The Honorable Barbara J. Rothstein
Noted on Motion Calendar for April 20, 2001

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KING COUNTY, a political subdivision of the State of Washington, Plaintiff, vs. JOHN RASMUSSEN and NANCY RASMUSSEN, husband and wife, and their marital community, Defendants,	No. C00-1637R BRIEF IN REPLY TO DEFENDANTS' OPPOSITION TO KING COUNTY'S MOTION FOR SUMMARY JUDGMENT

I. MOTIONS TO STRIKE AND OPPOSTION TO REQUEST FOR ORAL ARGUMENT

A. Motion to Strike Overlength Brief

King County moves to strike Defendants' Brief Opposing King County's Motion for Summary Judgment (hereinafter "Brief Opposing") as a violation of Local Rules W.D. Wash. CR 7(c) by exceeding the 24-page limit without obtaining prior approval of the court. Not only have Defendants submitted a 34-page brief, they have also submitted a Declaration of John O. Rasmussen and Exhibits thereto containing a significant number of additional pages that are, in essence, legal briefing. The County requests that, in addition to the Brief Opposing, the court strike from the record for this motion the entirety of the Declaration of John O. Rasmussen, Opposing SJM and FRCP 12(b) Motions to Dismiss (other than those sections of the declaration the court may find

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constitute foundation for the admissibility of the exhibits that are not stricken) and Exhibits 1, 9, and 10 thereto due to Defendants' failure to comply with CR 7(c).

B. Motion to Strike Inadmissible Factual Allegations

In the alternative, King County moves to strike certain factual allegations pursuant to Fed. R. Civ. P. 56(e). The following allegations contained in the Defendants' Brief Opposing and supporting declarations should be stricken from the record as inadmissible evidence:

1) Paragraph 1 of Defendants' Brief Opposing contains allegations regarding Hilchkanum's capacity that lack foundation. The County requests that all but the last two sentences of that paragraph be stricken.

2) Paragraphs 4, 5 and 6 of Defendants' Brief Opposing and the portions of the declarations cited therein address irrelevant matters. As discussed *infra*, the issue of whether the subject property was part of a "spur line" is not before this court nor can it be properly raised before this court. Defendants' allegations are challenges to the validity of the Surface Transportation Board's Decision to authorize railbanking of the corridor of which the subject property is a portion. Such challenges are the within the exclusive authority of the United States Court of Appeals. 28 U.S.C. §§ 22321 and 2342; see also, Dave v. Rails-to-Trails Conservancy, 79 F.3d 940, 942 (9th Cir. 1996); Glosemeyer v. Missouri-Kansas-Texas R.R., 879 F.2d 316, 320 (8th Cir. 1989); and Lousiana-Pacific Corp. v. Texas Dept. of Transp., 43 F.Supp.2d 708, 711 (E.D.Tex. 1999). Therefore, none of the allegations set forth in these paragraphs are admissible evidence and should be stricken.

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3) Paragraph 8 of Defendants' Brief Opposing also contains irrelevant allegations and evidence. The opinion is not helpful to the trier of fact in determining if the parties to the Hilchkanum deed intended to convey an easement or fee simple title or any other issues before the court. Furthermore, Defendants offer no foundation for admitting evidence. The quoted document is from an unidentified source and is hearsay.

4) Paragraphs 9, 11, 12 and 13 of Defendants' Brief Opposing and portions of the declarations referred to therein also contain irrelevant allegations and evidence. Again, the allegations and referenced material is not probative of the issues before the court.

C. Oral Argument Not Appropriate

Both Parties have presented sufficient evidence on which this court can decide the County's motion. Oral argument would unnecessarily delay the decision. Furthermore, Defendants have shown a penchant for raising legal theories and allegations that are irrelevant to the matter at hand. Oral argument would simply further burden this court.

II. REPLY

A. No Genuine Issues of Material Fact

Defendants have failed to allege any material facts that present a genuine issue for trial. Considering the content of Defendants' Opposing Brief and supporting declarations, the only question of fact that could potentially prevent this court from granting the County's summary judgment motion is the question of the intent of the parties to the Hilchkanum deed. However, Defendants' evidence does not contradict the County's supporting evidence to create a "genuine issue" regarding the facts from which intent will be inferred by the trier of fact. Even if the facts, and

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all reasonable inferences therefrom, are viewed in a light most favorable to Defendants, the only reasonable conclusion is that the parties to the Hilchkanum deed intended to convey to the Railway fee simple title to the subject property.

