

AFTER RECORDING RETURN TO:
KRISTEN C. REID
BELCHER SWANSON LAW FIRM,
P.L.L.C. 900 DUPONT STREET
BELLINGHAM, WA 98225

Document Title: Septic and Drainfield Easement
Grantor: Whatcom County
Grantee: Douglas Angell and Cathy Angell, a married couple
Abbreviated
Legal Description: Ptn. Of Vac Blue Canyon City-Lots 1-2-3 Blk 6, Sect. 22, T37N, R4E
Affected
Tax Parcel No(s): 370422 200435 0000; 370422 323345 0000

SEPTIC AND DRAINFIELD EASEMENT

THIS SEPTIC AND DRAINFIELD EASEMENT is made and entered into this _____ day of _____, 2022, by and between Whatcom County (hereinafter “Grantor”) and Douglas Angell and Cathy Angell, a married couple, (hereinafter “Grantee”).

RECITALS:

- A. Grantor is owner of real property, obtained through Resolution to Vacate Right-of-Way dated September 9, 1976 and recorded in Volume 48, Page 608, of Whatcom County Commissioner’s proceedings, is legally described below:

VACATED BLUE CANYON CITY, LOTS 1, 2, AND 3, BLOCK 6 – TOGETHER WITH SECOND CLASS SHORELANDS ABUTTING – TOGETHER WITH VACATED WEST 15 FEET OF ASH STREET, ABUTTING LOT 3 AS VACATED CP VOLUME 44, PAGE 37, DATED NOVEMBER 1, 1963 – TOGETHER WITH A PORTION OF RAILROAD AVENUE ABUTTING LOTS 1, 2, AND 3 AS VACATED CP VOLUME 50, PAGE 201, DATED MAY 12, 1975 – CP VOLUME 51, PAGE 211, DATED DECEMBER 20, 1976.

SITUATE IN WHATCOM COUNTY, WASHINGTON

(hereinafter “Servient Estate”).

- B. Grantee is owner of real property, adjacent to a portion of Grantor’s property, is legally described below:

LOT 1, BLOCK 16, "MAP OF BLUE CANYON CITY," WHATCOM COUNTY WASHINGTON, PER THE MAP THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE 7, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE, ALSO THAT PORTION OF RAILROAD AVENUE AS BOUNDED AN DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 16, "MAP OF BLUE CANYON CITY," THENCE NORTH 75°10' EAST, AT RIGHT ANGLES TO THE NORTHEAST LINE OF BLOCK 16, 50 FEET; THENCE NORTH 14° 50' WEST ALONG THE CENTER LINE OF SAID RAILROAD AVENUE, 88 FEET, MORE OF LESS; THENCE SOUTH 75° 10' WEST, 50 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 16; THENCE SOUTH 14° 50 ' EAST, 88 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION THEREOF LYING WITHIN BLUE CANYON ROAD, SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

(hereinafter "Dominant Estate").

- A. Grantee's septic tank, drainfield and transmission lines run under the Servient Estate, and in order to comply with prerequisites for submittal of a building permit application with Whatcom County, a septic drainfield easement is required.
- B. The purpose of this easement is to establish the terms and conditions of an express easement for the septic system including the provisions for maintenance, repairs, replacement and relocation.

NOW THEREFORE, in consideration of the rights and obligations herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor grants, declares, reserves and conveys as follows:

1. **Grant of Easement**. In consideration of \$15,477 (fifteen thousand four hundred seventy-seven dollars) the Grantor hereby grants, declares, conveys and reserves a non-exclusive easement for the benefit of the Dominant Estate for the right to operate, maintain, repair, replace and relocate a septic system drainfield and associated tank and transmission lines ("Easement Area"). The Easement Area is legally described in the attached "Exhibit "A" and shown on the map attached as Exhibit "B".
2. **Scope of Easement**. This easement shall be for the benefit of the owner(s) of the Dominant Estate and is for the purpose of operating, maintaining, repairing and reconstructing a septic system structure and all necessary appurtenances ("Septic other appurtenances to the Septic System within the Easement Area including the right of ingress and egress over the Easement Area for the purposes stated

herein. This easement granted herein is “as-built” and limited to the location of the Septic System and all reasonable areas around the Septic System for access and maintenance and does not extend to other real property owned or maintained by the Grantor.

