

Instrument Number: 20171212001815 Document:WD Rec: \$82.00 Page-1 o
Record Date:12/12/2017 4:07 PM
King County, WA

CHICAGO TITLE **NCS**

REF# 109472-06
aloz

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Bothell
18415 101st Ave. NE
Bothell, WA 98011
Attn: City Attorney



20171212001815

WARRANTY DEED Rec: \$82.00
12/12/2017 4:07 PM
KING COUNTY, WA

E2905683

EXCISE TAX AFFIDAVITS
12/12/2017 4:07 PM KING COUNTY, WA
Selling Price:\$3,000,000.00
Tax Amount:\$53,405.00

Unofficial Copy

STATUTORY WARRANTY DEED

THE GRANTOR Forterra NW, a Washington nonprofit corporation ("Grantor"), for and in consideration of Ten And No/100 Dollars (\$10.00), and other valuable consideration in hand paid, conveys and warrants to The City of Bothell, a Washington municipal corporation ("Grantee"), the real estate, situated in the County of King, State of Washington (the "Property"), legally described in Exhibit "A" attached hereto and by this reference made a part hereof:

Abbreviated Legal: Ptn of SE 1/4 and SW 1/4, STR 07/26/05 (Parcel A, City of Bothell BLA # BLA2016-08852). Tax Account No.: 072605-9262-02

SUBJECT to the exceptions as disclosed on Exhibit "B" attached hereto and by this reference made a part hereof.

FURTHER SUBJECT to the following: The Grantee is prohibited, in perpetuity, from voluntarily conveying the fee interest in the Property, or any part thereof, and also from placing any encumbrance on any portion of the Property for the purpose of securing indebtedness. Any use(s) within the Active Use Area (as defined below) shall: (i) ensure the Active Use Area remains available to the general public, (ii) be intended to complement and activate the remainder of the Property, and (iii) not compromise the natural, scenic, open space, water resources, or recreation values of the remainder of the Property (collectively the "Active Use Area Principles"). The following activities are expressly prohibited, in perpetuity, as not satisfying the Active Use Area Principles: residential uses; manufacturing or other industrial uses; office uses and storage uses other than incidental office spaces and incidental storage areas that are ancillary to a permitted use of the Active Use Area; and uses that restrict public access by imposing membership or similar requirements that serve to prevent public access.

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The "Active Use Area" is that portion of the Property which is not subject to the "Easement" as that term is defined in and as was created by that certain Conservation Easement granted to the City of Bothell, dated January 1, 1996 and recorded on January 3, 1996, Recording No. 9601031097.

The execution and delivery of this deed shall not result in a merger of the fee conveyed by this Deed with any other interest in the Property now or in the future held by the Grantee including, without limitation, the Conservation Easement granted to the City of Bothell, dated January 1, 1996 and recorded on January 3, 1996, Recording No. 9601031097.

Executed as of the 7th day of December, 2017

FORTERRA NW

BY 
ITS President

AGREED to as of the 8th day of December, 2017.

THE CITY OF BOTHELL

BY 
ITS City Manager

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STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 11th day of December, 2017, before me, a Notary Public in and for the State of Washington, personally appeared EUGENE DUVERNOY, to me known to be the PRESIDENT of FORTERRA NW, the Washington nonprofit corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes mentioned in the instrument and on oath stated that s/he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Barbara S. Petro
NOTARY PUBLIC in and for the State of
Washington, residing at Seattle, WA
My appointment expires 2/28/18

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 8th day of December, 2017, before me, a Notary Public in and for the State of Washington, personally appeared JENNIFER PHILLIPS, to me known to be the CITY MANAGER of THE CITY OF BOTHELL, the Washington municipal corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes mentioned in the instrument and on oath stated that s/he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Catherine E. Jensen
NOTARY PUBLIC in and for the State of
Washington, residing at Bothell, WA
My appointment expires 2-8-21

EXHIBIT "A" – LEGAL DESCRIPTION

That portion of the Southeast Quarter of the Southwest Quarter and of the Southwest Quarter of the Southeast Quarter and of the Northwest Quarter of the Southeast Quarter of Section 7, Township 26 North, Range 5 East, Willamette Meridian, in King County, Washington, described as follows:

Beginning at a point on the West line of the Southeast Quarter of the Southwest Quarter of said Section 7 a distance of 589.8 feet Southerly from the Northwest corner thereof, measured along the West line of said subdivision, which point is the true point of beginning of the tract herein described;

Thence South 78°29'50" East a distance of 1218.81 feet to a point on the North and South centerline of said Section 7, a distance of 517.83 feet North of the South Quarter corner of said Section 7;

Thence South 41°01'05" East a distance of 613.90 feet;

Thence South 74°52'05" East a distance of 194.53 feet;

Thence North 78°58'55" East a distance of 290.00 feet, more or less, to the centerline of the Sammamish River;

Thence Easterly, along said centerline of the Sammamish River, to the Westerly boundary of State Highway No. 2-A;

Thence Northerly, along said Westerly boundary, to an intersection of said boundary with the East line of the Southwest Quarter of the Southeast Quarter of said Section 7;

Thence Northerly, along said East line, to an intersection with the Southerly boundary of the Northern Pacific Railway right of way;

Thence Northwesterly, along said right of way line, to an intersection with the West line of the Northwest Quarter of the Southeast Quarter of said Section 7;

Thence Southerly along said West line to the Southwest corner thereof;

Thence Westerly, along the North line of the Southeast Quarter of the Southwest Quarter of said Section 7 to the Northwest corner thereof;

Thence Southerly, along the West line of the Southeast Quarter of the Southwest Quarter of said Section 7 to the true point of beginning;

Except that portion lying Northerly of the Southerly line of the Tolt River Pipe Line right of way; also

Except that portion conveyed to the City of Bothell for street by Statutory Warranty Deed recorded under recording number 8811210335; also

Except that portion of the Southwest Quarter of the Southeast Quarter of said Section 7 described as follows:

Beginning at the Northwest corner of Lot 5, Block 1, Valhalla Division no. 1 A, according to the plat thereof, recorded in Volume 67 of Plats, Page(s) 20 and 21, in King County, Washington;

Thence North 79°19'29" East along the North line of said Lot 5, a distance of 111.39 feet to the true point of beginning;

Thence continuing North 79°19'29" East along said North line a distance of 33.42 feet to the Northeast corner of said Lot 5, said point being on the left bank of the Sammamish River;

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Thence North 15°27'57" East along the Northerly extension of the East line of said Lot 5 to the centerline of the Sammamish River;
Thence Westerly along said centerline a distance of 30 feet, more or less, to a line that bears North 15°27'57" East from the true point of beginning;
Thence South 15°27'57" West to the true point of beginning.

(Also known as Lot B of City of Bothell Lot Line Adjustment Number SPL0006-94, recorded under recording number 9412130643.)

Excepting therefrom that portion conveyed under recording number 9006051095, described as follows:

That portion of the Northwest Quarter of the Southeast Quarter of Section 7, Township 26 North, Range 5 East, Willamette Meridian, in King County, Washington, described as follows:

Commencing at the Quarter Section corner common to Sections 7 and 18, in said Township and Range; Thence along the centerline of said Section 7 North 05°32'00" East 1313.66 feet to a 1/2" iron pin being the true point of beginning;
Thence continuing North 05°32'00" East a distance of 213.53 feet to a 1/2" iron pin, witness corner; Thence North 05°32'00" East a distance of 0.305 feet to the Southerly right of way line of the Burlington Northern Railroad;
Thence along said Southerly right of way line along the arc of a 1587.022 foot radius curve to the right, a distance of 142.095 feet (the long cord of which bears South 59°09'06" East 142.045 feet);
Thence South 45°00'00" West 185.00 feet to the center of a Metro sanitary sewer manhole;
Thence South 55°47'21" West a distance of 9.70 feet to the true point of beginning;

Except that portion described as follows:

Commencing at the northwest corner of Lot 5, Block 1, Valhalla Division No. 1;
Thence north 79°19'28" east along the north line of said Lot 5 a distance of 81.89 feet to the point of beginning;
Thence north 42°51'58" east a distance of 40.32 feet;
Thence north 14°25'20" east a distance of 3.15 feet;
Thence north 29°37'00" east a distance of 6.47 feet;
Thence north 62°58'00" east a distance of 8.68 feet;
Thence south 15°27'57" west a distance of 38.09 feet to the north line of said Lot 5;
Thence south 79°19'28" west along said line a distance of 29.50 feet to the point of beginning;

(Also known as Parcel A of City of Bothell B.L.A. City Case Number BLA 2016-08852, recorded under recording number 20170626900001.)

