

BEFORE THE WHATCOM COUNTY COUNCIL

IN THE MATTER OF VACATION OF  
THE COUNTY ROAD KNOWN AS

1) Unnamed Alleyway referred to as Baker Drive;  
[REDACTED]

PETITION FOR VACATION  
OF PLATTED ROAD

Petitioned for by:

(RCW 58.17 AND 36.87)

Patrick Timothy McEvoy and Marcia L. McEvoy  
et.al.

Pursuant to Whatcom County Ordinance No. 1-72, dated February 14, 1972,\* the undersigned and those signing attached petition, which bears signatures and property descriptions of five land owners residing in the vicinity of said road, request vacation of the county road hereinafter described, and agree with the statements below:

\* (As subsequently amended and currently codified under WCC 12.20)

1. Petitioners are residents of Whatcom County and owners of real property in the vicinity of the road sought to be vacated.
2. The road sought to be vacated is legally described as follows:  
The 15-foot right of way immediately west of and abutting Lot 7, Block 1, Lummi Park on Lummi Island, according to the Plat thereof recorded in Volume 6 of Plats, Page 5, Records of Whatcom County, Washington (which is unnamed but is sometimes referred to as Baker Drive); ~~the 50-foot right of way known as Snow View Drive immediately southeast of and abutting said lot 7, Block 1, in said Plat~~
3. The pertinent facts in support of this petition are:  
See attached.
4. The road to be vacated is useless as a part of the County road system and the public will benefit by its vacation and abandonment.
5. Petitioners will pay all costs and expenses incurred by the Count in examination, report, notice and proceedings pertaining to this petition.
6. A bond in the penal sum of \$790.00, payable to Whatcom County Treasurer, accompanies this petition.
7. The application fee accompanies this petition.

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and that an order be entered vacating and abandoning said road.

CONTACT PERSON:

Dannon C. Traxler  
Langabeer & Traxler, P.S.  
2701 Meridian Street  
Bellingham, WA 98225  
(360) 671-6460  
dtraxler@langabeertraxler.com

Signed this 8th day of August, 2021.

Patrick Timothy McEvoy

Marcia L. McEvoy

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

**PETITIONERS' NAMES: Property owned by petitioner (part of sec. or name of plat, see (lot), TWP, (Blk) Range):**

The following persons are the Petitioners and the owners of the real property immediately abutting the rights-of-way which are sought to be vacated, and who are agreeing to pay the costs of vacation, and who would receive title to the rights-of-way in question following vacation:

Patrick Timothy McEvoy and Marcia L. McEvoy, who are the owners of the following property located within Section 33, Township 38 North, Range 1 East of W.M.:

Lot 7, Block 1, Lummi Park on Lummi Island, Whatcom County, Washington, according to the Plat thereof, recorded in Volume 6 of Plats, Page 5, records of Whatcom County, Washington.

Situate in Whatcom County, Washington.

Assessor's Parcel Number ~~000109900001200000~~ PID 41150 3801333750070000

Marked as Property "A" on the Attached Exhibit A-1 (showing the immediate vicinity or the roads to be vacated) and Exhibit A-2 (showing the larger area and the properties of other owners supporting this Petition)

Separate pages containing the names, property descriptions, and signatures of other property owners within a mile, and who support vacation of the rights-of-way in question, are attached hereto and submitted herewith.

**A map of the road proposed to be vacated and surrounding properties, with each of the above signed petitioners properties indicated thereon, shall be attached to this petition in order for it to be accepted in the County Council Office.**

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

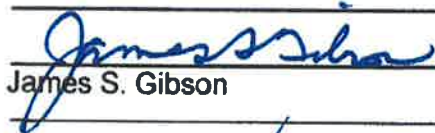
**PETITIONERS' NAMES: Property owned by petitioner (part of sec. or name of plat, see (lot), TWP, (Blk) Range):**

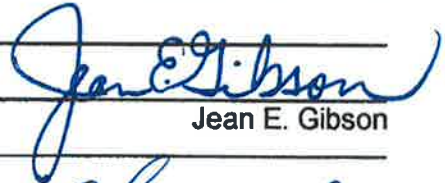
The following persons are the owners of the real property abutting and west of the 15-foot right-of-way which is sought to be vacated:

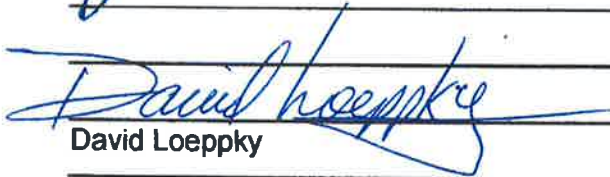
James S. Gibson and Jean E. Gibson; and David Loeppky and Sharon Loeppky, who are the owners of the property located within Section 33, Township 38 North, Range 1 East of W.M., delineated as Whatcom County Parcel Number 3801333580210000 / PID174854, which property is legally described on Exhibit B attached hereto and fully incorporated herein by this reference, and marked as Property "B" on the Attached Exhibit A-1 (showing the immediate vicinity of the roads to be vacated) and Exhibit A-2 (showing the larger area and the properties of other owners supporting this Petition).

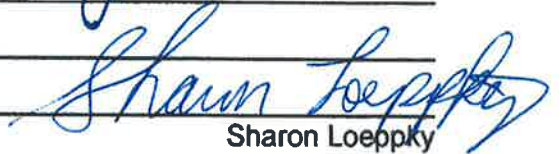
Since the 15 feet immediately west of/abutting the 15 foot strip sought to be vacated was previously dedicated right of way which was vacated by official County proceedings in 1947, the undersigned property owners do not seek to receive title to any portion of the remaining unvacated 15-foot-strip.

However, the undersigned property owners DO SUPPORT the Petition for Vacation of Patrick Timothy McEvoy and Marcia L. McEvoy, in consideration of the previous vacation of the westerly 15 feet of-right-way as well as the McEvoy's agreement to pay the costs associated with this Petition for Vacation.

  
James S. Gibson

  
Jean E. Gibson

  
David Loeppky

  
Sharon Loeppky

(NOTE: There are no property owners other than the McEvoy's who own real property abutting Snow View Drive, the other right-of-way sought to be vacated)

A map of the road proposed to be vacated and surrounding properties, with each of the above signed petitioners properties indicated thereon, shall be attached to this petition in order for it to be accepted in the County Council Office.

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

**PETITIONERS' NAMES: Property owned by petitioner (part of sec. or name of plat, see (lot), TWP, (Blk) Range):**

The following persons are the owners of real properties located within one (1) mile of the 15-foot right of way immediately west of and abutting Lot 7, Block 1, Lummi Park on Lummi Island, according to the Plat thereof recorded in Volume 6 of Plats, Page 5, Records of Whatcom County, Washington (which is unnamed but is sometimes referred to as Baker Drive); ~~AND the 30-foot right of way known as Snow View Drive immediately south of and abutting said lot 7, Block 1, in said Plat, and who support the Petition for Vacation of the same made by Patrick Timothy McEvoy and Marcia L. McEvoy (who have agreed to pay the costs of vacation, and who would receive title to the rights-of-way in question following vacation):~~

<u>Signatures</u>	<u>Print Owner Name(s)</u>	<u>Parcel Number Owned</u>
X 	Michael Hammes and	380133-404049, -412050 (PID 41164, 41163)
X 	Wendy Hammes	

(See Exhibit B-1 for legal)

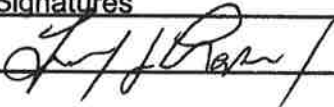
The properties of the above supporting neighbors located within a mile of the roads to be vacated are marked as Properties C and D on the attached Exhibit A-2.

**A map of the road proposed to be vacated and surrounding properties, with each of the above signed petitioners properties indicated thereon, shall be attached to this petition in order for it to be accepted in the County Council Office.**

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

**PETITIONERS' NAMES: Property owned by petitioner (part of sec. or name of plat, see (lot), TWP, (Blk) Range):**

The following persons are the owners of real properties located within one (1) mile of the 15-foot right of way immediately west of and abutting Lot 7, Block 1, Lummi Park on Lummi Island, according to the Plat thereof recorded in Volume 6 of Plats, Page 5, Records of Whatcom County, Washington (which is unnamed but is sometimes referred to as Baker Drive); ~~and the 50-foot right of way known as Snow View Drive immediately southeast of and abutting said Lot 7, Block 1, Lummi Plat;~~ and who support the Petition for Vacation of the same made by Patrick Timothy McEvoy and Marcia L. McEvoy (who have agreed to pay the costs of vacation, and who would receive title to the rights-of-way in question following vacation):

Signatures	Print Owner Name(s)	Parcel Number Owned
X 	Frank J. Repanich	380133-362071 (PID 41141)

(See Exhibit B-2 for legal)



The property of the above supporting neighbor located within a mile of the roads to be vacated is marked as Property E on the attached Exhibit A-2.

**A map of the road proposed to be vacated and surrounding properties, with each of the above signed petitioners properties indicated thereon, shall be attached to this petition in order for it to be accepted in the County Council Office.**

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

**PETITIONERS' NAMES: Property owned by petitioner (part of sec. or name of plat, see (lot), TWP, (Blk) Range):**

The following persons are the owners of real properties located within one (1) mile of the 15-foot right of way immediately west of and abutting Lot 7, Block 1, Lummi Park on Lummi Island, according to the Plat thereof recorded in Volume 6 of Plats, Page 5, Records of Whatcom County, Washington (which is unnamed but is sometimes referred to as Baker Drive); ~~and the 50-foot right of way known as Snow View Drive immediately southeast of and abutting said Lot 7, Block 1 in said Plat~~ and who support the Petition for Vacation of the same made by Patrick Timothy McEvoy and Marcia L. McEvoy (who have agreed to pay the costs of vacation, and who would receive title to the rights-of-way in question following vacation):

Signatures	Print Owner Name(s)	Parcel Number Owned
X 	John C. Ennen and	370104-367555 (PID 13795)
X 	Sharon J. Ennen	

(See Exhibit B-3 for legal)


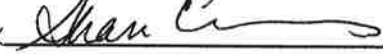
The properties of the above supporting neighbors located within a mile of the roads to be vacated are marked as Property F on the attached Exhibit A-2.

**A map of the road proposed to be vacated and surrounding properties, with each of the above signed petitioners properties indicated thereon, shall be attached to this petition in order for it to be accepted in the County Council Office.**

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

**PETITIONERS' NAMES: Property owned by petitioner (part of sec. or name of plat, see (lot), TWP, (Blk) Range):**

The following persons are the owners of real properties located within one (1) mile of the 15-foot right of way immediately west of and abutting Lot 7, Block 1, Lummi Park on Lummi Island, according to the Plat thereof recorded in Volume 6 of Plats, Page 5, Records of Whatcom County, Washington (which is unnamed but is sometimes referred to as Baker Drive), and who support the Petition for Vacation of the same made by Patrick Timothy McEvoy and Marcia L. McEvoy (who have agreed to pay the costs of vacation, and who would receive title to the rights-of-way in question following vacation):

Signatures	Print Owner Name(s)	Parcel Number Owned
x 	David M. Cummins and	380133-395046
x 	Shari A. Cummins	(PID 41160)
	3810 Lummi Park Road	
	Lummi Island, WA 98262	

The properties of the above supporting neighbors located within a mile of the roads to be vacated are marked as Property G on the attached Exhibit A-2.

**A map of the road proposed to be vacated and surrounding properties, with each of the above signed petitioners properties indicated thereon, shall be attached to this petition in order for it to be accepted in the County Council Office.**

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

**PETITIONERS' NAMES: Property owned by petitioner (part of sec. or name of plat, see (lot), TWP, (Blk) Range):**

The following persons are the owners of real properties located within one (1) mile of the 15-foot right of way immediately west of and abutting Lot 7, Block 1, Lummi Park on Lummi Island, according to the Plat thereof recorded in Volume 6 of Plats, Page 5, Records of Whatcom County, Washington (which is unnamed but is sometimes referred to as Baker Drive), and who support the Petition for Vacation of the same made by Patrick Timothy McEvoy and Marcia L. McEvoy (who have agreed to pay the costs of vacation, and who would receive title to the rights-of-way in question following vacation):

Signatures	Print Owner Name(s)	Parcel Number Owned
x <i>Robert I Morse</i>	Robert I. Morse and	380133-258092
x <i>Jeanette Morse</i>	Jeanette Morse	(PID 41102)
x <i>Mary C Little</i>	Mary C. Little and	
x <i>Erik R Little</i>	Erik R. Little	
	3919 Midden Lane	
	Lummi Island, WA 98262	

The properties of the above supporting neighbors located within a mile of the roads to be vacated are marked as Property H on the attached Exhibit A-2.

