

Three Tree Point Public Road Right of Way Report

Project:

Three Tree Point Public Road Right of Way
Southwest 172nd Street located on the south side of Three Tree Point in the
City of Burien, King County, Washington

Discussion:

Historic and Current Public Road Right-of-Way Width of SW 172nd Street in Burien
Washington (With Supporting Documents).

Date:

December 9, 2004

Author:

Graddon Consulting and Research, Inc. (GCR)
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Contributors:

Robert Boyd, Professional Land Surveyor
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Executive Summary:

This Report provides a chronological summary review of historical facts and evidence documenting the total width of the public roadway known as SW 172nd Street in the vicinity of Three Tree Point in the City of Burien, Washington to be approximately 30 feet; of which 15 feet or less (where additional portions of the roadway were vacated by King County) is located on each side of the original centerline survey.

The roadway width and alignment (with detailed supporting data) is shown on a five page survey prepared by Boyd and Associates, Incorporated, and recorded under King County Auditor's File No. 2004090200001. The survey is entitled "A RETRACEMENT OF THE DONOHUE LAW ROAD NO.2, WITHIN THE PLATS OF SECOMA BEACH DIV. 1 AND SUNKIST BEACH AS PER HISTORIC KING COUNTY RECORDS."

Background:

The pertinent research and document production for this Report date back to *circa* 1862, beginning with the General Land Office Survey and Records.

Specifically, the data in this Report dates back to circa 1902.

This Report focuses on a portion of that certain public roadway currently known as S. W. 172nd Street in the vicinity of Three Tree Point.

Historically, SW 172nd Street has been described by various names that include, but are not limited to, the following:

Beach View Avenue (Unrecorded Plat of Three Tree Point, c.1902);
Seacoma Boulevard (Plat of Seacoma Beach - 3 Divisions, c.1907);
County Road Number 1085 (c. 1916);
G. E. Sylvester Road - Extension (and variations) (c. 1916); and
Donohue Law Road #2 (c. 1919).

The portion of SW 172nd Street described in this Report, generally proceeds in an easterly/westerly direction. The road is situated between the uplands and the Second Class Tidelands adjacent to Puget Sound in the vicinity of Three Tree Point

Copy -- Portion of Current King County Assessor's Map

Attachment 1

Confusion about the Width of SW 172nd Street has existed for many years:

The exact measured width of the Subject Roadway appears to have been in doubt in the minds of some for many years. Estimates of width have been ranged between 16 feet and 80 feet.

Numerous officially published maps, surveys, and other documents have failed to identify the correct width. Instead, they have demonstrated that the width was uncertain. Examples of published documents showing an uncertain width include both historic and current King County Assessor's maps that have labeled the Subject Roadway with such words as "width unknown".

Copy -- Portion of Current King County Assessor's Map

Attachment 2

The Evolution of SW 172nd Street.

The originally proposed public road right of way lying within the area of the Subject Roadway was identified as *Beach View Avenue* on the Unrecorded Plat of Three Tree Point, c.1902. Its width was proposed as 60 feet.

Much of the proposed *Beach View Avenue* right of way was washed away and submerged by the prevailing southwest wind and the wave erosion created thereby. Those portions of the right away now lie beneath the tidal waters of Puget Sound.

Copy - Portion of Unrecorded Plat of Three Tree Point

Attachment 5

In 1907, the Unrecorded Plat of Three Tree Point was formally re-platted as the Plat of Seacoma Beach (3 Divisions).

Copy - Recorded Plat of Seacoma Beach - 3 Divisions
Attachment 6

The 1907 Plat of Seacoma Beach provided for certain fixed public road rights of way within its boundaries. Generally, the newly created (established) public road rights of way were in the same locations as those contained within the old unrecorded plat. The beach road right of way (Subject Roadway) was created (established) on the Plat as 80 feet in width and was named "Seacoma Boulevard".

The 1907 Plat of Seacoma Beach (3 Divisions) was formed under the applicable subdivision laws in place at the time, was acknowledged, accepted, and recorded by the King County Auditor's office. Therefore, the newly established 80 foot public road right of way width of Seacoma Boulevard was available for public improvement and maintenance. The road provided for certain and specific road right of way benefits to the public under the authority of the pertinent laws, and would have/should have been maintained by King County.

