

After Recording Return to:  
Washington State Parks and Recreation Commission  
Attn: Karen Waltenberg, Lands Program  
P.O. Box 42650  
Olympia, WA 98504-2650



201112300104  
Skagit County Auditor

12/30/2011 Page 1 of 6 2:03PM

LAND TITLE OF SKAGIT COUNTY  
136299

ACCOMMODATION RECORDING

### Notice of Grant

**Grantor:** 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:** The Nature Conservancy

**Abbreviated Legal:** GL 2 in S20, T34N, R2E, and GL 5, 6, 7, 8, and 9 in S21, T34N, R2E, and Ptn GL 2 in S21, T34N, R2E, W.M.

**Tax Parcel Nos.:** P20573, P20576, P20603, and P20604

The State of Washington, acting by and through the Washington State Parks and Recreation Commission ("State Parks"), and the Swinomish Indian Tribal Community ("Tribe") own certain real property located on the Swinomish Indian Reservation in Skagit County Washington, as tenants in common with equal, undivided interests, which is more particularly described below (the "Property"):

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 Property does not include Tidelands. The term "Tidelands" means all lands adjacent to or surrounded in whole or in part by the Property 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. 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

Notice is hereby given that State Parks and the Tribe acquired the Property or interests therein using funds in the amount of \$150,000 provided by The Nature Conservancy, a District of Columbia nonprofit corporation (the "Conservancy"), and the Doris Duke Charitable Foundation ("DDCF"), pursuant to a grant agreement between The Nature Conservancy and The Trust for Public Lands, dated October 16, 2009, Agreement Number: ORFO-10-16-09-01MT, a copy of which is kept at the offices of The Nature Conservancy, 821 SE 14th Avenue, Portland, Oregon 97214 ("Grant Agreement"). The Trust for Public Lands passed through these grant funds to State Parks and the Tribe for the acquisition of the Property with permission from the Conservancy.

As consideration for the pass through of grant funds to State Parks and the Tribe, which grant made it possible for State Parks and the Tribe to acquire the Property, State Parks and the Tribe hereby record this Notice of Grant and agree to ensure that the Property shall be managed consistent with: (1) 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. 201006180122, and which is by this reference fully incorporated herein and made a part hereof ("Kiket Island Agreement"); (2) the Kiket Island Co-Management Agreement, which is recorded with the Auditor of Skagit County, Washington, under date of June 18, 2010, under Auditor's File No. 201006180123, and which is by this reference fully incorporated herein and made a part hereof ("Co-Management Agreement"); and (3) any term of the Grant Agreement, provided such term is not inconsistent with any term of the Kiket Island Agreement or Co-Management Agreement.

State Parks and the Tribe further agree to provide written notice to the Nature Conservancy prior to any encumbrance, assignment, or disposition of their interest in the Property, and, in the event that the Property or their interest therein is extinguished or sold, to repay to the Conservancy a percentage of the funds received based upon the proportion of the grant amount to the purchase price for the Property, or, at the Conservancy's election, to allocate such percentage of funds for use on another conservation project related to the Northwest Wildlife Conservation Initiative as described in the Grant Agreement after consultation with the Conservancy.



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**GRANTOR:**

STATE OF WASHINGTON, acting by and through the  
WASHINGTON STATE PARKS AND RECREATION COMMISSION

By: [Signature]

Name: L.D. FAIRLIGH

Title: ASSISTANT DIRECTOR

Dated this 12<sup>th</sup> day of OCTOBER, 20 11

SWINOMISH INDIAN TRIBAL COMMUNITY

By: Brian Cladosby

Name: BRIAN CLADOSBY

Title: CHAIRMAN

Dated this 4 day of Oct, 20 11

**ACKNOWLEDGED BY GRANTEE**

THE NATURE CONSERVANCY

By: [Signature]

Name: Russell S. Hoeflich

Title: Oregon State Director

Dated this 21 day of November, 20 11



201112300104

Skagit County Auditor

STATE OF WASHINGTON)

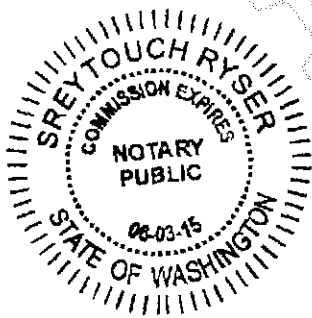
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COUNTY OF THURSTON)

I certify that I know or have satisfactory evidence that Don Hoch is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute this instrument, and acknowledged it as the Director of Washington State Parks to be the to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.

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

Dated: October 12, 2011



Srey Touch Ryser  
Notary Public in and for the State of Washington,  
residing at Tumwater, WA

My appointment expires 6-3-15

STATE OF WASHINGTON)

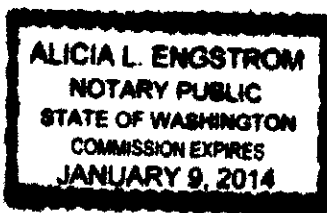
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COUNTY OF THURSTON)

I certify that I know or have satisfactory evidence that Brian Cladensby is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute this instrument, and acknowledged it as the Chairman of Swanish Senate to be the to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.

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

Dated: 10/4/11



Alicia Engstrom  
Notary Public in and for the State of Washington,  
residing at Mt. Vernon, WA

My appointment expires 1/9/14



201112300104  
Skagit County Auditor

STATE OF Oregon )  
COUNTY OF Multnomah )

I certify that I know or have satisfactory evidence that Russell S. Hoeflich is the person who appeared before me, and said person acknowledged that (s)he signed this instrument, on oath stated that (s)he was authorized to execute this instrument, and acknowledged it as the Oregon State Director of The Nature Conservancy to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year below mentioned.

Dated: 11/21/2011

Martha H. Thompson

Name:

Notary Public in and for the  
State of Oregon

Residing at Portland, OR

My appointment expires March 6, 2015



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Skagit County Auditor

**STATE'S ACKNOWLEDGMENT  
WASHINGTON STATE PARKS AND RECREATION COMMISSION**

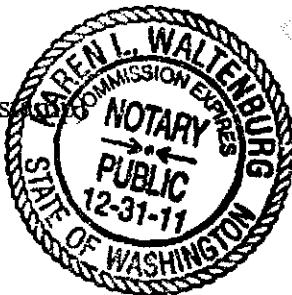
STATE OF WASHINGTON       )  
  ) §§  
COUNTY OF THURSTON     )

I certify that I know or have satisfactory evidence that Larry Fairleigh is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Assistant Director of the Washington State Parks and Recreation Commission, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: December 8, 2011

[Signature]  
(Signature)

(Seal or stamp)



Karen L. Waltenburg  
(Print Name)

Notary Public in and for the State of Washington,  
residing at Olympia

My appointment expires 12-31-11



201112300104

Skagit County Auditor