

NO EXCISE TAX
REQUIRED

DEC 28 2004

BOB DANTINI, Snohomish County Treasurer

By BOB DANTINI

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



200412280257 5 PGS
12-28-2004 10:44am \$23.00
SNOHOMISH COUNTY, WASHINGTON

Grantor: Kim P. Gudge

Grantee: City of Arlington

Legal (abbrev.): A ptn. of Sec. 28, Twp. 31N, R 5E, w.m.

Tax parcel no.: 310528-002-003-00

Reference no.:

ARLINGTON MUNICIPAL AIRPORT AVIGATION EASEMENT

WHEREAS, KIM GUDGE
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:

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 287' 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.

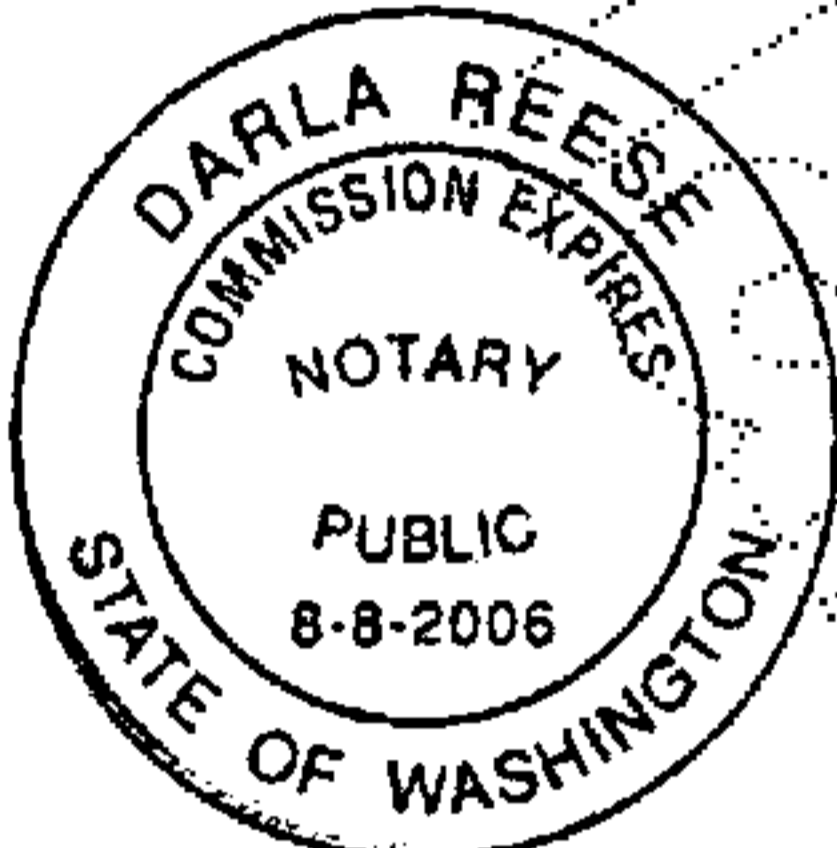
OWNER:

By: 

ACKNOWLEDGMENT

STATE OF Washington)
COUNTY OF Snohomish) SS.

