

AFTER RECORDING MAIL TO:
G. Thomas Foggin, IV and Michelle M. Foggin
3503 Marion Way
Anacortes, WA 98221



200406140217
Skagit County Auditor

6/14/2004 Page 1 of 10 1:59PM

Filed for Record at Request of
First American Title Of Skagit County
Escrow Number: A76038

FIRST AMERICAN TITLE CO.

A76038E-1

Statutory Warranty Deed

Grantor(s): Irving Construction Corporation
Grantee(s): G. Thomas Foggin, IV and Michelle M. Foggin

Assessor's Tax Parcel Number(s): 4825-000-019-0000 P120990

THE GRANTOR Irving Construction Corporation, a Washington Corporation for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to G. Thomas Foggin, IV and Michelle M. Foggin, husband and wife the following described real estate, situated in the County of Skagit, State of Washington.

Lot 19, "CEDAR GLEN PLAT PHASE II", recorded November 13, 2003 under Skagit County Auditor's File No. 200311130098.

SUBJECT TO the Exceptions contained on Schedule B-1 attached hereto.

Dated June 8, 2004

Irving Construction Corporation

By: W. Scott Irving, President

2963
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

JUN 14 2004 on
6230

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

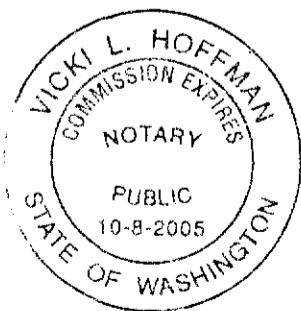
State of Washington }
County of Skagit } SS:

I certify that I know or have satisfactory evidence W. Scott Irving, the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated he/she/they are authorized to execute the instrument and is President of Irving Construction Corporation to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Date: 6-10-04

Vicki L. Hoffman

Notary Public in and for the State of Washington
Residing at Anacortes
My appointment expires: 10-8-05



Schedule "B-1" Exceptions

A. EASEMENT AND PROVISIONS CONTAINED THEREIN AS CREATED OR DISCLOSED IN INSTRUMENT:

In Favor Of: Property located East of the subject property
Recorded: November 8, 1972
Auditor's No: 776497
For: Waterline
Affects: North 10 feet of subject plat

B. EASEMENT AND PROVISIONS CONTAINED THEREIN AS CREATED OR DISCLOSED IN INSTRUMENT:

In Favor Of: Properties in the West 1/2 of the Southeast 1/4 of
the Northeast 1/4 of Section 27
Recorded: November 8, 1972
Auditor's No: 776497
For: Roadway and utilities
Affects: An undisclosed portion of the subject property,
being a roadway serving the West 1/2 of the
Southeast 1/4 of the Northeast 1/4

C. EASEMENT AND PROVISIONS CONTAINED THEREIN AS CREATED OR DISCLOSED IN INSTRUMENT:

In Favor Of: Reta A. Main
Recorded: October 30, 1980
Auditor's No: 8010300034
For: Road and utilities
Affects: North 10 feet of subject plat

D. RESERVATIONS CONTAINED IN DEED

Executed by: City of Anacortes
Recorded: March 24, 1997
Auditor's No: 9703240117
As Follows:

Reserving to the Grantor an easement for the purpose of ingress and egress to utilities until such time that a permanent street is built in the existing right-of-way. Said deed was re-recorded as Auditor's File No. 9807280092.



200406140217
Skagit County Auditor

E. EASEMENT AND PROVISIONS THEREIN:

Grantee: Puget Sound Power & Light Company
Dated: October 8, 1981
Recorded: October 13, 1981
Auditor's No. 8110130002
Purpose: Right to construct, operate, maintain, repair, replace and enlarge one or more electric transmission and/or distribution lines over and/or under the right-of-way
Location: A right-of-way 10 feet in width having 5 feet of such width on each side of a centerline described as follows:

Being located on the above described property beginning at a point that is 575 feet South and approximately 381 feet East of the Northwest corner thereof; thence following the approximate bearings and distances of South 30 degrees West, 50 feet; South 1 degree West, 194 feet; South 88 degrees East, 140 feet; South 84 degrees East, 160 feet to its terminus.

F. MATTERS AS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING RECORDED SURVEY:

Recorded: November 9, 1999
Auditor's No: 199911090032

G. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: General Telephone Company of the Northwest, Inc., a corporation, and its successors or assigns
Dated: August 19, 1981
Recorded: August 20, 1981
Auditor's No: 8108200071
Purpose: "...install, inspect and maintain all of the facilities necessary to provide communication service, power service and other related services..."

