



DEVELOPMENT SERVICES DEPARTMENT  
ENVIRONMENTAL COORDINATOR  
450 110<sup>th</sup> Ave NE., P.O. BOX 90012  
BELLEVUE, WA 98009-9012

**OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS) NOTICE MATERIALS**

The attached materials are being sent to you pursuant to the requirements for the Optional DNS Process (WAC 197-11-355). A DNS on the attached proposal is likely. This may be the only opportunity to comment on environmental impacts of the proposal. Mitigation measures from standard codes will apply. Project review may require mitigation regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for this proposal may be obtained upon request.

File No. 13-107199-WE  
Project Name/Address: COB Meydenbauer Storm Outfall Sediment Removal  
9927 Meydenbauer Way SE  
Planner: Reilly Pittman  
Phone Number: 425-452-4350

**Minimum Comment Period: March 28, 2013**

Materials included in this Notice:

- Blue Bulletin
- Checklist
- Vicinity Map
- Plans
- Other:

**COB Meydenbauer Storm Outfall Sediment Removal**  
**File Number: 13-107199-WE**



City of Bellevue Submittal Requirements

27

**ENVIRONMENTAL CHECKLIST**

4/18/02

*Thank you in advance for your cooperation and adherence to these procedures. If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.*

**INTRODUCTION****Purpose of the Checklist:**

The State Environmental Policy Act (SEPA), Chapter 43.21c RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City of Bellevue identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the City decide whether an EIS is required.

**Instructions for Applicants:**

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly, with the most precise information known, or give the best description you can. You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer or if a question does not apply to your proposal, write "do not know" or "does not apply." Giving complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the Planner in the Permit Center can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. Include reference to any reports on studies that you are aware of which are relevant to the answers you provide. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

**Use of a Checklist for Nonproject Proposals:** *A nonproject proposal includes plans, policies, and programs where actions are different or broader than a single site-specific proposal.*

For nonproject proposals, complete the Environmental Checklist even though you may answer "does not apply" to most questions. In addition, complete the Supplemental Sheet for Nonproject Actions available from Permit Processing.

For nonproject actions, the references in the checklist to the words *project*, *applicant*, and *property* or *site* should be read as *proposal*, *proposer*, and *affected geographic area*, respectively.

**Attach an 8 ½" x 11 vicinity map which accurately locates the proposed site.**

## ENVIRONMENTAL CHECKLIST

4/18/02

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## BACKGROUND INFORMATION

Property Owner: MENDENBAUER YACHT CLUB

Proponent: CITY OF BELLEVUE UTILITIES

Contact Person: DON McQUILLANS

(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: 2901 115<sup>TH</sup> AVE NE, BELLEVUE, WA, 98004

Phone: (425) 452-7865

Proposal Title: MENDENBAUER STORM OUTFALL SEDIMENT REMOVAL

Proposal Location: 9927 MENDENBAUER WAY SE, BELLEVUE, WA  
(Street address and nearest cross street or intersection) Provide a legal description if available.

Please attach an 8 1/2" x 11" vicinity map that accurately locates the proposal site.

Give an accurate, brief description of the proposal's scope and nature:

1. General description: Removal of sediment from the bottom of Mendenbauer Bay adjacent to the outfall per easement obligations.
2. Acreage of site: Work Area = 0.07 acres
3. Number of dwelling units/buildings to be demolished: N/A
4. Number of dwelling units/buildings to be constructed: N/A
5. Square footage of buildings to be demolished: N/A
6. Square footage of buildings to be constructed: N/A
7. Quantity of earth movement (in cubic yards): APPROXIMATELY 150 YDS
8. Proposed land use: OPEN WATER / MARINA
9. Design features, including building height, number of stories and proposed exterior materials: N/A
10. Other

Estimated date of completion of the proposal or timing of phasing:

PROJECT IMPLEMENTATION IS DEPENDANT ON PERMIT APPROVALS & SITUATED TIMEFRAMES AVAILABLE.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

NO

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

NOTE

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

NOTE KNOWN

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

CURB & GRADE. CRITICAL AREA LAND USE. STORELINE DEVELOPMENT. HPA, ARMY CORP (JARRA) CITY OF BEULWIE

Please provide one or more of the following exhibits, if applicable to your proposal. (Please check appropriate box(es) for exhibits submitted with your proposal):

N/A

- Land Use Reclassification (rezone) Map of existing and proposed zoning
- Preliminary Plat or Planned Unit Development Preliminary plat map
- Clearing & Grading Permit Plan of existing and proposed grading Development plans
- Building Permit (or Design Review) Site plan Clearing & grading plan
- Shoreline Management Permit Site plan

A. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site:  Flat  Rolling  Hilly  Steep slopes  Mountains  Other

b. What is the steepest slope on the site (approximate percent slope)?

Steepest slope in project area is approximately 6%.

c. What general types of soil are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

SANDWATER SANDS & 'MUCK'

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

NONE THAT ARE VISIBLE.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

NO FILL TO BE USED.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

POSSIBLE MINOR EROSION DURING DEMOLITION PHASE.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

NO NEW IMPERVIOUS SURFACE TO BE ADDED.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

A SILT CURTAIN WILL BE USED IN THE LAKE & SILT FENCING WILL BE SET UP AROUND SHORELINE TO PREVENT TURBID WATER FROM ENTERING.

## 2. AIR

- a. What types of emissions to the air would result from the proposal (i.e. dust, automobile odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

NORMAL CONSTRUCTION EMISSIONS FROM HEAVY DUTY VEHICLES (TRACTORS)

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

NONE

- c. Proposed measures to reduce or control emissions or other impacts to the air, if any:

NONE

## 3. WATER

- a. Surface

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If

appropriate, state what stream or river it flows into.

Lake Washitago

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If Yes, please describe and attach available plans.

Working Within Lake Washitago

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

APPROXIMATELY 150 YDS<sup>3</sup> OF SEDIMENT TO BE REMOVED FROM THE LAKE BOTTOM WITHIN PROJECT AREA.

