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Skagit County Auditor

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Return to: Skagit Surveyors & Engineers  
806 Metcalf Street  
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Phone: (360) 855-2121

COVER SHEET  
OPEN SPACE PROTECTED AREA EASEMENT AGREEMENT

GRANTOR: Aloha Lumber Corporation

GRANTEE: Skagit County

LEGAL DESCRIPTION

Parcel A:

The South  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  and the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 8, Township 35 North, Range 7 East, W.M. Situate in the County of Skagit, State of Washington.



Parcel B:

The South  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 8, Township 35 North, Range 7 East, W.M. Situate in the County of Skagit, State of Washington.

ASSESSOR'S PROPERTY TAX PARCEL NUMBER: P42280, P42296, P42295 and P42294

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

APR 09 2008

Amount Paid \$   
By  Skagit Co. Treasurer Deputy

## OPEN SPACE PROTECTED AREA EASEMENT AGREEMENT

In consideration of Skagit County Code (SCC) 14.24.170, requirements for recording of Open Space Protected Area Easement Agreement (OS-PA), for areas included under The Plat of WindSong Ranch (PL05-0457) 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 Open Space Protected Area over, along and across that portion of the project, denoted as Open Space Protected Area and described, hereinafter together with the right of ingress and egress to and from these easements for the sole purpose of monitoring and enforcing proper operation and maintenance of the Open Space Protected Area described herein.

These easements are granted subject to and conditioned upon the following terms, conditions and covenants:

1. The Open Space Protected Area legal descriptions are as follows:

That portion of Lot 13 designated as OS-PA as shown on the Plat of WindSong Ranch (PL05-0457)

2. Grantor(s) shall hereafter be responsible for maintaining and repairing OS-PA areas as described herein and is hereby required to leave the OS-PA 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." (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 OS-PA 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.

- a. To the extent allowed under 14.24.100, permit the continuation of the existing uses within the open space protected area.
- b. In order to locate building lots, specific delineation of the critical areas has only been done on that portion of the property within 200 feet of the proposed development. The area to the North of the building lots is designated as Open Space Protected Area (OS-PA) as required in SCC 14.24.170 (1) (a).
- c. Grantor(s) shall be held harmless from any damage or injury to any property or person by any person entering the easement areas not expressly authorized to do so by the Grantor(s).

4. Grantor(s) retains the right to the use and possession of the real property over which the easements are granted to the extent permitted by Skagit County. Low impact uses and activities, which are consistent with the purpose and function of the OS-PA and do not detract from its integrity, may be permitted in the OS-PA 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



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