

APPEALING THE SDCI DECISION TO ALLOW HISTORICAL LOT DEVELOPMENT

Who is appealing:

This MUP decision is being appealed by:

Names: Haris Hodzic and Spomenka Hodzic

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Decision being appealed:

Special Exception - to allow development of a qualified lot less than 3,200 sq. ft. in area in a Single Family zone (SMC 23.44.010.B.3).

Department that made the decision: SDCI

Date decision was made: September 22, 2022

Land Use planner: Michael Houston

Project Number: 3038863-LU

Applicant Name: Mike Rayburn

Address of Proposal: 8620 28th Avenue NW

Introduction:

Dear Hearing Examiner,

Please find here our reasoning for appealing the above decision. As this is our first time appealing to you, we apologize if we overwhelmed your office with the amount of evidence we were able to uncover proving that the size of the lot in question has been misrepresented and as a result the historical public right of way was taken away by a private party.

We will try to demonstrate to you why such action would harm the public and why some of the elements that lead to the lot 1 segregation could be interpreted as blatant criminality. I refer to this as such for the fact that the involved parties were skilled in navigating City's agencies like SDCI and Assessor's office to achieve their goals while harming the public interest and safety.

They achieved their goals by pretending they did not know that at least 10 feet of the subject lot width were not theirs. Since there was a recording error in the Assessor's Office, that we will address

further down, SDCI folks would not see anything reflected on the quarter section maps they referenced and therefore assumed lot width was as these folks were misrepresenting.

Emails we obtained will show involved parties fully knew at least 10 feet of the subject lot did not belong to them.

Instead of clarifying how they knew this and correcting the record, doing “the right thing” as I would call it, they saw a path to profiting from this long-standing clerical error. One analogy I can think of is the one we often hear about in the newspapers. Bank accidentally deposits a million dollars to somebody’s account and instead of reporting the error, folks decide to go on and spend the money. Once the bank finds out these folks would be obligated to return the money whether they have it or not, and could potentially face criminal charges. Luckily in our case here those 10 feet can still be returned to its rightful owners; residents of the North Beach Neighborhood.

Please bear with us while we try to explain what we have uncovered.

Further in this document we will try to explain historical events and will provide evidence to help prove our case.

Interest in the decision and how we are affected by it:

Decision affects our property and the whole neighborhood of North Beach as this proposal is taking away public right of way that was established over 100 years ago and was the source of truth for the majority of the 20th century. By allowing this development the neighborhood of North Beach will never get the sidewalks, or any other pedestrian access along the busy 28th ave. NW which is designated as an arterial street and falls under neighborhood corridor street type. Exhibit 12 shows that the neighborhood corridor must be 60 feet wide and this development is in direct violation of these Seattle Department of Transportation (SDOT) rules as well as the law establishing the road in 1919 (see Exhibit 1).

This arterial street/neighborhood corridor is established with 60 foot right of way but at this junction where the lot sits it is only 40 feet. This fact was also communicated to the owner of the property and their agent in the 2017 email from SDCI. (see Exhibit 11)

In this email, SDCI communicates to the owner’s agent the following,

Twenty-eight Avenue NW is designated as an arterial, and according to SDOT's right-of-way improvement manual, the required right-of-way is 60 feet wide. (See: http://www.seattle.gov/transportation/sim_arterial_list.htm.) The actual width of the 28th Avenue NW right-of-way at this point is about 40 feet.

NOTE: Link mentioned in the email above is no longer valid so we include the new link to right-of-way improvement manual here: <https://streetsillustrated.seattle.gov/sitemap/>

Seattle Municipal Code (SMC) violations

Proposal is in direct violation of SMC "23.53.006 Pedestrian access and circulation", section "A" subsection "1" and section "D", subsection "3", which state the following:

A. General requirements. Pedestrian access and circulation are required on all streets in all zones as set forth in this Section 23.53.006.

1. Pedestrian access and circulation improvements shall meet the standards in the Right-of-Way Improvements Manual for sidewalks, pedestrian walkways, curbs, curb ramps, and accessible crossings.

D. Outside Urban Centers and Urban Villages. Outside of Urban Centers and Urban Villages, sidewalks are required on an existing street in any of the following circumstances, except as provided in subsection F of this section:

3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are required only for the portion of the lot that abuts the arterial.

Seattle right-of-way improvement manual states that the "Pedestrian walkway" means "a surfaced walkway, separated from the roadway, usually of crushed rock or asphalt concrete, and following the existing ground surface (not at permanent grade)".

Provision "A" above indicates that pedestrian access and circulation must be established in any form. Does not have to be a costly concrete project, it could be a cheaper option like "pedestrian walkway". This development proposal does not ensure any of the "pedestrian access and circulation" improvements are included with the proposal. Since "development is proposed" and this is indeed "new development" sidewalk is required "for the portion of the lot that abuts the arterial. (see Exhibit 12)

Additionally proposal also violates SMC 23.53.015 subsection “B” which is as follows,

B. Improvements to arterial streets. Except as provided in subsection 23.53.015.D, arterials shall be improved according to the following requirements:

1. If a street is designated as an arterial by the Seattle Department of Transportation, a paved roadway and pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.
2. If necessary to accommodate the right-of-way and roadway widths specified in the Right-of-Way Improvements Manual, dedication of right-of-way is required. If an existing arterial street has less than the minimum right-of-way width established in subsection 23.53.015.A.6, dedication of additional right-of-way equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection 23.53.015.A.6 is required.

Subsection 23.53.015.A.6 states the following,

6. Minimum right-of-way widths
 - a. Arterials. The minimum right-of-way widths for arterials as designated by the Seattle Department of Transportation are as specified in the Right-of-Way Improvements Manual.

Based on the Seattle Department of Transportation Right-of-Way Improvements Manual size of right of way would be calculated at 61 feet (this is also consistent with Order of Establishment of the road, Exhibit 1, which establishes right-of-way at 60 feet as the law). Considering that the subject lot right-of-way is only 40 feet, halfway between 40 and 61 feet would be 10.5 feet. See Exhibit 14 for the right-of-way calculation. According to the provision 23.53.015.D mentioned above, “dedication of additional right-of-way equal to half the difference (10.5 feet) between the current right-of-way width and the minimum right-of-way width established in subsection 23.53.015.A.6 is required”.

We believe that this particular provision was the reason the owner was stating that he did not own 10 feet of the subject lot. For the lack of owner’s forthcoming on this matter, we can only speculate that he was at some point instructed to properly record the deed dedicating the portion necessary to fulfill the requirement, but for one reason or other he failed to do so.

Public Comments making great points

One of the public comments makes an excellent point regarding issues concerning this proposed development,

Constructing a home on this site would prohibit future right of way improvements. The city can require that property owners enter into a no-protest agreement, which retains the city's right to construct pedestrian improvements in the future.

However, the comment continues,

By allowing the proposed home to be constructed, there is no way that the city could construct any pedestrian improvements in the future.

House is proposed on a lot that is less than 3000 square feet so any house that gets built here would be well into the right of way so any future pedestrian improvements would be impossible without tearing the house down.

So no-protest agreement is pointless and is not enforceable once the house is built at this site. No-protest agreement can not be considered a replacement for the historical right-of-way dedication that ensures public interest is protected.

Our understanding that for this project SDCI decided they should allow the following exception under SMC 23.53.006 - Pedestrian access and circulation, section F, subsection e:

e. Construction of a single-family dwelling unit on a lot in any zone, if the property owner enters into a no-protest agreement, as authorized by chapter 35.43 RCW, to future pedestrian access and circulation improvements and that agreement is recorded with the King County Recorder, and if at least one of the following conditions is met:

- 1) The lot is on a block front where there are no existing pedestrian access and circulation improvements within 100 feet of the lot;

In Exhibit 13 you can find multiple examples that show this particular exception does not work when stating that there are no pedestrian access and circulation improvements within 100 feet of the lot. We would encourage anybody to stop by the neighborhood and see for themselves there are multiple pedestrian access and circulation improvements as defined in Seattle right-of-way improvement manual.

This development would prevent free passage for 98 feet along the arterial street abutting the lot. People currently can walk on the gravel pathway north from the lot but when they get to this point they have to continue their walk south directly on the road risking getting seriously injured by a speeding or distracted driver.

Exhibit 13 also shows that the school bus stop is literally a few feet from this proposed lot development. Picture we included in Exhibit 13 shows a neighborhood kid stepping onto the school bus as the car from the opposite way just speeds by. These are the conditions that are being ignored by SDCI.

Another point made via public comments states,

Sidewalks were never constructed on 28th Avenue NW since this was outside the city limits when constructed. The city has long promised to upgrade neighborhoods without sidewalks, and this arterial would be a high priority due to few alternative pedestrian routes for the **1,154 households and nearly 3,000 residents that utilize 28th Avenue NW**. The city should review the legality of the original eminent domain (and any past clerical errors) to see if they already own the underlying land for right of way. If this lot was not included in the original taking by eminent domain, the city should consider if this error should be remedied and in 2022 the city utilize eminent domain to secure the proper 60' right of way.

In this document we will prove without any doubt that the lot was included in the original taking by eminent domain and we truly believe the City will understand and fix this problem.

Furthermore this proposal is violating the same SMC “23.53.006 Pedestrian access and circulation”, section “A” as well where it is stated:

A. General Requirements. Pedestrian access and circulation are required on all streets in all zones as set forth in this Section. Pedestrian access and circulation improvements shall meet the standards in the Right-of-Way Improvements Manual for sidewalks and pedestrian walkways. The regulations in this section are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

There is no pedestrian “access and circulation” proposed with this development. Proposed house entrance would be directly on the busy 28th Ave. NW, so whoever lives in this house would be exiting their house and walking directly onto the 28th Ave. NW.

One of the public comments stated this,

I have lived in this neighborhood since 1979. Over the years I have seen several near misses when commuter traffic gets heavy. And when the rain is heavy and when it snows this area is deadly. The idea that you are going to build a house here so very close to the road is insane. If the city allows this to go through, be prepared to be sued by the poor home owner sometime in the future when a car or truck comes through the front of their house on a rainy or snowy night. Situations like this should not be allowed in the review process.

In their decision SDCI states the following, “Comments were received and carefully considered to the extent that they raised issues within the scope of this review”. We find this hard to believe as we pointed out to the SDCI the following via the public comment,

This is the request to extend the commenting period. Posted signs around the neighborhood have the wrong date for commenting period on the notice as 1/3/2021 which is over a year ago. When we requested initially date be extended these signs weren't updated on the posts around the neighborhood, and we request this is done since public wasn't allowed proper time and was confused by these postings. Including the image of the sign taken today for reference. We propose another month for commenting. Please make this happen and thank you.

We also sent them an email telling them the same thing and to this day only two signs that were posted on two posts along 87th St. NW still show 1/3/2021 as an ending date for the commenting period. I included a picture I snapped September 22nd, 2022 and I am attaching it to this letter as Exhibit 9. Public was not properly notified as I believe would be required by law. Also no signs were posted alongside the 28th ave. NW, which is the proposed address for new development.

Objections to the decision:

What we believe is incorrect with the SDCI decision is that they state the following, “While it appears there was a clear intent dating back to 1918 for the County to widen 28th Avenue NW, there is no indication in the record that any portion of this lot was ultimately condemned nor any indication that ownership of any portion of the lot was transferred to either the County or City.”

What is wrong with this statement and assessment is that the road we pointed out to and provided all the proof for was established in 1919 (see Exhibit 1 showing road being established as the law in 1919) and there was no such widening from 1918 that is being referenced in the decision, since road did not even exist in 1918. From their statement it is obvious to us that they either did not look over

any of the evidence that was provided and were checking somewhere unrelated to the parcel in question.

We can only speculate which records they were going over since they never provided any evidence of where they were looking so we have no way of knowing if they indeed did anything related to the concerns raised. We were also unable to find any fees/charges related to this work since SDCI would have recorded their time and charge for the research on this. Another indicator that if any research was done it was limited or not significant enough to warrant any charges related to the agency's time.

Two thirds of the subject lot are dedicated for the 28th Ave NW right of way

We spent numerous hours working with good people of Archives in King County, City of Seattle and Puget Sound to obtain relevant records that indeed show without any glimmer of doubt that "Lot 1, block 2 of Imperial Heights add to Ballard" was partially dedicated to the 28th ave. NW right of way.

- We will show that the records exist proving that portion of the lot 1 was dedicated for the street purposes.
- We will show that assessor's office changed the legal description in 1990 and created the clerical error that enabled current owner of the lot 1 to guide SDCI and Assessor's office into issuing the parcel for the 30 feet wide lot when at best it should have only been 20 feet wide leaving 10 feet for the historically established public use. Making sure that 10 feet of the right of way are not lost to this senseless development would ultimately ensure there is a sidewalk or some sort of pedestrian walkway here along the busy arterial street with nearby school bus-stop (0 feet from the lot) and the nearby metro bus stop, route 18, only 55 feet away from the lot. Currently pedestrians have to walk directly on the street as there is not enough clearance for safe passage. (see Exhibit 13)
- We will show that the current owner of the lot 1 was well aware that 10 feet of the said lot were not under his ownership. (see Exhibit 11)
- We will also show that the real estate agent for the current owner of the lot 1 went to the SDCI and mentioned that 10 feet of the lot might not be under their client's ownership. (see Exhibit 11)
 - Doing this proves they were probing the department to see if the long standing mistake was rectified. Instead of doing the right thing and making sure this error was addressed and the public interest was protected, they decided they would rather benefit themselves and pretend they were not aware of the error and move along with their plan to profit from the City's/County's mistake. Most likely, in their minds they did nothing wrong since they mentioned this to SDCI and they

went along without doing any further followup. Be that as it may, what is even worse is that SDCI did not do anything even after concerns were raised during the public commenting period. We believe SDCI and the Assessors Office should have been more diligent in ensuring public interest was protected.

In order to prove all the points mentioned above we will start from the beginning.

Chronological order of events as they happened:

- 1917 - Petition filed by the neighborhood to have a County Road built along the current 28 ave. NW from NW 85th street heading north. (see Exhibit 3)
- 1919 - Board of County Commissioners instructs the Office of Engineer to conduct the examination of Charles Jacobson Road petition and provide the report. (see Exhibit 3a)
- August 1919 - Sheriff of King County certifies he received the annexed Notice and served the said Notice on the original owner of the lot 1, and others. (see Exhibit 4)
- September 1919 - Order of Establishment of the road of “not less than Sixty (60) nor more than 100 feet in width, and that the same be opened according to law”.
- September , 1919 - Council records from the hearing held September 2, 1919
- September 1919 - Order allowing damages where original owner was awarded \$1 damages proving the transfer of ownership of the 0.04 acres of the lot 1 to the County for the street purposes.
- After 1919 - Plat book currently in the King County Archives was modified to show “red line” indicating right of way which cuts through the lot 1 clearly indicating that only 10 feet of the lot 1 belong to the private ownership.
- After 1919 - Lots 2, 3 and 10 feet of lot 1 operate as a single lot (lot 2) which is 70 x 98 feet in size. Lots 2 and 3 being 30 feet wide and lot 1 only being 10 feet wide. Historical assessor’s records show this and those records included under (see Exhibit 7)
- 1984 - blueprints showing addition for the house indicating true width of the lot to be 70 feet including owner’s signature to attest to true size of the lot. (see Exhibit 8)
- 1941 - 1990 - Less County Road appears as a part of legal description for the Lot1. These were the records we were able to obtain through the Archives office and it establishes that the lot had a portion dedicated for street purpose and no private party was paying any taxes for this portion for the majority of the 20th century.

- 1990 - Code CO-J 880 was found on the historical tax rolls showing “legal description change”. Same code appears on the 3rd lot south from the lot in question but this lot to this day has a legal description stating “Less 9.5 feet for street purposes”. Error in recording most likely occurred at this time which ultimately led to inappropriate lot 1 segregation with inaccurate lot size.
- 1990 - 2017 - Lot 1 has no indication stating “less county road” while parcel 356680-0215-04 continues to this day to have “LESS W 9.5 FT OF LOT 42 FOR ST” as part of legal lot description.
- 2017 - Lot 1 gets segregated by the Assessor's Office after a series of conversations between the owner's agent and SDCI.
- 2022 - Lot 1 gets approved for development.

