

Re: 3143 E Lk Samm Comments

Bill and Annette <mcnabbvan@msn.com>

Tue 1/17/2017 11:32 AM

To:Lindsey Ozbolt <LOzbolt@sammamish.us>;

Thank you!

> On Jan 17, 2017, at 10:38 AM, Lindsey Ozbolt <LOzbolt@sammamish.us> wrote:

>

> Dear Bill and Annette,

>

> Thank you for contacting the City of Sammamish regarding the current Shoreline Substantial Development Permit Application for East Lake Sammamish Trail Segment 2B (SSDP2016-00415).

>

> Your comments have been received and will be included in the project record. At the close of the comment period, all comments will be compiled and provided to King County for review and response. You will be included in future notices the City issues for this proposal.

>

> Regards,

>

> Lindsey Ozbolt

> Associate Planner | City of Sammamish | Department of Community Development

> 425.295.0527

>

>

> -----Original Message-----

> From: Bill and Annette [<mailto:mcnabbvan@msn.com>]

> Sent: Monday, January 16, 2017 5:37 PM

> To: Lindsey Ozbolt <LOzbolt@sammamish.us>

> Subject: 3143 E Lk Samm Comments

>

> Please find attached the comments requesting that the KC permit for development of section 2b not be granted and our comments regarding the 60% plan.

>

3143 E Lk Sammamish Sh Ln SE
Sammamish, WA 98075
mcnabbvan@msn.com

January 14, 2016

Lindsey Osbolt
Associate Planner
City of Sammamish
801 228th Avenue SE
Sammamish, Washington 98075

Dear Ms. Lindsey Osbolt:

My husband and I live at 3143 E Lake Sammamish Shore Lane SE. This piece of property has been in our family since the early 1930s. A two-room cottage was originally built on the property (great grandmother) and registered with King County (KC) in 1932. In 1944 it was added onto to create the footprint that we live in today. We are writing a letter to you to comment about our concerns regarding a Shoreline Development permit allowing King County to move forward with the development of the King County Trail Section 2B.

We request that the City of Sammamish rescind any permit that may have been granted to proceed until KC can provide clear title to the property. As it stands, we do not believe King County met the criteria establishing clear ownership required by SMC 20.05.040. KC did not present a title report but submitted four exhibits (Kenyon Disend, December 14, 2016) instead of a title report:

1. The 1997 deed from Burlington Northern Santa Fe RR Co. to the Land Conservancy of Seattle and KC
2. The 1998 deed from the Seattle Land Conservancy and KC to KC
3. Summary judgment by Judge Pechman (appealed to 9th Circuit Court)
4. Judgment quieting title to KC based on Judge Pechman's ruling (appealed to 9th Circuit Court)

These exhibits do not meet the burden of proof that KC owns the property they claim to own and wish to develop. We are currently in litigation due to KC's claim to "own" some sections of our property. The 1997 and 1998 deeds are not proof that KC has ownership. We are involved in a federal lawsuit that has not been settled yet. The Pechman ruling also does not establish clear title to a 100 ROW through our particular parcel. The Pechman decision only involved four parcels, all of which are dissimilar to ours. We are part of a current lawsuit with the state in order to establish ownership. Additionally, the Pechman case has been appealed to the ninth Circuit Court and does not follow an earlier ruling by Judge Horn, another federal judge. Until these cases are settled and ownership of the rail corridor is clearly established, development of section 2B should not proceed.

I will try to briefly convey our concern regarding ownership of our land. King County claims to have **fee title** to 50 feet on either side of the centerline of the corridor running through our property at 3143. This 100 foot ROW **runs through the middle of our house!** (photo attached)

- Our deed (attached) indicates that we own to the county road (E Lake Sammamish Parkway) with the exception of the Burlington Northern Santa Fe ROW and an 8-foot access road for transportation on the **southerly side** of the RR ROW. **Our deed does not indicate how wide the RR ROW is.** Although there are a number of quit -claim deeds from private property owners on record for different parcels along the corridor for varying widths, **there is none on record for our parcel.** The railroad only used 12-feet of the corridor during the entire time it operated from the late 1800s until it relinquished its run in 1997; yet, KC is claiming to “own” 100 feet of land **including the land underneath half of our house.**
- The deed we have indicates that the access road is on the **southerly** edge of the RR ROW; yet the access road is on the **northerly** side of our house. It runs between our house and the proposed trail. The access road has been located where it is since the late 1920s. An attorney advised my family many years ago that the access road clearly overruled any claim that the railway may make for additional property beyond it to the south. The 100-foot ROW claimed by KC should be ruled null and void based on the access road that has been used by us and all our neighbors for over 80 years.
- King County claims they have been paying taxes on this section of our property since they acquired the rights to the corridor through the Rails to Trails legislation and that we did not object within seven years. Well this is just not true. We have consistently been taxed on a 1,150 square foot house since the 1940s. Since we are paying those taxes, it would be hard for KC to claim that they are paying them also. And we did object to KC’s claim to own the ROW when we filed a lawsuit with the federal government in 1998.
- There are easements on top of easements! There is the road easement on top of the ROW easement and then several easements run through the 8-foot access road, one for electricity and another for gas. Alice Fuller, property owner in the 1920s, granted the easement for electricity. The property owners on the lane granted the easement for gas in 1996. Now KC is claiming they “own” this road; yet BNSE was never involved in signing either of these easements because they didn’t own the property.

We would be delighted to have the trail so close to us if KC wasn't claiming half our house in the process. While we are pro trail and want what is best for the community, giving up clear title to our house and property without just compensation is too much of a sacrifice. We were hoping to sit down with King County **to work out a mutually agreeable exchange of property** so that they could have what they need for the trail and we could get clear title to the property where our house sits, but they have been unwilling to talk to us about it. We were told they "*own the property and that we could fill out a special use permit to have our house encroach on their ownership.*" We are unwilling to do this. Our belief is that BNSF RR did not have fee title but rather a prescriptive easement to operate a railroad through our property (there is no deed saying otherwise) and that KC's right to build a trail is also based on a prescriptive easement that they acquired through Rails to Trails legislation. KC claims they cannot change boundary lines within the easement according to Rails to Trails laws; however, KC has changed property lines with others on the corridor in numerous cases since 1998 (Bucks and Pickerings are two close neighbors who did so). We don't understand why KC is not willing to meet with us in what seems to us to be a win-win case.

The second purpose of this letter is to make comments about the 60% plan for the trail. As indicated earlier, we support a trail and have few concerns regarding KC's desire to build a nice trail through our property as long as they don't claim to "own" the land under our house. We met with KC on January 11, 2016 to review the plan for our property. However, the 60% plan included very little useful information, as the drawings were woefully incomplete. What comments could a reasonable person make when the drawing does not show accurate design detail for which a person could constructively comment? The drawings had old and inaccurate existing conditions. The proposed plan lacked any detail for the south side of the trail that would give us anything to comment about. For example, there was no fence and no finished grade lines. Our current rockery and our dogwood tree were not represented on the plan, so the representatives could not tell us what would happen to these features. A great deal more detail is needed in order for us to make any kind of constructive comments. However, I want to say that we don't expect to have any major issues with the trail development as long as we can get our ownership issues resolved before it is allowed to proceed.

If you wish additional information or clarification, please do not hesitate to contact us.

