



201012150087 5 PGS
 12/15/2010 9:46am \$66.00
 SNOHOMISH COUNTY, WASHINGTON

**NO EXCISE TAX
 REQUIRED**

DEC 15 2010

KIRKE SIEVERS, Snohomish County Treasurer

By KIRKE SIEVERS

After Recording, return to:

Fred. Qwyen
 P.O. Box 222
 North Lakewood, WA 98259

Document Title: **CRITICAL AREAS PROTECTION EASEMENT**
 Grantor: **ARLINGTON SCHOOL DISTRICT NO. 16**, a Washington municipal corporation
 Grantee: **CITY OF ARLINGTON**
 Reference Nos.: **None**
 Abbrev. Legal: **A portion of the SW ¼ of the SW ¼, Section 13, township 31 North, Range 5 East, W.M., in Snohomish County Washington**
 Additional Lgl.: **Exhibit A**
 Assessor's Parcel No.: **00857400002100**

**CRITICAL AREAS PROTECTION EASEMENT
 (PIONEER ELEMENTARY SCHOOL SITE)**

GRANTOR, ARLINGTON SCHOOL DISTRICT NO. 16, a Washington municipal corporation, in consideration of mutual benefits, for public benefit, hereby grants, dedicates, and conveys to GRANTEE, the CITY OF ARLINGTON, a Washington municipal corporation, an easement over, through, under, across, upon, and in the real property described in Exhibit A attached hereto and incorporated herein by reference (the "Easement Area"), and as depicted on Exhibit B, attached hereto for informational purposes, for the protection of critical wetland and wetland buffer areas, together with the right of Grantee's access into the Easement Area across Grantor's property for the sole benefit of Grantee, as described in the Land Use Permit MJ-01-002, at times and locations which are reasonable and will minimize the disruption of educational activities on Grantor's property and enable Grantee to exercise its rights under this easement. Grantee shall provide Grantor with reasonable notice of its intent to undertake any such activities within the Easement Area.

This Easement Area is designated as open space and this easement is intended to protect streams, wetlands, native vegetation, steep slopes, and endangered species and shall preclude: grading or any recontouring of the land; placement of structures, wells, leach fields, utility lines and/or easements, and any other thing; vehicle activity; grazing; dumping; and the addition or removal of vegetation, except that vegetation may be selectively removed upon written order of the City's Fire Chief for the express purpose of reducing an identified fire hazard, or the Director of Public Works for the express purpose of reducing an identified hazard; and except that underground utility lines may be placed in the buffer areas in locations approved by the Director of Planning and Community Development. In addition, stream or wetland restoration activities may occur per a restoration plan approved by the Director of Planning and Community Development.

Grantor shall retain the right to use the Easement Area so long as said use does not materially interfere with Grantee's use of the easement. Grantee hereby acknowledges and agrees that Grantor's passive educational use of the Easement Area consistent with the above use restrictions is an allowed use under this easement and does not interfere with the City's use of the Easement Area.

This easement has been duly authorized, executed and delivered by Grantor and is binding on and enforceable against Grantor in accordance with its terms. Grantor represents and warrants that it has full authority to grant the easement rights included herein.

The covenants herein contained shall run with the land and are binding upon all subsequent owners thereof.

Dated this 25th day of October, 2010.

GRANTOR:

ARLINGTON SCHOOL DISTRICT NO. 16,
a Washington municipal corporation

By: *E. Kristine McDuffy*
Name: Dr. Kristine McDuffy
Title: Superintendent

Accepted and Approved:

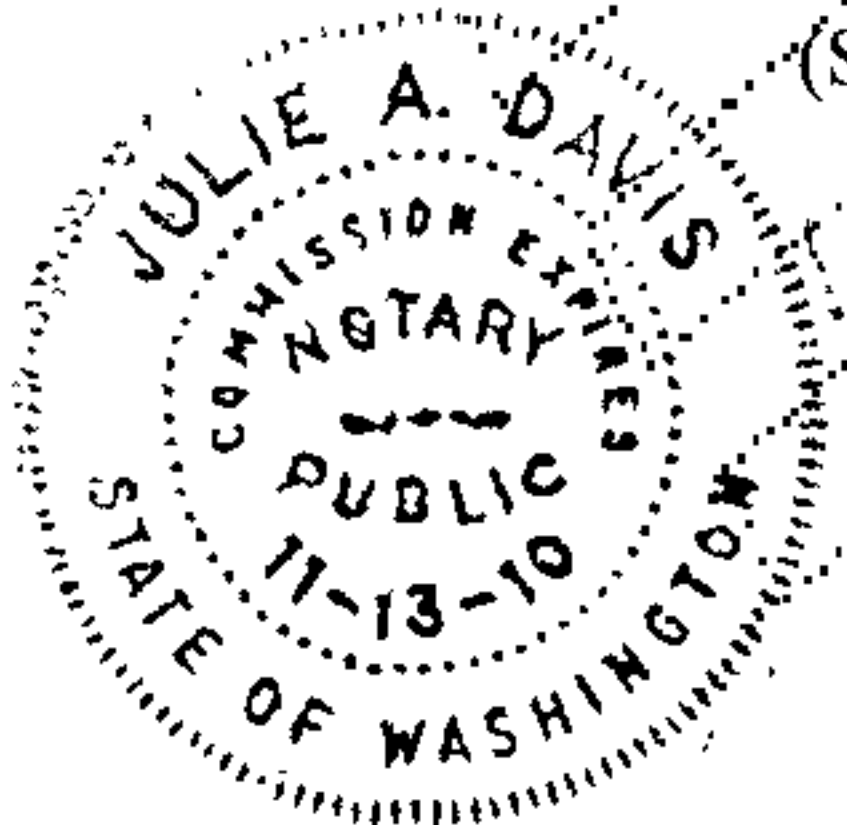
GRANTEE: CITY OF ARLINGTON
a Washington municipal corporation

By: *Margaret Gibson*

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that DR. KRISTINE MCDUFFY is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument, and acknowledged it as the SUPERINTENDENT of ARLINGTON SCHOOL DISTRICT NO. 16 to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 25th day of October, 2010.



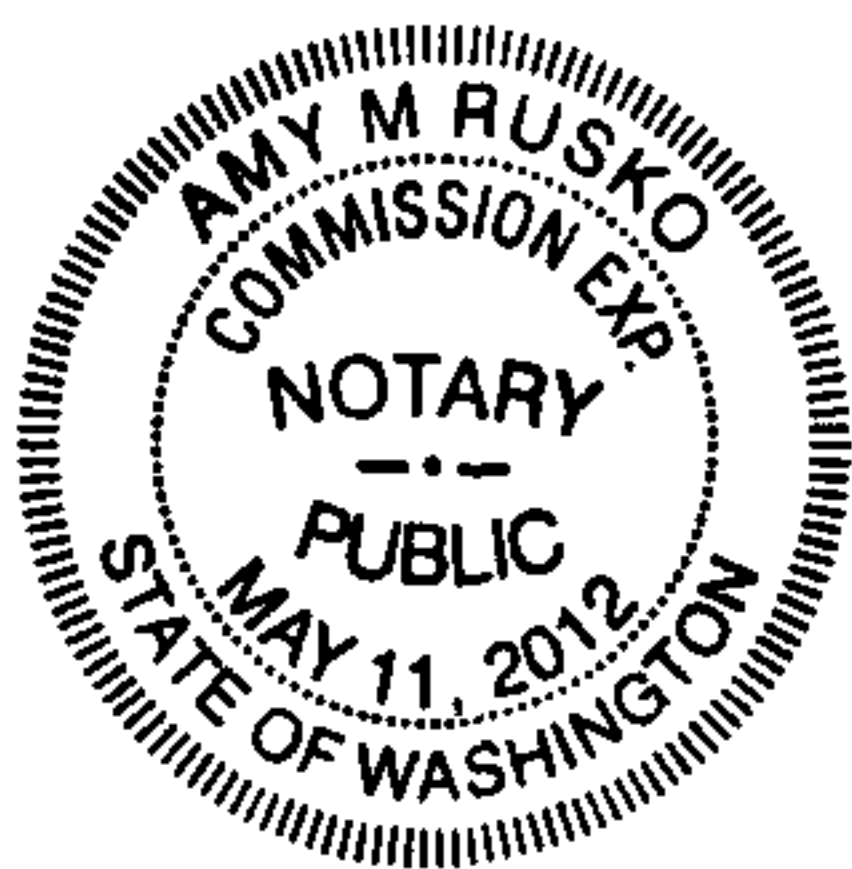
Julie A. Davis
Notary Public
Residing at ARLINGTON, WA
My appointment expires 11-13-10

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that Margaret Larson is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument, and acknowledged it as the Mayor of City of Arlington to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 7th day of December, 2010.

