

Excise Tax Exempt
 Pierce County, WA
 03/09/2023 2:49 PM
 Electronically Submitted
 LMACUMB

202303090272
 Electronically Recorded
 Pierce County, WA LMACUMB
 03/09/2023 2:49 PM
 Pages: 14 Fee: \$216.50

After recording return to:

City Clerk
 City of Puyallup
 333 South Meridian
 Puyallup, WA 98371

RANGE	TOWNSHIP	SECTION	QUARTER		
04E-	20 N-	28	01	091	1/15
DOCUMENT NUMBER				SERIAL NUMBER	PAGE NUMBER

Document Title: Sidewalk Maintenance Easement Agreement

Reference Number of Related Document(s): N/A

Grantor: Central Puget Sound Regional Transit Authority

Grantee: City of Puyallup

Abbreviated Legal Description: Ptn. Of the Southeast quarter of the Northeast quarter of Section 28-20N-4E, W.M.

Legal Description: See the attached Exhibit B

Assessor's Tax Parcel Number: 7940100361

CHICAGO TITLE INSURANCE COMPANY
 has placed the document of record as a
 customer courtesy and accepts no liability
 for the accuracy or validity of the document.

SIDEWALK MAINTENANCE EASEMENT AGREEMENT

This Sidewalk Maintenance Easement Agreement (this "Agreement") is entered into on the date of the last signature below by and between the City of Puyallup, a Washington municipal corporation, along with its successors, agents, designees or assigns ("Grantee") and Central Puget Sound Regional Transit Authority, a Washington regional transit authority, along with its successors, agents, designees or assigns ("Grantor").

Recitals

A. Grantor is a regional transit authority created pursuant to Chapters 81.104 and 81.112 Revised Code of Washington. Grantor owns certain real property more particularly described in Exhibit A which is attached hereto and incorporated herein by this reference (the "Property").

B. Grantee is a municipal corporation of the State of Washington. Grantee requires an easement on the Property for the purpose of maintaining, repairing, and replacing certain sidewalk facilities, in the area described in Exhibit B and depicted in Exhibit C, both of which are attached hereto and incorporated herein by reference (the "Easement Area").

Easement

Now, therefore, Grantor, in consideration of the mutual benefits to be derived and in

After recording return to:

City Clerk
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Reference Number of Related Document(s): N/A
Grantor: Central Puget Sound Regional Transit Authority
Grantee: City of Puyallup
Abbreviated Legal Description: Ptn. Of the Southeast quarter of the Northeast quarter of Section 28-20N-4E, W.M.
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Assessor's Tax Parcel Number: 7940100361

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A. Grantor is a regional transit authority created pursuant to Chapters 81.104 and 81.112 Revised Code of Washington. Grantor owns certain real property more particularly described in Exhibit A which is attached hereto and incorporated herein by this reference (the "Property").

B. Grantee is a municipal corporation of the State of Washington. Grantee requires an easement on the Property for the purpose of maintaining, repairing, and replacing certain sidewalk facilities, in the area described in Exhibit B and depicted in Exhibit C, both of which are attached hereto and incorporated herein by reference (the "Easement Area").

Easement

Now, therefore, Grantor, in consideration of the mutual benefits to be derived and in

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consideration of the performance of the covenants, terms and conditions hereinafter set forth, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby conveys to the Grantee a permanent easement (the "Easement") in the Easement Area, subject to the terms of this Agreement.

Agreement

1. Purpose. Grantee shall have the right to use the Easement Area for the purpose of maintaining, repairing, modifying, and replacing sidewalk elements in conjunction with the maintenance, repair, modification, and replacement of an ADA/wheelchair ramp located on public right-of-way adjacent to the Easement Area.

2. Grantee's Use of Easement Area. Grantee's use of the Easement Area shall be subject to the following terms and conditions:

a. Grantee shall comply with all federal, state and local laws and regulations in the performance of any activities in the Easement Area.

b. Grantee shall not permit any other party, except Grantee's duly authorized representatives, employees, agents and independent contractors (collectively "Representatives") to enter or use the Easement Area. Grantee shall be responsible for its Representatives' compliance with the terms of this Agreement.

c. In no event may Grantee store flammable, explosive, or hazardous materials within the Easement Area.

3. Grantor's Use of Easement Area. Grantor reserves the right to use the Property and the Easement Area for any purpose not inconsistent with the rights herein granted to Grantee so long as such use or use rights do not unreasonably interfere with the easement rights being conveyed herein.

