

D.A. and M.S. Isabelle - Property Owners/Owner-Builders
Lot 7B, Blk. 2, Seaview Heights Subdivision aka 6555 W. Dimond Blvd.
MOA - GAAB Plat #74-258

Applicable Permits: #01-0076 – Full Approved issued 7/23/2003

C.O. #1 – approved 4/27/01 (foundation CMU to quadlock)

C.O. #2 – approved 10/07/07 (MOA required complete
re-design of house from 97 UBC to 2003 IRC

#00-6083 – Fill/Grading Permit issued 11/28/00 (4,800 c.y.)

C.O. #1 – approved 5/08/01 (increase to 48,000 c.y.)

C.O. #2 – approved 9/28/06 (West area – no design change)

C.O. #3 – ROW gabion wall revisions

C.O. #4 – approved 10/04/07 (ROW gabion wall revisions)

Brief Chronology:

October 2000 – Purchased Seaview property. 3.14 acres. Property had difficult access unless you had capabilities and equipment to make it usable. Survey by Bill Tucker.

Last week of October 2000 – Del visited property with Sue. Neighbors (Crockett's) came out to visit. First time meeting with Sue. Lynn Crockett in conversation asked Sue and Del what intentions were with the property. Del had previously given a letter of introduction stating intent to fill land for access for future home. Lynn asked if we would give them a letter and state in writing that we would not subdivide the property and promising to only build one home on the land. Sue advised that was the intent but could not provide such a letter because could not guarantee what the future would hold.

October 31, 2000 – Apply for Fill/Excavation Permit #00-6083. Application is for 4,800cy fill and 1,200cy removed excavation. "Clear & Grub organics for driveway fill placement and lot leveling...*This property currently has an existing grade drop at the front of the lot that is approximately 15' below the roadway elevation.*"

November 28, 2000 – MOA Issues **Approved** Fill Permit #00-6083 for driveway access.

January 30, 2001 – Survey staking & As-built by Walatka & Associates. (Note: Right of Way NW corner elevation at 170.0 (aka Lot 7B SW corner). Lot 7B SE corner at 155.0

January 31, 2001 – Building Permit #01-0076 issued (electrical).

April 23, 2001 – Submit documents for Change Order #1 – Fill Permit #00-6083. Request is for increase from 4,800 c.y. to less than 50,000 c.y. of silt & organic fill. [Submittal documents included cross-section detail with an elevation of Crockett NW property corner at 161.5]

May 4, 2001 – End of Lori Drive Right-of-Way Permit #2001-0273 approved & issued.

May 08, 2001 – Approval of C.O. #1 increase to 48,000cy – Fill Permit #00-6083. Includes seven pages of **stamped approved documents**. [*Crockett's NW property corner at ROW is noted in the cross-section detail at (estimated) 161.5. (Actual in 2006 is 163.4) Isabelle's SW property corner at ROW (50' West of Crockett corner) is 170.0 according to Walatka 2001 plot plan.*]

End of 2000, 2001, and some of 2002 – Isabelle began filling property. Bob Crockett stated that it would be best to have a smooth transition between the two properties near the ROW so Crockett would have usable yard instead of a ravine. Bob Crockett worked on some tree clearing on his North property and worked on filling/grading his property to get it level on the upper portion for yard. Crockett requested fill from Isabelle for his yard use. Del advised that his trucks are too big to get into his property but he is welcome to take fill. Bob Crockett had an older piece of equipment in his yard that he used to fill and do grade work on his property. Crockett topsoil & seeded his yard in 2002.

April 23, 2003 - Contacted by MOA inspector Chuck Lacosse. Some neighbors are complaining that our property is draining on their property. Del and Sue met him at site to show property lines on the East and the South. Verified that by lay of the land, neighbor's lands are draining on Isabelle property, not vice-versa. Sue Isabelle took digital photos. Chuck asked Sue to provide him some copies for the file. Del submitted the pictures to Chuck.

April 28, 2003 – Seaview sitemeet 3:30 – 4:30pm with LaCosse and Ron Thompson to assess complaint of “flooding” on neighbor Remme property. Confirmed that there was no water near the property line and only water was snow melt on the low area of Isabelle property. Isabelle's walked the full East property line with Thompson.

May 01, 2003 – Mtg. @ Bldg. Safety. Isabelle, Thompson, and Cate Remme. Remme wants a berm placed on property line between both properties for each to contain own water.

Summer 2003 – Installation of septic system drainfield completed. Installation inspections made by soils engineer, Tobben Spurkland, P.E.

July 14, 2003 – Letter from Scott Haan, new inspector. He is investigating alleged complaint that (1) fill does not meet approved grading plan and (2) fill is more than provided in the permit. Requested to submit updated grading plan if “project is modified from the original approved plans.” (see Attachment “A”)

Del notified Scott Haan that fill is compliant with the permit and it is not being modified. Letter postmarked 7/23/03 and received 7/24/2003.

July 24, 2003 @ 11:11am – Phone call from Scott Haan, Chief of Bldg. inspections regarding the grading operations @ Seaview and a complaint from Bob Crockett that driveway on his property.

