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05/30/2024 01:48 PM Pages: 1 of 10 Fees: \$312.50
Skagit County Auditor

After Recording Return to:
City of Mount Vernon
910 Cleveland Ave.
Mount Vernon, WA 98273

Document Title: NGPA Easement
Grantor(s): Robert A. Hughes and Leslee A. Hughes, husband and wife
Grantee: City of Mount Vernon, a Municipal Corporation
Abbreviated Legal Description: SE ¼ of the SW ¼, Sec 29, Twp 34North, Rge 04 East, W.M.
Assessor's Tax Parcel No: P28081

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

MAY 30 2024

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

EASEMENT FOR
NATIVE GROWTH PROTECTION AREA (NGPA)

IN CONSIDERATION of Mount Vernon Municipal Code (MVMC) 15.40.040(L) that contains the applicability, standards, and method of creation of native growth protection areas (NGPAs) for areas included under City Project Number: **PLAN23-0308**, and mutual benefits herein, the property owner(s) **Robert A. Hughes and Leslee A. Hughes**, hereafter referred to as Grantor(s), does hereby grant, convey and warrant to the City of Mount Vernon, a political subdivision of the State of Washington, a non-exclusive perpetual easement establishing a NGPA over, along and across those portions of the property depicted in attached **Exhibit B**, together with the right of ingress and egress to and from this easement over property owned by the Grantor, their heirs and assigns, for the purpose of monitoring and enforcing proper operation and maintenance of the NGPA(s) described herein.

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

1. Grantor is the owner of that certain real property legally described in **Exhibit A** attached hereto and incorporated herein by this reference.
2. The NGPA is shown in **Exhibit B** attached hereto and incorporated herein by this reference.
3. A NGPA Easement is hereby created for the purpose of preserving critical areas, buffering and protecting plants and animal habitat, and preventing harm to property and the environment including, but not limited to, controlling surface water runoff and erosion and maintaining slope stability.

This NGPA easement establishes and creates an obligation to maintain and protect the NGPA tract(s) and leave undisturbed all trees and other vegetation within this area, except for the removal of diseased or dying vegetation that presents a hazard, or the implementation of an enhancement plan required and/or approved by the City. Any work in the NGPA, including removal of dead, diseased or dying vegetation, shall not occur unless the express written authorization of the City has been received. The cost associated with the evaluation, removal and replanting of any vegetation shall not be the responsibility of the City; but rather shall be borne by the property owner; which also includes Homeowner's Associations if they are the owner of said NGPA property.

The City of Mount Vernon is hereby granted an irrevocable easement over, along and across the area designated as a NGPA, together with the right of ingress and egress to and from the NGPA for the purpose of monitoring and enforcing proper operation and maintenance of the NGPA described herein. The City of Mount Vernon shall have the right, but not the obligation, to enforce the requirements, terms and conditions of this restriction by any method available under law. The obligation to ensure all terms of the NGPA are met is the responsibility of the property owner.

The rights and obligations set forth herein for this NGPA easement shall insure to and be binding upon all the parties, their heirs, successors, and assigns, and shall constitute an easement running with the land.

4. Grantor(s) shall hereafter be responsible for maintaining and repairing the NGPA areas as described herein and is hereby required to leave NGPA areas undisturbed in a natural state. Grantor(s) are responsible for maintenance and protection of the NGPA area. Maintenance includes ensuring that no alterations occur within the tract and that all vegetation remains undisturbed unless the express written authorization of the City of Mount Vernon has been received.
5. With the exception of activities identified as Allowed without a Specific Development Permit under MVMC 15.40.020(D), any land-use activity that could 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 Chapter 15.40 of the MVMC. 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 NGPA areas except as specifically permitted by the City of Mount Vernon on a case-by-case basis consistent with Chapter 15.40 of the MVMC.
6. Grantor(s) retains the right to use and possession of the real property over which the easement is granted to the extent permitted by the City of Mount Vernon as low impact uses and activities which are consistent with the purpose and function of the NGPA, which comply with Chapter 15.40 of the MVMC, and which do not detract from its integrity may be permitted within the NGPA depending on the sensitivity of the habitat involved.
 - a. Within the NGPA area illustrated in **Exhibit B** the Grantors have two existing structures (a shop and chicken coop with a run), five raised planter beds, fencing, flower gardens, and areas maintained as lawn. The approximate size and location of these existing structures and areas/uses are identified within **Exhibit C**.
 - b. The existing structures, fencing, planter beds and flower gardens can be used, maintained and repaired as allowed under MVMC 15.40.020(D)(4)(f) and (m). The lawn areas can be mowed and nonnative invasive vegetation or weeds listed by Skagit County or other government agency can be removed as allowed under MVMC 15.40.020(D)(4)(f).
7. Should any disturbance of the NGPA 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 City approved mitigation plan.
8. The parties recognize this easement is created, granted, and accepted for the benefit of the inherent natural functions provided by the NGPA, but shall not be construed to provide open or common space for owners, tenants, lessors within the project or members of the public.
9. By acceptance of the easement for the purposes described, the City of Mount Vernon does not accept or assume any liability for the acts or omissions of the fee owners, his or her invitees, licenses or other third parties within the easement area. Grantor(s) hold the City of Mount Vernon harmless from any damage or injury to any property or person by any person entering the easement area not expressly authorized to do so.
10. Grantor(s) agrees that this easement shall run with the land and that the rights and obligations of Grantor(s) and the City of Mount Vernon shall inure to the benefit of each and shall be binding upon their respective heirs, successors, and assigns.

- 11. Grantor(s) covenants that they own the property legally described herein and has lawful right to convey the interest in the property to the City of Mount Vernon for the benefit of the public forever.

