

From: [Tom McCormick](#)
To: [Keith Scully](#); [Betsy Robertson](#); [Laura Mork](#); [Eben Pobe](#); [John Ramsdell](#); [Chris Roberts](#)
Cc: [agenda comments](#)
Subject: [EXTERNAL] Acquiring beach property is the right thing to do, despite passing on earlier opportunities. Agenda item 8(a), Ordinance 967.
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Hello Councilmembers,

Opponents of Ordinance 967 argue that because the City passed on opportunities to acquire the beach house, together with the adjacent, vacant beach property, in March 2020 (offered at \$2 million) and May 2021, it is wrong for the City now to consider using eminent domain to acquire the vacant beach property (appraised at \$110,000).

Circumstances have changed. There are at least five changed circumstances (discussed below), any one of which justifies the City acquiring the beach property now. Considering all five circumstances together, it's a no-brainer: The City must acquire the beach property now to secure continued safe beach access for everyone, forever.

1. The public becomes aware of squandered opportunity, then asks the City to acquire the beach property.

As part of my beach access investigation, I submitted a records request on April 30, 2021, asking for records pertaining to the beach house and the adjacent beach property. Six weeks later, on June 11, 2021, I received and reviewed records that included six internal City emails, sent on March 4 and 5, 2020, discussing whether the City should consider acquiring the beach house and the adjacent beach property. I wondered, why wasn't the public notified that acquiring these beach properties was under consideration? Why wasn't the public given a chance to provide input, to explain how acquiring the properties would secure safe beach access for everyone, forever.

One of the six emails was a one-sentence email, sent on March 5, 2020, by a Councilmember who resides on 27th Ave NW, to the City Manager, saying, "I do not wish for the city to purchase this property." She provided no rationale in her email. None of the six emails included any analysis about how acquiring the properties might satisfy priorities and policies in the City's written plans, such as its PROS Plan and Comprehensive Plan. These plans describe "acquiring shoreline and beach access" as a top priority and natural environment policy. There are only three possible locations in the City where additional beach access can be secured—two of them are via 27th Ave NW. The other location is very remote; it would require constructing a pedestrian overpass near the county line.

Concerned that the City failed to seek input from the public about the possible beach property acquisition, just three days later, I submitted a public comment to the City Council on the day of its June 14, 2021 meeting, asking among other things, that the City Council "authorize the use of eminent domain to acquire the property at the south end of 27th Ave NW, or to acquire an easement from BNSF to access the beach via the south end of 27th Ave. NW." This year, I submitted more public comments, asking the City Council to acquire the beach property. My public comments were entered into the record for the following City Council meetings, and

posted on the City's website for all to see: June 14, 2021; January 10, 2022; February 7, 2022; and May 9, 2022.

Circumstances have changed. Until recently, the City never heard from the public about whether it wanted the City to acquire the beach property. Because the City failed to inform the public in March 2020 and May 2021 that it was discussing the possibility of buying the beach properties, the public was deprived of an opportunity to voice its opinion. Only recently has the public voiced its opinion. There has been an outpouring of community support to acquire the beach property, to secure safe beach access for everyone, forever. The public is urging the the City Council to approve Ordinance 967 to acquire the beach property, despite passing on earlier opportunities.

2. Heightened safety concerns about people illegally and dangerously crossing the railroad tracks to get to the beach.

The City has become increasingly focussed on doing something about people illegally and dangerously crossing the railroad tracks to get to the beach. For example, this summer, the City, together with BNSF and the Washington Utilities and Trades Commission, will be installing barricades at the base of Innis Arden Reserve Park, just east of the railroad tracks, to stop people from crossing the tracks to get to the beach. Also, the City has become increasingly aware of the illegal and dangerous crossings near Kayu Kayu Ac park, and the need for safe nearby access spots. In July 2021, City staff visited Kayu Kayu Ac park to see for themselves the illegal crossing spot next to the park. The City knows that if it barricades the spot at Kayu Kayu Ac park, but fails provide nearby safe beach access, then people will somehow find another spot to cross the tracks illegally and dangerously to the beach. We already have an unofficial, safe, nearby access spot at the south end 27th Ave NW. By acquiring the beach property, and working with BNSF, the public will soon have the unquestioned right to use this safe access spot.

