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IN THE SUPREME COURT OF COURT FOR
THE STATE OF WASHINGTON

Washington State Court of Appeals Case No. 75372-0-I

CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY,
a regional transit authority, dba SOUND TRANSIT,

Respondent,

v.

STERNOFF L.P.,

Petitioner.

FILED
Dec 07, 2016
Court of Appeals
Division I
State of Washington

Court of Appeals Case No. 75372-0-I
Appeal from the Superior Court of the
State of Washington for King County

PETITION FOR REVIEW TO THE
WASHINGTON STATE SUPREME COURT

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I. IDENTITY OF PETITIONER

The Petitioner is Sternoff L.P. (“Sternoff”). Sound Transit’s Petition in Eminent Domain (the “Petition”), in King County Superior Court, seeks to take portions of Sternoff’s property in the City of Bellevue, Washington.

II. CITATION TO COURT OF APPEALS DECISION

Sternoff seeks review of the Court of Appeals Opinion, *Central Puget Sound Regional Transit Authority et al. v. Sternoff L.P.*, No. 75372-0-I (Nov. 7, 2016) (the “Opinion”) (Appendix (Apx.) A), which affirmed the King County Superior Court’s Order granting public use and necessity (Apx. B).

III. ISSUES PRESENTED FOR REVIEW

This case involves an issue of substantial importance in current and future application of Washington condemnation law. The Washington Constitution and supporting case law require condemning authorities to make a legislative finding of public use and necessity before they take private property through the power of eminent domain. Sound Transit Board Resolution R2013-21 finds “the East Link Extension to be a public use for a public purpose” and authorizes condemnation of 60 properties, including the Sternoff Property,¹ as “necessary for the construction and

¹ The Sternoff Property is located at 1750 124th Avenue NE in Bellevue, Washington. CP 156. An aerial photo of the Property is in the record at CP 181.

permanent location of the East Link Project.” Clerk’s Papers (CP) 10. But in its Petition, Sound Transit seeks to take portions of the Sternoff Property not only for its East Link Extension project, but also for the City of Bellevue’s separate 124th Avenue NE road and multi-purpose trail project (the “City Project”). CP 2-4.

R2013-21 does not authorize condemnation of the Sternoff Property for the City Project. It is undisputed that the City of Bellevue never enacted an ordinance authorizing taking the Sternoff property for the City Project. *See*, CP 7-11; CP 179.

ISSUE: Whether Sound Transit’s taking of the Sternoff Property for a public project on behalf of a separate and distinct governmental entity that has its own delegated eminent domain authority violates the Washington Constitution and law when neither Sound Transit nor the City of Bellevue made a legislative determination that taking the Sternoff Property was necessary for the City Project.

IV. STATEMENT OF THE CASE

A. R2013-21 Authorizes Condemnation Of The Sternoff Property As Necessary For The East Link Extension Public Project; R2013-21 Does Not Authorize The Condemnation Of Any Property For The City Project.

Sound Transit Resolution R2013-21 was adopted in September 2013. It states that Sound Transit's Chief Executive Officer may "acquire, dispose, or lease certain real property interests, including acquisition by condemnation and pay eligible relocation and re-establishment benefits to affected owners and tenants *as necessary for East Link Extension.*" CP 8 (emphasis added). R2013-21 also states that the East Link Extension is a "public purpose" and the acquisition of the 60 properties identified in R2013-21 is necessary for that purpose. CP 10. R2013-21 was the only legislative resolution concerning the Sternoff Property, and it does not refer to, mention or in any way concern the City Project. *See*, CP 7-11.

The required public notice and the Board's internal process to develop and present the Resolution for adoption of R2013-21 did not include any reference to the City Project. CP 177, 178; 185-223. Sound Transit's 30(b)(6) witness confirmed that at the time of passage, R2013-21 did not encompass the City Project:

Question (Counsel for Sternoff): R2013-21, in September of 2013, did it relate to Sound Transit acquiring property interests for the City of Bellevue's 124th Street widening project?

Answer (Sound Transit). No, not that I'm aware of, it did not.

CP 278.

B. Sound Transit Seeks To Condemn Portions of the Sternoff Property for the City Project.

In May 2015, two years after the passage of R2013-21, the City of Bellevue and Sound Transit entered into a contract—an interlocal agreement under RCW 39.34.030—for the East Link Project throughout Bellevue: the “Amended and Restated Umbrella Memorandum of Understanding for Intergovernmental Cooperation Between the City of Bellevue and the Central Puget Sound Regional Transit Authority for the East Link Project” and a Cost Sharing Agreement (collectively the “2015 MOU”). CP 178-79; CP 316-482, 484-544. The 2015 MOU states, “The City and Sound Transit desire to coordinate and share the costs for the design, right-of-way acquisition and construction of the two projects [East Link and the City Project] to improve efficiencies and reduce costs.” CP 341.

Sound Transit filed its Petition on April 15, 2016 seeking to take certain areas of the Sternoff Property in fee as well as temporary and permanent easements for construction and operation of the East Link across and along the Property's south boundary. CP 2-4. *See*, CP 31-33.

Despite the limited purpose of R2013-21—only design, construction and operation of the East Link—the Petition also includes separate fee and easement acquisitions on behalf of the *City for the City Project*. CP 2-4, 35-37.²

Sound Transit’s witnesses testified that the East Link Project can be constructed without the City’s Project being constructed. CP 251, 264, 277.

C. King County Superior Court Issues Order Granting Public Use and Necessity and the Court of Appeals Affirms.

Sound Transit filed both its Petition and its Motion for Order and Adjudication of Public Use and Necessity (the “Motion”) on April 16, 2016. CP 1-109 and 110-118. Sternoff opposed the Motion, requesting dismissal of Sound Transit’s Petition, or in the alternative, dismissal of those portions of the Petition seeking to condemn Property for the City Project. CP 136-152. (Sound Transit’s and Sternoff’s subsequent replies are at CP 293 and CP 560, respectively.) The trial court heard oral argument on June 6, 2016. Verbatim Report of Proceedings (VRP) 1. The trial court took the matter under advisement and entered the Order the following day, on June 7, 2016. VRP 25; CP 571 and Apx. B.

Sternoff appealed the trial court Order to the Washington State Court of Appeals, Division One, which heard oral argument on November

² The Petition calls out the property interests being acquired for the City Project by using the prefix “COB” on the proposed easements. *See e.g.*, CP 48 and 101.

2, 2016. The Court of Appeals issued its opinion affirming the trial court Order on November 7, 2016. Apx. A.

V. ARGUMENT

The Court Of Appeals’ Opinion Conflicts With Washington Constitution Art. I, Sec. 3 (Due Process) and Sec. 16 (Eminent Domain), and Undermines Opinions Of This Court And The Court Of Appeals.

The power of eminent domain is an inherent attribute of sovereignty. *Pub. Util. Dist. No. 2 of Grant Cty. v. N. Am. Foreign Trade Zone Indus., LLC (“NAFTZI”)*, 159 Wn.2d 555, 565, 151 P.3d 176, 180–81 (2007) (internal citations omitted). But this power is limited by Washington Constitution art. I, sec. 16, and must be exercised under lawful procedures. *NAFTZI*, 159 Wn.2d 555, 565 (internal citations omitted); *Cent. Puget Sound Reg’l Transit Auth. v. Miller (“Miller”)*, 156 Wn.2d 403, 410, 128 P.3d 588, 592 (2006) (internal citations omitted).

To lawfully exercise the power of eminent domain, the condemning authority’s legislative body must first make a finding of public use and necessity regarding the property at issue. RCW 8.12.040 and .050; *NAFTZI*, 159 Wn.2d 555, 565 citing RCW 8.12.040. *See e.g., City of Bellevue v. Pine Forest Properties, Inc. (“Pine Forest”)*, 185 Wn. App. 244, 248-251, 340 P.3d 938, 940-41 (2014).

The subsequent taking of private property is limited to the avowed purpose of the enabling legislation. *See, Miller*, 156 Wn.2d 403, 418.

In this case, the Court of Appeals' Opinion acknowledges that there has never been a legislative finding that the City Project is a public use for which condemnation of the Sternoff Property is necessary. Apx. A at 12. Contrary to Washington law, the Court of Appeals nonetheless allows Sound Transit's "condemnation by proxy" on behalf of the City of Bellevue for the City Project. The Opinion relies on R2013-21's authorization to acquire "all, or any portion thereof, of the properties and property rights... for the purpose of constructing, owning, and operating a permanent location of the East Link Extension and light rail guideway." Apx. A at 13. The Court of Appeals explains, "This language confers broad authority to condemn properties identified in the resolution when, in the agency's judgment, doing so is necessary to facilitate the East Link project." *Id.*

The Court of Appeals' reasoning is flawed. While it recognizes Sound Transit's condemnation authority, it fails to limit that authority by imposing the requisite constitutional limitation on the condemnation authority to take private property *only* for the "avowed purpose," as required by *Miller*. 156 Wn.2d 403, 418.

The Court of Appeals Opinion allows Sound Transit, or any other condemning authority, to take private property for some other local

government's wholly separate and distinct public project without any finding of public use, and without any statutorily required notice of the taking to property owners or compliance with other statutory procedures, so long as there is a contractual agreement with that other governmental entity.

The 2015 MOU cannot relieve either Sound Transit or the City of Bellevue from constitutional and statutory obligations to pass an ordinance or resolution authorizing the acquisition of the Sternoff Property for the City Project. *See, Harvey v. County of Snohomish*, 124 Wn. App. 806, 813-814, 103 P.3d 836, 840 (2004) (rev'd on other grounds). *See also*, RCW 8.12.040 and .050. The 2015 MOU is an intergovernmental contract that coordinates the two agencies' separate projects; *it is not a legislative action that can stand in for the requisite notice, hearings, process and resulting ordinance or resolution for the exercise of eminent domain.*

When Sound Transit passed R2013-21, it had no obligation to condemn property for the City Project. *See*, CP 251. The 2015 MOU, entered into by the parties two years *after* passage of R2013-21, provides only that coordination of the City Project and East Link will "improve efficiencies and reduce costs." CP 341. That supposition, however, does *not* render the City Project necessary for the East Link Extension, as required by R2013-21.

The 2015 MOU is not a substitute for a legislative finding of public use and necessity. At a minimum, the MOU lacks the underlying constitutionally required public process—notice and opportunity to comment—to pass legislation authorizing condemnation of private property for the City Project

The purpose of the notice requirement before passing condemnation legislation is to inform those who may be affected of the nature and character of an action so they may intelligently prepare for a hearing. *Miller*, 156 Wn.2d 403, 414 (internal citation omitted). In this case, Sternoff, by virtue of being subject to condemnation for the purpose of both East Link *and* the City Project, has been deprived of its due process rights for notice and hearing as to the City Project.

Sternoff's notice regarding adoption of R2013-21 did not indicate in any way that Sound Transit would take property for the City Project. CP 126-26. Oddly, the City of Bellevue has ostensibly provided notice and opportunity to comment on the City Project to Sternoff's neighbors along the 124th Avenue NE corridor who are impacted *only* by the City Project and whose property will be taken for the City Project.

There is abundant evidence confirming that the City Project is separate and independent from the East Link, and unnecessary for

construction of the East Link, regardless of Sound Transit's judgment regarding the cost-savings benefits of coordinating the two projects in time.

Sound Transit's own testimony establishes that the East Link extension across 124th Avenue NE can be constructed and operated without the City Project. CP 251, 264. Kent Melton, Sound Transit's 30(b)(6) witness and Real Property Manager, unequivocally testified that Sound Transit does not need to acquire property inside the west boundary of the Sternoff Property (to widen 124th Avenue NE) in order to construct or operate East Link:

Question (Counsel for Sternoff): From a real property perspective, Sound Transit does not need to acquire the property to widen 124th Street, correct?

Answer (Sound Transit). Yes.

CP 277. Accordingly, Sound Transit testified that the East Link is a separate, independent project from the City Project. CP 229, 251 and 277.

Question (Counsel for Sternoff): So the City's longstanding 124th Street project is separate from the Sound Transit East Link line project, correct?

Answer (Sound Transit). Correct.

CP 263.

This case involves an issue of substantial public interest. By Sound Transit's reasoning, it can take private property for any other presumably public project that somehow "touches" the East Link—for example,

adjacent construction of a public school or a sewer substation. The Court of Appeals' Opinion allows Sound Transit to set a precedent where government agencies can skirt constitutional procedural due process protections afforded private property owners simply by coordination and agreement with another agency.

Voter approval of Sound Transit 3 in the November election guarantees that Sound Transit will be taking private property for decades to come. The Appellate Court reasoning would allow multiple governmental agencies to "piggy back" on Sound Transit's condemnations for their separate projects without ever having to comply with the constitutionally required notice and procedural protections afforded private property owners.

The procedures that condemning authorities must follow under the Washington Constitution exist to protect Washingtonians from unnecessary or unjust deprivation of their private property under the commanding authority of government entities. Sound Transit's disregard for these protections should not be condoned.

VI. CONCLUSION

Petitioner Sternoff respectfully requests that this Court grant this Petition for Review. Sound Transit's flawed exercise of its eminent domain authority violates Washington's Constitution, condemnation laws, and the

procedural protections for property owners. These violations preclude a decree of public use and necessity and require dismissal of Sound Transit's Petition.

Respectfully submitted this December 7, 2016.

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APPENDIX A

Central Puget Sound Regional Transit Authority et al. v. Sternoff L.P.,
No. 75372-0-I (Div. I. Nov. 7, 2016)

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY, a regional transit authority, dba SOUND TRANSIT, and CITY OF SEATTLE,)	No. 75372-0-1
)	DIVISION ONE
Respondents,)	
v.)	
STERNOFF L.P., a Washington limited partnership;)	UNPUBLISHED OPINION
Appellant,)	FILED: November 7, 2016
JPMORGAN CHASE BANK, N.A.;)	
W. STERNOFF LLC, a Washington limited liability company dba BODYGLIDE;)	
KING COUNTY, a Washington municipal corporation; and ALL UNKNOWN OWNERS and UNKNOWN TENANTS,)	
Defendants.)	

BECKER, J. — This is an appeal from the determination of public use and necessity authorizing Central Puget Sound Regional Transit Authority (Sound Transit) to move forward with condemnation proceedings against appellant's property. Because the Sound Transit board did not engage in arbitrary and capricious conduct when it approved condemnation and the board's resolution

confers authority to condemn the property for a city of Bellevue (City) street widening project, we affirm.

FACTS

In 1992, the Washington State legislature authorized counties in the Puget Sound area to create a transportation agency "for planning and implementing a high capacity transportation system within that region." RCW 81.112.010. Voters later approved a ballot measure creating Sound Transit. Sound Transit has already completed light rail projects in Seattle and Tacoma. In 2008, voters approved the Sound Transit 2 plan to extend the existing light rail system to cities east of Seattle, including Bellevue.

For the last few years, Sound Transit has been in the final planning and design stages of the East Link project. In July 2011, Sound Transit selected the route and station locations by adopting Resolution R2011-10.

Appellant Sternoff LP is a business owned by William R. Sternoff. Sternoff owns property along the East Link route located at 1750 124th Avenue Northeast in Bellevue's Bel-Red area. There are two buildings on the property, each including office space and warehouse space. The only means of accessing the property are two driveways on 124th Avenue. Sternoff's tenants require regular access to conduct business, including to ship and receive goods. One tenant in particular, a medical device supplier, requires round-the-clock access.

The East Link alignment will run along and through the south portion of Sternoff's property. The construction plans for 124th Avenue Northeast include building Sound Transit's light rail trackway, as well as the City's project of

building a bridge over the trackway. The City also has a long-standing plan to widen the avenue to provide increased mobility and safety by creating a five lane section with landscape zones and sidewalks. The new bridge will be constructed to accommodate the wider roadway.

In December 2011, Sternoff entered into an agreement with the City that permitted survey work on the property related to the City's plans to improve 124th Avenue. Sternoff entered into another access agreement in April 2013, this time with Sound Transit. The agreement permitted Sound Transit to conduct surveys on the property related to East Link construction. Both agreements guaranteed that Sternoff and his lessees would have largely unimpeded access to the property during the survey work. The City assured Sternoff that its representatives "will not block access to the business park or buildings or impede access around the buildings." Sound Transit assured Sternoff that "during and after the expiration of the Term, except as needed and temporarily, Sound Transit will not block access to the business park or buildings or impede access around the buildings needed for tenants, clients and deliveries, and will not otherwise interfere with the day to day business operations of the Property."

In September 2013, Sound Transit began the process of condemning properties for East Link construction. At a meeting of the Capital Committee, Sound Transit's property director presented a proposed resolution, R2013-21, which identified 60 commercial properties as "necessary for the construction and permanent location of the East Link Project." This list included Sternoff's property. The resolution authorized condemnation proceedings "to acquire all, or

any portion thereof, of the properties and property rights." The committee voted to recommend that Sound Transit's board pass the resolution.

The board adopted the resolution as part of its consent agenda during a meeting on September 26, 2013. Sound Transit provided notice of the meeting to affected property owners, as required per RCW 8.25.290.

In May 2015, Sound Transit and the City adopted an amended Memorandum of Understanding, superseding a previous version adopted in 2011. The previous version is not designated as part of the appellate record. The 2015 memorandum states that pursuant to the 2011 agreement, "the Parties engaged in a collaborative process for design and development of the East Link Project" and worked to "identify projects to be completed jointly for reduced impacts to the public, and overall cost savings and efficiencies." In a section titled "Project Coordination," under a subsection titled "Shared Cost Agreement," the memorandum explains that Sound Transit and the City coordinated their projects on 124th Avenue:

The Project^[1] is designed to cross under two existing roadways, 120th Avenue NE and 124th Avenue NE, which will require elevating the profile of the roadway as identified in Exhibit M, Section E. The City has identified 120th Ave NE, between NE 12th Street and NE 16th Street (CIP Plan Project PW-R-168), and 124th Ave NE, between NE Spring Boulevard and NE 18th Street (CIP Plan Project PW-R-166) for widening and other improvements. The City and Sound Transit desire to coordinate and share the costs for the design, right-of-way acquisition and construction of the two projects to improve efficiencies and reduce costs. Upon execution of this MOU, the Parties shall enter into the Funding, Right-of-Way

¹ The memorandum defines "Project" as "the segments of the Light Rail Transit System in the City of Bellevue as described in Exhibit C-1 (Project Description), attached and incorporated herein, and as may be modified as described in this MOU [Memorandum of Understanding]."

Acquisition and Construction Administration Agreement for Roadway and East Link Project Improvements at 120th Ave NE and 124th Ave NE attached hereto as Exhibit N and incorporated herein by this reference.

In April 2016, Sound Transit filed a Petition in Eminent Domain against Sternoff in King County Superior Court. Sound Transit simultaneously filed a motion for a finding of public use and necessity. The petition states that certain real property rights "must be acquired for purposes of Petitioner's Link light rail project." To construct the East Link, "certain real property and real property rights are necessary for the City of Bellevue's Bel-Red Transportation improvements, which includes widening 124th Ave. NE." The petition states that the 2015 Memorandum of Understanding between Sound Transit and the City "requires certain real property and real property rights for the 124th Ave NE project."

The Sound Transit board authorized condemnation to acquire "all, or any portion" of Sternoff's property when it adopted R2013-21. The petition did not seek to take the whole property; rather, it identified 10 interests in portions of Sternoff's property for condemnation. These included permanent fee and easement interests, as well as temporary construction easements, as spelled out in legal descriptions attached to the petition.

