

EXHIBIT #20

Lease No.: AA-01-10221
I.C. #: 1-17-05512

AMENDMENT NUMBER 1 to AIRSPACE LEASE

THIS AMENDMENT NUMBER 1 (Amendment) to that certain Airspace Lease entered into by and between the WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (Lessor/WSDOT) and CITY OF MERCER ISLAND (Lessee/CITY), executed by Lessor on March 11, 1994, and as further designated by Lessor as Airspace Lease AA-01-10221, I.C. No. 1-17-05512, as modified by Mercer Island Boat Launch Addendum to Airspace Lease, executed by Lessor on March 11, 1994 (collectively, Lease), is entered into by and between Lessor, and Lessee, a municipal corporation of the state of Washington.

RECITALS

A. The Modifications section of the Lease authorized the parties to amend the Lease by written agreement signed by both parties.

B. Sound Transit has a transportation project, the East Link I-90 Seismic/Staging (Project) that requires the temporary use of the Premises. The purpose of the Project is to retrofit the I-90 East Channel Bridge to accommodate the East Link Light Rail project under current seismic standards. Pursuant to separate agreement, WSDOT has agreed to lease multiple properties to Sound Transit for the East Link I-90 project, including the Premises. Sound Transit has notified WSDOT that it will need the Premises December 1, 2017 until such time as the Project is complete, which Sound Transit anticipated will be six (6) months once Project work commences on the Premises.

C. Sound Transit plans to implement the Project in stages, which it and the CITY anticipate will enable the CITY to continue to use alternating portions of the Premises during the Project. The CITY and Sound Transit have identified potential impacts of the Project on the CITY's use of the Premises as well as acceptable mitigation measures.

D. The CITY and WSDOT believe it is in the interest of the public to suspend the Lease for the period of time from December 1, 2017 until such time as the Sound Transit's construction of the Project is complete.

E. During the suspension period, WSDOT will lease the Premises to Sound Transit, which lease will authorize Sound Transit to sublease to the CITY those portions of the Premises it does not need for the current phase of the Project.

F. WSDOT and CITY desire to amend the Lease to allow for a suspension of the Lease.

AGREEMENT

NOW, THEREFORE in consideration of the terms and conditions herein, the Lease is modified as follows:

1. All capitalized terms used herein but not defined herein have the respective meanings set forth in the Lease or, if not defined in the Lease, have their ordinary and usual meaning. All Section and Exhibit references herein, if any, are to the Sections and Exhibits of the Lease unless otherwise stated.
2. The parties agree to suspend the Lease commencing December 1, 2017 until such time as Sound Transit notifies WSDOT that the Premises is no longer needed for the Project (Suspension Period). At such time, WSDOT shall notify the CITY in writing and the Lease will automatically recommence.
3. The parties agree that the Term of the Lease shall be suspended for the duration of the Suspension Period.
4. During the Suspension Period, nothing herein shall preclude the CITY from coordinating its continued use of the Premises with Sound Transit. The CITY acknowledges and agrees that during the Suspension Period, WSDOT will not have control or use of the Premises and any use of the Premises by the CITY must be agreed to by and between the CITY and Sound Transit by separate written agreement, which WSDOT will not be a party to.

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IN WITNESS WHEREOF, the parties have caused this Amendment No. 1 to be effective as of the last date written below.

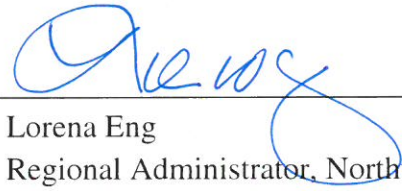
Signatures:

Accepted and Approved by:

CITY OF MERCER ISLAND

WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION

By: 
Julie T. Underwood
City Manager, City of Mercer Island

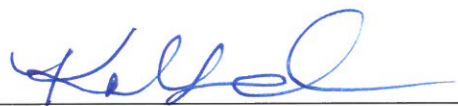
By: 
Lorena Eng
Regional Administrator, Northwest Region

Dated: 11/7/17

Dated: 11/15/2017

APPROVED AS TO FORM

APPROVED AS TO FORM

By: 
Attorney, City of Mercer Island

By: _____
Assistant Attorney General

Dated: 11/7/17

Dated: _____

TENANT ACKNOWLEDGMENT

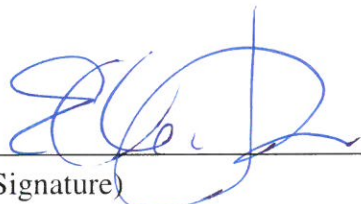
STATE OF WASHINGTON)

