

NO EXCISE TAX  
REQUIRED

MAR 22 2005

BOB DANTINI, Snohomish County Treasurer

BOB DANTINI

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



200503221005 5 PGS  
03-22-2005 03:16pm \$23.00  
SNOHOMISH COUNTY, WASHINGTON

Grantor: LUMBERMENS INC.

Grantee: CITY OF ARLINGTON

Legal (abbrev.): SECTION 22 - TOWNSHIP 31 NORTH, RANGE 5 EAST

Tax parcel no.: 310522-004-010-00 AND 310522-004-011-00

Reference no.: CT-05-004

## ARLINGTON MUNICIPAL AIRPORT AVIGATION EASEMENT

WHEREAS, LUMBERMENS INC.

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:

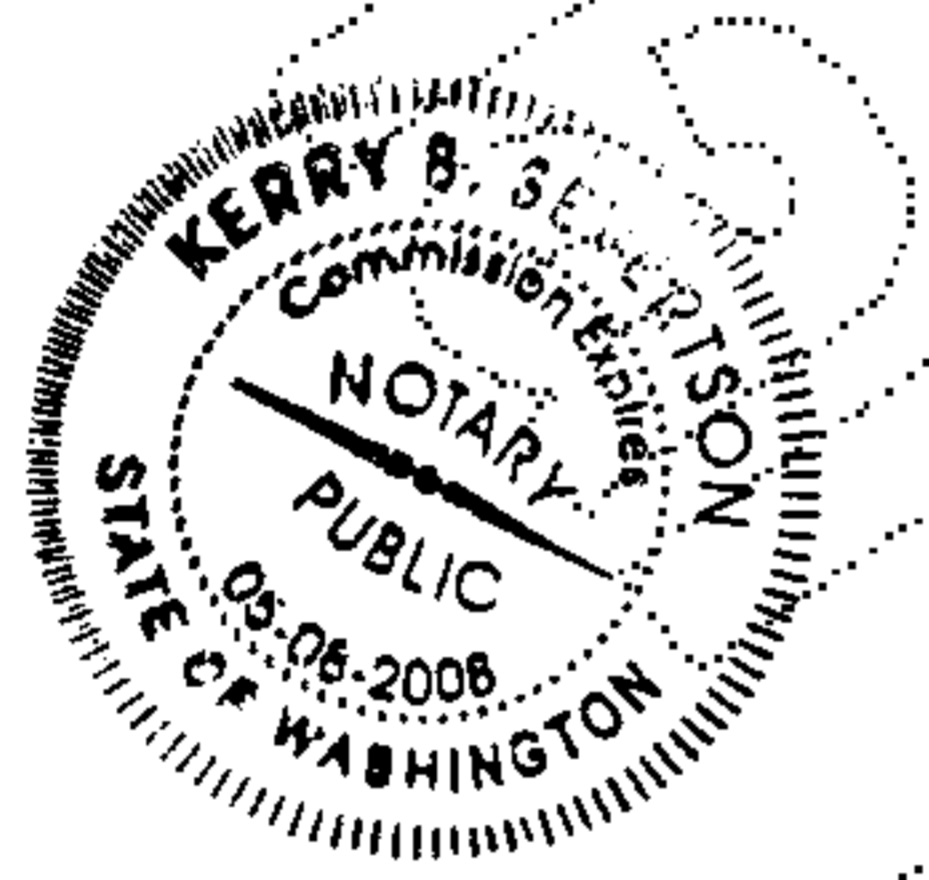
By: *A. Code*  
UP-OPERATIONS  
LUMBERMONS

ACKNOWLEDGMENT

STATE OF Washington )  
COUNTY OF Skagit ) SS.

The foregoing instrument was acknowledged before me by Jose Conde  
this 18th

day of March, 2005.



Kerry B. Severson  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at Olympia  
My commission expires: 5/8/08  
Name: Kerry B. Severson

**EXHIBIT A  
LEGAL DESCRIPTION**

**PARCEL A (LOT 1):**

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 22;

THENCE NORTH  $87^{\circ}48'03''$  WEST (WASHINGTON STATE PLANE COORDINATE SYSTEM, NORTH ZONE) ALONG THE SOUTH LINE OF SAID SECTION 22 A DISTANCE OF 137.26 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY MARGIN OF THE NORTHERN PACIFIC RAILROAD COMPANY, SAID POINT BEING 50.00 FEET WESTERLY OF THE CENTER OF SAID RIGHT OF WAY AS MEASURED PERPENDICULAR TO THE CENTER OF SAID RIGHT OF WAY;

THENCE NORTH  $02^{\circ}45'23''$  WEST ALONG SAID WESTERLY RIGHT OF WAY MARGIN 1,335.01 FEET TO THE NORTH LINE OF SAID SUBDIVISION;