EXHIBIT "B" – EXCEPTIONS

1. Right granted to King County to change the channel of a creek, construct concrete culverts and bulkhead, or rip rap the banks of said creek in connection with the construction of a road, by instrument dated July 6, 1916, recorded August 1, 1916, under recording number 1074834.

2. Easement(s) for the purpose(s) shown below and rights incidental thereto as condemned in:

Court: King County Superior Court
Case No.: 595776
In favor of: King County
Purpose: River protection project
Affects: A portion of said Property and other property

3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Municipality of Metropolitan Seattle
Purpose: Sewer line
Recording Date: July 24, 1964
Recording No.: 5765985
Affects: Portion of said Property as described in said instrument

4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Puget Sound Power & Light Company
Purpose: Electric line and necessary appurtenances
Recording Date: August 6, 1964
Recording No.: 5770998
Affects: An Easterly portion of said Property as described in said instrument

5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Bothell
Purpose: Sanitary sewer
Recording Date: October 28, 1981
Recording No.: 8110280412
Affects: An Easterly portion of said Property as described in said instrument

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6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: GTE Northwest Incorporated
Purpose: Communication and power service facilities
Recording Date: June 28, 1988
Recording No.: 8806280610
Affects: An Easterly portion of said Property as described in said instrument

7. Matters contained in that certain document:

Entitled: Conservation Easement (with Right to Purchase granted to City of Bothell and other Agreements contained therein)
Dated: January 1, 1996
Recording Date: January 3, 1996
Recording No.: 9601031097

Reference is hereby made to said document for full particulars.

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Bothell
Purpose: Conservation
Recording Date: January 3, 1996
Recording No.: 9601031097
Affects: Portion of Said Property

9. Agreement and the terms and conditions thereof:

Executed by: Wayne Golf Course, Inc.
And: City of Bothell
Recording Date: January 3, 1996
Recording No.: 9601031097

10. Notice of Acknowledgment, including the terms and provisions thereof:

Grantor: City of Bothell
Grantee: Wayne Golf Course Inc.
Recording Date: May 31, 2016
Recording No.: 20160531001983

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11. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on City of Bothell B.L.A. City Case Number BLA 2016-08852:

Recording No: 20170626900001

12. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey:

Job No.: 14-039
Dated: February 29, 2016
Prepared by: Tri-County Land Surveying Company
Matters shown:

- a.) Metal gate, wood fence, tarp car cover encroaches onto the northwesterly corner of said Property
- b.) Wood planter, wood fence, landscaping encroaches onto the northerly portion of said Property
- c.) Shed and gravel parking encroach onto the north westerly adjoiner
- d.) Landscaping, planter and shed encroach onto the southerly portion of said Property

13. Open Space Taxation Agreement and the terms and conditions thereof:

Executed by: Wayne Golf Course, Inc.
And: King County, Washington
Recording Date: October 14, 1997
Recording No.: 9710140224

14. Terms and conditions of Default Judgment entered October 19, 1987, in King County Superior Court Cause Number 87-2-13154-8, concerned presumed property rights in the Burlington Northern Railroad right of way.

15. Notice of Water and Sewer Connection Charge:

Executed by: City of Bothell
Recording Date: January 21, 1988
Recording No.: 8801210544

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16. Terms and conditions of notices of charges by water, sewer, and/or storm and surface water utilities, recorded under recording numbers 8801210540 and 9207300895.
17. Any question that may arise based on any variations between the record description and the boundaries as shown on the King County Tax Assessor's Map.
18. Any question that may arise due to shifting and changing in the course or boundaries of Sammamish River.
19. Rights in the State of Washington in and to that portion, if any, of the Property which lies below the line of ordinary high water of Sammamish River.
20. Any prohibition of limitation of use, occupancy or improvement of the Property resulting from the rights of the public or riparian owners to use any portion which is now or was formerly covered by water.
21. Paramount rights and easements in favor of the United States for commerce, navigation, fisheries and the production of power.