Sediment removal will restore the natural lake bed elevation.

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

N/A

- (6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

SEDIMENT LOADED WATER WILL BE FILTERED THROUGH A BOXER TRAP AND RELEASED BACK TO LK. WASHITAGO. SALT FENCING WILL BE IN PLACE TO PREVENT ONLY SEDIMENT THAT IS IN THE WATER.

b. Ground

- (1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description.

No

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None

c. Water Runoff (Including storm water)

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Runoff from filtered Baker tanks will be released back into the lake.

(2) Could waste materials enter ground or surface waters? If so, generally describe.

Small amounts of sediment could be present in runoff/surface water that is released.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Use of a vacuum tank. A Baker tank & silt fence along the shoreline.

4. Plants

a. Check or circle types of vegetation found on the site:

~~None~~

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

~~None~~

Small amounts of milfoil within the work area will be removed

c. List threatened or endangered species known to be on or near the site.

None known

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None @ this time. Mitigation was conducted under past maintenance operations

**5. ANIMALS**

a. Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: deer, bear, elk, beaver, other:

Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

None known

c. Is the site part of a migration route? If so, explain.

unknown

d. Proposed measures to preserve or enhance wildlife, if any: None

**6. Energy and Natural Resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy need? Describe whether it will be used for heating, manufacturing, etc.

N/A

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No

c. What kinds of energy conservation features are included in the plans of the proposal? List other proposed measures to reduce or control energy impacts, if any:

None

**7. Environmental Health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

The sediment may contain elevated levels of oils from stormwater runoff.

(1) Describe special emergency services that might be required. None

(2) Proposed measures to reduce or control environmental health hazards, if any.

Oil booms will be in place where the lake water is returned.

b. Noise

- (1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

None

- (2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site.

heavy machinery building

Typical construction noise of

noise is regulated by BCC 9.18

- (3) Proposed measures to reduce or control noise impacts, if any:

None

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

MARINA

- b. Has the site been used for agriculture? If so, describe.

NO

- c. Describe any structures on the site.

A MARINA COMPLEX ADJACENT TO THE OUTFALL

- d. Will any structures be demolished? If so, what?

NO

- e. What is the current zoning classification of the site?

MULTI FAMILY

- f. What is the current comprehensive plan designation of the site?

UNKNOWN

- g. If applicable, what is the current shoreline master program designation of the site?

UNKNOWN

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

UNKNOWN

- i. Approximately how many people would reside or work in the completed project?

None

- j. Approximately how many people would the completed project displace?

None

- k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A

- i. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

None

## 9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

N/A

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

N/A

- c. Proposed measures to reduce or control housing impacts, if any:

None

## 10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A

- b. What views in the immediate vicinity would be altered or obstructed?

N/A

- c. Proposed measures to reduce or control aesthetic impacts, if any:

None

## 11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

c. What existing off-site sources of light or glare may affect your proposal? N/A

d. Proposed measures to reduce or control light or glare impacts, if any: None

## 12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

MEYDENBOER BEACH PARK + MARINA

b. Would the proposed project displace any existing recreational uses? If so, describe.

No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None

## 13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

None known

b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.

N/A

c. Proposed measures to reduce or control impacts, if any: None

## 14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

MEYDENBOER WAY SE

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

unknown

c. How many parking spaces would be completed project have? How many would the project eliminate?

0

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

None

g. Proposed measures to reduce or control transportation impacts, if any:

None

**15. Public Services**

a. Would the project result in an increased need for the public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No

b. Proposed measures to reduce or control direct impacts on public services, if any.

None

**16. Utilities**

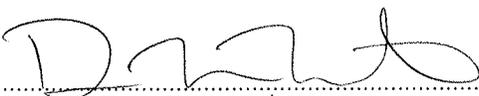
a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Nothing New Proposed

