
PHASE I ENVIRONMENTAL SITE ASSESSMENT

CITY OF SEATTLE PARCEL B3

SMITH COVE PARK

1451 - 23RD AVENUE WEST

SEATTLE, WASHINGTON

FOR

THE PORT OF SEATTLE

NOVEMBER 2, 2010

PREPARED BY PINNACLE GEOSCIENCES, INC.

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1.0 EXECUTIVE SUMMARY

Pinnacle GeoSciences, Inc. completed a Phase I ESA (Environmental Site Assessment) of a property known as Parcel B3 and as Smith Cove Park located at 1451 - 23rd Avenue West in Seattle, Washington. The property is owned by the City of Seattle and is mostly occupied by a park with soccer fields. Part of the property is undeveloped and part is occupied by a paved easement for access to US Navy property to the west. According to City of Seattle documents the entire property is considered to be Smith Cove Park, including the undeveloped portion and the paved easement at the north end of the property.

Our services included a Phase I ESA in accordance with ASTM (American Society of Testing and Materials) and USEPA (Environmental Protection Agency) standards. The USEPA has adopted the standard developed by the ASTM Standards -- ASTM E 1527-05 "*Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.*" Pinnacle GeoSciences subcontracted the search of federal and state site inventory lists search of this ESA to Environmental Data Resources, Inc. (EDR).

Our research of historical and contemporary sources of uses of the property, along with site visits and interviews, found several *Recognized Environmental Conditions* on the subject property. These Recognized Environmental Conditions included a historical glass works factory that used a coal gasification fuel source; an existing, apparently unused heating oil UST; and drums of uncharacterized waste soil and water.

We also identified a *de minimus* condition with respect to the character of the fill used to create the property in the 1940s.

This summary is presented solely for introductory purposes, and is intended for use in conjunction with the full text of this report.

2.0 INTRODUCTION

2.1 PURPOSE

The Phase I ESA (Environmental Site Assessment) was conducted in general accordance with ASTM standards and the EPA's standard: 40 CFR Part 312 "Standards and Practices for All Appropriate Inquiries." This report uses the ASTM E-1527-05 standard for Phase I Environmental Site Assessments as a format for reporting, which is consistent with the requirements and recommendations of the EPA 40 CFR Part 312 rule.

The purpose of this Phase I ESA is to meet the requirements of the EPA's "All Appropriate Inquiry" rule by evaluating "*Recognized Environmental Conditions*" in accordance with established standards. The term "*Recognized Environmental Conditions*" is defined by ASTM as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substance or petroleum products in structures on the property or into the ground, ground water, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or to the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government agencies. It is intended to allow a user to satisfy one of the requirements to qualify for the *innocent landowner*, *contiguous property owner*, or *bona fide prospective purchaser* limitations on CERCLA (Comprehensive Environmental Response, Compensation and Liability Act) 42.U.S.C. §9601 and in Washington State's MTCA (the Model Toxics Control Act).

The determination of "*Recognized Environmental Conditions*" is meant to be used as a reasonable inquiry for a commercial property transaction, whether or not there is actual or potential CERCLA liability.

2.2 SCOPE OF SERVICES

ASTM has published a standard described in ASTM E 1527-05 "*Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*." Our Phase I scope of service and report format are intended to generally conform to this

standard. The study considers commonly known and reasonably ascertainable information. Our specific scope of services was as follows:

Records Review

1. Review current 7.5 Minute and historical USGS topographic maps to identify the physical setting and development history of the property. Review readily available maps or other public information sources pertaining to geologic, hydrogeologic, hydrologic, and topographic conditions at and in the vicinity of the site.
2. Review readily available geotechnical reports, environmental reports, or other relevant documents pertaining to environmental conditions at the subject site and adjacent properties.
3. Review federal, state, tribal, and local environmental databases for listings of known or suspected environmental conditions indicative of releases or threatened releases of hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property. A glossary of the abbreviations used here is provided at the end of this report. The specific databases and minimum search distances reviewed are as follows:

EPA Databases (Search Distance)

NPL (1 mile)

Proposed NPL (1 mile)

Delisted NPL (0.5 mile)

CERCLIS (0.5 mile)

CERC/NFRAP (0.25)

RCRA CORRACTS (1 mile)

RCRA TSD (0.5 mile)

RCRA generators (Property and adjoining)

Institutional Control/ Engineering control (property)

ERNS (property)

State and Tribal Databases

State and Tribal Equivalent NPL (1.0 mile)

State and Tribal Equivalent CERCLIS (0.5 mile)

State and Tribal landfill and/or solid waste disposal site (0.5 mile)

State and Tribal UST (property and adjoining)

State and Tribal VCP (0.5 mile)

State and Tribal Institutional Control/Engineering Control
(property)

State and Tribal LUST (0.5 mile)

State and Tribal Brownfields (0.5 mile)

Other lists which may be checked if readily available and useful include:

AST (property)

Local Records for Activity and Use Limitations

Records of Contaminated Public Wells

4. Review regulatory agency files regarding listed sites on the subject and/or adjoining properties, and files for properties in close proximity to the subject site that have been determined to be in an inferred upgradient location in terms of expected ground water movement relative to the site, or sites in close proximity that are known emitters of airborne hazardous particulates.
5. Review reasonably available historical aerial photographs, city business directories, historical maps, county tax assessment records, fire department records, insurance maps, building plans, or other available public documents or publications to evaluate development history and property use of the subject site and adjacent sites for the possible use, generation, storage, release, or disposal of hazardous materials that may affect the subject site. The historical study will be reviewed from the present back to when the property first contained structures or was used for residential, agricultural, commercial, industrial or governmental purposes.
6. Conduct a visual reconnaissance of the site and adjacent properties.
7. Identify the source(s) of potable water for the site, and type of heating and cooling systems for site structure(s).

8. Interview the following individuals with regard to past and present uses of the site and its vicinity with respect to the possible use, generation, storage, release or disposal of hazardous materials or petroleum products: the current owner at the time the study was completed; past owners of the site as feasible; key current occupants; adjoining property owners as feasible, and representatives of selected public agencies which may include one or more of the following: the local Fire Department, the local health agency, the local agency having jurisdiction over hazardous waste disposal, or the local agencies responsible for issuing building or ground water use permits.
9. Identify data gaps in the investigation that result in the inability to identify releases or threatened releases of contaminants on, at, in, or to the subject property.
10. Prepare a written report summarizing the results of our Phase I ESA including, if appropriate, recommendations for additional Phase II study. Our report is signed by a Licensed Geologist practicing in Washington State.

2.3 SIGNIFICANT ASSUMPTIONS

The Port of Seattle was responsible for providing existing reports provided by the City of Seattle and to arrange access to the property for site reconnaissance.

All information was gathered from readily available public documents and information sources. Within these parameters, this study has strived to identify as closely as possible any *Recognized Environmental Conditions* on the subject properties and adjacent areas, but does not guarantee complete elimination of uncertainty.

2.4 LIMITATIONS AND EXCEPTIONS

This study did not examine those elements of potential environmental concern that are not covered under CERCLA's "All Appropriate Inquiry," including radon, asbestos, lead in drinking water or lead-based paint, biological agents, or mold. It did not include an environmental compliance audit, or an evaluation for the presence of asbestos or other regulated building materials or PCB equipment. Specific contamination evaluation procedures, such as soil or ground water sampling and chemical analysis were not included in this scope of services.

Within the limitations of scope, schedule, and budget, our services have been executed in accordance with generally accepted environmental science practices for environmental site assessments at the time this report was prepared. No warranty or other conditions, expressed or implied, should be understood.

2.5 SPECIAL TERMS AND CONDITIONS

None

2.6 USER RELIANCE

Pinnacle GeoSciences prepared this Phase I ESA for use by the Port of Seattle. This report may be made available to regulatory agencies and to other parties authorized by the Port. The report is not intended for use by others and the information contained herein is not applicable to other sites.

3.0 SITE AND VICINITY DESCRIPTION

3.1 LOCATION AND LEGAL DESCRIPTION

The property is located near Terminal 91 in Seattle, between Port of Seattle T-91 property and West Marina Place. The King County Assessor's parcel number for the property is 2325039015. Its address is 1451 – 23rd Avenue West.

3.2 SITE AND VICINITY GENERAL CHARACTERISTICS

A vicinity map showing the property location is shown in Figure 1. Historical aerial photographs are shown in Figure 2. Current site photographs are shown in Figure 7.

3.3 CURRENT USE OF THE PROPERTY

The property is mostly occupied by a public park with soccer fields. A small area near the northwestern corner of the property is undeveloped. The Magnolia Bridge traverses the northern part of the property and two sets of support columns for the bridge are located on the property. The northern margin of the property is occupied by a paved easement providing access to US Navy property to the west. A portion of the southern part of the park is fenced off and is used to store landscaping equipment.

3.4 SITE STRUCTURES, UTILITIES, AND OTHER IMPROVEMENTS

The northern part of the property is traversed by the Magnolia Bridge, a concrete structure built in 1930 and renovated twice since then. Access is from West Garfield Street; a paved parking lot serves the park adjacent to 23rd Avenue West on the east side. Sewer and drainage utilities are provided through a municipal system. The park property is surrounded by chain link fence.

3.5 CURRENT USE OF ADJOINING PROPERTIES

Adjoining properties include a former US Navy warehouse to the north now owned by the Port of Seattle and used by Port Maintenance for some minor storage, US Navy property occupied by the Commander's residence to the west, 23rd Avenue West and the Port's West Yard currently used for materials and equipment storage for American Seafoods to the east, and West Marina Place, and Elliott Bay to the south.

3.6 TOPOGRAPHY, GEOLOGY AND HYDROGEOLOGY

The subject property is located in Smith Cove, at the north end of Elliott Bay. In its original state in the 19th century it was a low-lying area of tide flats, estuarine marshes, and wetlands. The western-most margin of the property was above sea level and the remainder of the property was originally an intertidal mudflat.

The Seattle area lies in the Puget Sound lowlands, a glacially sculpted landscape that resulted from thick lobes of ice that advanced southward from British Columbia several times between the Pleistocene Epoch and the Holocene Epoch between 2.4 million and 10,000 years ago. The most recent advance, the Vashon Stage of the Fraser Glaciation, ended about 14,000 years ago with the ice disappearing in this area about 10,000 to 11,000 years ago. As a result of the repeated glaciation, the Seattle area is dominated by north-trending ridges and drift uplands with surface depressions. Large glacial troughs are now occupied by Puget Sound and freshwater lakes, such as Lake Washington and Lake Sammamish.

Magnolia Bluff to the west and Queen Anne Hill to the east consist of glacial drift deposits consisting primarily of sands, clays and aggregates. *Geology of Seattle, Washington, United States of America by Glaster, R.W., and Laprade, W.T., 1991* describes the eastern side of nearby Magnolia Hill as "Lawton clay," a stiff to hard clayey silt or silty clay. Estuarine deposits in Smith Cove consist primarily of silts with varying amounts of sand and organics.

The property is flat, and sits at an elevation of approximately 20 feet near the Smith Cove waterway and Elliott Bay. The intertidal mudflats were filled in 1942 to support a Naval supply depot which is now the Port's Terminal 91. To the west, the terrain rises steeply up Magnolia Bluff to an elevation of nearly 180 feet; the area from the bluff eastward is a designated landslide area and liquefaction zone. In 1997 part of the hillside near the Magnolia Bridge failed, with part of the landslide extending onto the northwest corner of the subject property and the adjacent property to the west.

Ground water is inferred to be at approximately five to ten feet below ground surface. Ground water flow is presumed to be toward the south/southeast. Storm runoff from upslope areas flows onto and occasionally ponds at the property before it enters on-site storm drains which discharge to an outfall at Smith Cove (per City of Seattle records).

4.0 USER PROVIDED INFORMATION

4.1 LEGAL RECORDS

The user provided no legal records. However, a Quitclaim Deed, Quitclaim Deed with Reservation of Easements, and Covenant Running with the Land were found in online public records. These are included in Appendix A.

4.2 ENVIRONMENTAL LIENS OR ACTIVITY AND USE LIMITATIONS

We reviewed online deed information and Department of Ecology listings for use limitations. In addition, City of Seattle DPD information regarding permits for the property was reviewed to determine any permit or building limitations.

No liens or AULS were found for the subject property.

4.3 SPECIALIZED KNOWLEDGE

None.

4.4 COMMONLY KNOWN OR REASONABLY ASCERTAINABLE INFORMATION

None.

4.5 VALUATION REDUCTION FOR ENVIRONMENTAL ISSUES

It was not possible to ascertain specific value reduction, if any, related to Recognized Environmental Conditions on the subject property.

4.6 OWNER, PROPERTY MANAGER AND OCCUPANT INFORMATION

None provided.

4.7 REASON FOR PERFORMING PHASE I ESA

The Port of Seattle is in negotiations with the City of Seattle regarding the Port's potential acquisition of the property.

5.0 RECORDS REVIEW

5.1 INTRODUCTION

Standard record sources were reviewed using unmodified standard search distance radii for EPA and Ecology records using the most recent database publication. The data was provided by Environmental Data Resources, compiled from state, federal and tribal records.

As of the date of this report, Ecology has not been able to accommodate us for a file review of listed properties. An update memorandum will be issued after the files are reviewed. Based on our review of the file listing descriptions and our knowledge of

the site and surrounding area we do not believe that the Ecology review will provide significant new information pertinent to site conditions or our conclusions.

5.2 STANDARD ENVIRONMENTAL RECORDS SOURCES

We reviewed Environmental Data Resources (EDR) database search of regulatory lists and records provided by the U.S. EPA and Ecology (Washington State Department of Ecology). These documents were reviewed to evaluate whether public records indicate the presence or potential presence of contamination by hazardous substances on the subject property or adjoining properties. The lists reviewed and their respective search distances are presented in Section 2 of this report. A glossary of each list reviewed is attached at the end of this report. The full EDR search report is attached in Appendix B.

The subject property was not on any of the databases.

There were numerous listings on the databases that were within the search radius. However, the locations of all but two were found to be of a distance and gradient away from the subject site so as to not be an influence on the subject property.

There were two listings on the properties that because of their location were identified as potential influences to the subject property:

American Seafoods, the tenant of the adjacent Port of Seattle "West Yard" property, was listed on the RCRA-CESQG, Allsites, Manifest and Spills databases. American Seafoods currently leases the property for storage of materials and equipment; it also occupies property elsewhere at T91, so it is unclear exactly where the activities for the information for these databases originated. The RCRA designation shows no record of violations; the SPILLS records show eight incidents of chemical, diesel, motor oil, hydraulic oil, and petroleum spills. Ecology records were reviewed to determine the exact location of the spills. Several records were unavailable; two were reviewed and were found to be small hydraulic oil spills at the Pier 90 location into marine waters that were boomed and cleaned up. We understand, from discussions with Port of Seattle environmental staff that known spills at the West Yard were generally small and localized and as such not likely to impact the adjoining, upgradient subject property.

The *Elliott Bay Marina* (also listed as Bradley Rotholz Elliott Bay, and 2601 West Marina Place,) located .025 miles to the west, is listed on the FINDS, ALLSITES, SPILLS, Financial Assurance, LUST and UST databases. Available Ecology files for the LUST site and spills were reviewed; the spills records that were available were for small diesel spills from private boats into the bay. The LUST site was due to a piping leak from a UST; the impacted soil was excavated from the sidewalls and bottom of the tank and removed to a landfill, with follow-up in-situ treatment. Although this property

is in close proximity to the subject site its physical location would preclude impact to the subject site.

5.3 PHYSICAL SETTING SOURCES

USGS historical and current topographic maps and published resources regarding the geology and ground water of King County were used to determine the physical setting of the property.

5.4 PROPERTY HISTORY

The property history was gained from historical aerial photos, engineering and other documents from US Navy archives, Port of Seattle drawings and historical publications, historical maps, historical photographs, Polk's directories, and City of Seattle and King County online documents.