**A map of the road proposed to be vacated and surrounding properties, with each of the above signed petitioners properties indicated thereon, shall be attached to this petition in order for it to be accepted in the County Council Office.**

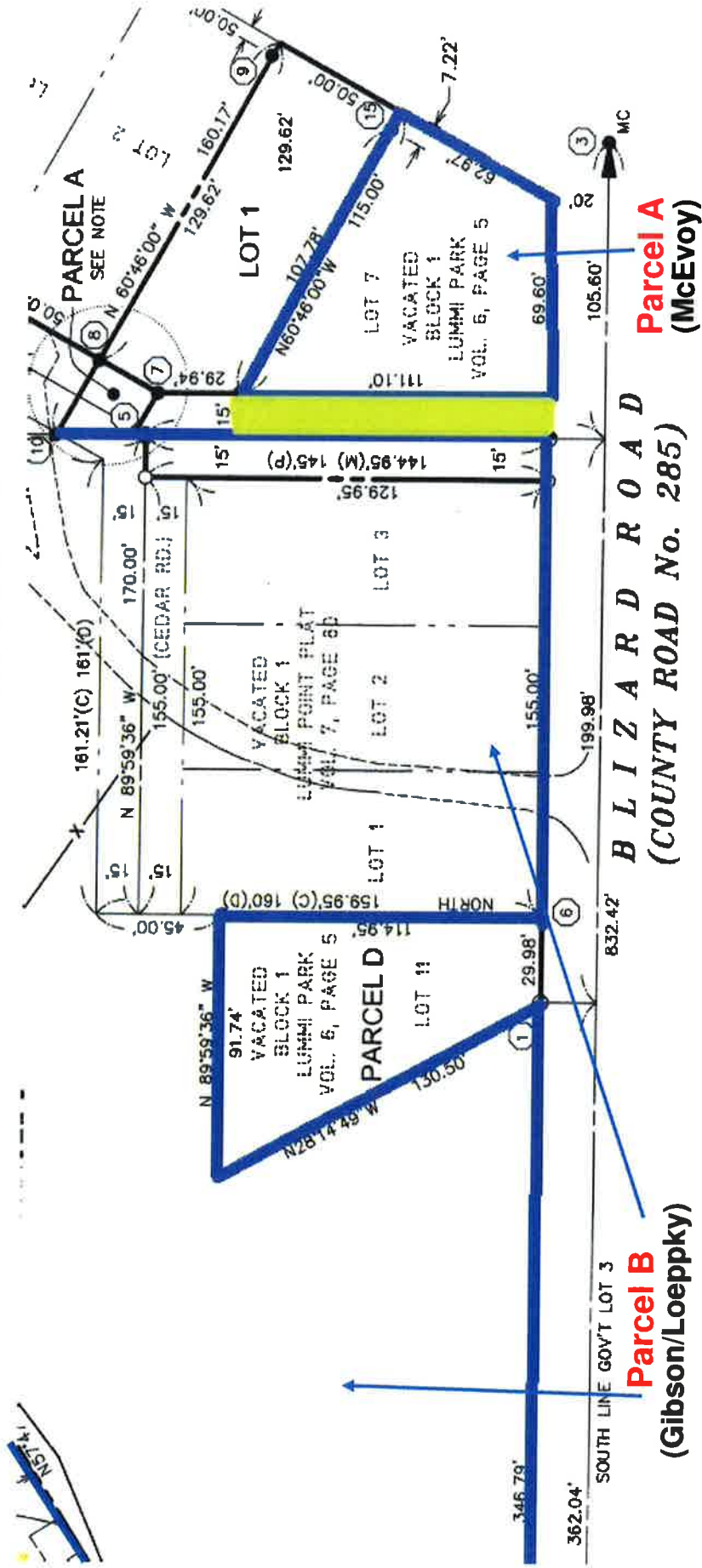


**Index of Exhibits  
To  
Petition for Vacation**

Exhibit	Document Description
A-1	Map of Immediate Vicinity/Roads to Be Vacated
A-2	Map Showing Supporting Properties/Owners
B	Legal Description of Property B (Owned by Gibson/Loeppky)
B-1	Legal Description of Properties C and D (Owned by Hammes)
B-2	Legal Description of Property E (Owned by Repanich)
B-3	Legal Description of Property F (Owned by Ennen)
B-4	Legal Description of Property G (Owned by Cummins)
B-5	Legal Description of Property H (Owned by Morse)
C	Narrative Outline of History and Proposed Vacation
D-1	Lummi Park Plat (Dedicated 1910)
D-2	Commissioner's Record #22 (1918 Vacation of Lummi Park Plat)
E-1	Lummi Point Plat (Dedicated 1946)
E-2	Volume 36, Page 253 of Commissioner Proceedings (1947 Vacation of Lummi Point Plat)
F	Auditor's File No. 2019-400018 (recorded Easement governing private road)
G	Auditor's File No. 2018-0102095 (Record of Survey)

# EXHIBIT A-1

Rights-of-Way to Be Vacated/Immediately Abutting Properties



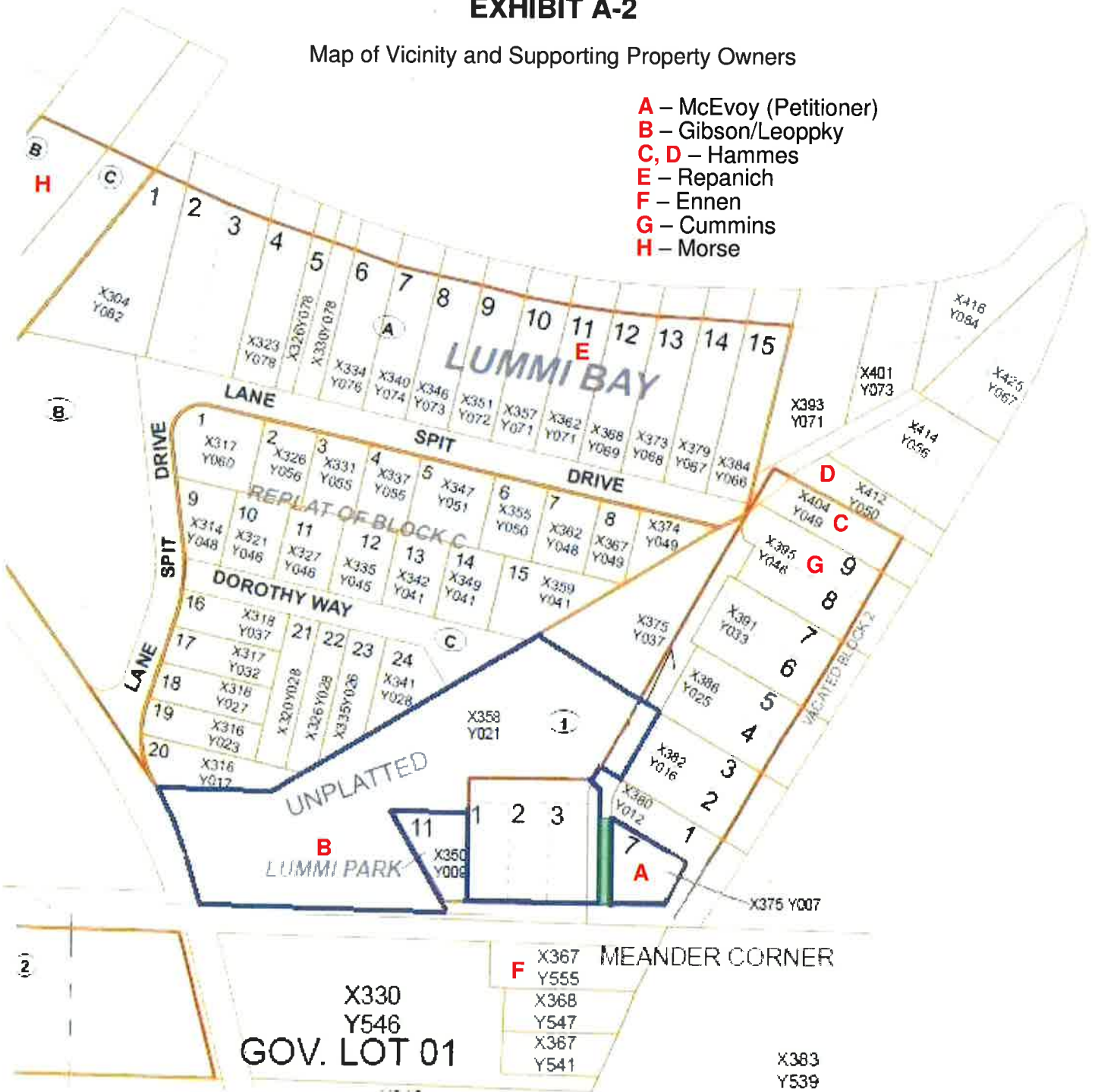
Abutting Properties: 

Right-of-Way to be Vacated: 

# EXHIBIT A-2

Map of Vicinity and Supporting Property Owners

- A** – McEvoy (Petitioner)
- B** – Gibson/Leopky
- C, D** – Hammes
- E** – Repanich
- F** – Ennen
- G** – Cummins
- H** – Morse



Abutting Properties:



Right-of-Way to be Vacated:



One-Quarter Mile



## EXHIBIT B

### Legal Description - Gibson/Loeppky Property (Property B)

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF COUNTY ROAD 285 AND THE EAST LINE OF COUNTY ROAD 510; THENCE EAST ALONG THE NORTH LINE OF SAID ROAD 285 TO THE SOUTHEAST CORNER OF LOT 3, BLOCK 1, OF THE VACATED LUMMI POINT PLAT; THENCE NORTH 145.00 FEET TO THE CENTER OF CEDAR ROAD; THENCE EAST 90°00'00", 6.00 FEET TO A MONUMENT IN THE CENTER OF BAKER DRIVE; THENCE NORTH 90°00'00", 270.00 FEET, MORE OR LESS, TO THE NORTHERLY BOUNDARY OF THE CARSON PROPERTY; THENCE SOUTH 57°47'00" WEST, 545.00 FEET, MORE OR LESS, TO A POINT 150.00 FEET NORTH OF THE SOUTH LINE OF GOVERNMENT LOT 3, SECTION 33; THENCE WEST AND PARALLEL TO THE SAID LINE TO THE EAST LINE OF SAID ROAD 510; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID ROAD 510 TO THE POINT OF BEGINNING. TOGETHER WITH THAT PORTION OF GOVERNMENT LOT 3 IN SECTION 33, TOWNSHIP 38 NORTH, RANGE 1 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 3, BLOCK 2, OF VACATED LUMMI POINT PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 80, RECORDS OF WHATCOM COUNTY, WASHINGTON; THENCE NORTH 60°46'00" WEST, AT RIGHT ANGLES, TO THE WESTERLY LINE OF SAID LOT 3, 86.48 FEET; THENCE DUE SOUTH, 114.49 FEET, SOUTH 60°46'00" WEST, 30.52 FEET TO THE SOUTHWESTERLY CORNER OF LOT 2, BLOCK 2, OF SAID LUMMI POINT PLAT; THENCE NORTH 29°14'00" EAST ALONG THE WESTERLY LINES OF LOTS 2 AND 3 OF SAID BLOCK 2, 100.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION OF GOVERNMENT LOT 3 IN SAID SECTION 33, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 3, BLOCK 2, OF SAID VACATED LUMMI POINT PLAT; THENCE NORTH 60°46'00" WEST AT RIGHT ANGLES TO THE WESTERLY LINE OF SAID LOT 3, 86.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 60°46'00" WEST, 115.58 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF BLOCK C OF LUMMI BAY PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 8 OF PLATS, PAGE 19, RECORDS OF WHATCOM COUNTY, WASHINGTON; THENCE FOLLOWING SAID SOUTHEASTERLY LINE, NORTH 57°47'00" EAST, 119.21 FEET; THENCE DUE SOUTH 120.00 FEET TO THE POINT OF BEGINNING.

EXCEPT LOT 11, BLOCK 1, VACATED PLAT OF "LUMMI PARK", AS PER THE MAP THEREOF RECORDED IN BOOK 6 OF PLATS, PAGE 5, IN THE OFFICE OF THE AUDITOR, WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON

APN 3801333580210000/174854

## EXHIBIT B-1

### Legal Description – Hammes Properties

#### Property C (APN 3801334040490000/PID 41163)

LOT 10, BLOCK 2, VACATED LUMMI POINT PLAT, ACCORDING TO THE PLAT RECORDED IN VOLUME 7 OF PLATS, PAGE 80, RECORDS OF WHATCOM COUNTY, WASHINGTON, TOGETHER WITH SECOND CLASS TIDELANDS ADJOINING.

