

**HARNEY VIEW PARK AND ROAD ASSOCIATION
THE "COMMON ROAD AREA"**

Pursuant to the Declaration of Covenants, Conditions & Restrictions of Harney View Park (1979, Recording No. 105333) (the "CC&Rs"), annual assessments may be used for, among other purposes, the care and maintenance of the "Common Road Area." The "Common Road Area" is the property granted as a non-exclusive easement to the members for purposes of ingress, egress and utilities. CC&Rs, Article I, Section 4. That easement area was established by an Easement Agreement (1979, Recording No. 105809). The two attached surveys show where that easement area is located. As shown, the easement extends as follows:

1. Old Farm Road, from the County road South until Old Farm Road meets the West lot lines of the Tawanda Subdivision.
2. Double Cove Road, from Old Farm Road to the point where the road becomes Woodfern Lane.
3. Woodfern Lane, from Double Cove Road to the East lot line of Tax Parcel 262242002000 (Jenkins).
4. Mossywoods Lane, from Double Cove Road to the East lot line of Tax Parcel 262213002000 (Claire Peterson).

Following the two surveys, we have provided the Easement Agreement with an annotated version of the legal description.

PLAT OF SURVEY

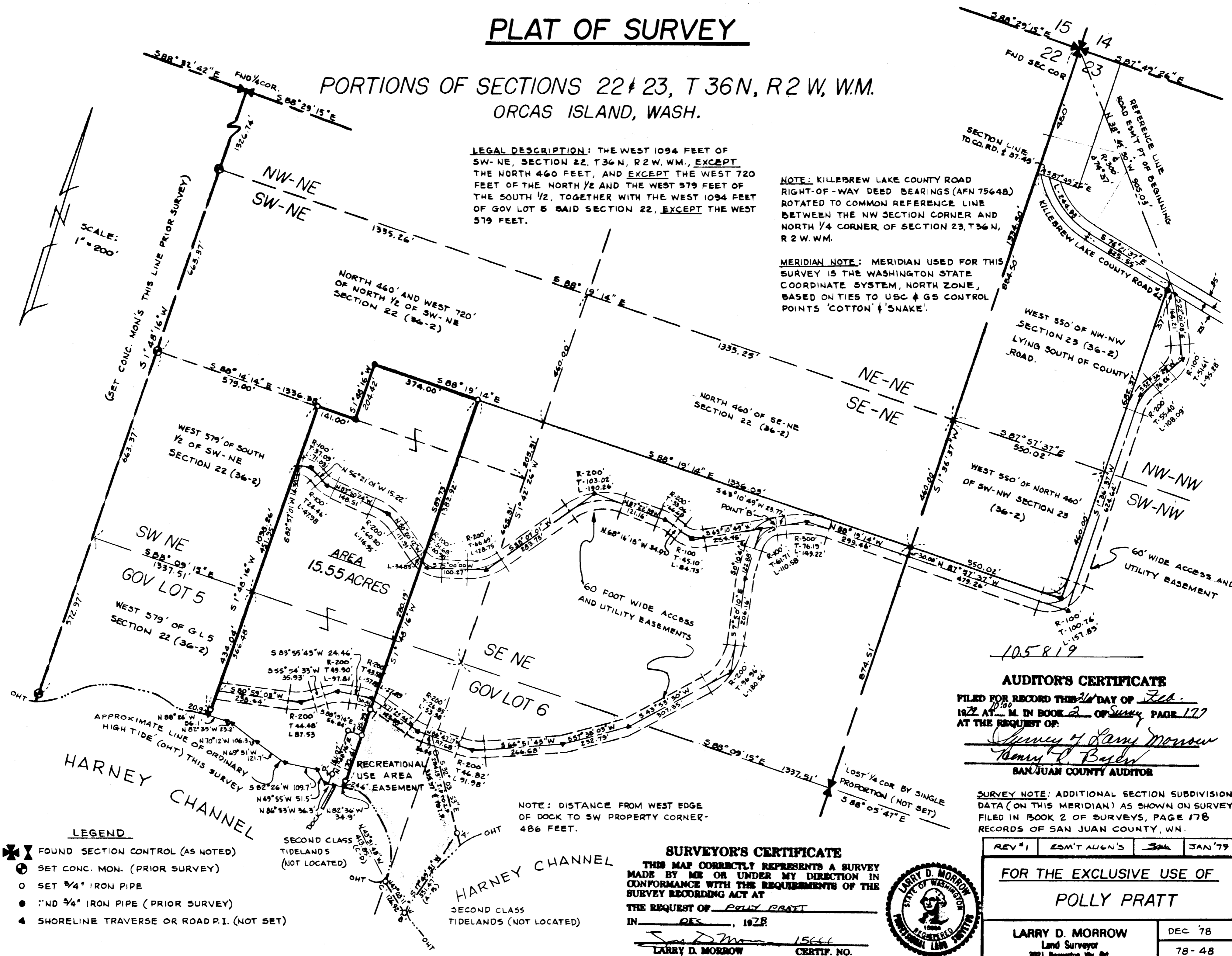
PORTIONS OF SECTIONS 22 & 23, T 36N, R 2 W, W.M.
ORCAS ISLAND, WASH.

