

When Recorded, Return to:

**HILLIS CLARK MARTIN & PETERSON, P.S.**

Attn: Steven R. Rovig  
500 Galland Building  
Seattle, WA 98101-2925

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**FIRST AMENDMENT  
TO  
NOTICE REGARDING HISTORIC DISTRICT DESIGNATION  
AND DECLARATION OF COVENANT**

<b>Grantors:</b>	1) <u>THE QUADRANT CORPORATION</u>
	2) <u>WEYERHAEUSER COMPANY</u>
<b>Grantees:</b>	1) <u>THE PUBLIC</u>
	2) <u>CITY OF DUPONT</u>
<b>Legal Description</b> (abbreviated):	<u>PORTIONS OF SECTIONS 22, 23, 26 AND 27, TOWNSHIP 19 N., RANGE 1 E., CITY OF DUPONT, PIERCE COUNTY, WASHINGTON</u>
	<input checked="" type="checkbox"/> Complete legal on <u>EXHIBIT A.</u>
<b>Assessor's Tax Parcel</b>	<u>01-19-22-3-001 01-19-22-3-002 01-19-26-2-004</u>
<b>Identification No(s):</b>	<u>01-19-27-1-001 01-19-26-3-007</u>
<b>Reference Nos. of Documents Released or Assigned:</b>	<u>N/A</u>

THIS FIRST AMENDMENT is dated for reference purposes March 27, 2006 and is made with reference to that certain Notice Regarding Historic District Designation and Declaration of Covenant ("Notice") made by **WEYERHAEUSER COMPANY**, a Washington corporation ("Weyerhaeuser") and its wholly-owned subsidiary **THE QUADRANT CORPORATION**, a Washington corporation, as successor to

Weyerhaeuser Real Estate Company as developer of the Northwest Landing master planned community ("Quadrant").

**RECITALS**

A. The purpose of the Notice was to provide future purchasers of real property described therein with notice regarding a potential Historic District for such property.

B. The legal description utilized in the Notice did not provide a clear and accurate description of the property to be subjected to the Notice. Accordingly, the parties desire to record this First Amendment for purposes of providing clarification of such legal description.

**AMENDMENT**

1. **Property.** The real property that is subject to the Notice as originally described in Exhibit A and depicted on Exhibit B of the Notice is hereby amended to be the real property legally described on the attached **EXHIBIT A** and depicted on the attached **EXHIBIT B**.

2. **Full Force and Effect.** Except as specifically amended herein, the terms and conditions of the Notice remain in full force and effect.

EXECUTED the dates set forth below.

**WEYERHAEUSER:**

**QUADRANT:**

**WEYERHAEUSER COMPANY,**  
a Washington corporation

**THE QUADRANT CORPORATION,**  
a Washington corporation

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ACKNOWLEDGED AND ACCEPTED:

**NPDF:**

**NISQUALLY POINT DEFENSE FUND,**  
a Washington nonprofit corporation

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY:**

**CITY OF DUPONT,**  
a Washington municipal corporation

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

By \_\_\_\_\_  
Name: \_\_\_\_\_  
City Clerk for City of DuPont

Date: \_\_\_\_\_

**EXHIBIT A**

**LEGAL DESCRIPTION  
NISQUALLY-SEQUALITCHEW HISTORIC DISTRICT  
CITY OF DUPONT, PIERCE COUNTY, WASHINGTON**

That portion of Sections 22, 23, 26 and 27, all in Township 19 North, Range 1 East, City of Dupont, Pierce County, Washington, being more particularly described as follows:

COMMENCING at the southeasterly corner of Lot 3 of that City of Dupont Short Plat recorded under Pierce County Recording No. 9506120462;

THENCE along the southerly line of said Lot 3, N 71°28'38" W, 185.19 feet to the southwesterly corner thereof;

THENCE N 75°14'47" W, 5122.56 feet to a point of curvature;

THENCE northwesterly 823.33 feet along the arc of a non-tangent curve to the right, having a radius of 1780.85 feet, the radius point of which bears N 52°46'51" E, through a central angle of 26°29'21";

THENCE N 27°59'06" E, 1660.54 feet;

