

ORDINANCE No. 122029

me

COUNCIL BILL No. 115477

The City of Seattle--Legislative

REPORT OF COMMITTEE

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to execute and accept from King County on behalf of the City of Seattle certain easement and other agreements at Discovery Park, required by the January 14, 1991 Seattle City Council conditional use permit approval for the expansion of the West Point Treatment Plant at Discovery Park.

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____ report that we have considered the same and respectfully recommed that the same

COMPTROLLER FILE No. _____

Introduced: <u>1/23/06</u>	By: <u>Della</u>
Referred:	To: <u>Parks, Neighborhoods + Education</u>
Referred:	To:
Referred: <u>2-13-06</u>	To:
Reported: <u>2-13-06</u>	Second Reading:
Third Reading: <u>2-13-06</u>	Signed: <u>2-13-06</u>
Presented to Mayor: <u>2-14-06</u>	Approved: <u>2/21/06</u>
Returned to City Clerk: <u>2/22/06</u>	Published: <u>Title 2pp</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Motion: RC

2nd: DD

Y: RC, DD; N: ~~Ø~~

2/6/06 Hold 1 week

2/13/06 Passed 9-0

Law Department

[Signature]

BMS Committee Chair

me

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

[Signature]
Reported
and Adopted

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommended that the same:

Motion: RC

2nd: DD

Y: RC, DD ; N: ∅

2/6/06 Hold 1 week

2/13/06 Passed 9-0

needs+Education

ppp
Dfo
Jive

Leg Department

[Signature]

BMS

Committee Chair

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ORDINANCE 122029

1
2
3 AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the
4 Superintendent of Parks and Recreation to execute and accept from King County on
5 behalf of the City of Seattle certain easement and other agreements at Discovery Park,
6 required by the January 14, 1991 Seattle City Council conditional use permit approval for
7 the expansion of the West Point Treatment Plant at Discovery Park.

8
9 WHEREAS, on January 14, 1991 the Seattle City Council established project-level conditions in
10 its conditional use permit approval for the expansion of the West Point Treatment Plant
11 facility at Discovery Park (City Comptroller's File Number 296799); and

12
13 WHEREAS, among the Council's project-level conditions in the conditional use permit were
14 requirements that King County, successor in interest to the Municipality of Metropolitan
15 Seattle (METRO), prepare and execute the following documents: 'Covenants and
16 Restrictions' [condition 1.D] limiting the size of the treatment plant; 'Park Dedication
17 and Easement Agreement (or Public Use Easement)' [condition 2.J] granting easement
18 rights for public park and recreation purposes; 'Memorandum of Understanding'
19 [condition 2.K] outlining the County and City's respective responsibilities for
20 maintenance of the easement area defined by the 'Park Dedication and Easement
21 Agreement'; and 'Temporary Access Easement' [condition 3.C] granting temporary
22 public access; and

23
24 WHEREAS, in 1994, during construction of the expansion of the West Point treatment plant,
25 necessary revisions to the effluent outfall line required King County to: abandon a portion
26 of the existing outfall; install a new effluent outfall line; and prepare and execute a
27 'Relocation of Easement Agreement' for the City's execution that provided for
28 abandonment of the old utility line easement and its relocation still within, under and
across Department of Parks and Recreation land between the treatment plant and the
United States Coast Guard Light Station to reflect the new outfall alignment and to
connect to the existing outfall pipe; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Superintendent of Parks and Recreation or his designee is hereby
authorized on behalf of the City of Seattle to execute and accept the following documents to be
executed by King County: 'Covenants and Restrictions'; 'Park Dedication and Easement
Agreement'; 'Memorandum of Understanding'; 'Temporary Access Easement'; and 'Relocation

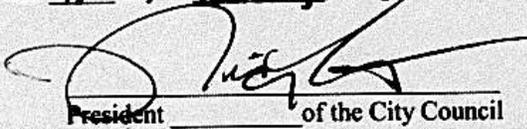
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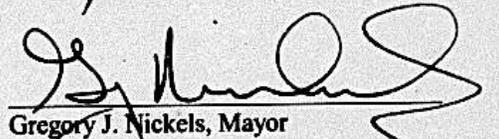
1 of Easement Agreement,' each respectively substantially in the form of Attachments 1, 2, 3, 4
2 and 5 to this ordinance.

3 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after
4 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
5 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

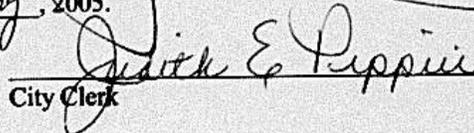
6
7 Passed by the City Council the 13th day of February, 2006 and signed by me in open
8 session in authentication of its passage this 17th day of February, 2006

9
10 
President _____ of the City Council

11
12 Approved by me this 17th day of February, 2006

13
14 
Gregory J. Nickels, Mayor

15
16 Filed by me this 22nd day of February, 2005.

17
18 
City Clerk

19 (Seal)

20 **Attachments:**

- 21 Attachment 1: 'Covenants and Restrictions'
22 Attachment 2: 'Park Dedication and Easement Agreement'
23 Attachment 3: 'Memorandum of Understanding'
24 Attachment 4: 'Temporary Access Easement'
25 Attachment 5: 'Relocation of Easement Agreement'

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City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

August 16, 2005

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

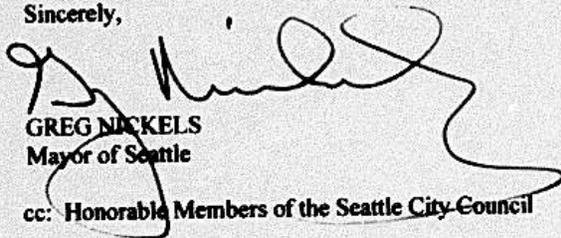
Dear Council President Drago:

I am pleased to transmit the attached proposed Council Bill that authorizes the Department of Parks and Recreation to execute and accept property easements and other agreements from King County. These agreements limit any further expansion of the West Point Treatment Plant's current 32-acre facility at Discovery Park. They also grant the City of Seattle (City) permanent easement rights for public park and recreation purposes on King County property, provide easement rights for public waterfront access, and define maintenance responsibilities between the City and King County for the easement areas.

In 1991, the Seattle Council approved a permit for the expansion of King County METRO's West Point Treatment Plant adjacent to Discovery Park, which established certain conditions to compensate the community for the loss of waterfront access created by the expansion. The agreements authorized under this legislation satisfy the City Council's conditions.

The proposed legislation is the final step to meet federal requirements of the 1972 Clean Water Act for Discovery Park, and to enable King County to finish construction of the West Point Treatment Plant facility. Thank you for your consideration of this legislation. Should you have any questions, please contact Donald M. Harris at 684-8018.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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After recording, mail to:
King County Dept. of Natural Resources & Parks
Wastewater Treatment Division
201 South Jackson Street, Room 503
Seattle, WA 98104-3855

Document Title(s): COVENANTS AND RESTRICTIONS

Reference number of related documents: Not Applicable

Grantor(s): KING COUNTY

Grantee(s): THE CITY OF SEATTLE

Abbreviated Legal Description: Portions of Gov. Lots 1, 2 & 3 of Section 9, Township 25 North, Range 3 East, W.M., portion of Gov. Lot 1 of Section 16, Township 25 North, Range 3 East, W.M., & portion of Blocks 24, 27, 28, 31, 32, 33, 34, 35, 36, 37, 45, 46 & adjacent & intervening tideland streets, Seattle Tide Lands, and harbor area in front of Blocks 34 & 35 & intervening Puget Avenue Seattle Tide Lands; ALL in King County, Washington.

Assessor's Property Tax Parcel Account Number(s): _____

**COVENANTS AND RESTRICTIONS
WEST POINT SECONDARY TREATMENT FACILITY**

King County, a political subdivision of the State of Washington and successor in interest to the Municipality of Metropolitan Seattle, ("County") is the owner of the real property located in Seattle, Washington more particularly described on Exhibit A hereto (the "Property"). County will construct a secondary sewage treatment plant on the Property. In consideration of the grant of necessary permits by the City of Seattle (the "City"), County hereby makes the following declarations:

1. **Definitions.** The term "Shoreline District," as used herein, shall mean (a) those portions of the Property covered by marine waters, plus (b) those portions of the Property extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark. The term "Facility," as used herein, shall mean County's secondary sewage treatment plant on the Property, as shown



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on the attached Exhibit B (Plan Sheet 99007 of County's Project-Level Shoreline Substantial Development Permit) or as hereafter modified.

2. Facility Size. The portions of the Facility located above ground shall occupy no more than 32 acres of the Property, and no more than 6.1 acres of such above-ground portions of the Facility shall be located in the Shoreline District.

3. Landscaping above Parking Areas. Any parking areas located within the Shoreline District shall be covered with landscaped lids.

The declarations set forth above shall constitute covenants running with the Property, binding on County, its successors and assigns. The covenants contained herein may be enforced by the City, and only by the City, in an action for an injunction, which action shall be the City's sole remedy.

These covenants may be modified or terminated by mutual agreement of County and the City. These covenants shall automatically terminate if the Property is no longer used for secondary sewage treatment purposes. In the event of any modification or termination pursuant to this declaration, County may record notice of such occurrence in the real property records of King County, Washington.

Dated: _____, 2005

KING COUNTY

By _____
Its _____

CITY OF SEATTLE

By _____
Its _____

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ACCEPTANCE

On behalf of The City of Seattle, a municipal corporation of the State of Washington, I, Kenneth R. Bounds, Superintendent of the Department of Parks and Recreation, accept the covenants and restrictions imposed upon the real property owned by King County, a political subdivision of the State of Washington and successor in interest to the Municipality of Metropolitan Seattle, legally described herein in the attached Exhibit A to this document, that are granted to and for the benefit of the City of Seattle and the City's adjacent property known as Discovery Park by this 'Covenants and Restrictions – West Point Secondary Treatment Facility' from King County, pursuant to the authority conferred by Ordinance _____ [passed _____, 2005].

Dated: _____, 2005

THE CITY OF SEATTLE

By: _____

Kenneth R. Bounds
Superintendent
Department of Parks and Recreation

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Exhibit A
(Page 1 of 2)

West Point Secondary Treatment Facility

Legal Description

Parcel 1:

A portion of Government Lot 3, Section 9, Township 25 North, Range 3 East, WM., in King County, Washington as more particularly described in that certain quit claim deed to the Municipality of Metropolitan Seattle, dated December 22, 1964 and recorded under Recording No. 5830170, records of King County, Washington.

Parcel 2:

A portion of Government Lots 1, 2 and 3 of Section 9, and Government Lot 1 of Section 16, Township 25 North, Range 3 East, W.M. in King County, Washington as more particularly described in that certain quit claim deed to the Municipality of Metropolitan Seattle, dated August 4, 1972 and recorded under Recording No. 7208070470, records of King County, Washington.

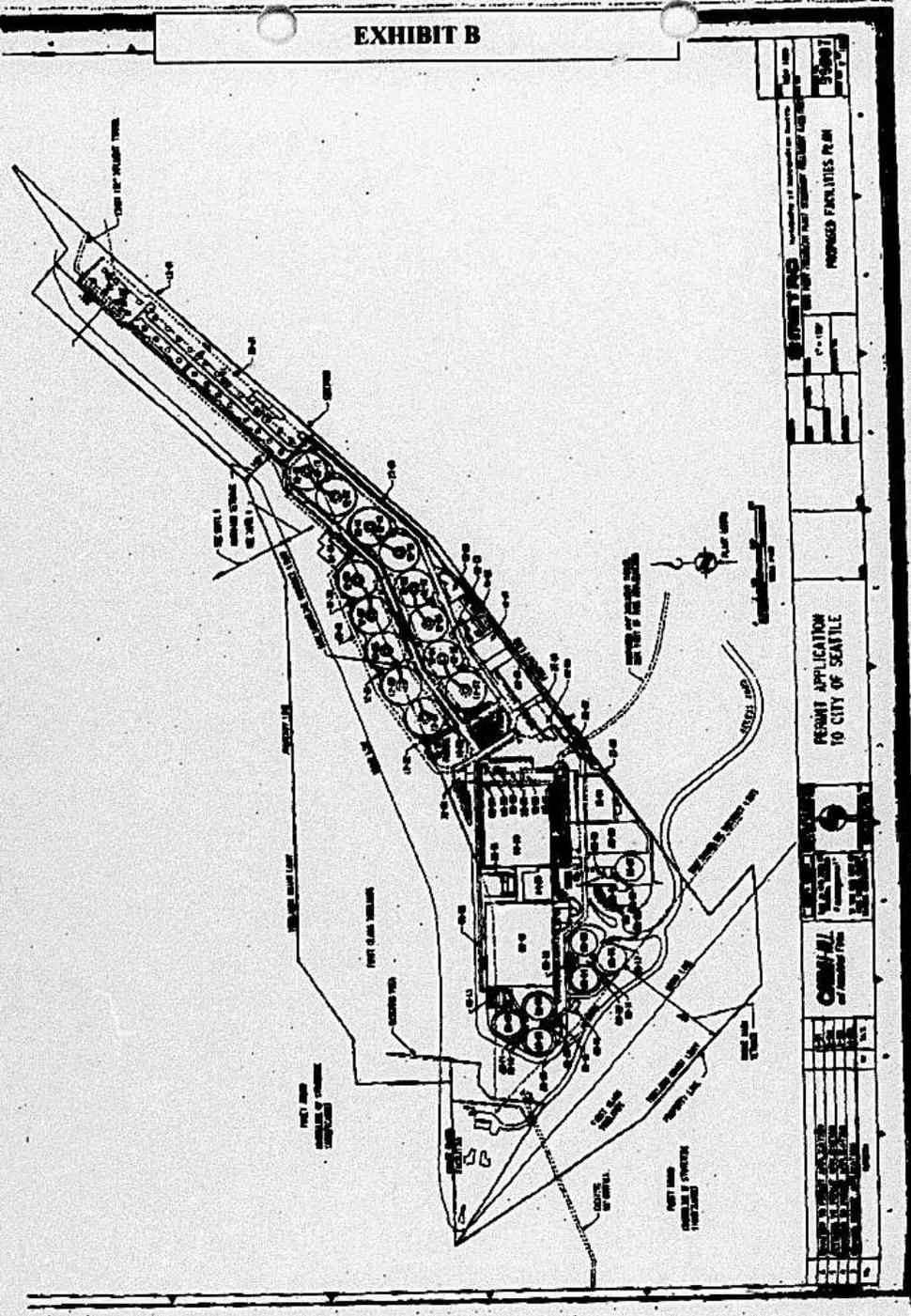
Parcel 3:

Portion of Blocks 24, 27, 28, 31, 32, 33, 34, 35, 36, 37, 45, 46 and adjacent and intervening tideland streets, Seattle Tide Lands and harbor area in front of Blocks 34 and 35 and intervening Puget Avenue Seattle Tide Lands, in King County, Washington as more particularly described in that certain Order and Certificate of Grant of Right of Way to the Municipality of Metropolitan Seattle, dated February 27, 1964 and recorded under Recording No. 6165043, records of King County, Washington.

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EXHIBIT B



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After recording, mail to:
King County Dept. of Natural Resources & Parks
Wastewater Treatment Division
201 South Jackson Street, Room 503
Seattle, WA 98104-3855

Document Title(s): PARK DEDICATION AND EASEMENT AGREEMENT

Reference number of related documents: Not Applicable

Grantor(s): KING COUNTY

Grantee(s): THE CITY OF SEATTLE

Abbreviated Legal Description: Portions of Gov. Lots 1 & 3 of Section 9, Township 25 North, Range 3 East, W.M., portion of Gov. Lot 1 of Section 16, Township 25 North, Range 3 East, W.M., and portions of the Seattle Tide Lands fronting Gov. Lots 1, 2 and 3 of said Section 9 of said Township and Range and fronting Gov. Lot 1 of said Section 16 of said Township and Range; ALL in King County, Washington.

Assessor's Property Tax Parcel Account Number(s): _____

PARK DEDICATION AND EASEMENT AGREEMENT

THIS PARK DEDICATION AND EASEMENT AGREEMENT is made this _____ day of _____, 2005 by and between King County, a political subdivision of the State of Washington and successor in interest to the Municipality of Metropolitan Seattle, ("Grantor") and The City of Seattle, a Washington municipal corporation ("Grantee").

Recitals

This Agreement is made with reference to the following facts and objectives:

A. Grantor owns or has an interest in real property located at West Point below Magnolia Bluff adjacent to Discovery Park in the City of Seattle, as more fully described in Exhibit A hereto and incorporated herein by this reference (the "Property"). On the Property is Grantor's West Point Sewage Plant (the "Facility").



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B. In order to comply with federal clean water requirements and to accommodate increased sewage flows due to population growth, Grantor has applied for and received from the Grantee a Plan Shoreline Permit, a project-level Shoreline Substantial Development Permit and the necessary Seattle City Council (the "Council") Conditional Use land use approvals to expand and modify the Facility to develop secondary sewage treatment facilities.

C. As one of the conditions of the grant of the Plan Shoreline Permit and approval, the City Council required that Grantor's above ground facilities occupy no more than 32 acres, with no more than 6.1 acres of the facilities to be located in the Shoreline District. The "Shoreline District" means the portion of the Property covered by marine waters plus those portions of the Property extending landward for 200 feet in all directions as measured on a horizontal line from the ordinary high water mark.

D. As a further condition of the grant of the Plan Shoreline Permit and approval, the Council required that Grantor permanently dedicate an easement for public park and recreation purposes over certain property outside the 32-acre footprint described above, including such portions of the perimeter berms and lids as may be consistent with public safety, security and protection of landscaped plantings.

E. The aesthetic, scenic and recreational value of the Property is important to Grantor and Grantee, and both Grantor and Grantee desire to preserve, maintain and increase the aesthetic, scenic character of the Property and the opportunity for public access to the shoreline.

NOW, THEREFORE, for and in consideration of the mutual promises herein and other valuable consideration, receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee agree as follows:

ARTICLE I. DEDICATION AND EASEMENT

1.1 Dedication and Grant of Park and Recreation Easement. Grantor hereby voluntarily dedicates, conveys and quitclaims to Grantee in trust for the general public, in perpetuity, an easement for park and recreation purposes on, over and across the surface of that portion of the Property described on Exhibit B hereto and incorporated herein by this reference (the "Easement Area"). The easement is given on the terms and conditions herein described and is subject to the reservations of right contained herein, all of which rights, obligations and reservations shall operate as covenants running with the land in perpetuity.

1.2 Restrictions on Use. Except as provided in Section 1.3 below, Grantor and Grantee covenant and agree that they will not, without the advance written consent of the other:

A. Erect, place or maintain any above ground improvement, building, or structure on or within the Easement Area, except for such improvements as shown on Plan Sheet 99007 of Grantor's Project-Level Shoreline Substantial Development Permit or such natural beach enhancement features as are required by the terms of the Plan Shoreline Permit and permitted or required in the project-level Shoreline Substantial Development Permit.



