

WHEN RECORDED, RETURN TO:

Shelter Holdings
11624 SE 5th St, Suite 210
Bellevue, WA 98005-3590
Attn: Tia Heim

Document Title	Third Amendment to Grant of Easement for Existing Landfill Systems and Related Utilities
Reference Number of Related Document	200805140923; 202001090613; 202207120592
Grantors	Riverfront Phase 1 LLC, a Washington limited liability company; Riverfront Phase 2 LLC, a Washington limited liability company; Riverfront Phase 3 LLC, a Washington limited liability company; Riverfront Phase 4 LLC, a Washington limited liability company; Riverfront Grocer LLC, a Washington limited liability company; Riverfront Theater LLC, a Washington limited liability company; Riverfront Commercial Investment, L.L.C., a Washington limited liability company; City of Everett, a municipal corporation of the State of Washington;
Grantee	City of Everett, a municipal corporation of the State of Washington; Riverfront Phase 1 LLC, a Washington limited liability company; Riverfront Phase 2 LLC, a Washington limited liability company; Riverfront Phase 3 LLC, a Washington limited liability company; Riverfront Phase 4 LLC, a Washington limited liability company; Riverfront Grocer LLC, a Washington limited liability company; Riverfront Theater LLC, a Washington limited liability company; Riverfront Commercial Investment, L.L.C., a Washington limited liability company
Abbreviated Legal Description	LOTS 1 THROUGH 4, INCLUSIVE, AND LOTS 6 THROUGH 13, INCLUSIVE, AND LOT 16 OF BOUNDARY LINE ADJUSTMENT NO. BLA20-008 RECORDED UNDER RECORDING NO. 202011245001 LOTS 5, 15 AND 17 OF BOUNDARY LINE ADJUSTMENT NO 18-010, RECORDED UNDER RECORDING NO. 2019111550003 LOTS 15 AND 16 OF BOUNDARY LINE ADJUSTMENT NO. 08-004, RECORDED UNDER RECORDING NO. 200804085006
Tax Parcel Numbers	29052900402200;00576003100003; 00576002700002;29052900402100; 00576001800002; 00576001800001; 00576001300001; 00576001300002; 00576001700001; 00576001700002; 00576002700001; 00576003100004; 00576001500003; 00576003100005;00576004000004; 00576004000003; 29053200102400; 29053200102000

THIRD AMENDMENT TO GRANT OF EASEMENT FOR EXISTING LANDFILL SYSTEMS AND RELATED UTILITIES

This Third Amendment to Grant of Easement for Existing Landfill Systems and Related Utilities (“**Amendment**”) is dated as of September __, 2024, by Riverfront Commercial Investment, L.L.C., Riverfront Phase 1 LLC, Riverfront Phase 2 LLC, Riverfront Phase 3 LLC, Riverfront Phase 4 LLC, Riverfront Grocer LLC, and Riverfront Theater LLC (collectively, “**RCI Entities**”) and the City of Everett, a municipal corporation of the State of Washington (“**City**”) (each a “**Party**” and together the “**Parties**”). This Amendment amends the Grant of Easement for Existing Landfill Systems and Related Utilities, recorded under Snohomish County recording number 200805140923, as amended by Amendment No. 1 and Amendment No. 2 to Grant of Easement for Existing Landfill Systems and Related Utilities, recorded under Snohomish County recording numbers 202001090613 and 202207120592 (together, “**Agreement**”). All capitalized terms used and not otherwise defined in this Amendment shall have the same meaning as in the Agreement.

RECITALS

A. The RCI Entities own certain real property in the City of Everett, Washington, legally described in Exhibit D attached hereto. The City is the owner of public rights of way known as Riverfront Boulevard and 41st Street, legally described and depicted in Exhibit H to the Agreement.

B. As provided in Amendment No. 2, the parties intend to add to the Landfill Pad Easement Area and the Landfill Pad LFG Easement as the LFG System expands. The purpose of this Amendment No. 3 is to make such an addition. As additional phases of the LFG System are completed, the parties anticipate similar additional amendments.

