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FEDERAL WAY LINK EXTENSION

AE 0044-12 WP 3.S  
Phase I Environmental Site  
Assessment  
FL207 Draft 3

Tax Parcel 2500600465



CENTRAL PUGET SOUND  
REGIONAL TRANSIT AUTHORITY

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## RECORD OF REVISIONS



## RECORD OF REVISIONS TO FEDERAL WAY LINK EXTENSION, PHASE 3 QUALITY MANAGEMENT PLAN

[illegible]

# Acronyms and Abbreviations

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AAI – All Appropriate Inquiries

ALLSITES – Washington State Department of Ecology Facility/Site Identification System Listing

AST – Aboveground Storage Tank

ASTM – ASTM International

BETX – Gasoline and benzene, ethylbenzene, toluene, and xylenes

bgs – below ground surface

CDL – Clandestine Drug Labs

CERCLA – Comprehensive Environmental Response, Compensation and Liability Act

CERCLIS – Comprehensive Environmental Response, Compensation, and Liability Information System

CREC – Controlled REC

CSCSL – Confirmed and Suspected Contaminated Sites List

Ecology – Washington State Department of Ecology

EDR – Environmental Data Resources

EPA – U.S. Environmental Protection Agency

ESA – Environmental Site Assessment

FEIS – Final Environmental Impact Statement

FINDS – Federal Records Facility Index System/Facility Registry System

FWLE – Federal Way Link Extension

FWTC – Federal Way Transit Center

HAZWOPER – Hazardous Waste Operations and Emergency Response

HMIRS – Hazardous Materials Information Reporting System

HREC – Historical Recognized Environmental Condition

HSL – Hazardous Sites List

ICIS – Integrated Compliance Information System

ICR – Independent Cleanup Report

KCHD – King County Health Department

LG – Licensed Geologist

LUST – Leaking Underground Storage Tank

MTCA – Model Toxics Control Act

NAVD 88 – North American Vertical Datum of 1988  
NFA – No Further Action  
NPDES – National Pollutant Discharge Elimination System  
NPL – National Priorities List  
ORC – Oxygen Release Compound  
PAH – polycyclic aromatic hydrocarbons  
PCBs – polychlorinated biphenyls  
PCS – petroleum contaminated soil  
PE – Professional Engineer  
ppm – parts per million  
PRC – Property Record Card  
RCRA – Resource Conservation and Recovery Act  
REC – Recognized Environmental Condition  
SVE – soil vapor extraction  
TCE – Temporary Construction Easement  
US CDL – National Clandestine Laboratory Register  
USGS – United States Geological Survey  
UST – Underground Storage Tank  
VCP – Voluntary Cleanup Program

# EXECUTIVE SUMMARY

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This report summarizes the results of the All Appropriate Inquiries (AAI) Phase I Environmental Site Assessment (ESA) of the property at 23418 Pacific Highway South in Kent, Washington, King County Tax Parcel 2500600465, identified by the Central Puget Sound Regional Transit Authority (Sound Transit) as Federal Way parcel FL207. The subject property is currently owned by Muscatel Midway Properties, LLC. The property is currently developed with a multi-tenant retail building that was constructed in 1962. A dry cleaner operated in the building for possibly as long as 40 years. The building was originally 28,370 square feet, however, the western portions of the building were damaged by a fire in November 2016 and were demolished in late 2017. The building is currently being renovated and is vacant. Prior to 1962, a single-family residence and a service station were located in the southwest margin of the property back to at least the 1930s.

Based on current design information for the Federal Way Link Extension (FWLE) project (HDR, provided in December 2017), Sound Transit plans to acquire a strip of property adjacent to the eastern property boundary next to 30<sup>th</sup> Avenue South (eastern partial take) and a small area at the southwest corner of the property (southwest partial take). A guideway easement is proposed west of the eastern partial take (Figure 2) and temporary construction easements (TCE) are proposed west and north of the guideway easement and along the southern and western property boundaries. Based on preliminary design information for the project as of December 2017, Sound Transit's proposed construction and development on the property includes new utilities and sidewalks, the elevated guideway structure and tracks. Proposed uses of the TCE other than storage and temporary access are not defined at this time. Proposed construction and development activities by Sound Transit could change as project design is refined.

This assessment has revealed no evidence of Recognized Environmental Conditions (RECs<sup>1</sup>) in connection with the subject property, with the exception of the following:

- **Property-Specific Condition/Former Service Station.** A gasoline service station with possible auto repair apparently operated in the southwest corner of the subject property in the 1930s and 1940s. The historical resources reviewed revealed no records pertaining to fuel underground storage tank (UST) removals. The service station also may have used a heating oil tank. The service station garage may have been connected to a septic system. The prior service station represents a REC for the subject property. The risk of soil, groundwater or soil vapor impacts of regulatory significance at the subject property from the former service station is considered low based on its limited years of operation only in the 1930s and 1940s with the property having been redeveloped for more than 50

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<sup>1</sup> Recognized environmental conditions (RECs) are defined in ASTM E 1527-13 as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property; (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions."

years since that time, the lack of identified petroleum-related impacts to soil based on a recent focused subsurface investigation by others (see Section 2.2), and a limited geophysics investigation using electromagnetics (EM) that did not report a finding of undocumented USTs. The Phase II ESA data gap that remains following the recent focused subsurface investigation is the recommendation for environmental soil sampling in the southwest margin of the property to cover the full footprint of the former service station. This data gap would need to be filled to confirm that there are no soil impacts of regulatory significance likely to affect Sound Transit's acquisition or construction activities.

- The prior service station was near or within the southwest partial take and southwest TCE, and therefore represents a REC for those areas. The risk of service station-related impacts of regulatory significance in these areas is considered low for the reasons stated above. However, uncertainty remains that could affect Sound Transit's acquisition and construction. Therefore, the recommended Phase II ESA data gaps investigation should include the southwest partial take and TCE. The prior service station is not considered a REC to the eastern partial take or easements in the eastern portion of the subject property, based on distance and the results of the recent focused subsurface investigation.
- **Property-Specific Condition/Former Dry Cleaner.** A dry cleaner operated in a tenant space on the subject property from possibly as early as 1970 until at least 2008. The former dry cleaner is considered a REC for the subject property. At least three different dry cleaner business names were identified in historical records for the property. Dry cleaning operations were likely to have been performed on site in our opinion because one of the dry cleaner businesses was a reported small quantity generator of hazardous waste in the 1990s. The years and long duration of dry cleaner occupancy on the subject property further suggests on-site dry cleaning likely occurred at times in the past, although the property owner could not confirm past on-site dry cleaning. The risk of soil, groundwater and soil vapor impacts of regulatory significance at the property from the former dry cleaner is high given the years and duration of operation. Two soil samples from borings located northeast of the former dry cleaner tenant space were tested for dry cleaning solvents during the recent focused subsurface investigation by others. Several Phase II ESA data gaps related to the former dry cleaner remain following the recent focused subsurface investigation; specifically, soil sampling and chemical analysis for dry cleaning solvents from borings located directly beneath the former dry cleaner tenant space, to the west and south of the former dry cleaner tenant space, and along the sanitary sewer drain lines extending from the former dry cleaner space. These data gaps would need to be filled to fully assess the potential for soil, groundwater or soil vapor impacts of regulatory significance that could affect Sound Transit's acquisition or construction activities.
  - The historic dry cleaner represents a REC for the partial takes, easement and TCEs. The risk of dry cleaner-related soil, groundwater or soil vapor impacts of regulatory significance for the partial take, permanent easement and TCEs is considered high for the reasons stated above. The recommended Phase II ESA data gaps investigation would be needed to fully assess the potential for soil, groundwater or soil vapor impacts of regulatory significance that could affect



the partial takes, permanent easement and TCEs.

- **Property-Specific Condition/Petroleum-Contaminated Soil (PCS) Impacts from Southgate Oil Site.**

The south-adjacent former Southgate Oil site, a Model Toxics Control Act (MTCA) cleanup site, is considered a REC to the subject property, including the partial takes, guideway easement, and TCE areas, based on documentation that residual PCS remained at the Southgate Oil north property line (which is the subject property south property line, see Figure 2) and soil chemical analytical results from the recent focused subsurface investigation by others that identified diesel-contaminated soil in a boring situated just north of the south property boundary. Several Phase II ESA data gaps related to Southgate Oil-related petroleum contamination on the subject property remain following the recent focused subsurface investigation; specifically, the lateral and vertical extent of petroleum-contaminated soil in the southern margin of the subject property that could affect Sound Transit's acquisition and construction activities.

- Petroleum-contaminated soil from the former Southgate Oil site is considered a REC to the eastern partial take, the guideway easement and the TCEs with confirmed impacts of regulatory significance within the southern TCE at the south property line. The recommended Phase II ESA data gaps investigation should include supplemental environmental explorations, sampling and chemical analysis with borings located within or as close as possible to the eastern partial take, the guideway easement and the TCEs to evaluate PCS that could affect Sound Transit's acquisition and/or construction.

- **Property-Specific Condition/Possible Past Residential Heating Oil UST.** A former single-family residence on the subject property is suspected to possibly have used oil heat, based on the age of the structure. No information was identified during the course of this Phase I ESA to indicate whether oil was stored in an aboveground storage tank (AST) or UST or the location of an oil tank. For the purpose of the Phase I ESA conclusions at this time, we assume the residence used a heating oil UST. Use of heating oil and a possible heating oil UST is considered a REC for the subject property. The risk of heating oil-related soil and groundwater impacts of regulatory significance at the property is low given that the residence was removed and the property has been redeveloped for more than 50 years. UST assessment and decommissioning in accordance with state and local regulations and best management practices would be necessary in the future if USTs are discovered in a Sound Transit acquisition or construction area. Options to manage future construction-related risks associated with a possible past heating oil UST, and possible subsurface impacts from past releases of heating oil include: a contaminated soil and groundwater identification, handling and disposal plan for Sound Transit contractors; budgetary considerations for UST removal and handling/disposal costs for petroleum-impacted soil; and Hazardous Waste Operations and Emergency Response (HAZWOPER) requirements for workers.

- Past use of residential heating oil is considered a REC for the southwest partial take and TCE. The risk of heating oil-related soil and groundwater impacts of regulatory significance at the southwest partial take and TCE is considered low. Past use of heating oil is not considered a REC

to acquisition or easement areas in the southeastern and eastern portions of the subject property. UST assessment and decommissioning in accordance with state and local regulations and best management practices would be necessary in the future if USTs are discovered in a Sound Transit acquisition or construction area. Options to manage future construction-related risks associated with a possible past heating oil UST, and possible subsurface impacts from past releases of heating oil include: a contaminated soil and groundwater identification, handling and disposal plan for Sound Transit contractors; budgetary considerations for UST removal and handling/disposal costs for petroleum-impacted soil; and Hazardous Waste Operations and Emergency Response (HAZWOPER) requirements for workers.

- **Areawide Condition:** The subject property is within Washington State Department of Ecology's (Ecology) mapped footprint of the Tacoma Smelter Plume (area-wide contamination) where arsenic concentrations in surface/near surface soil are predicted to exceed the MTCA Method A cleanup level for unrestricted land use. Therefore, the Tacoma Smelter Plume is considered a REC for the subject property, including the partial takes, easement and TCE. The subject property falls within the area where surface soil concentrations of arsenic are expected to be in the range of 40 to 100 parts per million (ppm); the MTCA Method A cleanup level for arsenic for unrestricted land use is equivalent to 20 ppm. The risk of soil impacts of regulatory significance on the property from this identified REC is low because the property has been redeveloped and has been paved for more than 50 years. However, the possibility of arsenic and lead in surface soil on the property may require consideration during property redevelopment. Specifically, soil characterization or waste profiling may be warranted in conjunction with any future construction that would result in moving soil from the property to an off-site location.
  - The Tacoma Smelter Plume is considered a REC for the partial takes, guideway easement and TCE and the possibility of TSP-related arsenic and lead in surface soil may require consideration during property redevelopment. Specifically, soil characterization or waste profiling may be warranted in conjunction with any future construction that would result in moving soil from the property to an off-site location.
- **Off-Site Condition/No Further Action MTCA Cleanup Site.** The former Shell Oil gas station located to the west and crossgradient of the subject property is listed on regulatory databases and has a no further action (NFA) determination as of 2014. Therefore, this condition meets the ASTM International (ASTM) definition of a Historical Recognized Environmental Condition (HREC). The risk of soil, groundwater or soil vapor impacts of regulatory significance at the subject property from this adjacent property is low, given the cleanup status for the Site. If subsurface investigation completed at any off-site properties identified as potential sources of contamination, or in adjacent rights-of-way, indicates potential for contaminant migration to the subject property, then we recommend further evaluation by exploration and sampling at the subject property. Uncertainties associated with possible subsurface impacts from off-site sources also could be evaluated or reduced through waste characterization prior to construction and with requirements for contractors to prepare a contaminated soil and groundwater identification, handling and disposal plan, and to follow

applicable HAZWOPER regulations.

- The former Shell Oil gas station west of Pacific Highway South is considered a HREC to the western TCE and southwest partial take, but not to remaining acquisition or easement areas. The risk of soil, groundwater or soil vapor impacts of regulatory significance from off-site contaminant migration is considered low. Options to manage future construction-related risks associated with possible petroleum-related impacts include: a subsurface exploration and sampling program to evaluate soil and groundwater; a contaminated soil and groundwater identification, handling and disposal plan for Sound Transit contractors; budgetary considerations for handling/disposal costs for petroleum-impacted soil; and HAZWOPER requirements for workers.
- **Off-site Condition/Potential Off-site Sources of Contamination:** The following adjacent or nearby properties are considered RECs to the subject property based on proximity and the potential for past releases to have occurred and migrated to the subject property.
  - A commercial heating oil UST was used for at least 30 years on the north-adjacent property until it was closed in place in the 1980s.
  - Historic auto repair (Asia Auto Service in Figure 2) operated to the west across Pacific Highway South in the 1980s.
  - A former gas station on the property east of 30th Avenue South (Former Liberty 909 Gas Station in Figure 2) operated from the early 1970s until the early 1990s.

The risk of soil, groundwater or soil vapor impacts of regulatory significance at the subject property from the off-site potential sources is low, based lack of identified impacts in recent subsurface assessment by others and distance. If subsurface investigation completed at any of these off-site properties identified as potential sources of contamination, or in adjacent rights-of-way, indicates potential for contaminant migration to the subject property, then we recommend further evaluation by exploration and sampling at the subject property. Uncertainties associated with possible subsurface impacts from off-site sources also could be evaluated or reduced through waste characterization prior to construction and with requirements for contractors to prepare a contaminated soil and groundwater identification, handling and disposal plan, and to follow applicable HAZWOPER regulations.

- These off-site potential sources of contamination are considered RECs to the partial takes, guideway easement, and TCE with low risk of impacts of regulatory significance. Options to manage future construction-related risks associated with possible petroleum-related subsurface impacts include: a subsurface exploration and sampling program to evaluate soil and groundwater; a contaminated soil and groundwater identification, handling and disposal plan for Sound Transit contractors; budgetary considerations for handling/disposal costs for petroleum-impacted soil; and HAZWOPER requirements for workers.

On-site septic systems were likely used at the historic residence, former gas station and when the existing building was originally constructed. The septic systems create a potential pathway for releases

of hazardous substances or petroleum to impact subsurface soil and contribute to the opinion regarding RECs identified for the subject property.

The following significant data gaps were identified during the study: (1) the number and size of USTs and building details of the service station formerly located on the subject property were not identified, and (2) details regarding the specific facility layout for the former subject property dry cleaner were not identified through available research. These data gaps were considered in our opinions regarding RECs identified for the subject property.

***This Executive Summary should be used only in the context of the full report for which it is intended.***

# 1.0 Introduction

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This Phase I ESA report presents the results of the AAI evaluation of previous ownership and uses of the property at 23418 Pacific Highway South in Kent, Washington, King County Tax Parcel 2500600465 identified by Sound Transit as FWLE Parcel FL207 (“subject property”). The 2.27-acre property is currently developed with a multi-tenant retail building that was constructed in 1962. The building was originally 28,370 square feet; however, the western portions of the building were damaged by a fire in November 2016 and were demolished in late 2017. The building is currently being renovated and is vacant. The subject property is shown relative to surrounding physical features in the Vicinity Map, Figure 1. The layout of the subject property and surrounding properties is shown in the Site Plan, Figure 2.

Based on current design information for the Federal Way Link Extension (FWLE) project (HDR, provided in December 2017), Sound Transit plans to acquire a strip of property adjacent to the eastern property boundary next to 30<sup>th</sup> Avenue South (eastern partial take) and a small area at the southwest corner of the property (southwest partial take). A guideway easement is proposed west of the eastern partial take (Figure 2) and temporary construction easements (TCE) are proposed west and north of the guideway easement and along the southern and western property boundaries. Based on preliminary design information for the project as of December 2017, Sound Transit’s proposed construction and development on the property includes new utilities and sidewalks, an elevated structure for the guideway, and tracks. Proposed uses of the TCE other than storage and temporary access are not defined at this time. Proposed construction and development activities by Sound Transit could change as project design is refined.

Our study was completed at the request of Sound Transit. The results of this Phase I ESA will be used by Sound Transit as part of their evaluation of potential environmental liabilities associated with ownership of the property and future design and construction of the FWLE. This report has been prepared for the exclusive use of Sound Transit, their agents and project design team. Because this environmental report is not intended for use by others, no one else should rely on this report without first conferring with GeoEngineers.

Throughout the report, references to “the FWLE,” the “project,” the “proposed project,” “the alignment” or the “light rail corridor” refer to the preferred alternative identified by the Sound Transit Board in July 2015. The Sound Transit Board is expected to select the project to build after publication of the FEIS.

## 1.1 Project Description

Sound Transit intends to extend light rail between the cities of SeaTac and Federal Way, through the FWLE Preferred Alternative route. The Sound Transit 2 (ST2) Plan, approved by voters in 2008, included environmental study and design of this extension. This 7.8-mile extension would extend light rail south from the Angle Lake Station terminus of the Central Link system at South 200<sup>th</sup> Street in SeaTac to the

Federal Way Transit Center (FWTC) at South 317<sup>th</sup> Street. The FWLE would travel within the cities of SeaTac, Des Moines, Kent and Federal Way in King County.

Link Light Rail is currently operating between University of Washington, Seattle and Sea-Tac International Airport. In 2008 the ST2 program was approved by voters. This package added nearly 36 new miles of service to the north, south and east, to Sound Transit's initial light rail line, resulting in 55 miles of light rail open for revenue service by 2023. The ST2 program of projects includes construction of light rail from the Angle Lake Station, just south of SeaTac Airport, to Kent/Des Moines Station. ST2 funds were also programmed to provide environmental clearance and preliminary engineering design to downtown Federal Way.

In June 2016, the Sound Transit Board unanimously approved to move forward with a November 2016 ballot asking taxpayers to fund Sound Transit 3 (ST3) which was subsequently passed by the taxpayers. ST3 funds the remaining segments from Kent/Des Moines station to the FWTC. Revenue service to the FWTC Station is targeted to open by 2024.

