



Tricia D. Usab
Partner
trish.usab@painehamblen.com

December 4, 2018

VIA ELECTRONIC & CERTIFIED MAIL

Loiuse Bardy
NWRO TCP VCP Unit Supervisor
Washington Department of Ecology
3190 160th Ave., SE
Bellevue, WA 98008
lbar461@ecy.wa.gov

Re: Notice to DOE on behalf of Penske Truck Leasing, Co., LP pursuant to
Environmental Covenant Recorded August 26, 2008 under AFN
200808260672.001 between Kimberly-Clark Worldwide, Inc. ("Grantor") and
State of Washington, Department of Ecology ("Grantee").

Dear Ms. Bardy:

This law firm represents Penske Truck Leasing, Co., LP ("Penske"), the current owner of tax parcel 00481-002-008-00, commonly known as 2410 Railway Avenue, Everett, WA. This parcel is subject to the above-referenced Environmental Covenant. Penske intends to convey 3 acres of the above-referenced parcel to Canyon Lumber Company through a Boundary Line Adjustment Application and Boundary Line Adjustment Deed. The land to be conveyed to Canyon Lumber is described in the attached **Exhibit A**.

The Closing to convey the 3 acres to Canyon Lumber is currently scheduled for January 8, 2019. Accordingly, pursuant to Section 4 of the Environmental Covenant, Penske is providing advanced written notice to the Department of Ecology of Penske's intent to convey **a portion** of the property to Canyon Lumber Company. For your convenience, I am attaching the Boundary Line Adjustment Application to this letter as **Exhibit B**.

Please feel free to contact me, if you have any questions.

Best regards,

PAINE HAMBLIN LLP

A handwritten signature in black ink, appearing to read 'T. Usab', with a stylized flourish at the end.

Tricia D. Usab

Enclosures

cc: Skye McDonald skye.macdonald@penske.com

cc: Michael Kvistad mkvistad@andersonhunterlaw.com

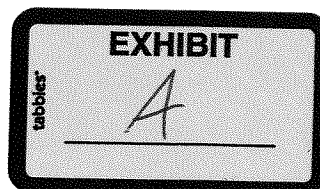
CONVEYANCE AREA

THAT PORTION OF LOT 5, CITY OF EVERETT BOUNDARY LINE ADJUSTMENT NO. 05-015, RECORDED UNDER AUDITOR'S FILE NO. 200512230817 AND DELINEATED ON SURVEY RECORDED UNDER AUDITOR'S FILE NO. 200512235239, LYING WITHIN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., ALSO BEING A PORTION OF THE PLAT OF THE INDUSTRIAL ADDITION TO EVERETT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 46, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 2, OF SAID PLAT OF INDUSTRIAL ADDITION TO EVERETT; THENCE NORTH 12°52'47" EAST, ALONG THE EAST LINE OF SAID BLOCK 2, ALSO, BEING THE WESTERLY MARGIN OF RAILWAY AVENUE EAST, 722.86 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 12°52'47" EAST, ALONG SAID EAST LINE, 136.60 FEET; THENCE NORTH 00°39'57" EAST, CONTINUING ALONG SAID EAST LINE, 11.40 FEET; THENCE NORTH 88°01'13" WEST, 764.36 FEET; THENCE SOUTH 01°57'57" WEST, 54.38 FEET TO THE BEGINNING OF A 1,035.37 FOOT RADIUS CURVE, CONCAVE WESTERLY; THENCE CLOCKWISE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 22°45'35", A DISTANCE OF 411.28 FEET TO THE SOUTH LINE OF LOT 5, BLOCK 3, SAID PLAT OF INDUSTRIAL ADDITION TO EVERETT, EXTENDED WESTERLY; THENCE SOUTH 88°01'13" EAST, 21.65 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5, THENCE CONTINUING SOUTH 88°01'13" EAST, 10.80 FEET TO A POINT ON A NON-TANGENT 1,065.37 FOOT RADIUS CURVE, CONCAVE WESTERLY, THE RADIAL CENTER OF WHICH BEARS NORTH 65°56'58" WEST; THENCE COUNTER-CLOCKWISE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°27'13", A DISTANCE OF 45.62 FEET; THENCE NORTH 37°34'25" EAST, 121.75 FEET; THENCE NORTH 28°22'08" EAST, 67.93 FEET; THENCE NORTH 15°14'39" EAST, 74.06 FEET; THENCE NORTH 01°43'50" EAST, 34.84 FEET; THENCE SOUTH 88°01'13" EAST, 652.72 FEET TO THE POINT OF BEGINNING.

