

**SOUND TRANSIT  
STAFF REPORT**

**RESOLUTION NO. R2004-18**

**To Acquire Real Property Interests Required for Link Light Rail  
Tukwila Segments**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Finance Committee	11/18/04	Discussion of Possible Action to Recommend Board Approval	Phil O'Dell, Director, Project Delivery Support Services	(206) 398-5013
Board	11/18/04	Discussion/Possible Action	<b>Roger Hansen, Link Sr. Real Estate Representative</b>	(206) 689-3366

**ACTION**

Authorizes the Chief Executive Officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), condemnation litigation, or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for three additional property interests in the portion of the Central Link Light Rail Project from Boeing Access Road to South 154th Street.

**KEY FEATURES**

- Authorizes the purchase of three additional property interests needed from Boeing Access Road to South 154th Street in Tukwila (Segments D750 and D760). This property acquisition was previously authorized for Link Light Rail Segments D700, D710, D720, D730, D740, D750, D760, and MB810 by Resolution Nos. R2000-13, R2002-03, R2003-04, and R2003-16.
- The real properties identified in this request action are included in Exhibit A (Attached).

## **BUDGET IMPACT SUMMARY**

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

## **BUDGET DISCUSSION**

The proposed action authorizes acquisition of property interests for three additional properties for Tukwila contract segments C750 and C760 within the Central Link Initial Segment.

The total adopted capital budget for the Initial Segment is \$2.07 billion. Within that budget, line item budgets have been identified for Tukwila contract segments C750 and C760 within the right-of-way phase. The combined total right-of-way acquisition budget for these design contract segments, and the acquisition of certain properties within the adopted budget, were previously authorized by the Board in Resolution Nos. R2000-13, R2002-03, R2003-04 and R2003-16. Adequate budget remains in the right-of-way phase to fund the proposed action.

The acquisition costs of specific parcels are appropriate for discussion with Board members in executive session.

## **REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS**

The proposed action is consistent with the current Board-adopted budget and is affordable within the agency's current long-term financial plan and subarea financial capacity. The action will have no new revenue impacts on Sound Transit.

## BUDGET TABLE

**Action Item:** Acquire additional property interests required for Initial Segment contract segments C750 and C760 (Tukwila).

### (Year of Expenditure \$000)

<b>Initial Segment</b>	Amended FY2004 Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	218,780	110,980		110,980	107,800
2 Preliminary Engineering	35,000	33,585		33,585	1,415
3 Final Design	143,523	138,046		138,046	5,477
4 Right of Way	233,016	164,387		164,387	68,629
5 Construction	1,159,837	774,484		774,484	385,352
6 Construction Services	82,737	80,586		80,586	2,152
7 Third Party Agreements	58,800	52,474		52,474	6,326
8 Vehicles	138,307	132,244		132,244	6,063
9 <b>Total Current Budget</b>	<b>2,070,000</b>	<b>1,486,787</b>	-	<b>1,486,787</b>	<b>583,213</b>

### **Right of Way Phase Detail**

10 Segments C750, C760	40,436	12,038		12,038	28,398
11 Other Segments	183,701	152,348		152,348	31,353
12 ROW Unallocated Contingency	8,878	-		-	8,878
13 <b>Total Phase</b>	<b>233,016</b>	<b>164,387</b>	-	<b>164,387</b>	<b>68,629</b>

(A) AMENDED 2004 BUDGET reflects Board Resolution R2004-05 for Initial Segment phase budget transfer, adopted by the ST Board on 4/22/04.

(B) COMMITTED TO DATE amounts are from the Link Program Cost Summary Report (HQ Reports) for September 2004 + Board motions not yet included in the report.

