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LAKE 16 LLC.  
2440 W. COMMODORE WAY, STE. 200  
SEATTLE, WA 98199-1484



**201904190035**

04/19/2019 10:34 AM Pages: 1 of 5 Fees: \$103.00  
Skagit County Auditor

DOCUMENT TITLE:

Protected Critical Area Easement (PCA)

REFERENCE NUMBER:

201904190032

GRANTOR(S):

1. PLATS PLUS, INC.
2. LAKE 16, LLC.

GRANTEE(S):

1. Skagit County
- 2.

ABBREVIATED LEGAL DESCRIPTION:

*LOT 3 OF SKAGIT COUNTY SHORT PLAT NO. 13-89, APPROVED JULY 12, 1989, AND RECORDED JULY 18, 1989, IN BOOK 8 OF SHORT PLATS, PAGES 144 AND 145, RECORDS OF SKAGIT COUNTY, WASHINGTON; BEING A PORTION OF GOVERNMENT LOT 1 OF SECTION 16, TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M.*

*TOGETHER WITH A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M.*

ASSESSOR PARCEL / TAX ID NUMBER:

*P16707 & P16701*

## PROTECTED CRITICAL AREA EASEMENT (PCAE)

In consideration of Skagit County Code (SCC) 14.24.090, requirements for recording of protected critical area easements (PCA), for areas included under PL96-0058, PLAT OF CASCADE HIGHLANDS - PHASE 1 AND 3, and mutual benefits herein, Grantor(s), project, 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):

*Those portions of the Plat of Cascade Highlands - Phase 1 and 3, PL96-0058, identified on the face of said plat as PCAE to include all delineated wetland and stream buffers, and Tracts A and B of said subdivision. Approved 4-17-19 and recorded 4-19-19, under Skagit County Auditor's File No. 201904190032, records of Skagit County, Washington, being in a portion of NE 1/4 and SW 1/4 and Government Lot 1 of Section 16, Township 33 North, Range 4 East, W.M.*

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 or planting of non-native vegetation within the PCA areas except as specially 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.
  - a. Permit the continuation of the existing uses within the buffer area that meet SCC14.24.070.
  - b. Grantors shall be held harmless from any damage or injury to any property or person by any person entering the easement areas not expressly authorized to do so by the Grantors.
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, 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.

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

APR 19 2019

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

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.

DATED this 17 day of April, 2019.

SKAGIT COUNTY (Grantee):

[Signature]  
SIGNATURE

Leah Forbes, Senior Planner  
NAME & TITLE (PRINTED)

Owners (Grantors):  
PLATS PLUS, INC.

[Signature]  
SIGNATURE

Brendan Reeves Vice President  
NAME & TITLE (PRINTED)

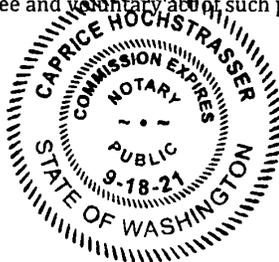
LAKE 16, LLC.

[Signature]  
SIGNATURE

Mark E. Kaushagen President  
NAME & TITLE (PRINTED)

State of Washington )  
County of Skagit )

I certify that I know or have satisfactory evidence that Brendan Reeves signed this instrument, on oath, stated that he/she was authorized to execute the instrument and acknowledged it as the Vice President of Plats Plus Inc., a Washington Corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



Dated: 1-28-19

[Signature]  
Signature

Caprice M. Hochstrasser  
Notary Name (Print)

My Appointment Expires: 9-18-21

State of Washington )  
County of Skagit )

I certify that I know or have satisfactory evidence that Mark Kaushagen signed this instrument, on oath, stated that he/she was authorized to execute the instrument and acknowledged it as the President of Lake 16, LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



Dated: 1-28-19

[Signature]  
Signature

Caprice M. Hochstrasser  
Notary Name (Print)

My Appointment Expires: 9-18-21

## PROPERTY LEGAL DESCRIPTION

## PARCEL A:

LOT 3 OF SKAGIT COUNTY SHORT PLAT NO. 13-89, APPROVED JULY 12, 1989, AND RECORDED JULY 18, 1989, IN BOOK 8 OF SHORT PLATS, PAGES 144 AND 145, RECORDS OF SKAGIT COUNTY, WASHINGTON; BEING A PORTION OF GOVERNMENT LOT 1 OF SECTION 16, TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M.

