Objection to Final Waterfront LID No. 6751 Assessment and Appeal of Final Assessment Amount

Seattle City Clerk
City of Seattle
PO Box 94607
Seattle, WA 98124-6907

January __31__,2020

Emailed to: LIDHearingExaminer@seattle.gov

Note: your appeal must be received at the City Hearing Examiner's office at the address above or by email no later than 5 PM on February 3, 2020. In order to protect your objections. You may, but it is not required that you attend the appeal hearing starting at 8 AM on February 4, 2020.

We object to and appeal the final assessment levied against me/us and my/our property. Per the LID No. 6751

Names: John A. Bates, Carolyn Corvi

Property Address: 1521 Second Avenue, Unit 1501
Seattle, WA 98101

King County

Tax Parcel ID: 2538830420

Owner's Mailing
Address: 1521 Second Avenue, Unit 1501
Seattle, WA 98101

We, John A. Bates and Carolyn Corvi own the condominium property located at 1521 2nd Avenue, Unit 1501, Seattle WA, 98101 (PIN 2538830420). We purchased this property in 2012 and have lived here since then. We have lived in downtown Seattle for almost 8 years. As a result of the LID projects, the city claims that my property will realize a special benefit of $58,450 and intends to assess us a total of $22,902. We believe these claims by the city are baseless, arbitrary, capricious, speculative, and unsupported by evidence and we have a number of objections and challenges to both the procedure and substance of the Waterfront LID that we outline below.

1. As an initial matter, the compressed timeframe in which we have been required to develop and prepare these objections and challenges is too short and violates our and all LID property owners' due process rights. (see Hasit, LLC v. City of Edgewood, 179 Wn.App. 917 (2014) in which the court held that because the interval between the

mailing, May 12 and the hearing, June 1, did not allow owners sufficient time to obtain the type of evidence necessary to successfully challenge a LID assessment, the city denied the owners' due process right to a meaningful opportunity to be heard)

The final assessment notices were dated 12/30/2019, received by most owners on or about January 3, 2020, and the final special benefit study, dated November 18, 2019, comprising hundreds of pages plus addenda, was released on or about January 9, 2020. That final study also references supporting documentation and materials in the assessor's files that still have not been made available to the public. It is impossible for any property owners to have known this documentation existed prior to the release of the final study on January 9, 2020, and, if it turns out that a subpoena is necessary to get them, owners had no means to obtain them until the hearing officer was appointed.

Our residents made a public records request to the city for those materials and was informed that the city intends to begin producing these materials to on February 7, 2020. It is not yet clear whether this public records request will actually result in the production of all the supporting materials or whether a subpoena on the city's assessor will be necessary in order just to obtain all of the relevant evidence necessary to challenge the final report and to cross examine the city's evidence and witnesses. The city spent years and millions of dollars in preparing this Special Benefit Study. Owners are now expected to prepare a response in less than a month without access to relevant evidence and documents. This constitutes a clear violation of their due process rights. As stated in *Hasit, LLC,* it is clear that the owners do not have "notice reasonably calculated under all the circumstances, to ... afford them an opportunity to present their objections."

Of course, the reasonable alternative if the city insists on moving forward with a hearing before making all relevant documentation available is to exclude the city's final study from evidence. It is impossible to adequately cross examine their appraiser, and attack the city's final study when the city is not making the documentation the appraiser claims supports the conclusions in his final report available. The report is filled with conclusions, many of which appear to have no basis whatsoever. For the hearing officer to even consider that report as evidence, the property owners must be given access to the alleged supporting materials in the appraiser's files. Absent that, the conclusory study should be excluded from these proceedings.