H. EASEMENT AND PROVISIONS CONTAINED THEREIN:

Grantee: Puget Sound Power & Light Company
Dated: September 8, 1981
Recorded: September 11, 1981
Auditor's No: 8109110033
Purpose: Right to enter said premises to operate, maintain and repair underground electric transmission and/or distribution system, together with the right to remove brush, trees and landscaping which may constitute a danger to said lines



200406140217
Skagit County Auditor

I. MATTERS AS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING RECORDED SURVEY:

Recorded: October 24, 1996
Auditor's No: 9610240016

Said matters include but are not limited to the following:

1. Any question(s) of mislocated fenceline as delineated.

J. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Energy, Inc.
Dated: March 13, 2003
Recorded: March 31, 2003
Auditor's No: 200303310327
Purpose: "... utility systems for purposes of transmission, distribution and sale of gas and electricity. ..."
Area Affected:

Easement No. 1: All streets and road rights-of-way as now or hereafter designed, platted and/or constructed within the above described property. (When said streets and road are dedicated to the public, this clause shall become null and void).

Easement No. 2: A strip of land 10 feet in width across all lots, tracts and open spaces located within the above described property being parallel to and coincident with the boundaries of all private/public street and road rights-of-way.

K. MATTERS AS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING RECORDED SURVEY:

Recorded: March 4, 1992
Auditor's No: 9203040035

Said matters include but are not limited to the following:

1. Any question that may arise due to the location of existing fence lines along the East and South portions of said premises and road location.

L. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Port of Anacortes, a Washington municipal corporation
Dated: September 3, 2003
Recorded: September 4, 2003
Auditor's No: 200309040153
Purpose: A perpetual exclusive easement for the free and unobstructed use and passage of all types of Aircraft
Area Affected: Over, across and through the airspace in excess of 35 feet above the property and in the vicinity of the property



200406140217
Skagit County Auditor

M. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Port of Anacortes, a Washington municipal corporation
Dated: September 3, 2003
Recorded: September 4, 2003
Auditor's No: 200309040153
Purpose and Area Affected: Perpetual exclusive easement for the free and unobstructed use and passage of all types of aircraft, over, across and through the airspace in excess of 35 feet above the property and in the vicinity of the property

N. MATTERS AS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING PLAT/SUBDIVISION:

Plat/Subdivision Name: Cedar Glen Plat Phase II
Recorded: November 13, 2003
Auditor's No: 200311130098
(Copy attached)

Said matters include but are not limited to the following:

1. A Native Growth Protection Easement shall be provided along the project's Easterly boundary line as shown on the plat as a buffer or area to be left untouched with the following restrictions:

(a) Hand removal of non-native exotic or adventitious plants.

(b) Hazard trees shall be identified with concurrence of the City Forest Lands Manager. Hazard trees removed or blown down may be replaced by the City or the homeowner with 3' minimum appropriate native stock, which shall be maintained until able to survive without care.

(c) If the buffer has been degraded by previous site disturbances, the Forest Advisory Board may approve a replanting plan using appropriate native stock.

Before and during the course of any grading, building construction, or other development activity on a lot subject to the NGPE, the common boundary between the easement and the area of development activity must be fenced or otherwise marked to the satisfaction of the City of Anacortes.

2. An easement is hereby reserved for and conveyed to the City of Anacortes, Puget Sound Energy, Inc., Verizon Telephone Company, Cascade Natural Gas Company and Comcast Cable Television Company, and their respective successors and assigns under and upon the exterior ten (10) feet of front boundary lines of all lots, tracts and spaces within the plat lying parallel with and adjoining all street(s) in which to construct, operate, maintain, repair, replace and enlarge underground pipes, conduits, cables and wires all necessary or convenient underground or ground mounted appurtenances thereto for the purpose of serving this subdivision and other property with electric, gas, telephone and other utility service, together with the right to enter upon the streets, lots, tracts and spaces at all times for the purposes herein stated.

3. In addition to the above utility easement a 20' wide sanitary sewer easement is hereby reserved for and conveyed to the City of Anacortes across Lot 8 and 9 as shown on the plat for the same purposes as stated above. Should excavation of the sewer line be required for maintenance the grantee shall restore the easement area to natural grade condition only. Grantor, successor or assigns shall be responsible for restoration to prior conditions.

4. A storm sewer easement is hereby granted to the City of Anacortes on and across Lots 11, 12, 21, 22 and 23 as shown on the plat for the same purposes as stated above. Also the East side of Lot 34 as shown on the plat.



