

**NO EXCISE TAX
REQUIRED**

JAN 12 2005

BOB DANTINI, Snohomish County Treasurer

By BOB DANTINI



200501130353 5 PGS
01-13-2005 01:05pm \$23.00
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ARLINGTON, WA 98223

Our File No 27-333

Document Title(s) (or transactions contained therein) Avigation Easement
Grantor(s) (Last name first, then first name and initials) Crown Park, LLC
Grantee(s) (Last name first, then first name and initials) City of Arlington, a Municipal Corporation
Legal Description (abbreviated i e lot, block, plat or section, township, range, qtr /qtr) Portion of Section 27, Township 31 North, Range 5 East, W M
Reference Number(s) of Documents assigned or released
Assessor's Property Tax Parcel/Account Number 310527-001-002-00, 310527-001-008-00, 310527-001-001-00 and 310527-001-009-00
The Auditor/Recorder will rely on the information provided on the form The staff will not read the document to verify the accuracy or completeness of the indexing information

AVIGATION EASEMENT

THE GRANTORS, Crown Park, LLC

for and in consideration of Ten and No One Hundred Dollars (\$10 00) and other valuable consideration in hand paid, hereby grant and convey to the Grantee, the City of Arlington, a Municipal Corporation, its successors and assigns, a perpetual easement and right of way, appurtenant to the Arlington Municipal Airport for the unobstructed passage of all aircraft, ("aircraft being defined for the purpose of this instrument as any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air") by whomsoever owned and operated, in the airspace above Grantors' property above an imaginary plane using and extending in a generally Southwesterly direction over Grantors' property. Said imaginary plane hereinafter known as the approach surface described as follows:

Beginning at a point on the Southeasterly prolongation of the centerline of Northwesterly-Southeasterly Runway No 11-29 a distance of 200 feet Southeasterly of the Southeasterly terminus of said runway, said point being at elevation of 124 0 feet above mean sea level, thence extending Southeasterly on said centerline outward and upward (at a slope of 20 feet horizontal distance to 1 foot in elevation) a distance of 5,000 feet to elevation of 374 0 feet above mean sea level and the terminus of said approach surface. Said approach surface being 250 feet wide, 125 feet on each side of said runway centerline prolonged when measured at the beginning point and extending to a width of 1,250 feet, 625 feet on each side of said prolonged centerline, at the terminus of said approach surface. Plan View and Elevation Profile are further shown on Exhibit No 7 10 "Runway End Area Drawing (Runway 29) of the Arlington Airport Master Plan Update 1995-2015, dated February 1997 which exhibit is identified as Exhibit "A" herein and is incorporated by reference and made a part hereof

Grantors' property, Parcels A, B and C are described as follows:

Parcel A

The Northeast quarter of the Northeast quarter, less Northern Pacific Railway and less roads, the East half of the Northwest quarter of the Northeast quarter, less roads, the East half of the West half of the Northwest quarter of the Northeast quarter, less roads, the North half of the Southwest quarter of the Northeast quarter and the North half of the Southeast quarter of the Northeast quarter, less Northern Pacific Railways right-of-way and less roads. Situated in Section 27, Township 31 North, Range 5 East, W M , in Snohomish County, Washington,

Except that portion of the above described tracts of real estate lying westerly of the Northern Pacific Railway right-of-way,

And except that portion deeded to the City of Arlington by Deed recorded under recording number 9708060291, being a re-record of 9704150450

And except that portion deeded to Snohomish County by deed recorded under recording number 9008280286

Parcel B

That portion of the following described tracts of real estate lying westerly of the Northern Pacific Railway right-of-way, the Northeast quarter of the Northeast quarter, less Northern Pacific Railway and less roads, the East half of the Northwest quarter of the Northeast quarter, less roads, the East half of the West half of the Northwest quarter of the Northeast quarter, less roads, the North half of the Southwest quarter of the Northeast quarter and the North half of the Southeast quarter of the Northeast quarter, less Northern Pacific Railways right-of-way and less roads. Situated in Section 27, Township 31 North, Range 5 East, W M , in Snohomish County, Washington,

Except that portion deeded to the City of Arlington by deed recorded under recording number 9708060291, being a re-record of 9704150450

Parcel C

The West half of the West half of the Northwest quarter of the Northeast quarter of Section 27, Township 31 North, Range 5 East, W M , in Snohomish County, Washington,
Except road

Together with an easement and right-of-way in the airspace above the Respondents' property for unobstructed passage of all aircraft over transitional surfaces to the approach zone. Said transitional surfaces extend outward and upward at obtuse angles to each longitudinal edge of the approach surface on a slope of 7 feet horizontally for every 1 foot vertical elevation to a height of 150 feet above the ground surface

The Grantors agree that the easement and rights hereby granted to the Grantee in and over said parcel are for the purpose of ensuring that the approach and transition areas shall remain free and clear of any structure, tree, or other object which is or would constitute an obstruction or hazard to the flight of aircraft in landing and taking off at the Arlington Airport, that these rights shall include, but not be limited to, the right to take any action necessary to prevent the erection or growth of any structure, tree, or other object into the airspace above that part of

said area which is directly over said parcel, and to remove from such airspace, or mark and light as obstructions to air navigation, any and all structures, trees, or other object that may at any time project or extend above the said area, together with the right of ingress to, egress from, and passage over the land of the Grantors within the said area for such purposes

In addition, there is hereby granted for the use and benefit of the public, the right of flight for the unobstructed passage of all aircraft in the airspace above Grantors' property, together with the right to cause in all airspace above the surface of Grantors' property such noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on said Arlington Airport and Grantors do hereby fully waive, remise, and release any right or cause of action which they may now have or which they may have in the future against Grantee, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on said Arlington Airport

The Grantors shall not hereafter use or permit or suffer the use of Grantors' property in such manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and others, or as to impair visibility in the vicinity of the airport or as otherwise to endanger the landing, taking off or maneuvering of aircraft

TO HAVE AND TO HOLD said easement and all rights appertaining thereto unto the Grantee, its successors and assigns, until said Arlington Airport shall be abandoned and shall cease to be used for public airport purposes

IT IS UNDERSTOOD AND AGREED that these covenants and agreements shall run with the land and shall be binding upon the heirs, administrators, executors, successors and assigns of the Grantors, and that the purposes of this instrument, said parcel shall be the servient tenement and said Arlington Airport shall be the dominant tenement

Dated this 24th day of April, 2001

[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]

STATE OF WASHINGTON)
County of Snohomish) SS

STATE OF WASHINGTON)
COUNTY OF Snohomish) ss

On this 24th day of April, 2001
before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Gary Drivstein, Greg Blunt and Lee Johnson to me known to be the Managers (President) and _____ of Crown Park LLC

the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that THE THREE MEMBERS ARE authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation

Witness my hand and official seal hereto affixed the day and year first above written

Signature Darla Reese
Printed or Typed Name Darla Reese

My appointment expires on 8-8-2002

