



EXCISE TAX EXEMPT

JUN 26 2013

**Ana María d. Nuñez, CPA
Island County Treasurer**

Upon Recording, Please Return To:
Washington Recreation and Conservation Office
PO Box 40917
Olympia, WA 98504-0917
Attn: Kim Sellers

**DEED OF RIGHT TO USE LAND FOR
CONSERVATION PURPOSES**

Grantor: Island County

Grantee: STATE OF WASHINGTON, acting by and through the WASHINGTON
STATE RECREATION AND CONSERVATION FUNDING BOARD, and the
RECREATION AND CONSERVATION OFFICE, including any successor
agencies

Abbreviated

Legal

Description: Ptn. of Government Lot 2 and Government Lot 3, S15, T 31N, R 2E, W.M. (More
particularly described in Exhibit "A" (Legal Description), and as depicted in
Exhibit "B" (Property Map),

Assessor's Property Tax Parcel Number(s): R23115-362-4290, R23115-410-4730

Reference Numbers of Documents Assigned or Released:

The Grantor enters this Deed for and in consideration of monies coming in whole or in part from
the Aquatic Lands Enhancement Account. Such grant is made pursuant to the Project Agreement
entered into between the Grantor and the Grantee entitled Westside Camano Acquisition (Henry

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Hollow) Project Number 08-1633A signed by the Grantor on the 11th day of October 2010 and the Grantee the 14th day of October 2010, and three amendments thereafter, and supporting materials which are on file with the Grantor and the Grantee in connection with the Project Agreement.

The Grantor hereby conveys and grants to the Grantee as the representative of the people of the State, the right to enforce the following duties:

The Grantor shall take such reasonable and feasible measures as are necessary to protect the Real Property as described in Exhibit A: Legal Description, in perpetuity. Such measures shall be consistent with the purposes in the Project Agreement, including protecting, preserving, restoring and/or enhancing the habitat functions on the Real Property, which includes valued near-shore habitats, including a gravel beach, estuarine system, feeder bluff and freshwater creek. This site supports or may support priority species including but not limited to Puget Sound Chinook, Coho, and Steelhead.

1. The Grantor shall allow public access to the Property as provided in the Project Agreement. Such access shall be subject to the restrictions allowed under the Project Agreement, by written agreement with the Grantee, or under state law. This provision is not intended to prevent reasonable access or use restrictions that are necessary for safe and effective management of the property consistent with habitat conservation purposes and the Project Agreement.
2. The Grantor shall provide access by the Grantee to inspect the Real Property for compliance with the terms of this Deed and the applicable Project Agreement to which the Grantor is a signatory. Such access shall be subject to the restrictions, if any, allowed under the Project Agreement, by written agreement with the Grantee, or under state law. The Grantor warrants it has and shall maintain the legal right and means to reach the property.
3. Without prior written consent by the Grantee or its successors, through an amendment to the Project Agreement or the process set forth below, the Grantor shall not use or allow any use of the Real Property (including any part of it) that is inconsistent with the conservation purposes herein granted and as stated in the Project Agreement. The Grantor shall also not grant or suffer the creation of any property interest that is inconsistent with the conservation purposes herein granted and as stated in the Project Agreement.

Grantee's consent to an inconsistent use or property interest under this Deed shall be granted only to the extent permitted by law and upon the following three conditions, which ensure the substitution of other eligible land. The conditions are: (1) the substitute conservation land must be of reasonably equivalent habitat qualities, characteristics and location for the conservation purposes as the Real Property prior to any inconsistent use; (2) the substitute conservation land must be of at least equal fair

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market value to the Real Property at the time of Grantee's consent to the inconsistent use; and (3) the fair market value of the Real Property at the time of the Grantee's consent to the inconsistent use shall not take into consideration any encumbrances imposed on or alterations made to that land as a result of the original state grant and other grants if such encumbrances or alterations reduce the value of the Real Property from what it would be without them.

For purposes of this Deed the Project Agreement includes any amendments thereto that occur prior to or subsequent to the execution of this Deed.

This Deed contains covenants running with the land and shall be binding upon the Grantor, its successors and assigns, and upon any person acquiring the Property, or any portion thereof, or any interest therein, including a leasehold interest, whether by operation of law or otherwise. If the Grantor sells all or any portion of its interest, the new owner of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be subject to applicable covenants and requirements under this Deed.

