

Exhibit B

Return to:
Snohomish County
3000 Rockefeller, MS 303
Everett, WA 98201

**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS
Heybrook Ridge**

Reference:

GRANTOR: SNOHOMISH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF WASHINGTON

GRANTEE: PUBLIC

LEGAL DESCRIPTION: Portions of Section 20, Township 27 North, Range 10 East
ASSESSOR'S PROPERTY TAX PARCELS: 27102000100500, 27102000201100,
27102000201000, 27102000200900, 27102000100400, 27102000400700,
27102000400400

This Declaration is made this date by Snohomish County, a political subdivision of the State of Washington, which is the owner of that certain real property located in Snohomish County, Washington, more particularly described on Attachment 1, which is attached hereto and incorporated herein by this reference (the "Property"). Snohomish County hereby declares that the Property shall be held, sold, and conveyed subject to the following restrictions, covenants, and conditions, which shall inure to the benefit of the public, and shall burden the Property and shall pass with the Property and each and every lot thereof, and shall apply to, and bind the owners of the Property and owners of each and every lot therein, their legal representatives, grantees, heirs, successors and assigns, in perpetuity:

A. **Improvements.** Any improvements to the Property shall be limited to those that are consistent with the property remaining substantially in its natural state and that are not in conflict with the primary property purposes of forestland protection, environmental education, and passive public recreation. Such improvements may include, as examples, fences, picnic shelters, sanitation facilities, interpretive kiosks and noncommercial signs that advance the primary property purposes. No building or

structure with a footprint exceeding 400 square feet shall be built, placed or maintained on the Property except on parcels 27102000400700 and 27102000400400.

B. Forest Management. The Property shall remain in perpetuity in substantially its natural forested state, except that trees may be felled that present a hazard to public health or safety, or to promote forest health, restoration, and regeneration as part of a Forest Management Program in compliance with federal, state, and local regulations, provided that such tree removal does not negatively impact the integrity of the Property and its watershed. All monies obtained through forest management activities shall be expended only for the purposes of sustainable forest management, environmental education, and passive public recreation within the Property. No clear-cut harvest methods may be used on the Property. For the purpose of this Declaration, a forested area will be deemed "clear-cut" unless there remains after harvesting or permitted selective cutting, a sufficiently dense and well distributed stand of developing and mature indigenous trees so that the character of the landscape remains substantially forested.

C. Trail and Road Maintenance. Existing roads and trails necessary to physically harvest on-site timber may be maintained, renovated, expanded, or replaced. New trails necessary to provide recreational access and environmental educational opportunities may be constructed on the Property; provided that the design and location of any construction, renovation, expansion, replacement, and maintenance of the roads and trails may not adversely impact the primary property purposes.

D. Recreation. Passive recreational activities, such as hiking, bird watching, fishing, hunting, cross country skiing, rock climbing, tree climbing, and overnight camping, are allowed on the Property. Subject to the needs of Snohomish County to access the Property for the limited purposes of Sections A, B, and C above, no motorized vehicles are allowed on the Property except for public access and parking on parcels 27102000400700 and 27102000400400.

E. Public Access. Access by the general public to any portion of the Property may be permitted by Snohomish County to the extent not inconsistent with the primary property purposes.

F. Third Party Beneficiary. In consideration of the contribution made by Friends of Heybrook Ridge, a Washington nonprofit corporation ("FOHR"), toward the acquisition of the Property by Snohomish County, FOHR shall be a third party beneficiary to this Declaration. As such, FOHR shall have the right to enforce the terms of this Declaration in a court of competent jurisdiction and this Declaration may not be amended or terminated without the consent of FOHR.

IN WITNESS WHEREOF, Snohomish County has executed this Declaration this ____ day of _____, 2008.

SNOHOMISH COUNTY

Aaron Reardon, Executive

STATE OF WASHINGTON)
) ss
COUNTY OF SNOHOMISH)

On this _____ day of _____, 2008, before me personally appeared _____, to me known to be the _____ of Snohomish County, the entity that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said entity, for the uses and purposes therein mentioned, and on oath state she/he is authorized to execute said instrument on behalf of Snohomish County.

IN WITNESS WHEREOF I have hereunto set my hand and affixed by official seal the day and year first above written.

NOTARY PUBLIC in and for Washington

(print)
Residing at: _____
My commission expires: _____

Approved as to form

Deputy Prosecuting Attorney

Date