4. Restoration. In the event Grantee or its Representatives disturb or damage the Easement Area or any other part of the Property, Grantee shall at its sole cost repair or restore the disturbed or damaged area to a condition as good as or better than that which existed before Grantee's use of the Easement Area.

5. Indemnification. Grantee shall defend, indemnify and hold harmless Grantor and its successors, assigns, agents, contractors, subcontractors, tenants, licensees, invitees, and employees (collectively, the "Indemnified Parties") from and against any and all claims, demands, losses, liabilities, damages, actions, proceedings, expenses and costs (including reasonable attorneys' fees) (collectively, "Claims") arising out of or resulting from the use of the Property and/or the Easement Area by Grantee and/or its successors, assigns, agents, contractors, subcontractors, and employees (the "Indemnifying Parties") for the purposes described herein, or otherwise arising from or resulting from Grantee's exercise of its rights hereunder; provided, however, that an Indemnified Party shall not be indemnified to the extent that any such Claims are suffered or incurred by such Indemnified Party as a result of the sole negligence or willful misconduct of such Indemnified Party, and the foregoing defense, indemnity and hold harmless obligation shall not extend to and in no event shall the Indemnifying Parties be liable with respect

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to any pre-existing hazardous substances in, on or under the Property. Solely for the purpose of effectuating the indemnification obligations hereunder, and not for the benefit of any third parties (including employees of the parties), each party specifically and expressly waives any immunity that may be granted it under applicable federal, state or local worker compensation acts or other employee benefit acts. The parties acknowledge that the foregoing waiver has been specifically and mutually negotiated between the parties.

6. **Successors.** This instrument shall bind the parties' successors and assigns, and whoever has possession of the Easement Area, or uses the Easement Area, in whole or in part, without regard to whether the possessor or user has title, or has succeeded to the same estate or interest that Grantee has or had.

7. **Governing Law.** This instrument shall be governed by and construed in accordance with the laws of the State of Washington.

8. **Venue.** The venue for any action that arises from or out of this instrument shall be the Pierce County Superior Court.

<signature page to follow>

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In witness whereof, the parties have executed this Agreement as of the date set forth below.

GRANTOR:

Central Puget Sound Regional Transit Authority

By: Michelle Reuss

Print Name: Michelle Reuss

Title: Acting Dep. Exec Director

Date: 3/2/23

Approved as to Form:

By: Paul Moomaw Digitally signed by Paul Moomaw
Date: 2023.02.27 14:58:17 -08'00'

Print Name: _____

Title: _____

Date: _____

GRANTEE

City of Puyallup

By: [Signature]

Print Name: Hans Hunger

Title: City Engineer

Date: 3-7-23

Approved as to Form:

By: [Signature]

Print Name: Shawn Arthur

Title: Deputy City Attorney

Date: 3-7-23

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(ACKNOWLEDGMENT FOR GRANTOR)

STATE OF WASHINGTON)
) ss.
 County of King)

On this 2nd day of March, 2023, before me, the undersigned notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Michelle Reuss to me known to be the Acting Dep. Exec Director of **CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY**, the authority that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said authority, for the uses and purposes therein mentioned, and on oath stated that he/she was duly authorized to execute the same.

WITNESS my hand and official seal hereto the day and year in this Certificate first above written.



Zack Parkins
Zack Parkins Notary
 Public in and for the State of Washington, residing
 at Seattle, Washington.
 My appointment expires 04/22/2026.

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(ACKNOWLEDGMENT FOR GRANTEE)

STATE OF WASHINGTON)
) ss.
County of Pierce)

On this 7th day of March, 2023, before me personally appeared Hans Hunger, to me known to be the City Engineer

of **City of Puyallup**, the authority that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said authority for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

WITNESS my hand and official seal hereto the day and year in this Certificate first above written.