The area known as Smith Cove was initially shallow open water and tidal mudflats. In the late 1800s it was owned by railroad companies, land development companies, and private individuals. Coal mining was booming in King County, and Smith Cove was crossed by a number of railroad trestles that served open water coal bunkering wharves. One of these wharves was built on the southern margin of the subject property in 1891. This wharf, coal bunker and rail lines are shown in the historical maps on Figure 1.

The Great Northern Docks (Piers 88 and 89) were later built on the eastern side of the cove for large vessels loading coal and other products; in 1911 the Port of Seattle was formed and Piers 90 and 91 were built, establishing international trade with the Orient through Seattle.

The original sandy spit across the western mouth of Smith Cove was still present in the early 1900s. The subject property occupies the western portion of this original spit. In the late 1800s the shoreline on the western margin of the property was occupied by a rail line and likely one or more rail spurs as well small dwellings and shacks. The Puget Sound Glass Company factory is identified on the property on an 1899 Polks Directory map of Seattle (item G on Figure 3). The Northern Pacific Railroad tracks that led to the coal bunkering pier and a second spur were adjacent to the glass factory.

Polk's Seattle Directories show that the glass factory existed at the site under the names of the Northwest Glassworks, Star Glass Company, and Pioneer Glassworks between 1901 and 1906. Baist's Real Estate Maps show the Pioneer Glassworks on maps of 1908 and 1912. A Sanborn Insurance Map of 1905 shows the layout of the factory, with gas producers, chamber, engine/boiler room, mould shop, plug mill, stack, and lehr (kiln). Information specific to the glass factory and reasons for concern as a *Recognized Environmental Condition* are described in the next section of this report.

The Garfield Street Bridge, near the northern boundary of the subject property, was initially constructed in 1912 with its original terminus adjacent to the east on 23rd Avenue West. In 1930 the bridge, now known as the Magnolia Bridge, was replaced and extended to its current position along the northern part of the subject property. Shipping Piers 90 and 91 (formerly 40 and 41) nearby to the east were also constructed in 1913 and 1915, shortly after the Port of Seattle was formed. Areas north of the two piers originally supported shipping of foodstuffs (molasses and vegetable oils) and were later converted to fuel storage and a petroleum refinery.

The glass factory apparently ceased operations sometime between 1908 and 1912. The stack for the factory, however, is evident in photographs and drawings as late as 1939. Photographs that show points near the glass factory suggest that the area remained populated by scattered dwellings and shacks on the adjacent tide flats in the 1920s and 1930s. These are shown in Figure 3.

The subject property, along with the Port-owned area now known as Terminal 91, was taken by the US Government for use as a Naval Supply Depot during World War II. In 1942, the tide flats where the current park sits were filled by the Navy with dredge spoils from the west side of nearby Pier 91, forming the current layout of the subject property and the adjacent West Yard. The subject property was developed into officers' quarters, a dispensary, and a school to serve the base. Some of the building utilization changed but they were always used for general personnel support activities and recreation.

The Navy buildings and surface utilities were removed in the 1990s. Based upon review of Navy drawings and according to the "Finding of Suitability to Transfer" produced by the Navy in 2002, there was no record of use of this property during the Navy's tenure other than for the housing and related support services noted above. More information about the Navy's activities at the site are discussed in Section 5.6.

The property was acquired by the City of Seattle in 2003 and most of it was developed for use as a park.

5.5 GLASS WORKS FACILITY ON THE SUBJECT SITE

Historic documents confirm the presence of a glass works facility (or factory) on the subject site. The operation of the facility can be confirmed to span 1899 to about 1905 but it was likely used for a longer period. One remnant of the glass works, the 85-foot tall brick smoke stack, survived into the 1930s. It is unknown when the main facility was demolished or burned down. The first record of the glass works is an 1899 Polk's Directory map of Seattle which identifies significant structures. This is shown as item "G" in Figure 3. The site is labeled as item 16 – "Puget Sound Glass Co's Works". This 1899 map identified 50 structures in Seattle. The facility is identified in additional documents and pictures as shown in Figure 3 with the most recent being a 1912 Baist's Real Estate Atlas of Seattle (see Item "F" on Figure 3) which showed the facility

structure in a similar configuration to that of the best rendition of the facility, a 1905 Sanborn Map.

The 1905 Sanborn Map describes the facility as the “Pioneer Glass Works” with the following notation: “*Not in operation. Bldgs nailed up.*” Sanborn maps were often updated with new information and the dates were not always revised so it is unclear whether the annotation was from the date of the map or added later. The Sanborn map provides very detailed information about operational features inside of the glass works building which suggests that the annotation was added later. As previously mentioned, a 1912 atlas shows the glass works building in a configuration similar to that of the Sanborn Map.

In 1904, Joseph Buzby, an inventor from Pennsylvania (or Indiana) was reportedly put in charge of the Pioneer Glass Works in Seattle, according to a glass industry trade magazine. Mr. Buzby patented a glass electrical insulator in 1890 and in 1905 he patented the mold for making the glass insulator. A Buzby insulator is shown on Figure 3.

The glass work building appears to have been about 200 by 120 feet in plan dimension. It contained glass making equipment for the mass production of several types of glass including sheet glass, bottles and electrical insulators. The facility had two types of furnaces, a pot furnace for high quality glass and a tank furnace for lower quality glass. The building was at the terminus of a rail spur off of the main rail line to the wharf that was historically used for coal bunkering.

The 1905 Sanborn Map details facilities inside the building. These are shown in Figure 4. The terminus of the rail spur ends at a “platform” which is next to two cylindrical structures labeled as “Gas Producers”. Based on research of the industrial glass process at the turn of the century it is likely that the two furnaces at the facility were gas-fired furnaces fueled with gas produced by on-site coal gasification. The features known to be present on site and their physical layout are fully consistent with this type of facility. The platform at the rail spur terminus likely served as a coal bunker for the facility.

The coal gas producers are located just inside the building next to the platform. Coal would be heated under oxygen-free conditions in the two gas producers creating a hot gas (largely methane, hydrogen and carbon monoxide) which was mixed with air and further heated by a heat exchanger in the “chamber” before being directed to the furnace burners. Off gasses from the furnaces would be directed back to the chamber to transfer heat for the incoming coal gas and then directed up the stack. Combustion was likely to be incomplete and there would have been no pollution control features on this system.

Producer gas was used in the late 1800s and early 1900s in the chemical, metal, cement, brick, ceramic and glass industries. We reviewed a 1909 book titled "Producer Gas Furnaces" for more information about the types and operations of these coal gasification facilities. The by-products of Gas Producers are ash, tar and slag. Since the gas is used in a hot state, the lighter, more volatile products are not condensed and move with the gas steam to the furnace. Because of this, the tar from these units may tend to be thicker than that produced by a gas works facility.

The coal production, two furnaces and the stack are all located in the central part of the building. The northern part of the building is occupied by the lehr and what is likely a large area for the final stages of production and shipping. The lehr is a long chamber, likely gas-heated, that is used to anneal glass through slow, gradual cooling. The entry end of the lehr is hot and at the exit end the temperature may be near room temperature. The glass may take 3 to 10 days to traverse the length of the lehr with thicker glass needing more time to gradually cool. The electrical insulators that were produced at this facility likely required a longer transit time in the lehr. The Sanborn Map indicates that the lehr had a 16-foot iron chimney.

A 40 HP engine was located next to the brick chimney. This could have been used to produce electricity for lighting, and small equipment and fans. Forty HP equates to about 30 kilowatts. The engine could have also been used to power a blower to assist the draft in the chimney to achieve the proper air flow in the furnaces, a process documented in the glass production book we reviewed.

The southern part of the facility, labeled "storage and mixing" included a "plug mill" and "mould shop". It is likely that the "plug mill" was actually a "pug mill" which would be used for mixing the ingredients for glass making. The "mould" or mold shop was likely used to fabricate and recondition molds used for electrical insulators and other molded glass produced at the facility.

The mixing area for glass production is where the stock material is typically ground to a granulated sugar consistency and additives added to produce different types and color of glass. We have no information regarding additives, if any, that were used in glass from this facility. One example of the Buzby insulator we found was a green-colored glass. This color can be acquired in glass without any additional additives but green colors can also be achieved with the addition of oxides of copper, chromium and iron.

Areas of environmental concern with respect to this former facility would be the areas of the gas producers, the furnaces, the brick chimney and the storage and mixing areas. Specific concerns would be the presence of ash, coal tar residues and metals from the glass production process.

Figure 5 shows an approximation of the location of the former glass works. The Sanborn had no scale and so the scale of the facility is based on comparison to other features that were present in the earliest aerial photograph we reviewed (1936). These remaining features were the brick chimney and the white two-story building north of the glass works. The locations of the historic features shown in Figure 4 should be considered approximate.

It is unclear whether the building north of the glass works facility is associated with the former Pioneer Glass Works (as shown in the 1905 Sanborn Map). There is no description associated with the building and the Sanborn code associated with the structure is not described in the historic Sanborn keys. Based on the photograph in Figure 3 and the limited access (a narrow walkway) the building appears to be a residence, dormitory or boarding house.

5.6 US NAVY OPERATIONS ON THE SUBJECT SITE

When the Navy acquired the subject property in 1942, its purpose was to develop the tide flats into usable property for support activities to the adjacent supply depot. Correspondence that planned the filling of the tidelands west of Pier 41 (now Pier 91) in 1942 indicates that the fill material was obtained from dredge spoils obtained from the west side of Pier 41 in conjunction with redevelopment of the dock for maintenance of the navy's ships. The pertinent text of that letter, dated 23 November 1942 is copied below:

The area shown on the attached plan indicates where dredging will be necessary to provide 36 feet of water at mean, lower, low water. This dredging is necessary in order to provide adequate space for the handling of ships west of Pier 41. The present dredged area is approximately 125 feet wide and does not provide adequate space for handling of ships while passing ships tied up along the west side of Pier 41. It is proposed to use all of this dredged material for filling areas west of Pier 41. The bulkhead will be constructed of wood Wakefield piling and creosoted piling. The pier will be constructed on creosoted piling, caps, and untreated stringers and decking, excepting stringers under crane rails, which will be creosoted.

Apparently the dredging and filling commenced shortly thereafter. There's no evidence that a wharf was ever constructed on the east side of the newly filled area west of Pier 41 (the current west yard area). The wooden trestle that originally doglegged from the Garfield Street Bridge was removed and the area from the current West Yard to Magnolia Bluff was filled as shown in item A on Figure 5.

By 1944, the subject property had been further filled and developed with barracks, officers' quarters, a dispensary and medical care facility, school, and ambulance garage. These buildings were reportedly heated with steam that was provided by a steam plant off of the subject property. A paved street on the eastern part of the

subject property provided access to, and parking for the Navy facilities. The newly filled property to the east of the subject site (the current West Yard properties) was developed exclusively as a recreational facility with ball fields, tennis courts and parking. The adjacent property to the west of the subject property became the Commandant's residence. The subject and West Yard properties had minor use changes until they were acquired by the City of Seattle and Port of Seattle respectively; the school became a theater, a greenhouse was added on the subject property, and the West Yard area was also later used for a parade ground, saluting battery and helicopter landing pad. Quarters "B" was located near the northwest corner of the subject property. It is shown in "Item C" in Figure 5 and is evident in the 1946 and 1956 aerial photographs in that Figure. It was used as an officer's barracks and was about the size of a typical residential house. Quarters "B" was heated with heating oil from a UST.

Severson Construction provided a Site Assessment Report for Quarters "B" in March of 1994. This report documented the decommissioning and removal of a 1,000-gallon heating oil underground storage tank and characterization of residual contamination in the excavation sidewall soils. Samples were taken from the excavated soils and walls of the excavation and were found to exceed the then current MTCA soil cleanup levels. A follow-up report of September 1994 by Severson, documents remediation activities including the excavation and removal of 55 cubic yards of soil and follow-up sampling and analysis confirming that the cleanup met the then current cleanup standards. Since that cleanup was completed the MTCA Cleanup Level for heating oil has changed from 200 mg/kg to 2,000 mg/kg.

In 1997 a landslide buried the location of the former UST and the location of Quarters "B" which had been removed several years earlier.

A soil assessment for lead was conducted by the Navy in 2001 at the housing site. Samples were taken from areas surrounding the former structures. Test results were below regulatory levels. A similar study conducted at the sites of the former buildings 60, 61 and 62 (the Navy housing buildings) by Eco Compliance Corporation for the City of Seattle Parks and Recreation in 2003 found similar results, with no lead detected at concentrations above MTCA soil cleanup levels. Based on our review of aerial photography it appears that the existing site grade has not changed substantially since the time the Navy occupied the site and as a result the sampling depths (up to 1-foot) could have been representative of soil surrounding the Navy buildings.

In 2002 the Navy conducted an Environmental Assessment of the Magnolia Family Housing prior to the conveyance of the property to the City of Seattle. The study evaluated the property in terms of various scenarios for improvement, ranging from greenbelt or park to full development for residential or industrial use. The report notes that there was no record of commercial or industrial use of the property since the Navy acquired it, and that *"no significant present or previous industrial use, storage, or release of*

hazardous substances on the site has been identified. None of the sites have been identified by the EPA for investigation under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA); nor is on any list maintained by the State of Washington for confirmed or suspected hazardous waste sites. All known or suspected underground storage tanks on these sites have been investigated and tanks found have been removed. Furthermore, contaminated soil in excess of MTCA cleanup standards found in the area of tanks removed has been removed.”

5.7 ADJOINING PROPERTY HISTORIES

The Port of Seattle began acquisition of properties at Smith Cove in 1911. Piers 40 and 41 (now 90 and 91) were built soon afterward. The area north of the piers was filled for shipping-related and industrial use prior to 1936. Considerable industrial activity took place in the early decades, including establishment of fuel tank farms, an oil refinery and a railroad yard. The extent of the Port property at Smith Cove in the Early 1940s was confined largely to the two piers, the tank farm areas and some surrounding property. Port ownership did not extend west of the 23rd Avenue West viaduct or south of the Garfield Street Viaduct in the area west of Pier 41 at that time.

The US Government negotiated with the Port for ownership of the Smith Cove holdings in 1942, and also acquired some additional properties on the tidelands and operated this consolidated property until 1976 as a supply depot. In the early 1940s the Navy filled the remainder of Smith Cove and constructed 250 buildings there. The Port acquired the expanded Smith Cove properties from the Navy in 1976, and most of the naval buildings were removed. Varying operators have leased space on the Port's property over the last decades.

The areas closest to the subject park property are:

North: The northern adjacent property was undeveloped until Navy acquisition and filling. During the 1940s, the Navy used the property as a scrap yard. Warehouses on the property stored salvage materials, from office supplies to construction materials. The Navy maintained an onsite railroad system that extended to this part of the facility.

The Navy base's sewage treatment plant, which included an Imhoff tank and sludge beds, was located north of the subject site. This area was explored for evidence of soil contamination by Pinnacle GeoSciences in 2007 and no evidence of contamination was found.

One warehouse originally used by the Navy as a Disposal Warehouse related to its scrap yard remains on the property. After use by the Navy it was used by a cargo packaging and shipping company, then by Northwest Harvest, a non-profit food collection and distribution agency. It is currently essentially unused except for some storage by the Port. Other property features were removed in the 1990s and the remaining area is paved.

East: 23rd Avenue West and the Port of Seattle's West Yard lie to the east. The area to the east was filled with dredge spoils from Pier 41 concurrent with the filling of the subject property. It was originally developed as a recreational facility. It was later also used as a parade ground with a saluting battery with ammunition magazine, and a helicopter landing pad. After the Port acquired the property in 1974, it was leased first to automobile importers for storage of autos offloading from ships, and later to American Seafoods to store materials supporting its operations on Pier 90.

West: The property to the west was undeveloped aside from some small shacks and houses until it was acquired by the Navy. It then became the Commander's residence, which still currently exists.

6.0 SITE RECONNAISSANCE

6.1 METHODOLOGY, LIMITING CONDITIONS, AND OBSERVATIONS

Pinnacle GeoSciences visited the subject property on October 6, 2011. Photographs of the property are included in Figure 7. Most of the site is occupied by soccer fields and is in active use. The area is fenced but open to the public. A paved parking area lies within the fenced area at the southeastern part of the site. This paved area is a portion of the paved access road and parking originally developed by the Navy to support housing units on the property.

