

PUBLIC ACCESS PATHWAYS RECOMMENDATION

SUMMARY: As part of the Tidal Canal transfer, the City, in cooperation with the U.S. Army Corps of Engineers, transferred 84 lots of submerged land to the adjacent residents. At that time, City Council directed staff to conduct a feasibility study on the three public pathways along Fernside Blvd., as well as the three pathways on Eastshore Dr. A public input process was conducted and that information along with input from City staff from a variety of departments was compiled into the following recommendations for each of the six public access pathways.

Location	City Property Right	Recommendations	Additional Information
Pathway A – Fernside Blvd. near High Street	City access easement.	<ul style="list-style-type: none"> Retain existing path condition as water view area until funding is identified to bring to ADA compliance. Modify bulb-out to be cone shaped - 30' from water's edge and 35' wide (see Exhibit 1). Install fencing or other clear delineation of the public area and remove the gate. 	<ul style="list-style-type: none"> Existing pathway is not ADA compliant due to steep grades and narrow pathway. Approximately \$750,000 to implement ADA compliance by regrading and widening pathway and building retaining walls for adjacent homes. Keeping the pathway open allows public viewing of the water; staff will seek grant funds to make major improvements. Last priority for existing funding per the City's public engagement efforts. Add safety improvements.
Pathway B – Fernside Blvd. at Monte Vista Ave.	City access easement.	<ul style="list-style-type: none"> Improve pathway as a viewing area of the water. Modify bulb-out to be cone shaped - 30' from water's edge and 35' wide. 	<ul style="list-style-type: none"> Add viewing amenities such as benches, trash/recycle receptacles, and landscaping. Creates a safer configuration and an improved visitor experience. Add safety improvements.
Pathway C – Fernside Blvd. at Fairview Ave.	City access easement.	<ul style="list-style-type: none"> Vacate City easement via recorded document. Sell vacated easement area to adjacent property owners. 	<ul style="list-style-type: none"> The path serves as a driveway for both adjacent homes and is used daily. The home on the right has a 3-car garage and drivers back blindly into the path to exit the garage. Material safety concerns have been raised about the incongruent use of this path as a driveway and a public walkway. Vacating easement is consistent with City's Vision Zero to reduce pedestrian & bicyclist fatalities.

Location	City Property Right	Recommendations	Additional Information
Pathway D – Eastshore Drive at Liberty Ave.	City access easement.	<ul style="list-style-type: none"> Expand width of public path and make improvements for viewing of the water and informal access into the water. Address existing encroachments on each side to increase easement area. Complete pathway fencing and adjust existing fencing as needed. 	<ul style="list-style-type: none"> Currently well-used as a public pathway to the water. Recommend non-motorized watercraft launch at Towata Park, which is better suited for a formal launch with existing parking and closer to deep water. Expand width of pathway by removing landscape and fencing barriers. Improve with amenities such as picnic tables, benches, trash/recycling receptacles, rock and log seating/climbing areas. Address rockwall at end of pathway for easier informal access to the water.
Pathway E – Eastshore Drive at Central Ave.	City access easement.	<ul style="list-style-type: none"> Improve public viewing area with amenities. Adjust fencing as needed. 	<ul style="list-style-type: none"> Already well-used as a public pathway to the water. Increase public amenities such as benches, picnic tables, trash/recycle receptacles.
Pathway F – Eastshore Drive at Meyers St.	No City legal interest in path – no ownership or easement interest.	<ul style="list-style-type: none"> Remain closed. 	<ul style="list-style-type: none"> City has no rights to this pathway.

Additional details regarding above recommendations

- Per the boundaries shown for each pathway on Exhibit 1, it is recommended that encroachments in those areas be enforced.
- Where any easement area remains that is not recommended to be enforced as part of the public pathway area, it is recommended that the City do a formal survey, sell the easement rights as part of the submerged land transfer and issue a new public access easement with accurate boundaries. This includes:
 - Survey modified path to create new legal description, including legal descriptions for slivers shown in Exhibit 1.
 - Sell unused easement area (i.e., slivers on either side of the 30' wide funnel shape and water's edge) to adjacent property owners, together with the sale of submerged land.
 - Record replacement easement reflecting revised legal description and clear statement of obligations of parties with respect to the path.