

# EXHIBIT 12

**From:** Greg A. Rubstello  
**Sent:** Tuesday, October 6, 2020 1:36 PM  
**To:** Ray Liaw <hrl@vnf.com>  
**Cc:** Lyman Howard <lyman@clydehill.org>  
**Subject:** RE: 77 Clyde Lane

Ray,

## **17.04.355 Private road.**

A "private road" is a privately owned area of land that is used, established or set aside for the purpose of vehicle or pedestrian access. See Chapter [17.44](#) CHMC for private road regulations. (Ord. 805 § 1, 1999)

## **17.04.356 Pipe stem driveway.**

A "pipe stem driveway" is a portion of a lot that extends to the right-of-way for the purpose of providing vehicle or pedestrian access to a lot that does not otherwise border or abut the right-of-way. (Ord. 805 § 1, 1999)

## **17.16.030 Building site.**

The minimum lot or tract area in the R-1 residence districts shall not be less than 20,000 square feet with a minimum frontage of 100 feet, which frontage shall be on a public street. For irregularly shaped lots, the minimum frontage width shall be measured at the front yard setback line. The minimum lot or tract depth shall be 100 feet. If a lot is serviced by a private road or pipe stem driveway, the private road or pipe stem driveway shall not be considered or included in the square footage of a lot for determining whether the lot meets the minimum required square footage. (Ord. 805 § 1, 1999; Ord. 552 § 7, 1986; Ord. 527, 1985; Ord. 376 § 7, 1976; Ord. 74 § 4(C), 1959)

## **17.44.010 Applicability.**

The provisions of this chapter shall apply to existing private roads and easements and shall not be construed to represent allowance of new private roads or easements or to supersede any other title or section of this code. Approved lots having less than the minimum frontage of 100 feet on a public street shall comply with the provisions of this chapter to the same extent as a private road or easement. (Ord. 805 § 1, 1999; Ord. 552 § 8, 1986; Ord. 401 § 1, 1978; Ord. 324 § 2, 1973; Ord. 74 § 9, 1959)

**17.44.020 Rights of city.** 

All private lanes and easements shall perpetually grant to the city the right of egress over and upon the same for the exercise of the police power of the city, including the conduct of all municipal responsibility, the protection of life, property and general welfare. (Ord. 805 § 1, 1999; Ord. 324 § 2, 1973; Ord. 74 § 9, 1959)

**17.44.030 Building permit issuance – Compliance required.** 

No building permit shall be issued for construction with access on a private road or by means of an easement without strict compliance to the provisions of this chapter unless a variance is received from the hearing examiner or a signed written waiver under CHMC [17.44.040](#) is received from both the fire chief and the public works director. The plans for improvement of the private road or easement must be approved by city engineers. Utility service shall have the approval of the appropriate utility. (Ord. 805 § 1, 1999; Ord. 324 § 2, 1973; Ord. 74 § 9, 1959)

**17.44.040 Width and surfaced area.** 

All private roads and easements shall have a minimum 20-foot width with a minimum surfaced area of 16 feet extending from the public road to the property line of the building or residence site. However, a lesser width may be permitted if no public health and safety hazard is created and a signed written waiver is obtained from both the fire chief and the public works director. (Ord. 805 § 1, 1999; Ord. 324 § 2, 1973; Ord. 74 § 9, 1959)

**17.44.050 Turnabout area.** 


All private lanes and easements shall be provided with a turnabout area suitable for private cars and public safety vehicles, the plan of which must be approved by the public works director and the fire chief. (Ord. 805 § 1, 1999; Ord. 324 § 2, 1973; Ord. 74 § 9, 1959)

**17.44.060 Maintenance.** 

All private roads and easements shall perpetually burden the servient tenements with the obligation of upkeep, maintenance and repair of the private road and easements in accordance with the minimum standards for such work on public streets so as to insure, in the future, the continuing exercise by the city's police power. (Ord. 805 § 1, 1999; Ord. 324 § 2, 1973; Ord. 74 § 9, 1959)

**17.44.070 Grading, surfacing and drainage.** 

All private roads and easements shall be graded, surfaced and drained to the public street standards in effect at the time of application for a building permit or plat approval. The public street standards shall also apply to the turnabout and adjacent parking areas. A construction and maintenance bond shall be required by the city to assure compliance with this chapter. (Ord. 805 § 1, 1999; Ord. 324 § 2, 1973; Ord. 74 § 9, 1959)

**17.44.080 Access by public street.** 

At any time when vehicle access to the subject lot can be or is obtained by way of a public street, the portion of the private road or easement which serves the subject lot shall not thereafter be improved and no building permit shall issue for such purpose. (Ord. 805 § 1, 1999; Ord. 324 § 2, 1973; Ord. 74 § 9, 1959)

**17.44.090 Naming and numbering.** 

All private roads and easements shall be named and the building sites thereon shall be numbered according to a plan approved by the public works director and registered with the city clerk. The name of the road or easement and/or numbers of the residences shall be conspicuously posted on the public street intersecting with the private road and/or easement. (Ord. 805 § 1, 1999; Ord. 324 § 2, 1973; Ord. 74 § 9, 1959)

Clyde Lane, irrespective of the private easements for ingress and egress on the various title documents for the properties, is a private road that requires compliance with the CHMC. Your clients property is the last property served by Clyde Lane and requires a turnabout area which it has provided since the construction of your clients home. Unless an alternative turnabout area is provided the existing turnabout area must remain for compliance with the above code provisions.

The above code requirements are in addition to the City's easement rights and code provisions for fire lanes, fire truck turnabouts and prohibiting the obstruction of fire hydrants.

You indicate that your clients recent actions and desire to implement restrictions on use of Clyde Lane as it passes over their property is a result of actions by the neighbors. Can't your client meet with the neighbors and work this out? Any lasting solution seems to require buy off all those having lots served by Clyde Lane. Meetings under current circumstances are difficult but If you and your client want a face to face with the City I will arrange it. Would you have concerns if the Nurses or their attorney was invited to participate?

Greg

[Greg A. Rubstello](#) | Attorney at Law

Ogden Murphy Wallace P.L.L.C.  
901 Fifth Avenue, Suite 3500 Seattle, WA 98164  
phone: 206.447.7206 | Fax 206.447.0215  
[grubstello@omwlaw.com](mailto:grubstello@omwlaw.com) | [www.omwlaw.com](http://www.omwlaw.com)

**CONFIDENTIAL COMMUNICATION** – This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. Section 2510, and its disclosure is strictly limited to the recipient intended by the sender. It may contain information that is proprietary, privileged, and/or confidential. If you are not the intended recipient, any disclosure, copying, distribution, or use of any of the contents is STRICTLY PROHIBITED. If you have received this message in error, please notify the sender immediately and destroy the original transmission and all copies.