



201010280106  
Skagit County Auditor

10/28/2010 Page 1 of 3 1:38PM

## PROTECTED CRITICAL AREA EASEMENT (PCA)

In consideration of Skagit County Code (SCC) 14.24.170, requirements for recording of Protected Critical Area Easements, for areas included under PL07-0321, and mutual benefits herein, Grantors, LOWELL DAYTON A/K/A LOWELL C. DAYTON and SANDRA SWANSON DAYTON A/K/A SANDRA DAYTON, husband and wife, and PHILIP SWANSON and EARLINE SWANSON, husband and wife, the owners in fee of that certain real property described on the face of this project, do 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 PCA and described on the attached PCA 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.

This easement is granted subject to and conditioned upon the following terms, conditions and covenants: P33630 & P33631

1. The PCA legal description is as follows:

Protected Critical Area, as shown on Skagit County Short Plat No. PL07-0321, approved on October 27, 2010 and recorded on October 28, 2010 under Skagit County Auditor's File No. 201010280105, records of Skagit County, Washington, being in a portion of Section 2, Township 35 North, Range 3 East, W.M.

2. Grantors shall hereafter be responsible for maintaining and repairing PCA areas as described herein and are hereby required to leave PCA's 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 PCA areas except as specifically permitted by Skagit County on a case-by-case basis

consistent with SCC 14.24.

3. Grantors and Skagit County agree to the following special conditions requested by the Grantors or required as part of mitigation pursuant to SCC 14.24.

Please see Critical Area Assessment Report of Skagit Wetlands & Critical Areas LLC, on file with the Skagit County Planning & Development Services.

4. Grantors retain the right to the 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 within 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 Grantors agree 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, licensees or other third parties within the easement area. Grantors 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. Grantors agree that this easement shall run with the land and that the rights and obligations of Grantors and Skagit County shall inure to the benefit of each and shall be binding upon their respective heirs, successors and assigns.

8. Grantors covenant that they own the property legally described herein and have lawful right to convey the interest in the property to Skagit County for the benefit of the public forever.

DATED this 13<sup>th</sup> day of May, 2010

  
201010280106  
Skagit County Auditor

*Lowell Dayton*  
Lowell Dayton a/k/a Lowell C. Dayton

*Sandra Dayton*  
Sandra Swanson Dayton a/k/a/ Sandra Dayton

*Philip Swanson*  
Philip Swanson

*Earline M. Swanson*  
Earline Swanson

STATE OF Washington  
COUNTY OF Skagit

On this day personally appeared before me, Lowell Dayton a/k/a Lowell C. Dayton and Sandra Swanson Dayton a/k/a/ Sandra Dayton, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged to me that they signed the same as their free and voluntary act and deed.

*Susan L. Fredlund*  
NOTARY PUBLIC IN AND FOR THE STATE OF  
RESIDING AT Bow WA  
DATE: 5/20/10  
MY COMMISSION EXPIRES: 7/26/12

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX  
*Easement*

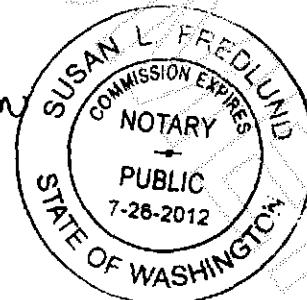
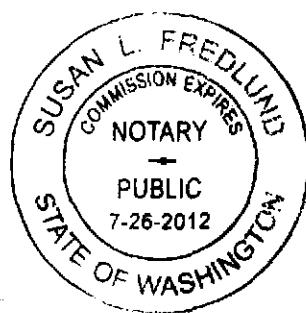
OCT 28 2010

Amount Paid \$  
Skagit Co. Treasurer  
By *NF* Deputy

STATE OF WASHINGTON  
COUNTY OF SKAGIT

On this day personally appeared before me, Philip Swanson and Earline Swanson, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged to me that they signed the same as their free and voluntary act and deed.

*Susan L. Fredlund*  
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON  
RESIDING AT Bow WA  
DATE: 5/13/10  
MY COMMISSION EXPIRES: 7/26/2012



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Skagit County Auditor