



202001280087

01/28/2020 01:59 PM Pages: 1 of 5 Fees: \$107.50  
Skagit County Auditor

When recorded return to:

Clear Valley Environmental Farm LLC  
Attn: Jeff Poetsch, Managing Member  
1028 Wilmington Way  
Redwood City, CA 94062

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX  
*EASEMENT*  
JAN 28 2020

Amount Paid \$  
Skagit Co. Treasurer  
By # *7* Deputy

**FIRST AMENDMENT TO  
GRANT DEED OF CONSERVATION EASEMENT  
(Skagit Environmental Bank)**

Grantors: Clear Valley Environmental Farm LLC, a Washington limited liability company

Grantee: Forterra NW, a Washington nonprofit corporation

Legal Description: Ptns of Sections 10, 11, 14 & 15, T34N, R4E W.M., Skagit County, Washington.

Additional Legal attached as Exhibit A.

Assessor's Tax Parcel Numbers: P109225; P109241; P24443; P24483; P24480; P24491; P24494; P24497; P24498; P24512; P24530; P24531; P24532; P24533; P24535; P24892; P24695; P24897; P24731; P24743; P24801; P24805; P24806; P24890; P24891; P24892; P24804; P24694; P128590

THIS FIRST AMENDMENT TO GRANT DEED OF CONSERVATION EASEMENT ("Amendment") is made by Clear Valley Environmental Farm LLC, a Washington limited liability company, having a primary address of 1028 Wilmington Way, Redwood City, CA 94062 ("Grantor") and Forterra NW, a Washington nonprofit corporation, having a primary address at 901 5<sup>th</sup> Avenue, Suite 2200, Seattle, WA 98164 ("Grantee") (collectively, the "Parties").

**1. RECITALS**

**1.1.** Grantor is the owner of a 396-acre wetland mitigation bank property northeast of the City of Mount Vernon in Skagit County (the "Bank Property").

**1.2.** The Bank Property is encumbered by that certain Grant Deed of Conservation Easement executed by the Parties on or around July 12, 2013, and recorded under Skagit County Auditor's File No. 201307190125 (the "Conservation Easement"). Grantee is the

holder of the Conservation Easement.

1.3. Pursuant to Section 12 of the Conservation Easement, the Parties now desire to amend the Conservation Easement to accommodate two new water pipeline easements for a water transmission line proposed by Public Utility District No. 1 of Skagit County, Washington, and to correct the Conservation Easement's list of permitted title exceptions to include two existing water pipeline easements that were inadvertently omitted from the final version of Exhibit C to the Conservation Easement.

**2. AMENDMENT TO CONSERVATION EASEMENT**

2.1. The Parties agree that additional exceptions listed on Exhibit A to this Amendment shall be incorporated into, and become a part of, the list of permitted exceptions to which the Conservation Easement is subject, as provided in Exhibit C to the Conservation Easement.

2.2. Grantor shall record this Amendment in the official records of Skagit County, Washington, and in any other appropriate jurisdictions.

2.3. This Amendment shall be effective upon recording.

IN WITNESS WHEREOF, the Grantor and Grantee execute this Amendment, intending to legally bind themselves, on the dates indicated below.

CLEAR VALLEY ENVIRONMENTAL  
FARM, LLC



By JEFFREY C. PORSCH

Its MANAGING MEMBER

Date 1/28/2020

FORTERRA NW

[Signature]

By Michelle Connor

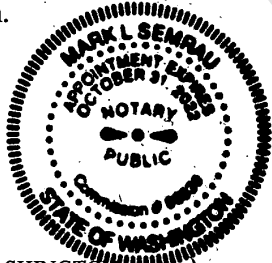
Its President and CEO

Date 12/20/2019

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

On this 20 day of JANUARY 2020, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JEFFREY FOETSCH, to me known to be the MANAGING MEMBER of Clear Valley Environmental Farm, LLC, the Washington limited liability company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the deal and year in this certificate above written.

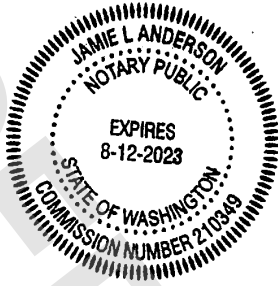


Mark L. Semrau  
NOTARY PUBLIC in and for the State of Washington, residing at Mt. Vernon  
Print Name: MARK L. SEMRAU  
My commission expires 10.31.22

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this 20<sup>th</sup> day of December 2019, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Michelle Connor to me known to be the President & CEO of Forterra NW, the Washington nonprofit 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 that he is authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the deal and year in this certificate above written.



*Jamie L. Anderson*

NOTARY PUBLIC in and for the State of  
Washington, residing at 1600 2nd Ave Apt 2306  
Seattle, WA 98101  
Print Name: Jamie L. Anderson  
My commission expires 8/12/2023



**EXHIBIT A****Additional Permitted Exceptions**  
**(Incorporated into Exhibit C to Conservation Easement)**

1. New easement for water pipeline adjacent to existing Cascade Natural Gas and Puget Sound Energy easement, recorded on September 12, 2019 under Skagit County Auditor's No.201909250065.
2. New easement for water pipeline in the wetland mitigation bank "buffer" area of the Protected Property, recorded on September 12, 2019 under Skagit County Auditor's No. 201909250066.
3. Existing unrecorded easement inadvertently omitted from original list of permitted exceptions in Conservation Easement, which was subsequently recorded on September 12, 2019 under Skagit County Auditor's No. 201909250067.
4. Existing recorded easement inadvertently omitted from original list of permitted exceptions in Conservation Easement, recorded on March 4, 1961, under Skagit County Auditor's Document Record 604947, Volume 314, Page 781, as amended and restated in the Amended and Restated PUD Utility Easement Agreement recorded on September 12, 2019 under Skagit County Auditor's No. 201909250064.