

AFTER NOTARIZING RETURN TO DEL MAR COMMUNITY SERVICE, INC. ATTORNEY:
Richard A Davis III
Chmelik Sitkin & Davis P.S.
1500 Railroad Ave.
Bellingham, WA 98225

REVIEWED BY
SKAGIT COUNTY TREASURER
DEPUTY Lana Thompson
DATE 02/10/2022

Title of Document: UTILITY EASEMENT

Grantors: THEODORE BIRINGER AND DONNA BIRINGER

Grantee: Del Mar Community Service, Inc.

Abbreviated Legal Description: THAT PORTION OF GOVERNMENT LOT 4, SECTION 2, TOWNSHIP 34 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, AND A PORTION OF LOT 1 OF SHORT PLAT NO. 17-75, RECORDED IN BOOK 1 OF SHORT PLATS, AT PAGE 36, RECORDS OF SKAGIT COUNTY, WASHINGTON

Assessor's Tax Parcel No(s): P103643 and P103647

UTILITY EASEMENT

For a valuable consideration, receipt whereof is hereby acknowledged, the Grantors THEODORE BIRINGER AND DONNA BIRINGER, hereby convey and warrant to the Grantee, DEL MAR COMMUNITY SERVICES, INC., its successors and assigns, a perpetual, nonexclusive easement under, over, through and across the property described in Exhibits "A", "B" and "C", attached hereto and by this reference incorporated herein, for the purpose of designing, constructing, repairing and maintaining water utilities for public purposes.

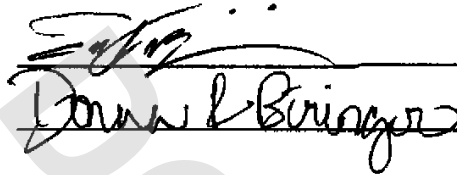
The following specific provisions apply to the use of this easement:

1. Grantee shall have the right at all times to enter the premises described in Exhibits "A", "B" and "C" hereto for the purpose of inspecting, maintaining, improving, repairing, constructing, reconstructing, locating and relocating water utilities.
2. The cost of any inspection, maintenance, repair, construction, reconstruction, location, or relocation of the water utilities, or

improvements thereto, shall be borne by Grantee, except in the case of damage to the utilities caused by activities of the Grantors or its agents or licensees.

3. Upon completion of any work by the Grantee under this Easement, Grantee shall restore the surface of the servient property to its prior condition consistent with Grantee's use of the property. Notwithstanding such surface restoration, Grantee shall have no obligation to replace or restore trees, brush or other vegetation, and specifically reserves the right to keep the easement clear of all trees, brush or other vegetation which, in its sole discretion and judgment, may interfere with Grantee's access, use, operation or maintenance of the utilities.
4. Grantors shall construct no improvements on the portion of the property subject to this easement without the express written consent of the Grantee. Grantors shall not perform or permit blasting, digging, tunneling or other form of construction activity on the property that would disturb the compaction or unearth Grantee's utilities within the easement, damage the utilities, or endanger the lateral support to such utilities. No blasting shall be done within fifteen (15) feet of the easement.
5. The term of this easement shall run with the land and shall bind and benefit the respective parties, their heirs, successors and assigns.

IN WITNESS WHEREOF this easement is executed as of this 07th day of Feb., 2022.



STATE OF WASHINGTON)

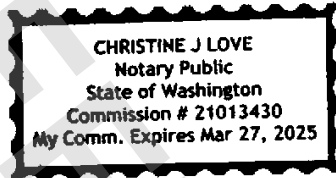
: ss.

COUNTY OF SKAGIT)

Theodore & Donna

On this day personally appeared before me Bringer, to me known to be the individuals 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 purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my
official seal this 07th day of Feb., 2022.



