

When recorded return to:

Steven M. Lepi
3609 Portage Lane
Anacortes, WA 98221

Recorded at the request of:
First American Title
File Number: A88684



200607120082
Skagit County Auditor

7/12/2006 Page 1 of 6 1:54PM

Statutory Warranty Deed

THE GRANTORS Fredrick J. Nielsen and Elizabeth A. Nielsen, husband and wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Steven M. Lepi, an unmarried person the following described real estate, situated in the County of Skagit, State of Washington

FIRST AMERICAN TITLE CO.

A88684E

Abbreviated Legal:

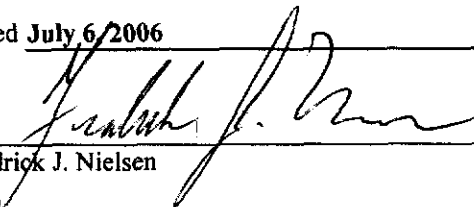
Lot 9, Plat of "ROCK RIDGE WEST PHASE II"

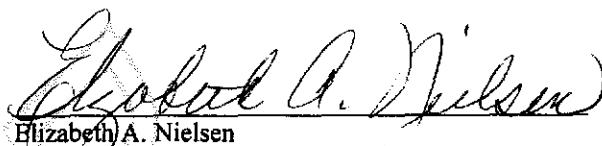
Tax Parcel Number(s): P122383, 4848-000-009-0000

Lot 9, Plat of "ROCK RIDGE WEST PHASE II", according to the plat thereof recorded December 2, 2004, under Auditor's File No. 200412020087, records of Skagit County, Washington.

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

Dated July 6, 2006



Fredrick J. Nielsen


Elizabeth A. Nielsen

3519
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

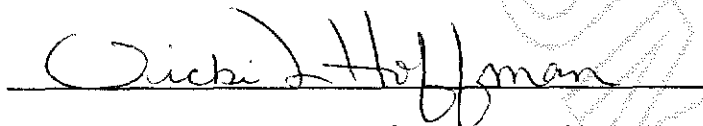
JUL 12 2006

STATE OF Washington }
COUNTY OF Skagit } SS:

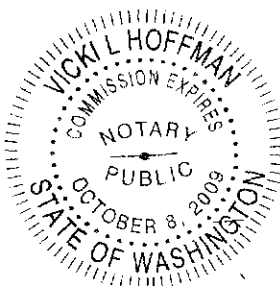
Amount Paid \$ 5158.10
By  Skagit Co. Treasurer
Deputy

I certify that I know or have satisfactory evidence that Fredrick J. Nielsen and Elizabeth A. Nielsen, 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: 7-7-06


Vicki L. Hoffman

Notary Public in and for the State of Washington
Residing at Anacortes
My appointment expires: 10-8-09



EXCEPTIONS:

A. We note an Ordinance recorded January 31, 2003 under Auditor's File No. 200301310228, as Ordinance No. 2611, changing 33rd Street to Jasper Way.

B. EASEMENT AND PROVISIONS THEREIN:

Grantee:	Puget Sound Power & Light Co.
Recorded:	October 18, 2004
Auditor's No.:	200410180230
Purpose:	Right to enter said premises to operate, maintain, repair, underground electric transmission and/or distribution system, together with the right to remove brush, trees and landscaping which may constitute a danger to said lines.
Affects:	A strip of land ten (10) feet in width five (5) feet on each side of the centerline of grantee's facilities as now constructed, to be constructed, extended or relocated lying within the above described parcel. This easement description may be superseded at a later date with a surveyed description provided at no cost to Grantee

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

Plat/Subdivision Name:	Rock Ridge West Phase II
Recorded:	December 2, 2004
Auditor's No.:	200412020087

Said matters include but are not limited to the following:

1. A non-exclusive easement is hereby reserved for and granted to the City of Anacortes; Puget Sound Energy, Inc., Cascade Natural Gas Corporation; Verizon; and AT&T Cablevision of Washington, Inc., and their respective successors and assigns under and upon the exterior ten (10) feet of all lots and tracts abutting public right-of-way. In which to install, lay, construct, renew, operate, maintain, and remove utility systems, lines, fixtures and appurtenances attached thereto, for the purposes of providing utility service to the subdivision and other property, together with the right to enter upon lots and tracts at all times for the purposes stated, with the understanding that any grantee shall be responsible to all unnecessary damage it causes to any real property owner in the subdivision by exercise of rights and privileges herein granted. Property owner is prohibited from building improvements within this easement unless approval has been granted by the City Engineer.



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2. In consideration of the City of Anacortes code requirements, a non-exclusive Native Growth Protection area/easement (NGPA/E) is hereby granted and to the City of Anacortes, its successors and assigns. Said easement area is depicted on the subdivision. The Native Growth Protection Area/Easement shall be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction, or placement, or road construction of any kind shall occur within said easement area; EXCEPT the activities set forth in the city code are allowed, when approved by the city, some activities which may be permitted are: (1) underground utility crossings and drainage discharge swales which utilize the shortest alignment possible and for which no alignment that would avoid such a crossing is feasible; (2) fences, when the critical area and its buffer are not detrimentally affected; (3) removal of hazardous trees by the property owner; and (4) other uses and development activity as allowed by said code. The right to use and possess and easement are is retained, provided that the use does not interfere with, obstruct or endanger purpose of said easement.

The city, its successors and assigns, shall have the right to ingress and egress to and from this easement and across the adjacent property in this subdivision for the purpose of monitoring and enforcing property operation and maintenance of the Native Growth Protection Area Easement.

The lot owner(s) shall be responsible for operating, maintaining, repairing and restoring the condition of the NGPA/E if any unauthorized disturbance occurs.

3. 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.

4. 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.

5. If any 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 therefore must be in accordance with all requirements in effect at the time of application.

6. All work done pursuant to the preliminary plat shall be consistent with these findings and conditions with any conflicts between those 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.

7. The project shall comply with the City of Anacortes construction standards as required by the Directors of Public Works for water, sewer and street access, and storm drainage. All work performed within public rights-of-way shall comply with City construction standards and all utilities shall be constructed to City standard.



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8. Engineering and inspection fees in the amount of \$500.00 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 area approved fees have been paid and the pre-construction conference completed.
9. This project is subject to applicable water, sewer, and storm-water 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.
10. A silt fencing, erosion control and sedimentation plan, as approved by the City Engineer, shall be provided, constructed and maintained during the course of construction.
11. There shall be no underground storm-water detention.
12. Prior to clearing or fill and grade beginning, both a large parcel storm-water 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 implemented. The water quality control plan shall address permanent best management practices to be incorporated in the project to control pollution of storm-water runoff after construction and/or land clearing activities are completed. All off-site storm-water improvements shall be made before construction or vegetation removal begins.
13. 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.
14. In keeping with the City's street grids street names system, the Building Department shall approve street names.
15. The City shall be compensated for net vacated right-of-way.
16. Mailbox locations shall be reviewed and approved by the City Engineer.
17. School bus waiting area(s) shall be as determined by the City Engineer.
18. Street lighting shall be energy efficient and installed as per PSE Schedule 52, Options "B", shall be installed as approved by the City Engineer.
19. All lots created under this plat shall be subject to all City of Anacortes charges for utility services uniformly charged through out the City of Anacortes including applicable General Facilities Charges.
20. A channelization and signage plat shall be submitted, approved the City Engineer and installed by the developer.
21. An aviation easement, in a form accepted to the City Planning Director, shall be included in the Final Plat; Federal Aviation Administration approval shall be documented prior to building permit(s) being issued.
22. The applicant shall ensure that its project activities are conducted such that the cross-island trail can be constructed by others across Pennsylvania Avenue or Tract A with a minimal slope.
23. Rock cuts shall utilize the "step method" in a manner approved by the Building Official and the Project Geologist or Geo-technical Engineers.