This Deed may not be removed or altered from the Real Property unless specific approval has been granted by the Washington State Recreation and Conservation Office and/or the Washington State Recreation and Conservation Funding Board or its successors.

The Washington State Recreation and Conservation Office and the Recreation and Conservation Funding Board and/or its successors shall each have a separate and independent right to enforce the terms of this Deed.

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A handwritten signature in blue ink, appearing to be "KC" or "KE", is enclosed within a black rectangular box.

GRANTOR:

ISLAND COUNTY

By: Kelly Emerson

Name: Kelly Emerson

Title: Chair, Board of County Commissioners

Dated this 24 day of JUNE, 2013

STATE OF WASHINGTON)
) ss
COUNTY OF Island)

I certify that I know or have satisfactory evidence that Kelly Emerson 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 acknowledge it as the CHAIR, BOARD OF COUNTY COMMISSIONERS for the Sponsor, ISLAND COUNTY and to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

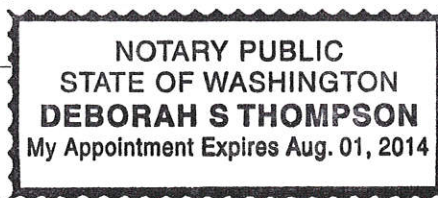
Dated: June 24, 2013

Signed: Deborah S. Thompson

Notary Public in and for the State of Washington,

residing in Coupeville

My commission expires August 1, 2014



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GRANTEE:

STATE OF WASHINGTON, acting by and through THE RECREATION AND
CONSERVATION FUNDING BOARD, administered by the RECREATION AND
CONSERVATION OFFICE

By: Kaleen Cottenham

Name: Kaleen Cottenham

Title: Director

Dated this 18th day of June, 20 13

STATE OF WASHINGTON)
COUNTY OF Thurston) ss

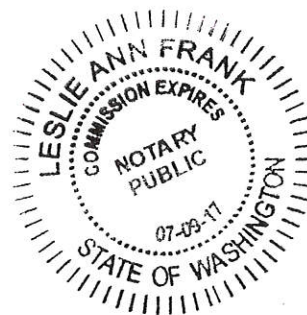
I certify that I know or have satisfactory evidence that Kaleen Cottenham is the
person who appeared before me, and said person acknowledged that (he/she) signed this
instrument, on oath stated that (he/she) was authorized to execute the instrument and
acknowledge it as the Director for the Recreation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

Dated: June 18, 2013

Signed: Leslie Ann Frank

Notary Public in and for the State of Washington,
residing in Thurston County

My commission expires 7-9-17



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EXHIBIT A
Legal Description

EXHIBIT A

That portion of Government Lot 2 and Government Lot 3, Section 15, Township 31 North, Range 2 East, W.M., described as follows:

Beginning at the Southwest corner of the Plat of Meadow Lane Tracts, as per plat recorded in Volume 12 of Plats, page 18, records of Island County, Washington;
thence South $89^{\circ}07'30''$ East along the South line of said Plat of Meadow Lane Tracts, a distance of 489.88 feet to the Southwest corner of Lot 9 of said Plat of Meadow Lane Tracts;
thence East a distance of 295.00 feet to the Southeast corner of that certain tract of land conveyed to Robert T. Carlock and Catherine P. Carlock, his wife, by deed recorded under Auditor's File No. 104894, records of Island County, Washington, and to the West margin line of West Camano Drive;
thence South along the West margin line of said West Camano Drive a distance of 30.00 feet to the Northeast corner of that certain tract of land conveyed to James E. Woolhouse and Verna L. Woolhouse, his wife, by deed recorded under Auditor's File No. 206404, records of Island County, Washington;
thence 300.00 feet West to the Northwest corner of said Woolhouse tract;
thence South along the West line of said Woolhouse tract a distance of 100.00 feet to the Southwest corner of said Woolhouse tract;
thence continue South a distance of 300.00 feet;
thence West 197.00 feet;
thence South $1^{\circ}40'$ East a distance of 179.1 feet;
thence East a distance of 8.38 feet;
thence South $1^{\circ}40'$ East a distance of 79.09 feet to the Northeast corner of the Plat of North Camano as per plat recorded in Volume 4 of Plats, at page 37, records of Island County, Washington;
thence North $75^{\circ}34'19''$ West along the Northeasterly line of said Plat of North Camano a distance of 44.05 feet;
thence North $1^{\circ}40'$ West a distance of 314.40 feet;
thence North $75^{\circ}34'19''$ West a distance of 202.00 feet;
thence South $28^{\circ}58'$ West a distance of 312.20 feet to the most Northerly corner of said Plat of North Camano;
thence South $42^{\circ}19'$ West along the Northwesterly line of said Plat of North Camano a distance of 153.00 feet;
thence South $13^{\circ}30'$ West a distance of 115.86 feet to the most Westerly corner of said Plat of North Camano;
thence South $29^{\circ}48'31''$ West a distance of 53.88 feet to the East margin line of the county road;
thence South $51^{\circ}41'$ West to the West line of those tidelands of second class as conveyed by the State of Washington, in front of the North one-half of Government Lot 2, Section 15, Township 31 North, Range 2 East, W.M.; EXCEPT that portion of said tidelands in front of the vacated plat of Cama Craft, as per plat recorded in Volume 3 of Plats, page 41, records of Island County, Washington;