**Signature**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature..... 

Date Submitted..... 2/6/13

# CITY OF BELLEVUE UTILITIES DEPARTMENT

## MEYDENBAUER BAY STORM OUTFALL MAINTENANCE RFP# 8089

PROJECT LOCATION  
MEYDENBAUER BAY YACHT CLUB  
OUTFALL

CITY MANAGER  
STEVE SARKOZY

MAYOR  
GRANT DEGGINGER

DEPUTY MAYOR  
CLAUDIA BALDUCCI

UTILITIES DIRECTOR  
DENNIS VIDMAR

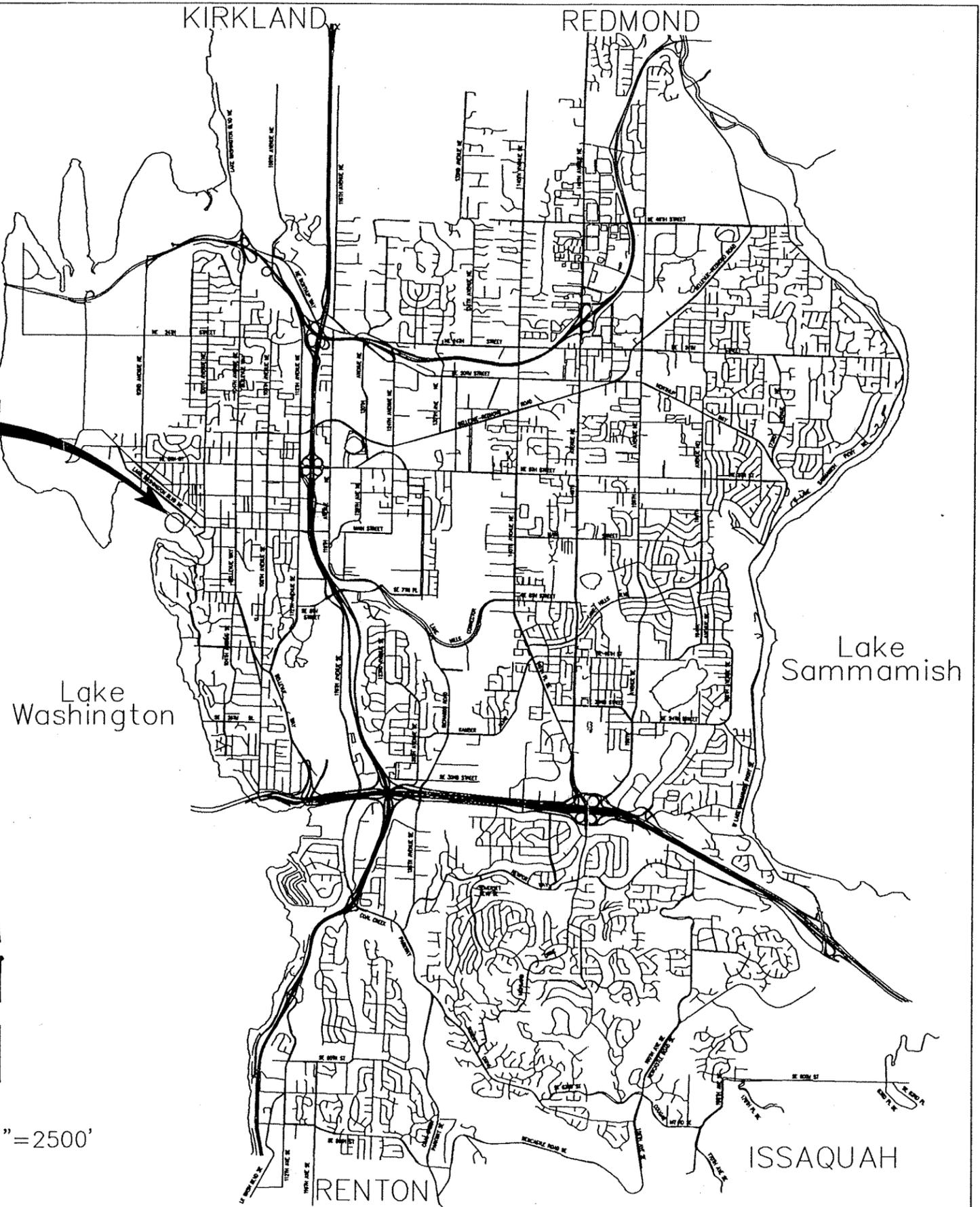
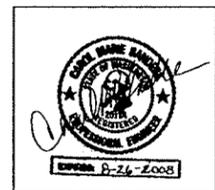
### SCHEDULE OF DRAWINGS

SHEET NO.	TITLE
1	TITLE SHEET
2	SITE LAYOUT
3	SITE 1 PLAN
4	SITE 2 PLAN
5	DETAIL
6.	MISCELLANEOUS NOTES

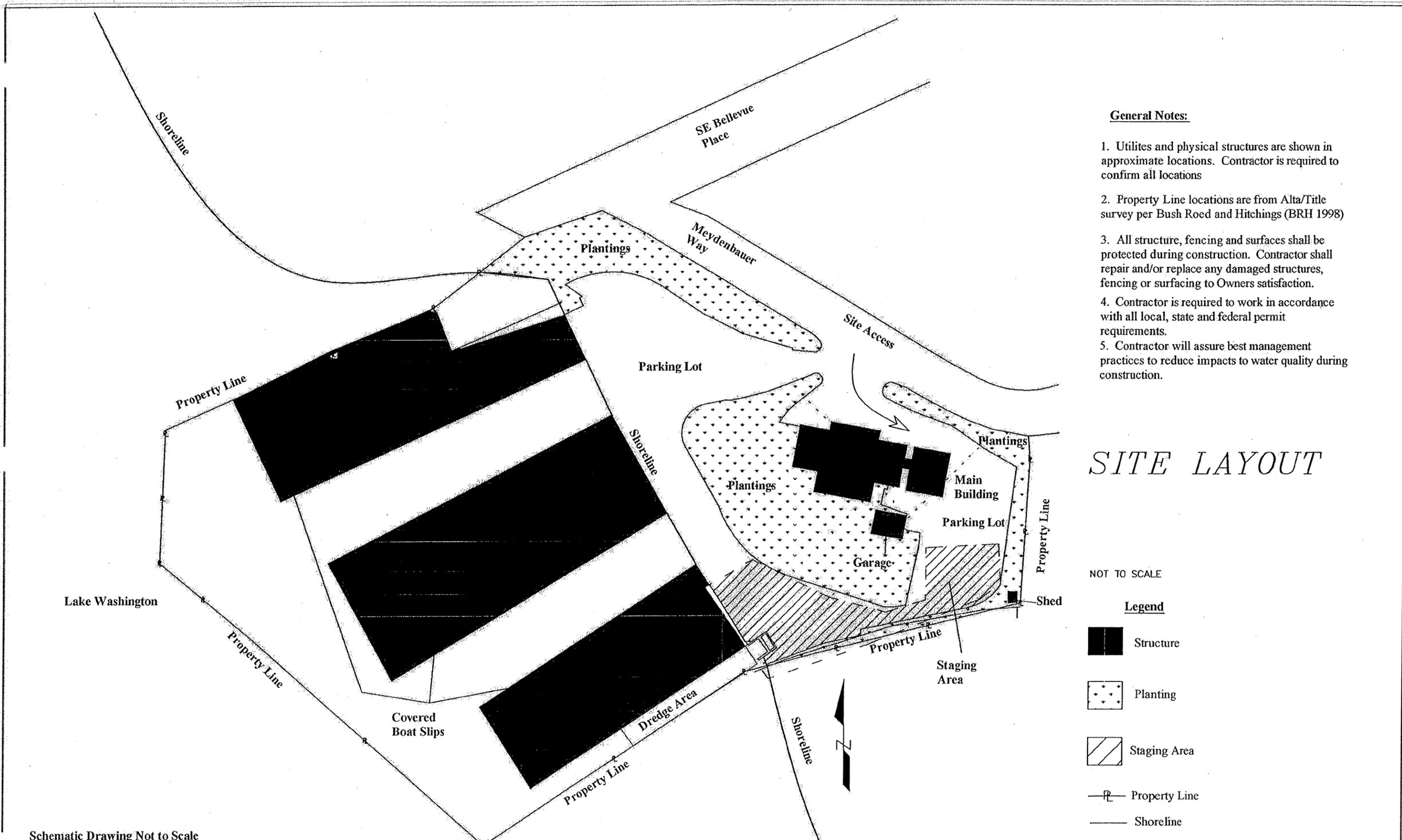
CONSTRUCTION  
DOCUMENT

### CITY COUNCIL

PATSY BONINCONTRI  
JOHN CHELMINIAK  
DON DAVIDSON  
CONRAD LEE  
PHIL NOBLE



SCALE: 1"=2500'



