

AMENDMENT NO. 1

GCA 4542

This Amendment No. 1 is made and entered into between the STATE OF WASHINGTON, Department of Transportation, hereafter the "STATE," and SKAGIT TRANSIT, a municipal corporation, hereinafter the "SKAT."

WHEREAS, the PARTIES hereto entered into the original Agreement, GCA 4542, on the 12th day of July, 2006, which provided for the SKAT to reimburse the STATE for a portion of the right of way (ROW) acquisition costs for a 300-stall park and ride lot that will contain a bus island, hereinafter the "PROJECT," and

WHEREAS, the third WHEREAS in the original Agreement included a legal description of PARCEL A, and WHEREAS, prior to the right of way acquisition, the original property owner initiated a boundary line adjustment (BLA) and recorded a new record of survey with the Skagit County Auditor on January 4, 2007, and

WHEREAS, the SKAT has requested that the original Agreement be amended to revise the description of PARCEL A to match the new BLA,

NOW, THEREFORE, pursuant to chapter 39.34 RCW, the Interlocal Cooperation Act, and in consideration of the provisions, covenants, terms, conditions, and performance contained herein and the attached Exhibit A-1, which is incorporated and made part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. Under the authority of Section 5.1, Modification, of the original Agreement, Exhibit A in the original Agreement is hereby deleted and replaced with Exhibit A-1.
2. The third WHEREAS of the original Agreement is hereby deleted and replaced with the following description:

WHEREAS, the southern portion of Tract AB and the entire portion of Tract X, hereinafter "PARCEL A" as outlined and hachured on Exhibit A-1, is consistent with the needs of the PROJECT, and

3. All other terms and conditions of the original Agreement shall remain in full force and effect except as modified by this Amendment No. 1.

IN WITNESS WHEREOF, the PARTIES hereto have executed this Amendment No. 1 as of the PARTY's date signed last below.

SKAGIT TRANSIT

By: Dale O'Brien
Dale O'Brien

STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION

By: Todd Harrison
Todd Harrison, P.E.

Title: Executive Director

Title: Assistant Regional Administrator

Date: 10-9-08

Date: 10/17/08

APPROVED AS TO FORM

Date: 9-30-08

By: Carol Selby
Assistant Attorney General

LEGAL DESCRIPTIONS AFTER BIA

TRACT BNSD

SOUTH PORTION OF THE NEW PARCEL C¹ AS DELINEATED ON RECORDS OF SURVEY MAP RECORDED AS ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, IN THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 35 NORTH, RANGE 4 EAST, W.M. SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID "NEW PARCEL C¹", THENCE SOUTH 89°07' WEST 500.00 FEET TO THE EASTLY RIGHT OF WAY MARKS OF STATE HIGHWAY 5, (NOW INTERSTATE 5) AND A POINT ON A CURVE, THE CENTER OF SAID CURVE BEING 500.00 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF SAID 200.00 FEET, THROUGH A CENTRAL ANGLE OF 02°45'40", AN ARC DISTANCE OF 133.19 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, THENCE SOUTH 00°00'00" EAST 120.70 FEET ALONG SAID STATE LINE TO A POINT THAT IS NORTH 89°07' WEST 100.00 FEET FROM THE WEST LINE OF NORTH GARD STREET (NOW BUNNINGTON BLVD.); THENCE NORTH 02°22'25" EAST 300.00 FEET PARALLEL WITH SAID WEST LINE OF NORTH GARD STREET TO A POINT THAT IS SOUTH 89°07' WEST FROM THE POINT OF BEGINNING; THENCE NORTH 02°22'25" WEST 300.00 FEET TO THE POINT OF BEGINNING.

(THE ABOVE IS ALSO SUBJECT TO SPECIAL WARRANTIES BEING RECORDED AS ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON.)

