



201408120034

When recorded return to:

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

Skagit County Auditor

\$103.00

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**AMENDMENT TO
GRANT DEED OF CONSERVATION EASEMENT**

Grantor: Landry M. Corkery (AKA Lance M. Corkery, Sr.) and Susan M. Corkery (AKA Susan Marie Corkery), Landry M. Corkery, Jr. (AKA Lance M. Corkery, Jr.), and Lief Corkery (AKA Jon Leif Corkery)

Grantee: Skagit Land Trust

Brief Legal Description: Ptn GL 2, 28-36-2 E.W.M.

Full legal descriptions at Exhibits A, B, C, F, G and H.

Assessor's Tax Parcel and I.D. Nos. P47307; P47310; P47285; P47309; P47288; P47303

Reference Number of Document Amended: 201012230101

THIS AMENDMENT TO GRANT DEED OF CONSERVATION EASEMENT ("Easement Amendment") is made and entered into as of the date of recording by and between Lance M. Corkery, Jr. (AKA Landry M. Corkery, Jr.), as his separate property, as to an undivided 1/20th interest; Leif Corkery (AKA Jon Leif Corkery), as his separate property, as to an undivided 1/10th interest; and Lance M. Corkery, Sr. (AKA Landry M. Corkery) and Susan Marie Corkery (AKA Susan M. Corkery), husband and wife, as to all remaining interest, AS TO PARCEL 'A' (Boundary Line Adjustment Parcel 3), BOUNDARY LINE ADJUSTMENT PARCEL 1, and BOUNDARY LINE ADJUSTMENT PARCEL 2; AND Landry M. Corkery and Susan M. Corkery, husband and wife, Landry M. Corkery, Jr., as his separate property, and Leif Corkery, as his separate property, each as to an indeterminate interest, AS TO PARCEL 'B' (collectively "Easement Grantor") and Skagit Land Trust, a Washington nonprofit corporation qualified to do business in Washington, having an address at P.O. Box 1017, Mount Vernon, WA 98273 ("Easement Grantee") (individually, "Party"; collectively, the "Parties").

**SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX**

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AUG 12 2014

Amount Paid \$
Skagit Co. Treasurer
By *mem* Deputy

I. RECITALS

A. Easement Grantor and Easement Grantee are the Parties to that certain Grant Deed of Conservation Easement, dated December 23, 2010, recorded under Skagit County Auditor's File No. 201012230101 ("Easement"), which Easement provides permanent protection to Parcels 'A' and 'B' legally described in Exhibit A attached hereto and made part hereof by this reference.

B. Easement Grantor is the owner in fee of that certain real property inclusive of all standing and down timber, situated in Skagit County, State of Washington (collectively, "Non Easement Property"), more particularly described in Exhibit B (Legal Description of Boundary Line Adjustment Parcel 1) and Exhibit C (Legal Description of Boundary Line Adjustment Parcel 2), together shown on Exhibit D (Sheet 2 of Record of Survey AF# 20020822012) (also attached as Exhibit C to the Easement), and documented in Exhibit E (Baseline Report Update Summary), all of which are attached and made part hereof by this reference. Easement Grantor established the Non Easement Property as two separate residential lots, of approximately 3 acres each, in 2002 before the 2010 conservation easement donation was seriously contemplated and without input from Easement Grantee as to their location.

C. A portion of the Non Easement Property contains a remnant population of Garry Oak (also known as Oregon White Oak) (*Quercus garryana*), which is rare locally and is the only known occurrence of Garry Oak in Skagit County. This oak area, documented in the Baseline Report Update Summary, together with its associated plant community, adds significantly to local biodiversity, and its preservation and potential restoration has regional significance because it is an outlier population.

D. Although Easement Grantor did not include the Non Easement Property in its 2010 donation of the Easement, the Parties contemplated in the Easement the potential of adjusting the boundary lines of the two separate residential lots to provide protection to the remnant Garry Oak population. Upon becoming holder of the Easement and more knowledgeable of the Garry Oak area within the Non Easement Property, Easement Grantee approached Easement Grantor to amend the Easement to extend the terms and conditions of the Easement over the Non Easement Property to the extent necessary to provide permanent protection to the Garry Oak area.

E. Easement Grantor and Easement Grantee now desire to amend the Easement to extend the terms and conditions of the Easement over the real property legally described in Exhibit B and Exhibit C and shown on Exhibit D ("Additional Protected Property") in the manner provided by this Easement Amendment, thereby providing permanent protection to the Garry Oak area contained in the Non Easement Area and increasing the acreage of protected property

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under perpetual Easement protection. In doing so, the Parties have allowed for continued residential development within the two separate legal residential lots (Residential Homesite A and Residential Homesite B) now under Easement protection, the location of which have been adjusted and reduced in area so as to exclude the remnant Garry Oak population. As adjusted, Residential Homesite A and Residential Homesite B (individually, "Residential Homesite"; collectively, "Residential Homesites") are legally described in Exhibit F and Exhibit G, respectively, with the remainder of the Protected Property legally described in Exhibit H, all of which areas are shown on Exhibit I, which exhibits are attached hereto and made part hereof by this reference. Under the terms of this Easement Amendment, Residential Homesite A and Residential Homesite B are restricted to one single family residence each and to other residential uses allowed under current zoning, with building setback requirements of 35 feet and no further subdivision allowed.

F. The specific Conservation Values of the Protected Property under the Easement, which Protected Property now includes the Additional Protected Property, are documented in an inventory of relevant features of the Protected Property, dated December 23, 2010 (which included documentation of the Non Easement Property) and updated July 3, 2014, copies of which are on file at the offices of Easement Grantee, and are incorporated into the Easement by this reference ("Baseline Documentation"). The Baseline Documentation consists of reports, maps, photographs, and other documentation that provide, collectively, an accurate representation of the Protected Property, including the Additional Protected Property, at the time of this grant and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant. Grantor and Grantee further agree that, within twelve (12) months of the execution hereof, a collection of additional Baseline Documentation may be compiled by Grantee, and incorporated herein by this reference. Failure to timely compile the additional Baseline Documentation shall not affect the enforceability or validity of any other provision hereof. A summary report of the Baseline Report Update is signed by each Party and is contained in Exhibit E ("Baseline Summary Report Update"). Any characterization of the timing of this Easement contained in the Baseline Documentation shall not be interpreted so as to alter, amend or otherwise modify this Easement. In any conflict or inconsistency between the terms of the Easement and the Baseline Documentation, the terms of the Easement shall prevail.

G. The Parties to the Easement hereby agree and acknowledge that this Easement Amendment is consistent with the Purpose of the Easement and with the provisions of Section V.C.2 of the Easement which apply to future boundary line adjustments involving the Non Easement Property, does not affect its perpetual duration, and will be recorded in the records of Skagit County, Washington, and any other jurisdiction in which such recording is required.

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II. CONVEYANCE AND CONSIDERATION

NOW THEREFORE, for the reasons stated above, and for and in consideration of the mutual covenants, terms, conditions, and restrictions contained in the Easement as amended herein, Easement Grantor hereby grants, conveys and warrants a conservation easement in perpetuity over the Additional Protected Property, which henceforth shall be included in the definition of Protected Property in the Easement, consisting of the certain rights in the Protected Property that hereby includes the Additional Protected Property, subject only to the restrictions contained in the Easement as amended herein.

III. EASEMENT AMENDMENTS

The Parties amend the Easement as follows:

A. **Recitals.** Recital F of this Easement Amendment specifically amends and restates Recital M of the Easement.

B. **Correction.** Section II.D of the Easement is corrected to read as follows: "In consideration of the superior protections afforded to the Conservation Values of the initial Protected Property by this new Grant of Conservation Easement, Grantor hereby relinquishes its interests in CE #1 and CE #2 (as described above), except for any currently existing enforcement rights afforded Grantee, known or unknown."

