

EXHIBIT A

AGREEMENT NUMBER: Aquatic Lands Lease No. 20-B09917

STATE APPROVED RECORD OF SURVEY: King County Recorder's Office Assessor Office under Recording No. 20160104900005 and dated January 4, 2016.

LEGAL DESCRIPTION OF THE PROPERTY:

LEASE PARCEL A:

THAT PORTION OF THE BED OF LAKE WASHINGTON IN FRONT OF OR ADJACENT TO GOVERNMENT LOT 1 OF SECTION 1, TOWNSHIP 24 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT, NORTH 01°13'55" EAST 1925.75 FEET TO THE GOVERNMENT MEANDER LINE; THENCE ALONG THE NORTHERLY PROLONGATION OF SAID EAST LINE, NORTH 01°13'55" EAST 377.56 FEET TO THE LINE OF NAVIGABILITY/INNER HARBOR LINE AS SHOWN ON A MAP BY THE DEPARTMENT OF NATURAL RESOURCES IN 1984 AND THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID EAST LINE, NORTH 01°13'55" EAST 166.48 FEET; THENCE NORTH 61°53'20" WEST 313.83 FEET; THENCE SOUTH 44°18'13" WEST 358.14 FEET TO SAID LINE OF NAVIGABILITY; THENCE ALONG SAID LINE OF NAVIGABILITY THE FOLLOWING TWO COURSES: NORTH 68°09'49" EAST 339.62 FEET; THENCE SOUTH 48°28'06" EAST 278.02 FEET TO THE **TRUE POINT OF BEGINNING**.

LEASE PARCEL B:

THAT PORTION OF THE SHORE LANDS OF THE FIRST CLASS AND THE BED OF LAKE WASHINGTON IN FRONT OF OR ADJACENT TO GOVERNMENT LOT 6 OF SECTION 6, TOWNSHIP 24 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN IN KING COUNTY, WASHINGTON, LYING BETWEEN THE SHORELINE PRIOR TO LOWERING OF LAKE (PER 1921 SURVEY) AND THE FOLLOWING DESCRIBED LINE: **COMMENCING** AT THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 6; THENCE ALONG THE WEST LINE OF SAID LOT, NORTH 01°13'55" EAST 1925.75 FEET TO THE GOVERNMENT MEANDER LINE; THENCE ALONG THE NORTHERLY PROLONGATION OF SAID WEST LINE, NORTH 01°13'55" EAST 544.04 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 61°53'20" EAST 294.55 FEET; THENCE SOUTH 27°41'41" EAST 1799.62 FEET; THENCE SOUTH 13°35'12" WEST 784.08 FEET TO THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT AND THE TERMINUS OF SAID LINE.

LEASE PARCEL C:

THAT PORTION OF THE BED OF LAKE WASHINGTON IN FRONT OF OR ADJACENT TO GOVERNMENT LOT 1 OF SECTION 7, TOWNSHIP 24 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOT AND ITS EASTERLY PROLONGATION, SOUTH 88°30'26" EAST 743.55 FEET TO THE LINE OF NAVIGABILITY/INNER HARBOR LINE AS SHOWN ON A MAP BY THE DEPARTMENT OF NATURAL RESOURCES IN 1984 AND THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 88°30'26" EAST 221.88 FEET; THENCE SOUTH 13°35'12" WEST 320.16 FEET; THENCE SOUTH 09°00'06" EAST 151.80 FEET; THENCE SOUTH 17°31'27" WEST 111.35 FEET; THENCE SOUTH 46°58'11" WEST 231.64 FEET TO THE INTERSECTION OF SAID LINE OF NAVIGABILITY WITH THE NORTHWESTERLY LINE OF LOT 1 OF SUNNYBANK ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 29 OF PLATS, PAGE 31, RECORDS OF SAID KING COUNTY PRODUCED NORTHEASTERLY; THENCE ALONG SAID LINE OF NAVIGABILITY THE FOLLOWING THREE COURSES: NORTH 59°01'08" WEST 5.12 FEET; THENCE NORTH 06°10'52" EAST 278.62 FEET; THENCE NORTH 00°52'32" EAST 451.57 FEET TO THE **TRUE POINT OF BEGINNING**.