The site is flat except for the undeveloped area at the northwestern corner of the property. This area was formerly occupied by a Navy living quarters (Quarters "B"). A landslide encroached on the area of Quarters B in the 1990s and now this entire area is overgrown and inaccessible.

On the west central margin of the park we found one monument for an exploratory boring which houses an inclinometer installed by King County. We also observed a large piece of metal embedded at the fence line at the southwestern part of the park. Since this metal was not removed it may extend further into the ground (see photo 10 in Figure 7).

The fenced soccer fields extend to the southern margin of the Magnolia Bridge. Two sets of columns supporting the bridge are present north of the fenced park area. North of the bridge there is a paved area which provides access to the Navy Commander's residence to the west. A portion of the Magnolia Bridge and this access area lie within the subject property.

We observed five drums, one of which had a "non hazardous" sticker on it, stored at the base of one of the bridge support structures. There was no other identifying information on the drums nor was there evidence of weathered writing on the one "non-hazardous" sticker. The drums appeared to have been there for at least

one year based upon the weathering of the sticker and the vegetation that was surrounding them. Three of the drums appeared to contain soil, one likely contains water and the fifth may contain a mixture of soil and water. We did not ascertain the ownership of these drums although they are typical of waste generated during a geotechnical or environmental soil boring exploration. The drums are shown in photograph 8 on Figure 7.

We examined a boiler house that was originally constructed on US Navy property by the Port of Seattle. The boiler house was constructed to provide heat to Building 50. The Navy granted the Port permission to construct the boiler house in 1977. This permission was later converted to an easement between the US Navy and the Port. The boiler house is a very small structure constructed on the subject property on the south side of Building 50. It is shown in photograph 7 on Figure 7. The documents regarding permissions and easements for the construction of the boiler house do not mention any other features. Those documents are included in Appendix C. During our site visit we found that there is an underground heating oil UST adjacent to the east side of the boiler house. A vent pipe and fill ports were evident. This UST is located on the subject property, adjacent to the property line with the Port of Seattle. The cover to the tank was opened by a Pinnacle GeoSciences; the base of the UST was found to be at 6 feet bgs, with 3" of product in the bottom. Port Environmental and Real Estate staff were not aware of this UST. According to the Port's Real Estate Department it is unlikely that this heating system has been used during the past ten years.

There was no visual evidence of explorations (soil borings or GeoProbes) having been conducted in the vicinity of the UST. The condition of the UST and associated piping is unknown, and the UST does not appear on the Port's UST inventory. After being leased for some years, the building that the boiler heated is presently not in usable condition and has not been occupied by a tenant since 2008.

At the time of our site visit construction crews were installing a large diameter water supply line beneath the northern margin of the subject property.

6.2 GENERAL SITE SETTING

The property is adjacent to Elliott Bay. The area to the west near the foot of Magnolia Bluff is generally residential and recreational, with the Elliott Bay Marina close by; the area to the north and east is occupied by the Port's Terminal 91 shipping, industrial and retail facility.

6.3 EXTERIOR OBSERVATIONS

Hazardous Substances in Connection with Identified Uses

None

Hazardous Substance Containers and Unidentified Substance Containers

None

PCBs

None. A labeled, non-PCB pad-mounted transformer is present on the north side of West Marina Place just west of the southwestern corner of the subject property.

Storage Tanks

An underground heating oil tank historically existed in the northwest corner of the property to serve a barracks building. The tank was a 1,000 gallon steel tank used for storing heating oil. The tank was removed by Severson Construction in 1994 and contamination found in the excavation. A follow-up report documented cleanup activities with removal of the contaminated materials and treatment by thermal desorption.

We observed one unused heating oil tank at the northeastern corner of the subject property. This UST is discussed further in Section 6.1 of this report.

Odors

None

Drums

We observed five drums of soil and water stored on the subject site. These drums are described further in Section 6.1.

Pits, Ponds or Lagoons

None

Pools of Liquid

None

Stained Soil or Pavement

None

Stressed Vegetation

None

Solid Waste, Refuse and Debris

None

Waste Water Discharge

None

Transformers and Utilities

A non-PCB transformer is located about 15 feet west of the southwestern-most corner of the property.

Fill

The property is constructed on dredge spoils.

Potable Water

Potable water is provided by the City of Seattle.

Wells

None. As previously mentioned, an inclinometer is installed on the west side of the property.

Septic Systems

None

Interior Observations

None

7.0 INTERVIEWS

7.1 OWNER / SITE MANAGER

We spoke with Mr. Donald Harris of the City of Seattle Parks and Recreation Real Estate Department. He said that the budget for creating the park and soccer fields was very small, so there was minimal reconstruction of the site. Some remaining utilities were removed, material was added to even the surface, and landscaping put in.

7.2 PUBLIC AGENCY

The City of Seattle Fire Department provides online records of hazardous materials incidents dating back to 1995. Only one incident is reported in the Terminal 91 area over that period-a minor ammonia leak- and it was not located near the subject site.

8.0 DATA GAPS

None.

9.0 FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-05. Any exceptions to, or deletions from, this practice are described in Section 10 of this report. This assessment has revealed evidence of *Recognized Environmental Conditions* on or off the property. We also found evidence of one Historical Recognized Condition and one *de minimis* condition on the subject property. These are described in the following sections.

9.1 RECOGNIZED ENVIRONMENTAL CONDITIONS ON THE SUBJECT PROPERTY

We found several Recognized Environmental Conditions at the subject site. The term Recognized Environmental Conditions has a specific meaning and is defined in Section 2.1 of this report. The Recognized Environmental Conditions are described later in this section.

The Recognized Environmental Conditions we identified are as follows:

Former Glass Works Facility

1a. Potential environmental contamination related to the former gas producers which likely operated as coal gasification units. Coal gasification is known to produce a number of by products including volatile organic compounds, coal tar, ash and clinker. In the early 1900s it would have been uncommon for such material to have been removed from the site.

1b. Potential environmental contamination from additives used in the mixing room which were used to add color and otherwise affect the character of the glass produced. Common additives included metals such as lead, cadmium, copper and chromium.

1c. Potential environmental contamination related to the former furnace, flue and chimney structures. The brick used in these structures could have accumulated significant residue, particularly as gasses cooled. It is unknown whether these structures were ever removed from the site or demolished in-place.

Existing UST System and Boiler House

2. Our site walk identified the presence of a heating oil UST adjacent to the boiler house that supplies heat to the Port of Seattle Building north of the subject property. The UST system and the boiler house are located on the subject site. There was no evidence of activities to characterize conditions surrounding the UST. The UST and associated piping are a Recognized Environmental Condition.

Drums of Waste Soil and Water

3. Five drums of waste soil and water are present on the subject site. The origin and character of these wastes are unknown. These unidentified wastes are a Recognized Environmental Condition.

We recommend that Phase II studies be conducted to address these Recognized Environmental Conditions. The development of a specific scope to address these concerns is beyond the scope of a Phase I ESA but the scope should include soil exploration using borings or probes, soil sampling, and focused chemical analysis. It would also be appropriate to evaluate groundwater conditions if soil contamination is confirmed. This is typically most expeditious of completed concurrently with the soil sampling activities.

9.2 HISTORIC RECOGNIZED ENVIRONMENTAL CONDITIONS ON THE SUBJECT PROPERTY

We found one Historic Recognized Environmental Condition related to the former heating oil tank on the site at the former location of Barracks "B". Documents provided to us by the Port of Seattle indicate that that shallow soil contamination associated with that tank has been successfully remediated. We agree with that conclusion based on the information we reviewed.

9.3 DE MINIMIS CONDITIONS ON THE SUBJECT PROPERTY

De Minimis conditions are not a Recognized Environmental Condition. *De Minimis* conditions generally do not present a threat to human health or the environment and generally would not be the subject of an enforcement action if brought to the attention of appropriate government agencies. This item is described here because there is insufficient existing information to fully evaluate it but in our opinion it is likely that it would not represent a Recognized Environmental Condition when fully evaluated.

The character of the fill used to construct the site is unknown. Much of the site was filled in the early 1940s with dredge spoils from the west side of Pier 41. The extent of this fill as reported by the US Navy is shown in Figure 5. Recent (2006) testing of sediment from the west side of Pier 91 (formerly Pier 41) documented low concentrations of PCBs and HPAHs. This recent data cannot be extrapolated to represent conditions in the 1940s but in the decades prior to the dredging next to Pier 41 those sediments could have accumulated contaminants from the nearby oil refinery, shipping activities (fueling, maintenance and bilge water discharge), burn residue from known large fires in the Smith Cove area, and residues from other activities in the area. The predominant contaminant in these types of sources would likely be PAHs.

Pinnacle GeoSciences tested fill soil in areas of T-91 filled by the Navy possibly from a similar source (dredge spoils from areas surrounding Piers 90 and 91) in 1997. These areas were filled by the Navy at about the same time as the filling shown in Figure 5. The areas selected represented dredge fill soils from areas where there was no other suspected source of contamination. Chemical testing of PAHs in this fill soil did not find contaminants at levels of concern.

We have no specific information to suggest that the fill would exceed the *de minimis* criteria contained in the ASTM definition of Recognized Environmental Condition. Furthermore testing of fill soils in other areas of T-91 that likely share a similar source did not find contaminants at concentrations of concern. One test exploration, #50, was located about 750 feet northeast of the subject property. That exploration encountered about 19 feet of sandy soil interpreted to be dredge fill over a grey silt soil which we interpreted to be native tide flat sediment. Two soil samples were taken from the dredge fill at depths of 12.0 and 19.0 feet in that exploration, neither sample contained PAHs at detectable concentrations. We understand that King County intends to test soil from explorations being advanced on the Port's West Yard. That testing may further address this issue since the filling of the West Yard property was part of the same project that filled the subject site.

9.4 OFF-SITE RECOGNIZED ENVIRONMENTAL CONDITIONS

We found no off-site Recognized Environmental Conditions.

10.0 DEVIATIONS

This report contains no deletions or deviations from the ASTM standard practice for this study.

11.0 ADDITIONAL SERVICES

No additional services were provided with respect to the subject property.

12.0 REFERENCES

A list of references used is attached to this report.

13.0 CLOSING

Pinnacle GeoSciences appreciates the opportunity to provide environmental consulting services to the Port of Seattle. Please call if you have any questions concerning this report.

I declare that, to the best of my professional knowledge and belief, I meet the definition of *Environmental Professional* as defined in §312.20 of 40 CFR 312 and I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set for in 40 CFR Part 312.

Sincerely,
Pinnacle GeoSciences, Inc

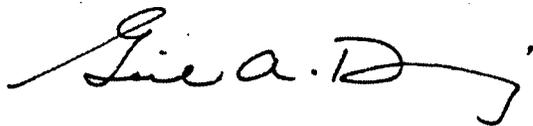


Stephen C. Perrigo, L.G

Principal.



Stephen C. Perrigo



Gail A. Perrigo
Senior Staff Historian

GAP:SCP

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GLOSSARY of ACRONYMS and ABBREVIATIONS

AST	Above Ground Storage Tank
ASTM	American Society for Testing and Materials
Brownfields	State or Federal Brownfields listing
CDL	Clandestine Drug Lab Contaminated Site List
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CERC-NFRAP	CERCLIS No Further Remedial Action Planned
Coal Gas	Former Manufactured Gas Sites
CONSENT	Superfund (CERCLA) Consent Decrees
CORRACTS	Corrective Action Sites
CSCSL	Confirmed and Suspected Contaminated Sites List
CSCSL NFA	No Further Action CSCSL
Delisted NPL	National Priority List Deletions
DOD	Department of Defense Sites
Dry Cleaners	Dry Cleaner List
Ecology	Washington State Department of Ecology
EMI	Washington Emissions Data System
ERNS	Emergency Response Notification System
ESA	Environmental Site Assessment
FINDS	Facility Index System
FTTS INSP	FIFRA (Federal Insecticide, Fungicide & Rodenticide Act)/TSCA Tracking System
FUDS	Formerly Used Defense Sites
HMIRS	Hazardous Materials Information Reporting System
HSL	Hazardous Sites List
ICR	Independent Cleanup Reports
INDIAN LUST	Leaking Underground Storage Tanks on Indian Ground
INDIAN UST	Underground Storage Tanks on Indian Land
INST Control	Institutional Control Sites List
IRAP	Independent Remedial Action Program
LUST	Leaking Underground Storage Tank
Manifest	Hazardous waste manifest information
MINES	Mines Master Index File
MLTS	Material Licensing Tracking System
MTCA	Model Toxics Control Act
NPL	National Priorities List
NPL Liens	Federal Superfund Liens
ODI	Open Dump Inventory
PADS	PCB Activity Database System
RAATS	RCRA Administrative Action Tracking System

GLOSSARY OF ACRONYMS, page 2

RCRA	Resource Conservation and Recovery Act
RCRIS LQG	Resource Conservation and Recovery Information System Large Quantity Generator
RCRA	
Non-Gen	Resource Conservation and Recovery Information System, not presently generating hazardous waste
RCRA- SQG	Resource Conservation and Recovery Information System Small Quantity Generator
SHWS	State Hazardous Waste Site
SPILLS	Reported Spills
SSTS	Section 7 Tracking Systems
SWF/LF	Solid Waste Facility Databases
TRIS	Toxic Chemical Release Inventory System
TSCA	Toxic Substances Control Act
TSD	Treatment, Storage and Disposal
USGS	United States Geological Survey
UST	Underground Storage Tank
VCP	Voluntary Cleanup Program

Stephen C. Perrigo, LG, LHG

Principal Geologist

Pinnacle GeoSciences, Inc.

Mr. Perrigo has thirty-two years of experience related to environmental assessment and remediation. He has assumed principal management and/or technical responsibility for more than 250 projects for industries, oil companies, utilities, solid and hazardous waste firms, law firms, developers, commercial businesses and governmental agencies. Mr. Perrigo has been the owner and principal for Pinnacle GeoSciences since its inception in 1995. He is proficient in Washington State environmental regulations, drawing from his project and technical experience, from active involvement with the Washington State Department of Ecology, and participation in forums for development of regulatory policy and technical standards.

These have included Phase I and Phase II assessment and remediation of properties for property transfer, evaluation and remediation of leaking underground storage tanks, spills and contaminant releases to the environment, and solid and hazardous waste disposal.

Mr. Perrigo's project experience ranges from management of investigations, environmental analyses and remediation at Superfund sites to small local assessments and contaminated site remediation. These have included Phase I and Phase II environmental site assessments for property transfer, evaluation and remediation of leaking underground storage tanks, spills and contaminant releases to the environment, and solid and hazardous waste disposal.

Mr. Perrigo is a Licensed Geologist and Hydrogeologist in the State of Washington (license no. 219). He holds a Bachelor of Arts in Geology from the University of Colorado earned in 1976 and is a member of the Association of Engineering Geologists.

Gail A. Perrigo
Staff Historian
Pinnacle GeoSciences, Inc.

Ms. Perrigo has fourteen years of experience in historical land use research support for Phase I Environmental Site Assessments. Her experience is specific to the Puget Sound area, and she has developed an in-house compendium of historical geographical, topographical, and demographic maps, photographs, books, government publications and other literature reflective of local development. She is familiar with on-line and public sources regarding development, public works, and historical business information as well as resources for investigation of historical manufacturing practices.

Ms. Perrigo has investigated properties ranging in complexity from a straightforward historically residential property to a 135 acre, century-old multi-use shipping terminal and former defense site involving petroleum products shipping and storage, manufacturing, vehicle preparation, and other commercial uses. She has investigated multi-unit residential properties, former service stations, garbage dumps, agricultural properties, and others.

Ms. Perrigo has a Bachelor of Arts from the University of Oregon and graduate studies at the University of Washington in Natural Resources Management.