(SEAL)



Amy M Rusko
Notary Public
Residing at Arlington
My appointment expires 5-11-2012

EXHIBIT A

Critical Area Protection Easement Legal Description

A Critical Area Protection Easement located in the Northeast Quarter of the Northeast Quarter of Section 23, Township 31 North, Range 5 East, W.M., and being a portion of Parcel G, Gleneagle Golf Course, per Plat recorded in Volume 61 of Plats, pages 209 through 224, under Auditor's File No. 9606145004, Records of Snohomish County, Washington. Said Easement is all of Parcel G, EXCEPT that portion thereof more particularly described as follows:

BEGINNING at the northeast corner of said Parcel G;
Thence S18°09'46"E along the East line of said Parcel G for a distance of 733.14 feet to a point of curvature;
Thence along a tangent curve to the right having a radius of 35.00 feet, through a central angle of 90°00'00"E for an arc distance of 54.98 feet;
Thence S71°50'14"W, continuing along the South line of said Parcel G, for a distance of 318.84 feet to a point of curvature;
Thence along a tangent curve to the left having a radius of 530.00 feet, through a central angle of 02°25'55"E for an arc distance of 22.50 feet;
Thence N28°46'53"W, leaving said South line of Parcel G, for a distance of 151.88 feet;
Thence N24°19'26"W for a distance of 448.30 feet;
Thence N40°32'58"W for a distance of 76.41 feet;
Thence S74°38'19"W for a distance of 70.46 feet;
Thence N08°23'53"W for a distance of 69.11 feet;
Thence N13°05'41"W for a distance of 93.51 feet;
Thence N22°46'37"W for a distance of 45.90 feet;
Thence N03°10'46"W for a distance of 76.22 feet to a point on the North line of said Parcel G;
Thence S88°49'14"E along said North line of Parcel G for a distance of 546.77 feet to the northeast corner thereof and the **POINT OF BEGINNING**.

