



Metropolitan King County Council

Melani Pedroza, *Clerk of the Council*

King County Courthouse

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December 11, 2018

Prosecuting Attorney

E550 Courthouse

Seattle, WA 98104

The attached document was served on the Clerk of the Council:

Clerk Summons Log			
Date Served	Plaintiff	Cause No	To PAO Date
12/11/2018	Richard Winsler vs. King County Department of Natural Resources and Parks, King County Parks, Christine True - Summons (20 Day)		12/11/2018
12/10/2018	Central Puget Sound Regional Transit Authority dba Sound Transit vs. Greenwood North/Kent LLC, A to B Auto Inc., Virgil Ray Stebbins, King County, City of Kent - Summons		12/11/2018

Sincerely,

Melani Pedroza

Clerk of the Council

Attachments

cc: Office of Risk Management

RECEIVED

2018 DEC 11 AM 10:53

CLERK
KING COUNTY COUNCIL

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

RICHARD WINSLER, an individual
Plaintiff,

vs.

KING COUNTY DEPARTMENT OF
NATURAL RESOURCES AND PARKS, a
Washington Municipal Corporation, KING
COUNTY PARKS, a Washington Municipal
Corporation, and CHRISTINE TRUE
directory of King County Department of
Natural Resources and Parks, a Washington
State Resident.

Defendants.

No.

SUMMONS (20 DAY)

TO THE DEFENDANT:

A lawsuit has been started against you in the above entitled court by Richard Winsler, plaintiff. Plaintiffs' claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be

1 entered against you without notice. A default judgment is one where plaintiff is entitled to what
2 he asks for because you have not responded. If you serve a notice of appearance on the
3 undersigned person, you are entitled to notice before a default judgment may be entered.

4 You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand
5 must be in writing and must be served upon the person signing this summons. Within 14 days
6 after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on
7 you of this summons and complaint will be void.

8
9 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
10 that your written response, if any, may be served on time.

11 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
12 of Washington.

13
14 DATED this 14th day of September, 2018.

15 THE ROSENBERG LAW GROUP, PLLC
16 Attorneys for Plaintiff

17 /s/ Jeffrey Gates
18 Jeffrey Gates, WSBA #45422

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CLERK
KING COUNTY COUNCIL

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6 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
7 **IN AND FOR THE COUNTY OF KING**

8 RICHARD WINSLER, an individual

9 Plaintiff,

10 vs.

11 KING COUNTY DEPARTMENT OF
12 NATURAL RESOURCES AND PARKS, a
13 Washington Municipal Corporation, KING
14 COUNTY PARKS DEPARTMENT, a
15 Washington Municipal Corporation, and
16 CHRISTINE TRUE directory of King County
17 Department of Natural Resources and Parks, a
18 Washington State Resident.

19 Defendants.

No.

**Complaint for Writ of Mandamus and
Damages**

19 COMES NOW Plaintiffs, by and through their attorneys of record, and for cause of
20 action against the Defendant states as follows.

21 **I. PARTIES**

22 1. **Plaintiff – Richard Winsler:** Richard Winsler is an individual living in
23 Washington State.
24
25
26

1 10. According to the King County Parks Marymoor website located at
2 [https://www.kingcounty.gov/services/parks-recreation/parks/parks-and-natural-lands/popular-
4 parks/marymoor.aspx](https://www.kingcounty.gov/services/parks-recreation/parks/parks-and-natural-lands/popular-
3 parks/marymoor.aspx) , applications for professional dog walker permit applications are to be
5 submitted to marymoorpark@kingcounty.gov.

6 11. On December 5, 2015, Mr. Winsler emailed a request to
7 marymoorpark@kingcounty.gov application for a professional dog walker permit at Marymoor
8 Park.

9 12. On December 7, 2015, Mr. Winsler received an email response to his inquiry that
10 Defendants were not issuing Permits.

11 13. In December of 2016, Mr. Winsler sent a similar email, and received a similar
12 response that the Defendants were not issuing Permits.

13 14. On December 8, 2017, Mr. Winsler sent an email to the Marymoor Park Front
14 Desk requesting an application for a Permit. He sent a follow up email on December 14, 2017.

15 15. On December 21, 2017, Defendants informed Plaintiff Winsler that no
16 applications were being accepted for the year, and that they would not process an application
17 submitted by him. All they would do is provide a sample application and stated that no permit
18 for Mr. Winsler would issue for 2018.

19 16. On several occasions, the Defendants have required Mr. Winsler to leave
20 Marymoor Park because he does not have a permit issued by the Defendants.

21 17. Defendants have filed to follow the requirements and procedure of FES 7-1,
22 which mandate the acceptance of Mr. Winsler's application and the issuance of a permit to
23 conduct his otherwise lawful business activity.

24 18. For over four (4) years, Defendants have refused to issue a permit or allow Mr.
25 Winsler to apply for a permit despite the fact he meets all of the requirements of FES 7-1.
26

1 **IV. FIRST CAUSE OF ACTION: RCW 7.16.160 WRIT OF MANDAMUS**

2 19. Plaintiff realleges and incorporates by reference paragraphs 1 through 18 of this
3 Complaint.

4 20. Under FES-1, the King County Parks department is under a clear duty to review
5 applications for, and to issue professional dog walker permits for applications that have met the
6 requirements identified in FES-1. The issuance of a permit is not discretionary and is a
7 ministerial act because FES-1 does not grant the Defendants authority to modify or change the
8 requirements and procedures of the rule.

9 21. Although FES-1 has an appeal process under ¶6.5, the appeal procedures only
10 apply when a permit is revoked, or when a permit application is denied. Because the Defendants
11 have refused to accept Mr. Winsler’s application, he is unable to file an appeal since neither of
12 these circumstances apply. Therefore, he has no other adequate remedy because he is unable to
13 file an allowable appeal under FES-1.

14 22. Mr. Winsler has applied for a permit, but the Defendants have in no way acted on
15 his application and in fact, have refused to process his application in the slightest.

16 23. Based on the allegations herein, a peremptory writ of mandamus, or an alternative
17 writ of mandamus requiring the Defendants to show cause should be granted.

18 **V. SECOND CAUSE OF ACTION: RCW 7.16.260 JUDGMENT FOR DAMAGES**

19 24. Plaintiff realleges and incorporates by reference paragraphs 1 through 24 of this
20 Complaint.

21 25. Defendants have failed to perform their minstrel duties in accordance with FES-1.
22 Their actions are arbitrary and capricious and have caused the Mr. Winsler to suffer damages
23 including costs and attorney fees in bringing this action.

24 26. Mr. Winsler therefore requests an award of damages, including costs and attorney
25 fees as authorized under RCW 7.16.260.

1 **VII. PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs respectfully prays for the following relief:

- 3 A. Issuance of a peremptory writ of mandamus, or an alternative writ of mandamus
4 requiring the Defendants to show cause should be granted.
- 5 B. Attorney fees and costs incurred by Plaintiff in this lawsuit; and
- 6 G. For such other relief as the court may deem just or equitable.

7 DATED this 17th day of September, 2018.

8 **THE ROSENBERG LAW GROUP, PLLC**
9 Attorneys for Plaintiff

10 */s/ Jeffrey Gates*
11 _____
12 Jeffrey Gates, WSBA #45422

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2018 DEC 11 AM 10:53

CLERK
KING COUNTY COUNCIL

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

<p>RICHARD WINSLER, an individual Plaintiff,</p> <p>vs.</p> <p>KING COUNTY DEPARTMENT OF NATURAL RESOURCES AND PARKS, a Washington Municipal Corporation, KING COUNTY PARKS DEPARTMENT, a Washington Municipal Corporation, and CHRISTINE TRUE directory of King County Department of Natural Resources and Parks, a Washington State Resident.</p> <p>Defendants.</p>	<p>NO. 18-2-23056-0 SEA</p> <p>APPLICATION FOR WRIT OF MANDAMUS</p>
--	--

I. RELIEF REQUESTED

COME NOW Plaintiff Richard Winsler, by and through his attorney of record, Jeffrey Gates of Rosenberg Law Group PLLC, and respectfully move the Court for a Writ of Mandamus that directs the Defendants to issue a Professional Dog Services Concession Permit (herein "Permit") because he has complied with the requirements outlined in FES 7-1 of the King County Public Rules and Regulations authorizing the issuance of such permits.

//

//

1 **II. FACTS**

2 On August 5, 2011, the King County Department of Natural Resources and Parks enacted
3 Rule FES 7.1 (PR) (Declaration of Richard Winsler in support of Application for Writ of
4 Mandamus (herein “Winsler Decl.”), ¶16, Exhibit E. It was enacted under the authority of King
5 County Code “K.C.C”) Chapter 4.57 and K.C.C. 7.12.040 to issue licenses or permits for the use
6 of a King County park for a private dog service business. FES 7-1, §6.1. FES 7-1 refers to such
7 licenses or permits as “Permits”. FES 7-1, §6.2.

8 FES 7-1 identifies a step by step procedure for the issuance of a permit. FES 7-1, §7.0.
9 It requires that a Dog Service Business do the following in order to obtain a permit: “Submit
10 application, fee payment for Professional Dog Services Concession Permit to Parks and
11 Recreation Division. (See 6.1 of these rules for application requirements).” *Id.*

12 Upon completion of the above-mentioned tasks, the Parks and Recreation Division Staff
13 are required to do the following: Review application for completeness. Collect fee, issue receipt.
14 Issue permit. *Id.*,

15 In 1998 Mr. Winsler began a professional dog walking business known as “Catch Me if
16 You Can” which is now known as WOOF-Dog Adventures, LLC. (Declaration of Richard
17 Winsler in support of Application for Writ of Mandamus (herein “Winsler Decl.”), ¶3).

18 According to the King County Parks Marymoor website located at
19 [https://www.kingcounty.gov/services/parks-recreation/parks/parks-and-natural-lands/popular-](https://www.kingcounty.gov/services/parks-recreation/parks/parks-and-natural-lands/popular-parks/marymoor.aspx)
20 [parks/marymoor.aspx](https://www.kingcounty.gov/services/parks-recreation/parks/parks-and-natural-lands/popular-parks/marymoor.aspx) , applications for professional dog walker permit applications are to be
21 submitted to marymoorpark@kingcounty.gov.

22 On December 5, 2015, Mr. Winsler emailed a request to marymoorpark@kingcounty.gov
23 application for a professional dog walker permit at Marymoor Park. (Winsler Decl., ¶4, Exhibit
24 A).

On December 7, 2015, Mr. Winsler received an email response to his inquiry that
Defendants were not issuing Permits. (Winsler Decl., ¶5).

1 In December of 2016, Mr. Winsler sent a similar email, and received a similar response
2 that the Defendants were not issuing Permits. (Winsler Decl., ¶6)

3 On December 8, 2017, Mr. Winsler sent an email to the Marymoor Park Front Desk
4 requesting an application for a Permit. He sent a follow up email on December 14, 2017.
5 (Winsler Decl., ¶7).

6 On December 21, 2017, Defendants informed Plaintiff Winsler that no applications were
7 being accepted for the year, and that they would not process an application submitted by him.
8 All they would do is provide a sample application and stated that no permit for Mr. Winsler
9 would issue for 2018. (Winsler Decl., ¶8, Exhibit B).

10 On several occasions, the Defendants have required Mr. Winsler to leave Marymoor Park
11 because he does not have a permit issued by the Defendants. (Winsler Decl., ¶13).

12 Defendants have failed to follow the requirements and procedure of FES 7-1, which
13 mandate the acceptance of Mr. Winsler's application and the issuance of a permit to conduct his
14 otherwise lawful business activity.

15 For over four (4) years, Defendants have refused to issue a permit or allow Mr. Winsler
16 to apply for a permit despite the fact he meets all of the requirements of FES 7-1. (Winsler Decl.,
17 ¶10-12, Exhibits C and D).

18 III. ARGUMENT AND LEGAL AUTHORITY

19 A Writ of Mandamus shall issue where three elements are met: "(1) the party subject to
20 the writ is under a clear duty to act, RCW 7.16.160; (2) the applicant has no 'plain, speedy and
21 adequate remedy in the ordinary course of law,' RCW 7.16.170; and (3) the applicant is
22 'beneficially interested.' RCW 7.16.170."

23 **a) Defendants are under a clear duty to act, because the acceptance of a permit 24 application and its issuance are Ministerial, not a Discretionary Acts.**

Defendants, by and through FES 7-1, are under a clear duty to both accept an application
for a Permit, and to issue a Permit when specific conditions are met.

1 “In terms of duty, mandamus, if appropriate, tells the respondent what to do, but not how
2 to do it.” *Eugster v. City of Spokane*, 118 Wn. App. 383, 76 P.3d 741, (Div. III, 2003)

3 An ordinance is interpreted “to best advance” the agency’s legislative purpose. *State v.*
4 *C.J.*, 148 Wn. 2d 672, 685, 63 P.3d 765 (2003) (citing *Morris v. Blaker*, 118 Wn.2d 133, 143,
5 821 P.2d 482 (1992)). Furthermore, language cannot be added to an unambiguous rule even if
6 the department, “intended something else but did not adequately express it.” *Kilian v. Atkinson*,
7 147 Wn.2d 16, 20, 50 P.3d 638 (2002) (citing *Wash. State Coalition for the Homeless v. Dep’t of*
8 *Soc. & Health Servs.*, 133 Wn.2d 894, 904, 949 P.2d 1291 (1997)). The purpose of the King
9 County Parks is that:

10 The playgrounds, activity centers, pools and other facilities of the
11 division are established by law for public recreation purposes,
12 **including, but not limited to, the provision of community
13 services by third parties.**

14 K.C.C. 7.12.020 (emphasis added).

15 Here, Defendants’ standards toward the issuance of a Permit are clearly defined in FES 7-

16 1. The ordinance makes approval of a Permit mandatory if objective, content-neutral facts are
17 established. (See FES 7-1, §6.2). Those facts are as follows:

18 6.2.1 Payment of current annual Professional Dog Services
19 Concession Permit fee to Parks and Recreation Division
20 each calendar year, and an impact fee which is paid to King
21 County Parks Division or to an approved park stewardship
22 organization such as Serve Our Dog Areas (S.O.D.A.) or;
23 in lieu of cash payment of impact fee, performance of
24 approved, documented park stewardship hours equivalent
to the impact fee.

6.2.2 Possession of valid insurance coverage. See Appendix
9 .1

6.2.3 Possession of current Washington State Business
License.

1 6.2.4 Adherence to the "Rules of Conduct for Professional
2 Dog Services Concession Permit Holder," See Appendix
3 9.2.

3 FES 7-1, §6.2.1 – 4.

4 Furthermore, the rule sets forth the sole grounds for the revocation or denial of a Permit
5 or its application. Those grounds are: (1) Concessionaires who engage in Bad Behavior as
6 defined in Section 6.3.1, (2) who fail to comply with Permit terms or the Permit code of conduct,
7 (3) who fail to comply with King County Code Chapter 7.12 (Rules for Park Use), or (4) who
8 commits an act which, if proven, would be a violation of RCW Title 9A. FES 7-1 §6.4.

9 Although the rule does not expressly make issuance of a license mandatory when grounds for
10 denial are not present, it must be so construed. Otherwise, there would be an unconstitutional
11 absence of standards to guide licensing officials. See *Kunz v. New York*, 340 U.S. 290, 293, 71
12 S.Ct. 312, 314, 95 L.Ed. 280 (1950).

13 The first step in the process is for the Dog Service Business to “Submit application...”
14 This is a condition precedent to the payment of any fees. Defendants have refused to accept
15 Plaintiff’s application, despite Plaintiff’s willingness to pay the fees. (Winsler Decl., ¶10).
16 Plaintiff has valid insurance coverage. (Winsler Decl., ¶12, Exhibit D). Plaintiff has possession
17 of a current Washington State Business License (Winsler Decl., ¶11, Exhibit C).

18 Because Plaintiff has complied with the requirements of the Public Rule, the Defendants
19 have no discretion to deny the acceptance and issuance of a Permit. Thus, issuance is a
20 ministerial action which mandamus must compel. See *State ex rel. Klappsa v. Enumclaw*, 73
21 Wn.2d 451, 453, 439 P.2d 246 (1968); *State ex rel. Craven v. Tacoma*, 63 Wn.2d 23, 27, 385
22 P.2d 372 (1963); *Teed v. King Cy.*, 36 Wn. App. 635, 643-644, 677 P.2d 179 (1984).

1 **b) Defendants have refused to accept Plaintiff’s application for a Permit, Preventing**
2 **Plaintiff from Filing an Appeal to Defendants and exercising the only plain, speedy**
3 **and adequate remedy allowed by FES 7-1.**

4 Because Defendants refuse to allow the submission of an application for a Permit, the
5 sole form of redress, that being an appeal as identified in the Public Rule, is unavailable to
6 Plaintiff. Without any alternative avenues, a writ of mandamus must issue.

7 Broadly, the remedy issue turns on whether the duty the plaintiff seeks to enforce “cannot
8 be directly enforced” by any means other than mandamus. *Eugster*, 118 Wn.App. at 414 (citing
9 *Bd. of Liquidation v. McComb*, 92 U.S. 531, 536, 23 L.Ed. 531, 2 Otto 531 (1875)).

10 FES 7-1 permits “[a]ny Concessionaire whose Permit is revoked, or whose Permit
11 application is denied, may, within fourteen (14) days of the service of the Notice, file a written
12 appeal with the Director...” FES 7-1, §6.5. Defendants have revoked or denied Plaintiff’s
13 application, instead, they have simply refused to accept the application. (Winsler Decl., ¶10).
14 Because no revocation or denial has taken place, Plaintiff’s ability to avail himself to the appeal
15 process identified in the rule is unavailable.

16 Because Mr. Winsler cannot avail himself to the protections contained in FES 7-1 to
17 prevent the erroneous deprivation of a permit, he has not other adequate remedy at law and must
18 seek relief through a Writ of Mandamus.

19 **c) Plaintiff is beneficially interested because he has attempted to apply for a Permit,**
20 **but Defendants failed to process and issue a Permit to him.**

21 Whether Plaintiff is beneficially interested relates to whether he “has an interest in the
22 action beyond that shared in common with other citizens.” *Retired Pub. Employees Council v.*
23 *Charles*, 148 Wn. 2d 602, 616, 62 P.3d 470 (2003) (citing *State ex rel. Lay v. Simpson*, 173 Wn.
24 512, 513, 23 P.2d 886 (1933)).

 Mr. Winsler owns and operates a professional dog walking business. (Winsler Decl., ¶3).
 Unlike a normal Washington State Citizen, he cannot within the confines of FES 7-1, walk dogs
 within the Marymoor public park because the rule only applies to businesses. FES 7-1 imposes a
 restriction, the need to obtain a permit to conduct his lawful business, on Mr. Winsler which is

1 not shared in common with other citizens. Even if a citizen owns fifteen (15), twenty (20), or
2 even a hundred (100) dogs and wishes to walk them at the same time in Marymoor park, they
3 would not be subject to the same restriction as Mr. Winsler. (Winsler Decl., ¶14). The loss of an
4 ability to walk dogs within the park has a negative impact on Mr. Winsler's business including
5 his ability to obtain new clients. (Winsler Decl., ¶14).

6 IV. CONCLUSION

7 Plaintiff is able to demonstrate his entitlement to a writ of mandamus because the
8 Defendants are under a clear duty to issue permits to those who are in compliance with FES 7-1,
9 that Mr. Winsler is in fact in compliance with FES 7-1, cannot avail himself to the administrative
10 appeal process in FES 7-1 due to the Defendants refusal to accept his application, and has
11 suffered a unique harm to his legitimate business that is beyond that of an average resident of
12 King County.

13 For the foregoing reasons, a writ must be issues in favor of the Plaintiff.

14 DATED this 7th day of December 2018

15 /s Jeffrey Gates

16 Jeffrey Gates, WSBA #45422
17 The Rosenberg Law Group, PLLC
18 500 Union Street, Suite 510
19 Seattle, WA 98101
20 (206) 407-3300 (Phone)
21 Jeffrey@RosenbergLawGroup.net

22 I certify that this memorandum contains [1,926] words, in compliance with the LCR.
23
24

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CLERK
KING COUNTY COUNCIL

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

<p>RICHARD WINSLER, an individual Plaintiff, vs. KING COUNTY DEPARTMENT OF NATURAL RESOURCES AND PARKS, a Washington Municipal Corporation, KING COUNTY PARKS DEPARTMENT, a Washington Municipal Corporation, and CHRISTINE TRUE directory of King County Department of Natural Resources and Parks, a Washington State Resident. Defendants.</p>	<p>NO. 18-2-23056-0 SEA DECLARATION OF RICHARD WINSLER IN SUPPORT OF APPLICATION FOR WRIT OF GARNISHMENT</p>
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I, Richard Winsler, declare that:

1. I am the Plaintiff in the above-captioned action.
2. I am over the age of 18 and competent to testify as to the matters herein.
3. In 1998, I began a professional dog walking business known as "Catch Me if you Can". I changed the name to WOOF-Dog Adventures, LLC in March, 2018.
4. On December 5, 2015, I emailed a request to marymoorpark@kingcounty.gov application for a professional dog walker permit at Marymoor Park. It is attached hereto as **Exhibit A**.

1 5. On December 7, 2015, I received an email response to my inquiry that King County was
2 not issuing any permits.

3 6. In December of 2016, I sent a similar email request to apply for the permit and received
4 the same response from King County saying they were not issuing permits.

5 7. On December 8, 2017, I sent an email to the same address requesting an application for a
6 permit. They did not respond. I sent a follow up email on December 14, 2017.

7 8. On December 21, 2017, King County informed me that no applications were being
8 accepted for the year, and that they would not process an application submitted by me. All they
9 would do is provide a sample application and stated that no permits would be issue for 2018.

10 Attached hereto are true and correct copies of my emails as **Exhibit B**.

11 9. I meet all of the requirements of FES 7-1, the rule which requires permits for professional
12 dog walkers at Marymoor Park.

13 10. For over four (4) years, the Defendants have refused to issue me a permit, or even allow
14 me to pay the fees to apply for one.

15 11. I currently hold a valid business license, attached hereto as **Exhibit C**.

16 12. I currently have liability insurance, a copy of those policy documents is attached hereto
17 as **Exhibit D**.

18 13. On or about January 15, 2016 I was asked to leave Marymoor Park because I did not have
19 a permit. I was asked to leave on multiple occasions in 2017 as well, for the same reason.

20 14. Unless I am able to obtain a permit, I cannot operate my legitimate professional dog
21 waking business.
22

1 15. My inability to walk dogs in Marymoor Park has harmed by business, because clients and
2 prospective clients want their dogs to be walked in a natural setting, not simply on concrete
3 sidewalks.

4 16. In August, 2011, The King County Department of Natural Resources and Parks enacted
5 Rule FES 7.1. Attached hereto as Exhibit E is a true and correct copy of that rule. Prior to the
6 enactment of that rule, I was able to operate my professional dog walking business in Marymoor
7 Park.

8 I declare under penalty of perjury under the laws of the State of Washington that the
9 foregoing is true and correct.

10 DATED this 5th day of December, 2018

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24


Richard Winsle, Plaintiff

Exhibit A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: DNRP Marymoor Park Front Desk <marymoorpark@kingcounty.gov>
Date: December 7, 2015 at 4:41:41 PM PST
To: 'Richard W.' <walkthek9@msn.com>
Subject: RE: Request for application for Professional Dog Walker Permit

Hello,

We are not issuing new professional dog-walker permits at this time.

Thank you for your Inquiry.

From: Richard W. [<mailto:walkthek9@msn.com>]
Sent: Saturday, December 05, 2015 11:12 AM
To: DNRP Marymoor Park Front Desk
Subject: Request for application for Professional Dog Walker Permit

I am requesting an application for a 2016 dog walker permit at Marymoor.

Please email me the application.

