

Return Address:

Des Moines City Clerk
21630 11th Avenue So.
Des Moines, WA 98198-6398



20150522000403

DES MOINES CIT ORD 97.00
PAGE-001 OF 026
05/22/2015 10:27
KING COUNTY, WA

WASHINGTON STATE RECORDER'S COVER SHEET

Document Title(s):	Ordinance No 1621
Reference Number(s) of Documents Assigned or Released: (Add'l. Nbrs. on Page _____)	
Grantor(s): (Last, First, Initials)	City of Des Moines, WA
Grantee(s): (Last, First, Initials)	Washington State Department of Transportation
Legal Description: (Abbreviated) Additional Legal is on Page 1-3	<p>Those portions of the Northeast Quarter of the Northeast Quarter, and of the Southeast Quarter of the Northeast Quarter of Section 17, and of the Southeast Quarter of the Southeast Quarter of Section 8, all in Township 22 North, Range 4 East, W.M. in King County, Washington, Described as follows:</p> <p>All those roads and alleys described in the Plat of Des Moines two acre tracts, the Plat of Richland Addition to Des Moines, and the Plat of the New Addition to the Town of Des Moines lying within the right of way of SR509 as shown in "SR509, MP 19.43 to MP 23.87, SR516 to Des Moines Way South, right of way and limited access" plan, sheets 3-6, dated December 1, 1969, and lying between the South Margin of South 220th Street and the North Margin of State Route 516, including but not limited to: South 230th Street, South 228th Street and South 226th Street, South 224th Street, 14th Avenue South and 15th Avenue South</p> <p>Except South 222nd Street and South 223rd Street.</p>
Assessor's Property Tax Parcel/ Account Number(s): (If Doc. Has Legal Description)	

ORDINANCE NO. 1621

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, vacating certain streets, alleys, and public right-of-way in the "Historic SR 509 right-of-way area" between South 220th Street and SR 509 Kent-Des Moines Road, subject to the requirements set forth herein.

WHEREAS, the City Council has initiated vacation of certain City rights-of-way within territory which has been acquired by the Washington State Department of Transportation, and

WHEREAS, DMMC 12.10.040 adopts the street vacation procedures of chapter 35.79 RCW, and

WHEREAS, RCW 35.79.010 authorizes the City Council to initiate such street vacation procedures by resolution and further requires setting of a public hearing and date for council action which was, in this case, established by Resolution No. 1292 fixing the public hearing for April 23, 2015, to be followed by City Council action, and

WHEREAS, no apparent municipal use of the areas to be vacated exists, and

WHEREAS, notice of the public hearing was given in accordance with RCW 35.79.020 and the public hearing was held before the Des Moines City Council on April 23, 2015, and all persons wishing to be heard were heard, and

WHEREAS, no objections to vacation were filed by any abutting property owners prior to the hearing, and no person has demonstrated special injury due to substantial impairment of access to such person's property, and

WHEREAS, pursuant to RCW 35.79.030, the Washington State Department of Transportation is compensating the City in an amount equal to the full appraised value of the area vacated by granting the City an easement for trail purposes in an area of property equal to the area vacated, and

WHEREAS, the Council finds that vacation of the aforesaid rights-of-way, as legally described on Exhibit A and as depicted on the map marked Exhibit B, to this Ordinance, is in the public interest; now therefore,

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

Sec. 1. Findings adopted. Based on the evidence presented, the City Council adopts the following findings of fact:

(1) The public rights-of-way subject to this Ordinance consist of portions of streets, alleys, and public right-of-way in the "Historic SR 509 right-of-way area" between South 220th Street and SR 509 Kent-Des Moines Road, further legally described in Section 2 of this Ordinance; and

(2) The public right-of-way described in section 2 of this Ordinance is not improved for transportation purposes; and

(3) The public right-of-way described in section 2 is not used at all, as it is not improved; and

(4) The right-of-way is not required for the present and future needs of the citizens of the City of Des Moines for vehicular transportation purposes; and

(5) It is in the public interest to vacate this right-of-way.

Sec. 2. Right-of-way vacation. Subject to the requirements set forth in section 3 and 4 of this Ordinance, the public right-of-way legally described in Exhibit A (incorporated herein by this reference) and as depicted on the map marked Exhibit B (incorporated herein by this reference) is vacated and the property within the right-of-way so vacated shall belong to the respective abutting property owners, one-half to each as required by RCW 35.79.040.

Sec. 3. Conditions of right-of-way vacation. The right-of-way subject to vacation under this Ordinance shall be subject to the following conditions:

(1) The Washington State Department of Transportation, the sole property owner abutting the rights-of-way vacated by this Ordinance, shall compensate the City in an amount equal to the appraised value of the total areas so vacated. The Washington State Department of Transportation shall compensate

the City by granting to the City a non-revocable trail easement for the property legally described in Exhibit C and depicted on the map marked Exhibit D. The total square footage of the trail easement in Exhibit C is equal to the total square footage of rights-of-way vacated pursuant to this Ordinance.

(2) The Washington State Department of Transportation is responsible for recording the trail easement described in section 3(1). If the easement is not obtained and recorded, and a copy of such provided to the City of Des Moines, within 180 days of the signing of this Ordinance, this Ordinance shall be repealed and the street vacation shall be null and void.

(3) Reservation of easements. Notwithstanding section 2 of this Ordinance, all existing encumbrances, including easements, restrictions, and reservations, if any, located within the said rights-of-way are reserved until release by the Grantees thereof.

Sec. 4. 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; such decision shall not affect the validity of the remaining portions of this Ordinance.

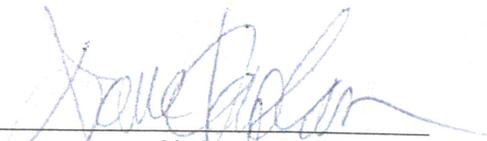
(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

Sec. 5. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of the King County Recorder.

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Sec. 6. Effective date. This Ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 23th day of April, 2015 and signed in authentication thereof this 23th day of April, 2015.



M A Y O R

APPROVED AS TO FORM:



Assistant City Attorney

I, Bonnie Wilkins, City Clerk, do hereby certify that the foregoing is a true and correct copy of the original instrument on file and of record in my office in Des Moines, Washington 98198



ATTEST:



City Clerk

Effective Date: May 23, 2015

Publication: May 29, 2015

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1621, Adopted May 23, 2015.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance vacates certain streets, alleys, and public right-of-way in the "Historic SR 509 right-of-way area" between South 220th Street and SR 509 Kent-Des Moines Road, subject to the requirements set forth herein.

