

June 12, 2008

Mr. John Keeling  
Project Coordinator  
Everett Tire Fire Landfill  
Wa. State Department of Ecology  
NWRO – TCP  
3190 160th Avenue SE  
Bellevue, WA 98008-5452

Mr. Mike Dunning  
Assistant Attorney General  
Ecology Division  
2425 Bristol Court SW  
2nd Floor  
PO Box 40117  
Olympia, WA 98504-0117

**RECEIVED**  
JUN 20 2008  
DEPT. OF ECOLOGY  
TCP-NWRO

Re: Everett Landfill/Tire Fire Site Consent Decree Amendment No. 1 and Recorded  
Environmental Covenants – Snohomish County Superior Court No. 01-2-03640-6

Dear John and Mike:

On behalf of the City of Everett (City) and OM Everett, Inc. (OME), we are enclosing two documents on the above-referenced matter:

1. A copy of the first sheet (documenting the recording) and signed amended restrictive covenants by OME and the City (Exhibits D and E, respectively, of Consent Decree Amendment No. 1.). We have not received a copy of all stamped pages from the Snohomish County Assessor's office, so we are providing the recorded cover sheet as proof of recording to fulfill the requirement in Section XXIX of the Consent Decree.
2. Per Jim Schwartz' request, one original of Consent Decree Amendment No. 1 to Mike Dunning. We have also enclosed a hardbound copy with John's letter.

Please let me know if you need anything further. Thank you and your colleagues again for your timely assistance in this matter.

Sincerely,

K&L GATES

By 

Kenneth S. Weiner

Enclosures

cc w/o encs:

Jim Schwartz  
Gil Reavis  
Bob Mueller  
Mark Sadler, CAP/CD City Project Coordinator  
Charlie Hickox, CAP/CD OME Project Coordinator

OM  
Covenant

RECEIVED

JUN 20 2008

DEPT. OF ECOLOGY  
TCP-NWRO

**AFTER RECORDING MAIL TO:**

Name Om Everett Inc  
ATTN  
Address 733 8<sup>th</sup> Ave  
City/State San Diego, CA 92101

200805140921 10 PGS  
05/14/2008 4:42pm \$51.00  
SNOHOMISH COUNTY, WASHINGTON

Document Title(s). (or transactions contained therein)  
Environment Covenant

Document Reference(s). 200202110589

Grantor(s): (Last name first, then first name and initials)  
1 OM Everett, Inc.

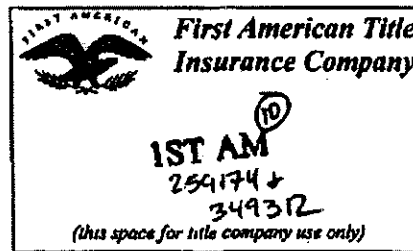
Grantee(s): (Last name first, then first name and initials)  
1 State of Washington, Department of Ecology

Abbreviated Legal Description as follows: (i e lot/block/plat or section/township/range/quarter/quarter)

Lots 16, 21-29 of BLA 08-004, a portion of Section 29 and Section 32, Township 29 North, Range 5 East

Assessor's Property Tax Parcel/Account Number(s).

29-0532-001-012-00; 29-0529-004-005-00; 00-5760-013-000-00; 00-5760-014-000-00; 00-5760-017-000-00; 00-5760-018-000-00; 00-5760-027-000-00; 00-5760-028-000-00; 00-5760-031-000-01; 00-5760-031-000-02; 00-5760-040-000-01; 00-5760-040-000-02; 00-5760-042-000-00



**NOTE:** The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36 18 010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

**Amendment No. 1 to Consent Decree  
Snohomish Superior Court Cause No. 01-2-03640-6**

**EXHIBIT D**

**Amended Environmental Covenant**

After recording Return To

OM Everett, Inc.  
733 8<sup>th</sup> Avenue  
San Diego, CA 92101

**ENVIRONMENTAL COVENANT**

**Grantor:** OM Everett, Inc.  
**Grantee:** State of Washington, Department of Ecology  
**Legal:** Lots 16, 21-29 of BLA 08-004, a portion of Section 29 and Section 32,  
Township 29 North, Range 5 East of the Willamette Meridian, Snohomish County,  
Washington.  
Full Legal Description attached as Exhibit B hereto.  
**Tax Parcel Nos.:** 29053200101200, 29052900400500, 00576001300000, 00576001400000,  
00576001700000, 00576001800000, 00576002700000, 00576002800000,  
0576003100001, 00576003100002, 00576004000001, 00576004000002,  
00576004200000  
**Cross Reference:** None.

OM EVERETT, INC hereby gives notice that the Property, which is legally described below, is the subject of the following environmental covenant ("Environmental Covenant"). This Declaration of Environmental Covenants hereby supersedes the Declaration of Restrictive Covenants recorded in Snohomish County on February 11, 2002 (Snohomish County Assessor's Office Recording No. 200202110589).

The Property, which is the subject of this Environmental Covenant ("the Property"), is a portion of the former Everett Landfill, as shown and legally described in Exhibits A and B to this Covenant, respectively

The Property that is the subject of this Environmental Covenant has been the subject of remedial actions under the Washington State Model Toxics Control Act ("MICA"), Chapter 70.105D RCW. This Environmental Covenant is required by WAC 173-340-440 to assure the continued implementation of this remedial action and the Uniform Environmental Covenants Act,

2007 Wash. Laws ch.104. The remedial actions required to clean up the Property (hereinafter the "Cleanup Action") are described in a Consent Decree and Amendment No. 1 to the Consent Decree, filed with and approved by the Superior Court of the State of Washington in and for Snohomish County, Cause No. 01-2-03640-6.