[Signature] Notary Public in
and for the State of Washington, residing at Puyallup
My appointment expires 3-20-23

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**EXHIBIT A
PARCEL NO. 7940100361
GRANTOR'S PROPERTY**

(PER CHICAGO TITLE COMPANY ORDER NO. 223873-SC, DATED SEPTEMBER 14, 2022)

PARCEL 1:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF MERIDIAN STREET IN SECTION 28, TOWNSHIP 20 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, CITY OF PUYALLUP, PIERCE COUNTY, WASHINGTON WITH THE SOUTHERLY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S RIGHT-OF-WAY (66 FEET WIDE);

THENCE NORTH 74°19'59" WEST ALONG SAID SOUTHERLY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S RIGHT-OF-WAY A DISTANCE OF 71.50 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;
 THENCE SOUTH 0°48'16" WEST A DISTANCE OF 65.87 FEET;
 THENCE NORTH 89°11'19" WEST A DISTANCE OF 28.24 FEET;
 THENCE SOUTH 0°48'16" WEST A DISTANCE OF 9.41 FEET;
 THENCE NORTH 74°19'59" WEST ALONG A LINE 80.00 FOOT DISTANT WHEN MEASURED AT RIGHT ANGLES SOUTHERLY AND PARALLEL TO SAID SOUTHERLY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S RIGHT-OF-WAY A DISTANCE OF 970.88 FEET;
 THENCE NORTH 0°48'16" EAST A DISTANCE OF 82.77 FEET;
 THENCE SOUTH 74°19'59" EAST ALONG SAID SOUTHERLY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S RIGHT-OF-WAY A DISTANCE OF 1000.07 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION THEREOF CONVEYED TO PUYALLUP VALLEY COLD STORAGE BY QUIT CLAIM DEED RECORDED FEBRUARY 3, 2000 UNDER RECORDING NO. 200002030540, RECORDS OF PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF BLOCK 4 OF THE PLAT OF J.P. STEWART'S ADDITION AND THE ADJOINING DEPOT GROUND AS SHOWN ON SAID PLAT, AS RECORDED IN VOLUME 1 OF PLATS ON PAGE 39, RECORDS OF PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTIONS 28 AND 27, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN IN PUYALLUP, WASHINGTON;
 THENCE NORTH 89°11'44" WEST 194.88 FEET ALONG THE CENTERLINE OF MAIN STREET;
 THENCE NORTH 00°48'16" EAST 133.98 FEET TO THE SOUTHEASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID BLOCK 4 AND THE TRUE POINT OF BEGINNING;
 THENCE NORTH 00°48'16" EAST 37.54 FEET;
 THENCE SOUTH 89°12'45" EAST 94.89 FEET;
 THENCE SOUTH 00°48'16" WEST 45.85 FEET;
 THENCE NORTH 89°11'19" WEST 28.24 FEET;
 THENCE SOUTH 00°48'16" WEST 9.41 FEET TO SAID NORTHERLY LINE;
 THENCE NORTH 74°19'59" WEST 68.95 FEET ALONG SAID NORTHERLY LINE AND ITS NORTHWESTERLY EXTENSION TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION OF THE DEPOT GROUND AS SHOWN ADJOINING THE OF PLAT OF J.P. STEWART'S ADDITION, AS RECORDED IN VOLUME 1 OF PLATS ON PAGE 39, DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER SECTION CORNER COMMON TO SECTIONS 28 AND 27;
 THENCE NORTH 89°11'44" WEST 316.36 FT ALONG CENTERLINE OF MAIN ST;
 THENCE NORTH 0°48'16" EAST 30 FEET TO THE SOUTH LINE OF SAID BLOCK 4;
 THENCE NORTH 89°11'44" WEST 16.54 FEET ALONG SAID SOUTH LINE;
 THENCE NORTH 0°41'04" EAST 140.69 FEET TO THE NORTHERLY LINE OF SAID BLOCK 4 AND THE POINT OF BEGINNING;

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THENCE NORTH 74°19'59" WEST 46.21 FEET ALONG SAID NORTHERLY LINE;
 THENCE SOUTH 89°11'44" EAST 44.65 FEET;
 THENCE NORTH 0°41'04" EAST 3.39 FEET
 THENCE SOUTH 89°11'44" EAST 20.19 FEET TO BEGINNING OF A NON- TANGENT CURVE CONCAVE
 SOUTHERLY, HAVING A RADIUS OF 101
 FEET (THE RADIUS CENTER BEARS SOUTH 27°01'36" EAST)
 THENCE EASTERLY ALONG SAID CURVE 89.47 FEET THROUGH CENTRAL ANGLE OF 50°45'19";
 THENCE SOUTH 89°12'45" EAST 126.55 FEET;
 THENCE SOUTH 0°48'16" WEST 18.12 FEET;
 THENCE NORTH 89°12'45" WEST 94.89 FEET;
 THENCE SOUTH 0°48'16" WEST 37.54 FEET TO THE NORTHERLY LINE OF SAID BLOCK 4;
 THENCE NORTH 74°19'59" WEST 143.10 FEET TO POINT OF BEGINNING.

