



200404150115

Skagit County Auditor

4/15/2004 Page 1 of 7 3:29PM

**RETURN TO:**

Martha Bray  
Skagit Land Trust  
P.O. Box 1017  
Mount Vernon, WA 98273

**LAND TITLE OF SKAGIT COUNTY**

**Document Title:** Declaration of Restrictive Covenant

**Reference number of documents assigned or released:** N/A

**Declarant:** Skagit Land Trust

**Grantee:** Public

**Partial Legal Description:** (Full legal attached to Exhibit A of deed.)

a ptn of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  & of the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$ , 13-35-5 E W.M & ptn of  
NE  $\frac{1}{4}$  of 14-35-5 E W.M.

**Assessor's Parcel/Tax I.D. Number:** 350514-0-003-0100/P121411; 350513-1-007-0000/P38996;  
350513-2-003-0002/P39008

**DECLARATION OF RESTRICTIVE COVENANT**  
(LIMITATION OF DEVELOPMENT RIGHTS)

**WHEREAS, DECLARANT, Skagit Land Trust,** is the owner of real property located in Skagit County and legally described in Exhibit A hereto the ("Property"); and

**WHEREAS, Skagit County** has approved the segregation and conveyance of the Property by boundary line adjustment deed on condition the Property be preserved for agricultural use and/or as fish and wildlife habitat in fulfillment of obligations pursuant to Skagit County Code Section 14.16.860;

**DECLARANT THEREFORE HEREBY DECLARES AND UNCONDITIONALLY COVENANTS** that the use of the Property shall from this date forward be restricted as follows:

1. The Property shall not be subdivided in any manner whatsoever.
2. No development rights shall be exercised on the Property or transferred to other portions of the Property, or to any other property.
3. No residential buildings, structures, or other residential improvements of any kind shall be constructed on the Property.
4. No commercial or industrial buildings, structures, or other improvements shall be constructed on the Property.
5. Allowed uses shall include the protection, restoration and enhancement of fish and wildlife habitat for public benefit, and those customarily associated with agricultural practices as defined in Skagit County Code 14.16.400.
6. The total area covered by structures or improvements of any kind and impervious surfaces such as asphalt, concrete or gravel on the Property shall not exceed five percent (5%) of the area of the Property.

This Declaration shall run with the land and shall be binding on all of Declarant's successors, assigns and heirs in perpetuity.

This Declaration is for the benefit of and fully enforceable by Skagit County. The terms of this Declaration may not be altered nor this Declaration revoked without the written concurrence of Skagit County.

Skagit County shall have the right to enforce the terms hereof by any appropriate legal or equitable remedy without the necessity of demonstrating harm or injury to any person or property and without posting any bond otherwise required by law. Venue for any action to enforce this Declaration is exclusively Skagit County Superior Court. The



200404150115  
Skagit County Auditor

4/15/2004 Page

2 of

7 3:29PM

prevailing party in any action concerning this Declaration shall receive its attorney fees and costs, including those incurred on any appeal.

IN WITNESS WHEREOF, the undersigned Declarant has executed this instrument this 14<sup>th</sup> day of April 2004.

DECLARANT:

SKAGIT LAND TRUST

BY:

John S. Milnor

John S. Milnor

Its:

President

Attestation:

Catherine Dostart

Catherine Dostart, Secretary

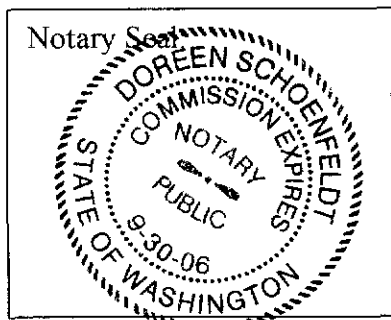
STATE OF WASHINGTON )

: SS.

COUNTY OF SKAGIT )

THIS IS TO CERTIFY that on this 14<sup>th</sup> day of April 2004 before me the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared John S. Milnor, the individual known to me to be the president of the Skagit Land Trust, a Washington nonprofit corporation, that executed the foregoing deed and acknowledged to me that he signed and sealed the same as the free and voluntary act and deed of said nonprofit corporation and on oath stated that he was authorized to execute said instrument and that the seal affixed is the seal of said nonprofit corporation.