EXCEPT THAT PORTION OF EXHIBIT A TO SPECIAL WARRANTIES BEING RECORDED AS ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, AND BEING A PORTION OF "NEW PARCEL C¹" AS DELINEATED ON RECORDS OF SURVEY MAP RECORDED AS ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, IN THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 35 NORTH, RANGE 4 EAST, W.M. SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID "NEW PARCEL C¹", THENCE SOUTH 02°22'25" WEST 30.00 FEET ALONG THE WEST LINE OF NORTH GARD STREET (NOW BUNNINGTON BLVD.); THENCE NORTH 89°07' WEST 300.00 FEET TO THE EAST END OF EXHIBIT A TO SPECIAL WARRANTIES BEING RECORDED AS ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, AND THE TRUE POINT OF BEGINNING; THENCE SOUTHWEST 89°07' WEST 300.00 FEET TO A POINT ON A CURVE, THAT IS SOUTH 89°07' EAST 300.00 FEET FROM THE CENTER OF SAID CURVE; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF SAID 150.00 FEET, THROUGH A CENTRAL ANGLE OF 143°07'48", AN ARC DISTANCE OF 124.91 FEET TO THE NORTH LINE OF SAID "NEW PARCEL C¹"; THENCE SOUTH 89°07' EAST 300.00 FEET TO A POINT THAT IS NORTH 02°22'25" EAST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 02°22'25" WEST 30.00 FEET TO THE TRUE POINT OF BEGINNING.

BEING SUBJECT TO AND TOGETHER WITH EASEMENTS, EGRESS, EGRESS AND OTHER INSTRUMENTS OF RECORD.

CONTAINING 3.43 ACRES, MORE OR LESS.

SITUATE IN SKAGIT COUNTY, WASHINGTON.

TRACT AB

"NEW PARCEL A¹" AS DELINEATED ON RECORDS OF SURVEY MAP RECORDED UNDER ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, IN THE NORTHEAST 1/4 IN THE NORTHEAST 1/4, AND IN THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, ALL IN SECTION 31, TOWNSHIP 35 NORTH, RANGE 4 EAST, W.M.

TOGETHER WITH THAT PORTION OF "REVISED NEW PARCEL A¹" AS DELINEATED ON RECORDS OF SURVEY MAP RECORDED UNDER ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, AND IN THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, ALL IN SECTION 31, TOWNSHIP 35 NORTH, RANGE 4 EAST, W.M. SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID "REVISED NEW PARCEL A¹", THENCE SOUTH 89°07' EAST 310.02 FEET ALONG THE SOUTH LINE OF SAID "REVISED NEW PARCEL A¹" TO A POINT THAT IS NORTH 89°07' WEST 300.00 FEET FROM THE WEST LINE OF NORTH GARD STREET (NOW BUNNINGTON BLVD.); SAID POINT ALSO BEING A POINT ON A CURVE, THE CENTER OF WHICH IS SOUTH 89°07' EAST 300.00 FEET FROM SAID POINT; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 143°07'48", THROUGH AN ARC DISTANCE OF 124.91 FEET TO THE NORTH LINE OF THE SOUTH 30 FEET OF SAID "REVISED NEW PARCEL A¹"; THENCE NORTH 02°22'25" EAST 300.00 FEET ALONG SAID NORTH LINE OF SAID SOUTH 30 FEET OF "REVISED NEW PARCEL A¹" TO A POINT THAT IS NORTH 89°07' WEST 300.00 FEET FROM THE WEST LINE OF SAID NORTH GARD STREET (NOW BUNNINGTON BLVD.); THENCE NORTH 02°22'25" EAST 300.00 FEET PARALLEL WITH SAID WEST LINE OF NORTH GARD STREET TO THE NORTH LINE OF SAID "REVISED NEW PARCEL A¹" AND THE REMAINDER OF SAID LINE.

TOGETHER WITH AN EASEMENT FOR EGRESS, EGRESS, ROADWAY AND UTILITIES AS DELINEATED ON RECORDS OF SURVEY MAPS RECORDED UNDER ADDITION'S FILE NUMBERS 20040203000 AND 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, IN A PORTION OF "NEW PARCEL A¹" AND "NEW PARCEL C¹" AS DELINEATED ON RECORDS OF SURVEY MAP RECORDED UNDER ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON.

SITUATE IN THE CITY OF BUNNINGTON, COUNTY OF SKAGIT, STATE OF WASHINGTON.