-Continued-



thence Northwesterly along the West line of said tidelands of the second class to a point which bears South 89°25' West from the Southwest corner of the vacated plat of Cama Craft;
 thence North 89°25' East to the Southwest corner of said plat of Cama Craft;
 thence continue North 89°25' East along the South line of said vacated plat of Cama Craft a distance of 85 feet;
 thence North 43°30' East to the most Easterly point of said vacated plat of Cama Craft and to the Southwest corner of that certain tract of land conveyed to Martin C. Dirks and Ann K. Dirks, his wife, by deed filed under Auditor's File No. 158363, records of Island County, Washington;
 thence North 35° East a distance of 85.7 feet to the Southeast corner of said Dirks' tract and to the Southwest corner of that certain tract of land conveyed to Marvin Barber and R. Joan Barber, his wife, by deed filed under Auditor's File No. 160604, records of Island County, Washington;
 thence continue North 35° East a distance of 114.22 feet to the Southeast corner of said Barber tract;
 thence North 8°35' West parallel with the Easterly line of said vacated plat of Cama Craft a distance of 56.23 feet to the Northeast corner of said Dirks' tract;
 thence North 88°29' West parallel with the Southerly line of that county road known as Saratoga Way a distance of 140.00 feet to the Easterly line of said vacated Plat of Cama Craft and to the Northwest corner of said Barber tract;
 thence North 8°35' West along the East line of said vacated Plat of Cama Craft a distance of 30.00 feet to the Southwest corner of that certain tract of land conveyed to William G. Grosvenor and Roberta D. Grosvenor, his wife, by deed recorded under Auditor's File No. 303062, records of Island County, Washington;
 thence South 88°29' East a distance of 100.00 feet to the Southeast corner of said Grosvenor tract;
 thence North 8°35' West a distance of 640.0 feet to the Northeast corner of that certain tract of land conveyed to Mickey Blair and Patricia Ann Blair, husband and wife, by deed recorded under Auditor's File No. 217656, records of Island County, Washington, and to the Southerly line of said county road known as Saratoga Way;
 thence South 88°29' East along the South line of said Saratoga Way a distance of 30.00 feet to the Northwest corner of that certain tract of land conveyed to Rex D. Struble and Rita B. Struble, husband and wife, by deed recorded under Auditor's File No. 223186, records of Island County, Washington;
 thence South 8°35' East a distance of 101.1 feet to the Southwest corner of said Struble tract;
 thence South 89°29' East a distance of 84.91 feet to the Southeast corner of said Struble tract and the Southwest corner of Lot 1, as per said Plat of Meadow Lane Tracts;
 thence continue South 88°29' East a distance of 15.09 feet;
 thence South 8°35' East a distance of 30.00 feet to the Northeast corner of that certain tract of land conveyed to K. L. Haworth and Darlene Haworth, husband and wife, by deed recorded under Auditor's File No. 226665, records of Island County, Washington;
 thence North 88°29' West a distance of 100.00 feet to the Northwest corner of said Haworth tract;
 thence South 8°35' East a distance of 508.60 feet to the Southwest corner of that certain tract of land conveyed to William E. Gregson and Phyllis Jane Gregson, husband and wife, by deed recorded under Auditor's File No. 238570, records of Island County, Washington;

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 A handwritten signature, possibly 'K. L. Haworth', is enclosed in a rectangular box.

thence South $88^{\circ}29'$ East along the South line of said Gregson tract a distance of 100.0 feet to the Southeast corner of said Gregson tract and to a point which bears South $8^{\circ}35'$ East from the point of beginning;

thence North $8^{\circ}35'$ West a distance of 283.11 feet to the point of beginning.

