



199910220078

Kathy Hill, Skagit County Auditor

10/22/1999 Page 1 of 7 2:14:05PM

Return to: Skagit Surveyors & Engineers
806 Metcalf Street
Sedro-Woolley, WA 98284
Phone: (360) 855-2121
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COVER SHEET

NATIVE GROWTH PROTECTION AREA EASEMENT AGREEMENT

Grantors, Alan E. Hovenden and Geraldine Hovenden, husband and wife, Stephen A. Crandall and Holly K. Crandall, husband and wife, Brooke Van De Brake and Charlotte Van De Brake, husband and wife, and Kirsten Seward, do hereby grant, convey, and warrant to the Grantee, Skagit County, the Native Growth Protection Area Easements described on page 1 of the following document.

LEGAL DESCRIPTION:

Portions of Lots 1 through 4 of Short Plat Number 97-0043, records of Skagit County, Washington, lying in the southeast quarter of the northeast quarter of Section 29, Township 33 North, Range 4 East, W.M.

ASSESSOR'S PROPERTY TAX PARCEL NUMBER: P17445

ASSESSOR'S PROPERTY TAX ACCOUNT NUMBER: 330429-1-003-0413

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

OCT 22 1999

Amount Paid \$
By: Skagit County Treasurer
Deputy

[Signature]

NATIVE GROWTH PROTECTION AREA EASEMENT AGREEMENT

In consideration of Skagit County Code (SCC) 14.06.145, requirements for recording of Native Growth Protection Area (NGPA) easement agreements for areas included under permit number SP 97-0043, and mutual benefits herein, Grantors, Alan E. Hovenden and Geraldine Hovenden, husband and wife, Stephen A. Crandall and Holly K. Crandall, husband and wife, Brooke Van De Brake and Charlotte Van De Brake, husband and wife, and Kirsten Seward, the owners in fee of that certain real property described on the face of this project, do hereby grant, convey and warrant to Skagit County, a political subdivision of the State of Washington, easements establishing NGPA's over, along and across that portion of the project, denoted as NGPA and described, hereinafter together with the right of ingress and egress to and from these easements for the sole purpose of monitoring and enforcing proper operation and maintenance of the NGPA's described herein.

These easements are granted subject to and conditioned upon the following terms, conditions and covenants:

1. The NGPA legal descriptions are as follows:

Tract "A", Tract "B", Tract "C", and Tract "D", of Short Plat Number 97-0043, records of Skagit County, Washington lying in the southeast quarter of the northeast quarter of Section 29, Township 33 North, Range 4 East, W.M.

2. Grantors shall hereafter be responsible for maintaining and repairing the NGPA's as described herein and are hereby required to leave the NGPA's undisturbed in a natural state. No clearing, grading, filling, logging or removal of woody material, building, construction or road construction of any kind or planting of non-native vegetation is allowed within the NGPA's except as currently exists, is noted in "3." herein or is specifically permitted by Skagit County on a case-by-case basis consistent with SCC 14.06.

3. Grantors and Skagit County agree to the following special conditions requested by the Grantors or required as part of mitigation pursuant to SCC 14.06.

- a) Permit the construction, maintenance, and operation of a septic system in the NGPA buffer area in Tract "A" of Lot 1 as shown on Short Plat Number 97-0043.
- b) Permit the construction, maintenance, and operation of pumps, water lines and other appurtenances connected to and including the existing well in Tract "B" of Lot 2 as shown on Short Plat Number 97-0043.
- c) The future development (driveway construction, septic system installation, utility installation, and residential construction) on Lot 1 and Lot 2 shall comply with all applicable mitigation standards for alteration of wetlands and fish and wildlife habitat conservation areas. The mitigation plan shall be approved by the Skagit County Planning and Permit Center prior to the start of construction.



