



200003090053

Kathy Hill, Skagit County Auditor

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File for the Record at the Request of

Skagit Land Trust  
P.O. Box 1017  
Mt. Vernon, WA 98273

Document Title: Confirmation and Correction Easement Deed

Reference Number(s) of Documents Assigned or Released:

Grantors: Landry M. Corkery, Sr., Susan Marie Corkery, Landry M. Corkery, Jr., and Jon Leif  
Corkery

Grantee: Skagit Land Trust

Partial Legal Description: (full legal attached as Exhibits A & B

Ptns of Gov Lot 2 in Section 28, Township 36 N, R 2 E, W.M., and ptns of Tract 3 shown on Record  
of Survey recorded in Book 3 at Page 82.

Assessor's Tax I.D.

#360228-0-001-0201/P47285  
#360228-0-016-0006/P47308  
#360228-0-011-0001/P47303  
#360228-0-001-0508/P47288  
#360228-0-015-0007/P47307  
#360228-0-018-0004/P47310  
#360228-0-001-0607/P47289

This Confirmation and Correction Easement Deed, recorded July 15, 1999, Auditor's File No. 9907150093, is being rerecorded to correct an error in the number given for Auditor's File No. on Page 1, Section 1 of Recitals. The number was erroneously written as 9412290118 referring to the original Grant Deed of Conservation Easement. This number has been corrected to 9412290116

RECEIVED  
7-29-99

KATHY HILL  
SKAGIT COUNTY AUDITOR

9907150093

'99 JUL 15 P3:08

RECORDED \_\_\_\_\_ FILED \_\_\_\_\_  
REQUEST OF \_\_\_\_\_

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Skagit Land Trust  
P.O. Box 1017  
Mount Vernon, Washington 98273

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SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax

JUL 15 1999

Amount Paid \$  
Skagit Co. Treasurer  
By: Deputy

SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID

9907150093

MAR 9 2000

Amount Paid \$  
Skagit County Treasurer  
By: Deputy



200003090053

Kathy Hill, Skagit County Auditor

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**CONFIRMATION  
AND  
CORRECTION CONSERVATION EASEMENT DEED**

This Confirmation and Correction Conservation Easement Deed is made on the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_, by Landry M. Corkery, Sr., Susan Marie Corkery, Landry M. Corkery, Jr., and Jon Leif Corkery, referred to herein as "Grantor" to Skagit Land Trust, referred to herein as "Grantee."

**RECITALS**

1. Landry M. Corkery, Sr. and Susan Marie Corkery conveyed to Grantee by "Grant Deed of Conservation Easement" a conservation easement for property legally described in Exhibit A hereto, which deed was dated December 29, 1994 and recorded under Skagit County Auditor's File No. ~~9412290118~~ on December 29, 1994, hereinafter referred to as the "First Original Deed." **9412290116**

2. At the time the First Original Deed was signed and recorded, Martha Corkery Mills as custodian for Landry M. Corkery, Jr. and Jon Leif Corkery, who were then minors, but who now are past the age of majority, held an interest in the Protected Property. However, neither Martha Corkery Mills as custodian nor Landry M. Corkery Jr. and Jon Leif Corkery personally executed the First Original Deed. Landry M. Corkery Jr. and Jon Leif Corkery wish to confirm their consent to and the execution of the First Original Deed.

3. Grantor conveyed to Grantee by "Grant Deed of Conservation Easement" a Conservation Easement for property legally described in Exhibit B hereto, which Deed was dated December 28, 1998 and recorded under Skagit County Auditor's File No. 9812310224 on December 31, 1998, hereinafter referred to as the "Second Original Deed."

4. In the First Original Deed and in the Second Original Deed, the Grantors thereof and Grantee intended that the Protected Property in each Deed not be included in any subdivision or development approval as "Open Space" or similarly described property to allow an increase in development density on contiguous properties. Since the parties have mutually agreed that the language of the First Original Deed and the Second Original Deed could be read in a manner differing from their intent, they have mutually agreed that additional language be added to each Deed so that the agreement of the parties in the First Original Deed and the Second Original Deed is clarified and that each Deed should be confirmed and corrected as set forth hereinafter.

