



201611150013

Skagit County Auditor

\$77.00

11/15/2016 Page

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5 9:00AM

WHEN RECORDED RETURN TO:

Swinomish Indian Tribal Community
Land Management Department
11404 Moorage Way
La Conner, WA 98257

BOUNDARY, WALL AND SHED LOCATION AGREEMENT

The undersigned property owners are neighbors owning adjoining property in Skagit County located in the State of Washington.

Grantor: Swinomish Indian Tribal Community

Grantee: Mark Haggerty

The property of the **Swinomish Indian Tribal Community** is legally described as:

P123430

Tract D, of that Survey recorded May 30, 2007, under Auditor's File No. 200705300077, being a Re-Survey of Tracts A, B, C, D and E of Boundary Line Adjustment (Survey), Auditor's File No. 200505110080, records of Skagit County, State of Washington, more particularly described as follows: Government Lot 2, Section 8, Township 34 North, Range 2 East, W.M.,

EXCEPT roads,

AND EXCEPT the "PLAT OF SIMILK HIGHLANDS, DIV. 1," as per plat recorded in Volume 10 of Plats, page 15, records of Skagit County, Washington;

ALSO EXCEPT that portion lying Southerly of the Easterly projection of the Southerly line of Tract "B" of said "PLAT OF SIMILK HIGHLANDS, DIV. 1," as per plat recorded in Volume 10 of Plats, page 15, records of Skagit County, Washington;

ALSO EXCEPT the Plat of "SIMILK BEACH, SKAGIT CO., WASH.," as per plat recorded in Volume 4 of Plats, page 51, records of Skagit County, Washington;

ALSO EXCEPT the Plat of "BEACH VIEW ADDITION TO SIMILK BEACH," as per plat recorded in Volume 5 of Plats, page 6, records of Skagit County, Washington,

ALSO EXCEPT that portion of said Government Lot 2, described as follows: Beginning at the most Southerly corner of Lot 1, Block 1, "SIMILK BEACH, SKAGIT CO., WASH.," as per plat recorded in Volume 4 of Plats, page 51, records of Skagit County, Washington; thence North 31°22'58" East along the Southeasterly line of said Lot 1, a distance of 43.30 feet to the true point of beginning;

thence South 58°37'08" East a distance of 11.80 feet; thence North 23°22'52" East a distance of 31.00 feet; thence North 58°37'08" West a distance of 7.5 feet to the Southeasterly line of said Lot 1; thence South 31°22'52" West along the Southeasterly line of said Lot 1, a distance of 30.70 feet to the true point of beginning.

ALSO EXCEPT that portion of said Government Lot 2, described as follows:

Beginning at the most Southerly corner of Lot 1, Block 1, "SIMILK BEACH, SKAGIT CO., WASH.," as per plat recorded in Volume 4 of Plats, page 51, records of Skagit County, Washington; thence North 31°22'54" East along the Southeasterly line of said Lot 1, a distance of 43.30 feet; thence South 58°37'06" East, a distance of 11.80 feet to the point of beginning of this description; thence continuing South 58°37'06"

East, a distance of 17.80 feet; thence North 37°26'57" East, a distance of 75.26 feet; thence North 58°37'06" West, a distance of 37.55 feet to the Southeasterly line of said Lot 1; thence South 31°22'54" West along the Southeasterly line of said Lot 1, a distance of 44.16 feet; thence South 58°37'06" East, a distance of 7.5 feet; thence South 23°22'52" West, a distance of 31.00 feet to the point of beginning of this description.

ALSO EXCEPT that portion of said Government Lot 2, Section 8, Township 34 North, Range 2 East, W.M., lying Westerly and Northwesterly of the following described line: Beginning at the Northeast corner of Lot 28, "BEACH VIEW ADDITION TO SIMILK BEACH," as per plat recorded in Volume 5 of Plats, page 6, records of Skagit County, Washington; thence Southerly 15 feet along the Easterly line of said Lot 28 to the Southwest corner of Mashie Street as shown on said Beach View Addition to Similk Beach and the true point of beginning of said line; thence South 04°40'57" West 470 feet, more or less, to the Northerly line of Tract "B", "PLAT OF SIMILK HIGHLANDS, DIV. 1," as per plat recorded in Volume 10 of Plats, page 15, records of Skagit County, Washington, and the terminus of said line.

ALSO EXCEPT any portion of Government Lot 2, Section 8, Township 34 North, Range 2 East, W.M., lying Northerly of Satterlee Road.