THENCE S 65°48'40" W, 1617.52 feet;

THENCE N 50°43'35" W, 588.93 feet;

THENCE N 37°30'02" E, 2696.07 feet;

THENCE S 51°15'28" E, 754.57 feet;

THENCE S 42°12'03" E, 715.74 feet;

THENCE S 57°24'37" E, 1092.06 feet;  
THENCE S 35°33'11" E, 142.56 feet;  
THENCE S 70°01'38" E, 97.02 feet;  
THENCE S 76°36'54" E, 178.94 feet;  
THENCE S 51°21'22" E, 159.20 feet;  
THENCE S 37°35'04" E, 135.91 feet;  
THENCE S 21°02'55" E, 115.40 feet;  
THENCE S 02°51'51" W, 165.90 feet;  
THENCE S 24°47'15" W, 118.63 feet;  
THENCE S 00°00'00" E, 115.98 feet;  
THENCE S 17°58'43" E, 322.27 feet;  
THENCE S 32°21'44" E, 294.24 feet;  
THENCE S 05°50'48" E, 208.60 feet;  
THENCE S 10°00'49" W, 143.02 feet;  
THENCE S 00°00'00" E, 149.12 feet;  
THENCE S 63°46'18" E, 656.09 feet;  
THENCE N 55°37'30" E, 1298.14 feet;  
THENCE S 77°19'49" E, 659.57 feet to a point of curvature;  
THENCE southeasterly 1062.14 feet along the arc of a non-tangent curve to the left, having  
a radius of 1265.13 feet, the radius point of which bears N 89°01'55" E, through a central  
angle 48°06'09" to a point on the southeasterly margin of Center Drive;  
THENCE S 28°00'48" E, 35.31 feet;  
THENCE S 35°45'03" E, 24.00 feet;  
THENCE S 31°33'45" W, 230.54 feet;

THENCE S 71°59'05" E, 132.84 feet;

THENCE N 65°15'09" E, 45.05 to a point of curvature;

THENCE southeasterly 212.06 feet along the arc of a non-tangent curve to the left, having a radius of 144.00 feet, the radius point of which bears N 65°15'09" E, through a central angle of 84°22'27";

THENCE S 00°59'22" W, 89.73 feet;

THENCE S 02°03'44" W, 246.13 feet;