Thank you-

Have a dog-gone great day!

Richard Winsler
Email: walkthek9@msn.com
206-384-1221

Exhibit B

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Richard Winsler <walkthek9@gmail.com>
Date: December 28, 2017 at 7:00:31 AM PST
To: "Perkins, Matthew" <Matthew.Perkins@kingcounty.gov>
Cc: DNRP Marymoor Park Front Desk <marymoorpark@kingcounty.gov>, norah.robinson@kingcounty.gov
Subject: Re: Dog Walker Permit

Ok.
So at any time people on the "interest" list may be called upon, correct? And I am third on the list of 25, correct?

Has your department considered making more permits available? Clearly there is a need to do so.
Or allow a time slot for more Permit holders.
For example- 12 permits have use of Marymoor from 9am-12pm.
12 additional permits have use of Marymoor from 12-3. Or a new system that is similar.
Or even a lottery system perhaps.
It is biased to automatically renew current permits without ever allowing new permits to be issued.

Sincerely,
Richard Winsler

On Dec 21, 2017, at 1:11 PM, Perkins, Matthew <Matthew.Perkins@kingcounty.gov> wrote:

Dear Mr. Winsler:

Twenty-five people are on the interest list. Your name is third on that list, where it listed with your contact number as 206-384-1221 and email address as walkthek9@msn.com. If you need that information updated, please let us know.

I have attached a sample 2018 Professional Dog Services Concession Permit application. We are not, however, accepting any new Professional Dog Services Permit applications for 2018.

Thank you.

Sincerely,

Matthew Perkins

Parks and Recreation Division

p: 477-4527

e: matthew.perkins@kingcounty.gov

201 South Jackson Street, Suite 700

Seattle WA 98104

www.kingcounty.gov/parks | Facebook | Blog

200 parks, 175 miles of trails, 28,000 acres of open space

-----Original Message-----

From: Richard Winsler [<mailto:walkthek9@gmail.com>]

Sent: Friday, December 15, 2017 8:50 AM

To: Perkins, Matthew <Matthew.Perkins@kingcounty.gov>

Cc: DNRP Marymoor Park Front Desk <marymoorpark@kingcounty.gov>

Subject: Re: Dog Walker Permit

Great, we appreciate the acknowledgment and look forward to the email next week.

Thank you,

Richard Winsler

Have a dog gone great day!

Pawed from my iPhone-WOOF!

On Dec 15, 2017, at 10:32 AM, Perkins, Matthew
<Matthew.Perkins@kingcounty.gov> wrote:

Mr. Winsler,

This email acknowledges King County Parks has received your email of December 8 and your two emails of December 14. We will be in touch via email next week to follow-up with you.

Thank you.

Sincerely,

Matthew Perkins

Parks and Recreation Division

p: 477-4527

e: matthew.perkins@kingcounty.gov

201 South Jackson Street, Suite 700

Seattle WA 98104

www.kingcounty.gov/parks | Facebook | Blog

200 parks, 175 miles of trails, 28,000 acres of open space

-----Original Message-----

From: Richard Winsler [<mailto:walkthek9@gmail.com>]

Sent: Thursday, December 14, 2017 8:18 AM

To: DNRP Marymoor Park Front Desk

Subject: Dog Walker Permit

According to King County website I need to email you for a 2018 application to receive a dog walker permit.

Please send me one ASAP or email it to me.

I look forward to your response.

Thank you-

Richard Winsler

535 13th Ave East #405

Seattle, WA. 98102

Have a dog gone great day!

Pawed from my iPhone-WOOF!

Have a dog gone great day!

Pawed from my iPhone-WOOF!

<2018 Sample Professional Dog Service Permit-Application.pdf>

Exhibit C



BUSINESS LICENSE

STATE OF
WASHINGTON

Unified Business ID #: 604264159
Business ID #: 001
Location: 0001

Limited Liability Company

WOOF-DOG ADVENTURES, LLC
WOOF-DOG ADVENTURES,LLC
7520 33RD AVE NE
SEATTLE, WA 98115-4706

TAX REGISTRATION #604-264-159 - ACTIVE

REGISTERED TRADE NAMES:
WOOF-DOG ADVENTURES,LLC

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Director, Department of Revenue

STATE OF WASHINGTON

BI: 604264159 001 0001

WOOF-DOG ADVENTURES, LLC
WOOF-DOG ADVENTURES,LLC
520 33RD AVE NE
SEATTLE, WA 98115-4706

TAX REGISTRATION #604-264-159 -
ACTIVE



UNITED STATES OF AMERICA

The State of  Washington

Secretary of State

I, **KIM WYMAN**, Secretary of State of the State of Washington and custodian of its seal, hereby issue this

CERTIFICATE OF FORMATION

to

WOOF-DOG ADVENTURES, LLC

A WA LIMITED LIABILITY COMPANY, effective on the date indicated below.

Effective Date: 03/28/2018

UBI Number: 604 264 159



Given under my hand and the Seal of the State
of Washington at Olympia, the State Capital

Kim Wyman

Kim Wyman, Secretary of State

Date Issued: 03/28/2018

Exhibit D



Member Certificate In Dues Liability Program

THIS CERTIFICATE IS ISSUED TO
THE FOLLOWING INSURED MEMBER:

Richard Winsler II

Membership ID Number: 51660
Policy Number: 3ED4158

WOOOF- Dog Adventures, LLC
7520 33rd Ave Ne
Seattle, WA 98115
(206) 384-1221

For association questions and/or
questions about your insurance plan,
please contact PSA headquarters at
(855) 737-1598 or (715) 831-6004.

Pet Daycare & Boarding Locations: Richard
Winsler, 7520 33rd Ave NE

Membership Effective: 04/10/2018 **Membership Expires:** 04/10/2019

Optional Coverage: Pet Daycare & Boarding

LIMITS OF INSURANCE BODILY INJURY OR PROPERTY DAMAGE:

\$1,000,000 Each Occurrence
\$2,000,000 General Aggregate
\$1,000,000 Personal and Advertising Injury
\$2,000,000 Products / Completed Operations Aggregate Limit
\$100,000 Damage to Premises Rented to You
\$15,000 Each Occurrence for loss of pets in your care, custody or control
\$30,000 Annual Aggregate for loss of pets in your care, custody or control
\$1,000 Each Occurrence / \$5,000 Annual Aggregate Veterinarian Expense
\$2,000 Lost Key coverage for Re-keying of customer's homes
\$5,000 Medical Expense Limit

Administered by: RPS Eau Claire, Eau Claire, WI.
Underwritten by: Evanston Insurance Company

File a claim online or call:
1-844-777-8323

\$500 per occurrence deductible toward vet expense for any claim arising out of the
voluntary releasing of a pet in your care, custody or control from its leash, outside of the
above ground fenced yard of the pet's owner's or pet sitter's residence (if the optional
pet daycare & boarding coverage is purchased).

View coverage forms at: www.petsitllc.com/members/

Date: 09/19/2018

Authorized Representative:

Colleen E. Gibbs-Harris



Exhibit E

ORIGINAL



King County
Public Rules and Regulations

Public Rules

King County

Title	Document Code No.
Permit Requirements and Procedures for Professional Dog Service Business Use of Parks and Recreation Division Property.	FES 7-1 (PR)
Department/Issuing Agency	Date
Department of Natural Resources and Parks	August 5, 2011
Approved	Christie True / Director of KC Dept of Natural Resources and Parks

- 1.0** SUBJECT/TITLE: Permit Requirements and Procedures for Professional Dog Service Business Use of Parks and Recreation Division Property.
- 1.1 EFFECTIVE DATE: 30 days after approval date
- 1.2 TYPE OF ACTION: New
- 1.3 KEYWORDS: Dog Walker; Permit Fee; Marymoor Park; Concession; Pet Sitting; Off-Leash; Dog Park; Dog Day Care.
- 2.0** PURPOSE: To implement the provisions of King County Code Chapter 7.12.150 by issuance of concessionaire permits to manage professional dog service business operations on King County Parks Division property.
- 3.0** ORGANIZATIONS AFFECTED: Department of Natural Resources and Parks; Pet Service Providers; Purchaser or the public.
- 4.0** REFERENCES:
- 4.1 King County Code Chapter (K.C.C.) 4.57 – Revenue and Financial Regulation
- 4.2 K.C.C. 7.12.150 - Parks and Recreation -Rules for use of Facilities – Sale of goods or services.
- 4.3 K.C.C. 7.12.040 – Parks and Recreation – Rules for use of Facilities - Permits
- 4.4 K.C.C. 7.12.670 – Parks and Recreation – Rules for use of Facilities – Administrative Sanctions
- 4.5 Revised Code of Washington (RCW) Title 9A – Washington Criminal Code
- 5.0** DEFINITIONS:
- 5.1 “Professional Dog Service Business” refers to a private enterprise that provides services to individuals related to the care or training of pet dogs.

- 5.2 "Concession" means the privilege or authority to sell goods or services within parks and recreation facilities or to operate parks and recreation facilities or a portion thereof.
- 5.3 "Permit" means an authorization for the use of parks and recreation facilities that imposes conditions on the permittee in addition to those conditions imposed on the general public.

6.0 POLICIES:

- 6.1 King County Code ("K.C.C.") Chapter 4.57 and K.C.C. 7.12.040 authorize the Parks and Recreation Division to issue a concession license or permit to conduct a business, such as a professional dog-walking business, in a King County park or recreation facility. Such licenses or permits are referred to herein as a "Permit." The holder of a Permit is referred to herein as a "Concessionaire"
- 6.2 To use a King County park for a private dog service business, the business must obtain an annual Professional Dog Services Concession Permit from King County Parks and Recreation Division. Permit requirements are:

- 6.2.1 Payment of current annual Professional Dog Services Concession Permit fee to Parks and Recreation Division each calendar year, and an impact fee which is paid to King County Parks Division or to an approved park stewardship organization such as Serve Our Dog Areas (S.O.D.A.) or; in lieu of cash payment of impact fee, performance of approved, documented park stewardship hours equivalent to the impact fee. The annual permit and impact fee rates will be published in the Parks and Recreation Division Fees in December for the following year. 2011 rates are as follows:

Permit Fee	\$98
Impact Fee	\$.52 X estimated number of visits per dog, per year, maximum \$702 per permit each calendar year
Stewardship Hours Credit	\$20/hour, up to 35 hours

- 6.2.2 Possession of valid insurance coverage. See Appendix 9.1
- 6.2.3 Possession of current Washington State Business License.
- 6.2.4 Adherence to the "Rules of Conduct for Professional Dog Services Concession Permit Holder," See Appendix 9.2.

- 6.3 Enforcement: King County's strong preference is for Concessionaires to voluntarily comply with their Permit, and to self-police each other. Except for Bad Behavior as

described in Section 6.3.1, the initial method of Permit enforcement will be by a request for voluntary compliance. The person making the request for voluntary compliance should document the date, time, place, and manner (oral or written) in which the request is made, but such documentation is not mandatory. Inadvertent or minor violations that might otherwise be grounds for Permit revocation will ordinarily be corrected or resolved without Permit revocation.

- 6.3.1 Bad Behavior will not be tolerated. Bad Behavior includes, but is not limited to fighting, insults, profanity, threats, or other unlawful, violent, aggressive, rude, abusive, or plainly discourteous behavior. Each incident or type of Bad Behavior constitutes an independent and separate basis for King County to revoke a Permit, or to deny a subsequent Permit application. For Permit purposes, a "threat" is a statement that objectively communicates, to a particular individual or group of individuals, a serious expression of an intent to commit an act of unlawful violence. It is irrelevant whether the person making the threat subjectively intends to carry it out.
- 6.3.2 Enforcement may be based on observations by King County staff, by the King County Sheriff or sheriff's deputies ("the Sheriff"), by the Division Director or his or her designee ("the Director"), or upon civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.
- 6.4 Revocation: The Director may revoke the Permit of any Concessionaire who engages in Bad Behavior as defined in Section 6.3.1, who fails to comply with Permit terms or the Permit code of conduct, who fails to comply with King County Code Chapter 7.12 (Rules for Park Use), or who commits an act which, if proven, would be a violation of RCW Title 9A. The Director's factual determinations shall have no collateral estoppel effect on any subsequent criminal prosecution or civil proceeding other than an appeal from the Director's decision, and shall not preclude litigation of those same facts in such other criminal prosecution or civil proceeding.
 - 6.4.1 To revoke a Permit or deny a Permit application, the Sheriff or the Director will deliver a notice ("the Notice") in person to the Concessionaire or applicant, or by first class and certified mail to the last known address of the Permit holder or applicant. The Notice is deemed served and effective on the date the Notice is delivered in person, or three (3) days after the date the Notice is mailed (each, the "Revocation/Denial Date").
 - 6.4.2 A Concessionaire whose Permit is revoked, or whose Permit application is denied, may not apply for a new Permit until January 1 of the following calendar year, or until six (6) months have elapsed from the Revocation/Denial Date, whichever is longer.
- 6.5 Appeal Process: Any Concessionaire whose Permit is revoked, or whose Permit application is denied, may, within fourteen (14) days of the service of the Notice, file a written appeal with the Director by mailing or delivering it to the Director at the mailing address listed below. E-mail and fax are not acceptable.

- 6.5.1 The written appeal must succinctly state the reasons that the initial decision should be modified or reversed and, to the extent applicable, must be accompanied by copies of the Permit or the Permit application, the Notice, and any other papers that may be relevant to the appeal.
- 6.5.2 The Director will review the appeal, without a hearing, based solely on the written materials provided by the person filing the appeal ("the Appellant"), by King County staff or agents, and by any third-party witnesses.
- 6.5.3 Within fourteen (14) days of the date on which the appeal is received, the Director must serve upon the Appellant a notice that the Director has affirmed, modified or reversed the initial decision. Such notice is deemed served upon the Appellant when it is personally delivered, or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the Permit, the Permit application, or the appeal request. If such notice is not served upon the Appellant within fourteen (14) days of the date upon which the appeal is received, then the Permit revocation or application denial will be deemed reversed.
- 6.5.4 **Appeals and other concession permit-related correspondence should be directed to:**

**Director's Office
Parks and Recreation Division
King County Department of Natural Resources and Parks
201 S. Jackson St. #700
Seattle, WA 98104**

7.0 PROCEDURES:

Action By	Action
Dog Service Business	Submit application, fee payment for Professional Dog Services Concession Permit to Parks and Recreation Division. (See 6.1 of these rules for application requirements).
Parks and Recreation Division Staff	Review application for completeness. Collect fee, issue receipt. Issue permit.
Dog Service Business	Participate in approved stewardship activities if necessary. Submit documentation of participation to Parks and Recreation Division.

Parks and Recreation Division Staff	Verify documented participation. Record in permit holder file. Monitor permit holder compliance. Send notice of compliance or non-compliance to permit holders mid-year and end-of-year.
--	--

8.0 RESPONSIBILITIES:

Action By	Action
Dog Service Business	<ul style="list-style-type: none">• Apply for permit;• Pay applicable permit fee;• Comply with the terms of permit;
Parks and Recreation Division Staff	<ul style="list-style-type: none">• Review application for completeness.• Process permit fees.• Issue permits.• Respond to inquiries and complaints from permit holders and public.• Enforce compliance with permit requirements.

9.0 Appendices:

9.1 CONCESSION PERMIT HOLDER INSURANCE REQUIREMENTS

Commercial General Liability. Each concession permit holder ("Concessionaire") shall procure and maintain, for the duration of their permit, commercial general liability insurance against claims for injuries of persons or damages to property, which may arise from or in connection with Concessionaire's use of King County property. Such insurance shall be as broad as that provided by the Commercial General Liability "occurrence" form CG0001 (to include Products – Completed Operation) (ed. 11/88). The insurance limits shall be no less than One Million Dollars (\$1,000,000) per occurrence for bodily injury and property damage, and Two Million Dollars (\$2,000,000) aggregate limit.

Automobile Liability. Concessionaire must have automobile insurance or other financial responsibility sufficient to comply with Washington State law (RCW chapter 46.30, Mandatory Liability Insurance, as now codified or hereafter amended).

Workers' Compensation. If Concessionaire has employees, then Statutory Workers' Compensation and One Million Dollars (\$1,000,000) Employer's Liability/Stop Gap coverage is required.

The required liability insurance policies (except Automobile and Workers' Compensation) are to be endorsed to:

- Name "King County, its officers, officials, agents and employees" as additional insureds with respect to use of the Site as outlined in this Agreement (Form CG 2026 or its equivalent);
- Such coverage shall be primary and non-contributory insurance as respects King County;
- State that Concessionaire's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability; and
- State that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits, except after forty-five (45) days prior written notice to King County.

The insurance provider must be licensed to do business in the State of Washington and have a Bests' rating of A-VIII or better. Any deductible or self-insured retention must have been declared to and approved by King County. The deductible and/or self-insured retention of the policies shall not limit or apply to Concessionaire's liability to King County and shall be the sole responsibility of Concessionaire.

Concessionaire to Assess Own Risks. By requiring such minimum insurance as specified herein, King County may not be deemed or construed to have assessed the risks that may be applicable to Concessionaire. Concessionaire will assess his or her own risks and, if Concessionaire deems appropriate or prudent, or both, Concessionaire should maintain greater limits or broader coverage.

9.2 RULES OF CONDUCT FOR PROFESSIONAL DOG SERVICES CONCESSION PERMIT HOLDER

1. Limit pack to ten (10) dogs per visit (or maximum specified in pro rata/reduced use permit).
2. Wear current Marymoor Permit ID in a manner visible to the public at all times, using vest provided by the County.
3. Display current Marymoor Parking Permit in approved manner on vehicle.
4. Park in the Northeast parking lot, Lot G, unless otherwise approved or directed by park personnel.
5. Limit dog service-related visits to Monday thru Friday 10:00 a.m.—4:00 p.m. (or as specified in pro rata/reduced use permit).
6. Maintain professionalism:
 - ❖ Keep your pack moving.
 - ❖ Avoid distractions such as texting, listening to music, talking on a cell phone, etc.
 - ❖ Limit conversations with patrons or other dog walkers to a short duration.
 - ❖ Maintain voice control over your pack.
 - ❖ Devote full attention to your pack to the maximum extent practicable.
 - ❖ Exhibit courteous behavior with all people and dogs you encounter.
 - ❖ **Fighting, insults, profanity, threats, or other unlawful, violent, aggressive, rude, abusive, or plainly discourteous behavior will NOT be tolerated.**
 - ❖ Ensure all dogs in your pack wear a collar with a current pet license and identification with your contact information.
 - ❖ Stop dogs in your pack from digging.
 - ❖ Keep dogs out of off-limit areas, such as fenced areas along the river, athletic fields, Community Garden, and areas of re-growth.
 - ❖ Immediately stop bothersome dog behavior (e.g., repetitive barking, extended growling, fighting, mounting, etc.).
 - ❖ Properly dispose of bagged waste in designated trash receptacles.

7. Maintain distance from the public whenever possible:
 - a. Avoid busy water stops or groups of people.
 - b. Steer away from young children and timid or little dogs.
8. Pre-screen dogs for your pack--bring only those with proper social skills.
9. Do not bring dogs that exhibit aggressive behavior.
10. In addition to picking up waste from the dogs in your care, pick up other waste for ten minutes
—per-visit.
11. Bulletin board ads should be no larger than 8 ½ x 11 inches, one (1) per board, without excessive staples.
12. Abide by all King County and S.O.D.A. Rules, including King County Code Chapter 7.12.

RECEIVED

2018 DEC 11 AM 10:54

CLERK
KING COUNTY COUNCIL

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

Richard Winsler

vs.

King County Dpt. of Nat. Res. and Parks, Et al

**CASE NO. 18-2-23056-0
NOTICE OF COURT DATE (Judges)
(NOTICE FOR HEARING)
SEATTLE COURTHOUSE ONLY
(Clerk's Action Required) (NTHG)**

TO: THE CLERK OF THE COURT and to all other parties per list on Page 2:
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: January 4, 2019 **Day of Week:** Friday

Nature of Motion: Application for Writ of Mandamus

CASES ASSIGNED TO INDIVIDUAL JUDGES – SEATTLE

If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. **Working Papers:** The judge's name, date and time of hearing **must** be noted in the upper right corner of the Judge's copy. **Deliver Judge's copies to Judges' Mailroom at C203**

Without oral argument (Mon - Fri)

With oral argument Hearing

Date/Time: _____

Judge's Name: _____ Trial Date: _____

CHIEF CRIMINAL DEPARTMENT – SEATTLE (E1201)

[] Bond Forfeiture 3:15 pm, 2nd Thursday of each month

[] Extraordinary Writs from criminal or infraction (Show Cause Hearing) LCR 98.40(d) 3:00 p.m. Mon-Thurs.

[] Certificates of Rehabilitation- Weapon Possession (**Convictions from Limited Jurisdiction Courts**)
3:30 First Tues of each month

CHIEF CIVIL DEPARTMENT – SEATTLE (Please report to W325 courtroom 2 for assignment)

Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing

[x] Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. **Thurs/Fri** -report to Room W719

[] Supplemental Proceedings/ Judicial Subpoenas (1:30 pm **Thurs/Fri**)(LCR 69)

[] Motions to Consolidate with multiple judges assigned (LCR 40(a)(4) (without oral argument) M-F

[] Structured Settlements (1:30 pm **Thurs/Fri**)(LCR 40(2)(S))

Non-Assigned Cases:

[] Non-Dispositive Motions M-F (without oral argument).

[] Dispositive Motions and Revisions (1:30 pm **Thurs/Fri**).

[] Certificates of Rehabilitation (**Employment**) 1:30 pm **Thurs/Fri** (LR 40(a)(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: s/ Jeffrey Gates Print/Type Name: Jeffrey Gates

WSBA # 45422 (if attorney) Attorney for: Plaintiff

Address: 500 Union St. Suite 510 City, State, Zip Seattle, WA 98101

Telephone: 206-407-300 Email Address: Jeffrey@rosenberglawgroup.net Date: 12/5/2018

DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name Melani Pedroza, Clerk of the Council
 Service Address: 516 Third Avenue, Room 1200
 City, State, Zip Seattle, WA 98104
 WSBA# _____ Atty. For: _____
 Telephone #: (206) 477-1020
 Email Address: melani.pedroza@kingcounty.gov

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____
 Email Address: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
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 Telephone #: _____
 Email Address: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____
 Email Address: _____

IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than **six** court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

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CLERK
KING COUNTY COUNCIL

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

Richard Winsler

NO. 18-2-23056-0 SEA

VS

CASE INFORMATION COVER SHEET
AND AREA DESIGNATION

KING COUNTY DEPARTMENT OF NA

CAUSE OF ACTION

(WRM) - MANDAMUS (WRM 2)

AREA DESIGNATION

SEATTLE - Defined as all King County north of Interstate 90 and including all of Interstate 90 right of way, all of the cities of Seattle, Mercer Island, Issaquah, and North Bend, and all of Vashon and Maury Islands.

RECEIVED

2010 DEC 11 AM 10:52

CLERK
KING COUNTY COUNCIL

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6 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
7 **IN AND FOR THE COUNTY OF KING**

8 RICHARD WINSLER, an individual
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Plaintiff,

No.

vs.

KING COUNTY DEPARTMENT OF
NATURAL RESOURCES AND PARKS, a
Washington Municipal Corporation, KING
COUNTY PARKS, a Washington Municipal
Corporation, and CHRISTINE TRUE
directory of King County Department of
Natural Resources and Parks, a Washington
State Resident.

SUMMONS (20 DAY)

Defendants.

TO THE DEFENDANT:

A lawsuit has been started against you in the above entitled court by Richard Winsler, plaintiff. Plaintiffs' claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be

1 entered against you without notice. A default judgment is one where plaintiff is entitled to what
2 he asks for because you have not responded. If you serve a notice of appearance on the
3 undersigned person, you are entitled to notice before a default judgment may be entered.