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

Bonnie Wilkins
City Clerk

Published: April 29, 2015

CITY OF DES MOINES STREET VACATION

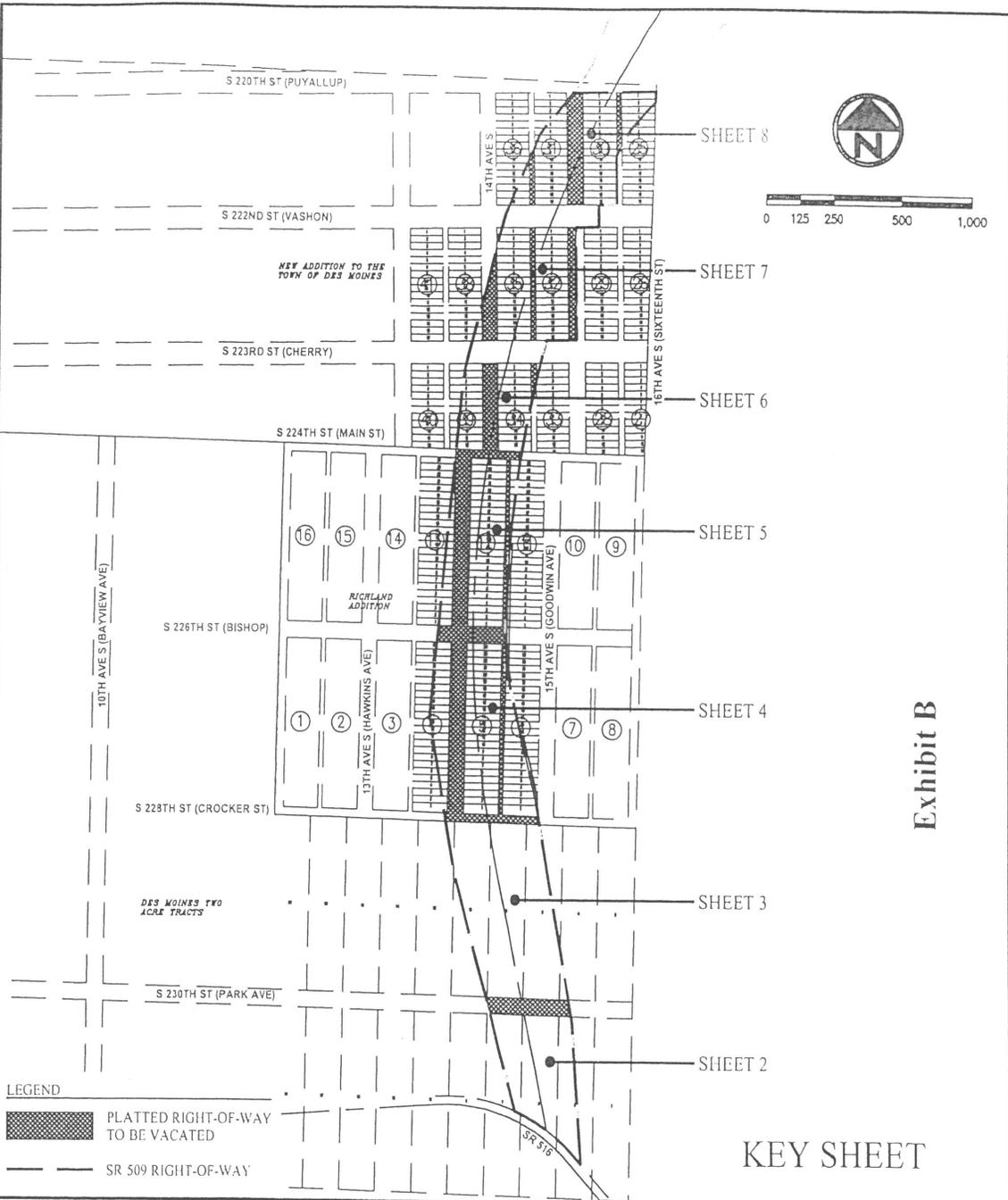
THOSE PORTIONS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, AND OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, AND OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, ALL IN TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

ALL THOSE ROADS AND ALLEYS DESCRIBED IN THE PLAT OF DES MOINES TWO ACRE TRACTS, THE PLAT OF RICHLAND ADDITION TO DES MOINES, AND THE PLAT OF THE NEW ADDITION TO THE TOWN OF DES MOINES LYING WITHIN THE RIGHT OF WAY OF SR509 AS SHOWN IN "SR509, MP 19.43 TO MP 23.87, SR516 TO DES MOINES WAY SOUTH, RIGHT OF WAY AND LIMITED ACCESS" PLAN, SHEETS 3-6, DATED DECEMBER 1, 1969, AND LYING BETWEEN THE SOUTH MARGIN OF SOUTH 220TH STREET AND THE NORTH MARGIN OF STATE ROUTE 516, INCLUDING BUT NOT LIMITED TO: SOUTH 230TH STREET, SOUTH 228TH STREET, SOUTH 226TH STREET, SOUTH 224TH STREET, 14TH AVENUE SOUTH, AND 15 AVENUE SOUTH.

EXCEPT SOUTH 222ND STREET AND SOUTH 223RD STREET.

Exhibit A

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KEY SHEET

Exhibit B



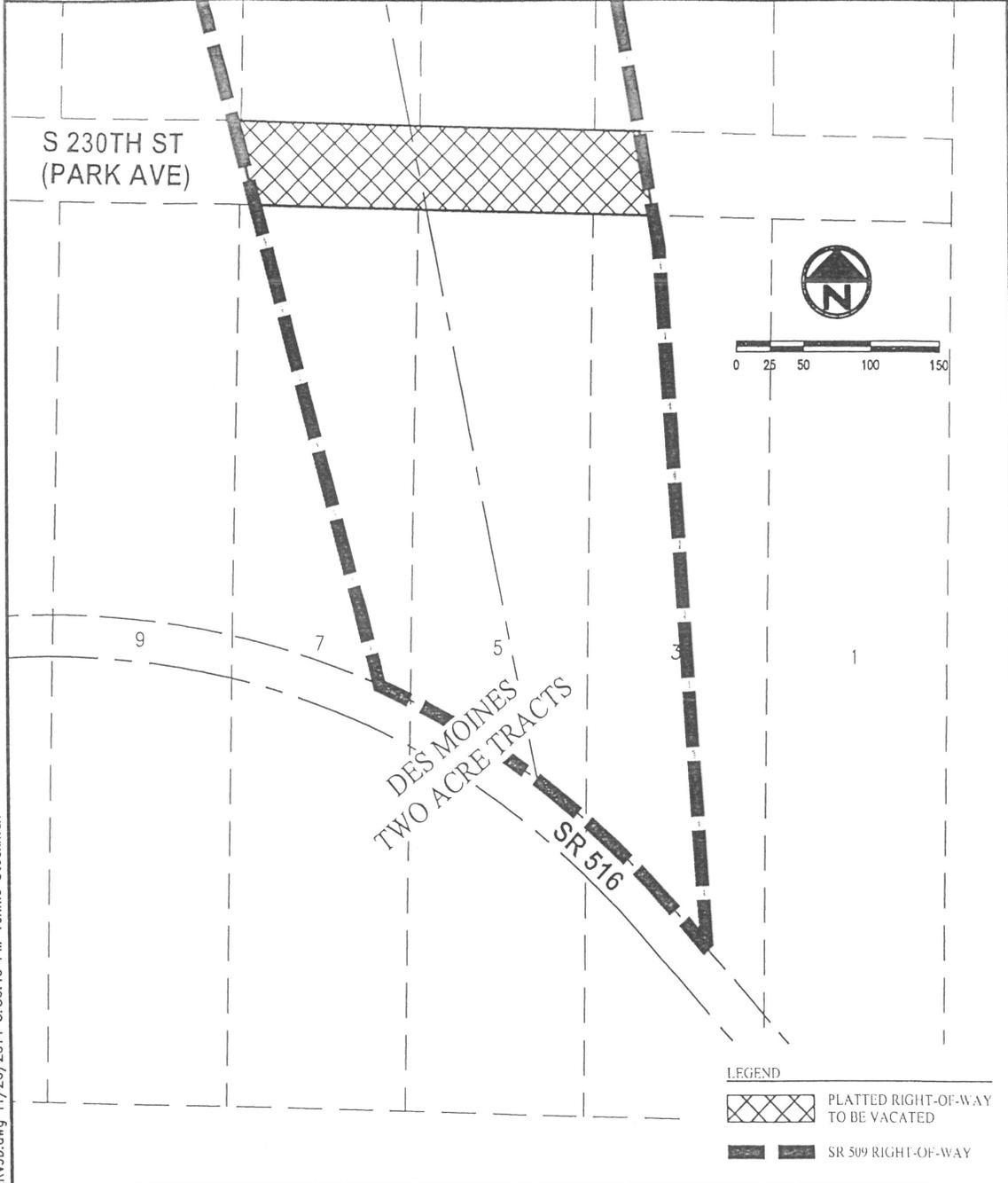
CITY OF DES MOINES
BARNES CREEK TRAIL
SR 509 STREET VACATION