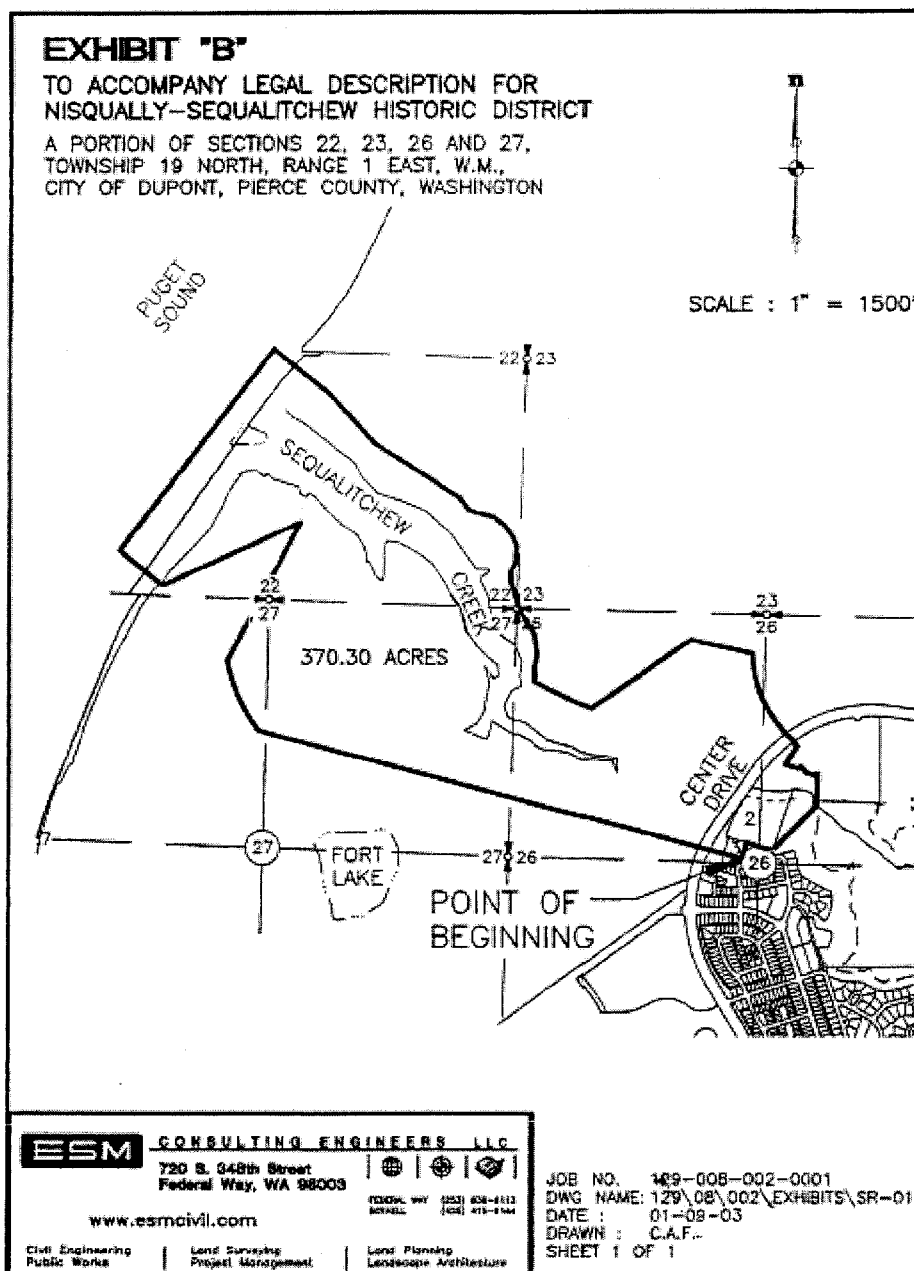
THENCE S 44°43'35" W, 672.87 feet to southeasterly corner of Lot 2 of said City of Dupont Short Plat recorded under Pierce County Recording No. 9506120462;

THENCE along the southerly line of said Lot 2, N 72°16'52" W, 278.00 feet to the northeasterly corner of said Lot 3;

THENCE along the easterly line of said Lot 3, S 18°37'13" W, 186.18 feet to the POINT OF BEGINNING.

Containing 370.30 acres, more or less.

## EXHIBIT B



## CULTURAL HERITAGE COMMITTEE Recommendations to DuPont City Council

### **Resolution No 06-312 Establishing a Cultural Heritage Special Committee**

The DuPont City Council's Strategic Plan at Goal 6 calls for the active protection of historic sites and artifacts, and DMC 25.80 encourages recognition and enhancement of our cultural heritage.

The City of DuPont Resolution 06-312 established a Cultural Heritage Committee for a period of one year. Its purpose, to investigate the current status of historical sites and archeological resources and to recommend actions that should be taken for their protection and promotion.

The Committee is composed of two members of the City Council, one of which shall be appointed by the City Council as Chair of the Committee, one member of the DuPont Historical Society Board, one member of the DuPont Planning Agency, and one member of the DuPont Parks Agency. The Museum Manager shall be a non-voting member of the committee and shall provide technical assistance.

Adopted by the City Council at a regular meeting on August 22, 2006.

### **Cultural Heritage Committee Members**

Roger Westman, Chair, City Council  
Penny Coffey, Co-Chair, City Council  
Kathy Trotter, Planning Agency  
Lorraine Overmyer, DuPont Historical Society President  
Megan DeFries, DuPont Historical Society  
Johanna Jones, non-voting Staff, Museum Manager  
Park Agency declined participation, consequently one additional member (Lorraine Overmyer) was appointed.

### **Introduction**

The City of DuPont is rich in historic and cultural assets that could attract visitors to our City to learn the early history of the area. We envision our historic sites linked together by an interpretive trail system telling the story of the Nisqually Tribe, the Hudson Bay Era, the Methodist Episcopal Mission, and the DuPont Company.