AMENDMENT TERMS

In consideration of the above recitals, the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned covenant, stipulate, and agree to the following:

1. **Addition to Landfill Pad LFG Easement.** The Agreement is amended by amending the first paragraph of Section 2 of Amendment No. 2 to the Agreement as follows, with underlined italicized text added:

The RCI Entities hereby grant to the City and their contractors, agents, and employees (“**City Representatives**”) a permanent, nonexclusive easement over, under, across, and through the strips of land within the Landfill Pad twenty feet (20’) wide having ten feet (10’) of such width on each side of the centerline of each of the components of the as-built LFG System in the approved as-built drawings on file with the City as approximately shown in Exhibit E, which also designates which portion of the LFG System are (A) “Perimeter LFG System,” (B) “Riverfront Boulevard/41st St LFG System” or (C) “Riverfront Boulevard LFG System” *or (D) “Phase Addition”* (all such strips of land for (A), (B), (C) and (D) collectively, the “**Landfill Pad Easement Area**”; the portion of the Landfill Pad Easement Area that contains all such strips of land for (A) and (B) collectively, the “**Perimeter Landfill Pad Easement Area**”) for the purpose of using, operating, maintaining, inspecting, and repairing (including replacement of pipe in the same location) the LFG System, all as required by Ecology under the CAP/CD and as set forth in other agreements between the Parties, together with rights of ingress and egress over and across the Landfill Pad for access to such LFG System, and for no other purposes without the RCI Entities’ prior written consent (the “**Landfill Pad LFG Easement**”). For the purposes of clarity, the Parties agree that, if such centerline is less


than ten feet (10') from the boundary of the Landfill Pad, then the Landfill Pad Easement Area only extends to the boundary.

2. **Phase Addition for Phase 1/ Exhibit E.** The attached Exhibit E-1 is added to Exhibit E of the Agreement. Exhibit E-1 describes the approximate area in which the centerlines of the components of the as-built LFG System completed during Phase 1 are located (such area, the "**Approximate Phase 1 LFG Area**"). Accordingly, this Amendment No. 3 adds to the Landfill Pad Easement Area a permanent, nonexclusive easement over, under, across, and through the strips of land twenty feet (20') wide having ten feet (10') of such width on each side of such centerline(s), which centerlines are as shown in the approved as-built drawings on file with the City. The Landfill Pad Easement Area added in this Amendment No. 3 along the westerly boundary lines of Lots 1 (BLA20-008), 4 (BLA20-008), 5 (BLA 18-010), 9 (BLA20-008), 10 (BLA20-008), and 12(BLA20-008) and along the northerly boundary line of Lots 1 (BLA20-008) and 2 (BLA20-008) and on Lot 15 (BLA08-004) and Lot 16 (BLA08-004) are also Perimeter Landfill Pad Easement Area.
3. **Exhibit D.** Exhibit D to the Agreement is deleted in its entirety and replaced with Exhibit D to this Amendment.
4. **Effective Date.** This Amendment shall be effective upon recording.
5. **No Other Changes.** Except as amended above in this Amendment, the Agreement shall remain in full force and effect.

[Signatures on following pages.]


RCI ENTITIES:

Riverfront Commercial Investment, L.L.C.,
a Washington limited liability company

By: 
Name: Derek Straight
Title: Authorized Signer


Riverfront Phase 3 LLC,
a Washington limited liability company

By: Shelter Holdings Development, L.L.C.,
a Washington limited liability company, as
Manager

By: 
Name: Derek Straight
Title: Authorized Signer


Riverfront Phase 1 LLC,
a Washington limited liability company

By: Shelter Holdings Development, L.L.C.,
a Washington limited liability company, as
Manager

By: 
Name: Derek Straight
Title: Authorized Signer


Riverfront Phase 4 LLC,
a Washington limited liability company

By: Shelter Holdings Development, L.L.C.,
a Washington limited liability company, as
Manager

