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Skagit County Auditor

After Recording, Return To:

City Attorney
City of Anacortes
P.O. Box 547
Anacortes, WA 98221

REVIEWED BY	
SKAGIT COUNTY TREASURER	
DEPUTY	<i>[Signature]</i>
DATE	5-15-26

FIRST AMENDMENT TO RIGHT OF WAY AND ROAD MAINTENANCE AGREEMENT

GRANTOR(S): PORT OF ANACORTES

GRANTEE(S): CITY OF ANACORTES

ABBREVIATED LEGAL DESCRIPTION: PTN OF TIDE AND SHORE LANDS OF A. H. IN S18, T35N, R2E (SEE ATTACHED)

TAX PARCEL NO(S): 350218-0-020-0103 / P136033;
350218-0-020-0203 / P136034;
350218-0-021-0002 / P32881;
350218-0-018-0007 / P32877;
350218-0-022-0001 / P32882; and
3776-023-000-1008 / P130892

REFERENCE NUMBER OF RELATED DOCUMENT: 201201050054

**FIRST AMENDMENT TO
RIGHT OF WAY AND ROAD MAINTENANCE AGREEMENT**

WHEREAS, the Port of Anacortes (the "Port" or "Grantor") and the City of Anacortes (the "City" or "Grantee"), entered into a Right of Way and Road Maintenance Agreement for Market Street recorded under Skagit County Auditor File No. 201201050054 on November 28, 2011 (the "2011 Easement") (the Port and City are collectively referred to herein as the "Parties");

WHEREAS, the Parties desire to amend the 2011 Easement consistent with the terms and conditions of this First Amendment to Right of Way and Road Maintenance Agreement (the "First Amendment");

WHEREAS, the Port submitted an application to the City utilizing the City's Framework Development Plan process in AMC 19.2.230 proposing the redevelopment of an area referred to as the "Cap Sante West Basin" which is approximately located north of 11th Street, east of Q Avenue, extending north along R Avenue and Market Street. This redevelopment project is referred to in this First Amendment as the "West Basin Development Project;"

WHEREAS, the West Basin Development Project includes a realignment of Market Street from its current location;

WHEREAS, on or about June 16, 2025, the Parties entered into an Intergovernmental Disposition of Property and Property Use Agreement (the "ILA") which, among other things, describes a process the Parties will follow to accomplish a boundary line adjustment ("BLA") and transfers of certain property rights associated with the property underlying the West Basin Development Project;

WHEREAS, Section 3.3 of the ILA authorized the Mayor of the City and Executive Director of the Port to execute an amendment to the 2011 Easement to reflect the relocation of Market Street occurring as part of the West Basin Development Project; and

WHEREAS, the Parties desire to modify the 2011 Easement consistent with the terms and conditions of this First Amendment.

NOW THEREFORE, in consideration of the mutual promises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **EASEMENT AREA.** The area identified in Section 1 and Exhibit A of the 2011 Easement is hereby amended to the area described in **Exhibit A** attached to this First Amendment.
2. **COUNTERPARTS.** This First Amendment may be executed in any number of counterparts with the same effect as if the Parties had signed the same agreement. All counterparts will be construed together and evidence only one agreement. Signatures on the First Amendment may be sent by facsimile or e-mail transmission, and those signatures sent by facsimile or e-mail have the same force and effect as original signatures. This First Amendment may be electronically signed, and that any electronic signature appearing on this First Amendment have the same force and effect as handwritten original signatures.

RIGHT OF WAY AND ROAD MAINTENANCE AGREEMENT - 2

3. **ALL OTHER TERMS AND CONDITIONS.** Except as modified by this First Amendment, all other terms and conditions of the 2011 Easement shall continue in full force and effect.


DATED this 8th day of MAY, 2026.