Christine J Love
NOTARY PUBLIC in and for the State of
Washington, Residing at Skagit
My commission expires: March 27, 2025

EXHIBIT "A"
PARCEL LEGAL DESCRIPTION

EXHIBIT "A"**PARCEL LEGAL DESCRIPTION****ACCESS & UTILITY EASEMENT****AFFECTING SKAGIT COUNTY TAX PARCEL P103643**

THAT PORTION OF GOVERNMENT LOT 4, SECTION 2, TOWNSHIP 34 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, AND A PORTION OF LOT 1 OF SHORT PLAT NO. 17-75, RECORDED IN BOOK 1 OF SHORT PLATS, AT PAGE 36, RECORDS OF SKAGIT COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 2;

THENCE SOUTH 00°14' WEST, 723.29 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID SHORT PLAT NO. 17-75;

THENCE SOUTH 87°44' WEST ALONG THE NORTH LINE OF SAID SHORT PLAT A DISTANCE OF 1,326.18 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID SHORT PLAT, BEING THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 87°44' WEST, A DISTANCE OF 367.81 FEET TO THE EASTERLY RIGHT OF WAY LINE OF A 40 FOOT WIDE COUNTY RIGHT OF WAY AS SHOWN ON THE PLAT OF RANCHO SAN JUAN DEL MAR, DIVISION II, AS PER PLAT FILED IN VOLUME 5 OF PLATS AT PAGE 30, RECORDS OF SKAGIT COUNTY, WASHINGTON;

THENCE SOUTH 00°14' WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 240.00 FEET;

THENCE NORTH 87°44' EAST, A DISTANCE OF 150.00 FEET;

THENCE SOUTH 35°11'17" EAST, 245.37 FEET;

THENCE SOUTH 42°27'38" EAST, A DISTANCE OF 332.77 FEET TO THE POINT ON THE WESTERLY RIGHT OF WAY LINE TO THE ROSARIO / HAVEKOST ROAD;

THENCE NORTH 41°27'35" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 240.00 FEET TO THE SOUTH LINE OF MARINE DRIVE;

THENCE NORTH 48°03'22" WEST, A DISTANCE OF 52.66 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 602.96 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°47'00", A DISTANCE OF 313.43 FEET;

THENCE NORTH 18°15'22" WEST, A DISTANCE OF 232.54 FEET TO THE NORTH LINE OF SHORT PLAT NO. 17-75;

THENCE SOUTH 87°44' WEST, A DISTANCE OF 25.11 FEET TO THE **TRUE POINT OF BEGINNING**;

EXCEPT ALL THAT PORTION THEREOF CONVEYED TO SKAGIT COUNTY FOR ROAD PURPOSES BY DEED RECORDED MAY 1, 1984, UNDER AUDITOR'S FILE NO. 8405010029, RECORDS OF SKAGIT COUNTY, WASHINGTON.

ALL SITUATED IN SKAGIT COUNTY, WASHINGTON.

EXHIBIT "B"
EASEMENT LEGAL DESCRIPTION

EXHIBIT "B"**EASEMENT LEGAL DESCRIPTION****ACCESS & UTILITY EASEMENT****AFFECTING SKAGIT COUNTY TAX PARCELS P103643 & 103647**

A 15-FOOT WATERLINE EASEMENT ACROSS A PORTION OF GOVERNMENT LOT 4, SECTION 2, TOWNSHIP 34 NORTH, RANGE 1 EAST, W.M., A PORTION OF VACATED ABBOTT LANE PER COMMISSIONER'S FILE NO. 12093, AND A PORTION OF TRACT "A" OF THAT CERTAIN BOUNDARY LINE ADJUSTMENT SURVEY RECORDED UNDER AUDITOR'S FILE NO. 9310060064 RECORDS OF SKAGIT COUNTY, WASHINGTON FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 2;

THENCE SOUTH 60°15'53" WEST, 1,516.29 FEET TO A 1/2" REBAR MARKING THE INTERSECTION OF THE NORTH LINE OF SAID TRACT "A" AND THE MARGIN OF MARINE DRIVE AND THE TRUE POINT OF BEGINNING OF THE EASEMENT DESCRIBED HEREIN;

THENCE SOUTH 17°15'06" EAST ALONG SAID MARGIN, 14.83 FEET;