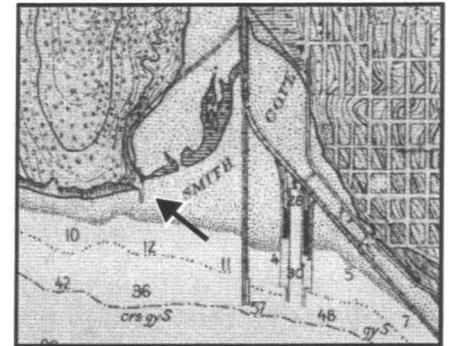


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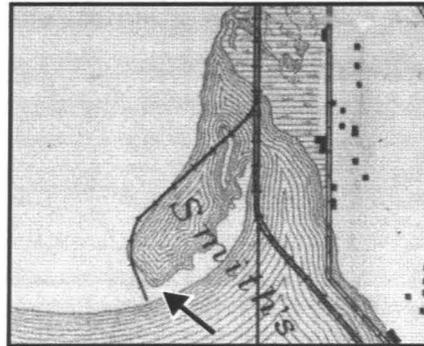
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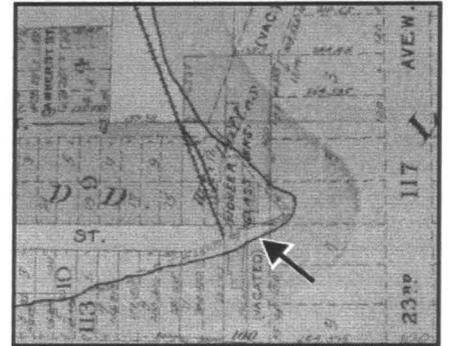
1841



1905



1894



1912

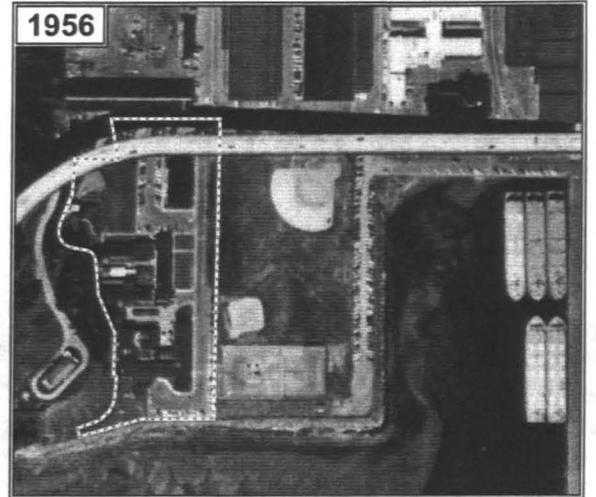
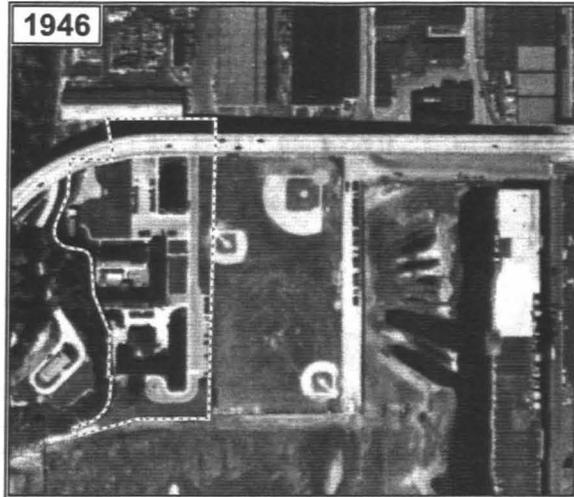
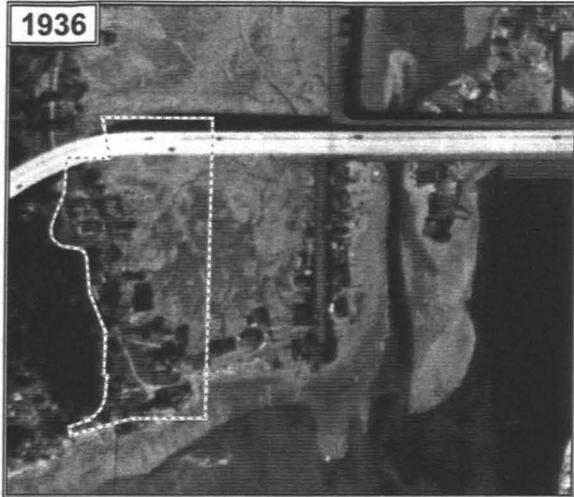
The 1841 map is from Steve Perrigo's private collection.

The 1894 through 1912 historical maps are from the collection of the University of Washington Library. These images are not scaled to a uniform scale and are only intended to show the approximate area of the subject site during its period of early development. The accuracy of these historic maps varies and often they do not reconcile with current maps with respect to absolute locations, alignments and boundaries.



1895

Figure 1
Vicinity Map and Historical Maps
City of Seattle Parcel B3 Property
Seattle, Washington
Pinnacle GeoSciences



0 300 600 feet

Approximate Scale: 1-inch = 300 feet
 The locations of all features shown are approximate.
 All photographs from AeroMetric, Inc.

The approximate boundary of the subject site is outlined in yellow and red.

A more recent (2007) aerial photograph of the site is shown in Figures 5, 6 and 7.

Figure 2
 Historical Aerial Photographs
 City of Seattle Parcel B3 Property
 Seattle, Washington
 Pinnacle GeoSciences



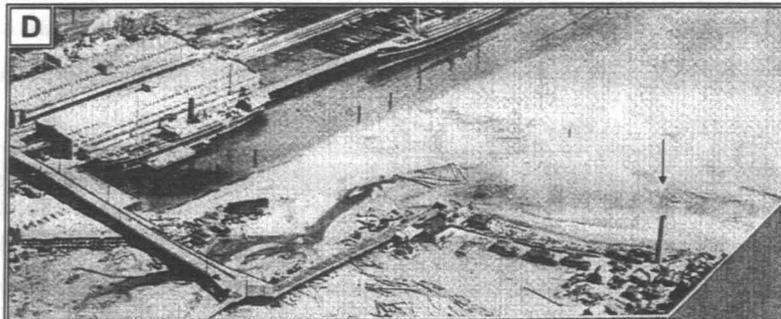
1911 Photograph. Seattle Municipal Archives photo #29484. This photograph shows the area of the site at high tide. The glass works brick stack is visible as is the pile-supported roadway that circumnavigates the southern part of Magnolia Hill.



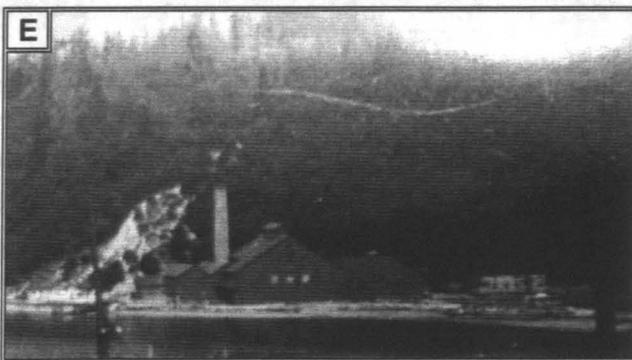
1931 Photograph. Museum of History and Industry Image No. 1983.10.4369.1. The glass works brick stack is visible at right. The tideflats between the glass works and 23rd Avenue West is shown at low tide.



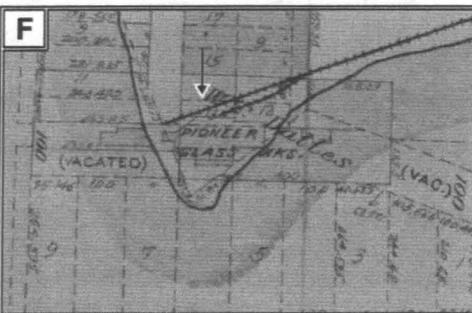
1929 Photograph. Seattle Municipal Archive Collection #3401. This photograph was taken at the approximate location of the former glass works looking east along the pile-supported pathway that connects the site with the terminus of 23rd Avenue West.



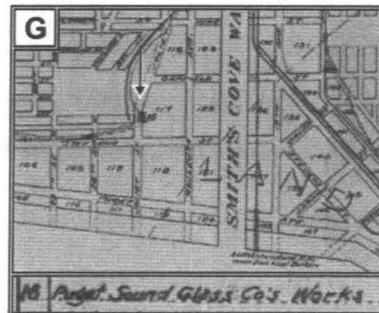
Photograph date unknown, from Port of Seattle Year Book, 1924. The brick smokestack and possibly part of the glass works building is visible. The pile-supported pathway connecting the glass works with the terminus of 23rd Avenue West is visible.



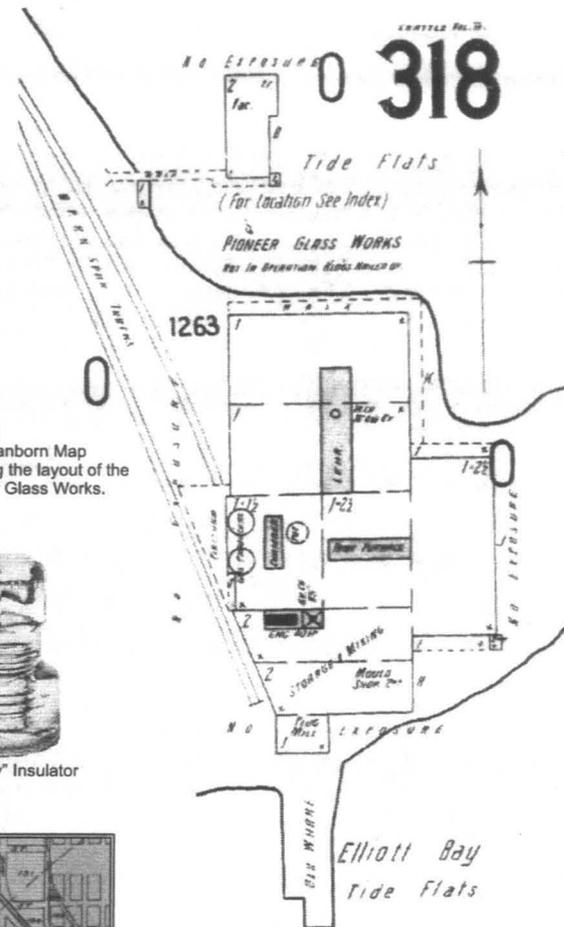
1905 from the Seattle Municipal Archive collection. This photograph shows the glass works building and stack. The building appears to be fully on land and may not be pile supported. It is unknown if the white building to the right is part of the glass works.



1912 Baist's Real Estate Atlas of Seattle, courtesy of UW Libraries. This map shows the Pioneers Glass Company Building and former wharf relative to platting lines.



1899 Polks Directory showing the location of the Puget Sound Glass Co's Works at the subject site. This is the earliest identified record of the glass works.



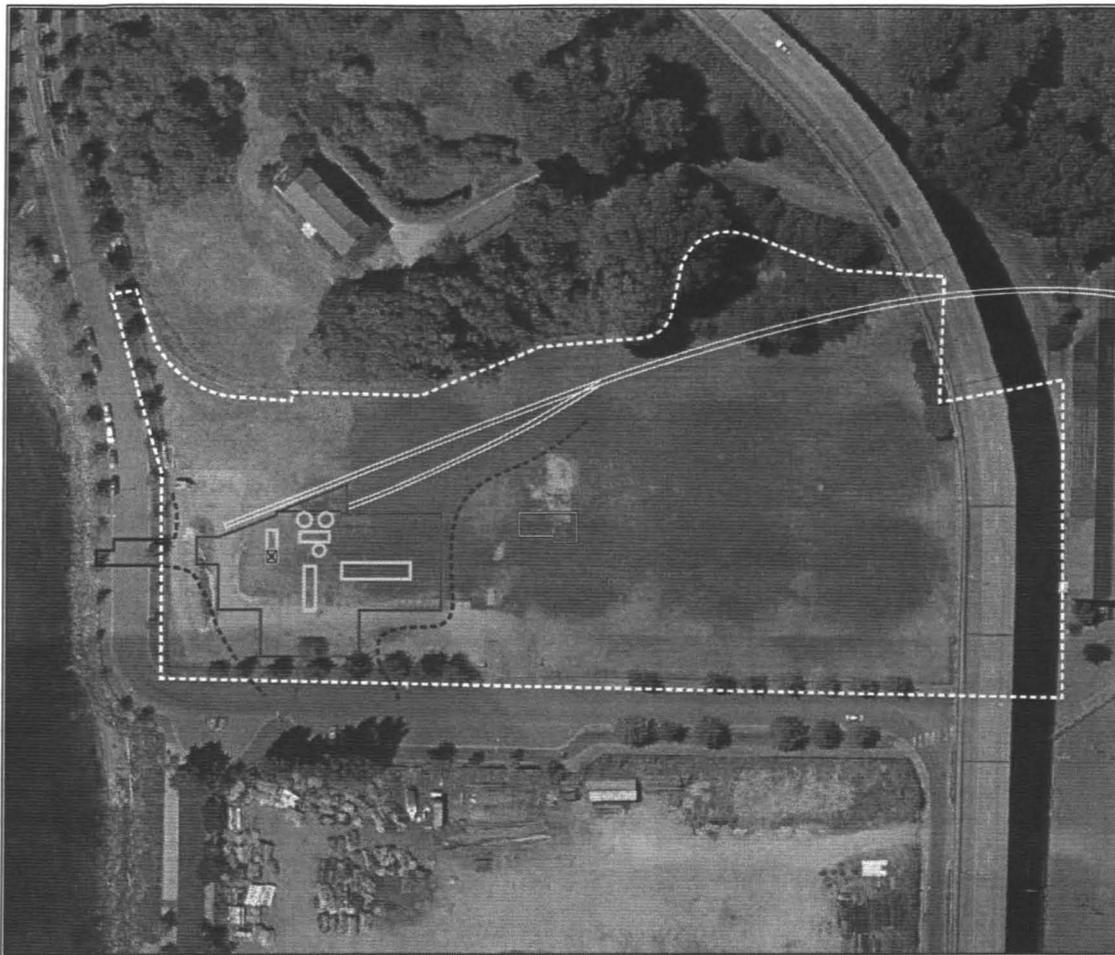
At right: 1905 Sanborn Map showing the layout of the Pioneer Glass Works.



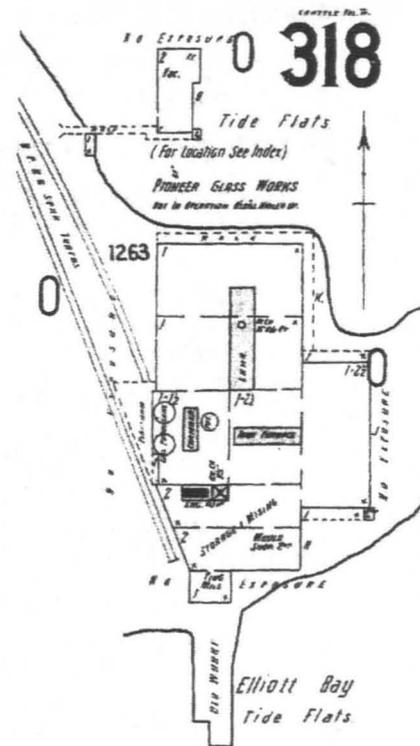
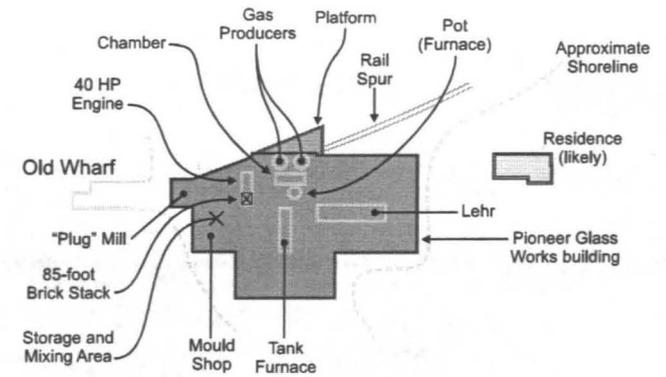
A "Buzby" Insulator

Figure 3
Historical Maps and Photographs
Glass Works Facilities
City of Seattle Parcel B3 Property
Seattle, Washington

Image Source: King County MAP System



Key to Features at the Pioneer Glass Works



The features shown above and on the site plan at left are identified on this 1905 Sanborn Map.

