

FILED FOR RECORD AT THE
REQUEST OF/RETURN TO:

Mr. And Mrs. John G. Thomas
845 Burlingame Road
Mount Vernon, WA 98274



200202010017

Skagit County Auditor

2/1/2002 Page 1 of 3 10:23AM

Grantor (s): John G. Thomas and Sandra L. Thomas

Grantee (s): Skagit County

Additional Grantor (s) on page (s):

Additional Grantee (s) on page (s):

Site Address: 845 Burlingame Road, Mount Vernon, WA. 98274

Abbreviated Legal: Sec.22, T. 34 N., R. 4 E.; PTN. W 1/2 SE 1/4

Additional Legal on page (s):

Assessor's Tax Parcel No.'s: 340422-4-010-0000, 340422-4-008-0004; and 340422-4-010-0100;
P 27572, P27570; and P108235

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

Easement
FEB 01 2002

Amount Paid \$
Skagit Co. Treasurer *CS*

PROTECTED CRITICAL AREA EASEMENT (PCA)

In consideration of Skagit County Code (SCC) 14.24.170, requirements for recording of protected critical area easements (PCA), for areas included under PL01-0579, 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:

Protected Critical Area, as shown on Skagit County Short Plat No. PL 01-0579, approved

January 31, 2002 and recorded under Skagit County Auditor's File No. 200202010016, records of Skagit County, Washington, being a portion of the W 1/2 SE 1/4 of Section 22, Township 34 North, Range 4 East, 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 14.24.

3. Grantor(s) and Skagit County agree to the following conditions as permitted by SCC 14.24:

- a. That the Critical Area and associated Buffer described within this PCA shall be subject to the provisions of SCC 14.24.
- b. That the Critical Area and associated Buffer within this PCA may be altered and/or determined null and void by the lead agency upon satisfaction of on-site and/or off-site compensation in accordance with SCC 14.24.240 and/or the codes in effect at the time of future platting activity.

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. The Grantor(s) agrees to these conditions provided the Grantor(s) retains the right to the usage of and maintenance to those existing manmade drainage facilities and access roads and ways as deemed necessary thereby, including but not limited to clearing, grading, and cleaning, until such time as same are replaced by others to the satisfaction of the Grantor(s) and Skagit County.

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 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.

DATED this 26TH day of OCTOBER, 2001.

BY:

John G. Thomas
John G. Thomas

Sandra L. Thomas
Sandra L. Thomas

STATE OF WASHINGTON }

} S.S.

County of Skagit }

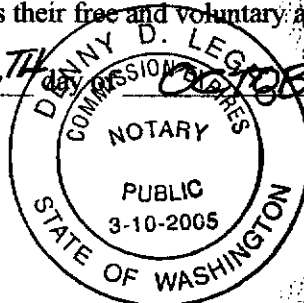
On this day personally appeared before me John G. Thomas and Sandra L. Thomas, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 26TH day of OCTOBER, 2001.

Denny D. Rex
Notary Public in and for the State of Washington

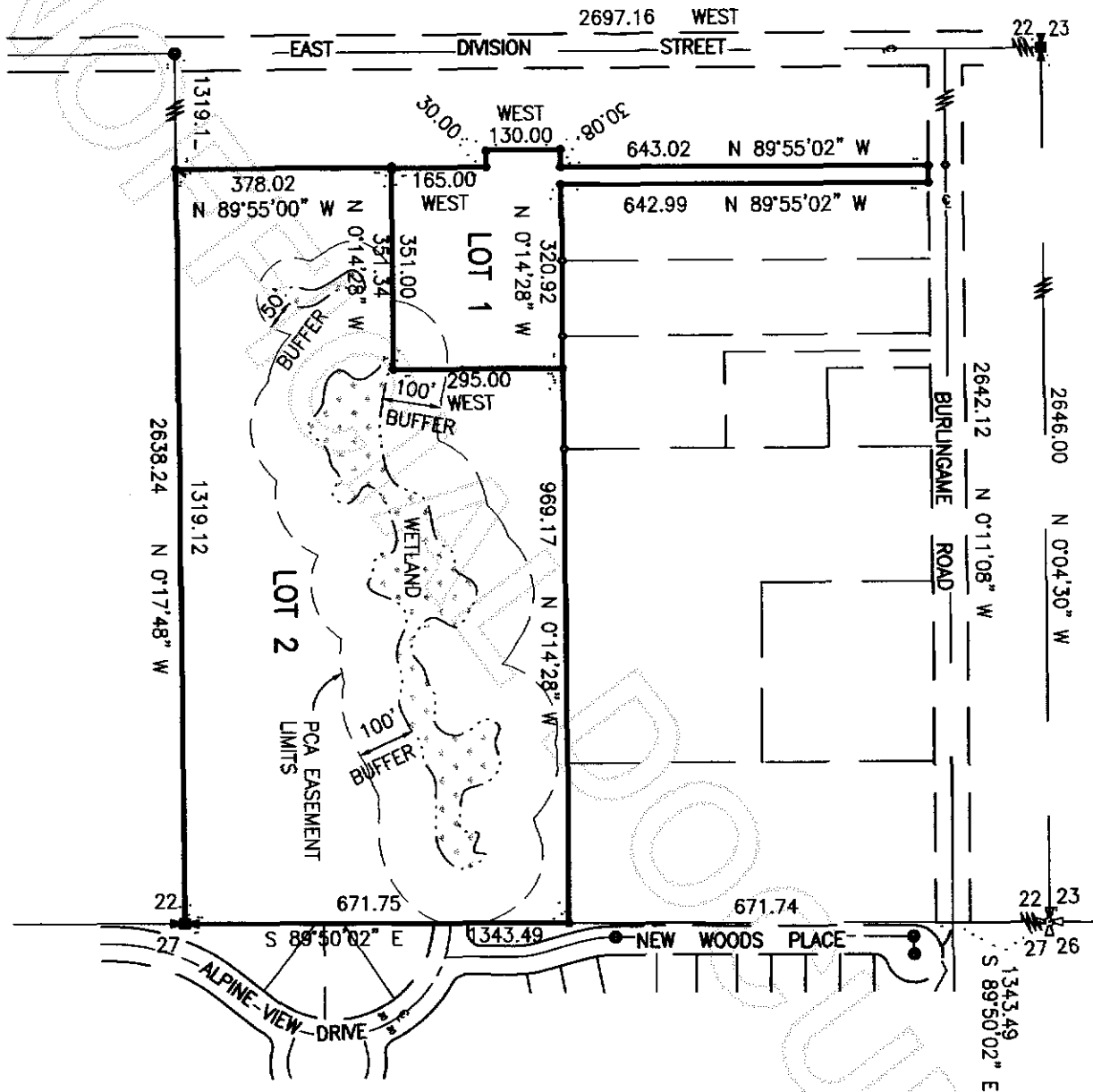
Residing at MOUNT VERNON

My commission expires: 3-10-05



200202010017

Skagit County Auditor



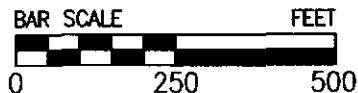
PCA EASEMENT MAP
SHORT PLAT No. PL01-0579
PTN. SE 1/4 SEC. 22, T. 34 N., R. 4 E.W.M.

PREPARED BY:

LEGRO & ASSOCIATES
 815 CLEVELAND AVENUE
 MOUNT VERNON, WA 98273

PLAN

SCALE: 1" = 300'



200202010017

Skagit County Auditor