By: 
Name: Derek Straight
Title: Authorized Signer


Riverfront Phase 2 LLC,
a Washington limited liability company

By: Shelter Holdings Development, L.L.C.,
a Washington limited liability company, as
Manager

By: 
Name: Derek Straight
Title: Authorized Signer

Riverfront Grocer LLC,
a Washington limited liability company

By: Shelter Holdings Development, L.L.C.,
a Washington limited liability company, as
Manager

By: 
Name: Derek Straight
Title: Authorized Signer

Riverfront Theater LLC,
a Washington limited liability company

By: Shelter Holdings Development, L.L.C.,
a Washington limited liability company, as
Manager

By: _____

Name: _____

Title: _____



Derek Straight

Authorized signer

CITY:

City of Everett,
a Washington municipal corporation

By: _____

Cassie Franklin, Mayor

Attest:

Office of the City Clerk

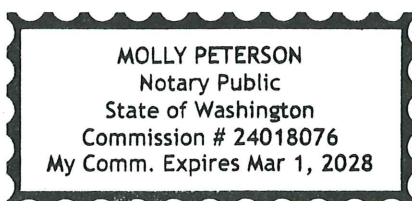
[Notarizations on following pages.]

Office of the City Attorney
APPROVED AS TO FORM
David C. Hall, City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this day personally appeared before me Perek Straight, to me known to be the Authorized signer of Riverfront Commercial Investments, L.L.C., a Washington limited liability company, the limited liability company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said limited liability company.

GIVEN under my hand and official seal this 17th day of September, 2024.

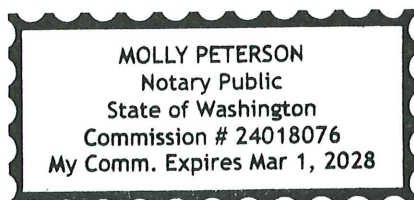


Molly Peterson
NOTARY PUBLIC in and for the
State of Washington, residing
at Edmonds, WA
My commission expires 3/1/2028.

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this day personally appeared before me Perek Straight, to me known to be the Authorized signer of Shelter Holdings Development, L.L.C., a Washington limited liability company, the limited liability company that as Manager executed the within and foregoing instrument on behalf of Riverfront Phase 1 LLC, a Washington limited liability company; Riverfront Phase 2 LLC, a Washington limited liability company; Riverfront Phase 3 LLC, a Washington limited liability company; Riverfront Phase 4 LLC, a Washington limited liability company; Riverfront Grocer LLC, a Washington limited liability company; and Riverfront Theater LLC, a Washington limited liability company; and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability companies, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said limited liability companies.

GIVEN under my hand and official seal this 17th day of September, 2024.



Molly Peterson
NOTARY PUBLIC in and for the
State of Washington, residing
at Edmonds, WA
My commission expires 3/1/2028.

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

On this day personally appeared before me Cassie Franklin, to me known to be the Mayor of the City of Everett, the municipal corporation of the State of Washington that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said municipal corporation.

GIVEN under my hand and official seal this 23rd day of September, 2024

Deb Williams

NOTARY PUBLIC in and for the
State of Washington, residing
at Everett, WA

My commission expires 10.27.27

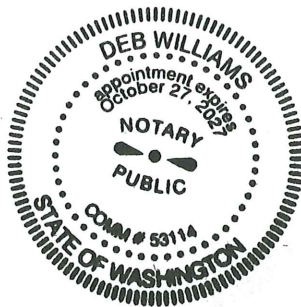


EXHIBIT D

Legal Description of Landfill Pad

LOTS 1 THROUGH 4, INCLUSIVE, AND LOTS 6 THROUGH 13, INCLUSIVE, AND LOT 16 OF
BOUNDARY LINE ADJUSTMENT NO. BLA20-008, RECORDED ON NOVEMBER 24, 2020
UNDER SNOHOMISH COUNTY RECORDING NO. 202011245001

LOTS 5, 15 AND 17 OF BOUNDARY LINE ADJUSTMENT NO 18-010, RECORDED ON
NOVEMBER 15, 2019 UNDER SNOHOMISH COUNTY RECORDING NO. 2019111550003.