B. Cut, uproot or remove any native vegetation from the Easement Area; provided, that vegetation may be removed and restored pursuant to Paragraph 1.6 of this Agreement.

C. Excavate or grade the Easement Area, except as required by law or for such natural beach enhancement projects as are permitted by Grantee.

D. Make any use of the Easement Area that will materially alter the landscape or topography thereof.

E. Allow access to the Easement Area by the general public via motor or wheeled vehicles of any nature (except wheelchairs and bicycles on permitted paths) except with Grantee's Parks Department permission, and except use by the federal government (Coast Guard) or as otherwise agreed by Grantor and Grantee.

1.3 Reservation of Rights. Grantor reserves the following rights from the easement with respect to use of the Easement Area:

A. Use of the subsurface for underground pipes, utilities, drainage and sewer lines and other similar appurtenances serving the Facility, including the right to (i) install, operate, maintain, repair, and replace the same; (ii) relocate the same with the prior consent of Grantee which consent will not be unreasonably withheld; and (iii) construct a new emergency bypass outfall and demolish the existing emergency bypass, as may be approved by applicable regulatory agencies. At the conclusion of any activity under this subparagraph A by Grantor, Grantor shall restore the affected Easement Area to substantially the same surface condition (e.g., as to grades, trails and vegetation) existing immediately before the start of such activity.

B. Access rights (including vehicular access) over the paths and roads designated on Plan Sheet 99017 of Grantor's Project-Level Shoreline Substantial Development Permit (except as relocated with the prior consent of Grantee, which consent shall not be unreasonably withheld), including the right to maintain and repair such paths and roads.

C. The right to install and maintain security walls, fences or other barriers within the Easement Area; provided that in no case shall additional security barriers be erected in the Easement Area waterward (i.e., outside) of the upland bench retaining wall (security wall) as shown on Plan Sheet 99017 of Grantor's Project Level Shoreline Substantial Development Permit. Grantor shall have the right to exclude all persons (including members of the public) from the area inside of the "Security Area" as described on Exhibit C hereto and incorporated herein by this reference, without Grantee's express written permission, notwithstanding the fact that the Easement Area includes the property inside of the Security Area.

D. Temporary use for construction of future facilities within the 32-acre footprint as shown on Plan Sheets 99007 and 99011 of Grantor's Project-Level Shoreline Substantial Development Permit. At the conclusion of any activity under this subparagraph D, Grantor shall restore the temporary construction easement areas to substantially the same surface condition (e.g., as to grades, trails and vegetation) existing before the start of the construction

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work.

E. Other uses of the Easement Area for which Grantee provides written consent.

1.4 Notice of Intent to Exercise. Grantor shall notify Grantee in writing, pursuant to Section 2.4, prior to exercising any right provided in Section 1.3 of this Agreement.

1.5 Rights and Responsibilities. Grantor and Grantee desire to preserve and protect the open and natural condition and ecologic values of the Easement Area. In connection therewith Grantee and Grantor shall have the right to enforce compliance with the terms of this Agreement. In event of any violation of any provision contained in this Article, after thirty (30) days' written notice of violation to the party which is responsible for compliance under the terms hereof (the "defaulting party"), the nondefaulting party may take such action as it deems necessary to ensure compliance with this Agreement, including restoration of the Easement Area to its condition prior to violation of the terms of this Agreement; provided that any failure to so act by the nondefaulting party shall not be deemed to be a waiver of any right, condition, covenant or purpose of this Agreement. The cost of restoring the Easement Area to its prior condition shall be borne by the defaulting party.

Grantee shall regulate public use of and access to the Easement Area in accordance with the Park Code, Chapter 18.12 of the Seattle Municipal Code, and rules and regulations of the Department of Parks and Recreation promulgated thereunder. Grantor shall not be responsible for enforcement of such matters.

1.6 Grantor's Responsibilities. Grantor agrees to bear all costs and liabilities of operation, upkeep and maintenance of the Easement Area except as provided in Section 1.5 above. Grantor and Grantee agree to indemnify and hold each other harmless from all liability arising out of their respective uses of the Easement Area. This indemnity shall extend to liability arising out of use by agents, contractors, subcontractors and employees of the indemnifying party. Notwithstanding the foregoing, nothing herein shall make either party liable to the other for failure to exercise its general police powers in enforcing rules and regulations applicable to the Easement Area (including enforcement of Grantee's park regulations).

1.7 Subject to Conditions of Record. This grant is subject to all rights, covenants, conditions and other matters of record.

ARTICLE II. GENERAL PROVISIONS

2.1 Consent. Where the terms of this Agreement require the consent of Grantee, such consent shall be requested by written notice, as provided in Paragraph 2.4, to Grantee and consent shall be deemed to have been given within sixty days after mailing of the notice by Grantor unless Grantee gives written notice of Grantor specifying reasons for disapproval. Approval or consent by Grantee shall not be unreasonably withheld.

2.2 Nature and Duration. The covenants expressed herein shall be deemed to run



with the land in perpetuity and be binding upon Grantor, successors and assigns for the benefit of Grantee and the general public.

2.3 Assignment. Grantee agrees not to assign, transfer or encumber its interest in the Easement Area granted hereby nor delegate its duties hereunder.

2.4 Notice. Any notice required hereunder shall be in writing and shall be given by certified or registered mail, with postage prepaid and return receipt requested, addressed to the Grantor as follows:

KING COUNTY
Department of Natural Resources and Parks
Wastewater Treatment Division
201 South Jackson Street, Room 503
Seattle, Washington 98104-3855
ATTN: Supervisor - Right of Way

and addressed to the Grantee as follows:

THE CITY OF SEATTLE
DEPARTMENT OF PARKS AND RECREATION
100 Dexter Avenue North
Seattle, Washington 98109-5199
ATTN: Superintendent of Parks and Recreation

2.5 Construction. This Agreement shall be construed to promote the preservation of the aesthetic, scenic and recreational character of the Easement Area and to conserve its natural, scenic and open condition for this generation and future generations.

2.6 Nonwaiver of Breach. The failure of the Grantee at any time to enforce any provision of this Agreement shall not be deemed a waiver of its right later to enforce that or any other provision of this Agreement.

2.7 Savings Clause. In the event that any of the provisions contained herein are declared invalid or unenforceable, all remaining provisions shall remain in full force and effect.

2.8 Miscellaneous. No amendment or supplement to, or termination of, this Agreement shall be valid or effective unless executed by the parties hereto or their respective successors and assigns, and recorded in the real estate records of King County, Washington. This Agreement shall be governed and construed in accordance with the laws of the State of Washington.

2.9 Termination. The easement granted hereby shall automatically terminate in the event that the Property is no longer used for a secondary sewage treatment plant, and title to the easement shall revert to Grantor or its successor in interest free and clear of any intervening interests. In the event of termination under this Agreement, Grantor may record a document to

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give notice of such termination of the easement.

2.10 **Federal Rights.** The easement granted hereby is subject to the terms and conditions of that certain Quit Claim Deed, dated August 4, 1972, from the United States of America to Grantor, and recorded under Recording No. 7208070470, records of King County, Washington.

Dated: _____, 2005

KING COUNTY

By _____

Its _____

CITY OF SEATTLE

By _____

Its _____

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ACCEPTANCE

On behalf of The City of Seattle, a municipal corporation of the State of Washington, I, Kenneth R. Bounds, Superintendent of the Department of Parks and Recreation, accept the easement interest in the real property conveyed herein by this 'Park Dedication and Easement Agreement' and legally described in the attached Exhibit B [Easement to the City of Seattle for Park and Recreation] to The City of Seattle from King County, a political subdivision of the State of Washington and successor in interest to the Municipality of Metropolitan Seattle, pursuant to the authority conferred by Ordinance _____ [passed _____, 2005].

Dated: _____, 2005

THE CITY OF SEATTLE

By:

Kenneth R. Bounds
Superintendent
Department of Parks and Recreation

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EXHIBIT A

(Page 1 of 2)

West Point Secondary Treatment Facility

Legal Description

PARCEL 1:

A portion of Government Lot 3, Section 9, Township 25 North, Range 3 East, W.M., in King County, Washington as more particularly described in that certain quit claim deed to the Municipality of Metropolitan Seattle, dated December 22, 1964 and recorded under Recording No. 5830170, records of King County, Washington.

PARCEL 2:

A portion of Government Lots 1, 2 and 3 of Section 9, and Government Lot 1 of Section 16, Township 25 North, Range 3 East, W.M., in King County, Washington as more particularly described in that certain quit claim deed to the Municipality of Metropolitan Seattle, dated August 4, 1972 and recorded under Recording No. 7208070470, records of King County, Washington.

PARCEL 3:

Portions of Blocks 24, 27, 28, 31, 32, 33, 34, 35, 36, 37, 45, 46 and adjacent and intervening tideland streets, Seattle Tide Lands and harbor area in front of portions of Blocks 34 and 35 and intervening Puget Avenue, Seattle Tide Lands, in King County, Washington as more particularly described in that certain Order and Certificate of Grant of Right of Way to the Municipality of Metropolitan Seattle, dated February 27, 1964 and recorded under Recording No. 6165043, records of King County, Washington; EXCEPTING THEREFROM, all portions of the harbor area included within said description.

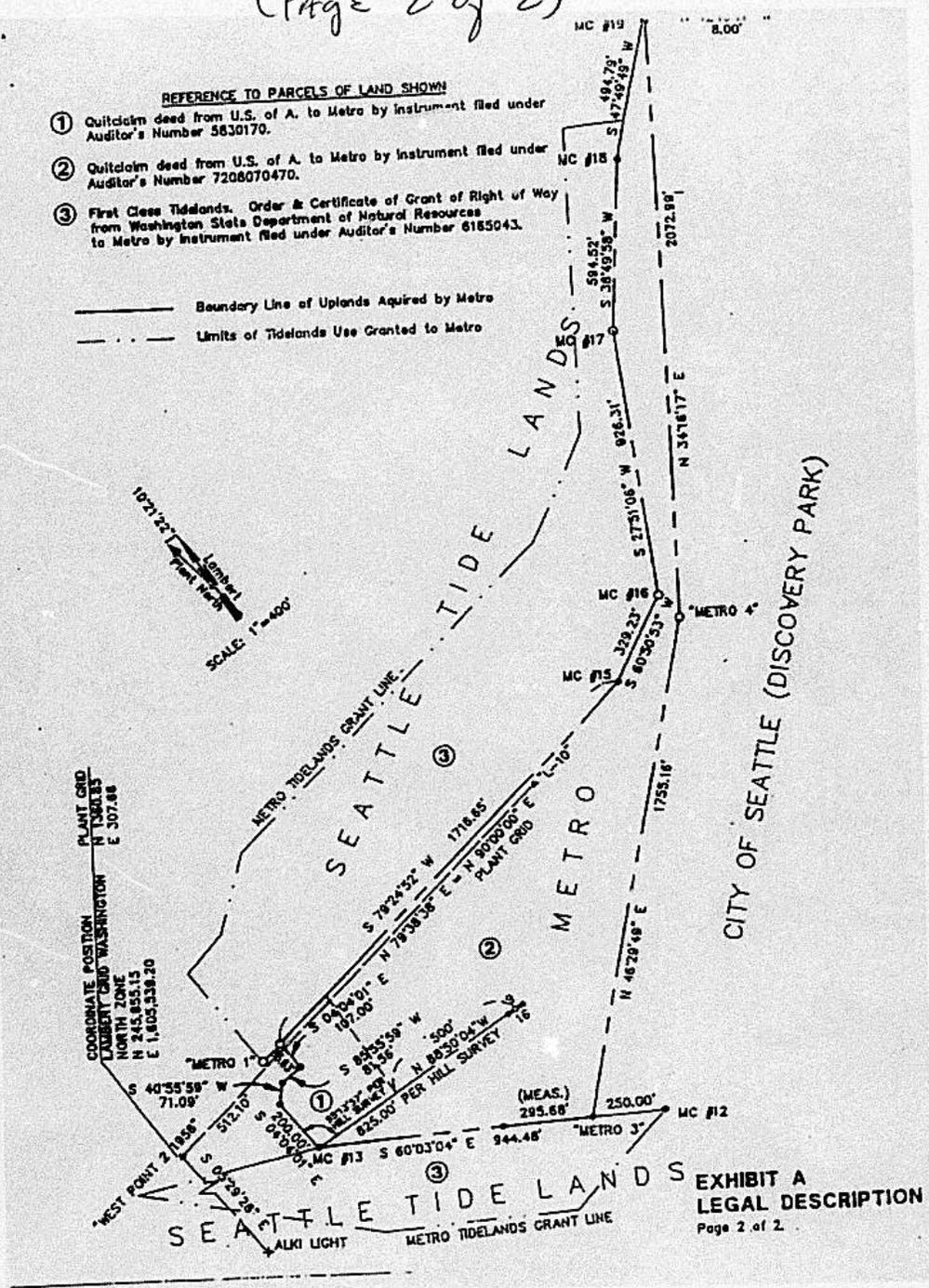
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Exhibit A
(Page 2 of 2)

- REFERENCE TO PARCELS OF LAND SHOWN**
- ① Quitclaim deed from U.S. of A. to Metro by instrument filed under Auditor's Number 5830170.
 - ② Quitclaim deed from U.S. of A. to Metro by instrument filed under Auditor's Number 7206070470.
 - ③ First Class Tidelands. Order & Certificate of Grant of Right of Way from Washington State Department of Natural Resources to Metro by instrument filed under Auditor's Number 6185043.

— Boundary Line of Uplands Acquired by Metro
 - - - Limits of Tidelands Use Granted to Metro



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**EXHIBIT A
LEGAL DESCRIPTION**
Page 2 of 2



EXHIBIT B
(Page 1 of 5)

EASEMENT TO THE CITY OF SEATTLE FOR PARK AND RECREATION

That portion of Government Lots 1 and 3 of Section 9, Township 25 North, Range 3 East, W.M., that portion of Government Lot 1 of Section 16, Township 25 North, Range 3 East, W.M., and that portion of the Seattle Tide Lands fronting Government Lots 1, 2 and 3 of Section 9, Township 25 North, Range 3 East, W.M., and fronting Government Lot 1 of Section 16, Township 25 North, Range 3 East, W.M., ALL in King County, Washington, described as a whole as follows:

Commencing at the southwest corner of the southeast quarter of said Section 9; thence along the south line of said Section 9, North 88° 50'04" West 500 feet; thence North 01° 09'55" East 318.81 feet to an intersection with the plant footprint line and the TRUE POINT OF BEGINNING; thence along said footprint line for the following 46 courses: North 79° 38'36" East 386.39 feet, North 60° 21'37" East 11.86 feet, North 79° 38'36" East 214.38 feet, North 60° 21'32" East 283.51 feet to an intersection with the Government meander line, North 60° 21'32" East 17.34 feet, North 46° 29'48" East 77.19 feet to the beginning of a curve to the right having a radius of 50.00 feet, easterly along said curve an arc distance of 24.25 feet through a central angle of 27° 47'05", North 74° 16'53" East 13.94 feet, North 60° 23'08" East 24.01 feet, North 46° 29'32" East 24.06 feet, North 43° 30'41" West 7.00 feet, North 43° 31'21" West 5.00 feet, North 51° 19'28" East 8.42 feet to the beginning of a non-tangent curve to the left having a radius of 50.00 feet the radius point of which curve bears North 33° 50'51" West, easterly along said curve an arc distance of 25.54 feet through a central angle of 29° 15'51" to the beginning of a curve to the right having a radius of 78.42 feet, easterly along said curve an arc distance of 84.49 feet through a central angle of 61° 43'58", North 88° 37'16" East 0.60 feet to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 44.04 feet through a central angle of 84° 06'04", North 04° 31'12" East 0.88 feet to the beginning of a curve to the right having a radius of 78.42 feet, easterly along said curve an arc distance of 114.88 feet through a central angle of 83° 56'00" to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 14.76 feet through a central angle of 28° 10'48", North 60° 16'24" East 35.34 feet to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 17.32 feet through a central angle of 33° 04'42", North 27° 11'42" East 0.64 feet to the beginning of a curve to the right having a radius of 78.42 feet, easterly along said curve an arc distance of 103.58 feet through a central angle of 75° 40'39", South 77° 07'39" East 0.16 feet to the beginning of a curve to the left having a radius of 29.50 feet, easterly along said curve an arc distance of 43.91 feet through a central angle of 85° 17'05" to the beginning of a curve to the right having a radius of 78.42 feet, easterly along said curve an arc distance of 103.49 feet through a central angle of 75° 36'37", South 86° 48'07" East 0.93 feet to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 17.24 feet through a central angle of 32° 55'15", North 60° 16'38" East 26.91 feet to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 17.24 feet through a central angle of 32° 56'03", North 27° 20'35" East 0.92 feet to the beginning of a curve to the right having a radius of 78.42 feet, easterly along said curve an arc distance of 92.42

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feet through a central angle of 67° 31'31" to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 31.72 feet through a central angle of 60° 35'12", North 34° 16'54" East 85.90 feet to the beginning of a curve to the right having a radius of 30.00 feet, easterly, along said curve an arc distance of 47.13 feet through a central angle of 90° 00'45", South 55° 42'21" East 39.75 feet to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 47.14 feet through a central angle of 90° 01'18", North 34° 16'21" East 186.22 feet to the beginning of a curve to the right having a radius of 50.00 feet, northeasterly along said curve an arc distance of 19.64 feet through a central angle of 22° 30'36", North 56° 46'57" East 104.03 feet, North 35° 29'10" East 456.96 feet, North 64° 17'18" East 22.82 feet, North 35° 29'08" East 498.66 feet, South 54° 30'57" East 37.75 feet to an intersection with a Government meander line, South 54° 30'57" East 118.64 feet to an intersection with a line common to the City of Seattle and the Municipality of Metropolitan Seattle; thence leaving said footprint line, North 34° 16'17" East 460.22 feet; thence continuing along said common line North 42° 10'11" West 8.00 feet to the Government meander line; thence along said meander line, South 47° 49'49" West 359.79 feet; thence leaving said meander line, North 60° 21'26" West 60.63 feet along a Metro Tidelands Grant Line to an intersection with the line of mean higher high tide; thence along said tide line for the following 35 courses: South 73° 53'20" West 95.10 feet, South 60° 58'00" West 74.95 feet, South 37° 04'21" West 116.78 feet, South 35° 23'50" West 107.49 feet, South 36° 14'36" West 126.62 feet, South 36° 14'04" West 101.86 feet, South 34° 14'13" West 99.70 feet, South 36° 04'32" West 113.17 feet, South 37° 11'46" West 111.13 feet, South 35° 32'19" West 90.52 feet, South 35° 50'43" West 101.14 feet, South 57° 06'36" West 101.77 feet, South 60° 22'41" West 109.11 feet, South 60° 10'23" West 105.00 feet, South 60° 22'41" West 109.11 feet, South 59° 01'31" West 107.91 feet, South 61° 12'30" West 98.03 feet, South 59° 59'22" West 104.06 feet, South 59° 30'25" West 95.86 feet, South 60° 31'05" West 131.24 feet, South 58° 47'20" West 112.36 feet, South 58° 23'34" West 96.57 feet, South 60° 50'36" West 99.30 feet, South 61° 43'51" West 104.04 feet, South 59° 57'05" West 100.90 feet, South 59° 39'37" West 105.34 feet, South 59° 16'54" West 103.47 feet, South 64° 12'13" West 108.93 feet, South 77° 23'51" West 102.09 feet, South 78° 31'51" West 103.02 feet, South 79° 38'36" West 104.00 feet, South 80° 47'21" West 100.02 feet, South 81° 18'42" West 103.04 feet, South 80° 51'44" West 94.02 feet, South 80° 33'54" West 43.06 feet to a Metro Tidelands Grant Line; thence leaving said tide line, South 10° 35'08" East 40.01 feet along said Grant Line to the Government meander line; thence along said meander line, North 79° 24'52" East 85.00 feet; thence leaving said meander line, South 04° 04'01" East 107.00 feet along a line common to the City of Seattle and the Municipality of Metropolitan Seattle; thence continuing along said common line for the following 3 courses: South 85° 55'59" West 81.56 feet, South 40° 55'59" West 71.09 feet, South 04° 04'01" East 200.00 feet to a meander corner common to said Sections 9 and 16; thence leaving said common line, North 68° 29'20" West 559.06 feet along the Government meander line to an intersection with the line of mean higher high tide; thence along said tide line for the following 15 courses: South 47° 08'45" East 27.68 feet, South 61° 34'16" East 42.46 feet, South 59° 55'05" East 99.59 feet, South 58° 42'17" East 100.51 feet, South 61° 41'44" East 164.98 feet, South 59° 39'02" East 104.20 feet, South 56° 09'11" East 101.81 feet, South 58° 22'12" East 201.91 feet, South 61° 25'48" East 100.35 feet, South 62° 43'18" East 104.86 feet, South 64° 11'57" East 161.01



