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The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GUY ROBERT SODERLIND, JR., a single individual,

Plaintiff,

v.

URSULA J. HAIGH and TERENCE S. HAIGH, and the marital community composed thereof, CHRISTINE ANNETTE BARTON, a single individual; CYNTHIA SUE HART, a single individual; The CITY OF BURIEN, a Washington municipal corporation; KING COUNTY, a Washington municipal corporation; King County Sherriff's Deputy JOHN C. HOLLAND, individually and in his official capacity; King County Sherriff's Deputy ERIN M. GARZA, individually and in her official capacity; King County Sherriff's Deputy JOHN DOE MANSANAREZ, individually and in his official capacity; JOHN DOES 1 through 20, inclusive.,

Defendants.

No. 15-1655 RSL

DECLARATION OF BURIEN ASSISTANT PUBLIC WORKS DIRECTOR BRIAN ROBERTS

I, Brian Roberts, declare as follows:

1. I am over the age of 18, and am otherwise competent to testify as to all matters herein, and make the following statements based on my own personal knowledge.

2. I am the Assistant Public Works Director for the City of Burien. I am a licensed professional engineer and civil engineer. I have worked for the City of Burien

**DECLARATION OF Burien Assistant Public works
director brian roberts - 1
15-1655 RSL
1259-00001/232024**

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1 since 2013.

2 3. The City of Burien was incorporated in 1993. One of the areas included in
3 the incorporation is known as Three Tree Point. This is a triangle shaped spit of land that is
4 on the east side of Puget Sound. The land was platted in 1907. At the time it was
5 unincorporated and located within King County. At some point after it was platted, streets
6 were constructed consistent with those located on the plat map. They include Seacoma
7 Boulevard, which is presently named SW 172nd Street.

8 4. SW 172nd Street is located within the City of Burien street inventory. It is an
9 asphalt concrete roadway with one lane in each direction. There is generally a double
10 yellow center line. There are painted white edge stripes. There are raised pavement
11 markers in the center line area. Beneath the paved surface are underground utilities
12 including a stormwater pipe system. Next to the roadway are the typical signs for an urban
13 street. At a curve leading up to Maplewild Avenue there is a "New Jersey" style roadside
14 barrier.

15 5. SW 172nd Street is maintained by the City of Burien. We repair potholes if
16 they develop. We re-stripe the road on a periodic basis. We inspect and maintain the signs
17 on that street.

18 6. In a matter unrelated to the present controversy, and the request and
19 direction of then Interim City Manager Craig Knutsen, I have investigated the historical
20 background of this street. In the course of my work, I obtained a Property History Report
21 from First American Title Insurance Company for Lots 109 and 110 in the Seacoma Beach
22 Division No. 1. The City did this before the present controversy arose, in order to research
23 the history of the existing road. Included in the chain of title documents was **Exhibit A** to
24 my declaration. This is recorded under King County file number 491100. It is the Plat of
25 Seacoma Beach Division No. 1. It was filed with King County on June 4, 1907. I have
26 compared the lots and streets described on Exhibit A to the existing property and street and

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DECLARATION OF Burien Assistant Public works
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1 believe that the Plat map does represent the area so described.

2 7. I am familiar with the methods used for historical survey documents, and
3 how surveyors depict dimensions. In the case of Exhibit A, the surveyors denominated the
4 width of the platted Seacoma Boulevard by a dimension shown on the map next to Lot 90.
5 That dimension shows that the width of the dedicated street was 80 feet. That dimension is
6 repeated next to Lot 109A. In my opinion, the dedicated street was intended to be 80 feet
7 wide.

8 8. In my opinion the northern edge of the 80 foot right of way, is the northern
9 edge of the existing street in front of Lots 115, 116, and 117, the lots owned by the Haighs,
10 Hart and Barton. The dedicated right of way is the 80 feet due south from the north edge of
11 the pavement. It is this 80 foot span that is a dedicated public street and City right of way.

12 9. The City of Burien does not have its own police force. It contracts for police
13 services with King County.

14 I declare under penalty of perjury under the laws of the State of Washington that the
15 foregoing is true and correct to the best of my knowledge.

16 DATED this 9th day of June, 2016, at Seattle, Washington.

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19 BRIAN ROBERTS

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27 **DECLARATION OF Burien Assistant Public works**
director brian roberts - 3
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EXHIBIT A