C. **Non Easement Area.** This Easement Amendment specifically amends the Easement to include the Non Easement Area, and the two pre-existing residential lots contained therein.

D. **Residential Homesites.** This Easement Amendment specifically amends the Easement to conform the location, area and extent of the two pre-existing residential lots to Residential Homesite A and Residential Homesite B described in Exhibit F and Exhibit G, respectively, and shown on Exhibit I, the residential use of which Easement Grantee acknowledges is consistent with the purpose of the Easement. Easement Grantor may convey each Residential Homesite separate and apart from the remainder of the Protected Property, as described in Exhibit H, provided, however, that each Residential Homesite is subject to the terms and conditions of the Easement, except as provided below:

D.1 Scientific/Educational Use. Easement Grantee shall have no right to allow a limited number of persons to enter upon the Protected Property for scientific and biological purposes to observe and study on the Residential Homesites.

D.2 Restrictions and Reserved Rights. Easement Grantor reserves for itself and its heirs, successors, and assigns, any residential use of, or activity on, the Residential Homesites

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allowable under applicable zoning regulations, except as restricted below (which restrictions apply within each of the Residential Homesites in lieu of those provided in Section V of the Easement to provide protection to the Protected Property outside of the Residential Homesites):

- (i) **No Further Subdivision.** Each Residential Homesite may not be further subdivided.
- (ii) **Mining.** Surface or subsurface mining, or mining exploration of any kind whatsoever is prohibited in each Residential Homesite;
- (iii) **One Single Family Residence Only.** Each Residential Homesite is limited to one single family residence, and associated uses, consistent with the Protected Property's "Rural Intermediate" zoning classification under Skagit County Code effective as of the date of recording of this Easement Amendment.
- (iv) **Setback.** Any structures within each Residential Homesite must be set back by 35-feet or more from the westerly boundaries of the Residential Homesite; "westerly boundaries" are the those that run more or less parallel to the shoreline.
- (v) **Notice Prior to Sale or Development.** Prior to sale of each Residential Homesite, or commencing of any development activity, land clearing or installation of improvements on each Residential Homesite, Easement Grantor shall notify Grantee, and shall ensure that the surveyed corners and boundaries between the Residential Homesites and the Protected Property outside of the Residential Homesites are adequately flagged and identified; and Grantor shall provide Grantee with an opportunity to conduct an onsite review of planned development activities.

E. Boundary Line Adjustments. Section V.C.2 of the Easement is hereby deleted, as the conditions for the boundary line adjustment involving the Non Easement Property have been met in this Easement Amendment; provided, however, that Grantor may record a boundary line adjustment consistent with the terms of this Easement Amendment to conform the legal description of the Residential Homesites to those in Exhibit F and Exhibit G and the legal description of the remainder of the Protected Property to that in Exhibit H of this Easement Amendment.

F. Boundary Markers and Signage. Section IV. of the Easement is amended to provide Grantee the right to install and maintain markers and/or small signs identifying the boundaries of the Protected Property and the boundaries between the Residential Homesites and the Protected Property outside of the Residential Homesites; and, on a temporary basis, during construction, to flag or stake the structure setback line described in 2.D(iv) above.

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IV. GENERAL PROVISIONS OF THIS EASEMENT AMENDMENT

The Easement, as modified by this Easement Amendment, is hereby ratified and affirmed and shall continue in full force and effect. From and after the date of this Easement Amendment, all references to the Easement shall mean the Easement, as modified by this Easement Amendment. The Parties to the Easement, as amended herein, hereby agree and acknowledge that all of the terms and conditions under the Easement applying to the Protected Property under the Easement apply to the Additional Protected Property as well from and after the date of this Easement Amendment, except as provided in Section III.D of this Easement Amendment with respect to the Residential Homesites.

The Parties may execute this instrument in two or more counterparts, which shall be signed by both Parties. Each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

The effective date of this Easement Amendment is the date of recording in the records of Skagit County, Washington.

V. SCHEDULE OF EXHIBITS

- A. Legal Description of Protected Property (Parcels 'A' and 'B') Subject to 2010 Easement (Parcels P47285, P47309, P47288 and P47303)**
- B. Legal Description of Boundary Line Adjustment Parcel 1, Part of the Non Easement Property Now Subject to the Easement (P47307)**
- C. Legal Description of Boundary Line Adjustment Parcel 2, Part of the Non Easement Property Now Subject to the Easement (P47310)**
- D. Site Map of Non Easement Property Now Subject to the Easement (Boundary Line Adjustment Parcels 1 and 2 on Survey Recorded under Auditor's File No. 200208220012)**
- E. Baseline / Present Conditions Summary Report Update**
- F. Legal Description of Residential Homesite 'A', As Reflected in 2014 Boundary Line Adjustment (P47307)**
- G. Legal Description of Residential Homesite 'B', As Reflected in 2014 Boundary Line Adjustment (P47310)**
- H. Legal Description of Remainder of Protected Property As Reflected in 2014 Boundary Line Adjustment (Parcels P47285, P47309, P47288, P47303)**
- I. Site Map Showing Location of Residential Homesites As Reflected in 2014 Boundary Line Adjustment (Now Subject to Easement)**

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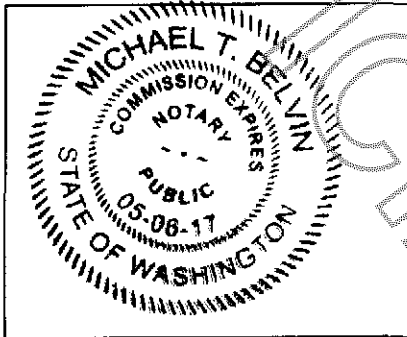


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STATE OF WASHINGTON)
) ss.
COUNTY OF ~~SKAGIT~~ King)

On this 29 day of July, 2014, before me personally appeared LEIF CORKERY to me known to be the individual 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 the day and year last above written.



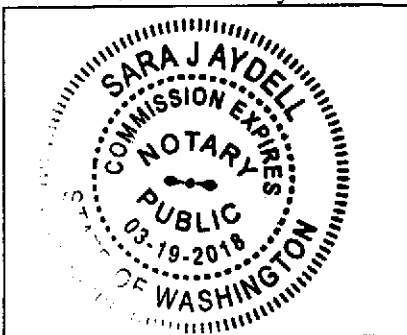
(Use this space for notarial stamp/seal)

[Signature]
Notary Public in and for the State of
Washington, residing at Burien
My commission expires 05-06-17
Print Name Michael T. Belvin

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this 4th day of August, 2014, before me personally appeared LANDRY M. CORKERY Jr. to me known to be the individual 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 the day and year last above written.



(Use this space for notarial stamp/seal)

[Signature]
Notary Public in and for the State of
Washington, residing at Bellingham, WA
My commission expires 3-19-18
Print Name Sara J. Aydell

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The SKAGIT LAND TRUST does hereby agree to and accept the above Amendment to Grant Deed of Conservation Easement.

