

NO EXCISE TAX  
REQUIRED

OCT 21 2005

BOB DANTINI, Snohomish County Treasurer

By BOB DANTINI

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



200510280456 11 PGS  
10-28-2005 11:22am \$42.00  
SNOHOMISH COUNTY, WASHINGTON

Grantor OSO LUMBER

Grantee. CITY OF ARLINGTON

Legal (abbrev.): Ptn. of SW 1/4 of Sec. 11; Twp. 31; Rng. 05 E WM

Tax parcel no 31051100302200; - 2100; - 3700; - 3600, -4200, -3800  
- 3400, 2900; 3000; - 6800

Reference no :

## ARLINGTON MUNICIPAL AIRPORT AVIGATION EASEMENT

WHEREAS, MIKE COOK, OWNER OF OSO LUMBER,

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

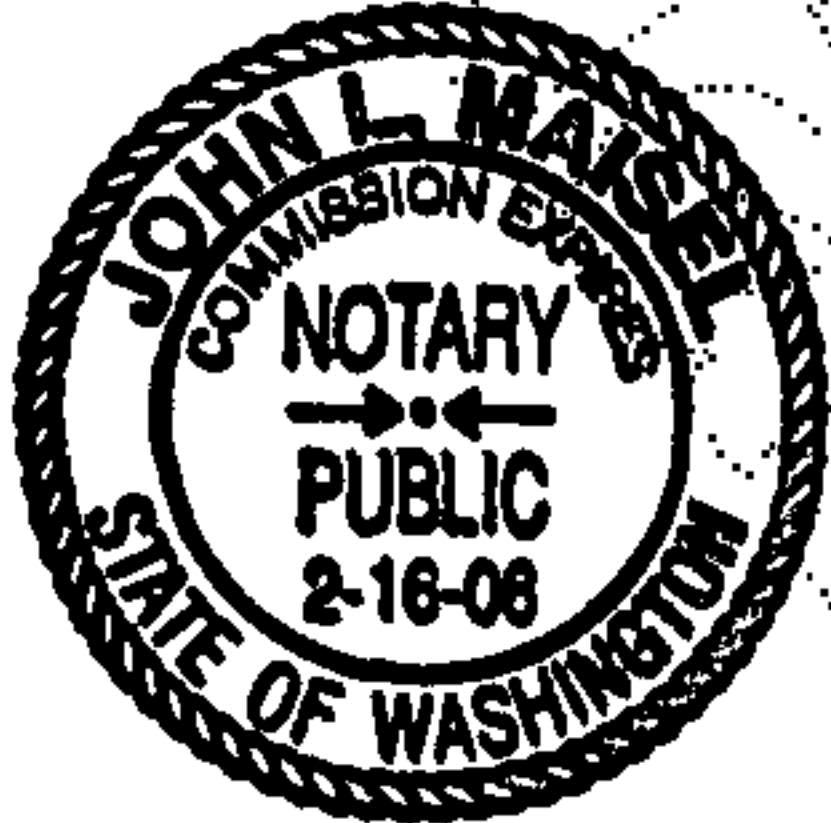
OWNER

By 

ACKNOWLEDGMENT

STATE OF WASHINGTON )  
COUNTY OF SNOHOMISH ) SS.

The foregoing instrument was acknowledged before me by MICHAEL L. COOIK  
this 28th  
day of SEPTEMBER, 2005.



[Signature]  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at Granite Falls, WA  
My commission expires 2-16-2006  
Name: JOHN L. MAISEI

Exhibit "A"

Fidelity National Title  
ALTA Commitment, Page 2  
Order NO. 0171913

LEGAL DESCRIPTION

**PARCEL A:**

That portion of the Southwest quarter of the Southwest quarter of Section 11, Township 31 North, Range 5 East W M , described as follows

Beginning at the Northeast corner of said subdivision,  
THENCE West 300 feet,  
THENCE South to a point 25 feet from the center line of the North leg of Northern Pacific Wye Track,  
THENCE Southerly and Easterly parallel to and 25 feet from said center line to a point on the East line of said Southwest quarter of Southwest quarter,  
THENCE North 378 feet, more or less, to the point of beginning,  
EXCEPT the North 20 feet conveyed to Snohomish County by deed recorded in Volume 186 of Deeds, Page 310,  
AND, Beginning at the Northeast corner of the said subdivision,  
THENCE West 300 feet to the point of beginning,  
THENCE South 247 feet to a point 25 feet from the center line of Northern Pacific Wye Track,  
THENCE Northwesterly parallel to and 25 feet from said center line to the North line of said subdivision,  
THENCE East 145 feet to the point of beginning,  
EXCEPT the North 20 feet conveyed to Snohomish County by deed recorded in Volume 186 of Deeds, Page 310, and in Volume 186 of Deeds, Page 312

