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Kathy Hill, Skagit County Auditor

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PERMIT CONTR.

JAN 21 2000

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

COVER SHEET

OPEN SPACE AGREEMENT

GRANTOR: Lester L. Francis III & R. Lorrie Francis

GRANTEE: Skagit County

LEGAL DESCRIPTION

That portion of the West 20 rods of the East 40 rods of the Southwest $\frac{1}{4}$ of Section 14, Township 35 North, Range 4 East, W.M. lying North of the F&S Railway right-of-way, now County Road; EXCEPT that proportion thereof, if any, lying outside the boundaries of the West $\frac{1}{2}$ of the East $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said section.

ASSESSOR'S PROPERTY TAX PARCEL NUMBER: P36621

ASSESSOR'S PROPERTY TAX ACCOUNT NUMBER: 350414-3-001-0002

OPEN SPACE EASEMENT/AGREEMENT

In consideration of Skagit County Code (SCC) 14.08.118 (6) (d) and 14.08.118(9), requirements for designating areas of open space on all subdivisions using the CaRD process, the owner(s) of the property described on the face of Short CaRD Short Plat # 99 0005 does hereby designate Lot 2 as Open Space Future Development (OS-FD) and Lot 3 as Open Space Recreational/Amenities (OS-RA), Open Space Preservation Areas (OS-PA) with a one acre site designated for residential building purposes.

These designations are subject to the following terms:

1. Lot 2 is designated as open space future development (OS-FD) per SCC 14.06.118(9)(a)(iii). The designation shall continue until the lot is needed for future urban growth as determined through the Comprehensive Plan amendment process. Maintenance of Lot 2 shall be the sole responsibility of the owner of Lot 2.
2. Lot 3 contains a mix of designations. A portion (295,245 square feet or 6.78 acres) is designated as open space recreational/amenities (OS-RA) per SCC 14.06.118(9)(a)(iv). The designation shall continue until the lot is needed for future urban growth as determined through the Comprehensive Plan amendment process

A portion (63,162 square feet or 1.45 acres) is designated as open space preservation area (OS-PA) per SCC 14.06.118(9)(a)(ii). This designation is subject to provisions of SCC 14.06 and is subject to terms and conditions of Protected Critical Area Agreement recorded under Auditor's File No. 200002020012. The area is subject to the OS-PA designation in perpetuity.

One acre (43,561 square feet) of Lot 3 is designated for residential building purposes. Maintenance of Lot 3 shall be the sole responsibility of the owner of Lot 3. No additional covenants, conditions or restrictions shall be associated with this lot.

3. Lot 2 is designated for future development. Until such time as the land is needed for future urban growth, it will continue to be used for on-going agricultural purposes at the discretion of the owner. Those uses may include but are not limited to pasture and cultivation.
4. Lot 3 is designated for critical area protection, recreational purposes and a one-acre residential building site. The area included in protected critical area is subject to regulation under SCC 14.06. The open space recreation area of Lot 3 will be used for the recreational benefit of the owners of Lot 3 specifically horses, on-going agriculture and limited timber harvest. The agricultural practices may include but is not limited to pasture and cultivation. Limited timber harvest may occur at the discretion of the owner of Lot 3 and shall be subject to all applicable regulations.
5. The right to use and possession of those lots designated for Open Space shall reside in the owner of said lot and his heirs, successors, assigns and invitees.
6. The Open Space designations shall not be construed to provide open or common space for owners within the project or members of the public.
7. The Open Space designation shall run with the land and be binding on current and future owners, their respective heirs, successors and assigns.



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