



201704210083

Skagit County Auditor

\$80.00

4/21/2017 Page

1 of

8

2:00PM

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

4

When recorded return to:
The San Juan Preservation Trust
Box 759
Friday Harbor, WA 98250

APR 21 2017

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

GRANTOR: **JOOST A. BUSINGER AND MARIANNE KOOIMAN, CO-TRUSTEES OF
"THE BUSINGER-KOOIMAN FAMILY REVOCABLE TRUST CREATED
01/19/2005"**

GRANTEE: **THE SAN JUAN PRESERVATION TRUST** GUARDIAN NORTHWEST TITLE CO.
110350

ABBREVIATED LEGAL DESCRIPTION: PTN SEC 5 T35N, R2E, PTN GOV. LOTS 1&2

FULL LEGAL DESCRIPTION: **EXHIBIT A, Page 3**

ASSESSOR'S TAX PARCEL NUMBERS: **F32703 / 350205-0-002-0000**

RELATED DOCUMENTS: **9212240098 (1992 CONSERVATION EASEMENT)**

AMENDMENT TO GRANT DEED OF CONSERVATION EASEMENT

This Amendment to Grant Deed of Conservation Easement (hereinafter referred to as "Conservation Easement Amendment"), by and between **JOOST A. BUSINGER AND MARIANNE KOOIMAN, CO-TRUSTEES OF "THE BUSINGER-KOOIMAN FAMILY REVOCABLE TRUST CREATED 01/19/2005"**, as successor in interest to Joost A. Businger and Marianne Kooiman, husband and wife, (hereinafter referred to as "Grantor"), and **THE SAN JUAN PRESERVATION TRUST**, a Washington non-profit corporation, (hereinafter referred to as "Grantee"), with reference to that certain Grant Deed of Conservation Easement, recorded December 24, 1992 in the records of Skagit County under Auditor's File Number 9212240098, (hereinafter referred to "Original Conservation Easement"), is made with reference to the following facts:

WHEREAS, Grantee, is the legal beneficiary of the covenants, conditions and restrictions set forth in the Original Conservation Easement, which Original Conservation Easement burdens those parcels of record on Guemes Island, Skagit County, Washington described in Exhibit "A" thereto (the "Original Protected Property"), and which Original Protected Property is shown on Exhibit B attached to this Conservation Easement Amendment;

WHEREAS, Grantor has requested that the Original Conservation Easement be amended to add approximately 5 acres that are owned by the Grantor adjacent to the Original Conservation Easement (the "Additional Protected Property"), which Additional Protected Property is shown on Exhibit B attached to this Conservation Easement Amendment;

WHEREAS, Grantor has requested that the Additional Protected Property be subject to the covenants, conditions and restrictions set forth in the Original Conservation Easement with allowance for a driveway through the Additional Protected Property to an area owned by Grantor not included in the Original Protected Property or Additional Protected Property (the "Excluded Property"), which Excluded Property is shown on Exhibit B attached to this Conservation Easement Amendment;

WHEREAS, Grantee believes this Conservation Easement Amendment is consistent with the original intent in donating the Original Conservation Easement;

WHEREAS, in its resolution dated 4/10, 2017 approving this Conservation Easement Amendment, the Board of Trustees of The San Juan Preservation Trust, on behalf of the Grantee, found that this Conservation Easement Amendment, in adding approximately 5 acres to the land already protected under the Original Conservation Easement with no diminishment in the level of protection provided under the Original Conservation Easement, is consistent with, and will further, the purposes of the Original Conservation Easement and will not affect its perpetual duration; and

NOW THEREFORE, for the reasons stated above, and in consideration of the mutual covenants, terms, conditions, and restrictions contained herein, and for no monetary consideration, Grantor, as owner of the Protected Property, and Grantee, as beneficiary of the covenants, conditions, and restrictions over the Protected Property set forth in the Original Conservation Easement, hereby amend the Original Conservation Easement as follows:

1. Exhibit "A" of the Original Conservation Easement is hereby deleted and replaced by Exhibit "A" attached hereto and incorporated herein by this reference, to add the Additional Protected Property to the Original Protected Property (collectively, "Protected Property").
2. Exhibit "B" of the Original Conservation Easement is hereby deleted and replaced by Exhibit "B" attached hereto and incorporated herein by this reference, to show the locations of the Original Protected Property, the Additional Protected Property and the Excluded Property.
3. In furtherance of the Purpose of the Original Conservation Easement, Grantor and Grantee agree that the baseline data consisting of maps, photographs, and other documentation on file at the offices of Grantee and provided to Grantee by Grantor (hereinafter the "Baseline Present Conditions Report") provide, collectively, an accurate representation of the Protected Property at the time of this Conservation Easement Amendment and are hereby incorporated herein by this reference. Grantor and Grantee have acknowledged in a signed statement, attached hereto as Exhibit "D" and incorporated herein by this reference, that the Baseline

Present Conditions Report accurately represents the currently available baseline data regarding the conditions of the Protected Property as of the Effective Date of this Conservation Easement Amendment. The Baseline Present Conditions Report shall be relied upon by Grantor and Grantee as the descriptive base to establish the present condition and guide the future uses of the Protected Property.

4. The following Section 5.4 is added to the Original Conservation Easement:

- 5.4 To construct, use, maintain, repair, reconstruct or replace one driveway, and to install, use, maintain and replace underground utilities, within a 30-foot corridor within the Additional Protected Property for access and utilities to the Excluded Property. To use, maintain, repair, reconstruct or replace one water tank for use on the Excluded Property. The location of which access and utility corridor and water tank within the Additional Protected Property is shown in Exhibit B and documented in the Baseline Present Conditions Report.

The Original Conservation Easement is hereby ratified and affirmed and shall continue in full force and effect except as expressly modified by this Conservation Easement Amendment. The undersigned Grantor and the undersigned Grantee expressly intend that the Original Conservation Easement as modified by this Conservation Easement Amendment shall be binding upon, and inure to the benefit of Grantor and Grantee, and the respective successors and assigns of each and shall continue as a servitude running in perpetuity with the Protected Property. From and after the Effective Date of this Conservation Easement Amendment, all references to the "Conservation Easement" under the Original Conservation Easement shall mean the Original Conservation Easement as modified by this Conservation Easement Amendment.

This instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same document, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

This Conservation Easement Amendment shall be effective as of the date of its recording in the official records of Skagit County, Washington ("Effective Date").

{Signature pages to follow}

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument this

21st day of April, 2017.

Joost A. Businger

**JOOST A. BUSINGER, Co-Trustee
of "The Businger-Kooiman Family
Revocable Trust created 01/19/2005"**

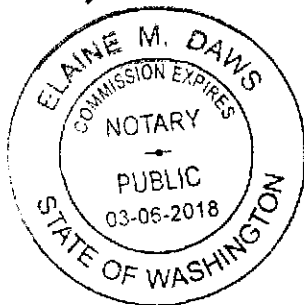
Marianne Kooiman

**MARIANNE KOOIMAN,
Co-Trustee of "The Businger-Kooiman
Family Revocable Trust created
01/19/2005"**

State of Washington)
) ss
County of Snohomish)

On this day, personally appeared before me Joost A. Businger and Marianne Kooiman, Co-Trustees of "The Businger-Kooiman Family Revocable Trust created 01/19/2005", to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 21st day of April, 2017



Elaine M. Daws
Notary Public in and for said state, residing
at 5610 Wackerly
My commission expires: 3/6/18

EXHIBIT "A"

**Original Protected Property and Additional Protected Property
(collectively "Protected Property")**

Government Lot 2 and the East 9.25 acres of Government Lot 1, Section 5, Township 35 North,
Range 2 East of the Willamette Meridian

EXCEPTING THEREFROM THAT RECTANGULAR AREA (EXCLUDED PROPERTY):

Commencing at the SW Corner of Government Lot 2; then North 16° 9' 30" East 316.6 feet to
the True Point of Beginning; thence North 90° 00' 00" East, 310 feet; thence North 00° 00' 00"
East, 140 feet; thence South 90° 00' 00" West, 310 feet; then South 00° 00' 00" West, 140 feet
to the TRUE POINT OF BEGINNING

Situated in Skagit County, Washington

SUBJECT TO easements and restrictions of record.