We face a deprivation of property at the hands of the government and are entitled to an opportunity to present objections at a meaningful time and in a meaningful manner. Instead, we have received notice of large assessments against our property just a few weeks before the hearing and a hearing date before all supporting documentation for the City's assertions are even available. (See *Mullane v. Cent. Hanover Bank & Trust Co.,* 339 U.S. 306, 313 (1950) and *Armstrong v. Manzo,* 380 U.S 545, 552 (1965))

Further, this due process violation should be considered to be jurisdictional. The city well understood the nature of this due process violation, but proceeded nonetheless with this hearing and deadline. Those owners that might have failed to submit objections by the deadline should not be deemed to have waived this objection. The city should not benefit from intentionally setting up a process designed to make it difficult, futile and nearly impossible for owners to meaningfully respond. That the City may have succeeded in eliminating and discouraging some owners by violating their due process rights should not be rewarded. This hearing should be continued to allow sufficient time for owners to obtain all relevant evidence and documents, to analyze and prepare for cross examination of the city's appraiser to hire any necessary experts, and to prepare rebutting studies and reports. In the alternative, because owners have been denied access to relevant evidence and the right to meaningfully cross examine the city's assessor, all the city's evidence and reports from their appraiser should be excluded from consideration. Given the length, complexity, expense and amount of time the city took to develop their report, a continuance of 6 months (assuming that all relevant documentation and evidence is produced promptly) should be granted.

2. The completion of the Waterfront LID projects (and thus the delivery of the purported 'special benefits' to LID property owners) is purely speculative at this point and cannot form a legal basis for making these assessments.

   The City has acknowledged that (based on what are at this point almost certainly outdated and understated budgets) the Waterfront LID projects will cost approximately $346.57 million. (See Ordinance No. 125760). On the unlikely assumption that there are no cost overruns or delays on these projects over the next three years, that means that completion of the Waterfront LID projects will require at least $186.57 million dollars beyond the $160 million in LID assessments. Currently the City believes that they will obtain these additional resources from "city, state, and philanthropic funds." However, the City sources for these funds have not been secured or allocated. Whether these funds ever emerge is entirely speculative at this point. And these funds are essential to delivering the projects upon which the entire premise of delivering a 'special benefit' is based to completion. (If the City fails to complete the LID projects on time and as designed and as analyzed by their assessor, the LID assessments have no legal basis and become takings without due process). However, reliable sources for these funds have yet been established, and whether or not they materialize is entirely speculative at this point (indeed, the dependence on tens or hundreds of millions of dollars in "philanthropy" to complete what will become a legal obligation on the part of the City should render this LID invalid on its face unless and until the City actually secures such funds.) The degree of the City's plan to depend upon unsecured "Private Funding/Donations is made clear in the below linked documents. The Central Waterfront Piers Rehabilitation Project is counting on $35,673 million in Private Funding. (Page 99 of Parks and Recreation document). While the Overlook Walk and East West Connections Project is counting on $56.38 million in Private Funding (Page 268 of SDOT document.)

https://www.seattle.gov/Documents/Departments/FinanceDepartment/2025proposedcip/SDOTCIP.pdf
https://www.seattle.gov/Documents/Departments/FinanceDepartment/2025proposedcip/DPRCIP.pdf

Currently, the City is promising LID Property owners and the rest of the City (and representing to the Hearing Officer) that the Waterfront LID projects and the supposed special benefits that they will bring with them will be completed by late 2023 or very early in 2024. https://waterfrontseattle.org/about/budget-schedule

Therefore, the city has four years in which to raise and efficiently spend at least $186.57 million. 2020 is already a lost cause in that regard. Funding for the "35900 - Central Waterfront Improvement Fund" was budgeted for $1 million, despite representations from the city that significant work would commence during 2020 on the New Alaskan Way & Park Promenade and East/West Connections including Union St., Bell St., Pioneer Square Street Improvements and Pike and Pine Streetscape improvements. (Incredibly, and adding to the speculative nature of these projects, despite promises by the city to begin construction during 2020 on the East West Connections including the Pike/Pine corridor and Pioneer Square Street Improvements, the city assessor's report notes that just the design process for these elements "have not yet reached the 30% design milestone." Yet we are expected to believe that these projects will be completed during 2023. And are expected to be able to meaningfully challenge an imagined special benefit they will deliver despite designs being less than 30% complete.)

http://www.seattle.gov/Documents/Departments/FinanceDepartment/20proposedbudget/2020ProposedBudget.pdf

So, in reality, the city will essentially have three years (2021-2023) in which to raise or secure approximately $185 million (plus any cost overruns). Delay is not an option. Downsizing is not an option. Redesign is not an option. The City will legally owe every Waterfront LID owner from which they took a LID assessment these projects completed on time and as envisioned. Over $60 million a year must be raised, allocated and spent effectively and efficiently in each of the next three years. (To understand the magnitude of this number, this project is budgeted for $1 million in 2020, and the entire "SPR-BC-PR-20000-Building for the Future" budget committed to projects across the entire city is $33 million. An additional $60 million per year would mean tripling that budget for the next three years) The City is legally committing itself to find sources for and to increase this budget by more than $60 million a year for the next three years and to complete these projects on time and as envisioned.

