles W. Sandell.

The undersigned, who is vested presently with authority as both personal representative of the Estate of James C. Squires, and further with rights of ownership to the above described property by reason of being the sole heir and devisee under the Last Will and Testament of James C. Squires, does by her signature herewith signify, acknowledge, and agree that as represented by the attached documents hereto, that for all intents and purposes Skagit County Dike, Drainage and Irrigation Improvement District No. 5 is to be deemed the legal owner with sole responsibility for maintenance and repair of that certain dike located traversing the entire east side of assessor's parcel no. 47454 as more fully delineated on the attachments hereto.

DESCRIPTION:

That portion of the South 1,051.16 feet of Government Lots 7 and 8 and the South 1,051.16 feet of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; all within Section 36, Township 36 North, Range 2 East, W.M

Situate in the County of Skagit, State of Washington.

Julie Lowe

From: Norm Hoffman [nhoffman8174@gmail.com]
Sent: Thursday, October 29, 2015 2:42 PM
To: Julie Lowe
Subject: Re: from Charles W. Sandell regarding Squires
Attachments: Squires letter.doc; Eminent Domain.jpg; Squires properties.doc

Please forward to Mr. Sandell:

Mr. Sandell,

I have reviewed the Petition for Annexation of Contiguous Territory that you forwarded to me. I have spoken with the single Skagit County Dike, Drainage, and Irrigation District No. 5 (District) commissioner who remains from the date on which it was filed with Skagit County; he has no recollection of the Commissioners' receipt of the petition for consideration. There is no evidence of the Petition in the District archives. It is our belief that it was never presented to the District's Board of Commissioners.

I have attached three documents for your files. The first is a letter I sent to Mr. James C. Squires on November 3, 2011 regarding the portion of Parcel No. 47454 within the District (lying east of the Samish Island Road). He responded via telephone with a request that the 2.49 acres continue to be serviced by the Dike and Drainage District. His request was honored.

The second attachment is RCW 85.05.070 regarding Eminent Domain. Subsections (1) and (2) summarize the powers and duties of the District.

The third attachment is a copy of the letter presented to Mr. John Cooper at the Skagit County Planning and Development Department regarding the Squires properties and their status with regard to the District. I should have included the details of which portion of Parcel No. 47454 was assessed and served by the District.

Please contact me if you need further information. Norm Hoffman, Secretary

On Wed, Oct 21, 2015 at 11:16 AM, Julie Lowe <Julie@flaccuslaw.com> wrote:

Mr. Hoffman: Please see the attached from Charles W. Sandell.

Sincerely,

Julia A. Lowe

Paralegal

Flaccus Law

7010 35th Ave. NE

UNOFFICIAL DOCUMENT

8174 Bay View-Edison Rd.
Bow, WA 98232
October 21, 2015

Mr. John Cooper
Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

Re: Squires Properties near Samish Island

Dear Mr. Cooper,

As secretary for Skagit County Dike and Drainage District No. 5, I have been contacted by Mr. Charles Sandell who is an attorney for members of the Squires family. He has requested information regarding the ownership of saltwater dikes protecting certain properties bordering Samish Bay and Alice Bay.

I have reviewed maps and archives regarding Skagit County parcels 47444, 47446, 47450, 47452, 47453, 47454, 47455, 47495, and 47496. Of those, P47454 is within the boundaries of Skagit County Dike and Drainage District No. 5 (District); thus, the dike protecting that parcel is owned by the District. None of the other parcels is within the District's boundaries; the dikes protecting those parcels are owned privately.

If you have any questions or concerns, I can be reached by mail, telephone: (360) 766-4487, or email: nhoffman8174@gmail.com.

Sincerely,

Norm Hoffman, Secretary
Dike, Drainage, and Irrigation District No. 5

C: Jim Sullivan, District No. 5 Commissioner
Ryan Nelson, District No. 5 Commissioner
Mr. Charles Sandell, Attorney at Law

**DIKE, DRAINAGE, AND IRRIGATION IMPROVEMENT DISTRICT NO. 5
OF
SKAGIT COUNTY**

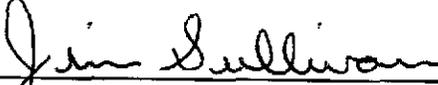
RESOLUTION NO. 2015-4

WHEREAS, Dike, Drainage, and Irrigation District No. 5 (District) is a special purpose district which owns and maintains all dikes and levees within its boundaries (roughly) from the Farm to Market Road north to the mouth of the Samish River, from the Samish River north and west to the Samish Island Road along Samish Bay, and from Joe Leary Slough north and west along Padilla Bay, and

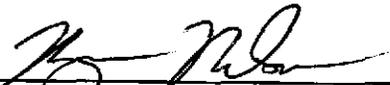
WHEREAS, RCW 85.05.085 provides that the board of dike commissioners shall have the exclusive charge of the construction and maintenance of all dikes or dike systems which may be constructed within the district, and shall be the executive officers thereof, with full power to bind the district by their acts in the performance of their duties as provided by law, and

WHEREAS, the eastern portion of Skagit County Assessor's Parcel No. 47454 containing 2.49 acres and situated between the Samish Island Road and the Alice Bay dike lies within the boundaries of District No. 5,

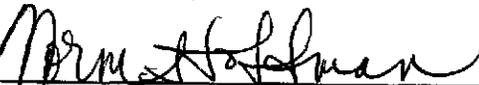
IT IS HEREBY RESOLVED, that the Commissioners acknowledge the District's responsibility for the repair and maintenance of the Alice Bay dike adjoining the described portion of Parcel No. 47454.



