



Legislation Details (With Text)

**File #:** CB 120467    **Version:** 1    **Name:** CB 120467  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 12/13/2022  
**Final Action:** 12/15/2022    **Ord. No.** Ord 126731

**Title:** AN ORDINANCE relating to the Department of Parks and Recreation; approving the execution of a settlement agreement with the Washington State Department of Transportation; authorizing the transfer of real property rights and the acceptance of the mitigation contribution for the Arboretum North Entry Project required for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project, which includes the SR 520 Portage Bay Bridge Roanoke Lid Project; superseding the requirements of Ordinance 118477, which adopted Initiative 42, with respect to the exchange; authorizing the Superintendent or Superintendent’s designee to execute, deliver, and perform corresponding documents; authorizing acceptance of recording of deeds for open space, park, and recreation purposes; creating a fund for depositing monies received from the settlement agreement; and ratifying and confirming certain prior acts.

**Sponsors:** Andrew Lewis

**Indexes:**

**Attachments:** 1. Att 1 - GCB 3464 Settlement Agreement and Exhibits, 2. Att 2 - Deed Acceptance Certificate, 3. Summary and Fiscal Note, 4. Summary Ex 1 - Parcel Exhibit Key Map, 5. Summary Ex 2 - Moshier Exhibit Key Map, 6. Summary Ex 3 - Peninsula Exhibit Key Map, 7. Signed Ordinance 126731, 8. Affidavit of Publication

Date	Ver.	Action By	Action	Result
12/15/2022	1	City Clerk	attested by City Clerk	
12/15/2022	1	Mayor	returned	
12/15/2022	1	Mayor	Signed	
12/15/2022	1	City Clerk	submitted for Mayor's signature	
12/13/2022	1	City Council	passed	Pass
12/7/2022	1	Public Assets and Homelessness Committee	pass	Pass
11/29/2022	1	City Council	referred	
10/27/2022	1	Council President's Office	sent for review	
10/12/2022	1	City Clerk	sent for review	
10/12/2022	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to the Department of Parks and Recreation; approving the execution of a settlement agreement with the Washington State Department of Transportation; authorizing the transfer of real

property rights and the acceptance of the mitigation contribution for the Arboretum North Entry Project required for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project, which includes the SR 520 Portage Bay Bridge Roanoke Lid Project; superseding the requirements of Ordinance 118477, which adopted Initiative 42, with respect to the exchange; authorizing the Superintendent or Superintendent's designee to execute, deliver, and perform corresponding documents; authorizing acceptance of recording of deeds for open space, park, and recreation purposes; creating a fund for depositing monies received from the settlement agreement; and ratifying and confirming certain prior acts.

WHEREAS, to complete its SR 520, I-5 to Medina: Bridge Replacement and HOV Project, which includes the SR 520 Portage Bay Bridge Roanoke Lid Project ("SR 520 Project"), the Washington State Department of Transportation ("WSDOT") must acquire certain real property rights ("SPR Properties") owned by The City of Seattle ("City") on or around Lake Washington Boulevard, Interlaken Park, Roanoke Park, and Montlake Playfield; and

WHEREAS, WSDOT requires possession and use of the SPR Properties by December 15, 2022, to facilitate SR 520 Project planning and contract bidding; and

WHEREAS, state and federal law require WSDOT to provide the City just compensation for the SPR Properties transferred to WSDOT; and

WHEREAS, WSDOT has offered to convey portions of two properties to the City in partial fulfillment of its just compensation requirement, commonly known as the Campbell-Moshier Property and the Peninsula Property ("Acquisition Properties"), subject to temporary easements for possession and use until the conclusion of the SR 520 Project; and

WHEREAS, the Peninsula Property is currently subject to a cell tower lease, such lease to be terminated by the City and the cell tower removed from the Peninsula Property prior to possession by the City; and

WHEREAS, the proposed exchange of property substantially meets the requirements of Ordinance 118477, which requires that no land held for park and recreation purposes is to be sold, transferred, or changed from park use unless there is no reasonable and practical alternative and the City receives in exchange land of equivalent or better size, value, location, and usefulness in the vicinity, serving the same community and the same park purposes; and

WHEREAS, Ordinance 124208 approved the execution of GCB 1182, Cooperative Agreement for Implementation of Arboretum Mitigation Plan Projects as Mitigation for SR 520, I-5 to Medina: Bridge Replacement and HOV Project between WSDOT, Seattle Parks and Recreation, Seattle Department of Transportation, University of Washington, Arboretum Foundation, and Members of the Arboretum and Botanical Garden Committee (“Cooperative Agreement”); and

WHEREAS, the Cooperative Agreement describes the parties’ respective roles and responsibilities pertaining to the Arboretum North Entry Project; and

WHEREAS, one of WSDOT’s responsibilities under the Cooperative Agreement is to “negotiate an agreement or amendment with Seattle Parks for the remaining settlement contribution toward the North Entry Project”; and

WHEREAS, the City and WSDOT wish to resolve the property transfers and mitigation for project impacts by execution of GCB 3464, Settlement Agreement between Washington State Department of Transportation and City of Seattle Parks and Recreation Regarding the SR 520 Portage Bay Bridge Roanoke Lid Project (“Settlement Agreement”); NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. As requested by the Superintendent of Parks and Recreation (“Superintendent”) and recommended by the Mayor, the Superintendent or Superintendent’s designee is hereby authorized to execute, deliver, and perform, for and on behalf of the City, the Settlement Agreement substantially in the form attached hereto as Attachment 1.

Section 2. Pursuant to the Settlement Agreement and the consideration set out therein, and subject to WSDOT’s compliance with the terms and conditions of the Settlement Agreement, the Superintendent is authorized to convey to WSDOT real property and real property interests owned by the City, situated in the State of Washington, County of King, and with a legal description substantially in the form set out below:

Attachment 1, Exhibit E: Quit Claim Deed, Bagley Viewpoint Property (fee):

That portion of Lots 1, 2, 3, 39 and 40, Block 2, Davis Addition to Seattle, according to the plat thereof

recorded in Volume 6 of Plats, page 75, in King County, Washington, lying northeasterly of the northeasterly boundary of Delmar Drive East and Southerly of the southerly boundary of Roanoke Street;

EXCEPT that portion conveyed to the State of Washington by deed recorded under Recording No. 5774314.

Attachment 1, Exhibit F: Quit Claim Deed, portion of Montlake Playfield, submerged lands north of SR 520 (fee):

That portion of the hereinafter described Tract "X" lying within the following described Parcels 1, 2, and 3:

Parcel 1:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 40+20± on the SR 520 line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 13.95 feet northerly therefrom, said point also being on the westerly line of Lot 4, Block 9A, Second Supplemental Maps of Lake Union Shore Lands according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington.; thence northerly, along said westerly line, to a point opposite said HES and 15.69 feet northerly therefrom; thence northeasterly, along said westerly line, to a point opposite HES 40+34± on said line survey and 60 feet northerly therefrom; thence southerly, parallel with said line survey, to a point opposite HES 42+40± thereon, said point being on the easterly line of said Lot 4, thence southerly, along said easterly line, to a point opposite HES 42+37± and 6.48 feet northerly therefrom; thence westerly to the point of beginning,

Parcel 2:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 43+03± on the SR 520 line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 4.21 feet northerly therefrom, said point also being on the westerly line of Lot 1, Block 6A, Second Supplemental Maps of Lake Union Shore Lands according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington; thence northerly, along said westerly line, to a point opposite HES 43+06± and 60 feet northerly therefrom; thence easterly, parallel to said line survey, to a point opposite HES 46+67± thereon, said point also being on the easterly line of Lot 2, said Block 6A; thence southerly, along said easterly line of Lot 2, to a point opposite HES 46+63± on said line survey and 8.17 feet southerly therefrom; thence northwest to HES 44+25; thence northwesterly to the point of beginning.

Parcel 3:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 47+29± on the SR 520 line survey and 10.24 southerly therefrom, said point also being on the westerly line of Block 2A, Second Supplemental Maps of Lake Union Shore Lands according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington; thence northerly, along said westerly line, to a point opposite HES 47+34± on said line survey and 60 feet northerly therefrom; thence northeasterly, along a curve to the left, to a point opposite HES 53+54 on said line survey and 60 feet northerly therefrom; thence southeasterly to a point opposite HES 53+66 on said line survey and 43.67 feet northerly therefrom; thence southeasterly to a point opposite HES 43+86

on said line survey and 34.21 feet northerly; thence southwesterly to a point opposite HES 52+12.34 on said line survey and 13.00 feet northerly therefrom; thence southwesterly, along a curve to the right having a radius of 1,850.10 feet, to the point of beginning.