IC#1-17-09864

SHEET 1 OF 8

FEBRUARY 2015

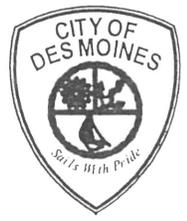
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LEGEND

 PLATTED RIGHT-OF-WAY TO BE VACATED

 SR 509 RIGHT-OF-WAY

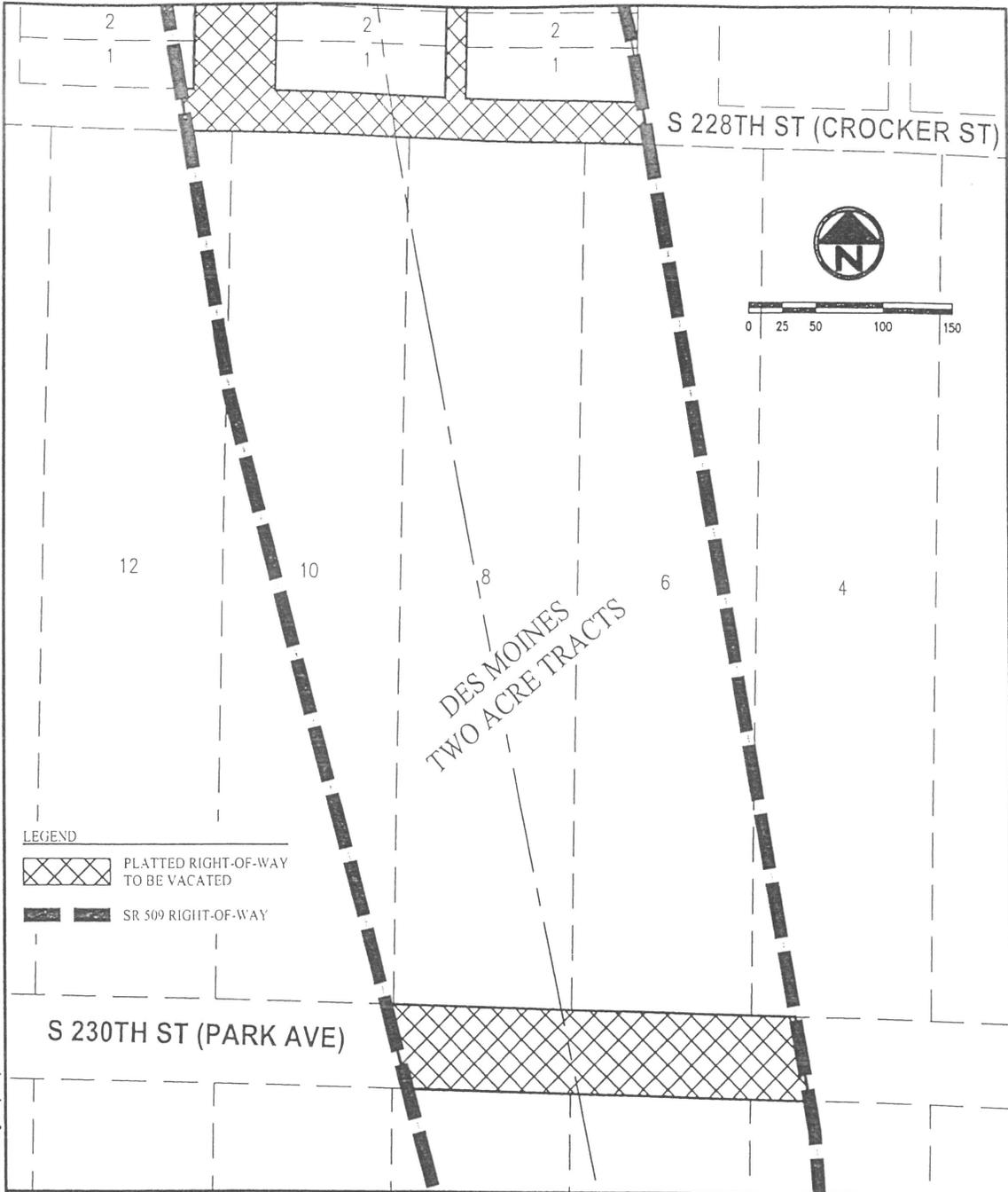


CITY OF DES MOINES
 BARNES CREEK TRAIL
 SR 509 STREET VACATION

IC#1-17-09864

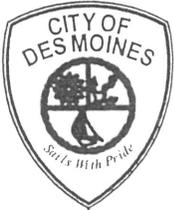
SHEET 2 OF 8

NOVEMBER 2014



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LEGEND
