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

KING COUNTY, a political subdivision of the
State of Washington,

Plaintiff,

v.

JOHN RASMUSSEN, and NANCY
RASMUSSEN, husband and wife, and their
marital community
Defendants.

No. 00-2-14946-8 SEA

DECLARATION OF SCOTT D. JOHNSON
IN SUPPORT OF KING COUNTY'S
MOTION FOR PRELIMINARY
INJUNCTION

Scott D. Johnson declares as follows:

1. I have personal knowledge of the matters contained herein and am competent to testify thereto.
2. I am a Deputy Prosecuting Attorney in King County's Prosecuting Attorney's Office. I am licensed to practice law in the State of Washington. My duties include representing King County in matters involving the acquisition of a railway corridor along the eastern shore of Lake Sammamish and development of a recreation trail by King County along the corridor. In the course of this work I have become familiar with the federal and state laws regarding railbanking and grants of property to railroads.

1 3. On September 18, 1998 the United States Surface Transportation Board approved
2 interim trail use (a.k.a. railbanking) of the entire railroad corridor purchased by King County under
3 the National Trails System Act (16 U.S.C. 1247(d)) and the STB's implementing regulations (49
4 CFR § 1552.29). A true and correct copy of the STB order is attached to this affidavit as Exhibit
5

6 1.

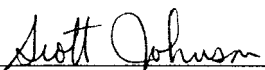
7 4. This ruling authorized rail salvage (removal of the rails, ties and spikes), and the
8 conversion of the ELS corridor, including the subject property, for a recreational trail as a means of
9 preserving the corridor for future trail use.
10

11 5. I have also reviewed a copy of the agreement between King County and TLC
12 which transfers approximately 11 miles of the corridor to King County by quitclaim deed. The
13 agreement also requires that King County preserve the legal and physical integrity of the corridor
14 for future railroad use.

15 6. I received and reviewed a collection of e-mails sent by Mr. Rasmussen to
16 Councilperson David Irons on August 8, 2000. A true and correct copy of these e-mails is
17 attached to this affidavit as Exhibit 2.
18

19
20 I declare under penalty of perjury under the laws of the State of Washington that the
21 foregoing is true and correct.
22

23 EXECUTED this 31st day of August, 2000 at SEATTLE, Washington.

24 
25 _____
SCOTT D. JOHNSON