

94024136

TRANSAMERICA TITLE INSURANCE COMPANY

FILED FOR RECORD AT REQUEST OF

FILED RECORDS
ISLAND TITLE CO.
NOV 22 3 54 PM 1994
ISLAND COUNTY

WHEN RECORDED RETURN TO

Name Island County

Address P. O. Box 5000

City, State, Zip Coupeville, Washington 98239

661789co

S56278

STATUTORY WARRANTY DEED

THE GRANTOR Richard D. Born and Linda L. Born, husband and wife, Warson Enterprises, Inc., a Washington Corporation, for and in consideration of TEN AND NO/100 DOLLARS AND OTHER VALUABLE CONSIDERATION, in hand paid, conveys and warrants to Island County, a Washington Municipal Corporation, the following described real estate, situated in the County of Island, State of Washington:

See Legal Description attached hereto and marked Exhibit "A".

ISLAND COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

NOV 22 1994

AMOUNT PAID 9167.00
MAXINE R. SAUTER
ISLAND COUNTY TREASURER

SUBJECT TO: Those matters set forth on Exhibit "B" attached hereto.

Examined & Approved
14 Nov, 1994

Maxine R. Sauter
Chairman
Board of Island County
Commissioner

Dated: October 28, 1994

Richard D. Born
Richard D. Born

Linda L. Born
Linda L. Born

Maxine R. Sauter
Warson Enterprises, Inc.

by: *LM Beasley-Warson*
Its President

by: _____
Its _____

STATE OF CALIFORNIA)

COUNTY OF) ss.

On this day personally appeared before me Richard D. Born, and Linda L. Born to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this ____ day of _____, 19 ____.

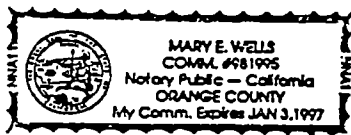
Notary Public in and for the State of California,
residing at _____
My appointment expires: _____
Printed Name: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5807

State of California
 County of Orange
 On Nov 09, 1994 before me, Mary E. Wells
DATE NAME, TITLE OF OFFICER - E.G., "JANE-DOE, NOTARY PUBLIC"
 personally appeared Richard D & Linda L. Born
NAME(S) OF SIGNER(S)

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Mary E. Wells
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☒ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

Statutory Warranty Deed
TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

Oct 28, 1994
DATE OF DOCUMENT

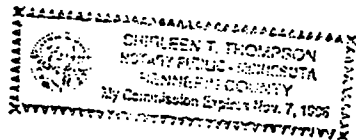
WARSON Enterprises, Inc
SIGNER(S) OTHER THAN NAMED ABOVE

11-22-74

STATE OF MINNESOTA)
) ss
COUNTY OF Hennepin)

On this 14 day of November, 1994, before me, the undersigned,
a Notary Public in and for the State of Minnesota, duly commissioned
and sworn, personally appeared L.M. Blasby - Horton
and _____ to me known to be
the President and _____ respectively
of WARSON ENTERPRISES, INC., a Washington Corporation, the corporation
that executed the 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
_____ are authorized to execute the said instrument and
that the seal affixed (if any) is the corporate seal of said corporation.

Given under my hand and official seal the day and year last above
written.



Shirley T. Thompson
Notary Public in and for the State of
Minnesota, residing at Eden Prairie
My appointment expires on November 7, 1996
Printed Name: SHIRLEY T. THOMPSON

11-22-94

S-56278

EXHIBIT "A"

Lots 1, 2 and 3, Block 1, PLAT OF HOPE VIEW, according to the plat thereof recorded in Volume 6 of Plats, page 66, records of Island County, Washington.

EXCEPT that portion of Lots 2 and 3, Block 1, as conveyed to Jerry E. Storey and Patricia A. Storey, husband and wife, as recorded on September 19, 1989, under Auditor's File No. 89013168, records of Island County, Washington;

TOGETHER WITH tidelands, as conveyed by the State of Washington, located in front of, adjacent to, and abutting thereon.