Sincerely,

Annette McNabb, 425-503-3861
Bill Van De Bogert, 425-495-5312
mcnabbvan@msn.com

Line defined by BNSF
Quit Claim to KC Parks



The Grantor Alice M. Fuller, a widow,

for and in consideration of ten

Dollars in hand paid, conveyed and

warrants to Annie Costello

The grantee the following described real estate:

That certain portion of Government Lot 2, section 7, township 24, north of range 8 east W.M. described as follows: Beginning at the quarter section corner between sections 7 and 8 of said township and range, thence along the section line south 10 minutes east 74.4 feet; thence north 79 degrees and 51 minutes east 367.1 feet to the true place of beginning; thence north 79 degrees and 51 minutes west 50 feet; thence north 10 degrees and 35 minutes east 120 feet, more or less, to the Pezoni-Isaquaah county road; thence southeasterly along said road 53 feet, more or less, to a point which is north 10 degrees and 35 minutes east from the said true place of beginning, thence south 10 degrees and 35 minutes west to the true place of beginning, together with all upland and second class shore land adjoining, lying between the lines of said tract extended southeasterly, except the right of way of the Northern Pacific Railway Company, and except an 8 foot strip on the south side of said railway right of way, reserved for road purposes, subject to taxes.

(It is agreed between the parties hereto, their heirs and assigns, that no roadhouse shall be built or operated on said property, nor shall it or any part thereof be sold or rented to any colored person, nor shall any part thereof be rented to any person by day or night, nor shall any part thereof be used for chicken housing for commercial purposes)

situated in the County of King State of Washington.

Dated March 15 A. D. 19 35.

Signed in Presence of Alice M. Fuller (Seal)

STATE OF WASHINGTON,

County of Whatcom.

THIS IS TO CERTIFY, That on this 15th day of March A. D. 19 35, before me Charles H. Hurlbut a Notary Public in and for the State of Washington, duly commissioned and sworn personally, came Alice M. Fuller

to me known to be the individual described in and who executed the within instrument, and acknowledged to me that she signed and sealed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

my hand and official seal the day and year in this certificate first above written.



Charles H. Hurlbut Notary Public in and for the State of Washington, residing at Bellingham.

1935. 1 24 P. M. EARL MITLAKIN, County Auditor

Greve - Gottschalk - East Lake Sammamish Trail Segment 2B Comments to the City Council

b.greve@comcast.net

Sat 1/28/2017 1:39 PM

To: City Council <citycouncil@sammamish.us>;

Cc: Jeffrey Thomas <JThomas@sammamish.us>; Lyman Howard <lhoward@sammamish.us>; Jessi Bon <JBon@sammamish.us>; David Pyle <DPyle@sammamish.us>; Kim Adams Pratt <kim@kenyondisend.com>; Lindsey Ozbolt <LOzbolt@sammamish.us>; Christie Malchow <CMalchow@sammamish.us>; Tom Hornish <THornish@sammamish.us>; Ramiro Valderrama-Aramayo <RValderrama-Aramayo@sammamish.us>; Gus Gottschalk <ggottschalk@lydig.com>;

 1 attachment

Letter to City (1-27-17).pdf;

Good morning City Council Members -

In a dialog (shown below) with council member Christie Malchow earlier this month seeking guidance on how best to ensure the city council had the opportunity to understand "each individual homeowner's impacts and concerns", and to help the council when the council meeting or "study session" takes place in reference to the East Lake Sammamish Trail - Segment 2B, we were told to forward comments to the city council as well as Ms. Ozbolt.

Our neighbors (William (Gus) and Debra Gottschalk) and us (William and Kathryn Greve) worked jointly with our attorney to develop our comments as we share a private drive leading into our properties. Our properties are part the Waterside Home Owners Association.

Please find our joint comments and associated exhibits attached in pdf form.

Note that together and with Gus' 35 years of commercial construction experience as President of Lydig Construction, we have identified clear and specific alternatives to each of our concerns relating to the 60% design plan. Our proposals do NOT impact the design intent of the trail, but instead creates a far safer, more cost effective, and rational design. In fact, our proposal works to acknowledge and adhere to two specific design objectives outlined in King County's communications which are being unmistakably averted with the current 60% plan. The two objectives referenced include:

- (1) "[m]inimizing costs where possible without impacting trail standards," and
- (2) "[m]inimizing impacts to adjacent homeowners."

We view many of the design elements in the 60% plan as unnecessarily impactful; especially in light

of the alternatives. They also significantly elevate the risk to trail users as it relates to the sight lines associated with the trail crossing both exiting and entering our properties. It's for these reasons that we worked so diligently to not just object to the impactful elements of the plan but to instead use common sense and best practice design considerations to create and share clear and specific alternatives that satisfy each concern and work to what we feel can be a mutually agreeable solution.

Ultimately we want to see this project succeed and become the wonderful shared resource that it can be, but not at the cost or with the unnecessary impact designed into the current 60% plan.

Please inquire should you have any questions, need any additional information, or best case if you would like to set time for us to discuss, demonstrate, and/or explain not just our concerns, but our rationale.

With Best Regards and Intentions,

William (Bill) and Kathryn (Katy) Greve
William (Gus) and Debra (Debbie) Gottschalk

From: "Christie Malchow" <CMalchow@sammamish.us>
To: "Jeffrey Thomas" <JThomas@sammamish.us>, "b greve" <b.greve@comcast.net>, "City Council" <citycouncil@sammamish.us>
Cc: "Lyman Howard" <lhoward@sammamish.us>, "Jessi Bon" <JBon@sammamish.us>, "David Pyle" <DPyle@sammamish.us>, "Kim Adams Pratt" <kim@kenyondisend.com>, "Lindsey Ozbolt" <LOzbolt@sammamish.us>
Sent: Monday, January 16, 2017 9:40:46 PM
Subject: RE: Seeking Guidance - East Lake Sammamish Trail Segment 2B

Thank you, Jeff, for clarifying.

Christie Malchow
Sammamish City Council
cmalchow@sammamish.us
(425-301-6667 | www.Sammamish.us
801 228th Ave SE | Sammamish, WA 98075



From: Jeffrey Thomas
Sent: Monday, January 16, 2017 6:46 PM
To: Christie Malchow <CMalchow@sammamish.us>; b.greve@comcast.net; City Council <citycouncil@sammamish.us>
Cc: Lyman Howard <lhoward@sammamish.us>; Jessi Bon <JBon@sammamish.us>; David Pyle

<DPyle@sammamish.us>; Kim Adams Pratt <kim@kenyondisend.com>; Lindsey Ozbolt <LOzbolt@sammamish.us>

Subject: Re: Seeking Guidance - East Lake Sammamish Trail Segment 2B

Hi Christie,

One clarification and one correction from your email earlier today to Mr. & Mrs. Greve:

1. Clarification - City staff is reviewing and compiling public comments as they are submitted through next week. The public comments will help City staff complete its comprehensive first review of the shoreline permit application. In addition to requesting the County to respond to the public comments, the City will also determine requested revisions and send to the County concurrently.

2. Correction - As currently set up, the shoreline permit application is being processed as a Type II permit - the Community Development Director issued the decision on behalf of the City. As we learned from the State Shorelines Hearings Board with south segment 2a, the Hearing Examiner does not have jurisdiction to hold an administrative appeal hearing on a shoreline permit decision issued by the Director. Therefore the appeal of a shoreline permit decision will go directly to the State Shorelines Hearings Board.

