

BEFORE THE SURFACE TRANSPORTATION BOARD

Eastside Community Rail, LLC –)
Acquisition and Operation Exemption –) F.D. 35692
GNP RLY, Inc.)

Ballard Terminal Railroad Company, LLC)
-- Lease Exemption --) F.D. 35730
Eastside Community Rail, LLC)

RESPONSE BY SNOHOMISH COUNTY

to Status Reports Filed by

GNP RLY, Inc. and Eastside Community Rail, LLC/Engle

on 5 February 2021

and

RENEWAL of MOTION CONCERNING RECONVEYANCING

RESPONSE

This Board’s Decision served December 22, 2020, in the above-captioned proceedings vacated the acquisition exemption for Eastside Community Rail, LLC (“ECR”) to acquire a raw freight rail easement from City of Snohomish in Snohomish County to City of Woodinville in King County (“the Line”¹) from GNP

¹ Snohomish County owns the underlying real property interests and the track and ties with respect to the approximately 12 miles of the Line in Snohomish County as purchaser from Port of Seattle, which acquired same from BNSF. See Snohomish County – Pet. Dec. Order, F.D. 35830, served March 5, 2018 (applies “State of Maine” to Snohomish County acquisition of assets from the Port).

RLY, Inc. (“GNP”).² The referenced Decision required GNP RLY, ECR, and ECR’s manager Douglas Engle to file a “report on the status of the Line by February 5, 2021.” Decision at 8, ordering paragraph 3.

Ordinarily when the Board revokes an acquisition exemption, the Board orders a reconveyance of the rail line in question back to the originating railroad (here, GNP). See, e.g., The Land Conservancy of Seattle and King County – Acquisition and Operation Exemption – BNSF, F.D. 33389, served Sept. 26, 1997 (slip op. at 3). In its December 22 Decision, the Board did not expressly provide for reconveyancing. However, the Board did categorically state (slip op. at p. 7) that “Board authorization to own and operate the Line reverts to GNP, and, therefore, the Line should be returned to GNP....” Snohomish County surmises that the Board expected the February 5, 2021 status report would indicate that ECR and Engle and any claimants pursuant to Engle’s various purported sales of the Line or portions thereof were in fact returning the Line to GNP.

On February 5, 2021, GNP and ECR/Engle filed separate reports on the status of the line.³ Neither report indicates that ECR and Engle have done anything to return the Line to GNP. The ECR/Engle report, in the form of a brief letter,

² The Decision also vacated the lease exemption for Ballard Terminal Railroad Company (“BTRC”) to lease the freight rail easement from ECR.

³ Neither report referenced the fact, and it is a fact, that the Line remains under an embargo such that no shipper is receiving service.

claimed that ECR anticipates making “corrections” in the form of “application materials” (apparently for filing with STB). ECR/Engle thus appears to continue to claim the Line.⁴ The GNP filing appears to indicate that Douglas Engle fraudulently conveyed the Line to his relatives in January 2011 prior to forcing GNP into involuntary bankruptcy.⁵ (In fact, Engle caused GNP to record deeds to the Line to his father and then-wife pre-bankruptcy,⁶ and then apparently caused his father to engage, and claims his now ex-wife has engaged, in subsequent conveyances.⁷) The GNP filing does not indicate any action by ECR/Engle to

⁴ Letter, D. Engle to C. Brown (STB), filed in FD 35692 on Feb. 5, 2021.

⁵ Letter, J. Savage (for GNP) to C. Brown (STB), filed in F.D. 35692 and F.D. 35730 on Feb. 5, 2021 at p. 1 (claims BNSF to GNP deed in 2009 was “last valid instrument of record” relating to the Line).

Mr. Savage on behalf of GNP asserts that “SnoCo retains the FRA bridge and track capital maintenance obligations.” *Id.* at p. 2. SnoCo is not a rail carrier and has no such obligations. *E.g.*, Snohomish County – Pet. Dec. Order, F.D. 35830, served March 5, 2015. If Snohomish County had such obligations, it would immediately file for an adverse abandonment of the (currently embargoed) Line in order to protect itself from uncompensated liability for accidents and maintenance expenses.

Snohomish County has indicated in pleadings to date and to GNP as recently as February 16 that Snohomish County is prepared to negotiate with Mr. Kucera (GNP’s manager) for a signal school consistent with freight rail operations by GNP or an alternative rail operator on the Snohomish County portion of the Line. Snohomish County has reiterated its objective is to “railbank” the Line so that it may pursue rail with trail use, with freight rail service being provided by means of a modified certificate of public convenience and necessity (49 C.F.R. 1150.21, et seq.) on the Snohomish County portion of the Line.

⁶ See December 22 Decision at p. 4

⁷ *E.g.*, December 22 Decision at p. 5 & n.13. See also p. 15 at n.15 (another sale out).

return the Line to GNP, nor does it disclose any action or plan by GNP to clear up title issues on its own, other than to state in essence it wishes to ignore Engle.

Based on a teleconference between representatives of GNP and Snohomish County on February 16, 2021, Snohomish County understands there has been no meaningful contact between ECR and GNP on the subject of title conveyance since the Board's decision. In short, the ECR/Engle and GNP status reports show no progress toward resolving title. This leaves the reconveyance issue in a muddle.

As matters stand, GNP does not hold record title to the Line and is thus a trespasser at state law. ECR per Engle appears to claim title to the Line but as the Board notes in its Decision at p. 7 has no authority to do so. Moreover, GNP takes the position that any title claim flowing from Engle's actions is, in essence, fraudulent. In all events, the common carrier obligation, although embargoed, is with GNP. This is an untenable situation.

It gets worse. Because ECR/Engle earlier terminated the operating agreement between Snohomish County and ECR that amounted to a lease of Snohomish County's track and ties in the line, and failed to negotiate any alternative, neither GNP nor ECR have an agreement with Snohomish County for use of Snohomish County's track and ties. Any use GNP or ECR make of the track and ties amounts to a state law trespass in the current circumstances.

