

AFTER RECORDING MAIL TO:

Matthew J. Lipetska
3919 W. 12th Street
Anacortes, WA 98221



200312030110
Skagit County Auditor

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Filed for Record at Request of
Land Title Company Of Skagit County
Escrow Number: 108438-PAE

LAND TITLE COMPANY: SKAGIT COUNTY

Statutory Warranty Deed

Grantor(s): DG Construction, LLC
Grantee(s): Matthew J. Lipetska and Gwendolyn D. Lipetska
Abbreviated Legal: Lot 4 Rock Ridge West
Assessor's Tax Parcel Number(s): P119046/4792-000-004-0000


THE GRANTOR DG CONSTRUCTION, LLC, A WASHINGTON LIMITED LIABILITY COMPANY for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to MATTHEW J. LIPETSKA AND GWENDOLYN D. LIPETSKA, HUSBAND AND WIFE the following described real estate, situated in the County of Skagit, State of Washington:

Lot 4, "PLAT OF ROCK RIDGE WEST," as per plat recorded on March 25, 2002 under Auditor's File No. 200203250231, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.


SUBJECT TO: SEE ATTACHED SCHEDULE B-1.

Dated December 2, 2003


Anthony Malo, Jr. as Manager for Plan C LLC the
Managing Member of DG Construction, LLC

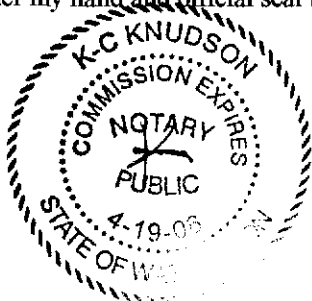
#6159
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

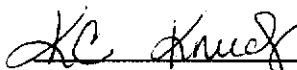
DEC 03 2003

Amount Paid \$ 5377.84
Skagit Co. Treasurer
By  Deputy

STATE OF Washington }
County of Skagit , SS:

On this 2nd day of December 2003 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally Appeared Anthony Malo, Jr. to me known to be the individual described in and who executed the foregoing instrument, as Manager of the Plan C LLC, the Managing Member of DG Construction, LLC, a Limited Liability Company, and acknowledged to me that he signed and sealed this said instrument as his free and voluntary act and deed for the use and purposes therein mentioned, and on oath stated He is authorized to execute the said instrument. Given under my hand and official seal this 2nd day of December 2003





Notary Public in and for the State of Washington
Residing at Solo Weller
My appointment expires: 4-19-06

EXCEPTIONS:

A. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Port of Anacortes, a municipal corporation
Purpose: Avigation easement
Area Affected: Over, across and through the airspace in excess of 70 feet above the property or in the vicinity of the property
Dated: January 7, 2002
Recorded: April 3, 2002
Auditor's No.: 200204030021

B. DECLARATION OF RESTRICTIVE COVENANTS AND CONDITIONS OF ROCK RIDGE WEST, LLC, AS HERETO ATTACHED:

Recorded: April 26, 2002
Auditor's No.: 200204260193
Executed By: Rock Ridge West, LLC, a Washington Limited Liability Company

C. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Port of Anacortes, a Washington municipal corporation
Purpose: Avigation easement
Area Affected: Over, across and through the airspace in excess of 35 feet above the property and in the vicinity of the property
Dated: July 23, 2002
Recorded: July 26, 2002
Auditor's No.: 200207260099

D. Right of the public to make necessary slopes for cuts or fills upon property herein described in the reasonable original grading of streets, avenues, alleys and roads, as dedicated in the plat.

E. Easement Provisions on Plat, as follows:

"An easement is hereby reserved for and granted to Puget Sound Energy Company, TCI Cable Television Company, GTE Northwest, Cascade Natural Gas, and their respective successors and assigns under and upon the exterior ten feet parallel and adjacent to the street frontage of all lots, unless shown otherwise, in which to install, lay, construct, renew, operate and maintain underground conduits, cables, and wires with necessary facilities and other equipment for the purposes of serving the subdivision and other property with electric, television, telephone and gas service. Together with the right to enter upon lots at all times for the purposes stated."