## **1.2 Purpose and Scope**

The purpose of this Phase I ESA is to identify RECs in connection with the subject property. Our scope of services is in general accordance with ASTM Standard E 1527-13 for Phase I ESAs and the U.S. Environmental Protection Agency's (EPA's) Federal Standard 40 CFR Part 312 "Standards and Practices for All Appropriate Inquiries (AAI)," which are intended to permit a user to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner or bona fide prospective purchaser limitations on liability under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The standard outlines the practice that constitutes "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice" as defined by 42 U.S.C. §9601. These services were completed by, or under the direction of, an environmental professional as described in 40 CFR Part 312.

### **1.2.1 Authorization**

This report was prepared under the terms of the subcontract between HDR and GeoEngineers, Inc. (GeoEngineers) dated August 24, 2012, along with Amendments 1 through 11. The subcontract authorizes GeoEngineers to provide environmental services for the Sound Transit FWLE in accordance with Agreement No. RTA/AE 044-12 between HDR and Sound Transit.

## **1.3 Phase I ESA Scope of Services**

Our specific scope of services for this Phase I ESA was as follows:

1. Reviewed readily available geotechnical reports, environmental reports and/or other relevant documents pertaining to environmental conditions at the subject property.
2. Reviewed the results of a federal, state, local and tribal environmental database search provided by an outside environmental data service for listings of properties with known or suspected environmental concerns on or near the subject property within the search distances specified by

ASTM. Our database and file review search also included a review of EPA and Ecology websites for readily available information (publications and reports) concerning areawide soil and groundwater contamination on or adjacent to the subject property.

3. Reviewed regulatory agency files regarding listed properties of potential environmental concern relative to the subject property.
4. Identified a key site manager with specific knowledge of past and present property use and request that the key site manager meet a GeoEngineers' representative on site for an interview during the visual site reconnaissance and/or an interview by telephone if he or she is not available during the site reconnaissance. We also identified and interviewed others familiar with the use and history of the subject property, as available and appropriate, if current occupants were likely to use, store, treat, handle or dispose of hazardous substances now or in the past.
5. Interviewed current owners or occupants of neighboring properties as necessary to gather information or fill property use data gaps regarding the subject property.
6. Interviewed past owners and occupants of the subject property as necessary to gather information or fill property use data gaps regarding property use history.
7. Interviewed a representative of the local fire department, health department and/or Ecology as necessary to gather information or fill data gaps regarding the history of the subject property and surrounding properties relative to the likely presence of hazardous substances.
8. Reviewed historical aerial photographs, fire insurance maps, building department records, city directories, title reports, and land use and tax assessor records, as available and appropriate, to identify past development history on and adjacent to the subject property relative to the possible use, generation, storage, release or disposal of hazardous substances. We attempted to identify uses of the subject property from the present back to the time that records show no apparent structures on the subject property, back to the time that the property was first used for residential, agricultural, commercial, industrial or governmental purposes, or back to 1940, whichever is earliest.
9. Reviewed current United States Geological Survey (USGS) topographic maps to identify the physiographic setting of the subject property and provide a statement on the local geologic, soil and groundwater conditions based on our general experience and sources such as geologic maps and soil surveys.
10. Conducted a visual reconnaissance of the subject property and adjacent properties to identify visible evidence of RECs.
11. Identified the source(s) of potable water for the subject property and current heating and sewage disposal system(s) used at the subject property, if any, and their age if readily ascertainable.
12. Identified data gaps relative to the Phase I ESA study findings.

13. Provide this written summary of the Phase I ESA results and identified RECs, along with our opinion and recommendations regarding the potential for contamination by hazardous substances at the subject property and the significance of any data gaps identified.

## **1.4 Special Considerations**

Our scope of services did not include an environmental compliance audit, wetlands evaluation or an evaluation for the presence of asbestos, lead-based paint, hazardous building materials, radon, lead in drinking water or biological pollutants (e.g. mold) in existing structures, debris or in indoor air. Soil, groundwater, vapor, surface water or indoor air sampling were not part of our Phase I ESA services. We did not assess safety or hazardous materials related to fire-damaged building materials or portions of the building where demolition had occurred.

The regulatory agency database search, agency records review, site reconnaissance and/or interviews as presented in this report may have been completed more than 180 days before this report publication date. Unless noted otherwise, it is our opinion that a more current search of regulatory agency databases, review of agency records, visual reconnaissance of the site and surrounding properties, and/or interviews would not likely result in new findings that would substantively change the conclusions of this report.



## 2.0 User-Provided Information

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We received responses to a user questionnaire, a copy of which is provided in Appendix A. According to the responses from the user-provided information (title records, environmental liens or activity and use limitations; specialized knowledge; commonly known or reasonably ascertainable information; valuation reduction for environmental issues; owner, property manager, and occupant information; reason for performing the Phase I ESA), the user did not provide any specific findings that would suggest a REC or potential REC relative to the subject property.

### 2.1 Environmental Liens or Property Use Restrictions

During the course of our research and based on a review of a title report (copy provided in Appendix A), we did not find evidence of recorded environmental liens or property use restrictions (as defined by the ASTM standard) associated with the subject property.

### 2.2 Summary of Previous Reports

Our research did not identify prior environmental reports pertaining specifically to the subject property with the exception of the following recent “Focused Subsurface Investigation Report” by ECI Environmental Services (a copy of this report is provided in Appendix D):

ECI Environmental Services, December 18, 2017. Focused Subsurface Investigation Report, 23418 Pacific Highway South, Kent, Washington. Prepared for Muscatel Midway Properties LLC.

Prior environmental reports and Ecology correspondence for the southern-adjacent Southgate Oil Site reference suspect contamination migration onto the subject property; a summary of environmental reports reviewed for the Southgate Oil Site is presented in Section 3.3.1.

#### 2.2.1 December 2017 Focused Subsurface Investigation

ECI was contracted by the long-standing owner of the subject property to conduct a focused subsurface investigation on the property. ECI was provided with the following general site historical information obtained during GeoEngineers’ Phase I ESA research performed earlier in 2017: a dry cleaner was located in the on-site retail building in the past (see Sections 3.3.1 and 3.4.1), a service station had been located in the southwest corner of the property in the past (see Section 3.4.1), and prior environmental reports and Ecology correspondence for the southern-adjacent Southgate Oil Site reference suspect petroleum contamination migration onto the subject property (see Section 3.3.1). ECI’s study did not include any independent site historical research and no detailed site-specific historical information is presented in ECI’s report regarding the layout of the former on-site dry cleaner or the former on-site service station.

ECI identified three geographic areas of concern that were evaluated during their focused subsurface investigation:

- Area 1: Area in the west portion of the property believed to be formerly occupied by a gasoline service station
- Area 2: An area on the north side of the building northeast of the former dry cleaner
- Area 3: An area along the south property boundary shared with the Southgate Oil property

ECI completed direct-push borings and soil sampling analysis at each of the three areas as follows:

- Area 1: A focused geophysics investigation and six environmental borings were completed in the footprint of the now-removed west portion of the building. We note that no ECI borings were located in the southwest partial take. Soil samples from the Area 1 borings were analyzed for gasoline-, diesel-, and heavy oil-range petroleum hydrocarbons and benzene, toluene, ethylbenzene and xylenes (BTEX). Analytes were not detected in soil samples from the six Area 1 borings. The limited geophysics investigation using electromagnetics (EM) did not report a finding of undocumented USTs.
- Area 2: Two borings were completed along the north side of the building northeast of the former dry cleaner tenant space. Soil samples from these borings were analyzed for volatile organic compounds (VOCs) including dry cleaning solvents TCE and PCE. Analytes were not detected in soil samples tested from the two Area 2 borings.
- Area 3: Four borings were completed along the FL207 southern property line. Soil samples from these borings were analyzed for gasoline-, diesel-, and heavy oil-range petroleum hydrocarbons and BTEX. Analytes were not detected in soil samples from these four Area 3 borings except as follows: diesel was detected at concentration of 8,800 milligrams per kilogram (mg/kg) in a soil sample from Boring B18 at a depth of 8 feet below ground surface (bgs). The MTCA Method A cleanup level for diesel is 2,000 mg/kg. Boring B-13 was located east of the reported area of suspect residual contamination from Southgate Oil (Section 3.3.1). ECI borings completed closer to the reported area of residual Southgate Oil-related contamination were only completed to 10 feet bgs; residual Southgate Oil-related contamination was reported to be up to 16 feet bgs.

ECI recommended additional investigation to delineate the extent of soil contamination along the south subject property boundary.

### **2.2.2 FWLE Geotechnical Study**

We reviewed the corridor geotechnical study completed for Sound Transit for the FWLE alignment. Based on information presented in the geotechnical study, the subject property is generally underlain by sand and gravel glacial deposits. Geotechnical borings FWLE-D01P and FWLE-D02 were completed approximately 60 feet east and 100 feet southeast of the subject

property, respectively (Figure 2). The depth to groundwater was approximately 58 feet below ground surface (bgs) in March 2016 in a monitoring well installed in boring FWLE-D01P. Groundwater was observed approximately 78 feet bgs in FWLE-D02 during drilling in December 2016. Obvious indicators of contamination were not noted in the boring logs for FWLE-D01P and FWLE-D02.

## 3.0 Records Review

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### 3.1 Location and Setting

General information, property use(s) and environmental setting of the subject property area are summarized in Table 3-1 below. The location is shown relative to surrounding physical features in Figure 1. The current layout of the subject property and surrounding property uses are shown in Figure 2. Photographs of the subject property are shown in Figures 3 and 4.

**Table 3-1. Subject Property Information**

Topographic Map	USGS, 7.5-minute Des Moines, Washington topographic quadrangle map dated 1978.
Quarter/Quarter, Section, Township and Range	NE/SE quarter of Section 16, Township 22, Range 4, Willamette Meridian
Address	Five addresses have been associated with the multi-tenant retail building at times in the past: 23406, 23416, 23418, 23422, and 23424 Pacific Highway South, Kent, King County, Washington.
General Location	Located between Pacific Highway South and 30 <sup>th</sup> Avenue South, approximately 540 feet south of the intersection of South Kent Des Moines Road (State Route 516) and Pacific Highway South. The property is accessed from both 30 <sup>th</sup> Avenue South and Pacific Highway South.
Tax Parcel Number	King County Parcel 2500600465
Approximate Area	2.27 acres
Existing Use(s)	Multi-tenant retail building. Vacant and under renovation as of February 2018.
Geologic Setting	Vashon stage glacial till
Nearest Surface Water Bodies	Massey Creek is located approximately 860 feet to the northwest.
Approximate Surface Elevation	Approximately 395 feet near the southern boundary down to 390 feet near the northern boundary (North American Vertical Datum of 1988 [NAVD 88], sea level).
Soil and Geologic Conditions	Sand and gravel glacial deposits
Depth to Groundwater	Approximately 58 feet bgs in boring FWLE-D01P (see Figure 2).
Inferred Direction of Shallow Groundwater Flow	The inferred direction of shallow groundwater flow in the immediate vicinity is to the north, based on surface topography.

Our knowledge of the general physiographic setting, geology and groundwater occurrence in the vicinity of the subject property is based on our review of the maps listed above, and our general experience in the area.

## 3.2 Environmental Database and On-Line Records Search

GeoEngineers reviewed the results of an October 21, 2016 search of pertinent environmental regulatory lists and databases for current or previous facilities listed at addresses located within ASTM-specified distances from the subject property. The information reviewed was provided by a subcontracted regulatory list search service, Environmental Data Resources, Inc. (EDR). The EDR report is presented in Appendix B. The report includes details regarding the listed facilities identified and maps showing the approximate locations of the listed facilities relative to the subject property.

To supplement the October 2016 database search, GeoEngineers reviewed the Washington State Department of Ecology's (Ecology) online database information as of February 2018 for any Ecology database-listed sites that may have been added since the October 2016 database search. No additional Ecology-listed sites of potential concern were identified as of February 2018<sup>2</sup>.

GeoEngineers reviewed the search results for listings pertaining to the subject property. Adjacent and nearby listings within the ASTM-specified distances from the subject property were evaluated for potential impact to the subject property as explained below (Section 3.2.2). Sites included in EDR's "orphans list" (database entries that could not be mapped by EDR because of insufficient addresses) were checked for facilities possibly located within ASTM-specified distances from the subject property. Any adjacent and nearby properties identified on EDR's proprietary databases of historic dry cleaner or automotive service station sites are also discussed here or in Section 3.4.2. To supplement available database information where appropriate, we also reviewed relevant and available on-line records from EPA and Ecology websites.

### 3.2.1 Database and Regulatory Findings for the Subject Property

Subject property addresses 23416 and 23418 Pacific Highway South are identified in EDR's proprietary database of historic dry cleaners (business name listings include Kings, Aero and Jet Dry Cleaners). As noted in Section 3.4.1, while the city directory information suggests two different addresses for the historic dry cleaner, there is no corroborating information that the dry cleaner moved from one tenant space into another. The subject property address associated with the former King's Dry Cleaner (23416 Pacific Highway South) is on EPA's Resource Conservation and Recovery Act (RCRA) database.

Subject property addresses were not identified in the other regulatory databases or on EDR's proprietary database of automotive service station sites.

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<sup>2</sup> We note that Ecology's online database as of February 2018 includes only confirmed and suspected contaminated sites and did not include listings derived from interactions with other Ecology programs such as spills or USTs. More recent spill and UST sites were identified through review of recent Phase I and II ESAs for Sound Transit acquisition parcels. The potential for a newly reported (after October 2016 when the database search was performed) contaminated site to be a site of concern for this Report is therefore not considered significant.

### **3.2.2 Screening Criteria for other Listed Facilities**

Screening criteria explained below were used to screen out the listed facilities that are not likely to pose potential RECs to the subject property, and therefore, do not require further review. Database-listed sites retained by applying the screening criteria were further evaluated through review of available regulatory agency on-line records and/or hard copy files.

All adjacent listed sites were retained for additional review except for adjacent sites that are listed only on the FINDS and ALLSITES databases. The nature of these databases does not indicate use, storage, handling or releases of petroleum or other hazardous substances, and therefore, sites only on these databases are not considered be potential RECs.

Non-adjacent sites included in the EDR report only by virtue of being listed in the RCRA, AST, HMIRS, FINDS, ALLSITES, ICIS and/or NPDES databases (see list of acronyms on Page iv) were not further reviewed because these databases are not indicative of known or suspected releases at a site.

The following screening criteria were used to retain the remaining database-listed sites that pose a potential for known or suspect releases to impact the subject property based on the type of contaminant(s), media impacted (soil, groundwater, surface water or air), migration pathways, distance from the subject property or gradient:

- Subject property or adjacent properties listed on federal, state or local Clandestine Drug Labs (US CDL) and National Clandestine Laboratory Register (US HIST CDL).
- Listed on Confirmed and Suspected Contaminated Sites List (CSCSL) for metals only and within 50 feet.
- Listed UST sites within 100 feet.
- Listed on Leaking UST (LUST) for petroleum only and within 200 feet, CSCSL for petroleum only and within 200 feet, Voluntary Cleanup Program (VCP) for petroleum only and within 200 feet, Independent Cleanup Report (ICR) for petroleum only and within 200 feet, Solid Waste Landfill within 200 feet, Institutional Control Registries (Inst Control) within 200 feet and service stations within 200 feet.
- Listed on Federal, State or Tribal Equivalent databases of CERCLIS, National Priorities List (NPL), Hazardous Sites List (HSL) and CSCSL for halogenated solvents and within 2,000 feet, as well as dry cleaner sites within 2,000 feet.

Available regulatory agency on-line records and/or hard copy files were reviewed for sites meeting the screening criteria.

### **3.2.3 Database and Ecology On-line Records Findings**

The following database-listed site(s) (Table 3-2) met the screening criteria described above.

**Table 3-2. Database-Listed Facilities of Potential Concern for Contaminant Migration**

Listed Business	Listed Address	Distance from Site and Location	Type of Database	Information from Database and On-Line Agency Records	Environmental Professional Opinion Based on Database Information
Kings/Aero/Jet Dry Cleaners	23416/23418 Pacific HWY South	Subject Property	RCRA, Hist Dry Cleaner	Jet Dry Cleaners from 1970 through 1983, Aero Dry Cleaners from at least 1985 through 1995 and Kings Cleaners from 1996 through 2009. Kings Cleaners was a small quantity generator of dangerous/hazardous waste between 1995 and 1998 with no reported violations or releases.	See Section 3.3.1.
Midway Branch 1009	23250 Pacific HWY S	North-adjacent (downgradient)	UST, ALLSITES, FINDS	One UST closed-in-place in the mid-1980s. No reported releases.	See Section 3.3.1.
Southgate Oil	23428 Pacific HWY South	South-adjacent (upgradient)	RCRA, LUST, UST, CSCSL, VCP, ICR, Hist Auto	Eleven USTs of various size removed in the 1990s. Diesel confirmed in soil. Status noted as “cleanup started.”	See Section 3.3.1.
A to B Auto Rental & Towing	23410 30th AVE South	Approximately 60 feet east (crossgradient)	Hist Auto	EDR identifies A to B Auto Rental & Towing in 2010 and 2011.	Based on lack of evidence of releases identified during recent Phase II ESA study completed at this site for Sound Transit, this site is not considered a REC to the subject property.
Liberty 909 Juliette liams	23402 30th AVE South	Approximately 70 feet east (crossgradient)	UST, ALLSITES, FINDS	Three USTs removed in the 1990s. No reported releases.	See Section 3.3.1.
Shell 120956 <sup>3</sup>	23419 Pacific HWY South	Approximately 100 feet west (upgradient as discussed in Section 3.3.1.)	Hist Auto, Spills, HWS, RCRA, UST, CSCSL NFA, VCP	Gas station from at least the 1970s to 1990s. Three USTs removed in 2013. Petroleum releases to soil and groundwater. Status noted as NFA in March 2014.	See Section 3.3.1.

<sup>3</sup> Also listed as: Midway Texaco, Texaco Starmart, Andersons Des Moines Texaco, DP Fuels Inc., Midway Shell, Texaco Station #63-232-0503, Jacksons #651, Anderson Shell and Pacific Highway Shell

Listed Business	Listed Address	Distance from Site and Location	Type of Database	Information from Database and On-Line Agency Records	Environmental Professional Opinion Based on Database Information
Midway Crossing	23223 Pacific HWY South	Approximately 100 feet northwest (downgradient)	UST, CSCSL NFA, VCP, Inst Control	One UST closed-in-place in the 1990s. Petroleum, non-halogenated and halogenated contaminants, metals, and polycyclic aromatic hydrocarbons (PAHs) reported in soil. Status noted as NFA in 2010. An environmental covenant is in place.	Based on downgradient location and closure status, this database listed site is not considered a REC to the subject property.
Asia Auto Service Hai Nguyen	23405 Pacific HWY South	Approximately 100 feet west (crossgradient)	Hist Auto	EDR identifies Asia Auto Service Hai Nguyen in 1991.	Based on close proximity and crossgradient location, this site is considered a REC.
Cotton Cleaners	23233 Pacific HWY South	Approximately 550 feet northwest (downgradient)	Hist Cleaner	Cotton Cleaners identified from 1999 to 2012	Based on distance and downgradient location, this site is not considered a REC to the subject property.
Midway Cleaners	23647 Pacific HWY South	Approximately 860 feet southwest (crossgradient)	Inactive Dry Cleaner, Historic Drycleaners, Drycleaners, VCP, CSCSL, RCRA	Dry cleaner from at least 1977 through 2012. Halogenated organics confirmed in soil and suspected in groundwater. Status noted as "cleanup started." Large quantity generator of spent halogenated solvents.	Based on distance and crossgradient location, this database listed site is not considered a REC to the subject property.
Midway Motors	22834 Pacific Highway South	Approximately 1,600 feet north (downgradient)	CSCSL, HSL, Hist Auto	Halogenated organics suspected in soil. Status noted as "awaiting cleanup."	Based on distance and downgradient location, this database listed site is not considered a REC to the subject property.
Seattle Municipal Landfill (Kent Highlands)	NE of Military Rd and Kent Des Moines Rd, Kent	Approximately 1,750 feet east (downgradient)	NPL, SEMS, ROD, CSCSL, HSL, Inst. Control	Halogenated organics confirmed in groundwater, not reported in soil. Site status is cleanup complete-active O&M/Monitoring. An Environmental Covenant is recorded for this site.	Based on distance, downgradient location, and cleanup status, this database listed site is not considered a REC to the subject property.