SITUATE IN WHATCOM COUNTY, WASHINGTON

#### Property D (APN 3801334120500000/PID 41164)

A TRACT OF LAND IN GOVERNMENT LOT 3, SECTION 33, TOWNSHIP 38 NORTH, RANGE 1 EAST OF W M , DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 43.53 FEET NORTH AND 57.97 FEET EAST OF THE SOUTHEAST CORNER OF LOT 15, BLOCK A, LUMMI BAY PLAT, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN BOOK 8 OF PLATS, PAGE 19, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE, THE SAID POINT OF BEGINNING BEING THE NORTH CORNER OF THE NORTHEASTERLY END OF BAKER DRIVE, AS SHOWN ON THE VACATED PLAT OF LUMMI POINT, RECORDED IN BOOK 7 OF PLATS, PAGE 80, THENCE NORTH 60°25' EAST, 43.88 FEET; THENCE SOUTH 60°46' EAST, PARALLEL TO THE NORTHEASTERLY LINE OF LOT 10, BLOCK 2, LUMMI POINT PLAT, TO THE EASTERLY LINE OF GOVERNMENT LOT 3; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF GOVERNMENT LOT 3 TO A POINT THAT BEARS SOUTH 60°46' EAST OF THE POINT OF BEGINNING; THENCE NORTH 60°46' WEST TO THE POINT OF BEGINNING, EXCEPT ANY PORTION OF THE ABOVE DESCRIBED TRACT LYING NORTHEASTERLY OF A LINE 37.5 FEET NORTHEASTERLY OF AND PARALLEL TO THE SOUTHWESTERLY LINE OF THE ABOVE DESCRIBED TRACT. TOGETHER WITH THE TIDELANDS OF THE SECOND CLASS ABUTTING THEREOF, LESS ROADS.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

**EXHIBIT B-2**

Legal Description – Repanich Property (Property E)

LOT 11, BLOCK A, "LUMMI BAY PLAT," WHATCOM COUNTY, WASHINGTON,  
RECORDED IN BOOK 8 OF PLATS, PAGE 19, IN THE AUDITOR'S OFFICE OF SAID  
COUNTY AND STATE, TOGETHER WITH ALL TIDE LANDS OF THE SECOND  
CLASS ABUTTING THEREON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

APN 3801333620710000/PID 41141

## **EXHIBIT B-3**

### **Legal Description – Ennen Property (Property F)**

**BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF GOVERNMENT LOT 1 AND THE MEANDER LINE OF HALES PASSAGE; AND RUNNING THENCE WEST ALONG THE NORTH LINE OF GOVERNMENT LOT 1, 242.0 FEET; THENCE SOUTH 89.5 FEET; THENCE EAST TO SAID MEANDER LINE; THENCE NORTHERLY ALONG SAID MEANDER LINE TO THE POINT OF BEGINNING. EXCEPT RIGHT-OF-WAY LYING ALONG THE NORTHERLY LINE THEREOF, COMMONLY REFERRED TO AS BLIZZARD ROAD. ALL IN SECTION 4, TOWNSHIP 37 NORTH, RANGE 1 EAST OF W.M.**

**SITUATE IN WHATCOM COUNTY, WASHINGTON.**

**APN 3701043675550000/PID 13795**

**EXHIBIT B-4**

## Legal Description – Cummins Property (Property G)

LOTS 8 AND 9, BLOCK 2, OF VACATED LUMMI POINT PLAT, WHATCOM COUNTY, WASHINGTON, AS PER THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 80, RECORDS OF WHATCOM COUNTY, WASHINGTON, EXCEPTING THEREFROM ANY PART OF VACATED BAKER DRIVE; TOGETHER WITH ALL SECOND CLASS TIDELANDS IN FRONT OF AND ABUTTING THEREON. ALSO, TOGETHER WITH THAT PORTION OF GOVERNMENT LOT 3 AND OF THE VACATED LUMMI POINT PLAT ALL IN SECTION 33, TOWNSHIP 38 NORTH, RANGE 1 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 15, BLOCK A, LUMMI BAY PLAT AS RECORDED IN VOLUME 8 OF PLATS, PAGE 19, RECORDS OF THE WHATCOM COUNTY, WASHINGTON; THENCE SOUTH 11°25'30" WEST ALONG THE SOUTH LINE OF SAID LOT 15 PROJECTED SOUTHWESTERLY, 14.16 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 57°47'00" EAST, 52.33 FEET; THENCE NORTH 29°14'00" EAST, 33.78 FEET; THENCE SOUTH 60°46'00" EAST, 30.00 FEET TO THE NORTHWEST CORNER OF LOT 10, BLOCK 2 OF SAID VACATED LUMMI POINT PLAT; THENCE SOUTH 29°14'00" WEST ALONG THE NORTHWESTERLY LINE OF LOTS 10 AND 9 OF SAID BLOCK 2, 100.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTH 60°46'00" WEST, 30.00 FEET; THENCE NORTH 36°57'12" WEST, 31.76 FEET; THENCE NORTH 57°47'00" EAST, 8.46 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT OF LAND:

THAT PORTION OF GOVERNMENT LOT 3 AND OF THE VACATED LUMMI POINT PLAT ALL IN SAID SECTION 33, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 15, BLOCK A, LUMMI BAY PLAT AS RECORDED IN VOLUME 8 OF PLATS, PAGE 19, RECORDS OF THE WHATCOM COUNTY, WASHINGTON; THENCE SOUTH 11°25'30" WEST ALONG THE SOUTH LINE OF SAID LOT 15 PROJECTED SOUTHWESTERLY, 14.16 FEET; THENCE NORTH 57°47'00" EAST, 52.33 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 29°14'00" EAST, 33.78 FEET; THENCE SOUTH 60°46'00" EAST, 30.00 FEET TO THE NORTHWEST CORNER OF LOT 10, BLOCK 2 OF THE VACATED LUMMI POINT PLAT; THENCE SOUTH 29°14'00" WEST, ALONG THE NORTHWESTERLY LINE OF LOT 10, 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10; THENCE NORTH 60°46'00" WEST, 38.83 FEET; THENCE NORTH 57°47'00" EAST, 18.47 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

APN 3801333950460000/PID 41160



**EXHIBIT B-5**

Legal Description – Morse Property (Property H)

LOT B, A.M. RICHARDSON SHORT PLAT, AS RECORDED IN BOOK 14 OF SHORT PLATS, PAGE 45, RECORDS OF WHATCOM COUNTY, WASHINGTON.

APN 3801332580920000/PID 41102

ATTACHMENT TO PETITION FOR ROAD VACATION

The Petitioners request that the right-of-way (highlighted in yellow in Figure 1) which abuts Lot 7, Block 1, Lummi Park on Lummi Island, according to the Plat thereof recorded in Volume 6 of Plats, Page 5, be vacated: (Correct map)

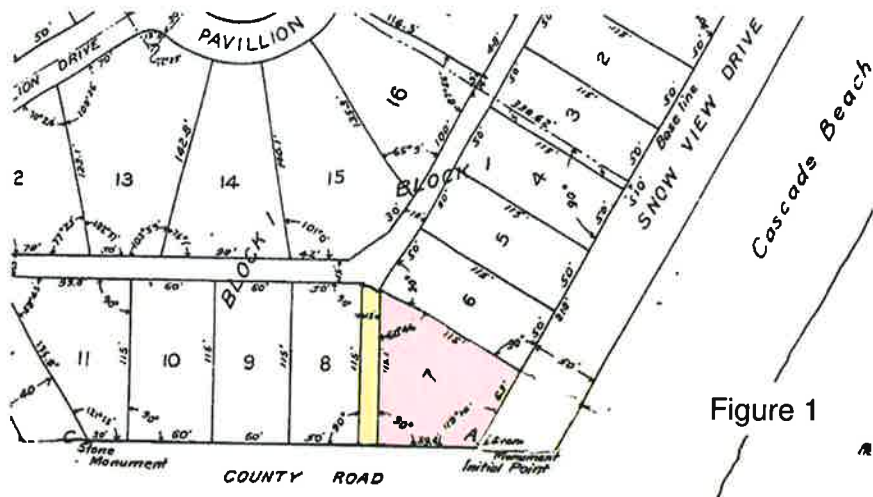


Figure 1

The plat of Lummi Park was recorded in 1910 and encompassed the entirety of Lummi Point in the northeasterly part of Lummi Island (Exhibit D-1). In 1918, the entire plat was vacated (under Commissioner's Record #22, attached as Exhibit D-2), EXCEPT Lot 7 of Block 1, and the street and alley on which Lot 7 immediately fronts/abuts.

The unnamed 15-foot alleyway located directly west of the said Lot 7 (sometimes referred to as a portion of Baker Drive as set forth below) is the right-of-way for which vacation is petitioned at this time.<sup>1</sup>

In 1946, most of Block 1 of the 1910 Lummi Park plat was re-configured with the filing of the Lummi Point Plat under Volume 7 of Plats, Page 80 (Exhibit E-1). This plat dedicated 30-foot wide rights-of-way known as Cedar Road and Baker Drive, as shown in Figure 2. It also dedicated an additional 15 feet immediately west of the unvacated 15 feet abutting Lot 7, creating a public right-of-way totaling 30 feet in width running north from and perpendicular to Blizzard Road. It is not completely clear whether this segment was part of Baker Drive, but it has been referred to by that name.

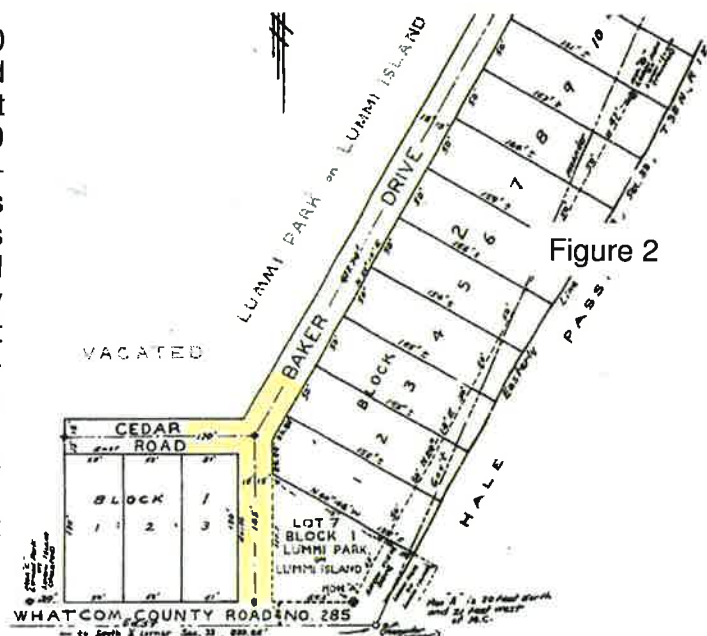


Figure 2

<sup>1</sup> The 50-foot wide street located directly southeast of Lot 7 and known as Snow View Drive is the only other portion of right-of-way which remains unvacated (and is not subject to this Petition for Vacation, pursuant to RCW 36.87.130).

In 1947 the *entire* Lummi Point Plat was vacated (under Volume 36, Page 253 of Commissioner proceedings, attached as Exhibit E-2), which vacated all of the additional right-of-way dedicated by the 1946 plat, so that only the original 15-foot alleyway immediately west of Lot 7 remained public.

The 15-foot alleyway has never been opened to or used by the public. There is a *private* road which connects to Blizzard Road and which is located considerably east of the dedicated 15-foot alleyway, as shown by aerial photos of the vicinity (see Figure 3).



The unvacated 15-foot alleyway serves no function or utility for Whatcom County or the public, particularly since the remainder of the right-of-way to which it would have connected (which were 15-foot wide alleys in the 1910 Plat and which were referred to as Cedar Road and Baker Drive in the 1946 Plat) were previously vacated. Further, all the properties that use the private road located far west of the dedicated strip are parties to a recorded easement agreement governing its use (recorded under Auditor's File No. 2019-400018, attached as Exhibit F).

NOTE: The mapping maintained by the Whatcom County Assessor and/or the County GIS system shows the two right-of-way segments as being a portion of Assessor's Parcel No. 3801333750370000/PID 41147, a non-contiguous parcel located north of the area in question. This mapping is incorrect, since these areas have remained, up until this point, unvacated public right-of-way and therefore cannot be part of any privately owned parcel. This County mapping also shows the westerly 15-foot wide previously vacated area as being part of PID 41147, which is again an error. While that 15-foot strip was properly vacated in 1947 and is now private property, it is *not* part of PID 41147, but rather is now a portion of APN 3801333580210000/PID 174854, as would attach by operation of law. There is a portion of vacated right-of-way which forms a discontinuous segment of PID 41147, but it is a much smaller area, as shown by the Record of Survey recorded under Auditor's File No. 2018-0102095 (Exhibit G).

# LUMMI PARK

ON

# LUMMI ISLAND

SCALE ONE INCH = FIFTY FEET  
RECORDING SCALE: 1 INCH = 100 FEET.

E.C. LYLE.  
CIVIL ENGINEER.  
JUNE 22, 1909.

## EXHIBIT D-1

### DEDICATION.

KNOW ALL MEN BY THESE PRESENTS, that E.S. Hayes and Ethel K. Hayes, husband and wife, owners in fee simple of all the real estate described in the within plat, hereby execute and file this plat, the same to be known as "LUMMI PARK". The real estate embraced in the within plat is located on LUMMI ISLAND, in the County of Whatcom, State of Washington, in Section Thirty-three, Township Thirty-eight (38) North; Range One (1) East, Willamette Meridian; in the eastern portion of lot Three (3) of aforesaid Section, and upon the tide lands adjacent thereto.