The Remedial Action conducted at the property and described in the Consent Decree, Amendment and supporting documentation are part of an administrative record on file with the Department of Ecology at the Northwest Regional Office located at 3190 - 160th Ave. SE, Bellevue, WA 98008-5452

The purpose of this Environmental Covenant is to provide Ecology the right to ensure that the Property will not be used in a manner inconsistent with the restrictions stated herein or in a manner that would pose a threat to human health or the environment. It is further the purpose of this Environmental Covenant to provide Ecology the right to determine whether and to what extent the deed restrictions set forth below may be removed from all or any portion of the Property, consistent with the Consent Decree and Amendment No. 1 to the Consent Decree.

Subject to exceptions and reservations of record, OM Everett, Inc is the owner of the Property. OM Everett, Inc. makes the following declarations as to limitations, restrictions and uses to which the Property may be put. OM Everett, Inc. specifies that such declarations shall constitute covenants to run with the land, as provided by law, and shall be binding on the OM Everett, Inc. and its successors or assigns:

Section 1: Uses of the ground floor in residential units on the Property, if any, shall be restricted to garage, storage, and laundry. Overnight camping shall not be permitted. The owner must notify and obtain approval from Ecology, or from a successor agency, prior to any use of the Property that is inconsistent with this Section. Ecology or its successor agency may approve such a use only after public notice and comment.

Section 2: The owner shall not consummate any conveyance of title, easement, lease or other interest in the Property without adequate and complete provision for the continued operation, maintenance and monitoring of the Cleanup Action undertaken pursuant to the Consent Decree and Amendment No. 1 to the Consent Decree. The owner shall restrict leases to uses and activities consistent with the Consent Decree and notify all lessees of the restrictions on the use of the Property.

Section 3: During the Effective Period of the Consent Decree, the owner shall notify Ecology of its intent to convey any fee ownership interest in the Property.

Section 4: Ecology or any Ecology authorized representatives shall have the authority to enter and freely move about the Property at all reasonable times for the purposes of evaluating compliance with the terms of this Declaration of Restrictive Covenants

Section 5: No groundwater may be withdrawn from the Property for any purpose except groundwater monitoring or leachate collection.


Section 6: Workers temporarily penetrating landfill cover materials on the Property must comply with OSHA and WSHA health and safety regulations. Uncontrolled penetration of landfill cover materials without notification of CAP requirements is prohibited.

Section 7: The owner of the Property reserves the right under WAC 173-330-440 to record an instrument which provides that this Environmental Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only with the consent of Ecology, or a successor agency. Ecology or a successor agency may consent to the recording of such an instrument only after public notice and comment.

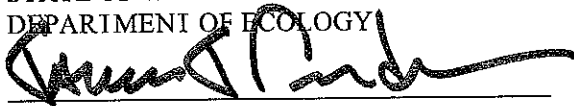
Section 8: OM Everett, Inc. reserves unto itself, its successors or assigns, all rights and privileges in and to the use of the Property that are not incompatible with the restrictions and rights granted herein.

Executed this 18<sup>th</sup> day of April, 2008.

OM EVERETT, INC.

By:   
Its: **Richard Paul Buss, President**

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY



James J. Pendowski  
Program Manager, Toxics Cleanup Program

**ACKNOWLEDGMENT**

State of California  
County of San Diego

On April 18, 2008 before me, Jason May  
(insert name and title of the officer)

personally appeared Richard Buss  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~  
subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in  
~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