Figure 4
Recent Aerial Photograph with 1905 Features Illustrated
City of Seattle Parcel B3 Property
Seattle, Washington

Pinnacle GeoSciences

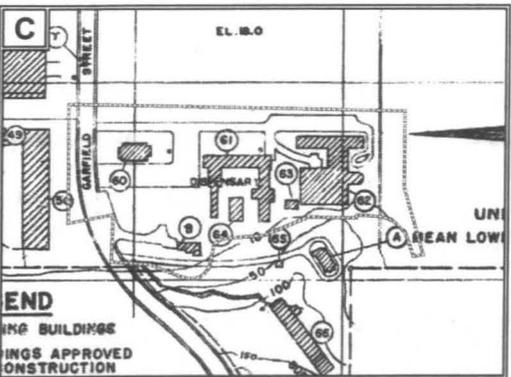
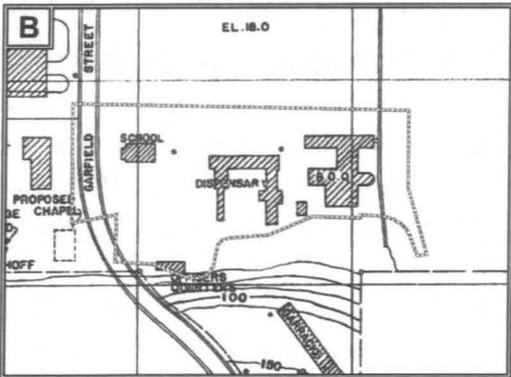
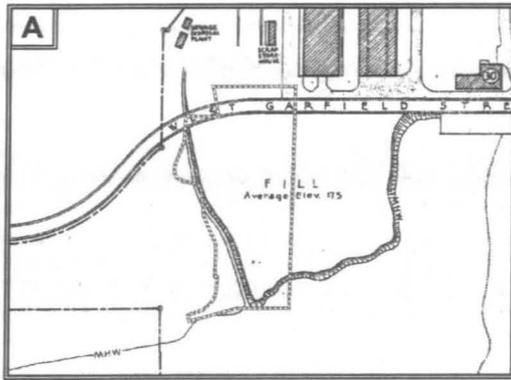
This figure shows the approximate location of the former Pioneer Glass Works facility on the subject property. Refer to the text for information about how the facility was located and scaled and for information about the components of the facility and their significance. The recent aerial photograph was obtained in 2007.



0 100 200 feet

Scale: 1-inch = 100 feet

The locations of all features are approximate.



A: Approximately 1943 US Navy drawing showing area filled using dredge spoils from Pier 41 (T91).

B: June 1944 Navy drawing showing buildings on the subject property. Buildings noted include a school, a dispensary, a B.O.Q (Bachelor's Officers Quarters), and Officer's Quarters.

C: September 1946 US Navy drawing showing buildings on the subject property. The key to these buildings is reproduced below:

BLDG NO	TYPE OF BUILDING
60	THEATRE & RECREATION
61	DISPENSARY
62	BACHELOR OFFICER'S QUARTERS
63	GARAGE-AMBULANCE
64	GREENHOUSE
65	GARAGE-COMMANDANT'S
66	BARRACKS-WAVE
67	SUBSISTENCE-WAVE
68	OFFICER'S QUARTERS-WAVE
69	

D: 1972 oblique aerial photograph showing the northern part of the subject property

Note: The outline of the subject property on these drawings is approximate. The precise locations of some key features varied slightly from drawing to drawing.

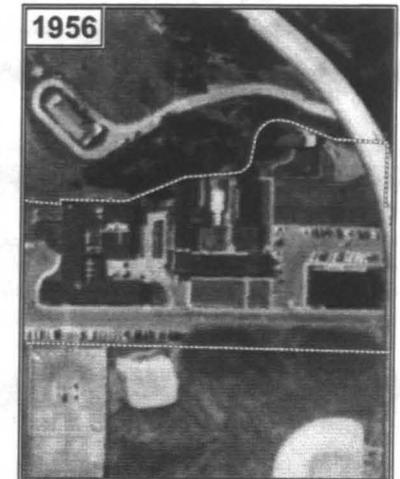
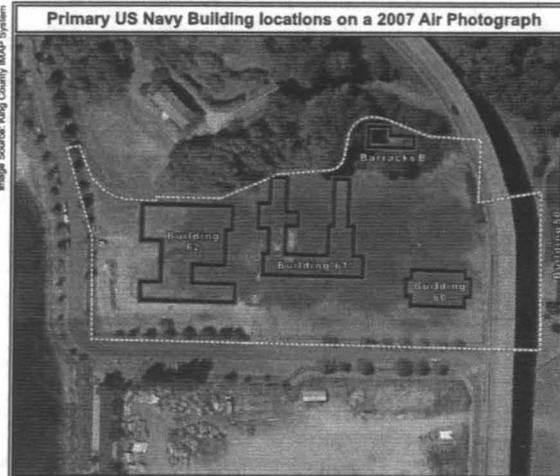


Image Source: King County MAP System



Scale: 1-inch = 200 feet
The locations of all features are approximate.

Figure 5
US Navy Features
City of Seattle Parcel B3 Property
Seattle, Washington
Pinnacle GeoSciences

Image Source: King County IMAP System



Recognized Environmental Conditions

-  **A** Former glass works facility. The outline shows the approximate footprint of the former factory building. Potential environmental impacts could extend beyond the limits of the building footprint.
-  **B** Existing fuel oil UST (size unknown) and boiler room associated with adjacent Port of Seattle building leased to Northwest Harvest.
-  **C** Five drums of unknown origin containing waste soil and water. One drum labeled "non-hazardous" but no specific information is noted. Drums have likely been at this location for at least one year.

Nearby Listed Properties (none represent off-site RECs)

- 1** Surficial spills and releases by American Seafoods on Port of Seattle West Yard property.
- 2** Reported UST, LUST and releases on the Elliott Bay Marina property.

Note: Refer to the text of the report for specific information about the features illustrated in this figure.

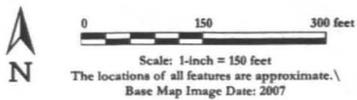
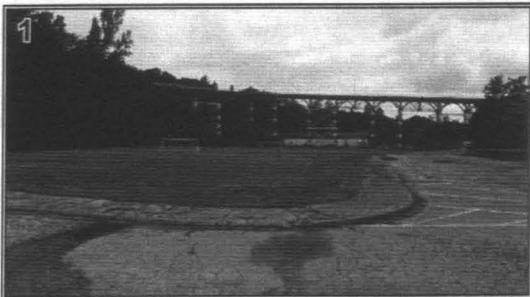
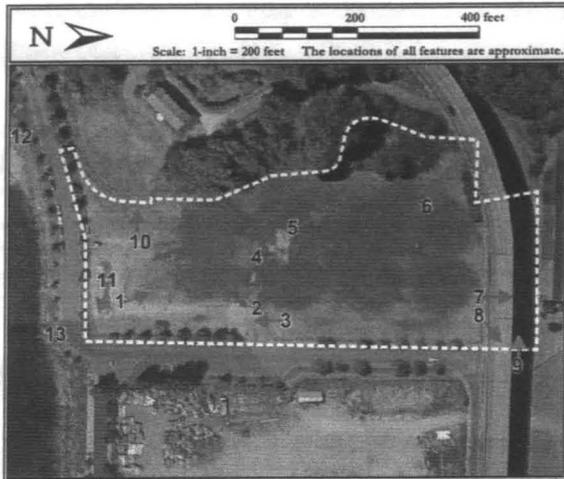


Figure 6
Site and Surrounding Area
Showing RECs
City of Seattle Parcel B3 Property
Seattle, Washington



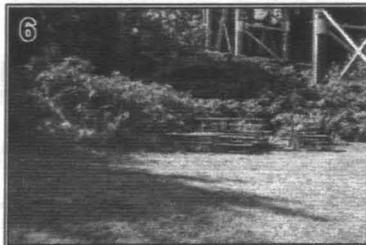
1
View across site looking north-northwest from the southeastern corner of the site.



2
View across site looking southeast from the east-central part of the site.



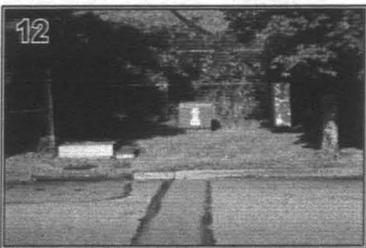
3
View along the parking area on the eastern margin of the site.



6
Picnic table stored at the northeastern corner of the park property.



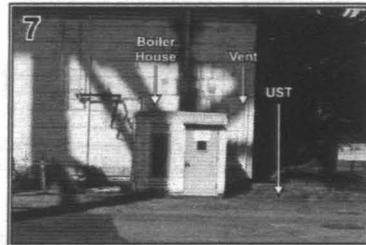
9
View looking west along the northern margin of the property.



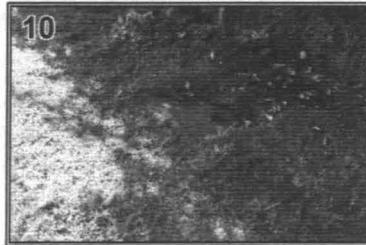
12
Non-PCB transformer located about 15 feet west of the southwestern tip of the site.



4
View toward the hill beyond the southwestern corner of the site.



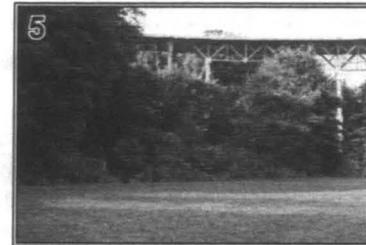
7
Boiler house, UST location, and vent pipe serving adjacent Port of Seattle building. Features are on the subject property.



10
Buried metal at the fence line at the southwestern part of the site.



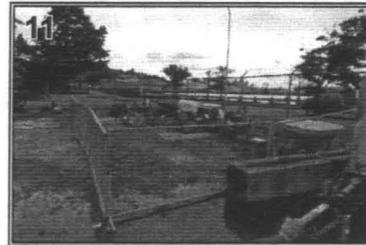
13
View looking west along the waterfront south of the southern margin of the site.



5
View of the vegetated area formerly occupied by Barracks B.



8
Drums stored at beneath the Magnolia Bridge on the northeastern part of the property.



11
Storage area for parks maintenance equipment at the southeastern corner of the site.

Figure 7
Site Photographs
City of Seattle Parcel B3 Property
Seattle, Washington
Pinnacle GeoSciences

Appendix A

Deeds and Covenants

When Recorded Return to:

Seattle Department of Parks and Recreation
800 Maynard Ave. South, 3rd Floor
Seattle, Wa 98134-1336
Attention: Marcia Flynn, Sr. Real Property Agent



20070629002092

SEATTLE PARKS GCD 39.00
PAGE001 OF 008
08/29/2007 13:33
KING COUNTY, WA

E2295153

08/29/2007 13:33
KING COUNTY, WA
TAX
SALE

\$10.00
\$0.00

PAGE001 OF 001

Document Title: QUITCLAIM DEED

Reference Number of Document: 20030829003913

Grantor's Name: THE UNITED STATES OF AMERICA

Grantee's Name: THE CITY OF SEATTLE

Abbreviated Legal Description:

Parcel E: Portions of 26th Av W, W Galer St & Amherst Av W, platted in Minor's Addition, Vol 2 of Plats, pg 12, & Magnolia Park Addition, Vol 15 of Plats, pg 55, as taken in Judgment on Declaration of Taking filed April 20, 1943, USDC No 686, & more specifically delineated in record of survey recorded under KC Recording No 20010312900002.

Parcel F: Ptn Lots 1-7, Block 117, Seattle Tidelands, N & W of 23rd Av W & W Marina Pl, as conveyed to City of Seattle by deed recorded under KC Recording No 9204071721; TOG W/ ptn vacated Joliet Av W; Ptn Block 114, Seattle Tidelands, N of S line of Sec23, T25 N, R3 E, WM; TOG W/ ptn vacated Joliet Av W; Ptn S 1/2 Gov Lot 4, Sec23, T25N, R3 E, WM; EXC ptn deeded to Port of Seattle by QCD recorded under KC Recording No 7606300880; Lots 23 & 24, Block 12, Minor's Addition, Vol 2 of Plats, pg 12; Lots 12, 13 & ptns Lots 11 & 14, Block 9, Minor's Addition, Vol 2 of Plats, pg 12; Ptn Lot 10, Block 10, Minor's Addition, Vol 2 of Plats, pg 12, lying Nwesterly of Nly line of parcel conveyed to City of Seattle, by deeds recorded under KC Recording Nos 9204071722 & 9105210407; and Ptn of W Oaks St platted in Minor's Addition, Vol 2 of Plats, pg 12, as taken in Declaration of Taking filed April 20, 1943, USDC No 686, & more specifically delineated in record of survey recorded under KC Recording No 20010312900002.

Assessor's Property Tax Parcel/Account Numbers: Parcel E: portion 2025039001; Parcel F: 7666201146, ~~2025039001~~ and 5553300695.

N4425507RP00Z08

QUITCLAIM DEED

This Deed is made this 15th day of June, 2007, by the UNITED STATES OF AMERICA, acting by and through the Department of the Navy (herein called "Grantor" or "USA"), in favor of THE CITY OF SEATTLE, a municipal corporation of the State of Washington (herein called "Grantee" or "City").

CONVEYANCE

Grantor does hereby release, convey and quitclaim to Grantee, its successors and assigns, for and in consideration of Grantee's relocation of Grantor's existing water and electric distribution system and appurtenant lines ("Utility Lines"), all Grantor's right, title and interest, together with all after-acquired title of the Grantor, to those non-exclusive easements in gross ("Utility Easements") reserved by Grantor in that Quitclaim Deed and Reservation of Easements, recorded under King County Recording No. 20030829003913, for the maintenance and repair of the "Utility Lines" serving one existing single-family dwelling known as the Admiral's quarters located on Grantor's real property, legally described in Exhibit "C" thereto ("USA Property"). In, on, over, under and across portion(s) of Grantee's real property (such portions are referred to collectively as the "Utility Easement Areas" and are legally described therein), legally described in Exhibit "B" thereto ("City Property").

GRANTOR:
UNITED STATES OF AMERICA

By Michael D. Brady
MICHAEL D. BRADY
Real Estate Contracting Officer
Engineering Field Activity, Northwest
Naval Facilities Engineering Command

GRANTEE:
THE CITY OF SEATTLE

By Betty Jean Brooks
Betty Jean "BJ" Brooks, Interim Superintendent
Department of Parks and Recreation

ACCEPTANCE

On behalf of The City of Seattle, a municipal corporation of the State of Washington, I, Betty Jean "BJ" Brooks, Interim Superintendent of the Department of Parks and Recreation, accept the interest in the real property conveyed herein by this Quitclaim Deed, legally described therein, from The United States of America, acting by and through the Department of the Navy, to The City of Seattle, pursuant to the authority conferred by Ordinance 121250 [passed August 11, 2003].