PARCEL 2:
 THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF
 SECTION 28, TOWNSHIP 20 NORTH, RANGE 4 EAST, W.M., IN PIERCE COUNTY, WASHINGTON, DESCRIBED
 AS FOLLOWS:
 COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP
 20 NORTH, RANGE 4 EAST, W.M., IN PIERCE COUNTY, WASHINGTON;
 THENCE WEST ALONG EAST-WEST CENTERLINE OF SAID SECTION 100 FEET;
 THENCE NORTH 109.1 FEET;
 THENCE NORTH 76°10' WEST 400 FEET TO THE POINT OF BEGINNING;
 THENCE SOUTH 72.42 FEET;
 THENCE NORTH 76°10' WEST 48.27 FEET;
 THENCE SOUTH 121.44 FEET;
 THENCE WEST 100 FEET;
 THENCE NORTH 147.92 FEET;
 THENCE NORTH 76°10' WEST 48.28 FEET;
 THENCE NORTH 72.42 FEET;
 THENCE SOUTH 76°10' EAST TO POINT OF BEGINNING.

PARCEL 3:
 PARCEL 3A:
 LOT 16 IN BLOCK 5 OF PUYALLUP, J.P. STEWART'S ADDITION ACCORDING TO PLAT RECORDED IN BOOK 1
 OF PLATS AT PAGE 39, IN PUYALLUP, PIERCE COUNTY, WASHINGTON.

PARCEL 3B :
 THE WESTERLY 32 FEET OF LOT 15 IN BLOCK 5 OF PUYALLUP, J.P. STEWART'S ADDITION, ACCORDING TO
 PLAT RECORDED IN BOOK 1 OF PLATS
 AT PAGE 39, IN PUYALLUP, PIERCE COUNTY, WASHINGTON.

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PARCEL 3C:

AN EASEMENT FOR INGRESS AND EGRESS TO AND FROM THE REAL PROPERTY AFORESAID, ON, OVER AND ACROSS THE EASTERLY 28 FEET OF LOT 15 IN BLOCK 5 OF PUYALLUP, J.P. STEWART'S ADDITION, ACCORDING TO PLAT RECORDED IN BOOK 1 OF PLATS AT PAGE 39, IN PUYALLUP, PIERCE COUNTY, WASHINGTON.

PARCEL 3D:

LOTS 12 AND 13 IN BLOCK 5 OF PUYALLUP, J.P. STEWART'S ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME 1 OF PLATS AT PAGE(S) 39, IN PUYALLUP, PIERCE COUNTY, WASHINGTON; EXCEPT THE WEST 3 FEET OF LOT 13 IN BLOCK 5 OF SAID PLAT

PARCEL 3E:

THE WESTERLY 3 FEET OF LOT 13, ALL OF LOT 14, AND THE EASTERLY 28 FEET OF LOT 15 IN BLOCK 5 OF PUYALLUP, J.P. STEWART'S ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME 1 OF PLATS AT PAGE(S) 39, IN PUYALLUP, PIERCE COUNTY, WASHINGTON.

PARCEL 4:

REVISED PARCEL B, CITY OF PUYALLUP RECORD OF SURVEY FOR BOUNDARY LINE REVISION NO. 05-84-008, RECORDED OCTOBER 28, 2005 UNDER RECORDING NO. 200510285005, DESCRIBED AS FOLLOWS: LOT 11, BLOCK 4, J.P. STEWART'S ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 1 OF PLATS ON PAGE 39, RECORDS OF PIERCE COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF LOTS 9 AND 10, BLOCK 4 OF J.P. STEWART'S ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 1 OF PLATS ON PAGE 39, RECORDS OF PIERCE COUNTY, WASHINGTON, LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTIONS 28 AND 27, TOWNSHIP 20 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN IN PUYALLUP, WASHINGTON; THENCE NORTH 89°11'44" WEST 457.20 FEET ALONG THE CENTERLINE OF MAIN STREET; THENCE NORTH 00°48'16" EAST 30.00 FEET TO THE SOUTH LINE OF SAID BLOCK 4 AND THE TRUE POINT OF BEGINNING FOR THIS LINE DESCRIPTION; THENCE NORTH 01°07'04" EAST A DISTANCE OF 76.45 FEET; THENCE SOUTH 89°11'44" EAST A DISTANCE OF 5.00 FEET; THENCE NORTH 01°07'04" EAST 30.00 FEET; THENCE SOUTH 89°11'44" EAST A DISTANCE OF 6.50 FEET; THENCE NORTH 01°07'04" EAST A DISTANCE OF 63.85 FEET TO THE NORTHERLY LINE OF SAID BLOCK 4 AND TERMINUS OF THIS LINE DESCRIPTION.