On June 6, 2016, the court held a hearing on public use and necessity. See RCW 8.12.090; RCW 8.12.100. Sternoff argued the petition should be dismissed entirely because Sound Transit's board acted arbitrarily and capriciously in adopting R2013-21 or, in the alternative, Sound Transit should not be permitted to acquire property for the City's street widening project. On June

7, 2016, the trial court issued findings of fact, conclusions of law, and an Order and Judgment Adjudicating Public Use and Necessity.

The court found:

7. The Condemned Property is necessary to and will be used for a public purpose—locating, constructing, operating and maintaining the Project.^[2]

8. Petitioner has determined that the construction of the Project will serve a public purpose, is necessary for the public interest, and that the Condemned Property is necessary for this purpose. The Respondents have been served with notice and a copy of the Petition.

10. There was no fraud, actual or constructive, no abuse of power, bad faith, or arbitrary and capricious conduct by Sound Transit.

The court concluded:

5. The taking and damaging of lands, properties and property rights in order to locate, construct, operate and maintain the Project is for a public use.

6. The public interest requires the proposed use.

7. Appropriation of the Condemned Property is necessary for the proposed use.

8. Petitioner is entitled to the issuance of an order finding public use and necessity for the taking of the Condemned Property.

Sternoff appealed. Sound Transit filed a motion for accelerated review, asserting that possession of Sternoff's property in 2016 is required to keep the East Link project on schedule and on budget. We granted accelerated review.

Sternoff assigns error to findings 7, 8, and 10. He argues that because these findings are erroneous, conclusions 5 through 8 are not adequately supported by the court's findings.

² Defined by the petition and by the order as "the East Link Extension and its related facilities."

We will not disturb findings that are supported by substantial evidence. Cent. Puget Sound Reg'l Transit Auth. v. Miller, 156 Wn.2d 403, 419, 128 P.3d 588 (2006). Substantial evidence is evidence that would persuade a fair-minded, rational person of the truth of the finding, viewed in the light most favorable to the respondent. Miller, 156 Wn.2d at 419.

BOARD ACTION

Sternoff contends the Sound Transit board engaged in arbitrary and capricious conduct when adopting R2013-21, the resolution authorizing condemnation proceedings.

The government must exercise its power of eminent domain through lawful procedures. Miller, 156 Wn.2d at 410. The statute governing regional transit authorities provides that the "right of eminent domain shall be exercised by an authority in the same manner and by the same procedure as or may be provided by law for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter." RCW 81.112.080(2). A city authority must first pass an ordinance providing that it seeks to condemn property for public improvements "which will require that property be taken or damaged for public use." RCW 8.12.050. Once the ordinance is passed, the condemning authority must file a petition in superior court. RCW 8.12.050.

The next step is for a court to adjudicate public use and necessity. Miller, 156 Wn.2d at 410. The court must determine (1) whether the proposed use is really public, (2) does the public interest require it, and (3) is the property to be acquired necessary for that purpose. City of Bellevue v. Pine Forest Props., Inc.,

185 Wn. App. 244, 259, 340 P.3d 938 (2014), review denied, 183 Wn.2d 1016 (2015). The latter two findings address necessity. Pine Forest, 185 Wn. App. at 259, citing In re City of Seattle, 104 Wn.2d 621, 623, 707 P.2d 1348 (1985). It is undisputed that the East Link project constitutes a public use. See HTK Mgmt., LLC v. Seattle Popular Monorail Auth., 155 Wn.2d 612, 630, 121 P.3d 1166 (2005). Sternoff's challenges relate to the necessity issue.

"Necessity" in the eminent domain context does not mean absolute necessity, but rather that a project will fulfill a genuine need and appropriately facilitate a public use. Pub. Util. Dist. of Grant County No. 2 v. N. Am. Foreign Trade Zone Indus., LLC, 159 Wn.2d 555, 576, 151 P.3d 176 (2007); Miller, 156 Wn.2d at 421. A party challenging an agency's finding that necessity exists must demonstrate actual fraud, or arbitrary and capricious conduct sufficient to constitute constructive fraud. Miller, 156 Wn.2d at 417; Pine Forest, 185 Wn. App. at 262. Arbitrary and capricious conduct is willful and unreasoning action, without consideration and regard for facts or circumstances. City of Tacoma v. Welcker, 65 Wn.2d 677, 684, 399 P.2d 330 (1965). When reasonable minds can differ regarding whether the record supports a trial court's finding of necessity, we will not disturb the decision of a condemning authority so long as it was reached honestly, fairly, and upon due consideration of the facts and circumstances. Pine Forest, 185 Wn. App. at 263. Our Supreme Court has observed that it has seldom "found that a condemning authority has abused its trust in making a declaration of public necessity. This should not be surprising,

for it is not to be presumed that such abuses often occur.” Miller, 156 Wn.2d at 412, quoting State v. Brannon, 85 Wn.2d 64, 68, 530 P.2d 322 (1975).

It is undisputed that Sound Transit is a government agency that can lawfully exercise eminent domain power pursuant to RCW 81.112.080(2). Sound Transit concluded it was necessary to exercise this authority when the board adopted R2013-21:

The Sound Transit Board deems the East Link Extension to be a public use for a public purpose. The Board deems it necessary and in the best interests of the citizens residing within Sound Transit's boundaries to acquire the property identified in Exhibit A as being necessary for the construction, operation, and permanent location of the East Link Extension, parties to be paid relocation and re-establishment costs associated with displacements from the properties.

Sternoff argues the board's conduct was arbitrary and capricious because the board appears not to have considered the access agreements when deciding to adopt R2013-21. He asserts that Sound Transit staff “never disclosed to the Board the Sound Transit Access Agreement” and concludes the “Access Agreements and related negotiations and assurances are exactly the ‘facts and circumstances’ that Sound Transit was obligated to evaluate in reaching an honest, fair and reasoned decision regarding the ‘necessity’ of the Sternoff Property.” The agreement states that Sound Transit will not block Sternoff's access during or after the survey work.

An agency cannot contract away its power of eminent domain. State ex rel. Devonshire v. Superior Court, 70 Wn.2d 630, 637, 424 P.2d 913 (1967).

Under this principle, Sound Transit's agreement with Sternoff did not control the board's decision whether to exercise its eminent domain power with respect to

his property. Sternoff, aware of this principle, does not argue that Sound Transit was estopped from exercising its condemnation authority based on the contract. Rather, he contends the agreement contained information relevant to the East Link project and the board's failure to consider this information renders its conduct arbitrary and capricious. Sternoff cites no authority for the proposition that a condemning authority's failure to consider access agreements is relevant to the arbitrary and capricious inquiry, let alone dispositive. He had notice of the meeting at which R2013-21 would be decided and thus had the opportunity to present these issues to the board. He was not entitled to rely on the board to consider them otherwise.

Sternoff suggests that the short amount of time the board spent considering R2013-21 renders its decision arbitrary and capricious. Sternoff contends the board "rubber stamped" the resolution. The board adopted the resolution during a consent agenda. According to Sternoff, "the total Board consideration of R2013-21 amounted to four minutes of time—to take 60 properties." Sternoff cites no authority for his position that the amount of time devoted to a topic at a hearing is relevant to determining whether an agency's decision was arbitrary and capricious. Legislative bodies routinely adopt resolutions during consent agendas. Adoption on a consent agenda does not mean that the decisions included were arbitrary or uninformed.

The board's adoption of R2013-21 substantially supports the finding that Sound Transit "determined that the construction of the Project will serve a public purpose, is necessary for the public interest, and that the Condemned Property is

necessary for this purpose.” The resolution also supports the finding that the “Condemned Property is necessary to and will be used for a public purpose— locating, constructing, operating and maintaining the Project.” The trial court was entitled to rely on Sound Transit’s determination of necessity in the absence of proof of actual or constructive fraud. Miller, 156 Wn.2d at 417. Sound Transit supported its eminent domain petition with evidence demonstrating its decision to condemn was based on considerations regarding the East Link’s alignment and trackway. Viewing this evidence in the light most favorable to Sound Transit, we affirm the finding that there was no arbitrary and capricious conduct by Sound Transit.

STREET WIDENING PROJECT

Sternoff contends condemnation of his property for the City’s street widening project is unconstitutional because there has never been an explicit finding by the City or Sound Transit that his property is necessary for this project.

The petition states that to construct the East Link extension and its related facilities, Sound Transit seeks to acquire portions of Sternoff’s property deemed necessary for the City’s project of widening the roadway. The petition mentions the Memorandum of Understanding by which the City and Sound Transit agreed to a collaborative process:

Certain real property and real property rights must be acquired for purposes of Petitioner’s Light rail project in order to permanently locate, construct, operate and maintain the East Link Extension and its related facilities (the “Project”). In order to construct the Project, certain real property and real property rights are necessary for the City of Bellevue’s Bel-Red Transportation improvements, which includes widening 124th Ave NE. As part of the agreement to expand light rail to Bellevue, Petitioner and the City of Bellevue

entered into a Memorandum of Understanding for Intergovernmental Cooperation for the East Link Project which requires certain real property and real property rights for the 124th Ave NE project.

The order identifies some of Sternoff's property interests being acquired as "COB" (city of Bellevue) takes.

Sternoff contends that Sound Transit's East Link extension and the City's road improvement plan are separate projects. In his view, R2013-21—which does not specifically mention widening 124th Avenue—does not confer authority to condemn property for the City's street widening project. He argues that either Sound Transit or the City had to make an explicit, separate finding of public use and necessity for the street widening project to support condemning his property for that purpose.

Sternoff submitted deposition testimony by Sound Transit staff and board members in which they agreed that the East Link extension and the City's road improvement plan are "separate" projects. He argues this demonstrates that R2013-21 does not apply to the street widening project. Deposition testimony characterizing the two projects as separate does not control our analysis of this issue. What is relevant is whether Sound Transit properly authorized the condemnation of property for the street widening project.

A government agency may exercise its power of eminent domain only if it first determines the public use and necessity requirements are met and a court later adjudicates public use and necessity. Miller, 156 Wn.2d at 410. Sternoff is correct that neither Sound Transit nor the City adopted a resolution of public use and necessity that specifically addresses the City's street widening project.

Thus, Sound Transit's petition to acquire property for improving 124th Avenue is supported only if the authority granted by R2013-21 extends to the City's project. We conclude that it does.

The property interests the petition seeks to acquire are tied to the East Link extension. R2013-21 authorizes Sound Transit to acquire "all, or any portion thereof, of the properties and property rights . . . for the purpose of constructing, owning, and operating a permanent location of the East Link Extension and light rail guideway." This language confers broad authority to condemn properties identified in the resolution when, in the agency's judgment, doing so is necessary to facilitate the East Link project.

The 2015 Memorandum of Understanding demonstrates that Sound Transit made a judgment that acquiring property for the street widening project would facilitate the East Link project. The memorandum states, "the City and Sound Transit desire to coordinate and share the costs for the design, right-of-way acquisition and construction" of the East Link and street widening projects to "improve efficiencies and reduce costs."

Sternoff argues that the court's finding of public use and necessity regarding his property is invalid because Sound Transit adopted the resolution in 2013 and only later identified a plan to coordinate the East Link with the City's street widening project, as specified in the 2015 memorandum. A condemning authority must have a general outline of intended improvements so that a court can know what particular part of the property is necessary for the stated public use. Port of Everett v. Everett Improvement Co., 124 Wash. 486, 492-94, 214 P.

1064 (1923). There is no requirement that an agency must “have in place a definitive use plan for the entire life of the property.” Monorail, 155 Wn.2d at 638 n.21.

This court recently upheld an order of public use and necessity in a different condemnation action involving the East Link and road improvement plans of the City. Pine Forest, 185 Wn. App. at 269. Condemnation of property for the City’s road improvement project and for East Link construction was authorized by a resolution of the Bellevue City Council. Pine Forest, 185 Wn. App. at 250. The ordinance authorizing condemnation specifically referred both to the road project and to the East Link in finding necessity for the acquisition. Pine Forest does not hold that an ordinance *must* identify a particular project for that project to be covered by the grant of authority to condemn. Sound Transit made a finding that acquisition of Sternoff’s property was necessary for construction and location of the East Link. This finding suffices to support the order authorizing condemnation of property interests that will be conveyed to the City to facilitate widening a road that approaches and crosses the East Link trackway.

Because Sternoff has not proved arbitrary and capricious conduct, Sound Transit’s finding is conclusive. The trial court properly issued an order on public use and necessity which includes property interests for the City’s road improvement project.

Sternoff requests an award of attorney fees pursuant to RCW 8.25.075(1). Because we deny Sternoff’s request for relief, we deny his request for fees.

The city of Seattle intervened in this action because it owns interests in Sternoff's property—two easements for the construction, operation, and maintenance of an electrical transmission system. At Seattle's request, we confirm that our disposition of this appeal does not affect Seattle's property interests.

Affirmed.

Becker, J.

WE CONCUR:

Dwyer

Schubert

APPENDIX B

*First Amended Findings of Fact and Conclusions of Law,
Order and Judgment Adjudicating Public Use and Necessity,
Central Puget Sound Regional Transit Authority et al. v. Sternoff L.P.,
King County Superior Court Cause No. 16-2-08800-7 SEA (Jun. 7, 2016)*

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The Honorable Sue Parisien

SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

CENTRAL PUGET SOUND REGIONAL
TRANSIT AUTHORITY, a regional transit
authority, dba SOUND TRANSIT,

Petitioner,

vs.

STERNOFF L.P., a Washington limited
partnership, et al.,

Respondents.

No. 16-2-08800-7 SEA

~~PROPOSED~~ FIRST AMENDED
FINDINGS OF FACT, CONCLUSIONS OF
LAW, ORDER AND JUDGMENT
ADJUDICATING PUBLIC USE AND
NECESSITY

Tax Parcel No. 282505-9003

THIS MATTER came on regularly for hearing before the undersigned judge, upon the motion of Petitioner Central Puget Sound Regional Transit Authority ("Petitioner"). The Respondents in this action have been identified in Petitioner's Petition in Eminent Domain on file in this condemnation action (the "Petition"), and it appears that said Respondents have all received due and proper notice of this hearing.

Said Respondents ~~or their attorneys have either appeared but not objected to entry of these Findings of Fact, Conclusions of Law, Order and Judgment Adjudicating Public Use and Necessity, have not appeared, or having~~ ^{have} appeared and objected to entry, ^Ttheir objections were considered and overruled. The Court, having jurisdiction over each and all of the Respondents and the subject matter of this action, having considered the motion, declarations in support, ^{having heard oral argument} opposition, ~~if any,~~ and the files and records herein, and being fully advised, has determined that ^{reviewed} the relief sought by Petitioner is proper.

FIRST AMENDED FINDINGS OF FACT,
CONCLUSIONS OF LAW, ORDER AND
JUDGMENT ADJUDICATING PUBLIC
USE AND NECESSITY -- 1

70098157.3

MILLER NASH GRAHAM & DUNN LLP
Pier 70 ~ 2801 Alaskan Way ~ Suite 300
Seattle, Washington 98121-1128
(206) 624-8300/Fax: (206) 340-9599

1 NOW, THEREFORE, this Court makes the following FINDINGS OF FACT:

2 1. Petitioner is a duly organized and acting regional transit authority, existing under
3 and by virtue of the laws of the State of Washington. RCW 81.112.080. Petitioner is authorized
4 by statute to construct and operate a high-capacity transportation system within authority
5 boundaries. RCW 81.112.010.

6 2. Respondents either own or have an interest in the land, property and property
7 rights, which are the subject of this condemnation action commenced pursuant to Chapter 81.112
8 RCW.

9 3. On or about September 26, 2013, by Petitioner's Resolution No. R2013-21
10 ("Resolution"), Petitioner's Board of Directors (the "Board") authorized the condemnation,
11 taking, damaging, and appropriation of certain lands, properties and property rights in order to
12 permanently locate, construct, operate and maintain the East Link Extension and its related
13 facilities (the "Project"). A copy of the Resolution is attached as Exhibit 1 to the Petition which
14 Exhibit is incorporated here by this reference. Included within these lands, properties and
15 property rights is land, property and property rights situated in Bellevue, King County,
16 Washington, in which Respondents hold an interest.

17 4. Before taking final action to adopt the Resolution, which authorizes
18 condemnation of the subject property, Petitioner mailed and published the required notices
19 pursuant to RCW 8.25.290 with the date, time and location of the Board meeting at which
20 Petitioner intended to take final action and authorize the acquisition of the subject property
21 through condemnation, which notice also generally described the property.

22 5. The land, property and property rights which Petitioner seeks to and is authorized
23 to condemn, and in which Respondents hold an interest, is identified as King County Tax Parcel
24 No. 282505-9003 (the "Parcel").

25 6. Specifically, with this condemnation, Petitioner seeks to appropriate the following
26 real property and real property interests subject to the City of Seattle's existing easements for

1 electric transmission and/or distribution system and appurtenances, as reflected in King County
2 Recording Nos. 2342831, 710818046, 2560137, and 241252:

- 3 6.1 A permanent taking of a portion of the Parcel in fee simple absolute – ST
4 Fee Take, as legally described and depicted in, and in substantially the
5 form of, **Exhibit 1** hereto;
- 6 6.2 A permanent taking of a portion of the Parcel in fee simple absolute –
7 COB Fee Take, as legally described and depicted in, and in substantially
8 the form of, **Exhibit 2** hereto;
- 9 6.3 A permanent taking of a portion of the Parcel for a permanent Wall
10 Footing and Maintenance Easement – ST, as legally described and
11 depicted in, and in substantially the form of, **Exhibit 3** hereto;
- 12 6.4 A permanent taking of a portion of the Parcel for a permanent Wall
13 Easement – COB, as legally described and depicted in, and in substantially
14 the form of, **Exhibit 4** hereto;
- 15 6.5 A permanent taking of a portion of the Parcel for a permanent Water Line
16 Easement, as legally described and depicted in, and in substantially the
17 form of, **Exhibit 5** hereto;
- 18 6.6 A permanent taking of a portion of the Parcel for a permanent Drainage
19 Easement, as legally described and depicted in, and in substantially the
20 form of, **Exhibit 6** hereto;
- 21 6.7 A permanent taking of a portion of the Parcel for a permanent Access
22 Easement, as legally described and depicted in, and in substantially the
23 form of, **Exhibit 7** hereto;
- 24 6.8 A temporary taking of a portion of the Parcel for a temporary
25 Environmental Monitoring Easement, as legally described and depicted in,
26 and in substantially the form of, **Exhibit 8** hereto;

1 6.9 A temporary taking of a portion of the Parcel for a Temporary
2 Construction Easement -- ST, as depicted in, and in substantially the form
3 of, **Exhibit 9** hereto; and

4 6.10 A temporary taking of a portion of the Parcel for a Temporary
5 Construction Easement -- COB, as depicted in, and in substantially the
6 form of, **Exhibit 10** hereto.

7 Exhibits 1-10 are incorporated here by this reference and the real property and real
8 property interests described in Exhibits 1-10 are hereinafter collectively referred to as the
9 "Condemned Property."

10 7. The Condemned Property is necessary to and will be used for public purpose --
11 locating, constructing, operating and maintaining the Project.

12 8. Petitioner has determined that the construction of the Project will serve a public
13 purpose, is necessary for the public interest, and that the Condemned Property is necessary for
14 this purpose. The Respondents have been served with notice and a copy of the Petition.

