

Return to:
Summit Engineers & Surveyors, Inc.
2218 Old Highway 99 South Road
Mount Vernon, WA 98273



200408090159
Skagit County Auditor

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PROTECTED CRITICAL AREA EASEMENT (PCA)

In consideration of Skagit County Code (SCC) 14.24.170, requirements for recording of protected critical area easements (PCA), for areas included under PL03-0016, and mutual benefits herein, Grantor(s), project, does hereby grant, convey and warrant to Skagit County, a political subdivision of the State of Washington, a non-exclusive perpetual easement establishing a PCA over, along and across those portions of the project, denoted as Protected Critical Area Easement and described on the attached legal description, together with the right of ingress and egress to and from this easement for the purpose of monitoring and enforcing proper operation and maintenance of the PCA described herein.

The easement is granted to and conditioned upon the following terms, conditions and covenants:

1. The PCA legal description is as follows (or noted if attached):

Protected Critical Area, as shown on Skagit County Short Plat No. PL03-0016, approved August 9, 2004 and recorded August 9, 2004 under Skagit County Auditor's File No. 200408090159, records of Skagit County, Washington, being in a portion of Southwest 1/4 of Section 27, Township 35 N, Range 3 E, W.M.

2. Grantor(s) shall hereafter be responsible for maintaining and repairing PCA areas as described herein and is hereby required to leave PCA areas undisturbed in a natural state. With the exception of activities identified as Allowed without Standard review under SCC 14.24.100, any land-use activity that can impair the functions and values of critical areas or their buffers through a development activity or by disturbance of the soil or water, and/or by removal of, or damage to, existing vegetation shall require critical areas review and written authorization pursuant to SCC 14.24." (SCC 14.24.060) No clearing, grading, filling, logging or removal of woody material, building, construction or road construction of any kind, planting of non-native vegetation or grazing of livestock is allowed within the PCA areas except as specifically permitted by Skagit County on a case-by-case basis consistent with SCC 14.24.

UNOFFICIAL DOCUMENT

ions, p. 200-201

DETERMINATIONS

ions, p. 200-201

3. Grantor(s) and Skagit County agree to the following special conditions requested by the Grantor(s) or required as part of mitigation pursuant to SCC 14.24.

a. _____
b. _____

4. Grantor(s) retains the right to use and possession of the real property over which the easement is granted to the extent permitted by Skagit County as low impact uses and activities which are consistent with the purpose and function of the PCA and do not detract from its integrity may be permitted with the PCA depending on the sensitivity of the habitat involved. 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. Provided further that the grantor agrees not to interfere with, obstruct or endanger Skagit County's use of the easement.
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 this easement is created, granted and accepted for the benefit of the inherent natural functions provided by the PCA, but shall not be construed to provide open or common space for owners within the project or members of the public. By acceptance of the easement 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, licenses or other third parties within the easement area. Grantor(s) hold Skagit County 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 Skagit County.
7. Grantor(s) agrees that this easement shall run with the land and that the rights and obligations of Grantor(s) and Skagit County shall inure to the benefit of each and shall be binding upon their respective heirs, successors and assigns.
8. Grantor(s) 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.

DATED this 19 day of July, 2004

By: Joanne O'Neil

SKAGIT COUNTY CLERK
REAL ESTATE DIVISION

JUL 23 2004

Approved By: DL
Skagit County Treasurer
By: _____



200408090159
Skagit County Auditor

STATE OF WASHINGTON)
)
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence Joanne Heil signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledge it as the Manager to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 19th day of July 2004.



Rhonda A. Tingley
NOTARY PUBLIC in and for the State of
Washington residing at: Bluffton
Print Name: Rhonda A. Tingley
My appointment expires: 10-1-06



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Skagit County Auditor

Exhibit A

LEGAL DESCRIPTION

THE WEST 1/2 OF THE SOUTHWEST 1/4, SECTION 27, TOWNSHIP 35 NORTH, RANGE 3 EAST, W.M.,
EXCEPT THE EAST 165 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 27,
ALSO EXCEPT THE SOUTH 660 FEET THEREOF,
ALSO EXCEPT THE FOLLOWING DESCRIBED TRACTS 1 AND 2:

TRACT 1:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF SECTION 27;
THENCE NORTH 0°52'50" EAST, ALONG THE EAST LINE OF SAID SUBDIVISION, 660.08 FEET TO THE
NORTHEAST CORNER OF LOT 1 AS SHOWN ON SHORT PLAT FILED IN BOOK 8 OF SHORT PLATS,
PAGE 197, UNDER AUDITOR'S FILE NO.8912130035, RECORDS OF SKAGIT COUNTY, WASHINGTON,
SAID CORNER ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE OF
SAID SUBDIVISION NORTH 0°52'50" EAST, 663.10 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4
OF THE SOUTHWEST 1/4 OF SECTION 27; THENCE NORTH 89°46'11" WEST, ALONG THE NORTH LINE
OF SAID SUBDIVISION, 590.22 FEET; THENCE SOUTH 0°52'51" WEST, 665.47 FEET TO THE INTERSECTION WITH
THE NORTH LINE OF LOT 2 OF SAID SHORT PLAT; THENCE NORTH 90° EAST ALONG THE NORTH LINE OF SAID
SHORT PLAT, 590.25 FEET TO THE TRUE POINT OF BEGINNING.

TRACT 2:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 27; THENCE NORTH
1°36'21" EAST ALONG THE WEST LINE OF SAID SECTION 27, A DISTANCE OF
660.26 FEET TO THE NORTHWEST CORNER OF THE SOUTH 660.00 FEET OF THE
SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 27, BEING THE
TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 1°36'21" EAST,
A DISTANCE OF 208.75 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF
208.75 FEET; THENCE SOUTH 1°36'21" WEST, A DISTANCE OF 208.75 FEET TO
A POINT ON THE NORTH LINE OF SAID SOUTH 660 FEET OF THE SOUTHWEST
1/4 OF THE SOUTHWEST 1/4; THENCE NORTH 90°00'00" WEST ALONG SAID SOUTH
660 FEET TO THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 208.75
FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND UTILITIES
OVER AND ACROSS A STRIP OF LAND 60 FEET IN WIDTH, THE CENTERLINE OF
WHICH IS DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SUBDIVISION, WHICH IS 667.32 FEET
EAST OF THE SOUTHWEST CORNER OF SAID SECTION, AS MEASURED ALONG THE SOUTH
LINE THEREOF; THENCE NORTH 1°14'30" EAST A DISTANCE 660.16 FEET TO THE
NORTH LINE OF HEREINABOVE DESCRIBED SUBJECT PROPERTY, AND THE TERMINUS OF SAID LINE.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.



200408090159

Skagit County Auditor