Jim Sullivan, Commissioner



Ryan Nelson, Commissioner



Norm Hoffman, Commissioner

The above Resolution was adopted at a regular meeting of the Commissioners held at the Allen Fire Station in Bow, Washington on November 19, 2015.

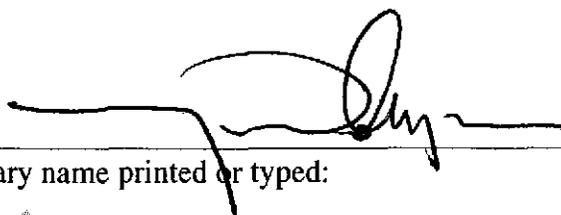
STATE OF WASHINGTON

COUNTY OF SKAGIT

I certify that I know or have satisfactory evidence that Jim Sullivan, Ryan Nelson and Norm Hoffman are the persons who appeared before me, and said persons signed this instrument and acknowledged it to be a free and voluntary act for the uses and purposes mentioned in this instrument..

Dated:

12/9/15

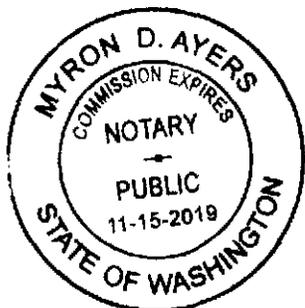


Notary name printed or typed:

Notary Public in and for the State of Washington
Residing at MOUNT VERNON

My appointment expires:

11/15/19



Law Office of
CHARLES W. SANDELL, P.S.
The Wedgwood Building
7010 35th Avenue N.E.
Seattle, Washington 98115-5017
(206) 522-5941

December 15, 2015

Mr. Norm Hoffman, Secretary
Skagit Co. Dike, Drainage, Irrigation Dist. #5
8174 Bay View - Edison Road
Bow, WA 98232

Re: Dike on East Side of Squires Property
Tax parcel no. 47454

Dear Mr. Hoffman:

Thank you very much for providing Resolution No. 2015-4. It presents several inquiries on my part. At all times, the continuing avowed focus of my client, (Joanne Squires) is to ensure that the entire dike traversing the east (Alice Bay) side of her property (tax parcel no. 47454) is within the repair and maintenance sphere of Diking District No. 5. I am enclosing for illustrative purposes a copy of a portion of a 1961 survey relating to the area.

What I don't understand is the very specific reference to 2.49 acres. I had envisioned that the District would be taking charge of the entire dike from one end to the other end as it crosses the property as set forth in your letter of October 21, 2015 to John Cooper of the planning department. Help translate to me where 2.49 acres came from? What does it mean, and if it is not the entire dike, where does the 2.49 acres locate?

My interest is to clarify the record now and for the future. I apologize for any extra effort this puts you to and look forward to your early response.

Sincerely,



Charles W. Sandell

CWS/jl

Enclosure: Map

8174 Bay View-Edison Rd.
Bow, WA 98232
January 5, 2016

Mr. Charles W. Sandell
The Wedgewood Building
7010 35th Avenue N.E.
Seattle, WA 98115-5917

Re: Dike on East Side of Squires Property
Tax Parcel No. 47454

Dear Mr. Sandell,

I received your December 15, 2015 letter requesting clarification of Dike District No. 5's responsibility for maintenance of the dike protecting Tax Parcel 47454.

The District maintains dikes immediately adjoining all tax parcels within its boundaries. Only the eastern portion of Tax Parcel 47454 (between the Samish Island Road and Alice Bay) lies within those boundaries. Skagit County has computed the annual assessment based on the 2.49 acres which lie within the described area. The Dike District maintains the entire length of the dike which adjoins that acreage.

In addition, the District provides and maintains drainage of surface water from the properties it assesses. The landowner is responsible for maintaining the drainage systems within the boundaries of those properties.

If you have any questions or concerns, I can be reached by mail, telephone: (360) 766-4487, or email: nhoffman8174@gmail.com.

Sincerely,



Norm Hoffman, Secretary
Dike, Drainage, and Irrigation District No. 5

C: Jim Sullivan, District No. 5 Commissioner
Ryan Nelson, District No. 5 Commissioner