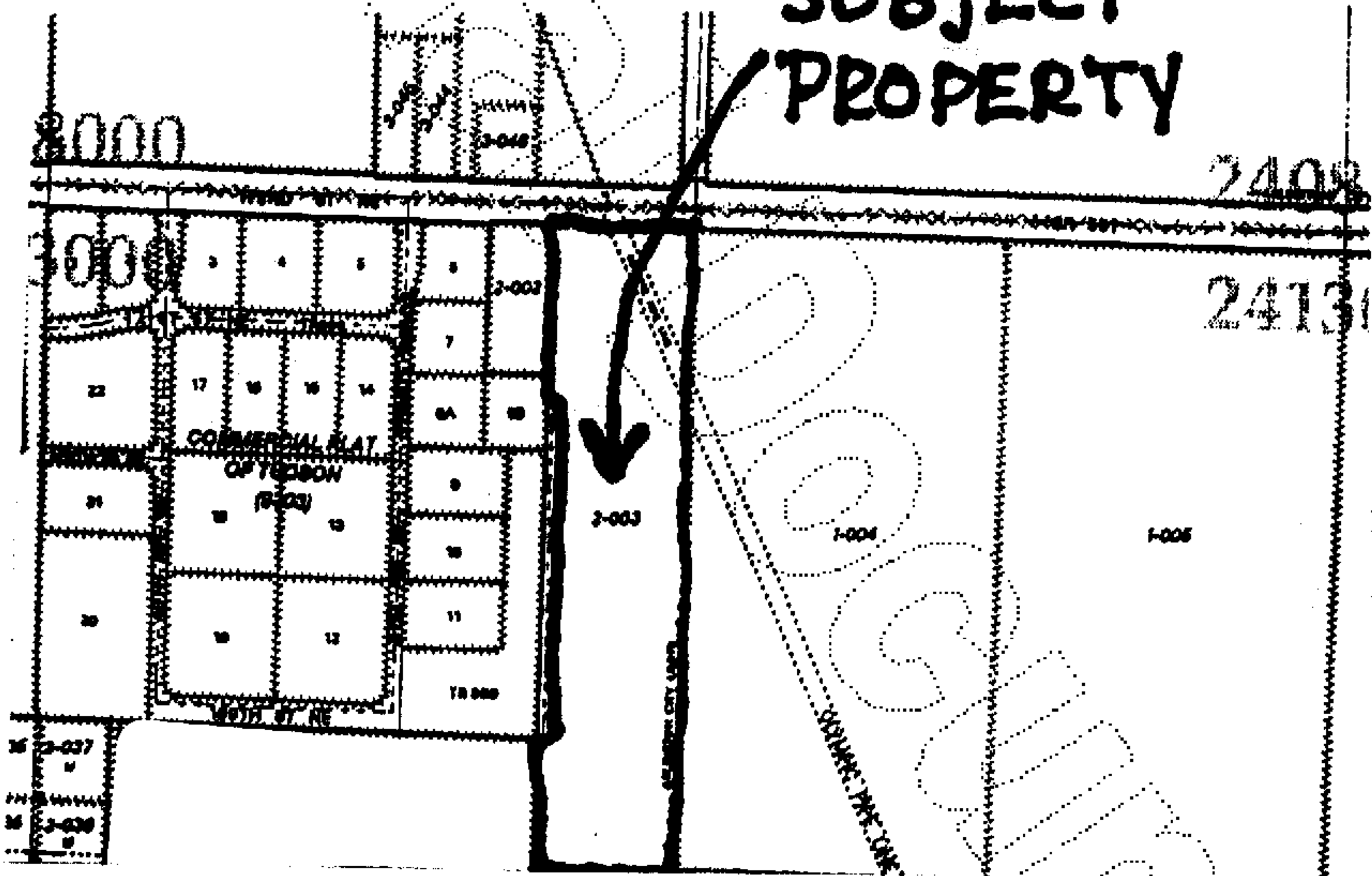
The foregoing instrument was acknowledged before me by Kim P. Gudgel
this 27th
day of December, 2004



Darla Reese
NOTARY PUBLIC in and for the
State of Washington, residing
at Sno. Co., wa.
My commission expires: 8-8-2006
Name: Darla Reese

UNOFFICIAL

**SUBJECT
PROPERTY**



UNOFFICIAL

LEGAL DESCRIPTION:

THE EAST 290 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., RECORDS OF SNOHOMISH COUNTY, WASHINGTON; EXCEPT PORTION CONVEYED TO SNOHOMISH COUNTY FOR ROAD UNDER RECORDING NUMBERS 9306290237 AND 9306290238.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.