4 You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand
5 must be in writing and must be served upon the person signing this summons. Within 14 days
6 after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on
7 you of this summons and complaint will be void.

8
9 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
10 that your written response, if any, may be served on time.

11 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
12 of Washington.

13
14 DATED this 14th day of September, 2018.

15 THE ROSENBERG LAW GROUP, PLLC
16 Attorneys for Plaintiff

17 /s/ Jeffrey Gates
18 Jeffrey Gates, WSBA #45422

RECEIVED

2018 DEC 11 AM 10:52

CLERK
KING COUNTY COUNCIL

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

RICHARD WINSLER, an individual
Plaintiff,

vs.

KING COUNTY DEPARTMENT OF
NATURAL RESOURCES AND PARKS, a
Washington Municipal Corporation, KING
COUNTY PARKS DEPARTMENT, a
Washington Municipal Corporation, and
CHRISTINE TRUE directory of King County
Department of Natural Resources and Parks, a
Washington State Resident.

Defendants.

No.

**Complaint for Writ of Mandamus and
Damages**

COMES NOW Plaintiffs, by and through their attorneys of record, and for cause of
action against the Defendant states as follows.

I. PARTIES

1. **Plaintiff – Richard Winsler:** Richard Winsler is an individual living in
Washington State.

1 10. According to the King County Parks Marymoor website located at
2 [https://www.kingcounty.gov/services/parks-recreation/parks/parks-and-natural-lands/popular-](https://www.kingcounty.gov/services/parks-recreation/parks/parks-and-natural-lands/popular-parks/marymoor.aspx)
3 [parks/marymoor.aspx](https://www.kingcounty.gov/services/parks-recreation/parks/parks-and-natural-lands/popular-parks/marymoor.aspx) , applications for professional dog walker permit applications are to be
4 submitted to marymoorpark@kingcounty.gov.

5 11. On December 5, 2015, Mr. Winsler emailed a request to
6 marymoorpark@kingcounty.gov application for a professional dog walker permit at Marymoor
7 Park.

8 12. On December 7, 2015, Mr. Winsler received an email response to his inquiry that
9 Defendants were not issuing Permits.

10 13. In December of 2016, Mr. Winsler sent a similar email, and received a similar
11 response that the Defendants were not issuing Permits.

12 14. On December 8, 2017, Mr. Winsler sent an email to the Marymoor Park Front
13 Desk requesting an application for a Permit. He sent a follow up email on December 14, 2017.

14 15. On December 21, 2017, Defendants informed Plaintiff Winsler that no
15 applications were being accepted for the year, and that they would not process an application
16 submitted by him. All they would do is provide a sample application and stated that no permit
17 for Mr. Winsler would issue for 2018.

18 16. On several occasions, the Defendants have required Mr. Winsler to leave
19 Marymoor Park because he does not have a permit issued by the Defendants.

20 17. Defendants have failed to follow the requirements and procedure of FES 7-1,
21 which mandate the acceptance of Mr. Winsler's application and the issuance of a permit to
22 conduct his otherwise lawful business activity.

23 18. For over four (4) years, Defendants have refused to issue a permit or allow Mr.
24 Winsler to apply for a permit despite the fact he meets all of the requirements of FES 7-1.

1 **IV. FIRST CAUSE OF ACTION: RCW 7.16.160 WRIT OF MANDAMUS**

2 19. Plaintiff realleges and incorporates by reference paragraphs 1 through 18 of this
3 Complaint.

4 20. Under FES-1, the King County Parks department is under a clear duty to review
5 applications for, and to issue professional dog walker permits for applications that have met the
6 requirements identified in FES-1. The issuance of a permit is not discretionary and is a
7 ministerial act because FES-1 does not grant the Defendants authority to modify or change the
8 requirements and procedures of the rule.

9 21. Although FES-1 has an appeal process under ¶6.5, the appeal procedures only
10 apply when a permit is revoked, or when a permit application is denied. Because the Defendants
11 have refused to accept Mr. Winsler’s application, he is unable to file an appeal since neither of
12 these circumstances apply. Therefore, he has no other adequate remedy because he is unable to
13 file an allowable appeal under FES-1.

14 22. Mr. Winsler has applied for a permit, but the Defendants have in no way acted on
15 his application and in fact, have refused to process his application in the slightest.

16 23. Based on the allegations herein, a peremptory writ of mandamus, or an alternative
17 writ of mandamus requiring the Defendants to show cause should be granted.

18 **V. SECOND CAUSE OF ACTION: RCW 7.16.260 JUDGMENT FOR DAMAGES**

19 24. Plaintiff realleges and incorporates by reference paragraphs 1 through 24 of this
20 Complaint.

21 25. Defendants have failed to perform their minstrel duties in accordance with FES-1.
22 Their actions are arbitrary and capricious and have caused the Mr. Winsler to suffer damages
23 including costs and attorney fees in bringing this action.

24 26. Mr. Winsler therefore requests an award of damages, including costs and attorney
25 fees as authorized under RCW 7.16.260.

1 **VII. PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs respectfully prays for the following relief:

- 3 A. Issuance of a peremptory writ of mandamus, or an alternative writ of mandamus
4 requiring the Defendants to show cause should be granted.
5 B. Attorney fees and costs incurred by Plaintiff in this lawsuit; and
6 G. For such other relief as the court may deem just or equitable.

7 DATED this 17th day of September, 2018.

8 **THE ROSENBERG LAW GROUP, PLLC**
9 Attorneys for Plaintiff

10 */s/ Jeffrey Gates*
11 Jeffrey Gates, WSBA #45422

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2018 DEC 11 AM 10:53

CLERK
KING COUNTY COUNCIL

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

<p>RICHARD WINSLER, an individual Plaintiff,</p> <p>vs.</p> <p>KING COUNTY DEPARTMENT OF NATURAL RESOURCES AND PARKS, a Washington Municipal Corporation, KING COUNTY PARKS DEPARTMENT, a Washington Municipal Corporation, and CHRISTINE TRUE directory of King County Department of Natural Resources and Parks, a Washington State Resident.</p> <p>Defendants.</p>	<p>NO. 18-2-23056-0 SEA</p> <p>APPLICATION FOR WRIT OF MANDAMUS</p>
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I. RELIEF REQUESTED

COME NOW Plaintiff Richard Winsler, by and through his attorney of record, Jeffrey Gates of Rosenberg Law Group PLLC, and respectfully move the Court for a Writ of Mandamus that directs the Defendants to issue a Professional Dog Services Concession Permit (herein "Permit") because he has complied with the requirements outlined in FES 7-1 of the King County Public Rules and Regulations authorizing the issuance of such permits.

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1 **II. FACTS**

2 On August 5, 2011, the King County Department of Natural Resources and Parks enacted
3 Rule FES 7.1 (PR) (Declaration of Richard Winsler in support of Application for Writ of
4 Mandamus (herein “Winsler Decl.”), ¶16, Exhibit E. It was enacted under the authority of King
5 County Code “K.C.C”) Chapter 4.57 and K.C.C. 7.12.040 to issue licenses or permits for the use
6 of a King County park for a private dog service business. FES 7-1, §6.1. FES 7-1 refers to such
7 licenses or permits as “Permits”. FES 7-1, §6.2.

8 FES 7-1 identifies a step by step procedure for the issuance of a permit. FES 7-1, §7.0.
9 It requires that a Dog Service Business do the following in order to obtain a permit: “Submit
10 application, fee payment for Professional Dog Services Concession Permit to Parks and
11 Recreation Division. (See 6.1 of these rules for application requirements).” *Id.*

12 Upon completion of the above-mentioned tasks, the Parks and Recreation Division Staff
13 are required to do the following: Review application for completeness. Collect fee, issue receipt.
14 Issue permit. *Id.*,

15 In 1998 Mr. Winsler began a professional dog walking business known as “Catch Me if
16 You Can” which is now known as WOOF-Dog Adventures, LLC. (Declaration of Richard
17 Winsler in support of Application for Writ of Mandamus (herein “Winsler Decl.”), ¶3).

18 According to the King County Parks Marymoor website located at
19 [https://www.kingcounty.gov/services/parks-recreation/parks/parks-and-natural-lands/popular-](https://www.kingcounty.gov/services/parks-recreation/parks/parks-and-natural-lands/popular-parks/marymoor.aspx)
20 [parks/marymoor.aspx](https://www.kingcounty.gov/services/parks-recreation/parks/parks-and-natural-lands/popular-parks/marymoor.aspx) , applications for professional dog walker permit applications are to be
21 submitted to marymoorpark@kingcounty.gov.

22 On December 5, 2015, Mr. Winsler emailed a request to marymoorpark@kingcounty.gov
23 application for a professional dog walker permit at Marymoor Park. (Winsler Decl., ¶4, Exhibit
24 A).

On December 7, 2015, Mr. Winsler received an email response to his inquiry that
Defendants were not issuing Permits. (Winsler Decl., ¶5).

1 In December of 2016, Mr. Winsler sent a similar email, and received a similar response
2 that the Defendants were not issuing Permits. (Winsler Decl., ¶6)

3 On December 8, 2017, Mr. Winsler sent an email to the Marymoor Park Front Desk
4 requesting an application for a Permit. He sent a follow up email on December 14, 2017.
5 (Winsler Decl., ¶7).

6 On December 21, 2017, Defendants informed Plaintiff Winsler that no applications were
7 being accepted for the year, and that they would not process an application submitted by him.
8 All they would do is provide a sample application and stated that no permit for Mr. Winsler
9 would issue for 2018. (Winsler Decl., ¶8, Exhibit B).

10 On several occasions, the Defendants have required Mr. Winsler to leave Marymoor Park
11 because he does not have a permit issued by the Defendants. (Winsler Decl., ¶13).

12 Defendants have failed to follow the requirements and procedure of FES 7-1, which
13 mandate the acceptance of Mr. Winsler's application and the issuance of a permit to conduct his
14 otherwise lawful business activity.

15 For over four (4) years, Defendants have refused to issue a permit or allow Mr. Winsler
16 to apply for a permit despite the fact he meets all of the requirements of FES 7-1. (Winsler Decl.,
17 ¶10-12, Exhibits C and D).

18 III. ARGUMENT AND LEGAL AUTHORITY

19 A Writ of Mandamus shall issue where three elements are met: "(1) the party subject to
20 the writ is under a clear duty to act, RCW 7.16.160; (2) the applicant has no 'plain, speedy and
21 adequate remedy in the ordinary course of law,' RCW 7.16.170; and (3) the applicant is
22 'beneficially interested.' RCW 7.16.170."

23 **a) Defendants are under a clear duty to act, because the acceptance of a permit
24 application and its issuance are Ministerial, not a Discretionary Acts.**

Defendants, by and through FES 7-1, are under a clear duty to both accept an application
for a Permit, and to issue a Permit when specific conditions are met.

1 “In terms of duty, mandamus, if appropriate, tells the respondent what to do, but not how
2 to do it.” *Eugster v. City of Spokane*, 118 Wn. App. 383, 76 P.3d 741, (Div. III, 2003)

3 An ordinance is interpreted “to best advance” the agency’s legislative purpose. *State v.*
4 *C.J.*, 148 Wn. 2d 672, 685, 63 P.3d 765 (2003) (citing *Morris v. Blaker*, 118 Wn.2d 133, 143,
5 821 P.2d 482 (1992)). Furthermore, language cannot be added to an unambiguous rule even if
6 the department, “intended something else but did not adequately express it.” *Kilian v. Atkinson*,
7 147 Wn.2d 16, 20, 50 P.3d 638 (2002) (citing *Wash. State Coalition for the Homeless v. Dep't of*
8 *Soc. & Health Servs.*, 133 Wn.2d 894, 904, 949 P.2d 1291 (1997)). The purpose of the King
9 County Parks is that:

10 The playgrounds, activity centers, pools and other facilities of the
11 division are established by law for public recreation purposes,
12 **including, but not limited to, the provision of community**
13 **services by third parties.**

14 K.C.C. 7.12.020 (emphasis added).

15 Here, Defendants’ standards toward the issuance of a Permit are clearly defined in FES 7-

16 1. The ordinance makes approval of a Permit mandatory if objective, content-neutral facts are
17 established. (See FES 7-1, §6.2). Those facts are as follows:

18 6.2.1 Payment of current annual Professional Dog Services
19 Concession Permit fee to Parks and Recreation Division
20 each calendar year, and an impact fee which is paid to King
21 County Parks Division or to an approved park stewardship
22 organization such as Serve Our Dog Areas (S.O.D.A.) or;
23 in lieu of cash payment of impact fee, performance of
24 approved, documented park stewardship hours equivalent
to the impact fee.

6.2.2 Possession of valid insurance coverage. See Appendix
9 .1

6.2.3 Possession of current Washington State Business
License.

1 6.2.4 Adherence to the "Rules of Conduct for Professional
2 Dog Services Concession Permit Holder," See Appendix
3 9.2.

4 FES 7-1, §6.2.1 – 4.

5 Furthermore, the rule sets forth the sole grounds for the revocation or denial of a Permit
6 or its application. Those grounds are: (1) Concessionaires who engage in Bad Behavior as
7 defined in Section 6.3.1, (2) who fail to comply with Permit terms or the Permit code of conduct,
8 (3) who fail to comply with King County Code Chapter 7.12 (Rules for Park Use), or (4) who
9 commits an act which, if proven, would be a violation of RCW Title 9A. FES 7-1 §6.4.

10 Although the rule does not expressly make issuance of a license mandatory when grounds for
11 denial are not present, it must be so construed. Otherwise, there would be an unconstitutional
12 absence of standards to guide licensing officials. See *Kunz v. New York*, 340 U.S. 290, 293, 71
13 S.Ct. 312, 314, 95 L.Ed. 280 (1950).

14 The first step in the process is for the Dog Service Business to “Submit application...”
15 This is a condition precedent to the payment of any fees. Defendants have refused to accept
16 Plaintiff’s application, despite Plaintiff’s willingness to pay the fees. (Winsler Decl., ¶10).
17 Plaintiff has valid insurance coverage. (Winsler Decl., ¶12, Exhibit D). Plaintiff has possession
18 of a current Washington State Business License (Winsler Decl., ¶11, Exhibit C).

19 Because Plaintiff has complied with the requirements of the Public Rule, the Defendants
20 have no discretion to deny the acceptance and issuance of a Permit. Thus, issuance is a
21 ministerial action which mandamus must compel. See *State ex rel. Klappsa v. Enumclaw*, 73
22 Wn.2d 451, 453, 439 P.2d 246 (1968); *State ex rel. Craven v. Tacoma*, 63 Wn.2d 23, 27, 385
23 P.2d 372 (1963); *Teed v. King Cy.*, 36 Wn. App. 635, 643-644, 677 P.2d 179 (1984).

1 **b) Defendants have refused to accept Plaintiff’s application for a Permit, Preventing**
2 **Plaintiff from Filing an Appeal to Defendants and exercising the only plain, speedy**
3 **and adequate remedy allowed by FES 7-1.**

4 Because Defendants refuse to allow the submission of an application for a Permit, the
5 sole form of redress, that being an appeal as identified in the Public Rule, is unavailable to
6 Plaintiff. Without any alternative avenues, a writ of mandamus must issue.

7 Broadly, the remedy issue turns on whether the duty the plaintiff seeks to enforce “cannot
8 be directly enforced” by any means other than mandamus. Eugster, 118 Wn.App. at 414 (citing
9 *Bd. of Liquidation v. McComb*, 92 U.S. 531, 536, 23 L.Ed. 531, 2 Otto 531 (1875)).

10 FES 7-1 permits “[a]ny Concessionaire whose Permit is revoked, or whose Permit
11 application is denied, may, within fourteen (14) days of the service of the Notice, file a written
12 appeal with the Director...” FES 7-1, §6.5. Defendants have revoked or denied Plaintiff’s
13 application, instead, they have simply refused to accept the application. (Winsler Decl., ¶10).

14 Because no revocation or denial has taken place, Plaintiff’s ability to avail himself to the appeal
15 process identified in the rule is unavailable.

16 Because Mr. Winsler cannot avail himself to the protections contained in FES 7-1 to
17 prevent the erroneous deprivation of a permit, he has not other adequate remedy at law and must
18 seek relief through a Writ of Mandamus.

19 **c) Plaintiff is beneficially interested because he has attempted to apply for a Permit,**
20 **but Defendants failed to process and issue a Permit to him.**

21 Whether Plaintiff is beneficially interested relates to whether he “has an interest in the
22 action beyond that shared in common with other citizens.” *Retired Pub. Employees Council v.*
23 *Charles*, 148 Wn. 2d 602, 616, 62 P.3d 470 (2003) (citing *State ex rel. Lay v. Simpson*, 173 Wn.
24 512, 513, 23 P.2d 886 (1933)).

 Mr. Winsler owns and operates a professional dog walking business. (Winsler Decl., ¶3).
 Unlike a normal Washington State Citizen, he cannot within the confines of FES 7-1, walk dogs
 within the Marymoor public park because the rule only applies to businesses. FES 7-1 imposes a
 restriction, the need to obtain a permit to conduct his lawful business, on Mr. Winsler which is

1 not shared in common with other citizens. Even if a citizen owns fifteen (15), twenty (20), or
2 even a hundred (100) dogs and wishes to walk them at the same time in Marymoor park, they
3 would not be subject to the same restriction as Mr. Winsler. (Winsler Decl., ¶14). The loss of an
4 ability to walk dogs within the park has a negative impact on Mr. Winsler's business including
5 his ability to obtain new clients. (Winsler Decl., ¶14).

6 IV. CONCLUSION

7 Plaintiff is able to demonstrate his entitlement to a writ of mandamus because the
8 Defendants are under a clear duty to issue permits to those who are in compliance with FES 7-1,
9 that Mr. Winsler is in fact in compliance with FES 7-1, cannot avail himself to the administrative
10 appeal process in FES 7-1 due to the Defendants refusal to accept his application, and has
11 suffered a unique harm to his legitimate business that is beyond that of an average resident of
12 King County.

13 For the foregoing reasons, a writ must be issues in favor of the Plaintiff.

14 DATED this 7th day of December 2018

15 /s Jeffrey Gates

16 Jeffrey Gates, WSBA #45422
17 The Rosenberg Law Group, PLLC
18 500 Union Street, Suite 510
19 Seattle, WA 98101
20 (206) 407-3300 (Phone)
21 Jeffrey@RosenbergLawGroup.net

22 I certify that this memorandum contains [1,926] words, in compliance with the LCR.
23
24

RECEIVED
2018 DEC 11 AM 10:53
CLERK
KING COUNTY COUNCIL

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

<p>RICHARD WINSLER, an individual vs. KING COUNTY DEPARTMENT OF NATURAL RESOURCES AND PARKS, a Washington Municipal Corporation, KING COUNTY PARKS DEPARTMENT, a Washington Municipal Corporation, and CHRISTINE TRUE directory of King County Department of Natural Resources and Parks, a Washington State Resident.</p> <p>Plaintiff, Defendants.</p>	<p>NO. 18-2-23056-0 SEA</p> <p>DECLARATION OF RICHARD WINSLER IN SUPPORT OF APPLICATION FOR WRIT OF GARNISHMENT</p>
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I, Richard Winsler, declare that:

1. I am the Plaintiff in the above-captioned action.
2. I am over the age of 18 and competent to testify as to the matters herein.
3. In 1998, I began a professional dog walking business known as "Catch Me if you Can". I changed the name to WOOF-Dog Adventures, LLC in March, 2018.
4. On December 5, 2015, I emailed a request to marymoorpark@kingcounty.gov application for a professional dog walker permit at Marymoor Park. It is attached hereto as **Exhibit A**.

1 5. On December 7, 2015, I received an email response to my inquiry that King County was
2 not issuing any permits.

3 6. In December of 2016, I sent a similar email request to apply for the permit and received
4 the same response from King County saying they were not issuing permits.

5 7. On December 8, 2017, I sent an email to the same address requesting an application for a
6 permit. They did not respond. I sent a follow up email on December 14, 2017.

7 8. On December 21, 2017, King County informed me that no applications were being
8 accepted for the year, and that they would not process an application submitted by me. All they
9 would do is provide a sample application and stated that no permits would be issue for 2018.

10 Attached hereto are true and correct copies of my emails as **Exhibit B**.

11 9. I meet all of the requirements of FES 7-1, the rule which requires permits for professional
12 dog walkers at Marymoor Park.

13 10. For over four (4) years, the Defendants have refused to issue me a permit, or even allow
14 me to pay the fees to apply for one.

15 11. I currently hold a valid business license, attached hereto as **Exhibit C**.

16 12. I currently have liability insurance, a copy of those policy documents is attached hereto
17 as **Exhibit D**.

18 13. On or about January 15, 2016 I was asked to leave Marymoor Park because I did not have
19 a permit. I was asked to leave on multiple occasions in 2017 as well, for the same reason.

20 14. Unless I am able to obtain a permit, I cannot operate my legitimate professional dog
21 waking business.
22
23
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1 15. My inability to walk dogs in Marymoor Park has harmed by business, because clients and
2 prospective clients want their dogs to be walked in a natural setting, not simply on concrete
3 sidewalks.

4 16. In August, 2011, The King County Department of Natural Resources and Parks enacted
5 Rule FES 7.1. Attached hereto as Exhibit E is a true and correct copy of that rule. Prior to the
6 enactment of that rule, I was able to operate my professional dog walking business in Marymoor
7 Park.

8 I declare under penalty of perjury under the laws of the State of Washington that the
9 foregoing is true and correct.

10 DATED this 5th day of December, 2018

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24


Richard Winsler, Plaintiff

Exhibit A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: DNRP Marymoor Park Front Desk <marymoorpark@kingcounty.gov>
Date: December 7, 2015 at 4:41:41 PM PST
To: 'Richard W.' <walkthek9@msn.com>
Subject: RE: Request for application for Professional Dog Walker Permit

Hello,

We are not issuing new professional dog-walker permits at this time.

Thank you for your Inquiry.

From: Richard W. [<mailto:walkthek9@msn.com>]
Sent: Saturday, December 05, 2015 11:12 AM
To: DNRP Marymoor Park Front Desk
Subject: Request for application for Professional Dog Walker Permit

I am requesting an application for a 2016 dog walker permit at Marymoor.

Please email me the application.

Thank you-

Have a dog-gone great day!

Richard Winsler
Email: walkthek9@msn.com
206-384-1221

Exhibit B

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Richard Winsler <walkthek9@gmail.com>
Date: December 28, 2017 at 7:00:31 AM PST
To: "Perkins, Matthew" <Matthew.Perkins@kingcounty.gov>
Cc: DNRP Marymoor Park Front Desk <marymoorpark@kingcounty.gov>, norah.robinson@kingcounty.gov
Subject: Re: Dog Walker Permit

Ok.
So at any time people on the "interest" list may be called upon, correct? And I am third on the list of 25, correct?

Has your department considered making more permits available? Clearly there is a need to do so.
Or allow a time slot for more Permit holders.
For example- 12 permits have use of Marymoor from 9am-12pm.
12 additional permits have use of Marymoor from 12-3. Or a new system that is similar.
Or even a lottery system perhaps.
It is biased to automatically renew current permits without ever allowing new permits to be issued.

Sincerely,
Richard Winsler

On Dec 21, 2017, at 1:11 PM, Perkins, Matthew <Matthew.Perkins@kingcounty.gov> wrote:

Dear Mr. Winsler:

Twenty-five people are on the interest list. Your name is third on that list, where it listed with your contact number as 206-384-1221 and email address as walkthek9@msn.com. If you need that information updated, please let us know.

I have attached a sample 2018 Professional Dog Services Concession Permit application. We are not, however, accepting any new Professional Dog Services Permit applications for 2018.

Thank you.