During the teleconference between representatives of Snohomish County and GNP on February 16, 2021, GNP literally requested the County's authorization to inspect the track and ties on the Line, evidently because of the failure of ECR to reconvey and ECR's termination of the operating agreement. Clearly the title issues need to be sorted out. Either (1) ECR and Engle and any claimants under the January 2011 deeds signed by Engle to his relatives must promptly reconvey the Line to GNP or (2) the genesis of the ECR/Engle title claim (namely, the January 2011 deeds Engle signed conveying GNP's interests to his father and then-wife pre-bankruptcy) must be voided. It is difficult to see how the Line can be repaired and service restored given the title issues created and propagated by ECR's manager Douglas Engle surrounding the Line. The holder of the common carrier obligation (GNP) should not be reduced to asking the underlying real estate and track owner (Snohomish County) for a right of entry to inspect the track because ECR or members or former members of the Engle family refuse or fail to reconvey title to GNP. Per this Board's December 22 decision, Engle and ECR must return the record title to the Line to GNP. The Board must ensure that they do so promptly and we recommend within 30 days.

Renewal of Motion Concerning Reconveyancing

When Snohomish County filed its Reply to Ballard Terminal Company's Letter Supporting Revocation in F.D. 35692 and F.D. 35730 on June 11, 2020, the

County included a “Motion Concerning Reconveyancing” (see pp. 68-73 of the 87-page filing). A copy of the Motion can be found on the Board’s website (document 43940) and is attached to this pleading. No party appears to have replied to the Motion. The time for reply is 20 days. 49 C.F.R. 1104.13(a). The time for reply has long since expired.

The Motion Concerning Reconveyancing notes that when the Board revokes an acquisition exemption, it ordinarily requires reconveyancing. Due to the confusion created by (1) Engle’s purported GNP deed of the Line in January 2011 to his then-wife (Joanne) and to his father (Earl) without even seeking Board authority, (2) subsequent misrepresentations of title to (among others) the Board, and (3) many other purported transfers of the property without Board authorization, Snohomish County moved that this Board void the January 2011 deeds to Joanne and Earl rather than simply issue a reconveyancing order. In the alternative, the motion asked for an express order requiring reconveyancing. As noted, the Motion was unopposed.

Although this Board in its Board’s December 22 Decision at p. 7 stated that “Board authorization to own and operate the Line reverts to GNP, and, therefore, the Line should be returned to GNP...”, ECR and the Engle family have taken no known steps to return the Line to GNP despite this Board’s statement. Consistent with the Board’s statement, and in light of ECR/Engle’s failure to comply,

Snohomish County renews its Motion Concerning Reconveyancing, which it hereby incorporates herein. For all the reasons stated in that Motion and by Snohomish County in the record to date, this Board should void the January 2011 deeds by which Douglas Engle ostensibly on behalf of GNP purported to convey the Line to Earl Engle and Joanne Engle.

Snohomish County urgently desires that title in the Line be resolved in GNP so the parties can jointly work out, among other things, (a) a replacement operating agreement for the County's track necessary for the Line's use, (b) liability issues, and (c) maintenance issues, and (d) applications for rehabilitation grants for the capital expenditures necessary to return the Line to service. For these reasons, the County opposes further dilatory tactics or filings, and certainly further non-action, on title matters by Douglas Engle or ECR (or any other parties for that matter).

Conclusion

GNP and ECR/Engle per their status reports have not worked out title issues remaining after this Board's Decision of December 22 vacating ECR's acquisition authority. The line in effect is in limbo and absent further action by this Board appears destined for that fate indefinitely. Snohomish County accordingly renews its Motion Concerning Reconveyancing originally filed June 11, 2020, in these proceedings. For the reasons stated therein and elsewhere, the deeds executed by Douglas Engle on behalf of GNP in January 2011 conveying the Line to his father

Earl and then-wife Joanne must be voided. In the alternative (and also per the referenced Motion), ECR and Douglas Engle must be expressly ordered to “cause the reconveyance to GNP of all interests claimed by any other party” to the extent those interests are based on actions or purported transfers or conveyances involving Douglas Engle.

Snohomish County requests that any deed voidance be of immediate effect, and any order for reconveyances require that all necessary reconveyances to be made and recorded within 30 days of the Board’s Order.

Respectfully submitted,

/s/ Charles Montange

Charles H. Montange
426 NW 162nd St.
Seattle, WA 98177
(206) 546-1936
Fax: -3739
c.montange@frontier.com
Attorney for Snohomish County

Att.

Certificate of Service

By my signature below, I certify service in accordance with 49 C.F.R. 1104.12 upon all parties of record or their attorneys of record at their addresses of record by USPS first class, and electronically by courtesy email attachment, on or by 18 February 2021, including but not necessarily limited to the following: Joshua Bower (BTRC), Matthew Cohen (Woodinville), Thomas Wilcox (CWallA), Richard Welsh (NARPO), Charles Spitulnik (King County), James Savage (GNP/NW Signal/K. Kucera), Jami Elison (ECR/Engle), James Jensen (for himself).

s/
Charles H. Montange

BEFORE THE SURFACE TRANSPORTATION BOARD

Eastside Community Rail, LLC –)
Acquisition and Operation Exemption –) F.D. 35692
GNP RLY, Inc.)

Ballard Terminal Railroad Company, LLC)
-- Lease Exemption --) F.D. 35730
Eastside Community Rail, LLC)

MOTION CONCERNING RECONVEYANCING

Snohomish County hereby moves for supplementation of the order this Board generally makes requiring reconveyance of property from the recipient railroad (here Eastside Community Rail (ECR)) to the originating railroad (here GNP) which it generally makes when it revokes an acquisition license.

As summarized in Snohomish County's (SnoCo's) Reply to Ballard Terminal Company's (BTRC's) Letter supporting revocation (hereinafter, "Reply"), and as explained by BTRC, Snohomish County has demonstrated entitlement to an order revoking the acquisition license this Board granted to ECR in F.D. 35692. If that license is revoked, then so must be the license granted BTRC in F.D. 35730, which is dependent on ECR's license.

Ordinarily when this agency revokes an acquisition license, it requires the purported acquiring railroad (here ECR) to reconvey the rail property to the

originating railroad (here GNP). See, e.g., The Land Conservancy of Seattle & King County – Acquisition & Operation Exemption -- BNSF, F.D. 33389, served Sept. 26, 1997, slip op. at 3.

