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April 13, 2020

VIA US MAIL and EMAIL

City of Mercer Island Community Planning & Development Department  
9611 SE 36th St.  
Mercer Island, WA 98040  
Attn. Angie Moreau

Re: City of Mercer Island Community Planning & Development Department; Permit Application  
CAO19-015

Dear Ms. Moreau:

I represent LDW Properties and its owner Linda Warner("LDW") regarding their parcel number 283770-0040 on Mercer Island, and have reviewed for them the above permit application to build on a steep slope filed on behalf of owner Harris Klein for the construction of a single family residence on parcel number 362350-0226 on Mercer Island ("Klein Project"). LDW's undeveloped parcel is accessed by the same 30' right of way that is used to access the Klein Project.

The plan submitted for the Klein Project, prepared by Tatu Consulting Engineers, proposes the erection of a concrete wall near the southerly border of LDW's parcel that will effectively block access to the right of way. Moreover, the plan proposes that the road surface will be improved many feet south of LDW's parcel, and the grade between the road surface and the concrete wall, will all effectively block LDW's access to the road. LDW has no access for ingress and egress other than the right of way along the southerly border of its parcel. This is the road development proposed in the above permit application. The approval of the Klein Project permit application will significantly impair the use and the value of the LDW parcel.

LDW was not provided with a copy of the above permit application by Mr. Klein, his contractor, or design professionals. Given the impact of the permit application on the LDW parcel, it is not surprising that the permit application was not shared with LDW.

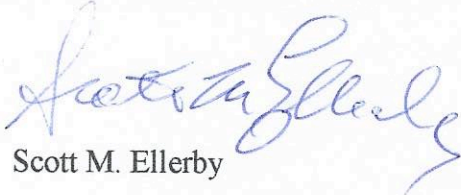
April 13, 2020  
Page 2

I have attached a survey map of the LDW parcel showing the lack of any access other than the 30' wide right of way on its southerly border. LDW strenuously objects to approval of the above permit application by the City of Mercer Island. Doing so would violate Washington law entitling properties to access to adjacent rights of way.

Please contact me if you have any questions or comments concerning the above.

Very truly yours,  
MULLAVEY, PROUT, GRENLEY & FOE, LLP

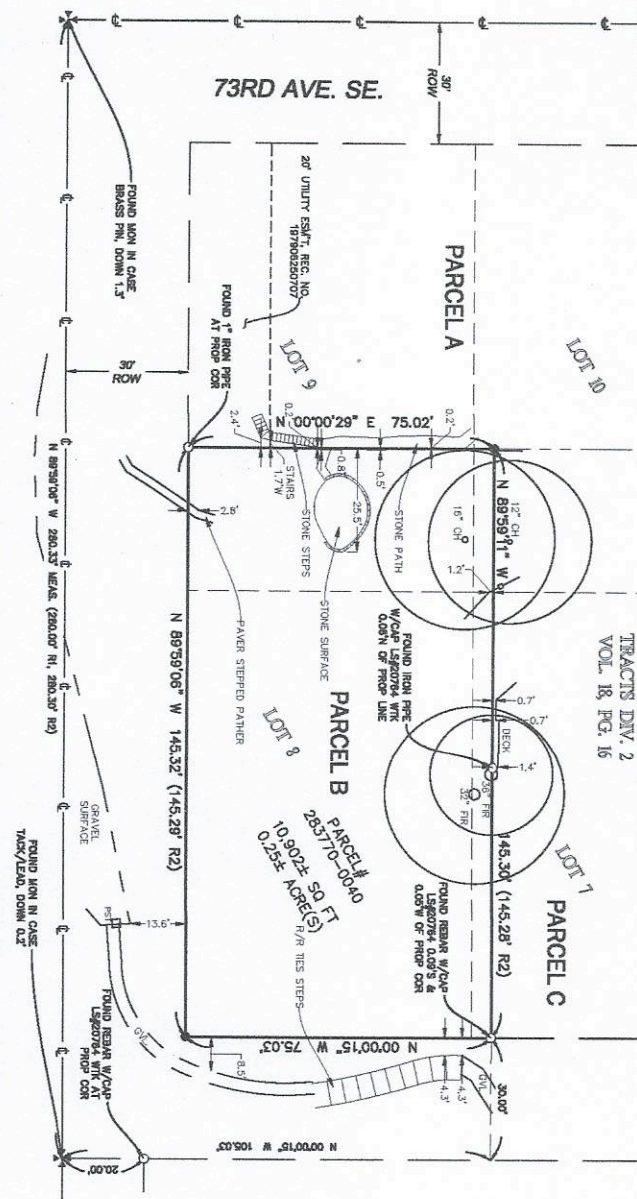
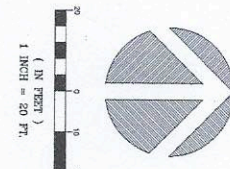
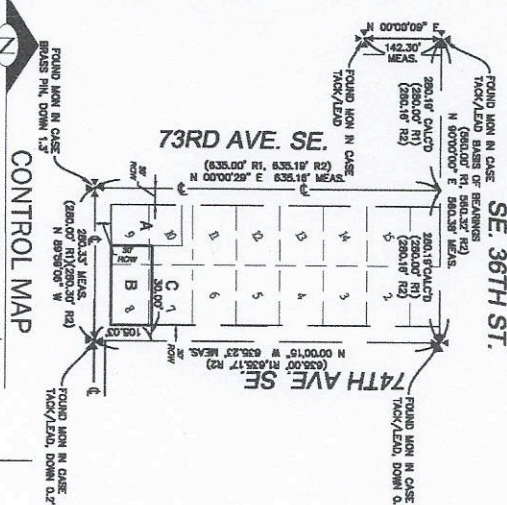
By:



Scott M. Ellerby

Enclosure  
cc: client

**SE. 36TH ST.**



- LEGAL DESCRIPTION**  
(PER QUIT CLAIM DEED REC. NO. 201121600050)
- LOTS 3, 8, 9 AND 10, BLOCK 1, GOODFELLOWS HOME TRACTS, DIVISION NO. 2, VOL. 18 OF PUBLIC RECORDS, KING COUNTY, WASHINGTON.
- BASE OF BEARINGS**  
NEGOTIATED BETWEEN SURVEY MONUMENTS FOUND ON THE SOUTH MARGIN OF SE. 36TH ST., PER R1.
- LEGEND**
- CENTERLINE ROW
  - RETAINING WALL
  - ▨ EXISTENT AREA
  - ▧ DECK
  - ▩ FENCE LINE (WOOD)
  - ▩ FLAGSTONE SURFACE
  - ▩ GRANITE SURFACE
  - ⊛ MONUMENT (SURFACE, FOUND)
  - ⊙ POST
  - CORNER AS NOTED (FOUND)
  - REBAR & CAP (SET)
  - TREE (AS NOTED)

- SURVEYOR'S NOTES**
1. THE TOPOGRAPHIC SURVEY SHOWN HEREON WAS PERFORMED IN MAY OF 2018. THE FIELD DATA WAS COLLECTED AND REDUCED IN ACCORDANCE WITH THE STANDARD PRACTICES OF THE SURVEYING PROFESSION. ALL FIELD NOTES AND CALCULATIONS ARE ON FILE IN THE SURVEYOR'S OFFICE.
  2. ALL MONUMENTS SHOWN HEREON WERE LOCATED USING THE COURSE OF THIS SURVEY UNLESS OTHERWISE NOTED.
  3. BURIED UTILITIES SHOWN BASED ON RECORDS FURNISHED BY OTHERS AND VERIFIED WHERE POSSIBLE IN THE FIELD. TERRANE ASSUMES NO LIABILITY FOR THE ACCURACY OF UNDERGROUND UTILITIES WHICH ARE NOT MADE PUBLIC RECORDS. FOR THE FINAL LOCATION OF EXISTING UTILITIES IN AREAS AS ALWAYS, CALL 1-800-424-4555 BEFORE CONSTRUCTION.
  4. SUBJECT PROPERTY TAX PARCEL NO. 283770-0040 (0.25± ACRES)
  5. SUBJECT PROPERTY AREA PER THIS SURVEY IS 10,902± SF.
  6. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A FIRST TRIM AND NOT SHOWN HEREON.
  7. FIELD DATA FOR THIS SURVEY WAS OBTAINED BY DIRECT OBSERVATION OF THE PROPERTY. ALL ANGULAR AND/OR SURFACE DISTANCE OBSERVATIONS, ALL ANGULAR AND/OR SURFACE RELATIONSHIPS ARE ALWAYS, CALL 1-800-424-4555 BEFORE CONSTRUCTION.

**RECORDER'S CERTIFICATE**

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018, AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF SURVEYS, AT PAGE \_\_\_\_\_ AT THE REQUEST OF TERRANE, INC.

**SURVEYOR'S CERTIFICATE**

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN COMPLIANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF LDW PROPERTIES.

EDWIN J. GREEN JR., CERTIFICATE NO. 15023 DATE \_\_\_\_\_

**REFERENCES**

- R1 GOODFELLOWS HOME TRACTS DIVISION NO. 2, RECORDED IN VOLUME 18 OF PLATS, PAGE 15, RECORDS OF KING COUNTY, WASHINGTON.
- R2 SURVEY PLAT NO. W 79-03-10, RECORDED UNDER ADJUTOR'S FILE NO. 260959071, RECORDS OF KING COUNTY, WASHINGTON.

BOUNDARY SURVEY  
SE 1/4 OF SW 1/4, SEC. 12, T. 24 N., R. 4 E., W.M.  
**LDW PROPERTIES**  
PARCEL NO. 283770-0040  
74TH AVE. SE.  
MERCER ISLAND WA, 98040



10801 Main Street, Suite 102, Bellevue, WA 98004  
phone 425.458.4488 support@terrane.net  
www.terrane.net

JOB NO.: 180787  
DATE: 5/24/18  
DRAFTED BY: LCH  
CHECKED BY: EJC/RLS  
SCALE: 1" = 20'  
1 OF 1