



Skagit County Auditor
10/22/2014 Page

1 of 17 1:57PM

\$88.00

After Recording Please Return To:

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

Document Title: Aquatic Lands Agreement Second Amendment

201212170040 201312100019

Reference Number: Easement No. 51-087205

Grantor: Washington State Department of Natural Resources

Grantee Town of La Conner

Abbreviated legal description:

☒ full legal on pages 6-10

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

Assessor Parcel/Tax ID Number:

☒ additional tax parcel number(s) on page 1.

easement
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

OCT 22 2014

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

When recorded, return to:
TOWN OF LA CONNER
PO Box 400
La Conner, WA 98257-0400



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

AQUATIC LANDS AGREEMENT SECOND AMENDMENT

Easement No. 51-087205

Grantor: Washington State Department of Natural Resources

Grantee(s): TOWN OF LA CONNER

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, 74455, 74456, 74457, 74458, 74459, 74460, 74461, 74463, 74464, 74465, 74466, 74487, 74488, 74491, 74492, 74493, 74507 and Town of La Conner Benton, Calhoun and Commercial 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 LA CONNER, a municipal corporation ("Grantee").

BACKGROUND

Easement No. 51-087205 was entered into on the 1st day of November, 2012, by and between TOWN OF LA CONNER 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").

The agreement was previously amended by agreement dated November 1, 2013, and recorded with the Skagit County Auditor's office under recording number 201312100019. Grantee now possesses the rights, duties, and liabilities under the Agreement as amended.



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

THEREFORE, the parties agree as follows:

SECTION 1 AMENDMENTS

Preliminary Exhibit A-1, Preliminary Exhibit A-2, and Easement Exhibit B, are amended as specified in Exhibits A and B attached hereto.

SECTION 2 EFFECTIVE DATE

The amended provisions shall become effective as of July 15, 2014.

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 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.



201410220060

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

TOWN OF LA CONNER,
a municipal corporation

Dated: 8.8, 2014

By: 
RAMON HAYES

Title: Mayor of Town of La Conner
Address: 204 Douglas Street
PO Box 400
La Conner, WA 98257-0400
Phone: 360-466-3125

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Dated: 9/5, 2014

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



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 La Conner to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 8-8-2014

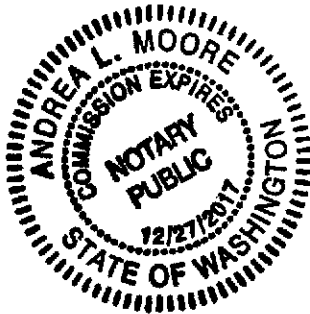
Andrea L Moore
(Signature)

ANDREAL MOORE

(Print Name)

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

My appointment expires 12/27/2017



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.

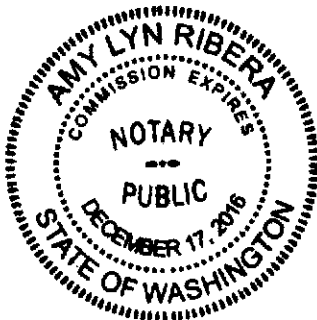
Dated: 9.5.14

[Signature]
(Signature)

Amylyn Ribera
(Print Name)

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

My appointment expires 12/17/16



201410220060

EXHIBIT A

This exhibit supersedes and replaces all previous exhibits marked PRELIMINARY EXHIBIT A-1 and PRELIMINARY EXHIBIT A-2.

AN EASEMENT OVER, UNDER AND ACROSS THAT PORTION OF THE HARBOR AREA AS SHOWN ON THE 2003 SUPPLEMENTAL MAP OF LA CONNER HARBOR AS RECORDED UNDER AUDITORS FILE NUMBER 200302060018 AND PORTIONS OF FIRST CLASS TIDELANDS TRACT 5 AND 6 OF CORRECTED SUPPLEMENT OF PLATE 18 OF THE 1893 MAP OF LA CONNER TIDELANDS FILED SEPTEMBER 24TH, 1894 IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS; IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 34 NORTH, RANGE 02 EAST, W.M., SKAGIT COUNTY, WASHINGTON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH EAST CORNER OF SAID SECTION 36

