



Skagit County Auditor \$78.00
12/10/2013 Page 1 of 7 10:44AM

After Recording Please Return To:

Town of La Conner
P.O. Box 400
La Conner, WA 98257

201212170040

Document Title: Aquatic Lands Agreement Amendment

Grantor: Washington State Department of Natural Resources

Grantee Town of La Conner

Abbreviated legal description: ☐ full legal on page(s) ____.

Section 36, Township 34 North, Range 02 East, W.M.

Assessor Parcel/Tax ID Number: ☐ additional tax parcel number(s) on page ____.

74453, 74456, 74455, 74457, 74458 and Town of La Conner Morris and Washington street ends.

When recorded, return to:
TOWN OF LACONNER
PO Box 400
LaConner, WA 98257-0400



WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

AQUATIC LANDS AGREEMENT AMENDMENT

Easement No. 51-087205

Grantor: Washington State Department of Natural Resources
Grantee(s): TOWN OF LACONNER
Legal Description: Section 36, Township 34 North, Range 02 East, W.M.
Assessor's Property Tax Parcel or Account Number: N/A
Assessor's Property Tax Parcel or Account Number for Upland parcel used in conjunction with this Easement: Parcels 74453, 74456, 74455, 74457, 74458 and Town of LaConner Morris and Washington street ends

THIS EASEMENT AMENDMENT is made by and between the STATE OF WASHINGTON, acting through the Department of Natural Resources ("State"), and TOWN OF LACONNER, a municipal corporation ("Grantee").

BACKGROUND

Easement No. 51-087205 was entered into on the 1st day of November, 2012, by and between TOWN OF LACONNER as Grantee and the STATE OF WASHINGTON, acting by and through the Department of Natural Resources, as landlord ("State"), and recorded with the Skagit County Auditor's office under recording number 201212170040 (the "Agreement").



201312100019

The parties now desire to amend this Agreement under the following terms and conditions:

THEREFORE, the parties agree as follows:

SECTION 1 AMENDMENTS

Section 1.2 (c) of the Easement is amended to read as specified in Exhibit A attached hereto.

SECTION 2 EFFECTIVE DATE

The amended provisions shall become effective as of November 1, 2013.

SECTION 3 NO RELEASE

State is not releasing any previous Assignor from fully performing the provisions of the Agreement in effect at the time of such assignment or as otherwise agreed in writing between the State, previous Assignor, and the Grantee.

SECTION 4 WARRANTIES

Grantee represents and warrants to State that (i) the Agreement is in full force and effect; (ii) Grantee is not in default or breach of the Agreement; (iii) Grantee has no knowledge of any claims, offsets, or defenses of the Grantee under the Agreement; and (iv) to the best of Grantee knowledge, the Property is in full compliance with all applicable federal, state, and local governmental permits, rules, ordinances, and laws.

SECTION 5 CONFIRMATION OF AGREEMENT

All other terms of the Agreement not inconsistent with this Amendment are hereby affirmed and ratified.



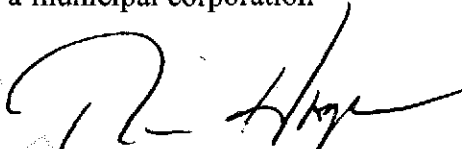
SECTION 6 RECORDATION

At Grantee's expense and no later than thirty (30) days after receiving the fully-executed Agreement, Grantee shall record this Agreement in the county in which the Property is located. Grantee shall include the parcel number of the upland property used in conjunction with the Property, if any. Grantee shall provide State with recording information, including the date of recordation and file number. If Grantee fails to record this Agreement, State may record it and Grantee shall pay the costs of recording upon State's demand.

THIS AGREEMENT requires the signature of all parties and is executed as of the date of the last signature below.


TOWN OF LACONNER,
a municipal corporation

Dated: 11-1, 2013


By: RAMON HAYES
Title: Mayor of Town of LaConner
Address: 204 Douglas Street
PO BOX 400
LaConner, WA 98257-0400

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Dated: 11/13, 2013


By: PETER GOLDMARK
Title: Commissioner of Public Lands
Address: 1111 Washington Street SE
Olympia, WA 98504-7027



Approved as to Form this
This 28 day of September 2011
Janis Snoey, Assistant Attorney General
Agreement Amendment

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Easement No. 51-087205



201312100019

GRANTEE ACKNOWLEDGMENT

STATE OF WASHINGTON)
) ss.
COUNTY OF Skagit)

I certify that I know or have satisfactory evidence that RAYMON HAYES is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of the Town of LaConner to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 11-1-13

Maria A. DeGoede
(Signature)

Maria A. DeGoede
(Print Name)

Notary Public in and for the State of
Washington, residing at
LaConner, WA

My appointment expires 2-1-17



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STATE ACKNOWLEDGMENT

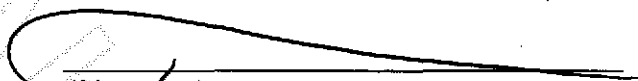
STATE OF WASHINGTON)

) ss

County of Thurston)

I certify that I know or have satisfactory evidence that PETER GOLDMARK is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Commissioner of Public Lands, and ex officio administrator of the Department of Natural Resources of the State of Washington to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 11.13.13

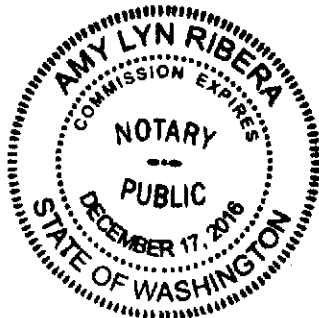

(Signature)

Amy Lyn Ribera
(Print Name)

Notary Public in and for the State of
Washington, residing at

Olympia

My appointment expires 12.17.16



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AGREEMENT EXHIBIT A

The following is the amendment to Easement 51-087205:

Section 1.2 (c) of the Easement is amended to read:

State accepts a preliminary Exhibit A upon the Commencement Date of this Easement. Grantee shall submit a final Exhibit A for State's approval within one year of completion of construction of Phase 2 of the boardwalk or by October 31, 2018, whichever comes first. Upon State's written approval, the final Exhibit A supersedes the preliminary Exhibit A. Until superseded, the preliminary Exhibit A has full legal effect.



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