

Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Mark McCauley, County Administrator

From: Monte Reinders, P.E., Public Works Director 

Agenda Date: April 22, 2024

Subject: Permission to Remove Trees and Shrubs from the Brookwood Glen Green Belt Area to Accommodate a Public Works Project

Statement of Issue:

Public Works is in the design phase of a project, approved through Resolution 63-20, to improve pedestrian and bicycle facilities along the east side of SR19/Rhody Drive from Fern Way to HJ Carroll Park ("the Project"; see attached plans). The 1970 plat of Brookwood Glen abuts the Project to the east. The plat includes a 20-foot wide Green Belt Area along the westerly boundary (see highlighted plat attached). A Protective Covenant restricts tree and shrub removal from that Area without written permission from the Board. The Project will require some minor grading beyond the existing right-of-way and into the platted Green Belt Area. Before negotiating acquisition of temporary construction easements from abutting property owners, Public Works would like the Board's permission, as required under the plat covenant, to remove trees and shrubs within the Green Belt Area to accommodate the Project. Tree removal from that Area is expected to be minimal based on the current design.

Analysis/Strategic Goals/Pro's & Con's:

The Brookwood Glen Green Belt Area provides a visual barrier between the traveling public on SR19/Rhody Drive and the developed property in the plat. The Board's authority to approve vegetation removal from the Green Belt Area suggests that the visual barrier was intended more to benefit the public than the plat owners. In any event, Public Works does not anticipate a significant reduction in the visual screen as a result of the Project.

Fiscal Impact/Cost Benefit Analysis:

Removal of trees and shrubs from the Green Belt Area will be a construction expense of the Project. Public Works is working towards an award of grant funds for that work.

Recommendation:

Public Works recommends that the Board sign the attached Permission to Remove Trees and Shrubs from the Brookwood Glen Green Belt Area to Accommodate a Public Works Project.

Department Contact:

Colette Kostelec, P.E., Engineer III/Right-of-Way Representative, 385-9218.

Reviewed By:


Mark McCauley, County Administrator

 4/17/24
Date

STATE OF WASHINGTON
COUNTY OF JEFFERSON

**Permission to Remove Trees and Shrubs from the Brookwood Glen Green Belt Area to
Accommodate a Public Works Project**

WHEREAS, the plat of Brookwood Glen was approved in 1970 and recorded in Volume 5 of Plats, Pages 77-78 (“the Plat”); and

WHEREAS, a Green Belt Area was designated over the westerly 20 feet of Lots 1 through 11 on the west side of the Plat and Protective Covenant #5 on the Plat prohibits cutting of trees and shrubs within the Green Belt Area without written permission of the Board of County Commissioners; and

WHEREAS, the language in Protective Covenant #5 strongly suggests that the Green Belt Area and covenant were intended to protect a visual vegetative barrier between the public traveling on the adjacent highway and the developed lots in the Plat; and

WHEREAS, the Department of Public Works is now in the design phase of a pedestrian and bicycle improvement project, approved by the Board through Resolution 63-20, along the east side of State Route 19/Rhody Drive between Fern Way to the south, HJ Carroll Park to the north, and the Plat of Brookwood Glen and its designated Green Belt Area to the east (“the Project”); and

WHEREAS, Public Works anticipates that the Project will be accommodated primarily within the existing State Highway right-of-way but that some cut and fill slopes will encroach into the Plat, requiring acquisition of temporary construction easements over Lots 1 through 11 in the Plat and removal of some vegetation within the designated Green Belt Area; and

WHEREAS, prior to entering into negotiations with property owners for temporary construction easement acquisitions, Public Works requires confirmation that it will be allowed to remove any vegetation within the Green Belt Area of the Plat as necessary to accommodate the Project;

NOW, THEREFORE, the Board of County Commissioners hereby grants permission for the Department of Public Works and its contractors and agents to remove trees and shrubs within the Brookwood Glen Green Belt Area, to the extent such vegetation removal is necessary to accommodate the SR19/Rhody Drive Pedestrian and Bicycle Improvement – North Segment Project.

