



WASHINGTON STATE DEPARTMENT OF
Natural Resources

Peter Goldmark - Commissioner of Public Lands

Application for Use of State-owned Aquatic Lands

Applicant Name: The Burlington Northern and Santa Fe Railway Company
County: Whatcom
Water Body: Bellingham Bay and Chuckanut Bay
Type of Authorization: Lease
Authorization Number: 22-A02140
Term: 30 years

Description: DNR plans to reauthorize a harbor area lease for all or portions of three railroad trestles in Whatcom County.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
DOUG SUTHERLAND, Commissioner of Public Lands

APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

NO WORK CAN BE STARTED ON THE PROJECT AREA UNTIL A USE AUTHORIZATION HAS BEEN GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES

I. SUBMISSION OF APPLICATION

Enclose a \$25.00 non-refundable application processing fee with the application. (this fee is not required for local, state, and other government agencies). This application form will be reviewed by the Department of Natural Resources upon receipt at the address given below. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before signed execution of a use authorization.

Please send the completed application form to your region land manager at:

Department of Natural Resources
[Region/District Address]

II. APPLICANT INFORMATION

Date of Application: 4/1/04

Authorization to be Issued To (how name is to appear in the lease document): The Burlington Northern and Santa Fe Railway Company

Applicant's Representative: Fiona Forkner, The Staubach Company

Relationship to Applicant: Real Estate Provider

Address: 15601 Dallas Parkway, Suite 400	City: Addison	State: TX	Zip Code: 75001
Telephone: 972.361.5000	Fax: 972.361.5910	E-Mail: fiona.forkner@staubach.com	

FOR OFFICIAL USE ONLY	Support: Application Fee Received	Date: 1-19-7
Land Manager: New Application;	Renewal Application:	Land Manager Initials: CW
Land Records: Application Number 22-A0249	Trust 25	County 37 ; AQR Plate No. 05 NW R030

EN 1/31/2007

TF37-016 Note 6

STATE OF WASHINGTON
 DEPARTMENT OF NATURAL RESOURCES
 DOUG SUTHERLAND, Commissioner of Public Lands

APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

NO WORK CAN BE STARTED ON THE PROJECT AREA UNTIL A USE AUTHORIZATION HAS BEEN GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES

I. SUBMISSION OF APPLICATION

Enclose a \$25.00 non-refundable application processing fee with the application. (this fee is not required for local, state, and other government agencies). This application form will be reviewed by the Department of Natural Resources upon receipt at the address given below. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before signed execution of a use authorization.

Please send the completed application form to your region land manager at:

Department of Natural Resources
 [Region/District Address]

II. APPLICANT INFORMATION

Date of Application: 4/1/04

Authorization to be Issued To (how name is to appear in the lease document): The Burlington Northern and Santa Fe Railway Company

Applicant's Representative: Fiona Forkner, The Staubach Company

Relationship to Applicant: Real Estate Provider

Address: 15601 Dallas Parkway, Suite 400	City: Addison	State: TX	Zip Code: 75001
--	---------------	-----------	-----------------

Telephone: 972.361.5000	Fax: 972.361.5910	E-Mail: fiona.forkner@staubach.com
-------------------------	-------------------	------------------------------------

FOR OFFICIAL USE ONLY	Support: Application Fee Received	Date: 1-19-7	
Land Manager: New Application; <u>Renewal Application</u>	Land Manager Initials: CW		
Land Records: New Application Number _____; Trust _____; County _____; AQR Plate No. 05 NW R030			

II. APPLICANT INFORMATION cont'

Department of Revenue Tax *Registration Number (Unified Business Identifier) is Required: 416034000

Which of the following applies to Applicant (Check One and Attach written authority to sign - bylaws, power of attorney, etc):

Corporation
State of Registration: Delaware

Limited Partnership
State of Registration:

General Partnership
State of Registration:

Sole Proprietorship

Marital Community
Spouse:

Government Agency

Other (Please Explain:)

Has the site use been authorized before or is it currently under lease? Yes Lease Number: HA 2140
No Don't Know

III. LOCATION

The Body of Water on which the state property is located:
Fairhaven Tide Lands

County in which the state property is located: Whatcom

Government Lot:

Section: 11

Township: 37

Range: 2

E X or W

Note: A legal property survey including the legal description and other information about the property is required to obtain a use authorization. WA DNR survey requirements are attached to this form. The survey plat will be attached to the lease/easement as Exhibit A. **DO NOT HAVE THIS SURVEY CONDUCTED UNTIL YOU HAVE BEEN NOTIFIED IN WRITING THAT THE APPLICATION HAS BEEN ACCEPTED FOR PROCESSING.**

Physical description of Project Area (For example, Marsh, Tideflat adjacent to the Chehalis River, etc.): Harbor Area

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:

Address:

City:

State:

Zip Code:

Phone Number:

Fax Number

E-mail:

Note: Except for property located within established Harbor Areas, proof of ownership, or authorization to use the adjacent tideland, shoreland, or upland property may be required. If the applicant is the owner of the adjacent land, attach a copy of the deed.

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties:

IV. USE OF PROPERTY

Describe, in detail, the proposed use of the Property: *Continued Use of Railroad Roadbed and Trestle For Interstate Transportation of Goods By Rail.*

Is or will the Property be subleased to another party? Yes No
If yes, submit a copy of the sublease agreement.

What are the current and past uses of the site?

Do you have any knowledge of contamination of the site by toxic or hazardous substances, or of past uses or practices that might have lead to contamination by such substances? Yes No
If so, please explain:

Do you know if any fill material has been placed on the property in question? Yes No
If yes, please explain:

V. IMPROVEMENTS

Physical improvements are structures placed on the land that cannot be removed without damage to the land. Examples of such structures include: pilings, dolphins, piers, wharves, piling-supported buildings, structures built on fill or concrete foundations, buried pipelines and cables, and support structures for bridges.

What physical improvements currently exist on the site? (Photos may be required.)

~~A Timber Trestle~~ *None A Timber Trestle*

If there are physical improvements currently on the site, who owns them?

~~None~~ *BNSF*

If there are physical improvements currently on the site, describe their condition:

~~None~~ *Unknown*

Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed?

~~None~~ *None*

Describe any physical improvements that the applicant is proposing to construct on the site:

~~None~~ *Unknown*

Has any fill material been placed on the site? Yes No

If Yes, please describe:

Original Fill for Roadbed

VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS Copies of all Government Regulatory Permits, or Permit Waivers Are Required Before Issuance of a DNR Use Authorization. Your project may require all or some of the following.

