

CITY ANACORTES
PO BOX 547
ANACORTES WA
98221



201206060088
Skagit County Auditor

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**NATIVE GROWTH PROTECTION AREA AGREEMENT
FOREST RIDGE HOME OWNERS ASSOCIATION
ANACORTES, WASHINGTON**

M 9648
GUARDIAN NORTHWEST TITLE CO.

ACCOMMODATION RECORDING ONLY

THIS NATIVE GROWTH PROTECTION AREA AGREEMENT (this "Agreement") is hereby entered into by FOREST RIDGE HOME OWNERS ASSOCIATION, its successor and assigns and the CITY OF ANACORTES ("City"), a Washington municipal corporation, as of the 21st day of may 2012.

RECITALS

The rights-of-way abutting the east and north sides of the Forest Ridge Planned Unit Development (the "Property") are located in Anacortes, Skagit County, Washington, shown on Exhibit "A" hereto, which Property includes the west one-half of "B" Avenue and the south one-half of 20th Street.

The Property abuts the Forest Ridge Planned Unit Development as approved by the City and recorded under Auditor's File No.200303250127, records of Skagit County, Washington, on March 25, 2003.

The Forest Ridge Planned Unit Development included a 30 foot Native Growth Protection Easement (NGPE) on the east and north sides of the development adjacent to, but not including, the platted streets adjoining the buffer.

The planned unit development approval process included recognition that cutting would be allowed within the 30 foot NGPE area to establish limited view corridors for homes to be constructed within the development. Although it was anticipated that some trees may be removed to establish the view corridors, the primary method of creating and maintaining the views would involve windowing or pruning trees.

The Forest Ridge Planned Unit Development was constructed in two phases. View corridors were approved and established for Phase 1 and the Forest Ridge Home Owners Association provided an easement to extend the 30 foot NGPE onto the westerly 40 feet of the B Avenue right-of-way adjacent to Phase 1 by agreement dated May 11, 2001. A limited amount of pruning and/or windowing is now necessary to maintain the views established in the original view corridors.

Additional pruning and/or windowing, has taken place within the west one-half of B Avenue adjacent to the Phase 2 NGPE of the Forest Ridge Planned Unit Development, but no view corridors have been specifically created in the 30 foot NGPE area within Phase 2 of the development.

After approval of this agreement by both parties but prior to recording, a Landscape View Corridor Plan for the establishment and maintenance of view corridors through the NGPE and through the adjacent street rights-of-way shall be developed and approved by the HOA and the Anacortes Parks and Recreation Department. Said Landscape View Corridor Plan shall rely primarily on windowing, pruning and limbing of existing trees and vegetation to create and maintain view corridors and shall avoid removal of existing trees, and topping of existing trees. Creation of improved view corridors on the northerly side of the planned unit development may be done at such time as future development on adjacent properties causes removal of sufficient vegetation to allow for future views.

AGREEMENT

In consideration of the foregoing, the mutual promises contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby agree as follows:

NGPA Zone Provisions.

1. Pursuant to the Landscape View Corridor Plan to be developed and approved by the HOA and the Anacortes Parks and Recreation Department, the Forest Ridge HOA and the City hereby acknowledge and agree that the Forest Ridge HOA and future owners of Forest Ridge Planned Unit Development are hereby granted the right to landscape and create and maintain view corridors within the NGPE Zone subject to the following terms and conditions:
 - (a) Pursuant to the Landscape View Corridor Plan referred to herein, The Forest Ridge HOA shall establish, maintain and improve view corridors.
 - (b) No less than every three years, the Forest Ridge HOA shall submit a plan to maintain the View Corridors established under the Landscape View Corridor Plan and future view corridors, if any, which shall be submitted to the City Parks and Recreation Department for review and approval. Upon such approval, The Forest Ridge HOA shall, at its expense, employ an arborist, approved by the City Parks and Recreation Department, to perform and monitor the maintenance work authorized.
 - (c) Hazard trees within the NGPA Zone shall be identified and removed by the HOA with the approval of the City Parks and Recreation Department.
2. **NGPA Agreement.** Forest Ridge Home Owners Association, a Washington not for profit corporation, and the City of Anacortes, a Washington municipal corporation, hereby agree to a Native Growth Protection Area Agreement over that portion of the westerly one-half of B Avenue and the southerly one-half of 20th Street that abuts the Forest Ridge Planned Unit Development, Phase 2, said Agreement to be consistent with the terms and provisions of this Agreement.
3. **Amendment.** This agreement may be amended only by a written instrument duly executed by the Forest Ridge HOA (or its successors or assigns, as appropriate) and the City and recorded in the records of Skagit County.