THENCE SOUTH 72°44'11" WEST, 16.54 FEET TO THE BEGINNING OF AN OFFSET LINE PARALLEL WITH AND 5 FEET EASTERLY OF A 4" CASCADE NATURAL GAS DISTRIBUTION LINE AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 145.79 FEET FROM WHICH THE INITIAL RADIAL BEARS SOUTH 72°53'37" EAST;

THENCE SOUTH AND EAST ALONG SAID OFFSET LINE AND NON-TANGENT CURVE CONSUMING A CENTRAL ANGLE OF 27°41'37" OVER AN ARC DISTANCE OF 70.47 FEET TO THE POINT OF TANGENCY FROM WHICH THE CLOSING RADIAL BEARS NORTH 79°24'46" EAST;

THENCE SOUTH 08°55'25" EAST, CONTINUING ALONG SAID OFFSET LINE, 81.00 FEET;

THENCE SOUTH 00°43'58" WEST, ALONG SAID OFFSET LINE, 51.37 FEET;

THENCE NORTH 06°59'32" WEST, ALONG SAID OFFSET LINE, 67.63 FEET;

THENCE SOUTH 09°53'44" WEST, ALONG SAID OFFSET LINE, 36.46 FEET;

THENCE SOUTH 12°23'48" WEST, ALONG SAID OFFSET LINE, 58.69 FEET;

THENCE SOUTH 20°49'00" WEST, ALONG SAID OFFSET LINE, 66.74 FEET;

THENCE SOUTH 16°37'03" WEST, ALONG SAID OFFSET LINE, 19.28 FEET;

THENCE SOUTH 22°51'15" WEST, 33.26 FEET TO THE BOUNDARY COMMON TO THE AFOREMENTIONED TRACT "A" AND TRACT "B" OF THE AFOREMENTIONED BOUNDARY ADJUSTMENT SURVEY;

THENCE NORTH 41°19'14" WEST ALONG SAID COMMON BOUNDARY, 16.66 FEET;

THENCE NORTH 22°51'15" EAST ALONG AN OFFSET LINE PARALLEL WITH AND 10 FEET WESTERLY OF THE AFOREMENTIONED GAS DISTRIBUTION LINE, 25.18 FEET;

THENCE NORTH 16°37'03" EAST ALONG SAID OFFSET LINE, 19.02 FEET;

THENCE NORTH 20°49'00" EAST ALONG SAID OFFSET LINE, 66.18 FEET;

THENCE NORTH 12°23'48" EAST ALONG SAID OFFSET LINE, 57.26 FEET;

THENCE NORTH 09°53'44" EAST ALONG SAID OFFSET LINE, 35.75 FEET;

THENCE NORTH 06°59'32" EAST ALONG SAID OFFSET LINE, 66.43 FEET;

THENCE NORTH 00°43'58" EAST ALONG SAID OFFSET LINE, 49.28 FEET;

THENCE NORTH 08°55'25" WEST ALONG SAID OFFSET LINE, 79.52 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 160.79 FEET FROM WHICH THE INITIAL RADIAL BEARS NORTH 79°29'32" EAST;

THENCE NORTH AND EAST ALONG SAID OFFSET LINE AND CURVE CONSUMING A CENTRAL ANGLE OF 33°00'32" OVER AN ARC DISTANCE OF 92.63 FEET TO THE NORTH BOUNDARY OF THE AFOREMENTIONED TRACT "A" FROM WHICH THE CLOSING RADIAL BEARS SOUTH 67°29'56" EAST;

THENCE NORTH 88°49'50" EAST ALONG SAID NORTH BOUNDARY, 20.61 FEET TO THE TRUE POINT OF BEGINNING AND THE TERMINUS OF THE EASEMENT CONTAINED HEREIN;

CONTAINS 7639 SQUARE FEET MORE OR LESS;

SITUATE IN SKAGIT COUNTY, WASHINGTON.

EXHIBIT "C"
EASEMENT MAP

EXHIBIT "C"