EASEMENT GRANTEE

Skagit Land Trust,
a Washington nonprofit corporation

By: Brenda Cunningham
Brenda Cunningham, Its President

Dated: Aug 5, 2014

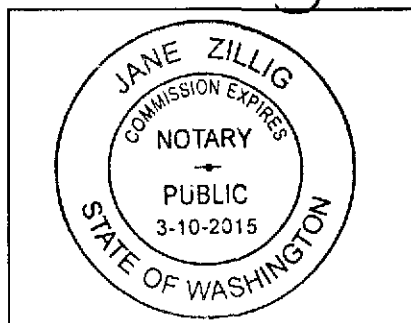
Attestation:

By: Janice E Martin
Janice Martin, Its Secretary

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that Brenda Cunningham is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the PRESIDENT of the SKAGIT LAND TRUST to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: Aug 5, 2014



(Use this space for notarial stamp/seal)

Jane Zillig
Notary Public
Print Name JANE ZILLIG
My commission expires 3/10/15

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EXHIBIT A

**Legal Description of Protected Property Subject to 2010 Easement
Parcels P47285, P47309, P47288 and P47303**

Parcel 'A':

Boundary Line Adjustment Parcel 3 as shown on that certain Survey recorded August 22, 2002, under Auditor's File No. 200208220012, records of Skagit County, Washington; being a portion of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M.

TOGETHER WITH tidelands of the 2nd class as conveyed by the State of Washington, situate in front of, adjacent to or abutting upon the above described property.

Situate in the County of Skagit, Washington

Parcel 'B'

That portion of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M., described as follows:

Beginning at the Northwest corner of a tract conveyed November 3, 1890, to Edwin Baldwin, by Deed recorded in Volume 16 of Deeds, page 247, said point being 764.50 feet West and 462.00 feet North of the Southeast corner of said Lot 2;
thence North 165.00 feet;
thence East 264.00 feet;
thence South 165.00 feet;
thence West 264.00 feet to the point of beginning.

Situate in the County of Skagit, State of Washington



EXHIBIT B

Legal Description of Boundary Line Adjustment Parcel 1

Parcel P-47307

Part of the Non Easement Property Now Subject to the Easement

Boundary Line Adjustment Parcel 1 as shown on that certain Survey recorded August 22, 2002, under Auditor's File No. 200208220012, records of Skagit County, Washington; being a portion of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M.

Situate in the County of Skagit, State of Washington

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EXHIBIT C

Legal Description of Boundary Line Adjustment Parcel 2

Parcel P-47310

Part of the Non Easement Property Now Subject to the Easement

Boundary Line Adjustment Parcel 2 as shown on that certain Survey recorded August 22, 2002, under Auditor's File No. 200208220012, records of Skagit County, Washington; being a portion of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M.

Situate in the County of Skagit, State of Washington

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EXHIBIT D

Site Map of Non Easement Property Now Subject to the Easement

(Boundary Line Adjustment Parcels 1 and 2
on Survey Recorded under Auditor's File No. 200208220012)

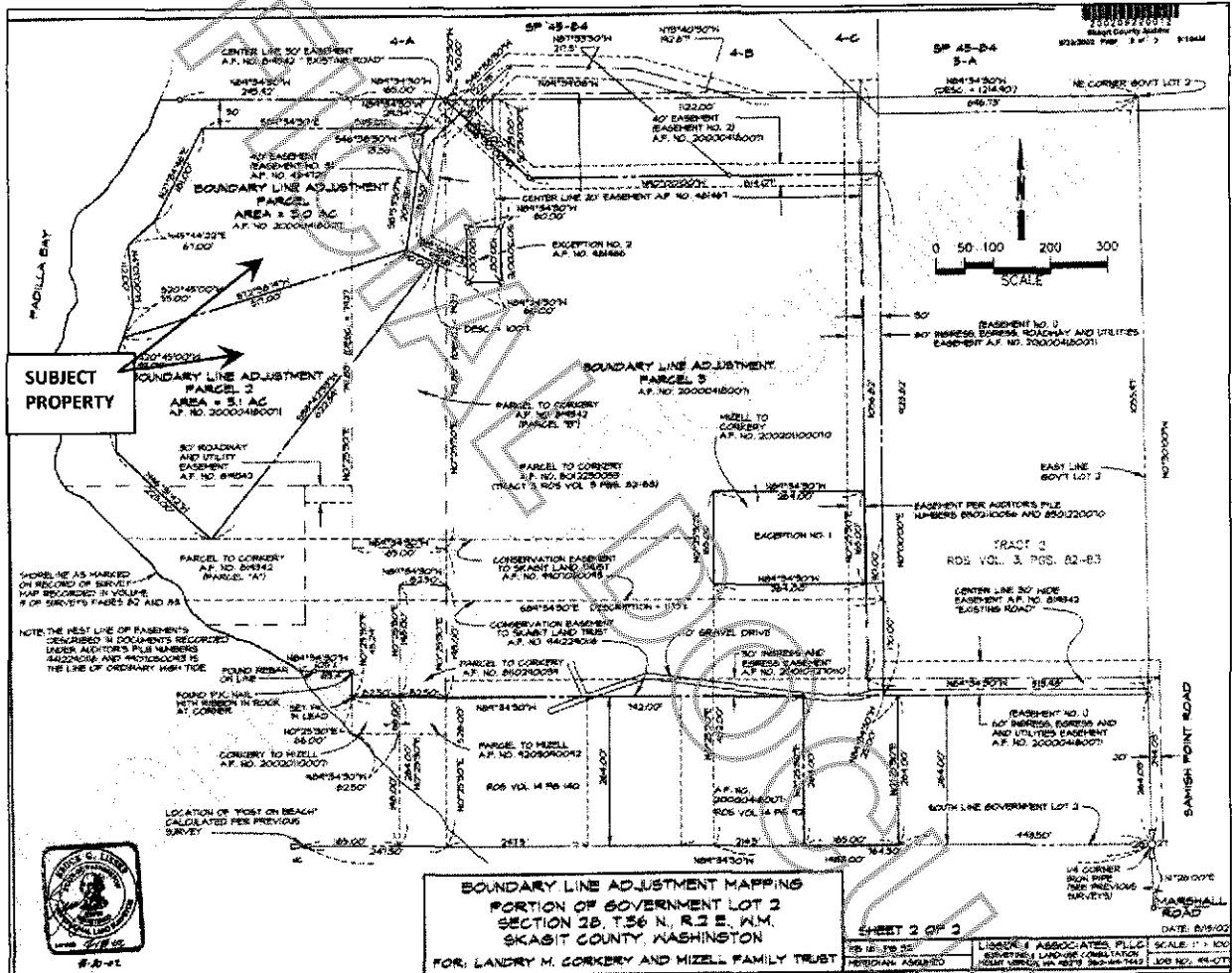


EXHIBIT E

**CONSERVATION EASEMENT
BASELINE / PRESENT CONDITIONS SUMMARY REPORT UPDATE
SAMISH - CORKERY**



July 3, 2014
Prepared by
Michael Kirshenbaum, M.S.
Stewardship Director, Skagit Land Trust

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Samish - Corkery Conservation Easement – Skagit Land Trust

Grantor Information:

Landry M. Corkery (AKA Lance M. Corkery, Sr.)
and Susan M. Corkery (AKA Susan Marie
Corkery), Landry M. Corkery, Jr. (AKA Lance M.
Corkery, Jr.), and Leif Corkery.

Location:

Samish Point Rd., Samish Island, Bow, WA

Brief Legal:

Ptn GL2,28-36-2 E.W. M.

Full legal description shown in Exhibits F, G, H

Assessor's Tax Parcel and I.D. No:

P47285 / 360228-0-001-0201
P47303 / 360228-0-011-0001
P47288 / 360228-0-001-0508
P47309 / 360228-0-017-0005
P47310 / 360228-0-018-0004
P47307 / 360228-0-015-0007

Skagit Land Trust (Grantee) Contact:

Skagit Land Trust,
PO Box 1017, Mount Vernon, WA 98273
(360) 428-7878

Property Information

Acres:

30.5 acres in protected zone (appx)

Number of Buildings:

0 in protected area currently (2 reserved residential
sites)

Saltwater Shoreline:

1,000 ft. (appx.)