<b>Contract Budget</b>	Current Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Proposed Total Contract Value (I)
14 Contract	40,436	16,985		40,436
16 Contingency	-	-		-
17 <b>Total</b>	<b>40,436</b>	<b>16,985</b>	-	<b>40,436</b>
18 Percent Contingency	0%	0%	0%	0%

### **Budget Shortfall**

<b>Task Level</b>	\$ (K)	Potential Resources (L)	Source (M)
19 Segments C750, C760	n/a	n/a	Unallocated contingency within the Right of Way phase

## M/W/DBE – SMALL BUSINESS PARTICIPATION

Not applicable for this action.

## HISTORY OF PROJECT

In order to build and operate a high-capacity transit system consisting of commuter rail service, light rail service, a program of regional express bus service, HOV improvements, and park-and-ride facilities throughout the Central Puget Sound region, it is necessary for Sound Transit to acquire real property. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions.

Certain property has been identified as necessary for the Central Link Light Rail alignment segments based upon the current level of design. The proposed action would authorize the acquisition of interests in a total of 3 parcels and the payment of relocation benefits to eligible affected owners and tenants. Properties will be acquired and relocation assistance provided to

affected owners and tenants in the order needed to meet the Central Link construction schedule.

**Prior Board or Committee Actions and Relevant Board Policies**

<b>Motion or Resolution Number</b>	<b>Summary of Action</b>	<b>Date of Action</b>
Resolution No. R2003-16	Approval of acquisition and relocation of properties in Contract Segments D750 and D760 and additional interests in the Rainier Valley	9/11/03
Resolution No. R2003-12	Approval to settle condemnation litigation or enter into administrative settlements for the acquisition of real property interests in Contract Segments D720, D730, D740, D750, D760	6/12/03
Resolution No. R2003-04	Approval of acquisition and relocation of additional properties along segments D730, D740, 750 and 760.	4/24/03
Resolution No. R2002-03	Approval of acquisition and relocation of additional properties along segments D710, D720, D730 and D740	3/14/02
Resolution No. R2001-16	Board adopted initial segment for Central Link project	11/29/01
Resolution No. R2000-13	Approval of acquisition and relocation of properties along segments D700 and MB810	10/12/00

**CONSEQUENCES OF DELAY**

Design and construction schedules for Central Link assume the availability of the specific properties when needed for construction. Significant delay in Board approval could affect the timely acquisition of the property and the relocation of affected businesses.

**PUBLIC INVOLVEMENT**

From 1998 through 2003, Sound Transit staff attended Southeast Seattle and Tukwila community meetings, conducted walking tours, organized public work sessions and open houses, met individually with property owners and tenants upon request, and walked door-to-door to explain route alternatives to residents and business owners. In coordination with the Cities of Seattle and Tukwila, Staff held workshops and open houses to discuss route impacts, property acquisition and relocation, station design, street design, safety, traffic circulation, station area planning, and various alternatives in Rainier Valley, Beacon Hill, and Tukwila.

Materials about the light rail project were translated into ten different languages, as well as prepared in Braille and other accessible formats and non-English hotlines were established to inform special populations and promote communication.

Sound Transit project development, community outreach, and real estate staff continue to meet with property owners, business owners, and tenants adjacent to the route and stations in Beacon Hill, Rainier Valley and Tukwila to discuss light rail project progress and design, real estate acquisition and relocation processes, and to listen to individual and neighborhood concerns about the project.

**LEGAL REVIEW**

JW 11-4-04

## **SOUND TRANSIT**

### **RESOLUTION NO. R2004-18**

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), condemnation litigation, or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for a portion of the Central Link Light Rail Project from Boeing Access Road to South 154th Street in Tukwila.