**General Notes:**

1. Utilities and physical structures are shown in approximate locations. Contractor is required to confirm all locations
2. Property Line locations are from Alta/Title survey per Bush Roed and Hitchings (BRH 1998)
3. All structure, fencing and surfaces shall be protected during construction. Contractor shall repair and/or replace any damaged structures, fencing or surfacing to Owners satisfaction.
4. Contractor is required to work in accordance with all local, state and federal permit requirements.
5. Contractor will assure best management practices to reduce impacts to water quality during construction.

# SITE LAYOUT

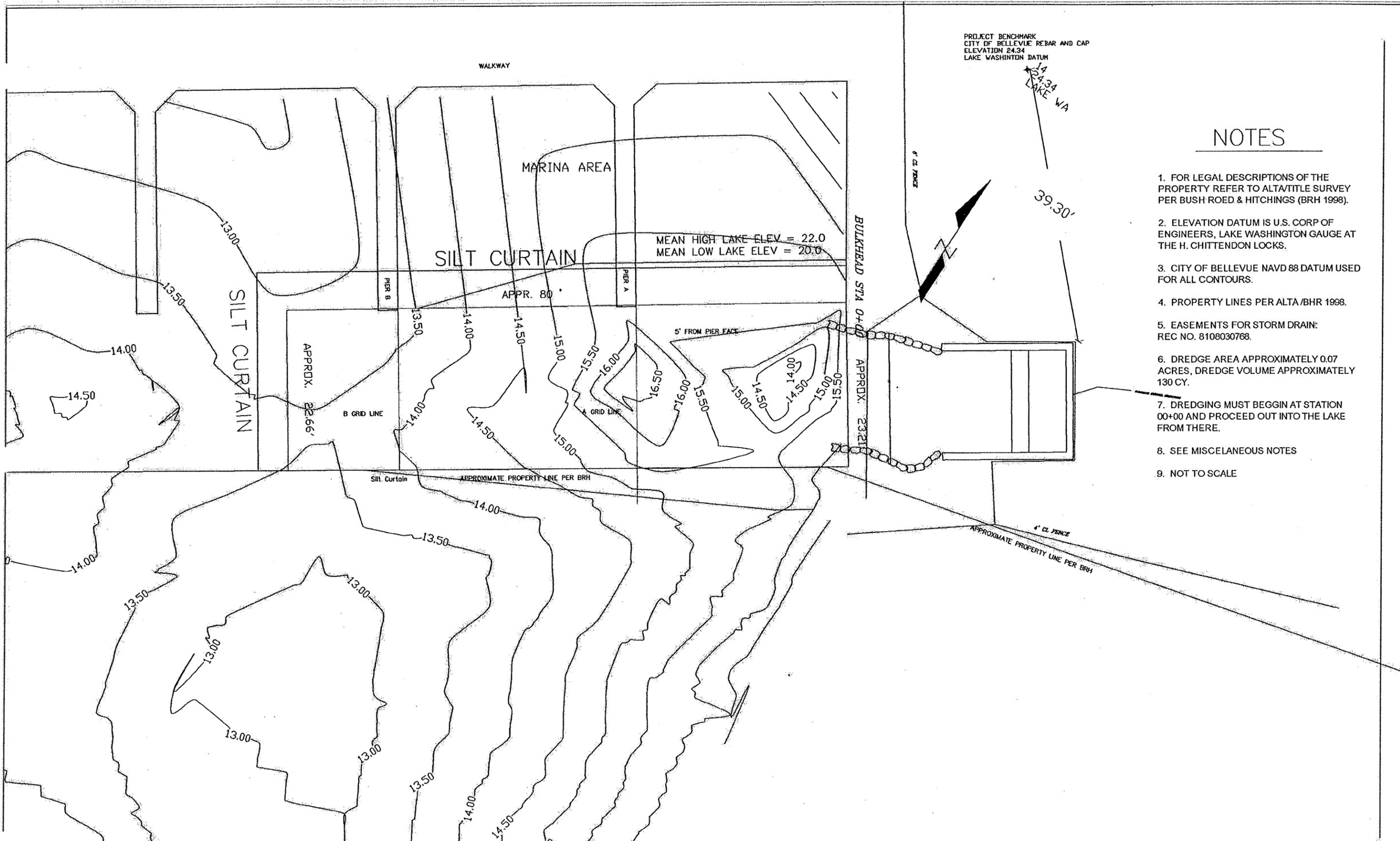
NOT TO SCALE

**Legend**

-  Structure
-  Planting
-  Staging Area
-  Property Line
-  Shoreline

Schematic Drawing Not to Scale

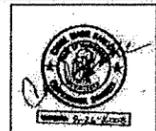
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>BY</th> <th>APPR</th> <th>REVISIONS</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	DATE	BY	APPR	REVISIONS																	 <p>MEYDENBAUER BAY STORM OUTFALL MAINTENANCE RFP# 8089 MAY 2008</p>	 <p>SANDERS &amp; ASSOCIATES, INC 13256, NORTHUP WAY #15 BELLEVUE, WA, 98005</p>	<p><b>Approved By</b> STEPHAN NOESKE</p> <p>DESIGN MANAGER: CAROL SANDERS PROJECT MANAGER: [blank]</p>	<p>Don Cuffel May 2008 DESIGNED BY: Don Cuffel DATE: May 2008 DRAWN BY: Modigol Hernandez DATE: May 2008 CHECKED BY: [blank] DATE: [blank]</p>	 <p><b>City of Bellevue</b> UTILITIES</p>	<p>SCHEMATIC SITE PLAN</p> <p>SECTION _____ SHIT <u>2</u> OF 5</p>
DATE	BY	APPR	REVISIONS																							



