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Skagit County Auditor, WA



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Skagit County Auditor

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**LAND TITLE AND ESCROW  
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RE-RECORD TO CORRECT PRIORITY POSITION

**Recording Cover Page**

<b>Document Title(s) (for transactions contained therein):</b> 1. FIRST AMENDMENT TO GROUND LEASE AGREEMENT 2. 3. 4.	
<b>Reference Number(s) of Documents assigned or released:</b> (on page ____ of documents(s))	
<b>Grantor(s)</b> 1. PORT OF SKAGIT COUNTY, A WASHINGTON MUNICIPAL CORP., LESSOR 2. 3. 4.	
<b>Additional Names on page</b>	<b>of document.</b>
<b>Grantee(s)</b> 1. MIKE DYBERG, DBA DYBERG AVIATION, LESSEE 2. 3. 4.	
<b>Additional Names on page</b>	<b>8 of document.</b>
<b>Legal Description (abbreviated i.e. lot, block, plat or section, township, range)</b>  LOT 6, PTN LOT 7 & TAXILANE BETWEEN SAID LOTS, SKAGIT REGIONAL AIRPORT BSP, PH. II, DIV. 1	
<b>Additional legal is on page</b>	<b>of document.</b>
<b>Assessor's Property Tax Parcel/Account Number</b>  8036-000-006-0000, P118872	
<b>The Auditor/Recorder will rely on information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.</b>	

## **FIRST AMENDMENT TO GROUND LEASE AGREEMENT**

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**THIS FIRST AMENDMENT TO LEASE AGREEMENT** is made by and between the Port of Skagit County, a Washington municipal corporation, "Lessor," and Mike Dyberg, dba Dyberg Aviation, "Lessee."

### **RECITALS**

**WHEREAS**, Lessor and Lessee entered into a Ground Lease Agreement for real property—said real property described as Lot 6 of Amended Skagit Regional Airport Binding Site Plan Phase 1, recorded March 4, 2003, under Skagit County Auditor's file number 200303040030, consisting of approximately 62,549 square feet (actual feet to be determined)—dated August 1, 2019 ("Lease"), and

**WHEREAS**, Lessee desires to construct t-hangars on vacant unimproved development lots along the 04-22 flightline; and

**WHEREAS**, boundary line adjustments between Lots 6 and 7, the taxilane between Lots 6 and 7, were required to accommodate the new buildings on Lot 6 and were recorded under Skagit County Auditor's file number 202002190061; and

**WHEREAS**, as part of the boundary line adjustment process, the taxilane between Lots 6 and 7 was relocated pursuant to an easement recorded under Skagit County Auditor's file number 202002190062; and

**WHEREAS**, these boundary line adjustments did not create a new building lot but did reconfigure and increase the size of the Premises; and

**WHEREAS**, in accordance with Lessor's lease policy, the Port and Lessee have agreed to modify the Lease agreement to take into account the changed legal description of the and size of the Premises subject to the Lease as follows:

### **AGREEMENT**

**IT IS HEREBY MUTUALLY AGREED**, by and between the Lessor and Lessee that:

- A. The Ground Lease Agreement dated August 1, 2019 is hereby amended as follows:

Paragraph 1. entitled "PROPERTY SUBJECT TO THIS LEASE AGREEMENT/OPTION" is hereby deleted and replaced in its entirety with the following:

The following described property (the "Premises") is covered by this Lease:

That portion of the Amended Skagit Regional Airport Binding Site Plan Phase 1, recorded March 4, 2003, under Skagit County Auditor's file number 200303040030, consisting of approximately 66,815.8 square feet, as legally described and depicted as attached on, respectively, Exhibit A and Exhibit B hereto, which shall be incorporated herein for all purposes.

The non-exclusive, non-preferential, and non-discriminatory right to use any aprons or taxiways to access the Airport runways shall be considered appurtenant to the Premises and shall be considered part of the definition of Premises

B. All other terms and conditions of the Lease Agreement above referenced except as herein amended are ratified and confirmed in all respects and are to remain in full force and effect. This agreement shall bind and inure to the benefit of the successors and assigns of the Lessor and Lessee. The parties acknowledge that this First Amendment to Lease Agreement is supported by material and adequate mutual consideration.

C. This First Amendment to Lease Agreement shall become effective immediately upon the signature of the second party to sign below.

IN WITNESS WHEREOF, Lessor and Lessee have caused this instrument to be signed on the dates written below.

LESSOR:

PORT OF SKAGIT COUNTY



Patricia H. Botsford-Martin  
Executive Director

5/16/20

Date

LESSEE:

MIKE DYBERG, dba DYBERG AVIATION



Mike Dyberg

5/14/2020

Date

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

On this 16<sup>th</sup> day of May 2020 before me, the undersigned, a Notary Public in and for the state of Washington, duly commissioned and sworn, personally appeared Patricia H. Botsford-Martin, to me known to be the executive director of the Port of Skagit County, a municipal corporation, the corporation that executed the foregoing instrument, and acknowledged the 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 she is authorized to execute the said instrument,

Witness my hand and official seal hereto affixed the day and year first above written.



