

FILED FOR RECORD AT THE
REQUEST OF/RETURN TO:

Scott G. Thomas
Mount Vernon City Attorney
P.O. Box 809/320 Broadway
Mount Vernon, WA 98273

199910280079
Kathy Hill, Skagit County Auditor
10/28/1999 Page 1 of 6 1:29:20PM

WETLAND MITIGATION EASEMENT

Grantor (s): EVANGELICAL SALEM LUTHERAN CHURCH, a Washington non-profit corporation.
Grantee (s): THE CITY OF MOUNT VERNON, a Washington Municipal Corporation
Additional Grantor (s) on page (s):
Additional Grantee (s) on page (s):
Abbreviated Legal: PTN. SE 1/4 Sec. 8, T. 34 N., R. 4 E.W.M.
Additional Legal on page (s):
Assessor's Tax Parcel No.'s: P 111844, P 24135, P 24133

FIRST AMERICAN TITLE CO.
ACCOMMODATION RECORDING ONLY

m 7119

This Easement Agreement is made this 29th day of September, 19 99, by and among EVANGELICAL SALEM LUTHERAN CHURCH which acquired title as SALEM LUTHERAN CHURCH, a Washington non-profit corporation ("Grantor"), and the CITY OF MOUNT VERNON, a Washington Municipal Corporation ("Grantee").

NOW, THEREFORE, for \$10 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and in consideration of the performance by Grantee of the covenants, terms, and conditions hereinafter set forth, Grantor hereby conveys to Grantee a perpetual "wetland mitigation easement" over the property described in the attached Exhibit "A" and incorporated herein by this reference. The "wetland mitigation easement" shall be of the nature and character described in this agreement.

1. **Prohibited Acts.** All land within the conservation easement shall conform to the conditions and restrictions of the approved mitigation plan by the US Army Corps of Engineers (1998-4-00587, City of Mount Vernon), the State of Washington Department of Ecology, and the City of Mount Vernon City Council. There shall be no clearing, vegetation removal, grading, filling, or construction of any kind within this area except as authorized in the approved mitigation plan. Any work within this area shall be allowed only upon approval of the authorizing agencies (City of Mount Vernon, Department of Ecology, and the US Army Corps of Engineers). The only exception to this requirement shall be for the fulfillment of the monitoring and maintenance agreement of the mitigation plan and in the case of emergencies for the protection of private property and public health, safety, and resources. Any disturbance of vegetation that may occur through such activities shall be repaired.
2. **Designation of Waters.** The mitigation areas defined in this easement are hereby designated "waters of the state".

3. **Perpetual Duration.** The easement, covenants, and servitudes created by this agreement shall run with the land in perpetuity. Every provision of this easement that applies to the Grantor or Grantee shall also apply to their respective agents, heirs, executors, administrators, assigns, and all other successors as their interest may appear.
4. **Interpretation.** This agreement shall be construed according to the laws of the State of Washington. Venue of any action to enforce this agreement shall be laid in Skagit County, Washington.
5. **Severability.** If any provision of this agreement is found to be invalid, illegal, or unenforceable, that finding shall not affect the validity, legality, or enforceability of the remaining provisions.
6. **Acceptance.** The Grantee hereby accepts, without reservation, the rights and responsibilities conveyed by this easement

IN WITNESS WHEREOF, the Grantor and Grantee, intending

DATED the day and year first above written

Grantor: **Evangelical Salem Lutheran Church**

By: [Signature]

Its: _____

By: Deborah A Karshe

Its: _____

Grantee: **City of Mount Vernon**

By: [Signature]

Its: Mayor

By: [Signature]

Its: CITY ATTORNEY

(Acknowledgements Follow)

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

OCT 28 1999

Amount Paid \$
Skagit County Treasurer
Deputy

By: [Signature]

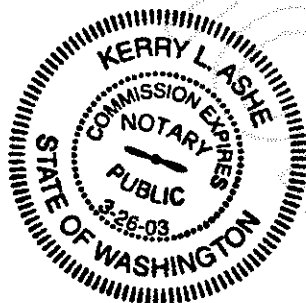


199910280079

Kathy Hill, Skagit County Auditor

State of Washington)
County of Skagit) S.S.