TRACT E

"PARCEL E¹" AS DELINEATED ON RECORDS OF SURVEY MAP RECORDED UNDER ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, IN THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 35 NORTH, RANGE 4 EAST, W.M., EXCEPT THE NORTH 30 FEET THEREOF.

TOGETHER WITH AN EASEMENT FOR EGRESS, EGRESS, ROADWAY AND UTILITIES AS DELINEATED ON RECORDS OF SURVEY MAPS RECORDED UNDER ADDITION'S FILE NUMBERS 20040203000 AND 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, IN A PORTION OF "NEW PARCEL A¹" AND "NEW PARCEL C¹" AS DELINEATED ON RECORDS OF SURVEY MAP RECORDED UNDER ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON.

SITUATE IN THE CITY OF BUNNINGTON, COUNTY OF SKAGIT, STATE OF WASHINGTON.

TRACT F

"PARCEL F¹" AS DELINEATED ON RECORDS OF SURVEY MAP RECORDED UNDER ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, AND IN THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, ALL IN SECTION 31, TOWNSHIP 35 NORTH, RANGE 4 EAST, W.M.

TOGETHER WITH THAT PORTION OF "REVISED NEW PARCEL A¹" AS DELINEATED ON RECORDS OF SURVEY MAP RECORDED UNDER ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, AND IN THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, ALL IN SECTION 31, TOWNSHIP 35 NORTH, RANGE 4 EAST, W.M. SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID "REVISED NEW PARCEL A¹", THENCE SOUTH 89°07' EAST 310.02 FEET ALONG THE SOUTH LINE OF SAID "REVISED NEW PARCEL A¹" TO A POINT THAT IS NORTH 89°07' WEST 300.00 FEET FROM THE WEST LINE OF SAID NORTH GARD STREET (NOW BUNNINGTON BLVD.) AND THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE NORTH 02°22'25" EAST 300.00 FEET PARALLEL WITH SAID WEST LINE OF NORTH GARD STREET TO THE NORTH LINE OF SAID "REVISED NEW PARCEL A¹" AND THE REMAINDER OF SAID LINE EXCEPT FROM ALL OF THE ABOVE THE SOUTH 30 FEET THEREOF.

TOGETHER WITH AN EASEMENT FOR EGRESS, EGRESS, ROADWAY AND UTILITIES AS DELINEATED ON RECORDS OF SURVEY MAPS RECORDED UNDER ADDITION'S FILE NUMBERS 20040203000 AND 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, IN A PORTION OF "NEW PARCEL A¹" AND "NEW PARCEL C¹" AS DELINEATED ON RECORDS OF SURVEY MAP RECORDED UNDER ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON.

SITUATE IN THE CITY OF BUNNINGTON, COUNTY OF SKAGIT, STATE OF WASHINGTON.

TRACT I

THAT PORTION DELINEATED AS "EASEMENT FOR EGRESS, EGRESS, ROADWAY AND UTILITIES" ON RECORDS OF SURVEY MAPS RECORDED UNDER ADDITION'S FILE NUMBERS 20040203000 AND 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, IN A PORTION OF "NEW PARCEL A¹" AND "NEW PARCEL C¹" AS DELINEATED ON RECORDS OF SURVEY MAP RECORDED UNDER ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON, AND ALSO RECORDED BY EXHIBIT D OF SPECIAL WARRANTIES BEING RECORDED AS ADDITION'S FILE NUMBER 20040203000, RECORDS OF SKAGIT COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

TRACT AREAS		
TRACT	SQ. FT.	ACRES
AB	207,133	4.744
E	123,000	2.81
F	64,200	1.47
BNSD	410,480	9.42
I	53,000	1.22



SURVEY IN THE N.E. 1/4 SECTION 31, T. 35 N., R. 4 E., W.M. SKAGIT COUNTY, WASHINGTON
 PREP. BY: SEMBAU ENGINEERING & SURVEYING
 METHOD: MERIDIAN ASSUMED
 SCALE: N.A.
 SURVEYING - ENGINEERING - PLANNING
 1001 WILSON, WA 98223 509-424-9266
 JOB NO. 4252