Unfortunately, Douglas Engle has muddied title to the underlying rail line, purporting to distribute all interests to his father Earl and his then-wife Joanne by recorded deed in 2011 (prior to GNP's bankruptcy), and then subsequently claiming to own the line personally along with his father Earl after his divorce from Joanne. He also has claimed an entity called Telegraph Hill Investments owned the property and that he deeded some portion of it to NW Signal. What is clear is ECR never owned any part of the rail line. See Reply at 1-14, incorporated herein. Then, on December 16, 2019 Engle purported to record a deed (Exhibit A) from Earl and himself to ECR, but that deed is insufficient to re-collect all the interests in the rail line. Douglas had none to convey, and the deed has deficiencies which call it into question even as to Earl's possible interests. In sum, the 2019 deed confirms that something more is required in this troublesome situation to ensure that the underlying freight rail easement (the rail line) is reconveyed to GNP. See Reply at 14 et seq., incorporated herein.

To ensure that the Board accomplishes the purpose intended by the reconveyance order than accompanies revocation of an acquisition license (i.e. restoration of the property to the originating railroad), the Board can simply void

the January 2011 deed from GNP to Earl and Joanne. That deed was issued without STB authorization and was part of a scheme involving evasion of this Board's authority over transfer of rail lines. The Board's precedent supports voiding deeds issued in evasion of its authority. In Pyco Industries – Feeder Line Application – Lines of South Plains Switching, Ltd. Co., F.D. 34890, served August 3, 2006, slip op. at 6, this Board found that South Plains Switching (SAW) was attempting to evade the Board's authority over the sale of rail property by a transfer of certain leases, agreements and land to an allied entity, called Choo-Choo. The Board voided the transfers. As this Board has said, "persons who engage in such abuses [should not] be allowed to profit from them." SF&L Railway, Inc. – Acquisition and Operation Exemption – Toledo, Peoria and Western Railway between La Harpe and Peoria, F.D. 33995, served Oct. 17, 2002, slip at 19.

Voiding the 2011 deed from GNP to Earl and Joanne Engle does not require any title determinations concerning who has title now; it moots that issue. It renders nugatory all subsequent conveyancing and purported transfers engineered by the Engle family. Since none of the transfers (including that of December 2019) were pursuant to required STB pre-authorization, they should be rendered ineffective anyway. See STB Decision in F.D. 35692 and 35730, served Dec. 18, 2018, slip op. at 8. Taking this action would result in what normally results when

an acquisition license is revoked: the rail line is restored to the originating railroad, here GNP.

As an alternative, this Board could require Douglas Engle to supply quitclaim deeds back to GNP from all possible claimants that he has referenced in the past filings with the Board. This list includes, but is not limited to, the following: Douglas Engle, Earl Engle, Joanne Skievaski (formerly Joanne Engle), ECR, NW Signal, NW Signal, and Telegraph Hill Investments. Again, this approach requires no title determinations. It simply re-establishes the freight easement in GNP, which is where it should be along with the common carrier obligation. In short, if the Board either voids the January 2011 deed, or orders reconveyances by quitclaim from all subsequent claimants, then the Board will have taken effective action to restore the property to the originating railroad, thus comporting with the national rail policy calling for “honest and efficient management of railroads” set forth in 49 C.F.R. 10101(9). In order to avoid state law trespass, GNP will still need to obtain an agreement from SnoCo and Woodinville for use of their track and ties (since Engle intentionally terminated the otherwise applicable Operating and Maintenance Agreement (“O&M”) relating thereto, as discussed in Reply at 19 et seq. But that is a much more manageable problem, and GNP management has evinced an interest in working with SnoCo toward a solution.

In conclusion, when STB revokes the ECR license in F.D. 35692, SnoCo requests that STB supplement the customary order requiring reconveyance with an order voiding the January 2011 GNP to Earl and Joanne Engle deed, or with an order requiring that ECR and Douglas Engle cause the reconveyance to GNP of all interests claimed by any other party that are based on his actions.

Respectfully submitted,

/s/ Charles H. Montange

Charles H. Montange
426 NW 162nd St.
Seattle, WA 98177
(206) 546-1936
Fax: -3739
c.montange@frontier.com
Attorney for Snohomish County

Exhibit A – December 16, 2019 deed

Certificate of Service

The undersigned certifies service of the foregoing inclusive of all exhibits on all parties of record (or their representatives) in F.D. 35692 and F.D. 35730 by placing a copy in the U.S. Mail (or other express service), next business day delivery, on June 11, 2020, including specifically:

Douglas Engle
4117 S. Lamonte
Spokane, WA 99203 (ECR/Douglas Engle)

Charles A. Spitulnik, Esq.
Allison I. Fultz, Esq.
Kaplan Kirsch Rockwell
1001 Connecticut Ave., N.W., Suite 800
Washington, D.C. 20036 (for King County)

Joshua Brower, Esq.
506 2nd Ave. Suite 1400
Seattle, WA 98104 (for BTRC)

Matthew Cohen, Esq.
Hunter Ferguson, Esq.
Stoel Rives LLP
600 University St., Suite 3600
Seattle, WA 98101 (for Woodinville)

David Rossmiller, Esq.
Betts Patterson Mines
111 SW 5th Ave, Suite 3650
Portland, OR 97204 (for GNP Rly/NW Signal/ K. Kucera)

Richard Welsh
227 Bellevue Way NE PMB 719
Bellevue, WA 98004 (Richard Welsh)

Myles Tobin
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2875 (no longer represents any party
but is still on STB service list)

/s/ Charles H. Montange

**NO EXCISE TAX
REQUIRED**

DEC 16 2019

After Recording Return To:
Eastside Community Rail, LLC
Attn: Douglas Engle
4117 S. Lamonte St.
Spokane, WA 99203

KIRKE SIEVERS, Snohomish County Treasurer
By KIRKE SIEVERS



201912160049 14 PGS
12/16/2019 9:27am \$116.50
SNOHOMISH COUNTY, WASHINGTON

**QUIT CLAIM DEED
WOODINVILLE FREIGHT EASEMENT**

Grantor: GNP RLY, INC., EARL L. ENGLE, and DOUGLAS E. ENGLE

Grantee: EASTSIDE COMMUNITY RAIL, LLC

Abbreviated Legal Description: Portions of the Washington Branch Line and Redmond Spur
Right of Ways (the "Rail Corridor"):