15 9. Petitioner seeks to appropriate the Condemned Property (described and/or
16 depicted in Exhibits 1-10 hereto) and is taking the Condemned Property subject to the City of
17 Seattle's existing easements for electric transmission and/or distribution system and
18 appurtenances, as reflected in King County Recording Nos. 2342831, 710818046, 2560137, and
19 241252.

20 10. There was no fraud, actual or constructive, no abuse of power, bad faith, or
21 arbitrary and capricious conduct by Sound Transit.

22 UPON CONSIDERATION thereof, the Court hereby makes the following
23 CONCLUSIONS OF LAW:

24 1. The Court has jurisdiction over the parties and the subject matter of this action.

25 2. Petitioner is a regional transit authority, existing under and by virtue of the laws
26 of the State of Washington.

1 easements for electric transmission and/or distribution system and appurtenances, as reflected in
2 King County Recording Nos. 2342831, 710818046, 2560137, and 241252, and the taking is for
3 public purposes.

4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that entry of this Order and
5 Judgment does not include an appropriation of the City of Seattle's existing easements in and to
6 the Condemned Property for electric transmission and/or distribution system and appurtenances,
7 as reflected in King County Recording Nos. 2342831, 710818046, 2560137, and 241252.

8
9 DONE IN OPEN COURT this 7th day of June, 2016.

10
11 
12 _____
HONORABLE SUE PARI SIEN

13 Presented by:

14 MILLER NASH GRAHAM & DUNN LLP

15 By /s/ Jeffrey A. Beaver

16 Jeffrey A. Beaver, WSBA# 16091
17 Jacqualyne J. Walker, WSBA# 45355
Attorneys for Petitioner Sound Transit

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FIRST AMENDED FINDINGS OF FACT,
CONCLUSIONS OF LAW, ORDER AND
JUDGMENT ADJUDICATING PUBLIC
USE AND NECESSITY -- 6

70098157.3

MILLER NASH GRAHAM & DUNN LLP
Pier 70 ~ 2801 Alaskan Way ~ Suite 300
Seattle, Washington 98121-1128
(206) 624-8300/Fax: (206) 340-9599

EXHIBIT 1

EXHIBIT "A"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Grantor's Entire Parcel:

PARCEL 3, CITY OF BELLEVUE SHORT PLAT NUMBER 77-81 (REVISED), RECORDED UNDER RECORDING NUMBER 7912319005, IN KING COUNTY, WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

Earl J. Rose 3/28/16

EXHIBIT "B"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Sound Transit Fee Take Area Acquired by Grantee:

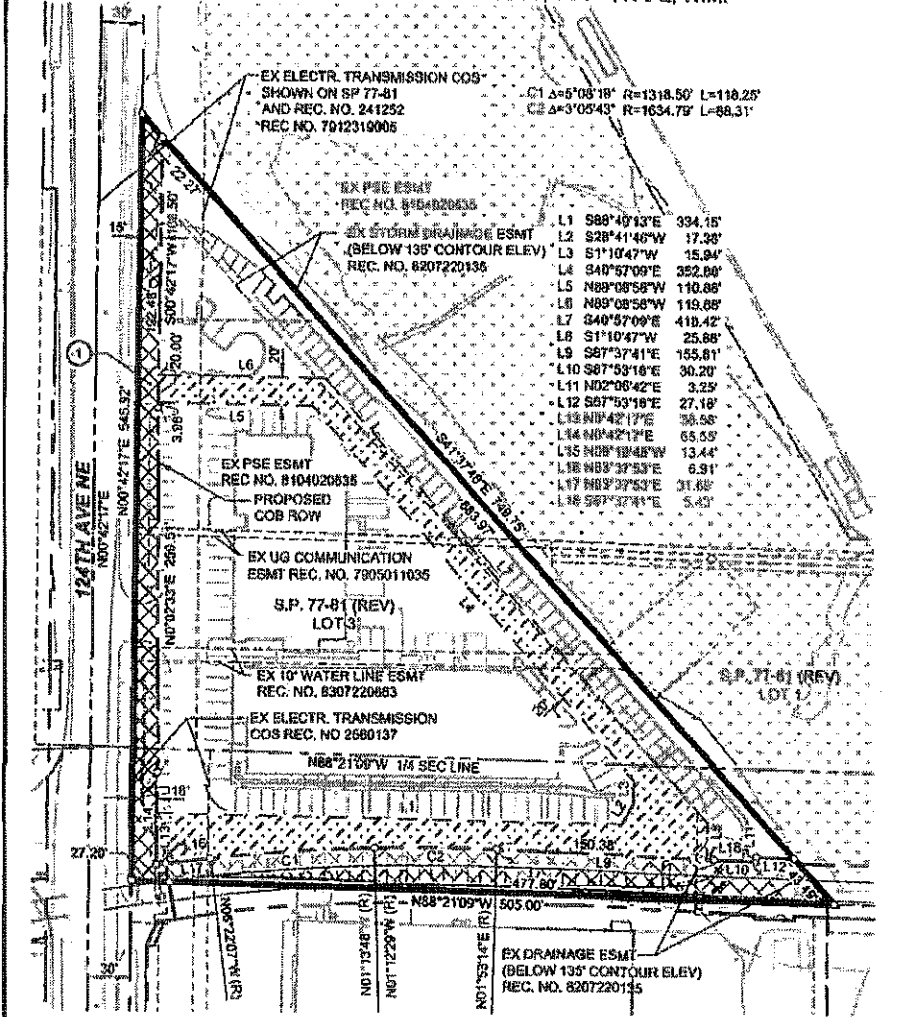
THAT PORTION OF GRANTOR'S PARCEL (SAID PARCEL BEING DESCRIBED IN EXHIBIT "A"), DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF GRANTOR'S PARCEL;
THENCE S88°21'09"E ALONG THE SOUTH LINE THEREOF A DISTANCE OF 27.20 FEET TO THE POINT OF BEGINNING;
THENCE N09°18'45"W A DISTANCE OF 13.44 FEET;
THENCE N83°37'53"E A DISTANCE OF 31.69 FEET TO THE BEGINNING OF CURVE TO THE RIGHT HAVING A RADIUS OF 1318.50 FEET;
THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°08'19", AN ARC DISTANCE OF 118.25 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1634.79 FEET, TO WHICH POINT A RADIAL LINE BEARS N01°12'29"W;
THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°05'43", AN ARC DISTANCE OF 88.31 FEET;
THENCE (NON-TANGENT) S87°37'41"E A DISTANCE OF 155.81 FEET;
THENCE S87°53'18"E A DISTANCE OF 30.20 FEET;
THENCE N02°06'42"E A DISTANCE OF 3.25 FEET;
THENCE S87°53'18"E A DISTANCE OF 27.18 FEET TO THE NORTHEASTERLY LINE OF GRANTOR'S PARCEL;
THENCE S41°37'48"E ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 43.49 FEET TO THE SOUTHEAST CORNER OF GRANTOR'S PARCEL;
THENCE N88°21'09"W ALONG THE SOUTH LINE THEREOF A DISTANCE OF 477.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 12,831 SQUARE FEET, MORE OR LESS.

Earl J. Bone 3/28/16

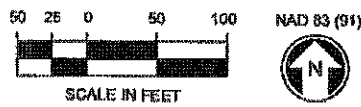
NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 5 E, W.M.



- L1 S88°49'13"E 334.15'
- L2 S28°41'46"W 17.38'
- L3 S1°10'47"W 15.94'
- L4 S40°57'09"E 352.80'
- L5 N88°08'58"W 110.88'
- L6 N89°08'58"W 119.88'
- L7 S40°57'09"E 410.42'
- L8 S1°10'47"W 25.88'
- L9 S87°37'41"E 155.81'
- L10 S87°53'18"E 30.20'
- L11 N02°08'42"E 3.25'
- L12 S87°53'18"E 27.18'
- L13 N14°42'12"E 36.58'
- L14 N8°42'12"E 65.59'
- L15 N88°18'48"W 13.44'
- L16 N88°37'53"E 6.91'
- L17 N88°37'53"E 31.88'
- L18 S87°37'41"E 5.45'

1 PROPOSED FEE TAKE BY CITY OF BELLEVUE.

LEGEND	
	LIGHT RAIL TRANSIT WAY
	STREET RIGHT-OF-WAY LINE
	STREET CENTER LINE
	PLATTED LOT LINE
	PROPERTY LINE
	PARENT PARCEL
	FEE TAKE LINE
	EASEMENT LINE PERMANENT
	EASEMENT LINE TEMPORARY



ENV. MONIT. ESMT:	721 SF
WATER ESMT:	2,704 SF
WALL ESMT:	2,350 SF (ST) 4,149 SF (COB)
PARCEL AREA:	137,826 SF
FEE TAKE:	12,831 SF (ST) 8,782 SF (COB)
REMAINING AREA:	119,203 SF
ACCESS ESMT:	20,315 SF
CONST. ESMT:	29,014 SF (ST) 41,114 SF (COB)
DRAINAGE ESMT:	1,110 SF

SOUND TRANSIT

FINAL DESIGN PARTNERS

LHA & ASSOCIATES

LINK LIGHT RAIL TRANSIT SYSTEM

CARL J. BONE
STATE OF WASHINGTON
19428
REGISTERED
PROFESSIONAL LAND SURVEYOR
3/28/16

EXHIBIT "C"
RAW NO. EL-285 PARCEL MAP

ASSESSOR NO.: 2823059003 DATE: 3/28/16

OWNER: STERNOFF LP

BLOCK NO.: NA LOT NO.: 3

CITY OF BELLEVUE KING COUNTY, WA

EXHIBIT 2

EXHIBIT "A"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Grantor's Entire Parcel:

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Earl J. Bone 3/28/16

EXHIBIT "B"

R/W No. EL-285
PIN 2823059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

City of Bellevue Fee Take Area Acquired by Grantee:

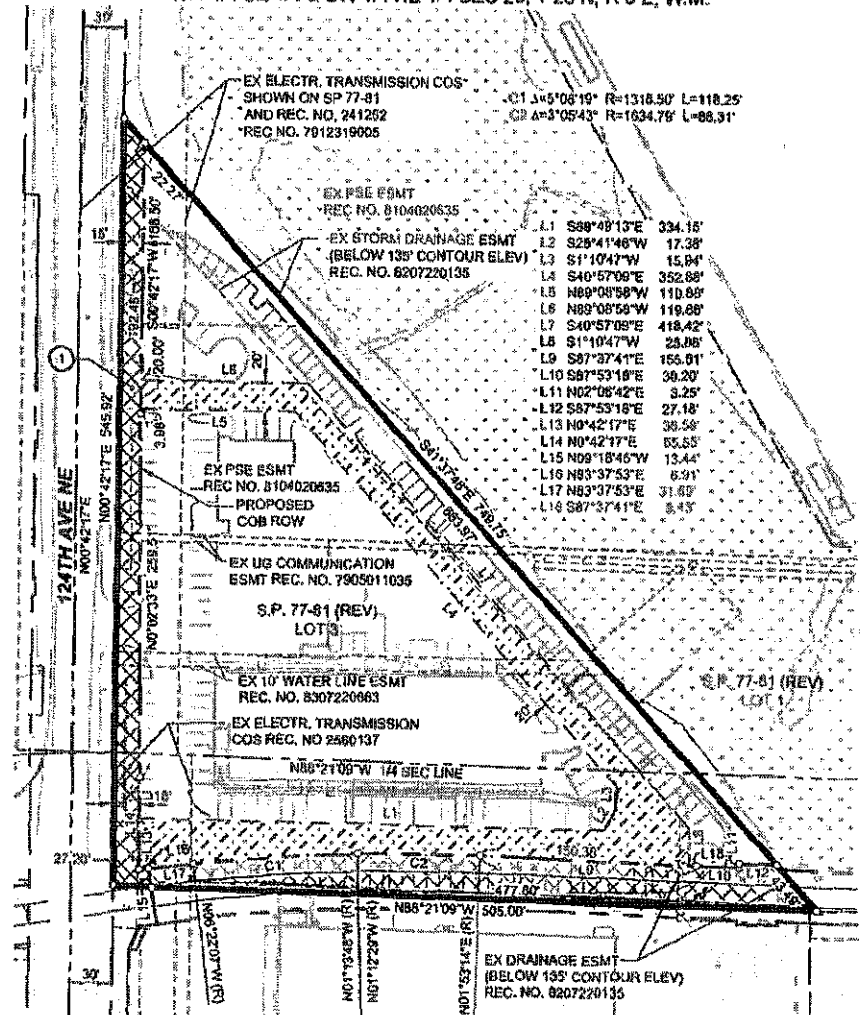
THAT PORTION OF GRANTOR'S PARCEL (SAID PARCEL BEING DESCRIBED IN EXHIBIT "A"),
DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF GRANTOR'S PARCEL;
THENCE S88°21'09"E ALONG THE SOUTH LINE OF GRANTOR'S PARCEL A DISTANCE OF 27.20
FEET;
THENCE LEAVING SAID SOUTH LINE N09°18'45"W A DISTANCE OF 13.44 FEET;
THENCE S83°37'53"W A DISTANCE OF 6.91 FEET TO THE EAST LINE OF THE WEST 18.00 FEET OF
GRANTOR'S PARCEL;
THENCE N00°42'17"E ALONG SAID LINE A DISTANCE OF 65.55 FEET;
THENCE N00°02'33"E A DISTANCE OF 259.51 FEET TO THE EAST LINE OF THE WEST 15.00 FEET
OF GRANTOR'S PARCEL;
THENCE N00°42'17"E ALONG SAID LINE A DISTANCE OF 192.48 FEET TO THE NORTHEASTERLY
LINE OF GRANTOR'S PARCEL;
THENCE N41°37'48"W ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 22.27 FEET TO THE
NORTHWEST CORNER OF GRANTOR'S PARCEL;
THENCE S00°42'17"W ALONG THE WEST LINE OF GRANTOR'S PARCEL, THE SAME BEING THE
EAST MARGIN OF 124TH AVENUE NORTHEAST DISTANT 30' EASTERLY OF THE CENTERLINE
THEREOF, A DISTANCE OF 545.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 8,792 SQUARE FEET, MORE OR LESS.

Earl J. Bone 3/28/15

NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 5 E, W.M.



C1 J=5°08'19" R=1318.50' L=118.25'
 CR A=3°05'43" R=1634.78' L=88.31'

EX PSE ESMT
 REC. NO. 8104020635

EX STORM DRAINAGE ESMT
 (BELOW 135' CONTOUR ELEV)
 REC. NO. 8207220135

- L1 S89°49'13"E 334.15'
- L2 S28°41'48"W 17.38'
- L3 S1°10'47"W 15.84'
- L4 S40°57'09"E 352.88'
- L5 N89°08'59"W 119.88'
- L6 N89°08'59"W 119.88'
- L7 S40°57'09"E 418.42'
- L8 S1°10'47"W 23.08'
- L9 S87°37'41"E 165.01'
- L10 S87°53'19"E 39.20'
- L11 N02°05'42"E 3.25'
- L12 S87°53'19"E 27.18'
- L13 N0°42'17"E 38.55'
- L14 N0°42'17"E 55.55'
- L15 N09°18'45"W 13.44'
- L16 N89°37'53"E 6.91'
- L17 N89°37'53"E 31.53'
- L18 S87°37'41"E 8.43'

EX PSE ESMT
 REC. NO. 8104020635
 PROPOSED
 COB ROW

EX UG COMMUNICATION
 ESMT REC. NO. 7905011035

S.P. 77-81 (REV.)
 LOTS

EX 10" WATER LINE ESMT
 REC. NO. 8307220663

EX ELECTR. TRANSMISSION
 COS REC. NO. 2560137

N88°21'09"W 1/4 SEC LINE

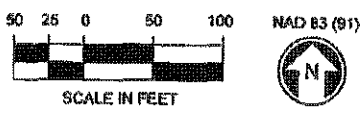
N88°21'09"W 505.00'

EX DRAINAGE ESMT
 (BELOW 135' CONTOUR ELEV)
 REC. NO. 8207220135

1 PROPOSED FEE TAKE BY CITY OF BELLEVUE.

LEGEND	
	LIGHT RAIL TRANSIT WAY
	STREET RIGHT-OF-WAY LINE
	STREET CENTER LINE
	PLATTED LOT LINE
	PROPERTY LINE
	PARENT PARCEL
	FEE TAKE LINE
	EASEMENT LINE PERMANENT
	EASEMENT LINE TEMPORARY

	COB FEE TAKE
	ST FEE TAKE
	ACCESS ESMT



ENV MONIT ESMT:	721 SF
WATER ESMT:	2,704 SF
WALL ESMT:	2,359 SF (ST)
	4,149 SF (COB)
PARCEL AREA:	137,826 SF
FEE TAKE:	12,031 SF (ST)
	8,732 SF (COB)
REMAINING AREA:	116,203 SF
ACCESS ESMT:	20,315 SF
CONST. ESMT:	29,014 SF (ST)
	41,114 SF (COB)
DRAINAGE ESMT:	1,110 SF

SOUND TRANSIT

PRIAL DESIGN PARTNERS

LIN & ASSOCIATES

LINK LIGHT RAIL TRANSIT SYSTEM

EARL J. BONE
 15429
 REGISTERED
 PROFESSIONAL LAND SURVEYOR
 3/28/16

EXHIBIT "C"
 RAW NO. EL-285 PARCEL MAP

ASSESSOR NO.: 2825059003 DATE: 3/28/16

OWNER: STERNKOFF LP

BLOCK NO.: N/A LOT NO: 3

CITY OF BELLEVUE KING COUNTY, WA

EXHIBIT 3

EXHIBIT "A"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Grantor's Entire Parcel:

PARCEL 3, CITY OF BELLEVUE SHORT PLAT NUMBER 77-81 (REVISED), RECORDED UNDER RECORDING NUMBER 7912319005, IN KING COUNTY, WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

Earl J. Bone 3/28/16

EXHIBIT "B"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Sound Transit Wall Easement Area Acquired by Grantee:

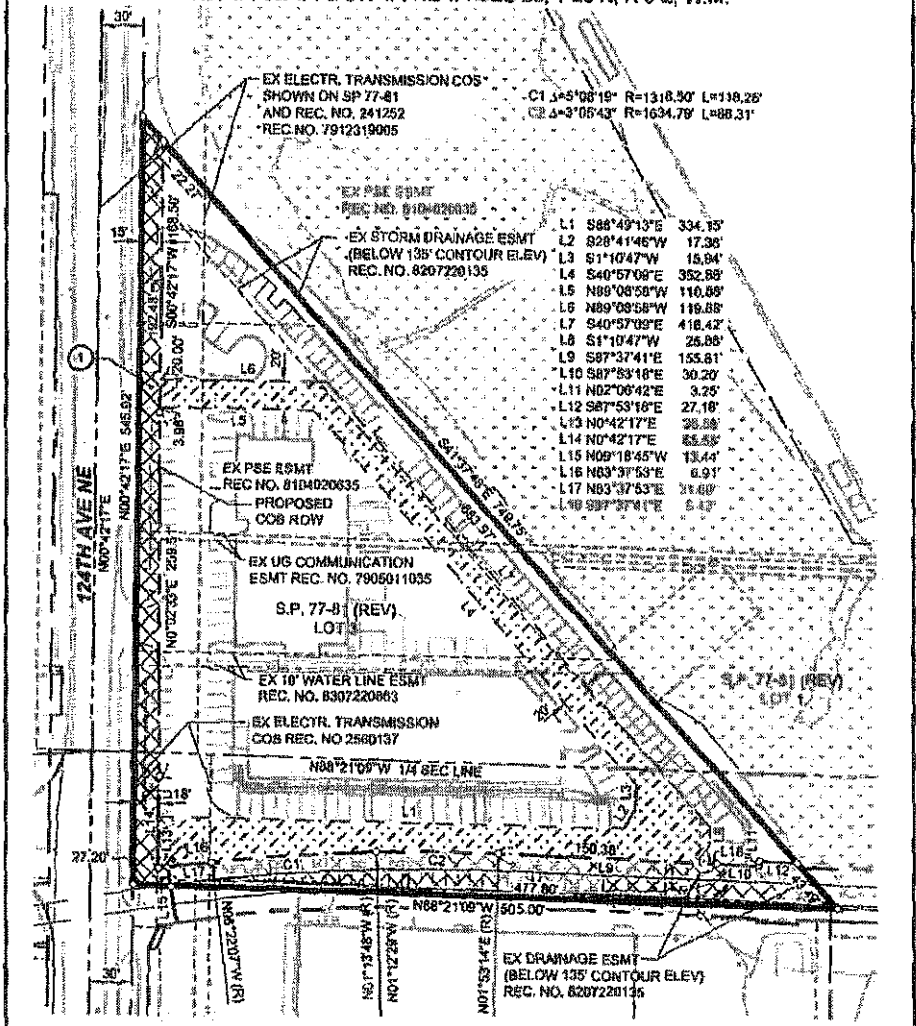
THAT PORTION OF GRANTOR'S PARCEL (SAID PARCEL BEING DESCRIBED IN EXHIBIT "A"), DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF GRANTOR'S PARCEL;
THENCE S88°21'09"E ALONG THE SOUTH LINE THEREOF A DISTANCE OF 27.20 FEET;
THENCE N09°18'45"W A DISTANCE OF 13.44 FEET TO THE NORTH LINE OF THE LIGHT RAIL TRANSIT WAY AND THE POINT OF BEGINNING;
THENCE N83°37'53"E ALONG SAID NORTH LINE A DISTANCE OF 31.69 FEET TO THE BEGINNING OF CURVE TO THE RIGHT HAVING A RADIUS OF 1318.50 FEET;
THENCE EASTERLY ALONG SAID NORTH LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°08'19", AN ARC DISTANCE OF 118.25 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1634.79 FEET, TO WHICH POINT A RADIAL LINE BEARS N01°12'29"W;
THENCE EASTERLY ALONG SAID NORTH LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°05'43", AN ARC DISTANCE OF 88.31 FEET;
THENCE ALONG SAID NORTH LINE (NON-TANGENT) S87°37'41"E A DISTANCE OF 155.81 FEET;
THENCE ALONG SAID NORTH LINE S87°53'18"E A DISTANCE OF 30.20 FEET;
THENCE ALONG SAID NORTH LINE N02°06'42"E A DISTANCE OF 3.25 FEET;
THENCE LEAVING SAID NORTH LINE N02°33'00"E A DISTANCE OF 22.65 FEET;
THENCE N90°00'00"W A DISTANCE OF 5.00 FEET;
THENCE S32°22'46"W A DISTANCE OF 23.99 FEET;
THENCE N87°53'18"W A DISTANCE OF 13.28 FEET;
THENCE N87°37'40"W A DISTANCE OF 155.81 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1639.79 FEET, TO WHICH A RADIAL LINE BEARS N01°53'16"E;
THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°05'45", AN ARC DISTANCE OF 88.60 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1323.30 FEET, TO WHICH A RADIAL LINE BEARS N01°13'48"W;
THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°08'19", AN ARC DISTANCE OF 118.70 FEET;
THENCE S83°37'53"W A DISTANCE OF 32.94 FEET TO THE EAST LINE OF THE WEST 23.00 FEET OF GRANTOR'S PARCEL;
THENCE S09°42'17"W ALONG SAID LINE A DISTANCE OF 5.04 FEET TO A POINT BEARING S83°37'53"W FROM THE TRUE POINT OF BEGINNING;
THENCE N83°37'53"E A DISTANCE OF 1.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,359 SQUARE FEET, MORE OR LESS.

Earl J. Bone 3/28/16

NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 6 E, W.M.



-C1 S=5°08'19" R=1316.30' L=138.25'
 -C2 S=3°05'43" R=1634.78' L=86.31'

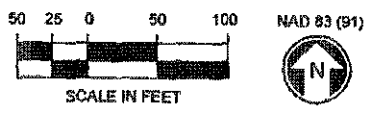
- L1 S88°49'13"E 334.15'
- L2 S28°41'46"W 17.38'
- L3 S1°10'47"W 15.94'
- L4 S40°57'08"E 352.88'
- L5 N88°08'58"W 110.89'
- L6 N89°08'58"W 119.88'
- L7 S40°57'08"E 418.42'
- L8 S1°10'47"W 25.88'
- L9 S87°37'41"E 155.81'
- L10 S87°33'18"E 30.20'
- L11 N02°00'42"E 3.25'
- L12 S87°53'10"E 27.18'
- L13 N0°42'17"E 38.88'
- L14 N0°42'17"E 85.25'
- L15 N09°18'45"W 13.44'
- L16 N83°37'53"E 6.91'
- L17 N83°37'53"E 21.60'
- L18 S87°37'41"E 5.43'

① PROPOSED FEE TAKE BY CITY OF BELLEVUE.

LEGEND

- LIGHT RAIL TRANSIT WAY
- STREET RIGHT-OF-WAY LINE
- STREET CENTER LINE
- PLATTED LOT LINE
- PROPERTY LINE
- PARENT PARCEL
- FEE TAKE LINE
- EASEMENT LINE PERMANENT
- EASEMENT LINE TEMPORARY

COB FEE TAKE
 ST FEE TAKE
 ACCESS ESMT

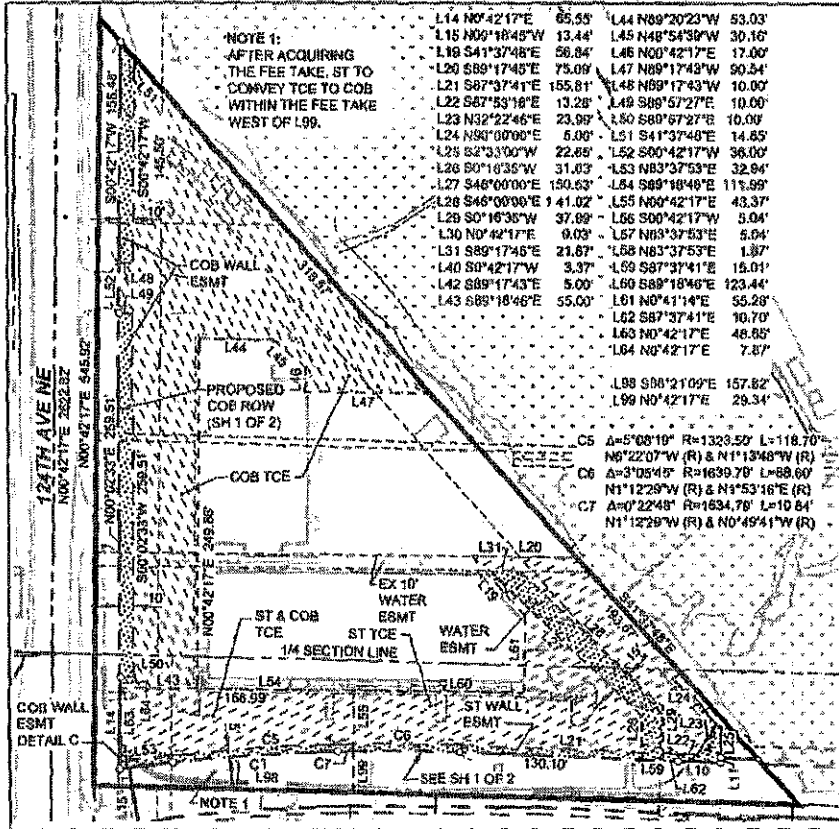


SHEET 1 OF 2

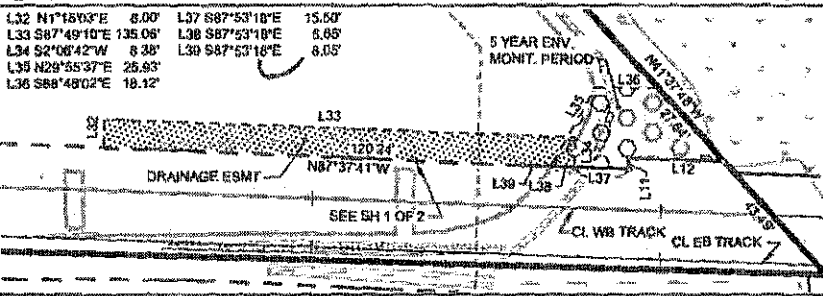
SEE SHEET 2 OF 2 FOR LIMITS OF WALL, TCE, DRAINAGE, WATER AND ENV. MONIT. ESMTS.

 SOUND TRANSIT RAIL DESIGN PARTNERS LINK & ASSOCIATES LINK LIGHT RAIL TRANSIT SYSTEM		ENV. MONIT. ESMT: 721 SF 2,359 SF (ST)
		WATER ESMT: 2,704 SF WALL ESMT: 4,149 SF (COB)
PARCEL AREA: 197,826 SF FEE TAKE: 12,831 SF (ST) 8,792 SF (COB)	ACCESS ESMT: 20,316 SF CONST. ESMT: 29,014 SF (ST) 41,114 SF (COB)	DRAINAGE ESMT: 1,110 SF
EXHIBIT "C" RAW NO. EL-285 PARCEL MAP		
ASSESSOR NO.: 2825059003 OWNER: STERNOFF LP. BLOCK NO.: N/A	DATE: 3/28/16 LOT NO.: 3	CITY OF BELLEVUE KING COUNTY, WA

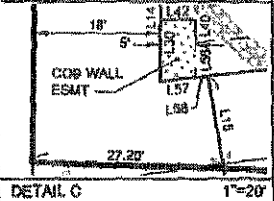
NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 5 E, W.M.



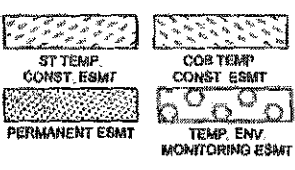
DETAIL A TCE, WATER & WALL ESMTS 1" = 100'



DETAIL B ENV. MONIT. AND DRAINAGE ESMTS 1" = 40'



DETAIL C 1" = 20'



SHEET 2 OF 2

SOUNDTRANSIT
RURAL DESIGN PARTNER
LN & ASSOCIATES
LINK LIGHT RAIL TRANSIT SYSTEM

B. J. BONE
STATE OF WASHINGTON
REGISTERED
PROFESSIONAL LAND SURVEYOR
1975
3728116

PARCEL AREA:	SEE SH 1	ACCESS ESMT:	SEE SH 1
FEE TAKE:	SEE SH 1	CONST. ESMT:	SEE SH 1
REMAINING AREA:	SEE SH 1	DRAINAGE ESMT:	SEE SH 1
EXHIBIT "C"			
RAW NO. EL-285 PARCEL MAP			
ASSESSOR NO.:	2825069003	DATE:	3/28/16
OWNER:	STERNOFF LP		
BLOCK NO.:	NA	LOT NO.:	3
CITY OF BELLEVUE		KING COUNTY, WA	

EXHIBIT 4

EXHIBIT "A"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Grantor's Entire Parcel:

PARCEL 3, CITY OF BELLEVUE SHORT PLAT NUMBER 77-81 (REVISED), RECORDED UNDER RECORDING NUMBER 7912319005, IN KING COUNTY, WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

EXHIBIT "B"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

City of Bellevue Wall Easement Area Acquired by Grantee:

THAT PORTION OF GRANTOR'S PARCEL (SAID PARCEL BEING DESCRIBED IN EXHIBIT "A"), DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF GRANTOR'S PARCEL;
THENCE S88°21'09"E ALONG THE SOUTH LINE OF GRANTOR'S PARCEL A DISTANCE OF 27.20 FEET;
THENCE N09°18'45"W A DISTANCE OF 13.44 FEET;
THENCE S83°37'53"W A DISTANCE OF 1.87 FEET TO A POINT IN THE EAST LINE OF THE WEST 23.00 FEET OF GRANTOR'S PARCEL, BEING THE TRUE POINT OF BEGINNING;
THENCE CONTINUING S83°37'53"W A DISTANCE OF 5.04 FEET TO THE EAST LINE OF THE WEST 18.00 FEET OF GRANTOR'S PARCEL;
THENCE N00°42'17"E ALONG SAID LINE A DISTANCE OF 9.03 FEET;
THENCE AT RIGHT ANGLES FROM SAID LINE S89°17'43"E A DISTANCE OF 5.00 FEET;
THENCE S00°42'17"W A DISTANCE OF 8.41 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 44 SQUARE FEET, MORE OR LESS.

TOGETHER WITH THAT PORTION OF GRANTOR'S PARCEL DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF GRANTOR'S PARCEL WITH THE EAST LINE OF THE WEST 15.00 FEET THEREOF;
THENCE S00°42'17"W ALONG SAID EAST LINE A DISTANCE OF 156.48 FEET;
THENCE AT RIGHT ANGLES FROM SAID LINE S89°17'43"E A DISTANCE OF 10.00 FEET;
THENCE N00°42'17"E A DISTANCE OF 145.50 FEET TO THE NORTHEASTERLY LINE OF GRANTOR'S PARCEL;
THENCE N41°37'48"W A DISTANCE OF 14.85 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,510 SQUARE FEET, MORE OR LESS.

TOGETHER WITH THAT PORTION OF GRANTOR'S PARCEL DESCRIBED AS FOLLOWS:

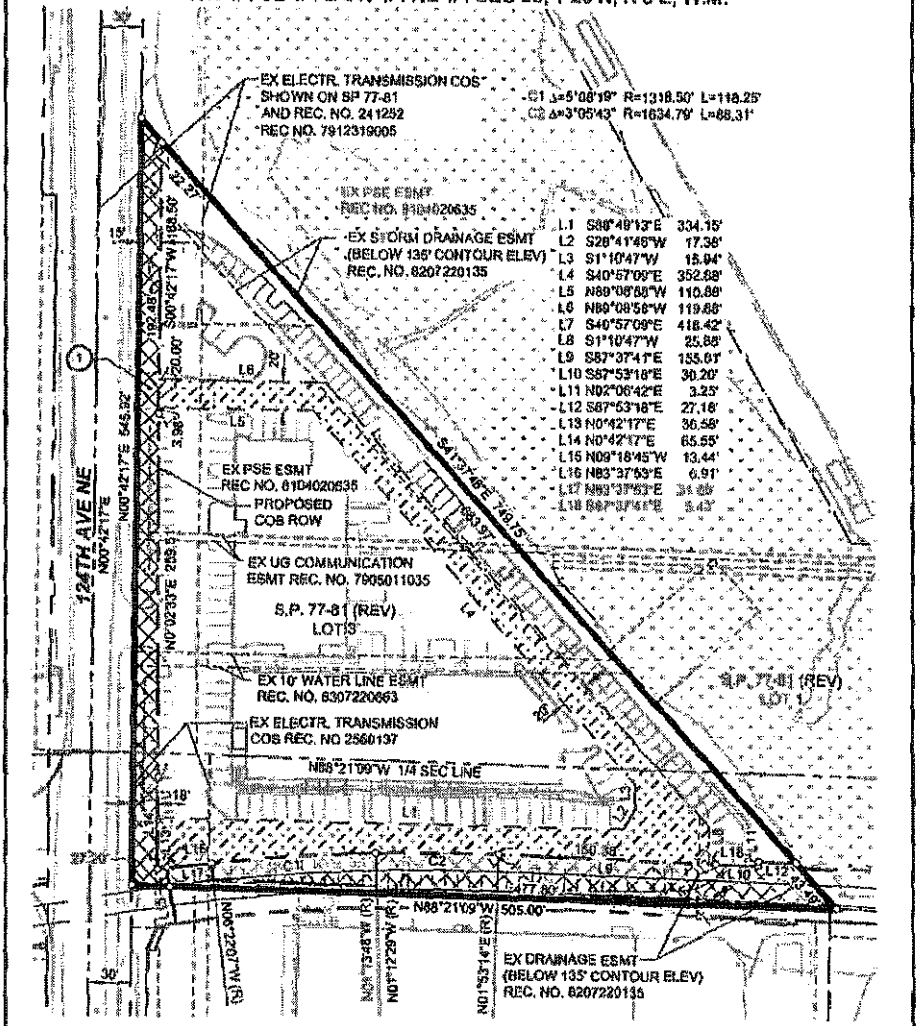
COMMENCING AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF GRANTOR'S PARCEL WITH THE EAST LINE OF THE WEST 15.00 FEET THEREOF;
THENCE S00°42'17"W ALONG SAID EAST LINE A DISTANCE OF 192.48 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S00°02'33"W A DISTANCE OF 259.51 FEET;
THENCE AT RIGHT ANGLES S89°57'27"E A DISTANCE OF 10.00 FEET;
THENCE N00°02'33"E A DISTANCE OF 259.51 FEET;
THENCE N89°57'27"W A DISTANCE OF 10.00 TO THE TRUE POINT OF BEGINNING;

CONTAINING 2,595 SQUARE FEET, MORE OR LESS.

ALL CONTAINING 4,149 SQUARE FEET, MORE OR LESS.

Earl J. Bone 3/28/06

NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 6 E, W.M.



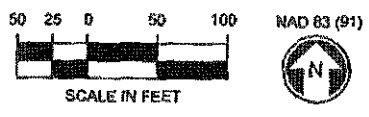
- L1 S88°49'13"E 334.15'
- L2 S28°41'46"W 17.38'
- L3 S1°10'47"W 18.94'
- L4 S40°57'09"E 352.88'
- L5 N88°08'58"W 110.88'
- L6 N89°08'58"W 119.88'
- L7 S40°57'09"E 418.42'
- L8 S1°10'47"W 25.88'
- L9 S87°37'47"E 153.01'
- L10 S87°53'18"E 30.20'
- L11 N02°06'42"E 3.25'
- L12 S87°53'18"E 27.18'
- L13 N0°42'17"E 36.58'
- L14 N0°42'17"E 65.55'
- L15 N09°18'45"W 13.44'
- L16 N83°37'53"E 6.91'
- L17 N83°37'53"E 34.89'
- L18 S87°37'47"E 5.43'

1 PROPOSED FEE TAKE BY CITY OF BELLEVUE.

LEGEND

- LIGHT RAIL TRANSIT WAY
- STREET RIGHT-OF-WAY LINE
- STREET CENTER LINE
- PLATTED LOT LINE
- PROPERTY LINE
- PARENT PARCEL
- FEE TAKE LINE
- EASEMENT LINE PERMANENT
- EASEMENT LINE TEMPORARY

COB FEE TAKE
 ST FEE TAKE
 ACCESS ESMT



SHEET 1 OF 2

SEE SHEET 2 OF 2 FOR LIMITS OF WALL, TCE, DRAINAGE, WATER AND ENV. MONIT. ESMTS.

