

After recording return to:
Arlington Municipal Airport
18204 59th Ave NE
Arlington, WA 98223

Grantor: Twin Lakes Landing LLC
Grantee: City of Arlington
Legal (abbrev.): Lot 2, BLA 13-006, rec. 201310015001
Tax parcel no.: 31052900400900
Reference no.: N/A

ARLINGTON MUNICIPAL AIRPORT AVIGATION EASEMENT

WHEREAS, Twin Lakes Landing, LLC, a Washington limited liability company, hereinafter called "Grantor", is the owner of that certain parcel of land situated in the City of Arlington, County of Snohomish, State of Washington, to wit:

LOT 2, CITY OF MARYSVILLE BOUNDARY LINE ADJUSTMENT NO. BLA 13-006 RECORDED UNDER RECORDING NO. 201310015001, BEING A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., RECORDS OF SNOHOMISH COUNTY, 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 over that portion of the Grantor's above-described land starting at 292' Mean Sea Level (MSL), in the vicinity of

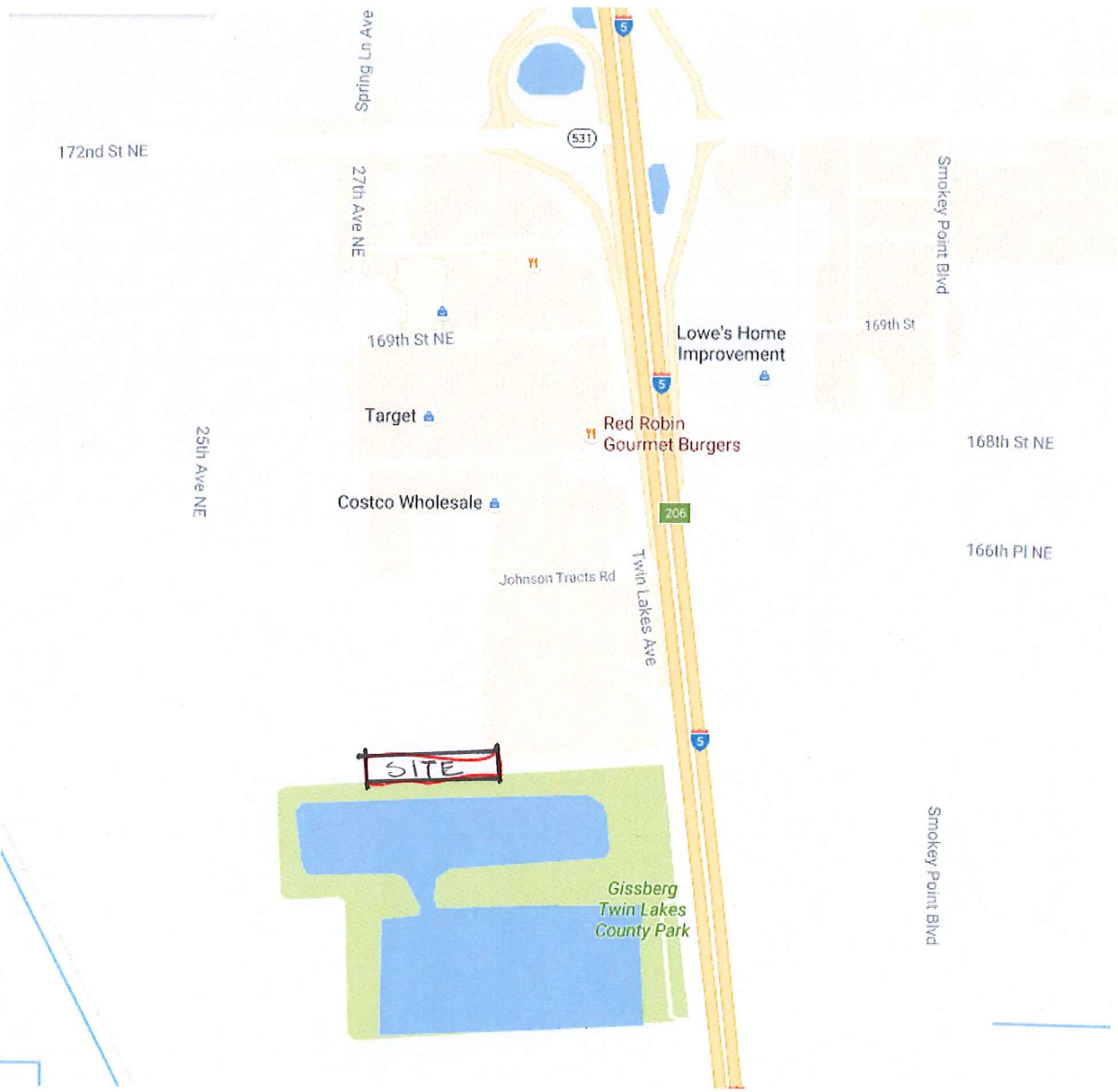
Arlington Municipal Airport, for the purpose of the passage of all aircraft ("aircraft" being defined for the purpose of this instrument as any device now known or hereafter invented, used or designated for navigation of, or flight in the air) by whomsoever owned and operated in the air space to an infinite height above the surface of the Grantor's property, together with the right to cause in said air space noise, vibration, vapors, exhaust, smoke, dust or other similar effects that may be caused by the operation of aircraft landing at or taking off from, or operated at, or on Arlington Municipal Airport, located in Snohomish County, State of Washington. Grantor hereby waives, remises and releases any right or cause of action which Grantor has now, or which Grantor may have in the future against the Grantee, its successors and assigns, due to such noise, vibration, vapors, exhaust, smoke, dust or other similar effects that may be caused by the operation of aircraft landing and taking off from, or operating on or near the Arlington Municipal Airport. The Grantor further covenants and agrees that upon said property (A) no use shall be permitted that causes a discharge into the air of fumes, smoke or dust which will obstruct visibility and materially adversely affect the operation of aircraft, nor shall any use be permitted which causes any interference with navigational facilities necessary to aircraft operation; and (B) no development or construction shall be permitted which will interfere in any way with the safe operation of aircraft in the air space over the land described herein or at or on the Arlington Municipal Airport.

Notwithstanding anything to the contrary in this easement, nothing in this instrument shall operate to preclude claims by Grantor, its heirs, assigns, successors, and legal representatives, for any physical injuries or damages caused by aircraft, any portion thereof or any objects originating therefrom, crashing into or otherwise coming in direct physical contact with Grantor's Property or persons located thereon.

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.

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Twin Lakes Landing Vicinity Map



Not to scale