WITNESS my hand and official seal the day and year in this certificate first above written.



Doreen Schoenfeldt

Notary Public in and for the state of Washington, residing at: See 10-10-06

My commission expires: 09/30/06

Printed Name: Doreen Schoenfeldt

DECLARATION OF RESTRICTIVE COVENANT

Page 2 of 3



200404150115  
Skagit County Auditor

4/15/2004 Page

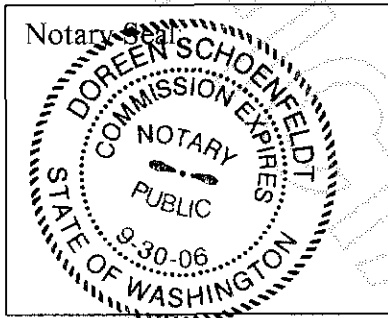
3 of

7 3:29PM

STATE OF WASHINGTON       )  
  : SS.  
COUNTY OF SKAGIT       )

THIS IS TO CERTIFY that on this 14<sup>th</sup> day of April 2004 before me the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Catherine Dostart, the individual known to me to be the secretary of the Skagit Land Trust, a Washington nonprofit corporation, that executed the foregoing deed and acknowledged to me that she signed and sealed the same as the free and voluntary act and deed of said nonprofit corporation and on oath stated that she was authorized to execute said instrument and that the seal affixed is the seal of said nonprofit corporation.

WITNESS my hand and official seal the day and year in this certificate first above written.



Doreen Schoenfeldt  
Notary Public in and for the state of  
Washington, residing at Sedro Woolley  
My commission expires: 09/30/06  
Printed Name: Doreen Schoenfeldt



EXHIBIT A

(Legal Description)

PARCEL "A":

The Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and that portion of the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  lying South of Puget Sound & Baker River Railway right of way, all in Section 13, Township 35 North, Range 5 East, W.M.,

EXCEPT the following tracts:

- a.) Beginning at a point on the South line of Puget Sound & Baker River Railway right of way, 3,020.9 feet West and 32.9 feet North of the 1/16 corner on the East line of said Northeast  $\frac{1}{4}$  of said Section 13; thence South  $69^{\circ}32'$  West along and parallel to South Puget Sound & Baker River right of way line 700 feet;  
thence South  $0^{\circ}13'$  East 290 feet;  
thence North  $89^{\circ}10'$  East 656.6 feet;  
thence North  $0^{\circ}13'$  West 525.1 feet to point of beginning.
- b.) Beginning at a point on the South line of the B. D. Minkler Road No. 175 (State Highway 17-A) which is 600 feet West (as measured along said South line) from the East line of Township 35 North, Range 5 East, W.M.;  
thence in a Southerly direction parallel to the East Township line 633 feet;  
thence in a Westerly direction parallel to said B. D. Minkler Road No. 175 (State Highway 17-A) 1000 feet to the Southwest corner of the land conveyed to Tate Manville Kell by deed recorded in Volume 122 of Deeds, page 257, records of Skagit County;  
thence in a Northerly direction parallel to said East Township line and along the Westerly line of said Kell property to the Southerly line of said B. D. Minkler Road No. 175 (State Highway 17-A);  
thence Easterly along said Southerly line to the point of beginning;
- c.) Beginning at a point which is 1,601.9 feet West and 153.6 feet North of the 1/16 corner on the East line of the Northeast  $\frac{1}{4}$  of Section 13, Township 35 North, Range 5 East, W.M.;  
thence South  $0^{\circ}02'$  West 442.6 feet;  
thence South  $59^{\circ}47'$  West 311.9 feet;  
thence South  $71^{\circ}36'$  West 283.0 feet;  
thence South  $80^{\circ}51'$  West 229.5 feet;  
thence North  $83^{\circ}13'$  West 657 feet;  
thence North  $0^{\circ}13'$  West 525.1 feet to a point which is 25 feet from and at right angles to the centerline of the Puget Sound & Baker River Railway right of way;  
thence parallel to and 25 feet from the centerline of the said Puget Sound & Baker River Railway right of way North  $69^{\circ}32'$  East 273.95 feet to a point which is 25 feet from and at right angles to the centerline of the B. D. Minkler Road No. 175 (Permanent Highway No. 2-B);  
thence parallel to and 25 feet from the centerline of the B. D. Minkler Road No. 175 North  $86^{\circ}02'$  East 456.12 feet to the P. C. of a  $3^{\circ}$  curve to the right;  
thence along the line of a  $3^{\circ}$  curve to the right 25 feet from and parallel to centerline of said B. D. Minkler Road No. 175, 164.4 feet;  
thence North  $89^{\circ}04'$  East parallel to and 25 feet from the centerline of the said B. D. Minkler Road No. 175, 546.2 feet to point of beginning.

