

June 7, 2023

TRPA

Attn: Katherine Hangeland

128 Market Street

Stateline, NV 89449

Sent via email to khangeland@trpa.gov

Sent via email to jroll@trpa.gov

Re: 1713 Lakeshore Blvd. "Pier Rebuild"

TRPA File #ERSP2022-1124

Appeal # ADMIN2023-0016

Dear Ms. Hangeland & Ms. Roll:

Further to the Finney appeal in the above referenced matter, we have continued to delve into the history of the claimed preexistence of a pier located at 1713 Lakeshore Blvd (previously 1709) and, in consultation with my clients have uncovered the following documentation:

EXHIBIT A:

EASEMENT dated February 18, 1970, by and between Richard A. Herz and Lillian Herz (now, Lee Dixon) and Roslyn Hertz, granting an easement to Camille Ryan, a prior owner of 1715 (previously 1711) for a **boat pier and a garage building** which were built by Ryan that encroached on the Herz property. This easement allowed for both the Ryan (now Finney) property to maintain both the garage and pier so long as they were maintained, with the proviso that no boat parking would be allowed on the NORTH side of the pier. It is unclear when this pier was destroyed, most likely by waves, but it did not exist when Finney purchased the property in 1995.

EXHIBIT B:

AFFIDAVIT dated May 24, 2010 made by M. Max Steinheimer, Partner at the Law firm of Downey Brand and at the time of the Affidavit a co-owner at 1717 Lakeshore Blvd. outlining his recollections of growing up at the property. Whereas this affidavit was primarily for the purpose of establishing coverage confirmation for the Finneys, he very specifically makes note that a pier was built at the Finney residence, NOT at the Herz (fka Dixon, Now Rah-Rah) property.

EXHIBIT C:

WASHOE COUNTY APPRAISAL RECORD, dated 1/16/2004, clearly stating that a pier was located at 1711 (now 1715) APN # 130-331-06, upon which the Finneys paid taxes since purchase in 1995 until at least 2004.

EXHIBIT D:

TITLE SEARCH dated October 23, 1995 also showing that 130-331-06 possessed a boat dock.

EXHIBIT E:

NUMEROUS SITE PLANS submitted by Dixon, clearly stating a 61 SF deck, which was destroyed in a storm in 1993 that they would like to be rebuilt. This was denied by TRPA at least three times (3/4/08, 3/13/08 & 5/5/09). Commentary by Planner Leah Kauffman in the fall of 2014 does indicate she could not find any evidence of historical buoys, and she doesn't comment at all about the existence of a pier which she surely would have had she found evidence of one.

EXHIBIT F:

RESPONSE FROM BASIN STRATEGIES/ELISA HESLOP to Finney protest. Posted on TRPA website on 5/30/23.

In the initial notification from TRPA about this project, site plans were not initially included. After reviewing and understanding the scope of the project, changing a 61 SF deck into an enormous pier with 2 boat lifts is a significant imposition on the Finneys and appears to be designed to be installed too close to the property line. As to family photos of the "old pier", no documentation or photos have been provided showing a pier anywhere in the files that I have reviewed. The deck may well have been destroyed in 1993 as the Finneys agree that the remnants were there in 1995. However, Dixon's have always referred to this as a deck, not a pier, in all their site drawings. It is unclear why David Landry would reverse course on not objecting to a pier in 2014 except for the fact that Art Connor was bullying him and the Dixons repeatedly threatened to sue. There is every indication that TRPA was against replacing the Deck in 2008 & 2009. On page 4 there is a comment "pre-1968 WOOD PIER AREA" This is Finney property. Indeed, when Finneys purchased the house in 1995, there was a wooden deck & stairs, which sit upon a huge steel beam. The deck has been rebuilt but the beam remains and is what holds up the current deck. One could make the obvious assumption that the steel beam was in fact the remains of the old steel pier built by the Goldens. Lastly, the fact that Johnson Land Surveys referred to the deck as a dock and old pier is simply the surveyor's lack of knowledge about history of the area. Nothing more can be construed by this comment as the Finneys had no input into the labeling on the survey.

In summary, it seems that TRPA is relying upon Dixon/RAH RAH misrepresentations to "rebuild" a pier that has, in fact, never existed. This would cause a huge hardship on the Finneys and create a huge impact on both their view and their quiet enjoyment of their waterfront. We respectfully request that TRPA review the Exhibits provided (all of which were obtained on the TRPA website) and deny the Application and withdraw any associated permits, provisional or otherwise, until a proper determination can be made as to the legality of adding a new pier to Lake Tahoe.

Respectfully submitted,


John & Jeanette Finney

MAY 12 1970

168627

R.P.T.T. & Notes

BOOK 677 PAGE 381

SEND TAX STATEMENT SENATOR RICHARD L. ALLEN TO CONGRESSIONAL ELECTIVE DIST
1 PO BOX 2768 TERMINAL HUNTER LA CA 90604
RECORDED DOCUMENT TO RECEIVED WALL STREET JOURNAL PO BOX 1291 NEW YORK NY 10108

1. HERZ does hereby grant, bargain and sell, to RYAN and her heirs and assigns, so long as the present boat pier exists, the right and easement to keep said boat pier in its present position, to maintain said boat pier in its present condition, and to make normal use of said boat pier provided that neither RYAN nor her heirs or assigns will at any time moor or dock any boat or other craft on the northerly side of said boat pier.

MAR 12 1970

BOOK 449 PAGE 382

2. HERZ does hereby grant, bargain and sell unto RYAN and her heirs and assigns, so long as the present garage building exists on said RYAN property, the right and easement to keep said garage building in its present position, to maintain said garage building in its present condition, and to make all normal use of said garage building.

3. RYAN agrees that apart from the easements granted herein, she is not possessed of or vested with any claim of right or color of title or title in or to any part of the said property of HERZ described in Exhibit A attached hereto, and RYAN covenants that the maintenance of said boat pier and said garage shall not, at any time be deemed to be a hostile or adverse possession of any portion of said land of HERZ.

4. RYAN further agrees not to extend the existing pier on the northerly side of its present and existing location.

5. The parties agree that this Agreement shall run with and against said real property of HERZ and RYAN, and shall be binding upon and enure to the benefit of the heirs, assigns, successors, administrators and executors of each of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

Richard A. Herz
Richard A. Herz

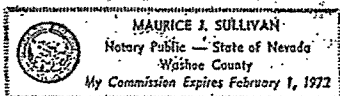
Lillian Herz
Lillian Herz

Roslyn M. Herz
Roslyn M. Herz

Camille T. Ryan
Camille T. Ryan

STATE OF NEVADA)
COUNTY OF WASHOE) ss:

On this 5 day of MARCH, 1970, personally appeared before me, a Notary Public, RICHARD A. HERZ, LILLIAN HERZ and ROSLYN HERZ who acknowledged that they executed the above instrument.



[Signature]
Notary Public in and for the County
of Washoe, State of Nevada

STATE OF CALIFORNIA)
COUNTY OF San Mateo) ss:

On this 18th day of February, 1970, personally appeared before me, a Notary Public, CAMILLE T. RYAN, who acknowledged that she executed the above instrument.

Virginia M. Finney
Notary Public in and for said
County and State

VIRGINIA M. FINNEY
My Commission Expires Sept. 24, 1971



168627

BOOK 449 PAGE 384

Lot 5, Block G Rocky Point Subdivision, Lake Tahoe, as shown on the Amended Plat of Rocky Point Subdivision, filed in the office of the County Recorder of Washoe County, State of Nevada on October 9, 1933 Less the fractional part of said Lot 5, Block G described as follows:

Beginning at a point upon the south boundary line of said Lot 5, Block G which is thirty-six (36) feet in a westerly direction along the said south boundary line from the right-of-way line of Nevada State Highway No. 28; thence continuing along said south boundary line in a westerly direction one hundred and four (104) feet more or less to the shore line of Lake Tahoe, thence northeasterly along the shore line five (5) feet, and thence in an easterly direction parallel to the south boundary line of Lot 5, Block G, one hundred and four (104) feet more or less, and thence southwesterly five (5) feet upon an angle of 90 degrees to the point of beginning.

EXHIBIT "A"

168627

BOOK 449 PAGE 385

MAR 12 1970

Lot 6, Block G Rocky Point Subdivision, Lake Tahoe, as shown on the Amended Plat of Rocky Point Subdivision, filed in the office of the County Recorder of Washoe County, State of Nevada on October 9, 1933 Plus the fractional part of said Lot 5, Block G described as follows:
Beginning at a point upon the south boundary line of said Lot 5, Block G which is thirty six (36) feet in a westerly direction along the said south boundary line from the right-of-way line of Nevada State Highway No. 28; thence continuing along said south boundary line in a westerly direction one hundred and four (104) feet more or less to the shore line of Lake Tahoe, thence northeasterly along the shore line five (5) feet, and thence in an easterly direction parallel to the south boundary line of Lot 5, Block G one hundred and four (104) feet more or less, and thence southwesterly five (5) feet upon an angle of 90 degrees to the point of beginning.

168627

OFFICIAL RECORDS
WASHOE COUNTY, NEV.
RECORD REQUESTED BY
Title Ins. & Tr. Co.
MAR 12 1970 1:35 pm
ARDIS BROWN
COUNTY RECORDER
FEE 7.00 DEP 0.75

EXHIBIT "B"

168627

Melanie Vincent

From: Heather Beckman
Sent: Thursday, June 10, 2010 3:22 PM
To: Melanie Vincent
Subject: FW: Easement Document

Follow Up Flag: Follow up
Flag Status: Red

Attachments: 20100527163755272.pdf; ATT00001.c



2010052716375527ATT00001.c (210 B)
2.pdf (368 KB)...

Here goes. We'll need to review..can you read first? This is a reciprocal easement...whatever that means We will likely need help.

Heather (Gustafson) Beckman
Senior Planner
Land Capability & IPES Program Manager
Tahoe Regional Planning Agency

775.589-5313

-----Original Message-----

From: Wyatt Ogilvy [mailto:wyatt@ogilvylanduse.com]
Sent: Wednesday, June 09, 2010 4:02 PM
To: Heather Beckman
Subject: Fwd: Easement Document

Heather,

Attached is the easement document for your review. The property referenced as "Ryan" in this document is now the "Finney" parcel, Lee Herz is still an owner in the adjoiningh property to the north. Can you and I set a time to discuss the driveway width and any remaining issues to bring this site assessment to conclusion?

Thanks,

Wyatt Ogilvy
Ogilvy Consulting | Land Use & Development Strategies

Phone: (530) 583-5800 | Fax: (530) 583-5858
Mailing: Post Office Box 1636 | Kings Beach, CA 96143
Office/Delivery: 850 North Lake Blvd., Suite 16 | Tahoe City, CA 96145

Begin forwarded message:

Kimberly Ellis

From: Wyatt Ogilvy <wyatt@ogilvylanduse.com>
Sent: Tuesday, May 24, 2011 4:21 PM
To: Heather Beckman
Cc: Kimberly Ellis
Subject: Re: Finney Site Assessment (APN: 130-331-06/File no. LCAP2009-0284) - Revision

Great, thanks for getting to this Heather. We will follow up with Kim for the formal revision to the site assessment.

