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

KING COUNTY, a political subdivision)
of the State of Washington;) No. 00-2-14946-8 SEA
)
Plaintiff;) Declaration of John O.
) Rasmussen
vs.)
) (to preserve *status quo*,
JOHN RASMUSSEN and NANCY) and to refute false statements)
RASMUSSEN, husband and wife, and)
their marital community;)
)
Defendants.)

JOHN O. RASMUSSEN hereby declares under penalty of perjury as follows:

The following information is offered to counter the slanderous false impression of me presented by the prosecutor in his filing against my wife and me in the dispute over our property rights on the East Lake Sammamish Trail (ELST). My opinion is that this false impression is a tactic by the prosecutor to prejudice me and take an unfair advantage in the resolution of the case. I'll start with a brief personal history, follow that with my understanding of what is happening with the East Lake Sammamish Trail, and finish with a counter to the ugly allegations by the prosecutor that so falsely misrepresent my actions with respect to the trail.

1 **Personal History:**

2
3 My family moved to Washington in 1891. We have contributed to the
4 development of this State for over one hundred years. The bridge across the
5 Yakima River into Richland is named after my great grandparents, the Bremmers.
6 The road in front of the family farm in West Richland is named after my
7 grandparents, John and Clara Weidle. My first name is John in honor of that man.
8 Many of the exhibits in the Benton County Historical Museum are from the farm
9 home where I grew up.

10 I was born in Pasco, Washington in 1944. I was raised by my mother, living
11 with her, my sister and my grandparents on their small farm in West Richland.
12 Through the school years I was very active in sports, church and clubs. After high
13 school, I was appointed to the U.S. Naval Academy by Catherine May, a longtime
14 member of the U.S. House of Representatives. In 1967, I graduated from the
15 Naval Academy and entered flight school late that year. For the next twelve years
16 I served as pilot and officer for the Navy, including seven years as a reservist.

17 I married Nancy vom Eigen in 1969. We had met in 1966 when she was a
18 student at Hood College and I was at the Naval Academy. Nancy graduated from
19 Hood in 1969 with a degree in teaching. Our first home was in Brunswick, Maine
20 where I served as a Naval Officer and pilot of the P3 Orion, a U.S. Navy
21 antisubmarine patrol plane. In 1973 I was hired as a commercial pilot and moved
22 to Manhattan Beach, California. I continue in that profession today. Our first son,
23 Eric, was born in 1977. We were living in Southern California at the time and I
24 convinced Nancy that returning to my home state to raise our children would be

Declaration of John Rasmussen - 2

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1 best for our family. In 1979 we moved to the plateau area above Lake
2 Sammamish. Our second son, Craig, was born here in 1981.

3 Because my job has me away from home half of every month, Nancy stayed
4 home to raise the children. In addition to raising our children, Nancy has
5 volunteered thousands of hours in the community. Her contribution has been
6 recognized with awards for her volunteer work. For the last couple of years Nancy
7 has served as church secretary at Faith United Methodist Church on the plateau.

8 In 1993, our family moved about one mile from our home on the plateau to
9 our present home along Lake Sammamish. At present both of our children are in
10 university. Eric is at Montana State University in Bozeman, and Craig is starting
11 his second year at the University of Washington. In the more than twenty years
12 that we have been living here, we have greatly contributed to this community.
13 Now, it is a bitter disappointment to have these slanderous and insupportable
14 allegations from the prosecutor's office.

15

16 **The Trail:**

17 Our biggest concern, when we moved to our present home along Lake
18 Sammamish, was what would happen if the railroad left? To that end, we asked
19 for a title company to research and provide chain of title information, and we did
20 what research we could to determine what would happen upon cessation of rail
21 service. It turned out that nobody knew exactly what would happen. We bought
22 the house with the hope that the railroad would stay, and that if it left, our rights
23 would be respected under the law. Neither turned out to be the case.

Declaration of John Rasmussen - 3

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1 In mid-1996 Burlington Northern stopped using the rail line. In that time
2 frame, the property owners along the lake began to evaluate their options. The
3 Redmond-Issaquah Railroad Association (RIRPA) was formed to make an offer of
4 financial assistance and continue rail service along the lake. Nancy and I joined in
5 that effort. Continued rail service would be an alternative to having our back yard
6 turned into a trail. RIRPA was denied the right to continue rail service and that
7 decision is now being appealed in the U.S. Court of Appeals, 9th Circuit.

8 The Land Conservancy purchased the railroad right-of-way in April 1997
9 with the intention of abandoning, railbanking the right-of-way and selling it to
10 King County. This sale was reversed in September 1997 because TLC had
11 violated the Surface Transportation Board's rules. The railroad was returned to
12 Burlington Northern, which then abandoned it under the rules of railbanking, and
13 sold it to TLC in September 1998. TLC then sold most of the railbanked right-of-
14 way to King County just hours later, for a substantial profit.

15 This civil court action can be fully understood only if one is aware of the
16 political battle going on in our county over property rights. In the case of
17 railbanking, this fight pits the reversionary landowners of the land under right-of-
18 way easements against what are commonly called the "greenies". These are
19 political groups that believe that it's fair to simply steal land from their rightful
20 owners as long as it furthers their liberal goals.

1 The Rails-to-Trails Act [16 U.S.C. 1247 (d)] was passed in 1983. The law
2 allows our land to be railbanked¹ without any notice to us, the owners of the land.
3 In the case of ELST, it appears that my land was railbanked² and then falsely
4 bargained away by BNSF, TLC and King County without me having any
5 knowledge, or opportunity to be heard in the transaction. I have described this
6 repeatedly in the letters to county government officials referenced in the
7 prosecutor's complaint. Had I been a part of that transaction, the tax fraud
8 involving BNSF, TLC and King County would not have happened.

9 When the proper conditions are met, a taking occurs with railbanking.
10 Payment is then required for that taking. In my opinion, an illegal taking has
11 occurred with most of the properties along Lake Sammamish. As I wrote above,
12 my wife and I have spent more than \$7,000 to verify that issue for our property.
13 The Rails-to-Trails act was passed in 1983, but to this date *nobody, nationwide,*
14 *has been compensated for the taking of his/her land.* According to the Rails-to-
15 Trails Conservancy, as of last year 1758 miles of old track had been converted into
16 trails, with another 1750 miles pending. This would equate to many thousands of
17 parcels of land, yet, according to a GAO report on railbanking to Senator

¹ The right-of-way is supposed to revert to the fee simple owner when the railroad abandons the right-of-way. Railbanking suspends the abandonment for an indeterminate period of time. The right-of-way is suspect, also, since the original grantor may not have had the authority to convey the right-of-way in the first place.

² Railbanking has not yet been proved by the plaintiff: it could very well be that the right-of-way has been abandoned, and by operation of law it has reverted to the fee simple landowner, which in this case is my wife and me.

1 Brownback in October 1999, less than thirty "takings" cases are pending in the
2 courts. *That report neglects to mention that not one "taking" has been*
3 *compensated in over seventeen years.* It is obvious to me that many thousands of
4 people have had their land taken by the Rails-to-Trails Act, *without just*
5 *compensation, in violation of the Fifth and Fourteenth Amendments to the U.S.*
6 *Constitution, and in violation of Washington State statutes and case law.* However,
7 the hurdles have been set so high for those of us who have had their land stolen by
8 this process, and the campaign of misinformation has been so successful, that
9 justice is just a myth. Congress is well aware of the shortcomings of this act with
10 respect to the violation of the reversionary landowner's rights, but the Rails-to-
11 Trails Conservancy and various bicycle groups have fought hard to deny
12 reversionary owners their rights because they fear it would slow trail development.
13 This can be seen in the present opposition to HR 4086 by the Rails-to-Trails
14 Conservancy. That House Resolution would require payment to the folks that are
15 having their property taken, before anyone could build a railbanked trail. The
16 Rails-to-Trails Conservancy is working hard to defeat this Resolution, and to see
17 that the injustice continues. Politicians turn their backs on the reversionary owners'
18 rights, rather than be labeled "anti-trail" by this special interest group. The Rails-to-
19 Trails Act sets up a combination of: powerful politicians, a national network of
20 pro-trail activists and large railroad corporations against the individual
21 reversionary landowners. This lethal combination has been able to steamroll the
22 rights of thousands of Americans nationwide. It's happening on ELST, as I have
23 described.

Declaration of John Rasmussen - 6

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1 In the GAO report, it is stated that two railroads have determined that it will
2 be very difficult to convert trails back to rails because of public opposition, so,
3 they no longer railbank any line that has potential for return to service. This
4 confirms what everyone has always realized: *once the rails are converted to trails,*
5 *they will never be converted back, as a rule.* The basic concept of railbanking is
6 flawed because its stated purpose of preserving rights-of-way for future use
7 requires that it takes public parks away from communities and turns them into
8 railroads. That just doesn't work in our society. I've never heard of a public park
9 being taken away from a community and turned into a rail line. Yet, that is exactly
10 what the Rails-to-Trails Act is claiming it will do. Here is a quote from that GAO
11 report that makes the point:

12 "...two rail carriers have made the strategic decision not to abandon or bank
13 additional rights-of-way where they see a potential for future rail service.
14 These rail carriers are choosing to keep these rights-of-way rather than face
15 the potential problems associated with returning service to rights-of-way that
16 have been railbanked. Rail officials noted that such problems could include
17 public challenges to resuming rail service if the misperception develops
18 among trail users that the trail is a public asset, like a beach or public park.
19 According to rail officials, if this idea were supported by elected officials,
20 the restoration of rail service could be blocked despite the intention of the
21 Trails Act Amendments. In addition, delays in restoring rail service could
22 arise if a trail has been constructed over the right-of-way."
23

24 Here in Washington State we have a law that should protect the reversionary
25 landowners from the adverse effects of the national Rails-to-Trails Act. That law
26 is RCW 64.04.180:

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1 "RCW 64.04.180 Railroad properties as public utility and
2 transportation corridors--Declaration of availability for public use--
3 Acquisition of reversionary interest. Railroad properties, including
4 but not limited to rights-of-way, land held in fee and used for railroad
5 operations, bridges, tunnels, and other facilities, are declared to be
6 suitable for public use upon cessation of railroad operations on the
7 properties. It is in the public interest of the state of Washington that
8 such properties retain their character as public utility and
9 transportation corridors, and that they may be made available for
10 public uses including highways, other forms of mass transportation,
11 conservation, energy production or transmission, or recreation.
12 *Nothing in this section or in RCW 64.04.190 authorizes a public*
13 *agency or utility to acquire reversionary interests in public utility and*
14 *transportation corridors **without payment of just compensation.***
15 [1988 c 16 § 1; 1984 c 143 § 22.]" (emphasis added)
16

17 It is clear that this law requires King County to compensate for the "takings"
18 involved in the establishment of the ELST if the proper conditions are met. On our
19 property, my wife and I hold fee simple rights to the land under the right-of-way,
20 and the right-of-way is subject to reversion to our fee simple estate. This is clearly
21 shown on our deed. The right-of-way deed that was granted to the railroad in 1887
22 *was for an **easement only, limited to railroad purposes.*** King County's action to
23 attempt to establish a trail is not allowed by the narrow limitations of the railroad
24 easement. Therefore, the establishment of the trail is a taking of a **new easement,**
25 ***an easement that has a shifting use from the original easement,*** and requires
26 compensation under the law cited above.

27 With that understanding, an air of distrust quickly developed as TLC, and
28 King County went forward with the trail without recognizing their legal obligations

1 to the reversionary owners. There was great arrogance and insensitivity from
2 officials of TLC and the county as the planning for the trail began. I heard of a
3 case where an adjacent owner approached an official group touring the tracks and
4 was told he might not even be allowed to cross the right-of-way from his property
5 on one side to his property on the other. There were rumors of the county's
6 intention to take the beach area from folks. Then a Citizens Advisory Group was
7 formed to make recommendations for the trail. Everyone who had their property
8 bisected by the proposed trail and were most impacted, were denied consideration
9 for that group.

10 My wife and I attended one of the first CAG meetings on April 8, 1999.
11 That meeting was led by Jennifer Knauer and assisted by a representative from
12 Parametrix, a firm hired as a trail design consultant. King County has been
13 slapped with an ethics violation for hiring Parametrix. The audience was filled
14 with glum-faced lakeside property owners who were trying to understand the
15 county's actions. When audience members were allowed to speak they were cut
16 off after two minutes by Jennifer Knauer, with the aid of the Parametrix
17 representative using a stopwatch. Afterward, one of the audience members
18 remarked to me about how arrogant and condescending Ms. Knauer was to the
19 property owners present. Towards the end of the meeting Ms. Knauer announced
20 her intention to tour the CAG the full length of the right-of-way.

21 When the meeting finished, I approached Ms. Knauer, identified myself, and
22 explained where I live. I then explained why the county was not legally authorized
23 to enter my property until compensating me for the taking. I told Ms. Knauer to

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1 refrain from entering my property until she had a legal right, and I told her I would
2 request that she be arrested if she did trespass upon my property. Then, the next
3 day, April 9, 1999 I e-mailed Mr. Sims and outlined the problem to him. That
4 began a fifteen-month period in which I wrote a long series of e-mails to outline
5 the problem, request explanation, and request that my rights be recognized. Now,
6 *eighteen months later, I still have had no full response to my questions, no*
7 *acknowledgment of my rights, no question asked about the intent I expressed in my*
8 *e-mails. I have never been approached in person by a member of the county in any*
9 *attempt to resolve our issues. Instead the county has ignored my protest and sent a*
10 *steady stream of county employees across my land.*

11 King County has a railbanked right-of way and may enter my property for
12 railroad purposes, but not for trail purposes until the county obeys the law and
13 compensates us, as explained above. As county employees entered my property, I
14 asked their purpose. If they indicated they were there for trail purposes then I have
15 asked them to leave. At first I allowed the employees to enter and cross my
16 property with a warning to not return. Later, after repeatedly asking county
17 employees to leave, and re-notifying the county of the situation in writing, I
18 became more adamant. I consider the county's actions against me for the last
19 eighteen months to be harassment. King County, through its employees, has
20 intentionally orchestrated this situation to discourage other landowners along the
21 lake from standing up for their rights.

1 In the filed complaint and the motion for preliminary injunction there are
2 many quotes from me taken out of context. For example, the complaint suggests in
3 one part that I concluded with this statement:

4 “If nothing happens from this letter, I'll give 72 hours notice to everyone I've
5 ever written over the last fifteen months and then meet any trespassers on
6 my property with a loaded shotgun. I will demand they prove to me their
7 right to be there, or I will use whatever force is necessary to remove them. I
8 will not allow the County to steal my property by adverse possession, fraud
9 and direct violation of the laws and Constitution of the State of
10 Washington.”
11

12 *This is the full thought that is expressed in that section:*

13 “What I'll do: If the County provides a valid claim to me that needs to be
14 settled in court, I am willing to settle those questions in that manner. If
15 nothing happens from this letter, I'll give 72 hours notice to everyone I've
16 ever written over the last fifteen months and then meet any trespassers on
17 my property with a loaded shotgun. I will demand they prove to me their
18 right to be there, or I will use whatever force is necessary to remove them. I
19 will not allow the County to steal my property by adverse possession, fraud
20 and direct violation of the laws and Constitution of the State of
21 Washington.”

22 There is great difference in meaning here, and even this statement is taken out of
23 context of the whole letter.

24 The only way that the statements in the claims by the county can be read
25 accurately, is by reading the complete letter, and by understanding that the county
26 was stonewalling my every effort to communicate with them for this whole period,
27 all the while continuing to invade my property with county workers in an action
28 that was perceived by me to be harassment.

Declaration of John Rasmussen - 11

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1 I have lived in this community for more that twenty years. In all that time I have
2 never harmed a member of the community, nor have I threatened to harm anyone.
3 That is also true for every other place I have lived for my whole life. I am not a
4 violent person and I challenge anyone to provide evidence that I am. The
5 statements by the prosecutor's office are irresponsible, unverified, and totally
6 inconsistent with how I have lived my life for the past fifty-six years. The
7 statements by the prosecutor's office are a connivance to making the case against
8 me, and the allegations are totally untrue. This is particularly upsetting, because
9 besides defaming me, I believe that these irresponsible statements have actually
10 endangered my family. When the police came to my home to deliver papers the
11 other day, my son suddenly appeared causing one officer to put his hand on his gun
12 in self-defense. He took this action in the belief that my son, who is my size, was I,
13 and I had been described as violent by the prosecutor. If my son were carrying an
14 object that could have been mistaken for a weapon, he may have been accidentally
15 injured or killed. This false image of me, built to facilitate the civil suit against
16 me, has actually endangered my family. Why haven't the police come to my home
17 to discuss this? I considered contacting the Sheriff and Sammamish Chief several
18 days ago after being served, but I had been so poisoned by the prosecutor's false
19 claims that I felt I needed to contact my lawyer first.

20 With respect to the prosecutor's claim that I have threatened to hurt others, I
21 believe my only "threat" has been to defend my life and my property as is allowed
22 under the law. I have no intention to harm anyone unless I would be required to do
23 so to defend myself. This is how I have lived every day of my life. If there is a

1 misunderstanding concerning my intent, the blame has to lie with the prosecutor
2 and county government, which has cut off all communications with me for the last
3 eighteen months³. The only significant communication I have had in all that time
4 has been to have papers served on me from the county, concerning this lawsuit.
5 When the only communication that I have with my government is through court
6 proceedings, one has to look at the motives of that government. I believe that I
7 have been singled out to be made an example of to discourage the other
8 landowners along the Lake Sammamish from asserting their constitutional rights to
9 their property.

10 It is outrageous that Jennifer Knauer wrote in her declaration that my wife
11 made statements that I would be violent against members of the community.
12 Nancy and I have been married for thirty-one years, and have known each other for
13 thirty-four years. I have never harmed, nor threatened to harm, *anyone* in all those
14 years. I challenge anyone to disprove this. Knowing Nancy as I do, it is impossible
15 for Nancy to have made that statement. I know she could never have made that
16 statement. Ask Ms. Knauer and Ms. Hoover how well they know my wife. My
17 guess is that neither of them could even identify her in a row of photographs.

18 King County is trying to bury me with a mountain of politically correct
19 misinterpretations and lies. This is more than wrong, it is an outright violation of

³ Several of the property owners, including my wife and me, have spent tens of thousands of dollars to search the title to our properties, and when we tried to have our title expert meet with the prosecutor, Attorney Schneiderman canceled the meeting, then turned it around and claimed our title expert had canceled the meeting!

1 my civil rights. *It is time for the posturing to end and the facts of this case to be*
2 *presented fairly in a court of law, in a full-blown evidentiary hearing.*
3 Furthermore, it is time that the King County Sheriff come to my home, look me in
4 the eye, and take the measure of a man who is no threat to the community, and
5 clear the air of the fog and misconceptions planted by the prosecutor. I am not a
6 violent man⁴, I have been deeply hurt by these false accusations from the
7 prosecutor's office, and I feel my county government has betrayed me.

8 For the above reasons, I respectfully request this court enjoin the King
9 County employees from entering my property until this court has had an
10 opportunity to hear evidence concerning the legal claims we have to the fee simple
11 title to our lands, and to analyze our claims for compensation for the county's
12 illegal actions in this case.

13 Respectfully submitted this 2nd day of September, 2000.

14

15

16 _____
JOHN O. RASMUSSEN

17

18

19

20

21

⁴ Incidentally, I have voluntarily removed my guns from my home, in order to assure all parties that there never was, is not at this time, nor in the future shall there ever be, a threat of violence emanating from my home. I have voluntarily given up my constitutional right to bear arms, in order to assuage those employees at King County who have needlessly feared me when I have told them to stop trespassing on my lands.

1
2 TEXT OF ELECTRONIC LETTERS
3

4 *The following lists all significant correspondence between the government and John*
5 *Rasmussen:*
6

7 ***Letter 01***

8 Subject: Illegal taking of my land
9 Date: Fri, 09 Apr 1999 13:02:48 -0700
10 From: Rasmussen <issyras@ibm.net>
11 To: ron.sims@metrokc.gov
12 CC: ELST <elst@metrokc.gov>, "Dams, Al" <al.dams@metrokc.gov>
13
14

15 Dear Mr. Sims,
16

17 Last night I offered to have your East Lake Sammamish Trail manager, Jennifer Knauer,
18 arrested if she set foot on my land. This was after she arrogantly offered to
19 tour the ELST Citizen Advisory Group through my property on the abandoned rail bed without
20 the least consideration for my property rights.
21

22 It's easy to understand why you are ignoring the property rights of those of us that live on East
23 Lake Sammamish. You can buy a lot of votes with our land, while
24 losing only a few of ours. Politicians like you and the Council; bureaucrats like those in the
25 Parks Department; and do-gooders like The Land Conservancy have at
26 least one thing in common. You buy your votes, and do your "good" with other people's
27 money. In this case you steal a large portion of my life's savings to build
28 your trail and promote your political careers.
29

30 I've been out bicycling three times in the last week. I've bicycled in the East Lake area for the
31 last twenty years. I do not oppose a trail. I oppose the outrageous
32 theft of my property to build the trail.
33

34 I am confident that the land under the tracks is my reversionary property. That means that
35 when the track is abandoned, the land reverts back to me, the abutting
36 owner. The U.S. Courts have ruled that the "doctrine of 'Shifting Public Use'" cannot stretch a
37 railroad easement into a public park/trail. The establishment of a
38 rail-trail is a new easement and therefore a taking. You should be committed to upholding the
39 Fifth Amendment of the U.S. Constitution, and RCW 64.04.180. I
40 print that law at the bottom of this e-mail, with the bold print my emphasis.