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200404150115  
Skagit County Auditor

PARCEL "A" continued:

d.) That portion of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 13, lying East of a line 1,772 feet West of the East line of said Section 13, as conveyed to Hugh Hendrix by deed recorded May 19, 1941, in Volume 185 of Deeds, page 125, records of Skagit County, Washington.

e.) Any portion lying South of the Great Northern Railway right of way.

f.) That portion condemned and taken for highway right of way in Skagit County Superior Court Cause No. 25322 on March 28, 1960.

g.) The North bank of what is known as Minkler Lake lying in the South  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  and that portion of the North bank of the said Minkler Lake which lies between the North and South  $\frac{1}{4}$  Section line of said Section 13 and the East line of the property now owned by H. S. Shang, as conveyed by deed recorded in Volume 122 of Deeds, page 436, records of Skagit County, Washington, all in Township 35 North, Range 5 East, W.M.

Situate in the County of Skagit, State of Washington.

PARCEL "B":

That portion of the Northeast  $\frac{1}{4}$  of Section 14, Township 35 North, Range 5 East, W.M., described as follows:

Beginning at a point on the North line of the right of way of the Great Northern Railway Company which is 264 feet East of the centerline of said Section;

thence North  $0^{\circ}07'$  West to a point on the Northerly line of those premises conveyed to John E. Minkler by Deed dated August 22, 1905, filed August 25, 1905, under Auditor's File No. 53267, and recorded in Volume 56 of Deeds, page 253, at a point 264 feet East of the centerline of said Section;

thence North  $84^{\circ}29'$  East along said Northerly line 782.3 feet to an angle point in said Northerly line;

thence South  $87^{\circ}47'$  East 201 feet;

thence South  $63^{\circ}42'$  East 312.2 feet;

thence South  $0^{\circ}30'$  East 602 feet;

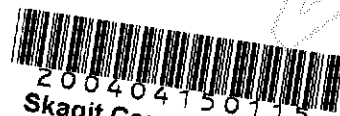
thence South  $80^{\circ}20'$  East 1,071 feet, more or less, to the East line of said Section;

thence South  $0^{\circ}30'$  East along said East line 205 feet to the North line of the right of way of the Great Northern Railway Company;

thence South  $89^{\circ}30'$  East 2,317 feet to the point of beginning.

EXCEPT that portion of said property, if any, lying within the B. D. Minkler Road.

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200404150115

Skagit County Auditor

4/15/2004 Page

6 of

7 3:29PM

AND EXCEPT that property legally described as:

That portion of the southwest quarter of the northeast quarter of Section 14, Township 35 North, Range 5 East, W.M. described as follows:

Beginning at the intersection of the east line of the west 264 feet of the northeast quarter of said Section 14 with the south line of Minkler Road; thence N 86°48'16"E along the south line of Minkler Road, a distance of 178.36 feet; thence S 4°34'21"W along an existing fence and its southerly prolongation, a distance of 266.93 feet; thence S 75°00'00"W, a distance of 173.76 feet to the east line of the west 264.00 feet of the northeast quarter of said Section 14; thence N 2°05'57"E along the east line of said west 264 feet, a distance of 301.31 feet to the point of beginning of this description.

Containing 48,239 square feet.

TOGETHER WITH a well protection zone easement over and across that portion of a 100 foot radius circle which lies east of the hereinabove described tract, the center of said circle is described as follows:

Beginning at a point on the east line of the hereinabove described tract which lies S 4°34'21"W, a distance of 88.17 feet from the northeast corner thereof; thence N 85°25'39"W, a distance of 59.40 feet to an existing well and the center of the 100 foot radius well protection zone.

Situated in Skagit County, Washington.

(End of legal description.)



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