



200407210066

Skagit County Auditor

7/21/2004 Page 1 of 8 12:24PM

Return Name and Address:

Upper Skagit Indian Tribe
5984 Darrk Lane
Bow, Wa 98232

Document Title: NATIVE GROWTH PROTECTION AREA EASEMENTGrantor: UPPER SKAGIT INDIAN TRIBEGrantee: UNITED STATES ARMY CORPS OF ENGINEERS

Abbreviated Legal Description: Those portions of the Chuckanut Crest Golf Course identified as wetlands delineated by ATSI (1992 & 2001) not authorized for fill under NWP 18, Reference No. 2001-4-01337, plus Wetland Mitigation Area "A", Wetland Restoration Area "A", Wetland Restoration Area "B", Wetland Restoration Area "C", and Wetland Restoration Area "D", being a portion of the SE ¼ of Section 25, Township 36 North, Range 03 East of W.M. a portion of the SW ¼ of Section 30, Township 36 North, Range 04 East of W.M. and a portion of the NW ¼ of Section 31, Township 36 North, Range 04 East of W.M., Skagit County.

Additional legal description included on page 8 of this document.

Property I.D. #: P48273, P48280, P50342, P50343, P50368, P50370, P 50389, P50390, P50407, P50410

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax

JUL 21 2004

NATIVE GROWTH PROTECTION AREA EASEMENT

Amount Paid \$
Skagit County Treasurer
Deputy

In consideration of U.S Army Corps of Engineers Nationwide Permit 18, Reference No. 2001-4-01337, and the condition established therein requiring the recording of a native growth protection area (NGPA) easement for wetland areas (post-development and mitigation) on the Chuckanut Crest Golf Course property, and mutual benefits herein, Grantor, the Upper Skagit Indian Tribe, the owner in fee of that certain real property described in Exhibit "B", attached hereto, does hereby establish a non-exclusive,

perpetual NGPA easement over, along and across certain portions of the above described property. Said portions are denoted as post-development wetlands delineated by ATSI (1992 and 2001), Wetland Mitigation Area "A", Wetland Restoration Area "A", Wetland Restoration Area "B", Wetland Restoration Area "C", and Wetland Restoration Area "D" on the maps attached hereto as Exhibit "A" (sheets 1-4). Grantor does hereby grant, convey and warrant to the U.S. Army Corps of Engineers, a part of the executive branch of the federal government of the United States, the right of ingress and egress to and from this easement for the purpose of monitoring and enforcing proper operation and maintenance of the NGPA easement described herein.

This NGPA easement is granted subject to and conditioned upon the following terms, conditions and covenants:

1. The legal description of the NGPA easement area is as established in Exhibit "A".
2. The NGPA easement areas need not be placed in separate tracts, or surveyed by a licensed surveyor.
3. Grantor is hereby required to leave NGPA easement areas undisturbed in a natural state with the following exceptions: mitigation, restoration or enhancement activities are permitted; and vegetation management (not including the filling of wetlands or the waters of the United States) is permitted subject to approval by Skagit County.
4. Except as permitted under (3) above, 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 NGPA easement area except as specifically permitted in writing by the U.S. Army Corps of Engineers.
5. Grantor retains the right to use and possess the real property over which the easement is granted consistent with permits approved by the U.S. Army Corps of Engineers. Grantor agrees not to interfere with or obstruct the U.S. Army Corps of Engineers use of the easement.
6. Should any human disturbance of the NGPA that is inconsistent with the terms of this NGPA easement be caused or be allowed to be caused by the Grantor at any time, it shall be the responsibility of the Grantor to restore and return the affected area to its pre-disturbance condition.
7. The parties recognize that this NGPA easement is created, granted and accepted for the benefits of the inherent natural functions provided by the NGPA, but shall not be construed to provide open or common space for members of the public. By acceptance of this easement for purposes described, the U.S. Army Corps of Engineers does not accept or assume any liability for acts or omissions of the Grantor, the fee simple owners, his or her invitees, licensees, or other third parties within the easement area. Grantor holds the U.S. Army Corps of Engineers 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 the U.S. Army Corps of Engineers.



