

Auditor File #: 2004 0820033

**EASE**

Recorded at the request of:

**JOHN O. LINDE, LAW OFFICES**

on **08/20/2004** at **16:17**

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SAN JUAN COUNTY, WASHINGTON

SI A. STEPHENS, AUDITOR

RHONDAP

Filed for Record at Request of  
LAW OFFICES OF JOHN O. LINDE  
POST OFFICE BOX 668  
FRIDAY HARBOR, WA 98250

**NO TAX PARCEL  
NUMBER INCLUDED**

**DECLARATION OF EASEMENT**

Declarants: Oly Rose, LLC.

Benefited Parties: Owners within Plats of Rosario Estates, Rosario Estates No. 2, Rosario Estates No. 3, Rosario Palisades, Rosario Shores, Palisades South, Orcas Island, San Juan County, Washington.

Legal Description: Ptn GL 5 and tidelands S31 Twp 37N R1W

Assessor's Tax Parcel Number:

Reference Auditor's File Nos. of Documents Assigned, Released, or Amended:

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COMES NOW, **OLY ROSE, LLC**, a Delaware limited liability company, (hereinafter "Declarant"), and by these premises does hereby grant, declare and establish an easement for recreational purposes, pursuant to that certain stipulation for order of dismissal filed in *Henke v. Oly Rose, LLC, et al., San Juan County Superior Court Cause No. 02-2-05188-1*, as follows:

WHEREAS, Oly Rose, LLC, is the successor in interest to Falcon Corporation, a Texas corporation, and the developer of the plat of Rosario Estates, well as the successor to Gilbert H. Geiser and Geiser Land Company, a Washington corporation, the developer of the plats of Rosario Estates No. 2, Rosario Estates No. 3, Rosario Palisades, Rosario Shores and Palisades South, all as recorded in San Juan County, Washington; and

WHEREAS, Declarant desires to establish an easement to define a recreation area for the benefit of the owners of lots within the aforementioned

plats, their family members and guests when accompanied by a lot owner or a member of the lot owner's family; and

WHEREAS, the owners of lots being conveyed access to and the beneficial use of the recreation easement described herein shall pay the sum of \$4.00 per month unto Declarant or its successor-in-interest for maintenance of the easement and the adjoining swimming pool; and

WHEREAS, all beneficial users as described above shall also have the right of access to and use of the outdoor swimming pool maintained by Declarant adjacent to said easement area or located in some other location to be established by Declarant or Declarant's successor-in-interest.

NOW, THEREFORE, in consideration of the beneficial user's complying with the terms and conditions of the Declaration as set forth above, Declarant hereby declares and establishes an easement for recreational purposes as more particularly described on attached Exhibit "A" for the benefit of the lots located within the Plat of Rosario Estates, Rosario Estates No. 2, Rosario Estates No. 3, Rosario Palisades, Rosario Shores and Palisades South, all located within San Juan County, Washington. Said easement shall be deemed to be non-exclusive and shall run with the lands described herein.

IN WITNESS WHEREOF, the Declarant, Oly Rose, LLC, has caused this instrument to be executed this 13<sup>th</sup> day of Aug, 2004.

**OLY ROSE, LLC**

By: *RJH*  
Name [typed]: Ron J. Hoyl  
Title [typed]: Vice President

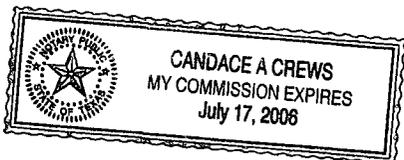
STATE OF TEXAS :  
COUNTY OF DALLAS :SS

I certify that I know or have satisfactory evidence that Ron J. Henke is the person who appeared before me and signed this Declaration of Easement, on oath stated that he was authorized to execute the instrument and acknowledged it as the V.P. of Oly Rose, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 13th day of August 2004.

Candace A. Crews

Printed Name: \_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Texas. Commission  
Expires: \_\_\_\_\_



Unofficial Copy

# Exhibit "A"

## LAND DESCRIPTION FOR RECREATION AREA AT ROSARIO RESORT

That portion of Government Lot 5 and Tidelands of the Second Class Abutting Section 31, Township 37 North, Range 1 West, W.M., in San Juan County, Washington, described as follows:

Beginning at a point where the Southeasterly extension of the boundary common to Lot 6 and lot 6A of the Plat of Rosario Estates, as recorded at Volume 2 of Plats, Pages 3 and 3A, records of San Juan County, Washington, intersects the Southerly face of a concrete curb wall forming the Southerly margin of the concrete driveway abutting said Lots 6 and 6A, as shown on said plat; thence Easterly along said Southerly face 600 feet, more or less, to the intersection of said Southerly face with a line which is parallel with and 10 feet Westerly of the Westery wall of that building shown as "shop" on said Plat of Rosario Estates; thence leaving said Southerly face and along said parallel line Southerly to the line of mean low tide; thence Westerly along said line of mean low tide to a point on the extension of said line common to Lots 6 and 6A; thence leaving said line of mean low tide Northwesterly along said extension of said common line to the Point of Beginning.

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MPD, Incorporated, PS

February 17, 2004

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