The initial point of the survey of this plat, is the Southeast Corner of Block One (1), upon this plat, and is marked by a Cross Cut in the top of a granite stone set flush with the ground, said initial point being twenty (20) feet North and twenty-one (21) feet west of the Corner to fractional Sections Four, in Township Thirty-eight, North; Range One East, Willamette Meridian, on the shore at Hale's Passage.

The Base line of the Survey of this plat is a straight line extending from the Initial point of said plat Northeastly along the Northeast line of Snow View Drive a distance of five hundred ten (510) feet to a Cross Cut in the top of a granite stone set flush with the ground; Stone monuments similar to those above described are also set at points marked A, B & C, D, E, & F.

All lots and blocks upon this plat are of such dimensions as are shown in figures upon the face of the plat.

The widths of Streets and Drives upon this plat are as follows: Wharf Street is forty (40) feet wide, Snow View Drive is fifty (50) feet wide, Pavilion Drive is thirty (30) feet wide, Opal Drive is thirty (30) feet wide, Cascade Vista is thirty (30) feet wide and Selkirk Vista is thirty (30) feet wide. The County Road on the South side of this plat extends North from the Section line a distance of twenty (20) feet.

Cascade Beach extends from the South line of this plat to the South line of Cascade Vista and is dedicated to the public forever to be used as a bathing beach, no buildings or structures of any kind will be allowed to be constructed upon this beach, and no piling will be allowed to be driven upon it.

The tract of land marked "Reserved for bath house" is hereby dedicated to the public forever to be used by bathers; the tract of land at the north end of Wharf Street marked "Reserved for Wharf" is to be used for Wharf purposes only, but is not dedicated to the public; the tract of land north of Cascade Vista marked "Public Play Ground" is hereby dedicated to the public forever as a public play ground.

All Streets, Drives, Vistas and all Alleys delineated hereon are hereby dedicated to the public forever as public highways.

All dotted lines upon this plat are shown as aids to future surveys within this plat.

Witness our hands and seals this 15<sup>th</sup> day of April A.D.1910.

Witnesses  
W.A. Eckardt  
H.W. Eckardt.

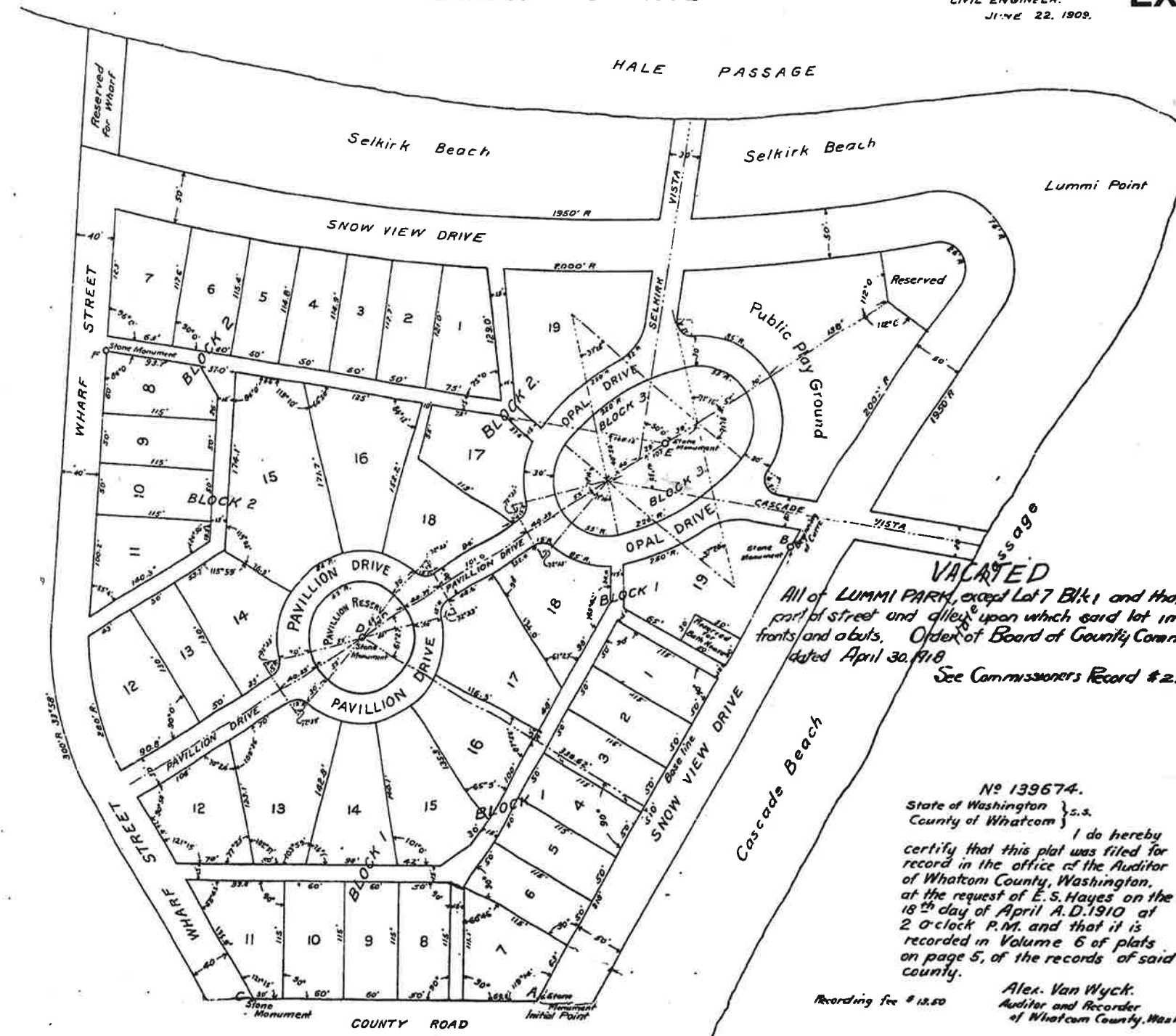
E.S. Hayes.  
Ethel K. Hayes.

### ACKNOWLEDGMENT

STATE OF WASHINGTON }  
COUNTY OF WHATCOM } ss.

On this 15<sup>th</sup> day of April A.D.1910 before me, the undersigned, a notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared E.S. Hayes and Ethel K. Hayes, husband and wife, to me known to be the individuals who executed the accompanying dedication and acknowledged to me that they, severally, signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned. Witness my hand and official seal the day and year in this certificate first above written.

W. A. Eckardt  
Notary Public in and for the State of Washington,  
residing at Bellingham, Wash.



**VACATED**  
All of LUMMI PARK, except Lot 7 Blk 1 and that part of street and alley upon which said lot immediately fronts and abuts. Order of Board of County Commissioners dated April 30, 1918.  
See Commissioners Record #22

No 139674.  
State of Washington } s.s.  
County of Whatcom }  
I do hereby certify that this plat was filed for record in the office of the Auditor of Whatcom County, Washington, at the request of E.S. Hayes on the 18<sup>th</sup> day of April A.D.1910 at 2 o'clock P.M. and that it is recorded in Volume 6 of plats on page 5, of the records of said county.

Alex. Van Wyck,  
Auditor and Recorder  
of Whatcom County, Wash.

Recording fee \$ 15.00

I, Frank Wilson, County Treasurer of Whatcom County, State of Washington, do hereby certify that all taxes due upon the real estate embraced within this plat have been fully paid as shown by the records in my office.  
Witness my official signature and seal this 15<sup>th</sup> day of April, A. D. 1910.

Frank Wilson  
County Treasurer of Whatcom  
County, Washington.

Approved April 18<sup>th</sup> A.D.1910.

Thos R. Kinsey  
Chairman  
Board of County Commissioners  
of Whatcom County, Wash.



RECORD OF COMMISSIONERS PROCEEDINGS

April TERM Tuesday THE 30th DAY OF April 19 18

Tuesday, April 30, 1918. The Board met pursuant to adjournment taken on April 23, 1918. Present, all members of the Board and the Clerk in attendance. The following proceedings were had:

REPORTS THE BOARD OF COUNTY COMMISSIONERS OF WHATCOM COUNTY, WASHINGTON,

IN THE MATTER OF LATERALS 1, 7 & 8 OF DRAINAGE IMPROVEMENT DISTRICT NO. 7 OF WHATCOM COUNTY. ORDER FOR HEARING ON ENGINEER'S REPORT.

NOW, on this 30th day of April, 1918, is presented to said Board the final report of the County Engineer in this matter and it appearing from said report that said engineer has made a survey for said laterals to said Drainage Improvement District in accordance with instructions heretofore given him and in compliance with the provisions of law governing the same, and has submitted complete profiles and a plat of said Drainage Improvement District, together with the estimated cost of construction, a statement of expenses incurred in survey, general specifications and plans governing the manner and method of construction of ditches and structures and a schedule and estimate of all property that will be damaged, or damaged and benefited, properly arranged in columns as provided by law and has performed all other acts and reported the same, all as provided by law:

IT IS ORDERED that Tuesday, the 1st day of May, 1918, at 10 o'clock A.M. be and the same is hereby fixed as a date for a hearing on such report and the Clerk of this Board is directed to give notice of said hearing by publication in three successive and weekly issues of the official newspaper of Whatcom County, Washington, at the times and in the manner provided by law.

IT IS ORDERED that said hearing take place in the Commissioners office at the Court House in Bellingham, Washington.

Said notice shall fix the time and place for said hearing and shall specify the territory to be included in the proposed improvement district, both by boundaries and also by sections, or fractions thereof, such notice shall also designate with reasonable certainty the route and termini of the proposed improvement and shall state that the plat, report and schedule are on file in the office of the said Board of County Commissioners and shall show all property to be taken or damaged and the amount of damages proposed to be allowed therefor. The last publication of said notice shall be not less than seven or more than fourteen days before the date of said hearing.

Done in regular adjourned session of the Board this 30th day of April, 1918.

Board of County Commrs-
" Members of Whatcom County "
" State of Washington "
J E McMillan
Chairman of the Board
Henry Slater
County Commissioner
Henry Shagren
County Commissioner

Attest: J A Miller
County Auditor and Clerk
of the Board.

-----000-----

IN THE MATTER OF THE VACATION OF A PORTION OF THE PLAT OF LUMBI PARK, ON LUMBI ISLAND, WHATCOM COUNTY, WASHINGTON. ORDER VACATING A PORTION OF PLAT OF LUMBI ISLAND.

This matter coming on regularly for hearing before the Board of County Commissioners in regular session convened, and it appearing to the Board that the petition of Francis L. White and Jovita White, his wife; Roland G. Gamwell and Helen T. Gamwell, his wife; James R. Magill and Elvina Magill, his wife; John E. Rice and Martha Rice, his wife; Frank Coyle (a bachelor); T.G. Newman and Rita C. Newman, his wife; Joseph H. Dunn and Rosa Dunn, his wife, and Lymn Bay Packing Company, a corporation, was on the 25th day of March,



# LUMMI POINT PLAT

# EXHIBIT E-1

SCALE 1"=60'

### DEDICATION

STATE OF WASHINGTON } S.S.  
 COUNTY OF WHATCOM }  
 KNOW ALL MEN BY THESE PRESENTS: That we, R.G. Stewart, D.R. Bourque and Emil J. Bourque, all bachelors, and the Peoples National Bank of Washington in Seattle, a national banking association, duly in the name of the real estate embraced in this plat of LUMMI POINT PLAT, do hereby declare and acknowledge this Plat, and dedicate to the public use forever the streets shown thereon.

*R.G. Stewart*  
*D.R. Bourque*  
*Emil J. Bourque*

IN WITNESS WHEREOF, the said banking association has caused these presents to be executed by its President and its duly authorized officers and its corporate seal to be hereunto affixed this 28 day of May, A.D. 1946.

*Wm. H. Schuchter*  
 Ann. Cashier  
*Wm. H. Schuchter*  
 President



### ACKNOWLEDGMENT

STATE OF WASHINGTON } S.S.  
 COUNTY OF WHATCOM }  
 This is to certify that on this 28th day of May, A.D. 1946, before me the undersigned, a Notary Public in and for the said County and State, personally appeared C.E. Jenks and C.R. Horch, to me known to be the President and Asst. Cashier respectively of the Peoples National Bank of Washington in Seattle, the banking association that executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said banking association for uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument and the seal affixed is the corporate seal of said association.

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

*Wm. H. Schuchter*  
 Notary Public in and for the State of Washington  
 Residing at Seattle, Washington



### ACKNOWLEDGMENT

STATE OF WASHINGTON } S.S.  
 COUNTY OF WHATCOM }  
 On this 28 day of May, A.D., 1946, before me the undersigned, a Notary Public in and for the said County and State, personally appeared R.G. Stewart, D.R. Bourque, and Emil J. Bourque, to me known to be the individuals who executed the foregoing dedication and acknowledged to me that they signed the same for the uses and purposes therein set forth.