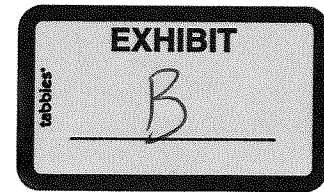


GARY D. LETZRING, PLS
REGISTRATION NO. 38013
SITTS & HILL ENGINEERS
4815 CENTER STREET, TACOMA, WA 98409
PROJECT NO. 17845





CITY of EVERETT
PLANNING and COMMUNITY DEVELOPMENT
LAND USE APPLICATION



1) Name of Applicant SITTS & HILL ENGINEERS
C/O: GARY D. LETERING
Address 4815 CENTER STREET
City TACOMA State WA Zip Code 98409
Phone 253-474-9449 Alt ph N/A
Email GARYL@SITTSHILL.COM

2) Primary Contact (if other than applicant) _____
Address _____
City _____ State _____ Zip Code _____
Phone _____ Alt ph _____
Email _____

3) Property Owner(s) PENSKE TRUCK LEASING CO.
CANYON LUMBER CO.
Address 2675 MORGANTOWN RD. City READING State PA Zip Code 19607

4) Project Address or Location 2630 RAILWAY AVE., EVERETT, WA 98201
Tax Parcel No(s) 00480100200102 Area of Property (acres/sq ft) 22.95 ± AC
00480100200800 999,840 ± SQ FT
Zoning M2 Comprehensive Plan Designation HEAVY INDUSTRIAL

5) Brief Description of Project 3.0 ACRES TRANSFERRED TO CANYON LUMBER

6) Name of the planner who conducted or waived the Pre-Application meeting Kelsey Heyd

7) Authorization: I am the owner or am authorized by the owner to sign and submit this application. I grant permission for City staff and agents to enter onto the subject property for the sole purpose of making any inspections of the property which are necessary to process this application. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete, and correct.

Signature GARY D. LETERING Date 5/22/2018

Please print name GARY D. LETERING ☐ Owner ☒ Applicant ☐ Primary Contact

City and State where this application is signed TACOMA, WA

City State

After recording return to:
City of Everett Public Works/PS
3200 Cedar Street 2nd Floor
Everett, WA 98201

WO# _____

Property Address: _____



BOUNDARY LINE ADJUSTMENT # _____
DECLARATION OF OWNERSHIP

CORPORATE FORM

Know all men by these presents:

That I/we, the undersigned, depose and state that I/we are the owner/owners of land described by this declaration; and do hereby declare that I/we have no objections to the herein described property being subdivided.

Legal description of property (attach if necessary): See Attached Exhibit "A"

Tax parcel number: 004801-002-008-00

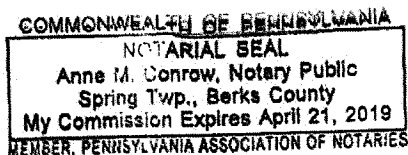
Cross reference: See Record of Surveys Auditor File # _____
_____ recorded in Volume _____ of Surveys on page _____
Records of Snohomish County, Washington, for Short Subdivision map and approvals.

IN WITNESS WHEREOF, said corporation has caused this instrument to be executed by its proper officers and its corporate seal to be hereunto affixed this 25th day of September, 2018.

Signature (s) Karen L. Shchuka
Vice President - Real Estate Title

STATE OF Pennsylvania
County of Berks)
SS. _____ Title

I certify that I know or have satisfactory evidence that Karen L. Shchuka signed this instrument, on oath stated that (he ~~she~~ /they) (~~was~~ /were) authorized to execute the instrument and acknowledged it as the Vice President - Real Estate of Penske Truck Leasing, L.P. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



(Seal or stamp)

Dated: 09-25-18

Signature of
Notary Public: [Signature]

Residing at: Berks County

My commission expires: 04-21-19

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s):

004801-002-008-00

Lot 5 of City of Everett Boundary Line Adjustment No. 05-015, recorded under Auditor's File No. 200512230817 and delineated on survey recorded under Auditor's File No. 200512235239, more particularly described as follows:

A portion of the Northeast Quarter of the Southwest Quarter of Section 21, Township 29 North, Range 5 East, W.M., and a portion of the Plat of the Industrial Addition to Everett, according to the plat thereof recorded in volume 6 of plats, page 46, records of Snohomish County, Washington, described as follows:

Commencing at the offset monument at the intersection of Everett Avenue and Railway Avenue, from which the offset monument at the intersection of Everett Avenue and Harrison Street bears North 88°01'36" West a distance of 1733.58 feet;

Thence North 88°01'36" West 1053.89 feet along said offset line to the Easterly margin of BNSF Railway Company's (formerly Northern Pacific Railroad) right of way, said margin being 20 feet distant, as measured perpendicular thereto, the as built centerline of the existing railroad tracks;

Thence North 35°13'18" East 351.52 feet along said Easterly margin to the beginning of a curve concave to the northwest having a radius of 975.37 feet;

Thence Northeasterly 566.24 feet along said curve and Easterly margin through a central angle of 33°15'44" to the Point of Beginning;

Thence North 01°57'34" East 456.06 feet along said Easterly margin to the beginning of a curve concave to the west having a radius of 1452.68 feet;

Thence Northwesterly 139.65 feet along said curve and Easterly margin through a central angle of 5°30'28" to a point on the south line of Government Lot 5, said Section, and to which point a radial line bears North 86°27'05" East;

Thence South 89°20'29" East 818.57 feet along said south line to the Northerly extension of the west line of Lot 14, Block 2, of said plat;

Thence South 00°39'34" West 515.37 feet along said Northerly extension and west line to the Southwest corner of said Lot 14, also being the Northeast corner of Lot 9, Block 2, of said plat as shown on a record of survey recorded under Auditor's File No. 200107165001, records of Snohomish County, Washington;

Thence South 00°39'34" West 56.06 feet per said survey;

Thence South 12°52'24" West 136.60 feet per said survey;

Thence North 88°01'36" West 652.72 feet per said survey;

Thence South 01°43'27" West 34.84 feet per said survey;

Thence South 15°14'16" West 74.06 feet per said survey;

Thence South 28°21'45" West 67.93 feet per said survey;

Thence South 37°34'02" West 121.74 feet to a point on the west line of Lot 5, Block 3 of said plat, said point being a point of cusp with a curve concave to the northwest having a radius of 1065.37 feet and to which point a radial line bears North 68°22'06" West;

Thence Southwesterly 45.64 feet along said curve through a central angle of 2°27'17" to the Northwest corner of Lot 4, Block 3, of said plat and to which corner a radial line bears South 65°57'16" East;

Thence North 88°01'36" West 32.45 feet along the Westerly extension of the North line of said Lot 4 to the beginning of a non-tangent curve concave to the northwest, which is parallel with said as built centerline, and having a radius of 1035.37 feet and to which point a radial line bears South 65°03'58" East;

Thence Northeasterly 411.31 feet along said curve through a central angle of 22°45'40";

Thence on a non-tangent line North 88°02'26" West 60.00 feet to the Point of Beginning;

Except a strip of land (width unknown) reserved by Canyon Lumber Company in deed dated August 12, 1910, in Volume 130 of Deeds, at Page 627, recorded under Auditor's File No. 157872;

Except all minerals as reserved in deed recorded under Auditor's File No. 8104300247.

Situate in the County of Snohomish, State of Washington

After recording return to:
City of Everett Public Works/PS
3200 Cedar Street 2nd Fl
Everett, WA 98201

WO# _____

Property Address: _____



BOUNDARY LINE ADJUSTMENT # _____
DECLARATION OF LEGAL DOCUMENTATION

CORPORATE & INDIVIDUAL FORM

Know all men by these presents:

That I/we, the undersigned, depose and state that I/we are the owner/owners of the properties subject to the boundary line adjustment and am/are solely responsible for securing and executing, as well as seeking, all necessary legal advice or assistance concerning the legal documents necessary to transfer title to those portions of the properties involved in the boundary line adjustment.

That I/we, the undersigned, further depose and state that the legal documents necessary to transfer title to the properties in question have been prepared and executed so that upon the recording of the boundary line adjustment, the title to the subject properties will accurately reflect the new lot line configuration resulting from the boundary line adjustment as approved by the City of Everett.

DATED this 3rd day of October, 2018.

