

When Recorded Return to:

HILLIS CLARK MARTIN & PETERSON P.S.

Attn: Abigail P. DeWeese
999 Third Avenue, Suite 4600
Seattle, WA 98104-4084

DECLARATION OF ACCESS EASEMENT

Grantor(s):	_____
Grantee(s):	_____
Legal Description (abbreviated):	Lots 1, 2, 4 and 5, Williamson Plat, Pierce County Record No. 200512055001
Complete legal on <u>EXHIBIT A</u>	
Assessor's Tax Parcel Identification No(s):	<u>2005120550001, 3001000050</u>
Reference No. of Related Documents:	N/A

This DECLARATION OF ACCESS EASEMENT ("**Declaration**") is made and declared as of the date set forth below by _____, a _____ ("**Declarant**").

RECITALS

A. Declarant is the owner of certain real property located in the City of Dupont, Pierce County, Washington and legally described in the attached Exhibit A ("**The Williamson Plat Property**").

B. Declarant intends to complete a Boundary Line Adjustment to move internal lot lines between the platted lots that comprise the Williamson Plat Property pursuant to Dupont application number PLNG2021-023 (the "**BLA**"). The resulting lots labeled Parcel A and Parcel C on the BLA (the "**Benefitted BLA Parcels**") will require future vehicle access over resulting lots labeled Parcel B and D on the BLA (the

“*Burdened BLA Parcels*” and together with the Benefitted BLA Parcels, the “*BLA Parcels*”) to provide access to the developable area the Benefitted BLA Parcels. Upon approval and recording, the BLA Parcels will have the legal descriptions in the attached Exhibit B.

C. To comply with applicable law and direction from the City of Dupont, Declarant desires to declare an easement benefitting and burdening the BLA Parcels to provide for vehicle access.

DECLARATION

1. Declaration of Easement for Vehicle Access. Declarant hereby establishes and reserves a nonexclusive ingress, egress, and vehicle access easement for the benefit of the Benefitted BLA Parcels on, over, and across the Burdened BLA Parcels (the “*Access Easement*”). The specific location of the Access Easement within the Burdened BLA Parcels may be further described by Declarant in an amendment to this Declaration; provided, however, that an area 20-foot wide must be maintained as a two-way laneway on the Burdened BLA Parcels to the developable area on each of the Benefitted BLA Parcels. Owners of the Benefitted BLA Parcels shall not use the Access Easement in any manner that unreasonably disturbs the quiet enjoyment of the Burdened BLA Parcels, causes any damage to the Access Easement, or places any obstruction, structure, or facility over the Access Easement.

2. Effective Date. The Access Easement shall be effective upon approval of the BLA by the City of Dupont and recording in the Pierce County Records. If the BLA is not approved and recorded, then the Access Easement and this Declaration shall be deemed void and of no force and effect.

3. Covenants Running with the Land; No Merger. The Access Easement and the covenants granted herein shall be deemed to run with the land and shall inure to the benefit of, and shall be binding upon, the respective successors, grantees, heirs and assigns of the Declarant. The Access Easement established hereby is not intended and shall not be deemed to have merged with the fee interest in the property benefitted hereby.

4. Amendment. Declarant reserves the right to unilaterally record an amendment to this Declaration for any legal purpose, including clarifying the location of the Access Easement on the Burdened BLA Parcels consistent with the limits in Section 1. Amendments shall be effective upon recording.

5. Termination. The Access Easement may be terminated only by the recording of a “Notice of Termination” executed by the Declarant or all of its successors and assigns.

6. Attorneys' Fees. In the event any actions or legal proceedings are commenced to enforce any of the terms and conditions of this Declaration (whether the same shall proceed to judgment or otherwise), the prevailing party shall be entitled to collect a reasonable sum as attorneys' fees together with costs.

EXECUTED as of _____, 2022.

DECLARANT:

By _____
Name: _____
Title: _____

STATE OF WASHINGTON

COUNTY OF _____

} ss.

This record was acknowledged before me on _____, 2022, by _____ as _____ of _____, a _____.

[Stamp Below]

Signature
NOTARY PUBLIC in and for the State of Washington
My Commission
Expires _____

EXHIBIT A

Williamson Plat Legal Description

Lots 1, 2, 4, and 5, Williamson Plat, as per plat recorded December 5, 2005 under recording number 200512055001, records of Pierce County, Washington.