LOTS 15 AND 16 OF CITY OF EVERETT BOUNDARY LINE ADJUSTMENT NO. 08-004,
RECORDED ON MAY 30, 2008 UNDER SNOHOMISH COUNTY RECORDING NO. 200804085006.

SITUATE IN SNOHOMISH COUNTY, WASHINGTON

EXHIBIT E-1

**Amendment No 3. Addition
[attached]**

CORE DESIGN, INC.
Bothell WA 98011

Core Project No: 18163
09/13/2024

EXHIBIT E-1 PHASE ADDITION FOR PHASE 1

Legal Description – APPROXIMATE PHASE 1 LFG AREA (COLLECTION SYSTEM)

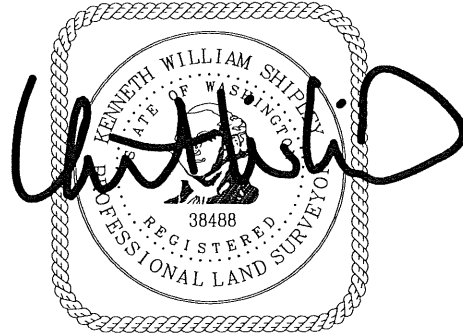
THAT PORTION OF LOTS 1, 4, 6, 9, 10 AND 12, CITY OF EVERETT BOUNDARY LINE ADJUSTMENT NO. BLA20-008 RECORDED UNDER SNOHOMISH COUNTY AUDITOR'S FILE NO. 202011245001, AND OF LOT 5, CITY OF EVERETT BOUNDARY LINE ADJUSTMENT NO. BLA18-010 RECORDED UNDER SNOHOMISH COUNTY AUDITOR'S FILE NO. 201911155003, DESCRIBED AS FOLLOWS:

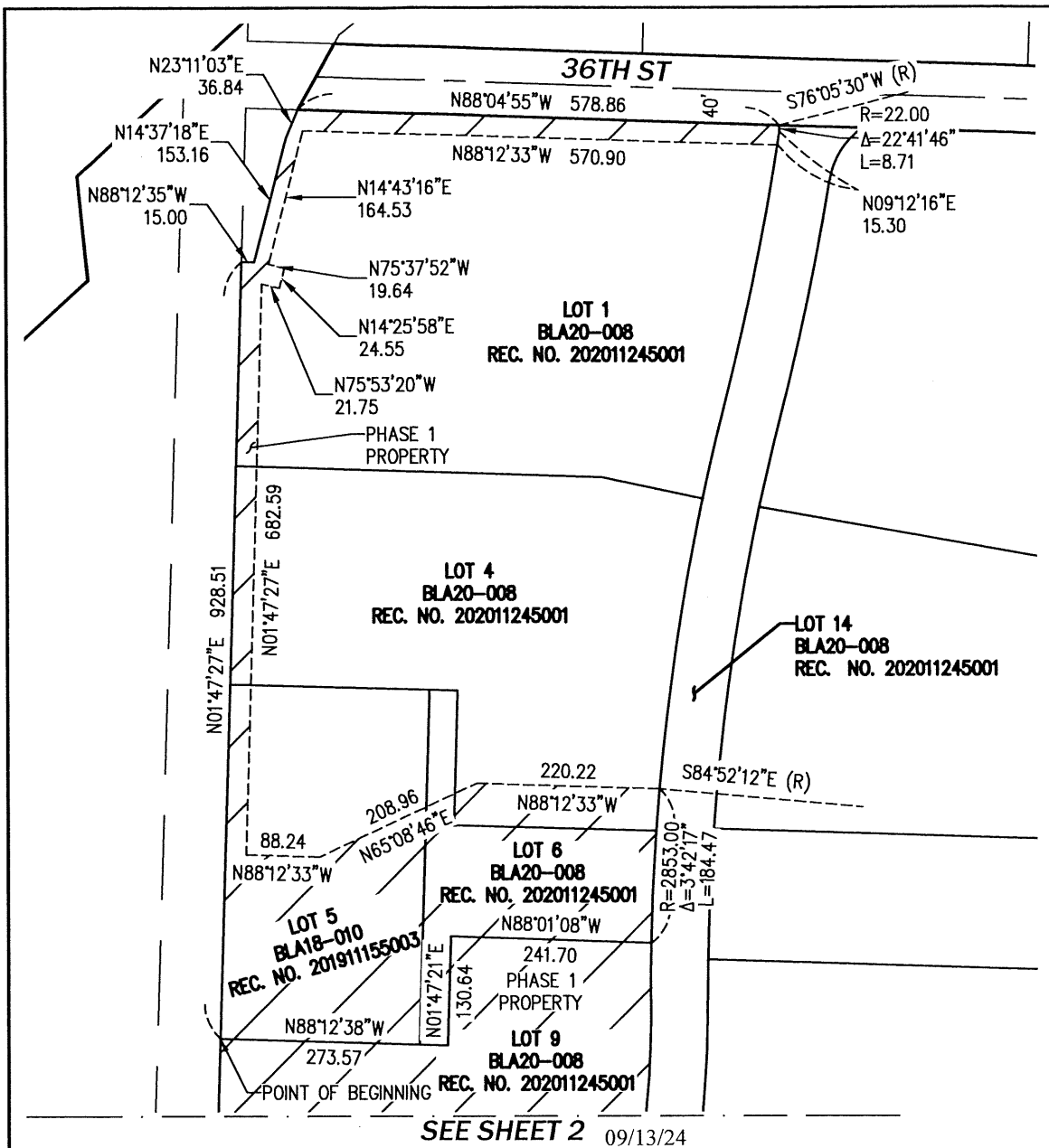
BEGINNING AT THE WESTERLY COMMON CORNER OF SAID LOTS 5 AND 9;
THENCE N01°47'27"E, ALONG THE WESTERLY LINE OF SAID LOTS 1, 4, AND 5, A
DISTANCE OF 928.51 FEET;
THENCE THE FOLLOWING 3 (THREE) COURSES ALONG THE WESTERLY LINE OF SAID
LOT 1;
THENCE S88°12'35"E 15.00 FEET;
THENCE N14°37'18"E 153.16 FEET;
THENCE N23°11'03"E 36.84 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 AND
THE SOUTHERLY RIGHT-OF-WAY MARGIN OF 36TH STREET;
THENCE S88°04'55"E, ALONG SAID MARGIN AND THE NORTHERLY LINE OF SAID LOT 1,
A DISTANCE OF 578.86 FEET TO THE COMMON NORTHERLY CORNER OF SAID LOT 1
AND LOT 14 OF SAID BOUNDARY LINE ADJUSTMENT AND A POINT OF NON-RADIAL
INTERSECTION WITH A 22.00-FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF
WHICH BEARS S76°05'30"W;
THENCE SOUTHERLY, ALONG THE COMMON LINE OF SAID LOTS 1 AND 14 AND SAID
CURVE, THROUGH A CENTRAL ANGLE OF 22°41'46", A DISTANCE OF 8.71 FEET TO A
POINT OF TANGENCY;
thence S09°12'16"W, ALONG SAID COMMON LINE, 15.30 FEET;
THENCE N88°12'33"W 570.90 FEET;
THENCE S14°43'16"W 164.53 FEET;
THENCE S75°37'52"E 19.64 FEET;
THENCE S14°25'58"W 24.55 FEET;
THENCE N75°53'20"W 21.75 FEET;
THENCE S01°47'27"W, PARALLEL WITH AND 24.82 FEET EASTERLY OF THE WESTERLY
LINE OF SAID LOTS 1, 4 AND 5, A DISTANCE OF 682.59 FEET;
THENCE S88°12'33"E 88.24 FEET;
THENCE N65°08'46"E 208.96 FEET;
THENCE S88°12'33"E 220.22 FEET TO THE COMMON LINE BETWEEN SAID LOTS 4 AND
14 AND A POINT OF NON-RADIAL INTERSECTION WITH A 2853.00-FOOT RADIUS CURVE
TO THE LEFT, THE CENTER OF WHICH BEARS S84°52'12"E;
THENCE SOUTHERLY, ALONG SAID CURVE AND SAID COMMON LINE AND THE
COMMON BETWEEN SAID LOTS 6 AND 14, THROUGH A CENTRAL ANGLE OF 03°42'17",
A DISTANCE OF 184.47 FEET TO THE COMMON EASTERLY CORNER OF SAID LOTS 6

