

After Recording Return To:
Snohomish County Property Management
3000 Rockefeller Avenue M/S 404
Everett, WA 98201

**NO EXCISE TAX
REQUIRED**

MAY 01 2003

BOB DANTINI, Snohomish County Treasurer

By BOB DANTINI



200305010526 2 PGS
05-01-2003 02:03pm \$0.00
SNOHOMISH COUNTY, WASHINGTON

**ARLINGTON MUNICIPAL AIRPORT
AVIGATION EASEMENT**

WHEREAS, Snohomish County, a political subdivision, State of Washington, 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:

Tax Account Number: 31051500101500

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., LESS THE NORTH 25 FEET AND LESS THE EAST 60 FEET THEREOF.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

Hereinafter called the "Grantor's Property",

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, the Grantee, for use and benefit of the public, a perpetual easement and right-of-way over that portion of the Grantor's land described above starting at 287 feet 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, or Arlington Municipal Airport, due to such noise, vibration, and other effects that may be caused by the operation of aircraft landing and taking off from, or operating at or on Arlington Municipal Airport; the Grantor further grants 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 or cause 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.

To have and to hold said easement and right-of-way and all rights appertaining hereto unto 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, in 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, Snohomish County, State of Washington.

Dated: April 23, 2003

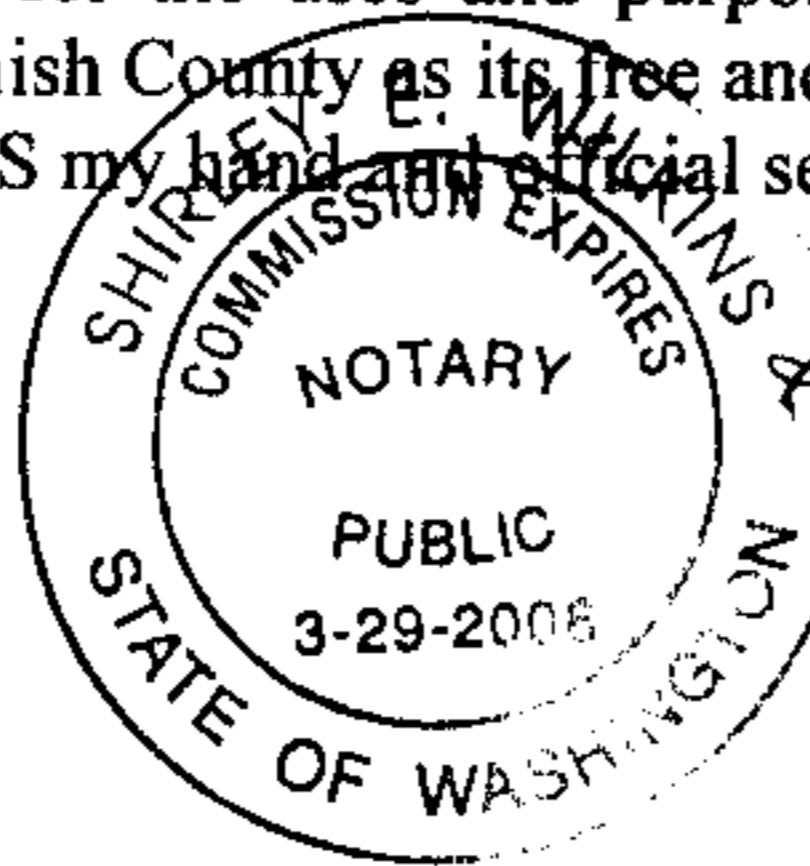
SNOHOMISH COUNTY

Gary Weikel
 Snohomish County Executive
 GARY WEIKEL
 Deputy Executive

STATE OF WASHINGTON)
) SS.
 COUNTY OF SNOHOMISH)

On this 25th day of April, 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Gary Weikel to me known to be the Deputy Executive of Snohomish County and acknowledged to me the said instrument to be for the uses and purposes therein mentioned, and signed said instrument on behalf of Snohomish County as its free and voluntary act and deed.

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



Shirley E. Wilkins
 NOTARY PUBLIC in and for the State of
 Washington residing at Everett, Wa.

My commission expires 3-29-06

Approved As To Form:

Steven J. Bladek
 Snohomish County Deputy Prosecuting Attorney
 Steven J. Bladek