Sincerely,

Matthew Perkins

Parks and Recreation Division

p: 477-4527

e: matthew.perkins@kingcounty.gov

201 South Jackson Street, Suite 700

Seattle WA 98104

www.kingcounty.gov/parks | Facebook | Blog

200 parks, 175 miles of trails, 28,000 acres of open space

-----Original Message-----

From: Richard Winsler [<mailto:walkthek9@gmail.com>]

Sent: Friday, December 15, 2017 8:50 AM

To: Perkins, Matthew <Matthew.Perkins@kingcounty.gov>

Cc: DNRP Marymoor Park Front Desk <marymoorpark@kingcounty.gov>

Subject: Re: Dog Walker Permit

Great, we appreciate the acknowledgment and look forward to the email next week.

Thank you,

Richard Winsler

Have a dog gone great day!

Pawed from my iPhone-WOOF!

On Dec 15, 2017, at 10:32 AM, Perkins, Matthew
<Matthew.Perkins@kingcounty.gov> wrote:

Mr. Winsler,

This email acknowledges King County Parks has received your email of December 8 and your two emails of December 14. We will be in touch via email next week to follow-up with you.

Thank you.

Sincerely,

Matthew Perkins

Parks and Recreation Division

p: 477-4527

e: matthew.perkins@kingcounty.gov

201 South Jackson Street, Suite 700

Seattle WA 98104

www.kingcounty.gov/parks | Facebook | Blog

200 parks, 175 miles of trails, 28,000 acres of open space

-----Original Message-----

From: Richard Winsler [<mailto:walkthek9@gmail.com>]

Sent: Thursday, December 14, 2017 8:18 AM

To: DNRP Marymoor Park Front Desk

Subject: Dog Walker Permit

According to King County website I need to email you for a 2018 application to receive a dog walker permit.

Please send me one ASAP or email it to me.

I look forward to your response.

Thank you-

Richard Winsler

535 13th Ave East #405

Seattle, WA. 98102

Have a dog gone great day!

Pawed from my iPhone-WOOF!

Have a dog gone great day!

Pawed from my iPhone-WOOF!

<2018 Sample Professional Dog Service Permit-Application.pdf>

Exhibit C



BUSINESS LICENSE

STATE OF
WASHINGTON

Unified Business ID #: 604264159
Business ID #: 001
Location: 0001

Limited Liability Company

WOOF-DOG ADVENTURES, LLC
WOOF-DOG ADVENTURES,LLC
7520 33RD AVE NE
SEATTLE, WA 98115-4706

TAX REGISTRATION #604-264-159 - ACTIVE

REGISTERED TRADE NAMES:
WOOF-DOG ADVENTURES,LLC

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Vikki Smith
Director, Department of Revenue

STATE OF WASHINGTON

BI: 604264159 001 0001

WOOF-DOG ADVENTURES, LLC
WOOF-DOG ADVENTURES,LLC
520 33RD AVE NE
SEATTLE, WA 98115-4706

TAX REGISTRATION #604-264-159 -
ACTIVE

FOLD HERE

FOLD HERE

UNITED STATES OF AMERICA

The State of  Washington

Secretary of State

I, **KIM WYMAN**, Secretary of State of the State of Washington and custodian of its seal, hereby issue this

CERTIFICATE OF FORMATION

to

WOOF-DOG ADVENTURES, LLC

A WA LIMITED LIABILITY COMPANY, effective on the date indicated below.

Effective Date: 03/28/2018

UBI Number: 604 264 159



Given under my hand and the Seal of the State
of Washington at Olympia, the State Capital

Kim Wyman, Secretary of State

Date Issued: 03/28/2018

Exhibit D



Member Certificate In Dues Liability Program

THIS CERTIFICATE IS ISSUED TO
THE FOLLOWING INSURED MEMBER:

Richard Winsler II

Membership ID Number: 51660

Policy Number: 3ED4158

WOOF- Dog Adventures, LLC

7520 33rd Ave Ne
Seattle, WA 98115
(206) 384-1221

For association questions and/or
questions about your insurance plan,
please contact PSA headquarters at
(855) 737-1598 or (715) 831-6004.

Pet Daycare & Boarding Locations: Richard
Winsler, 7520 33rd Ave NE

Membership Effective: 04/10/2018 **Membership Expires:** 04/10/2019

Optional Coverage: Pet Daycare & Boarding

LIMITS OF INSURANCE BODILY INJURY OR PROPERTY DAMAGE:

\$1,000,000 Each Occurrence
\$2,000,000 General Aggregate
\$1,000,000 Personal and Advertising Injury
\$2,000,000 Products / Completed Operations Aggregate Limit
\$100,000 Damage to Premises Rented to You
\$15,000 Each Occurrence for loss of pets in your care, custody or control
\$30,000 Annual Aggregate for loss of pets in your care, custody or control
\$1,000 Each Occurrence / \$5,000 Annual Aggregate Veterinarian Expense
\$2,000 Lost Key coverage for Re-keying of customer's homes
\$5,000 Medical Expense Limit

Administered by: RPS Eau Claire, Eau Claire, WI.
Underwritten by: Evanston Insurance Company

File a claim online or call:
1-844-777-8323

\$500 per occurrence deductible toward vet expense for any claim arising out of the
voluntary releasing of a pet in your care, custody or control from its leash, outside of the
above ground fenced yard of the pet's owner's or pet sitter's residence (if the optional
pet daycare & boarding coverage is purchased).

View coverage forms at: www.petsitllc.com/members/

Date: 09/19/2018

Authorized Representative:

Colleen E. Gulas-Harris



Exhibit E


ORIGINAL



King County
Public Rules and Regulations

Public Rules

King County

Title Permit Requirements and Procedures for Professional Dog Service Business Use of Parks and Recreation Division Property.	Document Code No. FES 7-1 (PR)
Department/Issuing Agency Department of Natural Resources and Parks	Date August 5, 2011
Approved 	Christie True / Director of KC Dept of Natural Resources and Parks

- 1.0 **SUBJECT/TITLE:** Permit Requirements and Procedures for Professional Dog Service Business Use of Parks and Recreation Division Property.
 - 1.1 **EFFECTIVE DATE:** 30 days after approval date
 - 1.2 **TYPE OF ACTION:** New
 - 1.3 **KEYWORDS:** Dog Walker; Permit Fee; Marymoor Park; Concession; Pet Sitting; Off-Leash; Dog Park; Dog Day Care.

- 2.0 **PURPOSE:** To implement the provisions of King County Code Chapter 7.12.150 by issuance of concessionaire permits to manage professional dog service business operations on King County Parks Division property.

- 3.0 **ORGANIZATIONS AFFECTED:** Department of Natural Resources and Parks; Pet Service Providers; Purchaser or the public.

- 4.0 **REFERENCES:**
 - 4.1 King County Code Chapter (K.C.C.) 4.57 – Revenue and Financial Regulation
 - 4.2 K.C.C. 7.12.150 - Parks and Recreation -Rules for use of Facilities – Sale of goods or services.
 - 4.3 K.C.C. 7.12.040 – Parks and Recreation – Rules for use of Facilities - Permits
 - 4.4 K.C.C. 7.12.670 – Parks and Recreation – Rules for use of Facilities – Administrative Sanctions
 - 4.5 Revised Code of Washington (RCW) Title 9A -- Washington Criminal Code

- 5.0 **DEFINITIONS:**
 - 5.1 “Professional Dog Service Business” refers to a private enterprise that provides services to individuals related to the care or training of pet dogs.

- 5.2 "Concession" means the privilege or authority to sell goods or services within parks and recreation facilities or to operate parks and recreation facilities or a portion thereof.
- 5.3 "Permit" means an authorization for the use of parks and recreation facilities that imposes conditions on the permittee in addition to those conditions imposed on the general public.

6.0 POLICIES:

- 6.1 King County Code ("K.C.C.") Chapter 4.57 and K.C.C. 7.12.040 authorize the Parks and Recreation Division to issue a concession license or permit to conduct a business, such as a professional dog-walking business, in a King County park or recreation facility. Such licenses or permits are referred to herein as a "Permit." The holder of a Permit is referred to herein as a "Concessionaire"
- 6.2 To use a King County park for a private dog service business, the business must obtain an annual Professional Dog Services Concession Permit from King County Parks and Recreation Division. Permit requirements are:

- 6.2.1 Payment of current annual Professional Dog Services Concession Permit fee to Parks and Recreation Division each calendar year, and an impact fee which is paid to King County Parks Division or to an approved park stewardship organization such as Serve Our Dog Areas (S.O.D.A.) or; in lieu of cash payment of impact fee, performance of approved, documented park stewardship hours equivalent to the impact fee. The annual permit and impact fee rates will be published in the Parks and Recreation Division Fees in December for the following year. 2011 rates are as follows:

Permit Fee	\$98
Impact Fee	\$.52 X estimated number of visits per dog, per year, maximum \$702 per permit each calendar year
Stewardship Hours Credit	\$20/hour, up to 35 hours

- 6.2.2 Possession of valid insurance coverage. See Appendix 9.1
- 6.2.3 Possession of current Washington State Business License.
- 6.2.4 Adherence to the "Rules of Conduct for Professional Dog Services Concession Permit Holder," See Appendix 9.2.

- 6.3 Enforcement: King County's strong preference is for Concessionaires to voluntarily comply with their Permit, and to self-police each other. Except for Bad Behavior as

described in Section 6.3.1, the initial method of Permit enforcement will be by a request for voluntary compliance. The person making the request for voluntary compliance should document the date, time, place, and manner (oral or written) in which the request is made, but such documentation is not mandatory. Inadvertent or minor violations that might otherwise be grounds for Permit revocation will ordinarily be corrected or resolved without Permit revocation.

- 6.3.1 Bad Behavior will not be tolerated. Bad Behavior includes, but is not limited to fighting, insults, profanity, threats, or other unlawful, violent, aggressive, rude, abusive, or plainly discourteous behavior. Each incident or type of Bad Behavior constitutes an independent and separate basis for King County to revoke a Permit, or to deny a subsequent Permit application. For Permit purposes, a "threat" is a statement that objectively communicates, to a particular individual or group of individuals, a serious expression of an intent to commit an act of unlawful violence. It is irrelevant whether the person making the threat subjectively intends to carry it out.
- 6.3.2 Enforcement may be based on observations by King County staff, by the King County Sheriff or sheriff's deputies ("the Sheriff"), by the Division Director or his or her designee ("the Director"), or upon civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.
- 6.4 Revocation: The Director may revoke the Permit of any Concessionaire who engages in Bad Behavior as defined in Section 6.3.1, who fails to comply with Permit terms or the Permit code of conduct, who fails to comply with King County Code Chapter 7.12 (Rules for Park Use), or who commits an act which, if proven, would be a violation of RCW Title 9A. The Director's factual determinations shall have no collateral estoppel effect on any subsequent criminal prosecution or civil proceeding other than an appeal from the Director's decision, and shall not preclude litigation of those same facts in such other criminal prosecution or civil proceeding.
- 6.4.1 To revoke a Permit or deny a Permit application, the Sheriff or the Director will deliver a notice ("the Notice") in person to the Concessionaire or applicant, or by first class and certified mail to the last known address of the Permit holder or applicant. The Notice is deemed served and effective on the date the Notice is delivered in person, or three (3) days after the date the Notice is mailed (each, the "Revocation/Denial Date").
- 6.4.2 A Concessionaire whose Permit is revoked, or whose Permit application is denied, may not apply for a new Permit until January 1 of the following calendar year, or until six (6) months have elapsed from the Revocation/Denial Date, whichever is longer.
- 6.5 Appeal Process: Any Concessionaire whose Permit is revoked, or whose Permit application is denied, may, within fourteen (14) days of the service of the Notice, file a written appeal with the Director by mailing or delivering it to the Director at the mailing address listed below. E-mail and fax are not acceptable.

-
- 6.5.1 The written appeal must succinctly state the reasons that the initial decision should be modified or reversed and, to the extent applicable, must be accompanied by copies of the Permit or the Permit application, the Notice, and any other papers that may be relevant to the appeal.
 - 6.5.2 The Director will review the appeal, without a hearing, based solely on the written materials provided by the person filing the appeal ("the Appellant"), by King County staff or agents, and by any third-party witnesses.
 - 6.5.3 Within fourteen (14) days of the date on which the appeal is received, the Director must serve upon the Appellant a notice that the Director has affirmed, modified or reversed the initial decision. Such notice is deemed served upon the Appellant when it is personally delivered, or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the Permit, the Permit application, or the appeal request. If such notice is not served upon the Appellant within fourteen (14) days of the date upon which the appeal is received, then the Permit revocation or application denial will be deemed reversed.
 - 6.5.4 **Appeals and other concession permit-related correspondence should be directed to:**

**Director's Office
Parks and Recreation Division
King County Department of Natural Resources and Parks
201 S. Jackson St. #700
Seattle, WA 98104**

7.0 PROCEDURES:

Action By	Action
Dog Service Business	Submit application, fee payment for Professional Dog Services Concession Permit to Parks and Recreation Division. (See 6.1 of these rules for application requirements).
Parks and Recreation Division Staff	Review application for completeness. Collect fee, issue receipt. Issue permit.
Dog Service Business	Participate in approved stewardship activities if necessary. Submit documentation of participation to Parks and Recreation Division.

Parks and Recreation Division Staff	Verify documented participation. Record in permit holder file. Monitor permit holder compliance. Send notice of compliance or non-compliance to permit holders mid-year and end-of-year.
--	--

8.0 RESPONSIBILITIES:

Action By	Action
Dog Service Business	<ul style="list-style-type: none">• Apply for permit;• Pay applicable permit fee;• Comply with the terms of permit;
Parks and Recreation Division Staff	<ul style="list-style-type: none">• Review application for completeness.• Process permit fees.• Issue permits.• Respond to inquiries and complaints from permit holders and public.• Enforce compliance with permit requirements.

9.0 Appendices:

9.1 CONCESSION PERMIT HOLDER INSURANCE REQUIREMENTS

Commercial General Liability. Each concession permit holder ("Concessionaire") shall procure and maintain, for the duration of their permit, commercial general liability insurance against claims for injuries of persons or damages to property, which may arise from or in connection with Concessionaire's use of King County property. Such insurance shall be as broad as that provided by the Commercial General Liability "occurrence" form CG0001 (to include Products – Completed Operation) (ed. 11/88). The insurance limits shall be no less than One Million Dollars (\$1,000,000) per occurrence for bodily injury and property damage, and Two Million Dollars (\$2,000,000) aggregate limit.

Automobile Liability. Concessionaire must have automobile insurance or other financial responsibility sufficient to comply with Washington State law (RCW chapter 46.30, Mandatory Liability Insurance, as now codified or hereafter amended).

Workers' Compensation. If Concessionaire has employees, then Statutory Workers' Compensation and One Million Dollars (\$1,000,000) Employer's Liability/Stop Gap coverage is required.

The required liability insurance policies (except Automobile and Workers' Compensation) are to be endorsed to:

- Name "King County, its officers, officials, agents and employees" as additional insureds with respect to use of the Site as outlined in this Agreement (Form CG 2026 or its equivalent);
- Such coverage shall be primary and non-contributory insurance as respects King County;
- State that Concessionaire's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability; and
- State that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits, except after forty-five (45) days prior written notice to King County.

The insurance provider must be licensed to do business in the State of Washington and have a Bests' rating of A-VIII or better. Any deductible or self-insured retention must have been declared to and approved by King County. The deductible and/or self-insured retention of the policies shall not limit or apply to Concessionaire's liability to King County and shall be the sole responsibility of Concessionaire.

Concessionaire to Assess Own Risks. By requiring such minimum insurance as specified herein, King County may not be deemed or construed to have assessed the risks that may be applicable to Concessionaire. Concessionaire will assess his or her own risks and, if Concessionaire deems appropriate or prudent, or both, Concessionaire should maintain greater limits or broader coverage.

9.2 RULES OF CONDUCT FOR PROFESSIONAL DOG SERVICES CONCESSION PERMIT HOLDER

1. Limit pack to ten (10) dogs per visit (or maximum specified in pro rata/reduced use permit).
2. Wear current Marymoor Permit ID in a manner visible to the public at all times, using vest provided by the County.
3. Display current Marymoor Parking Permit in approved manner on vehicle.
4. Park in the Northeast parking lot, Lot G, unless otherwise approved or directed by park personnel.
5. Limit dog service-related visits to Monday thru Friday 10:00 a.m.—4:00 p.m. (or as specified in pro rata/reduced use permit).
6. Maintain professionalism:
 - ❖ Keep your pack moving.
 - ❖ Avoid distractions such as texting, listening to music, talking on a cell phone, etc.
 - ❖ Limit conversations with patrons or other dog walkers to a short duration.
 - ❖ Maintain voice control over your pack.
 - ❖ Devote full attention to your pack to the maximum extent practicable.
 - ❖ Exhibit courteous behavior with all people and dogs you encounter.
 - ❖ **Fighting, insults, profanity, threats, or other unlawful, violent, aggressive, rude, abusive, or plainly discourteous behavior will NOT be tolerated.**
 - ❖ Ensure all dogs in your pack wear a collar with a current pet license and identification with your contact information.
 - ❖ Stop dogs in your pack from digging.
 - ❖ Keep dogs out of off-limit areas, such as fenced areas along the river, athletic fields, Community Garden, and areas of re-growth.
 - ❖ Immediately stop bothersome dog behavior (e.g., repetitive barking, extended growling, fighting, mounting, etc.).
 - ❖ Properly dispose of bagged waste in designated trash receptacles.

7. Maintain distance from the public whenever possible:
 - a. Avoid busy water stops or groups of people.
 - b. Steer away from young children and timid or little dogs.
8. Pre-screen dogs for your pack--bring only those with proper social skills.
9. Do not bring dogs that exhibit aggressive behavior.
10. In addition to picking up waste from the dogs in your care, pick up other waste for ten minutes
—per visit.
11. Bulletin board ads should be no larger than 8 ½ x 11 inches, one (1) per board, without excessive staples.
12. Abide by all King County and S.O.D.A. Rules, including King County Code Chapter 7.12.

RECEIVED

2018 DEC 11 AM 10:53

CLERK
KING COUNTY COUNCIL

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

Richard Winsler

vs.

King County Dpt. of Nat. Res. and Parks, Et al

**CASE NO. 18-2-23056-0
NOTICE OF COURT DATE (Judges)
(NOTICE FOR HEARING)
SEATTLE COURTHOUSE ONLY
(Clerk's Action Required) (NTHG)**

TO: THE CLERK OF THE COURT and to all other parties per list on Page 2;
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: January 4, 2019 **Day of Week:** Friday

Nature of Motion: Application for Writ of Mandamus

CASES ASSIGNED TO INDIVIDUAL JUDGES – SEATTLE

If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. **Working Papers:** The judge's name, date and time of hearing must be noted in the upper right corner of the Judge's copy. **Deliver Judge's copies to Judges' Mailroom at C203**

- Without oral argument (Mon - Fri)
- With oral argument Hearing Date/Time: _____
Judge's Name: _____ Trial Date: _____

CHIEF CRIMINAL DEPARTMENT – SEATTLE (E1201)

- Bond Forfeiture 3:15 pm, 2nd Thursday of each month
- Extraordinary Writs from criminal or infraction (Show Cause Hearing) LCR 98.40(d) 3:00 p.m. Mon-Thurs.
- Certificates of Rehabilitation- Weapon Possession (**Convictions from Limited Jurisdiction Courts**)
3:30 First Tues of each month

CHIEF CIVIL DEPARTMENT – SEATTLE (Please report to W325 courtroom 2 for assignment)

Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing

- Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. **Thurs/Fri** -report to Room W719
- Supplemental Proceedings/ Judicial Subpoenas (1:30 pm **Thurs/Fri**)(LCR 69)
- Motions to Consolidate with multiple judges assigned (LCR 40(a)(4) (without oral argument) M-F
- Structured Settlements (1:30 pm **Thurs/Fri**)(LCR 40(2)(S))

Non-Assigned Cases:

- Non-Dispositive Motions M-F (without oral argument).
- Dispositive Motions and Revisions (1:30 pm **Thurs/Fri**).
- Certificates of Rehabilitation (**Employment**) 1:30 pm **Thurs/Fri** (LR 40(a)(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: s/ Jeffrey Gates Print/Type Name: Jeffrey Gates
 WSBA # 45422 (if attorney) Attorney for: Plaintiff
 Address: 500 Union St. Suite 510 City, State, Zip Seattle, WA 98101
 Telephone: 206-407-300 Email Address: Jeffrey @rosenbergglawgroup.net Date: 12/5/2018

DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name Melani Pedroza, Clerk of the Council
 Service Address: 516 Third Avenue, Room 1200
 City, State, Zip Seattle, WA 98104
 WSBA# _____ Atty. For: _____
 Telephone #: (206) 477-1020
 Email Address: melani.pedroza@kingcounty.gov

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____
 Email Address: _____

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 Telephone #: _____
 Email Address: _____

Name _____
 Service Address: _____
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IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than six court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

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CLERK
KING COUNTY COUNCIL

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

Richard Winsler

NO. 18-2-23056-0 SEA

VS

KING COUNTY DEPARTMENT OF NA

CASE INFORMATION COVER SHEET
AND AREA DESIGNATION

CAUSE OF ACTION

(WRM) - MANDAMUS (WRM 2)

AREA DESIGNATION

SEATTLE - Defined as all King County north of Interstate 90 and including all of Interstate 90 right of way, all of the cities of Seattle, Mercer Island, Issaquah, and North Bend, and all of Vashon and Maury Islands.

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

Petitioner,

vs.

GREENWOOD NORTH/KENT, LLC, a
Washington Limited Liability Company; A
to B AUTO, INC., a Washington Profit
Corporation; VIRGIL RAY STEBBINS,
individually and his marital community;
KING COUNTY, a Washington municipal
corporation; CITY OF KENT, a Washington
municipal corporation; and ALL
UNKNOWN OWNERS and ALL
UNKNOWN TENANTS,

Respondents.

NO.

SUMMONS

Tax Parcel No. 2500600396

TO: KING COUNTY

A condemnation lawsuit has been started in the above-entitled court by Central Puget Sound Regional Transit Authority ("Petitioner"). Petitioner's claim is stated in the written Petition, a copy of which is served upon you with this Summons.

1 In order to defend the condemnation lawsuit and the claims of Petitioner therein,
2 you must serve a notice of appearance on the attorney who signed below within twenty (20)
3 days after service of this Summons upon you, exclusive of the day of service. In case of your
4 failure to appear, a judgment will be entered against you according to the demand of the
5 Petition, which has been filed with the Clerk of the Court.

6 If you wish to seek the advice of an attorney in this matter, you should do so
7 promptly so that your written appearance, if any, may be served on time.

8 DATED this December 5, 2018.

9 ELLIS, LI & MCKINSTRY PLLC

10 By: s/ Keith A. Kemper

11 Keith A. Kemper, WSBA No. 19438

12 Peter B. Dolan, WSBA No. 48144

13 2025 First Avenue, PHA

14 Seattle, WA 98121

15 Tel: (206) 682-0565

16 Fax: (206) 625-1052

17 Email: kkemper@elmlaw.com

18 pdolan@elmlaw.com

19 *Attorneys for Petitioner*

RECEIVED

2018 DEC 10 PM 3: 51

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KING COUNTY COUNCIL

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

CENTRAL PUGET SOUND REGIONAL
TRANSIT AUTHORITY, a regional transit
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individually and his marital community;
KING COUNTY, a Washington municipal
corporation; CITY OF KENT, a Washington
municipal corporation; and ALL
UNKNOWN OWNERS and ALL
UNKNOWN TENANTS,

Respondents.

NO.

PETITION IN EMINENT DOMAIN

Tax Parcel No. 2500600396

The Central Puget Sound Regional Transit Authority ("Petitioner" or "Sound Transit") respectfully petitions as follows:

1. Petitioner. Sound Transit is a regional transit authority created for the Central Puget Sound region that exists under the laws of the State of Washington. Sound

1 Transit is specifically authorized by statute to construct and operate a high-capacity
2 transportation system within authority boundaries. RCW 81.112.010.

