

**AFTER RECORDING RETURN TO:**

Washington State Parks and Recreation Commission  
Attn: Karen Waltenberg, Lands Program  
PO Box 42650  
Olympia, Washington 98504-2650

LAND TITLE OF SKAGIT COUNTY

*1362944-c + 129146-5c*



201006180125

Skagit County Auditor

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**STATUTORY WARRANTY DEED**

Grantor: THE TRUST FOR PUBLIC LAND

Grantee: WASHINGTON STATE PARKS AND RECREATION COMMISSION and the  
SWINOMISH INDIAN TRIBAL COMMUNITY

Abbreviated Legal: Gov. Lot 2, 20-34-2E W.M. Gov. Lots 5, 6, 7, 8 & 9, 21-34N-

Tax Parcels: P20573, P20576, P20603, and P20604 2E W.M.; Ptn Gov. Lot 2, 21-34N-2E  
W.M.

THE GRANTOR, THE TRUST FOR PUBLIC LAND, a California nonprofit public benefit corporation, "Grantor", for and in consideration on Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration in hand paid, hereby grants, conveys and warrants to the STATE OF WASHINGTON, acting by and through the WASHINGTON STATE PARKS AND RECREATION COMMISSION, and the SWINOMISH INDIAN TRIBAL COMMUNITY, a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 476) (collectively, "Grantees"), as tenants in common with equal, undivided interests, as more fully set forth in the Agreement Between Washington State Parks and Recreation Commission and Swinomish Indian Tribal Community Regarding the Acquisition of Kiket Island and the Development, Operation and Maintenance of a Public Park on Kiket Island, which is recorded with the Auditor of Skagit County, Washington, under date of June 18, 2010, under Auditor's File No. 20006180125, and which is by this reference fully incorporated herein and made a part hereof, that real property situated in the County of Skagit, State of Washington, legally described below.

Government Lot 2 in Section 20, Township 34 North, Range 2 East, W.M.

ALSO, Government Lots 5, 6, 7, 8 and 9 in Section 21, Township 34 North, Range 2 East, W.M.

TOGETHER WITH a non-exclusive easement for ingress, egress and utilities over the South 60 feet of Government Lot 2, Section 21, Township 34 North, Range 2 East, W.M.

AND

The South 410.32 feet of Government Lot 2 in Section 21, Township 34 North, Range 2 East, W.M.

EXCEPT the East 30 feet thereof for road.

All situate in the County of Skagit, State of Washington

Notwithstanding anything in the foregoing legal description to the contrary, the real property conveyed herein does not include Tidelands. The term "Tidelands" means all lands adjacent to or surrounded in whole or in part by the property legally described above that are or were continually or intermittently submerged beneath waters subject to the ebb and flow of the tides and that lie between the line of mean high tide and the line of extreme low water, and include the bed of the saltwater lagoon surrounded in whole or in part by the South 410.32 feet of Government Lot 2 in Section 21, Township 34 North, Range 2 East, W.M. For purposes of this definition of "Tidelands," the line of mean high tide is determined by taking the mean of all high tides, including spring tides and neap tides, over a complete tidal cycle of 18.6 years and is ambulatory, changing location in response to erosion and accretion as well as changes in tidal elevations. However, except as otherwise provided by applicable law, if the line of mean high tide is seaward of where it would be in the absence of a human-made assemblage of materials or other human-made alteration, then the landward boundary of the tidelands is where the line of mean high tide would be in the absence of such assemblage or alteration.

Said conveyance is subject to the those reservations, easements, restrictions, encumbrances and title exceptions identified on Exhibit A attached hereto and hereby incorporated by this reference.

Dated this 16<sup>TH</sup> day of JUNE, 2010.

1803  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

JUN 18 2010

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

THE TRUST FOR PUBLIC LAND, a  
California nonprofit public benefit  
corporation

By: Thomas E. Tyner  
Thomas E. Tyner, Regional Counsel



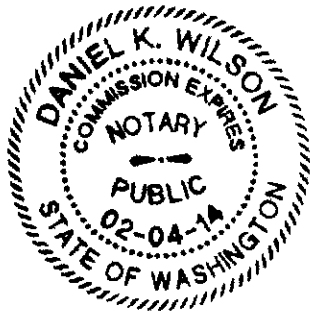
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ACKNOWLEDGMENT

STATE OF WASHINGTON )  
 )ss  
COUNTY OF KING )

On this 16<sup>th</sup> day of June, 2010, before me personally appeared Thomas E. Tyner, to me known to be the Regional Counsel of The Trust for Public Land, the corporation that executed the within and 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 he was authorized to execute said instrument on behalf of the corporation.