July 24, 2003 @ 11:40am – Called Walatka and requested survey verification of claim that driveway encroached Crockett property corner.

July 30, 2003 – As-Built Survey of Isabelle driveway to determine location of Lot 7A, B2 NW property corner. Approx. 2' to 3' max. into East side of filled driveway. Walatka set new rebar at corner location of filled driveway.

August 6, 2003 – Letter from Scott Haan. Complaints that grading operation is not in compliance with approved grading plan. Provide documentation and updated engineered plans if grading plan is changed. Stop Work order will be issued until resolved. Stop Work placed.

August 6, 2003 – Site meet with Scott Haan, Bob & Lynn Crockett, and Sue & Del Isabelle. Crockett's complain that fill encroaches property corner. Del advises that Bob Crockett agreed for two years to allow fill transition. Crockett's very hostile. Mrs. Crockett demanded all fill be removed from property corner. In frustration to resolve, Del Isabelle agreed to move driveway over and remove fill down to 10 feet. Bob Crockett said to remove 15 feet. Isabelle agreed to move driveway over and remove 15 feet at the corner. Haan and Crockett agreed it was acceptable fix. Haan gave 30 days to complete.

August 20, 2003 – Isabelle receives MOA letter dated 8-15-03 by Haan stating a stop work had been issued 8-06-03.

August/Sept ??, 2003 – Move driveway. Excavation witnessed by MOA personnel.

September 29, 2003 – Stop Work Orders on both Permits. Del advised Scott Haan that driveway had been moved and all fill was off Crockett's property including fill Crockett placed. Haan advised that Bob Crockett would not accept rebar at property corner as original claiming it was placed by Del. Del advised Scott that he would have Walatka come out and verify if necessary.

September 30, 2003 – Isabelle Letter response to Scott Haan. Survey Haan relied on was done by Crockett without any documentation. Isabelle does not need to access Crockett's property to get to land. All fill placed by Isabelle and Crockett was removed by Isabelle from Crockett's property as agreed. Isabelle needs power pole removed out of ROW to align driveway. Haan wants Isabelle to install gabion retaining wall; submit change order and engineered design/calculations of retaining wall.

Oct. 2, 2003 @ 1:30pm – Del Isabelle meets with Scott Haan @ Seaview.

October 6, 2003 – As-built survey of relocated driveway by Walatka. Original bent rebar (pre-2001) was verified and adjusted horizontally with a hammer by Walatka.

Oct. 6, 2003 – Site meet with Scott Haan & Isabelle's. Verified survey stakes provided by Walatka. Provided Haan copy of July 30, 2003 As-Built by Walatka. Will provide updated as-built reflecting survey stakes Haan verified on-site as soon as received from Walatka. Asked for help with electric pole in ROW. Stop Work order lifted.

October 30, 2003 – Revised as-built survey by Walatka of re-located driveway submitted to Scott Haan.

November 12, 2003 – M. Kerr of Walatka stamps and certifies revised as-built survey of re-located driveway complies with Title 21, AMC. Walatka had to provide a statement and personally submit survey and statement to MOA. MOA would not accept original documentation submitted by Isabelle & insisted it could only be submitted by Walatka.

June 15, 2004 – Letter to Isabelle from Scott Haan. More complaints. He visited site with Jim Stubbs 6/10 and fill appears to exceed slopes. Property lines unclear. There does not appear to be any compaction tests taking place. Submit engineers report by June 18, 2004 or work must stop.

June 25, 2004 – Engineers Inspection report by T. Spurkland P.E. faxed to Scott Haan. *"This inspection verifies that the contractor is working in conformance with the approved plans submitted 4-23-01."*

June 26, 2004 – Tobben Spurkland and Isabelle measure fill, etc. because Haan questions means and method of engineering report submitted by Spurkland Engineering.

June 28, 2004 – Letter from T. Spurkland P.E. to Scott Haan describing method and means of fill sent in his engineering report of 6/25/04.

July 2, 2004 – Fax and letter sent to Scott Haan including Compaction Testing report by Terra Firma.

July 5, 2004 – Inspection by Scott Haan (per 8/06/04 letter by Scott Haan). (1) Determine fill along South property line (2) Provide slope set backs per approved plans (3) Provide slope angles per approved plans (4) Remove fill off neighboring property. *[MOA is demanding engineering alternative: engineered retaining wall at Crockett NW property corner at the ROW]*

August 5, 2004 – Stop Work issued (see photo attachment). *"failure to verify amount of fill on neighboring property. Provide engineering report indicating amount of fill; provide compaction tests; provide slope setbacks; provide 2:1 slopes (or engineered alternative)"*

August 12, 2004 – Mtg. @ Building Safety with Scott Haan, Ron Thompson, Lynn McGee, Greg Solay, and Del & Sue Isabelle. Scott Haan gave Isabelle's copy of his letter dated 8/06/04. Isabelle's advised that filling was and had been in compliance with approved permit. Any fill on the neighbor's property was removed in 2003. No

additional fill has been placed. Ron Thompson gave approval (see written note on letter by Scott Haan) to stockpile fill until 8/17/04. He will update Crockett's and let them know that the elevation at the property corner will remain the same (as existing to be 163.4 by Walatka Oct. 2003). Del agreed to seed and vegetate property corner if necessary.