ALSO, the Grantor herein conveys and grants to the Grantee all rights of ingress and egress (including all existing, future or potential easements of access, light, view and air) to, from and between SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and the remainder of said Tract X. It is expressly intended that these easements, covenants, burdens and restrictions shall run with the land and shall forever bind the Grantors, their successors and assigns.

EXCEPT that movement of waterborne traffic only will be permitted under the highway structure as height restrictions allow.

TRACT X:

Parcel A:

Lot 4, Block 9-A, Lots 1 and 2, Block 6-A and Block 2-A, Second Supplemental Maps of Lake Union Shore Lands according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington.

Parcel B:

Lot 1, Block 1, Lake Union Shore Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington and Lot 2, Block 1, lying Southerly of a line drawn from a point on the Easterly line of Lot 15, Block 41, Pike's Second Addition to Union City 60 feet North of the Southeast corner thereof to the Northwest corner of Lot 2, Block 1, Lake Union Shore Lands;

AND that portion of Lots 2, 3 and 4, Block 1, lying on the Northerly side of said "Division Line" and on the Southwesterly side of a line drawn from the point of intersection of the North line of said Lot 16, of Pike's Second Addition to Union City according to the plat recorded in Volume 1 of Plats, Page 65a, with the meander line to the point of intersection of the West line of Lot 3, of said Lake Union Shore Lands with the pierhead line of the official Plat of Lake Union Shore Lands. according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington.

The lands herein described contain an area of 80,843 square feet, more or less, the specific details concerning all of which are to be found on sheets 5 and 7 of that certain plan entitled SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity, now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval March 2, 2017, as revised.

Attachment 1, Exhibit G: Quit Claim Deed, portion of Montlake Playfield, land south of SR 520 (fee):

That portion of the hereinafter described Tract "X" lying within the following described tract of land:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 50+37.76 on the SR 520 line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 123.56 feet southerly therefrom; thence northeasterly, along a curve to the left, having a radius of 3.131 feet a distance of 174.34 feet, to a point opposite HES 52+06.16 on said line survey and 136.47 feet southerly therefrom; thence northeasterly to a point opposite HES 54+84± on said line survey and

165.95 feet southerly therefrom; said point also being on the easterly line of Lot 18, Block 41, Pike's Second Addition to Union City, according to the plat thereof recorded in Volume 1 of Plats, Page 65a, in King County, Washington; thence northeasterly, to a point opposite HES 55+20.71 on said line survey and 171.38 feet southerly therefrom; thence easterly, along a curve to the right, having a radius of 657.50 feet a distance of 208.83 feet, to a point opposite HES 56+98.65 on said line survey and 242.13 feet southerly therefrom; thence northerly to a point opposite HES 57+08.34 on said line survey and 214.95 feet southerly therefrom; thence northwesterly to a point opposite HES 56+34.23 on said line survey and 158.42 feet southerly therefrom; thence northwesterly, along a curve to the left, having a radius of 317.81 feet a distance of 147.78 feet, to a point opposite HES 55+03.64 on said line survey and 110.92 feet southerly therefrom; thence southwesterly to a point opposite HES 54+99± on said line survey and 110.67 feet southerly therefrom, said point also being on the easterly line of said Lot 18; thence southwesterly to a point opposite HES 52+26.20 on said line survey and 106.18 feet southerly therefrom; thence southwesterly to the point of beginning.

ALSO, the Grantor herein conveys and grants to the Grantee all rights of ingress and egress (including all existing, future or potential easements of access, light, view and air) to, from and between SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and the remainder of said Tract X. It is expressly intended that these easements, covenants, burdens and restrictions shall run with the land and shall forever bind the Grantors, their successors and assigns.

EXCEPT that the movement of waterborne traffic only will be permitted under the highway structure as height restrictions allow.

TRACT X:

Parcel A:

Blocks 3, 4, 5, 7 and 8, Lake Union Shore Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington;

TOGETHER with those portions of vacated East Louisa Street, vacated East Miller Street, vacated 15th Avenue and vacated 16th Avenue as vacated by City of Seattle Ordinances Nos. 64292, 96678, 105229, as recorded under Recording Nos. 7601070381 and 105230 and as recorded under Recording No. 7601070380.

Parcel B:

Blocks 41, 42, 43, 48, 49, 50, 51 and 52, Pike's Second Addition to Union City, according to the plat thereof recorded in Volume 1 of Plats, Page 65a, in King County, Washington;

TOGETHER with those portions of vacated East Louisa Street, vacated East Miller Street, vacated 16th Avenue East and vacated 18th Avenue East as vacated by City of Seattle Ordinance Nos. 64292, 96678, 105229, as recorded under Recording No. 7601070379, and by Ordinance No. 105230, as recorded under Recording No. 7601070380.

Parcel C:

The West one-half of Block 10, Plan of Union City as recorded in Volume 1 of Plats, Page 39, records of King County, Washington;

EXCEPT the South 225 feet thereof;

AND EXCEPT that portion conveyed to the State of Washington by Deed recorded under Recording No. 5290014;

TOGETHER WITH the portion of vacated 19th Street as vacated by City of Seattle Ordinance No. 105230, recorded under Recording No. 7601070380.

Parcel D:

That portion of the North 85 feet of the South 225 feet of the West one-half of Block 10, Plan of Union City, as recorded in Volume 1 of Plats, Page 39, records of King County, Washington, lying Westerly of a line 5 feet Easterly of and parallel with the following described line:

Beginning at a point on the South line of said North 85 feet distant 33.74 feet West of its intersection with the East line of said West one-half; thence North 23°21'26" East a distance of 90.37 feet to a point on the East line of said West one-half distant 1.17 feet South of the Northeast corner thereof;

TOGETHER WITH the portion of vacated 19th Street as vacated by City of Seattle Ordinance No. 105230, recorded under Recording No. 7601070380.

Parcel E:

That portion of the North 70 feet of the South 140 feet of the West one-half of Block 10, Plan of Union City, according to the plat thereof recorded in Volume 1 of Plats, Page 39, in King County, Washington, lying Westerly of a line distant 5 feet Easterly of and parallel with the following described line:

Beginning at a point on the South line of said North 70 feet distant 118.09 feet East of its intersection with the East line of 19th Avenue East; thence North 23°21'26" East a distance of 75.46 feet to a point on the North line of said North 70 feet distant 33.74 feet West of its intersection with the East line of said West one-half of said Block 10;

TOGETHER WITH the portion of vacated 19th Street as vacated by City of Seattle Ordinance No. 105230, recorded under Recording No. 7601070380.

Parcel F:

That portion of the South 70 feet of the West one-half of Block 10, Plan of Union City, according to plat thereof as recorded in Volume 1 of Plats, Page 39, records of King County, Washington, lying Westerly of a line distant 5 feet Westerly of and parallel with the following described line:

Beginning at a point on the North line of East Louisa Street distant 74.51 feet East of its intersection with the East line of 19th Avenue East; thence North 33°45'00" East a distance of 79.29 feet; thence North 23°21'26" East a distance of 3.23 feet to a point on the North line of said South 70 feet, distant 118.09 feet East of its intersection with the East line of 19th Avenue East;

TOGETHER WITH that portion of vacated 19th Street as vacated by City of Seattle Ordinance No. 105230, recorded under Recording No. 7601070380.

The lands herein described contain an area of 15,059 square feet, more or less, the specific details concerning all of which are to be found on sheets 8 and 10 of that certain plan entitled SR 520, SR 5

Interchange Vicinity to Montlake Interchange Vicinity, now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval March 2, 2017, as revised.

Attachment 1, Exhibit H: Quit Claim Deed, portion of Montlake Playfield, land south of SR 520 (fee to replace easement):

Parcel 1:

That portion of Lots 1 to 6, inclusive, Block 2, Lake Union Shorelands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands, in Olympia, Washington, and of vacated street adjoining lying northerly of a line with is 60 feet southerly of and concentric with the following described State of Washington baseline survey:

Beginning at the intersection of the centerline of West Montlake Place East and the centerline of Montlake Boulevard East; thence North  $1^{\circ}25'23''$  East along the last described centerline a distance of 226.14 feet to a point on said baseline survey; thence South  $73^{\circ}07'50''$  West a distance of 1015.22 feet to a point of curvature; thence southwesterly along the arc of a curve to the right having a radius of 1909.86 feet to a point in the centerline of vacated 18th Avenue East and the true point of beginning; thence continuing southwesterly along the arc of said curve to the right to the west line of said Lot 1.

