

Declaration of John Rasmussen
April 9, 2001

Exhibit 2:

John Couch ELST Progress Report 1-13-97 (Altered and Unaltered versions)

This exhibit contains two versions of an ELST progress report by Mr. John Couch, Director of Parks and Recreation of the City of Redmond, made to the mayor, council, park board, and trails committee of the City of Redmond. The title is "East Lake Sammamish Trail Progress Report" and is dated January 13, 1997. The one page report, with two-page attachment, was handed out at a public trails meeting for Redmond later in the month. The two-page attachment to the report is a daft copy of an explanation of ELST trail issues provided by King County.

One of my neighbors got a copy of the report, with attachment, the day after the meeting directly from the City of Redmond. Another neighbor obtained the same report, with attachment, from King County through the Freedom of Information Act. By chance, they compared the reports and found that an important paragraph was missing from the copy provided by the county. That paragraph was on the bottom of the second page of the attachment. (third page of the three-page handout) The paragraph stated: "Currently we believe the Railroad owns one 1500 lineal foot section of the trail. This Section will be identified on a presentation map that is available for today's discussion. The rest of the route is held by the Railroad in a right of way easement."

A number of months after this report, King County began claiming it owned all the land under the right of way. 1,500 feet of the right of way would be only 2.3%, yet a few months later the county began claiming 100%. This becomes suspicious because King County accepted what appears to be a \$40 million phony donation of the land from BNSF about the time the county changed its mind and began to claim 100% ownership. The implication for me is that the county began claiming 100% ownership because it would be admitting to federal tax fraud if it continued to claim 2% ownership at the same time it accepted a phony donation based on 100% ownership.

The first three pages of this exhibit are copies of the document received from the City of Redmond with the paragraph *displayed*. The last three pages of this exhibit are copies of the document obtained from King County with the paragraph *removed*.

I declare the above to be true under penalty of perjury. *John* O. Rasmussen April 9, 2001



THE CITY OF REDMOND
PARKS AND RECREATION DEPARTMENT

MEMO TO: Mayor Ives
City Council
Park Board
Trails Committee

FROM: John Couch, Director of Parks and Recreation

DATE: January 13, 1997

SUBJECT: *East Lake Sammamish Trail Progress Report*

- * On June 18, 1996, Redmond City Council passed a Resolution supporting King County's acquisition of the railroad corridor.
- * On October 21, 1996, Issaquah City Council passed a Resolution supporting King County's acquisition of the railroad corridor.
- * On November 21, 1996, King County Utilities and Natural Resources Committee (seven members) voted to recommend allocating funds to acquire the railroad corridor.
- * On November 25, 1996, the King County Council unanimously approved \$1.52 million for the project. Of the funding allocated, \$1.17 million is to come from King County Transit Division of the Department of Transportation. The remaining \$350,000 is allocated from King County's Real Estate Excise Tax. Additionally, King County allocated \$150,000 for master planning of which \$100,000 comes from King County Roads Division and \$50,000 from King County Parks.

Railbanking, the Acquisition Process:

- * King County has notified the Surface Transportation Board and Burlington Northern Santa Fe Railroad of King County's willingness to assume management of the rail right-of-way.
- * Burlington Northern has not yet applied to the Surface Transportation Board for abandonment authorization.
- * Attached is a draft King County explanation of the acquisition, planning and development issues.

For additional information contact Tom Eksten, 296-7808, with the King County Office of Open Space or Linda Gorremans, 556-2328, Redmond Parks.

EAST LAKE SAMMAMISH TRAIL ISSUES

ACQUISITION PROCESS

The course of action that King County is pursuing to acquire use of this right-of-way is termed railbanking. It is a process entered into by the railroad on a voluntary basis and is briefly outlined here. A more extensive legal briefing paper explaining railbanking is attached.

Railbanking:

- Burlington Northern Santa Fe Railroad (BN) applies to the Surface Transportation Board (STB) for abandonment authorization for this line
- King County notifies the STB and BN of its willingness to assume management of the right-of-way within 30 days of the Notice of Application by BN
- If BN agrees to enter into the railbanking process, the STB stays the abandonment and allows a period of time (usually 180 days, which can have subsequent extensions) for BN and King County to negotiate an agreement and purchase price
- King County and BN notify the STB that an agreement has been reached and the STB issues a Notice of Interim Trail Use
- King County then owns and operates the right-of-way until rail use is re-established

Estimated Acquisition Cost: Current estimates range from \$3 million to \$5 million. The Executive's proposed 1997 budget includes \$1.5 million for a first phase payment.

PLANNING PROCESS

- Establish a citizen advisory committee; create a process for involvement by the cities of Issaquah and Redmond; formulate the public involvement process
- Develop the Program Plan, i.e., the initial description of the type and level of development appropriate and needed for this right-of-way
- Select a design consultant through the normal County selection process
- Consultant and appropriate agency staff conduct a site inventory and analysis
- The consultant will develop alternative site plans to be reviewed by the committee, and city and county staffs. Public presentations are also included. A preferred plan is then selected
- A Draft Plan with text and drawings is then developed, reviewed, and approved by agencies and citizen committee
- A Final Plan is then prepared and approved by the same process as the draft plan
- Council reviews, amends as appropriate, and adopts the Master Plan

DEVELOPMENT PROCESS

A consultant is selected using the standard county process. They will take the design elements from the Master Plan and create construction drawings in the process outlined below. Depending on the level of detail in the Plan, some of the early steps that follow may already have been accomplished in the Master Plan process.

- Develop Schematic Plans showing suggested design solutions to the elements in the Plan. These are then reviewed by the agencies, committees, and at public meetings
- Develop Design Development Drawings that show more detail and call out materials and costs which are then reviewed by county staff. Any permits necessary are applied for after this point.
- Construction drawings which call out all materials and include a text of specifications and final drawings. These are reviewed by county agencies.
- Project goes to bid then construction
- Construction Costs: \$3 million to \$4 million including mitigation costs of a trail all in the right-of-way.

OTHER POLICY ISSUES

- Trail Routing Alternatives - During the planning and design processes, all forms of design and routing solutions will be explored. They may include various fencing designs, landscape screening, rerouting within the right-of-way, and feasible alternatives outside of the right-of-way. The full range of options will be better known during the planning and design process, but that range will be explored and a course chosen in the public forum of the planning process and be reviewed by all involved public agencies. No actual trail development will take place until the planning process is completed and the master plan is adopted.
- East Lake Sammamish Parkway Improvements - The King County Department of Transportation reports that it has installed paved shoulders on this roadway in recent years for bicycle and pedestrian use. Continually increasing traffic volumes and speeds make this facility decreasingly viable for the number of users due to the lack of safety. They also report that these facilities are not intended to serve the number and diversity of potential users experienced on the regional trail system.
- Currently we believe the Railroad owns one 1500 lineal foot section of the trail. This section will be identified on a presentation map that is available for today's discussion. The rest of the route is held by the Railroad in a right of way easement.



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