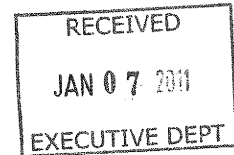


**City of Bainbridge Island
Road End Advisory Committee
Annual Report
Report to Council December 30, 2010**



INTRODUCTION

The Road End Advisory Committee was formed by Resolution 92-35 of the City Council in August of 1992. The Resolution was revised in 1996 as Resolution 96-44. The committee first met in November of 1992 and holds a monthly Regular Working session with additional cluster work parties as needed. The files of the committee are housed at the Department of Planning and Community Development in City Hall and City archives and contain information gathered by visits, letters, public meetings and both title and survey reports. On December 9, 1999, City Council passed Resolution 99-36 authorizing the Road End Advisory Committee to continue working with an added responsibility of overseeing the implementation of the recommendations approved by Council for each road end site.

Two RCWs are important to be aware of: RCW35.79.035 prohibits the vacation of rights-of-way abutting salt or fresh water. There is an extensive process to except provisions of the law, including replacement of lost access with like access. RCW 4.24.200 and 4.24.210 outline the protection from liability granted to a property owner where public access for recreational purposes is allowed or in place.

ACTIVITY SINCE LAST REPORT:

Procedures:

1. General procedures remain as formulated in 1992. Implementation procedures were adopted in 2006. [attached]
2. A policy regarding the measured use of volunteers to design and implement plans for access at road end sites remains in effect. [attached]
3. 2010, continuing and growing a Stewardship program. Forms to report conditions of a given site one to two times a year remain in effect. Reports due in September and March of each year. [attached]

Continuing work:

1. **Fletcher Landing #30** has plans in place and approved. City has promised to get a permit to remove the upland bollards and place some logs to restrict parking from the near shore bank edge. The path past the bulkhead will be improved. Removal of the concrete bulkhead and restoration of the natural shoreline awaits funding from the city.
2. **Beach #34** has a partial trail and bench but no acceptable survey as yet. **Morgan #42** has had all lawsuits concluded; we have formally rejected proposed requests for vacation of this site as the provisions of RCW 39.75.035 have not been met.
3. Material for six benches has been stockpiled; four benches have been built.
4. **Hidden Cove #49** completed; BUT all work has been compromised by permitted encroachments into the right of way. Erosion and 'washing' of the stairs by drainage is occurring.
5. **Ward #21, Main #22:** Public Information Session held September 14, 2010 at Commons, 7pm until 8:30pm. Standard signs and a bench at Ward will be placed. Bench to be built by a volunteer.
6. **Stewardship:** notice will be sent for a February 2011 public meeting at City Hall or Commons for all existing and/or interested Stewards. Currently 48 Stewards have expressed interest.
7. **Proposal for help:** We have twice directly petitioned Council and staff for support to begin work at: **Fletcher #30; NE North #56; Beach #34; Pleasant Lane #38; Reitan #52; Ward #21.**

Implementation phase:

1. Continue to work with uncertain support.
2. There is an information notebook on file at the Bainbridge Public Library reference desk and City Hall Administrative Office containing Working Session notes and Public Information Session notes. These notebooks are updated periodically.
3. Notes of Regular Working Session are posted on City Web Site and at Library.

Information Notebooks and Maps:

4. Notebooks containing maps and recommendations for sites are on file with City Hall, Public Works, Library, Parks Department and Police Department.
5. The City's *Shoreline Access Guidebook*, which includes currently accessible road end sites, is available on the City's web site, at City Hall and at the Library
6. Working Session notes are on file with COBI and BI Public Library and posted to the City of Bainbridge Island web site.
7. An Island Map Site exists but Road Ends has not been authorized to post its map.

LEGAL QUESTIONS

1. **Reitan #52**, neighborhood suits now settled and private stairs in place. A trail and steps will need to be built by Road End Committee when permits are available.
2. **Morgan #42**: law suits settled. Further action should result in a bench.

