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Skagit County Auditor

Upon Recording, Please Return To:
Washington State Recreation and Conservation Office
PO Box 40917
Olympia, WA 98504-0917
Attn: Kay Caromile

**DEED OF RIGHT TO USE LAND FOR
SALMON RECOVERY PURPOSES**

Kelly's Point Property

Grantor: Skagit Land Trust

Grantee: STATE OF WASHINGTON, acting by and through the WASHINGTON
STATE RECREATION AND CONSERVATION OFFICE, including any
successor agencies.

Abbreviated
Legal

Description: Section 11, Township 35 North, Range 1 East, W.M., Ptn. Gov. Lots 3 and 4;
and Section 14, Township 35 North, Range 1 East, W.M., Ptn. Gov. Lot 1
(More particularly described in Exhibit "A" (Legal Description), and as
depicted in Exhibit "B" (Property Map)),

Assessor's Property Tax Parcel Number(s): P31257, 350111-0-006-0009; P31249, 350111-0-
004-0001; P31542, 350114-0-002-0000

Reference Numbers of Documents Assigned or Released: 201802120136 (Statutory Warranty
Deed), 201803290078 (Recorded Survey), and 201803140053 (Recorded Quit Claim Deed
following Boundary Line Adjustment)



The Grantor enters this Deed for and in consideration of monies coming in whole or in part from the Estuary and Salmon Restoration Program Account. Such grant is made pursuant to the Project Agreement entered into between the Grantor and the Grantee entitled Kelly's Point Feeder Bluff Protection, Project Number 18-1652 signed by the Grantor on the 19th day of August 2019 and the Grantee the 22nd day of August 2019 and supporting materials which are on file with the Grantor and the Grantee in connection with the Project Agreement.

The Grantor hereby conveys and grants to the Grantee as the representative of the people of the State, the right to enforce the following duties:

1. The Grantor shall take such reasonable and feasible measures as are necessary to protect the Real Property as described in Exhibit A: Legal Description, in perpetuity. Such measures shall be consistent with the purposes in the Project Agreement, including protecting, preserving, restoring and/or enhancing the habitat functions on the Real Property, which includes marine nearshore and feeder bluffs. This habitat supports or may support priority species or groups of species including but not limited to Chinook, Steelhead and Bull Trout.
2. The Grantor shall allow public access to the Property as provided in the Project Agreement. Such access shall be subject to the restrictions allowed under the Project Agreement, by written agreement with the Grantee, or under state law. This provision is not intended to prevent reasonable access or use restrictions that are necessary for safe and effective management of the property consistent with salmon recovery purposes and the Project Agreement.
3. The Grantor shall allow access by the Grantee to inspect the Real Property for compliance with the terms of this Deed and the applicable Project Agreement to which the Grantor is a signatory. Such access shall be subject to the restrictions, if any, allowed under the Project Agreement, by written agreement with the Grantee, or under state law. The Grantor warrants it has and shall maintain the legal right and means to reach the property.
4. Without prior written consent by the Grantee or its successors, through an amendment to the Project Agreement or the process set forth below, the Grantor shall not use or allow any use of the Real Property (including any part of it) that is inconsistent with the salmon recovery purposes herein granted and as stated in the Project Agreement. The Grantor shall also not grant or suffer the creation of any property interest that is inconsistent with the salmon recovery purposes herein granted and as stated in the Project Agreement.

Grantee's consent to an inconsistent use or property interest under this Deed shall be granted only to the extent permitted by law and upon the following three conditions,



which ensure the substitution of other eligible land. The conditions are: (1) the substitute salmon recovery land must be of reasonably equivalent habitat qualities, characteristics and location for the salmon recovery purposes as the Real Property prior to any inconsistent use; (2) the substitute salmon recovery land must be of at least equal fair market value to the Real Property at the time of Grantee's consent to the inconsistent use; and (3) the fair market value of the Real Property at the time of the Grantee's consent to the inconsistent use shall not take into consideration any encumbrances imposed on or alterations made to that land as a result of the original state grant and other grants if such encumbrances or alterations reduce the value of the Real Property from what it would be without them.