Please include the following permit applications, permits, or waivers with the application:

JARPA (Joint Aquatic Resource Permit Application) - This one form is used to apply for all of the following individual permits:

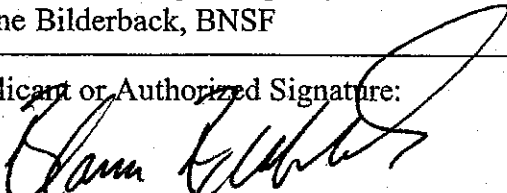
1. **Section 10 Permit** (Required by the US Army Corps of Engineers for any work in or affecting navigable waters, e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lines.)
2. **Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption** (Issued by Local Government, and is required for work or activity in the 100 year flood plain, or within 200 feet of the Ordinary High Water mark of certain waters; and which included any one of the following: dumping, drilling, dredging, filing, placement or alteration of structures or any activity which substantially interferes with normal public use of the waters.)
3. **Hydraulic Project Approval** (Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.)
4. **Section 404 Permit** (Required by the US Army Corps of Engineers if your project will discharge or excavate any dredged or fill material waterward of the Ordinary High Water mark or the Mean Higher High Tide Line in tidal areas.)
5. **Section 401 Water Quality Certification** (Required by the Department of Ecology if a Section 404 permit is required.)

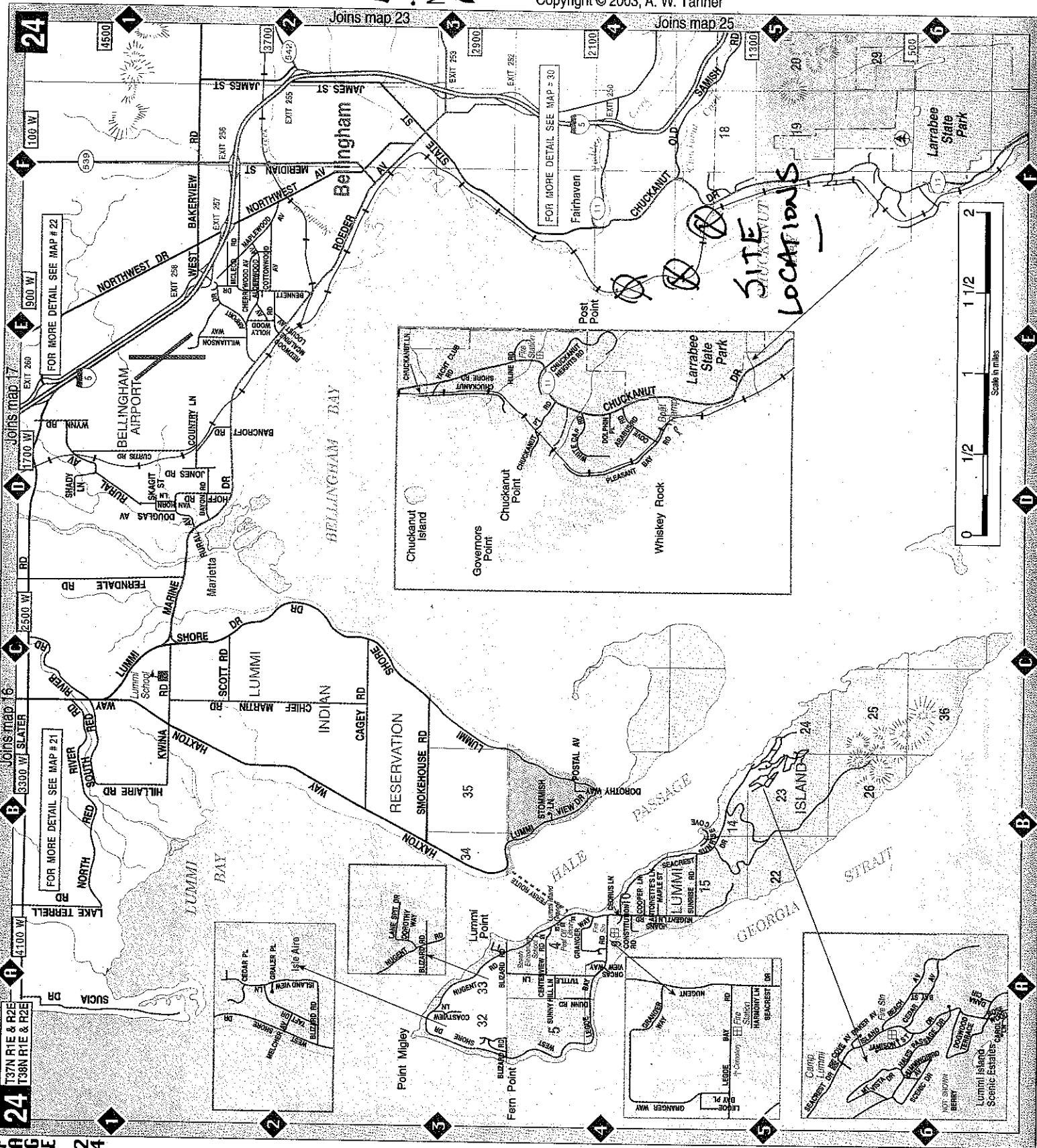
NPDES (National Pollutant Discharge Elimination System Permit) - Required by the Department of Ecology under delegated authority from the Federal Environmental Protection Agency for projects that include the discharge of fluid on or into surface water.

SEPA (State Environmental Policy Act) Checklist and Environmental Assessments - When you submit a permit application to any agency, if the project is not exempt, the lead agency will ask you to fill out an environmental checklist. Based on checklist answers and the reviewers knowledge of the project site, agency personnel will determine the types of impacts the project may have on the environment. The agency assessments may be the following forms: Determination of Nonsignificance, Determination of Significance, scoping documents, draft or final Environmental Impact Statements (EIS) or others prepared for the purpose of compliance.

Describe any habitat mitigation required by any of the permitting agencies identified above and identify where such mitigation is proposed to occur:

All answers and statements are true and correct to the best of my knowledge.

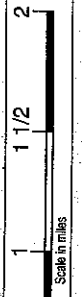
Applicant Name (please print): Blaine Bilderback, BNSF	Title: Director, Acquisitions and Development
Applicant or Authorized Signature: 	Date: 1-24-05



24
 T37N R1E & R2E
 T39N R1E & R2E

PAGE 24

SITE LOCATIONS
 SUNAVILLITY



Scale in miles

20712100800

BASIS OF BEARINGS

WASHINGTON STATE PLANE COORDINATE SYSTEM OF 1983 (1991 ADJUSTMENT) NORTH ZONE, BY G.P.S. TRAVERSE TIES TO G.P.S. CONTROL STATION "BLOEDEL" (ID=6428), "GPTJ005-49 ID=1584" AND "M_330 ID=5566" (MGS STATION PD=TR0500) PER PUBLISHED WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT) COORDINATES.

ELEVATION DATUM

MEAN LOWER LOW WATER (M.L.L.W.) DERIVED NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION (NOAA) BELLINGHAM, WASHINGTON, DATA SHEET AND NATIONAL GEODETIC SURVEY (N.G.S.) PUBLISHED ELEVATIONS. BM 05 = 19.01 FT. NORTH AMERICAN VERTICAL DATUM, 1988 (N.A.V.D. 88) = 19.58 FEET (M.L.L.W.)