Dated: June 28, 2007

THE CITY OF SEATTLE

By:



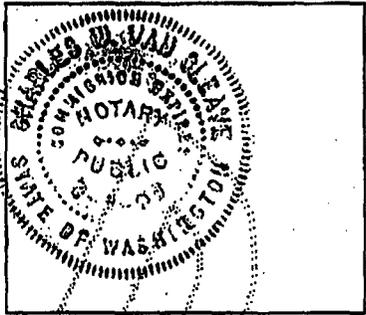
Betty Jean "BJ" Brooks
Interim Superintendent
Department of Parks and Recreation

STATE OF WASHINGTON)) ss.
COUNTY OF KITSAP)

On this 15th day of June 2007, before me personally appeared Michael D. Brady, known or identified to me to be the authorized agent of the United States of America, the governmental entity that executed the instrument or the person who executed the instrument on behalf of said governmental entity, and acknowledged to me that such governmental entity executed the same.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Date: 15 June 2007



Use this space for Notary Seal/Stamp

Charles W Van Cleave CHARLES W VAN CLEAVE
NOTARY PUBLIC in and for the State of
Washington residing at Botho, WA
My commission expires: March 9, 2009
PRINT NAME: Charles W Van Cleave

UNOFFICIAL DOCUMENT

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

On this 28th day of June, 2007, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Betty Jean "BJ" Brooks to me known to be the Interim Superintendent, Department of Parks and Recreation of The City of Seattle, the municipal corporation 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 she was authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

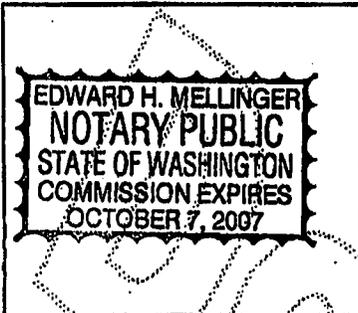
Date: June 28, 2007

Edward H. Mellinger

NOTARY PUBLIC in and for the State of Washington residing at King County

My commission expires: 10/7/07

PRINT NAME: Edward H Mellinger



Use this space for Notary Seal/Stamp

Document

EXHIBIT "B" TO QUITCLAIM DEED 20030829003913

Page 1 of 3

Legal Description of City Property (Parcels E and F)

Parcel E:

Those portions of 26th Avenue West (Birmingham), West Galer Street (W Galer St & Villard) and Amherst Avenue as platted in Minor's Add and Magnolia Park Add., described as follows:

Commencing at the SW corner of Lot 17, Block 9, Minor's Add to the City of Seattle, also known as the TPOB of the Quit Claim Deed (Rec#7606300880);

Thence South 89°08'13" West along the north margin of Oakes St, as platted in Minor's Addition, a distance of 349.97 feet to the intersection with the east margin of 26th Ave W (Birmingham) and the TPOB of this description,

thence continuing South 89°08'13" West a distance of 66.00 feet to the west margin of said 26th Ave W,

thence North 00°51'47" West, a distance of 200.00 feet to the intersection with the south margin of W Galer St (Villard),

thence South 89°08'13" West along the south margin of W Galer (Villard), a distance of 110.11 feet,

thence North 00°51'47" West a distance of 3.00' to the south margin of West Garfield St as established by City of Seattle Condemnation Ordinance 53618,

thence north and east on a curve to the left along the south margin of said West Garfield St, the radius point bearing North 00°51'47" West, having a radius of 530 feet, a central angle of 27°31'34", an arc distance of 254.62 feet, to the intersection with the north margin of W Galer St

thence North 89°08'13" East, along the north margin of W Galer St, a distance of 94.18 feet, to the west margin of Amherst Ave,

thence North 00°34'02" East, along the west margin of Amherst Ave a distance of 64.06 feet, to the south margin of said W Garfield St.,

thence north and east on a curve to the left along the south margin of said W Garfield St, the radius point bearing North 40°52'06" West, having a radius of 530 feet, a central angle of 08°09'36", an arc distance of 75.48 feet, to the point of tangency,

thence North 40°58'18" East, a distance of 11.01 feet to the intersection with the east margin of Amherst Ave,

thence South 00°34'02" West, a distance of 30.64 feet,

thence south and west on a curve to the right, the radius point bearing North 47°44'39" West, having a radius of 550 feet, a central angle of 5°46'19", an arc distance of 55.41 feet,

thence South 28°13'08" East, a distance of 74.51 feet,

thence South 42°22'17" West, a distance of 71.95 feet, to the south margin of said W Galer St (Villard),

EXHIBIT "B" TO QUITCLAIM DEED
Page 2 of 3

Legal Description of City Property (Parcels E and F) - continued

thence South 89°08'13" West, a distance of 170.47 feet, to the east margin of 24th Ave W (Birmingham),
thence South 00°51'47" East, a distance of 200.00 feet, to the north margin of Oakes St, and the TPOB.

containing 30,422.3 sq.ft/0.6984 acre

Parcel F:

Commencing at the SW corner of Lot 17, Block 9, Minor's Add to the City of Seattle, also known as the TPOB of the Quit-Claim Deed (Rec# 7606300860),

Thence South 00°51'47" East, a distance of 94.75 feet to the intersection with the north margin of Marina Pl as described in Auditor's File #116480,

thence North 74°49'48" East, a distance of 98.84 to the TPOB of this description,

thence North 15°10'12" West, a distance of 18.72 feet,

thence North 73°34'01" East, a distance of 31.32 feet to a point of curvature,

thence east and north along a curve to the left, the radius point bearing North 16°25'59" West, with a radius of 80.00 feet, a central angle of 72°42'19", an arc distance of 101.52 feet,

thence North 00°51'42" East, a distance of 43.38 feet,

thence North 88°18'21" West, a distance of 4.98 feet,

thence North 00°46'37" West, a distance of 107.79 feet,

thence North 23°01'25" West, a distance of 102.53 feet,

thence North 06°06'38" West, a distance of 83.97 feet, to a point of curvature,

thence north and west along a curve to the left, the radius point bearing South 83°53'25" West, with a radius of 30.00 feet, a central angle of 75°52'39", an arc distance of 39.73 feet,

thence North 81°59'14" West, a distance of 32.46 feet, to a point of curvature,

thence west and north along a curve to the right, the radius point bearing North 08°00'46" East, with a radius of 40.00 feet, a central angle of 101°14'18", an arc distance of 70.68 feet,

thence North 19°15'04" East, a distance of 85.61 feet,

thence North 02°15'17" East, a distance of 85.82 feet,

thence North 89°46'23" East, a distance of 106.30 feet,

thence North 12°54'49" West, a distance of 99.23 feet, to an intersection with the north

EXHIBIT "B" TO QUITCLAIM DEED
Page 3 of 3

Legal Description of City Property (Parcels E and F) - continued

line of the Property exception to Quit Claim Deed #7606300880,
thence North 89°46'23" East, a distance of 262.06 feet to the NE corner of the property
exception to Quit Claim Deed #7606300880 and the west margin of 23rd Ave W as set
forth in Auditor's File #116480,
thence South 00°10'17" East, along the east line of the property exception to said Quit
Claim Deed #7606300880, a distance of 736.61 feet, to the intersection with the north
margin of Marina Pl as set forth in said AF#116480,
thence South 89°00'00" West, along the south line of the said property exception, a
distance of 167.69 feet,
thence South 74°49'48" West, a distance of 155.43 feet to the TPOB.

containing 214,638.0 sq.ft/4.9274 acre.



20030829003913

PACIFIC NW TIT GCD 33 00
PAGE 001 OF 015
08/29/2003 15.48
KING COUNTY, WA

When Recorded Return to.

Seattle Department of Parks and Recre.
800 Maynard Ave. South, 3rd Floor
Seattle, Wa 98134-1336
Attention: Marcia Flynn, Sr. Real Property Agent

Document Title: QUITCLAIM DEED AND RESERVATION OF EASEMENTS

Reference Number of Document Assigned or Released: Not Applicable

Grantor's Name: THE UNITED STATES OF AMERICA

15/33 PNWT
289397-12

Grantee's Name: THE CITY OF SEATTLE

Abbreviated Legal Description:

Parcel E: Portions of 26th Av W, W Galer St & Amherst Av W, platted in Minor's Addition, Vol 2 of Plats, pg 12, & Magnolia Park Addition, Vol 15 of Plats, pg 55, as taken in Judgment on Declaration of Taking filed April 20, 1943, USDC No 686, & more specifically delineated in record of survey recorded under KC Recording No 20010312900002.

Parcel F: Ptn Lots 1-7, Block 117, Seattle Tidelands, N & W of 23rd Av W & W Marina Pl, as conveyed to City of Seattle by deed recorded under KC Recording No 9204071721; TOG W/ ptn vacated Joliet Av W, Ptn Block 114, Seattle Tidelands, N of S line of Sec23, T25 N, R3 E, WM; TOG W/ ptn vacated Joliet Av W; Ptn S 1/2 Gov Lot 4, Sec23, T25N, R3 E, WM; EXC ptn deeded to Port of Seattle by QCD recorded under KC Recording No 7606300880; Lots 23 & 24, Block 12, Minor's Addition, Vol 2 of Plats, pg 12; Lots 12, 13 & ptns. Lots 11 & 14, Block 9, Minor's Addition, Vol 2 of Plats, pg 12; Ptn Lot 10, Block 10, Minor's Addition, Vol 2 of Plats, pg 12, lying Nwesterly of Nly line of parcel conveyed to City of Seattle, by deeds recorded under KC Recording Nos 9204071722 & 9105210407; and Ptn of W Oaks St platted in Minor's Addition, Vol 2 of Plats, pg 12, as taken in Declaration of Taking filed April 20, 1943, USDC No 686, & more specifically delineated in record of survey recorded under KC Recording No 20010312900002.

Assessor's Property Tax Parcel/Account Numbers: portion 766620-1146-09, portion 232503-9015-05, portion 555330-0580-02 & all 555330-0695-04, and 503730-0315-00

EXCISE TAX NOT REQUIRED
King Co. Records Division

By [Signature] Deputy

E1984738

08/29/2003 15:18
KING COUNTY, WA
TAX \$2 00
SALE \$5,880,000 0

PAGE 001 OF 004

QUITCLAIM DEED AND RESERVATION OF EASEMENTS

This Deed is made this 29th day of August, 2003, by the UNITED STATES OF AMERICA, acting by and through the Department of the Navy (herein called "Grantor" or "USA"), in favor of THE CITY OF SEATTLE, a municipal corporation of the State of Washington (herein called "Grantee" or "City").

RECITAL

This conveyance of property is made pursuant to the authority granted in Section 8143 (a) of Public Law 105-262, the Department of Defense Appropriation Act of 1999, attached hereto as Exhibit "A", for a monetary consideration of SEVEN HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$795,000.00) for Parcel E of the real property legally described in Exhibit "B" attached hereto and incorporated herein by this reference and FIVE MILLION SIXTY-FIVE THOUSAND DOLLARS (\$5,065,000.00) for Parcel F of the real property legally described in said Exhibit "B", for a total of FIVE MILLION EIGHT HUNDRED SIXTY THOUSAND DOLLARS (\$5,860,000.00), the receipt of which is hereby acknowledged.

CONVEYANCE

Grantor does hereby release, convey and quitclaim to Grantee, its successors and assigns, all Grantor's right, title and interest, together with all after-acquired title of the Grantor and any and all rights in abutting streets, in and to the real property and all improvements thereon and appurtenances thereto (the "Property"), located in King County, Washington and described in Exhibit "B" attached hereto and incorporated herein by this reference ("City Property"), subject to the following:

1 Grantor hereby reserves non-exclusive easements in gross ("Utility Easements") in, on, over, under and across the following described portion(s) of the City Property (such portions are referred to collectively as the "Utility Easement Areas"):

A strip of land twenty (20) feet in width, lying ten (10) feet on each side of each centerline of as-built utility service lines for water, sewer, storm sewer, cable television and electrical distribution; each running from the respective existing main or primary line to the point of entry onto Grantor's real property legally described in Exhibit "C" attached hereto and incorporated herein by this reference ("USA Property")

The purpose of the Utility Easements is for maintenance and repair of existing water, sewer, storm sewer, cable television, and electric distribution system and appurtenant lines ("Utility Lines") to serve one existing single-family dwelling

known as the Admiral's quarters located on USA Property, so long as USA Property is owned and occupied by Grantor, and for no other purpose.

2. Grantor hereby reserves an exclusive easement in gross ("FAA Easement") on, over, and across that portion of the City Property legally described in Exhibit "D" attached hereto and incorporated herein by this reference ("FAA Easement Area"). The purpose of the FAA Easement is for the use, maintenance and repair of an existing air navigational and telecommunications facility (the "Facility"), with ingress and egress thereto, known as the Seattle Outer Marker Site administered by the United States Federal Aviation Administration related to air traffic at King County (Boeing) Airport, Seattle, Washington, and for no other purpose.

3. An easement for railroad spur tracks as located within a portion of Parcel F of the real property legally described in Exhibit "A" reserved by Northern Pacific Railway Company, a Wisconsin Corporation, by deed recorded December 29, 1942, under King County Recording Number 3284839.

4. Matters disclosed on surveys recorded under King County Recording Numbers 200007179000012 and 20010312900002

5. General taxes and special taxes not yet assessed by the King County Assessor's Office under tax account numbers 766620-1146-09 (portion), 232503-9015-05 (portion), 555330-0580-02 (portion) and 555330-0695-04.

REPRESENTATIONS, COVENANTS AND RESTRICTIONS

1. The Grantor represents as follows: Grantor has performed an Environmental Baseline Survey (EBS) to examine the property for hazardous substances and has taken appropriate remedial action resulting in a decision that the property is suitable for transfer, said decision is set forth in a Finding of Suitability for Transfer (FOST). Copies of the EBS and FOST referred to above have each been made available to Grantee and are each incorporated herein by reference.

2. ENVIRONMENTAL COVENANTS. The United States of America, in accordance with 42 USC 9620(h), hereby covenants and warrants to the Grantee, its successors and assigns, that (1) all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the Property has been taken before the date of this deed and (2) any additional remedial action found to be necessary after this date shall be conducted by the United States of America, acting by and through the Department of the Navy. The United States of America, acting by and through the Department of the Navy, reserves necessary access rights to the Property in any case in which remedial or corrective action is found to be necessary after the date of this deed.

3. In connection with Grantor's covenant made in paragraph 2, the Grantee agrees on behalf of itself, its successors and assigns, as a covenant running with the land, that

Grantor, and its officers, agents, employees, contractors and subcontractors, shall have the right, upon reasonable notice to Grantee, its successors and assigns, to enter upon the Property in any case in which a response or corrective action is found to be necessary at such Property after the date of this deed.

4 The right to enter described in paragraph 3 shall include the right to conduct tests, investigations and surveys, including, where necessary, drilling, test-pitting, boring and other similar activities. Such right shall also include the right to construct, operate, maintain or undertake any other response or corrective action as required or necessary including, but not limited to, monitoring wells, pumping wells and treatment facilities. Any such entry, including such activities, response or corrective actions, shall be coordinated with the Grantee or its successors and assigns, and shall be performed in a manner which minimizes a) any damage to any structures on the Property and, b) any disruption or disturbance of the use and enjoyment of the Property. The Grantor shall be responsible, to the extent provided in the Federal Tort Claims Act, for any personal injury or property damage or claims, suits or penalties related to Grantor's environmental activities on the property

5 Except for Grantor's responsibilities, if any, arising from paragraphs 2, 3 and 4 above, the Grantee accepts the Property in its condition at the time of conveyance. The recording of this deed on behalf of the Grantee shall be conclusive evidence of the Grantee's acceptance of both this deed, and the condition of all property conveyed hereby.

6. GRANTEE COVENANTS for itself, its heir, successors, and assigns and every successor in interest to the property hereby conveyed, or any part thereof, that the said Grantee and such heirs, successors, and assigns shall not discriminate upon the basis of race, color, religion, or national origin in the practices conducted thereon. This covenant shall not apply, however, to the lease or rental of a room or rooms within a family dwelling unit; nor shall it apply with respect to religion to premises used primarily for religious purposes. The United States of America shall be deemed a beneficiary of this covenant without regard to whether it remains the owner of any land or interest therein in the locality of the property hereby conveyed and shall have the sole right to enforce this covenant in any court of competent jurisdiction.

GRANTOR:
UNITED STATES OF AMERICA

By Michael D. Brady
MICHAEL D. BRADY
Real Estate Contracting Officer
Engineering Field Activity, Northwest
Naval Facilities Engineering Command

Reviewed and Approved
As to Form and Legality.