WHEREAS, a Regional Transit Authority (Sound Transit) was created for the Pierce, King, and Snohomish County region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, on November 5, 1996, Central Puget Sound area voters approved local funding for Sound Move, the ten-year plan for regional high-capacity transit in the Central Puget Sound Region; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation and maintenance of project improvements required under Sound Move, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Central Link Light Rail Project from Boeing Access Road to South 154th Street in Tukwila are reasonably described in Exhibit A of this resolution; and

WHEREAS, the following documents have been published and approved, as required by the Federal Transit Administration: Final Environmental Impact Statement (FEIS) in November, 1999; Tukwila Freeway Route Final Supplemental EIS in November 2001; Initial Segment SEPA Addendum in November 2001; Initial Segment Environmental Assessment in February

2002; Amended Record of Decision (ROD) on May 8, 2002; and Letters of No Prejudice (LONP) on February, 25, 2000, and July 21, 2000, authorizing acquisition of property for Design Contract Segment D700/D710/D720/D730/D740/ D750/760/MB810; and

WHEREAS, the environmental documents described above met the project requirements to comply with the Washington State Environmental Policy Act (SEPA) and National Environmental Policy Act (NEPA), and

WHEREAS, by Resolution No. R2001-16 the Sound Transit Board of Directors selected the initial 14-mile light rail segment of the Central Link Light Rail Project (Initial Segment) to be constructed and operated by 2009. The alignment, station locations, and maintenance base site for the Initial Segment are set forth in this resolution; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and permanent location of the Central Link Light Rail Project from Boeing Access Road to South 154th Street in Tukwila, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will continue to negotiate in good faith with the owners of the properties authorized to be acquired by negotiated purchase or condemned, with the intent of reaching agreements for the voluntary acquisition of the property for fair market value; and

WHEREAS, the funds necessary to acquire the property by voluntary purchase or to pay just compensation adjudged due after condemnation and the funds necessary to pay eligible relocation and re-establishment costs shall be paid from Sound Transit general funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority that:

SECTION 1. The Chief Executive Officer is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests described in Exhibit A (Copy of Exhibit A is on file with the Board Administrator and is available upon request) and for the payment of eligible relocation and re-establishment costs, said property to be used for the construction of the Central Link Light Rail Project. In accordance with Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures, and Guidelines, the acquisition price of the properties shall not exceed the fair market value to be determined through the appraisal process; provided that in the event the total of the acquisition, relocation and re-establishment costs of the properties exceeds Sound Transit's approved budget for the Central Link Light Rail Project right-of-way acquisition, then the Chief Executive Officer shall obtain approval from the Board, per Resolution No. 78-1, before the acquisition of the property by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

SECTION 2. The Chief Executive Officer is authorized by Resolution No. R2003-12 to settle condemnation, litigation, or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of the real property interests described in Exhibit A (Copy of Exhibit A is on file with the Board Administrator and is available upon request). Such settlements shall be made only upon a finding of legal counsel that the settlement is consistent with the law and is reasonable, prudent, and in the public interest. Such settlements shall not exceed established project budgets. For all other settlements proposed, the Chief Executive Officer shall obtain prior approval of the Board, per Resolution No. 78-1.

SECTION 3. The Sound Transit Board of Directors deems the Central Link Light Rail Project to be a public use for a public purpose. The Board deems it necessary and in the best interests of the citizens residing within the Sound Transit district boundaries to acquire the

property identified herein as being necessary for the construction, operation, and maintenance of the Central Link Light Rail Project. The Board directs that all, any portion thereof, of the property identified herein be immediately acquired by voluntary agreement, or in lieu of agreement, that said properties be condemned, appropriated, taken, and damaged for the construction, operation, and maintenance of the Central Link Light Rail Project, said properties being described in Exhibit A (Copy of Exhibit A is on file with the Board Administrator and is available upon request) incorporated herein by reference and that eligible parties be paid relocation and re-establishment costs associated with displacement from the properties.

SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience, and welfare demand and require that the above described properties be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and maintenance of the Central Link Light Rail Project.

SECTION 5. In addition to the authority granted the Chief Executive Officer in Section 1 above, condemnation proceedings are hereby authorized and the authority is hereby delegated to the Chief Executive Officer to take action as related to such condemnation proceedings to acquire all, or any portion thereof, of the properties and property rights and/or rights in the properties described in the attached Exhibit A (Copy of Exhibit A is on file with the Board Administrator and is available upon request) for the purpose of constructing, owning, and operating the Central Link Light Rail. The Chief Executive Officer is also authorized to make minor amendments to the legal descriptions of properties described in the attached Exhibit A (Copy of Exhibit A is on file with the Board Administrator and is available upon request) as may be necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property required for the project.