PARCEL 5:

LOTS 19, 20 AND 21 AND THE FRACTIONAL LOT LYING EAST OF THE SOUTH END OF SAID LOT 19, BLOCK 5, J. P. STEWART'S ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 39, IN PIERCE COUNTY, WASHINGTON.

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EXHIBIT B
PARCEL NO. 7940100361
PERMANENT EASEMENT

THAT PORTION OF THE HEREINAFTER DESCRIBED PARCEL "A" DESCRIBED AS FOLLOWS;

COMMENCING AT SOUTHWEST CORNER OF LOT 16 IN BLOCK 5 OF PUYALLUP, J.P. STEWART'S ADDITION ACCORDING TO PLAT RECORDED IN BOOK 1 OF PLATS AT PAGE 39, IN PUYALLUP, PIERCE COUNTY, WASHINGTON, SAID POINT BEING ON THE NORTH RIGHT OF WAY MARGIN OF WEST MAIN AVENUE;

THENCE ALONG SAID NORTH MARGIN SOUTH 88° 59' 05" EAST, 91.66 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A";

THENCE CONTINUING ALONG SAID NORTH MARGIN SOUTH 88° 59' 05" EAST, 118.34 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH MARGIN SOUTH 88° 59' 05" EAST, 95.17 FEET;

THENCE NORTH 40° 35' 57" WEST, 29.10 FEET;

THENCE NORTH 88° 59' 05" WEST, 5.49 FEET;

THENCE NORTH 01° 00' 55" EAST, 5.50 FEET;

THENCE NORTH 88° 59' 05" WEST, 42.20 FEET;

THENCE SOUTH 01° 00' 55" WEST, 5.50 FEET;

THENCE NORTH 88° 59' 05" WEST, 5.87 FEET;

THENCE SOUTH 46° 41' 54" WEST, 31.14 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 1,850 SQUARE FEET, MORE OR LESS.

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TOGETHER WITH:

BEGINNING AT SAID POINT "A";

THENCE NORTH 01° 00' 55" EAST, 17.88 FEET;

THENCE SOUTH 88° 59' 05" EAST, 26.18 FEET;

THENCE SOUTH 01° 00' 55" WEST, 6.88 FEET;

THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT, WHOSE CENTER BEARS SOUTH 88° 59' 05" EAST, 10.50 FEET, AN ARC DISTANCE OF 16.49 FEET;

THENCE SOUTH 88° 59' 05" EAST, 0.48 FEET;

THENCE SOUTH 01° 00' 55" WEST, 0.50 FEET TO SAID NORTH RIGHT OF WAY MARGIN OF WEST MAIN AVENUE;

THENCE ALONG SAID NORTH MARGIN NORTH 88° 59' 05" WEST, 37.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 497 SQUARE FEET, MORE OR LESS.

TOTAL PERMANENT EASEMENT AREA CONTAINS 2347 SQUARE FEET, MORE OR LESS.

PARCEL "A":

(PER CHICAGO TITLE COMPANY ORDER NO. 223873-SC, DATED SEPTEMBER 14, 2022)

PARCEL 1:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF MERIDIAN STREET IN SECTION 28, TOWNSHIP 20 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, CITY OF PUYALLUP, PIERCE COUNTY, WASHINGTON WITH THE SOUTHERLY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S RIGHT-OF-WAY (66 FEET WIDE);

THENCE NORTH 74° 19' 59" WEST ALONG SAID SOUTHERLY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S RIGHT-OF-WAY A DISTANCE OF 71.50 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE SOUTH 0° 48' 16" WEST A DISTANCE OF 65.87 FEET;

THENCE NORTH 89° 11' 19" WEST A DISTANCE OF 28.24 FEET;

THENCE SOUTH 0° 48' 16" WEST A DISTANCE OF 9.41 FEET;

