

When recorded return to:

Skagit Land Trust  
P. O. Box 1017  
Mt. Vernon, WA 98273



200403080149

Skagit County Auditor

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Grantor: James Clifford Squires

Grantee: Skagit Land Trust

Brief Legal Description: Portions of Government Lot 3 of Section 36, Township 36 North, Range 2 East W.M. (Full Legal Description attached in 'Exhibit 3')

Assessor's Tax Parcel Numbers / Account Numbers: P47473 / 360236-0-025-0005;  
P47440 / 360236-0-004-0000

**AMENDMENT TO  
GRANT DEED OF CONSERVATION EASEMENT**

THIS AMENDMENT TO GRANT DEED OF CONSERVATION EASEMENT is made this 26<sup>th</sup> day of February, 2004, by James Clifford Squires, having an address at 19544 53<sup>rd</sup> NE, Seattle, WA 98155 (hereinafter referred to as "Grantor"), in favor of the Skagit Land Trust, a Washington nonprofit corporation qualified to do business in Washington, having an address at P. O. Box 1017, Mt. Vernon, WA 98273 ("Grantee").

**I. RECITALS**

A. Grantor's father James Squires Jr. granted a Conservation Easement effecting a portion of his property ("Original Protected Property"), in 1995, by deed recorded on August 11, 1995 under Skagit County Auditor's File No. 9508110065 (the "Original Easement"). The Grantor is the son and heir of James Squires Jr. and it is his wish to extend the same protection to the adjacent property, and to strengthen the protection on the Original Protected Property.

B. Grantor is the owner in fee simple of that real property, inclusive of all standing and down timber (the "Original Protected Property" and the "Additional Protected Property") situated on southeast side of Samish Island, in Skagit County, Washington, described in Exhibit "1" (legal description) and shown on Exhibit "2" (site map), which are attached and incorporated by this reference.

C. Grantor wishes to make a new gift by subjecting the Additional Protected Property to the terms and conditions of the Easement and by subjecting the Original Protected Property to this amendment.

D. The Additional Protected Property possesses natural, forested, scenic, open space, educational, and recreational values (collectively, "Conservation Values") of great importance to Grantor, the people of Skagit County and the people of the State of Washington. The Additional Protected Property enhances the forested, open space and rural character of Skagit County and provides a natural wooded habitat that can be enjoyed from nearby Samish Island Road and Scott Road, as well as from much of the Samish Flats area. The Additional Protected Property provides perch sites for bald eagles, listed as a threatened species. It also serves as an important forested buffer to a nesting colony of great blue herons on adjacent property. Many other species of birds use the Additional Protected Property for foraging and nesting, including the band tailed pigeon, pileated woodpecker and great blue heron. The Additional Protected Property is also important habitat to small mammals and amphibians.

E. The Additional Protected Property consists of approximately 2.75 acres of low elevation mature coniferous forest. The forest has not been commercially logged in over one-hundred years.

F. The Additional Protected Property is very close to Samish Bay, part of Puget Sound. The Washington State legislature in RCW 90.70.001 has recognized "that Puget Sound and related inland marine waterways of Washington state represent a unique and unparalleled resource. A rich and varied range of marine organisms composing an interdependent, sensitive communal ecosystem reside in these sheltered waters." The legislature has further recognized that residents of this region enjoy a way of life centered around the waters of Puget Sound which depends upon a clean and healthy marine resource. Restrictions on the uses of the Protected Property would benefit Samish Bay and Puget Sound because of the protection of the vegetation will help protect the water quality of the Samish Bay.

G. A goal of Skagit County as stated in the County-wide Regional Comprehensive Plan Policies, adopted in July 2000 is to: "Encourage the Retention of Open Space and Development of Recreational Opportunities, Conserve Fish and Wildlife Habitat, Increase Access to Natural Resource Lands and Water, and Develop Parks".

