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Skagit County Auditor

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### PROTECTED CRITICAL AREA EASEMENT (PCA)

In consideration of Skagit County Code (SCC) 14.24.090, requirements for recording of protected critical area easements (PCA), for areas included under PL 07-0413, and mutual benefits herein, OCI, LLC, and OYSTER CREEK, LLC, hereafter referred to as Grantor(s), does 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 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 (or noted if attached):

Protected Critical Area Tract A, B & C, as shown on Skagit County Plat No. 07-0413, approved Nov 5, 2009 and recorded Nov 6, 2009 under Skagit County Auditor's File No. 200911060008, records of Skagit County, Washington, being in a portion of SW 1/4 OF SW 1/4 of Section 9, Township 36 N, Range 3 E, W.M. And in a portion of NW 1/4 OF NW 1/4 of Section 16, Township 36 N, Range 3 E, W.M. Parcel # P 47704, 47705, 44706, 47921.

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 14.24.070, 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 PCA 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.

i. \_\_\_\_\_

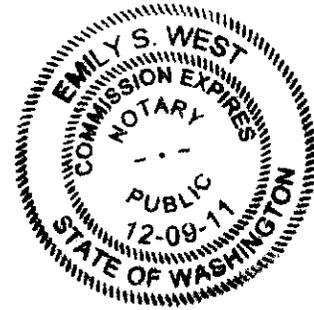


acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purpose therein mentioned.

GIVEN under my hand and official seal the 6 day of October, 2009.

Emily S West  
NOTARY PUBLIC in and for the State of Washington residing at Kitsap

My Commission Expires: 12/09/2011



TRACT A  
PCAE EASEMENT

SHORT PLAT NO. PL07-0413

COMMENCING AT THE NORTH WEST SECTION CORNER OF SECTION 16, TOWNSHIP 35 NORTH, RANGE 3 EAST, W.M., THENCE NORTH 89°22'29" EAST 459.76 FEET ALONG THE NORTH LINE OF SAID SECTION 16 TO THE EAST RIGHT OF WAY LINE OF BURLINGTON NORTHERN RAILROAD, THENCE SOUTH 31°32'47" EAST 735.01 FEET ALONG THE EAST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD TO **THE POINT OF BEGINNING**:

THENCE SOUTH 31°32'47" EAST 454.17 FEET ALONG THE EAST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD;  
THENCE NORTH 58°27'13" EAST 33.55 FEET;  
THENCE NORTH 13°17'07" WEST 17.64 FEET;  
THENCE NORTH 17°02'56" WEST 40.80 FEET;  
THENCE NORTH 13°25'01" WEST 39.85 FEET;  
THENCE NORTH 15°29'06" WEST 50.18 FEET;  
THENCE NORTH 17°34'01" WEST 35.89 FEET;  
THENCE NORTH 24°32'45" WEST 46.66 FEET;  
THENCE NORTH 25°39'01" WEST 45.71 FEET;  
THENCE NORTH 18°20'23" WEST 6.85 FEET;  
THENCE SOUTH 69°06'50" WEST 9.01 FEET;  
THENCE NORTH 57°34'41" WEST 61.45 FEET;  
THENCE NORTH 34°20'57" WEST 35.68 FEET TO A CURVE TO THE LEFT HAVING A RADUIS OF 50 FEET THROUGH A CENTRAL ANGLE OF 114°22'44" AN ARC DISTANCE OF 99.81 FEET **TO THE POINT OF BEGINNING**.

CONTAINS 0.82 ACRES



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TRACT B  
PCAE EASEMENT  
SHORT PLAT NO. PL07-0413

COMMENCING AT THE NORTH WEST SECTION CORNER OF SECTION 16, TOWNSHIP 35 NORTH, RANGE 3 EAST, W.M., THENCE NORTH 89°22'29" EAST 802.34 FEET ALONG THE NORTH LINE OF SAID SECTION 16 TO THE EAST RIGHT OF WAY LINE OF CHUCKANUT DRIVE (S.R.-11); THENCE NORTH 26°33'46" EAST 54.40 FEET ALONG THE EAST RIGHT OF WAY LINE OF CHUCKANUT DRIVE (SR-11)  
**TO THE POINT OF BEGINNING:**

