



200001210011

Kathy Hill, Skagit County Auditor  
1/21/2000 Page 1 of 4 10:26:18AM

RETURN TO:

Chuck Grable

P.O. Box 654

Sedro-Woolley, WA 98284

SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID

JAN 21 2000

DOCUMENT TITLE(S) (list all titles contained in document):

1. PCA Easement

Amount Paid \$  $\phi$   
Skagit County Treasurer  
By: *ka* Deputy

REFERENCE NUMBER (S) OF DOCUMENTS ASSIGNED OR RELEASED:

1. N/A

[ ] Additional reference numbers on page \_\_\_\_ of document.

GRANTOR(S) (Last name, first name and initials):

1. Connie Stewart Trust

[ ] Additional names on page \_\_\_\_ of document.

GRANTEE(S) (Last name, first name and initials):

1. Skagit County

[ ] Additional names on page \_\_\_\_ of document.

LEGAL DESCRIPTION (Abbreviated: i.e., lot, block, plat or quarter, quarter, section, township and range):

SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , SEC. 11, T. 35 N., RGE. 5 E., W.M.  
NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , SEC. 14, T. 35 N., RGE. 5 E., W.M.

[ ] Additional legal(s) on page \_\_\_\_ of document.

ASSESSOR'S PARCEL/TAX I.D. NUMBER: 350511-3-005-0109 & 350514-0-014-0028

[ ] Tax parcel number(s) for additional legal(s) on page \_\_\_\_ of document.

## PROTECTED CRITICAL AREA EASEMENT (PCA)

In consideration of Skagit County Code (SCC) 14.06.145, requirements for recording of protected critical area easements (PCA), for areas included under S.P. 99-0022 and mutual benefits herein, Grantor(s), project, does hereby grant, convey and warrant to Skagit County, a political subdivision of the State of Washington, a non-exclusive perpetual easement establishing a PCA over, along and across those portions of the project, denoted as Protected Critical Area Easement and described on the attached legal description, together with the right of ingress and egress to and from this easement for the purpose of monitoring and enforcing proper operation and maintenance of the PCA described herein.

The easement is granted to and conditioned upon the following terms, conditions and covenants:

1. The PCA legal description is as follows (or noted if attached):

Protected Critical Area, as shown on Skagit County Short Plat No. 99-0022 approved 1/21/2010, and recorded 1/20/2000 in Volume        of Short Plats, Pages       , under Skagit County Auditor's File No. 200001210010, records of Skagit County, Washington, being in a portion of SW 1/4 of Section 11, Township 35 N., Range 5 E., W.M. AND THE NW 1/4 SEC. 14 T35N, R.5E, W.M.

2. Grantor(s) shall hereafter be responsible for maintaining and repairing PCA areas as described herein and is hereby required to leave PCA areas 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 within the PCA areas except as specially permitted by Skagit County on a case-by-case basis consistent with SCC 14.06.
3. Grantor(s) and Skagit County agree to the following special conditions requested by the Grantor(s) or required as part of mitigation pursuant to SCC 14.06:
  - a. Grantor has placed white PVC plastic pipe markers at each angle point in the boundaries of Lot "C" Open Space (OSPA) as permanent buffer edge markers to satisfy the requirements of SCC 14.06.145 (1)(d). These markers are located at lot corners for said Lot "C" Open Space (OSPA) as set by the surveyor and shown on sheet 1 of 2 of said Short Plat No. 99-0022, in accordance with the requirements of SCC 14.06.145 (1)(d)(ii).
4. Grantor(s) retains the right to use and possession of the real property over which the easement is granted to the extent permitted by Skagit County as low impact uses and activities which are consistent with the purpose and function of the PCA and do not detract from its integrity may be permitted with the PCA depending on the sensitivity of the habitat involved. 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. Provided further that the Grantor agrees not to interfere with, obstruct or endanger Skagit County's use of the easement.