H. The legislatively declared policies of the State of Washington, in Chapter 84.34 RCW, provide that it is in the best interest of the State to maintain, preserve, conserve and otherwise continue in existence, adequate open-space lands and to assure the use and enjoyment of natural resources, wetlands, farmlands, riparian areas and scenic beauty for the economic and social well-being of the state and its citizens. The subject property constitutes "open-space land" as defined in RCW 84.34.020 (1).

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Grantor initials JCS Grantee initials JDM

I. The Additional Protected Property would also be extremely desirable property for residential and other development because of its location and orientation. In the absence of this Amendment to Grant Deed of Conservation Easement, the Protected Property could be developed for residential sites, and other uses, in a manner which would destroy or diminish the forestland, open-space and natural character of the Protected Property and its ecological value. Current zoning in this area is susceptible to change that could allow even greater densities in the future.

J. The Additional Protected Property would also be desirable property for timber harvesting. In the absence of this Amendment to Grant Deed of Conservation Easement, portions of the Additional Protected Property could be logged in a manner which would destroy the open-space, riparian, and scenic character of the Additional Protected Property and impair its ecological value.

K. The specific Conservation Values of the Additional Protected Property (Section I. B.) are supported by an inventory of relevant features (Baseline Documentation) of the Additional Protected Property, dated December 2004 on file at the offices of Grantee. The Baseline Documentation consists of reports, maps, photographs, and other documentation that provide, collectively, an accurate representation of the Additional Protected Property at the time of this grant. It is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant. When signed by both Grantor and Grantee, the Baseline Documentation is incorporated herein by reference, and a summary of which is included herein as Exhibit 5. Within twelve (12) months, of signing this agreement a collection of additional Baseline Documentation may be compiled by Grantee, with the approval of Grantor. This additional Baseline Documentation is also incorporated herein by reference when signed by both Grantor and Grantee. Failure to timely compile the additional Baseline Documentation shall not affect the enforceability or validity of any other provision.

L. Grantor intends that the Conservation Values of the Additional Protected Property be preserved and maintained. All current uses and all Permitted Uses under Section VI. are consistent with the Original Easement and do not significantly impair or interfere with the Conservation Values of the Additional Protected Property (Section I. B.)

M. Under this Amendment, Grantor, owner in fee of the Additional Protected Property, has the right to identify and accepts the responsibility to protect and preserve in perpetuity the Conservation Values of the Additional Protected Property, and desires to transfer to Grantee the right to monitor and enforce compliance with that responsibility.

N. Grantee is a publicly supported, tax-exempt nonprofit organization, qualified under Sections 501(c)(3) and 170(h) of the Internal Revenue Code of 1986, as amended, and also qualified as a nonprofit nature conservancy corporation under RCW 64.04.130 and 84.34.250, whose primary purpose is to preserve open space, wildlife habitat, wetlands, forestland, farmland, shoreline and scenic views.

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Grantor initials JES Grantee initials JBM

O. Grantee agrees to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the Conservation Values of the Additional Protected Property for the benefit of this generation and the generations to come.

THEREFORE, Grantor and Grantee agree that the Original Easement is amended as follow:

1. As a new gift, Grantors' Additional Protected Property shall be subjected to the provisions of the Original Easement in their entirety. The legal description of the Additional Property (Exhibit No. 1), shall be added to the legal description attached in the Original Easement as Exhibit A. The Site Map of Additional Protected Property (Exhibit No. 2), shall be added to Exhibit B in the Original Easement.

2. The Additional Protected Property shall hereupon be included in the term "Protected Property" as used in the Original Easement.

3. The amended legal description of the Protected Property is attached hereto as Exhibit 3, and the amended Site Map of the Protected Property is attached hereto as Exhibit 4.