3 2. Authority. On November 5, 1996, November 4, 2008, and again on
4 November 8, 2016, voters approved local funding to implement a regional high-capacity
5 transit system for the Central Puget Sound region (“Sound Move, ST2, and ST3,
6 respectively”). In part, Sound Move, ST2, and ST3 provide for the implementation,
7 including permanent location, construction, operation and maintenance, of a high
8 capacity light rail service and transit improvements. They further provide for the
9 construction, operation, and permanent location of an electric light rail project (“Link
10 Light Rail”). Certain real property and real property rights must be acquired for purposes
11 of the Link Light Rail in order to permanently locate, construct, operate and maintain the
12 Federal Way Link Extension and its related facilities (the “Project”). Petitioner is
13 statutorily empowered to condemn real property under RCW 81.112.080(2).

14 3. Resolution to Condemn. On August 24, 2017, the Sound Transit Board
15 adopted Resolution No. R2017-30 entitled:

16 A RESOLUTION of the Board of the Central Puget Sound Regional Transit
17 Authority authorizing the chief executive officer to acquire certain real
18 property interests, including acquisition by condemnation to the extent
19 authorized by law, and to reimburse eligible relocation and reestablishment
20 incurred by affected owners and tenants as necessary for the Federal Way
21 Link Extension.

22 A certified copy of Resolution No. R2017-30 (the “Resolution”) is attached to this Petition
23 as **Exhibit 2**, and is incorporated here by this reference.

1 4. The Condemned Property. The Resolution authorizes the acquisition by
2 condemnation of certain land, property, and property rights, including the real property
3 in which Respondents hold an interest, located in Kent, King County, Washington,
4 identified as King County Tax Parcel No. 2500600396 (the "Parcel"), and legally described
5 on the attached **Exhibit 1**, and incorporated here by this reference.

6 5. Purpose and Necessity. The Parcel is being taken for a public use and
7 purpose, namely: to locate, construct, operate and maintain the Project as contemplated
8 in the Resolution. The Parcel is necessary for those purposes. The reason for this
9 proceeding is to ascertain the just compensation for the taking and/or damaging of the
10 Parcel.

11 6. Respondents. The names of each and every owner, encumbrancer, or other
12 person that has an interest in the Parcel, or any part thereof, so far as is known to the
13 officers of Sound Transit filing this Petition, or as far as appears from the records of the
14 King County Auditor, whose interest in the Parcel will be terminated by this action, are
15 listed as follows:

- 16 a. Greenwood North/Kent, LLC, a Washington Limited Liability Company;
- 17 b. A to B Auto, Inc., a Washington Profit Corporation;
- 18 c. Virgil Ray Stebbins, individually and his marital community;
- 19 d. King County, a Washington municipal corporation (taxes only);
- 20 e. City of Kent, a Washington municipal corporation; and
- 21 f. All Unknown Owners and Unknown Tenants.
- 22
- 23

EXHIBIT 1

That portion of Lots 1 and 2, Block 4, Federal Highway Addition, according to the plat thereof, recorded in Volume 30 of Plats, Pages 1 and 2, in King County, Washington, described as follows:

Beginning at the most Southerly corner of said Lot 2; and running
Thence North $08^{\circ}54'14''$ East along the Westerly line of said Lots 2 and 1 and along the Easterly line of 30th Avenue South, 216 feet;
Thence South $40^{\circ}05'15''$ East parallel to the Northeasterly lines of said Lots 1 and 2 to the Southeasterly line of said Lot 2;
Thence South $49^{\circ}54'45''$ West along the Southwesterly line of said Lot 2, to the Point of Beginning, in King County, Washington.

EXHIBIT 2



Central Puget Sound
Regional Transit Authority
401 S. Jackson St.
Seattle WA 98104-2826

CERTIFICATE of RESOLUTION

Resolution No. R2017-30

I, the undersigned Board Administrator of the Central Puget Sound Regional Transit Authority (the "Authority") DO HEREBY CERTIFY:

1. The attached copy of Resolution No. R2017-30 (the "Resolution") is a full, true and correct copy of a resolution as finally adopted at a regular meeting of the Board of Directors of the Authority held at the regular meeting place thereof on August 24, 2017, and duly recorded in my office; and the Resolution is now in full force and effect; and
2. Said meeting was convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; a quorum of the Board was in attendance and a legally sufficient number of members of the Board voted in the proper manner for the adoption of the Resolution; all other requirements and proceedings incident to the proper adoption of the Resolution have been fulfilled, carried out and otherwise observed, and I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of October, 2018.

THE CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY

A handwritten signature in cursive script, appearing to read 'Kathryn Flores', written over a horizontal line.

Kathryn Flores
Board Administrator



RESOLUTION NO. R2017-30

To Acquire Real Property Interests Required for the Federal Way Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	08/10/2017	Recommend to Board	Ahmad Fazel, DECM Executive Director Dan Abernathy, Executive Project Director
Board	08/24/2017	Final Action	– Federal Way Link Extension Kevin Workman, Director Real Property

PROPOSED ACTION

Authorizes the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Federal Way Link Extension.

KEY FEATURES SUMMARY

- Authorizes the acquisition of all or portions of 49 parcels consisting of full and partial acquisitions, temporary construction easements, and/or permanent easements. These parcels are located in the cities of SeaTac, Des Moines, Kent, and Federal Way for the Federal Way Link Extension.
- The properties are needed for construction, maintenance, and operation of the light rail guideway, or related facilities.
- The real properties identified in this requested action are included in Exhibit A.

BACKGROUND

The Federal Way Link Extension adds 7.8 miles of light rail from the Angle Lake Station to the Federal Way Transit Center with service to the cities of SeaTac, Des Moines, Kent, and Federal Way. The extension will travel along the south edge of the future SR 509 alignment and the west side of I-5 and include stations at Kent/Des Moines Road, S. 272nd Street, and Federal Way Transit Center Station. New parking structures will be provided at Kent/Des Moines Station and South 272nd Station as well as an additional parking structure at the Federal Way Transit Center. The project is currently authorized for Final Design and anticipates revenue service to begin in 2024.

The Federal Way Link Extension Final Environmental Impact Statement (EIS) was published on November 18, 2016, pursuant to the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), respectively. The Sound Transit Board selected the project route, profile and stations on January 26, 2017. The Federal Transit Administration (FTA) issued a Record of Decision on March 6, 2017 and the Federal Highway Administration issued a NEPA Record of Decision on March 9, 2017.

Sound Transit will acquire the property, by condemnation if necessary, as needed for the construction, operation, and maintenance of the Federal Way Link Extension and will reimburse relocation expenses to eligible affected owners and tenants. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions when efforts to reach agreement with property owners are unsuccessful.

PROJECT STATUS

Project Identification	Alternatives Identification	Conceptual Engineering	Preliminary Engineering	Final Design	Construction
------------------------	-----------------------------	------------------------	-------------------------	--------------	--------------

Projected Completion Date for Preliminary Engineering Phase: Q2 2018
Project scope, schedule, and budget summary located on page 59 of the May 2017 Link Light Rail Program Progress Report.

FISCAL INFORMATION

There is \$259,644,656 of uncommitted funds in the right of way phase which is sufficient to complete this proposed action. Project baseline costs are expected to be established in mid-2018, and if necessary the authorized project allocation for the right-of-way phase can be increased.

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action

PUBLIC INVOLVEMENT

Throughout the development of the Federal Way Link Expansion, Sound Transit has conducted an extensive public involvement program including mailings, community open houses, and presentations and meetings with individuals and neighborhood groups.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on August 8, 2017. Legal notices of this proposed Board action will be published in the Seattle Times and The News Tribune newspapers on August 11, 2017, and August 18, 2017.

TIME CONSTRAINTS

A one-month delay would significantly impact the timing of this project.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2017-16: Authorized the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Federal Way Link Extension.

Resolution No. R2017-02: Authorized the selection of the route, profile, and stations for the Federal Way Link Extension.

ENVIRONMENTAL REVIEW

KH 6/28/17

LEGAL REVIEW

JB 8/3/17



RESOLUTION NO. R2017-30

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Federal Way Link Extension.

WHEREAS, the Central Puget Sound Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Central Puget Sound Regional Transit Authority district on November 5, 1996, November 4, 2008, and November 8, 2016, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation and maintenance of project improvements required under the voter approved high capacity transportation system plans, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, environmental compliance pursuant to the State Environmental Policy Act (SEPA) for Federal Way Link was completed with the Federal Way Link Project Final Environmental Impact Statement (EIS) issued on November 18, 2016; the Federal Transit Administration issued a Record of Decision (ROD) for the project on March 6, 2017, completing the National Environmental Policy Act (NEPA) process; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Federal Way Link Extension and such properties are reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation, and permanent location of the Federal Way Link Extension, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will 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 reimburse eligible relocation and reestablishment expenses shall be paid from Sound Transit general funds.

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

SECTION 1. The chief executive officer is hereby authorized to execute such agreements as are customary and necessary for the acquisition or lease of interests in the real property described in Exhibit A (said property to be used for Federal Way Link Extension) and incorporated herein by reference, and for the reimbursement of eligible relocation and reestablishment expenses. In accordance with Sound Transit's Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the properties may 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 reestablishment costs of the properties for the Federal Way Link Extension exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer must obtain approval from the appropriate committee or the Board, per Resolution No. 78-2, before the acquisition of the property for the Federal Way Link Extension by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.

SECTION 2. The chief executive officer or his designee is hereby authorized to settle condemnation litigation or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of interests in the real property described in Exhibit A. Such settlements shall be made only upon the finding of legal counsel that the settlement is consistent with the law and is reasonable, prudent, and in the public interest. Such settlements may not exceed established project budgets. For all other settlements proposed, the chief executive officer must obtain prior approval of the appropriate committee or the Board, per Resolution No. 78-2.

SECTION 3. The Sound Transit Board deems the Federal Way 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 interests in the real property identified in Exhibit A as being necessary for the construction, operation, and permanent location of Federal Way Link Extension, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses associated with displacements 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 interests in the real property described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Federal Way Link Extension.

SECTION 5. In addition to the authority granted the chief executive officer in Section 1 above, condemnation proceedings are hereby authorized to acquire all, or any portion thereof, of the properties and property rights and/or rights in those of the properties described in Exhibit A to the extent permitted by law, for the purpose of constructing, owning, and operating a permanent location of the Federal Way Link Extension. The chief executive officer is also authorized to make minor amendments to the legal descriptions of the properties described in Exhibit A, 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 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 August 24, 2017.



Dave Somers
Board Chair

ATTEST:



Kathryn Flores
Board Administrator



**RESOLUTION NO. R2017-30
EXHIBIT A**

FEDERAL WAY LINK EXTENSION PROJECT

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
1	FL208	2500600396	GREENWOOD NORTH /KENT LLC	23418 30 TH AVE S KENT, WA 98032
2	FL208.1	2500600400	GURPREET MAROK	30 TH AVE S KENT, WA 98032
3	FL208.2	2500600411	RATELCO PROPERTIES	23444 30 TH AVE S KENT, WA 98032
4	FL218	2500600420	ETHEL M DUFF	23458 30 TH Ave S KENT, WA 98032
5	FL219	2500600418	ETHEL M DUFF	23529 32 ND AVE S KENT, WA 98032
6	FL219.1	2500600410	GENERAL TRANSMISSION	23448 30 TH AVE S KENT, WA 98032
7	FL219.2	7260200010	ETHEL M DUFF	32 ND AVE S KENT, WA 98032
8	FL219.3	7260200005	WORLDS GREATEST BOOK BROADCASTERS	32 ND AVE S KENT, WA 98032
9	FL220	2500600416	WORLDS GREATEST BOOK BROADCASTERS	30 TH AVE S KENT, WA 98032
10	FL221	2500600425	WORLDS GREATEST BOOK BROADCASTERS	23634 30 TH AVE S KENT, WA 98032
11	FL222	1522049018	WORLDS GREATEST BOOK BROADCASTERS	23458 32 ND AVE S KENT, WA 98032
12	FL228	2500600660	JOONG KU AND SO YOUNG LEE	23627 PACIFIC HWY S DES MOINES, WA 98198
13	FL228.1	2500600665	BRADFORD A EWING	23639 PACIFIC HWY S DES MOINES, WA 98198
14	FL235	2500600436	ROBERT L YATES	23810 30 TH AVE S KENT, WA 98032
15	FL236	2500600535	VICTORIA M BONNEVILLE	23810 PACIFIC HWY S KENT, WA 98032
16	FL237	2500600540	VICTORIA M BONNEVILLE	23820 PACIFIC HWY S KENT, WA 98032
17	FL238	2500600435	HIGHLINE COURT APARTMENTS LLC	23820 30 TH AVE S KENT, WA 98032
18	FL240	2500600440	HIGHLINE WATER DISTRICT	23828 30 TH AVE S KENT, WA 98032
19	FL241	2500600441	HIGHLINE WATER DISTRICT	23850 30 TH AVE S KENT, WA 98032

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
20	FL243	2500600446	C & A HUA LP	3012 S 240 TH ST KENT, WA 98032
21	FL244	2500600447	RAJWINDER THIND	23854 30 TH AVE S KENT, WA 98032
22	FL245	2500600555	1999 TUFORTY LP	2912 S 240 TH ST KENT, WA 98032
23	FL247	5514000010	GUARDIAN CAPITAL MANAGEMENT	24050 PACIFIC HWY S KENT, WA 98032
24	FL255	2222049168	CITY OF SEATTLE SPU-SWU	S 240 TH ST KENT, WA 98032
25	FL277	2822049082	NIEL AND SHERI L NIELSEN	3019 S 256 TH ST KENT, WA 98032
26	FL278	2822049230	NIEL AND SHERI L NIELSEN	*NO SITE ADDRESS* KENT, WA 98032
27	FL279	2822049207	TIM AND TERESA STILL	*NO SITE ADDRESS* KENT, WA 98032
28	FL280	2822049175	TIM AND TERESA STILL	3014 S 259 TH CT KENT, WA 98032
29	FL281	2822049066	PEMBROOKE-240 LLC	25907 27 TH PL S KENT, WA 98032
30	FL309	796820TRCT	MULTIPLE OWNERS	*NO SITE ADDRESS* FEDERAL WAY, WA 98003
31	FL314.1	5160000040	SHERRILL HART	27634 27 TH AVE S FEDERAL WAY 98003
32	FL314.2	5160000030	WILLIAM MARTIN AND S ANKENBAUER	27640 27 TH AVE S FEDERAL WAY, WA 98003
33	FL314.3	5160000010	PHILIP N LAUSIER	2718 S STAR LAKE RD FEDERAL WAY, WA 98003
34	FL318	7303200490	JOHN K FUNG CHEN PEN	3007 S 284 TH ST FEDERAL WAY, WA 98003
35	FL325	0421049099	LAKEHAVEN UTILITY DISTRICT	3017 S 298 TH ST FEDERAL WAY, WA 98003
36	FL335.1	0921049096	ALLAN WOIDA	30614 28 TH AVE S FEDERAL WAY, WA 98003
37	FL335.2	0921049182	VERLIN J AND LINDA J ELDER	30642 28 TH AVE S FEDERAL WAY, WA 98003
38	FL335.3	0921049183	MICHAEL M TRINIDAD	30646 28 TH AVE S FEDERAL WAY, WA 98003
39	FL335.4	0921049251	JI YOUNG KIM	30802 28 TH AVE S FEDERAL WAY, WA 98003
40	FL335.5	0921049311	NGAN TRAN AND LIENG K THI	2834 S 308 TH LN FEDERAL WAY, WA 98003

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
41	FL335.6	0921049312	2030 RENTALS LLC	2840 S 308 TH LN FEDERAL WAY, WA 98003
42	FL335.7	0921049315	STEPHANIE MANZO	2839 S 308 TH LN FEDERAL WAY, WA 98003
43	FL335.8	092104TRCT	MULTIPLE OWNERS	*NO SITE ADDRESS* FEDERAL WAY, WA 98003
44	FL335.9	092104TRCT	SARAH & STEVEN JACOBS	*NO SITE ADDRESS* FEDERAL WAY, WA 98003
45	FL335.10	0921049329	SARAH & STEVEN JACOBS	*NO SITE ADDRESS* FEDERAL WAY, WA 98003
46	FL336	0921049095	RANDY R AND ROBIN G PARRIS	30930 28 TH AVE S FEDERAL WAY, WA 98003
47	FL337	0921049115	ROSELLA PARRIS FAMILY TRUST	31000 28 TH AVE S FEDERAL WAY, WA 98003
48	FL338	0921049085	RANDALL S WOOLEY	31004 28 TH AVE S FEDERAL WAY, WA 98003
49	FL339	0921049009	STEVEN JACOBS	31016 28 TH AVE S FEDERAL WAY, WA 98003

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CLERK
KING COUNTY COUNCIL

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

Petitioner,

vs.

GREENWOOD NORTH/KENT, LLC, a
Washington Limited Liability Company, A
to B AUTO, INC., a Washington Profit
Corporation, VIRGIL RAY STEBBINS,
individually and his marital community,
KING COUNTY, a Washington municipal
corporation; CITY OF KENT, a Washington
municipal corporation; and ALL
UNKNOWN OWNERS and ALL
UNKNOWN TENANTS,

Respondents.

NO. 18-2-56516-2 KNT

LIS PENDENS

Tax Parcel No. 2500600396

NOTICE IS HEREBY GIVEN: The Central Puget Sound Regional Transit Authority
("Petitioner" or "Sound Transit") has commenced an eminent domain action affecting title
to the real property in the above-entitled and numbered cause in the Superior Court of King
County, State of Washington, which action is now pending. The object of this action is to
acquire by condemnation, for the purposes set forth in the Petition filed in this action, the

LIS PENDENS - 1

*1155169 (16056-24)

Ellis | Li | McKinstry
Market Place Tower
2025 First Avenue, Penthouse A
Seattle, WA 98121-3125
206.682.0565 Fax: 206.625.1052

1 real property located in Kent, King County, Washington, as legally described on **Exhibit 1**
2 attached to this Notice.

3 This Lis Pendens shall be deemed released at the conclusion of the above captioned
4 action and any appeal therefrom.

5 DATED this December 6, 2018.

6 ELLIS, LI & MCKINSTRY PLLC

7 By: *Keith A. Kemper*

8 Keith A. Kemper, WSBA No. 19438

9 Peter B. Dolan, WSBA No. 48144

10 2025 First Avenue, PHA

11 Seattle, WA 98121

12 Tel: (206) 682-0565

13 Fax: (206) 625-1052

14 Email: kkemper@elmlaw.com

15 pdolan@elmlaw.com

16 *Attorneys for Petitioner*

1 STATE OF WASHINGTON)
2) ss.
3 COUNTY OF KING)

4 I certify that I know or have satisfaction evidence that Keith A. Kemper is the
5 person who appeared before me, and said person acknowledged that he signed this
6 instrument, and on oath stated that he was authorized to execute the instrument and
7 acknowledged it to be his free and voluntary act for the uses and purposes mentioned in
8 this instrument.

9 DATED this 16th day of December, 2018.



10 _____
(Signature)

11 Linda Khampradith
12 _____

(Printed name)

13 NOTARY PUBLIC in and for the State of
14 Washington residing at Seattle
15 My commission expires: 11/15/19

16 LINDA KHAMPRADITH
17 Notary Public
18 State of Washington
19 My Commission Expires
20 November 15, 2019

21 LIS PENDENS - 3

22 *1155169 (16056-24)

23 Ellis | Li | McKinstry
Market Place Tower
2025 First Avenue, Penthouse A
Seattle, WA 98121-3125
206.682.0565 Fax: 206.625.1052

EXHIBIT 1

That portion of Lots 1 and 2, Block 4, Federal Highway Addition, according to the plat thereof, recorded in Volume 30 of Plats, Pages 1 and 2, in King County, Washington, described as follows:

Beginning at the most Southerly corner of said Lot 2; and running
Thence North $08^{\circ}54'14''$ East along the Westerly line of said Lots 2 and 1 and along the Easterly line of 30th Avenue South, 216 feet;
Thence South $40^{\circ}05'15''$ East parallel to the Northeasterly lines of said Lots 1 and 2 to the Southeasterly line of said Lot 2;
Thence South $49^{\circ}54'45''$ West along the Southwesterly line of said Lot 2, to the Point of Beginning, in King County, Washington.

King County Superior Court Clerk's Office E Filing Confirmation Receipt

Case Number: 18-2-56516-2 KNT
Case Title: Central Puget Sound Regional Transit Authority, a regional transit authority, dba
Sound Transit vs Greenwood North Kent, LLC, a Washington Limited Liability
Company
Submitted By: Keith Kemper
Bar Number: 19438
User ID: Kemper
Submitted Date/Time: 12/6/2018 3:49:02 PM
Received Date/Time: 12/6/2018 3:49:02 PM
Total Cost: \$0.00

DOCUMENTS

Document Type: OTHER (DO NOT FILE UNSIGNED ORDERS) RE LIS PENDENS
File Name: Lis Pendens.pdf
Cost: \$0.00

Printed On: 12/6/2018 3:49:05 PM

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CLERK
KING COUNTY COUNCIL

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

Central Puget Sound Regional Transit Authority, a regional transit authority, dba Sound Transit	Plaintiff(s)	NO. 18-2-56516-2 KNT
vs		ORDER SETTING CONDEMNATION/EMINENT DOMAIN CASE SCHEDULE
Greenwood North Kent, LLC, a Washington Limited Liability Company, et al.	Defendant(s)	ASSIGNED JUDGE: ERLICK, Dept. 51
		FILED DATE: 12/06/2018
		TRIAL DATE: 07/29/2019

A Petition for Condemnation and Eminent Domain has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

NOTICE TO PETITIONER:

The Petitioner may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Respondent(s) along with the **Summons and Petition**. Otherwise, the Petitioner shall serve the *Schedule* on the Respondent(s) within 10 days after the later of: (1) the filing of the Summons and Petition or (2) service of the Respondent's first response to the **Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The Schedule may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

NOTICE TO ALL PARTIES:

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLCR], especially those referred to in this **Schedule**. In order to comply with the **Schedule**, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses [See KCLCR 16.1], for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

You are required to give a copy of these documents to all parties in this case.

I. NOTICES (continued)

PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4A.630.020 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Rule 41.

King County Local Rules are available for viewing at www.kingcounty.gov/courts/clerk.

II. CASE SCHEDULE

	CASE EVENT	EVENT DATE
*	Petition for Condemnation Filed and Schedule Issued.	12/06/2018
*	DEADLINE for Filing of Notice For Public Use and Necessity Hearing Calendar.	01/17/2019
	DEADLINE for Early Trial Date Request.	01/31/2019
*	Filing of Jury Demand, if applicable [See <i>KCLCR 38(b)(2)</i> .]	01/31/2019
	DEADLINE: Discovery Cutoff [See <i>KCLCR 37(g)</i>].	06/10/2019
	DEADLINE for Engaging in Alternative Dispute Resolution [<i>KCLCR 16(b)</i>].	07/01/2019
	DEADLINE: Exchange Witness & Exhibit Lists & Documentary Exhibits [<i>KCLCR 4(j)</i>].	07/08/2019
*	DEADLINE: File Joint Confirmation of Trial Readiness [<i>KCLCR 16</i>].	07/08/2019
*	Joint Statement of Evidence [See <i>KCLCR 4(k)</i>].	07/22/2019
	Trial Date [See <i>KCLCR 40</i>].	07/29/2019

The * indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

III. ORDER

Pursuant to Revised Code of Washington (R.C.W.) 8.08.040, 8.12.090 and King County Local Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for failure to comply. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Condemnation/Eminent Domain Case Schedule* and attachment on all other parties.