 PLATTED RIGHT-OF-WAY TO BE VACATED
 SR 509 RIGHT-OF-WAY



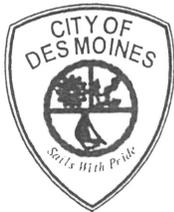
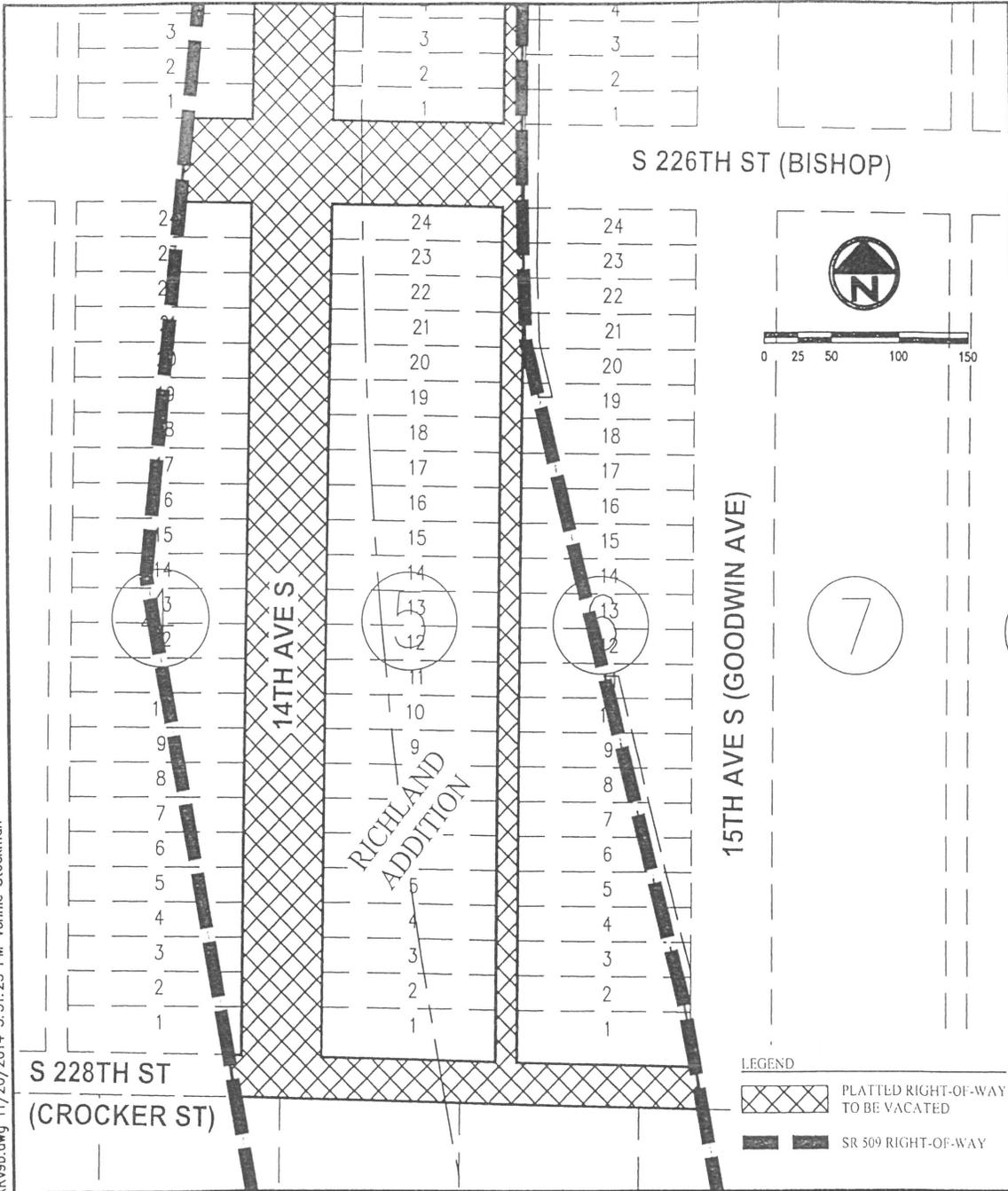
CITY OF DES MOINES
 BARNES CREEK TRAIL
 SR 509 STREET VACATION

IC#1-17-09864

SHEET 3 OF 8

NOVEMBER 2014

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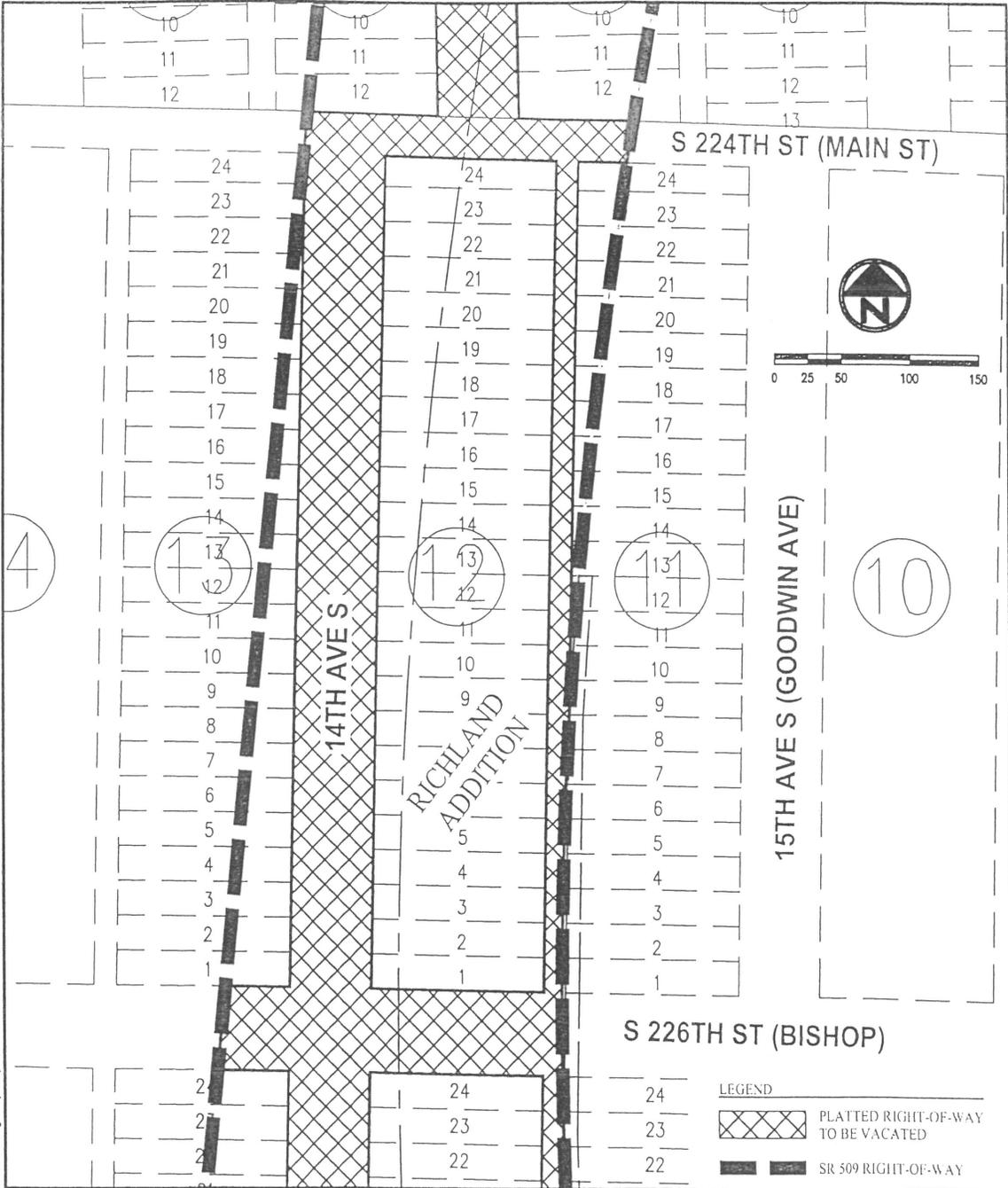
CITY OF DES MOINES
 BARNES CREEK TRAIL
 SR 509 STREET VACATION