SECTION 6. The Chief Executive Officer is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real

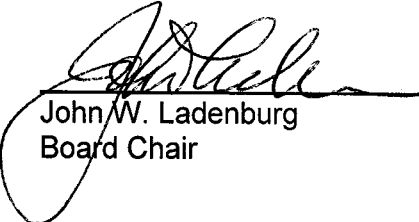


property interests described in the attached Exhibit A (Copy of Exhibit A is on file with the Board Administrator and is available upon request), that are owned by public agencies, which include City of Seattle, Washington State Department of Transportation, the City of Tukwila, and the Washington State Department of Natural Resources in the same manner that private individuals receive payment under Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines.

SECTION 7. The Chief Executive Officer is further authorized to execute such agreements as are necessary to convey to the City of Seattle, City of Tukwila, or Washington State Department of Transportation necessary property interests required by the City of Seattle, City of Tukwila, or Washington State Department of Transportation for street or highway rights of way purposes in conjunction with the development of the Central Link Light Rail Project.


SECTION 8. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on November 18, 2004.



John W. Ladenburg  
Board Chair

ATTEST:



Marcia Walker  
Board Administrator

**Exhibit A**

**Contract Segment C-759**

**C750-Boeing Access Road to South 126<sup>th</sup> Street.....Page 1**

<b>R/W #</b>	<b>Tax Parcel #</b>	<b>Owner/Contact</b>
TUK-23	102304-9001-07	Sebco, Inc., a Washington corporation
TUK-25.3	102304-9012-04	Sorrento Partners, LLC, a Washington limited liability company

**C760 –South 154<sup>th</sup> Street Station .....Page 2**

<b>R/W #</b>	<b>Tax Parcel #</b>	<b>Owner/Contact</b>
TUK-140	004300-0075-09	Partners Preferred Yield, Inc., a California corporation
TUK-144	004300-0210-05	Partners Preferred Yield, Inc., a California corporation

**EXHIBIT A**

**D750-Boeing Access Road to South 126<sup>th</sup> Street**

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
897876	TUK-23	Sebco Inc. a Washington corporation	102304-9001-07	11222 E. Marginal Way S. Tukwila WA 98168

THAT PORTION OF GOVERNMENT LOT 1 OF SECTION 10, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING EAST OF EAST MARGINAL WAY (STATE HIGHWAY NO. 5M), AS CONVEYED TO KING COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, BY DEED RECORDED UNDER KING COUNTY RECORDING NO. 1004995, AND NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT A POINT ON THE NORTH LINE OF SAID GOVERNMENT LOT 1 WHICH IS 339.9 FEET EAST OF THE NORTHWEST CORNER OF SAID SECTION 10;  
 THENCE SOUTH 33°15'00" EAST 762.47 FEET;  
 THENCE SOUTH 84°30'00" EAST 237.6 FEET;  
 THENCE SOUTH 33°15'00" EAST TO THE SOUTH LINE OF SAID GOVERNMENT LOT 1 AND THE TERMINUS OF SAID LINE;  
 AND WEST OF A 100 FOOT WIDE CITY OF SEATTLE CITY LIGHT TRANSMISSION RIGHT OF WAY (OLD SEATTLE-TACOMA INTERURBAN R/W) THE CENTERLINE OF SAID RIGHT OF WAY BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE RIGHT BANK OF THE DUWAMISH RIVER WHICH BEARS SOUTH 55°05'30" EAST, 1,324 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 10;  
 THENCE NORTH 04°41'00" WEST 274 FEET TO A POINT;  
 THENCE TO THE LEFT WITH A 2° CURVE THROUGH 09°38'00" OF CURVATURE 482 FEET TO AN INTERSECTION WITH THE NORTH BOUNDARY LINE OF SAID SECTION 10, SAID POINT OF INTERSECTION BEING 986 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 10, AND THE TERMINUS OF SAID RIGHT OF WAY CENTERLINE DESCRIPTION;