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feet, South 62° 25'28" East 86.12 feet, South 59° 23'42" East 120.50 feet, South 62° 00'20" East 116.10 feet, South 61° 51'24" East 143.49 feet to an intersection with a Metro Tidelands Grant Line; thence leaving said tide line, North 76° 55'22" East 101.00 feet along said Grant Line to an intersection with a Government meander line; thence along said meander line, North 60° 03'04" West 250.00 feet; thence along a line common to the City of Seattle and the Municipality of Metropolitan Seattle, North 46° 29'49" East 368.40 feet; thence leaving said common line, South 79° 38'36" West 184.28 feet along the plant footprint line; thence continuing along said footprint line for the following 46 courses: South 10° 21'24" East 10.98 feet to an intersection with a curve concave to the north the radius point of which bears North 22° 21'18" West 80.00 feet, westerly along said curve an arc distance of 6.31 feet through a central angle of 04° 31'05" to the beginning of a curve to the right having a radius of 30.00 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of 21° 57'09" to the beginning of a curve to the left having a radius of 80.01 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 08° 14'08" to the beginning of a curve to the right having a radius of 30.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 21° 57'44" to the beginning of a curve to the left having a radius of 50.00 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 13° 11'24" to the beginning of a curve to the left having a radius of 60.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 10° 58'39" to the beginning of a curve to the right having a radius of 40.00 feet, westerly along said curve an arc distance of 23.01 feet through a central angle of 32° 57'52" to the beginning of a curve to the right having a radius of 29.99 feet, northwesterly along said curve an arc distance of 11.48 feet through a central angle of 21° 56'20" to the beginning of a curve to the left having a radius of 60.00 feet, northwesterly along said curve an arc distance of 11.49 feet through a central angle of 10° 58'33" to the beginning of a curve to the left having a radius of 30.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 21° 57'27" to the beginning of a curve to the left having a radius of 60.00 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 10° 59'26" to the beginning of a curve to the right having a radius of 20.00 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of 32° 54'30" to the beginning of a curve to the right having a radius of 30.00 feet, northwesterly along said curve an arc distance of 11.51 feet through a central angle of 21° 59'12" to the beginning of a curve to the left having a radius of 40.00 feet, northwesterly along said curve an arc distance of 11.50 feet through a central angle of 16° 28'19" to the beginning of a curve to the left having a radius of 20.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 32° 56'29", North 80° 05'28" West 0.69 feet, North 10° 20'40" West 11.17 feet to an intersection with a curve concave to the south the radius point of which bears South 07° 16'38" West 38.00 feet, westerly along said curve an arc distance of 15.28 feet through a central angle of 23° 02'02", South 74° 14'36" West 1.01 feet to the beginning of a curve to the right having a radius of 56.00 feet, westerly along said curve an arc distance of 62.59 feet through a central angle of 64° 02'36", North 00° 46'55" West 8.41 feet, North 82° 31'05" West 11.93 feet to an intersection with a curve concave to the west the radius point of which bears North 69° 25'16" West 80.08 feet, southwestly along said curve an arc distance of 34.50 feet through a central angle of 24° 41'09" to the beginning of a curve to the right having a radius of 60.00 feet, southwestly along said curve an arc distance of 11.49 feet

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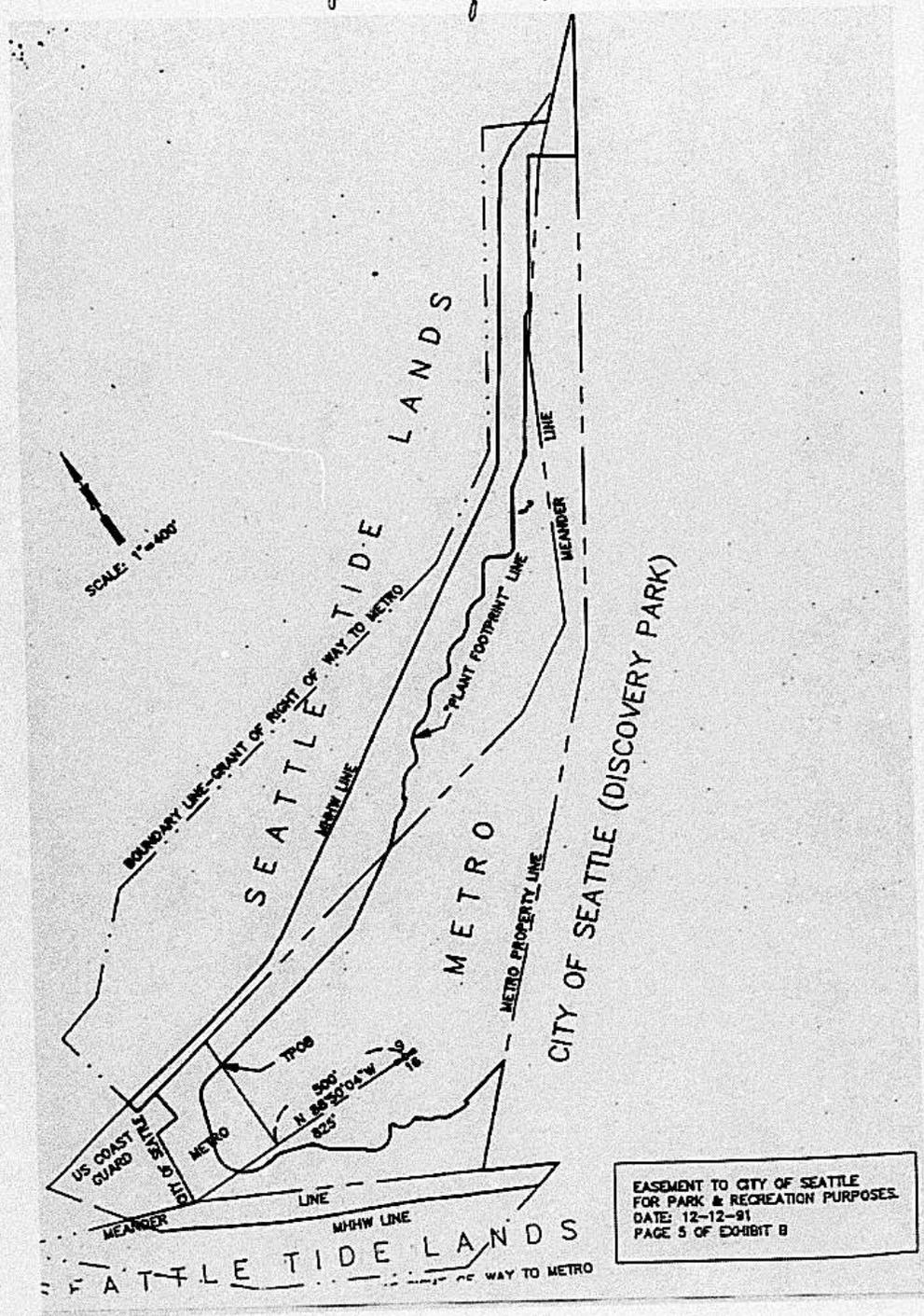
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through a central angle of $10^{\circ} 58' 10''$ to the beginning of a curve to the right having a radius of 50.01 feet, southwesterly along said curve an arc distance of 5.37 feet through a central angle of $06^{\circ} 08' 54''$, North $22^{\circ} 00' 12''$ West 0.59 feet to an intersection with a curve concave to the northwest the radius point of which bears North $27^{\circ} 37' 32''$ West 49.42 feet, westerly along said curve an arc distance of 1.66 feet through a central angle of $01^{\circ} 55' 20''$, South $64^{\circ} 17' 48''$ West 3.33 feet to the beginning of a curve to the right having a radius of 39.41 feet, westerly along said curve an arc distance of 11.67 feet through a central angle of $16^{\circ} 58' 17''$ to the beginning of a curve to the right having a radius of 66.92 feet, westerly along said curve an arc distance of 54.30 feet through a central angle of $46^{\circ} 29' 19''$, North $52^{\circ} 14' 36''$ West 14.11 feet, North $37^{\circ} 44' 29''$ East 5.50 feet, North $52^{\circ} 12' 20''$ West 21.95 feet, North $53^{\circ} 45' 45''$ West 100.86 feet to the beginning of a curve to the right having a radius of 74.23 feet, northwesterly along said curve an arc distance of 27.89 feet through a central angle of $21^{\circ} 31' 32''$ to the beginning of a curve to the left having a radius of 59.99 feet, northwesterly along said curve an arc distance of 46.32 feet through a central angle of $44^{\circ} 14' 21''$, North $70^{\circ} 07' 33''$ West 80.94 feet to the beginning of a curve to the left having a radius of 60.00 feet, westerly along said curve an arc distance of 31.55 feet through a central angle of $30^{\circ} 07' 35''$, South $79^{\circ} 44' 53''$ West 7.38 feet to the beginning of a curve to the right having a radius of 138.00 feet, westerly along said curve an arc distance of 98.34 feet through a central angle of $40^{\circ} 49' 43''$, North $59^{\circ} 25' 25''$ West 2.22 feet to the beginning of a curve to the right having a radius of 91.00 feet, northerly along said curve an arc distance of 125.58 feet through a central angle of $79^{\circ} 04' 04''$, North $19^{\circ} 38' 39''$ East 177.95 feet to the beginning of a curve to the right having a radius of 63.00 feet, northeasterly along said curve an arc distance of 65.97 feet through a central angle of $59^{\circ} 59' 57''$, North $79^{\circ} 38' 36''$ East 72.01 feet to the True Point of Beginning.

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EASEMENT TO CITY OF SEATTLE
 FOR PARK & RECREATION PURPOSES.
 DATE: 12-12-91
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SECURITY AREA

That portion of Government Lots 1 and 3 of Section 9, Township 25 North, Range 3 East, W.M., that portion of Government Lot 1 of Section 16, Township 25 North, Range 3 East, W.M., and that portion of the Seattle Tide Lands fronting Government Lots 1, 2 and 3 of Section 9, Township 25 North, Range 3 East, W.M., ALL in King County, Washington, described as a whole as follows:

Commencing at the southwest corner of the southeast quarter of said Section 9; thence along the south line of said Section 9, North 88°50'04" West 500 feet; thence North 01°09'55" East 318.81 feet to an intersection with the plant footprint line and the TRUE POINT OF BEGINNING; thence along said footprint line for the following 46 courses: North 79°38'36" East 386.39 feet, North 60°21'37" East 11.86 feet, North 79°38'36" East 214.38 feet, North 60°21'32" East 283.51 feet to an intersection with the Government meander line, North 60°21'32" East 17.34 feet, North 46°29'48" East 77.19 feet to the beginning of a curve to the right having a radius of 50.00 feet, easterly along said curve an arc distance of 24.25 feet through a central angle of 27°47'05" North 74°16'53" East 13.94 feet, North 60°23'08" East 24.01 feet, North 46°29'32" East 24.06 feet, North 43°30'41" West 7.00 feet, North 43°31'21" West 5.00 feet, North 51°19'28" East 8.42 feet to the beginning of a non-tangent curve to the left having a radius of 50.00 feet the radius point of which curve bears North 33°50'51" West, easterly along said curve an arc distance of 25.54 feet through a central angle of 29°15'51" to the beginning of a curve to the right having a radius of 78.42 feet, easterly along said curve an arc distance of 84.49 feet through a central angle of 61°43'58", North 88°37'16" East 0.60 feet to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 44.04 feet through a central angle of 84°06'04", North 04°31'12" East 0.88 feet to the beginning of a curve to the right having a radius of 78.42 feet, easterly along said curve an arc distance of 114.88 feet through a central angle of 83°56'00" to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 14.76 feet through a central angle of 28°10'48", North 60°16'24" East 35.34 feet to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 17.32 feet through a central angle of 33°04'42", North 27°11'42" East 0.64 feet to the beginning of a curve to the right having a radius of 78.42 feet, easterly along said curve an arc distance of 103.58 feet through a central angle of 75°40'39", South 77° 07'39" East 0.16 feet to the beginning of a curve to the left having a radius of 29.50 feet, easterly along said curve an arc distance of 43.91 feet through a central angle of 85°17'05" to the beginning of a curve to the right having a radius of 78.42 feet, easterly along said curve an arc distance of 103.49 feet through a central angle of 75°36'37", South 86°48'07" East 0.93 feet to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 17.24 feet through a central angle of 32°55'15", North 60°16'38" East 26.91 feet to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 17.24 feet through a central angle of 32°56'03", North 27°20'35" East 0.92 feet to the beginning of a curve to the right having a radius of 78.42 feet, easterly along said curve an arc distance of 92.42 feet through a central angle of 67°31'31" to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 31.72 feet through a central angle of 60°35'12", North 34°16'54" East 85.90 feet



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to the beginning of a curve to the right having a radius of 30.00 feet, easterly along said curve an arc distance of 47.13 feet through a central angle of 90°00'45", South 55°42'21" East 39.75 feet to the beginning of a curve to the left having a radius of 30.00 feet, easterly along said curve an arc distance of 47.14 feet through a central angle of 90°01'18", North 34°16'21" East 186.22 feet to the beginning of a curve to the right having a radius of 50.00 feet, northeasterly along said curve an arc distance of 19.64 feet through a central angle of 22°30'36", North 56°46'57" East 104.03 feet, North 35°29'10" East 456.96 feet, North 64°17'15" East 22.82 feet, North 35°29'08" East 498.66 feet, South 54°30'57" East 37.75 feet to an intersection with a Government meander line, South 54°30'57" East 108.89 feet to an intersection with the security wall line and a point on a curve concave to the northwest, the radius point of which bears North 43°00'00" West 40.00 feet; thence leaving said footprint line northeasterly along said curve and along said security wall line an arc distance of 4.19 feet through a central angle of 06°00'05" to the beginning of a curve to the left having a radius of 20.00 feet; thence along said security wall line for the following 337 courses: northerly along said curve an arc distance of 11.50 feet through a central angle of 32°57'11" to the beginning of a curve to the left having a radius of 30.00 feet, northerly along said curve an arc distance of 11.50 feet through a central angle of 21°57'31" to the beginning of a curve to the right having a radius of 40.00 feet, northerly along said curve an arc distance of 11.50 feet through a central angle of 16°28'26" to the beginning of a curve to the right having a radius of 30.00 feet, northerly along said curve an arc distance of 11.50 feet through a central angle of 21°58'01" to the beginning of a curve to the right having a radius of 120.00 feet, northerly along said curve an arc distance of 11.50 feet through a central angle of 05°29'23" to the beginning of a curve to the left having a radius of 60.00 feet, northerly along said curve an arc distance of 11.51 feet through a central angle of 10°59'13" to the beginning of a curve to the left having a radius of 30.00 feet, northerly along said curve an arc distance of 11.49 feet through a central angle of 21°56'51" to the beginning of a curve to the left having a radius of 20.00 feet, northwesterly along said curve an arc distance of 34.50 feet through a central angle of 98°50'27" to the beginning of a curve to the left having a radius of 40.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 16°28'30" to the beginning of a curve to the right having a radius of 30.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 21°57'25" to the beginning of a curve to the right having a radius of 20.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 32°57'20", North 63°19'13" West 10.05 feet to the beginning of a curve to the left having a radius of 20.00 feet, westerly along said curve an arc distance of 15.37 feet through a central angle of 44°02'39", South 72°38'08" West 5.74 feet to the beginning of a curve to the right having a radius of 20.00 feet, westerly along said curve an arc distance of 16.33 feet through a central angle of 46°47'18", North 60°34'34" West 11.21 feet to the beginning of a curve to the left having a radius of 40.00 feet, westerly along said curve an arc distance of 23.00 feet through a central angle of 32°56'36" to the beginning of a curve to the left having a radius of 30.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 21°58'20" to the beginning of a curve to the left having a radius of 120.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 05°29'33" to the beginning of a curve to the left having a radius of 50.00 feet, southwestwesterly along said curve an arc distance of 34.49 feet through a central angle of 39°31'33" to the beginning of a curve to the right having a radius of 119.67 feet, southwestwesterly along said curve an arc distance of 11.45

