



200509060425 4 PGS  
09-06-2005 11:46am \$35.00  
SNOHOMISH COUNTY, WASHINGTON

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

**NO EXCISE TAX  
REQUIRED**

**SEP 06 2005**

BOB DANTINI, Snohomish County Treasurer

By: BOB DANTINI

Grantor: *NW Hardwoods/Weyerhaeuser*

Grantee: *City of Arlington*

Legal (abbrev.): *Sec 14, Trn 31N, Rnge C5E, NM - See attachment*

Tax parcel no.: *310514-002-007-00*

Reference no.: *Z-05-033*

**ARLINGTON MUNICIPAL AIRPORT  
AVIGATION EASEMENT**

WHEREAS, *NW Hardwoods*,

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:

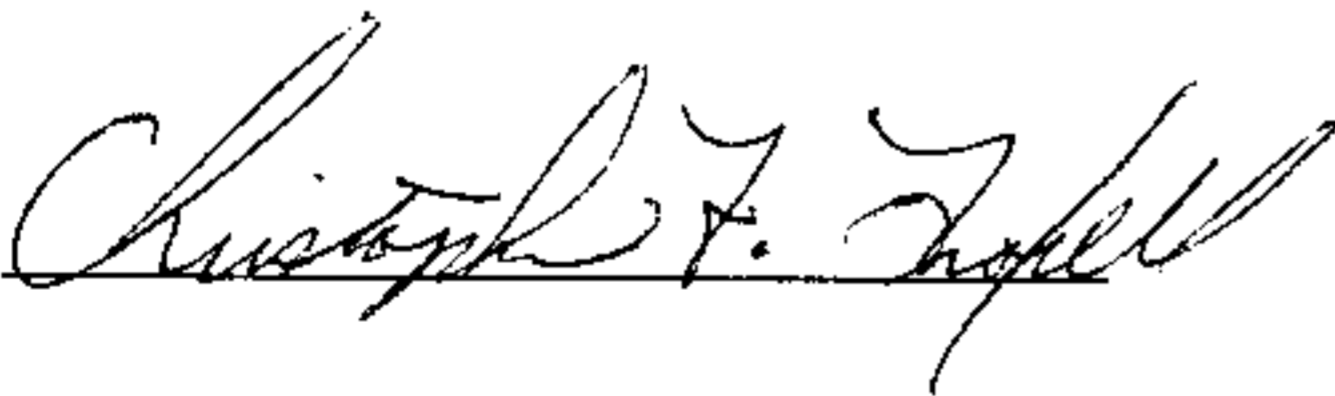
hereinafter called "Grantor's Property", and outlined on the attached map.

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:

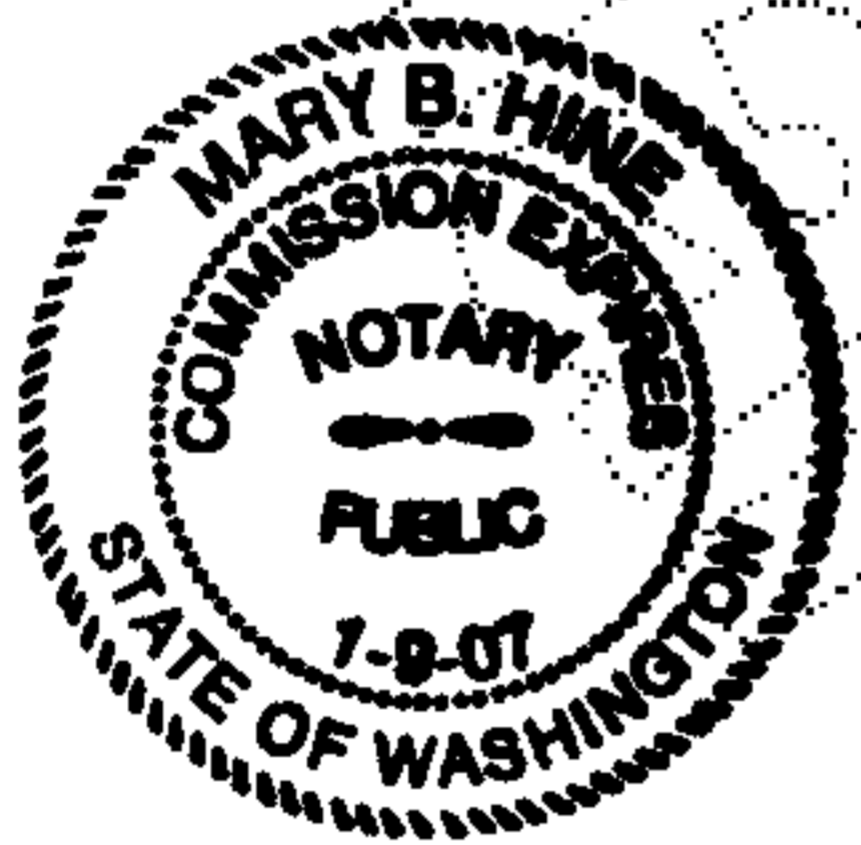
By: 

ACKNOWLEDGMENT

STATE OF Washington  
COUNTY OF Snohomish ) SS.

