

ORDINANCE NO. 1616

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the acquisition by eminent domain of certain property in the City of Des Moines; describing the public convenience, use and necessity of such property; providing for the condemnation, appropriation and taking of such land, including the mode of payment of cost of acquisition; and directing the City Attorney to prosecute such action in King County Superior Court.

WHEREAS, there exists in the City of Des Moines certain properties legally described in section 1 of this Ordinance, and

WHEREAS, the City Council of the City of Des Moines intends to acquire by the payment of "fair market value" the properties described in section 1 to continue construction of the Transportation Gateway Project located on S. 216th Street, Des Moines, Washington ("Property"), and

WHEREAS, the City Council finds that acquisition of the properties described in section 1 "Legal description" below is critical to construct the street widening for the S. 216th Street Segment 1-A Improvements, the third arterial segment in the City's capital improvement program collectively referred to as the Transportation Gateway Project, and it is in the public interest to acquire such properties for public health, safety, welfare and transportation needs, and

WHEREAS, pursuant to chapter 8.12 RCW, the City is empowered to condemn land and property for transportation purposes (RCW 8.12.030), and

WHEREAS, proper notice of planned final action shall be provided pursuant to RCW 8.25.290 prior to Council final action, and

WHEREAS, based upon the foregoing, the City Council finds that, pending the outcome of negotiations, the only alternative available for acquisition of properties described in section 1, or portions thereof, may be by eminent domain; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Legal description. The real properties that are the subject of this Ordinance are legally described in Exhibits A through E attached hereto.

Sec. 2. Public use and necessity. The public convenience, use and necessity demand the acquisition of the real property described in section 1 herein for the widening of S. 216th Street as part of the Transportation Gateway Project, S. 216th Street, Segment 1-A and for use by the public for transportation purposes. Said improvements have been designed to implement the City of Des Moines Comprehensive Plan, adopted 2009, as amended; the City of Des Moines Transportation Improvement Plan, 2015 to 2034, and the City of Des Moines Capital Improvement Plan, 2015-2020.

Sec. 3. Condemnation of property. All lands, rights, privileges, and other property lying within the limits of the real property described in section 1 herein are hereby condemned, appropriated, taken and damaged for the purposes described in section 2 herein, only after just compensation has been made or paid into the court for the owner thereof in a manner provided by law.

Sec. 4. Costs of acquisition. The costs of the acquisition provided by this Ordinance shall be paid by the City of Des Moines, or such other funds of the City of Des Moines as may be provided by law.

Sec. 5. Authority of the City Attorney. The City Attorney is hereby authorized and directed to begin and prosecute the actions and proceedings in a manner provided by law to condemn, take, damage, and appropriate the real property necessary to carry out the provisions of this Ordinance. In conducting such condemnation; proceedings, the City Attorney is hereby authorized to enter into stipulations for the purpose of minimizing damages.

Sec. 6. Severability - Construction

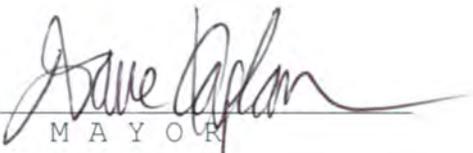
(1) If a section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction

and decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

Sec. 7. Effective date. This Ordinance shall take effect and be in full force five (5) days after its passage, approval and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines, Washington, this 22nd day of January, 2015 and signed in authentication thereof this 22nd day of January, 2015.


MAYOR

APPROVED AS TO FORM


Assistant City Attorney

ATTEST


City Clerk

Published: January 27, 2015

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1616, Adopted January 22, 2015.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to the acquisition by eminent domain of certain property in the City of Des Moines; describes the public convenience, use and necessity of such property; provides for the condemnation, appropriation and taking of such land, including the mode of payment of cost of acquisition; and directs the City Attorney to prosecute such action in King County Superior Court.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins
City Clerk

Published: January 27, 2015

EXHIBIT A
PARCEL NO. 215640-0025
RIGHT OF WAY ACQUISITION

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

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE SOUTH MARGIN OF SOUTH 216TH STREET;

THENCE SOUTH 01° 03' 46" WEST ALONG THE EAST LINE OF SAID PARCEL "A", 14.55 FEET;

THENCE NORTH 86° 07' 34" WEST, 77.86 FEET;

THENCE WESTERLY ON A CURVE TO THE LEFT WHOSE CENTER BEARS SOUTH 03° 49' 08" WEST, 11,218.50 FEET, AN ARC DISTANCE OF 24.33 FEET TO THE WEST LINE OF SAID PARCEL "A";

THENCE NORTH 01° 03' 45" EAST ALONG SAID WEST LINE, 10.78 FEET TO SAID SOUTH MARGIN OF SOUTH 216TH STREET;

THENCE SOUTH 88° 15' 51" EAST ALONG SAID SOUTH MARGIN, 102.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,291 SQUARE FEET, MORE OR LESS.

PARCEL "A":

(PER STEWART TITLE COMPANY ORDER NO. 01148-12329, DATED DECEMBER 17, 2014)

THAT PORTION OF LOT 2, CITY OF DES MOINES SHORT PLAT NO. DE-MO-SP-80-5, ACCORDING TO THE SHORT PLAT RECORDED UNDER RECORDING NUMBER 8007220597, RECORDS OF KING COUNTY, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

THENCE SOUTH 88°15'48" EAST ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 9 AND THE CENTERLINE OF SOUTH 216TH STREET, 250.02 FEET;

THENCE SOUTH 01°06'21" WEST 30.00 FEET TO THE SOUTHERLY MARGIN OF SOUTH 216TH STREET;

THENCE SOUTH 88°15'48" EAST ALONG SAID SOUTHERLY MARGIN 300.0 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 01°03'59" WEST 82.00 FEET;

THENCE SOUTH 42°56'19" WEST 152.91 FEET;

THENCE NORTH 01°03'59" EAST TO THE SOUTHERLY MARGIN OF SOUTH 216TH STREET;

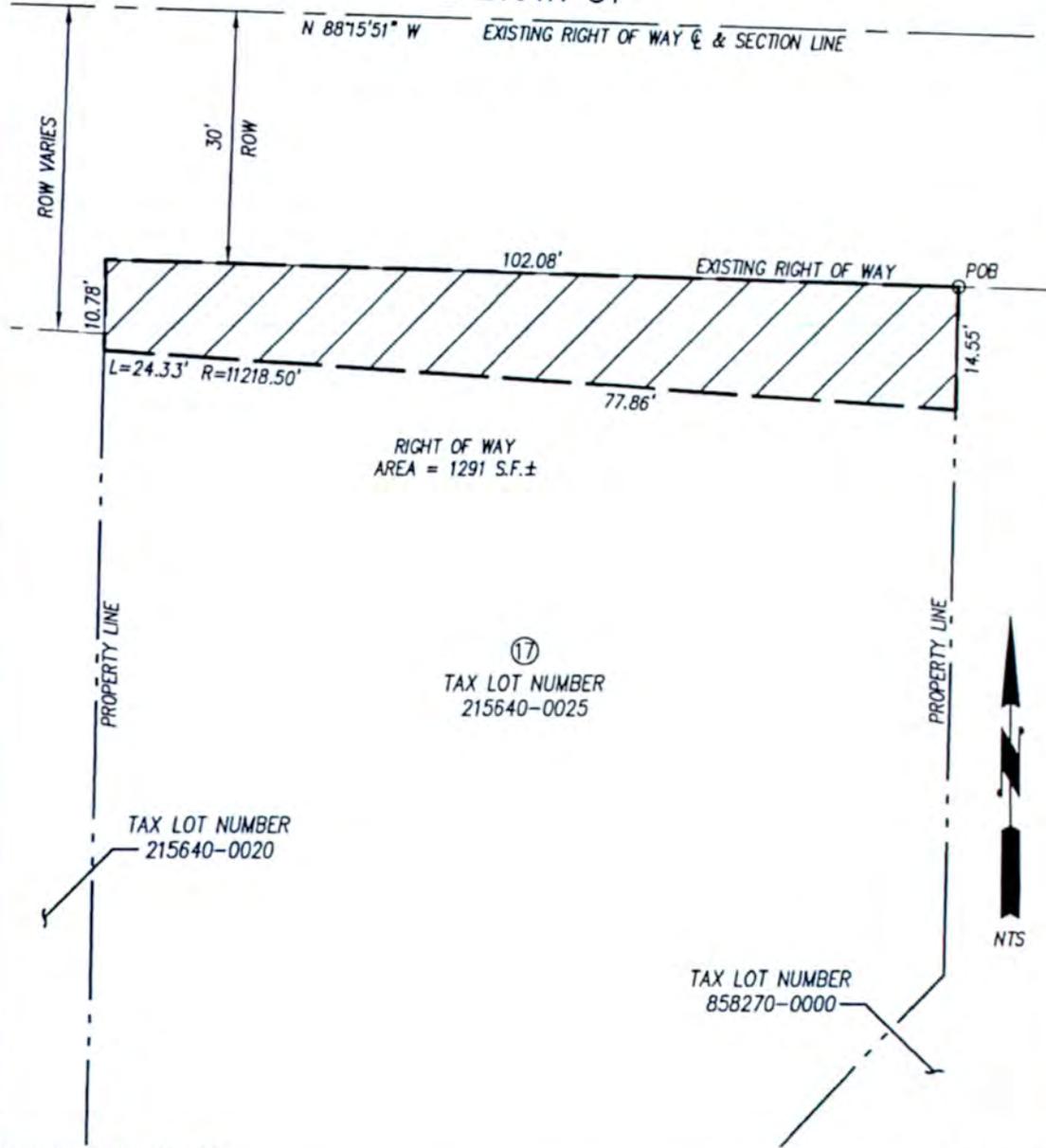
THENCE SOUTH 88°15'48" EAST ALONG SAID SOUTHERLY MARGIN TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

SE 1/4, SEC. 9, T. 22 N., R. 4 E., W.M.

S 216TH ST

N 88°15'51" W EXISTING RIGHT OF WAY & SECTION LINE



DATE: DECEMBER 30, 2014

FILE: 17.DWG

KPG

753 9th Ave N
Seattle, WA 98109
(206) 286-1640
www.kpg.com

2502 Jefferson Ave
Tacoma, WA 98402
(253) 627-0720

EXHIBIT _____
PARCEL 215640-0025
RIGHT OF WAY ACQUISITION

EXHIBIT A
PARCEL NO. 215640-0025
PERMANENT SLOPE EASEMENT

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

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE SOUTH MARGIN OF SOUTH 216TH STREET;

THENCE SOUTH 01° 03' 46" WEST ALONG THE EAST LINE OF SAID PARCEL "A", 14.55 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 86° 07' 34" WEST, 77.86 FEET;

THENCE WESTERLY ON A CURVE TO THE LEFT WHOSE CENTER BEARS SOUTH 03° 49' 08" WEST, 11,218.50 FEET, AN ARC DISTANCE OF 24.33 FEET TO THE WEST LINE OF SAID PARCEL "A";

THENCE SOUTH 01° 03' 45" WEST ALONG SAID WEST LINE, 2.00 FEET;

THENCE EASTERLY ON A CURVE TO THE RIGHT WHOSE CENTER BEARS SOUTH 03° 38' 26" WEST, 5,946.50 FEET, AN ARC DISTANCE OF 24.23 FEET;

THENCE SOUTH 86° 07' 34" EAST, 77.96 FEET TO THE EAST LINE OF SAID PARCEL "A";

THENCE NORTH 01° 03' 46" EAST ALONG SAID EAST LINE, 2.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 204 SQUARE FEET, MORE OR LESS.