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feet through a central angle of 05°29'02", South 24°58'26" West 11.55 feet to the beginning of a curve to the right having a radius of 30.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 21°57'04" to the beginning of a curve to the right having a radius of 50.00 feet, southwesterly along said curve an arc distance of 11.51 feet through a central angle of 13°11'22", South 60°06'42" West 11.50 feet to the beginning of a curve to the left having a radius of 40.00 feet, southwesterly along said curve an arc distance of 11.52 feet through a central angle of 16°29'44" to the beginning of a curve to the left having a radius of 30.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 21°56'41" to the beginning of a curve to the left having a radius of 80.00 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 08°13'57" to the beginning of a curve to the left having a radius of 120.00 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 05°29'28" to the beginning of a curve to the right having a radius of 40.00 feet, southerly along said curve an arc distance of 23.00 feet through a central angle of 32°56'21" to the beginning of a curve to the right having a radius of 50.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 13°10'36" to the beginning of a curve to the left having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.51 feet through a central angle of 08°14'40" to the beginning of a curve to the left having a radius of 60.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 10°58'40" to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 11.52 feet through a central angle of 05°29'54" to the beginning of a curve to the left having a radius of 79.99 feet, southerly along said curve an arc distance of 11.48 feet through a central angle of 08°13'13", South 21°07'21" West 11.50 feet to the beginning of a curve to the right having a radius of 80.00 feet, southerly along said curve an arc distance of 22.97 feet through a central angle of 16°27'06" to the beginning of a curve to the right having a radius of 120.00 feet, southwesterly along said curve an arc distance of 34.53 feet through a central angle of 16°29'05" to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'24", South 48°34'09" West 11.50 feet to the beginning of curve to the left having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 08°14'11" to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'19" to the beginning of a curve to the left having a radius of 50.00 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 13°10'54", South 21°39'45" West 11.50 feet to the beginning of a curve to the right having a radius of 80.00 feet, southwesterly along said curve an arc distance of 22.98 feet through a central angle of 16°27'25" to the beginning of a curve to the right having a radius of 120.00 feet, southwesterly along said curve an arc distance of 23.03 feet through a central angle of 10°59'42", South 49°06'52" West 11.49 feet to the beginning of a curve to the left having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.52 feet through a central angle of 08°15'05" to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 05°29'11" to the beginning of a curve to the left having a radius of 80.00 feet, southerly along said curve an arc distance of 22.99 feet through a central angle of 16°27'42" to the beginning of a curve to the right having a radius of 120.00 feet, southerly along said curve an arc distance of 11.51 feet



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through a central angle of 05°29'37" to the beginning of a curve to the right having a radius of 40.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 16°28'04" to the beginning of a curve to the right having a radius of 60.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 10°58'49", South 51°51'25" West 11.50 feet to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 11.51 feet through a central angle of 05°29'38" to the beginning of a curve to the left having a radius of 40.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 16°28'46" to the beginning of a curve to the left having a radius of 60.00 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 10°58'57" to the beginning of a curve to the left having a radius of 120.00 feet, southerly along said curve an arc distance of 11.48 feet through a central angle of 05°28'59", South 13°25'05" West 11.51 feet to the beginning of a curve to the right having a radius of 40.00 feet, southerly along said curve an arc distance of 11.49 feet through a central angle of 16°27'34" to the beginning of a curve to the right having a radius of 60.00 feet, southwesterly along said curve an arc distance of 11.51 feet through a central angle of 10°59'11" to the beginning of a curve to the right having a radius of 40.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 16°27'41" to the beginning of a curve to the right having a radius of 80.00 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 08°14'43" to the beginning of a curve to the left having a radius of 60.00 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 10°59'13" to the beginning of a curve to the left having a radius of 40.00 feet, southwesterly along said curve an arc distance of 23.00 feet through a central angle of 32°56'34" to the beginning of a curve to the left having a radius of 120.00 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 05°29'25" to the beginning of a curve to the right having a radius of 40.00 feet, southwesterly along said curve an arc distance of 23.00 feet through a central angle of 32°56'24" to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'19" to the beginning of a curve to the left having a radius of 40.00 feet, southwesterly along said curve an arc distance of 11.51 feet through a central angle of 16°29'00" to the beginning of a curve to the left having a radius of 120.00 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 05°29'20" to the beginning of a curve to the right having a radius 40.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 16°27'50" to the beginning of a curve to the right having a radius of 120.00 feet, southwesterly along said curve an arc distance of 23.01 feet through a central angle of 10°59'07" to the beginning of a curve to the left having a radius of 60.00 feet, southwesterly along said curve an arc distance of 11.51 feet through a central angle of 10°59'21" to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 11.48 feet through a central angle of 05°28'54" to the beginning of a curve to the left having a radius of 80.00 feet, southerly along said curve an arc distance of 11.51 feet through a central angle of 08°14'33", South 24°21'56" West 23.00 feet to the beginning of a curve to the right having a radius of 120.00 feet, southwesterly along said curve an arc distance of 23.01 feet through a central angle of 10°59'05" to the beginning of a curve to the right having a radius of 60.00 feet, southwesterly along said curve an arc distance of 11.48 feet through a central angle of 10°57'38" to the beginning of a curve to the right having a radius of 50.00 feet, southwesterly



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along said curve an arc distance of 11.52 feet through a central angle of 13°11'44" to the beginning of a curve to the left having a radius of 60.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 10°59'08" to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'31" to the beginning of a curve to the left having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 08°14'02" to the beginning of a curve to the left having a radius of 60.00 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 10°58'57" South 23°48'46" West 11.50 feet to the beginning of a curve to the right having a radius of 120.00 feet, southwesterly along said curve an arc distance of 46.00 feet through a central angle of 21°57'42", South 45°46'28" West 11.50 feet to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 22.98 feet through a central angle of 10°58'19" to the beginning of a curve to the left having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.52 feet through a central angle of 08°15'03", South 26°33'06" West 11.50 feet to the beginning of a curve to the right having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.51 feet through a central angle of 08°14'44" to the beginning of a curve to the right having a radius of 60.00 feet, southwesterly along said curve an arc distance of 23.00 feet through a central angle of 21°57'47" to the beginning of a curve to the right having a radius of 80.00 feet, westerly along said curve an arc distance of 11.48 feet to a central angle of 08°13'08" to the beginning of a curve to the right having an arc distance of 120.00 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 05°29'41", South 70°28'27" West 11.50 feet to the beginning of a curve to the left having a radius of 120.00 feet, westerly along said curve an arc distance of 23.01 feet through a central angle of 10°59'06" to the beginning of a curve to the left having a radius of 30.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 21°57'50" to the beginning of a curve to the left having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 08°13'55" to the beginning of a curve to the right having a radius of 50.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 13°10'09" to the beginning of a curve to the right having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.51 feet through a central angle of 08°14'30" to the beginning of a curve to the right having a radius of 40.0 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 16°28'12" to the beginning of a curve to the right having a radius of 120.00 feet, westerly along said curve an arc distance of 7.75 feet through a central angle of 03°41'58", South 70°52'25" West 3.13 feet to the beginning of a curve to the left having a radius of 40.00 feet, westerly along said curve an arc distance of 2.89 feet through a central angle of 04°08'22" to the beginning of a curve to the left having a radius of 60.00 feet, westerly along said curve an arc distance of 11.52 feet through a central angle of 10°59'59" to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 22.99 feet through a central angle of 10°58'33" to the beginning of a curve the left having a radius of 60.00 feet, southwesterly along said curve an arc distance of 11.54 feet through a central angle of 11°00'57" to the beginning of a curve to the left having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.48 feet through a central angle of 08°13'21" to the beginning of a curve to the left having a radius of 50.00 feet, southerly along said curve an arc distance of 11.49 feet through

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a central angle of 13°10'06", South 12°21'41" West 11.50 feet to the beginning of a curve to the right having a radius of 80.00 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 08°14'14" to the beginning of a curve to the right having a radius of 50.00 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 13°10'25" to the beginning of a curve to the right having a radius of 30.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 21°56'18" to the beginning of a curve to the right having a radius of 40.00 feet, westerly along said curve an arc distance of 11.53 feet through a central angle of 16°31'15" to the beginning of a curve to the right having a radius of 50.00 feet, westerly along said curve an arc distance of 11.46 feet through a central angle of 13°08'08" to the beginning of a curve to the right having a radius of 120.00 feet, westerly along said curve an arc distance of 34.52 feet through a central angle of 16°28'57" to the beginning of a curve to the left having a radius of 120.00 feet, westerly along said curve an arc distance of 34.49 feet through a central angle of 16°28'08" to the beginning of a curve to the left having a radius of 50.00 feet, westerly along said curve an arc distance of 23.04 feet through a central angle of 26°24'10" to the beginning of a curve to the left having a radius of 60.00 feet, westerly along said curve an arc distance of 11.47 feet through a central angle of 10°56'55" to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 23.00 feet through a central angle of 10°58'55" to the beginning of a curve to the left having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 08°14'09", South 28°48'39" West 23.00 feet to the beginning of a curve to the right having a radius of 60.00 feet, southwesterly along said curve an arc distance of 46.00 feet through a central angle of 43°55'45" to the beginning of a curve to the right having a radius of 30.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 21°57'25" to the beginning of a curve to the right having a radius of 120.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 05°29'25" to the beginning of a curve to the left having a radius of 40.00 feet, westerly along said curve an arc distance of 23.02 feet through a central angle of 32°58'17" to the beginning of a curve to the left having a radius of 60.00 feet, westerly along said curve an arc distance of 11.47 feet through a central angle of 10°57'10" to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 05°29'07" to the beginning of a curve to the left having a radius of 80.00 feet, southwesterly along said curve an arc distance of 23.03 feet through a central angle of 16°29'33", South 34°17'07" West 11.50 feet to the beginning of a curve to the right having a radius of 60.00 feet, southwesterly along said curve an arc distance of 23.01 feet through a central angle of 21°58'05" to the beginning of a curve to the right having a radius of 80.00 feet, westerly along said curve an arc distance of 34.50 feet through a central angle of 24°42'21", South 80°57'33" West 11.50 feet to the beginning of a curve to the left having a radius of 120.00 feet, westerly along said curve an arc distance of 22.98 feet through a central angle of 10°58'22" to the beginning of a curve to the left having a radius of 60.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 10°58'55" to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 23.00 feet through a central angle of 10°58'50" to the beginning of a curve to the left having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.52 feet through a central angle of 08°15'00" to the beginning of a curve to the right having a radius of

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120.00 feet, southwesterly along said curve an arc distance of 11.52 feet through a central angle of 05°29'53" to the beginning of a curve to the right having a radius of 60.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 10°58'12" to the beginning of a curve to the right having a radius of 40.00 feet, westerly along said curve an arc distance of 23.00 feet through a central angle of 32°56'36", South 89°11'07" West 11.50 feet to the beginning of a curve to the left having a radius of 120.00 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of 05°29'16" to the beginning of a curve to the left having a radius of 50.00 feet, westerly along said curve an arc distance of 23.04 feet through a central angle of 26°24'28" to the beginning of a curve to the left having a radius of 40.00 feet, southwesterly along said curve an arc distance of 11.48 feet through a central angle of 16°26'34" to the beginning of a curve to the left having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.48 feet through a central angle of 08°13'20" to the beginning of a curve to the right having a radius of 120.00 feet, southwesterly along said curve an arc distance of 11.52 feet through a central angle of 05°30'01" to the beginning of a curve to the right having a radius of 60.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 10°58'00" to the beginning of a curve to the right having a radius of 40.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 16°28'17" to the beginning of a curve to the right having a radius of 120.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 05°29'27", South 71°03'14" West 11.50 feet to the beginning of a curve to the left having a radius of 79.99 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 08°14'42" to the beginning of a curve to the left having a radius of 50.00 feet, southwesterly along said curve an arc distance of 22.99 feet through a central angle of 26°20'54" to the beginning of a curve to the right having a radius of 120.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'27" to the beginning of a curve to the right having a radius of 50.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 13°10'27" to the beginning of a curve to the right having a radius of 60.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 10°59'03" to the beginning of a curve to the right having a radius of 80.00 feet, westerly along said curve an arc distance of 12.39 feet through a central angle of 08°52'19", South 74°58'56" West 4.05 feet to the beginning of a curve, to the left having a radius of 120.00 feet, westerly along said curve an arc distance of 18.52 feet through a central angle of 08°50'28" to the beginning of a curve to the left having a radius of 80.00 feet, westerly along said curve an arc distance of 11.53 feet through a central angle of 08°15'16" to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly, along said curve an arc distance of 23.00 feet through a central angle of 10°58'55" to the beginning of a curve to the left having a radius of 60.00 feet, southwesterly along said curve an arc distance of 23.00 feet through a central angle of 21°58'06" to the beginning of a curve to the left having a radius of 120.00 feet, southerly along said curve an arc distance of 11.51 feet through a central angle of 05°29'47" to the beginning of a curve to the right having a radius of 120.00 feet, southerly along said curve an arc distance of 11.51 feet through a central angle of 05°29'46" to the beginning of a curve to the right having a radius of 60.00 feet, southwesterly along said curve an arc distance of 34.48 feet through a central angle of 32°55'26" to the beginning of a curve to the right having a radius of 80.00 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 08°14'41" to the beginning of

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a curve to the right having a radius of 60.01 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of 10°58'12" to the beginning of a curve to the left having a radius of 119.99 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 05°29'42" to the beginning of a curve to the left having a radius of 39.99 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 16°29'04" to the beginning of a curve to the left having a radius of 50.00 feet, southwesterly along said curve an arc distance of 23.00 feet through a central angle of 26°21'38" to the beginning of a curve to the left having a radius of 60.00 feet, southerly along said curve an arc distance of 11.48 feet through a central angle of 10°57'41" to the beginning of a curve to the right having a radius of 80.00 feet, southwesterly along said curve an arc distance of 34.50 feet through a central angle of 24°42'42" to the beginning of a curve to the right having a radius of 30.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 21°56'32" to the beginning of a curve to the right having a radius of 60.00 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 10°59'40", South 75°25'17" West 11.50 feet to the beginning of a curve to the left having a radius of 120.00 feet, westerly along said curve an arc distance of 11.48 feet through a central angle of 05°29'01" to the beginning of a curve to the left having a radius of 60.00 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 10°59'22" to the beginning of a curve to the left having a radius of 50.00 feet, southwesterly along said curve an arc distance of 11.51 feet through a central angle of 13°11'08" to the beginning of a curve to the left having a radius of 120.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 05°29'06" to the beginning of a curve to the left having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.51 feet through a central angle of 08°14'26" to the beginning of a curve to the left having a radius of 60.00 feet, southerly along said curve an arc distance of 11.51 feet through a central angle of 10°59'14" to the beginning of a curve to the right having a radius of 120.00 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 05°29'26" to the beginning of a curve to the right having a radius of 80.00 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 08°14'03", South 34°46'29" West 11.51 feet to the beginning of a curve to the right having a radius of 120.01 feet, southwesterly along said curve an arc distance of 46.01 feet through a central angle of 21°57'54" to the beginning of a curve to the right having a radius of 80.01 feet, westerly along said curve an arc distance of 11.47 feet through a central angle of 08°12'56" to the beginning of a curve to the right having a radius of 60.01 feet, westerly along said curve an arc distance of 11.52 feet through a central angle of 10°59'50", South 75°57'10" West 11.50 feet to the beginning of a curve to the right having a radius of 120.01 feet, westerly along said curve an arc distance of 34.50 feet through a central angle of 16°28'15" to the beginning of a curve to the left having a radius of 119.99 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 05°29'26" to the beginning of a curve to the left having a radius of 59.99 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of 10°58'41" to the beginning of a curve to the left having a radius of 29.99 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 21°57'33" to the beginning of a curve to the left having a radius of 39.99 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 16°28'15" to the beginning of a curve to the left having a radius of 49.99 feet, southwesterly along said curve an arc distance of 11.52 feet through a central angle of 13°11'53" to the beginning of a

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curve to the right having a radius of 120.01 feet, southwesterly along said curve an arc distance of 22.99 feet through a central angle of $10^{\circ}58'35''$ to the beginning of a curve to the right having a radius of 30.01 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of $21^{\circ}57'20''$ to the beginning of a curve to the right having a radius of 40.01 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of $16^{\circ}29'03''$ to the beginning of a curve to the right having a radius of 50.01 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of $13^{\circ}10'49''$ to the beginning of a curve to the left having a radius of 119.99 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of $05^{\circ}29'16''$ to the beginning of a curve to the left having a radius of 39.99 feet, westerly along said curve an arc distance of 23.00 feet through a central angle of $32^{\circ}57'15''$ to the beginning of a curve to the left having a radius of 119.99 feet, southwesterly along said curve an arc distance of 23.00 feet through a central angle of $10^{\circ}58'59''$ to the beginning of a curve to the right having a radius of 120.01 feet, southwesterly along said curve an arc distance of 11.52 feet through a central angle of $05^{\circ}29'59''$ to the beginning of a curve to the right having a radius of 60.01 feet, southwesterly along said curve an arc distance of 11.48 feet through a central angle of $10^{\circ}57'42''$, South $53^{\circ}57'34''$ West 11.50 feet to the beginning of a curve to the right having a radius of 120.01 feet, southwesterly along said curve an arc distance of 11.51 feet through a central angle of $05^{\circ}29'43''$ to the beginning of a curve to the right having a radius of 50.01 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of $13^{\circ}10'32''$ to the beginning of a curve to the right having a radius of 80.01 feet, westerly along said curve an arc distance of 46.00 feet through a central angle of $32^{\circ}56'22''$ to the beginning of a curve to the left having a radius of 119.99 feet, westerly along said curve an arc distance of 23.00 feet through a central angle of $10^{\circ}58'49''$ to the beginning of a curve to the left having a radius of 29.99 feet, westerly along said curve an arc distance of 23.00 feet through a central angle of $43^{\circ}56'02''$, South $50^{\circ}39'20''$ West 11.50 feet to the beginning of a curve to the right having a radius of 120.01 feet, southwesterly along said curve an arc distance of 11.48 feet through a central angle of $05^{\circ}28'52''$ to the beginning of a curve to the right having a radius of 80.01 feet, westerly along said curve an arc distance of 11.53 feet through a central angle of $08^{\circ}15'29''$ to the beginning of a curve to the right having a radius of 50.01 feet, westerly along said curve an arc distance of 23.00 feet through a central angle of $26^{\circ}20'52''$ to the beginning of a curve to the right having a radius of 80.01 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of $08^{\circ}13'44''$, North $81^{\circ}01'43''$ West 11.50 feet to the beginning of a curve to the left having a radius of 79.99 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of $08^{\circ}14'27''$ to the beginning of a curve to the left having a radius of 49.99 feet, westerly along said curve an arc distance of 11.48 feet through a central angle of $13^{\circ}09'42''$ to the beginning of a curve to the left having a radius of 39.99 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of $16^{\circ}29'13''$ to the beginning of a curve to the right having a radius of 80.01 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of $08^{\circ}13'35''$ to the beginning of a curve to the right having a radius of 120.01 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of $05^{\circ}29'36''$ to the beginning of a curve to the right having a radius of 80.01 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of $08^{\circ}14'08''$ to the beginning of a curve to the right having a radius of 60.01 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of $10^{\circ}59'10''$ to the beginning of