Situate in the County of Island, State of Washington

EXCEPT those portions of Government Lot 2 and Government Lot 3 Section 15, Township 31 North, Range 2 East, W.M. described in exhibits A-1 through A-7 below



EXHIBIT A-1 (Henry Lane)

All that portion of Government Lot 3, Section 15, Township 31 North, Range 2 East of the Willamette Meridian, described as follows:

COMMENCING at the intersection of the east of line of said Government Lot 3 and the monumented centerline of Saratoga Way, said point being a 1-inch square-head spike with punch mark in a casing and lying South $1^{\circ} 48' 53''$ West 636.31 feet from the northeast corner of Said Section 15, as depicted by that survey recorded under Island County Auditor's File No. 4314816;

thence North $86^{\circ} 39' 55''$ West along said monumented centerline for a distance of 1143.46 feet to a 2-inch brass disc with punch mark;

thence South $86^{\circ} 39' 55''$ East along said monumented centerline for a distance of 45.99 feet;

thence South $3^{\circ} 20' 05''$ West 29.94 feet to a 2-inch concrete-filled iron pipe with a brass nail and washer stamped "PLS 21327", said point being the northeast corner of that Plat recorded under Island County Auditor's File No. 88015602;

thence South $86^{\circ} 39' 55''$ East parallel with the monumented centerline of Saratoga Way for a distance of 99.76 feet to the POINT OF BEGINNING;

thence South $6^{\circ} 52' 41''$ East 639.41 feet;

thence North $86^{\circ} 39' 55''$ West 99.76 feet to the east line of Tract A of that Plat recorded under Island County Auditor's File No. 88015602;

thence South $6^{\circ} 52' 41''$ East along said east line for a distance of 30.48 feet;

thence South $86^{\circ} 39' 55''$ East 140.00 feet;

thence South $6^{\circ} 52' 41''$ East 10.63 feet;

thence South $86^{\circ} 39' 55''$ East 96.62 feet;

thence North $15^{\circ} 38' 10''$ West 42.79 feet;

thence North $86^{\circ} 39' 55''$ West 99.76 feet;

thence North $6^{\circ} 52' 41''$ West 508.10 feet;

thence South $86^{\circ} 39' 55''$ East 99.53 feet;

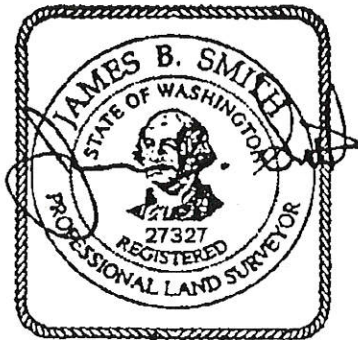
thence North $6^{\circ} 44' 19''$ West 30.47 feet;

thence North $86^{\circ} 39' 55''$ West 99.61 feet;

thence North $6^{\circ} 52' 41''$ West 100.83 feet to the south margin of Saratoga Way;

thence North $86^{\circ} 39' 55''$ West 30.48 feet to the POINT OF BEGINNING.

Situate in the County of Island, State of Washington.



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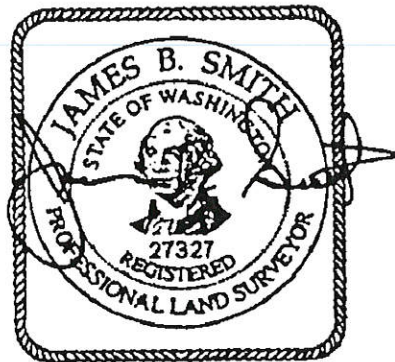
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Exhibit A-2

All that portion of Government Lot 2, Section 15, Township 31 North, Range 2 East, W.M., described as follows:

COMMENCING at a point on the centerline of the right-of-way of Sail View Lane, formerly known as 845 West, said point being a nail in a 4-inch steel asphalt filled sleeve and identified as Found Point No. 16 by that survey recorded under Island County Auditor's File No. 4314816;
thence North $37^{\circ} 20' 05''$ West along said centerline for a distance of 145.99 feet, to a nail in asphalt identified as Found Point No. 15 by said recorded survey;
thence North $52^{\circ} 39' 55''$ East 15.00 feet to the northeast margin of said right-of-way;
thence North $37^{\circ} 20' 05''$ West along said northeast margin for a distance of 74.07 feet;
thence North $31^{\circ} 36' 06''$ East 53.61 feet;
thence North $15^{\circ} 17' 35''$ East 1.43 feet to the POINT OF BEGINNING;
thence North $51^{\circ} 47' 58''$ West 4.59 feet;
thence North $24^{\circ} 57' 02''$ East 25.18 feet;
thence South $15^{\circ} 17' 35''$ West 26.61 feet to the POINT OF BEGINNING.