PARCEL "A":

(PER STEWART TITLE COMPANY ORDER NO. 01148-12329, DATED DECEMBER 17, 2014)

THAT PORTION OF LOT 2, CITY OF DES MOINES SHORT PLAT NO. DE-MO-SP-80-5, ACCORDING TO THE SHORT PLAT RECORDED UNDER RECORDING NUMBER 8007220597, RECORDS OF KING COUNTY, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

THENCE SOUTH 88°15'48" EAST ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 9 AND THE CENTERLINE OF SOUTH 216TH STREET, 250.02 FEET;

THENCE SOUTH 01°06'21" WEST 30.00 FEET TO THE SOUTHERLY MARGIN OF SOUTH 216TH STREET;

THENCE SOUTH 88°15'48" EAST ALONG SAID SOUTHERLY MARGIN 300.0 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 01°03'59" WEST 82.00 FEET;

THENCE SOUTH 42°56'19" WEST 152.91 FEET;

THENCE NORTH 01°03'59" EAST TO THE SOUTHERLY MARGIN OF SOUTH 216TH STREET;

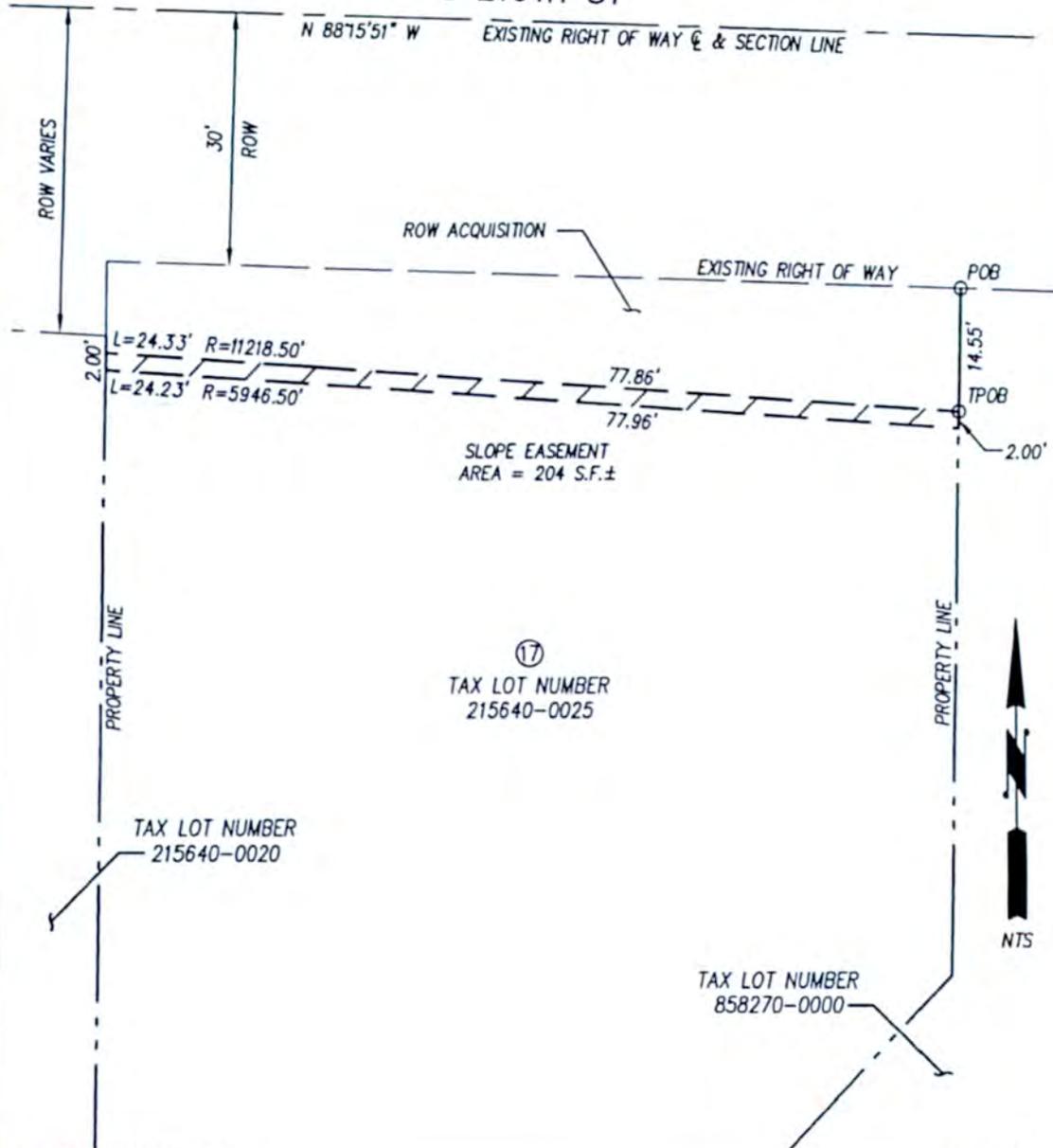
THENCE SOUTH 88°15'48" EAST ALONG SAID SOUTHERLY MARGIN TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

SE 1/4, SEC. 9, T. 22 N., R. 4 E., W.M.

S 216TH ST

N 88°15'51" W EXISTING RIGHT OF WAY & SECTION LINE



DATE: DECEMBER 30, 2014

FILE: 17.DWG

KPG

753 9th Ave N
Seattle, WA 98109
(206) 296-1640
www.kpg.com

2502 Jefferson Ave
Tacoma, WA 98402
(253) 627-0720

EXHIBIT _____
PARCEL 215640-0025
SLOPE EASEMENT

Exhibit A. Continued

Return Address:
City of Des Moines
Attn: City Attorney
21630 11th Avenue So., Suite C
Des Moines, WA 98198-6398

**TEMPORARY CONSTRUCTION EASEMENT/
RIGHT OF ENTRY**

ROW Plan #	17
Grantor:	Majestic Bay Apartments LLC
Grantee:	City of Des Moines, a municipal corporation of the State of Washington
Legal Description/STR:	A portion of Sec. 9, T. 22 N., R. 4 E. WM
Assessor's Tax Parcel ID#:	2156400025
Property Address: Mailing Address: Phone Contact #:	2423 S 216th St, Des Moines, WA 98198 9757 NE Juanita DR #300, Kirkland, WA 98034

Transportation Gateway Project
South 216th Street, Segment 1A, Improvements
24th Avenue South to Pacific Highway So.

THIS EASEMENT AGREEMENT, made this _____ day of _____, 2015, by and between MAJESTIC BAY APARTMENTS LLC ("Grantor" herein), and the CITY OF DES MOINES, a municipal corporation of the State of Washington, ("Grantee" herein),

In consideration of the transportation, sidewalk, utility and general improvements planned to occur immediately on or adjacent to property that is subject to this easement as a result of the above S. 216th Street Improvements, the Grantor(s) hereby grants to the Grantee, its contractors, employees, agents, successors and assigns the right to enter upon land known as King County Assessor's Parcel Number 2156400025 located adjacent to S. 216th St, Des Moines, WA 98198, as required for the purpose of placing personnel and equipment on said premises to re-construct driveway access, restore fences, signage utility services, mailboxes, plantings, walls and/or walkways to match newly constructed roadway and sidewalk grades within right of way as shown in the plans and specifications found on file with the City Engineer of the Grantee.

SPECIAL STIPULATIONS

1. This easement shall remain in force until such time as the construction of street improvements has been accepted for operation and maintenance by the Grantee. Specific details concerning the public street improvements may be found on maps, plans, and specifications on file with Grantee's City Engineer.
2. Grantee, its agents and assigns, will notify Grantor their agents, successors, and assigns, of its construction schedule, and will, to the greatest extent practicable, schedule the construction activity so as to minimize any inconvenience to the property and business operations. The Grantee agrees to require that the Contractor implement a City approved traffic control plan that maintains 24 hour business access to S. 216th Street.
3. The Grantee agrees, to the extent practicable, to leave the property in as good condition as existed on the day construction commenced. This shall include the timely removal of any and all debris, rubbish or combustible material resulting from construction activities.
4. Compensation: Grantor acknowledges that the property and/or property rights conveyed herein are in consideration for benefits to be derived by matching the roadway improvements with the Grantor's property.
5. Grantor authorizes and appoints Grantee as its agent and attorney-in-fact to make application for any and all permits required to complete the project.
6. The rights herein granted shall include all incidental rights, including but not limited to, rights of ingress and egress necessary to properly perform the work indicated for construction of the project. Grantee and those entitled to exercise the rights granted herein shall exercise all due diligence in their activities upon the property. Grantee hereby agrees to indemnify and hold harmless Grantor against and from any and all liability for losses, damages and expenses on account of damage to property or injury to persons resulting from or arising out of the rights herein granted to Grantee and/or its contractors, employees, agents, successors or assigns.

7. The termination date for this easement shall be by the physical completion date of the project.

DATED this _____ day of _____, 2015.

GRANTOR:

Name:

By:

Date: _____

GRANTEE:

CITY OF DES MOINES,
a Washington municipal corporation

By: Anthony A. Piasecki, City Manager

Date: _____

At the direction of the Des Moines City Council on ___ day of _____, 2015.

APPROVED as to form only:

Pat Bosmans, City Attorney

Date

STATE OF)
) ss
COUNTY OF)

I certify that I know or have satisfactory evidence that _____ is/ are the person/s who appeared before me, and said person/s acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged it to be his/her/their free and voluntary, act for the uses and purposes mentioned in this instrument.

Dated _____

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

This instrument was acknowledged before me on _____ (date of acknowledgment) by Anthony A. Piasecki as City Manager, City of Des Moines, a State of Washington municipal corporation, on behalf of said corporation.

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

EXHIBIT B
PARCEL NO. 8582700000
RIGHT OF WAY ACQUISITION

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

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE SOUTH MARGIN OF SOUTH 216TH STREET;

THENCE SOUTH 01° 03' 46" WEST ALONG THE EAST LINE OF SAID PARCEL "A", 18.48 FEET;

THENCE WESTERLY ON A CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 03° 32' 48" EAST, 6,051.50 FEET, AN ARC DISTANCE OF 34.58 FEET;

THENCE NORTH 86° 07' 34" WEST, 73.48 FEET TO THE WEST LINE OF SAID PARCEL "A";

THENCE NORTH 01° 03' 46" EAST ALONG SAID WEST LINE, 14.55 FEET TO SAID SOUTH MARGIN OF SOUTH 216TH STREET;

THENCE SOUTH 88° 15' 51" EAST ALONG SAID SOUTH MARGIN, 107.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,786 SQUARE FEET, MORE OR LESS.

PARCEL "A":

(PER SPECIAL WARRANTY DEED RECORDED UNDER RECORDING NO. 20130530000393, RECORDS OF KING COUNTY, WASHINGTON)

UNITS 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120 AND 124.

UNITS 201, 202, 203, 204, 205, 206, 208, 221, 222, 223, 224, 225, 226 AND 228.

UNITS 301, 303, 323 AND 324.

UNITS 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 417, 418, 419, 420, 421, 422,

423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 436, 437 AND 438.

UNITS 501, 502, 504, 536, 537 AND 538, TERRA VILLA, A CONDOMINIUM.

SURVEY MAP AND PLANS RECORDED IN VOLUME 55 OF CONDOMINIUMS, PAGE 52 THROUGH 76 INCLUSIVE, CONDOMINIUM DECLARATION RECORDED UNDER RECORDING NO 8107230611, AND ANY AMENDMENTS THERETO, RECORDS OF KING COUNTY, WASHINGTON. TOGETHER WITH 100% OF THE COMMON ELEMENT.