Situate in the County of Snohomish, State of Washington

**PARCEL B:**

All that portion of the Southeast quarter of the Southwest quarter of Section 11, Township 31 North, Range 5 East W M , described as follows

Beginning at the Northwest corner of said Southeast quarter of the Southwest quarter,  
THENCE South 3°41'36" West along the West line thereof a distance of 374 87 feet, more or less, to an intersection with the Northerly margin of the Northern Pacific Railway right of way,  
THENCE South 80°40'29" East along the Northerly margin of said right of way 200 feet, more or less, to the Easterly end of said right of way,

Fidelity National Title Company of Washington  
ALTA Commitment, Page 3  
Order No 0171913

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

**PARCEL B (continued):**

THENCE North  $89^{\circ}36'51''$  East parallel to the North line of said Southeast quarter of the Southwest quarter 345.45 feet, more or less, to a point which is 792 feet Westerly of the East line of said Southeast quarter of the Southwest quarter,  
THENCE North  $3^{\circ}46'15''$  East parallel to the East line of said Southeast quarter of the Southwest quarter 408.76 feet, more or less, to the North line of said Southeast quarter of the Southwest quarter,  
THENCE South  $89^{\circ}36'51''$  West along the North line to the point of beginning,  
EXCEPT any portion thereof lying within 208th St N E

Situate in the County of Snohomish, State of Washington

**PARCEL C:**

All that portion of the Southeast quarter of the Southwest quarter of Section 11, Township 31 North, Range 5 East W M , records of Snohomish County, Washington, described as follows

Beginning at a point of intersection of the West line of said Southeast quarter of the Southwest quarter, and the South line of the Northern Pacific Railway Wye right-of-way,  
THENCE South  $3^{\circ}41'36''$  West along the said West line 240 feet, more or less, to a point which is 647.9 feet Northerly from the Southwest corner of said Southeast quarter of the Southwest quarter,  
THENCE South  $80^{\circ}40'24''$  East parallel to the South line of said Northern Pacific Railway right-of-way 400 feet,  
THENCE North  $3^{\circ}41'36''$  East parallel to the West line of said Southeast quarter of the Southwest quarter to a point which is 647.9 feet Northerly of the South line of said Southeast quarter of the Southeast quarter,  
THENCE North  $89^{\circ}42'$  East 145.47 feet parallel to said South line to a point which is 792 feet West of the East line of said Southeast quarter of the Southwest quarter,

Fidelity National Title Company of Washington  
ALTA Commitment, Page 4  
Order No 0171913

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

**PARCEL C (continued):**

THENCE North  $3^{\circ}46'15''$  East parallel to the said East line 257 96 feet to the Southeast corner of a tract conveyed to William J Moody and Joanne Moody by deed recorded under Recording No 1815620,  
THENCE South  $89^{\circ}36'51''$  West along the South line of said Moody Tract 345 45 feet to the Northern Pacific Railway right-of-way,  
THENCE South  $9^{\circ}19'36''$  West along the East end of said right-of-way 50 feet,  
THENCE North  $80^{\circ}40'24''$  West along the South line of said right-of-way 195 06 feet to the point of beginning,

EXCEPT that portion conveyed to the City of Arlington by deed recorded under Recording No 9606190265

Situate in the County of Snohomish, State of Washington

**PARCEL D:**

That portion of the Southwest quarter of the Southwest quarter of Section 11, Township 31 North, Range 5 East W.M., described as follows

Beginning at the Southeast corner of said subdivision,  
THENCE North along the East line of said Southwest quarter of the Southwest quarter to Northern Pacific Railway right-of-way,  
THENCE South along said East line 240 feet to true point of beginning,  
THENCE South along said East line 100 feet,  
THENCE West to Northern Pacific Railway right-of-way,  
THENCE Northerly along said Northern Pacific Railway right-of-way 100 feet to a point West of the point of beginning,  
THENCE East to the true point of beginning

