

**NO EXCISE TAX
REQUIRED**

OCT 05 2016

KIRKE SIEVERS, Snohomish County Treasurer

By **KIRKE SIEVERS**

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



201610050463 3 PGS
10/05/2016 1:30pm \$75.00
SNOHOMISH COUNTY, WASHINGTON

Grantor: Vest Seattle Realty LLC
Grantee: City of Arlington
Legal (abbrev.): SW Qtr SW Qtr Ptn Sec 28 Twp 31N Rge 5E, W.M.
Tax parcel no.: 310528-003-009-00
Reference no.:

③ NCS-CM-4580
**THIS DOCUMENT IS RECORDED
AS A COURTESY ONLY.
FIRST AMERICAN TITLE INSURANCE CO.
ASSUMES NO LIABILITY FOR
SUFFICIENCY, VALIDITY OR ACCURACY**

ARLINGTON MUNICIPAL AIRPORT AVIGATION EASEMENT

WHEREAS, **Vest Seattle Realty LLC**, a Delaware limited liability company, hereinafter 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 435.00 feet of the South 525.00 feet of the West 400.00 feet of the East 590.00 feet of the Southwest Quarter of the Southwest Quarter of Section 28, Township 31 North, Range 5 East, W.M., pursuant to the City of Marysville Boundary Line Adjustment No. BLA 15-001, recorded May 26, 2015, under Auditor's File No. 201505265002, records of Snohomish County, Washington.

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 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 and all other 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, and other 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 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.

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:

VEST SEATTLE REALTY, LLC
a Delaware limited liability company

By: U S Healthvest, LLC, its sole member

By: 
Dr. Richard Kresch, Managing Member

STATE OF NEW YORK)
)
COUNTY OF New York) SS.:

On the 30 day of September in the year 2016 before me, the undersigned personally appeared Dr. Richard Kresch, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