ALSO, Government Lot 5 (Known as ALA SPIT) and Government Lot 3, in Section 32, Township 34 North, Range 2 East of the Willamette Meridian; lying Easterly of Jones County Road right-of-way as deeded to Island County by instrument recorded under Auditor's File No. 86495, records of Island County, Washington, and North of Lot 1, PLAT OF HOPE VIEW, according to the plat thereof recorded in Volume 6 of Plats, page 66, records of Island County, Washington;

TOGETHER WITH tidelands of the second class as conveyed by the State of Washington, situate in front of, adjacent to and abutting on said Government Lots 3 and 5, as established in Island County Superior Court Cause No. 7144, and further set out in Survey recorded under Auditor's File No. 268917, records of Island County, Washington;

EXCEPT that portion of Government Lot 3 and tidelands described as follows:

Beginning at a point on the East right-of-way line of the Geck County Road in said Government Lot 3, South 36°32'30" East a distance of 49.71 feet from the North line of said Lot 3, the said point also being a distance of 1,285.2 feet North and a distance of 1,113.74 feet East of the Southwest corner of said Lot 3; thence South 36°32'30" East along the East right-of-way line of said Geck Road a distance of 124.27 feet; thence North 89°52'30" East a distance of 80.0 feet, more or less, to the line of ordinary high tide; thence Northwesterly along said tide line to a point which bears North 89°52'30" East from the point of beginning; thence South 89°52'30" West a distance of 113.24 feet more or less to the point of beginning;
TOGETHER WITH tidelands in front of, adjacent to and abutting thereon;

EXCEPT that portion of Government Lot 3, TOGETHER WITH adjoining tidelands, described as follows:

Beginning at the intersection of Hope Lane with the South line of Government Lot 4, Section 32, Township 34 North, Range 2 East of the Willamette Meridian as shown on the plat of HOPE HARBOR, according to the plat thereof recorded in Volume 8 of Plats, page 58, records of Island County, Washington; thence North 89°52'30" East, along the South line of said Government Lot 4, a distance of 226.1 feet to the true point of beginning; thence continue North 89° 52' 30" East, along said South line of Government Lot 4, a distance of 50.63 feet to the Northeasterly margin of a County road; thence South 36° 32' 30" East, along said margin, a distance of 49.71 feet; thence North 89°52'30" East a distance of 178.32 feet; thence North 15°38'26" West a distance of 103.78 feet; thence South 89°52'30" West a distance of 185.00 feet; thence South 37°10'10" West a distance of 75.42 feet to the true point of beginning;

EXCEPT that portion of the tidelands in Government Lot 3 and Government Lot 5 of said Section 32, Township 34 North, Range 2 East of the Willamette Meridian, lying Westerly of the Easterly lines of tidelands as shown on survey recorded under Auditor's File No. 268917 belonging to E.H. Anderson;

EXCEPT that portion conveyed to Island County for Geck Road as recorded on February 7, 1916, in Volume 29 of Deeds, page 459;

Situated in Island County, Washington.

11-22-17

EXHIBIT "B"

1. Easement dedicated on the face of said Plat of Hope View, Volume 6 of Plats, page 66, records of Island County, Washington
For: Slopes for cuts and fills and the right to drain where water might take a natural course
Affects: Any portions of said premises which abut upon streets, avenues, alleys, and roads
2. Restrictions contained on the face of said Plat of Hope View, Volume 6 of Plats, page 66, records of Island County, Washington as follows:

No lot or portion of a lot in this plat shall be divided and sold or resold or ownership changed or transferred, whereby the ownership of any portion of this plat shall be less than 7500 square feet or less than 60 feet in width.