THENCE ALONG THE NORTH LINE OF SAID SECTION 36, NORTH 88°29'43" WEST, 1994.19 FEET TO THE 1892 INNER HARBOR LINE AS SHOWN ON SAID 2003 SUPPLEMENTAL MAP OF LA CONNER HARBOR;

THENCE ALONG SAID INNER HARBOR LINE SOUTH 03°43'17" WEST, 2505.57 FEET;

THENCE CONTINUING ALONG SAID INNER HARBOR LINE SOUTH 19°35'17 WEST, 62.23 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 88°23'10" WEST, 1.46 FEET;

THENCE SOUTH 19°37'53" WEST, 77.38 FEET;

THENCE SOUTH 26°04'34" WEST, 25.77 FEET;

THENCE NORTH 71°46'06" WEST, 8.51 FEET;

THENCE SOUTH 18°33'30" WEST, 10.31 FEET;

THENCE NORTH 71°32'10" WEST, 32.57 FEET;

THENCE SOUTH 18°50'20" WEST, 100.94 FEET;

THENCE SOUTH 22°12'20" WEST, 54.90 FEET;

THENCE SOUTH 20°06'08" WEST, 35.37 FEET;

THENCE SOUTH 16°11'36" WEST, 11.21 FEET;



201410220060

THENCE SOUTH 87°00'12" EAST, 10.77 FEET;
THENCE SOUTH 01°39'55" WEST, 17.44 FEET;
THENCE SOUTH 03°26'44" WEST, 10.98 FEET;
THENCE SOUTH 17°36'32" WEST, 6.22 FEET;
THENCE SOUTH 86°29'44" EAST, 4.45 FEET;
THENCE SOUTH 02°47'11" WEST, 5.26 FEET;
THENCE SOUTH 21°57'38" WEST, 22.93 FEET;
THENCE NORTH 56°58'17" WEST, 1.74 FEET;
THENCE SOUTH 32°26'35" WEST, 18.89 FEET;
THENCE SOUTH 54°49'22" EAST, 4.75 FEET;
THENCE SOUTH 26°12'06" WEST, 29.65 FEET;
THENCE SOUTH 29°15'49" WEST, 19.94 FEET;
THENCE SOUTH 31°22'25" WEST, 9.45 FEET;
THENCE SOUTH 75°15'27" WEST, 4.60 FEET;
THENCE NORTH 57°48'41" WEST, 19.66 FEET;
THENCE SOUTH 32°12'47" WEST, 132.13 FEET;
THENCE SOUTH 57°25'07" EAST, 7.21 FEET;
THENCE SOUTH 31°58'46" WEST, 19.87 FEET;
THENCE SOUTH 57°52'04" EAST, 3.44 FEET;
THENCE SOUTH 31°40'03" WEST, 143.84 FEET;
THENCE SOUTH 82°36'45" WEST, 14.26 FEET;
THENCE SOUTH 32°22'51" WEST, 107.11 FEET;
THENCE SOUTH 24°28'17" WEST, 32.74 FEET;



201410220060

THENCE SOUTH 32°43'47" WEST, 98.91 FEET;
THENCE SOUTH 56°39'32" EAST, 4.75 FEET;
THENCE SOUTH 32°46'05" WEST, 93.20 FEET;
THENCE SOUTH 57°14'00" EAST, 5.63 FEET;
THENCE SOUTH 32°46'05" WEST, 75.98 FEET;
THENCE SOUTH 57°13'55" EAST, 22.65 FEET;
THENCE SOUTH 32°46'06" WEST, 38.88 FEET;
THENCE SOUTH 57°13'55" EAST, 45.38 FEET TO THE SAID INNER HARBOR LINE;
THENCE NORTHERLY ALONG SAID INNER HARBOR LINE NORTH 32°32'17" EAST,
10.50 FEET;
THENCE NORTH 57°13'55" WEST, 34.84 FEET;
THENCE NORTH 32°46'05" EAST, 38.88 FEET;
THENCE NORTH 57°13'55" WEST, 19.21 FEET;
THENCE NORTH 32°46'05" EAST, 22.21 FEET;
THENCE NORTH 56°50'50" WEST, 3.44 FEET;
THENCE NORTH 32°46'05" EAST, 58.70 FEET;
THENCE NORTH 57°13'55" WEST, 5.63 FEET;
THENCE NORTH 32°46'05" EAST, 64.49 FEET;
THENCE SOUTH 57°13'55" EAST, 25.24 FEET;
THENCE NORTH 32°21'03" EAST, 23.40 FEET;
THENCE NORTH 56°39'32" WEST, 29.82 FEET;
THENCE NORTH 32°43'47" EAST, 50.33 FEET;
THENCE SOUTH 57°28'45" EAST, 16.32 FEET;



