

Archived: Monday, February 7, 2022 4:20:13 PM

From: [Tom McCormick](#)

Sent: Monday, February 7, 2022 4:16:40 PM

To: [agenda comments](#)

Subject: [EXTERNAL] Fwd: Perpetual access to beach parcel 0905 as part of Saltwater Park; no more fences, etc.

Sensitivity: Normal

Attachments:

[Iven McGarvey affidavit.pdf](#)  [Terry Larson affidavit.pdf](#) 

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Begin forwarded message:

From: Tom McCormick <tommccormick@mac.com>

Subject: Perpetual access to beach parcel 0905 as part of Saltwater Park; no more fences, etc.

Date: February 6, 2022 at 8:11:55 PM PST

To: Keith Scully <kscully@shorelinewa.gov>, Betsy Robertson <brobertson@shorelinewa.gov>, Chris Roberts <croberts@shorelinewa.gov>, Doris McConnell <dmcconnell@shorelinewa.gov>, Laura Mork <lmork@shorelinewa.gov>, Eben Pobee <epobee@shorelinewa.gov>, John Ramsdell <jramsdell@shorelinewa.gov>

Cc: Debbie Tarry <dtarry@shorelinewa.gov>, Margaret King <mking@shorelinewa.gov>, Julie Ainsworth-Taylor <jainsworth-taylor@shorelinewa.gov>

Councilmembers,

In the 1960's, the prior owner of beach parcel 0905, located at the southern end of 27th Ave NW, erected fences in a failed effort to close off beach access both from the north and south, to keep the public away.

An affidavit by Iven McGarvey, filed in court in 1985, states:

"I recall that approximately twenty to twenty-five years ago, two fences were erected enclosing the beach. That fencing attempted to close off the access at the north end of the beach and continued on the east side of the beach along the rocks below the railroad tracks, it then turned west at the south and ran to the water. This fence didn't last long. It was quickly removed by high tides and community beach users."

And an affidavit by Terry Larson, also filed in court in 1985, states:

"I also recall another fence which was built around the north end of the beach and turned on the beach by the rocks below the railroad. It ran at least 400 feet and then turned west to the Sound. This fence disappeared very quickly under the high use of the beach and high tides."

The affidavits (PDF copies attached) were filed in support of a lawsuit that residents filed after the railroad and some homeowners east of the railroad tracks blocked their long-used pathway to the beach; residents used to cross the railroad tracks by the Cabin Tavern, then climb down the rocks or wooden stairs to the beach (parcel 0905). Residents lost the lawsuit and their pathway to the beach, due largely to safety concerns raised by the railroad

Acquisition of beach parcel 0905, under threat of condemnation.

Once the City acquires beach parcel 0905, extending Saltwater Park northward by 400 feet to the bulkhead, the many members of the public who walk and picnic on beach parcel 0905, will never again have to worry that a private property owner might close off the beach to them, or chase them away on the false grounds that they are trespassing.

Thank you.

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1965 FEB 28 AM 9:51

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

SUPERIOR COURT CLERK
SEATTLE, WA.

RICHMOND BEACH PRESERVATION
FOUNDATION, a nonprofit
corporation,

NO. 84-2-11837-7

Plaintiffs,

AFFIDAVIT IN OPPOSITION
TO DEFENDANTS MOTION TO
DISMISS BY IVAN MCGARVEY
J.M.

vs.

ROBERT C. LARSON and COLLEEN J.
LARSON, husband and wife, et al.

Defendants.

STATE OF WASHINGTON }

ss.

COUNTY OF KING }

COMES NOW, ~~IVAN~~ *J.M.* MCGARVEY, having been duly sworn upon
oath and deposes and says:

1. I am a resident of Richmond Beach residing at 2536
Northwest 194th Place, Seattle, Washington 98177.

2. I and my family have been long-time residents of the
Richmond Beach area, and have frequently used the beach over the
years for picnics, sunning and swimming.

3. I have gone through my family photographs which are
shown on Exhibits "A", "B" and "C". Picture Number 1 shows my
grandmother and aunt enjoying the beach on a nice day in the
early thirties. I note the steps in the background that were in
place over the rocks leading down to the beach.

4. Picture number 2 was taken in the late thirties and
shows my mother, father and a friend enjoying a day on the beach.
The stairs which were shown in picture number 1 are shown in the
background.

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232 So. 2nd Ave., Suite 200
P.O. Box 1328
Kent, WA 98032
854-8118

AFFIDAVIT OF ~~IVAN~~ *J.M.* MCGARVEY...1

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5. Picture number 3 shows my father, brother, myself and friends having a picnic about 1946.

6. Picture number 4 which was taken in the early 1950's shows my father, grandfather, nephews and friends enjoying a picnic on the beach. The stairs are shown in the background.