Parcel 2:

That portion of Lots 1, 2 and 3, Block 1, Lake Union Shorelands and of vacated streets adjoining lying southerly of a line described as follows:

Beginning at the intersection of the centerline of West Montlake Place East and the centerline of Montlake Boulevard East; thence North  $1^{\circ}25'23''$  East along the last described centerline a distance of 226.14 feet to a point on the State of Washington baseline survey; thence South  $73^{\circ}07'50''$  West along said baseline survey a distance of 778.10 feet; thence North  $16^{\circ}52'10''$  West a distance of 26 feet; thence North  $19^{\circ}31'36''$  West a distance of 40 feet; thence South  $71^{\circ}40'48''$  West a distance of 235.34 feet; thence southwesterly along the arc of a curve to the right having a radius of 1849.86 feet with an initial radial bearing of North  $16^{\circ}52'10''$  West to the northwesterly line of said Lot 1.

Parcel 3:

That portion of Lots 13 to 18, inclusive, Block 41, Pike's 2nd Addition to Union City as recorded in Volume 1 of Plats, page 65A, records of King County, Washington, and of the vacated streets adjoining lying northerly of the following described line:

Beginning at the intersection of the centerline of Montlake Boulevard East and the centerline of West Montlake Place East; thence South  $39^{\circ}33'26''$  West along the last described centerline a distance of 215.65 feet; thence North  $73^{\circ}30'35''$  West a distance of 475.85 feet; thence South  $79^{\circ}47'10''$  West a distance of 81.19 feet; thence South  $10^{\circ}12'50''$  East a distance of 25 feet; thence South  $78^{\circ}42'53''$  West a distance of 284.95 feet; thence southwesterly along the arc of a curve to the right having a radius of 1969.86 feet with an initial radial bearing of North  $16^{\circ}52'10''$  West to the centerline of vacated 18th Ave. East;

AND lying southerly of the following described line:

Beginning at the intersection of the centerline of West Montlake Place East and the centerline of Montlake Boulevard East, thence North 1°25'23" East along the last described centerline a distance of 226.14 feet to a point on the State of Washington baseline survey; thence South 73°07'50" West along said baseline survey a distance of 778.10 feet; thence North 16°52'10" West a distance of 26 feet; thence North 19°31'36" West a distance of 40 feet to the true point of beginning; thence South 71°40'48" West to the Government Meander Line;

The references to the Baseline Survey mentioned in Parcels 1, 2, and 3 hereinabove refer to data on that certain map of definite location entitled SR 520, Evergreen Point Bridge Roanoke Connection 10th Ave N to Montlake Interchange, now of record and on file in the Office of the Secretary of Transportation at Olympia, Washington, bearing date of approval January 17, 1961, revised May 16, 1961; and the center line of which is also of record in Volume "2" of Highway Plats, page 121, under Recording Number 5267112, records of King County, Washington.

The lands herein described contain an area of 79,362 square feet, more or less, the specific details concerning all of which are to be found on sheet 4 of that certain plan entitled SR 520, Roanoke Connection 10th Avenue North to Montlake Interchange, now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval January 17, 1961, revised June 18, 1965

Attachment 1, Exhibit I: Quit Claim Deed, Green Space adjacent to WSDOT's Campbell-Moshier

Property (fee):

That portion of Government Lot 1, Section 21, Township 21 North, Range 4 East, W.M lying within the following described tract of land:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 64+55.82 on the SR 520 line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 283.40 feet southerly therefrom; thence southerly to a point opposite HES 64+55.75 on said line survey and 283.84 feet southerly therefrom; thence westerly to a point opposite HES 64+45.37 on said line survey and 282.08 feet southerly therefrom; thence northwesterly to a point opposite HES 64+40.81 on said line survey and 264.72 feet southerly therefrom; thence northwesterly to a point opposite HES 64+38.65 on said line survey and 251.57 feet southerly therefrom; thence northwesterly to a point opposite HES 64+32.49 on said line survey and 237.34 feet southerly therefrom; thence northerly to a point opposite HES 64+32.79 on said line survey and 232.75 feet southerly therefrom; thence northeasterly to a point opposite HES 64+36.01 on said line survey and 226.49 feet southerly therefrom; thence northeasterly to a point opposite HES 64+44.96 on said line survey and 219.69 feet southerly therefrom; thence northeasterly, to a point opposite HES 64+59.16 on said line survey and 213.53 feet southerly therefrom, thence northeasterly to a point opposite HES 64+67.14 on said line survey and 211.40 feet southerly therefrom; thence northeasterly to a point opposite HES 64+67.48 on said line survey and 209.23 feet southerly therefrom; thence southerly to the point of beginning.

The lands herein described contain an area of 1,492 square feet, more or less, the specific details concerning all of which are to be found on sheet 10 of that certain plan entitled SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity, now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval March 2, 2017, as revised

Attachment 1, Exhibit J: Quit Claim Deed, portion of Interlaken Park (fee):

That portion of the hereinafter described Tract "X" lying within the following described tract of land:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 29+42± on the SR 520 line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 224.46 feet southeasterly therefrom, said point also being on the northerly line of said Tract X; thence southeasterly to a point opposite HES 30+02 on said line survey and 284.42 feet southeasterly therefrom; thence southeasterly, along a curve to the left having a radius of 480 feet and a distance of 169.91 feet, to a point opposite HES 31+49 on said line survey and 381 feet southeasterly therefrom; thence northwesterly to a point opposite HES 30+07 on said line survey and 245.46 feet southeasterly therefrom; thence northwesterly to a point opposite HES 20+80± on said line survey and 194 feet therefrom, said point also being on the northerly line of said Tract X; thence southwesterly to a point opposite HES 29+73.39 on said line survey and 201.83 feet southeasterly therefrom; thence southwesterly to the point of beginning.

ALSO, the Grantor herein conveys and grants to the Grantee all rights of ingress and egress (including all existing, future or potential easements of access, light, view and air) to, from and between SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and the remainder of said Tract X. It is expressly intended that these easements, covenants, burdens and restrictions shall run with the land and shall forever bind the Grantors, their successors and assigns.

EXCEPT that traffic movement will be permitted over the highway on structures located at Delmar Dr E from Highway Engineer's Station 27+18 on the SR 520 line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity to Highway Engineer's Station 27+73 on said line survey.

EXCEPT that pedestrian and bicycle traffic will be permitted access over the highway structure at Delmar Dr E from Highway Engineer's Station 27+18 on the SR 520 line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity to Highway Engineer's Station 27+73 on said line survey.

TRACT X:

PARCEL A:

That portion of Government Lot 4, Section 20, Township 25 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at a point on the west line of Delmar Park, an Addition to the City of Seattle, according to the plat thereof recorded in Volume 14, page 37, in King County, Washington, distant 821.85 feet north of the south boundary of said Government Lot 4; thence northwesterly by a straight line, 174.82 feet, more or less, to a point distant 879.21 feet north and 316.36 feet east from the southwest corner of said Government Lot 4; thence northwesterly by a straight line, 241.53 feet, more or less, to a point distant 130 feet east and 1,032.84 feet north from the southwest corner of said Government Lot 4; thence northwesterly by a straight line, 165.93 feet, more or less, to a point on the east margin of 11th Avenue East (11th Avenue North), distant 30 feet east and 1,165.27 feet north from the southwest corner of said Government Lot 4; thence south along the east margin of 11th Avenue East (11th Avenue North), 179.59 feet; thence southeasterly by a straight line, 297 feet, more or less, to a point distant 796.76 feet north and 259.18 feet east from the southwest corner of said Government Lot 4; thence southeasterly by a straight line, 194.44 feet, more or less, to a point distant 441.8 feet east and 730 feet north from the southwest corner of said Government Lot 4; thence southeasterly by a straight line, 194 feet, more or less, to a point on the west line, produced south, of said Delmar Park, an Addition to the City of Seattle,

540 feet north and 481.8 feet east from the southwest corner of said Government Lot 4; thence north along said west line, produced south, of said Delmar Park, an Addition to the City of Seattle, 281.85 feet to the point of beginning;

EXCEPT that portion condemned for Delmar Drive East in King County Superior Court Cause No. 243553, pursuant to City of Seattle Ordinance Nos. 60250 and 61848;

AND EXCEPT that portion lying northwesterly of the southwesterly boundary line of the right-of-way of SR520 (Primary State Highway No. 1, Roanoke Connection, 10th Avenue North to Montlake Interchange), as shown on Official Right-of-Way and Limited Access Plan, Sheet 4 of 10, approved and adopted March 2, 2017, entitled "SR 5 Interchange Vicinity to Montlake Interchange Vicinity", a copy of which is on file in the office of the Washington State Department of Transportation at Olympia, Washington.

