A0141

Recording Requested By And When Recorded Mail To:

Seattle Public Utilities Real Property Services PO BOX 34018 Seattle WA 98124-4018



20120215000861 SEA PUBLIC UII EAS PROSE-001.0F.005

SEWER EASEMENT

Reference #s of Documents Released or Assigned: none

Grantor: Lake City Investors, LLC

Legal Description (abbreviated): Pt of NE ¼ Sec 21 T 26 N, R4 E, WM

Assessor's Tax Parcel ID#: Pt of 7663700900-09

re-record to correct a scrivener's error RW 2011-024
Bella Lago Apts

14027 Lake City Way NE

THIS EASEMENT granted this <u>13th</u> day of <u>February</u>, 2012 by **LAKE CITY INVESTORS**, **LLC**, a Delaware Limited Liability Company and qualified in the State of Washington, 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 operating and maintaining a water-main, a water line and appurtenances ("Facilities") over, under, through, across and upon the real property in Seattle, King County, Washington described in Exhibit A ("Easement Areas"). Herein found on page(s) 4-5.

This easement shall include only such rights in the Easement Areas as shall be necessary for the construction, reconstruction, inspection, alteration, operation, improvement, maintenance, repair and replacement of the Facilities, and access thereto.

The Grantee shall have the right without prior institution of any suit or proceeding at law, at such time as may be necessary, to enter upon the Easement Areas for the purposes herein described, without incurring any legal obligation or liability therefore.

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EXCISE TAX NOT REQUIRED fong Co. Records Division

By July Deputy

Grantor hereby agrees that 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 Areas, other than those specifically included in the plan drawings to be approved, by SDOT Permit No.53832 and DPD Permit Nos.6139483, 6270467, 6283656 ("Plans") if any, without prior written permission of the Director of Seattle Public Utilities, 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.

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 prior to obtaining Seattle Public Utilities' 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

The covenants herein contained shall run with the land and shall be binding on the parties, their successors and assigns forever.

Dated this _	13th	_ day of _	Februa	ry	, 2012.
LAKE CIT	Y INVES	STORS,	LLC		
By: <u>see</u>	attach	ed			
Printed name					
Title					
STATE OF)		
COUNTY O	F) ss.)		
			Page	2 of 6	i

Attached to Sewer Easement

Lake City Investors LLC, a Delaware limited liability company

By: CC Lake City LLC a Delaware limited liability company Sole Member

> By: CA Investment Partners LLC, a Delaware limited liability company Managing Member

> > By: Continental American Properties, Ltd., a California limited partnership Managing Member

> > > By: DJE Financial Corp., a California corporation, General Partner

> > > > By:
> > > >
> > > > J. Bradley Forrester
> > > >
> > > > Vice President

Attached to Sewer Easement

State of California) County of San Diego)

On February 13, 2012, before me, Yvonne Posner, Notary Public, personally appeared J. Bradley Forrester, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

YVONNE POSNER Commission # 1810452 CORE DESIGN, INC. BELLEVUE WA 98007

> Core Project No: 11042 10/21/2011

Exhibit A

Legal Description - Sanitary Sewer Easement

That portion of Lot 3, Block 19, Seattle Suburban Home Tracts, according to the Plat thereof recorded in Volume 7 of Plats, Page 93, in King County Washington; described as follows:

The South 10.00 feet of the East 147.00 feet of the West 152.00 feet of said Lot 3.



