

## Carla Lundgren

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**From:** PCD  
**Sent:** Wednesday, January 24, 2018 8:58 AM  
**To:** Carla Lundgren  
**Subject:** FW: Staff Recommendations to Planning Commission  
**Attachments:** Staff recommendation to Planning Commission.pdf; SewerEasement.pdf

Please attach to 50589 SUB.

Thank you,



**Jane Rasely**  
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**From:** Stephen Crampton [mailto:SteveSings@gmail.com]  
**Sent:** Tuesday, January 23, 2018 6:00 PM  
**To:** Kelly Tayara <ktayara@bainbridgewa.gov>; PCD <pcd@bainbridgewa.gov>  
**Subject:** Staff Recommendations to Planning Commission

Kelly,

I was surprised to see the attached recommendations document.

In response to my comments regarding ownership of the land where my fence is, your document states, "The south 15 feet of the commenter's property, along with the north 15 feet of Lot D, are areas over which there is a public easement dedicated to the City."

Please see the attached easement, which states:

"only such rights in the land above described shall be acquired as shall be necessary for the construction, reconstruction, alteration, operation, maintenance and repair of said Sanitary Sewers and appurtenances."

"The Grantor shall retain the right to use the surface of said easement, so long as said use does not interfere with the installation and maintenance of the sewer main and so long as no permanent buildings or structures are erected on said easement."

By its plain language, the easement says it refers only to an underground sewer and it specifically does not apply to the "surface."

By what authority do you think it allows the City (or a developer) to build a road over my property?

I would request you reschedule the planning meeting, get an opinion from the City lawyer, and update your recommendations accordingly.

Best regards,  
Stephen Crampton