On this 27th day of September, 19 99, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Randy L. Pratt and Deborah A. Kanske to me known to be the President and Vice President, respectively, of EVANGELICAL SALEM LUTHERAN CHURCH, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument and that the seal affixed (if any) is the corporate seal of said corporation.



Dated: 9-27-99

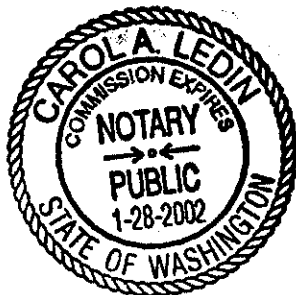
Kerry L. Ashe
(Signature) Kerry L. Ashe

Escrow Assistant
(Title)

My appointment expires 3/26/2003

State of Washington)
County of Skagit) S.S.

On this 30 day of September, 19 99, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Skye K. Richendrfer and Scott Thomas to me known to be the Mayor and City Attorney, respectively, of THE CITY OF MOUNT VERNON, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument and that the seal affixed (if any) is the corporate seal of said corporation.



Dated: 9-30-99

Carol A. Ledin
(Signature)

Notary Public
(Title)

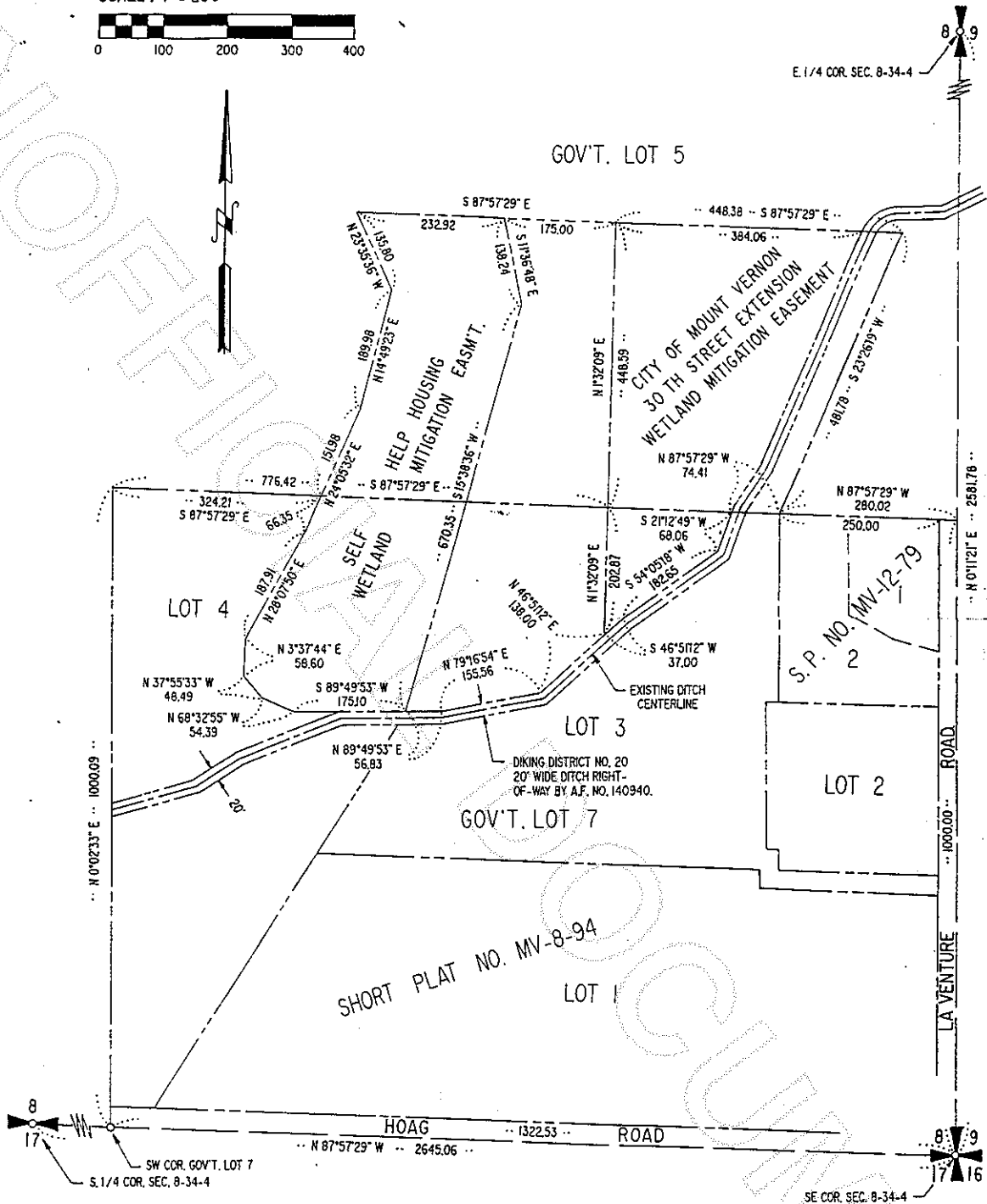
My appointment expires 1-28-2002



199910280079

Kathy Hill, Skagit County Auditor

SCALE: 1" = 200'



**EXHIBIT "B" OF WETLAND MITIGATION EASEMENT
FOR
CITY OF MOUNT VERNON
30th STREET EXTENSION PROJECT**



EXHIBIT "A"

That portion of the Southeast Quarter (SE 1/4) of Section Eight (8), Township Thirty-four (34) North, Range Four (4) East, W.M., described as follows:

Commencing at the Southeast Corner (SE 1/4) of said Section Eight (8), as shown on Short Plat No. MV-8-94, as approved July 1, 1997, and recorded July 1, 1997 in Book 13 of Short Plats, pages 17 and 18, records of Skagit County, Washington, under Auditor's File No. 9707010107; **thence** North $87^{\circ}57'29''$ West, along the South line of said Southeast Quarter (SE 1/4), a