

AFTER RECORDING MAIL TO:
Mr. Shannon K. Tolliver, Ms. Amber Schoenstein
3701 Cedar Glen Way
Anacortes, WA 98221



200410270120
Skagit County Auditor

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Filed for Record at Request of
First American Title Of Skagit County
Escrow Number: A82873

Statutory Warranty Deed

Grantor(s): James Jennings
Grantee(s): Shannon K. Tolliver and Amber Schoenstein
Assessor's Tax Parcel Number(s): P118855, 4790-000-019-0000

FIRST AMERICAN TITLE CO.

A82873E-2

THE GRANTOR James Jennings, as his separate estate for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Shannon K. Tolliver, an unmarried man and Amber Schoenstein, an unmarried woman the following described real estate, situated in the County of Skagit, State of Washington.

Lot 19, "AMENDED CEDAR GLEN PLAT", as recorded February 21, 2002 under Skagit County Auditor's File No. 200202210051, (being a revision of Cedar Glen Plat, recorded under Auditor's File No. 200202080084).

SUBJECT TO the Easements, Restrictions and other Exceptions set forth in Exhibit "A" attached hereto.

Dated: October 19, 2004

James Jennings

5810
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

OCT 27 2004

Amount Paid \$ 6764.00
By TS Skagit Co. Treasurer
Deputy

STATE OF Washington }
COUNTY OF Skagit } SS:

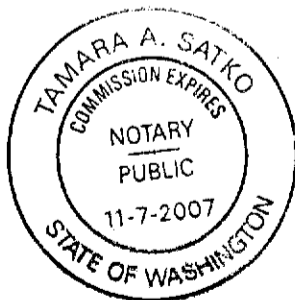
I certify that I know or have satisfactory evidence that James Jennings, the persons who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledge it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

Date:

10/20/04

Tamara A Satko

Notary Public in and for the State of Washington
Residing at Anacortes
My appointment expires: 11/7/07



A. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: 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
Purpose: Roadway, utilities and waterline
Area Affected: An undisclosed portion of the subject property

B. RESERVATIONS CONTAINED IN DEED

Executed by: Skyline Associates, a Washington Limited Partnership
Recorded: February 8, 1977
Auditor's No: 850635
As Follows:

Reserving unto the Grantor, its successors and assigns, a non-exclusive easement for access from "Clyde Way", set forth in said Skyline No. 10, to and for the benefit of real property presently owned by the Grantor adjacent to and South of the premises conveyed hereby, over and upon that portion of the premises conveyed hereby lying West of a line beginning at Point "C" and continuing South 01 degrees 21'05" West to a point on line "A".

Affects: Access Easement

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

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

D. DECLARATION OF EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Recorded: June 2, 1995
Auditor's No: 9506020038
Purpose: Access and utilities easement
Area Affected: Portion of subject property

E. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Energy, Inc.
Dated: January 16, 2001
Recorded: December 26, 2001
Auditor's No: 200112260206
Purpose: "... utility systems for purposes of transmission, distribution and sale of gas and electricity. . . ."
Area Affected: Portion Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 27, Township 35 North, Range 1 East, W.M.

Said instrument is a re-recording of instrument recorded under Auditor's File No. 200101230049.



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

Plat/Subdivision Name: Amended Cedar Glen Plat
Recorded: February 21, 2002
Auditor's No: 200202210051

A revision of "Cedar Glen Plat" recorded under Skagit County Auditor's File No. 200202080084.

Said matters include but are not limited to the following:

(1) A road easement across Lots 12, 13, 15 and 16 is hereby reserved for the City of Anacortes for maintenance of a 80' diameter cul-de-sac as constructed and shown on the plat. The ownership of the cul-de-sac easement as constructed and shown of Lots 12, 13, 15 and 16 shall revert back to the adjacent lot owners when the 50' road right-of-way is extended North and curb, gutter and sidewalks replace the existing asphalt cul-de-sac.

(2) 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:

~ Hand removal of non-native exotic or adventitious plants

~ 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.

~ 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.

(3) 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 AT&T Cable Television Company and their respective successors and assigns under and upon the exterior ten (10) feet of front boundary lines 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.

