



200311070094

Skagit County Auditor

11/7/2003 Page 1 of 4 2:05PM

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COVER SHEET

PROTECTED CRITICAL AREA EASEMENT AGREEMENT

GRANTORS: Brian Arbogast and Valerie Tarico, husband and wife

GRANTEE: Skagit County

LEGAL DESCRIPTION:

Tract 9, "SINCLAIRE", according to the survey thereof, recorded in Volume 3 of Surveys, Page 121, under Auditor's File No. 8106180002, being in Sections 9 and 10, Township 36 North, Range 1 East, W.M., EXCEPT tidelands.

ASSESSOR'S PROPERTY TAX PARCEL NUMBER: P46344

ASSESSOR'S PROPERTY TAX ACCOUNT NUMBER: 360109-0-001-0809

PROTECTED CRITICAL AREA EASEMENT AGREEMENT

In consideration of Skagit County Code (SCC) 14.06.145, requirements for recording of Protected Critical Area (PCA) easement agreements for areas included under permit number PL 00-0426, and mutual benefits herein, Grantors, Brian Arbogast and Valerie Tarico, husband and wife, the owners in fee of that certain real property described on the face of this project, 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 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:

Tract "A" and Tract "C" of Short Plat Number PL 00-0426, records of Skagit County, Washington lying in the southeast quarter of the northeast quarter and in Government Lot 1 of Section 9, Township 36 North, Range 1 East, W.M.

2. Grantors shall leave the PCA's 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 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 14.06.

3. Grantors and Skagit County agree to the following special conditions requested by the Grantors or required as part of mitigation pursuant to SCC 14.06.

- a. Permit the private use of the buffer area along Rosario Strait for recreation, including picnic areas and pedestrian trails.
- b. The Grantor and Skagit County agree that the Grantor may construct a gazebo within the PCA provided that the following conditions are met:

The gazebo shall be no larger than 12' by 12' and no part of it shall be within 15' of the delineated wetland boundary. The diameter of any clearing around the gazebo shall not exceed the dimensions of the gazebo itself by more than 10'. No trees larger than 8" diameter at breast height (dbh) shall be cut to make room for the gazebo. Any trees that are cut will be replaced with trees native to the area, to be planted within the PCA. The gazebo shall be open to public use. The floor of the gazebo may be made of poured concrete, but all above ground structure shall be of wood. Any trails that provide access to the



200311070094

Skagit County Auditor

gazebo from the shoreline or from the interior of the property shall be footpaths only, with no paving of any kind.

- c. The Grantor shall be held 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 the Grantors.

4. Grantors 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 effect 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 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, his or her 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. Grantors 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:



Owners:



Brian Arbogast



Valerie Tarico



200311070094

Skagit County Auditor

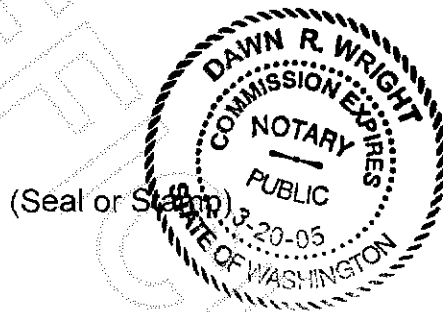
11/7/2003 Page

3 of

4 2:05PM

State of Washington
County of Skagit

I certify that I know or have satisfactory evidence that Brian Arbogast and Valerie Tarico, husband and wife, are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.



Dated

5/7/03

Signature

Dawn R. Wright

Title

My appointment expires 3-20-05

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax

NOV 04 2003

Amount Paid \$
Skagit County Treasurer
By: Deputy



200311070094

Skagit County Auditor

11/7/2003 Page

4 of

4 2:05PM