SW 1/4 18-28-6
Lot 4 and 5, Block 2, Snohomish City Eastern Part Vol. 1, page 7
Govt Lots 1 and 2, and the NW 1/4 of 19-28-6
NE and SE 24-28-5
NE 25-28-5
Govt 1, 2, 3, 5, and 6 of 30-28-6
Govt 3, 4, and 8, and SW 1/4 and NW 1/4 31-28-6
Pnt Lot 139 Cathcart 9X39
Gvt 4, 5, 6, 7 of 6-27-6
Gvt 1, 2, 3, 4, and the SW 1/4 of 7-27-6
Gvt 2, 3, 4 and NW 1/4 of 18-27-6
Gvt 1 and 2 of 19-27-6
NE of 12-27-5
NE, SW, and SE of 24-27-5
Gvt 4 of 31-27-5
NW and SW of 25-27-5
NE, NW, and SW of 26-27-5
NW of 35-27-5
NE, SE, and SW of 34-27-5
In Snohomish County, State of Washington

After Recording Return To:
Eastside Community Rail, LLC
Attn: Douglas Engle
4117 S. Lamonte St.
Spokane, WA 99203

**QUIT CLAIM DEED
WOODINVILLE FREIGHT EASEMENT**

Grantor: GNP RLY, INC., EARL L. ENGLE, and DOUGLAS E. ENGLE

Grantee: EASTSIDE COMMUNITY RAIL, LLC

Legal Description: See Exhibit A attached hereto and incorporated herein ("the Property").

RECITALS

WHEREAS, GNP acquired the Freight Easement for the Eastside Rail Corridor ("Corridor") from BNSF as part of a BNSF sale of the 42-mile Rail Corridor to the Port of Seattle ("Port") completed on December 18, 2009; recorded in the real estate records of King County, Washington as instrument #20091218001536, and in the real estate records of Snohomish County, Washington as instrument #200912210438; and

WHEREAS, GNP, via an involuntary bankruptcy ruling, transferred all property, including the Freight Easement to ECR who remains the rightful owner and in possession of the freight rail corridor since December 12, 2012; and

WHEREAS, The Freight Easement was used by GNP as collateral with the two largest creditors, Joanne M. Engle ("JME") and ELE who's names are still legally on the title, which requires this Quit Claim Deed; and

WHEREAS, JME and DEE subsequently divorced and DEE assumed all of JME's rights to the railroad; and

WHEREAS, JME and ELE executed an agreement on October 24, 2011 to transfer the easement back to GNP prior to the trustee taking control of GNP; and

WHEREAS, NW Signal and ECR completed a quit claim deed for a portion of the "we" in Woodinville on December 18, 2017. The quit claim deed and agreement will be respected within this Deed; and

WHEREAS, in order to perfect the legal transfer of the Reserved Freight Easement to ECR from GNP, JME/DEE and ELE to ECR, all parties agree that this Quit Claim Deed is the complete and legitimate transfer of all freight rail interests in the Corridor to ECR;

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby recognized between the parties, and with the intent to perfect the legal transfer of the Freight Easement to ECR from all known parties, the undersigned agree as follows:

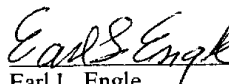
Grantors GNP RLY, INC., a Washington corporation, EARL L. ENGLE, and DOUGLAS E. ENGLE convey, and quit claim to Grantee EASTSIDE COMMUNITY RAIL, LLC, a Washington limited liability company, all of their right, title and interest in and to the Reserved Freight Easement, together with all after acquired title.

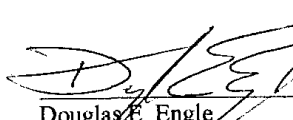
IN WITNESS WHEREOF, the parties have executed this Deed on the date affixed next to the party's signature.

GRANTORS:

GNP Rly, Inc.

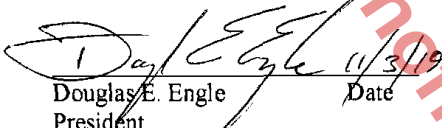
Kevin Kucera Date
President
Address: _____

 11/3/19
Earl L. Engle Date
4117 S. Lamonte St.
Spokane, WA 99203

 11/3/19
Douglas E. Engle Date
4117 S. Lamonte St.
Spokane, WA 99203

GRANTEE:

Eastside Community Rail, LLC


Douglas E. Engle
President
4117 S. Lamonte St.
Spokane, WA 99203

Date

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ACKNOWLEDGMENTS ON FOLLOWING PAGES

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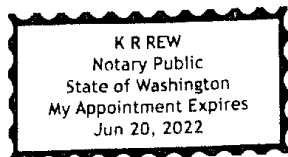
STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2019, before me, the undersigned, a Notary Public, personally appeared Kevin Kucera, the _____ of GNP Rly, Inc., and personally known to me or proved to me on the basis of satisfactory evidence to be an authorized agent of the company that executed the within and foregoing instrument, and acknowledged said instrument to be his/her free and voluntary act and deed and the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, by authority of corporate resolution or other corporation, and on oath stated that he/she is authorized to execute said instrument and in fact executed said instrument on behalf of the company.

Notary Public in and for the State of Washington
Residing at _____
My appointment expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF Spokane)

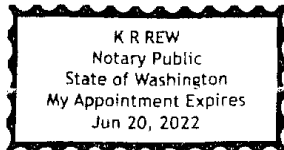
I certify that I know or have satisfactory evidence that Douglas E. Engle is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath that he was authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



K R REW
K R REW
Notary Public in and for the State of Washington
Residing at Spokane
My appointment expires: 6-20-22

STATE OF WASHINGTON)
) ss.
COUNTY OF Spokane)

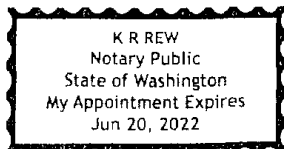
I certify that I know or have satisfactory evidence that Earl L. Engle is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath that he was authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



K R Rew
K R Rew
Notary Public in and for the State of Washington
Residing at Spokane
My appointment expires: 6-20-22

STATE OF WASHINGTON)
) ss.
COUNTY OF Spokane)

On this 3rd day of November, 2019, before me, the undersigned, a Notary Public, personally appeared Douglas E. Engle, and personally known to me or proved to me on the basis of satisfactory evidence to be President of Eastside Community Rail, LLC, the limited liability company that executed the within and foregoing instrument, and acknowledged said instrument to be his or her free and voluntary act and deed and the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, by authority of statute, its articles of organization, its operating agreement, or by company resolution, and on oath stated that he or she is authorized to execute said instrument and in fact executed said instrument on behalf of the limited liability company.