Declaration of John Rasmussen - 15

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1
2 You, the county, have no right to enter my land for purposes of a trail until you deal with the
3 issue of the taking, and compensation. I expect that the cost of paying
4 the land owners for the takings along the lake will be in excess of 30 million. This is a cost
5 that will have to be passed on to the voters/taxpayers. It is time to face
6 up to your responsibility and obey the law!
7

8 When Ms. Knauer trespasses on my land and I call 911 for police assistance, will you instruct
9 the King County Police to ignore the law in that case too? I have
10 contacted the State Attorney General's Office for assistance. I believe the County has a
11 conflict of interest.
12

13 I moved back to Washington State twenty years ago because I wanted to raise my family in my
14 home state. Because of my job, my wife, Nancy, stayed home to
15 raise our children. This gave her time to devote thousands of hours to volunteering in the
16 community. We pay an obscene amount of property tax to live on Lake
17 Sammamish, considering the modest house we own. Now you try to steal my property, destroy
18 my privacy, and threaten my security by putting a trail through my
19 back yard.
20

21 What a County!

22
23 Sincerely,

24
25 John Rasmussen
26 1605 E Lake Sammamish Place SE
27 Issaquah, WA 98029
28

29 Phone: 425-392-8110
30

31 RCW 64.04.180 Railroad properties as public utility and
32 transportation corridors--Declaration of availability for public
33 use--Acquisition of reversionary interest. Railroad properties,
34 including but not limited to rights-of-way, land held in fee and
35 used for railroad operations, bridges, tunnels, and other
36 facilities, are declared to be suitable for public use upon
37 cessation of railroad operations on the properties. It is in the
38 public interest of the state of Washington that such properties
39 retain their character as public utility and transportation
40 corridors, and that they may be made available for public uses

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1 including highways, other forms of mass transportation,
2 conservation, energy production or transmission, or recreation.
3 **Nothing in this section or in RCW 64.04.190 authorizes a public**
4 **agency or utility to acquire reversionary interests in public**
5 **utility and transportation corridors without payment of just**
6 **compensation.** [1988 c 16 § 1; 1984 c 143 § 22.]
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11
12
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16 *Letter 02*

17 Subject: [Fwd: Illegal taking of my land]
18 Date: Fri, 09 Apr 1999 13:49:05 -0700
19 From: Rasmussen <issyras@ibm.net>
20 To: "McKenna, Rob" <rob.mckenna@metrokc.gov>
21

22
23 Dear Mr. McKenna,
24

25 It is hard to believe that you could pretend to represent me on the King
26 County Council in light of your decision to ignore my property rights in
27 the establishment of the East Lake Sammamish Trail.
28

29 Considering your training as a lawyer, I find it particularly troubling
30 that you do not oppose this taking. Maybe it was Rose Bowl weekend when
31 they taught the Fifth Amendment, and you were skipping class.
32

33 Please read the enclosed letter to Mr. Sims, and consider it addressed
34 to you too.
35

36 Sincerely,
37

38 John Rasmussen
39

40 Attachment:

Declaration of John Rasmussen - 17

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1
2 Subject: Illegal taking of my land
3 Date: Fri, 09 Apr 1999 13:02:48 -0700
4 From: Rasmussen <issyras@ibm.net>
5 To: ron.sims@metrokc.gov
6 CC: ELST <elst@metrokc.gov>, "Dams, Al" <al.dams@metrokc.gov>
7
8
9

10 Dear Mr. Sims, ---Referenced letter 01 above---
11
12
13
14
15
16
17
18
19
20
21

22 ***Letter 03***

23 Subject: [Fwd: Illegal taking of my land]
24 Date: Fri, 09 Apr 1999 13:39:14 -0700
25 From: Rasmussen <issyras@ibm.net>
26
27 To: "Fimia, Maggi" <maggi.fimia@metrokc.gov>
28

29 Dear Council Member:

30
31 It is hard to believe that you could pretend to represent me on the King
32 County Council in light of your decision to ignore my property rights in
33 the establishment of the East Lake Sammamish Trail.
34

35 Please read the enclosed letter to Mr. Sims, and consider it addressed
36 to you too.
37

38 Sincerely.

39
40 John Rasmussen

Declaration of John Rasmussen - 18

SANDLIN LAW FIRM
Cottage Square
P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1
2 Attachment:
3

4 Subject: Illegal taking of my land
5 Date: Fri, 09 Apr 1999 13:02:48 -0700
6 From: Rasmussen <issyras@ibm.net>
7 To: ron.sims@metrokc.gov
8 CC: ELST <elst@metrokc.gov>, "Dams, Al" <al.dams@metrokc.gov>
9

10 Dear Mr. Sims, ---Referenced letter 01 above---
11
12

13 **Letter 04**

14 Subject: RE: [Fwd: Illegal taking of my land]
15 Date: Fri, 9 Apr 1999 16:12:28 -0700
16 From: "Vance, Chris" <Chris.Vance@METROKC.GOV>
17 To: "'issyras@ibm.net'" <issyras@ibm.net>
18

19 Mr. Rasmussen,
20

21 You are unfamiliar with my record. I have opposed the the trail (As
22 proposed by staff, which would involve taking people's property) every step
23 of the way.
24

25 Chris Vance
26
27

28 **Letter 05**

29 Subject: Illegal taking of my land
30 Date: Fri, 09 Apr 1999 21:31:40 -0700
31 From: Rasmussen <issyras@ibm.net>
32

33 References:

34 Mr. Vance,
35

36 Thank you so much for your reply. It is rewarding in this time of
37 electronic communication to have your thoughts in reply in so short of a
38 time.
39

40 I appreciate your support of our property rights. My wife attended a

Declaration of John Rasmussen - 19

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P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1 local meeting with you where you expressed your commitment to property
2 rights. I appologize for now mentioning that in my note today. We have
3 contributed financially to your efforts.
4

5 The fact remains that the King County Copuncil is trying to take our
6 land in violation of Washington State Law and you are part of that
7 Council. We need more that statements of support, we need our rights
8 enforced.
9

10 The arrogant attitude of Jennifer Knauer of the Parks Department at the
11 public meeting last night makes me distrust all of King County
12 government. Does she represent your interests? If you think she does,
13 I suggest you attend one of her meetings and just stand in the back to
14 observe. Pretend you are just a regular person trying to make a living,
15 pay your bills and make a better life for your kids. You won't like
16 what you see.
17

18 It is important for me to emphasize that I do not oppose a bike trail. I
19 probably have more bike miles in this area that most of the memebers of
20 the local bike clubs. What I oppose is the illegal taking of my
21 property by the County. Also, I am sickened by the process that the
22 Parks Department has used to shut out those that live along the lake in
23 the planning process. King County is developing the reputation of using
24 public meetings as a sham. In the case of the ELST Citizen Advisory
25 Group, I believe it is stacked to favor the Parks Department agenda, not
26 to represent the people of the County. It certainly has shut out every
27 member of the community that are most impacted: those of us that live
28 along the Lake.
29

30 Mr. Vance, if you are on our side on these issues, I have to say simply
31 you aren't doing enough. The County is about to steal my land and it
32 must be stopped!
33

34 ***Letter 06***

35 Subject: Illegal taking of my land
36 Date: Fri, 09 Apr 1999 21:46:19 -0700
37 From: Rasmussen <issyras@ibm.net>
38 To: "Vance, Chris" <chris.vance@metrokc.gov>
39

40 Mr. Vance,

1
2 Thank you so much for your prompt reply.
3

4 Some time ago, my wife attended a local meeting with you where you
5 expressed your commitment to property rights. I apologize for now
6 mentioning that in my note earlier today. In the past, we have
7 contributed financially to your efforts.
8

9 The fact remains that the King County Council is trying to take our land
10 in violation of Washington State Law and you are part of that Council.
11 We need more that statements of support, we need our rights enforced.
12

13 Mr. Vance, if you are on our side on these issues, I have to say simply
14 you aren't doing enough. The County is about to steal my land and it
15 must be stopped!
16

17 Sincerely,

18
19 John Rasmussen
20
21

22 ***Letter 07***

23 Subject: RE: Illegal taking of my land
24 Date: Sat, 10 Apr 1999 10:53:26 -0700
25 From: "Vance, Chris" <Chris.Vance@METROKC.GOV>
26 To: "'issyras@ibm.net'" <issyras@ibm.net>
27

28 I will vote for whatever it takes to stop the taking of private property. I
29 believe, however, that a majority of the Council disagrees with you and I.
30
31
32
33
34
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36
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38
39

40 ***Letter 08***

Declaration of John Rasmussen - 21

SANDLIN LAW FIRM
Cottage Square
P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1 Subject: [Fwd: Illegal taking of my land]
2 Date: Sat, 10 Apr 1999 18:21:28 -0700
3 From: Rasmussen <issyras@ibm.net>
4 To: "Vance, Chris" <chris.vance@metrokc.gov>
5

6 Mr. Vance,
7

8 Thanks for your frank assessment. I've asked each of your fellow
9 council Members to respect my rights under Washington State Law, and
10 have only heard from you to this point. It will be very interesting for
11 me to hear from the other Council Members, if they even choose to
12 respond.
13

14 I'm losing all faith in our governmental process. You give me hope.
15

16 Thanks,
17

18 -John-
19

20 John Rasmussen
21
22

23 ***Letter 09***

24 Subject: RE: [Fwd: Illegal taking of my land]
25 Date: Sat, 10 Apr 1999 22:42:30 -0700
26 From: "Derdowski, Brian" <Brian.Derdowski@METROKC.GOV>
27 To: "'issyras@ibm.net'" <issyras@ibm.net>
28

29 Dear John,

30 I am doing my best to represent your legitimate interests. You may not be
31 aware of my efforts in this regard. I would be happy to discuss them with
32 you. However, the solution that you are proposing is not likely to be
33 resolved through the legislative process, but rather the court system.
34

35 Brian Derdowski
36
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Letter 10

Subject: RE: [Fwd: Illegal taking of my land]
Date: Mon, 26 Apr 1999 16:02:25 -0700
From: "Nickels, Greg" <Greg.Nickels@METROKC.GOV>
To: "issyras@ibm.net" <issyras@ibm.net>

Thank you for your e-mail. I represent District 8 on the Council. I believe you reside in District 12, represented by Councilmember Derdowski.

Greg Nickels
Metro County Councilmember

Letter 11

Subject: Illegal taking of my land
Date: Fri, 09 Apr 1999 14:52:42 -0700
From: Rasmussen <issyras@ibm.net>
To: Governor.Locke@Governor.wa.gov

Dear Governor Locke,

I ask for your help with a problem I am having with King County. I realize that you may be very good personal friends with Ron Sims because of your past political connections. I hope you can use that friendship to encourage Mr. Sims to obey State law.

King County is illegally taking my land for a bike trail. My property includes an abandoned BN railroad easement that the County is converting through the Rails-to-Trails system.

The attached letter to Mr. Sims details my concerns.

Declaration of John Rasmussen - 23

SANDLIN LAW FIRM
Cottage Square
P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1
2 When the County intentionally violates State law, I believe that you
3 have a responsibility to respond and protect the citizens of Washington
4 State.

5
6 Please help.

7
8 Sincerely,

9
10 John Rasmussen

11
12 1605 E. Lake Sammamish Place S.E.
13 Issaquah, WA 98029

14
15 425-392-8110

16
17 Attachment:

18
19 Subject: Illegal taking of my land
20 Date: Fri, 09 Apr 1999 13:02:48 -0700
21 From: Rasmussen <issyras@ibm.net>
22 To: ron.sims@metrokc.gov
23 CC: ELST <elst@metrokc.gov>, "Dams, Al" <al.dams@metrokc.gov>

24
25
26 Dear Mr. Sims, ---Referenced letter 01 above---

27
28
29

Letter 12

30 Subject: RE: Illegal taking of my land
31 Date: Sun, 11 Apr 1999 09:47:26 -0700
32 From: Governor Locke <Governor.Locke@Governor.wa.gov>
33 To: "issyras@ibm.net" <issyras@ibm.net>

34
35
36 Thank you for contacting Governor Locke via e-mail.

37
38 We wanted to let you know that we received your message. Unfortunately, we
39 cannot accept e-mail with attachments. You may resend your message with the
40 text of your attachment in the body of your e-mail.

Declaration of John Rasmussen - 24

SANDLIN LAW FIRM
Cottage Square
P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1
2 We look forward to hearing from you.
3

4 Sincerely,
5 Constituent Services
6 Office of the Governor
7
8

9 ***Letter 13***

10 Subject: Illegal taking of my land
11 Date: Fri, 09 Apr 1999 14:34:44 -0700
12 From: Rasmussen <issyras@ibm.net>
13 To: "Gregoire, Christine" <emailago@atg.wa.gov>
14

15
16 Dear Ms. Gregoire,
17

18 I believe that King County is illegally taking my land for a bike
19 trail. My property includes an abandoned BN railroad easement that the
20 county is converting through the Rails-to-Trails system.
21

22 The attached letter to Mr. Sims details my concerns.
23

24 When the County intentionally violates State law, I believe that you
25 have a responsibility to respond and protect the citizens of Washington
26 State.
27

28 Please help.
29

30 Sincerely,
31

32 John Rasmussen
33

34 1605 E. Lake Sammamish Place S.E.
35 Issaquah, WA 98029
36

37 425-392-8110
38

39 Attachment:
40

1 Subject: Illegal taking of my land
2 Date: Fri, 09 Apr 1999 13:02:48 -0700
3 From: Rasmussen <issyras@ibm.net>
4 To: ron.sims@metrokc.gov
5 CC: ELST <elst@metrokc.gov>, "Dams, Al" <al.dams@metrokc.gov>
6

7 Dear Mr. Sims, ---Referenced letter 01 above---
8
9

10
11 ***Letter 14***

12 Subject: RE: Illegal taking of my land
13 Date: Mon, 12 Apr 1999 14:27:15 -0700
14 From: "Scharber, Maureen (ATG)" <MaureenS@ATG.WA.GOV>
15 To: "issyras@ibm.net" <issyras@ibm.net>
16
17

18 Dear Mr. Rasmussen:
19

20 Thanks for your e-mail. While we appreciate your confidence in this office
21 to undertake an independent review of the situation, it is not within our
22 authority to do so. The Attorney General's Office does not have general
23 investigatory or oversight authority over local governmental entities. This
24 office serves as legal counsel to state agencies and is not authorized to
25 provide advice to private citizens on personal legal matters.
26

27 You may wish to contact a private attorney who, after reviewing pertinent
28 information will be in a position to advise you about your legal situation.
29

30
31 We regret we cannot be of further assistance to you on this matter, but
32 trust you will understand the position this office must take under the law.
33

34 Sincerely,
35 Maureen Scharber
36 Ombudsman
37
38
39

40 ***Letter 15***

Declaration of John Rasmussen - 26

SANDLIN LAW FIRM
Cottage Square
P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1 Subject: Obeying the Law
2 Date: Wed, 14 Apr 1999 10:15:46 -0700
3 From: John Rasmussen <johnras@ibm.net>
4 To: Gary Locke <Governor.Locke@Governor.wa.gov>
5 CC: ron.sims@metrokc.gov, maggi.fimia@metrokc.gov,
6 cynthia.sullivan@metrokc.gov, louise.miller@metrokc.gov, larry.phillips@metrokc.gov,
7 dwight.pelz@metrokc.gov, rob.mckenna@metrokc.gov, pete.vonreichbauer@metrokc.gov,
8 greg.nickels@metrokc.gov, kent.pullen@metrokc.gov, larry.gossett@metrokc.gov,
9 jane.hague@metrokc.gov, brian.derdowski@metrokc.gov, chris.vance@metrokc.gov,
10 al.dams@metrokc.gov,
11
12

13 Dear Governor Locke,
14

15 I wrote the letter attached below to Mr. Sims last Friday, April 9th. It outlines the illegal
16 taking of our property to build a trail on East Lake Sammamish. Of course
17 you should be aquatinted with the project, because I believe you were the King County
18 Executive at it's inception.
19

20 The taking of our land to build the trail violates RCW 64.04.180. I ask you to hold King
21 County accountable to this Washington State law. This may seem amusing
22 to you, since you were originally responsible for the project, but I ask it in all seriousness. You
23 swore to uphold the laws of Washington when you became
24 Governor. I ask you to uphold that oath.
25

26 After I explained to the County that the rail bed and easement default to my wife and me under
27 reversionary law, I'm told they sent out a prosecutor and police
28 officer to defiantly escort the ELST committee across our property. It seems obvious that this
29 was intended to intimidate and threaten us. This is without ever
30 contacting me in response to my communication. No e-mail, no phone call, no knock at my
31 door, just police state tactics. The stress the County is putting on those
32 of us harmed by this taking is very real, and totally unjustified.
33

34 What is most troublesome is that this tactic by the County seems to be designed to provoke one
35 of us into a confrontation. It would be great press to prosecute one
36 of my neighbors and characterize us as unlawful to deflect attention from the outrageous
37 actions of the County.
38

39 Mr. Locke, please enforce the laws of the Sate of Washington, or kindly explain why you
40 refuse to do so.

Declaration of John Rasmussen - 27

SANDLIN LAW FIRM
Cottage Square
P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1
2 Sincerely,

3
4 John Rasmussen

5
6
7 The Letter below was sent by e-mail to Mr. Sims on Friday, April 9th at 1:02 pm.

8
9 Dear Mr. Sims,

10
11 Last night I offered to have your East Lake Sammamish Trail manager, Jennifer Knauer,
12 arrested if she set foot on my land. This was after she arrogantly offered to tour the ELST
13 Citizen Advisory Group through my property on the abandoned rail bed without the least
14 consideration for my property rights.

15
16 It's easy to understand why you are ignoring the property rights of those of us that live on East
17 Lake Sammamish. You can buy a lot of votes with our land, while losing only a few of ours.
18 Politicians like you and the Council; bureaucrats like those in the Parks Department; and do-
19 gooders like The Land Conservancy have at least one thing in common. You buy your votes,
20 and do your "good" with other people's money. In this case you steal a large portion of my
21 life's savings to build your trail and promote your political careers.

22
23 I've been out bicycling three times in the last week. I've bicycled in the East Lake area for the
24 last twenty years. I do not oppose a trail. I oppose the outrageous theft of my property to build
25 the trail.

26
27 I am confident that the land under the tracks is my reversionary property. That means that
28 when the track is abandoned, the land reverts back to me, the abutting owner. The U.S. Courts
29 have ruled that the "doctrine of 'Shifting Public Use'" cannot stretch a railroad easement into a
30 public park/trail. The establishment of a rail-trail is a new easement and therefore a taking.
31 You should be committed to upholding the Fifth Amendment of the U.S. Constitution, and
32 RCW 64.04.180. I print that law at the bottom of this e-mail, with the bold print my emphasis.

33
34 You, the county, have no right to enter my land for purposes of a trail until you deal with the
35 issue of the taking, and compensation. I expect that the cost of paying the land owners for the
36 takings along the lake will be in excess of 30 million. This is a cost that will have to be passed
37 on to the voters/taxpayers. It is time to face up to your responsibility and obey the law!
38

1 When Ms. Knauer trespasses on my land and I call 911 for police assistance, will you instruct
2 the King County Police to ignore the law in that case too? I have contacted the State Attorney
3 General's Office for assistance. I believe the County has a conflict of interest.
4

5 I moved back to Washington State twenty years ago because I wanted to raise my family in
6 my home state. Because of my job, my wife, Nancy, stayed home to raise our children. This
7 gave her time to devote thousands of hours to volunteering in the community. We pay an
8 obscene amount of property tax to live on Lake Sammamish, considering the modest house we
9 own. Now you try to steal my property, destroy my privacy, and threaten my security by
10 putting a trail through my back yard.
11

12 What a County!

13
14 Sincerely,

15
16 John Rasmussen
17 1605 E Lake Sammamish Place SE
18 Issaquah, WA 98029
19

20 Phone: 425-392-8110
21

22 RCW 64.04.180 Railroad properties as public utility and
23 transportation corridors--Declaration of availability for public
24 use--Acquisition of reversionary interest. Railroad properties,
25 including but not limited to rights-of-way, land held in fee and
26 used for railroad operations, bridges, tunnels, and other
27 facilities, are declared to be suitable for public use upon
28 cessation of railroad operations on the properties. It is in the
29 public interest of the state of Washington that such properties
30 retain their character as public utility and transportation
31 corridors, and that they may be made available for public uses
32 including highways, other forms of mass transportation,
33 conservation, energy production or transmission, or recreation.
34 **Nothing in this section or in RCW 64.04.190 authorizes a public**
35 **agency or utility to acquire reversionary interests in public**
36 **utility and transportation corridors without payment of just**
37 **compensation.** [1988 c 16 § 1; 1984 c 143 § 22.]
38
39

40

Letter 16

1 Subject: Obeying the Law
2 Date: Thu, 29 Apr 1999 12:56:58 -0700
3 From: Governor Locke <Governor.Locke@Governor.wa.gov>
4 To: 'John Rasmussen' <johnras@ibm.net>
5

6 Thank you for contacting Governor Locke's office via e-mail with your
7 concern over King County using a neighboring abandoned rail line to create a
8 public trail. Every day, our office hears from citizens across the state
9 regarding a multitude of issues and problems, and we are pleased to help
10 with as many as possible.
11

12 Unfortunately, the concerns you describe are personal legal matters and we
13 do not have the staff or the authority to help directly or provide an
14 attorney. We suggest that you work with local leaders in trying to reach an
15 amicable solution. Otherwise your needs would be best addressed by
16 retaining an attorney to advise you of your rights regarding the concept of
17 reversionary property.
18

19 We are sorry that this has been such a difficult situation for you and we
20 hope you will find a satisfactory solution to your problem.
21

22 Sincerely,

23
24 Constituent Services
25 Office of the Governor
26
27
28

29 ***Letter 17***

30 Subject: RE: Obeying the Law
31 Date: Wed, 14 Apr 1999 16:17:46 -0700
32 From: "Pflug, Rep. Cheryl" <Pflug_Ch@leg.wa.gov>
33 To: "'johnras@ibm.net'" <johnras@ibm.net>
34

35 Dear John:

36 I am sympathetic to your plight and frustrated that this is not something
37 that we can be helpful with at the state level.
38

39 Thanks for keeping me posted.
40

1 Sincerely,

2
3 Cheryl

4
5
6 ***Letter 18***

7 Subject: RCW 64.04.180
8 Date: Wed, 21 Apr 1999 17:48:43 -0700
9 From: Rasmussen <issyras@ibm.net>
10 To: "Eldred, David" <david.eldred@metrokc.gov>

11
12 Mr. Eldred,

13
14 I called today to ask you why the County is not respecting my property
15 rights under RCW 64.04.180. I own land along East Lake Sammamish that
16 is bisected by the BN right-of-way. The law of the State of Washington
17 clearly states that compensation must be paid before reversionary
18 property may be taken. Why do you, the County, refuse to obey this
19 law? I've asked this question to Gary Locke, and Ron Sims. Neither
20 chose to answer. Will you answer this question?

21
22 I don't have a lawyer, and I don't want to pursue a lawsuit if that can
23 be avoided. But, I need to understand why you, the County, is doing
24 this to me and my family.

25
26 The law that applies is reproduced below. Would you please explain why
27 the County refuses to obey this law? I would appreciate a reply by
28 e-mail.