LEGAL DESCRIPTION: THE WEST 1094 FEET OF SW-NE, SECTION 22, T36N, R2W, WM., EXCEPT THE NORTH 460 FEET, AND EXCEPT THE WEST 720 FEET OF THE NORTH 1/2 AND THE WEST 579 FEET OF THE SOUTH 1/2, TOGETHER WITH THE WEST 1094 FEET OF GOV LOT 5 SAID SECTION 22, EXCEPT THE WEST 579 FEET.

NOTE: KILLEBREW LAKE COUNTY ROAD RIGHT-OF-WAY DEED BEARINGS (AFN 75648) ROTATED TO COMMON REFERENCE LINE BETWEEN THE NW SECTION CORNER AND NORTH 1/4 CORNER OF SECTION 23, T36N, R2W, WM.

MERIDIAN NOTE: MERIDIAN USED FOR THIS SURVEY IS THE WASHINGTON STATE COORDINATE SYSTEM, NORTH ZONE, BASED ON TIES TO USC & GS CONTROL POINTS 'COTTON' & 'SNAKE'.

SCALE:
1" = 200'



AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 24th DAY OF Feb. 1979 AT 10:00 A.M. IN BOOK 2 OF SURVEYS, PAGE 177 AT THE REQUEST OF:

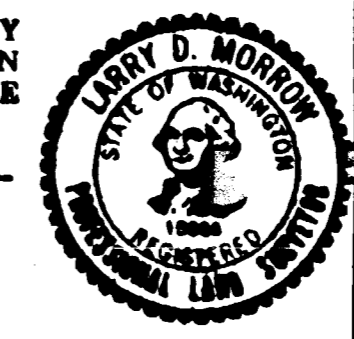
Larry D. Morrow
San Juan County Auditor

SURVEY NOTE: ADDITIONAL SECTION SUBDIVISION DATA (ON THIS MERIDIAN) AS SHOWN ON SURVEY FILED IN BOOK 2 OF SURVEYS, PAGE 178 RECORDS OF SAN JUAN COUNTY, WN.

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF POLLY PRATT IN ORS, 1978.