SURVEY PROCEDURE

THIS SURVEY WAS PERFORMED COMBINING GPS STATIC RECEIVERS & TOTAL STATION. ACCURACY ERRORS IN 10:00

NOTES

HARBOR AREA INFORMATION DERIVED FROM MAP OF THE HARBOR LINE COMMISSION OF THE STATE OF WASHINGTON OF THE FAIRHAVEN HARBOR IN BELLINGHAM BAY, SURVEYED IN JUNE 1891 AND "AMENDED MAP OF FAIRHAVEN WATERFRONT" APPROVED BY CITY COUNCIL OF THE CITY OF FAIRHAVEN, WASHINGTON, MARCH 16, 1895. THIS ORDNANCE ON FILE WITH THE WHATCOM COUNTY AUDITOR'S OFFICE. INNER HARBOR LINE, GOVERNMENT MEANDER LINE ARE BASED ON DAVID EVANS AND ASSOCIATES RECORD OF SURVEY FOR WASHINGTON STATE, DEPARTMENT OF NATURAL RESOURCES RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 1970084011. CENTERLINE OF RAILROAD AVE. DERIVED FROM CITY OF FAIRHAVEN, WASHINGTON, COUNCIL MINUTES DATED OCTOBER 28, 1891, MARCH 3, 1892, MARCH 9, 1892, AND MAP OF RAILROAD AVE. & GREAT NORTHERN RAILWAY RECORDED MARCH 22, 1892, WITH THE WHATCOM COUNTY AUDITOR UNDER WHATCOM COUNTY SHEETS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE RECORD OF SURVEY FOR BELLINGHAM NORTHERN SANTA FE RAILROAD.

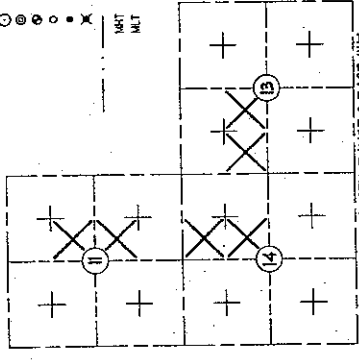
BELLINGHAM BAY

LEGEND (SEPT. 2006)

- FOUND BRASS RING
- ⊙ FOUND CONCRETE MONUMENT
- ⊕ BENCHMARK
- FOUND IRON PIPE (AS SHOWN)
- SET REBAR/CAP STEEL #13/18"
- ✕ SET NAIL/ANCHOR STEEL #13/18"
- ✕ GOVERNMENT MEANDER LINE
- MHT MEAN HIGH TIDE
- MLT MEAN LOW TIDE

RECORD POINT DATA:

1. 0.5" DIAMETER ROCK W/ COPPER PIN ON DONOVAN AVE.
2. CONCRETE MONUMENT
3. STEEL PIN WITH "4" IN STONE MONUMENT
4. IRON PIPE
5. STONE MONUMENT AT 24th ST. & UNION AVE.
6. STONE MONUMENTS FILE NO. 154789. SEE ALSO RECORD OF SURVEY FILED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 940924200.



TOWNSHIP 31 NORTH, RANGE 2 EAST, 11TH

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 11th DAY OF December, 2011 AT 11:54 AM, AT THE REQUEST OF LARRY STEELE AND ASSOCIATES, LAND SURVEYORS, RECORDED UNDER AUDITOR'S FILE NUMBER 20712100800.
Shirley Frank by *Morgan Kalked*
 WHATCOM COUNTY AUDITOR'S OFFICE

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION AND IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF FIONA FORSYTH, IN DEPT. 2006.
Larry Steele 12/1/07
 LARRY STEELE & ASSOCIATES, LAND SURVEYORS
 133 LINCOLN ST. BELLINGHAM, WA 98220
 M-D-18-1000
 EXPIRES 12/31/08

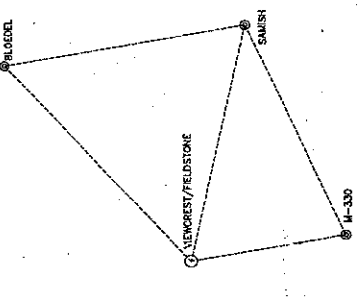


BEING A PORTION OF HARBOR AREA IN FRONT OF SECTION 11, SECTION 14, AND SECTION 15, T. 31 N., R. 2 E., 11TH, CITY OF BELLINGHAM, WHATCOM COUNTY, WA.
 LARRY STEELE & ASSOCIATES, LAND SURVEYORS
 133 LINCOLN ST. BELLINGHAM, WA 98220
 M-D-18-1000
 EXPIRES 12/31/08