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a curve to the right having a radius of 80.01 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of $08^{\circ}14'19''$, North $77^{\circ}44'17''$ West 11.50 feet to the beginning of a curve to the left having a radius of 119.99 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of $05^{\circ}29'13''$ to the beginning of a curve to the left having a radius of 49.99 feet, westerly along said curve an arc distance of 23.01 feet through a central angle of $26^{\circ}22'04''$ to the beginning of a curve to the left having a radius of 119.99 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of $05^{\circ}29'14''$ to the beginning of a curve to the left having a radius of 79.99 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of $08^{\circ}14'26''$, South $56^{\circ}40'47''$ West 11.50 feet to the beginning of a curve to the right having a radius of 120.01 feet, southwestery along said curve an arc distance of 11.50 feet through a central angle of $05^{\circ}29'24''$ to the beginning of a curve to the right having a radius of 40.01 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of $16^{\circ}27'54''$ to the beginning of a curve to the right having a radius of 50.01 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of $13^{\circ}11'28''$ to the beginning of a curve to the right having a radius of 80.01 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of $08^{\circ}13'44''$, North $79^{\circ}56'42''$ West 11.50 feet to the beginning of a curve to the left having a radius of 79.99 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of $08^{\circ}14'26''$ to the beginning of a curve to the left having a radius of 39.99 feet, westerly along said curve an arc distance of 23.00 feet through a central angle of $32^{\circ}56'44''$ to the beginning of a curve to the left having a radius of 79.99 feet, southwestery along said curve an arc distance of 11.50 feet through a central angle of $08^{\circ}14'04''$ to the beginning of a curve to the right having a radius of 30.01 feet, westerly along said curve an arc distance of 23.00 feet through a central angle of $43^{\circ}55'08''$ to the beginning of a curve to the right having a radius of 60.01 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of $10^{\circ}59'01''$ to the beginning of a curve to the left having a radius of 119.99 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of $05^{\circ}29'25''$ to the beginning of a curve to the left having a radius of 39.99 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of $16^{\circ}29'34''$ to the beginning of a curve to the left having a radius of 49.99 feet, westerly along said curve an arc distance of 11.48 feet through a central angle of $13^{\circ}09'32''$ to the beginning of a curve to the left having a radius of 59.99 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of $10^{\circ}59'06''$, South $59^{\circ}24'35''$ West 11.50 feet to the beginning of a curve to the right having a radius of 80.01 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of $08^{\circ}14'20''$ to the beginning of a curve to the right having a radius of 40.01 feet, westerly along said curve an arc distance of 23.00 feet through a central angle of $32^{\circ}55'54''$ to the beginning of a curve to the right having a radius of 120.01 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of $05^{\circ}29'42''$ to the beginning of a curve to the left having a radius of 49.99 feet, westerly along said curve an arc distance of 22.98 feet through a central angle of $26^{\circ}20'34''$ to the beginning of a curve to the left having a radius of 29.99 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of $21^{\circ}58'22''$ to the beginning of a curve to the left having a radius of 119.99 feet, southwestery along said curve an arc distance of 11.50 feet through a central angle of $05^{\circ}29'35''$ to the beginning of a curve to the right having a radius of 80.01 feet, westerly along said curve an arc distance of 22.96 feet through a central angle of $16^{\circ}26'22''$ to



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the beginning of a curve to the right having a radius of 120.01 feet, westerly along said curve an arc distance of 46.05 feet through a central angle of 21°59'10" to the beginning of a curve to the left having a radius of 119.99 feet, westerly along said curve an arc distance of 22.99 feet through a central angle of 10°58'32" to the beginning of a curve to the left having a radius of 79.99 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of 08°13'52" to the beginning of a curve to the left having a radius of 59.99 feet, westerly along said curve an arc distance of 11.52 feet through a central angle of 10°59'53" South 60°29'14" West 11.50 feet to the beginning of a curve to the left having a radius of 79.99 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 08°13'56" to the beginning of a curve to the left having a radius of 49.99 feet, southwesterly along said curve an arc distance of 22.99 feet through a central angle of 26°20'52" to the beginning of a curve to the left having a radius of 39.99 feet, southerly along said curve an arc distance of 11.51 feet through a central angle of 16°29'16" to the beginning of a curve to the left having a radius of 59.99 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 10°59'02" to the beginning of a curve to the right having a radius of 120.01 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 05°29'34" to the beginning of a curve to the right having a radius of 40.01 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 16°28'08" to the beginning of a curve to the right having a radius of 30.01 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 21°57'38" to the beginning of a curve to the left having a radius of 119.99 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 05°29'10" to the beginning of a curve to the left having a radius of 79.99 feet, southwesterly along said curve an arc distance of 11.51 feet through a central angle of 08°14'41" to the beginning of a curve to the left having a radius of 29.99 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 21°57'34" to the beginning of a curve to the right having a radius of 120.01 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 05°29'29" to the beginning of a curve to the right having a radius of 40.01 feet, southerly along said curve an arc distance of 11.49 feet through a central angle of 16°27'36" to the beginning of a curve to the right having a radius of 20.01 feet, southwesterly along said curve an arc distance of 11.50 feet through a central angle of 32°56'30" to the beginning of a curve to the right having a radius of 40.01 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 16°29'02" to the beginning of a curve to the left having a radius of 119.99 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 05°29'25" to the beginning of a curve to the left having a radius of 29.99 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 21°58'01" to the beginning of a curve to the left having a radius of 49.99 feet, southwesterly along said curve an arc distance of 11.48 feet through a central angle of 13°09'32" to the beginning of a curve to the left having a radius of 59.99 feet, southwesterly along said curve an arc distance of 11.51 feet through a central angle of 10°59'26" to the beginning of a curve to the left having a radius of 19.99 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 32°57'29" to the beginning of a curve to the left having a radius of 59.99 feet, southerly along said curve an arc distance of 11.49 feet through a central angle of 10°58'16" to the beginning of a curve to the left having a radius of 49.99 feet, southerly along said curve an arc distance of 11.49 feet through a central angle of 13°09'46" to the beginning of a curve to the left having a radius of 59.99 feet,

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southeasterly along said curve an arc distance of 11.53 feet through a central angle of 11°00'27" to the beginning of a curve to the right having a radius of 120.01 feet, southeasterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'31" to the beginning of a curve to the right having a radius of 40.01 feet, southerly along said curve an arc distance of 23.00 feet through a central angle of 32°56'22" to the beginning of a curve to the right having a radius of 60.01 feet, southerly along said curve an arc distance of 11.51 feet through a central angle of 10°59'09" to the beginning of a curve to the left having a radius of 119.99 feet, southerly along said curve an arc distance of 11.47 feet through a central angle of 05°28'40" to the beginning of a curve to the left having a radius of 79.99 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 08°14'22" to the beginning of a curve to the left having a radius of 119.99 feet, southerly along said curve an arc distance of 11.52 feet through a central angle of 05°29'55" to the beginning of a curve to the left having a radius of 59.99 feet, southerly along said curve an arc distance of 11.50 feet through a central angle of 10°59'05" to the beginning of a curve to the left having a radius of 39.99 feet, southeasterly along said curve an arc distance of 11.49 feet through a central angle of 16°27'55" to the beginning of a curve to the left having a radius of 59.99 feet, southeasterly along said curve an arc distance of 11.50 feet through a central angle of 10°59'05" to the beginning of a curve to the right having a radius of 120.01 feet, southeasterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'23", South 44°24'25" East 11.50 feet to the beginning of a curve to the right having a radius of 120.01 feet, southeasterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'27" to the beginning of a curve to the left having a radius of 119.99 feet, southeasterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'24" to the beginning of a curve to the left having a radius of 59.99 feet, southeasterly along said curve an arc distance of 23.00 feet through a central angle of 21°57'54" to the beginning of a curve to the left having a radius of 79.99 feet, easterly along said curve an arc distance of 11.48 feet through a central angle of 08°13'31" to the beginning of a curve to the left having a radius of 119.99 feet, easterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'23" to the beginning of a curve to the left having a radius of 79.99 feet, easterly along said curve an arc distance of 11.52 feet through a central angle of 08°15'01" to the beginning of a curve to the right having a radius of 120.01 feet, easterly along said curve an arc distance of 11.47 feet through a central angle of 05°28'40" to the beginning of a curve to the right having a radius of 80.01 feet, easterly along said curve an arc distance of 11.52 feet through a central angle of 08°15'06" to the beginning of a curve to the left having a radius of 119.99 feet, easterly along said curve an arc distance of 24.92 feet through a central angle of 11°53'58" to the beginning of a curve to the left having a radius of 29.99 feet, easterly along said curve an arc distance of 11.49 feet through a central angle of 21°57'25" to the beginning of a curve to the right having a radius of 120.01 feet, easterly along said curve an arc distance of 34.52 feet through a central angle of 16°28'48" to the beginning of a curve to the right having a radius of 80.01 feet, easterly along said curve an arc distance of 11.44 feet through a central angle of 08°11'38" to the beginning of a curve to the right having a radius of 60.01 feet, easterly along said curve an arc distance of 11.56 feet through a central angle of 11°02'16" to the beginning of a curve to the right having a radius of 50.01 feet, easterly along said curve an arc distance of 11.49 feet through a central angle of 13°10'07" to the beginning of a curve to the right having a radius of 120.01 feet, southeasterly along said curve an arc distance of 11.50 feet through a

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central angle of 05°29'18" to the beginning of a curve to the left having a radius of 59.99 feet, southeasterly along said curve an arc distance of 11.50 feet through a central angle of 10°58'45", South 65°04'25" East 11.50 feet to the beginning of a curve to the left having a radius of 79.99 feet, easterly along said curve an arc distance of 11.50 feet through a central angle of 08°14'05" to the beginning of a curve to the right having a radius of 60.01 feet, easterly along said curve an arc distance of 11.53 feet through a central angle of 11°00'36" to the beginning of a curve to the right having a radius of 80.01 feet, southeasterly along said curve an arc distance of 34.47 feet through a central angle of 24°41'14" to the beginning of a curve to the right having a radius of 60.01 feet, southeasterly along said curve an arc distance of 11.50 feet through a central angle of 10°58'54, South 26°37'45" East 23.00 feet to the beginning of a curve to the left having a radius of 19.99 feet, southeasterly along said curve an arc distance of 11.50 feet through a central angle of 32°56'28" to the beginning of a curve to the left having a radius of 119.99 feet, easterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'24" to the beginning of a curve to the right having a radius of 120.01 feet, easterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'28" to the beginning of a curve to the right having a radius of 60.01 feet, southeasterly along said curve an arc distance of 11.51 feet through a central angle of 10°59'08", South 48°35'02" East 11.50 feet to the beginning of a curve to the left having a radius of 79.99 feet, southeasterly along said curve an arc distance of 11.49 feet through a central angle of 08°13'35" to the beginning of a curve to the left having a radius of 119.99 feet, southeasterly along said curve an arc distance of 11.51 feet through a central angle of 05°29'44", South 62°18'21" East 11.50 feet to the beginning of a curve to the right having a radius of 120.01 feet, southeasterly along said curve an arc distance of 11.53 feet through a central angle of 05°30'21" to the beginning of a curve to the right having a radius of 80.01 feet, southeasterly along said curve an arc distance of 11.48 feet through a central angle of 08°13'18", South 48°34'42" East 11.48 feet to the beginning of a curve to the left having a radius of 80.12 feet, southeasterly along said curve an arc distance of 11.56 feet through a central angle of 08°15'57" to the beginning of a curve to the left having a radius of 120.16 feet, southeasterly along said curve an arc distance of 11.45 feet through a central angle of 05°27'31" to the beginning of a curve to the left having a radius of 49.99 feet, easterly along said curve an arc distance of 17.43 feet through a central angle of 19°58'47", South 82°16'57" East 11.50 feet to the beginning of a curve to the left having a radius of 120.02 feet, easterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'21" to the beginning of a curve to the right having a radius of 60.03 feet, easterly along said curve an arc distance of 22.98 feet through a central angle of 21°56'08", South 65°50'10" East 11.53 feet to the beginning of a curve to the left having a radius of 80.16 feet, easterly along said curve an arc distance of 22.96 feet through a central angle of 16°24'29" to the beginning of a curve to the left having a radius of 59.92 feet, easterly along said curve an arc distance of 2.63 feet through a central angle of 02°30'50", North 34°27'06" West 13.85 feet to the beginning of a curve to the right having a radius of 15.00 feet, northwesterly, along said curve an arc distance of 2.23 feet through a central angle of 08°30'59" to the beginning of a curve to the right having a radius of 30.00 feet, northerly along said curve an arc distance of 11.51 feet through a central angle of 21°59'19" to the beginning of a curve to the right having a radius of 20.01 feet, northerly along said curve an arc distance of 11.50 feet through a central angle of 32°56'35" to the beginning of a curve to the right having a radius of 39.99 feet, northeasterly along said curve an arc distance of 11.49 feet through a central angle of



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16°27'39" to the beginning of a curve to the left having a radius of 60.02 feet, northeasterly along said curve an arc distance of 11.51 feet through a central angle of 10°59'16" to the beginning of a curve to the left having a radius of 29.98 feet, northerly along said curve an arc distance of 11.47 feet through a central angle of 21°55'40" to the beginning of a curve to the left having a radius of 39.99 feet, northerly along said curve an arc distance of 11.51 feet through a central angle of 16°29'31" to a point of intersection with the plant footprint line; thence along said footprint line South 00°46'55" East 8.41 feet to an intersection with a curve, concave to the north the radius point of which bears North 48°17'12" East 56.00 feet; thence along said footprint line easterly along said curve an arc distance of 62.59 feet through a central angle of 64°02'36"; thence continuing along said footprint line North 74°14'36" East 1.01 feet to the beginning of a curve to the right having a radius of 38.00 feet; thence continuing along said footprint line easterly along said curve an arc distance of 15.28 feet through a central angle of 23°02'02"; thence continuing along said footprint line, South 10°20'40" East 11.17 feet; thence leaving said footprint line and continuing along said security wall line South 10°21'10" East 5.02 feet to an intersection with a curve concave to the south the radius point of which bears South 15°33'18" West 20.00 feet; thence continuing along said security wall line for the following 26 courses: southeasterly along said curve an arc distance of 16.43 feet through a central angle of 47°04'32" to the beginning of a curve to the left having a radius of 40.02 feet, southeasterly along said curve an arc distance of 23.02 feet through a central angle of 32°57'44" to the beginning of a curve to the left having a radius of 29.99 feet, easterly along said curve an arc distance of 11.47 feet through a central angle of 21°55'28" to the beginning of a curve to the right having a radius of 80.03 feet easterly along said curve an arc distance of 11.50 feet through a central angle of 08°14'02" to the beginning of a curve to the right having a radius of 20.00 feet, southeasterly along said curve an arc distance of 11.50 feet through a central angle of 32°57'11" to the beginning of a curve to the left having a radius of 119.94 feet, southeasterly along said curve an arc distance of 11.51 feet through a central angle of 05°29'54" to the beginning of a curve to the left having a radius of 59.97 feet, southeasterly along said curve an arc distance of 11.49 feet through a central angle of 10°58'46" to the beginning of a curve to the left having a radius of 20.00 feet, easterly along said curve an arc distance of 11.50 feet through a central angle of 32°55'59" to the beginning of a curve to the left having a radius of 79.99 feet, easterly along said curve an arc distance of 11.51 feet through a central angle of 08°14'28" to the beginning of a curve to the right having a radius of 30.01 feet, easterly along said curve an arc distance of 11.50 feet through a central angle of 21°57'53" to the beginning of a curve to the right having a radius of 120.03 feet, easterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'20", South 71°16'02" East 11.50 feet to the beginning of a curve to the left having a radius of 40.00 feet, easterly along said curve an arc distance of 11.53 feet through a central angle of 16°30'39" to the beginning of a curve to the left having a radius of 50.01 feet, easterly along said curve an arc distance of 11.48 feet through a central angle of 13°09'07" to the beginning of a curve to the left having a radius of 60.00 feet, easterly along said curve an arc distance of 22.98 feet through a central angle of 21°56'49" to the beginning of a curve to the right having a radius of 79.99 feet, easterly along said curve an arc distance of 23.03 feet through a central angle of 16°29'36" to the beginning of a curve to the right having a radius of 59.99 feet, easterly along said curve an arc distance of 11.48 feet through a central angle of 10°57'43" to the beginning of a curve to the right having a radius of 79.99 feet, easterly along



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said curve an arc distance of 11.50 feet through a central angle of 08°14'18" to the beginning of a curve to the left having a radius of 49.98 feet, easterly along said curve an arc distance of 11.52 feet through a central angle of 13°12'07" to the beginning of a curve to the left having a radius of 29.99 feet, easterly along said curve an arc distance of 11.48 feet through a central angle of 21°55'56" to the beginning of a curve to the right having a radius of 120.04 feet, easterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'25" to the beginning of a curve to the right having a radius of 30.00 feet, easterly along said curve an arc distance of 11.50 feet through a central angle of 21°57'25" to the beginning of a curve to the left having a radius of 120.10 feet, easterly along said curve an arc distance of 23.00 feet through a central angle of 10°58'14" to the beginning of a curve to the left having a radius of 80.02 feet, easterly along said curve an arc distance of 22.99 feet through a central angle of 16°27'32" to the beginning of a curve to the left having a radius of 50.00 feet, northeasterly along said curve an arc distance of 11.51 feet through a central angle of 13°11'32" to the beginning of a curve to the left having a radius of 120.04 feet, northeasterly along said curve an arc distance of 2.88 feet through a central angle of 01°22'23" to an intersection with the plant footprint line; thence along said plant footprint line for the following 46 courses: South 79°38'36" West 162.79 feet, South 10°21'24" East 10.98 feet to an intersection with a curve concave to the north the radius point of which bears North 22°21'15" West 80.00 feet, westerly along said curve an arc distance of 6.31 feet through a central angle of 04°31'05" to the beginning of a curve to the right having a radius of 30.00 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of 21°57'09" to the beginning of a curve to the left having a radius of 80.01 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 08°14'08" to the beginning of a curve to the right having a radius of 30.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 21°57'44" to the beginning of a curve to the left having a radius of 50.00 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 13°11'24" to the beginning of a curve to the left having a radius of 60.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 10°58'39" to the beginning of a curve to the right having a radius of 40.00 feet, westerly along said curve an arc distance of 23.01 feet through a central angle of 32°57'52" to the beginning of a curve to the right having a radius of 29.99 feet, northwesterly along said curve an arc distance of 11.48 feet through a central angle of 21°56'20" to the beginning of a curve to the left having a radius of 60.00 feet, northwesterly along said curve an arc distance of 11.49 feet through a central angle of 10°58'33" to the beginning of a curve to the left having a radius of 30.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 21°57'27" to the beginning of a curve to the left having a radius of 60.00 feet, westerly along said curve an arc distance of 11.51 feet through a central angle of 10°59'26" to the beginning of a curve to the right having a radius of 20.00 feet, westerly along said curve an arc distance of 11.49 feet through a central angle of 32°54'30" to the beginning of a curve to the right having a radius of 30.00 feet, northwesterly along said curve an arc distance of 11.51 feet through a central angle of 21°59'12" to the beginning of a curve to the left having a radius of 40.00 feet, northwesterly along said curve an arc distance of 11.50 feet through a central angle of 16°28'19" to the beginning of a curve to the left having a radius of 20.00 feet, westerly along said curve an arc distance of 11.50 feet through a central angle of 32°56'29", North 80°05'28" West 0.69 feet, North 10°20'40" West 11.17 feet to an intersection with a curve concave to the south the radius point of which

