

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

BEFORE THE HEARING EXAMINER OF THE CITY OF MERCER ISLAND

In Re The Appeal of:

CENTRAL PUGET SOUND TRANSIT  
AUTHORITY,

Petitioner,

v.

CITY OF MERCER ISLAND,

Respondent.

No. APL21-001

CITY OF MERCER ISLAND’S FILE  
PRODUCED UNDER HEARING  
EXAMINER RULE 224

The City of Mercer Island submits the following exhibits in the above-referenced matter, currently set for hearing on March 16, 2021:

<b>Exhibit No.</b>	<b>Description</b>	<b>Date</b>
1	Decision by City on ROW permit	12/22/2020
2	Appeal filed by Sound Transit	01/05/2021
3	Full Set of Final Plans	Submitted 12/11/2021
4	Permit Applications Filed by Sound Transit	10/19/2020, 10/20/2020, 10/21/2020
5	Completeness Review Status emails	10/28/2020, 11/12/2020, 11/25/2020

<b>Exhibit No.</b>	<b>Description</b>	<b>Date</b>
6	Requests for Plan Corrections	12/04/2020, 12/17/2020
7	Emails and attachment regarding ROW Deed	06/08/2020, 07/09/2020, 10/21/2020, 10/22/2020, 10/28/2020, 11/04/2020
8	The 60 Percent Plans - City Comments and Sound Transit Responses	Received 04/22/2020
9	The 90 Percent Plans - City Comments and Sound Transit Responses	Received 09/18/2020
10	Letter from Pat Schneider to Bio Park	10/20/2020
11	Letter from Bio Park to Pat Schneider	11/05/2020
12	Email from City with invoice	12/28/2020
13	Email from City with Excel spreadsheet – permitting matrix	12/28/2020
14	Email from City with Excel spreadsheet – fee itemization	12/30/2020
15	Email exchange H. Mercer and M. Below regarding building permits and tree permits	12/23/2020 - 01/05/2021
16	Email exchange City staff and M. Below regarding valuation	10/18/2020 – 10/20/2020
17	Email exchange M. Below and City staff regarding storm water vault deferral	11/13/2020 – 11/20/2020
18	Email regarding storm water vault as public facility	08/07/2020
19	Stipulated Judgment and Decree of Appropriation, tax parcel number 531510-1838	01/11/2021
20	Notice of Deposit, tax parcel number 5531510-1838	12/31/2020
21	Woo deed to Sound Transit, King County recording number 20210208001399, tax parcel number 531510-1837-04	02/08/2021
22	Declaration of Public Notice	02/12/2021
23	Email regarding Transit Interchange Permits	07/07/2020 – 09/23/2020
24	Mercer Island Zoning Map	11/29/2018

///

///

1 The City reserves the right to seek admission of rebuttal exhibits after review of the  
2 Appellant's exhibits. The City further reserves the right to utilize documents identified by  
3 Appellant, and to rely on and elicit testimony concerning any provision of the Revised Code  
4 of Washington, Washington Administrative Code, or Mercer Island City Code.

5 DATED this 3rd day of March, 2021.

6 MADRONA LAW GROUP, PLLC

7  
8 By: /s/ Kim Adams Pratt  
9 Kim Adams Pratt, WSBA No. 19798  
10 Eileen M. Keiffer, WSBA No. 51598  
11 14205 SE 36<sup>th</sup> Street  
12 Suite 100, PMB 440  
13 Bellevue, WA 98006  
14 Telephone: (425) 201-5111  
15 Email: [kim@madronalaw.com](mailto:kim@madronalaw.com)  
16 [eileen@madronalaw.com](mailto:eileen@madronalaw.com)

17  
18 **CITY OF MERCER ISLAND**  
19 **OFFICE OF THE CITY ATTORNEY**

20  
21 By: /s/ Bio Park  
22 Bio Park, WSBA No. 36994  
23 9611 SE 36<sup>th</sup> Street  
24 Mercer Island, WA 98040  
25 Telephone: (206) 275-7652  
26 Email: [bio.park@mercerisland.gov](mailto:bio.park@mercerisland.gov)

*Attorneys for the City of Mercer Island*

1 **DECLARATION OF SERVICE**

2 I, Tori Harris, declare and state:

3 1. I am a citizen of the State of Washington, over the age of eighteen years, not a party  
4 to this action, and competent to be a witness herein.

5 2. On the 2nd day of March, 2021, I served a true copy of the foregoing City of  
6 Mercer Island’s File Produced Under Hearing Examiner Rule 224 on the following counsel  
7 of record using the method of service indicated below:

<p>8 Stephen G. Sheehy, WSBA No. 13304 9 Sound Transit / Legal Department 10 401 South Jackson Street 11 Seattle, WA 98104-2826 12 Co-Counsel for Petitioner</p>	<p><input type="checkbox"/> First Class, U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail: <a href="mailto:stephen.sheehy@soundtransit.org">stephen.sheehy@soundtransit.org</a> <input type="checkbox"/> EService pursuant to LGR</p>
<p>13 Patrick J. Schneider, WSBA No. 11957 14 Steven J. Gillespie, WSBA No. 39538 15 Michelle Rusk, WSBA No. 52826 16 Foster Garvey PLLC 17 1111 Third Avenue, Suite 3000 18 Seattle, WA 98101 19 Co-Counsel for Petitioner</p>	<p><input type="checkbox"/> First Class, U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail: <a href="mailto:pat.schneider@foster.com">pat.schneider@foster.com</a> <a href="mailto:steve.gillespie@foster.com">steve.gillespie@foster.com</a> <a href="mailto:michelle.rusk@foster.com">michelle.rusk@foster.com</a> <input type="checkbox"/> EService pursuant to LGR</p>

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

22 DATED this 2nd day of March, 2021, at Seattle, Washington.

23 **MADRONA LAW GROUP, PLLC**

24 

25 Tori Harris