August 18, 2004 – Pre-Frame inspection performed by Mark Barnhill. Isabelle never requested nor was notified an inspection would take place nor aware that it was done. Inspection report not posted on property nor provided. *(not aware inspection made til stated on 8-26-04 Stop Work order, Isabelle obtained report through its attorney)*

August 19, 2004 – MOA Vicki Gonzalez called Del. Scott and Ron Thompson set up meeting @ 1:00 pm in MOA Conference Room to resolve stop work orders.

August 19, 2004 – 1:00 PM Meeting – Sue and Del arrived at Bldg. Safety. Thought mtg. was to resolve Stop Work orders. Attendees included: Ron T., Scott Haan, Jim Stubbs, Denis LeBlanc, Pam Jennings, Bob & Lynn Crockett, Dave & Cate Remme, Friend of Crockett's, and Del and Sue Isabelle. Neighbor's in control of meeting. Very upsetting display by neighbors and their friend. Denis LeBlanc advised that unless Del performed a test hole on Crockett's property, the Stop Work Order will not be lifted. Isabelle's objected. A test hole will not substantiate who put "purported fill" on Crockett property or when. LeBlanc's decision stands period. No test hole on 7A, no release.

August 24, 2004 – Del dug a test hole on Crockett Lot 7A per Dennis LeBlanc demand. Tobben Spurkland only engineer present during excavation. Test inconclusive.

August 26, 2004 – **Stop Work Orders posted** (replaced August 5, 2004 posted Stop Work Order). (see attachments).

September 2, 2004 – Received Ron Thompson letter dated 8-26-04 regarding Stop Work Orders. Permit 00-6083: independent estimate shows fill @ 45,000 c.y. Conditional Use permit is required for work to commence. Also (1) remove fill from neighbor property (2) bring slopes into compliance with approved permit (3) submit drainage design for permit approval and (4) provide compaction test for each 12" lift and 90% compaction. Permit 01-0076: roof not constructed per plans. Shore or retrofit prior to snowfall to prevent collapse. Change order must be obtained prior to work.

September 3, 2004 AM– Fax received from Scott Haan regarding blocking per phone conversations. Scott gave verbal approval to install sheeting and ice and weather shield on roof for protection.

Sept. 3, 2004 – Isabelle letter response to Thompson 8-26-04 letter. Objection to city's estimate (?) of 45,000 c.y quantity. What is the means and method used? Objection to the requirement of a "Conditional Use Permit for Resource Extraction greater than 50,000 c.y." We aren't doing any "resource extraction" Responded to compaction and roof issue.

September 3, 2004 – 5:25 PM phone message note by Sue. Overheard Scott Haan calling Del on cell phone asking what he had been doing at Seaview.

September 4, 2004 – Fax back to Scott Haan regarding phone conversations and details for work. (see attachments).

Sept. 8, 2004 – 1:15 PM – Del arrived at Seaview. Ron Thompson and Scott Haan were conversing with Bob Crockett. (see citation recap) Del rounded up his crew and left Seaview because of Ron's verbal warning to stop work.

Sept. 8, 2004 – 2:42 PM – Scott Haan called Isabelle home phone. Sue answered. He didn't identify himself. Wanted to know Del's cell number so he didn't have to look it up.

Sept 8, 2004 – 4:15 PM – Del drives down Sand Lake Road and sees Haan and Barnhill parked by gravel pits looking toward Seaview with binoculars. He drives up and appears to have startled them. (see citation recap).

Sept. 8, 2004 – 6:07 PM – APD officer arrives at Del's Shop office on Sand Lake Road and issued him a criminal citation for Seaview.

Sept. 27, 2004 – Bill Ivy/Del Isabelle submit Temporary Shoring Change Order for Permit 01-0076.

Sept. 29, 2004 – Wayne Bolen Plan Review Comments. Plans must be stamped by licensed engineer. MOA claims that Bill Ivy did house plans, not Del Isabelle.

October 5, 2004 – Letter to Wayne Bolen responding to Residential Comments – C.O. #2. (see attachment).

October 5, 2004 – Letter to Ron Thompson responding to Stop Work Orders on both permits and supporting documentation.

October 11, 2004 – Obtain services of Grant A. Morley (G.A.M.E.S. Architectural Design Services) to assist with engineering design requirements of MOA and lifting Stop Work order. *[Referred by Ron Thompson. Ron would not allow Bill Ivy to work on house plans for Isabelle or anyone else. They (MOA) had a confident working relationship with Morley and he would be able to give them what they were requesting. Isabelle had never heard of Morley.]*

Mid-October 2004 – Meet at MOA Bldg. Safety with Ron Thompson, Scott Haan, Grant Morley, Tobben Spurkland P.E., and Del & Sue Isabelle. Ron and Scott express they are very pleased to have Grant working on project and are confident things will now get resolved. They have given him all the necessary additional documentation. Del already

provided him with the plans. (Sue concerned with close relationship between Grant and Scott and Ron and several comments made by Grant regarding fill permit and neighbors.)