APPROVED this _____ day of _____, 2024.

**JEFFERSON COUNTY
BOARD OF COMMISSIONERS**

Kate Dean, District 1, Chair

Heidi Eisenhour, District 2

Greg Brotherton, District 3

ATTEST:

Clerk of the Board



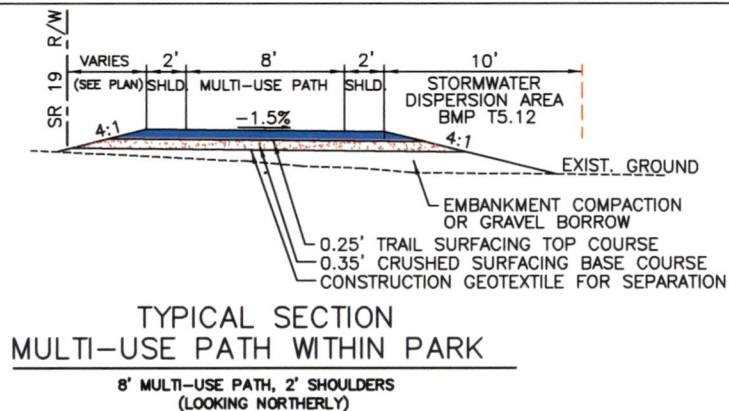
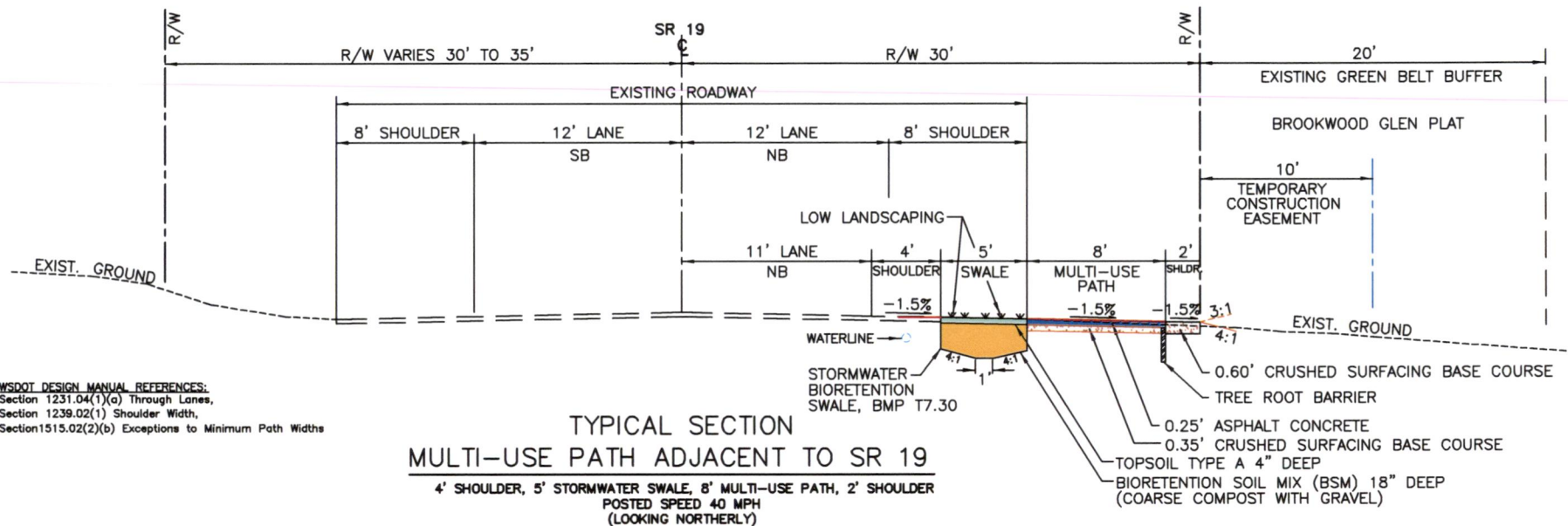
11' LANE