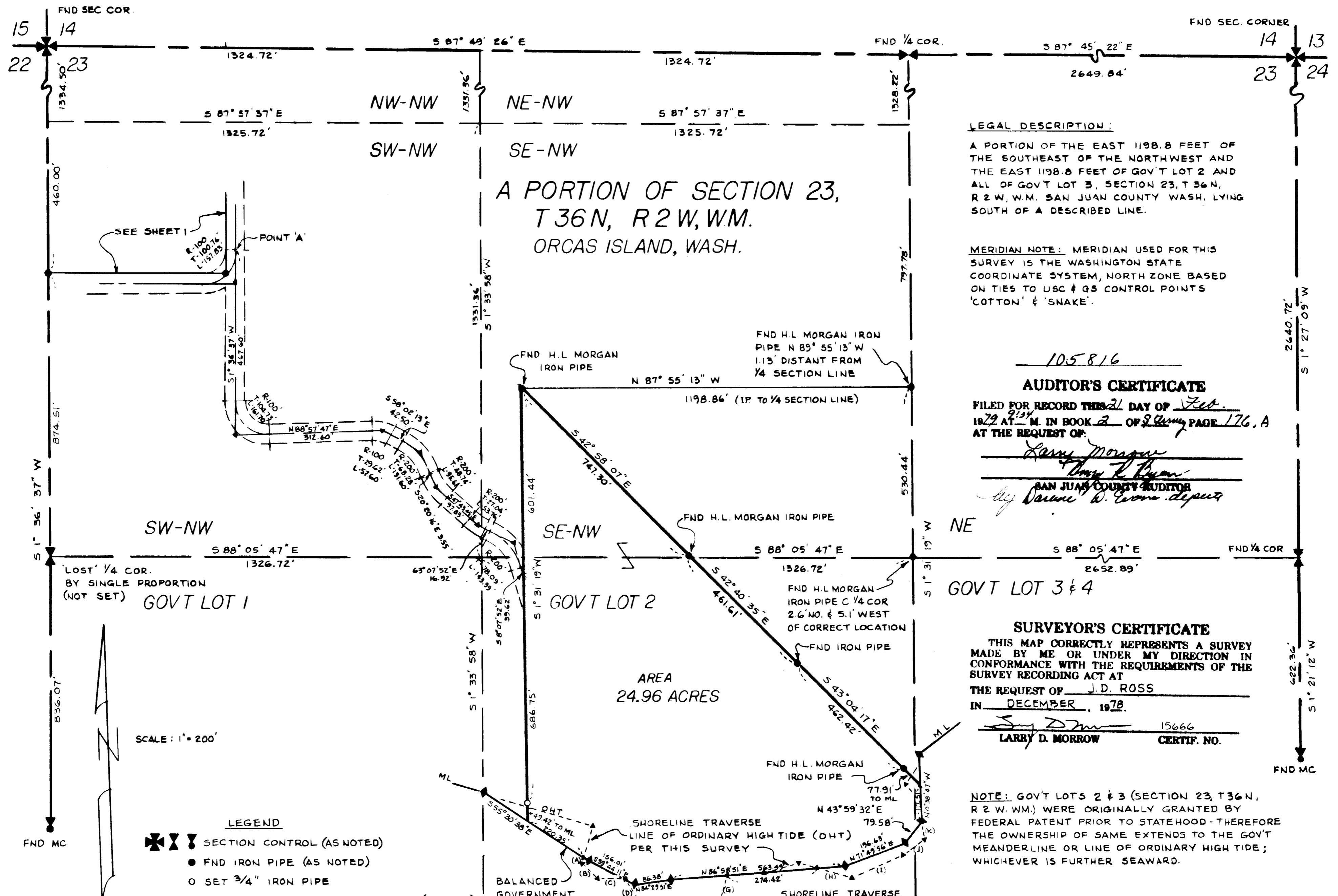
Larry D. Morrow
LARRY D. MORROW CERTIF. NO. 15666



- LEGEND**
- ✕ FOUND SECTION CONTROL (AS NOTED)
 - ⊕ SET CONC. MON. (PRIOR SURVEY)
 - SET 3/4" IRON PIPE
 - FIND 3/4" IRON PIPE (PRIOR SURVEY)
 - ▲ SHORELINE TRAVERSE OR ROAD P.I. (NOT SET)

| | | | |
|--|--------------|----|------------------|
| REV #1 | ESM'T ALGN'S | SM | JAN '79 |
| FOR THE EXCLUSIVE USE OF | | | |
| POLLY PRATT | | | |
| LARRY D. MORROW Land Surveyor 3021 Beaverton Vly. Rd. Friday Harbor, WA 376-2279 50228 | | | DEC '78 78-48 |
| SHEET 1 OF 1 | | | |

PLAT OF SURVEY



LEGAL DESCRIPTION:
 A PORTION OF THE EAST 1198.8 FEET OF THE SOUTHEAST OF THE NORTHWEST AND THE EAST 1198.8 FEET OF GOVT LOT 2 AND ALL OF GOVT LOT 3, SECTION 23, T 36 N, R 2 W, W.M. SAN JUAN COUNTY WASH. LYING SOUTH OF A DESCRIBED LINE.

MERIDIAN NOTE: MERIDIAN USED FOR THIS SURVEY IS THE WASHINGTON STATE COORDINATE SYSTEM, NORTH ZONE BASED ON TIES TO USC & GS CONTROL POINTS 'COTTON' & 'SNAKE'.

105816

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 21 DAY OF Feb. 1979 AT 2:34 P.M. IN BOOK 2 OF 3 County PAGE 176, A AT THE REQUEST OF:

Larry Morrow
San Juan County Auditor
 By *Deanne D. Evans, deputy*

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF J.D. ROSS IN DECEMBER, 1978.

