



201807090079

07/09/2018 11:01 AM Pages: 1 of 7 Fees: \$204.00
Skagit County Auditor

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

| | |
|---------------------------------------|---|
| Document Title: | Partial Extinguishment and Grant of Replacement Easement |
| Ref. No. of Related Doc: | 201801110060 |
| Grantors: | Frazier Heights, LLC & Frazier Heights Association |
| Grantee: | Frazier Heights Association |
| Abbreviated legal description: | Lot 12, Plat of Frazier Heights Tract W, Plat of Frazier Heights |
| Tax Parcel Numbers: | P133813 & P133840 |

**PARTIAL EXTINGUISHMENT OF EASEMENT AND
GRANT OF REPLACEMENT STORM DRAINAGE EASEMENT**

THIS PARTIAL EXTINGUISHMENT OF EASEMENT AND GRANT OF REPLACEMENT STORM DRAINAGE EASEMENT, is executed this 2nd day of July, 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

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

JUL 06 2018

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

(hereinafter "Lot 12").

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

Tract W, 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. P133840

(hereinafter "Tract W").

Lot 12 and Tract W are collectively referred to as the "Property".

D. A storm drainage easement was created upon Lot 12 when the Plat of Frazier Heights, PL-15-0465, was recorded under Skagit County Auditor's File No. 201708210208 ("Initial Easement").

E. The Initial Easement was extinguished and a replacement storm drainage easement was created upon Lot 12 by a document recorded under Skagit County Auditor's File No. 20180111060 ("Second Easement"). The legal description of the location of the Second Easement is as follows:

That certain Storm Drainage Easement shown as encumbering the West 8.0 feet (as measured perpendicular to the West line) of Lot 12, Plat of Frazier Heights, PL-15-0465 and the South 9.0 feet (as measured perpendicular to the South line) of said Lot 12, Plat of Frazier Heights, PL-15-0465.

F. The Association is the party that is benefitted by the Initial Easement and the Second Easement.

G. Improvements were constructed upon Lot 12 that encroach upon a portion of the Second Easement and therefore, Frazier Heights and the Association seek to extinguish a portion of the Second Easement and Grant a replacement easement on Lot 12 and Tract W, pursuant to the terms and conditions herein.

H. A description of the Partial Relinquishment and the Replacement Easement is attached hereto as Exhibit "A" and incorporated herein.

NOW, THEREFORE, Frazier Heights and the Association hereby covenant and agree to the following:

PARTIAL EXTINGUISHMENT OF SECOND EASEMENT

1. Partial Extinguishment of Easement. Frazier Heights, as the owner of Lot 12 burdened by the Second Easement, and the Association, which benefits from the Second Easement, hereby mutually agree to a partial extinguishment of the Second Easement; specifically, that portion of the Second Easement encumbering the South 9.0 feet (as measured perpendicular to the South Line) of Lot 12. For that purpose, the Association hereby conveys and quit claims any interest or rights granted to it in the Second Easement relating to the South 9.0 feet (as measured perpendicular to the South Line) of Lot 12. The West 8.0 feet (as measured perpendicular to the West Line) of Lot 12, of the Second Easement shall remain in full force and effect.

2. Release. Both Frazier Heights and the Association hereby release each other from any responsibilities or liabilities under the Second Easement as relates to the South 9.0 feet (as measured perpendicular from the South Line) of Lot 12.

GRANT OF REPLACEMENT EASEMENT

3. Grant of Easement. Frazier Heights and the Association hereby grant and reserve for the benefit of 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 South four (4.0') feet (as measured perpendicular to the South Line) of Lot 12 and the North five (5.0') feet (as measured perpendicular to the North Line) of Tract W (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, and the remaining portion of the Second Easement as described in paragraph 1 hereinabove, are located as depicted on Exhibit "B" attached hereto and incorporated herein by reference.

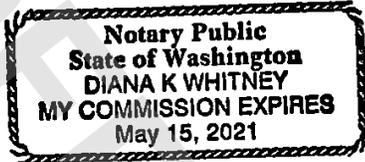
5. Restrictions on Replacement Easement. The Replacement Easement and the remaining portion of the Second Easement shall be subject to that certain Private Drainage Easement and Maintenance Responsibility note shown on Sheet 4 of 6 of said Plat of Frazier Heights, PL-15-0465, recorded under Skagit County 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 Heights and the Association, and

_____ of FRAZIER HEIGHTS ASSOCIATION, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: July 2ND, 2018.



Diana K. Whitney
NOTARY PUBLIC for the State of Washington
Residing at Bon
My Commission expires 15 MAY 2021

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

That certain portion of the Storm Drainage Easement recorded under Skagit County Auditor's File No. 201801110060 shown as encumbering the South 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 (leaving that portion encumbering the West 8.0 feet of said Lot 12, Plat of Frazier Heights, PL-15-0465 in full force and effect) and replaced by a new storm drainage easement over, under and across the South 4.0 feet (as measured perpendicular to the South Line) of said Lot 12, Plat of Frazier Heights, PL-15-0465, and a new storm drainage easement over, under and across the North 5.0 feet (as measured perpendicular to the North Line) of Tract W, said 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.