### **3.3 Regulatory Agency File and Records Review**

#### **3.3.1 Review of State Regulatory Agency Files**

GeoEngineers requested reasonably ascertainable, pertinent records from Ecology and/or EPA for the sites identified in Table 3-2 where further information was required to form an opinion regarding RECs. Ecology files were reviewed on November 15, 2016; a summary is provided below.

##### **Kings/Aero/Jet Dry Cleaners, 23416/23418 Pacific Highway South (Subject Property)**

Ecology's files for this facility are related only to RCRA reporting for Kings Dry Cleaners at 23416 Pacific Highway South on the subject property (Appendix C). The RCRA files indicate Kings Dry Cleaners was a small quantity generator of dangerous/hazardous waste between 1995 and 1998; no violations are noted in the file. In our experience, RCRA reporting for a dry cleaner business suggests that dry cleaning operations were likely performed on the subject property in the past. Ecology's RCRA files for the facility do not list the specific type or quantity of waste generated and the files do not include the waste disposal methods. According to historical records (see Section 3.4.1), a dry cleaner operated on the subject property possibly as early as the 1970s. Waste disposal practices associated with the historic dry cleaner are generally unknown except for 3 years of RCRA reporting in the late 1990s.

Based on years of operation and evidence of apparent on-site dry cleaning operations, the on-site historic dry cleaner is considered a REC to the subject property.

##### **Midway Branch 1009, 23250 Pacific Highway South, North Adjacent (Downgradient)**

Midway Branch 1009 was a bank building with a heating oil UST. Based on information in the Ecology file, one diesel fuel UST (less than 5,000-gallon capacity) was installed in 1955 and closed in place in the mid-1980s. The UST was reportedly empty and not filled during closure. The UST had been used last in 1985. The Ecology file contained no further information regarding UST closure. Based on the age of the UST (approximately 30 years), lack of information regarding subsurface conditions during UST closure, lack of information regarding the UST location, and close proximity of this building to the subject property, the commercial heating oil UST at the Midway Branch bank building is considered a REC to the subject property.

##### **Southgate Oil, 23428 Pacific Highway South, South Adjacent (Upgradient)**

Southgate Oil was a fuel distribution facility approximately 60 feet west of the subject property for reportedly 75 years. Nine USTs, ranging from 275 to 10,000 gallons, and containing gasoline, diesel fuel and heating oil, were removed from the site in October and November 2000. Fuel dispensers and fuel piping were also removed at that time. Groundwater was reportedly not observed within the UST excavations. Gasoline and benzene, ethylbenzene, toluene, and xylenes (BETX) were either not detected or detected at concentrations less than MTCA Method

A cleanup levels in soil samples obtained from several UST excavations. Concentrations of diesel were greater than MTCA Method A cleanup levels in excavation soil samples obtained after removing Tanks 8 and 9 (diesel fuel and gasoline, respectively). Tanks 8 and 9 were located south of the buildings in the western portion of the site. The available information does not indicate if the contaminated soil in the UST excavations was removed. Concentrations of diesel in soil samples obtained after removal of two fuel pump islands in the approximate center of the site, and in soil samples from two stockpiles of excavated soil also exceeded cleanup levels. The available information also indicates that 550 cubic yards of stockpiled soil was undergoing bioremediation on site for 6 months. No information in Ecology's files addresses post-remediation stockpile testing or final disposition stockpiled soil.

Two heating oil USTs (20,000 and 25,000 gallons), and associated fuel dispensers, were removed from the eastern portion of the property in February 2002. The USTs and fuel dispenser equipment were transported off site for disposal or recycling. Approximately 1,200 gallons of liquid were pumped from the USTs and disposed of at a local disposal and treatment facility. Soil samples from overburden soil stockpiles were analyzed for diesel. Diesel-range hydrocarbons were detected at concentrations less than MTCA Method A cleanup levels in samples tested from the soil stockpiles. Diesel-range hydrocarbons in soil samples from the 20,000-gallon UST excavation were detected at concentrations exceeding MTCA Method A cleanup levels. Remedial excavation followed by ***confirmation soil sampling of the base and sidewalls of the excavation in 2002, indicated that soil with diesel-range hydrocarbons remained in the north sidewall of the excavation, at the northern property line. The remedial excavation terminated at the northern property line. The zone of contaminated soil left in place was approximately 25 feet long and 10 to 16 feet deep (Figure 2). A 10-millimeter plastic liner was placed in the excavation vertically along the northern excavation limits, extending approximately to 14 feet bgs.*** Indications of hydrocarbon contamination were not reported in soil samples from the 25,000-gallon UST excavation. Diesel-range hydrocarbons were not detected in confirmation soil samples obtained from the sidewalls and base of this excavation.

A total of 748 tons of diesel-range hydrocarbon contaminated soil from the site was reportedly transported to Fife Sand and Gravel for disposal. The 2002 UST removal excavations were reportedly backfilled with non-contaminated overburden and imported soil. Groundwater was reportedly not encountered within the 2002 UST excavations.

On June 9, 2006, ***Ecology issued a Further Action Required letter for the Southgate Oil facility indicating that Further Action is required because of potential off property migration of diesel north of the property. In addition, Ecology noted that because cleanup stopped at the property boundary, a Restrictive Covenant may be needed for residual contamination.*** Ecology also noted there has been a lack of active cleanup activity in the previous 12 months.

Documented petroleum releases to soil from the former Southgate Oil facility have impacted the subject property and therefore are considered a REC for the subject property.

**Liberty 909 Juliette Iiams, 23402 30<sup>th</sup> Avenue South (Approximately 70 Feet East, Crossgradient)**

Ecology files for the former service station are limited to UST notification forms. According to these documents, three gasoline USTs (two 18,000-gallon capacity, one 4,000-gallon capacity) were removed from the property in May 1990. The UST removal forms indicate no contamination was found. However, available documents and records do not include the results of any soil sampling conducted at the time of UST removals. The former service station represents a REC to the subject property based on close proximity, years of operation and potential for past releases to have migrated to the subject property.

**Shell 120956, 23419 Pacific Highway South, Approximately 100 Feet West (Upgradient)**

Based on a property history summary in the NFA letter dated March 14, 2014, in the Ecology file, a gasoline service station was built at this location in 1965. At least two generations of USTs operated on the property. Removal records of the first-generation USTs were not available. The second-generation USTs and dispenser islands were reportedly installed in 1984. Gasoline and BETX contamination was first observed in 1990 during subsurface exploration and soil and groundwater sampling. A groundwater recovery and treatment system and soil vapor extraction (SVE) system operated at the site from 1994 until 1997. In 1998, eight soil borings on the property were treated with Oxygen Release Compound (ORC). In 2013, the gasoline station was decommissioned, and the three 10,000-gallon gasoline USTs and product dispensers and piping were removed. Confirmation samples obtained from the UST excavation were analyzed for gasoline-range hydrocarbons and BETX. One confirmation soil sample had concentrations of gasoline-range hydrocarbons exceeding the MTCA Method A cleanup level.

Groundwater monitoring occurred at the site from 1991 to 2012. Concentrations of gasoline-range hydrocarbons exceeding the MTCA Method A cleanup level were detected during groundwater sampling events for several years, starting in the early 1990s. Petroleum constituents in groundwater have met MTCA Method A cleanup levels for at least four quarters. In 2014, Ecology issued a NFA determination. The groundwater flow direction is reportedly toward the east in the direction of the FL207 subject property.

Based on close proximity, documented petroleum releases to soil and groundwater, and additional information in Ecology files which indicates groundwater flow at this site is toward the subject property, past contaminant migration from this site may have impacted the subject property at levels of regulatory concern. Therefore, this No Further Action former service station site is considered an HREC to the subject property.

### **3.3.2 Review of Local Regulatory Agency Files**

We requested pertinent information (building permits, fire department records and hazardous materials responses, septic system records, age of sanitary sewer connection) for the subject property from the City of Kent, Kent Fire Department, King County Health Department (KCHD), and Midway Sewer District. We also reviewed Building Permit Reports by EDR dated October 21, 2016, for recent permits associated with the subject property. We note that the request for agency records was made before portions of the building were demolished occurred after the fire; therefore, the 2017 building demolition and current renovation activities were not reflected in the reviewed documents. Copies of relevant records are provided in Appendix C.

Records provided by City of Kent Planning Department on February 2, 2007, included permits for signs, plumbing, natural gas connections and building interior alterations for building tenants between 1988 and 2014. City of Kent plans did not include any information regarding alterations associated with the dry cleaner tenant space. A site plan dated 2002 depicts the location of the dry cleaner business within the building; this location is shown in Figure 2. Shop and equipment details for the dry cleaner were not identified in the records provided by City of Kent.

Records provided by City of Kent Code Enforcement on February 2, 2007, included case logs regarding litter and vehicles with expired license tabs in the on-site parking lot and litter in the alley south of the subject property building between 2008 and 2016. The code violations were brought into compliance within the same year for each incident. The case log information does not indicate anything indicative of a REC or potential REC.

Records show a sump pump was installed for Des Moines Grocery Store (building tenant) in 2014.

Records provided by Kent Fire Department on February 17, 2017 included fire code inspections regarding building electrical and fire extinguisher violations between 2012 and 2016. Records pertaining to the November 2016 fire that occurred in the existing building were not included in the documents provided to us under the public records request to the Kent Fire Department.

On June 19, 2017, KCHD responded that they do not have any septic system records for the subject property. On February 11, 2017, KCHD provided a record regarding litter and brake pads apparently in the alley south of the building, and litter in the on-site parking lot on May 16, 2008. The litter and brake pads were reportedly cleaned up as of May 28, 2008.

On July 25, 2017, Midway Sewer District responded that the subject property was connected to the sanitary sewer in March 1970. On August 14, 2017, Midway Sewer District provided a sanitary sewer card depicting the sanitary side sewer connection on the subject property, as shown in Figure 2.

### 3.3.3 Areawide Contamination

One areawide contamination concern is documented for the subject property vicinity: the Tacoma Smelter Plume. Air pollution from 100 years of operation of the Asarco Smelter in Ruston (near Tacoma) affected surface soil over more than 1,000 square miles of the Puget Sound basin. Residual arsenic, lead and other heavy metals have been documented in surface and near surface soil.

Maps from Ecology's Tacoma Smelter Plume website

([http://www.ecy.wa.gov/programs/tcp/sites\\_brochure/tacoma\\_smelter/2011/ts-hp.htm](http://www.ecy.wa.gov/programs/tcp/sites_brochure/tacoma_smelter/2011/ts-hp.htm)) show the subject property located within the footprint of the Tacoma Smelter Plume. Ecology has developed predicted arsenic concentration maps based on their studies and soil sampling. The subject property falls within the area where surface soil concentrations of arsenic are expected to be in the range of 40 to 100 ppm; the MTCA Method A cleanup level for arsenic for unrestricted land use is equivalent to 20 ppm. Ecology soil sample data (Ecology 2002) do not show any specific soil sample at the subject property or anywhere within ½ mile of the property.

## 3.4 Historical Resources

Our understanding of the history of the subject property is based on a review of the information from the historical resources listed in Table 3-3. Selected historical research documents are included in Appendix C.

**Table 3-3. Historical Resources Reviewed**

Description	Provider or Interviewee	Dates of Coverage or Dates of Knowledge of the Property	Date Reviewed or Contacted	Note Here if No Coverage
Historical Aerial Photographs <sup>1</sup>	USGS photographs provided by EDR	1943, 1968, 1977, 1986, 1991, 2006 and 2013	August 10, 2017	--
Historical Aerial Photographs <sup>1</sup>	King County iMAP	1936, 1998, 2000, 2002, 2005, 2007, 2009, 2012, 2013 and 2015	August 10, 2017	--
Historical Aerial Photograph <sup>1</sup>	Quantum Spatial	1960	August 10, 2017	
Historical Fire Insurance Maps	EDR search of Sanborn maps	None	October 13, 2016	Sanborn maps do not cover the subject property vicinity.
Historical City Atlases	Kroll Atlases in Puget Sound Regional Archives collection	Circa 1974	August 9, 2017	--

<b>Description</b>	<b>Provider or Interviewee</b>	<b>Dates of Coverage or Dates of Knowledge of the Property</b>	<b>Date Reviewed or Contacted</b>	<b>Note Here if No Coverage</b>
Historical Topographic Maps <sup>1</sup>	EDR search of USGS topographic maps	1894-1895, 1949, 1968, 1973, 1975, 1978, 1983, 1991, 1995, and 2014	August 9, 2017	--
City Directory Search	EDR	Approximate 5-year intervals, 1971 through 2013	August 10, 2017	--
Archived Tax Assessor PRCs	Puget Sound Regional Archives	1930s through 1970s and 1990s to recent	August 10, 2017	--
Current County Assessor Records	King County iMAP	Recent	August 9, 2017	--
Building Permits	EDR building permit report	1990s to recent	October 21, 2016	Information does not indicate anything indicative of a REC or potential REC.
Building Plans, Permits, and Land Use Records	City of Kent Planning Department and Code Enforcement	1980s to recent	February 2, 2017	See Section 3.3.2.
Hazardous Materials, ASTs, USTs, and spills	Kent Fire Department	1990s to recent	February 17, 2017	See Section 3.3.2.
Hazardous Materials, Septic System, Drainage and Water Quality, Environmental Enforcement Activities, Brownfields, UST, Solid Waste, and Permitting Records	KCHD	1990s to recent	June 19 and February 11, 2017	See Section 3.3.2.
Age of Sanitary Sewer Connection	Midway Sewer District	1970s to recent	July 25, 2017	See Section 3.3.2.

Notes:

<sup>1</sup> The scale of the maps/photographs reviewed allowed for an interpretation of general property development/configuration, such as identifying most structures, roadways and clearings. However, the scale of the maps/photographs did not allow for identification of specific property features, such as fuel pumps, wells or chemical storage areas on the subject property, if any.

### 3.4.1 Historical Property Ownership and Use Summary

The earliest identified development on the property is a single-family residence, built in 1929, that used stove heat. This residence was not removed until 1959 (see below). Therefore, there is a possibility that the heat source for the residence was later converted to oil based on the age of the structure. A shed is also noted in the PRC.

The notation “Rem. Service Station” appears on a PRC dated 1949; we assume “Rem.” indicates either “removed” or “remnant” service station on the subject property as of 1949. No additional information corroborating a pre-1949 service station was identified in the PRCs or other subject property records reviewed for this Phase I ESA except for a 1936 aerial photograph as explained below.

The single-family residence built in 1929, along with an apparent service station building and a shed, are shown in the 1936 aerial photograph of the subject property. These structures are visible in the southwest corner of the property (see Figure 2), generally within Sound Transit’s proposed southwest take and southwest TCE. A note in a PRC indicates the single-family residence and shed were demolished by 1959.

The existing retail building was constructed in 1962 as a supermarket, with heat pump systems (presumably electric or natural gas) according to a PRC. The sanitary sewer connection to the subject property occurred in March 1970. Pre-1970 uses of the subject property (single-family residence, service station and the retail building when originally constructed) are therefore assumed to have been connected to on-site septic systems.

The table below lists the retail businesses and addresses at the subject property based on a compilation of information included in city directories, City and Fire Department Records, PRCs, and the historic Kroll Atlas. We note that City and Fire Department records collectively reference some of the businesses associated with multiple subject property addresses, which may or may not indicate a tenant moving from one space to another within the building. As is common for city directory records associated with strip malls and multi-tenant structures like the subject property, individual tenants would appear to have used varying street addresses over the years although the tenant locations did not actually change.

Address	Business and Year(s) Listed
23406 Pacific Highway South	Variety Store 2013 Book World 1988 to 1999 Dollar Tree 2004 to 2016
23416 Pacific Highway South	Mojan 2013 Kings Dry Cleaners 2003 and 2008 Aero Dry Cleaners 1995

Address	Business and Year(s) Listed
23418 Pacific Highway South	Kings Dry Cleaners and United States Postal Office 2008 Kings Dry Cleaners, United States Postal Office, and Union Gospel Mission Treasure Found Thrift Store 1999 Union Gospel Mission Thrift Store 1996 Video Superstore 1995 Aero Dry Cleaners and Video Superstore 1992 Tradewell Stores circa 1962 to 1974
23422 Pacific Highway South	Key Compounding Pharmacy 2013 Key Pharmacy 2008 A Smooth Cup Espresso 2003 Jim's Espresso and Key Pharmacy & Home Health Care 1999 Key Pharmacy & Home Health 1995 Des Moines Grocery Store 2014
23424 Pacific Highway South	Eagle Fitness Kent 2002 to 2016 Treasure Found Thrift Store 1997

Muscatel Midway Properties, LLC acquired the property from David and Jack Muscatel Testamentary Trust in 2002. Muscatel owned the property in 1963. New Central Company owned the property in 1962 when the building was originally built; the building was originally used retail purposes as it remained through to modern day. Private individuals owned the property in 1959 and 1925. A property owner was not identified in PRCs, the title report, or internet research that could be contacted for an interview regarding the apparent service station that was located on the subject property.

Potable water and sanitary sewer services are currently provided by the local water district (Highline Water District) and the local public sewer utility, respectively.

The building was damaged in a fire in November 2016, according to an article in the Seattle PI dated November 14, 2016. Businesses identified in the building at the time of the fire included a tobacco shop, post office, beauty shop, specialty food store, gym and Dollar Tree store. All businesses were damaged by the fire, and the Dollar Tree, tobacco shop and post office were “almost completely destroyed.”

### 3.4.2 Adjacent Properties

Residential development in the area began in approximately the 1920s. Commercial development in the immediate vicinity began in the 1930s.

**North.** A lumber and hardware store with stove heat was constructed on the property in 1947 and demolished by the mid-1950s. A existing building with a commercial heating oil UST was constructed as a bank on the property in 1955. The commercial heating oil UST was closed in



place in the mid-1980s. A retail paint store and laundromat currently occupy the existing building. No information in building plans and permits provided by the City of Kent for the laundromat suggests the laundromat also included dry cleaning operations.

**East.** A single-family residence that used a pipeless furnace (fuel source not specified in PRCs) for heat was moved to the property to the east (New Best Inn Motel—formerly Liberty 909 Gas Station in Figure 2) in 1947 and demolished in 1971. The residence had been converted to electric heat at some point. A gasoline service station with natural gas heat and a service garage were constructed on the property in 1970 and demolished by the early 1990s. The existing motel building with electric heat was constructed in 1991.