EXHIBIT A

BLA Parcels

Benefitted BLA Parcel Legal Descriptions:

PARCEL A
THAT PORTION OF LOT 1, WILLIAMSON PLAT, AS PER PLAT RECORDED DECEMBER 5, 2005 UNDER RECORDING NO. 200512055001, RECORDS OF PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1;
THENCE SOUTH 01°54'02" WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 50.06 FEET TO A POINT 50.00 FEET SOUTH OF THE NORTH LINE OF SAID LOT 1;
THENCE EASTERLY, ALONG A NON-TANGENT CURVE CONCENTRIC WITH SAID NORTH LINE, THE CENTER OF WHICH BEARS SOUTH 01°01'16" EAST, WITH A RADIUS OF 2390.00 FEET, THROUGH A CENTRAL ANGLE OF 04°46'08", AN ARC DISTANCE OF 198.93 FEET;
THENCE SOUTH 03°44'52" WEST, ALONG A RADIAL LINE OF SAID CURVE, 24.92 FEET;
THENCE SOUTH 85°45'33" EAST 40.00 FEET;
THENCE NORTH 04°43'00" EAST 24.92 FEET TO A POINT A POINT 50.00 FEET SOUTH OF THE NORTH LINE OF SAID LOT 1;
THENCE EASTERLY, ALONG A NON-TANGENT CURVE CONCENTRIC WITH SAID NORTH LINE, THE CENTER OF WHICH BEARS SOUTH 04°43'00" WEST, WITH A RADIUS OF 2390.00 FEET, THROUGH A CENTRAL ANGLE OF 05°07'30", AN ARC DISTANCE OF 213.78 FEET TO THE EAST LINE OF SAID LOT 1;
THENCE NORTHERLY, ALONG SAID EAST LINE AND NON-TANGENT CURVE, THE CENTER OF WHICH BEARS NORTH 76°46'39" WEST, WITH A RADIUS OF 220.00 FEET, THROUGH A CENTRAL ANGLE OF 02°39'09", AN ARC DISTANCE OF 10.19 FEET;
THENCE CONTINUING ALONG SAID EAST LINE, NORTH 10°34'12" EAST 14.38 FEET;
THENCE CONTINUING ALONG SAID EAST LINE, AND A CURVE TO THE LEFT, NORTHWESTERLY, WITH A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 91°18'30", AN ARC DISTANCE OF 39.84 FEET TO THE NORTH LINE OF SAID LOT 1;
THENCE WESTERLY ALONG SAID NORTH LINE AND COMPOUND CURVE, WITH A RADIUS OF 2440.00 FEET, THROUGH A CENTRAL ANGLE OF 10°13'22", AN ARC DISTANCE OF 435.35 FEET TO THE POINT OF BEGINNING.

PARCEL C

THAT PORTION OF LOT 5, WILLIAMSON PLAT, AS PER PLAT RECORDED DECEMBER 5, 2005 UNDER RECORDING NO. 200512055001, RECORDS OF PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 5;

THENCE SOUTH 15°26'25" WEST, ALONG THE EAST LINE OF SAID LOT 5, A DISTANCE OF 50.00 FEET;

THENCE NORTH 74°35'00" WEST, PARALLEL WITH THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 161.00 FEET;

THENCE SOUTH 15°25'00" WEST 25.00 FEET;

THENCE NORTH 74°35'00" WEST, PARALLEL WITH SAID NORTH LINE, 40.00 FEET;

THENCE NORTH 15°25'00" EAST 25.00 FEET;

THENCE NORTH 74°35'00" WEST, PARALLEL WITH SAID NORTH LINE, 256.13 FEET;

THENCE WESTERLY, ALONG A CURVE CONCENTRIC WITH SAID NORTH LINE, WITH A RADIUS OF 2390.00 FEET, THROUGH A CENTRAL ANGLE OF 04°08'07", AN ARC DISTANCE OF 172.49 FEET TO THE WEST LINE OF SAID LOT 5;

THENCE NORTHERLY, ALONG SAID WEST LINE AND NON-TANGENT CURVE, THE CENTER OF WHICH BEARS NORTH 77°20'53" WEST, WITH A RADIUS OF 280.00 FEET, THROUGH A CENTRAL ANGLE OF 02°04'55", AN ARC DISTANCE OF 10.17 FEET;

THENCE CONTINUING ALONG SAID WEST LINE, NORTH 10°34'12" EAST 14.39 FEET;

THENCE CONTINUING ALONG SAID WEST LINE, AND ALONG A CURVE TO THE RIGHT, NORTHEASTERLY, WITH A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 91°18'06", AN ARC DISTANCE OF 39.84 FEET TO THE NORTH LINE OF SAID LOT 5;

THENCE EASTERLY ALONG SAID NORTH LINE AND COMPOUND CURVE, WITH A RADIUS OF 2440.00 FEET, THROUGH A CENTRAL ANGLE OF 03°32'42", AN ARC DISTANCE OF 150.96 FEET;

THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 74°35'00" EAST 457.15 FEET TO THE POINT OF BEGINNING.