RECOMMENDATIONS TO COUNCIL

1. **Supply funds of fifty thousand dollars to continue with permit applications, materials and signs; file permits and begin work at Fletcher Landing.**
2. Continue to support Implementation of recommendations approved by Council since 1992.
3. Continue shared tasks with the Bainbridge Island Metro Park District.
4. Public Works will, we hope, continue systematic "Standard Signs" installation at sites.
5. **Hidden Cove # 49**: upland parking stalls (two) under design but pending with no funds and uncertain location at this time.
6. **Support: submitted work for : Fletcher #30, NE North #56, Beach #34, Pleasant Lane #38, Reitan #52, Ward #21**

ANTICIPATED COURSE OF ACTION

1. Contribute recommendations for the next cycle in Capital Facilities Plan. **Resubmit our requests for support for all sites in Recommendation #6.**
2. **Resubmit a request for a fund transfer provision to obtain up to five permits a year on projects not requiring expenditure of Capital Funds.**
3. **Work** with Volunteers, Public Works and Planning Department to implement all approved recommendations in a prioritized manner.
4. **Assume that** all files retained at City Hall containing approved actions plans and notes from all Information Sessions are available for update.
5. **Continue** to seek individuals/groups to steward sites. Tasks can be clean up, some trimming, reporting on condition and presence of signs.

CONCLUSION

The Road End Advisory Committee has been and remains committed to this valuable project of shore access. We feel hopeful that in 2011 we will continue to see results. We continue to value the support given this committee by community members, City Staff, members of City Council and the City Manager's Office. We had hoped to conclude our work a number of years ago, but now are somewhat discouraged.

Respectfully,

Bainbridge Island Road End Advisory Committee:

Marci Burkel, Robert Campbell, Jack Christiansen, Don Fisher, Eric Hoyte,
Vince Larson, Roger van Gelder and Bitsy Ostenson, Chairperson

ATTACHMENTS:

1. Map
2. Updated Worksheet
3. Implementation Procedures, 2006
4. Overview of committee procedures (1992)
5. Use of Volunteer Guidelines
6. Stewardship form
7. Improved sites list; Scout sites noted
8. Potential ADA, accessible site list
9. Copy of RCW 35.79.035
10. Copy of RCW 4124.200---210

**ROAD END STATUS MAY 2009
VERSION 'C'**

ROAD END NAME	vol	pw	v-a	TITLE SR	COMPLT	SURVEY	COMPLT	PUB MTG	COUNCL
ARROW POINT #8				Don					
39 Morgan Street			V	Apr-96	11/15/1996	need '05	lawyers	4/14/1998	11/19/1998
40 Fairy Dell Park *	vol	\$	A			park survey	Aug-97	4/14/1998	11/19/1998
41 George Street				Nov-96	5/9/1996	vacated	Oct-00	4/14/1998	11/19/1998
42 Beach Drive	vol	\$	A		May-94	Jan-96	re-hear	10/8/1996	11/19/1998
43 Arrow Point (pvt) Vacated Kitsap Cty Comm Journal Vol 5, pg 186									
MANZANITA BAY #7				Vince					
44 Williams Lane				Apr-96	11/19/1996	need '04		5/12/1998	11/5/1998
45 Spring Trail				Nov-96				5/12/1998	11/5/1998
46 Brigham Road				Nov-96		need '04		5/12/1998	11/5/1998
47 Woodland Drive	S	\$s	A		Nov-95	17-Feb-96	23-Dec-96	5/12/1998	11/5/1998
48 Dock Street		\$	A		Nov-94	Dec-94	Feb-95	4/24/1995	4/4/1996
SEABOLD #3				Bitsy/Jack/Vince					
49 Hidden Cove Rd W		\$	A		Nov-95	17-Feb-96	fix stairs '06	7-Jan-97	04/17/97
50 Seabold Road		\$o	A	rope	Nov-95	17-Feb-96	rope '04	7-Jan-97	5/15/1997
51 Agate Bch Ln/Ada Will Ln Pvt: Agate Bch (vol 24, pg59)&Graham Pt (vol22, pg13) plats									
AGATE PASS & PT #9				Bitsy/Roger/Jack					
52 Reitan Road			A		Nov-95	steps '07	12/4/1992	2/10/1998	2/18/1999
52a Highway 305 [52-a]			A	under bridge	WA state	easement		2/10/1998	2/18/1999
53 Sanwick Road	S	\$s	A		Aug-94	Jan-96	3/1/1996	May-96	11/21/1996
54 Agate Street	S		V	Nov-96		high bank	Nov-93	Feb-98	2/18/1999
55 North Street			V	Nov-96	exst. survey	one line	Nov16/93	2/10/1998	2/18/1998
56 North StreetNE			A		Nov-95	trail '04	28-Jan-97	2/10/1998	2/18/1999
BI County Park *			V						
PT MADISON WEST #1				Vince					
57 Gordon Drive	vol		A		Nov-94	Jan-96	X	9/16/1996	11/21/96
58 Broom St (Cty #226)		\$o	A		Nov-94			10/13/1997	1/15/1998
59 Broom Street pvt property blocks (KCA#342602-2-033-2001)									
60 Grotle Road	S		A	Apr-96		good access		10/13/1997	12/3/1998
61 Whitty Way	S	\$	V	Nov-96	mark ROW			10/13/1997	12/3/1998
62 Island Way		*				use existing survey of south line		10/13/1997	12/3/1998
63 Skogen Lane		*			mark ROW	17-Feb	23-Dec-96	10/13/1997	12/3/1998
64 West Waterway		*				done; Marc report survey info		10/13/1997	12/3/1998
65 Sivertson Road	vol	\$	A			all done; do report on existing info		10/13/1997	12/3/1998
PT MADISON EAST #4				Roger					
Spargur Loop Road * City of Bainbridge Parkoochockuapp								10/28/1997	11/19/1998
67 Coveyay Vacated KCA Vol 4, pg 317								10/28/1997	11/19/1998
68 Lafayette Street			A		5/23/1994	Jun-97		10/28/1997	11/19/1998
69 Portway					Jun-94	Jan-96	harbor Com	10/28/1997	11/19/1998
70 Beach Place	S		V	Apr-96	11/25/1996	scout		10/28/1997	5/26/1999
71 Dexter Street									
72 Pt Monroe Coast Gd Lt * pending easement with city									
73 "Lagoon" road end	x	x	Aq. Constr			city Survey; 60 ft wide		2/8/2000	12/12/2000
Faye Bainbridge St Pk *									
S/vol=work party/scout or civilians									
pw=city dollars/crew									
AV=access or view site									

