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 DEED \$.00
 Whatcom County, WA

Request of: WHATCOM COUNTY PARKS



After recording return document to:

Whatcom County Parks and Recreation Department
 3373 Mount Baker Highway
 Bellingham, Washington 98226

DOCUMENT TITLE: *DEED OF RIGHT TO USE LAND FOR PUBLIC RECREATION PURPOSES*

REFERENCE NUMBER OF RELATED DOCUMENT: *1981005158 OF DEED*

GRANTOR: *WHATCOM COUNTY*

GRANTEE: *WASHINGTON STATE*

ABBREVIATED LEGAL DESCRIPTION: *GOV. LOTS 1 AND 5, SECTION 21, T.37N, R5E WM AND SW QTR OF NW QTR, SECTION 22, T37N, R5E WM*

ADDITIONAL LEGAL: *PAGE 2*

ASSESSOR'S TAX NUMBER: *370521 494353 AND 370522 067337*

DEED OF RIGHT TO USE LAND FOR PUBLIC RECREATION PURPOSES

The Grantor, Whatcom 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 Nessel Farm, Project Number 96-083A, signed by the Grantor on the 12th day of February, 1997, and by the Interagency Committee on the 25th day of July, 1996, 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:

GOVERNMENT LOTS 1 AND 5, IN SECTION 21, TOWNSHIP 37 NORTH, RANGE 5 EAST OF W.M., AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, IN SECTION 22, TOWNSHIP 37 NORTH, RANGE 5 EAST OF W.M.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

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 section 15 of the Project Agreement.

DATED this 23 day of December, 1998.

WHATCOM COUNTY



Pete Kremen, County Executive

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STATE OF WASHINGTON)

) ss.

COUNTY OF WHATCOM)

On this day of 23 December, 1998, before me personally appeared PETE KREMEN, to me known to be the County Executive of WHATCOM COUNTY, and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Francine V. Kincaid

NOTARY PUBLIC in and for the State of Washington, residing at Bellingham.

My appointment expires: 7-18-2001

APPROVED AS TO FORM:

Radulph
Deputy Prosecuting Attorney



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