) ss

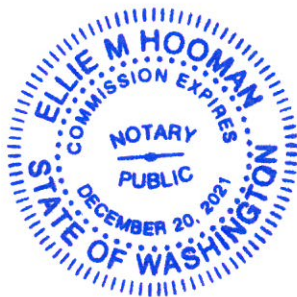
COUNTY OF KING)

On this 7th day of November before me personally appeared Julie T. Underwood to me known to be the duly appointed and qualified City Manager of the city of Mercer Island, Washington, that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said City, for the uses and purposes therein mentioned, and each on oath stated that she was authorized to execute said instrument by motion of the Mercer Island City Council, and that the seal affixed is the official seal of said City.

GIVEN under my hand and official seal the day and year last above written.



(Signature)



Ellie Hooman

Notary Public in and for the State of
Washington
Residing at: Mercer Island, WA
My commission expires: 12/20/2021

WSDOT ACKNOWLEDGMENT

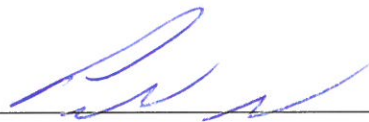
STATE OF WASHINGTON)

) ss

COUNTY OF KING)

On this 15th day of November, 2017 before me personally appeared Lorena Eng, to me known to be the duly appointed Regional Administrator, Northwest Region, and that she executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said State of Washington, for the uses and purposes therein set forth, and on oath states that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the 15th day of November, 2017.



(Signature)