K R Rew
K R Rew
Notary Public in and for the State of Washington
Residing at Spokane
My appointment expires: 6-20-22

EXHIBIT A
Legal Description

Unofficial Document

Exhibit A to Deed for Freight Portion

All that portion of BNSF Railway Company's (formerly Northern Pacific Railway Company) Snohomish (MP 38.25) to Woodinville (MP 23.8), Washington Branch Line right of way, varying in width on each side of said Railway Company's Main Track centerline, as now located and constructed upon, over and across Snohomish County and King County, Washington, more particularly described as follows, to-wit:

SNOHOMISH COUNTY

That portion of that certain 60.0 foot wide Branch Line right of way being 30.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across State Street, as said street is shown on plat of Snohomish City Eastern Part, recorded as Instrument No. 187204125001 in Book 1, Page 7, records of the Snohomish County, Washington Auditor, lying southerly of the Easterly prolongation of the centerline of vacated Commercial Street, as said Commercial Street is shown on said plat; also

That portion of the southerly half of vacated Commercial Street as said street is shown on the plat of Snohomish City Eastern Part, recorded as Instrument No. 187204125001 in Book 1, Page 7, records of the Snohomish County, Washington, vacated by ordinance No. 354 of the City of Snohomish, State of Washington, passed May 16, 1911, described as follows:

Beginning at the northeast corner of Lot 5, Block 2 of said plat of Snohomish City Eastern Part; thence Westerly, along the northerly line of said Lot 5, a distance of 20 feet, more or less, to a point 50 feet distant westerly, when measured at right angles from the centerline of State Street, as said State Street is shown on said plat; thence Northerly, along a line 50 feet westerly from the center line of said State Street, 30 feet, more or less to the centerline of said Commercial Street; thence Easterly, along said centerline of Commercial Street, 20 feet, more or less to the northerly prolongation of the east line of said Lot 5, thence Southerly, along said northerly prolongation, 30 feet, more or less, to Point of Beginning; also,

Lots 4 and 5, of Block 2 as shown on plat of Snohomish City Eastern Part, recorded as Instrument No. 187204125001 in Book 1, Page 7, records of the Snohomish County, Washington; also,

That portion of that certain 50.0 foot wide Branch Line right of way being 25.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across Government Lot 4, Section 18, Township 28 North, Range 6 East, W. M., bounded Northeasterly by the Southwesterly Bank of the Snohomish River, an bounded Southwesterly by a line parallel with and distant 50.0 feet Northeasterly from, measured at right angles to said Railway Company's (formerly Great Northern Railway Company) Everett to Spokane Main Track centerline as originally located and constructed, together with all right, title and interest if any, to accommodate said railway company's facilities and operations over and across the Snohomish River; also

That portion of that certain 50.0 foot wide Branch Line right of way being 25.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across Government Lot 4, Section 18, Township 28 North, Range 6 East, W. M., bounded Northeasterly by a line parallel with and distant 150.0 feet Southwesterly from, measured at right angles to said Railway Company's (formerly Great Northern Railway Company) Everett to Spokane Main Track centerline as originally located and constructed, and bounded Southerly by the Southerly line of said Government Lot 4; also

A triangular shaped tract of land being that portion of Government Lot 4, Section 18, Township 28 North, Range 6 East, W. M., bounded Northeasterly by a line parallel with and distant 150.0 feet Southwesterly from, measured at right angles to said Railway Company's (formerly Great Northern Railway Company) Everett to Spokane Main Track centerline as originally located and constructed, bounded Northwesterly by a line parallel with and distant 25 feet Easterly from, measured at right angles to said Railway Company's Branch Line right of way Main Track centerline as originally located and constructed and bounded Southerly by the Southerly line of said Government Lot 4; also

That certain 0.11 acre strip of land described in deed dated September 9, 1903 from J. H. Shadinger and Hattie E. Shadinger to Northern Pacific Railway Company recorded September 19 in Book 80, Page 296, records of Snohomish County, Washington, said 0.11 acre strip of land being described in said deed for reference as follows:

"A strip of land eighty (80) feet in width across that certain thirty-three (33) foot strip of land in Lot four (4), Section eighteen (18), Township twenty-eight (28) north, Range six (6) east, W.M., which lies immediately south of, parallel with and contiguous to the right of way of the Great Northern Railway Company across said subdivision; said eighty (80) foot strip of land having for its east and west boundaries two lines that are parallel with and respectively distant twenty-six (26) feet on the northeasterly side and fifty-four (54) feet on the southwesterly side of the center line of the proposed track which is to connect the Great Northern Railway with the Northern Pacific Railway as the same is located, staked and constructed over and across said subdivision; containing 0.11 acres, more or less."; also,

That certain 1.94 acre strip of land described in deed dated September 9, 1903 from Kate G. Ford, D. A. Ford, Ruth S. Ford and D. A. Ford as sole executor to Northern Pacific Railway Company recorded September 19 in Book 80, Page 298, records of Snohomish County, Washington, said 1.94 acre strip of land being described in said deed for reference as follows:

"All that portion of Lot four (4), Section eighteen (18) and of Lot one (1) (or the northwest quarter of the northwest quarter) of Section nineteen (19), Township twenty-eight (28) north, Range six (6) east, W.M., lying westerly of the Northern Pacific Railway Company's right of way and southerly of a line drawn parallel with and thirty-three (33) feet distant southerly from the south line of the Great Northern Railway Company's right of way and between lines drawn parallel with and respectively distant twenty-six (26) feet easterly from and fifty-four (54) feet westerly from the center line of the proposed track which is to connect the Northern Pacific Railway with the Great Northern Railway as the same is now located, staked out and to be constructed over and across said premises; said strip of land containing 1.94 acres, more or less."; also;

