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KING COUNTY  
SUPERIOR COURT CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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5 WILBUR H. LAWSON, et ux,  
6 et al.,

7 Plaintiffs,

8 vs.

9 THE STATE OF WASHINGTON,  
10 et al.,

11 Defendants.

12 DONALD M. WRIGHT, et ux,

13 Plaintiffs,

14 v.

15 THE STATE OF WASHINGTON,  
16 et al.,

17 Defendants.

18 STATE OF WASHINGTON )  
19 COUNTY OF KING ) ss.

20 RICHARD WELSH, being first duly sworn, on oath  
21 deposes and says:

22 1. I am the owner of certain residential property  
23 on East Lake Sammamish. The Burlington Northern  
24 right-of-way bisects my property, separating my home from  
25 its waterfront access.

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AFFIDAVIT OF RICHARD WELSH  
PAGE 1

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2. I am extremely familiar with the right-of-way Deeds originally granted by the predecessors of the plaintiffs in this suit to the Seattle Lakeshore and Eastern Railway Company in the 1880's. I have spent countless hours at the King County Administration Building researching chains of title and reviewing the original right-of-way Deeds. Attached as Exhibit No. 1 to this affidavit is a transcript I have prepared of the right-of-way Deed granted by M. Barquist on May 10, 1887. M. Barquist is the predecessor in title of the plaintiffs Mary and Wilbur H. Lawson. Attached as Exhibit No. 2 is a transcript I have prepared of the right-of-way Deed from Puget Mill Company dated May 25, 1887. Puget Mill Company is the predecessor of the plaintiff Plywood Supply, Inc.

3. I have participated in the comment process, and have at all times applicable been on the mailing list for matters arising out of the Burlington Northern Petition for Abandonment before the Interstate Commerce Commission under Docket No. AB-6 (Sub. No. 242). Attached as Exhibits 3 and 4 to this affidavit are the following items which were presented to or published by the ICC in this matter:

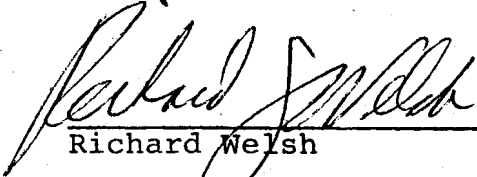
Exhibit 3: Exhibit G to the verified statement of King County dated February, 1985 in support of the Burlington Northern abandonment.

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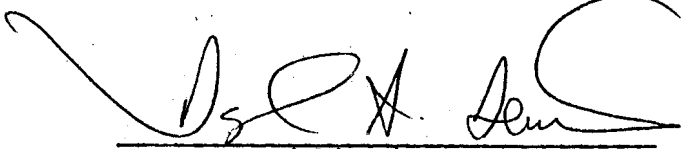
Exhibit 4: Page 4 of the decision of the ICC dated June 14, 1985, approving the abandonment.

4. Attached as Exhibit No. 5 is a letter I received from the ICC dated November 13, 1981, in response to certain questions I had regarding abandonment proceedings.

DATED this 9<sup>th</sup> day of July, 1985.

  
Richard Welsh

SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of July, 1985.

  
Notary Public in and for the State of Washington, residing at Bellave.

M. Barquist

To

Right-of-Way Deed

S.L.S. and E. Ry. Co.

In consideration of the benefits and advantages to accrue to me from the location, construction, and operation of the Seattle, Lake Shore and Eastern Railway, in the county of King, in Washington Territory, I do hereby donate, grant and convey unto said Seattle, Lake Shore and Eastern railway Company a right-of-way one hundred(100) feet in width through my lands in said county, described as follows, to wit:

Southwest one fourth(S.W.1/4) of Section Seven(7) Township twneety-six(26), Range five(5) East.

Such right-of-way strip to be fifty(50) feet in width on each side of the center line of the railway tracks as located across my said lands by the Engineer of said Railway Company, which location is described as follows, to wit: Beginning at a point 505 feet South from 1/4 Section corner on west boundary of Section 7, Township 26, North, Range 5 East and running thence South 65 degrees and 6 minutes East 583 feet, thence with a 4 degree curve to the left for 541.2 feet, thence South 86 degrees and 45 minutes East 811.8 feet, thence with a 5 degree curve to the right for 618.3 feet, thence South 55 degrees and 50 minutes East 200 feet, to a point 1390 feet North from 1/4 Section corner, on South boundary of said Section 7. And the said Seattle, Lake Shore and Eastern Railway Company shall have the right to go upon the land adjacent to said line for a distance of two hundred(200) feet on each side thereof and cut down all trees dangerous to the operation of said road. To Have and to Hold the said premises, with the appurtenances, unto the said party of the second part, and to its successors and assigns forever. Said Railway company agrees to furnish said grantor good

(continued on page 214)

and sufficient crossings on said above described premises, not to exceed three in number. In Witness Whereof, the party of the first part has hereunto set his hand and seal this 10th day of May, A.D. 1887.