If that sounds impossible or improbable, it is because it is. The City cannot and should not be permitted to assess property owners on the ephemeral promise of delivering a "special benefit" when the source of that purported special benefit and its completion remains speculative at best. (See *Heavens v. King County Rural Library District*, 66

Wash.2d 558, 564, 404 P.2d 453 (1965) "If there is no benefit, there can be no assessment. To hold otherwise would be to deprive the owner of property without due process of law in contravention of the fourteenth amendment to the federal constitution.") Until sources of funding emerge that can reasonably assure completion of the Waterfront Projects on time and as envisioned are secured, these assessments are unlawful.

Recent tragic events downtown further call into question the ability of the city to deliver the necessary $185 million or more over the next three years. The events on January 22, 2020 involving a multi-victim shooting have led to necessary calls from the Mayor's office and some City Council members to take steps to address the longstanding failures of the city downtown in terms of public safety, crime and nuisances. This assertion of new priorities make less likely, not more, that city budgets in 2021, 2022, and 2023 will be able to allocate the necessary (and legally required) $185 million to complete these projects on time and as designed.

3. The initial appraised "value without the LID" assigned to our property is excessive, and clearly not based on any examination of comparable sales and listings. The city's appraiser asserts that the market value of our condominium without the LID is $2,164,800. www.clerk.seattle.gov/~CFS/CF_321491.pdf This simply does not reflect the realities of the market, is unsupported by any evidence, and it is obviously an arbitrary and capricious value that the city's appraiser applied without any examination of comparable sales or understanding of the market.

   We live in a high-rise condominium (39 floors total) in unit 1501 (15th floor). There are 143 homes in the building, Units numbered 01 (the "01 stack") are located on the northeast corner of the building, have identical floor plans, roughly identical finishes, and have north and east facing views. The higher the floor, the higher the market value.

   Our building is NOT on Alaskan Way; it is NOT on Western Ave; it is NOT on Post Ave; it is NOT on First Ave; it ON on Second Ave. It is five blocks away and high above the Waterfront. It is a very nice building, with great amenities, but it is in the middle of the Pike/Pine corridor. Ground zero for the continuing issues of violence and crime. 1521 is not immune to these issues. In November 2018, someone shot, from 2nd Ave., at 6 windows on the 6th floor of the building. No one was hurt but the damage was extensive. (see Attached photo).

Based on the appraisers' valuation of our condo, nothing has changed in the real estate market. He does not acknowledge the slow down in sales and drop in property values.

While appraised value has much to do with square feet of the condo, any special benefit assessment should clearly consider view. Our territorial view, north and east, over the last year has changed dramatically. It has gone from the Space Needle, Queen Anne, The Westin Towers, and Capitol Hill to three, 40-story condo/apartment buildings, 100 feet away. Not to mention the new resident last week. (See attached photo).

According to the information sent from the Office of the Waterfront, the LID as defined by the appraiser, included approximately 4400 condominiums. These condos would be responsible for $20 million of the $160 million LID. So, our 143 unit building was approximately 3.3% of the total 4400 condos. It appears that the appraiser needed to find a "poster child" for special benefits assessments. The total special benefit assessment for our building is $3.65 million!! That is a higher special benefit assessment than any other building in the LID!! Commercial or residential!! Higher than the Sheraton, the Russell Bldg., the Westin, One Union Square, Insignia, etc. The appraiser decided that our 143 unit (3.3%) building should pay over 18% of the $20 million condo share. That is just ridiculous!!

