

After recording return to:
Whatcom County Planning
and Development Services
5280 Northwest Drive
Bellingham, WA 98226

GRANTOR:
GRANTEE: WHATCOM COUNTY
GRANTEE (Trustee): N/A
LEGAL DESCRIPTION:
TAX PARCEL I.D. #:
REFERENCE #'s:

CONSERVATION EASEMENT

This grant of a conservation easement is made by and between _____, referred to hereafter as "Grantors," and Whatcom County, referred to hereafter as "Grantee." The Grantors own real property in Whatcom County, the legal description of which is attached hereto as Exhibit A (hereinafter the "Property"). The intent of Grantors and Grantee, through this conservation easement, is to preserve, protect, maintain and limit use of a portion of Grantors' undeveloped Property containing an identified critical area(s) and/or its associated buffer area(s), defined pursuant to WCC 16.16 – Whatcom County Critical Areas Ordinance, for the purpose of protecting the ecological functions and values provided by said critical area(s).

Grantors hereby convey to Grantee, its successors, heirs, and assigns, an easement for conservation purposes in reference to wetlands and/or Habitat Conservation Areas and/or associated buffers as defined pursuant to WCC 16.16. The conservation easement is depicted as "Conservation Easement" on Exhibit B attached hereto (hereinafter the "Conservation Easement").

It is the intent of this easement that the grant of protection not exceed the purpose, boundaries, or duration of critical area protection required by law under the Whatcom County Critical Areas Ordinance. Should the size, shape, or character of the identified critical area be altered by natural processes and/or operation of law in favor of the grantor, this easement shall be subject to amendment to conform to those changes, as determined by the administrator or a court of competent jurisdiction.

This conservation easement consists of mutual rights and obligations and is subject to the reservation of rights set forth below.

- 1. Rights, Obligations and Reservations.** All rights, obligations and reservations shall operate as covenants running with the land.

2. **Permitted Uses and Rights Reserved by Grantors.** Grantor reserves the following rights:

- a. To use the property as allowed by applicable Whatcom County Ordinances after disclosing the proposed use to Whatcom County.
- b. To include the acreage of the conservation easement within any development permit application or any project proposal that may be located on the Property for the purposes of calculating residential density or designating required open space.
- c. To maintain fish and wildlife habitat.
- d. Only upon written consent of Grantee, or by an approved farm plan or an approved addendum by the Technical Administrator:
 - (1) to enhance or restore degraded fish or wildlife habitat, wetlands, or wildland forest characteristics, on an ecologically managed basis; or
 - (2) to allow construction of unpaved foot trails; or
 - (3) to allow for ongoing agriculture activities outside of approved mitigation areas; or
 - (4) install utilities as approved by the Technical Administrator.

3. **Restrictions on Use.** Except as provided above, and as may be necessary to carry out those rights reserved, and after review by Technical Administrator, the Grantors shall not conduct the following activities within the Conservation Easement area:

- a. Remove trees or native vegetation.
- b. Permit grazing of domestic animals.
- c. Excavate, dredge, fill, dike or otherwise alter the landscape or topography.
- d. Store derelict vehicles, hazardous substances, or waste of any kind.
- e. Explore for or extract minerals, hydrocarbons, soils, gravel or other materials.
- f. Construct, erect or place any buildings, structures, or improvements, either of a temporary or permanent nature.
- g. Grant or allow road or utility construction and easements.

- h. Alter the surface or subsurface hydrology entering or exiting the conservation easement area.

Otherwise use the conservation easement area in a manner that is inconsistent with the reservation of rights and the purposes of this Conservation Easement.

4. Rights and Responsibilities of Grantee.

- a. Any forbearance by Grantee to exercise any rights under this agreement, in the event of a breach, shall not be deemed to be a waiver of Grantee's rights under this Conservation Easement.
- b. To access, with permission from Grantor, or with an administrative search warrant, to grantee, agents, successor and assigns for the limited purpose of monitoring this easement.

5. General Conditions.

- a. This conservation easement does not grant or permit public access to any portion of the conservation easement.
- b. Grantee may assign its interest in this conservation easement upon written consent of grantor.
- c. This conservation easement shall run with the property and shall be binding on successors, assigns, heirs of Grantor and Grantee.
- d. In the event that any of the provisions contained in this conservation easement are declared invalid or unenforceable in the future, all remaining provisions shall remain in affect.