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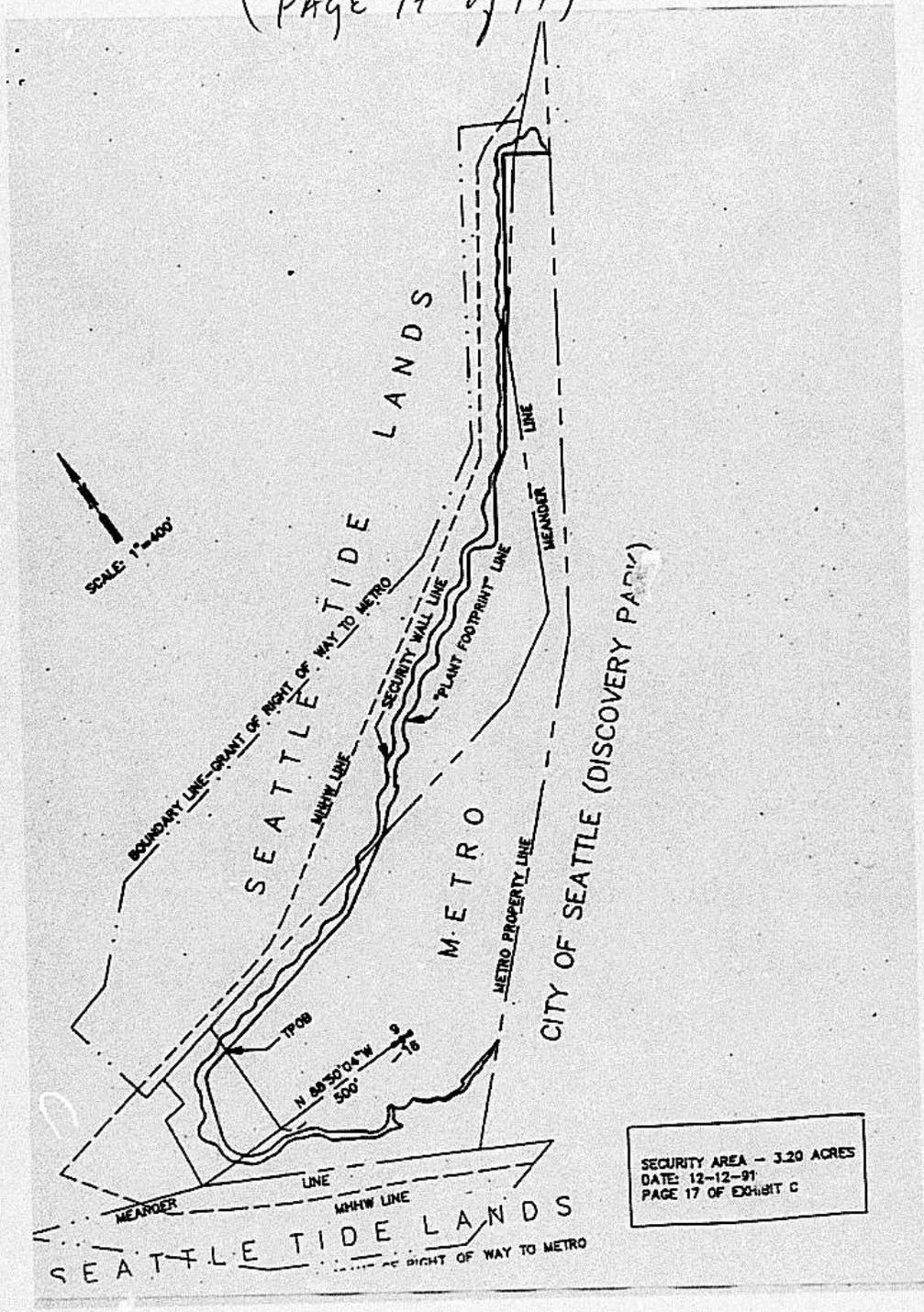
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bears South 07°16'38" West 38.00 feet, westerly along said curve an arc distance of 15.28 feet through a central angle of 23°02'02" South 74°14'36" West 1.01 feet to the beginning of a curve to the right having a radius of 56.00 feet, westerly along said curve an arc distance of 62.59 feet through a central angle of 64°02'36," North 00°46'55" West 8.41 feet, North. 82°31'05" West 11.93 feet to an intersection with a curve concave to the west the radius point of which bears North 69°25'16" West 80.08 feet, southwesterly along said curve an arc distance of 34.50 feet through a central angle of 24°41'09" to the beginning of a curve to the right having a radius of 60.00 feet, southwesterly along said curve an arc distance of 11.49 feet through a central angle of 10°58'10" to the beginning of a curve to the right having a radius of 50.01 feet, southwesterly along said curve an arc distance of 5.37 feet through a central angle of 06°08'54", North 22°00'12" West 0.59 feet to an intersection with a curve concave to the northwest the radius point of which bears North 27°37'32" West 49.42 feet, westerly along said curve an arc distance of 1.66 feet through a central angle of 01°55'20", South 64°17'48" West 3.33 feet to the beginning of a curve to the right having a radius of 39.41 feet, westerly along said curve an arc distance of 11.67 feet through a central angle of 16°58'17" to the beginning of a curve to the right having a radius of 66.92 feet, westerly along said curve an arc distance of 54.30 feet through a central angle of 46°29'19", North 52°14'36" West 14.11 feet, North 37°44'29" East 5.50 feet, North 52°12'20" West 21.95 feet, North 53°45'45" West 100.86 feet to the beginning of a curve to the right having a radius of 74.23 feet, northwesterly along said curve an arc distance of 27.89 feet through a central angle of 21°31'32" to the beginning of a curve to the left having a radius of 59.99 feet, northwesterly along said curve an arc distance of 46.32 feet through a central angle of 44°14'21", North 70°07'33" West 80.94 feet to the beginning of a curve to the left having a radius of 60.00 feet, westerly along said curve an arc distance of 31.55 feet through a central angle of 30°07'35", South 79°44'53" West 7.38 feet to the beginning of a curve to the right having a radius of 138.00 feet, westerly along said curve an arc distance of 98.34 feet through a central angle of 40°49'43", North 59°25'25" West 2.22 feet to the beginning of a curve to the right having a radius of 91.00 feet, northerly along said curve an arc distance of 125.58 feet through a central angle of 79°04'04", North 19°38'39" East 177.95 feet to the beginning of a curve to the right having a radius of 63.00 feet, northeasterly along said curve an arc distance of 65.97 feet through a central angle of 59°59'57", North 79°38'36" East 72.01 feet to the True Point of Beginning.

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MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made this _____ day of _____, 2005, by and between King County, a political subdivision of the State of Washington and successor in interest to the Municipality of Metropolitan Seattle, ("County"), and the City of Seattle, a Washington municipal corporation ("the City").

Recitals

WHEREAS, County owns or has an interest in real property (the "Property") located at West Point below Magnolia Bluff adjacent to Discovery Park in the City of Seattle, and on the Property is County's West Point Sewage Plant (the "Facility"); and

WHEREAS, in order to comply with federal clean water requirements and to accommodate increased sewage flows due to population growth, County has applied for and received from the City a Plan-level Shoreline Substantial Development Permit, a Project-level Shoreline Substantial Development Permit and the necessary Seattle City Council (the "Council") Conditional Use land use approvals to expand and modify the Facility to develop secondary sewage treatment facilities; and

WHEREAS, as one of the conditions of the grant of the Plan-level Shoreline Substantial Development Permit and approval, the City Council required that County's above-ground facilities occupy no more than 32 acres; and

WHEREAS, as one of the conditions of the grant of the Plan-level Shoreline Substantial Development Permit and approval, the Council required that County permanently dedicate an easement for public park and recreation purposes over certain portions of the Property outside the 32-acre footprint described above, including such portions of the perimeter berms and lids as may be consistent with public safety, security and protection of landscaped plantings; and

WHEREAS, as a condition of the grant of the Project-level Shoreline Substantial Development Permit and approval, the Council required that County prepare a Memorandum of Understanding to govern the management of the easement area described above;

NOW, THEREFORE, the parties agree as follows:

SECTION I. MAINTENANCE OF THE EASEMENT AREA

- A. County has conveyed to the City in trust for the general public, an easement for park and recreation purposes on, over, and across the surface only of that portion of the Property described in Appendix C of Exhibit A hereto and incorporated herein by this reference (the "Easement Area") and said easement was recorded under Recording Number _____ in the official records of King County, Washington. The easement was given on the terms



and conditions therein described and is subject to the reservations of rights contained therein. This MOU is solely for the purpose of implementing certain provisions of the easement, and nothing in this MOU shall be construed to alter any of the provisions of said easement.

- B. County shall bear all costs and liabilities of operation, upkeep and maintenance of the Easement Area, except as provided for under Section 1.5 of the Easement.
- C. County shall maintain, and replace plantings in accordance with the VEGETATION MANAGEMENT PLAN attached as Exhibit A thereto. In compliance with Conditions 7i and 8h of the Project Permit (MUP #8804596), this manual has been reviewed and approved by the Department of Parks and Recreation.
- D. County shall maintain the improvements constructed in the easement area, substantially as shown on Plan Sheet 99017 of County's Project-level Shoreline Substantial Development Permit, and as further shown in the plans and specifications for the Liquid Stream Contract (ST08) and the Landscaping Contract (ST10).
- E. County and the City agree that the Easement Area is to be used for passive recreational purposes, and that use as a playfield or for other active sports activities is not consistent with the design of the landscaping improvements nor the intent of the easement. The City shall regulate public use of and access to the Easement Area in accordance with the Park Code, Chapter 18.12 of the Seattle Municipal Code, and rules and regulations of the Department of Parks and Recreation promulgated thereunder. County shall not be responsible for enforcement of such matters. However, County shall have authority to regulate access, including the right to exclude all persons, from the Security Area described in Appendix C of Exhibit A.
- F. Signage installed as of the date of this agreement has been reviewed and approved by the Seattle Department of Parks and Recreation, in compliance with Condition 2l of the Project Permit. County and the City agree that they will not, without the advance written consent of the other, erect, place, or maintain any signs in the easement area, other than those installed as of the date of this agreement.

SECTION II. EFFECT OF THIS AGREEMENT

- A. This MOU may be amended only by written agreement signed by both parties.
- B. Any notices required under this Memorandum of Understanding shall be in writing and shall be given by certified or registered mail, with postage prepaid and return receipt requested, addressed to County as follows:



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KING COUNTY
Department of Natural Resources and Parks
Wastewater Treatment Division
201 South Jackson Street, Room 503
Seattle, Washington 98104-3855
ATTN: Supervisor - Right of Way

and addressed to the Grantee as follows:

THE CITY OF SEATTLE
DEPARTMENT OF PARKS AND RECREATION
100 Dexter Avenue North
Seattle, Washington 98109-5199
ATTN: Superintendent of Parks and Recreation

- C. This MOU shall become binding upon the parties after construction of the landscaped berms is complete. Construction shall be considered to be complete when there is final acceptance by County of the work under the Landscaping Contract (ST10).
- D. This MOU shall automatically terminate in the event that the Property is no longer used for a secondary sewage treatment plant.

DATED the day and year first above written.

KING COUNTY

By: _____

Its: _____

THE CITY OF SEATTLE

By: _____

Its: _____

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EXHIBIT A

VEGETATION MANAGEMENT PLAN

This document is not available electronically but may be viewed at the following location:

Seattle Department of Parks and Recreation
Property and Acquisition Services
800 Maynard Avenue South, Room 402
Seattle, Washington
Telephone: (206) 233-7935

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After recording, mail to:
King County Dept. of Natural Resources & Parks
Wastewater Treatment Division
201 South Jackson Street, Room 503
Seattle, WA 98104-3855

Document Title(s): Temporary Access Easement

Reference number of related documents: Not Applicable

Grantor(s): KING COUNTY

Grantee(s): THE CITY OF SEATTLE

Abbreviated Legal Description: Portion of Government Lot 1 of Section 9, Township 25 North, Range 3 East, W.M., in King County, Washington

Assessor's Property Tax Parcel Account Number(s): _____

TEMPORARY ACCESS EASEMENT

THIS TEMPORARY EASEMENT AGREEMENT is made this _____ day of _____, 2005 by and between King County, a political subdivision of the State of Washington and successor in interest to the Municipality of Metropolitan Seattle, ("Grantor") and The City of Seattle, a Washington municipal corporation ("Grantee").

Recitals

This Agreement is made with reference to the following facts and objectives:

A. Grantor owns or has an interest in real property located at West Point below Magnolia Bluff adjacent to Discovery Park in the City of Seattle, as more fully described in Exhibit "A" hereto and incorporated herein by this reference (the "Property"). On the Property is Grantor's West Point Sewage Treatment Plant (the "Facility").

B. In order to comply with federal clean water requirements and to accommodate increased sewage flows due to population growth, Grantor has applied for



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and received from the Grantee a Plan-level Shoreline Substantial Development Permit, a Project-level Shoreline Substantial Development Permit and the necessary Seattle City Council (the "Council") Conditional Use land use approvals to expand and modify the Facility to develop secondary sewage treatment facilities.

C. As one of the conditions of the grant of the Plan-level Shoreline Substantial Development Permit and approval, the City Council required that Grantor's above-ground facilities occupy no more than 32 acres.

D. As a further condition of the grant of the Plan-level Shoreline Substantial Development Permit and approval, the Council required that Grantor permanently dedicate an easement for public park and recreation purposes over certain portions of the Property outside the 32-acre footprint described above, including such portions of the perimeter berms and lids as may be consistent with public safety, security and protection of landscaped plantings.

E. As a condition of the grant of the Project-level Shoreline Substantial Development Permit and approval, the Council required that Grantor temporarily convey an easement for public park and recreation purposes over a certain portion of the Property within the 32-acre footprint described above until such time as Grantor secures a building permit or the construction of future High Purity Oxygen basins in this area.

NOW, THEREFORE, for and in consideration of the mutual promises herein and other valuable consideration, receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee agree as follows:

ARTICLE I. TEMPORARY EASEMENT CONVEYANCE

1.1 Grant of Temporary Park and Recreation Easement. Grantor hereby voluntarily conveys to Grantee in trust for the general public a temporary easement for park and recreation purposes on, over, and across the surface only of that portion of the Property described in Exhibit "B" hereto and incorporated herein by this reference (the "Temporary Easement Area"). The easement is given on the terms and conditions herein described and is subject to the reservations of rights contained herein.

1.2 Restrictions on Use. Except as provided in Section 1.3 below, Grantor and Grantee covenant and agree that they will not, without the advance written consent of the other and for the term of this temporary easement:

A. Erect, place or maintain any above-ground improvement building, or structure on or within the Temporary Easement Area, except for such improvements as shown on Plan Sheets 99014 & 99017 of Grantor's Project-Level Shoreline Substantial Development Permit.



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B. Cut, uproot or remove any native vegetation from the Temporary Easement Area; provided, that vegetation may be removed and restored pursuant to Paragraph 1.3 of this Agreement.

C. Excavate or grade the Temporary Easement Area, except as required by law and pursuant to Paragraph 1.3.

D. Make any use of the Temporary Easement Area that will materially alter the landscape or topography thereof.

E. Allow access to the Temporary Easement Area by the general public via motor or wheeled vehicles of any nature except as otherwise agreed upon by Grantor and Grantee.

1.3 Reservation of Rights. Grantor reserves the following rights from the easement with respect to use of the Temporary Easement Area:

A. Use of, and access to, the subsurface of the Temporary Easement Area for all purposes not inconsistent with the rights conveyed to Grantee herein. At the conclusion of any activity by Grantor affecting the landscape or topography of the Temporary Easement Area, Grantor shall restore the affected Temporary Easement Area to substantially the same surface condition existing immediately before the start of such activity.

B. The right of access over the Temporary Easement Area to maintain security walls, fences, or other barriers adjacent to the Temporary Easement Area.

C. The right to erect signs within the Temporary Easement Area stating that temporary public use of the area is being made available by Grantor until additional High Purity Oxygen basins are built. The design of said signs shall be subject to approval by Grantee.

D. Other uses of the Temporary Easement Area for which Grantee provides written consent, which consent shall not be unreasonably withheld.

1.4 Notice of Intent to Exercise. Grantor shall notify Grantee in writing, pursuant to Section 2.4, prior to exercising any right provided in Section 1.3 of this Agreement.

1.5 Rights and Responsibilities. Grantor and Grantee desire to preserve and protect the open and natural condition and ecologic values of the Easement Area. In connection therewith Grantee and Grantor shall have the right to enforce compliance with the terms of this Agreement. In event of any violation of any provision contained in this Article, after thirty (30) days' written notice of violation to the party which is responsible for compliance under the terms hereof (the "defaulting party" party), the nondefaulting party may take such action, as it deems necessary to ensure compliance with this



Agreement, including restoration of the Easement Area to its condition prior to violation of the terms of this Agreement; provided that any failure to so act by the nondefaulting party shall not be deemed to be a waiver of any right, condition, covenant or purpose of this Agreement. The cost of restoring the Easement Area to its prior condition shall be borne by the defaulting party.

Grantee shall regulate public use of the access to the Easement Area in accordance with the Park Code, Chapter 18.12 of the Seattle Municipal Code, and rules and regulation of the Department of Parks and Recreation promulgated thereunder. Grantor shall not be responsible for enforcement of such matters.

1.6 Grantor's Responsibilities. Grantor agrees to bear all costs and liabilities of operation, upkeep and maintenance of the Easement Area except as provided in Section 1.5 above. Grantor and Grantee agree to indemnify and hold each other harmless from all liability arising out of their respective uses of the Easement Area. This indemnity shall extend to liability arising out of use by agents, contractors, subcontractors and employees of the indemnifying party. Notwithstanding the foregoing, nothing herein shall make either party liable to the other for failure to exercise its general police powers in enforcing rules and regulations applicable to the Easement Area (including enforcement of Grantee's park regulations).

1.7 Subject to Conditions of Record. This grant is subject to all rights, covenants, conditions and other matters of record.

ARTICLE II. GENERAL PROVISIONS

2.1 Consent. Where the terms of this Agreement require the consent of Grantee, such consent shall be requested by written notice, as provided in Paragraph 2.4, to Grantee and consent shall be deemed to have been given within sixty days after mailing of the notice by Grantor unless Grantee gives written notice of Grantor specifying reasons for disapproval. Approval or consent by Grantee shall not be unreasonably withheld.

2.2 Nature and Duration. The covenants expressed herein shall be deemed to be temporary and to be binding upon Grantor, successors and assigns for the benefit of Grantee and the general public until such time as Grantor secures a building permit for future facilities to be located in the Temporary Easement Area.

2.3 Assignment. Grantee agrees not to assign, transfer or encumber its interest in the Temporary Easement Area granted hereby nor delegate its duties hereunder.

