

When recorded, return to:  
Port of Edmonds  
336 Admiral Way  
Edmonds, WA 98020

**STATE OF WASHINGTON**  
**DEPARTMENT OF NATURAL RESOURCES**  
**PETER GOLDMARK**  
Commissioner of Public Lands  
Olympia, WA 98504

**FIRST AMENDMENT TO PORT MANAGEMENT AGREEMENT (PMA)**

**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 Washington Public Port District, whose address is 336 Admiral Way, Edmonds, Washington 98020.

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

WHEREAS, the term of the PMA is set to expire on September 17, 2014, 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;

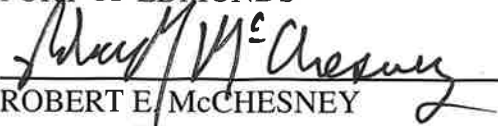
**IT IS THEREFORE AGREED:**

- 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 2014. The PMA shall continue in full force and effect until the 17th of September 2024, 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) Within two years of the date of this Amendment, the Port will submit for the State's approval a record of survey of all PMA parcels, and when recorded and approved by State, the record of survey will replace Exhibit A to the PMA as amended herein.
- 4) 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.
- 5) No terms and conditions of Port Management Agreement No. 22-080026, other than Section 1(a) "Term" as expressly provided herein, are affected by this Amendment.

The Port expressly agrees to all covenants herein.

Executed this 4<sup>th</sup> day of September, 2014.

PORT OF EDMONDS



ROBERT E. McCHESNEY

Executive Director

336 Admiral Way

Edmonds, WA 98202-7214

425-774-0549

Executed this 22<sup>nd</sup> day of September, 2014.



STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES



PETER GOLDMARK

Commissioner of Public Lands

1111 Washington Street SE MS 47000

Olympia, WA 98504-7000

360-902-1000

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF WASHINGTON )  
 ) ss.  
County of Snohomish )

I certify that I know or have satisfactory evidence that ROBERT E. McCHESNEY 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 the instrument and acknowledged it as the 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.

DATED: September 4, 2014

JANICE CONNER  
Notary Public  
State of Washington  
My Commission Expires  
November 09, 2015

Janice Conner  
(Type/Print Name)  
Notary Public in and for the State of Washington  
Residing at Shoreline Wa  
My Commission Expires 11-09-2015

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF WASHINGTON )  
 ) ss.  
County of Thurston )

On this 22 day of Sep, 20 14, personally appeared before me PETER GOLDMARK, the Commissioner of Public Lands and ex officio administrator of the Department of Natural Resources of the State of Washington, the department that executed the within and foregoing instrument on behalf of the State of Washington, and acknowledged said instrument to be the free and voluntary act and deed of the State of Washington for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the official seal of the Commissioner of Public Lands for the State of Washington.

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



Amy Lyn Ribera  
(Type/Print Name)  
Notary Public in and for the State of Washington  
Residing at Olympic  
My Commission Expires 12-17-16

Standard Port Management Agreement Amendment  
Approved as to Form in July 2014  
by Terry Pruit  
Assistant Attorney General  
State of Washington

**EXHIBIT A**  
Legal Description of Premises and Encumbrances

Surveys are to be provided per item 3 of this Amendment.

A copy of the legal descriptions from the existing PMA is below for reference.

Parcel 1: Port of Edmonds Marina

That portion of the harbor area in front of Tract 3, Section 23, and Tract 1, Section 26, Edmonds Tide Lands, all in Township 27 North, Range 3 East, W.M., included in a tract described as follows:

Beginning at the intersection of the south line of said Tract 3 with the inner harbor line, said point of intersection being South 89° 42' 00" West 1,291.83 feet from the south quarter corner of said Section 23, and running thence Northeast 44° 59' 30" West 801.19 feet, along the inner harbor line; thence North 48° 48' 00" West 80.00 feet; thence North 44° 59' 30" East 250.00 feet; thence North 24° 15' 00" West 300.19 feet; thence South 44° 59' 30" West 500.19 feet; thence South 46° 53' 52" West 1,099.59 feet; thence South 48° 48' 00" East 610.00 feet to the inner harbor line; thence North 17° 30' 00" East 458.29 feet along said inner harbor line to the point of beginning as shown on the official maps of Edmonds Tide Lands on file in the Office of the Commissioner of Public Lands at Olympia, Washington.

Parcel 2: Port of Edmonds Marina

All harbor area in front of that portion of Tract 3, Edmonds Tide Lands and the southwesterly 88.80 feet of adjacent vacated waterway all fronting Section 23, Township 27 North, Range 3 East, W.M., included with the limits of the following described tract:

Commencing at the intersection of the south line of said Tract 3 with the inner harbor line, said point of intersection being South 89° 42' 00" West 1,291.83 feet from the south quarter corner of said Section 23, and running thence North 44° 59' 30" East 901.19 feet along the inner harbor line to the True Point of Beginning of this description; thence North 48° 48' 00" West 80.00 feet; thence North 44° 59' 30" East 149.84 feet; thence North 24° 15' 00" West 300.19 feet; thence South 44° 59' 30" West 375.00 feet; thence North 48° 48' 00" West 240.00 feet to the outer harbor line; thence North 44° 59' 30" East 375.00 feet along said outer harbor line; thence South 48° 48' 00" East 225.00 feet; thence North 42° 14' 07" East 428.00 feet; thence North 52° 48' 29" East 400.00 feet; thence South 74° 00' 24" East 106.60 feet to a point on a line drawn parallel with and 88.80 feet easterly of the southwesterly boundary of vacated waterway; thence South 38° 37' 00" East 250.00 feet to a point on the inner harbor line; thence South 44° 59' 30" West 1,117.60 feet along said inner harbor line to the True Point of Beginning, as shown on the official maps of Edmonds Tide Lands on file in the Office of the Commissioner of Public Lands at Olympia, Washington.

Subject, however, to an easement for a right-of-way for a sewer outfall granted to the City of Edmonds on February 9, 1954, under Application No. 51-020208.