

Return Address:

City of Maple Valley
P.O. Box 320
Maple Valley, WA 98038

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

1. Land Use Agreement
3. _____ 4. _____

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document

Grantor(s) Exactly as name(s) appear on document

1. Bonnevillle Power Administration
2. _____

Additional names on page _____ of document.

Grantee(s) Exactly as name(s) appear on document

1. City of Maple Valley, WA
2. _____

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

within NW 1/4 NE 1/4 Sec. 34, Tnsp 22 N,
Rge 6 E WM in King County

Additional legal is on page 1 of document.

Assessor's Property Tax Parcel/Account Number assigned

Assessor Tax # not yet

34 22 06 9002

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

"I am signing below and paying an additional \$50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

Signature of Requesting Party

Note to submitter: Do not sign above nor pay additional \$50 fee if the document meets margin/formatting requirements

COPY

**AFTER RECORDING, RETURN TO
Bonneville Power Administration
28401 Covington Way SE
Kent, WA 98042**

U.S. DEPARTMENT OF ENERGY-BONNEVILLE POWER ADMINISTRATION

Date: May 17, 2010

CASE No. 20100351

TRACT No. 3C-GC-20-A-15 & C-GC-5-A-15

LINE: Tacoma- Grand Coulee No.1 (Structures 5/4 & 5/5 Covington- Columbia)

City of Maple Valley
Parks and Recreation
P.O. Box 320
Maple Valley, WA 98038

LAND USE AGREEMENT

Bonneville Power Administration (BPA) hereby agrees to your use of BPA's easement area for construction/installation, use, and maintenance of the Summit Park and Ball fields.

The location of your use is partially within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 22 North, Range 6 East, Willamette Meridian, King County, State of Washington, as shown on the attached segment of BPA Drawing No. 103220, marked as Exhibit A and the city's submitted drawing marked as Exhibit B.

You shall not make any changes or additions to your use of the right-of-way without BPA's review and written approval. Any other uses and utilities on the right-of-way must be applied for separately.

Please note that BPA is not the owner of this property. If you are not the owner, you must obtain the owner(s) permission to use this property. There may also be other uses of the property that might be located within the same area as your project. This agreement is subject to those other rights.

This agreement is revocable at will by BPA and does not modify, change, or otherwise alter the rights BPA acquired by Deed. BPA may terminate this agreement upon 30 days written notice.

The subject use of this easement area has been determined not to be a hazard to, or an interference with, BPA's present use of this easement for electric transmission line purposes. Accordingly, there is no present objection to such use. However, if BPA should determine at any time, that your use has become a hazard to the presently installed electrical facilities of BPA, or any facilities added or constructed in the future, or if such use should interfere with the inspection, maintenance, or repair of the same, or with the access along such easement, you will be required to stop your use or remove such hazard or interference from the right-of-way at no expense to BPA.

**BY ACCEPTING THIS LAND USE AGREEMENT YOU ARE AGREEING TO
THE FOLLOWING CONDITIONS**

1. **It is expected that people will experience nuisance shocks while using this facility. Nuisance shocks are common on high voltage transmission line rights of way. Please plan your uses taking this into consideration.**
2. Maintain a minimum distance of at least 50 feet between your facilities and the point where the transmission line steel lattice structure enters the earth. If this clearance cannot be met, install guard devices such as barriers, guardrails, or posts, for the protection of BPA's structures. Specifications and installation plans for these protective structures must be submitted to and approved by BPA prior to construction.
3. Design and build the roadways, trails and parking areas to withstand HS-20 loading from BPA's heavy vehicles.
4. Maintain a minimum distance of at least 50 feet from steel lattice structure.
5. BPA shall have the right to use the parking area for access to its structures, both to and along its transmission line right of way, for maintenance purposes.
6. Provide an approach and curb cut, as necessary, off of the edge of the roadway, wide enough to turn into 16 foot roadway used to access transmission lines and towers.
7. Maintain a minimum distance of at least 15 feet between your facilities and the transmission line.
8. Lighting standards and basketball hoops and standards shall maintain a height above grade of no more than 12 feet.
9. A safety watcher will be required when equipment will be operating on BPA easement right of way and within 20 feet of the transmission lines.
10. Restore BPA's right-of-way to its original condition, or better following construction. No grade changes to facilitate disposal of overburden shall be allowed. If the design of the roadway, parking area or park requires cutting or filling, the elevations of the proposed finished grade and original ground grade shall be submitted to this office for final approval.
11. At the date of this Land Use Agreement, there has not been a submittal of a final grading plan for the park and ball fields. It is our understanding that there will be fill placed within the easement right of way. Because of the proposed fill being planned for the easement right of way certain restrictions must be placed on the parking within the easement right of way. Those restrictions are as follows: No parking shall be allowed within the easement from approximately 350 feet back

on line (generally west) of the structure at 5/5 of the Covington- Columbia Line to a point approximately 700 feet back on line from the structure at 5/5 of the same Covington- Columbia Line. Additional restrictions must be placed upon the area within the easement from 200 feet Back on Line of Structure 5/5 and 850 feet Back on Line of Structure 5/5 that there shall be no parking of large vehicles (semi trucks, buses, etc.).