Thanks, Jeff

From: Christie Malchow

Sent: Monday, January 16, 2017 1:18 PM

To: b.greve@comcast.net; City Council

Cc: Lyman Howard; Jessi Bon; Jeffrey Thomas

Subject: RE: Seeking Guidance - East Lake Sammamish Trail Segment 2B

Mr. & Mrs. Greve,

I've cc'd a few staff members here to elaborate or correct any misinformation/omitted information in my response below (in red). My answers below are based on the best of my knowledge and are process based to help you on the questions you've asked below.

Christie Malchow

Sammamish City Council

cmalchow@sammamish.us

(425-301-6667 | www.Sammamish.us

801 228th Ave SE | Sammamish, WA 98075



From: b.greve@comcast.net [<mailto:b.greve@comcast.net>]
Sent: Monday, January 16, 2017 9:55 AM
To: City Council <citycouncil@sammamish.us>
Subject: Seeking Guidance - East Lake Sammamish Trail Segment 2B

Good morning

This e-mail is specifically created to ask for clarification and direction about the city's role and the processes in reference to the on-going and vitally important issues involving the East Lake Sammamish Trail - Segment 2B project.

We (Bill and Katy Greve) residing at 2417 E Lake Sammamish PL SE respectfully request information and answers to each of the following questions outlined below.

- Correspondence coming from both the City of Sammamish and King County provided direction for property owners to submit comments to the staff project planner (Lindsey Ozbolt). Upon doing that an automated response was received stating "Your comments have been received and will be included in the project record. At the close of the comment period, all comments will be compiled and provided to King County for review and response". This response seems to elude to the fact that the City of Sammamish is merely a "pass through" for the process by simply collecting the comments and sending them off to King County without working to understand, building a case, offering opinion, or advocating for its citizens..
 - Will the City Council actively review the comments provided, seek to understand them in detail, and ultimately advocate for the citizens of Sammamish? **We certainly can read them, but they are not given to Council specifically. You can email your comments to the Council at citycouncil@sammamish.us, this will help us to better understand each individual homeowner's impacts and concerns. This will then help us when we have the County in for a Council meeting or study session.**
 - Will the City Council actively participate and help to mediate discussions between King County and the citizens of Sammamish to resolve issues to citizen satisfaction? **We are certainly advocating for a study session or the like where King County is present, to answer our questions & citizens alike, so yes, we will be actively participating in discussions between the County, citizens, and City staff processing the applications.**
 - Who specifically makes the decision to issue both the shoreline substantial development permit and the clearing and grading permit; and what influence does the city council have in that process? **City of Sammamish's staff. The Council does not have influence in reality there, aside from encourage legal & staff to scrutinize the application for meeting our City's codes and regulations.**
 - Does the City Council have the ability to prevent either permit (SSDP and Clearing & Grading) from being issued? **No, not to my knowledge.**
 - What specifically is the procedure to surface issues and seek adjustment to the proposed 60% plan; aside from simply submitting comments? **Submitting your comments is the primary means, and certainly engaging Council in those comments (via public comment or simply by emailing them to us). The more we know, the better we can advocate for alterations to the design plan that allows the trail to proceed, but also takes into account affected trail-side owners' issues.**
 - Will the City Council actively be involved in and support citizens in discussions involving

proposed adjustments to the 60% plan? I think the entire Council has an interest in the trail. I certainly do. As far as alterations to the plan, staff will ultimately make those decisions. The Council is certainly going to weigh in on the trail, and as of last Tuesday has asked for a joint meeting that would have King County officials in for a meeting that would likely be a study session. There was an urgency on this request, & I know our City Manager has already reached out to the County on this meeting, I would anticipate that meeting sooner than later.

- o In the event that King County does not work to address the proposed adjustments to citizen satisfaction, what is the specific process to appeal, mediate, and mitigate the situation to ensure satisfactory results, and what role with the City play in this process? The appeal can be done if the City approves the plans (after the final submission based on 100% design plan is reached). At that point any group or individual may appeal the decision to the Hearing Examiner.

Citizens have spent literally hundreds of hours trying to understand how to be heard and how to ensure the slightest bit of common sense and rational thought is applied to the issues being forced upon us or suggested changes. We've worked to submit comments in multiple forms and forums as directed, but no impacted party feels good about how the process has unfolded thus far. Most feel completely unsupported by the city and certainly stonewalled by the county.

I understand your frustrations. My responses above are intended to shed a bit of light on process for you. However, if you feel you have more questions, please don't hesitate to email Council or call me. My cell phone number is listed below in my email signature.

Satisfactory and complete answers to the above questions will at minimum help to ensure we know what to do and how to do it.

Please advise.

Sincerely,

Bill Greve

Thanks, Jeff

From: Christie Malchow
Sent: Monday, January 16, 2017 1:18 PM
To: b.greve@comcast.net; City Council
Cc: Lyman Howard; Jessi Bon; Jeffrey Thomas
Subject: RE: Seeking Guidance - East Lake Sammamish Trail Segment 2B

Mr. & Mrs. Greve,

I've cc'd a few staff members here to elaborate or correct any misinformation/omitted information in my response below (in red). My answers below are based on the best of my knowledge and are process based to help you on the questions you've asked below.

Christie Malchow
Sammamish City Council
cmalchow@sammamish.us<mailto:cmalchow@sammamish.us>
• 425-301-6667 | www.Sammamish.us<http://www.sammamish.us/>
801 228th Ave SE | Sammamish, WA 98075

[sammamish logo]

From: b.greve@comcast.net [mailto:b.greve@comcast.net]
Sent: Monday, January 16, 2017 9:55 AM
To: City Council <citycouncil@sammamish.us>
Subject: Seeking Guidance - East Lake Sammamish Trail Segment 2B

Good morning

This e-mail is specifically created to ask for clarification and direction about the city's role and the processes in reference to the on-going and vitally important issues involving the East Lake Sammamish Trail - Segment 2B project.

We (Bill and Katy Greve) residing at 2417 E Lake Sammamish PL SE respectfully request information and answers to each of the following questions outlined below.

* Correspondence coming from both the City of Sammamish and King County provided direction for property owners to submit comments to the staff project planner (Lindsey Ozbolt). Upon doing that an automated response was received stating "Your comments have been received and will be included in the project record. At the close of the comment period, all comments will be compiled and provided to King County for review and response". This response seems to elude to the fact that the City of Sammamish is merely a "pass through" for the process by simply collecting the comments and



LAW OFFICE OF
SAMUEL A. RODABOUGH PLLC

SAMUEL A. RODABOUGH
ATTORNEY AT LAW
11820 NORTHUP WAY, STE. E200
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(425) 440-2593
(425) 284-3051 (FAX)

January 27, 2017

Via Email & U.S. Mail

City of Sammamish
Department of Community Development
Attn: Lindsey Ozbolt, Associate Planner
801 228th Ave. SE
Sammamish WA, 98075
lozbolt@sammamish.us

King County
Department of Natural Resources and Parks
Attn: Gina Auld, Capital Project Manager IV
201 S. Jackson St., Ste. 700
Seattle, WA 98104-3855
gina.auld@kingcounty.gov

**Re: Shoreline Substantial Development Permit 2016-00415
East Lake Sammamish Trail, South Sammamish B Segment**

Dear Ms. Ozbolt and Ms. Auld:

This Firm represents William & Debra Gottschalk (collectively “Gottschalk”) and William & Kathryn Greve (collectively “Greve”), the owners of residential properties located within the City of Sammamish (“City”). My clients’ properties will be adversely affected by the proposed modifications to the East Lake Sammamish Trail, South Sammamish B Segment (“Trail”) that have been proposed by King County (“County”) in the above shoreline substantial development permit (“SSDP”). My clients are in receipt of the City’s Notice of Application for the above SSDP and they have reviewed the 60% design plans for the Trail, dated on or about September 2016 (“Preliminary Plans”). Please accept the following as (1) a response on behalf of my clients to the SSDP application, including the Preliminary Plans, and (2) a request for my clients to be included as parties of record for this SSDP and to receive future notifications and status updates regarding the SSDP application.