IC#1-17-09864

SHEET 4 OF 8

NOVEMBER 2014

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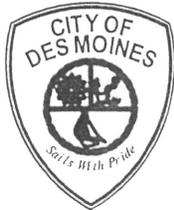
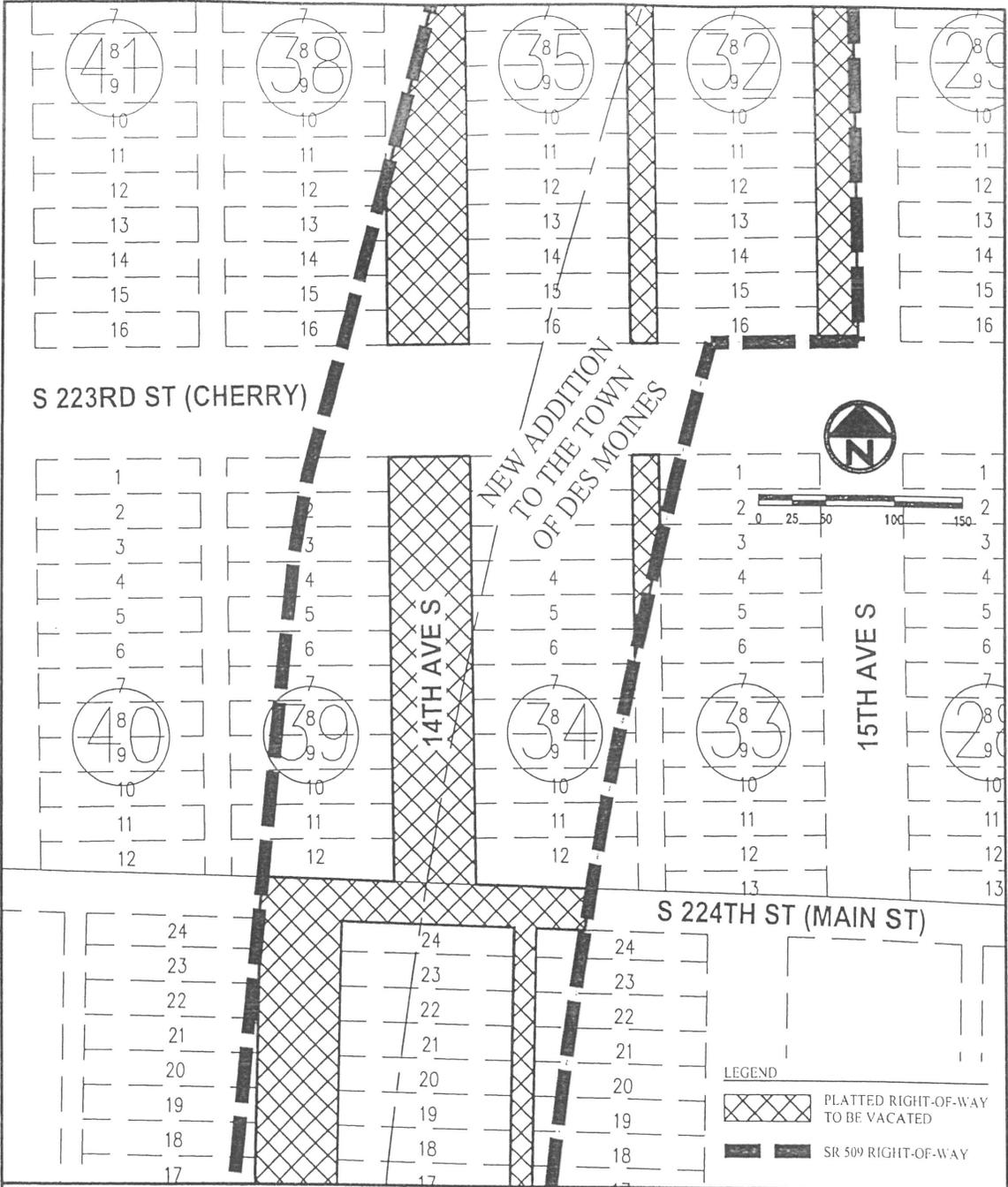
CITY OF DES MOINES
 BARNES CREEK TRAIL
 SR 509 STREET VACATION

IC#1-17-09864

SHEET 5 OF 8

NOVEMBER 2014

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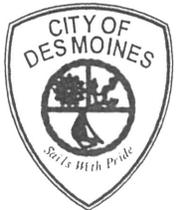
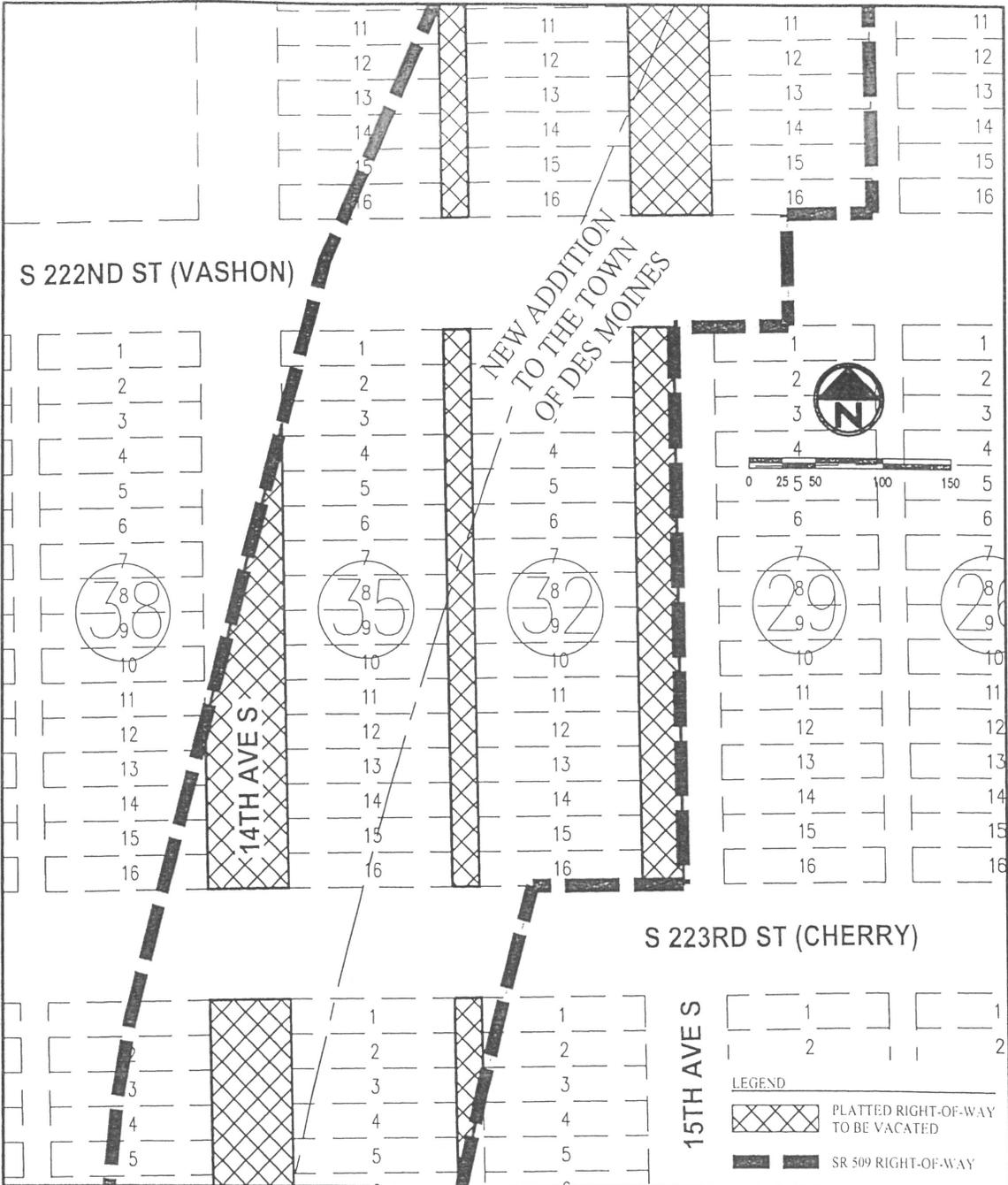
CITY OF DES MOINES
BARNES CREEK TRAIL
SR 509 STREET VACATION