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

*John L. Jones*  
 Notary Public in and for the State of Washington  
 Residing at Bellingham, Washington



### DESCRIPTION

This plat covers and embraces a tract of land in Sec. 33, Township 38 North, Range 1 East, W.M., being part of the vacated part of LUMMI PARK on LUMMI ISLAND, filed for record in the office of the Auditor of Whatcom County, Washington, in Book 6 of Plats, page 5, the extent and location of the said tract being as shown on this plat.

### CERTIFICATE

I hereby certify that this plat is drawn from an actual survey made by me of the monuments placed for the plat of LUMMI PARK on LUMMI ISLAND, (now mostly vacated), and their relationship to the South Quarter Corner of Sec. 33, Township 38 North, Range 1 East, W.M.; that monuments have been placed in all places shown on this plat and that distances and bearings shown are true and correct.

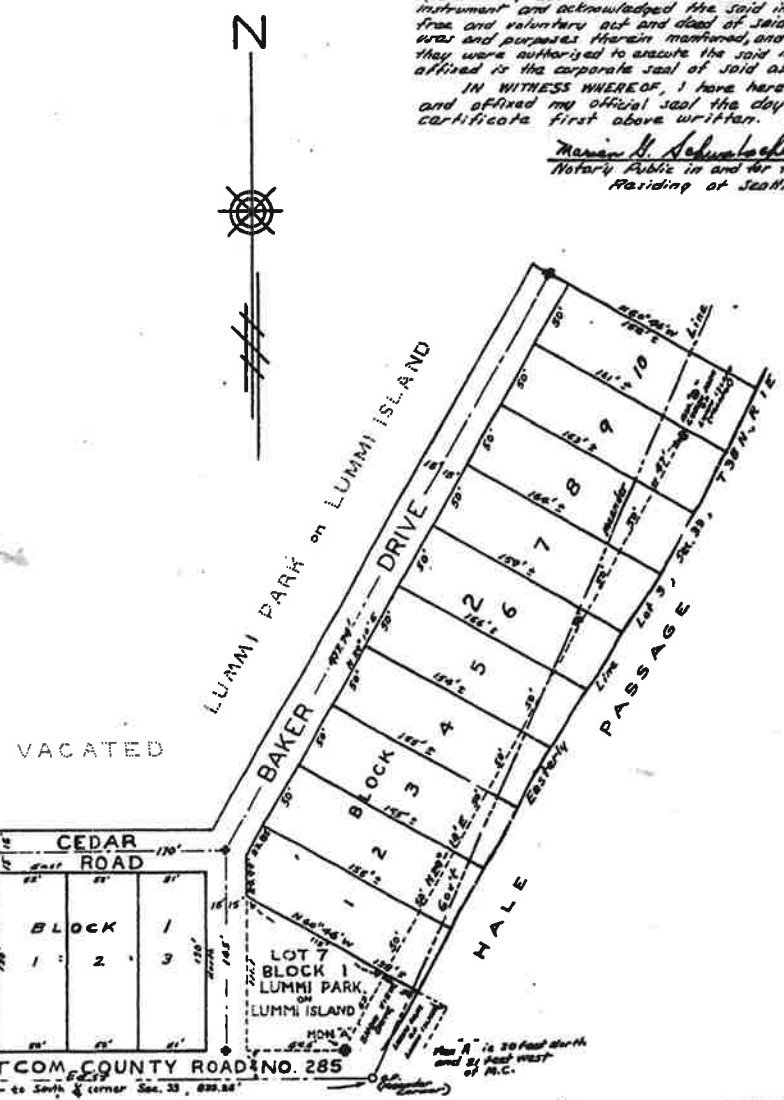
*Fred M. McShum*  
 Registered Professional Engineer  
 State of Washington

STATE OF WASHINGTON } S.S.  
 COUNTY OF WHATCOM }  
 I hereby certify that this plat was filed for record in the office of the Auditor of Whatcom County, Washington at the request of R.G. Stewart on this 7 day of June, A.D. 1946, at 1:17 P.M. and that it is recorded in Volume 17 of Plats, on page 5 of the records of said County.

*Pliny J. Snyder*  
 County Auditor  
 Whatcom County, Washington

Orland Iverson, County Treasurer of Whatcom County, Washington, do hereby certify that all taxes required by law to be paid upon that portion of the real estate embraced within this Plat have been fully paid as shown by records in my office.

*Orland Iverson*  
 Treasurer of Whatcom County, Wash.



NOTE: Monuments indicated thus +

For reception of entire plat see Commission's record, 16361242055

Examined and approved this 29th day of May, A.D. 1946.  
*Wm. H. Schuchter*  
 County Engineer

Examined and approved this 30 day of May, A.D. 1946, by the Whatcom County Planning Commission  
*Geo. Steppendahl*

Approved by order of the Board of County Commissioners of Whatcom County, Washington, this 2nd day of June, A.D. 1946.  
 By *Pliny J. Snyder* Clerk of Board *Charles E. King* Chairman



RECORD OF COMMISSIONERS PROCEEDINGS

JULY TERM FRIDAY THE 11th DAY OF JULY 1947

PUBLIC ASSISTANCE, Continued:

Dorothy J. Hubert	\$ 2.35	
Helen L. Laviolette	4.85	
Edith R. Legoe	28.10	
Margaret Maloy	3.65	
Katferyn Rogers	2.25	
Shirley Rogers	34.30	
Jacqueline E. Swanson	23.80	
Alice Szymanski	9.15	
Golda Thompson	19.70	
Maud Turner	19.40	
Ray S. Wagoner	13.35	
N. J. Warren	3.15	
Anne Winslow	17.60	
Ann Draycott	2.36	
Nonabell Hall Haws	16.55	
Bakar's Grocery	34.40	
Beach Grocery	32.00	
L. D. Hulman	14.00	
Chuckanut Court	89.26	
City of Bellingham - Veterans' Housing Dept.	25.00	
Clair's Super Market	231.79	
Corner Grocery	62.56	
Everson Mercantile Co.	32.14	
Grenier Distributing Co., Inc.	7.47	
Mrs. Henry Barahman	4.50	
J. B. Hudson	6.00	
Ireland Service Station	16.80	
MacDougall-southwick Co.	12.25	
Puget Sound Power & Light Co.	2.00	
Sayers Thriftee Market	62.77	
Shell Oil Co., Inc.	8.06	
Wanamakers General Mdse.	102.31	
Mrs. Laurine Needham	56.00	
Evergreen Pharmacy	18.34	
Fairhaven Pharmacy	26.35	
Gibb Clinical Laboratory	155.50	
Owl Pharmacy	11.80	
Star Drug Company	3.35	
" " "	8.60	
		\$ 2,143.00

LAW LIBRARY FUND:

West Publishing Company	\$ 100.00	\$ 100.00
Total of Claims Allowed		\$ 8,317.69

This being the time fixed for a hearing in the matter of a petition for the vacation of Lummi Point Plat, the hearing was duly held, and no objections being voiced, an order was signed as follows:

In the Matter of the Petition of )  
 Don Carson, et al, for Vacation of ( )  
 Lummi Point Plat )

ORDER VACATING COUNTY PLAT

In the matter of the vacation of a County Plat petitioned for by Don Carson and others, the Board finds as follows:

First. That the petition therefor was filed on the 6th day of June, 1947, and that said petition was signed by at least ten freeholders of the County, residing in the vicinity of the said plat.

Second. That said petition was accompanied by a bond in the sum of \$100.00, which said bond was found to be good and sufficient, and was duly approved by the Chairman of the Board on the 6th day of June, 1947.

Third. That on the 8th day of June, 1947, the County Engineer was duly directed to examine said road and make a report in writing on the same.

Fourth. That on the 19th day of June, 1947, the County Engineer filed in the office of the Board his report in writing, as provided by law.

Fifth. That by an order duly passed by this Board on the 17th day of June, 1947, the 11th day of July, 1947, was set for hearing the report of the Engineer, and the consideration thereof, and that notice of the time and place where said hearing would be held was given by publication and posting as provided by law.

Sixth. That said report of the County Engineer shows: That in his opinion said plat should be vacated; that said plat is not now in use; that it will not be advisable to preserve the same for a general road system in the future; that the public will be benefited by its vacation, and

The Board having examined the report of the Engineer, and all other papers on file in the proceedings, and heard and considered all testimony and documentary evidence adduced for and against the vacation of the plat, and the Board being satisfied that the public will be benefited by its vacation,



RECORD OF COMMISSIONERS PROCEEDINGS

JULY TERM FRIDAY THE 11th DAY OF JULY 1947

IT IS ORDERED BY THE BOARD, all the members concurring, that the County Plat petitioned to be vacated by Don Carson and others, be vacated upon payment of all costs by the principal petitioner, and the Clerk of this Board is directed to make a statement in writing of all costs and expenses incurred in the proceedings and file the same with the County Treasurer, who shall proceed to collect the same.

DONE this 11th day of July, 1947.

(SEAL OF THE BOARD OF COUNTY COMMISSIONERS)

Attest: WILL D. PRATT
County Auditor

By L. COZIER
Deputy

CLAUDE MANLEY

GERRIT VELEKE

CHARLES E. KING

Board of County Commissioners
of Whatcom County, Washington

In the Matter of the Petition of Don Carson
et al, for Vacation of a County plat known
as the Lummi Point Plat

FINAL ORDER OF VACATION

The Board having on the 11th day of July, 1947, ordered the vacation of said Plat upon payment by the principal petitioner of all costs and expenses incurred in the proceedings, and said costs and expenses, amount to the sum of \$3.00, having been paid to the County Treasurer of this County on the 11th day of July, 1947,

IT IS ORDERED BY THE BOARD, all the members concurring, that the County Plat petitioned to be vacated, by Don Carson and others, be vacated as follows:

Lummi Point Plat. This Plat covers and embraces a tract of land in Sec. 33, Twp. 38 North, Range 1 East, W.M., being a part of the vacated part of Lummi Park on Lummi Island, filed in County Auditor's office, Court House, Bellingham, Washington, in Vol. 6 of Plats, Page 5.

DONE this 11th day of July, 1947.

(SEAL OF THE BOARD OF COUNTY COMMISSIONERS)

Attest: WILL D. PRATT
County Auditor

By L. COZIER
Deputy

CLAUDE MANLEY

GERRIT VELEKE

CHARLES E. KING

Board of County Commissioners
of Whatcom county, washington

An order was signed for the issuance of a duplicate Public Assistance warrant to Norco Paper Supply, Warrant No. 54120, in the amount of \$19.39, said duplicate warrant to replace one lost by fire.

Dance License Application No. 601, for public dances to be held at Hopewell Community Hall, between July 12, 1947 and October 12, 1947, was approved by the Board and the license issued to the Hopewell Community Club.

At 2:30 P. M. Commissioners Manley and Veleke were joined by Commissioner King.

There being no further business to come before the meeting, the same was duly adjourned until 9:30 A.M., Tuesday, July 15, 1947.

Approved Claude Manley
Chairman of the Board





**EXHIBIT F**

After recording, please return to:  
Lángabeer & Traxler, P.S.  
2701 Meridian Street  
Bellingham, WA 98225



W-154226  
19 pgs

**EASEMENT AGREEMENT**

Grantor: LIBBA'S LEGACY, L.L.C.  
Grantees: DAVID M. CUMMINS and SHARI A. CUMMINS  
JANE DIEVENY-HINKLE  
AARON D. HAKEMAN and SUSAN M. HAKEMAN  
JAMES S. GIBSON and JEAN E. GIBSON  
DAVID LOEPPKY and SHARON LOEPPKY

**Legal Descriptions/ Parcel Numbers:**

Property Burdened: PTN SW¼ SE¼, §33, TWP 38N, R. 1 E.W.M.  
Situat in Whatcom County, Washington.  
3801333750370000/41147 ("Parcel A;" See Exhibit A)  
Property Benefitted: LOT 8-9 VACATED LUMMI POINT; TIDELANDS  
3801333950460000/41160 ("Lot 8/9;" See Exhibit B)  
LOT 6-7 VACATED LUMMI POINT; TIDELANDS  
3801333910330000/41156 ("Lot 6/7;" See Exhibit C)  
LOT 4-5 VACATED LUMMI POINT; TIDELANDS  
3801333860250000/41153 ("Lot 4/5;" See Exhibit D)  
LOT 2-3 VACATED LUMMI POINT; TIDELANDS  
3801333820160000/41151 ("Lot 2/3;" See Exhibit E)  
PTN GOV. LOT 3, §33, TWP 38N, R. 1 E.W.M.  
3801333580210000/174854 and 3801333500090000/174855  
("Parcel C;" See Exhibit F)  
All situate in Whatcom County, Washington.