For purposes of this Deed, the Project Agreement includes any amendments thereto that occurred prior to or may occur subsequent to the execution of this Deed.

This Deed contains covenants running with the land and shall be binding upon the Grantor, its successors and assigns, and upon any person acquiring the Property, or any portion thereof, or any interest therein, including a leasehold interest, whether by operation of law or otherwise. If the Grantor sells all or any portion of its interest, the new owner of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be subject to applicable covenants and requirements under the Deed.

This Deed may not be removed or altered from the Real Property unless specific approval has been granted by the Washington State Recreation and Conservation Office or its successors.

The Washington State Recreation and Conservation Office and/or its successors shall each have a separate and independent right to enforce the terms of this Deed.

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GRANTOR:

Skagit Land Trust

By: James Glackin

Name: James Glackin

Title: President, Skagit Land Trust Board of Directors

Dated this 28th day of January, 2020

STATE OF WASHINGTON)
) ss
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that James Glackin is the person who appeared before me, and said person acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledge it as the Board President for the Grantor, Skagit Land Trust and to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

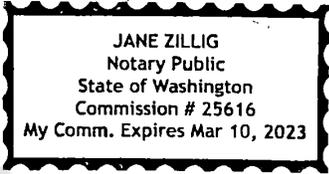
Dated: January 28th 2020

Signed: Jane Zillig

Notary Public in and for the State of Washington,

residing in Seas Woolley, WA

My commission expires 3-10-23



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GRANTEE:

STATE OF WASHINGTON, acting by and through the WASHINGTON STATE
RECREATION AND CONSERVATION OFFICE

By: Scott T. Robinson

Name: Scott T. Robinson

Title: Deputy Director

Dated this 17th day of JANUARY, 2020

STATE OF WASHINGTON)
))
COUNTY OF Thurston) ss

I certify that I know or have satisfactory evidence that Scott T. Robinson
is the person who appeared before me, and said person acknowledged that they signed this
instrument, on oath stated that they were authorized to execute the instrument and acknowledge
it as the Deputy Director for the Recreation and Conservation Office and to be
the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: January 17, 2020

Signed: Leslie Frank

Notary Public in and for the State of Washington,
residing in Thurston County

My commission expires 7-9-21



STP

EXHIBIT A
Legal Description

TRACT "A" (P31249)

PARCEL "A"

THAT PORTION OF GOVERNMENT LOT 3, SECTION 11, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M., LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 4 (SOUTH 1/4 CORNER) OF SAID SECTION 11, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M., AS SHOWN ON THE FACE OF SKAGIT COUNTY SHORT PLAT NO. 26-89, APPROVED OCTOBER 16, 1989 AND RECORDED DECEMBER 11, 1989 UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 8912110014;

THENCE NORTH 0°06'15" WEST ALONG THE EAST LINE OF SAID GOVERNMENT LOT 4 FOR A DISTANCE OF 1,321.84 FEET, MORE OR LESS, TO THE NORTHEAST CORNER THEREOF;

THENCE NORTH 88°53'03" WEST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 4, ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 3 OF SAID SECTION 11, FOR A DISTANCE OF 880.68 FEET TO THE NORTHWEST CORNER OF LOT C OF SAID SHORT PLAT NO. 26-89 AND BEING THE TRUE POINT OF BEGINNING OF SAID LINE DESCRIPTION.

THENCE NORTH 43°37'05" WEST FOR A DISTANCE OF 68.33 FEET;

THENCE NORTH 14°40'54" WEST FOR A DISTANCE OF 629.80 FEET;

THENCE NORTH 8°11'51" WEST FOR A DISTANCE OF 681.24 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID GOVERNMENT LOT 3, AT A POINT BEARING NORTH 88°37'43" WEST A DISTANCE OF 1,182.34 FEET FROM THE NORTHEAST CORNER THEREOF, AS SAID NORTHEAST CORNER IS SHOWN ON SHORT PLAT NO. 10-78, APPROVED MARCH 2, 1978 AND RECORDED MARCH 3, 1978 UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 874744 AND BEING THE TERMINUS OF SAID LINE.

