



201607200031

Skagit County Auditor

\$79.00

7/20/2016 Page

1 of

7 2:54PM

When recorded return to:

Brian Jiro Kubo and Elise Kathryn Kubo  
420 Barry Loop  
Mount Vernon, WA 98274

**STATUTORY WARRANTY DEED**

**THE GRANTOR(S) Cy Neil Valliant, an unmarried man, as his separate property**

for and in consideration of \$10.00 and good and other valuable considerations  
in hand paid, conveys, and warrants to Brian Jiro Kubo and Elise Kathryn Kubo, husband and wife  
the following described real estate, situated in the County of Skagit, State of Washington:

Lot 71, "DIGBY HEIGHTS PHASE II," as per plat recorded September 19, 2011, under Auditor's File No. 201109190087, records of Skagit County, Washington. Situate in the City of Mount Vernon, County of Skagit, State of Washington.

Abbreviated Legal:

SUBJECT TO: SEE ATTACHED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

Tax Parcel Number(s): 6001-000-000-0071 P130954

**Land Title and Escrow**

Dated: July 14, 2016

#155401-  
0

7/15/2016

Cy Neil Valliant

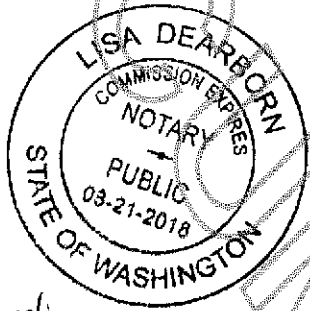
State of Washington  
County of Snohomish

I certify that I know or have satisfactory evidence that Cy Neil Valliant (is/are) the person(s) who appeared before me, and said person(s) acknowledge that (he/she/they) signed this instrument and acknowledged it to be (his/her/their) free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: July 14, 2016

Notary Public in and for the State of Washington

My appointment expires: August 21, 2018



2016 3054  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

JUL 20 2016

Amount Paid \$ 5701.00  
By Skagit Co. Treasurer Deputy  
MAF

# Exhibit "A"

1 of 6

Municipal assessments and impact fees, if any, levied by the City of Mount Vernon.

Assessments, if any, due and owing Digby Heights Homeowners Association.

Easements, restrictions, and other matters shown on Schedule "B-1" attached are also excepted from coverage. The easements, restrictions and other matters shown as lettered exceptions on Schedule "B-1" are excepted from policy coverage to the same extent that the numbered Schedule "B" Special Exceptions shown herein are excepted from policy coverage.

Reservation of minerals as contained in deed from W. M. Lindsey, et ux, recorded April 17, 1902, in Volume 44 of Deeds, page 499, records of Skagit County, Washington.

## AGREEMENT AND THE TERMS AND CONDITIONS THEREOF:

Between: City of Mount Vernon, a Municipal Corporation of the State of Washington  
And: Public Utility District No. 1, Skagit County, a Municipal Corporation  
Dated: November 17, 1994  
Recorded: November 29, 1994  
Auditor's No.: 9411290004  
Regarding: Formation of L.I.D. to improve streets

Terms and conditions of City of Mount Vernon Ordinance No. 2829 recorded March 5, 1998, under Auditor's File No. 9803050022.

## EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Energy, Inc., a Washington Corporation  
Purpose: The right to construct, operate, maintain, repair, replace, improve, remove, enlarge, and use the easement area for one or more utility systems for purposes of transmission, distribution and sale of electricity.  
Area Affected: A strip of land 10 feet in width with 5 feet on each side of the centerline of grantee's facilities as now constructed, to be constructed, extended or relocated lying within the above described parcel. This easement description may be superseded at a later date with a surveyed description provided at no cost to Grantee.  
Dated: November 20, 2008 and February 13, 2009  
Recorded: December 1, 2008 and February 23, 2009  
Auditor's No.: 200812010104 and 200902230143