Acres Forest:

30 acres (appx.)

Elevation:

15 - 20 ft. (appx.)

County Zoning:

Rural Intermediate

Survey:

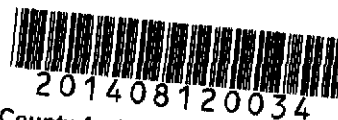
10/17/80 – John E. Leonard. Skagit County
Auditor's File #801110073

8/22/02 – Lissner & Associates. Skagit County
Auditor's File #20020822012

7/___/2014 – Lissner & Associates. Skagit County
Auditor's File #_____ (to be recorded)

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Geology & Ecology

Soil types

- USGS Soil Type & Description: *9 – Beaches*
Landform: beaches; slope: 0 to 2 percent; depth to water table: About 0 to 72 inches; frequency of flooding: frequent.
- USGS Soil Type & Description: *85 – LaConner very gravelly loamy sand*
Landform: hillslopes, terraces; parent material: glacial drift and volcanic ash; slope: 0 to 8 percent; depth to restrictive feature: 25 to 40 inches to dense material; drainage class: moderately well drained; capacity of the most limiting layer to transmit water (ksat): very low to moderately low (0.00 to 0.06 in/hr); depth to water table: about 20 to 30 inches; frequency of flooding: none; frequency of ponding: none; available water capacity: very low (about 2.4 inches); typical profile: 0 to 6 inches - very gravelly loamy sand; 6 to 19 inches: very gravelly loamy sand; 19 to 38 inches: very gravelly sand; 38 to 62 inches: very gravelly sandy loam.
- USGS Soil Type & Description: *156 Whistle Fidalgo Rock outcrop*
Whistle
Landform: mountain slopes; parent material: volcanic ash, loess and colluvium from glacial drift, argillite, and phyllite; slope: 30 to 65 percent; depth to restrictive feature: 40 to 60 inches to lithic bedrock; drainage class: well drained; capacity of the most limiting layer to transmit water (ksat): moderately high to high (0.57 to 1.98 in/hr); depth to water table: more than 80 inches; frequency of flooding: none; frequency of ponding: none; available water capacity: moderate (about 6.9 inches); typical profile: 0 to 3 inches - very gravelly loam; 3 to 12 inches - very gravelly sandy loam; 12 to 49 inches - extremely gravelly sandy loam; 49 to 53 inches: unweathered bedrock; parent material: volcanic ash, and colluvium from glacial drift, argillite, and argillitic residuum
Fidalgo
landform: mountain slopes; slope: 30 to 65 percent; parent material: volcanic ash, and colluvium from glacial drift, argillite, and argillitic residuum; depth to restrictive feature: 20 to 40 inches to lithic bedrock; drainage class: moderately well drained; capacity of the most limiting layer to transmit water (ksat): moderately high to high (0.57 to 1.98 in/hr); depth to water table: about 19 to 36 inches; frequency of flooding: none; frequency of ponding: none; available water capacity: low (about 3.7 inches); typical profile: 0 to 3 inches - gravelly loam; 3 to 25 inches - very gravelly fine sandy loam; 25 to 29 inches - extremely gravelly loamy sand; 29 to 33 inches - unweathered bedrock

Rock Outcrop

Slope: 30 to 65 percent; depth to restrictive feature: 0 inches to lithic bedrock.

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Coastal Environment

There are no structures, bulkheads or other hardening of the shoreline that impede natural coastal processes. The shoreline and associated tidelands on the Protected Property include both rocky outcroppings and areas of mixed coarse and fine sediment beaches suitable for forage fish spawning. The tidelands also include kelp beds which are important resting and feeding area for many bird and animal species associated with shallow marine habitats. The shoreline and tidelands are substantially undisturbed.

The shoreline of the property is on Padilla Bay, part of Puget Sound, which has been recognized by Washington State to "represent a unique and unparalleled resource. A rich and varied range of marine organisms, composing an interdependent, sensitive communal ecosystem reside in these sheltered waters." (RCW 90.70.001) Although not documented, the large firs on the shoreline are ideally located as perching habitat for bald eagles foraging in the bay.

Hydrology

There are no streams, wetlands or other freshwater features on the property.

Vegetation

The forest on the Protected Property consists primarily of healthy second and third growth native stands of mixed hardwoods and maturing conifers. It has characteristics of a "Dry Westside Douglas Fir" ecological community, which is recognized as a priority for protection and restoration in the Washington State Department of Natural Resources' Natural Heritage Plan (WANHP).

Vegetation varies by landform and soil type, with the vast majority of the property featuring a mature coniferous forest while the rocky outcrop features several stands of Oregon white (Garry) oak (*Quercus garryana*) and associated plant communities typically found on dry "balds" in the San Juan Islands. Species in the rocky bald area include – in addition to oak – shore pine, Pacific madrone and herbaceous grassland flora, including red fescue, wildrye, camas and paintbrush. The stand on the western edge of Samish Point is the only known naturally occurring population of Oregon white oak in Skagit County. This type of oak woodland is designated 'G1S1' in the WANHP, which means it is the highest priority for protection and restoration, at both the statewide and international level.

A site inventory and management recommendation for the Garry Oak habitat on the protected property has been completed and will serve as the basis for any oak habitat restoration and enhancement ("Site Inventory and Management Recommendations for the Corkery Property, Garry Oak Stands, Samish Island, Washington," 2011, Dunwidde, Peter, PhD., Sprenger, Carson. On file at land trust office.)

The interior of the property is mostly dominated by Douglas fir approximately 60-70 years old, except in a five acre area where a 1990 windstorm blew down many of the trees. Other tree

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species on the property include grand fir, big-leaf maple, western red cedar, and red alder. The understory near the shore is composed of salal, Oregon grape, and polypody ferns, while inland areas feature snowberry, oceanspray, red huckleberry, thimbleberry, sword fern, and wood fern. A vegetation inventory is on file.

Invasive species on the property are limited to primarily non-native holly and blackberry in several locations. Neither currently present a threat to the integrity of the native landscape, but the holly in particular could be an issue if not controlled over the long-term.

State Priority Habitats and Species

Oak woodland, unconsolidated marine shoreline & tidelands, bald eagle, salmon, and marbled murrelet habitat, and waterfowl concentrations.

Other Important Habitats

Snags and other trees on the property provide perching and nesting habitat for raptors, including eagles. Garry oaks provide a unique source of food for deer, other mammals, and for birds such as band-tailed pigeon, chickadees, and Steller's jays. The property also contains habitat for coyote, small mammals, songbirds, woodpeckers, and owls. The undisturbed nature of the shoreline protects the waters of Puget Sound and the species dependent upon high water quality. Numerous species of waterfowl, including Harlequin ducks, scoters (surf, white-winged, and black), loons (common, Pacific, and red-throated), scaup, red-breasted mergansers, grebes (Western, horned and red-necked), cormorants, pigeon guillemots, marbled murrelets, and auklets, forage off shorelines such as is represented here. Shorebirds may forage along the beach below the rocky outcrop.

Condition of Property and Human Impacts

The property is in good ecological condition with a natural structure and function. There are no recent significant human disturbances on the property. The landowner has previously girdled a number of Douglas fir adjacent to the Garry oak stand in order to release the shade-intolerant species. The property includes an access road (currently 30 feet wide) to properties at the northern end of Samish Island. The eastern boundary of this property is on the eastern side of the access road. There is a narrow trail along a recovered "cat line" near the top of the bluff overlooking the beach.

