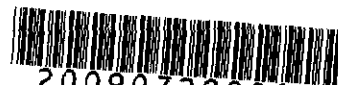


Washington State Department of Natural Resources
Asset Management & Recreation
Attn: Recreation Grant Manager
PO Box 47014
Olympia, WA 98504-7014



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Skagit County Auditor

7/29/2009 Page 1 of 4 12:16PM

**COVENANT TO USE LAND
FOR PUBLIC RECREATION PURPOSES**

The Grantor, Washington Department of Natural Resources for and in consideration of monies coming in whole or in part from the Recreation and Conservation Funding Board of the State of Washington and in fulfillment of terms of the Project Agreement executed to implement the approved project, agrees to use the real property described below for the outdoor recreation purposes identified in the Project Agreement for a period of thirty years. Thirty years from the effective date of this covenant.

Those outdoor recreation purposes are described in the Project Agreement, incorporated herein by this reference, entered into between the Grantor and the State of Washington through the Recreation and Conservation Office (RCO). The application and supporting materials related to the Project Agreement are on file with the Grantor and the RCO.

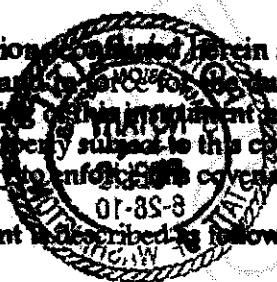
The Grantor will not make or permit to be made any use of the real property described in this covenant, or any part of it, which is inconsistent with the right to use for public outdoor recreation herein agreed upon unless the state, through the RCO or its successors, consents to the inconsistent use, which consent shall be granted only upon conditions which will ensure that other outdoor recreation land of at least equal market value and public benefit at the time of change of use and of equivalent or greater usefulness and location for the public recreation purposes for which state assistance was originally granted will be substituted in the manner provided in RCW 79A.15.030 as implemented by WAC 286-27-066.

The covenants, conditions and restrictions contained herein shall run with the real property described below and shall be binding and enforceable for the duration of this covenant. This covenant shall be effective upon recording of this instrument in the real property records of the county or counties in which the real property subject to this covenant is located. The RCO or its successors shall have exclusive authority to enforce this covenant.

The real property subject to this covenant is described as follows:

Located within Sections 16, T36N, R3E, as shown approximately on the map marked Exhibit A. See Exhibit B for full legal description.

Tax Parcel Number(s): 47918, 47927, 47928, 47929, 47932.



CUMMENS

This covenant shall in no way modify or extinguish the functions of the Grantor under the Project Agreement, including the Grantor's functions to operate and maintain the land as set out in the Project Agreement.

Dated this 27th day of July, 2009

By: [Signature]
PETER GOLDMARK
Washington State Commissioner of Public Lands

ATTEST:

STATE OF WASHINGTON

: SS,
COUNTY OF Thurston

THIS IS TO CERTIFY that on this 27th day of July, 2009, before me the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Peter Goldmark to me. This individual is known to be the, of the that executed the foregoing deed and acknowledged to me that they signed and sealed the same as the free and voluntary act and deed of said and on oath stated that they were authorized to execute said instrument and that the seal affixed is the seal of said

[Signature]
WITNES my hand and official seal the day and year in this certificate first above written.

[Signature]
Notary Public in and for the State of Washington, residing in Olympia WA County.

My commission expires 6-27-10








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Samish Overlook - Proposed Recreation Site Topographic/Ownership Map

EXHIBIT A



LEGEND

-  Proposed Recreation Site
-  State Highways
-  Secondary Roads
-  DNR-Managed Lands
-  Puget Sound



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EXHIBIT B

SAMISH OVERLOOK RECREATION SITE

Portion of Section 16, T36N, R3E
Skagit County, Washington

Land Description

A parcel of land located within Government Lot 3, the NE1/4, and in the E1/2 of the SE1/4 of Section 16, Township 36 North, Range 3 East, Willamette Meridian, Skagit County, Washington, more particularly described as follows;

Commencing at the NE corner of said Lot 3, and considering the east line of said Lot 3 to bear N1°26'46"E, with all bearings contained herein relative thereto;

Thence N59°00'00"W a distance of 280.00 feet to the Point of Beginning;

Thence N80°00'00"E a distance of 676.30 feet;

Thence S10°00'00"E a distance of 676.30 feet;

Thence S80°00'00"W a distance of 676.30 feet;

Thence N10°00'00"W a distance of 676.30 feet to the Point of Beginning.



Dennis J. Gelvin, PLS 21674
Land Description & R/W Specialist
State Land Survey Unit
PO Box 47030
Olympia, WA 98504-7030

Dated 6-3-09



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Skagit County Auditor