

NO EXCISE TAX
REQUIRED

JAN 10 2005

BOB DANTINI, Snohomish County Treasurer

By BOB DANTINI

DUPLICATE

RETURN NAME & ADDRESS

Kristi Remle
City of Arlington
238 N Olympic Ave
Arlington, WA 98223



200501100421 3 PGS
01-10-2005 01:38pm \$21.00
SNOHOMISH COUNTY, WASHINGTON

Please print neatly or type information
Document Title(s)

Aviation Easement

Reference Number(s) of related documents:

Grantor(s) (Last, First, and Middle Initial)

Additional Reference #'s on page

Tim Herdt

Grantee(s) (Last, First, and Middle Initial)

Additional Grantors on page

Arlington Municipal Airport - City of Arlington

Additional Grantees on page

Legal Description (abbreviated form: i.e. lot, block, plat or section, township, range, quarter/quarter)

Sec 28, Twp 31, Rng 5

Assessor's Property Tax Parcel/Account Number

Complete legal on page

310528-002-002-00

Additional parcel #'s on page

The Auditor/Recorder will rely on the information provided on this form. The responsibility for the accuracy of the indexing information is that of the document preparer.

DUPLICATE

ARLINGTON MUNICIPAL AIRPORT AVIGATION EASEMENT

WHEREAS, Jim Herdt,
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:

SEC 28 TWP 31 RGE 05 BEG 290 FT W OF NE COR NE 1/4 TBP TH CONT W 127 FT TH S 342 FT H E 127 FT TH N 342 FT TPB EXC R/W TO SNO CO FOR RD PER SWD REC AF 9304130243

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 future 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.

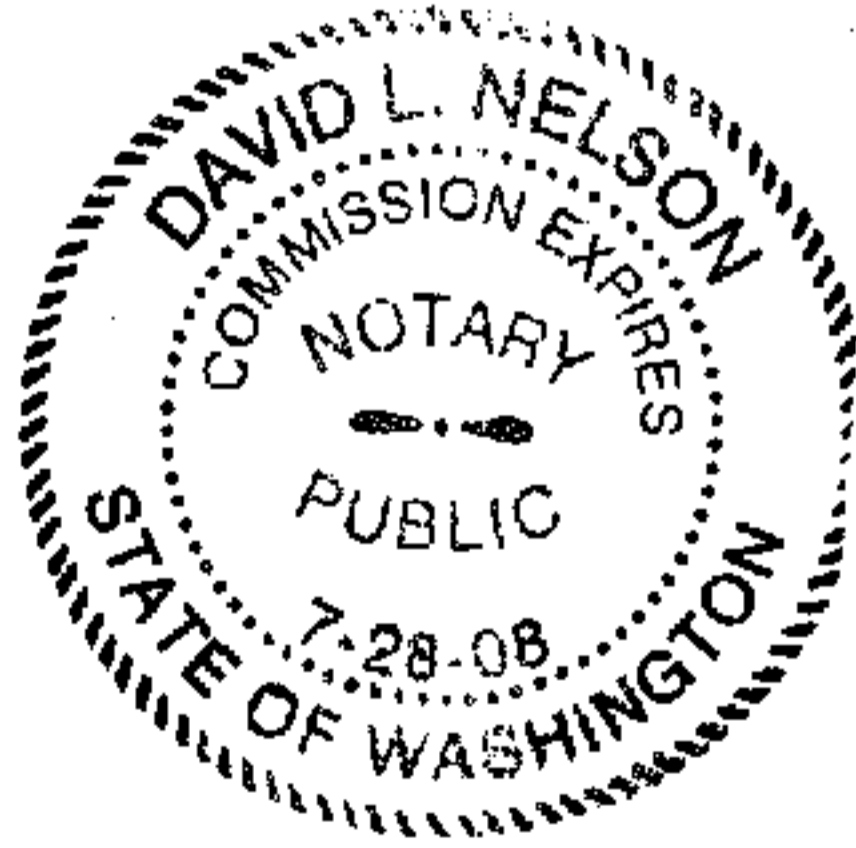
OWNER:

By: [Signature]

ACKNOWLEDGMENT

STATE OF Washington)
) SS.
COUNTY OF SNOHOMISH)

The foregoing instrument was acknowledged before me by Tim Herdt
GRANTOR this Seventh (7th)
day of November, 2004.



David L. Nelson
NOTARY PUBLIC in and for the
State of Washington, residing
at STANWOOD, WA
My commission expires: 07-28-08
Name: David L. Nelson