

AFTER RECORDING, RETURN TO:

Port of Skagit County  
15400 Airport Drive  
Burlington, WA 98233

CHICAGO TITLE COMPANY  
620039768

**NOTICE ACKNOWLEDGEMENT AND WAIVER  
AIRPORT AND AIRCRAFT OPERATIONS AND NOISE DISCLOSURE  
SKAGIT REGIONAL AIRPORT ENVIRONS**

**Property / Tax I.D. Nos.:** P122075, P122077, P122078

**Property Owner(s):** ALM Burlington, LLC, a Delaware limited liability company

**Partial Legal Description:** Portion of the NE ¼ of S. 3, T. 34 N, R. 3 E., WM

Additional legal description(s) on page(s) 6 of document.

**Comp Plan/Zoning Designation:** Bayview Ridge-Light Industrial (BR-LI) and Airport  
Environs Overlay (AEO)

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**NOTICE**

The above referenced property, legally described in Exhibit A hereto, ("Subject Property") is located within the Airport Environs Overlay Zone and is included in a mapped airport-impacted area in the vicinity of the Skagit Regional Airport (and depicted in Exhibits B, C & D, attached hereto). Skagit Regional Airport has been identified in the Skagit County Comprehensive Plan as an Essential Public Facility pursuant to Chapter 36.70A RCW (Washington Growth Management Act). It is the policy of Skagit County to support the continued use of Skagit Regional Airport, including its future accommodation of both increased aircraft traffic and utilization of aircraft of the class, size and category as are now or may hereafter be operationally compatible with the Skagit Regional Airport. The Port of Skagit County, which owns and operates Skagit Regional Airport, claims to have acquired through prescriptive avigation easements the right to operate Skagit Regional Airport with the attendant impacts of low-flying aircraft over, near and upon those properties identified in Exhibit A attached hereto.

The Skagit Regional Airport is an aviation facility and is depicted on the maps attached as Exhibits B, C and D. The Subject Property will routinely experience the effects of low-flying aircraft. As a result, the Subject Property will experience aircraft noise, exhaust fumes, vibration, glare and invasion of quiet enjoyment resulting from propeller-driven and jet aircraft. The airport noise contours for the immediate vicinity of the Skagit Regional Airport have been identified for traffic volumes (Exhibit "C") and forecasted future traffic volumes (Exhibit "D"). The contours and the level of noise received by properties in the vicinity of Skagit Regional Airport will change in the future and impacts to property occupants may increase.

Additionally, a portion of the Subject Property, legally described in Exhibit E and depicted in Exhibit F, is in Airport Compatibility Zone 2 (the "Zone 2 Property"), in close proximity to the end of a runway at Skagit Regional Airport and therefore will experience the low altitude over-flight effects of aircraft landing and taking off from the airport. There is a risk that such an aircraft could accidentally crash into the Zone 2 Property causing property damage to the Zone 2 Property and/or injury and/or death to persons on the Zone 2 Property from impact, fire or explosion.

More specific information regarding airport operation and aircraft noise can be obtained by calling the Port of Skagit County, Skagit Regional Airport, Operations Office.

This notice conveys actual and constructive knowledge to any person or entity acquiring or obtaining a real property interest or right of occupancy in or on the Subject Property and /or the Zone 2 Property.

#### **ACKNOWLEDGEMENT**

ALM Burlington, LLC, a Delaware limited liability company ("ALM Burlington LLC"), the owner of the Subject Property, hereby acknowledges that it has read and understand the NOTICE provided above. ALM Burlington LLC understands that this NOTICE ACKNOWLEDGEMENT AND WAIVER will be recorded with the Skagit County Auditor.

#### **WAIVER**

ALM Burlington, LLC, the owner of the referenced property, hereby waives for itself, its successors, heirs and executors and any person on or about the Zone 2 Property or who has personal property thereon any and all claims against Skagit County and the Port of Skagit County for personal injury, death or property damage caused by aircraft impacting only the Zone 2 Property. This waiver shall strictly apply only to the Zone 2 Property and not to the balance of the Subject Property.

The Auditor will convey notice of the contents hereof to all persons or entities acquiring or obtaining an interest or right to occupancy in or on the Subject Property and /or the Zone 2 Property. ALM Burlington, LLC has freely executed this ACKNOWLEDGEMENT AND WAIVER as a condition of approval for Lot Certification for BLA No. PL20-0037; Grading and

Building Permits Nos. BP20-0040 and BP20-0043, and Land Use Approval No. PL20-0036., as required by SCC 14.16.210(5).