Dated this _____ day of _____, _____.

Grantor

Grantor

Grantor/Print Name

Grantor/Print Name

STATE OF WASHINGTON)
)ss.
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that _____
is/are the person(s) who appeared before me, and said person acknowledge that he signed
this instrument, on oath stated that he was authorized to execute the instrument and
acknowledged it to be the free and voluntary act of such party for the uses and purposes
mentioned in the instrument.

Dated: _____

NOTARY PUBLIC, in and for the State of Washington,
residing at: _____
Printed Name: _____
My Commission expires: _____

STATE OF WASHINGTON)
)ss.
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that _____
is/are the person(s) who appeared before me, and said person acknowledge that he signed
this instrument, on oath stated that he was authorized to execute the instrument and
acknowledged it to be the free and voluntary act of such party for the uses and purposes
mentioned in the instrument.

Dated: _____

NOTARY PUBLIC, in and for the State of Washington,
residing at: _____
Printed Name: _____
My Commission expires: _____

Reviewed and approved by:

Whatcom County Natural Resources Division

Date

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

Jon Hutchings
Director



James P. Karcher, P. E.
County Engineer
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

EXHIBIT "A"

A CONSERVATION EASEMENT LYING OVER, UNDER AND ACROSS A PORTION OF THE FOLLOWING DESCRIBED PARCEL:

(PER STATUTORY WARRANTY DEED AF. NO. 2080903242)

THE NORTH 100 FEET OF THE SOUTH 300 FEET OF THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 2 EAST W.M., LYING WESTERLY OF THE PRESENT CHANNEL OF THE NOOKSACK RIVER, AND SOUTH OF THE SLOUGH, EXCEPT RIGHT-OF-WAY COMMONLY REFERRED TO AS FERNDALE ROAD, LYING ALONG THE WESTERLY LINE OF SAID PREMISES, AND LESS RIVER WASH.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

CONSERVATION EASEMENT DESCRIPTION

THAT PORTION OF THE ABOVE DESCRIBED PARCEL LYING EAST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT A REBAR AND CAP MARKING THE NORTHWEST CORNER OF SAID PARCEL AS SHOWN ON THAT CERTAIN RECORD OF SURVEY RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2141000660, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY MARGIN OF FERNDALE ROAD (CO. RD. NO. 558); THENCE ALONG THE NORTH LINE OF SAID PARCEL SOUTH 88°52'24" EAST 324.58 FEET TO THE **POINT OF BEGINNING**; THENCE DEPARTING SAID NORTH LINE SOUTH 03°30'17" EAST 100.32 FEET MORE OR LESS TO THE SOUTH LINE OF SAID PARCEL AND THE **TERMINUS** OF SAID LINE.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