4. Further, the Grantor intends that the Protected Property (now including both the Original and Additional Protected Property) not be included in any subdivision or development approval as "Open Space" or similarly described property to allow an increase in development density on contiguous properties owned by the Grantor. Therefore, Grantor and Grantee agree that the following modifications shall amend the terms and conditions of the Original Easement:

a. The following language shall be added to **ARTICLE V. PROHIBITED USES:**

- i. Use of the Protected Property as Open Space or any similarly described designation for the purpose of obtaining density credits or bonuses or increased development rights of any type whatsoever as part of a planned unit development, planned unit residential development, or Conservation and Resource Development short or long plat or any similar regulatory scheme by which development density on any land contiguous to the Protected Property may be increased; and
- ii. Inclusion of the Protected Property's land area for the purpose of calculating the total number of development rights on the Protected Property and any contiguous property as allowable under any development permitted by the applicable laws, ordinances, or regulations.



5. In all other respects, the terms and conditions of the Original Easement shall remain in full force and effect.

Accepted this 26 day of Feb 2004 by:

Grantor:

James Clifford Squires  
James Clifford Squires

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

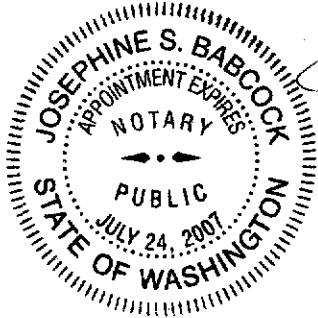
MAR 03 2004

Amount Paid \$ 0  
Skagit Co. Treasurer  
By DC Deputy

STATE OF WASHINGTON )  
  ) ss.  
COUNTY OF SKAGIT                                    )

On this day personally appeared before me James Clifford Squires to me known to be the individual 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 26<sup>th</sup> day of February 2004.



[Signature]  
Notary Public in and for the state of  
Washington, residing at EVERETT, WA  
My commission expires: 7/27/2007

Printed Name: JOSEPHINE S. BABCOCK



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Accepted this 4<sup>th</sup> day of March 2004 by:

Grantee:

SKAGIT LAND TRUST, a  
Washington not for profit corporation

Attestation:

John S. Milnor  
John Milnor, President

Marlene V. [Signature]  
Secretary

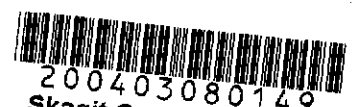
STATE OF WASHINGTON )  
  ) ss.  
COUNTY OF SKAGIT )

On this 4<sup>th</sup> day of March 2004 before me, the undersigned, a Notary Public in and for the state of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_ and John Milnor to me known to be the president and ~~secretary~~, respectively of Skagit Land Trust 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 they/he/she is/are authorized to execute the said instrument,

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

Linda L. Geiser  
Notary Public in and for the state of  
Washington, residing at Mt. Vernon  
My commission expires: 8-20-07

Printed Name: LINDA L. GEISER

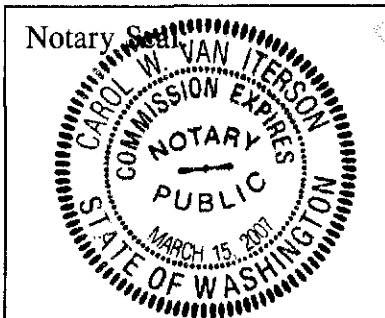


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STATE OF WASHINGTON )  
 : SS.  
COUNTY OF SKAGIT )

THIS IS TO CERTIFY that on this 5<sup>th</sup> day of March 2004 before me the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Marlene Moore, the individual known to me to be the secretary of the Skagit Land Trust, a Washington nonprofit corporation, that executed the foregoing deed and acknowledged to me that she signed and sealed the same as the free and voluntary act and deed of said nonprofit corporation and on oath stated that she was authorized to execute said instrument and that the seal affixed is the seal of said nonprofit corporation.

WITNESS my hand and official seal the day and year in this certificate first above written.



