



201009200095

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 10-0056, and mutual benefits herein, SUMMIT BANK, 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, as shown on Skagit County Plat No. 10-0056, approved Sept 20, 2010 and recorded Sept 20, 2010 under Skagit County Auditor's File No. 201009200094, records of Skagit County, Washington, being in a portion of SE 1/4 of Section 32, Township 35 N, Range 3 E, W.M. Parcel # P 100912.

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. Maintenance of the drainage easement is allowed but shall not include continued mowing or any additional clearing of the storm water dispersion area.
  - ii. A maintenance corridor may be required at time of building permit pursuant to SCC 14.24.080(4)(ix).
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, 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 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.
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.



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DATED this 8<sup>TH</sup> day of JUNE, 2010

By

By: JAMES E BISHOP II  
JAMES E BISHOP II  
PRESIDENT SUMMIT BANK

## ACKNOWLEDGMENT

STATE OF WASHINGTON )

SS.)

COUNTY OF SKAGIT)

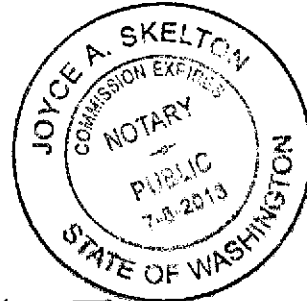
On this day personally appeared before me James E. Bishop, II, known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purpose therein mentioned.

GIVEN under my hand and official seal the 8<sup>th</sup> day of June, 2010.

Deane A. Shelton  
NOTARY PUBLIC in and for the State of Washington

NOTARY PUBLIC in and for the State of Washington residing at Sedro-Woolley

My Commission Expires: 7/8/2013



SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

SEP 20 2010

Amount Paid \$ 0  
Skegg Co. Treasurer  
By *[Signature]* Deputy

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PL10-0056.doc – Last Update: 03/02/2001 - Page 3 of 3



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**PROTECTED CRITICAL AREA EASEMENT FOR SHORT PLAT PL10-0056**

BEGINNING AT THE SOUTH WEST CORNER LOT 6, "PLAT OF MARIHUGH PLACE," AS PER PLAT RECORDED IN VOLUME 15 OF PAGES 27 AND 28, RECORDS OF SKAGIT COUNTY, WASHINGTON.

THENCE N 89°02'39" EAST 272.70 FEET ALONG THE SOUTH LINE OF SAID LOT 6

TO A NON-TANGENT CURVE TO THE LEFT, WHICH CURVE RADIUS BEARS S 89°02'39" W, 75.0 FEET, THENCE ALONG CURVE TO THE LEFT WITH A DELTA OF 50°12'17" AND AN ARC DISTANCE OF 65.72 FEET,

TO A NON-TANGENT CURVE TO THE LEFT, WHICH CURVE RADIUS BEARS S 57°19'43" W, 77.45 FEET, THENCE ALONG CURVE TO THE LEFT WITH A DELTA OF 15°02'20" AND AN ARC DISTANCE OF 20.33 FEET,

TO A NON-TANGENT CURVE TO THE LEFT, WHICH CURVE RADIUS BEARS N 2°17'39" E, 73.81 FEET, THENCE ALONG CURVE TO THE LEFT WITH A DELTA OF 37°31'26" AND AN ARC DISTANCE OF 48.34 FEET,

TO A NON-TANGENT LINE, THENCE N 54°53'48" E 38.09 FEET,

TO A NON-TANGENT CURVE TO THE LEFT, WHICH CURVE RADIUS BEARS N 35°06'12" W, 75.0 FEET, THENCE ALONG CURVE TO THE LEFT WITH A DELTA OF 12°47'32" AND AN ARC DISTANCE OF 16.74 FEET,

TO A NON-TANGENT CURVE TO THE LEFT, WHICH CURVE RADIUS BEARS N 70°56'49" E, 40.0 FEET, THENCE ALONG CURVE TO THE LEFT WITH A DELTA OF 32°45'21" AND AN ARC DISTANCE OF 22.87 FEET,

TO A NON-TANGENT LINE, THENCE S 51°48'32" E 37.67 FEET,

TO A NON-TANGENT CURVE TO THE LEFT, WHICH CURVE RADIUS BEARS N 38°06'34" E, 40.09 FEET, THENCE ALONG CURVE TO THE LEFT WITH A DELTA OF 133°44'10" AND AN ARC DISTANCE OF 93.57 FEET,

TO A NON-TANGENT LINE, THENCE N 9°06'47" W 55.28 FEET,

TO A NON-TANGENT CURVE TO THE LEFT, WHICH CURVE RADIUS BEARS N 42°12'15" W, 49.59 FEET, THENCE ALONG CURVE TO THE LEFT WITH A DELTA OF 47°42'53" AND AN ARC DISTANCE OF 41.27 FEET,

TO A NON-TANGENT LINE, THENCE N 2°42'39" W 43.63 FEET,



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TO A NON-TANGENT CURVE TO THE LEFT, WHICH CURVE RADIUS BEARS  
S 87°17'21" W, 40.00 FEET, THENCE ALONG CURVE TO THE LEFT WITH A  
DELTA OF 102°52'02" AND AN ARC DISTANCE OF 71.81 FEET,

TO A NON-TANGENT LINE, THENCE S 74°25'19" W 40.84 FEET,

TO A NON-TANGENT CURVE TO THE LEFT, WHICH CURVE RADIUS BEARS  
S 15°34'41" E, 40.00 FEET, THENCE ALONG CURVE TO THE LEFT WITH A  
DELTA OF 53°45'06" AND AN ARC DISTANCE OF 37.53 FEET,

TO A NON-TANGENT LINE, THENCE S 20°40'13" W 20.49 FEET,

TO A NON-TANGENT CURVE TO THE LEFT, WHICH CURVE RADIUS BEARS  
S 36°21'04" W, 75.00 FEET, THENCE ALONG CURVE TO THE LEFT WITH A  
DELTA OF 13°15'51" AND AN ARC DISTANCE OF 17.36 FEET,

TO A NON-TANGENT CURVE TO THE LEFT, WHICH CURVE RADIUS BEARS  
N 81°20'28" W, 73.99 FEET, THENCE ALONG CURVE TO THE LEFT WITH A  
DELTA OF 95°37'59" AND AN ARC DISTANCE OF 123.50 FEET,

TO A NON-TANGENT LINE, THENCE N 27°17'35" W 6.54 FEET, TO THE NORTH  
LINE OF SAID LOT 6,

THENCE S 89°02'39" W, 169.58 FEET ALONG THE NORTH LINE OF SAID LOT 6,

TO A NON-TANGENT CURVE TO THE LEFT, WHICH CURVE RADIUS BEARS  
S 52°21'25" E, 75.00 FEET, THENCE ALONG CURVE TO THE LEFT WITH A  
DELTA OF 57°00'02" AND AN ARC DISTANCE OF 74.61 FEET,

TO A NON-TANGENT CURVE TO THE LEFT, WHICH CURVE RADIUS BEARS  
S 46°17'45" E, 75.00 FEET, THENCE ALONG CURVE TO THE LEFT WITH A  
DELTA OF 29°43'04" AND AN ARC DISTANCE OF 38.90 FEET,

TO A NON-TANGENT LINE, THENCE N 90°00'00" W 27.70 FEET, TO THE WEST  
LINE OF SAID LOT 6,

THENCE S 1°13'15" E 226.62 FEET ALONG THE WEST LINE OF SAID LOT 6  
AND TO THE POINT OF BEGINNING.

SITUATED IN SKAGIT COUNTY, WASHINGTON

PCAE AREA = 2.61 ACRES