B. Defendants Do Not Raise A Genuine Issue Regarding the County's Chain of Title

In its Motion for Summary Judgment and supporting material, the County offered sufficient evidence to establish it is the successor in interest to the Seattle Lake Shore and Eastern railway with respect to the subject property. Defendants offer no admissible evidence that calls this fact into question. Instead of admissible evidence, Defendants offer allegations regarding the authority of the STB to authorize railbanking of the East Lake Sammamish Corridor pursuant to 16 U.S.C. §1247(d). However, these allegations do not raise a genuine issue of material fact regarding whether the County is the successor to the Railway, because this court does not have jurisdiction to consider the validity of the STB's order in this action. 28 U.S. C. §§ 2321(a) and 2342(5). Furthermore, assuming *arguendo* that the court denies one of the County's motions to strike, the only legal support offered by Defendants are decisions where either: 1) the STB or ICC had not exercised its jurisdiction over the matter at issue[1]; or 2) the review of an STB or ICC order was properly before a Court of Appeals[2]. See Rasmussen Decl. at Exh. 9.

In the instant matter, the STB has exercised jurisdiction over this rail line and issued a final order. In doing so, the STB decided the issue of its jurisdiction over the subject matter of that order. Any challenge to the STB's decision to exercise its jurisdiction and issue the NITU can only be heard

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[1] Pennsylvania R. v. Reading Co., 132 F.Supp. 616 (E.D. Pa. 1955), aff'd, 226 F.2d 958 (3rd Cir. 1955); and Hughes v Consol-Pennsylvania Coal Co., 954 F.2d 594 (3rd Cir. 1991))

[2] Nicholson v. ICC, 711 F.2d 364 (DC Cir. 1983). Defendants also cite to Illinois Commerce Commission v. U.S.A., 779 F.2d 1270 (7th Cir. 1985) and United States V. State of Idaho, 298 U.S. 105, 56 S.Ct. 690 (1936) in their Brief Opposing FRCP 12(b) Dismissal at note 5. In both of these cases, challenges to the ICC's orders were appealed in conformity with the Hobbs Act. At the time of the appeal in the case of U.S. v. State of Idaho, review of ICC orders

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by the Court of Appeals.[3] Therefore, Defendants' allegation regarding the STB's jurisdiction does not create a genuine issue of material fact or a reasonable inference therefrom that would defeat the County's motion for summary judgment.

Defendants also seem to be arguing that the County's chain of title is in question because the Hilchkanum deed was issued prior to the issuance of the land patent to Hilckanum. However, this argument is supported by neither the law nor by Defendants' own expert. Pursuant to Act of March 3, 1873, c. 266 (17 U.S. Stat. 602), a homesteader had the authority before a patent was issued to convey a portion of his or her property after entry for certain purposes, including for railroad rights of way. See Note 1 to "Brief in Support of King County's Summary Judgment" and Graddon Decl., Exh. 1, Sec. 4. Hilchkanum had the authority to convey the strip of land to the railroad in 1887. Again, the Defendants' allegations do not raise a genuine issue regarding the County's chain of title in the subject property.

C. Only Reasonable Inference is that the Parties to the Hilchkanum Deed Intended to Convey Fee Simple Title in Subject Property

As Defendants note, as the non-moving party, they are entitled to have the material facts viewed in a light most favorable to them and to all reasonable inferences. A reasonable inference is one that "support[s] a viable legal theory" and supported by "significant probative evidence", not "threadbare conclusory statements". Barnes v. Arden Mayfair, Inc., 759 F.2d 676, 680-81 (9th Cir. 1985) (quoting Mutual Fund Investors, Inc. v. Putnam Management Co., 553 F.2d 620, 624 (9th Cir. 1997). In other words, an inference may be drawn in favor of the non-moving party only if the inference is reasonable under the governing substantive law. Therefore, if Defendants' allegation

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was heard by a three-judge panel pursuant to former 28 U.S.C. § 2325.