(THE UNITS LISTED CONSTITUTE ALL THE UNITS IN THE CONDOMINIUM)

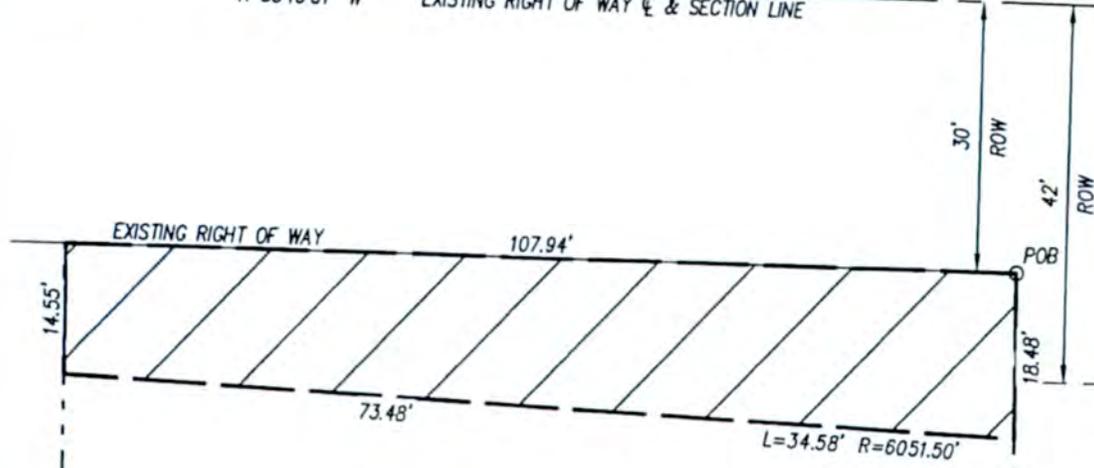
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON

ALSO KNOWN AS LOT 1 OF SHORT PLAT NO. DE-MO-SP80-5, RECORDED UNDER RECORDING NO. 8007220597, RECORDS OF KING COUNTY, STATE OF WASHINGTON.

SE 1/4, SEC. 9, T. 22 N., R. 4 E., W.M.

S 216TH ST

N 88°15'51" W EXISTING RIGHT OF WAY & SECTION LINE



RIGHT OF WAY
AREA = 1786 S.F. ±

ⓑ
TAX LOT NUMBER
858270-0000

TAX LOT NUMBER
215640-0025

TAX LOT NUMBER
215640-0301

FILE: 18.DWG

DATE: DECEMBER 30, 2014

KPG

753 9th Ave N
Seattle, WA 98108
(206) 296-1640
www.kpg.com

2502 Jefferson Ave
Tacoma, WA 98402
(253) 627-0720

EXHIBIT ____
PARCEL 858270-0000
RIGHT OF WAY ACQUISITION

EXHIBIT B
PARCEL NO. 858270-0000
UTILITY EASEMENT

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

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE SOUTH MARGIN OF SOUTH 216TH STREET;

THENCE SOUTH 01° 03' 46" WEST ALONG THE EAST LINE OF SAID PARCEL "A", 18.48 FEET TO THE TRUE POINT OF BEGINNING;

THENCE WESTERLY ON A CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 03° 32' 48" EAST, 6,051.50 FEET, AN ARC DISTANCE OF 10.01 FEET;

THENCE SOUTH 01° 03' 46" WEST, 18.35 FEET;

THENCE SOUTH 88° 15' 51" EAST, 5.00 FEET;

THENCE SOUTH 01° 03' 46" WEST, 55.00 FEET;

THENCE SOUTH 88° 15' 51" EAST, 5.00 FEET TO SAID EAST LINE OF PARCEL "A";

THENCE NORTH 01° 03' 46" EAST ALONG SAID EAST LINE, 73.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 457 SQUARE FEET, MORE OR LESS.

PARCEL "A":

(PER SPECIAL WARRANTY DEED RECORDED UNDER RECORDING NO. 20130530000393, RECORDS OF KING COUNTY, WASHINGTON)

Units 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120 and 124.
UNITS 201, 202, 203, 204, 205, 206, 208, 221, 222, 223, 224, 225, 226 AND 228.

UNITS 301, 303, 323 AND 324.

UNITS 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 436, 437 AND 438.

UNITS 501, 502, 504, 536, 537 AND 538, TERRA VILLA, A CONDOMINIUM.

SURVEY MAP AND PLANS RECORDED IN VOLUME 55 OF CONDOMINIUMS, PAGE 52 THROUGH 76 INCLUSIVE, CONDOMINIUM DECLARATION RECORDED UNDER RECORDING NO 8107230611, AND ANY AMENDMENTS THERETO, RECORDS OF KING COUNTY, WASHINGTON, TOGETHER WITH 100% OF THE COMMON ELEMENT.

(THE UNITS LISTED CONSTITUTE ALL THE UNITS IN THE CONDOMINIUM)

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON

ALSO KNOWN AS LOT 1 OF SHORT PLAT NO. DE-MO-SP80-5, RECORDED UNDER RECORDING NO. 8007220597, RECORDS OF KING COUNTY, STATE OF WASHINGTON.

Exhibit B. Continued

Return Address:
City of Des Moines
Attn: City Attorney
21630 11th Avenue So., Suite C
Des Moines, WA 98198-6398

**TEMPORARY CONSTRUCTION EASEMENT/
RIGHT OF ENTRY**

ROW Plan #	18
Grantor:	Majestic Bay Apartments LLC
Grantee:	City of Des Moines, a municipal corporation of the State of Washington
Legal Description/STR:	A portion of Sec. 9, T. 22 N., R. 4 E. WM
Assessor's Tax Parcel ID#:	8582700000
Property Address: Mailing Address: Phone Contact #:	2459 S 216th St, Des Moines, WA 98198 9757 NE Juanita DR #300, Kirkland, WA 98034

Transportation Gateway Project
South 216th Street, Segment 1A, Improvements
24th Avenue South to Pacific Highway So.

THIS EASEMENT AGREEMENT, made this _____ day of _____, 2015, by and between MAJESTIC BAY CONDOMINIUMS LLC ("Grantor" herein), and the CITY OF DES MOINES, a municipal corporation of the State of Washington, ("Grantee" herein),

In consideration of the transportation, sidewalk, utility and general improvements planned to occur immediately on or adjacent to property that is subject to this easement as a result of the above S. 216th Street Improvements, the Grantor(s) hereby grants to the Grantee, its contractors, employees, agents, successors and assigns the right to enter upon land known as King County Assessor's Parcel Number 8582700000 located adjacent to S. 216th St, Des Moines, WA 98198, as required for the purpose of placing personnel and equipment on said premises to re-construct driveway access, parking, restore fences, utility services, mailboxes, plantings, walls and/or walkways to match newly constructed roadway and sidewalk grades within right of way as shown in the plans and specifications found on file with the City Engineer of the Grantee.

SPECIAL STIPULATIONS

1. This easement shall remain in force until such time as the construction of street improvements has been accepted for operation and maintenance by the Grantee. Specific details concerning the public street improvements may be found on maps, plans, and specifications on file with Grantee's City Engineer.
2. Grantee, its agents and assigns, will notify Grantor their agents, successors, and assigns, of its construction schedule, and will, to the greatest extent practicable, schedule the construction activity so as to minimize any inconvenience to the property and business operations. The Grantee agrees to require that the Contractor implement a City approved traffic control plan that maintains 24 hour business access to S. 216th Street.
3. The Grantee agrees, to the extent practicable, to leave the property in as good condition as existed on the day construction commenced. This shall include the timely removal of any and all debris, rubbish or combustible material resulting from construction activities.
4. Compensation: Grantor acknowledges that the property and/or property rights conveyed herein are in consideration for benefits to be derived by matching the roadway improvements with the Grantor's property.
5. Grantor authorizes and appoints Grantee as its agent and attorney-in-fact to make application for any and all permits required to complete the project.
6. The rights herein granted shall include all incidental rights, including but not limited to, rights of ingress and egress necessary to properly perform the work indicated for construction of the project. Grantee and those entitled to exercise the rights granted herein shall exercise all due diligence in their activities upon the property. Grantee hereby agrees to indemnify and hold harmless Grantor against and from any and all liability for losses, damages and expenses on account of damage to property or injury to persons resulting from or arising out of the rights herein granted to Grantee and/or its contractors, employees, agents, successors or assigns.

7. The termination date for this easement shall be by the physical completion date of the project.

DATED this _____ day of _____, 2015.

GRANTOR:

Name:

By:

Date: _____

GRANTEE:

CITY OF DES MOINES,
a Washington municipal corporation

By: Anthony A. Piasecki, City Manager

Date: _____

At the direction of the Des Moines City Council on ___ day of _____, 2015.

APPROVED as to form only:

Pat Bosmans, City Attorney

Date _____

STATE OF)
) ss
COUNTY OF)

I certify that I know or have satisfactory evidence that _____ is/ are the person/s who appeared before me, and said person/s acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged it to be his/her/their free and voluntary, act for the uses and purposes mentioned in this instrument.

Dated _____

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

This instrument was acknowledged before me on _____ (date of acknowledgment) by Anthony A. Piasecki as City Manager, City of Des Moines, a State of Washington municipal corporation, on behalf of said corporation.

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

EXHIBIT C
PARCEL NO. 215610-0301
RIGHT OF WAY ACQUISITION

THAT PORTION OF THE HEREINAFTER DESCRIBED PARCEL "A" LYING NORTH AND NORTHEAST OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID PARCEL "A" AND A LINE THAT IS 42.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SOUTH 216TH STREET;

THENCE SOUTH 01° 03' 46" WEST ALONG SAID WEST LINE, 6.48 FEET TO THE TRUE POINT OF BEGINNING;

THENCE EASTERLY ON A CURVE TO THE LEFT WHOSE CENTER BEARS NORTH 03° 32' 48" EAST, 6,051.50 FEET, AN ARC DISTANCE OF 191.24 FEET TO A LINE THAT IS 51.50 FEET SOUTH OF AND PARALLEL WITH SAID CENTERLINE OF SOUTH 216TH STREET;

THENCE SOUTH 88° 15' 51" EAST ALONG SAID PARALLEL LINE, 65.33' FEET;

THENCE SOUTH 01° 44' 09" WEST, 7.00 FEET TO A LINE THAT IS 58.50 FEET SOUTH OF AND PARALLEL WITH SAID CENTERLINE OF SOUTH 216TH STREET;

THENCE SOUTH 88° 15' 51" EAST ALONG SAID PARALLEL LINE, 45.00 FEET;

THENCE SOUTH 41° 00' 21" EAST, 43.82 FEET TO THE EAST LINE OF SAID PARCEL "A" AND END OF SAID LINE DESCRIPTION;

CONTAINING 3,869 SQUARE FEET, MORE OR LESS.