Dated the 28th day of May, 2021.

**ALM BURLINGTON, LLC,**  
a Delaware limited liability company

By: LM Logistics REIT II,  
a Texas real estate investment trust,  
its sole member

By: *Bruce C. Petersen*  
Name: Bruce C. Petersen  
Title: Executive Managing Director  
Date: \_\_\_\_\_

STATE OF TEXAS

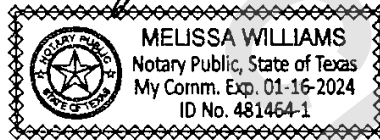
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COUNTY OF BEXAR

Personally appeared before me, *Melissa Williams*, Notary Public, *Bruce C. Petersen*, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the *Exec. Managing Director* of LM Logistics REIT II, a Texas real estate investment trust, sole member of ALM BURLINGTON, LLC, a Delaware limited liability company, and is authorized to execute this instrument.

WITNESS my hand, at office, this 26<sup>th</sup> day of May, 2021.

*Melissa Williams*  
Notary Public  
My Commission Expires: 1-16-2024



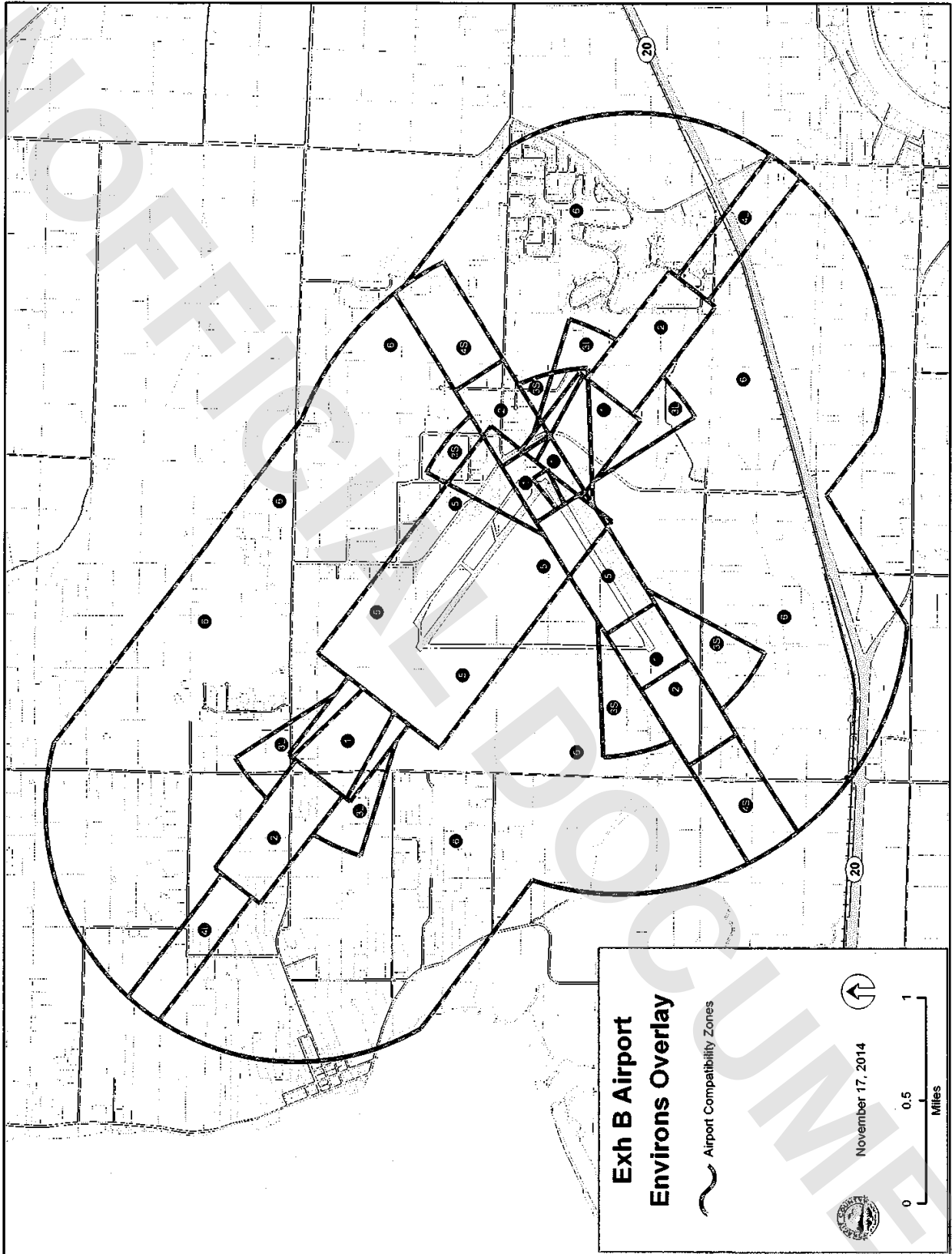
**Exhibit A**  
**LEGAL DESCRIPTION**

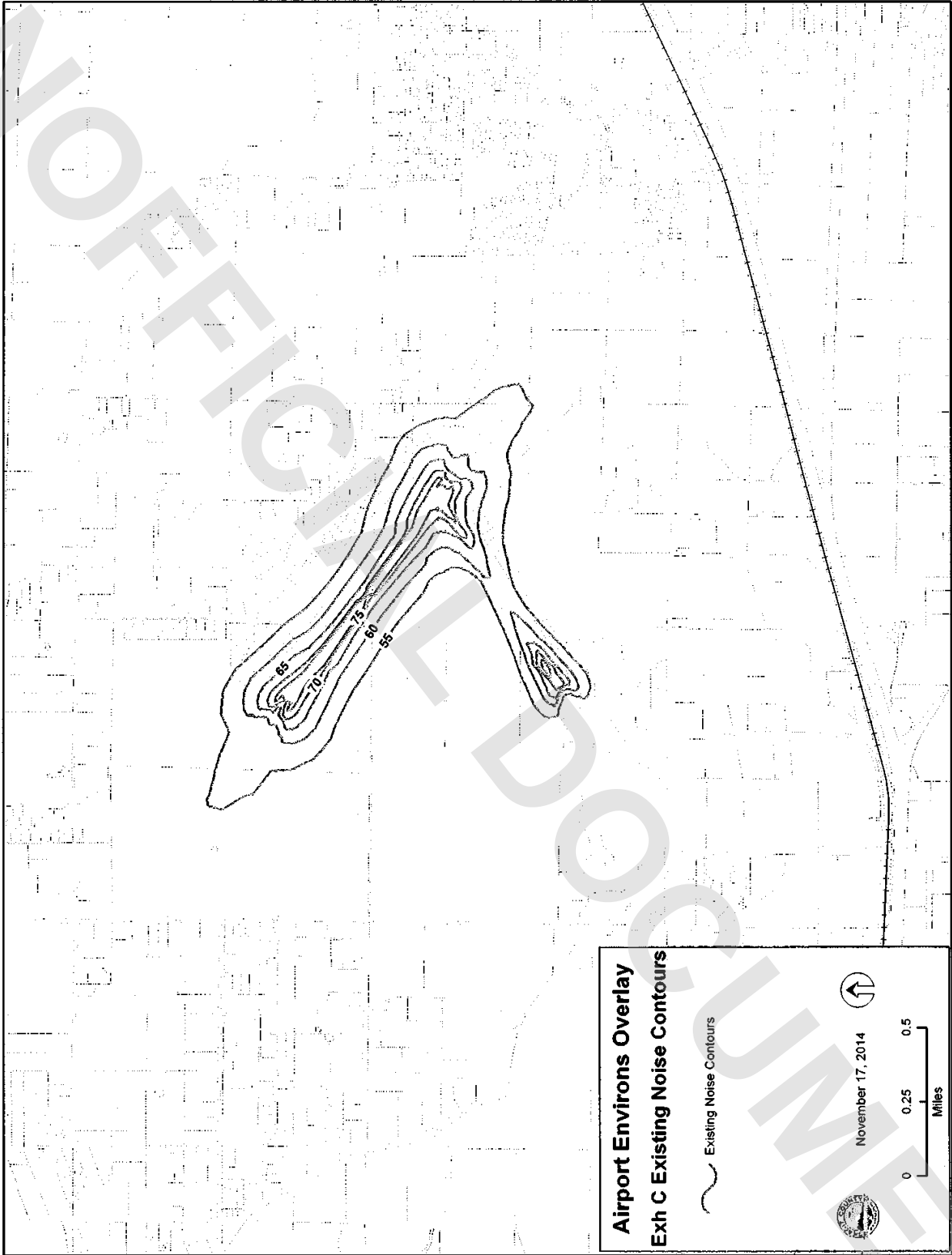
Parcel A of Skagit County Boundary Line Adjustment No. PL20-0036, recorded under Auditor's File No. 2021043000167, more particularly described as follows:

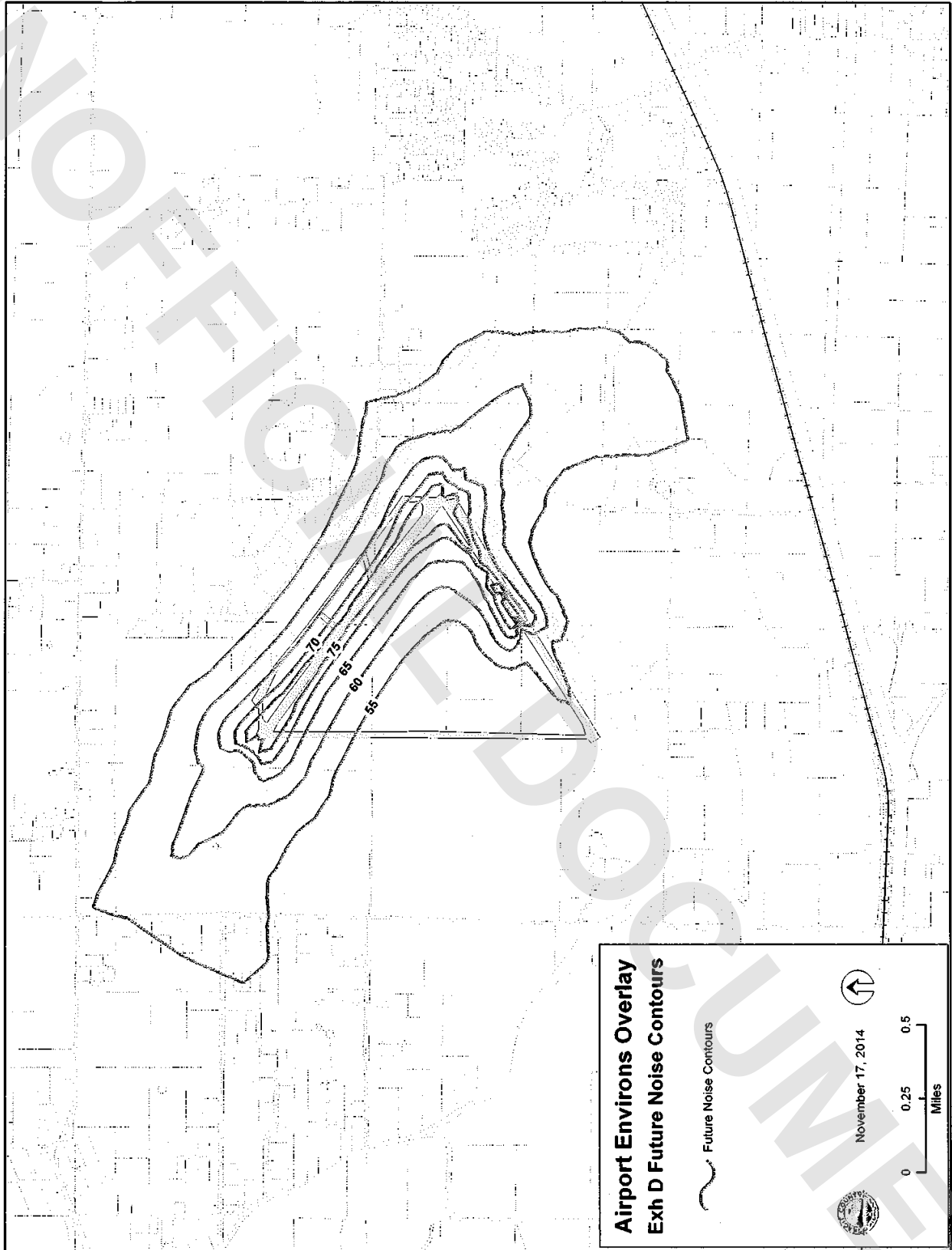
Lots 2F, 2G, and a portion of 2H, Bay Ridge Business Park Binding Site Plan, BSP No. PL-03-0706, approved June 8, 2004 and recorded July 9, 2004, under Auditor's File No. 200407090108, records of Skagit County, Washington, lying in East Half of the Northeast Quarter of Section 3, Township 34 North, Range 3 East, W.M., Skagit County, Washington, more particularly described as follows:

Beginning at a point on the East line of said Section 3 and being the Northeast corner of said Lot 2F;  
Thence South  $00^{\circ}17'37''$  West, along said East line a distance of 557.87 feet;  
Thence North  $89^{\circ}42'23''$  West, a distance of 20.00 feet;  
Thence South  $00^{\circ}17'37''$  West, a distance of 451.40 feet;  
Thence South  $61^{\circ}13'46''$  West, a distance of 75.31 feet;  
Thence South  $30^{\circ}57'26''$  West, a distance of 153.45 feet;  
Thence South  $34^{\circ}50'31''$  West, a distance of 30.14 feet;  
Thence North  $60^{\circ}54'36''$  West, a distance of 579.99 feet;  
Thence South  $29^{\circ}05'24''$  West, a distance of 191.15 feet;  
Thence South  $51^{\circ}59'17''$  West, a distance of 27.68 feet;  
Thence North  $60^{\circ}54'35''$  West, a distance of 588.47 feet to the West line of said East half of the Northeast Quarter of Section 3;  
Thence North  $00^{\circ}12'19''$  East, along said West line, a distance of 498.98 feet;  
Thence South  $89^{\circ}49'08''$  East, a distance of 646.19 feet to the Westerly margin of Bay Ridge Drive;  
Thence South  $00^{\circ}10'52''$  West, along said Westerly margin a distance of 322.29 feet to a point of curve to the left having a radius of 130.00 feet and a central angle of  $61^{\circ}05'28''$ ;  
Thence Southeasterly along the arc a distance of 138.61 feet;  
Thence South  $60^{\circ}54'36''$  East, a distance of 536.00 feet to an angle point in said Bay Ridge Drive margin;  
Thence North  $29^{\circ}05'24''$  East, along said margin a distance of 60.00 feet to the Northerly margin of Bay Ridge Drive;  
Thence North  $60^{\circ}54'36''$  West, along said margin a distance of 536.00 feet to a point of curve to the right having a radius of 70.00 feet and a central angle of  $61^{\circ}05'28''$ ;  
Thence Northwesterly along the arc a distance of 74.64 feet;  
Thence North  $00^{\circ}10'52''$  East, a distance of 645.21 feet to the Northwest corner of said Lot 2F;  
Thence South  $89^{\circ}49'08''$  East, along the North line of said Lot 2F a distance of 614.15 feet to the Point of Beginning.

Situate in the County of Skagit, State of Washington.







**Airport Environs Overlay  
Exh D Future Noise Contours**

Future Noise Contours



November 17, 2014



## EXHIBIT 'E'



### Pacific Surveying & Engineering, Inc

land surveying • civil engineering • consulting • environmental  
 909 Squaticum Way #111, Bellingham, WA 98225  
 Phone 360.671.7387 Facsimile 360.671.4685 Email [info@pseurvey.com](mailto:info@pseurvey.com)

#### AIRPORT ENVIRONS OVERLAY (AEO) AIRPORT COMPATIBILITY ZONE 2 MAPPED AIRPORT IMPACT AREA DESCRIPTION

THAT PORTION OF AIRPORT ENVIRONS OVERLAY (AEO) AIRPORT COMPATIBILITY ZONE 2 AS SET FORTH IN SKAGIT COUNTY CODE 14.16.210, LYING WITHIN A PORTION OF LOT 2G, BAY RIDGE BUSINESS PARK BINDING SITE PLAN, PHASE 2, RECORDED JULY 7, 2004 UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 200407090108, DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHWEST CORNER OF SAID LOT 2G, SAID POINT ALSO BEING A POINT ON THE NORTHEASTERLY MARGIN OF THE SOUTHEAST RUNWAY PROTECTION ZONE (RPZ) FOR RUNWAY 10/28 AT SKAGIT REGIONAL AIRPORT; THENCE SOUTH 60°53'48" EAST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2G AND NORTHEASTERLY MARGIN OF SAID RPZ, 588.45 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2G; THENCE NORTH 52°00'04" EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 2G, 27.68 FEET TO AN ANGLE POINT IN THE SOUTHEASTERLY LINE OF SAID LOT 2G; THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE, NORTH 29°06'11" EAST, 187.91 FEET TO THE NORTHEASTERLY BOUNDARY OF THE AFOREMENTIONED AEO ZONE 2; THENCE NORTH 52°21'57" WEST, ALONG SAID NORTHEASTERLY MARGIN, 790.38 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2G; THENCE SOUTH 00°13'06" WEST, ALONG SAID WEST LINE, 377.63 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2G AND THE POINT OF **BEGINNING**.