This Easement Agreement (Agreement) is entered this 25<sup>th</sup> day of March, 2019, by LIBBA'S LEGACY, L.L.C. (a Washington limited liability company that took title as LIBBA'S PARK, L.L.C.) as Grantor, and the

following Grantees: DAVID M. CUMMINS and SHARI A. CUMMINS, husband and wife; JANE DIEVENY-HINKLE; AARON D. HAKEMAN and SUSAN M. HAKEMAN, husband and wife; JAMES S. GIBSON and JEAN E. GIBSON, husband and wife; and DAVID LOEPPKY and SHARON LOEPPKY, husband and wife, based on the following facts:

A. Grantor is a Washington limited liability company with Uniform Business Identifier No. 602 603 991, and owns the real property described on Exhibit A (Parcel A). Grantor took title to Parcel A as "Libba's Park, L.L.C.", but its name has since changed to "Libba's Legacy, L.L.C."

B. Grantees : DAVID M. CUMMINS and SHARI A. CUMMINS, JANE DIEVENY-HINKLE, AARON D. HAKEMAN and SUSAN M. HAKEMAN, and JAMES S. GIBSON and JEAN E. GIBSON, are members of the Grantor LLC. The Grantees are also owners of the following real properties that are adjacent to or nearby Parcel A:

i) DAVID M. CUMMINS and SHARI A. CUMMINS own the property described on Exhibit B (Lot 8/9).

ii) JANE DIEVENY-HINKLE owns the property described on Exhibit C (Lot 6/7).

iii) AARON D. HAKEMAN and SUSAN M. HAKEMAN own the property described on Exhibit D (Lot 4/5).

iv) JAMES S. GIBSON, JEAN E. GIBSON, own the property described on Exhibit E (Lot 2/3).

v) JAMES S. GIBSON, JEAN E. GIBSON, DAVID LOEPPKY, and SHARON LOEPPKY own the property described on Exhibit F ("Parcel C").

C. Lots 2/3, 4/5, 6/7, and 8/9 (collectively, Lots 2 through 9) are all portions of a Plat dedicated May 29, 1946, known as "Lummi Point Plat," and recorded in Volume 7 of Plats, Page 80, records of Whatcom County, Washington, under Auditor's File No. 623791 (Plat). The Plat also dedicated a roadway known as "Baker Drive," which fronted Lots 2 through 9 and served as their platted northwesterly boundary. The Plat (including all lots and dedicated roadways) was vacated by order of the Board of Commissioners of Whatcom County on July 11, 1947, as commemorated in Volume 36 of Commissioners' Proceedings, on Pages 253 and 254.

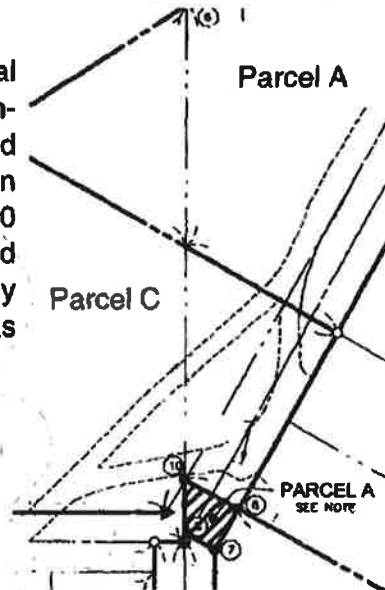
D. Notwithstanding the vacation of the Plat, the parcels comprised of Lots 2 through 9 were conveyed with reference to the lines in the Plat.

E. Pursuant to the provisions of Whatcom County Auditor's File No. 1351409, while vacated Baker Drive is part of the legal description of Parcel A, Lots 2 through 9 retain the right of access to and from the public road. That access is over and across an existing gravel road, which is only partially located within vacated Baker Drive. As shown by a survey of the properties, recorded under Whatcom County Auditor's File No. 2018-0102095 (Survey), portions of the existing gravel roadway (marked in the Survey and referred to herein as the "Gravel Drive"), which has provided access to Lots 2 through 9 for many decades, are located further northwest than the platted location of vacated Baker Drive.

F. The Gravel Drive has been observed as the occupational southeasterly boundary of Parcel A for many decades. The owners of Lots 2 through 9 have maintained and landscaped the areas located between the southeasterly boundary of vacated drive and the Gravel Drive that abut their respective parcels during that time period. There are also improvements located on Lots 6/7 and Lots 8/9 that encroach into vacated Baker Drive, as shown by the Survey.

G. The Survey also shows that the legal description for Parcel A includes a small, non-contiguous area (consisting of a portion of vacated Baker Drive located just northeast of its intersection with vacated Cedar Drive) lying approximately 100 feet southwest of the main portion of Parcel A and adjacent to Parcel C, and which has been historically used exclusively by and as a part of Parcel C, as follows (also see "Detail B" of Survey):

Non-Contiguous Area:



H. The parties wish to document the Grantees' continued rights to use the respective portions of Parcel A as set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual benefits received by the parties, the sufficiency of which is acknowledged, Grantor and Grantees agree as follows:

1. Lot 8/9 Easement. Grantor LIBBA'S LEGACY, L.L.C. hereby grants, conveys, and covenants to DAVID M. CUMMINS and SHARI A. CUMMINS, for the benefit of Lot 8/9, an exclusive easement for use upon, over and under that portion of Parcel A abutting Lot 8/9 and lying between the platted northwesterly boundary of Lot 8/9 and the southeasterly edge of the Gravel Drive, in its current location as depicted in the Survey recorded under Whatcom County Auditor's File No. 2018-0102095 (Lot 8/9 Easement).

2. Lot 6/7 Easement. Grantor LIBBA'S LEGACY, L.L.C. hereby grants, conveys, and covenants to JANE DIEVENY-HINKLE, for the benefit of Lot 6/7, an exclusive easement for use upon, over and under that portion of Parcel A abutting Lot 6/7 and lying between the platted northwesterly boundary of Lot 6/7 and the southeasterly edge of the Gravel Drive, in its current location as depicted in the Survey recorded under Whatcom County Auditor's File No. 2018-0102095 (Lot 6/7 Easement).

3. Lot 4/5 Easement. Grantor LIBBA'S LEGACY, L.L.C. hereby grants, conveys, and covenants to AARON D. HAKEMAN and SUSAN M. HAKEMAN, for the benefit of Lot 4/5, an exclusive easement for use upon, over and under a portion of Parcel A abutting Lot 4/5 and lying between the platted northwesterly boundary of Lot 4/5 and the southeasterly edge of the Gravel Drive, in its current location as depicted in the Survey recorded under Whatcom County Auditor's File No. 2018-0102095 (Lot 4/5 Easement).

4. Parcel C Easement. Grantor LIBBA'S LEGACY, L.L.C. hereby grants, conveys, and covenants to JAMES S. GIBSON, JEAN E. GIBSON, DAVID LOEPPKY, and SHARON LOEPPKY, for the benefit of Parcel C, an exclusive easement for use upon, over and under that portion of Parcel A, located within vacated Baker Drive per the vacated Lummi Point Plat as generally described in Recital D above and as depicted in "Detail B" of the Survey recorded under Whatcom County Auditor's File No. 2018-0102095, and legally described as follows (Parcel C Easement):

Beginning at the northernmost corner of Lot 1, Block 2, vacated Lummi Point Plat (recorded in Volume 7 of Plats, Page 80, records of Whatcom County); thence North 60°45'00" West, a distance of 30.55 feet, to the northwest line of vacated Baker Drive; thence South a distance of 27.36 feet; thence South 60°45'00" East a distance of 17.19 feet, more or less, to the Northwest line of said Lot 1, Block 2; thence northeasterly along said Northwest line of Lot 1 a distance of 23.87 feet, more or less, to the point of beginning.

This Parcel C Easement shall be for the exclusive use of Parcel C; provided, however, that the owner of Parcel C shall also have the right to grant and convey, to other properties, non-exclusive easements over and across the Parcel C Easement area.

5. Road Easement. Grantor LIBBA'S LEGACY, L.L.C. hereby grants, conveys, and covenants to DAVID M. CUMMINS and SHARI A. CUMMINS, JANE DIEVENY-HINKLE, AARON D. HAKEMAN and SUSAN M. HAKEMAN, and JAMES S. GIBSON and JEAN E. GIBSON for the benefit of Lots 8/9, Lots 6/7, Lots 4/5, and Lots 2/3 respectively, a non-exclusive easement for ingress, egress and utilities over and across Parcel A, in the location of the existing "Gravel Drive" as shown and depicted in the Survey recorded under Whatcom County Auditor's File No. 2018-0102095 (Road Easement). This Road Easement is granted in connection with and to give full force and effect to the right of access contained in Whatcom County Auditor's File No. 1351409. In the event the location of the existing roadway shifts or is relocated by the owner of Parcel A, Lots 2 through 9 will continue to enjoy a right of access and easement over, under and across the actual location of the roadway. The areas of the exclusive use Easements set forth in Paragraphs 1 through 4 shall not be expanded or reduced as a result of any such shifting or relocation, unless the expansion or reduction is approved by the owners of all parcels impacted by such expansion or reduction.

6. Duration and Exclusivity of Easement; Amendment; Covenant Running with the Land. The easements granted by this Agreement shall be perpetual. Lot 8/9, Lot 7/8, Lot 4/5, and Parcel C shall each have exclusive use of the easement benefitting that property, as set forth in Paragraphs 1, 2, 3, and 4 respectively.

This Agreement can only be amended by a written and notarized amendment signed by the owners of all properties burdened by or benefitted by this Agreement.

The rights and obligations contained in this Agreement shall be binding upon and inure to the benefit of all assignees, devisees, or transferees of the respective properties, and shall in all respects attach to the individual properties burdened and served by the respective easements.

7. Maintenance Obligations. The Grantor is not responsible for and has no liability to any of the Grantees associated with the location, design, construction, use, maintenance, repair or replacement of any improvements located in the easements described in Paragraphs 1 through 4 above.

Each owner of property benefitted by one of the easements set forth in Paragraphs 1 through 4 shall have sole responsibility to maintain the respective easements benefitting the specific parcel, including improvements within the easements, and shall maintain the easement area and improvements in a neat and orderly condition, kept in good repair and otherwise not left to become unsightly, decrepit, dangerous, or a nuisance. Nothing in this Agreement shall be construed to require any of the owners to contribute to the cost of maintaining improvements that do not benefit that owner's property.

The costs of maintaining the Road Easement shall be borne by the owner of Parcel A; provided, however, that Lot 8/9, Lot 7/8, Lot 4/5, and Lot 2/3 shall each contribute equitably towards the actual cost of maintenance, in an amount not to exceed \$100.00 annually for each of the four (4) parcels that benefit from the Road Easement. If not expended each year, the \$100.00 annual obligation may accumulate for a maximum of three (3) years to accommodate maintenance performed less than annually, so that the maintenance obligation of each of the four parcels shall not exceed an aggregate total of \$300.00 per parcel over a three-year calendar period. The costs of repairs caused by extraordinary circumstances of one or more property, such as utility installation or damage to the road by heavy equipment requiring repairs for reasons other than normal wear and tear, shall be paid by the owner that caused the damage or created the circumstances.

8. Indemnification. Each owner of property burdened or benefited by this Agreement (Indemnifying Owner) shall indemnify the others with respect to any and all damages or claims relating to the Indemnifying Owner's (or the Indemnifying Owner's agents' or invitees") use of, or activities within, the Indemnifying Owner's property and the easement benefitting the same. This indemnification includes but is not limited to claims, legal proceedings or judgments, and attorney fees and legal costs, arising out of claims or proceedings for bodily injuries, deaths and emotional claims or property damages of any kind. In entering this Agreement, the parties further acknowledge that the easements contained in this Agreement address and resolve all discrepancies and issues of unwritten title that existed between Parcel A and Grantees' properties prior to entry of the Agreement, and agree that the boundaries between Grantees' properties and Parcel A reflected in the Survey are accurate, subject only to the rights of exclusive use created by this Agreement.

9. Incorporation of Survey. The Survey recorded under Whatcom County Auditor's File No. 2018-0102095 is fully incorporated and made a part of this Agreement.

10. No Third Party Beneficiaries or Public Dedication. This Agreement confers no rights or remedies on any third party, other than the parties to this Agreement and their successors and assigns. Nothing in this Agreement shall be considered a gift or dedication of any real property to the general public, or for any public use or purpose whatsoever.

11. Severability. Each provision of this Agreement shall be interpreted in a way that is valid under applicable law. If any provision is held invalid, the rest of the Agreement will remain in full effect.

12. Governing Law; Attorneys' Fees; Jurisdiction and Venue. This Agreement will be governed and interpreted by Washington law. If a dispute arises out of this Agreement, then the prevailing party will be entitled to actual attorney

fees and costs. Any lawsuit arising directly or indirectly out of this Agreement will be litigated in Whatcom County Superior Court.

IN WITNESS WHEREOF, the owners of all real property either burdened or benefitted by this Agreement have hereunto set their hand and seal on the day and year first-above written.