Details that led to erroneous lot segregation:

In 1917 the neighborhood of Imperial Heights got together and petitioned King County for the road, see Exhibit 3. In the said exhibit you can find signature of the original owner of the lots 1, 2 and 3 of Imperial Heights add to Ballard, Mr. William Schoenfeld. His signature shows he was one of the original householders who petitioned the King County, State of Washington, that a County Road be established and be 60 feet in width. (see Exhibit 3)

Soon after the petition the Office of Engineer was instructed to conduct the examination of Charles Jacobson Road (28th Ave. NW) petition and provide a report. (see Exhibit 3a) In the report you will find that the road passes across lot 1 Imperial Heights Add to Ballard. It depicts the area in acres; 0.04 acres which amounts to about 20x98 feet of the lot, leaving only 10 feet as private land. It also shows the original owner Wm Schoenfeld. These remaining 10 feet of lot 1 were eventually merged into a single lot, (70x98 feet) that operated as such for the majority of the 20th century. All the assessors cards/records (see Exhibit 7) and tax roll records (see Exhibit 6) indicate this.

We also found document that shows that John Stringer, Sheriff of King County, State of Washington certified that he “received annexed Notice on the 1st day of August, 1919 and that thereafter on the 12th day of August, 1919 he served the said Notice on the following named persons in King County”, which included Mr. William Schoenfeld, owner of the lot 1, block 2 of the Imperial Heights addition to Ballard at that time. Sheriff went ahead to make sure it was understood that he “personally” delivered and left with each of the named persons “a true copy of said Notice”. (see Exhibit 4) This is yet another proof that the portion of the lot was transferred to the County for the street purposes.

We have also found council records from September 2, 1919 that reads as follows: (see Exhibit 5)

The time having arrived for the hearing in the matter of the establishment of the Charles Jacobson/County Road, same was taken up and fully considered, and it appearing to the Board that the road is a necessity and ought to be established, and the County Engineer having recommended that said road be so established, it was on motion ordered by the Board, all the members concurring, that said road be and the same is hereby established, and that an award of \$1.00 be made to each non-consenting owner of right of way, and the Prosecuting Attorney be instructed to commence condemnation proceedings to secure unobtained right-of-way.

The following is a list of the non-consenting owners of right-of-way: (see Exhibit 5 for full list. Listing here owner of the lot in question)

Addition Imperial Heights to Ballard Lot 1, Block 2, Wm. Schoenfeld 0.04 acres.

As a direct result of the law establishing Charles Jacobson Road, plat book was modified to include the red line ensuring it is understood where the right of way for the road passes. We were able to obtain the records from the King County archives where the plat book currently resides and it looks exactly as depicted in Exhibit 10.

In their decision SDCI says the following, "The record shows that the subject lot was a separate building site in the public records of the County or City prior to July 24, 1957". Plat book shows that subject lot was a separate building site when it was first recorded but we can see this was modified and subject plat no longer existed as a 30 x 98 feet lot but was indeed reduced to 10 x 98 feet and was merged with lots 2 and 3 to form and operate as a single lot. Based on these historical events SDCI decision is in violation of the "Municipal Code - 23.44.010 - Lot requirements".

"The Historic Lot Exception." The historic lot exception may be applied to allow separate development of lots already in existence if the lot has an area of at least 2,500 square feet, and was established as a separate building site in the public records of the county or City prior to July 24, 1957, by deed, platting, or building permit.

So even though it is true that the lot was established during the original platting process it is also true that the same lot was eventually modified and was only 980 square feet prior to July 24, 1957, which would not qualify under this provision. All the assessors' records, tax rolls and blueprints from addition to the house support this. (see Exhibits 6, 7 and 8)

We were able to trace all the tax roll records that were available in archives (see Exhibit 6) and we see that the “LESS COUNTY ROAD” designation has been applied to lot 1 in accordance with the Order of Establishment for the road (Exhibit 1) and council hearing from September 2nd, 1919 (Exhibit 5). This clearly shows that the county has acquired 0.04 acres of the Imperial Heights addition to Ballard, lot 1, block 2.

Same designation, “Less co. rd” is recorded in all the assessors records under legal description. We obtained assessor’s property cards prior to 1972 and after 1973 all showing the same “less county road” designation in the legal description. These property cards also show that one third of lot 1 was combined with lots 2 and 3 and operated as a single lot, 70 feet wide and 98 feet long. (see Exhibit 7) This was true at the time property was sold in 1957 to Gunnar Koll Hagen, father of the current lot 1 owner. This means that when the property was sold its true lot size was 6860 sqft (70 x 98 feet). Current owner never owned the portion, other than 10 feet that were merged with the main lot, that he was able to segregate in 2017.

True size of the lot was confirmed in 1984 when the owner built an addition to their house. Blueprints from this construction (see Exhibit 8) show that the owner listed the size of the lot to be 70 x 98 feet indicating lot size was 6860 sqft. They signed the blueprint indicating that “THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLOT PLAN IS THE RESPONSIBILITY OF THE OWNER”. (see Exhibit 8). Also pay attention to the map in the blueprint that was drawn showing exactly where the lot boundaries were and clearly depicting right-of-way as being correctly calculated at 60 feet as determined by the Order Of Establishment for the Charles Jacobson County Road, aka. 28th ave. NW.

We were able to obtain tax roll records from Puget Sounds archives and records they had were for the year 1941, then no records were available to search through till 1973. We then obtained records from 1973 up to 2003. We can clearly see that the “Less county road” designation follows the property in question all the way up to 1990. In 1990 property was stamped with the code CO-J 880 and subsequent years did not show “Less county road” in the legal description. (see Exhibit 6)

What you will find in Exhibit 6 are two parcels, subject parcel and a parcel three parcels south of the subject parcel. Both parcels are along the same stretch of road and both have a code CO-J 880 included within the records. We reached out to the Assessor's office to understand what this code

meant since we could also see the same code was applied to the parcel only three properties south along 28th ave. NW. That other property continued to have a more defined “Less county road” designation, so it is understood in the description how much land was designated for the road.

Email from the Assessor’s office included in Exhibit 6, states the following:

It looks like CO-J 880 was a change order from 1990 which updated the legal descriptions of several parcels. Unfortunately we do not have copies of the change orders from this time period so we cannot check to see what exactly was done.

Since Assessor’s office was not able to tell us what exactly happened we can conclude, based on all the historical records, that the “legal change” meant to clarify that “LESS COUNTY ROAD” should change to be more specific like it does for the 356680-0215-04 parcel to state “LESS W 9.5 FT OF LOT 42 FOR ST”. For the parcel 356680-0240-03, Lot 1, block 2, Imperial Heights add to Ballard it should have been changed to “LESS W 9.5 FT OF LOT 1 FOR ST”.

This is when we believe the right-of-way was adjusted from the original 20 feet down to 10 feet in accordance with the SMC provision 23.53.015.D mentioned earlier in the document. We believe this simple mistake or recording error might have led to incorrect interpretation of the lot size. This error, for the lack of better word, ultimately enabled the owner of the lot and their agent to utilize it and ultimately benefit from it.

As Exhibit 11 we are including emails between the owner's agent and SDCI contact, and also between the agent and the owner showing that the owner was well aware 10 feet of the subject lot were not theirs. In the email (exhibit 11) dated Friday, February 3, 2017 2:02 PM the agent responds to the lot owner by stating,

.....As mentioned in the first paragraph with respect to the title report, I feel this might have already been done in the past as you have mentioned that 10 feet of lot 1 is NOT owned by you, but the information available to us right now says lot one is 30 feet wide, just like lots 2 and 3.

We can see from this correspondence both agent and owner are aware that at least 10 feet of the subject lot are “NOT” owner’s property but since nobody else is aware of this fact as the agent says, “...but the information available to us right now says lot one is 30 feet wide...”. They know what they were doing might have been wrong but were willing to pursue their goals regardless. Right thing would have been to explain exactly how the owner knew he did not own this portion and ensure this

fact was properly recorded with the city in a form of deed or similar instrument dedicating 10 feet for the street purposes. All the evidence we presented so far clearly shows the owner also knew everything we have been presenting in this document.

After they established that 10 feet were not properly recorded and reflected on the subject lot they decided to reach out to SDCI and confirm this was the case. Also find an email in Exhibit 11 where agent asks the SDCI following,

This is the situation, the owner believes he has given up part of lot 1 of lot 1, 2 and 3 of Block 2, Imperial Heights addition to the City of Seattle so 28th AVE NW is 60 feet wide. Here is my problem. I had my title insurance provider, Ticor, run a preliminary title report and there is no mention of part of Lot 1 being handed over to the City of Seattle through any mean. All the maps I have show Lot 1 being 30 feet wide, the same as lot 2 and 3 respectively. They do not show any of Lot 1 being deeded to the city and there is nothing in the title report on the topic either.

To this SDCI responds stating the following:

The quarter-section map that I am able to view on my computer does not reflect that any portion of Lot1 was lost through dedication for street. The lot as shown on our current maps has the same dimensions as Lot 1, Block 2 in the original 1907 plat. In preparing a legal building site letter we could look to see if there was a deed to the City, but when that happens, typically there is an accepting ordinance that is reflected on the quarter-section map.

Legal building site that was referenced in this email was never done and there was never any thorough checking if there was a deed to the City or any other proof of right-of-way dedication. Even if the deed was not found, overwhelming historical records could not have been ignored. Also what SDCI failed to mention is that the quarter-section map that they referenced has a disclaimer that states the following:

This map is for assessment purposes only. It is provided to assist in locating your property and is not guaranteed to show accurate measurements or to reflect salability or buildability of tax parcels. DO NOT USE FOR SURVEY PURPOSES

Obviously SDCI should have been more diligent when stating that the subject lot was a certain size even though it was mentioned to them that the owner thought he did not own 10 feet of the lot. That should have been a red flag and more diligence should have been shown by the agency. Simple probing question as to why the owner thought this, or if the owner had some supporting

documentation like court order or some other reason to believe he did not own 10 feet. SDCI obviously had no reason to distrust these folks and went along with assisting them.

Also SDCI states this in one of the emails also included in Exhibit 11:

It is possible that the King County Assessor's Office will be willing to segregate the property into two tax parcels based on this email. They are welcome to contact me. If the Assessor's Office requires something more specific, you will need to request a legal building site opinion letter.

With a simple assistance from the SDCI these folks were able to successfully take over public right of way. King County's Assessor's Office had no reason not to give the tax parcel number since SDCI folks vouched everything was in order. No legal site opinion letter was done and no thorough checking for the historical records was done. This same SDCI agency is now allowing development on this lot which should have never even been allowed to be segregated.

What we would like the Hearing Examiner to do:

In the light of all of the evidence we presented we hope it is clear that at least 10 feet of the lot 1, Block 2, of Imperial Heights add to Ballard was and is still owned by the City for the street purposes. We would like Hearing Examiner to ensure public interest is protected and this long standing error is addressed.

Our understanding is that Hearing Examiner possesses similar powers that the Court Judge would have and based on that ideally we would like to have an order or enforcement that would ensure proper recording of the right-of-way dedication so that next time SDCI looks at the quarter-section map they can clearly see that 10 feet are there for public right-of-way purposes.

SMC 23.53.015.D states, "dedication of additional right-of-way equal to half the difference (10.5 feet) between the current right-of-way width and the minimum right-of-way width established in subsection 23.53.015.A.6 is required". We believe that the provision 23.53.015.D mentioned here and earlier in the document was the reason the owner was stating that he did not own 10 feet of the subject lot. We can only speculate that he was at some point instructed to properly record the deed dedicating the portion necessary to fulfill the requirement. Since this was not properly done no record

existed and therefore we ask the Hearing Examiner to ensure the proper deed is recorded to ensure this provision in the code is not violated.

It is worth mentioning that the owner here acquired more land than he was originally entitled to 20 feet of lot width of the original right-of-way which was then reduced down to 10 feet, effectively giving him an extra 10 feet of the lot width he did not own or was entitled to previously. Most of us would be satisfied with this simple blessing of good fortune and would be grateful. Others, like the owner here, would not be satisfied and would want even more and would be willing to pursue their goals no matter who gets short changed along the way.

Also we would like the Hearing Examiner to direct the Assessor's Office to correct legal description of the lot 1 to reflect that the 10 feet of the lot 1 were dedicated for street purposes much like it was done for the parcel number 356680-0215-04 as described in Exhibit 6. Also direct the Assessor's Office to ensure proper size for the lot 1 is correctly represented in the Assessor's records and is visible on the parcel viewer.

Potentially direct SDCI to re-do approval process ensuring public interest is protected and new lot size is used along with ensuring 10 feet for public right-of-way is taken into consideration. We understand that new lot size and properly recorded deed would change the parameters and make the process of approval fundamentally different, but we see this as the only path for ensuring public interest is protected.

We would like the Hearing Examiner to reject this proposal on the grounds that the lot that was segregated was not accurately represented. Also the public was not accurately notified of the commenting period (see Exhibit 9) and even after being alerted to this SDCI did nothing to ensure proper public notification as required by law.

By having this done it would be guaranteed that the public, especially kids will have safe passage to schools like North Beach Elementary, Whitman Middle School, Loyal Heights Elementary, Withier Elementary school, Ballard High School, which are all within a 2.0-mile walking zone.

The routes to all the public schools mentioned are not that simple from this area as 28th ave. NW is the major neighborhood corridor. At the proposed development site people have no other options than

to walk on the street and risk being hit or causing an accident as cars have to swerve into an oncoming lane to avoid hitting pedestrians.

We truly hope the Hearing Examiner will take into consideration all of the issues raised and points made and will ensure public interest is protected.

EXHIBIT 1: ORDER OF
ESTABLISHMENT OF THE CHARLES
JACOBSON ROAD,
aka. 28th Ave. NW

In the Matter of the Establishment of the

Charles Jacobson et al
County Road.

Order of Establishment.

In the matter of the establishment of the Charles Jacobson et al

county road the Board finds as follows:

First. That the petition therefor was filed on the 26th day of November, 1917, together with a satisfactory bond in the sum of \$300.00

and the County Engineer was duly directed to examine and if necessary survey the route of said proposed road.

Second. That on the 25th day of July, 1919, the County Engineer filed in the office of the Board his report in writing, and at the same time a map and field notes of the proposed road, as provided by law, and the 2nd day of September, 1919, was set as the day for hearing on said report, and legal notice of such hearing was duly given.

Third. That said report of the County Engineer shows:

- (1) That in his opinion said proposed road is a necessity and ought to be established and opened.
- (2) The terminal points, general course and length of the road.
- (3) His recommendation that said road be established not less than sixty nor more than one hundred feet in width.
- (4) A list of persons interested in lands over which said road passes who consented to the establishment of the road and waived all claims to damages.
- (5-6) A list of names of persons interested in lands through which the road passes who have not consented to the establishment of the road; and an estimate of the benefits and damages to non-consenting owners of land by reason of the establishment of said road as follows:

DESCRIPTION OF LAND		AREA	NAME OF OWNER	Estimated Damages		Less Estimated Benefits		Net Loss (Deductions)	
Part of Section	Sec. Tp. Rg.	Acres	State if Unknown	Dols.	Cts.	Dols.	Cts.	Dols.	Cts.
E 30'	SW SW	35-26N - 3E	Bertha Rosenthal					0.91	
W 30'	W SW	NW SE SW	Martha Edith Pampelly					0.23	
W 30'	NW SE SW		Nels Jackson					0.23	
W 30'	SW NE SW		Elmer E. Calhoun					0.23	
W 30'	SW NE SW		F. H. Gallagher					0.23	
Part of NW NE SW			O. W. Peterson					0.25	
" "	Lot 3		Frank Conley					1.96	

Addition		Lot Blk	Name of Owner	Dols.	Cts.
Imperial Heights to Ballard		1 1	H. W. Treat	0.04	
" "		42 1	C. E. Jackson	0.04	
" "		1 2	Wm. Schoenfeld	0.04	
" "		42 2	Alla Waud Chamberlin	0.04	
" "		1 3	A.W. Mackie	0.04	
Ballard Park 2nd		1 6	Mary A. Crawford	0.07	
" "		52 5	Johanna A. Norborn	0.07	
" "		1 3	Sigfred J. Stevenson	0.07	
" "		52 4	Anna Holand	0.07	
" "		1 4	H. S. Calhoun	0.07	
" "		52 3	L. H. Carvor	0.07	
" "		1 3	Ethel May Woodward	0.07	
" "		51-52 2	Walter Bennett	0.10	
" "		1-2 2	J.E. Hubbard	0.11	
" "		3-4 2	Charles Knote	0.08	
" "		2 to 6 1	L. J. Nielson	0.15	
" "		7 1	A. Fivanger	0.02	
" "		8 1	H. P. Holand	0.01	

papers on file in the proceedings, and heard and considered all testimony and documentary evidence adduced for and against the establishment of the road, and having on the 2nd day of September, 1919,

"Petition" or "Resolution." If "Petition" or "Resolution" was signed by at least ten householders residing in the vicinity of the proposed road, together with a satisfactory bond in the sum of \$300.00.

