

From: [Charles Meyer](#)
To: [Lyman Howard](#)
Cc: [Lindsey Ozbolt](#)
Subject: King County Coucil Presentation by SHO
Date: Sunday, February 26, 2017 8:53:25 PM
Attachments: [KCC Presentation V5.pdf](#)

Good morning Lyman,

Thanks for taking the time to speak with me on Friday. Attached is a copy of the presentation SHO will be making to the King County Council later today. Three minutes doesn't provide much time, but I hope that we have hit the highlights. SHO is available to assist in the discussions/negotiations with King County in any way that you deem appropriate. We all would like to get the trail conflicts resolved and complete its construction sooner than later. Let me know if we can help.

Regards,

Chuck Meyer
SHO Treasurer
206-661-8305
Sent from [Outlook](#)

Testimony to 2/27/17 King County Council by Sammamish Homeowners

Sammamish Homeowners (SHO) is a volunteer organization serving the community along the east shore of Lake Sammamish. That community sees the East Lake Sammamish Trail (ELST) as an asset, though it has issues with trail design and with the County's assertion of ownership.

You may be aware of the long standing dispute between residents along the ELST and King County Parks over trail design. In Section 2B, the remaining section that is still in design, many of the homeowners' properties are bisected by the trail, or their houses are just a few feet from it. This is a unique situation that is likely not found in most if not all the other bike trails operated by King County Parks. It is overwhelmingly the source of the concerns of those negatively impacted by the widening and paving of the trail.

SHO wishes to offer three design solutions that will solve almost all of the problems the homeowners have with trail design:

1. Align the improved trail with the existing interim trail, or shift the centerline away from resident improvements, not toward them.
2. When the improved trail is *not* within a critical areas buffer, limit the total trail width to 16 feet. The national AASHTO guidelines for public multi-use paved trails¹ state that 12 feet of paving meets the level of service predicted by the County plus 2-foot gravel shoulders on each side of the paving.
3. When the improved trail is within a wetland or stream buffer, limit the total trail width to 14 feet. Mitigation sequencing requires that the width of the trail be minimized within such buffers. The minimum paved width according to AASHTO standards is 10 feet.

Not only will these design solutions resolve most of the conflicts, they will also bring trail design into conformance with City of Sammamish environmental regulations.

SHO would welcome the opportunity to meet with the County and the City of Sammamish to work out a trail design that is best for both the general public and the local community.

Ownership is the other big issue. Most of the former railroad right-of-way (ROW) is 100 feet wide. SHO is concerned about the County's claim of ownership of the entire ROW and the right to dictate its use beyond the trail itself. In 1887 various landowners gave easements to the railroad. The railroad quit-claimed those easements to King County to build a trail. The easements do not give King County ownership of the land itself; in most cases the landowners adjacent to these easements are the legal property owners. It is *not* possible in the State of Washington to convert an easement into property ownership. (If it were possible, no one would give anyone an easement.)

The Federal District Court decision, which the County is relying on for its ownership claim, is under appeal to the 9th Circuit Court of Appeals. Further, it only affects one deed² and 5 other properties for which the railroad never had easements. There are approximately 440 separate properties bordering the trail. The County's assertion that the Federal District Court's decision applies to all properties along the ROW is highly questionable and unsubstantiated.

¹ Guide for the Development of Bicycle Facilities, 1999, as amended, American Association of State Highway and Transportation Officials

² the Hilchkanum deed in Mint Grove