Carol W. Van Iterson  
Notary Public in and for the state of  
Washington, residing at: Shawcortles  
My commission expires: 3-15-07  
Printed Name: Carol W. Van Iterson

## SCHEDULE OF EXHIBITS

1. Legal Description of "Additional Protected Property"
2. Site Map of "Additional Protected Property"
3. Amended Legal Description of Protected Property
4. Amended Site Map of Protected Property
5. Baseline Summary of "Additional Protected Property"



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Grantor initials TCS Grantee initials [Signature]



**Exhibit 1**  
**Legal Description of 'Additional Protected Property'**

Those portions of Parcels "A" and "B" described below lying within the following described tract:

That portion of Government Lot 3 of Section 36, Township 36 North, Range 2 East W.M., described as follows:

Beginning at a point on the North line of said Government Lot 3, which is South 89°03'30" West, a distance of 233.43 feet from the Northeast corner of said Government Lot 3; thence South 01°35'00" East parallel with the East line of said Government Lot 3 a distance of 323 feet; thence South 89°03'30" West a distance of 250 feet; thence South 01°35'00" East 27 feet; thence South 89°03'30" West 200 feet; thence South 01°35'00" East to the Northerly edge of the County road right-of-way; thence Westerly along the Northerly edge of the County road right-of-way to a point on the East line of the West 100 feet of said Government Lot 3; thence North along said East line to a point on the North line of said Government Lot 3; thence North 89°03'30" East to the point of beginning.

Parcel A:

The East 50 feet of the West 150 feet of Government Lot 3, lying North of the North Line of County Road, Section 36, Township 36 North, Range 2 East, W.M.

Parcel B:

That portion of Government Lot 3, Section 36, Township 36 North, Range 2 East W.M., described as follows:

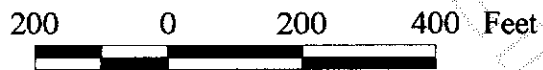
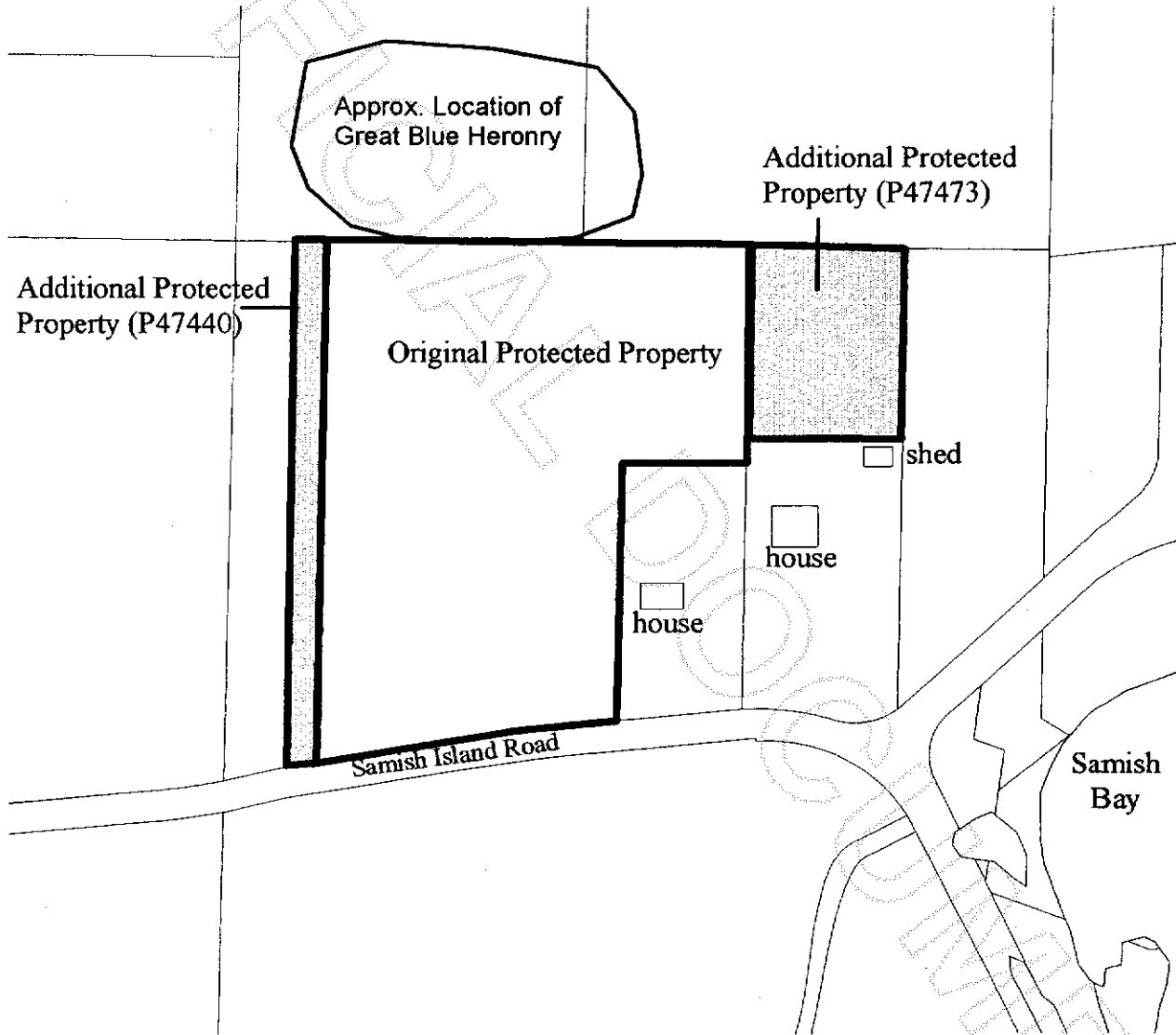
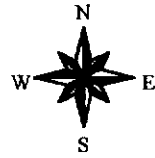
Beginning at a point on the North line of said Government Lot 3, which is South 89°03'30" West, 233.43 feet from the Northeast corner of said Government Lot 3; thence South 89°03'30" West along said North line 250 feet; thence South 01°35' 00" East and parallel with the East line of said Government Lot 3 to the Northerly line of the County road; thence Easterly along said Northerly line to a point on a line which is parallel to the East line of said Government Lot 3, and which intersects the place of beginning; thence North 01°35'00" West 738.53 feet to the place of beginning.



