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A Professional Limited Liability Company

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August 12, 2014

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City Manager's Office

Mayor Shari Winstead
Deputy Mayor Chris Eggen
Councilmember Keith McGlashan
Councilmember Will Hall
Councilmember Doris McConnell
Councilmember Jesse Salomon
Councilmember Chris Roberts
City of Shoreline
17500 Midvale Ave. North
Shoreline, WA 98133-4905

C: Julie
Mark R.
Brian Landau
Eric Gilmore

Dear Councilmembers,

This firm represents the following Shoreline residents, all of whom own properties adjacent to Hidden Lake:

Steven and Denise Kellett
17000 10th Ave. NW
Shoreline, WA 98177

Cameron McVie and Jennifer Haffner
17020 10th Ave. NW
Shoreline, WA 98177

Jon and Darcy Foral
17040 10th Ave. NW
Shoreline, WA 98177

My clients have asked me to write this letter to the Council to express their serious concern that the City may be considering an abandonment of its responsibility to maintain Hidden Lake.

As you know, Hidden Lake was constructed by King County in 1996. In order to do so, it was necessary for the County to secure easements over the private property owned by my clients (and others) in order to construct both the Lake and a maintenance road. The project was built according to extensive designs approved by the City of Shoreline. The easements were granted on the condition that, once the Lake was built, the County would be obliged to maintain the Lake to its original design:

6. Commitment to Maintain Site. King County hereby agrees that, once construction of the Project has been completed, that King County will thereafter maintain the Lake consistent with the Plans and permit requirements issued by the State of Washington and the City of Shoreline to construct the Project.

Shortly after the incorporation of the City of Shoreline, the City and King County reached agreement whereby the City assumed operation and maintenance responsibility for the Lake and other such drainage facilities. Later, on May 17, 2009, the County and the City executed an agreement entitled "Interlocal Agreement Between King County and the City of Shoreline for the Transfer of Drainage Facilities and Property Interests. As stated in that Agreement, its purpose was:

"to set forth the process by which King County will transfer to Shoreline, in perpetuity, ownership of and/or personal responsibility for specific drainage facilities and drainage property interests located within the City limits."

The Agreement contains three exhibits which list all of the facilities affected by the Agreement. Exhibit Three contains a list of "All Drainage Easements dedicated to King County or the public" in certain recorded plats. Among the plats listed is Innis Arden No. 3, which is the location of my clients' properties. Section III.A.2. of the Agreement provides that:

...the City agrees to accept the drainage facility property interests identified in Exhibit Three, subject to all rights, conditions, covenants, obligations, limitations and reservation of record for such property interests. The City agrees to abide by and enforce all rights, conditions, covenants, obligations, limitations and reservations for the drainage facility property interests.

The City's assumption of those responsibilities has been continuously recognized, most recently in a Memorandum dated April 19, 2013, from the City Manager to Jesus Sanchez, the City's Operations Manager. That Memo recognized that:

Hidden Lake is a stormwater facility that was installed by King County as a habitat enhancement project; provides no flood control or water quality benefits for the City. As a part of the City's incorporation in 1995, the maintenance agreement with the neighboring property owners places the maintenance responsibility to the City. The annual sediment maintenance includes dredging the pond to the design condition...

The Lake was constructed with a sediment forebay in the design to collect sediment that would wash downstream during heavy rains. Regular removal of that sediment was obviously contemplated in order to maintain the original design standards for the project.

The City has dredged the lake every other year since its construction. My clients are aware of the feasibility study that has been ongoing over the last year and are very concerned that the City may be considering an abandonment of its commitment to maintain Hidden Lake. If the City decides to abandon the lake my clients would suffer serious damage to their properties. It would be many years before the Hidden Lake valley would return to the state that it was in before the construction of the lake. In the meantime the value of my clients' properties would be seriously degraded and would be faced with uncontrolled public access because the water boundary would be gone.

We have reviewed many City of Shoreline documents regarding discharge of storm water into Boeing Creek which feeds Hidden Lake. Since the construction of Hidden Lake there have been changes to the North Pond which is directly above Hidden Lake and was designed as a water retention facility. Since the original construction of the North Pond in 1991, the capacity has increased in size by 63% and additional water is being discharged into the pond from the 3rd Ave NW drainage improvement, as well as from the Pan Terra facility. The original design had a sluice gate with an opening of 2 feet wide by 2.5" (60 square inches). In November 2003 an additional 12" diameter orifice was opened (113 square inches) this almost triples the original design discharge. It was also noted in the North Boeing Creek Design Report that, during the Boeing Creek Park improvement of 2008, an 18" pipe from the East, that formerly discharged into the pond, was tied into the

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emergency overflow, bypassing the facility. All of these alterations add to the waterflow into Boeing Creek and Hidden Lake.

We have also noted a Memo from Mr. Sanchez to the City Manager dated 9/3/2008 stating "CIP work at the North Pond and Pan Terra Pond have bypassed most stream flows during the duration of the project. With these up-stream impoundments unable to retain storm water, downstream scouring of sediment continued."

These alterations to the system may not be responsible for all of the additional sediment in Hidden Lake, but they are certainly responsible for much of it.

Hidden Lake has been successful in doing what it was designed to do. It provides habitat for fish, eagles, osprey, herons, otters, muskrats, beavers and other species. Over the past two or three years frogs have returned to the valley. The lake is enjoyed by many people.

My clients ask that the Council reaffirm the City's contractual obligation to maintain Hidden Lake to the standards set forth in its original design.

Very truly yours,

HARRIS MERICLE & WAKAYAMA



Malcolm S. Harris

cc: Clients