201410220060

THENCE NORTH 32°28'41" EAST, 39.33 FEET;
THENCE NORTH 57°30'22" WEST, 15.70 FEET;
THENCE NORTH 22°16'35" EAST, 25.58 FEET;
THENCE NORTH 32°38'34" EAST, 45.78 FEET;
THENCE NORTH 43°10'05" WEST, 1.23 FEET;
THENCE NORTH 32°22'45" EAST, 62.47 FEET;
THENCE NORTH 82°29'03" EAST, 14.34 FEET;
THENCE NORTH 32°34'34" EAST, 29.87 FEET;
THENCE NORTH 32°02'40" EAST, 54.24 FEET;
THENCE NORTH 30°45'58" EAST, 58.16 FEET;
THENCE SOUTH 57°09'03" EAST, 8.02 FEET;
THENCE NORTH 31°15'30" EAST, 36.73 FEET;
THENCE NORTH 57°00'50" WEST, 16.75 FEET;
THENCE NORTH 32°12'57" EAST, 30.20 FEET;
THENCE NORTH 57°15'33" WEST, 2.45 FEET;
THENCE NORTH 32°45'52" EAST, 81.53 FEET;
THENCE SOUTH 57°49'38" EAST, 18.23 FEET;
THENCE NORTH 32°10'22" EAST, 4.01 FEET;
THENCE SOUTH 57°51'36" EAST, 4.70 FEET;
THENCE NORTH 32°04'14" EAST, 36.24 FEET;
THENCE NORTH 23°37'15" EAST, 78.87 FEET;
THENCE NORTH 00°17'42" WEST, 17.48 FEET;
THENCE NORTH 43°21'17" WEST, 5.66 FEET;



201410220060

THENCE NORTH 01°39'55" EAST, 47.34 FEET;

THENCE NORTH 21°46'13" EAST, 68.94 FEET;

THENCE NORTH 18°53'36" EAST, 91.48 FEET;

THENCE SOUTH 71°27'07" EAST, 32.54 FEET;

THENCE NORTH 18°32'53" EAST, 10.32 FEET;

THENCE SOUTH 70°56'23" EAST, 3.03 FEET TO THE SAID INNER HARBOR LINE AND
END OF PUBLIC PORTION OF BOARDWALK EASEMENT;

THENCE BEGINNING THE PRIVATE PORTION OF BOARDWALK EASEMENT ON
SAID TRACT 5 AND 6 OF CORRECTED PLATE 18, SOUTH 70°56'23" EAST, 5.46 FEET;

THENCE NORTH 19°03'37" EAST, 8.00 FEET;

THENCE NORTH 26°04'33" EAST, 27.05 FEET;

THENCE NORTH 19°58'53" EAST, 81.10 FEET TO THE SOUTHERLY RIGHT OF WAY OF
MORRIS STREET;

THENCE ALONG SAID RIGHT OF WAY NORTH 88°23'10" WEST, 9.46 FEET TO THE
TRUE POINT OF BEGINNING.

Square footage of each use classification:

Public Access: 14,766 square feet

Total square feet: 14,766 square feet



201410220060

EXHIBIT B

This exhibit supersedes all previous exhibits marked EASEMENT EXHIBIT B.

1. DESCRIPTION OF PERMITTED USE

- A. **Existing Facilities.** La Conner Boardwalk Phase I is currently constructed between Morris and Benton Streets in La Conner. This portion of the boardwalk structure is 736 feet long by 6-12 feet wide and extends both over water and over ground. This phase consists of project components listed below.