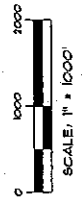
RECORD OF SURVEY

DRUN BY	JVD	DATE	11/06/2001	JOB NO.	03606
CHD BY	LUS	SCALE	1" = 1000'	SHEET	1 OF 3

AGRIATIC LAND LEASE 92-A03140

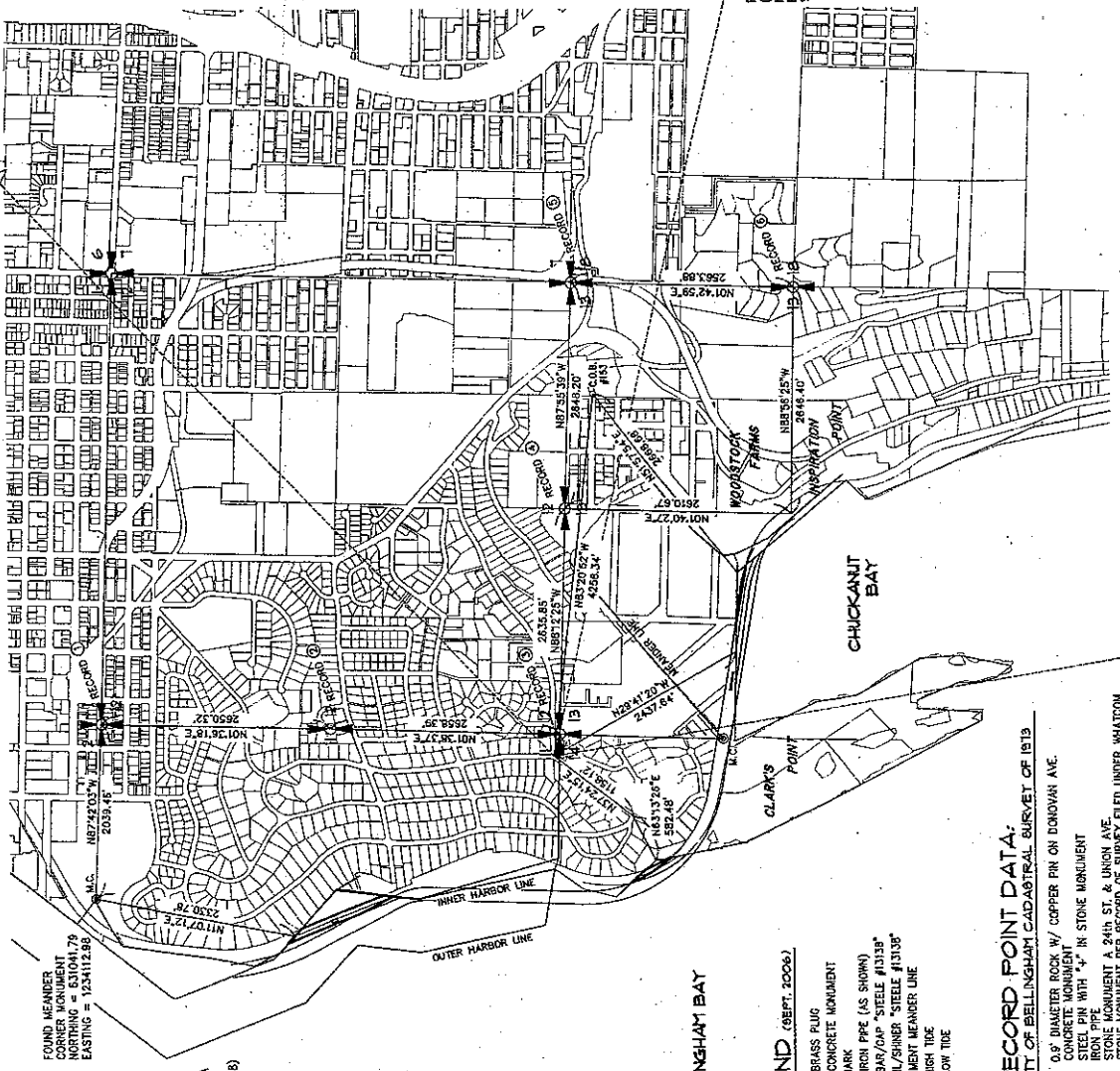


G.P.S. SCHEMATIC DETAIL N.T.S.



PD. WSDOT MON. (P37005-49, ID 1584)
 NORTING = 618581.377
 EASTING = 1262160.799
 SCALE FACTOR = 0.99999178

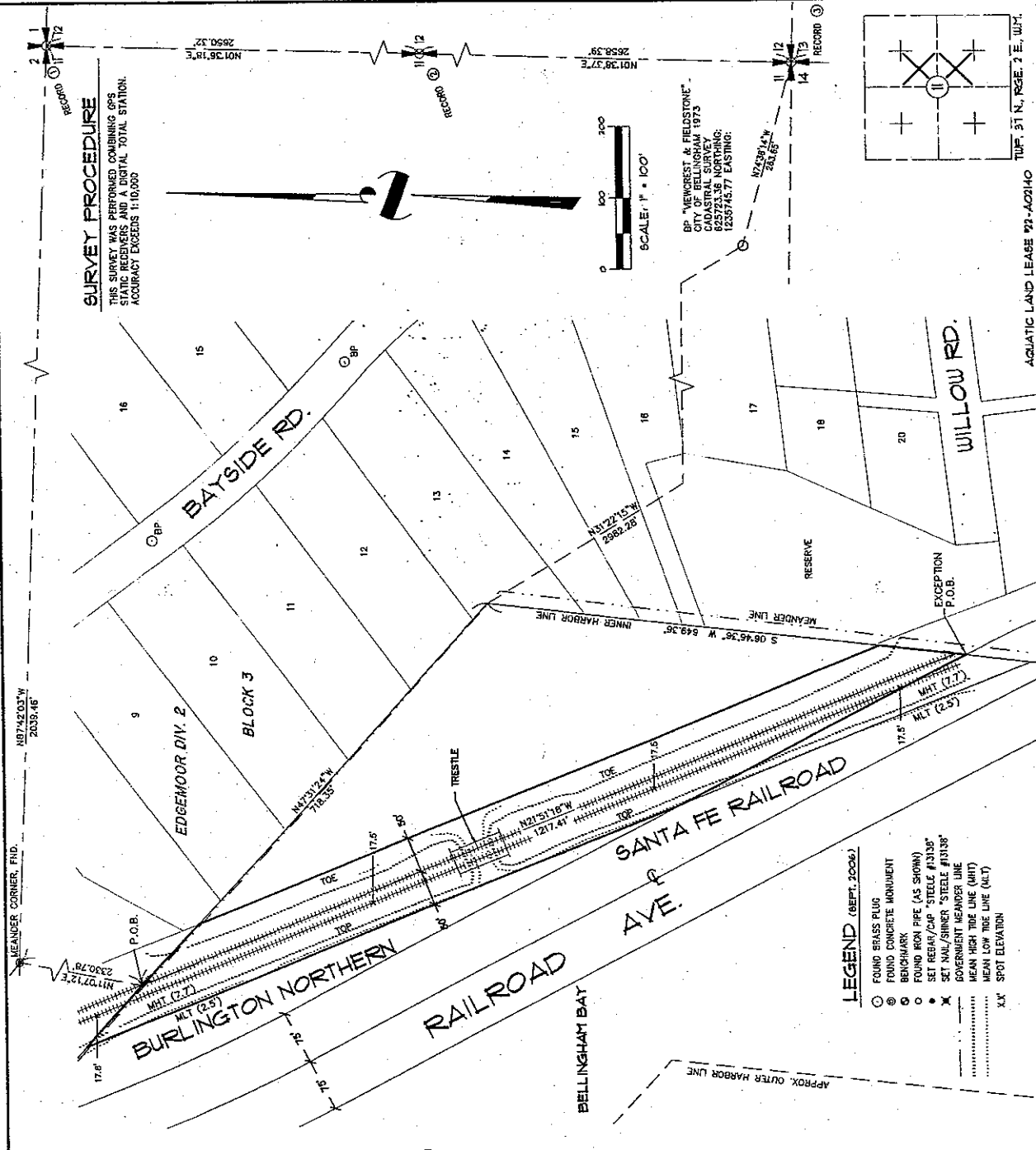
PD. WSDOT MON. (BLOEDEL, ID=6428)
 NORTING = 646473.714
 EASTING = 1267557.629
 SCALE FACTOR = 1.00000039



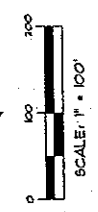
PD. (M 330, ID=5566, MGS PD TR0500)
 NORTING = 123842.918
 EASTING = 123842.918
 SCALE FACTOR = 0.99998634



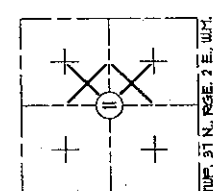
2071200800



SURVEY PROCEDURE
 THIS SURVEY WAS PERFORMED COMBINING GPS
 STATIC RECEIVERS AND A DIGITAL TOTAL STATION.
 ACCURACY EXCEEDS 1:10,000



OF "NEWBURY & FIELDSTONE"
 CITY OF BELLINGHAM 1973
 CADASTRAL SURVEY
 622723.36 NORTHING;
 1235745.77 EASTING;



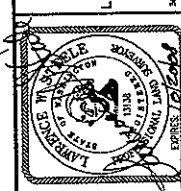
AQUATIC LAND LEASE 72-A02140 TWP. 31 N, RSE. 2 E, W.1.

RECORD OF SURVEY
 FOR
THE STAUBACH CO.

DRUN BY JVD/EAK DATE 11/06/2001 JOB NO. 03606
 CACK BY LUB SCALE 1" = 100' SHEET 2 OF 5

BEING A PORTION OF
 THE SW 1/4 OF THE NE 1/4,
 THE NW 1/4 OF THE SE 1/4,
 OF SECTION 11,
 T. 31 N., R. 2 E., W. 1
 CITY OF BELLINGHAM,
 WHATCOM COUNTY, WA.