F. Notes shown on Plat, as follows:

1.) An easement is hereby reserved for and granted to the City of Anacortes, Puget Sound Energy, Verizon, Cascade Natural Gas Corp., AT&T Broadband, other public and franchise utilities and their respective successors and assigns under and upon the exterior ten (10) feet of the front boundary lines of all lots and tracts as shown on the face of the plat. Together with the right to enter upon the lots and tracts at all times for the purposes stated, with the underst responsible for restoring the property to conditions found prior



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EXCEPTIONS CONTINUED:

F. (continued):

- 2.) Down spout drainage systems and side yard and rear yard drainage easements will remain private with all operations and maintenance being the responsibility of the homeowners or others. Down spouts shall be connected to the storm sewer.
- 3.) The 5 foot private drainage easements shown hereon are hereby granted and conveyed to the owners of the abutting lots and tracts. Lot and tract owners abutting one another shall share equally the responsibility for maintaining the easements, except that no lot or tract owner shall be responsible for maintenance of that portion of any private drainage easement upstream from their lot or tract.
- 4.) The 10 foot utility easement called out in easement Note 1 above is also hereby granted and conveyed as a private easement to Lots 1 through 20 and Tract A for yard drains with an equal and undivided interest. Private yard drains within the easement, as shown on the road and storm plans for Rock Ridge West, are to be maintained by the benefiting lots, with each benefiting lot having an equal and undivided maintenance obligation.
- 5.) The entry monument easement in the Northwest corner of Lot 9 is hereby granted and conveyed to the Rock Ridge Community Association.
- 6.) All drainage and utility easements identified as public hereon are hereby granted and conveyed to the City of Anacortes. The city shall have the right without prior institution of any suit or proceeding at law, at times as may be necessary, to enter upon said easements for the purposes of operating, constructing, repairing, altering, or reconstructing drainage or sanitary sewer facilities or other utility facilities and appurtenances or making any connections therewith, without incurring any legal obligation or liability therefore. Providing that if the area within the easement is disturbed by such operating, constructing, repairing, altering, or reconstructing of said facilities and appurtenances. The city shall restore the surface of the easement as nearly as practical to the original grades which existed prior to the city entry upon the easement. Such restoration to be to rough grade only, not replacement in kind. The lot owners shall retain the right to use the surface of said easements, so long as such use does not interfere with the installation, operation and maintenance of the drainage and sanitary sewer facilities or other utility facilities and appurtenances and so long as no obligations or structures such as buildings, rockeries, retaining walls, or similar obligations are erected within the easements.
- 7.) The slope easement shown on Tract A is hereby granted and conveyed to the City of Anacortes.

G. Findings of Fact and Conclusion of Law, as follows:

- 1.) Preliminary plat approval authorizes the applicant to proceed with application for necessary permits to construct required improvements and to prepare a final plat in accordance with the determinations made and conditions imposed by the City Council. The scope of this plat is not to exceed that as set-out in the preliminary plat application and the accompanying SEPA checklist; approval of this application does not waive or alter any requirements of City code unless specifically addressed herein, in the case of any conflict between these conditions and the application these conditions control.
- 2.) A final plat meeting all requirements of this chapter shall be submitted to the City council for approval within five years of the date of preliminary plat approval. An applicant who fails to request with the City council at least thirty (30) days before the expiration of the five year period shall be granted one (1) one-year extension upon a showing of good faith to submit the final plat within said five year period.



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EXCEPTIONS CONTINUED:

G. (continued):

- 3.) If a final plat meeting the requirements of Section 18.020 of the City subdivision ordinance is not submitted to the planning director within five years and the period of any extension granted. Preliminary approval shall be null and void and any new application therefore must be in accordance with all requirements in effect at the time of reapplication.
- 4.) All work done pursuant to the preliminary plat shall be consistent with these findings and conditions with any conflicts between these being resolved in favor of the conditions. The preliminary plat may be modified by the planning director if it is determined that such modification does not substantially change the density or usage or increase the bulk proposed, or otherwise increase the impact of the development. If the proposed changes are not within the scope and intent of the preliminary plat. The applicant shall apply for a new preliminary plat in the manner provided herein.
- 5.) The project shall comply with the City of Anacortes construction standards as required by the director of public works for water, sewer, and street access and storm drainage. All work performed within public rights of way shall comply with City construction standards and all utilities shall be constructed to City standards.
- 6.) Engineering and inspection fees in the amount of \$500 plus 2% of the total construction cost shall be due at or before the mandatory pre-construction conference. No construction activity is allowed until construction plans are approved. Fees have been paid and the pre-construction conference completed.
- 7.) This project is subject to applicable water, sewer, and storm water general facility and hookup fees and transportation, fire, school, and park impact fees. These fees are payable at levels in effect at the time of building permit issuance and may differ from those fee levels currently in effect; sewer and water latecomer changes may be payable.
- 8.) A silt fencing, erosion control and sedimentation plan, as approved by the City Engineer, shall be provided, constructed, and maintained during the course of construction.
- 9.) There shall be no underground stormwater detention.
- 10.) Prior to clearing or fill and grade beginning, both a large parcel stormwater plan and a water quality control plan, as spelled out in the City's Storm Drainage Ordinance #2441, shall be prepared by the applicant. Approved by the City Department of Public Works, and implemented. The water quality control plan shall address permanent best management practices to be incorporated in the project to control pollution of stormwater runoff after construction and/or land clearing activities are completed. All off-site stormwater improvements shall be made before construction or vegetation removal begins.
- 11.) Fire hydrants are to be located as approved by the City Fire Chief. Fire flow shall be addressed in a manner acceptable to the fire chief and to the Public Works Department.
- 12.) In keeping with the City's street grid street name system, the building Department shall approve street names.



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EXCEPTIONS CONTINUED:

G. (continued):

- 13.) 30th Street shall be developed to City standards from Oregon Avenue to Anacopper Road. All street pavement thickness shall be approved by the City Engineer.
- 14.) Anacopper Road shall be paved from the existing pavement to the 30th Street entrance as approved by the City Engineer.
- 15.) The City shall be compensated for net vacated right of way.
- 16.) Mail box locations shall be reviewed and approved by the City Engineer.
- 17.) School bus waiting area(s) shall be as determined by the City Engineer.
- 18.) No portion of Oregon Avenue North of 30th Street is to be vacated at this time. A 32 foot wide section of Oregon Avenue shall be paved from 30th Street to the North side of proposed Lot 8. The centerline of this 32-foot Section shall line upon with the centerline of the 25-foot emergency access to the meadows.
- 19.) Street lighting shall be energy efficient and installed as per PSE Schedule 52, Option "B" and shall be installed as approved by the City Engineer.
- 20.) All lots created under this plat shall be subject to all City of Anacortes charges for utility services uniformly charged throughout the City of Anacortes including applicable general facilities charges.
- 21.) The proposed cul-de-sac at West 32nd Street and Oregon Avenue shall be temporary in nature so as not to block further road extensions.
- 22.) West 30th Street shall be installed through the subdivision to Anacopper Mine Road and Anacopper Mine Road be upgraded from West 30th Street North to the airport entrance before any building permits are issued for this project, construction traffic shall be required to use West 30th Street for access to existing and future phases of the Rock Ridge Development.
- 23.) A channelization and signage plan shall be submitted, approved by the City Engineer, and installed by the developer.
- 24.) The City waterline located near the alley within Block 13 shall be relocated, or an easement provided, as approved by the City Engineer.
- 25.) Oregon Avenue and 30th Street shall be realigned to minimize the impact of the pond and on the tree to the extent possible given the terrain and traffic safety consideration.
- 26.) An avigation easement, in a form accepted to the City Planning Director, shall be included in the final plat; federal aviation administration approval shall be documented prior to building permit(s) being issued.



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EXCEPTIONS CONTINUED:

G. (continued):

27.) Pages 17 through 19 of these Findings of Fact and conclusions of law shall be recorded with the final plat drawing.

28.) With the completion of 29th/30th Street the applicant shall provide access to Lots 13, 14 and 15, Block 11, Tuttle & Buckley's Addition to Anacortes.

29.) Areas of steep slopes greater than 60% shall be protected in accordance with the regulated slopes chapter of the Anacortes Zoning code.

H. EASEMENTS SHOWN ON FACE OF PLAT:

For:	Drainage and utilities
Affects:	As shown thereon



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