DATED: 12/06/2018

2671937

PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE.

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

COMPLEX LITIGATION: If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

APPLICABLE RULES: Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at www.kingcounty.gov/courts/clerk/rules/Civil.

CASE SCHEDULE AND REQUIREMENTS: Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.

A. Joint Confirmation regarding Trial Readiness Report

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g., interpreters, equipment).

The Joint Confirmation Regarding Trial Readiness form is available at www.kingcounty.gov/courts/scforms. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding the report.

B. Settlement/Mediation/ADR

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. **FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.**

C. Trial

Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the court's civil standby calendar on the King County Superior Court website www.kingcounty.gov/courts/superiorcourt to confirm the trial judge assignment.

MOTIONS PROCEDURES

A. Noting of Motions

Dispositive Motions: All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at www.kingcounty.gov/courts/clerk/rules/Civil.

Non-dispositive Motions: These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule

7 governs these motions, which include discovery motions. The local civil rules can be found at www.kingcounty.gov/courts/clerk/rules/Civil.

Motions in Family Law Cases not involving children: Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at www.kingcounty.gov/courts/clerk/rules.

Emergency Motions: Under the court's local civil rules, emergency motions will usually be allowed only upon entry of an Order Shortening Time. However, some emergency motions may be brought in the Ex Parte and Probate Department as expressly authorized by local rule. In addition, discovery disputes may be addressed by telephone call and without written motion, if the judge approves in advance.

B. Original Documents/Working Copies/ Filing of Documents: All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at www.kingcounty.gov/courts/clerk regarding the requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website. The local rules can be found at www.kingcounty.gov/courts/clerk/rules.

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. Working copies can be submitted through the Clerk's office E-Filing application at www.kingcounty.gov/courts/clerk/documents/eWC.

Service of documents: Pursuant to Local General Rule 30(b)(4)(B), e-filed documents shall be electronically served through the e-Service feature within the Clerk's eFiling application. Pre-registration to accept e-service is required. E-Service generates a record of service document that can be e-filed. Please see the Clerk's office website at www.kingcounty.gov/courts/clerk/documents/efiling regarding E-Service.

Original Proposed Order: Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. **Do not file the original of the proposed order with the Clerk of the Court.** Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order. The court may distribute orders electronically. Review the judge's website for information: www.kingcounty.gov/courts/SuperiorCourt/judges.

Presentation of Orders for Signature: All orders must be presented to the assigned judge or to the Ex Parte and Probate Department, in accordance with Local Civil Rules 40 and 40.1. Such orders, if presented to the Ex Parte and Probate Department, shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). If the assigned judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the Ex Parte and Probate Department. Such orders shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte and Probate Department, counsel is responsible for providing the assigned judge with a copy.**

C. Form

Pursuant to Local Civil Rule 7(b)(5)(B), the initial motion and opposing memorandum shall not exceed 4,200 words and reply memoranda shall not exceed 1,750 words without authorization of the court. The word count

includes all portions of the document, including headings and footnotes, except 1) the caption; 2) table of contents and/or authorities, if any; and 3) the signature block. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PETITIONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.



PRESIDING JUDGE

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KING COUNTY COUNCIL

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING**

Central Puget Sound Regional Transit Authority, a
regional transit authority, dba Sound Transit

No. 18-2-56516-2 KNT

vs

**CASE INFORMATION COVER SHEET AND
AREA DESIGNATION**

Greenwood North Kent, LLC, a Washington
Limited Liability Company

(CICS)

CAUSE OF ACTION

CON - Condemnation

AREA OF DESIGNATION

KNT

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

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CLERK
KING COUNTY COUNCIL

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

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

Petitioner

vs.

GREENWOOD NORTH/KENT, a Washington Limited
Liability Company, et al.

Respondents.

CASE NO. 18-2-56516-2 KNT

**NOTICE OF COURT DATE (Judges)
(NOTICE FOR HEARING)
KENT REGIONAL JUSTICE CENTER ONLY**

(Clerk's Action Required) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties per list on Page 2:
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is
directed to note this issue on the calendar checked below.

Calendar Date: December 31, 2018

Day of Week: Monday

Nature of Motion: Motion for Order and Judgment Adjudicating Public Use and Necessity

CASES ASSIGNED TO INDIVIDUAL JUDGES - RJC

If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time
before filing this notice. **Working Papers:** The judge's name, date and time of hearing must be noted in the upper
right corner of the Judge's copy. **Deliver Judge's copies to Judges' Mailroom at RJC**

Without oral argument (Mon - Fri)

With oral argument Hearing

Date/Time: December 31, 2018

Judge's Name: The Honorable John P. Erick

Trial Date: July 29, 2019

CHIEF CIVIL DEPARTMENT - RJC

All Chief Civil calendars are at 10:00 on Fridays, except as noted. See signs posted at RJC for calendar location. Deliver
working copies to Judges' Mailroom, Room 2D at RJC. In upper right corner of papers write "Chief Civil Department" and
date of hearing.

Extraordinary Writs (Show Cause Hearing) (LCR 98.40)

Supplemental Proceedings /Judicial Subpoenas (9:15 am) (LCR 69)

Motions to Consolidate with multiple judges assigned (LCR 40(a)(4)) (without oral argument) M-F

Structured Settlements (9:00 am Fridays) (LCR 40(2)(S))

Non-Assigned Cases:

Dispositive Motions (10:30 am)

Non-Dispositive Motions M-F (without oral argument)

Motions for Revision (LCR 7(b)(8))

Certificates of Rehabilitation- Weapon Possession (**Convictions from Limited Jurisdiction Courts**) (LCR 40(a)(2)(B))

PARTIES: The address of the Regional Justice Center is 401 4th Avenue North, Kent, WA 98032. You must bring this
document and appear as scheduled.

Room:

See Posted Signs

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: s/ Keith A. Kemper

Print/Type Name: Keith A. Kemper

WSBA # 19438 (if attorney)

Attorney for: Petitioner

Address: 2025 First Avenue, Penthouse A

City, State, Zip Seattle, WA 98121

Telephone: (206) 682-0565

Email Address: kkemper@elmlaw.com

Date: December 6, 2018

NOTICE OF COURT DATE - KENT REGIONAL JUSTICE CENTER ONLY

Page 1

JudgesKNT10/10/14

www.kingcounty.gov/courts/scforms

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name Joseph Harper
Service Address: 8310 South Park Ave
City, State, Zip Tacoma, WA 98408
WSBA# 34297
Atty. For: Greenwood North/Kent, LLC
Telephone #: (253) 212-2450
Email Address: harperlawoffices@comcast.net

Name A to B Auto, Inc. c/o Virgil Ray Stebbins
Service Address: 23410 30th Ave S
City, State, Zip Kent, WA 98032

Name Virgil Ray Stebbins
Service Address: 23410 30th Ave S
City, State, Zip Kent, WA 98032

Name King County c/o King County Clerk of Council
Service Address: 516 Third Avenue, Room 1200
City, State, Zip Seattle, WA 98104

Name City of Kent
Service Address: 220 Fourth Ave. S.
City, State, Zip Kent, WA 98032

IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than **six** court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The REGIONAL JUSTICE CENTER is in Kent, Washington at 401 Fourth Avenue North. The Clerk's Office is on the second floor, Room 2C. The Judges' Mailroom is Room 2D.

DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS

RECEIVED

2018 DEC 10 PM 3: 52

CLERK
KING COUNTY COUNCIL

The Honorable John P. Erlick
Noting Date: Monday, December 31, 2018
(Without Oral Argument)
Moving Party: Petitioner Sound Transit

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

Petitioner,

vs.

GREENWOOD NORTH/KENT, LLC, a
Washington Limited Liability Company, A
to B AUTO, INC., a Washington Profit
Corporation, VIRGIL RAY STEBBINS,
individually and his marital community,
KING COUNTY, a Washington municipal
corporation; CITY OF KENT, a Washington
municipal corporation; and ALL
UNKNOWN OWNERS and ALL
UNKNOWN TENANTS,

Respondents.

NO. 18-2-56516-2 KNT

PETITIONER'S MOTION FOR
ORDER AND JUDGMENT
ADJUDICATING PUBLIC USE AND
NECESSITY

Tax Parcel No. 2500600396

I. RELIEF REQUESTED

The Central Puget Sound Regional Transit Authority ("Petitioner" or "Sound
Transit") moves the Court for an order and judgment adjudicating public use and
necessity.

1 II. STATEMENT OF FACTS

2 Public Use and Necessity: This is a condemnation action. On November 5, 1996,
3 November 4, 2008, and most recently on November 8, 2016, voters approved local
4 funding to implement a regional high-capacity transit system for the Central Puget Sound
5 region (“Sound Move, ST2, and ST3, respectively”). Declaration of Kim Wong. In part,
6 Sound Move, ST2, and ST3 provide for the implementation of a high capacity light rail
7 service and transit improvements. *Id.* They further provide for the construction,
8 operation, and permanent location of an electric light rail project and related facilities
9 (“Link Light Rail”). Certain real property and real property interests must be acquired
10 in order to permanently locate, construct, operate, and maintain the Federal Way Link
11 Extension and its related facilities (the “Project”). *Id.*

12 On August 24, 2017, the Sound Transit Board of Directors (the “Board”) adopted
13 Resolution No. R2017-30 (the “Resolution”). *Id.* A certified copy of the Resolution is
14 attached as Exhibit 2 to the Petition in Eminent Domain on file in this case and is
15 incorporated here by this reference. As provided for in the Resolution, certain land,
16 property and property rights must be acquired in order to locate, construct, operate, and
17 maintain the Project, including real property identified as King County Tax Parcel No.
18 2500600396 (the “Parcel”), in which Respondents hold an interest. *Id.*

19
20 By adoption of the Resolution, the Board resolved the Project to be a public use for
21 a public purpose. *Id.* The Board also resolved that: (a) such land, property, and property
22 rights identified in the Resolution are necessary to locate, construct, operate, and
23 maintain the Project; and (b) the public health, safety, necessity, convenience, and welfare

1 demand and require that such land, property, and property rights be immediately
2 acquired to locate, construct, operate, and maintain the Project. *Id.*

3 Specifically, Petitioner seeks to appropriate and take a permanent fee simple
4 absolute interest in the entire Parcel for the construction and maintenance of the Federal
5 Way Link Extension and associated rail station. The Parcel is necessary for the
6 construction, operation, maintenance, and location of the Project. *Id.*

7 Notice of Final Action: Before taking final action to adopt Resolution R2017-30,
8 which authorizes condemnation of the subject property, Petitioner mailed and published
9 notice as required under RCW 8.25.290. Declaration of Keith A. Kemper, Exhibit A.

10 Specifically, on August 8, 2017, and at least 15 days before the August 24, 2017
11 Board meeting, Petitioner mailed a notice of its intent to take final action (the "Mail
12 Notice") by certified mail to each and every property owner of record as indicated on the
13 tax rolls of the county to the address provided on such tax rolls for the Parcel, and
14 specifically mailed the notice to Greenwood North/Kent LLC, 4758 229th PI SE,
15 Sammamish, WA 98075. *Id.* The Mail Notice included a general description of the Parcel
16 including its address and tax parcel number and indicated that a Resolution authorizing
17 condemnation of the Parcel would be considered and potentially adopted during the
18 Board's August 24, 2017 meeting. *Id.* The Mail Notice gave the date, time and location of
19 the Board meeting. *Id.*

20
21 Petitioner also published a notice of its intent to take final action authorizing the
22 acquisition of the Parcel through condemnation (the "Publication Notice"). *Id.* The
23 Publication Notice described the Parcel by its tax parcel number or address and indicated

1 that the Board would determine at the meeting whether or not to adopt a resolution
2 authorizing Petitioner to condemn the Parcel. *Id.* The Publication Notice gave the date,
3 time and location of the Board meeting. *Id.* The Publication Notice was published in *The*
4 *Seattle Times and The News Tribune*, being the legal newspaper with the largest circulation
5 in the jurisdiction where the Parcel is located, once a week for two consecutive weeks
6 before the August 24, 2017 Board meeting. *Id.* Petitioner routinely uses *The Seattle Times*
7 *and The News Tribune* to publish its legal notices. *Id.* Proof of circulation as established
8 by the publisher's affidavit is on file with Petitioner. *Id.*

9 III. STATEMENT OF THE ISSUES

- 10 A. Whether Petitioner is authorized to bring and maintain this condemnation
11 action; and
- 12 B. Whether Petitioner's Motion should be granted and an Order and
13 Judgment Adjudicating Public Use and Necessity entered by this Court.

14 IV. EVIDENCE RELIED UPON

15 This motion is supported by the files and records on file herein, the Declaration of
16 Kim Wong, and the Declaration of Keith A. Kemper with the attached Declaration of
17 Mike Bulzomi, and attached exhibits.

18 V. AUTHORITY

19 A. PETITIONER IS AUTHORIZED TO BRING AND MAINTAIN THIS 20 CONDEMNATION ACTION.

21 Petitioner undertook diligent efforts to provide the notice required pursuant to
22 RCW 8.25.290 prior to taking final action authorizing this condemnation action. And this
23 condemnation action is properly brought by Petitioner pursuant to an express legislative

1 delegation of the power to condemn.

2 1. **Notice of Final Action:** Pursuant to RCW 8.25.290(1), the condemnor must
3 provide notice before it takes final action authorizing a condemnation action. The notice
4 is to be given by certified mail to the taxpayer of record at the address on the county tax
5 rolls and to be published. RCW 8.25.290(2). As described above, Petitioner timely mailed
6 and published notice before taking final action to authorize the condemnation of the
7 Parcel. Petitioner's efforts constitute sufficient notice under RCW 8.25.290.

8 2. **Express Legislative Delegation of Power to Condemn:** Petitioner properly
9 brings this condemnation action pursuant to an express legislative delegation of the
10 power to condemn. Specifically, Petitioner is authorized to condemn all lands, rights of
11 way, property, equipment, and accessories necessary for the construction, operation,
12 maintenance, and location of a high-capacity regional mass transportation system
13 pursuant to the procedures established for condemnation by cities of the first class. This
14 authority is set forth in RCW 81.112.080, which provides, in relevant part, as follows:

15
16 An authority shall have the following powers in addition to the general
17 powers granted by this chapter: . . . (2) to acquire by purchase,
18 condemnation, gift or grant . . . high-capacity transportation facilities and
19 properties within authority boundaries . . . and such other facilities and
20 properties as may be necessary . . . together with all lands, rights of way,
21 property, equipment, and accessories necessary for such high-capacity
22 transportation systems . . . [t]he right of eminent domain shall be exercised
23 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. Sound Transit has the express authority to condemn the Parcel.

1 **B. PETITIONER'S MOTION SHOULD BE GRANTED AND AN ORDER AND**
2 **JUDGMENT ADJUDICATING PUBLIC USE AND NECESSITY ENTERED BY**
3 **THIS COURT.**

4 The exercise of a statutory right of eminent domain by condemnation occurs in
5 three phases: (a) adjudication of public use and necessity; (b) determination of just
6 compensation to be awarded to the owner; and (c) payment of just compensation and
7 transfer of title. *Mercer Island School District v. Scalzo, Inc.*, 54 Wn.2d 539, 540, 342 P.2d 225
(1959); *Des Moines v. Hemenway*, 73 Wn.2d 130, 138, 437 P.2d 171 (1968).

8 This Motion addresses only the first of the three phases - the adjudication of public
9 use and necessity. To enter a decree of public use and necessity, this Court must find
10 that: (1) the use is really a public use; (2) the public interest requires it; and (3) the property
11 to be appropriated is necessary for that use. *Hemenway*, 73 Wn.2d at 138.

12 1. **Public Use:** The issue of whether the proposed acquisition is actually for a
13 public use is a judicial question.

Eminent Domain. Private property shall not be taken for private use . . .
[w]henever an attempt is made to take private property for a use alleged to
be public, the question of whether a contemplated use be really public shall
be a judicial question

17 Wash. const. art. 1 §16. Additionally, RCW 8.12.090 specifically states that the issue of
18 public use in condemnations by cities of the first class is a judicial question.

19 Whenever an attempt is made to take private property, for a use alleged to
20 be public under authority of this chapter, the question whether the
21 contemplated use be really public shall be a judicial question and shall be
22 determined as such by the court before inquiry is had into the question of
23 compensation to be made.

1 RCW 8.12.090.¹

2 Moreover, the Court shall give a legislative determination of public use great
3 weight. *Hemenway*, 73 Wn.2d at 133; *Tacoma v. Welcker*, 65 Wn.2d 677, 399 P.2d 330 (1965).
4 Public transportation has long been recognized as a public use within the contemplation
5 of the power of eminent domain. *State ex rel. Devonshire v. Superior Court for King County*,
6 70 Wn.2d 630, 636, 424 P.2d 913 (1967) (citing *State ex rel. McIntosh v. Superior Court for*
7 *Pacific County*, 56 Wash. 214, 105 Pac. 637 (1909), *cert. denied*, 389 U.S. 1023 (1967)).

8 In this case, Petitioner’s evidence shows that the Parcel, which is being condemned
9 in order to permanently locate, construct, operate and maintain the Project, is being
10 acquired for a public use – a regional high-capacity mass transportation system as
11 authorized by the State Constitution and Legislature. And, the specific plans for the
12 Parcel are not relevant in adjudicating the public use and necessity of a condemnation
13 action. *See State ex rel. Agee v. Superior Court for King County*, 58 Wn.2d 838, 365 P.2d 16
14 (1961). Certification of public use requires only that the property condemned be put to
15 the use designated and which use has been determined to be public. *Id.*

16
17 2. **Public Interest and Public Necessity:** In contrast to public use, the issues
18 of public interest and public necessity are solely legislative. *See State ex rel. Sternoff v.*
19 *Superior Court for King County*, 52 Wn.2d 282, 325 P.2d 300 (1958). “Necessity” means
20 reasonable necessity under the circumstances. *Hemenway*, 73 Wn.2d at 133. “It does not

21
22 ¹ RCW 8.12.090 does not require a testimonial evidentiary hearing before the issue of public use and
23 necessity may be adjudicated. *Blaine v. Feldstein*, 129 Wn. App. 73, 76, 117 P.3d 1169 (2005). Rather, the
statute requires that the same procedures used in “other civil actions” be used. *Id.* In other civil actions,
such evidentiary hearings are at the discretion of the trial court and are typically used only if there are
relevant factual or credibility issues that require such a hearing. *Id.*

1 mean immediate, absolute or indispensable need, but rather considers the right of the
2 public to expect or demand that certain services be provided." *Id.* (citing *Welcker*, 65
3 Wn.2d at 683-84; *In re Port of Seattle*, 66 Wn.2d 598, 404 P.2d 25 (1965)). It encompasses
4 "reasonable anticipation of future needs." *State ex rel. Hunter v. Superior Court for*
5 *Snohomish County*, 34 Wn.2d 214, 216, 208 P.2d 866 (1949).

6 A declaration by the appropriate legislative body that the proposed acquisition is
7 necessary to accomplish a public purpose, "will, by the courts, be deemed conclusive, in
8 the absence of proof of actual fraud or such arbitrary and capricious conduct as would
9 amount to constructive fraud." *Welcker*, 65 Wn.2d at 684; *In re Port of Seattle*, 80 Wn.2d
10 392, 398, 495 P.2d 327 (1972); see also *State ex rel. Dungan v. Superior Court for Grant County*,
11 46 Wn.2d 219, 279 P.2d 918 (1955) ("In condemnation proceedings brought by cities, the
12 court is bound by the legislative determination of the city council that the taking or
13 damaging of certain land is necessary for the contemplated project."). Selection of a
14 specific site for the proposed use is also a legislative question. A legislative determination
15 is deemed conclusive unless proved to have been done without statutory authority, in
16 bad faith, as an abuse of power, or in an arbitrary and capricious manner. *Hunter*, 34
17 Wn.2d at 219.

18 The objector has the burden of proving fraud or constructive fraud. *In re Port of*
19 *Grays Harbor*, 30 Wn. App. 855, 862, 638 P.2d 633 (1982), review denied, 97 Wn.2d 1010
20 (1982). Arbitrary and capricious is "willful and unreasoning action without consideration
21 and regard for the facts and circumstances." *Welcker*, 65 Wn.2d at 684. The fact that there
22 is room for two opinions does not make the legislative action arbitrary and capricious if
23

1 it is "exercised honestly, fairly, and upon due consideration," even where a belief may
2 exist that an erroneous conclusion has been reached. *Miller v. Tacoma*, 61 Wn.2d 374, 390,
3 378 P.2d 464 (1963).

4 Sound Transit, through the exercise of proper legislative authority, declared that
5 public interest, necessity and convenience require acquisition of the Parcel for the
6 location, construction, operation, and maintenance of the Project. See Resolution R2017-
7 30, Petition, Ex. 2. Petitioner's Resolution regarding public interest, public necessity, and
8 site selection is conclusive. *State ex rel. Sternoff*, 52 Wn.2d at 293-96. Moreover, Sound
9 Transit's decision does not constitute fraud, nor is it arbitrary and capricious so as to
10 constitute constructive fraud.

11 **VI. CONCLUSION AND ORDER**

12 In summary, Sound Transit has the authority to condemn and it has provided the
13 appropriate notice to the appropriate persons prior to initiating this action. Sound Transit
14 has acted with due consideration and followed the appropriate process for determining
15 public use and necessity.

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A form of proposed Findings, Conclusions, Order and Judgment are filed with this motion.

DATED this December 6, 2018.

ELLIS, LI & MCKINSTRY PLLC

By: s/ Keith A. Kemper
Keith A. Kemper, WSBA No. 19438
Peter B. Dolan, WSBA No. 48144
2025 First Avenue, PHA
Seattle, WA 98121
Tel: (206) 682-0565
Fax: (206) 625-1052
Email: kkemper@elmlaw.com
pdolan@elmlaw.com
Attorneys for Petitioner

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2018 DEC 10 PM 3: 52

CLERK
KING COUNTY COUNCIL

The Honorable John P. Erlick
Noting Date: Monday, December 31, 2018
(Without Oral Argument)
Moving Party: Petitioner Sound Transit

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

Petitioner,

vs.

GREENWOOD NORTH/KENT, LLC, a
Washington Limited Liability Company, A
to B AUTO, INC., a Washington Profit
Corporation, VIRGIL RAY STEBBINS,
individually and his marital community,
KING COUNTY, a Washington municipal
corporation; CITY OF KENT, a Washington
municipal corporation; and ALL
UNKNOWN OWNERS and ALL
UNKNOWN TENANTS,

Respondents.

NO. 18-2-56516-2 KNT

FINDINGS OF FACT,
CONCLUSIONS OF LAW, ORDER
AND JUDGMENT ADJUDICATING
PUBLIC USE AND NECESSITY

[PROPOSED]

Tax Parcel No. 2500600396

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

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

*1155180 (16056-24)

Ellis | Li | McKinstry
Market Place Tower
2025 First Avenue, Penthouse A
Seattle, WA 98121-3125
206.682.0565 Fax: 206.625.1052

1 Respondents or their attorneys have either appeared but not objected to entry of
2 these Findings of Fact, Conclusions of Law, Order and Judgment Adjudicating Public Use
3 and Necessity, have not appeared, or having appeared and objected to entry, their
4 objections were considered and overruled. The Court, having jurisdiction over each and
5 all of the Respondents and the subject matter of this action, having considered the motion,
6 declarations in support, opposition, if any, and the files and records herein, and being
7 fully advised, has determined that the relief sought by Petitioner is proper.

8 FINDINGS OF FACT

9 1. Sound Transit is a duly organized and acting regional transit authority,
10 existing under and by virtue of the laws of the State of Washington. RCW 81.112.080.
11 Petitioner is authorized by statute to construct and operate a high-capacity transportation
12 system within authority boundaries. RCW 81.112.010.