## PLATS OF DIGBY HEIGHTS PHASES, I, II, AND III DECLARATION OF RESERVATIONS, RESTRICTIVE COVENANTS AND EASEMENTS AND THE TERMS AND CONDITIONS THEREOF:

Declarant: Cedar Heights LLC, a Washington limited liability company  
Dated: April 1, 2009  
Recorded: April 15, 2009  
Auditor's No.: 200904150064

## FIRST AMENDMENT TO DECLARATION OR RESERVATIONS, RESTRICTIVE COVENANTS AND EASEMENTS:

Recorded: April 13, 2012  
Auditor's No.: 201204130158

## Exhibit "A"

2 of 6

### EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Energy, Inc.  
Purpose: Electric transmission and/or distribution line, together with necessary appurtenances  
Recorded: February 23, 2009  
Auditor's No.: 200902230143

### ASSESSMENTS OR CHARGES AND LIABILITY TO FURTHER ASSESSMENTS OR CHARGES, INCLUDING THE TERMS, COVENANTS, AND PROVISIONS THEREOF, DISCLOSED IN INSTRUMENT(S):

Recorded: April 15, 2009  
Auditor's No.: 200904150064  
Imposed By: Cedar Heights, LLC

### EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Future lot owners  
Purpose: Private storm drainage and mailbox easement  
Recorded: February 4, 2011  
Auditor's No.: 201102040092

### COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, NOTES, DEDICATIONS, PROVISIONS AND SURVEY MATTERS AS DESCRIBED AND/OR DELINEATED ON THE FACE OF SAID PLAT OR SHORT PLAT, AS FOLLOWS:

Plat/Short Plat: Digby Heights Phase II  
Recorded: September 19, 2011  
Auditor's No.: 201109190087  
As Follows:

### CONSENT AND DEDICATION:

Know all men by these presents that Cedar Heights, LLC, a Washington limited liability company, England Family, LLC, a Washington limited liability company, and Washington Federal Savings and Loan, owners in the fee simple or contract purchasers and mortgage holders or lien holders, of the land hereby platted, declare this plat and dedicate to the use of public forever, the streets and avenues shown hereon and the use thereof for all public purposes consistent with the use thereof for public highway and storm water purposes, together with the right to make all necessary slope for cuts and fills upon the lots and blocks shown hereon in the original reasonable grading of all such streets and avenues shown hereon.

### PUD UTILITY EASEMENT:

Easements to Public Utility District No. 1 as shown hereon, are granted to Public Utility District No. 1 of Skagit County, Washington, a Municipal corporation, its successors or assigns, the perpetual right, privilege, and authority enabling the District to do all things necessary or proper in the construction and maintenance of a water line, lines or related facilities, including the right to construct, operate, maintain, inspect, improve, remove, restore, alter, replace, relocate, connect to and locate at any time a pipe or

## Exhibit "A"

3 of 6

### I. (PUD UTILITY EASEMENT (continued):

pipes, line or lines or related facilities, along with necessary appurtenances for the transportation of water or other similar public services over, across, along, in and under the lands as shown on this plat, together with the right of ingress to and egress from said lands across adjacent lands of the Grantor. Also, the right to cut and/or trim all brush or other growth standing or growing upon the lands of the Grantor which, in the opinion of the District, constitutes a menace or danger to said lines(s) or to persons or property by reason of proximity to the line(s). The Grantor agrees that title to all brush, other vegetation or debris trimmed, cut, and removed from the easement pursuant to this agreement is vested in the District.

Grantor, its heirs, successors, or assigns hereby conveys and agrees not to construct or permit to be constructed structures of any kind on the easement areas without written approval of the General Manager of the District. Grantor shall conduct its activities and all other activities on Grantor's (or assigns) property so as not to interfere with, obstruct or endanger the usefulness of any improvements or other facilities, now or hereafter maintained upon the easement or in any way interfere with, obstruct or endanger the District's use of the easement.