29
30 Sincerely,

31
32 John Rasmussen

33
34
35 RCW 64.04.180 Railroad properties as public utility and
36 transportation corridors--Declaration of availability for public
37 use--Acquisition of reversionary interest. Railroad properties,
38 including but not limited to rights-of-way, land held in fee and
39 used for railroad operations, bridges, tunnels, and other
40 facilities, are declared to be suitable for public use upon

Declaration of John Rasmussen - 31

SANDLIN LAW FIRM
Cottage Square
P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1 cessation of railroad operations on the properties. It is in the
2 public interest of the state of Washington that such properties
3 retain their character as public utility and transportation
4 corridors, and that they may be made available for public uses
5 including highways, other forms of mass transportation,
6 conservation, energy production or transmission, or recreation.
7 Nothing in this section or in RCW 64.04.190 authorizes a public
8 agency or utility to acquire reversionary interests in public
9 utility and transportation corridors without payment of just
10 compensation. [1988 c 16 § 1; 1984 c 143 § 22.]
11
12
13
14

15 RCW 64.04.190 Public utility and transportation corridors--
16 Defined. Public utility and transportation corridors are railroad
17 properties (1) on which railroad operations have ceased; (2) that
18 have been found suitable for public use by an order of the
19 Interstate Commerce Commission of the United States; and (3) that
20 have been acquired by purchase, lease, donation, exchange, or
21 other agreement by the state, one of its political subdivisions,
22 or a public utility. [1988 c 16 § 2; 1984 c 143 § 23.]
23
24

25 ***Letter 19***

26 Subject: RE: RCW 64.04.180
27 Date: Mon, 26 Apr 1999 09:05:11 -0700
28 From: "Eldred, David" <David.Eldred@METROKC.GOV>
29 To: "issyras@ibm.net" <issyras@ibm.net>
30 CC: "Knauer, Jennifer" <Jennifer.Knauer@METROKC.GOV>
31

32 Mr. Rasmussen:

33
34 Thank you for your e-mail and telephone call. I was out of the office
35 Thursday and Friday of last week and was unable to respond until now.
36

37 Because I am the attorney for King County in the pending lawsuits regarding
38 the East Lake Sammamish right of way, and as a result of general ethical
39 limitations, I am unable to provide you with legal advice on this matter.
40

Declaration of John Rasmussen - 32

SANDLIN LAW FIRM
Cottage Square
P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1 However, I can tell you that King County's position with respect to this
2 right of way is clear. The statutes you have referenced do not require a
3 municipality to pay "just compensation" unless that would otherwise be
4 required by law. In the case of East Lake Sammamish, the right of way is
5 railbanked pursuant to federal law. This federal law allows the right of
6 way to be used as a trail until such time as it is abandoned or returns to
7 rail service. Thus, to the extent that any reversionary interests exist on
8 this right of way and to the extent that they run to adjacent landowners,
9 they are not at issue at this time.

10
11 To the extent that you disagree with King County's position in this matter,
12 I encourage you to work with the Parks Department Project Manager, Jennifer
13 Knauer, or through your elected representatives.
14
15
16
17

18 ***Letter 20***

19 Subject: Re: RCW 64.04.180
20 Date: Thu, 29 Apr 1999 14:15:38 -0700
21 From: Rasmussen <issyras@ibm.net>
22 To: "Eldred, David" <David.Eldred@METROKC.GOV>
23 CC: "Knauer, Jennifer" <Jennifer.Knauer@METROKC.GOV>,
24 Gerberding@METROKC.GOV
25 References: 1
26

27 Dear Mr. Eldred,

28
29 I've been out of town, and have just read your letter of April 26th.
30

31 I thought it odd that you construed my letter to be asking you for legal
32 advice. I am not asking legal advice from you. I'm demanding that you
33 stop violating my civil rights, and start obeying the laws of the State
34 of Washington. RCW 64.04.180 and 190 are very easy to read and
35 understand. What's hard is trying to figure a way around them. It is
36 obvious to me that you are trying to promote your position in the County
37 bureaucracy by doing exactly that. As an employee of the County, paid
38 by my tax dollars, you should instead be trying to enforce the law and
39 protect the County residents you serve.
40

1 Why don't you read RCW 64.04.180 and 190 and think about what you are
2 doing.? Also, here is a quote for you to ponder: "King County cannot
3 acquire the [] right of way from Burlington Northern without payment of
4 just compensation to the reversionary interest holders. If the County
5 takes this right of way and commences to build a recreation trail, it
6 does so in violation of the constitution." That is a statement by the
7 Washington State Supreme Court in Lawson v. State. If you are not
8 familiar with that case, you don't deserve to be an attorney for King
9 County in this matter.

10
11 As for your excuse that this is a Federal Case, Skagit County tried that
12 and failed, just as you will. King County is taking my land to build a
13 County trail for the people of King County. It's only logical that the
14 cost of this taking fall on the County, and the County be liable under
15 State law. The idea that you can dump this cost on the American
16 Taxpayer has already failed, and is dishonest in concept. It's obvious
17 you try this tactic only to delay the case and harm us.

18
19 You stated in your letter: "Thus, to the extent that any reversionary
20 interests exist on this right of way and to the extent that they run to
21 adjacent landowners, they are not at issue at this time." In light of
22 the recent Federal and State decisions on railbanking, this statement
23 demonstrates your total lack of understanding of this issue.

24
25 Mr. Eldred, your actions constitute a very personal attack on me and my
26 family. They violate our property, our home, our health and our most
27 basic civil rights. I believe you do this for the most ugly of reasons;
28 to promote yourself.

29
30 Stay off my reversionary property until you pay for the taking as
31 required by law. Further, advise the others in your organization to do
32 the same.

33
34 Sincerely,

35
36 John Rasmussen
37
38
39

40

Letter 21

1 Subject: East Lake Sammamish Trail
2 Date: Mon, 21 Jun 1999 07:53:45 -0700
3 From: Rasmussen <issyras@ibm.net>
4 To: "Eldred, David" <david.eldred@metrokc.gov>
5

6 Dear Mr. Eldred,
7

8 With respect to the East Lake Sammamish Trail, you wrote in your last letter to me, "Thus, to
9 the extent that any reversionary interests exist on this right of way and
10 to the extent that they run to adjacent landowners, they are not at issue at this time." A copy of
11 that letter is attached below. You are very wrong with that
12 statement, and your mistake is harming my family, and many other families along Lake
13 Sammamish. Reversionary owners are due compensation under both federal
14 and State law. As the lawyer representing King County for ELST, you have an obligation to
15 deal with that requirement.
16

17 The "Rails-to-Trails Act", U.S.C. Title 16 Section 1247d, gives you the right to take my
18 reversionary property for a trail, but with that act comes a number of court
19 decisions that interpret that law, and define your privileges and responsibilities. The most
20 important cases in railbanking are the five federal Preseault decisions. Of
21 those, the U.S. Supreme Court decision in 1990, and the United States Court of Appeals for the
22 Federal Circuit decision in 1996 are most significant. If you are
23 not completely familiar with those cases, you do not deserve to represent the County for ELST.
24 Those decisions confirm that a taking of reversionary property
25 occurs with railbanking. A number of people have suffered emotionally and financially
26 through these court cases to confirm their rights under the railbanking law, and
27 you simply choose to ignore the decisions. I believe you have listened to the lawyers for The
28 Land Conservancy instead of doing the necessary research yourself.
29 The lawyers for TLC have their own narrow political agenda as a priority; your job is to have
30 the rights of the people of King County as a priority. You're failing to
31 do your job. If you want to take my land, you must obey the law and compensate me. You
32 cannot pick and choose which parts of the railbanking law you like; you
33 take all of the law, or nothing. If you refuse to acknowledge my rights and compensate me for
34 the taking of my reversionary property, I have the right to deny you
35 possession of that property.
36

37 You state that, "...I can tell you that King County's position with respect to this right of way is
38 clear." Mr. Eldred, if you have a clear view of this issue, then you
39 should be able to explain the quotes below, in light of the actions the County has taken against
40 the residents along the lake.

Declaration of John Rasmussen - 35

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1
2 "...we reject the Government's central thesis that general federal legislation providing for the
3 governance of interstate railroads, enacted over the years of the
4 Twentieth Century, somehow redefined state-created property rights and destroyed them
5 without entitlement to compensation. (Part C.2.) The trial court erred in
6 accepting that thesis." (Preseault v. United States, 100 F.3d 1525 (Fed. Cir. 1996))
7

8 "Although the Commission's actions may pre-empt the operation and effect of certain state
9 laws, those actions do not displace state law as the traditional source of
10 the real property interests. [] The Commission's actions may delay property owners' enjoyment
11 of their reversionary interests, but that delay burdens and defeats the
12 property interest rather than suspends or defers the vesting of those property rights."
13 (PRESEALT v. ICC, 494 U.S. 1 (1990))
14

15 You write that claims for reversionary takings are "not at issue at this time". That isn't what U.
16 S. Supreme Court Justice Sandra Day O'Connor is saying in the
17 quote above. They are very much at issue.
18

19 Here is another quote:
20

21 "The taking of possession of the lands owned by the Preseaults for use as a public trail was in
22 effect a taking of a new easement for that new use, for which the
23 landowners are entitled to compensation. As discussed previously, some courts consider that
24 the establishment of a use outside the scope of an existing easement
25 has the effect of causing an abandonment, and thus termination, of the existing easement. See,
26 e.g., Lawson v. State, 730 P.2d 1308 (Wash. 1986). Either way, the
27 result is the same — a new easement for the new use, constituting a physical taking of the right
28 of exclusive possession that belonged to the Preseaults." (Preseault
29 v. United States, 100 F.3d 1525 (Fed. Cir. 1996))
30

31 Of course, that quote, from the 1996 federal Preseault decision, refers to the most significant
32 railbanking case here in Washington: Lawson v. State, Washington
33 State Supreme Court, 1986. Here is a quote from that case.
34

35 "King County cannot acquire the [] right of way from Burlington Northern without payment of
36 just compensation to the reversionary interest holders. If the County
37 takes this right of way and commences to build a recreation trail, it does so in violation of the
38 constitution." (Lawson v. State. (107 WA 2d 444 (1986))
39

1 Mr. Eldred, King County is violating the Constitution of the State of Washington by its actions
2 against the residents of East Lake Sammamish. You are the lawyer
3 responsible for that policy.
4

5 Here is the Washington State law you choose to ignore.
6

7 [RCW 64.04.180 Railroad properties as public utility and transportation corridors--Declaration](#)
8 [of availability for public use--Acquisition of reversionary interest.](#)
9 [Railroad properties, including but not limited to rights-of-way, land held in fee and used for](#)
10 [railroad operations, bridges, tunnels, and other facilities, are declared to](#)
11 [be suitable for public use upon cessation of railroad operations on the properties. It is in the](#)
12 [public interest of the state of Washington that such properties retain](#)
13 [their character as public utility and transportation corridors, and that they may be made](#)
14 [available for public uses including highways, other forms of mass](#)
15 [transportation, conservation, energy production or transmission, or recreation. **Nothing in this**](#)
16 [section or in RCW 64.04.190 authorizes a public agency or](#)
17 [utility to acquire reversionary interests in public utility and transportation corridors](#)
18 [without payment of just compensation. \[1988 c 16 § 1; 1984 c 143](#)
19 [§ 22.\]](#)
20

21 [RCW 64.04.190 Public utility and transportation corridors-- Defined. Public utility and](#)
22 [transportation corridors are railroad properties \(1\) on which railroad](#)
23 [operations have ceased; \(2\) that have been found suitable for public use by an order of the](#)
24 [Interstate Commerce Commission of the United States; and \(3\) that have](#)
25 [been acquired by purchase, lease, donation, exchange, or other agreement by the state, one of](#)
26 [its political subdivisions, or a public utility. \[1988 c 16 § 2; 1984 c](#)
27 [143 § 23.\]](#)
28

29 Mr. Eldred, you claim a taking is "not at issue at this time" with ELST. The U.S. Supreme
30 Court disagrees with you. The United States Court of Appeals for the
31 Federal Circuit disagrees with you. The Washington State Supreme Court disagrees with you.
32 The lawmakers of the State of Washington disagree with you. The
33 courts have decided that a taking of reversionary property occurs when rails are converted to
34 trails under the federal act, and that state defined rights to
35 compensation remain intact. You are required to obey RCW 64.04.180 because the federal
36 railbanking law, as refined by the court decisions, does not interfere or
37 conflict with the RCW requirement for compensation, and specifically recognizes that state
38 right. King County has voluntarily decided to establish the ELST for the
39 people of the County and State, and now must pay for the taking of any reversionary property
40 involved. It's as simple as that.

1
2 Burlington Northern Santa Fe appraised the value of the land under the railroad easement along
3 ELS at over \$40 million. King County acknowledged that appraisal
4 in the papers of sale. Only three or four of the lake properties were actually owned by the
5 railroad and sold to King County, fee simple, at a price of around one
6 million dollars. It can be assumed that the rest of the land is reversionary to some owner, as
7 the law allows. If King County takes the ELS reversionary land for a
8 trail, the County is required to pay those reversionary land owners the \$40 million they are due.
9 Mr. Eldred, your "clear" position, that the County does not need to
10 pay, is clearly criminal.

11
12 Do not set foot on my reversionary land for purposes of a trail until you satisfy the conditions
13 of the law outlined above, or convince me otherwise. You have the
14 right to remove the tracks and ties as is allowed with railroad abandonment.

15
16 Sincerely,

17
18 John Rasmussen

19
20
21 Reference:

22
23 Subject: RE: RCW 64.04.180
24 Date: Mon, 26 Apr 1999 09:05:11 -0700
25 From: "Eldred, David" <David.Eldred@METROKC.GOV>
26 To: "'issyras@ibm.net'" <issyras@ibm.net>
27 CC: "Knauer, Jennifer" <Jennifer.Knauer@METROKC.GOV>

28
29
30 Mr. Rasmussen: ---*Referenced letter 20 above*---

31
32
33
34

Letter 22

35 Subject: East Lake Sammamish Trail
36 Date: Mon, 21 Jun 1999 08:47:30 -0700
37 From: Rasmussen <issyras@ibm.net>
38 To: "Sims, Ron" <ron.sims@metrokc.gov>
39 CC: "Fimia, Maggi" <maggi.fimia@metrokc.gov>, "Sullivan, Cynthia"
40 <cynthia.sullivan@metrokc.gov>, "Miller, Louise" <louise.miller@metrokc.gov>,

Declaration of John Rasmussen - 38

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3 "vonReichbauer, Pete" <pete.vonreichbauer@metrokc.gov>, "Nickels, Greg"
4 <greg.nickels@metrokc.gov>,
5 "Pullen, Kent" <kent.pullen@metrokc.gov>, "Gossett, Larry"
6 <larry.gossett@metrokc.gov>, "Hague, Jane" <jane.hague@metrokc.gov>,
7 "Derdowski, Brian" <brian.derdowski@metrokc.gov>, "Vance, Chris"
8 <chris.vance@metrokc.gov>,
9 "Locke, Gary" <Governor.Locke@Governor.wa.gov>, "Eldred, David"
10 <david.eldred@metrokc.gov>,
11
12

13 Dear Mr. Sims,
14

15 Until recently, I believed that you were intentionally violating my rights by the taking of my
16 land under the East Lake Sammamish Trail. Now, I wonder if you have
17 simply listened to some very bad advice from your lawyer, Mr. David Eldred, and the lawyers
18 for The Land Conservancy, who have undue influence with the
19 County. Whichever the case, it's inexcusable.
20

21 Copied below is a letter I have just sent to Mr. David Eldred, the County lawyer responsible for
22 the trail. I believe Mr. Eldred has failed to properly advise the
23 County of its legal obligations. I believe that he has taken the advice of the lawyers for The
24 Land Conservancy, rather than do the necessary research himself. You
25 need to understand that the lawyers for TLC have a rigid, political agenda, and very biased
26 view of railbanking. If the County adopts their view, it violates the law
27 and harms its constituents.
28

29 I'd like to offer some legal advice to balance the situation. That advice is contained in the
30 attached letter to Mr. Eldred. It is not actually advice from me, it is advice
31 from U. S. Supreme Court Justice Sandra Day O'Connor, the United States Court of Appeals
32 for the Federal Circuit, the Washington State Supreme Court, and
33 the lawmakers of the State of Washington. I think that you should read and heed their advice
34 and direction, rather than the advice of the lawyers for TLC filtered
35 through Mr. Eldred.
36

37 I've advised Mr. Eldred that no person from the County may set foot on my reversionary land
38 for purposes of a trail until the County satisfies the conditions of the
39 law, or convinces me otherwise. This means I plan to physically block the taking of my
40 property by the County if it chooses to continue its present illegal course. I

Declaration of John Rasmussen - 39

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1 realize that King County has the might to overcome my protest, but the County does not have
2 the right.

3
4 Mr. Sims, obey the law.

5
6 Sincerely,

7
8 John Rasmussen

9
10 Reference:

11
12 Subject: East Lake Sammamish Trail
13 Date: Mon, 21 Jun 1999 07:53:45 -0700
14 From: Rasmussen <issyras@ibm.net>
15 To: "Eldred, David" <david.eldred@metrokc.gov>

16
17
18 Dear Mr. Eldred, ---*Referenced letter 22 above*---

19
20
21
22

Letter 23

23 Subject: Independence Day on the ELST
24 Date: Sun, 04 Jul 1999 11:27:48 -0700
25 From: Rasmussen <issyras@ibm.net>
26 To: "Sims, Ron" <ron.sims@metrokc.gov>, "Fimia, Maggi"
27 <maggi.fimia@metrokc.gov>, "Sullivan, Cynthia" <cynthia.sullivan@metrokc.gov>,
28 "Miller, Louise" <louise.miller@metrokc.gov>, "Phillips, Larry"
29 <larry.phillips@metrokc.gov>, "Pelz, Dwight" <dwright.pelz@metrokc.gov>,
30 "McKenna, Rob" <rob.mckenna@metrokc.gov>, "vonReichbauer, Pete"
31 <pete.vonreichbauer@metrokc.gov>, "Nickels, Greg" <greg.nickels@metrokc.gov>,
32 "Pullen, Kent" <kent.pullen@metrokc.gov>, "Gossett, Larry" <larry.gossett@metrokc.gov>,
33 "Hague, Jane" <jane.hague@metrokc.gov>, "Derdowski, Brian"
34 <brian.derdowski@metrokc.gov>, "Vance, Chris" <chris.vance@metrokc.gov> CC:
35 "Locke, Gary" <Governor.Locke@Governor.wa.gov>, "Eldred, David"
36 <david.eldred@metrokc.gov>, ELST <elst@metrokc.gov>, "Journal, Eastside"
37 letterstoeditor@eastsidejournal.com>, "Press, Issaquah" <isspress@accessone.com>,
38 "Vesely, Jim" <jves-new@seatimes.com>, "Mitchell, Lisa" <LisaMitchell@compuserve.com>,
39 "Welsh, Dick" <dick@halcyon.com>,
40 dave.reichert@metrokc.gov

Declaration of John Rasmussen - 40

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1
2
3 Dear Mr. Sims and King County Council,
4

5 Today is the Fourth of July, Independence Day. It's a time we celebrate our independence as a
6 nation, and reflect on the principles by which this Nation was
7 founded. Certainly, the most honest way to celebrate this holiday is to recommit ourselves to
8 those principles. The right to own property, and to not have it
9 confiscated without compensation, is one of the most basic rights of all for Americans.
10

11 Mr. Sims and Council, you have made the decision to violate this most basic constitutional
12 right with your handling of the East Lake Sammamish Trail. This would
13 be a good day for you to reevaluate your decision. Washington State Law and the Washington
14 State Constitution require you to compensate the reversionary land
15 owners along ELST for the taking of their land. You have taken the advice of radical trail
16 proponents to ignore this law and basic right. You have bought the
17 ridiculous myth that the Rails-to-Trails Act has the power to throw out the most basic property
18 rights spelled out in the Washington State Constitution, and the U.S.
19 Constitution. The Washington State Supreme Court and the U.S. Supreme Court have thrown
20 out this myth, but you still cling to it. This is not about a difference of
21 political opinion. This is about a decision by the King County government to intentionally
22 disobey the law for the benefit of the politicians and bureaucrats, and to
23 harm the people they "serve".
24

25 A few years back I flew antisubmarine patrol planes for the U.S. Navy. My crew and I put our
26 lives on the line to resist the threat of nuclear weapons aboard the
27 Soviet submarines we tracked. In all those years of service I never dreamed that the most
28 direct threat to my basic rights as an American would come from you
29 and the King County government, not the Soviets.
30

31 I hope you reflect on your deeds, and find the true spirit of Independence Day.
32

33 Sincerely,
34

35 John Rasmussen
36
37 -----
38

39 Washington State Constitution
40

1 ARTICLE I, DECLARATION OF RIGHTS

2
3 SECTION 16 EMINENT DOMAIN.