Signature (s) _____

Karen L. Shchuka
Karen L. Shchuka - Vice President - Real Estate

STATE OF Pennsylvania

ss.

County of Berks)

I certify that I know or have satisfactory evidence that Karen L. Shchuka
Vice President - Real Estate signed this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

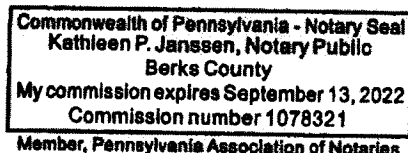
Dated: 10/3/18

Signature of
Notary Public: Kathleen P. Janssen

Title: Notary

My appointment expires: 9/13/22

(Seal or stamp)



SUBDIVISION

Issued By:



CHICAGO TITLE INSURANCE COMPANY

Guarantee/Certificate Number:

500071447 Amendment 2

CHICAGO TITLE INSURANCE COMPANY
a corporation, herein called the Company

GUARANTEES

Sitts & Hill Engineers, Inc.

herein called the Assured, against actual loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

LIABILITY EXCLUSIONS AND LIMITATIONS

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth in Schedule A.

Please note carefully the liability exclusions and limitations and the specific assurances afforded by this guarantee. If you wish additional liability, or assurances other than as contained herein, please contact the Company for further information as to the availability and cost.

Chicago Title Company of Washington
3002 Colby Ave., Suite 200
Everett, WA 98201

Countersigned By:

Authorized Officer or Agent



Chicago Title Insurance Company

By:

President

Attest:

Secretary

CHICAGO TITLE INSURANCE COMPANY**GUARANTEE/CERTIFICATE NO. 500071447
Amendment 2****ISSUING OFFICE:**

Title Officer: Commercial Unit
Chicago Title Company of Washington
3002 Colby Ave., Suite 200
Everett, WA 98201
Fax: (855)394-4817
Main Phone: (425)259-8205
Email: Everett.CU@ctt.com

SCHEDULE A

Liability	Premium	Tax
\$1,000.00	\$350.00	\$33.95

Effective Date: September 19, 2018 at 08:00 AM

The assurances referred to on the face page are:

That, according to those public records which, under the recording laws, impart constructive notice of matter relative to the following described property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Title to said real property is vested in:

Penske Truck Leasing Co., L.P., a Delaware limited partnership, as to Parcel 1;
Canyon Lumber Co., Inc., a Washington corporation, formerly known as Everett Lumber Company, as to Parcels 2, 3 and 4

subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

END OF SCHEDULE A

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 004801-002-001-02 and 004801-002-008-00

Parcel 1:

Lot 5 of City of Everett Boundary Line Adjustment No. 05-015, recorded under Auditor's File No. 200512230817 and delineated on survey recorded under Auditor's File No. 200512235239, more particularly described as follows:

A portion of the Northeast Quarter of the Southwest Quarter of Section 21, Township 29 North, Range 5 East, W.M., and a portion of the Plat of the Industrial Addition to Everett, according to the plat thereof recorded in volume 6 of plats, page 46, records of Snohomish County, Washington, described as follows:

Commencing at the offset monument at the intersection of Everett Avenue and Railway Avenue, from which the offset monument at the intersection of Everett Avenue and Harrison Street bears North 88°01'36" West a distance of 1733.58 feet;
Thence North 88°01'36" West 1053.89 feet along said offset line to the Easterly margin of BNSF Railway Company's (formerly Northern Pacific Railroad) right of way, said margin being 20 feet distant, as measured perpendicular thereto, the as built centerline of the existing railroad tracks;
Thence North 35°13'18" East 351.52 feet along said Easterly margin to the beginning of a curve concave to the northwest having a radius of 975.37 feet;
Thence Northeasterly 566.24 feet along said curve and Easterly margin through a central angle of 33°15'44" to the Point of Beginning;
Thence North 01°57'34" East 456.06 feet along said Easterly margin to the beginning of a curve concave to the west having a radius of 1452.68 feet;
Thence Northwesterly 139.65 feet along said curve and Easterly margin through a central angle of 5°30'28" to a point on the south line of Government Lot 5, said Section, and to which point a radial line bears North 86°27'05" East;
Thence South 89°20'29" East 818.57 feet along said south line to the Northerly extension of the west line of Lot 14, Block 2, of said plat;
Thence South 00°39'34" West 515.37 feet along said Northerly extension and west line to the Southwest corner of said Lot 14, also being the Northeast corner of Lot 9, Block 2, of said plat as shown on a record of survey recorded under Auditor's File No. 200107165001, records of Snohomish County, Washington;
Thence South 00°39'34" West 56.06 feet per said survey;
Thence South 12°52'24" West 136.60 feet per said survey;
Thence North 88°01'36" West 652.72 feet per said survey;
Thence South 01°43'27" West 34.84 feet per said survey;
Thence South 15°14'16" West 74.06 feet per said survey;
Thence South 28°21'45" West 67.93 feet per said survey;
Thence South 37°34'02" West 121.74 feet to a point on the west line of Lot 5, Block 3 of said plat, said point being a point of cusp with a curve concave to the northwest having a radius of 1065.37 feet and to which point a radial line bears North 68°22'06" West;
Thence Southwesterly 45.64 feet along said curve through a central angle of 2°27'17" to the Northwest corner of Lot 4, Block 3, of said plat and to which corner a radial line bears South 65°57'16" East;
Thence North 88°01'36" West 32.45 feet along the Westerly extension of the North line of said Lot 4 to the beginning of a non-tangent curve concave to the northwest, which is parallel with said as built centerline, and having a radius of 1035.37 feet and to which point a radial line bears South 65°03'58" East;
Thence Northeasterly 411.31 feet along said curve through a central angle of 22°45'40";
Thence on a non-tangent line North 88°02'26" West 60.00 feet to the Point of Beginning;

Except a strip of land (width unknown) reserved by Canyon Lumber Company in deed dated August 12, 1910, in Volume 130 of Deeds, at Page 627, recorded under Auditor's File No. 157872;

Except all minerals as reserved in deed recorded under Auditor's File No. 8104300247.

Situate in the County of Snohomish, State of Washington

Parcel 2:

EXHIBIT "A"

Legal Description

Parcel E of City of Everett Boundary Line Adjustment No. 01-009 recorded under Auditor's File No. 200107165001, as amended by Notice of Correction of Boundary Line Adjustment recorded under Auditor's File No. 200204040017, records of Snohomish County, Washington, described as follows:

Lots 1, 2, 3 and 4, Block 2, and Lots 3 and 4, Block 3, Industrial Addition to Everett, according to the Plat thereof recorded in Volume 6 of Plats, page 46, records of Snohomish County, Washington.

Together with vacated Mill Avenue adjacent to said lots, which upon vacation attached to said lots by operation of law;

Except that portion thereof conveyed to the City of Everett by Warranty Deed recorded on January 26, 1970, under Auditor's File No. 2131199, records of Snohomish County, Washington; and

Except that portion lying with the following described tract:

Beginning at the Southwest corner of Lot 1, Block 3, of said plat;

thence Easterly 500.78 feet along South line thereof;

thence angle left 90 ° for 200 feet;

thence angle left 90 ° for 370.42 feet to the West line of Lot 2, Block 3, of said plat;

thence angle left 56 ° 54'10" for 238.74 feet to the Point of Beginning.

Together with all that portion of Lots 7 and 8, Block 2, Lots 5 through 8, Block 3 and vacated Mill Avenue, all according to the Plat of The Industrial Addition, thereof recorded in Volume 6 of Plats, page 46, records of Snohomish County, Washington, described as follows:

Commencing at the offset monument at the intersection of Everett Avenue and Railway Avenue, from which the offset monument at the intersection of Everett Avenue and Harrison Street bears North 89 ° 02'46" West;

thence North 89 ° 02'46" West a distance of 45.14 feet to a point on the Southerly projection of the West line of Railway Avenue;

thence North 11 ° 51'14" East along the West line of Railway Avenue and its Southerly projection a distance of 752.95 feet to a point 9.66 feet North of the Southeast corner of Lot 8, Block 2 of said plat as measured perpendicular to said South line;

thence North 89 ° 02'46" West parallel with the South line of said Lot 8 a distance of 285.16 feet to the true point of beginning;

thence continue North 89 ° 02'46" West a distance of 367.56 feet;

thence South 0 ° 42'17" West a distance of 34.84 feet;

thence South 14 ° 13'06" West a distance of 74.06 feet;

thence South 27 ° 20'35" West a distance of 67.93 feet;