[3] 28 U.S.C. §1336 does give district court jurisdiction to enforce STB orders and to enjoin any STB order for the payment of money. In this matter, the County is neither enforcing the STB order nor is the order, i.e. the NITU, for

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that the intent of the parties to the Hilchkanum deed was to convey only an easement is a reasonable inference from the material facts in light of the substantive law, the County's motion should be denied. However, upon consideration of the undisputed facts and relevant law, Defendants inference does not support a viable legal theory. Reasonable persons could not conclude after applying the law to the facts that the parties to the Hilchkanum deed intended to convey only an easement. The only inference that is reasonable under applicable law is that the Deed conveyed fee simple title to the strip of land described therein which includes the subject property.[4]

It is axiomatic that the intent of the parties is paramount when interpreting a deed and the question of the intent of the parties is determined by considering the form of the deed, the language used in the deed and the surrounding circumstances. See, e.g., Brown at 437 and 440.[5] Defendants do not dispute the verity of the facts involved in this matter which are probative of these factors. The form and language used in the deed is indisputable. The Defendants offer additional facts regarding the circumstances surrounding the entry of the deed, but those facts that are relevant do not contradict the evidence supporting the County's motion. The only disagreement is how to characterize the deed and surrounding circumstances in light of applicable case law involving deeds in various forms and containing differing language.

King County does not dispute that the Hilchkanum deed differs from the Simpson and Roeder deeds. However, those deeds are more similar to the Hilchkanum deed with respect to the

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the payment of money.

[4] Please note that the Brown court was reviewing several summary judgments. The court considered similar evidence to the evidence before this court and ruled as a matter of law that the intent of the parties to the Simpson deed and other instruments comparable to the Hilchkanum deed was to convey a fee simple interest.

[5] The Brown court acknowledges that in every prior case where the Washington State Supreme had considered a deed conveying an interest in a narrow strip of land to a railroad it found only an easement was conveyed. Brown 130 Wn.2d 430 at note 4. The fact that the court goes on to find a variety of instruments – including a quitclaim deed, indentures and the Simpson deed - conveying strips of land to railroads granted fee simple title in those strips should

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features Defendants attack than the deeds held up by Defendants as comparisons. The relevant similarities are that the Simpson, Roeder, and Hilchkanum deeds are all captioned "Right of Way Deed" and all refer to rights of ways in the title of the instrument as well as in the body of the deed.[6] Defendants attempt to distinguish the Hilchkanum deed by arguing that "right of way" is used in the granting clause as well as the legal description. However, their argument fails when one considers that the legal description is considered part of the granting clause. Morsbach v. Thurston County, 152 Wash. 562, 566, 278 P. 686 (1929). Therefore, if the rule promoted by Defendants is applied blindly, the courts in Brown and Roeder III should have found that those deeds conveyed an easement only. They did not do so because they considered all the relevant factors, in particular the fact that the deeds lacked clear and express language limiting or qualifying the interest granted.

Furthermore, the second occurrence of "right of way" in the Hilchkanum deed is preceded with "such". The only reasonable inference to draw from that language is that the second occurrence refers back to the first occurrence. Therefore, it is unreasonable for Defendants to concede that the second occurrence of "right of way" describes a strip of land or parcel but that the first occurrence is express limiting language. This situation is similar to the one faced by the court in Roeder III where the deed is entitled "Right of Way Deed" and one parcel is referred to as a right of way while another is not. Roeder Co. v. K&E Moving & Storage Co., Inc., __ Wn. App. __, 4 P.3d 839, 842 (Div. I 2000). In Roeder III, the court ruled that the parties intended to convey a fee

be taken as an expression of the court's intent to effect a sea change in the way such instruments are interpreted.

[6] The courts in Brown and Roeder III mention that the deed being in statutory form is a significant factor in determining the intent of the parties since the statutes setting forth the form specify such deeds convey fee title. See Roeder III, 4 P.3d at 841; and RCW 64.04.030, .040 and .050. Although not using the exact words set forth in Ch. 64.04 RCW, the Hilchkanum deed substantially complies with the statutory form of a bargain and sale deed. However, the form of the deed is not determinative considering that the Brown court went on to find deeds not in statutory form also conveyed fee simple title.

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simple interest. Also, neither occurrence in the Hilchkanum deed precedes the phrase "for a railroad" which possibly could call the implication of the use of the term into question.