12. There have been no plans submitted to BPA for the planting and caring for vegetation and ornamental trees and landscaping within the easement right of way. All plans for vegetation and ornamental trees and landscaping must be submitted to BPA for review and determination of applicable restrictions before planting. Any vegetation exceeding the height or obstruction limitation will be removed by BPA.
13. No structures shall be constructed within the easement right of way.
14. No storage of flammable materials or refueling of vehicles or equipment within the easement area.
15. Access to BPA transmission line system by BPA and/or its contractors shall not be obstructed at any time.
16. Construction of an additional transmission line(s) within the currently unoccupied portion of this right-of-way or a rebuild of the existing transmission line may require the City to modify or remove their use at that time. This could result in additional parking restrictions at no expense to BPA.
17. A separate application must be submitted for any additional uses of the easement right of way, included buried utilities.
18. Modification of your present use requires BPA's written approval prior to implementation.

IN ADDITION, THE FOLLOWING IS BROUGHT TO YOUR ATTENTION

You agree to assume risk of loss, damage, or injury which may result from your use of the easement area, except for such loss, damage, or injury for which BPA may be responsible under the provisions of the Federal Tort Claims Act, 62 Stat. 982, as amended. It is understood that any damage to BPA's property caused by or resulting from your use of the easement area may be repaired by BPA, and the actual cost of such repair shall be charged against and be paid by you.

Construction/installation, use, and maintenance of Summit Park and Ball fields shall be at no cost to BPA.

BPA seeks your help maintaining the integrity of the electrical transmission system. Please report any Vandalism or Theft to the BPA Crime Witness program at 1-800-437-2744. Cash rewards of up to \$25,000 will be paid should information lead to the arrest and conviction of persons committing a crime.

BPA shall not be liable for damage to your property, facilities, or injury to persons that might occur during maintenance, reconstruction, or future construction of BPA facilities as a result of your facilities being within the right-of-way.

If you have any questions or concerns, please notify this BPA Realty Office. You may direct any communication to Bonneville Power Administration, Real Estate Field Services (28401 Covington Way SE Kent, WA 98042 or by telephoning 1-253-631-9154. **A copy of this agreement shall be physically located at the project during construction activities.**

THIS LAND USE AGREEMENT BECOMES EFFECTIVE UPON THE SIGNATURE OF ALL PARTIES.

I HAVE READ, UNDERSTAND, AND CONCUR WITH THE TERMS OF THIS AGREEMENT:

City of Maple Valley:

By: David W. Johnston
City Manager

8/13/2010
Date

THIS AGREEMENT IS HEREBY AUTHORIZED:

Bonneville Power Administration:

Paul B. Woolson
Realty Specialist

8-17-2010
Date

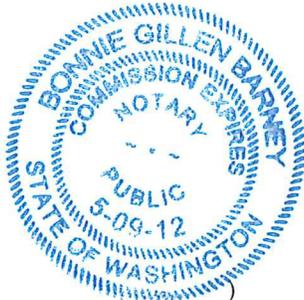
US DEPARTMENT OF ENERGY-BONNEVILLE POWER ADMINISTRATION

PERSONAL/FIDUCIARY ACKNOWLEDGMENT

Washington, Oregon, Idaho, Montana, and California

State of WA)
County of KING) ss

On this 13th day of August, 2010, before me personally appeared David W. Johnston, known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and who acknowledged to me that (he / she) executed the same as (his / her) voluntary act and deed for the uses and purposes therein mentioned.



Notary Public in and for the State of WA
Residing in Kent
My commission expires 05/09/2012

State of)
County of) ss

On this ____ day of _____, 2010, before me personally appeared Paul B. Woolson, known to me, or proved to me on the basis of satisfactory evidence, to be a **Field Realty Specialist for the Bonneville Power Administration** whose name he subscribed to the within instrument and who acknowledged to me that she executed the same as her voluntary act and was authorized to execute said instrument in such official or representative capacity.

Notary Public in and for the State of _____
Residing in _____
My commission expires _____

