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Skagit Surveyors & Engineers
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Phone: (360) 855-2121

COVER SHEET

PROTECTED CRITICAL AREA AGREEMENT

GRANTOR: Earl L. Jensen & Katherine H. Jensen

GRANTEE: Skagit County

LEGAL DESCRIPTION

Tract 1, of that certain Survey entitled "THE UPLANDS", filed December 14, 1982, under Auditor's File No. 8212140010, in Volume 4 of Surveys, pages 56 through 61, inclusive, corrected by Affidavit recorded under Auditor's File No. 8212290015, records of Skagit County, Washington; being a portion of Sections 24 and 25, Township 34 North, Range 4 East, W.M., and Section 30, Township 34 North, Range 5 East, W.M.
TOGETHER WITH those certain easements delineated on the face of said survey and as reserved and/or dedicated by instruments recorded under Auditor's File Nos. 8002040045 and 8212100052, EXCEPT those portions of Tract 1 deeded to Skagit County for road purposes by instruments recorded under Auditor's File Nos. 8610130006 through 8610130010, inclusive.

Situate in the County of Skagit, State of Washington.

ASSESSOR'S PROPERTY TAX PARCEL NUMBER: P27768

ASSESSOR'S PROPERTY TAX ACCOUNT NUMBER: 340424-4-006-0301



PROTECTED CRITICAL AREA EASEMENT AGREEMENT

In consideration of Skagit County Code (SCC) 14.24.170, requirements for recording of Protected Critical Area (PCA) easement agreements for areas included under permit number PL00-0286, and mutual benefits herein Grantors Earl L. Jensen and Katharine H. Jensen, the owners in fee of that certain real property described on the face of Short Plat PL00-0286, do hereby grant, convey and warrant to Skagit County, a political subdivision of the State of Washington, an easement establishing PCA's over, along and across that portion of the project, denoted as PCA and described, hereinafter together with the right of ingress and egress by a designated and authorized employee of Skagit County to and from these easements for the sole purpose of monitoring and enforcing proper operation and maintenance of the PCA's described herein.

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

1. The PCA legal descriptions are as follows:

Tracts A, B & C of Short Plat Number PL00-0286, records of Skagit County, Washington lying in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24, Township 34 N., Range 4 E., W.M.

2. Grantors, their successors and assigns, shall leave the PCA's in the current 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 PCA'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 14.24.

3. Grantors, their successors and assigns, and Skagit County agree to the following special conditions requested by the Grantors or required as part of mitigation pursuant to SCC 14.24.160.

- a. Permit an access over, under, and through Tract "B" for construction and maintenance of a farm access to the northeasterly portion of Lot 1 in Short Plat Number PL00-0286 as shown on the short plat drawing. Any future development (farm access construction) on Lot 1 shall comply with all applicable mitigation standards for alteration of wetlands. The Skagit County Planning and Permit Center, before the start of construction, shall approve the mitigation plan.
- b. Except in the case of an emergency, where a critical area or its buffer is threatened with immediate harm, as determined by the County, access to exercise the easement rights granted herein shall be only upon seven (7) days prior written notice by certified mail to the Grantors, their successors and assigns.

4. Grantors, their successors and assigns, 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 PCA's. Said uses may be permitted within the PCA's depending on the sensitivity of the habitat involved, as long as the activity does not adversely affect the integrity of the PCA's nor create an obstruction that would preclude ingress or egress. Examples of uses and activities which may be permitted in appropriate cases, with



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, Skagit County Auditor

prior County written approval separate from this agreement, include pedestrian trails, viewing platforms, stormwater management facilities and utility easements.

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 these easements are created, granted and accepted to protect the inherent natural functions provided by the PCA's. The PCA'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.

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.

Skagit County:

[Signature] 4/12/01

Owners:

[Signature]

Earl L. Jensen

[Signature]

Katherine H. Jensen

State of Washington
County of Skagit

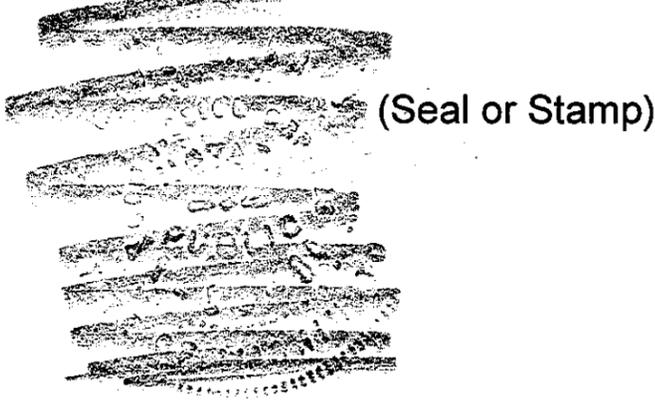
I certify that I know or have satisfactory evidence that Earl L. Jensen is the person who appeared before me that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated April 13, 2001

Notary *[Signature]*

Title County Public / Deputy Auditor

My appointment expires 11-15-04
Residing @ Sedo Woolley



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Skagit County Auditor

State of Washington
County of Skagit

I certify that I know or have satisfactory evidence that Katherine H. Jensen is the person who appeared before me that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

(Seal or Stamp)

Dated April 13, 2001

Notary Clayton P. James

Title Notary Public / Deputy Auditor

My appointment expires 11-15-04

Residing @ Sedro Woolley

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

APR 13 2001

Amount Paid \$
Skagit County Treasurer
By: [Signature] Deputy



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, Skagit County Auditor