"Filed" or "Passed."

by an order duly passed awarded damages in the sum of \$1.00 to each of the non-consenting owners of land through which the right-of-way passes; and all other persons interested in lands to be taken having previously consented to the establishment of said road and having waived their claims to damages therefor, and the Board being satisfied that the said road would be of public utility,

IT IS ORDERED BY THE BOARD, all the members concurring, that the _____
Charles Jacobson _____ road

be established as follows:

Said Road commences at a point known as the intersection of W. 25th St. and 28th Ave. N.W. in the City of Seattle, Wash. being the Southwest Corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 35, T. 26 N., R. 3 E.W.M. King County, Washington, running thence North on said 28th Ave. N.W. as laid out and established or as produced 2215.33 ft., thence Northwesterly and westerly to a point where it intersects the right-of-way of the Great Northern Railway and the beach of Puget Sound and ending at a point in lot 1, Section 34, T 26 N., R 3 E.W.M.

and as shown upon the map of the County Engineer, and that from henceforth said road shall be a County Road of Not less than Sixty (60) nor more than 100

feet in width, and that the same be opened according to law, and that the Prosecuting Attorney commence condemnation proceedings to secure unobtainable right-of-way.
Done this 2nd day of September 1919

Attest: Norman M. Wardell
Clerk of Board.

By: [Signature] Deputy.

[Signature]
[Signature]
Board of County Commissioners of King County,
Washington.

Road No. _____
Order of Establishment
In the Matter of the _____
County Road.

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EXHIBIT 2: ORDER ALLOWING DAMAGES

ORDER ALLOWING DAMAGES

In the matter of the

Charles Jacobson et al }
County Road.

ORDER ALLOWING DAMAGES

In the matter of the location and establishment of the Charles Jacobson et al

County Road,

the Board found as follows:

That the following is a list of the lands (with the owners, where known), through which the right of way has not been secured, and the damages claimed therefor:

DESCRIPTION OF PROPERTY	NAMES OF CLAIMANTS	Amount Damages Claimed
E 30' SW SE 35-26N - 3E	Bertha Rosenthal	0.91
W 30' W S NW SE SW " " "	Martha Edith Pumpelly	0.23
W 30' N S NW SE SW " " "	Hels Jackson	0.23
W 30' S S SW NE SW " " "	Elmer E. Calhoun	0.23
W 30' N S SW NE SW " " "	P. H. Gallagher	0.23
Part of NW NE SW " " "	O. W. Peterson	0.25
" " Lot 3 " " "	Frank Conley	1.96
<u>Addition</u>		
Imperial Heights to Ballard	Lot Blk	
" " " " "	1 1	H. W. Treat 0.04
" " " " "	42 1	C. E. Jackson 0.04
" " " " "	1 2	Wm. Schoenfeld 0.04
" " " " "	42 2	Alla Maud Chamberlin 0.04
" " " " "	1 3	A.W.Mackie 0.04
Ballard Park 2nd	1 4	Mary A. Crawford 0.07
" " " " "	52 4	Johanna A. Norborn 0.07
" " " " "	1 4	Sigrrd J. Stevenson 0.07
" " " " "	52 4	Anna Maland 0.07
" " " " "	1 4	H. S. Calhoun 0.07
" " " " "	52 4	L. H. Carver 0.07
" " " " "	1 4	Ethel May Woodward 0.07
" " " " "	51-52 4	Walter Bennett 0.10
" " " " "	1-2 2	J.E.Hubbard 0.11
" " " " "	3-4 2	Charles Knute 0.04
" " " " "	2 to 6 1	L. J. Nielson 0.16
" " " " "	7 1	A. Biswanger 0.02
" " " " "	8 1	H. P. Noland 0.01

and the Board being of the opinion that damages shown be allowed.

IT IS ORDERED, That \$1.60 damages be awarded to each of the above named claimants, and that said amounts be set apart in the County Treasury out of the _____ Road _____ Fund, to be paid to _____ them upon _____ their showing and establishing _____ their right thereto.

Done this 2nd day of September, A. D. 1913

Attest: Norman McWhorter
County Auditor and Ex-Officio Clerk of the Board of County Commissioners.

Udel Rainey
E. C. Smith

By: [Signature]
Deputy.

Constituting the Board of County Commissioners of King County, Washington.

EXHIBIT 3: PETITION FOR COUNTY ROAD

PETITION FOR A COUNTY ROAD

IN THE MATTER OF THE PETITION OF

CHAS. JACOBSON
and others for the Location and Establishment of a County Road
in King County, Washington.

PETITION

To the Board of County Commissioners King County, Washington:

We the undersigned householders of King County, State of Washington, do petition that a County Road be established in said County, sixty feet in width, commencing at a point known as West 85th Street and 28th Avenue Northwest in the City of Seattle, Washington, Being the Southwest corner of the Southeast quarter of the Southwest quarter of Section THIRTY FIVE Township TWENTY SIX, North of Range THREE East, W.M. King County, Washington, running thence North on said 28th Avenue N.W. as laid out and established or as produced to the point where it intersects the Right-of-way of the Great Northern Railway and the Beach of Puget Sound

[Handwritten notes and signatures in the lined section]

and ending at said beach:

the whole distance being about three-fourths miles.
Your petitioners respectfully represent and allege that the proposed road is practicable, and will be of general use and public utility, and that all of your petitioners are residents and householders residing in said County in the vicinity of said proposed road; wherefore your petitioners pray for the location and establishment of the said proposed road, as provided by law.

PETITIONERS	SEC.	TP.	BL.	PETITIONERS	SEC.	TP.	BL.
Chas. Jacobson R. J. Ferguson Chas. A. Smith Wilhelmina Johnson Khal Hall				W. 85 th & 28 th Ave. Lots 1-2-3 Imp. Hts 2 nd add to Ballard 4-5 Imp. Hts. add to Ballard 87 th & 27 th W.			
Alvin Schoenfeld Lth Jackson E. Jackson Hart Hallberg Mrs J. A. H. Jordan Mrs S. O. Anderson Mrs James & Blair Mr W. H. Hussey B. L. Hensell Mrs Mattie Henage Mrs. A. O. Tindell H. H. H. Emma H. Emma C. Meir Kate C. Meir				1-2-3 Imp. Hts. 26 th - 85 th West 2629 88 th N. W. 2602 87 N. West 2602 87 N. West Ballard 2601 26 th Ave and 88 N. W. 2637 West 86 th N. 2624 10 85 th 2624 W 85 th St 2808 26 Ave. N. W. 32 Ave. 32 N. W. 32 nd av. N. W. 32 nd N. W.			
<p style="text-align: center;"><small>Petition must be signed by at least Ten Homeowners residing in the vicinity where road is to be laid out.</small></p> Mrs Hooper Fred Hooper Henry Hooper Chaffman H. S. Calhoun Frank Dedler				32 Ave, N. W. 32 & 85 th N. W. Ballard Park Add. Lots 1 to 6 inc. Ballard 2 nd Lots 89 Blk 3 Imperial Hts 2 nd add			

Road No. _____

P E T I T I O N

In the Matter of the Petition of

Chas. Jacobson

P. O. _____

and others, for a COUNTY ROAD.

Present and referred to County Engineer for Examination and report

Date: 1-26-17

NORMAN M. WADE
COUNTY ENGINEER

1173

1173

Section 5. Applications for the laying out and establishing of streets of any County Road shall be approved by the Board of Commissioners of that county, residing in the vicinity of the proposed road.

Section 6. Such petition must set forth the proposed route of the proposed road, the names, the width, length and lot to be laid out thereon, the names, the number and location of all other roads and streets to be intersected and will be of general and public utility.

EXHIBIT 3a: COUNTY ENGINEER'S REPORT



King County

STATE OF WASHINGTON

Seattle Jan. 14, 1918.

OFFICE OF ENGINEER
SAMUEL J. HUMES C. E. MORFORD
ENGINEER PRINCIPAL ASSISTANT

Hon. Board of County Commissioners,
King County, Washington.

Gentlemen:-

Following your instructions of Nov. 26, 1917, I have made an examination of the Chas. Jacobson Road petition, which reads as follows:-

" road 60 ft. in width commencing at a point known as W. 85th. street and 28th. Ave. N.W. in the city of Seattle, Washington. Being the SW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 35, Twp. 25 N. & Range 3 E.W.M. King County, Washington, running thence north on said 28th. Ave. N.W. as laid out and established or as produced to the point when it intersects the right of way of the G. H. Railway and the beach of Puget Sound and ending at said beach."

GENERAL SITUATION.

There is at present a very poor road running from the starting point of this petition to a point approximately 600 ft. north but during this season of the year, it is very bad and in some places nearly impassable. There are a great many families living in this Imperial Heights Add. who use this road and it makes it very hard for them to get deliveries to their homes. From point "B" on the accompanying sketch to point "C" it is at present undeveloped. The primary reason of this is because of the fact that there is no road. There are also several families living in Ballara Park 2nd. Add., who are using a road over private property.

TOPOGRAPHICAL FEATURES.

From my observations, I find that from point "A" to "B" there is a slight slope to the north to the head of a ravine. This portion could be built with a maximum 4% grade. From "B" to a point shown as "b" it would be necessary to follow the west side of the ravine. This portion would attain a maximum of a 10% grade. From point "b" to "C" the grades would be slightly less but it would still be necessary to follow the contour of the ground. This grade would be a maximum 7%.

COUNTY ENGINEER'S REPORT

IN THE MATTER OF THE PETITION.....of }
 *Charles Jacobson* and others } COUNTY ENGINEER'S REPORT
 for the Location and Establishment of a County Road }
 in King County, Washington.

I, the undersigned, County Engineer of the County of King, State of Washington, duly directed by the Board of County Commissioners of said County, on the *twenty sixth* day of *November* 1917, to make an examination, and, if necessary, a survey of a certain road referred to in a *Petition of Charles Jacobson and others* relating to the improvement of that certain road above designated, and on *April 28th to May sixth* 1919 survey and mark the course of the road proposed in said *Petition* and report as follows:

FIRST

That in my opinion said Road is a necessity and ought to be established and opened.

SECOND

Said Road commences at a point known as the intersection of *W. 85th St. and 28th Ave. N.W. in the City of Seattle, Wash., being the southwest corner of the SE $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 35 T. 26 N. R. 3 E. W.M. King County Washington, running thence north on said 28th Ave. N.W. as laid out and established or as produced 2215.33 ft., thence northwesterly and westerly to a point where it intersects the right-of-way of the Great Northern Railway and the beach of Puget Sound and ending at a point in Lot 1 Section 34 T. 26 N. R. 3 E. W.M.*

THIRD

I recommend that said Road be established *Sixty* feet in width.

SEVENTH

Said Road passes over, across and through the following described tracts of land of which I give the names and addresses of owners, lessees, claimants or incumbrancers and the area taken by the Road from each tract, viz.:

DESCRIPTION OF LAND				Name of Owner, Lessee, Claimant or Incumbrancer	Place of Residence or Address	AREA Taken for Road	
Part of Section	Sec.	Tp.	Ra.	State if Unknown		Acres	Tenths
E 30ft. SW. SW.	35	26N	3 E.	Bertha Rosenthal		0.91	
W. 30ft. W ² S ² NWSE SW	35	26"	3 "	Martha Edith Pumpelly		0.23	
W. 30ft. N ² NWSE. SW.	35	26"	3 "	Nels Jackson		0.23	
W. 30ft. S ² SW. NE. SW.	35	26"	3 "	Elmer E. Calhoun		0.23	
W. 30ft. N ² SW NE. SW.	35	26"	3 "	P. H. Gallagher		0.23	
Part of NW. NE. SW.	35	26"	3 "	O. W. Peterson		0.25	
" " Lot 3	35	26"	3 "	Frank Conley		1.96	
<i>Addition</i>		<i>Lot</i>	<i>Blk.</i>				
Imperial Heights to Ballard	1		1	H. W. Treat		0.04	
do			42	C. E. Jackson		0.04	
"			1	W ^m Schoenfeld		0.04	
"			42	Alla Maud Chamberlin		0.04	
"			1	A. W. Mackie		0.04	
Ballard Park 2 nd	1		6	Mary A. Crawford		0.07	
do.			52	Johanna A. Norborn		0.07	
"			1	Sigrrd J. Stevenson		0.07	
"			52	Anna Maland		0.07	
"			1	H. S. Calhoun		0.07	
"			52	L. H. Carver		0.07	
"			1	Ethel May Woodward		0.07	
"			51-52	Walter Bennett		0.10	
"			1-2	J. E. Hubbard		0.11	
"			3-4	Charles Knute		0.04	
"			2*6	L. J. Nielson		0.16	
"			7	A. Biswanger		0.02	
"			8	H. P. Noland		0.01	

Made by *Chas. Thompson*
 '22. by

EIGHTH

The probable cost of the Construction of the Road, including all necessary bridges, culverts, clearing, grubbing, and grading, will be \$ 8000⁰⁰

NINTH

I further offer the following reasons why this Road should be established:

Dated this 28th day of July A. D. 1919

SAMUEL J. HUMES,
COUNTY ENGINEER
County Engineer.
By [Signature]
Deputy
Deputy.

Road No.

In the Matter of the of

P. O.

FOR A COUNTY ROAD

ENGINEER'S REPORT

Filed with Board of Co. Comm.

191

Engineer's Field Notes

IN THE MATTER OF THE Petition.....OF
 Charles Jacobson et al..... } Engineer's Field Notes
for the Location and Establishment of a County Road

Said road commences at a point known as the intersection of W. 85th St. and 28th Ave. N.W. in the City of Seattle, Wash., being the Southwest corner of the SE¹/₄ SW¹/₄ of section 35 T.26N. R.3E.W.M. King County Washington. Running thence north on said 28th Ave. N.W. as laid out and established or as produced 2215.33 ft., thence northwesterly and westerly to a point where it intersects the right-of-way of the Great Northern Railway and the beach of Puget Sound and end at a point in lot 1 Sec. 34 T.26N. R.3E. W.M.

STATION	DISTANCE FEET	COURSE	CURVE NOTES	REMARKS
0+00				Int. of W. 85 th St. and 28 th Ave. N.W.
	2215.33	N. 1° 15' 30" W.		
P.C. 22+15.33				
	600.00		C. 8° L Δ 48° 00' T. 318.94'	
P.T. 28+15.33				
	655.47	N. 49° 15' 30" W.		
P.C. 34+70.80				
	116.67		C. 80° L Δ 93° 20' T. 75.91'	
P.T. 35+87.47				
	79.81	S. 37° 24' 30" W.		
P.C. 36+67.28				
	120.62		C. 40° R. Δ 48° 15' T. 64.15'	
P.T. 37+87.90				
	425.00	S. 85° 39' 30" W.		
42+12.90				
	117.93	N. 67° 41' W.		
43+30.83				Center west track G.N. RY.

EXHIBIT 4: Annexed Notice delivered by Sheriff

STATE OF WASHINGTON,)
) SS.
COUNTY OF KING,)

SHERIFF'S RETURN.