AND 9;
THENCE N88°01'08"W, ALONG THE COMMON LINE BETWEEN SAID LOTS 6 AND 9, A
DISTANCE OF 241.70 FEET;
THENCE S01°47'21"W, ALONG SAID COMMON LINE, 130.64 FEET;
THENCE N88°12'38"W, ALONG SAID COMMON LINE AND THE COMMON LINE BETWEEN
SAID LOTS 5 AND 9, A DISTANCE OF 273.57 FEET TO THE POINT OF BEGINNING.

Contains 712,690± Square Feet (16.3611± Acres)

09/13/24





RIVERFRONT COMMERCIAL
E-1 PHASE ADDITION FOR PHASE 1
APPROXIMATE PHASE 1 LFG AREA

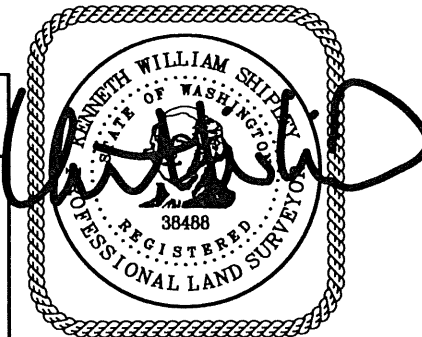
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1 OF 2



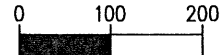
ENGINEERING - PLANNING - SURVEYING - L.A.

JOB NO. 18163

12100 NE 195th St., Suite 300
Bothell, Washington 98011
425.885.7877 Fax 425.885.7963



SCALE: 1" = 200'



SEE SHEET 1

LOT 9
BLA20-008
REC. NO. 202011245001

LOT 14
BLA20-008
REC. NO. 202011245001

LOT 10
BLA20-008
REC. NO. 202011245001

PHASE 1
PROPERTY

LOT 12
BLA20-008
REC. NO. 202011245001

41ST ST

09/13/24

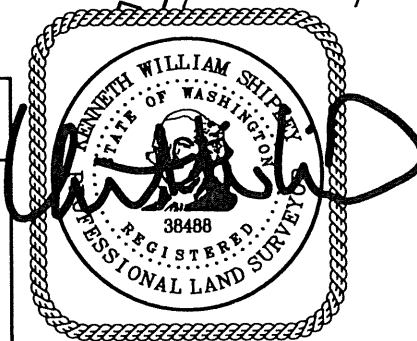
RIVERFRONT COMMERCIAL
E-1 PHASE ADDITION FOR PHASE 1
APPROXIMATE PHASE 1 LFG AREA

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2 OF 2

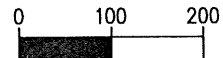


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JOB NO. 18163



SCALE: 1" = 200'



CORE DESIGN, INC.
Bothell WA 98011

Core Project No: 18163
09/13/2024

EXHIBIT E-1 PHASE ADDITION FOR PHASE 1

Legal Description – APPROXIMATE PHASE 1 LFG AREA (SOUTH BLOWER AREA)