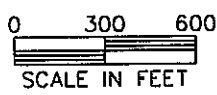
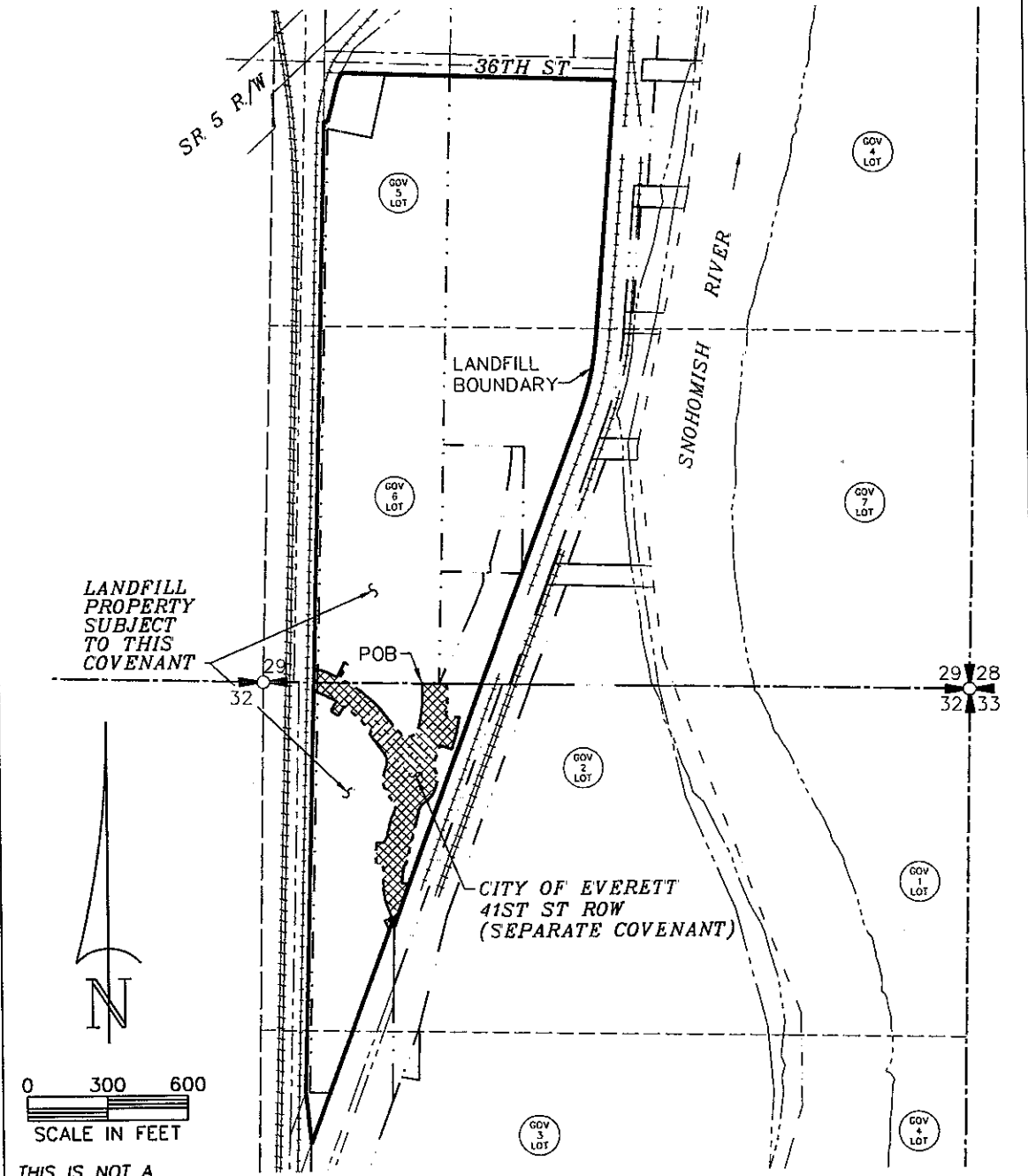
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jason May (Seal)



A PORTION OF  
 SEC 29 & SEC 32, TWP. 29 N, RGE. 5 E, W.M.



THIS IS NOT A  
 BOUNDARY SURVEY MAP

CITY OF EVERETT

PARCEL EXHIBIT MAP

EXHIBIT "A"  
 LANDFILL PROPERTY ACQUIRED BY  
 OLIVER MCMILLAN EVERETT, INC.

DATE: MAR 31, 2008

SHEET 1 OF 1



Perteet Inc.

Project No. S 3157.000

April 11, 2008

MG Yeoman, PLS

## EXHIBIT B

### Legal Description for Landfill Property Minus 41<sup>st</sup> R/W

Lots 16 and 21 through 29, as described and shown on that certain City of Everett Boundary Line Adjustment 08-004 filed under Auditor's File Number 200804085006, Records of Snohomish County, WA. Also described as follows:

A parcel of land located in Government Lots 5 and 6, Section 29 and Government Lots 2 and 3 Section 32, Township 29 North, Range 5 East, Willamette Meridian, County of Snohomish, State of Washington, described as follows:

Commencing at the Northwest corner of said Government Lot 5 as shown on that certain City of Everett BLA 05-008 filed with Snohomish County Records under Auditor's File Number: 200608215004; thence South 89° 04' 42" East, a distance of 193.01 feet along the North Line of said Government Lot 5 to the east line of New Lot 8 of said BLA; thence South 01° 47' 27" West along said east line projected, 567.98 feet to the POINT OF BEGINNING:

Thence South 88° 12' 33" East, a distance of 15.00 feet to the East line of New Lot 7 of said BLA; thence along the east line of said A lot 7; North 14° 37' 19" East, a distance of 153.16 feet; North 23° 11' 03" East, a distance of 36.84 feet to the South margin of 36th Street; thence along said south margin South 88° 04' 55" East, a distance of 1028.65 feet to the westerly boundary of Lot 17 of said BLA; thence South 04° 52' 07" West along said westerly boundary, a distance of 955.09 feet to the beginning of a 1096.28 foot radius tangent curve to the right; thence along the arc of said curve in a southwesterly direction through a central angle of 15° 51' 21" an arc distance of 303.38 feet; thence South 20° 43' 28" West, a distance of 2036.96 feet; thence North 01° 04' 37" East, a distance of 34.41 feet; thence South 20° 53' 11" West, a distance of 904.06 feet to the west line of said New Lot 5; thence along said west line, North 05° 37' 09" West a distance of 193.52 feet; thence continuing along said west line North 01° 47' 27" East, a distance of 3623.97 feet to the POINT OF BEGINNING.

#### EXCEPT:

New Lot 20 as described and shown on that certain City of Everett Boundary Line Adjustment No. 08-004, filed under Auditor's File No. 200804085006, Records of Snohomish County, WA. Also described as follows:

A Parcel of Land situated in Government Lot 2, Section 32, and Government Lot 6, Section 29, Township 29 North, Range 5 East, Willamette Meridian, County of Snohomish, State of Washington, Described as follows:





Perteet Inc.

