

When recorded return to:
Small Forest Landowner Office
Forest Practices Division
Dept. of Natural Resources
PO Box 47012
Olympia, WA 98504-7012

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX



Skagit County Auditor \$83.00
12/29/2017 Page 1 of 10 2:20PM

DEC 29 2017

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

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
Hilary S. Franz, Commissioner of Public Lands

FORESTRY RIPARIAN EASEMENT AMENDMENT

Grantor(s): Ryan Tree Farm, L.L.C., a Washington Limited Liability Company
Grantee(s): State of Washington, Department of Natural Resources
Legal Description: Ptn. of Gov. Lot 5 and SW SW 27-35N-10E; and Ptn. N2 NW 34-35-10E., W.M.
Assessor's Property
Tax Parcel Number: 351027-3-003-0007 (P45591) and 351034-2-001-0002 (P45724)
Easement Number: 58-081583

THIS EASEMENT AMENDMENT AGREEMENT is entered into this ____ day of _____, 20__, by RYAN TREE FARM L.L.C., a Washington Limited Liability Company ("Grantor"), having an address at 3541 NE 89th Street, Seattle, WA 98115, to and in favor of the STATE OF WASHINGTON, acting by and through the Department of Natural Resources ("Grantee").

1.0 Recitals and Purpose

1.1 On the 7th day of October, 2008, the Grantor and Grantee entered into a Forestry Riparian Easement under DNR easement file number 58-081583 ("Original Easement"), which was recorded in the records of Skagit County, Washington, on the 22nd day of October, 2008, under Auditor's File No. 200810220072. The Grantor and Grantee desire to amend this Forestry Riparian Easement in accordance with Paragraph B11 of the Original Easement.

1.2 The Grantor is the owner in fee simple of the real property described in **Exhibit A**, including the trees thereon, located in Skagit County, Washington.

1.3 The Grantor desires to develop a habitat restoration project on their property of which 2.3 acres of the project will affect some of the Qualifying Timber. The habitat restoration project will be implemented by Skagit River System Cooperative with funding from the Washington State Recreation and Conservation Office (project number 14-1246). Engineering drawings

landowner agreements, and other supporting documents are on file with the Washington State Recreation and Conservation Office.

1.4 The Grantor and Grantee desire to complete all actions in a Modification Plan as set forth in **Exhibit B**.

1.5 A portion of the Qualifying Timber will be reassigned from a mostly vertical structure in the riparian habitat to a mostly horizontal structure in the riparian habitat.

1.6 A portion of the Qualifying Timber will be used to enhance the Riparian Function of the easement premises by use in the installation of large woody debris habitat log jam features.

1.7 In consideration of the mutual covenants contained herein, the Grantor and Grantee agree to supplement and amend the Original Easement as described herein.

2.0 Grantee's Rights

2.1 Grantee has the right to enforce the terms of this Easement Amendment as provided for in section 4.0 below, and as described in the Original Easement.

3.0 Restrictions on Grantor

3.1 The cutting of up to 150 trees identified as a portion of the Qualifying Timber in the original easement and now identified as trees to be placed as large woody debris habitat log jam features in **Exhibit D**, Former Qualifying Timber, must not increase the potential for material damage to aquatic resources.

3.2 Grantor shall cut for placement up to 150 trees identified as a portion of the Qualifying Timber in the original easement to be used as large woody debris habitat log jam features and now identified in **Exhibit D**, as Former Qualifying Timber and as permitted under applicable law.

4.0 General Provisions

4.1 Grantor is responsible for obeying all laws relating to timber cutting, soil excavation, construction and maintenance, including obtaining all necessary permits. Grantor is responsible for the costs incurred for this habitat restoration project.

4.3 All exhibits referenced in this Easement Amendment are incorporated into the Original Easement and this Easement Amendment.

4.4 All terms and conditions of the Original Easement not otherwise modified by this Easement Amendment remain in full force and effect.

IN WITNESS WHEREOF Grantor and Grantee have executed this instrument on the day and year written.

GRANTOR:

RYAN TREE FARM, L.L.C.

Dated: Nov. 20, 2017

By: Pauline L. Ryan

PAULINE L. RYAN,
Member of Ryan Tree Farm, L.L.C.

