



201711290014

FILED FOR RECORD AT THE REQUEST OF
AND WHEN RECORDED RETURN TO:
Ken & Lori Miller
17460 Golden View Avenue
La Conner, WA 98257

Skagit County Auditor \$77.00
11/29/2017 Page 1 of 4 10:04AM

PROTECTED CRITICAL AREA EASEMENT (PCAE)

Grantors: KENNETH D. MILLER & PHYLLIS L. MILLER, husband and wife

Grantees: SKAGIT COUNTY, a political subdivision of the State of Washington

Abbreviated Legals: Lot 2 Skagit County Short Plat PL17-0 321

Additional Legals on page(s): Exhibit "A"

Assessor's Tax Parcel Nos.: P49700 / 360421-1-003-0004
P49765/ 360421-4-005-0006
P132493/ 360421-4-005-1006

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX
EASEMENT
NOV 29 2017

Amount Paid \$
Skagit Co. Treasurer
By HP Deputy

In consideration of Skagit County Code (SCC) 14.24.090, requirements for recording of protected critical area easements (PCAE), for areas included under PL17-0321, and mutual benefits herein, KENNETH D. MILLER & PHYLLIS L. MILLER, husband and wife, hereafter referred to as Grantors, do hereby grant, convey and warrant to Skagit County, a political subdivision of the State of Washington, a non-exclusive perpetual easement establishing a PCAE 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 PCAE described herein.

The easement is granted to and conditioned upon the following terms, conditions and covenants:

- 1. The PCAE legal description is as follows (or noted if attached):

Protected Critical Area, as contained in Lot 1 as shown on page 2 of 3, on Skagit County Short Plat No. PL17-0321, approved November 15, 2017 and recorded November 29, 2017 under Skagit County Auditor's File No. 201711290013, records of Skagit County, Washington, being a portion of the

SW ¼ of the NE 1/4, and the NW ¼ of the SE ¼ of Section 21, Township 36N, Range 4E, W.M.

2. Grantor(s) shall hereafter be responsible for maintaining and repairing PCAE areas as described herein and is hereby required to leave PCAE 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 PCAE 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). Notwithstanding anything to the contrary, Grantors shall be allowed to maintain and repair the existing improvements within the PCA in such areas as are identified on page 2 of 3, on Skagit County Short Plat No. PL17-0321. The garage identified in the PCA is 18.9' by 20.1' and may not be expanded or replaced. The existing septic system that services Lot 1 of Skagit County Short Plat No. PL17-0321, located underground in the general area identified on page 2 of 3, on Skagit County Short Plat No. PL17-0321 shall not be replaced by a new septic system in the PCA. Grantors retain the right to pedestrian and vehicular ingress and egress, improvements and utilities over, under and across the eastern portion of the PCA identified as roadway on page 2 of 3, on Skagit County Short Plat No. PL17-0321 for the purpose of accessing that area of Lot 1 which is located to the north of the PCA.
4. Grantors retain 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 PCAE and do not detract from its integrity may be permitted within the PCAE 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, 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 PCAE 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 PCAE, 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. Grantor(s) hold Skagit County

EXHIBIT "A"
Legal Description

Lot 1 of Skagit County Plat No. PL17-0321, approved November 15 and recorded November 29, 2017 under Skagit County Auditor's File No. 201711290013, records of Skagit County, Washington, being a portion of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, Township 36N, Range 4E, W.M.

Situate in Skagit County, Washington.

Exhibit "A"