**CONVEYANCE**

Therefore, Grantor, in consideration of the mutual promises contained herein and in the First Original Deed and in the Second Original Deed, and for other good and valuable consideration, the receipt of which is hereby acknowledged, confirms, gives, grants, bargains, sells, conveys and forever quitclaims to Grantee, Grantee's assigns forever, that interest in real



property conveyed by the Grant Deeds of Conservation Easement signed on December 29, 1994 and recorded under Skagit County Auditor's No. 9412290118 affecting the legal property set forth in Exhibit A hereto, and the Grant Deed of Conservation Easement signed on December 28, 1998 and recorded under Skagit County Auditor's File No. 9812310224 affecting real property set forth in Exhibit B hereto, except for the following:

### **CORRECTIONS TO GRANT DEEDS OF CONSERVATION EASEMENT**

Grantor and Grantee agree that the following modifications shall amend the terms and conditions of the First Original Deed and the Second Original Deed, as if set forth fully therein, at the time of signing and recordation:


1. The following language shall be added to **ARTICLE V., PROHIBITED USES:**

A. Use of the Protected Property as Open Space or any similarly described designation for the purpose of obtaining density credits or bonuses or increased development rights of any type whatsoever as part of a planned unit development, planned unit residential development, or Conservation and Resource Development short or long plat or any similar regulatory scheme by which development density on any land contiguous to the Protected Property may be increased; or

B. Inclusion of the Protected Property's land area for the purpose of calculating the total number of development rights on the Protected Property and any contiguous property as allowable under any development permitted by the applicable laws, ordinances, or regulations.

2. In all other respects, the terms and conditions of the First Original Deed and the Second Original Deed shall remain in full force and effect.

  
LANDRY M. CORKERY, SR.

  
SUSAN MARIE CORKERY

  
LANDRY M. CORKERY, JR.

  
JON LEIF CORKERY

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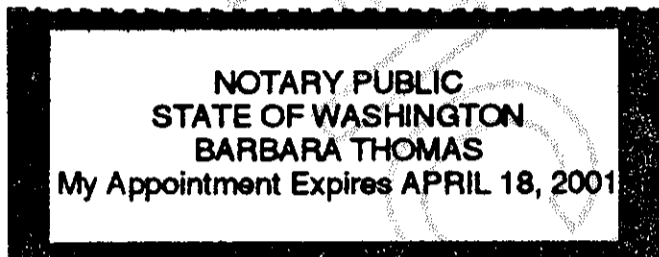
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Kathy Hill, Skagit County Auditor  
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STATE OF WASHINGTON )  
                                  ~~SKAGIT~~ <sup>WHATCOM</sup> ) SS.  
COUNTY OF ~~SKAGIT~~ )

On this day personally appeared before me Landry M. Corkery, Sr., to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 6<sup>TH</sup> day of JULY, 1999.



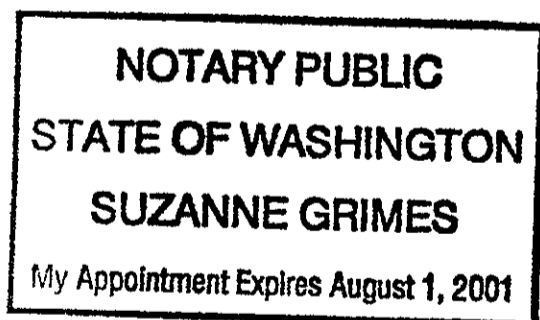
Barbara Thomas  
Notary Public in and for the state of  
Washington, residing at: BELLINGHAM

Printed Name: BARBARA THOMAS

STATE OF WASHINGTON )  
                                  ~~SKAGIT~~ <sup>Whatcom</sup> ) SS.  
COUNTY OF ~~SKAGIT~~ )

On this day personally appeared before me Susan Marie Corkery, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 25<sup>th</sup> day of June, 1999.



Suzanne Grimes  
Notary Public in and for the state of  
Washington, residing at: Deming

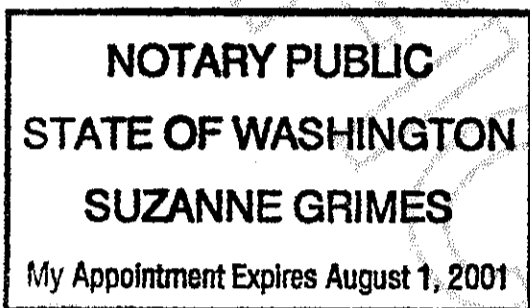
Printed Name: Suzanne Grimes



STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF SKAGIT Whatcom )

On this day personally appeared before me Landry M. Corkery, Jr., to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 25<sup>th</sup> day of June, 1999.



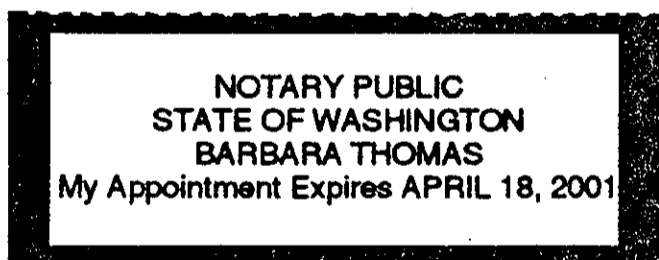
Suzanne Grimes  
Notary Public in and for the state of  
Washington, residing at: Deming

Printed Name: Suzanne Grimes

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF SKAGIT Whatcom )

On this day personally appeared before me Jon Leif Corkery, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 6 day of JULY, 1999.