Best,

Wyatt Ogilvy
Ogilvy Consulting | Land Use & Development Strategies

Phone: (530) 583-5800 | Fax: (530) 583-5858
Mailing: Post Office Box 1636 | Kings Beach, CA 96143
Office/Delivery: 850 North Lake Blvd., Suite 16 | Tahoe City, CA 96145

On May 24, 2011, at 10:04 AM, Heather Beckman wrote:

> Hi Wyatt
> Thanks for your synopsis of our conversation. Yes, I concur.
>
> I will not be able to revise this letter before my departure. I have cc'd Kim Ellis as she may be the person who would do this. As she has quite a full workload at the moment, it would likely be a few weeks before she could get to it.
>
> thanks
>
> -----Original Message-----
> From: Wyatt Ogilvy [mailto:wyatt@ogilvylanduse.com]
> Sent: Wednesday, May 18, 2011 4:41 PM
> To: Heather Beckman
> Subject: Finney Site Assessment (APN: 130-331-06/File no. LCAP2009-0284) - Revision
>
> Heather,
>
> Pursuant to our recent conversations, we had met with Melanie Vincent to revisit the previously completed site assessment (referenced above). As indicated on the attached survey document utilized by Ms. Vincent in the field (Finney.TRPA.Field.pdf), a planter on the lake side of the deck that the survey had classified as "compacted dirt" was not verified.
>
> In preparing the schematic architectural plans for a rebuild we came to realize that this excluded compacted dirt area was within the 3:1 reduction shadow of the deck above (faint solid line, triangular in shape). See the second attachment as a jpeg for a graphical depiction of this specific area (TRPA Coverage Diagram). This area should have been calculated as "decks" not under compacted dirt by the surveyor. The last attachment (TRPA coverage calcs comparison 02-16-2011) shows a clouded line item for the 37 square foot area in question.

>
> Based on these documents, we assert that the 'Decks and Stairs' line item in the site assessment should be revised from 801 to 838 square feet. This revision would result in the total verified land coverage increasing from 4,677 to 4,714 square feet.

>
> If you are in agreement with this revision, an email stating your review that will suffice for ERS at a later date would be appreciated. Please let me know if you have any questions regarding these documents or this request.

>
> Sincerely,
>
> Wyatt Ogilvy

>
>
>
>

July 8, 2010

Melanie Vincent
Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, NV 89449

**Subject: Finney Property – TRPA Site Assessment
1715 State Route 28, Incline Village, Nevada
Washoe County APN: 130-331-06**

RECEIVED

JUL 08 2010

TAHOE REGIONAL
PLANNING AGENCY

Dear Ms. Vincent,

Enclosed please find three (3) copies of a revised site exhibit drawing in order for you to complete the site assessment for the above reference property. This site exhibit drawing reflects the notations on the draft determination, which you had previously provided to our office to complete area calculations in AutoCAD.

I have coordinated with Ed Breakell, a licensed Nevada Architect, to complete this exhibit drawing. The areas of unverified coverage on your draft assessment have been hatched on this plan, with corresponding calculations specific to those areas calculated in AutoCAD. There are call-outs that denote the square footage areas for each unverified segment. In turn, these area calculations are tabulated by descriptive item (i.e., concrete) and subtracted from the original figure tabulated on the topographic survey dated October 12, 2009.

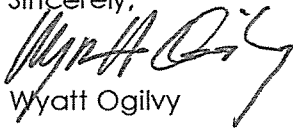
Additionally, the Backshore Boundary delineated in your draft assessment has been overlaid in AutoCAD. Thereafter, the corresponding gross land areas within the backshore and the upland segment of the property were calculated. Please note that your draft assessment did not provide the upland land capability. The verified land coverage, per your draft, have also been calculated for the backshore and upland segments of the property. The only deviation from your draft assessment is that we have calculated the footprint of the propane tank at the property, as Mr. Finney recalls Heather (Gustafson) Beckman asserting that this footprint would be verified as land coverage in our meeting at the site on May 26, 2010.

As you are well aware, we are anxious to conclude the site assessment process in order to move forward with a residential rebuild application. Should you have any questions or need additional information in order to complete the site

July 8, 2010
Melanie Vincent
TRPA
Finney – Site Assessment
Page Two

assessment process, please let me know. We greatly appreciate your efforts in relation to the processing of this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Wyatt Ogilvy", written in a cursive style.

WYO: Attachments

cc: John Finney
Ed Breakell

LAKE
TAHOE

BLOCK WALL

LOW WATER LINE

HIGH WATER LINE

ELEV. = 6223.0'

ELEV. = 6229.0'

11062
2262

PIPE (HOLDS
BOULDERS
TOGETHER)

CONCRETE
ENFORCED
ROCK SLOPE

BOULDERS

BOULDERS

CONCRETE
ENFORCED ROCK
WALL

GRAVEL

4' DIAMETER SAW BLA

ROCK W.

COMPACTED DIRT

6239.3'

6242.11'

6242.5'

BACKS

NO

A

EXHIBIT B

AFFIDAVIT
to the
Tahoe Regional Planning Agency

This Affidavit is made on May 24, 2010, by M. Max Steinheimer who resides at 1410 Mettler Road, Lodi, California 95242, with telephone number (209) 334-4209, regarding the property, project, or other matter under review by the Tahoe Regional Planning Agency, with file number or County Assessor's Parcel Number 130-331-06 (Finney property"), located in Washoe County in the State of Nevada. The Affiant declares he/she has the following financial, real estate, business, or other interests in this matter (write "N/A" if none) N/A, and evidence of this interest is available on request. The Affiant affirms under oath that the following statement is true and correct to the best of his/her knowledge and that the information stated herein is submitted voluntarily.

STATEMENT
(Use additional sheets if necessary. Please number and initial additional sheets.)

My name is Max Steinheimer. I am one of the owners of the property bordering the Finney parcel on the south at Rocky Point, Lake Tahoe, Nevada.

The parcels to the south of the Finney property that are owned by my family have been in the family since before 1920. I first began spending part of the summer at the Lake Tahoe property in 1947 and between 1947 and 2008 I was on the property each and every year.

The following relate to my observations of the use and improvements located on the Finney parcel during those periods of ownership prior to the Finney acquisition.

In the 1950s the driveway for the Finney property began at the highway and went toward the lake along the south boundary of the Finney property ending at a point near the corner of our cabin that was and is located on the parcel closest to the Finney property. The driveway was used on a weekly basis by Elsie and Frank Golden, the then owners of the property. They would back their vehicle down the drive each weekend when they arrived, unload their provisions and take them down the path from the end of the driveway to the front door. In addition to the pathway and the steps, down to the front door of the Finney home, there were walkways that went around both ends of the Finney house to the lakeside. One walkway went towards the Herz property from the front door of the Finney house and then continued to the northeast onto the Herz property. That north walkway branched just past the north edge of the Finney house and went to the lake and rocks. The other walkway went from the front door of the Finney house around the southern edge of the home passing by the front of the storage shed (concrete bunker) that is located on my family's property and continuing around the lake side of the Finney home to both a deck area and to wooden steps that then went down onto the rocks of the lakefront. Walkways on the Finney property were regularly used by the Steinheimer, Golden and Herz family to access each of the homes as well as the Steinheimer storage bunker and the lakefront.

All of the walkways surrounding the Finney home as described above were wide enough for two or three people to walk or pass, the walkways were regularly used for movement of material for construction projects, including wheelbarrows and carts and for the transport of small boats to

MS

the rocks for launching. There were, in the 1950s and into the 60s, wooden decks on both the Herz lakefront property and on the lakeside and southeast corner of the Finney property. Compacted decomposed granite flat areas were on the lakeside of the Finney property and on the south side of the Finney property. There were also wooden decks and rails and steps on the lake side where the pathways met the rocks between the south line of the Finney property and approximately the middle of the Finney property on the lakeside.

Later, after 1962, a large pier structure was built on the rocks of the Finney property that would accommodate access to the water and included a boat lift that was capable of lifting an in-board/out-board boat in the 18 to 20 foot range out of the water. In association with that structure, there were also walkways and decks, however, all of the walkways and decks that were associated with that structure were in place prior to installation of the large docking structure.

All of the areas described above (drives, paths, walkways, decks and steps) surrounding the Finney home were regularly and continuously used for recreation and residential purposes in all of the summer seasons subsequent to 1947.

By: (Signature before Notary)

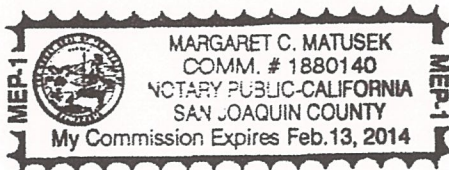
M. Max Steinheimer Date: 5-24-10

JURAT

State of California

County of San Joaquin

Signed and sworn to (or affirmed) before me on May 24, 2010 by M. MAX STEINHEIMER.



Margaret C Matusek
(Signature of notarial officer)

March 18, 2010

Melanie Vincent
Associate Planner
Land Capability Program
Tahoe Regional Planning Agency

RECEIVED

MAR 18 2010

TAHOE REGIONAL
PLANNING AGENCY

Re: Request for Additional information, Land Coverage Verification
APN 130 331 06, TRPA File Number LCAP2009-0284

Dear Ms. Vincent,

In response to your request of February 25, 2010 I submit along with this letter a site plan labeled SC-1 and a binder of photos of the site conditions over time. The photos are numbered and correspond to numbered locations on the site plan along with arrow heads showing the direction of the view.

As background this small lakefront property has been under intensive usage since at least the 1930s. Several of the remaining neighbors, including Judge Connie Steinheimer, have summered in this neighborhood continuously since the 1950s.

There are a home and a separate garage on the property connected by stairs and a walkway/driveway. The home consists of a series of additions capped off by a winterized second story and porches which were added under Washoe County building permit #10149, issued Nov. 2, 1966 and completed on June 30, 1967. The garage was added under building permit #10212, issued Jan. 5, 1967 and completed on June 29, 1967.

Prior to the building of the garage and accompanying concrete parking deck vehicle access was via a sloping asphalt driveway along the southern border of the property (abutting Steinheimer property). See statements by neighbors. At the time of the garage parking deck construction (spring 1967) an electrically heated concrete walkway with intervening steps was poured from the new parking deck down to the expanded home on top of the pre-existing asphalt driveway. See photos 50 and 58 for the 1967 walkway, and photos 48, 49, 51 – 57, 59 and 60 for views of the underlying asphalt driveway taken as the 1967 concrete walkway was removed for a utility project in 2007.