IN WITNESS WHEREOF, the parties hereto have caused this NGPA easement to be executed as of the date set forth below:

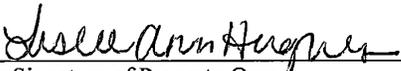
SIGNED AND APPROVED this 30th day of May, 2024

OWNER

OWNER



Signature of Property Owner



Signature of Property Owner

CITY OF MOUNT VERNON



Signature of Development Services Director or Designee
Rebecca Howell

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that ROBERT A. HUGHES is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the OWNER to be the free and voluntary act and deed of said OWNER, for the uses and purposes therein mentioned.

Given under my hand and official seal this 30th day of May, 2024.



Danielle D. Freiberger
Notary Public
Residing at Skagit County
My appointment expires 10/26/27

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that LESLEE A. HUGHES is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the OWNER to be the free and voluntary act and deed of said OWNER, for the uses and purposes therein mentioned.

Given under my hand and official seal this 30th day of May, 2024.



Danielle D. Freiberger
Notary Public Skagit Co
Residing at Skagit County
My appointment expires 10/26/27

EXHIBIT A

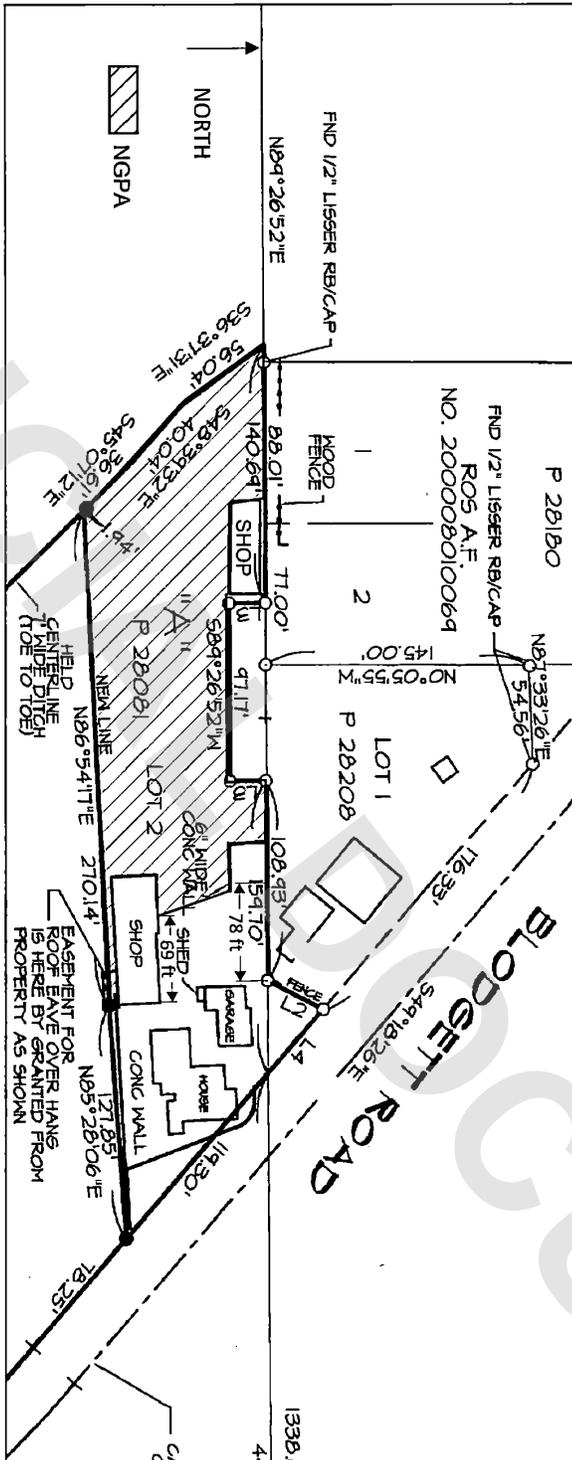
Legal Description of Grantor's Property

LOT 2, OF BOUNDARY LINE ADJUSTMENT NO. PL-16-033, APPROVED ON MAY 26, 2016, RECORDED ON MAY 27, 2016, UNDER AUDITOR'S FILE NO. 201605270150, BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M. EXCEPT ANY PORTION THEREOF LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHERLY MOST CORNER OF SAID LOT 2, BOUNDARY LINE ADJUSTMENT NO. PL-16-033; THENCE SOUTH 49°18'26" EAST ALONG THE NORTHEASTERLY LINE OF SAID LOT 2, ALSO BEING THE SOUTHWESTERLY RIGHT OF WAY MARGIN OF BLODGETT ROAD FOR A DISTANCE OF 165.63 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE SOUTH 85°28'06" WEST FOR A DISTANCE OF 127.85 FEET; THENCE SOUTH 86°54'17" WEST FOR A DISTANCE OF 270.14 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SAID LOT 2, BOUNDARY LINE ADJUSTMENT NO. PL-16-033 AND BEING THE TERMINUS OF SAID LINE. SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

EXHIBIT B

UNOFFICIAL DOCUMENT

EXHIBIT B
Map of NGPA Area



Map above is a portion of a Boundary Line Adjustment survey recorded under Auditor's File Number: 201710020071. Not to Scale.

The NGPA boundaries are identified by hatching on the map above. The NGPA areas were identified by Mount Vernon Planning Staff on 04/24/2024 based on Wetland Delineation Map prepared by 7K Environmental, LLC in report titled "Review of Critical Area Report for 16768 Blodgett Road prepared by DCG Watershed dated June 2023" and dated October 20, 2023.

EXHIBIT C

UNOFFICIAL DOCUMENT