Project No. S 3157.000

April 11, 2008

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COMMENCING at the Quarter corner common to said Sections 29 and 32 as described and shown on that certain City of Everett BLA 05-008 filed with Snohomish County Records under Auditor's File Number: 200608215004; thence South  $89^{\circ} 00' 21''$  East a distance of 600.79 feet along the north line of Said Government Lot 2 to the POINT OF BEGINNING:

Thence continuing along said north line, thence South  $89^{\circ} 00' 21''$  East a distance of 94.28 feet to a point of curve of an 622.28 foot radius non-tangent curve to the right, the radius point of which bears South  $86^{\circ} 55' 37''$  West ; thence along the arc of said curve, through a central angle of  $10^{\circ} 55' 44''$ , an arc length of 118.70 feet; thence South  $82^{\circ} 08' 39''$  East a distance of 49.00 feet to a point of curve of a 671.29 foot radius non-tangent curve to the right, the radius point of which bears North  $82^{\circ} 08' 39''$  West; thence along the arc of said curve, through a central angle of  $10^{\circ} 23' 52''$ , an arc length of 121.82 feet; thence North  $71^{\circ} 44' 47''$  West a distance of 47.00 feet to a point of curve of a 624.29 foot radius non-tangent curve to the right, the radius point of which bears North  $71^{\circ} 44' 47''$  West ; thence along the arc of said curve, through a central angle of  $04^{\circ} 47' 35''$ , an arc length of 52.22 feet to a point of reverse curve of a 60.50 foot radius curve to the left; thence along the arc of said curve, through a central angle of  $42^{\circ} 41' 31''$ , an arc length of 45.08 feet to a point of reverse curve of a 102.00 foot radius curve to the right; thence along the arc of said curve, through a central angle of  $77^{\circ} 57' 32''$ , an arc length of 138.79 feet to a point of reverse curve of a 50.50 foot radius curve to the left; thence along the arc of said curve, through a central angle of  $45^{\circ} 31' 31''$ , an arc length of 40.13 feet; thence South  $12^{\circ} 47' 17''$  West a distance of 31.44 feet; thence South  $14^{\circ} 28' 02''$  West a distance of 170.63 feet; thence South  $49^{\circ} 06' 50''$  West a distance of 10.13 feet; thence South  $12^{\circ} 47' 17''$  West a distance of 10.92 feet to a point of curve of an 265.00 foot radius tangent curve to the left; thence along the arc of said curve, through a central angle of  $11^{\circ} 59' 58''$ , an arc length of 55.50 feet; thence South  $89^{\circ} 12' 41''$  East a distance of 27.47 feet; thence South  $20^{\circ} 43' 28''$  West a distance of 169.94 feet; thence North  $01^{\circ} 04' 37''$  East a distance of 34.41 feet; thence South  $20^{\circ} 53' 11''$  West a distance of 53.16 feet to a point of curve of a 359.00 foot radius non-tangent curve the radius point of which bears South  $61^{\circ} 33' 55''$  West; thence along the arc of said curve, through a central angle of  $06^{\circ} 19' 18''$ , an arc length of 39.61 feet; thence North  $67^{\circ} 53' 08''$  East a distance of 29.00 feet to a point of curve of a 330.00 foot radius non-tangent curve to the right, the radius point of which bears North  $67^{\circ} 53' 08''$  East ; thence along the arc of said curve, through a central angle of  $01^{\circ} 31' 43''$ , an arc length of 8.80 feet; thence North  $20^{\circ} 09' 45''$  West a distance of 60.15 feet to a point of curve of a 335.00 foot radius non-tangent curve to the right, the radius point of which bears North  $79^{\circ} 45' 29''$  East; thence along the arc of said curve, through a central angle of  $17^{\circ} 54' 33''$ , an arc length of 104.71 feet; thence North  $13^{\circ} 43' 00''$  West a distance of 20.27 feet to a point of curve of an 15.00



Perteet Inc.