3. **Maintenance.** The Septic System shall be maintained exclusively by the Dominant Estate. All components of the Septic System shall be maintained in accordance with the minimum standards applicable to septic systems of this type which may be imposed by any governmental law, statute, regulation or ordinance, and, without limitation, the regulations of the Whatcom County Health Department. The owner(s) of the Dominant Estate shall provide written notice to Grantor prior to any work done on any portion of the Septic System. After any work is completed in the Easement Area, the property shall be restored to a reasonable condition in accordance with applicable standards. All costs connected with the Septic System shall be borne by the owner(s) of the Dominant Estate.

4. **Binding Effect.** In all respects, the provisions of this Agreement shall be construed and interpreted as covenants which run with and are appurtenant to the land of the parties above described and shall be binding upon and inure to the benefit of the heirs, assigns, successors to and personal representatives of the parties hereto.

IN WITNESS WHEREOF, the party has executed this document and it shall be deemed effective as of the date first above written.

DATED this _____ day of _____, 2022.

GRANTOR:
WHATCOM COUNTY

SATPAL SINGH SIDHU
WHATCOM COUNTY EXECUTIVE

STATE OF WASHINGTON)
 : ss.
COUNTY OF WHATCOM)

On this _____ day of _____, 2022, before me personally appeared Satpal Singh Sidhu, to me known to be the Executive of Whatcom County that executed the within and foregoing instrument to be the free and voluntary act and deed of said department for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Notary Public in and for the State of Washington,
residing at Bellingham.

My Commission Expires: _____.

AGREED BY:

GRANTEE(S):

DOUGLAS ANGELL

CATHY ANGELL

STATE OF WASHINGTON)
 : ss.
COUNTY OF WHATCOM)

On this ____ day of _____, 2022, before me personally appeared Douglas and Cathy Angell, to me known to be individuals described that executed the within and foregoing instrument to be the free and voluntary act and deed of said department for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Notary Public in and for the State of Washington,
residing at Bellingham.
My Commission Expires:_____.

EXHIBIT " A "
EASEMENT DESCRIPTION
 PTN: SW4, NE 1/4, SECTION 22
 TOWNSHIP 37 NORTH, RANGE 4 EAST OF W.M.,
 WHATCOM COUNTY, WASHINGTON

A VARIABLE WIDTH EASEMENT, OVER, UNDER AND ACROSS A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 4 EAST OF W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE FOLLOWING DESCRIBED TRACT:

LOT 1, BLOCK 16, "MAP OF BLUE CANYON CITY," WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE 7, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE, ALSO THAT PORTION OF RAILROAD AVENUE AS BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 16, "MAP OF BLUE CANYON CITY," THENCE NORTH 75°10' EAST, AT RIGHT ANGLES TO THE NORTHEAST LINE OF BLOCK 16, 50 FEET; THENCE NORTH 14°50' WEST ALONG THE CENTER LINE OF SAID RAILROAD AVENUE, 88 FEET, MORE OR LESS; THENCE SOUTH 75°10' WEST, 50 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 16; THENCE SOUTH 14°50' EAST, 88 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION THEREOF LYING WITHIN BLUE CANYON ROAD.

THENCE NORTH 14° 50' 00" WEST ALONG THE EAST LINE OF THE ABOVE DESCRIBED TRACT A DISTANCE OF 24.29 FEET TO THE TRUE POINT OF BEGINNING; THENCE THE FOLLOWING NINE (9) COURSES:

Course	Bearing	Distance
L1	N 84°13'37" E	26.92'
L2	S 08°31'45" E	46.01'
L3	N 81°28'15" E	26.00'
L4	N 08°31'45" W	45.23'
L5	N 00°39'58" W	55.68'
L6	S 89°20'02" W	25.90'
L7	S 00°32'45" E	48.44'
L8	S 84°13'37" W	29.27'
L9	S 14°50'00" E	10.13'

TO THE TRUE POINT OF BEGINNING.