October 21, 2004 – Municipal Atty Ramgren letter to Isabelle Atty Mike Brain. Attached Pretrial Disposition. City offered to drop if Del paid Fine of \$250 plus \$50 for offense, and perform 80 hrs. of community service within 180 days and 6 months probation. Del objected to citation and settlement offer.

October 28, 2004 – Isabelle Atty letter to Municipal Attorney. Isabelle rejects city's offer. Position is the matter should not have been brought in Criminal court because the issue is by the Municipal Code, a Civil issue. (see attachment).

November 30, 2004 – Isabelle letter to Ron Thompson requesting permission to work on portions of the house not requiring a change order to limit any further weather damage. (see attachment).

December 2, 2004 – Isabelle 11/30/04 letter faxed back from Ron Thompson with hand note of items he allowed to proceed with on construction. (see attachment)

February 15, 2005 – Isabelle letter faxed to Grant A. Morley regarding non-performance or submission of change order documents.

February 15, 2005 – Mark Barnhill surprise visit at Seaview while Del onsite requested by Haan? concurrently with Grant Morley. APD car in driveway. (see summary attachment)

February 15, 2005 – Del tries to call Randy Randolph, P.E. His wife answers and advises he is out of town and will be back following week.

Week of February 22, 2005 – Del calls Randy Randolph, P.E. Mr. Randolph advises Del that he doesn't know anything about his project. He has not seen his house nor has he seen or worked on his plans or discussed it with the MOA.

March 2, 2005 – Letter from Ron Thompson responding to Del's request to lift Stop Work orders. Letter states that fill must be removed from neighbor's property and (1) fill on L7B must be based on permit, (2) consider test hole on Lot 7A, (3) accurate survey.

March 2005 – Del tries to submit his own change order drawings. Clerk would not accept plans without any calculations.

March (8?), 2005 – While at MOA Bldg. Safety, Lynn McGee handed Del copy of submittal form dated 7/23/2004. He said it had been approved. (see attachment). *NOTE: Permit report on internet for 00-6083 now has an additional comment #4 as part of Change order #1 – "4: Gabion wall is not to be place in ROW unless owner obtain an encroachment letter and pay yearly of 300 dollars plus 115 dollars application fee."*

May 3, 2005 – Morley never produced any drawings. Isabelle submits own change order drawings (?Change Order #3) (2 sets of 12 pages each) with attached documents of various calculations. (see copy of delivery transmittal) [*Note: Per legal counsel Isabelle was required to submit drawings immediately to MOA in order to get the criminal citation issued by MOA dismissed*]

May 11, 2005 – Del visits MOA permit office. Requests status of the change order. Lady at counter apologized. They forgot to route it to someone.

May 17, 2005 – Del calls Wayne Bolen about faxed review comments. The conversation ends in frustration because it doesn't appear that Wayne understands the issues. Del decides to go over to permit office to discuss in person.

May 17, 2005 AM – Del visits permit office. Requests to talk to Wayne Bolen. He is directed to Ron Thompson. Ron is very friendly, shook hands and discussed that since Del had drawn his own drawings, he was exempt from having to have an engineer's stamp. Del is surprised but pleased and left to meet Sue.

May 17, 2005 @ 2:10 PM – Del received message from his office that Becky Hellman had called and left a message for him to call. She wants to set up a meeting for tomorrow.

May 17, 2005 @ 2:20 PM – Del called Becky Hellman. She would like to have a site meet @ Seaview to go over questions on the change order drawings he submitted. She wants to meet with Del and Jim Stubbs @ 10:00 AM and will allow a 2-hour slot. Can he be available? Del stated yes.

May 18, 2005 @ 10:00 AM – Met with Becky Hellman, Jim Stubbs, Del and Sue at Seaview. Meeting appeared to go well. Discussed Stop Work inspection report i.e. creosote lumber. No creosote in bldg. was acknowledged by Jim Stubbs. Treated wood is copper naphthenate. Jim asked if any was penta. He was advised no. Becky advised they had the info on the wood already.

May 31, 2005 – Isabelle Trial Call at courthouse. Isabelle Attorney requested criminal charge to be dismissed. Isabelle had submitted change order documents to MOA and issue should be dismissed. No violations occurred within the last 6 mos. City attorney advised Isabelle attorney that if another violation occurs, they will press for trial and request a minimum 1 year in jail and up to \$5,000.00 fine. MOA Prosecutor dismisses the filed Case No. 3AN-04-9541CR with the Court. [Permanent criminal record for Del]

June 8, 2005 – MOA Code Abatement – issued letter of Notice and Order of Dangerous Building. Violation Case 2003-02328. Received June 13, 2005.

June 10, 2005 – Meet onsite with new structural engineer, Alan N. Corthell, P.E. to examine structure.