Road Ends

Sites to prepare as handicapped accessible:

- 48 Dock (to shore edge; paved)
- 13-a Harborview (condo path)
- 14 Madison Ave S (View of Eagle Harbor by Madrona)
- 2 Ocean (no bank, unpaved but not too rough)
- 54 Agate Street (view, high bank)
- 26 Lytle (easy view; parking area goes almost to water)
- 21 Ward (paved to medium bank; view)
- 23 Taylor (view; could include paved surface to medium bank)
- 28 Point White Dock (park property; access onto dock and back; involves crossing the road from parking area)
- 73,74 Lagoon and Faye Bainbridge (park and protected area; views)
- 68 Lafayette Street (view from road that travels close to water; could be a paved path to the shore)
- 58 Broom St. (Cty #226) (bark path exists to shore; could be paved)
- 36 Tolo Road (could be wonderful bird watching area)
- 42 Beach Drive (public meeting needed to augment status which is currently 'shore view'. With ROW going 40' into water, should consider 'shore access')
- 25 Wharf Street (bark path exists to no-bank, could be paved)
- 30 Fletcher Landing: plan calls for natural beach edge, parking, bench, shore access and shore view

of state of such other state to the effect that such officials have the authority to collect the taxes sought to be recovered by such action shall be conclusive proof of that authority. [1951 c 166 § 1. FORMER PART OF SECTION: 1951 c 166 § 2 now codified as RCW 4.24.141.]

Limitation of actions: Chapter 4.16 RCW.

4.24.141 Action by another state to enforce tax liability—"Taxes" defined. The term "taxes" as used in RCW 4.24.140 shall include:

(1) Any and all tax assessments lawfully made whether they be based upon a return or other disclosure of the taxpayer, upon information and belief of the taxing authority, or otherwise;

(2) Any and all penalties lawfully imposed pursuant to a tax statute;

(3) Interest charges lawfully added to the tax liability which constitutes the subject of the action. [1951 c 166 § 2. Formerly RCW 4.24.140, part.]

4.24.150 Action for fines or forfeitures. Fines and forfeitures may be recovered by an action at law in the name of the officer or person to whom they are by law given, or in the name of the officer or person who by law is authorized to prosecute for them. [Code 1881 § 657; 1869 p 153 § 597; RRS § 963.]