IC#1-17-09864

SHEET 6 OF 8

NOVEMBER 2014

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CITY OF DES MOINES
 BARNES CREEK TRAIL
 SR 509 STREET VACATION

IC#1-17-09864

SHEET 7 OF 8

NOVEMBER 2014

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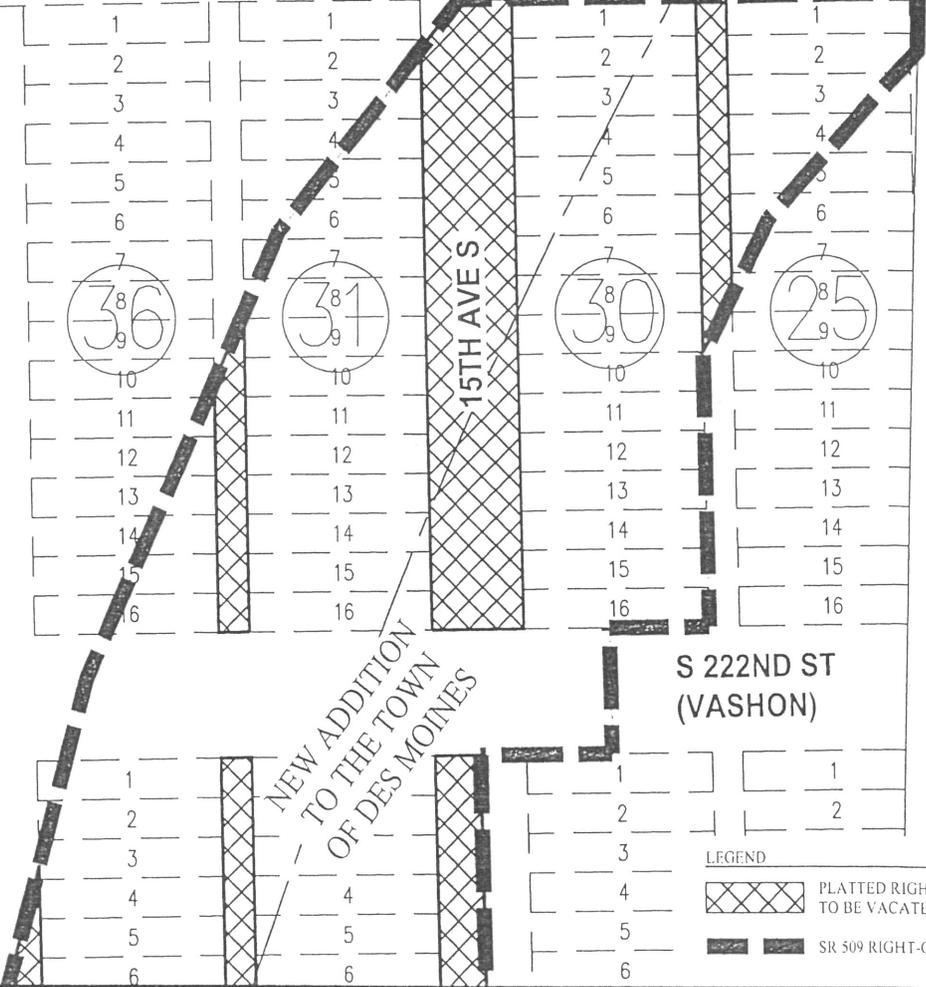
S 220TH ST (PUYALLUP)

14TH AVE S

15TH AVE S

16TH AVE S (SIXTEENTH ST)

S 222ND ST (VASHON)

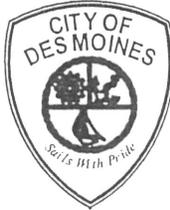


NEW ADDITION TO THE TOWN OF DES MOINES

LEGEND

 PLATTED RIGHT-OF-WAY TO BE VACATED

 SR 509 RIGHT-OF-WAY



CITY OF DES MOINES
 BARNES CREEK TRAIL
 SR 509 STREET VACATION

IC#1-17-09864

SHEET 8 OF 8

FEBRUARY 2015



**Washington State
Department of Transportation**

Lynn Peterson
Secretary of Transportation

Development Division
Real Estate Services Office
PO Box 47338, Olympia WA 98504-7338
7345 Linderson Way SW
Tumwater, WA 98501

TTY: 1-800-833-6388
www.wsdot.wa.gov

March 13, 2015

City of Des Moines
Attn: Andrew Merges, P.E.
21650 11th Avenue South
Des Moines, WA 98198-6317

RE: I. C. #: 1-17-09864
Plan Title: SR 509, SR 516 to Des Moines Way South

Dear Mr. Merges:

The enclosed Easement from the State of Washington is sent for your review and approval. Please sign on the line(s) provided on page 9. It is not necessary to have the signature(s) acknowledged.

After the deed has been signed, please return it to my attention at the address above. We will then have the instrument executed and recorded. It will be returned to you after recording and processing.

Please contact me if you have any questions regarding this matter.

Sincerely,

Eva Betts
Property & Acquisition Specialist
Real Estate Services
(360) 705-6944
bettse@wsdot.wa.gov

Enclosures

Exhibit C



**Washington State
Department of Transportation**

Lynn Peterson
Secretary of Transportation

Development Division
Real Estate Services Office
PO Box 47338, Olympia WA 98504-7338
7345 Linderson Way SW
Tumwater, WA 98501

TTY: 1-800-833-6388
www.wsdot.wa.gov

August 5, 2015

City of Des Moines
Attn: Andrew Merges
21650 11th Avenue South
Des Moines, WA 98198-6317

RE: IC# 1-17-09864

Dear Mr. Merges:

The original recorded Easement from the State of Washington to you is enclosed for your records.

The instrument was recorded June 29, 2015, under Pierce County Auditor's File No. 20150629001777.

Please accept our thanks for your cooperation in this transaction.

Sincerely,

A handwritten signature in blue ink that reads "Eva Betts".

Eva Betts
Property & Acquisition Specialist
Real Estate Services

⑪
FIRST AMERICAN W>DOT
82

AFTER RECORDING RETURN TO:

ATTN: REAL ESTATE SERVICES
DEPARTMENT OF TRANSPORTATION
P.O. BOX 47338
OLYMPIA, WA 98504-7338



20150629001777

TATE DEPARTMEN EAS 82.00
PAGE-001 OF 011
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KING COUNTY, WA

E2739769

06/29/2015 16:20
KING COUNTY, WA
TAX
SALE

\$10.00
\$0.00

PAGE-001 OF 001

Document Title: Easement
Reference Number of Related Document:
Grantor: State of Washington
Grantee: City of Des Moines
Legal Description: Ptn. NE 1/4 NE 1/4 and SE 1/4 NE 1/4 Sec.17, and SE 1/4 SE 1/4 Sec. 8, all in T22N, R4E, W.M
Additional Legal Description is on Pages 2-7 of document
Assessor's Tax Parcel Number: None assigned – Surplus Highway Right of Way

605240-1111; 727200-1111; and 20140-1111

EASEMENT
(Non-Exclusive)

SR 509, SR 516 to Des Moines Way South

The STATE OF WASHINGTON acting by and through its DEPARTMENT OF TRANSPORTATION, Grantor, for and in consideration of the vacation of streets, alleys and right-of-way for equal value pursuant to Ordinance No. 1621, dated April 23, 2015, hereby grants and conveys unto the City of Des Moines, a municipal corporation, Grantee, a non-exclusive easement for trail purposes only, over, under, across, and upon the following described real property situated in King County, State of Washington:

Those portions of the Northeast Quarter of the Northeast Quarter, and of the Southeast Quarter of the Northeast Quarter of Section 17, and of the Southeast Quarter of the Southeast Quarter of Section 8, all in Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at a point opposite Highway Engineers Station (hereinafter referred to as HES) 748+28.76 on the SR 509 line survey of SR 509, SR 516 to Des Moines Way South, and 138.28 feet Southeasterly therefrom, said point also being the intersection of the Southerly margin of South 220th Street and the Westerly margin of 16th Avenue South;

Thence Southerly along said westerly margin of 16th Avenue South to a point opposite HES 747+95.38 on said line survey, and 155.59 feet Southeasterly therefrom;

Thence Southwesterly to a point opposite HES 746+50 on said line survey, and 120.00 feet Southeasterly therefrom;

Thence Southwesterly to a point opposite HES 745+50 on said line survey, and 120.00 feet Southeasterly therefrom;

Thence Southerly to a point opposite HES 745+39.23 on said line survey, and 125.37 feet Southeasterly therefrom;

Thence Southwesterly along a curve to the right, having a radius of 280.00 feet and an arc distance of 126.21 feet, to a point opposite HES 744+13.27 on said line survey, and 99.38 feet Southeasterly therefrom;

Thence Southwesterly to a point opposite HES 743+23.41 on said line survey and 55.56 feet Southeasterly therefrom, said point being on the Northerly margin of South 222nd Street;

Thence Westerly along said northerly margin of South 222nd Street to a point opposite HES 742+85.64 on said line survey and 31.49 feet Northwesterly therefrom;

Thence Northeasterly to a point opposite HES 743+55.98 on said line survey and 4.67 feet Southeasterly therefrom;

Thence Northeasterly to a point opposite HES 744+39.68, on said line survey and 45.28 feet Southeasterly therefrom;

Thence Northeasterly along a curve to the left, having a radius of 220.00 feet and an arc distance of 145.85 feet, to a point opposite HES 745+84.13 on said line survey and 58.74 feet Southeasterly therefrom;

Thence Northerly to a point opposite HES 746+50.87 on said line survey and 40.95 feet Southeasterly therefrom;

Thence Northerly along a curve to the left, having a radius of 70.00 feet and an arc distance of 11.89 feet, to a point opposite HES 746+62.09 on said line survey and 36.78 feet Southeasterly therefrom;

Thence Northerly to a point opposite HES 747+44.59 on said line survey and 3.41 feet Northwesterly therefrom, said point also being on said Southerly margin of South 220th Street;

Thence Easterly along said Southerly margin of South 220th Street to the point of beginning.

Together With:

Beginning at a point opposite HES 742+49.73 on said line survey and 89.85 feet Southeasterly therefrom, said point being the intersection of the centerline of 15th Avenue South and the Southerly Margin of said South 222nd Street;

Thence Southerly along said centerline of 15th Avenue South to a point opposite HES 741+84.52, on said line survey and 115.71 feet Southeasterly therefrom;

Thence Southwesterly to a point opposite HES 740+78.00 on said line survey and 10.82 feet Northwesterly therefrom;

Thence Southwesterly along a curve to the left having a radius of 186.96 feet and an arc distance of 155.81 feet, to a point opposite HES 739+46.04 on said line survey and 82.14 feet Northwesterly therefrom;

Thence Southwesterly to a point opposite HES 737+97.95 on said line survey and 98.72 feet Northwesterly therefrom;

Thence Southerly along a curve to the left having a radius of 100.00 feet and an arc distance of 37.53 feet, to a point opposite HES 737+61.59 on said line survey and 96.64 feet Northwesterly therefrom, said point being on the Northerly margin of South 223rd Street;

Thence Westerly along said Northerly margin of South 223rd Street to a point opposite HES 737+49.12 on said line survey and 142.75 feet Northwesterly therefrom;

Thence Northeasterly to a point opposite HES 737+71.04 on said line survey and 142.71 feet Northwesterly therefrom;

Thence Northeasterly to a point opposite HES 739+49.55 on said line survey and 121.98 feet Northwesterly therefrom;

Thence Northeasterly along a curve to the right having a radius of 226.96 feet and an arc distance of 189.14 feet, to a point opposite HES 741+08.82 on said line survey and 36.09 feet Northwesterly therefrom;

Thence Northeasterly to a point opposite HES 741+52.66 on said line survey and 16.81 feet Southeasterly therefrom;

Thence Northeasterly and Northerly along a curve to the left having a radius of 40.00 feet and an arc distance of 48.96 feet, to a point opposite HES 741+97.39 on said line survey and 28.38 feet Southeasterly therefrom;

Thence Northerly to a point opposite HES 742+20.38 on said line survey and 19.63 feet Southeasterly therefrom, said point also being on said southerly margin of south 222nd Street;

Thence Easterly along said Southerly margin of South 222nd Street to the point of beginning. Together with:

Beginning at a point opposite HES 736+68.90 on said line survey and 143.95 feet Northwesterly therefrom, said point also being on the Southerly margin of said South 223rd Street;

Thence Easterly along said Southerly margin of South 223rd Street to a point opposite HES 736+85.51 on said line survey and 77.65 feet Northwesterly therefrom;

Thence Southwesterly along a curve to the right having a radius of 70.00 feet and an arc distance of 41.50 feet, to a point opposite HES 736+46.21 on said line survey and 85.67 feet Northwesterly therefrom;

Thence Southwesterly to a point opposite HES 736+31.80 on said line survey and 93.73 feet Northwesterly therefrom;

Thence Southerly along a curve to the left having a radius of 30.00 feet and an arc distance of 17.15 feet, to a point opposite HES 736+15.67 on said line survey and 97.40 feet Northwesterly therefrom;

Thence Southerly to a point opposite HES 735+64.92 on said line survey and 94.34 feet Northwesterly therefrom;

Thence Southerly along a curve to the left having a radius of 741.74 feet and an arc distance of 101.36 feet, to a point opposite HES 734+66.42 on said line survey and 83.37 feet Northwesterly therefrom;

Thence Southerly to a point opposite HES 732+54.86 on said line survey and 53.45 feet Northwesterly therefrom;

Thence Southerly along a curve to the left having a radius of 270.68 feet and an arc distance of 78.57 feet, to a point opposite HES 731+79.78 on said line survey and 34.28 feet Westerly therefrom;

Thence Northeasterly to a point opposite HES 731+81.64 on said line survey and 29.64 feet Westerly therefrom;

Thence Southeasterly along a curve to the left having a radius Of 265.68 feet and an arc distance of 37.99 feet, to a point opposite HES 731+47.65 on said line survey and 13.10 feet Westerly therefrom;

Thence Southeasterly to a point opposite HES 730+11.23 on said line survey and 61.17 feet Easterly therefrom;

Thence Southeasterly along a curve to the right having a radius of 724.00 feet and an arc distance of 176.28 feet, to a point opposite HES 728+41.67 on said lin. survey and 120.00 feet Easterly therefrom;

Thence Southerly along a curve to the left having a radius of 3880.00 feet and an arc distance of 234.36 feet to a point opposite HES 726+00 on said line survey and 120.00 feet Easterly therefrom;

Thence Southeasterly to a point opposite HES 721+00 on said line survey and 185.00 feet Northeasterly therefrom;

Thence Southerly to a point opposite HES 713+00.00 on said line survey and 165.00 feet Northeasterly therefrom;

Thence Southerly to a point opposite HES 710+50.00 on said line survey and 131.50 feet Northeasterly therefrom;