However, the Record indicates the road rights of way were not improved. Remaining unimproved, the rights of way were neither used by the public nor maintained by King County.

Even in the 1907 Plat of Seacoma Beach, nearly all of the width of Subject Roadway continued to fall within the tidal waters of Puget Sound. And, to the chagrin of the affected property owners, proposed public roadways within and without the plats continued to remain unopened, undeveloped, impassable, and useless.

Certified Copy - Portion of King County Road Engineer's Map
Attachment 7
Copy - King County Road Engineer's Survey (cross sections) of Map
Attachment 8

Beginning in 1914, approximately seven (7) years after the creation of the Plat of Seacoma Beach, several property owners petitioned King County to reestablish, construct, and maintain a useable public road right of way network from Three Tree Point (area) to a point in the general vicinity of Sunnydale (area). The petitions were filed in compliance with the original Donohue Road Law, Chapter 123, Laws of 1893.

Copy - Engineer's Map of proposed roads
Attachment 9

In 1914 and 1915, George Sylvester, and other property owners petitioned King County to

locate, establish, and improve certain public road rights of way that included the Subject Roadway.

The May 12, 1914 Petition stated in part:

"We the undersigned householders of King County, state of Washington, do petition that a county road be established in said County, 60 feet in width, commencing at the corner common to sections 19, 20, 29, and 30, Twp. 23 N. R4 E. W.M. running thence in a general southwesterly direction connecting with the Mountain View Ave., and Wildwood Ave. in the plat of Crescent Beach--Wildwood Ave. from [Mirimar (?)] Ave. westerly and Automobile Ave have been graded to Three Tree Point connecting with proposed terminus of Lake Burien RR. extension and proposed Vashon Island Ferry landing on the south shore of Three Tree Point, the whole distance of new construction required being about 1 1/2 miles."

Copy - "Petition For A County Road" c. 1914 - Rec. #20040603000007

Attachment 10

The September 14, 1915 Petition provided in part:

"Gentlemen, We the undersigned, householders in said County, do hereby petition that a County road be established improved in said County 40 & 80 feet in width, commencing at lot 1, Block 13, Crescent Beach running thence westerly & northwesterly along Automobile Ave and Seacoma Boulevard in the plats of Crescent Beach and Seacoma Beach Divs 1, & 2 and ending at the westerly end of Lot 108 in the unrecorded plat of Three Tree Point the whole distance being about 4200 feet said road to be known as the Geo. Sylvester Extension Road.

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 the proposed road; wherefore your petitioners pray for the appointment of ~~viewers to view, lay out and~~ a surveyor to survey the said proposed road, and to ~~estimate the damages to each tract of land over which the road shall pass;~~ improve the same by grading, and to do all other things provided by law."¹

Copy - "Petition" c.1915 - Rec. #20040603000009

Attachment 11

Copy - King County Road Engineer's Map

Attachment 12

¹ Crossout text indicates a deletion in a printed form; double underlining indicates an addition to a printed form.

In March of 1916, the King County Road Engineer's Office officially surveyed and mapped the Centerline of the Subject Roadway to establish a total roadway width of 30 feet (15 feet on each side of the Centerline). Numerous examples and facts showing the width to be 30 feet include Engineer's Surveys and Field Notes from 1916,

The Engineer's Field Notes for Survey No. 1203 "a" pertaining to the Geo. E. Sylvester Ext. County Road were dated March 14, 1916. They stated in part:

Said road commences at a point in C of Automobile Ave opposite Lot 13 Block 12 Crescent Beach in Section 25, Twp. 23 N., R.3 E.W.M. running thence northwesterly along Automobile Ave and Seacoma Boulevard to westerly end Lot 108 Unrecorded Plat of Three Tree Point.

Copy - "Engineer's Field Notes" with Engineer's Map dated March 14, 1916 ---
Recorded under King County A.F. 20040517002169.

Attachment 13

The Engineer's Field Notes also contained a chart with station numbers, distances, courses, curve notes and engineering drawings of portions of the Seacoma Beach and Crescent Beach Plats.

This is significant because of the distinct 30 foot wide roadway sections designed for these areas shown on Surs. Nos. 1203 and 1203a, Geo. E. Sylvester Road and Extension.

Attachment 8

Attachment 8 shows that between Sta. 95 to Sta. 123, the roadway section is a "Side Hill Section," with a 10 foot traveled lane and 4-5 foot shoulder on the uphill (northerly) side and a twelve foot lane and a 1½ to 1 downslope on the downhill (southerly or water) side.