Barbara Thomas  
Notary Public in and for the state of  
Washington, residing at: BELLINGHAM

Printed Name: Barbara Thomas

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## CERTIFICATION OF ACCEPTANCE

I, the undersigned representative of the Skagit Land Trust, with full authority to do so, hereby accept the above Confirmation and Correction Deed of Conservation Easements.

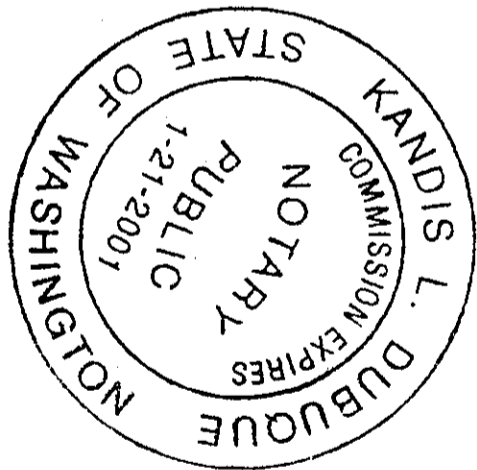
Dated this 15<sup>th</sup> day of July, 1999.

Jerald R. Haegle  
President, Skagit Land Trust.

STATE OF WASHINGTON )  
COUNTY OF SKAGIT ) SS.

On this day personally appeared before me Jerald R. Haegle to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he/she signed the same as his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 15<sup>th</sup> day of July, 1999.



Kandis L. Dubuque  
Notary Public in and for the state of  
Washington, residing at: Anacortes

Printed Name: Kandis L. Dubuque

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## EXHIBIT A

That portion of Government Lot 2 in Section 28, Township 36 North, Range 2 East, Willamette Meridian, and that portion of Tract 3 as shown on Record of Survey recorded in Book 3 at page 82 described as follows:

Commencing at the quarter corner common to Sections 27 and 28; thence North  $89^{\circ} 34' 30''$  West, along the South line of Government Lot 2 in said Section 28 a distance of 443.50 feet; thence North  $0^{\circ} 25' 30''$  East, a distance of 264.00 feet; thence North  $89^{\circ} 34' 30''$  West, a distance of 25.00 feet; thence North  $0^{\circ} 00' 00''$  East, a distance of 170.00 feet to the TRUE POINT OF BEGINNING; thence South  $0^{\circ} 00' 00''$  West, a distance of 170.00 feet; thence South  $89^{\circ} 34' 30''$  East, a distance of 25.00 feet; thence South  $0^{\circ} 25' 30''$  West, a distance of 264.00 feet to the South line of said Government Lot 2; thence North  $89^{\circ} 34' 30''$  West along said South line, a distance of 165.00 feet; thence North  $0^{\circ} 25' 30''$  East, a distance of 264.00 feet; thence North  $89^{\circ} 34' 30''$  West, a distance of 792.00 feet; thence North  $0^{\circ} 25' 30''$  East, a distance of 45.24 feet; thence North  $89^{\circ} 34' 30''$  West, a distance of 105 feet, more or less, to the line of ordinary high tide; thence North  $47^{\circ} 50' 01''$  West, along the line of ordinary high tide a distance of 187 feet, more or less, to a point which lies North  $89^{\circ} 34' 30''$  West from the true point of beginning; thence South  $89^{\circ} 34' 30''$  East, a distance of 1175 feet, more or less to the TRUE POINT OF BEGINNING.

Containing 5.1 Acres more or less.

Situate in the County of Skagit, State of Washington.

Subject to Easements and Restrictions of Record.

**9907150093**



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Kathy Hill, Skagit County Auditor

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## EXHIBIT B

That portion of Government Lot 2 in Section 28, Township 36 North, Range 2 East, Willamette Meridian, and that portion of Tract 3 as shown on Record of Survey recorded in Book 3 at page 82 described as follows:

Commencing at the quarter corner common to Sections 27 and 28; thence North 89°34' 30" West, along the South line of Government Lot 2 in said Section 28 a distance of 443.50 feet; thence North 0° 25'30" East, a distance of 264.00 feet thence North 89° 34' 30" West, a distance of 25.00 feet; thence North 0° 00' 00" East, a distance of 170.00 feet to the TRUE POINT OF BEGINNING, thence North 0° 00' 00" East a distance of 110 feet thence North 89° 34' 30" West to the line of ordinary high tide; thence Southeasterly along the line of ordinary high tide to a point which lies North 89° 34' 30" West from the TRUE POINT OF BEGINNING; thence South 89° 34' 30" East a distance of 1175 feet, more or less to the TRUE POINT OF BEGINNING; Except, that portion thereof lying within those premises conveyed to Mizell Family Trust, dated January 6, 1992 by James C. Mizell and Gene G. Mizell, Trustees of the Deed recorded as Auditors's File No. 9203090089.



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