AFTER RECORDING RETURN TO:

Washington State Parks & Recreation Commission Attn: Lands Program P.O. Box 42650 Olympia, WA 98504

LAND TITLE OF SKAGIT COUNTY
13629986 \$129196.50

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Notice of Conditions and Restrictions

DEED RESTRICTION

Grantors:

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)

Grantee:

National Oceanic and Atmospheric Administration

Abbreviated

Legal Desc:

GL2 in S20, T34N, R2E, AND Ptn. of GL2 and GL5, 6, 7, 8, and 9 in S21,

T34N, R2E, W.M.

Parcel #(s):

P20576, P20603, P20604, P20573

The property referenced in Exhibit A and depicted in Exhibit B, being approximately 93.6 acres, ("Property") has been acquired, in part, with funds from Federal Financial Assistance Award NA09NOS4190260 ("Award") through the National Oceanic and Atmospheric Administration ("NOAA") Coastal and Estuarine Land Conservation Program ("CELCP"). The application and supporting materials for the Award are on file with Grantors and Grantee.

Title to the Property shall vest in 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 "Grantors"), 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 ("Kiket Island Agreement"), which is recorded

with the Auditor of Skagit County, Washington, under date of June 18, 2010, under Auditor's File No. 201002180 122, and which is by this reference fully incorporated herein and made a part hereof. The Property shall be managed by Grantors in accordance with: (1) the Kiket Island Agreement: (2) the Kiket Island Co-Management Agreement ("Co-Management Agreement"), which is recorded with the Auditor of Skagit County, Washington, under date of June 3, 2010, under Auditor's File No. 201006/20123, and which is by this reference fully incorporated herein and made a part hereof; and (3) 16 U.S.C. 1456-1 as in force on the date of this Deed Restriction and the CELCP Final Program Guidelines dated June 6, 2003, in order to fulfill the conservation and other purposes for which the Property was entered into the CELCP. Grantors shall not dispose of, exchange, or encumber their title or other interests in or convert the use of the Property without the approval of NOAA or its successor agency(ies). If NOAA is entitled to relief from the Washington State Department of Ecology ("Ecology") as Grantee under NOAA Award NA09NOS4190260 for a violation of this Deed Restriction. Grantors shall provide such relief to NOAA or reimburse Ecology for such relief in accordance with Paragraphs 8 and 14 of the Kiket Island Agreement. The restrictions and obligations herein are intended to run with the land and are intended to be binding on any and all persons who acquire an interest in the Property. **GRANTORS** In witness whereof, the STATE OF WASHINGTON, acting by and through the WASHINGTON STATE PARKS AND RECREATION COMMMISION has executed this HISMOSLOVIA CHINA In witness whereof, the SWINOMISH INDIAN TRIBAL COMMUNITY, a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 (25 U.Ş.C. § 476) has executed this document this 14th day of Inne . 2010. at CNINMIST, Washington. 20100618012

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Skagit County Auditor

GRANTOR ACKNOWLEDGMENT

STATE OF WASHINGTON)	
COUNTY OF A COUNTY OF	
On this What day of Jill	, 20_10, personally appeared
before me Vary Fairleigh	, to me known
to be the VIVING DEVELOPMENT	Director for
the STATE OF WASHINGTON, acting by and	through the WASHINGTON STATE PARKS
AND RECREATION COMMISSION ("State"), who executed the within and foregoing
instrument on behalf of State, and acknowledge	ed said instrument to be the free and voluntary act
of State for the uses and purposes therein menti	oned, and on oath stated that he she was
authorized to execute said instrument.	
IN WITNESS WHEREOF, I have hereu above written.	anto set my hand and seal the day and year first
WALTER NOTARY S	Notary Public in and for the State of
PIBLU 12-31-11	Washington, residing at Michaly.
WAS CONTRACTOR WAS CO	My appointment expires \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\

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GRANTOR ACKNOWLEDGMENT

STATE OF WASHINGTON)	
COUNTY OF Skagit) ss	
On this 14th day of June	, 20 <u>10</u> , personally appeared
before me Bran Cladoo:	by to me known
to be the <u>Chair man</u>	for
the SWINOMISH INDIAN TRIBAL COMMUNIT	Y, a federally recognized Indian Tribe
organized pursuant to Section 16 of the Indian Reor	ganization Act of 1934 (25 U.S.C. § 476)
("SITC"), who executed the within and foregoing in	nstrument on behalf of SITC, and
acknowledged said instrument to be the free and vo	luntary act of SITC for the uses and purposes
therein mentioned, and on oath stated that he/she wa	as authorized to execute said instrument.
IN WITNESS WHEREOF, I have hereunto	set my hand and seal the day and year first
above written.	Notary Public in and for the State of
	Washington, residing at <u>BURINGTON</u> . My appointment expires <u>619-10</u> .

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EXHIBIT A Legal Description of Property

PARCEL "A"

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.

EXCEPT THE NORTH 1 ACRE OF THAT PORTION OF GOVERNMENT LOT 7 IN SECTION 21, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF ORDINARY HIGH WATER WITH THE EAST LINE OF SAID GOVERNMENT LOT 7:

THENCE NORTH ALONG SAID EAST LINE, 307.70 FEET;

THENCE WEST AT RIGHT ANGLES TO SAID EAST LINE, 183.36 FEET TO A POINT ON A LINE PARALLEL WITH THE EAST LINE OF SAID GOVERNMENT LOT 7;

THENCE SOUTH ALONG SAID PARALLEL LINE TO THE SOUTHERLY LINE OF ORDINARY HIGH WATER.

EXCEPT THE NORTH 1 ACRE OF THAT PORTION OF GOVERNMENT LOT 7 IN SECTION 21, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS **FOLLOWS:**

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF ORDINARY HIGH WATER WITH THE WEST LINE OF THE EAST 183.36 FEET OF SAID GOVERNMENT LOT 7;

THENCE NORTH ALONG SAID WEST LINE, 394.59 FEET:

THENCE WEST AT RIGHT ANGLES TO THE EAST LINE OF SAID

GOVERNMENT LOT 7, 210.31 FEET TO A POINT ON A LINE PARALLEL WITH SAID EAST LINE:

THENCE SOUTH ALONG SAID PARALLEL LINE TO THE SOUTHERLY LINE OF ORDINARY HIGH WATER.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.



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EXHIBIT A Legal Description of Property (Continued)

PARCEL "B"

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.

EXCEPT THE SOUTH 147.5 FEET OF THE WEST 147.65 FEET OF THE EAST 652 FEET OF GOVERNMENT LOT 2 IN SECTION 21, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

Notwithstanding anything in the foregoing legal description to the contrary, Parcel "A" and Parcel "B" do not include Tidelands. The term "Tidelands" means all lands adjacent to or surrounded in whole or in part by Parcel "A" and/or Parcel "B" 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 includes the bed of the saltwater lagoon surrounded in whole or in part by Parcel "B". 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.



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EXHIBIT B Map of Property