To accomplish this vision, the Cultural Heritage Committee has developed the following recommendations:

### **Preservation and Protection Priorities**



# Cultural, Historical, and Archaeological Resources

As prepared by the DuPont Historical Society.

May 31, 2007

**Sites of Historical Significance to the City of DuPont (includes sites within the City of DuPont and surrounding areas):**

- 1833 Hudson Bay Company Fort Site (Washington Heritage Register and National Register)\*
- Sequatchew Archaeological Site (WA Heritage Register and National Register)\*
- DuPont Village Historic District (WA Heritage Register and National Register)
- 1843 Hudson Bay Company Fort Site (WA Heritage Register)\*
- 1839 Methodist-Episcopal Mission Site\*
- Wilkes Observatory Site\*
- Ox Road\*
- 1833 Hudson Bay Company Cemetery Site\*
- 1841 First Independence Day Celebration Site
- 1843 Hudson Bay Company Reburial Site\*
- Huggins Ranch Grave Site
- Lone Fir Grave Site
- 1843 Orchard Site
- Orr Farm
- 1904 Buffalo Soldier Encampment\*
- DuPont Company Gate House and Gate Pillars
- DuPont Company Wharf
- 1906 DuPont Company Works Sites
  - Burring Ground Dump
  - Crystalizer
  - Pump House
  - Box Store
  - Blacksmith Shop
  - Men's Boarding House
  - Men's Dwelling House
  - Men's Changing House
  - Bunkers
  - Old Town Housing
  - General Store
- Yehle Farmstead
- Sequatchew Creek Conservation Area
- DuPont Company Narrow Gauge Railroad, Tram, and Trail
- DuPont Historical Museum Building (Formerly the village Butcher Shop and DuPont City Hall)
- DuPont Village Post Office Building (currently Police Station)
- Historic Village Nature Loop

- Fort Lewis Tram Depot Site
- Laughon High School Site
- Native American Ditch (off McNeil)
- DuPont Company Acid Pit

**Artifacts of Historical Significance to the City of DuPont:**

- Entire Collection of the DuPont Historical Museum
- Hose House
- Hose Cart
- 1952 Fire Truck

\*Eligible for listing on the National Register of Historic Places, Nisqually-Sequalitchew Historic District Application.

**Reference Materials:**

Cultural Heritage Committee: DuPont's "Northwest Landing & Nisqually-Sequalitchew Creek" Historic Area Spreadsheet, as prepared by Johanna Jones, CHC Staff & DuPont Museum Manager and Councilmember Roger Westman

Washington State Department of Archaeology and Historic Preservation  
1065 S. Capitol Way, Suite 1067 P.O. Box 48343 / Olympia, WA 98504  
(360) 586-3065 <http://www.dahp.wa.gov>

National Register Website - Listing Criteria  
<http://www.crtps.gov/nr/listing.htm>

"Part Three - Listing Status and Potential Listing Eligibility of Each Historic Site at the Northwest Landing - DuPont Property," pages 29-33

"Part Four - Summary Table: Current Physical Status of Each Historic Site at the Northwest Landing - DuPont Property," pages 18-22.

2003 National Register of Historic Places Registration Form, Nisqually-Sequalitchew Historic District Application

Dupont Historical Society  
Cultural Heritage Committee  
707 Barksdale Ave.  
Dupont, WA 98327

June 11, 2007

Gregory Moore  
Vice President,  
Quadram Corporation  
Lacey, WA

Dear Mr. Moore:

We are writing this letter on behalf of the Dupont Historical Society and Cultural Heritage Committee to inform you that we support the proposed move of the old Dupont Powderworks gate house, pillars and walls to a new location by the entrance to the Dupont Home Course golf facility. We feel a well executed plan will achieve our objective to restore and preserve these artifacts in a manner consistent with the goals of our groups.

The information we have received is that the pond would be integrated into the landscaping plan and we would wish to know more details about its protection and use in the plan.

We give this approval with the understanding that the Home Course will ensure these artifacts:

- will be restored, preserved and cared for in a manner that reflects their historical significance;
- and will feature interpretative signage that meets the approval of the City and Historical Society.

Additionally, in the future if the artifacts are not desired by the golf course we would request that the city be given a first right of refusal to move them to a new location.