Signed, Sealed and Delivered in the presence of

B.J. Tallman  
T.N. Haller

M. Barquist

~~~~~  
seal  
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Puget Mill Co.  
(now Pope and Talbot)

to

Right-of-Way Deed

Seattle Lake Shore and E Ry. Co.

This indenture made this 25th day of May AD 1887 between the Puget Mill Company a body corporate under the laws of the State of California and doing business in the Territory of Washington the party of the first part, and the Seattle Lake Shore and Eastern Railway Company a body corporate under the laws of Washington Territory the party of the second part. Witnesseth that said party of the first part for and in consideration of the sum of one dollar lawful money of the United States in hand paid by the said party of the second part the receipt where of is hereby acknowledged and in further consideration of the benefits and advantages to accrue to said party of the first part from the location construction and operation of the Seattle Lake Shore and Eastern Railway in the County of King in Washington Territory do by these presents grant bargain and convey and confirm onto said party of the second part and to its successors and assigns a right-of-way fifty(50) feet in width through lands in said King County described as follows to wit:

Lot three(3) in Section ten(10) township twenty-six(26) North of Range four(4) East, Lots five(5) six(6) seven(7) and eight(8) in section twelve(12) township twenty-six(26) north of range four(4) east, and lots three(3) and four(4) in section eleven(11) township twenty-six(26) North of Range four(4) East. Such right-of-way strip to be twenty-five(25) feet in width on each side of the center line of the railway tracks as now located across said lands by the Engineer of said Railway Company, which location is described as follows to wit: Commencing 2040 feet East of the South West corner of Section ten(10) Township twenty-six(26) North Range four(4) East thence north 18 degrees 49 minutes East 740 feet thence on a 6 degree curve to the right 656 feet thence North 58 degrees 13 minutes East 200 feet to the North boundary of said lot three in section ten, 1520 feet East of the Northwest corner of lot three in section ten township 26 North of Range 4 East. Also commencing at a point 1740 feet South of the Northwest corner of section twelve in township twenty-six North of Range 4 East thence South eighty-one degrees and thirty-seven minutes East 3280 feet thence on a three degree to the right 690 feet thence South fifty-seven degrees and forty-one minutes East 1700 feet to the East boundary of section twelve township twenty-six North R. 4 E. at a point 900 feet South of the quarter corner, and commencing at a point 2030 feet South of the Northwest corner of section eleven township twenty-six (26) North Range 4 East thence on a seven(7) degree curve to the right in an easterly direction 140 feet (continued on page 539) thence North seventy-five(75) degrees and two(2) minutes East 869 feet thence on a six(6) degree curve to the right 570 feet thence South seventy-six(76) degrees and forty-seven(47) minutes east 286 feet thence on a seven(7) degree curve to the left 442 feet

thence North seventy-two (72) degrees and eighteen minutes (18) East 245 feet thence on a four (4) degree curve to the right 272 feet to the East boundary of said lot three 1680 feet South of the quarter post between sections tow (2) and eleven (11) township twenty-six (26) North of range 4 East. And this right-of-way is granted under the following conditions to wit: That of the above described right-of-way passes through any canyon, pass, or defile said Railway Company shall not prevent any other Railway Company from the use and occupancy of such canyon, pass, or defile for the purposes of its road in common with said Seattle Lake Shore and Eastern Railway or the crossing of other Railroads at grade provided however that no other Railway Company shall have any right in common use or any use of the tracks of the said Seattle Lake Shore and Eastern Railway or interfere with or obstruct the operation of said Seattle lake Shore and Eastern Railway. That where said aprty of the first part has timber lands in the vicinity of the above described right-of-way and shall desire to ship timber or lumber therefrom by said railway, the said Seattle Lake Shore and Eastern Railway Company shall offer every reasonable facility therefor and shall furnish side tracks along said railway line whereon cars may be loaded, such side tracks to be of sufficient extent to accommodate four cars at a time. In case said party of the first part should at any time desire to ship any timber or lumber by water and to do so it became necessary in the judgement of the said party of the first part to haul or transport logs or other timber across the above described right-of-way, or the track of said Company that may be laid thereon, the the said party of the first part expressly reserves the right to go upon said right-of-way for that purpose, not interfering with the running or operation of said Railway and in such case the said Railway Company upon thirty days notice from said party of the first part shall make or caused to be made at it own expense a suitable passage for logs or timber under said Railway track on said right-of-way. And the said party of the first part hereby expressly reserves to itself its successors and assigns all riparian rights and all rights as waterfront proprietors along the shore of said Lake Washington subject to the right-of-way herein granted. To have and to hold said premises with the appurtenances unto the said party of the second part and to its successors and assigns forever. In Witness whereof the Said Puget Mill Company has caused its corporate seal to be affixed hereto and these presents to be signed, executed, acknowledged, and delivered in its name and behalf of its President and Secretary this 25th day of may A.D. 1887.

Signed, Sealed, and delivered in presence  
of W.n. Kempton, Jno Craig

Puget Mill Company  
C.F.A. Talbot, Pres.  
and A.P. Talbot. Sec.