

After recording return to:

City Clerk
City of Puyallup
333 South Meridian
Puyallup, WA 98371
info@puyallupwa.gov

Document Title: Easement

Grantee: City of Puyallup

Grantor: Puyallup TT LLC

Abbreviated Legal Description: A PORTION SE QUARTER OF SEC 27, T20 NORTH, R4 EAST

Legal Description: Complete legal description on page 4

Assessor's Property Tax Parcel or Account Number: 0420271171, 0420271172 & 7845100032

Reference Numbers of Documents Assigned or Released: N/A

Easement

Grantor owns the real property that is designated as Grantor's Property and is legally described in Exhibit A, which is attached hereto and incorporated by this reference. For and in good and valuable consideration, Grantor hereby grants to Grantee City of Puyallup, a municipal corporation in the State of Washington, an Easement in the Easement Area of Grantor's Property, for the purposes identified herein. The Easement Area, which is a portion of the Grantor's Property is legally described in Exhibit B. Grantor's Property and the Easement Area are depicted in Exhibit C, which is attached hereto and incorporated by this reference. The Easement shall burden Grantor's Property and shall benefit Grantee. Grantor has full responsibility to maintain and protect the easement area for the purposes of the easement and the Grantor shall indemnify and hold harmless the City from any liability related to the easement area.

1. Purpose. Grantee shall have the right to use the Easement Area for the purpose of protecting an undisturbed vegetated area for stormwater dispersion flowpath and inspecting, surveying, protecting, policing, maintaining, repairing, modifying, or otherwise changing stormwater utilities, and any related facilities, appurtenances, or elements. Grantee is further entitled to ingress and egress above, through and along the grantor's property access Easement Area and to engage in any other activity that is reasonably related to stormwater utilities.

The easement shall be commercial, and as such fully transferable. Grantee may freely divide and transfer the easement to another person or entity or more than one person or entity. Use of the easement by more than one person or entity shall not result in overuse or surcharge. The easement shall not terminate if abandoned. Rather, the easement shall terminate only upon Grantee's execution of an instrument that releases the easement to Grantor.

2. Impediments. Grantor covenants to refrain from disturbing the Easement Area including ground disturbance, placing, locating, constructing, installing or maintaining landscaping, vegetation, buildings, structures, utilities, including, but not limited to fences, decks, sheds, patios, or other impediments, objects or tangible things in, on, under or above the surface of Easement Area unless the objects or things do not unreasonably interfere with Grantee's rights hereunder, and Grantor first obtains Grantee's consent, which shall not be unreasonably withheld. This covenant is an equitable covenant that touches and concerns Grantor's Property and shall run with the land.

3. 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.

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

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

Dated: _____
Chris Tonkin
LLC Member

Dated: _____
Grantee: City of Puyallup, Accepted by:
Hans Hunger, PE (City Engineer)

Dated: _____
Approved as to form:
Joseph N. Beck (City Attorney)

STATE OF WASHINGTON _____)
_____) -ss
COUNTY OF _____)

I certify that I know or have satisfactory evidence that Chris Tonkin is the person who appeared before me, and on _____ said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as a Member of Puyallup TT LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____
Printed Name: _____
Notary Public, State of Washington
My appointment expires: _____

EXHIBIT "A"
Legal Description of Grantor's Property

TAX PARCEL 0420271171

Parcel 1, CITY OF PUYALLUP BOUNDARY LINE REVISION NO. 03-84-004, according to Map recorded May 28, 2003, under recording No. 200305285004, records of Pierce County Auditor.

EXCEPT that portion thereof conveyed to the City of Puyallup in deed recorded under recording No. 200409020634.

AND EXCEPT that portion thereof conveyed to the City of Puyallup in deed recorded under recording No. 200806040024.

TAX PARCEL 0420271172

Beginning at the Northwest corner of Block 6, REPLAT OF A PART OF FRANK R. SPINNING'S FIRST ADDITION TO THE TOWN OF PUYALLUP, PIERCE COUNTY, WASHINGTON, according to Plat recorded in Volume 6 of Plats, Page 91, records of Pierce County Auditor;
thence Easterly along the North line of Block 6 of said addition to the Northeast corner of said Block 6;
thence North along the East line of said Block 6 produced, to the South bank of the Puyallup River as established by Inter-County River Improvement;
thence Westerly along the South bank of the Puyallup River as established by Inter-County River Improvement to the West line of said Block 6, produced North;
thence South along said produced line to the Northwest corner of said Block 6 and the true point of beginning.

EXCEPT that portion thereof conveyed to the City of Puyallup in deed recorded under recording No. 200409020634.

AND EXCEPT that portion thereof conveyed to the City of Puyallup in deed recorded under recording No. 200806040025.

Situate in the City of Puyallup, County of Pierce, State of Washington.

