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February 24, 2020

Sent via FedEx

Tamara Welty, LG, LHG
Toxics Cleanup Program
State of Washington Department of Ecology
3190 160th Ave SE
Bellevue, WA 98008-5452

Re: Notice of Intent to Acquire Former Y-Pay-Mor Drycleaners Site, aka Winson at Federal Way LLC - Department of Ecology Facility/Site No. 2518 - 2200 S 320th St, Federal Way, WA 98003

Dear Ms. Welty:

This letter is notification that Sound Transit will acquire through condemnation the former Y-Pay-Mor Drycleaners Site, aka Winson at Federal Way LLC, King County Parcel Nos. 242320-0050, 242320-0060 and 242320-0010, with the address of 2200 S 320th St, Federal Way, Washington 98003. Pursuant to the Restrictive Covenants recorded against this property under King County Recording numbers 9510121424 and 9808101434, this letter serves as written notification of this intended transfer of interest.

On October 31, 2019, a stipulation and agreed order granting immediate possession and use was signed by the King County Superior Court under cause number 19-2-23528-4 KNT, granting Sound Transit the legal use of the former Y-Pay-Mor Drycleaners Site pending the final outcome of the condemnation proceedings. *See* attached order at Exhibit 1. Upon conclusion of trial, which is set for May 4, 2020, or through agreement reached by settlement, determination shall be made regarding the just compensation for Sound Transit to acquire the site in full. Once payment of just compensation has been made, Sound Transit will legally own the former Y-Pay-Mor Drycleaners Site.

Sincerely,

Jennifer Belk
Deputy General Counsel

Enclosure: Exhibit 1

EXHIBIT 1

The Honorable Michael Scott

SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

CENTRAL PUGET SOUND REGIONAL
TRANSIT AUTHORITY, a regional transit
authority, dba SOUND TRANSIT,

Petitioner,

vs.

WINSON AT FEDERAL WAY LLC, a
Washington limited liability company, et al.,

Respondents.

) No. 19-2-23528-4 KNT

) STIPULATION FOR AND ORDER
) GRANTING IMMEDIATE POSSESSION
) AND USE

) Tax Parcel Nos. 242320-0050, 242320-0060,
) 242320-0010

) [CLERK'S ACTION REQUIRED]

STIPULATION

THIS MATTER having come before this Court upon the Stipulation of the parties upon
the Petition of Sound Transit ("Petitioner"), seeking:

1. A determination of just compensation to be paid in money for the taking and
appropriation of the subject property;

2. A judgment and decree of the Court providing for payment of the just compensation
so determined; and

3. A decree of appropriation appropriating certain property rights, title, and interest to
the subject property in Petitioner and adjudging that Petitioner be entitled to immediate possession
thereof.

STIPULATION FOR AND ORDER GRANTING
IMMEDIATE POSSESSION AND USE -- 1

MILLER NASH GRAHAM & DUNN LLP
Pier 70 ~ 2801 Alaskan Way ~ Suite 300
Seattle, Washington 98121-1128
(206) 624-8300/Fax: (206) 340-9599

608517-0609/4815-2763-3320.3

1 Petitioner, through its undersigned attorneys of Miller Nash Graham & Dunn LLP, and
2 Respondent Winson at Federal Way LLC (herein, "Respondent"), appearing through its
3 undersigned attorneys, hereby stipulate to the following Facts and entry of the following Order.

4 **FACTS**

5 1. With this condemnation action, Petitioner seeks to condemn certain property rights,
6 title, and interest to the subject property, as part of Petitioner's Link light rail project, in order to
7 locate, construct, operate, and maintain Petitioner's Federal Way Link Extension and its related
8 facilities (the "Project"), in King County, Washington, as contemplated in Petitioner's Board
9 Resolution No. R2017-16 (the "Resolution").

10 2. The Resolution authorizes the acquisition by condemnation of certain land,
11 property, and property rights including portions of the real property identified as King County Tax
12 Parcel Nos. 242320-0050, 242320-0060, and 242320-0010 (the "Parcels").

13 3. Specifically, with this condemnation, Petitioner seeks to take immediate possession
14 and use of the Parcels, as legally described in **Exhibit 1** hereto.

15 Exhibit 1 is incorporated here by this reference and the real property and real property
16 interests described in Exhibit 1 are hereinafter collectively referred to as the "Condemned
17 Property."

18 4. Petitioner offers to deposit with the Clerk of the Court, as its offer of Just
19 Compensation and in exchange for possession and use of the Condemned Property, the total sum
20 of **Fifteen Million and No/100 Dollars (\$15,000,000.00)** (the "Deposit"). In exchange for such
21 Deposit, Respondent agrees to entry of an Order of Possession and Use in the form below.

22 5. That the date of legal possession and use of the Property shall be the date of the
23 Deposit. The date of the Deposit shall also be the date of the valuation for a condemnation trial to
24 ascertain the Just Compensation for the taking of the Condemned Property.

25 6. Execution of this stipulation and delivery of the Parcels at the time of Deposit
26 satisfies Respondent's requirement to grant possession and use under RCW 8.25.070(3).

STIPULATION FOR AND ORDER GRANTING
IMMEDIATE POSSESSION AND USE -- 2

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(206) 624-8300/Fax: (206) 340-9599

7. That Respondent has reserved the right to contest both the legal and factual basis for any right to withhold compensation for environmental remediation costs and any right to reduce Just Compensation on that basis.


