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September 23, 2015

Sharon A. Rice  
Office of the Hearing Examiner  
P.O. Box 97010, 3NFN  
Redmond, WA 98073

Re: Terrene @ 132<sup>nd</sup> - Request for Reconsideration

Dear Madame Hearing Examiner:

Applicant Terrene Ventures submits this letter in opposition to the Request for Reconsideration submitted by Rew Adams. Mr. Adams objects to the use of a City utility easement for construction of sewer facilities serving the Terrene Ventures project.

Terrene Ventures will extend public sewer to its proposed subdivision via a utility easement ("Easement") granted to the City of Redmond over the neighboring Conover Commons' property. Thereafter, Terrene Ventures will convey the sewer facilities to the City, who will then own and operate the facilities. The Easement includes the right to enter onto Conover Commons' property for the purpose of installing, replacing, operating, maintaining, repairing, altering, making any connections or reconstructing a broad array of utilities including sanitary sewer:

THE OWNERS OF LAND . . . DO HEREBY GRANT AND CONVEY TO THE CITY OF REDMOND. . . A PERPETUAL EASEMENT FOR UTILITIES INCLUDING. . . SANITARY SEWER. . . , TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS THERETO ACROSS ADJACENT LANDS OF GRANTOR FOR THESE PURPOSES.

The City Attorney issued an opinion dated June 12, 2015, stating that Terrene Ventures had the right to use the Easement to construct the sewer facility. (Exhibit 24, Haney Sewer Response). As noted by the City Attorney, the Easement is not limited to serving any particular lot or area of the City, and was intended for extending sanitary sewer service to any property to whom the City might choose to provide service. Although the sewer facility is being built by Terrene Ventures, the facilities are being installed on behalf of the City and will become City property; therefore, they are public improvements. As the City Attorney concluded, "The City may therefore allow the developer to use the public easement for the construction if the City believes that this is the appropriate course for the sewer lines to take."

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The Easement does require restoration of any existing private improvements to a condition similar to that immediately prior to entry onto the property. Terrene Ventures will, of course, comply with this requirement.

Terrene Ventures respectfully requests that Mr. Adams' Request for Reconsideration should be denied, and the Hearing Examiners' Decision, including without limitation Conclusion #5, stand.

Sincerely,



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*Response to Request for Reconsideration*