

After recording return to:  
Arlington Municipal Airport  
18204 59<sup>th</sup> Dr. N.E.  
Arlington, WA 98223



200807220750 4 PGS  
07/22/2008 3:14pm \$45.00  
SNOHOMISH COUNTY, WASHINGTON

**NO EXCISE TAX  
REQUIRED**

**JUL 22 2008**

KIRKE SIEVERS, Snohomish County Treasurer

By KIRKE SIEVERS

Grantor: Snohomish County Public Utility District No 1

Grantee: City of Arlington

Legal (abbrev.): THE NORTH 250 FEET OF THE SOUTH 280 FEET OF THE WEST  
475 FEET OF THE NORTH HALF OF THE NORTHWEST  
QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27,  
TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.; EXCEPT ANY  
PORTION THEREOF LYING WITHIN 51ST AVE NE (ALSO  
KNOWN AS SHOULTES ROAD) SITUATE IN THE COUNTY OF  
SNOHOMISH, STATE OF WASHINGTON.

Tax parcel no.: 31052700301200

Reference no.:

## **ARLINGTON MUNICIPAL AIRPORT AVIGATION EASEMENT**

WHEREAS, Snohomish County Public Utility District No 1, Herein after called "Grantor", is the owner of that certain parcel of land situated in the City of Marysville, County of Snohomish, State of Washington, to wit:

THE NORTH 250 FEET OF THE SOUTH 280 FEET OF THE WEST 475 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.; EXCEPT ANY PORTION THEREOF LYING WITHIN 51ST AVE NE (ALSO KNOWN AS SHOULTES ROAD) SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON:

hereinafter called, "Grantor's Property", and outlined on the attached map.

NOW, THEREFORE, for good and valuable consideration to the Grantor, the receipt and sufficiency of which is hereby specifically acknowledged, the Grantor, its successors and assigns, subject to the provisions herein contained, hereby grants, bargains, sells and conveys unto the City of Arlington, State of Washington, its successors and assigns ("Grantee"), for use

and benefit of the public, a perpetual easement and right-of-way, in the airspace above Grantor's property above three imaginary planes using and extending in a generally Southerly direction over Grantor's property. Said imaginary planes are hereinafter known as the approach surface, transitional surface and horizontal surface and are described as follows:

Beginning at a point on the Southerly prolongation of the centerline of Northerly-Southerly Runway No. 16-34 a distance of 200 feet Southerly of the Southerly terminus of said runway, said point being at an elevation of 125.6 feet above mean sea level; thence extending Southerly on said centerline outward and upward (at a slope of 50 feet horizontal distance to 1 foot in elevation) a distance of 10,000 feet and then outward and upward (at a slope of 40 feet horizontal distance to 1 foot in elevation) an additional distance of 40,000 feet to elevation 1,355.8 feet above mean sea level and the terminus of said approach surface. Said approach surface being 1,000 feet wide, 500 feet on each side of said runway centerline prolonged when measured at the beginning point and extending to a width of 16,000 feet, 8000 feet on each side of said prolonged centerline, at the terminus of said approach surface.

Together with an easement and right-of-way in the airspace above the Grantor's 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.

Together with an easement and right-of-way in the airspace above the Grantor's property for unobstructed passage of all aircraft over horizontal surfaces above a horizontal plane at 287 feet above mean sea level (MSL).

The approach surface, transitional surface, and horizontal surfaces are further shown on the Height Hazard Zoning Map labeled as Figure 1 of Appendix Two of the Arlington Municipal Airport Airport Layout Plan Update dated June 2002 and is incorporated by reference and made a part hereof.

The Grantor agrees that the easement and rights hereby granted to the Grantee in and over said parcel are for the purpose of ensuring that the approach, transitional and horizontal 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 Grantor within the said area for such purposes.

In addition, there is hereby granted for use and benefit of the public, the right of flight for the unobstructed passage of all aircraft in the airspace above Grantor's property, together with the

right to cause in all airspace above the surface of Grantor's 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 Grantor does 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.

