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201710230157

Skagit County Auditor

\$80.00

10/23/2017 Page

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7 3:10PM

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

OCT 23 2017

Amount Paid \$  
Skagit Co. Treasurer

By BT Deputy

### SETBACK EASEMENT

THIS INSTRUMENT, entered into to satisfy the AG-NRL (Zoning Dist) yard setback requirements of the Skagit County Code, Permit Number \_\_\_\_\_

#### WITNESSETH:

WHEREAS, The Skagit County Codes requires a 6 foot SIDE (side or rear) yard setback; and

WHEREAS, Section 14.16.010 (5) provides an exception from the SIDE (side or rear) setback requirement if an easement is provided along the WEST (N,S,E,W) lot line of the abutting lot, (sufficient enough to leave the minimum required building separation) of 20 feet;

NOW THEREFORE, FIR CONWAY LUTHERAN CHURCH Grantor, hereby grants to EDWARD J. NOVOTNEY JR. & JESSICA S. GARVETT Grantee, an easement over the following described property: Parcel number 16842 Sec 19 Twn 33 Rng 04

(For Full Legal Description See Exhibit "A")

herein called the "easement area", for SIDE (side or rear) yard purposes to satisfy the Skagit County Code on the following described real property of the grantee: Parcel number 16901 Sec 19 Twn 33 Rng 04

(For Full Legal Description See Exhibit "B")

herein called the "receiving lot", and agrees that no structure will be located in the easement area and all future setbacks will be measured from the easement lines rather than the property lines adjacent to this easement. Grantee shall have access to the easement area for normal maintenance activities to the structure on the receiving lot.

Additional provisions: \_\_\_\_\_

Grantor: Harvey Wadden Pres.

Date: 10/17/2017

STATE OF WASHINGTON )

) ss.

COUNTY OF SKAGIT )

On this day personally appeared before me Harvey Wadden known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purpose therein mentioned. Given under my hand and official seal this 17 day of October, 2017

Notary's Signature Angela M. Pederson

Notary Public in and for the State of Washington residing at Mount Vernon

My Commission Expires June 26 2021

last updated 02.23.16



**EXHIBIT "A"**

**(P16842; 330419-0-007-0009) Fir Conway Luthern Church**

That portion of Government Lot 3, Section 19, Township 33 North, Range 4 East, W.M., lying Southerly and Westerly of 'Fir Island Road' and Northerly and Northeasterly of 'Keekeealla Slough';

EXCEPT that portion thereof described as follows: Beginning at the intersection of the South line of the Conway Fir Brown Slough Road near, or on, the North line of said Government Lot 3 and the West line of the County road running North and South adjoining the West bank of the Skagit River which point is approximately 905 feet East of the point of intersection of the East bank of Keekeealla Slough as it once existed and the South line of said Conway Fir Brown Slough Road; Thence Southerly along the West line of said road 185 feet; Thence Westerly at right angles to the center of Keekeealla Slough; Thence Northerly along the centerline of said slough to a point on a line extended Westerly at right angles from the true point of beginning; Thence Easterly along said extended line to the true point of beginning.

ALSO EXCEPT that portion thereof described as follows: Commencing at the point of intersection of the Dike as it existed on April 15, 1908 and the Westerly line of First Street as shown on the Plat of Fir, Skagit County, Wash., as per Plat recorded in Volume 2 of Plats, Page 18, records of Skagit County; Thence Southerly along the Westerly line of said street, 150 feet, more or less to the bridge across Keekeealla Slough as said bridge existed on April 15, 1908; Thence Westerly parallel with said bridge, as it so existed, to the waters of Keekeealla Slough as said waters existed on April 15, 1908; Thence Northwesterly along the waters of said slough as they existed to said Dike; Thence Easterly along said Dike to the point of beginning.

AND ALSO EXCEPT that portion thereof described as follows: Beginning at a point on the North line of said Section 19, a distance of 270 feet East of the Northwest corner thereof; Thence South to the center of Keekeealla (also shown of record as 'Keekeeallan') Slough; Thence along said centerline, Northerly and Northwesterly to the North line of said Section 19; Thence East along said North line to the point of beginning.

AND ALSO EXCEPT that portion thereof described as follows: Beginning at a point on the South line the County Road running along the North line of said Section 19, 460 feet East of the West line of said Government Lot 3; Thence South 200 feet; Thence East 105 feet; Thence North 200 feet to the South line of said County Road; Thence West along said South line of County Road, 105 feet to the Point of Beginning.

AND ALSO EXCEPT that portion thereof described as follows: Beginning at the intersection of the Northeast corner of that parcel as conveyed to Edward Novotney, Jr. and Jessica S. Garnett, husband and wife, by Statutory Warranty Deed recorded under Skagit County Auditor File Number 200708280173 (herein described as the 'Novotney/Garnett Parcel') and the South line of that County Road commonly known as 'Fir Island Road'; Thence Easterly along the South line of said road, 90 feet; Thence Southerly parallel with the East line of the 'Novotney/Garnett

Parcel' to the center of Keekeealla (also shown of record as 'Keekeeallah') Slough; Thence Northwesterly along the center of said Keekeealla Slough to the East line of the said 'Novotney/Garnett Parcel'; Thence Northerly along the said East of the 'Novotney/Garnett Parcel' line to the point of beginning;

AND ALSO EXCEPT County Roads;

Situate in the County of Skagit, State of Washington.