There is a small 'in-holding' located in the northern section of the property approximately 0.14 acres in size, owned by Samish Farms Water Association (Skagit County Assessor's P#47311). It features a water tower, along with a 15'-wide access road, and serves the homes on Samish Point.

Residential Homesites

There are two parcels (P47307 2.5 acres & P 47310 2.6 acres) that are the Residential Homesites allowed by the CE. At the time of this baseline, there has been no development or clearing of

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these sites. The CE requires a 35' setback for any buildings or structures from the westerly lot lines of the two homesites.

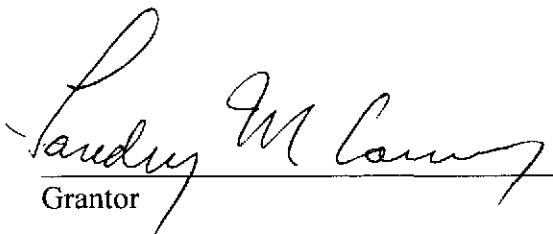
Attachments

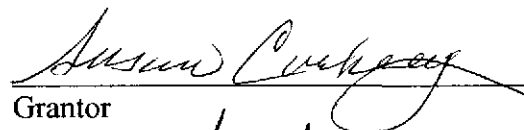
- Site map with aerial photo showing easement boundaries, Garry oak zone and residential homesites.

Additional Documents on file:

- Forest Stewardship Management Plan, August 2005
- Vascular Plant Inventory, by Jim Duemmel, 2004
- Case Study that includes the property: 'Origin and viability of Island Garry Oak Communities,' Madrona Murphy and Russel Barsh, 2006
- "Site Inventory and Management Recommendations for the Corkery Property, Garry Oak Stands, Samish Island, Washington," Peter Dunwidde, Peter, PhD., Cason Sprenger, 2011.
- Assessor's Maps
- Title Report
- Baseline photopoints

In compliance with Section 1.170A-14(g)(5) of the federal tax regulations, this natural resources inventory is an accurate representation of the property at the time of conservation easement donation.


Grantor


Grantor
date: 8/4/2014


Skagit Land Trust, Grantee

by Michael Kirshenbaum

its Stewardship Director

date: 8/4/14



Attachment 1 – Site Map

**Samish - Corkery Conservation Easement
Site Map**

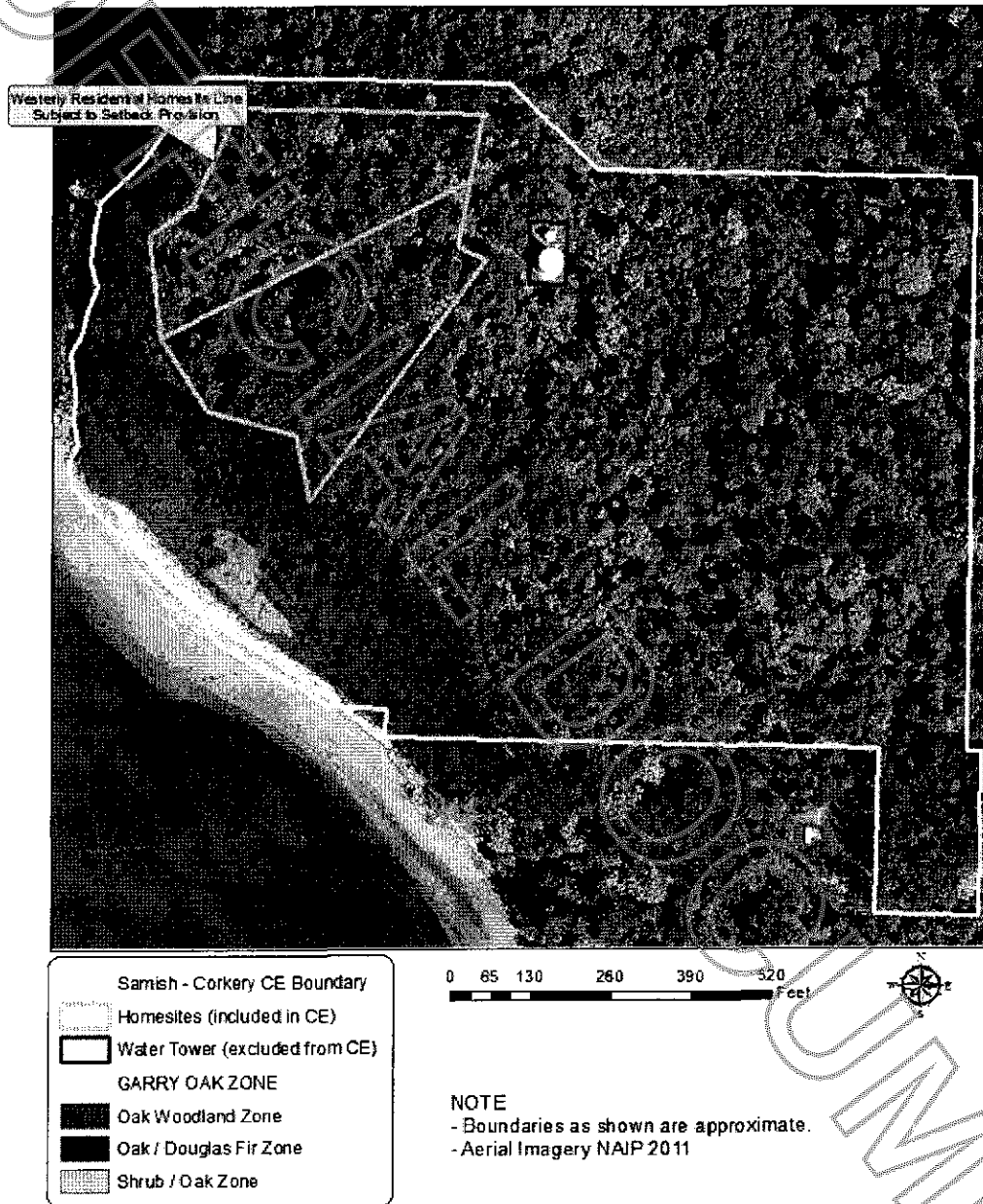


EXHIBIT F

**Legal Description of Residential Homesite 'A'
Parcel P47307
As Reflected in 2014 Boundary Line Adjustment**

Revised Parcel 1

That portion of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M., described as follows:

Commencing at the East 1/4 corner of said Section 28;
thence North 89°34'30" West for a distance of 443.50 feet along the South line of said Government Lot 2 to the southeasterly most corner of that certain parcel described in Deed to Landry and Susan Corkery, husband and wife, recorded under Skagit County Auditor's File No. 8012230053;
thence along the boundary of said Corkery parcel North 0°25'30" East for a distance of 264.00 feet;
thence North 89°34'30" West for a distance of 25.00 feet;
thence North 0°00'00" East for a distance of 923.82 feet to the Southeast corner of Lot 4-B, Short Plat No. 45-84, approved February 15, 1985 and recorded February 20, 1985 in Volume 7 of Short Plats, page 8, records of Skagit County, Washington;
thence North 90°00'00" West for a distance of 614.07 feet along the South line of said Lot 4-B and Lot 4-A Short Plat No. 45-84;
thence North 46°30'00" West for a distance of 200.00 feet to the North line of said Government Lot 2; also being the South line of said Lot 4-A Short Plat No. 45-84;
thence South 0°25'30" West for a distance of 50.00 feet;
thence North 89°34'30" West for a distance of 29.34 feet parallel with the North line of said Government Lot 2 to the northwesterly margin of a 40 foot wide easement to Samish Farms Water Association described on that certain document recorded under Skagit County Auditor's File No. 484729 and being the TRUE POINT OF BEGINNING;
thence South 46°38'30" West for a distance of 13.36 feet along said margin to an angle point on said margin;
thence South 8°53'30" West for a distance of 102.31 feet;
thence South 62°03'04" West for a distance of 553.42 feet;
thence North 8°00'26" West for a distance of 164.50 feet;
thence North 53°07'29" East for a distance of 85.18 feet;

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thence North 23°38'05" East for a distance of 173.10 feet, more or less, to a point bearing North 89°34'30" West from the TRUE POINT OF BEGINNING;
thence South 89°34'30" East for a distance of 399.79 feet, more or less, to the TRUE POINT OF BEGINNING.