200406140217
Skagit County Auditor

5. A 5' utility easement is hereby granted to the City of Anacortes on and across Lots 9 and 10 as shown on the plat for utility purposes.
6. All 4", 6" and 8" storm drain pipe located in the street right-of-way and within utility easements for all lots will remain private and the responsibility of the property owners.
7. The 5' private sanitary sewer easements shown on and across Lots 24, 25, 27 and 28 as shown on the plat will remain private and the responsibility of the property owners for which they serve.
8. The 10' Private Storm Drain Easement on and across Lots 25, 26, 28 through 34 and Lot 35 as shown on the plat will remain private and the responsibility of the property owners for which they serve.
9. The 15' private sanitary sewer easement shown on the face of the plat crossing Lot 10 and Tract C is for the benefit of 4020 Jasper Way and will remain private and the responsibility of the property owner of 4020 Jasper Way beginning from the Cedar Glen Court Right-of-way.
10. Know All Men by these Present that Horizon Bank, mortgage holder, and Irving Construction Corporation, owner of the land hereby platted, declare this plat and dedicate to the use of the public forever, streets and avenues shown hereon and the use therefor for all public purposes consistent with the use thereof for public highway purposes together with the right to make all necessary slope for cuts and fills upon the lots and blocks shown hereon in the original reasonable grading of all such streets and avenues shown hereon.
11. 35' NGPE Buffer - Affects Lots 1 -6.
12. 5' NGPE Buffer - Affects Lots 7 - 8.
13. 10' Public Utility Easement - Affects Lots 8 - 9.
14. 10' Public Utility Easement abutting Streets - Affects all lots
15. 5' Public Utility Easement - Affects Lots 9, 10 and 11
16. 15' Private Sewer Easement - Affects Lots 9 and 10
17. 15' Public Utility Easement - Affects Lots 21, 22 and 23
18. 5' Sanitary Sewer Easement - Affects Lots 24 and 27
19. Private Sewer, Sanitary Sewer and Public Access Easement(s) - Affects Lot 35
20. Public Utility Easement - Affects Lot 34
21. 10' Private SD Easement - Affects Lots 33 and 34
22. 10' Private Storm Drain Easement - Affects Lots 26 - 33
23. 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.



200406140217
Skagit County Auditor

24. 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 files a written request with the City Council at least thirty (30) days before the expiration of this five (5) year period shall be granted one (1) one-year extension upon a showing that the applicant has attempted in good faith to submit the final plat within said five year period.

25. If a final plat meeting the requirements of Section 16.020 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.

26. 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.

27. The project shall comply with the City of Anacortes, construction standards, as modified herein, as required by the Director of Public Works for water, sewer, 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.

28. Engineering and Inspection fees in the amount of \$600 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.

29. This project is subject to applicable water, sewer, and stormwater 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 charges may be payable.

30. A temporary erosion sedimentation control plan shall be prepared and submitted with the grading plan for approval by the City Director of Public Works. The plan shall identify the potential for erosion and downstream sedimentation during construction and describe the measures that will be used to mitigate impacts of erosion. Measures that will likely be employed include sedimentation ponds, silt fences, hay bale filters and restricting the amount of excavation until conditions are favorable.

31. There shall be no underground stormwater detention.

32. 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 the Planning Commission, 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 on-site detention ponds and all off-site stormwater improvements shall be made before construction or vegetation removal begins.

33. 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.

34. In keeping with the City's street grid street name system, the Public Safety Departments shall approve street names.

35. All street pavement thickness shall be approved by the City Engineer.



200406140217
Skagit County Auditor

36. The Regulated Slopes requirements set forth in Anacortes Municipal Code 17.54.070 shall be adhered to.
37. School bus waiting area(s) and mail box locators shall be as determined by the City Engineer.
38. 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.
39. Any access to the City Forest Lands shall be open to the public and shall require approval of the ACFL Board.
40. There shall be no streets served by a gated access; fencing shall only be added at the discretion of individual homeowners, except for the fencing specified in Condition #56.
41. Street and sidewalk design shall meet ADA standards.
42. Erosion Control and Clearing Plans shall be reviewed, approved and implemented as required by the City Engineer.
43. Internal street slopes shall not exceed 12%.
44. 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.
45. All detention ponds shall be designed to City standards, shall be lined, and shall be landscaped as set forth in the City's Landscaping Ordinance.
46. City water quality standards shall be met as required by the City Engineer.
47. Fire sprinklers for structure protection may be required by the Fire Department.
48. A traffic channelization and signage plan shall be submitted, approved by the City Engineer, and installed by the developer.
49. Structural alteration necessary to develop this plat shall not encroach into adjacent land parcels without recorded easements for such encroachment.
50. A Native Growth Protection Easement shall be provided along the project's Easterly boundary line. The buffer shall be 35 feet on Lots 1 through 6 and 6 feet on Lots 7 and 8. This area shall be left untouched with the following restrictions.
- (a) Hand removal of non-native exotic or adventitious plants as approved by the Parks Department.
- (b) Hazard trees shall be identified with the concurrence of the Parks Department. Hazard trees removed or blown down shall be replanted by the homeowner (as approved by the Parks Department) with a 3' minimum appropriate native stock, which shall be maintained until able to survive without care.
- (c) Fallen trees in the NGPE shall only be removed from the site with the approval of the Parks Department.
- d) If the buffer is disturbed, a replanting plan using appropriate native stock shall be submitted to the Forest Advisory Board for approval and once approved shall be implemented by the landowner.
- (e) The existing gravel road that is in the NGPE shall be restored to native conditions by bringing in 12 inches of native soil and replanting with native vegetation as approved by the Parks Department.