Project No. S 3157.000

April 11, 2008

MG Yeoman, PLS

foot radius tangent curve to the left; thence along the arc of said curve, through a central angle of  $74^{\circ} 29' 33''$ , an arc length of 19.50 feet; thence North  $88^{\circ} 12' 33''$  West a distance of 11.72 feet; thence North  $01^{\circ} 47' 27''$  East a distance of 80.00 feet; thence South  $88^{\circ} 12' 33''$  East a distance of 19.19 feet to a point of curve of a 15.00 foot radius tangent curve to the left; thence along the arc of said curve, through a central angle of  $61^{\circ} 41' 34''$ , an arc length of 16.15 feet; thence North  $30^{\circ} 05' 53''$  East a distance of 15.00 feet; thence North  $12^{\circ} 47' 17''$  East a distance of 57.04 feet to a point of curve of a 105.00 foot radius tangent curve to the right; thence along the arc of said curve, through a central angle of  $18^{\circ} 35' 07''$ , an arc length of 34.06 feet to a point of reverse curve of a 44.50 foot radius curve to the left; thence along the arc of said curve, through a central angle of  $76^{\circ} 42' 36''$ , an arc length of 59.58 feet to a point of reverse curve of a 102.00 foot radius curve to the right; thence along the arc of said curve, through a central angle of  $71^{\circ} 39' 50''$ , an arc length of 127.58 feet to a point of reverse curve of an 50.00 foot radius curve to the left; thence along the arc of said curve, through a central angle of  $62^{\circ} 40' 32''$ , an arc length of 54.69 feet; thence North  $36^{\circ} 20' 53''$  West a distance of 85.18 feet to a point of curve of an 450.00 foot radius tangent curve to the left; thence along the arc of said curve, through a central angle of  $01^{\circ} 03' 12''$ , an arc length of 8.27 feet; thence North  $52^{\circ} 35' 55''$  East a distance of 9.00 feet to a point of curve of a 459.00 foot radius non-tangent curve to the left the radius point of which bears South  $52^{\circ} 35' 55''$  West; thence along the arc of said curve, through a central angle of  $17^{\circ} 36' 19''$ , an arc length of 141.04 feet; thence South  $34^{\circ} 59' 36''$  West a distance of 42.00 feet to a point of curve of a 417.00 foot radius non-tangent curve to the left the radius point of which bears South  $34^{\circ} 59' 36''$  West; thence along the arc of said curve, through a central angle of  $04^{\circ} 23' 13''$ , an arc length of 31.93 feet; thence North  $30^{\circ} 36' 23''$  East a distance of 42.00 feet to a point of curve of a 459.00 foot radius non-tangent curve to the left, the radius point of which bears South  $30^{\circ} 36' 23''$  West; thence along the arc of said curve, through a central angle of  $11^{\circ} 53' 01''$ , an arc length of 95.20 feet to the west line of New Lot 5 of said BLA; thence North  $01^{\circ} 47' 27''$  East, along said west line, a distance of 85.12 feet to a point of curve of a 541.00 foot radius non-tangent curve to the right, the radius point of which bears South  $16^{\circ} 05' 47''$  West; thence along the arc of said curve, through a central angle of  $09^{\circ} 56' 41''$ , an arc length of 93.90 feet; thence North  $26^{\circ} 02' 28''$  East a distance of 61.00 feet to a point of curve of a 602.00 foot radius non-tangent curve to the right, the radius point of which bears South  $26^{\circ} 02' 28''$  West; thence along the arc of said curve, through a central angle of  $01^{\circ} 13' 05''$ , an arc length of 12.80 feet; thence South  $27^{\circ} 15' 33''$  West a distance of 61.00 feet to a point of curve of a 541.00 foot radius non-tangent curve to the right, the radius point of which bears South  $27^{\circ} 15' 33''$  West; thence along the arc of said curve, through a central angle of  $19^{\circ} 46' 19''$ , an arc length of 186.69 feet; thence South  $47^{\circ} 01' 52''$  West a distance of 1.00 feet to a point of curve of a 540.00 foot radius non-tangent



Perteet Inc.

Project No. S 3157 000

April 11, 2008

MG Yeoman, PLS

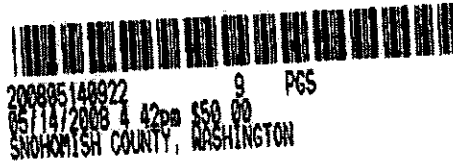
curve to the right, the radius point of which bears South  $47^{\circ} 01' 52''$  West; thence along the arc of said curve, through a central angle of  $06^{\circ} 37' 15''$ , an arc length of 62.40 feet; thence South  $36^{\circ} 20' 53''$  East a distance of 40.83 feet; thence South  $50^{\circ} 02' 45''$  East a distance of 25.66 feet to a point of curve of a 40.00 foot radius tangent curve to the left; thence along the arc of said curve, through a central angle of  $115^{\circ} 26' 04''$ , an arc length of 80.59 feet to a point of compound curve of a 528.28 foot radius curve to the left; thence along the arc of said curve, through a central angle of  $18^{\circ} 19' 06''$ , an arc length of 168.90 feet to the POINT OF BEGINNING.

Containing an area of 58.190 acres, more or less

# CITY Covenant

**AFTER RECORDING MAIL TO:**

Name City of Everett  
ATTN Real Property Manager  
Address 3200 Cedar Street  
City/State Everett, WA 98201



**Document Title(s):** (or transactions contained therein)  
Environment Covenant  
AMENDED

**Document Reference(s):** 200202110589

**Grantor(s):** (Last name first, then first name and initials)  
1. City of Everett

**Grantee(s):** (Last name first, then first name and initials)  
1. State of Washington, Department of Ecology

**Abbreviated Legal Description as follows:** (i.e. lot/block/plat or section/township/range/quarter/quarter)

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**Assessor's Property Tax Parcel/Account Number(s):**

29-0532-001-012-00



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**Amendment No. 1 to Consent Decree  
Snohomish Superior Court Cause No. 01-2-03640-6**

**EXHIBIT E**

**Amended Environmental Covenant**

After recording Return To

City of Everett  
Real Property Manager  
Facilities/Property Management Dept.  
3200 Cedar Street  
Everett, WA 98201

**ENVIRONMENTAL COVENANT**

**Grantor:** City of Everett  
**Grantee:** State of Washington, Department of Ecology  
**Legal:** Lot 20 of BLA 08-004, a portion of Section 29 and Section 32, Township 29  
North, Range 5 East of the Willamette Meridian, Snohomish County, Washington.  
Full Legal Description attached as Exhibit B hereto.  
**Tax Parcel No.:** 29053200101200  
**Cross Reference:** None.