After the utility trench was covered a replacement concrete driveway/walkway (with BMP drainage) was poured on top of the now partially disturbed pre-1966 asphalt driveway. The new pour is narrower than the original driveway and both the new north side curb and pre-1966 curb are exposed and still visible. See photos 37 – 48.

The neighbor's statements indicate that the driveway was used to bring goods down all the way to the top of the existing stairs, adjacent to the steps into the Steinheimer home.

The deck on the south side of the house is one of only two semi-level outdoor spaces on the property. Being lakeside and surrounded by boulders it is the nexus of travel among

many heavily used facilities including the 2 lower lakeside decks, the pier, the two points of basement access (gear rooms), the 1928 concrete shed, "Elsie's project", and the upper decks, house and garage. The paths of travel are illustrated on exhibit SC-1. This area provided the only access to the 1928 shed, photo 12, and was the wheelbarrow path for supplies to "Elsie's project" the concrete and debris pile by the hot tub deck.

The central area was re-decked over the last 5 years due to rotting wood in contact with the earth. Photos 8 – 22 show the several generations of masonry steps, concrete steps (poured as part of the house expansion, 1967), and connecting rotting, wooden decks covering this area which were exposed during the process.

The walkway around the north side of the house has been the means of access to the utilities, crawlspace, north side basement, and via very old steps to the Herz Pier on the north side of the property. Photos 26 – 33. It also was stated by the Steinheimers to have been used as the primary path of travel between the neighboring homes on a continuous basis by the neighborhood children.

The retaining walls below the upper deck were added as part of the 1967 home expansion. They support the concrete pour that supports the house and decks. This pour also leads up to and under the south side surface decking. Photos 22 – 24. The construction is stone and masonry. It is covered with very mature lichen.

The retaining walls and debris pile to the south side of the hot tub were constructed by Elsie Golden in the 1950s and 1960s, long before she transferred the property to her neice Camille Ryan in 1970. The retaining walls are constructed of very old-style cinder block, and various junk, and extend across the property line onto the Steinheimer property, as does the current deck. The walls and fill were intended to support and level the deck area we currently have on the south side as well as to support a no-longer existing lakeside deck connecting to the Steinheimer property. Photos 1 – 7.

I hope this helps answer your concerns.

Sincerely,

John Finney

YEAR	FURNITURE	MERCHANDISE
70/71	170	
71/72	170	
72/73	170	
73/74	170	
74/75	170	
75/76	170	
76/77	170	
77/78	170	
78/79	170	
79/80	—	
80/81	—	

OWNER	ADDRESS	I.R.S.	DATE	TRANS. NO.
Camilla T. Ryan		Comb.	226348	449-377
GEDRA FIDELITIES, INC.		Dest.	3/12/70	168625
			722209	1599/318
			2/9/81	722210
Supervised by	130-331-060		5/31/83	

RECEIVED

MAR 18 2010

SAHOE REGIONAL
PLANNING AGENCY

POST IN A CONSPICUOUS PLACE ON THE JOB

BUILDING PERMIT CARD AND INSPECTION RECORD

WASHOE COUNTY BUILDING DEPARTMENT
1200 E. Second Street - Reno - Phone 322-0220

PERMIT NO. 10212 DATE 1-5-67
TYPE BLDG. Frame USE Storage
OWNER Mark J. Ryan
LOCATION 1170 Lakeshore Blvd
CONTRACTOR owner

NOTICE: Separate Electric, Plumbing and Heating Permits are Required.

Excavation & Set Back Requirement Insp.

To be Made Before Concrete is Poured

Set Back _____
Foundation Forms _____
Other Forms _____
Reinforcing _____
Plumbing (under slab) _____
Wiring (underground) _____
Wiring (slab) _____

Masonry, Concrete & Reinforcing Insp.

To be Made Before Grouting or Placing of Concrete

Reinforcing _____
Walls _____
Cells _____
Bond Beam _____
Foundation Access _____
Foundation Vents _____

Sub-Floor Inspections

To be Made Before Sub-Floor is Laid

Joists & Sills _____
Rough Plumbing _____
Rough Gas _____

Rough Inspections

To be Made Before Interior Lath and any Wall Board is Applied

Rough Plumbing (vents) _____
Rough Plumbing (drains) _____
Water Pipes _____
Rough Gas _____
Rough Wiring _____
Flues _____
Chimney _____
Roofing _____
Framing _____
Air Ducts _____

Post House Number in Conspicuous Place Immediately

Plaster and Stucco Inspections

To be Made After Lath, Wire and Wall Board are Applied

Stucco Lath _____
Plastic Lath _____
Wall Board _____

Finish Inspections

Do Not Occupy Building Until These Are Signed

Building OK 6-29-67 MB
Electrical OK 6-29-67 MB
Plumbing _____
Heating _____
Sewer _____
Gas _____
Parking _____
Required Concrete Work _____

NOTE: Signature of Inspector after item designates approval. When properly signed this card is a Certificate of Occupancy.

POST IN A CONSPICUOUS PLACE ON THE JOB

BUILDING PERMIT CARD AND INSPECTION RECORD

WASHOE COUNTY BUILDING DEPARTMENT
1200 E. Second Street - Reno - Phone 322-0220

PERMIT NO. 10149 DATE Nov. 2, 1966
TYPE BLDG. Frame USE Dwelling
OWNER Mark J. Ryan
LOCATION Highway 28 & Ruby Rd
CONTRACTOR owner

NOTICE: Separate Electric, Plumbing and Heating Permits are Required.

Excavation & Set Back Requirement Insp.

To be Made Before Concrete is Poured

Set Back _____
Foundation Forms _____
Other Forms _____
Reinforcing _____
Plumbing (under slab) _____
Wiring (underground) _____
Wiring (slab) _____

Masonry, Concrete & Reinforcing Insp.

To be Made Before Grouting or Placing of Concrete

Reinforcing _____
Walls _____
Cells _____
Bond Beam _____
Foundation Access _____
Foundation Vents _____

Sub-Floor Inspections

To be Made Before Sub-Floor is Laid

Joists & Sills _____
Rough Plumbing _____
Rough Gas _____

Rough Inspections

To be Made Before Interior Lath and any Wall Board is Applied

Rough Plumbing (vents) _____
Rough Plumbing (drains) _____
Water Pipes _____
Rough Gas _____
Rough Wiring _____
Flues _____
Chimney _____
Roofing _____
Framing _____
Air Ducts _____

Post House Number in Conspicuous Place Immediately

Plaster and Stucco Inspections

To be Made After Lath, Wire and Wall Board are Applied

Stucco Lath _____
Plastic Lath _____
Wall Board _____

Finish Inspections

Do Not Occupy Building Until These Are Signed

Building OK 6-29-67 MB
Electrical OK 6-29-67 MB
Plumbing _____
Heating OK 6-30-67 MB
Sewer _____
Gas _____
Parking _____
Required Concrete Work _____

NOTE: Signature of Inspector after item designates approval. When properly signed this card is a Certificate of Occupancy.

RECEIVED

MAR 18 2010

WASHOE REGIONAL
PLANNING AGENCY
LEGAL COMMITTEE ITEM NO. 3 &
AGENDA ITEM NO. VII. A.



1968

Finney Site Conditions APN 130 331 06

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MAR 18 2010

TAHOE REGIONAL
PLANNING AGENCY

LEGAL COMMITTEE ITEM NO. 3 &
AGENDA ITEM NO. VII. A.

May 24, 2010

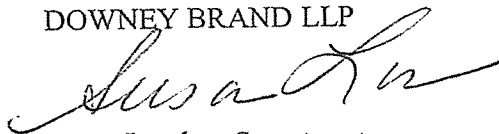
PMB 352
774 Mays Blvd., #10
Incline Village, NV 89451

Dear Mr. Finney:

Pursuant to Mr. Steinheimer's instructions, I am enclosing an Affidavit for the Tahoe Regional Planning Agency. Thank you.

Very truly yours,

DOWNEY BRAND LLP



Susan London, Secretary to
M. Max Steinheimer

MMS:sl

EXTREME

[illegible][illegible][illegible][illegible]

Current Year _____ By _____ Date _____

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New Sketch

Current Insp _____ Ry _____ Date _____

Real Estate	Land	Fac	Land	Variable	Value	Bldg	Fac	Price	New	Cons	Supplemental	ROI	Bldg	Variable	Value	Secured	Real Prop	Total	Variable	Value	Unit	Assessed	Building	Assessed	Secured	Per Prod	Asset	Secured	Total	Assessed
2004 NR	1				1,352,600					1,00962					68,473					1,421,073			473,410			23,966				497,376
2004 VN		1			1,352,600					1,00962					68,473					1,421,073			473,410			23,966				497,376
2003 FV		REAP			1,352,600					REAP										1,420,420			473,410			23,437				497,147
2002 FV					660,000										95,513					755,513			231,000			33,430				264,430
2001 FV					440,000										94,143					534,143			154,000			32,950				186,950
2000 FV					440,000										94,143					534,143			154,000			37,950				186,950

Code	Description
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[illegible]

SUB AREA

[illegible]

NOTES

[illegible]

LAND DATA

[illegible]

Sub/De

[illegible]

ALPN 130-331-06

Sum Area By Label:



Roll Year	Land Part	Land Value	Build. Part	Build. Value	Rate in %	Cons. Supplement	Roll	Build. to be Value	Source of Prop	Roll to be Value	Land Assess	Building Assess	Severed Prop	Prop. Val.	Severed Prop	Roll	Mass
2003 FV	REAP	1,352,600	REAP					67,820			1,420,420	473,410	23,737				
2002 FV		660,000						95,513			755,513	231,000	33,430				264,147
2001 FV		440,000						94,143			534,143	154,000	32,950				186,950
2000 FV		440,000						94,143			534,143	154,000	32,950				186,950
1999 FV		440,000						94,143			534,143	154,000	32,950				186,950
1998 FV		440,000						92,751			532,751	154,000	32,463				186,463

Update	Results	AP
2/1	2/1	2/1

[illegible]

Date	Per
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[illegible]

This Information is for use by the Washoe County Assessor for assessment purposes only.

PROPERTY TYPE:

WASHOE COUNTY BOARD OF EQUALIZATION

HEARING: 74

TAXABLE VALUE: LAND: \$1,718,000
ASSESSED VALUE: LAND: \$601,300

IMPS: \$67,820 TOTAL: \$1,785,820
IMPS: \$23,737 TOTAL: \$825,037

DATE: 2003 REAPPRAISAL
TIME: 2003 REAPPRAISAL

OWNER: Finney, John

APN: 130-331-06

ADDRESS: 711 State Route 28

LAND: AREA(AC): 0.224 FRONTAGE 88
TAXABLE LAND VALUE: \$1,718,000

SUBJECT INFORMATION

AVG DEPTH: 185 PHYSICAL: Rocky beach, pier

IMP: AREA(SF): 1,633 STORIES: 1.5 QUALITY: 3.0 YR BUILT: 1965 WAY BSMT: 200 sf unfinished

SPECIAL FEATURES:

TOTAL TAXABLE VALUE PER SQUARE FOOT: \$1,094

LAND VALUATION SUMMARY:

The subject's current taxable land value of \$1,718,000 includes a \$500,000 pier right premium. The subject's current base land value is \$21,000 per front foot. The current value does not reflect the lack of municipal water, natural gas or postal service. The following land sales analysis incorporates a recommended reduction in the land value in order to acknowledge these issues. There were three sales included in the analysis. The adjusted sale price range of the comparable land sales is \$10,880 to \$24,591 per front foot. The recommended taxable land value reduces the subject's base land value to \$14,700 per front foot. The subject's recommended taxable land value is below two of the three adjusted comparable sales.