Circumstances have changed. Heightened safety concerns dictate that the City Council approve Ordinance 967 to acquire the beach property, despite passing on earlier opportunities.

3. Recent discovery that Saltwater Park's northern boundary abuts the beach property to be acquired.

Earlier this year, by reviewing old deeds and maps, I discovered that Saltwater Park extends farther north than originally thought. Saltwater Park extends so far north that it shares a common border with the beach property that Ordinance 967 would authorize acquiring. This discovery provides ample reason for the City to acquire the beach property now. In March 2020 and May 2021, if the City would have acquired the beach house and the adjacent beach property, the City would have essentially been creating a separate little park of its own, separated from Saltwater Park by tidelands and beach owned by someone (maybe the State or BNSF?). But not now. As of earlier this year, we know that the City owns the in-between tidelands and beach, so upon acquiring the beach property now, the City will not be creating a separate little park, but will merely be extending Saltwater Park to the bulkhead. Extending Saltwater Park to the bulkhead makes perfect sense. The public has been unofficially using the privately-owned beach property for decades, in walks to and from Saltwater Park. The City needs to make this decades-long usage official. After the City acquires the beach property, the public for the first time ever will be able to use the beach property officially, as part of Saltwater Park.

Circumstances have changed. With the discovery that Saltwater Park abuts the beach property, the City now has an opportunity to extend the park northward to the bulkhead, securing forever the public's decades-long use of the beach property. It is strongly in the public's interest that the City Council approve Ordinance 967 to acquire the beach property, despite passing on earlier opportunities.

4. Proposition 1 passed this year, with 70% of voters voicing support for park acquisitions and improvements.

In February 2022, 70% of City voters approved Proposition 1, a \$38,500,000 bond levy for park improvements and park land acquisitions. According to a summary of Proposition 1, "Park land acquisitions and improvements will expand Paramount Open Space, Brugger's Bog, and Rotary Parks, and will include additional park land acquisitions in the light rail station areas *and other parts of the City.*" (*emphasis added.*) The public's 70% approval of Proposition 1 shows its strong support for park land acquisitions.

By passing Proposition 1, the City now has a dedicated pool of money to address park improvements and land acquisitions. The Staff Report on Ordinance 967 says that, "The City's General Fund has sufficient funds for property acquisition of \$110,000 in just compensation and mailing, publication, and appraisal costs related to proposed Ordinance No. 967 and use of eminent domain. Proposed Ordinance No. 967 does not negatively impact other parkland property acquisitions anticipated by the City." If the City's General Fund balance declines or is otherwise insufficient, then the Proposition 1 parks bond money could become available to complete the land acquisition.

Circumstances have changed. Voters have voiced overwhelming support for park acquisitions and improvements. Before this year, the City had limited funds available for park land acquisitions. With the passage of Proposition 1, the City now has more resources available than it did in March 2020 and May 2021. From a financial standpoint, it makes sense for the City Council to approve Ordinance 967 to acquire the beach property, despite passing on earlier opportunities when resources were much tighter.

5. New owner expressing desire to close it off.

The new owner has commented about the beach property being used by everyone in the neighborhood, and has expressed a desire to close it off. While it is debatable whether closing off the beach property could be accomplished, the possibility of denying the public its decades-long use of the beach property is of great concern. By acquiring the beach property, the City would preclude the new owner from attempting to somehow close it off, thereby securing safe beach access for everyone, forever.

Circumstances have changed, making it strongly in the public's interest that the City Council approve Ordinance 967 to acquire the beach property, despite passing on earlier opportunities.

Thank you.

Tom McCormick

"Safe beach access for everyone, forever."

