

202409120348

AMENDMENT TO AGREEMENT Rec: \$309.50

9/12/2024 2:47 PM 7 PG

SNOHOMISH COUNTY, WA

After Recording Return to:

Port of Edmonds
471 Admiral Way
Edmonds, WA 98020

Document Title(s) (or transactions contained therein):

SECOND AMENDMENT TO PORT MANAGEMENT AGREEMENT

Reference Number(s) of Documents assigned or released:

(the original auditor's file number)

202309125005 – Surveys of Aquatic Lands covered by Port Management Agreement

Grantor(s) (Last name first, then first name and initials):

STATE OF WASHINGTON, DEPARTMENT OF NATURAL RESOURCES

Grantee(s) (Last name first, then first name and initials):

PORT OF EDMONDS

Legal Description (abbreviated, i.e. lot, block, plat, etc.):

A PORTION OF AQUATIC LANDS ABUTTING PORT OF EDMONDS UPLANDS
IN FRONT OF A PORTION OF TRACT 3 AND A PORTION OF THE STATE-
OWNED AQUATIC BEDLANDS WITHIN SECTION 23, TOWNSHIP 27 N, RANGE
03 EAST, W.M.

Assessor's Property Tax Parcel/Account Number:

Abutting Parcel No. 27032300401400



HILARY S. FRANZ
COMMISSIONER OF PUBLIC LANDS

SECOND AMENDMENT TO PORT MANAGEMENT AGREEMENT

Agreement No. 22-080026

This Agreement is made between the STATE OF WASHINGTON acting through the Department of Natural Resources (the "State"), whose address is 1111 Washington Street SE, Olympia, Washington 98504-7027, and the PORT OF EDMONDS (the "Port"), a municipal corporation, whose address is 471 Admiral Way, Edmonds, Washington 98020.

WHEREAS, the Port, located in Snohomish County, Washington, and the State entered into Port Management Agreement No. 22-080026 ("the PMA"), on the 17th day of September, 1984, for certain state-owned aquatic lands, commonly known as the Port of Edmonds; and

WHEREAS, the PMA was amended on September 17th, 2014, by the First Amendment to the Port Management Agreement, to extend the term of PMA No. 22-080026 an additional Ten (10) years from the 17th of September, 2014 to the 17th of September, 2024; and

WHEREAS, the term of the PMA is set to expire on the 17th of September, 2024, and the Port wishes to extend the term of the existing agreement; and

WHEREAS, the State has determined that the Port is in compliance with the Port Management Agreement; and

WHEREAS, the State believes that it is in the best interest of the State of Washington to grant the Port's request;

WHEREAS, the Port has commissioned a Record of Survey prepared by Reid Middleton and recorded on the 12th day of September, 2023 under Auditor's File Number 202309125005 to replace the Exhibit A to the PMA; and

IT IS THEREFORE AGREED:

1. The term of the PMA, set forth in Section 1(a) of the PMA, is hereby extended for a period of Ten (10) years from the 17th of September, 2024. The PMA shall continue in full force and effect until the 17th of September, 2034, unless terminated earlier in accordance with the provisions of the PMA
2. The Parties agree that this Amendment to the PMA will not change the rights and obligations of the Parties under the PMA, including but not limited to any liability of either party for any future remediation on the site. The state is not releasing the Port from fully performing all of its obligations under the provisions of the PMA or waiving its right to cure of any default of the Port's obligations under the PMA.
3. The Port acknowledges that it continues to have an ongoing obligation to report to the Department of Natural Resources' Ports Program any of the following:
 - a. Changes in Port ownership of uplands abutting PMA parcels.
 - b. Changes in planned or actual uses of PMA property.
 - c. Documentation of water-dependent / nonwater-dependent use areas and classifications.
 - d. Development of Improvements.
 - e. Development of authorized Fills, Confined Aquatic Disposal Sites, or Mitigation Sites.
 - f. Easements through PMA Property.
4. No terms and conditions of Port Management Agreement No. 22-080026, other than Section 1(a) "Term" as previously provided herein, are affected by this Amendment.
5. Within 30 days of receipt of the executed Second Amendment, the Port shall record the Second Amendment to Port Management Agreement No. 22-080026 in Snohomish County at Port's sole expense and provide the State with recording information, including the date of recordation and file number.

THIS SECOND AMENDMENT requires the signature of all Parties and is effective as of the date of the last signature below.

PORT OF EDMONDS

Dated: 8/19/2024, 20

ANGELA HARRIS

By: ANGELA HARRIS
Title: Executive Director
Address: 471 Admiral Way
Edmonds, WA 98202-7214
Phone: (425) 774-0549

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Dated: 8/23/2024, 20

THOMAS GORMAN

By: THOMAS GORMAN
Title: Aquatic Resources Division Manager
Address: 1111 Washington Street SE
MS 47027
Olympia, WA 98504-7027

REPRESENTATIVE ACKNOWLEDGMENT

Notarized online using audio-video communication.

STATE OF WASHINGTON)
) ss.
County of skagit)

I certify that I know or have satisfactory evidence that ANGELA HARRIS is the person who appeared before me, and said person acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as Executive Director of the Port of Edmonds to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

This notarial act involved the use of communication technology.

Dated: 8/19/2024, 20__

(Seal or stamp)

ANA KARINA MICHAEL
Notary Public
State of Washington
Commission # 23036710
Commission Expires 12/12/2027

Ana Michael

(Signature)

Ana Karina Michael

(Print Name)

Notary Public in and for the State of
Washington, residing at
Sedro-woolley, Washington

My appointment expires 12/12/2027

STATE ACKNOWLEDGMENT

Notarized online using audio-video communication.

STATE OF WASHINGTON)

County of Skagit) ss.
)

I certify that I know or have satisfactory evidence that THOMAS GORMAN is the person who appeared before me, and said person acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as the Aquatic Resources Division Manager of the Department of Natural Resources, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

This notarial act involved the use of communication technology.

Dated: 8/23/2024, 20__

(Seal or stamp)

ANA KARINA MICHAEL
Notary Public
State of Washington
Commission # 23036710
Commission Expires 12/12/2027

Ana Michael

(Signature)

Ana Karina Michael

(Print Name)

Notary Public in and for the State of
Washington, residing at
sedro-woolley, washington

My appointment expires 12/12/2027

EXHIBIT A

That real property legally described and shown as PORT MANAGEMENT AREA in that Record of Survey recorded in Snohomish County, Washington on September 12th, 2023 under Auditor's File Number 202309125005.