Exhibit D

Summary of Prior Agreements

EXHIBIT "D": SUMMARY OF PRIOR AGREEMENTS

The following is a summary of the prior agreements and pre-conditions required under these agreements:

1.1 Black Diamond Urban Growth Area Agreement (BDUGAA) (Dec. 1996)

A. Purpose

The Black Diamond Urban Growth area agreement is a multi-party agreement between the City of Black Diamond, King County, Palmer Coking Coal Company, and Plum Creek Timber. As a result of property acquisitions, the Master Developer has assumed responsibility for BDUGAA requirements related to the West, South, and East Annexation areas. The agreement was negotiated in order to allow for the expansion of the County's Urban Growth Area, and ultimately the City's municipal boundary as contemplated under the Growth Management Act and as identified in the agencies' respective comprehensive plans. Countywide Planning Policies and King County Ordinance 12065 specified that up to 915 acres were to be designated for future urban development and the remaining acreage was to be designated for Open Space or Natural Resource Use. The BDUGAA addressed two specific elements that needed to be carried out in order to implement Ordinance 12065 and the Countywide Planning Policies: the identification of open space to be preserved, and the ultimate land use and development within the areas identified as future development area.

B. Intent

The City's intent is to allow for the annexation of and ultimately the orderly and responsible development in the new Urban Growth Areas. As a result of the annexations, open space is conserved within the new Urban Development Areas, within significant areas identified in the City, and in identified areas in the County adjacent to the City. Land uses and minimum densities are identified both in the pre-annexation development agreements, and within this development agreement as a part of the Master Planned Development application. Finally, the method of development, including development standards and provision of public utilities (water, sewer, storm, roads, etc.), was contemplated within the BDUGAA.

1.2 Black Diamond Area Open Space Protection Agreement

A. Purpose

The Black Diamond Open Space Agreement was entered into June of 2005 to provide for the orderly conveyance of numerous acres of open space, as well as memorializing future open space designations and preserving those areas with temporary conservation easements. The primary objective of the Black Diamond Area Open Space Protection Agreement (Open Space Agreement) was to prepare the open space conveyance for the first annexation under the BDUGAA, the West Annexation, and to preliminarily identify In City land for the South Annexation. Finalized in December 2005, the West Annexation area was brought into the City of Black Diamond, and 398 acres were permanently, or in some cases temporarily, conserved in the City and the County.

B. Intent

As a result of the Open Space Agreement, over 2,500 acres of open space was permanently conserved within Black Diamond and King County. The method for which open space gets conveyed was established within that agreement. Portions of the identified open space have already been conveyed in their entirety, while other portions have only had temporary conservation easements put in place. These temporary conservation easements are intended to protect the land from further development until a proposal is made to protect the open space necessary and develop the rest, in accordance with the Open Space Agreement, and the BUDGAA, as identified.

1.3 Annexation Ordinance No. 515

A. Purpose

In December of 1994, the City annexed 623 acres in Sections 15 and 22. Those parcels are identified specifically as Parcel E and Parcel BDA in this Agreement. The annexation identified the zoning, as well as indebtedness and taxation responsibility of the property.

B. Intent

The ordinance brought the land within the City's municipal boundaries, upon which it controls the zoning and development standards employed upon the property, in addition to other certain municipal responsibilities. Immediately upon annexation, the City adopted a moratorium on the annexed land in order to afford time to apply the appropriate zoning and land use classifications.

C. Status

Land use designations and zoning was applied to the land in the City's 1996 Comprehensive Plan. The land use designation and zoning was subsequently updated in the City's Comprehensive Plan and Zoning Code, adopted June 18th, 2009. Following the adoption of the 2009 Comprehensive Plan and Zoning Code, the moratorium on the land expired.

1.4 Annexation Ordinance No. 517

A. Purpose

In December of 1994, the City annexed approximately 160 acres in Section 22. That parcel is currently identified as a potential expansion parcel in this Agreement. The annexation identified the zoning, as well as indebtedness and taxation responsibility of the property.

B. Intent

The ordinance brought the land within the City's municipal boundaries, upon which it controls the zoning and development standards employed upon the property, in addition to other certain municipal responsibilities. Immediately upon annexation, the City adopted a moratorium on the annexed land in order to afford time to apply the appropriate zoning and land use classifications.

C. Status

Land use designations and zoning was applied to the land in the City's 1996 Comprehensive Plan. The land use designation and zoning was subsequently updated in the City's Comprehensive Plan and Zoning Code, adopted June 18th, 2009. Following the adoption of the 2009 Comprehensive Plan and Zoning Code, the moratorium on the land expired.

1.5 Pre-Annexation Development Agreement for the West Annexation Area

A. Purpose

Plum Creek petitioned the City to annex the West Annexation Area. Due to Boundary Review Board (BRB) requirements, the annexations were submitted as three separate annexations, and thus three separation Pre-Annexation and Development Agreements (PADAs). The PADAs pertain to zoning and other development requirements pertinent to the potential development of the annexed lands. All three of the PADAs are summarized within this section.

B. Intent

In order to allow for the annexation of the properties as proposed by Plum Creek, the proposal had to be consistent with the BDUGAA which outlined specific requirements. In addition, state law requires that as part of the annexation process, zoning and other land use matters pertinent to the property are defined.

C. Status

Upon execution of the three PADAs, the land was annexed into the City, and zoning was applied. All other remaining requirements from the PADAs are integrated into this Agreement.

1.6 Pre-Annexation Development Agreement for the South Annexation area

A. Purpose

BD Village Partners, LP, petitioned the City to annex the South Annexation area, which occurred December 17, 2009 via Ordinance no. 09-932, effective December 27, 2009.

B. Intent

As required by state law, the annexation specified that the zoning for the South Annexation area would be R-4 and MPD and also that the area would be assessed and taxed to pay for its proportion of the City's existing indebtedness.

C. Status

Upon execution of the PADA, the land was annexed into the City, and zoning was applied. All other remaining requirements from the PADA are integrated into this Agreement.