Sincerely,

Lorraine Overmyer, President, Dupont Historical Society

Penny Colley, Co-chair, Cultural Heritage Committee

2. Budgetary allocation for maintenance, management and security for historic buildings and sites.
3. Use of lodging taxes for funding of historic sites.
4. Explore other funding options i.e. grants, partnerships etc.

**Additional Recommendations**

- Trail System- Develop a map in collaboration with the DuPont Historical Society and other interested agencies.
- Partner with the Nisqually Tribe to create signage that includes the Native American Story.
- Partner with the Nisqually Tribe to build an Interpretive Center/Museum.
- Continue to pursue placement of the Nisqually Sequelitchew District on the National Register of Historic Places.
- Investigate the establishment of a Certified Local Government (CLG).
- Identify the location of the Buffalo Soldier Site for protection.
- Officially adopt a Cultural Heritage Assets list as prepared by the DuPont Historical Society which identifies Cultural, Historical, and Archeological Resources. (see attachment)

As prepared by: The Cultural Heritage Special Committee of the City of DuPont.

Roger Westman  
Roger Westman, Chair, City Council

Date: 6-15-07

Penny Coffey  
Penny Coffey, Co-chair, City Council

Date: 6-7-07

Lorraine Overmyer  
Lorraine Overmyer, DuPont Historical Society

Date: 6-11-07

Megan DeFries  
Megan DeFries, DuPont Historical Society

Date: 6/7/07

Kathy Trotter  
Kathy Trotter, Planning Agency

Date: 6/7/07

Johanna Jones  
Johanna Jones, Staff

Date: 6-7-2007

**June 15<sup>th</sup> City Council Study Session**

**Update- DuPont Historical Society and Museum**

***Completed and On-going Heritage Projects, Goals and Recommendations***

**HS** Historical Society Goal; **CH** Cultural Heritage Recommendation; **TB** Tourism Board Goal

**CH:** Acquisition of Sites: City now owns: 1833 Ft Nisqually Site, Wilkes Observatory, Fort Lake, 1843 Cemetery, Lot Z 42 acres south- side of Sequalitchew Creek, Ox Road (owned by City-Burlington Northern), Methodist Episcopal Mission Site (in progress), DuPont Company Gate House and Pillars (donated to Home Course, moved, restored & recreated).

**CH/HS** A brown freeway sign for the Historic Village and Museum (Completed)

**CH** National Historic District Sign for the Historic Village (Sign is on post at the Village entrance)

**CH/TB** Interpretive Trail System Signage- Sequalitchew Creek directional signage begun and Trail signs designed *in process*

**CH/TB** Trail System Maps – Completed Maps: Historic Village Map, Central Overall Map, Sequalitchew Creek Map Future maps: Hudson Bay Company Era Trail Map and Native American/PreEuropean Era Trail Map

**CH** Partner with the Nisqually Tribe to create signage that includes the Native American Story and language – (process begun by Historical Society/Museum)

**CH/HS** Partner with the Nisqually Tribe to build an Interpretive Center/Museum – (process begun by Historical Society/Museum)

**TB** DuPont Brochure (completed)

**TB** City Logo and Branding (completed)

**TB** Identified DuPont Heirloom Orchard and began process to preserve it.

**TB/HS** Reproduced and framed Historic photos for DuPont businesses

**TB/HS** Interpretive Signage for Historic Sites: Sites and locations identified and sign design in progress

**HS:** Phase One dynamite train canopy completed and train restoration begun

**HS:** Completed New Exhibit: *Life in a Company Town; Yesterday and Today*  
**HS** Partner with Home Course to develop interpretive signage- ongoing

*Sharon  
Wilson  
for  
200*

**HS** New museum Brochure - completed

**HS** Partnered with Tribe and Tourism Board for expanded 1843 Ft. Nisqually Celebration and Salmon Bake

**TB/HS** Rainier Media's "*DuPont Trail Walks*" and documentary *Pathways to Ft. Nisqually DuPont's Roots* completed and distributed.

