

FILED FOR RECORD AT THE
REQUEST OF/RETURN TO:

Steve Andal
20235 Hickox Road
Mount Vernon, WA. 98274



200712050067
Skagit County Auditor

12/5/2007 Page 1 of 3 3:09PM

Grantor(s): Martha Johnston, who acquired title as Martha Andal, as her separate estate
Grantee(s): Skagit County, Washington
Abbreviated Legal: Ptn. SE ¼ NW ¼, Sec. 26, T 34 N, R 4 EWM,
aka Ptn. Lot 4, Short Plat No. PL07-0084
Additional Legal(s) on Page:
Assessor's Tax Parcel Number(s): P27889, 340426-2-005-0007

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 PL07-0084, 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 for a Category II and Category III wetland 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:

Protected Critical Area, denoted as Tract A upon Lot 4 of and as shown upon Skagit County Short Plat No. PL07-0084, approved December 5, 2007, and recorded December 5, 2007, under Auditor's File No. 200712050064, records of Skagit County, Washington, being in a portion of the NE ¼ of the SE ¼ of the NW ¼ of Section 26, Township 34 North, Range 4 East, 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." (SCC14.24.060). 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 specially permitted by Skagit County on a case-by-case basis consistent with SCC 14.24.

3. 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 but are not limited to 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.
4. 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.
5. The existing driveway, utilities, sewage disposal system, potable water system and drainage facilities located partially within Tract A may be maintained in its current layout. Maintenance, repair and re-grading of said driveway and placement of utilities shall be allowed as needed to serve existing and future development upon Lot 4 of said Short Plat PL07-0084. (SCC 14.24.100(3))
6. The parties recognize that this easement is created, granted and accepted for the benefit of the inherent natural functions 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 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 30 day of AUGUST, 2007.

By:

Martha Johnston

Martha Johnston

By Steve Andal P.O.A.



200712050067

Skagit County Auditor

STATE OF WASHINGTON }
County of SKAGIT }

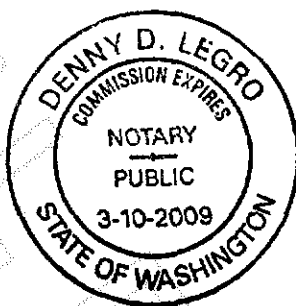
S.S.

ACKNOWLEDGEMENT – Attorney in Fact

On this 30 day of AUGUST, 2007, before me personally appeared STEVE ANDAL to me known to be the individual who executed the foregoing instrument as Attorney in Fact for MARTHA JOHNSTON, who acquired title as Martha Andar, as her separate estate, and acknowledged that he signed the same as his free and voluntary act and deed as Attorney in Fact for said principal for the uses and purposes therein mentioned and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked and that said principle is now living and is not insane.

Given under my hand and official seal the day and year last above written.

Denny D. Legro
Notary Public in and for the State of Washington
residing at Mount Vernon
My commission expires: 3-10-09



SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

DEC 05 2007

Amount Paid \$
Skagit Co. Treasurer
By MB Deputy



200712050067

Skagit County Auditor