

Lindsey Ozbolt

From: Patricia Harrell <Pat_Harrell@msn.com>
Sent: Monday, July 24, 2017 5:01 PM
To: Lindsey Ozbolt
Cc: David Pyle
Subject: RE: Letter to County
Attachments: Pat Harrell's Deed pages 1-2.pdf

Dear Lindsey,

Thank you for providing the link to the relevant documents to the King County file regarding ownership.

First, and most importantly, it doesn't deal with that fact that I own the shorelands in front of my house where my dock is located. Attached is a copy of a page from my deed that clearly states that I own the second class shorelands. Furthermore, my property in the King County records indicates it is in fact waterfront of 102 feet. I have paid the property taxes during my ownership and all prior owners did likewise on the shorelands which is supported in all property tax records in the valuation of the property. Here is the link for your convenience. <http://blue.kingcounty.com/Assessor/eRealProperty/Detail.aspx?ParcelNbr=8920100089>

As I expressed, I am most concerned about access to these shorelands, just as the many other property owners down the east side of the lake whose property that is split by the Railroad Right of Way need easy access to their property on both sides of the trail. It is the same issue that the County and City have paid attention to in the other situations. I am just asking for similar consideration by the City with regard to **mine and my neighbors' property** as the permitting process moves forward. (refer to our letter to the city from Baisch, Thompson, Parrot, Crow, Abernathy, Harrell).

Second, though I am not asking you to address this, I would like the City to be aware that it is our legally informed opinion, that the County does not own the right of way in fee simple. The link provided takes me to several court cases where courts have said the County owns the right of way, but the right of way in my and my neighbors' properties came into existence through a federal grant under the 1875 Right of Way Act. This is supported in item 3. of the Exhibit 8 summary document provided by the county. <https://www.sammamish.us/attachments/pagecontent/43978/OWNERSHIP%20BINDER%20ELST1.compressed.pdf> This refers to Exhibit 16 -Land Grant which applies to my and my neighbor's properties. In **2014**, the Supreme Court in **Marvin M. Brandt Revocable Trust V. United States**, ruled that the right of ways that came about through this act are easements, not fee simple ownership. The most the County received in my neighborhood is an easement, even though it may have received complete title to the property in other areas. As an easement the county has every right to put in a trail, but as an easement, I have the right to use the right of way in any way that doesn't interfere with the trail. I have the right to use and have access to parts of my property in the right of way. The Court cases on the County's link don't deal with my property and I don't believe any of them deal with the portion of the right of way created by the 1875 Act.

Thank you for your support.

Best regards,
Pat Harrell

Sent from [Mail](#) for Windows 10

From: [Lindsey Ozbolt](#)
Sent: Thursday, July 6, 2017 11:48 AM
To: [Patricia Harrell](#)

Exhibit 48
SSDP2016-00415
005433

Cc: [David Pyle](#)

Subject: RE: Letter to County

Ms. Harrell,

Upon further review I think I may have found the attachments you were referencing. In the Memorandum the City's legal counsel provided to the City, there is a list of 29 attachments. These attachments collectively make up the "Ownership Binder" King County provided to the City and can be found as one PDF at this link:

<https://www.sammamish.us/attachments/pagecontent/43978/OWNERSHIP%20BINDER%20ELST1.compressed.pdf>.

I hope I have addressed your questions.

Best regards,

Lindsey Ozbolt

Associate Planner

City of Sammamish | Department of Community Development

801 228th Ave. SE | Sammamish, WA 98075

425.295.0527 | lozbolt@sammamish.us

From: Lindsey Ozbolt

Sent: Thursday, July 6, 2017 11:20 AM

To: 'Patricia Harrell'

Cc: David Pyle

Subject: RE: Letter to County

Good morning Ms. Harrell.

Please provide more information regarding the 29 attachments you are asking to see. Which document were these 29 attachments referenced in? Once I understand what you are looking for, I am happy to provide it to you.

In regards to your other question, no a public hearing date has not been set. This date will be set when staff has completed its review, including the information the County will be submitting and any other information that may be requested by staff, and issued a Staff Recommendation to the Hearing Examiner. At this time it is estimated that the Public Hearing will be somaring date once it is available.

Best regards,

Lindsey Ozbolt

Associate Planner

City of Sammamish | Department of Community Development

801 228th Ave. SE | Sammamish, WA 98075

425.295.0527 | lozbolt@sammamish.us

From: Patricia Harrell [mailto:Pat_Harrell@msn.com]

Sent: Sunday, July 2, 2017 6:54 AM

To: Lindsey Ozbolt

Cc: David Pyle

Subject: RE: Letter to County

Thanks. If you could also either send me the 29 attachments noted in the submitted exhibits or direct me to the location on the webpage that would be helpful.

Has the public hearing date been set at this time?

Exhibit 48
SSDP2016-00415
005434

Regards
Pat
Sent from [Mail](#) for Windows 10

From: [Lindsey Ozbolt](#)
Sent: Friday, June 30, 2017 3:13 PM
To: [Patricia Harrell](#)
Cc: [David Pyle](#)
Subject: RE: Letter to County

Good afternoon Ms. Harrell.