SUMMARY OF PHASE I PROJECT COMPONENTS:

Project Component	Component Location	Amount of Material
New steel piles (12 and 16 inch diameter)	Within Swinomish Channel	17 piles
DNR Easement Area	Both over ground and over water areas	6,737 square feet
Constructed Boardwalk	Both over ground and over water areas	5,540 square feet
Constriction of the Trail (Over ground)	Adjacent to Swinomish Channel	3,322 square feet
Construction of Boardwalk (Over water)	Over Swinomish Channel	2,218 square feet
Replacement of existing decking	Over Swinomish Channel	1,849 square feet

- B. **Proposed Facilities.** The Town of La Conner is proposing to construct Phase II of the boardwalk to include an additional 624 foot long by 6-12 feet wide boardwalk structure (approximately 6,560 square feet). Consistent with the construction of Phase I, Phase II construction will include installation of steel pilings, support structures, light penetrating decking and electrical utilities to provide lighting and electrical power to the boardwalk. The boardwalk decking over water will consist of ADA-compliant light penetrating panels.



SUMMARY OF PHASE II PROJECT COMPONENTS

Project Component	Component Location	Amount of Material
Removal of creosote timber piles	Within Swinomish Channel	39 +/- piles
Installation of new steel piles (12 and 16 inch diameter)	Within Swinomish Channel	63 piles
DNR Easement Area	Both over ground and over water areas	8,029 square feet
Constructed Boardwalk	Both over ground and over water areas	6,560 square feet
Construction of the Trail (Over ground)	Adjacent to Swinomish Channel	178 square feet
Construction of Boardwalk (Over water)	Over Swinomish Channel	6,385 square feet
Replacement of existing decking	Over Swinomish Channel	5,451 square feet

Grantee has submitted to State plans and specifications for Work shown in Attachment 1 to this Exhibit B, which is not incorporated in this Easement. State grants its consent to this Work as provided under Paragraph 7.3(b) of the Easement, except that Grantee shall conform all Work to all other requirements of Section 7 of this Easement.