### NOTES

1. FOR LEGAL DESCRIPTIONS OF THE PROPERTY REFER TO ALTA/TITLE SURVEY PER BUSH ROED & HITCHINGS (BRH 1998).
2. ELEVATION DATUM IS U.S. CORP OF ENGINEERS, LAKE WASHINGTON GAUGE AT THE H. CHITTENDON LOCKS.
3. CITY OF BELLEVUE NAVD 88 DATUM USED FOR ALL CONTOURS.
4. PROPERTY LINES PER ALTA /BHR 1998.
5. EASEMENTS FOR STORM DRAIN: REC NO. 8108030768.
6. DREDGE AREA APPROXIMATELY 0.07 ACRES, DREDGE VOLUME APPROXIMATELY 130 CY.
7. DREDGING MUST BEGGIN AT STATION 00+00 AND PROCEED OUT INTO THE LAKE FROM THERE.
8. SEE MISCELANEOUS NOTES
9. NOT TO SCALE

DATE	BY	APPR	REVISIONS



MEYDENBAUER BAY STORM  
OUTFALL  
MAINTENANCE RFP# 8089  
MAY 2008



SANDERS & ASSOCIATES, INC  
13256, NORTHUP WAY #15  
BELLEVUE, WA, 98005

**Approved By**  
STEPHAN NOESKE  
DESIGN MANAGER CAROL SANDERS  
PROJECT MANAGER

Don Cuffel May 2008  
DESIGNED BY DATE  
Don Cuffel May 2008  
DRAWN BY DATE  
Madrigal Hernandez May 2008  
CHECKED BY DATE