### PRIVATE DRAINAGE AND SEWER EASEMENTS:

Easements for the purpose of conveying local storm water runoff and sanitary sewer are hereby granted in favor of all abutting private lot owners in the areas designated as private drainage or private sewer easements. The maintenance of private easements established and granted herein shall be the responsibility of, and the costs thereof shall be borne equally by, the present and future owners of the abutting private lot owners and their heirs, owners personal representatives and assigns. The City of Mount Vernon is hereby granted the right to enter said easements for emergency purposes at its own discretion.

### UTILITIES AND SIDEWALK EASEMENTS:

An easement is hereby reserved for and granted to the City of Mount Vernon, Public Utility District No. 1, Puget Sound Energy, Frontier Communications, Cascade Natural Gas Corp., and Comcast Corporation and their respective successors and assigns under and upon the exterior front boundary lines, twelve feet (12.0") or as otherwise shown, of all lots and tracts as shown on the face of this plat and other easements, if any, shown on the face of this plat, for utilities and sidewalks in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines, fixtures, appurtenances attached thereto, for the purpose of providing utility services and pedestrian access to the subdivision and other property, together with the right to enter upon the lots and tracts at all times for the purposes stated, with the understanding that any grantee shall be responsible for all unnecessary damage it causes to any real property owner in the subdivision by the exercise of rights and privileges herein granted.

### GEOTECHNICAL CONDITIONS (APPENDIX J)

The City of Mount Vernon has required that the developer of Digby Heights comply with Appendix J of the International Building Code. The developer has submitted a Geotechnical Engineering Report prepared by Materials Testing and Consulting, Inc. dated September 2, 2011. The City finds that the report satisfies said Appendix J and adopts the report, including its recommendations and conditions, as part of the Digby Heights project file and final plat approval process for Phases II and III. The applicant(s) for all future building permits for the platted lots within said Phases II and III shall comply with the recommendations and conditions within said report prepared by Materials Testing and Consulting, Inc. dated September 2, 2011. Said report is available in the office of Community and Economic Development.

# Exhibit "A"

4 of 6

I. (continued):

## NOTES:

1. Indicates existing monument in case
  - Indicates monument in case set with cap inscribed Lisser 22960:
  - Indicates existing pipe or rebar found.
  - Indicates cap inscribed Lisser 22960, set in concrete.
2. Description and exception information is from Land Title Company Subdivision Guarantee, Order No. 133251-P, dated April 16, 2009, updated November 29, 2010 and July 05, 2011.
3. For additional subdivision and meridian information see Plat of Digby Heights, Phase I, LU-07-013 recorded under Skagit County Auditor's File Number 200904150063, in records of Skagit County, Washington.
4. Zoning Classification: R-1, 4.0
5. Sewage Disposal: City of Mount Vernon
6. Storm Drainage: City of Mount Vernon
7. Street Standard: City of Mount Vernon
8. Water: Skagit County PUD No. 1
9. Power: Puget Sound Energy
10. Telephone: Frontier Communication
11. Gas: Cascade Natural Gas
12. Television Cable: Comcast Corporation
13. Garbage Collection: City of Mount Vernon. Solid waste collection for lots shall be at the edge of the public right-of-way.
14. Meridian: Assumed
15. Basis of Bearing: Monumented North line of the Northeast ¼ of the Southeast ¼ of Section 21, Township 34 North, Range 4 East, W.M. Bearing = South 88°39'21" East
16. Instrumentation: Leica TCR705A Theodolite Distance Meter
17. Survey procedure: Field traverse
18. All lots within this subdivision are subject to impact fees for schools, fire, parks, and any other City impact fees, payable upon issuance of a building permit.