ENVY. MONIT. ESMT:	721 SF
WATER ESMT:	2,704 SF
WALL ESMT:	2,358 SF (ST) 4,149 SF (COB)
PARCEL AREA:	137,826 SF
FEE TAKE:	12,831 SF (ST) 8,792 SF (COB)
REMAINING AREA:	119,203 SF
ACCESS ESMT:	20,315 SF
CONST. ESMT:	29,014 SF (ST) 41,114 SF (COB)
DRAINAGE ESMT:	1,110 SF

SOUND TRANSIT

PRINCIPAL MEMBER PARTNER

LN & ASSOCIATES

LINK LIGHT RAIL TRANSIT SYSTEM

EXHIBIT "C"

RW NO. EL-285 PARCEL MAP

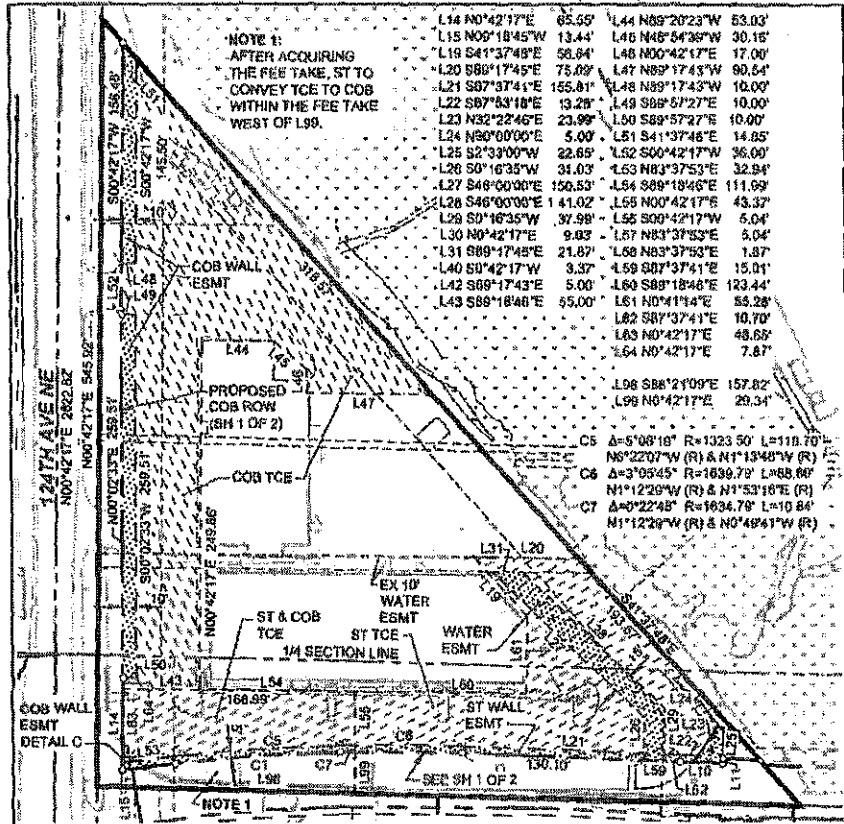
ASSESSOR NO.: 2825055003 DATE: 3/28/18

OWNER: STERNOFF LP

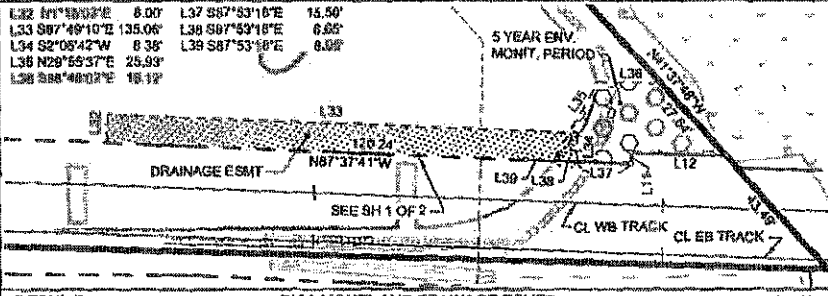
BLOCK NO.: N/A LOT NO.: 3

CITY OF BELLEVUE KING COUNTY, WA

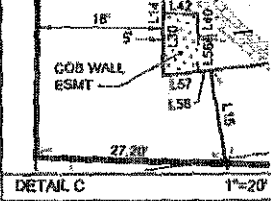
NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 5 E, W.M.



DETAIL A TCE, WATER & WALL ESMTS 1" = 100'



DETAIL B ENV. MONIT. AND DRAINAGE ESMTS 1" = 40'



DETAIL C 1" = 20'

NAD 83 (91)

ST TEMP. CONST. ESMT
COB TEMP. CONST. ESMT
PERMANENT ESMT
TEMP. ENV. MONITORING ESMT

SHEET 2 OF 2

WATER ESMT: SEE SH 1 WALL ESMT: SEE SH 1

SOUNDTRANSIT
FINAL DESIGN PARTNERS
LINK & ASSOCIATES
LINK LIGHT RAIL TRANSIT SYSTEM

CHARL I. BONE
REGISTERED PROFESSIONAL LAND SURVEYOR
19429
3128116

PARCEL AREA: SEE SH 1 ACCESS ESMT: SEE SH 1
 FEE TAKE: SEE SH 1 CONST. ESMT: SEE SH 1
 REMAINING AREA: SEE SH 1 DRAINAGE ESMT: SEE SH 1

EXHIBIT "C"
R/W NO. EL-285 PARCEL MAP

ASSESSOR NO.: 2825059003 DATE: 3/20/96
 OWNER: STERNOFF LP
 BLOCK NO.: N/A LOT NO.: 3
 CITY OF BELLEVUE KING COUNTY, WA

EXHIBIT 5

EXHIBIT "A"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Grantor's Entire Parcel:

PARCEL 3, CITY OF BELLEVUE SHORT PLAT NUMBER 77-81 (REVISED), RECORDED UNDER RECORDING NUMBER 7912319005, IN KING COUNTY, WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

EXHIBIT "B"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Water Easement Area Acquired by Grantee:

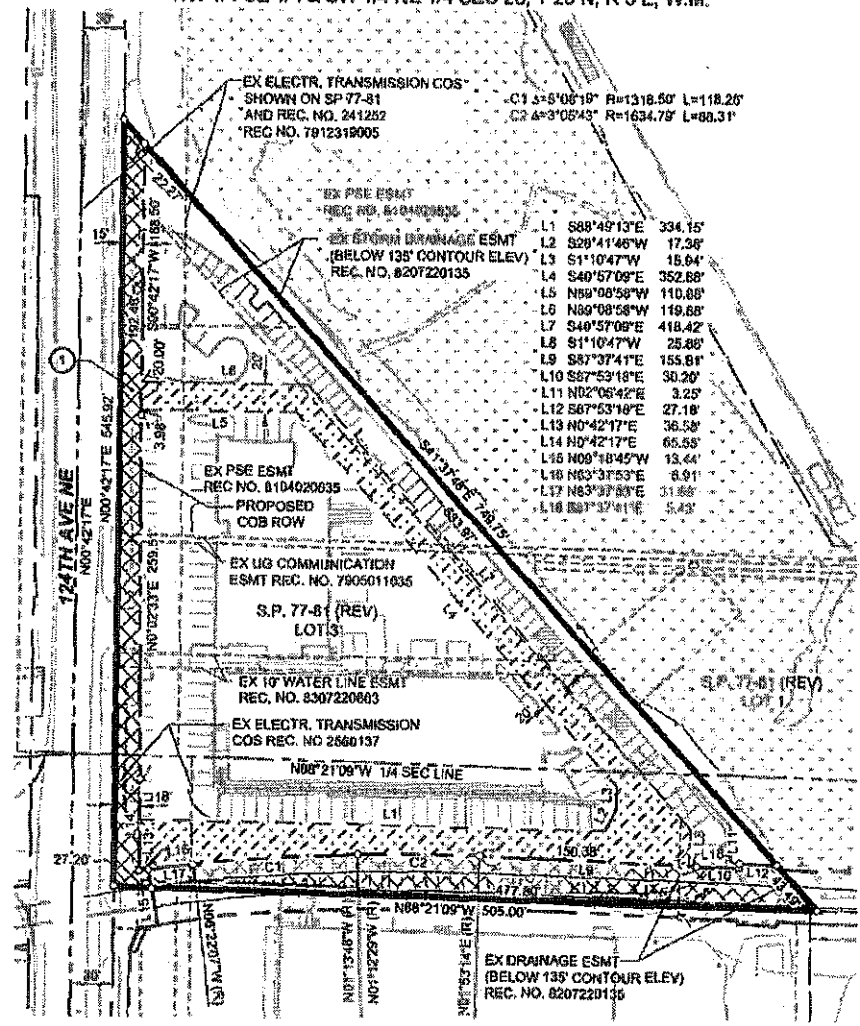
THAT PORTION OF GRANTOR'S PARCEL (SAID PARCEL BEING DESCRIBED IN EXHIBIT "A"),
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF GRANTOR'S PARCEL;
THENCE N41°37'48"W ALONG THE NORTHEASTERLY LINE OF GRANTOR'S PARCEL A DISTANCE
OF 43.49 FEET TO THE NORTH LINE OF THE LIGHT RAIL TRANSIT WAY;
THENCE N87°53'18"W ALONG SAID NORTH LINE A DISTANCE OF 27.18 FEET;
THENCE S02°06'42"W ALONG SAID NORTH LINE A DISTANCE OF 3.25 FEET;
THENCE N87°53'18"W ALONG SAID NORTH LINE A DISTANCE OF 30.20 FEET
THENCE N87°37'41"W ALONG SAID NORTH LINE A DISTANCE OF 10.70 FEET TO THE TRUE
POINT OF BEGINNING;
THENCE N00°16'35"E A DISTANCE OF 37.99 FEET;
THENCE N46°00'00"W A DISTANCE OF 141.02 FEET TO THE SOUTH LINE OF AN EXISTING 10
FOOT WIDE WATER EASEMENT RECORDED UNDER RECORDING NUMBER 8307220863 IN KING
COUNTY, WASHINGTON;
THENCE N89°17'45"W ALONG SAID SOUTH LINE A DISTANCE OF 21.87 FEET;
THENCE LEAVING SAID SOUTH LINE S46°00'00"E A DISTANCE OF 150.53 FEET;
THENCE S00°16'35"W A DISTANCE OF 31.03 FEET TO THE NORTH LINE OF THE LIGHT RAIL
TRANSIT WAY;
THENCE S87°37'41"E ALONG SAID NORTH LINE A DISTANCE OF 15.01 FEET TO THE TRUE POINT
OF BEGINNING.

CONTAINING 2,704 SQUARE FEET, MORE OR LESS.

Earl J. Bone 3/28/16

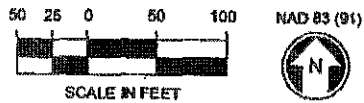
NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 5 E, W.M.



1 PROPOSED FEE TAKE BY CITY OF BELLEVUE.

LEGEND	
	LIGHT RAIL TRANSIT WAY
	STREET RIGHT-OF-WAY LINE
	STREET CENTER LINE
	PLATTED LOT LINE
	PROPERTY LINE
	PARENT PARCEL
	FEE TAKE LINE
	EASEMENT LINE PERMANENT
	EASEMENT LINE TEMPORARY

	COB FEE TAKE
	ST FEE TAKE
	ACCESS ESMT



SHEET 1 OF 2

SEE SHEET 2 OF 2 FOR LIMITS OF WALL, TCE, DRAINAGE, WATER AND ENV. MONIT. ESMTS.

ENV MONIT. ESMT:	231 SF
WATER ESMT:	2,704 SF
WALL ESMT:	2,389 SF (ST) 4,149 SF (COB)
PARCEL AREA:	137,826 SF
ACCESS ESMT:	20,316 SF
FEE TAKE:	12,831 SF (ST) 8,782 SF (COB)
CONST. ESMT:	29,014 SF (ST) 41,114 SF (COB)
REMAINING AREA:	116,203 SF
DRAINAGE ESMT:	1,110 SF

EXHIBIT "C"
RAW NO. EL-285 PARCEL MAP

ASSESSOR NO.:	2825059003	DATE:	3/28/16
OWNER:	STERNOFF LP		
BLOCK NO.:	N/A	LOT NO.:	3
CITY OF BELLEVUE		KING COUNTY, WA	

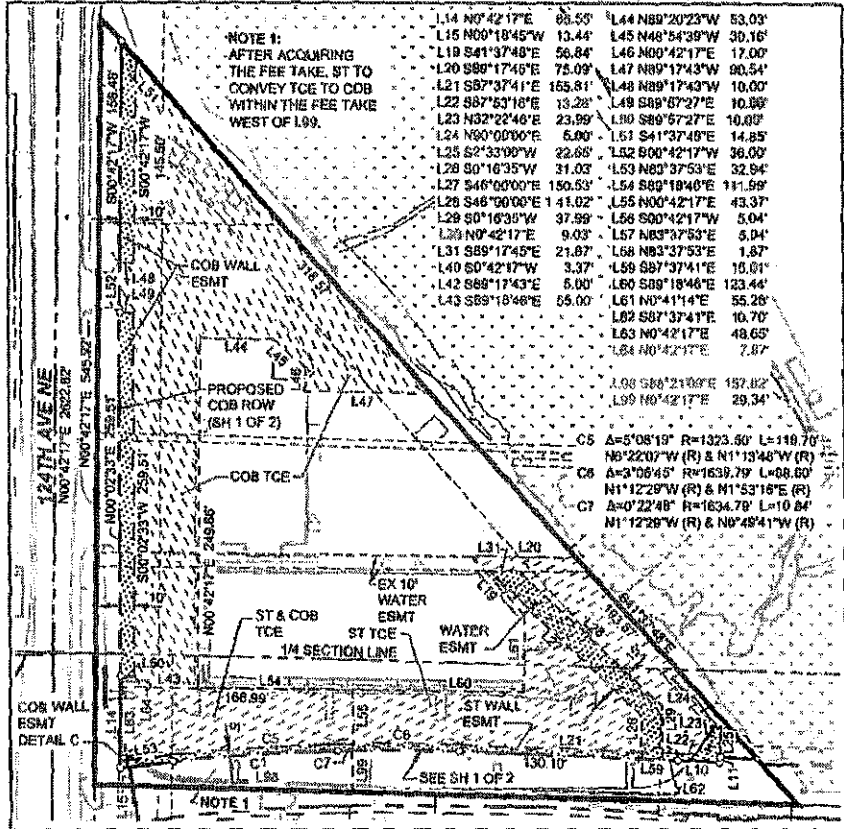
SOUND TRANSIT

FINAL DESIGN PARTIAL

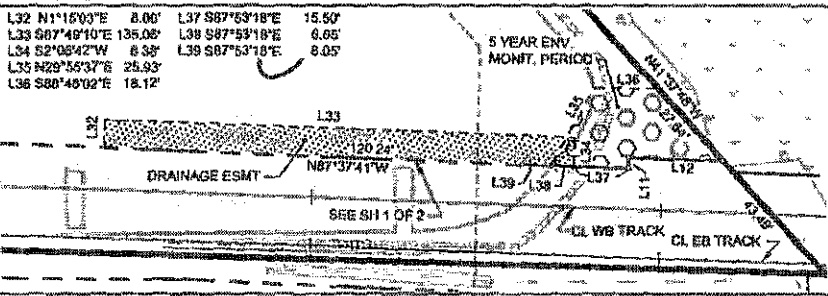
LN & ASSOCIATES

LINK LIGHT RAIL TRANSIT SYSTEM

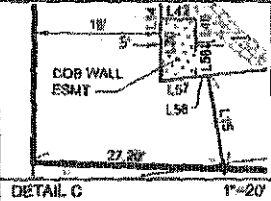
NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 6 E, W.M.



DETAIL A TCE, WATER & WALL ESMTS 1" = 100'



DETAIL B ENV. MONIT. AND DRAINAGE ESMTS 1" = 40'



SY TEMP. CONST. ESMT

COB TEMP. CONST. ESMT

PERMANENT ESMT

TEMP. ENV. MONITORING ESMT



SHEET 2 OF 2

WATER ESMT:	SEE SH 1	WALL ESMT:	SEE SH 1
PARCEL AREA:	SEE SH 1	ACCESS ESMT:	SEE SH 1
FEE TAKE:	SEE SH 1	CONST. ESMT:	SEE SH 1
REMAINING AREA:	SEE SH 1	DRAINAGE ESMT:	SEE SH 1

EXHIBIT "C"
R/W NO. EL-285 PARCEL MAP

ASSESSOR NO:	2875069003	DATE:	9/28/16
OWNER:	STERNOFF LP.		
BLOCK NO:	N/A	LOT NO.:	3
CITY OF BELLEVUE		INGO COUNTY, WA	

SOUNDTRANSIT

PRINCIPAL DESIGN PARTNER

LIN & ASSOCIATES

LINK LIGHT RAIL TRANSIT SYSTEM

EARL J. BONE
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 3128716
STATE OF WASHINGTON

EXHIBIT 6

EXHIBIT "A"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Grantor's Entire Parcel:

PARCEL 3, CITY OF BELLEVUE SHORT PLAT NUMBER 77-81 (REVISED), RECORDED UNDER RECORDING NUMBER 7912319005, IN KING COUNTY, WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

EXHIBIT "B"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Drainage Easement Area Acquired by Grantee:

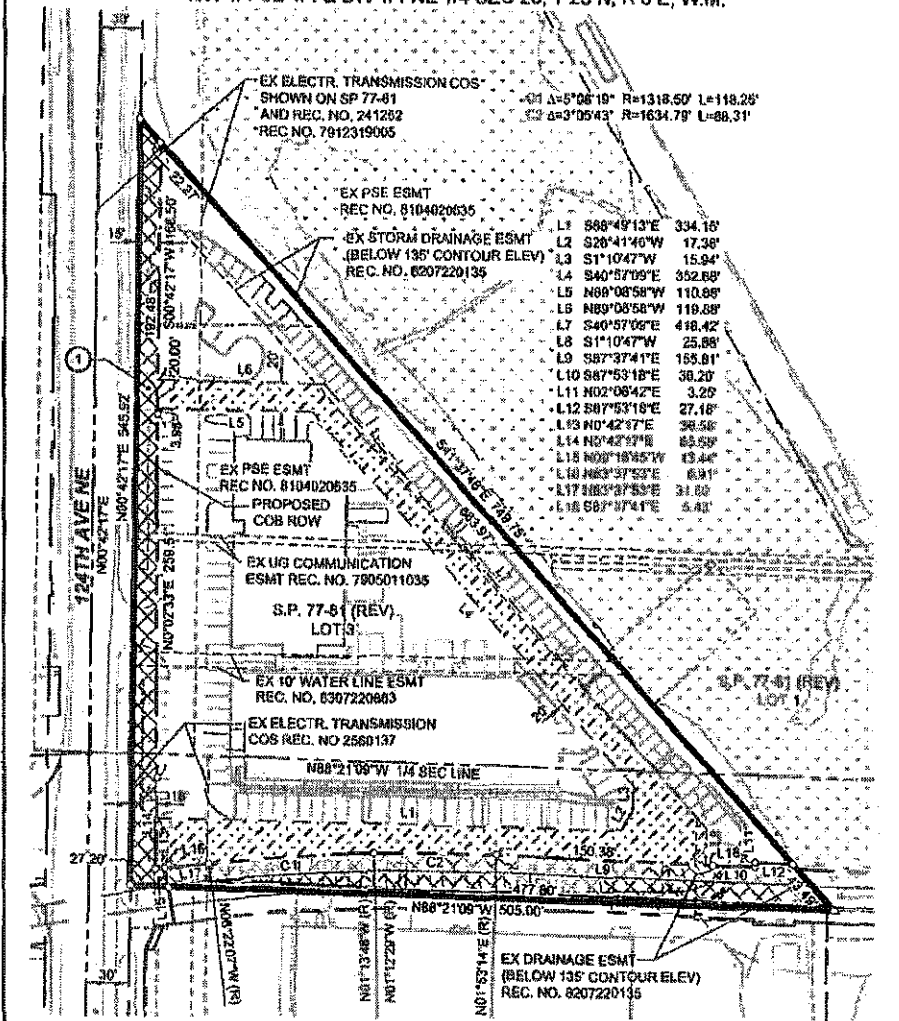
THAT PORTION OF GRANTOR'S PARCEL (SAID PARCEL BEING DESCRIBED IN EXHIBIT "A"),
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF GRANTOR'S PARCEL;
THENCE N41°37'48"W ALONG THE NORTHEASTERLY LINE OF GRANTOR'S PARCEL A DISTANCE
OF 43.49 FEET TO THE NORTH LINE OF THE LIGHT RAIL TRANSIT WAY;
THENCE N87°53'18"W ALONG SAID NORTH LINE A DISTANCE OF 27.18 FEET;
THENCE S02°06'42"W ALONG SAID NORTH LINE A DISTANCE OF 3.25 FEET;
THENCE N87°53'18"W ALONG SAID NORTH LINE A DISTANCE OF 15.50 FEET TO THE TRUE
POINT OF BEGINNING;
THENCE LEAVING SAID NORTH LINE N02°06'42"E A DISTANCE OF 8.38 FEET;
THENCE N87°49'10"W A DISTANCE OF 135.06 FEET;
THENCE S01°15'03"W A DISTANCE OF 8.00 FEET TO THE NORTH LINE OF THE LIGHT RAIL
TRANSIT WAY;
THENCE S87°37'41"E ALONG SAID NORTH LINE A DISTANCE OF 120.24 FEET;
THENCE S87°53'18"E ALONG SAID NORTH LINE A DISTANCE OF 14.70 FEET TO THE TRUE POINT
OF BEGINNING.