The Shoreline Substantial Development Permits (SSDPs) for the King County East Lake Sammamish Trail (ELST) Segment 2B and associated parking facilities, are currently under review by the City of Sammamish. ELST Segment 2B is a large project that spans 3.5 miles of the Lake Sammamish Shoreline affecting approximately 325 individual parcels. Through the SSDP review process, the City received approximately 879 individual comments. As part of the project permit review process, staff have reviewed each comment received and have compiled a corresponding comment summary matrix. All comments received have been entered into the comment matrix, bundled, and sent to King County for response as part of the permit review process. The City's request for King County response to project public comments is outlined in the April 12, 2017 First Review and Request for Additional Information letter. All public comment received has been incorporated into the project record.

We did receive three pieces of correspondence from you individually and/or part of the group comments signed by the East Lake Sammamish Place SE Neighborhood. These comments were indexed by the City and summarized in the project public comment matrix. Your specific comments were indexed by the City as SB-69, SB-394, and SB-825. The comment matrix can be found at this link: https://www.sammamish.us/attachments/pagecontent/44452/SSDP2016-00415_ELST%20Segment%202B_Parties%20of%20Record%20spreadsheet.pdf. All comments received from the public, including yours, and the comment matrix were sent to King County on April 12, 2017 in the letter referenced above. All of this information was hand delivered to King County on April 12th with a CD of all attachment documents. Additionally, all information that was transmitted to King County, which includes your comments, was also uploaded to the project webpage on the City of Sammamish's website found here: <https://www.sammamish.us/government/departments/community-development/current-projects/east-lake-sammamish-trail/>.

Within the above referenced April 12, 2017 letter, the City requested that the County address a number of issues that were raised during our initial review of the SSDP application along with responding to public comments included in the comment summary matrix. A deadline for all requested information to be submitted to the City is July 11, 2017. Once the City receives the requested information, staff will work diligently to post all of the documents on the project webpage along with updating the current status for the project. Staff review will continue on this project once we receive information as requested from King County.

In regards to whether or not the City will be considering your access issue to the shoreline as part of our SSDP permit review, we take each comment and concern that we receive into consideration as we review the applications for compliance with applicable codes and regulations. In this case, King County's SSDPs must demonstrate compliance with the City Shoreline Master Program (Title 25 of the Sammamish Municipal Code) and the Washington State Shoreline Management Act, among other applicable City requirements. Based on the information available to the City at this time, it appears that your property abuts the King County Trail Corridor on the eastern side of the trail and does not actually abut or connect to the Lake Sammamish shoreline. As part of land use application submittal requirements, an applicant is required to provide documentation of property proposal area ownership or right to apply for the permit application. Specifically, Sammamish Municipal Code (SMC) requires verification that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has a right to develop the site and that

Exhibit 48
SSDP 2016-00415
065495

the applicant has been submitted with the consent of all owners of the affected property pursuant to SMC 20.05.040(1)(r) and SMC 20.05.040(2)(d). With the SSDP applications, King County provided information conforming to SMC 20.05.040(1)(r) and SMC 20.05.040(2)(d). The City's legal counsel has reviewed the property ownership information provided by King County and provided the City with a memorandum indicating that the ownership information provided by King County was sufficient to meet the requirements of SMC 20.05.040(1)(r) and SMC 20.05.040(2)(d)SMC. This memorandum can be found here:

https://www.sammamish.us/attachments/pagecontent/43972/SSDP2016-00415%20ELST%20Segment%202B_MEMO%20-%20Real%20Property%20Interest.pdf.

Your specific issue, appears to be a private civil matter that the City would not have authority to resolve. The City does not adjudicate private property ownership disputes through its permit process. You may, however, want to consider the following:

- Testify at the public hearing for the SSDPs;
- Work with King County outside of the City's SSDP permit process to find a solution, which may include applying for a King County Special Use Permit for the improvements constructed within the Trail Corridor;
- Contact the title company that provided title insurance when you purchased the property in 2011 about coverage for your current situation; and
- Contact a private attorney.

I hope this email has addressed your question.

Best regards,

Lindsey Ozbolt
Associate Planner
City of Sammamish | Department of Community Development
801 228th Ave. SE | Sammamish, WA 98075
425.295.0527 | lozbolt@sammamish.us

From: Patricia Harrell [mailto:Pat_Harrell@msn.com]
Sent: Tuesday, June 27, 2017 11:11 AM
To: Lindsey Ozbolt
Subject: Letter to County

Hello Lindsey,
Thank you for your time today. I reread the letter submitted by the City to the County dated April 12, 2017 with regard to segment 2B, requesting additional information. It doesn't appear to address my, and my neighbors, primary issue of being able to cross the trail to reach our lakefront property. Attached are the letters we submitted. I will continue to address the issue with the County but it would be helpful to understand the City of Sammamish's position in this regard. Does the City recognize this as an issue with regard to the permitting?
Thanks
Pat Harrell