July 1, 2005 – Engineering letter from consulting structural engineer, Alan N. Corthell regarding structure. *"The framing was generally sturdy and of above-ordinary quality of workmanship...The structure is not considered to be at risk of collapse, and is safe for continuing the work."*

July 13, 2005 – Filed Building Board Appeal BCA-03-2005 with documentation.

July 22, 2005 – Received Cert. Letter dated 7/19/2005 Notice of Building Board Appeal No. BCA-03-2005 scheduled for August 4, 2005. Copy of MOA presentation will be available 7/27/05. "Decisions will, in most cases, be rendered at the time of the hearing."

August 1, 2005 – Engineering Report by Spurland Engineering. *"These inspections verify that the contractor is working in conformance with the approved plans submitted 4-23-01."*

August 3, 2005 – Isabelle faxed written request to postpone hearing until 8/18/2005 to allow time to submit additional documents. Del called Vicki Gonzalez as follow-up and advised that the request was denied.

August 4, 2005 – Isabelle's present appeal to Building Board. Isabelle's supplied additional documentation at meeting and copies for all Board members, etc. Board moved to postpone meeting for several reasons. 1. Did not want to make a decision without being able to have Ron Thompson present to question. 2. Appeal included two Stop Work orders and a Citation which the City provided no response to. 3. City was recommended to get counsel's opinion to the legality of requirements of Isabelle. 4. Board recommended that both parties work together to resolve issues so hopefully it wouldn't have to come back to the Board.

August 11, 2005 – MOA Bldg. Board Secretary sends certified letter regarding appeal stating *"..the Board voted to postpone action on this appeal until more information becomes available."*

August 11, 2005 – Isabelle submits 8/01/2005 letter from Spurland Engineering responding to fill permit and certifying work is in conformance with approved plans.

September 16, 2005 – Isabelle submits engineering letter from Alan N. Corthell, P.E. stating he was working on structural modifications and requesting Isabelle's be able to cover and protect the structure from weather & temporary shoring on conditional basis.

September 20, 2005 – Received faxed approval from Ron Thompson for request to shore and protect on 9/16/2005.

October 11, 2005 AM – Meeting with Ron Thompson, Paul Michelsohn, Sue & Del Isabelle in Ron's office. Paul assisting to come to an agreement how to move forward on

the fill permit. Paul Michelsohn writes down requirements agreed to by Ron Thompson that Isabelle must provide to lift stop work order.

October 11, 2005 @ 1:30 PM – Meeting @ Seaview site with civil engineers, Harry and Mike Lee. Del & Sue Isabelle and Paul Michelsohn. Harry will provide engineering letter to fulfill requirements by Ron Thompson at morning meeting.

October 21, 2005 – Two letters from H4M Corporation Engineering to Isabelle project addressing engineering issues and responses to the violation and city requirements.

November 15, 2005 – Letter to Ron Thompson from Isabelle requesting permission to proceed on fill permit as originally permitted, requesting to install fence, and slope setback agreement statement. [included H4M report?]

December 20, 2005 – Hand delivered submitted 11/15/2005 Isabelle letter and 10/21/05 H4M Engineering, Harry Lee, letter/report to MOA.

January 27, 2006 – Ron Thompson letter to Isabelle thanking for engineers report (10-21-05 and hand submitted 12-20-05) stipulating that grade work be done on south property area first. (Actual approval & direction not given until July 20, 2007)

February 7, 2006 – Received January 27, 2006 letter from Ron Thompson responding to H4M engineer report. Letter states to “provide design fix for the southern portion of the property.” Once approved, Isabelle can proceed on south property fix first and if approved, stop work orders for the rest of the project will be lifted.

February 7, 2006 – Fax to Paul Michelsohn including 1/27/05 letter response from Ron Thompson.

August 2, 2006 – Certified Letter sent from Bob Nibert dated 8/02/06 Rescinding and Reissuance of Letter of Notice and Order of Abatement of Dangerous Structure originally issued 6/08/2005. (Received 8/24/2006)

August 3, 2006 – Notice and Order sent Certified Mail to Isabelle. Respond by September 1, 2006.

August 4, 2006 – Certified Letter from Ron Thompson dated 8/03/06 – Notice and Order.

August 16, 2006 – FINAL NOTICE sent Certified Mail to Isabelle. *“The code official has determined that the owner of the property...has failed to comply with the Notice and Order dated August 3, 2006.”* [The Notice and Order states to Respond by Sept. 1, 2006]

August 17, 2006 – MOA records with State of AK DNR Certificate of Public Nuisance and Abatement of Dangerous Structure against Lot 7B, Block 2, Seaview Heights Subdivision under No Plat Subdivision filing. Document #2006-055899

August 20, 2006 – Found posted letter at construction site L7B, B2, Seaview Heights dated August 16, 2006 from Bob Nibert – **Final Notice - Case #2003-02328** Fill and Grade w/Excavation no permits. [???? Approved Permits are 00-6083 and 01-0076]

August 21, 2006 – Received and submitted to MOA engineered structural modification drawings (16 pages of drawings) and 80 pages of engineered calculations by Alan N. Corthell, P.E. MOA personnel could not find Isabelle files.