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8. Grantor agrees that this easement shall run with the land and that the rights and obligations of Grantor and Grantee shall inure to the benefit of each and shall be binding upon their respective heirs, successors and assigns.
9. Grantor, the Upper Skagit Indian Tribe, covenants that it owns the property described herein and has the lawful right to convey the interest in the property to the U.S. Army Corps of Engineers for the benefit of the public forever.

DATED this 2th day of July, 2004.

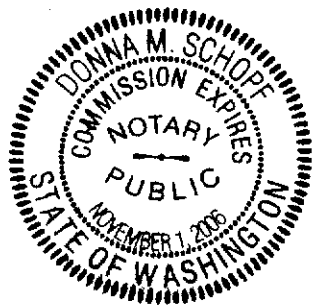
Grantor:

The Upper Skagit Indian Tribe

By: Marilyn M. Scott
Marilyn Scott, Chairman

State of Washington)
) ss
County of Skagit)

On the 7th day of July, 2004, personally appeared before me, Marilyn Scott, Chairman of the Upper Skagit Indian Tribe and acknowledged that she signed this document as authorized by the Tribe as the free and voluntary act of the Tribe.



Donna W. Schaeff
Notary Public in and for the State of
Washington residing at Burlington,
Washington.
My Commission expires:
November 1, 2006