Here is an example of the vast discrepancies in appraiser valuations that one owner found in our buidling. There were two comparable sales in the "02 stack" during 2019.. They were unit 1002 (tenth floor) and unit 2702 (27th floor). Unit 1002 (six floors below his unit as there is no 13th floor) sold for $1,250,000 on June 28, 2019, while Unit 2702 (ten floors above his unit) sold for $1,800,000 on October 16, 2019. With these comparable sales during 2019, it is patently ludicrous that any appraiser would assert that the market value of his unit is over $1.9 million dollars. The comparable sales imply a per floor value differential of $34,375. (that per floor differential is roughly in line with what has historically been the case in this building.) That would indicate that the market value of our unit is $1,456,250, a difference from the city's appraiser of $445,650, a whopping 30% discrepancy with comparable sales. He also received information on December 29, 2019 from Redfin, indicating that firm estimates that his unit would sell for somewhere between $1.56-$1.73 million, no where close to the City's baseless appraised value.

The city's appraisal is completely unsupported and unsupportable. This is beyond arbitrary and capricious and has no basis in reality.

To further demonstrate the arbitrary nature of the city appraiser's reality detached approach to assigning market values, a quick look at the city's final report shows how preposterous and arbitrary it is. Beginning at page 84 of the linked spreadsheet are the appraisals and assessments for condominium units in our building, Fifteen Twenty-One Second Avenue. Incredibly, the city's appraiser completely ignores the market reality that higher floors command higher prices, and for the 02 stack, has unit 2602 (nine floors higher than his unit) is assigned a value exactly the same as my unit (and, remarkably, higher than the $1.8 million the unit directly above it sold for in 2019). The values the appraiser has assigned are off by hundreds of thousands of dollars.

It is also important to note recent events downtown that undoubtedly will further depress downtown residential property values. On January 22, 2020, during rush hour, only a block from our home, yet another shooting with multiple victim occurred at the corner of Third and Pine. While shootings downtown are, unfortunately, not uncommon, this one

made national and international news, and almost certainly will cause property values downtown to drop as people living here seek to leave and people that might have been interested in moving here are deterred. The city's failures to properly perform its public safety duties are driving down our property values even further.

The city has no evidence to support its assigned "market value without LID" for our property. None. The comparable sales prove it is inflating that value by 30%. (Indeed, the values asserted by the City's appraiser are so baseless and so far off that it calls into question the credibility of any of his findings and assertions. If he cannot get an appraised value within 20-30%, his assertion of a very precise increase in value of 2.7% is the definition of arbitrary).

4. Our property will not receive any special benefits from the Waterfront LID projects (and indeed, is likely to suffer a special detriment).[1] The city appraiser's attribution of special benefit to my property and to that of residential properties in general is arbitrary, capricious, unprecedented in scope and distance, counter to the realities of living in Downtown Seattle, and contrary to the academic literature on the topic.

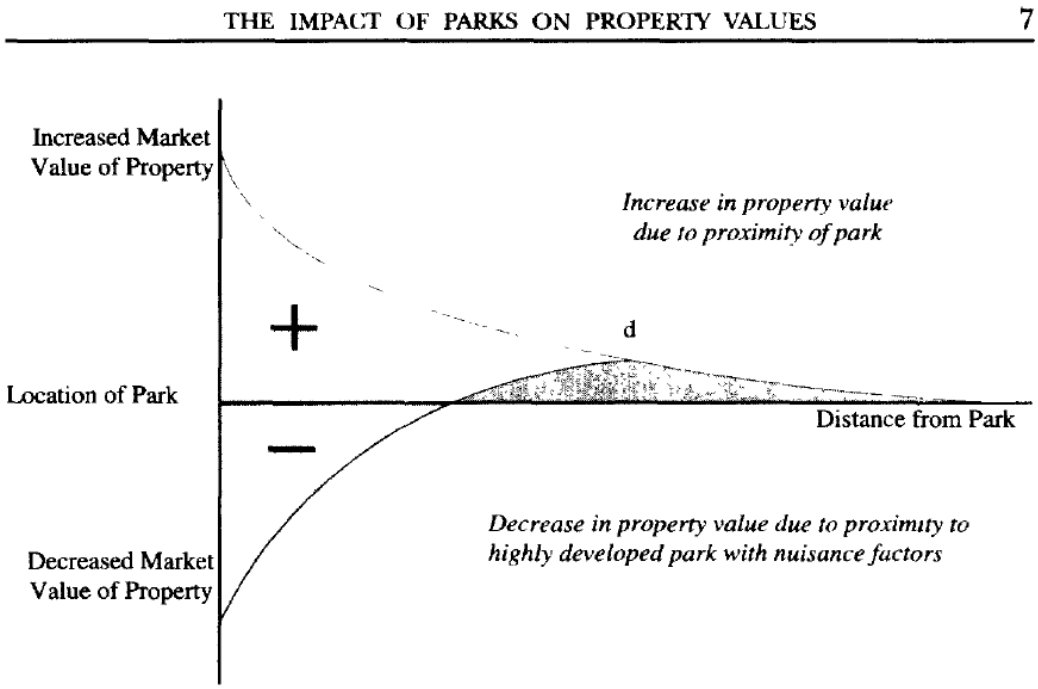
   An examination of the six waterfront LID projects and the before and after conditions described show how ludicrous the assertion of the city's appraiser is that my unit will realize an increase in value of more than $50,000, and that any residential owner will realize any benefit at all. (See pages 15-23 of the Final Report).