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**EXHIBIT 2**  
**Site Map of "Additional Protected Property"**

Squires Conservation Easement Amendment  
Township 36 North, Range 2 East, Section 36



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**Exhibit 3**  
**Amended Legal Description of 'Protected Property'**

That portion of Government Lot 3 of Section 36, Township 36 North, Range 2 East W.M., described as follows:

Beginning at a point on the North line of said Government Lot 3, which is South 89°03'30" West, a distance of 233.43 feet from the Northeast corner of said Government Lot 3; thence South 01°35'00" East parallel with the East line of said Government Lot 3 a distance of 323 feet; thence South 89°03'30" West a distance of 250 feet; thence South 01°35'00" East 27 feet; thence South 89°03'30" West 200 feet; thence South 01°35'00" East to the Northerly edge of the County road right-of-way; thence Westerly along the Northerly edge of the County road right-of-way to a point on the East line of the West 100 feet of said Government Lot 3; thence North along said East line to a point on the North line of said Government Lot 3; thence North 89°03'30" East to the point of beginning.

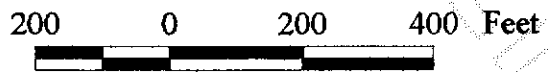
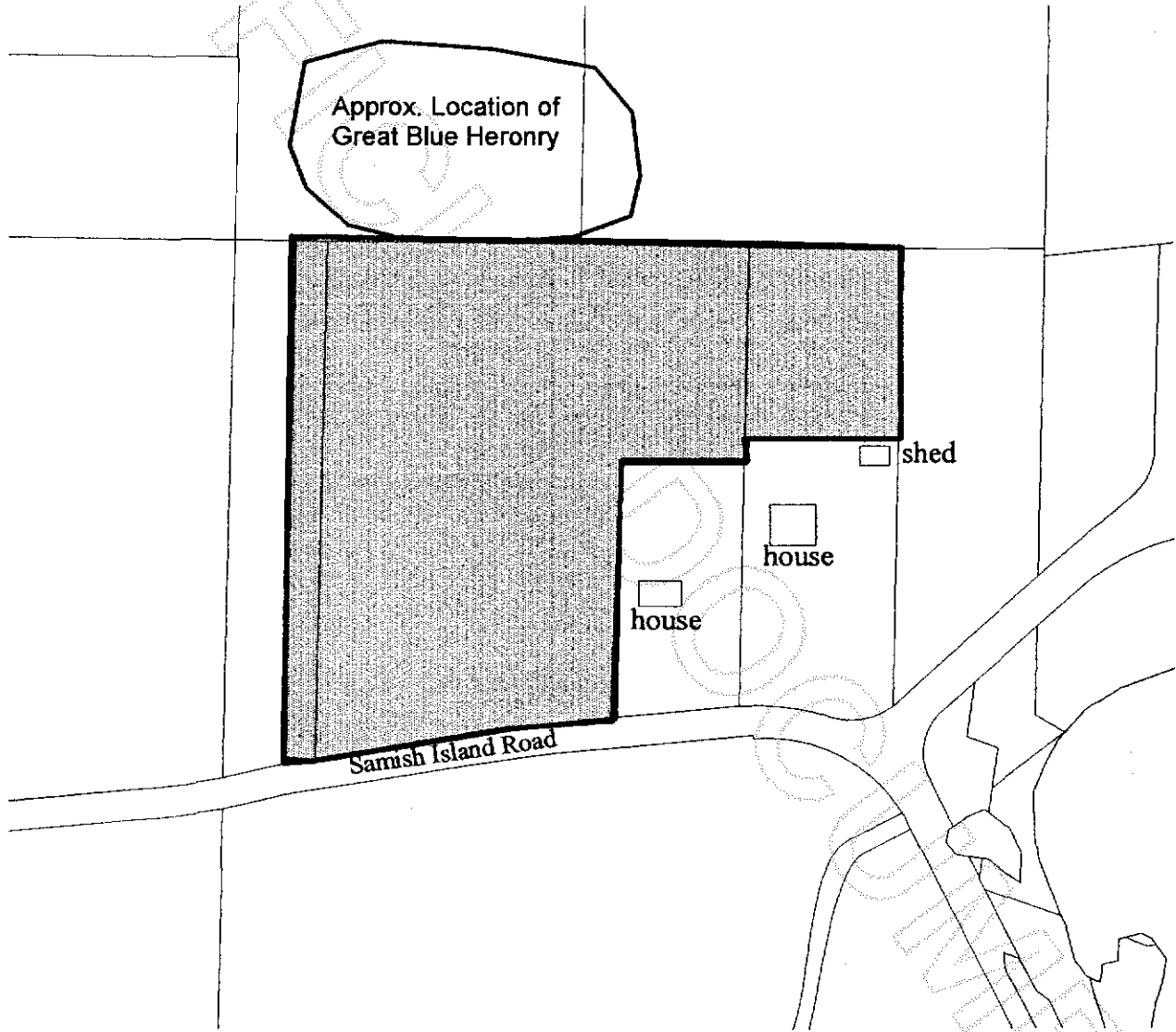


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**EXHIBIT 4**  