PARCEL "A":

(PER STEWART TITLE COMPANY ORDER NO. 01148-29577, DATED DECEMBER 17, 2014)

THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9;

THENCE SOUTH 1°03'58" WEST ALONG THE WEST LINE THEREOF 42.00 FEET TO A POINT ON THE SOUTH MARGIN OF SOUTH 216TH STREET AS ESTABLISHED BY DEED RECORDED UNDER RECORDING NO. 7202020313, AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 88°15'50" EAST ALONG THE SOUTH LINE OF THE NORTH 42.00 FEET OF SAID SUBDIVISION, WHICH LINE IS ALSO THE SOUTH MARGIN OF 216TH STREET, 345.57 FEET, MORE OR LESS, TO THE WEST MARGIN OF PRIMARY STATE HIGHWAY NO. 1;

THENCE SOUTH 6°04'10" WEST 250.72 FEET TO THE NORTH LINE OF THAT CERTAIN PROPERTY DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 4911747;

THENCE NORTH 88°15'50" WEST, PARALLEL TO THE NORTH LINE OF SAID SUBDIVISION AND ALONG THE NORTH LINE OF THE LAND DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 4911747, 322.66 FEET TO THE WEST LINE OF SAID SUBDIVISION;

THENCE NORTH 1°03'58" EAST ALONG THE WEST LINE OF SAID SUBDIVISION 250.02 FEET TO THE TRUE POINT OF BEGINNING;

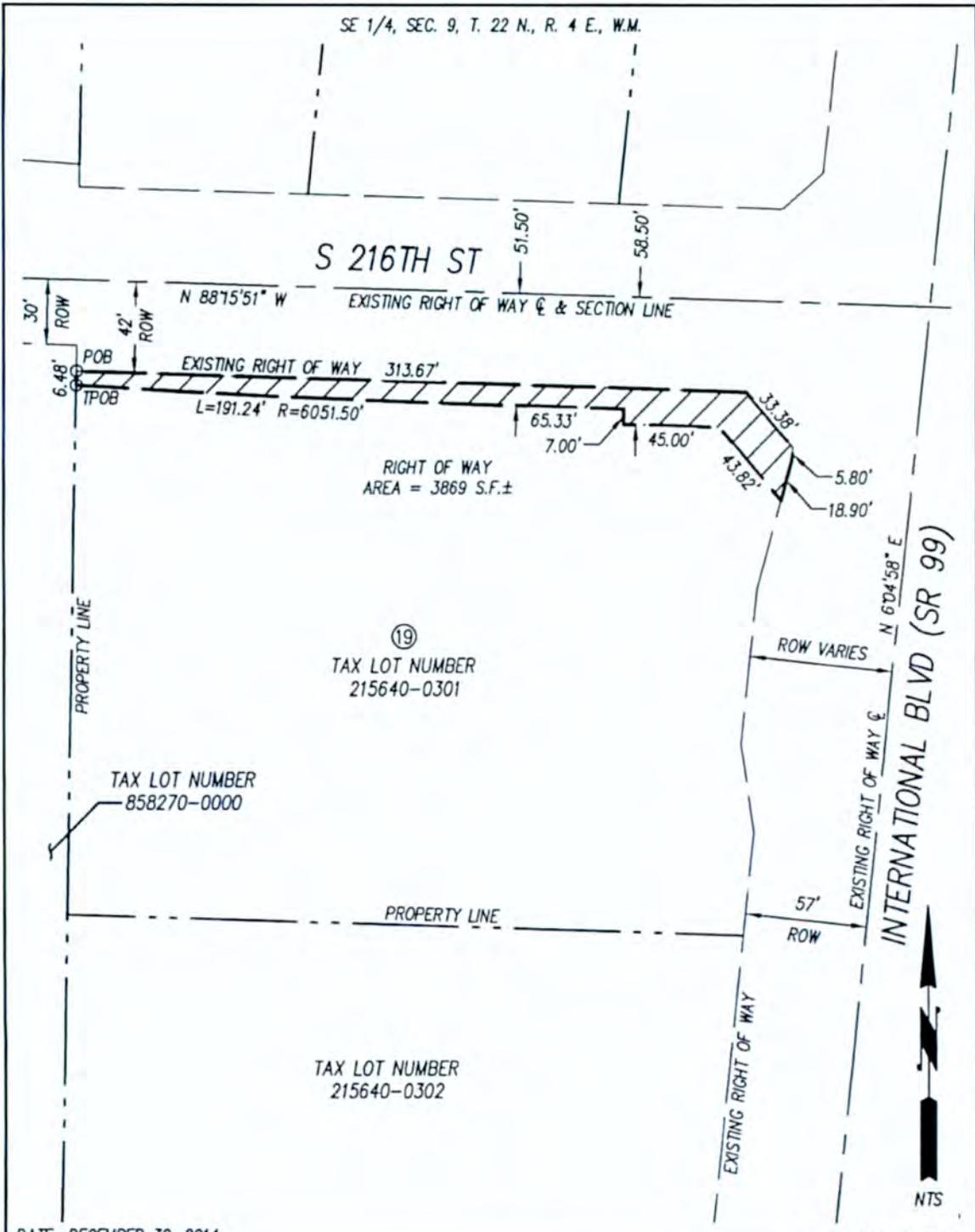
EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF DES MOINES BY DEED RECORDED UNDER RECORDING NO. 9606200764;

AND EXCEPT THAT PORTION THEREOF CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 02-2-19397-8 (KENT);

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF DES MOINES BY RECORDING NUMBER 20130716000279;

19-2156400301 ROW.DOCX

(BEING KNOWN AS A PORTION OF TRACT 16, EAST DES MOINES 5 ACRE TRACTS, ACCORDING TO THE UNRECORDED PLAT THEREOF).



DATE: DECEMBER 30, 2014

FILE: 19.DWG

KPG
 753 9th Ave N
 Seattle, WA 98109
 (206) 296-1640
 www.kpg.com

2502 Jefferson Ave
 Tacoma, WA 98402
 (253) 627-0700

EXHIBIT _____
 PARCEL 215640-0301
 RIGHT OF WAY ACQUISITION



EXHIBIT C
PARCEL NO. 215640-0301
UTILITY EASEMENT

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

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID PARCEL "A" AND A LINE THAT IS 42.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SOUTH 216TH STREET;

THENCE SOUTH 01° 03' 46" WEST ALONG SAID WEST LINE, 6.48 FEET;

THENCE EASTERLY ON A CURVE TO THE LEFT WHOSE CENTER BEARS NORTH 03° 32' 48" EAST, 6,051.50 FEET, AN ARC DISTANCE OF 191.24 FEET TO A LINE THAT IS 51.50 FEET SOUTH OF AND PARALLEL WITH SAID CENTERLINE OF SOUTH 216TH STREET;

THENCE SOUTH 88° 15' 51" EAST ALONG SAID PARALLEL LINE, 65.33' FEET;

THENCE SOUTH 01° 44' 09" WEST, 7.00 FEET TO A LINE THAT IS 58.50 FEET SOUTH OF AND PARALLEL WITH SAID CENTERLINE OF SOUTH 216TH STREET;

THENCE SOUTH 88° 15' 51" EAST ALONG SAID PARALLEL LINE, 45.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 41° 00' 21" EAST, 13.62 FEET TO A LINE THAT IS 68.50 FEET SOUTH OF AND PARALLEL WITH SAID CENTERLINE OF SOUTH 216TH STREET;

THENCE NORTH 88° 15' 51" WEST ALONG SAID PARALLEL LINE, 26.74 FEET;

THENCE NORTH 01° 44' 09" EAST, 10.00 FEET TO SAID LINE THAT IS 58.50 FEET SOUTH OF AND PARALLEL WITH SAID CENTERLINE OF SOUTH 216TH STREET;

THENCE SOUTH 88° 15' 51" EAST ALONG SAID PARALLEL LINE, 17.50 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 221 SQUARE FEET, MORE OR LESS.

PARCEL "A":

(PER STEWART TITLE COMPANY ORDER NO. 01148-29577, DATED DECEMBER 17, 2014)

THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9;

THENCE SOUTH 1°03'58" WEST ALONG THE WEST LINE THEREOF 42.00 FEET TO A POINT ON THE SOUTH MARGIN OF SOUTH 216TH STREET AS ESTABLISHED BY DEED RECORDED UNDER RECORDING NO. 7202020313, AND THE TRUE POINT OF BEGINNING;

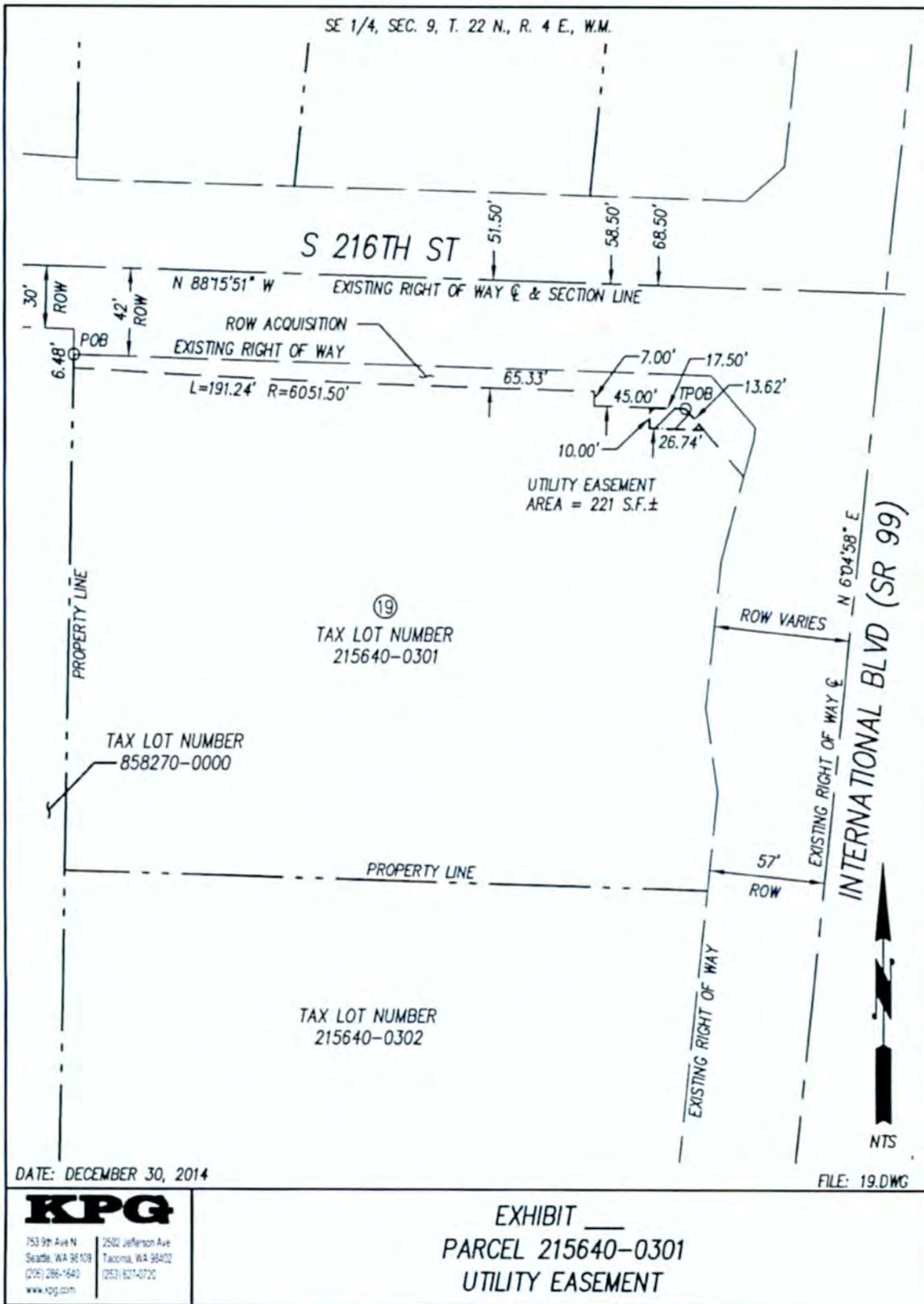
THENCE SOUTH 88°15'50" EAST ALONG THE SOUTH LINE OF THE NORTH 42.00 FEET OF SAID SUBDIVISION, WHICH LINE IS ALSO THE SOUTH MARGIN OF 216TH STREET, 345.57 FEET, MORE OR LESS, TO THE WEST MARGIN OF PRIMARY STATE HIGHWAY NO. 1;

THENCE SOUTH 6°04'10" WEST 250.72 FEET TO THE NORTH LINE OF THAT CERTAIN PROPERTY DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 4911747;

THENCE NORTH 88°15'50" WEST, PARALLEL TO THE NORTH LINE OF SAID SUBDIVISION AND ALONG THE NORTH LINE OF THE LAND DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 4911747, 322.66 FEET TO THE WEST LINE OF SAID SUBDIVISION;

THENCE NORTH 1°03'58" EAST ALONG THE WEST LINE OF SAID SUBDIVISION 250.02 FEET TO THE TRUE POINT OF BEGINNING;
EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF DES MOINES BY DEED RECORDED UNDER RECORDING NO. 9606200764;
AND EXCEPT THAT PORTION THEREOF CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 02-2-19397-8 (KENT);
AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF DES MOINES BY RECORDING NUMBER 20130716000279;

(BEING KNOWN AS A PORTION OF TRACT 16, EAST DES MOINES 5 ACRE TRACTS, ACCORDING TO THE UNRECORDED PLAT THEREOF).