The existing building to the east (A to B Auto in Figure 2) was originally built as a fire station in 1950. According to archived PRCs, the fire station building was originally heated by electric baseboards and was later converted to an oil-burning heat source. Building additions were completed in 1953, 1956 and 1972. Automotive repair and alleged auto wrecking business have occupied the building since at least 1986.

**South.** The existing tire shop office and automotive service garage to the south (identified as Southgate Oil in Figure 2) were built in 1977 and 1949. The history of the Southgate Oil site is further discussed in Section 3.3.1. Space heaters are used in the existing buildings according to current tax assessor records.

**West.** The retail building with forced air heat and service garage with space heaters to the west (Retail Building and Asia Auto Service in Figure 2) were built in 1930 and 1980, respectively. The sources of heat for the buildings are not specified current tax assessor records.

The Warehouse/Showroom/Store building to the west (Figure 2) with space heaters was built in 1947. The source of heat for the building is not specified current tax assessor records.

A gasoline service station occupied the vacant lot to the west (Former Shell Oil Gas Station in Figure 2) from 1965 until it was decommissioned in 2013 and demolished by 2015. The service station history is further discussed in Section 3.3.1.

## 4.0 Site Reconnaissance

### 4.1 Subject Property Observations

Tricia DeOme, a GeoEngineers geologist, performed a visual reconnaissance of visible exterior areas of the subject property on February 15, 2018. Table 4-1 below summarizes conditions observed during the site reconnaissance. Noted features of interest are shown in Figure 2. Representative photographs of the subject property are presented in Figures 3 and 4. The subject property is developed with a multi-tenant retail building. Fire-damaged portions of the building were recently demolished, and the remaining portions of the building are currently being renovated.

**Table 4. Summary of Site Reconnaissance Observations**

Features	Observed			Comment, Location and/or Description
	Yes	No	Unknown	
Current Uses and Existing Structures	X			One-story structure located in the southern portion of the property. The west half of the structure burned and was recently demolished. The remaining east half of the building is currently being remodeled.
Evidence of Past Uses and Former Structures	X			The west wall of the existing building is currently open due to the recent demolition of fire-damaged portions of the building.
Heating/Cooling System	X			Electric heating units are located on the roof of the building.
Floor Drains, Sumps or Drywells	X			Sanitary floor drains were observed in building bathrooms.
ASTs		X		
USTs or Evidence of USTs		X		
Drums or Other Containers	X			One approximate 16-gallon drum of soil cuttings was observed on site. The drum contains soil from the recent focused subsurface investigation (see Section 2.2).
Identified Hazardous Substances and Petroleum Products (other than drums noted above or <i>de minimis</i> quantities of cleaning products)		X		
Unidentified Substances or Containers		X		

Features	Observed			Comment, Location and/or Description
	Yes	No	Unknown	
Evidence of Leaks, Spills or Releases Surrounding ASTs, USTs and/or Chemical Storage Areas		X		
Stained or Corroded Floors, Walls or Drains (other than the above or apparent water stains or minor oil stains on pavement from parked vehicles)		X		
Hydraulic Hoists	X			A small above-ground cargo lift was observed at the loading dock at the south side of the building.
Oil/Water Separators		X		
Electric or Hydraulic Equipment Containing polychlorinated biphenyls <sup>1</sup> (PCBs)	X			Utility-owned, pole-mounted transformers near the south side of the building and along 30th Avenue South. It is unknown whether the transformers are PCB-containing or not.
Discolored, Stained, or Stressed Soil or Vegetation Potentially from Hazardous Substances		X		
Solid Waste <sup>2</sup>		X		
On-site Septic or Sewage Disposal System		X		
Potable Water Supply	X			Potable water service is provided by the Highline Water District.
Standing Water or Other Pooled Liquids		X		
Catch Basins, Stormwater Drainage, or other Wastewater Discharges <sup>3</sup>	X			Stormwater is expected to pond in low depressions on the property and flow off-site to the northeast and/or toward adjacent roadways. No on-site catch basins were observed.
Pits/Ponds/Lagoons		X		
Strong, Pungent or Noxious Odors		X		
Water Wells (agricultural, domestic, monitoring)		X		
Other Conditions of Environmental Concern		X		
Pipes of Unknown Origin or Use		X		

Features	Observed			Comment, Location and/or Description
	Yes	No	Unknown	
Sanitary Sewer Connection <sup>4</sup>	X			Sanitary sewer service is provided by Midway Sewer District
Hazardous Waste Disposal Areas		X		

Notes:

<sup>1</sup> Other electrical or hydraulic equipment containing PCBs were not observed, unless noted otherwise.

<sup>2</sup> Trash, construction debris, demolition debris or other unidentified solid wastes disposed into or on the ground were not observed, unless noted otherwise.

<sup>3</sup> Stormwater discharges into municipal catch basins unless noted otherwise. Wastewater, stormwater or other discharges into a ditch, underground injection system, abandoned well or other well were not observed, unless noted otherwise.

<sup>4</sup> On-site septic systems or cesspools not observed unless noted otherwise.

## 4.2 Adjacent Property and Vicinity Observations

We viewed properties located adjacent to and surrounding the subject property on June 2, 2017, from accessible public rights-of-way. We did not enter adjacent properties or buildings except where general public access was available.

The subject property generally is situated in an area that is developed for residential and commercial uses. Table 4-2 outlines adjacent land uses and pertinent observations with respect to conditions that could pose a REC on the subject property. Additional information for adjacent properties is presented in Section 3.4.2. Figure 2 shows adjacent property uses and locations in relation to the subject property.

**Table 4-2. Adjoining Streets and Adjacent Properties Observations**

Direction	Adjoining Street	Position Relative to Subject Property <sup>1</sup>	Adjacent Property and Use as of June 2017	Comments
North	None	Downgradient	Retail paint store and laundromat (no dry cleaning).	Commercial heating oil UST closed in place in the 1980s (Sections 3.3.1 and 3.4.2).
South	None	Upgradient	Tire shop	Former Southgate Oil facility (Sections 3.3.1 and 3.4.2).
East	30 <sup>th</sup> Avenue South	Crossgradient	New Best Inn Motel and A to B Auto	A gasoline service station previously occupied the New Best Inn Motel property (Sections 3.3.1 and 3.4.2).
West	Pacific Highway South	Upgradient/crossgradient	Retail building, service repair garage, warehouse/showroom/storage building, and vacant lot	The vacant lot is a former Shell Oil gas station (Sections 3.3.1 and 3.4.2).

Note:

<sup>1</sup> The inferred shallow groundwater flow direction in the vicinity of the subject property is toward the north, as described in Section 3.1. Flow direction on adjacent properties may vary.

## 5.0 Interviews

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We interviewed the individual listed in Table 5-1.

**Table 5-1. Persons Interviewed**

Description	Provider or Interviewee	Dates of Coverage or Dates of Knowledge of the Property	Date Reviewed or Contacted	Comment
Property Owner ("Key Site Manager")	John Muscatel	1970s to present	February 19, 2018	See Section 5.1

### 5.1 Interview with the Key Site Manager/Owner

Property owner John Muscatel (Muscatel Midway Properties, LLC) responded in writing to an interview questionnaire in February 2018. Mr. Muscatel stated that the property was owned by family members in the 1960s, and that he took over operation of the property in the late 1970s. John and his sister Laurie obtained ownership of the property following the death of their mother in the early 2000s. Mr. Muscatel indicated the following:

- The property building originally was built as a Tradewell supermarket, and to his knowledge the building was always on sewer.
- Building tenants, from west to east, included the following:
  - Tradewell Supermarket, later a bookstore, most recently a Dollar Tree retail store.
  - A small tenant space that housed a dry cleaner that operated under various names. This tenant space was occupied by a smoke shop at the time of the 2016 building fire.
    - John and Laurie Muscatel do not know if dry cleaning was conducted on-site by the dry cleaning tenant in the past.
  - Post Office located near the middle of the building from construction to recent.
  - Pharmacy space operated as a pharmacy under various names including Rexall and Key pharmacies.
  - Easternmost tenant space was retail and video rental, most recently a fitness center.
- The west portion of the original building was badly damaged in the 2016 fire and the western portion of the building was demolished (see Figure 2) between the post office and the pharmacy, leaving only the eastern portion of the building remaining (now being renovated).
- Building floor drains are connected to the sanitary sewer. A storm drain is located in the loading dock.

Mr. Muscatel stated that he has no knowledge of USTs, spills, releases, or other use or storage of hazardous materials at the subject property.

## 5.2 Interview with Occupants and Others

On August 11, 2017, we attempted to contact Kings Dry Cleaners using a phone number from internet research. The telephone number for Kings Dry Cleaners has been disconnected.

A property owner was not identified in PRCs, the title report, or internet research that could be contacted for an interview regarding the service station that was located on the subject property.

## 5.3 Interviews with Local Government Officials

Interviews with local government officials consisted of records requests to City of Kent, Kent Fire Department, KCHD and Midway Sewer District. Findings are presented in Section 3.3.2.

## 5.4 Findings and Opinion

- The first identified use of the subject property was a single-family residence with a shed built in 1929, and an apparent service station with possible auto service garage that was built before 1936. The single-family residence used a stove for heat. The single-family residence may have later been converted to oil heat and the service station may have had a commercial heating oil UST based on the ages of the structures. Heating oil use is considered a REC to the subject property. The single-family residence and shed were demolished by 1959. The service station was demolished by 1949. Building and UST information for the apparent service station was not identified in the historical sources reviewed for this Phase I ESA. The former single-family residence and service station were near or within the southwest partial take and southwest TCE.
- The single-family residence and the supermarket tenant formerly located inside of the existing building likely used on-site septic systems based on their ages and the year of sanitary sewer connection to the subject property (1970).
- The prior service station represents a REC for the subject property based on the years of operation, the lack of records regarding UST removals, and possible past discharges of automotive wastes to an on-site septic system. Recent environmental explorations by others did not identify releases to the environment from this source. A limited geophysics investigation using electromagnetics (EM) did not report a finding of undocumented USTs near the former service station.
- A dry cleaner occupied one tenant space in the building going back to as early as the 1970s. Over time, the different business names identified from historical research to have been associated with the dry cleaner included: Kings, Aero, and Jet Dry Cleaners. Historic dry cleaning is considered a REC to the subject property due to possible releases of dry cleaning solvents into the subsurface through floor drains, floor cracks, or sanitary sewer pipes. The existing building was reportedly connected to the sanitary sewer in 1970, and dry cleaning may have occurred in the building as early as 1970. Recent environmental explorations by others located on the north side of the building did not identify dry cleaning solvents in the samples tested.
- The pharmacy in the retail building was a compounding pharmacy at some time in the past and therefore may have discharged pharmaceutical chemicals into sinks or drains. However, based on reported years of operation well after the building was no longer using a septic system, and the

likely small quantities involved, this condition is not considered a REC for the subject property.

- Petroleum-contaminated soil from the south-adjacent former Southgate Oil site is documented to have impacted the southern portion of the subject property and is considered a REC. Recent environmental explorations by others identified the presence of diesel-contaminated soil along the south property boundary. The consultant who completed this study recommended more assessment to delineate the extent of contamination in this area.
- Off-site conditions of potential concern for past releases and contaminant migration to the subject property include the commercial heating oil UST on the north-adjacent property that was used for at least 30 years, the former Shell gas station on the property east of 30<sup>th</sup> Avenue South which operated from the early 1970s, and an auto repair business that operated on another property to the west in the mid-1980s. These off-site conditions are considered RECs (the former Shell Oil facility is considered a HREC) to the subject property based on the potential for contaminant migration to the subject property from possible past leaks, spills or releases of petroleum and automotive-related chemicals. Recent environmental assessment by others at the subject property did not identify contamination at the subject property other than that noted along the southeast property boundary; therefore, the likelihood of widespread contamination from these off-site potential sources of contamination is lowered.
- No other sites included on regulatory databases are likely to pose a potential risk for contaminant migration to the subject property and thus are not considered RECs, CRECs, or HRECs to the subject property.
- The subject property is within the mapped area of the Tacoma Smelter Plume (areawide contamination) where arsenic concentrations in surface/near surface soil are predicted to exceed the MTCA Method A cleanup level for unrestricted land use. Therefore, the Tacoma Smelter Plume is considered a REC for the subject property.

## 6.0 Evaluation

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### 6.1 Data Gaps

We were unable to confirm detailed information about the former service station that was formerly located on the southwest portion of the subject property circa 1930s. This is considered a significant data gap; however, the former service station with USTs is considered a REC for the subject property regardless.

We were unable to confirm detailed information about the former dry cleaner tenant operations or layout. This is considered a significant data gap; however, the former dry cleaner is considered a REC for the subject property regardless.

### 6.2 Conclusions and Recommendations

GeoEngineers has performed a Phase I ESA in conformance with the scope and limitations of ASTM Practice E 1527-13 of the property at 23418 Pacific Highway South in Kent, Washington, King County Tax Parcel 2500600465 identified by Sound Transit as FWLE Parcel FL207. Any exceptions to, or deletions from, this practice are described in Section 1.4 of this report.

This assessment has revealed no evidence of RECs in connection with the subject property, with the exception of the following:

- **Property-Specific Condition/Formal Service Station.** A gasoline service station with possible auto repair apparently operated in the southwest corner of the subject property in the 1930s and 1940s. The historical resources reviewed revealed no records pertaining to fuel underground storage tank (UST) removals. The service station also may have used a heating oil tank. The service station garage may have been connected to a septic system. The prior service station represents a REC for the subject property. The risk of soil, groundwater or soil vapor impacts of regulatory significance at the subject property from the former service station is considered low based on its limited years of operation only in the 1930s and 1940s with the property having been redeveloped for more than 50 years since that time, the lack of identified petroleum-related impacts to soil based on a recent focused subsurface investigation by others (see Section 2.2), and a limited geophysics investigation using electromagnetics (EM) that did not report a finding of undocumented USTs. The Phase II ESA data gap that remains following the recent focused subsurface investigation is the recommendation for environmental soil sampling in the southwest margin of the property to cover the full footprint of the former service station. This data gap would need to be filled to confirm that there are no soil impacts of regulatory significance likely to affect Sound Transit's acquisition or construction activities.
  - The prior service station was near or within the southwest partial take and southwest TCE, and therefore represents a REC for those areas. The risk of service station-related impacts of regulatory significance in these areas is considered low for the reasons stated above. However, uncertainty remains that could affect Sound Transit's acquisition and construction. Therefore,



the recommended Phase II ESA data gaps investigation should include the southwest partial take and TCE. The prior service station is not considered a REC to the eastern partial take or easements in the eastern portion of the subject property, based on distance and the results of the recent focused subsurface investigation.

- **Property-Specific Condition/Former Dry Cleaner.** A dry cleaner operated in a tenant space on the subject property from possibly as early as 1970 until at least 2008. The former dry cleaner is considered a REC for the subject property. At least three different dry cleaner business names were identified in historical records for the property. Dry cleaning operations were likely to have been performed on site in our opinion because one of the dry cleaner businesses was a reported small quantity generator of hazardous waste in the 1990s. The years and long duration of dry cleaner occupancy on the subject property further suggests on-site dry cleaning likely occurred at times in the past, although the property owner could not confirm past on-site dry cleaning. The risk of soil, groundwater and soil vapor impacts of regulatory significance at the property from the former dry cleaner is high given the years and duration of operation. Two soil samples from borings located northeast of the former dry cleaner tenant space were tested for dry cleaning solvents during the recent focused subsurface investigation by others. Several Phase II ESA data gaps related to the former dry cleaner remain following the recent focused subsurface investigation; specifically, soil sampling and chemical analysis for dry cleaning solvents from borings located directly beneath the former dry cleaner tenant space, to the west and south of the former dry cleaner tenant space, and along the sanitary sewer drain lines extending from the former dry cleaner space. These data gaps would need to be filled to fully assess the potential for soil, groundwater or soil vapor impacts of regulatory significance that could affect Sound Transit's acquisition or construction activities.
  - The historic dry cleaner represents a REC for the partial takes, easement and TCEs. The risk of dry cleaner-related soil, groundwater or soil vapor impacts of regulatory significance for the partial take, permanent easement and TCEs is considered high for the reasons stated above. The recommended Phase II ESA data gaps investigation would be needed to fully assess the potential for soil, groundwater or soil vapor impacts of regulatory significance that could affect the partial takes, permanent easement and TCEs.
- **Property-Specific Condition/Petroleum-Contaminated Soil (PCS) Impacts from Southgate Oil Site.** The south-adjacent former Southgate Oil site, a Model Toxics Control Act (MTCA) cleanup site, is considered a REC to the subject property, including the partial takes, guideway easement, and TCE areas, based on documentation that residual PCS remained at the Southgate Oil north property line (which is the subject property south property line, see Figure 2) and soil chemical analytical results from the recent focused subsurface investigation by others that identified diesel-contaminated soil in a boring situated just north of the south property boundary. Several Phase II ESA data gaps related to Southgate Oil-related petroleum contamination on the subject property remain following the recent focused subsurface investigation; specifically, the lateral and vertical extent of petroleum-contaminated soil in the southern margin of the subject property that could affect Sound Transit's acquisition and construction activities.

- Petroleum-contaminated soil from the former Southgate Oil site is considered a REC to the eastern partial take, the guideway easement and the TCEs with confirmed impacts of regulatory significance within the southern TCE at the south property line. The recommended Phase II ESA data gaps investigation should include supplemental environmental explorations, sampling and chemical analysis with borings located within or as close as possible to the eastern partial take, the guideway easement and the TCEs to evaluate PCS that could affect Sound Transit's acquisition and/or construction.
- **Property-Specific Condition/Possible Past Residential Heating Oil UST.** A former single-family residence on the subject property is suspected to possibly have used oil heat, based on the age of the structure. No information was identified during the course of this Phase I ESA to indicate whether oil was stored in an aboveground storage tank (AST) or UST or the location of an oil tank. For the purpose of the Phase I ESA conclusions at this time, we assume the residence used a heating oil UST. Use of heating oil and a possible heating oil UST is considered a REC for the subject property. The risk of heating oil-related soil and groundwater impacts of regulatory significance at the property is low given that the residence was removed and the property has been redeveloped for more than 50 years. UST assessment and decommissioning in accordance with state and local regulations and best management practices would be necessary in the future if USTs are discovered in a Sound Transit acquisition or construction area. Options to manage future construction-related risks associated with a possible past heating oil UST, and possible subsurface impacts from past releases of heating oil include: a contaminated soil and groundwater identification, handling and disposal plan for Sound Transit contractors; budgetary considerations for UST removal and handling/disposal costs for petroleum-impacted soil; and Hazardous Waste Operations and Emergency Response (HAZWOPER) requirements for workers.
  - Past use of residential heating oil is considered a REC for the southwest partial take and TCE. The risk of heating oil-related soil and groundwater impacts of regulatory significance at the southwest partial take and TCE is considered low. Past use of heating oil is not considered a REC to acquisition or easement areas in the southeastern and eastern portions of the subject property. UST assessment and decommissioning in accordance with state and local regulations and best management practices would be necessary in the future if USTs are discovered in a Sound Transit acquisition or construction area. Options to manage future construction-related risks associated with a possible past heating oil UST, and possible subsurface impacts from past releases of heating oil include: a contaminated soil and groundwater identification, handling and disposal plan for Sound Transit contractors; budgetary considerations for UST removal and handling/disposal costs for petroleum-impacted soil; and Hazardous Waste Operations and Emergency Response (HAZWOPER) requirements for workers.
- **Areawide Condition:** The subject property is within Washington State Department of Ecology's (Ecology) mapped footprint of the Tacoma Smelter Plume (area-wide contamination) where arsenic concentrations in surface/near surface soil are predicted to exceed the MTCA Method A cleanup level for unrestricted land use. Therefore, the Tacoma Smelter Plume is considered a REC for the

subject property, including the partial takes, easement and TCE. The subject property falls within the area where surface soil concentrations of arsenic are expected to be in the range of 40 to 100 parts per million (ppm); the MTCA Method A cleanup level for arsenic for unrestricted land use is equivalent to 20 ppm. The risk of soil impacts of regulatory significance on the property from this identified REC is low because the property has been redeveloped and has been paved for more than 50 years. However, the possibility of arsenic and lead in surface soil on the property may require consideration during property redevelopment. Specifically, soil characterization or waste profiling may be warranted in conjunction with any future construction that would result in moving soil from the property to an off-site location.