Skagit County Auditor



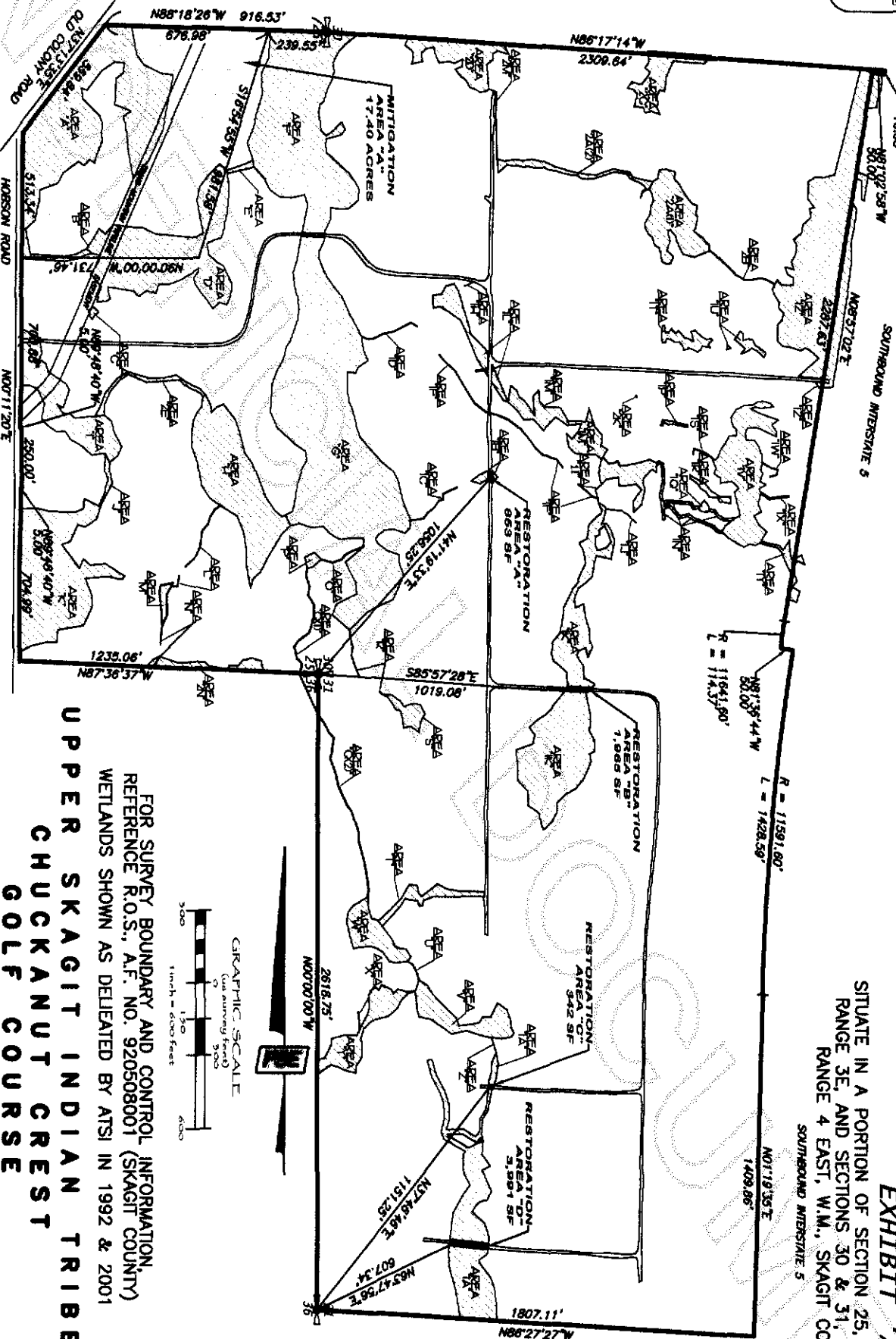
*AREAS OUTSIDE OF OWNERSHIP CANNOT BE SET ASIDE BY THIS DOCUMENT

NATIVE GROWTH PROTECTION AREA EASEMENT

EXHIBIT 'A'

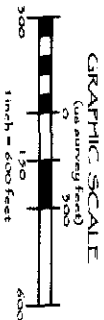
SITUATE IN A PORTION OF SECTION 25, TOWNSHIP 36 NORTH,
RANGE 3E, AND SECTIONS 30 & 31, TOWNSHIP 36 NORTH,
RANGE 4 EAST, W.M., SKAGIT COUNTY, WASHINGTON

SOUTHBOND INTERSTATE 5

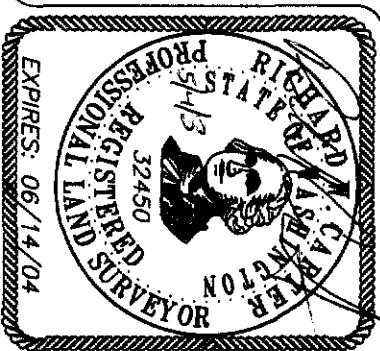


FOR SURVEY BOUNDARY AND CONTROL INFORMATION,
REFERENCE R.O.S., A.F. NO. 920508001 (SKAGIT COUNTY)
WETLANDS SHOWN AS DELETED BY ATSI IN 1992 & 2001