7. Picture number 5 was taken in the early 1950's and shows my grandfather and friends relaxing in the sun.

8. Picture number 6 was also taken in the early 1950's and shows my parents and friends on the beach.

9. I recall that approximately twenty to twenty-five years ago, two fences were erected enclosing the beach. That fencing attempted to close off the access at the north end of the beach and continued on the east side of the beach along the rocks below the railroad tracks, it then turned west at the south end and ran to the water. This fence didn't last long. It was quickly removed by high tides and community beach users.

10. Another fence was put up along Richmond Beach Drive between 193rd and 195th by the railroad. This fence had a locked gate at the road entering the parking lot. The gate and the fence was continually broken through by community beach users and cars going to the beach. A "No Trespassing" sign by the locked gate disappeared with the fence.

Ivan McGarvey
IVAN MCGARVEY
J.M.

SUBSCRIBED AND SWORN to before me this 9th day of November, 1984.

AFFIDAVIT OF IVAN MCGARVEY...2
J.M.

G. A. Cantrell
NOTARY PUBLIC in and for
the State of Washington
residing at King County

Exhibit "A"



Picture Number 1



Picture Number 2

Exhibit "B"



Picture Number 3

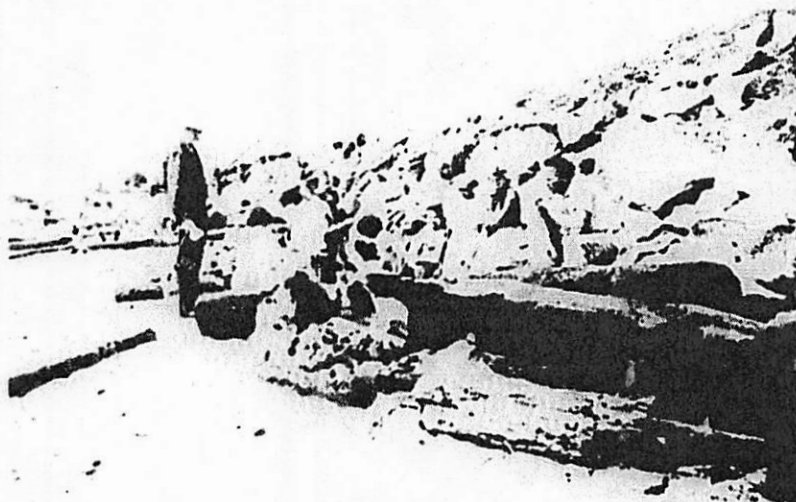


Picture Number 4

Exhibit "C"



Picture Number 5



Picture Number 6

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1985 FEB 28 AM 9:51

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

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3 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

4 RICHMOND BEACH PRESERVATION
5 FOUNDATION, a nonprofit
6 corporation.

7 Plaintiffs,

8 vs.

9 ROBERT C. LARSON and COLLEEN J.
10 LARSON, husband and wife, et al.

11 Defendants.

NO. 84-2-11837-7

AFFIDAVIT IN OPPOSITION
TO DEFENDANTS MOTION TO
DISMISS BY TERRY L.
LARSON

12 STATE OF WASHINGTON }
13 } ss.
14 COUNTY OF KING }

15 COMES NOW, TERRY L. LARSON, having been duly sworn upon
16 oath and deposes and says:

17 1. I have been a resident of Richmond Beach since 1951
18 and currently reside at 19511 - 23rd Ave. Northwest; Seattle,
19 Washington.

20 2. I and my family have used the beach quite regularly
21 since 1951 for walks, picnics, play and recreation, and I have
22 observed many other families using the beach.

23 3. Over the years there have at numerous times been
24 signs posted and policing of the area but that has not been a
25 deterrent for myself, my family or others in the Richmond Beach
26 community.

27 4. About eighteen to twenty years ago, I remember a
28 fence which existed for a very short time along Richmond Beach
Drive parallel to the beach and the railroad access. It had a

AFFIDAVIT OF TERRY L. LARSON...1

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MB

1 lock and a gate at the parking lot entrance, but did not stop
2 beach use.


3 5. I can recall one time shortly after the fence went
4 up when there was a brush fire on the beach and the fire truck
5 had to cut the gate lock to get to the fire.

6 6. I also recall another fence which was built around
7 the north end of the beach and turned on the beach by the rocks
8 below the railroad. It ran at least 400 feet and then turned
9 west to the Sound. This fence disappeared very quickly under the
10 high use of the beach and high tides.

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TERRY L. LARSON

SUBSCRIBED AND SWORN to before me this 9th day of
November, 1984.


NOTARY PUBLIC in and for
the State of Washington
residing at King County