



Document Title:

Protected Critical Area
Easement

Reference Number : _____

Grantor(s):

additional grantor names on page ____

1. Frederick S. Butler

2.

Grantee(s):

additional grantee names on page ____

1. Skagit County

2.

Abbreviated legal description:

full legal on page(s) ____

Ptn. Section 17, Twp. 35N, Rge. 04E, W.M.

Assessor Parcel / Tax ID Number:

additional tax parcel number(s) on page ____

P36805

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 PL03-0363, 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, designated as Wetland "A", as shown on the accompanying site plan, located in a portion of Section 17, Township 35 N., Range 4 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 and SCC 14.24.120, 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.
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.

Existing activities defined as ongoing agriculture on designated agricultural land, including related development and activities which do result in expansion to a critical area or its buffer and which do not result in significant adverse impacts to the critical area or its buffer, provided such activities comply with the provisions of SCC 14.24.120 of this chapter, are exempted from standard review per SCC 14.24.

New development and or expansion of existing agricultural operations shall comply with both the substantial and procedural provisions of this Chapter (SCC 14.24). Existing and ongoing agricultural activities that result in significant adverse impacts to a critical area or its buffer shall not be allowed without standard review under this Section (SCC 14.24).

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 14 day of Sept., 2004. SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

By: Frederick S. Butler

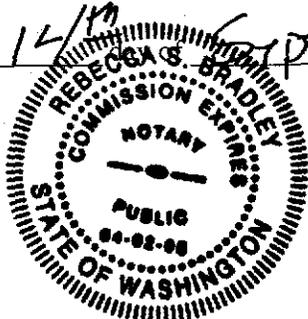
SEP 21 2004

STATE OF WASHINGTON)
)
COUNTY OF SKAGIT)

Amount Paid \$ 0
Skagit Co. Treasurer
By [Signature] Deputy

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

DATED this 14/19 Sept., 2004.



[Signature]
NOTARY PUBLIC in and for the State of
Washington residing at: BURL
Print Name: Rebecca Bradley
My appointment expires: 4-2-08



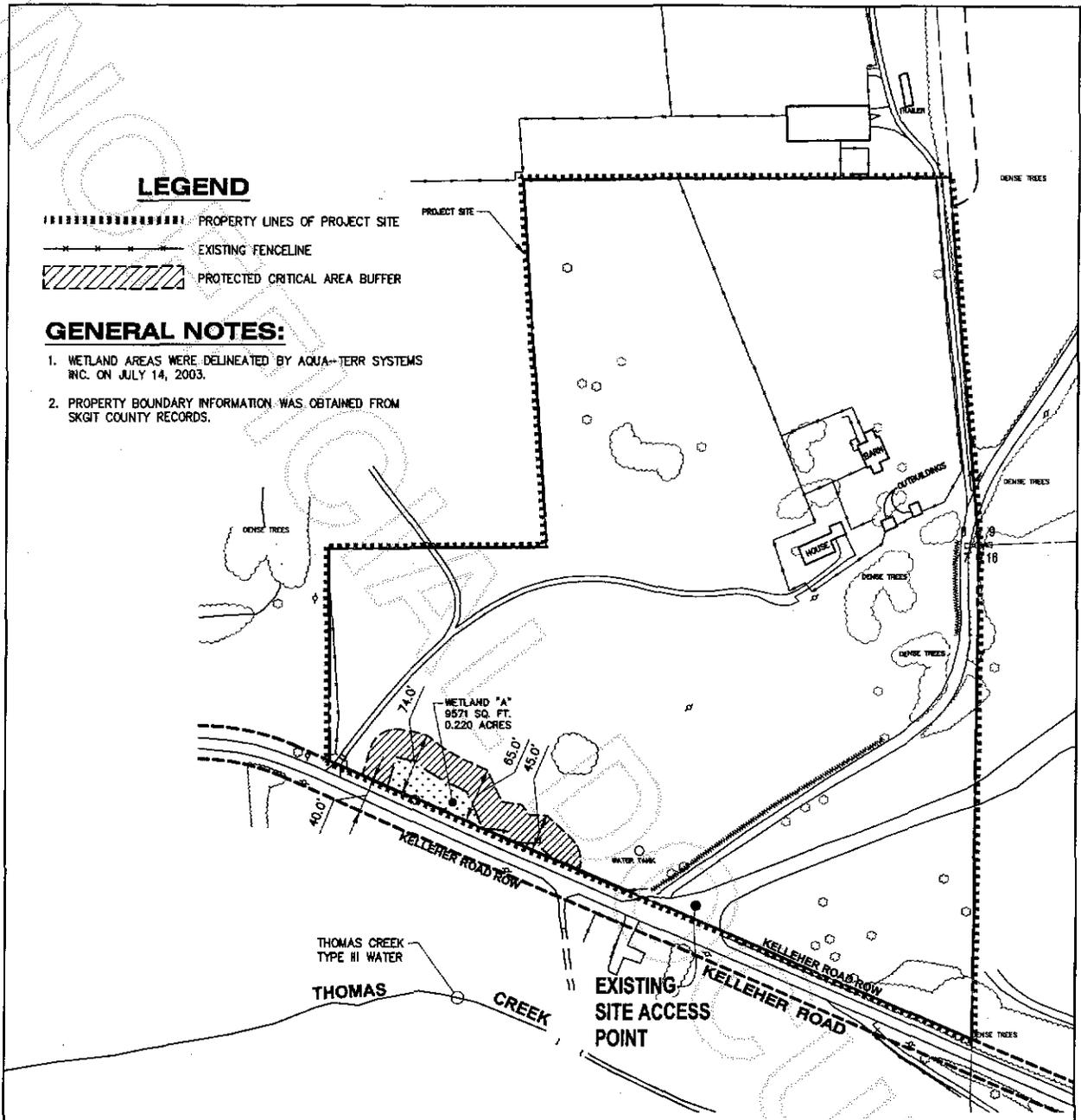
200409210150
Skagit County Auditor

LEGEND

- PROPERTY LINES OF PROJECT SITE
- EXISTING FENCELINE
- ▨ PROTECTED CRITICAL AREA BUFFER

GENERAL NOTES:

1. WETLAND AREAS WERE DELINEATED BY AQUA-TERR SYSTEMS INC. ON JULY 14, 2003.
2. PROPERTY BOUNDARY INFORMATION WAS OBTAINED FROM SKGIT COUNTY RECORDS.

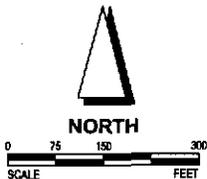


**Leonard, Boudinot,
& Skodje Inc.**

PROFESSIONAL ENGINEERS
& LAND SURVEYORS

803 South First Street, P.O. Box 1228
Mount Vernon, WA 98273
Tel: 360-336-5751 Fax: 360-336-3981

JOB NO. **03016**



BUTLER GRAVEL MINE (WEST)
PCA EXHIBIT
PCA TRUST LOCATED IN A PORTION OF
SECTIONS 8 & 17, TOWNSHIP 35 N., RANGE 4 E., W.M.

DRAWING: J:\2003\03016\Exhibits\PCA Exhibit.dwg
DRAWN: PRL
DESIGNED: RSB
DATE: 04.12.04