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753 9th Ave N
Seattle, WA 98109
(206) 286-1640
www.kpg.com

2502 Jefferson Ave
Tacoma, WA 98402
(253) 627-0720

EXHIBIT _____
PARCEL 215640-0301
UTILITY EASEMENT

EXHIBIT 
PARCEL NO. 215640-0301
PERMANENT SLOPE EASEMENT

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

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID PARCEL "A" AND A LINE THAT IS 42.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SOUTH 216TH STREET;

THENCE SOUTH 01° 03' 46" WEST ALONG SAID WEST LINE, 6.48 FEET;

THENCE EASTERLY ON A CURVE TO THE LEFT WHOSE CENTER BEARS NORTH 03° 32' 48" EAST, 6,051.50 FEET, AN ARC DISTANCE OF 191.24 FEET TO A LINE THAT IS 51.50 FEET SOUTH OF AND PARALLEL WITH SAID CENTERLINE OF SOUTH 216TH STREET;

THENCE SOUTH 88° 15' 51" EAST ALONG SAID PARALLEL LINE, 65.33' FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 01° 44' 09" WEST, 7.00 FEET TO A LINE THAT IS 58.50 FEET SOUTH OF AND PARALLEL WITH SAID CENTERLINE OF SOUTH 216TH STREET;

THENCE NORTH 88° 15' 51" WEST ALONG SAID PARALLEL LINE, 60.00 FEET;

THENCE NORTH 01° 44' 09" EAST, 7.00 FEET TO SAID LINE THAT IS 51.50 FEET SOUTH OF AND PARALLEL WITH SAID CENTERLINE OF SOUTH 216TH STREET;

THENCE SOUTH 88° 15' 51" EAST ALONG SAID PARALLEL LINE, 60.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 420 SQUARE FEET, MORE OR LESS.

PARCEL "A": (PER STEWART TITLE COMPANY ORDER NO. 01148-29577, DATED DECEMBER 17, 2014)

THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9;

THENCE SOUTH 1°03'58" WEST ALONG THE WEST LINE THEREOF 42.00 FEET TO A POINT ON THE SOUTH MARGIN OF SOUTH 216TH STREET AS ESTABLISHED BY DEED RECORDED UNDER RECORDING NO. 7202020313, AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 88°15'50" EAST ALONG THE SOUTH LINE OF THE NORTH 42.00 FEET OF SAID SUBDIVISION, WHICH LINE IS ALSO THE SOUTH MARGIN OF 216TH STREET, 345.57 FEET, MORE OR LESS, TO THE WEST MARGIN OF PRIMARY STATE HIGHWAY NO. 1;

THENCE SOUTH 6°04'10" WEST 250.72 FEET TO THE NORTH LINE OF THAT CERTAIN PROPERTY DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 4911747;

THENCE NORTH 88°15'50" WEST, PARALLEL TO THE NORTH LINE OF SAID SUBDIVISION AND ALONG THE NORTH LINE OF THE LAND DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 4911747, 322.66 FEET TO THE WEST LINE OF SAID SUBDIVISION;

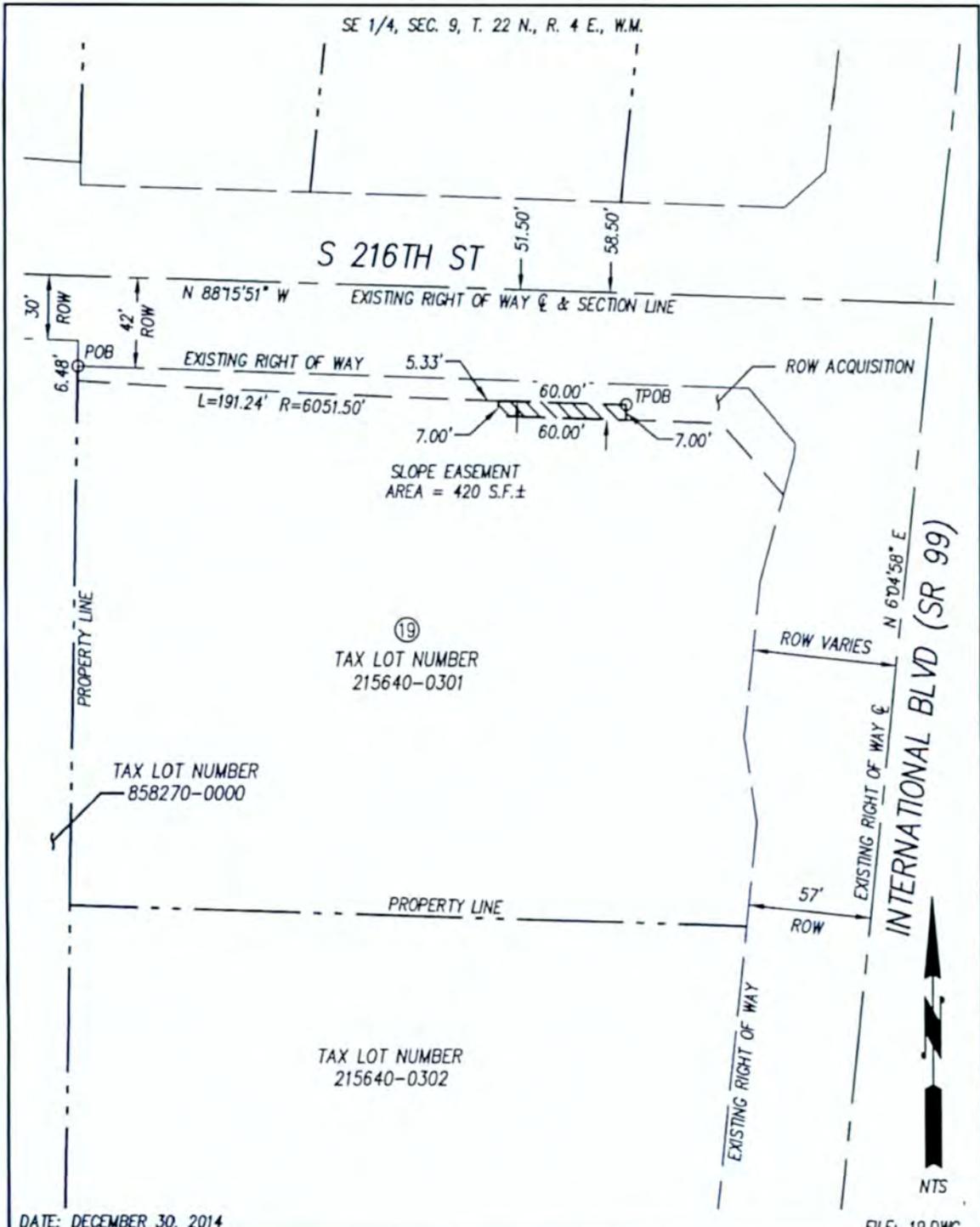
THENCE NORTH 1°03'58" EAST ALONG THE WEST LINE OF SAID SUBDIVISION 250.02 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF DES MOINES BY DEED RECORDED UNDER RECORDING NO. 9606200764;

AND EXCEPT THAT PORTION THEREOF CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 02-2-19397-8 (KENT);

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF DES MOINES BY RECORDING NUMBER
20130716000279;

(BEING KNOWN AS A PORTION OF TRACT 16, EAST DES MOINES 5 ACRE TRACTS, ACCORDING TO THE
UNRECORDED PLAT
THEREOF).



KPG
 753 9th Ave N
 Seattle, WA 98109
 (206) 296-1640
 www.kpg.com

2502 Jefferson Ave
 Tacoma, WA 98402
 (253) 627-0720

EXHIBIT _____
 PARCEL 215640-0301
 SLOPE EASEMENT

Exhibit C, Continued

Return Address:
City of Des Moines
Attn: City Attorney
21630 11th Avenue So., Suite C
Des Moines, WA 98198-6398

**TEMPORARY CONSTRUCTION EASEMENT/
RIGHT OF ENTRY**

ROW Plan #	19
Grantor:	Mark and Josh Luria Luria Pacific North West LLC
Grantee:	City of Des Moines, a municipal corporation of the State of Washington
Legal Description/STR:	A portion of Sec. 9, T. 22 N., R. 4 E. WM
Assessor's Tax Parcel ID#:	2156400301
Property Address: Mailing Address: Phone Contact #:	21515 Pacific Hwy S., Des Moines, WA 98198 1188 Bishop St #1203, Honolulu, HI 96813

Transportation Gateway Project
South 216th Street, Segment 1A, Improvements
24th Avenue South to Pacific Highway So.

THIS EASEMENT AGREEMENT, made this _____ day of _____, 2015, by and between LURIA PACIFIC NORTH WEST LLC, ("Grantor" herein), and the CITY OF DES MOINES, a municipal corporation of the State of Washington, ("Grantee" herein),

In consideration of the transportation, sidewalk, utility and general improvements planned to occur immediately on or adjacent to property that is subject to this easement as a result of the above S. 216th Street Improvements, the Grantor(s) hereby grants to the Grantee, its contractors, employees, agents, successors and assigns the right to enter upon land known as King County Assessor's Parcel Number 2156400301 located adjacent to S. 216th St and Pacific Hwy S., Des Moines, WA 98198, as required for the purpose of placing personnel and equipment on said premises to re-construct driveway access, parking, restore fences, utility services, mailboxes, plantings, walls and/or walkways to match newly constructed roadway and sidewalk grades

within right of way as shown in the plans and specifications found on file with the City Engineer of the Grantee.

SPECIAL STIPULATIONS

1. This easement shall remain in force until such time as the construction of street improvements has been accepted for operation and maintenance by the Grantee. Specific details concerning the public street improvements may be found on maps, plans, and specifications on file with Grantee's City Engineer.
2. Grantee, its agents and assigns, will notify Grantor their agents, successors, and assigns, of its construction schedule, and will, to the greatest extent practicable, schedule the construction activity so as to minimize any inconvenience to the property and business operations. The Grantee agrees to require that the Contractor implement a City approved traffic control plan that maintains 24 hour business access to S. 216th Street.
3. The Grantee agrees, to the extent practicable, to leave the property in as good condition as existed on the day construction commenced. This shall include the timely removal of any and all debris, rubbish or combustible material resulting from construction activities.
4. Compensation: Grantor acknowledges that the property and/or property rights conveyed herein are in consideration for benefits to be derived by matching the roadway improvements with the Grantor's property.
5. Grantor authorizes and appoints Grantee as its agent and attorney-in-fact to make application for any and all permits required to complete the project.
6. The rights herein granted shall include all incidental rights, including but not limited to, rights of ingress and egress necessary to properly perform the work indicated for construction of the project. Grantee and those entitled to exercise the rights granted herein shall exercise all due diligence in their activities upon the property. Grantee hereby agrees to indemnify and hold harmless Grantor against and from any and all liability for losses, damages and expenses on account of damage to property or injury to persons resulting from or arising out of the rights herein granted to Grantee and/or its contractors, employees, agents, successors or assigns.

7. The termination date for this easement shall be by the physical completion date of the project.

DATED this _____ day of _____, 2015.

GRANTOR:

Name:

By:

Date: _____

GRANTEE:

CITY OF DES MOINES,
a Washington municipal corporation

By: Anthony A. Piasecki, City Manager

Date: _____

At the direction of the Des Moines City Council on ___ day of _____, 2015.

APPROVED as to form only:

Pat Bosmans, City Attorney

Date _____

STATE OF)
) ss
COUNTY OF)

I certify that I know or have satisfactory evidence that _____ is/ are the person/s who appeared before me, and said person/s acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged it to be his/her/their free and voluntary, act for the uses and purposes mentioned in this instrument.