PETER Alm

Notary Public in and for the State of Washington

Residing at: Bothell, WA

My commission expires: 2/21/21

EXHIBIT B
Master Premises

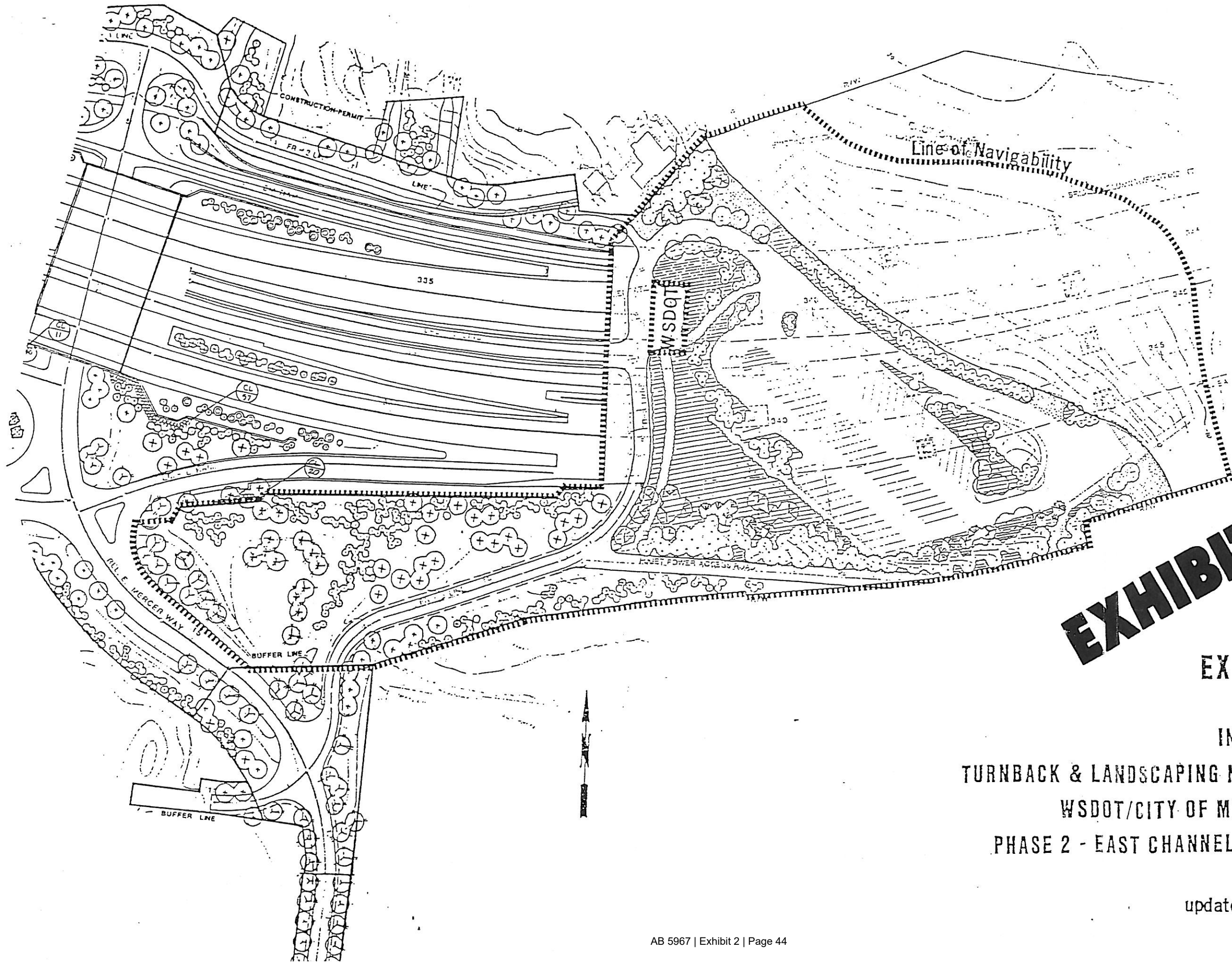


EXHIBIT "A"-2

EXHIBIT NO. 1

INTERSTATE 90
 TURNBACK & LANDSCAPING NEGOTIATIONS
 WSDOT/CITY OF MERCER ISLAND
 PHASE 2 - EAST CHANNEL BOAT LAUNCH

updated July 13, 1987

EXHIBIT C

Premises

AIR LEASE

T.24 N. R.5E. WM.

SECTION NO.	STATE	FEDERAL AID PROJECT NO.	SHEET NO.
10	WASH.	I-90-(1)33	

EXHIBIT C
Lease AA-1-10221
ICN 1-17-05512
City of Mercer Island
Sheet 1 of 5

STAGING AREA 1:
EAST MERCER WAY
STAGING
SEE SHEET C161
AREA = 22,715 SF

Lease Premises

Access

CITY OF MERCER ISLAND	U 337-842 RT AND U 337-891 LT (OC 8046)	21*
BURGESS	VIC FL 2-1400-LE	3A
BURGESS	VIC FL 2-840-LE	3A
SPECIFIED USER	STATION ON ROADWAY	FYPZ
	ACCESS APPROACH SCHEDULE	

LEGEND

ACCESS TO BE PROHIBITED SHOWN THIS

PROPERTY OWNERSHIP NUMBERS

PROPERTY LINES

EXISTING RETAINING WALLS

COORDINATED MONUMENTS

SCALE IN FEET

CURVE DATA

STATION	PC	PT	PI	EC	LEN	ANG	RA	CHORD	CHORD BEG	CHORD END
14-339+49.91	12+17.26	12+29.0	451.36	126805						
FL-2 9+22.36	15+52.22	200	28.00	55.64						
FL-3 10+45.01	48+27.55	84	45.00	89.59						
FL-3 11+32.58	44+59.55	114	51.92	78.54						
FL-3 14+82.26	22+00.01	114	100	117.73						
REL 36+18 25+54.93	22+12.13	84	600	117.73						
REL 36+18 28+51.08	28+10.10	114	200	182.3						
REL 42+18 11+00.00	60+29.50	114	300	174.97						
REL 42+18 17+45.91	60+09.29	84	100	202.96						
FR-3 11+26.24	40+03.09	114	120	44.93						
FR-3 12+14.85	22+01.05	84	100	72.68						
FR-3 12+45.58	28+48.20	114	150	106.12						
FR-2 10+22.31	28+31.50	114	180	61.74						

ACCESS NOTES

Traffic movement will be permitted via FR-3 Line entering on the right vicinity of Sta. 337+48.0 and under highway structures from B Sta. 337+39.17 to B Sta. 338+38.34+0.00.

Non-motorized traffic will be permitted to cross Lake Washington on the sidewalk provided on the new East Channel Bridge and Approaches.

Non-motorized traffic will be permitted to cross the limited control access line on the pedestrian and bicycle trails as provided. Emergency access only will be permitted on the EAL-3 Ramp.

Type A approach is an Off and On approach in legal manner, not to exceed 14 feet in width, for residential purposes. It may be received for specified use at a point satisfactory to the State.

Letter 12-11-97 1-30-98 Added Type 21 access approach Sta. U 337+842 RT and Sta. U 337+891 LT. Added utility easement for transfer to City, Sta. U 338+00.00 LT to U 338+40.00 LT. Relocated EAL-3 Ramp on RE STA. 334+54.48 to U 340+00.00.