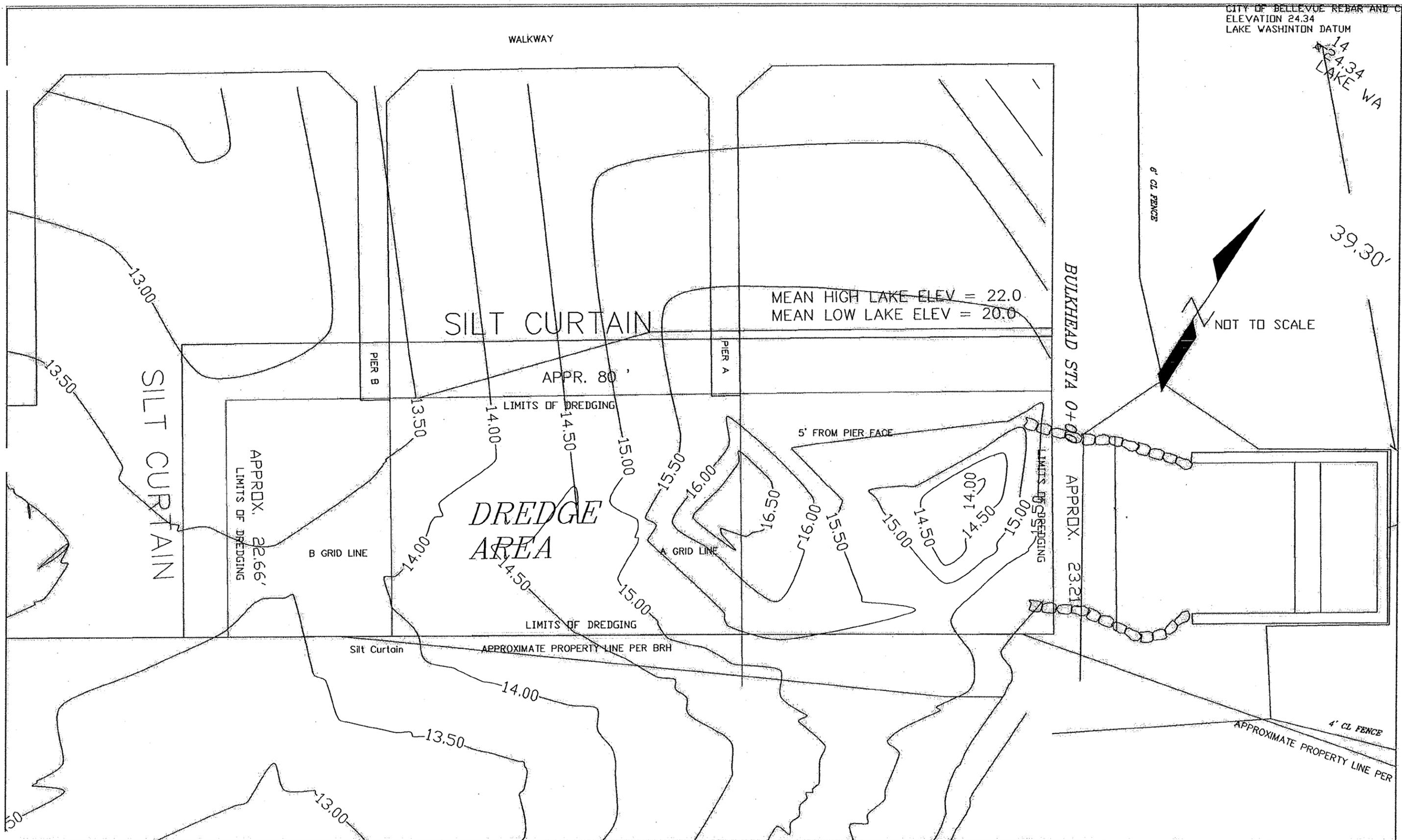


**City of Bellevue**  
UTILITIES

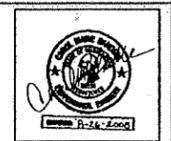
SITE PLAN #1

SECTION SHIT 3 OF 5

CITY OF BELLEVUE REBAR AND  
ELEVATION 24.34  
LAKE WASHINGTON DATUM



NO	DATE	BY	APPR	REVISIONS



MEYDENBAUER BAY STORM  
OUTFALL  
MAINTENANCE RFP# 8089  
MAY 2008



SANDERS & ASSOCIATES, INC  
13256, NORTHUP WAY #15  
BELLEVUE, WA, 98005

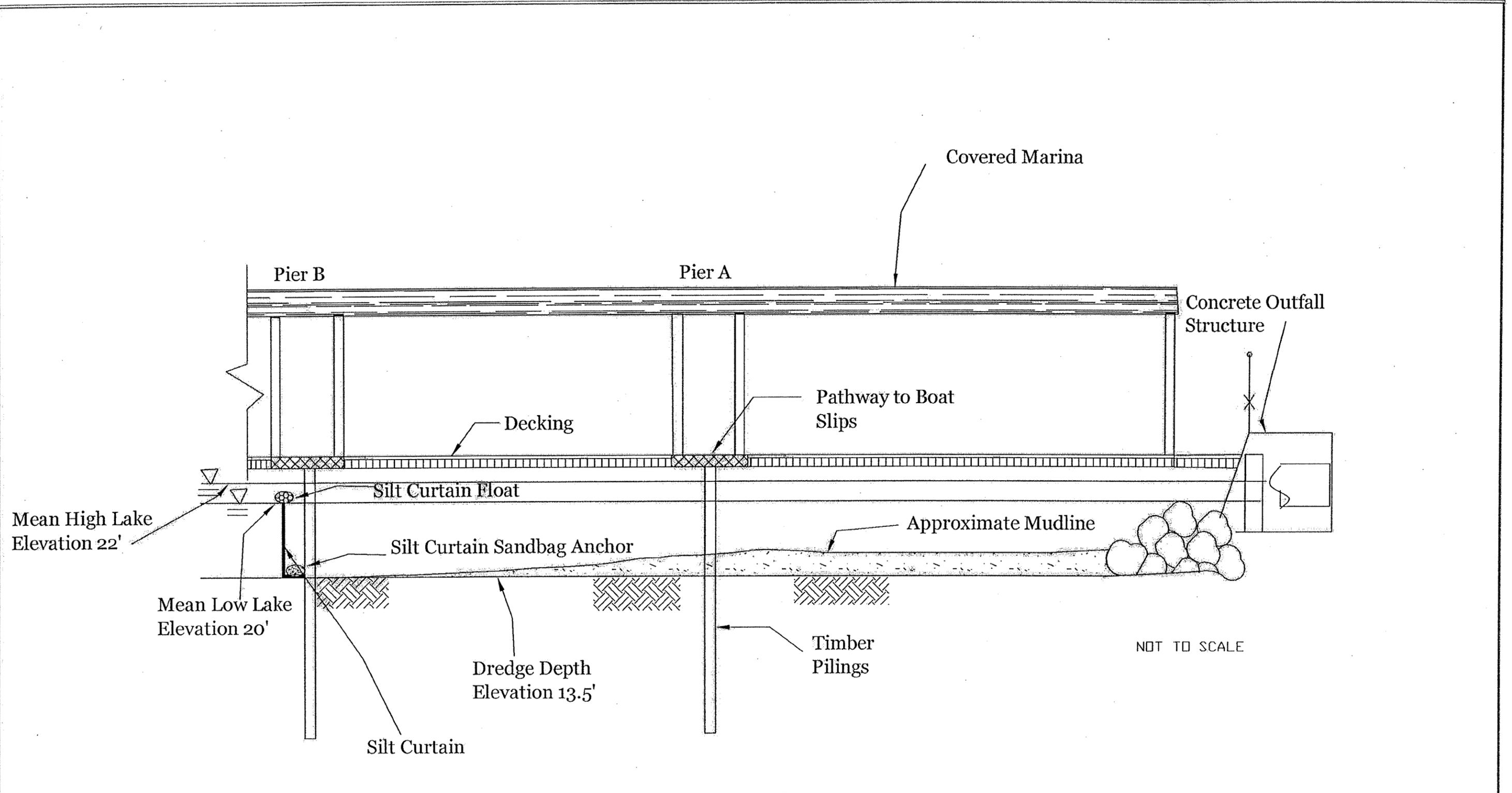
**Approved By**  
STEPHAN NOESKE  
DESIGN MANAGER  
CAROL SANDERS  
PROJECT MANAGER

Don Cuffel May 2008  
DESIGNED BY DATE  
Don Cuffel May 2008  
DRAWN BY DATE  
Rodrigal Hernandez May 2008  
CHECKED BY DATE



**City of Bellevue**  
UTILITIES

SITE PLAN 2  
SECTION \_\_\_\_\_  
SHT 4 OF 5



NO.	DATE	BY	APPR	REVISIONS



MEYDENBAUER BAY STORM  
OUTFALL  
MAINTENANCE RFP# 8089  
MAY 2008



SANDERS & ASSOCIATES, INC  
13256, NORTHUP WAY #15  
BELLEVUE, WA, 98005

**Approved By**  
STEPHAN NOESKE  
DESIGN MANAGER CAROL SANDERS  
PROJECT MANAGER

Don Cuffel May 2008  
DESIGNED BY Don Cuffel DATE May 2008  
DRAWN BY Modiged Hernandez DATE May 2008  
CHECKED BY DATE



**City of Bellevue**  
UTILITIES

DETAIL  
SECTION SHT 5 OF 5

The City of Bellevue Storm & Surface Water section is preparing to conduct regular maintenance of the 60" outfall pipe that discharges into Meydenbauer Bay at the Meydenbauer Yacht Club property located at 9927 Meydenbauer Way SE. The maintenance consists of removing sediments adjacent to the Stormwater pipe, this maintenance is to be performed in accordance with easement requirements between the City and the Yacht Club for the purpose of installing the storm pipe. A copy of the easement is included in the permit package following the narrative.