distance of 1,322.53 feet to the Southwest corner of Government Lot Seven (7) of said Section Eight (8); **thence** North $0^{\circ}02'33''$ East, along the West line of said Government Lot Seven (7) and the West line of Lot 4 of said Short Plat, a distance of 1,000.09 feet to the Northwest corner of said Lot 4; **thence** South $87^{\circ}57'29''$ East, along the North line of said Lot 4, a distance of 776.42 feet to the **TRUE POINT OF BEGINNING**; **thence** North $1^{\circ}32'09''$ East, a distance of 448.59 feet; **thence** South $87^{\circ}57'29''$ East, a distance of 448.38 feet; **thence** South $23^{\circ}26'19''$ West, a distance of 481.78 feet to the Northeast corner of Lot 3 of said Short Plat; **thence** North $87^{\circ}57'29''$ West, along the North line of said Lots 3 and 4 of said Short Plat, a distance of 74.41 feet to the intersection with the West margin of a 20-foot wide right-of-way for Diking District No. 20 as established under Auditor's File No. 140940, and as shown on said Short Plat; **thence** Southerly along said right-of-way line along the following courses and distances: South $21^{\circ}12'42''$ West, a distance of 68.06 feet; South $54^{\circ}05'18''$ West, a distance of 182.65 feet; South $46^{\circ}51'12''$ West, a distance of 37.00 feet to a point on said right-of-way line which bears South $1^{\circ}32'09''$ West, a distance of 202.87 feet from the **TRUE POINT OF BEGINNING**; **thence** North $1^{\circ}32'09''$ East, a distance of 202.87 feet to the **TRUE POINT OF BEGINNING**.

EXCEPT that portion conveyed to Diking District Number 20 by instrument recorded April 5, 1920, under Auditor's File No. 140940, records of Skagit County, Washington.

All situate in the County of Skagit, State of Washington, and containing 4.00 acres.