thence South 36 ° 32'52" West a distance of 129.22 feet to a point on the West line of Lot 5, Block 3 of said plat, said point being on a curve, the center of which bears North 69 ° 08'56" West a distance of 1065.37 feet;

thence in a Southwesterly direction along the arc of said curve through a central angle of 2 ° 06'21" a distance of 39.16 feet to the Southwest corner of Lot 5, Block 3 of said plat;

thence South 89 ° 02'46" East along said South line and its Easterly projection a distance of 353.94 feet to a point on the Easterly margin of vacated Mill Avenue;

thence North 17 ° 31'15" East along said Easterly margin a distance of 255.21 feet;

thence North 50 ° 54'14" East along said Easterly margin a distance of 100.72 feet to the true point of beginning.

All being in a portion of the Northeast Quarter of the Southwest Quarter of Section 21, Township 29 North, Range 5 East of the Willamette Meridian.

Situate in the County of Snohomish, State of Washington.

Parcel 3:

All that portion of Lots 5, 6, 7 and 8, Block 2, Industrial Addition to Everett, according to the Plat thereof recorded in Volume 6 of Plats, page 46, records of Snohomish County, Washington, described as follows:

Beginning at the Northeast corner of said Lot 8;

thence South 12 ° 52' west along the East line of said lot for 91.84 feet to the true point of beginning;

EXHIBIT "A"
Legal Description

thence North 87 ° 59' West parallel to South line of said Lot 8 for 285.16 feet;
thence South 51 ° 58' West 99.04 feet;
thence South 36 ° 55' East 276.41 feet;
thence South 86 ° 01' East 135.16 feet to the East line of Lot 5, Block 2, said plat;
thence North 12 ° 52' East along East lines of Lots 5, 6, 7 and 8, to the true point of beginning.

Situate in the County of Snohomish, State of Washington.

Parcel 4:

Lots 5, 6, 7, Block 2, Industrial Addition to Everett, according to the Plat thereof recorded in Volume 6 of Plats, page 46, records of Snohomish County, Washington;

Except that portion thereof lying within the following described tract:

All that portion of Lots 5, 6, 7 and 8, Block 2, Industrial Addition to Everett, according to the Plat thereof recorded in Volume 6 of Plats, page 46, records of Snohomish County, Washington, described as follows:

Beginning at the Northeast corner of said Lot 8;
thence South 12 ° 52' West along the East line of said lot for 91.84 feet to the true point of beginning;
thence North 87 ° 59' West parallel to South line of said Lot 8 for 285.16 feet;
thence South 51 ° 58' West 99.04 feet;
thence South 36 ° 55' East 276.41 feet;
thence South 86 ° 01' East 135.16 feet to the East line of Lot 5, Block 2, said plat;
thence North 12 ° 52' East along East lines of Lots 5, 6, 7 and 8, to the true point of beginning.

Situate in the County of Snohomish, State of Washington.

SCHEDULE B

GENERAL EXCEPTIONS

- A. Rights or claims of parties in possession, or claiming possession, not shown by the Public Records.
- B. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
- C. Easements, prescriptive rights, rights-of-way, liens or encumbrances, or claims thereof, not shown by the Public Records.
- D. Any lien, or right to a lien, for contributions to employee benefit funds, or for state workers' compensation, or for services, labor, or material heretofore or hereafter furnished, all as imposed by law, and not shown by the Public Records.
- E. Taxes or special assessments which are not yet payable or which are not shown as existing liens by the Public Records.
- F. Any lien for service, installation, connection, maintenance, tap, capacity, or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Records.
- G. Unpatented mining claims, and all rights relating thereto.
- H. Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof.
- I. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
- J. Water rights, claims or title to water.

SCHEDULE B
(continued)**SPECIAL EXCEPTIONS**

1. No search has been made as to property taxes and assessments. Property taxes and assessments will be searched upon request.
2. Easement reservation contained in deed reserved by Canyon Lumber Company, a corporation by deed recorded under Auditor's File No. 157872. Said deed states the strip of land reserved is to be sufficiently wide to make possible the operation and maintenance of the spur track now constructed.
3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Everett
Purpose: construction, repair and maintenance of public utilities and services
Recording Date: June 23, 1955
Recording No.: 1149140
Affects: Vacated Mill Avenue

Said reservation of easement also provides that in the event that the City shall construct such public utilities or services, the removal of all improvements from vacated Mill Avenue necessary to such construction shall be at the expense of the owner.