PARCEL B:

That portion of Government Lot 4, Section 20, Township 25 North, Range 4 East, W.M., in King County, Washington, lying westerly and southwesterly of the Plat of Delmar Park, an Addition to the City of Seattle, Washington, according to the plat thereof recorded in Volume 14, page 37, and lying east of the east boundary of 13th Avenue East, produced north; being a tract of land marked "Reserved" on the face of said Plat of Delmar Park;

EXCEPT that portion condemned for Delmar Drive East in King County Superior Court Cause No. 243553, pursuant to City of Seattle Ordinance Nos. 60250 and 61848.

The lands herein described contain an area of 6,235 square feet, more or less, the specific details concerning all of which are to be found on sheet 4 of that certain plan entitled SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity, now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval March 2, 2017, as revised

Attachment 1, Exhibit K: Temporary Easement, portion of Interlaken Park (temporary construction easement):

All that portion of the hereinafter described Tract "X", lying within the following described tract of land:

Beginning at a point opposite Highway Engineer's Station 30+18 on the SR 520 line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 360 feet southerly therefrom; thence northeasterly to a point opposite HES 30+22 on said line survey and 356.3 feet southerly therefrom; thence southeasterly, along a curve to the left having a radius of 520 feet a distance of 65.00 feet, to a point opposite HES 30+78 on said line survey and 393.2 feet southerly therefrom; thence southwesterly to a point opposite HES 30+68 on said line survey and 411 feet southerly therefrom; thence northwesterly to a point opposite HES 30+40.00 on said line survey and 393 feet southerly therefrom; thence northeasterly to the point of beginning.

TRACT X:

PARCEL A:

That portion of Government Lot 4, Section 20, Township 25 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at a point on the west line of Delmar Park, an Addition to the City of Seattle, according to the plat thereof recorded in Volume 14, page 37, in King County, Washington, distant 821.85 feet north of the south boundary of said Government Lot 4; thence northwesterly by a straight line, 174.82 feet, more or less, to a point distant 879.21 feet north and 316.36 feet east from the southwest corner of said Government Lot 4; thence northwesterly by a straight line, 241.53 feet, more or less, to a point distant 130 feet east and 1,032.84 feet north from the southwest corner of said Government Lot 4; thence northwesterly by a straight line, 165.93 feet, more or less, to a point on the east margin of 11th Avenue East (11th Avenue North), distant 30 feet east and 1,165.27 feet north from the southwest corner of said Government Lot 4; thence south along the east margin of 11th Avenue East (11th Avenue North), 179.59 feet; thence southeasterly by a straight line, 297 feet, more or less, to a point distant 796.76 feet north and 259.18 feet east from the southwest corner of said Government Lot 4; thence southeasterly by a straight line, 194.44 feet, more or less, to a point distant 441.8 feet east and 730 feet north from the southwest corner of said Government Lot 4; thence southeasterly by a straight line, 194 feet, more or less, to a point on the west line, produced south, of said Delmar Park, an Addition to the City of Seattle, 540 feet north and 481.8 feet east from the southwest corner of said Government Lot 4; thence north along said west line, produced south, of said Delmar Park, an Addition to the City of Seattle, 281.85 feet to the point of beginning;

EXCEPT that portion condemned for Delmar Drive East in King County Superior Court Cause No. 243553, pursuant to City of Seattle Ordinance Nos. 60250 and 61848;

AND EXCEPT that portion lying northwesterly of the southwesterly boundary line of the right-of-way of SR520 (Primary State Highway No. 1, Roanoke Connection, 10th Avenue North to Montlake Interchange), as shown on Official Right-of-Way and Limited Access Plan, Sheet 4 of 10, approved and adopted March 2, 2017, entitled "SR 5 Interchange Vicinity to Montlake Interchange Vicinity", a copy of which is on file in the office of the Washington State Department of Transportation at Olympia, Washington.

**PARCEL B:**

That portion of Government Lot 4, Section 20, Township 25 North, Range 4 East, W.M., in King County, Washington, lying westerly and southwesterly of the Plat of Delmar Park, an Addition to the City of Seattle, Washington, according to the plat thereof recorded in Volume 14, page 37, and lying east of the east boundary of 13th Avenue East, produced north; being a tract of land marked "Reserved" on the face of said Plat of Delmar Park;

EXCEPT that portion condemned for Delmar Drive East in King County Superior Court Cause No. 243553, pursuant to City of Seattle Ordinance Nos. 60250 and 61848.

The lands herein described contain an area of 6,200 square feet, more or less, the specific details concerning all of which are to be found on sheet 4 of that certain plan entitled SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity, now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval March 2, 2017, as revised.

Attachment 1, Exhibit L: Easement, portion of Interlaken Park (permanent subterranean easement):

All that portion of the hereinafter described Tract "X", lying within the following described tract of land

Beginning at a point opposite Highway Engineer's Station 28+99± on the SR 320 line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 255.06 feet southeasterly therefrom, said point also being on the northerly line of said Tract X, thence southeasterly to a point opposite HES 28+96± on said line survey and 278.07 feet southerly therefrom, said point also being on the westerly line of said Tract X; thence southeasterly to a point opposite HES 29+95± on said line survey and 367.69 feet southeasterly therefrom, said point also being on the southwesterly line of said Tract X; thence southeasterly, along said southwesterly line, to a point opposite HES 31+05± on said line survey and 462 feet southeasterly therefrom; thence northeasterly to a point opposite HES 31+45 on said line survey and 424 feet southeasterly therefrom; thence northwesterly, along a curve to the right having a radius of 520 feet a distance of 55.79 feet, to a point opposite HES 50+78 on said line survey and 393.2 feet southeasterly therefrom; thence northwesterly, along a curve to the right having a radius of 520 feet a distance of 65.00 feet, to a point opposite HES 30+22 on said line survey and 356.3 feet southerly therefrom; thence northwesterly, along a curve to the right having a radius of 520 feet a distance of 64.95 feet, to a point opposite HES 29+08± on said line survey and 248.72 feet southerly therefrom, said point also being on the westerly line of said Tract X; thence southwesterly to the point of beginning.

TRACT X:

PARCEL A:

That portion of Government Lot 4, Section 20, Township 25 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at a point on the west line of Delmar Park, an Addition to the City of Seattle, according to the plat thereof recorded in Volume 14, page 37, in King County, Washington, distant 821.85 feet north of the south boundary of said Government Lot 4; thence northwesterly by a straight line, 174.82 feet, more or less, to a point distant 879.21 feet north and 316.36 feet east from the southwest corner of said Government Lot 4; thence northwesterly by a straight line, 241.53 feet, more or less, to a point distant 130 feet east and 1,032.84 feet north from the southwest corner of said Government Lot 4; thence northwesterly by a straight line, 165.93 feet, more or less, to a point on the east margin of 11th Avenue East (11th Avenue North), distant 30 feet east and 1,165.27 feet north from the southwest corner of said Government Lot 4; thence south along the east margin of 11th Avenue East (11th Avenue North), 179.59 feet; thence southeasterly by a straight line, 297 feet, more or less, to a point distant 796.76 feet north and 259.18 feet east from the southwest corner of said Government Lot 4; thence southeasterly by a straight line, 194.44 feet, more or less, to a point distant 441.8 feet east and 730 feet north from the southwest corner of said Government Lot 4; thence southeasterly by a straight line, 194 feet, more or less, to a point on the west line, produced south, of said Delmar Park, an Addition to the City of Seattle, 540 feet north and 481.8 feet east from the southwest corner of said Government Lot 4; thence north along said west line, produced south, of said Delmar Park, an Addition to the City of Seattle, 281.85 feet to the point of beginning;

EXCEPT that portion condemned for Delmar Drive East in King County Superior Court Cause No. 243553, pursuant to City of Seattle Ordinance Nos. 60250 and 61848;

AND EXCEPT that portion lying northwesterly of the southwesterly boundary line of the right-of-way of SR520 (Primary State Highway No. 1, Roanoke Connection, 10th Avenue North to Montlake Interchange), as shown on Official Right-of-Way and Limited Access Plan, Sheet 4 of 10, approved and

adopted March 2, 2017, entitled “SR 5 Interchange Vicinity to Montlake Interchange Vicinity”, a copy of which is on file in the office of the Washington State Department of Transportation at Olympia, Washington.