By contrast, between Sta. 123 to 141+50, the section shows a fill on the uphill side of C. with a 10 foot lane and a 4 foot shoulder, and construction of a bulkhead on the downhill (water) side, 15 feet south of the of the roadway with the traveled lane constructed on fill.

Copy--- Surs. Nos. 1203 and 1203a, Geo. E. Sylvester Road and Extension.

Attachment 8

From the Engineer's Field Notes, [Attachment 13] it is clear from the stationing that the Bulkhead Section is on the westernmost portion of Three Tree Point. The

Sidehill Section is constructed on the easterly portion of the alignment. Both drawings clearly show that the width of the roadway is approximately 30 feet throughout the corridor.

The King County Road Engineer's Office historically mapped the Subject Roadway as a "variable width" road ranging from 30 feet to 60 feet. King County Road Number 1085 (Subject Roadway) was mapped and identified as a variable width right of way ranging between 40 feet and 60 feet as early as c.1916.

Certified Copy - Historic King County Engineer's Road Map

Attachment 3

Copy - Old King County Engineer's Survey Map

Attachment 4

In March of 1916, the King County Engineer surveyed a newly proposed right of way that included the Subject Roadway. The Centerline of that proposed right of way created a width of 30 feet in the vicinity of the Subject Roadway. The Survey was a Centerline Survey "commencing in the C/L (Centerline) of Automobile Avenue By the statute in effect at the time of the survey [Rem. & Bal. Code §5733¹] in constructing a new road along a centerline survey, the "right hand side of the roadway going out from the place of beginning shall as nearly as practicable conform to the centerline of the grade." *Id.* Since the stationing proceeded from east to west, the controlling "right hand side of the roadway" is the northerly or uphill lane of the newly graded roadway.

Copy - "Engineer's Field Notes" with Engineer's Map dated March 14, 1916 -

Recorded under A.F.# 20040517002169

Attachment 13

Also, on June 20, 1916, the King County Engineer issued an **County Engineer's Report** For a County Road. That Report included, in pertinent part:

FIRST

[§5733] An improved road contemplated under this act shall be constructed as near as practicable along the center line of the established highway, and shall be uniformly graded to a width of not less than sixteen feet; the profile thereof shall not have a greater incline at any point of more than one foot perpendicular to twenty feet horizontal; proper drains, culverts and bridges shall be constructed to convey off all surface and seepage water, and when the road is located along a hillside or incline, the drainage of the surface of the roadbed shall be toward the hillside or incline; a roadway shall be constructed upon the graded road in such a manner and of such material as will permit of heavy freighting by team and rapid driving during any time of the year, and if such construction be a macadam or Telford pavement, or a roadbed of equal durability of other material, it shall not be less than twelve feet wide; if of plank, graven crushed stone or other material equally or less permanent, it shall be not less than eight feet wide and shall be constructed on the grade so that the right hand side of the roadway going out from the place of beginning shall as nearly as practicable conform to the center line of the grade. (Ch. 123, Laws of 1893).

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

SECOND

Said Road commences at a point in C of Automobile Avenue opposite Lot 13, Block 12 Crescent Beach in Section 25 Twp. 23N R.3 E.W.M. running thence northwesterly along Automobile Ave. and Seacoma Boulevard to westerly end Lot 108 Unrecorded Plat of Three Tree Point;

THIRD

I recommend that said Road be established 40-50 & 60 feet in width.

EIGHTH

The probable cost of the Construction of the Road, including all necessary bridges, culverts, clearing, grubbing, and grading, will be \$8000.00

....

Copy - "County Engineer's Report" dated June 20, 1916, recorded under
King County A.F. # 20040517002168

Attachment 14

Finally, the King County Commissioner's August 7, 1916 Order of Establishment of the Geo. Sylvester-Extension County Road stated in pertinent part:

First. That the Petition therefore was filed on the 1st day of October, 1915, and that said petition 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 and the County Engineer was duly directed to examine and if necessary survey the route of said proposed road.

Second. That on the 3rd of August, 1916, 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 7th day of August, 1916, was set as the date 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 the road be established not less than sixty or 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: . . .