GRANTOR:

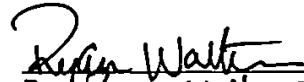
GRANTEE:

PORT OF ANACORTES

CITY OF ANACORTES



By: John Dumas
Its: Executive Director



By: Ryan Walters
Its: Mayor

Notary of Following Pages

**EXHIBIT A
EASEMENT LEGAL DESCRIPTION**



Pacific Surveying & Engineering, Inc

land surveying • civil engineering • consulting • environmental
909 Squalicum Way #111, Bellingham, WA 98225
Phone 360.671.7387 Facsimile 360.671.4685 Email info@psurvey.com

**MARKET STREET
AMENDED EASEMENT LEGAL DESCRIPTION**

THAT PORTION OF BLOCK 23, PLAT OF "BOWMAN'S CENTRAL SHIP HARBOR WATER FRONT PLAT OF ANACORTES, SKAGIT COUNTY, WASHINGTON", RECORDED IN VOLUME 2 OF PLATS, PAGE 33, RECORDS OF SKAGIT COUNTY, WASHINGTON TOGETHER WITH VACATED ALLEYS AND VACATED 7TH STREET ABUTTING, AS WOULD ATTACH BY OPERATION OF LAW; ALSO THAT PORTION OF TRACT 22, 30, AND 31, PLATE 9, TIDE AND SHORELAND OF ANACORTES HARBOR IN SECTION 18, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M., ACCORDING TO THE OFFICIAL MAP THEREOF IN THE OFFICE OF THE STATE LAND COMMISSIONER AT OLYMPIA, WASHINGTON TOGETHER WITH VACATED ALLEYS, VACATED 8TH STREET, AND VACATED MOTOR LINE AVENUE (MARKET STREET) ABUTTING, AS WOULD ATTACH BY OPERATION OF LAW; ALSO THAT PORTION OF LOT A AND LOT B, CAP SANTE BOUNDARY LINE ADJUSTMENT, ACCORDING TO THE MAP THEREOF, RECORDED UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 202203180120; DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT A OF SAID CAP SANTE BOUNDARY LINE ADJUSTMENT; THENCE ALONG THE WEST LINE THEREOF SOUTH 01°51'24" WEST, 14.84 FEET; THENCE DEPARTING SAID WEST LINE SOUTH 22°31'28" WEST, 608.33 FEET TO A POINT OF CURVATURE, FROM WHICH THE RADIUS POINT BEARS NORTH 67°28'32" WEST A DISTANCE OF 120.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 56°12'47" A DISTANCE OF 117.73 FEET TO A POINT ON THE EAST MARGIN OF R AVENUE; THENCE ALONG SAID EAST MARGIN SOUTH 01°50'55" WEST, 61.06 FEET TO A POINT ON A NON-TANGENT CURVE FROM WHICH THE RADIUS POINT BEARS NORTH 06°50'58" WEST A DISTANCE OF 180.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 60°37'35" A DISTANCE OF 190.46 FEET TO THE POINT OF TANGENCY; THENCE NORTH 22°31'28" EAST, 646.83 FEET TO THE NORTH BOUNDARY OF SAID LOT A, ALSO BEING A POINT ON THE SOUTH MARGIN OF 6TH STREET; THENCE ALONG SAID NORTH BOUNDARY AND SOUTH MARGIN NORTH 88°08'35" WEST 69.73 FEET TO THE **POINT OF BEGINNING**.