I, JOHN SRINGER, Sheriff of King County, State of Washington, do hereby certify that I received the annexed Notice on the 1st day of August, 1919, and that thereafter on the 12th day of August, 1919, I served the said Notice on the following named persons in King County: on

Martha Edith Pumpelly, a spinster	C. L. Norbom
Nels Jackson, a widower	H. S. Calhoun
Elmer E. Calhoun	Floid Carvey
Ellen Gallagher	Ethel May Woodward
Nellie Peterson	Elizabeth E. Hubbard
Olive M. Treat	Charles Knute, a widower
C. E. Jackson	Christina Nielson
Wm. Schoenfeld	Theresa Biswanger
Emily Mackie	

by delivering to and leaving with each of the above named persons, personally, in said King County, a true copy of said Notice.

That, after diligent search and inquiry, I was unable to find the following:

Irene Calhoun, wife of Elmer E. Calhoun
P. H. Gallagher, husband of Ellen Gallagher
O. W. Peterson, husband of Nellie Peterson
H. W. Treat, husband of Olive M. Treat
Emily Jackson, wife of C. E. Jackson
Mary Schoenfeld, wife of Wm. Schoenfeld
A. W. Mackie, husband of Emily Mackie
Johanna N. Norbom, wife of C. L. Norbom
Phoebe Calhoun, wife of H. S. Calhoun
L. H. Carvey, husband of Floid Carvey
W. W. Woodward, husband of Ethel May Woodward
J. E. Hubbard, husband of Elizabeth E. Hubbard
L. J. Nielson, husband of Christina Nielson
A. Biswanger, husband of Theresa Biswanger

That, on the said 12th day of August, 1919, I served said Notice on each of the last above named persons, by delivering to and leaving with

Elmer E. Calhoun for Irene Calhoun
Ellen Gallagher for P. H. Gallagher
Nellie Peterson for O. W. Peterson
Olive M. Treat for H. W. Treat
C. E. Jackson for Emily Jackson
Wm. Schoenfeld for Mary Schoenfeld
Emily Mackie for A. W. Mackie
C. L. Norbom for Johanna A. Norbom
H. S. Calhoun for Phoebe Calhoun
Floid Carvey for L. H. Carvey
Ethel May Woodward for W. W. Woodward
Elizabeth E. Hubbard for J. E. Hubbard
Christina Nielson for L. J. Nielson
Theresa Biswanger for A. Biswanger

at the residence and usual place of abode of the said last above

EXHIBIT 5: Council records

was set for hearing on same; and ORDERING, that the C. A. Saituff Road be established as follows:-
 Said road commences at a point on Road #431 in Sec. 4, T. 23, N. 3 E.W.P., on the S.E. Cor. of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 4 T. 23 N., R. 3 E.W.P., running thence West $\frac{1}{2}$ mile and as shown upon the map of the County Engineer, and that from henceforth said road shall be a County Road of Not less than Thirty (30) nor more than 60 Feet in width, and that the same be opened according to law and that the Prosecuting Attorney commence condemnation proceedings to obtain right of way.

The time having arrived for the hearing in the matter of the establishment of the Bartram Station Road, same was taken up and fully considered, and it appearing to the Board that the road is a necessity and ought to be established, and the County Engineer having recommended that said road be established, it was on motion ordered by the Board, all the members concurring, that said road be and the same is hereby established, and that an award of \$1.00 each be made to all non-consenting owners of right-of-way, and that the Prosecuting Attorney be instructed to commence condemnation proceedings to secure unobtainable right of way:-

The following is a list of the non-consenting owners of right of way:-
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW

Sec. 34 Tp. 24 N. Rg. 3 E. Thos. Donald et al.
 ORDER OF INCAPABILITY was then issued RECITING that resolution therefor was passed on the 22nd day of July, 1919, and the County Engineer was directed to examine and report on same; that on the 22nd day of July, 1919, the County Engineer filed his report in writing, the 2nd day of September, 1919, was set for hearing on same; and that the probable cost of the construction of the road will be \$200.00; and ORDERING that the Bartram Station Road be established as follows:

Said Road commences at a point in the center line of Road No. 1019 approximately 560 ft. east from the W. $\frac{1}{2}$ cor. of Sec. 24 T. 24 N.R. 3 E.W.P. and runs thence southwesterly to the west line of said Sec. 24 and as shown upon the map of the County Engineer, and that from henceforth said road shall be a County Road of Forty (40) feet in width, and that the same be opened according to law.

The time having arrived for the hearing in the matter of the establishment of the Bartram Railroad Crossing, same was taken up and fully considered, and it appearing to the Board that the road is a necessity and ought to be established, and the County Engineer having recommended that said road be established, it was on motion ordered by the Board, all the members concurring, that said road be and the same is hereby established, and that an award of \$1.00 be made to each non-consenting owner of right of way, and that the Prosecuting Attorney be instructed to commence condemnation proceedings.

The following is a list of the non-consenting owners of right-of-way:-
 C. B. Hillman's Tract 411 Albert Lindberg

Lake Washington. Hillman Investment Co.
 Garden of Eden Tract 400
 Div. No. 6.

ORDER OF INCAPABILITY was then issued RECITING that resolution therefor was passed on the 7th day of July, 1919, and the 22nd day of July, 1919 the County Engineer filed his report in writing, stating among other things that the probable cost of construction would be \$1200.00, and the 2nd day of September, 1919, was set for hearing on same; and ORDERING that the Bartram Railroad Crossing Road be established as follows:

Said road commences at a point on County Road No. 1177 known and designated as Engineer's Station 6 + 54.5 in the N.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 24 T. 24 N. R. 3 E.W.P. running thence in a southerly direction a distance of 1191 ft. to Engineer's Station 16 + 30.55 on said County Road No. 1177 in the N.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 23, T. 24 N. R. 3 E.W.P. and as shown upon the map of the County Engineer, and that from henceforth said road shall be a County Road of Sixty (60) feet in width, and that same be opened according to law.

The time having arrived for the hearing in the matter of the establishment of the Charles Jacobson County Road, same was taken up and fully considered, and it appearing to the Board that the road is a necessity and ought to be established, and the County Engineer having recommended that said road be established, it was on motion ordered by the Board, all the members concurring, that said road be and the same is hereby established, and that an award of \$1.00 be made to each non-consenting owner of right of way, and the Prosecuting Attorney be instructed to commence condemnation proceedings to secure unobtainable right-of-way.

The following is a list of the non-consenting owners of right-of-way:

E 30' SW SW	30-225-2E	Bertine Rosenthal	0.01
W 30' E $\frac{1}{2}$ SW SW	" "	Martha Edith Pumpelly	0.
W 30' N $\frac{1}{2}$ SW SW	" "	Bela Jackson	0.02
W 30' S $\frac{1}{2}$ SW SW	" "	Elmer E. Calhoun	0.02
E 30' N $\frac{1}{2}$ SW SW	" "	F. H. Callender	0.23
Part of T $\frac{1}{2}$ SW SW	" "	G. W. Peterson	0.05
" " Lot 3	" "	Frank Conley	1.96

Addition		Lot	Size		
Imperial	North to Ballard	1	1	H. W. Treat	0.04
"	"	42	1	C. E. Jackson	0.04
"	"	1	2	Wm. Schoenfeld	0.04
"	"	42	2	Alla Paul Chamberlain	0.04
"	"	1	3	A. V. Mackie	0.04
Ballard Park End	"	1	6	Mary A. Crawford	0.07
"	"	22	5	Johnnie A. Norburn	0.07
"	"	1	5	Sigurd J. Stevenson	0.07
"	"	22	4	Anna Baland	0.07
"	"	1	4	H. S. Calhoun	0.07
"	"	22	3	L. H. Carver	0.07
"	"	1	3	Kstel May Woodward	0.07

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Ballard Park End	51-52	2	Walter Bennett	0.20
"	1-2	2	J. E. Hubbard	0.11
"	3-4	2	Charles Knute	0.04
"	2 to 6	1	L. J. Neilson	0.16
"	7	1	A Biswanger	0.02
"	8	1	H. P. Roland	0.01

ORDER OF ESTABLISHMENT was then issued RECITING that petition therefor was filed on the 26th day of November, 1917 together with a satisfactory bond in the sum of \$300.00 and the County Engineer was duly directed to examine and report on same, that on the 28th day of July, 1919, the County Engineer filed in the office of the Board his report, stating, among other things, that the able cost of the road would be \$8000.00, and the 2nd day of September, 1919, was set for hearing on same; and ordering that the Charles Jacobson Road be established as follows:

Said Road commences at a point known as the intersection of W. 85th St. and 28th Ave. N.W. in the City of Seattle, Wash. being the Southwest Corner of the SW $\frac{1}{4}$ of Sec. 35, T. 26 N., R. 3 E.W.M. King County, Washington, running thence North on said 28th Ave. N.W. as laid out and established or as produced 225.35 ft., thence Northwesterly and westerly to a point where it intersects the right-of-way of the Great Northern Railway and the beach of Puget Sound and ending at a point in Lot 1, Section 34, T. 26 N., R. 3 E.W.M. and as shown upon the map of the County Engineer, and that from henceforth said road shall be a County Road of not less than Sixty (60) nor more than 100 feet in width, and that the same be opened according to law, and that the Prosecuting Attorney commence Condemnation Proceedings to secure unobtainable right-of-way.

The time having arrived for the hearing in the matter of the establishment of the J. H. Skirving No. 2 Revision Road, same was taken up and fully considered and appearing to the Board that the road is a necessary and ought to be established, and the County Engineer having recommended that said road be established it was on motion ordered by the Board, all the members concurring, that said road be and the same is hereby established; that an award of \$1.00 be made to each non-consenting owner of right of way, and that the Prosecuting Attorney be instructed to commence condemnation proceedings to secure unobtainable right-of-way.

The following is a list of the non-consenting owners of right-of-way:

SW $\frac{1}{4}$ 13-21-5	Robt. B. Neilson	} 3.07
	Geo. C. Johnson	
	Lars Johnson	

ORDER OF ESTABLISHMENT was then issued RECITING that Resolution therefor was passed on the 12th day of May, 1919, and the County Engineer was directed to examine and report on same; that on the 18th day of July, 1919 the County Engineer filed his report, and the 2nd day of September was set for hearing on same; and ORDERING that the J. H. Skirving No. 2 Revision Road be established as follows:

Said road commences at a point on the E. E. Howard Road No. 909, Sec. 12, Twp. 21 N., R. 3 E.W.M., designated as Eng. Sta. 172 + 75; running thence in a general Northeasterly direction to the center of Sec. 12, Twp. 21 N., R. 3 E.W.M. and as shown upon the map of the County Engineer, and that from henceforth said road shall be a County Road of not less than 40 nor more than 60 feet in width, and that the same be opened according to law, and that the Prosecuting Attorney commence condemnation proceedings to procure unobtainable right of way.

On motion the resignation of James Agnew as Bridge Tender on the Fourteen Avenue South Bridge, was accepted, and Mr. McElhenny was appointed to fill the vacancy.

Petition was filed by the Seacoma Beach Improvement Co., et al. for the vacation of a portion of the plat of Crescent Beach, and on motion hearing was set for September 30, 1919, at 10 A.M.

Petitions were filed by Frank Benick, et al. for the vacation of the following County Roads, and on motion hearings were set for September 30, 1919 at 10 A.M.:-

- Louis Near Road No. 167.
- D. T. Denny Road, No. 127.
- V. L. Wardin Road, No. 178.

PERMIT No. 375, was granted to the Ozark Coal Mining Company to install 2" iron pipe line across County Road in three places to serve tenants on the Miller Estate property described as follows: S.W. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Sec. 28, Township 21 North of Range seven East, also to follow along the east side of road for 1500 feet running north, starting on the west side of C.M. & St. Paul Ry., subject to the following requirements and conditions:-

That a two (2") inch iron water pipe upon and across County Roads Nos. 412 and 202 in the SW $\frac{1}{4}$ of Section 28, Twp. 21, N.R. 7 E.W.M. be laid as follows:-
Upon Road #412: from its intersection with County Road #202 in (SW $\frac{1}{4}$ -SW $\frac{1}{4}$) run easterly a distance of 300 ft. more or less, that pipe to be laid nine (9) feet northeasterly from centerline of said roadway due care being taken not to obstruct a steel pipe culvert located between C.M. & St. P. Ry. Company's tracks and County Road Intersection.

Upon Road No. 202 and Crossing Road 412: Crossing County Road #412 at its intersection with Road #202 at a point 20 feet easterly thereof, then along Road #202 in the Northwesterly direction a distance of 300 feet, more or less that pipe be laid nine (9) feet out from center line of road way; pipe to be placed 24 inches below surface of ground.

EXHIBIT 6: Tax roll records

356680-0215-04 CO- CN- SN- BOCAR PARTNERSHIP 2740 NW 87TH APT. 112 SEATTLE WA 98117	38 THRU 42 1 IMPERIAL HEIGHTS ADD TO BALLARD LESS W 9.5 FT OF LOT 42 FOR ST	10,95493 9110010L	127400	139566	P	139566	139566	5/14/11 1598829 11/04/11 1110107
356680-0240-03 CO- CN- SN- HAGEN GUNNAR KOLL 2657 NW 87TH SEATTLE WA 98117	1-2-3 2 IMPERIAL HEIGHTS ADD TO BALLARD	10,95493 9110010L	65800 91800	172650	P	172650	172650	5/02/11 1167718

Since Assessor's office was not able to tell us what happened we can conclude that the "legal change" meant to clarify that "LESS COUNTY ROAD" should change to be more specific like it does for the 356680-0215-04 parcel to state "LESS W 9.5 FT OF LOT 42 FOR ST". For the parcel 356680-0240-03, Lot 1, block 2, Imperial Heights add to Ballard it should have been changed to "LESS W 9.5 FT OF LOT 1 FOR ST".

1989-1973 - Tax roll records showing LESS COUNTY ROAD as part of the description for both properties discussed.