Larry D. Morrow 15666
 LARRY D. MORROW CERTIF. NO.

NOTE: GOVT LOTS 2 & 3 (SECTION 23, T 36 N, R 2 W, W.M.) WERE ORIGINALLY GRANTED BY FEDERAL PATENT PRIOR TO STATEHOOD - THEREFORE THE OWNERSHIP OF SAME EXTENDS TO THE GOVT MEANDERLINE OR LINE OF ORDINARY HIGH TIDE; WHICHEVER IS FURTHER SEAWARD.

- LEGEND**
- ✕ SECTION CONTROL (AS NOTED)
 - FND IRON PIPE (AS NOTED)
 - SET 3/4" IRON PIPE
 - ▼ SHORELINE TRAVERSE OR ROAD P.I. (NOT SET)
 - ◆ ANGLE POINT IN GOV MEANDERLINE (NOT SET)

HARNEY CHANNEL

SHORELINE TRAVERSE

| | | |
|---|-------------|--------|
| A | S 16° 52' W | 23.2' |
| B | S 43° 52' E | 67.2' |
| C | S 86° 36' E | 87.0' |
| D | S 30° 25' E | 84.0' |
| E | S 67° 14' E | 39.6' |
| F | N 86° 03' E | 211.3' |
| G | N 17° 54' E | 78.7' |
| H | S 71° 55' E | 109.7' |
| I | N 70° 04' E | 175.4' |
| J | N 48° 35' E | 84.7' |
| K | N 1° 08' W | 41.5' |



FOR THE EXCLUSIVE USE OF

J.D. ROSS

LARRY D. MORROW
 Land Surveyor
 3021 Beaverton Wy Rd.
 Friday Harbor, WA
 378-2279 98250

| |
|--------------|
| DEC '78 |
| 78 - 48 |
| SHEET 2 of 2 |

105809
EASEMENT AGREEMENT
[Harney View Park and Road Association]
[February 13, 1979]
[As Amended]

THIS AGREEMENT is made and entered into this 13th day of February, 1979, by and between JAMES I. HOLLAND and RANDI E. HOLLAND, husband and wife, BERNARD G. GREER and JUDITH O.A. GREER, husband and wife, and STEPHEN P. WERTHEIMER and MARY JO WERTHEIMER, husband and wife.

WITNESSETH:

WHEREAS all said parties own or have an interest in or to a portion of the adjacent properties to the real property hereinafter described; and

WHEREAS all said parties are desirous of establishing a common and mutual easement for purposes of ingress, egress and the conveyance and distribution of all manner and type of utilities;

IT IS THEREFORE, in consideration of the mutual benefits to be derived therefrom, and in furtherance of the Declaration of Covenants, Conditions and Restrictions of Harney View Park, as set forth in instrument recorded in San Juan County, Washington, Auditor's File No. 105333, agreed as follows:

All said parties, by these presents, do hereby declare and grant an easement for the purposes of ingress, egress and the conveyance and distribution of all manner and type of utilities over, under and across the tract of land located in San Juan County, Washington, described in Exhibit "A" attached hereto and incorporated herein by this reference.

Said easement shall be appurtenant to and for the benefit of the land of the parties adjacent and contiguous to said easement, and also the land of the parties lying within Sections 22 and 23, all in Township 36 North, Range 2 West, W.M., San Juan County, Washington, and shall run with said land and any and all subdivided portions thereof forever.

[Signatures omitted]

105809
EXHIBIT "A"
LEGAL DESCRIPTION

A 60-foot-wide non-exclusive easement for access and utilities over, under and across portions of the West Half of Section 23 and the East Half of Section 22, all of Township 36 North, Range 2 West, W.M., San Juan County, Washington, and lying 30 feet on each side of the following described line:

[Old Farm Road to Double Cove Road]
[From the County Road to Point "A" on Old Farm Road]

Beginning in said Section 23 at a point on the South margin of the Killebrew Lake County Road No. 42 right-of-way per deed recorded under said County Auditor's File No. 75648, from which point the section corner common to said Sections 23 and 22 and Sections 14 and 15 bears North 38°45'30" West, 905.03 feet distant; thence South 22°01'08" East, 168.21 feet; thence on a 100-foot radius curve to the right, an arc distance of 95.28 feet; thence South 32°34'29" West, 76.26 feet; thence on a 200-foot radius curve to the left, an arc distance of 108.09 feet; thence South 1°36'37" West, 624.64 feet ***to a point designated Point "A" for reference purposes***;