Situate in Island County, Washington.



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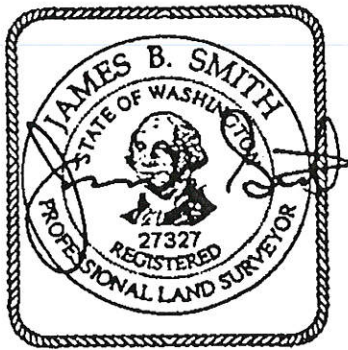
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Exhibit A-3

All that portion of Government Lot 2, Section 15, Township 31 North, Range 2 East of the Willamette Meridian, described as follows:

COMMENCING at the northeast angle point of the northeasterly margin of Westview Court, said point being a 3/4-inch iron pipe with tack inside a 6-inch clay pipe and identified as Found Point No. 23 by that survey recorded under Island County Auditor's File No. 4314816;
thence North $73^{\circ} 44' 25''$ West along the north margin of Westview Court for a distance of 386.34 feet to 1-inch pinched iron pipe identified as Found Point No. 18 by said survey;
thence South $44^{\circ} 06' 35''$ West 37.00 feet to the POINT OF BEGINNING;
thence continuing South $44^{\circ} 06' 35''$ West 70.00 feet;
thence North $45^{\circ} 53' 25''$ West 15.00 feet;
thence North $44^{\circ} 06' 35''$ East 70.00 feet;
thence South $45^{\circ} 53' 25''$ East 15.00 feet to the POINT OF BEGINNING.

Situate in the County of Island, State of Washington.



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Exhibit A-4

All that portion of Government Lot 3, Section 15, Township 31 North, Range 2 East of the Willamette Meridian, described as follows:

COMMENCING at the southeast corner of Lot 8, Plat of Meadow Lane Tracts, according to the plat thereof, as recorded in Volume 12 of Plats, Page 18, records of Island County, Washington, said point being a concrete monument with a plastic cap marked "R&L 6702" and tack;
thence North $87^{\circ} 17' 05''$ West along the south line of said plat for a distance of 489.76 feet to the southwest corner thereof, said point also being a concrete monument with a plastic cap marked "R&L 6702" and tack;

thence South $7^{\circ} 02' 06''$ East along the westerly boundary of Tax Parcel No. R23115-410-4730, as described by that Deed of Trust recorded under Island County Auditor's File No. 4241740, and depicted by that Survey recorded under Island County Auditor's File No. 4314816, for a distance of 36.6 feet to the POINT OF BEGINNING;

thence South $51^{\circ} 46'$ East 5.9 feet;

thence South $83^{\circ} 42'$ East 20.9 feet;

thence South $27^{\circ} 07'$ East 40.7 feet;

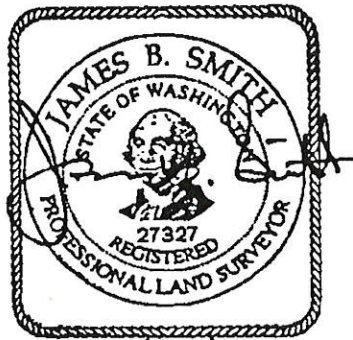
thence South $5^{\circ} 38'$ East 42.5 feet;

thence South $80^{\circ} 15'$ West 26.4 feet;

thence North $84^{\circ} 07'$ West 11.34 feet to the westerly boundary of said Tax Parcel No. R23115-410-4730;

thence North $7^{\circ} 02' 06''$ West along said westerly boundary for a distance of 88.44 feet to the POINT OF BEGINNING.

Situate in the County of Island, State of Washington.