CONTAINING 4.19 ACRES, MORE OR LESS.

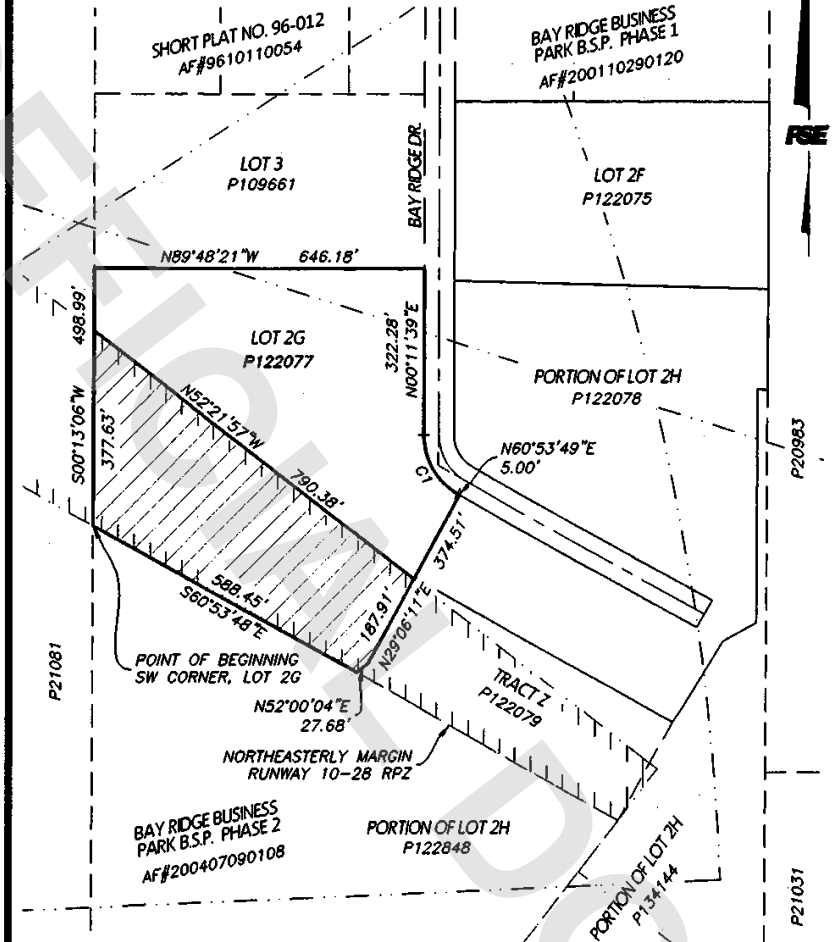
SITUATE IN SKAGIT COUNTY, WASHINGTON.



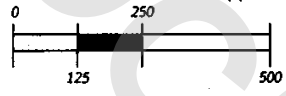


### EXHIBIT 'F'

SITUATE IN A PORTION OF THE NE 1/4 OF THE NE 1/4 OF SECTION 3, TOWNSHIP 34 NORTH,  
RANGE 3 EAST, W.M., SKAGIT COUNTY, WASHINGTON



CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	130.00'	61°05'28"	138.61'



- LIMITS OF AIRPORT ENVIRONS OVERLAY (AEO) AIRPORT COMPATIBILITY ZONE 2 [SCC 14.16.210]
- AEO COMPATIBILITY ZONE 2 IMPACT AREA (4.19 AC)

**PACIFIC SURVEYING & ENGINEERING, INC.**  
 909 Squallcum Way, Suite 111 | BELLINGHAM, WA 98225  
 T: 360.671.7387 | F: 360.671.4685  
 WWW.PSESURVEY.COM | INFO@PSESURVEY.COM

