



201712290069

Skagit County Auditor

\$76.00

12/29/2017 Page

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3 2:00PM

PROTECTED CRITICAL AREA EASEMENT (PCAE)

In consideration of Skagit County Code (SCC) 14.24.090, requirements for recording of protected critical area easements (PCAE), for areas included under PL14-0479, and mutual benefits herein, Thomas / Shielke, 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 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 shown on Skagit County Plat No. PL14-0479, approved December 29, 2017 and recorded December 29, 2017 under Skagit County Auditor's File No. 201712290067, records of Skagit County, Washington, being in a portion of the southwest quarter and the southeast quarter of Section 10, Township 36 N, Range 1 E, W.M. Parcels P46396, P131750, P46402, P131751, P46400, & P131752

2. Grantor(s) shall hereafter be responsible for maintaining and repairing PCA 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) or required as part of mitigation pursuant to SCC 14.24.

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

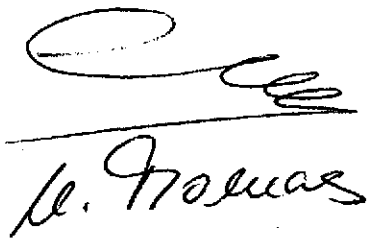
DEC 29 2017

Amount Paid \$
Skagit Co. Treasurer
By mdm Deputy

- UNOFFICIAL DOCUMENT
- i. Continued use of the existing dirt road that crosses wetland C
 - ii. The upland areas identified as PCAE Tract 3 and PCAE Tract 5 have not been assessed for the presence of critical areas. If in the future, a critical areas site assessment is performed, all regulated critical areas and their associated buffers must be designated as Protected Critical Areas (PCA). Development may occur outside of the PCA in compliance with all applicable County codes at that time.

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 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, 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.

By: See Page 3 DATED this _____ day of _____, 20____.


K. Thomas

ACKNOWLEDGMENT

STATE OF WASHINGTON)

ss.)

COUNTY OF SKAGIT)

Günther Thomas
Ursula Thomas

On this day personally appeared before me Tasso Schielke, 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 5./6. day of December, 2017.

NOTARY PUBLIC in and for the State of Washington residing at _____
My Commission Expires: _____

Urkundenrolle Nr. 986/2017

Die vorstehend heute vor mir in meiner Geschäftsstelle gefertigten Unterschriften

der Eheleute **Günther Friedrich Thomas**, geboren am 16.09.1948, und
Ursula Thomas, geb. Philipps, geb. am 24.04.1948
wohnhaft Am Uferkastell 72 in 45721 Haltern am See,
-ausgewiesen durch Vorlage ihrer gültigen Personalausweise-

beglaubige ich hiermit. Die Frage nach einer Vorbefassung im Sinne des § 3 Abs. 1 Ziff. 7
BeurkG wurde auf Befragen verneint.

Herten, 05. Dezember 2017



Notarin

Urkundenrolle Nr. 990/2017

Die vorstehend heute vor mir in meiner Geschäftsstelle gefertigte Unterschrift

des Herrn **Tasso Schielke**, geboren am 12.08.1948,
wohnhaft Karlstraße 35 in 45739 Oer-Erkenschwick,
-ausgewiesen durch Vorlage seines Personalausweises-

beglaubige ich hiermit. Die Frage nach einer Vorbefassung im Sinne des § 3 Abs. 1 Ziff. 7
BeurkG wurde auf Befragen verneint.

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Herten, 06. Dezember 2017



Notarin