After Recording Return To:
Washington State, Department of Natural Resources
Business Systems Support Division
Attn: Special Lands Acquisition
P.O. Box 47014
Olympia, WA 98504-7014



## ISLAND TITLE COMPANY

A16257

Reference: Amendment to easement recorded under AFN 200004050002 & amended under AFN 200102150131

Grantor: J. & P. Richter, T. Weingarten, S. Weingarten, P. & T. Tye, R. & K. Candelario, Dept. of Natural Resources (see also page 2)

Grantee: Secret Harbor School & Dept. of Natural Resources

Legal: Ptn. of Govt. Lots 4 & 5 of Section 4, Township 35 North, Range 1 East, W.M. (more

fully set forth in easement recorded under AFN 200004050002)

Tax Parcel Nos.: 350104-1-006-0602, 350104-1-006-0701 & 350104-1-006-0800

This agreement amends that certain easement recorded under Auditor's File No. 200004050002 and amended under Auditor's File No. 200102150131, records of Skagit County, State of Washington (hereinafter referred to as "Easement").

#### Recitals

- A. State of Washington, acting by and through the Department of Natural Resources (hereinafter referred to as "State"), wishes to purchase certain real property located in Skagit County, Washington, the legal description of which is set forth on Exhibit "A" attached hereto (hereinafter referred to as "Property") and incorporated by this reference herein. The Easement is appurtenant to the Property in addition to other parcels identified in Exhibit E to the Easement.
- B. State does not anticipate a need to use the Highland Road as described in Auditor's File No. 200004050002 to access the Property and therefore does not wish to be subject to the obligations for maintenance and indemnification imposed on the Grantee under the easement.
- C. Grantor and Grantee under the easement wish to encourage the State to purchase the Property and are willing to modify the terms of the easement as it affects the Property by releasing the State from obligations as set forth hereafter.

#### Agreement

For and in consideration of mutual benefits, receipt of which is hereby acknowledged, the parties agree as follows:

- 1. State, as owner of the Property or any portion thereof, is hereby released from the indemnification and liability insurance obligation under section 3(e). State is hereby released from the maintenance obligations imposed under section 3(f) for any period in which the State does not use the Highland Road or limits its use to foot traffic. During periods when the State uses this road to access the Property, the State shall share in the maintenance cost of the road in proportion to the State's use.
  - 2. This agreement may be signed in counterpart.
  - 3. This agreement shall become effective upon transfer of any portion of the Property to the State.

2001/01/18

A:\amend0002.doc

- This agreement shall apply to any future acquisitions by the State of Grantor's or Grantee's property encumbered or served by the easement recorded under Auditor's File No. 200004050002.
- If any portion of this Agreement shall be invalid, void or illegal, it shall in no way affect, impair or invalidate any of the other provisions hereof.

IN WITNESS HEREOF, the parties have executed this agreement the date and year set forth opposite their respective names.

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\_\_\_\_\_, 20\_\_ by James Schwartz Assistant Attorney General State of Washington



10:38:05AM 2 of 10 8/14/2001 Page

- 4. This agreement shall apply to any future acquisitions by the State of Grantor's or Grantee's property encumbered or served by the easement recorded under Auditor's File No. 200004050002.
- 5. If any portion of this Agreement shall be invalid, void or illegal, it shall in no way affect, impair or invalidate any of the other provisions hereof.

IN WITNESS HEREOF, the parties have executed this agreement the date and year set forth opposite their respective names.

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Approved as to Form on

January 19, 200/ by

James Schwartz

Assistant Attorney General State of Washington

200108140043 , Skagit County Auditor 8/14/2001 Page 3 of 10 10:38:05AM

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Approved as to Form on

James Schwartz

Assistant Attorney General State of Washington

, Skagit County Auditor 8/14/2001 Page

10:38:05AM 4 of 10

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- 5. If any portion of this Agreement shall be invalid, void or illegal, it shall in no way affect, impair or invalidate any of the other provisions hereof.

IN WITNESS HEREOF, the parties have executed this agreement the date and year set forth opposite their respective names.

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		Title: Executive Director

Amendment

Approved as to Form on

James Lehwart

James Schwartz

Assistant Attorney General State of Washington

DEPARTMENT OF NATURAL RESOURCES

STATE OF WASHINGTON

200108140043 , Skagit County Auditor

## **ACKNOWLEDGEMENTS**

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## **ACKNOWLEDGEMENTS**

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200108140043 , Skagit County Auditor 8/14/2001 Page 8 of 10 10:38:05AM

STATE OF WASHINGTON )	
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COUNTY OF SKagit )	
On this day personally appeared before me	Brian E. Carrell to me
known to be the Executive Director	of Secret Harbor School, a Washington non-
profit corporation, that executed the within and for	egoing instrument, and acknowledged said
instrument to be the free and voluntary act and dee	
and purposes therein mentioned, and on oath stated	
execute said instrument for said non-profit corpora	tion.
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of ven under any mand and official sear this	70 day of
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	Notary Public in and for the State of
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	wy appointment expires 177202.
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SUTHERLAND, to me known to be the Commissi	
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authorized to execute said instrument and that the Commissioner of Public Lands for the State of Wa	
Commissioner of Fubic Lands for the State of Wa	sinigui.
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above written.	
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	Washington, residing at the control



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8/14/2001 Page 9 of 10 10:38:05AM

### EXHIBIT A

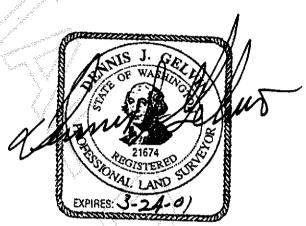
#### CYPRESS ISLAND NRCA

# SECRET HARBOR SCHOOL PARCEL DESCRIPTION

The west half of Government Lot 8, and Government Lot 9 of Section 4, Township 35 North, Range 1 East, Willamette Meridian, Skagit County, Washington, excepting from said Government Lot 9, the west 21.29 acres of said Government Lot, said west 21.29 acres being as monumented and shown on that survey recorded June 10, 1997 in Book 19 of Surveys at Page 127 under Auditor's File No. 9706100063, Skagit County Records,

## TOGETHER WITH

That portion of the tidelands of the second class described by document recorded April 3, 1915 under Auditor's File number 107270 lying in front of said Government Lot 9, excepting from said tidelands that portion lying in front of the west 21.29 acres of said Government Lot 9, said west 21.29 acres being as monumented and shown on said survey recorded under Auditor's File No. 9706100063, Skagit County Records.



Dennis J. Gelvin, PLS 21674 Land Description & R/W Specialist State Land Survey Unit Resource Planning & Asset Management PO Box 47060 Olympia, WA 98504-7060

Dated 4-13-01

FILENAME:L483LOT89TIDE

200108140043 , Skagit County Auditor 8/14/2001 Page 10 of 10 10:38:05AM