- The Tacoma Smelter Plume is considered a REC for the partial takes, guideway easement and TCE and the possibility of TSP-related arsenic and lead in surface soil may require consideration during property redevelopment. Specifically, soil characterization or waste profiling may be warranted in conjunction with any future construction that would result in moving soil from the property to an off-site location.
- **Off-Site Condition/No Further Action MTCA Cleanup Site.** The former Shell Oil gas station located to the west and crossgradient of the subject property is listed on regulatory databases and has a no further action (NFA) determination as of 2014. Therefore, this condition meets the ASTM International (ASTM) definition of a Historical Recognized Environmental Condition (HREC). The risk of soil, groundwater or soil vapor impacts of regulatory significance at the subject property from this adjacent property is low, given the cleanup status for the Site. If subsurface investigation completed at any off-site properties identified as potential sources of contamination, or in adjacent rights-of-way, indicates potential for contaminant migration to the subject property, then we recommend further evaluation by exploration and sampling at the subject property. Uncertainties associated with possible subsurface impacts from off-site sources also could be evaluated or reduced through waste characterization prior to construction and with requirements for contractors to prepare a contaminated soil and groundwater identification, handling and disposal plan, and to follow applicable HAZWOPER regulations.
  - The former Shell Oil gas station west of Pacific Highway South is considered a HREC to the western TCE and southwest partial take, but not to remaining acquisition or easement areas. The risk of soil, groundwater or soil vapor impacts of regulatory significance from off-site contaminant migration is considered low. Options to manage future construction-related risks associated with possible petroleum-related impacts include: a subsurface exploration and sampling program to evaluate soil and groundwater; a contaminated soil and groundwater identification, handling and disposal plan for Sound Transit contractors; budgetary considerations for handling/disposal costs for petroleum-impacted soil; and HAZWOPER requirements for workers.
- **Off-site Condition/Potential Off-site Sources of Contamination:** The following adjacent or nearby properties are considered RECs to the subject property based on proximity and the potential for

past releases to have occurred and migrated to the subject property.

- A commercial heating oil UST was used for at least 30 years on the north-adjacent property until it was closed in place in the 1980s.
- Historic auto repair (Asia Auto Service in Figure 2) operated to the west across Pacific Highway South in the 1980s.
- A former gas station on the property east of 30th Avenue South (Former Liberty 909 Gas Station in Figure 2) operated from the early 1970s until the early 1990s.

The risk of soil, groundwater or soil vapor impacts of regulatory significance at the subject property from the off-site potential sources is low, based lack of identified impacts in recent subsurface assessment by others and distance. If subsurface investigation completed at any of these off-site properties identified as potential sources of contamination, or in adjacent rights-of-way, indicates potential for contaminant migration to the subject property, then we recommend further evaluation by exploration and sampling at the subject property. Uncertainties associated with possible subsurface impacts from off-site sources also could be evaluated or reduced through waste characterization prior to construction and with requirements for contractors to prepare a contaminated soil and groundwater identification, handling and disposal plan, and to follow applicable HAZWOPER regulations.

- These off-site potential sources of contamination are considered RECs to the partial takes, guideway easement, and TCE with low risk of impacts of regulatory significance. Options to manage future construction-related risks associated with possible petroleum-related subsurface impacts include: a subsurface exploration and sampling program to evaluate soil and groundwater; a contaminated soil and groundwater identification, handling and disposal plan for Sound Transit contractors; budgetary considerations for handling/disposal costs for petroleum-impacted soil; and HAZWOPER requirements for workers.

On-site septic systems were likely used at the historic residence, former gas station and when the existing building was originally constructed. The septic systems create a potential pathway for releases of hazardous substances or petroleum to impact subsurface soil and contribute to the opinion regarding RECs identified for the subject property.

The following significant data gaps were identified during the study: (1) the number and size of USTs and building details of the service station formerly located on the subject property were not identified, and (2) details regarding the specific facility layout for the former subject property dry cleaner were not identified through available research. These data gaps were considered in our opinions regarding RECs identified for the subject property.

### **6.3 Limitations and Guidelines for Use**

These Limitations provide information to help you manage your risks with respect to the use of this report. Some clients, design professionals and contractors may not recognize that the geoscience practices (geotechnical engineering, geology and environmental science) are far less exact than other

engineering and natural science disciplines. This lack of understanding can create unrealistic expectations that could lead to disappointments, claims and disputes. GeoEngineers includes these explanatory “limitations” provisions in our reports to help reduce such risks. Please confer with GeoEngineers if you are unclear how these “Limitations and Guidelines for Use” apply to your project or site.

### **6.3.1 Standard Limitations**

This Phase I ESA has been prepared for use by Sound Transit. GeoEngineers has performed this Phase I ESA of the property at 23418 Pacific Highway South in Kent, Washington, King County Tax Parcel 2500600465 identified by Sound Transit as Federal Way Parcel FL207, in general accordance with the scope and limitations of the subcontract between HDR and GeoEngineers dated August 24, 2012, along with Amendments 1 through 11 and Agreement No. RTA/AE 044-12 between HDR and Sound Transit, ASTM International (ASTM) E 1527-13, Standard Practice for Phase I ESAs and EPA’s Federal Standard 40 CFR Part 312 “Standards and Practices for All Appropriate Inquiries (AAI).” This report has been prepared for the exclusive use of Sound Transit and their agents. This report is not intended for use by others, and the information contained herein is not applicable to other properties. No other party may rely on the product of our services unless we agree in advance to such reliance in writing. This is to provide our firm with reasonable protection against open-ended liability claims by third parties with whom there would otherwise be no contractual limits to their actions. Within the limitations of scope, schedule and budget, our services have been executed in accordance with our Agreement with the Client and generally accepted environmental practices in this area at the time this report was prepared.

Within the limitations of scope, schedule and budget, our services have been executed in accordance with the generally accepted environmental science practices for Phase I ESAs in this area at the time this report was prepared. No warranty or other conditions, express or implied, should be understood.

Any electronic form, facsimile or hard copy of the original document (email, text, table, and/or figure), if provided, and any attachments are only a copy of the original document. The original document is stored by GeoEngineers, Inc. and will serve as the official document of record.

### **6.3.2 Special Limitations**

GeoEngineers structures our services to meet the specific needs of our clients. For example, an environmental site assessment study conducted for a property owner or lessee may not fulfill the needs of a prospective purchaser of the same property. Because each environmental study is unique, each environmental report is unique, prepared solely for the specific client and project property. This report should not be applied for any purpose or project except the one originally contemplated. GeoEngineers considered a number of unique, project-specific factors when establishing the scope of services for this project and report. Unless GeoEngineers specifically indicates otherwise, do not rely on this report if it was:

- not prepared for you,

- not prepared for your project,
- not prepared for the specific property explored, or
- completed before important project changes were made.

If important changes are made to the project or subject property after the date of this report, GeoEngineers should be retained to review our interpretations and recommendations and to provide written modifications or confirmation, as appropriate.

GeoEngineers makes no warranties or guarantees regarding the accuracy or completeness of information provided or compiled by others. The information presented in this report is based on the above-described research and a single recent site visit. GeoEngineers has relied upon information provided by others in our description of historical conditions and in our review of regulatory databases and files. The available data do not provide definitive information with regard to all past uses, operations or incidents at the subject property or adjacent properties.

No ESA can wholly eliminate uncertainty regarding the potential for recognized environmental conditions (RECs) in connection with a property. Performance of an ESA study is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs in connection with a property. There is always a potential that areas with contamination that were not identified during this Phase I ESA exist at the subject property or in the study area. Further evaluation of such potential would require additional research, subsurface exploration, sampling and/or testing.

Some substances may be present in the vicinity of the subject property in quantities or under conditions that may have led, or may lead, to contamination of the subject property, but are not included in current local, state or federal regulatory definitions of hazardous substances or do not otherwise present current potential liability. GeoEngineers cannot be responsible if the standards for appropriate inquiry, or regulatory definitions of hazardous substance, change or if more stringent environmental standards are developed in the future.

This environmental report is based on conditions that existed at the time the study was performed. The findings and conclusions of this report may be affected by the passage of time (for example, a Phase I ESA report is typically applicable for 180 days), by events such as a change in property use or occupancy, or by natural events, such as floods, earthquakes, slope instability or groundwater fluctuations. If more than six months have passed since issuance of our report or work product, or if any of the described events may have occurred, please contact GeoEngineers before applying this report so that we may evaluate whether changed conditions affect the continued reliability or applicability of our conclusions and recommendations.

The equipment, techniques and personnel used to perform an environmental study differ significantly from those used to perform a geotechnical or geologic study and vice versa. For that reason, a geotechnical engineering or geologic report does not usually relate any environmental findings, conclusions or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. Similarly, environmental reports are not used to address geotechnical

or geologic concerns regarding a specific project.

GeoEngineers' Scope of Work specifically excludes the investigation, detection, prevention or assessment of the presence of Biological Pollutants. Accordingly, this report does not include any interpretations, recommendations, findings, or conclusions regarding the detecting, assessing, preventing or abating of Biological Pollutants and no conclusions or inferences should be drawn regarding Biological Pollutants, as they may relate to this project. The term "Biological Pollutants" includes, but is not limited to, molds, fungi, spores, bacteria, and viruses, and/or any of their byproducts. If Client desires these specialized services, they should be obtained from a consultant who offers services in this specialized field.

We appreciate the opportunity to be of service to Sound Transit. Please call if you require more information or have questions regarding this report.

## 7.0 References

---

ASTM International (ASTM) Standard E 1527-13 for Phase I ESAs.

City of Kent building permits provided by EDR, 1990s to recent.

Conestoga-Rovers & Associates 2012. *2012 Annual Groundwater Monitoring Report; Shell-Branded Service Station; 23419 Pacific Highway South*; Des Moines, Washington. Prepared for Equilon Enterprises LLC dba Shell Oil Products. March 12, 2013.

ECI Environmental Services, December 18, 2017. Focused Subsurface Investigation Report, 23418 Pacific Highway South, Kent, Washington. Prepared for Muscatel Midway Properties LLC.

Environmental Data Resources, Inc. (EDR). 2016. EDR Radius Map Report dated October 21, 2016 (comprehensive environmental database report, including Ecology and EPA databases).

HDR Electronic Design Drawings provided in December 2017.

King County iMAP aerial photographs dated 1936, 1998, 2000, 2002, 2005, 2007, 2009, 2012, 2013, and 2015.

King County Tax Assessor records provided by Puget Sound Regional Archives dated 1930s-1970s.

Kroll City Atlases in Puget Sound Regional Archives collection, dated circa 1974.

Nowicki & Associates, Inc. 2000. *Initial Site Assessment; Southgate Oil Site; 23428 Pac Hwy S*; Kent, Washington. Prepared for Midway Investment Properties. November 11, 2000.

Nowicki & Associates, Inc. 2001. *Progress Site Assessment; Southgate Oil Site; 23428 Pac Hwy S*; Kent, Washington. May 3, 2001.

Polk and Cole City Directory listings provided by EDR, dated at approximate 5-year intervals, 1977 to 2013.

Quantum Spatial aerial photograph dated 1960.

Seattle PI. 2017. *3-alarm Kent fire set by Dollar Tree customer*. November 14, 2016.

Sound Transit, August 2017. Basis of Design Geotechnical report.

United States Geological Survey (USGS) topographic maps for Des Moines, Poverty Bay, Burien, and/or Tacoma, Washington quadrangles provided by EDR, dated 1894-1895, 1949, 1961, 1968, 1973, 1975, 1978, 1981, 1983, 1991, and 2014.

USGS aerial photographs provided by EDR, dated 1943, 1957, 1968, 1977, 1986, 1991, 2006,



and 2013.

U.S. Environmental Protection Agency (EPA) Federal Standard 40 CFR Part 312 “Standards and Practices for All Appropriate Inquiries (AAI).

Washington State Department of Natural Resources. 2002. Geologic Map of Washington—Northwest Quadrant.


## 8.0 Statement and Signatures of Environmental Professional

---

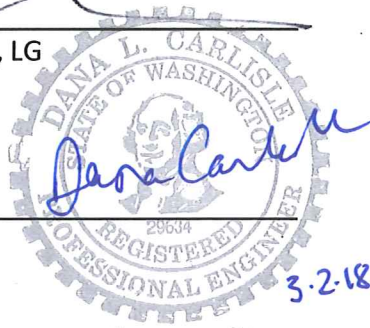
"I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in Sec. 312.10 of 40 CFR Part 312."\*

"I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312."\*

*\*A person who does not qualify as an Environmental Professional may assist in the conduct of all appropriate inquiries in accordance with ASTM E 1527-13, if such person is under the supervision or responsible charge of a person meeting the definition of an environmental professional when conducting such activities.*

  
Jessica A. Robertson, LG  
Project Manager

  
Dana L. Carlisle, PE  
Principal



### 8.1 Qualifications of Environmental Professional

Dana Carlisle is a registered Professional Engineer (PE) in Washington (#29634) and has more than 10 years of full-time experience doing Phase I ESAs. Dana is an Environmental Professional per 40 CFR Part 312.

Jessica Robertson is a licensed geologist (LG) in Washington (#2570) and has more than 15 years of experience doing Phase I ESAs. Jessica is an Environmental Professional per 40 CFR Part 312.

Resumes for Dana Carlisle and Jessica Robertson have been previously provided to Sound Transit.



- 

## Vicinity Map FL207

Phase I Environmental Site Assessment  
Federal Way Link Extension  
Washington



1. The locations of all features shown are approximate.
2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.

Data Source: Mapbox Open Street Map, 2017

Projection: NAD 1983 UTM Zone 10N





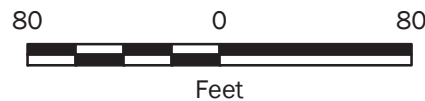
## Legend

	Geotechnical Boring		Subject Property
	Site Feature		Parcel
	Site Feature		Fee Take
	Site Feature		Guideway Easement
	Site Feature		Temporary Construction Easement
	Site Feature		WSDOT Airspace Lease

Parcel #: 2500600465  
Address: 23418 PACIFIC HWY S  
City: Kent  
Owner: Muscatel Midway Properties LLC  
Current Use: retail store

## Notes:

1. Based on current design information for the FWLE project (HDR, provided in December 2017)
2. The locations of all features shown are approximate. 3. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.
- Data Source: Aerial and road names from King County 2015.



## Site Plan FL207

Phase I Environmental Site Assessment  
Federal Way Link Extension  
Kent, Washington



Figure 2



Photograph 1. Subject Property FL207. The foreground of this photo is the vacant area created by the demolition of the fire-damaged portion of building. View to east from southwest portion of property.



Photograph 2. Subject Property FL207. View of loading dock and south end of property. View to west.

**Site Photographs February 2018  
FL207**

Phase I Environmental Site Assessment  
Federal Way Link Extension  
Washington



**Figure 3**





Photograph 3. Subject Property FL207; shows west interior of existing building under renovation, including open west building wall. View to north.



Photograph 4. Subject Property FL207; east side of subject property east of building. View to south from parking area.

**Site Photographs February 2018  
FL207**

Phase I Environmental Site Assessment  
Federal Way Link Extension  
Washington



**Figure 4**

**APPENDIX A**  
**USER PROVIDED INFORMATION AND COMPLETED USER**  
**QUESTIONNAIRE**

**AE 0044-12 WP 3.S**  
**PHASE I ENVIRONMENTAL SITE ASSESSMENT**  
**23418 PACIFIC HIGHWAY SOUTH, KENT, WASHINGTON,**  
**FL-207, KING COUNTY TAX PARCEL 2500600465**  
**PHASE I ESA USER QUESTIONNAIRE**

To enable us to complete the Phase I ESA and for the user of this report to be potentially eligible for one or more of the federal landowner liability protections, please complete the questionnaire below and provide the additional information requested.

1. Are you aware of any environmental cleanup liens against the property that are filed or recorded under federal, tribal and state or local law?

☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

2. Are you aware of any Activity and Use Limitations (AULs), such as engineering controls, land use restrictions or institutional controls that are in place at the Site and/or have been filed or recorded in a registry under federal, tribal, state or local law?

☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

3. As the user of this Phase I ESA do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business?

☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

4. Does the purchase price being paid for this property reasonable reflect the fair market value of the property?

☒ YES ☐ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

If you conclude that there is a difference between the purchase price and fair market value and you answered NO above, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property?

☐ YES ☐ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

5. Are you aware of commonly known or reasonably ascertainable information about the property that would help us identify conditions indicative or releases or threatened releases? For example,

Do you know the past uses of the property?

a. ☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

Do you know of specific chemicals that are present or once were present on the property?

b. ☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

Do you know of spills or other chemical releases that have taken place at or near the property?

c. ☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

Do you know of any environmental cleanups that have taken place at or near the property?

d. ☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_



6. Based on your knowledge and experience related to the property, are there any obvious indicators that point to the presence or likely presence of contamination at the property?

☐ YES ☐ NO ☒ DON'T KNOW

Explain: \_\_\_\_\_

**LIST OF REQUESTED INFORMATION, IF AVAILABLE**

- Names and phone numbers of key individuals with knowledge of Site use history.
- A map showing the boundaries of the subject Site.
- Tax ID numbers for parcels included within the Site.
- Copies of any past environmental Site assessment and/or audit reports or risk assessment studies.
- Environmental permits.
- Registrations for underground and above-ground storage tanks (if any).
- Material data safety sheets for hazardous substances used or stored on Site (if any).
- Community right-to-know plans pertaining to the Site.
- Safety plans pertaining to on-site facilities.
- Reports regarding geotechnical and/or hydrogeologic conditions.
- Notices or other correspondence from any government agency relating to past or current violations of environmental laws with respect to the property or relating to environmental liens encumbering the property.
- Recorded Activity Use Limitations (AULs).
- Title Report.

AE 0044-12 WP 3.S

**PHASE I ENVIRONMENTAL SITE ASSESSMENT**

**23418 PACIFIC HIGHWAY SOUTH, KENT, WASHINGTON,**

**FL-207, KING COUNTY TAX PARCEL 2500600465**

**PHASE I ESA USER QUESTIONNAIRE**

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2. Are you aware of any Activity and Use Limitations (AULs), such as engineering controls, land use restrictions or institutional controls that are in place at the Site and/or have been filed or recorded in a registry under federal, tribal, state or local law?