TOGETHER WITH A STRIP OF LAND 3 FEET WIDE LYING ADJACENT TO THE EAST MARGIN OF THE AFOREMENTIONED 100 FOOT WIDE CITY OF SEATTLE CITY LIGHT TRANSMISSION LINE;  
 EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY FOR SOUTH 115<sup>TH</sup> STREET, BEING 60 FEET IN WIDTH AS PRESENTLY ESTABLISHED;  
 AND EXCEPT THAT PORTION CONVEYED TO THE MUNICIPALITY OF METROPOLITAN SEATTLE FOR METRO PUMP STATION BY DEED RECORDED UNDER KING COUNTY RECORDING NO. 7204110001;

AND EXCEPT THAT PORTION CONVEYED TO KING COUNTY BY DEED RECORDED JUNE 21, 1967, UNDER KING COUNTY RECORDING NO.S, 6192845 AND 6192846 FOR WIDENING EAST MARGINAL WAY (STATE HIGHWAY NO. 5M);  
 AND EXCEPT THAT PORTION CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 469557, FOR CITY OF SEATTLE CITY LIGHT TRANSMISSION LINE RIGHT OF WAY;

(ALSO KNOWN AS LOT A OF LOT LINE ADJUSTMENT NO. 985024, RECORDED UNDER RECORDING NO. 8510170346)

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
76457	TUK-25.3	Sorrento Partners, LLC, a Washington limited liability company	102304-9012-04	3414 S. 116 <sup>th</sup> St. Tukwila WA 98168

PARCEL A:

LOT 2A OF CITY OF TUKWILA SHORT PLAT NO. L94-0020, AS RECORDED UNDER RECORDING NO. 9406031799, RECORDS OF KING COUNTY, WASHINGTON.

PARCEL B:

AN EASMENT FOR INGRESS AND EGRESS, OVER, UNDER AND ACROSS A STRIP OF LAND 50 FEET IN WIDTH BEING IN THE NORTHEAST QUARTER OF SECTION 9, AND THE NORTHWEST QUARTER OF SECTION 10, ALL IN TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT A POINT OF 70 FEET RIGHT OF ENGINEER'S STATION "H" 556 + 57.3, BEING A POINT ON THE NORTHEASTERLY MARGIN AS SHOWN ON SHEET 1 OF 7 FOR RIGHT-OF-WAY, SR-99, SOUTH 118<sup>TH</sup> STREET JUNCTION S.S.H. NO. 1-K AS APPROVED JULY 23, 1957, SAID POINT BEING A POINT OF TANGENCY OF A CURVE WHOSE RADIUS POINT BEARS NORTH 42°02'03" EAST AND IS 748.51 FEET DISTANT;  
THENCE SOUTHEASTERLY ALONG SAID MARGIN OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°26'56", AN ARC DISTANCE OF 58.12;  
THENCE NORTH 41°57'30" EAST, 499.81 FEET;  
THENCE NORTH 15°27'21" EAST, 75.56 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED LINE;  
THENCE SOUTH 74°32'39" EAST, 212.89 FEET;  
THENCE SOUTH 78°39'54"EAST, 128.28 FEET;  
THENCE SOUTH 81°20'44" EAST, 447.24 FEET TO A POINT OF CURVATURE CONCAVE TO THE NORTH;  
THENCE EASTERLY ALONG SAID CURVE HAVING A RADIUS OF 170.00 FEET THROUGH A CENTRAL ANGLE OF 15°51'28", AN ARC DISTANCE OF 47.05 FEET;  
THENCE NORTH 82°47'48" EAST, 101.03 FEET TO THE WESTERLY MARGIN OF THAT PORTION OF SAID SECTION 10 CONDEMNED IN SUPERIOR COURT CAUSE NO. 646697 AND THE TERMINUS OF THIS DESCRIBED LINE;