THENCE NORTH 74° 19' 59" WEST ALONG A LINE 80.00 FOOT DISTANT WHEN MEASURED AT RIGHT ANGLES SOUTHERLY AND PARALLEL TO SAID SOUTHERLY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S RIGHT-OF-WAY A DISTANCE OF 970.88 FEET;

THENCE NORTH 0° 48' 16" EAST A DISTANCE OF 82.77 FEET;

THENCE SOUTH 74° 19' 59" EAST ALONG SAID SOUTHERLY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S RIGHT-OF-WAY A DISTANCE OF 1000.07 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION THEREOF CONVEYED TO PUYALLUP VALLEY COLD STORAGE BY QUIT CLAIM DEED RECORDED FEBRUARY 3, 2000 UNDER RECORDING NO. 200002030540, RECORDS OF PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF BLOCK 4 OF THE PLAT OF J.P. STEWART'S ADDITION AND THE ADJOINING DEPOT GROUND AS SHOWN ON SAID PLAT, AS RECORDED IN VOLUME 1 OF PLATS ON PAGE 39, RECORDS OF PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTIONS 28 AND 27, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN IN PUYALLUP, WASHINGTON;

THENCE NORTH 89° 11' 44" WEST 194.88 FEET ALONG THE CENTERLINE OF MAIN STREET;

THENCE NORTH 00° 48' 16" EAST 133.98 FEET TO THE SOUTHEASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID BLOCK 4 AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 00° 48' 16" EAST 37.54 FEET;

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THENCE SOUTH 89°12'45" EAST 94.89 FEET;
 THENCE SOUTH 00°48'16" WEST 45.85 FEET;
 THENCE NORTH 89°11'19" WEST 28.24 FEET;
 THENCE SOUTH 00°48'16" WEST 9.41 FEET TO SAID NORTHERLY LINE;
 THENCE NORTH 74°19'59" WEST 68.95 FEET ALONG SAID NORTHERLY LINE AND ITS NORTHWESTERLY EXTENSION TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION OF THE DEPOT GROUND AS SHOWN ADJOINING THE OF PLAT OF J.P. STEWART'S ADDITION, AS RECORDED IN VOLUME 1 OF PLATS ON PAGE 39, DESCRIBED AS FOLLOWS: COMMENCING AT THE QUARTER SECTION CORNER COMMON TO SECTIONS 28 AND 27;
 THENCE NORTH 89°11'44" WEST 316.36 FT ALONG CENTERLINE OF MAIN ST;
 THENCE NORTH 0°48'16" EAST 30 FEET TO THE SOUTH LINE OF SAID BLOCK 4;
 THENCE NORTH 89°11'44" WEST 16.54 FEET ALONG SAID SOUTH LINE;
 THENCE NORTH 0°41'04" EAST 140.69 FEET TO THE NORTHERLY LINE OF SAID BLOCK 4 AND THE POINT OF BEGINNING;
 THENCE NORTH 74°19'59" WEST 46.21 FEET ALONG SAID NORTHERLY LINE;
 THENCE SOUTH 89°11'44" EAST 44.65 FEET;
 THENCE NORTH 0°41'04" EAST 3.39 FEET
 THENCE SOUTH 89°11'44" EAST 20.19 FEET TO BEGINNING OF A NON- TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 101 FEET (THE RADIUS CENTER BEARS SOUTH 27°01'36" EAST)
 THENCE EASTERLY ALONG SAID CURVE 89.47 FEET THROUGH CENTRAL ANGLE OF 50°45'19";
 THENCE SOUTH 89°12'45" EAST 126.55 FEET;
 THENCE SOUTH 0°48'16" WEST 18.12 FEET;
 THENCE NORTH 89°12'45" WEST 94.89 FEET;
 THENCE SOUTH 0°48'16" WEST 37.54 FEET TO THE NORTHERLY LINE OF SAID BLOCK 4;
 THENCE NORTH 74°19'59" WEST 143.10 FEET TO POINT OF BEGINNING.