Letter 12-18-94 12-23-94 Revised EAL-3 Ramp alignment, boundary parcel 7-2884.

Letter 9-28-94 11-02-94 Relocated EAL-3 Ramp on RE STA. 334+54.48 to U 340+00.00.

Letter 8-16-84 8-27-84 Relocated EAL-3 Ramp on RE STA. 334+54.48 to U 340+00.00.

Letter 9-6-83 11-14-83 Deleted slope easement on RT Sta. 334+54.48 to U 340+00.00.

Letter 10-3-79 11-2-79 Revised FR-3 Line alignment, boundary parcel 7-2884.

Letter 0-7-79 9-1-79 Deleted Type A approach on RT Sta. 334+54.48 to U 340+00.00.

Authority DATE

LEGEND

- WSDOT ROW
- WSDOT LIMITED ACCESS ROW
- PROPOSED STAGING AREA
- PROPOSED STAGING OR TREE PLANTING AREA IDENTIFIED ELSEWHERE IN THIS PACKAGE

NO. 21: THE PRIVILEGE OF ACCESS TO AREAS WITHIN THE RIGHT OF WAY IS PERMITTED FROM OUTSIDE THE RIGHT OF WAY TO THE USER DESIGNATED, SOLELY FOR USE AUTHORIZED BY AND SUBJECT TO THE CONDITIONS OF THE FRANCHISE, PERMIT, OR AGREEMENT SPECIFIED. NO ACCESS WILL BE ALLOWED TO THE TRAVELED HIGHWAY LANES OR RAMPS.

*THE PRIVILEGE OF ACCESS TO AREAS WITHIN THE RIGHT OF WAY IS PERMITTED FROM THE FR-3 LINE.

This plan conforms to the access provisions in the Findings and Order issued by the Highway Commission on August 31, 1973, and June 16, 1969, as revised by Findings and Order issued August 16, 1971, and as modified by the Memorandum Agreement approved December 21, 1976, between the cities of Mercer Island and Bellevue, the Municipality of Metropolitan Seattle, King County and the Washington State Highway Commission.

15312
SR 90

MP 4.94 TO MP 6.21

MERCER ISLAND:
WEST SHORE TO EAST CHANNEL BRIDGE
SEC. 3, SHOREWOOD DR. VIC. TO
EAST CHANNEL BRIDGE

KING COUNTY

RIGHT OF WAY AND LIMITED ACCESS
FULL CONTROL
STA. U 328+00 TO STA. U 340+00

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
OLYMPIA, WASHINGTON

W. A. BULLY
DESIGN ENGINEER

SECRETARY

DATE December 18, 1978
SHEET 3 OF 12-7 SHEETS
Designated For Limited Access Control By Comm. Res. No. 25, July 23, 1955

Notes:

AIR LEASE 133 shorelands are included by Mercer Island.
For total parcel details see sheet No. 1
For ownership data and areas see sheet No. 7

Access Note:
Water borne traffic will be permitted under the highway structure as restricted clearances permit.

ACCESS NOTE:
NON MOTORIZED TRAFFIC WILL BE PERMITTED TO CROSS LAKE WASHINGTON ON THE SIDEWALK PROVIDED ON THE NEW EAST CHANNEL BRIDGE. TRAFFIC MOVEMENT WILL BE PERMITTED UNDER HIGHWAY STRUCTURES FROM U- STA. 337+39.17 TO U- STA. 344+00

T.24 N. R.5E. W.M.
EAST CHANNEL

SECTION NO.	STATE	FEDERAL AID PROJECT NO.	SHEET NO.
10	WASH.	I-90-1(13)3	

M.P. 6.21
U- 352+72.14 P.O.T. Bk. 3C9 L.T. =
U- 356+84.97 A.P. Ahd.
END OF PLAN

NOTE: For Right of Way and Limited Access ahead see SR 90, E.Chanel Bridge to Richards Rd., Approved August 17, 1965

**STAGING AREA 2:
MERCER ISLAND BOAT
LAUNCH STAGING
(BELOW I-90 BRIDGE)
SEE SHEET C131
AREA = 30,088 SF**

Lease Premises

EXHIBIT C
Lease AA-1-10221
ICN 1-17-05512
City of Mercer Island
Sheet 4 of 5

LEGEND

- WSDOT ROW
- WSDOT LIMITED ACCESS ROW
- PROPOSED STAGING AREA

LEGEND

ACCESS TO BE PROHIBITED SHOWN THIS

PROPERTY OWNERSHIP

PROPERTY LINES

SCALE IN FEET

This plan conforms to the access provisions in the Findings and Order issued by the Highway Commission on August 31, 1973, and June 16, 1969, as revised by Findings and Order issued August 16, 1971, and as modified by the Memorandum Agreement approved December 21, 1976, between the cities of Seattle, Mercer Island and Bellevue; the Municipality of Metropolitan Seattle; King County and the Washington State Highway Commission.