## PARCEL B:

THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M.; EXCEPT ALL COUNTY ROADS; AND ALSO EXCEPT THAT PORTION THEREOF LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16 WITH THE NORTHEASTERLY LINE OF TRACT B OF SHORT PLAT NO. 14-80, APPROVED MAY 9, 1980, AND RECORDED MAY 12, 1980, UNDER AUDITOR'S FILE NO. 8005120013 IN VOLUME 4 OF SHORT PLATS, PAGE 87, RECORDS OF SKAGIT COUNTY, WASHINGTON;  
THENCE SOUTH 41°00'00" EAST ALONG THE NORTH LINE OF SAID SHORT PLAT TO THE NORTHWESTERLY CORNER OF TRACT 31 OF THE PLAT OF "HERMWAY HEIGHTS", AS PER PLAT RECORDED IN VOLUME 9 OF PLATS, PAGE 63, RECORDS OF SKAGIT COUNTY, WASHINGTON;  
THENCE EASTERLY ALONG NORTH LINE OF SAID PLAT TO THE NORTHEASTERLY CORNER OF TRACT 30 OF SAID PLAT;  
THENCE SOUTH ALONG THE EAST LINE OF SAID PLAT TO THE NORTHERLY LINE OF A 45-FOOT RADIUS CUL-DE-SAC OF THE HERMWAY HEIGHTS ROAD AS DELINEATED ON THE FACE OF THAT CERTAIN SURVEY RECORDED UNDER AUDITOR'S FILE NO. 8003110134, IN VOLUME 3 OF SURVEYS, PAGE 22, RECORDS OF SKAGIT COUNTY, WASHINGTON;  
THENCE EASTERLY ALONG THE NORTHERLY LINE OF THE CUL-DE-SAC TO THE INTERSECTION OF SAID CUL-DE-SAC WITH THE NORTHERLY LINE OF PARCEL 2, AS DELINEATED ON THE FACE OF SAID SURVEY;  
THENCE ALONG THE NORTHERLY LINE OF PARCEL 2 OF SAID SURVEY TO THE NORTHERLY LINE OF LAKE SIXTEEN ROAD, AS DELINEATED ON THE FACE OF SAID SURVEY;  
THENCE SOUTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LAKE SIXTEEN ROAD TO THE INTERSECTION OF SAID LINE WITH THE NORTHERLY LINE OF LOT 1 OF SKAGIT COUNTY SHORT PLAT NO. 30-88, APPROVED SEPTEMBER 13, 1988, AND RECORDED SEPTEMBER 21, 1988, UNDER AUDITOR'S FILE NO. 8809210018, IN VOLUME 8 OF SHORT PLATS, PAGES 68 AND 69, RECORDS OF SKAGIT COUNTY, WASHINGTON;  
THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 1 OF SAID SHORT PLAT NO. 30-88 TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 16 AND THE TERMINUS OF SAID LINE.

EXCEPT FROM ALL OF THE PARCELS A AND B HEREIN ABOVE ANY PORTION THEREOF LYING WITHIN THE BOUNDARIES OF THOSE CERTAIN 50-FOOT-WIDE STRIPS OF LAND CONVEYED TO SKAGIT COUNTY FOR ROAD PURPOSES BY DEED DATED APRIL 12, 1929, AND RECORDED JULY 13, 1929, IN VOLUME 151 OF DEEDS, PAGE 30, UNDER AUDITOR'S FILE NO. 225064, RECORDS OF SKAGIT COUNTY, WASHINGTON.