

Ellen Fairleigh

From: Henry Mohrman <hjmohrman@gmail.com>
Sent: Friday, December 3, 2021 12:27 PM
To: Ellen Fairleigh
Subject: Re: Grow Community Phase 3

Dear Ellen,

The correct citation to the Declaraton is Section 15.2 not Section 5.2. I regret this typographical error.

Thank you again for your assistance.

Sincerely,

Henry

Le ven. 3 déc. 2021 à 12:06, Henry Mohrman <hjmohrman@gmail.com> a écrit :

Dear Ellen:

I am forwarding to you a copy of the minutes of the Grow II Neighborhood Association (the "Association") meeting held on June 22, 2021, for inclusion in the record of this proceeding. A portion of the minutes addressed Amendment 7 to the Declaration, an important document in this proceeding. That portion recites:

"An error was noted in the amendment reading that 67% of owners consented. This is inaccurate as the amendment does not require owner consent. Joie Olsen confirmed that the attorney is aware of the error and is correcting it."

That was in June. It is now December, and no correction of the error has been filed with the City, nor has an opinion of counsel for the owner been filed with the City stating that the rescission of the dedication of a 10-foot right of way to Shepard Way NW and the 10-foot public pedestrian easement have "no material adverse effect up on (sic) any substantive rights of any Owner and does not adversely affect the title to any Lot or Condominium Unit . . ." as required by Section 5.2 of the Declaration, in order to amend the Declaration without the consent of 67% of the owners.

These minutes confirm that this proceeding should be suspended until the corrected Amendment 7 is filed and recorded in Kitsap County as well as in this proceeding, and the necessary opinion of counsel is filed in this proceeding.

With the record corrected, as I have requested, the City can take up the question whether the project should proceed absent the consent of 67% of the owners in the Association.

I contend that the proposed changes to Shepard Way and the public pedestrian easement do materially adversely affect me and possibly other owners in the Association and the City. Accordingly, The City should not allow the project to proceed as it has been proposed.

Respectfully submitted,

Henry J. Mohrman, Jr.

Le mer. 1 déc. 2021 à 11:35, Henry Mohrman <hjmohrman@gmail.com> a écrit :

Dear Ellen,

Thank you very much for your help.

Sincerely,

Henry

On Wed, Dec 1, 2021 at 8:42 AM Ellen Fairleigh <efairleigh@bainbridgewa.gov> wrote:

Good morning Mr. Mohrman,

Yes, both the email and the memorandum were uploaded into the project file yesterday. They were uploaded as separate documents and be accessed via the online portal:

https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/b2cc9150-7f1d-483c-a704-ad3d0165c2f0?_conv=1

Please click on the above link and scroll to the bottom of the page under the Notes heading. The public comments are being uploaded under the "Public Comment Attached" entry.

Thank you,

Ellen

From: Henry Mohrman <hjmohrman@gmail.com>

Sent: Tuesday, November 30, 2021 5:45 PM

To: Ellen Fairleigh <efairleigh@bainbridgewa.gov>

Subject: Re: Grow Community Phase 3

CAUTION: THIS EMAIL ORIGINATED FROM OUTSIDE THE CITY OF BAINBRIDGE ISLAND EMAIL SYSTEM -Take caution NOT to open attachments or links unless you know the sender AND you were expecting the attachment or the link.

Dear Ellen,

Thank you for including my email in the record of this project. We're you able to include my memorandum also?

If not, please tell me how I can file my memorandum in the record before the December 3 deadline for comments.

Thank you again for your assistance.

Sincerely,

Henry

On Tue, Nov 30, 2021 at 12:36 PM Ellen Fairleigh <efairleigh@bainbridgewa.gov> wrote:

Hello Mr. Mohrman,

Thank you for your email. Your comments have been received and uploaded into the project file.

Best,

Ellen

From: Henry Mohrman <hjmohrman@gmail.com>

Sent: Tuesday, November 30, 2021 9:49 AM

To: Ellen Fairleigh <efairleigh@bainbridgewa.gov>

Subject: Grow Community Phase 3

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Dear Ms. Fairleigh:

I live in the Grow II Community, and I have the right to vote as a member of the Grow II Neighborhood Association (the "Association"). The amendment to the Grow II CC&R's upon which this Application depends recites that 67% of the members of the Association have consented to the amendment, but no consents have been requested or obtained from the members. Consent of 67% of the members is required for the modification of the CC&R's needed for this project to proceed.

I request that this Application be suspended, pending consent of 67% of the members and correction of the records of Kitsap County.

I further request that I be allowed to submit the attached memorandum detailing this issue for inclusion in the record of this proceeding.

Respectfully yours,

Henry J. Mohrman, Jr.

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