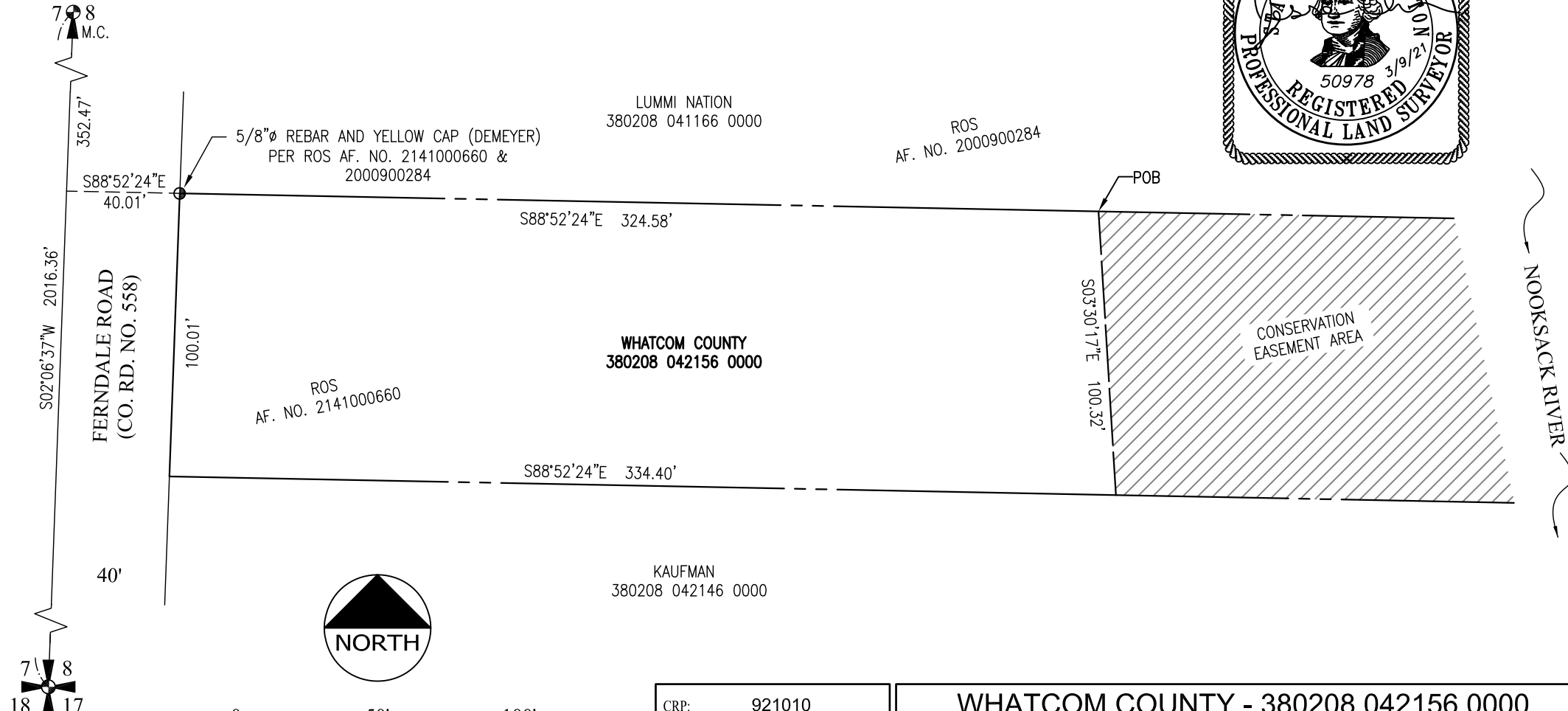
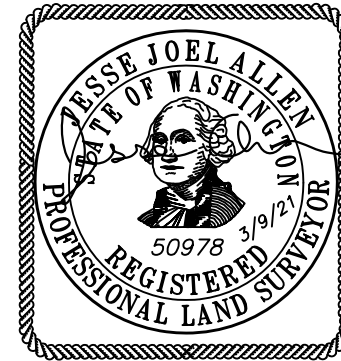




EXHIBIT

DEPARTMENT OF PUBLIC WORKS
322 N. COMMERCIAL ST., SUITE 301
BELLINGHAM, WA 98225 (360) 778-6210

SITUATE IN A PORTION OF SECTION 8, TOWNSHIP 38 NORTH,
RANGE 2 EAST, W.M., WHATCOM COUNTY, WASHINGTON



7 8
18 M.C.

S02°06'37"W 2016.36'

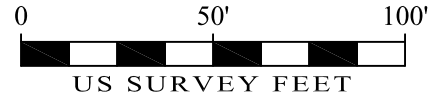
FERNDALE ROAD
(CO. RD. NO. 558)

S88°52'24"E
40.01'

100.01'

40'

7 8
18



LUMMI NATION
380208 041166 0000

ROS
AF. NO. 2000900284

ROS
AF. NO. 2141000660

WHATCOM COUNTY
380208 042156 0000

KAUFMAN
380208 042146 0000

S03°30'17"E
100.32'

CONSERVATION
EASEMENT AREA

NOOKSACK RIVER

CRP:	921010
DRAWN BY:	J. ALLEN
CHECK BY:	C. SWAN
DRAWING:	921010 X ESMT

WHATCOM COUNTY - 380208 042156 0000
CONSERVATION EASEMENT

DATE: 3/9/2021 SHEET: 1 OF 1