**UPPER SKAGIT INDIAN TRIBE
CHUCKANUT CREST
GOLF COURSE**



SHEET 1 OF 4



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Skagit County Auditor



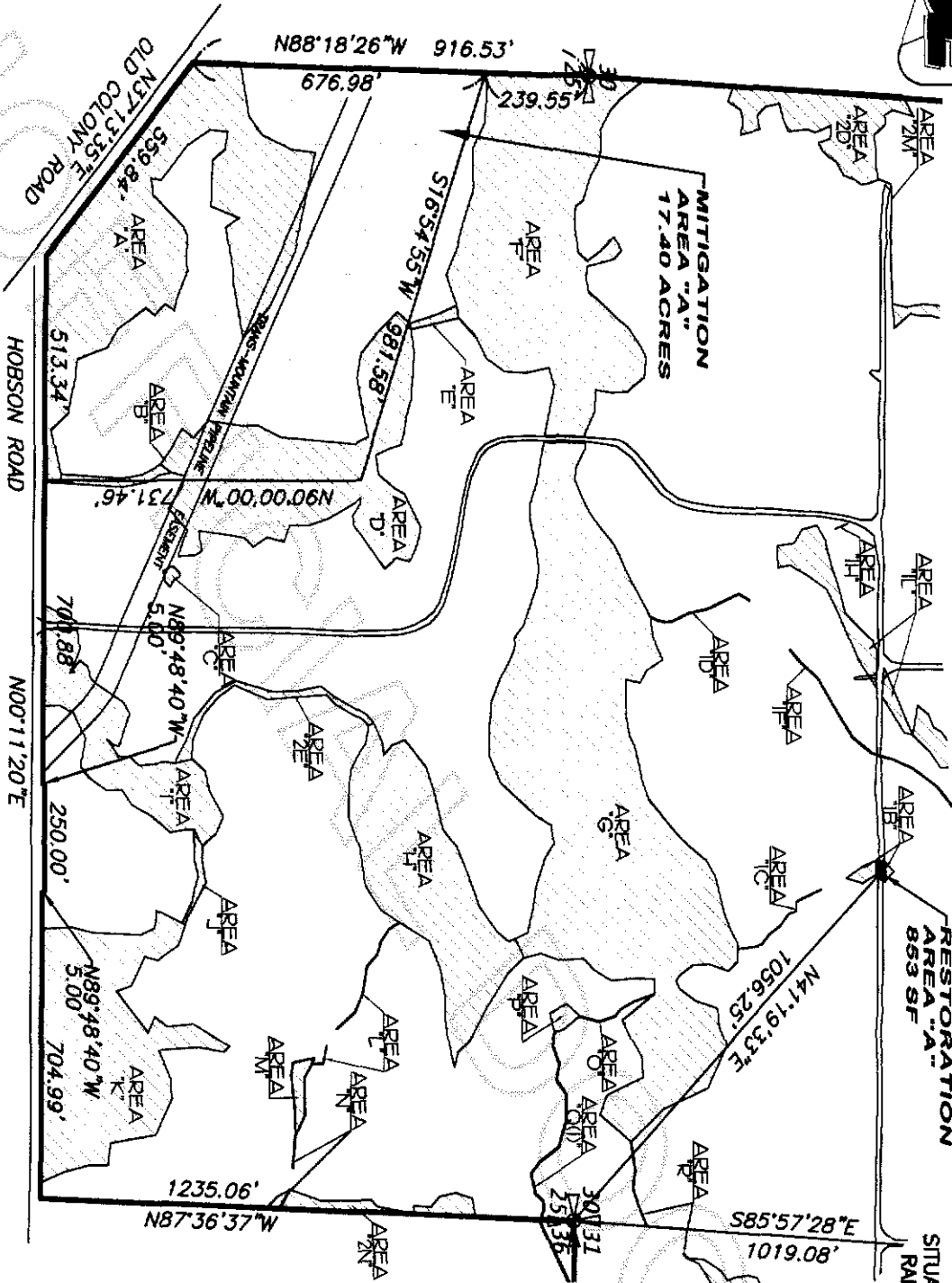