Thence Southerly to a point opposite HES 708+00 on said line survey and 98.07 feet Northeasterly therefrom, said point also being on the Northeasterly margin Of SR 516;

Thence Northwesterly along said Northeasterly margin of SR 516 to a point opposite HES 708+37.77 on said line survey and 76.78 feet Northeasterly therefrom;

Thence Northwesterly along said Northeasterly margin of SR 516 along a curve to the left having a radius of 603.15 feet and an arc distance of 129.63 feet to a point opposite HES 709+42.76 on said line survey and 1.04 feet Northeasterly therefrom;

Thence Northeasterly to a point opposite HES 710+43.05 on said line survey and 76.31 feet Northeasterly therefrom;

Thence Easterly to a point opposite HES 710+41.05 on said line survey and 89.94 feet Northeasterly therefrom;

Thence Northerly to a point opposite HES 712+90.97 on said line survey and 123.43 feet Northeasterly therefrom;

Thence Westerly to a point opposite HES 712+93.63 on said line survey and 103.61 feet Northeasterly therefrom;

Thence Northerly to a point opposite HES 713+04.85 on said line survey and 105.11 feet Northeasterly therefrom;

Thence Northerly to a point opposite HES 714+78.33 on said line survey and 110.07 feet Northeasterly therefrom;

Thence Easterly to a point opposite HES 714+77.90 on said line survey and 125.07 feet Northeasterly therefrom;

Thence Northerly to a point opposite HES 720+98.15 on said line survey and 140.01 feet Northeasterly therefrom;

Thence Northwesterly to a point opposite HES 721+83.35 on said line survey and 133.26 feet Easterly therefrom;

Thence Northeasterly to a point opposite HES 721+84.79 on said line survey and 148.20 feet Easterly therefrom;

Thence Northwesterly to a point opposite HES 725+97.03 on said line survey and 90.00 feet Easterly therefrom;

Thence Northerly along a curve to the right having a radius of 3910.00 feet and an arc distance of 76.14 feet, to a point opposite HES 726+74.91 on said line survey and 90.00 feet Easterly therefrom;

Thence Westerly to a point opposite HES 726+74.97 on said line survey and 88.28 feet Easterly therefrom;

Thence Northerly to a point opposite HES 727+38.23 on said line survey and 86.60 feet Easterly therefrom;

Thence Northerly along a curve to the left having a radius of 679.00 feet and an arc distance of 104.96 feet, to a point opposite HES 728+44.39 on said line survey and 73.46 feet Easterly therefrom;

Thence Southwesterly to a point opposite HES 728+38.96 on said line survey and 49.04 feet Easterly therefrom;

Thence Northwesterly along a curve to the left having a radius of 654.00 feet and an arc distance of 147.89 feet, to a point opposite HES 729+78.67 on said line survey and 0.92 feet Westerly therefrom;

Thence Northwesterly To a point opposite HES 731+13.61 on said line survey and 74.06 feet Westerly therefrom;

Thence Northerly along a curve to the right having a radius of 335.68 feet and an arc distance of 110.11 feet, to a point opposite HES 732+13.94 on said line survey and 112.49 feet Westerly therefrom;

Thence Northerly to a point opposite HES 736+00.12 on said line survey and 141.00 feet Northwesterly therefrom;

Thence Northerly to a point opposite HES 736+26.44 on said line survey and 142.43 feet Northwesterly therefrom;

Thence Northerly to a point opposite HES 736+56.48 on said line survey and 144.28 feet Northwesterly therefrom;

Thence Northeasterly to the point of beginning.

EXCEPT, The Grantee herein, including its successors or assigns, shall have no right of ingress and egress to, from and between the unconstructed highway right of way of SR 509 and the lands herein described, nor shall the Grantee herein, its successors or assigns, be entitled to compensation for any loss of access, light, view and/or air occasioned by the location, construction, reconstruction, maintenance or operation of said highway or for any reason should the Grantor sell such unconstructed state-owned highway right of way.

The specific details concerning all of which may be found on sheets 3 and 4 of that certain plan entitled SR 509, SR 516 to Des Moines Way South, now of record and on file in the Office of the Secretary of Transportation at Olympia, Washington, bearing date of approval December 1, 1969, revised February 20, 2015.

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.

Grantee its successors or assigns, agrees to and shall maintain the property in good, sanitary and safe repair.

The Grantee herein, on behalf of itself and its successors or assigns, as part consideration made herein, waives and/or releases Grantor from any past, present, or future claims for damages directly or indirectly caused by the state-owned unconstructed highway drainage or runoff, and further Grantee, its, successors or assigns, shall have no right of compensation for damages to the property herein conveyed caused directly or indirectly by the state-owned unconstructed highway drainage or runoff.

The Grantee, its successors or assigns, shall protect, save, and hold harmless the Grantor, its successors, assigns, agents and/or employees, from all claims, actions, costs, damages (both to persons and/or property), or expenses of any nature whatsoever by reason of the acts or omissions of the Grantee, its agents, contractors, licensees, invitees, employees, or any person whomsoever arising out of or in connection with any acts or activities related to this non-exclusive trail Easement. The Grantee, its successors or assigns, further agrees to defend the Grantor, its successors, assigns, agents and/or employees in any litigation, including payment of any judgments, costs or attorney's fees, for any claims or action commenced arising out of or in connection with acts or activities related to this non-exclusive trail Easement. This obligation shall not include such claims, costs, damages (both to persons and/or property), or expenses which may be caused by the negligence of the Grantor or its successors, assigns, agents and/or employees; provided that, if the claims or damages are caused by or result from the concurrent negligence of (a) the Grantor, its successors, assigns, agents and/or employees and (b) the Grantee, its successors, assigns, agents, contractors, licensees, invitees, employees, and/or any other person, or involves those actions covered by RCW 4.24.115, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Grantee or Grantee's successors, assigns, agents, contractors, licensees, invitees, employees and/or any other person.

The Grantee, its successors or assigns, as part consideration herein does hereby agree to comply with all civil rights and anti-discrimination requirements of chapter 49.60 RCW as to the lands herein described.

The lands herein described are not required exclusively for state highway purposes and are conveyed pursuant to the provisions of RCW 47.12.063.

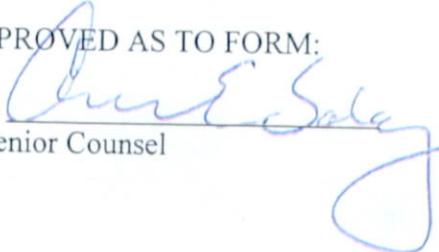
Dated at Olympia, Washington, this 8th day of May, 2015.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION



Lynn Peterson
Secretary of Transportation

APPROVED AS TO FORM:

By: 

Senior Counsel

REVIEWED AS TO FORM:
City of Des Moines

By: P. Bosman
Name: P. Bosman
Title: City Attorney

CITY OF DES MOINES



Anthony A. Piasecki
City Manager

As Directed by the Des Moines City Council in
Open Public Meeting on 4/23/15

STATE OF WASHINGTON)
): ss
County of Thurston)

On this 8th day of May, 2015, before me personally appeared Lynn Peterson, known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that she was authorized to execute said instrument.

Given under my hand and official seal the day and year last above written.

Jennifer R Heay
Notary (print name) Jennifer R Heay
Notary Public in and for the State of Washington, residing
at Olympia

My Appointment Expires 9/9/2018