Situate in the County of Snohomish, State of Washington

Fidelity National Title Company of Washington  
ALTA Commitment, Page 5  
Order No 0171913

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

**PARCEL E:**

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of Section 11, Township 31 North, Range 5 East W M , records of Snohomish County, Washington,  
THENCE North along the East line of said Southwest quarter of the Southwest quarter to Northern Pacific Railway right-of-way, which is the true point of beginning of this description,  
THENCE South 240 feet along said East line,  
THENCE West to the Northern Pacific Railway right-of-way,  
THENCE Northerly and Easterly along said right-of-way to the true point of beginning

Situate in the County of Snohomish, State of Washington

**PARCEL F:**

All that portion of Burlington Northern Railroad Company's (formerly Northern Pacific Railway Company) Wye Tract property situated in the Southwest quarter of Section 11, Township 31 North, Range 5 East W M , records of Snohomish County, Washington, being the same property as described in Warranty Deed from Henry F Eicholz, dated September 6, 1901, recorded September 7, 1901 in Book 61 of Deeds, Page 439 in and for said County and in Warranty Deed from John H Armstrong and wife dated January 29, 1902, recorded February 3, 1902 in Book 69 of Deeds, Page 76 in and for said County, described as follows, to-wit

Commencing at the Southwest corner of said Section 11,  
THENCE North 89°06'06" East along the South line of said Section 11, a distance of 694 52 feet to the East line of the Burlington Northern Railroad (formerly Northern Pacific Railroad) right-of-way,  
THENCE North 8°42'57" East along said East right-of-way line a distance of 678 09 feet to the point of intersection of a line drawn parallel with and distant 50 00 feet Easterly, as measured at right angles from said railroad company's main track centerline, as now located and constructed and a line drawn concentric with and distant 250 feet Southeasterly, as measured radially from the centerline of the South leg

Fidelity National Title Company of Washington  
ALTA Commitment, Page 6  
Order No 0171913

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

**PARCEL F (continued):**

of said Wye Track, as originally located and constructed, and the true point of beginning, said point being on a curve whose radius point bears South 62°10'04" East a distance of 453 34 feet,  
THENCE in a Northeasterly direction along the arc of said curve drawn concentric with and distant 25 0 feet Southeasterly, as measured radially from said South leg Wye Track centerline, through a central angle of 70°48'37", a distance of 560 27 feet,  
THENCE South 81°21'27" East, parallel with the Tail Track centerline of said Wye Track and at right angles to said main track centerline, a distance of 344 68 feet to the end of said Tail Track,  
THENCE North 8°38'33" East, at right angles to said Tail Track centerline, 50 00 feet to a point being 25 0 feet Northerly of said Tail Track centerline,  
THENCE North 81°21'27" West parallel with and 25 0 feet Northerly of said Tail Track centerline, a distance of 279 00 feet to the beginning of a tangent curve to the right having a radius of 453 34 feet,  
THENCE along the arc of said curve drawn concentric with and distant 25 0 feet Northeasterly, as measured radially, from the North leg Wye Track centerline, through a central angle of 84°36'47", a distance of 669 48 feet to the point of intersection with a line drawn concentric with and 50 0 feet Easterly, as measured radially from said railroad company's main track centerline, as now located and constructed, said point being on a curve whose radius point bears South 69°39'48" East a distance of 1859 66 feet,  
THENCE Southerly, parallel and concentric with said main track centerline, along the arc of said curve, through a central angle of 8°07'16", a distance of 263 59 feet to the Northwest corner of Parcel D,  
THENCE South 76°15'45" East a distance of 116 62 feet to a point on a curve whose radius point bears North 56°48'0" East a distance of 498 34 feet, said point being 20 00 feet Southwesterly as measured radially from the centerline of the North leg of the Northern Pacific Wye Tract,  
THENCE in a Southeasterly direction along said curve to the left parallel to and 20 00 feet distant from said centerline through a central angle of 6°56'06" a distance of 60 32 feet,  
THENCE South 18°17'03" East a distance of 117 75 feet,  
THENCE South 8°42'57" West a distance of 38 64 feet,



Fidelity National Title Company of Washington  
ALTA Commitment, Page 7  
Order No 0171913