LARRY STEELE & ASSOCIATES
 LAND SURVEYORS
 133 LINCOLN ST.
 BELLINGHAM, WA 98201



SURVEYOR'S CERTIFICATE
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER
 MY DIRECTION AND IN CONFORMANCE WITH THE REQUIREMENTS OF
 THE SURVEY RECORDING ACT AT THE REQUEST OF FIONA
 FORRENER IN SEPT., 2006.

Fiona Forrener
 LAURENCE U. STEELE P.L.S., CERTIFICATE NO. 1369

AUDITOR'S CERTIFICATE
 FILED FOR RECORD THIS 11th DAY OF December, 20 07
 AT 10:41 AM AT THE REQUEST OF LARRY STEELE AND ASSOCIATES
 LAND SURVEYORS, RECORDED UNDER AUDITOR'S FILE NUMBER
 2071200800

Shirley Franch
 WHATCOM COUNTY AUDITOR'S OFFICE

LEGAL DESCRIPTION

AQUATIC LAND LEASE NO. 22-A02140
 A PORTION OF THE HARBOR AREA, AS PER THE MAP THEREOF RECORDED IN
 WASHINGTON COUNTY RECORDS 22-34, RECORDS OF WHATCOM COUNTY,
 WASHINGTON, LYING WITHIN OR ADJACENT TO SECTION 11, TOWNSHIP 37
 NORTH, RANGE 2 EAST W.M. DESCRIBED AS FOLLOWS:
 A 100 FOOT WIDE RIGHT-OF-WAY, THE CENTERLINE OF WHICH IS DESCRIBED
 AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SECTION 11;
 THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 11 TO A BRASS PLUG MARKING THE
 POINT OF BEGINNING; THENCE SOUTH 71°15' WEST 2982.28 FEET TO AN ANGLE POINT ON THE INNER
 HARBOR LINE, PER MAP OF BELLINGHAM HARBOR ON FILE WITH THE
 WASHINGTON STATE COMMISSIONER OF PUBLIC LANDS; THENCE NORTH
 47°31'24" WEST, ALONG SAID INNER HARBOR LINE, FOR A DISTANCE OF 718.35
 FEET TO THE CENTERLINE OF HEREBY DESCRIBED RIGHT-OF-WAY; THENCE
 POINT OF BEGINNING; THENCE SOUTH 71°15' WEST 2982.28 FEET TO AN ANGLE POINT ON THE
 HARBOR LINE; THENCE SOUTH 08°45'36" WEST 649.36 FEET FROM THE
 HARBOR LINE TO THE POINT OF BEGINNING OF SAID RIGHT-OF-WAY; THENCE
 DESCRIBED CENTERLINE.
 THE SIDE LINES OF SAID 100 FOOT WIDE RIGHT-OF-WAY ARE EXTENDED OR
 SHORTENED AS NECESSARY TO INTERSECT WITH SAID INNER HARBOR LINE,
 EXCEPT THAT PORTION OF RAILROAD AVENUE, AS DEDICATED AND APPROVED
 ON MARCH 16, 1892 BY THE CITY COUNCIL OF THE CITY OF FAIRHAVEN (NOW
 PART OF THE CITY OF BELLINGHAM), DESCRIBED AS FOLLOWS: COMMENCING
 AT THE TERMINUS OF ABOVE DESCRIBED CENTERLINE; THENCE SOUTH
 08°48'38" WEST, ALONG A BRASS PLUG MARKING THE POINT OF BEGINNING OF SAID
 HARBOR AVENUE AND THE POINT OF BEGINNING, THENCE CONTINUING SOUTH
 08°48'38" WEST, ALONG SAID INNER HARBOR LINE, FOR A DISTANCE OF 897.5
 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF AFORESAID 100
 FOOT WIDE RIGHT-OF-WAY; THENCE NORTH 21°51'18" WEST, ALONG SAID
 SOUTHWESTERLY LINE, FOR A DISTANCE OF 1217.44 FEET TO AN INTERSECTION
 WITH SAID NORTHEASTERLY LINE; THENCE SOUTH 71°15' WEST, ALONG SAID
 SOUTHWESTERLY LINE, TO THE POINT OF BEGINNING OF SAID RIGHT-OF-WAY;
 444.18 FEET TO THE POINT OF BEGINNING OF HEREBY DESCRIBED EXCEPTION.
 CONTAINING 2.538 ACRES (110,541 SQUARE FEET)
 SITUATE IN WHATCOM COUNTY, WASHINGTON.

BASIS OF BEARINGS

WASHINGTON STATE PLANE COORDINATE SYSTEM OF 1983(1991)
 ADJUSTMENT NORTH ZONE, BY CONVENTIONAL TRAVEL TIES TO
 G.P.S. CONTROL STATION "BLODEL ID-4926", GP37006-49 10-1594"
 AND "M 330 0-5686" (NGS STATION FOR 100000) PER PUBLISHED
 WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT)
 COORDINATES.

ELEVATION DATUM

MEAN LOWER LOW WATER (M.L.L.W.) DERIVED NATIONAL OCEANS &
 ATMOSPHERIC ADMINISTRATION (NOAA) "WALSH" WASHINGTON DATA
 SHEET AND NATIONAL GEODESIC SURVEY (NGS) PUBLISHED ELEVATIONS,
 BM 08 = 19.01 FT. NORTH AMERICAN VERTICAL DATUM, 1988 (N.A.V.D. 88)
 = 19.58 FEET (M.L.L.W.)

NOTES

HARBOR AREA INFORMATION DERIVED FROM MAP OF THE HARBOR LINE
 COMMISSION BELLINGHAM BAY, SURVEYED IN JUNE 1891 AND "AMENDED
 HARBOR FURNACE WATERFRONT" APPROVED BY CITY COUNCIL OF
 THE CITY OF FAIRHAVEN, WASHINGTON, MARCH 16, 1892 BY
 ORDINANCE ON FILE WITH THE WHATCOM COUNTY AUDITOR'S OFFICE.
 INNER HARBOR LINE, GOVERNMENT MEANDER LINE ARE BASED ON
 DAVID EVANS AND FIONA FORRENER'S SURVEY FOR WASHINGTON
 STATE DEPARTMENT OF NATURAL RESOURCES RECORDED UNDER
 WHATCOM COUNTY AUDITOR'S FILE NO. 187860-0011.

