

Return to: Skagit Surveyors & Engineers
806 Metcalf Street
Sedro-Woolley, WA 98284
Phone: (360) 855-2121



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COVER SHEET
PROTECTED CRITICAL AREA AGREEMENT

GRANTOR: Charles G. Petersen

GRANTEE: Skagit County

LEGAL DESCRIPTION:

Tract 2 of Skagit County Short Plat No. 114-78, approved September 30, 1980, recorded October 2, 1980 in Book 4 of Short Plats, page 185, under Auditor's File No. 8010020002; being a portion of Lot 58, "ANACO BEACH, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 5 of Plats, page 4, records of Skagit County, Washington.

TOGETHER WITH all that portion of Lot 57, PLAT OF ANACO BEACH, according to the plat thereof recorded in Volume 5 of Plats, page 4, records of Skagit County, Washington, being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 2, of Short Plat No. 114-78, approved September 26, 1980, and recorded in Volume 4 of Short Plats, page 185, records of Skagit County, Washington, being a portion of Lot 58, said PLAT OF ANACO BEACH; thence North 89°56'00" East, along the South line of said Lot 2, for a distance of 662.34 feet to the Southeast corner thereof, said point being also the East corner common to said Lots 57 and 58, PLAT OF ANACO BEACH; thence South 01°09'51" East, along the East line of said Lot 57, PLAT OF ANACO BEACH, for a distance of 18.65 feet; thence South 89°56'00" West, parallel with the North line of said Lot 57, for a distance of 666.88 feet to the Southerly extension of the Westerly line of said Lot 2, Short Plat No. 114-78; thence North 14°46'06" East, along said Southerly extension, a distance of 19.29 feet to the POINT OF BEGINNING.

ASSESSOR'S PROPERTY TAX PARCEL NUMBER:
P61862 3538-000-058-0107

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

DEC 17 2002

Amount Paid \$ 0
Skagit County Treasurer
By: *DC* Deputy

PROTECTED CRITICAL AREA EASEMENT AGREEMENT

In consideration of Skagit County Code (SCC) 14.24.170, requirements for recording of Protected Critical Area easements (PCA), for areas included under PL 99-0026, and mutual benefits herein Grantor 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 that portion of the project, denoted as PCA and described, hereinafter together with the right of ingress and egress to and from these easements for the sole purpose of monitoring and enforcing proper operation and maintenance of the PCA described herein.

These easements are granted subject to and conditioned upon the following terms, conditions and covenants:

1. The PCA legal description is as follows:

Tracts A, B, C, D, E, F, G, H, J, K, L, M & N as shown on Short Plat #SP 99-0026.

2. Grantor shall here after be responsible for maintaining and repairing PCA areas as described herein and is hereby required to leave the PCA undisturbed in a natural state. No clearing, grading, filling, logging or removal of woody material, building, construction or road construction of any kind or planting of non-native vegetation is allowed within the PCA's except as currently exists, is noted in "3." herein or is specifically permitted by Skagit County on a case-by-case basis consistent with SCC 14.24.
3. Grantor and Skagit County agree to the following special conditions requested by the Grantor or required as part of mitigation pursuant to SCC 14.24.
 - a. Permit the continuation of the existing uses within the buffer area including operation and maintenance of an existing well within the buffer area.
 - b. Grantor 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 Grantor.
 - c. The Geologically Hazardous Areas mapped as PCAs (Tracts C through N) can be removed from PCA designation when the mitigation outlined in the Geologic Assessment Report Prepared by J.B. Scott and dated October 13, 2001 is completed inspected and approved by a geotechnical engineer. Mitigation shall be completed prior to issuance of a building permit for Lot 2 by Skagit County. Specific mitigation measures for each tract are summarized below:

Tracts C & E – This situation can be corrected by road widening to eliminate the areas of failure. (Per Jim Scott November 20, 2001—Area 1)

Tract D & F - Rake down and dress up the slope to a slope angle of not less than ½:1. (J.B. Scott report dated October 13, 2001—Area 2)



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Tract J - Remove stump and adjacent area to it slope angle of not more less than ½:1. (J.B. Scott report dated October 13, 2001—Area 3)

Tract K - This situation can be corrected by road widening to eliminate the areas of failure. (Per Jim Scott November 20, 2001—Area 4)

Tract L - Rock cut slope having loose wedges of rock. Scale or bar down all loose rock. (J.B. Scott report dated October 13, 2001—Area 5)

Tract M - Soil zone overlying rock. Rake down and dress up the slope to a slope angle of not less than ½:1. (J.B. Scott report dated October 13, 2001—Area 6)

Tract N - Jointed rock with primary joint pattern dipping at 62°. Place a minimum of three rock anchor bolts at least 6 feet deep into the rock face and put the rock into compression. Scale or bar down all loose-jointed rock. (J.B. Scott report dated October 13, 2001—Area 7)

Tract H - Soil over rock, rake down and dress up the slope to not less than ½:1. (J.B. Scott report dated October 13, 2001—Area 8)

Tract G - This situation can be corrected by road widening to eliminate the areas of failure. (Per Jim Scott November 20, 2001—Area 9)

3. Grantor retains the right to the use and possession of the real property over which the easements are granted to the extent permitted by Skagit County. 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 in 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.
4. 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.
5. 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



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third parties within the easement areas. Grantor holds Skagit County 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 Skagit County.

7. Grantor agrees that these easements shall run with the land and that the rights and obligations of Grantor and Skagit County shall inure to the benefit of each and shall be binding upon their respective heirs, successors and assigns.
8. Grantor 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.

Skagit County:

Leah Faber

State of Washington
County of Skagit

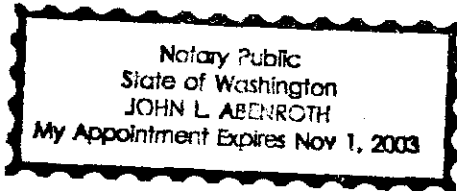
Owner:

Charles G. Petersen

Charles G. Petersen

I certify that I know or have satisfactory evidence that Charles G. Petersen is the person who appeared before me that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

(Seal or Stamp)



Dated Aug 23, 2002

Signature [Signature]

Notary Burlington WA

Title Notary

My appointment expires 11/1/2003



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