2.4 Notice. Any notice required hereunder shall be in writing and shall be given by certified or registered mail, with postage prepaid and return receipt requested, addressed



to the Grantee as follows:

KING COUNTY
Department of Natural Resources and Parks
Wastewater Treatment Division
201 South Jackson Street, Room 503
Seattle, Washington 98104-3855
Attn: Supervisor - Right of Way

THE CITY OF SEATTLE
DEPARTMENT OF PARKS AND RECREATION
100 Dexter Avenue North
Seattle, Washington 98109-5199
Attn: Superintendent of Parks & Recreation

2.5 Construction. This Agreement shall be construed to promote the preservation of the aesthetic, scenic and recreational character of the Temporary Easement Area until future facilities are to be constructed in the Temporary Easement Area.

2.6 Nonwaiver of Breach. The failure of the Grantee at any time to enforce any provision of this Agreement shall not be deemed a waiver of its right later to enforce that or any other provision of this Agreement.

2.7 Savings Clause. In the event that any of the provisions contained herein are declared invalid or unenforceable, all remaining provisions shall remain in full force and effect.

2.8 Miscellaneous. No amendment or supplement to, or termination of, this Agreement shall be valid or effective unless executed by the parties hereto or their respective successors and assigns, and recorded in the real estate records of King County, Washington. This Agreement shall be governed and construed in accordance with the laws of the State of Washington.

2.9 Termination. The temporary easement granted hereby shall automatically terminate in the event that the Property is no longer used for a secondary sewage treatment plant, or Grantor secures a building permit for the construction of future facilities to be located in the Temporary Easement Area. At such time, title to the easement shall revert to Grantor or its successor in interest free and clear of any intervening interests. In the event of termination under this agreement, Grantor may record a document to give notice of such termination of the temporary easement.

2.10 Federal Rights. The easement granted hereby is subject to the terms and



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conditions of that certain Quit Claim Deed dated August 4, 1972 from the United States of America to Grantor and recorded under Recording No. 7208070470, records of King County, Washington.

DATED the day and year first above written.

GRANTOR:
KING COUNTY

By: _____
Its _____

GRANTEE:
THE CITY OF SEATTLE

By: _____
Its _____

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ACCEPTANCE

On behalf of The City of Seattle, a municipal corporation of the State of Washington, I, Kenneth R. Bounds, Superintendent of the Department of Parks and Recreation, accept the easement interest in the real property conveyed herein by this 'Temporary Access Easement' and legally described in the attached **Exhibit B [Temporary Public Access Area]**, from King County, a political subdivision of the State of Washington and successor in interest to the Municipality of Metropolitan Seattle, to The City of Seattle, pursuant to the authority conferred by Ordinance _____ [passed _____, 2005].

Dated: _____, 2005

THE CITY OF SEATTLE

By: _____
Kenneth R. Bounds
Superintendent
Department of Parks and Recreation

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**Exhibit A
(Page 1 of 2)**

West Point Secondary Treatment Facility

Legal Description

Parcel 1:

A portion of Government Lot 3, Section 9, Township 25 North, Range 3 East, W.M., in King County, Washington as more particularly described in that certain quit claim deed to the Municipality of Metropolitan Seattle, dated December 22, 1964 and recorded under Recording No. 5830170, records of King County, Washington.

Parcel 2:

A portion of Government Lots 1, 2 and 3 of Section 9, and Government Lot 1 of Section 16, Township 25 North, Range 3 East, WM., in King County, Washington as more particularly described in that certain quit claim deed to the Municipality of Metropolitan Seattle, dated August 4, 1972 and recorded under Recording No. 7208070470, records of King County, Washington.

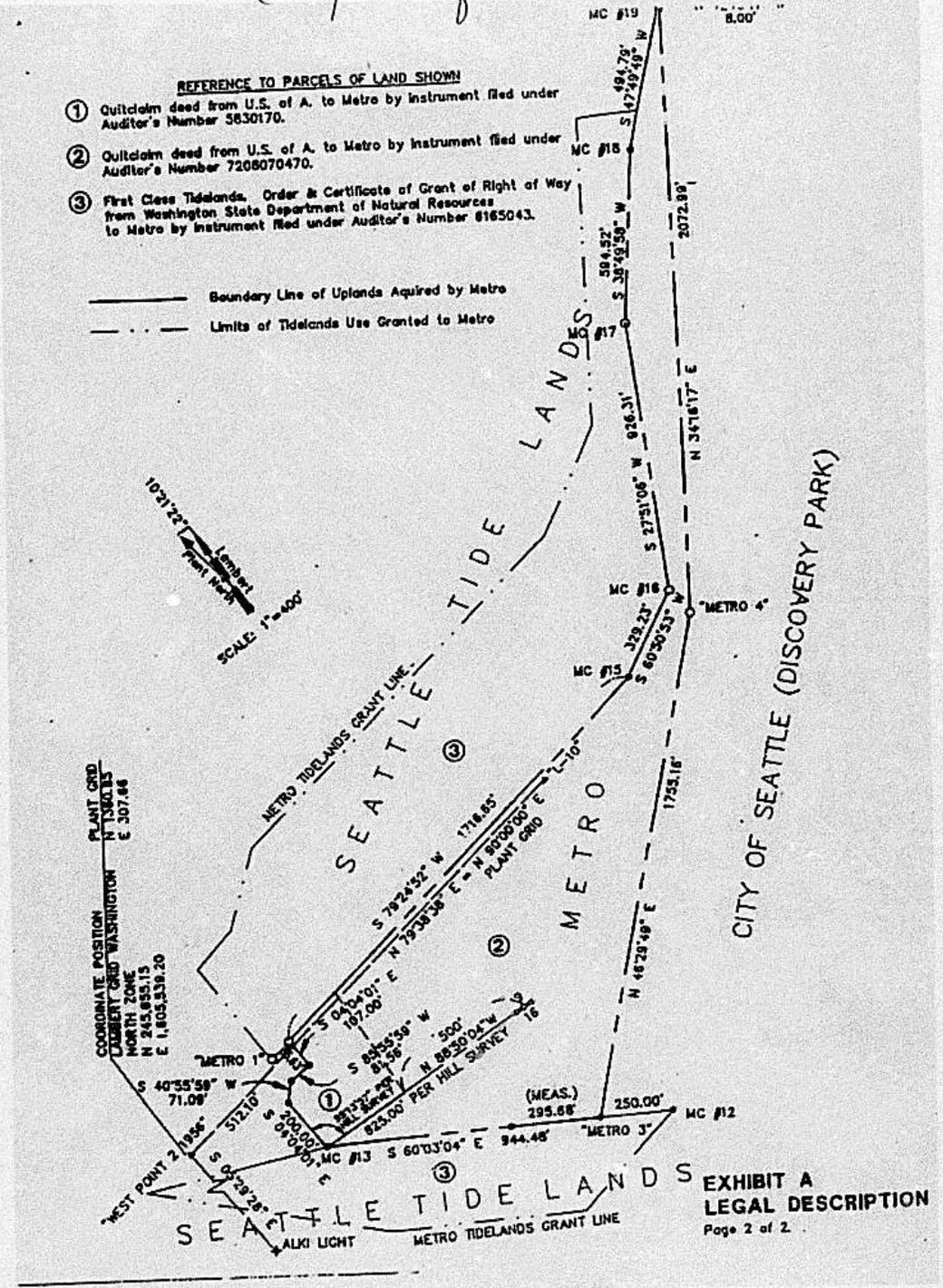
Parcel 3:

Portion of Blocks 24, 27, 28, 31, 32, 33, 34, 35, 36, 37, 45, 46 and adjacent and intervening tideland streets, Seattle Tide Lands and harbor area in front of Blocks 34 and 35 and intervening Puget Avenue Seattle Tide Lands, in King County, Washington as more particularly described in that certain Order and Certificate of Grant of Right of Way to the Municipality of Metropolitan Seattle, dated February 27, 1964 and recorded under Recording No. 6165043, records of King County, Washington.

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Exhibit A
(Page 2 of 2)



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**Exhibit B
(Page 1 of 5)**

TEMPORARY PUBLIC ACCESS AREA

That portion of Government Lot 1 of Section 9, Township 25 North, Range 3 East, W.M., in King County, Washington, described as follows:

Commencing at the southwest corner of the southeast quarter of said Section 9; thence along the south line of said Section 9, North 88°50'04" West 825 feet to a meander corner common to Section 16 and 9 of said Township 25 North, Range 3 East, W.M.; thence along the government meander line, South 60°03'04" East 944.48 feet; thence leaving said meander line along a line common to the CITY OF SEATTLE and the MUNICIPALITY OF METROPOLITAN SEATTLE, North 46°29'49" East 1755.16 feet; thence continuing along said common line North 34°16'17" East 1369.07 feet to the TRUE POINT OF BEGINNING; thence continuing along said common line, North 34°16'17" East 243.70 feet; thence North 54°31'00" West 9.74 feet to a point on a curve concave to the west having a radius of 40.00 feet and from which point the radius point bears North 43°00'00" West; thence northeasterly along said curve an arc distance of 4.19 feet through a central angle of 06°00'05" to the beginning of a curve to the left having a radius of 20.00 feet; thence northeasterly along said curve an arc distance of 11.50 feet through a central angle of 32°57'11" to the beginning of a curve to the left having a radius of 30.00 feet; thence northerly along said curve an arc distance of 11.50 feet through a central angle of 21°57'31" to the beginning of a curve to the right having a radius of 40.00 feet; thence northerly along said curve an arc distance of 11.50 feet through a central angle of 16°28'26" to the beginning of a curve to the right having a radius of 30.00 feet; thence northerly along said curve an arc distance of 11.50 feet through a central angle of 21°58'01" to the beginning of a curve to the right having a radius of 120.00 feet; thence northeasterly along said curve an arc distance of 11.50 feet through a central angle of 05°29'23" to the beginning of a curve to the left having a radius of 60.00 feet; thence northeasterly along said curve an arc distance of 11.51 feet through a central angle of 10°59'13" to the beginning of a curve to the left having a radius of 30.00 feet thence northeasterly along said curve an arc distance of 11.49 feet through a central angle of 21°56'51" to the beginning of a curve to the left having a radius of 20.00 feet; thence northwesterly along said curve an arc distance of 34.50 feet through a central angle of 98°50'27" to the beginning of a curve to the left having a radius of 40.00 feet; thence westerly along said curve an arc distance of 11.50 feet through a central angle of 16°28'30" to the beginning of a curve to the right having a radius of 30.00 feet; thence westerly along said curve an arc distance of 11.50 feet through a central angle of 21°57'25" to the beginning of a curve to the right having a radius of 20.00 feet; thence northwesterly along said curve an arc distance of 11.50 feet through a central angle of 32°57'20"; thence North 63°19'10" West 10.05 feet to the beginning of a curve to the left having a radius of 20.00 feet; thence northwesterly along said curve an arc distance of 15.37 feet through a central angle of 44°02'39"; thence South 72°38'08" West 5.74 feet to the beginning of a curve to the right having a radius of

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**Exhibit B
(Page 2 of 5)**

20.00 feet; thence northwesterly along said curve an arc distance of 16.33 feet through a central angle of $46^{\circ}47'18''$; thence North $60^{\circ}34'33''$ West 11.21 feet to the beginning of a curve to the left having a radius of 40.00 feet; thence northwesterly along said curve an arc distance of 23.00 feet through a central angle of $32^{\circ}56'36''$ to the beginning of a curve to the left having a radius of 30.00 feet; thence westerly along said curve an arc distance of 11.50 feet through a central angle of $21^{\circ}58'20''$ to the beginning of a curve to the left having a radius of 120.00 feet; thence southwesterly along said curve an arc distance of 11.50 feet through a central angle of $05^{\circ}29'33''$ to the beginning of a curve to the left having a radius of 50.00 feet; thence southwesterly along said curve an arc distance of 34.49 feet through a central angle of $39^{\circ}31'33''$ to the beginning of a curve to the right having a radius of 119.67 feet; thence southwesterly along said curve an arc distance of 11.45 feet through a central angle of $05^{\circ}29'02''$; thence South $24^{\circ}58'44''$ West 11.55 feet to the beginning of a curve to right having a radius of 30.00 feet; thence southwesterly along said curve an arc distance of 11.49 feet through a central angle of $21^{\circ}57'04''$ to the beginning of a curve to the right having a radius of 50.00 feet; thence southwesterly along said curve an arc distance of 11.51 feet through a central angle of $13^{\circ}11'22''$; thence South $60^{\circ}06'41''$ West 11.50 feet to the beginning of a curve to the left having a radius of 40.00 feet; thence southwesterly along said curve an arc distance of 11.52 feet through a central angle of $16^{\circ}29'44''$ to the beginning of a curve to the left having a radius of 30.00 feet; thence southwesterly along said curve an arc distance of 11.49 feet through a central angle of $21^{\circ}56'41''$ to the beginning of a curve to the left having a radius of 80.00 feet; thence southerly along said curve an arc distance of 11.50 feet through a central angle of $08^{\circ}13'57''$ to the beginning of a curve to the left having a radius of 120.00 feet; thence southerly along said curve an arc distance of 11.50 feet through a central angle of $05^{\circ}29'28''$ to the beginning of a curve to the right having a radius of 40.00 feet; thence southwesterly along said curve an arc distance of 23.00 feet through a central angle of $32^{\circ}56'21''$ to the beginning of a curve to the right having a radius of 50.00 feet; thence southwesterly along said curve an arc distance of 11.50 feet through a central angle of $13^{\circ}10'36''$ to the beginning of a curve to the left having a radius of 80.00 feet; thence southwesterly along said curve an arc distance of 11.51 feet through a central angle of $08^{\circ}14'40''$ to the beginning of a curve to the left having a radius of 60.00 feet; thence southwesterly along said curve an arc distance of 11.50 feet through a central angle of $10^{\circ}58'40''$ to the beginning of a curve having a radius of 120.00 feet; thence southwesterly along said curve an arc distance of 11.52 feet through a central angle of $05^{\circ}29'54''$ to the beginning of a curve to the left having a radius of 79.99 feet; thence southwesterly along said curve an arc distance of 11.48 feet through a central angle of $08^{\circ}13'13''$; thence South $21^{\circ}07'21''$ West 11.50 feet to the beginning of a curve to the right having a radius of 80.00 feet; thence southwesterly along said curve an arc distance of 22.97 feet through a central angle of $16^{\circ}27'06''$ to the beginning of a curve to the right having a radius of 120.00 feet; thence southwesterly along said curve an arc distance of 34.53 feet through a central angle of $16^{\circ}29'05''$ to the beginning of a curve to the left having a radius of 120.00 feet; thence southwesterly along said curve an arc distance of 11.50 feet through a central angle of $05^{\circ}29'24''$; thence South $48^{\circ}34'08''$ West

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**Exhibit B
(Page 3 of 5)**

11.50 feet to the beginning of a curve to the left having a radius of 80.00 feet; thence southwesterly along said curve an arc distance 11.50 feet through a central angle of $08^{\circ}14'11''$ to the beginning of a curve concave to the southeast having a radius of 60.00 feet, radius point of which bears South $49^{\circ}32'26''$ East; thence northeasterly along said curve an arc distance of 23.00 feet through a central angle of $21^{\circ}57'59''$; thence North $62^{\circ}17'57''$ East 11.50 feet to the beginning of a curve to the left having a radius of 60.00 feet; thence northeasterly along said curve an arc distance of 11.52 feet through a central angle of $10^{\circ}59'49''$ to the beginning of a curve to the left having a radius of 50.00 feet; thence northeasterly along said curve an arc distance of 11.49 feet through a central angle of $13^{\circ}09'41''$ to the beginning of a curve to the left having a radius of 120.00 feet; thence northeasterly along said curve an arc distance of 11.50 feet through a central angle of $05^{\circ}29'28''$ to the beginning of a curve to the right having a radius of 30.00 feet; thence northeasterly along said curve an arc distance of 11.50 feet through a central angle of $21^{\circ}57'41''$ to the beginning of a curve to the right having a radius of 20.00 feet; thence easterly along said curve an arc distance of 11.50 feet through a central angle of $32^{\circ}57'05''$ to the beginning of a curve to the right having a radius of 50.00 feet; thence easterly along said curve an arc distance of 11.50 feet through a central angle of $13^{\circ}10'52''$ to the beginning of a curve to the right having a radius of 120.00 feet; thence easterly along said curve an arc distance of 11.50 feet through a central angle of $05^{\circ}29'22''$ to the beginning of a curve to the left having a radius of 20.00 feet; thence easterly along said curve an arc distance of 11.50 feet through a central angle of $32^{\circ}56'18''$ to the beginning of a curve to the right having a radius of 40.00 feet; thence easterly along said curve an arc distance of 11.49 feet through a central angle of $16^{\circ}27'44''$ to the beginning of a curve to the right having a radius of 30.00 feet; thence easterly along said curve an arc distance of 11.51 feet through a central angle of $21^{\circ}58'50''$ to the beginning of a curve to the left having a radius of 120.00 feet; thence easterly along said curve an arc distance of 11.50 feet through a central angle of $05^{\circ}29'34''$ to the beginning of a curve to the left having a radius of 80.00 feet; thence easterly along said curve an arc distance of 11.49 feet through a central angle of $08^{\circ}13'56''$ to the beginning of a curve to the left having a radius of 20.00 feet; thence easterly along said curve an arc distance of 11.67 feet through a central angle of $33^{\circ}25'09''$; thence North $64^{\circ}35'35''$ East 4.20 feet to the beginning of a curve to the right having a radius of 40.00 feet; thence easterly along said curve an arc distance of 9.94 feet through a central angle of $14^{\circ}14'22''$ to the beginning of a curve to the right having a radius of 20.00 feet; thence southeasterly along said curve an arc distance of 11.50 feet through a central angle of $32^{\circ}56'51''$ to the beginning of a curve to the right having a radius of 12.00 feet; thence southeasterly along said curve an arc distance of 10.10 feet through a central angle of $48^{\circ}15'01''$ to the beginning of a curve to the right having a radius of 40.00 feet; thence southerly along said curve an arc distance of 34.50 feet through a central angle of $49^{\circ}5'04''$ to the beginning of a curve to the left having a radius of 60.00 feet; thence southwesterly along said curve an arc distance of 11.50 feet through a central angle of $10^{\circ}58'54''$ to the beginning of a curve to the left having a radius of 50.00 feet; thence southerly along said curve an arc distance of 11.50 feet through a