4' SHOULDER

5' SWALE

8' PATH

2' SHLDR

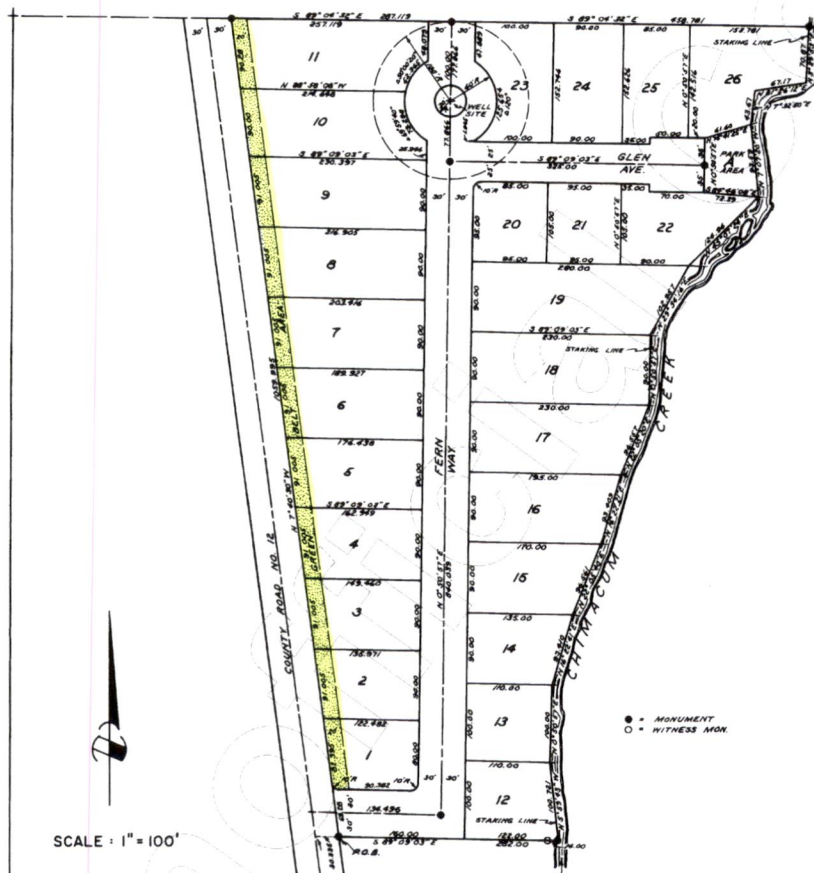


11-7-2023	J. WAYMD	DATE	DATE	REVISION	BY	SCALE: 1"=10'	JEFFERSON COUNTY ENGINEER	APPROVAL DATE		H.J. CARROLL PARK TO CHIMACUM CORNER PATH JEFFERSON COUNTY, WASH. TYPICAL SECTIONS	SHEET OF SHEETS
-----------	----------	------	------	----------	----	---------------	---------------------------	---------------	---	---	-----------------------

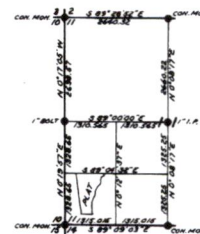
BROOKWOOD GLEN

LOCATED IN SECTION 11, T. 29 N., R. 1 W. W.M.