4
5 Private property shall not be taken for private use, except for private ways of necessity, and for
6 drains, flumes, or ditches on or across the lands of others for
7 agricultural, domestic, or sanitary purposes. **No private property shall be taken or damaged**
8 **for public or private use without just compensation having**
9 **been first made**, or paid into court for the owner, and no right-of-way shall be appropriated to
10 the use of any corporation other than municipal until full
11 compensation therefor be first made in money, or ascertained and paid into court for the owner,
12 irrespective of any benefit from any improvement proposed by such
13 corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in
14 other civil cases in courts of record, in the manner prescribed by law.
15 Whenever an attempt is made to take private property for a use alleged to be public, the
16 question whether the contemplated use be really public shall be a judicial
17 question, and determined as such, without regard to any legislative assertion that the use is
18 public: Provided, That the taking of private property by the state for land
19 reclamation and settlement purposes is hereby declared to be for public use.[AMENDMENT 9,
20 1919 p 385 Section 1. Approved November, 1920.]
21

22 *Letter 24*

23 Subject: SOS on ELST
24 Date: Thu, 15 Jul 1999 11:32:39 -0700
25 From: Rasmussen <issyras@ibm.net>
26 To: "Sims, Ron" <ron.sims@metrokc.gov>, "Fimia, Maggi"
27 <maggi.fimia@metrokc.gov>, "Sullivan, Cynthia" <cynthia.sullivan@metrokc.gov>,
28 "Miller, Louise" <louise.miller@metrokc.gov>, "Phillips, Larry"
29 <larry.phillips@metrokc.gov>, "Pelz, Dwight" <dwright.pelz@metrokc.gov>,
30 "McKenna, Rob" <rob.mckenna@metrokc.gov>, "vonReichbauer, Pete"
31 <pete.vonreichbauer@metrokc.gov>,
32 "Nickels, Greg" <greg.nickels@metrokc.gov>, "Pullen, Kent"
33 <kent.pullen@metrokc.gov>, "Gossett, Larry" <larry.gossett@metrokc.gov>,
34 "Hague, Jane" <jane.hague@metrokc.gov>, "Derdowski, Brian"
35 <brian.derdowski@metrokc.gov>, "Vance, Chris" <chris.vance@metrokc.gov>
36 CC: Vesely <jves-new@seatimes.com>, Eastside Journal
37 <letterstoeditor@eastsidejournal.com>, Issaquah Press <isspress@accessone.com>,
38 Seattle Times <opinion@seatimes.com>, elst@metrokc.gov, al.dams@metrokc.gov,
39 David Eldred <david.eldred@metrokc.gov>,

1 "Welsh, Dick" <dick@halcyon.com>, Craig and Tammy Owens <crowens@paccar.com>,
2 Lisa Mitchell <LisaMitchell@compuserve.com>,
3 Waggoner <ewaggoner@accessone.com>, Beres <WATERLILLY2@msn.com>, Mike
4 Rundle <mikerun@exchange.microsoft.com>,
5 "Locke, Gary" <Governor.Locke@Governor.wa.gov>, "Reichert, Dave"
6 <dave.reichert@metrokc.gov>
7
8

9 Dear Mr. Sims and King County Council,

10
11 With the track removal being completed on East Lake Sammamish, it is close to the time that
12 you will begin to establish the trail.
13

14 I am reminding you again that Washington State Law and the Washington State Constitution
15 do not allow you to establish a trail on reversionary property without
16 first compensating the owner. When you purchased the railroad right-of-way from
17 BNSF/TLC, you acknowledged their phony \$40 million donation of the
18 reversionary land. This is land that BNSF/TLC did not own. They only had a right-of-way for
19 railroad purposes. Now you are faced with paying that \$40 million
20 to the actual owners, the reversionary owners along the right-of-way.
21

22 This fact has been pointed out to you a number of times, but you provide no explanation for
23 your apparent decision to simply ignore the law and steal my property.
24

25 Do not set foot on my reversionary land for purposes of a trail until you satisfy the conditions
26 of the law, or convince me otherwise.
27

28 Sincerely,

29
30 John Rasmussen
31
32
33

34 ***Letter 25***

35 Subject: East Lake Sammamish Trail
36 Date: Mon, 02 Aug 1999 09:55:25 -0700
37 From: Rasmussen <issyras@ibm.net>
38 To: "Eldred, David" <david.eldred@metrokc.gov>
39 CC: "Sims, Ron" <ron.sims@metrokc.gov>, "Locke, Gary"
40 <Governor.Locke@Governor.wa.gov>, "Fimia, Maggi" <maggi.fimia@metrokc.gov>,

Declaration of John Rasmussen - 43

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4 <dwright.pelz@metrokc.gov>, "McKenna, Rob" <rob.mckenna@metrokc.gov>,
5 "vonReichbauer, Pete" <pete.vonreichbauer@metrokc.gov>, "Nickels, Greg"
6 <greg.nickels@metrokc.gov>,
7 "Pullen, Kent" <kent.pullen@metrokc.gov>, "Gossett, Larry"
8 <larry.gossett@metrokc.gov>, "Hague, Jane" <jane.hague@metrokc.gov>,
9 "Derdowski, Brian" <brian.derdowski@metrokc.gov>, "Vance, Chris"
10 <chris.vance@metrokc.gov>,
11
12

13 Dear Mr. Eldred,
14

15 I've read the interim East Lake Sammamish Trail report and find no
16 section on compensation to the reversionary landowners.
17

18 As the principal lawyer for ELST, I've written to you, repeatedly, that
19 any act to establish the trail without payment to the reversionary
20 landowners first, is a violation of Washington State law and the
21 Washington State Constitution.
22

23 You, in turn, have written to me in the past that you have a "clear
24 view" of the legal situation with respect to ELST. Now is the time for
25 you to spell out your "clear view" to me, in detail. It's time to show
26 me "chapter and verse" of exactly where in the law you derive the right
27 to take my reversionary land without compensation. You need to quote
28 the law exactly and explain your interpretation. You need to explain
29 why you believe you can throw out Washington State property law and the
30 Constitution in this case. As you should know, property rights
31 traditionally lie with the states, so you need to show, specifically,
32 where the federal law denies the Washington State defined right to
33 compensation for this taking. A vague, general statement like you gave
34 in the past won't cut it. I don't think you know the law, but instead,
35 are relying on outdated advice from lawyers like Peter Goldman of the
36 TLC. Now is the time to prove me wrong. With all the lawyers and legal
37 resources of King County to help, you should have no trouble giving a
38 "clear" explanation of your legal position. Let's see you do it.
39

40 I've told you in the past, and I repeat it now, do not step foot on my

Declaration of John Rasmussen - 44

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1 reversionary property for the purpose of a trail without paying
2 compensation or providing an acceptable explanation for your actions.
3 That's the law. This applies to you and any other County employee.
4 This is going to get very ugly if you try to take my land in violation
5 of the law. I've worked long and hard for what I've saved in this life.
6 Much of that is invested in my property. You want to illegally take a
7 large portion of that investment without compensation. That won't
8 happen without a fight.
9

10 Mr. Eldred, explain in specific detail where you derive the legal right
11 to take my reversionary property for a trail without compensation.
12

13 Sincerely,

14
15 John Rasmussen
16
17
18

19 **Letter 26**

20 Subject: ELST-Crime in Progress
21 Date: Wed, 11 Aug 1999 08:12:50 -0700
22 From: Rasmussen <issyras@ibm.net>
23 To: "Reichert, Dave" <dave.reichert@metrokc.gov>
24 CC: "Sims, Ron" <ron.sims@metrokc.gov>, "Fimia, Maggi"
25 <maggi.fimia@metrokc.gov>, "Sullivan, Cynthia" <cynthia.sullivan@metrokc.gov>,
26 "Miller, Louise" <louise.miller@metrokc.gov>, "Phillips, Larry"
27 <larry.phillips@metrokc.gov>, "Pelz, Dwight" <dwight.pelz@metrokc.gov>,
28 "McKenna, Rob" <rob.mckenna@metrokc.gov>, "vonReichbauer, Pete"
29 <pete.vonreichbauer@metrokc.gov>,
30 "Nickels, Greg" <greg.nickels@metrokc.gov>, "Pullen, Kent"
31 <kent.pullen@metrokc.gov>, "Gossett, Larry" <larry.gossett@metrokc.gov>,
32 "Hague, Jane" <jane.hague@metrokc.gov>, "Derdowski, Brian"
33 <brian.derdowski@metrokc.gov>, "Vance, Chris" <chris.vance@metrokc.gov>,
34 "Locke, Gary" <Governor.Locke@Governor.wa.gov>,
35
36

37 Dear Sheriff Reichert,
38

39 I'd like to report a crime in progress on East Lake Sammamish, and express my concern that
40 you may be one of the criminals.

Declaration of John Rasmussen - 45

SANDLIN LAW FIRM
Cottage Square
P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1
2 Your boss, Mr. Ron Sims, and the King County Council are intending to steal over \$500,000 in
3 property from my wife and me, in direct violation of Washington
4 State Law. This involves the taking of my land for a recreation trail, the ELST. My wife and I
5 own reversionary land along Lake Sammamish that has an easement
6 for railroad use. The County has expressed their willingness to steal that land rather than obey
7 the law and compensate us for the new easement that is required for
8 the trail. I've written a number of letters to Mr. Sims, the Council, the Governor and to Mr.
9 Eldred, the lawyer for ELST, demanding that they obey the law or
10 explain to me why they are not. The only significant reply was from Mr. Eldred, stating in
11 vague terms that this was not an issue. I've asked that he explicitly show
12 where in the law he finds justification for his actions. He has refused to reply.
13

14 I do not intend to allow the County to take my land in violation of Washington State law. I've
15 repeatedly notified the County to stay off my land for purposes of the
16 trail, or to justify their actions to me. I should point out that the County presently holds the
17 railroad easement that crosses my property and has the right to enter the
18 land for that purpose. As you probably know, the County is presently removing the tracks and
19 ties, an action allowed by that easement.
20

21 Sheriff Reichert, when the County enters my land in violation of Washington State law and I
22 call 911 for assistance, are you going to be a law enforcement officer or
23 a politician? Are you going to remove the County employees for illegal trespass, or are you
24 going to illegally arrest me on phony charges? I ask you, now, to
25 familiarize yourself with this situation and commit yourself to enforce the law. I don't want to
26 get into a fight, but I'll defend my property against illegal confiscation by
27 whatever force I can muster. It goes without saying that you have no moral or legal right to
28 enforce an illegal action by the County. I have been very up front about
29 this situation for months, and have yet to have any explanation or meaningful exchange from
30 the County. It appears their plan is to simply ignore my legitimate
31 protest, and steal my property. I will not allow that to happen. This needs to be dealt with
32 now.
33

34 Do you place enforcement of the law above your loyalty to the King County leadership? Will
35 you enforce the law and remove the County employees that illegally
36 enter my reversionary property to establish the trail?
37

38 For reference, I list below the Washington State law that King County is ignoring, a quote from
39 the Washington State Supreme Court, and quotes from the

1 Washington State Constitution. I would be willing to quote for you the law King County is
2 using to justify their actions, but they are unwilling to provide it to me.
3

4 Sincerely,

5
6 John Rasmussen
7
8

9 Reference:

10
11 RCW 64.04.180 Railroad properties as public utility and transportation corridors--Declaration
12 of availability for public use--Acquisition of reversionary interest.

13 Railroad properties, including but not limited to rights-of-way, land held in fee and used for
14 railroad operations, bridges, tunnels, and other facilities, are declared to
15 be suitable for public use upon cessation of railroad operations on the properties. It is in the
16 public interest of the state of Washington that such properties retain
17 their character as public utility and transportation corridors, and that they may be made
18 available for public uses including highways, other forms of mass
19 transportation, conservation, energy production or transmission, or recreation. **Nothing in this**
20 **section or in RCW 64.04.190 authorizes a public agency or**
21 **utility to acquire reversionary interests in public utility and transportation corridors**
22 **without payment of just compensation.** [1988 c 16 § 1; 1984 c 143
23 § 22.]
24

25 RCW 64.04.190 Public utility and transportation corridors-- Defined. Public utility and
26 transportation corridors are railroad properties (1) on which railroad
27 operations have ceased; (2) that have been found suitable for public use by an order of the
28 Interstate Commerce Commission of the United States; and (3) that have
29 been acquired by purchase, lease, donation, exchange, or other agreement by the state, one of
30 its political subdivisions, or a public utility. [1988 c 16 § 2; 1984 c
31 143 § 23.]
32
33
34

35 “King County cannot acquire the [] right of way from Burlington Northern without payment of
36 just compensation to the reversionary interest holders. If the County
37 takes this right of way and commences to build a recreation trail, it does so in violation of the
38 constitution.” (Quote from Lawson v. State, Washington State
39 Supreme Court 1986)
40

1
2
3 Washington State Constitution
4 ARTICLE I, DECLARATION OF RIGHTS
5

6 SECTION 3 PERSONAL RIGHTS.

7 No person shall be deprived of life, liberty, or property, without due process of law.
8

9 SECTION 16 EMINENT DOMAIN.

10 Private property shall not be taken for private use, except for private ways of necessity, and for
11 drains, flumes, or ditches on or across the lands of others for
12 agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged or
13 public or private use without just compensation having been first
14 made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of
15 any corporation other than municipal until full compensation therefor
16 be first made in money, or ascertained and paid into court for the owner, irrespective of any
17 benefit from any improvement proposed by such corporation, which
18 compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in
19 courts of record, in the manner prescribed by law. Whenever an
20 attempt is made to take private property for a use alleged to be public, the question whether the
21 contemplated use be really public shall be a judicial question, and
22 determined as such, without regard to any legislative assertion that the use is public: Provided,
23 That the taking of private property by the state for land reclamation
24 and settlement purposes is hereby declared to be for public use.[AMENDMENT 9, 1919 p 385
25 Section 1. Approved November, 1920.]
26
27
28

29 ***Letter 27***

30 Subject: Rasmussen
31 Date: Fri, 13 Aug 1999 11:40:25 -0700
32 From: "Aiken, Kyle" <Kyle.Aiken@METROKC.GOV>
33 To: "'Issyras@ibm.net'" <Issyras@ibm.net>
34 CC: "Foy, Sue" <Sue.Foy@METROKC.GOV>
35

36 Mr. Rasmussen,

37
38 Sheriff Reichert asked me to send this letter to you.

39
40 Kyle Aiken

1 King County Sheriff's Office
2 Legal Unit
3 <<Sammamish.doc>>
4

5 Sammamish.doc Name: Sammamish.doc Type: Winword File
6
7

8 Dear Mr. Rasmussen:
9

10 Thank you for your August 11,1999 e-mail expressing your
11 opinions about the County's actions on the East Lake
12 Sammamish Trail.
13

14 RCW 36.28.010 empowers me to perform the following duties
15

16 (1) Shall arrest and commit to prison all persons who break
17 the peace, or attempt to break it, and all persons guilty
18 of public offenses;
19

20 (2) Shall defend the county against those who, by riot or
21 otherwise, endanger the public peace or safety;
22

23 (3) Shall execute the process and orders of the courts of
24 justice or judicial officers, when delivered for that
25 purpose, according to law;
26

27 (4) Shall execute all warrants delivered for that purpose
28 by other public officers, according to the provisions of
29 particular statutes;
30

31 (5) Shall attend the sessions of the courts of record held
32 within the county, and obey their lawful orders or
33 directions;
34

35 (6) Shall keep and preserve the peace in their respective
36 counties, and quiet and suppress all affrays, riots,
37 unlawful assemblies and insurrections, for which purpose,
38 and for the service of process in civil or criminal cases,
39 and in apprehending or securing any person for felony or
40 breach of the peace, they may call to their aid such

Declaration of John Rasmussen - 49

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1 persons, or power of their county as they may deem
2 necessary.

3
4 Aside from enforcing court orders, I am not empowered to
5 enter into civil disputes such as the dispute you and your
6 neighbors are in with the County over the Sammamish Trail.
7 My deputies will keep the peace and enforce any applicable
8 court orders.

9
10 Thank you again for your e-mail.

11 Sincerely,

12
13
14 David G. Reichert
15 King County Sheriff
16
17
18

19 **Letter 28**

20 Subject: East Lake Sammamish Trail
21 Date: Fri, 13 Aug 1999 15:32:04 -0700
22 From: "McKenna, Rob" <Rob.McKenna@METROK.C.GOV>
23 To: "'freedman@u.washington.edu'"
24 <freedman@u.washington.edu>, "'mmatyjas@claytongrp.com'"
25 <mmatyjas@claytongrp.com>,
26 "'joyce@financialprtnr.com'" <joyce@financialprtnr.com>,
27 "'Crowens@hotmail.com'" <Crowens@hotmail.com>,
28 "'bkpasko@hotmail.com'" <bkpasko@hotmail.com>,
29 "'issyras@ibm.net'" <issyras@ibm.net>,
30 "'mikerun@exchange.microsoft.com'"
31 <mikerun@exchange.microsoft.com>,
32 "'John_F_Shaw@email.msn.com'" <John_F_Shaw@email.msn.com>,
33 "'iba@isomedia.com'" <iba@isomedia.com>,
34 "'Rwentworth@aol.com'" <Rwentworth@aol.com>,
35 "'blairemy@msn.com'" <blairemy@msn.com>

36
37
38 Dear Concerned Citizen,
39

1 Thank you for your email concerning the East Lake Sammamish
2 Trail. My top priority is guaranteeing an open, fair and
3 public process for all concerned citizens. There should be
4 no interim use of the railroad right-of-way until a
5 thorough environmental review has been completed and
6 accepted, including an assessment of trail impacts on
7 adjoining property owners. I appreciate
8 your input about how best to proceed in this important
9 matter. If you have questions, please feel free to contact
10 my office at (206) 296-1006 or send email.

11
12 Sincerely,

13
14 <<...>>
15 Rob McKenna
16
17
18
19

20 ***Letter 29***

21 Subject: RE: Obeying the Law
22 Date: Tue, 17 Aug 1999 16:38:21 -0700
23 From: "Fimia, Maggi" <Maggi.Fimia@METROKC.GOV>
24 To: "'johnras@ibm.net'" <johnras@ibm.net>
25
26

27 August 16, 1999
28

29 Thank you for voicing your concerns to me about the East Lake Sammamish
30 Trail. Because of the volume of letters and e-mail I have received regarding
31 the trail, I cannot respond individually to everyone. I would like to share
32 my position on the Trail with you here. I have personally met with members
33 of the bike community, members of the community adjacent to the trail and
34 staff from King County Parks. I have walked parts of the trail with Parks'
35 staff and homeowners and discussed interim and permanent trail issues with
36 other Councilmembers. I attended the open house in Sammamish where the
37 County Executive presented the Interim Plan. All these conversations shape
38 my position on the East Lake Sammamish Trail. I support construction of a
39 separated trail along the Lake connecting to other trails. It's a good
40 project that deserves attention for its timely completion.

Declaration of John Rasmussen - 51

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e-mail: sandlin@nwinfo.net

1
2 The majority of the King County Council approved money for acquisition and
3 planning for the East Lake Sammamish Trail. It is included in the Council's
4 Comprehensive and Recreation and Open Space Plans. I have supported all that
5 legislation. The Executive proposed interim use prior to the master plan
6 process to help keep the county and public focused on making the trail a
7 reality. However, interim use of a regional trail prior to the master plan
8 process is unprecedented in King County. As such, interim use requires
9 strict Council and public scrutiny so that key safety and environmental
10 issues are addressed. I will consider opening parts of or the entire
11 corridor if the Executive can demonstrate that these concerns are met by the
12 interim plan.
13

14 As a Councilmember, my job is to ask, " how exactly will the interim plan
15 work?" Questioning, analyzing, debating, and allowing additional public
16 input is part of the legislative process. Currently, I have substantial
17 questions about opening the entire corridor given the proposed maintenance
18 and operational measures. The draft interim plan assumes a tremendous amount
19 of volunteer help with maintenance; relies on posted signs for compliance
20 with safety and privacy rules; contains no plans for immediate parking
21 management; and relies on existing levels of enforcement for compliance with
22 environmental regulation. I know from my past experience on the Council that
23 it's difficult to get compliance in many of these areas. Violations of King
24 County building codes have already occurred. The County can do better.
25 Generating solutions to these problems, which includes analysis of
26 alternative trail alignments, is my job. The north and south ends of the
27 trail are not in question by the great majority of stakeholders. It may be
28 possible to open these up to both pedestrians and bikes in the interim
29 period, a possibility I will explore with my colleagues and Council staff in
30 the coming weeks.
31

32 I respect the work undertaken to date by the Citizens Advisory Group and the
33 expertise of Executive and Parks staff. However, I will also remain open to
34 other points of view as I seek to resolve the issues outlined above. At this
35 time, I still hear from large numbers of stakeholders, both trail neighbors
36 and the bike community, who are not happy with the interim proposal.
37 Comparisons between East Lake Sammamish and other trail projects, such as
38 the Burke-Gilman, help identify and define parameters for compromise of
39 public and private space. Among the issues I am considering is the size and
40 location of private backyards impacted by the proposed trail alignment and

1 efforts to minimize impact on privacy.

2
3 My analysis will also draw on recommendations in the County-published 1986
4 Bikeway/Pedestrian Trail Corridor Study by K. E. Cottingham, transportation
5 engineer. After extensive public process and engineering analysis of several
6 alternatives, he recommended building a trail in three phases:

7
8 1. Class II bike lane-combined with County Parkway

9
10 -County has striped for bike lanes

11
12 2. Class I bike lane-combined with the County Parkway- "This facility on
13 county right-of-way will be needed in those sections of the trail corridor
14 where it is not practical or feasible to follow the railroad R/W." "Since a
15 physical barrier will be constructed and the facility placed entirely on the
16 west side of the parkway, it qualifies as a Class I facility, and utilized
17 when railroad R/W is not used."

18
19 3. Class I Bike Lane-Separated from County Parkway future plan on Railroad
20 R/W "Using the railroad right-of-way provides the least expensive, most
21 desirable bicycle/trail facility and, where it is least disruptive to
22 adjacent property owners, is the recommended plan." pp. 22-23

23
24 Questioning the interim plan does not constitute opposition to the trail.
25 Moreover, framing the public debate over the East Lake Sammamish Trail in
26 this way is destined to be divisive and expensive, delay the building of a
27 final trail, and threaten interim use. I am a long-time proponent of
28 community and regional trails. I have been the lead on getting the
29 Interurban Trail back on track for additional funding and construction. I
30 opposed changes to the Richmond Beach Bluff Trail by adjacent residents
31 after determining their requests uncompromising. I support the East Lake
32 Sammamish Trail. I will not support, however, prematurely opening a trail up
33 to public use before the safety and environmental issues have sufficiently
34 been addressed.

35
36 Designing, funding, constructing and maintaining almost 12 miles of a paved,
37 multi-use trail along waterfront is not a simple "us vs. them" issue. We
38 will be successful only by working together on realistic solutions to the
39 legitimate issues raised by neighbors of the trail and others who want to
40 use it as soon as possible, but do not live on it. I would greatly

Declaration of John Rasmussen - 53

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1 appreciate your help and commitment to that end.

2
3 Sincerely,

4
5 Maggi Fimia

6
7 Councilmember, District One
8
9
10

11 ***Letter 30***

12 Subject: East Lake Sammamish Trail
13 Date: Wed, 18 Aug 1999 08:21:38 -0700
14 From: Rasmussen <issyras@ibm.net>
15 To: "Fimia, Maggi" <Maggi.Fimia@METROKC.GOV>
16 CC: "johnras@ibm.net" <johnras@ibm.net>
17 References: 1
18

19 Ms. Fimia,

20
21 You, Council and Sims are in violation of the law in establishing the
22 ELST. I've pointed this out a number of times.
23

24 All your plans for the trail are nice, but you have to have a legal
25 right to the land first. That is your first step. Obey RCW 64.04.180
26 and compensate the reversionary landowners. There is no compromise
27 there.
28

29 Sincerely,

30
31 John Rasmussen
32
33
34
35

36 ***Letter 31***

37 Subject: Official Property Value Notice
38 Date: Fri, 20 Aug 1999 21:07:32 -0700
39 From: Rasmussen <issyras@ibm.net>
40 To: Assessor.Info@metrokc.gov

Declaration of John Rasmussen - 54

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e-mail: sandlin@nwinfo.net

1
2
3 To: King County Dept. of Assessments;
4

5 Please explain to us how you determined the increased value of our house
6 and our land. After talking to our neighbors, we realize everyone has
7 some differing percentage of increase and some homeowner's land even
8 went down. We are very confused and would like some clarity on this
9 shocking increase. Our home is modest, and built in the late 50's; and
10 the King County government is making it hard for us to enjoy our
11 property under their threat of a trail in the middle of our yard. How
12 can you possibly say we have such an increased value when we feel our
13 home is about to be ruined by the County's plan to send many people in
14 front of our deck and all of our large glass windows. Not one person
15 has come to us in order to explain why they are trespassing on our land,
16 nor what is planned for our safety. They have never addressed the issue
17 of injury liability if/when someone should get hurt in our yard after
18 they encourage useage before Master Planning they promised us several
19 times in years past. They have totally ignored our questions about
20 just compensation under Wa. State Law when the use of the easement is
21 changed in order to build a public trail in our yard. Some increase in
22 value! Thank you for responding.