7. A description of each tract of land over which said road passes, with the name and place of residence or address of the owners, lessees, claimants, or incumbrancers [sic] and the quantity of area taken from each tract.
8. That the probable cost of the construction of the road, including all necessary bridges, culverts, and all clearing, grubbing and grading will be \$8000.00.
9. [A]nd the board having examined the Petition, the report of the Engineer, the map, and all other 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 7th of August, 1916, 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 therefore, and the Board being satisfied that the road would be of public utility,

IT IS ORDERED BY THE BOARD, all the members concurring, that **the Geo. E. Sylvester road be established as follows:**

Commencing at a point in the $\text{\textcircled{C}}$ of Automobile Ave. opposite Lot 13, Block 12, Crescent Beach, in Section 25, Twp. 23N., R. 3, E.W.M. running thence northwesterly along Automobile Ave. and Seacoma Boulevard to westerly end Lot 108, Unrecorded Plat of Three Tree Point. . . . and as shown upon the map of the County Engineer and that from henceforth said road shall be a County Road of 40, 50, and 60 feet in width, and that the same be opened according to law.

Done this 7th Day of August, 1916.
(Signatures omitted).

Copy - "Order Of Establishment" August 7, 1916 Recorded under King
County A.F. # 20040517002170.

Attachment 15

The official title of Chapter 123, Laws of 1893 was "AN ACT providing for the establishment of a system of improved roads in counties and providing for the manner of laying out, constructing and maintaining the same." The "Donohue Law" contained language authorizing and providing for the alteration or relocation of any public road or highway.

SECTION 1. The Commissioners of any county may, at any regular or called session, cause to be established, located and constructed, improved, straightened, widened, altered or re-located any public road or highway as herein provided, when the same is conducive to the public convenience or

welfare.

Laws of 1893, Ch. 123, Section 1, codified as Rem. & Bal. Code Section 5730.

1917 Donohoe Law Amendments.

The Donohoe Law was significantly amended in 1917 by Chapter 72 of the Laws of 1917. The act was called "HIGHWAY IMPROVEMENT AT EXPENSE OF LAND BENEFITED."² Many of the amendments related to funding sources used by counties to fund county road improvements. The amendments facilitated the construction of county road improvements, including improvements to Seacoma Boulevard.

Another amendment directed the counties to design and build county road sections with a minimum graded width of 16 feet, a maximum grade of 5% (where achievable) and a minimum pavement width of 16 feet.³

Included in those alterations to "Seacoma Boulevard" was a change in the roadway width of the Subject Roadway. **The width of Seacoma Boulevard was reduced from the eighty (80) feet stated on the Seacoma Beach plats down to the 30 foot strip actually developed as Highway D.L. 2 under the Donohue road law.**

After the County Commissioners re-established the series of roadways (including the Subject Roadway), the entire network became known as "Highway No. D. L. 2" (Donohue Law Road #2").

In and after 1919, after the westerly portion of the roadway was graded and before any of the roadway was paved, final and specific alterations to and relocations of "Seacoma Boulevard" were authorized by the "Donohue Law" (Laws of 1893, Chapter 123) as amended by Chapter 72, Laws of 1917.

² The Official title of the chapter was "AN ACT relating to the improvement of certain highways, providing a method for the collection and payment of the cost thereof, and amending sections 5731, 5733, 5737, 5738, 5739, 5740, 5741, 5742, 5744, 5745, 5746, 5747, 5755, 5756, 5757, 5761, 5762, 5763, 5764, and 5765, and repealing sections 5748, 5749, 5750, 5751, 5752, 5753, 5754, 5766 and 5767 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

³ Section 5733. An improved road contemplated under this chapter shall be constructed as near as practicable along the center line of an established highway, and shall be uniformly graded to a width of not less than sixteen feet; the grade thereof shall not at any point exceed five per cent; Provided, That where by reason of physical conditions it is not feasible or practicable to obtain a grade of five per cent, a grade of not to exceed ten per cent may be used; proper drains, culverts and bridges shall be constructed to convey off all surface and seepage water, and when the road is located along a hillside or incline, the drainage of the surface of the roadbed shall be toward the hillside or incline; a roadway shall be constructed upon the graded road in such manner and of such material as will permit of heavy freighting and rapid driving during any time of the year, and if such construction shall be of macadam, concrete, brick, or other hard surface it shall be not less than sixteen feet wide. (Section 4, Chapter 123, Laws of 1893 as amended by Section 2, Chapter 72, Laws of 1917).