Defendants also attempt to convince the court that acknowledgment that the strip of land will be used for a rail line is determinative of the issue of whether the deed conveyed an easement or a fee simple interest. The Brown court explicitly rejected this argument. Brown at 440. Whether or not a deed acknowledges the use to which the strip of land will be put, it's hard to imagine that a grantor of a strip of land to a railroad would not expect the land to be used as a rail line. If Defendants' logic were adopted, an analysis of such deeds would be short and simple; all grants of a strip of land to a railroad would be grants of easements. That outcome is contrary to the Washington State Supreme Court's holding in Brown.

The Hilchkanum deed also withstands Defendants' attempt to characterize it as a grant of an easement by comparing it to the deeds in Swan, Morsbach and Squire. Unlike the Hilchkanum deed, each of these deeds contains express language stating that the purpose of the grant was for construction of a railroad or expressly conditioning the grant on the construction and operation of a railroad.

Squire - a court of appeals decision issued prior to Brown - fails to be of value to Defendants in their opposition to this motion because, despite time of execution being in proximity to the Hilchkanum deed and the deed involving the same Railway, the terms used are significantly different than those used in Hilchkanum. King County v. Squire Inv. Co., 59 Wn.App. 888, 801, P.2d 1022 (1990). The fact that the parties in that deed conditioned the effect of the grant and its continuation on the construction and operation of the railroad creates more than a "minor difference". Id. at 890. This is especially true given that five weeks after the Squire deed was

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executed the same railroad entered into the Hilchkanum deed which failed to use the same language. The inference drawn by Defendants that these two deeds should be interpreted the same is not reasonable.

Defendants are merely trying to select isolated elements of the deed to oppose the County's motion.[7] However, this approach fails to follow the analytical framework established by the Brown court. It is important to note that the last clause in the list of Swan factors enumerated by the Brown court is: "and many other considerations suggested by the language of the particular deed." Brown at 438 (citing Swan, 37 Wn.2d at 535-36). This court is free to consider any relevant matter and is not constrained by a list of factors. As the Brown court indicated, determining the purpose of the conveyance is a case by case analysis to determine if the parties "clearly and expressly limited the interest granted". Id. at 440. Defendants have failed to offer evidence that would lead to a reasonable inference that Hilchkanum clearly and expressly limited the interest granted to an easement.

The only decision that might give this court pause is Veach v. Culp, 92 Wn.2d 570, 599 P.2d 526 (1979). The deed in that decision is similar to the Hilchkanum deed in that it does not specify that the right of way is for a railroad and describes a strip of land with specificity. Id. at 572-73. Yet the Veach court still found that the deed conveyed an easement. However, the decision loses its import when one considers that, unlike here, the court in Veach did not have the benefit of a record that elucidated the circumstances contemporaneous to the signing of the deed. Furthermore, Veach was decided prior to Brown and did not apply the analytical framework later adopted by the court.

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[7] Other examples are use of the phrase "across our land" and the adequacy of consideration. As to the former, the Simpson deed used similar language ("over and across"). Furthermore, the Brown court rejected that same argument. Brown at 442. As to the latter, Defendants offer no evidence that having the railroad locate its line through ones property was not of significant value. As the court in Brown notes, railroads were highly valued at the end of the 19th

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The surrounding circumstances in this matter are valuable to the determination of the parties' intent.[8] Defendants do not dispute that certain subsequent deeds issued by Hilchkanum described the property "less" a certain amount of acreage for the right of way. The only reasonable inference from the fact that the deeds excepted out specified acreage instead of saying the property was "subject to" is that Hilchkanum understood that the railroad held the property in fee simple. See Scott v.Wallitner, 49 Wn.2d 161, 164, 299 P.2d 204 (1956). It is true that the second deed to Chris Nelson for Government Lot 2 does not specify acreage to subtract, but neither does it mention an easement for the railroad. No inference can be drawn from that deed regarding the intent of the parties to the deed at issue. Also, the first Nelson deed may not be in the Rasmussen's chain of title, but it does involve the same property conveyed in the Hilchkanum deed to the Railway.

Taken as a whole, the only reasonable inference from the material facts is that the parties to the Hilchkanum deed intended to convey the 100' strip of land to the Railway in fee simple. Therefore, King County's motion for summary judgment should be granted.