Burdened BLA Parcel Legal Descriptions:

PARCEL B

LOTS 1, AND 2, WILLIAMSON PLAT, AS PER PLAT RECORDED DECEMBER 5, 2005 UNDER RECORDING NO. 200512055001, RECORDS OF PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION OF LOT 1, WILLIAMSON PLAT, AS PER PLAT RECORDED DECEMBER 5, 2005 UNDER RECORDING NO. 200512055001, RECORDS OF PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1;
THENCE SOUTH 01°54'02" WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 50.06 FEET TO A POINT 50.00 FEET SOUTH OF THE NORTH LINE OF SAID LOT 1;
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THENCE SOUTH 03°44'52" WEST, ALONG A RADIAL LINE OF SAID CURVE, 24.92 FEET;
THENCE SOUTH 85°45'33" EAST 40.00 FEET;
THENCE NORTH 04°43'00" EAST 24.92 FEET TO A POINT A POINT 50.00 FEET SOUTH OF THE NORTH LINE OF SAID LOT 1;
THENCE EASTERLY, ALONG A NON-TANGENT CURVE CONCENTRIC WITH SAID NORTH LINE, THE CENTER OF WHICH BEARS SOUTH 04°43'00" WEST, WITH A RADIUS OF 2390.00 FEET, THROUGH A CENTRAL ANGLE OF 05°07'30", AN ARC DISTANCE OF 213.78 FEET TO THE EAST LINE OF SAID LOT 1;
THENCE NORTHERLY, ALONG SAID EAST LINE AND NON-TANGENT CURVE, THE CENTER OF WHICH BEARS NORTH 76°46'39" WEST, WITH A RADIUS OF 220.00 FEET, THROUGH A CENTRAL ANGLE OF 02°39'09", AN ARC DISTANCE OF 10.19 FEET;
THENCE CONTINUING ALONG SAID EAST LINE, NORTH 10°34'12" EAST 14.38 FEET;
THENCE CONTINUING ALONG SAID EAST LINE, AND A CURVE TO THE LEFT, NORTHWESTERLY, WITH A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 91°18'30", AN ARC DISTANCE OF 39.84 FEET TO THE NORTH LINE OF SAID LOT 1;
THENCE WESTERLY ALONG SAID NORTH LINE AND COMPOUND CURVE, WITH A RADIUS OF 2440.00 FEET, THROUGH A CENTRAL ANGLE OF 10°13'22", AN ARC DISTANCE OF 435.35 FEET TO THE POINT OF BEGINNING.

PARCEL D
LOTS 4, AND 5, WILLIAMSON PLAT, AS PER PLAT RECORDED DECEMBER 5, 2005 UNDER
RECORDING NO. 200512055001, RECORDS OF PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION OF LOT 5, WILLIAMSON PLAT, AS PER PLAT RECORDED
DECEMBER 5, 2005 UNDER RECORDING NO. 200512055001, RECORDS OF PIERCE
COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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OF 50.00 FEET;
THENCE NORTH 74°35'00" WEST, PARALLEL WITH THE NORTH LINE OF SAID LOT 5, A
DISTANCE OF 161.00 FEET;
THENCE SOUTH 15°25'00" WEST 25.00 FEET;
THENCE NORTH 74°35'00" WEST, PARALLEL WITH SAID NORTH LINE, 40.00 FEET;
THENCE NORTH 15°25'00" EAST 25.00 FEET;
THENCE NORTH 74°35'00" WEST, PARALLEL WITH SAID NORTH LINE, 256.13 FEET;
THENCE WESTERLY, ALONG A CURVE CONCENTRIC WITH SAID NORTH LINE, WITH A
RADIUS OF 2390.00 FEET, THROUGH A CENTRAL ANGLE OF 04°08'07", AN ARC
DISTANCE OF 172.49 FEET TO THE WEST LINE OF SAID LOT 5;
THENCE NORTHERLY, ALONG SAID WEST LINE AND NON-TANGENT CURVE, THE CENTER
OF WHICH BEARS NORTH 77°20'53" WEST, WITH A RADIUS OF 280.00 FEET, THROUGH A
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THENCE CONTINUING ALONG SAID WEST LINE, NORTH 10°34'12" EAST 14.39 FEET;
THENCE CONTINUING ALONG SAID WEST LINE, AND ALONG A CURVE TO THE RIGHT,
NORTHEASTERLY, WITH A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF
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