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WA State Department of Ecology (SWRO)

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A.M. APR 18 2014 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
DEPUTY

SUPERIOR COURT OF WASHINGTON IN AND FOR PIERCE COUNTY

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

CITY OF TACOMA and FOSS
WATERWAY DEVELOPMENT
AUTHORITY

Defendants.

No. 94-2-10917-6

THIRTEENTH AMENDMENT TO
CONSENT DECREE TO ADD
PARTY DEFENDANT

(SUCCESSOR OWNER OR
OPERATOR AGREEMENT)

This Amendment is to add Henry Foss Group LLC as a party Defendant to the Consent Decree in this case, pursuant to Section 17 of the Decree. Henry Foss Group LLC is acquiring, or has acquired, an ownership interest in property covered under the Decree. The property is known as Development Site 1, which is within the geographic boundary described in Amended Exhibit A to the Decree. A legal description of the property is provided in Appendix A to this Amendment.

Henry Foss Group LLC agrees to be bound by all provisions of the Consent Decree previously entered in this case as they apply to the particular parcel in which it is acquiring an ownership interest. This Amendment is not intended to make Henry Foss Group LLC jointly and severally liable for properties covered by the Decree for which it is not a Successor Owner or Operator.

THIRTEENTH AMENDMENT TO CONSENT
DECREE - 1

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The undersigned parties agree to amend the Consent Decree to add Henry Foss Group LLC as a party Defendant. These parties agree that this Amendment will be submitted for entry with the Court only after the transfer in interest to Henry Foss LLC is consummated.

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

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Henry Foss Group LLC is added as a party Defendant to the Consent Decree and is bound by it.

DATED THIS 18th day of April, 2014.



JUDGE/COMMISSIONER
Pierce County Superior Court

IT IS SO AGREED TO BY THE UNDERSIGNED

Henry Foss Group LLC

By: 

Printed Name: Anthony Carino

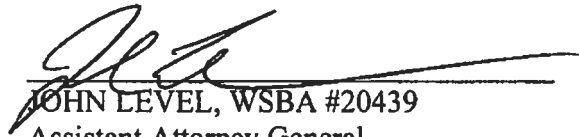
Title: Manager

Date: 1.10.14

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DEPARTMENT OF ECOLOGY

ROBERT FERGUSON
Attorney General



JAMES PENDOWSKI

JOHN LEVEL, WSBA #20439

Program Manager

Assistant Attorney General


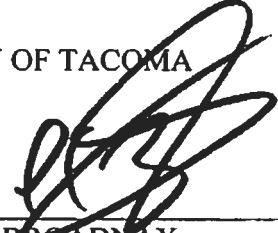
Toxics Cleanup Program

Attorneys for Plaintiff

Date: 3/25/14

Department of Ecology
Date: 3/25/14

CITY OF TACOMA



T. C. BROADNAX

JEFF CAPELL, WSBA #25207

City Manager

Assistant City Attorney

Date: 2/25/2014

City of Tacoma
Date: 2-20-14

FOSS WATERWAY DEVELOPMENT
AUTHORITY



SU DOWIE

Interim Executive Director

Date: 2-18-14

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Appendix A

Legal Description

Real Property in the County of Pierce, State of Washington, Described as Follows:

ALL OF LOTS 14 THROUGH 18 INCLUSIVE, BLOCK 58, ACCORDING TO THE OFFICIAL MAP OF THE TACOMA TIDE LANDS FILED IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS AT OLYMPIA, WASHINGTON, 3 SEPTEMBER 1895;

EXCEPT THE EASTERLY 100 FEET OF SAID LOTS 14 THROUGH 18, AS MEASURED PERPENDICULAR TO THE INNER HARBOR LINE.

(ALSO KNOWN AS PARCEL B OF BOUNDARY LINE REVISION RECORDED NOVEMBER 29, 2006 UNDER RECORDING NO. 200611295003).

Tax Parcel Number: 895000-1873 Situs Address: 1933 Dock Street, Tacoma, WA 98402