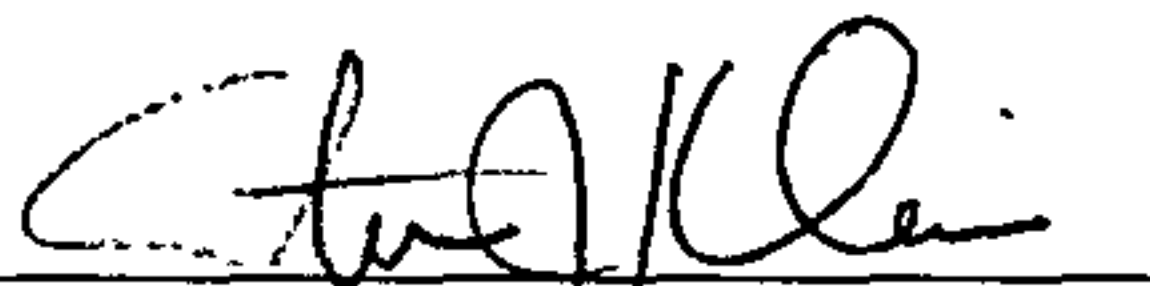
The Grantor shall not hereafter use or permit or suffer the use of Grantor's property in such manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and others,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

This easement shall be effective and shall inure to the benefit of the Grantee, its successors and assigns, until the Arlington Municipal Airport shall be abandoned and shall cease to be used for airport purposes. It is specifically understood and agreed that this easement, its covenants and agreements shall run with the land, which is described herein. The Grantor, on behalf of itself, its successors and assigns, further acknowledges that the easements herein granted contemplate and include all existing and future operations at Arlington Municipal Airport, acknowledging that future aircraft numbers and types will most likely increase and noise patterns may also increase, and that the rights, obligations and covenants herein set forth shall not terminate or vary in the event of changes in the flight volume or noise, traffic patterns, runway lengths or locations or characteristics or type or category of aircraft using the Arlington Municipal Airport, City of Arlington, State of Washington.

OWNER:

Snohomish County PUD No. 1

By:

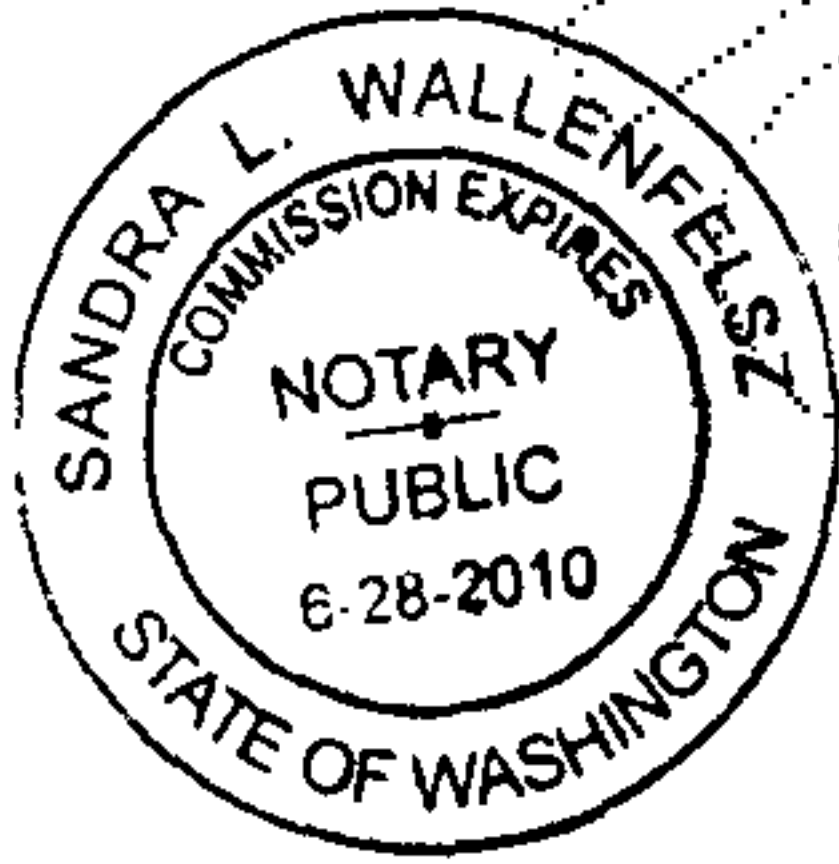


Steven J. Klein  
General Manager

ACKNOWLEDGMENT

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF SNOHOMISH )

The foregoing instrument was acknowledged before me by STEVEN J. KLEIN, General Manager of Snohomish County PUD No. 1 this 17<sup>th</sup> day of June, 2008.



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NOTARY PUBLIC in and for the  
State of Washington, residing  
at Marysville, WA  
My commission expires: 6/28/2010  
Name: Sandra L. Wallenfelsz