   First, it is important to look at the academic literature relied upon by the City's appraiser. It makes clear that the types of projects being undertaken are not of the types that will add value to residential properties.

   "It is important to recognize that some types of parks are more desirable than others as places to live nearby. For example, there is convincing evidence that large flat open spaces which are used for athletic activities and large social gatherings *are much less preferred than natural areas containing woods, hills, ponds or marsh*. Further, it must be recognized that there are contexts in which parks exert a negative image on property valued. A useful analogy is with a well-groomed front lawn which is likely to increase the value of a home, but if it is overgrown with weeds, then the property value is likely to be diminished. This point was made by the deputy director of the Parks Council, a nonprofit advocacy organization in New York City when she observed: 'We have many poor neighborhoods in the South Bronx near parks. But the parks are not helping them. If you put money into a park, chances are that you will improve one portion of the neighborhood. But *if the park does not have proper security and maintenance, it becomes a liability for nearby homes*.' Adverse impacts may result from nuisances such as: *congestion, street parking, litter and vandalism which may accompany an influx of people coming into a neighborhood to use a park*; noise and ballfield lights intruding into

[1] It is unlawful to include any property that will not receive special benefits, and it is an unconstitutional taking of private property. *Heavens v. King County Rural Library District*, 66 Wash.2d 558, 564, 404 P.2d 453 (1965).

adjacent residences; poorly maintained or blighted derelict facilities; *or undesirable groups congregating in a park engaging in morally offensive activities*." (emphasis added) See Attached "The Impact of Parks on Property Values: A Review of the Empirical Evidence" Journal of Leisure Research, March 2001 at page 6.



Compare this to the descriptions of what will be done with these LID projects. What the city plans is actually the "highly developed park with nuisance factors" that the very literature the assessor cites says contributes to a decreased market value. (These are both intended "nuisance" factors like crowds, events and traffic, as well as unintended nuisance factors like crime and drugs).

Starting at page 18 of the Final Report, the city and their assessor describes not a "park", much less one with "natural areas including wood hills, ponds and marshes," but instead describes what is primarily: more or slightly upgraded paving, lowered or eliminated curbs and larger trees and landscaping. (See "After" for Rebuilt/New Surface Roadway and Promenade. All of these projects are also several blocks away from my condominium.).

Next comes the "Overlook Walk" which is described primarily as a paved stairway public space with landscaping. This "Overlook Walk" is intended to provides access for pedestrians between the waterfront and downtown and is either replacing or additive to existing access such as Harbor Steps at University Street, stairs at Union street, stairs at

the Pike Hill Climb at Pike Street, elevators from Pike Market, an elevator and stairs at Lenora Street and an elevator, stairs and bridge at Bell Street. (This project is several blocks away from my condominium.)

Union Street Pedestrian Connection would improve an existing stairway from Western Avenue to Alaskan Way. (This project is several blocks away from my condominium.)

Pier 58 would become a "flexible space that will facilitate events, performances and activities" along Elliott Bay, the opposite of what would add value to residential properties. In addition, the report notes the possibility of a public bathroom being added, which the appraiser excludes from his LID analysis, but which would be an obvious detriment to neighboring properties given the realities of public bathrooms in the downtown area and the city's unfortunate track record in that regard. (This project is also several blocks away from my condominium.)