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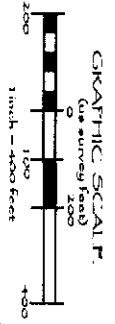
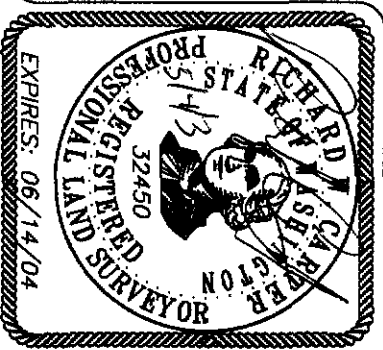
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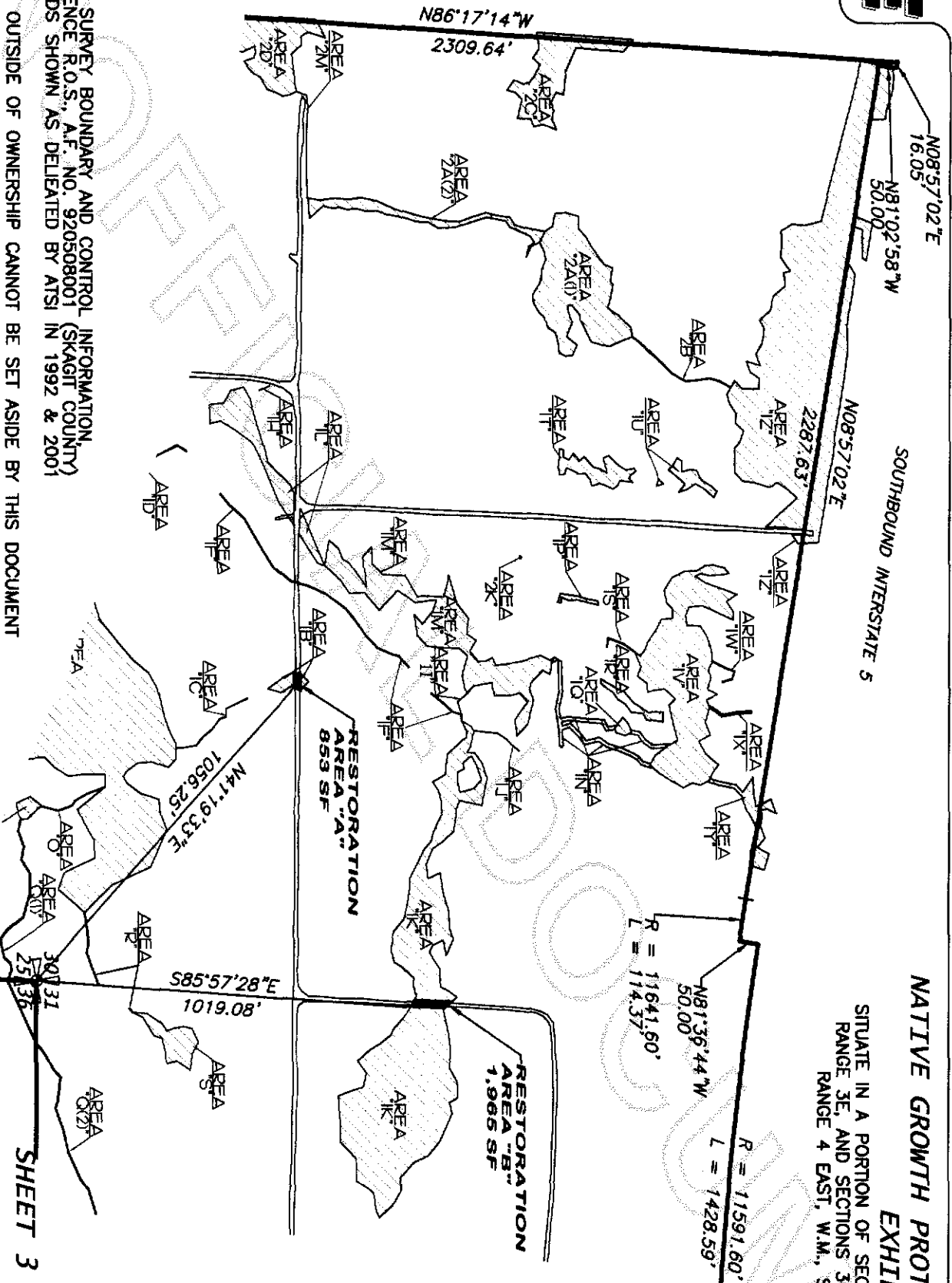
SHEET 2 OF 4



