



**202001240116**

01/24/2020 02:03 PM Pages: 1 of 6 Fees: \$108.50  
Skagit County Auditor

**Return Address**

Stiles Law Inc., P.S.  
925 Metcalf St. / PO Box 228  
Sedro-Woolley, WA 98284  
Attention: Timothy C. Lehr

**Document Title(s)** (or transactions contained therein):

1. Declaration of Access Easement
- 2.
- 3.

**Reference Number(s) of Documents assigned or released:** N/A  
(on page \_\_\_ of documents(s))

**Grantor(s)** (Last name first, then first name and initials):

1. BYK CONSTRUCTION INC., a Washington corporation
- 2.
- 3.

**Grantee(s)** (Last name first, then first name and initials):

1. BYK CONSTRUCTION INC., a Washington corporation
- 2.
- 3.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

Lot 4, Plat of Woodrow Place, recorded under AF#201909050037;  
Lot 5, Plat of Woodrow Place, recorded under AF#201909050037  
— Full legal are on pages 10, 11 and 12 of document.

**Assessor's Property Tax Parcel/Account Number(s)**

P134933 / 6069-000-004-0000; P134934 / 6069-000-005-0000

**REVIEWED BY**  
**SKAGIT COUNTY TREASURER**

DEPUTY BI

DATE 1-24-20

ACCESS EASEMENT

## DECLARATION OF ACCESS EASEMENT

This Access Easement Declaration (this "Declaration") is made as of November \_\_\_\_, 2019 by and between BYK CONSTRUCTION, INC. ("BYK").

### RECITALS

WHEREAS, BYK owns certain parcels of real property located in the City of Sedro-Woolley, Skagit County, Washington, known as Lot 4 and Lot 5, Plat of Woodrow Place, recorded under AF#201909050037, (herein referred to individually by their Lot #) more separately and legally described as follows:

#### P134933

(0.2540 ac) LOT 4, PLAT OF WOODROW PLACE, RECORDED UNDER AF#201909050037, BEING A PORTION OF LOT 4 OF CITY OF SEDRO WOOLLEY SHORT PLAT NO. SW-05-94, APPROVED AUGUST 18, 1995, AND RECORDED SEPTEMBER 21, 1995, IN VOLUME 12 OF SHORT PLATS, PAGE 31, UNDER AUDITOR'S FILE NO. 9509210102, RECORDS OF SKAGIT COUNTY, WASHINGTON.

#### P134934

(0.2064 ac) LOT 5, PLAT OF WOODROW PLACE, RECORDED UNDER AF#201909050037, BEING A PORTION OF LOT 4 OF CITY OF SEDRO WOOLLEY SHORT PLAT NO. SW-05-94, APPROVED AUGUST 18, 1995, AND RECORDED SEPTEMBER 21, 1995, IN VOLUME 12 OF SHORT PLATS, PAGE 31, UNDER AUDITOR'S FILE NO. 9509210102, RECORDS OF SKAGIT COUNTY, WASHINGTON.

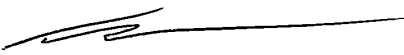
WHEREAS, BYK wishes to declare and establish an access easement to burden Lot 5 and benefit Lot 4, and to establish each Lot's maintenance obligations with respect thereto.

### DECLARATION OF EASEMENT

- Easement.** BYK, as owner of Lot 5, Plat of Woodrow Place, does hereby declare and establish of record and grant and convey to Lot 4, Plat of Woodrow Place, its heirs, successors in interest and assigns, a non-exclusive, perpetual access easement for ingress, egress and turnaround purposes over, across and through that portion of Lot 5, Plat of Woodrow Place (the "Lot 5 Easement"), legally described on the attached Exhibit "A" and graphically depicted on the attached Exhibit "B" (the "Easement Area"). Exhibits "A" and "B" are attached hereto and incorporated herein by this reference.