**Amended Site Map of Protected Property**

Squires Conservation Easement Amendment  
Township 36 North, Range 2 East, Section 36



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EXHIBIT 5

SKAGIT LAND TRUST  
BASELINE SUMMARY OF "ADDITIONAL PROTECTED PROPERTY"  
FOR CONSERVATION EASEMENT AMENDMENT

Grantor Information:

Name James Clifford Squires Parcels: entirety of P47440 and  
Address 19544 53rd St NE portion of P47473  
City Seattle, WA Zip 98155 Section 36  
Phone (Day) \_\_\_\_\_ (Evening) (206) 363-3796 Township 36 N  
Range 02 E

Skagit Land Trust (Grantee) Contact:

Name(s) Martha Bray or Keith Wiggers Phone (360) 428-7878  
Donor referred to Skagit Land Trust by: Keith Wiggers

Property Information:

Acres 2.75 Number of Buildings 0 Descriptions Attached Yes No  
Percent Forest 100 Percent Farmland 0 County Zoning       
Type of Ownership Fee Mortgage Yes X No

Soil types: The majority of the Additional Protected Property (approx. 2.5 acres) has soils in the Coveland-Bow complex, with 0 to 5% slopes. This soil complex is found on hills, with the Coveland soils in depressions and the Bow soils on mounds. The native vegetation is mainly conifers and shrubs. Both soil types are very deep and somewhat poorly drained. Permeability is slow and effective rooting depth is limited by a perched water table.

