

December 4, 2013

Charley Hough
President, Lynnesfield Homeowners Association
4105 Jackman Street
Port Townsend, WA 98368

Dear Charley,

On October 22, 2013 you requested the City provide information in writing regarding "who owns the streets, right-of-way in the Plat of Lynnesfield PUD 1, 2 and 3, and does the CC&Rs from Lynnesfield have any say over who or what parks in the public right-of-way."

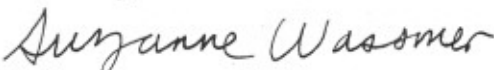
In general, rights-of-way are a form of easement granted to the public by the underlying subdivision. Depending on the specific language used in the dedication statement on the plat itself, the adjoining lot owners technically "own" the right-of-way out to the centerline; however, such ownership is subject to (and is secondary to) the public's right to use of the area for travel, utilities, etc.

As you are aware, the Lynnesfield recorded Plat #2 and #3 states in the Dedication and Declaration statement that "we the undersigned owners of interest in the land hereby subdivided, of our own free will and consent, hereby declare this plat to be the graphic presentation of the subdivision made hereby, and do *hereby dedicate to the City of Port Townsend for the use of the public forever, all streets and avenues not shown as private hereon...*" While the first Plat does not contain the same language, to our best knowledge we assume it is the same as there are no private roads noted on the plat.

Parking of cars within the right-of-way, "on-street parking" where it does not cause a traffic, safety or utility function concern is generally permitted throughout the city. If the City becomes aware of a situation where on-street parking is not safe, or needs to be restricted for reasons deemed warranted by the City, then the City may choose to install "No Parking" signs.

Regarding the CC&Rs, the City does not enforce CC&Rs. It would be a civil matter between the Lynnesfield PUD and tenants. We suggest legal counsel be sought.

Sincerely,



Suzanne Wassmer
Land Use Development Specialist

Cc: Port Townsend Police Department (As an FYI)