

Concerned Citizens of Falk Road
c/o _____

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October 1st, 2017

City of Bainbridge Island

Ms. Ellen Fairleigh
email: efairleigh@bainbridgewa.gov
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island WA 98110

OCT 04 2017
Planning and
Community Development

Re: Milligan-E Preliminary PLN50803 SPT – 10543 Falk RD NE, TA#14250210572009

Dear Ms. Fairleigh:

We have reviewed the Notice of Application for the Milligan proposal to subdivide one parcel into three with open space. We make the following comments.

1. This development will directly affect the seven (7) homeowners who possess a legal easement for ingress and egress to their homes. Our easement was originally recorded in Kitsap County under recording #661308 on or about April 29, 1957. Our easement is twelve (12) feet wide.
2. Our easement is also governed by a road maintenance agreement that requires each homeowner to maintain said easement for the benefit of all. This agreement is found at Kitsap County recording #9111150075.
3. Our easement will be impacted by the proposed development since it is be accessed by the twelve (12) feet wide easement directly north of ours. This easement was also recorded on or about April 29, 1957 under recording #661307.
4. Unfortunately, Schedule A., of the Title Report contained in the COBI file DOES NOT CONSIDER our easement; it only states: “[t]here are no easements ... which purport to affect said land, other than those shown.” The title report describes ONLY easement #661307 BUT NOT #661308, which is OUR easement. WE believe this Title Report is MISLEADING at best, especially given that these easements were in fact created at the same time using “identical language.”
5. Annually our easement experiences significant drainage problems during the rainy season. Furthermore, both easements prohibit the use of culverts of any type or description in the erection of said roadway.
6. The placement of homes in Parcel C., and especially Parcel A., will lead to a significant increase in drainage problems given the Parcel A. access will be located close or near the site where our roadway experiences its greatest failure during the rainy season. And, the Conceptual Utility Plan at NOTE 1. is simply inadequate given our experiences over many years of how these properties drain. Further, the

NOTE 1. language “storm drainage runoff from widened driveway will be dispersed into adjacent vegetation” will in fact only increase our problems especially given the substantial increase in impervious areas.

7. The removal of vegetation and trees from Parcels A. and C. will in fact exacerbate our drainage problems as well as potentially homes “directly south of our easement” and possibly some of the homes along Manitou Beach Road. The Seabold Engineering LLC Preliminary Utility Report states on page 5 “no indications of prolonged ponding, saturation of soils or overtopping of the existing driveway during site visit in March 2017”. Unfortunately site visits in March, 2017 don’t adequately expose the significant ponding and overtopping of the existing driveway that occurs annually in the winter and is a serious issue.
8. The undersigned question - given the limited analysis of the Milligan Conceptual Utility Plan - whether this development project in fact meets the requirements of City of Bainbridge municipal code 15.20 and its adoption of the Washington State Department of Ecology Stormwater Management Manual and the manual's Best Management Practices Standards and Specifications.
9. Furthermore, it would appear from the file the COBI is considering a development proposal directly south of our easement that would be accessed by a NE EREHWON COURT, which we understand, is simply NOWHERE SPELLED backwards! If such is the case the taking of our easement could legally be construed as an “impermissible taking” by the COBI and is likely to result in litigation.
10. Additional costs this short plat creates for the 7 lot owners on the easement. The 7 lot owners that possess a legal easement on this road will need to create a new easement for the private lane that T’s off of the current easement once it becomes a City maintained road. We will need to hire an attorney to write the easement and pay to record it on our titles. We have been informed by COBI that when COBI takes over the road it will be renamed and the access road (which will remain private) will also need to be renamed due to a Kitsap County Code that roads with more than 4 homes need to have a unique name. This will result in costs for the 7 lot owners in new address numbers, street signage and most likely the USPS will require a cluster mailbox when we are forced to make these changes- which is an additional cost. The Milligans will receive financial gain with the short plat and it seems that the Milligans should cover the costs that this short plat is inflicting on their neighbors that have had a legal easement for ingress and egress since the 1950’s and have maintained the easement all these years.
11. There is also a concern with the line-of-sight for traffic leaving on the easement after the split into parcels. Since that section of Falk Road is downhill, vehicles and bicycles often approach at considerable speed, so having a clear line of sight is essential for safety reasons. With a house right at the corner, we would like consideration be taken about keeping a clear line of site to avoid traffic accidents.
12. With the easement being the only access to the 7 houses on the easement, it concerns us how we will be able to travel in and out of our homes. Some of our residents are elderly and walking long distances may not be a viable option.

Due to the complexity of these legal and development issues COBI should in fact delay any decision until a public hearing – that affects our homes and concerned neighbors – until a more thorough vetting can take place.

Sincerely,

The residents of the Falk Rd. easement