A. The Properties

Gottschalk owns and resides in the residence located at 2419 E. Lk. Sammamish Pl. SE, Sammamish, WA 98075, also known as King County Tax Parcel No. 0724069055 (“Gottschalk Property”). Greve owns and resides in the adjoining residence located at 2417 E. Lk. Sammamish Pl. SE, Sammamish, WA 98075, also known as King County Tax Parcel No. 0724069059 (“Greve Property”). The Greve Property is located immediately north of the Gottschalk Property. As with many waterfront properties in this area, the Gottschalk Property and the Greve Property are physically constrained by Lake Sammamish to the west and the Trail to the east. Although these properties enjoy significant waterfront amenities, they are also characterized by significant access constraints and privacy concerns stemming from their proximity to the Trail.

By way of background, and for purposes of this letter, with the limited time available for public comment, my clients have been unable to undertake a comprehensive review of the titles to their respective properties to determine the origin of the County's right-of-way for the Trail.

However, per maps available through the County's Department of Natural Resources and Parks, it appears that the origin of the right-of-way in this section of the Trail is the "Tibbetts Deed."¹

The map does not explain if the County believes it owns a fee simple interest in this section of the Trail, or a mere easement. In this limited time available for public comment, however, my clients have been unable to verify if the property interest conveyed by the Tibbetts Deed has previously been adjudicated by any state or federal court. Nonetheless, until demonstrated otherwise, similar to other sections of the Trail, my clients' necessarily take the position that the County's interest constitutes an easement and that my clients own the underlying fee simple interest.

B. Deficiencies in Preliminary Plans

As indicated, my clients have reviewed the Preliminary Plans for the Trail. In this regard, it is worth noting that Mr. Gottschalk has over 35 years of complex construction experience. He is currently the President of Lydig Construction, Inc., a regional commercial construction company whose project portfolios include federal, state, and local government buildings (*e.g.*, secondary and higher education buildings, courthouses, administration buildings, correction centers, civic halls, etc.) and private commercial buildings (*e.g.*, offices, hospitals, hotels, casinos, etc.). In short, Mr. Gottschalk is well-versed and highly qualified in reviewing construction drawings. Accordingly, my clients offer the following comments regarding the Preliminary Plans:

1. Unnecessary Waterward Realignment of Trail Centerline

Per the Preliminary Plans, it appears that the County is unnecessarily realigning the centerline of the Trail waterward (*i.e.*, closer to my clients' residences).² Notably, the County has previously published the criteria that it employs to determine if the existing centerline of the Trail should be realigned, which include the following: (1) "[m]inimizing costs where possible without impacting trail standards," and (2) "[m]inimizing impacts to adjacent homeowners."³ As explained in greater detail below, it does not appear that the County's proposed realignment complies with either of these criteria.

¹ See East Lake Sammamish Trail Railroad Right of Way Historical Acquisitions, King County Department of Natural Resources and Parks, Parks Division (July 29, 2014), at pg. 15.

² Compare Preliminary Plans, Existing Conditions Plan, at pg. EX6 (attached hereto as Exhibit 2) with Plan and Profile, at pg. AL10 (attached hereto as Exhibit 1).

³ East Lake Sammamish Trail Project, King County Parks (Spring 2014), at pg. 5.

Specifically, the proposed realignment occurs between stations 327+31.99 and 326+71.62.⁴ The realignment results in the following significant, adverse impacts, among others:

- **Reduced Utility of Shared and Separate Driveways** – The realignment shortens the approach to the shared portion of my clients' driveway and severely limits vehicle maneuverability and ingress and egress from the easternmost portions of their separate driveways. In particular, the turning radius of their driveways are significantly compromised and may require the owners to trespass onto each other's property for future, rudimentary driveway navigation.
- **Reduced Safety/Visibility** – The proposed Trail realignment creates an increased safety hazard for both vehicles and Trail users at this crossing. Specifically, the rather abrupt realignment near the north property line of the Greve Property appears to reduce sight distance for vehicles exiting the shared portion of my clients' driveway, which decreases safety for both my clients and Trail users.
- **Proximity, Loss of Privacy and Safety** – The proposed Trail realignment will undoubtedly negatively affect the values of my clients' residences, both of which are multi-million dollar residences. The proposed Trail realignment and accompanying widening will require the loss of most, if not all, of the existing privacy screening for these residences, including mature arborvitae hedges. In short, Trail users will not only be much closer to these residences, but will be staring through windows into their homes. Additionally, the increased proximity of the Trail to my clients' residences may encourage Trail users to engage in unauthorized use of the highly visible boat launch located on the Greve Property.

2. Inadequate Drainage Infrastructure

The existing elevated Trail corridor currently acts as a berm that collects surface water behind it during extreme weather conditions. This problem is exacerbated by excess hydraulic water pressure from Jurisdictional Ditch #11B and runoff from nearby impervious surfaces, including the existing semi-permeable gravel Trail.⁵ Although the Preliminary Plans depict the existence of four, 6-inch culverts located near the north end of Jurisdictional Ditch #11B,⁶ these culverts do not currently provide an outlet for the ponding water. Instead, because the ponding water currently has no outlet, it builds hydraulic pressure that adversely affects the foundations and sewer systems of both the Gottschalk and Greve residences. This hydraulic pressure has led to water infiltration through the foundations and into their respective residences.

⁴ See Preliminary Plans, Plan and Profile, at pg. AL10 (attached hereto as Exhibit 1).

⁵ See Preliminary Plans, Existing Conditions Plan, at pg. EX6 (attached hereto as Exhibit 2) with Plan and Profile, pg. AL10 (attached hereto as Exhibit 3).

⁶ See Preliminary Plans, Existing Conditions Plan, at pg. EX6 (attached hereto as Exhibit 2).

The following photos depicts the water that ponds behind the Trail corridor in front of my clients' residences and the damage to these residences as a result of this ponding and associated hydraulic pressure:



*Note – The above photo was taken at approximately 3:00 p.m. on January 18, 2017. The ditch collects and retains water during extreme weather conditions. The ditch was water free 18 hours prior to the time that this photo was taken. As explained in greater detail herein, adopting my clients' recommended drainage improvements, will resolve the existing drainage issues and better protect any Trail improvements from unnecessary erosion and damage.



*Note – The above photo depicts the source of water forced up through the foundation of the residence as a result of hydraulic pressure.



*Note – The above photo depicts the pathway by which water, forced up through the foundation from hydraulic pressure, runs along the interior walls of the residence.

The proposed drainage improvements in the Preliminary Plans do not appear to adequately address these drainage concerns. In particular, changing the Trail from a semi-permeable gravel surface to an impervious paved surface, while simultaneously widening the Trail, will increase surface water runoff. Moreover, the Preliminary Plans do not depict any underdrain in the vicinity of my clients' properties that will allow for surface water collecting on the east side of the Trail to drain to the west side and ultimately be discharged into the Lake. In other words, it is likely that the existing ponding conditions will continue unless and until the Preliminary Plans are revised with respect to drainage.