EXHIBIT "B"

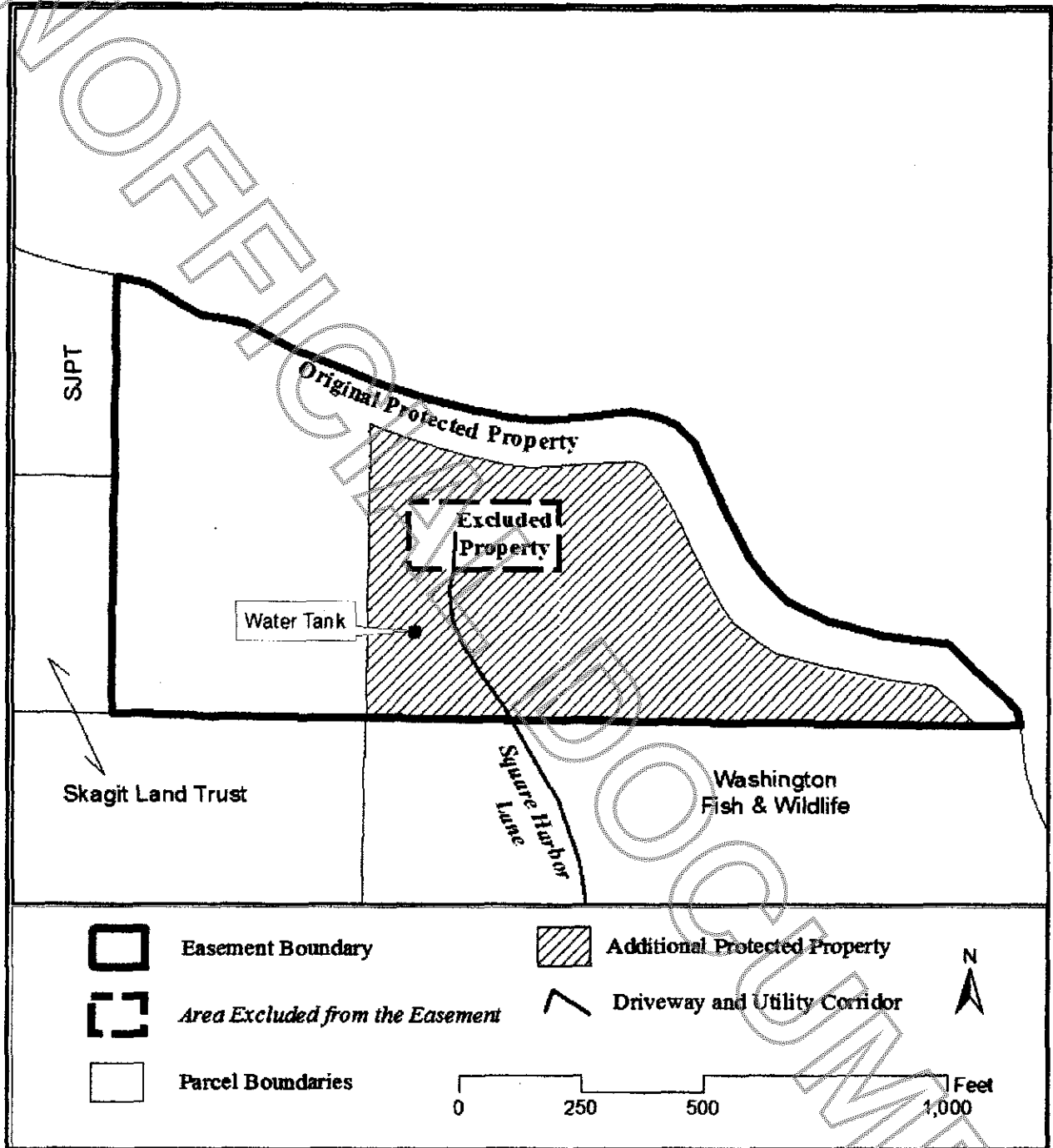


EXHIBIT "D"

Acknowledgement of Baseline Present Conditions Report

Grantor and Grantee acknowledge that each has read the Baseline Present Conditions Report, dated March 2017, and that the report accurately reflects the currently available baseline data regarding the condition of the Property subject to the Conservation Easement as of the Effective Date of the Conservation Easement Amendment.

JOOST A. BUSINGER and MARIANNE KOOIMAN, Co-Trustees of "The Businger-Kooiman Family Revocable Trust created 01/19/2005" <u>Joost A. Businger</u> <u>Marianne Kooiman</u> Date: <u>4/21/17</u>	THE SAN JUAN PRESERVATION TRUST By: <u>Alice A. Hunt</u> Its <u>Secretary</u> Date: <u>4.10.17</u>
---	--