The right is reserved to construct public utilities above and/or below ground on all roads shown hereon. Construction disposal permit prior to commencement of work.
3. Covenants, conditions, restrictions and easements contained in instrument
Recorded: March 26, 1980
Auditor's No.: 366913, records of Island County, WA
Executed by: Darrell R. Radcliffe and Edna C. Radcliffe, husband and wife
Affects: Lots 2 and 3, Block 1, Plat of Hope View, Volume 6 of Plats, page 66, records of Island County, Washington
4. Assessments or charges and liability to further assessments or charges including the terms, covenants, and provisions thereof, disclosed in instrument
Recorded: July 24, 1964; April 3, 1992
Auditor's No.: 163895, 92005897, records of Island County, WA
Imposed by: Hope View Water Company, Inc.
5. Any question that may arise as to location of lateral boundaries of tidelands described herein.
6. Any prohibition or limitation on the use, occupancy, or improvement of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land OR to use any portion of the land which is now or may formerly have been covered by water.
7. Right of use, control, or regulation by the United States of America in the exercise of power over navigation.
8. Any question that may arise due to shifting or change of the line of high water of Puget Sound OR due to said sound having shifted or changed its line of high water.
9. Exceptions and reservations contained in Deed whereby the Grantor excepts and reserves all oils, gases, coal, ores, minerals, fossils, etc., and the right of entry for opening, developing and working mines, etc., provided that no rights shall be exercised until provision has been made for full payment of all damages sustained by reason of such entry;
TOGETHER WITH the right, upon paying reasonable compensation, to acquire rights of way for transporting and moving products from other lands, contained in Deed
From: The State of Washington
Auditor's No.: Volume 53, of Deeds, page 235; Volume 64, of Deeds, page 459; 101039, records of Island County, WA
Affects: Tidelands

11-22-17

EXHIBIT "B" Continued

11. Easement, including the terms, covenants, and provisions thereof, granted by instrument
Recorded: August 3, 1990
Auditor's No.: 90014797, records of Island County, WA
In favor of: Benefit of Lots 4 and 5, Block 1 of Plat of Hope View, Volume 6, of Plats, page 66, records of Island County, Washington
For: access
Affects: An easement, the centerline of which shall be a line described as follows:
Commencing at the iron pin in the county road right-of-way which county road leads from Jones Road to Troxell's Landing, which pin is approximately at the toe of the bank;
thence Southeasterly along the toe of the bank to the Northerly line of Lot, Block 1 of the Plat of Hope View, which point is the Southerly terminus of said line. The width of the easement shall be 30 feet commencing at the aforementioned iron pin and;
thence along the toe of bank for 270 feet, wherein the width of the easement will become 16 feet from the remainder of the easement, to the Northerly line of Lot 1, Block 1 of the Plat of Hope View, which point is the Southerly terminus of this easement.
- Also an easement, 12 feet in width, the centerline of which shall be a line described as follows:
Commencing at the intersection of the toe of the bank with the Northerly line of Lot 1, Block 1, Plat of Hope View;
thence Southeasterly along the toe of the bank to the Northerly line of Lot 4, Block 1, Plat of Hope View, said point being the extreme Southerly terminus of said line.
- Said easement is a relocation and amendment of easement recorded September 10, 1970 under Auditor's File No. 234437, records of Island County, Washington.
12. Agreement, including the terms and conditions thereof, entered into
By: Richard D. Born, Linda Born, Toby G. Warson, and Linda M. Beasley-Warson
And between: Richard D. Rose and Donna Z. Rose
Recorded: January 10, 1991; February 21, 1991
Auditor's No.: 91000409; 91002490, records of Island County, WA
Providing: Agreement for access easement
13. Question of the location of the Westerly boundary of a portion of said premises as disclosed by Auditor's File No. 89013168.

11-22-17

#95 015504 TYPE: L \$10.00
 BK 695 PG 2098 9/27/95 8:59:22 AM
 Art Hyland, ISLAND COUNTY AUDITOR
 DEPUTY: LR REQUESTED BY:
 ISLAND COUNTY

DEED OF RIGHT TO USE LAND
 FOR PUBLIC RECREATION PURPOSES

RECEIVED

OCT 10 1995

GENERAL SERVICES
 ADMINISTRATION

The Grantor, ISLAND COUNTY for and in consideration of monies coming in whole or in part from the Outdoor Recreation Account of the General Fund of the State of Washington and in fulfillment of terms of the Project Agreement identified below, conveys and grants to the State of Washington individually and as the representative of all the people of the State, the right to use the real property described below forever for the outdoor recreation purposes.