PARCEL 2:

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 4 EAST, W.M., IN PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 4 EAST, W.M., IN PIERCE COUNTY, WASHINGTON;
 THENCE WEST ALONG EAST-WEST CENTERLINE OF SAID SECTION 100 FEET;
 THENCE NORTH 109.1 FEET;
 THENCE NORTH 76°10' WEST 400 FEET TO THE POINT OF BEGINNING;
 THENCE SOUTH 72.42 FEET;
 THENCE NORTH 76°10' WEST 48.27 FEET;
 THENCE SOUTH 121.44 FEET;
 THENCE WEST 100 FEET;
 THENCE NORTH 147.92 FEET;
 THENCE NORTH 76°10' WEST 48.28 FEET;
 THENCE NORTH 72.42 FEET;
 THENCE SOUTH 76°10' EAST TO POINT OF BEGINNING.

PARCEL 3:

PARCEL 3A:

LOT 16 IN BLOCK 5 OF PUYALLUP, J.P. STEWART'S ADDITION ACCORDING TO PLAT RECORDED IN BOOK 1 OF PLATS AT PAGE 39, IN PUYALLUP, PIERCE COUNTY, WASHINGTON.

PARCEL 3B :

THE WESTERLY 32 FEET OF LOT 15 IN BLOCK 5 OF PUYALLUP, J.P. STEWART'S ADDITION, ACCORDING TO PLAT RECORDED IN BOOK 1 OF PLATS AT PAGE 39, IN PUYALLUP, PIERCE COUNTY, WASHINGTON.

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PARCEL 3C:

AN EASEMENT FOR INGRESS AND EGRESS TO AND FROM THE REAL PROPERTY AFORESAID, ON, OVER AND ACROSS THE EASTERLY 28 FEET OF LOT 15 IN BLOCK 5 OF PUYALLUP, J.P. STEWART'S ADDITION, ACCORDING TO PLAT RECORDED IN BOOK 1 OF PLATS AT PAGE 39, IN PUYALLUP, PIERCE COUNTY, WASHINGTON.

PARCEL 3D:

LOTS 12 AND 13 IN BLOCK 5 OF PUYALLUP, J.P. STEWART'S ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME 1 OF PLATS AT PAGE(S) 39, IN PUYALLUP, PIERCE COUNTY, WASHINGTON; EXCEPT THE WEST 3 FEET OF LOT 13 IN BLOCK 5 OF SAID PLAT

PARCEL 3E:

THE WESTERLY 3 FEET OF LOT 13, ALL OF LOT 14, AND THE EASTERLY 28 FEET OF LOT 15 IN BLOCK 5 OF PUYALLUP, J.P. STEWART'S ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME 1 OF PLATS AT PAGE(S) 39, IN PUYALLUP, PIERCE COUNTY, WASHINGTON.

PARCEL 4:

REVISED PARCEL B, CITY OF PUYALLUP RECORD OF SURVEY FOR BOUNDARY LINE REVISION NO. 05-84-008, RECORDED OCTOBER 28, 2005 UNDER RECORDING NO. 200510285005, DESCRIBED AS FOLLOWS: LOT 11, BLOCK 4, J.P. STEWART'S ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 1 OF PLATS ON PAGE 39, RECORDS OF PIERCE COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF LOTS 9 AND 10, BLOCK 4 OF J.P. STEWART'S ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 1 OF PLATS ON PAGE 39, RECORDS OF PIERCE COUNTY, WASHINGTON, LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTIONS 28 AND 27, TOWNSHIP 20 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN IN PUYALLUP, WASHINGTON; THENCE NORTH 89°11'44" WEST 457.20 FEET ALONG THE CENTERLINE OF MAIN STREET; THENCE NORTH 00°48'16" EAST 30.00 FEET TO THE SOUTH LINE OF SAID BLOCK 4 AND THE TRUE POINT OF BEGINNING FOR THIS LINE DESCRIPTION; THENCE NORTH 01°07'04" EAST A DISTANCE OF 76.45 FEET; THENCE SOUTH 89°11'44" EAST A DISTANCE OF 5.00 FEET; THENCE NORTH 01°07'04" EAST 30.00 FEET; THENCE SOUTH 89°11'44" EAST A DISTANCE OF 6.50 FEET; THENCE NORTH 01°07'04" EAST A DISTANCE OF 63.85 FEET TO THE NORTHERLY LINE OF SAID BLOCK 4 AND TERMINUS OF THIS LINE DESCRIPTION.

PARCEL 5:

LOTS 19, 20 AND 21 AND THE FRACTIONAL LOT LYING EAST OF THE SOUTH END OF SAID LOT 19, BLOCK 5, J. P. STEWART'S ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 39, IN PIERCE COUNTY, WASHINGTON.

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