Areas of the Additional Protected Property closest to Samish Island Road have soils in the LaConner series of very gravelly loamy sand. These soils are moderately deep, moderately drained and found on terraces with slopes of less than 8%, such as on top of the hills on Samish Island. Native trees here are mainly conifers, with an understory of shrubs. A dense glacial till begins at a depth of 25 to 40 inches. Permeability of this soil type is rapid above the dense glacial till and very slow through the till. Effective rooting depth is 25 to 40 inches.

County Critical Areas: The Additional Protected Property contains hydric soils.

State Priority Habitats and Species: The Additional Protected Property contains breeding and roosting habitat for Bald Eagles, marbled murrelet, great blue herons, cavity-nesting ducks, band-tailed pigeons,



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Vaux's swift, and pileated woodpecker. It also contains habitat suitable for amphibians and several species of bats. Priority habitats on the Additional Protected Property are snags and an unclassified freshwater wetland.

**Special Features of Property:** The Additional Protected Property is on the southeast side of Samish Island. The natural features of this property have increased in rarity and significance in recent years as much of Samish Island has been divided into smaller parcels and developed for residential use. Numerous large conifers, some more than 100 years old, distinguish the forest. These are interspersed with large diameter big-leaf maple and alder. This mixed forest provides a diversity of habitats for birds, mammals and amphibians. The protected property borders on lands containing a great blue heron nesting colony. It is important for the continued success of these birds that the area surrounding the colony remains undisturbed. There is also a bald eagle nest in the vicinity of the protected property. It is important that these birds also have a variety of perches and foraging sites near their nest. The protected property provides habitat for both of these species. The protected areas in this easement also serve as buffers for the adjacent conservation easement signed in 1995. This easement protects lands on the east and west sides of the 1995 easement, buffering it from the effects of adjacent logging and residential uses.

**Condition of Property:** The forest on the Additional Protected Property has not been commercially logged for over 100 years. During that time the owner's family cut individual trees for firewood. There is a significant English ivy infestation in the middle portion of parcel P47473. This is covering the lower trunks of approximately 10 trees and the ground between them.

Renters of the large house adjacent to the easement have kept goats tethered in the forest on the easement area in the past, there are none currently there. Pens and shelters for livestock are located around a shed immediately south of the easement.

The landowner and Skagit Land Trust are not aware of any hazardous substances or the release or disposal of such in the easement area, and no signs of such were observed.

**History:** The present landowner is the son of James Squires Jr., who granted an easement on the adjacent property in 1995. The Squires family has resided on the property since the late 1800s, and eventually purchased the property from the State of Washington in the 1960's.



In compliance with Section 1.170A-14(g)(5) of the federal tax regulations, this natural resources inventory is an accurate representation of the property at the time of conservation easement donation.

James C. Squires  
Grantor, James C. Squires  
Feb. 26, 2004  
Date

Brenda Cytton, Stewardship Director  
Grantee, Skagit Land Trust  
March 2, 2004  
Date

Additional information in Skagit Land Trust files:  Aerial Photograph  USGS Quad Map  
 Photopoint Collection  Assessor Map  Assessor Printout  
 Appraisal  Title Search/Insurance  Vegetation Inventory

Baseline Summary prepared by Brenda Cunningham, December 2003

References used to prepare this report:

*Management Recommendations for Washington's Priority Habitats and Species*; WADFW (May 1991)  
*Soil Survey of Skagit County Area, Washington*; USDA, SCS (Sept. 1989)



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