Notably, the appraiser does not even attempt to describe at length a "before and after" condition for the Pike/Pine Corridor improvements. He does describe it briefly in the cover letter: "Both streets, between First and Second avenues, will be reconstructed as "shared space", without curbs. Single travel lanes (westbound on Pine and eastbound on Pike) designed for slow vehicle movement and local access will share the space with pedestrians and bicycles. Bollards and detectable warning strips help define the area to be used by vehicles, along with light poles, trees and paving treatments, and there will be more room available for sidewalk cafes. Other improvements will be made in the various blocks of Pike and Pine streets between Second and Ninth avenues (planters protecting bike lanes, etc.) including construction of a new paved public plaza, a flexible space designed to accommodate diverse programming similar to Westlake Park, on the south side of Pine Street between Third and Fourth avenues."

The City's materials do have a couple of "existing and proposed" renderings of what we can expect from Pike Pine Corridor projects near my building. The appear below:

This is the only LID project that is in proximity to my condominium, and the appraiser doesn't even attempt to justify or describe any improvements that would impact our unit positively, much less any that would justify a special benefit near the top of his range for condominiums. As can be seen from the renderings, the only significant changes appear to be larger trees (unclear if that is simply due to the time in which it will take to complete this project and the growth of existing trees, along with some repaving and nicer planters. (It actually appears that they intend to remove the "park" space on Pine St. and incorporate that into a wide sidewalk). The proposed changes to Pike and Pine, the only LID project anywhere near my building, would absolutely reduce the value of our property. It would increase vehicle and pedestrian traffic (nuisances) and will restrict access to our building's parking garage and service bay. Our building had over 15,000 package deliveries in 2019, and over 500 service vehicle calls. This project will make living in this building less attractive, not more.

The assertion of a 2.7% special benefit (the top of his range for condominiums is 3.0%) should be rejected as arbitrary and capricious. The appraiser himself doesn't even try to suggest that the "after" for the only project near my building will have any benefit at all (and the literature on which he relies suggests it will be a detriment, not a benefit). The complete lack of even an effort in this regard by the city should end this matter. Further, the literature he relies upon shows a rapidly declining benefit with distance from "parks", further discrediting his attempt to assess our building at near the top of his range despite the distance from the majority of these projects.

Not only are these not the types of "parks" that the academic literature says are preferred for residential properties, it's also the unfortunate reality that they are the exact kind of public space and facilities that the literature says can be a detriment to neighboring properties. The spaces are designed to attract crowds and visitors. And this will obviously bring the kinds of congestion and nuisances noted in the literature that will be a detriment, not a benefit. Further, the reality of public spaces in downtown Seattle is that they do not have proper security and maintenance and are a liability for nearby homes, are plagued with litter (including, unfortunately, used needles and human waste) and vandalism, and are magnets for crime and drug use.

` Steinbrueck Park, Westlake Park, Occidental Park, Freeway Park, City Hall Park: All are parks downtown and all are perceived by local residents as dangerous magnets for crime, drugs and homelessness. (Indeed, the situation at City Hall Park is so bad that the King County Courthouse had to close its Third Street Entrance because even they were unable to provide for the safety of the public there. Residents have no chance.) Those of us that live near them affirmatively avoid walking through or past them after hours and seldom if ever use them otherwise. Whether you consider those fears reasonable or rational, that is the perception, and perception is what drives property values. The idea that a new park in this area won't become a dangerous magnet for drugs, crime and homelessness defies the unfortunate reality that we live in every day. Even those parks like Westlake that are "activated" during the daytime and business hours, are no go zones for residents after hours. There simply is no basis to believe that this public space will be anything but a detriment for local residents and their property values, just as the existing downtown parks are.

Tragically, the inability of the city to properly manage it's role in providing for public safety and eliminating nuisances downtown (and the negative impact on property values those failings bring with them) was put on full display on January 22, 2020, when at the corner of Third and Pine, a multi-victim shootout took place, leading the local, national and international news and further cementing downtown Seattle's reputation as a lawless, unsafe place to live. There is no evidence to suggest that the city will do anything differently downtown with these planned public spaces. Further, the reaction of the Mayor's office and a few city council members suggest strongly that budget priorities might change going forward to focus more on public safety, crime and drugs. This further calls into question the likelihood that the City will be able to allocate the

necessary $185 million or more over the next three years that will be required to deliver the promised "special benefit."