200406140217

Skagit County Auditor

6/14/2004 Page

8 of 10 1:59PM

(f) Signs shall be placed on posts every 60 feet along the NGPE stating the following: "Native Growth Protection Easement - Please do not disturb - No dumping of yard waste, etc. - No trail access - Call 293-1918 with questions. Thank you."

51. No modification beyond those set forth in Section 7.3.9.1 are authorized.

52. The avigation easement presented by the Port on June 5, 2002, modified as necessary to accommodate WSDOT's June 26, 2002 recommendation, shall be signed by the proponent and the Port and recorded with Final Plat approval.

53. Pond Tract A shall be dedicated to the City and fully sight screened with landscaping that will provide substantial visual buffering within two years of installation.

54. The off line pond shall be sight screened as above for the benefit of proposed Lots 33 and 34 and Skyline No. 12, Lots 9, 10, 11 and 12.

55. An access road shall extend to all structures and pipe ends for city maintenance.

56. The proposed swale in the center of the plat shall be dedicated to the City as a public tract and shall be 32 feet wide to allow for a stream channel and access route for maintenance. The 32 feet shall be planted for habitat enhancement, maintenance access and in consideration of adjacent residences. Lots 12 through 17 and 19 through 21 shall be restricted from building a fence along the lot's boundary with the swale tract unless the fence is a non-sight obscuring fence i.e. split rail, three rail or wire. Trees shall be planted in the swale.

57. The plat shall construct a 24-foot wide street curb-to-curb, with sidewalks on the South side, on the entire North margin of the plat, with permit(s) secured by the City. This road shall be located on the Northerly side of the right of way in a location so as to save the maximum number of large trees in the Southerly portion of the right of way; no parking signs shall be installed.

58. The internal plat street shall be designed and constructed to AASHTO standard. Curve radius shall be for a 25 mph design speed. The intersection of Marion Way and Clyde Way shall not intersect at the junction of a 10 percent upslope and a 10 percent down slope. Required sight distance shall be maintained through this intersection if it remains the through connection to the North plat road. The curve in Marion Way at the Southwest portion of the plat shall have a radius of 100 feet minimum.

59. Traffic calming, such as narrowed and landscaped road entry, shall be built into the plat and adjacent streets; this work shall be done to the satisfaction of the Public Works Director.

60. The water system shall be looped through the cul de sac at the North end of Clyde Way and connect to the existing 14' water main; the City may require installation of a 12' diameter pipe instead of the required 8' pipe with the additional cost of the larger pipe being paid by the City.

61. The landscaping plan shall be approved by the Planning Commission before any construction begins.

62. Applicant shall secure all necessary permits to construct the swale and storm system.

63. A geotechnical report that identifies subsurface conditions and make specific recommendations for road and shall utility construction shall be provided with the engineering design documents.



200406140217

Skagit County Auditor

6/14/2004 Page

9 of

10 1:59PM

64. Prior to Final Plan approval the City will need to secure permit approvals to rebuild the gravel road on the City right-of-way at the North end of the subdivision.

65. A ten-foot wide pedestrian access shall be provided between Lots 9 and 10 in order to connect the cul-de-sac to the Kingsway extension.

66. Culvert size shall be set so as not to reduce the size of the wetland to the North.

67. Pages 17 - 21 of these Findings of Fact and Conclusions of Law shall be recorded with the Final Plat drawing.

68. A Water Quality Pond Tract A and Conveyance Swale Tract B are hereby conveyed to the City of Anacortes for access and maintenance of the storm drainage systems, sewer systems and pond located on said tracts.

69. A Pedestrian Access Tract C are hereby conveyed to the City of Anacortes for construction, access and maintenance of a pedestrian access trail system and for access and maintenance of a water line located in the Tract.

70. A Sidewalk and Pedestrian easement is hereby conveyed to the City of Anacortes along the front and upon the exterior twenty (20) inches of front boundary lines of all lots, tracts and spaces within the plat lying parallel with and adjoining all street(s) for the purpose of pedestrian access and sidewalk encroachment.



200406140217

Skagit County Auditor

6/14/2004 Page

10 of

10

1:59PM