Exhibit 48
SSDP2016-00415
005436

When recorded return to:

Patricia J. Harrell
2221 East Lake Sammamish Place SE
Sammamish, WA 98075

Filed for Record at Request of
Wells Fargo Escrow Company
Escrow Number: 03-18011-MMU

Grantor: Patrick T. Monahan
Grantee: Patricia J. Harrell

Tax Parcel Number(s): 8920100089



20111014001135

CU TITLE CO HD 66.00
PAGE-001 OF 005
10/14/2011 14:37
KING COUNTY, WA

E2514054

10/14/2011 14:33
KING COUNTY, WA
TAX \$24,035.00
SALE \$1,350,000.00

PAGE-001 OF 001

Abbreviated Legal: LOT A OF CITY OF SAMMAMISH BLA NO. 003015 UNDER REC. NO. 20031202900011 BEING A PORTION OF LOTS 17 AND 18 VIEW POINT PARK

NW 40081398

Statutory Warranty Deed

5/64

THE GRANTOR Patrick T. Monahan, a married person, as his separate estate for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Patricia J. Harrell, a married person as her separate estate the following described real estate, situated in the County of King, State of Washington

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART THEREOF

SUBJECT TO: SEE EXHIBIT "A" ATTACHED

Dated October 10, 2011

[Signature]
Patrick T. Monahan

[Signature]
Amber S. Monahan



State of Washington
County of King } SS:

I certify that I know or have satisfactory evidence that Patrick T. Monahan and Amber S. Monahan ^{they} is/are the person(s) who appeared before me, and said person(s) acknowledged that he / she / ^{they} signed this instrument and acknowledge it to be his / her / ^{their} free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 10/11/2011

[Signature]
Melanie M. Usher
Notary Public in and for the State of Washington
Residing at Edmond
My appointment expires: 04/24/2012

EXHIBIT "A"

LOT 18 OF VIEW POINT PARK AS PER PLAT RECORDED IN VOLUME 44 OF PLATS, PAGE 35,
RECORDS OF KING COUNTY AUDITOR;

TOGETHER WITH THAT PORTION OF GOVERNMENT LOT 4, SECTION 6, TOWNSHIP 24 NORTH,
RANGE 6 EAST, W.M. IN KING COUNTY, WASHINGTON, LYING WESTERLY OF THE WESTERLY LINE
OF LOT 18 OF SAID PLAT OF VIEW POINT PARK, LYING NORTH OF THE SOUTH LINE OF SAID LOT
18, EXTENDED WESTERLY TO LAKE SAMMAMISH, AND LYING SOUTH OF THE NORTH LINE OF SAID
LOT 18, EXTENDED WESTERLY TO LAKE SAMMAMISH;

EXCEPT THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY;

EXCEPT THAT PORTION OF SAID LOT 18 AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 18;
THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 18 SOUTH 88°15'21" EAST 27.51 FEET;
THENCE NORTH 01°44'39" EAST, 3.50 FEET;
THENCE NORTH 88°15'21" WEST 29.36 FEET TO THE WEST LINE OF SAID LOT 18;
THENCE SOUTH 26°03'24" EAST, 3.96 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THAT PORTION OF LOT 17 OF SAID PLAT DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 17;
THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 17 SOUTH 88°15'21" EAST, 32.58 FEET
TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 88°15'21" EAST, 25.88 FEET;
THENCE SOUTH 01°02'51" WEST, 3.63 FEET;
THENCE NORTH 89°13'18" WEST, 25.88 FEET;
THENCE NORTH 01°02'51" EAST, 4.06 FEET TO THE TRUE POINT OF BEGINNING;

TOGETHER WITH SECOND CLASS SHORELANDS ADJOINING

(ALSO KNOWN AS LOT A OF CITY OF SAMMAMISH BOUNDARY LINE ADJUSTMENT NO. BLA003015,
AS RECORDED UNDER RECORDING NO. 20031202900011)

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER THAT PORTION OF
LOTS 14, 15 16 AND 17 OF SAID PLAT DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID LOT 14;
THENCE NORTH 88°15'21" WEST ALONG THE SOUTH LINE OF SAID LOT 14, A DISTANCE OF 15
FEET;
THENCE NORTHWESTERLY AND PARALLEL WITH THE WESTERLY MARGIN OF THE ISSAQUAH-
REDMOND ROAD TO THE NORTH LINE OF THE SOUTH 20.0 FEET OF SAID LOT 15;
THENCE NORTHWESTERLY IN A STRAIGHT LINE TO A POINT ON THE SOUTH LINE OF THE NORTH
10.00 FEET OF SAID LOT 15, WHICH POINT IS 40.0 FEET WEST OF THE WESTERLY MARGIN OF
THE ISSAQUAH-REDMOND ROAD;

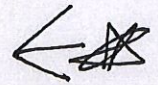


Exhibit 48
SSDP2016-00415
005438