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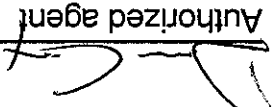
4. Grantors retain the right to the use and possession of the real property over which the easements are granted. To the extent permitted by Skagit County, uses of the property may include but are not limited to low impact uses and activities, which are consistent with the purpose and function of the NGPA's. Said uses may be permitted within the NGPA's depending on the sensitivity of the habitat involved, as long as the activity does not adversely effect the integrity of the NGPA's nor create an obstruction that would preclude ingress or egress. Examples of uses and activities which may be permitted in appropriate cases, with prior County written approval separate from this agreement, include pedestrian trails, viewing platforms, stormwater management facilities and utility easements.

5. Should any unauthorized human alteration of the NGPA's occur, the fee owners shall have the obligation to restore and return the affected area to its natural state as soon as is reasonably practical, under the provisions of a County approved mitigation plan.

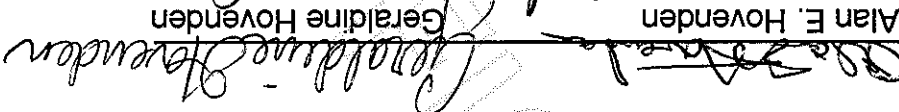
6. The parties recognize that the easements are created, granted and accepted to protect the inherent natural functions provided by the NGPA's. The NGPA's do not provide open or common space for owners within the project or members of the public. By acceptance of the easements for the purposes described, Skagit County does not accept or assume any liability of acts or omissions of the fee owners, their invitees, licensees or third parties within the easement areas. Grantors hold Skagit County harmless from any damage or injury to any property or person by any person entering the easement areas not expressly authorized to do so by Skagit County.

7. Grantors agree that these easements shall run with the land and that the rights and obligations of Grantors and Skagit County shall inure to the benefit of each and shall be binding upon their respective heirs, successors and assigns.

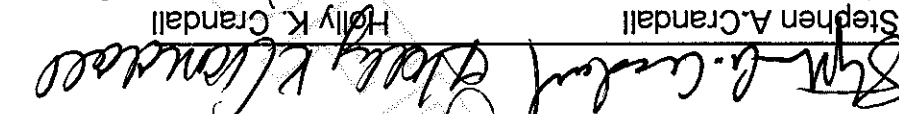
Skagit County:


Authorized agent

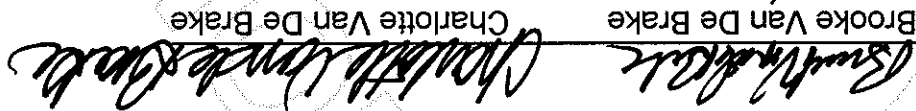
Owners:


Alan E. Hovenden

Geraldine Hovenden

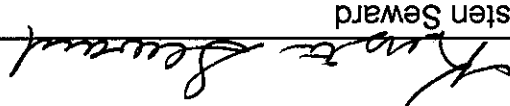

Stephen A. Crandall

Holly K. Crandall


Brooke Van De Brake

Charlotte Van De Brake

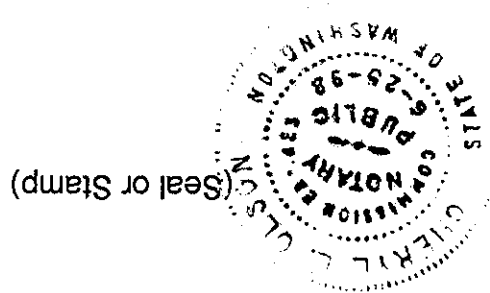
Kirsten Seward





199910220078

Kathy Hill, Skagit County Auditor



(Seal or Stamp)

My appointment expires 6-25-98
Title _____
Signature [Signature]
Dated 11-3-97

I certify that I know or have satisfactory evidence that Charlotte
County of Skaigt
State of Washington
person(s) acknowledged that (he/she/they) signed this instrument and
acknowledged it to be (his/her/their) free and voluntary act for the uses and
purposes mentioned in the instrument.