2. ADDITIONAL OBLIGATIONS

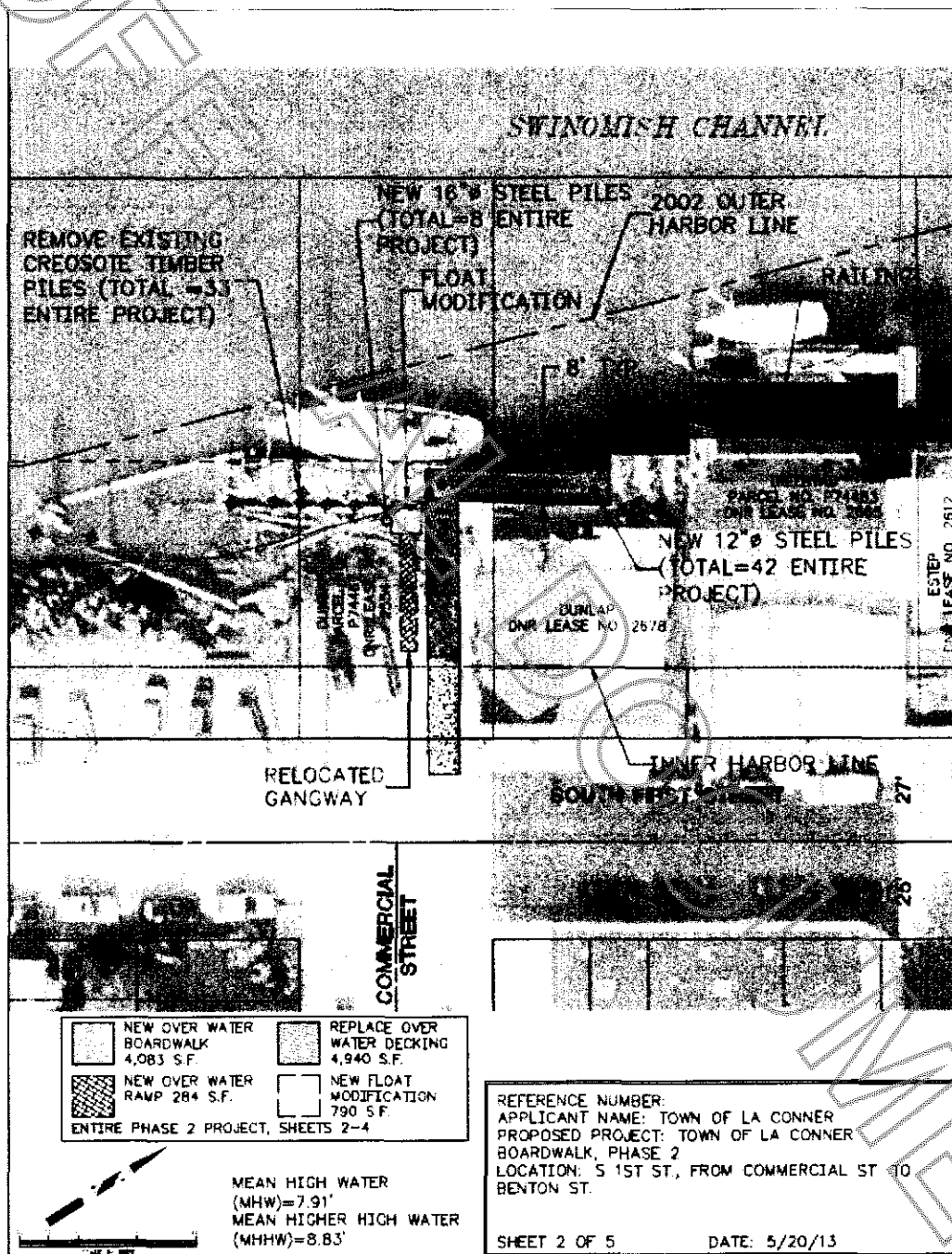
None.