PERSONAL ACKNOWLEDGMENT

Washington, Oregon, Idaho, Montana, and California

State of WA)
County KING) ss

On this 17 day of August, 2010, before me personally appeared Jill M. GASTON,

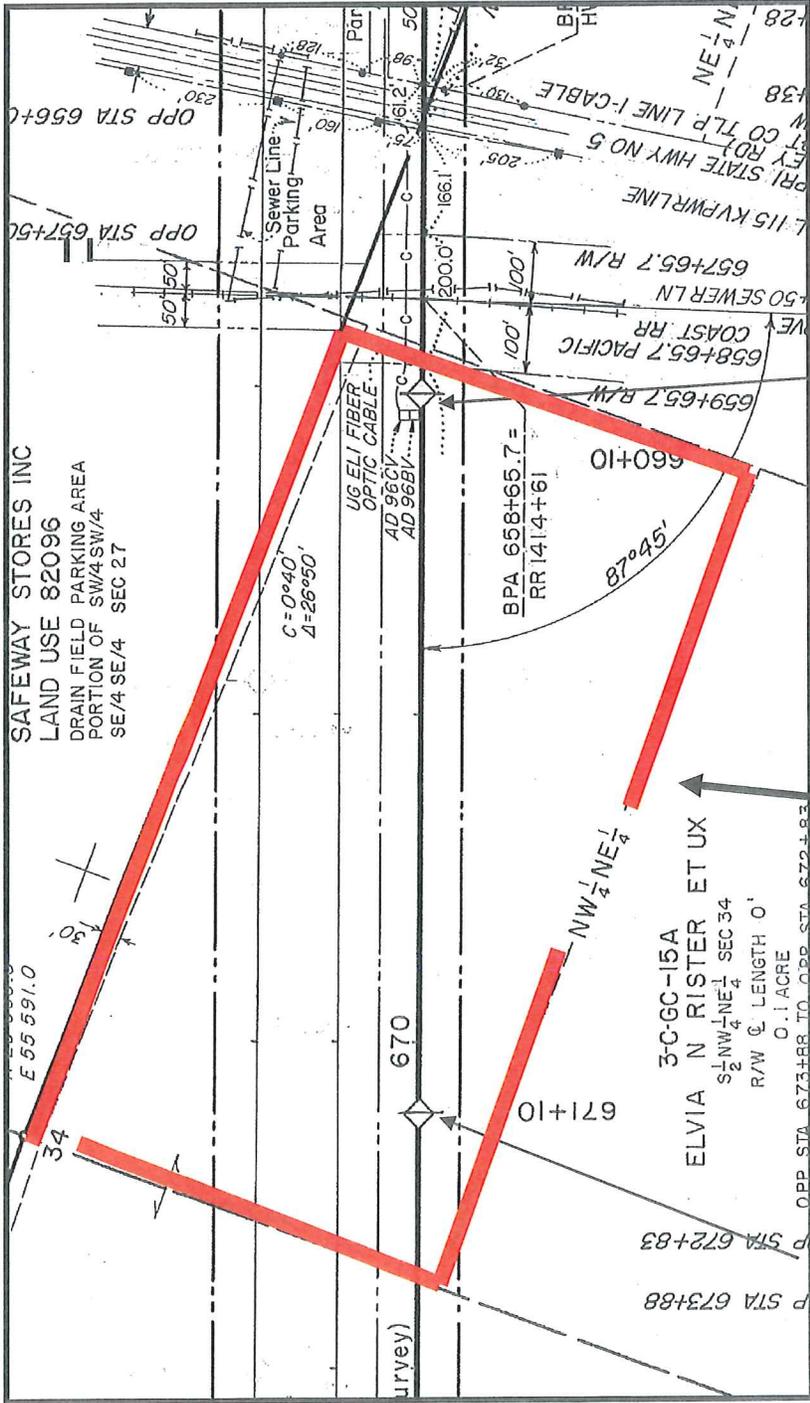
known to me, or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is subscribed to the within instrument and who acknowledged to me that s he executed the same as her voluntary act and deed for the uses and purposes therein mentioned.

Notary Public
State of Washington
WENDY M. ZURFLUH
MY COMMISSION EXPIRES
December 03, 2013

(SEAL)

Notary Public in and for the D
State of Washington
Residing at Melton, Washington
My commission expires December 03, 2013

SEC 34 T22N R6E WM
KING COUNTY, WASHINGTON



tower 5/5

tower 5/4

APPROXIMATE LOCATION OF
Summit Park (entire N1/2 NW1/4 NE1/4 of SEC 34)

EXHIBIT A
CASE 20100351
Tract ID: 3C-GC-20-A-15; C-GC-5-A-15
Lines: Tacoma-Grand Coulee #1
(oper. as Covington-Columbia #3)

City of Maple Valley
Summit Park & ball fields

UNITED STATES DEPARTMENT OF THE INTERIOR BONNEVILLE POWER ADMINISTRATION HEADQUARTERS, PORTLAND, OREGON	
TACOMA - GRAND COULEE NO 1	
TACOMA - COLUMBIA SECTION 287 KV TRANSMISSION LINE MILE 20 FROM TACOMA	
DESIGN & PL	APPROVED
Drawn: J. D. M.	Checked: J. D. M.
Traced: J. D. M.	Engineer: J. D. M.
DATE: 2-21-58	SHEET: 20 OF 128
DATE: 10-32-20	Ser.: 171-II-D
DATE: 10-32-20	Ser.: 171-II-D

OPER AS MILE 5 COVINGTON-COLUMBIA NO 3



WACLE
OD-RE
CKORD

EXHIBIT B
CASE 20100351

City of Maple Valley - Summit Park & ball fields

City of Maple Valley
Summit Park and Ballfields
PRELIMINARY MASTER PLAN