TOTAL VALUATION SUMMARY: The owner is only protesting the land value. Therefore, an improved sales analysis was not conducted.

CONCLUSION SUMMARY:

The current taxable land value does not reflect the lack of municipal water, natural gas service and postal service. To acknowledge these issues, it is recommended that the subject's land value be reduced to \$1,352,600 consisting of \$852,600 for the land and \$500,000 for the pier right premium. This recommendation is incorporated into the land sales analysis of page 3.

RECOMMENDATION:

UPHOLD:

REDUCE: X

TAXABLE VALUE:
ASSESSED VALUE:

Land	Buildings	Total
\$1,352,600	\$67,820	\$1,420,420
\$473,410	\$23,737	\$497,147

The owner of record has been notified of the recommendation.

PREPARED BY: Gary Warren, Appraiser III

REVIEWED BY:

Ron Sauer, Senior Appraiser

PAGE 1 OF 16

EXHIBIT 1

FIRST AMERICAN TITLE

241 Ridge Road
Reno, NV 89501
702-688-4848

*mm
day
submitting*

Property and Ownership Information

Owner: NORTHBROOK PROPERTIES INC
CoOwner:

Phone#:

Site Addr: 1711 STATE ROUTE 28
INCLINE VILLAGE NV 89451

Mail Addr: 555 SKOKIE BLVD #555
NORTHBROOK IL 60062

Property Characteristics

Bldg SF: 1,633 Lot Acres : .22
Bedrooms : 3 Lot Sqft : 9,757
Bathrooms: 3.00 Bsmnt Type: DUGOUT-UN
Fixtures : 11 Bsmnt SqFt: 200
Fireplace: 1 Garage : DETACHED
Stories : 1.5 FIN Garage SqFt: 744
Units : 1 Wall Mat : SIDING
Heat Type: FORCED Roof Type : WD SHAKE
Air Cond : Water : MUNICIPAL
Imp 1 : WOOD DECK Bld Cond :
Imp 2 : ENCLSD PO Bld Quality: AVG
Imp 3 : FW CONCRE Street : PAVED
* Imp 4 → : BOAT DOCK Sewer Type: MUNICIPAL
Imp 5 : FENCE WOO Year Blt : 1949
Zoning : 055 Avg YrBlt : 1965
BldgUse : *UNKNOWN BUILDING USE*

Property Statistics

Parcel #: 130 331 06
Use: 020 RES, SINGLE FAMILY RES
Legal: IN ROCKY POINT ADD LT 6 F
Parcel Lt: 5 Blk: G
Census Tr: Bl:

Sale & Loan Information

Sale Date-Deed: 09/02/88
Sale Price:
Doc #: 1271319
Price/Sqft:
Lender:
1st T.D. Amt:
Loan Type:

Prepared For: MARY REIMER
LAKESIDE SALES

Title Rep:
Prepared By: GERRITT SCHMIDT

Tax Information

Struct: \$28,010 94-95 Tx: \$3,935.80
Land: \$96,250 Tax Area: 5200
Total: \$124,260 * Imp: 23

MetroScan Property Information

NOV 20 2009

The Information Provided Is Deemed Reliable, But Is Not Guaranteed.

Property Profile

OWNER and PROPERTY

Owner : John & Jeanette Finney
Owner Typ : Family
Co-Owner : N/A
Phone # : N/A
Mail Address : 774 Mays Bv 10-352 Incline Village NV 89451
Site Address : 1715 Lakeshore Blvd Incline Village NV 89451
Parcel : 130-331-06 **Census** : 33.041
School District : Washoe County **Tax Area** : 005200
Page-Grid : 18-16-26 **# Props** : 1
Flood Map : N/A **Own Occ** : No
Housing Tract : ROCKY POINT SUB AMD FR 5
Lot / Block : 6
Legal Desc : ROCKY POINT AMD FR LT 5 & ALL LT 6 BLK G

TRANSFER INFORMATION

Date w/ \$: 05/26/2004
Doc # w/ \$: 03043788
Price : N/A
Type : Partial Value
\$ Sqft : N/A
Date w/o \$: N/A
Doc # w/o \$: N/A

TAX and ASSESSMENT

Land : \$420,000
Structure : \$25,745
Total : \$445,745
Improved : 2574500%
Tax Year : 2008-2009
Taxes : \$12,356.72

LOAN INFORMATION

Loan : \$880,000
Lender : Chase Manhattan
Loan Type : Conventional
Rate Type : Variable

PREVIOUS OWNER

Date : 12/29/1995
Price : \$1,100,000
Name : Finney, John

PROPERTY CHARACTERISTICS

Land Use : Single Family Residence	Units : 1	Bldg Sqft: : 0
Zone : MDS Water :	Pool : No	Ttl Sqft: : 1,633
Rooms : N/A Sewer :	Stories : 1.5F	Bsmt Sqft : 200
Bedrooms : 3 Yr Blt : 1949		Gar Sqft: : 0
Bathrooms : 3.00 Acres : 0.22		Lot Sqft: : 9,757

First Centennial Title Co. of Nevada

This information is believed to be accurate, but is not guaranteed.

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Gerritt Schmidt #2729

LEGAL COMMITTEE ITEM NO. 3 &

AGENDA ITEM NO. VII. A.

History of owners of APN 130-331-06

Elsie Golden – original owner
Camille and Mark Ryan – niece of the Golden
Consolidated Electric Company
Northbrook Properties
John Finney – since late 1995

Valuation Section

UNIFORM RESIDENTIAL APPRAISAL REPORT

File No.

ESTIMATED SITE VALUE

ESTIMATED REPRODUCTION COST-NEW-OF IMPROVEMENTS:

Dwelling 1,818 Sq. Ft. @ \$ 150.00 = \$ 272,700
 Sq. Ft. @ \$ =
 decking/railing/benches/spa = 35,000
 Garage/Carport 744 Sq. Ft. @ \$ 75.00 = 55,800
 Total Estimated Cost New = 363,500
 Less Physical 45 Functional External

Depreciation 163,575
 Depreciated Value of Improvements = \$ 163,575
 "As is" Value of Site Improvements = \$ 199,925

INDICATED VALUE BY COST APPROACH

25,000
 2,824,925

Comments on Cost Approach (such as, source of cost estimate, site value, square foot calculation and for HUD, VA and FmHA, the estimated remaining economic life of the property): Cost figures are based on rough local averages and include normal indirect costs; depreciation per age/life method, 60-year. No applicable lot sales were found; site estimate is by market extraction based on S#1 below. The high land/imps. ratio is common for the lakefront. Living area is adjusted in the Market Approach at 75% of est'd base cost new (within norm found) and considers rooms; baths at \$10,000 each.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	1711 State Route 28 Incline Village	1705 State Route 28 Incline Village, NV	638 Lakeshore Blvd. Zephyr Cove, NV	173 Snug Harbor Zephyr Cove, NV
Proximity to Subject		5 lots northerly	16 miles southerly	15 miles southerly
Sales Price	\$ n/a	\$ 2,850,000	\$ 2,700,000	\$ 2,400,000
Price/Gross Liv. Area	\$ n/a	\$ 1,175.74	\$ 1,303.09	\$ 860.22
Data and/or	inspection/owner/ public records	MLS #928553/ Document #2493517	MLS #103859/ Document #550229	MLS #107172/ Document #548898
Verification Source	DESCRIPTION	DESCRIPTION +(-)\$ Adjustment	DESCRIPTION +(-)\$ Adjustment	DESCRIPTION +(-)\$ Adjustment
VALUE ADJUSTMENTS				
Sales or Financing		none known; CTNL Conv.	none known; CTNL Conv.	none known; all cash
Concessions		10-24-00 COE	8-22-02 COE	8-31-02 COE
Date of Sale/Time		same	infer/Maria Bay *	infer/east shore *
Location	good/Rocky Point	same	same	same
Leasehold/Fee Simple	fee simple	same	same	same
Site	.22acre/moderate	.12acre/steep *	.17ac/moderate *	.22acre/gentle *
View	55' rocky lakefront	75' rocky lakefront *	65' sand ho. bch *	40' sandy beach *
Design and Appeal	average/cabin	similar/contemp.	similar/cabin	similar/ranch
Quality of Construction	average-good	similar	similar	similar
Age	1949/remodel	1976/inferior *	1941/minimal *	1951/inferior *
Condition	good	inferior *	inferior *	inferior *
Above Grade	Total Bdrms Baths	Total Bdrms Baths	Total Bdrms Baths	Total Bdrms Baths
Room Count	5 3 3.00	6 3 3.00	6 4 2.50	7 4 3.00
Gross Living Area	1,818 Sq. Ft.	2,424 Sq. Ft.	2,072 Sq. Ft.	2,790 Sq. Ft.
Basement & Finished		-67,500	+5,000	-110,000
Rooms Below Grade	none	same	same	same
Functional Utility	average	similar	similar	similar
Heating/Cooling	fau/propane	similar	similar	similar
Energy Efficient Items	dual-glazing	same	same	same
Garage/Carport	3 car det. garage	2 car carport	1-pane (@ age)	2 car att. garage
Porch, Patio, Deck,	decking, hot tub,	similar,	none	similar,
Fireplace(s), etc.	blt-ins, 1 fireplace	1 fireplace	similar,	1 fireplace
Fence, Pool, etc.	part.fenced, indscp	similar	similar	similar,
boat facilities	2 legal bouys	bouv. dock/hoist	1 fireplace	1 fireplace
Net Adj. (total)		-250,000	none	same
Adjusted Sales Price		+ X - \$ -42,500	+ X + \$ +50,000	+ X + \$ -250,000
of Comparable		\$ 2,807,500	\$ 2,917,500	\$ 2,845,000

Comments on Sales Comparison (including the subject property's compatibility to the neighborhood, etc.): Discussion of the comparables attached. Notes: Location, site, and view are interrelated (and usually inseparable) factors influencing land value, thus they are considered compositely as indicated by asterisk. The net adjustment is based on the estimated land contribution to sale price via extraction. Age and condition, also interrelated, are treated accordingly. Percentage and/or other adjustments made are attempts to reflect an estimated degree of dissimilarity with the Subject Property, as the dollar amounts shown (dictated by URAR format) might other-wise convey a level of accuracy that rarely exists in this diverse and dynamic market.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Date, Price and Data	None	None	None	None
Source, for prior sales	None	List Price: \$3,000,000	List Price: \$2,700,000	List Price: \$2,400,000
within year of appraisal	None	Days-on-Market: 217	Days-on-Market: 105	Days-on-Market: 30

Analysis of any current agreement of sale, option, or listing of the subject property and analysis of any prior sales of subject and comparable properties. The Subject Property was acquired 12-29-95 COE for \$1,100,000.