PARCEL B:

That portion of Government Lot 4, Section 20, Township 25 North, Range 4 East, W.M., in King County, Washington, lying westerly and southwesterly of the Plat of Delmar Park, an Addition to the City of Seattle, Washington, according to the plat thereof recorded in Volume 14, page 37, and lying east of the east boundary of 13th Avenue East, produced north; being a tract of land marked “Reserved” on the face of said Plat of Delmar Park;

EXCEPT that portion condemned for Delmar Drive East in King County Superior Court Cause No. 243553, pursuant to City of Seattle Ordinance Nos. 60250 and 61848.

The lands herein described contain an area of 17,230 square feet, more or less, the specific details concerning all of which are to be found on sheet 4 of that certain plan entitled SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity, now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval March 2, 2017, as revised.

Attachment 1, Exhibit M: Temporary Easement, portion of Roanoke Park, (temporary subterranean easement):

All that portion of the hereinafter described “Parcel A” lying southerly of the following described line:

Beginning at point opposite Highway Engineer’s Station (hereinafter referred to as HES) NE 2340+16.23 on the NE line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 430.25 feet northwesterly therefrom; thence northeasterly to a point opposite HES NE 2340+94 on said line survey and 429.61 feet northwesterly therefrom; thence northeasterly to a point opposite HES NE 2343+07± on said line survey and 406 feet northwesterly therefrom, said point also being on the easterly line of said Parcel A; thence northeasterly to a point opposite HES NE 2343+70± on said line survey and 405 feet northwesterly therefrom, said point also being on the westerly line of Lot 6, Block 10, Plat of Denny-Furman Addition to the City of Seattle, according to the plat thereof recorded in Volume 7 of Plats, page 34, records of King County, Washington, and the terminus of this line description.

Parcel A:

Lots 1 through 16, Block 9, Plat of Denny-Fuhrman Addition to the City of Seattle, according to the plat thereof recorded in Volume 7 of Plats, page 34, records of King County, Washington.

The lands herein described contain an area of 23,440 square feet, more or less, the specific details concerning all of which are to be found on sheets 2 and 3 of that certain plan entitled SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity, now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval March 2, 2017, as revised.

Attachment 1, Exhibit N: Temporary Easement, portion of Montlake Playfield (temporary construction

easement):

**Parcel No. 1:**

A temporary easement, for the purposes of construction and operation of temporary work bridges to accommodate the replacement of the existing Portage Bay Bridge Structure and the associated placement of personnel, machinery and equipment necessary for the above work. Said temporary easement shall be for a six (6) year term occurring between June 1, 2023 and June 1, 2030, over, under, upon and across that portion of the hereinafter described Tract "X" lying within the following described tract of land:

Beginning at a point opposite Highway Engineer's Station 40+34± on the SR 520 line survey and 60 feet northerly therefrom, said point also being on the westerly line of Lot 4, Block 9A, Lake Union Shore Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington; thence northeasterly, along said westerly line; to a point opposite HES 40+49± on said line survey and 111 feet northerly therefrom; thence easterly to a point opposite HES 42+44± on the SR 520 line survey and 112 feet northerly therefrom, said point also being on the easterly line of said Lot 4; thence southerly, along said easterly line, to a point opposite HES 42+46± on said line survey and 60 northerly therefrom; thence southwesterly to the point of beginning.

TOGETHER WITH that portion of the hereinafter described Tract "X" lying within the following described tract of land:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 43+06± on the SR 520 line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 60 feet northerly therefrom, said point also being on the westerly line of Lot 1, Block 6A, Lake Union Shore Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington; thence northerly, along said westerly line, to a point opposite HES 43+14± on said line survey and 169 feet northerly therefrom; thence northeasterly to a point opposite HES 44+37.77 on said line survey and 234 feet northerly therefrom; thence easterly to a point opposite HES 46+78± on said line survey and 222 feet northerly therefrom, said point also being on the easterly line of Lot 2, in said Block 6A; thence southerly, along said easterly line, to a point opposite HES 46+67± on said line survey and 60 feet northerly therefrom; thence westerly to the point of beginning.

TOGETHER WITH that portion of the hereinafter described Tract "X" lying within the following described tract of land:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 47+34± on the SR 520 line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 60 feet northerly therefrom; said point also being on the westerly line of Block 2A, Lake Union Shore Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington; thence northerly along said westerly line to a point opposite HES 47+48± on said line survey and 218 feet northerly therefrom; thence easterly to a point opposite HES 53+15± on said line survey and 143.20 feet northerly therefrom, said point also being on the easterly line of said Block 2A; thence southerly to a point opposite HES 53+09 on said line survey and 117.70 feet northerly therefrom; thence southeasterly to a point opposite HES 53+54 on said line survey and 60 feet northerly therefrom; thence southwesterly to the point of beginning.

**Parcel 2:**

A temporary easement, for the purposes of construction and operation of temporary work bridges to accommodate the replacement of the existing Portage Bay Bridge Structure, construction of regional trail systems, relocation of utilities, clearing of trees/vegetation and the associated placement of personnel, machinery and equipment necessary for the above work. Said temporary easement shall be for a six (6) year term occurring between June 1, 2023 and June 1, 2030, over, under, upon and across that portion of the hereinafter described Tract "X" lying within the following described tract of land:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 47+19.35 on the SR 520 line survey SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 130.05 feet southerly therefrom; thence northeasterly, along a curve to the left having a radius of 1,970.10 feet a distance of 328.84 feet, to a point opposite HES 50+37.76 on said line survey and 123.56 feet southerly therefrom; thence northeasterly, along a curve to the left having a radius of 3,131 feet a distance of 174.34 feet, to a point opposite HES 52+06.16 on said line survey and 136.47 feet southerly therefrom; thence northeasterly to a point opposite HES 54+84± on said line survey and 165.95 feet southerly therefrom, said point also being on the easterly line of Lot 18, Block 41, Pike's Second Addition to Union City, according to the plat thereof recorded in Volume 1 of Plats, page 65A, in King County, Washington; thence northeasterly to a point opposite HES 55+20.71 on said line survey and 171.38 feet southerly therefrom; thence northeasterly, along a curve to the right having a radius of 657.50 feet a distance of 208.83 feet, to a point opposite HES 56+98.65 on said line survey and 242.13 feet southerly therefrom; thence southerly to a point opposite HES 56+96.50 on said line survey and 248.48 feet southerly therefrom; thence southerly to a point opposite HES 56+89 on said line survey and 272 feet southerly therefrom; thence easterly to a point opposite HES 56+93 on said line survey and 273.93 feet southerly therefrom; thence southwesterly to a point opposite HES 56+40 on said line survey and 342.24 feet southerly therefrom; thence westerly to a point opposite HES 56+36 on said line survey and 340.48 feet southerly therefrom; thence southwesterly to a point opposite HES 55+93 on said line survey and 400.46 feet southerly therefrom; thence southwesterly to a point opposite HES 55+43 on said line survey and 452.02 feet southerly therefrom; thence westerly to a point opposite HES 54+99 on said line survey and 437.70 feet southerly therefrom; thence northeasterly to a point opposite HES 55+23.41 on said line survey and 404 feet southerly therefrom; thence northwesterly to a point opposite HES 55+38.17 on said line survey and 332 feet southerly therefrom; thence northwesterly to a point opposite HES 53+85.33 on said line survey and 230 feet southerly therefrom; thence southwesterly to a point opposite HES 52+63.19 on said line survey and 215 feet southerly therefrom; thence northwesterly to a point opposite HES 52+19.88 on said line survey and 187.53 feet southerly therefrom; thence southwesterly, along a curve to the right having a radius 3, 181 feet a distance of 326.75 feet, to a point opposite HES 49+07.78 on said line survey and 162.20 feet southerly therefrom; thence westerly to a point opposite HES 47+18± on said line survey and 154.21 feet southerly therefrom, said point also being on the westerly line of Lot 1, Block 2, Lake Union Shore Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington; thence northerly to the point of beginning.