☐ YES ☐ NO ☒ DON'T KNOW Explain: \_\_\_\_\_

3. As the user of this Phase I ESA do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business?

☐ YES ☐ NO ☒ DON'T KNOW Explain: \_\_\_\_\_

4. Does the purchase price being paid for this property reasonable reflect the fair market value of the property?

☐ YES ☐ NO ☐ DON'T KNOW Explain: I DO NOT UNDERSTAND THIS NO OFFER QUESTION HAS BEEN MADE FOR THE PURCHASE OF THE PROPERTY

If you conclude that there is a difference between the purchase price and fair market value and you answered NO above, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property?

☐ YES ☐ NO ☐ DON'T KNOW Explain: SEE ABOVE

5. Are you aware of commonly known or reasonably ascertainable information about the property that would help us identify conditions indicative or releases or threatened releases? For example,

Do you know the past uses of the property?

a. ☒ YES ☐ NO ☐ DON'T KNOW Explain: AS LANDLORD WE ARE GENERALLY AWARE OF THE TENANT'S USES

Do you know of specific chemicals that are present or once were present on the property?

b. ☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

Do you know of spills or other chemical releases that have taken place at or near the property?

c. ☐ YES ☐ NO ☒ DON'T KNOW Explain: \_\_\_\_\_

Do you know of any environmental cleanups that have taken place at or near the property?

d. ☐ YES ☐ NO ☒ DON'T KNOW Explain: \_\_\_\_\_

6. Based on your knowledge and experience related to the property, are there any obvious indicators that point to the presence or likely presence of contamination at the property?

☐ YES ☐ NO ☒ DON'T KNOW

Explain: \_\_\_\_\_

**LIST OF REQUESTED INFORMATION, IF AVAILABLE**

- Names and phone numbers of key individuals with knowledge of Site use history.
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**AE 0044-12 WP 3.S**  
**PHASE I ENVIRONMENTAL SITE ASSESSMENT**  
**23418 PACIFIC HIGHWAY SOUTH, KENT, WASHINGTON,**  
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☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

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☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

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☒ YES ☐ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

If you conclude that there is a difference between the purchase price and fair market value and you answered NO above, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property?

☐ YES ☐ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

5. Are you aware of commonly known or reasonably ascertainable information about the property that would help us identify conditions indicative or releases or threatened releases? For example,

Do you know the past uses of the property?

a. ☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

Do you know of specific chemicals that are present or once were present on the property?

b. ☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

Do you know of spills or other chemical releases that have taken place at or near the property?

c. ☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

Do you know of any environmental cleanups that have taken place at or near the property?

d. ☐ YES ☒ NO ☐ DON'T KNOW Explain: \_\_\_\_\_

6. Based on your knowledge and experience related to the property, are there any obvious indicators that point to the presence or likely presence of contamination at the property?

☐ YES

☒ NO

☐ DON'T KNOW

Explain: \_\_\_\_\_

**LIST OF REQUESTED INFORMATION, IF AVAILABLE**

- Names and phone numbers of key individuals with knowledge of Site use history.
- A map showing the boundaries of the subject Site.
- Tax ID numbers for parcels included within the Site.
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- Safety plans pertaining to on-site facilities.
- Reports regarding geotechnical and/or hydrogeologic conditions.
- Notices or other correspondence from any government agency relating to past or current violations of environmental laws with respect to the property or relating to environmental liens encumbering the property.
- Recorded Activity Use Limitations (AULs).
- Title Report.

# ALTA COMMITMENT FOR TITLE INSURANCE

Issued By agent:



**CHICAGO TITLE**

COMPANY OF WASHINGTON

Commitment Number:

**0070518-06 [ROW FL207]**

CHICAGO TITLE INSURANCE COMPANY, a Nebraska corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, CHICAGO TITLE INSURANCE COMPANY has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

**Chicago Title Insurance Company**

By:

President

Countersigned By:

Authorized Officer or Agent

Attest:

Secretary



**RECEIVED**  
JUL 01 2016  
BY: FL207

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ALTA Commitment (06/17/2006)



ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Title Officer: Commercial / Unit 6 Chicago Title Company of Washington 701 5th Avenue, Suite 2700 Seattle, WA 98104 Main Phone: (206)628-5610 Email: CTISeaTitleUnit6@ctt.com	

**SCHEDULE A****ORDER NO. 0070518-06**

1. Effective Date: June 20, 2016 at 08:00 AM
2. Policy or (Policies) to be issued:
  - a. ALTA Owner's Policy 2006  
Proposed Insured: Central Puget Sound Regional Transit Authority, a regional transit authority  
Policy Amount: To Be Determined  
Premium: To Be Determined  
Tax: To Be Determined  
Rate: Standard  
Total: To Be Determined
3. The estate or interest in the land described or referred to in this Commitment is:  
Fee Simple
4. Title to the estate or interest in the land is at the Effective Date vested in:  
Muscatel Midway Properties, LLC
5. The land referred to in this Commitment is described as follows:  
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**END OF SCHEDULE A**

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ALTA Commitment (06/17/2006)



**EXHIBIT "A"**  
Legal Description

Lots 5, 6 and 7, Block 5, Federal Highway Addition, according to the Plat thereof recorded in Volume 30 of Plats, page 1, in King County, Washington;  
EXCEPT the Easterly 10 feet of said Lot 5 conveyed to the State of Washington by deed recorded under recording number 5025702 for highway purposes;  
AND EXCEPT the Westerly 12.00 feet of the South 20.00 feet of the North 34.40 feet (as measured along the westerly line) of said Lot 5 as conveyed to the City of Kent by deed recorded under recording number 20031216000206.

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ALTA Commitment (06/17/2006)

Page 3

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WA-CT-FNSE-02150.622476-SPS-1-16-0070518-06





**SCHEDULE B**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

**GENERAL EXCEPTIONS**

- A. Rights or claims of parties in possession, or claiming possession, not shown by the Public Records.
- B. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
- C. Easements, prescriptive rights, rights-of-way, liens or encumbrances, or claims thereof, not shown by the Public Records.
- D. Any lien, or right to a lien, for contributions to employee benefit funds, or for state workers' compensation, or for services, labor, or material heretofore or hereafter furnished, all as imposed by law, and not shown by the Public Records.
- E. Taxes or special assessments which are not yet payable or which are not shown as existing liens by the Public Records.
- F. Any lien for service, installation, connection, maintenance, tap, capacity, or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Records.
- G. Unpatented mining claims, and all rights relating thereto.
- H. Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof.
- I. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
- J. Water rights, claims or title to water.
- K. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records, or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

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ALTA Commitment (06/17/2006)



**SCHEDULE B**

(continued)

**SPECIAL EXCEPTIONS**

1. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on the plat of Federal Highway Addition:

Recording No: 2294446

2. Revocable License

Recording Date: April 12, 1963

Recording No.: 5569291

3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Des Moines Sewer District

Purpose: Sewer mains

Recording Date: March 2, 1971

Recording No.: 7103020351

Affects: The North 15 feet of that portion of Lot 5 lying Westerly of the East 10 feet thereof.

4. Payment of the real estate excise tax, if required.

The Land is situated within the boundaries of local taxing authority of City of Kent.

Present rate of real estate excise tax as of the date herein is 1.78 percent.

Any conveyance document must be accompanied by the official Washington State Excise Tax Affidavit. The applicable excise tax must be paid and the affidavit approved at the time of the recording of the conveyance documents. (NOTE: Real Estate Excise Tax Affidavits must be printed as legal size forms).

An additional \$5.00 Electronic Technology Fee must be included in all excise tax payments.

If the transaction is exempt, an additional \$5.00 Affidavit Processing Fee is required.



**SCHEDULE B**

(continued)

5. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year: 2016  
 Tax Account No.: 250060-0465  
 Levy Code: 1468  
 Assessed Value-Land: \$1,781,700.00  
 Assessed Value-Improvements: \$1,186,500.00

## General and Special Taxes:

Billed: \$39,821.20  
 Paid: \$19,910.60  
 Unpaid: \$19,910.60

6. Liability for Sewer Treatment Capacity Charges, if any, affecting certain areas of King, Pierce and Snohomish Counties. Said charges could apply to property connecting to the metropolitan sewerage facilities or reconnecting or changing its use and/or structure after February 1, 1990.  
 Please contact the King County Wastewater Treatment Division, Capacity Charge Program, for further information at 206-296-1450 or Fax No. 206-263-6823 or email at [CapChargeEscrow@kingcounty.gov](mailto:CapChargeEscrow@kingcounty.gov).

\* A map showing sewer service area boundaries and incorporated areas can be found at:  
[http://your.kingcounty.gov/ftp/gis/Web/VMC/utilities/servarea\\_cities.pdf](http://your.kingcounty.gov/ftp/gis/Web/VMC/utilities/servarea_cities.pdf)

Unrecorded Sewer Capacity Charges are not a lien on title to the Land.

NOTE: This exception will not appear in the policy to be issued.

7. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$500,000.00  
 Dated: March 31, 1982  
 Trustor/Grantor: Luann Bertram and Morris D. Muscatel, Co-Trustees for the David Muscatel Trust, and Dorothy Muscatel, Executrix of the Estate of Jack Muscatel  
 Trustee: First American Title Insurance Company  
 Beneficiary: Luann Bertram, individually and as Co-Trustee of the Stanley Muscatel Trust under Agreement dated July 29, 1981, Esther Muscatel, as Co-Trustee of the Stanley Muscatel Trust under Agreement dated July 29, 1981, John Muscatel, individually, Kenneth Muscatel, individually, Laurel Goldman, individually, and Morris D. Muscatel, individually and as Co-trustee the Stanley Muscatel Trust under Agreement dated July 29, 1981  
 Recording Date: April 15, 1982  
 Recording No.: 8204150582

8. Any unrecorded leaseholds, right of vendors and holders of security interests on personal property installed upon the Land and rights of tenants to remove trade fixtures at the expiration of the terms.

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ALTA Commitment (06/17/2006)



**SCHEDULE B**

(continued)

9. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: Muscatel Midway Properties, LLC

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. If the Limited Liability Company was formed in a foreign jurisdiction, evidence, satisfactory to the Company that it was validly formed, is in good standing and authorized to do business in the state of origin.
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

10. **Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the seller/borrower must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.**

**END OF EXCEPTIONS****NOTES**

The following matters will not be listed as Special Exceptions in Schedule B of the policy. There will be no coverage for loss arising by reason of the matters listed below because these matters are either excepted or excluded from coverage or are not matters covered under the insuring provisions of the policy.

Note A: Note: FOR INFORMATIONAL PURPOSES ONLY:

The following may be used as an abbreviated legal description on the documents to be recorded, per Amended RCW 65.04.045. Said abbreviated legal description is not a substitute for a complete legal description within the body of the document:

Lot(s): 5-7 Block: 5 FEDERAL HIGHWAY ADD  
Tax Account No.: 250060-0465

Note B: Note: Any map furnished with this Commitment is for convenience in locating the land indicated herein with reference to streets and other land. No liability is assumed by reason of reliance thereon.

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ALTA Commitment (06/17/2006)



**SCHEDULE B**

(continued)

**END OF NOTES**

**END OF SCHEDULE B**

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ALTA Commitment (06/17/2006)



**CONDITIONS**

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. *The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <http://www.alta.org>.*

**END OF CONDITIONS**

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ALTA Commitment (06/17/2006)



## RECORDING REQUIREMENTS

Effective January 1, 1997, document format and content requirements have been imposed by Washington Law. Failure to comply with the following requirements may result in rejection of the document by the county recorder or imposition of a \$50.00 surcharge.

### First page or cover sheet:

3" top margin containing nothing except the return address.

1" side and bottom margins containing no markings or seals.

Title(s) of documents.

Recording no. of any assigned, released or referenced document(s).

Grantors names (and page no. where additional names can be found).

Grantees names (and page no. where additional names can be found).

Abbreviated legal description (Lot, Block, Plat Name or Section, Township, Range and Quarter, Quarter Section for unplatted). Said abbreviated legal description is not a substitute for a complete legal description which must also appear in the body of the document.

Assessor's tax parcel number(s).

Return address (in top 3" margin).

\*\*A cover sheet can be attached containing the above format and data if the first page does not contain all required data.

### Additional Pages:

1" top, side and bottom margins containing no markings or seals.

### All Pages:

No stapled or taped attachments. Each attachment must be a separate page. All notary and other pressure seals must be smudged for visibility. Font size of 8 points or larger.

**FIDELITY NATIONAL FINANCIAL, INC.**  
**PRIVACY NOTICE**  
**Effective: April 1, 2016**

**Order No.:** 0070518-06

At Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF", "our" or "we"), we value the privacy of our customers. This Privacy Notice explains how we collect, use, and protect your information and explains the choices you have regarding that information. A summary of our privacy practices is below. We also encourage you to read the complete Privacy Notice following the summary.

<p><b><u>Types of Information Collected.</u></b> You may provide us with certain personal information, like your contact information, social security number (SSN), driver's license, other government ID numbers, and/or financial information. We may also receive information from your Internet browser, computer and/or mobile device.</p>	<p><b><u>How Information is Collected.</u></b> We may collect personal information directly from you from applications, forms, or communications we receive from you, or from other sources on your behalf, in connection with our provision of products or services to you. We may also collect browsing information from your Internet browser, computer, mobile device or similar equipment. This browsing information is generic and reveals nothing personal about the user.</p>
<p><b><u>Use of Your Information.</u></b> We may use your information to provide products and services to you (or someone on your behalf), to improve our products and services, and to communicate with you about our products and services. We do not give or sell your personal information to parties outside of FNF for their use to market their products or services to you.</p>	<p><b><u>Security Of Your Information.</u></b> We utilize a combination of security technologies, procedures and safeguards to help protect your information from unauthorized access, use and/or disclosure. We communicate to our employees about the need to protect personal information.</p>
<p><b><u>Choices With Your Information.</u></b> Your decision to submit personal information is entirely up to you. You can opt-out of certain disclosures or use of your information or choose to not provide any personal information to us.</p>	<p><b><u>When We Share Information.</u></b> We may disclose your information to third parties providing you products and services on our behalf, law enforcement agencies or governmental authorities, as required by law, and to parties with whom you authorize us to share your information.</p>
<p><b><u>Information From Children.</u></b> We do not knowingly collect information from children under the age of thirteen (13), and our websites are not intended to attract children.</p>	<p><b><u>Privacy Outside the Website.</u></b> We are not responsible for the privacy practices of third parties, even if our website links to those parties' websites.</p>
<p><b><u>Access and Correction.</u></b> If you desire to see the information collected about you and/or correct any inaccuracies, please contact us in the manner specified in this Privacy Notice.</p>	<p><b><u>Do Not Track Disclosures.</u></b> We do not recognize "do not track" requests from Internet browsers and similar devices.</p>
<p><b><u>The California Online Privacy Protection Act.</u></b> Certain FNF websites collect information on behalf of mortgage loan servicers. The mortgage loan servicer is responsible for taking action or making changes to any consumer information submitted through those websites.</p>	<p><b><u>International Use.</u></b> By providing us with your information, you consent to the transfer, processing and storage of such information outside your country of residence, as well as the fact that we will handle such information consistent with this Privacy Notice.</p>
<p><b><u>Your Consent To This Privacy Notice.</u></b> By submitting information to us and using our websites, you are accepting and agreeing to the terms of this Privacy Notice.</p>	<p><b><u>Contact FNE.</u></b> If you have questions or wish to contact us regarding this Privacy Notice, please use the contact information provided at the end of this Privacy Notice.</p>



## FIDELITY NATIONAL FINANCIAL, INC. PRIVACY NOTICE

FNF respects and is committed to protecting your privacy. We pledge to take reasonable steps to protect your Personal Information (as defined herein) and to ensure your information is used in compliance with this Privacy Notice.

This Privacy Notice is only in effect for information collected and/or owned by or on behalf of FNF, including collection through any FNF website or online services offered by FNF (collectively, the "Website"), as well as any information collected offline (e.g., paper documents). The provision of this Privacy Notice to you does not create any express or implied relationship, nor create any express or implied duty or other obligation, between FNF and you.

### Types of Information Collected

We may collect two (2) types of information: Personal Information and Browsing Information.

Personal Information. The types of personal information FNF collects may include, but are not limited to:

- contact information (e.g., name, address, phone number, email address);
- social security number (SSN), driver's license, and other government ID numbers; and
- financial account or loan information.

Browsing Information. The types of browsing information FNF collects may include, but are not limited to:

- Internet Protocol (or IP) address or device ID/UDID, protocol and sequence information;
- browser language;
- browser type;
- domain name system requests;
- browsing history;
- number of clicks;
- hypertext transfer protocol headers; and
- application client and server banners.

### How Information is Collected

In the course of our business, we may collect *Personal Information* about you from the following sources:

- applications or other forms we receive from you or your authorized representative, whether electronic or paper;
- communications to us from you or others;
- information about your transactions with, or services performed by, us, our affiliates or others; and
- information from consumer or other reporting agencies and public records that we either obtain directly from those entities, or from our affiliates or others.

We may collect *Browsing Information* from you as follows:

- Browser Log Files. Our servers automatically log, collect and record certain Browsing Information about each visitor to the Website. The Browsing Information includes only generic information and reveals nothing personal about the user.
- Cookies. From time to time, FNF may send a "cookie" to your computer when you visit the Website. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. When you visit the Website again, the cookie allows the Website to recognize your computer, with the goal of providing an optimized user experience. Cookies may store user preferences and other information. You can choose not to accept cookies by changing the settings of your Internet browser. If you choose not to accept cookies, then some functions of the Website may not work as intended.

### Use of Collected Information

Information collected by FNF is used for three (3) main purposes:

- To provide products and services to you, or to one or more third party service providers who are performing services on your behalf or in connection with a transaction involving you;
- To improve our products and services; and
- To communicate with you and to inform you about FNF's products and services.

### When We Share Information

We may share your Personal Information (excluding information we receive from consumer or other credit reporting agencies) and Browsing Information with certain individuals and companies, as permitted by law, without first obtaining your authorization. Such disclosures may include, without limitation, the following:

- to agents, representatives, or others to provide you with services or products you have requested, and to enable us to detect or prevent criminal activity, fraud, or material misrepresentation or nondisclosure;
- to third-party contractors or service providers who provide services or perform other functions on our behalf;
- to law enforcement or other governmental authority in connection with an investigation, or civil or criminal subpoenas or court orders; and/or
- to other parties authorized to receive the information in connection with services provided to you or a transaction involving you.

We may disclose Personal Information and/or Browsing Information when required by law or in the good-faith belief that such disclosure is necessary to:

- comply with a legal process or applicable laws;
- enforce this Privacy Notice;
- investigate or respond to claims that any information provided by you violates the rights of a third party; or
- protect the rights, property or personal safety of FNF, its users or the public.

We make efforts to ensure third party contractors and service providers who provide services or perform functions on our behalf protect your information. We limit use of your information to the purposes for which the information was provided. We do not give or sell your information to third parties for their own direct marketing use.

We reserve the right to transfer your Personal Information, Browsing Information, as well as any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of our bankruptcy, reorganization, insolvency, receivership or an assignment for the benefit of creditors. You expressly agree and consent to the use and/or transfer of this information in connection with any of the above described proceedings. We cannot and will not be responsible for any breach of security by any third party or for any actions of any third party that receives any of the information that is disclosed to us.