(4) In addition to the above utility easement a 20' wide sanitary sewer and access easement is hereby reserved for and conveyed to the City of Anacortes across Lot 6 and 9 to the sanitary sewer manhole as shown on the plat for the same purposes as stated above. Access shall not be obstructed by fencing, shrubs or other landscape or fence features that would obstruct access to the manhole. Should excavation of the sewer line be required for maintenance beyond routine manhole access, the grantee shall restore the easement area to all weather access condition only. Grantor, successor or assigns shall be responsible for restoration to prior conditions.



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(5) The sanitary sewer easement located on Lots 9 through 14 as shown on the plat is private and the responsibility of the lot owners of Lots 9 through 14 until such time as access is provided to the City for manholes on Lot 13.

(6) A 20' access easement and 12" all weather road will be subjected to and across Lots 13 and 14 for access to the sewer manholes located on Lot 13 at such time as the sewer is extended to the North unless an alternative access to the manholes is provided. The access easement will be subject to the same restrictions as stated above.

(7) 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.

(8) Know All Men by the Present that Horizon Bank, mortgage holder, and Van Sealon, Inc., mortgage holder, and Fidalgo Northwest L.L.C., 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 thereof for all public purposes consistent with the use thereof for public highway purposes together with the right to make all necessary slopes for cuts and fills upon the lots and blocks shown hereon in the original grading of all such streets and avenues shown hereon.

(9) Private, shared driveway access and utility easements are hereby reserved on and across Lots 16 through 19 as shown by dashed lines labeled "Driveway Easement" on page 1 of this Plat. Access to the building sites over the reserved "Driveway Easement" areas shall not be obstructed by fencing, shrubs or other landscape or fence features. Maintenance of each driveway shall be the shared responsibility of the lot owners served by that driveway.

Deeds conveying the individual Lots 16 through 19 shall specify the terms and conditions future driveway maintenance.

(10) Based on the foregoing Findings of Fact and Conclusions of Law, the Anacortes Planning Director is hereby authorized to issue Preliminary Plat approval for the Cedar Glen Preliminary Plat subject to the following conditions:

~ 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.

~ 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.

~ 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 therefor must be in accordance with all requirements in effect at the time of the reapplication.



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~ 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.

~ 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 standard and all utilities shall be constructed to City standards.

~ Engineering and Inspection Fees in the amount of \$500 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.

~ 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.

~ 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.

~ There shall be no underground stormwater detention.

~ 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.

~ 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.

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

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

~ The Regulated Slopes requirements set forth in Anacortes Municipal Code 17.54.070 shall be adhered to.

~ School bus waiting area(s) and mail box locations shall be as determined by the City Engineer.

~ 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.



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- ~ Any access to the City Forest Lands shall be open to the public and shall require approval of the ACFL Board.,
- ~ There shall be no streets served by a gated access; fencing shall only be added at the discretion of individual homeowners.
- ~ Street and sidewalk design shall meet ADA Standards.
- ~ Erosion Control and Clearing Plans shall be reviewed, approved and implemented as required by the City Engineer.
- ~ Internal street slopes shall not exceed 12%.
- ~ 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.
- ~ 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.
- ~ City water quality standards shall be met as required by the City Engineer.
- ~ Fire sprinklers for structure protection may be required by the Fire Department.
- ~ A traffic channelization and signage plan shall be submitted, approved by the City Engineer and installed by the developer.
- ~ Structural alteration necessary to develop this plat shall not encroach into adjacent land parcels without recorded easements for such encroachment.
- ~ A Native Growth Protection Easement shall be provided along the project's Easterly boundary line as shown on the site plan as buffer or area to be left untouched with the following restrictions:

Hand removal of non-native exotic or adventitious plants.

Hazard trees shall be identified with the concurrence of the City Forest Lands Manager.

Hazard trees removed or blown down may be replanted by the City or the homeowner with 3' minimum appropriate native stock which shall be maintained until able to survive without care.

If the buffer has been degraded by previous site disturbances, a replanting plan using appropriate native stock may be approved by the Forest Advisory Board.

- (11) A 10 foot utility easement affecting a portion of the subject property.

G. Terms and Provisions of City of Anacortes Ordinance No. 2606, recorded January 14, 2003, under Skagit County Auditor's File No. 200301140202. Said Ordinance amending the name of 'Clyde Way' (as platted) to 'Cedar Glen Way', as said affects the subject plat.



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