August 22, 2006 – Isabelle legal counsel, Ray Royce, response letter to Bob Nibert re: 8/02/06 Notice and Order sent to Isabelle and gives notice of appeal. Request forms and fees. Copy sent to Ron Thompson. [No response to Isabelle regarding appeal notice]

August 22, 2006 – Sue Isabelle faxed letter response to Bob Nibert 8/02/06 Rescinding and Reissuance of Letter of Notice and Order. Written request to get back to Building Board Appeal. [No response to Isabelle regarding appeal]

August 23, 2006 @ 11:42 am – Sue Isabelle faxed 8-23-06 letter Response to Bob Nibert's posted **Final Notice**. Copy faxed to Ron Thompson @ 11:46 am. Original sent Certified US Mail.

August 23, 2006 @ 3:00 pm – Received Fax from Bob Nibert acknowledging receipt of the engineered drawings and calculations on Monday, August 21, 2006. They will contact Isabelle's when review complete.

August 23, 2006 @ 3:05 pm – Sue Isabelle call to Bob Nibert. Does the submittal of the structural modifications stop the action pending? He doesn't know. He will have to talk to Ron and depends on if it is approved by Sept. 1. Sue asked about status of pending appeal and he said he can't address that issue. He can only acknowledge they received the documents submitted 8/21.

August 24, 2006 – Received Certified letter – Notice and Order.

August 29, 2006 – Engineering letter/report by Alan N. Corthell, P.E. *"During the past few months, I have examined the subject structure in considerable detail for the purpose of preparing plans for completion of the building frame. I do not consider the structure... to be hazardous... The assembly... has been done... with good practice, and there is no deterioration or damage that affects its integrity."*

Sept. 01, 2006 – Submittal letter & documents to Nibert & Thompson re: Rescinding and Reissuance of Letter of Notice and Order Of Abatement of Dangerous Structure and requested amendment of Appeal. [No response to Builders Board Appeal BCA-03-2005]

Oct. 03, 2006 – Email from Denis LeBlanc to Del Isabelle and Bob Nibert. (Cc'd to Ron Thompson, Kristi Cada, Jack Frost, Dan Southard, James Reeves) LeBlanc states he is revoking approval of Permit 00-6083 – CO (#2 for the repair of the Mann/Isabelle West

property septic slope area) because Del stated he was going to utilize “sand and silt” (i.e. Del called the material, *silty sand*, which was an engineering classification of dirt that should have been understood by Thompson). Isabelle responds back by email asking for the City to provide reasonableness.

March 30, 2007 – Seaview “creosote” sitemeet with Isabelle’s, Bob Nibert, Howard Romig. No Show – Jim Stubbs. Meeting was for verification that the building did NOT contain any creosote building materials.

April 10, 2007 – Letter from Alan Corthell, P.E. regarding weather-exposed building components. Letter faxed to Bob Nibert, MOA Code Abatement @ 4:10pm.

April 27, 2007 – Sitemeet with MOA Jim Stubbs, Howard Romig, Alan Corthell, Del and Sue, Gary W. and Rocky. Verification of wood members/sheathing acceptability and condition from weathering. (No replacements were required) *Note: Stubbs did not provide copy of inspection report until 6/21/07.*

July 20, 2007 – Email to Ron Thompson re: Isabelle Building Board Appeal – third written request to return to Building Board Appeal. Copy of email sent to Kristi Cada (Ombudsman), Bob Nibert, Jack Frost, Jim Stubbs, Rick Thornton, and Ross Noffsinger. [No response received from the MOA regarding Appeal – Nibert forwarded request to Vicki Gonzalez by email on 7-23-07 per MOA docs]

Aug. 28, 2007 – Isabelle begins grading of slopes on West and grading of the stockpiled material from prior to the Aug. 2004 Stop Work Order. First day Isabelle allowed to perform ANY grading activities since Stop Work Order on 8-26-2004 (three years).

October 9, 2007 – MOA approved CO #2 for structure. Stop Work orders were purportedly lifted but plans not released. *(Approved stamped plans were never given until March or May 2008 – did not have plans for inspection on 3/3/08)*

April 21, 2008 – Met Bob Nibert @ Seaview. Complaint made that we were draining on neighbor’s property...again. Melting drainage contained on Isabelle property. Bob said slopes looked good. He and Sue Isabelle took pictures.

May 27, 2008 – Stop Work orders on permits 00-6083 and 01-0076 are Lifted per Bob Nibert.

June 10, 2008 – Inspection @ Seaview by Jim Stubbs. 1st Floor and Basement approved for wrap and siding to be applied. (Note: security camera showed Firemen came onto the property)

June 18, 2008 – Frank Kelly, MOA Code Enforcement issues Notice of Violation CE-09278 (LUE 88700) for “*Maintaining a prohibited salvage yard and storage yard in a*

residential district. Outdoor storage of scrap/building material and construction equipment. AMC 21.40.015B @ 6555 W. Dimond Blvd.

June 30, 2008 – Isabelle letter to MOA Frank Kelly responding to Notice of Violation.

June 1, 2009 @ 9:47am – MOA Jim Stubbs calls Del. Meet today @ Seaview.

