

## Ryan Harriman

---

**From:** Don Cole  
**Sent:** Wednesday, August 10, 2022 2:42 PM  
**To:** Charlie Klinge; Jeff Thomas; Holly Mercier  
**Cc:** rich@mhseattle.com; tylerf@harriganleyh.com; Karen Cobb (kcobb@freybuck.com); Ted Burns; City Atty  
**Subject:** RE: Cherberg Dock Update: File No. SHL 14-031/SEP 14-025, Building Permit 1501-218

Hello Charlie,

Per your request, the expiration date for building permit application 1501-218 is extended until Feb. 10, 2023.

Please let me know if I can be of further assistance.

### Don Cole

Building Official  
City of Mercer Island - Community Planning & Development  
206.275.7701 | [mercerisland.gov/cpd](http://mercerisland.gov/cpd) | [mybuildingpermit.com](http://mybuildingpermit.com)

*Community Planning and Development has modified our operations. City Hall is open to the public for "walk in" permit service between 10 AM and 2 PM on Tuesdays and Thursdays, and available other times by appointment only. Some remote work operations may continue. Please feel free to contact us by phone for general customer support at 206-275-7626.*

*Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)*

---

**From:** Charlie Klinge <klinge@sklegal.pro>  
**Sent:** Tuesday, August 09, 2022 10:23 AM  
**To:** Jeff Thomas <jeff.thomas@mercerisland.gov>; Don Cole <Don.Cole@mercergov.org>; Holly Mercier <holly.mercier@mercergov.org>  
**Cc:** rich@mhseattle.com; tylerf@harriganleyh.com; Karen Cobb (kcobb@freybuck.com) <kcobb@freybuck.com>; Ted Burns <ted@sebornpiledriving.com>; City Atty <CityAtty@mercergov.org>  
**Subject:** Cherberg Dock Update: File No. SHL 14-031/SEP 14-025, Building Permit 1501-218  
**Importance:** High

To: City of Mercer Island  
Jeff Thomas, Interim Director, Community Planning & Development  
Don Cole, Building Official

Mr. Thomas and Mr. Cole:

This email is a follow up on the Cherberg Dock permit applications which have been extended due to litigation as set forth in the attached extension request and City approval from this past January. The extension is to August 11, 2022. You also received my letter to you dated April 27, 2022, providing an update in this matter. As you may know, the Cherbergs' agent Seaborn uploaded revised plans and materials to the City on Friday, including a Joint Use Agreement signed by the Griffiths and Cherbergs. A copy of the signed JUA is attached.

The extension granted by the City was due to pending litigation related to the JUA. Now, however, the litigation is concluded and the fully executed JUA has been submitted to the City. As a result, it would seem that the City can process the applications according to standard procedures and the Cherbergs through their agent Seaborn can respond to any requests for information in due course according to City requirements and deadlines. Thus, it would seem that the extension has served its purpose and that a new extension is not needed.

However, if the City believes for any reason that a new extension is needed for the City to continue processing the permit applications, then the Cherbergs hereby request any extension needed to continue the life of these permit applications until final review and approval by the City.

Please confirm your understanding in this matter at your earliest opportunity. For full disclosure, I am copying the City Attorney Bio Park, attorneys for the Griffiths, and the attorney for the Cherbergs. Please contact me, or have the City Attorney contact me, if you have any questions or need more information.

Thank you for your past cooperation in this matter. The Cherbergs look forward to moving these applications forward to final approval.

Charlie Klinge

Charles A. Klinge  
STEPHENS & KLINGE LLP  
*Skyline Tower Bellevue*  
10900 NE 4<sup>th</sup> Street, Suite 2300  
Bellevue, WA 98004  
Main: (425) 453-6206  
Direct: (425) 429-2531

\*\*\*\*\*

CONFIDENTIALITY NOTICE & RESERVATION OF RIGHTS AND DEFENSES: This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall neither compromise nor have any legal or binding effect as a waiver of any applicable privilege as to this communication or otherwise. If you have received this communication in error, please contact the sender at its Internet address above, or by telephone at (425) 453-6206. Thank you.