TOGETHER WITH the following easements for ingress, egress, roadway and utilities.

Easement No. 1

A 60.00 foot wide easement for ingress, egress, roadway and utilities over, under and across portions of Government Lot 5, Section 27, Township 36 North, Range 2 East, W.M., and Government Lots 1 and 2, Section 28, Township 36 North, Range 2 East, W.M., lying 30.00 feet on each side of the following described centerline:

Commencing at the 1/4 corner common to said Sections 27 and 28;
thence North 0°30'00" West for a distance of 294.03 feet along the section line common to said Sections 27 and 28;
thence South 89°34'30" East for a distance of 20.00 feet to the TRUE POINT OF BEGINNING of said centerline;
thence North 89°34'30" West for a distance of 513.98 feet parallel with the South line of said Government Lot 2;
thence North 0°00'00" East for a distance of 1056.82 feet to the terminus of said easement.

Easement No. 2

A 40.00 foot wide non-exclusive mutually beneficial easement for ingress, egress roadway and utilities over, under and across portions of Lots 4-A and 4-B Short Plat No. 45-84, approved February 15, 1985 and recorded February 20, 1985 in Volume 7 of Short Plats, page 8, records of Skagit County, Washington and also portions of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M., lying 20.00 feet of each side of the following described centerline.

BEGINNING at the Southeast corner of said Lot 4-B Short Plat No. 45-84;
thence North 90°00'00" West (called West in previous descriptions) for a distance of 614.07 feet along the South line of said Lots 4-B and 4-A to an angle point in the South line of said Lot 4-A;
thence North 46°30'00" West for a distance of 200.00 feet to an angle point in the South line of said Lot 4-A and being the terminus of said centerline.

Easement No. 3

A 40.00 foot wide non-exclusive mutually beneficial easement for ingress, egress, roadway and utilities over, under and across portions of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M., lying 20.00 feet on each side of the following described centerline:

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Commencing at a point on the North line of said Government Lot 2, North 89°34'30" West for a distance of 696.73 feet from the Northeast corner thereof;
thence North 73°40'30" West for a distance of 192.67 feet;
thence North 87°33'30" West for a distance of 217.5 feet;
thence South 46°38'30" West for a distance of 122.73 feet to the southwesterly line of Lot 4-A, Skagit County Short Plat No. 45-84, approved February 15, 1985, and recorded February 20, 1985 in Volume 7 of Short Plats, page 8, records of Skagit County, Washington, being the TRUE POINT OF BEGINNING of said centerline;
thence continue South 46°38'30" West for a distance of 64.27 feet;
thence South 8°53'30" West for a distance of 187.5 feet;
thence South 65°00' East for a distance of 100.0 feet more or less to the West line of the existing reservoir site as described in Deed to Samish Farms Water Association recorded under Skagit County Auditor's File No. 481466 and being the terminus of said centerline.

(Side lines of said 40.00 foot wide easement to be lengthened or shortened as necessary to conform with parcel boundary lines)

All of the above being SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases and other instruments of record.

All being situate in the County of Skagit, State of Washington.

Containing 2.5 acres

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EXHIBIT G

**Legal Description of Residential Homesite 'B'
Parcel P47310
As Reflected in 2014 Boundary Line Adjustment**

Revised Parcel 2

That portion of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M., described as follows:

Commencing at the East 1/4 corner of said Section 28;
thence North 89°34'30" West for a distance of 443.50 feet along the South line of said Government Lot 2 to the southeasterly most corner of that certain parcel described in Deed to Landry and Susan Corkery, husband and wife, recorded under Skagit County Auditor's File No. 8012230053;
thence along the boundary of said Corkery parcel North 0°25'30" East for a distance of 264.00 feet;
thence North 89°34'30" West for a distance of 25.00 feet;
thence North 0°00'00" East for a distance of 923.82 feet to the Southeast corner of Lot 4-B, Short Plat No. 45-84, approved February 15, 1985 and recorded February 20, 1985 in Volume 7 of Short Plats, page 8, records of Skagit County, Washington;
thence North 90°00'00" West for a distance of 614.07 feet along the South line of said Lot 4-B and Lot 4-A Short Plat No. 45-84;
thence North 46°30'00" West for a distance of 200.00 feet to the North line of said Government Lot 2, also being the South line of said Lot 4-A Short Plat No. 45-84;
thence South 0°25'30" West for a distance of 50.00 feet;
thence North 89°34'30" West for a distance of 29.34 feet parallel with the North line of said Government Lot 2 to the northwesterly margin of a 40 foot wide easement to Samish Farms Water Association described on that certain document recorded under Skagit County Auditor's File No. 484729;
thence South 46°38'30" West for a distance of 13.36 feet along said margin to an angle point on said margin;
thence South 8°53'30" West for a distance of 102.31 feet, to the TRUE POINT OF BEGINNING;
thence continue South 8°53'30" West for a distance of 107.07 feet to an angle point on said margin;
thence South 65°00'00" East along said margin for a distance of 50.00 feet;
thence leaving said margin South 35°31'46" West for a distance of 477.18 feet;
thence North 12°23'14" West for a distance of 106.05 feet;
thence North 75°59'42" West for a distance of 144.94 feet;

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thence North 33°10'46" West for a distance of 140.12 feet, more or less, to a point bearing South 62°03'04" West from the TRUE POINT OF BEGINNING;
thence North 62°03'04" East for a distance of 553.42 feet, more or less, to the TRUE POINT OF BEGINNING.

TOGETHER WITH the following easements for ingress, egress, roadway and utilities.

Easement No. 1

A 60.00 foot wide easement for ingress, egress, roadway and utilities over, under and across portions of Government Lot 5, Section 27, Township 36 North, Range 2 East, W.M., and Government Lots 1 and 2, Section 28, Township 36 North, Range 2 East, W.M., lying 30.00 feet on each side of the following described centerline:

Commencing at the 1/4 corner common to said Sections 27 and 28;
thence North 0°30'00" West for a distance of 294.03 feet along the section line common to said Sections 27 and 28;
thence South 89°34'30" East for a distance of 20.00 feet to the TRUE POINT OF BEGINNING of said centerline;
thence North 89°34'30" West for a distance of 513.98 feet parallel with the South line of said Government Lot 2;
thence North 0°00'00" East for a distance of 1056.82 feet to the terminus of said easement.

Easement No. 2

A 40.00 foot wide non-exclusive mutually beneficial easement for ingress, egress roadway and utilities over, under and across portions of Lots 4-A and 4-B Short Plat No. 45-84, approved February 15, 1985 and recorded February 20, 1985 in Volume 7 of Short Plats, page 8, records of Skagit County, Washington and also portions of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M., lying 20.00 feet of each side of the following described centerline.