D. Legal Description in Proposed Order is Accurate

Although not raised by Defendants in their Brief Opposing Summary Judgment, Defendants did reference in their Brief Opposing Motion to Dismiss an allegation that the location of the right of way is not as described in the Hilchkanum Deed. Brief Opposing Motion to Dismiss at notes 1 and 17 and Graddon Decl. at Exh. 3. Without admitting that the center of the right of way is not located where the legal description in the deed places it, if the location of the tracks as constructed is not the same as the legal description, the location of the tracks is determinative of where the 100' strip conveyed by the deed is located. See, e.g., DD&L v. Burgess, 51 Wn.App. 329, 753 P.2d 561

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century. Brown at 443 (citations omitted).

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(1988) (intention of parties was that the monument (track) identified in the deed but constructed after deed issued would control location of the boundary established in the deed, not the legal description in the deed). "What the boundaries are is a question of law, and where the boundaries are is a question of fact." Id. at 335 (citation omitted). In accordance with the decision in DD&L, the boundaries of the strip of land conveyed by Hilchkanum to the Railway are 50 feet on each side of the track as constructed. Although the location of the boundaries is a question of fact, there is no evidence that would create a genuine issue regarding that fact. The track was constructed from 1887 to 1888, soon after the deed was executed, and there is no evidence that it was relocated after its initial construction. See Graddon Decl. at Exh. 1, Sec. 3.

Given the foregoing, the legal description of the subject property contained in the County's Proposed Order accurately describes the subject property. As is apparent from the calls contained therein, the legal description in the Proposed Order describes the 100-foot wide strip as located by the centerline of the constructed tracks.[9] Furthermore, even if the track as constructed included land within government lot 5, the effect of the deed is not altered since Hilchkanum's patented lands included government lot 5. See Graddon Decl., Exh. 2, Sec. C.1. Just as the intent of the parties to locate the right of way where the Engineer of the Railway located the tracks should not be defeated by a conflict between the legal description in the deed and the location of the tracks, the intent of the parties should not be defeated because the deed failed to include a reference to government lot 5.

E. Additional Discovery is Not Warranted

[8] Defendants argue that the conduct of the parties to this lawsuit has a bearing on the determination of the intent of the parties to the Hilchkanum deed. Defendants apparently misread Scott v. Wallitner and Brown.

[9] Attached for the court's convenience are copies of sheet 11 of 25 of Map No. 311-99 referenced in the legal description. The subject property is the portion of the right of way which bisects lot 76.

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Defendants have offered an impressive amount of information to this court which indicates Defendants have thoroughly researched the facts and circumstances relevant to the issues raised by the County's Motion for Summary Judgment. Furthermore, the material presented by Defendants indicate that they have benefited from public disclosure requests to the County in the past regarding the County's purchase of the corridor. The Defendants [illegible] additional discovery. Therefore, the County's motion for summary judgment should not be denied merely to provide additional time for discovery.

DATED this 19th day of April 2001.

NORM MALENG
King County Prosecuting Attorney

By: Scott Johnson
SCOTT D. JOHNSON, WSBA #22956
Deputy Prosecuting Attorney
Attorneys for Plaintiff

