

## Re: Planning & Public Works Committee April 10th meeting, "51st Easement Sale"

Hank Myers <HMYERS@redmond.gov>

Fri 4/13/2018, 7:46 PM

To: Eugene Zakhareyev <eugenez@outlook.com>; MayorCouncil <MayorCouncil@redmond.gov>

Cc: Erika Vandenbrande <EVandenbrande@REDMOND.GOV>; Terry Marpert <TMARPERT@REDMOND.GOV>;

Maxine Whattam <mwhattam@redmond.gov>

Hi Eugene,

I am responding to your email concerning the parcel on NE 51st Street that abuts to east side of SR-520. You have been involved in the consideration for development for that site, and I know you do extensive research.

I will pursue this issue with our Directors of Planning and Public Works to see what all of the facts are. I was at the Committee of the Whole meeting last Tuesday concerning Planning and Public Works issues, and the topic of State limitations on access to that parcel was not mentioned. Thank you for your diligence.

Best wishes-

Hank Myers

Council Ombud for April, 2018

425-830-4265

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**From:** Eugene Zakhareyev <eugenez@outlook.com>

**Sent:** Wednesday, April 11, 2018 9:58:49 PM

**To:** MayorCouncil

**Cc:** Erika Vandenbrande

**Subject:** Planning & Public Works Committee April 10th meeting, "51st Easement Sale"

Dear Mayor Marchione and Redmond Councilmembers!

I would like to bring to your attention few important facts related to yesterday's Planning & Public Works Committee meeting, and specifically to agenda file # [CM 18-508](#). Regrettably, the specifics of the item were not part of the public notice (as the address is missing from agenda and there are no supporting documents) but upon listening to the meeting's audio recording today I have discovered that the easement discussed relates to Anjuman E-Burhani project site, located in the neighborhood where my family resides.

The project under discussion has been a subject of much controversy and raised multiple questions in the neighborhood since the community become aware of the application in 2014. The traffic impact of the project is one of the major concerns due to the project site location vicinity to SR-520 exit ramp. Sadly, the neighborhood concerns had no bearing on the project design and were summarily not addressed by the city and the project team.

The project property is located in full control limited access highway area of SR-520. Due to this, Washington State Department of Transportation granted only limited residential access from the parcel to 51<sup>st</sup> Street NE, specifically "*Type A Approach ... Not To Exceed 14' In Width, For Sole Purpose Of Serving A Single Family Residence*", and right of the way within 300' of SR-520 ramp originally belonged to WSDOT.

In February 2018, I have learned that WSDOT received an interpretation from the Attorney General office that states that even though the property rights were conveyed by WSDOT to the City of Redmond in 1991, the city has no authority to modify the approach granted by state, and the said authority still lies with WSDOT. And Washington Administrative Code under which WSDOT operates does not allow commercial approach to full control limited access highways such as SR-520 (churches are considered commercial approaches by WSDOT).

Based on the AG opinion, the letter was sent to WSDOT (copy to the City of Redmond) on March 23, 2018 requesting the Department of Transportation to take appropriate steps to enforce the state law. It is attached for your information.

The city has no authority to modify the limited access granted to the parcel in 1969, thus any easement granted to the applicant will have no effect on the legality of access. The planning department was fully aware of the issue since March and it is not clear a) why the easement request was put on the committee agenda and b) why the presenting staff did not see fit to provide appropriate background information on the project and approach issue to the committee.

Moreover, during the meeting the staff suggested that this is the only issue holding off the start of the project construction. This is not correct as the land use application was not ever reviewed by the Technical Committee, and the approval was not granted.

I would like to respectfully ask the Mayor to instruct the staff to present the correct and complete information at the next Planning & Public Works Council Committee meeting, to provide our elected representatives with sufficient and accurate data to make informed decision.

Sincerely,  
Eugene Zakhareyev

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