LEGAL COMMITTEE ITEM NO. 3 &

AGENDA ITEM NO. VII. A.



EXTRA COMPARABLES 4-5-6

File No. _____

Borrower FINNEY

Property Address 1711 State Route 28

City Incline Village

County Washoe

State NV

Zip Code 89451

Lender/Client Partners Mortgage Inc.

Address 2271 Lava Ridge Ct. #110, Roseville, CA 95661

These recent sales of properties are most similar and proximate to subject and have been considered in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	SUBJECT	COMPARABLE NO. 4	COMPARABLE NO. 5	COMPARABLE NO. 6
Address	1711 State Route 28 Incline Village	478 Lakeview Ave. Zephyr Cove, NV		
Proximity to Subject		17 miles southerly		
Sales Price	\$ n/a	\$ 2,500,000		
Price/Gross Liv. Area	\$ n/a	\$ 1,470.59		
Data and/or Verification Source	inspection/owner/ public records	records/prior MLS #6223/ Document #556424		
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION +(-)\$ Adjustment	DESCRIPTION +(-)\$ Adjustment	DESCRIPTION +(-)\$ Adjustment
Sales or Financing Concessions		none known; CTNL Conv.		
Date of Sale/Time		8-22-02 COE		
Location	good/Rocky Point	simil/Elks Point *		
Leasehold/Fee Simple	fee simple	same		
Site	.22acre/moderate	.12ac/moderate*	+100,000	
View	55' rocky lakefront	40' rocky lakfrnt *		
Design and Appeal	average/cabin	similar/cabin		
Quality of Construction	average-good	inferior *		
Age	1949/remodel	1930/remodel *	+150,000	
Condition	good	inferior *		
Above Grade	Total Bdrms Baths	Total Bdrms Baths	Total Bdrms Baths	Total Bdrms Baths
Room Count	5 3 3.00	5 3 2.00	+10,000	
Gross Living Area	1,818 Sq. Ft.	1,700 Sq. Ft.	+12,500	
Basement & Finished Rooms Below Grade	none	same		
Functional Utility	average	similar		
Heating/Cooling	fau/propane	similar		
Energy Efficient Items	dual-glazing	1-pane (@ age)		
Garage/Carport	3 car det. garage	none	+90,000	
Porch, Patio, Deck, Fireplace(s), etc.	decking, hot tub, blt-ins, 1 fireplace	similar, 1 fireplace		
Fence, Pool, etc.	part fenced, lndscp	similar		
boat facilities	2 legal bouys	2 bouys, landing	0	
Net Adj. (total)		X + - \$ 362,500	+ - \$ 0	+ - \$ 0
Adjusted Sales Price of Comparable		\$ 2,862,500	\$ 0	\$ 0

Comments on Comparables: Discussion of market data attached.

ITEM	SUBJECT	COMPARABLE NO. 4	COMPARABLE NO. 5	COMPARABLE NO. 6
Date, Price and Data	None.	8-31-00 COE \$1,400,000		

LEGAL COMMITTEE ITEM NO. 3 &

AGENDA ITEM NO. VII. A.

PROPERTY INFORMATION	Property rights appraised	<input checked="" type="checkbox"/> Fee Simple	<input type="checkbox"/> Leasehold	Project Type	<input type="checkbox"/> PUD	<input type="checkbox"/> Condominium (HUD/VA only)	HOAS	/Mo.			
	Neighborhood or Project Name	Rocky Point-Incline Village lakefront			Map Reference	n/a		Census Tract 0033.01			
	Sale Price \$	n/a	Date of Sale	n/a	Description and \$ amount of loan charges/concessions to be paid by seller n/a (refinance)						
	Lender/Client	Partners Mortgage Inc.			Address 2271 Lava Ridge Ct. #110, Roseville, CA 95661						
Appraiser	John P. Cullen			Address P.O. Box 6827 Incline Village, NV 89450							
NEIGHBORHOOD DATA	Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Predominant occupancy	Single family housing	Present land use %	Land use change			
	Built up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	<input type="checkbox"/> Owner	PRICE \$ (000)	AGE (yrs)	<input checked="" type="checkbox"/> Not likely <input type="checkbox"/> Likely			
	Growth rate	<input type="checkbox"/> Rapid	<input type="checkbox"/> Stable	<input checked="" type="checkbox"/> Slow	<input type="checkbox"/> Tenant	1,500 Low	25	<input type="checkbox"/> In process			
	Property values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	<input type="checkbox"/> Vacant (0-5%)	3,500 High	70	To: _____			
	Demand/supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In balance	<input type="checkbox"/> Over supply	<input type="checkbox"/> Vacant (over 5%)	Predominant	Commercial				
	Marketing time	<input type="checkbox"/> Under 3 mos.	<input checked="" type="checkbox"/> 3-6 mos.	<input checked="" type="checkbox"/> over 6 mos.		1.5-3.5Mil	25-70				
	Note: race and the racial composition of the neighborhood are not appraisal factors.										
	Neighborhood boundaries and characteristics: Rocky Point is a "mirco-neighborhood" of 7 lakefront properties and 2 hillside homes on the east shore of Lake Tahoe, 1/10th mile past the town of Incline Village; the remaining subdivided lots effectively exist on paper only.										
	Factors that affect the marketability of the properties in the neighborhood (proximity to employment and amenities, employment stability, appeal to market, etc.): Incline Village is a planned community of 9,200 permanent residents (20,000 seasonally) on the north shore of Lake Tahoe, at 6,350 feet in the Sierra Mountains. Town-owned recreational facilities, offered to residents at reduced rates, include: two golf courses, 7-lift ski resort, private beaches, tennis complex, rec. center/gymnasium, in/outdoor pools, parks, ballfields, etc. All levels of schooling, services and conveniences are readily available. Tahoe is "North America's largest alpine lake". The Nevada side boasts casino gaming and the absence of a state income tax. Rocky Point owners do not have Incline recreational privileges.										
	Market conditions in the subject neighborhood (including support for the above conclusions related to the trend of property values, demand/supply, and marketing time - such as data on competitive properties for sale in the neighborhood, description of the prevalence of sales and financing concessions, etc.): Following strong price increases in 2000 the market has cooled. Prices are "soft" and activity is slow at upper levels (above \$1 million) while demand remains steady at lower levels. Regional growth is restricted for environmental concerns. Incline Village is built out. Dated lakefront houses are routinely razed for customs of maximum allowable lot coverage (from 6,000 to 15,000 sq.ft.), the clear trend. Rocky Point (and Crystal Bay) on the west of Incline have the only 50-foot wide lakefront lots, which are rare. The above price range is theoretical for Rocky Point, as data in this unique enclave is extremely limited. Refer to comments attached.										
PUD DATA	Project Information for PUDs (If applicable) - Is the developer/builder in control of the Home Owner's Association (HOA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
	Approximate total number of units in the subject project _____				Approximate total number of units for sale in the subject project _____						
	Describe common elements and recreational facilities: _____										
SITE DATA	Dimensions (irregular - refer to assessor parcel map attached)				Topography moderate downslope						
	Site area .22 acre approximate				Size smaller than typ. lakefront						
	Specific zoning classification and description MDS (Medium Density Suburban)				Shape rectangular						
	Zoning compliance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Legal nonconforming (Grandfathered use) <input type="checkbox"/> Illegal <input type="checkbox"/> No Zoning				Drainage appears adequate						
	Highest & best use as improved: <input checked="" type="checkbox"/> Present use <input type="checkbox"/> Other use (explain)				View panoramic lake/mtns./shore						
	Utilities Public Other		Off-site Improvements Type Public Private		Landscaping indigenous wooded						
	Electricity <input checked="" type="checkbox"/>		Street asphalt <input checked="" type="checkbox"/>		Driveway Surface concrete, adequate						
	Gas propane		Curb/gutter none (typical)		Apparent easements no; no title report submitted						
	Water lake intake/filter.		Sidewalk none (typical)		FEMA Special Flood Hazard Area <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
	Sanitary sewer <input checked="" type="checkbox"/>		Street lights none (typical)		FEMA Zone "X" Map Date 9-30-94						
	Storm sewer none (typical)		Alley none (typical)		FEMA Map No. 32031C 3225 E						
	Comments (apparent adverse easements, encroachments, special assessments, slide areas, illegal or legal nonconforming zoning use, etc.): The site has 55 feet of rocky frontage on Lake Tahoe, with dramatic unobstructed views. The home sits atop a bouldered outcropping above the lake. The low level of the lake due to drought conditions restricts boat access presently, common along the Tahoe waterfront.										
	DESCRIPTION OF IMPROVEMENTS	GENERAL DESCRIPTION		EXTERIOR DESCRIPTION		FOUNDATION		BASEMENT		INSULATION	
		No. of Units 1	Foundation concrete	Slab no	Area Sq. Ft.	Roof					
		No. of Stories 1.5	Exterior Walls plywood/bat	Crawl Space yes	% Finished	Ceiling <input checked="" type="checkbox"/>					
Type (Det./Att.) detached		Roof Surface comp.shingl.	Basement crawlspace	Ceiling	Walls <input checked="" type="checkbox"/>						
Design (Style) cabin		Gutters & Dwnspts. metal	Sump Pump none noted	Walls	Floor						
Existing/Proposed 1949		Window Type vinyl sliding	Dampness none noted	Floor	None <input type="checkbox"/>						
Age (Yrs.) 54/remodel		Storm/Screens dual-glazing	Settlement none noted	Outside Entry	Unknown <input checked="" type="checkbox"/>						
Effective Age (Yrs.) 27		Manufactured House no	Infestation none noted	assumed							
ROOMS Foyer Living Dining Kitchen Den Family Rm Rec. Rm Bedrooms # Baths Laundry Other Area Sq. Ft.											
Basement											
Level 1 X 1											
Level 2											
Finished area above grade contains: 5 Rooms; 3 Bedroom(s); 3.00 Bath(s); 1,818 Square Feet of Gross Living Area											
INTERIOR Materials/Condition		HEATING	KITCHEN EQUIP.	ATTIC	AMENITIES	CAR STORAGE					
Floors w/w carpeting, fir		Type f.a.u.	Refrigerator	None <input checked="" type="checkbox"/>	Fireplace(s) # wood 1	None <input type="checkbox"/>					
Walls hand tex'd. drywall		Fuel propane	Range/Oven <input checked="" type="checkbox"/>	Stairs	Patio concrete <input checked="" type="checkbox"/>	Garage 3 # of cars					
Trim/Finish painted softwood		Condition average	Dishwasher <input checked="" type="checkbox"/>	Drop Stair	Deck 2x6" wood <input checked="" type="checkbox"/>	Attached					
Bath Floor ceramic tile, carpet		COOLING	Fan/Hood <input checked="" type="checkbox"/>	Scuttle	Porch concrete <input checked="" type="checkbox"/>	Detached X					
Bath Wainscot marble & c.tile.fiber		Central	Microwave <input checked="" type="checkbox"/>	Floor	Fence partial <input checked="" type="checkbox"/>	Built-In					
Doors painted hollow core		Other	Washer/Dryer	Heated	Pool spa-tub <input checked="" type="checkbox"/>	Carport					
Condition good/remodeled		Condition		Finished							