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

16 3. On or about August 24, 2017, by Petitioner's Resolution No. R2017-30
17 ("Resolution"), Sound Transit's Board of Directors (the "Board") authorized the
18 condemnation, taking, damaging, and appropriation of certain lands, properties and
19 property rights in order to permanently locate, construct, operate and maintain the
20 Federal Way Link Extension and its related facilities (the "Project"). Certain real property
21 and real property rights must be acquired in order to permanently locate, construct,
22 operate, and maintain the Project. A copy of the Resolution is attached as Exhibit 2 to the
23

1 Petition on file in this action and it is incorporated here by this reference. Included within
2 these lands, properties and property rights is land, property, and property rights situated
3 in Kent, King County, Washington, in which Respondents hold an interest.

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

9 5. The land, property, and property rights that Sound Transit seeks to and is
10 authorized to condemn, and in which Respondents hold an interest, is identified as King
11 County Tax Parcel No. 2500600396 (the "Parcel").

12 6. With this condemnation, Sound Transit seeks to appropriate and take a
13 permanent fee simple absolute interest in the entire Parcel, for construction and
14 maintenance of the Project, as legally described in Exhibit 1 attached.

15 7. The Parcel is necessary and will be used for a public purpose: locating,
16 constructing, operating and maintaining the Project.

17 8. The Respondents have been served with notice and a copy of the Petition.

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

21 CONCLUSIONS OF LAW

22 The Court hereby makes the following Conclusions of Law:

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

3 2. Sound Transit is a regional transit authority, existing under and by virtue
4 of the laws of the State of Washington.

5 3. Sound Transit is authorized by statute to condemn for public use, which
6 includes locating, constructing, operating and maintaining the Project. Condemnation of
7 lands, properties and property rights to locate, construct, operate and maintain the
8 Project is within the statutory authority of Petitioner.

9 4. Sound Transit, having mailed and published notice with the date, time and
10 location of the Board meeting at which Sound Transit intended to take final action and
11 authorize the acquisition of the Parcel through condemnation, which notice generally
12 described the Parcel, made a diligent attempt to provide sufficient notice and this Court
13 does hereby deem the notice given by Petitioner, as described in the Declaration of Mike
14 Bulzomi attached as Exhibit A to the Declaration of Keith A. Kemper filed herewith, to
15 be sufficient to satisfy the requirements of RCW 8.25.290.

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

18 6. The public interest requires the proposed use.

19 7. Appropriation of the Parcel is necessary for the proposed use.

20 8. Sound Transit is entitled to the issuance of an order finding public use and
21 necessity for the taking of the Parcel for public purposes.
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ORDER AND JUDGMENT

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
that there is public use and necessity for taking of the Parcel for public purposes.

DONE IN OPEN COURT this ____ day of December, 2018.

THE HONORABLE JOHN P. ERLICK

Presented by:

ELLIS, LI & MCKINSTRY PLLC

By: s/ Keith A. Kemper

Keith A. Kemper, WSBA No. 19438

Peter B. Dolan, WSBA No. 48144

2025 First Avenue, PHA

Seattle, WA 98121

Tel: (206) 682-0565

Fax: (206) 625-1052

Email: kkemper@elmlaw.com

pdolan@elmlaw.com

Attorneys for Petitioner

EXHIBIT 1

That portion of Lots 1 and 2, Block 4, Federal Highway Addition, according to the plat thereof, recorded in Volume 30 of Plats, Pages 1 and 2, in King County, Washington, described as follows:

Beginning at the most Southerly corner of said Lot 2; and running

Thence North $08^{\circ}54'14''$ East along the Westerly line of said Lots 2 and 1 and along the Easterly line of 30th Avenue South, 216 feet;

Thence South $40^{\circ}05'15''$ East parallel to the Northeasterly lines of said Lots 1 and 2 to the Southeasterly line of said Lot 2;

Thence South $49^{\circ}54'45''$ West along the Southwesterly line of said Lot 2, to the Point of Beginning, in King County, Washington.

RECEIVED

2018 DEC 10 PM 3: 52

CLERK
KING COUNTY COUNCIL

The Honorable John P. Erlick

Noting Date: Monday, December 31, 2018

(Without Oral Argument)

Moving Party: Petitioner Sound Transit

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

Petitioner,

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GREENWOOD NORTH/KENT, LLC, a
Washington Limited Liability Company, A
to B AUTO, INC., a Washington Profit
Corporation, VIRGIL RAY STEBBINS,
individually and his marital community,
KING COUNTY, a Washington municipal
corporation; CITY OF KENT, a Washington
municipal corporation; and ALL
UNKNOWN OWNERS and ALL
UNKNOWN TENANTS,

Respondents.

NO. 18-2-56516-2 KNT

DECLARATION OF KEITH A.
KEMPER IN SUPPORT OF
PETITIONER'S MOTION FOR
ORDER AND JUDGMENT
ADJUDICATING PUBLIC USE AND
NECESSITY

Tax Parcel No. 2500600396

I, Keith A. Kemper, declare as follows:

1. I am an attorney with the law firm of Ellis, Li & McKinstry, PLLC, the attorneys of record for Petitioner, Central Puget Sound Regional Transit Authority ("Sound Transit"), in this case. I have personal knowledge of and I am competent to testify about the following:

EXHIBIT A

Declaration of Mike Bulzomi Regarding Notice of Final Action
Tax Parcel No. 2500600396
ROW No. FL208

I, Mike Bulzomi, the Senior Real Property Agent for the Central Puget Sound Regional Transit Authority (“Petitioner”), herein make the following declaration regarding notice of final action given by Petitioner. The statements in this declaration are based upon my personal knowledge and I am otherwise competent to testify.

1. Before taking final action to adopt Resolution R2017-30, which is the resolution that authorizes condemnation of that portion of the property that is the subject of this condemnation action (the “Condemned Property”), Petitioner mailed and published notice as required under RCW 8.25.290.

2. Specifically, on August 8, 2017, which was at least 15 days before the August 24, 2017 Sound Transit Board of Directors (the “Board”) meeting at which Petitioner proposed to take final action authorizing the acquisition of the Condemned Property through condemnation, Petitioner mailed notice of its intent to take final action (the “Mail Notice”) by certified mail to each and every property owner of record as indicated on the tax rolls of the county to the address provided on such tax roll for the Condemned Property, to wit: Greenwood North/Kent LLC, 4758 229th Pl SE, Sammamish, WA 98075. Attached hereto as **Exhibit 1** is the true and correct copy of the Mail Notice with Certified Mail Receipt.

3. The Mail Notice included a general description of the Condemned Property including the address and tax parcel number and indicated that a resolution authorizing condemnation of the Condemned Property would be considered and potentially adopted during the Board meeting. The Mail Notice gave the date, time and location of the Board meeting.

4. In addition, Petitioner also published a notice of its intent to take final action authorizing the acquisition of the Condemned Property through condemnation (the “Publication Notice”).

5. The Publication Notice described the property by its tax parcel number or address and indicated that the Board would determine at the meeting whether or not to adopt a resolution authorizing Petitioner to condemn the Condemned Property. The Publication Notice also gave the date, time and location of the Board meeting.

6. The Publication Notice was published in *The Seattle Times*, being the legal newspaper with the largest circulation in the jurisdiction where the Condemned Property is located, once a week for two consecutive weeks before the date of the August 24, 2017 Board meeting. *The Seattle Times* is also the legal newspaper routinely used by the Petitioner. Attached hereto as **Exhibit 2** is a true copy of the Affidavit of Publication evidencing the dates of publication in *The Seattle Times*.

7. The Publication Notice was also published in *The News Tribune*, the legal newspaper routinely used by the Petitioner, once a week for two consecutive weeks before the date of the August 24, 2017 Board meeting. Attached hereto as **Exhibit 3** is a true copy of the Affidavit of Publication evidencing the dates of publication in *The News Tribune*.

8. Proof of circulation as established by publisher's affidavit is on file with Sound Transit.

I declare under penalty of perjury under the laws of the State of Washington that the above is true and correct.

EXECUTED in Seattle, Washington this 18 day of October, 2018.



Mike Bulzomi
Senior Real Property Agent

EXHIBIT 1



August 8, 2017

Certified Mail

Greenwood North/Kent LLC
4758 229th Pl SE
Sammamish, WA 98075

RE: Notification of Board Action
County Tax Parcel No.: 2500600396
Site Address: 23410 30th Ave S
Sound Transit ROW No.: FL208

Dear Greenwood North/Kent LLC:

The Federal Way Link Extension is a 7.8 mile light rail extension from South 200th Street in the City of SeaTac to the Federal Way Transit Center, with service to the cities of SeaTac, Kent, Des Moines, and Federal Way. The extension will follow the south edge of the future SR 509, and continue south along the west side of I-5, and includes three stations at Kent/Des Moines Road, South 272nd Street, and the Federal Way Transit Center Station. New parking structures will be provided at Kent/Des Moines Station and South 272nd Station and an additional parking structure will be provided at the Federal Way Transit Center Station. Construction of the project is expected to begin in 2019, with stations expected to open in 2024.

On August 24, 2017, the Sound Transit Board will consider a resolution authorizing Sound Transit to acquire property interests needed for the construction, operation, and maintenance of the Federal Way Link Extension project. Public records indicate that you own the property identified above that will be impacted by the Federal Way Link Extension project.

If the Sound Transit Board approves the resolution, a right of way agent will contact you to discuss the specific rights Sound Transit proposes to acquire. The law guarantees fair market value will be paid when property or a property right must be acquired, and the owner is entitled to have the amount of compensation determined by a court of law if a negotiated purchase cannot be reached. There are also provisions for property owners to be reimbursed for costs such as appraisals and attorney fees.

Sound Transit is required by law to provide you with formal written notice before it takes final action to authorize the acquisition of the property rights needed to construct the project. This action will include the right to condemn the needed property in the event an acceptable agreement cannot be reached.

CHAIR

Dave Somers
Snohomish County Executive

VICE CHAIRS

John Marchione
Redmond Mayor

Marilyn Strickland
Tacoma Mayor

BOARD MEMBERS

Nancy Backus
Auburn Mayor

Claudia Balducci
King County Councilmember

Fred Butler
Issaquah Mayor

Dow Constantine
King County Executive

Bruce Dammeler
Pierce County Executive

Dave Earling
Edmonds Mayor

Rob Johnson
Seattle Councilmember

Kent Keel
University Place Mayor Pro Tem

Joe McDermott
King County Council Chair

Roger Millar
*Washington State Secretary
of Transportation*

Mary Moss
Lakewood Councilmember

Ed Murray
Seattle Mayor

Paul Roberts
Everett Councilmember

Dave Uptegrove
King County Councilmember

Peter von Reichbauer
King County Councilmember

CHIEF EXECUTIVE OFFICER

Peter M. Rogoff

Greenwood North/Kent LLC

August 8, 2017

Page 2

This action will be on the Sound Transit Board agenda for approval on August 24, 2017. This authorization for the purchase of the property identified above will be considered as part of Sound Transit's final action on the Resolution at this public meeting. Once the Resolution is enacted, Sound Transit may acquire property rights for the Federal Way Link Extension project from you through negotiation, or Sound Transit may use its powers of eminent domain to condemn the necessary property if we are unable to reach a voluntary agreement with you.

If you wish to attend the Sound Transit Board meeting, the Board meets at 1:30 pm in the Sound Transit Ruth Fisher Board Room located at 401 S. Jackson Street, Seattle, WA. If you would like, you will have the opportunity to express your views on the Resolution during the public comment period at the beginning of the Sound Transit Board meeting.

If you have any questions about the upcoming Sound Transit Board meeting or the Resolution, please contact the Sound Transit Sr. Real Property Agent, Mike Bulzomi at 206-903-7653. General information about the project and the time and location of the Board meeting can be obtained on Sound Transit's website at <http://www.soundtransit.org>.

Sincerely,



Kevin Workman
Sound Transit
Director of Real Property

7010 3090 0000 5070 9601

U.S. Postal Service TM
CERTIFIED MAIL TM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total F: **Greenwood North/Kent LLC**

Sent To: **4758 229th PI SE**

Street, 2 or PO B. **Sammamish, WA 98072**

City, Sta. **FL208 Board Notice**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>Jim Lee</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <i>8/1/17</i></p> <p>Facsimile Delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: _____</p> <p><i>3 1 2017</i> <i>Real Estate Dept.</i></p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>1. Article Addressed to:</p> <p>Greenwood North/Kent LLC 4758 229th PI SE Sammamish, WA 98072 FL208 Board Notice</p>	
<p>2. Article Number (Transfer from service label) 7010 3090 0000 5070 9601</p>	



August 8, 2017

Certified Mail

Greenwood North Inc.
Attn: Joseph Harper
8310 S Park Ave
Tacoma, WA 98408-5228

RE: Notification of Board Action
County Tax Parcel No.: 2500600396
Site Address: 23410 30th Ave S
Sound Transit ROW No.: FL208

Dear Joseph Harper:

The Federal Way Link Extension is a 7.8 mile light rail extension from South 200th Street in the City of SeaTac to the Federal Way Transit Center, with service to the cities of SeaTac, Kent, Des Moines, and Federal Way. The extension will follow the south edge of the future SR 509, and continue south along the west side of I-5, and includes three stations at Kent/Des Moines Road, South 272nd Street, and the Federal Way Transit Center Station. New parking structures will be provided at Kent/Des Moines Station and South 272nd Station and an additional parking structure will be provided at the Federal Way Transit Center Station. Construction of the project is expected to begin in 2019, with stations expected to open in 2024.

On August 24, 2017, the Sound Transit Board will consider a resolution authorizing Sound Transit to acquire property interests needed for the construction, operation, and maintenance of the Federal Way Link Extension project. Public records indicate that you own the property identified above that will be impacted by the Federal Way Link Extension project.

If the Sound Transit Board approves the resolution, a right of way agent will contact you to discuss the specific rights Sound Transit proposes to acquire. The law guarantees fair market value will be paid when property or a property right must be acquired, and the owner is entitled to have the amount of compensation determined by a court of law if a negotiated purchase cannot be reached. There are also provisions for property owners to be reimbursed for costs such as appraisals and attorney fees.

Sound Transit is required by law to provide you with formal written notice before it takes final action to authorize the acquisition of the property rights needed to construct the project. This action will include the right to condemn the needed property in the event an acceptable agreement cannot be reached.

CHAIR

Dave Somers
Snohomish County Executive

VICE CHAIRS

John Marchione
Redmond Mayor

Marilyn Strickland
Tacoma Mayor

BOARD MEMBERS

Nancy Backus
Auburn Mayor

Claudia Balducci
King County Councilmember

Fred Butler
Issaquah Mayor

Dow Constantine
King County Executive

Bruce Dammeier
Pierce County Executive

Dave Earling
Edmonds Mayor

Rob Johnson
Seattle Councilmember

Kent Keel
University Place Mayor Pro Tem

Joe McDermott
King County Council Chair

Roger Miller
Washington State Secretary of Transportation

Mary Moss
Lakewood Councilmember

Ed Murray
Seattle Mayor

Paul Roberts
Everett Councilmember

Dave Uptegrove
King County Councilmember

Peter von Reichbauer
King County Councilmember

CHIEF EXECUTIVE OFFICER

Peter M. Rogoff

Greenwood North Inc.

August 8, 2017

Page 2

This action will be on the Sound Transit Board agenda for approval on August 24, 2017. This authorization for the purchase of the property identified above will be considered as part of Sound Transit's final action on the Resolution at this public meeting. Once the Resolution is enacted, Sound Transit may acquire property rights for the Federal Way Link Extension project from you through negotiation, or Sound Transit may use its powers of eminent domain to condemn the necessary property if we are unable to reach a voluntary agreement with you.

If you wish to attend the Sound Transit Board meeting, the Board meets at 1:30 pm in the Sound Transit Ruth Fisher Board Room located at 401 S. Jackson Street, Seattle, WA. If you would like, you will have the opportunity to express your views on the Resolution during the public comment period at the beginning of the Sound Transit Board meeting.

If you have any questions about the upcoming Sound Transit Board meeting or the Resolution, please contact the Sound Transit Sr. Real Property Agent, Mike Bulzomi at 206-903-7653. General information about the project and the time and location of the Board meeting can be obtained on Sound Transit's website at <http://www.soundtransit.org>.

Sincerely,



Kevin Workman
Sound Transit
Director of Real Property

7012 3460 0003 1131 7654

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$		Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees \$		

Sent To: *FL208*
ATTN: Joseph Harper
 Greenwood North Inc.
 Street, Apt. No., or PO Box No.: 8310 S Park Ave
 City, State, ZIP+4: Tacoma WA 98408-5228

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Greenwood North Inc.
 Attn: Joseph Harper
 8310 S Park Ave
 Tacoma, WA 98408-5228
FL208

2. Article Number (Transfer from service label)
 9590 9402 2699 6351 4595 42

COMPLETE THIS SECTION ON DELIVERY

A. Signature
Joseph T. G. Harper Agent Addressee

B. Received by (Printed Name)
Joseph T. G. Harper

C. Date of Delivery
 8-10-17

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

Received
 AUG 23 2017
 Real Estate Dept.

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

7012 3460 0003 1131 7654

EXHIBIT 2

R43500
 ST00017A
 Printed By: YUEN, JUDY A

Division Purchase Order
SOUND TRANSIT
 Reprint

Date Printed: 9/15/2017
 Page - 1

Number 38369 OC
 Approval Route 866128H

Supplier: 11081
 THE SEATTLE TIMES
 PO BOX C34805
 SEATTLE WA 98124-5988

Ship To: SOUND TRANSIT
 401 S JACKSON
 SEATTLE WA 98104

Created Date: 9/13/2017 Contract Number:
 Requested: 9/29/2017 Requested By: YUENJ
 PO TYPE: Standard Approved Date: 9/15/2017
 Federal Class: N Description: Seattle Times Publication
 Contract Specialist:
 Project Manager: 2174 YUEN, JUDY A

publication for Federal Way Link Extension in the Seattle Times newspaper on August 11 and 18, 2017

total amount \$1,374.46

account code 445400.168100.40118

Line	Description / Supplier Item	QTY	U/M	Unit Price	Extended Price	Estimated Tax	Account Number	Asset ID	Grant	Tax Y/N	Ty	Tax Area	C.D. No
1 000	Seattle Times-Federal Way Link		LS	.0000	1,374.46	.00	445400.168100.40118			N	S	SEATTLE	
					Total Order	1,374.46	.00						

Term
 Net 30 Days

ICE incl Tax
 1,374.46

CHECK ONE:

- Price is fair and reasonable based on:
- Competition
 - Past Experience
 - Research of Market Rates
 - Other _____

The Seattle Times

1000 Denny Way Seattle WA 98109 - PO Box 70 Seattle WA 98111

**ADVERTISING
INVOICE**

Advertiser name: Sound Transit Real Property
 Advertiser# 100487
 Agency#:
 Agency name:

Billing date: 08/18/2017
 Billing period: 08/11 - 08/18
Total due: \$1,374.46

Payment is due in full upon receipt.

CURRENT CHARGES	30 DAYS	60 DAYS	OVER 90 DAYS	UNAPPLIED AMOUNT
-----------------	---------	---------	--------------	------------------

REMITTANCE ADDRESS

THE SEATTLE TIMES
 PO BOX C34805
 Seattle, WA 98124

SOUND TRANSIT REAL PROPERTY DEPT
 A/P JUDY YUEN
 401 S JACKSON ST
 SEATTLE WA 98104

PLEASE INDICATE ANY
 CHANGES TO YOUR
 BILLING ADDRESS

TOTAL DUE IN US FUNDS	AMOUNT PAID
\$1,374.46	

000000000+00001004870+000137446+2+7+

PLEASE DETACH AND RETURN THE UPPER PORTION WITH YOUR PAYMENT

Date	Transaction #	Description	Charges & Credits	Amount
08/18	752808	Legal Non-Bid Print+Web "SOUND TRANSIT Notice of Public Meeting" PO# aug 17 federal way Print: 08/11/17, 08/18/17 Rate: n/a	Gross amount	\$1,374.46
			Net amount	\$1,374.46
			Total due	\$1,374.46

Billing inquiries: Billing inquiries: (206) 464-3200
Other Contacts: Display ads: (206) 464-2400 / Classified ads: (206) 624-SELL / Toll-free: 1-800-628-8285
Payment address: The Seattle Times, PO Box C34805, Seattle, WA 98124-1805. Tax ID: #91-0403890

The Seattle Times

Sound Transit Real Property Dept
A/P Judy Yuen
401 S Jackson St

Seattle, WA 98104

Re: Advertiser Account # 100487
Ad #: 752808

Agency Account #: 0
Agency Name:

Affidavit of Publication

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	08/11/17
Seattle Times	08/18/17

Agent Sharon Seligman Signature Sharon Seligman



Subscribed and sworn to before me on Aug 22 2017
DATE
Christina C. McKenna Christina C. McKenna
Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

The Seattle Times

Re: Advertiser Account # 100487

Ad #: 752808

Agency Account #: 0

Agency Name:

AD TEXT

SOUND TRANSIT

Notice of Public Meeting of the Sound Transit Board of Directors to Consider Authorizing Acquisition of Certain Properties Necessary for Sound Transit's Federal Way Link Extension project, through Negotiations with the Property Owners, and by Eminent Domain (Condemnation), if Necessary. Attention all parties holding an interest in the following King County Tax Parcel Numbers located in Kent, Des Moines, and Federal Way, Washington:

2500600376,	2500600400,	2500600411,
2500600420,	2500600418,	2500600410,
716020010,	716020005,	2500600416,
2500600425,	1522049018,	2500600460,
2500600465,	2500600436,	2500600535,
2500600540,	2500600435,	2500600440,
2500600441,	2500600446,	2500600447,
2500600555,	5514000010,	2222049165,
2822049082,	2822049230,	2822049202,
2822049175,	2822049066,	5160000040,
5160000030,	5160000010,	7202200490,
0421049099,	0921049096,	0921049182,
0921049183,	0921049251,	0921049311,
0921049312,	0921049315,	0921049329,
0921049095,	0921049115,	0921049085,
0921049009,	774820TRCT,	092104TRCT.

Sound Transit hereby notifies you of a planned public meeting of the Sound Transit Board of Directors to consider the adoption of a Resolution to authorize the acquisition of property interests in the above referenced parcels, through negotiation with property owners, and by use of eminent domain (condemnation), if necessary. The meeting will be held at 1:30 p.m. on Thursday the 24th day of August, 2017 at the Sound Transit Ruth Fisher Boardroom which is located at 401 South Jackson Street in Seattle, Washington. Additional information can be obtained by contacting Mike Bulzoni, Senior Real Property Agent at 206-903-7653 or Kevin Workman, Real Property Director at 206-370-5561 and on Sound Transit's website at www.soundtransit.org.

The Seattle Times

Sound Transit Real Property Dept
A/P Judy Yuen
401 S Jackson St

Seattle, WA 98104

Re: Advertiser Account # 100487
Ad #: 752808

Agency Account #: 0
Agency Name:

Affidavit of Publication

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	08/11/17
Seattle Times	08/18/17



Agent Gerald Patriarca Signature Gerald J. Patriarca

A large, stylized handwritten signature of Patricia Martinez.