**Historical Society Heritage Preservation Goals for 2010-2011**

- Restore the 1920s craftsman style hose cart building and relocate it from its current Village location to the public service building. (\$500 Valarie Svinski grant for supplies and Chief Greg Hull and the firefighters for volunteer labor.)
- Develop a concept plan for a new DuPont/Nisqually Museum and Interpretive Center. (In progress)
- Develop a vision for Historic Sites
- Acquire the 1843 Fort Nisqually from Archeological Conservancy (In progress)
- Revamp Museum's front room – Native American/Hudson Bay eras (In progress)
- Develop Tar Paper shack prototype "Old Town"
- Assist City in developing and acquiring Mission Site.

low income housing ?

# *Intrigue on Nisqually Point:*

## New Group Contends With Giant to Preserve Historic Sites

For a year now, Lorraine Overmyer has been working with the State of Washington's Office of Archaeology & Historic Preservation to create a historic district on Nisqually Point in SW Pierce County. A retired teacher and former DuPont City Council Member, Overmyer is the most recent recipient of the State Award for Outstanding Achievement in Historical Preservation.

Weyerhaeuser, in an apparent effort to thwart Lorraine and other local residents in their attempt to create a federally recognized historic district, recently submitted a competing proposal. The Weyerhaeuser version, developed by paid consultants, is made up primarily of areas already protected by city, state, or federal mandate. Weyerhaeuser has not stated specifically why it objects to the original nomination.

In the long term, the citizens' group envisions a Heritage Park that unites Nisqually traditions: Tribal, fur trading, agriculture, military, and early industrial, all with an eye towards the natural resources that made the place particularly attractive. This area is perhaps the most important historic site in Washington State. Originally settled by the Nisqually tribe, it also includes a Hudson's Bay Company settlement area—the first Euro-American settlement on the Puget Sound, and the industrial landscape of the 1906 E. I. duPont Company dynamite plant—first of its kind on the West Coast.

Contained within both nominations is the identified area of the 1840 Methodist Mission, first of its kind in Washington State. However, the inclusion by Weyerhaeuser drew a skeptical response from Dr. James Edgren, an area resident active in preserving the mission site. "Weyerhaeuser's recently removed a 60-year-old historic marker and dumped a load of toxic waste around the mission area," he said. "All of a sudden the area has historic value? There's something inconsistent about that!"

The state's Advisory Council on Historic Preservation will review several proposals regarding historic designation on September 24 in Spokane. If approved, a proposal will be forwarded to Washington, DC to determine if the property is eligible for the National Register of Historic Places.

Local citizens, with some key consultation from

**NISQUALLY DELTA ASSOCIATION**  
P.O. BOX 7444  
OLYMPIA, WA 98507

NDA, formed a new organization, the Nisqually Point Defense Fund. The N.P.D.F. plans to object to Weyerhaeuser's proposal being considered at the same meeting. In a notarized letter delivered to Kathy Kreiter, Acting Director of the Department of Community, Trade and, Economic Development, N.P.D.F. states that consideration by the Advisory Council would violate federal notification regulations.

In part, that letter reads: "Review cannot take place unless affected property owners have 'at least 30 days' to submit comments. At least one owner did not receive notification until August 30, only twenty-five days prior to the review meeting. Review of the Weyerhaeuser nomination must be postponed until proper notification occurs."

The same regulations were invoked to postpone consideration of the citizens' Nisqually-Sequalitchew Historic District nomination last June. Two days before the Advisory Council met, the Office of Archaeology & Historic Preservation removed the nomination from the agenda, citing questions about proper notification. These questions, it was later revealed, were unfounded.

The N.P.D.F. welcomes donations for the ongoing effort. Send to:

Nisqually Point Defense Fund  
100 Brandywine Avenue  
DuPont, WA 98327

### ***NDA Board Members***

Tom Skjervold, President  
Rick Anderson  
Dee Arnst  
Peggy Bruton  
Janet Dawes  
Jay Geck  
Mike Grossmann  
Wanda Hedrick  
Ed Kenney  
Mary Stuart Lux  
Mary Martin  
Fred Michelson  
George Walter

\*\*\* Tom's e-mail: [TSKJERVOLD@CS.COM](mailto:TSKJERVOLD@CS.COM)