THAT PORTION OF LOT 16, CITY OF EVERETT BOUNDARY LINE ADJUSTMENT NO. BLA08-004 RECORDED UNDER SNOHOMISH COUNTY AUDITOR'S FILE NO. 200804080781, DESCRIBED AS FOLLOWS:

COMMENCING AT THE COMMON CORNER OF SAID LOT 16 AND LOTS 14 AND 15 OF SAID BOUNDARY LINE ADJUSTMENT;
THENCE N20°53'11"E, ALONG THE COMMON LINE BETWEEN SAID LOTS 15 AND 16, A DISTANCE OF 850.89 FEET TO THE WESTERLY RIGHT-OF-WAY MARGIN OF RIVERFRONT BOULEVARD AND A POINT OF NON-RADIAL INTERSECTION WITH A 359.00-FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS N61°33'50"E;
THENCE THE FOLLOWING SIX COURSES AND DISTANCES ALONG SAID MARGIN;
THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°19'18", A DISTANCE OF 39.61 FEET;
THENCE N67°53'08"E 1.68 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND;
THENCE CONTINUING N67°53'08"E 27.32 FEET TO A RADIAL INTERSECTION WITH A 330.00-FOOT RADIUS CURVE CONCAVE TO THE EASTERLY;
THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°31'43", A DISTANCE OF 8.80 FEET;
THENCE N20°09'45"W 60.15 FEET TO A POINT OF NON-RADIAL INTERSECTION WITH A 335.00-FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS N79°45'29"E;
THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°43'06", A DISTANCE OF 45.13 FEET;
THENCE S75°24'24"W 12.27 FEET;
THENCE S14°50'33"E 20.82 FEET;
THENCE S82°43'17"W 14.31 FEET;
THENCE S19°38'55"E 50.41 FEET;
THENCE S11°39'51"W 41.32 FEET;
THENCE S66°43'29"E 17.18 FEET TO THE POINT OF BEGINNING.

09/13/24

Contains 2,511± Square Feet (0.0576± Acres)



CORE DESIGN, INC.
Bothell WA 98011

Core Project No: 18163
09/13/2024

EXHIBIT E-1 PHASE ADDITION FOR PHASE 1

Legal Description – APPROXIMATE PHASE 1 LFG AREA (LIFT STATION 33 AND NORTH BLOWER AREA)

THAT PORTION OF LOT 15, CITY OF EVERETT BOUNDARY LINE ADJUSTMENT NO. BLA18-010 RECORDED UNDER SNOHOMISH COUNTY AUDITOR'S FILE NO. 201911155003 AND LOT 2, CITY OF EVERETT BOUNDARY LINE ADJUSTMENT NO. BLA20-008 RECORDED UNDER SNOHOMISH COUNTY AUDITOR'S FILE NO. 202011245001, DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHERLY COMMON CORNER BETWEEN SAID LOTS 15 AND 2 AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY MARGIN OF 36TH STREET;
THENCE S88°04'55"E, ALONG THE NORTHERLY LINE OF SAID LOT 15 AND SAID SOUTHERLY MARGIN, 57.94 FEET;
THENCE S01°55'05"W 14.07 FEET;
THENCE N88°04'55"W 9.50 FEET;
THENCE S04°24'55"W 95.34 FEET;
THENCE N84°54'17"W 67.86 TO THE WESTERLY LINE OF LEACHATE COLLECTION SYSTEM EASEMENT RECORDED UNDER SNOHOMISH COUNTY AUDITOR'S FILE NO. 200805140923;
THENCE N04°52'07"E, ALONG SAID WESTERLY LINE, 105.70 FEET TO THE NORTHERLY LINE OF SAID LOT 2 AND SAID SOUTHERLY MARGIN;
THENCE S88°04'55"E, ALONG SAID LINE AND MARGIN, 18.03 FEET TO THE POINT OF BEGINNING.

Contains 7,382± Square Feet (0.1695± Acres)

09/13/24