356680-0215-04 CO- CN- SN- BODINE A L & CARD G A 505 PARADISE LANE EDMONDS WA 98020	38 THRU 42 1 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	13,56160 8870010L	127400	172775	P	172775	172775	5/08/79 9211550 11/06/79 9106685
356680-0240-03 CO- CN- SN- HAGEN GUNNAR KOLL 2657 NW 87TH SEATTLE WA 98117	1-2-3 2 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	13,56160 8870010L	43000 48900	124903	P	124903	124903	5/09/79 9261323 10/11/79 9593952

356680-0215-04 CO- CN- SN- BODINE A L & CARD G A 505 PARADISE LANE EDMONDS WA 98020	38 THRU 42 1 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	13,42691 8870010L	141200	189588	P	189588	189588	5/12/78 8511302 11/04/78 8528359
356680-0240-03 CO- CN- SN- HAGEN GUNNAR KOLL 2657 NW 87TH SEATTLE WA 98117	1-2-3 2 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	13,42691 8870010L	41000 41900	109161	P	109161	109161	5/21/78 8064992 10/31/78 8473669
356680-0250-00 CO- CN- SN-	6 & 7 2 IMPERIAL HEIGHTS ADD TO BALLARD	13,42691 8870010L	37500 56200	109634	P	109634	109634	5/21/78 8064992

PARCEL NUMBER - NAME & ADDRESS	LEGAL DESCRIPTION	LEVY RATE EX	VALUATIONS TYPE-CODED - LAND I-BMFE	GENL TAX	SPEL ASMT	TOTAL	AMOUNT PAID	REC'D DATE
356680-0240-03 CO- CN- SN- HAGEN GUNNAR KOLL 2657 NW 87TH SEATTLE WA 98117	1-2-3 2 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	12,86022	41000 35400	98252	P	98252	98252	5/05/77 7554466 10/01/77 7248672

356680-0215-04 CO- CN- SN- BODINE A L & CARD G A 505 PARADISE LANE EDMONDS WA 98020	38 THRU 42 1 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	11,48506 8670010L	141200	162169	P	162169	162169	5/06/76 6552099 11/23/76 6036358
356680-0240-03 CO- CN- SN- HAGEN GUNNAR KOLL 2657 NW 87TH SEATTLE WA 98117	1-2-3 2 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	11,48506 8670010L	24400 41400	75572	P	75572	75572	5/05/76 6517339
356680-0250-00	6 & 7 2 IMPERIAL HEIGHTS ADD TO BALLARD	11,48506 8670010L	23500		P	109409	109409	5/28/76 6425917

356680-0215-04 CO- CN- SN- BODINE A L & CARD G A 505 PARADISE LANE EDMONDS WA 98020	38 THRU 42 1 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	10,63204 8570010L	141200	150824	P	150824	150824	5/06/75 5540919 10/30/75 5631403
356680-0240-03 CO- CN- SN- HAGEN GUNNAR KOLL 2657 NW 87TH SEATTLE WA 98117	1-2-3 2 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	10,63204 8570010L	24400 41400	69959	P	69959	69959	5/01/75 5155060 10/03/75 5567839

356680-0215-04 CO- CN- SN- BODINE A L & CARD G A 505 PARADISE LANE EDMONDS WA 98020	38 THRU 42 1 10.0084 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	8470010L	120300	120398	P	120398	120398	4/30/4 4064365 11/05/4 4417368
356680-0240-03 CO- CN- SN- HAGEN GUNNAR KOLL 2657 NW 87TH 98117	1-2-3 2 10.0084 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	8470010L	24400 49900	74361	P	74361	74361	4/27/4 4081245 11/07/4 4301957
P A R C E L C O N T I N U E D O N N E X T P A G E								

356680-0215-04 CO- CN- SN- BODINE A L & CARD G A 505 PARADISE LANE EDMONDS WA 98020	38 THRU 42 1 9.81554 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	8370010L	120300	118081	P	118081	118081	4/12/3 3431876 11/03/3 3365437
356680-0240-03 CO- CN- SN- HAGEN GUNNAR KOLL 2657 NW 87TH SEATTLE WA 98117	1-2-3 2 9.81554 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	8370010L	24400 49900	72929	P	72929	72929	4/28/3 3121266 10/25/3 3298656

356680-0215-04 CO- CN- SN- BODINE A L & CARD G A 505 PARADISE LANE EDMONDS WA 98020	38 THRU 42 1 9.44300 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	8210010L	62100	58641	P	58641	58641	5/06/2 2141247 11/01/2 2232831
356680-0240-03 CO- CN- SN- HAGEN GUNNAR KOLL 2657 NW 87TH SEATTLE WA 98117	1-2-3 2 9.44300 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	8210010L	23400 41600	61379	P	61379	61379	8/30/2 2164812

356680-0215-04 CO- CN- SN- BODINE A L & CARD G A 505 PARADISE LANE EDMONDS WA 98020	38 THRU 42 1 88.925 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	8110010L	62000	55424	P	55424	55424	5/04/1 1158742 10/19/1 1316132
356680-0240-03 CO- CN- SN- HAGEN HALVOR R 12 ROYAL LAKE BRAINTREE MA 02184	1-2-3 2 88.925 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	8110010L	23400 41500	58012	P	58012	58012	5/08/1 1430944
356680-0250-00 SEATTLE WA 98117	6 & 7 2 88.925 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	8110010L	21800	59228	P	59228	59228	5/12/1 1432240

356680-0215-04 CO- CN- SN- BODINE A L & CARD G A 505 PARADISE LANE EDMONDS WA 98020	38 THRU 42 1 14.566 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	8010010L	41400	60303	P	60303	60303	4/23/0 0245502 10/30/0 0406124
356680-0240-03 CO- CN- SN- HAGEN HALVOR R 12 ROYAL LAKE BRAINTREE MA 02184	1-2-3 2 14.566 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	8010010L	9300 20900	43989	P	43989	43989	4/10/0 0177786
356680-0250-00 SEATTLE WA 98117	6 & 7 2 14.566 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	8010010L	8000					3/24/0

356680-0215-04 CO- CN- SN- BODINE R L & CARD G R 505 PARADISE LANE EDMONDS WA 98020	38 THRU 42 1 16.497 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	7910010L	41400	68297	P	68297	68297	4/20/9 9268031 11/01/9 9572154
356680-0240-03 CO- CN- SN- HAGEN GUNNAR K 2657 NW 87TH SEATTLE WA 98117	1-2-3 2 13.494 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	7910010L	9000 20900	40752	P	40752	40752	4/02/9 9068645 10/09/9 9439545
356680-0250-00 SEATTLE WA 98117	6 & 7 2 16.497 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	7910010L	8000	13692	P	13692	13692	4/20/9 9224244

356680-0215-04 CO- CN- SN- BODINE R L & CARD G R 505 PARADISE LANE EDMONDS WA 98020	38 THRU 42 1 17.109 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	7810010L	41400	70831	P	70831	70831	6/02/8 8254316 10/20/8 8566058
356680-0240-03 CO- CN- SN- HAGEN GUNNAR K 2657 NW 87TH SEATTLE WA 98117	1-2-3 2 17.109 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	7810010L	9300 20900	51669	P	51669	51669	3/22/8 8267284 10/16/8 8433403
356680-0250-00 SEATTLE WA 98117	6 & 7 2 17.109 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	7810010L	16700					6/05/8 8267284

356680-0215-04 CO- CN- SN- BODINE A L & CARD G A 505 PARADISE LANE EDMONDS WA 98020	38 THRU 42 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	1 19.143	77 T	0010L I	24200 1000	58003	F	58003	58003	4/29/77 7224577 6/27/77 5394289 11/18/77 7481520
356680-0240-03 CO- CN- SN- HAGEN GUNNAR K 2657 NW 87TH SEATTLE WA 98117	1-2-3 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	2 19.143	75 T	0010L I	24200 1000	64590	F	64590	64590	4/07/77 7066283 10/31/77 7547799

356680-0215-04 CO- CN- SN- BODINE A L & CARD GARY A 20129 GREENWOOD N SEATTLE WA 98133	38 THRU 42 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	1 13.461	74 T	0010L I	24200 1000	40787	F	40787	40787	5/03/76 6239797 11/03/76 6441106
356680-0240-03 CO- CN- SN- HAGEN GUNNAR K 2657 NW 87TH SEATTLE WA 98117	1-2-3 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	2 13.461	74 T	0010L I	6800 13500	26244	F	26244	26244	4/26/76 6181938 10/13/76 6445422

356680-0215-04 CO- CN- SN- BODINE A L & CARD GARY A 20129 GREENWOOD N SEATTLE WA 98133	38 THRU 42 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	1 21.317	75 T	0010L I	24200 1000		F			293 100
356680-0240-03 CO- CN- SN- HAGEN GUNNAR K 2657 N W 87TH SEATTLE WA 98107	1-2-3 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	2 21.317	75 T	0010L I	6800 13500		F			460 135

356680-0215-04 CO- CN- SN- BODINE ALLAN L CARD GARY A 20129 GREENWOOD N SEATTLE WA 98133	38 THRU 42 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	1 39.330	74 T	0010L I	12740 3450	63675	F	63675	63675	
356680-0240-03 CO- CN- SN- HAGEN GUNNAR K 2657 N W 87TH SEATTLE WA 98107	1-2-3 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	2 39.330	74 T	0010L I	3150 6310	37204	F	37204	37204	

356680-0215-04 CO- CN- SN- BODINE ALLAN L CARD GARY A 20129 GREENWOOD N SEATTLE WA 98133	38 THRU 42 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	1 040.11	73 T	0010L I	12740 9820	90488	F	90488	90488	6/18/73 3541853 10/18/73 3196811 11/11/73 3730560 11/11/73 3999999
356680-0240-03 CO- CN- SN- HAGEN GUNNAR K 2657 N W 87TH SEATTLE WA 98107	1-2-3 IMPERIAL HEIGHTS ADD TO BALLARD LESS CO RD	2 040.11	73 T	0010L I	3150 6310	37944	F	37944	37944	4/25/73 3762325 10/29/73 3975719

SERIALS 3-1075 AND TO BALLARD		COUNTY			
1	JAY A. JAMES		29	1	
2	JAY JACOB		28	1	
3	JAY JACOB		29	1	
4	J.R. JACOB		40	1	
5	J. J. JACOB		41	1	
6	J. J. JACOB	Law Co Mt	42	1	
7	W.C. JACOB	Law Co Mt	1	2	
8	W.C. JACOB		2	2	
9	W.C. JACOB		3	2	
10	WILSON SCHENKFIELD		4	2	
11	WILSON SCHENKFIELD		5	2	
12	W.C. JACOB		6	2	
13	W.C. JACOB		7	2	
14	W.C. JACOB		8	2	
15	W.C. JACOB		9	2	

1941

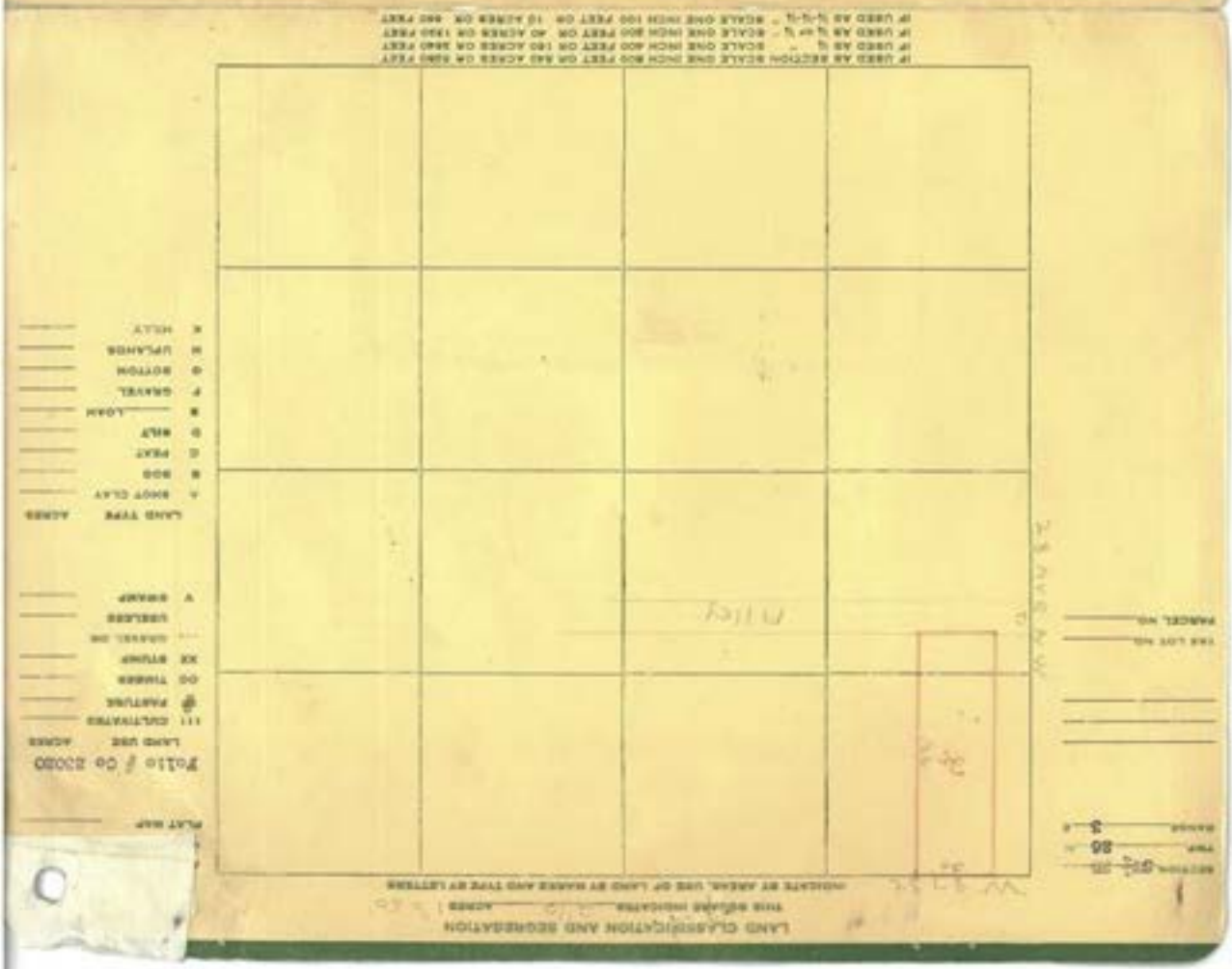
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REAL PROPERTY ASSESSMENT AND TAX ROLL
OF KING COUNTY, WASHINGTON FOR THE YEAR 1941

Serial	Name	Assessed Value	Market Value	Property Tax	Other Taxes	Total	Notes
1	JAY A. JAMES	29	1				
2	JAY JACOB	28	1				
3	JAY JACOB	29	1				
4	J.R. JACOB	40	1				
5	J. J. JACOB	41	1				
6	J. J. JACOB	42	1				
7	W.C. JACOB	1	2				
8	W.C. JACOB	2	2				
9	W.C. JACOB	3	2				
10	WILSON SCHENKFIELD	4	2				
11	WILSON SCHENKFIELD	5	2				
12	W.C. JACOB	6	2				
13	W.C. JACOB	7	2				
14	W.C. JACOB	8	2				
15	W.C. JACOB	9	2				

EXHIBIT 7: Assessor's Property Cards

DISTRICT		ROAD		SCHOOL		NEW OR		DECRE		700		1400		2040	
Raffle 1		Stable-4		1				356680-0240						2040	
RECORD OF ASSESSED VALUE					DATE	BY	REASON	LAND		BUILDING					
YEAR	AC.	LAND	BUILD.	TOTAL				DECREASE	INCREASE	DECREASE	INCREASE				
18															
1849		40	40	580											
1855		100	480	580	5-1-55	RV									
1857		100	980	1080	11-95	RV									
1858		150	980	1130											
1860		150	800	950	8-11-52	in	Damage per John B. B. B. B.								
1861		300	400	700	2-23	RV									
1865		350	1300	1650	10-2-53	RV									
1866		610	1310	1920	6-2-53	RV									
1861		700	1300	2000	1-14-52	RV									
1868		500	1400	1900	2-27-54	RV									
1867		700	1400	2100	2-2-54	RV									
71	L	2080	B	2800	T	4880*356680-0240-0 8/5									
1871		3100	B	4000	T	7511*356680-0240-0 9/71									
1872	L	2501	B	5010	T	7511*356680-0240-0 9/71									
1873	L	3150	B	6310	T	9460*356680-0240-0 9/71									



KING COUNTY RESIDENTIAL PROPERTY RECORD

MAJOR 3516180 MINOR 2242 Z FOLIO 23722

3 Address: IMPERIAL HEIGHTS ADD TO BALLAD

4 Qtr 3 Sec 35 Twp 26 Rpt 33 Block 773 Lot 561

5 Acres 565 Sub Area .10 6 Digs. No. 147

7 Address: 265 NW 87 ST

8 Description: lots 1-3 incl less cont.

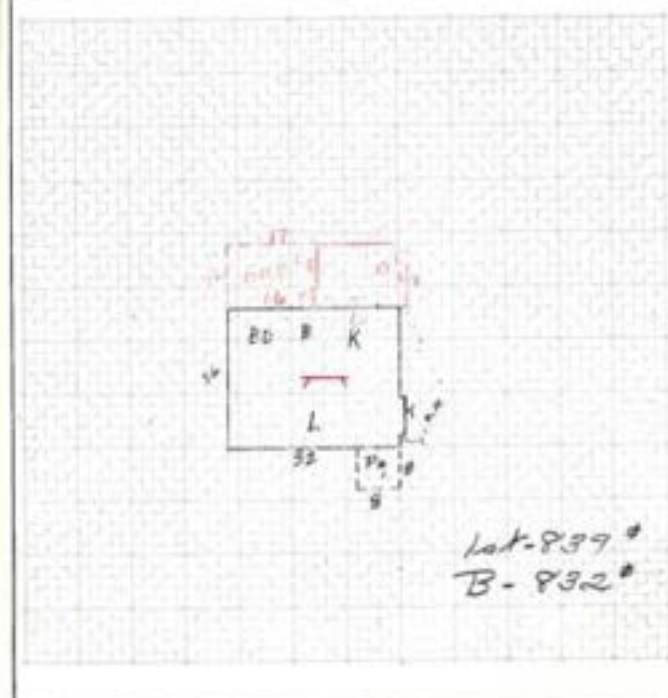
9 LAND ONLY UNDERWATER TIDELANDS



10A PERMIT INFORMATION

No. _____ Date Issued _____ P.V. _____
 Date Const. Started '16 Date Completed _____
 Date Occupied _____
 Revalued #10918 4/15/14 \$10,000 Section A
(H.E. SWINT - OWNER 157.632000) TOWN OF ALBU.