3. Design

My clients, including Mr. Gottschalk with his extensive design and construction experience, believe that the Proposed Plans depict a Trail with poor design and a general lack of consideration to architectural exterior design. Specifically, the Preliminary Plans include a masonry retaining wall with a coated chain link for only a portion of affected property, and leaving the remainder with no protection at all. This total lack of architectural perspective by the County fails to follow any reasonable architectural standards for the proposed improvements. The County should have designed something more consistent with the existing improvements that takes into consideration that the two residents share one common entrance and the architectural barrier should be consistent along the affected property.

B. Proposed Resolutions for Deficiencies in Preliminary Plans

My clients believe that there are simple and cost-effective design solutions that would largely alleviate the above concerns that are both (1) consistent with the County's design objectives for the Trail, and (2) avoid negative impacts to adjacent property owners. These solutions are as follows:

1. Shift Proposed Realignment of Trail Centerline to the South

My clients propose that the abrupt transition for the Trail centerline realignment currently depicted as occurring between stations 327+31.99 and 326+71.62 be shifted to the south between stations 324+50 and 324+00.⁷ It does not appear that shifting the transition to that location would impact any adjacent properties, as that location does not involve constraints that are similar to those in the immediate vicinity of my clients' property. For example, unlike the County's proposed location, my clients' proposed location is not in the vicinity of a Trail crossing, such as a driveway. Moreover, my client's proposed location for the transition would alleviate concerns regarding impaired sight lines at my clients' Trail crossing, as the Trail alignment could be straightened in the absence of the proposed transition. My clients' proposal would also accommodate the following:

- **Retaining Wall #10** – My clients' preferred alignment would allow for Retaining Wall #10 to be moved east, closer to the alignment of the Trail, which could then be reengineered to be either a smaller retaining wall, or be eliminated altogether as a result of existing elevations. This common sense change would result in considerable savings to taxpayers.⁸
- **Clearing and Grubbing Limits** – My clients also propose that the clearing and grubbing lines be modified to correspond to my clients' preferred Trail realignment. My clients' proposed modifications are depicted on the attached Exhibit 3. Further, the clearing limits should be adjusted to follow the course of the Trail in order to prevent and/or limit, any adverse impacts to my clients' existing stamped concrete driveway, irrigation, drainage, and landscape lighting.
- **Drainage Revisions** – My clients also request that certain changes be made to the Preliminary Design with respect to drainage, as depicted in the attached Exhibit 4. These proposed changes are summarized as follows:

⁷ See Preliminary Plans, Existing Conditions Plan, pg. EX6 (attached hereto as Exhibit 2).

⁸ See Preliminary Plans, Existing Conditions Plan, Plan and Profile, pg. AL10 (attached hereto as Exhibit 3).

(1) Continue the underdrain depicted for installation south of station 326+00 on the east side of the Trail through to station 327+31.99. Tie the underdrain to Catch Basin #9 located at station 327+34.

(2) To address the additional ponding that will be expected from increasing the impervious surface from the Trail due to widening, my clients request the installation of a CMP slotted trench drain in the existing driveway, such as the product available from Contech Engineering Solutions depicted in Exhibit 6.

- **Fencing** – My clients also request that they be allowed to maintain the existing level of safety and security that exists for their properties, which will be significantly compromised by the removal of their vegetative privacy screening, existing fence, and electric gate. Maintaining the same level of security will also eliminate the potential for unauthorized use of the highly visible boat launch located on the Greve Property. My clients recommend realigning the chain link fence depicted in the Proposed Plans consistent with their preferred Trail realignment and extending said fence across both properties as depicted in Exhibit 5. Further, they request permission to install an electric rolling security gate similar to existing one serving the properties. Doing so will also maintain a reasonable resemblance of the exterior architecture of these multi-million dollar homes.

CONCLUSION

The Trail constitutes a regional asset that is beneficial to the greater public. As such, my clients do not oppose improvements to the Trail and sincerely desire that the project will be successful and completed in a timely manner. However, my clients justifiably believe that the proposed Trail improvements should consider the adverse impacts to adjoining properties (as expressly set forth in the County's own criteria), including the Gottschalk Property and Greve Property. My clients respectively request that the County give their proposed improvements serious and thoughtful consideration, as the adoption of those proposals would remedy their concerns.