On March 18, 1919, King County again ordered the County Engineer of King County Washington "to examine into the merits of the attached Petition, and if necessary, make a survey of same, and report your findings and recommendations in writing to this Board at your earliest convenience." The petition related to the Subject Roadway [then called Seacoma Boulevard] for purposes including construction. This time, it was ordered under the provisions of the Donohue Law. The Order for Examination and Survey specifically referenced Petition No. 2 for the Improvement of Roads Nos. 392, 1052, and 1085 under the "Donohue Law". At the top of the page was a hand written notation which stated "16' Pav" which we understand to call for 16 feet of paving.

Copy- "**Order for Examination and Survey**" - In the Matter of Petition No. 2, for the Improvement of County Roads Nos. 392, 1052, and 1085 under the "Donohue Law". The Order for Examination was dated March 18, 1919, and is recorded under King County A.F. #20040603000008

Attachment 16

Under the provisions of the "Donohue Law" and Amendments thereto, the Commissioners of King County did legally authorize certain and identifiable alterations to the "Seacoma Boulevard" Right of Way as well as other connecting road rights of way in their Resolution dated April 7, 1919.

The **King County Commissioner Resolution** was captioned "**In the Matter of the Improvement of the G.E. Sylvester, #1052, 392 and 1085 Road TO BE KNOWN AS D. L. 2.**"⁴ The Resolution provided:

The Board of County Commissioners of King County, Washington, now in session, having heretofore fixed the 7 day of April 1919 at the hour of 10 o'clock AM as the time, and the office of the said County Commissioners in the Court House, at Seattle, Washington, as the place for a meeting to hear and consider a petition filed with the Clerk of the said Board for the improvement of G.E. Sylvester, #392, 1052, and 1085 Road, to be known as Highway No. D.L. 2, the same to be improved under Chap. 17, Rem & Bal. Code, as amended by Chap. 72, Laws of Washington, 1917, ... and it appearing that an application in the form of a petition had been presented to the said Board asking for the improvement of the G.E. Sylvester, #392, 1052 and 1085 Road, to be known as Highway D. L. 2, which petition was signed by tow or more owners of lots or lands which will be particularly benefited by the said improvement, the said signers appearing by the assessment roll of said county to own property which will

⁴ "D.L. 2" is shorthand for "Donohue Law 2." The use of this terminology reflects the significance of the 1917 Amendments to the Donohue Road Law.

be particularly benefited representing in value not less than \$10,000.00 for each mile of the improvement petitioned for, and the said signers or petitioners representing property within the improvement boundary equivalent to not less than \$5000.00 for each mile of the proposed improvement, the said petition having been filed with the said Clerk, the same setting for the necessity of the improvement and describing the route and termini thereof, and there being filed therewith a bond in the sum of \$1,000.00, payable to the said county, the same having tow good and sufficient sureties thereto, the said bond being conditioned for the payment of all costs if the prayer of petitioners be not granted, or dismissed for any cause.

It further appearing that pending this hearing the said Board caused the County Engineer of said county to make a preliminary survey of the said proposed improvement as petitioned for, and make an estimate of the costs therefore, the said County engineer being in attendance at this hearing; and it appearing that he has filed a report of the estimated cost of said improvement together with his recommendations as to the feasibility thereof, together with his suggestions as to the nature and character of said improvement; it further appearing that there are no protests of any kind or character filed or presented objecting to the said improvement or part thereof, and it appearing that said improvement is feasible and practicable, and necessary for the convenience and welfare of the said residents of said county and the petitioners, and the Board having heard all suggestions and recommendations relative thereto;

IT IS THEREFORE HEREBY ORDERED by the Board of County Commissioners of King County, Washington, that the improvement of the G.E. Sylvester, #392, 1052, and 1085 Road, to be known as Highway No. D.L. 2, be made in accordance with the prayer of the petition, and under the provisions of Chapt. 17, Rem. & Bal. Code, as amended by Chap. 72, Laws of Washington, 1917, and a copy of this order shall be entered upon the journal of said Board of County Commissioners.

IT IS FURTHER ORDERED by the said Board that the County Engineer of King County, Washington, be required to perform all engineering in connection with and to supervise the construction of said improvement, and [a] certified copy of this resolution or order shall be transmitted to said County Engineer, who shall perform such duties relative to the **said** improvement as are required of him under and by virtue of the said laws.