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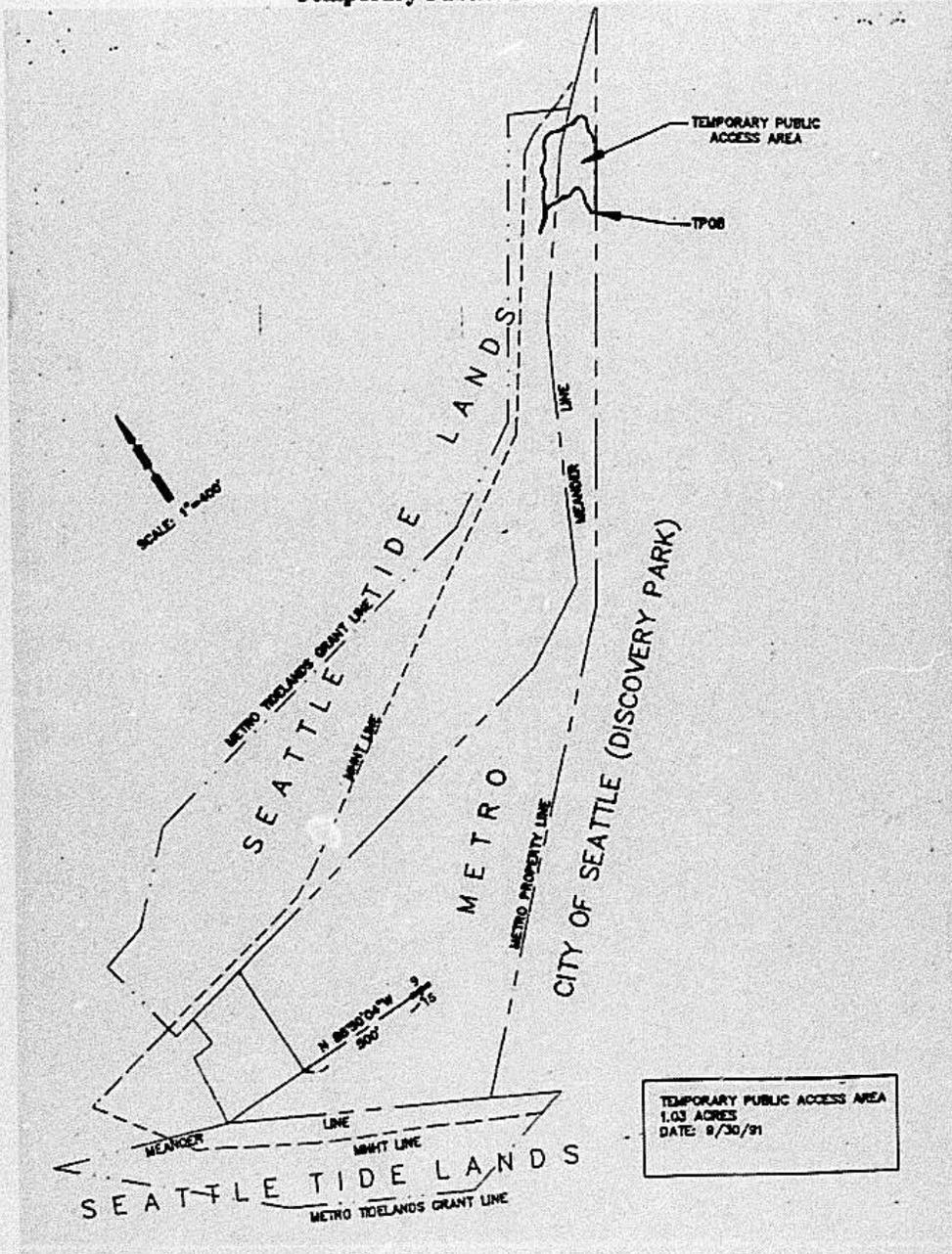
**Exhibit B
(Page 4 of 5)**

central angle of $13^{\circ}10'34''$ to the beginning of a curve to the left having a radius of 60.00 feet; thence southerly along said curve an arc distance of 11.50 feet through a central angle of $10^{\circ}59'02''$ to the beginning of a curve to the right having a radius of 80.00 feet; thence southerly along said curve an arc distance of 11.50 feet through a central angle of $08^{\circ}14'12''$ to the beginning of a curve to the right having a radius of 20.00 feet; thence southerly along said curve an arc distance of 11.56 feet through a central angle of $33^{\circ}06'44''$; thence South $35^{\circ}39'20''$ West 1.94 feet; thence South $55^{\circ}43'41''$ East 18.98 feet to the True Point of Beginning.

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EXHIBIT B
(Page 5 of 5)
Temporary Public Access Area



TEMPORARY PUBLIC ACCESS AREA
 1.03 ACRES
 DATE: 8/30/91

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After recording, mail to:
King County Dept. of Natural Resources & Parks
Wastewater Treatment Division
201 South Jackson Street, Room 503
Seattle, WA 98104-3855

Document Title(s): RELOCATION OF EASEMENT

Reference number of related documents: Not Applicable

Grantor(s): THE CITY OF SEATTLE

Grantee(s): KING COUNTY

Abbreviated Legal Description: Portions of Section 9, Township 25 North, Range 3 East, W.M.,
in King County, Washington

Assessor's Property Tax Parcel Account Number(s): _____

RELOCATION OF EASEMENT

Whereas, by instrument dated December 21, 1962 recorded under King County Recording No. 6165044, King County, successor in interest to the Municipality of Metropolitan Seattle, (hereinafter "COUNTY") acquired an interest in real property for the West Point Sewage Treatment Plant together with an easement for an outfall pipeline (hereinafter "Easement"); and

Whereas, a portion of the Easement crosses certain City of Seattle (hereinafter "CITY") property known as Discovery Park, which property is described in an instrument recorded under King County Recording No. 7311020389 (hereinafter referred to as "City of Seattle Property"); and

Whereas, COUNTY and CITY have agreed to relocate said Easement as a result of the construction of West Point Secondary Treatment Facilities;

NOW, THEREFORE, in consideration of the mutual benefits to be enjoyed by CITY and COUNTY, the CITY and COUNTY mutually covenant and agree as follows:

1. COUNTY does hereby release any and all interest in the following described portion of the Easement across City of Seattle Property as arising under or by reason of that certain instrument between the COUNTY and the United States of America, Department of the Army,



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dated December 21, 1962, and recorded under Recording No. 6165044, records of King County, Washington:

Right of Way for Outfall Sewer Line

The following described tract on Fort Lawton Military Reservation, Washington, lying in Section 9, Twp. 25 N., R. 3 E., W.M., King County, Washington:

Commencing at the southwest corner of the southeast quarter of Section 9, Twp. 25 N., R. 3 E., W.M.; thence along the south line of said Section 9, N. 88° 50' 04" W., 825 feet to Meander Corner Number 13 on the Government Meander line; thence along the Government Meander line, N. 68° 29' 20" W., 64.22 feet to the TRUE POINT OF BEGINNING of this description; thence continuing along said Meander line, N. 68° 29' 20" W., 25.21 feet; thence N. 59° 00' 16" E., 90.47 feet; thence S. 4° 04' 01" E., 36.26 feet; thence N. 66° 21' 24" W., 15.12 feet; thence S. 59° 00' 16" W., 49.95 feet to said True Point of Beginning.

2. CITY hereby conveys and grants to COUNTY, a permanent easement over, across, along, in, upon and under the following described property:

That portion of Section 9, Township 25 North, Range 3 East, Willamette Meridian, in King County, Washington, described as follows:

Commencing at the southwest corner of the southeast quarter of said Section 9; thence along the south line of said Section 9, North 88° 50' 04" West 825 feet to the Government meander corner; thence along the Government meander line North 68° 29' 20" West 64.22 feet to the TRUE POINT OF BEGINNING; thence continuing along said meander line, North 68° 29' 20" West 25.21 feet; thence leaving said meander line, North 59° 00' 16" East 56.24 feet; thence South 30° 59' 44" East 20.00 feet; thence South 66° 21' 22" East 24.25 feet to the east line of a parcel of land deeded to the City of Seattle by instrument recorded under King County Recording Number 7311020389; thence along said east line South 04° 04' 01" East 22.59 feet; thence leaving said east line North 66° 21' 22" West 48.95 feet; thence South 59° 00' 16" West 16.37 feet to the True Point of Beginning.

Said easement being for the purpose of installing, constructing, operating, maintaining, removing, repairing, replacing and using an outfall sewer pipeline with all connections and appurtenances thereto.

3. COUNTY shall, upon completion of any construction of any facilities described herein, remove all debris and restore the surface of said property as nearly as possible to the condition in which it existed at the date of this agreement.
4. COUNTY shall, if the above described permanent easement area is disturbed by the maintenance, removal, repair or replacement of the facilities specified herein, restore the surface of said property as nearly as possible to the condition in which it existed at the commencement



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of said maintenance, removal, repair or replacement.

5. COUNTY shall protect and save harmless CITY from any and all claims, demands, loss, damage, expense and liability of every kind and description including personal injury and for any damage to or loss or destruction of property whatsoever suffered by CITY, its heirs, successors and assigns, or by any persons, firms or corporations, because of the construction and/or maintenance of said facilities.

6. All right, title, and interest that may be used and enjoyed without interfering with the easement rights herein conveyed are reserved to CITY. Except as otherwise provided herein, and after the date of this agreement, the construction, installation, or maintenance of any structures, whether temporary or permanent, shall be absolutely prohibited within the above described permanent easement area and shall be deemed an unreasonable interference with COUNTY's easement rights unless specifically approved in writing by COUNTY, which approval shall not be unreasonably withheld. Moreover, as to such unapproved structures, the provisions of paragraph 3, 4, and 5 shall not apply.

Dated this _____ day of _____, 2005.

KING COUNTY

By: _____

Title: _____

THE CITY OF SEATTLE

By: _____

Title: _____

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ACCEPTANCE

On behalf of The City of Seattle, a municipal corporation of the State of Washington, I, Kenneth R. Bounds, Superintendent of the Department of Parks and Recreation, accept the easement interest released in exchange for its relocation in the real property owned by the City of Seattle under the jurisdiction of the Department of Parks and Recreation, as set forth and legally described herein by this 'Relocation of Easement' from King County, a political subdivision of the State of Washington and successor in interest to the Municipality of Metropolitan Seattle, pursuant to the authority conferred by Ordinance _____ [passed _____, 2005].

Dated: _____, 2005

THE CITY OF SEATTLE

By:

Kenneth R. Bounds
Superintendent
Department of Parks and Recreation

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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Parks and Recreation	Donald Harris / 684-8018	Tyler Running Deer / 684-8075

Legislation Title:

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to execute and accept from King County on behalf of the City of Seattle certain easement and other agreements at Discovery Park, required by the January 14, 1991 Seattle City Council conditional use permit approval for the expansion of the West Point Treatment Plant at Discovery Park.

• **Summary of the Legislation:**

The proposed legislation authorizes the Superintendent of Parks and Recreation to execute and accept certain easement and other agreements from King County, successor in interest to the Municipality of Metropolitan Seattle (METRO). These agreements limit any further expansion of the West Point treatment plant's current 32-acre "footprint" at Discovery Park; grant the City permanent easement rights for public park and recreation purposes on property outside the plant's footprint; grant temporary easement rights for public waterfront access to an undeveloped area of plant property; and outline maintenance responsibilities of the City and King County with respect to those easement areas.

• **Background:**

The Seattle City Council in its January 14, 1991 session imposed project-level and other conditions in its approval of the conditional use permit for METRO'S expansion of the West Point Treatment facility adjacent to Discovery Park (City Comptroller's File Number 296799). The conditions essentially addressed mitigation measures required of METRO as compensation for the negative impacts (i.e. the loss of public access) to the City of Seattle and its citizens as a result of METRO's controversial expansion. In addition mitigation monies were paid by METRO (into the Shoreline Park Improvement Fund) for acquisition of shoreline properties and for improvement projects at Discovery Park pursuant to the West Point Settlement Agreement. The project-level conditions required METRO to prepare and execute easement and other agreements in favor of the City of Seattle. While King County METRO provided the required documents to the City in the mid 1990s, the documents were inadvertently misplaced during review. Due to the fact that the documents formalized agreements that have been in effect since the plant's expansion, no effort was made to recreate them until recently.

Upon execution and acceptance by the City, the documents will officially limit the size of the treatment plant to its 32-acre "footprint", including limits to the size of the portion allowable above-ground, grant easement rights for public park and recreation purposes on King County property outside of the plant footprint, outline the responsibilities for the maintenance of the



easement area identified in the public park and recreation easement grant respective to the County METRO and the City, and grant temporary public access to 1.03 acres lying within the plant's footprint currently undeveloped but reserved for future construction of additional sewer-related appurtenances. Copies of Plan Sheets 99007, 99011 and 99017 of the County's Project-Level Shoreline Substantial Development Permit (MUP #8804596) are available in City Comptroller's File Number 296799 and are each attached to this fiscal note as Attachments A, B and C respectively to supplement those documents that reference but do not contain copies of the specific plan sheets.

Further, in 1994 during construction, revisions to the effluent outfall line resulted in METRO abandoning use of the old utility line easement and installing a new line in close proximity to another location in the Park between the treatment plant and the US Coast Guard Light Station that was recently transferred to the City. King County / METRO prepared and executed an agreement to relocate the easement for the new line as installed in exchange for abandoning the old easement that requires the City's signature. Since this easement is merely a relocation of an existing easement over, under, across and upon park land, no compensation is required.

X **This legislation does not have any financial implications.**

Notes: Any costs to implement opening of public access areas acquired by the County's grant of easement rights, including items such as signage, are at King County's expense pursuant to the respective agreements.

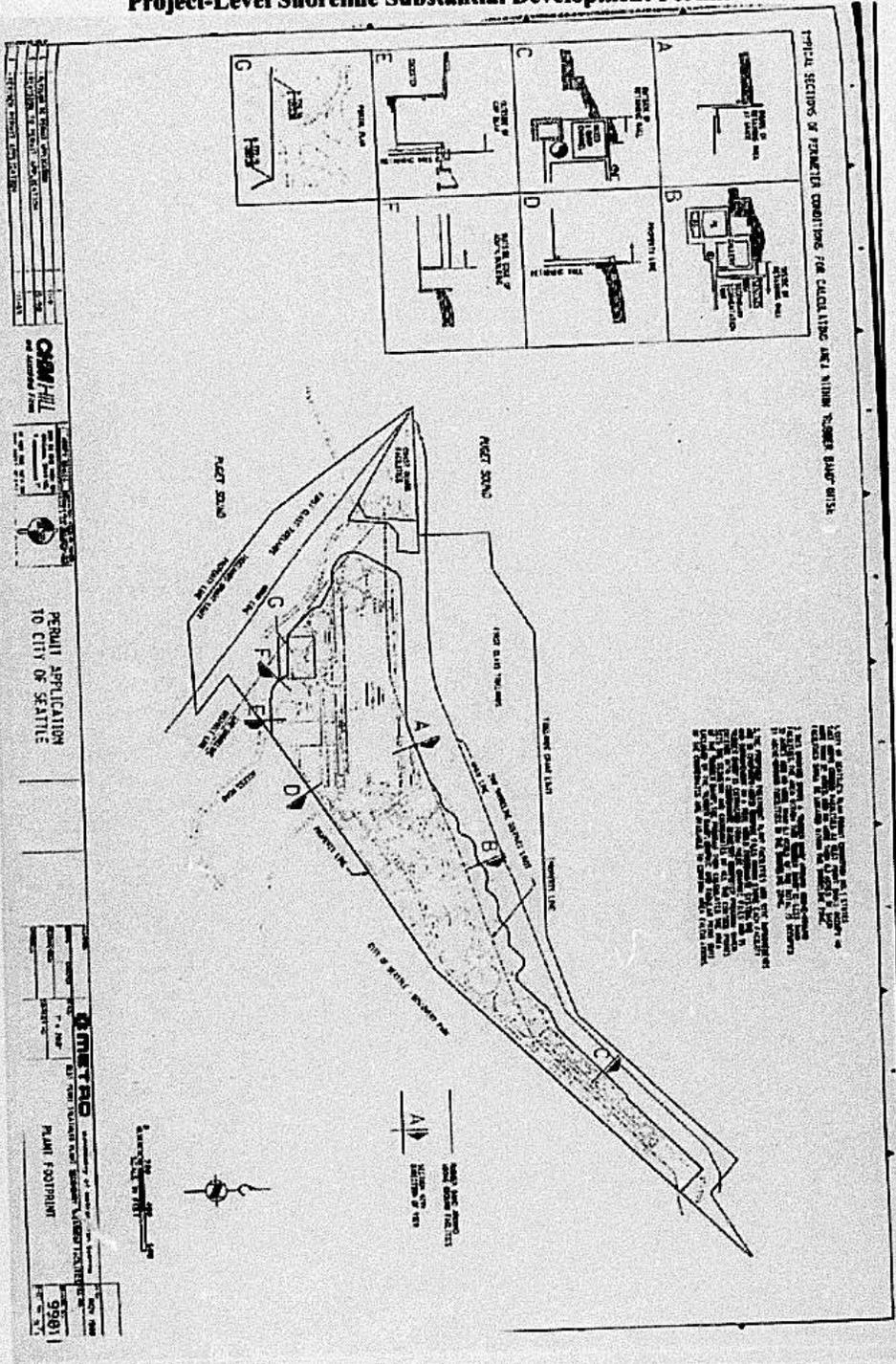
Attachments:

Attachment A: Plan Sheet 99007, Project-Level Shoreline Substantial Development Permit
Attachment B: Plan Sheet 99011, Project-Level Shoreline Substantial Development Permit
Attachment C: Plan Sheet 99017, Project-Level Shoreline Substantial Development Permit

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**Attachment B to Fiscal Note
Plan Sheet 99011
Project-Level Shoreline Substantial Development Permit**



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122029

STATE OF WASHINGTON - KING COUNTY

--SS.

195293
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122029 & 122030

was published on

03/01/06

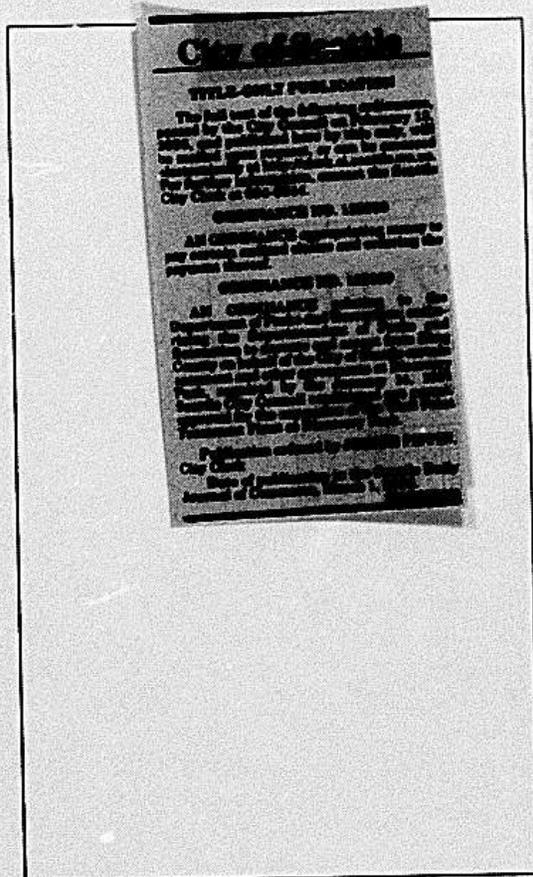
The amount of the fee charged for the foregoing publication is the sum of \$ 41.40, which amount has been paid in full.



[Signature]
Subscribed and sworn to before me on
03/01/06 *[Signature]*
Notary public for the State of Washington,
residing in Seattle

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State of Washington, King County



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