From:	Jeff Thomas
To:	Robin Proebsting
Subject:	FW: Storm Utility and Public Path Easement
Date:	Tuesday, October 20, 2020 8:39:10 AM
Attachments:	LTR - From William Summers, MI Treehouse 08.31.17.pdf LTR - To William Summers - 09.19.17.pdf

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FYI -

From: Jessi Bon <jessi.bon@mercergov.org>
Sent: Tuesday, October 20, 2020 5:39 AM
To: Paul West <Paul.West@mercergov.org>; Patrick Yamashita <Patrick.Yamashita@mercergov.org>; Alaine Sommargren <Alaine.Sommargren@mercergov.org>; Jeff Thomas <jeff.thomas@mercerisland.gov>; Fred Gu <fred.gu@mercergov.org>
Cc: Jason Kintner <Jason.Kintner@mercergov.org>
Subject: RE: Storm Utility and Public Path Easement

All –

Thanks for taking the walk down memory lane regarding this easement. My questions yesterday were prompted by a citizen conversation regarding the easement. In 2017 the City received a letter from Bill Summers indicating the easement was not valid – I've attached that letter here. The citizen we spoke with yesterday asserted that we had made concessions based on this letter, which I did not believe to be true. Yesterday Mary Swan was able to track down our response, which I've also attached. It looks like we swiftly handled this matter and no further action was taken.

Thought it might be helpful to share these letters should this ever come up again. Thanks again for your prompt follow-up to my requests, much appreciated.

-JB

Jessi Bon
City Manager
City of Mercer Island
206-275-7660 | mercerisland.gov

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From: Paul West <Paul.West@mercergov.org>
Sent: Monday, October 19, 2020 5:48 PM
To: Jessi Bon <jessi.bon@mercergov.org>; Patrick Yamashita <Patrick.Yamashita@mercergov.org>; Alaine Sommargren <Alaine.Sommargren@mercergov.org>; Jeff Thomas <jeff.thomas@mercerisland.gov>; Fred Gu <fred.gu@mercergov.org>
Cc: Jason Kintner <Jason.Kintner@mercergov.org>
Subject: Re: Storm Utility and Public Path Easement

I have had no such conversation about this trail.

Get Outlook for Android

From: Fred Gu <fred.gu@mercergov.org>
Sent: Monday, October 19, 2020 4:59:55 PM
To: Jessi Bon <jessi.bon@mercergov.org>; Patrick Yamashita <Patrick.Yamashita@mercergov.org>; Paul West <Paul.West@mercergov.org>; Alaine Sommargren <Alaine.Sommargren@mercergov.org>; Jeff Thomas <jeff.thomas@mercerisland.gov>
Cc: Jason Kintner <Jason.Kintner@mercergov.org>
Subject: RE: Storm Utility and Public Path Easement

Hi Jessi,
Since I manage CIP watercourse projects, I am not aware of any recent "City Watercourse project related or change of stormwater easement" conversation regarding that property.

Fred Gu
CIP Project Manager
City of Mercer Island |mercergov.org
D: 206.275.7803|C: 206-771-0236
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From: Jessi Bon <jessi.bon@mercergov.org>
Sent: Monday, October 19, 2020 4:35 PM
To: Patrick Yamashita <Patrick.Yamashita@mercergov.org>; Paul West <Paul.West@mercergov.org>; Alaine Sommargren <Alaine.Sommargren@mercergov.org>; Jeff Thomas <jeff.thomas@mercerisland.gov>
Cc: Jason Kintner <Jason.Kintner@mercergov.org>; Fred Gu <fred.gu@mercergov.org>
Subject: RE: Storm Utility and Public Path Easement

Paul, Patrick and Others –

Thanks for getting everyone on the cc list. My question is relatively simple, is anyone aware of any

recent conversations about changes to this easement? I do not have anything in the record that indicates a change was or is contemplated to this easement, but the concern was raised by a citizen today.