A portion of said easement was released by Quit Claim Deed of Easement recorded under Auditor's File No. 2131198.

4. Easement Agreement and the terms & provisions thereof:

Between: Scott Paper Company
And: Everett Lumber Company, Inc
Recorded: May 9, 1969
Recording No.: 2092224
Regarding: (A) Right to use jointly the spur railway track, and sharing costs of maintenance and operation of said spur railway track
(B) Easements for the construction and maintenance of water lines, sewer lines and public utilities, and right of Everett Lumber Company to use said area as a roadway, and sharing costs of maintenance thereof
(C) Easement for the construction, maintenance and use of roadway and utilities and the sharing costs of maintenance thereof
(D) Unrecorded agreement dated May 24, 1951 between Northern Pacific Railway Company and Chicago, Milwaukee, St. Paul and Pacific Railway Company providing for maintenance of spur railway track

SCHEDULE B
(continued)

5. Reservations and recitals contained in the Deed as set forth below:

Grantor: Richard B. Ogilvie, Trustee of Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Recording Date: April 30, 1981
Recording No.: 8104300247

Said document provides for, among other things, the following:

The grantor reserves to himself and his successors and assigns, all minerals of any nature whatsoever including, but not limited to coal, iron, natural gas and oil, except sand and gravel, together with the sole, exclusive and perpetual right to explore for and dispose of said minerals by any means or methods suitable to the grantor and his successors and assigns, but without entering upon or using the surface of said lands and in such manner as not to damage the surface of said lands or to interfere with the use thereof by the grantees, their successors or assigns

6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Everett
Purpose: Utilities and appurtenances
Recording Date: January 26, 1970
Recording No.: 2131197
Affects: Westerly portion of Lots 1 and 2 of Block 2

7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Public Utility District No. 1 of Snohomish County
Purpose: Electric transmission and/or distribution line
Recording Date: November 30, 1970
Recording No.: 2174808-A
Affects: Portions of Parcel 2

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Public Utility District No. 1 of Snohomish County
Purpose: Underground electric transmission and/or distribution system
Recording Date: December 8, 1973
Recording No.: 2323212
Affects: Portion of Lot 3, Block 3 and vacated Mill Avenue

9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Public Utility District No. 1 of Snohomish County
Purpose: Underground electric transmission and/or distribution system
Recording Date: September 26, 1974
Recording No.: 2358950
Affects: Portion of Lot 3 of Block 2

SCHEDULE B
(continued)

10. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Everett, a municipal corporation
Purpose: utility line(s) and appurtenances
Recording Date: March 16, 1984
Recording No.: 8403160156

Said easement is a re-recording of easement recorded under Auditor's File No. 8211170116

11. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Public Utility District No. 1 of Snohomish County
Purpose: distribution line
Recording Date: January 4, 1984
Recording No.: 8401040101

12. Notice of Additional Sewer Connection Charges

Recording Date: August 23, 1984
Recording No.: 8408230225

13. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey,

Recording Date: November 19, 1992
Recording No.: 9211195001
Matters shown: (A) railway spurs
(B) easement for undisclosed purposes

14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Public Utility District No. 1 of Snohomish County
Purpose: electric transmission line facilities and distribution line facilities
Recording Date: August 17, 1995
Recording No.: 9508170174

15. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey,

Recording Date: September 1, 2000
Recording No.: 200009015003
Matters shown:
a) Easement for undisclosed purposes on Lots 5-8, Block 3;
b) Asphalt encroachment affecting Westerly portion of Lots 5-8, Block 3; and
c) Scales and scale shack located on Lots 7-8 of Block 3

SCHEDULE B
(continued)

16. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Boundary Line Adjustment :

Recording No: 200107165001

And notice of correction of Boundary Line Adjustment recorded under Auditor's File No. 200204040017

17. Easement Agreement including the terms, covenants and provisions thereof

Executed by: Kimberly-Clark Worldwide, Inc, a Delaware corporation & City of Everett, a Washington municipal corporation

Recording Date: August 19, 2003

Recording No.: 200308190596

18. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Boundary Line Adjustment:

Recording No: 200512235239

19. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in Boundary Line Adjustment No. 05-015 Declaration of Ownership:

Recording Date: December 23, 2005

Recording No.: 200512230817

20. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: August 26, 2008

Recording No.: 200808260672

Affects: Parcel 1 and other property

Said instrument contains a requirement to give 30 days advance notice to State of Washington, Department of Ecology of the owhers intent to convey any interest in the property

SCHEDULE B
(continued)

21. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey prepared by Sitts & Hill Engineers, Inc., dated December 12, 2016

Matters shown:

- A. Unrecorded easement(s) for electric and storm drain
- B. Right, title and interest of those parties in possession of that portion of the Land lying between Eastern boundary and chain link fence
- C. Right, title and interest of those parties in possession of that portion of the Land lying between Western boundary and chain link fence
- D. Right, title and interest of those parties in possession of that portion of the Land lying between Southernmost boundary of Parcel 1 and chain link fence

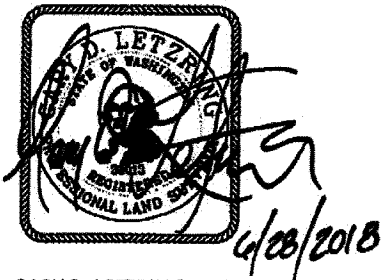
22. The Company's liability for this report is limited to \$1,000.00. This report is based on the company's property records, and no liability is assumed for items misindexed or not indexed in the public records, or for matters which would be disclosed by an inquiry of the parties in possession or by an accurate survey or inspection of the premises. This report and the legal description given here are based upon information supplied by the applicant as to the location and identification of the premises in question, and no liability is assumed for discrepancies resulting therefrom. This report does not represent either a commitment to insure title, an examination of, or opinion as to the sufficiency or effect of the matter shown, or an opinion as to the marketability of title to the subject premises.

END OF SCHEDULE B

CONVEYANCE AREA

THAT PORTION OF LOT 5, CITY OF EVERETT BOUNDARY LINE ADJUSTMENT NO. 05-015, RECORDED UNDER AUDITOR'S FILE NO. 200512230817 AND DELINEATED ON SURVEY RECORDED UNDER AUDITOR'S FILE NO. 200512235239, LYING WITHIN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., ALSO BEING A PORTION OF THE PLAT OF THE INDUSTRIAL ADDITION TO EVERETT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 46, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 2, OF SAID PLAT OF INDUSTRIAL ADDITION TO EVERETT; THENCE NORTH 12°52'47" EAST, ALONG THE EAST LINE OF SAID BLOCK 2, ALSO, BEING THE WESTERLY MARGIN OF RAILWAY AVENUE EAST, 722.86 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 12°52'47" EAST, ALONG SAID EAST LINE, 136.60 FEET; THENCE NORTH 00°39'57" EAST, CONTINUING ALONG SAID EAST LINE, 11.40 FEET; THENCE NORTH 88°01'13" WEST, 764.36 FEET; THENCE SOUTH 01°57'57" WEST, 54.38 FEET TO THE BEGINNING OF A 1,035.37 FOOT RADIUS CURVE, CONCAVE WESTERLY; THENCE CLOCKWISE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 22°45'35", A DISTANCE OF 411.28 FEET TO THE SOUTH LINE OF LOT 5, BLOCK 3, SAID PLAT OF INDUSTRIAL ADDITION TO EVERETT, EXTENDED WESTERLY; THENCE SOUTH 88°01'13" EAST, 21.65 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5, THENCE CONTINUING SOUTH 88°01'13" EAST, 10.80 FEET TO A POINT ON A NON-TANGENT 1,065.37 FOOT RADIUS CURVE, CONCAVE WESTERLY, THE RADIAL CENTER OF WHICH BEARS NORTH 65°56'58" WEST; THENCE COUNTER-CLOCKWISE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°27'13", A DISTANCE OF 45.62 FEET; THENCE NORTH 37°34'25" EAST, 121.75 FEET; THENCE NORTH 28°22'08" EAST, 67.93 FEET; THENCE NORTH 15°14'39" EAST, 74.06 FEET; THENCE NORTH 01°43'50" EAST, 34.84 FEET; THENCE SOUTH 88°01'13" EAST, 652.72 FEET TO THE POINT OF BEGINNING.



GARY D. LETZRING, PLS
REGISTRATION NO. 38013
SITTS & HILL ENGINEERS
4815 CENTER STREET, TACOMA, WA 98409
PROJECT NO. 17845