#### **Choices With Your Information**

Whether you submit your information to FNF is entirely up to you. If you decide not to submit your information, FNF may not be able to provide certain products or services to you. You may choose to prevent FNF from using your information under certain circumstances ("opt out"). You may opt out of receiving communications from us about our products and/or services.

#### **Security And Retention Of Information**

FNF is committed to protecting the information you share with us and utilizes a combination of security technologies, procedures and safeguards to help protect it from unauthorized access, use and/or disclosure. FNF trains its employees on privacy practices and on FNF's privacy and information security policies. FNF works hard to retain information related to you only as long as reasonably necessary for business and/or legal purposes.

#### **Information From Children**

The Website is meant for adults. The Website is not intended or designed to attract children under the age of thirteen (13). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

#### **Access and Correction**

To access your Personal Information in the possession of FNF and correct inaccuracies, please contact us by email at [privacy@fnf.com](mailto:privacy@fnf.com) or by mail at:

Fidelity National Financial, Inc.  
601 Riverside Avenue  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer

#### **Your Consent To This Privacy Notice**

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of information by FNF in compliance with this Privacy Notice. We reserve the right to make changes to this Privacy Notice. If we change this Privacy Notice, we will post the revised version on the Website.

#### **Privacy Outside the Website**

The Website may contain links to other websites, including links to websites of third party service providers. FNF is not and cannot be responsible for the privacy practices or the content of any of those other websites.

#### **International Users**

Because FNF's headquarters is located in the United States, we may transfer your Personal Information and/or Browsing Information to the United States. By using our website and providing us with your Personal Information and/or Browsing Information, you understand and consent to the transfer, processing and storage of such information outside your country of residence, as well as the fact that we will handle such information consistent with this Privacy Notice.

#### **Do Not Track Disclosures**

Currently, our policy is that we do not recognize "do not track" requests from Internet browsers and similar devices.

#### **The California Online Privacy Protection Act**

For some websites which FNF or one of its companies owns, such as the Customer CareNet ("CCN"), FNF is acting as a third party service provider to a mortgage loan servicer. In those instances, we may collect certain information on behalf of that mortgage loan servicer, including:

- first and last name;
- property address;
- user name and password;
- loan number;
- social security number - masked upon entry;
- email address;
- security questions and answers; and
- IP address.

The information you submit is then transferred to your mortgage loan servicer by way of CCN. **The mortgage loan servicer is responsible for taking action or making changes to any consumer information submitted through this website. For example, if you believe that your payment or user information is incorrect, you must contact your mortgage loan servicer.**

CCN does not share consumer information with third parties, other than those with which the mortgage loan servicer has contracted to interface with the CCN application. All sections of this Privacy Notice apply to your interaction with CCN, except for the sections titled Choices with Your Information, and Access and Correction. If you have questions regarding the choices you have with regard to your personal information or how to access or correct your personal information, contact your mortgage loan servicer.

#### **Contact FNF**

Please send questions and/or comments related to this Privacy Notice by email at [privacy@fnf.com](mailto:privacy@fnf.com) or by mail at:

Fidelity National Financial, Inc.  
601 Riverside Avenue  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer

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EFFECTIVE AS OF APRIL 1, 2016



**20030124002543**ABC-LEGAL MESS QCD 22 00  
PAGE 001 OF 004  
01/24/2003 14:53  
KING COUNTY, WA**WHEN RECORDED RETURN TO:**

John A Coe  
The Coe Law Group, PLLC  
720 Olive Way, Suite 1300  
Seattle, WA 98101-1855

**E1935491**01/24/2003 14:53  
KING COUNTY, WA  
TAX \$2.00  
SALE \$0.00

PAGE 001 OF 001

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<b>Document Title:</b>	Quit Claim Deed
<b>Reference Numbers(s) of Related Documents:</b>	8204150582
<b>Grantor(s):</b>	1 David Muscatel Testamentary Trust Luann L Bertram, Co-Trustee Morris D Muscatel, Co-Trustee 2 Jack Muscatel Testamentary Trust Dorothy Muscatel Substitute Trustee
<b>Grantee(s):</b>	Muscatel Midway Properties, LLC
<b>Legal Description (abbreviated form):</b>	Lots 5, 6, and 7, Block 5, Federal Highway Addition, Vol 30 of Plats, Page 1, King County, Washington
<b>Assessor's Property Tax Parcel/Account Number:</b>	250060046504

**WHEN RECORDED RETURN TO:**

John A. Coe  
 The Coe Law Group, PLLC  
 720 Olive Way, Suite 1300  
 Seattle, WA 98101-1855

Property Tax Identification Number 250060046504

---

**QUIT CLAIM DEED**

THE GRANTOR, in consideration received and hereby acknowledged, the David Muscatel Testamentary Trust, a Washington State testamentary trust, and the Jack Muscatel Testamentary Trust, a Washington State testamentary trust, (together as Grantors) release and forever quit claim to Muscatel Midway Properties, LLC (Grantee), the described real estate situated in the County of King, State of Washington together with all after acquired title of the Grantors therein

Commonly Known As	23416 Pacific Highway South Kent, Washington 98031
Legally Described As	Lots 5, 6, and 7, Block 5, Federal Highway Addition, according to plat recorded in Volume 30 of Plats, Page 1, King County, EXCEPT the easterly 10 feet in width of said Lot 5 conveyed to the State of Washington for State Highway No 1, by deed recorded under Auditor's File No 5025702, situated in King County, State of Washington
Subject to	That Deed of Trust in favor of Luann Bertram, Individually and as Co-Trustee of the Stanley Muscatel Trust under Agreement dated July 29, 1981, John Muscatel, individually, Kenneth Muscatel, individually, Laurel Goldman, individually, and Morris D Muscatel, individually, and as Co-Trustee of the Stanley Muscatel Trust under Agreement dated July 29, 1981, recorded under King County Recorder's Number 8204150582, King County, Washington Said Deed of Trust securing a debt which shall remain the obligation of Grantee

Dated Dec 31, 2002

Luann L. Bertram  
 David Muscatel Testamentary Trust  
 Luann L. Bertram, Co-Trustee, Grantor

Morris D. Muscatel  
 David Muscatel Testamentary Trust  
 Morris D Muscatel, Co-Trustee, Grantor

Dorothy Muscatel  
 Jack Muscatel Testamentary Trust  
 Dorothy Muscatel, Substitute Trustee,  
 Grantor

STATE OF WASHINGTON )  
 ) ss  
 COUNTY OF KING )

On this day personally appeared before me **Luann L. Bertram**, to me known to be the Co-Trustee of the David Muscatel Testamentary Trust, a testamentary trust created in the Last Will and Testament of David Muscatel, who executed the within and foregoing instrument, and acknowledged that the said instrument to be the free and voluntary act and deed of said trust, for the uses and purposes therein mentioned, and on oath stated that **Luann L. Bertram** is authorized to execute the said instrument

GIVEN under my hand and official seal this 31 day of December, 2002



Stephanie R. Bedolla  
 NOTARY PUBLIC for the State of Washington  
 Printed Name Stephanie R. Bedolla  
 My Commission Expires 4/16/05  
 Residing At Seattle

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF KING )

On this day personally appeared before me **Morris D. Muscatel**, to me known to be the Co-Trustee of the David Muscatel Testamentary Trust, a testamentary trust created in the Last Will and Testament of David Muscatel, who executed the within and foregoing instrument, and acknowledged that the said instrument to be the free and voluntary act and deed of said trust, for the uses and purposes therein mentioned, and on oath stated that **Morris D. Muscatel** is authorized to execute the said instrument

GIVEN under my hand and official seal this 31 day of December, 2002

Julia Hatch  
NOTARY PUBLIC for the State of Washington  
Printed Name, Julia Hatch  
My Commission Expires 6/10/05  
Residing At M.I., WA

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF KING )

On this day personally appeared before me **Dorothy Muscatel**, to me known to be the Substitute Trustee of the Jack Muscatel Testamentary Trust, a testamentary trust created in the Last Will and Testament of Jack Muscatel, who executed the within and foregoing instrument, and acknowledged that the said instrument to be the free and voluntary act and deed of said trust, for the uses and purposes therein mentioned, and on oath stated that **Dorothy Muscatel** is authorized to execute the said instrument

GIVEN under my hand and official seal this 31 day of December, 2002

\_\_\_\_\_  
 NOTARY PUBLIC for the State of Washington  
 Printed Name Julia Hately  
 My Commission Expires 6/10/05  
 Residing At M.I., WA

# FEDERAL HIGHWAY ADDITION TO KING COUNTY WASHINGTON.

## DESCRIPTION.

This Plat of Federal Highway Addition Comprises the E. 1/2 of the S.E. 1/4, the E. 1/2 of the N.E. 1/4 of the N.W. 1/4 of the N.E. 1/4 of Sec. 16, T.21. N. R. 4. E. N.W. 1/4, except portions taken for State and County highways.

Whereby certify that the Plat of Federal Highway Addition is based upon an actual survey and subdivision of Section 16, T.21. N. R. 4. E. N.W. 1/4, that the bearings are in correct relation to each other, the distances correctly shown thereon and the lot and block corners staked on the ground.

Marford & Mowry, Civil Engineers.  
By C. E. Marford

## DEDICATION.

Know all men by these presents that we Chauncy L. Baxter and Margaret C. Baxter, owners in fee simple of the lands platted in this Federal Highway Addition do hereby declare this plat and dedicate to the use of the public forever all the streets and avenues shown hereon, and the use thereof for any and all public purposes not inconsistent with the use thereof for public highway purposes, also the right to make all necessary grades for cuts or fills upon the lots shown on this plat in the reasonable original grading of all streets and avenues. In witness whereof we have hereunto set our hands and seals this 29th day of December, A.D. 1926.

Chauncy L. Baxter  
Margaret C. Baxter

Examined and approved this 30th day of December, A.D. 1926.

By Thomas D. Hunt, Deputy  
County Engineer.

## ACKNOWLEDGEMENT.

State of Washington )  
County of King ) S.S.

This is to certify that on this 29th day of December, 1926, before me the undersigned, a Notary Public, personally appeared Chauncy L. Baxter and Margaret C. Baxter, his wife, known to me to be the persons who executed the foregoing dedication and acknowledged to me that they signed and sealed the same as their voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official Seal the day and year first above written.

C. E. Hughes  
Notary Public in and for the State of  
Washington, residing at Seattle.



Examined and approved this 17th day of Jan. A.D. 1927

Attest.  
Frank H. Paul  
Chairman Board of County Commissioners.  
C. F. Gage  
Dep. Clerk of Board of County Commissioners.



2294446

Filed for record at the request of King County Engineer  
Jan. 17th A.D. 1927, at 32 minutes past 10 o'clock P.M., and  
recorded in Volume 30 of Plats, Page 112, records of  
King County, Washington.

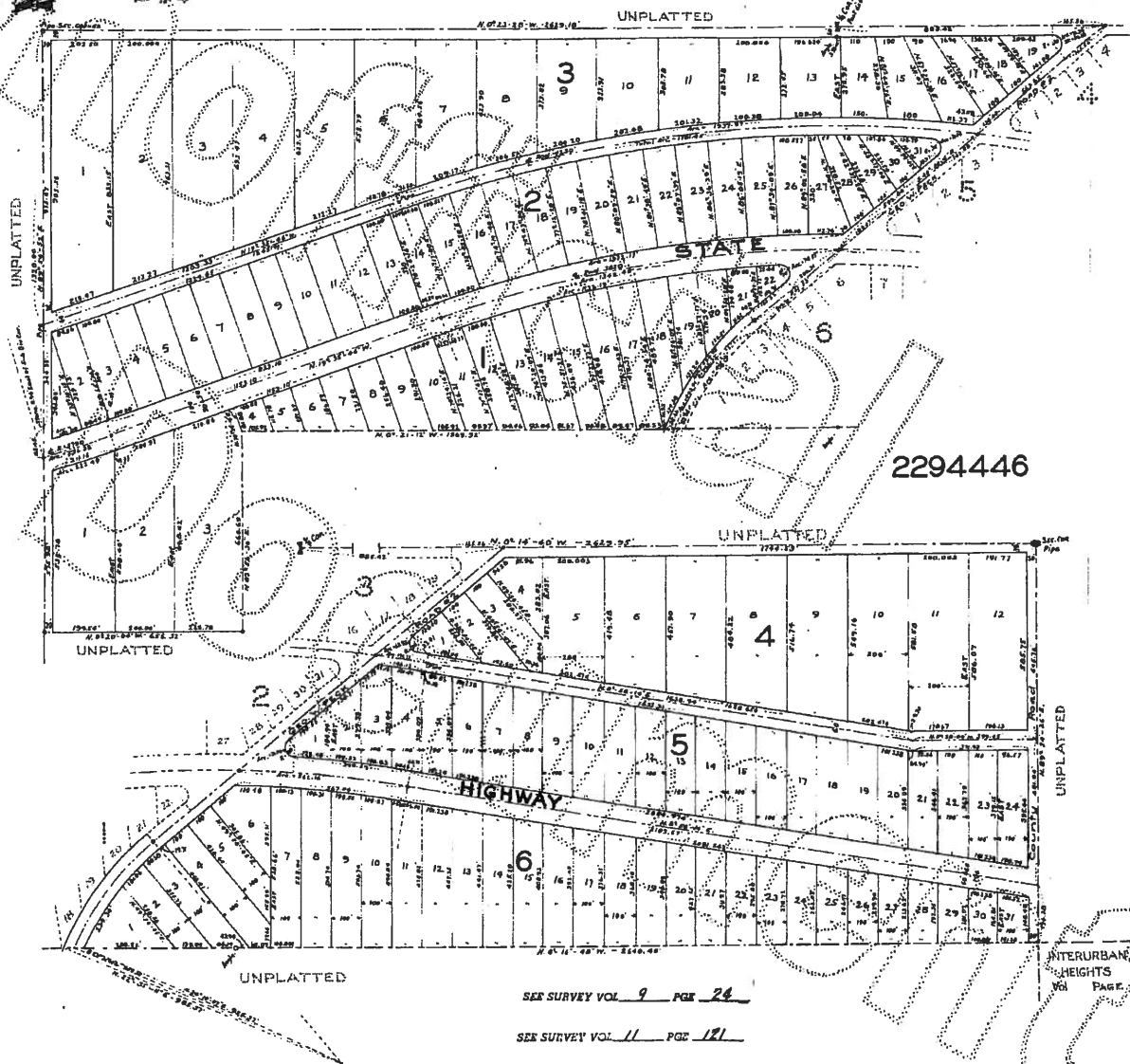
By Deputy County Auditor.

Thomas H. Gorder,  
Draftsman.



## 2.

Scale: 1" = 200'



## WARRANTY DEED

In the Matter of Primary State Highway No. 1, Pierce County Line to Junction SSH No. 5- A

KNOW ALL MEN BY THESE PRESENTS, That the Grantor J. E. Peacock and Mildred A. Peacock, husband and wife, Alden H. Burman and Winifred L. Burman, husband and wife, and John A. Burman and Winifred C. Burman, husband and wife

for and in consideration of the sum of Ten and no/00 - - - (\$10.00) - - - - - Dollars, and other valuable consideration

hereby convey and warrant to the State of Washington, the following described real estate situated in King County, in the State of Washington:

The Easterly ten (10) feet in width of Lot 5, Block 5, Federal Highway Addition, according to plat recorded in volume 30 of plats, page 1, in King County Washington.

The undersigned Grantors hereby authorize and instruct the State of Washington to pay the entire consideration to J. E. Peacock and Alden H. Burman, and direct that the State voucher in payment thereof shall be executed only by said J. E. Peacock and Alden H. Burman.

The lands being herein conveyed contain a total area of 0.023 acres more or less, the specific details concerning all of which are to be found within that certain map of definite location now of record and on file in the office of the Director of Highways at Olympia and bearing date of approval December 23, 1958, revised February 25, 1959.

It is understood and agreed that the delivery of this deed is hereby tendered and that the terms and obligations hereof shall not become binding upon the State of Washington unless and until accepted and approved hereon in writing for the State of Washington, Department of Highways, by the Chief Right of Way Agent.

Dated this 10th day of April, 1959.

Accepted and approved APR 23 1959

STATE OF WASHINGTON  
DEPARTMENT OF HIGHWAYS

By *[Signature]*  
for Chief Right of Way Agent.

*J. E. Peacock*  
*Mildred A. Peacock*  
*Alden H. Burman*  
*Winifred L. Burman*  
*John A. Burman*  
*Winifred C. Burman*

APR 29 1959

AFTER RECORDING MAIL TO:

Property Management  
City of Kent  
220 4th Avenue South  
Kent, WA 98032



20031216000206

PACIFIC NW TIT QCD 21.00  
PAGE001 OF 003  
12/16/2003 09:22  
KING COUNTY, WA

E2008133

12/16/2003 09:22  
KING COUNTY, WA  
TAX 32.00  
SALE 32.00

PAGE001 OF 001

Reference Number of Related Document. FA No. STPUL-0099(045)  
Grantor(s): Muscatel Midway Properties, LLC  
Grantee(s): City of Kent  
Abbreviated Legal Description: Ptn. Lot 5, Block 5, Federal Highway  
Addition, Vol. 30, Page 1 (Ptn. SE 1/4 16-22-4)  
Additional Legal Description is on Page(s) 2 of Document  
Assessor's Property Tax Parcel or Account No.: 250060-0465

Project: Pacific Highway/SR 99 RW No. 96-3005  
Title No: 396453

QUIT CLAIM DEED  
(Limited Liability)

3/21 PNWT  
396453-12

THE GRANTOR Muscatel Midway Properties, LLC, a Washington limited liability company, for and in consideration of \$3,175.00 conveys and quit claims to CITY OF KENT for any and all municipal purposes as Grantee, the following described real estate, situated in the County of KING, State of Washington including any after acquired title:

Refer to Exhibit A attached and made a part hereto.

"Government Transfer under the Threat of Eminent Domain"

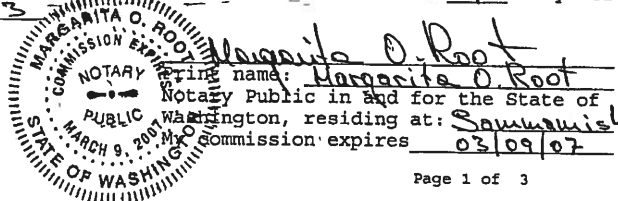
Dated this 9th day of December, 2003.

