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CITY OF BURIEN

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June 7, 2010

✓ Mayor Joan McGilton
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166

Dear Mayor McGilton,

We are writing to express our overwhelming concern about the negative impact of the Shoreline Management Program (SMP), as presently drafted, on the Citizens of the City of Burien.

This Shoreline Management Program represents de facto taking of property by eminent domain by the City of Burien.

Definition: Right of Eminent Domain – The power of the City of Burien to acquire private land without the consent of the owner. The City of Burien is required by law, however, to pay the land owner the fair market value.

Our observations relative to the present draft of the SMP are as follows:

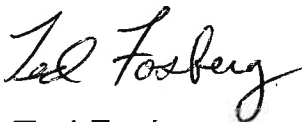
1. The 65 foot setback from mean high tide along with associated provisions will effectively, over time, cause the removal of all structures within this area of the marine shoreline in the City of Burien.
2. This will result since the value of structures will be lost due to natural disasters (storms, earthquakes, etc.), normal wear and tear, decay and fire to a point where rebuilding is not feasible or prohibited.
3. In many instances, the structures will include the primary residence of the property owners.

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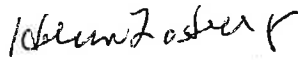
4. With their primary residence gone and without the ability to rebuild, the property will become vacant, worthless and title will revert to the City of Burien for non-payment of property taxes with no compensation to the land owner.
5. Consequently, the City of Burien will be acquiring private land without the consent of the owner.
6. It is recognized this process will be over a long period of time, perhaps 50 to 100 years, but the present SMP would set in motion an action which will be taking all affected properties, a little at a time, starting the very day the SMP is approved.
7. Since this is tantamount to the City of Burien exercising its Right of Eminent Domain, the City of Burien, by law, must begin compensating land owners at time of approval.

We are deeply concerned about the significant financial burden this will place on the citizens of our City. Consequently, we urge the City of Burien to craft the SMP in a way as to protect property rights of its Citizens by including provisions to recognize existing legal improvements and to make it feasible for all property owners to maintain, remodel, and rebuild their homes regardless of the value of the structure at the time of reconstruction.

Sincerely,



Ted Fosberg



Helen Fosberg

Cc: Mr. Michael Martin, City Manager