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2 **COPY RECEIVED**

3 **DEC 06 2012**

4 **ADELSTEIN, SHARPE & SERKA**



7 **SUPERIOR COURT OF WASHINGTON IN AND FOR PIERCE COUNTY**

8 **STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY,**

9 **Plaintiff,**

10 **v.**

11 **CITY OF TACOMA and FOSS  
WATERWAY DEVELOPMENT  
AUTHORITY,**

12 **Defendants.**

No. 94-2-10917-6

TWELFTH AMENDMENT TO  
CONSENT DECREE TO ADD  
PARTY DEFENDANT

(SUCCESSOR OWNER OR  
OPERATOR AGREEMENT)

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14  
15 This Amendment is to add Tacoma Waterway, L.L.C. as a party Defendant to the  
16 Consent Decree in this case, pursuant to Section 17 of the Decree. Tacoma Waterway, L.L.C.  
17 has acquired an ownership interest in property covered under the Decree. The property is  
18 known as Development Site 4, which is within the geographic boundary described in Amended  
19 Exhibit A to the Decree. A legal description of the property is provided in Appendix A to this  
20 Amendment.

21 Tacoma Waterway, L.L.C. agrees to be bound by all provisions of the Consent Decree  
22 previously entered in this case as they apply to the particular parcel in which it has acquired an  
23 ownership interest. This Amendment is not intended to make Tacoma Waterway, L.L.C. jointly  
24 and severally liable for properties covered by the Decree for which it is not a Successor Owner  
25 or Operator.  
26

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1 The undersigned parties agree to amend the Consent Decree to add Tacoma Waterway,  
2 L.L.C. as a party Defendant.

3 Being fully advised of the reasons for entering this Amendment to the Consent Decree  
4 and good cause having been shown,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Tacoma Waterway,  
6 L.L.C. is added as a party Defendant to the Consent Decree and is bound by it.

7 DATED THIS 4 day of Dec., 2012.

8  
9 **CRAIG ADAMS**  
10 **COURT COMMISSIONER**

11 

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JUDGE/COMMISSIONER  
12 Pierce County Superior Court

13 IT IS SO AGREED TO BY THE UNDERSIGNED

14 TACOMA WATERWAY, L.L.C.

15  
16 By: 

17 Printed Name: Marlo Glen Hollander

18 Title: Manager

19 Date: August 17, 2012

1 DEPARTMENT OF ECOLOGY

ROBERT M. McKENNA  
Attorney General

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4 

James Pendowski  
Program Manager  
Toxics Cleanup Program

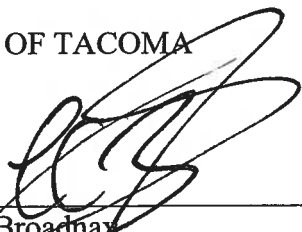
5  
6 Date: 9/10/12



John Level, WSBA #20439  
Assistant Attorney General  
Attorneys for Plaintiff

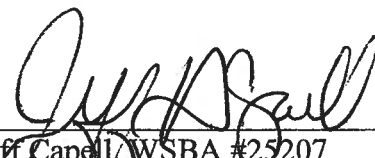
Department of Ecology  
Date: Sept. 5, 2012

8 CITY OF TACOMA

9  
10 

T. C. Broadnax  
City Manager

11  
12 Date: 8/22/2012



Jeff Capell, WSBA #25207  
Deputy City Attorney  
City of Tacoma

Date: Aug. 22, 2012

14 FOSS WATERWAY DEVELOPMENT  
15 AUTHORITY

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Su Dowie  
Interim Executive Director

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19 Date: Aug. 21, 2012

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Appendix A  
Legal Description

Pierce County

Section 04 Township 20 Range 03 Quarter 31 TACOMA TIDELANDS PARCEL "C" OF DBLA 2005-06-29-5008 A CORRECTION OF DBLA 2005-01-07-5002 DESC AS FOLL S 20 FT OF L 8, L 9 THRU 13 & N 5 FT OF L 14 OF B 59 EXC E 120 FT MEAS PAR/W E LI OF SD PLAT TOG/W EASE OF REC OUT OF 189-1 SEG 2005-1243 2/3/05JK DC03/10/06LW