15312
SR 90
MP 4.94 TO MP 6.21
MERCER ISLAND:
WEST SHORE TO EAST CHANNEL BRIDGE
SEC. 3, SHOREWOOD DR. VIC. TO
EAST CHANNEL BRIDGE
KING COUNTY
RIGHT OF WAY AND LIMITED ACCESS
FULL CONTROL
STA. U- 340+00 TO STA. U- 352+72.14
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
OLYMPIA, WASHINGTON

W. A. BULLEY
DESIGN ENGINEER
DATE December 18, 1978
SHEET 6 OF 43-7 SHEETS
Designated For Limited Access Control by Comm. Res. No. 196, July 23, 1963

Letter 5-25-84	7-25-84	Rev. L/R on U- Sta. U- 340+00 to U- 342+00 and on R- Sta. U- 344+00 to U- 344+00.25. Added Access Note for non-motorized traffic; added Access Note for paths proposed at Sta. U- 337+39.17 to U- 34+00	NEW
LA/AR-16-81	8-27-84	Rev. ROW and detailed grades R/W on R- STA. 230+00 to 250+35.17 on R.A.	BY
AUTHORITY DATE		SUBSEQUENT APPROVAL	

AIR LEASE

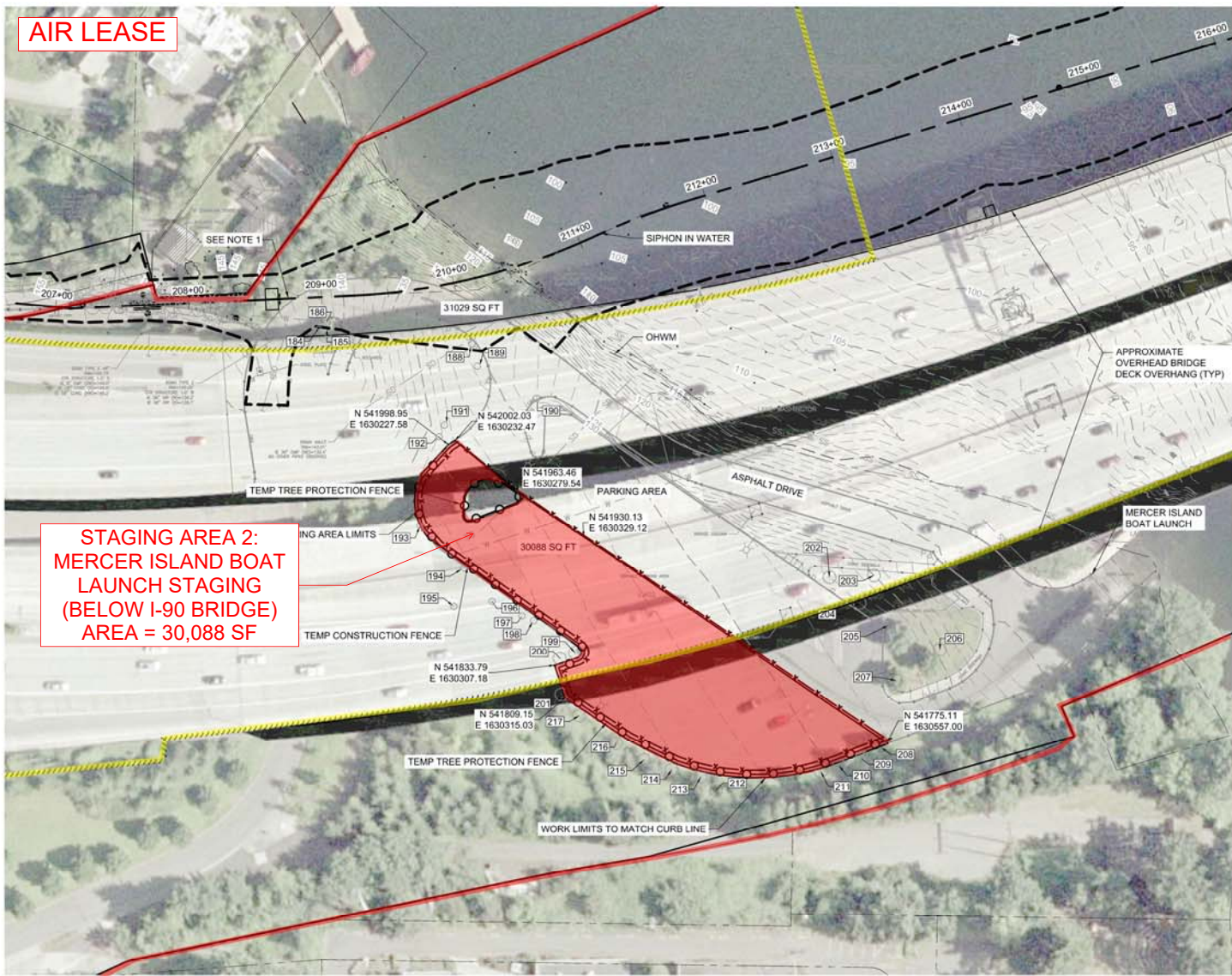
NOTES:

1. SEE C231, C232 AND C233 FOR SITE PREPARATION ALONG SIPHON PIPELINE.
2. ANY STAGING OUTSIDE OF THE AREA SHOWN WILL BE CONTRACTOR'S RESPONSIBILITY TO NEGOTIATE AND SECURE ADDITIONAL AREA.
3. MAINTAIN ACCESS TO BOAT LAUNCH AND PARKING STALLS NOT IN STAGING AREA.

LEGEND

- WSDOT ROW
- WSDOT LIMITED ACCESS ROW
- PROPOSED STAGING AREA

EXHIBIT C
 Lease AA-1-10221
 ICN 01-17-05512
 City of Mercer Island
 Sheet 5 of 5



BORDER FILE EDITION: K07YTD-2017-02-06-10:00:00
 PLOT DATE: 10/21/2019 4:53 PM
 PLOTTED BY: Morris, Richard

NO	REVISION DESCRIPTION	BY	APVD	DATE



PRELIMINARY ISSUE DRAWING
 INFORMATION ONLY
90% REVIEW
 SEPTEMBER 2019



DESIGNED/DRAWN: D. SCOTT
 PROJECT ENGINEER: J. CHAE
 DESIGN APPROVAL: R. BROWNE
 PROJECT ACCEPTANCE: S. VILDIZ

SCALE: AS NOTED
 REFERENCE: 1" = 40'
 FACILITY NUMBER: TBD
 CONTRACT NO: C01340C20

MERCER ISLAND BOAT LAUNCH WORK LIMITS & STAGING PLAN

DCN: TBD	DATE:
PROJECT FILE NO: TBD	DRAWING NO: C131
SHT NO: / TOTAL: /	REV NO: /

EXHIBIT D

Mitigation Measures

Action and Impact	Mitigation
Lane closures on Frontage Road. Slower access for boaters and traffic congestion on the Frontage Road.	<p>King County will maintain public access to the boat launch throughout its occupancy. Access to the boat launch and parking that is not affected by construction would be maintained and would include the use of flaggers on Frontage Road as needed to ensure safe vehicle access during intermittent lane closures. King County will make all reasonable efforts to schedule lane closures timed to avoid peak season demand, especially on weekends. King County does not anticipate closing Frontage road on weekends. However, if weekend work is required, King County will work with the City to minimize any impacts. The County will not schedule lane closures anytime during SeaFair weekend.</p> <p>King County will conduct public communications with on-site signage and media channels about the project and anticipated lane closure dates in advance of all lane closures.</p>
Closure of parking spaces at the boat launch for two years. Loss of public access to the boat launch. Congestion in the parking lot. Loss of revenue to the City for daily and seasonal passes for boat trailer parking.	King County will provide traffic control measures at the boat launch parking area to facilitate traffic flow through the site. King County will deploy and maintain public communications, including directional signage that direct overflow parking of boat trailers to Mercer Island City Hall on weekends. Signage and traffic control will also be provided at the City Hall site to direct boaters how to park there. King County will compensate the City at the appraised fair market value in the amount of \$ _____ for the duration of its occupation of the boat launch property. The City will transfer those funds to WSDOT, less WSDOT-approved expenses for contract management and loss of revenue from the occupied parking spaces.
Non-recreational use of the premises. City risks being out of compliance with Washington State Recreation and Conservation Office (“RCO”) and in violation of grant agreements.	King County will comply with conditions described in any policy waiver provided to the City by the Washington State Recreation and Conservation Office.
Fenced construction site containing equipment and materials. Presents public safety and security risks.	King County will be responsible for any and all loss or damage to materials or equipment stored in the premises. Any personal injury, damage to City property, altercations, or incidents involving police, fire, or ambulance services on the premises must be reported to the City’s representative within 24 hours of the occurrence.
Stockpiling and staging in parking lot. Pavement and curbing wear and tear from construction staging activities.	King County will repair the parking lot to restore it to pre-occupation condition and repave that portion of the Premises occupied by the County at the end of its period of occupation. This must occur within the period of occupation unless other arrangements are made with the City. Repaving under this Sublease means that the contractor will plane 1.5” existing HMA surface and overlay with 1.5” HMA.

