



201801110060

Filed for Record at Request of:  
Law Offices of Gregory E. Thulin, PS  
2200 Rimland Drive, Suite 115  
Bellingham, WA 98226

Skagit County Auditor \$153.00  
1/11/2018 Page 1 of 6 3:19PM

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

JAN 10 2018

Amount Paid \$  
Skagit Co. Treasurer  
By *MA* Deputy

Document Title: Extinguishment and Grant of Replacement Easement  
Ref. No. of Related Doc: 201708210208  
Grantors: Frazier Heights, LLC  
Grantee: Frazier Heights Association  
Abbreviated legal description: Lot 12, Plat of Frazier Heights  
Tax Parcel Numbers: P133813

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## EXTINGUISHMENT OF EASEMENT AND GRANT OF REPLACEMENT STORM DRAINAGE EASEMENT

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THIS EXTINGUISHMENT OF EASEMENT AND GRANT OF REPLACEMENT STORM DRAINAGE EASEMENT, is executed this *3<sup>th</sup>* day of January, 2018, by and between Frazier Heights, LLC, a Washington limited liability company, (hereinafter "Frazier Heights), and Frazier Heights Association, a Washington Nonprofit Miscellaneous and Mutual Corporation (hereinafter "Association").

### RECITALS

A. Frazier Heights, as the original Declarant, has certain Development Rights in that certain Declaration of Covenants for the Plat of Frazier Heights PL-15-0465, recorded among the Land Records of Skagit County, Washington as per Auditor's File No. 201708210211. As the original Declarant, Frazier Heights maintains control of the Association.

B. Frazier Heights is the owner of the following legally described real property:

Lot 12, Plat of Frazier Heights, PL-15-0465, according to the Plat thereof, recorded under Skagit County Auditor's File No. 201708210208, records of Skagit County, Washington. Situate in Skagit County, Washington.

Tax Parcel No. P133813

Hereinafter referred to as the "Property".

C. A storm drainage easement was created upon the Property when the Plat of Frazier Heights, PL-15-0465, was recorded under Skagit County Auditor's File No. 201708210208 ("Original Easement"). The Original Easement is legally described as follows:

That certain Storm Drainage Easement shown as encumbering the North 9.0 feet of Lot 12, Plat of Frazier Heights, PL-15-0465, recorded under Skagit County Auditor's File No. 201708210208, records of Skagit County, Washington.

Situate in Skagit County, Washington.

D. The Association is the party that is benefitted by the Original Easement.

E. The Original Easement does not contain any storm drainage lines or facilities and therefore, Frazier and the Association have no use for the Original Easement and have agreed to extinguish it.

F. Storm drainage lines and facilities were placed within the Property at a different location than the Original Easement and therefore, Frazier seeks to Grant a replacement easement on the Property, pursuant to the terms and conditions herein.

G. A description of the Original Easement and the Replacement Easement is attached hereto as Exhibit "A" and incorporated herein.

NOW, THEREFORE, Frazier hereby covenants and agrees to the following:

#### **EXTINGUISHMENT OF ORIGINAL EASEMENT**

1. Extinguishment of Easement. Frazier, as the owner of the Property burdened by the Original Easement, and the Association, which benefits from the Original Easement, hereby mutually agree to the extinguishment of the Original Easement. For that purpose, the Association hereby conveys and quit claims any interest or rights granted to it in the Original Easement.

2. Release. Both Frazier and the Association hereby release each other from any responsibilities or liabilities under the Original Easement.

#### **GRANT OF REPLACEMENT EASEMENT**

3. Grant of Easement. Frazier hereby grants to the Association a perpetual, non-exclusive easement to install, lay, maintain, repair and replace storm drainage lines and facilities of any type or description, on, over, under and across the following the West eight (8.0') feet of the Property and the South nine (9.0') feet of the Property (hereinafter "Replacement Easement"). The exact description of the Replacement Easement is contained in Exhibit "A" attached hereto and incorporated herein.

4. Location of Replacement Easement. The Replacement Easement, as described in paragraph 3 hereinabove, is located as depicted on Exhibit "B" attached hereto and incorporated herein by reference.