Grantor:

James S. Gibson  
LIBBA'S LEGACY, L.L.C.  
By: James S. Gibson, Manager

Grantees/Members Continued:

Aaron D. Hakeman  
AARON D. HAKEMAN

Grantees/Members of Grantor LLC:

David M. Cummins  
DAVID M. CUMMINS

Hakeman m  
SUSAN M. HAKEMAN

Shari A. Cummins  
SHARI A. CUMMINS

James S. Gibson  
JAMES S. GIBSON

Jane Dieveney-Hinkle  
JANE DIEVENEY-HINKLE

Jean E. Gibson  
JEAN E. GIBSON

David Loepky  
DAVID LOEPPKY

Sharon Loepky  
SHARON LOEPPKY



STATE OF WASHINGTON )  
County of Whatcom ) ss.

On this day personally appeared before me James S. Gibson, to me known to be the Manager of LIBBA'S LEGACY, L.L.C., the limited liability partnership that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said partnership for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument on behalf of the partnership.

GIVEN under my hand and official seal this 7<sup>th</sup> day of March, 2019.



Cristy C. Sears  
NOTARY PUBLIC in and for the State of  
Washington, Residing at Bellingham  
My commission expires 02/19/2023

STATE OF WASHINGTON )  
County of Whatcom ) ss.

On this day personally appeared before me DAVID M. CUMMINS, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 7<sup>th</sup> day of March, 2019.



Cristy C. Sears  
NOTARY PUBLIC in and for the State of  
Washington, Residing at Bellingham  
My commission expires 02/19/2023

STATE OF WASHINGTON )  
County of Whatcom ) ss.

On this day personally appeared before me SHARI A. CUMMINS, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 11<sup>th</sup> day of March, 2019.



Cristy C. Sears  
NOTARY PUBLIC in and for the State of  
Washington, Residing at Bellingham  
My commission expires 02/19/2023

STATE OF WASHINGTON )  
County of Whatcom ) ss.

On this day personally appeared before me JANE DIEVENY-HINKLE, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 7<sup>th</sup> day of March, 2019.



Cristy C. Sears  
NOTARY PUBLIC in and for the State of  
Washington, Residing at Bellingham  
My commission expires 02/19/2023

STATE OF WASHINGTON }  
County of Whatcom } ss.

On this day personally appeared before me AARON D. HAKEMAN, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 6<sup>th</sup> day of March, 2019.



Cristy C. Sears  
NOTARY PUBLIC in and for the State of  
Washington, Residing at Bellingham  
My commission expires 02/19/2023

STATE OF WASHINGTON }  
County of Whatcom } ss.

On this day personally appeared before me SUSAN M. HAKEMAN, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 6<sup>th</sup> day of March, 2019.



Cristy C. Sears  
NOTARY PUBLIC in and for the State of  
Washington, Residing at Bellingham  
My commission expires 02/19/2023

STATE OF WASHINGTON )  
County of Whatcom ) ss.

On this day personally appeared before me JAMES S. GIBSON, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 7<sup>th</sup> day of March, 2019.



Cristy C. Sears  
NOTARY PUBLIC in and for the State of  
Washington, Residing at Bellingham  
My commission expires 02/19/2023

STATE OF WASHINGTON )  
County of Whatcom ) ss.

On this day personally appeared before me JEAN E. GIBSON, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 7<sup>th</sup> day of March, 2019.



Cristy C. Sears  
NOTARY PUBLIC in and for the State of  
Washington, Residing at Bellingham  
My commission expires 02/19/2023

STATE OF WASHINGTON )  
County of Whatcom ) ss.

On this day personally appeared before me DAVID LOEPPKY, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 25<sup>th</sup> day of March, 2019.



Cristy C. Sears  
NOTARY PUBLIC in and for the State of  
Washington, Residing at Bellingham  
My commission expires 02/19/2023

STATE OF WASHINGTON )  
County of Whatcom ) ss.

On this day personally appeared before me SHARON LOEPPKY, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 25<sup>th</sup> day of March, 2019.



Cristy C. Sears  
NOTARY PUBLIC in and for the State of  
Washington, Residing at Bellingham  
My commission expires 02/19/2023

Exhibit A

PARCEL A:

A TRACT OF LAND LYING WITHIN A PORTION OF PARTIALLY VACATED LUMMI PARK PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 6 OF PLATS, PAGE 5, IN SECTION 33, TOWNSHIP 38 NORTH, RANGE 1 EAST OF W.M., AND FURTHER DESCRIBED AS FOLLOWS:  
BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF ROAD NO. 285 AND THE EAST LINE OF ROAD NO. 510;  
THENCE EAST ALONG SAID NORTH LINE TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, VACATED LUMMI POINT PLAT, AS RECORDED IN VOLUME 7 OF PLATS, PAGE 80;  
THENCE NORTH 160 FEET;  
THENCE EAST ALONG THE NORTH LINE OF CEDAR STREET IN SAID VACATED LUMMI POINT PLAT 161 FEET TO THE NORTHWEST LINE OF BAKER DRIVE IN SAID PLAT;  
THENCE NORTHEASTERLY ALONG SAID NORTHWEST LINE 435.17 FEET;  
THENCE SOUTH 57°47' WEST 768.59 FEET MORE OR LESS TO A POINT 150 FEET NORTH OF SOUTH LINE OF GOVERNMENT LOT 3 OF SAID SECTION;  
THENCE WEST PARALLEL WITH SOUTH LINE OF THE EASTERLY LINE OF ROAD NO. 510;  
THENCE SOUTHERLY ALONG SAID EASTERLY LINE TO BEGINNING;

TOGETHER WITH THAT PORTION OF VACATED BAKER STREET ABUTTING SAID PREMISES AS WOULD ATTACH BY OPERATION OF LAW,

ALSO LOT 11, BLOCK 1, VACATED LUMMI PARK PLAT, AS RECORDED IN VOLUME 6 OF PLATS, PAGE 5, ALSO BLOCK 1 OF VACATED LUMMI POINT PLAT, AS RECORDED IN VOLUME 7 OF PLATS, PAGE 80,

EXCEPT THAT PORTION THEREOF FURTHER DESCRIBED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 872908.

EXCEPT THAT PORTION OF GOVERNMENT LOT 3 AND THE VACATED LUMMI POINT PLAT ALL IN SAID SECTION 33, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 15, BLOCK A, LUMMI BAY PLAT, AS RECORDED IN VOLUME 8 OF PLATS, PAGE 19, RECORDS OF WHATCOM COUNTY, WASHINGTON;

THENCE SOUTH 11°25'30" WEST ALONG THE SOUTH LINE OF SAID LOT 15 PROJECTED SOUTHWESTERLY, 14.16 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 57°47'00" EAST, 52.33 FEET;

THENCE NORTH 29°14'00" EAST, 33.78 FEET;

THENCE SOUTH 60°46'00" EAST, 30.00 FEET TO THE NORTHWEST CORNER OF LOT 10, BLOCK 2 OF THE VACATED LUMMI POINT PLAT; THENCE SOUTH 29°14'00" WEST, ALONG THE NORTHWESTERLY LINE OF LOTS 10 AND 9 OF SAID BLOCK 2, 100.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9;

THENCE NORTH 60°46'00" WEST, 30.00 FEET;

THENCE NORTH 36°57'12" WEST, 31.76 FEET;

THENCE NORTH 57°47'00" EAST, 8.48 FEET TO THE POINT OF BEGINNING.

Exhibit A, Continued

Parcel A legal description, continued:

AND EXCEPT THE SOUTHEAST 7.5 FEET OF VACATED BAKER DRIVE, LYING ADJACENT TO LOTS 8 AND 7, BLOCK 2, VACATED LUMMI POINT PLAT, WHATCOM COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 80, RECORDS OF WHATCOM COUNTY, WASHINGTON. AND EXCEPT THAT PORTION OF GOVERNMENT LOT 3 IN SAID SECTION 33, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 3, BLOCK 2 OF VACATED LUMMI POINT PLAT, AS RECORDED IN VOLUME 7 OF PLATS, PAGE 80, RECORDS OF WHATCOM COUNTY, WASHINGTON;  
THENCE NORTH 60°46'00" WEST, AT RIGHT ANGLES TO THE WESTERLY LINE OF SAID LOT 3, 86.48 FEET;  
THENCE DUE SOUTH 114.49 FEET, SOUTH 60°46'00" WEST, 30.52 FEET TO THE SOUTHWESTERLY CORNER OF LOT 2, BLOCK 2 OF SAID LUMMI POINT PLAT;  
THENCE NORTH 29°14'00" EAST, ALONG THE WESTERLY LINES OF LOTS 2 AND 3 OF SAID BLOCK 2, 100 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF GOVERNMENT LOT 3 IN SAID SECTION 33, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 3, BLOCK 2 OF VACATED LUMMI POINT PLAT, AS RECORDED IN VOLUME 7 OF PLATS, PAGE 80, RECORDS OF WHATCOM COUNTY, WASHINGTON;  
THENCE NORTH 60°46'00" WEST, AT RIGHT ANGLES TO THE WESTERLY LINE OF SAID LOT 3, 86.48 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 60°46'00" WEST, 115.58 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF BLOCK C OF LUMMI BAY PLAT AS RECORDED IN VOLUME 8 OF PLATS, PAGE 19, RECORDS OF WHATCOM COUNTY, WASHINGTON;  
THENCE FOLLOWING SAID SOUTHEASTERLY LINE, NORTH 57°47'00" EAST, 119.21 FEET;  
THENCE DUE SOUTH 120.00 FEET TO THE POINT OF BEGINNING.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

APN 3801333750370000/41147

"Lots 8/9"

LOTS 8 AND 9, BLOCK 2, OF VACATED LUMMI POINT PLAT, WHATCOM COUNTY, WASHINGTON, AS PER THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 80; RECORDS OF WHATCOM COUNTY, WASHINGTON, EXCEPTING THEREFROM ANY PART OF VACATED BAKER DRIVE; TOGETHER WITH ALL SECOND CLASS TIDELANDS IN FRONT OF AND ABUTTING THEREON. ALSO, TOGETHER WITH THAT PORTION OF GOVERNMENT LOT 3 AND OF THE VACATED LUMMI POINT PLAT ALL IN SECTION 33, TOWNSHIP 38 NORTH, RANGE 1 EAST OF W.M.. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 15, BLOCK A, LUMMI BAY PLAT AS RECORDED IN VOLUME 8 OF PLATS, PAGE 19, RECORDS OF THE WHATCOM COUNTY, WASHINGTON; THENCE SOUTH 11°25'30" WEST ALONG THE SOUTH LINE OF SAID LOT 15 PROJECTED SOUTHWESTERLY, 14.16 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 57°47'00" EAST, 52.33 FEET; THENCE NORTH 29°14'00" EAST, 33.78 FEET; THENCE SOUTH 60°46'00" EAST, 30.00 FEET TO THE NORTHWEST CORNER OF LOT 10, BLOCK 2 OF SAID VACATED LUMMI POINT PLAT; THENCE SOUTH 29°14'00" WEST ALONG THE NORTHWESTERLY LINE OF LOTS 10 AND 9 OF SAID BLOCK 2, 100.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTH 60°46'00" WEST, 30.00 FEET; THENCE NORTH 36°57'12" WEST, 31.76 FEET; THENCE NORTH 57°47'00" EAST, 8.46 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT OF LAND:

THAT PORTION OF GOVERNMENT LOT 3 AND OF THE VACATED LUMMI POINT PLAT ALL IN SAID SECTION 33, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 15, BLOCK A, LUMMI BAY PLAT AS RECORDED IN VOLUME 8 OF PLATS, PAGE 19, RECORDS OF THE WHATCOM COUNTY, WASHINGTON; THENCE SOUTH 11°25'30" WEST ALONG THE SOUTH LINE OF SAID LOT 15 PROJECTED SOUTHWESTERLY, 14.16 FEET; THENCE NORTH 57°47'00" EAST, 52.33 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 29°14'00" EAST, 33.78 FEET; THENCE SOUTH 60°46'00" EAST, 30.00 FEET TO THE NORTHWEST CORNER OF LOT 10, BLOCK 2 OF THE VACATED LUMMI POINT PLAT; THENCE SOUTH 29°14'00" WEST, ALONG THE NORTHWESTERLY LINE OF LOT 10, 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10; THENCE NORTH 60°46'00" WEST, 38.83 FEET; THENCE NORTH 57°47'00" EAST, 18.47 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

APN 3801333950460000/41160



Exhibit C

"Lots 6/7"

LOTS 6 AND 7, BLOCK 2, VACATED "LUMMI POINT PLAT", WHATCOM COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 80, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

TOGETHER WITH SECOND CLASS TIDELANDS LYING IN FRONT OF AND ABUTTING THEREON.