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 Skagit County Auditor



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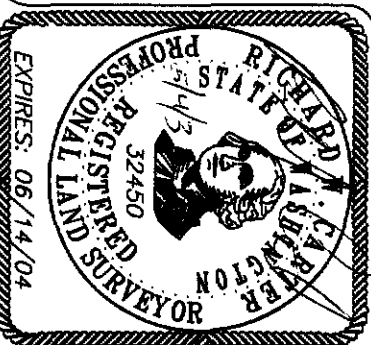


NATIVE GROWTH PROTECTION AREA EASEMENT

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SHEET 3 OF 4



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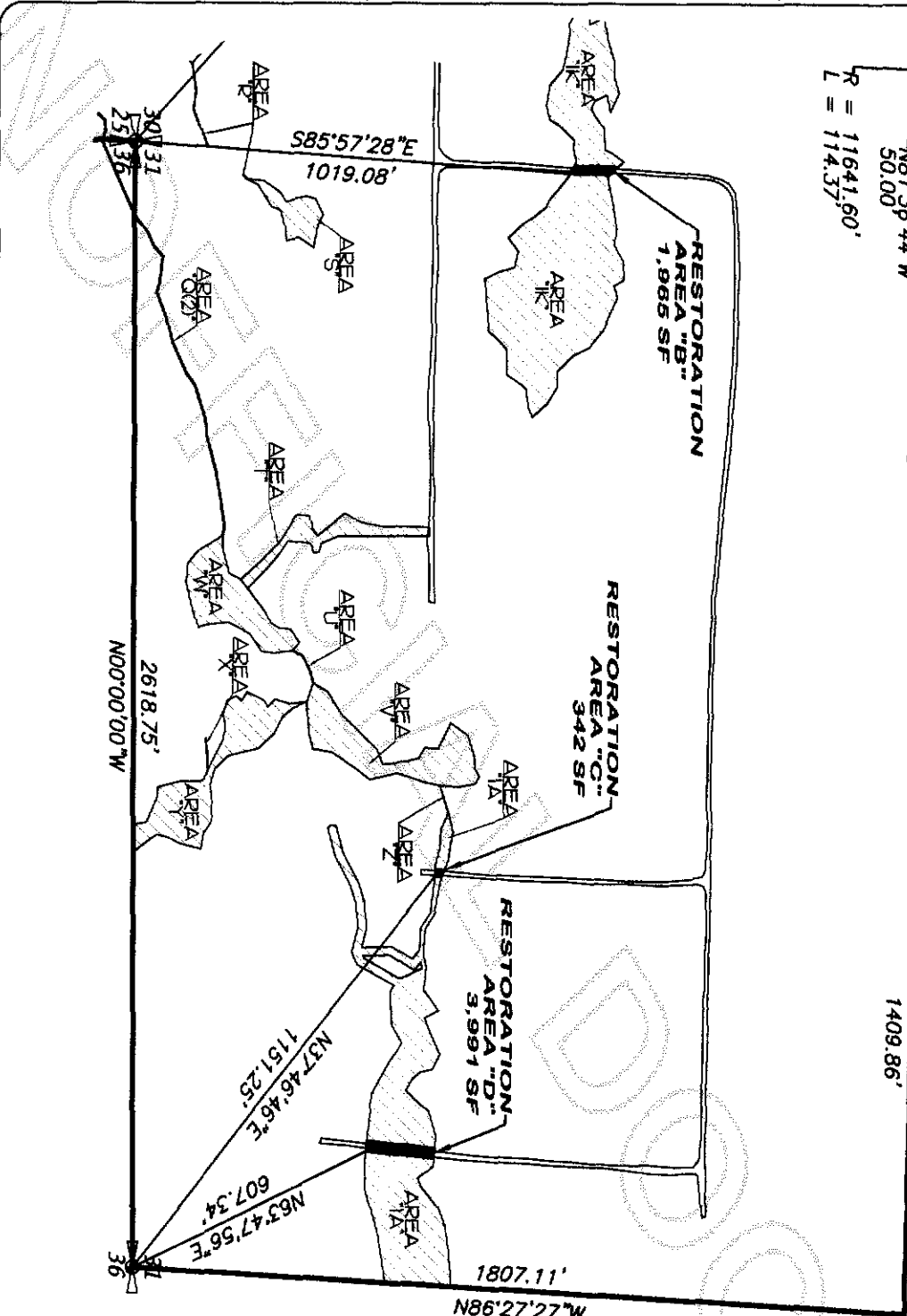
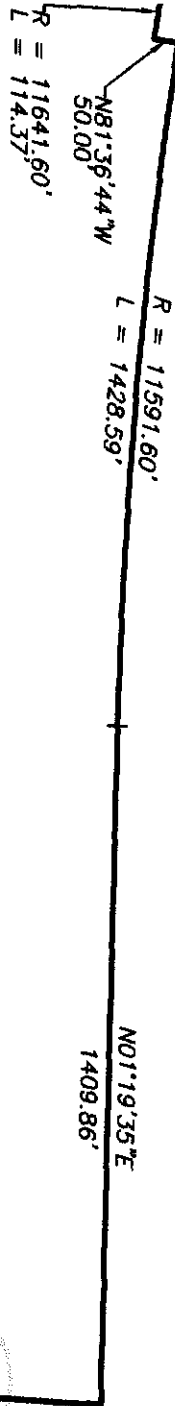