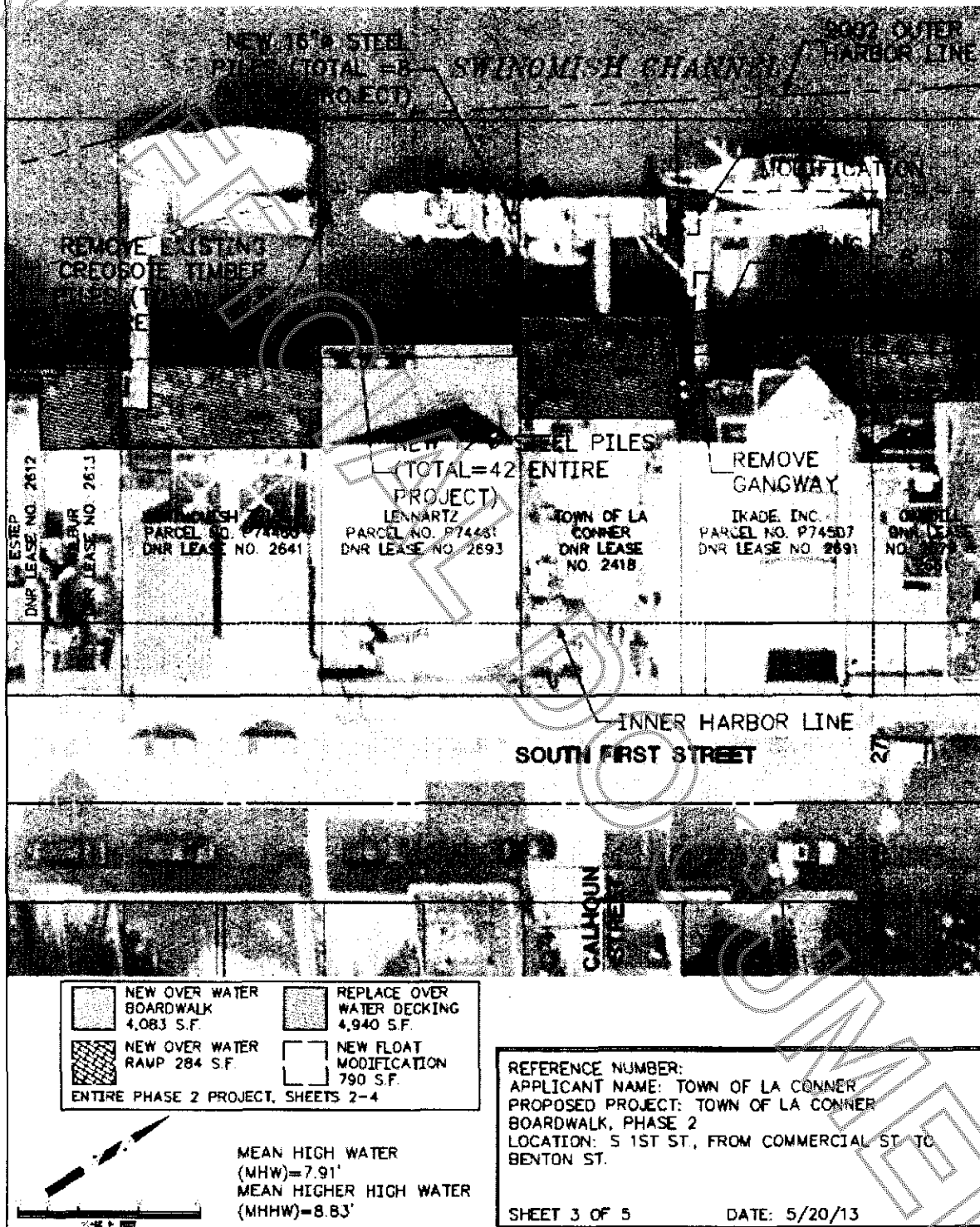


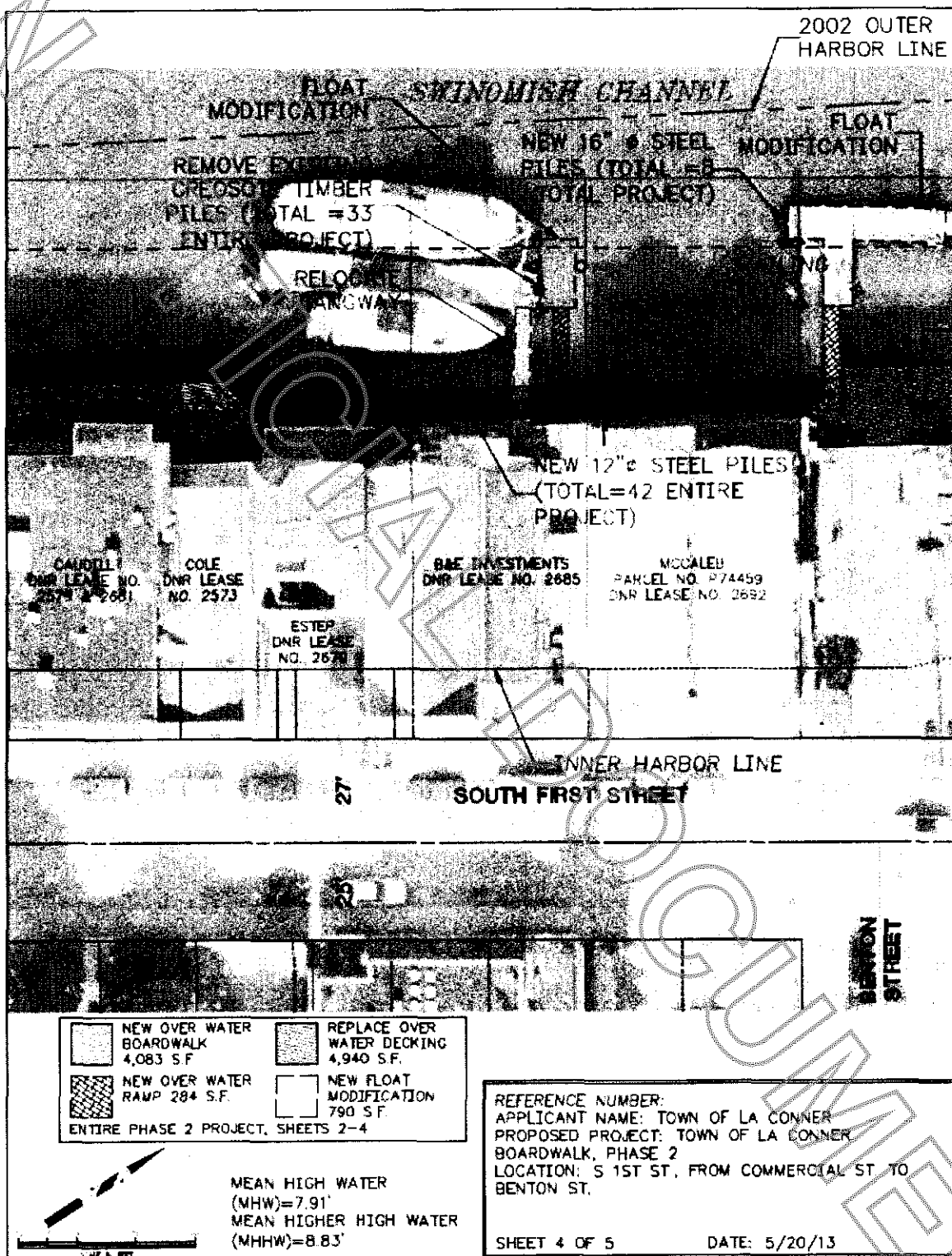
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EXHIBIT B
Attachment 1