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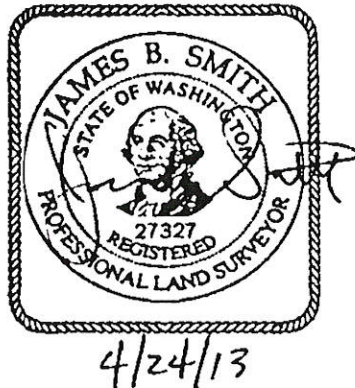
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Exhibit A-5

All that portion of Government Lot 2, Section 15, Township 31 North, Range 2 East of the Willamette Meridian, described as follows:

COMMENCING at the northeast corner of Tract A, Plat of Saratoga Highlands Division 1, as recorded in Volume 13 of Plats at page 62, under Island County Auditor's No. 88015602, said point being a 2-inch iron pipe with nail and washer stamped "PLS 21327" and identified as Found Point No. 2 by that survey recorded under Island County Auditor's File No. 4314816; thence South $6^{\circ} 52' 41''$ West along the easterly boundary of Tract A and Tract B of said Plat for a distance of 894.78 feet to the east corner of said Tract B, said point also being a 2-inch iron pipe with nail and washer stamped "PLS 21327", identified as Found Point No. 11 by that survey recorded under Island County Auditor's File No. 4314816; thence North $36^{\circ} 53' 28''$ East 91.50 feet to the POINT OF BEGINNING; thence continuing North $36^{\circ} 53' 28''$ East 8.00 feet; thence South $53^{\circ} 06' 32''$ East 8.50 feet; thence South $36^{\circ} 53' 28''$ West 8.00 feet; thence North $53^{\circ} 06' 32''$ West 8.50 feet to the POINT OF BEGINNING.

Situate in the County of Island, State of Washington.



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Exhibit A-6

All that portion of Government Lot 3, Section 15, Township 31 North, Range 2 East of the Willamette Meridian, described as follows:

BEGINNING at the southeast corner of Lot 9, Plat of Meadow Lane Tracts, according to the plat thereof, as recorded in Volume 12 of Plats, Page 18, records of Island County, Washington, said point being a concrete monument with a plastic cap marked "R&L 6702" and tack which lies South $88^{\circ} 10' 33''$ East, along the south line of said Plat, at a distance of 94.94 feet from the southwest corner of said Lot 9, said point also being a concrete monument with a plastic cap marked "R&L 6702" and tack;
thence South $88^{\circ} 11' 12''$ East 200.18 feet to the westerly margin of West Camano Drive and a 1/2 -- inch rebar with a plastic cap marked "ESI 27327", as depicted by that survey recorded under Island County Auditor's File No. 4314816;
thence South $1^{\circ} 48' 51''$ West along said westerly margin for a distance of 2.50 feet;
thence North $87^{\circ} 28' 16''$ West 200.20 feet to the POINT OF BEGINNING.

Situate in the County of Island, State of Washington.

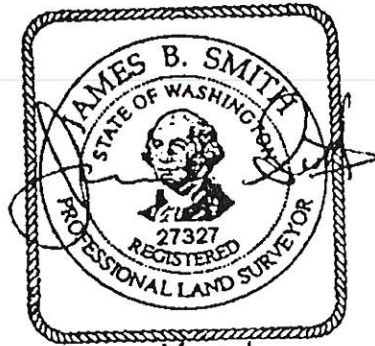


Exhibit A-7

All that portion of Government Lot 3, Section 15, Township 31 North, Range 2 East of the Willamette Meridian, described as follows:

BEGINNING at the southeast corner of Lot 8, Plat of Meadow Lane Tracts, according to the plat thereof, as recorded in Volume 12 of Plats, Page 18, records of Island County, Washington, said point being a concrete monument with a plastic cap marked "R&L 6702" and tack which lies South $87^{\circ} 17' 05''$ East, along the south line of said Plat, at a distance of 489.76 feet from the southwest corner thereof, that point also being a concrete monument with a plastic cap marked "R&L 6702" and tack;

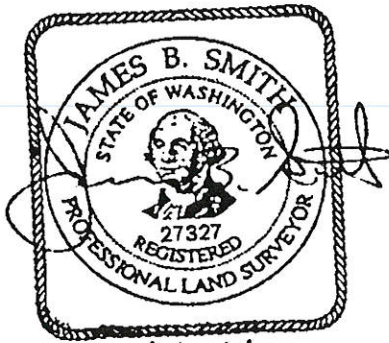
thence North $87^{\circ} 17' 05''$ West along said south line for a distance of 262.00 feet;

thence South $2^{\circ} 42' 55''$ West 3.00 feet;

thence South $87^{\circ} 17' 05''$ East and parallel with said south line for a distance of 262.00 feet;

thence North $2^{\circ} 42' 55''$ East 3.00 feet to the POINT OF BEGINNING.

Situate in the County of Island, State of Washington.



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Property Map