Shelley K. Simcox
Shelley K. Simcox
Assistant Counsel

Legal Description Approved

Jerrell A. Tomeo
Jerrell Tomeo, Engineering Technician

GRANTEE.
THE CITY OF SEATTLE

By Kenneth R. Bounds
Kenneth R. Bounds, Superintendent
Department of Parks and Recreation

EXHIBITS

Exhibit "A" - Public Law 105-262, Section 8143, Department of Defense Appropriation
Act of 1999

Exhibit "B" - Legal Description of City Property (Parcels E and F)

Exhibit "C" - Legal Description of USA Property (Parcel G)

Exhibit "D" - Legal Description of FAA Easement Area

ACCEPTANCE

On behalf of The City of Seattle, a municipal corporation of the State of Washington, I, Kenneth R. Bounds, Superintendent of the Department of Parks and Recreation, accept the interest in the real property conveyed herein by this Quitclaim Deed, legally described in the attached Exhibit "B" to Quitclaim Deed [Legal Description of City Property (Parcels E and F)], from The United States of America, acting by and through the Department of the Navy, to The City of Seattle, pursuant to the authority conferred by Ordinance 121250 [passed August 11, 2003]

Dated. 8/29 2003

THE CITY OF SEATTLE

By


Kenneth R. Bounds
Superintendent
Department of Parks and Recreation

STATE OF WASHINGTON)

) ss.

COUNTY OF KITSAP)

On this 20th day of August 2003, before me personally appeared Michael D. Brady, known or identified to me to be the authorized agent of the United States of America, the governmental entity that executed the instrument or the person who executed the instrument on behalf of said governmental entity, and acknowledged to me that such governmental entity executed the same.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

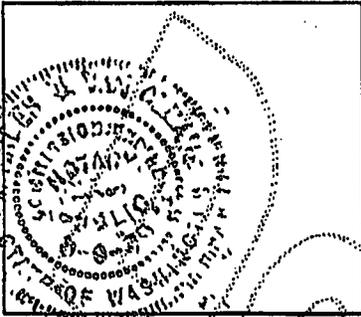
Date: 20 August 2003

Chad W. Clark

NOTARY PUBLIC in and for the State of
Washington residing at Twinsburg, OH

My commission expires: March 9, 2005

PRINT NAME Chad W. Clark



Use this space for Notary Seal/Stamp

STATE OF WASHINGTON)

COUNTY OF KING)

) ss.

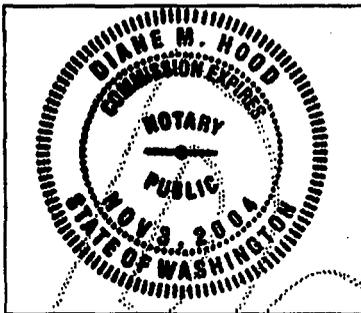
On this 29th day of August, 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Kenneth R Bounds to me known to be the Superintendent, Department of Parks and Recreation of The City of Seattle, the municipal corporation 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 was authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Date: Aug. 29, 2003

Diane Hood

NOTARY PUBLIC in and for the State of Washington residing at Seattle WA
My commission expires Nov. 3, 2004
PRINT NAME. Diane Hood



Use this space for Notary Seal/Stamp

Document

EXHIBIT "A" TO QUITCLAIM DEED

PUBLIC LAW 105-262

SECTION 8143

DEPARTMENT OF DEFENSE APPROPRIATION ACT OF 1999

SEC. 8143. (a) CONVEYANCE AUTHORIZED- The Secretary of the Navy may convey to the City of Seattle, Washington (in this section referred to as the 'City'), all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, consisting of approximately 11.82 acres, the location of the Magnolia housing area, Seattle, Washington, less such areas as the Secretary determines are required to support continued Navy family housing requirements

(b) CONSIDERATION- As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the portion of the real property to be conveyed under subsection (a) that was not donated to the United States by the City. The portion of the real property to be conveyed under subsection (a) that was donated to the United States by the City will be returned to the City at no cost.

(c) CONDITION- The conveyance authorized by subsection (a) shall be subject to the condition that the City accept the real property in its condition at the time of conveyance.

(d) DESCRIPTION OF PROPERTY- The exact acreage and legal description of the property to be conveyed for monetary consideration, as well as the acreage of the portion to be returned to the City at no cost as described in subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) USE OF FUNDS- (1) The Secretary shall use any amounts paid to the Secretary under subsection (b) for Navy family housing purposes in the Puget Sound region.

(2) If amounts referred to in paragraph (1) remain unexpended after the use for Navy family housing purposes referred to in that paragraph, the Secretary shall deposit such unexpended amounts in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C 485(h)).

(f) ADDITIONAL TERMS AND CONDITIONS- The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

EXHIBIT "B" TO QUITCLAIM DEED

Page 1 of 3

Legal Description of City Property (Parcels E and F)

Parcel E:

Those portions of 26th Avenue West (Birmingham), West Galer Street (W Galer St & Villard) and Amherst Avenue as platted in Minor's Add and Magnolia Park Add., described as follows:

Commencing at the SW corner of Lot 17, Block 9, Minor's Add to the City of Seattle, also known as the TPOB of the Quit Claim Deed (Rec#7606300880);
Thence South 89°08'13" West along the north margin of Oakes St, as platted in Minor's Addition, a distance of 349.97 feet to the intersection with the east margin of 26th Ave W (Birmingham) and the TPOB of this description,
thence continuing South 89°08'13" West a distance of 66.00 feet to the west margin of said 26th Ave W,
thence North 00°51'47" West, a distance of 200.00 feet to the intersection with the south margin of W Galer St (Villard),
thence South 89°08'13" West along the south margin of W Galer (Villard), a distance of 110.11 feet,
thence North 00°51'47" West a distance of 3.00' to the south margin of West Garfield St as established by City of Seattle Condemnation Ordinance 53518,
thence north and east on a curve to the left along the south margin of said West Garfield St, the radius point bearing North 00°51'47" West, having a radius of 530 feet, a central angle of 27°31'34", an arc distance of 254.62 feet, to the intersection with the north margin of W. Galer St,
thence North 89°08'13" East, along the north margin of W Galer St, a distance of 94.18 feet, to the west margin of Amherst Ave,
thence North 00°34'02" East, along the west margin of Amherst Ave a distance of 64.06 feet, to the south margin of said W. Garfield St.,
thence north and east on a curve to the left along the south margin of said W Garfield St, the radius point bearing North 40°52'06" West, having a radius of 530 feet, a central angle of 08°09'36", an arc distance of 75.48 feet, to the point of tangency,
thence North 40°58'18" East, a distance of 11.01 feet to the intersection with the east margin of Amherst Ave,
thence South 00°34'02" West, a distance of 30.64 feet,
thence south and west on a curve to the right, the radius point bearing North 47°44'39" West, having a radius of 550 feet, a central angle of 5°46'19", an arc distance of 55.41 feet,
thence South 28°13'08" East, a distance of 74.51 feet,
thence South 42°22'17" West, a distance of 71.95 feet, to the south margin of said W Galer St (Villard),

EXHIBIT "B" TO QUITCLAIM DEED

Page 2 of 3

Legal Description of City Property (Parcels E and F) - continued

thence South 89°08'13" West, a distance of 170.47 feet, to the east margin of 24th Ave W (Birmingham),
thence South 00°51'47" East, a distance of 200.00 feet, to the north margin of Oakes St,
and the TPOB.

containing 30,422.3 sq.ft/0.6984 acre

Parcel F:

Commencing at the SW corner of Lot 17, Block 9, Minor's Add to the City of Seattle, also known as the TPOB of the Quit-Claim Deed (Rec# 7606300880),

Thence South 00°51'47" East, a distance of 94.75 feet to the intersection with the north margin of Marina Pl as described in Auditor's File #116480,

thence North 74°49'48" East, a distance of 98.84 to the TPOB of this description,

thence North 15°10'12" West, a distance of 18.72 feet,

thence North 73°34'01" East, a distance of 31.32 feet to a point of curvature,

thence east and north along a curve to the left, the radius point bearing North 16°25'59" West, with a radius of 80.00 feet, a central angle of 72°42'19", an arc distance of 101.52 feet,

thence North 00°51'42" East, a distance of 43.38 feet,

thence North 88°18'21" West, a distance of 4.98 feet,

thence North 00°46'37" West, a distance of 107.79 feet,

thence North 23°01'25" West, a distance of 102.53 feet,

thence North 06°06'38" West, a distance of 83.97 feet, to a point of curvature,

thence north and west along a curve to the left, the radius point bearing South 83°53'25" West, with a radius of 30.00 feet, a central angle of 75°52'39", an arc distance of 39.73 feet,

thence North 81°59'14" West, a distance of 32.46 feet, to a point of curvature,

thence west and north along a curve to the right, the radius point bearing North 08°00'46" East, with a radius of 40.00 feet, a central angle of 101°14'18", an arc distance of 70.68 feet,

thence North 19°15'04" East, a distance of 85.61 feet,

thence North 02°15'17" East, a distance of 85.82 feet,

thence North 89°46'23" East, a distance of 106.30 feet,

thence North 12°54'49" West, a distance of 99.23 feet, to an intersection with the north

EXHIBIT "B" TO QUITCLAIM DEED
Page 3 of 3

Legal Description of City Property (Parcels E and F) - continued

line of the Property exception to Quit Claim Deed #7606300880,
thence North 89°46'23" East, a distance of 262.06 feet to the NE corner of the property
exception to Quit Claim Deed #7606300880 and the west margin of 23rd Ave W as set
forth in Auditor's File #116480,
thence South 00°10'17" East, along the east line of the property exception to said Quit
Claim Deed #7606300880, a distance of 736.61 feet, to the intersection with the north
margin of Marina Pl as set forth in said AF#116480,
thence South 89°00'00" West, along the south line of the said property exception, a
distance of 167.69 feet,
thence South 74°49'48" West, a distance of 155.43 feet to the TPOB.

containing 214,638.0 sq.ft/4.9274 acre.

EXHIBIT "C" TO QUITCLAIM DEED

Page 1 of 2

Legal Description of USA Property (Parcel G)

Commencing at the SW corner of Lot 17, Block 9, Minor's Add to the City of Seattle, also known as the TPOB of the Quit Claim Deed (Rec#7606300880), and the TPOB of this description,

Thence South 89°08'13" West, along the north margin of Oakes St. as platted in said Minor's Add, a distance of 88.36 feet,

thence North 37°01'35" West, a distance of 42.26 feet,

thence North 68°59'49" West, a distance of 173.81 feet,

thence North 42°22'17" East, a distance of 210.79 feet,

thence North 28°13'08" West, a distance of 74.51 feet, to a point of curvature,

thence east and north along a curve to the left, the radius point bearing North 41°58'19" West, with a radius of 550.00 feet, a central angle of 07°03'22", an arc distance of 67.73 feet,

thence North 40°58'18" East, a distance of 100.00 feet,

thence North 49°01'42" West, a distance of 20.00 feet, to the south margin of W. Garfield St, as set established by City of Seattle Condemnation Ordinance 53518, and a point of curvature,

thence east and north along a curve to the right, the radius point bearing South 49°01'42" East, with a radius of 470.00 feet, a central angle of 14°07'59", an arc distance of 115.93 feet,

thence North 03°31'36" East, a distance of 179.84 feet, to the NW corner of the property exception to Quit Claim Deed #7606300880,

thence North 89°46'23" East, a distance of 124.51 feet,

thence South 12°54'49" East, a distance of 99.23 feet,

thence South 89°46'23" West, a distance of 106.30 feet,

thence South 02°15'17" West, a distance of 85.82 feet,

thence South 19°15'04" West, a distance of 85.61 feet, to a point of curvature,

thence south and east along a curve to the left, the radius point bearing South 70°44'56" East, with a radius of 40.00 feet, a central angle of 101°14'18", an arc distance of 70.68 feet,

thence South 81°59'14" East, a distance of 32.46 feet,

thence east and south along a curve to the right, the radius point bearing South 08°00'46" West, with a radius of 30.00 feet, a central angle of 75°52'39", an arc distance of 39.73 feet,

thence South 06°06'38" East, a distance of 83.97 feet,

thence South 23°01'25" East, a distance of 102.53 feet,

thence South 00°46'37" East, a distance of 107.79 feet,

thence South 88°18'21" East, a distance of 4.98 feet,

EXHIBIT "C" TO QUITCLAIM DEED
Page 2 of 2

Legal Description of USA Property (Parcel G) - continued

thence South 00°51'42" West, a distance of 43.38 feet, to a point of curvature,
thence south and west along a curve to the right, the radius point bearing North
89°08'18" West, with a radius of 80.00 feet, a central angle of 72°42'19", an arc distance
of 101.52 feet,
thence South 73°34'01" West, a distance of 31.32 feet,
thence South 15°10'12" East, a distance of 18.72 feet, to the north margin of Manna
Place as set forth in Auditor's File #116480,
thence South 74°49'48" West, a distance of 98.84 feet,
thence North 00°51'47" West, a distance of 94.75 feet to the TPOB

containing 169,449.3 sq.ft/3.89 acre

EXHIBIT "D" TO QUITCLAIM DEED

Legal Description of FAA Easement Area

A parcel of land located in Government Lot 4, Section 23, Township 25 North, Range 3 East, W.M. described as follows:

Commencing at the SE corner of Magnolia Park Addition to the City of Seattle, as recorded in Volume 15, Page 5, King County Records, Washington State.

Said SE corner lying S 89°08'13" W and distant 210.00 feet from a government meander corner marking the SE corner of Government Lot 4, Section 23, Township 25 North, Range 3 East, W.M.

Thence S 89°08'13" W along the south line of said Government Lot 4, a distance of 525.93 feet to a concrete monument in case. Said monument marks the intersection of the centerline of a 66 foot Galer Street ROW to the West and the centerline of a 60 foot Garfield Street ROW and the beginning of a curve to the northeast as established and described by Condemnation Ordinance 53518.

Thence S 00°51'47" E a distance of 30.00 feet to the southerly margin of said Garfield Street and the beginning of a curve to the east and north.

Thence east and north along said southerly margin of Garfield Street on a curve concave to the northwest, whose radial center bears N 00°51'47" W having a radius of 530.00 feet and a central angle of 32°56'20", an arc distance of 304.69 feet to the north westerly corner of this description and the True Point of Beginning.

Thence S 28°13'08" E a distance of 42.01 feet,

Thence S 80°48'34" E a distance of 28.12 feet,

Thence N 72°00'20" E a distance of 57.78 feet to the intersection with the north margin of West Galer Street,

Thence N 28°13'08" W a distance of 83.22 feet to the southerly margin of said W Garfield Street,

Thence south and west along said southerly margin on a curve concave to the northwest whose radial center bears N 42°30'07" W having a radius of 530.00 feet and a central angle of 8°42'00" an arc distance of 80.48 feet to the TPOB and the end of this description.

Containing 0.12 acre/5248.3 square feet

When Recorded, Return to

Department of Planning and Development
700 5th Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019



20071029000526

DEPT OF CONSTR COV 47.00
PAGE 001 OF 008
10/29/2007 10:21
KING COUNTY, WA

**COVENANT RUNNING WITH THE LAND WITH ACKNOWLEDGEMENT AND
ACCEPTANCE OF RISK, DUTY TO INFORM, NEED FOR INSURANCE,
INDEMNITY AND WAIVER
(Liquefaction-Prone Area)**

GRANTOR: 1) PORT OF SEATTLE
2) _____
3) _____

Additional Owners/Grantors on page _____

GRANTEE: **THE CITY OF SEATTLE**

LEGAL DESCRIPTION (ABBREVIATED):

A portion of the E 1/2 and the SW 1/4 of Section 23, and the E 1/2
and NW 1/4 of Section 26, in Township 25N, Range 3 E, W.M.,
King County, Washington

Additional legal description on Exhibit A on page 5.

232503-9012, 232503-9013, ~~232503-9015~~
232503-9018, 232503-9046, 277160-0650
277160-5385, 766620-1146, 766620-1530

ASSESSOR'S TAX PARCEL ID NO(S):

766620-1715

Permit Applications:

Type(s) of permit sought: Demolition and Construction
Date(s) of application: August 8, 2007
Application Number(s): 6135456
Address: 2001 W. Garfield Street, Seattle

**COVENANT RUNNING WITH THE LAND,
WITH ACKNOWLEDGEMENT AND ACCEPTANCE OF RISK,
DUTY TO INFORM, NEED FOR INSURANCE, INDEMNITY
AND WAIVER
(Liquefaction-Prone Area)**

This Covenant is executed in favor of the City of Seattle ("City") by the undersigned owner(s) ("Grantor") of the real property described on Exhibit A (the "Property") on behalf of Grantor and Grantor's heirs, successors and assigns. The undersigned warrants that Grantor has bargained for and negotiated this Covenant with the City and that all owners of the Property have executed this document.