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24. Fence design shall be approved by the Parks Departments to ensure public safety as far as practicable.
25. No significant removal of rock to off-site locations shall occur without approval of a plan by the Planning Commission.
26. Lot 10 or Lot 14 will remain undeveloped until such time as access is resolved to the Kilkelly property.
27. Blasting can only occur weekdays between 8:00 A.M. to 6:00 P.M.
28. In order to protect the root structures on trees in the Anacortes Forestlands and to reduce the impacts of wind throw, a 30-foot wide NGPE shall be established adjacent to the ACFL before rock cutting/sloping begins.
29. A landscaping plan shall be approved by the Planning Commissions prior to building permit issuance.
30. Geo-technical engineering reports shall be provided for all lots where any structure may be located on or within 15' of a slope of 40 grade or steeper.
31. Pages 17 through 19 of these Findings of Fact and Conclusion of Law shall be recorded with the Final Plat drawing.
32. Public Right-of-way Vacation: Those portions of the public right-of-way known as "M" Avenue West, 32nd Street, 33rd Street and appurtenant alleys, as dedicated with the plat of Tuttle and Buckley's Addition to the City of Anacortes, recorded in Volume 2 of Plats, page 23, record of Skagit County, Washington, more particularly described on face of map.
33. Upon recordation of this plat, Tract "B" shall become the undivided ½ interest of the individual ownership(s) of Lot 5 and Lot 6, as shown on the map of said plat, for the mutual benefit of said lots for the purposes of construction, maintenance, use and incidental purposes related thereto, as it pertains to ingress, egress and utilities, over, under and upon said tract. Said undivided ½ interest shall be reflected on the title of said Lot 5 and Lot 6, and shall be binding with the heirs, and assigns of the ownership(s) thereof.
34. All installed landscaping within this plat including the trees in the public right-of-way shall be maintained by the each home owners.
35. Easement for 30' Native Growth Protection Easement – Affects Lots 6, 7, 8 and 9
36. Easement for 10' Utility Easement – Affects portion of said premises abutting street
37. Easement for Slope Protection Easement
38. All claims for damage by the owners and their successors and assigns against any Governmental Authority are waived which may occasioned to the adjacent land by the establishment, construction, drainage and maintenance of said roads. The undersigned owners in fee simple and mortgage holder also dedicated Tract "A" to Rock Ridge Community Association.



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D. AFFIDAVIT OF MINOR CORRECTION OF SURVEY:

Recorded: April 26, 2005
Auditor's No.: 200504260129
As follows:

Building Setbacks:

Front Yard: 20 feet minimum
Side Yard: 5 feet minimum, with not less than 15 feet combined;
10 feet minimum adjacent to a street
Rear Yard: 20 feet minimum

E. PROTECTIVE COVENANTS AND/OR EASEMENTS, BUT OMITTING RESTRICTIONS, IF ANY, BASED ON RACE, COLOR, RELIGION OR NATIONAL ORIGIN:

Recorded: December 8, 2004
Auditor's No.: 200412080178
Executed By: Rock Ridge West, L.L.C., a Washington limited liability
Company; David Ostergaard and Christine Ostergaard,
husband and wife; and Kent Robinson and Judy Ann
Robinson, husband and wife

F. EASEMENT, INCLUDING TERMS AND PROVISIONS THEREOF:

Grantee: Port of Anacortes, a Washington municipal corporation
Dated: December 1, 2004
Recorded: May 23, 2005
Auditor's No.: 200505230121
Purpose: "...perpetual, exclusive easement for the free and
unobstructed use and passage of all types of Aircraft
over, across and through the airspace in excess of 35 feet
above the property and in the vicinity of the property..."
Area Affected: Entire Plat per Schedule "B"



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