PROPERTY SQUARE FOOTAGE BY USE CLASSIFICATION:

Water-dependent:	1,223,113 Square Feet
Nonwater-dependent:	2,230 Square Feet
Public Access:	1,223,113 Square Feet
Total square footage:	1,225,343 Square Feet

EXHIBIT B

1. DESCRIPTION OF PERMITTED USE

- A. Existing Facilities. Existing Facilities.** A regional facility, Luther Burbank Park, provides public access to Lake Washington in King County, Washington. The park is open and maintained year round. Park amenities include a fishing area, boat moorage and swimming beach. Existing improvements include: historic steam plant building (also known as the boiler building); public restrooms; waterfront plaza; fixed boat dock and supporting wood piling; fixed fishing pier and supporting wood piling; grated floating dock; grated steel gangway; bulkhead; three stormwater outfalls; recreational trails and nine non-lateral information and regulatory buoys. Improvements are Tenant-Owned Improvements.

The Two Thousand Two Hundred Thirty (2,230) square feet of nonwater-dependent use consists of the historic steam plant building and public restrooms. The steam plant building, a historical artifact of the landscape, is not available to the general public on a first-come, first-served basis and shall be charged nonwater-dependent rent in accordance with Section 4. The area of the steam plant is One Thousand Five Hundred Seven (1,507) square feet.

B. Proposed Work.

Tenant has submitted to State plans and specifications for the Proposed Work, which are attached as Attachment 1. to this Exhibit B (Proposed Work). State grants its consent to the Proposed Work. Tenant shall conform the Proposed Work to the plans and specifications. Tenant's Proposed Work is considered Work and subject to the terms and conditions of this Lease. If the Proposed Work is not commenced within five years of the Commencement Date of the Lease, or if Tenant is required to renew, extend, modify, or obtain a new regulatory permit for the Proposed Work, Tenant shall obtain State's prior written consent before conducting the Proposed Work pursuant to Section 7.3 of the Lease

2. ADDITIONAL OBLIGATIONS

Except for the Proposed Work authorized in Section 1.B. of this Exhibit B, State has not authorized Tenant to conduct any Work on the Property. Where Work will need to be conducted to meet the Additional Obligations below, Tenant shall obtain State's prior written consent in accordance with Paragraph 7.3 of this Lease and obtain all necessary regulatory permits prior to commencing such Work.

- A. By April 31st, 2049, Tenant shall replace existing treated creosote pilings supporting the northern most dock with non-toxic materials such as untreated wood, steel, concrete, fiberglass or recycled plastic. By April 31st, 2053, Tenant shall replace existing treated creosote pilings supporting the fishing pier with non-toxic materials such as untreated wood, steel, concrete, fiberglass or recycled plastic. Tenant may use Ammoniacal Copper Zinc Arsenate (ACZA) treated wood to replace above water structural framing. Tenant shall never use Chromated Copper Arsenate (CCA), Alkaline Copper Quaternary (ACQ), or creosote-treated wood at any location.
- B. By September 1st, 2052, Tenant shall renovate or replace the existing public access overwater structures as follows:
(1) For the main dock, Tenant shall install grating on at least fifty percent (50%) of the surface area. Grating material must have at least sixty percent (60%) functional open space or forty percent (40%) or greater multi-directional open space.
- C. By April 31st, 2049, Tenant shall renovate or replace the existing public access overwater structures as follows:
(2) For the fishing pier, Tenant shall install grating on at least fifty percent (50%) of the surface area. Grating material must have at least sixty percent (60%) functional open space or forty percent (40%) or greater multi-directional open space.
- D. Tenant may use pesticides in compliance with all applicable laws and regulations only if:
1. EPA has conducted an ecological risk assessment and registered the pesticide,
2. The United States Fish and Wildlife Service (USFWS) and/or National Oceanic and Atmospheric Administration (NOAA) have evaluated use of the pesticide and Tenant has provided DNR with documentation that: (a) there is no effect on Endangered Species Act (ESA) listed species or federally designated critical habitat, or (b) USFWS and NOAA have issued an Incidental Take Statement (ITS), and
3. Where the pesticide is subject to an ITS, the terms and conditions of the ITS become a condition of this Lease.
- E. By the commencement date Tenant shall submit to State for approval a stormwater management plan for the Property to reduce direct discharge of contaminants and nutrients to the water. State may require additional or different means or methods. Tenant shall implement the stormwater management plan 30 days after State approves the plan.
- F. By the commencement date Tenant shall post visible signage at public access kiosk that includes all national and state emergency reporting numbers for oil and chemical spills.
- G. By the commencement date, Tenant shall post visible signage indicating the location of the nearest upland restroom facility and sewage pumpout facility.

I. By May 1, 2023 Tenant shall mark all no wake zones with visible signage.

Aquatic Lands Lease
Template approved as to form this
20th day of July, 2022
Jennifer Clements, Assistant Attorney General