BEGINNING at the Southeast corner of said Lot 4-B Short Plat No. 45-84;
thence North 90°00'00" West (called West in previous descriptions) for a distance of 614.07 feet along the South line of said Lots 4-B and 4-A to an angle point in the South line of said Lot 4-A;
thence North 46°30'00" West for a distance of 200.00 feet to an angle point in the South line of said Lot 4-A and being the terminus of said centerline.

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Easement No. 3

A 40.00 foot wide non-exclusive mutually beneficial easement for ingress, egress, roadway and utilities over, under and across portions of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M., lying 20.00 feet on each side of the following described centerline:

Commencing at a point on the North line of said Government Lot 2, North 89°34'30" West for a distance of 696.73 feet from the Northeast corner thereof;
thence North 73°40'30" West for a distance of 192.67 feet;
thence North 87°33'30" West for a distance of 217.5 feet;
thence South 46°38'30" West for a distance of 122.73 feet to the southwesterly line of Lot 4-A, Skagit County Short Plat No. 45-84, approved February 15, 1985, and recorded February 20, 1985 in Volume 7 of Short Plats, page 8, records of Skagit County, Washington, being the TRUE POINT OF BEGINNING of said centerline;
thence continue South 46°38'30" West for a distance of 64.27 feet;
thence South 8°53'30" West for a distance of 187.5 feet;
thence South 65°00' East for a distance of 100.0 feet more or less to the West line of the existing reservoir site as described in Deed to Samish Farms Water Association recorded under Skagit County Auditor's File No. 481466 and being the terminus of said centerline.

(Side lines of said 40.00 foot wide easement to be lengthened or shortened as necessary to conform with parcel boundary lines)

All of the above being SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases and other instruments of record.

All being situate in the County of Skagit, State of Washington.

Containing 2.6 acres

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EXHIBIT H

**Legal Description of Remainder of Protected Property
Parcels P47285, P47309, P47288 and P47303
As Reflected in Boundary Line Adjustment**

Revised Parcel 3

That portion of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M., described as follows:

Commencing at the East quarter corner of said Section 28, which is a 3/4-inch iron pipe;
thence North 0°30'00" West along the East line of said Government Lot 2 for a distance of 264.03 feet to a 1/2-inch iron pipe;
thence continue North 0°30'00" West for a distance of 1055.97 feet;
thence North 89°34'30" West for a distance of 1214.90 feet to the TRUE POINT OF BEGINNING;
thence South 46°30'00" East for a distance of 200.00 feet;
thence North 90°00'00" East for a distance of 614.07 feet;
thence South 0°00'00" West for a distance of 923.82 feet;
thence South 89°34'30" East parallel with the South line of said Government Lot 2 for a distance of 25.00 feet;
thence South 0°25'30" West for a distance of 264.00 feet to said South line of Government Lot 2;
thence North 89°34'30" West along said South line for a distance of 165.00 feet;
thence North 0°25'30" East for a distance of 264.00 feet;
thence North 89°34'30" West for a distance of 792.00 feet;
thence North 0°25'30" East for a distance of 45.24 feet;
thence North 89°34'30" West for a distance of 105 feet, more or less, to the line of ordinary high tide;
thence in a Northwesterly and Northerly direction along said line of ordinary high tide to a point which bears North 89°34'30" West from the TRUE POINT OF BEGINNING;
thence South 89°34'30" East to the TRUE POINT OF BEGINNING.

TOGETHER WITH tidelands of the 2nd class as conveyed by the State of Washington, situate in front of, adjacent to or abutting upon the above described property.

EXCEPT the following described parcels:

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Exception No. 1

A tract of land in Government Lot 2, Section 28, Township 36 North, Range 2 East of the Willamette Meridian, described as follows:

Beginning at a point on the North line of said Lot 2 - 1122.0 feet West of the Northeast Corner thereof;
thence South parallel to the East line of said Lot 2 - 223.0 feet to the TRUE POINT OF BEGINNING;
thence South parallel to the East line of said Lot 2 - 100.0 feet;
thence West parallel to the North line of said Lot 2 - 60.0 feet;
thence North 100.0 feet;
thence East 60.0 feet to the TRUE POINT OF BEGINNING.

Exception No. 2

That portion of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M., described as follows:

Commencing at the East 1/4 corner of said Section 28;
thence North 89°34'30" West for a distance of 443.50 feet along the South line of said Government Lot 2 to the southeasterly most corner of that certain parcel described in Deed to Landry and Susan Corkery, husband and wife, recorded under Skagit County Auditor's File No. 8012230053;
thence along the boundary of said Corkery parcel North 0°25'30" East for a distance of 264.00 feet;
thence North 89°34'30" West for a distance of 25.00 feet;
thence North 0°00'00" East for a distance of 923.82 feet to the Southeast corner of Lot 4-B, Short Plat No. 45-84, approved February 15, 1985 and recorded February 20, 1985 in Volume 7 of Short Plats, page 8, records of Skagit County, Washington;
thence North 90°00'00" West for a distance of 614.07 feet along the South line of said Lot 4-B and Lot 4-A Short Plat No. 45-84;
thence North 46°30'00" West for a distance of 200.00 feet to the North line of said Government Lot 2; also being the South line of said Lot 4-A Short Plat No. 45-84;
thence South 0°25'30" West for a distance of 50.00 feet;
thence North 89°34'30" West for a distance of 29.34 feet parallel with the North line of said Government Lot 2 to the northwesterly margin of a 40 foot wide easement to Samish Farms Water Association described on that certain document recorded under Skagit County Auditor's File No. 484729 and being the TRUE POINT OF BEGINNING;
thence South 46°38'30" West for a distance of 13.36 feet along said margin to an angle point on said margin;
thence South 8°53'30" West for a distance of 102.31 feet;

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thence South 62°03'04" West for a distance of 553.42 feet;
thence North 8°00'26" West for a distance of 164.50 feet;
thence North 53°07'29" East for a distance of 85.18 feet;
thence North 23°38'05" East for a distance of 173.10 feet, more or less, to a point bearing North 89°34'30" West from the TRUE POINT OF BEGINNING;
thence South 89°34'30" East for a distance of 399.79 feet, more or less, to the TRUE POINT OF BEGINNING.

Exception No. 3

That portion of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M., described as follows:

Commencing at the East 1/4 corner of said Section 28;
thence North 89°34'30" West for a distance of 443.50 feet along the South line of said Government Lot 2 to the southeasterly most corner of that certain parcel described in Deed to Landry and Susan Corkery, husband and wife, recorded under Skagit County Auditor's File No. 8012230053;
thence along the boundary of said Corkery parcel North 0°25'30" East for a distance of 264.00 feet;
thence North 89°34'30" West for a distance of 25.00 feet;
thence North 0°00'00" East for a distance of 923.82 feet to the Southeast corner of Lot 4-B, Short Plat No. 45-84, approved February 15, 1985 and recorded February 20, 1985 in Volume 7 of Short Plats, page 8, records of Skagit County, Washington;
thence North 90°00'00" West for a distance of 614.07 feet along the South line of said Lot 4-B and Lot 4-A Short Plat No. 45-84;
thence North 46°30'00" West for a distance of 200.00 feet to the North line of said Government Lot 2, also being the South line of said Lot 4-A Short Plat No. 45-84;
thence South 0°25'30" West for a distance of 50.00 feet;
thence North 89°34'30" West for a distance of 29.34 feet parallel with the North line of said Government Lot 2 to the northwesterly margin of a 40 foot wide easement to Samish Farms Water Association described on that certain document recorded under Skagit County Auditor's File No. 484729;
thence South 46°38'30" West for a distance of 13.36 feet along said margin to an angle point on said margin;
thence South 8°53'30" West for a distance of 102.31 feet, to the TRUE POINT OF BEGINNING;
thence continue South 8°53'30" West for a distance of 107.07 feet to an angle point on said margin;
thence South 65°00'00" East along said margin for a distance of 50.00 feet;
thence leaving said margin South 35°31'46" West for a distance of 477.18 feet;
thence North 12°23'14" West for a distance of 106.05 feet;

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thence North 75°59'42" West for a distance of 144.94 feet;
thence North 33°10'46" West for a distance of 140.12 feet, more or less, to a point
bearing South 62°03'04" West from the TRUE POINT OF BEGINNING;
thence North 62°03'04" East for a distance of 553.42 feet, more or less, to the
TRUE POINT OF BEGINNING.