5. There are no "plans and specifications" on file with the Clerk's Office for the LID Improvements, and it is unlawful to move to final assessments without such "plans and specifications." Ordinance 125760, Section 3; *Local and Road Improvement Districts Manual for Washington State 6th Edition*, pp. 3, 19, 31, 44 (2009).

6. There has been no State Environmental Policy Act (SEPA) review of the Waterfront LID formation ordinance, and there are incomplete SEPA reviews of the LID Improvements themselves. It is unlawful to move forward with final assessments until all SEPA reviews are complete for both the Waterfront LID *and* the Waterfront LID Improvements. *LID Manual*, pp. 3, 6, 17, 24, 26; SMC 25.05.800.Q. In addition, it is impossible to reach any conclusions as to final assessments of "special benefit" when the potential exists for significant changes driven and necessitated by environmental reviews. A final conclusion can only be reached when the plans for the projects are substantially complete and not subject to change.

7. The estimated value lift applied by Valbridge is less than 4% which is within the margin of error for any appraisal and thus, by definition, speculation. *Anthony Gibbons Letter* (May 2, 2018). Attached is a copy of Anthony Gibbons Letter.

8. Without more design details and the date certain for completing construction, it is pure speculation what benefit (general or special), if any, the LID Improvements will create. See attached *Anthony Gibbons Letter* (May 2, 2018).

9. The appraisal process has been a pretextual sham. The city admits that long before they had any opinions or findings from independent appraisers on the existence of "special benefits" to nearby property owners, they decided to make a LID "a key component of the Waterfront Seattle Program funding plan" and that a LID was included in the Waterfront Strategic Plan in 2012, years before an appraiser was employed to determine whether and the degree to which there was any special benefit. See "LID Background" at https://waterfrontseattle.org/local-improvement-district
   Then in 2016, the City hired an appraiser, told that appraiser the boundaries they should include, and obtained the number they wanted. The procedure was backwards. Rather than employing an appraiser to determine whether local properties would receive a special benefit, the City hired an appraiser to find the special benefit they had decided without basis existed but that they believed they needed to fund their project. The arbitrary nature of the Final Study is reflective of this outcome driven process. Its findings are capricious, counter to the realities of Downtown Seattle, and counter to academic literature on the subject. (The degree to which the "market value without LID" is so detached from market reality confirms this outcome driven approach.)
   Add to the pretextual nature of the LID appraisal process, the City then proceeded to negotiate with a few select commercial property owners, a deal to avoid a successful

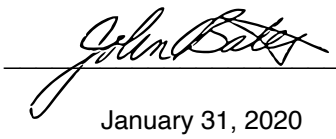
protest of the LID and to cap the amount to be collected. However, no source of funds to replace the planned funds from a LID have been identified. A backroom deal was made. And the City now has no idea where the money will come from to finish the project, despite legally committing itself to do so as designed and on time.

10. The LID is not local or intended to provide special benefits. It is a regional, national, and international destination. There is no special benefit. Further, it is the type of park/public space that brings with it the nuisances that the literature on the subject makes clear results in a detriment for neighboring residential property owners. Indeed, it has been touted by the City to be a Waterfront for All. It is the opposite of a park with localized special benefits.

11. The LID Improvements do not add anything significant to the Central Waterfront, which already has a promenade, viewpoints, stairways, elevators and landscaping, as well as connecting streets and bridges. Therefore they offer no special benefit.

12. To avoid any confusion or contention by the city that failure to raise them in this hearing process is a waiver of claims currently pending in Kind County Superior Court where I am a plaintiff, I incorporate by reference all objections made as part of King County Superior Court Case No. 19-2-05733-5 SEA (Consolidated with No. 19-2-08787-1 SEA). Attached is a copy of the Third Amended Complaint.

13. WE join in and incorporate by reference every objection made by every other property owner.

Printed Names:	John A. Bates	Carolyn Corvi
Signed:		
Date:	January 31, 2020	January 31, 2020