23 Sincerely, Nancy A. Rasmussen Account # 062406-9076-00
24
25
26
27

28 ***Letter 32***

29 Subject: East Lake Sammamish Trail, Draft EIS
30 Date: Mon, 29 Nov 1999 15:36:45 -0800
31 From: Rasmussen <issyras@attglobal.net>
32 To: dcfm.sepacomments@metrokc.gov
33 CC: "Fimia, Maggi" <maggi.fimia@metrokc.gov>, "Sullivan, Cynthia"
34 <cynthia.sullivan@metrokc.gov>, "Miller, Louise" <louise.miller@metrokc.gov>,
35 "Phillips, Larry" <larry.phillips@metrokc.gov>, "Pelz, Dwight"
36 <dwright.pelz@metrokc.gov>, "McKenna, Rob" <rob.mckenna@metrokc.gov>,
37 "vonReichbauer, Pete" <pete.vonreichbauer@metrokc.gov>, "Nickels, greg"
38 <greg.nickels@metrokc.gov>,
39 "pullen, kent" <kent.pullen@metrokc.gov>, "Gossett, Larry"
40 <larry.gossett@metrokc.gov>, "hague, jane" <jane.hague@metrokc.gov>,

Declaration of John Rasmussen - 55

SANDLIN LAW FIRM
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1 "derdowski, brian" <brian.derdowski@metrokc.gov>, "Vance, Chris"
2 <chris.vance@metrokc.gov>,
3 "Locke, Gary" <Governor.Locke@Governor.wa.gov>, "Sims, Ron"
4 <ron.sims@metrokc.gov>,
5
6

7 To: Cheryl Fambles Director, Department of Construction Facilities
8 and Management
9

10 From: John Rasmussen 1605 E. Lk. Sammamish Place S.E., Sammamish, WA
11

12 Subject: Written Comments on the Draft EIS, East Lake Sammamish Trail
13

14 Dear Ms. Fambles,
15

16 My wife and I own the land under the railroad easement across our
17 property on East Lake Sammamish. The easement allows only railroad
18 use. If you want to put a trail on that easement, you must deal with
19 the ownership issue first. This is required of you by Washington State
20 law and the Washington State Constitution. There will be no further
21 compromise or good will involved in the resolution of this issue. King
22 County leadership has been reminded of this situation many times without
23 any resulting discussion or resolution, and you now inherit the results
24 of their illegal and immoral behavior. Do not step foot on the railroad
25 easement for purposes of the trail without our permission.
26

27 Perhaps a short history will help you understand this situation.
28 Burlington Northern owned only three or four properties along Lake
29 Sammamish, fee simple, but falsely claimed they owned all the property
30 under the twelve mile easement. When the railroad was sold to TLC, and
31 then King County, Burlington Northern transferred what it actually owned
32 for a more than fair price, and then they got TLC and King County to
33 acknowledge a phony donation of the remainder of the easement property.
34 This "donation" allowed BN a tax write-off of about \$40,000,000 for land
35 they did not own, with the written acknowledgment of King County. I
36 don't have the political power, time, or money necessary to prove this
37 in court, but there is no other explanation for these actions. This is
38 common in Rails-to-Trials transactions because the U.S. Congress gave
39 great leverage to the railroads, and local officials compromise their
40 principles and the law to get their trails. I don't know if the

Declaration of John Rasmussen - 56

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1 officials of King County are incompetent or if they are crooks, with
2 respect to this crime. If they are knowingly part of this fraud, those
3 King County officials need to take responsibility for their illegal
4 actions. This would include Gary Locke, Ron Sims, Norm Maleng and the
5 Council.
6

7 Ms. Fambles, perhaps you could help me here. Do you think your bosses
8 at King County are incompetent, or do you think they are crooks and
9 should be in prison? There really isn't another choice.
10

11 Continuing on with the this sad saga, after our "leaders" at King County
12 enabled Burlington Northern to rip-off the American taxpayer for about
13 \$15,000,000, the County essentially excluded the reversionary landowners
14 from the trail planning process. We were banned from the Citizens
15 Advisory Group. At a meeting I attended, public comments were timed
16 with a stopwatch, and the speaker cutoff after two minutes. King County
17 is stealing over \$500,000 in property from my wife and me, and we're
18 allowed two minutes to address this very complex issue. Every letter
19 I've written has essentially been ignored. The idea that we have been
20 allowed to be part of the process is absurd.
21

22 It's easy to understand why King County officials have taken this
23 course. If King County can claim ownership of the land under the
24 right-of-way, it doesn't have to worry about RCW 64.04.180/190. Those
25 laws require payment to the reversionary owners before a trail can be
26 established. Further, King County, TLC, and Burlington Northern are
27 going to be in a lot of trouble if it gets proved they conspired to
28 defraud the American taxpayer for millions. I believe they are counting
29 on their teams of lawyers, their political power, and the complexity of
30 this legal issue to keep them out of prison. Of course the best part of
31 this scam is that it is left to the individual landowners, such as my
32 wife and me, to deal with the situation. They count on the public at
33 large to not care what dishonesty has transpired as long as they get
34 their bicycle trail. "The end justifies the means." Sadly, this has
35 become King County's motto.
36

37 So, Ms. Fambles, you now inherit this mess. I warn you again. Do not
38 step foot on my reversionary property until you pay compensation for the
39 taking, as required by law. If your employees decide to enter my
40 property, I will assume they are there for illegal purposes and use

Declaration of John Rasmussen - 57

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1 whatever force is necessary to protect myself, and eject them. I've
2 tried very hard to not be put in this situation. I have been very
3 straightforward and tried to deal with this for months, while King
4 County has tried to hide their crooked dealings from the public and
5 stonewalled every effort by me to resolve the issue. There is no longer
6 any compromise or goodwill left.
7

8 Sincerely,

9
10 John Rasmussen
11
12
13

14 ***Letter 33***

15 Subject: Re: East Lake Sammamish Trail, Draft EIS
16 Date: Mon, 29 Nov 1999 20:42:20 EST
17 From: HonPDyer5@aol.com
18 To: issyras@attglobal.net
19

20 Mr. Rasmussen,

21 Thank you for forwarding your email to me. As you know, I have been trying
22 to add a bit of reason and fairness to the process, with albeit slow and
23 minor progress. Your frustrations are shared by many of your neighbors, and
24 if you have not been in contact with the group of similarly minded property
25 owners affected by the trail process, I would strongly recommend that you
26 get in touch with them. Ms. Vicki Beres for one, is very knowledgeable and
27 quite helpful.
28

29 Phil Dyer
30
31
32

33 ***Letter 34***

34 Subject: Statement
35 Date: Sun, 19 Dec 1999 14:38:09 -0800
36 From: Rasmussen <issyras@attglobal.net>
37 To: "Eldred, David" <david.eldred@metrokc.gov>
38

39 Dear Mr. Eldred:
40

1 I've read this statement in the Seattle Post-Intelligencer September 28,
2 1999 issue. "...David Eldred, a county attorney, said he has no doubt
3 the county owns the entire right of way." As you know this refers to
4 ELST.

5
6 Did you make that statement? Do you stand by that statement?
7

8 Sincerely,

9
10 John Rasmussen
11
12
13

14 ***Letter 35***

15 Subject: [Fwd: Statement]
16 Date: Fri, 31 Dec 1999 13:29:03 -0800
17 From: Rasmussen <issyras@attglobal.net>
18 To: "Eldred, David" <david.eldred@metrokc.gov>
19 CC: "Maleng, Norm" <Norm.Maleng@metrokc.gov>
20

21 Mr. Eldred,

22
23 Would you please answer my letter?
24

25 Sincerely,

26
27 John Rasmussen
28
29

30 Subject: Statement
31 Date: Sun, 19 Dec 1999 14:38:09 -0800
32 From: Rasmussen <issyras@attglobal.net>
33 To: "Eldred, David" <david.eldred@metrokc.gov>
34

35 Dear Mr. Eldred:

36
37 I've read this statement in the Seattle Post-Intelligencer September 28,
38 1999 issue. "...David Eldred, a county attorney, said he has no doubt
39 the county owns the entire right of way." As you know this refers to
40 ELST.

Declaration of John Rasmussen - 59

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Cottage Square
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Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1
2 Did you make that statement? Do you stand by that statement?
3

4 Sincerely,

5
6 John Rasmussen
7
8
9

10 **Letter 36**

11 Subject: East Lake Sammamish Trail
12 Date: Mon, 10 Jan 2000 17:10:50 -0800
13 From: Rasmussen <issyras@attglobal.net>
14 To: "Maleng, Norm" <Norm.Maleng@metrokc.gov>
15 CC: "Eldred, David" <david.eldred@metrokc.gov>
16

17 Dear Mr. Maleng,

18
19 The lawyer you have assigned to the East Lake Sammamish Trail project,
20 Mr. David Eldred, has been quoted in local newspapers as saying the
21 County claims ownership of all the land under the East Lake Sammamish
22 railroad right-of-way.
23

24 I've written to him, twice, asking him to confirm this statement, but he
25 refuses to answer.
26

27 Mr. Maleng, perhaps you will answer the question. Is King County
28 claiming it owns all the land under the old Burlington Northern easement
29 along East Lake Sammamish? I own lakefront property bisected by that
30 easement, and I'm wondering if you are claiming ownership of my
31 reversionary property.
32

33 Sincerely,

34
35 John Rasmussen
36
37

38 **Letter 37**

39 Subject: ELST
40 Date: Tue, 11 Jan 2000 15:59:37 -0800

Declaration of John Rasmussen - 60

SANDLIN LAW FIRM
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e-mail: sandlin@nwinfo.net

1 From: Rasmussen <issyras@attglobal.net>
2 To: "Eldred, David" <david.eldred@metrokc.gov>
3 CC: "Maleng, Norm" <Norm.Maleng@metrokc.gov>
4

5 Dear Mr. Eldred,
6

7 It appears that you are making decisions about the East lake Sammamish
8 Trail that are illegal, and are hurting me and my family. We need to
9 meet, and you need to explain directly to me exactly what you are doing
10 and what justification you have for your actions.
11

12 Please offer a time that we can meet.
13

14 Sincerely,
15

16 John Rasmussen
17

18 425-392-8110
19
20
21
22

23 **Letter 38**

24 Subject: East Lake Sammamish Trail
25 Date: Tue, 18 Jan 2000 20:43:51 -0800
26 From: Rasmussen <issyras@attglobal.net>
27 To: "Irons, David" <david.irons@metrokc.gov>
28 CC: "Fimia, Maggi" <maggi.fimia@metrokc.gov>, "Sullivan, Cynthia"
29 <cynthia.sullivan@metrokc.gov>, "Miller, Louise" <louise.miller@metrokc.gov>,
30 "Phillips, Larry" <larry.phillips@metrokc.gov>, "Pelz, Dwight"
31 <dwight.pelz@metrokc.gov>, "McKenna, Rob" <rob.mckenna@metrokc.gov>,
32 "vonReichbauer, Pete" <pete.vonreichbauer@metrokc.gov>, "Nickels, Greg"
33 <greg.nickels@metrokc.gov>,
34 "Pullen, Kent" <kent.pullen@metrokc.gov>, "Gossett, Larry"
35 <larry.gossett@metrokc.gov>, "Hague, Jane" <jane.hague@metrokc.gov>,
36 "Vance, Chris" <chris.vance@metrokc.gov>, David Irons <david.irons@metrokc.gov>,
37 "Sims, Ron" <ron.sims@metrokc.gov>,
38 johnras@attglobal.net
39
40

1 Mr. David Irons
2 District 12 Representative
3 King County Council, Washington
4

5 Dear Mr. Irons,
6

7 I believe my rights are being violated by King County government and I ask your help.
8

9 My wife, Nancy, and I own property along East Lake Sammamish that is bisected by the old
10 Burlington Northern right-of-way. Recently, Mr. David Eldred, the
11 County attorney assigned to the East Lake Sammamish Trail project, has been quoted in the
12 local newspapers stating the County owns all the land under the
13 easement. This is a lie, but, more than that, a lie that harms and threatens my family.
14

15 After reading his statement, I wrote Mr. Eldred, twice, asking him to confirm that the County is
16 claiming title to my reversionary property. He refused to answer.

17 So, I wrote Mr. Norm Maleng with the same question. He refused to answer my question, too.
18 Why? What does the prosecutor's office have to hide?
19

20 **I support the East Lake Sammamish Trail.**
21

22 I need to make it clear from the first that this letter is not in opposition to the East Lake
23 Sammamish Trail. I'm an avid bicycler, and have ridden thousands of miles in
24 the East Lake Sammamish area over the last twenty years. Further, my wife and I have been
25 willing to make compromises to establish the trail from the beginning.
26 However the law, and my property rights must be recognized for that process to go forward.
27

28 **Criminal Activity by King County Prosecutors:**
29

30 If King county truly owned all the land under the easement you would think Mr. Eldred and
31 Mr. Maleng would be forthcoming and helpful in clearing up any
32 misunderstandings about ownership. I believe they are so closed mouthed about this matter
33 because they could end up in prison if the truth comes out. Perhaps a
34 short history will help you understand this situation. Burlington Northern owned just several
35 properties along Lake Sammamish, fee simple, but falsely claimed they
36 owned all the property under the twelve mile easement. This is reflected in the appraisal by
37 Arthur Andersen LLP dated December 10, 1996. When the railroad
38 was sold to TLC, and then King County, Burlington Northern transferred what it actually
39 owned for a more than fair price, and then got TLC to acknowledge a

1 phony donation of the remainder of the property under the easement. TLC, in turn, had King
2 County acknowledge the same donation in the transfer to the County.
3 This "donation" allowed BNSF a tax write-off of about \$40,000,000 for land it did not own.
4 Burlington Northern needed the acknowledgment of TLC and/or the
5 officials at King County to show proof of the donation to the IRS. I believe Mr. Maleng, Mr.
6 Eldred and the other involved lawyers from the prosecutor's office are
7 making this false claim of ownership because admitting the truth would make them liable for
8 their part in this tax fraud. A fraudulent \$40,000,000 tax write-off for
9 BNSF would rip off the American taxpayer for about \$15,000,000. Since the actual value of
10 the right-of-way was worth only about \$1,000,000, one can see that
11 the real money for the railroads in Rails-to-Trails transactions is in illegal tax write-offs. I
12 don't have the resources to cause this to be investigated, Mr. Irons, but
13 you do.

14 15 **Phony Crossing Fees:**

16
17 Another reason King County wants to falsely claim title to the property is so it can charge the
18 adjacent residents a fee to cross the trail. It's a little hard to charge
19 folks a fee to cross their own property, so King County simply claims it owns the land and is
20 now setting the crossing fees. As proof that the County does not own
21 the land comes forward, Mr. Sims is suddenly becoming nicer to the residents about these fees.
22 I believe Mr. Sims does not do this out of kindness, but rather to
23 soften his political embarrassment when he has to eventually admit he has no legal right to
24 charge these fees. On the other hand, if the County can get the adjacent
25 residents to believe the myth it owns the land, after a legal waiting period, the County would be
26 able to sue for possession.

27 28 **"Hear no Evil"**

29
30 A number of people along the Lake have hired Graddon Consulting to investigate the
31 ownership issue. When it became obvious to Stephen Graddon that King
32 County did not own easement land that he was researching, he tried to approach the County to
33 make his results available. Among others, a meeting was scheduled
34 to discuss this with Mr. Howard Schneiderman from the prosecutor's office. That meeting was
35 abruptly canceled and phone calls requesting an explanation have not
36 been returned to Mr. Graddon. This reminds me of the little monkey with his hands over his
37 ears...the "hear no evil" monkey. The Prosecutor's office seems to
38 believe that it can shield itself from responsibility for its actions by refusing to hear the truth.
39 At the very least, this is "stonewalling" by the prosecutor's office to deny
40 us our rights.

Declaration of John Rasmussen - 63

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1
2 **Failure of Fiscal Responsibility:**
3

4 Of course Mr. Sims and your Council desperately want the County to somehow own all the
5 land under the easement, because if it doesn't, the County will have paid
6 way too much money for what it got in the purchase. The value of the railroad consisted of
7 land that Burlington Northern owned, fee simple, and the salvage value
8 of the rails, ties and structures. This value was appraised at \$997,260 by RIRPA. TLC and
9 BNSF fixed the value at \$1,500,000. King County paid almost
10 \$3,000,000 for a large portion, but not the whole length. That means that the County paid
11 about three to four times what the railroad was worth. I believe it is
12 typical for railroad companies to inflate the value as they did with TLC, because they have so
13 much leverage in these situations. The railroad companies threaten to
14 allow the easement to expire and full use of the land to return to it's owners, usually the
15 adjacent landowner. The Rails-to-Trails act withholds this reversion if a
16 group, like TLC, purchases the railroad. So, Burlington Northern used this leverage to drive up
17 the price. TLC then inflated the price again when it sold the railroad
18 to the County. The only way King County can justify paying three or four times what the
19 railroad is worth is to claim they got all the land under the easement, fee
20 simple, in the purchase. The land in question was valued at about \$40,000,000 by Authur
21 Anderson LLP in the BNSF appraisal. If the County can establish
22 ownership of all, or even part of this land, Mr. Sims and Council won't have to explain to the
23 taxpayers why the County was so careless with their money.
24

25 **Ignoring Washington State Law:**
26

27 Then, there is the problem with RCW 64.04.180 and 190. That is the Washington State law
28 that requires payment to reversionary landowners for taking of
29 rails-to-trails property. If King County claims it owns the land, it can avoid its responsibility
30 under this law. But, if the County does not own the land, it violates the
31 law. This is another reason I believe King County is falsely claiming ownership. I print that
32 law at the bottom of this letter for your reference.
33

34 **Mean Spirited Politicians:**
35

36 King County has been very mean-spirited to the lakeside owners in its handling of the trail.
37 We were excluded from the Citizen's Advisory Board for a phony
38 reason. With \$40,000,000 of property at stake, we were timed with a stopwatch and cut off
39 after two minutes when we brought our concerns to the County at

1 public meetings. I've asked for explanations many times from the County and have never had
2 a meaningful reply. Mr. Eldred did write me once to explain that the
3 "...County's position with respect to this right of way is clear." When I challenged him to
4 explain his clear vision, he simply refused to reply. The only thing that is
5 "clear" is that Mr. Eldred feels he has no obligation to explain the harm he is doing to my
6 family. Apparently the residents of this County exist to serve the needs of
7 the County's officials, rather than the other way around. The County is stealing my life's
8 savings, represented by my property investment, and is mean-spirited and
9 evasive when asked to explain.

10
11 **Show me the title!**

12
13 Of course another possibility is that the County actually has title to the land. If that is the case,
14 show me! I'm looking for one honest man (or woman) in King
15 County government that can look me in the eye and explain what legal right the County has to
16 claim my property. I've yet to find one.

17
18 Mr. Irons, would you please provide the answers to these questions for me?
19

20 **On what basis does King County claim ownership of the land under the BNSF easement**
21 **on my property?** My wife and I have title showing ownership of
22 our reversionary property under the railroad easement. Further, because of the outrageous
23 action of King County I have felt required to spend about \$7,000 to
24 research every aspect of the initial easement grant and all the title changes to the present day.
25 That research shows King County is violating my rights with its
26 actions. The Prosecutor's office refuses to even look at that evidence. Do you see something
27 wrong here?
28

29 **What research was made on property ownership before the County signed**
30 **acknowledgment of a "donation" of my property from BNSF/TLC in the**
31 **rails-to-trails transaction?** My guess is that the prosecutor's office did not look into the
32 ownership issue of even one property that was "donated" by BNSF.
33 Several properties were clearly owned, fee simple, by BNSF. I'm not referring to those
34 properties here. I believe the prosecutor's office didn't want to look into
35 these "donated" properties because it would then be liable for that knowledge. I believe that
36 the prosecutor's office is looking for deniability here. That isn't honest,
37 and may be criminal.
38

39 **If County officials and bureaucrats seem evasive in their answers to your questions,**
40 **would you sponsor an outside, independent investigation of this**

Declaration of John Rasmussen - 65

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1 situation?

2
3 **Would you release, in specific detail, the justification for the inflated payment the County**
4 **made for the right-of-way?** A few months ago the County
5 conducted an audit of the ELST transaction, but did not release the specifics. I believe this is a
6 cover-up. We, the taxpayers, want to know exactly how the
7 auditors came to the conclusion that the County paid a fair price. I believe the success of the
8 audit is based on the property the County now falsely claims, and will
9 not discuss...my reversionary property, and that of the other residents along ELS.

10
11 **How is King County going to make up for the harm it has done to the residents along**
12 **East Lake Sammamish as we are forced to prove our ownership**
13 **of this reversionary property?**

14
15 **Will you call for Mr. Maleng's resignation if he proves to be involved in this fraud?**

16
17 **Mr. Irons, you're new to the King County Council and you were not in county**
18 **government when these events happened. Are you going to deal away**
19 **my rights, and hide this shameful activity, to prove to your fellow council members that**
20 **you're a team player?** Somebody needs to let the King County
21 government know that it is not business as usual in this County to violate the law, and its
22 constituent's rights.

23
24 Sadly, this immoral attack on the landowners along East Lake Sammamish is explainable
25 because the County believes it is in a no lose situation. If King County can
26 convince the landowners that it owns their property, the County will gain a windfall of millions
27 of dollars of land, and then will be able to charge those same folks to
28 cross their own property. If the County loses this unjustified claim, it will still be a hero to the
29 advocacy groups, and to the public, for trying to provide a trail. The
30 only way for the County to lose is for the truth to be known. That truth is that King County
31 government is illegally turning its resources against a few of its
32 constituents for political gain. Mr. Irons, I believe you are an honest person and I ask for your
33 help to expose the truth.