That certain .08 acre strip of land described in deed dated April 25, 1908 from Robert Henry and Margaret R. Henry to Northern Pacific Railway Company recorded June 1, 1908 in Book 110 of Deeds, Page 509, records of the County Auditor, Snohomish County, Washington, said .08 acre strip of land being described in said deed for reference as follows:

"A strip of land thirty (30) feet wide described as follows: Beginning at a point on the section line between Sections 18 and 19, Township 28 North, Range 6 East, Willamette Meridian, fifty-five (55) feet distant measured at right angles from the center line of the main track of the said Railway Company as the same is now located, constructed, maintained and operated through said sections; thence northeasterly on a line parallel with and fifty-five (55) feet distant from said center line one hundred ten (110) feet, more or less, to the south line of the Tacoma Power Company's right of way; thence southeasterly along the south line of said Tacoma Power Company's right of way thirty (30) feet to the westerly line of the present right of way of said Northern Pacific Railway Company, which line at that point is twenty-five (25) feet from the center line of the main track of said Railway Company; thence southwesterly along said

westerly line of the right of way one hundred ten (110) feet, more or less, to the point where said right of way widens to fifty (50) feet on each side of said center line; thence westerly twenty-five (25) feet to point of intersection with the above described section line; thence west along said section line five (5) feet, more or less, to place of beginning, said strip being situated in Lot four (4) Section eighteen (18) and Lot one (1) Section nineteen (19) all in Township twenty-eight (28) North, Range six (6) East, Willamette Meridian and containing eight hundredths (.08) of an acre, more or less."; also,

That portion of said Railway Company's property in Government Lot 4, Section 18, Township 28 North, Range 6 East, W.M., Snohomish County, Washington, bounded Northeasterly and Southwesterly by two lines drawn parallel with and distant Southwesterly 150.0 feet and 183.0 feet, respectively, from, measured at right angles to said Railway Company's (formerly Great Northern Railway Company) Everett to Spokane Main Track centerline as originally located and constructed and bounded Southeasterly and Northwesterly by two lines drawn parallel with and distant Northwesterly 25.0 feet and 50.0 feet, respectively, from, measured at right angles to said Railway Company's Branch Line Main Track centerline as now located and constructed; also,

That portion of that certain 100.0 foot wide Branch Line right of way, in the Town of Bromart, Snohomish County, Washington, being 50.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across Lots 1 and 2, Section 19, Township 28 North, Range 6 East, W. M., Snohomish County, Washington, bounded Northerly by the North line of said Section 19, and bounded Westerly by the West line of said Section 19; also,

That portion of said Railway Company's property in Lots 1 and 2, Section 19, Township 28 North, Range 6 East, W. M., Snohomish County, Washington, bounded as follows: Westerly by a line parallel with and distant 50.0 feet Easterly from, measured at right angles to said Railway Company's Branch Line Main Track centerline as now located and constructed; Northerly by the North line of said Section 19 and Easterly by the following described line:

Beginning at a point on a line parallel with and distant 50.0 feet Southerly from, measured at right angles to said Railway Company's (formerly Great Northern Railway Company) Everett to Spokane Main Track centerline, as originally located and constructed, opposite Station 512+68.45, said point of beginning being the point of a curve to the left having a radius of 621.20 feet; thence westerly, along the arc of said curve to the left and consuming a central angle of $90^{\circ}57'06''$, an arc distance of 986.10 feet to the point of tangency of said curve, said point of tangency being 125 feet easterly, when measured at right angles from Station 1963+97.51 on said Railway Company's Branch Line Main Track centerline; thence southerly, along a line drawn parallel and/or concentric with and 125 feet easterly, when measured at right angles and/or radially, from said Branch Line Main Track centerline, to a point opposite Station 1956+00 on said Railway Company's Branch Line Main Track centerline; thence westerly, along a line drawn radially with the centerline of said Railway Company's Branch Line Main Track centerline, a distance of 25 feet; thence southerly, along a line drawn concentric with and 100 feet easterly, when measured radially, from the centerline of said Railway Company's Branch Line Main Track centerline, to a point opposite Station 1953+00 on the centerline of said Railway Company's Branch Line Main Track centerline; thence westerly along a line drawn radially with the centerline of said Railway Company's Branch Line Main Track centerline, a distance of 25 feet; thence southerly, along a line drawn concentric with and 75 feet easterly, when measured radially from said Railway Company's Branch Line Main Track centerline to the west line of said Section 19, also being the terminus of the herein described line.

EXCEPTING THEREFROM, a strip of land 30 feet wide, the center line of which is 435 feet north from and parallel with the East and West centerline of said Section 19, extending from the west line of said Section 19 to the East boundary of said hereinabove described tract; **ALSO EXCEPTING THEREFROM**, that portion of said hereinabove described tract lying northerly of a line parallel with

and distant 150.0 feet Southerly from, measured at right angles to said Railway Company's (formerly Great Northern Railway Company) Everett to Spokane Main Track centerline, as originally located and constructed, also,

That portion of that certain 100.0 foot wide Branch Line right of way, in the Town of Bromart, Snohomish County, Washington, being 50.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across the E $\frac{1}{2}$ E $\frac{1}{4}$ Section 24, the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 25, all in Township 28 North, Range 5 East, W. M., bounded Northerly by the East line of said E $\frac{1}{2}$ E $\frac{1}{4}$ Section 24, and bounded Southerly by the East line of said E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 25; also,

That portion of that certain 100.0 foot wide Branch Line right of way, being 50.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across Government Lots 1, 2, 3, 5, 6, of Section 30, Township 28 North, Range 6 East, W. M., bounded Westerly by the West lines of said Lots 1 and 2 and bounded Southerly by the South line of said Lot 5; also,

That portion of that certain 110.0 foot wide Branch Line right of way, being 60.0 feet Westerly and 50.0 feet Easterly of said Main Track centerline, as originally located and constructed, upon, over and across Government Lot 8 of Section 31, Township 28 North, Range 6 East, W. M., bounded Northerly and Southerly by the North and South lines of said Lot 8; also,