Dated _____

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

This instrument was acknowledged before me on _____ (date of acknowledgment) by Anthony A. Piasecki as City Manager, City of Des Moines, a State of Washington municipal corporation, on behalf of said corporation.

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

EXHIBIT D
PARCEL NO. 092204-9080
RIGHT OF WAY ACQUISITION

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

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE NORTH MARGIN OF SOUTH 216TH STREET;

THENCE NORTH 05° 31' 54" EAST ALONG THE WEST LINE OF SAID PARCEL "A", 8.12 FEET;

THENCE EASTERLY ON A CURVE TO THE LEFT WHOSE CENTER BEARS NORTH 02° 33' 07" EAST, 5950.50 FEET, AN ARC DISTANCE OF 84.73 FEET;

THENCE SOUTH 88° 15' 37" EAST, 27.71 FEET;

THENCE NORTH 80° 25' 34" EAST, 34.33 FEET TO THE EAST LINE OF SAID PARCEL "A";

THENCE SOUTH 06° 04' 58" WEST ALONG SAID EAST LINE, 14.27 FEET TO SAID NORTH MARGIN OF SOUTH 216TH STREET;

THENCE NORTH 88° 15' 51" WEST ALONG SAID NORTH MARGIN, 145.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,220 SQUARE FEET, MORE OR LESS.

PARCEL "A":

(PER STEWART TITLE COMPANY ORDER NO. 01148-12338, DATED DECEMBER 17, 2014)

LOTS IIA (2A) AND IIB (2B) OF CITY OF DES MOINES SHORT PLAT NO. DEMOSP 88-7, AS RECORDED UNDER RECORDING NO. 8808190489, RECORDS OF KING COUNTY AUDITOR;

EXCEPT THAT PORTION OF LOT IIA CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 04-2-29283-2 KNT AND RECORDED UNDER RECORDING NO. 20060407001204.

ALSO EXCEPT THAT PORTION OF LOT IIB CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 04-2-00678-3 KNT AND RECORDED UNDER RECORDING NO. 20060407001205.

TOGETHER WITH NEW LOT A OF CITY OF DES MOINES LOT LINE ADJUSTMENT NO. LUA 00-002, AS RECORDED UNDER RECORDING NO. 20001229900023, RECORDS OF KING COUNTY AUDITOR;

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING, STATE OF WASHINGTON.

NE 1/4, SEC. 9, T. 22 N., R. 4 E., W.M.

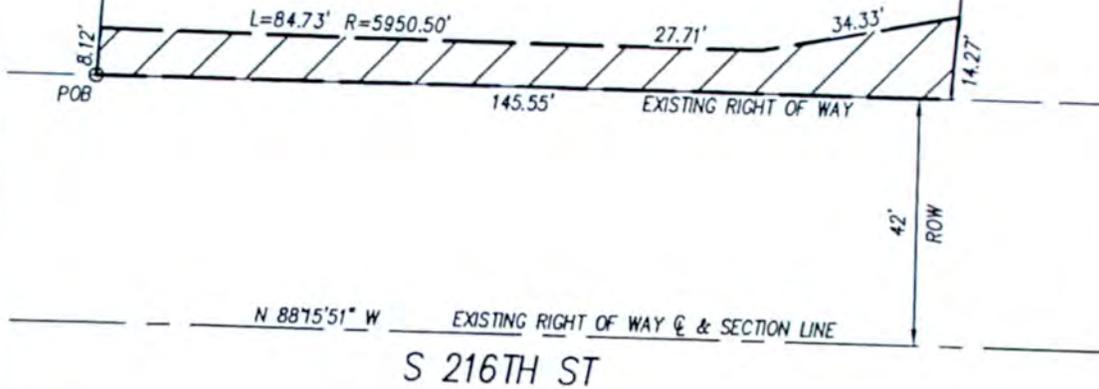


TAX LOT NUMBER
092204-9232

④
TAX LOT NUMBER
092204-9080

TAX LOT NUMBER
092204-9054

RIGHT OF WAY
AREA = 1220 S.F.±



DATE: DECEMBER 31, 2014

FILE: 49.DWG

KPG

753 9th Ave N
Seattle, WA 98109
(206) 266-1640
www.kpg.com

2502 Jefferson Ave
Tacoma, WA 98402
(253) 627-0720

EXHIBIT ____
PARCEL 092204-9080
RIGHT OF WAY ACQUISITION

EXHIBIT D
PARCEL NO. 092204-9080
UTILITY EASEMENT

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

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE NORTH MARGIN OF SOUTH 216TH STREET;

THENCE NORTH 05° 31' 54" EAST ALONG THE WEST LINE OF SAID PARCEL "A", 8.12 FEET;

THENCE EASTERLY ON A CURVE TO THE LEFT WHOSE CENTER BEARS NORTH 02° 33' 07" EAST, 5,950.50 FEET, AN ARC DISTANCE OF 84.73 FEET;

THENCE SOUTH 88° 15' 37" EAST, 5.70 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 06° 04' 58" EAST, 55.16 FEET;

THENCE SOUTH 88° 15' 51" EAST, 10.03 FEET;

THENCE SOUTH 06° 04' 58" WEST, 55.16 FEET;

THENCE NORTH 88° 15' 37" WEST, 10.03 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 552 SQUARE FEET, MORE OR LESS.

PARCEL "A":

(PER STEWART TITLE COMPANY ORDER NO. 01148-12338, DATED DECEMBER 17, 2014)

LOTS IIA (2A) AND IIB (2B) OF CITY OF DES MOINES SHORT PLAT NO. DEMOSP 88-7, AS RECORDED UNDER RECORDING NO. 8808190489, RECORDS OF KING COUNTY AUDITOR;

EXCEPT THAT PORTION OF LOT IIA CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 04-2-29283-2 KNT AND RECORDED UNDER RECORDING NO. 20060407001204.

ALSO EXCEPT THAT PORTION OF LOT IIB CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 04-2-00678-3 KNT AND RECORDED UNDER RECORDING NO. 20060407001205.

TOGETHER WITH NEW LOT A OF CITY OF DES MOINES LOT LINE ADJUSTMENT NO. LUA 00-002, AS RECORDED UNDER RECORDING NO. 20001229900023, RECORDS OF KING COUNTY AUDITOR;

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING, STATE OF WASHINGTON.

NE 1/4, SEC. 9, T. 22 N., R. 4 E., W.M.



TAX LOT NUMBER
092204-9232

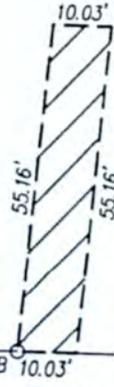
(49)
TAX LOT NUMBER
092204-9080

TAX LOT NUMBER
092204-9054

UTILITY EASEMENT
AREA = 552 S.F.±

ROW ACQUISITION
L=84.73' R=5950.50'

5.70'



PCB

EXISTING RIGHT OF WAY

42'
ROW

N 88°15'51" W EXISTING RIGHT OF WAY & SECTION LINE

S 216TH ST

DATE: DECEMBER 31, 2014

FILE: 49.DWG

KPG

753 9th Ave N
Seattle, WA 98105
(206) 286-1640
www.kpg.com

2502 Jefferson Ave
Tacoma, WA 98402
(253) 627-0720

EXHIBIT ____
PARCEL 092204-9080
UTILITY EASEMENT

EXHIBIT D
PARCEL NO. 092204-9080
WALL EASEMENT

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

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE NORTH MARGIN OF SOUTH 216TH STREET;

THENCE NORTH 05° 31' 54" EAST ALONG THE WEST LINE OF SAID PARCEL "A", 8.12 FEET TO THE TRUE POINT OF BEGINNING;

THENCE EASTERLY ON A CURVE TO THE LEFT WHOSE CENTER BEARS NORTH 02° 33' 07" EAST, 5,950.50 FEET, AN ARC DISTANCE OF 17.78 FEET;

THENCE NORTH 02° 22' 50" EAST, 5.00 FEET;

THENCE WESTERLY ON A CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 02° 22' 50" EAST, 5,945.50 FEET, AN ARC DISTANCE OF 17.50 FEET TO SAID WEST LINE OF SAID PARCEL "A";

THENCE SOUTH 05° 31' 54" WEST ALONG SAID WEST LINE, 5.01 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 88 SQUARE FEET, MORE OR LESS.

PARCEL "A":

(PER STEWART TITLE COMPANY ORDER NO. 01148-12338, DATED DECEMBER 17, 2014)

LOTS IIA (2A) AND IIB (2B) OF CITY OF DES MOINES SHORT PLAT NO. DEMOSP 88-7, AS RECORDED UNDER RECORDING NO. 8808190489, RECORDS OF KING COUNTY AUDITOR;

EXCEPT THAT PORTION OF LOT IIA CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 04-2-29283-2 KNT AND RECORDED UNDER RECORDING NO. 20060407001204.

ALSO EXCEPT THAT PORTION OF LOT IIB CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 04-2-00678-3 KNT AND RECORDED UNDER RECORDING NO. 20060407001205.

TOGETHER WITH NEW LOT A OF CITY OF DES MOINES LOT LINE ADJUSTMENT NO. LUA 00-002, AS RECORDED UNDER RECORDING NO. 20001229900023, RECORDS OF KING COUNTY AUDITOR;

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING, STATE OF WASHINGTON.

NE 1/4, SEC. 9, T. 22 N., R. 4 E., W.M.



TAX LOT NUMBER
092204-9232

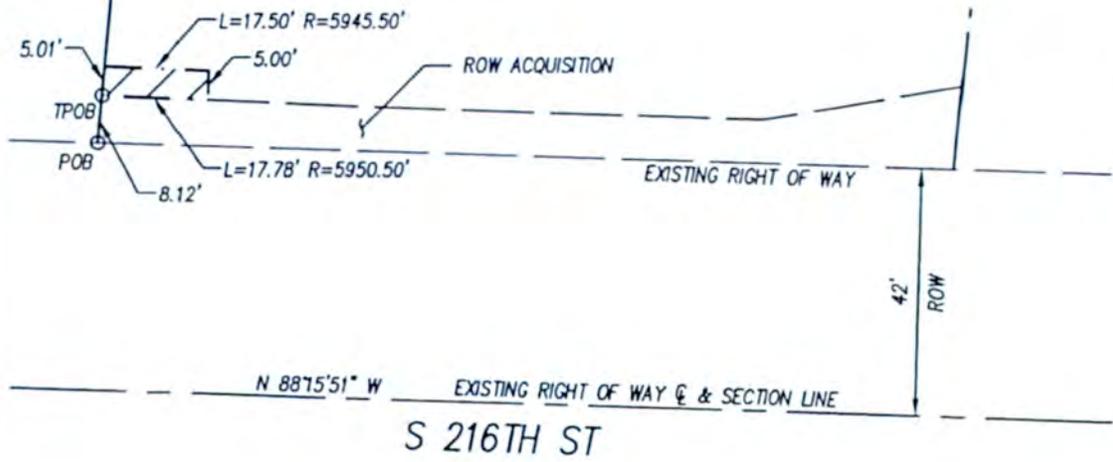
49
TAX LOT NUMBER
092204-9080

PROPERTY LINE

PROPERTY LINE

TAX LOT NUMBER
092204-9054

WALL EASEMENT
AREA = 88 S.F.±



DATE: DECEMBER 31, 2014

FILE: 49.DWG

KPG

753 9th Ave N
Seattle, WA 98108
(206) 296-1640
www.kpg.com

2502 Jefferson Ave
Tacoma, WA 98402
(253) 627-0720

EXHIBIT ____
PARCEL 092204-9080
WALL EASEMENT

Exhibit D, Continued

Return Address:
City of Des Moines
Attn: City Attorney
21630 11th Avenue So., Suite C
Des Moines, WA 98198-6398

**TEMPORARY CONSTRUCTION EASEMENT/
RIGHT OF ENTRY**

ROW Plan #	49
Grantor:	SAFEWAY INC STORE 3540 070227
Grantee:	City of Des Moines, a municipal corporation of the State of Washington
Legal Description/STR:	A portion of Sec. 9, T. 22 N., R. 4 E. WM
Assessor's Tax Parcel ID#:	0922049080
Property Address: Mailing Address:	21401 Pacific Hwy S., Des Moines, WA 98198 1371 Oakland Blvd. Ste 200, Walnut Creek, CA 94596
Phone Contact #:	

Transportation Gateway Project
South 216th Street, Segment 1A, Improvements
24th Avenue South to Pacific Highway So.