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



Given under my hand and official seal this

16<sup>th</sup> day of June, 2010.

Daniel K. Wilson

Notary Public in and for the State of

Washington, residing at

Seattle

My appointment expires

02/04/2014



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**Exhibit A**  
(Exceptions to Title)

- A. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES, AS RESERVED IN INSTRUMENT HEREIN SET FORTH.

For: Ingress and egress  
Reserved By: Cecelia Joshua, et al  
Instrument: Recorded November 23, 1929, in Volume 152 of Deeds, pages 349 and 351

Affects:

The South 30 feet of the easement portion for the common benefit of the owners of Government Lots 2, 3, 5, 6, 7, 8 and 9 of Section 21, and Government Lot 2 of Section 20, all in Township 34 North, Range 2 East, W.M., as a road for ingress and egress to the public road, said road to be by the grantee established by the reservation of the East 30 feet of Government Lots 2 and 3 of said Township and Range, and to connect with present road at or beyond the South extremity of said Government Lot, together with the right to construct, lay and maintain water pipe line beneath the surface of the ground, and telephone and power lines along said right of way easement.

- B. Right of the State of Washington and the Swinomish Indian Tribal Community in and to that portion, if any, of the land herein described which lies below the line of ordinary high water of Similk Bay.
- C. Terms and conditions of the treaty rights with the Swinomish Indian Tribal Community, as set forth in "Point Elliott Treaty" dated January 22, 1855, ratified by Congress and the President of the United States of America March 8, 1859, and proclaimed April 11, 1859, which granted to the Tribe the right of taking fish at usual and accustomed grounds and stations and of erecting temporary houses for the purpose of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands, all as more specifically set forth in Article 5 of said Treaty.
- D. Said lands lie within the Swinomish Indian Reservation and may be subject to government regulation by the Swinomish Tribe of Indians.
- E. Matters disclosed by Survey recorded March 29, 1982 in Book 3 of Surveys, page 170, under Auditor's File No. 8203290039.
- F. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company, a Washington corporation  
Purpose: The right to construct, operate, maintain, repair, replace and enlarge an underground electric transmission and/or distribution system  
Area Affected: As described therein  
Dated: January 20, 1986  
Recorded: January 23, 1986  
Auditor's No.: 8601230030

- G. Terms and conditions of Variance No. VAR 92 052, as recorded November 4, 1992, under Auditor's File No. 9211040031.



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**Exhibit A**  
(continued)

**H. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:**

Grantee: Wallace E. Opdycke and Nancy L. Corbin, formerly, husband and wife  
Purpose: For ingress, egress and utilities  
Area Affected: South 60 feet of Parcel "B"  
Dated: June 29, 1992  
Recorded: July 28, 1992  
Auditor's No.: 9207280133

**I. TERMS AND CONDITIONS OF SPECIAL USE PERMIT FOR KENNEL/BOARDING FACILITY:**

Recorded: September 11, 2001  
Auditor's No.: 200109110081  
(Affects Parcel "B")

J. Any restrictions on the use of the land resulting from the rights of the public or riparian owners to use any portion which is now, or has formerly been, covered by water.

K. Location of the lateral boundaries of second class tideland and shorelands

L. Any change in the boundary or legal description of the land described herein, due to a shift or change in the location, boundary and area of Similk Bay.

M. Rights and easements of the public for commerce, navigation, recreation and fisheries.

**N. LOT CERTIFICATION AND THE TERMS AND CONDITIONS THEREOF:**

Recorded: June 9, 2009  
Auditor's File No.: 200906090002

**O. LOT CERTIFICATION AND THE TERMS AND CONDITIONS THEREOF:**

Recorded: June 9, 2009  
Auditor's File No.: 200906090003

**P. LOT CERTIFICATION AND THE TERMS AND CONDITIONS THEREOF:**

Recorded: June 23, 2009  
Auditor's File No.: 200906230052



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