That portion of that certain 200.0 foot wide Branch Line right of way, being 100.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across Government Lot 3, the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 28 North, Range 6 East, W. M., bounded Northerly by the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, and bounded Southerly by the South line of said Government Lot 3 and its easterly prolongation; also,

That certain 2.0 acre tract of land described in deed dated April 13, 1918 from John S. Eby to the Northern Pacific Railway Company, recorded April 20, 1918 in Volume 180 of Deeds, Page 451, records of Snohomish County, Washington, said tract being described in said deed for reference as follows:

"That property of the grantor (being the north nine hundred forty-five and five tenths (945.5) feet, more or less, of the south eleven hundred forty-three and five tenths (1143.5) feet of the north-half of the southwest quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$) of section thirty-one (31) in Township twenty-eight (28) north of range six (6) east of the Willamette Meridian, west of the present right of way of said Railway Company lying between lines parallel with and distant respectively one hundred (100) and one hundred fifty (150) feet westerly from the center line of the present main track of said Railway Company, as the same is now constructed and operated over and across said section; also that portion of said N $\frac{1}{2}$ of SW $\frac{1}{4}$ lying between lines parallel with and distant respectively one hundred fifty (150) and two hundred (200) feet westerly from said above named main track center line and between a line parallel with and distant one hundred ninety-eight (198) feet northerly from the south line of said government subdivision and a line drawn at right angles to said main track center line at a point distant twenty-one hundred thirty-four and eight tenths (2134.8) feet northerly from its point intersection with the south line of said section 31, containing in all two (2) acres, more or less."; also,

That certain 0.35 acre tract of land described in deed dated March 25, 1918 from John Grinier and Alice Grinier to the Northern Pacific Railway Company, recorded April 10, 1918 in Volume 180 of Deeds, Page 401, records of Snohomish County, Washington, said tract being described in said deed for reference as follows:

"A strip of land of the Westerly side of and adjacent to the present two hundred (200) foot right of way of said Railway Company in the south six (6) acres (or the south one hundred ninety-eight (198) feet more

or less, of the north-half of the southwest quarter ($N\frac{1}{2}$ of $SW\frac{1}{4}$) of section thirty-one (31) in Township twenty-eight (28) north of range six (6) east of the Willamette Meridian, said strip of land being more particularly described as follows:

"Beginning at a point on the south line of said $N\frac{1}{2}$ of $SW\frac{1}{4}$, one hundred (100) feet distant westerly, measured at right angles, from the present main track of said Railway Company, as the same is now, constructed and operated over and across said section; thence northerly on a line parallel with and one hundred (100) feet distant westerly from said center line to the north line of the property of said grantors (being the north line of the south 198 feet, more or less of the above named government subdivision); thence west along said north line to a point two hundred (200) feet distant westerly, measured at right angles, from said main track center line; thence southeasterly in a straight line to a point on the south line of said above named government subdivision fifty-five (55) feet west of the point of beginning; thence east to the point of beginning, containing thirty-five hundredths ($35/100$) acres, more or less."; also,

That certain tract of land described in deed dated December 15, 1937 from Ella L. Moulton to the Northern Pacific Railway Company recorded February 19, 1938 in Volume 238 of Deeds, Page 102, records of Snohomish County, Washington, said tract of land being described in said deed for reference as follows:

"That portion of Tract No. 139 as shown on the official plat of CATHCART on file and of record in the office of the Auditor of said County situate within the south half of southwest quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$) of section thirty-one (31) in township twenty-eight (28) north of range six (6) east of the Willamette Meridian, lying easterly of a line parallel with and distant fifty (50) feet westerly measured at right angles, from the center line of the present main track of the Northern Pacific Railway Company as the same is now constructed and operated over and across said section thirty-one."; also,

That portion of that certain 100.0 foot wide Branch Line right of way, being 50.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across Government Lot 4 in Section 31, Township 28 North, Range 6 East, W. M., Government Lots 4, 5, 6 and 7 in Section 6, Government Lots 1, 2, 3, 4 and the $SE\frac{1}{4}SW\frac{1}{4}$ Section 7, Government Lots 2, 3, 4 and the $E\frac{1}{2}NW\frac{1}{4}$ Section 18, Government Lots 1 and 2 Section 19, all in Township 27 North, Range 6 East, W. M., the $E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$ Section 12, and the $SE\frac{1}{4}NE\frac{1}{4}$ and the $NE\frac{1}{4}SE\frac{1}{4}$ Section 24, all in Township 27 North, Range 5 East, W. M., bounded Northerly by the North line of said Government Lot 4 in Section 31, and bounded Southerly the West line of said $NE\frac{1}{4}SE\frac{1}{4}$ Section 24; also

That portion of that certain 200.0 foot wide Maltby Station Ground property, being 100.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across the $W\frac{1}{2}SE\frac{1}{4}$ Section 24, Township 27 North, Range 5 East, W. M., bounded Easterly and Westerly by the East and West lines of said $W\frac{1}{2}SE\frac{1}{4}$ Section 24, **EXCEPTING THEREFROM**, that portion of said 200.0 foot wide Station Ground property lying Northwesterly of a line concentric with and distant 25.0 feet Northwesterly from, measured radially to said Railway Company's Main Track centerline as now located and constructed; also

That portion of that certain 100.0 foot wide Maltby Station Ground property, being 50.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across the $E\frac{1}{4}SW\frac{1}{4}$ Section 24, Township 27 North, Range 5 East, W. M., bounded Northerly by the East line of said $SW\frac{1}{4}$ Section 24 and bounded Southerly by the South Line of said $SW\frac{1}{4}$ Section 24, **EXCEPTING THEREFROM**, that portion lying Northwesterly of a line concentric with and distant 25.0 feet Northwesterly from, measured radially to said Railway Company's Main Track centerline as originally located and constructed, bounded Northeasterly by the East line of said $SW\frac{1}{4}$ Section 24, and bounded Southwesterly by the Easterly edge of the travelway of the Street connecting 91st Avenue SE with Yew

Way in the City of Maltby, Washington, as now located and constructed in a generally Southerly direction from 91st Avenue SE, and about 100 feet Southwesterly of the North-South quarter line of said Section 24, as measured along said Main Track centerline; also,

That portion of that certain 200.0 foot wide Maltby Station Ground property, being 100.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across the NW $\frac{1}{4}$ Section 25, Township 27 North, Range 5 East, W. M., bounded Northerly and Southerly by the North and South lines of said NW $\frac{1}{4}$ Section 25; also

That portion of that certain 100.0 foot wide Branch Line right of way, being 50.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, Township 27 North, Range 5 East, W. M., bounded Northerly and Westerly by the North and West lines of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25; also.