Stipulated and Agreed to this 21st day of October, 2019, by:

Stipulated and Agreed to this 21st day of October, 2019, by:

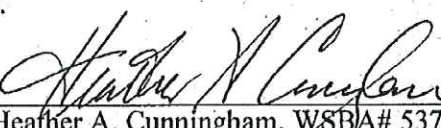
MILLER NASH GRAHAM & DUNN LLP

SCHWABE, WILLIAMSON & WYATT,
P.C.

By


K. Michael Fandel, WSBA# 16281
Matthew R. Hansen, WSBA# 36631
Jacqualyne J. Walker, WSBA# 45355
Attorneys for Petitioner Sound Transit

By


Heather A. Cunningham, WSBA# 53733
Attorneys for Respondent Winsor at
Federal Way LLC

ORDER

IT IS HEREBY ORDERED:

1. That at the time Petitioner deposits the sum of **Fifteen Million and No/100 Dollars (\$15,000,000.00)** into the registry of the Court ("Date of Deposit"), as its offer of Just Compensation for the taking and appropriation of the Condemned Property (as legally described in Exhibit 1 hereto), Petitioner shall have, and is hereby awarded and granted immediate possession and use of the Condemned Property.

2. That interest, if any, shall be awarded on the difference, if any, between the **Fifteen Million and No/100 Dollars (\$15,000,000.00)** deposited pursuant to this Stipulation and Order and the final award of Just Compensation as determined at trial by the Court or jury, as the case may be. Interest, if any, shall be calculated, at the statutory rate, from the Date of Deposit through to the date of payment of the final award of Just Compensation as determined at trial by the Court or jury, as the case may be.

3. That the Deposit is subject to any liens of taxes, including surface water management service charges. The Clerk of the Court shall not disburse any of the funds deposited

STIPULATION FOR AND ORDER GRANTING
IMMEDIATE POSSESSION AND USE -- 3

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1 until after receiving proof, sufficient to the Clerk of the Court, that any such liens have been paid
2 to the City and/or County Treasurer and all such liens discharged. Chap. 84.60 RCW.

3 4. Petitioner hereby acknowledges receipt of a current, completed, and signed IRS W-
4 9 Substitute Form from Respondent Winson at Federal Way LLC.

5 5. That the date of legal possession and use of the Condemned Property shall be the
6 Date of Deposit. The Date of Deposit shall also be the date of valuation for a condemnation trial
7 to ascertain the Just Compensation for the taking of the Condemned Property.

8 6. That Respondent has reserved the right to contest both the legal and factual basis
9 for any right to withhold compensation for environmental remediation and any right to reduce Just
10 Compensation on that basis.

11 7. That Respondent's requirement to grant possession and use under RCW
12 8.25.070(3) has been satisfied.

13 DONE IN COURT this ____ day of _____, 2019.

14
15 _____
16 JUDGE/COMMISSIONER


17 Presented by:

Copy received; Notice of Presentation
Waived; Approved as to Form:

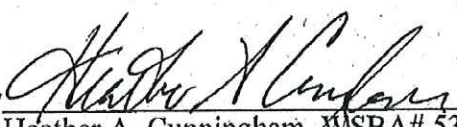
18
19 MILLER NASH GRAHAM & DUNN LLP

SCHWABE, WILLIAMSON & WYATT, P.C.

20
21 By


K. Michael Fandel, WSBA# 16281
Matthew R. Hansen, WSBA# 36631
Jacqualyne J. Walker, WSBA# 45355
Attorneys for Petitioner Sound Transit

By


Heather A. Cunningham, WSBA# 53733
Attorneys for Respondent Winson at
Federal Way LLC

22
23
24
25
26
STIPULATION FOR AND ORDER GRANTING
IMMEDIATE POSSESSION AND USE -- 4

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EXHIBIT 1

R/W NO. FL358, FL361, FL363
TPN 242320-0050, 242320-0010, 242320-0060,
WINSON AT FEDERAL WAY LLC, A WASHINGTON LIMITED LIABILITY COMPANY

Grantor's Entire Parcel:

LOTS 1 AND 6 AND TRACT A OF AMENDMENT TO EVERGREEN PLAZA
BINDING SITE PLAN/PUD, RECORDED SEPTEMBER 9, 2003 UNDER
RECORDING NUMBER 20030909000708, IN VOLUME 216 OF PLATS,
PAGE(S) 36 TO 38, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF
FEDERAL WAY BY STATUTORY WARRANTY DEED RECORDED UNDER
RECORDING NO. 20050524000385.

Fee Acquisition Area Acquired by Grantee:

ALL OF GRANTOR'S ENTIRE PARCEL, AS DESCRIBED ABOVE.

King County Superior Court
Judicial Electronic Signature Page


Case Number: 19-2-23528-4

Case Title: CENTRAL PUGET SOUND RTA DBA vs WINSON AT FEDERAL
WAY ET AL

Document Title: Order

Signed By: Catherine Shaffer

Date: October 31, 2019

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'Catherine Shaffer' written in a cursive, flowing style.

Judge/Commissioner: Catherine Shaffer

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: 6C3F24F47D6286C9671F11264F89DF640F7A466A

Certificate effective date: 7/16/2018 1:49:24 PM

Certificate expiry date: 7/16/2023 1:49:24 PM

Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="Catherine Shaffer:
CnkDyYr95BGVZstmHl1GsA=="