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4. **Easements Appurtenant.** The benefits and burdens of the NGPA and the covenants herein shall run with and be appurtenant to the Property such that a transfer of legal title to all or a portion the Property shall automatically transfer an interest in such benefits and burdens.
5. **City use of the right of way.** Nothing contained herein shall prevent the city from utilizing the B Avenue right of way or the 20th Street right of way for utility and or roadway purposes or to provide ingress or egress to accommodate future development, or maintain and/or develop pedestrian trails.
6. **Governing Law.** This agreement shall be construed in accordance with and governed by the laws of the State of Washington.

DATED this 21st day of may, 2012.

Forest Ridge Home Owners Association

By [Signature]
Name RICHARD BENNETT
President

CITY OF ANACORTES:

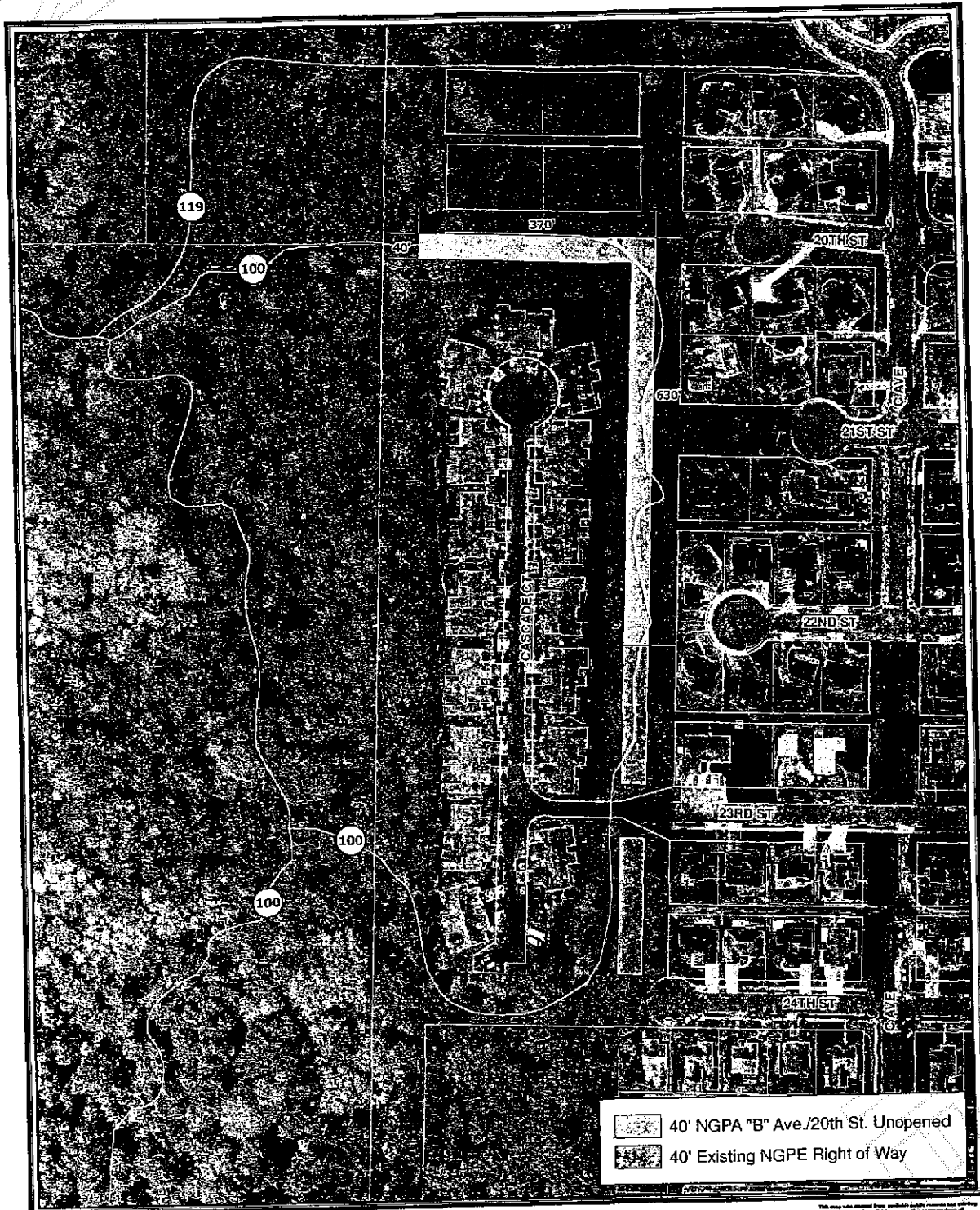
By [Signature]
H. Dean Maxwell, Mayor

Approved as to form:

[Signature]
Bradford E., Furlong, WSBA # 12924
City Attorney



UWA



0 100 200 Feet

EXHIBIT A

**NGPA Agreement
"B" Avenue & 20th St.**



April 2012

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