**Parcel 3:**

A temporary easement, for the purposes of ingress and egress for the post construction establishment of native type vegetation including planting, seeding, inspecting, monitoring, watering and weed control. Said temporary easement shall be for a four (4) year term occurring between June 1, 2029 and June 1, 2033, over, under, upon and across that portion of the hereinafter described Tract "X" lying within the following described tract of land:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 47+19.35 on

the SR 520 line survey SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 130.05 feet southerly therefrom; thence northeasterly, along a curve to the left having a radius of 1,970.10 feet a distance of 328.84 feet, to a point opposite HES 50+37.76 on said line survey and 123.56 feet southerly therefrom; thence northeasterly, along a curve to the left having a radius of 3,131 feet a distance of 174.34 feet, to a point opposite HES 52+06.16 on said line survey and 136.47 feet southerly therefrom; thence northeasterly to a point opposite HES 54+84± on said line survey and 165.95 feet southerly therefrom, said point also being on the easterly line of Lot 18, Block 41, Pike's Second Addition to Union City, according to the plat thereof recorded in Volume 1 of Plats, page 65A, in King County, Washington; thence northeasterly to a point opposite HES 55+20.71 on said line survey and 171.38 feet southerly therefrom; thence northeasterly, along a curve to the right having a radius of 657.50 feet a distance of 208.83 feet, to a point opposite HES 56+98.65 on said line survey and 242.13 feet southerly therefrom; thence southerly to a point opposite HES 56+96.50 on said line survey and 248.48 feet southerly therefrom; thence southerly to a point opposite HES 56+89 on said line survey and 272 feet southerly therefrom; thence easterly to a point opposite HES 56+93 on said line survey and 273.93 feet southerly therefrom; thence southwesterly to a point opposite HES 56+40 on said line survey and 342.24 feet southerly therefrom; thence westerly to a point opposite HES 56+36 on said line survey and 340.48 feet southerly therefrom; thence southwesterly to a point opposite HES 55+93 on said line survey and 400.46 feet southerly therefrom; thence southwesterly to a point opposite HES 55+43 on said line survey and 452.02 feet southerly therefrom; thence westerly to a point opposite HES 54+99 on said line survey and 437.70 feet southerly therefrom; thence northeasterly to a point opposite HES 55+23.41 on said line survey and 404 feet southerly therefrom; thence northwesterly to a point opposite HES 55+38.17 on said line survey and 332 feet southerly therefrom; thence northwesterly to a point opposite HES 53+85.33 on said line survey and 230 feet southerly therefrom; thence southwesterly to a point opposite HES 52+63.19 on said line survey and 215 feet southerly therefrom; thence northwesterly to a point opposite HES 52+19.88 on said line survey and 187.53 feet southerly therefrom; thence southwesterly, along a curve to the right having a radius 3, 181 feet a distance of 326.75 feet, to a point opposite HES 49+07.78 on said line survey and 162.20 feet southerly therefrom; thence westerly to a point opposite HES 47+18± on said line survey and 154.21 feet southerly therefrom, said point also being on the westerly line of Lot 1, Block 2, Lake Union Shore Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington; thence northerly to the point of beginning.

**TRACT X:**

Parcel A:

Blocks 41 and 50, Pike's Second Addition to Union City, according to the plat thereof recorded in Volume 1 of Plats, Page 65a, in King County, Washington;

TOGETHER with those portions of vacated East Louisa Street, vacated East Miller Street, vacated 16th Avenue East and vacated 18th Avenue East as vacated by City of Seattle Ordinance Nos. 64292, 96678, 105229, as recorded under Recording No. 7601070379, and by Ordinance No. 105230, as recorded under Recording No. 7601070380.

Parcel B:

The West one-half of Block 10, Plan of Union City as recorded in Volume 1 of Plats, Page 39, records of King County, Washington;

EXCEPT the South 225 feet thereof;

AND EXCEPT that portion conveyed to the State of Washington by Deed recorded under Recording No. 5290014;

TOGETHER WITH the portion of vacated 19th Street as vacated by City of Seattle Ordinance No. 105230, recorded under Recording No. 7601070380.

Parcel C:

That portion of the North 85 feet of the South 225 feet of the West one-half of Block 10, Plan of Union City, as recorded in Volume 1 of Plats, Page 39, records of King County, Washington, lying Westerly of a line 5 feet Easterly of and parallel with the following described line:

Beginning at a point on the South line of said North 85 feet distant 33.74 feet West of its intersection with the East line of said West one-half; thence North 23°21'26" East a distance of 90.37 feet to a point on the East line of said West one-half distant 1.17 feet South of the Northeast corner thereof;

TOGETHER WITH the portion of vacated 19th Street as vacated by City of Seattle Ordinance No. 105230, recorded under Recording No. 7601070380.

Parcel D:

That portion of the North 70 feet of the South 140 feet of the West one-half of Block 10, Plan of Union City, according to the plat thereof recorded in Volume 1 of Plats, Page 39, in King County, Washington, lying Westerly of a line distant 5 feet Easterly of and parallel with the following described line:

Beginning at a point on the South line of said North 70 feet distant 118.09 feet East of its intersection with the East line of 19th Avenue East; thence North 23°21'26" East a distance of 75.46 feet to a point on the North line of said North 70 feet distant 33.74 feet West of its intersection with the East line of said West one-half of said Block 10;

TOGETHER WITH the portion of vacated 19th Street as vacated by City of Seattle Ordinance No. 105230, recorded under Recording No. 7601070380.

Parcel E:

That portion of the South 70 feet of the West one-half of Block 10, Plan of Union City, according to plat thereof as recorded in Volume 1 of Plats, Page 39, records of King County, Washington, lying Westerly of a line distant 5 feet Westerly of and parallel with the following described line:

Beginning at a point on the North line of East Louisa Street distant 74.51 feet East of its intersection with the East line of 19th Avenue East; thence North 33°45'00" East a distance of 79.29 feet; thence North 23°21'26" East a distance of 3.23 feet to a point on the North line of said South 70 feet, distant 118.09 feet East of its intersection with the East line of 19th Avenue East;

TOGETHER WITH that portion of vacated 19th Street as vacated by City of Seattle Ordinance No. 105230, recorded under Recording No. 7601070380.

Parcel F:

Lot 4, Block 9-A, Lots 1 and 2, Block 6-A and Block 2-A, Second Supplemental Maps of Lake Union Shore Lands according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington.

Parcel G:

Lot 1, Block 1, Lake Union Shore Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington and Lot 2, Block 1, lying Southerly of a line drawn from a point on the Easterly line of Lot 15, Block 41, Pike's Second Addition to Union City 60 feet North of the Southeast corner thereof to the Northwest corner of Lot 2, Block 1, Lake Union Shore Lands;

AND that portion of Lots 2, 3 and 4, Block 1, lying on the Northerly side of said "Division Line" and on the Southwesterly side of a line drawn from the point of intersection of the North line of said Lot 16, of Pike's Second Addition to Union City according to the plat recorded in Volume 1 of Plats, Page 65a, with the meander line to the point of intersection of the West line of Lot 3, of said Lake Union Shore Lands with the pierhead line of the official Plat of Lake Union Shore Lands. according to the official maps thereof on file in the Office of the Commissioner of Public Lands in Olympia, Washington.

SUBJECT TO the following terms and conditions:

- The Grantee shall provide Grantor written notice no less than 30 days in advance of Grantee's intent to exercise its rights under this Temporary Easement.
- Grantee shall remove all of its property, equipment and materials and restore the grading, landscaping and other improvements damaged by the entry to at least as good a condition as such grading, landscaping and other improvements, were in immediately prior to the Grantee's commencement of work.

The temporary easements herein described in Parcels 1 and 2 contain an area of 221,974 square feet, more or less, and the temporary easement herein described in Parcel 3 contains an area of 82,110 square feet, the specific details concerning all of which are to be found on sheets 5, 7, 8, and 10 of that certain plan entitled SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity, now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval March 2, 2017, as revised.

Section 3. The Superintendent, or Superintendent's designee, is specifically authorized, for and on behalf of the City, to acquire the following described real property, situated in the City of Seattle, County of King, State of Washington, commonly known as: the release of restrictive covenant on a portion of the Montlake Playfield, fee acquisition of a portion of WSDOT's Campbell-Moshier Property, and fee acquisition of the WSDOT Peninsula Property with a legal description substantially in the form set out below ("Acquisition Properties"), together with all rights, privileges, and other property pertaining thereto, for open space, park, and recreation purposes, and to accept deeds for the Acquisition Properties, as partial consideration described in and

consistent with the terms of the Settlement Agreement by executing a Deed Acceptance Certificate substantially in the form of Attachment 2 to this ordinance such other instrument as the Superintendent reasonably determines necessary to carry out this property acquisition:

Attachment 1, Exhibit O: Quit Claim Deed, portion of Montlake Playfield (release of restrictive covenant):

Parcel 1:

Lots 1-11 in Block 2, Lake Union Shore Lands, and vacated street adjoining; Situate in the City of Seattle, County of King, State of Washington.

Parcel 2:

Lots 1 and 2 in Block 1 of Lake Union Shore Lands, and that portion of Lots 3 and 4 in said Block 1 lying southwesterly of the following described line: Beginning at the intersection of the Government meander line with the north line of Lot 16, Block 41, Pike's 2nd Addition to Union City, according to plat thereof recorded in Volume 1 of Plats, page 65A, records of King County, thence northwesterly to the most northerly corner of Lot 2, Block 1, said Lake Union Shorelands; and portion of vacated street adjoining said Lot 1; situate in the City of Seattle, County of King, State of Washington.