(Seal or Stamp)

My appointment expires 6-25-98
Title _____
Signature [Signature]
Dated 11-3-97

I certify that I know or have satisfactory evidence that Bridke Van De Brake
County of Skaigt
State of Washington
the free and voluntary act of such party for the uses and purposes mentioned in
the instrument.
execute the instrument and acknowledged it as the _____
of _____
to be _____
is the person who appeared before me, and said person acknowledged that
(he/she) signed this instrument, on oath stated that (he/she) was authorized to

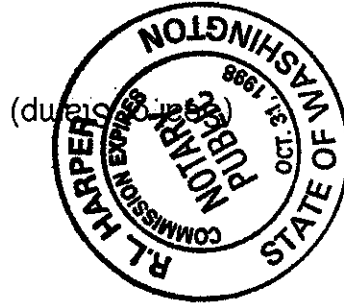


My appointment expires 10/31/98

Title Notary

Signature R.L. Harper

Dated 11/13/97



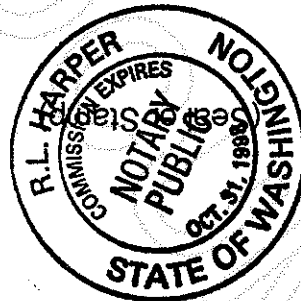
State of Washington
County of Skagit
I certify that I know or have satisfactory evidence that Holly K. (is/are) the person(s) who appeared before me, and said person(s) acknowledged that (he/she/they) signed this instrument and acknowledged it to be (his/her/their) free and voluntary act for the uses and purposes mentioned in the instrument.

My appointment expires 10/31/98

Title Notary

Signature R.L. Harper

Dated 11/11/97



State of Washington
County of Skagit
I certify that I know or have satisfactory evidence that Kristen (is/are) the person(s) who appeared before me, and said person(s) acknowledged that (he/she/they) signed this instrument and acknowledged it to be (his/her/their) free and voluntary act for the uses and purposes mentioned in the instrument.



5

My appointment expires 10/31/98

Title

Notary

Signature

R. L. Harper

Dated

11/14/97



State of Washington
County of Skagit
I certify that I know or have satisfactory evidence that Alvin E.
(is/are) the person(s) who appeared before me, and said
person(s) acknowledged that (he/she/they) signed this instrument and
acknowledged it to be (his/her/their) free and voluntary act for the uses and
purposes mentioned in the instrument.

My appointment expires 10/31/98

Title

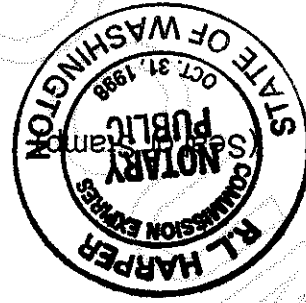
Notary

Signature

R. L. Harper

Dated

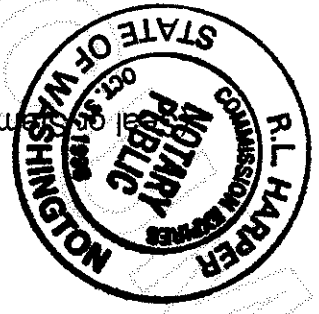
11/13/97



State of Washington
County of Skagit
I certify that I know or have satisfactory evidence that Stephen A.
(is/are) the person(s) who appeared before me, and said
person(s) acknowledged that (he/she/they) signed this instrument and
acknowledged it to be (his/her/their) free and voluntary act for the uses and
purposes mentioned in the instrument.

State of Washington
County of Skagit

I certify that I know or have satisfactory evidence that Veronique
person(s) acknowledged that (he/she/they) signed this instrument and
acknowledged it to be (his/her/their) free and voluntary act for the uses and
purposes mentioned in the instrument.



Dated 11/14/97
Signature R.L. Harper
Title Notary
My appointment expires 10/31/98

State of Washington
County of _____

I certify that I know or have satisfactory evidence that _____
(is/are) the person(s) who appeared before me, and said
person(s) acknowledged that (he/she/they) signed this instrument and
acknowledged it to be (his/her/their) free and voluntary act for the uses and
purposes mentioned in the instrument.

Dated _____
Signature _____
Title _____
My appointment expires _____

(Seal or Stamp)