JEFFERSON COUNTY, WASHINGTON



SECTION SUBDIVISION



DESCRIPTION

THIS PLAT OF BROOKWOOD GLEN IS LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 11, TOWNSHIP 29 NORTH, RANGE 1 WEST W.M., AND EMBRACES THE FOLLOWING DESCRIBED TRACT OF LAND: COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 10, 11, 14 & 15, T. 29 N., R. 1 W. W.M., THENCE S 89° 09' 03" E 432.30 FEET, THENCE N 7° 40' 30" W 283.60 FEET, THENCE S 89° 09' 03" E 30.335 FEET TO THE POINT OF BEGINNING; THENCE S 89° 09' 03" E 282.00 FEET, THENCE N 5° 59' 43" W 100.721 FEET, THENCE N 0° 50' 57" E 100.00 FEET, THENCE N 16° 22' 41" E 93.410 FEET, THENCE N 22° 05' 40" E 96.561 FEET, THENCE N 16° 22' 41" E 93.409 FEET, THENCE N 22° 05' 20" E 96.537 FEET, THENCE N 0° 50' 57" E 30.00 FEET, THENCE N 89° 54' 16" E 102.957 FEET, THENCE N 45° 07' 24" E 124.96 FEET, THENCE N 7° 07' 20" W 98.59 FEET, THENCE N 7° 32' 50" E 43.67 FEET, THENCE N 81° 26' 12" E 67.17 FEET, THENCE N 3° 09' 53" E 70.87 FEET, THENCE N 89° 04' 32" W 458.781 FEET, THENCE N 89° 04' 32" W 287.119 FEET, THENCE 1059.995 FEET TO THE POINT OF BEGINNING, ALSO TO INCLUDE THE AREA BETWEEN THE STARTING LINE AND THE CENTERLINE OF CHIMACUM CREEK.

206420

PLAN HOLD CORPORATION • BAYVIEW, CALIF. 94041

MODIFIED BY: NICHOLAS LUTSEN

PROPOSED: 10/10/70 BY: NICHOLAS LUTSEN

SHEET 1 OF 2 SHEETS

BROOKWOOD GLEN

LOCATED IN SECTION 11, T. 29 N., R. 1 W.W.M.

JEFFERSON COUNTY, WASHINGTON

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS IN FEE SIMPLE OF THE LAND HEREBY PLATTED AND CONTRACT PURCHASERS THEREOF, HEREBY DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, AVENUES, PLACES AND EASEMENTS OR WHATEVER PUBLIC PROPERTY THERE IS SHOWN ON THE PLAT AND THE USE THEREOF FOR ANY AND ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS, BLOCKS, TRACTS, ETC., SHOWN HEREON, ALSO THE RIGHT TO DRAIN ALL STREETS OVER AND ACROSS ANY LOT OR LOTS WHERE WATER MIGHT TAKE A NATURAL COURSE AFTER THE STREET OR STREETS ARE GRADED. ALL LOTS, TRACTS OR PARCELS OF LAND EMBRACED IN THIS PLAT ARE SUBJECT TO AND SHALL BE SOLD ONLY UNDER THE FOLLOWING RESTRICTIONS:

NO PERMANENT STRUCTURE OR BUILDING SHALL BE CONSTRUCTED ON ANY LOT, TRACT OR PARCEL OF THIS PLAT CLOSER THAN 20 FEET TO THE MARGIN OF ANY STREET OR ROAD. NO LOT, TRACT OR PORTION OF A LOT OR TRACT OF THIS PLAT SHALL BE DIVIDED AND SOLD, OR RESOLD, OR OWNERSHIP CHANGED OR TRANSFERRED WHEREBY THE OWNERSHIP OR ANY PORTION OF THIS PLAT SHALL BE LESS THAN 9000 SQUARE FEET OR LESS THAN 75 FEET IN WIDTH AT ITS BUILDING SETBACK LINES.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS 31st DAY OF August, 1970.