**EXHIBIT "B"**

(P16901; 330419-0-058-0007 **Novotny/Garnett**

That portion of Government Lot 3, Section 19, Township 33 North, Range 4 East, W.M., described as follows:

Beginning at a point on the North line of said Section 19, a distance of 270 feet East of the Northwest corner thereof;  
thence South to the center of Keekeeallah Slough;  
thence along said centerline Northerly and Northwesterly to the North line of said Section 19;  
thence East along said North line to the point of beginning;

TOGETHER WITH that portion of Government Lot 3, Section 19, Township 33 North, Range 4 East, W.M., described as beginning at the intersection of the Northeast corner of that parcel as conveyed to Edward Novotney, Jr. and Jessica S. Garnett, husband and wife, by Statutory Warranty Deed recorded under Skagit County Auditor File Number 200708280173 (herein described as the 'Novotney/Garnett Parcel') and the South line of that County Road commonly known as 'Fir Island Road'; Thence Easterly along the South line of said road, 90 feet; Thence Southerly parallel with the East line of the 'Novotney/Garnett Parcel' to the center of Keekeealla (also shown of record as 'Keekeeallah') Slough; Thence Northwesterly along the center of said Keekeealla Slough to the East line of the said 'Novotney/Garnett Parcel'; Thence Northerly along the said East of the 'Novotney/Garnett Parcel' line to the point of beginning;

EXCEPT the North 30 feet thereof conveyed to Skagit County for road purposes by deed recorded July 21, 1970 under Auditor's File No. 741400 and all County roads;

Situate in the County of Skagit, State of Washington.

**EXHIBIT 'C'- Sideyard Setback Easement Description**

**Affecting Parcel #** (P16842) 330419-0-007-0009

A Sideyard Setback easement over the West 6 Feet of the following described parcel:

That portion of Government Lot 3, Section 19, Township 33 North, Range 4 East, W.M., lying Southerly and Westerly of 'Fir Island Road' and Northerly and Northeasterly of 'Keekeealla Slough';

EXCEPT that portion thereof described as follows: Beginning at the intersection of the South line of the Conway Fir Brown Slough Road near, or on, the North line of said Government Lot 3 and the West line of the County road running North and South adjoining the West bank of the Skagit River which point is approximately 905 feet East of the point of intersection of the East bank of Keekeealla Slough as it once existed and the South line of said Conway Fir Brown Slough Road; Thence Southerly along the West line of said road 185 feet; Thence Westerly at right angles to the center of Keekeealla Slough; Thence Northerly along the centerline of said slough to a point on a line extended Westerly at right angles from the true point of beginning; Thence Easterly along said extended line to the true point of beginning.

ALSO EXCEPT that portion thereof described as follows: Commencing at the point of intersection of the Dike as it existed on April 15, 1908 and the Westerly line of First Street as shown on the Plat of Fir, Skagit County, Wash., as per Plat recorded in Volume 2 of Plats, Page 18, records of Skagit County; Thence Southerly along the Westerly line of said street, 150 feet, more or less to the bridge across Keekeealla Slough as said bridge existed on April 15, 1908; Thence Westerly parallel with said bridge, as it so existed, to the waters of Keekeealla Slough as said waters existed on April 15, 1908; Thence Northwesterly along the waters of said slough as they existed to said Dike; Thence Easterly along said Dike to the point of beginning.

AND ALSO EXCEPT that portion thereof described as follows: Beginning at a point on the North line of said Section 19, a distance of 270 feet East of the Northwest corner thereof; Thence South to the center of Keekeealla (also shown of record as 'Keekeeallah') Slough; Thence along said centerline, Northerly and Northwesterly to the North line of said Section 19; Thence East along said North line to the point of beginning.

AND ALSO EXCEPT that portion thereof described as follows: Beginning at a point on the South line the County Road running along the North line of said Section 19, 460 feet East of the West line of said Government Lot 3; Thence South 200 feet; Thence East 105 feet; Thence North 200 feet to the South line of said County Road; Thence West along said South line of County Road, 105 feet to the Point of Beginning.

AND ALSO EXCEPT that portion thereof described as follows: Beginning at the intersection of the Northeast corner of that parcel as conveyed to Edward Novotney, Jr. and Jessica S. Garnett, husband and wife, by Statutory Warranty Deed recorded under Skagit County Auditor File Number 200708280173 (herein described as the 'Novotney/Garnett Parcel') and the South line of that County Road commonly known as 'Fir Island Road'; Thence Easterly along the South line of said road, 90 feet; Thence Southerly parallel with the East line of the 'Novotney/Garnett Parcel' to the center of Keekeealla (also shown of record as 'Keekeeallah') Slough; Thence

Northwesterly along the center of said Keekeealla Slough to the East line of the said 'Novotney/Garnett Parcel'; Thence Northerly along the said East of the 'Novotney/Garnett Parcel' line to the point of beginning;

AND ALSO EXCEPT County Roads;

Situate in the County of Skagit, State of Washington.

PLOT-0043

AF#200-10170013

P16857

1690

Gauge

6' Easement

P16900

707

P-16899

P16911

P16842

Slough

100