[Double Cove Road to Mossywoods Lane]
[From Point "A" on Old Farm Road to Point "B" on Double Cove Road]

thence on a 100-foot radius curve to the right, an arc distant of 157.83 feet; thence North 87°57'37" West, parallel with the North line of the Southwest Quarter of the Northwest Quarter of said Section 23, 479.26 feet to a point on the section line common to said Sections 23 and 22, from which point the section corner common to said Sections 23 and 22 and Sections 14 and 15 bears North 1°36'37" East, 1,824.50 feet distant: thence in said Section 22, North 88°19'14" West, parallel with the North line of the Southeast Quarter of the Northeast Quarter of said Section 22, 299.46 feet; thence on a 300-foot radius curve to the left, an arc distance of 149.22 feet; thence South 63°10'49" West, 23.77 feet ***to a point designated Point "B" for reference purposes***;

[Double Cove Road from Mossywoods Lane to Woodfern Lane]
[From Point "B" on Double Cove Road into the Park Area]
[and]

[Woodfern Lane (First Part)]
[From Double Cove Road to the West lot line of the Park Area]

thence on a 100-foot radius curve to the left, an arc distance of 110.58 feet; thence South 0°10'41" East, 122.88 feet; thence South 7°50'10" East, 206.16 feet; thence on a 200-foot radius curve to the right, an arc distance of 180.56 feet; thence South 43°53'30" West, 307.35 feet; thence South 57°38'03" West, 232.79 feet; thence South 66°51'43" West, 266.68 feet; thence on a 200-foot radius curve to the right, an arc distance of 91.98 feet; thence North

86°47'17" West, 124.62 feet: thence on a 200-foot radius curve to the right, an arc distance of 53.38 feet; thence North 71°29'44" West, 123.99 feet; thence on a 200-foot radius curve to the left, with a central angle of 24°34'33", and an arc distance of 27.89 feet to a point on the East line of the West 1,094 feet of Government Lot 5, said Section 22, from which point the Northeast corner of the West 1,094 feet of said Government Lot 5 bears North 1°48'16" East, 226.79 feet distant.

[Woodfern Lane (Second Part)]

[From the West lot line of the Park Area
To the East lot line of Tax Parcel 262242002000 (Jenkins)]

Thence continuing on said 200-foot radius curve to the left, an arc distance of 57.89 feet; Thence South 83°55'43" West, 24.46 feet; Thence on a 200-foot radius curve to the left, an arc distance of 97.81 feet; Thence South 55°54'33" West, 35.93 feet; Thence on a 200 foot radius curve to the right, an arc distance of 87.53 feet; Thence South 80°59'03" West, 238.64 feet to a point on the East line of the West 579 feet of said Government Lot 5, from which point the Northeast corner of the West 579 feet of said Government Lot 5 bears, North 1°46'16" East, 366.48 feet distant.

[Mossywoods Lane]

[From Double Cove Road
To the East lot line of Tax Parcel 262213002000 (Claire Peterson)]

Continuing with a 60-foot-wide non-exclusive easement for access and utilities over, under and across portions of the said East Half of Section 22, and lying 30 feet on each side of the following described line:

Beginning at aforementioned Point "B" (for reference purposes); thence South 63°10'49" West, 254.45 feet; thence on a 100-foot radius curve to the right, an arc distance of 84.73 feet; thence North 68°16'18" West, 34.01 feet; thence on a 200-foot radius curve to the left, an arc distance of 66.69 feet; thence North 87°22'39" West, 121.16 feet; thence on a 200-foot radius curve to the left, an arc distance of 190.26 feet; thence South 38°07'01" West, 283.73 feet; thence on a 200-foot radius curve to the right, an arc distance of 128.75 feet; thence South 75°00'00" West, 100.27 feet; thence on a 100-foot radius curve to the right, an arc distance of 60.58 feet to a point on the East line of the West 1,094 feet of the Southwest Quarter of the Northeast Quarter of said Section 22, from which point the Southeast corner of the West 1,094 feet of said Southwest Quarter of the Northeast Quarter (and the Northeast corner of the West 1,094 feet of said Government Lot 5) bears South 1°48'16" West, 280.19 feet distant; thence continuing on said 100-foot radius curve to the right, an arc distance of 34.83 feet; thence North 50°20'12" West, 111.91 feet; thence on a 200-foot radius curve to the left, an arc distance of 116.95 feet; thence North 83°50'24" West, 148.51 feet; thence on a 100-foot radius curve to the right, an arc distance of 47.98 feet; thence North 56°21'01" West, 15.22 feet; thence on a 100-foot radius curve to the left, an arc distance of 71.03 feet; thence South 82°57'01" West, 14.30 feet to a point on the East line of the West 579 feet of said Southwest Quarter of the Northeast Quarter; from which point the Southeast corner of the West 579 feet of said Southwest Quarter of the Northeast Quarter (and the Northeast corner