THIS EASEMENT AGREEMENT, made this _____ day of _____, 2015, by and between SAFEWAY INC. STORE 3540 ("Grantor" herein), and the CITY OF DES MOINES, a municipal corporation of the State of Washington, ("Grantee" herein),

In consideration of the transportation, sidewalk, utility and general improvements planned to occur immediately on or adjacent to property that is subject to this easement as a result of the above S. 216th Street Improvements, the Grantor(s) hereby grants to the Grantee, its contractors, employees, agents, successors and assigns the right to enter upon land known as King County Assessor's Parcel Number 0922049080 located adjacent to S. 216th St and Pacific Hwy S., Des Moines, WA 98198, as required for the purpose of placing personnel and equipment on said premises to re-construct driveway access, restore fences, signage, utility services, mailboxes,

plantings, walls and/or walkways to match newly constructed roadway and sidewalk grades within right of way as shown in the plans and specifications found on file with the City Engineer of the Grantee.

SPECIAL STIPULATIONS

1. This easement shall remain in force until such time as the construction of street improvements has been accepted for operation and maintenance by the Grantee. Specific details concerning the public street improvements may be found on maps, plans, and specifications on file with Grantee's City Engineer.
2. Grantee, its agents and assigns, will notify Grantor their agents, successors, and assigns, of its construction schedule, and will, to the greatest extent practicable, schedule the construction activity so as to minimize any inconvenience to the property and business operations. The Grantee agrees to require that the Contractor implement a City approved traffic control plan that maintains 24 hour business access to S. 216th Street and Pacific Hwy S.
3. The Grantee agrees, to the extent practicable, to leave the property in as good condition as existed on the day construction commenced. This shall include the timely removal of any and all debris, rubbish or combustible material resulting from construction activities.
4. Compensation: Grantor acknowledges that the property and/or property rights conveyed herein are in consideration for benefits to be derived by matching the roadway improvements with the Grantor's property.
5. Grantor authorizes and appoints Grantee as its agent and attorney-in-fact to make application for any and all permits required to complete the project.
6. The rights herein granted shall include all incidental rights, including but not limited to, rights of ingress and egress necessary to properly perform the work indicated for construction of the project. Grantee and those entitled to exercise the rights granted herein shall exercise all due diligence in their activities upon the property. Grantee hereby agrees to indemnify and hold harmless Grantor against and from any and all liability for losses, damages and expenses on account of damage to property or injury to persons resulting from or arising out of the rights herein granted to Grantee and/or its contractors, employees, agents, successors or assigns.

7. The termination date for this easement shall be by the physical completion date of the project.

DATED this _____ day of _____, 2015.

GRANTOR:

Name:

By:

Date: _____

GRANTEE:

CITY OF DES MOINES,
a Washington municipal corporation

By: Anthony A. Piasecki, City Manager

Date: _____

At the direction of the Des Moines City Council on ___ day of _____, 2015.

APPROVED as to form only:

Pat Bosmans, City Attorney

Date _____

STATE OF)
) ss
COUNTY OF)

I certify that I know or have satisfactory evidence that _____ is/ are the person/s who appeared before me, and said person/s acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged it to be his/her/their free and voluntary, act for the uses and purposes mentioned in this instrument.

Dated _____

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

This instrument was acknowledged before me on _____ (date of acknowledgment) by Anthony A. Piasecki as City Manager, City of Des Moines, a State of Washington municipal corporation, on behalf of said corporation.

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

EXHIBIT E
PARCEL NO. 092204-9054
RIGHT OF WAY ACQUISITION

THAT PORTION OF THE HEREINAFTER DESCRIBED TRACT "A" DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT "A", SAID CORNER ALSO BEING ON THE NORTH MARGIN OF SOUTH 216TH STREET;

THENCE NORTH 05° 31' 54" EAST ALONG THE EAST LINE OF SAID TRACT "A", 8.12 FEET;

THENCE WESTERLY ON A CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 02° 33' 07" EAST, 5,950.50 FEET, AN ARC DISTANCE OF 107.69 FEET TO THE WEST LINE OF SAID TRACT "A";

THENCE SOUTH 01° 04' 07" WEST ALONG SAID WEST LINE, 10.61 FEET TO SAID NORTH MARGIN OF SOUTH 216TH STREET;

THENCE SOUTH 88° 15' 51" EAST ALONG SAID NORTH MARGIN, 107.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 987 SQUARE FEET, MORE OR LESS.

TRACT "A":

(PER STEWART TITLE COMPANY ORDER NO. 01148-29575, DATED DECEMBER 17, 2014)

PARCEL 1:

THAT PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W. M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;

THENCE NORTH 01°04'15" EAST 178.05 FEET ALONG THE WEST LINE THEREOF TO THE NORTHWEST CORNER OF LOT B, CITY OF DES MOINES LOT LINE ADJUSTMENT NO. LUA-LLA 99-019, RECORDED UNDER KING COUNTY RECORDING NO. 19990804900004, AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 01°04'15" EAST 32.55 FEET ALONG SAID WEST LINE;

THENCE SOUTH 83°54'32" EAST 119.84 FEET TO THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT B;

THENCE SOUTH 05°32'05" WEST 31.76 FEET ALONG SAID PROLONGATION TO THE NORTHERLY LINE OF SAID LOT B;

THENCE NORTH 84°14'04" WEST 117.35 FEET ALONG SAID NORTHERLY LINE TO THE TRUE POINT OF BEGINNING;

(BEING KNOWN AS THE NORTHERLY 32.55 FEET, MORE OR LESS, OF LOT B OF CITY OF DES MOINES LOT LINE ADJUSTMENT NO. LUA 00-002, RECORDED UNDER RECORDING NO. 20001229900023).

PARCEL 2:

LOT B OF CITY OF DES MOINES LOT LINE ADJUSTMENT NO. LUA 00-002, RECORDED UNDER RECORDING NO. 20001229900023, EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

THAT PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W. M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;

THENCE NORTH 01°04'15" EAST 178.05 FEET ALONG THE WEST LINE THEREOF TO THE NORTHWEST CORNER OF LOT B, CITY OF DES MOINES LOT LINE ADJUSTMENT NO. LUA-LLA 99-019, RECORDED UNDER KING COUNTY RECORDING NO. 19990804900004, AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 01°04'15" EAST 32.55 FEET ALONG SAID WEST LINE;

THENCE SOUTH 83°54'32" EAST 119.84 FEET TO THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT B;

THENCE SOUTH 05°32'05" WEST 31.76 FEET ALONG SAID PROLONGATION TO THE NORTHERLY LINE OF SAID LOT B;
THENCE NORTH 84°14'04" WEST 117.35 FEET ALONG SAID NORTHERLY LINE TO THE TRUE POINT OF BEGINNING.

PARCEL 3:

NON-EXCLUSIVE EASEMENTS FOR ROADWAYS, WALKWAYS, INGRESS, EGRESS, AND PARKING AS ESTABLISHED IN DECLARATION OF EASEMENTS WITH COVENANTS AND RESTRICTIONS, AS RECORDED UNDER RECORDING NUMBERS 19990804000802, AND AMENDMENTS THERETO UNDER RECORDING NUMBERS 20001229000562 AND 20080826000844.

NE 1/4, SEC. 9, T. 22 N., R. 4 E., W.M.

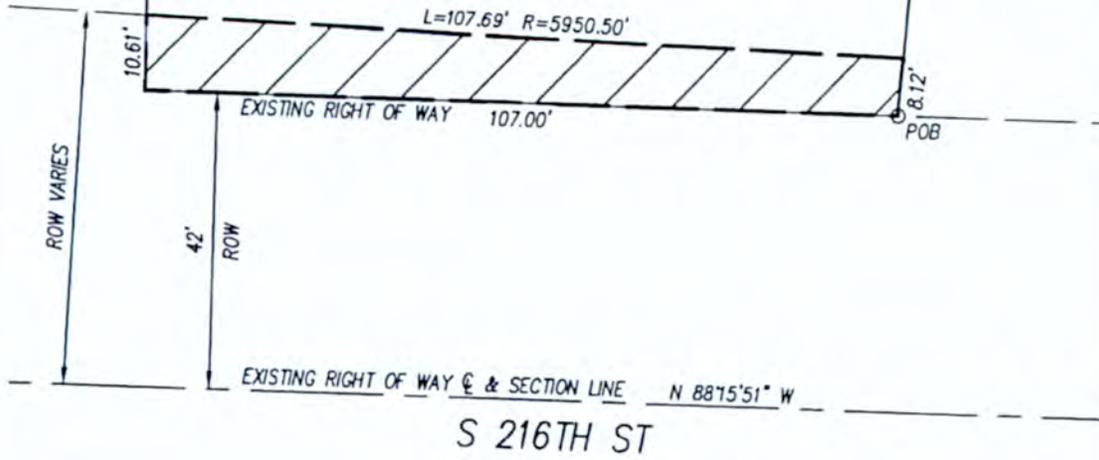
TAX LOT NUMBER
092204-9003

TAX LOT NUMBER
092204-9080

50
TAX LOT NUMBER
092204-9054

RIGHT OF WAY
AREA = 987 S.F.±

NTS



DATE: DECEMBER 31, 2014

FILE: 50.DWG

KPG

753 9th Ave N
Seattle, WA 98109
(206) 286-1640
www.kpg.com

2502 Jefferson Ave
Tacoma, WA 98402
(253) 827-0700

EXHIBIT _____
PARCEL 092204-9054
RIGHT OF WAY ACQUISITION

EXHIBIT E
PARCEL NO. 092204-9054
UTILITY EASEMENT

THAT PORTION OF THE HEREINAFTER DESCRIBED TRACT "A" DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT "A", SAID CORNER ALSO BEING ON THE NORTH MARGIN OF SOUTH 216TH STREET;

THENCE NORTH 05° 31' 54" EAST ALONG THE EAST LINE OF SAID TRACT "A", 8.12 FEET;

THENCE WESTERLY ON A CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 02° 33' 07" EAST, 5,950.50 FEET, AN ARC DISTANCE OF 97.68 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ON SAID CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 03° 29' 33" EAST, 5,950.50 FEET, AN ARC DISTANCE OF 10.01 FEET TO THE WEST LINE OF SAID TRACT "A";

THENCE NORTH 01° 04' 07" EAST ALONG SAID WEST LINE, 14.89 FEET;

THENCE SOUTH 88° 15' 51" EAST, 10.00 FEET;

THENCE SOUTH 01° 04' 07" WEST 15.21 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 150 SQUARE FEET, MORE OR LESS.

TRACT "A":

(PER STEWART TITLE COMPANY ORDER NO. 01148-29575, DATED DECEMBER 17, 2014)

PARCEL 1:

THAT PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W. M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

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THENCE NORTH 01°04'15" EAST 178.05 FEET ALONG THE WEST LINE THEREOF TO THE NORTHWEST CORNER OF LOT B, CITY OF DES MOINES LOT LINE ADJUSTMENT NO. LUA-LLA 99-019, RECORDED UNDER KING COUNTY RECORDING NO. 19990804900004, AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 01°04'15" EAST 32.55 FEET ALONG SAID WEST LINE;

THENCE SOUTH 83°54'32" EAST 119.84 FEET TO THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT B;

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(BEING KNOWN AS THE NORTHERLY 32.55 FEET, MORE OR LESS, OF LOT B OF CITY OF DES MOINES LOT LINE ADJUSTMENT NO. LUA 00-002, RECORDED UNDER RECORDING NO. 20001229900023).