ALSO EXCEPT that portion of Government Lot 2, Section 8, Township 34 North, Range 2 East, W.M., described as follows: Beginning at the Northeast corner of Lot 1, Block 5, "SIMILK BEACH, SKAGIT CO., WASH.," as per plat recorded in Volume 4 of Plats, page 51, records of Skagit County, Washington; thence Southerly and Westerly along the Easterly and Southerly lines of said Lot 1, Block 5, to the Southwest corner of said Lot 1, Block 5; thence South 28°04'32" East 60.00 feet; thence North 54°24'15" East 172.06 feet; thence North 02°26'04" West 220.00 feet to the Southerly margin of Satterlee Road; thence Northwesterly along said Southerly margin to the Northeast corner of the alley along the Easterly side of said Block 5; thence Southerly along the Easterly line of said alley to the Southeasterly corner thereof; thence Westerly along said alley to the point of beginning.

TOGETHER WITH that portion of Government Lot 1, Section 8, Township 34 North, Range 2 East, W.M., lying Southerly of the Satterlee Road and lying Westerly of the following described line:

Beginning at the Northwest corner of Lot 1, Block 6, "SIMILK BEACH, SKAGIT CO., WASH.," as per plat recorded in Volume 4 of Plats, page 51, records of Skagit County, Washington;

thence South 73°50'50" West 819.85 feet along the Southerly margin of said Satterlee Road to the Westerly extension of the Northerly line of said Lot 1 to the true point of beginning of said line; thence South 16°11'14" East to the Southerly line of said Government Lot 1 and the terminus of said line.

Situate in the County of Skagit, State of Washington.

Tax Parcel No.: P123430

The property of Mark Haggerty ("Haggerty Property") is legally described as:

That Portion of Lot 2, Block 1, "SIMILK BEACH, SKAGIT COUNTY, WASHINGTON", according to the plat recorded in Volume 4 of Plats, Page 51, records of Skagit County, Washington, described as follows: Beginning at the Northeast corner of said Lot 2; thence West along the North line of said Lot 2, a distance of 10 feet to the true point of beginning; thence continuing West along the North line of said Lot 2, a distance of 90 feet to the Northwest corner of said Lot 2; thence South 2 degrees 27' East along the West line of Lot 2, a distance of 10 feet; thence East parallel to the North line of said Lot 2 to a point 10 feet West of the East line of said Lot 2; thence Northeasterly parallel to the East line of said Lot 2 to the true point of beginning.

Tax Parcel No. P69209

We hereby acknowledge and stipulate to the following:

1. Peter K. Brands, a Registered Professional Land Surveyor has prepared an updated survey of the property owned by the Swinomish Indian Tribal Community. A portion of the survey depicting the parcels at issue is attached hereto as Exhibit "A" and incorporated herein by reference.
2. An existing concrete retaining wall is encroaching on Tribal property as shown on that portion of the survey attached as Exhibit "A".
3. The location of the existing concrete retaining wall does not accurately represent the boundaries between adjoining properties.
4. The concrete retaining wall may remain on Tribal property until reconstructed or repaired beyond regular maintenance. If your structures are reconstructed, removed or repaired beyond regular maintenance any replacement structure(s) shall be placed entirely on Haggerty Property. The terms of this agreement run with the land.
5. This agreement only allows permissive use of the property for existing structures encroaching on Tribal land.

Dated this 4 day of JUNE, 2016.


Signature
Mark Haggerty

Dated this 8th day of June, 2016.

Swinomish Indian Tribal Community


Brian Cladoosby, Chairman

STATE OF WASHINGTON)
)
)
COUNTY OF ~~SKAGIT~~ ^{MS} KING)

I certify that I know or have satisfactory evidence that Mark J Haggerty is/are the person(s) who appeared before me, and said person(s) 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.

Dated: 06/04/2016

[Signature]
Notary Public in and for the State of Washington
Residing at King County
My commission expires: 01/04/2018

NOTARY PUBLIC
STATE OF WASHINGTON
MIKI SHIMIZU
My Appointment Expires
JANUARY 04, 2018

STATE OF WASHINGTON)
)
)
COUNTY OF SKAGIT)

On this 8th day of June, 2016, personally appeared before me BRIAN CLADOOSBY known to me and to me known to be the Chairman of the Swinomish Indian Senate and who executed the within and foregoing instrument and acknowledged that they signed the same as the authorized act and deed of the Swinomish Indian Senate for the uses and purposes therein mentioned.



[Signature: Shelley A. Roberts]
Notary Public in and for the State of Washington
Residing at WA, Vernon, WA
My commission expires: 6-19-18

EXHIBIT "A"