EXCEPT THAT PORTION OF SAID GOVERNMENT LOT 3, SECTION 11, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 4 (SOUTH 1/4 CORNER) OF SAID SECTION 11, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M., AS SHOWN ON THE FACE OF SKAGIT COUNTY SHORT PLAT NO. 26-89, APPROVED OCTOBER 16, 1989 AND RECORDED DECEMBER 11, 1989 UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 8912110014;

THENCE NORTH 0°06'15" WEST ALONG THE EAST LINE OF SAID GOVERNMENT LOT 4 FOR A DISTANCE OF 1,321.84 FEET, MORE OR LESS, TO THE NORTHEAST CORNER THEREOF;

THENCE NORTH 88°53'03" WEST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 4, ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 3 OF SAID SECTION 11, FOR A DISTANCE OF 880.68 FEET TO THE NORTHWEST CORNER OF LOT C OF SAID SHORT PLAT NO. 26-89;

THENCE NORTH 43°37'05" WEST FOR A DISTANCE OF 68.33 FEET;

THENCE NORTH 14°40'54" WEST FOR A DISTANCE OF 629.80 FEET;

THENCE NORTH 8°11'51" WEST FOR A DISTANCE OF 681.24 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID GOVERNMENT LOT 3, AT A POINT BEARING NORTH 88°37'43" WEST A DISTANCE OF 1,182.34 FEET FROM THE NORTHEAST CORNER THEREOF, AS SAID NORTHEAST CORNER IS SHOWN ON SHORT



PLAT NO. 10-78, APPROVED MARCH 2, 1978 AND RECORDED MARCH 3, 1978 UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 874744 AND BEING THE TRUE POINT OF BEGINNING;
 THENCE SOUTH 8°11'51" EAST FOR A DISTANCE OF 15.21 FEET, TO THE SOUTH LINE OF THE NORTH 15.00 FEET (AS MEASURED PERPENDICULAR TO THE NORTH LINE) OF SAID GOVERNMENT LOT 3;
 THENCE NORTH 88°37'43" WEST PARALLEL WITH SAID NORTH LINE OF SAID GOVERNMENT LOT 3, FOR A DISTANCE OF 337.64 FEET TO THE TOP OF A BANK;
 THENCE NORTH 6°00'28" WEST FOR A DISTANCE OF 15.13 FEET, MORE OR LESS, TO SAID NORTH LINE OF GOVERNMENT LOT 3, AT A POINT BEARING NORTH 88°37'43" WEST FROM THE TRUE POINT OF BEGINNING;
 THENCE SOUTH 88°37'43" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 337.05 FEET, TO THE TRUE POINT OF BEGINNING.

TRACT "B" (P31257)