John Muscatel  
Muscatel Midway Properties, LLC

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF KING )

On this 9 day of Dec, 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared John Muscatel and \_\_\_\_\_ to me known to be the Manager and \_\_\_\_\_ of Muscatel Midway Properties, LLC a Limited Liability Company, the company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, and for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

GIVEN under my hand and official seal this 9 day of Dec, 2003



396453.doc

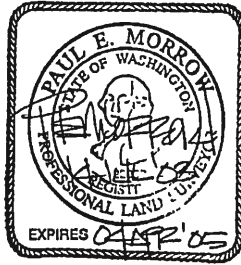
Page 1 of 3

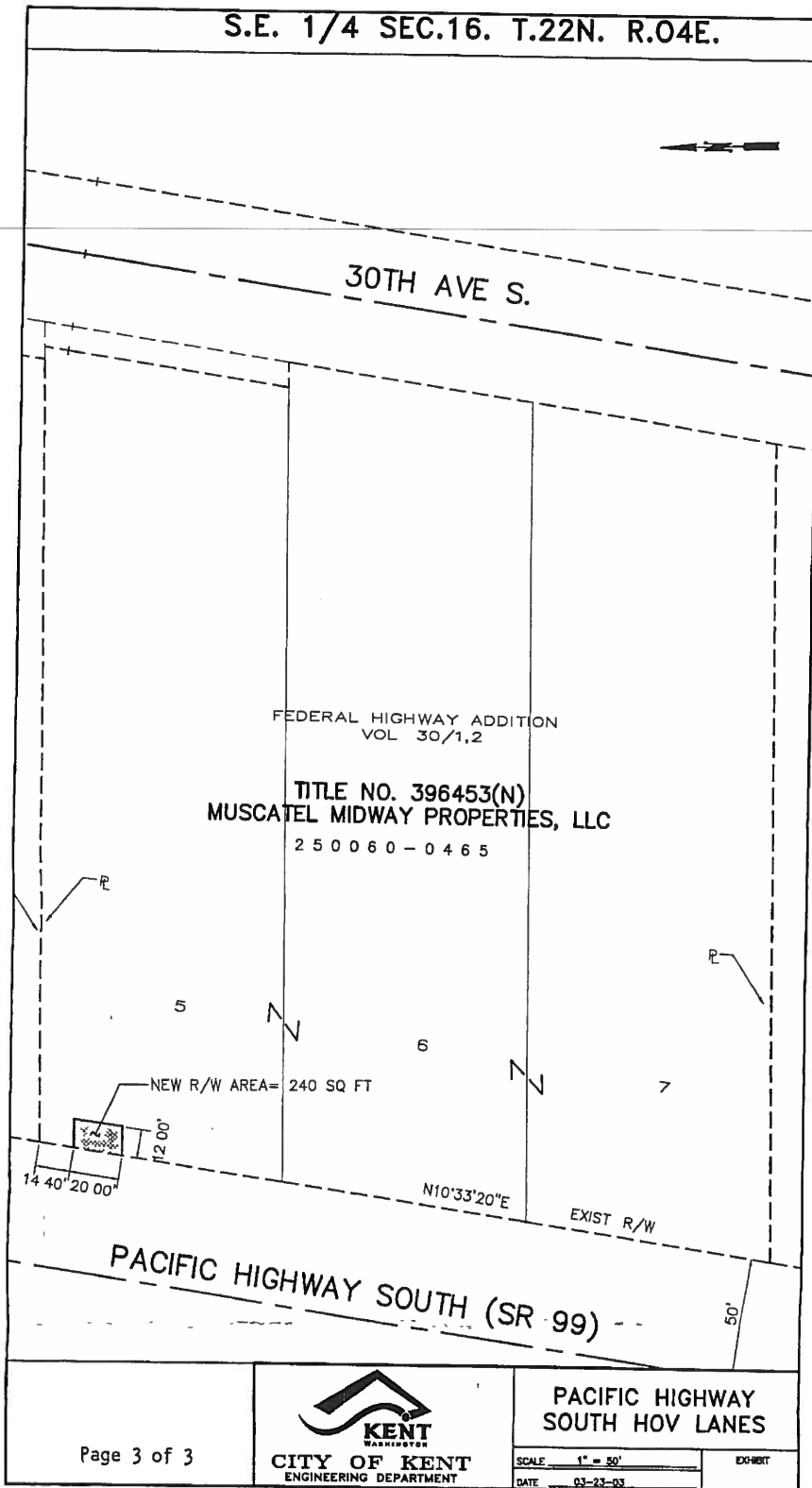
**EXHIBIT "A"**  
**RIGHT OF WAY**  
**LEGAL DESCRIPTION**

TITLE ORDER No 396453

THE WESTERLY 12 00 FEET OF THE SOUTH 20 00 FEET OF THE NORTH 34 40 FEET (AS  
MEASURED ALONG THE WESTERLY LINE) OF LOT 5, BLOCK 5, FEDERAL HIGHWAY  
ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 30 OF PLATS,  
PAGES 1 AND 2, IN KING COUNTY, WASHINGTON

CONTAINING 240 SQUARE FEET, MORE OR LESS





Plat filed Jan 17 1927  
at Dec 20 1926

1-42

2294446  
Vol 30 pg 1

FEDERAL HIGHWAY ADDITION TO KING COUNTY, WASHINGTON.

By Chauncey L. Baxter, and Margaret C. Baxter, owners in fee simple of the lands platted in this Federal Highway addition hereby declare this plat and dedicate to the use of the pub forever all the streets and avenues shown hereon, and the use thereof for any and all public purps not inconsistent with the use thereof for pub highway purps, also the right to make all necessary slopes for cuts or fills upon the lots shown on this plat in the repl, original grading of all streets and avenues

Receipt:

Comprises the E<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub>, the E<sup>1</sup>/<sub>4</sub> and the NW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of sec 16, twp 22 n r 4 e w m except portions taken for state and county highways

blk 1 lots 1 to 22 incl  
blk 2 lots 1 to 31 incl  
blk 3 lots 1 to 19 incl  
blk 4 lots 1 to 18 incl  
blk 5 lots 1 to 24 incl  
blk 6 lots 1 to 31 incl

ask her on Dec 20 1926, by Chauncey L. Baxter and Margaret C. Baxter, hmf, def C E Hughes, n p for us res at s n s Feb 16-29

Examined and approved Jan 17 1927

Frank H. Paul, Chairman of bd of cc comm  
attest C F Gage, dep clk of bd of cc comm

Examined and approved Dec 20 1926

Thomas R. Beeman, cc engr.

by Thomas D. Hunt, deputy

file by cc engr

(FOR)

5500201

THIS AGREEMENT made this 20th day of February, 1963, by  
and between

THE FIRST SOUNDED NATIONAL BANK OF  
TACOMA, a national banking assoc-  
iation, organized and existing  
under and by virtue of the laws  
of the United States of America,  
having its principal place of  
business at Tacoma, Pierce County,  
Washington, hereinafter desig-  
nated "Bank", First Party,

and

NEW CENTER, P. O., INC., an Oregon  
corporation, authorized to do bus-  
iness in the State of Washington,  
hereinafter designated "Second  
Party",

**W I T N E S S E T H :**

WHEREAS, Bank is the owner of the following-described real  
property situate in King County, Washington, to-wit:

Lots 3 and 4, Block 5, Federal Highway  
Addition, as per plat recorded in Vol-  
ume 30 of Plats at page 1, records of  
King County Auditor,

and

WHEREAS, Second Party is the owner of the following-described  
real property situate in King County, Washington, to-wit:

Lots 5, 6 and 7, Block 5, Federal High-  
way Addition, as per plat recorded in  
Volume 30 of Plats, page 1, records of  
King County Auditor; EXCEPT the East  
10 feet of Lot 5 heretofore deeded to  
King County for the purposes of es-  
tablishing 30th Avenue South,

and

WHEREAS, the property owned by the respective parties here-  
to are adjacent to and abut upon each other and have a common north-  
erly and southerly boundary line, and

WHEREAS, Second Party desires to obtain from Bank a rev-  
ocable license permitting Second Party, its tenants, servants, agents,  
employees, visitors, licensees and invitees, the right of ingress





and egress over and across Bank's property at a point which is not more than <sup>twenty (20)</sup> ~~ten (10)~~ feet in width extending over Bank's property from the common boundary line of the parties' property, and the Bank is willing to grant such a revocable license, but only upon the terms and conditions hereinafter set forth,

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) paid by Second Party to first party, the receipt whereof is hereby acknowledged, and of the mutual covenants, agreements, conditions and stipulations herein contained, it is stipulated and agreed by and between the parties hereto as follows:

1. Second Party hereby acknowledges that its right of ingress and egress, and that of its tenants, servants, agents, employees, visitors, licensees and invitees, of the license to pass over Bank's said property is a revocable right-of-way only and is not used as a matter of right, but by the express written permission of the said Bank.

2. The right hereby granted by Bank may be cancelled by the Bank by giving written notice to Second Party of its notice of intention to cancel all right, title and interest derived by Second Party hereunder forty-five (45) days after mailing such notice to Second Party by registered mail addressed to Second Party at its premises located upon Second Party's said property.

3. It is recognized by Second Party that Bank does not desire and will not, under any circumstances, permanently encumber any part or portion of Bank's said property, and any right herein granted to Second Party shall in no manner create any permanent interest on the part of Second Party, its tenants, servants, agents, employees, visitors, licensees and invitees, or the general public, to pass over Bank's said property.

4. It is also understood and agreed that if at any time Bank should desire to close its said property and prohibit Second Party or any of its tenants, servants, agents, employees, visitors,



55592301

licensees and invitees, or the public, from passing over Bank's said property, Bank may do so at such time or times, and in any manner, that it shall see fit, and for such period or periods of time as it may desire.

IN WITNESS WHEREOF, this instrument has been executed the day and year first above written.

THE FIRST SOUND NATIONAL BANK OF TACOMA

By: [Signature]  
Its: [Signature]

Attest:

By: [Signature]  
Its: [Signature]

"First Party"

NEW CENTER, P. O., INC., an Oregon corporation,

By: [Signature]  
Its: [Signature]

Attest:

By: [Signature]  
Its: [Signature]

"Second Party"



STATE OF WASHINGTON:

County of Pierce : ss.

On this 2 day of February, 1963, before me personally appeared A. E. SANDERS and R. A. Gordon, to me known to be the PRESIDENT and VICEDIRECTOR, respectively, of THE FIRST SOUND NATIONAL BANK OF TACOMA, the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the State of Washington, residing at Tacoma.  
ROBERT A. MERRILL, County Clerk

[Signature]  
Notary Public in and for the State of Washington, residing at Tacoma.

2103020351

"Grantor." \_\_\_\_\_, ~~his wife~~, hereinafter termed

That the said Grantor for valuable consideration does by these presents grant unto the Grantee a 15-foot perpetual right-of-way or easement for sewer mains with the necessary appurtenances through, over and across the following described property situated in King County, Washington, more particularly described as follows:

TOGETHER WITH a temporary construction easement described as the North 30 feet of that portion of said lots, lying Westerly of the East 10 feet thereof.

Easement No. 16-1-70

710 3020351

The said Grantee shall have the right without prior institution of any suit or proceeding at law, at such times as may be necessary, to enter upon said construction right-of-way for the purpose of constructing, repairing, altering or reconstructing said sewer main, or making any connections therewith, without incurring any legal obligation or liability therefor; provided that such constructing, repairing, altering or reconstructing of said sewer main shall be accomplished in such a manner that the private improvements existing in this right-of-way shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed, they will be replaced in as good a condition as they were immediately before the property was entered upon by the said Grantee.

The Grantor shall retain the right to use the surface of said right-of-way if such use does not interfere with installation of the sewer main. However, the Grantor shall not erect buildings or structures on the right-of-way during the existence of said right-of-way.

The right-of-way, during its existence, shall be a covenant running with the land and shall be binding on the successors, heirs, and assigns of both of the parties hereto.

BY: James H. Muscatel

BY: \_\_\_\_\_

BY: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF WASHINGTON ) ss  
COUNTY OF KING )

I, the undersigned, a notary public in and for the State of Washington, hereby certify that on this 20 day of Feb, 1981, personally appeared before me ESTHER MUSCATEL to me known to be the \_\_\_\_\_ of the \_\_\_\_\_

\_\_\_\_\_, who executed the foregoing instrument and acknowledged that she signed and sealed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument and that the seal affixed is the Corporate Seal of said Corporation.

Edward M. Pearson  
Notary Public in and for the  
State of Washington, residing  
at Seattle

File for Record at Request of:

Albert M. Franco Esq  
Franco, Asia, Bensussen & Finegold  
13th Floor, Tower Building  
Seattle, Washington 98121

82-04-15 #0582  
RECD F 2 50  
CASHSL .50

#### DEED OF TRUST

8204150582

THIS DEED OF TRUST, is made this 31 day of March, 1982, between Luann Bertram and Morris D. Muscatel, Co-Trustees for the David Muscatel Trust, and Dorothy Muscatel, Executrix of the Estate of Jack Muscatel, hereinafter "Grantor", which estates' addresses are 310 West Prospect, Seattle, Washington 98199 and 1104 Lakeside Avenue South, Seattle, Washington 98144, respectively; First American Title Insurance Company, hereinafter "Trustee", whose address is Fourth and Blanchard Building, Seattle, Washington 98121; and Luann Bertram, individually and as Co-Trustee of the Stanley Muscatel Trust under Agreement dated July 29, 1981, Esther Muscatel, as Co-Trustee of the Stanley Muscatel Trust under Agreement dated July 29, 1981, John Muscatel, individually, Kenneth Muscatel, individually, Laurel Goldman, individually, and Morris D. Muscatel, individually and as Co-Trustee of the Stanley Muscatel Trust under Agreement dated July 29, 1981, hereinafter called "Beneficiary", whose address is c/o J.M. Sales, 2836 77th Avenue S.E., Mercer Island, Washington 98040.

WITNESSETH: GRANTOR hereby bargains, sells and conveys to TRUSTEE in Trust, with power of sale, the following-described real property in King County, Washington:

See Exhibit A attached hereto.

TOGETHER WITH all the tenements, hereditaments and appurtenances now or hereafter thereunto belonging or in any wise appertaining, and the rents, issues and profits thereof.

AND SUBJECT TO that mortgage in favor of Securities Mortgage Co., now SeaFirst Mortgage Co. recorded under no. 5669197, King County Office of Records and Elections. Said mortgage securing a debt which shall remain the obligation of Beneficiary.

The subject and above-described real property is not used principally for agricultural or farming purposes.

This deed is for the purpose of securing performance of the agreement of the GRANTOR herein contained, and payment of the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) with interest, in accordance with the terms of a promissory note of even date herewith, payable to BENEFICIARY or order, and made by GRANTOR, and all renewals, modifications and extensions thereof, and also such further sums as may be advanced or loaned by BENEFICIARY to GRANTOR or any of their successors or assigns, together with interest thereon at such rate as shall be agreed upon.

To protect the security of this Deed of Trust, GRANTOR covenants and agrees:

1. To keep the property in good condition and repair; to permit no waste thereof; to complete any building, structure or improvement being built or about to be built thereon; to restore promptly any building, structure or improvement thereon which may be damaged or destroyed; and to comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the property.



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2. To pay before delinquent all lawful and assessments upon the property; to keep the property free and clear of all other charges, liens or encumbrances impairing the security of this Deed of Trust.

3. To keep all buildings now or hereafter erected on the property described herein continuously insured against loss by fire or other hazards in an amount not less than SIX HUNDRED THOUSAND DOLLARS (\$600,000). All policies shall be held by the BENEFICIARY, and be in such companies as the BENEFICIARY may approve and have loss payable first to the BENEFICIARY as its interest may appear and then to the GRANTOR. The amount collected under any insurance policy may be applied upon any indebtedness hereby secured in such order as the BENEFICIARY shall determine. Such application by the BENEFICIARY shall not cause discontinuance of any proceedings to foreclose this Deed of Trust. In the event of foreclosure, all rights of the GRANTOR in insurance policies then in force shall pass to the purchaser at the foreclosure sale.

4. To defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE, and to pay all costs and expenses, including cost of title search and attorney's fees in a reasonable amount, in any such action or proceeding and in any suit brought by BENEFICIARY to foreclose this Deed of Trust.

5. To pay all costs, fees and expenses in connection with this Deed of Trust, including the expenses of the TRUSTEE incurred in enforcing the obligation secured hereby and TRUSTEE'S and attorney's fees actually incurred, as provided by statute.

6. Should GRANTOR fail to pay when due any taxes, assessments, insurance premiums, liens, encumbrances or other charges against the property hereinabove described, BENEFICIARY may pay the same, and the amount so paid, with interest at the rate of twelve percent (12%) per annum, shall be added to and become a part of the debt secured in this Deed of Trust.

**IT IS MUTUALLY AGREED THAT:**

1. In the event any portion of the property is taken or damaged in an eminent domain proceeding, the entire amount of the award or such petition thereof as may be needed to fully satisfy the obligation secured hereby, shall be paid to BENEFICIARY to be applied to said obligation.

2. By accepting payment of any sum secured hereby after its due date, BENEFICIARY does not waive its right to require prompt payment when due of all other sums so secured or to declare default for failure to so pay.

3. The TRUSTEE shall reconvey all or any part of the property covered by this Deed of Trust to the person entitled thereto, on written request of the GRANTOR and the BENEFICIARY, or upon satisfaction of the obligation secured and written request for reconveyance made by the BENEFICIARY or the person entitled thereto.

4. Upon default by GRANTOR in the payment of any indebtedness secured hereby or in the performance of any agreement contained herein, all sums secured hereby shall immediately become due and be payable at the option of the BENEFICIARY. In such event and upon written request of BENEFICIARY, TRUSTEE shall sell the trust property, in accordance with the Deed of Trust Act of the State of Washington (as amended) at public auction to the highest bidder. Any person except TRUSTEE may bid at TRUSTEE'S sale. TRUSTEE shall apply the proceeds of the sale as follows: (1) to the expense of the sale, including a reasonable TRUSTEE'S fee and attorney's fee; (2) to the obligation secured by this Deed of Trust; (3) the surplus, if any, shall be distributed to the persons entitled thereto or may be deposited (less clerk's filing fee) with the clerk of the superior court of the county in which sale takes place.

5. TRUSTEE shall deliver to the purchaser at the sale its deed, without warranty, which shall convey to the purchaser the interest in the property

which GRANTOR had or had the power to convey at the time of GRANTOR'S execution of this Deed of Trust, and such as GRANTOR may have acquired thereafter. The TRUSTEE'S deed shall recite the facts showing that the sale was conducted in compliance with all the requirements of law and of this Deed of Trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value.

6. The power of sale conferred by this Deed of Trust and by the Deed of Trust Act of the State of Washington is not an exclusive remedy; BENEFICIARY may cause this Deed of Trust to be foreclosed as a mortgage.

7. In the event of the death, incapacity, disability or resignation of TRUSTEE, BENEFICIARY may appoint in writing a successor trustee, and upon the recording of such appointment in the mortgage records of the county in which this Deed of Trust is recorded, the successor trustee shall be vested with all powers of the original trustee. The trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which GRANTOR, TRUSTEE or BENEFICIARY shall be a party unless such action or proceeding is brought by the TRUSTEE.

8. This Deed of Trust applies to, inures to the benefit of, and is binding not only on the parties hereto, but on their heirs, devisees, legatees, administrators, executors, successors and assigns. The term BENEFICIARY shall mean the holder and owner of the note secured hereby, whether or not named as BENEFICIARY herein.

DATED the day first above written.

GRANTOR

DAVID MUSCATEL TRUST

By Luann E. Bertram, Trustee  
Luann E. Bertram, Co-Trustee

By Morris D. Muscatel, Trustee  
Morris Muscatel, Co-Trustee

ESTATE OF JACK MUSCATEL

By Dorothy Muscatel, Executrix  
Dorothy Muscatel, Executrix

SMC/F

STATE OF WASHINGTON )  
COUNTY OF KING ) ss.

On this day personally appeared before me LUANN BERTRAM, Co-Trustee of the David Muscatel Trust, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 9 day of April, 1982.

[Signature]  
Notary Public in and for the State of  
Washington, residing at Seattle.