

City of Sammamish City Hall  
Attn: Lindsey Ozbolt, Associate Planner  
801 228<sup>th</sup> Avenue SE  
Sammamish, WA 98075

November 3, 2017

Re: E. Lake Sammamish Trail South Segment 2B – King County's 60% Design Plan  
File Number: SSDP2016-00415  
Request Permit Denial

Lindsey Ozbolt:

We have several concerns regarding how the 60% Design Plans will very negatively affect our property at 2305 E. Lake Sammamish Place SE, Sammamish, WA 98075. Our property tax account number is 892010-0082-09. We have been paying taxes on this waterfront parcel since 1975.

In the design plan the station #for our parcel is approximately 330.00 to approximately 330.50.

We purchased our property in 1975. We have title to the Second Class Shorelands Adjoining - which begins at the high water mark and runs out into the lake. Our dock sits on the Second Class Shorelands Adjoining that we own. We have a 1976 permit for our dock from King County, Washington State, and the Federal Government. We have won 2 Federal Court of Claims decisions on our ownership of the 200' wide 1875 Federal Right of Way Grant (Beres vs. US #1 and Beres vs. US #2) and 1 Federal Supreme Court decision that used the two Beres vs. US decisions as a reference (Brandt vs. US concerning who owns 1875 Right of Way Grant deeds). There is no question of our ownership! See Court Decisions attachments.

King County's plan as proposed will deny us access to our beach and dock. They propose a retaining wall (wall #11) topped with a tall cyclone fence that will run a length of 550 feet cutting off our access. Since our property is 70' wide we will be prevented from reaching the other side of our own property! Our underground utilities, our gate, and our 80' long decorative pedestrian bridge to our beach and dock that we have used for 42 years is proposed to be demolished with no replacement! This is an outrage – we will be looking at a 'Berlin Wall' with no way to get through to our waterfront and boats that we have owned for 42 years! We demand that our historic access to our beach/dock be restored as it has existed!

King County's plan will also remove all of the existing security fencing that is waterward of the trail that King County installed some years ago to prevent the public from trespassing onto our docks, boats and beach properties! King County is leaving us totally exposed to public trespassing, theft, vandalism, destruction and liability. We demand that the security fencing as it has existed for several years be retained and included in the plan. We have attached King County's own 'EAST LAKE SAMMAMISH TRAIL FENCING GUIDELINES' for 'Fences Installed by King County'. King County is NOT abiding by their own fencing guidelines for docks, waterfront private property, security, and to prevent trespassing.

King County's plan will also demolish and remove all of our beautiful, valuable, mature magnolia trees and shrubs and 2000 square feet of green lawn! Why?? Our landscaping is already a wildlife and bird haven and a trail enhancement. Trail users frequently stop to take photos of the beautiful trees and shrubs. In the past King County said they would allow preservation of attractive private landscaping because it would save them money and maintenance. Instead King County is going to destroy it all and create an unneeded 'wetland buffer addition'!!! What a ridiculous waste for no gain! A terrible loss for all! We demand that our existing landscaping should be allowed to remain for the public to enjoy!

Since the highest court in the land has confirmed our ownership we have a right to have our above demands met.



The City of Sammamish should deny King County's permit request because of King County's abusive intentions to the adjacent property owners' legitimate concerns, problems and issues.

Attached are 10 photos representing our property affected by King County's proposed trail plans.

← submitted on January 26, 2017

Attached also are 3 Federal Court Decisions referenced in paragraph 3.

← submitted on January 26, 2017

   
Warren and Vicki Beres  
2305 E. Lake Sammamish Place S.E.  
Sammamish, WA 98075



## East Lake Sammamish Trail Fencing Guidelines

These guidelines have been established to provide further clarification regarding fencing on the East Lake Sammamish Trail Corridor (Corridor) and are complimentary to the current Trail Corridor Management Guidelines. The content of the East Lake Sammamish Trail (ELST) Fencing Guidelines has been developed consistent with the King County Department of Natural Resources and Parks (DNRP) or successor agency Policies and Procedures.

### DEFINITIONS:

Fencing: Fencing can be any physical or visual boundary comprised of metal, wood, living plant materials or other materials as approved by the DNRP that separates two distinct land uses.

Locate/Location: Where fencing will be sited linearly along the trail.

Place/Placement: Where, in proximity to the trail edge, fencing will be sited.

### I. Fences Installed by King County

#### A. Location of Fences

King County does not fence the perimeter of all parkland, whether or not it is improved. Fencing is only provided if conditions dictate. In conformity with adopted Park Policies and Procedures, fencing will only be installed by King County along the ELST where there are conditions that would indicate fencing is needed. The criteria that will be utilized to determine whether conditions exist along the corridor which would dictate that King County install fencing along the ELST include, but are not limited to, the following:

- Safety and Liability issues – Include but are not limited to proximity to docks, waterfront recreation property, separation of users from motorized vehicles, and where the trail edge needs to be delineated because of topography changes.
- Security and to prevent trespass – This would include areas where there is less than 20 feet between the trail and a residence; except that where an access road exists between the trail and the house, no fence would be provided. If a setback variance was issued for the adjacent property after the ELST corridor was purchased by King County and that variance is the reason there is less than 20 feet, no fence will be provided. Additionally, known trespass areas should be fenced including but not limited to non-permitted “desire” paths.
- Privacy – Where privacy is impacted by trail users having views from the trail directly into adjacent residence living spaces.
- Land Use and Environmental Code requirements – To protect natural resources - material location and placement must meet applicable land use and environmental code requirements.



## **B. Placement of Permanent Fencing Installed by King County**

It is the DNRP Policy that when fencing is provided because conditions dictate, fencing will be placed at the perimeter of parkland. It is the desire of the DNRP to be consistent with this policy on the Corridor. However, the DNRP recognizes that there are unique aspects to this linear corridor and fencing placement may need to be evaluated on a case-by-case basis considering factors which will include but not be limited to the following:

- Access requirements
- Existing historic uses within the Corridor that create liabilities
- Existing historic uses that are permanent structures
- Topography or other natural features such as sensitive areas, water bodies, vegetation
- Viewshed for users and adjacent property owners
- Private uses permitted through the Special Use Permit process
- Safety
- Aesthetics

## **C. Fencing Material**

The following issues will be considered in determining the appropriate fencing materials for fences installed by King County in situations where King County has determined fencing is necessary.

- ✓ • Safety
- Impact on future operations of a railroad
- Natural resource protection
- Impacts on King County maintenance
- Design and aesthetics
- Site stability
- View impacts to trail users
- ✓ • View impacts to adjacent property owners
- ✓ • Liability
- ✓ • Privacy
- Corridor width





Current Beres dock fencing by

King County Parks Dept.





Buses Bridge to dock