

Northlake Shipyard
FS 2424
Consent Decree #
94-2-2015-8



PRESTON GATES & ELLIS
ATTORNEYS

RECEIVED
OCT 11 1994
DEPT. OF ECOLOGY

October 7, 1994

Mr. Daniel R. Cargill
Supervisor, Urban Bay Action Teams
Department of Ecology
Northwest Regional Office
3190 160th Avenue S.E.
Bellevue, WA 98008-5452


Re: Northlake Consent Decree

Dear Dan:

Enclosed for your records is a copy of the "Memorandum of Consent Decree" recorded pursuant to the Northlake Consent Decree.

Very truly yours,

PRESTON GATES & ELLIS

By 
Jennifer L. Belk

JLB:mf
Enc.

cc: Ms. Mary Sue Wilson
Mr. E. Peter Kelly

J:\LLB\32197-00.001\52L0MH.DOC

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION



PRESTON GATES & ELLIS
ATTORNEYS

October 7, 1994

Mr. E. Peter Kelly
President
F/V North Wind, Inc.
2602 - 39th West
Seattle, WA 98199

Re: Prospective Purchaser Consent Decree

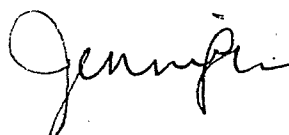
Dear Peter:

Enclosed is the original recorded "Memorandum of Consent Decree." Please keep it with your other records of consent decree and the property.

Don't hesitate to call if you have any questions.

Very truly yours,

PRESTON GATES & ELLIS

By 
Jennifer L. Belk

JLB:mf
Enc.

cc: Mr. Dan Cargill

J:\JLB\32197-00.001\52LOMG.DOC

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

ANCHORAGE • COEUR D'ALENE • LOS ANGELES • PORTLAND • SPOKANE • TACOMA • WASHINGTON, D.C.
5000 COLUMBIA CENTER • 701 FIFTH AVENUE SEATTLE, WASHINGTON 98104-7078 PHONE: (206) 623-7580 FACSIMILE: (206) 623-7022

WHEN RECORDED, RETURN TO:

Preston Gates & Ellis
5000 Columbia Center
701 Fifth Avenue
Seattle, Washington 98104-7078
Attn: Jennifer L. Belk

MEMORANDUM OF CONSENT DECREE

THIS MEMORANDUM OF CONSENT DECREE, dated as of the 20TH day of SEPTEMBER 1994, is notice of a consent decree between Northlake Shipyard, Inc., a Washington corporation ("Northlake") and the State of Washington Department of Ecology ("Ecology").

1. **Settlement.** Ecology has settled a declaratory judgment action with Northlake under King County Superior Court cause number 94-2-20115-8 upon the terms and conditions of the consent decree between the parties (the "Decree"), entered in that Court on August 12, 1994, which terms and conditions are incorporated by this reference, regarding a parcel of real property, situated in the City of Seattle, King County, Washington, legally described in Attachment A attached hereto and incorporated herein by reference (the "Property"):

2. **Effect.** Under the Decree, Ecology covenants not to sue Northlake or successor owners of the Property for certain known and documented contamination on the Property, or that migrates onto the Property. The Decree also provides Northlake, and any eligible successor owners of the Property, with protection from suits for MTCA contribution claims regarding contamination on the Property. Northlake, and any successor owners of the Property, covenant to perform certain environmental tests and ongoing monitoring to expedite cleanup of contamination in the area.

3. **Term.** This Decree shall run with the land commencing September 20, 1994, so long as successors in interest qualify under the Decree and become parties to the Decree as provided in § XIII of the Decree.

4. **Full Decree.** Copies of the full Decree are available from King County Superior Court file under King County cause number 94-2-20115-8. Copies of the Decree may also be obtained from the parties to the Decree at the following addresses:

Ecology: Toxics Cleanup Program
Department of Ecology
Northwest Regional Office
3190 - 160th Avenue S.E.
Bellevue, WA 98008-9452

THIS DOCUMENT IS BEING RE-RECORDED TO ADD THE DATE IN PARAGRAPH 3.

Filed by Chicago Title Insurance Co.

Ref. # 405461-6

9409280356

9409280356

00'6 09:00:00 AM KING COUNTY RECORDS 003 JH
00'6 09:00:00 AM KING COUNTY RECORDS 003 JH

Northlake:

E. Peter Kelly
President
Northlake Shipyard, Inc.
2602 - 39th West
Seattle, WA 98199

5. Purpose of Memorandum of Consent Decree. This memorandum of consent decree is prepared for the purpose of recordation only, and it in no way modifies the Decree. The entire Decree should be examined by interested parties. In the event of any conflict between this Memorandum and the Decree, the provisions of the Decree shall control.

NORTHLAKE SHIPYARD, INC.

By [Signature]
E. Peter Kelly
Its President

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

9409210183

On this 9th day of September, 1994, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared E. PETER KELLY, President of Northlake Shipyard, Inc. the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

9409280356

Donna Lee Mitchell
NOTARY PUBLIC in and for the State of
Washington, residing at Seattle
Title: _____
Print Name: Donna Lee Mitchell
My commission expires: 1/20/96

ATTACHMENT A
LEGAL DESCRIPTION OF REAL PROPERTY

PARCEL A:

THE SOUTHEASTERLY HALF OF LOT 6;
ALL OF LOTS 7, 8 AND 9; AND
THE NORTHWESTERLY HALF OF LOT 10;
ALL IN BLOCK 101, LAKE UNION SHORE LANDS, IN KING COUNTY,
WASHINGTON.

PARCEL D:

LOTS 1, 2, 3, 4 AND 5 AND THE NORTHWESTERLY HALF OF LOT 6,
BLOCK 101, LAKE UNION SHORE LANDS, IN KING COUNTY, WASHINGTON;
EXCEPT THAT PORTION CONDEMNED FOR NORTHLAKE AVENUE IN KING
COUNTY SUPERIOR COURT CAUSE NUMBER 108136, AS PROVIDED BY
ORDINANCE NUMBER 33626 OF THE CITY OF SEATTLE.

9409210183

9409280356

9409280356

STATE OF WASHINGTON)
County of King) ss

The Director of Records & Elections, King County, State of Washington and exofficio Recorder of Deeds and other instruments, do hereby certify the foregoing copy has been compared with the original instrument as the same appears on file and of record in the office, and that the same is a true and perfect transcript of said original and of the whole thereof,

Witness my hand and official seal this _____ day

of SEP 22 1994, 19 _____

Director of Records & Elections

By [Signature]

Deputy