EXHIBIT E

Restrictions for the Protection of the SR 90 Bridge Structure

NO STORAGE OF FLAMMABLE MATERIAL

EXHIBIT E
Lease AA-01-10221
ICN 01-17-05512
City of Mercer Island
Sheet 1 of 1

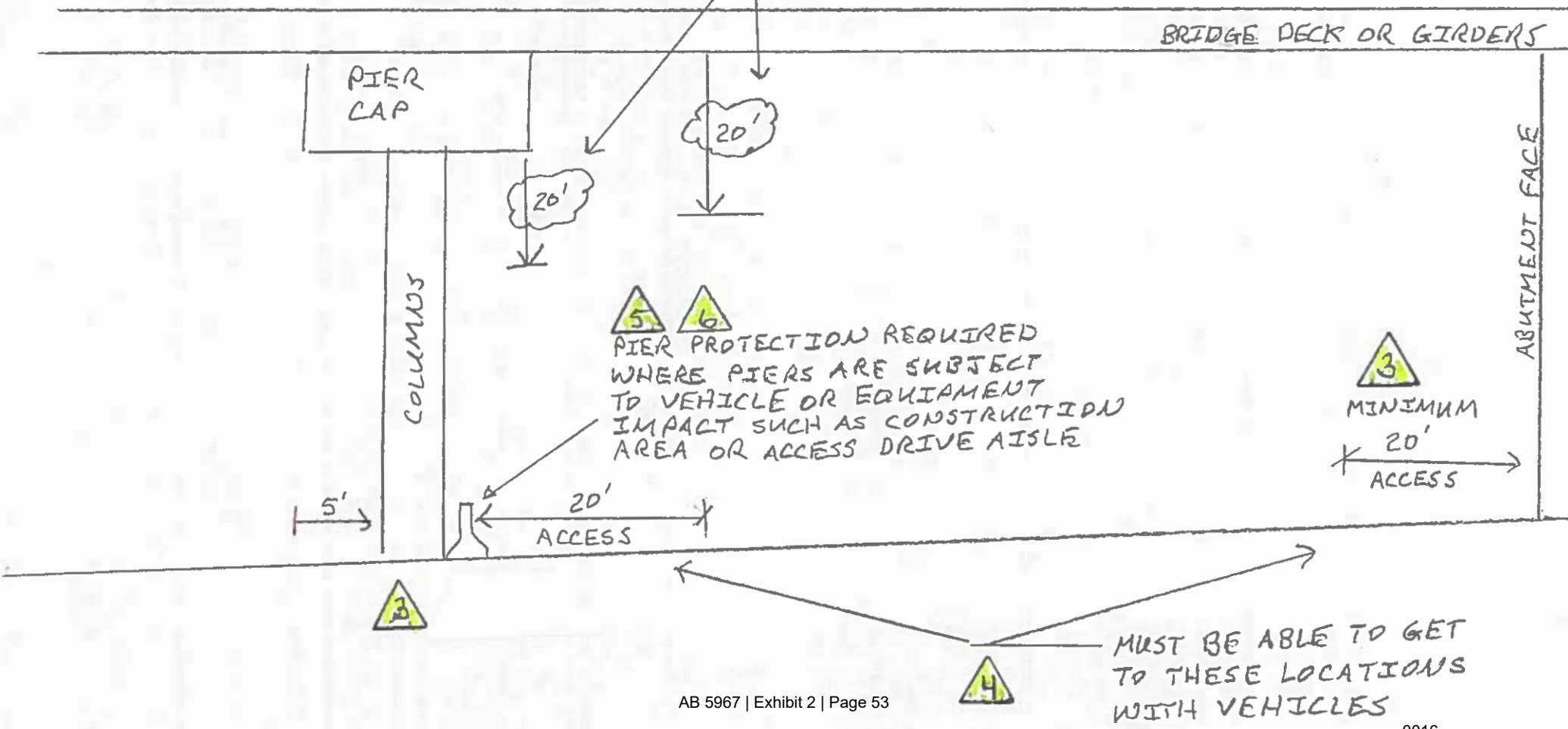
- 1
- 2
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- 5
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PROVIDE STAGING PLAN AS DESCRIBED IN LEASE LANGUAGE,