Sincerely,

LAW OFFICE OF SAMUEL A. RODABOUGH PLLC

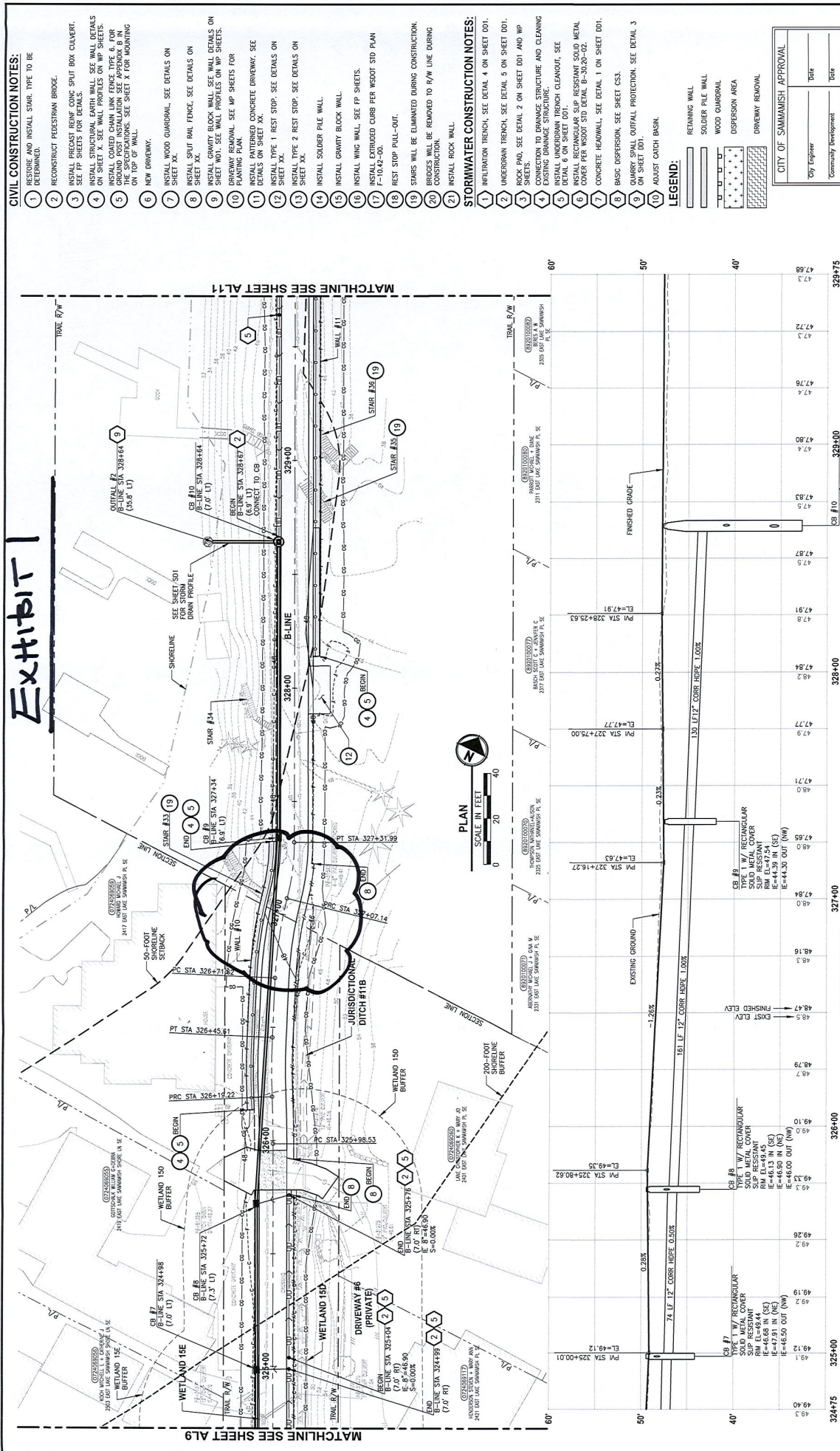


Samuel A. Rodabough

sam@rodaboughlaw.com

cc: Barbara Flemming, Senior Deputy Prosecuting Attorney

Exhibit 1



- CIVIL CONSTRUCTION NOTES:**
- RESTORE AND INSTALL SIGN. TYPE TO BE DETERMINED.
 - RECONSTRUCT PEDESTRIAN BRIDGE.
 - INSTALL PRECAST REINFORCED CONCRETE SPLIT BOX CULVERT. SEE FP SHEETS FOR DETAILS.
 - INSTALL STRUCTURAL EARTH WALL. SEE WALL DETAILS. SEE FP SHEETS FOR DETAILS.
 - INSTALL COATED CHAIN LINK FENCE TYPE 6. SEE GROUND POST INSTALLATION SEE APPENDIX B IN THE SPECIFICATIONS. SEE SHEET X FOR MOUNTING ON CP-6 WALL.
 - NEW DRIVEWAY.
 - INSTALL WOOD GUARDRAIL. SEE DETAILS ON SHEET XX.
 - INSTALL SPLIT RAIL FENCE. SEE DETAILS ON SHEET XX.
 - INSTALL GRANTY BLOCK WALL. SEE WALL DETAILS ON SHEET WJ. SEE WALL PROFILES ON WP SHEETS. SEE PLANTING PLAN.
 - INSTALL PATTERED CONCRETE DRIVEWAY. SEE DETAILS ON SHEET XX.
 - INSTALL TYPE 1 REST STOP. SEE DETAILS ON SHEET XX.
 - INSTALL TYPE 2 REST STOP. SEE DETAILS ON SHEET XX.
 - INSTALL SOLIDER PILE WALL.
 - INSTALL GRANTY BLOCK WALL.
 - INSTALL WING WALL. SEE FP SHEETS.
 - INSTALL EXTENDED CURB PER WISDOT STD PLAN F-1042-00.
 - REST STOP PULL-OUT.
 - STAIRS WILL BE ELIMINATED DURING CONSTRUCTION. BRIDGES WILL BE REMOVED TO R/W LINE DURING CONSTRUCTION.
 - INSTALL ROCK WALL.

- STORMWATER CONSTRUCTION NOTES:**
- INFILTRATION TRENCH. SEE DETAIL 4 ON SHEET DD1.
 - UNDERDRAIN TRENCH. SEE DETAIL 5 ON SHEET DD1.
 - ROCK PAD. SEE DETAIL 2 ON SHEET DD1 AND WP SHEETS.
 - CONCRETE HEADWALL TO DRAINAGE STRUCTURE AND CLEANING EXISTING DRAINAGE STRUCTURE.
 - INSTALL UNDERDRAIN TRENCH CLEANOUT. SEE DETAIL 6 ON SHEET DD1.
 - INSTALL RECTANGULAR SLIP RESISTANT SOLID METAL COVER PER WISDOT STD DETAIL P-3040-02.
 - CONCRETE HEADWALL. SEE DETAIL 1 ON SHEET DD1.
 - BASIC DISPERSION. SEE SHEET CS3.
 - GRASSY GULL OUTFALL PROTECTION. SEE DETAIL 3 ON SHEET DD1.
 - ADJUST CATCH BASIN.

- LEGEND:**
- RETAINING WALL
 - SOLIDER PILE WALL
 - WOOD GUARDRAIL
 - DISPERSION AREA
 - DRIVEWAY REMOVAL

CITY OF SAMMAMISH APPROVAL

City Engineer _____ Date _____

Community Development _____

60% REVIEW SUBMITTAL
NOT FOR CONSTRUCTION

SHEET NO. 42 OF 135
AL10

PLAN AND PROFILE

EAST LAKE SAMMAMISH MASTER PLAN TRAIL SOUTH SAMMAMISH SEGMENT B
SAMMAMISH, WA

PROJECT NAME: EAST LAKE SAMMAMISH MASTER PLAN TRAIL SOUTH SAMMAMISH SEGMENT B
PROJECT NO.: 2018-001

DESIGNED BY: M. TSUN
CHECKED BY: B. PURGANAN
DATE: 09/27/2018
APPROVED BY: J. HANSEN
DATE: 09/27/2018

ONE INCH AT FULL SCALE
FILE NAME: 201809270303AL-01
DATE: 09/27/2018
PROJECT NO.: 2018-001
DATE: 09/27/2018

REVISIONS

NO.	DATE	BY	DESCRIPTION
1	09/27/2018	M. TSUN	ISSUED FOR PERMITS

PARAMETRIX
ENGINEERING - PLANNING - ENVIRONMENTAL SERVICES
719 2ND AVENUE, SUITE 200 | SEATTLE, WA 98104
P: 206.943.8900
WWW.PARAMETRIX.COM

