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February 24th, 2025

Mr. Eric Hovland

Re: Public Street Right-of-Way — SW 172nd Street, Burien, Washington

Dear Eric and interested parties,

Thank you for visiting City Hall to discuss your research on the history of SW 172nd Street. We appreciate your efforts and time spent on this. During that discussion, you asked that Burien provide a “statement” regarding your findings. I am not authorized to speak to Burien’s position on legal matters, but I can remind you of the following public facts.

There is no “unopened portion” of the public street right-of-way known as SW 172nd Street. The entire public street right-of-way was dedicated to the City of Burien for public use through a public easement. The paved portion of the public street right-of-way is part of a public street right-of-way that is 80 feet in width in some parts and less in others. The unpaved and paved portions of SW 172nd Street constitute the public street right-of-way.

Some people mistakenly think of the paved portion of the road as the entire portion of publicly street right-of-way. That is incorrect. Public street rights-of-way are used for more than vehicular traffic, such as paved or unpaved pedestrian paths or sidewalks, public parking, bicycle lanes, (under- and above-ground) utilities and facilities, vehicle run-off areas, and related uses.

Additionally, as previously shared in a September 2021 letter, a federal judge has already decided that public access to the unpaved portions of SW 172nd Street is permissible. (“Burien requests declaratory judgment on the question whether the public right-of-way comprising Southwest 172nd Street is 80 feet wide. To the extent this public easement overlaps with the beach and tideland area, the public has a right to access the land regardless of who owns the land itself.” (Emphasis added) *Soderlind v. Haigh*, 2016 U.S. Dist. LEXIS 155069, p. 10-11 (W.D. Wash., Nov. 6, 2016)).

We hope this reiteration of the law and Burien’s position helps answer your concerns.

Brian Tornow
Development Manager