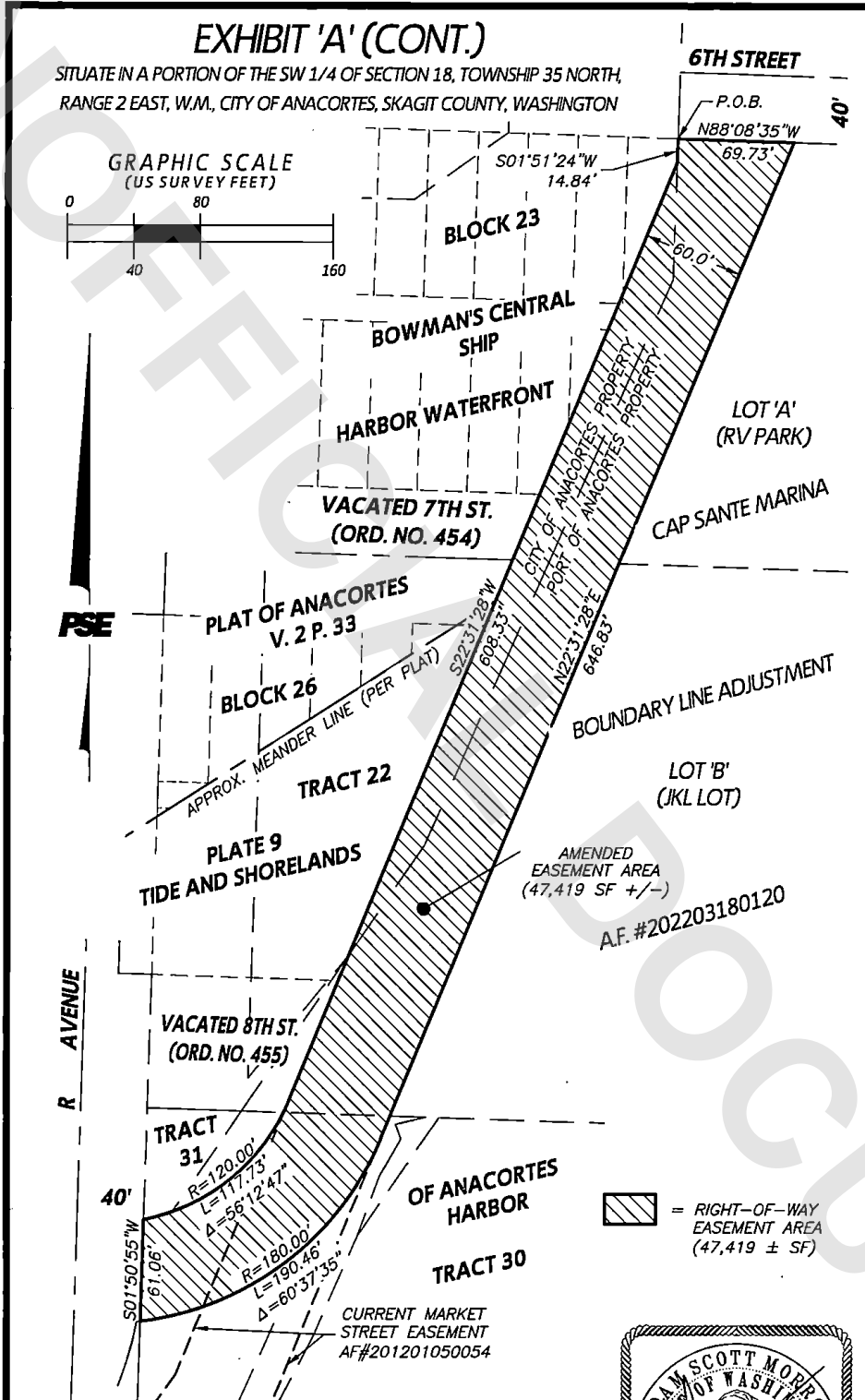
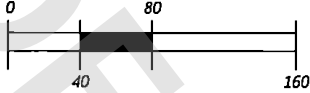
SITUATE IN THE CITY OF ANACORTES, SKAGIT COUNTY, WASHINGTON.



EXHIBIT 'A' (CONT.)

SITUATE IN A PORTION OF THE SW 1/4 OF SECTION 18, TOWNSHIP 35 NORTH,
RANGE 2 EAST, W.M., CITY OF ANACORTES, SKAGIT COUNTY, WASHINGTON

GRAPHIC SCALE
(US SURVEY FEET)



= RIGHT-OF-WAY EASEMENT AREA (47,419 ± SF)



PACIFIC SURVEYING & ENGINEERING, INC.

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