Limitation of actions: Chapter 4.16 RCW.

4.24.160 Action for penalty—Amount of recovery. When an action shall be commenced for a penalty, which by law is not to exceed a certain amount, the action may be commenced for that amount, and if judgment be given for the plaintiff, it may be for such amount or less, in the discretion of the court, in proportion to the offense. [Code 1881 § 658; 1869 p 153 § 598; RRS § 964.]

4.24.170 Judgment for penalty or forfeiture—Effect of collusion. A recovery of a judgment for a penalty or forfeiture by collusion between the plaintiff and defendant, with intent to save the defendant wholly or partially from the consequences contemplated by law, in case when the penalty or forfeiture is given wholly or partly to the person who prosecutes, shall not bar the recovery of the same by another person. [Code 1881 § 659; 1869 p 153 § 599; RRS § 965.]

4.24.180 Disposition of fines, fees, penalties and forfeitures—Venue. Fines and forfeitures not specially granted or otherwise appropriated by law, when recovered, shall be paid into the school fund of the proper county: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. Whenever, by the provisions of law, any property real or personal shall be forfeited to the state, or to any officer for its use, the action for the recovery of such property may be commenced in any county where the defendant may be found or where such property may be. [1987 c 202 § 115; 1969 ex.s. c 199 § 9; Code 1881 § 660; 1869 p 153 § 600; RRS § 966.]

Intent—1987 c 202: See note following RCW 2.04.190.

Disposition of fines, fees, costs, penalties and forfeitures: RCW 10.82.070.

4.24.190 Action against parent for willful injury to person or property by minor—Monetary limitation—Common law liability preserved. The parent or parents of any minor child under the age of eighteen years who is living with the parent or parents and who shall willfully or maliciously destroy property, real or personal or mixed, or who shall willfully and maliciously inflict personal injury on another person, shall be liable to the owner of such property or to the person injured in a civil action at law for damages in an amount not to exceed five thousand dollars. This section shall in no way limit the amount of recovery against the parent or parents for their own common law negligence. [1992 c 205 § 116; 1977 ex.s. c 145 § 1; 1967 ex.s. c 46 § 1; 1961 c 99 § 1.]

Part headings not law—Severability—1992 c 205: See notes following RCW 13.40.010.

4.24.200 Liability of owners or others in possession of land and water areas for injuries to recreation users—Purpose. The purpose of RCW 4.24.200 and 4.24.210 is to encourage owners or others in lawful possession and control of land and water areas or channels to make them available to the public for recreational purposes by limiting their liability toward persons entering thereon and toward persons who may be injured or otherwise damaged by the acts or omissions of persons entering thereon. [1969 ex.s. c 24 § 1; 1967 c 216 § 1.]

4.24.210 Liability of owners or others in possession of land and water areas for injuries to recreation users—Limitation. (1) Except as otherwise provided in subsection (3) of this section, any public or private landowners or others in lawful possession and control of any lands whether designated resource, rural, or urban, or water areas or channels and lands adjacent to such areas or channels, who allow members of the public to use them for the purposes of outdoor recreation, which term includes, but is not limited to, the cutting, gathering, and removing of firewood by private persons for their personal use without purchasing the firewood from the landowner, hunting, fishing, camping, picnicking, swimming, hiking, bicycling, the riding of horses or other animals, clam digging, pleasure driving of off-road vehicles, snowmobiles, and other vehicles, boating, nature study, winter or water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, without charging a fee of any kind therefor, shall not be liable for unintentional injuries to such users.

(2) Except as otherwise provided in subsection (3) of this section, any public or private landowner or others in lawful possession and control of any lands whether rural or urban, or water areas or channels and lands adjacent to such areas or channels, who offer or allow such land to be used for purposes of a fish or wildlife cooperative project, or allow access to such land for cleanup of litter or other solid waste, shall not be liable for unintentional injuries to any volunteer group or to any other users.