GRANTEE:

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Dated: 12/17, 2017

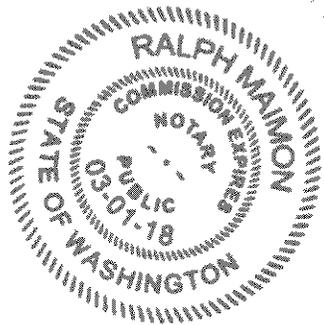
By: *Joseph P. Shramek*
Joseph P. Shramek
Forest Practices Division Manager

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF WASHINGTON)
)§
COUNTY OF King)

On this 20th day of November, 2017, personally appeared before me PAULINE L. RYAN, to me known to be A MEMBER of RYAN TREE FARM, L.L.C., the L.L.C. that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument for said L.L.C. and that the seal affixed is the L.L.C. seal of the said L.L.C.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



[Signature]
Notary Public in and for the State of Washington,
residing at Seattle WA
My appointment expires 3-1-18

STATE ACKNOWLEDGMENT

STATE OF WASHINGTON)
)§
COUNTY OF THURSTON)

On this 7th day of December, 2017 personally appeared before me JOSEPH P SHRAMEK, to me known to be the Forest Practices Division Manager, and ex officio administrator of the Department of Natural Resources of the State of Washington, that he executed the within and foregoing instrument on behalf of the State of Washington, and acknowledged said instrument to be the free and voluntary act and deed of the State of Washington for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Dawn Hitchens
Notary Public in and for the State of Washington,
residing at Thurston County
My appointment expires June 1, 2021

Exhibit A
Legal Description of Property Occupied by Easement
Forestry Riparian Easement No. 58-081583

GOVERNMENT LOT 5 AND THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 27 AND THE NORTH $\frac{1}{2}$ OF THE NORHTWEST $\frac{1}{4}$ OF SECTION 34, ALL IN TOWNSHIP 35 NORTH, RANGE 10 EAST, W.M., EXCEPT THE COUNTY ROAD RIGHT-OF-WAY KNOWN AS THE ROCKPORT-CASCADE ROAD.

Exhibit B
Modification Plan
Affects to Identified Qualifying Timber
Forestry Riparian Easement No. 58-081583

B.1. Identify Location of Qualifying Timber To Be Modified

The Qualifying Timber located within this easement is located in four distinct units as shown on a map in Exhibit C. The northernmost unit is all located west of the Illabot Creek channel and found mostly in parcel 351027-3-003-0007 (P45591). The middle unit is located east of the Illabot Creek channel but north of Rockport Cascade road. The east unit is to be modified under the Plan and is located east of the Illabot Creek channel but south of Rockport Cascade Road. The west unit is to be modified under this Plan and is located west of Illabot Creek channel but south of Rockport Cascade road. The location of the units and Qualifying Timber are shown on a map in Exhibit C.