CONTAINING 1,110 SQUARE FEET, MORE OR LESS.

Earl J. Bone 3/28/16

NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 6 E, W.M.



G1 A=5°08'10" R=1318.50' L=118.28'
 G2 A=3°05'43" R=1634.79' L=88.31'

EX ELECTR. TRANSMISSION COS
 SHOWN ON SP 77-81
 AND REC. NO. 241282
 REC NO. 7912319005

EX PSE ESMT
 REC NO. 8104020635

EX STORM DRAINAGE ESMT
 (BELOW 135' CONTOUR ELEV)
 REC. NO. 8207220135

- L1 888°49'13"E 334.18'
- L2 328°41'46"W 17.38'
- L3 S1°10'47"W 15.94'
- L4 S40°57'09"E 352.68'
- L5 N69°08'58"W 110.89'
- L6 N69°08'58"W 119.89'
- L7 S40°57'09"E 418.42'
- L8 S1°10'47"W 25.88'
- L9 S87°37'41"E 165.81'
- L10 S87°53'18"E 38.20'
- L11 N02°08'42"E 3.25'
- L12 S87°53'18"E 27.16'
- L13 N0°42'37"E 38.56'
- L14 N0°42'37"E 85.59'
- L15 N00°18'55"W 13.44'
- L16 N63°37'53"E 6.91'
- L17 S88°37'53"E 31.85'
- L18 S87°37'41"E 5.43'

EX PSE ESMT
 REC NO. 8104020635
 PROPOSED
 COB ROW

EX UG COMMUNICATION
 ESMT REC. NO. 7905011035

S.P. 77-81 (REV)
 LOT 3

EX 10" WATER LINE ESMT
 REC. NO. 8307220883

EX ELECTR. TRANSMISSION
 COS REC. NO 2568137

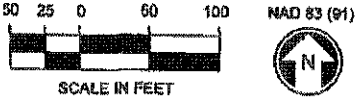
N88°21'08"W 1/4 SEC LINE

S.P. 77-81 (REV)
 LOT 1

EX DRAINAGE ESMT
 (BELOW 135' CONTOUR ELEV)
 REC. NO. 8207220135

1 PROPOSED FEE TAKE BY CITY OF BELLEVUE.

LEGEND	
	LIGHT RAIL TRANSIT WAY
	STREET RIGHT-OF-WAY LINE
	STREET CENTER LINE
	PLATTED LOT LINE
	PROPERTY LINE
	PARENT PARCEL
	FEE TAKE LINE
	EASEMENT LINE PERMANENT
	EASEMENT LINE TEMPORARY



SHEET 1 OF 2

SEE SHEET 2 OF 2 FOR LIMITS OF
 WALL, TCE, DRAINAGE, WATER
 AND ENV. MONIT. ESMTS.

	COB FEE TAKE
	ST FEE TAKE
	ACCESS ESMT

ENV. MONIT. ESMT: 721 SF

WATER ESMT: 2,704 SF	WALL ESMT: 2,388 SF (ST)
	4,149 SF (COB)
PARCEL AREA: 137,828 SF	ACCESS ESMT: 20,315 SF
FEE TAKE: 12,931 SF (ST)	CONST. ESMT: 29,014 SF (ST)
8,782 SF (COB)	41,114 SF (COB)
REMAINING AREA: 118,203 SF	DRAINAGE ESMT: 1,110 SF

SOUND TRANSIT

FINAL DESIGN PARTNER

LIN & ASSOCIATES

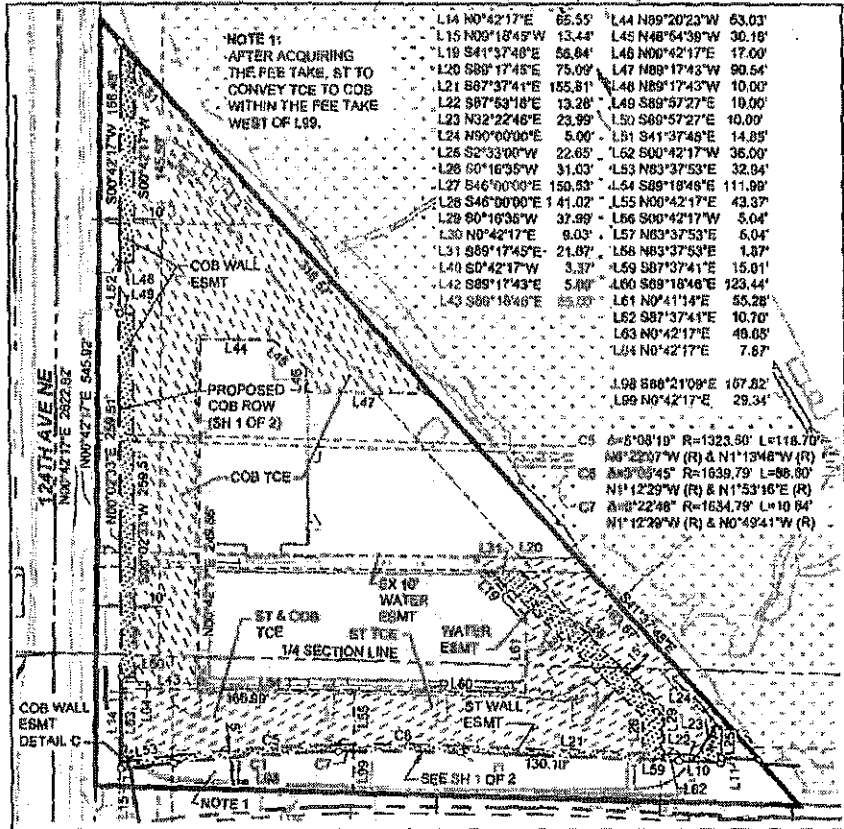
LINK LIGHT RAIL TRANSIT SYSTEM

CARL J. BONE
 1925
 REGISTERED
 PROFESSIONAL LAND SURVEYOR

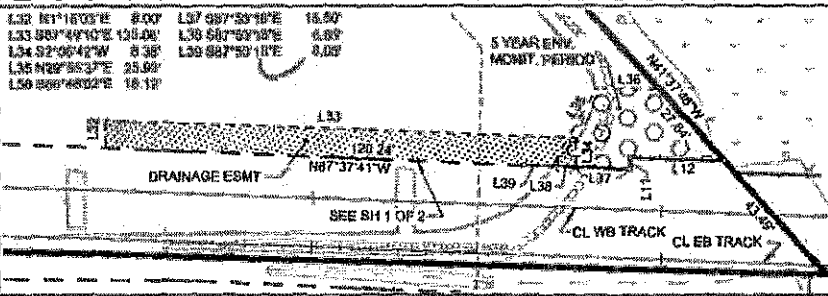
3128116

EXHIBIT "C"	
R/W NO. EL-285 PARCEL MAP	
ASSESSOR NO.: 2625058003	DATE: 3/28/18
OWNER: STERNHOFF LP	
BLOCK NO.: N/A	LOT NO.: 3
CITY OF BELLEVUE	KING COUNTY, WA

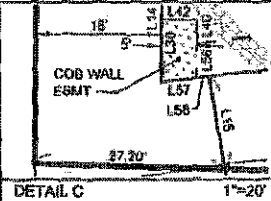
NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 5 E, W.M.



DETAIL A TCE, WATER & WALL ESMTS 1" = 100'



DETAIL B ENV. MONIT. AND DRAINAGE ESMTS 1" = 40'



DETAIL C 1" = 20'

NAD 83 (91)

SHEET 2 OF 2

ST TEMP. CONST. ESMT	COB TEMP. CONST. ESMT
PERMANENT ESMT	TEMP. ENV. MONITORING ESMT

FINAL DESIGN PARTNERS

LINK LIGHT RAIL TRANSIT SYSTEM

WATER ESMT:	SEE SH 1	WALL ESMT:	SEE SH 1
PARCEL AREA:	SEE SH 1	ACCESS ESMT:	SEE SH 1
FEE TAKE:	SEE SH 1	CONST. ESMT:	SEE SH 1
REMAINING AREA:	SEE SH 1	DRAINAGE ESMT:	SEE SH 1
EXHIBIT "C"			
R/W NO. EL-265 PARCEL MAP			
ASSESSOR NO:	2826059003	DATE:	3/28/16
OWNER:	STERNOFF LP		
BLOCK NO:	N/A	LOT NO:	5
CITY OF BELLEVUE		KING COUNTY, WA	

EXHIBIT 7

EXHIBIT "A"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Grantor's Entire Parcel:

PARCEL 3, CITY OF BELLEVUE SHORT PLAT NUMBER 77-81 (REVISED), RECORDED UNDER RECORDING NUMBER 7912319005, IN KING COUNTY, WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

EXHIBIT "B"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Access Easement Area Acquired by Grantee:

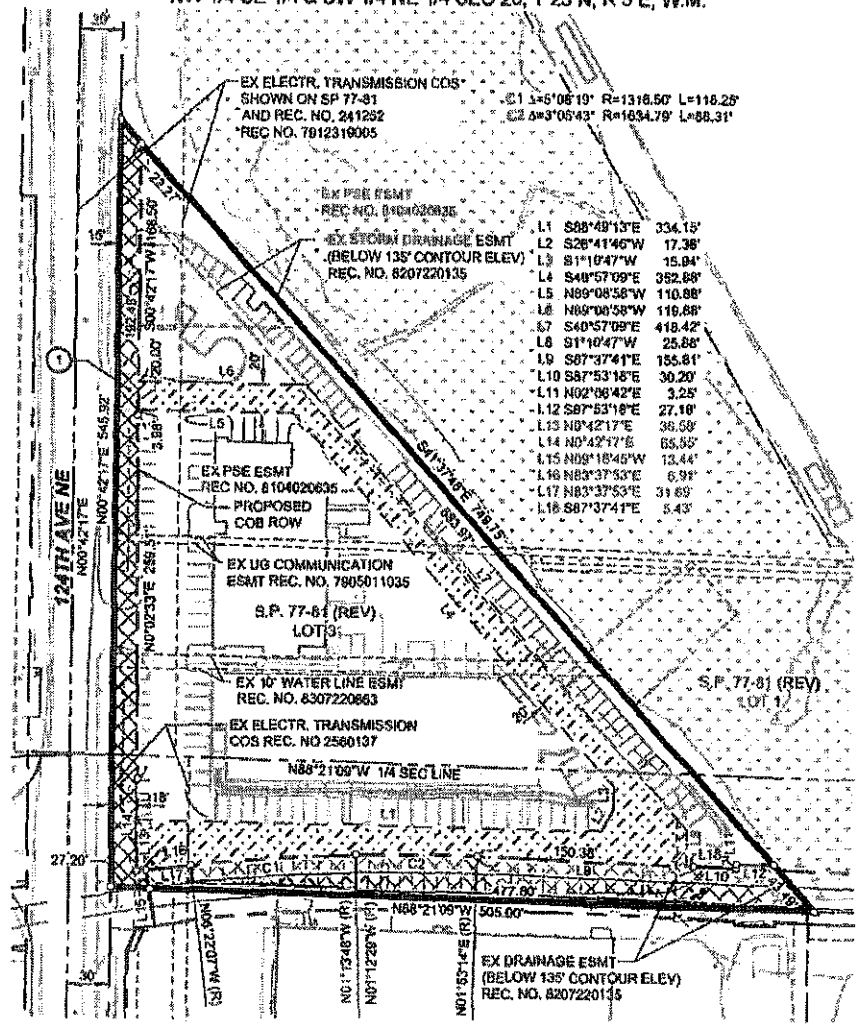
THAT PORTION OF GRANTOR'S PARCEL (SAID PARCEL BEING DESCRIBED IN EXHIBIT "A"),
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF GRANTOR'S PARCEL;
THENCE S88°21'09"E ALONG THE SOUTH LINE THEREOF A DISTANCE OF 27.20;
THENCE N09°18'45"W A DISTANCE OF 13.44 FEET TO THE TO THE NORTH LINE OF THE LIGHT
RAIL TRANSIT WAY AND THE TRUE POINT OF BEGINNING;
THENCE N83°37'53"E ALONG SAID NORTH LINE A DISTANCE OF 31.69 FEET TO THE BEGINNING
OF CURVE TO THE RIGHT HAVING A RADIUS OF 1318.50 FEET;
THENCE EASTERLY ALONG SAID NORTH LINE AND ALONG SAID CURVE THROUGH A
CENTRAL ANGLE OF 05°08'19", AN ARC DISTANCE OF 118.25 FEET TO THE BEGINNING OF A
NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1634.79 FEET, TO WHICH POINT A
RADIAL LINE BEARS N01°12'29"W;
THENCE EASTERLY ALONG SAID NORTH LINE AND ALONG SAID CURVE THROUGH A
CENTRAL ANGLE OF 03°05'43", AN ARC DISTANCE OF 88.31 FEET;
THENCE ALONG SAID NORTH LINE (NON-TANGENT) S87°37'41"E A DISTANCE OF 150.38 FEET;
THENCE LEAVING SAID NORTH LINE N01°10'47"E A DISTANCE OF 25.88 FEET;
THENCE N40°57'09"W A DISTANCE OF 418.42 FEET;
THENCE N89°08'58"W A DISTANCE OF 119.88 FEET TO THE EAST LINE OF THE WEST 15 FEET OF
GRANTOR'S PARCEL;
THENCE S00°42'17"W ALONG SAID LINE A DISTANCE OF 20.00 FEET;
THENCE LEAVING SAID LINE S89°08'58"E A DISTANCE OF 110.88 FEET;
THENCE S40°57'09"E A DISTANCE OF 352.88 FEET;
THENCE S01°10'47"W A DISTANCE OF 15.94 FEET;
THENCE S28°41'46"W A DISTANCE OF 17.38 FEET;
THENCE N88°49'13"W A DISTANCE OF 334.13 FEET TO THE EAST LINE OF THE WEST 18.00 FEET
OF GRANTOR'S PARCEL;
THENCE S00°42'17"W ALONG SAID LINE A DISTANCE OF 36.58 FEET TO A POINT BEARING
S83°37'53"W FROM THE TRUE POINT OF BEGINNING;
THENCE N83°37'53"E A DISTANCE OF 6.91 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 20,315 SQUARE FEET, MORE OR LESS.

Earl J. Bone 3/28/16

NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 5 E, W.M.

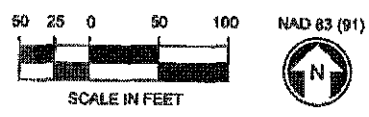


- EX ELECTR. TRANSMISSION CO'S
SHOWN ON SP 77-81
AND REC. NO. 241292
REC. NO. 7812319005
- EX PSE ESMT
REC. NO. 8104020635
- EX STORM DRAINAGE ESMT
(BELOW 135' CONTOUR ELEV)
REC. NO. 8207220135
- EX PSE ESMT
REC. NO. 8104020635
- EX UG COMMUNICATION
ESMT REC. NO. 7905011035
- EX 10' WATER LINE ESMT
REC. NO. 8307220683
- EX ELECTR. TRANSMISSION
CO'S REC. NO. 2580107
- EX DRAINAGE ESMT
(BELOW 135' CONTOUR ELEV)
REC. NO. 8207220135

- L1 S88°48'13"E 334.15'
- L2 S26°41'46"W 17.38'
- L3 S1°10'47"W 15.94'
- L4 S48°57'09"E 382.89'
- L5 N89°08'58"W 110.88'
- L6 N89°08'58"W 119.88'
- L7 S40°57'09"E 418.42'
- L8 S1°10'47"W 25.86'
- L9 S87°37'41"E 155.81'
- L10 S87°53'18"E 30.20'
- L11 N02°08'42"E 3.25'
- L12 S87°53'18"E 27.10'
- L13 N0°42'17"E 38.58'
- L14 N0°42'17"E 65.55'
- L15 N89°18'45"W 13.44'
- L16 N83°37'53"E 6.91'
- L17 N83°37'53"E 31.89'
- L18 S87°37'41"E 5.43'

1 PROPOSED FEE TAKE BY CITY OF BELLEVUE.

LEGEND	
	LIGHT RAIL TRANSIT WAY
	STREET RIGHT-OF-WAY LINE
	STREET CENTER LINE
	PLATTED LOT LINE
	PROPERTY LINE
	PARENT PARCEL
	FEE TAKE LINE
	EASEMENT LINE PERMANENT
	EASEMENT LINE TEMPORARY
	COB FEE TAKE
	ST FEE TAKE
	ACCESS ESMT



ENV. MONIT. ESMT:	721 SF	WATER ESMT:	2,704 SF	WALL ESMT:	2,358 SF (ST) 4,149 SF (COB)
PARCEL AREA:	137,026 SF	ACCESS ESMT:	20,916 SF	FEE TAKE:	12,801 SF (ST) 8,782 SF (COB)
REMAINING AREA:	116,203 SF	CONST. ESMT:	28,014 SF (ST) 41,114 SF (COB)	DRAINAGE ESMT:	1,119 SF

SOUND TRANSIT

FINAL DESIGN PARTNER

LINK & ASSOCIATES

LINK LIGHT RAIL TRANSIT SYSTEM

BARL J. BONE

STATE OF WASHINGTON

1842

REGISTERED

DEPARTMENT OF GENERAL LAND OFFICE

3/28/16

EXHIBIT "C"

R/W NO. EL-285 PARCEL MAP

ASSESSOR NO.: 2825059003 DATE: 3/28/16

OWNER: STERNOFF LP

BLOCK NO.: N/A LOT NO.: 3

CITY OF BELLEVUE KING COUNTY, WA

EXHIBIT 8

EXHIBIT "A"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Grantor's Entire Parcel:

PARCEL 3, CITY OF BELLEVUE SHORT PLAT NUMBER 77-81 (REVISED), RECORDED UNDER RECORDING NUMBER 7912319005, IN KING COUNTY, WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