A. ACKNOWLEDGEMENT AND ACCEPTANCE OF RISK

1. Grantor acknowledges that the Property is located in or contains a liquefaction-prone area as described in SMC 25.09.020, that the Property is subject to the provisions of SMC Chapter 25.09, SMC Chapter 22.800 et seq. and the rules and regulations adopted by the Director of the Department of Planning and Development, and that this Covenant is being executed pursuant to SMC 22.808.130.

2. Grantor understands and acknowledges that there are unique risks associated with the structural aspects of the project for which Grantor seeks approval through City Department of Planning and Development Project No6135456 ("Proposed Development"). Risks of developing in a liquefaction-prone area include without limitation property damage, loss of use, personal injury and death resulting from soil movement (such as lateral spreading and seismically induced total and differential settlement); loss of soil strength and bearing capacity; loss of axial, end-bearing and lateral resistance of deep foundations; flotation of underground tanks; damage to buried utilities; amplification of earthquake ground motions; water movement, flooding, and water collection occurring on the Property or on other property in the vicinity. Grantor acknowledges that the City believes that the design and engineering of the Proposed Development cannot eliminate all risks.

3. Grantor has decided to proceed with the Proposed Development. Grantor agrees on behalf of Grantor and Grantor's heirs, successors and assigns to accept any and all risks of loss, damage and injury described in Paragraph A(2) above and associated with (a) use of the Proposed Development; (b) development or construction of the Proposed Development; or (c) any combination thereof, except as otherwise provided in this Covenant.

B. WAIVER

Grantor, on behalf of Grantor and Grantor's heirs, successors and assigns, hereby waives any right to assert any and all present and future claims against the City, whether known or unknown, for any loss or damage occurring either on or off the Property, including

without limitation personal injury, death, property damage, and loss of use by reason of or arising out of (1) issuance of any permit or approval by the City for the Proposed Development or alteration of the Property in pursuit of the Proposed Development, except only for such losses that directly result from the sole negligence of the City; and (2) the risks described in Section A above, except only for such losses that directly result from the sole negligence of the City.

C. INDEMNITY

1. Grantor, on behalf of Grantor and Grantor's heirs, successors and assigns, agrees to indemnify, hold harmless and defend the City and its officers, agents and employees from and against all claims, losses, costs and damages, including without limitation personal injury, death, property damage, loss of use and attorneys' fees ("Losses") arising out of or relating to: (1) issuance of any permit or approval by the City for the Proposed Development (including but not limited to inspections of the Proposed Development); and (2) the risks described in Paragraph A(2) above.

(a) The agreement in Paragraph C(1) does not extend to Losses caused by or resulting from the sole negligence of the City.

(b) To the extent Losses result from the concurrent negligence of, on the one hand, the City or the City's agents or employees and, on the other hand:

- (i) Grantor or Grantor's agents or employees;
- (ii) Grantor's heirs, successors or assigns;
- (iii) the agents or employees of Grantor's heirs, successors or assigns; or
- (iv) any combination thereof,

the agreement in Paragraph C(1) shall be enforceable only to the extent of the negligence of the persons listed in (i) - (iv) above.

(c) Except as may be limited by Paragraphs C(1)(a) and (b), the agreement in Paragraph C(1) includes but is not limited to Losses caused by or resulting from the negligence of any and all persons or entities involved in the design, construction or maintenance of improvements to the Property.

2. Grantor, on behalf of Grantor and Grantor's heirs, successors and assigns, specifically and expressly agrees to waive Grantor's and Grantor's heirs', successors' and assigns' immunity under industrial insurance, Title 51 of the Revised Code of Washington, to the extent necessary to provide the City with a full and complete indemnity from claims made by employees of Grantor or Grantor's heirs, successors and assigns. Grantor, on behalf of

Grantor and Grantor's heirs, successors and assigns, specifically and expressly agrees that such waiver of immunity was mutually negotiated by the parties.

D. DUTY TO INFORM

1. Grantor, on behalf of Grantor and Grantor's heirs, successors and assigns, agrees to inform all subsequent heirs, successors and assigns of the Property that: (a) the Property is in or contains a liquefaction-prone area, and (b) that there are risks associated with the Proposed Development, as described above in Paragraph A.2.

2. Grantor, on behalf of Grantor and Grantor's heirs, successors and assigns, agrees to provide a copy of this Covenant to any prospective purchaser or assignee of the Property prior to closing or assignment.

3. Grantor, on behalf of Grantor and Grantor's heirs, successors and assigns, agrees to inform all subsequent heirs, successors and assigns of the Property of any conditions or prohibitions on development and of any features of the Proposed Development that will require monitoring, maintenance, modification or replacement.

E. INSURANCE

Grantor, on behalf of Grantor and Grantor's heirs, successors and assigns, agrees to further inform all subsequent heirs, successors and assigns of the advisability of obtaining insurance *in addition to* standard homeowner's insurance to specifically cover the risks posed by proposed development in a liquefaction-prone area, including without limitation those risks described above in Paragraph A(2).

F. RECORDING

This Covenant shall be recorded in the real estate records of the Office of Records and Elections of King County, Washington.

G. RUNNING COVENANT

The parties intend that this Covenant shall run with the land and be binding on Grantor and on Grantor's heirs, successors and assigns.

H. SEVERABILITY

If any provision of this Covenant is held invalid, the remainder of the Covenant is not affected. If the application of this Covenant to any person or circumstance is held invalid, the application of the Covenant to other persons or circumstances is not affected.

**EXHIBIT A
TO COVENANT RUNNING WITH THE LAND WITH ACKNOWLEDGEMENT AND
ACCEPTANCE OF RISK, DUTY TO INFORM, NEED FOR INSURANCE, INDEMNITY
AND WAIVER**

COMPLETE LEGAL DESCRIPTION OF PROPERTY SUBJECT TO COVENANT:

SEE ATTACHMENT #1

(CORPORATE OWNER, PARTNERSHIP OWNER, LIMITED LIABILITY COMPANY OWNER/OTHER LEGAL ENTITY OWNER—attach more pages if needed)

Date: August 8, 2007

Port of Seattle

Owner/Grantor

Printed Name

By *[Signature]*

Fred Chou

Printed Name

Its Project Manager

State of Washington)
County of King)

I certify that I know or have satisfactory evidence that Fred Chou is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the employee (type of authority, e.g., partner, trustee, title of officer, personal representative, guardian, attorney in fact for a principal, etc.) of Port of Seattle (name of owner/entity or behalf of whom instrument was executed), to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Date: 8/8/07

[Signature]

NOTARY PUBLIC in and for the State of Washington
Residing at Seattle
My commission expires: 6/29/10
PRINT NAME: Donna Wynn



Use this space for Notary Seal

Date:

Owner/Grantor

Printed Name

By

Printed Name

Its

State of Washington)
County of _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the _____ type of authority, e.g., partner, trustee, title of officer, personal representative, guardian, attorney in fact for a principal, etc.) of _____ (name of owner/entity or behalf of whom instrument was executed), to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Date:

NOTARY PUBLIC in and for the State of Washington
Residing at _____
My commission expires: _____
PRINT NAME: _____



Use this space for Notary Seal

ATTACHMENT # 1

TERMINAL 91 LEGAL DESCRIPTION: (From Title report)

THAT PORTION OF THE EAST HALF AND THE SOUTHWEST QUARTER OF SECTION 23; THE EAST HALF AND THE NORTHWEST QUARTER OF SECTION 26, ALL IN TOWNSHIP 25 NORTH, RANGE 03 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF SEATTLE MONUMENT AT THE CENTERLINE INTERSECTION OF 15TH AVENUE WEST AND WEST GARFIELD STREET; PROCEEDED SOUTH $89^{\circ} 51' 38''$ WEST ALONG THE CENTERLINE OF SAID GARFIELD STREET A DISTANCE OF 713.10 FEET; THENCE SOUTH $00^{\circ} 08' 22''$ EAST A DISTANCE OF 50.00 FEET TO THE SOUTH MARGIN OF SAID GARFIELD STREET AND THE TRUE POINT OF BEGINNING; THENCE NORTH $89^{\circ} 51' 38''$ EAST ALONG THE SOUTH MARGIN OF GARFIELD STREET A DISTANCE OF 7.25 FEET; THENCE SOUTH $41^{\circ} 10' 23''$ EAST ALONG THE WESTERLY MARGIN OF ALASKAN WAY A DISTANCE OF 52.89 FEET; THENCE SOUTH $00^{\circ} 09' 24''$ EAST A DISTANCE OF 9.04 FEET; THENCE SOUTH $41^{\circ} 10' 23''$ EAST A DISTANCE OF 319.07 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 73.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $57^{\circ} 46' 05''$ AN ARC DISTANCE OF 73.60 FEET; THENCE SOUTH $16^{\circ} 35' 43''$ WEST A DISTANCE OF 67.60 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $72^{\circ} 37' 45''$ AN ARC DISTANCE OF 215.50 FEET THE NORTH MARGIN OF WEST GALER STREET; THENCE NORTH $89^{\circ} 48' 38''$ WEST ALONG THE NORTH MARGIN OF WEST GALER STREET, A DISTANCE OF 31.09 FEET TO THE WEST MARGIN OF 16TH AVENUE WEST; THENCE SOUTH $00^{\circ} 11' 22''$ WEST ALONG SAID WEST MARGIN AND SAID MARGIN PROJECTED, A DISTANCE OF 1823.90 FEET TO THE INNER HARBOR LINE; THENCE NORTH $82^{\circ} 19' 41''$ WEST ALONG SAID INNER HARBOR LINE A DISTANCE OF 404.89 FEET; THENCE SOUTH $00^{\circ} 08' 22''$ EAST A DISTANCE OF 166.70 FEET; THENCE SOUTH $89^{\circ} 51' 38''$ WEST A DISTANCE OF 310.02 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SMITH'S COVE WATERWAY; THENCE NORTH $00^{\circ} 08' 22''$ WEST A DISTANCE OF 208.93 FEET TO A POINT OF INTERSECTION WITH THE INNER HARBOR LINE; THENCE NORTH $82^{\circ} 19' 41''$ WEST ALONG SAID INNER HARBOR LINE A DISTANCE OF 352.39 FEET; THENCE SOUTH $00^{\circ} 08' 22''$ EAST A DISTANCE OF 253.50 FEET; THENCE SOUTH $89^{\circ} 51' 38''$ WEST A DISTANCE OF 369.03 FEET; THENCE NORTH $00^{\circ} 08' 22''$ WEST A DISTANCE OF 303.95 FEET TO A POINT OF INTERSECTION WITH THE INNER HARBOR LINE; THENCE NORTH $82^{\circ} 19' 41''$ WEST ALONG SAID INNER HARBOR LINE A DISTANCE OF 536.79 FEET TO A POINT ON THE EXTENDED EAST MARGIN OF VACATED 23RD AVENUE WEST; THENCE NORTH $00^{\circ} 08' 22''$ WEST ALONG SAID EXTENSION OF MARGIN A DISTANCE OF 1521.46 FEET TO THE TOE OF EXISTING RIP-RAP; THENCE SOUTH $89^{\circ} 00' 00''$ WEST ALONG SAID TOE A DISTANCE OF 212.49 FEET; THENCE NORTH $00^{\circ} 09' 49''$ WEST A DISTANCE OF 94.40 FEET; THENCE NORTH $45^{\circ} 10' 17''$ WEST A DISTANCE OF 14.14 FEET; THENCE NORTH $00^{\circ} 09' 49''$ WEST A DISTANCE OF 262.00 FEET; THENCE NORTH $33^{\circ} 17' 21''$ WEST A DISTANCE OF 29.28 FEET; THENCE NORTH $00^{\circ} 09' 49''$ WEST A DISTANCE OF 247.18 FEET; THENCE NORTH $67^{\circ} 53' 22''$ EAST A DISTANCE OF 31.50 FEET; THENCE NORTH $89^{\circ} 51' 38''$ EAST A DISTANCE OF 409.89 FEET; THENCE NORTH $00^{\circ} 08' 22''$ WEST A DISTANCE OF 100.00 FEET;

THENCE SOUTH 89° 51' 38" WEST A DISTANCE OF 498.70 FEET;
THENCE NORTH 00° 11' 00" WEST A DISTANCE OF 15.49 FEET;
THENCE SOUTH 89° 46' 23" WEST A DISTANCE OF 386.53 FEET;
THENCE NORTH 03° 30' 48" EAST A DISTANCE OF 220.93 FEET TO A POINT OF INTERSECTION
WITH THE SOUTHEAST LINE OF LOT 29, BLOCK 5, HYDE PARK ADDITION;
THENCE NORTH 36° 31' 21" EAST ALONG SAID LOT LINE EXTENDED A DISTANCE OF 776.48
FEET;
THENCE NORTH 00° 07' 22" WEST A DISTANCE OF 101.07 FEET;
THENCE NORTH 85° 46' 24" EAST A DISTANCE OF 57.67 FEET;
THENCE NORTH 25° 00' 24" EAST A DISTANCE OF 89.47 FEET;
THENCE NORTH 18° 31' 09" EAST A DISTANCE OF 59.62 FEET TO A POINT ON THE NORTH
LINE OF LOT 23, BLOCK 194, OF GILMAN'S ADDITION TO THE CITY OF SEATTLE,
RECORDED IN VOLUME 5 OF PLATS, PAGE 93, KING COUNTY RECORDS;
THENCE NORTH 10° 25' 39" EAST A DISTANCE OF 93.56 FEET;
THENCE NORTH 07° 33' 54" EAST A DISTANCE OF 6.95 FEET TO THE NORTH LINE OF LOT 20,
BLOCK 194, OF SAID GILMAN'S ADDITION TO THE CITY OF SEATTLE;
THENCE NORTH 89° 52' 39" EAST ALONG SAID MARGIN A DISTANCE OF 38.36 FEET TO A
POINT OF INTERSECTION WITH THE EAST MARGIN OF 23RD AVENUE WEST;
THENCE NORTH 00° 09' 21" WEST ALONG SAID MARGIN A DISTANCE OF 1364.90 FEET TO A
POINT OF INTERSECTION WITH THE EASTERLY MARGIN OF THORNDYKE AVENUE WEST;
THENCE NORTH 26° 51' 54" EAST ALONG SAID MARGIN A DISTANCE OF 578.74 FEET TO A
POINT OF INTERSECTION WITH THE SOUTH MARGIN OF HALEADAY STREET;
THENCE NORTH 89° 52' 16" EAST ALONG SAID MARGIN A DISTANCE OF 571.20;
THENCE NORTH 18° 32' 58" EAST A DISTANCE OF 15.49 FEET FEET;
THENCE NORTH 89° 59' 23" EAST A DISTANCE OF 134.64 FEET;
THENCE SOUTH 40° 26' 13" EAST A DISTANCE OF 133.98 FEET;
THENCE SOUTH 00° 08' 22" EAST A DISTANCE OF 54.74 FEET;
THENCE SOUTH 51° 25' 28" EAST A DISTANCE OF 4.29 FEET;
THENCE SOUTH 00° 08' 22" EAST A DISTANCE OF 1797.05 FEET TO A POINT OF CURVATURE;
THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 41°
02' 01", A RADIUS OF 1165.78 FEET, WITH AN INITIAL RADIAL BEARING OF NORTH 89° 51' 38"
EAST, AN ARC DISTANCE OF 834.90 FEET;
THENCE SOUTH 41° 10' 23" EAST A DISTANCE OF 493.85 FEET;
THENCE SOUTH 26° 58' 51" EAST A DISTANCE OF 112.12 FEET TO THE TRUE POINT OF
BEGINNING.

Appendix B

Search of Standard Environmental Records Sources