THE CITY OF EVERETT hereby gives notice that the Property, which is legally described below, is the subject of the following environmental covenant ("Environmental Covenant"). This Declaration of Environmental Covenants hereby supersedes the Declaration of Restrictive Covenants recorded in Snohomish County on February 11, 2002 (Snohomish County Assessor's Office Recording No. 200202110589).

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The purpose of this Environmental Covenant is to provide Ecology the right to ensure that the Property will not be used in a manner inconsistent with the restrictions stated herein or in a manner that would pose a threat to human health or the environment. It is further the purpose of this Environmental Covenant to provide Ecology the right to determine whether and to what extent the deed restrictions set forth below may be removed from all or any portion of the Property, consistent with the Consent Decree and Amendment No. 1 to the Consent Decree.

Subject to exceptions and reservations of record, The City of Everett is the owner of the Property. The City of Everett makes the following declarations as to limitations, restrictions and uses to which the Property may be put. The City of Everett specifies that such declarations shall constitute covenants to run with the land, as provided by law, and shall be binding on the City of Everett and its successors or assigns:

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Section 2: The owner shall not consummate any conveyance of title, easement, lease or other interest in the Property without adequate and complete provision for the continued operation, maintenance and monitoring of the Cleanup Action undertaken pursuant to the Consent Decree and Amendment No. 1 to the Consent Decree. The owner shall restrict leases to uses and activities consistent with the Consent Decree and notify all lessees of the restrictions on the use of the Property.

Section 3: During the Effective Period of the Consent Decree, the owner shall notify Ecology of its intent to convey any fee ownership interest in the Property.

Section 4: Ecology or any Ecology authorized representatives shall have the authority to enter and freely move about the Property at all reasonable times for the purposes of evaluating compliance with the terms of this Declaration of Restrictive Covenants.

Section 5: No groundwater may be withdrawn from the Property for any purpose except groundwater monitoring or leachate collection.

Section 6: Workers temporarily penetrating landfill cover materials on the Property must comply with OSHA and WSHA health and safety regulations. Uncontrolled penetration of landfill cover materials without notification of CAP requirements is prohibited.

Section 7: The owner of the Property reserves the right under WAC 173-330-440 to record an instrument which provides that this Environmental Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only with the consent of Ecology, or a successor agency. Ecology or a successor agency may consent to the recording of such an instrument only after public notice and comment.

Section 8: The City of Everett reserves unto itself, its successors or assigns, all rights and privileges in and to the use of the Property that are not incompatible with the restrictions and rights granted herein.

Executed this 16th day of April, 2008.

CITY OF EVERETT

By: Ray Stephanson  
Ray Stephanson, Mayor

Attest: Sharon Marks  
City Clerk

Approved as to Form:

Kenneth S. Wever  
Kenneth S. Wever, Special City Attorney

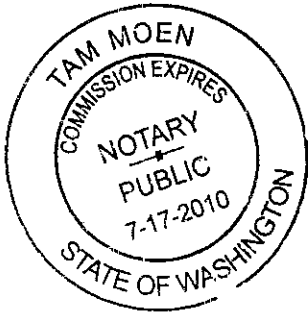
STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

James J. Pendowski  
James J. Pendowski  
Program Manager, Toxics Cleanup Program

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SNOHOMISH )

I certify that I know or have satisfactory evidence that Ray Stephanson is the person who appeared before me, and said person acknowledged that he/~~she~~ signed this instrument, on oath stated that he/~~she~~ was authorized to execute the instrument and acknowledged it as the Mayor of the City of Everett to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 4-16-08