(3) Any public or private landowner, or others in lawful possession and control of the land, may charge an adminis-

IMPROVED ROAD END SITES

Ocean # 2: used as is for many years; there is a sign at Manitou intersection; rules of the road sign in place at shore

***Yaquina #7:** upland parking improved; Scout cleared and built a series of platform landings to bulkhead; small steps have been carved in the bulkhead but they need to much more defined; signs are in place; city support with gravel and bark (Ian Robards #3)

***Gowan Place #18:** parking provided; Scout cleared and built a path to the shore; a bench was placed at the shore; signs are in place (Robert Vasta # 4)

***Wharf Street #25:** parking available; Scout cleared site with help of city; drainage improved by city; bark, gravel and bench have been placed; signs are in place (Russell Everett #1)

Lytle Rd #26: Used for many years; signs are in place

Foster Street #35: has community staircase

Fairy Dell Park #40: used as community access for years; a trail sign is in place; BI Park District maintains this site; the neighbors rebuild the eroded areas each season

Dock Street #48: used as access for years; site is paved and has historical marker; signs are in place

Hidden Cove RD W #49: community stair replacement is #1 Capital improvement project for 2005

Seabold Rd # 50: Resident improved the site; built a rail fence; improved the drainage; signs are in place; rope used to facilitate shore access is workable for the very able

***Sanwick # 53:** Scout cleared site for access; trail built; bench placed; up-street parking is in place and signed; other signs are in place (Steve Gardner #2)

Gordon Drive #57: used for years as access; neighbors cut viewscape and maintain; no signs in place yet; parking is possible at site; additional parking is available at County Park but the walk to the shore is a very long one from the park

Broom Street #58: neighbor defined the access; parking for two cars possible; signs call for parking at the County Park; other signs are in place

Sivertson Road #65: shore access is defined by court ruling; needs access mowed

Lafayette #68: is a 40-foot wide dedicated pedestrian access; no signs are in place

***Woodland # 47:** a joint Scout, neighborhood and City project; with benches, path and well-defined water access (John Michael King #5)

***Beach Place #70:** a joint Scout, neighbor and City project; well defined pathway; native and species plant buffer; bench for viewing; proper signs (Mitchell Johnson #7)

***Grotle Road #60:** a joint Scout, neighbor and City project; well defined decent to no bank water access; encroachments removed; some gravel spread; bench placed, signs in place. (Peter Nowadnick #6)

Bjune: Work party organized by Harbor Committee completed path, plantings, bench; waterfront trail link remains to be connected.

****Agate #54:** Scout leveled site; spread gravel to grade; built & installed a fence at end of site; placed a bench; standard signs to be installed ASAP. (Charles Coffin troop 1496 #8)

***Beach #42:** Scout cleared debris; ivy removed; gravel spread to 4' wide; planted fern & salal; RE Committee built stairs and fence. (Jeff Parsons # 9) 2008:

****Whitty Way #61:** Scout cleared, barked, worked with neighbor, installed bench (Matt Norton #10)

Olallie Trail #37A: Parks, Trails Committee and RE Committee: cleared, weed cloth, bark, signs, access to shore via bulkhead step.

Springridge #32: Scout (Jake Fedderman) has grubbed and defined a trail; will install bench, bark in spring. Signs will be requested for installation.

McDonald #19 Scout (Robin Stewart) cleaned, drained, barked a trail; built viewing platform; signs placed

Fletcher #30 Volunteers cleaned, defined area and planted native plants, removed piles of ivy and thorns; filled out permits but they await pending city action

Beach #34: a trail established and bench set with small fence. Project waiting city survey to conclude.

Scout sites = * Troops 1565 and **1496

STANDARD PROCEDURE FOR ROAD END IMPROVEMENT PROJECTS

JULY 10, 2006

1. Prioritized in Capital Facilities Planed & dollars allocated in annual budget
2. RE Committee: Contact immediate neighbors adjacent to site
3. City: Survey, monument, flag site
 - a. Survey needs to be determined based on scope of project
4. Conceptual/Preliminary Design
5. RE Committee : Hold a community meeting to present conceptual design
 - a. City: Notify properties within ½ mile service area
6. Final design
7. Permitting
8. Construction
9. RE Committee: Release information regarding the completion of work at the site by neighborhood letter and/or use local news media
 - a. City: Notify properties within ½ Mile service area and interested parties list

ADOPTED AS ABOVE: AUGUST 14, 2006

Bainbridge island Road End Advisory Committee

Marci Burkel, Bob Campbell, Jack Christiansen, Don fisher, Eric Hoyte, Vince Larson, Roger van Gelder, Bitsy Ostenson (chair)