TOGETHER WITH THAT PORTION OF SAID NORTHEAST QUARTER OF SECTION 9, DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED POINT OF BEGINNING;  
THENCE NORTH 15°27'21" EAST, 25.00 FEET;  
THENCE NORTH 74°32'39" WEST, 62.74 FEET;  
THENCE SOUTH 48°02'30" EAST, 56.02 FEET;  
THENCE SOUTH 74°32'39" EAST, 12.60 FEET TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION THEREOF LYING WITHIN PARCEL A.

PARCEL C:

AN EASEMENT FOR INGRESS AND EGRESS 15 FEET IN WIDTH, LYING ADJACENT TO AND PARALLEL WITH THE WESTERLY AND EASTERLY BOUNDARY LINES OF THE ABOVE DESCRIBED PARCEL A.

**C 760-South 154<sup>th</sup> Street Station**

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
95327	TUK-140	Partners Preferred Yield, Inc., a California corporation	004300-0075-09	15244 Tukwila International Blvd. Tukwila WA 98188

PARCEL A:

LOTS 1 AND 2, BLOCK 2, THIRD ADDITION TO ADAMS HOME TRACTS, AS PER PLAT RECORDED IN VOLUME 15 OF PLATS, PAGE 17, RECORDS OF KING COUNTY, WASHINGTON:

TOGETHER WITH THAT PORTION OF VACATED MILITARY ROAD SOUTH ABUTTING AND ADJOINING, WHICH UPON VACATION, ATTACHED TO SAID PREMISES BY OPERATION OF LAW;

EXCEPT THAT PORTION OF SAID LOT 1 CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED OCTOBER 20, 1952, UNDER RECORDING NO. 4282512;

AND EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR SECONDARY STATE HIGHWAY NO. 1-L, SSH NO. 1-K TO JUNCTION OF PS & I NO. 1 FREEWAY BY DEED RECORDED UNDER RECORDING NO. 5216263;

AND EXCEPT THOSE PORTIONS OF SAID LOTS 1 AND 2 AND SAID VACATED MILITARY ROAD SOUTH ABUTTING AND ADJOINING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT WHICH IS THE INTERSECTION OF THE NORTH LINE OF SOUTH 154<sup>TH</sup> STREET AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 5216263 WITH THE EAST LINE OF LOT 1, BLOCK 2 OF SAID PLAT; THENCE NORTH 88°17'09" WEST ALONG THE NORTH LINE OF SAID SOUTH 154<sup>TH</sup> STREET A DISTANCE OF 176.90 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 01°49'12" EAST ALONG A LINE WHICH IS PERPENDICULAR TO THE NORTH LINE OF LOT 2, BLOCK 2 OF SAID PLAT A DISTANCE OF 32.00 FEET;

THENCE SOUTH 88°10'48" EAST A DISTANCE OF 8.00 FEET;  
THENCE NORTH 01°49'12" EAST A DISTANCE OF 66.00 FEET;  
THENCE NORTH 88°10'48" WEST A DISTANCE OF 8.00 FEET;  
THENCE NORTH 01°49'12" EAST A DISTANCE OF 56.67 FEET;  
THENCE NORTH 88°10'51" WEST A DISTANCE OF 39.80 FEET;  
THENCE NORTH 01°49'12" EAST A DISTANCE OF 8.41 FEET;  
THENCE NORTH 80°54'10" WEST A DISTANCE OF 99.48 FEET TO THE EASTERLY MARGIN OF PACIFIC HIGHWAY SOUTH, SAID MARGIN BEING 50.00 FEET EASTERLY AS MEASURED PERPENDICULAR TO THE CENTERLINE OF SAID HIGHWAY;  
THENCE SOUTH 20°07'11" WEST ALONG SAID EASTERLY MARGIN, A DISTANCE OF 150.00 FEET TO AN ANGLE POINT IN SAID EASTERLY MARGIN;  
THENCE SOUTH 27°25'31" EAST ALONG SAID EASTERLY MARGIN A DISTANCE OF 38.48 FEET TO THE NORTH LINE OF SAID SOUTH 154<sup>TH</sup> STREET;  
THENCE SOUTH 88°17'09" EAST ALONG SAID NORTHERLY MARGIN A DISTANCE OF 166.78 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL B:

A NON-EXCLUSIVE EASEMENT FOR ACCESS PURPOSES OVER THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT A POINT WHICH IS THE INTERSECTION OF THE NORTH LINE OF SOUTH 154<sup>TH</sup> STREET AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 5216263 WITH THE EAST LINE OF LOT 1, BLOCK 2 OF THIRD ADDITION TO ADAMS HOME TRACTS, AS PER PLAT RECORDED IN VOLUME 15 OF PLATS, PAGE 17, RECORDS OF KING COUNTY, WASHINGTON; THENCE NORTH 88°17'09" WEST ALONG THE NORTH LINE OF SAID SOUTH 154<sup>TH</sup> STREET A DISTANCE OF 176.90 FEET;

THENCE NORTH 01°49'12" EAST ALONG A LINE WHICH IS PERPENDICULAR TO THE NORTH LINE OF LOT 2, BLOCK 2 OF SAID PLAT A DISTANCE OF 32.00 FEET;

THENCE SOUTH 88°10'48" EAST A DISTANCE OF 8.00 FEET;  
THENCE NORTH 01°49'12" EAST A DISTANCE OF 66.00 FEET;  
THENCE NORTH 88°10'48" WEST A DISTANCE OF 8.00 FEET;  
THENCE NORTH 01°49'12" EAST A DISTANCE OF 43.52 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;  
THENCE CONTINUING NORTH 01°49'12" EAST A DISTANCE OF 13.15 FEET;  
THENCE NORTH 88°10'51" WEST A DISTANCE OF 39.80 FEET;  
THENCE NORTH 01°49'12" EAST A DISTANCE OF 8.41 FEET;  
THENCE NORTH 80°54'10" WEST A DISTANCE OF 99.48 FEET TO THE EASTERLY MARGIN OF PACIFIC HIGHWAY SOUTH, SAID MARGIN BEING 50.00 FEET EASTERLY AS MEASURED PERPENDICULAR TO THE CENTERLINE OF SAID HIGHWAY;  
THENCE SOUTH 20°07'11" WEST ALONG SAID EASTERLY MARGIN, A DISTANCE OF 20.00 FEET;  
THENCE SOUTH 83°57'16" EAST A DISTANCE OF 105.28 FEET;  
THENCE SOUTH 77°36'31" EAST A DISTANCE OF 40.45 FEET TO THE TRUE POINT OF BEGINNING AND THE TERMINUS OF THIS DESCRIPTION.

(THE ABOVE EASEMENT BEING GRANTED PURSUANT TO THE "ACCESS AGREEMENT AND DECLARATION AND GRANT OF RECIPROCAL AGREEMENT" RECORDED JULY 15, 1988, UNDER RECORDING NO. 8807150932.)

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
95332	TUK-144	Partners Preferred Yield, Inc., a California corporation	004300-0210-05	3800 S.154 <sup>th</sup> Street Tukwila WA 98188

LOT 19, BLOCK 2, THIRD ADDITION TO ADAMS HOME TRACTS, AS PER PLAT RECORDED IN VOLUME 15 OF PLATS, PAGE 17, RECORDS OF KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR SECONDARY STATE HIGHWAY NO. 1-L, SSH NO. 1-K TO JUNCTION OF PS & NO. 1 FREEWAY BY DEED RECORDED UNDER RECORDING NO. 5203051.