THENCE NORTH  $87^{\circ}58'26''$  WEST ALONG SAID NORTH LINE 331.02 FEET TO A LINE WHICH IS 330.00 FEET WESTERLY OF THE WESTERLY RIGHT OF WAY MARGIN OF THE NORTHERN PACIFIC RAILROAD COMPANY AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH  $87^{\circ}58'26''$  WEST ALONG SAID NORTH LINE 332.95 FEET TO THE WEST LINE OF THE EASTERLY 10 ACRES OF THAT PORTION OF SAID SUBDIVISION LYING WEST OF A LINE WHICH IS 330.00 FEET WESTERLY OF AND PARALLEL WITH SAID WESTERLY RIGHT OF WAY MARGIN WHEN MEASURED AT RIGHT ANGLES TO SAID WESTERLY RIGHT OF WAY MARGIN;

THENCE SOUTH  $02^{\circ}45'23''$  EAST ALONG SAID WEST LINE 442.80 FEET;

THENCE NORTH  $87^{\circ}58'26''$  WEST PARALLEL WITH THE NORTH LINE OF SAID SUBDIVISION 245.38 FEET;

THENCE SOUTH  $02^{\circ}08'18''$  EAST 161.55 FEET TO THE NORTHWEST CORNER OF PARCEL "F" AS DESCRIBED IN A.F. # 8908230054;

THENCE NORTH  $87^{\circ}51'42''$  EAST ALONG THE NORTH LINE OF SAID PARCEL "F" 578.09 FEET TO A LINE WHICH IS 330.00 FEET WESTERLY OF THE WESTERLY RIGHT OF WAY MARGIN OF THE NORTHERN PACIFIC RAILROAD COMPANY;

THENCE NORTH  $02^{\circ}45'23''$  WEST 562.36 FEET ALONG SAID PARALLEL LINE TO THE TRUE POINT OF BEGINNING;

**PARCEL B (LOT 2):**

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 22;  
FROM WHICH CORNER A POINT HEREINAFTER CALLED POINT "A" LIES ON THE SOUTH LINE OF SAID SECTION 22 A DISTANCE OF 1056.46 FEET DISTANT;  
THENCE NORTH 87°48'03" WEST (WASHINGTON STATE PLANE COORDINATE SYSTEM, NORTH ZONE) ALONG THE SOUTH LINE OF SAID SECTION 22 A DISTANCE OF 137.26 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY MARGIN OF THE NORTHERN PACIFIC RAILROAD COMPANY, SAID POINT BEING 50.00 FEET WESTERLY OF THE CENTER OF SAID RIGHT OF WAY AS MEASURED PERPENDICULAR TO THE CENTER OF SAID RIGHT OF WAY, AND THE TRUE POINT OF BEGINNING;  
THENCE NORTH 02°45'23" WEST ALONG SAID WESTERLY RIGHT OF WAY MARGIN 1,335.01 FEET TO THE NORTH LINE OF SAID SUBDIVISION;  
THENCE NORTH 87°58'26" WEST ALONG SAID NORTH LINE 331.02 FEET TO A LINE WHICH IS 330.00 FEET WESTERLY OF AND PARALLEL WITH SAID WESTERLY RIGHT OF WAY MARGIN;  
THENCE SOUTH 02°45'23" EAST 562.36 FEET ALONG SAID PARALLEL LINE TO THE NORTH LINE OF PARCEL "F" AS DESCRIBED IN A.F. # 8908230054;  
THENCE NORTH 87°51'42" EAST 1.05 FEET ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF SAID PARCEL "F";  
THENCE SOUTH 02°08'18" EAST 272.00 FEET ALONG THE EAST LINE OF SAID PARCEL "F" TO THE SOUTHEAST CORNER OF SAID PARCEL "F";  
THENCE SOUTH 87°51'42" WEST A DISTANCE OF 579.14 FEET ALONG THE SOUTH LINE OF SAID PARCEL "F" TO A POINT FROM WHICH SAID POINT "A" BEARS SOUTH 02°08'18" EAST AND LIES 455.12 FEET DISTANT;  
THENCE SOUTH 02°08'18" EAST 455.12 FEET TO THE SOUTH LINE OF SAID SECTION 22 AT POINT "A";  
THENCE SOUTH 87°48'03" EAST ALONG SAID SOUTH SECTION LINE A DISTANCE OF 919.20 FEET TO THE TRUE POINT OF BEGINNING;

TOGETHER WITH, THE NORTH 20 FEET OF THE SOUTH 420 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SECTION 22, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., LYING EAST OF THE NORTHERN PACIFIC RIGHT-OF-WAY;

EXCEPT THAT PORTION THEREOF CONVEYED TO SNOHOMISH COUNTY FOR ROAD BY DEED RECORDED UNDER RECORDING NO. 2407123;

ALSO EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF 172ND STREET NORTHEAST.