BULLETS AS DESCRIBED IN LEASE LANGUAGE ILLUSTRATED BELOW.

PROVIDE 24/7 ACCESS TO LOCKED AREAS BY LEASE LANGUAGE

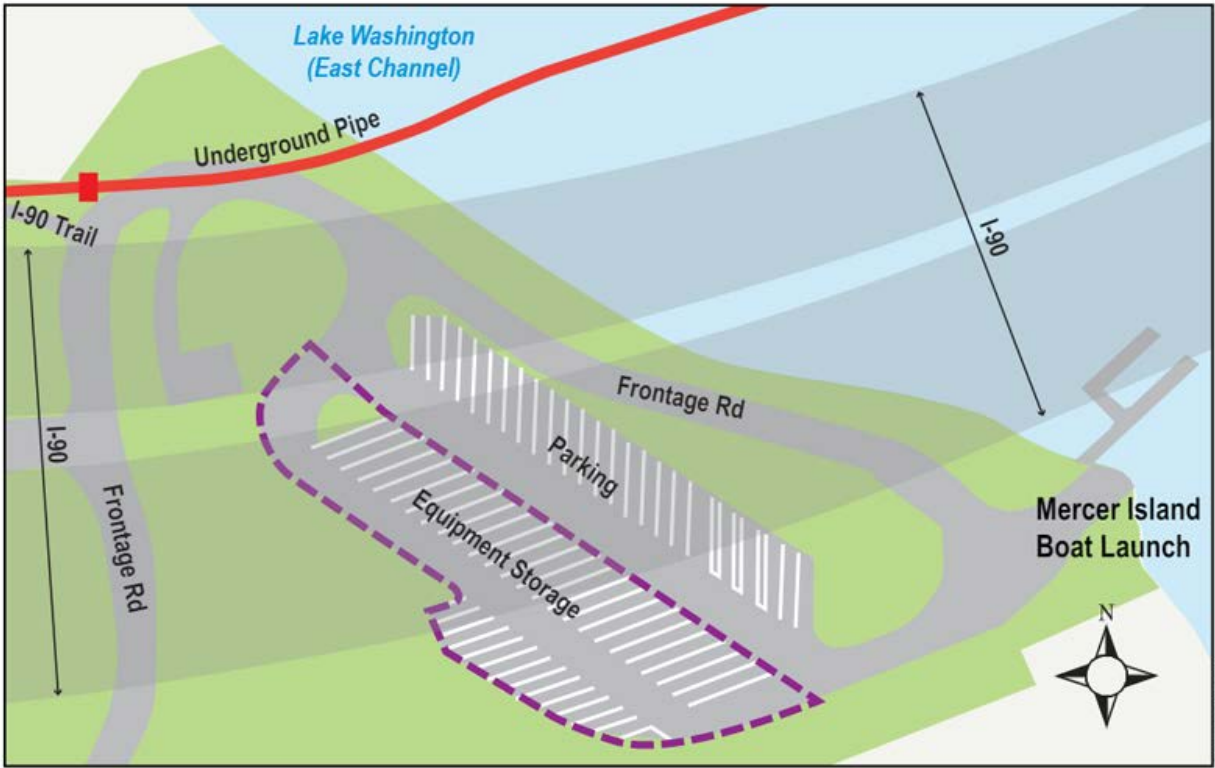
MAY BE REDUCED TO 10' BASED ON LOCATION AND SITUATION



PIER PROTECTION REQUIRED WHERE PIERS ARE SUBJECT TO VEHICLE OR EQUIPMENT IMPACT SUCH AS CONSTRUCTION AREA OR ACCESS DRIVE AISLE

MINIMUM 20' ACCESS

MUST BE ABLE TO GET TO THESE LOCATIONS WITH VEHICLES



MERCER ISLAND BOAT LAUNCH WORK - DETAIL

King County
 Department of Natural Resources and Parks
 Wastewater Treatment Division