Sediment accumulation adjacent to the outfall is from sand, dirt and other debris flushed into the Stormwater system. To remove the sediment, an Eductor truck and tank attachment setup will be used similar to previous maintenance at this location. The truck will be parked in the Meydenbauer Yacht Club parking lot and will vacuum sediment from the bottom of the bay. Approximately 150 cubic yards of sediment will be removed. Initial sediment depth readings indicate the sediment levels very similar to those shown in the attached 2008 plan set. Sediment samples and a more detailed survey of sediment levels will be conducted within the upcoming months and provided as an amendment to this permit.

Prior to sediment removal, crews will setup a containment boom/silt curtain extending about 100 feet into the bay and surrounding the worksite. The boom will contain stirred up sediments and protect fish and wildlife during the vacuum operation. Divers will survey the inside of the boom area prior to sediment removal to ensure no fish or wildlife are inside the containment boom.

This work was last conducted in 2008. At that time, plans were prepared that outline the work area, elevations and an established baseline for the finished grade. Rather than recreate plans that would be nearly identical, the 2008 plans have been provided. Previous permitting for the work in 2008 began in 2005 and was granted a Determination of Non-Significance in 2006. The previous permit number was 058-135628 WG. A copy of the determination has been provided following this narrative.

FILED NO. 7102  
CITY OF BELLEVUE  
DATE: 7-23-81

STORM DRAINAGE EASEMENT

CITY CLERK *Shirley*  
R# 3875

This easement agreement made this 10<sup>th</sup> day of July, 1981 by and between Meydenbauer Bay Yacht Club, a Washington corporation, hereinafter termed "Grantor", and the City of Bellevue, a municipal corporation of the State of Washington, hereinafter termed "Grantee".

81/08/03 #0768 B  
REDD F 8.00  
CRSHSL \*\*\*\*\*8.00  
22

Witnesseth:

8108030768

Grantor, in consideration of \$40,000.00, to be paid within 90 days of time easement document is accepted and recorded by the City with the County, and other valuable consideration, hereby grants and conveys to Grantee a perpetual easement for storm drainage purposes only over, on, and under the property legally described in Exhibit A, incorporated herein by reference, for the purpose of installing, operating, and maintaining a storm drainage pipeline and energy dissipator; and for the conveyance of storm water. Grantee agrees to limit the size of said pipeline to approximately sixty inches in diameter and to locate the pipeline strictly within the easement area. Grantee hereby commits to designing the sixty inch pipeline such that it will intercept two existing drainage lines at a location in City right-of-way adjacent to the northeast corner of Grantor's property. Grantee agrees to locate the energy dissipator structure strictly within a fenced easement area adjacent to the lake shoreline in the southwestern most portion of Grantor's property, and to limit its external dimensions to twenty feet long by twenty-five feet wide by two feet above existing grade. Grantee agrees to fully cooperate with Grantor in designing said energy dissipator so as to minimize adverse aesthetic and functional impacts on Grantor's property. Grantee also agrees to inspect and maintain (including trash and sediment removal) said pipeline, catch basins, and energy dissipator as necessary in order to preserve the design hydraulic characteristics and minimize adverse impacts, if any, on Grantor's property.

Furthermore, Grantee hereby accepts responsibility for sediment discharged from the energy dissipator and deposited off-shore to the extent that said sediment may adversely impact Grantor's customary use of its shorelands and boat moorage facilities. Specifically, Grantee will survey the off-shore lake bottom prior to construction to determine the pre-operation topography. If and when sedimentation originating from the new pipeline energy dissipator system should cause the lake bottom of Grantor's shorelands to rise by more than two inches, on average, then Grantee will remove said sediment, or at Grantee's option Grantee may remove more than said accumulation from said shoreland. Topographic stations shall be located at the entrance to each of said moorage slips and at locations approximately twenty feet away from each slip entrance. In no case can the increase exceed three inches at any given station unless there is no impact on the use of that moorage slip. Any sediment removal shall be limited to the area required for normal use of and access to Grantor's shorelands and said moorage slips. Also, in no case shall Grantee be liable for any adverse impacts caused by changes in the lake surface elevation, or for any sedimentation which occurred prior to construction of the pipeline and dissipator system or for any sediment

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By *J. Torobay*, Deputy

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deposited in any location which originates from any source other than the new pipeline energy dissipator system. Any and all sediment removal from the lake shall be contingent on the City's ability to obtain necessary federal, state, and local permits. For budgeting purposes, dredging shall be planned at least one year in advance unless specifically waived by Grantee. However, under a documentable emergency condition (such as storm drainage pipeline break) where a rapid and unexpected accumulation of sediment originating from said pipeline energy dissipator system causes loss of use of a moorage slip, Grantee agrees to conduct limited dredging to remove said sediment after notification by Grantor, as soon as required permits can be obtained and City or contract personnel can be mobilized.

Grantor also grants and conveys to Grantee a perpetual easement over and across property legally described in Exhibit B, incorporated herein by reference, for the purpose of accessing said pipeline and energy dissipator for inspection and maintenance. Access shall be at times and locations which are reasonable, and are not to unduly interfere with Grantor's activities.

Grantor also grants and conveys to Grantee a temporary easement, to expire on December 31, 1982, over and across property legally described in Exhibit B for access to and construction of said pipeline and energy dissipator on the property described in said Exhibit A. Said temporary easement allows for access of the usual and customary construction equipment and personnel at times and locations which are reasonable; provided that construction will occur during the periods from July 1, 1981 through August 30, 1981. For each day construction continues beyond August 30, until June, 1982 and for each day it continues during the period of August 30, 1982 through December 31, 1982, Grantee agrees to pay to Grantor a penalty fee of \$160.00. Grantee shall immediately after the completion of said construction restore the premises to a condition equal to, or at Grantee's option better than, conditions which existed immediately prior to construction.

