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November 5, 2018

City of Shoreline
City Council
17500 Midvale Avenue N.
Shoreline, WA 98133-4905
council@shorelinewa.gov

RE: BSRE Point Wells, LP's Objection to Shoreline Ordinance No. 847

To Whom It May Concern:

This firm represents BSRE Point Wells, LP ("BSRE"), the owner of Snohomish County Tax Parcel Nos. 27033500301100, 27033500302700, 27033500302800, 27033500303000, 27033500303800, 27033500303900, 27033500304000, 27033500304100, 27033500304400, 27033500304500 (collectively, "Point Wells"). BSRE hereby submits this objection to Shoreline Ordinance No. 847.

Shoreline has failed to provide proper notice of the proposed condemnation to the actual owner of the portion of Tax Parcel No. 270335-003-002-00 which is to be condemned (the "Property"). In addition, Shoreline has attempted to annex property owned by Snohomish County. Based on our review of the legal description of the Property, we have discovered the following:

Snohomish County records show that Joseph and Mary Bundrant (the "Bundrants") own residential property identified as Snohomish Tax Parcel No. 270335-003-002-00. This tax parcel purportedly includes a strip of land running to Richmond Beach Drive that connects the bulk of the Bundrants' parcel to Richmond Beach Drive (the "Connecting Property"). The bulk of the Bundrant parcel is within Woodway.

The Connecting Property is an approximate 10-foot strip of land that runs across Richmond Beach Drive at the entrance of the Point Wells property (upon which is currently operated a marine fuel terminal and asphalt transfer station operated by Alon Asphalt). This facility has been in continuous operation for over 100 years. The Connecting Property purportedly owned by the Bundrants separates the Alon Terminal from Richmond Beach Drive at the Terminal's southern entrance and would have connected with Heberlien Road that runs north through Point Wells.

Our research shows that the Connecting Property was transferred to Snohomish County as a road right-of-way (Heberlien Road) in 1943. Our research further shows that Snohomish County vacated Heberlien Road in 1962, but only that portion of Heberlien Road which runs through the Terminal (and through property up the slope to the east of the site). As a result of such vacation,

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the vacated property became part of what is now Point Wells and the Upper Bluff (owned by a third party). The Connecting Party was not part of the road vacated and therefore remained a road right-of-way.

Our review of the legal description in the chain of title for the Bundrants' property includes language that purports to transfer title of the Connecting Property to the Bundrants. However, conveyance language can only convey such property as was actually owned by the party transferring title. Our review of the relevant records reveals the existence of no such documentation to support the Bundrants' claim to the Connecting Party. Thus, the Connecting Property is still a public road right-of-way.

The review of the relevant records as well as an onsite inspection reveals that the Connecting Property has been and remains part of a public right-of-way which is necessary for the only access to Point Wells.

Because the Connecting Property is not owned by the Bundrants, Shoreline's notice of condemnation is legally deficient and procedurally lacking.

We understand Shoreline's motivations for initiating this condemnation proceeding. However, for the foregoing reasons, BSRE opposes Ordinance 847 and urges the Shoreline City Council to reject Ordinance 847 as it relates to property not owned by the Bundrants. To the extent that the Bundrants do own any property necessary for access to Point Wells or the lift station, we believe Snohomish County is the proper entity to bring any condemnation action at this time.

Best regards,



Jacque E. St. Romain

cc (via email): Client

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