AND:

THE SOUTHEAST 7.5 FEET OF VACATED BAKER DRIVE LYING ADJACENT TO LOTS 6 AND 7, BLOCK 2, VACATED "LUMMI POINT PLAT", WHATCOM COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 80, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

AND A PORTION OF VACATED LOT 5, BLOCK 2, LUMMI POINT PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN VOLUME 7 OF PLATS, PAGE 80, RECORDS OF WHATCOM COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHERE THE BOUNDARY LINE OF BAKER DRIVE AND BOUNDARY LINE BETWEEN LOTS 5 AND 6, BLOCK 2 OF SAID LUMMI POINT PLAT INTERSECT; THENCE SOUTHEAST 36 FEET ALONG SAID BOUNDARY LINE BETWEEN LOTS 5 AND 6; THENCE NORTHWEST TO A POINT ON BAKER DRIVE 18 INCHES SOUTHWEST OF THE POINT OF BEGINNING; THENCE 18 INCHES NORTHEAST TO THE POINT OF BEGINNING.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

APN 3801333910330000/41156

Exhibit D

"Lots 4/5"

A TRACT OF LAND LYING WITHIN LUMMI POINT PLAT AS RECORDED IN VOLUME 7 OF PLATS, PAGE 80, BEING VACATED LOTS 4 AND 5, BLOCK 2 OF SAID PLAT.

ALSO SECOND CLASS TIDELANDS ABUTTING.

EXCEPT PORTION WITHIN VACATED BAKER DRIVE; ALSO EXCEPT TRACT DEFINED AS FOLLOWS:

BEGINNING AT A POINT WHERE THE BOUNDARY LINE OF BAKER DRIVE AND BOUNDARY LINE BETWEEN LOTS 5 AND 6, BLOCK 2 OF SAID LUMMI POINT PLAT INTERSECT; THENCE SOUTHEAST 36 FEET ALONG SAID BOUNDARY LINE BETWEEN LOTS 5 AND 6; THENCE NORTHWEST TO A POINT ON BAKER DRIVE 18 INCHES SOUTHWEST OF THE POINT OF BEGINNING; THENCE 18 INCHES NORTHEAST TO THE POINT OF BEGINNING.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

APN 3801333860250000/41153

Exhibit E

"Lots 2/3"

LOTS 2 AND 3, BLOCK 2, OF VACATED LUMMI POINT PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 80, RECORDS OF WHATCOM COUNTY, WASHINGTON, TOGETHER WITH ALL SECOND CLASS TIDELANDS IN FRONT OF AND ABUTTING THEREON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

APN 3801333820160000/41.151

"Parcel C"

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF COUNTY ROAD 285 AND THE EAST LINE OF COUNTY ROAD 510; THENCE EAST ALONG THE NORTH LINE OF SAID ROAD 285 TO THE SOUTHEAST CORNER OF LOT 3, BLOCK 1, OF THE VACATED LUMMI POINT PLAT; THENCE NORTH 145.00 FEET TO THE CENTER OF CEDAR ROAD; THENCE EAST 90°00'00", 6.00 FEET TO A MONUMENT IN THE CENTER OF BAKER DRIVE; THENCE NORTH 90°00'00", 270.00 FEET, MORE OR LESS, TO THE NORTHERLY BOUNDARY OF THE CARSON PROPERTY; THENCE SOUTH 57°47'00" WEST, 545.00 FEET, MORE OR LESS, TO A POINT 150.00 FEET NORTH OF THE SOUTH LINE OF GOVERNMENT LOT 3, SECTION 33; THENCE WEST AND PARALLEL TO THE SAID LINE TO THE EAST LINE OF SAID ROAD 510; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID ROAD 510 TO THE POINT OF BEGINNING. TOGETHER WITH THAT PORTION OF GOVERNMENT LOT 3 IN SECTION 33, TOWNSHIP 38 NORTH, RANGE 1 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 3, BLOCK 2, OF VACATED LUMMI POINT PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 80, RECORDS OF WHATCOM COUNTY, WASHINGTON; THENCE NORTH 60°46'00" WEST, AT RIGHT ANGLES, TO THE WESTERLY LINE OF SAID LOT 3, 86.48 FEET; THENCE DUE SOUTH, 114.49 FEET, SOUTH 60°46'00" WEST, 30.52 FEET TO THE SOUTHWESTERLY CORNER OF LOT 2, BLOCK 2, OF SAID LUMMI POINT PLAT; THENCE NORTH 29°14'00" EAST ALONG THE WESTERLY LINES OF LOTS 2 AND 3 OF SAID BLOCK 2, 100.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION OF GOVERNMENT LOT 3 IN SAID SECTION 33, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

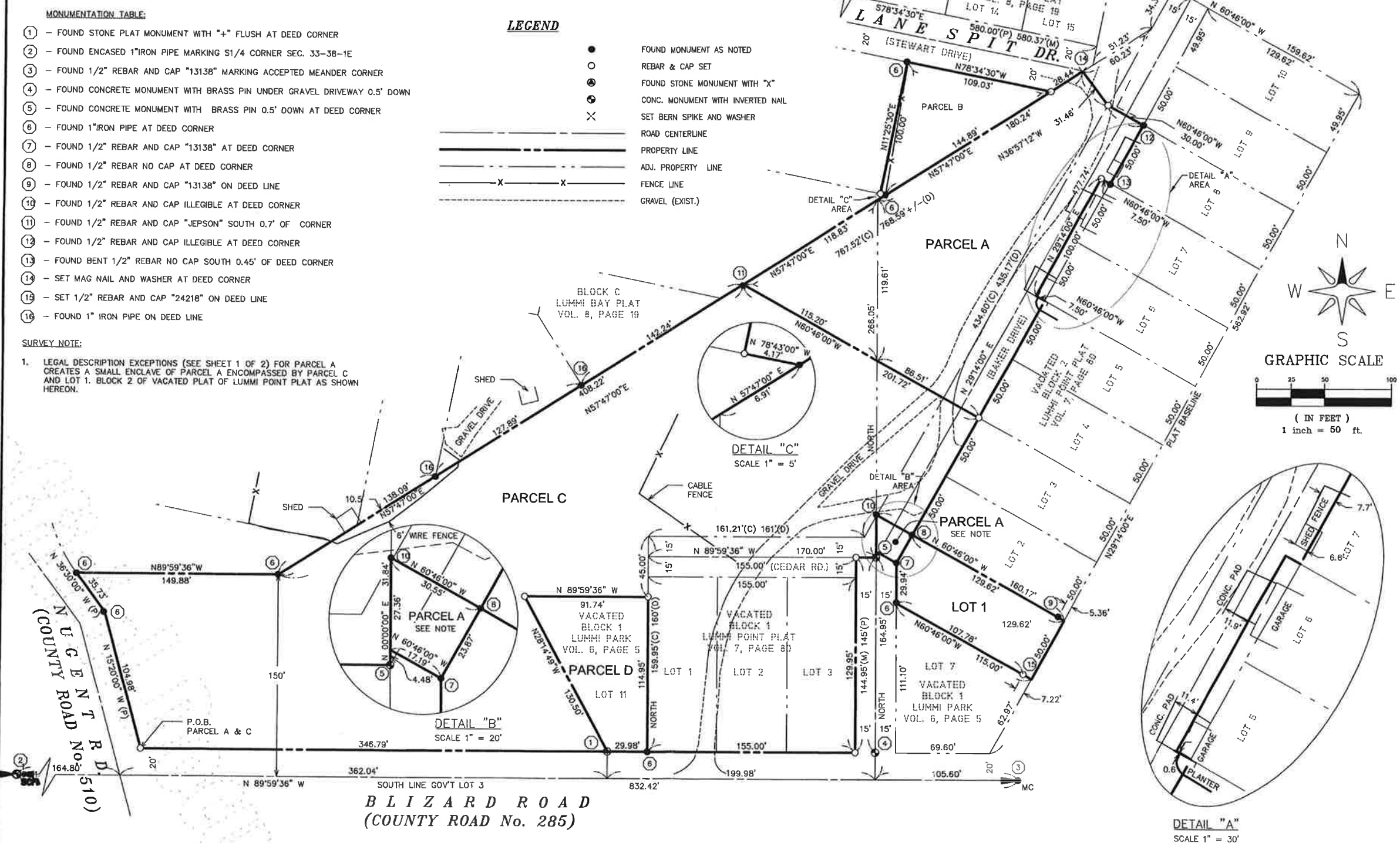
COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 3, BLOCK 2, OF SAID VACATED LUMMI POINT PLAT; THENCE NORTH 60°46'00" WEST AT RIGHT ANGLES TO THE WESTERLY LINE OF SAID LOT 3, 86.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 60°46'00" WEST, 115.58 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF BLOCK C OF LUMMI BAY PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 8 OF PLATS, PAGE 19, RECORDS OF WHATCOM COUNTY, WASHINGTON; THENCE FOLLOWING SAID SOUTHEASTERLY LINE, NORTH 57°47'00" EAST, 419.21 FEET; THENCE DUE SOUTH 120.00 FEET TO THE POINT OF BEGINNING.

EXCEPT Lot 11, Block 1, vacated Plat of "Lummi Park", as per the map thereof recorded in Book 6 of Plats, Page 5, in the office of the Auditor, Whatcom County, Washington.

SITUATE IN WHATCOM COUNTY, WASHINGTON

APN 3801333580210000/174854

# RECORD OF SURVEY



**MONUMENTATION TABLE:**

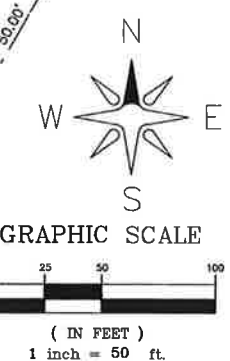
- ① - FOUND STONE PLAT MONUMENT WITH "+" FLUSH AT DEED CORNER
- ② - FOUND ENCASED 1" IRON PIPE MARKING S1/4 CORNER SEC. 33-38-1E
- ③ - FOUND 1/2" REBAR AND CAP "1313B" MARKING ACCEPTED MEANDER CORNER
- ④ - FOUND CONCRETE MONUMENT WITH BRASS PIN UNDER GRAVEL DRIVEWAY 0.5' DOWN
- ⑤ - FOUND CONCRETE MONUMENT WITH BRASS PIN 0.5' DOWN AT DEED CORNER
- ⑥ - FOUND 1" IRON PIPE AT DEED CORNER
- ⑦ - FOUND 1/2" REBAR AND CAP "1313B" AT DEED CORNER
- ⑧ - FOUND 1/2" REBAR NO CAP AT DEED CORNER
- ⑨ - FOUND 1/2" REBAR AND CAP "1313B" ON DEED LINE
- ⑩ - FOUND 1/2" REBAR AND CAP ILLEGIBLE AT DEED CORNER
- ⑪ - FOUND 1/2" REBAR AND CAP "JEPSON" SOUTH 0.7' OF CORNER
- ⑫ - FOUND 1/2" REBAR AND CAP ILLEGIBLE AT DEED CORNER
- ⑬ - FOUND BENT 1/2" REBAR NO CAP SOUTH 0.45' OF DEED CORNER
- ⑭ - SET MAG NAIL AND WASHER AT DEED CORNER
- ⑮ - SET 1/2" REBAR AND CAP "24218" ON DEED LINE
- ⑯ - FOUND 1" IRON PIPE ON DEED LINE

**LEGEND**

- FOUND MONUMENT AS NOTED
- REBAR & CAP SET
- ⊙ FOUND STONE MONUMENT WITH "+"
- ⊕ CONC. MONUMENT WITH INVERTED NAIL
- ⊗ SET BERN SPIKE AND WASHER
- ROAD CENTERLINE
- PROPERTY LINE
- ADJ. PROPERTY LINE
- X-X- FENCE LINE
- GRAVEL (EXIST.)

**SURVEY NOTE:**

- 1. LEGAL DESCRIPTION EXCEPTIONS (SEE SHEET 1 OF 2) FOR PARCEL A CREATES A SMALL ENCLAVE OF PARCEL A ENCOMPASSED BY PARCEL C AND LOT 1. BLOCK 2 OF VACATED PLAT OF LUMMI POINT PLAT AS SHOWN HEREON.



**AUDITOR'S CERTIFICATE**  
 Filed for record this 9<sup>th</sup> day of January, 2018 at 11:31 AM  
 In official records under Auditor's File Number  
 2018-0102095  
 at the request of LDES Inc.  
 Debbie Adelman by [Signature]  
 County Auditor

**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 David Loepky and Jim Gibson in 2018  
 [Signature]  
 Certificate No.: 24218



**LAND DEVELOPMENT ENGINEERING & SURVEYING INC.**  
 5160 INDUSTRIAL PL. #108  
 FERNDALE, WA 98248  
 Ph (360) 383-0620

**RECORD OF SURVEY FOR:**  
 David Loepky & Jim Gibson  
 SITUATE IN A PORTION OF THE SW 1/4, SE 1/4 SEC. 33, T 38 N, R 1 E, W.M. WHATCOM COUNTY, WASHINGTON

DRAWN BY: SL/NC	DATE: 01/08/2018	JOB#: 1777
CHECKED BY: KTH	SCALE: 1" = 50'	SHEET: 2 OF 2