Earl J. Bone 3/28/16

EXHIBIT "B"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Environmental Monitoring Easement Area Acquired by Grantee:

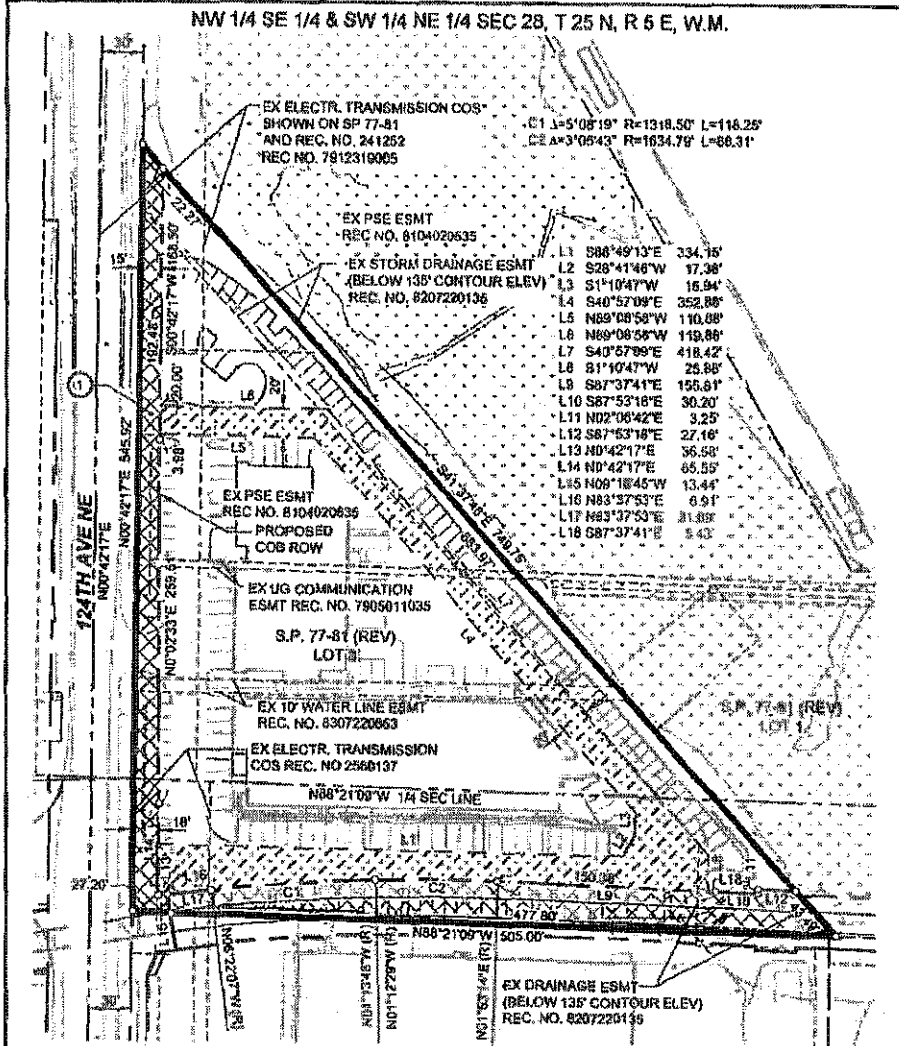
THAT PORTION OF GRANTOR'S PARCEL (SAID PARCEL BEING DESCRIBED IN EXHIBIT "A"),
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF GRANTOR'S PARCEL;
THENCE N41°37'48"W ALONG THE NORTHEASTERLY LINE OF GRANTOR'S PARCEL A DISTANCE
OF 43.49 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING N41°37'48"W ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 27.64
FEET
THENCE LEAVING SAID NORTHEASTERLY LINE N88°48'02"W A DISTANCE OF 18.12 FEET;
THENCE S29°55'37"W A DISTANCE OF 25.93 FEET;
THENCE S87°53'18"E A DISTANCE OF 22.15 FEET;
THENCE N02°06'42"E A DISTANCE OF 3.25 FEET;
THENCE S87°53'18"E A DISTANCE OF 27.18 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 721 SQUARE FEET, MORE OR LESS.

Earl J. Bone 3/28/16

NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 5 E, W.M.



C1 L=5'08\"/>

EX ELECTR. TRANSMISSION COS
SHOWN ON SP 77-81
AND REC. NO. 241252
REC NO. 7912319065

EX PSE ESMT
REC NO. 8104020635

EX STORM DRAINAGE ESMT
(BELOW 135' CONTOUR ELEV)
REC. NO. 8207220136

- L1 S88°49'13\"/>
- L2 S28°41'48\"/>
- L3 S1°10'47\"/>
- L4 S40°57'09\"/>
- L5 N89°08'58\"/>
- L6 N89°08'58\"/>
- L7 S40°57'09\"/>
- L8 S1°10'47\"/>
- L9 S87°37'41\"/>
- L10 S87°53'18\"/>
- L11 N02°06'42\"/>
- L12 S87°53'18\"/>
- L13 N0°42'17\"/>
- L14 N0°42'17\"/>
- L15 N09°18'45\"/>
- L16 N83°37'53\"/>
- L17 N83°37'53\"/>
- L18 S87°37'41\"/>

EX PSE ESMT
REC NO. 8104020635
PROPOSED
COB ROW

EX UG COMMUNICATION
ESMT REC. NO. 7909011035

S.P. 77-81 (REV)
LOT 3

EX 10\"/>

EX ELECTR. TRANSMISSION
COS REC. NO 2586137

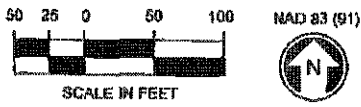
N86°21'00\"/>

EX DRAINAGE ESMT
(BELOW 135' CONTOUR ELEV)
REC. NO. 8207220136

PROPOSED FEE TAKE BY CITY OF BELLEVUE.

LEGEND	
	LIGHT RAIL TRANSIT WAY
	STREET RIGHT-OF-WAY LINE
	STREET CENTER LINE
	PLATTED LOT LINE
	PROPERTY LINE
	PARENT PARCEL
	FEE TAKE LINE
	EASEMENT LINE PERMANENT
	EASEMENT LINE TEMPORARY

	COB FEE TAKE
	ST FEE TAKE
	ACCESS ESMT



SHEET 1 OF 2

SEE SHEET 2 OF 2 FOR LIMITS OF WALL, TCE, DRAINAGE, WATER AND ENV. MONIT. ESMTS.

ENV. MONIT. ESMT:	721 SF	WATER ESMT:	2,704 SF	WALL ESMT:	2,359 SF (ST) 4,148 SF (COB)
PARCEL AREA:	137,626 SF	ACCESS ESMT:	20,315 SF	CONST. ESMT:	29,014 SF (ST) 41,114 SF (COB)
FEE TAKE:	12,031 SF (ST) 5,702 SF (COB)	REMAINING AREA:	116,293 SF	DRAINAGE ESMT:	1,110 SF

Sound Transit

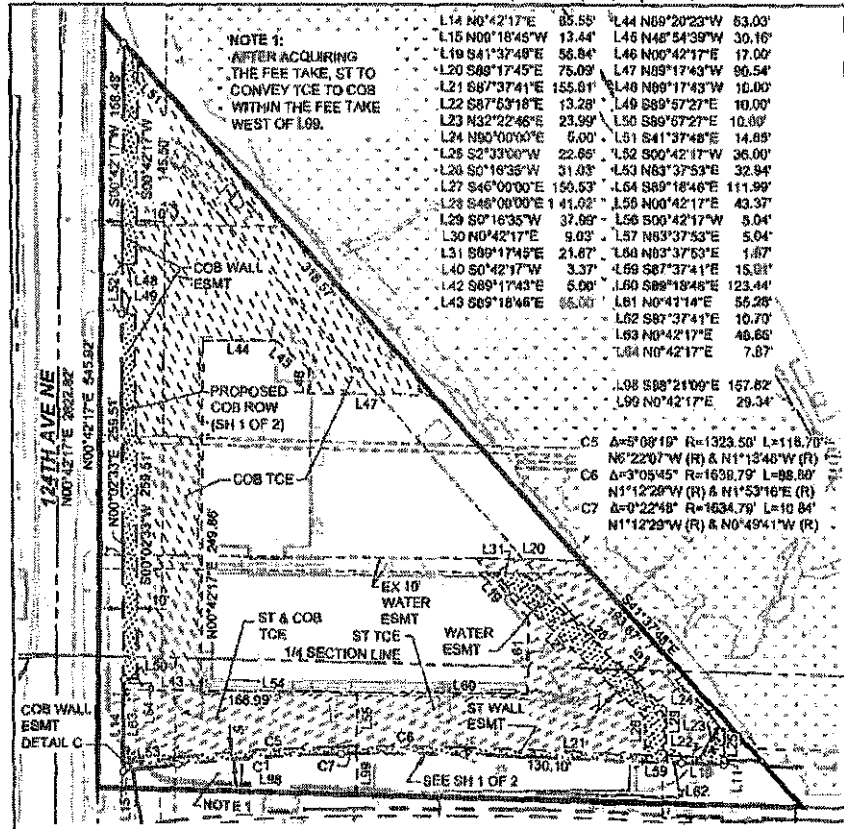
FINAL DESIGN PARTNERS

LINK LIGHT RAIL TRANSIT SYSTEM

EXHIBIT "C"
RAW NO. EL-285 PARCEL MAP

ASSESSOR NO.: 2825059003 DATE: 3/28/16
OWNER: STERNOFF LP
BLOCK NO.: N/A LOT NO: 3
CITY OF BELLEVUE KING COUNTY, WA

NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 5 E, W.M.

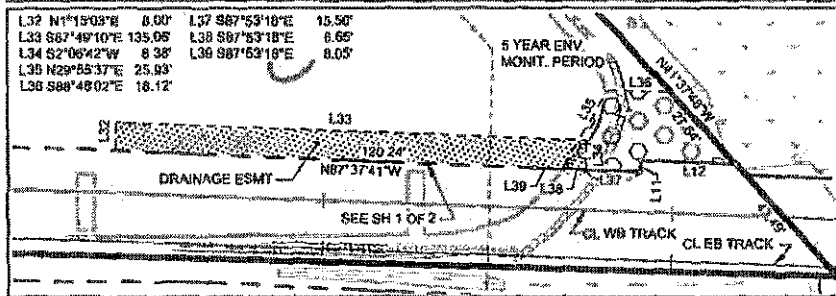


NOTE 1:
AFTER ACQUIRING THE FEE TAKE, ST TO CONVEY TCE TO COB WITHIN THE FEE TAKE WEST OF L09.

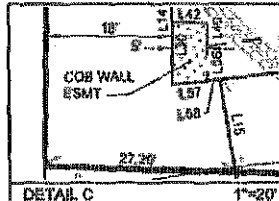
L14	N0°42'17"E	85.59'	L44	N89°20'23"W	53.00'
L15	N00°18'45"W	13.44'	L45	N48°54'39"W	30.16'
L19	S41°37'48"E	56.84'	L46	N00°42'17"E	17.00'
L20	S89°17'45"E	75.09'	L47	N89°17'43"W	90.54'
L21	S87°37'41"E	155.61'	L48	N89°17'43"W	10.00'
L22	S87°53'18"E	13.28'	L49	S89°57'27"E	10.00'
L23	N32°22'46"E	23.99'	L50	S89°57'27"E	10.80'
L24	N80°00'00"E	5.00'	L51	S41°37'48"E	14.89'
L25	S2°33'00"W	22.65'	L52	S00°42'17"W	36.00'
L26	S0°16'35"W	31.03'	L53	N83°37'53"E	32.94'
L27	S46°00'00"E	150.53'	L54	S89°18'46"E	111.99'
L28	S46°00'00"E	141.62'	L55	N00°42'17"E	43.37'
L29	S0°16'35"W	37.69'	L56	S00°42'17"W	5.04'
L30	N0°42'17"E	9.03'	L57	N83°37'53"E	5.04'
L31	S89°17'48"E	21.67'	L58	N83°37'53"E	1.67'
L40	S0°42'17"W	3.37'	L59	S87°37'41"E	15.81'
L42	S89°17'43"E	6.00'	L60	S89°19'46"E	123.44'
L43	S89°18'46"E	65.00'	L61	N0°41'14"E	55.26'
			L62	S87°37'41"E	10.70'
			L63	N0°42'17"E	46.65'
			L64	N0°42'17"E	7.87'
			L68	S88°21'09"E	157.82'
			L69	N0°42'17"E	29.34'

C5	Δ=5°08'10" R=1323.50' L=118.70'
	N5°22'07"W (R) & N1°13'46"W (R)
C6	Δ=3°05'45" R=1639.79' L=88.80'
	N1°12'28"W (R) & N1°53'16"E (R)
C7	Δ=0°22'18" R=1634.79' L=10.84'
	N1°12'29"W (R) & N0°49'41"W (R)

DETAIL A TCE, WATER & WALL ESMTS 1" = 100'



DETAIL B ENV. MONIT. AND DRAINAGE ESMTS 1" = 40'



DETAIL C 1" = 20'



SHEET 2 OF 2

WATER ESMT: SEE SH 1 WALL ESMT: SEE SH 1

SOUND TRANSIT

FINAL DESIGN PARTNERS

LIN & ASSOCIATES

LINK LIGHT RAIL TRANSIT SYSTEM

EARL J. BOIE
19483
REGISTERED PROFESSIONAL LAND SURVEYOR
3128116

PARCEL AREA:	SEE SH 1	ACCESS ESMT:	SEE SH 1
FEE TAKE:	SEE SH 1	CONST. ESMT:	SEE SH 1
REMAINING AREA:	SEE SH 1	DRAINAGE ESMT:	SEE SH 1

EXHIBIT "C"
RAW NO. EL-285 PARCEL MAP

ASSESSOR NO: 2825058003 DATE: 3/20/18
OWNER: STERNOFF LP
BLOCK NO: N/A LOT NO: 3
CITY OF BELLEVUE KING COUNTY, WA

EXHIBIT 9

EXHIBIT "A"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Grantor's Entire Parcel:

PARCEL 3, CITY OF BELLEVUE SHORT PLAT NUMBER 77-81 (REVISED), RECORDED UNDER RECORDING NUMBER 7912319005, IN KING COUNTY, WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

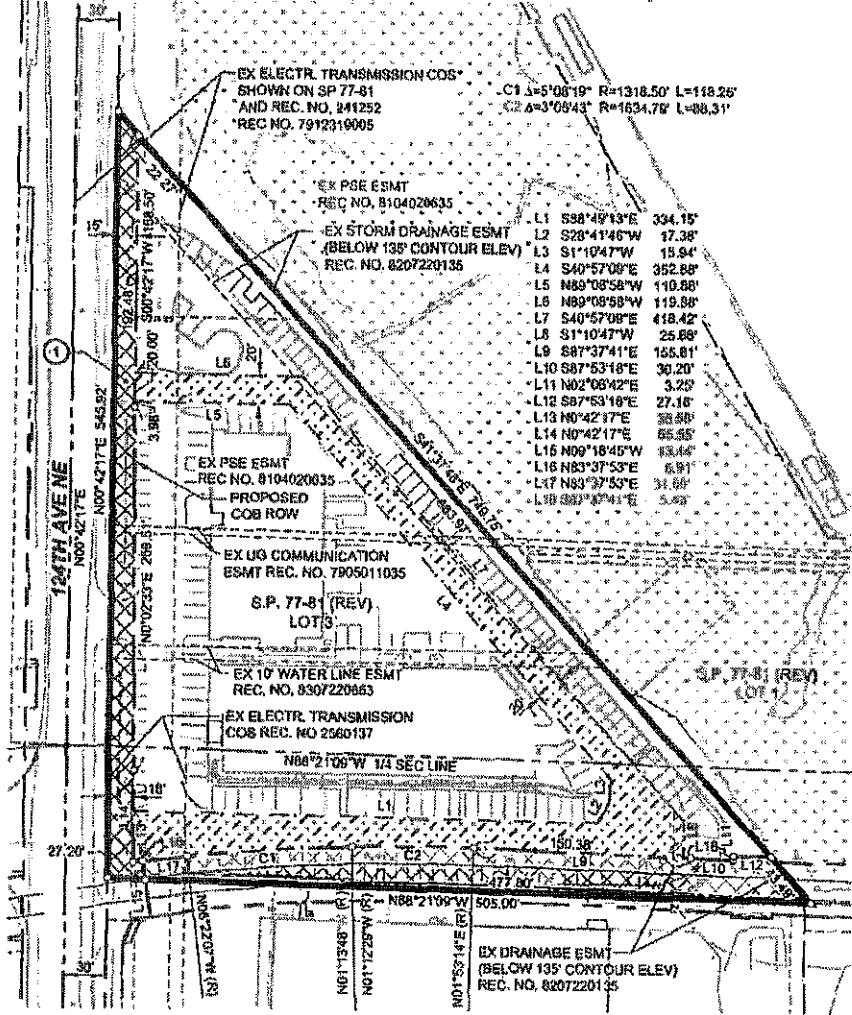
EXHIBIT "B"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

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Earl J. Bone 3/28/16

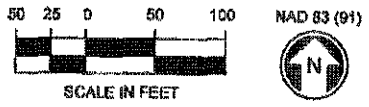
NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 5 E, W.M.



- L1 538°49'13"E 394.15'
- L2 328°41'46"W 17.38'
- L3 S1°10'47"W 15.94'
- L4 S40°57'08"E 362.88'
- L5 N89°08'58"W 110.88'
- L6 N89°08'58"W 119.88'
- L7 S40°57'08"E 418.42'
- L8 S1°10'47"W 25.68'
- L9 887°37'41"E 165.81'
- L10 S87°53'18"E 30.20'
- L11 N02°08'42"E 3.25'
- L12 S87°53'18"E 27.16'
- L13 N0°42'17"E 38.88'
- L14 N0°42'17"E 65.55'
- L15 N09°18'45"W 13.44'
- L16 N83°37'53"E 6.91'
- L17 N83°37'53"E 31.68'
- L18 887°37'41"E 5.43'

1) PROPOSED FEE TAKE BY CITY OF BELLEVUE.

LEGEND	
	LIGHT RAIL TRANSIT WAY
	STREET RIGHT-OF-WAY LINE
	STREET CENTER LINE
	PLATTED LOT LINE
	PROPERTY LINE
	PARENT PARCEL
	FEE TAKE LINE
	EASEMENT LINE PERMANENT
	EASEMENT LINE TEMPORARY



SHEET 1 OF 2

SEE SHEET 2 OF 2 FOR LIMITS OF WALL, TCE, DRAINAGE, WATER AND ENV. MONIT. ESMTS.