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

**PARCEL F (continued):**

THENCE North  $81^{\circ}17'03''$  West a distance of 218 31 feet, to a point on a curve, on the East line of said Burlington Northern Railroad right of way, whose radius point bears South  $81^{\circ}07'30''$  East a distance of 3682 41 feet,  
THENCE traversing Southwesterly along said curve through a central angle of  $00^{\circ}09'33''$ , a distance of 10 23 feet,  
THENCE South  $08^{\circ}42'57''$  West along said East line a distance of 279 28 feet to the true point of beginning,

EXCEPT THEREFROM that portion of the hereinabove described Wye Track property described as follows:

Commencing at the Southwest corner of said Section 11,  
THENCE North  $89^{\circ}06'06''$  East along the South line of said Section 11, a distance of 694 52 feet to the East line of the Burlington Northern Railroad (formerly Northern Pacific Railroad) right-of-way,  
THENCE North  $8^{\circ}42'57''$  East along said East right-of-way line a distance of 957 37 feet to the beginning of a tangent curve to the right having a radius of 3,682 41 feet,  
THENCE along the arc of said curve through a central angle of  $0^{\circ}09'33''$  a distance of 10 22 feet to the true point of beginning,  
THENCE continue along the arc of said curve through a central angle of  $3^{\circ}02'17''$  a distance of 195 26 feet,  
THENCE South  $76^{\circ}15'45''$  East a distance of 117 62 feet to a point on a curve whose radius point bears North  $56^{\circ}38'27''$  East a distance of 498 34 feet, said point being 20 00 feet Southwesterly as measured radially from the centerline of the North leg of the Northern Pacific Wye Track,  
THENCE in a Southeasterly direction along said curve to the left, parallel to and 20 00 feet distant from said centerline, through a central angle of  $6^{\circ}46'23''$  a distance of 58 91 feet,  
THENCE South  $18^{\circ}17'03''$  East a distance of 117 75 feet,  
THENCE South  $8^{\circ}42'57''$  West a distance of 38 64 feet,  
THENCE North  $81^{\circ}17'03''$  West a distance of 218 31 feet to the true point of beginning,

(ALSO KNOWN AS Parcel C of Boundary Line Adjustment recorded under Recording No 9708205003)

Situate in the County of Snohomish, State of Washington

Fidelity National Title Company of Washington  
ALTA Commitment, Page 8  
Order No 0171913

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

**PARCEL G:**

All that portion of the Southeast quarter of the Southwest quarter of Section 11, Township 31 North, Range 5 East W M , described as follows

Commencing at the Southeast corner of said subdivision,  
THENCE North 3°12'00" East a distance of 1297 99 feet to the Northeast corner of said subdivision,  
THENCE South 89°26'23" West along the North line thereof a distance of 396 85 feet to the true point of beginning,  
THENCE continue South 89°26'23" West along said line a distance of 396 85 feet,  
THENCE South 3°12'00" West a distance of 551 19 feet,  
THENCE North 89°26'23" East a distance of 386 85 feet,  
THENCE North 3°12'00" East a distance of 551 19 feet to the true point of beginning,

EXCEPT any portion thereof lying within the following described parcel

A portion of Lots 15 and 16 and vacated Reynold Street, Rose Armstrong's Suburban Acre Tracts, according to the Plat thereof recorded in Volume 6 of Plats, Page 18, records of Snohomish County, Washington, as follows

Commencing at the Northwest corner of Lot 6, Replat of Lots 13 and 14 and portion of Lot 16 in Plat of Rose Armstrong's Suburban Acre Tracts, according to the Plat thereof recorded in Volume 16 of Plats, Page 70, records of Snohomish County, Washington,  
THENCE South 88°54'00" West along the Westerly projection of the North line of said Lot 6 for 30 70 feet to the true point of beginning,  
THENCE continue South 88°54'00" West for 89 00 feet,  
THENCE South 01°06'00" East for 155 48 feet to the South line of said Lot 16,  
THENCE North 89°35'00" East for 89 02 feet,  
THENCE North 01°06'00" West for 156 54 feet to the true point of beginning,

EXCEPT County Road, if any, along South line of said Lot 16

Situate in the County of Snohomish, State of Washington

Exhibit "B"

OSO LUMBER / PORTAGE SITE

31051100302200  
31051100302100  
31051100303700  
31051100303600  
31051100304200  
31051100303800  
31051100303400  
31051100302900  
31051100303000  
31051100306800