THAT PORTION OF GOVERNMENT LOT 4, SECTION 11, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M., LYING SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 4 (SOUTH 1/4 CORNER) OF SAID SECTION 11, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M., AS SHOWN ON THE FACE OF SKAGIT COUNTY SHORT PLAT NO. 26-89, APPROVED OCTOBER 16, 1989 AND RECORDED DECEMBER 11, 1989 UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 8912110014;
 THENCE NORTH 0°06'15" WEST ALONG THE EAST LINE OF SAID GOVERNMENT LOT 4 FOR A DISTANCE OF 325.20 FEET;
 THENCE NORTH 59°55'42" WEST FOR A DISTANCE OF 23.14 FEET TO THE WESTERLY RIGHT-OF-WAY MARGIN OF WEST SHORE DRIVE AND BEING THE TRUE POINT OF BEGINNING OF SAID LINE;
 THENCE CONTINUE NORTH 59°55'42" WEST FOR A DISTANCE OF 11.56 FEET, MORE OR LESS, TO THE SOUTHERLY MOST CORNER OF LOT "A", SAID SHORT PLAT NO. 26-89;
 THENCE CONTINUE NORTH 59°55'42" WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOT A FOR A DISTANCE OF 256.48 FEET TO AN ANGLE POINT IN SAID SOUTHWESTERLY LINE;
 THENCE NORTH 48°04'22" WEST ALONG SAID SOUTHWESTERLY LINE FOR A DISTANCE OF 303.68 FEET TO AN ANGLE POINT IN SAID SOUTHWESTERLY LINE;
 THENCE NORTH 43°15'58" WEST ALONG SAID SOUTHWESTERLY LINE FOR A DISTANCE OF 175.64 FEET, TO AN ANGLE POINT IN SAID SOUTHWESTERLY LINE;
 THENCE NORTH 33°34'15" WEST ALONG SAID SOUTHWESTERLY LINE FOR A DISTANCE OF 40.00 FEET, MORE OR LESS, TO THE NORTHWESTERLY CORNER OF SAID LOT "A", ALSO BEING THE SOUTHWESTERLY CORNER OF LOT "C" OF SAID SHORT PLAT NO. 26-89;
 THENCE CONTINUE NORTH 33°34'15" WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOT "C" FOR A DISTANCE OF 374.30 FEET TO AN ANGLE POINT IN SAID SOUTHWESTERLY LINE;
 THENCE NORTH 15°58'37" WEST ALONG SAID SOUTHWESTERLY LINE OF LOT "C" FOR A DISTANCE OF 199.58 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT "C", SHORT PLAT NO. 26-89, ALSO BEING A POINT ON THE NORTH LINE OF SAID GOVERNMENT LOT 4 AND THE TERMINUS OF SAID LINE.

EXCEPT TIDELANDS;



AND EXCEPT THAT PORTION THEREOF LYING WITHIN WEST SHORE DRIVE ALONG THE EAST LINE THEREOF.

AND ALSO EXCEPT THE SOUTH 20 FEET THEREOF CONVEYED TO SKAGIT COUNTY FOR ROAD PURPOSES BY DEED RECORDED JULY 1, 1912 AS AUDITOR'S FILE NO. 92003, IN VOLUME 90 OF DEEDS, PAGE 9.

SUBJECT TO AND TOGETHER WITH EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS, LIENS, LEASES, COURT CAUSES AND OTHER INSTRUMENTS OF RECORD.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

TRACT "B" was formerly described as PARCEL "B" with the following legal description:

THAT PORTION OF GOVERNMENT LOT 4 OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M., LYING WITHIN 400 FEET OF THE TIDELANDS FRONTING SAID PROPERTY, AS SAID 400 FEET WAS RESERVED IN DEED RECORDED SEPTEMBER 4, 1956 AS AUDITOR'S FILE NO. 541013;

EXCEPT THAT PORTION THEREOF LYING WITH THE WEST SHORE ROAD ALONG THE EAST LINE THEREOF.

ALSO EXCEPT THE SOUTH 20 FEET THEREOF CONVEYED TO SKAGIT COUNTY FOR ROAD PURPOSES BY DEED RECORDED JULY 1, 1912 AS AUDITOR'S FILE NO. 92003, IN VOLUME 90 OF DEEDS, PAGE 9.

AND ALSO EXCEPT TIDELANDS.

ALL OF THE ABOVE BEING SUBJECT TO AND TOGETHER WITH EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS, LIENS, LEASES, COURT CAUSES AND OTHER INSTRUMENTS OF RECORD.

ALL OF THE ABOVE SITUATED IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

TRACT "C" (P31542)

THE SECOND CLASS TIDELANDS FRONTING THE FOLLOWING DESCRIBED TRACT:

THAT PORTION OF GOVERNMENT LOT 1 OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M., LYING WEST OF THE NORTH/SOUTH CENTERLINE OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M., EXTENDED SOUTH THROUGH SECTION 14;

EXCEPT THE NORTH 20 FEET THEREOF CONVEYED TO SKAGIT COUNTY FOR ROAD PURPOSES BY DEED RECORDED JULY 1, 1912 AS AUDITOR'S FILE NO. 92003, IN VOLUME 90 OF DEEDS, PAGE 9.

SUBJECT TO AND TOGETHER WITH EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS, LIENS, LEASES, COURT CAUSES AND OTHER INSTRUMENTS OF RECORD.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.