34
35 When the Rails-to-Trails act was challenged in the U.S. Supreme Court in 1990, the Court
36 spelled out how a claim could be made at the Federal level. Yet, sixteen
37 years after the Rails-to-Trails act was passed, no reversionary landowner has received
38 compensation for the taking of his land, to my knowledge. Thousands of
39 Americans have essentially had their land stolen by this Act. This is because each individual
40 landowner has had to take on the combined resources of the railroads,

1 advocacy groups and the local governments to prove their loss. You can see this happening
2 with the events here in King County. Further, these groups play
3 "musical chairs" with the legal system, forcing the cases between the state and federal courts at
4 great expense and delay to the legitimate owners. I believe King
5 County won't speak to me because they know they can bury us with years of waiting in the
6 courts, stress, and legal bills we cannot afford. They are right about that,
7 but that is an immoral use of our legal system. King County won't be using the courts to settle
8 this dispute, it will be using the courts to control the situation, delay
9 justice, and violate our rights. I believe that is why the prosecutor's office refuses to talk to us.
10 That's wrong.

11
12 Mr. Irons I wonder if you truly understand the power you and your fellow council members
13 have to harm the people you serve, and, therefore, the responsibility you
14 have to represent their interests and legal rights? King County can probably steal much of the
15 land along East Lake Sammamish from its owners by doing what I've
16 described above. This is dishonest. I ask you as my representative to not allow that to happen
17 to us. Realistically, you are the only chance many of us have for
18 justice.

19
20 Sincerely,

21
22 John Rasmussen
23
24
25

26 RCW 64.04.180 Railroad properties as public utility and transportation corridors--Declaration
27 of availability for public use--Acquisition of reversionary interest.
28 Railroad properties, including but not limited to rights-of-way, land held in fee and used for
29 railroad operations, bridges, tunnels, and other facilities, are declared to
30 be suitable for public use upon cessation of railroad operations on the properties. It is in the
31 public interest of the state of Washington that such properties retain
32 their character as public utility and transportation corridors, and that they may be made
33 available for public uses including highways, other forms of mass
34 transportation, conservation, energy production or transmission, or recreation. **Nothing in this**
35 **section or in RCW 64.04.190 authorizes a public agency or**
36 **utility to acquire reversionary interests in public utility and transportation corridors**
37 **without payment of just compensation.** [1988 c 16 § 1; 1984 c 143
38 § 22.]
39

1 RCW 64.04.190 Public utility and transportation corridors-- Defined. Public utility and
2 transportation corridors are railroad properties (1) on which railroad
3 operations have ceased; (2) that have been found suitable for public use by an order of the
4 Interstate Commerce Commission of the United States; and (3) that have
5 been acquired by purchase, lease, donation, exchange, or other agreement by the state, one of
6 its political subdivisions, or a public utility. [1988 c 16 § 2; 1984 c
7 143 § 23.]
8
9
10
11

12 **Letter 39**

13 Subject: RE: "The Trail of Shame" (ELST)
14 Date: Mon, 24 Jan 2000 07:36:54 -0800
15 From: "Irons, David" <David.Irons@METROKC.GOV>
16 To: "issyras@attglobal.net" <issyras@attglobal.net>

17
18 John

19
20 Thank you for your e-mail and for standing up for your rights. Please call
21 me if I can be of help.

22
23 Thank You

24
25 David Irons
26 King County Council
27 12th District
28 206-296-1012 Office
29 206-296-0198 Fax
30
31
32
33
34
35
36

37 **Letter 40**

38 Subject: ELST
39 Date: Mon, 24 Jan 2000 21:05:49 -0800
40 From: Rasmussen <issyras@attglobal.net>

Declaration of John Rasmussen - 68

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e-mail: sandlin@nwinfo.net

1 To: "Irons, David" <davidi@ccpi.net>
2
3

4 Hi David,
5

6 First, let me apologize for asking Nancy to call you at home tonight, but I received a call from
7 Tim Larson at the Eastside Journal that needs an answer tonight or
8 tomorrow. I know your family is very important to you, and your time with them is a refuge
9 from the stress of your job. I'm sorry to disrupt that.
10

11 I received an e-mail from you today about a letter I wrote to The Seattle Daily Journal of
12 Commerce on the 22nd. I had been expecting, instead, a response to the
13 letter I wrote to you January 18th. The letter on the 18th is very critical of the County's
14 handling of the Trail, and points to evidence that the prosecutor's office may
15 be involved in tax fraud. It is that letter that Tim Larson is calling about.
16

17 On the small chance that you did not receive the letter I wrote on the 18th, I'll copy it again at
18 the bottom of this note.
19

20 You need to understand that I voted for you, and support you in your position at the County. I
21 wrote the letter on the 18th, not to embarrass you, but to rather to
22 get out, to the public, actions of the County that are simply illegal. It is fine for politicians to
23 have political agendas that are different than mine, but it isn't acceptable
24 for them to ignore the law and commit crimes. I believe that is happening at King County with
25 respect to the Trail. Since the prosecutor's office appears to be
26 involved in this illegal activity, you have to consider that their advice to you may be self-
27 serving. I would suggest you turn to legal advice elsewhere if you need a
28 legal opinion.
29

30 By the way, after I wrote the letter to you on the 18th, I was told that Vicki Beres has a copy of
31 the title insurance policy that the County got for the Trail, and that
32 the title insurance company refused to certify the County owned the land under the BNSF
33 easement. I have not been able to verify that yet, but if it's true, it
34 provides further proof the County is acting illegally in its claim of ownership. Further, the
35 County is doing this with full knowledge of its wrongdoing.
36

37 I think that we should talk before I return the call to Tim Larson. He asked if you had
38 responded to the letter I wrote on the 18th. I want to be able to tell Tim
39 Larson that you are being responsive to my concerns. There is a chance that Mr. Larson sees
40 this letter as a test of your commitment to make changes in how the

Declaration of John Rasmussen - 69

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1 ELS community is represented. It goes without saying that I hope you will make those
2 changes too. As I wrote above, I don't want to embarrass you, but I intend
3 to tell the truth to Tim Larson. I had written a note to Tim on the Saturday the 22nd, after he
4 had a front page article about the Trail in the Eastside Journal. My
5 comments to him were essentially what I wrote to the DJC on the same day. I also attached a
6 copy of my letter to you on the 18th. That has prompted his call.
7

8 Nancy said that you would be able to talk tomorrow afternoon. I'll put off Tim Larson with an
9 e-mail tonight explaining that I'll talk to him late tomorrow.
10

11 I'm not a public person, and would rather not get involved in a public debate. But, I believe the
12 County has stepped over the line into criminal activity, and seems to
13 believe they can get away with it. I don't intend to let that happen. I consider the County's
14 actions on the Trail to be a personal attack on my family.
15

16 Hope to talk to you tomorrow afternoon.
17

18 Best Regards, John
19

20 John Rasmussen
21 425-392-8110
22

23 Reference:
24

25 Subject: East Lake Sammamish Trail
26 Date: Tue, 18 Jan 2000 20:43:51 -0800
27 From: Rasmussen <issyras@attglobal.net>
28 To: "Irons, David" <david.irons@metrokc.gov>
29 CC: Mr. Sims and King County Council
30

31 Mr. David Irons
32 District 12 Representative
33 King County Council, Washington
34

35 Dear Mr. Irons, ---Referenced letter 39 above---
36
37
38
39

40 ***Letter 41***

Declaration of John Rasmussen - 70

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Zillah, Washington 98953
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e-mail: sandlin@nwinfo.net

1 Subject: Re: ELST
2 Date: Mon, 24 Jan 2000 21:28:36 -0800
3 From: " David W. Irons" <davidi@ccpi.net>
4 To: <issyras@attglobal.net>
5 References: 1
6

7 John
8

9 Thanks for the letter. I read the whole thing and some of what you say is new to me, much is
10 not. I will call you tomorrow around noon or close there after.
11

12
13 Thank You
14

15 David W. Irons
16 425-313-9536
17 425-391-0266 Fax
18

19 ----- Original Message -----

20 From: Rasmussen
21 To: Irons, David
22 Sent: Monday, January 24, 2000 9:05 PM
23 Subject: ELST
24

25 Hi David, ---Referenced letter 41 above---
26
27
28
29

30 **Letter 42**

31 Subject: ELST
32 Date: Wed, 26 Jan 2000 06:16:54 -0800
33 From: Rasmussen <issyras@attglobal.net>
34 To: " David W. Irons" <davidi@ccpi.net>
35 References: 1 , 2
36

37 Hi David,
38

39 Thanks for taking the time to discuss the ELST with me yesterday
40 afternoon. Nancy and I feel guilty about contacting you at your home

Declaration of John Rasmussen - 71

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1 the night before. We won't be making a habit of doing that.

2
3 After I talked to you, I returned the call to Tim Larson at the Eastside
4 Journal. I thought he wanted to follow up on my concern that the K.C.
5 prosecutor's office might be involved in tax fraud. He wasn't concerned
6 with that portion of my letter to you. He is working on a story about
7 the ownership issue along the railroad easement, which may be published
8 as soon as this weekend. He was interested in what you had to say about
9 the Trail, and how I felt about our conversation. I told him I was very
10 pleased with the call, and you were the first, and only, official from
11 the County that I had been able to have a discussion with about the
12 Trail. I assume he is interested in how responsive you are to the
13 residents along the Lake. He said he may call you very soon for your
14 opinion.

15
16 I write this note to give you a "heads up" that he is going to call, and
17 to let you know what I told him about our conversation.

18
19 Here's what I told him you said:

- 20
21 - Some of what I covered in my letter on the 18th was new to you, some
22 was not.
23 - The ELST is one of your priorities.
24 - You believe that some property owners along the trail own the land
25 under the easement, and you are aware that this opinion conflicts with
26 statements made by the County prosecutor's office.
27 - There are County lawyers not associated with the prosecutor's office
28 that can take an independent look at my concerns about tax fraud.
29 - You will give me a short written reply to my letter of the 18th, but
30 it will take two to three weeks to fully evaluate the concerns I
31 expressed.
32 - A new staff member, who starts on Monday will be assigned to monitor
33 the ELST situation for you. Her name is Jennett. (Tim knew her last
34 name, and that she had worked in Issaquah. You didn't give her last
35 name to me.)

36
37 Here's what I told him I suggested to you:

- 38
39 - That possibly the ethics board could look into the actions of the
40 prosecutor's office with respect to tax fraud. (I told him you were new

Declaration of John Rasmussen - 72

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1 and unfamiliar with the mechanics of that process.)
2 - I suggested that the Prosecutor's office provide a written report
3 explaining their position on why the County claims all the land under
4 the easement.

5
6 Tim Larson indicated to me that he intended to call you today or
7 tomorrow.

8
9 I hope I characterized our conversation correctly. I told him that he
10 should verify your statements with you.

11
12 As you know, I feel very strongly about the ugly, and possibly illegal,
13 way King County is treating me and my family with respect to ELST. I
14 greatly appreciate concerns for the situation.

15
16 Best regards, John
17
18
19
20

21 ***Letter 43***

22 Subject: [Fwd: East Lake Sammamish Trail]
23 Date: Sat, 22 Jan 2000 21:44:56 -0800
24 From: Rasmussen <issyras@attglobal.net>
25 To: Dyer <HonPDyer5@aol.com>, Jack Barry <jack.barry3@gte.net>, Troy Romery
26 <TROYROM@aol.com>, Don Gerend <gerend@bigfoot.com>, Kathy Huckabay
27 <Huckkathy@aol.com>, Ron Haworth <rhaworth@halcyon.com>
28
29

30 Dear Mayor Barry and members of the City of Sammamish Council,
31

32 Many of us voted to form the City of Sammamish because of the disregard
33 King County had for our needs, broken promises, and outright dishonesty
34 by the County.
35

36 The attached letter addressed to David Irons spells out what I believe
37 is more of that activity on the part of our County Government with
38 respect to the East Lake Sammamish Trail. It also expresses my belief
39 that there may be fraudulent activity by the County prosecutor's office.
40

1 I send this letter to you to keep you informed about this situation,
2 and request any help you can give to resolve it.
3

4 Sincerely,

5
6 John Rasmussen
7

8 Attachment:
9

10 Subject: East Lake Sammamish Trail
11 Date: Tue, 18 Jan 2000 20:43:51 -0800
12 From: Rasmussen <issyras@attglobal.net>
13 To: "Irons, David" <david.irons@metrokc.gov>
14 CC: ---Listed above---
15
16

17 Mr. David Irons
18 District 12 Representative
19 King County Council, Washington
20

21 Dear Mr. Irons, ---Referenced letter 39 above---
22
23
24
25
26

27 ***Letter 44***

28 Subject: Re: East Lake Sammamish Trail
29 Date: Sun, 23 Jan 2000 12:40:30 -0800
30 From: "Don Gerend" <gerend@bigfoot.com>
31 To: <issyras@attglobal.net>
32

33 Mr. Rasmussen,

34 Thank you for cc'ing me in your comprehensive white paper on the ownership issue of
35 property along the proposed East Lake Sammamish Trail. I, for one, would very much like to
36 hear the County's response to many of the points you have made. If you don't receive any
37 action from the County after this letter, please follow up with me. I feel very strongly about
38 his issue. I also am a strong supporter of trails in general (having been a hiker and mountain
39 climber, and a novice bicyclist, ever since moving to the Northwest in the '60's) and the East
40 Lake Sammamish Trail in particular. But, from what I have read, heard and experienced, I

Declaration of John Rasmussen - 74

SANDLIN LAW FIRM
Cottage Square
P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1 don't believe the entities involved in this transition from rail to trail have properly handled the
2 project.
3 Don Gerend
4

5 **Letter 45**

6 Subject: Re: [Fwd: East Lake Sammamish Trail]
7 Date: Sun, 23 Jan 2000 19:44:44 -0800
8 From: "Jack Barry" <jack.barry3@gte.net>
9 To: <issyras@attglobal.net>

10
11 Dear John

12
13 Thanks for the good information. I regret, for some reason there was not an
14 attachment. Perhaps you could try again.

15
16 Jack Barry
17 Deputy Mayor
18

19 **Letter 46**

20 Subject: Re: [Fwd: East Lake Sammamish Trail]
21 Date: Mon, 24 Jan 2000 01:33:29 EST
22 From: Huckkathy@aol.com
23 To: issyras@attglobal.net
24

25 Thank you for sending this letter and I will support your request to have
26 this matter looked into and resolved one way or another. These issues need
27 to looked into and addressed otherwise they fester for years and undermine
28 people's confidence in their government. Unfortunately, King County has
29 demonstrated in many ways, both small and larger, that they do not deserve
30 the trust and confidence of the community.

31
32 Kathy

33 **Letter 47**

34 Subject: East Lake Sammamish Trail
35 Date: Mon, 24 Jan 2000 09:02:38 -0800
36 From: Rasmussen <issyras@attglobal.net>
37 To: "Barry, Jack" <jack.barry3@gte.net>
38

39 Dear Jack,
40

Declaration of John Rasmussen - 75

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Cottage Square
P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1 Thanks for your response and request. For over a year, I've been writing to officials at the
2 County level with my concerns, and have never has a reply and request
3 for more information like yours. Your concern and response just proves to me once again why
4 we formed a government (City) that could respond to our needs.
5

6 Below, I've "pasted" the letter to David Irons. It should come through this time. I've already
7 received a reply from Don Gerend, and he did receive the attachment.
8 It must be that the attachments don't come through on some servers.
9

10 By the way, after I expressed my concern, in the letter below, that the King County
11 prosecutor's office may be involved in tax fraud with respect to the Trail
12 purchase, a friend wrote to tell me that the title insurance company refused to certify ownership
13 of the easement land for the County. I haven't seen that document,
14 but if it is true, it adds further question to the legality and ethics of this transaction.
15

16 Best Regards, John

17
18 John Rasmussen
19
20
21
22

23 **Letter 48**

24 Subject: Re: East Lake Sammamish Trail
25 Date: Mon, 24 Jan 2000 09:23:49 -0800
26 From: "Jack Barry" <jack.barry3@gte.net>
27 To: <issyras@attglobal.net>
28

29 Dear John

30
31 I have received and copied your very detailed letter for future reference. Thank you and thank
32 for you kind words!
33

34 Enjoy the week!

35
36 Jack Barry,
37 Deputy Mayor
38

39 **Letter 49**

40 Subject: [Fwd: East Lake Sammamish Trail]

Declaration of John Rasmussen - 76

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Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1 Date: Sun, 23 Jan 2000 09:04:46 -0800
2 From: Rasmussen <issyras@attglobal.net>
3 To: "Reichert, Dave" <dave.reichert@metrokc.gov>
4

5 Dear Sheriff Reichert,
6

7 In August 1999 I wrote you and asked you the following questions with
8 respect to ELST. "Do you place enforcement of the law above your
9 loyalty to the King County leadership? Will you enforce the law and
10 remove the County employees that illegally enter my reversionary
11 property to establish the trail?"
12

13 You refused to answer those questions. The County continues to
14 illegally invade my property, and the time comes closer that someone
15 will be physically harmed over this issue. I believe that person most
16 likely will be me, as I defend my property rights.
17

18 Attached is a letter to David Irons that describes, in part, what is
19 happening. I send it to you because I want you to be aware of the
20 dishonest methods the County is using to harm and harass the land owners
21 along the Lake. I believe there is evidence that the King County
22 prosecutor's office is involved in federal tax fraud in the ELST
23 transaction.
24

25 I don't know why you went into law enforcement, but if it was, in part,
26 to protect the public from thugs and bullies, you need to familiarize
27 with what the County is doing to its residents along Lake Sammamish.
28

29 It's my hope that you will take an honest stand on this issue, and
30 refuse to violate my rights, when the time comes for you to get
31 involved.
32

33 Sincerely,
34

35 John Rasmussen
36

37 Attachment:
38

39 Subject: East Lake Sammamish Trail
40 Date: Tue, 18 Jan 2000 20:43:51 -0800

Declaration of John Rasmussen - 77

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Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1 From: Rasmussen <issyras@attglobal.net>
2 To: "Irons, David" <david.irons@metrokc.gov>
3 CC: ---Listed above---
4

5 Mr. David Irons
6 District 12 Representative
7 King County Council, Washington
8

9 Dear Mr. Irons, ---Referenced letter 39 above---
10
11
12
13

14 **Letter 50**

15 Subject: Letter from Maleng
16 Date: Thu, 27 Jan 2000 15:15:36 -0800
17 From: Rasmussen <issyras@attglobal.net>
18 To: "Welsh, Dick" <dick@halcyon.com>, Craig and Tammy Owens
19 <crowens@paccar.com>, Lisa Mitchell <LisaMitchell@compuserve.com>,
20 Waggoner <ewaggoner@accessone.com>, Mike Rundle <mikerun@email.msn.com>,
21 Marcia Rundle <marcrun@email.msn.com>,
22 Vicki Beres <waterlily2@msn.com>, Kathy Schroeder <kcschroeder@msn.com>, Hans
23 Apel <hansap@email.msn.com>,
24 Reid Brockway <rbrockwa@gte.net>, Hank Waggoner <hankw@lakesideind.com>,
25 Craig Owens <crowens@hotmail.com>,
26 Chenoa <patrickh@dellnet.com>, "Graddon, Steve" <sgraddon@sprynet.com>,
27 "Graddon Consulting and Research, Inc." <graddoncr@aol.com>,
28
29

30 Dear Steve Graddon, and Trail Friends,
31

32 I received the attached letter from Norm Maleng's office in this
33 afternoon's mail. I've "pasted" a copy, below, and also attached it in
34 a Microsoft Word format. I scanned the original and corrected all the
35 errors, I hope. If any of you find what appears to be an error, please
36 e-mail me.
37

38 Also, the letter that I wrote to David Irons, that I believe finally
39 prompted Maleng to reply, is forwarded at the bottom.
40

1 Needless to say, I'm offended by the arrogant first sentence in Maleng's
2 letter. I have written to the prosecutor's office, off and on, for many
3 months, and they have simply ignored my concerns every time, until now.
4 The letter to David Irons, that finally got the response from the
5 prosecutor, wasn't even copied to the prosecutor's office. There must
6 be a lesson to be learned there. I believe that Norm Maleng responded
7 because there is dirt all over the hands of the prosecutor's office with
8 their part in the phony \$40 million write-off that BNSF undoubtedly took
9 on the railbanking transfer.

10
11 For anyone that is not aware, Steve Graddon's appointment with Howard
12 Schneiderman was canceled by Schneiderman. Now, Schneiderman is
13 claiming it was the other way around. But, more importantly, the
14 prosecutor's office now appears willing to look at our (Steve's)
15 research.

16
17 So, the question now is: "Where do we go from here?" Do I take my
18 Graddon book, along with Steve, and go down to the prosecutor's office?
19 Do we try to get the prosecutor's office to commit to dealing with this
20 administratively rather through the courts...before we show them our
21 stuff? Would we be better off to present another property, that has a
22 cleaner chain of title, as a first property to discuss? Should we take
23 John Groen, or another attorney, along? Any ideas?

24
25 Lisa is on a trip, and I assume will be back in a day or so. She has
26 seemed to have a strategy in mind, so this may be the opportunity to
27 further it.

28
29 I intend to respond to Maleng in a few days, but will wait for some
30 ideas from all of you first.

31
32 Best Regards, John

33
34 John Rasmussen

35
36 -----
37 OFFICE OF THE PROSECUTING ATTORNEY
38 KING COUNTY, WASHINGTON
39 CIVIL DIVISION
40

1 Norm Maleng, Prosecuting Attorney

2
3 E550 King County Courthouse
4 516 Third Avenue
5 Seattle, Washington 98104
6 (206) 296-9015
7 FAX (206) 296-0191

8
9 January 26, 2000

10
11
12 John Rasmussen
13 1605 E. Lake Sammamish Place S.E.
14 Issaquah, Washington
15 98029-7434

16
17 Dear Mr. Rasmussen:

18
19 We have received your numerous e-mails. Please ask your consultant to
20 send supporting materials regarding your ownership claims to Senior
21 Deputy Prosecuting Attorney, Howard Schneiderman. I learned from Mr.
22 Schneiderman that your consultant, not our office, cancelled the
23 scheduled meeting to review your material. They can certainly
24 reschedule to clarify any misunderstanding. Mr. Schneiderman's address
25 is King County Prosecuting Attorney's Office, 700 5th Avenue, Suite
26 3900, Seattle, WA 98104-5039.