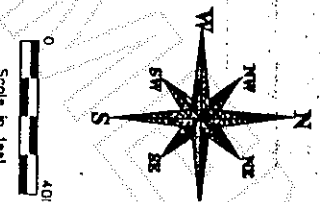
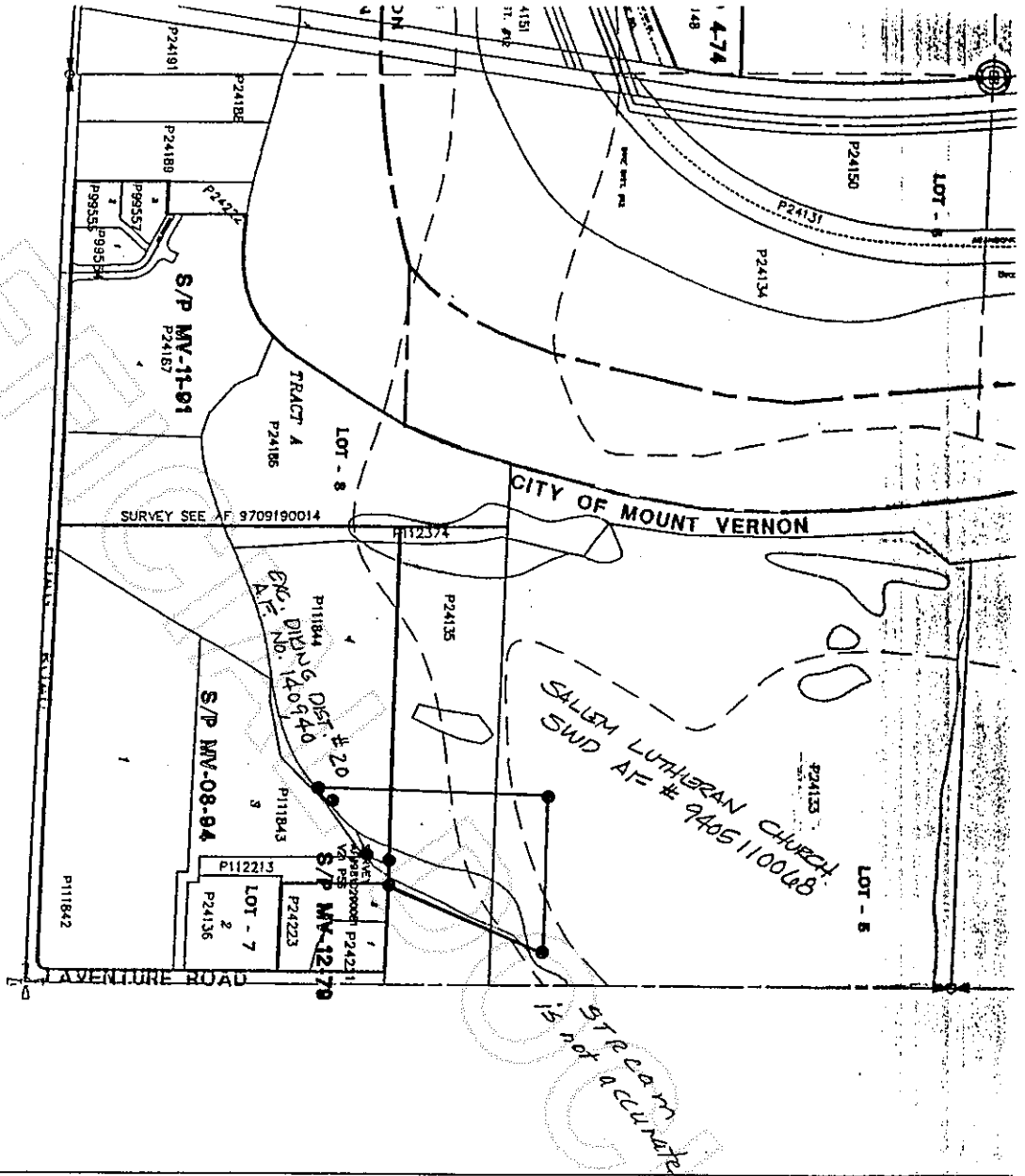
GWYNNE D. LEGRO
Registered Professional
Engineer & Land Surveyor
Lic. # 3475
Date: August 20, 1999



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Kathy Hill, Skagit County Auditor

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Scale in feet
0 40

These maps were created from only records and existing map sources, no surveys. Map features from all sources are plotted to achieve a "best fit" representation of the actual map. While the relative positions of the features are shown, the relative positions of the features are not guaranteed to be accurate. The relative positions of the features are not guaranteed to be accurate. The relative positions of the features are not guaranteed to be accurate. This map is NOT A SUBSTITUTE FOR A

Rev 7-6-99

DATE	
1/11/93	DRAWN BY
05/09/95	REVISED
05/09/98	PLOTTED
	MAP PRODUCED BY SK COUNTY MAPPING SERV

Section
T 34 N R