11 PLAT OF BUILDING Scale 1 CM = 10'



000 SHEET 1 OF 1

LAND

100	Zone Actual								
101	Zone Conformity	IN		X					
102	Hgt. & Best Use	IN		X					
103	Units	1	FF	2	SP	3	AC	X	ST
104	Lot Width								<u>75'</u>
105	Lot Depth								<u>47'</u>
106	Square Feet or Acres								
107	Lot Width or Acres (useable)								<u>5' 1 1/2'</u>
108	Lot Depth (useable)								<u>5' 1 1/2'</u>
109	Lot Wd. (standard)								<u>50'</u>
110	Lot Depth (standard)								<u>100'</u>
111	Unit Value								<u>6000</u>
114	Representative Site	150							<u>20</u>
115	Irregular	IN		X					
116	Corner	IN		X					
117	Grade	1	LW						
118	Slope	X	LV	2	5L	3	5L		<u>40</u>
119	Street Access	150							<u>20</u>
120	Water Front	X	W	2	SD	3	LK		<u>40</u>
121	Deck Suitability	IN							<u>20</u>
122	Tide Land	X							<u>20</u>
123	Alley	IN		X					
124	Cal. Dr. Set	X							<u>20</u>
125	Thru Street	IN		X					
126	Street Front	IN		X					
127	Curbs & Gutters	X							<u>20</u>
128	Sidewalks	X							<u>20</u>
129	Street Surface	1	C	2	BT	X			<u>40</u>
130	Street Condition	150							<u>20</u>
131	Street Traffic	IN							<u>1L</u>
132	Street Lights	IN							<u>40</u>
133	Water	X	WD	2	PR	3	A		
134	Water System	X	AD	2	1A				
135	Sanitary Sewers	IN		X					
136	Storm Sewers	X							<u>20</u>
137	Underground Utilities	X							<u>20</u>

VIEW

140	View Lot	X							<u>20</u>
141	View Ocean Range	150							<u>40</u>
142	View Cascade Range	150							<u>40</u>
143	View Mt. Rainier	150							<u>40</u>
144	View Fog, Sound	150							<u>40</u>
145	View Lake	150							<u>40</u>
146	View River	150							<u>40</u>
147	View City	150							<u>40</u>
148	Terrestrial View	150							<u>40</u>
149	View Utilization	150							<u>40</u>

NEIGHBORHOOD AND TOTAL PROPERTY

151	Predominant Use	X							<u>20</u>
152	Arch. Attractiveness	150							<u>20</u>
153	Landscaping	150							<u>20</u>
154	Unit Balance	150							<u>20</u>
155	Facets & Restra.	150							<u>20</u>
156	External Neighbors	150							<u>20</u>
157	Conf. Gen. Neigh.	150							<u>20</u>
158	Conf. Immed. Neigh.	150							<u>20</u>
159	Pres. to Trans.	150							<u>20</u>
160	Pres. to Soc. Service	150							<u>20</u>
161	Pres. to Public Service	150							<u>20</u>
162	Transit	150							<u>20</u>
163	Planning	150							<u>20</u>
164	Market Demand	150							<u>20</u>
165	Land Use Code								
166	Base Lot Value								<u>85000</u>
167	Permanent Rev. Needed								<u>0</u>
168	Obsolescence (Refers to land value)								

STAFF

170	Lead Date Date								<u>6/23</u>
171	Appraiser No.								<u>16037</u>
172	Reviewer No.								
173	Date								
174	Scale								

ASSESSORS FORM #34
REV. 8-1-72

NAJ
3 A
4 E
5
7 A
8 D

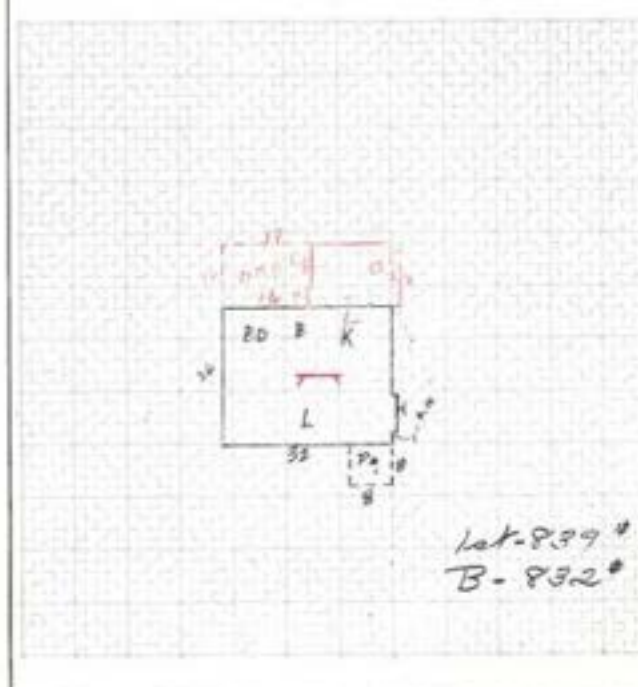
10 REMARKS



10a PERMIT INFORMATION

No. _____ Date Issued _____ P.V. _____
 Date Comm. Started 1/16 Date Completed _____
 Date Occupied _____
 Standard #1010918 41134 #10100 SECTION A
(H.S. Review - Land Use & Zoning) JAMES ADRI

11 PLAN OF BUILDING Scale 1/8" = 1'-0"



209 SHEET 1 of 1

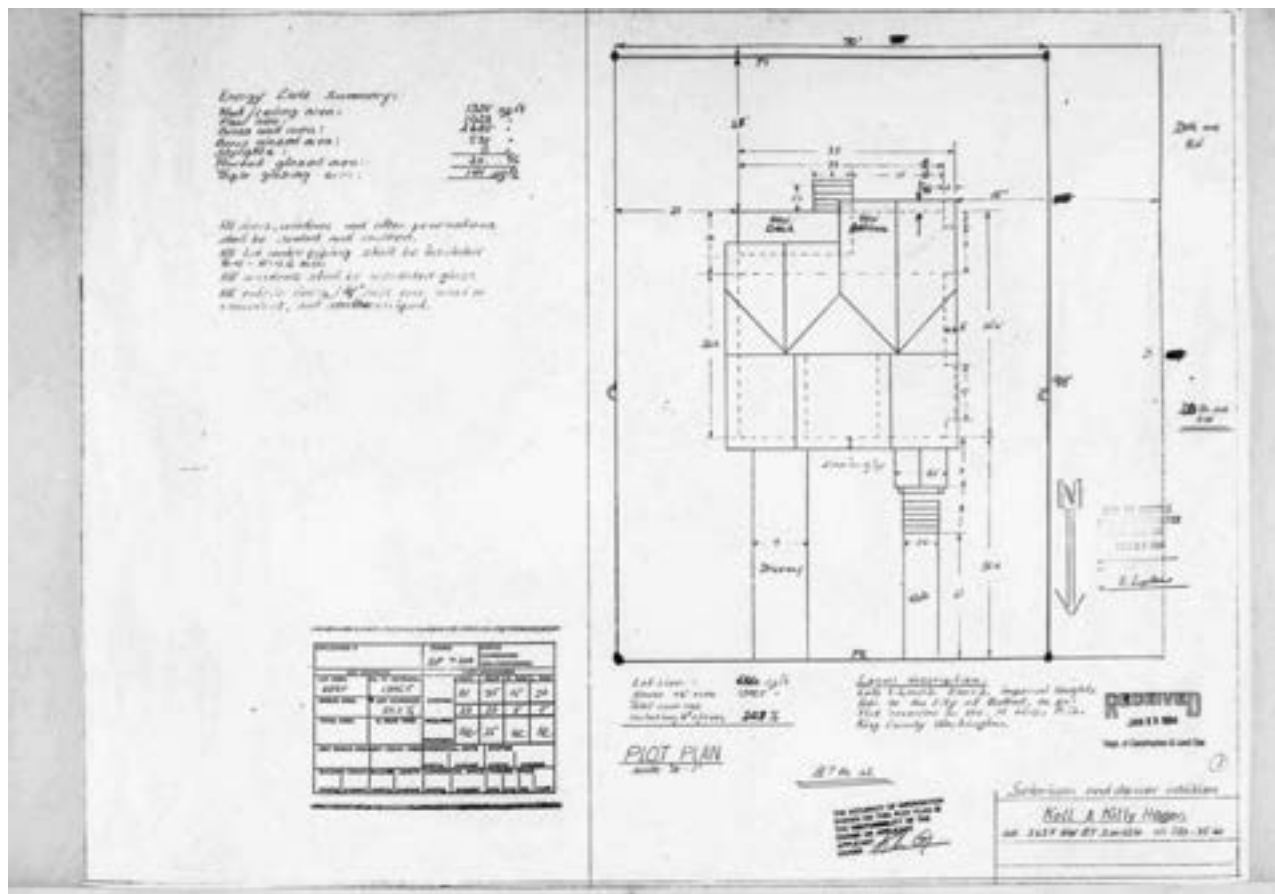
LAND	
100	Zone Actual
101	Zone Conformity
102	High & Best Use
103	Unit
104	Lot Width
105	Lot Depth
106	Square Foot or Acres
107	Lot Width or Acres (useable)
108	Lot Depth (useable)
109	Lot Wd. (standard)
110	Lot Depth (standard)
111	Unit Value
114	Representative Site
115	Irregular
116	Corner
117	Grade
118	Slope
119	Street Access
120	Water Front
121	Dock Suitability
122	Tide Land
123	Alley
124	Cul De Sac
125	Thru Street
126	Street Front
127	Curbs & Gutters
128	Sidewalks
129	Street Surface
130	Street Condition
131	Street Traffic
132	Street Lights
133	Water
134	Water System
135	Sanitary Sewers
136	Storm Sewers
137	Underground Utilities
VIEW	
140	View Lot
141	View Olympic Range
142	View Cascade Range
143	View Mt. Rainier
144	View Pop. Sound
145	View Lake
146	View River
147	View City
148	Territorial View
149	View Utilization
NEIGHBORHOOD AND TOTAL PROPERTY	
151	Prodominate Use
152	Arch. Attractiveness
153	Landscaping
154	Unit Balance
155	Signs & Weath.
156	External Nuisances
157	Conf. Gen. Neigh.
158	Conf. Immed. Neigh.
159	Prop. to Trans.
160	Prop. to Soc. Service
161	Prop. to Public Service
162	Trend
163	Planning
164	Market Demand
165	Land Use Code
166	Base Lot Value
167	Permanent Exp. Needed
168	Observations (Refers to land value)
STAFF	
170	Land Date Date
171	Appraiser No.
172	Reviewer No.
173	Date

BUILDING DATA

MAJOR 35668P WINDOW 24P FOLIO 23P2P

12 EXTERIOR Sd. & Brn. Shingle Rustic Shake Ced./Sid. Conc. Blk. Plywood Brick Veneer S Stone S Other		19 ROOM DETAIL No. <u>6</u> B I A S 2 Entry Dining Pa/De/R Bedroom / 2 Bath / / Living / Kitchen / Utility		24 INSULATION Walls <input checked="" type="checkbox"/> Ceiling Other 25 KITCHEN Est. Area <input checked="" type="checkbox"/> Ades. <input type="checkbox"/> Insul. Cabinets <input checked="" type="checkbox"/> Ades. <input type="checkbox"/> Insul. Cab. Mat. SS <input checked="" type="checkbox"/> S G C.N. Mat. SS <input checked="" type="checkbox"/> S G Remodeled No <input checked="" type="checkbox"/> Yes		BUILDING DATA 200 Condo <input type="checkbox"/> Coop <input type="checkbox"/> Pass. Ten. Units <u>20</u> 201 Use Type <input checked="" type="checkbox"/> SM 202 Year Built <u>19/16</u> Cost Year <u>17</u> 203 Depreciation Table 204 Functional <u>155</u> <input checked="" type="checkbox"/> <u>10</u> 205 Condition <u>155</u> <input checked="" type="checkbox"/> <u>10</u> 206 Workmanship <u>155</u> <input checked="" type="checkbox"/> <u>10</u> 207 No. of Stories <u>1</u> 208 Total Rooms <u>6</u> 209 Entry <u>3</u> 210 Dining <u>3</u> 211 Pan/Dee/Res. <u>3</u> 212 Bedrooms <u>2</u> 214 Utility Type Rooms <u>1</u> 215 No. of Bathing <u>2</u> 216 Ades. Electric <u>155</u> <input checked="" type="checkbox"/> <u>10</u> 217 Ades. Plumbing <u>155</u> <input checked="" type="checkbox"/> <u>10</u> 218 Ades. Garage <u>155</u> <input checked="" type="checkbox"/> <u>10</u> 219 Ades. Storage <u>155</u> <input checked="" type="checkbox"/> <u>10</u> 220 Bath. Garage Area 221 Lock. Area	
13 ROOF Hip <input checked="" type="checkbox"/> Comp. Gable <input checked="" type="checkbox"/> Tile/Slate Shed Tar/Gravel Flat Shingle Curters <input checked="" type="checkbox"/> Drain Shake <input type="checkbox"/> Lgt. <input type="checkbox"/> Mry. Other		26 FLOORS HW Conc. Tile 3 SW 1 RMC 2 Lins. Other		27 PLUMBING 1 Tub 2 Basin 2 Toilet Shower St. Baths Full 2 3/4 1/2 Grade SS <input checked="" type="checkbox"/> S G 1 Sink 1 HW Tank 1 Laundry Conn. <u>SHUT OFF</u> 1 Other Sinks <u>SHUT OFF</u> 1 Roughed in Sinks <u>SHUT OFF</u> Other		BUILDING COST DATA 222 Per Car Compliance 223 H.V. 19 <u>2</u> Steel % 224 Grade <u>AV 0171</u> Variation <u>05</u> 225 Tot. Floor Area <u>840</u> 226 Upper Floors Area 227 Hall Entry Area 228 Unit Floor % 229 Fin. Area Grade <u>07</u> Area <u>570</u> 230 Strip, no Unit Area 1H 2T 3P 231 Total Bath. Area <u>890</u> 232 Fin. Bath. Grade <u>07</u> Area <u>150</u> 233 Dayline Bath. <u>5N</u> <input checked="" type="checkbox"/> 234 Est. Brick % 235 Heating Source 1 <input checked="" type="checkbox"/> 2 G 3 BL 236 Heating System 1 F/W 2 G 3 BL 237 Heating Area <u>1560</u> 238 Control Cooling Costs \$ 239 Bathrooms Full 1 3/4 1/2 240 H.W. Tank/Sink/Laundry 241 Other Single Plumbing Outlets 242 Fireplaces Single <u>0</u> Multi-F. <u>17</u> 243 Fireplace Add Outlets 244 Parch 1 DR <input checked="" type="checkbox"/> OP 3 En Area <u>600</u> 245 Parch 1 DR 2 OP 3 En Area 246 Parch 1 DR 2 OP 3 En Area 247 Additional Costs \$ <u>660</u> 248 Garage Att. Area	
14 WINDOWS Wood <input checked="" type="checkbox"/> Steel Alum. <input checked="" type="checkbox"/> Sl/Cl/Dr Other		20 BUILT-INS NO. 3 B. BD. Disp. D.W. Intercom Fan. & Hd. App. Is. Vacuum Stoves Rng. & Ov. St. <input checked="" type="checkbox"/> D Dbl. Oven St. <input type="checkbox"/> D Other		28 FIREPLACE NO. 1 1 Est. 2nd. 1 Spl. Fr. St. 1 Brick Stone Grade SS <input checked="" type="checkbox"/> S G Other		29 PORCH No. 1 <input checked="" type="checkbox"/> OP Enc. 1 Sn. No. 2 <input type="checkbox"/> OP Enc. Sn. No. 3 <input type="checkbox"/> OP Enc. Sn. Other	
15 FOUNDATION Concrete <u>6</u> Thick Concrete Block Post & Pier Other		31 ATTIC None Unfinished Finished Area <u>570</u> Grade SS <input checked="" type="checkbox"/> S G Stry. 1 N Y Y Y P Other		30 DECK No. 1 Conc. Wd. Cvd. No. 2 Conc. Wd. Cvd. No. 3 Conc. Wd. Cvd. Other		30a SOURCE OF DATA Owner <u>8157</u> Tenant N.H. <u>6-15-75</u> N.H. Card <u>6-15-75</u> Card Returned	
16 FLOOR CONST. Fl. Joists <u>2 x 8</u> Bridged <u>16 o.c.</u> Post & Beam <u>6x6x8x8</u> Spd Bearing <u>2 x 4</u> Concrete Slab Midden		32 BASEMENT None <input type="checkbox"/> Part <input checked="" type="checkbox"/> Full Finished Res. No. <u>1</u> Finished Area <u>1500</u> Grade SS <input checked="" type="checkbox"/> S G 1 Dayline Bath. Garage X Other		32 HEATING D.I. Gas Elec. P/W Grv. Rdn. BB <input checked="" type="checkbox"/> F.A. HW Conversion Ades. <input type="checkbox"/> Insul. Other		30b ACCESSORY IMPROVEMENTS 249 Gen. Det. Grade Area 250 Est. Year 19 Net Cond. % 251 Carpet Area <u>1600</u> 252 No. of Parking Stalls 253 Pool - Grade Area 254 Pool Est. Yr. 19 Net Cond. % 255 1 Poured 2 Concrete 3 Fib. gl. 4 Plastic 256 Concrete Area <u>2400</u> 257 Asphalt Area 258 Other Misc. Imp. Value \$ 259 Permanent Review Needed	
17 ELECTRIC Int. Fla. SS <input checked="" type="checkbox"/> S G Ext. Fla. SS <input checked="" type="checkbox"/> S G Other		33 MISCELLANEOUS IMPROVEMENTS Year Items Cost Gr Floor Roof Dimensions Area S.P.V. 1988 <u>DR 1</u> FR <u>8x8</u> 3x5 64 1989 <u>PAT</u> FR <u>8x8</u> 12x16 160 1989 <u>DR 2</u> FR <u>8x8</u> 3x30 240 1989 <u>DR 3</u> FR <u>8x8</u> 3x30 240		31 PRINCIPAL BUILDING Fl Dimensions Area Fl Dimensions Area Fl Dimensions Area 1 <u>26 x 32</u> <u>832</u> <u>26 x 32</u> <u>832</u> <u>12 x 22</u> <u>264</u> 1 <u>1 x 7</u> <u>7</u> <u>12 x 15</u> <u>180</u> <u>2 x 7</u> <u>14</u> 1 <u>3 x 7</u> <u>21</u> <u>7 x 7</u> <u>49</u>		31 STAFF 320 Building Date Date 321 Appraiser No. 322 Reviewer No.	
18 CONST CLASS Single Sub. Std. Double <input checked="" type="checkbox"/> Std. Solid Good Fin. Fab. Special		REMARKS 219 NO GAR 220 REMOVED 230 <u>REMOVED 6-15-75</u> 215 <u>BUILT-INS 8660</u> 240 <u>COVERED PATIO - C.P.E.Q.</u>		30 MISCELLANEOUS IMPROVEMENTS (continued)		31 PRINCIPAL BUILDING (continued)	