B.2. Change of Status and Location of Qualifying Timber

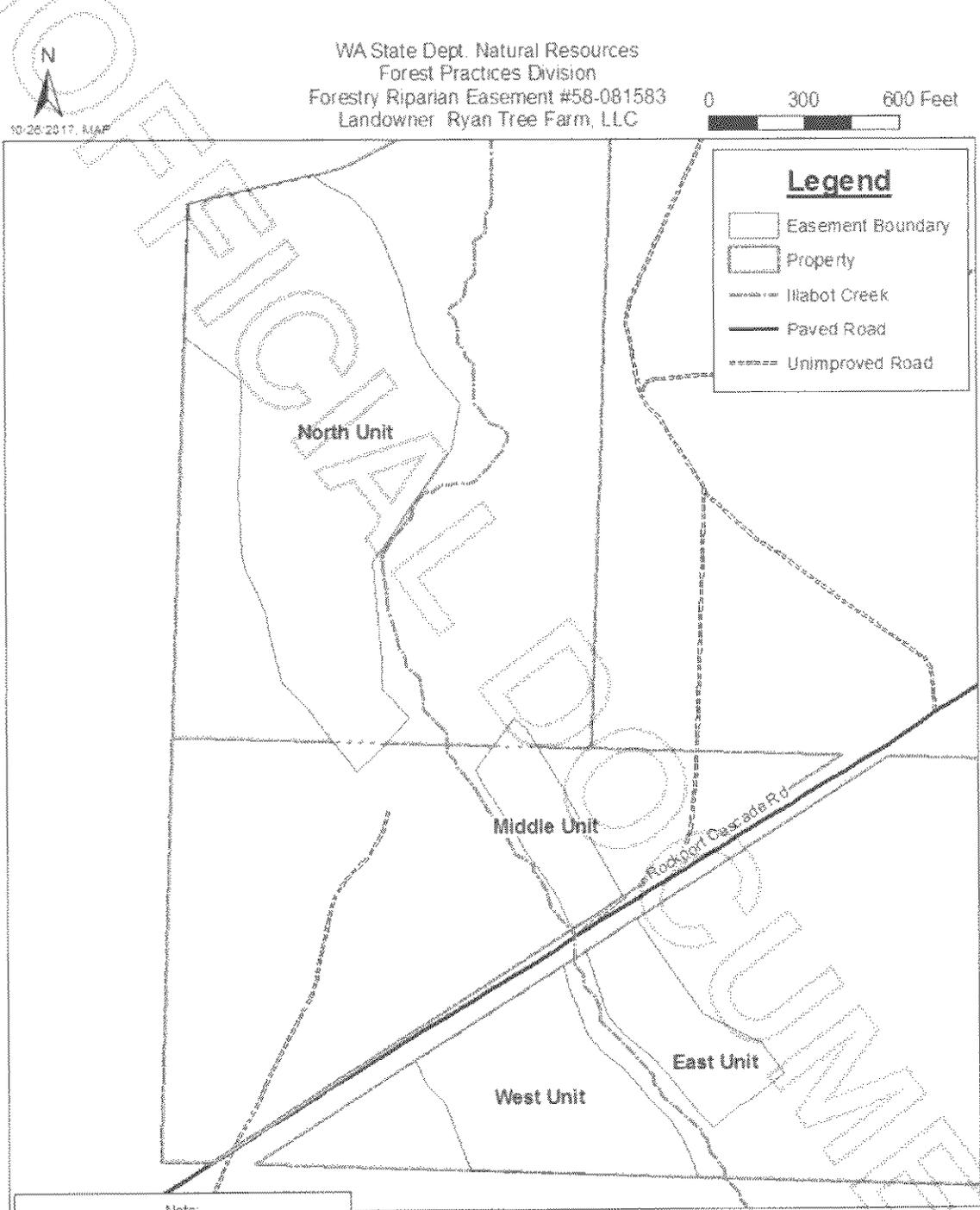
The Qualifying Timber, which identification has been approved by mutual agreement of Grantor and Grantee as of the date of execution of this Easement Amendment, are removed from designation as Qualifying Timber. The new location of the Former Qualifying Timber is shown on a map in Exhibit D.

All other timber in the Original Easement premises remains as **Qualifying Timber**.

B.3. Cutting and Placement of Former Qualifying Timber

The **Former Qualifying Timber** consists of up to 150 trees required to be cut for construction of new channels and an access road as shown in Exhibit D, which all may be cut and placed adjacent to the easement area as large woody debris habitat log jam features.

Exhibit C
Qualifying Timber and Unit Location Map
Forestry Riparian Easement No. 58-081583



N
10-28-2017, MAP

WA State Dept. Natural Resources
Forest Practices Division
Forestry Riparian Easement #58-081583
Landowner Ryan Tree Farm, LLC

0 300 600 Feet

Legend

- Easement Boundary
- Property
- Illabot Creek
- Paved Road
- Unimproved Road

Note:
This sketch is provided to assist in locating the general vicinity of the easement premises. The State has not surveyed the premises and assumes no liability as to the location of all boundaries shown thereon.

Location: Ptn. of Sec. 27 & 34
T 35 N, R 10 E, W.M.
Parcels P45591 & P45724
Skagit County

Exhibit D
Map of Location of Former Qualifying Timber (Project Area)
 Forestry Riparian Easement No. 58-081583