Glenn F. Dean FERN DEAN
Earl Woodley EARL WOODLEY
Marian Woodley MARIAN WOODLEY
 Port Angeles Savings & Loan Association

ACKNOWLEDGMENTS

STATE OF WASHINGTON 35
 COUNTY OF JEFFERSON

THIS IS TO CERTIFY THAT ON THE 31st DAY OF August, 1970, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED GLENN F. DEAN AND FERN DEAN, HIS WIFE TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES MENTIONED THEREIN.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

Donald A. Dole
 NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT *Seattle*

STATE OF WASHINGTON 35
 COUNTY OF JEFFERSON

THIS IS TO CERTIFY THAT ON THE 31st DAY OF August, 1970, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED EARL WOODLEY AND MARIAN WOODLEY, HIS WIFE, TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES MENTIONED THEREIN.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

Donald A. Dole
 NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT *Seattle*

STATE OF WASHINGTON 35
 COUNTY OF JEFFERSON

THIS IS TO CERTIFY THAT ON THE 31st DAY OF August, 1970, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED *Earl Woodley* AND *Marian Woodley*, AND *Port Angeles Savings and Loan Association*, A WASHINGTON CORPORATION, TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES MENTIONED THEREIN.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

Donald A. Dole
 NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT *Seattle*

TREASURER'S CERTIFICATE

Arthur J. French, TREASURER OF JEFFERSON COUNTY, WASHINGTON, HEREBY CERTIFY THAT ALL TAXES ON THE ABOVE PROPERTY ARE FULLY PAID UP TO AND INCLUDING THE YEAR 1970.

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT OF BROOKWOOD GLEN IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 11, T. 29 N., R. 1 W.W.M., THAT THE DISTANCES HAVE BEEN SET AND ALL LOT AND BLOCK CORNERS HAVE BEEN STAKED ON THE GROUND.

Robert S. French, Sr.
 ROBERT S. FRENCH, SR., P.E., ENGINEER



APPROVALS

APPROVED BY ME THIS 31st DAY OF *Sept*, 1970.

Edwin G. Paul
 COUNTY ENGINEER

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS THIS 21st DAY OF *September*, 1970.

Walter A. Kelley
 CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST:

Betty J. Temple
 COUNTY AUDITOR AND CLERK OF THE BOARD OF COUNTY COMMISSIONERS

206420

RECORDING CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF *Earl Woodley* ON *Sept 1*, 1970 AT *11:30* MINUTES PAST AND RECORDED IN VOLUME *5* OF PLATS, PAGES *11-12* RECORDS OF JEFFERSON COUNTY.

Betty J. Temple
 COUNTY AUDITOR
Theresa Hatfield
 BY DEPUTY AUDITOR

PROTECTIVE COVENANTS

1. EACH LOT OWNER SHALL HAVE ONE TWENTY-SIXTH SHARE IN LOT "A" WHICH IS RESERVED AS A COMMUNITY PARK AREA.

2. EASEMENTS WITHIN 5 FEET OF ALL LOT LINES ARE HEREBY RESERVED FOR DRAINAGE, STORM SEWERS AND UTILITIES, INCLUDING RIGHT OF MAINTENANCE.

3. ALL SEPTIC TANK SYSTEMS MUST BE PROPERLY INSTALLED AND MAINTAINED ACCORDING TO REGULATIONS NOW ENACTED OR HEREIN AFTER PASSED BY ANY GOVERNMENTAL AUTHORITY HAVING JURISDICTION OVER THE SAID DESCRIBED REAL PROPERTY. NO SEPTIC TANK SYSTEM IS PERMITTED WITHIN 100 FEET OF THE WELL.

4. ALL ACCESS TO LOTS WILL BE FROM THE INTERIOR ROAD SYSTEM OF THE PLAT, AND NO ACCESS WILL BE ALLOWED FROM COUNTY ROAD NO. 12.

5. NO CUTTING OF TREES OR SHRUBS WILL BE ALLOWED IN THE GREEN BELT AREA, WITHOUT WRITTEN PERMISSION OF THE BOARD OF COUNTY COMMISSIONERS.