LEGEND (SEPT. 2006)

- FOUND BRASS PLUG
- ⊙ FOUND CONCRETE MONUMENT
- ⊕ BENCHMARK
- FOUND IRON PIPE (AS SHOWN)
- SET REBAR/CAP "STEELE #13138"
- ⊗ SET NAIL/SHIRNER "STEELE #13138"
- ⋈ GOVERNMENT MEANDER LINE
- MEAN LOWER LOW WATER (M.L.L.W.)
- XX SPOT ELEVATION

2071200800

LEGAL DESCRIPTION

AQUATIC LAND LEASE NO. 22-402140
 A PORTION OF THE HARBOR AREA, AS PER THE MAP THEREOF RECORDED IN VOLUME 4 OF PLATS AT PAGES 22-31, RECORDS OF WHATCOMB COUNTY, WASHINGTON, LYING WITHIN OR ADJACENT TO SECTION 14, TOWNSHIP 37 NORTH, RANGE 2 EAST N.M., DESCRIBED AS FOLLOWS:

A 100 FOOT WIDE RIGHT-OF-WAY, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH END OF A BRASS PLUG AND THENCE S10°00'00" WEST 1,562.00 FEET TO A BRASS PLUG MARKING THE CENTRAL INTERSECTION OF BAYSIDE AND FELDSTON ROADS; THENCE SOUTH 37°24'15" WEST 1,562.00 FEET TO A BRASS PLUG MARKING THE CENTRAL INTERSECTION OF BAYSIDE AND MADRONA POINT ROADS; THENCE SOUTH 53°32'00" WEST 1,562.00 FEET TO A BRASS PLUG WITH THE WASHINGTON STATE COMMISSIONER OF PUBLIC LANDS; THENCE NORTH 41°50'00" WEST ALONG SAID INNER HARBOR LINE FOR A DISTANCE OF 288.45 FEET TO THE CENTERLINE OF SAID RAILROAD; THENCE ALONG SAID RAILROAD TO THE CENTERLINE OF SAID RAILROAD, HAVING A RADIUS OF 1,271.00 FEET, THE CENTER OF CURVE BEARS NORTH 74°22'47" EAST, THENCE SOUTHWESTERLY ALONG SAID RAILROAD TO A CENTRAL STATION WITH SAID INNER HARBOR LINE, WHICH BEARS SOUTH 11°08'10" EAST 223.74 FEET FROM THE ANGLE POINT FIRST DESCRIBED ABOVE AND THE TERMINUS OF HEREIN DESCRIBED CENTERLINE.

THE SIDE LINES OF SAID 100 FOOT WIDE RIGHT-OF-WAY ARE EXTENDED OR SHORTENED AS NECESSARY TO INTERSECT WITH SAID INNER HARBOR LINE.

THAT PORTION OF RAILROAD AVENUE, AS DEDICATED AND APPROVED ON MARCH 16, 1882 BY THE CITY COUNCIL OF THE CITY OF FAIRHAVEN (NOW PART OF THE CITY OF BELLINGHAM), DESCRIBED AS FOLLOWS:

COMMENCING AT THE TERMINUS OF ABOVE DESCRIBED CENTERLINE, THENCE SOUTH 17°00'00" EAST ALONG SAID INNER HARBOR LINE FOR A DISTANCE OF 98.54 FEET TO AN INTERSECTION WITH SAID CENTERLINE; THENCE WESTERLY ALONG SAID CENTERLINE TO THE RIGHT HAVING A RADIUS OF 1,320.89 FEET TO AN INTERSECTION WITH SAID INNER HARBOR LINE; THENCE ALONG SAID INNER HARBOR LINE FOR A DISTANCE OF 3.37 FEET TO AN INTERSECTION WITH THE NORTHEASTERN LINE OF SAID RAILROAD AVENUE BEING A POINT ON A CURVE TO THE LEFT FROM WHICH THE CENTER OF CURVE BEARS NORTH 74°22'47" EAST, THENCE ALONG SAID RAILROAD AVENUE TO THE CENTERLINE OF SAID RAILROAD; THENCE ALONG SAID RAILROAD AVENUE FOR AN ARCS DISTANCE OF 557.13 FEET TO AN INTERSECTION WITH SAID INNER HARBOR LINE; THENCE ALONG SAID INNER HARBOR LINE FOR A DISTANCE OF 1,110.00 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED EXCEPTION.

CONTAINING 0.457 ACRES (20,347 SQUARE FEET)
 SITUATE IN WHATCOMB COUNTY, WASHINGTON.

ELEVATION DATUM

MEAN LOWER LOW WATER (MLLW) DERIVED NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION (NOAA) BELLINGHAM WASHINGTON DATA SHEET AND NATIONAL GEODETIC SURVEY (NGS) PUBLISHED ELEVATIONS. 84 US = 1920 FT. NORTH AMERICAN VERTICAL DATUM, 1888 (N.A.V.D. 88) = 1935 FEET (MLLW)

NOTES

HARBOR AREA INFORMATION DERIVED FROM MAP OF THE HARBOR LINE COMMISSION OF THE STATE OF WASHINGTON OF THE FAIRHAVEN HARBOR IN BELLINGHAM BAY, SURVEYED IN JUNE 1931 AND AMENDED MAP OF FAIRHAVEN WATERFRONT APPROVED BY THE BOARD OF THE CITY OF FAIRHAVEN, WASHINGTON, IN 1932 BY THE COMMISSIONER OF PUBLIC LANDS ON FILE WITH THE WHATCOMB COUNTY AUDITOR'S OFFICE. INNER HARBOR LINE, GOVERNMENT MEANDER LINE ARE BASED ON DAVID EVANS AND ASSOCIATES RECORD OF SURVEY FOR WASHINGTON STATE, DEPARTMENT OF NATURAL RESOURCES RECORDED UNDER WHATCOMB COUNTY AUDITOR'S FILE NO. 197060401.

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 11th DAY OF DECEMBER, 2007
 AT 11:44 AM, AT THE REQUEST OF LARRY STEELE AND ASSOCIATES, LAND SURVEYORS, RECORDED UNDER AUDITOR'S FILE NUMBER 2071200800.

Larry Steele
 WHATCOMB COUNTY AUDITOR'S OFFICE

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION AND IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF FIONA FORCNER IN DEPT., 2004.

Larry Steele
 12/11/07
 LARRY STEELE & ASSOCIATES
 LAND SURVEYORS
 833 LACON ST.
 BELLINGHAM, WA 98228
 360-838-3390
 PKB-640141-49