SEATTLE
OFFICIAL SEAL
CITY OF SAMMAMISH
2018

PLANNING & ENVIRONMENTAL SERVICES
719 2ND AVENUE, SUITE 200 | SEATTLE, WA 98104
P: 206.943.8900
WWW.PARAMETRIX.COM

DATE: 09/27/2018
BY: B. PURGANAN
APPROVED BY: J. HANSEN

DATE: 09/27/2018
BY: M. TSUN
APPROVED BY: J. HANSEN

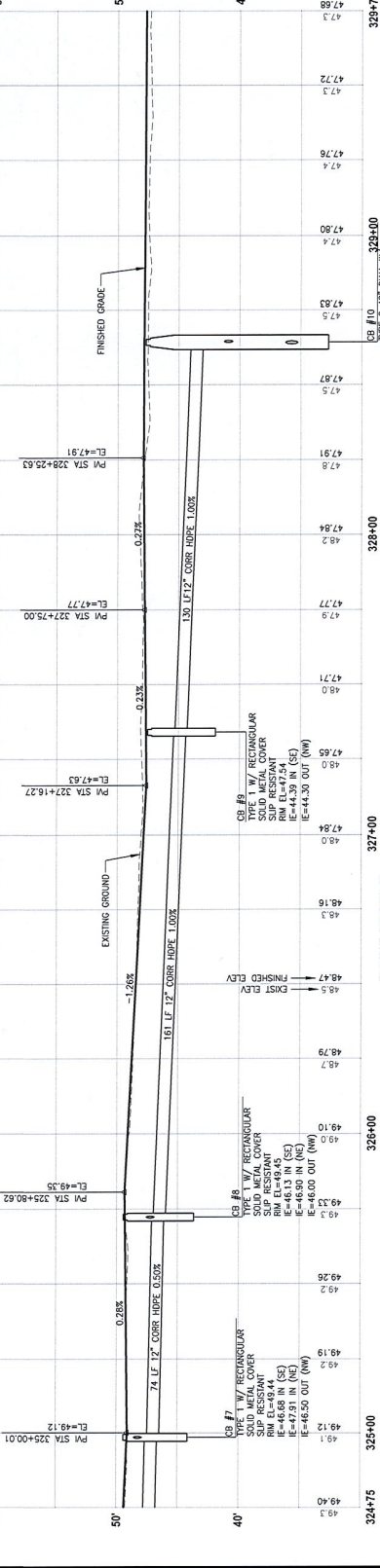
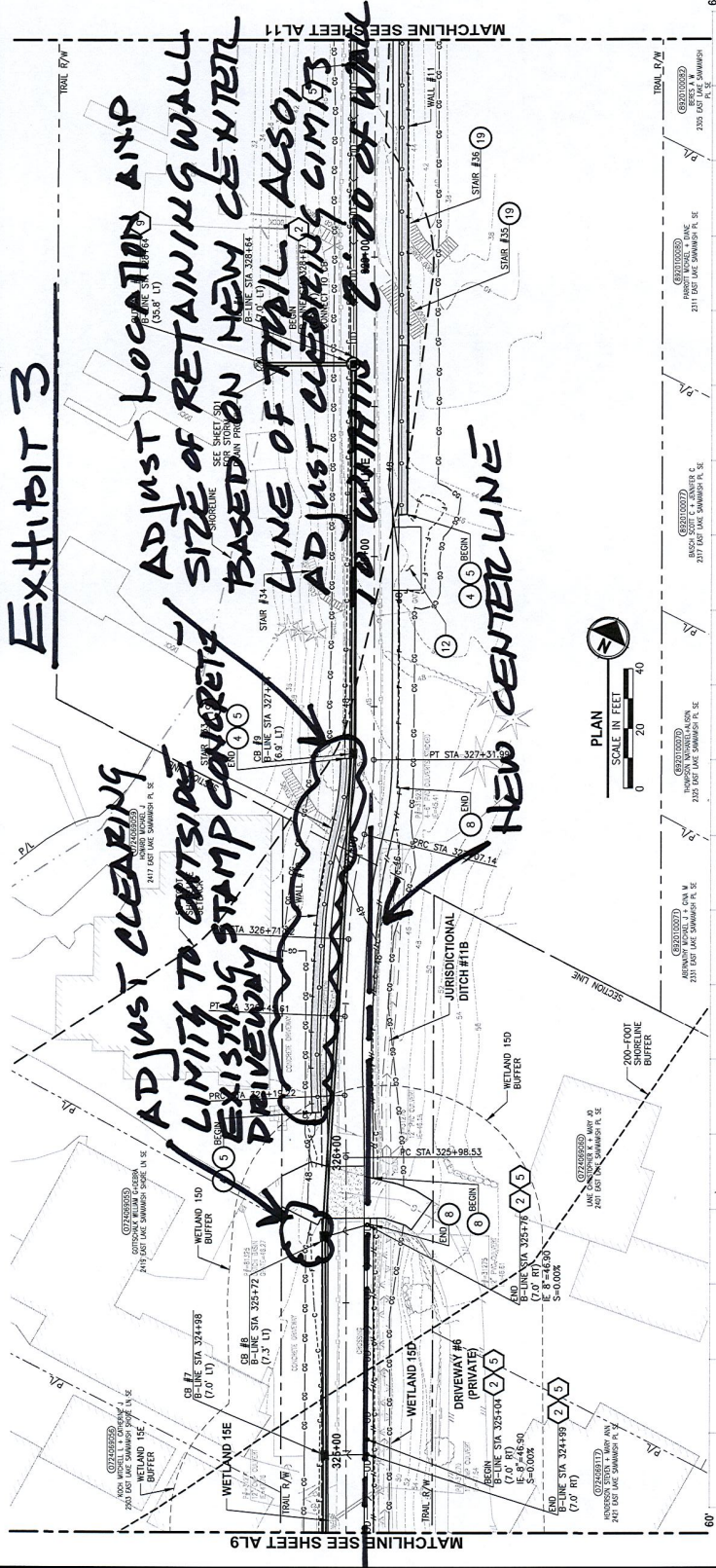
DATE: 09/27/2018
BY: M. TSUN
APPROVED BY: J. HANSEN

DATE: 09/27/2018
BY: M. TSUN
APPROVED BY: J. HANSEN

DATE: 09/27/2018
BY: M. TSUN
APPROVED BY: J. HANSEN

NO.	DATE	BY	DESCRIPTION
1	09/27/2018	M. TSUN	ISSUED FOR PERMITS

Exhibit 3



- ### CIVIL CONSTRUCTION NOTES:
- RESTORE AND INSTALL STAIR, TYPE TO BE DETERMINED.
 - RECONSTRUCT PEDESTRIAN BRIDGE.
 - INSTALL PRECAST REINF CONCR SPILT BOX CHAUVERT. SEE FP SHEETS FOR DETAILS.
 - STAINLESS STEEL WALKWAYS. SEE WALL DETAILS ON SHEET XX.
 - INSTALL COATED CHAIN LINK FENCE TYPE 6. FOR GROUND POST INSTALLATION SEE APPENDIX B IN CONSTRUCTION NOTES. SEE SHEET X FOR MOUNTING ON TOP OF WALL.
 - NEW DRIVEWAY.
 - INSTALL WOOD GUARDRAIL. SEE DETAILS ON SHEET XX.
 - INSTALL SPLIT RAIL FENCE. SEE DETAILS ON SHEET XX.
 - INSTALL GRASSY BANK WALL. SEE WALL DETAILS ON SHEET XX. SEE ALSO PROFILES ON SHEETS XX.
 - ROADWAY PAVEMENT. SEE FP SHEETS FOR PAVING PLAN.
 - INSTALL PATTERED CONCRETE DRIVEWAY. SEE DETAILS ON SHEET XX.
 - INSTALL TYPE 1 REST STOP. SEE DETAILS ON SHEET XX.
 - INSTALL TYPE 2 REST STOP. SEE DETAILS ON SHEET XX.
 - INSTALL SOLDER FILE WALL.
 - INSTALL GRANITE BLOCK WALL.
 - INSTALL WING WALL. SEE FP SHEETS.
 - INSTALL EXPOSED CURB PER WSDOT STD PLAN F-10.42-00.
 - REST STOP PULL-OUT.
 - STAIRS WILL BE ELIMINATED DURING CONSTRUCTION. BRIDGES WILL BE REMOVED TO R/W LINE DURING CONSTRUCTION.
 - INSTALL ROCK WALL.

- ### STORMWATER CONSTRUCTION NOTES:
- INFILTRATION TRENCH, SEE DETAIL 4 ON SHEET 001.
 - UNDERDRAIN TRENCH, SEE DETAIL 5 ON SHEET 001.
 - ROCK PAD, SEE DETAIL 2 ON SHEET 001 AND WP CONNECTION TO DRAINAGE STRUCTURE AND CLEANING EXISTING DRAINAGE STRUCTURE.
 - INSTALL UNDERDRAIN TRENCH CLEANOUT. SEE DETAIL 6 ON SHEET 001.
 - INSTALL UNDERDRAIN TRENCH CLEANOUT. SEE DETAIL 6 ON SHEET 001.
 - CONCRETE HEADWALL, SEE DETAIL 1 ON SHEET 001.
 - BASIC DISPERSION, SEE SHEET CS3.
 - GABRIY SPALL OUTFALL PROTECTION. SEE DETAIL 3 ON SHEET 001.
 - ADJUST CATCH BASIN.