27
28 Very truly yours,

29
30 Sally Tenney
31 Chief Civil Deputy

32
33 cc: Howard Schneiderman, Senior Deputy Prosecuting Attorney

34
35
36
37 ***Letter 51***

38 Subject: "The Trail of Shame"
39 Date: Mon, 31 Jan 2000 18:13:29 -0800
40 From: John Rasmussen <johnras@attglobal.net>

Declaration of John Rasmussen - 80

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P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1 Reply-To: issyras@attglobal.net
2 To: "Maleng, Norm" <Norm.Maleng@metrokc.gov>
3 CC: "!Rasmussen" <issyras@attglobal.net>
4

5 Mr. Norm Maleng, Prosecuting Attorney
6 King County, Washington
7

8 Dear Mr. Maleng,
9

10 I believe you, and other lawyers in the King County Prosecutor's Office, may have behaved
11 criminally in the purchase of the ELST railroad easement. Further, as a
12 result, I believe that you and your department have violated my rights.
13

14 Attached at the bottom, is a copy of a letter I received from your office this last week. It is
15 interesting that when I finally got a response from you, it was to a letter
16 addressed to David Irons, not you. I didn't sent a copy of the Irons letter to you because I had
17 given up after eight months of attempting to get explanations from
18 you and your department.
19

20 It appears to me that you responded to that letter because I expressed my concern that your
21 department may be involved in tax fraud with respect to the ELST
22 transaction. I'm not accusing you of that crime, I'm pointing to evidence that would justify a
23 formal investigation. I will not stand by and let you defraud the
24 American taxpayer and violate my family's rights. I intend to take this to the federal
25 government, the press, or anywhere else that will resolve it. In fairness to you, I
26 will lay out what I have, tell you how I believe this adds up to tax fraud, and let you respond.
27

28 I believe there is evidence that BNSF, TLC and King County knew that all the land under the
29 ELST railroad easement was not owned, fee simple, by BNSF. I
30 believe there is evidence that, knowing this, TLC and King County provided proof of a
31 donation of that land so BNSF could claim a phony write-off of about
32 \$40,000,000 with the IRS. A phony donation of \$40 million would rip-off the American
33 taxpayer for around \$15,000,000. If it happened, some folks should
34 spend some time in prison, and some lawyers should lose their right to practice law. Are you
35 one of those people?
36

37 **Here is the sequence that brings up the question of federal tax fraud, as I see it:**
38

39 **1. BNSF instructed their appraiser to value the easement land, fee simple.** I have a copy
40 of the appraisal by Arthur Andersen, dated 12/10/96. About nine

Declaration of John Rasmussen - 81

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1 pages in, is a sheet labeled "Special Assumptions and Limiting Conditions". It's one paragraph
2 long, and the last sentence reads: "Because the condition of the title is
3 unknown, we assumed fee simple title at the clients request."
4

5 **2. BNSF then got TLC to acknowledge a phony donation.** I only have an early draft copy
6 of the transfer between BNSF and TLC. However, I suspect that
7 the basic issues of the final agreement are shown there. I would need all the final agreements
8 between these parties to prove anything, but this is enough to question
9 the transaction. My copy is of poor quality, and impossible to read in spots. I believe it states:
10 "TLC SKC acknowledges that the fair market value of the Rail Line
11 is \$41.7 million pursuant to an independent appraisal of the Rail Line...". That ties the sale
12 document to the Arthur Andersen appraisal which valued the line at \$41.7
13 million, also. Further, in print that is very unclear, there is reference to "Internal Revenue
14 Service Form ????". This would make me suspect that TLC agreed to
15 certify the donation to the IRS.
16

17 **3. King County then acknowledged the same phony donation.** I have a copy of the TLC-
18 KC sale dated 9/11/98. This is very general about the "bargain
19 sale", but refers to all of (TLC's) "right, title and interest (with certain exceptions described
20 herein)...". This would tie King County to TLC-BNSF agreement, and
21 the tax rip-off.
22

23 **4. King County knew the ownership by BNSF was in question before certifying the**
24 **donation.** I have been told that in the title insurance policy for the
25 transaction, the title company refused to certify that King County owns the land under the
26 easement. I haven't seen that document. Also, if I understand correctly,
27 there is an appraisal that King County commissioned, that questioned the ownership of the land
28 under the easement. Those two written warnings to the County, in
29 addition to statements made in the Arthur Andersen appraisal, indicate to me that King County
30 was well aware of the ownership question before they signed the
31 papers of sale, and certified the donation.
32

33 As we all well know, the County has been "in bed" with TLC from the beginning. I understand
34 that TLC was set up as a middle man in the transaction because the
35 County could not legally buy a railroad, and TLC was used to work around that requirement.
36 TLC is headed by a former County bureaucrat. The County bought
37 the easement from TLC less than a day after it was purchased from BNSF. Therefore, your
38 department undoubtedly was aware of the conditions of the
39 BNSF-TLC sale, if fraud was involved, and if TLC actually agreed to certify the donation to
40 the IRS. As I said above, I haven't seen those final documents, only an

1 early draft. Perhaps you would provide those final documents to me. My guess is that, even if
2 BNSF didn't take the tax write-off, the actions of your office can be
3 shown to be very unethical.
4

5 I believe that is enough information to justify an investigation. I would be in a better position
6 to decide what to do, if I had more information. Perhaps you would be
7 willing to help in that respect. If you have nothing to hide, it will be easier for you to deal with
8 this now.
9

10 The ownership issue is the foundation of the "house of cards" that King County has built to
11 violate the rights of the residents along East Lake Sammamish. The false
12 claim to ownership allows the County to charge crossing fees for folks to cross their own land.
13 The false claim of ownership justifies the ridiculously high price the
14 County paid to TLC. The false claim of ownership allows the County to ignore the rights of
15 the residents under RCW 64.04.180, and the right to eminent domain.
16 The false claim to ownership partially explains the County's arrogant and inconsiderate
17 treatment of the residents along the lake. When it is shown that the claim to
18 ownership is a fraud, the foundation crumbles and the house of cards comes down. Hopefully it
19 will also bring down the dishonest individuals that are responsible for
20 its construction.
21

22 Mr. Maleng, if you would like to meet with me to discuss this, please reply by e-mail,
23 otherwise I'll begin a campaign to bring the tax fraud issue to a formal
24 investigation. This letter is addressed only to you. I may discuss it with others, generally, but
25 will not forward it to anyone until the end of this week. You have until
26 then to respond, if you chose.
27

28 Sincerely,
29

30 John Rasmussen
31 johnras@attglobal.net (Please reply to this address in addition to the address indicated
32 above.)
33

34 -----
35
36 OFFICE OF THE PROSECUTING ATTORNEY
37 KING COUNTY, WASHINGTON
38 CIVIL DIVISION
39

40 Norm Maleng, Prosecuting Attorney

Declaration of John Rasmussen - 83

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1 E550 King County Courthouse
2 516 Third Avenue
3 Seattle, Washington 98104
4 (206) 296-9015 FAX (206) 296-0191
5

6 January 26, 2000
7
8

9 John Rasmussen
10 1605 E. Lake Sammamish Place S.E.
11 Issaquah, Washington
12 98029-7434
13

14 Dear Mr. Rasmussen:
15

16 We have received your numerous e-mails. Please ask your consultant to send supporting
17 materials regarding your ownership claims to Senior Deputy Prosecuting
18 Attorney, Howard Schneiderman. I learned from Mr. Schneiderman that your consultant, not
19 our office, cancelled the scheduled meeting to review your material.
20 They can certainly reschedule to clarify any misunderstanding. Mr. Schneiderman's address is
21 King County Prosecuting Attorney's Office, 700 5th Avenue, Suite
22 3900, Seattle, WA 98104-5039.
23

24 Very truly yours,
25
26
27

28 Sally Tenney
29 Chief Civil Deputy
30

31 cc: Howard Schneiderman, Senior Deputy Prosecuting Attorney
32
33
34
35
36
37
38

39 ***Letter 52***

40 Subject: ELST "The Trail of Shame"

Declaration of John Rasmussen - 84

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Cottage Square
P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1 Date: Mon, 07 Feb 2000 11:57:37 -0800
2 From: John Rasmussen <johnras@attglobal.net>
3 Reply-To: issyras@attglobal.net
4 To: "Sims, Ron" <ron.sims@metrokc.gov>, "Fimia, Maggi"
5 <maggi.fimia@metrokc.gov>, "Sullivan, Cynthia" <cynthia.sullivan@metrokc.gov>,
6 "Miller, Louise" <louise.miller@metrokc.gov>, "Phillips, Larry"
7 <larry.phillips@metrokc.gov>, "Pelz, Dwight" <dwight.pelz@metrokc.gov>,
8 "McKenna, Rob" <rob.mckenna@metrokc.gov>, "vonReichbauer, Pete"
9 <pete.vonreichbauer@metrokc.gov>,
10 "Nickels, Greg" <greg.nickels@metrokc.gov>, "Pullen, Kent"
11 <kent.pullen@metrokc.gov>, "Gossett, Larry" <larry.gossett@metrokc.gov>,
12 "Hague, Jane" <jane.hague@metrokc.gov>, "Vance, Chris"
13 <chris.vance@metrokc.gov>, David Irons <david.irones@metrokc.gov>
14 CC: "Locke, Gary" <Governor.Locke@Governor.wa.gov>, Dyer
15 <HonPDyer5@aol.com>, Jack Barry <jack.barry3@gte.net>,
16 Troy Romero <TROYROM@aol.com>, Don Gerend <gerend@bigfoot.com>, Kathy
17 Huckabay <Huckkathy@aol.com>, Ron Haworth <rhaworth@halcyon.com>, "Reichert,
18 Dave" <dave.reichert@metrokc.gov>, johnras@attglobal.net, issyras@attglobal.net
19
20

21 Dear Mr. Sims and Council:

22
23 I sent the letter copied below to Mr. Maleng last Monday. He chose to not respond.

24
25 The letter points to evidence of unethical or even criminal behavior by King County
26 government. I believe I have a right to have some answers about the actions of
27 the County because of the negative effect they have on my family.
28

29 Would you please review the information below and respond by the end of this week?

30
31 Sincerely,

32
33 John Rasmussen

34
35 Reply to: johnras@attglobal.net

36
37 Attachment:

38
39 Mr. Norm Maleng, Prosecuting Attorney
40 King County, Washington

Declaration of John Rasmussen - 85

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P.O. Box 1005
Zillah, Washington 98953
(509) 829-3111 / fax: 3100
e-mail: sandlin@nwinfo.net

1 Monday, 31 Jan 2000

2
3 Dear Mr. Maleng, ---Referenced letter 52 above---

4 **Letter 53**

5 Subject: Railbanking corruption
6 Date: Tue, 04 Jul 2000 20:52:37 -0700
7 From: John Rasmussen <johnras@attglobal.net>
8 To: "McCain, John" <John_McCain@McCain.senate.gov>

9
10 Senator John McCain
11 Chairman
12 Commerce, Science, and Transportation Committee
13 United States Senate

14
15 Dear Senator McCain,

16
17 As Chairman of the Senate Commerce, Science and Transportation Committee
18 I'm writing to inform you there is strong evidence that massive fraud
19 has taken place in the Rails-to-Trails project on East Lake Sammamish in
20 Washington State. Further, since the Governor of the State of
21 Washington, and the leadership of King County are involved, there is
22 little chance that this will be dealt with at the state level. I
23 believe that your committee has the responsibility to investigate this
24 crime.

25
26 Here's what happened as I see it. In 1996, Burlington Northern Santa Fe
27 decided to abandoned a spur line that ran for twelve miles along the
28 east shore of Lake Sammamish in King County, Washington. For years King
29 County had expressed a desire to obtain the right-of-way for a trail and
30 park. So, BNSF used the threat of full abandonment to force King County
31 and their middleman, The Land Conservancy of Seattle and King County
32 (TLCSKC), to pay an excessive price for the assets, and then provide
33 documentation to the IRS for a fraudulent tax write off. Full
34 abandonment would have returned the easement land to the reversionary
35 owners, most of which are the present adjacent residents, while
36 railbanking made that land available for a County park at the expense of
37 these owners. The fraudulent tax write off was for about \$40 million,
38 which cheated the American taxpayers out of about \$15 million.

39
40 The tax scam evolved as follows. BNSF hired Arthur Andersen LLP to

Declaration of John Rasmussen - 86

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(509) 829-3111/fax: 3100
e-mail: sandlin@nwinfo.net

1 appraise the assets of the twelve mile spur. While BNSF had fee simple
2 title to only a couple of properties along the lake, it instructed
3 Arthur Andersen to value all the land under the twelve mile right-of-way
4 as if the railroad held fee simple title. What BNSF actually owned was
5 worth less than \$1 million according to another appraisal, but, based on
6 the BNSF false claim of ownership, Arthur Andersen appraised the assets
7 at \$41.7 million. In the papers of sale, TLCSKC agreed to pay \$1.5
8 million and accept a donation of \$40.2 million. This was called a
9 "bargain sale", part sale and part donation. It was actually part sale,
10 part rip-off of the American taxpayer. Further, TLCSKC agreed to
11 provide documentation of the phony donation to the IRS. This allowed
12 Burlington Northern Santa Fe to realize about \$16.5 million from the
13 Rails-to-Trails transaction, when its assets were actually worth only
14 about \$1 million. This fraudulent act by BNSF, TLCSKC and King County
15 has harmed me as an American taxpayer, but also has violated my rights
16 as a reversionary property owner along the right-of-way.

17
18 I suspect that this dishonesty is present in other railbanking
19 transactions. Politicians are hesitant to take a critical look at any
20 project that benefits the public, so they turn their backs on evidence
21 that tax fraud and crimes are being committed by the railroads and
22 groups that are supporting these trails. The truth about these
23 transactions is buried, and the true costs are delayed and hidden. This
24 process exploits a weakness of our democracy by challenging
25 politicians to choose what they know to be right at the expense of
26 losing votes in their next election. Sadly, most politicians choose to
27 ignore the law in favor of their personal careers. That's what has
28 happened here in Washington State.

29
30 In October 1999 the GAO presented a report on railbanking to Senator
31 Brownback. The facts in that report show the Rails-to-Trails Act to be
32 in great need of amendment. There was no mention, however, of
33 fraudulent tax claims by the railroads. Perhaps the GAO needs to go
34 back and finish their investigation. A good place to start would be to
35 investigate the fraud that has happened here in Sammamish, Washington.

36
37 Perhaps you notice that I send this note on the 4th of July,
38 Independence Day. While most Americans are celebrating, I mourn the
39 loss of my constitutional freedoms to the special interests of the trail
40 advocates and the railroads, and the weak character of the local

Declaration of John Rasmussen - 87

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1 politicians.

2
3 Senator McCain, please investigate the corruption and fraud that the
4 Rails-to-Trails Act has brought to the families along East Lake
5 Sammamish, Washington. As chairman of the committee that has oversight,
6 you have the authority to investigate, but more importantly, the
7 responsibility.

8
9 Sincerely,

10
11 John Rasmussen
12 USNA 1967
13 1605 East Lake Sammamish Place S. E.
14 Sammamish, Wa 98029
15 Phone: 425-392-8110

16 ***Letter 54***

17 Subject: The 4th of July on ELST
18 Date: Tue, 04 Jul 2000 22:56:46 -0700
19 From: John Rasmussen <johnras@attglobal.net>
20 To: "Irons, David" <david.iron@metrokc.gov>, "Irons, David" <david@ccpi.net>

21
22 Mr. David Irons
23 District 12 Representative
24 King County Council, Washington

25
26 Dear David,

27
28 In the very near future, I intend to begin using a loaded shotgun to defend my property against
29 the illegal actions of King County along the proposed East Lake
30 Sammamish Trail. I will be very aggressive in defending myself and my property, and there is
31 a greatly increased chance someone is going to be injured or killed.
32 Most likely that person will be me. I take this action after much thought and after over fifteen
33 months of attempting to resolve issues with the County without any
34 success whatsoever. I've repeatedly asked for an explanation of the County's illegal actions
35 against me and my family. Every letter I have written has been
36 effectively ignored. Most of those letters are copied below. Why don't you take a look at those
37 letters and explain to me why I have received no answer. The time
38 for writing letters and waiting for answers is over, it's time to stop this project until the law is
39 obeyed and my rights are recognized. It's time to stand up for my rights
40 in the face of a corrupt King County government.

Declaration of John Rasmussen - 88

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1
2 Since I hold legal title to the land, and Washington State law requires the County to pay
3 compensation for the establishment of the trail, the County has obviously
4 decided to occupy my land in direct violation of that law. If I allow this to happen, after a legal
5 period of time the County can claim my land by adverse possession.
6 I'll defend my land from being taken in this manner. Ron Sims and Norm Maleng don't have
7 the authority to ignore or change the laws of this State. That has to be
8 done in the courts or by the legislature.
9

10 On January 18th, 2000 I wrote a letter to you outlining the violation of my rights by King
11 County in the establishment of the ELST. In a phone conversation on
12 January 25th, you said that it would take two to three weeks for you to fully evaluate the
13 concerns I expressed. It is now five months later and I have had no
14 response from you. Your letter is one of the many unanswered letters copied below.
15

16 It is obvious to me that the County, TLC and BNSF have conspired to defraud the American
17 taxpayer of about \$15 million with the trail transaction. Out of greed,
18 and to hide and defend its criminal actions, the County now violates my rights and tries to steal
19 my land. If you'd like to show your kids a crook, don't take them to
20 the County jail, take them down and introduce them to Norm Maleng. I say that in all
21 seriousness. If we let this man get away with these illegal actions, by the time
22 our children are adults there will not be one honest politician or prosecutor left in this County.
23 Do you want that to be your legacy?
24

25 I'll give adequate notice to Sims, Maleng, Reichert, the Council and Parks before I get out the
26 shotgun. I've got to find it first, it's tucked away somewhere in the
27 house. I last shot it hunting ducks and pheasants as a kid growing up in Eastern Washington. I
28 never thought in those innocent days that the gun would be used to
29 defend my property and my life. In the correspondence to the County I will spell out,
30 explicitly, how I intend to defend myself and how they can ensure the safety of
31 County employees that accidentally wander onto my property. I'm writing now to give you a
32 small window of time to begin representing my rights and the rule of
33 law in this County. I believe you and the Council have no right to ignore the corruption and
34 illegal activities by officials of this County. The time you promised to
35 respond passed months ago.
36

37 I'll be here in Sammamish for most of the next week. I think we could accomplish more if we
38 met face to face. If you aren't interested in standing up for the rule of
39 law, don't bother wasting my time with a meeting. If you are interested in stopping the
40 corruption coming out of the prosecutor's office, give me a call.

Declaration of John Rasmussen - 89

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1 Date: Mon, 10 Jul 2000 14:02:14 -0700
2 From: John Rasmussen <johnras@attglobal.net>
3 To: "Irons, David" <david.iron@metrokc.gov>, "Irons, David" <david@ccpi.net>
4

5 Mr. David Irons
6 District 12 Representative
7 King County Council, Washington
8

9 Dear David,

10
11 Thanks for calling and discussing the ELST situation last Thursday, July
12 6th.
13

14 After that call I began writing a follow-up letter. That letter is now
15 six pages long and in need of a couple draft reviews, and perhaps
16 downsizing, before I send it. I won't have it to you for several more
17 days. I'm writing a note, now, to let you know it's on the way.
18

19 That letter will updated the problems that I feel must be resolved.
20 Also, I will be more specific in what I hope you will do for me as my
21 representative. We didn't discuss that aspect on the phone and it's an
22 important item, as I realize that you are in a position to provide only
23 limited help. There will be no big surprises in this letter, just an
24 update and perhaps clearer presentation.
25

26 I think the letter will be helpful, and I request that you wait for it
27 before you dig into these matters for us. I realize you promised a
28 response to me a week and a half. Please extend that time to
29 incorporate the letter that you will receive in the next few days.
30

31 Regards, John

32
33 John Rasmussen
34
35
36

37 ***Letter 56***

38 Subject: RE: ELST
39 Date: Mon, 10 Jul 2000 14:04:04 -0700
40 From: "Irons, David" <David.Irons@METROKC.GOV>

Declaration of John Rasmussen - 95

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1 To: "johnras@attglobal.net" <johnras@attglobal.net>
2

3 John
4

5 Thank you for your e-mail. I will contact you the end of next week if that time-line is
6 appropriate.
7

8 Thank You
9

10 David Irons
11 King County Council
12 District 12
13 206-296-1012 office

14 **Letter 57**

15 Subject: ELST - The Trail of Shame
16 Date: Wed, 09 Aug 2000 11:26:46 -0700
17 From: John Rasmussen <johnras@attglobal.net>
18 To: "Irons, David" <david.irons@metrokc.gov>, "Irons, David" <davidi@ccpi.net>
19 CC: "Reichert, Dave" <dave.reichert@metrokc.gov>, Dyer <HonPDyer5@aol.com>,
20 Jack Barry <jack.barry3@gte.net>,
21 Troy Romero <TROYROM@aol.com>, Don Gerend <gerend@bigfoot.com>, Kathy
22 Huckabay <Huckkathy@aol.com>, Ron Haworth <rhaworth@halcyon.com>,
23 dick@halcyon.com, crowens@paccar.com, LisaMitchell@compuserve.com,
24 ewaggoner@accessone.com, mikerun@email.msn.com, marcrun@email.msn.com,
25 waterlily2@msn.com, kcschroeder@msn.com,
26
27

28 Mr. David Irons
29 District 12 Representative
30 King County Council, Washington
31

32 Dear David,
33

34 King County government is violating my rights. For fifteen months I have written letters that
35 outline the problems with ELST, without any significant reply from the
36 County. For fifteen months I've been open and forthright, while the response from the County
37 has to been to ignore my legitimate complaints, and play slimy lawyer
38 tricks with my civil rights. In that fifteen months, the County has pushed forward with the
39 ELST trail development without fully addressing the most critical issue: Is

1 the County legal in its actions? At this point, it is not a question if the County and I disagree; I
2 have simply been intentionally ignored with my legitimate concerns. I
3 obey the law, pay taxes, respect the rights of others, while the County leadership has decided to
4 ignore the law, use my tax dollars to defraud me, and show no
5 respect, whatsoever, for my rights. Now, I feel my only option is to defend my rights and my
6 property with a gun. There is a limit to my patience, and I have
7 exceeded that limit several times over while waiting for a very sick King County government
8 to do its duty. King County has totally failed in its responsibility to the
9 residents along ELS.

10
11 David, I wrote to you on the Forth of July to explain my decision to stand up against the
12 corruption of this County. We talked by phone on July 6th, and I assured
13 you that I would give adequate notice to the County before I meet trespassers with a loaded
14 shotgun. Then, I wrote you a note on July 10th to explain I was
15 working on a letter that updates and restates the problems. This is that letter.