LEGAL COMMITTEE ITEM NO. 3-8

EXHIBIT E

Deck, not pier



EXISTING COVERAGE AREAS

COVERAGE TYPE	ACTUAL AREA (A.C.)	ALLOWED AREA (A.C.)
Residence (living area)	174	115
Covered porch (east side)	64	69
Shed - on adjacent property	21	21
Access from parking - driveway	195	151
Access from parking - path	185	151
Path to shed	54	56
Concrete pad south of house	92	72
Concrete pad north of house	187	49
Upper deck - on lake deck	71	39
Lower deck - on lake deck	80	203
Lower deck - on lake deck	19	240
Decking - on lake deck	107	183
Decking - on lake deck	142	118
Proposed deck	19	
TOTAL - each zone	2,747	2,315
GRAND TOTAL	2,747	2,315

PROPOSED COVERAGE AREAS

COVERAGE TYPE	ACTUAL AREA (A.C.)	COMMENT
Residence (living area)	(-61) 115	W 3.1 reduction
Covered porch (east side)	(-61) 115	W 3.1 reduction
Shed - on adjacent property	(-61) 115	W 3.1 reduction
Access from parking - driveway	(-61) 115	W 3.1 reduction
Access from parking - path	(-61) 115	W 3.1 reduction
Path to shed	(-61) 115	W 3.1 reduction
Concrete pad south of house	(-61) 115	W 3.1 reduction
Concrete pad north of house	(-61) 115	W 3.1 reduction
Upper deck - on lake deck	(-61) 115	W 3.1 reduction
Lower deck - on lake deck	(-61) 115	W 3.1 reduction
Lower deck - on lake deck	(-61) 115	W 3.1 reduction
Decking - on lake deck	(-61) 115	W 3.1 reduction
Decking - on lake deck	(-61) 115	W 3.1 reduction
Proposed deck	(-61) 115	W 3.1 reduction
TOTAL - each zone	(-61) 115	W 3.1 reduction
GRAND TOTAL	(-61) 115	W 3.1 reduction

NOTE: "Actual Area" calculated using AutoCAD from 20 Jan 2000 topographic map by Ken Barrow. "Allowed Area" taken from 17 October 1996 TRPA Site Assessment based on 7 October 1996 topographic map by Sygma Survey.

NOTE: "Actual Area" calculated using AutoCAD from 20 Jan 2000 topographic map by Ken Barrow with proposed improvements added. Negative areas indicate existing coverage that will be removed and proposed improvements added. Negative areas indicate existing coverage that will be removed and proposed improvements added. Negative areas indicate existing coverage that will be removed and proposed improvements added.

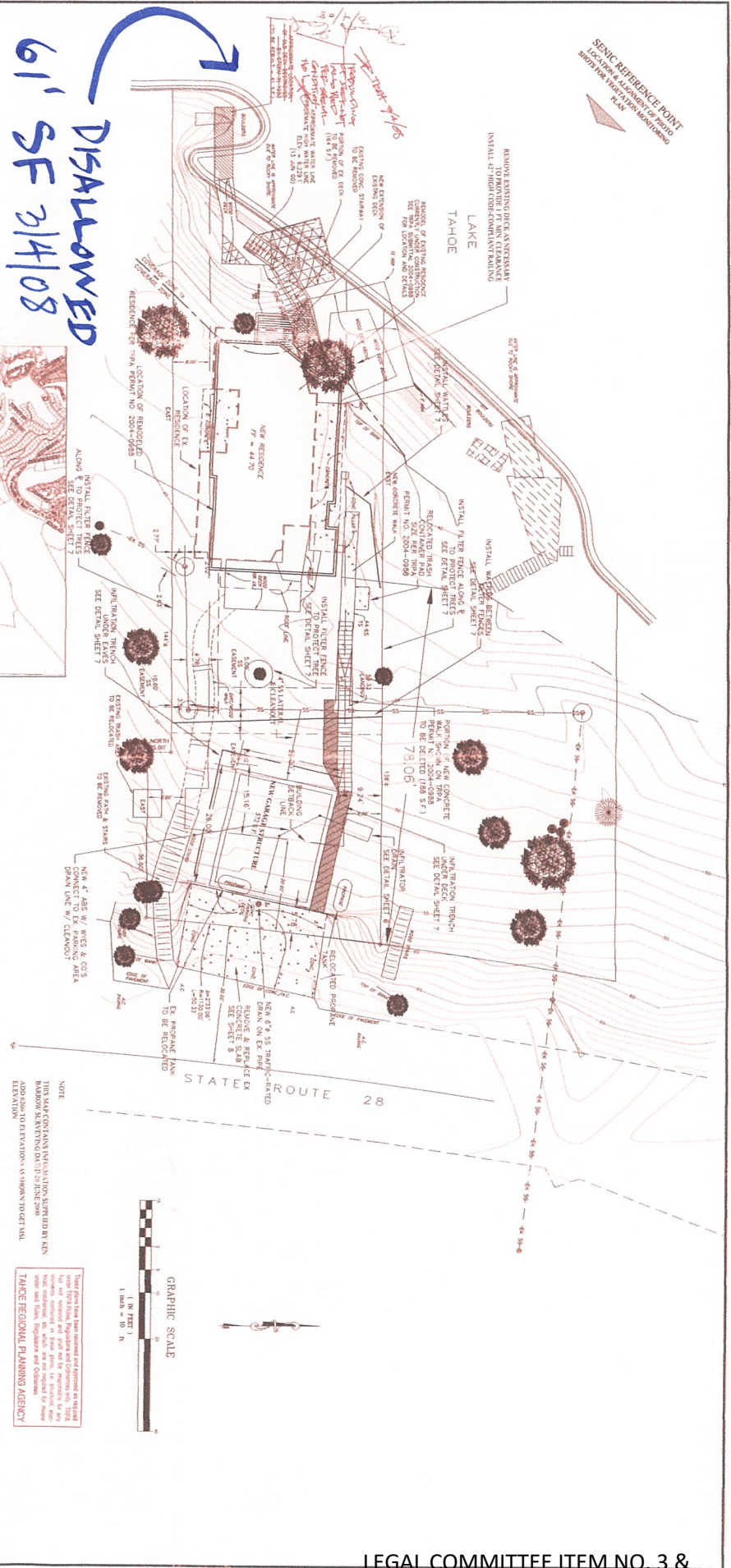
OC ENGINEERING
P.O. BOX 10307
RENO, NEVADA 89510
775-851-7335
E-MAIL: oceng@oceng.com
FAX: 775-851-7336

RICHARD & LEE HERZ DIXON
Landscape Plan
1709 HIGHWAY 28
INCLINE VILLAGE, NEVADA
A.P.N. 130-31-05
FOR S. 1/2 OF LOT 1 SEC. 26, T. 16 N., R. 18 E., M.D.B. & M. WARDEN COUNTY, NEVADA

SHEET 2 OF 15

THIS MAP CONTAINS INFORMATION SUPPLIED BY KEN BARROW SURVEYING DATED 20 JUNE 2000.

SENIC REFERENCE POINT
LOCATION & ADJUSTMENT OF PROPOSED
SITE FOR THE VILLAGE PLANNING



COVERAGES

ON-SITE COVERAGE

COVERED PER TRPA PERMIT NO. 2004-0098 + 2,000 SF
LESS DECK AREA IN ROOM 502 (17'0" x 12'0") = 412 SF
LESS DECK AREA IN ROOM 503 (17'0" x 12'0") = 412 SF
LESS DECK AREA IN ROOM 504 (17'0" x 12'0") = 412 SF
ADD NEW GARAGE STRUCTURE = 2,000 SF

REMOVED COVERAGE

2,000 SF

OFF-SITE COVERAGES

COVERED PER TRPA PERMIT NO. 2004-0098 + 31.5 SF (NO CHANGE)



TRPA NOTES:

1. NO. 5.000 OF EXCAVATED MATERIAL PERMITTED ON SITE. ANY EXCESS EXCAVATED MATERIAL WILL BE EXPORTED AT A FUTURE DATE.
2. ALL EXISTING MATERIALS AND AREAS EXISTING IN THE PROJECT AREA SHALL BE REMOVED IN ACCORDANCE WITH THE TRPA PERMIT NO. 2004-0098.
3. ALL AREAS WITHIN THE PROJECT AREA SHALL BE REVEGETATED IN ACCORDANCE WITH THE TRPA PERMIT NO. 2004-0098.
4. THE TRPA PERMIT NO. 2004-0098 SHALL BE CONSIDERED A SENIC REFERENCE POINT AND SHALL NOT BE REMOVED OR THAWED FOR PURPOSES OF THE PROJECT. THE TRPA PERMIT NO. 2004-0098 SHALL BE CONSIDERED A SENIC REFERENCE POINT AND SHALL NOT BE REMOVED OR THAWED FOR PURPOSES OF THE PROJECT.
5. ALL IMPROVEMENTS SHALL BE PERMITTED ON EXISTING PAVED SURFACES OR EXISTING COMPACTED ROAD SURFACES ONLY.

NO.	DATE	DESCRIPTION	BY
1	02/20/07	ISSUED FOR PERMITTING	BY
2	02/20/07	ISSUED FOR PERMITTING	BY
3	02/20/07	ISSUED FOR PERMITTING	BY
4	02/20/07	ISSUED FOR PERMITTING	BY
5	02/20/07	ISSUED FOR PERMITTING	BY
6	02/20/07	ISSUED FOR PERMITTING	BY
7	02/20/07	ISSUED FOR PERMITTING	BY
8	02/20/07	ISSUED FOR PERMITTING	BY
9	02/20/07	ISSUED FOR PERMITTING	BY
10	02/20/07	ISSUED FOR PERMITTING	BY

ENGINEERING

P.O. BOX 10307
RENO, NEVADA 89510
775-851-7335
E-MAIL: cceng@cceng.com
FAX: 775-851-7336

RICHARD & LEE HERZ DIXON
FOR
1713 LAKESHORE BOULEVARD
INCLINE VILLAGE, NEVADA
A.P.N. 130-331-05

SHEET C1
2-5-06

Page 5 of 7 of 107: SEC. 28, T. 16 N., R. 16 E., M. D. B. & W. INCLINE COUNTY, NEVADA

Memo

4/24/23

To: File

From: Julie Roll, Senior Planner

File: ERSP2022-1124

Property Location: 1713 Lakeshore Boulevard, APN 130-331-05

Re: Grandfathered status of pier

The pier on the subject property existed pre-1972 but was destroyed by storms in the early 1990s. Around 2006-2008, permits were issued for improvements to the upland, which included notes on the stamped approved plans that the pier was to be re-built, though it never was. Then there were discussions between the property owner in TRPA around 2013, at which time TRPA staff indicated there is a right to rebuild the pier, and that the owners needed to submit plans for review and permitting. TRPA took a sort pause on accepting new shorezone projects for a period of time while working on adoption of the new Shoreline plan/code (adopted 2018). The owners then submitted this subject application in accordance with the design standards of the new shoreline plan.