TAX APRCEL 7845100032

Parcel 2 of City of Puyallup Boundary Line Revision No. 03-84-004, recorded under Pierce County Auditor's recording No. 200305285004, described as follows:

The South 163.57 feet of the East 124.08 feet of Lot 4, and the South 163.57 feet of the West 93.01 feet of Lot 5, Replat of a part of Frank R. Spinning's First Addition to the town of Puyallup, Pierce County, Washington, according to the plat thereof recorded in Volume 6 of Plats, page 91, in Puyallup, Pierce County, Washington.

EXHIBIT "B"
Dispersion Easement Area Legal Description

COMMENCING AT THE ENCASED MONUMENT AT THE INTERSECTION OF 10TH STREET S.E. AND EAST MAIN STREET IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE W.M., IN THE CITY OF PUYALLUP, AS SHOWN ON RECORD OF SURVEY RECORDING NUMBER 200806255008, RECORDS OF PIERCE COUNTY;

THENCE SOUTH 88°57'18" EAST, ALONG THE MONUMENTED CENTERLINE OF EAST MAIN STREET, AS SHOWN ON SAID SURVEY, A DISTANCE OF 572.24 FEET;

THENCE NORTH 00°39'42" EAST, LEAVING SAID CENTERLINE, A DISTANCE OF 30.00 FEET, TO THE NORTH MARGIN OF SAID EAST MAIN STREET AND THE SOUTHWEST CORNER OF PARCEL 2 OF BOUNDARY LINE ADJUSTMENT RECORDING NUMBER 200305285004, AS SHOWN ON RECORD OF SURVEY 200806255008;

THENCE CONTINUING NORTH 00°39'42" EAST, LEAVING SAID NORTH MARGIN, AND ALONG THE WEST LINE OF A SAID PARCEL 2, A DISTANCE OF, 163.58 FEET, TO THE SOUTHWEST CORNER OF PARCEL 1 OF SAID BOUNDARY LINE ADJUSTMENT;

THENCE CONTINUING NORTH 00°39'42" EAST, ALONG THE WEST LINE OF SAID PARCEL 1, A DISTANCE OF 75.29 FEET, TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°39'42" EAST, A DISTANCE OF 206.31 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL 1, AND THE SOUTH LINE OF CITY OF PUYALLUP TAX PARCEL 0420271173, PER DEED 200409020634;

THENCE NORTH 66°26'50" EAST, ALONG THE SOUTH LINE OF SAID CITY OF PUYALLUP TAX PARCEL 0420271173, A DISTANCE OF 84.54 FEET, TO THE WESTERLY CORNER OF AREA 1 (ONE), AS SHOWN ON RECORD OF SURVEY 200806255008;

THENCE NORTH 77°18'24" EAST, ALONG THE SOUTH LINE OF SAID AREA 1, A DISTANCE OF 43.44 FEET;

THENCE NORTH 66°26'50" EAST, ALONG THE SOUTH LINE OF SAID AREA 1, A DISTANCE OF 26.23 FEET;
THENCE NORTH 51°57'58" EAST, ALONG THE SOUTH LINE OF SAID AREA 1, A DISTANCE OF 32.73 FEET, TO THE EASTERLY CORNER OF SAID AREA 1, AS SHOWN ON SAID RECORD OF SURVEY 200806255008;

THENCE NORTH 66°26'50" EAST, ALONG THE SOUTH LINE OF SAID CITY OF PUYALLUP TAX PARCEL 0420271173, A DISTANCE OF 124.18 FEET, TO THE NORTHEAST CORNER OF PARCEL 1 OF SAID BOUNDARY LINE ADJUSTMENT 200305285004;

THENCE NORTH 84°32'10" EAST, ALONG THE SOUTH LINE OF SAID CITY OF PUYALLUP TAX PARCEL 0420271173, A DISTANCE OF 23.82 FEET, TO THE WESTERLY CORNER OF AREA 2 (TWO), AS SHOWN ON RECORD OF SURVEY 200806255008;

THENCE SOUTH 76°11'16" EAST, ALONG SAID SOUTH LINE OF SAID AREA 2, A DISTANCE OF 33.90 FEET;

THENCE NORTH 84°32'10" EAST, ALONG SAID SOUTH LINE OF SAID AREA 2, A DISTANCE OF 14.11 FEET;

THENCE NORTH 55°49'14" EAST, ALONG SAID SOUTH LINE OF SAID AREA 2, A DISTANCE OF 16.18 FEET;

THENCE SOUTH 00°39'42" WEST, LEAVING SAID SOUTH LINE OF AREA 2 AND SAID CITY OF PUYALLUP TAX PARCEL 0420271173, A DISTANCE OF 336.57 FEET;

THENCE NORTH 89°40'46" WEST, A DISTANCE OF 366.09 FEET TO THE TRUE POINT OF BEGINNING

CONTAINING AN AREA OF 103,117 SQUARE FEET (2.37 ACRES) MORE OR LESS.

EXHIBIT "C"

DEPICTION OF DISPERSION EASEMENT AREA