## Exhibit "A"

5 of 6

### I. (continued):

19. All homes shall be built on site and no modular or manufactured homes are permitted.
20. Siltation control devices may be required for each lot during home construction or subsequent soil disturbances. See City of Mount Vernon Department of Community and Economic Development for details.
21. This property is subject to and together with easements, reservations, restrictions, covenants, liens, leases or other instruments of record referred to in Land Title Company report referenced under Note 2 above. Said report lists documents recorded under Auditor's File Numbers 200901040123, 201002160176, 201003040087, 200906250096, 201007300014 ½, 201102040092 and 201104270072.
22. Owner/Developer: Cedar Heights, L.L.C.  
17146 Britt Road  
Mount Vernon, WA 98273  
Phone: (360) 524-4886
23. A homeowners' association has been created that will be responsible for maintenance of the open space, forested buffer and other landscaping areas. See documents recorded under Auditor's File Numbers 200904150063 and 200904150064.
24. The lots in this plat have an average lot size below 7,600 square feet. New buildings on lots within this plat are subject to the design review requirements Chapter 17.70 MVMC. Design review standards have specific requirements with respect to architectural features, landscaping and site improvement. See City of Mount Vernon Department of Community and Economic Development for specific requirements associated with building permit application requirements.
25. Lots 60 through 71 have a 20-foot wide forested buffer on the Southern portion of the lots. The forested buffer and the split rail fence that delineates shrubs within the forested buffer can be trimmed and maintained, but can only be removed with the permission of the City of Mount Vernon. The City will authorize the removal of trees and shrubs within the forested buffer only if a professional arborist (or other similarly qualified professional) demonstrates to the City that the trees/shrubbery poses a danger and/or the vegetation is dead or dying. If the City authorizes the removal of trees or shrubs within the forested buffer, new trees/shrubbery shall be replanted within a timeframe established by the City. Replanted deciduous trees shall be a minimum of 2-inch caliper, evergreen trees shall be a minimum of 7 feet in height and shall be full and bushy, and shrubs shall be a minimum of 2-gallon. The owners of Lots 60 through 71 shall not disturb the forested buffer area unless it is for maintenance such as minor weeds; and they together with the Homeowners Association are responsible for this area on the lot. No dumping or debris (i.e. yard waste, grass clippings etc.) shall be allowed within the forested buffer area the City of Mount Vernon is hereby granted the right to enter said forested buffer area at its own discretion to monitor the condition of the buffer area.
26. Individual geotechnical reports shall be required for all building permits on lots having slopes in excess of 15%.
27. No direct access to Digby Road shall be allowed from any lot.
28. Lots 57 through 60 shall have an arterial street setback from the East edge of the Digby Road right of way consistent with MVMC 17.15.070(a).

# Exhibit "A"

6 of 6

(continued):

29. The front yard setbacks along Barry Loop shall be measured from the back of the existing sidewalk.

30. The sidewalk along Barry Loop is located in an easement on each of the lots shown hereon.

31. There shall be at least a 10 foot building setback from the split rail fence along the forested buffer as shown along Lots 60 through 71 to prevent encroachment into the buffer area during and after construction.

31. Tracts A and B shown hereon are entirely composed of wetlands and wetland buffers, with the exception of those areas encumbered by easements.

## J. SKAGIT COUNTY RIGHT TO FARM DISCLOSURE AND THE TERMS AND CONDITIONS THEREOF:

Grantor:	Burton Homes, Inc.
Grantee:	Cy Neil Valliant
Recorded:	July 3, 2013
Auditor's File No.:	201307030094
As Follows:	

Buyer is aware that the property may be subject to the Skagit County right to Farm Ordinance, Skagit County Code section 14.48, which states:

"If your real property is adjacent to property used for agricultural operations or included within an area zoned for agricultural purposes, you may be subject to inconveniences or discomforts arising from such operations, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FLIES, FUMES, DUST SMOKE THE OPERATION OF MACHINERY OF ANY KIND DURING ANY 24 HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. Skagit County has determined that the use of real property for agricultural operations is a high priority and favored use to the county and will not consider to be a nuisance those inconveniences or discomforts arising from agricultural operations, if such operations are consistent with commonly accepted good management practices and comply with local, state, and federal laws.