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LOT B OF CITY OF DES MOINES LOT LINE ADJUSTMENT NO. LUA 00-002, RECORDED UNDER RECORDING NO. 20001229900023, EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

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THENCE SOUTH 05°32'05" WEST 31.76 FEET ALONG SAID PROLONGATION TO THE NORTHERLY LINE OF
SAID LOT B;
THENCE NORTH 84°14'04" WEST 117.35 FEET ALONG SAID NORTHERLY LINE TO THE TRUE POINT OF
BEGINNING.

PARCEL 3:
NON-EXCLUSIVE EASEMENTS FOR ROADWAYS, WALKWAYS, INGRESS, EGRESS, AND PARKING AS
ESTABLISHED IN DECLARATION OF EASEMENTS WITH COVENANTS AND RESTRICTIONS, AS RECORDED
UNDER RECORDING NUMBERS 19990804000802, AND AMENDMENTS THERETO UNDER RECORDING
NUMBERS 20001229000562 AND 20080826000844.

NE 1/4, SEC. 9, T. 22 N., R. 4 E., W.M.

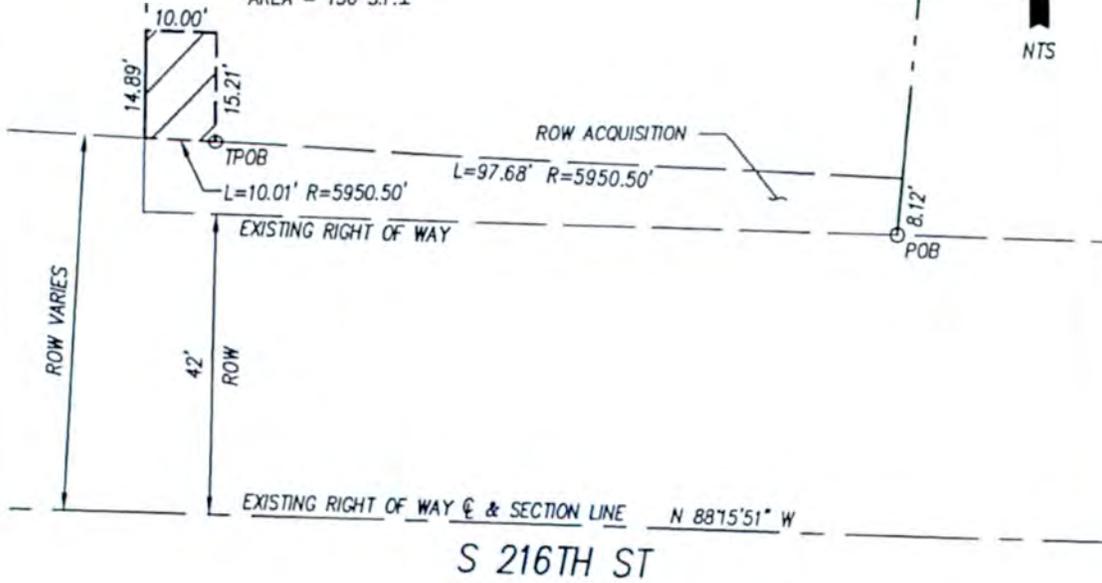
TAX LOT NUMBER
092204-9003

TAX LOT NUMBER
092204-9080

50
TAX LOT NUMBER
092204-9054

UTILITY EASEMENT
AREA = 150 S.F.±

NTS



DATE: DECEMBER 31, 2014

FILE: 50.DWG

KPG

753 9th Ave N
Seattle, WA 98109
(206) 266-1640
www.kpg.com

2502 Jefferson Ave
Tacoma, WA 98402
(253) 627-0700

EXHIBIT _____
PARCEL 092204-9054
UTILITY EASEMENT

EXHIBIT E
PARCEL NO. 092204-9054
WALL EASEMENT

THAT PORTION OF THE HEREINAFTER DESCRIBED TRACT "A" DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT "A", SAID CORNER ALSO BEING ON THE NORTH MARGIN OF SOUTH 216TH STREET;

THENCE NORTH 05° 31' 54" EAST ALONG THE EAST LINE OF SAID TRACT "A", 8.12 FEET TO THE TRUE POINT OF BEGINNING;

THENCE WESTERLY ON A CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 02° 33' 07" EAST, 5,950.50 FEET, AN ARC DISTANCE OF 97.68 FEET;

THENCE NORTH 01° 04' 07" EAST, 5.00 FEET;

THENCE EASTERLY ON A CURVE TO THE LEFT WHOSE CENTER BEARS NORTH 03° 29' 40" EAST, 5,945.50 FEET, AN ARC DISTANCE OF 98.07 FEET TO THE EAST LINE OF SAID TRACT "A";

THENCE SOUTH 05° 31' 54" WEST ALONG SAID EAST LINE, 5.01 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 489 SQUARE FEET, MORE OR LESS.

TRACT "A":

(PER STEWART TITLE COMPANY ORDER NO. 01148-29575, DATED DECEMBER 17, 2014)

PARCEL 1:

THAT PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W. M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

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COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;

THENCE NORTH 01°04'15" EAST 178.05 FEET ALONG THE WEST LINE THEREOF TO THE NORTHWEST

CORNER OF LOT B, CITY OF DES MOINES LOT LINE ADJUSTMENT NO. LUA-LLA 99-019, RECORDED UNDER KING COUNTY RECORDING NO. 19990804900004, AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 01°04'15" EAST 32.55 FEET ALONG SAID WEST LINE;

THENCE SOUTH 83°54'32" EAST 119.84 FEET TO THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT B;
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THENCE NORTH 84°14'04" WEST 117.35 FEET ALONG SAID NORTHERLY LINE TO THE TRUE POINT OF BEGINNING.

PARCEL 3:
NON-EXCLUSIVE EASEMENTS FOR ROADWAYS, WALKWAYS, INGRESS, EGRESS, AND PARKING AS ESTABLISHED IN DECLARATION OF EASEMENTS WITH COVENANTS AND RESTRICTIONS, AS RECORDED UNDER RECORDING NUMBERS 19990804000802, AND AMENDMENTS THERETO UNDER RECORDING NUMBERS 20001229000562 AND 20080826000844.

NE 1/4, SEC. 9, T. 22 N., R. 4 E., W.M.

TAX LOT NUMBER
092204-9003

TAX LOT NUMBER
092204-9080

50
TAX LOT NUMBER
092204-9054

PROPERTY LINE

PROPERTY LINE



WALL EASEMENT
AREA = 489 S.F.±

ROW ACQUISITION

L=98.07' R=5945.50'
L=97.68' R=5950.50'

5.00'

5.01'

TPOB

POB

EXISTING RIGHT OF WAY

ROW VARIES

42'
ROW

EXISTING RIGHT OF WAY & SECTION LINE N 88°15'51" W

S 216TH ST

DATE: DECEMBER 31, 2014

FILE: 50.DWG

KPG

753 9th Ave N
Seattle, WA 98109
(206) 290-1940
www.kpg.com

2502 Jefferson Ave
Tacoma, WA 98402
(253) 627-0700

EXHIBIT ____
PARCEL 092204-9054
WALL EASEMENT

Exhibit E, Continued

Return Address:
City of Des Moines
Attn: City Attorney
21630 11th Avenue So., Suite C
Des Moines, WA 98198-6398

**TEMPORARY CONSTRUCTION EASEMENT/
RIGHT OF ENTRY**

ROW Plan #	50
Grantor:	Roger and Susan Belanich DES MOINES CENTER LLC 289999
Grantee:	City of Des Moines, a municipal corporation of the State of Washington
Legal Description/STR:	A portion of Sec. 9, T. 22 N., R. 4 E. WM
Assessor's Tax Parcel ID#:	0922049054
Property Address: Mailing Address: Phone Contact #:	21425 Pacific Hwy S, Des Moines, WA 98198 22020 17th Ave NE #200 200, Bothell, WA 98021

Transportation Gateway Project
South 216th Street, Segment 1A, Improvements
24th Avenue South to Pacific Highway South

THIS EASEMENT AGREEMENT, made this _____ day of _____, 2015, by and between DES MOINES CENTER LLC 289999 ("Grantor" herein), and the CITY OF DES MOINES, a municipal corporation of the State of Washington, ("Grantee" herein),

In consideration of the transportation, sidewalk, utility and general improvements planned to occur immediately on or adjacent to property that is subject to this easement as a result of the above S. 216th Street Improvements, the Grantor(s) hereby grants to the Grantee, its contractors, employees, agents, successors and assigns the right to enter upon land known as King County Assessor's Parcel Number 0922049054 located adjacent to S. 216th St and Pacific Highway S (International Blvd), Des Moines, WA 98198, as required for the purpose of placing personnel and equipment on said premises to re-construct driveway access, restore fences, utility services, mailboxes, plantings, walls and/or walkways to match newly constructed roadway and sidewalk

grades within right of way as shown in the plans and specifications found on file with the City Engineer of the Grantee.

SPECIAL STIPULATIONS

1. This easement shall remain in force until such time as the construction of street improvements has been accepted for operation and maintenance by the Grantee. Specific details concerning the public street improvements may be found on maps, plans, and specifications on file with Grantee's City Engineer.
2. Grantee, its agents and assigns, will notify Grantor their agents, successors, and assigns, of its construction schedule, and will, to the greatest extent practicable, schedule the construction activity so as to minimize any inconvenience to the property and business operations. The Grantee agrees to require that the Contractor implement a City approved traffic control plan that maintains 24 hour business access to S. 216th Street and Pacific Highway S (International Blvd).
3. The Grantee agrees, to the extent practicable, to leave the property in as good condition as existed on the day construction commenced. This shall include the timely removal of any and all debris, rubbish or combustible material resulting from construction activities.
4. Compensation: Grantor acknowledges that the property and/or property rights conveyed herein are in consideration for benefits to be derived by matching the roadway improvements with the Grantor's property.
5. Grantor authorizes and appoints Grantee as its agent and attorney-in-fact to make application for any and all permits required to complete the project.
6. The rights herein granted shall include all incidental rights, including but not limited to, rights of ingress and egress necessary to properly perform the work indicated for construction of the project. Grantee and those entitled to exercise the rights granted herein shall exercise all due diligence in their activities upon the property. Grantee hereby agrees to indemnify and hold harmless Grantor against and from any and all liability for losses, damages and expenses on account of damage to property or injury to persons resulting from or arising out of the rights herein granted to Grantee and/or its contractors, employees, agents, successors or assigns.

7. The termination date for this easement shall be by the physical completion date of the project.

DATED this _____ day of _____, 2015.

GRANTOR:

Name:

By:

Date: _____

GRANTEE:

CITY OF DES MOINES,
a Washington municipal corporation

By: Anthony A. Piasecki, City Manager

Date: _____

At the direction of the Des Moines City Council on ___ day of _____, 2015.

APPROVED as to form only:

Pat Bosmans, City Attorney

Date _____

STATE OF)
) ss
COUNTY OF)

I certify that I know or have satisfactory evidence that _____ is/ are the person/s who appeared before me, and said person/s acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged it to be his/her/their free and voluntary, act for the uses and purposes mentioned in this instrument.

Dated _____

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

This instrument was acknowledged before me on _____ (date of acknowledgment) by Anthony A. Piasecki as City Manager, City of Des Moines, a State of Washington municipal corporation, on behalf of said corporation.

Notary Public in and for the State of _____
residing at _____
My appointment expires _____