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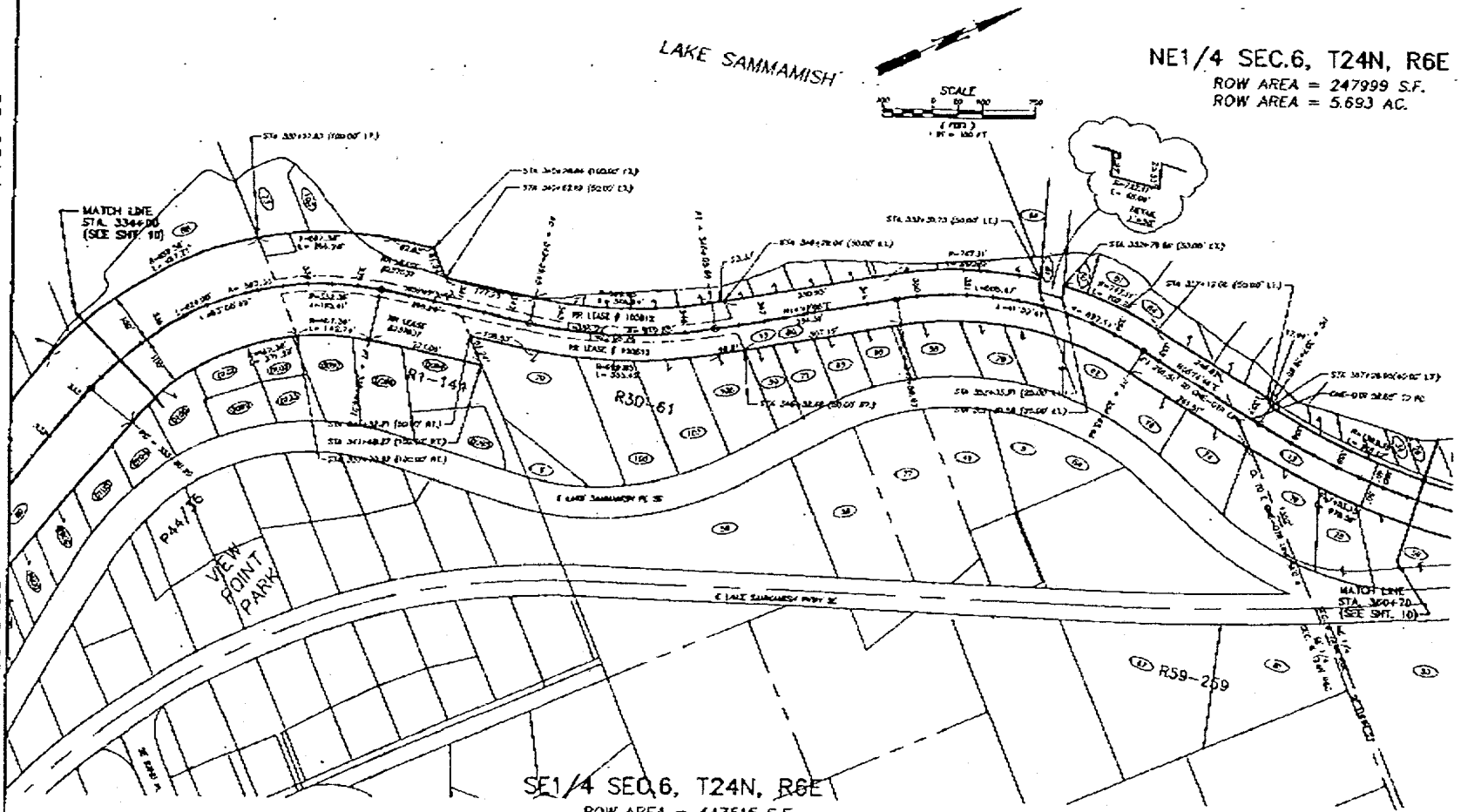
ATTACHMENT



NE1/4 SEC.6, T24N, R6E
ROW AREA = 247999 S.F.
ROW AREA = 5.693 AC.

SE1/4 SEC.6, T24N, R6E
ROW AREA = 447515 S.F.
ROW AREA = 10.274 AC.

NOTES

1. THE BASIS OF BEARING FOR THIS EXHIBIT IS BASED ON THE WASHINGTON COORDINATE SYSTEM, NORTH ZONE (NAD83/91) THE MERIDIAN IS COINCIDENT ALONG THE ROUTE OF 405TH.

2. THE DISTANCES AND STATIONS SHOWN HEREON REFLECT A COMBINATION OF FIELD OBSERVATIONS AND COMPUTATIONS FROM SURVEYS OF RECORD IN THE KING COUNTY ADMINISTRATION BUILDING. COORDINATES ARE ADJUSTED TO GRID ON THE WASHINGTON COORDINATE SYSTEM, NORTH ZONE, (NAD83/91) AND EXPRESSED IN U.S. SURVEY FEET.

3. SECTION LINES AND ONE-QUARTER SECTION LINES WERE ESTABLISHED BY KING COUNTY FROM INFORMATION AVAILABLE TO THE PUBLIC BY THE KING COUNTY SURVEY SEARCH AND IN KING COUNTY RECORDS. PROPERTY LINES AS SHOWN ARE DERIVED FROM EXISTING RECORDED SURVEYS INFORMATION SHOWN BY RECORDED DEEDS AND THE KING COUNTY GIS DATABASE. IN THOSE AREAS WHERE GIS DATABASE INFORMATION VARIES FROM RECORD INFORMATION, RECORD INFORMATION HAS BEEN HELD ALONG SECTION LINES AND QUARTER SECTION LINES. EXCEPTIONS ARE SHOWN FROM THE CENTERLINE OF THE RIGHT-OF-WAY TO THE APPROPRIATE CORNER.