There was much internal discussion about whether the pier was derelict, but it was ultimately decided that TRPA would honor the previous staff determination that the pier was eligible to be rebuilt.

61' SF DECK, NOT PIER
DISALLOWED BY TRPA AT
LEAST 3X



Dixon Project Report of Findings
3/3/2015
Job # 201425

Project location: 1709 Highway 28, Washoe County, Nevada

Purpose Determine historical use of the shorezone (Historical buoys/ existing shorezone structures), and TRPA thoughts on rebuild/expansion of pier, determine if TRPA would trade amenities for buoy, and determine TRPA next steps for potential future use in shorezone.

Buoy. We researched aerial photos from 1969, 1998 and 2012. The 1969 photos and the 1998 photos do not show any historic buoys associated with property. The 2012 photos show a buoy in the vicinity of the parcel. Could be the neighbor (Miller) buoy- (Please refer to "Attachments A, B and C").

NO COMMENTS RE : PIER OR DOCK

September 24, 2014 Meeting with Art O Conner

Art explained the property has undergone several TRPA approvals for remodel of the residence (major plan revisions). Class 1b coverage is banked to the site for future use. Art provided photo from 10/27/2001 showing stub of pier to lake, deck winch and small boat on pier. (" Attachment D"). Art also provided a exhibit showing existing conditions with cross bracing, proposed removal of underneath deck and ladder and removal of path etc. (" Attachment E"). Art talked with TRPA regarding access to pier via lakefront deck and adjustable catwalks, etc. A site plan was also provided. (" Attachment F").

Site visit: November 13, 2014

Kaufman Planning made a site visit to the site and took photos of existing conditions prior to meeting with David Landry. (Please refer to "Attachments G, and H")

Meeting with David Landry- November 14, 2014

The TRPA is not against the rebuilding and extension of a pier. They have determined that a pier is historically grandfathered to the property and that it was capable of mooring a boat. TRPA does not see a reason to purchase a buoy to make a finding of mooring capability as they are going to allow extension of the pier.

TRPA provided a current site plan of the property dated 3/13/08 ("Attachment I") Any 1b area not needed for the house can be added to provide access to the pier. 10 foot wide pier would be allowed. David thinks the left over coverage in the class 1b is approximately 64 sf.

Meeting with Tom Hall and Art O'Conner- November 19, 2014

Discussion regarding TRPA allowing pier extension and next steps. Design or access to the pier an issue due to steep slope.

Next Steps

TRPA sent email on 11/20/2014 regarding access to the pier, and next steps).
("Attachment J")

TRPA violation issues must be resolved and then proposal for a new pier extension can be submitted (Bathymetric survey required to determine water depth). Pier can go to pier headline or elevation 6219' whichever is more limiting. No transfer buoy program at this time and would not be needed for the pier extension but could be useful in the future for a boat lift if water depths allow. My recommendation is to have a sit down meeting with David Landry with several proposals in sketch format.

We can provide an outline of the process, filing fees, items required for a shorezone application etc. upon request. Other agencies involved in the permit process include: Nevada State Lands, US Army Corps of Engineers, Dept of Wildlife, Washoe County building dept. Please let us know if you have any questions.

Submitted by:



Leah Kaufman
Principal Planner
enc

EXHIBIT F

Basin Strategies



Planning and Consulting Services
1046 Lucerne Way
Incline Village, NV 89451
(775) 671-0559
E-mail: basinstrategies@gmail.com

March 6, 2023

TRPA
Attn: Julie Roll
128 Market Street
Stateline, NV 89449
Sent via email to: jroll@trpa.gov

**Re: 1713 Lakeshore Blvd. Pier Rebuild
TRPA File # ERSP2022-1124
Response to Neighbor's Comments**

Dear Ms. Roll:

On behalf of the applicants of the above-referenced project, I appreciate the well-informed concerns and questions posed by Jeanette and John Finney of 1715 Lakeshore Blvd., and the opportunity to address them.

Below are excerpts from and responses to the points raised in the email dated March 1, 2023:

- OK
- 1) *Application was made under an incorrect APN #, although the current APN # can be found in the application. The old APN number was 130-331-05. For whatever reason, when the abandonment of the ROW was recorded, Washoe County changed the APN to 130-331-114. This is the APN which should appear on the application AND TRPA notification to us. At minimum, TRPA needs to amend the Notice of Application to correct this. This was the reason for my confusion as to Elisa's/RAH RAH LLC claim to ownership. I do agree that she is the owner of the new property which includes the ROW.*

The APN and owner name provided in the application were current at the time the application was submitted to TRPA. Since that time the APN and owner name have changed, while the property remains within the same family. As referenced above, the APN change was the result of a partial abandonment of the adjacent Right-of-Way on the north side of the applicant's property.

The change in ownership was a family matter. The revisions were discussed with TRPA staff, accordingly. The property address remains the same. I apologize for the confusion.

- 2) *In reviewing the application, we see no reference as to where they actually intend to site the "rebuilt" pier. If we are misreading the various surveys and drawings, please do point this out or provide an accurate site plan. Depending on the requested pier location, we have two permitted buoys (since 1999) with no ability to shift their location due to the four neighbors' buoys to our south. Additionally, we have a Permit # 71736 with the Nevada Division of Water Resources for our Lake pump, which we use for our irrigation.*

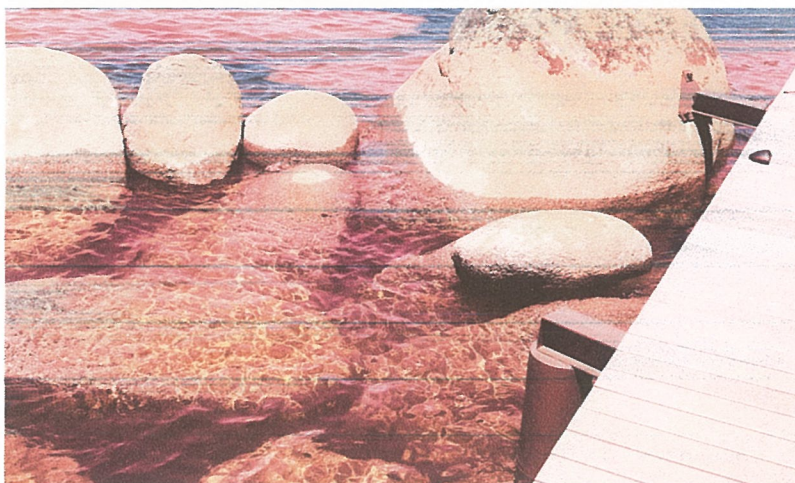
Attached (Exhibit 1) is a copy of the plan set submitted with the TRPA application showing the proposed location of the pier. The pier is proposed to be located further away from the Finney property than the previous pier and the proposed pier conforms to all required setbacks and location standards.

TRPA provided late

The two buoys and the water intake line associated with 1715 Lakeshore Blvd. are bubbled in red on sheet T1 of the attached plan set. The location of the water intake line is per a December 2021 survey by Lumos & Associates. The buoy floats were not visible at the time of the survey so the locations of the buoys are per the aerial exhibit associated with TRPA buoy registration #11096 for 1715 Lakeshore Blvd. (attached as Exhibit 2).

- 3) *Installation of a pier of this size would entail extensive removal of boulders from the Lakebed. Having owned a condominium at 557 Lakeshore during our home rebuild, I know for a fact that rock removal is very much discouraged/prohibited by TRPA as we encountered when we had to rebuild the community docks in our marina.*

Boulder relocation was originally proposed as part of this project but it is not necessary and is no longer proposed. The positioning of the pier is such that it will extend over the top of existing boulders. The pier is proposed to be pinned to existing boulders, as is common practice in Lake Tahoe. Engineering details of the proposed pinning can be found on sheet D1 of the attached plan set. Below is a photo of this construction method on another pier in Lake Tahoe:



- 4) When we purchased our home in 1995, there was no pier at 1709 (now 1713) Lakeshore Blvd, APN # 130-331-05. Existing at that time were a few broken boards from land to a large boulder which the family refers to as "Dixon's Rock" To this day, there remain the remnants of the concrete and pins on that rock that they attached the wooden deck to. There was no existence of a pier over the water - no pilings or detritus whatsoever in the lakebed. The remains of their old water system - pipes etc - were on the lakebed until they were removed in 2021 by that volunteer group that has been cleaning up the lakebed. Until 2007, Rocky Point water was provided solely via Lake pumps for the entire community; when IVGID redid the sewer line under the road we finally got IVGID water (at great expense). Sewer was accepted back in '68 when required and use of all septic systems ceased. So at minimum, no pier has existed at 1709/1713 for over 28 years. Our further neighbors to the north, then Powers, now Powers & Bisnar (APN # 130-331-03 130-331-02, formerly a single family residence which was bi-furcated) - with the expertise of Elise Fett, made the correct application to repair and extend their pier about 15 years ago. This was TRPA policy at that time. That policy has not existed for a very long time: I believe Elise got her approval in at the very last minute, c. 2006.

The history presented above seems accurate and consistent with the history provided in the application:

- * The pier was built prior to 1972 and the owners (and TRPA) have old family photos documenting this. **PROVIDE PHOTOS NONE IN FILE**
- * The pier was destroyed by a storm in the early 1990s.
- * There exists a TRPA-approved site plan associated with a plan revision to TRPA File #20061555STD that includes rebuilding the pier (referred to as an 'old deck' on the approved plan).
- * Washoe County would not approve the plans associated with TRPA File #20061555STD because those plans did not meet parking requirements so a new plan revision permit was issued by TRPA to add a garage (TRPA File #ERSP2007-0950). As part of this plan revision, TRPA staff retracted the prior approval to rebuild the 'structure in the backshore', as evidenced in Special Condition 1 of the permit and in TRPA's hand-written mark-up of the approved site plan. **can't locate this document**
- * The Dixons have been advised repeatedly by various legal counsel that TRPA's action in retracting this approval was unlawful.
- * A smaller platform was built without a TRPA permit to provide access to the shorezone. TRPA has been aware of this for many years and considers it an unresolved violation. That platform is proposed to be removed as part of this project.
- * In 2014 and 2015 TRPA shorezone staff, David Landry, in consultation with Paul Nielsen, met and corresponded with representatives of the Dixons on multiple occasions and declared that the pier is considered historically grandfathered and that the Dixons have the opportunity to apply for a pier modification/expansion at any time.