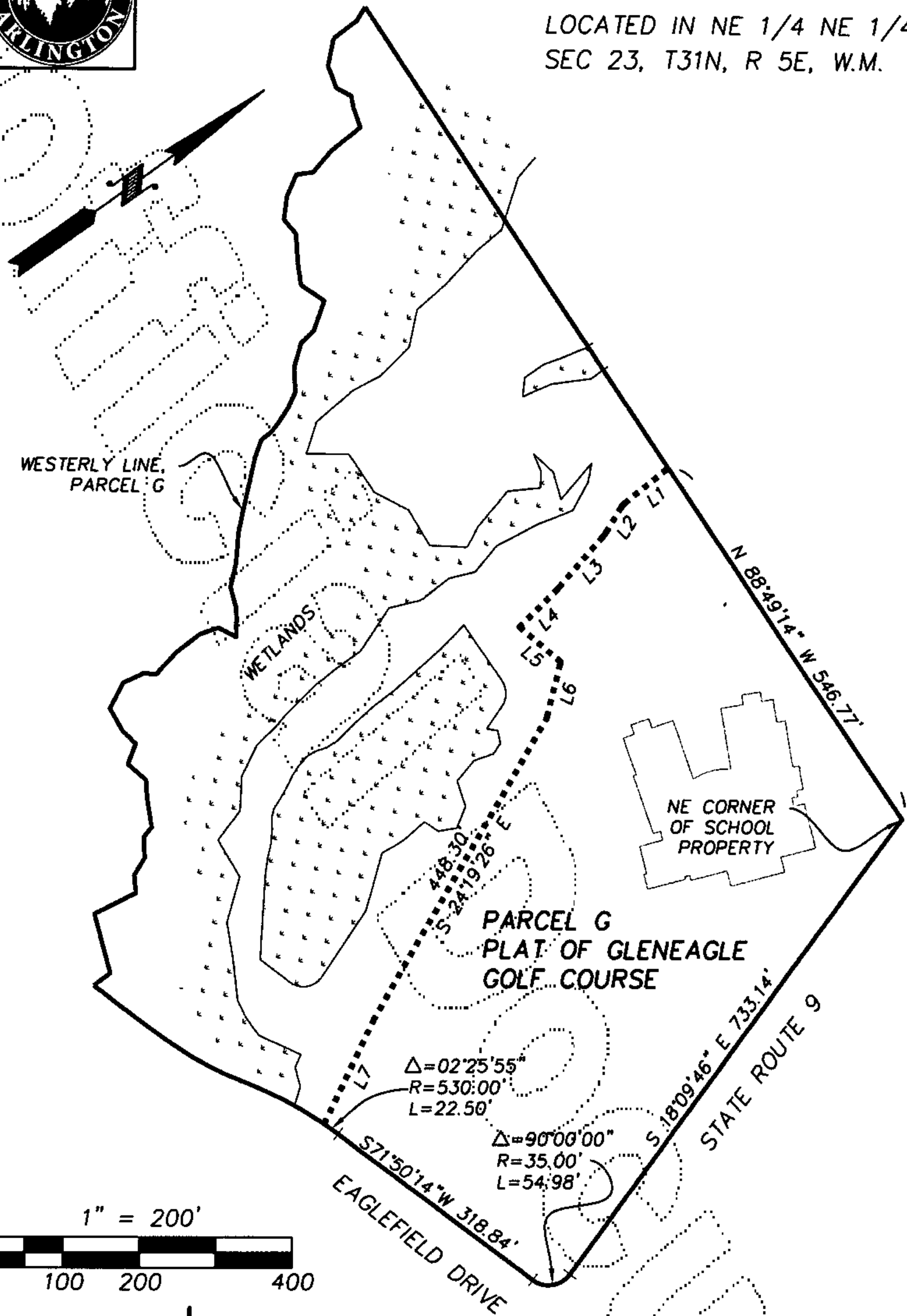
A sketch is attached as Exhibit B and by reference thereto is made a part hereof.

Situate in the County of Snohomish, State of Washington.

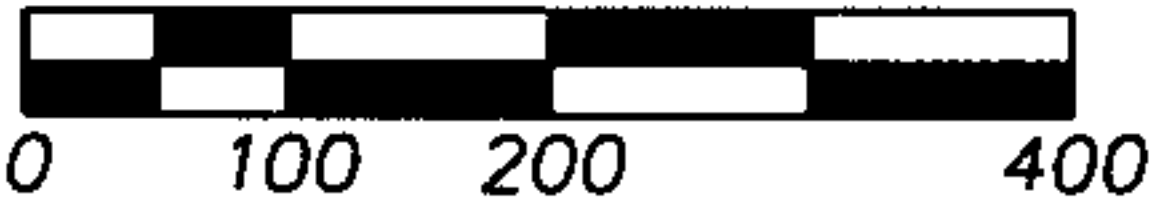


EXHIBIT B CRITICAL AREA PROTECTION EASEMENT

LOCATED IN NE 1/4 NE 1/4,
SEC 23, T31N, R 5E, W.M.



1" = 200'



LINE TABLE

NUMBER	BEARING	DISTANCE
L1	S 03°10'46" E	78.21'
L2	S 22°46'37" E	45.90'
L3	S 13°05'41" E	93.51'
L4	S 08°23'53" E	69.11'
L5	N 74°38'19" E	70.46'
L6	S 40°32'58" E	76.41'
L7	S 28°46'53" E	151.88'

© HARMSEN & ASSOCIATES INC 2010

DATE: 7/28/10	PIONEER ELEMENTARY SCHOOL	JOB#: 09-121
DWN: TLR APR: DRS	H&A HARMSEN & ASSOCIATES INC 16778 146th St SE, Ste 104, MONROE, WA 98272 (360)794-7811 (206)343-5903	FB: N/A
SCALE: 1" = 200'		SHEET 1 OF 1