4. THE RAILROAD CENTERLINE (CL) (SOL) OF SOME AREAS WAS DETERMINED BY FIELD SURVEYS PERFORMED ACCURACY BALANCE DONE FOR PART OF FLOOD. THESE OBSERVATIONS WERE COLLECTED ALONG THE EXISTING EAST RAIL ICONS ELECTRONIC TOTAL STATIONS AND GLOBAL POSITIONING SYSTEM INSTRUMENTS.

5. THE RAILROAD RIGHT-OF-WAY WAS COMPILED FROM A VARIETY OF RECORD INFORMATION, AND ADJUSTED TO FIELD OBSERVATIONS. THE PORTION OF THE CENTERLINE OF THE RAILROAD WAS ESTABLISHED IN ACCORDANCE WITH THIS INFORMATION BY KING COUNTY.

6. THE PURPOSE OF THIS EXHIBIT IS TO SHOW THE PORTION OF THE RAILROAD CENTERLINE AS LOCATED IN 1999, TO SHOW THE COMPUTED RAILROAD RIGHT-OF-WAY IN RELATION TO THE CENTERLINE, AND DETERMINE THE RIGHT-OF-WAY AREA WITHIN EACH ONE-QUARTER SECTION.

7. KING COUNTY HAS AN EASEMENT FOR RAILROAD PURPOSES OVER AND ACROSS PORTIONS OF THE RAILROAD RIGHT-OF-WAY.

WE HEREBY CERTIFY THAT THIS SURVEY ACCURATELY REPRESENTS THE LOCATION OF THE CENTERLINE OF THE RAILROAD RIGHT-OF-WAY AS SURVEYED UNDER OUR DIRECT SUPERVISION.

5/6/99
WILLIAM B. MC INTOSH, P.L.S.
CHIEF SURVEYOR
KING COUNTY SURVEY SEARCH

5/10/99
TYLER J. [illegible], P.L.S.
SURVEY MANAGER
R & H PACIFIC

FIELD BOOK: 24052601							
SURVEYED: W.H. PACIFIC 7/98							
SURVEY BOOK (s): W.H. PACIFIC 7/98							
DESIGN EXTENSION: N/A N/A							
DESIGNED: N/A K.S.							
CHECKED: W.O.M./M.F./T.J.S. 7/98							
SUPERVISOR: W.O.M. 7/98	DATE	REVISION	BY	DATE			

