



200105080111

Skagit County Auditor

5/8/2001 Page 1 of 4 3:18:23PM

Document Title:

Protected Critical Area Easement

Reference Number :

Grantor(s):

1. DEAN ANDERSON

additional grantor names on page ____.

2.

Grantee(s):

1. SKAGIT CO.

additional grantee names on page ____.

2.

Abbreviated legal description:

full legal on page(s) ____.

LOTS 87 & 88 "FIRST ADDITION, BIG LAKE WATER FRONT TRACTS"
ACCORDING TO THE PLAT THEREOF RECORDED IN VOL. #4 OF PLATS
PAGE 15, RECORDS OF SKAGIT CO., WASHINGTON
SECTION 6, T.33 N., R. 5E., W.M.

Assessor Parcel / Tax ID Number:

additional tax parcel number(s) on page ____.

3863-000-088-0005

P# P62105

Protected Critical Area Easement (PCA)

In consideration of Skagit County Code (SCC) 14.24.170, requirements for recording of protected critical area easements (PCA), for areas included under Plat 00-0262, 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 at a mutually agreeable time and upon prior written notice to the Grantor and the Property Owner or Owners 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 for lot #3 as described below:

1. The PCA legal description is as follows:

Protected Critical Area, as shown on Skagit County Short Plat Lot #3 of No. Plat 00-0262, approved May 8, 2001 and recorded May 8th 2001 under Skagit County Auditor's File No. 200105080110 records of Skagit County, Washington, being in a portion of Section 6, Township 33 N, Range 5 E, W.M.

2. Grantor(s) shall hereafter be responsible for maintaining and repairing PCA areas as described herein. Existing native vegetation shall be maintained in accordance with mitigation recommendations within the buffer area. Normal non-destructive pruning and trimming of vegetation for maintenance purposes, or thinning of limbs of individual trees to provide a view corridor, shall not be subjected to these buffer requirements. Trails may be maintained to provide access to water, docks and to allow for reasonable access to property. No clearing grading, filling, logging or removal of woody material, or 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) When procedural and substantive amendments are made to SCC 14.24, the Grantor shall have the opportunity to propose and have revisions considered to this document consistent with and subject to amended SCC 14.24
 - b) Grantor and Property Owners shall have use of the PCA area for individual site drainage and drainage structures only as allowed as follows: To avoid trapped storm water, excavation recommendation is to grade to drain toward the daylight (east) side, so that any water in the excavation is free to drain by gravity. A foundation drainage system (footing drains) should be included along the three buried walls of the structure. Footing drains should consist of a rigid perforated pipe with invert at footing subgrade elevation, perforations placed down, sloped to drain via gravity, enveloped with at least



200105080111
Skagit County Auditor

6 inches of pea gravel or washed rock in all directions. The drain rock envelope should be isolated from the surrounding site soils with an appropriate non-woven filter fabric, such as Amoco 4545 or equivalent. For a basement application, a 2-foot thickness of the pea gravel or drain rock should be carried up the outside of the walls to within 1 to 2 feet of the ground surface, and completely covered with filter fabric prior to compaction of backfill soils as recommended above. Depending upon conditions observed in the excavation for the basement, it may be necessary to construct a sub-slab drainage system prior to pouring the basement floor slab, to reduce the possibility of water in the basement. The system would be best designed once the building configuration has been established. Backfilled walls in habitable spaces should have an appropriate waterproofing compound applied on the exterior surface prior to drain installation. It should still have dampness on interior surfaces. The overall site drainage concept should have the subgrade be set so that drainage is away from the house location, but surface water should not be allowed to drain over the face of the embankment to the east under any circumstances. A small (approx. 6: high) soil water flow to a suitable discharge, such as an at-grade yard drain with a tightline discharge. This recommendation is advanced to reduce the chances of erosion of embankment soils, and causing instability of the slope. Roof downspout and yard drainage, should not be directed in to the footing drain system. All collected drain water should be tightlined away from the residence to a suitable distant discharge, and should not be allowed to discharge onto site slopes.

c) Construction Measures: At the time of construction, limit the amount of clearing, grading, and soil disturbance to only that area necessary to complete the project. Keep all heavy equipment a minimum of 65 feet from the lake edge. Prevent surface runoff from disturbed soils from entering the lake by using erosion-control measures such as straw bales and/or silt fencing.

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, stormwater management facilities and utility easements. Provided further that the grantor agrees not to interfere with, obstruct or endanger Skagit County's use of the easement for the agreed activity.
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 provision of a County approved mitigation plan.
6. The parties recognize that his 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 purpose described, Skagit County does not accept or assume and liability of acts or omissions of the fee owners, his or her invitees,



200105080111
Skagit County Auditor

5/8/2001 Page 3 of 4 3:18:23PM

licenses or there third parties within the easement area. Grantor(s) hold Skagit County harmless for 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 property to Skagit County for the benefit of the public.

DATED this 15 day of Feb, 2001.

By: Dean Anderson

SKAGIT COUNTY WASHINGTON
Real Estate Service Tax

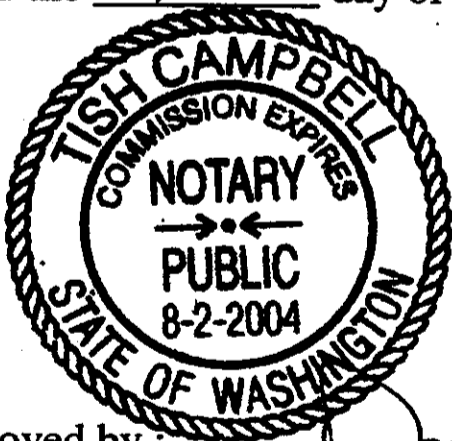
MAY 08 2001

Amount Paid \$ 0
Skagit Co. Treasurer
By DC Deputy

State of Washington)
)
County of Skagit)

I certify that I know or have satisfactory evidence Dean Anderson signed this instrument, on oath stated that DEAN ANDERSON authorized to execute the instrument and acknowledge it as the OWNER OF SAID PROPERTY OF PL EASEMENT to be the free and voluntray act of such party for the use and purposes mentioned in the instrument.

Dated the 15th day of February, 2001.



Tish Campbell

NOTARY PUBLIC in and for the State of Washington residing at: Mount Vernon
Print Name: TISH CAMPBELL
My appointment expires: 8/02/04

Approved by: [Signature]
Skagit County

Date: 2/15/01



200105080111
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