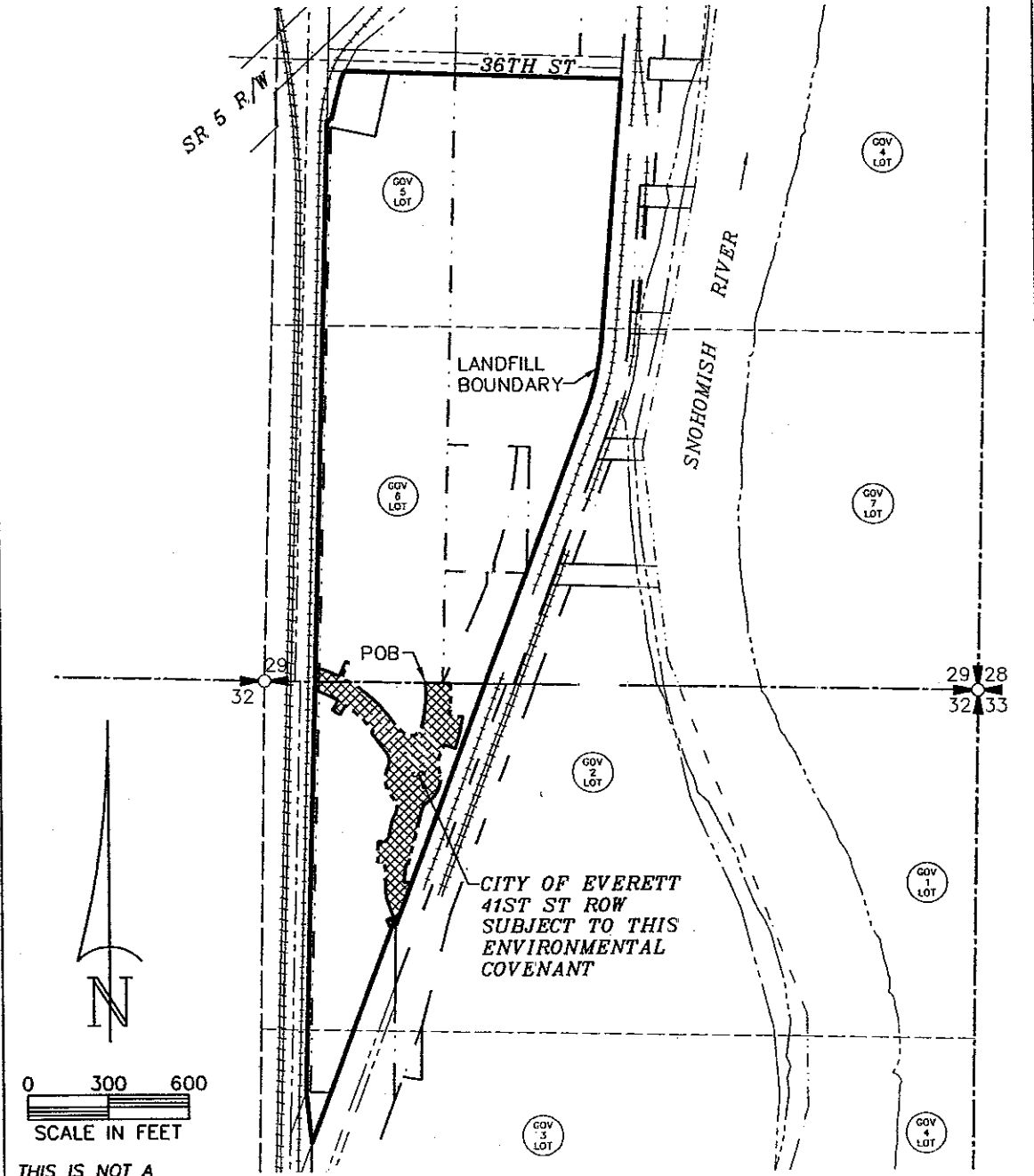
Tam Moen

TAM Moen

Notary Public in and for the State of Washington,  
residing at Everett  
My Commission Expires: 7-17-2010



A PORTION OF  
 SEC. 29 & SEC. 32, TWP. 29 N, RGE. 5 E, W.M.



THIS IS NOT A  
 BOUNDARY SURVEY MAP

CITY OF EVERETT

PARCEL EXHIBIT MAP

EXHIBIT "A"

CITY OF EVERETT-41ST ST. RIGHT-OF-WAY  
 ON LANDFILL PROPERTY

DATE: MAR 31, 2008

SHEET 1 OF 1



Perteet Inc.

Project No. S 3157.000

April 11, 2008

MG Yeoman, PLS

## EXHIBIT B

### City of Everett 41<sup>st</sup> Right-of-Way on Landfill Property Legal Description

Lot 20 as described and shown on that certain City of Everett Boundary Line Adjustment No. 08-004, filed under Auditor's File No. 200804085006, Records of Snohomish County, WA. Also described as follows:

A Parcel of Land situated in Government Lot 2, Section 32, and Government Lot 6, Section 29, Township 29 North, Range 5 East, Willamette Meridian, County of Snohomish, State of Washington, Described as follows:

COMMENCING at the Quarter corner common to said Sections 29 and 32 as described and shown on that certain City of Everett BLA 05-008 filed with Snohomish County Records under Auditor's File Number: 200608215004; thence South 89° 00' 21" East a distance of 600.79 feet along the north line of Said Government Lot 2 to the POINT OF BEGINNING:

Thence continuing along said north line, thence South 89° 00' 21" East a distance of 94.28 feet to a point of curve of an 622.28 foot radius non-tangent curve to the right, the radius point of which bears South 86° 55' 37" West ; thence along the arc of said curve, through a central angle of 10° 55' 44", an arc length of 118.70 feet; thence South 82° 08' 39" East a distance of 49.00 feet to a point of curve of a 671.29 foot radius non-tangent curve to the right, the radius point of which bears North 82° 08' 39" West; thence along the arc of said curve, through a central angle of 10° 23' 52", an arc length of 121.82 feet; thence North 71° 44' 47" West a distance of 47.00 feet to a point of curve of a 624.29 foot radius non-tangent curve to the right, the radius point of which bears North 71° 44' 47" West ; thence along the arc of said curve, through a central angle of 04° 47' 35", an arc length of 52.22 feet to a point of reverse curve of a 60.50 foot radius curve to the left; thence along the arc of said curve, through a central angle of 42° 41' 31", an arc length of 45.08 feet to a point of reverse curve of a 102.00 foot radius curve to the right; thence along the arc of said curve, through a central angle of 77° 57' 32", an arc length of 138.79 feet to a point of reverse curve of a 50.50 foot radius curve to the left; thence along the arc of said curve, through a central angle of 45° 31' 31", an arc length of 40.13 feet; thence South 12° 47' 17" West a distance of 31.44 feet; thence South 14° 28' 02" West a distance of 170.63 feet; thence South 49° 06' 50" West a distance of 10.13 feet; thence South 12° 47' 17" West a distance of 10.92 feet to a point of curve of an 265.00 foot radius tangent curve to the left; thence along the arc of said curve, through a central angle of 11° 59' 58", an arc length of 55.50 feet; thence South 89° 12' 41" East