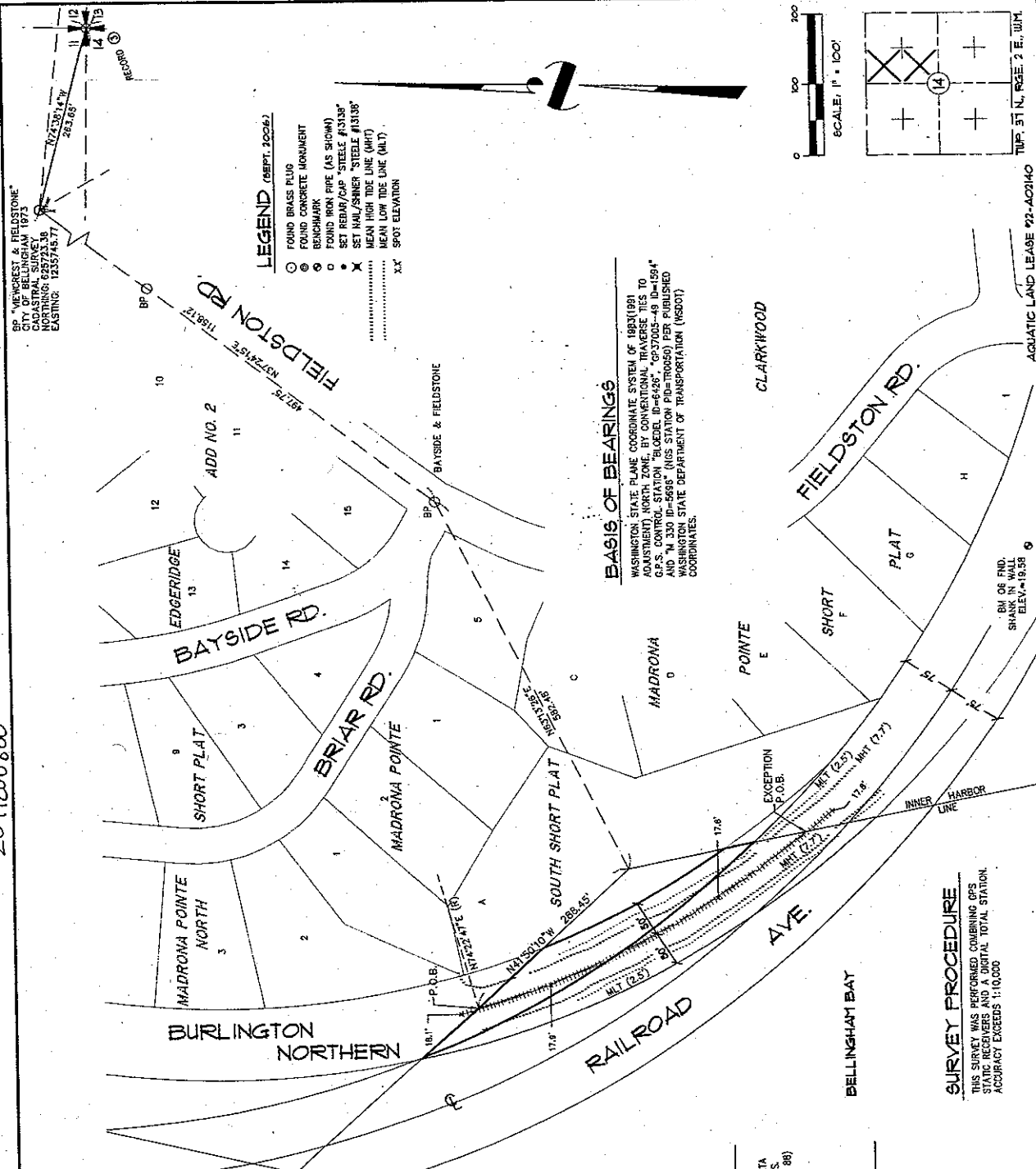


BEING A PORTION OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4, SECTION 14, T. 37 N., R. 2 E., UTM CITY OF BELLINGHAM WHATCOMB COUNTY, WA.

DRUN BY: JVD/EAK DATE: 11/06/2007 JOB NO: 03606
 CHECKED BY: LUS SCALE: 1" = 100' SHEET 3 OF 5

RECORD OF SURVEY FOR THE STAUBACH CO.

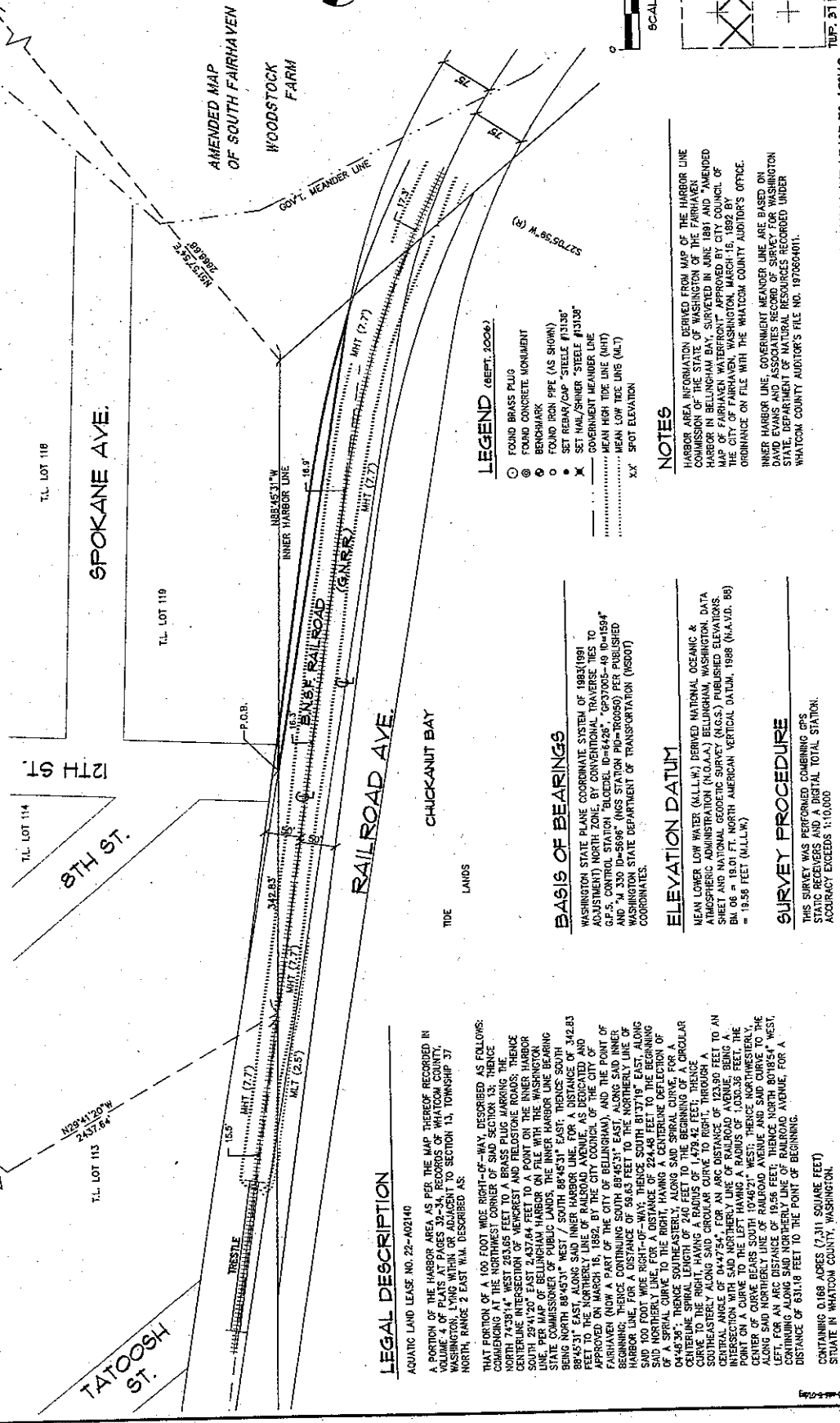
DATE: 11/06/2007 JOB NO: 03606
 SCALE: 1" = 100' SHEET 3 OF 5



2071260 800

WINTER & BELSTONE
CITY OF BELLINGHAM 1873
CADASTRAL SURVEY
NORTHING: 625723.59
EASTING: 123574627

FRD. IRON PIPE
CITY OF BELLINGHAM
CADASTRAL SURVEY
NORTHING: 625255.06
EASTING: 123997547



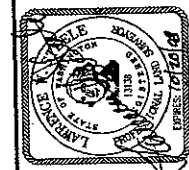
SCALE, 1" = 100'

RECORD OF SURVEY FOR THE STAUBACH CO.