June 1, 2009 – Del & Sue Meet Jim Stubbs & Ron Wilde @ Seaview. 2pm-2:54pm
They looked at settlement area dug last fall. Ron asked to have copies of the following:
1) pictures given to Thompson for Stop Work release issue. 2) copies of all our approvals of site change orders 3) copies of any “berm” letters and/or emails 4) letter from our engineer stating that we were going to do the fill “per the plan” and 5) copy of Matt Mann agreement – Lot 8. Sue advised that we had spent the last 5 years providing multiple copies of the items and Ron said he couldn’t find them and needed them for the file. We also stated that the direction for grading, etc. was specifically directed by Nibert and Thompson to get the stop work orders lifted. Discussion about culvert – not needed.

June 2009 – Isabelle begins to have problem with MOA re Jason Pl/Strawberry Rd property. [see separate chronology]

July 27, 2009 @ 11:45am – Vicki @ MOA calls and wants to schedule meeting at MOA for 7/30 in morning or at 3pm with Jack Frost and Ron Wilde to discuss site work and drainage concerns at Seaview.

July 30, 2009 – Mtg. at MOA with Ron Wilde, Ross Noffsinger, & Jack Frost. Ron said he had been going through the file and cleaning things out. He couldn’t find any approved plans for grade and drainage that would approve lifting the stop work order. Said Bob Nibert didn’t know what he was doing and we would need to provide copies of what Bob approved i.e. plans and engineering report on the drainage as well as pictures we had submitted to Ron Thompson (our AeroMap pics) that he had requested in June. We argued that:

1) the stop work orders were lifted last year and we don’t have copies of what was done internally since the grading was specifically directed by MOA diverting from our original approved plan. Going forward all grading & fill will be per our original plan other than the main fill area by Remme’s to the East and to the Southeast to the ROW. Remme’s have a non-conforming 10,000sf lot with a septic system from the 80’s and no place to upgrade it. We are not creating her problem, she had a problem before we ever got there,

2) there is no need for drainage engineering. That was resolved and watched yearly. No water is ever onsite except abt. 2 weeks in the Spring while the frost is still in the ground and we get all five properties draining on us. Our drainage is contained on our property and does not cross over to Remme or Crockett. Our drainage does not go uphill to them. We have provided engineering reports from multiple engineers. Ron said there weren’t any in the file. This was resolved during the 4+ years to lift the stop work orders. We’ll talk to the engineer.

3) We have given copies of the pictures and Ron Thompson should have them or confirm what was done previously.

Aug. 17, 2009 – Ron Wilde sends email to Del re Ron's phone message requesting update on the additional grading for Seaview. What is status?

Aug. 17, 2009 – Sue sends email response to Ron Wilde. We talked to engineer about purported water drainage problems complaint related to Remme's septic system. You said you did a report and we need to see the report to pass on to our engineer.

Aug. 21, 2009 – Ron Wilde response email with attached "July 28 2009.pdf" report. *Vicky has been trying to set up a meeting with you and Thompson... "This is not about a complaint from a neighbor. It is that your current grading and drainage configuration does not meet approved drawings."*

Aug. 26, 2009 – Del phones Ron Thompson to ask about Ron Wilde 7-28-2009 report. What is going on? Report is going back to the beginning of the 2004 stop work order that took us five years to work through to get released. Thompson asked Del if he would excavate a drainage area to collect the spring run-off. Not necessary to have it engineered because he should be able to guess what is needed and if it isn't sufficient then he can enlarge it. Del agrees to dig out settlement area.

Sept. 27, 2009 – Del begins excavating the MOA requested "retention settlement" area near the Eastern side of Isabelle property. The Remme neighbors come onto Isabelle property and step into the excavation yelling and shouting abusive language and blocking the work. Del is unable to reason or have a discussion with them and leaves.

Sept. 28, 2009 – Del calls and leaves a message for Ron Thompson with Vicki. Have a problem with the Remme's (Lot 15 to the East) obstructing the excavation. Please return call.

Sept. 28, 2009 @ 9:17am – Ron Wilde returns call for Ron Thompson. He wants to come and see what we're doing. Meet at site in ½ hour.

Oct. 1, 2009 – Ron Wilde leaves message. Seaview retention pond is approved as seen.

Oct. 2, 2009 – Ron Wilde leaves message. Please proceed as you are doing.

Oct. 6, 2009 @ 3:02pm – Ron Wilde leaves message on Isabelle recorder. Work looks appropriate and wants him to finish the settlement pond excavation; "proceed please, it is approved clear up to the Mayor's office."

Oct. 8, 2009 – Del finishes excavating drainage settlement area. Neighbors observe but stay away from Isabelle property. Sue takes pictures on completion.

Oct. 12, 2009 – Ron Wilde called. Del said retention area finished. Ron will inspect. Approved.

Oct. 28, 2009 – Note: Code enforcement – complaint at Isabelle other property.

Feb. 2, 2010 – Code enforcement follows Del Isabelle from residence backing on Strawberry Rd. to Shop on Sand Lake Rd. that there will be pending citations issued for both properties per separate complaints.