16
17 If you are willing to represent my rights before King County government, please give me a
18 timetable for you to deal with the concerns I express here. Otherwise, I'll
19 give 72 hours notice and begin to meet trespassers from the County with a loaded shotgun. I
20 will remove them from my property with whatever force is required. I
21 will use the shotgun to defend my life and my property. For fifteen months I have asked
22 trespassing County employees to depart my property. I've repeatedly
23 notified County government, in writing, to stay off my property. The County has continued to
24 send these trespassers while totally ignoring my rights. It is obvious to
25 me that the County is using the excuse of the federal railbanking act to take adverse possession
26 of my land. That action is illegal. Now, more aggressive actions are
27 justified. In light of my repeated attempts to resolve the issues over a period of fifteen months,
28 the County leadership bears the responsibility for this more dangerous
29 situation.

30
31 I believe there is a very dishonest reason that the County is ignoring my questions. There is
32 strong evidence that the County has made false claims of ownership and
33 participated in federal tax fraud on ELS. Honestly answering my questions would require the
34 County to admit its guilt.

35
36 **Is the County legal in its actions?**

37
38 I stated, above, the critical question: Is the County legal in its actions? Who owns the land
39 under the BNSF right-of-way? If the County does not own the land, is it

1 responsible for the taking involved in the establishment of ELST, and is it required to
2 compensate the reversionary owners? The County has skipped by that most
3 critical step in the establishment of the trail. In an article of the Seattle Daily Journal of
4 Commerce on January 21st, Robin Cole, ELST project manager, was quoted
5 as saying: "What I'm saying is we don't want to let the property issue monopolize the
6 development of the trail." This attitude is typical of the County's approach:
7 ignore peoples rights and the requirements of the law, and continue on with the project. The
8 problem is that many of the lakeside owners are having their property
9 stolen by this process. Who owns the reversionary property is a major factor that has to be
10 considered in the development of the trail. The whole process of public
11 discussion has been tainted because of the haste that the County used to skip over and
12 misrepresent the ownership issue. There has been a campaign of
13 misinformation about the ownership issue, lead by Norm Maleng's office and lawyers from
14 TLC, I believe. Further, I believe this campaign of misinformation has
15 been used to hide and defend their participation in federal tax fraud. This will be covered in
16 more detail later.

17
18 The County should be required to go back to the beginning and deal with ELST properly.
19 First, deciding if it has legally obtained a right to cross lakeside yards.
20 I'm confident that the facts will show in almost every case that the County is taking the
21 property and neglecting its responsibility under RCW 64.04.180. This law
22 requires King County to compensate the reversionary landowners for the taking of their land
23 for the ELST. Until the County takes responsibility for its actions and
24 admits that it has harmed the reversionary landowners by taking their land, the process of
25 accepting public input is biased and invalid. The public must have the truth
26 about ownership for their comments and suggestions to have any validity.
27

28 My wife and I have been ready from the beginning to compromise and make the trail happen
29 along East Lake Sammamish, but there can be no compromise until the
30 County recognizes our rights under the law. In our case, we own the land under the right-of-
31 way and the new easement for a trail caused by the County's actions
32 requires compensation under RCW 64.04.180. To give you an idea of the required cost of
33 compensation, BNSF had our property under the right-of-way assessed
34 for about \$510,000.00 by Arthur Andersen in late 1996. The County's agent, TLC, agreed to
35 certify to the IRS that BNSF donated our reversionary property to
36 the people of King County, according to the documents that I've obtained. This fraud is
37 discussed later in this letter. Using the King County Assessor's increase in
38 land value of our property from 1996 to 2000, the value of the right-of-way land on our parcel,
39 alone, is now about \$660,000.00. King County/TLC apparently

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1 certified those values so BNSF could take a giant illegal tax write-off for land it didn't own.
2 Now the County is in a position that it has to claim it owns my
3 reversionary property, or admit its part in the fraudulent donation of my land.
4

5 David, when I talked to you on July 6th, I believe you stated that it was your understanding
6 that RCW 64.04.180 was withheld because of the federal railbanking
7 act. I ask you reconsider that opinion. RCW 64.04.180 requires King County to take
8 responsibility for its actions against the reversionary landowners along ELS.

9 The law is in its present form because of a Washington State Supreme Court decision in 1986.
10 That is the Lawson decision, and here are quotes from that case.

11 "King County cannot acquire the [] right of way from Burlington Northern without payment of
12 just compensation to the reversionary interest holders. If the County
13 takes this right of way and commences to build a recreation trail, it does so in violation of the
14 constitution." and "Finally, we do not wish to leave any impression that
15 a recreational trail is not a desirable goal. [] It is necessary, however, that a public entity
16 proceed in a constitutional fashion in acquiring the way necessary for such
17 trails." RCW 64.04.180 was rewritten to accommodate the ruling in the Lawson decision. If
18 the circumstances of the Lawson case seem eerily similar to the East
19 Lake Sammamish situation, you should also know that the losing attorney for King County in
20 that case was Norm Maleng. He lost this case before the Washington
21 State Supreme Court, and now, it appears, he informs the County Council that King County
22 has the right to throw out that Washington Supreme Court decision,
23 and throw out the resulting Washington State law, too. David, do you see the need to stop
24 listening to the advice of a very biased County Prosecutor and seek an
25 outside legal opinion? There is further discussion of RCW 64.04.180 below.
26

27 **Civil Rights violation:**

28
29 My roommate from the U.S. Naval Academy has a small law practice in Eastern Washington.
30 He and I have discussed what is going on here in very general terms
31 and his first thought was that ELST is turning into a civil rights case, not simply a property
32 dispute. I am beginning to agree with him. After fifteen months of having
33 my rights destroyed by King County, after fifteen months of being ignored in my right to have
34 my voice heard, I believe he is right. I have had no significant answer
35 to my legitimate questions for fifteen months, and now feel my only recourse is to use a gun, at
36 the risk of my life, to defend my rights. My civil rights are being
37 violated by King County in a most ugly and harmful way. There are over four hundred
38 properties along East Lake Sammamish, most of which have suffered the
39 same violations.
40

1 **Federal tax fraud, and document tampering.**
2

3 The following describes, again, the evidence of wrongdoing by the County with ELST. This
4 evidence has been staring the County Council in the face while most
5 members turn their heads to ignore it. It's time the King County Council honestly faces what is
6 going on with ELST.
7

8 Based on the evidence I've seen, let me explain how I believe the County has participated in
9 Federal tax fraud.
10

11 It appears that as a condition of railbanking the East Lake Sammamish spur, Burlington
12 Northern required TLC and King County to certify a phony donation of land
13 the railroad didn't own. This allowed BNSF to take a tax write-off that would defraud the
14 American taxpayers of about \$15 million. That works out to over \$1
15 million dollars per mile along East Lake Sammamish.
16

17 Here is how I believe the tax scam worked.
18

19 BNSF hired Arthur Andersen LLP to appraise the East Lake Sammamish right-of-way
20 assuming that Burlington Northern owned all the right-of-way land fee
21 simple. You can prove this for yourself by looking at page eight of the Arthur Andersen
22 appraisal dated December 10, 1996. "...we assumed fee simple title at the
23 clients request." The client is BNSF. I can provide a copy of that appraisal for you, if you
24 wish.
25

26 Then BNSF required TLC and King County to acknowledge a phony IRS donation of \$40.2
27 million. At the corporate tax rate, this allowed BNSF to rip-off the
28 American taxpayer for about \$15 million. This crime is spelled out in the papers of sale from
29 BNSF to TLC, and follows with the transfer to King County. So far
30 the Prosecutor's office and TLC have had good success in hiding the crime, it appears. I have a
31 draft copy of that agreement with the incriminating paragraph
32 distorted to the point it cannot be accurately read, while the remainder of the document is
33 perfectly readable. When TLC provided a copy of that agreement to the
34 City of Issaquah, they "neglected" to include the page with that paragraph. I believe it is no
35 coincidence that the same paragraph is missing from both documents.
36

37 David, you can obtain that missing paragraph with little effort, if you chose. Norm Maleng
38 should be able to provide you a copy. You should also obtain the draft
39 copy of the agreement dated April 4, 1997 from BNSF Legal to Charles Montange. That is
40 available in the County records, or I can provide that copy for you, if

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1 necessary. It shows what I believe to be the intentional distortion of the incriminating
2 paragraph, and also how the final document may have been altered to make
3 less obvious the connection to the Arthur Andersen appraisal. There is a good chance the
4 words "is \$41.7 million" were struck from paragraph 2. (a) (5) in the final
5 version, to attempt to make vague the connection to the Arthur Andersen appraisal. The draft
6 and final versions need to be seen side by side to see that process.
7 Further, if TLC agreed to provide documents of a donation of my property to the IRS, I believe
8 the Council should be demanding to see those documents, too.
9

10 If the BNSF actually had fee simple title, and legally donated the land to TLC/King County, no
11 crime was committed. For months, I've asked the County to show
12 me proof of the County's claim to fee simple title. The fact is that fee simple title is held by my
13 wife and me, and is a matter of public record. If the County knew
14 that BNSF did not have fee simple title, and then certified to the IRS that BNSF donated fee
15 simple title to the land, that is federal tax fraud. I believe that is what
16 happened. >From the information I have been able to obtain, I can only conclude that the
17 County's claim of ownership of my property under the right-of-way is
18 based on keeping Norm Maleng and his associates from facing charges of federal tax fraud. It
19 appears to me that the Prosecutor's office has ignored it's own
20 research showing the right-of-way to be an easement in almost every case, and is most likely to
21 have altered documents to hide that information from the public.
22

23 **False claims by the County to ownership of my property, and document tampering.**

24
25 On January 13, 1997, John Couch, Director of Parks and Recreation, provided a memo to the
26 City of Redmond on ELST progress. The last paragraph in that
27 report stated: "Currently we believe the Railroad owns one 1500 lineal foot section of the trail.
28 [] The rest of the route is held by the Railroad in a right of way
29 easement." When this document was released by the County under the freedom of information
30 act, that paragraph was removed. I believe that it is no accident that
31 document had been altered. 1,500 lineal feet would be 2.3% of the proposed trail. Yet a short
32 time later TLC/King County apparently certified that 100% of the
33 right-of-way land was owned, fee simple by BNSF, and donated to TLC/King County. How
34 did the County determine BNSF owned 100% of the land under the
35 right-of-way? If the only basis of the County's claim is that it was required to acknowledge the
36 ownership by BNSF as a condition of railbanking, then the County
37 has violated the law and my rights.
38

39 Further, in late 1996 King County obtained a title report on ELST. I've quickly looked through
40 the four inch thick report by "King County Office of Open Space,

1 Title Officer's Review of Title Report". It appears that the report for every parcel of the trail
2 had this statement: "Vesting: [] The particular deed under which this
3 property was acquired was entitled "right of way deed" which would probably be deemed to be
4 and easement interest only. []". In the face of this finding, where is
5 the justification for the County to claim fee simple title a short time later? I have only seen
6 documents that indicate the County found the right-of-way to be an
7 easement. Where is the proof the County has fee simple title?
8

9 **The King County-TLC relationship:**

10
11 What is the relationship between the County and TLC? In the "investigation" of TLC in 1998,
12 it's obvious to me that the County Council was simply out to
13 whitewash the ELST transaction, not to demand a full accounting. A full accounting would
14 have shown the close relationship between the County and TLC, and
15 mismanagement on the part of the County. Here is a quote from the Seattle Times, November
16 20, 1998: "McKenna proposed an audit of what profit was made by
17 the Land Conservancy. But he later agreed to have the auditor review whether 'the transaction
18 followed the procedures set forth by the county for the acquisition of
19 real property.' 'It turns out we don't have any legal right to get into the Land Conservancy's
20 books,' said McKenna, a former Land Conservancy board member,
21 'and that's not what I was after anyway. I was after how we agreed to the price we agreed to
22 pay.'" Anyone in King County Government that says that the
23 BNSF-TLC-King County transaction has already been investigated, is simply misinformed.
24 They may be accurate in stating that it has already been covered up.
25 The County has every legal right to investigate TLC. TLC has taken in over \$4 million of
26 taxpayers money plus the salvage rights on ELST, while paying only \$1.5
27 million. TLC publicly claims they barely broke even. It's time this windfall profit be fully
28 investigated.
29

30 Why did the County hire TLC to be the middleman in the ELST transaction? I wonder, now, if
31 it was a slimy lawyer trick by Norm Maleng to distance himself from
32 the fraudulent documentation BNSF required as a condition of railbanking. Is that why TLC
33 took in over \$4 million after paying just \$1.5 million for the railroad?
34 Was it a payoff for their illegal activity in the ELST transaction?
35

36 I've had an exchange of correspondence with Peter Goldman of TLC and The Bicycle Alliance.
37 He serves as a lawyer for TLC. If he is typical in philosophy of the
38 other members of the TLC, they're a far left political group that have a very socialistic political
39 agenda. It is one of the greatness of America that we have a full

1 spectrum of political views, but Goldman and TLC appear to have crossed the line from
2 political advocacy to illegal behavior. Peter Goldman is one of the authors
3 of a "fact sheet" that totally misrepresents the railbanking situation along ELST. This "fact
4 sheet" has been made available to the public on The Bicycle Alliance web
5 site, the Friends of the East Lake Sammamish Trail web site, and the East Lake Sammamish
6 Trail Two Cents Board web site. Publishing lies to intentionally mislead
7 the public is very wrong. Committing federal tax fraud is criminal. Yet, King County
8 leadership has allowed TLC to establish its biased and illegal philosophy as
9 County policy. It's time the King County Council "woke up and smelled the coffee." TLC and
10 the Prosecutor's office have misled the public and County leadership
11 as to the legal aspects of railbanking, and they do this to hide their illegal behavior, I believe.
12

13 **Someone's a liar:**
14

15 In the face of this fraud, a number of landowners along ELST hired Graddon Consulting to
16 investigate and determine who actually owns the right-of-way land. My
17 wife and I spent over \$7,000 for this research on our lot, alone. We did this because of the
18 fraudulent claims and slimy tactics by the County. We did this when our
19 title clearly shows we own the land. I've asked repeatedly for the County to show me the fee
20 simple title it claims, without any response whatsoever. When
21 Graddon's research proved to us that the land was clearly ours, a number of us hired Graddon
22 to approach the County with his results to save us the continued
23 stress of dealing with this, and the costs of litigation. According to Steve Graddon, a meeting
24 was set up with Howard Schneiderman, which Schneiderman then
25 canceled. Further calls from Steve Graddon asking for an explanation were not returned.
26 When I presented this information to Norm Maleng, Ms. Tenney from his
27 office wrote this: "I learned from Mr. Schneiderman that your consultant, not our office,
28 canceled the scheduled meeting to review your material." Someone is a
29 damn liar here. Considering my experience dealing with Mr. Maleng's staff for the last fifteen
30 months, I have no doubt that this problem is with the Prosecutor. For
31 fifteen months I have dealt with nothing but stonewalling, lies, and slimy lawyer tricks from of
32 his office.
33

34 **Adverse Possession:**
35

36 The County falsely claims ownership of my land, and then trespasses to establish possession.
37 After the legal waiting period the County will claim ownership by
38 adverse possession. I have the right to defend my land from being taken by this dishonest
39 means. I have the same right to eject County employees from my

1 right-of-way land as I do to stop someone from breaking into my house to steal my TV. Of
2 course the guy stealing my TV isn't using slimy lawyer tricks to try to
3 fool my neighbors and me into believing the TV is his. The common criminal has a lot to learn
4 from Norm Maleng's tactics.
5

6 **RCW 64.04.180**
7

8 David, when we talked on July 6th, I got the impression that you believe that the County isn't
9 liable to its citizens under RCW 64.04.180. I ask you to reconsider
10 this. Who told you that King County is not required to obey Washington State law? Anytime
11 someone tells you that, little warning bells should be going off
12 somewhere for you. This lie has been spread repeatedly by the lawyers from the TLC. Have
13 you simply heard it so many times that you are beginning to believe it?
14 It is a very slippery slope that you traverse when you decide that King County is not
15 accountable under the laws of the State. Those very laws are the basis of your
16 rights as a government representative. You need to get some outside legal advice before you
17 support that as County policy. Find a retired judge, or some legal
18 scholar that doesn't have a political agenda with respect to this law, and ask them if you should
19 throw away this law without a judicial decision, or a change of the
20 law by the Washington State legislature. Ask them if TLC and Norm Maleng's opinions are
21 enough authority to disregard Washington State law. At the very least
22 get both sides of the story. If you have listened to the TLC/NM viewpoint, then give Dick
23 Welsh a call and listen to the man who helped author that law.
24

25 Sometimes it is simplest to read the law yourself. Here is that law.
26

27 RCW 64.04.180 Railroad properties as public utility and transportation corridors--Declaration
28 of availability for public use--Acquisition of reversionary interest.
29 Railroad properties, including but not limited to rights-of-way, land held in fee and used for
30 railroad operations, bridges, tunnels, and other facilities, are declared to
31 be suitable for public use upon cessation of railroad operations on the properties. It is in the
32 public interest of the state of Washington that such properties retain
33 their character as public utility and transportation corridors, and that they may be made
34 available for public uses including highways, other forms of mass
35 transportation, conservation, energy production or transmission, or recreation. Nothing in this
36 section or in RCW 64.04.190 authorizes a public agency or utility to
37 acquire reversionary interests in public utility and transportation corridors without payment of
38 just compensation. [1988 c 16 § 1; 1984 c 143 § 22.]
39

1 The concept that the federal railbanking law throws out the Constitution of the State of
2 Washington, or keeps King County from taking responsibility for its actions
3 under this law, is ridiculous. "The Commission's actions may delay property owners'
4 enjoyment of their reversionary interests, but that delay burdens and defeats the
5 property interest rather than suspends or defers the vesting of those property rights. [] Any
6 other conclusion would convert the ICC's power to pre-empt conflicting
7 state regulation of interstate commerce into the power to pre-empt the rights guaranteed by
8 state property law, a result incompatible with the Fifth Amendment."
9 That statement is by Justice Sandra Day O'Connor in the U.S. Supreme Court Preseault
10 decision in 1990. (PRESEALT v. ICC, 494 U.S. 1 (1990) She is saying
11 that railbanking does not have the power to pre-empt state property law, if I understand it
12 correctly. RCW 64.04.180 is Washington State property law. If the
13 County doesn't like this law, it can challenge it in court or try to get it changed in the
14 legislature; it cannot simply ignore it. But, that's what the County is doing with
15 its actions against the landowners along the ELST. If Norm Maleng believes that railbanking
16 throws out Washington State property law, perhaps he should give
17 Judge O'Connor a call and straighten her out on this issue.
18

19 **A perspective of why such an ugly conflict exists between the County and the landowners:**
20

21 A political system runs on compromise, and I believe most of the landowners along Lake
22 Sammamish have been willing from the start to compromise and make the
23 trail happen. I have repeatedly stated I favor a trail, and my willingness to negotiate. The
24 problem is a rigid, no-compromise position from the County, stemming
25 from its fraudulent activity with TLC and BNSF, I believe. It appears the County Prosecutor's
26 office and TLC certified a fee simple donation from BNSF and all
27 the individuals involved will likely go to prison, if justice be served. Since the Prosecutor
28 seems to be running the show with this project, the rigid County position
29 comes from his office. If we're to compromise and make the trail happen in cooperation with
30 the County, the County must first recognize our fee simple ownership,
31 and admit that the County's actions in establishing the trail has triggered the taking of our land.
32 The Prosecutor cannot allow the truth to be told about either of these
33 facts. Recognizing our ownership could put Norm Maleng in prison, as I explained above.
34 Admitting the County's actions caused our land to be taken makes the
35 County liable under RCW 64.04.180. The County would have to compensate the reversionary
36 landowners as much as \$50 million, and then negotiate with the
37 Federal Government to establish the respective liabilities. It is the County that is in a no-
38 compromise position, not the adjacent landowners.
39

40 **Where I'm coming from:**

1
2 Perhaps if I tell you a little about myself, you'll understand why I have to take this stand. My
3 family moved to Washington in 1891. We have contributed to the
4 development of this State for over one hundred years. The bridge across the Yakima River into
5 Richland is named after my great grandparents, the Bremmers. The
6 road in front of the family farm in West Richland is named after my grandparents, John and
7 Clara Weidle. My first name is John in honor of that man. Many of the
8 exhibits in the Benton County Historical Museum are from the farm home where I grew up.
9

10 After high school, I was appointed to the U.S. Naval Academy by Catherine May, a longtime
11 member of the U.S. House of Representatives. I graduated in 1967
12 and served as a Naval Officer for twelve years. The freedoms that I served to protect as a
13 member of our armed services are now being taken from me by the
14 criminal actions of King County.
15

16 In the hundred years since my family moved here, we have had honest government in this
17 State. In the name of my family, I have a responsibility to see that the
18 tradition is carried on to my sons.
19

20 **What I ask from you.**
21

22 Indicate to me that you will stand up for my rights before King County government and give
23 me a timetable for that representation.
24

25 Look at the evidence I've presented and call for criminal investigation and prosecution if
26 appropriate. If Norm Maleng has acted criminally, call for his dismissal,
27 disbarment, and prosecution for federal tax fraud.
28

29 Demand a full accounting of the over \$4 million of taxpayer's money showered on TLC. If
30 they refuse, call for the County to cut off all dealings with that
31 organization and press for prosecution.
32

33 If the County has defrauded the reversionary landowners, call for additional public meetings on
34 the trail to educate the public to the truth of that issue.
35

36 Ask that my questions for the last fifteen months be answered in writing, and signed by an
37 official that legally represents King County. A copy of those fifteen
38 months of letters is listed as reference below.
39

40 **What I'll do:**

1
2 If the County provides a valid claim to me that needs to be settled in court, I am willing to
3 settle those questions in that manner.
4

5 If nothing happens from this letter, I'll give 72 hours notice to everyone I've ever written over
6 the last fifteen months and then meet any trespassers on my property
7 with a loaded shotgun. I will demand they prove to me their right to be there, or I will use
8 whatever force is necessary to remove them. I will not allow the County
9 to steal my property by adverse possession, fraud and direct violation of the laws and
10 Constitution of the State of Washington.
11

12 David, I'll be out of town until Friday night and then home for the weekend and most of next
13 week. If you wish to talk, please call anytime.
14

15 Sincerely,

16 John

17 John Rasmussen
18
19
20
21

22 **Reference: Fifteen months of unanswered letters**

23
24
25 *(Same letters listed here as in July 4th, 2000 letter to Irons)*
26

27

Next Letter is Sims letter 8-24-00 in separate folder.
28