CONTAINING 2,948 SQUARE FEET

AS SHOWN ON EXHIBIT "_____" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

FURTHER SUBJECT TO AND TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD OR OTHERWISE.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

EXHIBIT "B"

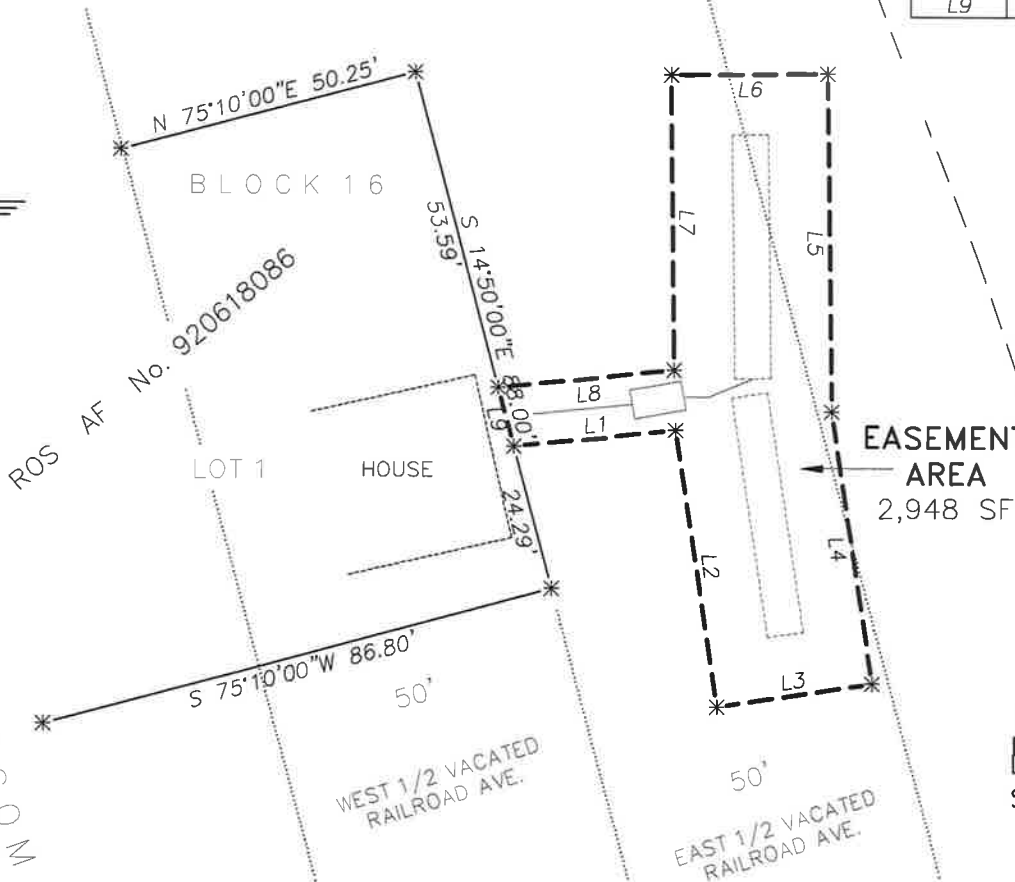
DEPICTING EASEMENT LOCATION

PTN: SW4, NE 1/4, SECTION 22
 TOWNSHIP 37 NORTH, RANGE 4 EAST OF W.M.,
 WHATCOM COUNTY, WASHINGTON

Course	Bearing	Distance
L1	N 84°13'37" E	26.92'
L2	S 08°31'45" E	46.01'
L3	N 81°28'15" E	26.00'
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L7	S 00°32'45" E	48.44'
L8	S 84°13'37" W	29.27'
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L A K E
 W H A T C O M



B L U E
 C A N Y O N
 R O A D