That portion of that certain 200.0 foot wide Branch Line right of way, being 100.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ Section 26, all in Township 27 North, Range 5 East, W. M., bounded on the East by the East line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, and bounded on the West by the West line of said NE $\frac{1}{4}$ Section 26; also

That portion of that certain 100.0 foot wide Branch Line right of way, being 50.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, Township 27 North, Range 5 East, W. M., bounded Easterly by the East line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, and bounded Westerly by the West line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26; also,

That portion of that certain 200.0 foot wide Branch Line right of way, being 100.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 26, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, all in Township 27 North, Range 5 East, W. M., bounded on the East by the East line of said W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 26, and bounded on the South by the South line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, **EXCEPTING THEREFROM**, that portion lying Westerly of a line parallel and/or concentric with and distant 50.0 feet Westerly from, measured at right angles and/or radially to said Railway Company's Main Track centerline as originally located and constructed, bounded on the North by the North line of said Section 35, and bounded on the South by a line radial to said Main Track centerline at a point 530.0 feet South of the North line of said Section 35, as measured along said Main Track centerline; also,

That portion of that certain 100.0 foot wide Branch Line right of way, being 50.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, all in Township 27 North, Range 5 East, W. M., bounded on the North by the North line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, and bounded on the South by the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34; also,

That portion of that certain 50.0 foot wide Branch Line right of way, being 25.0 feet on each side of said Main Track centerline, as originally located and constructed, upon, over and across the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, Township 27 North, Range 5 East, W. M., bounded on the North by the North line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, and bounded on the South by a line radial to said Railway Company's Main Track centerline, as originally located and constructed, at a point distant 600 feet Southwesterly of said North line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, as measured along said Main Track centerline; also,

That portion of that certain 100.0 foot wide Branch Line right of way, being 50.0 feet on each side of said

Main Track centerline, as originally located and constructed, upon, over and across the S $\frac{1}{2}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 27 North, Range 5 East, W. M., bounded on the North by a line radial to said Railway Company's Main Track centerline, as originally located and constructed, at a point distant 600 feet Southwesterly of said North line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, as measured along said Main Track centerline, and bounded on the South by the South line of said Section 34, said line also being the South line of Snohomish County Washington.

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That portion of that certain 100.0 foot wide Branch Line right of way, being 50.0 feet on each side of said Main Track centerline, as now located and constructed, upon, over and across the Lots 2, 3, the S $\frac{1}{2}$ N $\frac{1}{2}$, and the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3, the NW $\frac{1}{4}$ Section 10, all in Township 26 North, Range 5 East, W. M., bounded on the North by the North line of said Section 3, said line also being the North line of King County, Washington, and bounded on the West by the West line of said NW $\frac{1}{4}$ Section 10, **EXCEPTING THEREFROM**, that portion lying Easterly of a line parallel with and distant 20 feet Easterly from, measured at right angles to said Railway Company's Main Track centerline as now located and constructed, bounded on the North by the South line of 8th Street, according to the recorded plat of Bear Creek Addition to Day City, Washington, and bounded on the South by a line perpendicular to said Railway Company's Main Track centerline distant 450.0 feet Southerly from the North line of said E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3, as measured along said Main Track centerline; also,

A 100 foot wide strip of land being that portion of that certain 100.0 foot wide strip of land described in deed dated June 8, 1887 from Ira Woodin and Susan Woodin to Seattle and West Coast Railway, recorded June 14, 1887 in Book 42 of Deeds, Page 410, records of King County, Washington, that portion of that certain 100.0 foot wide strip of land described in deed dated July 26, 1890 from Ira Woodin and Susan Woodin to Seattle and West Coast Railway, recorded November 10, 1890 in Book 112 of Deeds, Page 556, records of King County, Washington, and that certain 100.0 foot wide strip of land described in deed dated June 14, 1887 from Mary B. Jaderholm to Seattle and West Coast Railway, recorded June 14, 1887 in Book 41 of Deeds, Page 385, records of King County, Washington, lying in Section 9, Township 26 North, Range 5 East, W. M., bounded on the East by the East line of said Section 9, and bounded on the West by a line drawn radially to said Railway Company's Main Track centerline, distant 1867.0 feet Easterly of the West line of said Section 9, also being the Easterly boundary of that certain Tract VIII described in deed dated December 19, 1985 from Burlington Northern Railroad Company to King County, recorded in the records of King County, Washington as Instrument No. 198512191094, **EXCEPTING THEREFROM**, that certain tract of land described in Deed dated June 29, 1999 from The Burlington Northern and Santa Fe Railway Company to ANT, LLC recorded May 22, 2000 as Document No. 20000522001158, records of King County, Washington, **ALSO EXCEPTING THEREFROM**, that portion of that certain tract of land described in deed dated November 17, 1998 from The Burlington Northern and Santa Fe Railway Company to Tjossem Properties IV, LLC and Tjossem Properties V, LLC, recorded December 23, 1998 as Instrument No. 9812240021, which lies within said 100.0 foot strip of land; also,

That certain 0.32 acre tract of land described in deed dated July 24, 1903 from Frank A. Woodin and Anna Woodin to Northern Pacific Railway Company recorded July 30, 1903 in Book 370 of Deeds, Page 89, records of King County Washington, said 0.32 acre tract being described in said deed for reference as follows:

"All that portion of the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Nine (9), Township Twenty-six (26) North, Range Five (5) East, W.M., described by metes and bounds as follows: Beginning at the point where the southeasterly line of the present right of way of the Northern Pacific