- ### LEGEND:
- RETAINING WALL
 - SOLDER FILE WALL
 - WOOD GUARDRAIL
 - DISPERSION AREA
 - DRIVEWAY REMOVAL

CITY OF SAMMAMISH APPROVAL

City Engineer	Date
Community Development	Title

60% REVIEW SUBMITTAL
NOT FOR CONSTRUCTION

SHEET NO.
42 OF 135

AL 10

EAST LAKE SAMMAMISH
MASTER PLAN TRAIL
SOUTH SAMMAMISH SEGMENT B
SAMMAMISH, WA

Parametrix
ENGINEERING, ARCHITECTURE & LANDSCAPE ARCHITECTURE
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206.466.2200
WWW.PARAMETRIX.COM



DESIGNED BY: TSUN
DRAWN BY: PURGAMAN
CHECKED BY: SWANIKHANSEN
APPROVED BY: Y. HO

DATE: 03/15/21

REVISIONS	DATE	BY	DESCRIPTION

ONE INCH AT FULL SCALE
FIELD DIMENSIONS TAKE PRECEDENCE OVER DIMENSIONS ON THIS DRAWING
DATE: 03/15/21
DRAWN BY: PURGAMAN

Exhibit 6



PRODUCTS

MARKETS

START A PROJECT

KNOWLEDGE CENTER

COMPANY

Products

Pipe

Corrugated Metal (CMP)

Slotted Drain



Slotted Drain™

Slotted Drain pipe removes sheet flow from streets, highways, and parking lots without multiple grades or water channeling devices. The result is an aesthetically pleasing inlet that is safer and easier to install and maintain.

RE: East Lake Sam Trail Questions

Lindsey Ozbolt

Fri 1/20/2017 4:36 PM

To: Russ Albright <rusa@crosslaketechnology.com>;

Cc: judi.albright@gmail.com <judi.albright@gmail.com>;

Dear Russ,

Thank you for contacting the City of Sammamish regarding the current Shoreline Substantial Development Permit Application for East Lake Sammamish Trail Segment 2B (SSDP2016-00415).

Your additional comments have been received and will be included in the project record. At the close of the comment period, all comments will be compiled and provided to King County for review and response. You will be included in future notices the City issues for this proposal.

Regards,

Lindsey Ozbolt

Associate Planner I City of Sammamish I Department of Community Development
425.295.0527

From: Russ Albright [mailto:rusa@crosslaketechnology.com]

Sent: Tuesday, January 17, 2017 6:08 PM

To: Lindsey Ozbolt <LOzbolt@sammamish.us>

Cc: judi.albright@gmail.com

Subject: RE: East Lake Sam Trail Questions

Hi Lindsey, I was expected to get some clarification so we could further elaborate?

If that is not the case further comments-

- Considering how close this is to our property and infringement of privacy we would want the fence to have privacy slat installed.
- Earthen Wall is fine with us however gravity block wall will be an eyesore and diminish property value.
- KC will be held liable for additional water run off and will be expected to provide appropriate drainage.
- The Construction Fence will limit legal entry to our property and must be moved further east to avoid.
- The entry driveway #22 & 23 is listed as construction access.. which is fine. However KC has historically claimed it as a private driveway and would not maintain. If they are going to use the driveway they must maintain it.

- Section 432 move the trail edge toward the lake and at a critical wetland. It should be moved away from the lake to minimize lake impact.
- The walkway between 432 and 433 is right next to a unnamed stream #9 which would seem to be too close to a stream and should be moved.. better locations are available.

From: Lindsey Ozbolt [<mailto:L.Ozbolt@sammamish.us>]

Sent: Tuesday, January 17, 2017 10:40 AM

To: Russ Albright <russa@crosslaketech.com>

Cc: judi.albright@gmail.com

Subject: RE: East Lake Sam Trail Questions

Dear Russ,

Thank you for contacting the City of Sammamish regarding the current Shoreline Substantial Development Permit Application for East Lake Sammamish Trail Segment 2B (SSDP2016-00415).

Your comments have been received and will be included in the project record. At the close of the comment period, all comments will be compiled and provided to King County for review and response. You will be included in future notices the City issues for this proposal.

Regards,

Lindsey Ozbolt

Associate Planner | City of Sammamish | Department of Community Development

425.295.0527

From: Russ Albright [<mailto:russa@crosslaketech.com>]

Sent: Monday, January 16, 2017 6:17 PM

To: Lindsey Ozbolt <L.Ozbolt@sammamish.us>

Cc: judi.albright@gmail.com

Subject: East Lake Sam Trail Questions

Hi Lindsey, we had our 30 minute meeting with King County but not really able to get much clarification. We have looked over the 60% plan the best we can...

Hope you can help..

We are in section 432-434 or street address 415 E Lake Sammamish Shore LN NE

Questions-

- Can you confirm that this is an "earthen wall" behind out property not a "gravity block wall"?
- Looks like the wall will be installed slightly east (like 1ft) behind an existing rock wall... does this mean:
 - The existing rock wall will be removed and replaced with the earthen wall (this is what it appears to be) , or
 - Will the earthen wall be on top of the existing rock wall?
- Fence- will the fence include privacy screening so that people can't look right into our property, we

Subject: FW: Eastlake Sammamish Trail South Segment B / Inglewood Parking Lot - Property Owner Questions/Comments

Here is my start to the comments/questions I am going to send to Sammamish...let me know if you have anything to add at this point.

I have reviewed the 60% design plans and unfortunately there is no time during the scheduled appointments and I am working during all the drop in times posted on the website to ask questions.

I have a few concerns and questions that need to be answered.

1. **Water Quality during construction at STA 463+50 to 464+22** - There is a stream and wetland to the East of the existing trail that flows into Lake Sammamish near my property that is identified on the plans and requires as adding a larger culvert at STA 464+22. This stream runs constantly all year long. Please provide details on how debris, runoff and other upset material will be contained and not discharged into the lake during construction.
2. **It is not clear that the permit process has been completed for construction inside the wetland buffer located adjacent to my property.** The trail as well as stairs and construction work will happen well within this buffer. Please provide details on the permitting process as well as plans to protect and maintain this buffer during construction. As a private land owner, I would not be afforded this relief. I would like to see this process with King County be as open and transparent as possible.
3. **Access During Construction** – My family owns property adjacent to the trail at STA 463+50. My 3 and 6 year old daughters friends and family utilize the property consistently from March through October. Please provide details on how access will be maintained throughout the construction of the trail as well as a timeline for construction as soon as it is known. Including staging areas for construction, allowable alternate parking areas for resident access, etc.
4. **Tree Damage/Removal** – Is there a plan to survey during construction to ensure that tree damage including to the root systems of adjacent trees is maintained? I have reviewed the tree preservation plan, but there is no clear plan for ongoing inspection.
5. **Tree #8096** - is dead and leaning West, has broken off multiple times from the top. This should be added to the REMOVE list as it endangers persons and property and is an imminent threat.
6. **Tree #8093/8094** – This is a group of trees that will likely be damaged and once the wall and construction is in place will lose the rest of it's uphill root structure endangering persons and property. Please add this entire section to the REMOVE list as the trees are unhealthy and imminent threats to both the new trail and the West side property owners.

I reserve the right to add to this list or questions and concerns as the project design gets closer to complete.

BRANDON STOCK

Johnson Barrow Inc | (206) 484.9956

brandons@jbarrow.com | www.jbarrow.com



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