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a distance of 27.47 feet; thence South 20° 43' 28" West a distance of 169.94 feet; thence North 01° 04' 37" East a distance of 34.41 feet; thence South 20° 53' 11" West a distance of 53.16 feet to a point of curve of a 359.00 foot radius non-tangent curve the radius point of which bears South 61° 33' 55" West; thence along the arc of said curve, through a central angle of 06° 19' 18", an arc length of 39.61 feet; thence North 67° 53' 08" East a distance of 29.00 feet to a point of curve of a 330.00 foot radius non-tangent curve to the right, the radius point of which bears North 67° 53' 08" East; thence along the arc of said curve, through a central angle of 01° 31' 43", an arc length of 8.80 feet; thence North 20° 09' 45" West a distance of 60.15 feet to a point of curve of a 335.00 foot radius non-tangent curve to the right, the radius point of which bears North 79° 45' 29" East; thence along the arc of said curve, through a central angle of 17° 54' 33", an arc length of 104.71 feet; thence North 13° 43' 00" West a distance of 20.27 feet to a point of curve of an 15.00 foot radius tangent curve to the left; thence along the arc of said curve, through a central angle of 74° 29' 33", an arc length of 19.50 feet; thence North 88° 12' 33" West a distance of 11.72 feet; thence North 01° 47' 27" East a distance of 80.00 feet; thence South 88° 12' 33" East a distance of 19.19 feet to a point of curve of a 15.00 foot radius tangent curve to the left; thence along the arc of said curve, through a central angle of 61° 41' 34", an arc length of 16.15 feet; thence North 30° 05' 53" East a distance of 15.00 feet; thence North 12° 47' 17" East a distance of 57.04 feet to a point of curve of a 105.00 foot radius tangent curve to the right; thence along the arc of said curve, through a central angle of 18° 35' 07", an arc length of 34.06 feet to a point of reverse curve of a 44.50 foot radius curve to the left; thence along the arc of said curve, through a central angle of 76° 42' 36", an arc length of 59.58 feet to a point of reverse curve of a 102.00 foot radius curve to the right; thence along the arc of said curve, through a central angle of 71° 39' 50", an arc length of 127.58 feet to a point of reverse curve of an 50.00 foot radius curve to the left; thence along the arc of said curve, through a central angle of 62° 40' 32", an arc length of 54.69 feet; thence North 36° 20' 53" West a distance of 85.18 feet to a point of curve of an 450.00 foot radius tangent curve to the left; thence along the arc of said curve, through a central angle of 01° 03' 12", an arc length of 8.27 feet; thence North 52° 35' 55" East a distance of 9.00 feet to a point of curve of a 459.00 foot radius non-tangent curve to the left the radius point of which bears South 52° 35' 55" West; thence along the arc of said curve, through a central angle of 17° 36' 19", an arc length of 141.04 feet; thence South 34° 59' 36" West a distance of 42.00 feet to a point of curve of a 417.00 foot radius non-tangent curve to the left the radius point of which bears South 34° 59' 36" West; thence along the arc of said curve, through a central angle of 04° 23' 13", an arc length of 31.93 feet; thence North 30° 36' 23" East a distance of 42.00 feet to a point of curve of a



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459.00 foot radius non-tangent curve to the left, the radius point of which bears South 30° 36' 23" West; thence along the arc of said curve, through a central angle of 11° 53' 01", an arc length of 95.20 feet to the west line of New Lot 5 of said BLA; thence North 01° 47' 27" East, along said west line, a distance of 85.12 feet to a point of curve of a 541.00 foot radius non-tangent curve to the right, the radius point of which bears South 16° 05' 47" West; thence along the arc of said curve, through a central angle of 09° 56' 41", an arc length of 93.90 feet; thence North 26° 02' 28" East a distance of 61.00 feet to a point of curve of a 602.00 foot radius non-tangent curve to the right, the radius point of which bears South 26° 02' 28" West; thence along the arc of said curve, through a central angle of 01° 13' 05", an arc length of 12.80 feet; thence South 27° 15' 33" West a distance of 61.00 feet to a point of curve of a 541.00 foot radius non-tangent curve to the right, the radius point of which bears South 27° 15' 33" West ; thence along the arc of said curve, through a central angle of 19° 46' 19", an arc length of 186.69 feet; thence South 47° 01' 52" West a distance of 1.00 feet to a point of curve of a 540.00 foot radius non-tangent curve to the right, the radius point of which bears South 47° 01' 52" West; thence along the arc of said curve, through a central angle of 06° 37' 15", an arc length of 62.40 feet; thence South 36° 20' 53" East a distance of 40.83 feet; thence South 50° 02' 45" East a distance of 25.66 feet to a point of curve of a 40.00 foot radius tangent curve to the left; thence along the arc of said curve, through a central angle of 115° 26' 04", an arc length of 80.59 feet to a point of compound curve of a 528.28 foot radius curve to the left; thence along the arc of said curve, through a central angle of 18° 19' 06", an arc length of 168.90 feet to the POINT OF BEGINNING.

Containing an area of 3.31 acres, more or less.