DATE	11/06/2001	JOB NO.	03606
DRAWN BY	JVD/EAK	SCALE	1" = 100'
CHECK BY	LUS	SHEET	4 OF 5

BEING A PORTION OF THE SW 1/4 OF THE NW 1/4, THE SE 1/4 OF THE NW 1/4, OF SECTION 19, T. 37 N., R. 2 E., W. 11, CITY OF BELLINGHAM, WHATCOM COUNTY, WA.

LARRY STEELE & ASSOCIATES
LAND SURVEYORS
1933 LINCOLN ST.
BELLINGHAM, WA 98225
360-846-3900
FBC 640/04-08



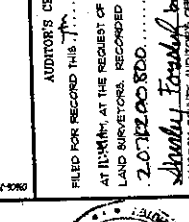
AQUATIC LAND LEASE 92-AQ2140

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION AND IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF EIONA FORMER IN SEPT., 2006.

Larry Steele 12/1/07
LARRY STEELE & ASSOCIATES
CITY OF BELLINGHAM, WA

AUDITOR'S CERTIFICATE
FILED FOR RECORD THIS 7th DAY OF DECEMBER, 2007, AT 11:41AM, AT THE REQUEST OF LARRY STEELE AND ASSOCIATES, LAND SURVEYORS. RECORDED UNDER AUDITOR'S FILE NUMBER 2071260 800.

Shirley Forsyth
AUDITOR'S OFFICE
WHATCOM COUNTY



LEGEND (REF. 2006)

- FOUND BRASS PLUG
- ⊙ FOUND CONCRETE MONUMENT
- ⊕ BENCHMARK
- FOUND IRON PIPE (AS SHOWN)
- SET REBAR/CAP "STEEL #1318"
- ⊗ SET NAIL/SHIMMER "STEEL #1318"
- ⋯ GOVERNMENT MEANDER LINE
- ⋯ MEAN HIGH TIDE LINE (MHT)
- ⋯ MEAN LOW TIDE LINE (MLT)
- xx SPOT ELEVATION

NOTES

HARBOR AREA INFORMATION DERIVED FROM MAP OF THE HARBOR LINE COMMISSION OF THE STATE OF WASHINGTON OF THE FAIRHAVEN HARBOR IN BELLINGHAM BAY, SURVEYED IN JUNE 1881 AND "AMENDED MAP OF FAIRHAVEN WATERFRONT" APPROVED BY CITY COUNCIL OF THE CITY OF FAIRHAVEN, WASHINGTON, MARCH 15, 1892. SEE ORDINANCE ON FILE WITH THE WHATCOM COUNTY AUDITOR'S OFFICE.

INNER HARBOR LINE, GOVERNMENT MEANDER LINE ARE BASED ON DAVID EVANS AND ASSOCIATES RECORD OF SURVEY FOR WASHINGTON STATE, DEPARTMENT OF NATURAL RESOURCES RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 19706401.

BASIS OF BEARINGS

WASHINGTON STATE PLANE COORDINATE SYSTEM OF 1983 (NAD 83) ADJUSTMENT NORTH ZONE, BY CONVENTIONAL TRAVERSE LINES TO CP 5 CONTROL STATION "BLDGDEL D-6426", CP 37005-49 10-1594 AND "M 330 D-5696" (NCS STATION PU-TR0050) PER PUBLISHED WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT) COORDINATES.

ELEVATION DATUM

MEAN LOWER LOW WATER (MLLW) DERIVED NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION (NOAA) BELLINGHAM, WASHINGTON, DATA SHEET AND NATIONAL GEODETIC SURVEY (N.G.S.) PUBLISHED ELEVATIONS. BM 06 = 19.01 FT. NORTH AMERICAN VERTICAL DATUM, 1988 (N.A.V.D., 88) = 19.56 FEET (MLLW).

SURVEY PROCEDURE

THIS SURVEY WAS PERFORMED CONFORMING GPS STATIC RECEIVERS AND A DIGITAL TOTAL STATION. ACCURACY EXCEEDS 1:10,000.

LEGAL DESCRIPTION

AQUATIC LAND LEASE NO. 22-AQ2140
A PORTION OF THE HARBOR AREA AS PER THE MAP THEREOF RECORDED IN VOLUME 4 OF RECORDS WITHIN OR ADJACENT TO SECTION 13, TOWNSHIP 37 NORTH, RANGE 2 EAST W.M. DESCRIBED AS:

THAT PORTION OF A 100 FOOT WIDE RIGHT-OF-WAY, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13, THENCE NORTH 74°30'14" WEST 263.65 FEET TO BRASS PLUG MARKING THE CENTER POINT OF A CURVE HAVING A RADIUS OF 1020.36 FEET, THENCE 204°12'00" EAST 2437.04 FEET TO A POINT ON THE INNER HARBOR LINE, PER MAP OF BELLINGHAM HARBOR ON FILE WITH THE WASHINGTON STATE COMMISSIONER OF PUBLIC LANDS, THE INNER HARBOR LINE BEARING NORTH 88°45'31" WEST / SOUTH 88°45'31" EAST; THENCE 507.42 FEET BEING NORTH 88°45'31" WEST / SOUTH 88°45'31" EAST; THENCE 507.42 FEET TO THE NORTHEASTLY LINE OF SAID SECTION 13, BEARING APPROX 111°18'52" BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM, THENCE CONTINUING SOUTH 88°45'31" EAST, ALONG SAID INNER HARBOR LINE FOR A DISTANCE OF 58.63 FEET TO THE NORTHERLY LINE OF SAID 100 FOOT WIDE RIGHT-OF-WAY; THENCE SOUTH 81°37'19" WEST, ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 224.25 FEET TO THE INTERSECTION OF A SPIRAL CURVE TO THE LEFT, ALONG SAID SPIRAL CURVE, FOR A DISTANCE OF 224.25 FEET TO THE BEGINNING OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 1,478.42 FEET; THENCE SOUTHEASTERLY ALONG SAID CIRCULAR CURVE TO THE RIGHT, THROUGH A POINT ON A CURVE HAVING A RADIUS OF 1,478.42 FEET, THROUGH AN INTERSECTION WITH SAID NORTHERLY LINE, HAVING A RADIUS OF 1,020.36 FEET, TO A POINT ON A CURVE HAVING A RADIUS OF 1,020.36 FEET, THENCE NORTHERLY LINE OF RAILROAD AVENUE AND SAID CURVE TO THE LEFT, FOR AN ARC DISTANCE OF 19.56 FEET; THENCE NORTH 80°18'54" WEST, CONTINUING ALONG SAID NORTHERLY LINE OF RAILROAD AVENUE, FOR A DISTANCE OF 631.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.068 ACRES (7,311 SQUARE FEET) SITUATE IN WHATCOM COUNTY, WASHINGTON.