EXHIBIT 8: Blueprints for house addition 1984



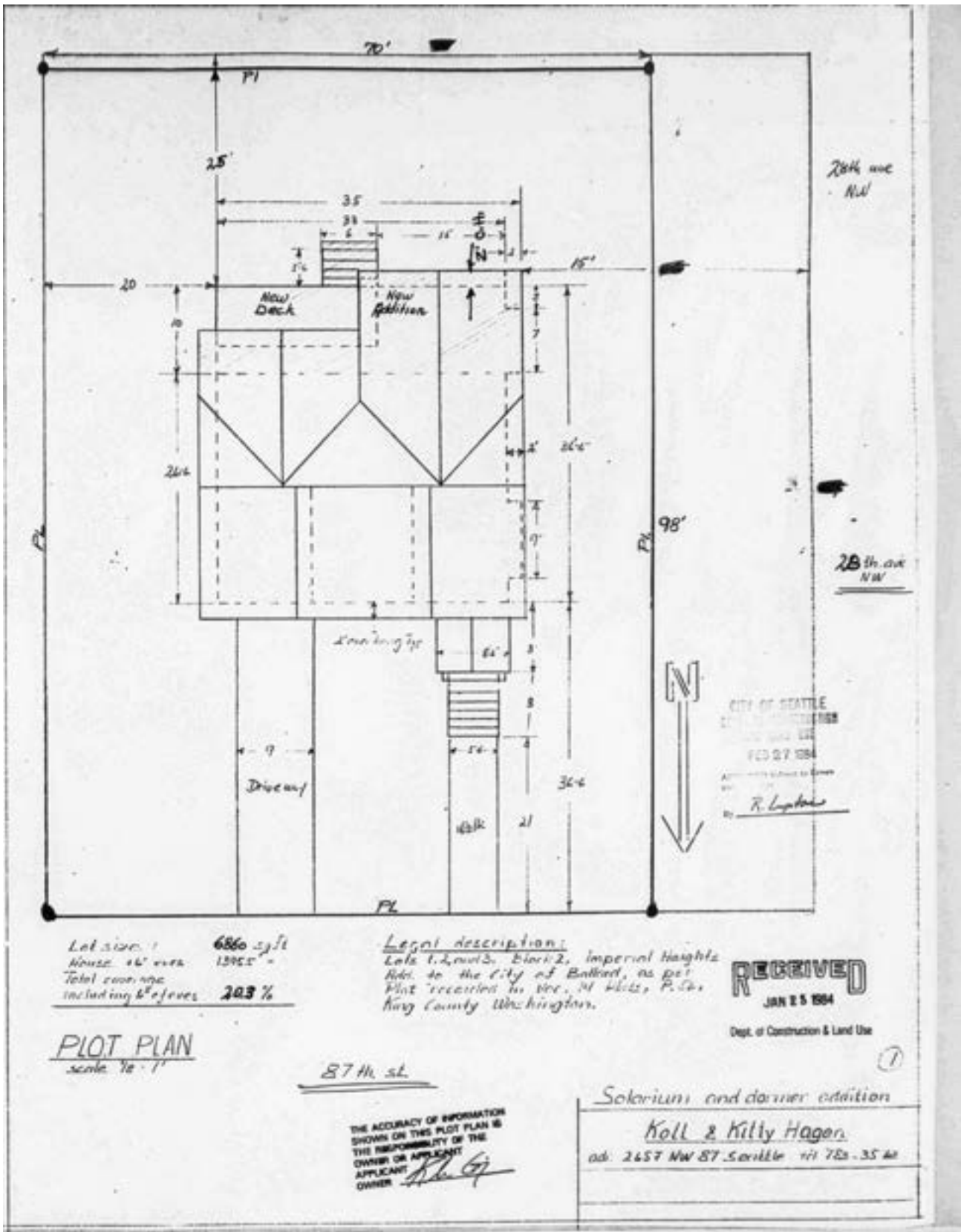
Lot size: 6860 sq ft
 House 46' wide 13955 "
 Total coverage including 6" eaves 203%

Legal description:
 Lots 1, 2, and 3, Block 2,
 Add. to the City of E
 Plat recorded in Vol.
 King County Washington

PLOT PLAN
 scale 1/8" = 1'

87th St.

THE ACCURACY OF INFORMATION
 SHOWN ON THIS PLOT PLAN IS
 THE RESPONSIBILITY OF THE
 OWNER OR APPLICANT
 OWNER *[Signature]*



Lot size: 6860 sqft
 House: 46' x 66' 13955' -
 Total coverage including 6' eaves: 203%

Legal description:
 Lots 1, 2, and 3, Block 2, Imperial Heights
 Add. to the City of Ballard, as per
 Plat recorded in Vol. 14412, P. 54,
 King County Washington.

RECEIVED
 JAN 25 1984
 Dept. of Construction & Land Use

PLOT PLAN
 scale 1/8" = 1'

87th st.

THE ACCURACY OF INFORMATION SHOWN ON THIS PLOT PLAN IS THE RESPONSIBILITY OF THE OWNER OR APPLICANT APPLICANT
R. Lupton

Solarium and dormer addition
Koll & Killy Hagen
 ad. 2657 NW 87th Seattle WA 98147-3540

EXHIBIT 9: Incorrect Notice



single family residence

Comments may be submitted through: 01/03/2021

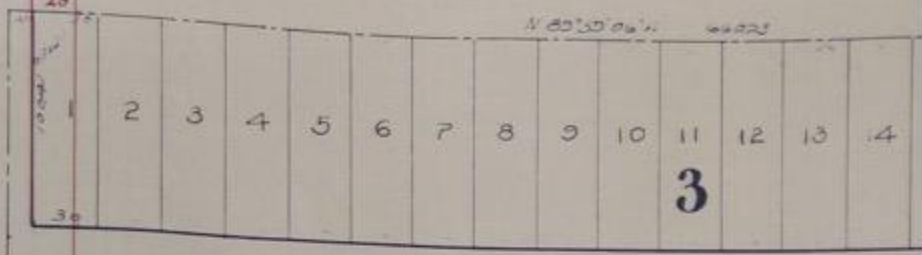
The following approvals are required:

Special Exception

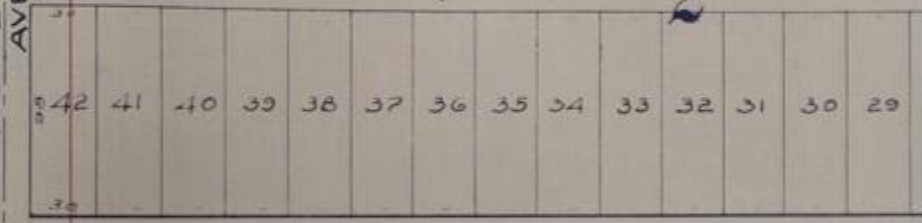
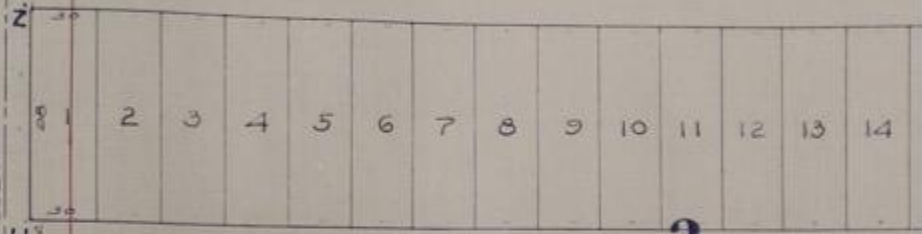
EXHIBIT 10: Plat Book

UNPLATTED

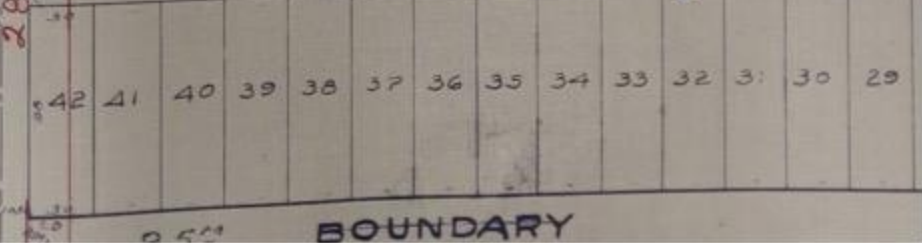
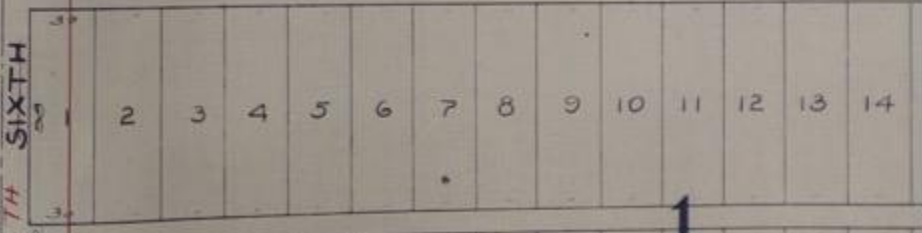
N 87° 30' 00" W 100.00'



W 87th JOHN



DOLORES W. 86th



BOUNDARY

UNPLATTED

N 01° 22' 21" E 66.62'

AVE

28th SIXTH

EXHIBIT 11: Emails between SDCI and Owner/Agent

Subject: Re: Koll - Information regarding Seattle's Department of Planning & Development, Building Site Opinion Letters, also, ordered preliminary title

From: Jim Rockwell (jimrockwell@yahoo.com)

To: gkoll64@gmail.com;

Date: Friday, February 3, 2017 2:02 PM

Hi Koll,

I did order the preliminary title information for your home as it is something that the City of Seattle will want to give you the most complete answer as you move forward. It will straighten out how wide lot 1 is also, as it should show if you or any past owner ever did transfer ownership of 10 feet to the city. That transaction, if it ever happened, would have a recording number attached to it.

Right now I believe there might be a discrepancy that should be able to be resolved right up front in that the information I have does match up to the map you gave me this morning and it shows your lot being 98' east/west and 90' north/south. My concern is that when the person goes to divide this lot, regardless of who it is, will run into the city wanting to expand 28th to match the width on the north side of 87th, where it is clearly wider than south of 87th.

As mentioned in the first paragraph with respect to the title report, I feel this might have already been done in the past as you have mentioned that 10 feet of lot 1 is NOT owned by you, but the information available to us right now says lot one is 30 feet wide, just like lots 2 and 3.

Jim

Jim Rockwell / Designated Broker
DIRECT 206.226.6856 FAX 206.632.0097
EMAIL Jim@RockwellRealtyLLC.com
WEB www.RockwellRealtyLLC.com



From: Koll Hagen <gkoll64@gmail.com>
To: Jim Rockwell <jimrockwell@yahoo.com>
Sent: Thursday, February 2, 2017 8:05 PM
Subject: Re: Koll - Information regarding Seattle's Department of Planning & Development, Building Site Opinion Letters

Jim,
Thanks! Are you going to be at the office in the morning? I have some papers to show you and at the same time could pick up the forms you printed.
I plan to go to coffee at eight.
Koll

Subject: RE: Additional question from Jim Rockwell on a property in the Crown Hill neighborhood prior to going in for Legal Building Site Opinion letter.

From: McKim, Andy (Andy.McKim@seattle.gov)

To: jimrockwell@yahoo.com;

Date: Wednesday, February 8, 2017 3:41 PM

Hi, Jim.

The quarter-section map that I am able to view on my computer does not reflect that any portion of Lot 1 was lost through dedication for street. The lot as shown on our current maps has the same dimensions as Lot 1, Block 2 in the original 1907 plat. In preparing a legal building site letter we could look to see if there was a deed to the City, but when that happens, typically there is an accepting ordinance that is reflected on the quarter-section map.

Twenty-eighth Avenue NW is designated as an arterial, and according to SDOT's right-of-way improvement manual, the required right-of-way is 60 feet wide. (See: http://www.seattle.gov/transportation/sim_arterial_list.htm.) The actual width of the 28th Avenue NW right-of-way at this point is about 40 feet. In some cases where the right-of-way width of an arterial is substandard, dedication is required, according to SMC 23.54.015.B.2. Construction of a single house would not trigger the dedication requirement, according to SMC 23.54.015.D.2.b.1, but it appears an additional setback could be required, in lieu of a dedication, based on SMC 23.54.015.D.2.b.3 and 23.54.015.D.1.b. You may wish to look at these code provisions and if you have questions, talk to a Land Use Planner in our Applicant Services Center on the 20th floor.



Andy McKim
Land Use Planner—Supervisor

City of Seattle Department of Construction and Inspections
P.O. Box 34019, Seattle, WA 98124-4019
P: 206.684.8737 | F: 206.233.7902 | andy.mckim@seattle.gov

"As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety and health in our communities."