200001210011

Kathy Hill, Skagit County Auditor

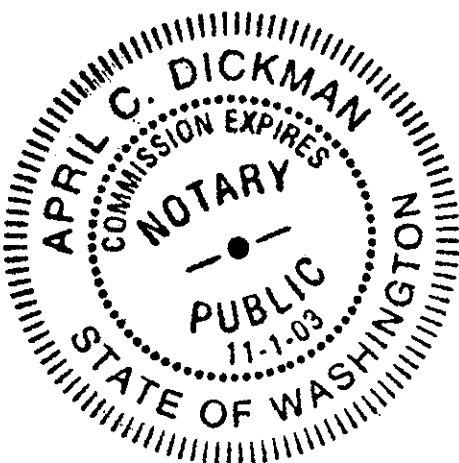
5. Should any human disturbance of the PCA occur, the fee owners shall have the obligation to restore and return the affected area to its natural state immediately, under the provisions of a County approved mitigation plan.
6. The parties recognize that this easement is created, granted and accepted for the benefit of the inherent natural functions provided by the PCA, but shall not be construed to provide open or common space for owners within the project or members of the public. By acceptance of the easement for the purposes described, Skagit County does not accept or assume any liability of acts or omissions of the fee owners, his or her invitees, licenses or other third parties within the easement area. Grantor(s) hold Skagit County harmless from any damage or injury to any property or person by any person entering the easement area not expressly authorized to do so by Skagit County.
7. Grantor(s) agrees that this easement shall run with the land and that the rights and obligations of Grantor(s) and Skagit County shall insure to the benefit of each and shall be binding upon their respective heirs, successors and assigns.
8. Grantor(s) covenants that they own the property legally described herein, and has lawful right to convey the interest in the property to Skagit County for the benefit of the public forever.

DATED this 12 day of 29, 1999.  
By Charles Grabke

STATE OF WASHINGTON )  
COUNTY OF SKAGIT )

I hereby certify that I know or have satisfactory evidence that Charles Grabke signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledge it as the Trustee to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 29th day of December, 1999.



April C. Dickman  
NOTARY PUBLIC in and for the State of Washington  
Residing at: Sedro-Woolley  
Print Name: April C. Dickman  
My appointment expires: 11-1-03



200001210011  
Kathy Hill, Skagit County Auditor  
1/21/2000 Page 3 of 4 10:26:18AM

EXHIBIT "A"

November 15, 1999

LEGAL DESCRIPTION FOR: Open Space Protected Area

That portion of Section 11 and Section 14, Township 35 North, Range 5 East, W.M., described as follows:

Commencing at the South one Quarter corner of said Section 11; thence North  $0^{\circ} 57' 28''$  West, along the North/South centerline of said Section 11, a distance of 420.05 feet to the **TRUE POINT OF BEGINNING**; thence continue North  $0^{\circ} 57' 28''$  West, 176.68 feet; thence South  $34^{\circ} 24' 34''$  West, 129.77 feet; thence South  $56^{\circ} 48' 19''$  West, 71.66 feet; thence South  $45^{\circ} 52' 19''$  West, 49.06 feet; thence South  $76^{\circ} 52' 09''$  West, 124.90 feet; thence South  $71^{\circ} 26' 10''$  West, 112.30 feet to the Easterly right-of-way of Bacus Road; thence Southwesterly along a non-tangent curve, concave to the Northwest, whose radius point bears North  $56^{\circ} 38' 14''$  West, 209.05 feet through a central angle of  $15^{\circ} 09' 13''$ , an arc distance of 55.29 feet; thence South  $48^{\circ} 30' 59''$  West, 18.43 feet; thence leaving said right-of-way South  $22^{\circ} 46' 23''$  East, 68.47 feet; thence South  $3^{\circ} 34' 19''$  East, 69.10 feet; thence South  $1^{\circ} 40' 59''$  West, 80.07 feet; thence South  $58^{\circ} 45' 02''$  West, 54.22 feet; thence South  $6^{\circ} 36' 30''$  West, 92.10 feet; thence South  $20^{\circ} 18' 12''$  East, 50.91 feet; thence South  $16^{\circ} 18' 00''$  West, 97.07 feet; thence South  $5^{\circ} 58' 57''$  East, 104.42 feet; thence South  $8^{\circ} 24' 14''$  East, 75.20 feet; thence South  $29^{\circ} 46' 34''$  West, 19.37 feet to the Northerly easement line of Highway 20; thence along said easement line, South  $72^{\circ} 12' 20''$  East, 70.80 feet; thence North  $17^{\circ} 47' 40''$  East, 100.00 feet; thence leaving said easement line, North  $26^{\circ} 22' 49''$  West, 135.55 feet; thence North  $21^{\circ} 05' 43''$  East, 180.77 feet; thence North  $23^{\circ} 05' 01''$  East, 84.13 feet; thence North  $47^{\circ} 59' 26''$  East, 227.13 feet; thence North  $35^{\circ} 30' 43''$  East, 82.08 feet; thence North  $22^{\circ} 50' 49''$  East, 61.37 feet; thence North  $45^{\circ} 52' 19''$  East, 35.86 feet; thence North  $56^{\circ} 48' 19''$  East, 87.83 feet to the **TRUE POINT OF BEGINNING**.

Said parcel is also known as Lot "D", as shown on that certain proposed Skagit County Short Plat No. 99-0022.

Containing 2.94 acres.



200001210011

Kathy Hill, Skagit County Auditor

1/21/2000 Page 4 of 4 10:26:18AM