Parcel 3:

Lots 1 to 18 inclusive, Block 41 of Pike's 2nd Addition to Union City, according to plat thereof recorded in Volume 1 of Plats, Page 65A, Records of King County; and vacated alley and streets adjoining; EXCEPT portions of said Lots 13, 14, 15 and 16 included in Lake Union Shorelands; situate in The City of Seattle, County of King, State of Washington.

Parcel 4:

Lots 5, 6, 10, 11 and 12 in Block 50 of Pike's 2nd Addition to Union City, according to plat thereof recorded in Volume 1 of Plats on page 65A records of King County; and vacated streets adjoining; Situate in The City of Seattle, County of King, State of Washington.

The specific details concerning all of which may be found on sheet 8 of that certain plan entitled SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity, now of record and on file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval March 2, 2017, as revised.

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.

Attachment 1, Exhibit P: Quit Claim Deed, WSDOT Peninsula Property (fee):

Those portions of Government Lots 1, 3, and 4 in Section 21, Township 25 North, Range 4 East, W.M., in King County, Washington, lying within the following described tract of land:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) E-S

165+66.38 on the E-S line survey of SR 520, SR 5 Vicinity to Evergreen Point Bridge and 70.07 feet westerly therefrom; thence northerly to a point opposite HES E-S 163+68.63 on said line survey and 100.19 feet westerly therefrom; thence easterly to a point opposite HES E-S 163+67.08 on said line survey and 90 feet westerly therefrom; thence northeasterly, parallel with said line survey, to a point opposite HES E-S 161+89.18 thereon; thence northeasterly to a point opposite HES E-S 159+82.95 on said line survey and 80 feet westerly therefrom; thence northwesterly, along a curve to the left, to a point opposite HES 77+42.41 on the SR 520 line survey of SR 520, Montlake Interchange Vicinity to Arboretum Interchange Vicinity and 662 feet southeasterly therefrom; thence northeasterly a point opposite HES 77+70 on said SR 520 line survey and 657 feet southeasterly therefrom; thence northwesterly to a point opposite HES 77+50 on said SR 520 line survey and 501 feet southeasterly therefrom; thence northwesterly to a point opposite HES 77+12 on said SR 520 line survey and 370 feet southeasterly therefrom; thence northeasterly to a point opposite HES 77+38 on said SR 520 line survey and 322 feet southeasterly therefrom; thence northeasterly, along a curve to the left having a radius of 45 feet a distance of 111.39 feet, to a point opposite HES 77+41 on said SR 520 line survey and 237 feet southeasterly therefrom; thence northeasterly to a point opposite HES 70+10 on said SR 520 line survey and 155 feet southeasterly therefrom; thence northeasterly to a point opposite HES 157+55.57 on the SR 520 line survey of SR 5 Vicinity to Evergreen Point Bridge and 57.81 feet southerly therefrom; thence easterly to a point opposite HES 161+66.09 on said SR 520 line survey and 81.18 feet southerly therefrom; thence easterly to a point opposite HES 165+46.63 on said SR 520 line survey and 64.46 feet southerly therefrom; thence southeasterly to a point opposite HES 171+25.83 on said SR 520 line survey and 56.27 feet southerly therefrom; thence southwestly to a point opposite HES N-E 171+11.36 on the N-E line survey of said highway and 35 feet southeasterly therefrom; thence southwestly, parallel with said line survey, to a point opposite HES N-E 154+07.87 thereon; thence southerly to a point opposite HES N-MONT 171+18.57 on the N-MONT line survey of said highway and 50 feet easterly therefrom; thence westerly to the point of beginning.

**EXCEPT**, Grantor reserves to itself and its successors and/or assigns, all easement rights of access, light, view and/or air in the property herein conveyed to the extent that the property abuts the state highway right of way; therefore, the Grantee(s) herein, including heirs, successors or assigns, shall have no right of ingress or egress to, from or between SR and the lands herein described, nor shall Grantee(s) herein, its heirs, successors or assigns, be entitled to compensation for any loss of access, light, view and/or air occasioned by the location, construction, reconstruction, maintenance or operation of said highway.

**RESERVING** unto the Grantor, the temporary right, privilege, and easement over, under, upon and across the hereinafter described the hereinafter described lands to be designated as Parcel 1, for the purposes of site access, staging area for construction equipment and vehicles, and rights of ongoing ingress and egress to accomplish said purposes as needed on said lands. Said temporary easement shall terminate on December 31, 2023:

Parcel 1:

That portion of Government Lots 1, 3 and 4 in Section 21, Township 25 North, Range 4 East, W.M., in King County, Washington, lying within the following described tract of land:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) N-MONT 771+18.67 on the N-MONT line survey as shown on Exhibit Map SR 520 WSDOT Peninsula and 50 feet easterly therefrom; thence westerly to a point opposite HES E-S 165+39.44 on the E-S line survey as shown on said Exhibit Map and 106.81 feet easterly therefrom; thence northwesterly to a point

opposite HES E-S 165+14.42 on said E-S line survey and 52.48 feet easterly therefrom; thence northwesterly to a point opposite HES E-S 165+10.10 on said E-S line survey and 6.09 feet westerly therefrom; thence northeasterly to a point opposite HES E-S 164+71.79 on said E-S line survey and 16.90 feet easterly therefrom; thence northeasterly to a point opposite HES E-S 164+20.24 on said E-S line survey and 25.60 feet easterly therefrom; thence northwesterly to a point opposite HES E-S 164+22.34 on said E-S line survey and 92.01 feet westerly therefrom; thence northerly to a point opposite HES E-S 163+68.63 on said E-S line survey and 100.19 feet westerly therefrom; thence easterly to a point opposite HES E-S 163+67.08 on said E-S line survey and 90 feet westerly therefrom; thence northeasterly, parallel with said E-S line survey, to a point opposite HES 161+89.16 thereon; thence northeasterly to a point opposite HES E-S 159+82.95 on said E-S line survey and 80 feet westerly therefrom; thence northwesterly, along a curve to the left having a radius of 440.87 feet a distance of 233.51 feet, to a point opposite HES A 77+42.41 on the A-Line line survey as shown on said exhibit map and 662 feet southerly therefrom; thence northeasterly to a point opposite HES A 77+70 on said A-Line line survey and 657 feet southerly therefrom; thence northwesterly to a point opposite HES A 77+50 on said A-Line line survey and 501 feet southerly therefrom; thence northwesterly to a point opposite HES A 77+12 on said A-Line line survey and 370 feet southerly therefrom; thence northeasterly to a point opposite HES A 77+38 on A-Line line survey and 322 feet southerly therefrom; thence northerly, along a curve to the left having a radius of 45 feet a distance of 41.39 feet to a point opposite HES A 77+41 on said A-Line line survey and 237 feet southerly there from; thence northeasterly to a point opposite HES A 78+10 on said A-Line line survey and 155 feet southerly therefrom; thence northeasterly to a point opposite HES B 157+55.57 on the B-Line survey as shown on said Exhibit Map and 67.81 feet southerly therefrom; thence northeasterly to a point opposite HES B 161+66.09 on said B-Line line survey and 81.18 feet southerly therefrom; thence easterly to a point opposite HES B 165+46.63 on said B-Line line survey and 64.46 feet southerly therefrom; thence southeasterly to a point opposite HES B 169+61.30 on said B-Line line survey and 53.68 feet southerly therefrom; thence southeasterly to a point opposite HES B 171+26.83 on said B-Line line survey and 56.27 feet southerly therefrom; thence southerly to a point opposite HES B 171+26.56 on said B-Line line survey and 100 feet southerly therefrom; thence southwestery, parallel with said B-Line line survey, to a point opposite HES B 171+26.01 thereon; thence southwestery to a point opposite HES N-E 155+98.31 on the N-E line survey as shown on said Exhibit Map and 35 feet southeasterly therefrom; thence southwestery, parallel with said N-E line survey, to a point opposite HES N-E 154+07.87 thereon; thence southerly to the point of beginning.

- Grantor shall remove all of its property, equipment and materials and restore the grading, landscaping and other improvements damaged by the entry to at least as good a condition as such grading, landscaping and other improvements, were in immediately prior to the Grantor's commencement of work.