Grantee will remove the gate located at the southwest corner of Grantor's property and install said gate, or at Grantee's option, a new gate at a mutually agreeable location on Grantor's property. Grantee agrees to indemnify and hold Grantor harmless from any and all claims for damages or injury suffered by any person which may be caused by Grantee's exercise of the rights herein granted.

The undersigned hereby waive any requirement for a written notice and agree to surrender occupancy of the lands and/or rights herein granted upon the date of acceptance of this instrument of conveyance by the City of Bellevue.

This easement document, including all terms and requirements for transfer of rights, obligations, and payments, shall become effective when accepted and recorded by the City with the County; and shall become null and void if not so accepted and recorded prior to December 31, 1981.

In the event of any lawsuit between Grantor and Grantee seeking to enforce the terms and conditions of this Easement, or damages resulting from a breach of said terms and conditions, the prevailing party shall be entitled to reasonable attorney's fees and necessary costs and disbursements incurred in prosecuting or defending such lawsuit. As used herein, 'prevailing parties' means the party in whose favor final judgement is rendered.

The covenants herein contained shall run with the land and shall forever bind the Grantor, their successors and assigns.

Signed and executed on behalf of the Meydenbauer Bay Yacht Club:

By Richard L. Hanson  
COMMODORE

By \_\_\_\_\_

By Fred Ward  
SECRETARY

By \_\_\_\_\_

Accepted and Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1981.

By Hugh Warner  
Director of Public Works

Approved as to form:

William C. Graves  
Assistant City Attorney  
City of Bellevue

Accepted on behalf of the City of Bellevue

Andrea W. Beatty  
Andrea W. Beatty, City Manager

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JSC  
7-10-81

## EXHIBIT A

That portion of Government lot 5 in Section 31, Township 25 North, Range 5 East W.M., in King County, Washington described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 31; Thence South along the East line thereof 202.26 feet; Thence South  $66^{\circ}01'00''$  West 431.37 feet along the centerline of Southeast Bellevue Place; Thence South  $33^{\circ}58'45''$  East 30.47 feet more or less to the Southerly margin of Southeast Bellevue Place; Thence South  $33^{\circ}58'45''$  East 300.00 feet along the shore of Lake Washington; being the Southwesterly line of said government lot; Thence South  $33^{\circ}19'45''$  East 100.00 feet to the Point of Beginning of the description; Thence North  $76^{\circ}28'56''$  East 219.84 feet; Thence North  $10^{\circ}40'35''$  East 131.70 feet to the Southerly margin of Bellevue Way S.E.; Thence along said margin on a nontangent curve to the right, the center of which bears North  $02^{\circ}06'40''$  East 157.32 feet, through a central angle of  $07^{\circ}18'40''$  along an arc length of 20.07 feet; Thence leaving said margin South  $10^{\circ}40'35''$  West 112.08 feet; Thence South  $81^{\circ}04'39''$  West 66.64 feet; Thence South  $74^{\circ}20'49''$  West 125.11 feet; Thence North  $33^{\circ}19'45''$  West 7.22 feet; Thence South  $56^{\circ}40'15''$  West 25.00 feet; Thence South  $33^{\circ}19'45''$  East 25.00 feet to the Point of Beginning and containing 8,437 square feet more or less.

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EXHIBIT B

That portion of Government Lot 5 in Section 31, Township 25 North, Range 5 East, W.M. in King County, Washington, and Tracts 79 and 80 Bellevue Acre and 1/2 Acre Tracts according to the plat recorded in Volume 11 of Plats page 35 and of vacated 100th Avenue S.E. adjoining said tracts 79 and 80 described as follows,

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Beginning at the quarter section corner between Sections 31 and 32 in Township 25, Range 5 East, W.M.; thence south on the center line of 100th Avenue Southeast 202.26 feet; thence South  $66^{\circ}01'00''$  West 431.37 feet along the centerline of S.E. Bellevue Place; thence South  $33^{\circ}58'45''$  East 30.47 feet more or less to the Southerly line of Bellevue Way Southeast and the true point of beginning; thence South  $33^{\circ}58'45''$  East 300 feet along the shore of Lake Washington being the southwesterly line of said Government Lot 5. Thence South  $33^{\circ}19'45''$  East 100 feet also being the southwesterly line of said Government Lot 5; thence North  $76^{\circ}28'56''$  East 240.48 feet to the south line of said lot 80; thence North  $04^{\circ}10'25''$  East 124.82 feet more or less to the southerly line of Bellevue Way; thence along the southerly line of said Bellevue Way on a curve right of 157.32 foot radius an arc distance of 85.86 feet; thence North  $58^{\circ}21'00''$  West 246.07 feet; thence on a curve left 160.99 feet radius an arc distance of 156.32 feet. Thence South  $66^{\circ}01'00''$  West 26.9 feet more or less to the true point of beginning. Together with shorelands of the 2nd class in front thereof.

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7-10-81

STATE OF WASHINGTON }  
COUNTY OF KING } ss

On this 10<sup>th</sup> day of July, 1981, before me the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Richard J. Benson and Fred Ward to me known to be Commissioners and Secretary respectively, of Meydenbauer Bay Yacht Club, the corporation that executed the foregoing instrument and acknowledged the same to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Humberto J. Gonzalez  
Notary Public in and for the State  
of Washington, residing at Redmond

STATE OF WASHINGTON }  
COUNTY OF KING } ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me known to be \_\_\_\_\_ and \_\_\_\_\_ respectively, of \_\_\_\_\_, the corporation that executed the foregoing instrument and acknowledged the same to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that \_\_\_\_\_ authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

\_\_\_\_\_  
Notary Public in and for the State  
of Washington, residing at \_\_\_\_\_

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