THENCE NORTH 26°33'46" EAST 36.13 FEET ALONG THE RIGHT OF WAY LINE OF CHUCKANUT DRIVE (SR-11) TO A CURVE TO THE LEFT HAVING A RADIUS OF 537.46 FEET THROUGH A CENTRAL ANGEL OF 16°00'37" AN ARC DISTANCE OF 150.18 FEET ALONG THE RIGHT OF WAY LINE OF CHUCKANUT DRIVE (SR-11); THENCE NORTH 09°32'00" EAST 205.05 FEET ALONG THE RIGHT OF WAY LINE OF CHUCKANUT DRIVE (SR-11) TO A CURVE TO THE RIGHT HAVING A RADIUS OF 48.49 FEET THROUGH A CENTRAL ANGEL OF 167°10'00" AN ARC DISTANCE OF 141.47 FEET ALONG THE RIGHT OF WAY LINE OF CHUCKANUT DRIVE (SR-11); THENCE SOUTH 03°18'00" EAST 126.30 FEET ALONG THE RIGHT OF WAY LINE OF CHUCKANUT DRIVE (SR-11) TO A CURVE TO THE LEFT HAVING A RADIUS OF 984.91 FEET THROUGH A CENTRAL ANGEL OF 06°56'00" AN ARC DISTANCE OF 119.18 FEET ALONG THE RIGHT OF WAY LINE OF CHUCKANUT DRIVE (SR-11); THENCE SOUTH 10°14'00" EAST 609.67 FEET ALONG THE RIGHT OF WAY LINE OF CHUCKANUT DRIVE (SR-11) TO A NON TANGENT CURVE TO THE RIGHT RADIUS POINT BEARS NORTH 62°29'45" WEST THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 314.68 FEET THROUGH A CENTRAL ANGEL OF 25°00'10" AN ARC DISTANCE OF 137.32 FEET;  
THENCE SOUTH 13°31'00" WEST 169.18 FEET;  
THENCE NORTH 17°12'49" WEST 90.75 FEET;  
THENCE SOUTH 43°19'52" WEST 69.68 FEET;  
THENCE NORTH 34°20'57" WEST 35.68 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET THROUGH A CENTRAL ANGEL OF 114°22'44" AN ARC DISTANCE OF 99.81 FEET TO THE RIGHT OF WAY OF BURLINGTON NORTHERN RAILROAD; THENCE NORTH 31°32'47" WEST 109.62 FEET ALONG THE RIGHT OF WAY OF BURLINGTON NORTHERN RAILROAD;  
THENCE NORTH 43°27'38" EAST 87.43 FEET;  
THENCE NORTH 30°52'23" EAST 64.47 FEET;  
THENCE NORTH 44°05'03" EAST 36.90 FEET;  
THENCE NORTH 57°39'54" EAST 47.75 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 114.68 FEET THROUGH A CENTRAL ANGEL OF 47°04'03" AN ARC DISTANCE OF 94.21 FEET;  
THENCE NORTH 00°40'18" WEST 113.75 FEET;  
THENCE NORTH 02°58'20" WEST 118.10 FEET;  
THENCE NORTH 03°01'30" EAST 53.61 FEET;  
THENCE NORTH 02°06'38" WEST 48.41 FEET;  
THENCE SOUTH 89°22'29" WEST 152.69 FEET **TO THE POINT OF BEGINNING.**

**CONTAINS 4.04 ACRES**



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TRACT C  
PCAE EASEMENT

SHORT PLAT NO. PL07-0413

COMMENCING AT THE NORTH WEST SECTION CORNER OF SECTION 16, TOWNSHIP 35 NORTH, RANGE 3 EAST, W.M., THENCE NORTH  $89^{\circ}22'29''$  EAST 459.76 FEET ALONG THE NORTH LINE OF SAID SECTION 16 TO THE EAST RIGHT OF WAY LINE OF BURLINGTON NORTHERN RAILROAD, THENCE SOUTH  $31^{\circ}32'47''$  EAST 1189.18 FEET ALONG THE EAST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD THENCE NORTH  $58^{\circ}27'13''$  EAST 150.00 FEET; THENCE SOUTH  $31^{\circ}32'47''$  EAST 62.63 FEET TO **THE POINT OF BEGINNING:**

THENCE SOUTH  $31^{\circ}32'47''$  EAST 79.62 FEET;  
THENCE NORTH  $00^{\circ}29'45''$  EAST 20.67 FEET TO THE WEST RIGHT OF WAY LINE OF CHUCKANUT DRIVE (SR-11) AND TO A NON TANGENT CURVE TO THE RIGHT WHICH RADIUS POINT BEARS NORTH  $69^{\circ}50'00''$  EAST; THENCE ALONG THE CURVE TO THE RIGHT HAVING A RADIUS OF 1522.40 FEET THROUGH A CENTRAL ANGLE OF  $1^{\circ}55'08''$  AN ARC DISTANCE OF 50.99 FEET ALONG WEST RIGHT OF WAY LINE OF CHUCKANUT DRIVE (SR-11);  
THENCE SOUTH  $87^{\circ}47'39''$  WEST 25.08 FEET;  
TO **THE POINT OF BEGINNING.**

CONTAINS 0.02 ACRES



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