	COB FEE TAKE
	ST FEE TAKE
	ACCESS ESMT

ENV. MONIT. ESMT:	731 SF
WATER ESMT:	2,704 SF
WALL ESMT:	2,359 SF (ST) 4,149 SF (COB)
PARCEL AREA:	137,828 SF
ACCESS ESMT:	20,315 SF
FEE TAKE:	12,631 SF (ST) 8,782 SF (COB)
CONST. ESMT:	29,014 SF (ST) 41,114 SF (COB)
REMAINING AREA:	116,203 SF
DRAINAGE ESMT:	1,110 SF

SOUND TRANSIT

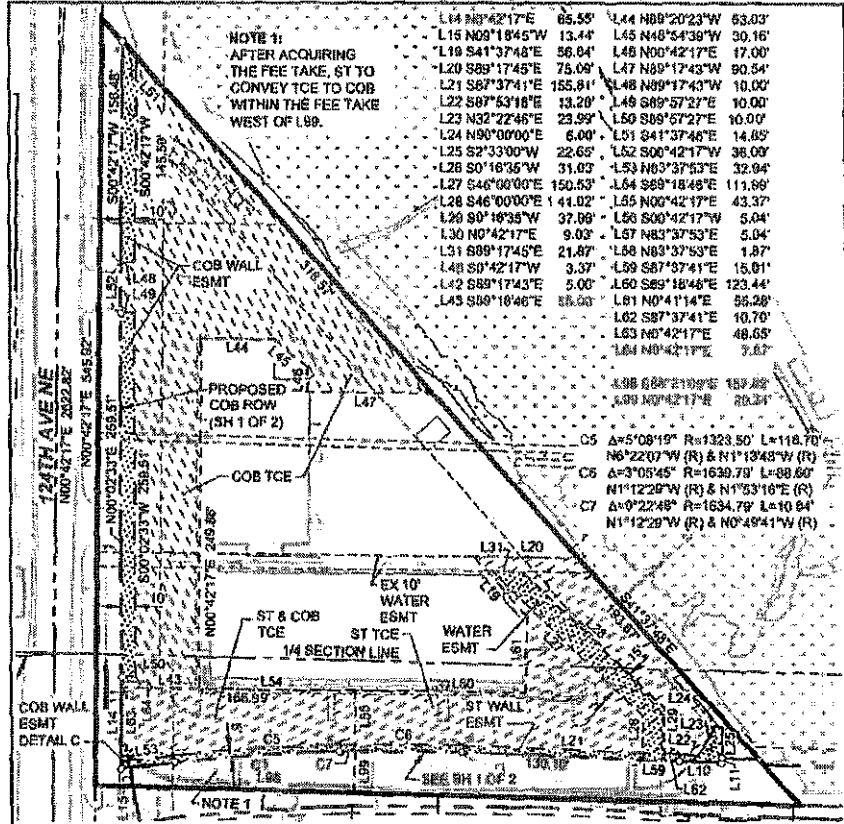
FINAL DESIGN PROVIDED BY

L & A LIN & ASSOCIATES

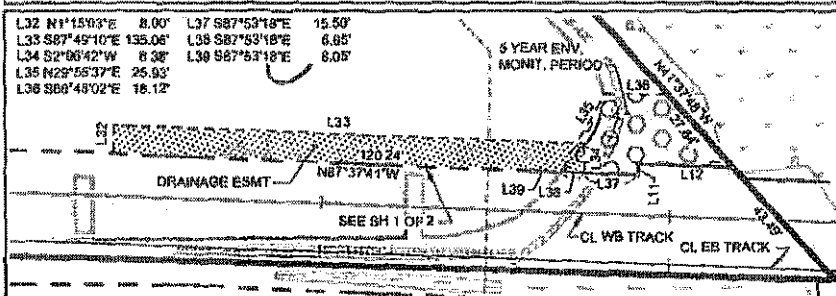
LINK LIGHT RAIL TRANSIT SYSTEM

EXHIBIT "C"	
RW NO. EL-265 PARCEL MAP	
ASSESSOR NO.:	2826059003
DATE:	3/28/16
OWNER:	STERNOFF LP
BLOCK NO.:	N/A
LOT NO.:	3
CITY OF BELLEVUE	KING COUNTY, WA

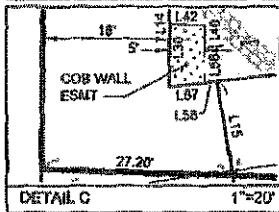
NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 6 E, W.M.



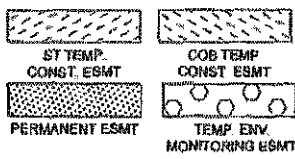
DETAIL A TCE, WATER & WALL ESMTS 1" = 100'



DETAIL B ENV, MONIT. AND DRAINAGE ESMTS 1" = 40'



DETAIL C 1" = 20'



SHEET 2 OF 2

WATER ESMT:	SEE SH 1	WALL ESMT:	SEE SH 1
PARCEL AREA:	SEE SH 1	ACCESS ESMT:	SEE SH 1
FEE TAKE:	SEE SH 1	CONST ESMT:	SEE SH 1
REMAINING AREA:	SEE SH 1	DRAINAGE ESMT:	SEE SH 1

EXHIBIT "C"
R/W NO. EL-285 PARCEL MAP

ASSESSOR NO.: 2829089003 DATE: 3/28/18
OWNER: STERNOFF LP.
BLOCK NO.: N/A LOT NO.: 3
CITY OF BELLEVUE KING COUNTY, WA

SOUND TRANSIT
LINK LIGHT RAIL TRANSIT SYSTEM

LIN & ASSOCIATES

EARL J. BONE
NO. 19429
REGISTERED
PROFESSIONAL LAND SURVEYOR
3/28/18

EXHIBIT 10

EXHIBIT "A"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

Grantor's Entire Parcel:

PARCEL 3, CITY OF BELLEVUE SHORT PLAT NUMBER 77-81 (REVISED), RECORDED UNDER RECORDING NUMBER 7912319005, IN KING COUNTY, WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

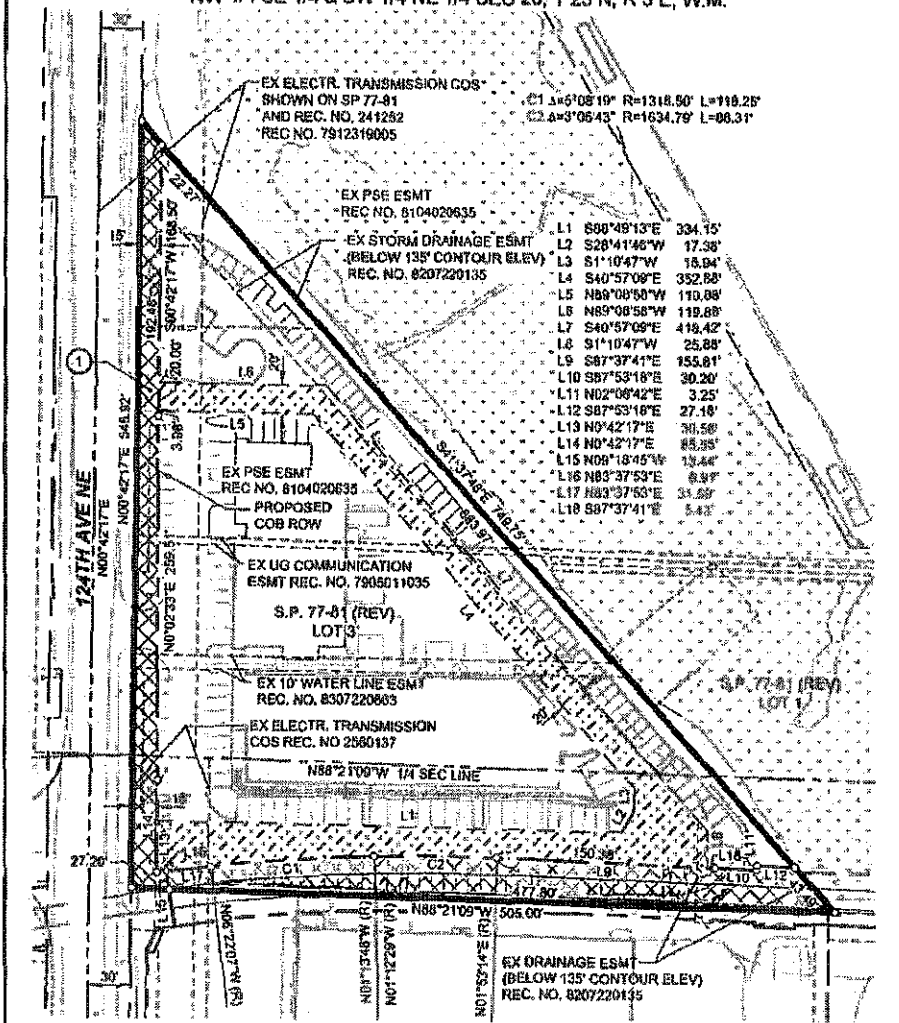
EXHIBIT "B"

R/W No. EL-285
PIN 2825059003
STERNOFF L.P., A WASHINGTON LIMITED PARTNERSHIP

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Earl J. Bone 3/28/16

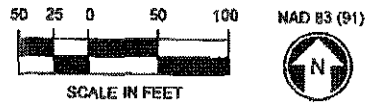
NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 5 E, W.M.



1 PROPOSED FEE TAKE BY CITY OF BELLEVUE.

LEGEND	
	LIGHT RAIL TRANSIT WAY
	STREET RIGHT-OF-WAY LINE
	STREET CENTER LINE
	PLATTED LOT LINE
	PROPERTY LINE
	PARENT PARCEL
	FEE TAKE LINE
	EASEMENT LINE PERMANENT
	EASEMENT LINE TEMPORARY

	COB FEE TAKE
	ST FEE TAKE
	ACCESS ESMT

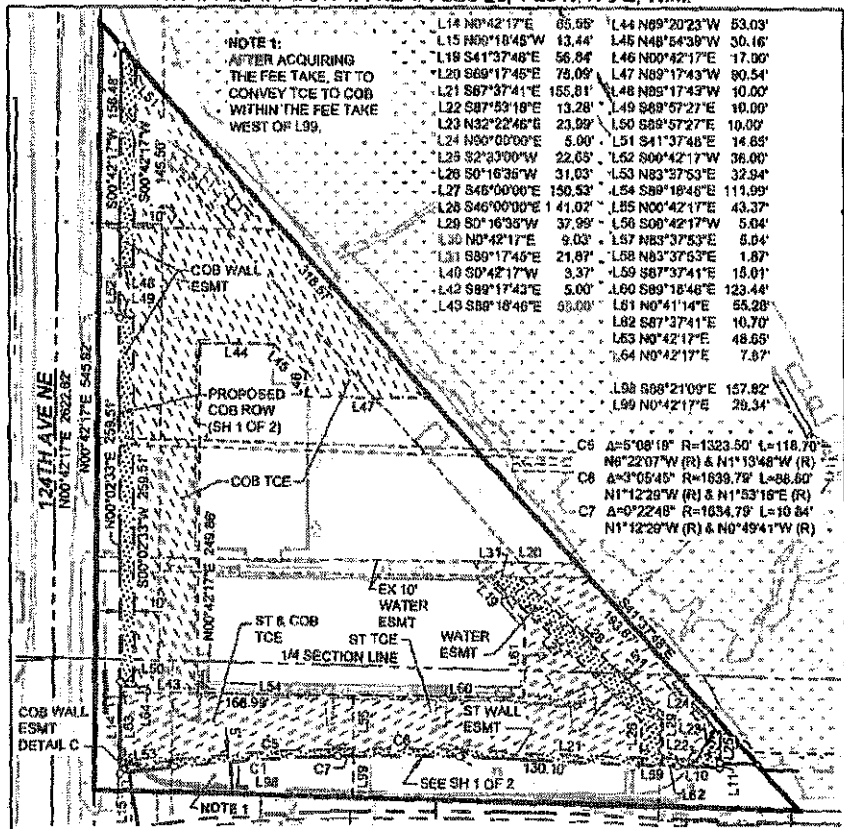


SHEET 1 OF 2

SEE SHEET 2 OF 2 FOR LIMITS OF
WALL, TCE, DRAINAGE, WATER
AND ENV. MONIT. ESMTS.

<p>SOUND TRANSIT</p> <p>SPINAL DESIGN PARTNERS.</p> <p>LINK & ASSOCIATES</p> <p>LINK LIGHT RAIL TRANSIT SYSTEM</p>	<p>EARL J. BORE</p> <p>STATE OF WASHINGTON</p> <p>19425</p> <p>REGISTERED</p> <p>PROFESSIONAL LAND SURVEYOR</p> <p>3128116</p>	ENV. MONIT. ESMT: 721 SF WATER ESMT: 2,704 SF WALL ESMT: 2,399 SF (ST) 3,140 SF (COB)
		PARCEL AREA: 137,826 SF FEE TAKE: 12,931 SF (ST) 8,792 SF (COB) REMAINING AREA: 110,203 SF
EXHIBIT "C" RAW NO. EL-286 PARCEL MAP		ACCESS ESMT: 20,315 SF CONST. ESMT: 29,014 SF (ST) 41,114 SF (COB) DRAINAGE ESMT: 1,110 SF
ASSESSOR NO.: 2826059003 OWNER: STERNOFF LP BLOCK NO.: NA CITY OF BELLEVUE		GATE: 3/28/16 LOT NO: 3 KING COUNTY, WA

NW 1/4 SE 1/4 & SW 1/4 NE 1/4 SEC 28, T 25 N, R 5 E, W.M.

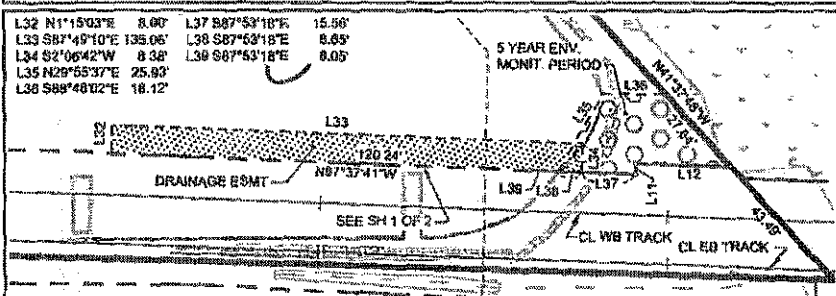


NOTE 1:
AFTER ACQUIRING THE FEE TAKE, ST TO CONVEY TCE TO COB WITHIN THE FEE TAKE WEST OF L99.

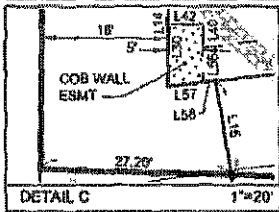
L14 N0°42'17"E	85.95'	L44 N89°20'23"W	53.03'
L15 N89°18'45"W	13.44'	L45 N48°54'39"W	30.16'
L19 S41°37'48"E	56.84'	L46 N00°42'17"E	17.00'
L20 S69°17'45"E	78.09'	L47 N89°17'43"W	80.54'
L21 S67°37'41"E	155.81'	L48 N89°17'43"W	10.00'
L22 S87°53'18"E	13.28'	L49 S89°57'27"E	10.00'
L23 N32°22'46"E	21.99'	L50 S89°57'27"E	10.00'
L24 N90°00'00"E	5.00'	L51 S41°37'48"E	14.85'
L25 S2°30'00"W	22.63'	L52 S00°42'17"W	36.00'
L26 S0°16'35"W	31.03'	L53 N83°37'53"E	32.94'
L27 S46°00'00"E	150.53'	L54 S89°18'48"E	111.99'
L28 S46°00'00"E	141.02'	L55 N00°42'17"E	43.37'
L29 S0°16'35"W	37.99'	L56 S00°42'17"W	5.04'
L30 N0°42'17"E	9.03'	L57 N83°37'53"E	8.04'
L31 S89°17'46"E	21.87'	L58 N83°37'53"E	1.87'
L40 S0°42'17"W	3.37'	L59 S87°37'41"E	18.01'
L42 S89°17'43"E	5.00'	L60 S89°18'48"E	123.44'
L43 S88°18'46"E	68.00'	L61 N0°41'14"E	55.28'
		L62 S87°37'41"E	10.70'
		L63 N0°42'17"E	48.65'
		L64 N0°42'17"E	7.87'
		L98 S88°21'09"E	157.82'
		L99 N0°42'17"E	28.34'

C5 A=5°08'18" R=1323.50' (-118.70'
N6°22'07"W (R) & N1°19'48"W (R)
C6 A=3°05'43" R=1639.77' L=86.60'
N1°12'29"W (R) & N1°53'18"E (R)
C7 A=0°22'48" R=1634.79' L=10.84'
N1°12'29"W (R) & N0°49'41"W (R)

DETAIL A TCE, WATER & WALL ESMTS 1" = 100'



DETAIL B ENV. MONIT. AND DRAINAGE ESMTS 1" = 40'



DETAIL C 1" = 20'



SHEET 2 OF 2

WATER ESMT:	SEE SH 1	WALL ESMT:	SEE SH 1
PARCEL AREA:	SEE SH 1	ACCESS ESMT:	SEE SH 1
FEE TAKE:	SEE SH 1	CONST. ESMT:	SEE SH 1
REMAINING AREA:	SEE SH 1	DRAINAGE ESMT:	SEE SH 1

EXHIBIT "C"
R/W NO. EL-265 PARCEL MAP
ASSESSOR NO.: 2826059003 DATE: 3/28/16
OWNER: STERNOFF LP
BLOCK NO.: N/A LOT NO.: 3
CITY OF BELLEVUE KING COUNTY, WA

FINAL DESIGN PARTNERS

LINK LIGHT RAIL TRANSIT SYSTEM

312816

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COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

CENTRAL PUGET SOUND REGIONAL
TRANSIT AUTHORITY, a regional transit
authority, dba SOUND TRANSIT,

Respondent,

vs.

STERNOFF L.P., a Washington limited
Partnership,

Appellant.

Washington State Court of Appeals, Div. I
Case No.: 75372-0-I

DECLARATION OF SERVICE

Tax Parcel No.: 282505-9003

I, Donya W. Burns, affirm that on this day I caused to be served *Petition for Review to the Washington State Supreme Court* in the above-entitled matter (Case No.: 75372-0-I) to each of the following parties by the method indicated below:

<u>Party Contact Information</u>	<u>Delivery Method</u>
<i>Attorneys for Sound Transit</i> Jeffrey A. Beaver Jacqualyne J. Walker Estera.Gordon Emily Krisher Miller Nash Graham & Dunn 2801 Alaskan Way, Suite 300 Seattle, WA 98121-1128	

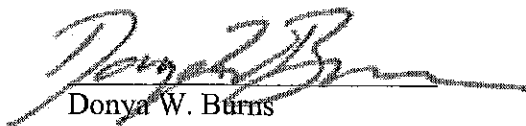
DECLARATION OF SERVICE - 1

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<p>8 <i>Attorneys for King County, Washington</i> 9 Jenifer Merkel, Senior Deputy PA 10 King County Prosecuting Attorney 11 King County Courthouse 12 516 Third Avenue, W400 13 Seattle, WA 98104</p> <p>14 <i>Jenifer.Merkel@KingCounty.gov</i></p>	<p>Electronic Mail</p>
<p>15 <i>Attorneys for JPMorgan Chase Bank, N.A.</i> 16 Susan T. Alterman 17 Mathew W. Lauritsen 18 Kell, Alterman & Runstein, L.L.P. 19 520 Yamhill St. 20 Portland, OR 97204</p> <p>21 <i>SAlterman@KelRun.com</i> 22 <i>MLauritsen@KelRun.com</i></p>	<p>Electronic Mail</p>
<p>23 <i>Attorneys for the City of Seattle</i> 24 Russell S. King 25 Seattle City Attorney 26 701 5th Ave, Suite 2050 Seattle, WA 98104</p> <p><i>Russell.King@Seattle.gov</i> <i>Engel.Lee@Seattle.gov</i></p>	<p>Electronic Mail</p>

21 I declare under penalty of perjury under the laws of the State of Washington, that the
22 foregoing is true and correct to the best of my knowledge.

23 EXECUTED December 7, 2016, in Seattle, King County, Washington.

24 
25 Donya W. Burns