Karmen Separovich Hardy  
Notary Public in and for the state of Washington  
Residing at Anacortes  
My commission expires: 03/25/2022

Printed Name: Karmen Separovich Hardy

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**EXHIBIT A**

(Amended Legal Description of Premises)

A PORTION OF LOT 7, ALL OF LOT 6 AND ALL OF THAT TAXILANE BETWEEN LOTS 7 AND 6 "SKAGIT REGIONAL AIRPORT BINDING SITE PLAN, PHASE II, DIVISION 1," AS PER BINDING SITE PLAN WITH FINAL APPROVAL JANUARY 22, 2002 AND RECORDED JANUARY 22, 2002 UNDER AUDITOR'S FILE No. 200201220163, RECORDS OF SKAGIT COUNTY, WASHINGTON, THAT PORTION OF LOT 7 IS FURTHER DESCRIBED FOLLOWS:

A PORTION OF SAID LOT 7 LYING EAST OF A LINE 225.00 FEET EAST AND DISTANT OF THE WEST LINE OF LOT 7 OF WHICH THE WEST LINE OF LOT 7 BEARS SOUTH 32°21'58" EAST PER PLAT THEREOF.

**SUBJECT TO:** That certain Dedication of Taxilane Easement, recorded under Skagit County Auditor's file number 202002190062 and legally described as follows:

THAT 25.5 FOOT PORTION OF THE RESULTING LOT 6, AS LEGALLY DESCRIBED IN THAT CERTAIN BOUNDARY LINE ADJUSTMENT DEED RECORDED ON FEBRUARY 19, 2020, UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 202002190061, BEING A PORTION OF LOT 6 AND 7 AND A PORTION OF THAT TAXILANE BETWEEN LOTS 7 AND 6 "SKAGIT REGIONAL AIRPORT BINDING SITE PLAN, PHASE II, DIVISION 1," AS PER BINDING SITE PLAN WITH FINAL APPROVAL JANUARY 22, 2002 AND RECORDED JANUARY 22, 2002 UNDER AUDITOR'S FILE No. 200201220163, RECORDS OF SKAGIT COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE WEST 25.50 FEET OF THE EAST 132.00 FEET AND DISTANT OF THE EAST LINE OF LOT 6 OF WHICH THE EAST LINE OF LOT 6 BEARS SOUTH 32°21'58" EAST PER PLAT THEREOF.

containing 7,173± square feet

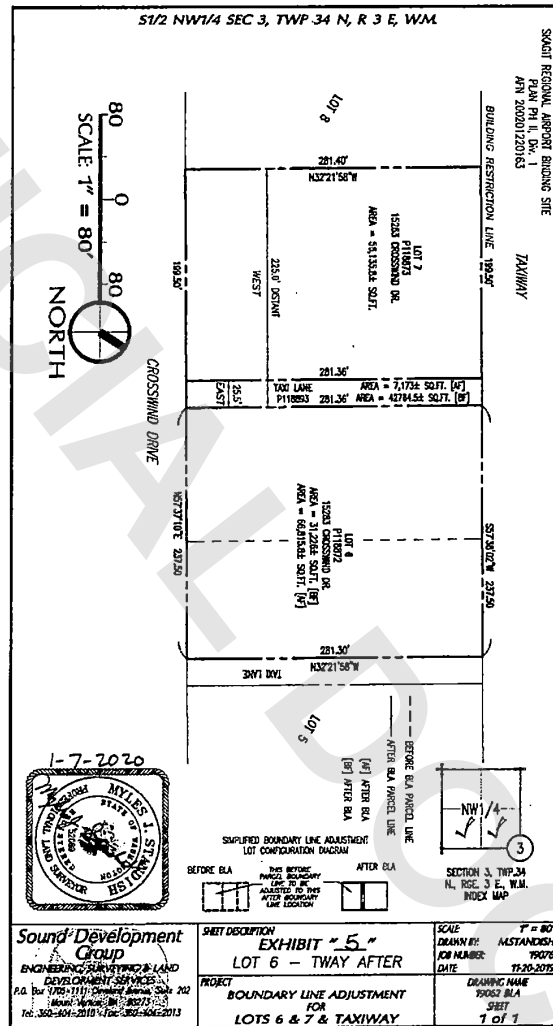
CONTAINING 66,815.8± SQUARE FEET

Situate in Skagit County, Washington

FIRST AMENDMENT TO LEASE AGREEMENT  
PORT OF SKAGIT COUNTY, LESSOR  
MIKE DYBERG, DBA DYBERG AVIATION, LESSEE

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**EXHIBIT B**  
(Depiction of Premises)



FIRST AMENDMENT TO LEASE AGREEMENT  
 PORT OF SKAGIT COUNTY, LESSOR  
 MIKE DYBERG, DBA DYBERG AVIATION, LESSEE

Escrow No.: 01-177966-OE

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

A portion of Lot 7, all of Lot 6 and all of that taxilane between Lots 7 and 6, "SKAGIT REGIONAL AIRPORT BINDING SITE PLAN, PHASE II, DIVISION 1," as per Binding Site Plan with final approval January 22, 2002 and recorded January 22, 2002, under Skagit County Auditor's File No. 200201220163, records of Skagit County, Washington, that portion of Lot 7 is further described as follows:

A portion of said Lot 7 lying East of a line 225.00 feet East and distant of the West line of Lot 7 of which the West line of Lot 7 bears South 32°21'58" East per plat thereof.

Situate in the County of Skagit, State of Washington.