Subscribed and sworn to before me on AUG 30 2017
DATE

(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

Patricia Martinez

The Seattle Times

Re: Advertiser Account # 100487

Ad #: 752808

Agency Account #: 0

Agency Name:

AD TEXT

SOUND TRANSIT

Notice of Public Meeting of the Sound Transit Board of Directors to Consider Authorizing Acquisition of Certain Properties Necessary for Sound Transit's Federal Way Link Extension project, through Negotiations with the Property Owners, and by Eminent Domain (Condemnation), if Necessary. Attention of parties holding an interest in the following King County Tax Parcel Numbers located in Kent, Des Moines, and Federal Way, Washington:

2500600398,	2500600400,	2500600411,
2500600420,	2500600418,	2500600410,
7260200010,	7260200003,	2500600416,
2500600425,	1522049018,	2500600460,
2500600465,	2500600436,	2500600525,
2500600540,	2500600435,	2500600440,
2500600441,	2500600446,	2500600447,
2500400555,	5514000010,	2222049168,
2822049082,	2822049230,	2822049207,
2822049175,	2822049066,	5160000040,
5160000020,	5160000010,	7303700490,
0921049099,	0921049096,	0921049182,
0921049183,	0921049251,	0921049311,
0921049312,	0921049315,	0921049322,
0921049095,	0921049115,	0921049085,

0921049009, 794820TRACT, 092104TRACT.
Sound Transit hereby notifies you of a planned public meeting of the Sound Transit Board of Directors to consider the adoption of a Resolution to authorize the acquisition of property interests in the above referenced parcels, through negotiation with property owners, and by use of eminent domain (condemnation), if necessary. The meeting will be held at 1:30 p.m. on Thursday the 24th day of August, 2017 at the Sound Transit Ruth Fisher Boardroom which is located at 401 South Jackson Street in Seattle, Washington. Additional information can be obtained by contacting Mike Bulzani, Senior Real Property Agent at 206-903-7653 or Kevin Workman, Real Property Director at 206-370-5561 and on Sound Transit's website at www.soundtransit.org.

PUBLIC NOTICES

Public Notices@seattletimes.com

Public Notices

SOUND TRANSIT

Notice of Public Meeting of the Sound Transit Board of Directors to Consider Authorizing Acquisition of Certain Properties Necessary for Sound Transit's Federal Way Link Extension project, through Negotiations with the Property Owners, and by Eminent Domain (Condemnation), if Necessary. Attention of parties holding an interest in the following King County Tax Parcel Numbers located in Kent, Des Moines, and Federal Way, Washington:

2500600396,	2500600400,	2500600411,
2500600420,	2500600418,	2500600419,
2500600410,	7740700003,	2500600416,
2500600425,	1522049018,	2500600660,
2500600665,	2500600436,	2500600535,
2500600540,	2500600435,	2500600440,
2500600441,	2500600446,	2500600447,
2500600555,	5514000010,	2222049168,
2822049082,	2822049228,	2822049207,
2822049175,	2822049044,	5140000040,
5160000030,	5160000010,	7303200490,
0421049099,	0921049096,	0921049102,
0921049103,	0921049251,	0921049311,
0921049312,	0921049315,	0921049329,
0921049095,	0921049115,	0921049085,
0921049009,	796820 TRCT,	092104 TRCT.

Sound Transit hereby notifies you of a planned public meeting of the Sound Transit Board of Directors to consider the adoption of a Resolution to authorize the acquisition of property interests in the above referenced parcels, through negotiation with property owners, and by use of eminent domain (condemnation), if necessary. The meeting will be held at 1:30 p.m. on Thursday the 24th day of August, 2017 at the Sound Transit Ruth Fisher Boardroom which is located at 401 South Jackson Street in Seattle, Washington. Additional information can be obtained by contacting Mike Bulzoni, Senior Real Property Agent at 206-903-7653 or Kevin Workman, Real Property Director at 206-376-5561 and on Sound Transit's website at www.soundtransit.org.

SOUND TRANSIT

Notice of Public Meeting of the Sound Transit Board of Directors to Consider Authorizing Acquisition of Certain Properties Necessary for Sound Transit's Lynnwood Link Extension Project, through Negotiations with the Property Owners, and by Eminent Domain (Condemnation), if Necessary. Attention of parties holding an interest in the following King and Snohomish County Tax Parcel Numbers located in Seattle, Shoreline, and Mountlake Terrace, Washington:

4411600429,	4411600430,	4411600428,	3881700321,
7772400190,	4084100100,	4084100595,	3095300337,
5490700010,	0061990005000,	0061990004800,	

Sound Transit hereby notifies you of a planned public meeting of the Sound Transit Board of Directors to consider the acquisition of property interests in the above referenced parcels, through negotiation with property owners, and by use of eminent domain (condemnation), if necessary. The meeting will be held at 1:30 on Thursday the 24th day of August, 2017 at the Sound Transit Ruth Fisher Boardroom which is located at 401 South Jackson Street in Seattle, Washington. Additional information can be obtained by contacting Gregory Sancewich, Senior Real Property Agent at 206-903-7216 or Kevin Workman, Real Property Director at 206-376-5561 and on Sound Transit's website at www.soundtransit.org.

TUKWILA SCHOOL DISTRICT

The Tukwila School District is seeking to fill a vacancy on our Board of Directors. This Board Director position represents District Area 2. Any citizen residing in District Area 2, who meets the following legal qualification, is eligible to apply: Must be a registered voter in District Area 2 within the school district. Please visit the Tukwila School District website at tukwilaschools.org for additional pertinent information as well as the application or you may contact Deborah Kohr at 206-901-8006. All applications must be submitted by Wednesday, August 16, 2017 at 5 p.m.

TUKWILA SCHOOL DISTRICT

Tukwila School District No. 406 Board of Directors, King County, Washington, is adopting the operating and capital budgets for fiscal year 2017-2018 on Tuesday, August 22nd.

Citizens are invited to comment on the budgets prior to the regular August 22nd board meeting, at 5:30 pm in the administrative building located at 1420 E. 142nd St.

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EXHIBIT 3

THE NEWS TRIBUNE

[thenewstribune.com]

INVOICE AND STATEMENT OF ACCOUNT

AGING OF PAST DUE ACCOUNTS

*UNAPPLIED AMOUNTS ARE INCLUDED IN THE TOTAL AMOUNT DUE.

Fed ID# 68-0099037

21	2017-08	22	2017-07	2017-06	2017-05*	* UNAPPLIED AMOUNT	23	TOTAL AMOUNT DUE	
	\$802.12		\$0.00	\$0.00	\$0.00	\$0.00		\$802.12	
SALES REP		24	ADVERTISER INFORMATION						
Advertising Dept		1	BILLING PERIOD	5	BILLED ACCOUNT NUMBER	7	ADVERTISER/CLIENT NUMBER	2	ADVERTISER/CLIENT NAME
			07/31/2017 - 08/27/2017		256188		256188		SOUND TRANSIT
4	PAGE #								
	1 of 1								

SOUND TRANSIT
ATTN ACCOUNTS PAYABLE
401 S JACKSON ST
SEATTLE WA 98104-2826

MAKE CHECKS PAYABLE TO

Tacoma News Inc.
PO Box 11632
Tacoma WA 98411-6632

For billing questions, please call 800-432-6010 or e-mail westadv@mclatchy.com

Payment is due upon receipt.



10	START STOP	11	NEWSPAPER REFERENCE	12	14	DESCRIPTION	13	PRODUCT	15	SAU SIZE	16	BILLED UNITS	17	TIMES RUN	18	RATE	19	AMOUNT	
						Balance Forward												\$0.00	
08/11	08/18		I03220662-08112017			JUDY YUEN, JUDY YUEN		NT-News Tribune		1 x 40 L		40		2		\$4.38		\$350.20	
08/11	08/18		I03220662-08112017			JUDY YUEN, JUDY YUEN Affidavit		thenewstribune.com		1 x 40 L		40		2		\$1.06		\$84.76	
																		\$19.70	
																		Invoice Total	\$454.66
08/11	08/18		I03220668-08112017			JUDY YUEN, JUDY YUEN		NT-News Tribune		1 x 30 L		30		2		\$4.41		\$264.40	
08/11	08/18		I03220668-08112017			JUDY YUEN, JUDY YUEN Affidavit		thenewstribune.com		1 x 30 L		30		2		\$1.06		\$63.36	
																		\$19.70	
																		Invoice Total	\$347.46

PREVIOUS AMOUNT OWED: \$0.00
NEW CHARGES THIS PERIOD: \$802.12
CASH THIS PERIOD: \$0.00
DEBIT ADJUSTMENTS THIS PERIOD: \$0.00
CREDIT ADJUSTMENTS THIS PERIOD: \$0.00

Received RTA with
Batch # 386290
SEP 06 2017
Doc # 413453
Supplier # 10821

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ADVERTISING INVOICE and STATEMENT

1	BILLING PERIOD	2	ADVERTISER/CLIENT NAME
	07/31/2017 - 08/27/2017		SOUND TRANSIT
23	TOTAL AMOUNT DUE	2	UNAPPLIED AMOUNT
	\$802.12		\$0.00
PAYMENT IS DUE UPON RECEIPT			
21	2017-08	22	2017-07
	\$802.12		\$0.00
	\$0.00		\$0.00
	\$0.00		\$0.00
5	BILLING DATE	6	BILLED ACCOUNT NUMBER
	08/27/2017		256188
			256188

SOUND TRANSIT
ATTN ACCOUNTS PAYABLE
401 S JACKSON ST
SEATTLE WA 98104-2826

Tacoma News Inc.
PO Box 11632
Tacoma WA 98411-6632

320AB 256188

256188

0001313118-08282017 000080212 0

THE NEWS TRIBUNE

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The Olympian
www.theolympian.com

Gateway
gateway.com

The Herald
oysherald.com

NORTHWEST
GUARDIAN

Order Confirmation

Customer

SOUND TRANSIT

Customer Account

256188

Customer Address

401 S JACKSON ST
SEATTLE WA 98104 USA

Customer Phone

206-447-5574

Customer Fax

Sales Rep

lbastin@thenewstribune.com

Payor Customer

SOUND TRANSIT

Payor Account

256188

Payor Address

401 S JACKSON ST
SEATTLE WA 98104 USA

Payor Phone

206-447-5574

Customer EMail

AccountsPayable@SoundTransit.c

Order Taker

lbastin@thenewstribune.com

<u>PO Number</u>	<u>Payment Method</u>	<u>Blind Box</u>	<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>
JUDY YUEN	Check		1	0	2

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Amount</u>	<u>Amount Due</u>
\$347.46	\$0.00	\$347.46	\$0.00	\$347.46

<u>Ad Order Number</u>	<u>Order Source</u>	<u>Ordered By</u>	<u>Special Pricing</u>
0003220668		JUDY YUEN	
<u>Invoice Text</u>			<u>Promo Type</u>
JUDY YUEN			
<u>Package Buy</u>			<u>Materials</u>

Ad Order Information

Ad Number Ad Type Production Method Production Notes
0003220668-01 TAC-Legal Liner AdBooker

External Ad Number Ad Attributes Ad Released Pick Up
 No 0003220662

Ad Size Color
1 X 29 li

Product Placement Times Run Schedule Cost
TAC-NT-News Tribune 0300 - Legals Classified 2 \$284.10

Run Schedule Invoice Text Position
Notice of Public Meeting of the Sound Tr 0301 - Legals & Public Notices

Run Dates
08/11/2017, 08/18/2017

Product Placement Times Run Schedule Cost
TAC-upsell.thenewstribune.com 0300 - Legals Classified 2 \$63.36

Run Schedule Invoice Text Position
Notice of Public Meeting of the Sound Tr 0301 - Legals & Public Notices

Run Dates
08/11/2017, 08/18/2017

Notice of Public Meeting of the Sound Transit Board of Directors to Consider Authorizing Acquisition of Certain Properties Necessary for Sound Transit's Sounder Maintenance Base Project, through Negotiations with the Property Owners, and by Eminent Domain (Condemnation), if Necessary. Attention all parties holding an interest in the following Pierce County Tax Parcel Number located in Lakewood, Washington: 0220368019.

Sound Transit hereby notifies you of a planned public meeting of the Sound Transit Board of Directors to consider the adoption of a Resolution to authorize the acquisition of property interests in the above referenced parcel, through negotiation with property owners, and by use of eminent domain (condemnation), if necessary. The meeting will be held at 1:30 p.m. on Thursday the 24th day of August, 2017 at the Sound Transit Ruth Fisher Boardroom which is located at 401 South Jackson Street in Seattle, Washington. Additional information can be obtained by contacting Patrick Sullivan, Senior Real Property Agent at 206-398-5437 or Kevin Workman, Real Property Director at 206-370-5561 and on Sound Transit's website at www.soundtransit.org.

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
256188	0003220882	Notice of Public Meeting of the Sound Transit Board	JUDY YUEN	\$454.66	1	40

Attention: JUDY YUEN

**SOUND TRANSIT
 401 S JACKSON ST
 SEATTLE, WA 98104**

Notice of Public Meeting of the Sound Transit Board of Directors to Consider Authorizing Acquisition of Certain Properties Necessary for Sound Transit's Federal Way Link Extension project, through Negotiations with the Property Owners, and by Eminent Domain (Condemnation), if Necessary. Attention: all parties holding an interest in the following King County Tax Parcel Numbers located in Kent, Des Moines, and Federal Way, Washington:
 2500600396, 2500600400, 2500600411,
 2500600420, 2500600418, 2500600410,
 7260200010, 7260200005, 2500600416,
 2500600425, 1522049018, 2500600660,
 2500600658, 2500600436, 2500600335,
 2500600546, 2500600438, 2500600430,
 2500600441, 2500600446, 2500600447,
 2500600255, 5514000010, 2222049168,
 2822049082, 2822049230, 2822049207,
 2822049175, 2822049068, 5150000040,
 5150000030, 5150000010, 7391200450,
 0921049099, 0921049096, 0921049182,
 0921049183, 0921049251, 0921049311,
 0921049312, 0921049315, 0921049329,
 0921049095, 0921049315, 0921049085,
 0921049098, 7968201ACT, 0921041ACT.
 Sound Transit hereby notifies you of a planned public meeting of the Sound Transit Board of Directors to consider the adoption of a Resolution to authorize the acquisition of property interests in the above referenced parcels, through negotiation with property owners, and by use of eminent domain (condemnation), if necessary. The meeting will be held at 1:30 p.m. on Thursday the 24th day of August, 2017 at the Sound Transit Ruth Fisher boardroom which is located at 401 South Jackson Street in Seattle, Washington. Additional information can be obtained by contacting Mike Bulzoni, Senior Real Property Agent at 206-903-1653 or Kevin Workman, Real Property Director at 206-370-5561 and on Sound Transit's website at www.soundtransit.org.

ELIZABETH BROWN, being duly sworn, deposes and says: That he/she is the Principal Clerk of the publication; The News Tribune, printed and published in Tacoma, Pierce County, State of Washington, and having a general circulation therein, and which said newspaper(s) have been continuously and uninterruptedly published in said County during a period of six months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The News Tribune, as amended, for:

2 Insertions

Published On:
 August 11, 2017, August 18, 2017

Elizabeth Brown
 (Principal Clerk)

Subscribed and sworn on this 21st day of August in the year of 2017 before me, a Notary Public, personally appeared before me Elizabeth Brown known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.



Penny L Wilcox
 Notary Public in and for the state of Washington, residing in Pierce County 1950 S. State St, Tacoma, WA 98405



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Legals

Legals & Public Notices

**City of DuPont Planning Commission
 Notice of Public Hearing**

Description of Proposal: Public hearing on draft update to the City of DuPont Comprehensive Plan for the Yehle Village neighborhood. The proposed amendment to the Comprehensive Plan would allow for increased residential density to support senior housing and limited neighborhood retail and office within a planned community project. Additionally, the Planning Commission will be considering amendments to DMU Chapter 25 to incorporate a new section entitled "Complete Community Overlay (CCO)." The proposed CCO provisions will create will allow for a master planned neighborhood with a mixture of uses and set design requirements if approved through a public process and subject to specific development regulations to ensure compatibility with the surround neighborhoods and land uses. Additionally there will be other minor amendments to Chapter 25 to incorporate definitions for new terms and minor text updates for commercial/mixed use design guidelines. File Nos. COMP-16-02 & TEXT-16-03.

Applicant: City of DuPont Department of Community Development
 1700 Civic Drive
 DuPont, WA 98327

Location: Citywide
Hearing Date and Time: Monday, August 28, 2017 at 6 p.m.
City Hall location: 1700 Civic Drive, DuPont, Washington

All persons are invited to attend the hearing and provide testimony regarding the proposal. For questions on the proposed amendments, contact Jeff Wilson, Community Development Director, at (253) 912-5393 or jwilson@dupontwa.gov. Copies of the Planning Commission packet are available at City Hall.

In accordance with the Revised Code of Washington (RCW 46.55.130) Auburn Valley Towing will sell to the highest bidder for cash at 3214 "A" Street SE, Auburn WA 98002 on 8/15/2017 at 12:00 PM. Inspection of vehicles starts at 9:00 AM.

Notice of Public Meeting of the Sound Transit Board of Directors to Consider Authorizing Acquisition of Certain Properties Necessary for Sound Transit's Federal Way Link Extension project, through Negotiations with the Property Owners, and by Eminent Domain (Condemnation), if Necessary. Attention all parties holding an interest in the following King County Tax Parcel Numbers located in Kent, Des Moines, and Federal Way, Washington:
 2500600396, 2500600400, 2500600411,
 2500600420, 2500600418, 2500600410,
 7260200010, 7260200005, 2500600416,
 2500600425, 1522049018, 2500600660,
 2500600435, 2500600436, 2500600535,

Legals & Public Notices

2500600540, 2500600435, 2500600440,
 2500600441, 2500600446, 2500600447,
 2500600555, 5514000010, 2222049158,
 2822049082, 2822049230, 2822049207,
 2822049175, 2822049066, 5160000040,
 5160000030, 5160000010, 7303200490,
 0421049099, 0921049096, 0921049182,
 0921049183, 0921049251, 0921049311,
 0921049312, 0921049315, 0921049329,
 0921049095, 0921049115, 0921049085,
 0921049009, 796820TRCT, 092104TRCT.

Sound Transit hereby notifies you of a planned public meeting of the Sound Transit Board of Directors to consider the adoption of a Resolution to authorize the acquisition of property interests in the above referenced parcels, through negotiation with property owners, and by use of eminent domain (condemnation), if necessary. The meeting will be held at **1:30 p.m. on Thursday the 24th day of August, 2017** at the Sound Transit Ruth Fisher Boardroom which is located at 401 South Jackson Street in Seattle, Washington. Additional information can be obtained by contacting Mike Bulzoni, Senior Real Property Agent at 206-903-7553 or Kevin Workman, Real Property Director at 206-370-5561 and on Sound Transit's website at www.soundtransit.org.

Notice of Public Meeting of the Sound Transit Board of Directors to Consider Authorizing Acquisition of Certain Properties Necessary for Sound Transit's Souder Maintenance Base Project, through Negotiations with the Property Owners, and by Eminent Domain (Condemnation), if Necessary. Attention all parties holding an interest in the following Pierce County Tax Parcel Number located in Lakewood, Washington:
0220368019.

Sound Transit hereby notifies you of a planned public meeting of the Sound Transit Board of Directors to consider the adoption of a Resolution to authorize the acquisition of property interests in the above referenced parcel, through negotiation with property owners, and by use of eminent domain (condemnation), if necessary. The meeting will be held at **1:30 p.m. on Thursday the 24th day of August, 2017** at the Sound Transit Ruth Fisher Boardroom which is located at 401 South Jackson Street in Seattle, Washington. Additional information can be obtained by contacting Patrick Sullivan, Senior Real Property Agent at 206-398-5437 or Kevin Workman, Real Property Director at 206-370-5561 and on Sound Transit's website at www.soundtransit.org.

POLICE & PRIVATE IMPOUND AUCTION
 In compliance with WA RCW 46.55.130, Fitz Towing #5214 will sell abandoned vehicles to the highest bidder, for cash @ 2416 E Street NE, Auburn, 98002. fitztowing@venture.com Sale to be held 8/15/2017 @ 11am. Inspection to start at 10am. ALL VEHICLES MUST BE PAID FOR AND REMOVED BY 4PM, SAME DAY.

Retire in

RECEIVED

2018 DEC 10 PM 3: 52 Noting Date: Monday, December 31, 2018
(Without Oral Argument)
Moving Party: Petitioner Sound Transit

CLERK
KING COUNTY COUNCIL

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

Petitioner,

vs.

GREENWOOD NORTH/KENT, LLC, a
Washington Limited Liability Company, A
to B AUTO, INC., a Washington Profit
Corporation, VIRGIL RAY STEBBINS,
individually and his marital community,
KING COUNTY, a Washington municipal
corporation; CITY OF KENT, a Washington
municipal corporation; and ALL
UNKNOWN OWNERS and ALL
UNKNOWN TENANTS,

Respondents.

NO. 18-2-56516-2 KNT

DECLARATION OF KIM WONG IN
SUPPORT OF PETITIONER'S
MOTION FOR ORDER AND
JUDGMENT ADJUDICATING
PUBLIC USE & NECESSITY

Tax Parcel No. 2500600396

I, Kim Wong, declare as follows:

1. I am the Civil Engineering Supervisor (Right-of-Way) for the Central Puget
Sound Regional Transit Authority ("Sound Transit"), and I make the following
declaration in support of Sound Transit's Motion for Order and Judgment Adjudicating

1 Public Use and Necessity. The statements in this declaration are based upon my
2 personal knowledge and I am otherwise competent to testify.

3 2. Sound Transit is a regional transit authority created for the Central Puget
4 Sound region, existing under and by virtue of the laws of the State of Washington. Sound
5 Transit is specifically authorized by statute to construct and operate a high-capacity
6 transportation system within authority boundaries, and to condemn, if necessary, public
7 and private lands necessary to build such a system.

8 3. On November 5, 1996, November 4, 2008, and November 8, 2016, voters
9 approved local funding to implement a regional high-capacity transit system for the
10 Central Puget Sound region ("Sound Move, ST2, and ST3, respectively"). In part, Sound
11 Move, ST2, and ST3 provide for the implementation, including permanent location,
12 construction, operation and maintenance, of a high capacity light rail service and transit
13 improvements. Certain real property and real property interests must be acquired to
14 permanently locate, construct, operate and maintain the Federal Way Link Extension
15 and its related facilities ("Project").

16 4. On August 24, 2017, the Sound Transit Board of Directors ("Board")
17 adopted Resolution No. R2017-30 ("Resolution"). A certified copy of the Resolution is
18 attached as Exhibit 1 to the Petition in Eminent Domain on file herein, which Exhibit is
19 incorporated here by this reference. As provided in the Resolution, certain land,
20 property and property rights must be acquired to locate, construct, operate and maintain
21 the Project.
22

1 5. By adoption of the Resolution, the Board resolved the Project to be a public
2 use for a public purpose. By adoption of the Resolution, the Board also resolved that: (a)
3 such land, property and property rights identified in the Resolution are necessary for the
4 location, construction, operation and maintenance of the Project; and (b) the public
5 health, safety, necessity, convenience and welfare demands and requires that such land,
6 property and property rights be immediately acquired to locate, construct, operate and
7 maintain the Project.

8 6. The land, property and property rights identified in the Resolution include
9 the real property identified as King County Tax Parcel No. 2500600396 ("Parcel"), in
10 which Respondents hold an interest.


11 7. Specifically, Sound Transit seeks to appropriate and take a permanent fee
12 simple absolute interest in the entire Parcel for construction and maintenance of the
13 Project, as legally described in Exhibit 2 attached to the Petition in Eminent Domain on
14 file herein, which Exhibit is incorporated here by this reference.

15 8. To the best of my knowledge, there was no fraud, actual or constructive, no
16 abuse of power, bad faith, or arbitrary and capricious conduct by Sound Transit in
17 adopting the Resolution, or in arriving at any of the resolutions therein.

18 9. In preparing to file the above-captioned condemnation action, Sound
19 Transit obtained a title commitment for the Parcel. The parties named as respondents in
20 this action were identified in the title commitment, or otherwise, as either owning or
21 having an interest in the Parcel.
22

1 I declare under penalty of perjury under the laws of the State of Washington that
2 the above is true and correct.

3 EXECUTED in Seattle, Washington this 29 day of November, 2018.

4 
5 Kim Wong

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