- 2. Reservations.** Lot 5, Plat of Woodrow Place, reserves the right to use the Lot 5 Easement Area for any purpose not inconsistent with the access right herein granted, provided; that Lot 5, Plat of Woodrow Place, its heirs, successors in interest and assigns shall not construct or maintain any building or other structure, or permit any obstruction within the Easement Area which would interfere with the exercise of the right of access granted herein.
- 3. Maintenance and Repair.** From and after the date of this Declaration, except to the extent that such Easement Area might be operated and maintained by public authorities or utilities, the owners of Lot 4 and Lot 5, Plat of Woodrow Place, their heirs, successors in interest and assigns shall equally, jointly and mutually perform or cause to be performed and pay all costs associated with all maintenance and repair of the Easement Area.
- 4. Definitions.** For purposes of this Declaration the following definitions shall apply:
- a. The terms "maintenance" and "repair" shall include restoring the easement surface area to its approximate original condition; removing snow, brush, tress, or other vegetation which may encroach on the Easement Area; and other tasks appropriate to keeping the Easement Area open and available to the Lots benefitted thereby. The term "maintenance" and "repair" shall not include repaving, upgrading, widening, re-routing, or decommissioning the Easement Area.
  - b. The terms "lot owner" or "owner" shall mean all persons holding a legal title or beneficial ownership interest in any of the lots or parcels that are subject hereof. "Lot owner" or "owner" shall not include persons holding a non-ownership interest in a lot or parcel, such as security interests, easements, etc. If a lot is owned jointly by more than one person, such ownership shall be treated as a single ownership for purposes of this Declaration.
- 5. Successors and Assigns.** This Declaration and the Lot 5 Easement declared herein shall run with the land and shall be binding upon and shall inure to the benefit of the owners of the Lots subject hereto and all future lot owners, their heirs, successors in interest and assigns.
- 6.** The invalidity of any portion of this Declaration will not and shall not be deemed to affect the validity of any other provision. If any provision of this Declaration is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect.

IN WITNESS WHEREOF, BYK CONSTRUCTION INC. has executed this Declaration on the day and year written below.

  
\_\_\_\_\_  
BYK CONSTRUCTION INC.  
Timothy Woodmansee – Vice President

11/21/19  
\_\_\_\_\_  
Date

STATE OF WASHINGTON

)

) ss.

COUNTY OF SKAGIT

)

I hereby certify that I know or have satisfactory evidence that **Timothy Woodmansee**, Vice President of BYK CONSTRUCTION INC., is the person who appeared before me and who on oath is authorized to execute the within and foregoing instrument and acknowledged him as Vice President of BYK CONSTRUCTION INC., and acknowledged that he signed this instrument for the Corporation and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



*Marcie O'Brien*

NOTARY PUBLIC in and for the

State of Washington

residing at: Sedro Woolley

Commission expires: 01-01-21

ACCESS EASEMENT

**EXHIBIT "A"****Legal Description for Lot 5 of the Plat of Woodrow Place**  
**Access Easement Area**

A PORTION OF LOT 5 OF "PLAT OF WOODROW PLACE," AS PER PLAT WITH FINAL APPROVAL SEPTEMBER 3, 2019 AND RECORDED SEPTEMBER 5, 2019 UNDER AUDITOR'S FILE NO. 201909050037, RECORDS OF SKAGIT COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF LOT 5 OF SAID PLAT; THENCE SOUTH 53°46'34" EAST ALONG THE SOUTH LINE OF SAID LOT 5 A DISTANCE OF 138.39 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE PROJECTION OF SAID SOUTH LINE SOUTH 53°46'34" EAST 22.65 FEET TO THE EAST LINE OF SAID LOT 5; THENCE NORTH 8°14'38" EAST ALONG THE EAST LINE OF SAID LOT 5 14.00 FEET; THENCE NORTH 51°58'41" WEST 17.57 FEET; THENCE SOUTH 29°40'01" WEST 13.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 253 ± SQUARE FEET,

SITUATED IN CITY OF SEDRO-WOOLLEY, SKAGIT COUNTY, WASHINGTON

## EXHIBIT "B"