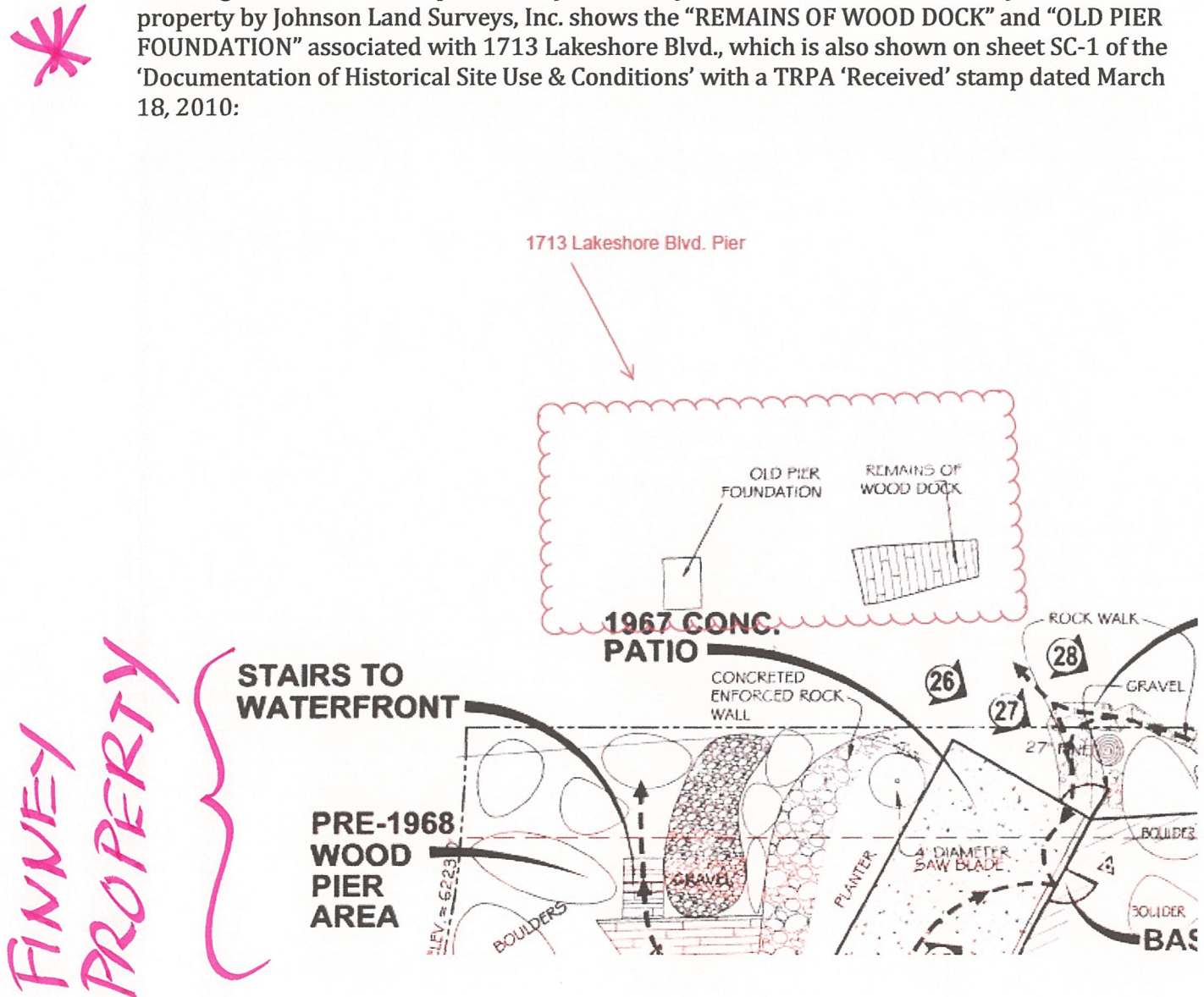
TRPA General Counsel, John Marshall, has most recently reviewed the history associated with this pier and once again determined it to be permissible to rebuild.

NOT A REBUILD

- 5) At the time Lee & Dick Dixon made their application to rebuild/remodel their home, c. 2006, as part of the application process they were required to remove the vestiges of the old wooden land-rock deck, as well as the old decrepit wooden stairs. Their rebuild was due to a flood in the home c. 2003 (?) rendering it uninhabitable. Dick installed an unpermitted metal stair down to the Lake around 5 years ago.

The unpermitted structure providing access to the shorezone and the history behind it was included in the project description submitted with this application and is referenced in the bullet points above.

With regard to the exhibits provided by the Finneys, the October 12, 2009 survey of their property by Johnson Land Surveys, Inc. shows the "REMAINS OF WOOD DOCK" and "OLD PIER FOUNDATION" associated with 1713 Lakeshore Blvd., which is also shown on sheet SC-1 of the 'Documentation of Historical Site Use & Conditions' with a TRPA 'Received' stamp dated March 18, 2010:



[illegible]

~~LEGAL COMMITTEE ITEM NO. 3 &
AGENDA ITEM NO. VII. A.~~

Additionally, Elisabeth Heslop, owner of 1713 Lakeshore Blvd., reviewed the 1968 aerial image sent by Jeanette Finney and informed me that a portion of the old pier deck is visible in this photo (attached and labeled Exhibit 3).

I questioned Mrs. Heslop about it because to the unfamiliar eye it seems easily mistaken for part of the boulder shoreline and below is her response:

In my opinion (which isn't worth much) the white square visible in the 1968 picture is the original lower deck. You defiantly [definitely] can't see the bridge in the photo though. You can also see the original white deck from that 2001 picture you have in your email from last week [attached as Exhibit 5] that shows both lower deck and pier/bridge to boulders in disrepair from the cabin view. The lower deck was in full sun until sometime in the last 20-30 years when those two pine trees have really gotten quite a bit bigger. So, I would say your labels are totally correct.

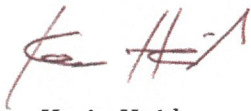
I verified with mom this morning that both the lower deck and the bridge had always been white (which is what they were when I was a kid, and I know what they were from a picture of my grandfather and my brother fishing from the lower deck in the early 70's). [Photo attached as Exhibit 4]

WHICH ARE DECKS, NOT A PIER

Finally, as mentioned above, attached are two photos of the previously existing pier that is associated with 1713 Lakeshore Blvd. (Exhibit 4 and Exhibit 5). Exhibit 4 is a photo of Mrs. Heslop's brother as a boy in the early 1970's, fishing with their grandfather from the pier. Exhibit 5 is a photo that was taken after the pier was damaged by a storm.

I hope this information sufficiently addresses the Finney family's concerns at this time.

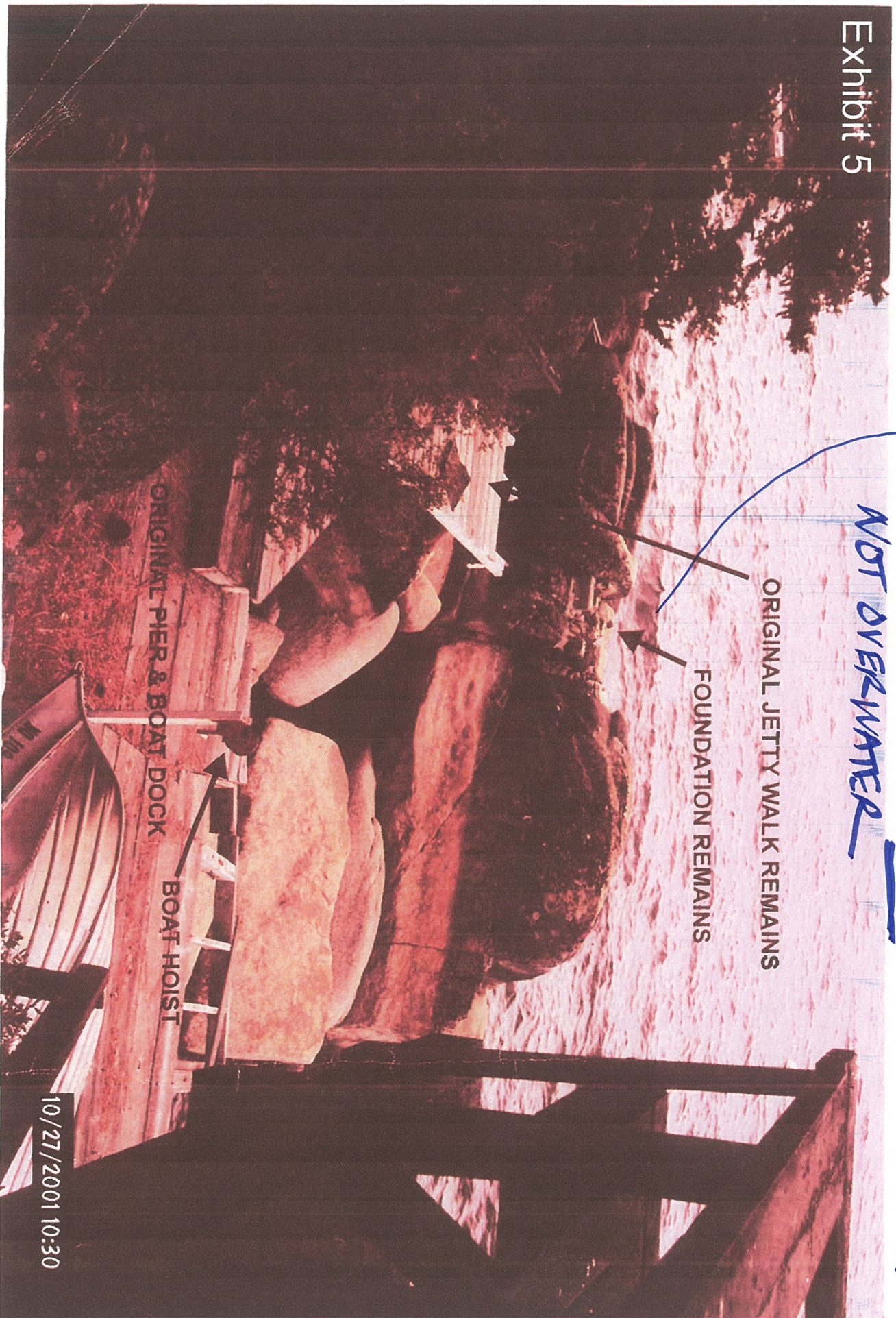
Sincerely,



Karin Hoida

Exhibit 5

THE DECK EXTENDED ONLY TO BOULDER
NOT OVERWATER



10/27/2001 10:30