FED. AID No. N/A

PROJECT No. 582006

SURVEY No. 99-26-8-10

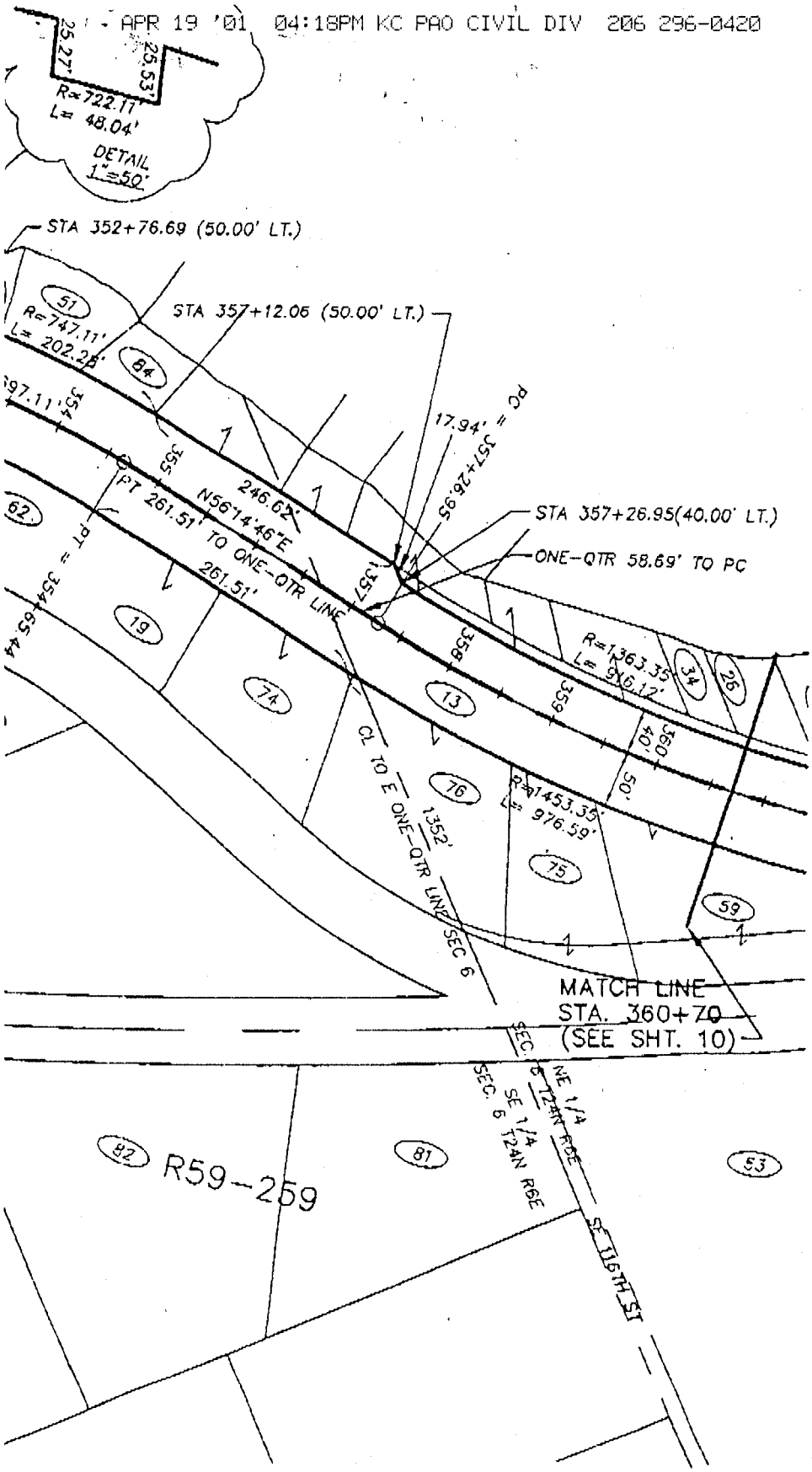
MAINTENANCE DIVISION No. 2

KING COUNTY DEPT. OF TRANSPORTATION
PAUL TELANDER, DIRECTOR

EAST LAKE SAMMAMISH TRAIL
RIGHT OF WAY EXHIBIT

SHEET 11 OF 25 SHEETS

311-99



3. SECTION LINES AND ONE-QUARTER ESTABLISHED BY KING COUNTY FROM AVAILABLE TO THE PUBLIC AT THE KI BRANCH AND IN KING COUNTY RECOR SHOWN ARE DERIVED FROM EXISTING INFORMATION SHOWN IN RECORDED DE COUNTY GIS DATABASE. IN THOSE DATABASE INFORMATION VARIES FROM INFORMATION, RECORD INFORMATION H ALONG SECTION LINES AND QUARTER DISTANCES ARE SHOWN FROM THE CE RIGHT-OF-WAY TO THE APPROPRIATE

4. THE RAILROAD CENTERLINE LOCATIC DETERMINED BY FIELD SURVEYS PROVI GREATER THAN ONE PART IN 10,000. WERE COLLECTED ALONG THE EXISTING ELECTRONIC TOTAL STATIONS AND GL SYSTEM RECEIVERS.

5. THE RAILROAD RIGHT-OF-WAY WAS VARIETY OF RECORD INFORMATION, AN OBSERVATIONS. THE POSITION OF TH RAILROAD WAS ESTABLISHED IN ACCOI INFORMATION BY KING COUNTY.

6. THE PURPOSE OF THIS EXHIBIT IS OF THE RAILROAD CENTERLINE AS LO THE COMPUTED RAILROAD RIGHT-OF- CENTERLINE AND DETERMINE THE RIGH WITHIN EACH ONE-QUARTER SECTION.

7. IN SOME LOCATIONS KING COUNTY ROADWAY PURPOSES OVER AND ACRO RAILROAD RIGHT-OF WAY.

WE HEREBY DECLARE THAT THIS SURVEY ACCUR REPRESENTS THE LOCATION OF THE CENTERLINE AND WAS PRODUCED UNDER OUR DIRECT SUPEI

8/3/98

MC INTOSH WILLIAM
STATE OF WASHINGTON