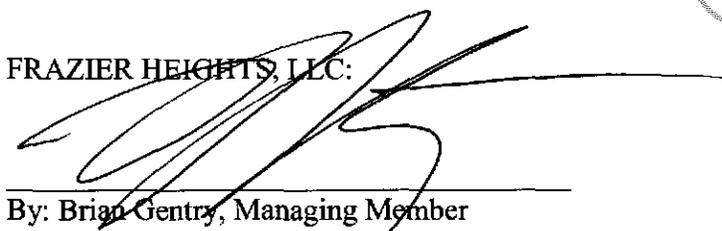
5. Restrictions on Replacement Easement. The Replacement Easement shall be subject to that certain Private Drainage Easement and Maintenance Responsibility note shown on Sheet 4 of 6 of said Plat of Frazier Heights, PL-15-0465, recorded under Skagit County Auditor's File No. 201708210208, as well as the provisions of the Declaration of Covenants, Conditions, Restrictions and Reservations for Frazier Heights, recorded under Skagit County Auditor's File No. 201708210211.

6. Consideration. There is no monetary or other consideration given or promised in relation to this Agreement.

7. Running of Benefits and Burdens. The grant of easement contained herein, along with any and all benefits and burdens arising therefrom, and all covenants, conditions, restrictions and reservations included herein are intended to become, and by the recordation of this instrument shall be conclusively deemed to be legal and equitable servitudes which shall run with the land of the above-described Property owned by Frazier, and which shall be binding upon such Property, and upon their respective owners and occupiers, and upon the respective heirs, personal representatives, successors and assigns of such parties, through all successive transfers of the Property and/or the granting of any security interests therein, without requirement of further specific reference or inclusion in deeds, contracts or security instruments, and regardless of any subsequent forfeiture, foreclosures, or sales under security instruments, or of any forfeiture, foreclosures, or sales instituted for nonpayment of governmental tax, levy or assessment of any kind.

DATED this 8<sup>th</sup> day of January, 2018.

FRAZIER HEIGHTS, LLC:



By: Brian Gentry, Managing Member

FRAZIER HEIGHTS ASSOCIATION:

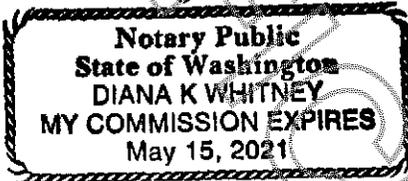


By: Brian D. Gentry,  
Its: President

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

I hereby certify that I know or have satisfactory evidence that Brian Gentry is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Managing Member of FRAZIER HEIGHTS LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: January 8<sup>th</sup>, 2018.



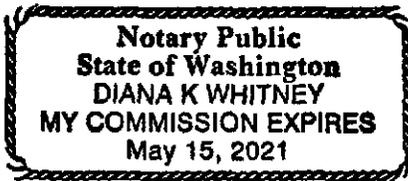
*Diana K. Whitney*

NOTARY PUBLIC for the State of Washington  
Residing at Bow  
My Commission expires 15 MAY 2021

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

I hereby certify that I know or have satisfactory evidence that BRIAN GENTRY is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the MANAGER of FRAZIER HEIGHTS ASSOCIATION, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: January 8<sup>th</sup>, 2018.



*Diana K. Whitney*

NOTARY PUBLIC for the State of Washington  
Residing at Bow  
My Commission expires 15 MAY

**Exhibit "A"**  
**Relinquishment of Storm Drainage Easement and  
Establishment of Replacement Storm Drainage Easements**

That certain Storm Drainage Easement shown as encumbering the North 9.0 feet of Lot 12, Plat of Frazier Heights, PL-15-0465, recorded under Skagit County Auditor's File No. 201708210208 is hereby relinquished and replaced by a new storm drainage easement over, under and across the West 8.0 feet (as measured perpendicular to the West line) of said Lot 12, Plat of Frazier Heights, PL-15-0465 and a new storm drainage easement over, under and across the South 9.0 feet (as measured perpendicular to the South line) of said Lot 12, Plat of Frazier Heights, PL-15-0465.

