

## APPENDIX 1

### Revised Condition XIII.B. Conveyance of ROW

ROW permit application number 2010-186 includes use of real property that is not City rights-of-way. Specifically, King County tax lot 531510-1837 (referred to as Lot B during the hearing) and tax lot 531510-1838 (referred to as Lot A during the hearing) located north of North Mercer Way are included in the Rights-of-way permit application for construction of portions of the roundabout, sidewalk, retaining wall, stormwater vault and other improvements (the “Improvements”) and are zoned residential. See e.g., Exhibit 3 plan sheets E07-CRP001, E07-CDP001, E07-UCP001, E07-CMPP001, E07-CLP001, E07-SWP001, E07-LHPP001, and E07-LPP001. Real property must be City rights-of-way to be included in a Rights-of-way permit. MICC 19.09.060.

Construction of the stormwater vault and its appurtenances require a conditional use permit under MICC 19.02.010(C)(1) if they are constructed on residentially zoned property. The applicant has not applied for a conditional use permit. Therefore, Rights-of-way permit 2010-186 is conditioned on the following:

- 1) Prior to any activity for construction of the Improvements on Lot A or Lot B, Sound Transit shall obtain the City’s acceptance of a conveyance by deed for rights-of-way purposes for Lot B and the southeast portion of Lot A that includes a pipe for the stormwater vault as shown on Exhibit 3 at 33.
- 2) For the remaining Improvements to be constructed on Lot A, prior to construction of said Improvements, Sound Transit shall either a) convey by deed for rights-of-way purposes the portion of Lot A depicted on Exhibit 1015 with only “Green hatch” markings, or b) notify the City that the conveyance described in a) will not take place until completion of construction and the matter shall be remanded to the City to issuance of appropriate permits for these remaining Improvements.

### Additional Conditions

Water Meter. Irrigation improvements included in the portion of Lot A depicted on Exhibit 1015 with “Magenta hatch” shall be constructed with a water meter separate from the City’s existing water meter.

Staging. Sound Transit may use for construction staging purposes any portion of Lot A and Lot B that Sound Transit will have conveyed to the City prior to start of construction. Sound Transit is authorized to maintain “satisfactory continuing control” of these areas on Lot A and Lot B until completion of construction as if it were the fee title owner of the real property.