SUBJECT TO and TOGETHER WITH the following easements for ingress, egress, roadway and
utilities.

Easement No. 1

A 60.00 foot wide easement for ingress, egress, roadway and utilities over, under and across
portions of Government Lot 5, Section 27, Township 36 North, Range 2 East, W.M., and
Government Lots 1 and 2, Section 28, Township 36 North, Range 2 East, W.M., lying 30.00 feet
on each side of the following described centerline:

Commencing at the 1/4 corner common to said Sections 27 and 28;
thence North 0°30'00" West for a distance of 294.03 feet along the section line
common to said Sections 27 and 28;
thence South 89°34'30" East for a distance of 20.00 feet to the TRUE POINT OF
BEGINNING of said centerline;
thence North 89°34'30" West for a distance of 513.98 feet parallel with the South
line of said Government Lot 2;
thence North 0°00'00" East for a distance of 1056.82 feet to the terminus of said
easement.

Easement No. 2

A 40.00 foot wide non-exclusive mutually beneficial easement for ingress, egress roadway and
utilities over, under and across portions of Lots 4-A and 4-B Short Plat No. 45-84, approved
February 15, 1985 and recorded February 20, 1985 in Volume 7 of Short Plats, page 8, records of
Skagit County, Washington and also portions of Government Lot 2, Section 28, Township 36
North, Range 2 East, W.M., lying 20.00 feet of each side of the following described centerline.

BEGINNING at the Southeast corner of said Lot 4-B Short Plat No. 45-84;
thence North 90°00'00" West (called West in previous descriptions) for a distance
of 614.07 feet along the South line of said Lots 4-B and 4-A to an angle point in
the South line of said Lot 4-A;
thence North 46°30'00" West for a distance of 200.00 feet to an angle point in the
South line of said Lot 4-A and being the terminus of said centerline.

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Easement No. 3

A 40.00 foot wide non-exclusive mutually beneficial easement for ingress, egress, roadway and utilities over, under and across portions of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M., lying 20.00 feet on each side of the following described centerline:

Commencing at a point on the North line of said Government Lot 2, North 89°34'30" West 696.73 feet from the Northeast corner thereof;
thence North 73°40'30" West for a distance of 192.67 feet;
thence North 87°33'30" West for a distance of 217.5 feet;
thence South 46°38'30" West for a distance of 122.73 feet to the southwesterly line of Lot 4-A, Skagit County Short Plat No. 45-84, approved February 15, 1985, and recorded February 20, 1985 in Volume 7 of Short Plats, page 8, records of Skagit County, Washington, being the TRUE POINT OF BEGINNING of said centerline;
thence continue South 46°38'30" West for a distance of 64.27 feet;
thence South 8°53'30" West for a distance of 187.5 feet;
thence South 65°00' East for a distance of 100.0 feet more or less to the West line of the existing reservoir site as described in Deed to Samish Farms Water Association recorded under Skagit County Auditor's File No. 481466 and being the terminus of said centerline.

(Side lines of said 40.00 foot wide easement to be lengthened or shortened as necessary to conform with parcel boundary lines)

All of the above being SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases and other instruments of record.

All being situate in the County of Skagit, State of Washington.

Containing 25.4+/- acres

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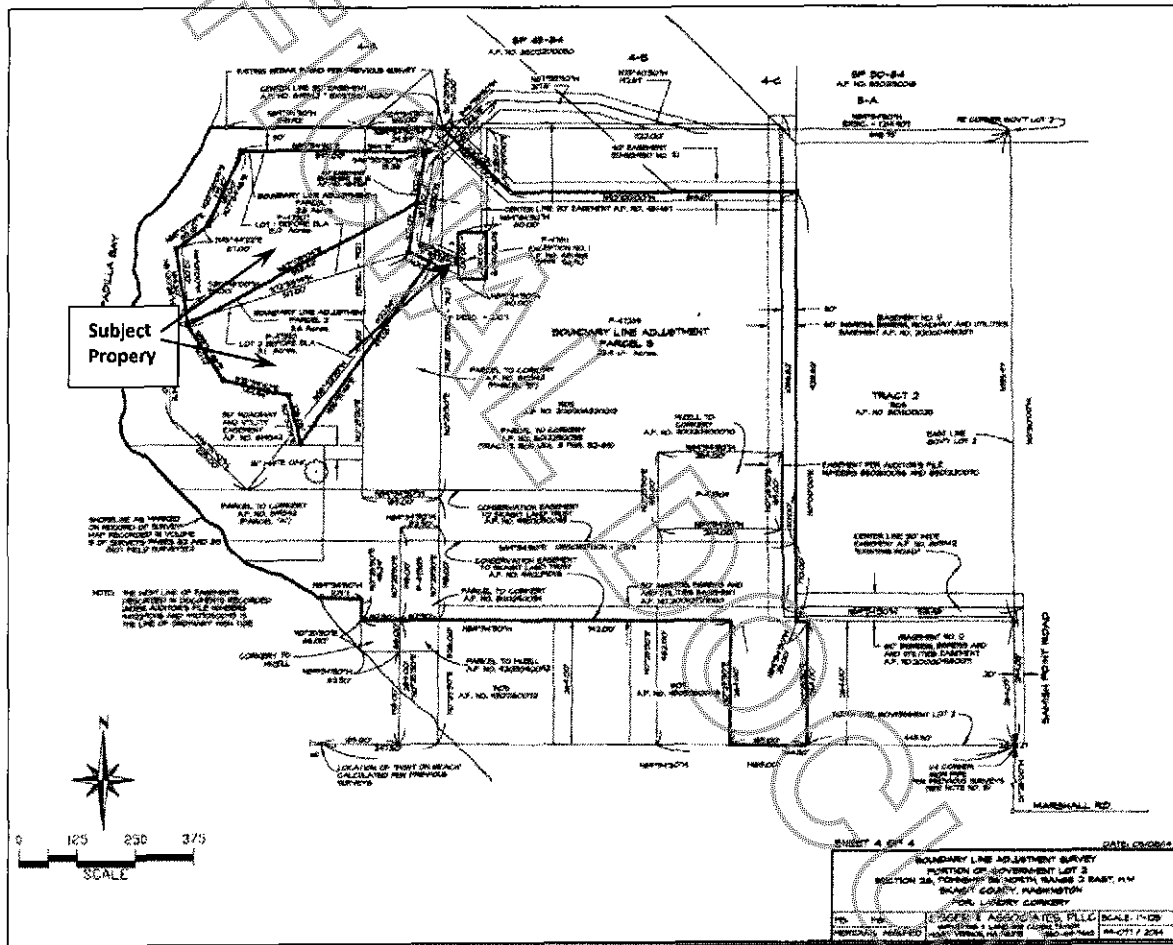
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EXHIBIT I

Site Map Showing Location of Residential Homesites Now Subject to Easement
(As Reflected in 2014 Boundary Line Adjustment)



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