Those purposes are described in the Project Agreement entered into between the Grantor and the State of Washington through the Interagency Committee for Outdoor Recreation entitled Ala Spit Beach Access Project Number 95-010A/W signed by the Grantor on the 18th day of Sept. and by the Interagency Committee on the 11th day of August and the application and supporting materials which are on file with the Grantor and the state in connection with the Project Agreement.

The Grantor will not make or permit to be made any use of the real property described in this deed, or any part of it, which is inconsistent with the right to use for public outdoor recreation herein granted unless the state, through the Interagency Committee for Outdoor Recreation or its successors, consents to the inconsistent use, which consent shall be granted only upon conditions which will ensure that other outdoor recreation land of at least equal fair market value at the time of change of use and of as nearly as feasible equivalent usefulness and location for the public recreation purposes for which state assistance was originally granted will be substituted in the manner provided in RCW 43.99.100 for marine recreation land, whether or not the real property covered by this deed is marine recreation land. RCW 43.99.100 reads as follows:

"Marine recreation land with respect to which money has been expended under RCW 43.99.080 shall not, without the approval of the committee, be converted to uses other than those for which such expenditure was originally approved. The committee shall only approve any such conversion upon conditions which will assure the substitution of other marine recreation land of at least equal fair market value at the time of conversion and of as nearly as feasible equivalent usefulness and location."

The real property covered by this deed is described as follows:

See Attachment "A"

EXCISE TAX EXEMPT

SEP 27 1995

MAXINE R. SAUTER
 ISLAND COUNTY TREASURER

GNRL BK 695 PG 2098

ISLAND COUNTY

This deed shall in no way modify or extinguish the functions of the Grantor under the Project Agreement, including the Grantor's functions to operate and maintain the land as set out in paragraph 14 of the Project Agreement.

Dated this 26th day of Sept., 1995

By: Wm. L. McDowell
Chairman, Title
Board of Island County Commissioners

ATTEST:



STATE OF WASHINGTON)

: SS.

COUNTY OF ISLAND)

THIS IS TO CERTIFY that on this 26th day of September, 1995, before me the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Wm. L. McDowell to me. This individual is known to be the Chairman, of the Board of Island Co. Comm. that executed the foregoing deed and acknowledged to me that they signed and sealed the same as the free and voluntary act and deed of said Board of Is. Co. Comm and on oath stated that they were authorized to execute said instrument and that the seal affixed is the seal of said TANICE L. FORD.

WITNESS my hand and official seal the day and year in this certificate first above written.

Notary Public in and for the State of Washington, residing in Island County.
My commission expires 6/1/99.

9/91 (030)

S-56278

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continued

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EXHIBIT "A"
Page 2

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thence North 89°52'30" East, along the South line of said Government Lot 4, a distance of 226.1 feet to the true point of beginning;
thence continue North 89° 52' 30" East, along said South line of Government Lot 4, a distance of 50.63 feet to the Northeasterly margin of a County road;
thence South 36° 32' 30" East, along said margin, a distance of 49.71 feet;
thence North 89°52'30" East a distance of 178.32 feet;
thence North 15°38'26" West a distance of 103.78 feet;
thence South 89°52'30" West a distance of 185.00 feet;
thence South 37°10'10" West a distance of 75.42 feet to the true point of beginning;

EXCEPT that portion of the tidelands in Government Lot 3 and Government Lot 5 of said Section 32, Township 34 North, Range 2 East of the Willamette Meridian, lying Westerly of the Easterly lines of tidelands as shown on survey recorded under Auditor's File No. 268917 belonging to E.H. Anderson;

EXCEPT that portion conveyed to Island County for Geck Road as recorded on February 7, 1916, in Volume 29 of Deeds, page 459;

Situated in Island County, Washington.

- END OF EXHIBIT "A" -