of the West 579 feet of said Government Lot 5) bears South 1°48'16" West, 451.95 feet distant.

[Old Farm Road from Double Cove Road to the Tawanda Subdivision]

[From Double Cove Road (Point "A" on Old Farm Road) to
The Western boundary of the Tawanda Subdivision

Near the intersection of the West lot lines of Tax Parcels 262351001000, 2000 and 3000
(Weber, Hachee and Harboe)]

Continuing with a 60-foot-wide non-exclusive easement for access and utilities over, under and across portions of the said West Half of Section 23, and lying 30 feet on each side of the following described line:

Beginning at aforementioned Point "A" (for reference purposes); thence South 1°36'37" West, 467.60 feet; thence on a 100-foot radius curve to the left, an arc distance of 161.70 feet; thence North 88°57'47" East, 312.60 feet; thence on a 100-foot radius curve to the right, an arc distance of 57.60 feet; thence South 58°02'13" East, 42.50 feet; thence on a 200-foot radius curve to the right, an arc distance of 131.60 feet; thence South 20°20'16" East, 3.55 feet; thence on a 200-foot radius curve to the left, an arc distance of 95.61 feet; thence South 47°43'45" East, 97.83 feet; thence on a 200-foot radius curve to the left, an arc distance of 53.76 feet; thence South 63°07'52" East, 16.92 feet; thence on a 150-foot radius curve to the right, an arc distance of 143.99 feet; thence South 8°07'52" East, 39.62 feet to a point on the West line of the East 1,198.80 feet of Government Lot 2, said Section 23, from which point the North line of said Government Lot 2 bears North 1°31'19" East, 67.32 feet distant.

[Additional Tawanda Lot 1 Access, Not Being Used]

[Runs from Point "C" (near the West lot line of Tax Parcel 2623230060000 (Wertheimer)) to the West lot line of Tax Parcel 262351001000 (Weber)]

Continuing with a 60-foot-wide non-exclusive easement for access and utilities over, under and across portions of the said West Half of Section 23, and lying 30 feet on each side of the following described line:

Beginning at aforementioned Point "A" (for reference purposes); thence South 1°36'37" West, 467.60 feet; thence on a 100-foot radius curve to the left, an arc distance of 161.70 feet; thence North 88°57'47" East, 312.60 feet; thence on a 191.51-foot radius curve to the left, with a central angle of 17°35'02", an arc distance of 58.77 feet to a point designated Point "C" for reference purposes;

Continuing with a 30-foot-wide non-exclusive easement for access and utilities over, under and across portions of said West Half of Section 23, and lying 15 feet on each side of the following described line:

Beginning at aforementioned Point "C" (for reference purposes); thence North 71°22'46" East, 425.72 feet to a point on the West line of the East 1,198.8 feet of said West Half of Section 23.

Author's Notes:

The foregoing was prepared by Daniel L. Thieme on September 17, 2017, for informational purposes. It is not legal advice and is not legally binding. All comments in brackets are the author's. The foregoing is based on the following documents that were of record as of January 1, 2013:

1. Easement Agreement recorded under San Juan County Auditor's File No. 105809 (dated February 13, 1979).
2. Amendment recorded under San Juan County Auditor's File No. 107813 (dated May 1979 and recorded June 21, 1979).
3. Amendment recorded under San Juan County Auditor's File No. 110835 (dated 1979 and recorded January 21, 1980).

The surveys that accompany this document (Pratt and Ross, December 1978) show the location of the road easement as described in the Harney View Easement Agreement. The roads shown on those surveys correspond with the legal description in the Harney View Easement Agreement, except that (a) the description in the Easement Agreement of the last two segments of Old Farm Road, where it meets the Western boundary of the Tawanda subdivision, is slightly different than the survey, and (b) the "Additional Tawanda Lot 1 Access" is not shown on the survey.