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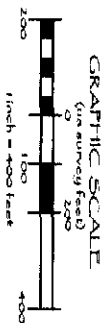
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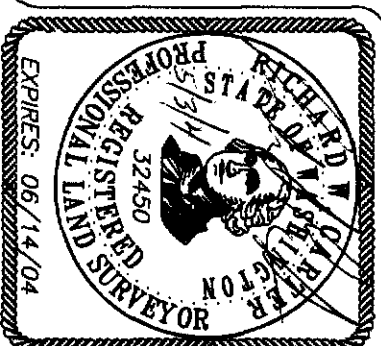
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SHEET 4 OF 4



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Skagit County Auditor

Chuckanut Crest Golf Course

Legal Description

EXHIBIT A

EXHIBIT B

DESCRIPTION:

PARCEL "A":

Government Lots 3 and 4 and that portion of the East $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, lying Westerly of the Primary State Highway No. 1 as condemned, in Skagit County Superior Court Cause Nos. 26638 and 29374, in Section 30, Township 36 North, Range 4 East, W.M..

Situate in the County of Skagit, State of Washington.

PARCEL "B":

Government Lots 1 and 2 and that portion of the East $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, lying Westerly of Primary State Highway No. 1, as condemned in Skagit County Superior Court Cause Nos. 26638 and 29374, Section 31, Township 36 North, Range 4 East, W.M..

Situate in the County of Skagit, State of Washington.

PARCEL "C":

The Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and that portion of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 25, Township 36 North, Range 3 East, W.M., lying Southeasterly of the County Road, commonly known as Colony Road, as conveyed to Skagit County by deed dated May 18, 1932, and recorded July 15, 1932, under Auditor's File No. 251703, records of Skagit County, Washington;

EXCEPT road along the West line thereof, commonly known as Hobson Road, as conveyed to Skagit County by deed dated January 13, 1939, and recorded March 23, 1939, under Auditor's File No. 311164, records of Skagit County, Washington, and by deed dated December 10, 1938, and recorded March 23, 1939, under Auditor's File No. 311167, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

Chuckanut Crest Golf Course Parcel Numbers

S25, T36N, R03E

P 48273

P 48280

S30, T36N, R04E

P 50342

P 50343

P 50368

P 50370

S31, T36N, R04E

P 50389

P 50390

P 50407

P 50410



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