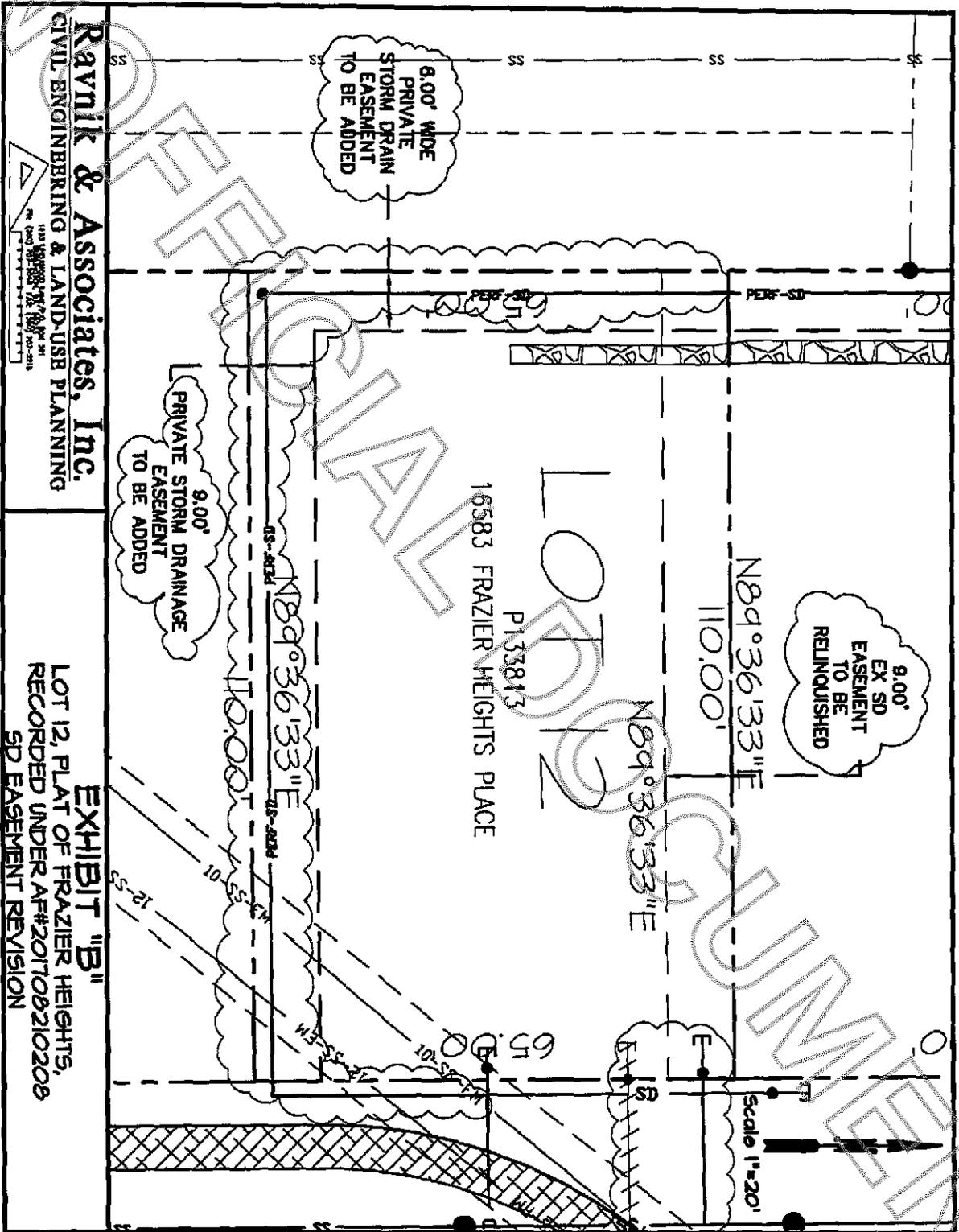
Said new storm drainage easement shall be subject to that certain Private Drainage Easement and Maintenance Responsibility note shown on Sheet 4 of 6 of said Plat of Frazier Heights, PL-15-0465, recorded under Skagit County Auditor's File No. 201708210208.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record

Situate in the County of Skagit, State of Washington



1-9-18



8.00' WIDE  
PRIVATE  
STORM DRAIN  
EASEMENT  
TO BE ADDED

9.00'  
PRIVATE STORM DRAINAGE  
EASEMENT  
TO BE ADDED

9.00'  
EX SD  
EASEMENT  
TO BE  
RELINQUISHED

**Ravnik & Associates, Inc.**  
CIVIL ENGINEERING & LAND-USE PLANNING



**EXHIBIT "B"**  
LOT 12, PLAT OF FRAZIER HEIGHTS,  
RECORDED UNDER A#201708210208  
SD EASEMENT REVISION

Scale 1"=20'

16583 FRAZIER HEIGHTS PLACE

P133813

UNOFFICIAL DOCUMENT