

Attachment 2

Temporary Construction Easement granted by Mycon Real Estate Investments, LLC

Document Type:	Temporary Construction Easement
Reference Number of Related Document:	N/A
Grantor(s):	Mycon Real Estate Investments, LLC
Grantee(s):	City of Seattle
Legal Description (abbreviated):	Pt. of Tract C, Plat of Rainier Beach
Assessor's Tax Parcel Number:	Pt of 7129305315

---

**TEMPORARY CONSTRUCTION EASEMENT**

Project:

This TEMPORARY CONSTRUCTION EASEMENT, granted this 5<sup>th</sup> day of March, 2013, by Mycon Real Estate Investments, LLC, ("Grantor"), to the CITY OF SEATTLE ("City"), a municipal corporation of the State of Washington, acting by and through its Seattle Public Utilities Department ("SPU") ("Grantee").

WITNESSETH: Grantor, for and in consideration of TEN AND NO/100 dollars and other valuable consideration, receipt of which is hereby acknowledged, hereby conveys and grants to Grantee, a Temporary Construction Easement ("TCE") to use 2,110 square feet of land for purposes related to the construction of SPU's planned public improvements for the 52nd Ave S CSO Reduction and Lower Mapes Creek Restoration Projects ("Project"), on the following described real property:

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.

This TCE shall include only such rights of use in the land above described as shall be necessary for the construction of the public improvement Project by Grantee and its contractors. Grantee, its agents and contractors will not unreasonably interfere with the Grantor's access to and use of its property except as otherwise provided for herein.

Grantee and its contractors shall construct the Project in such a manner that any private improvements existing in the Easement Area shall not be disturbed or destroyed, but in the event that they are disturbed or destroyed, SPU or its contractors shall restore

them or the property to as good as the condition existing immediately prior to the construction activities under this TCE.

To the extent allowed by law, the City agrees to indemnify Grantor from and against any and all claims, demands, suits, damages, loss or liability arising from the City's exercise of the rights granted herein except for such claims, demands, suits, damages, loss or liability arising out of the negligence of Grantor.



Exhibit A

**TEMPORARY 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 52<sup>ND</sup> 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 10.00 FEET;

THENCE N 01° 15' 48" E A DISTANCE OF 211.00 FEET;

THENCE S 88° 37' 54" E A DISTANCE OF 10.00 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 211.02 FEET TO THE POINT OF BEGINNING;

CONTAINING 2110 SQ. FT., MORE OR LESS.



Exhibit B