-JB

Jessi Bon
City Manager
City of Mercer Island
206-275-7660 | mercerisland.gov

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From: Patrick Yamashita <Patrick.Yamashita@mercergov.org>
Sent: Monday, October 19, 2020 4:34 PM
To: Paul West <Paul.West@mercergov.org>; Alaine Sommargren <Alaine.Sommargren@mercergov.org>; Jessi Bon <jessi.bon@mercergov.org>; Jeff Thomas <jeff.thomas@mercerisland.gov>
Cc: Jason Kintner <Jason.Kintner@mercergov.org>; Fred Gu <fred.gu@mercergov.org>
Subject: RE: Storm Utility and Public Path Easement

Yes, that's correct. I remember this one. I negotiated the easement with a previous owner of the property – March MacDonald. It is described in the first paragraph of the easement as a "permanent" easement and there is no provision for withdrawing it.

Patrick

From: Paul West <Paul.West@mercergov.org>
Sent: Monday, October 19, 2020 4:05 PM
To: Alaine Sommargren <Alaine.Sommargren@mercergov.org>; Jessi Bon <jessi.bon@mercergov.org>; Jeff Thomas <jeff.thomas@mercerisland.gov>
Cc: Jason Kintner <Jason.Kintner@mercergov.org>; Patrick Yamashita <Patrick.Yamashita@mercergov.org>; Fred Gu <fred.gu@mercergov.org>
Subject: RE: Storm Utility and Public Path Easement

The cc list gets longer…
I believe Patrick negotiated the easement and Fred worked on the initial storm drainage project associated with this basin. This did not pre-date current staff, fortunately.

Paul West
he/his/him

Capital Projects and Planning Manager
206-275-7833
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From: Alaine Sommargren <Alaine.Sommargren@mercergov.org>
Sent: Monday, October 19, 2020 3:39 PM
To: Jessi Bon <jessi.bon@mercergov.org>; Jeff Thomas <jeff.thomas@mercerisland.gov>
Cc: Jason Kintner <Jason.Kintner@mercergov.org>; Paul West <Paul.West@mercergov.org>
Subject: RE: Storm Utility and Public Path Easement

Hi all –

I've attached the easement document that Jessi referred to here - it was recorded in 2007. It's very clear that this is a permanent easement to the City for a variety of activities related to surface water collection/storm drainage, sewer utilities, and a pedestrian trail. Section 4 lays out the terms around the Grantor's use of the easement (no constructing buildings, disturbing City facilities, etc). I don't see any language that would allow the easement to be reversed, but then again, I'm probably not the right person to ask.

I suspect that Paul has some history on this easement and the trail construction since he was overseeing parks natural areas at the time.

Best,

Alaine Sommargren (she/her)
Parks Operations Manager
City of Mercer Island
206.275.7879|c: 206.572.5016 | www.mercerisland.gov/
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From: Jessi Bon <jessi.bon@mercergov.org>
Sent: Monday, October 19, 2020 3:19 PM
To: Jeff Thomas <jeff.thomas@mercerisland.gov>
Cc: Alaine Sommargren <Alaine.Sommargren@mercergov.org>; Jason Kintner <Jason.Kintner@mercergov.org>; Paul West <Paul.West@mercergov.org>
Subject: Storm Utility and Public Path Easement

Jeff –

I just talked to Alaine and asked her about the trail located near 5637 E. Mercer Way (aka the "Treehouse Property" that is currently the subject of an RUE process). There is an existing storm utility easement and a public path easement in this area. This is a steep path, which is what I was remembering today during our discussion with the neighbors to the property. The easement has been in place for a long time, certainly pre-dating most of our current staff and prior to this project. Neither of us are aware of any changes to the trail that were proposed as part of this project. I also found the attached 9/19 email from Evan Maxim sent to a citizen. The third line of the email confirms that the trail is not impacted by the proposed house.

I've looked through my other files and can't find anything related to this trail. It was mentioned today that Mr. Summers apparently sent a letter regarding the trail and his intention to withdraw the easement. I'm paraphrasing because I can't recall the actual verbiage and I don't have a copy of the letter. Alaine can track down the easement and take a look at it to confirm that the property owner does not have the ability to withdraw the easement, which I imagine would be the case with a utility easement.

I've added Jason Kintner and Paul West to this email string. They may be able to provide additional context regarding the history of this easement and the associated trail.

-JB

Jessi Bon
City Manager
City of Mercer Island
206-275-7660 | mercerisland.gov

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