**ALSO RESERVING**, unto the Grantor, the temporary right, privilege, and easement over, under, upon and across the hereinafter described the hereinafter described lands to be designated as Parcel 2, for the purposes of site access, staging area for construction equipment and vehicles, and rights of ongoing ingress and egress to accomplish said purposes as needed on said lands. Said temporary easement shall commence on January 1, 2024 and terminate on June 1, 2030:

Parcel 2:

Those portions of Government Lots 1, 3 and 4 in Section 21, Township 25 North, Range 4 East, W.M. lying within the following described tract of land:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES E-S 163+75.13 on the E-S line survey as shown on Exhibit Map SR 520 WSDOT Peninsula and 99.20 feet westerly therefrom; thence northerly to a point opposite HES E-S 163+68.63 on said line survey and 100.19 feet westerly therefrom; thence easterly to a point opposite E-S 163+67.08 on said line survey and 90 feet westerly therefrom; thence northeasterly, parallel with said line survey, to a point opposite HES E-S 161+89.18 thereon; thence northeasterly to a point opposite HES E-S 159+82.95 on said line survey and 80 feet westerly therefrom; thence northwesterly to a point opposite HES A 77+53.09 on the A-Line line survey as shown on said Exhibit Map and 745.55 feet southerly therefrom; thence northeasterly to a point opposite HES A 78+54.81 on said A-Line line survey and 734.31 feet southerly therefrom; thence southeasterly to a point opposite HES A 79+29.93 on said A-Line line survey and 789.98 feet southerly therefrom; thence easterly to a point opposite HES B 156+48.31 on the B-Line line survey as shown on said Exhibit Map and 726.56 feet southerly therefrom; thence northeasterly to a point opposite HES B 157+23.14 on said B-Line line survey and 726.48 feet southerly therefrom; thence easterly to a point opposite HES B 157+67.19 on said B-Line line survey and 733.95 feet southerly therefrom; thence easterly to a point opposite HES B 159+70.95 on said B-Line line survey and 758.07 feet southerly therefrom; thence northeasterly to a point opposite HES B 161+76.43 on said B-Line line survey and 500.84 feet southerly therefrom; thence northeasterly to a point opposite HES B 161+84.03 on said B-Line line survey and 486.57 feet southerly therefrom; thence southeasterly to a point opposite HES B 162+53.86 on said B-Line line survey and 496.91 feet southerly therefrom; thence southeasterly to a point opposite HES B 162+83.16 on said B-Line survey and 596.94 feet southerly therefrom; thence southeasterly to a point opposite HES B 163+20.36 on said B-Line line survey and 641.09 feet southerly therefrom; thence southerly to a point opposite HES B 163+39.31 on said B-Line line survey and 782.61 feet southerly therefrom; thence southwesterly to a point opposite HES N-E 157+68.95 on the N-E line survey as shown on said Exhibit Map and 9.75 feet southeasterly therefrom; thence

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.

Attachment 1, Exhibit Q: Quit Claim Deed, portion of WSDOT Campbell-Moshier Property (fee):

That portion of Lot 7, Block 6, Union City, according to the plat thereof, recorded in Volume 1 of Plats, page 39, in King County, Washington, described as follows:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 64+72.53 on the SR 520 line survey and 209.29 feet southerly therefrom; thence northeasterly to a point opposite HES 64+78.94 on said line survey and 209.37 feet southerly therefrom; thence northeasterly to a point opposite HES 64+86.94 on said line survey and 209.46 feet southerly therefrom; thence northeasterly to a point opposite HES 64+92.74 on said line survey and 209.53 feet southerly therefrom, thence southerly to a point opposite HES 64+87.39 on said line survey and 243.54 feet southerly therefrom; thence southerly to a point opposite HES 64+82.06 on said line survey and 277.44 feet southerly therefrom; thence southerly to a point opposite HES 64+81.46 on said line survey and 281.24 feet southerly therefrom; thence southerly to a point opposite HES 64+80.52 on said line survey and 287.28 feet southerly therefrom; thence westerly to a point opposite HES 64+60.76 on said line survey and 284.18 feet southerly therefrom; thence northerly to a point opposite HES 64+64.21 on said line survey and 262.22 feet southerly therefrom; thence northerly to a point opposite HES 64+64.81 on said line survey and 258.41 feet southerly therefrom; thence northerly to the point of beginning.

EXCEPT, Grantor reserves to itself and its successors and/or assigns, all easement rights of access,

light, view and/or air in the property herein conveyed to the extent that the property abuts the state highway right of way; therefore, the Grantee herein, including successors or assigns, shall have no right of ingress or egress to, from or between SR 520 and the lands herein described, nor shall Grantee herein, its successors or assigns, be entitled to compensation for any loss of access, light, view and/or air occasioned by the location, construction, reconstruction, maintenance or operation of said highway.

EXCEPT that the Grantor will allow a Type “C” off and on approach not to exceed 20 feet in width, for parks maintenance and utilities purposes, at a point on the southerly side of said highway, at Highway Engineer’s Station 64+71 and 286 feet southerly therefrom and to which off and on approach only, the grantors reserve a right of reasonable access for those purposes only.

RESERVING unto the Grantor an easement for transfer to Seattle City Light, over, upon and across the following described property for the purposes of an overhead power lines:

Beginning at a point opposite Highway Engineer’s Station (hereinafter referred to as HES) 64+78.94 on the SR 520 line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 209.37 feet southerly therefrom; thence northeasterly to a point opposite HES 64+86.94 on said line survey and 209.46 feet southerly therefrom; thence southeasterly to a point opposite HES 64+89.39 on said line survey and 243.54 feet southerly therefrom; thence southerly to a point opposite HES 64+82.06 on said line survey and 277.44 feet southerly therefrom; thence southerly to a point opposite HES 64+81.46 on said line survey and 281.24 feet southerly therefrom; thence southerly to a point opposite HES 64+80.52 on said line survey and 287.28 feet southerly therefrom; thence northwesterly to the point of beginning.

RESERVING unto the Grantor an easement for transfer to Seattle Information Technology, under and across the following described property for the purposes of a fiber optic cable:

Beginning at a point opposite Highway Engineer’s Station 64+64.21 on the SR 520 line survey of SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity and 262.22 feet southerly therefrom; thence northerly to a point opposite HES 64+64.81 on said line survey and 258.41 feet southerly therefrom; thence southeasterly to a point opposite HES 64+82.06 on said line survey and 277.44 feet southerly therefrom; thence southerly to a point opposite HES 64+81.46 on said line survey and 281.24 feet southerly therefrom; thence northwesterly to the point of beginning.

RESERVING unto the Grantor a temporary easement over, under, upon and across the herein conveyed property for the purposes of construction from March 31, 2022 through December 31, 2023.

The specific details concerning all of which may be found on sheet 10 of that certain plan entitled SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity, now of record and on file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval March 2, 2017, as revised.

Section 4. The Superintendent, or Superintendent’s designee, is further authorized, for and on behalf of the City, to execute instruments, agreements, or other documents the Superintendent reasonably determines necessary or appropriate to effect the property conveyances set out in Section 2 of this ordinance or to otherwise comply with the terms and conditions of the Settlement Agreement. In particular, the Superintendent

is authorized to execute, record, and deliver instruments in the form of Exhibits E through Q of Attachment 1 as Exhibits E through Q with such revisions or amendments as the Superintendent reasonably deems necessary to comply with the terms of the Settlement Agreement and this ordinance.

Section 5. The Superintendent of Parks and Recreation, or Superintendent’s designee, is authorized to accept from WSDOT on behalf of the City, a settlement payment in the sum of \$22,247,665 and cell tower lease revenues as a mitigation payment and partial consideration described in and consistent with the terms of the Settlement Agreement.

Section 6. The funds described in Section 4 of this ordinance shall be deposited into the Park Mitigation and Remediation Fund (“Fund”), which is hereby created in the City Treasury to account for monies received from the Settlement Agreement. Money in the Fund may be temporarily deposited or invested in such manner as may be lawful for the investment of City money, and interest and other earnings shall be deposited in the Fund. The Fund is described as follows:

Fund ID	Fund Name
33130	Park Mitigation & Remediation

Section 7. Together, the acceptance of the deeds for the real property described in Section 3 of this ordinance and mitigation funds constitute just compensation to the City for the impact of the SR 520 to the City.

Section 8. The requirements of Ordinance 118477, which adopted Initiative 42, are hereby superseded for the purposes of this ordinance.

Section 9. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 10. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Elizabeth M. Adkisson, Interim City Clerk

(Seal)

Attachments:

Attachment 1: GCB 3464, Settlement Agreement between Washington State Department of Transportation and City of Seattle Parks and Recreation Regarding the SR 520 Portage Bay Bridge Roanoke Lid Project

Attachment 2: Deed Acceptance Certificate