

Attachment 1

Easement Granted by Mycon Real Estate Investments, LLC

**DRAINAGE and SEWER EASEMENT**

Reference #s of Documents Released or Assigned: none  
Grantor:..... Mycon Real Estate Investments, LLC  
Grantee:..... City of Seattle  
Legal Description (abbreviated):..... Portion of Tract C, Plat of Rainier  
Beach  
Assessor's Tax Parcel ID#:..... 7129305315

RW#

THIS EASEMENT granted this 5<sup>th</sup> day of march, 2013, by **Mycon Real Estate Investments, LLC**, hereinafter called "Grantor," to the **CITY OF SEATTLE**, a municipal corporation of the State of Washington, acting through and by Seattle Public Utilities, hereinafter called the "Grantee."

WITNESSETH: Said Grantor for and in consideration of the benefits herein between Grantor and Grantee, and other valuable consideration, the sufficiency and receipt of which is hereby acknowledged, do by these presents grant, bargain, sell, convey, and warrant to the Grantee an easement for the purposes of constructing, reconstructing, operating, maintaining, inspecting, improving, altering, repairing and replacing a sewer pipe and appurtenances ("Facilities") over, under, through, across and upon the following described real property in Seattle, King County, Washington:

As legally described on Exhibit A, a copy of which is attached and incorporated herein ("Easement Area") and as shown on the map in Exhibit B, a copy of which is attached and incorporated herein.

The Grantee shall have the right at such time as may in its sole determination be necessary, to enter upon the Easement Area for the purposes herein described, without incurring any legal obligation or liability therefore, provided that such work shall be accomplished in such a manner that the private improvements existing in said easement

area shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed, they shall be replaced in as good condition as they were immediately before the property was entered upon by the City.

Grantor hereby agrees that, with the exception of sidewalks, no buildings, other permanent structures, trees, fill or obstructions of any kind, shall be constructed, planted or permitted to remain within the boundaries of said Easement Area without prior written permission of the Director of Seattle Public Utilities (or the Director's designee), or any such officer or board who may hereafter succeed to the jurisdiction and powers in respect to the Facilities now possessed by the Director of Seattle Public Utilities (or their designee).

Grantor also hereby agrees that no other utility facilities, such as conduits, cables, pipelines, vaults, meters, poles or posts, whether public or private, other than those approved in the Plans, will be installed unless Grantor shall have submitted the plans for the same to Seattle Public Utilities for its review and written approval.

Grantor, its successors, assigns, lessees, sub-lessees, tenants, and sub-tenants, shall have the right to use the Easement Areas in any way and for any other legal purpose that is not inconsistent with the rights herein granted to Grantee.

Grantor waives any present or future claim against the Grantee relating to hazardous substances, pollutants, or contaminants within the Easement Areas, and shall indemnify and defend the Grantee from any such claim, including enforcement action by a regulatory agency, unless the hazardous substances, pollutants or contaminants result from the Grantee's operations.



Exhibit A

PERMANENT EASEMENT DESCRIPTION

THAT PORTION OF TRACT C OF THE PLAT OF RAINIER BEACH, AS RECORDED IN VOLUME 8 OF PLATS, PAGE 11, RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M., EXCEPT THAT PORTION OF SAID PREMISES CONDEMNED FOR RAINIER AVENUE IN KING COUNTY SUPERIOR COURT CAUSE NO. 87583 AND EXCEPT THAT PORTION OF SAID PREMISES CONDEMNED FOR 52ND AVENUE SOUTH, IN KING COUNTY SUPERIOR COURT CASE NO. 177159, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID PORTION OF TRACT C;  
THENCE N 88° 30' 09" W ALONG THE NORTHERLY RIGHT OF WAY MARGIN OF RAINIER AVENUE SOUTH A DISTANCE OF 9.04 FEET;

THENCE N 18° 21' 12" E A DISTANCE OF 30.76 FEET TO THE WESTERLY RIGHT OF WAY MARGIN OF 52ND AVENUE SOUTH;

THENCE S 01° 15' 48" W ALONG THE WESTERLY RIGHT OF WAY MARGIN OF 52ND AVENUE SOUTH A DISTANCE OF 29.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 133 SQ. FT., MORE OR LESS

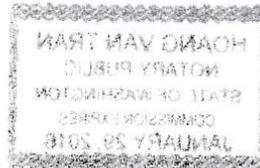


Exhibit B