Done in regular adjourned session of the Board of County Commissioners of King County, Washington, this 7 day of April, 1919.
(Signatures omitted).

Copy - "Resolution" - Improvement of G. E. Sylvester, #1052, 392, and 1085 Road
TO BE KNOWN AS HIGHWAY NO. D. L. 2 dated April 7, 1919 and recorded
under King County A.F. # 20040517002171.

Attachment 17

The proposed Improvement and Extensions of the G. E. Sylvester Road under the Donohoe Law were addressed in a letter from the King County Engineer to the Board of County Commissioners dated April 7, 1919.

The letter stated:

Complying with your order of March 18, 1919, I have made a preliminary examination and estimated cost for the improvement of the G. E. Sylvester Road and extension thereof as outlined in the accompanying petition and beg to report as follows:

FEASIBILITY: I find that the project is entirely feasible as outlined in the petition and have no recommendations to make as to changes therein. The easterly one-half mile of the road will require considerable clearing, grubbing and grading in order to make the roadbed suitable for paving; the balance of the road will require very little preliminary work as it was but recently graded.

ESTIMATED COST: In the lack of a complete survey, any estimate of cost must be considered as tentative, only, but my estimate as to the total cost of making this improvement in compliance with the petition is \$90,130.48 which figure includes an item of \$8,193.68 intended to cover the cost of engineering, appraising and other expenses incidental to carrying out the complete work. It should be said that this estimate is based upon a pavement of One Course Concrete, to pave with brick would probably cost twenty to twenty-five thousand dollars more.

Enclosed, herewith, I am including a profile showing approximate grades obtainable. large scale map showing location of project and the affected property immediately adjacent to and another map showing general conditions as to property and roads within a distance of two miles from each side of the centerline of the improvement.

Yours truly,
Is/ Samuel J. Humes
King County Engineer.

Copy - Engineer's Letter - c.1919 Rec. #20040517002167

Attachment 18

The Improvements and extensions of G. E. Sylvester, #392; 1052 and 1085 were to be made under the Donohue Law. The improvements were compliant with Order for Examination dated March 18, 1919.

By 1919, King County re-established alignments and widths to the necessary public road rights of way from Three Tree Point to the vicinity of Sunnydale.

The Subject Roadway was one such specifically altered road rights of way.

By 1919, the Subject Roadway was constructed and became a useable road along the waterfront.

Also, in 1919, a portion of the Plat of Seacoma Beach was re-platted as Sunkist Beach.

Copy- Plat of Sunkist Beach

Attachment 19

Other Historic Documents

Historic King County Road Engineer's Files and Records include copies of many important and informational maps.

Included in those maps is one certain Assessor's Map that has been maintained as a chronicle or record of a portion of the history of the Subject Roadway. This Map identifies the Subject Roadway as the "Donohue Law Rd. #2". An important notation on that Map include the following language:

"DO NOT DISPOSE OF THIS MAP" "(IT CONTAINS MUCH VALUABLE RESEARCH)"

Certified Copy ---- Map - Engineer's Road File

Attachment 20

The recent recorded survey by Surveyor Robert Boyd retraces and evidences the re-established right of way width of the Subject Roadway as approximately thirty (30) feet less subsequent Vacations.

Specific pertinent data identified on the Survey include the following:

1- The Subject Roadway;

2- Centerline of the Donohue Law Road No. 2 indicating the 30 feet of width of the newly established road by the County Commissioners;

3- North Line of the Donohue Law Road No. 2 being coexistent with the North Line of the originally established Seacoma Boulevard;

Copy - Face Page of the Boyd Record of Survey

Attachment 21

Summary:


GCR research, discovery, and factual evidence clearly support the reality that the platted but unimproved eighty (80) foot wide public road right of way width of the Subject Roadway was lawfully reduced to a width of approximately thirty (30) feet by circa 1919. The road was constructed as a 30 foot road and it has been used as such since the original construction.

No evidence in the chain of title record indicates any subsequent alterations to the width of the Subject Roadway other than further reduction based upon formal actions of Vacation by King County.

Respectfully submitted,

GRADDON CONSULTING AND RESEARCH, INC. (GCR)

BY:


Stephen J. Graddon