From: Jim Rockwell [mailto:jimrockwell@yahoo.com]
Sent: Wednesday, February 08, 2017 11:28 AM
To: McKim, Andy <Andy.McKim@seattle.gov>
Subject: Additional question from Jim Rockwell on a property in the Crown Hill neighborhood prior to going in for Legal Building Site Opinion letter.

Hi Andy,

Thank you for getting back to me on the Crown Hill property. The owner is about 90% on moving forward with the Legal Building Site Opinion Letter, but has brought up an issue that I want to run by you AND, based on your reply I am likely to go come down to the Seattle DPD and wait in line to see the right person prior to going forward with the Legal Building Site Opinion letter.

This is the situation, the owner believes he has given up part of Lot 1 of Lot 1, 2 and 3 of Block 2, Imperial Heights addition to the City of Seattle so 28th AVE NW is 60 feet wide. Here is my problem. I had my title insurance provider, Ticor, run a preliminary title report and there is no mention of part of Lot 1 being handed over to the City of Seattle through any mean. All the maps I have show Lot 1 being 30 feet wide, the same as lots 2 and 3 respectively. They do not show any of Lot 1 being deceded to the city and there is nothing in the title report on the topic either.

What department should I go to at the Seattle DPD and is there any specific person you recommend I speak to?

As always, thank you for your help.

All the best,

Jim.

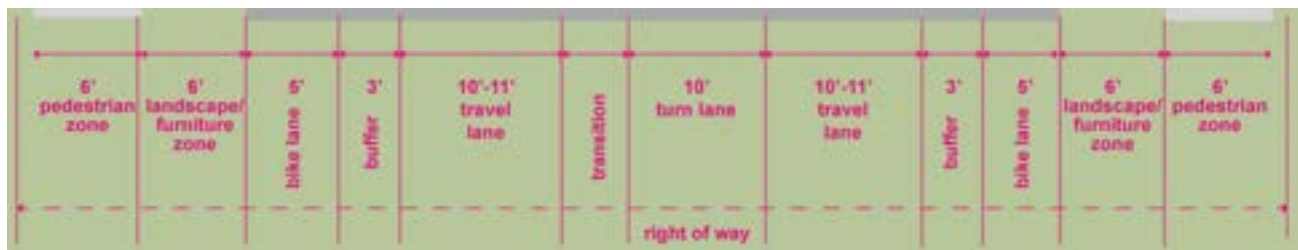
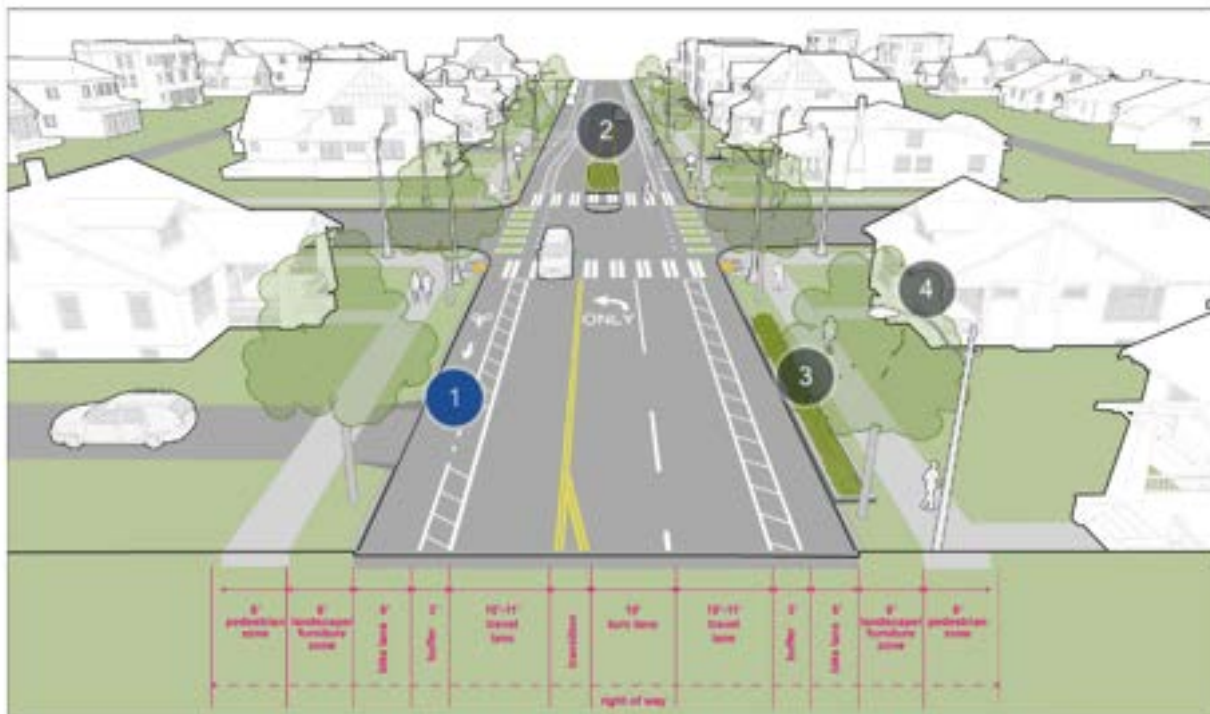
Rockwell 000538

EXHIBIT 12: Neighborhood corridor

2.12 NEIGHBORHOOD CORRIDOR

Last Updated: 4-11-2017

Neighborhood Corridor Streets are adjacent to single family and low-rise residential land uses and play an essential role in moving people and goods between Urban Villages, Centers, and the regional transportation network.



STREET RIGHT-OF-WAY (ROW) ZONES

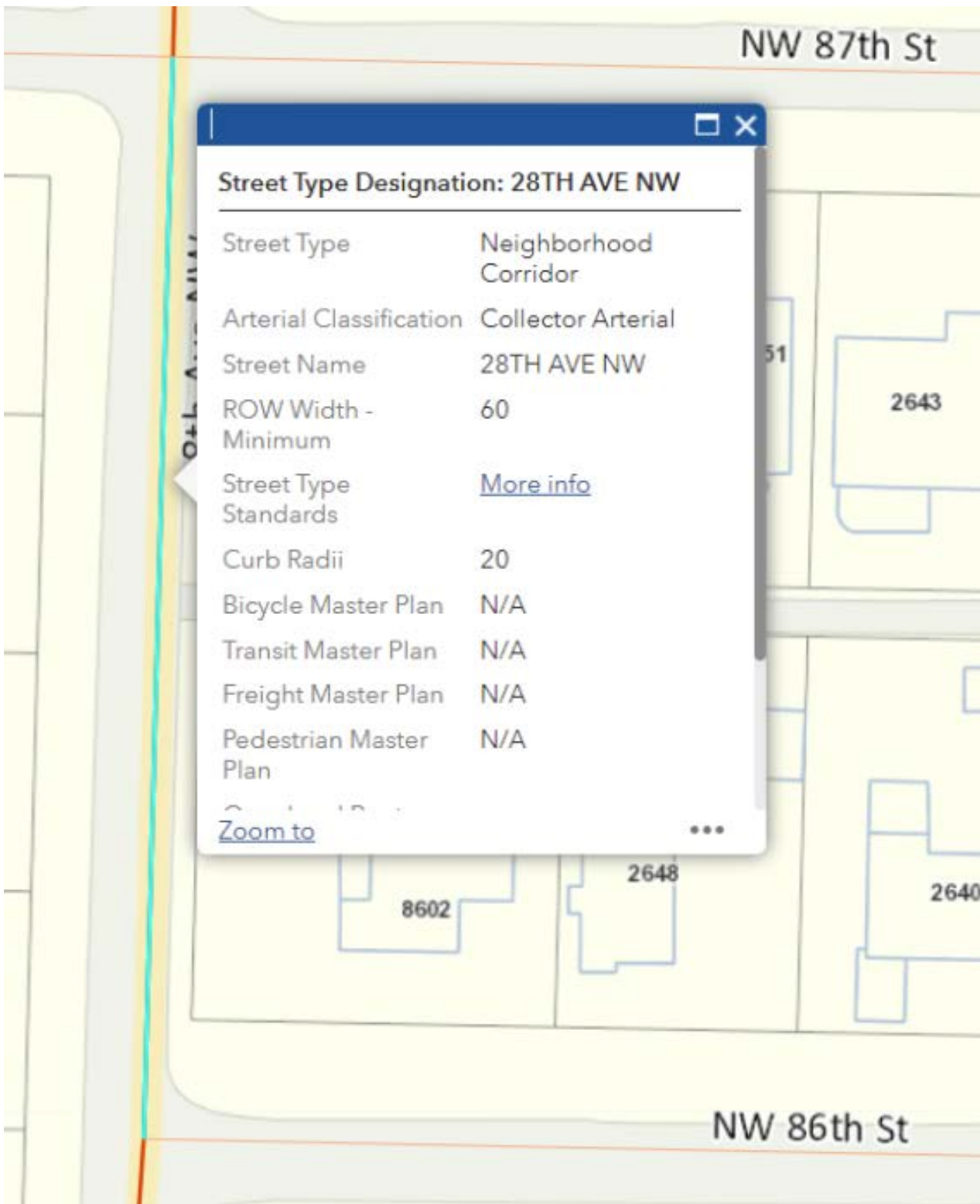


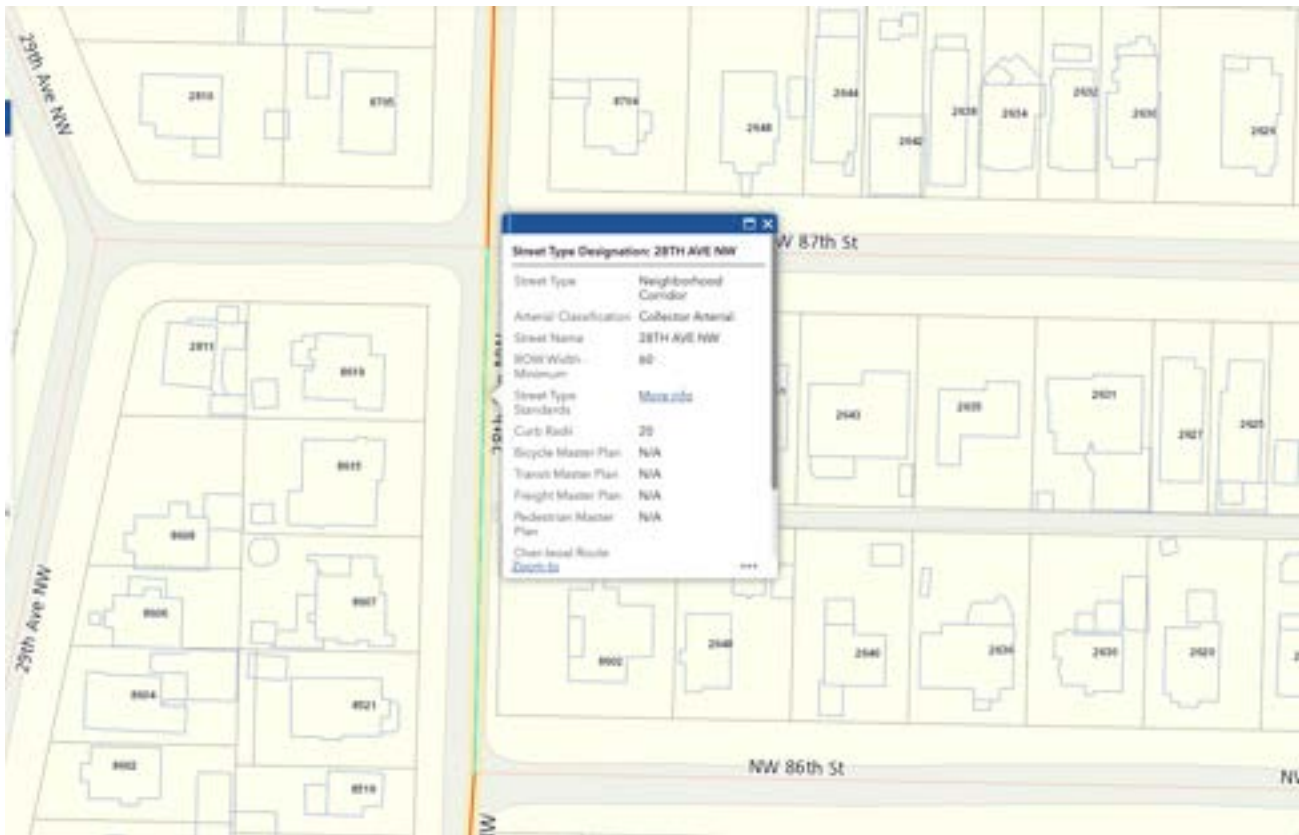
PEDESTRIAN REALM
 Comprised of frontage, pedestrian mobility, and furniture zones between the property line and the flex or travelway zones. This space includes the sidewalk, planting areas, bus shelters, sidewalk cafes, and bike racks.

TRAVELWAY
 Most often used for mobility purposes. Lanes can serve all modes or be dedicated to serve specific modes, such as a bus or bike lane.

FLEX ZONE
 An essential zone for people and goods, providing separation between moving vehicles in the travelway and people in the pedestrian realm. This zone can contain multiple uses along a street - including commercial deliveries, parklets, on-street parking, and taxi zones. It can be used for mobility at specific times of the day.







If you go to SDOT's "Street Types Map" at

<https://seattlecitygis.maps.arcgis.com/apps/webappviewer/index.html?id=dfeed51c66334b10a82e7a23dc42086f>

and you click on the section of the road at 28th ave NW, between 86th and 87th st. NW, you can clearly see that the ROW Minimum is 60 feet.

EXHIBIT 13: Pedestrian access and circulation improvements

There is a bus stop just about 60 feet from the lot. Metro bus Route 18. Clearly bus stop would be considered pedestrian access and circulation improvement.



This picture from google maps shows there is a pedestrian clearly using what anybody would consider "the pedestrian access and circulation improvement". You can also see the bus #18 is approaching.

This situation is only about 60 feet away from the subject lot. Many public comments on this are raising security concerns and not sure how seriously these comments were taken by SDCI.



There is also this pedestrian improvement less than 50 feet from the lot, and it has a curb separating it from the street.



This is clearly the "Pedestrian walkway". It is a hard or compacted surface walkway separated from the roadway.

Seattle right-of-way improvement manual states that the **Pedestrian walkway** means a surfaced walkway, separated from the roadway, usually of crushed rock or asphalt concrete, and following the existing ground surface (not at permanent grade).



Following google image shows intersection and another pedestrian walkway as defined by right-of-way manual and it clearly enables pedestrians to safely walk this stretch of the road. Same is not true alongside the subject lot where pedestrians are forced to walk on the street.





Neighborhood kid is stepping on the school bus as the car speeds in the opposite direction. Only few feet away from the proposed building site



School bus is literally few feet away from the proposed building site.

EXHIBIT 14: Right of way size for arterials

Lane width for arterials: The following standard arterial lane widths are used in the design of arterials:

Lane Type	Standard Arterial Lane Width	Standard Non-arterial Lane Width
Flex zone	8 feet minimum 9 feet recommended for Industrial Access street types and flex zones adjacent to street car lines	7 feet
Through travel lane	10 feet on one-way streets that are not on the Freight network or on a Transit route 11 feet for Urban Center Connector or Industrial Access street types	10 feet (except Neighborhood Yield street type)
Travel lane adjacent to oncoming traffic	11 feet	10 feet
Travel lane adjacent to curb	11 feet 12 feet on Industrial Access street type	10 feet (except Neighborhood Yield street type)
Bus only lane	11 feet	N/A
Turn only lane	10 feet 11 feet recommended on Industrial Access street type and on HCT and/or FTN transit routes	10 feet

Design Considerations

Location of roadway within the right-of-way: The roadway is typically centered in the right-of-way, but may be offset due to topography, existing utilities, or limited right-of-way width.

Considerations for developing minimum roadway dimensions should be made within the context of how the entire right-of-way will be developed over time. This includes public safety; available right-of-way; land use and zoning, current and projected roadway capacity; pedestrian facilities, landscaping (including natural drainage where allowable), bicycle facilities, freight and transit needs, and other intended uses of the public realm.