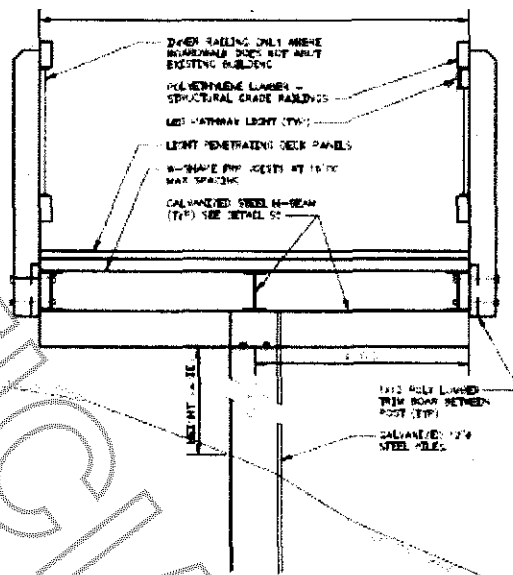
This exhibit supersedes all previous versions of Exhibit B – Attachment 1





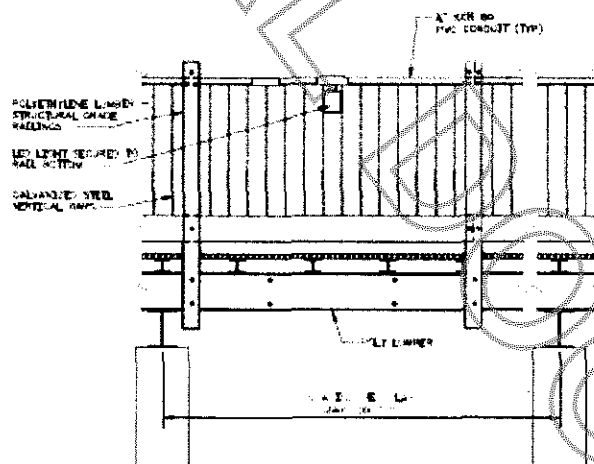


201410220060



BOARDWALK OVER WATER CROSS SECTION

NOT TO SCALE



RAILING CROSS SECTION

NOT TO SCALE

REFERENCE NUMBER:
APPLICANT NAME: TOWN OF LA CONNER
PROPOSED PROJECT: TOWN OF LA CONNER
BOARDWALK, PHASE 2
LOCATION: S 1ST ST., FROM COMMERCIAL ST. TO
BENTON ST.

SHEET 5 OF 5

DATE: 5/20/13



201410220060