



200503150071

Skagit County Auditor

3/15/2005 Page

1 of

2 10:32AM

PROTECTED CRITICAL AREA EASEMENT (PCA)

In consideration of Skagit County Code (SCC) 14.24.170, requirements for recording of protected critical area easement (PCA), for areas included under S.P. PL-04-0269, and mutual benefits herein, Grantors, Richard D. Pennington and Jeanette L. Pennington, husband and wife, the owners in fee of that certain real property described on the face of this document, do 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 portion 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 property operation and maintenance of the PCA described herein.

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

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

Protected Critical Area, shown as PCA easement area, on Skagit County Short Plat No. PL-04-0269, recorded under Skagit County Auditor's File No. 200503150071 records of Skagit County, Washington, being in a portion of the Southwest 1/4 of the Northeast 1/4 of Section 15, Township 35 North, Range 7 East, W.M.

P106625

2. Grantor(s) or their respective heirs, successors and assigns shall hereafter be responsible for maintaining and repairing PCA areas as described herein and are hereby required to leave PCA areas undisturbed in a natural state. No occupation by livestock, 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 PCA areas except as specially permitted by Skagit County on a case-by-case basis consistent with SCC 14.24. 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 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.
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. The existing use within PCAE "A" (shed, fenced enclosure, well) shall be allowed, but not extended upon.
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, licensees 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, as long as the land is within the jurisdiction of Skagit County. If at such time the property is incorporated to a city or town the requirements in place by that jurisdiction shall take precedence with respect to the mapped critical areas shown on said Short Plat No.PL-04-0269, this easement shall become null and void with respect to Skagit County's requirements, but shall come under the regulations and jurisdiction of the incorporate city. The boundaries of the PCA may be reduced, or expanded, depending upon the regulations in place by the city.
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 16 day of February, 2005.

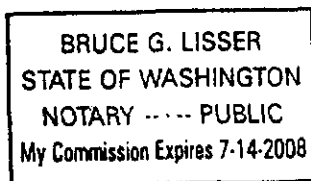
Richard D. Pennington
Richard D. Pennington, Husband

Jeanette L. Pennington
Jeanette L. Pennington, Wife

State of Washington)
County of Skagit)

I certify that I know or have satisfactory evidence that Richard D. Pennington and Jeanette L. Pennington, husband and wife, are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 16th day of February, 2005.



Bruce G. Lisser
NOTARY PUBLIC in and for the State of Washington

Residing at: MOUNT VERNON

Print Name: Bruce G. Lisser

My appointment expires: 7/14/08

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

MAR 11 2005

Amount Paid \$ 0
Skagit Co. Treasurer
By CC Deputy



Skagit County Auditor