The foregoing instrument was acknowledged before me by Signed Christopher Troxell  
this 28<sup>th</sup>

day of July, 2005



Mary B Hine  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at Marysville  
My commission expires: 1-9-07  
Name: Mary B Hine



Attachment to Arlington Municipal Airport Avigation Easement, reference to Kiln #10 project.

Legal Description as it appears on the SEPA:

Section 14 Township 31 Range 05 Quarter NW - BAAP 1018FT S OF NW COR SEC TH E 300FT TH N 260FT TH W 70FT TH N 257FT TH E TO W LN NP RY R/W TH SLY ALG SD W LN TO S LN NW1/4 NW1/4 TH W TO SW COR SUB TH N POB TGW BEG INT E LN NP R/W & S LN NW1/4 NW1/4 TH E 625FT TH N 370FT TH W TO E LN NP R/W TH SLY ALG SD R/W TO POB LESS TH PTN IF ANY LY WHN FDT - COM NW COR SEC 14 TH S89\*35 01E ALG N LN SEC 1110.29FT TO TPB TH S00\*47 10W PLT E LN OF NW1/4 NW1/4 SD SEC 1278.40FT TH N00\*35 25W 1275.60FT TO N LN SD SEC TH S89\*35 01E ALG SD N LN 30.71FT TO TPB TGW BEG NW COR SEC 14 TH S00\*20 00W ALG E OF HWY DIST OF 758FT POB TH E 300FT TH S 260FT TH W 300FT TO E OF RD TH N00\*20 00E ALG E SD RD DIST OF 260FT TO POB TGW THAT PTN SW1/4 NW1/4 DA COM NW COR SW1/4 NW1/4 TH ELY ALG N LN OF SD SUB 489.60FT M/L TO INT OF SD N LN WITH ELY R/W LN OF BURLINGTON NORTHERN RR TH CONT ALG SD N LN 655.31FT TO TPB TH S PLW W LN SD SW1/4 320FT TH W PLW SD N LN FOR 705.93FT TO ELY R/W LN SD RR TH SWLY ALG SD ELY R/W LN 69.60FT TAP SD PT BEING 902FT NLY FR SW COR ALG W LN SD SW1/4 & ELY AT R ANG 90\* FR SD W LN FOR 431FT TO ELY R/W LN SD RR TH CONT ELY AT R ANG 90\* FR SD W LN FOR 270FT TH ANG R 45\* FOR 42FT TH S PLW SD W LN SEC 14 TO INT S LN OF NW1/4 TH ELY ALG SD S LN TO SE COR OF SW1/4 NW1/4 TH N ALG E LN SD SW1/4 NW1/4 1296.18FT TO NE COR SD SW1/4 NW1/4 TH W ALG N LN SD SW1/4 NW1/4 196.75FT M/L TO TPB TGW BEG SW COR SW1/4 NW1/4 TH N ALG W LN THOF 1020FT TPB TH CONT N ON SAME LN 300FT TH ANG 90\* R 330FT M/L TO W LN NP R/W TH S ALG W LN R/W 300FT M/E TO PT OF INT OF SD W LN WITH EXT AT 90\* R ANG WITH W LN SD SW1/4 NW1/4 FROM POB TH W 330 FT M/L ALG SD EXT TPB TGW BEG SW COR SW1/4 NW1/4 TH N ALG W LN THOF 902FT TH ANG R 90\* 431FT TO ELY MGN NPRR R/W TH CONT CRSE 270FT TH ANG R 45\* FOR 42FT TH ANG R 45\* FOR 340 FT TO TPB TH ANG R 45\* FOR 42FT TH ANG R 45\* FOR 335FT TO ELY LN NPRR R/W TH SWLY ALG SD ELY LN OF NPRR R/W TO INT S LN OF SW1/4 NW1/4 TH E ALG SD S LN TAP S OF TPB AS MEAS PLW W LN SEC TH N PLW W LN SEC TO TPB TGW THE W 860FT OF THE N 584.85FT SE1/4 NW1/4 THOF TGW COM AT NW COR OF SW1/4 NW1/4 TH ELY ALG N LN SD SW1/4 489.60FT M/L TO INT OF SD N LN & ELY R/W LN NP R/R TH TPOB TH CON ALG SD N LN 655.31FT TH S PLW W LN SD SW1/4 NW1/4 320FT TH W PLW SD N LN 705.93FT TO ELY R/W LN SD R/R TH NELY ALG SD R/W 324.18FT TO TPB TGW N 118FT OF S 1020FT OF THAT PTN SW1/4 NW1/4 LY W OF NPRR R/W EXC CO RD TGW BEG NE COR NW1/4 SW1/4 TH S ALG E LN SUB 60FT TH ANG R 89\*57 05 FOR 620.43FT TH N PLW W LN SEC TO INT N LN OF SW1/4 TH E ALG SD N LN OF SW1/4 TO POB