Feb. 4, 2010 – **Stop Work Order** posted on 6555 W. Dimond Blvd. gate. “Illegal dumping of fill. Cease and desist immediately” [Illegal? For what reason?] *(No written notice received from MOA citing reasons and/or code violation)*

Feb. 5, 2010 @ 9:41am – Del calls Ron Thompson about Stop Work. Del explains he was importing excavated excess fill from Hultquist foundation excavations in the Sand Lake pits for septic system. Septic system doesn’t require compaction. Just stockpiling. Thompson says, “*we don’t allow that type of work in the winter time...*”

Sept. 28, 2011 – Del Isabelle received phone message from Howard Romig, MOA Code Abatement (9/27/11) and called him back. Romig stated that the MOA wants permission for Dowl to do a survey @ Seaview to assess quantity of fill in place. No cost to Isabelle.

Sept. 29, 2011 – Del called Howard Romig back. Romig said Sharen Walsh gave direction to have the survey done. Romig said Dowl was already out on the site. Del and Sue went immediately to the site and two Dowl personnel were already onsite and they were told that no survey permission would be granted unless complete copies were provided. Party Chief, Michael Sinnett advised Isabelle to call Stan Ponsness for additional information.

Oct. 13, 2011 – Isabelle called Stan Ponsness for copy of topo survey. He said it would be done in a couple days but he would need permission from MOA to give a copy.

Jan. 17, 2013 – Letter from MOA Addressing, Jonathan Swanson stating there is a problem with duplicate street name, Lori Drive. Suggest new name by 2-07-2013.

Feb. 7, 2013 – Letter from MOA Addressing, Jonathan Swanson, re: Lori Drive. “... *we are concerned that this duplicate street name situation will prove confusing during an emergency response...the Anchorage Police and Fire Departments have asked us to resolve this problem.*” Select from two choices: 1) Crockett Place or 2) Eventide Place
Vote by 2-27-13

March 5, 2013 – Letter from MOA Jonathan Swanson. Tie vote. “Eventide Place won the coin toss”

March 13, 2013 – Letter from MOA Office of Municipal Clerk, Kristina Posini. Sent copy of Mayor's Executive Order changing Lori Drive to Eventide Place.

April 12, 2013 – Letter from Municipal Clerk office, Kristina Posini. Petition protesting street name change at Assembly Chambers on May 7, 2013.

April 15, 2013 – Received email from Elisabeth Jensen regarding Records Request of Appeal to Street Name Change. Appeal of the Executive Order filed by Robert & Lynn Crockett.

May 7, 2013 – Del Isabelle sends email to all assembly members objecting to Crockett's appeal of the name change. Crockett works for the Fire Department. It is ironic that the Fire department considers it an emergency to change the name.

May 7, 2013 – Sue Isabelle testifies before the Assembly and asks them to go forward with the Mayor's Executive Order in the best interest of all property owners concerned. Jerry Weaver, MOA CDD Director is asked for input for decision making. He testifies that the department is "presently working with a developer that will be taking over the construction project on L7B and the ROW may be vacated" His recommendation is to return the order back to his department for reconsideration and review. The Assembly remands the decision back to MOA-CDD as requested by Weaver.

May 8, 2013 – Sue Isabelle calls and leaves message for Jerry Weaver to call her regarding previous night's Assembly Meeting testimony.

May 9, 2013 – Jerry Weaver returned call to Sue. Asked him why he testified about a developer taking over the project. I am an owner of the property and have no knowledge of any developer taking over my property. He asked if I knew about a meeting for 5/10 with Del and municipal personnel. I said I did not.

May 10, 2013 – Sue and Del attended meeting at Bldg. Safety with Sharen Walsh, Jerry Weaver, Becky Hellman, Ross Noffsinger, and Rick Thornton. Sue took minutes and recorded meeting. Sharon said her review of the project was based on report by Ron Wilde. Sue asked if it was from 2009? No, 2010. Isabelle does not have a 2010 report and would like a copy. Isabelle wants to know status of 2010 Stop Work Order. They are not aware of any stop work orders. Isabelle wants it in writing. And Isabelle wants a copy of the topo survey and report by Dowl from 2011. Sharon gave Isabelle paper copy of topo but Del noted that it contained errors on the contours specifically at the Crockett property line. She will check into noted discrepancy.

May 14, 2013 – Sharon Walsh emailed Del a "corrected topo" dated October 2011 and apologized for giving an incorrect topo.

October 25, 2013 – Sharen Walsh called Sue @ home. Is Del hauling dirt into Seaview. Told her I did not know but would call Del. She said Crockett called and was complaining. Sue went to site & Del onsite & Barnhill showed up. Discussions about

Stop Work orders with Sharen and that we had been waiting since May for MOA to provide documentation requested. Called Sharen back and she requested meeting 10-28-13 at 3pm.

October 28, 2013 – Mtg. @ MOA with Sharen Walsh & Gary Hile.

Nov. 8, 2013 – Del @ Seaview moving equipment. Barnhill called his cell and asked him what he was doing. Del said he was moving things around to prepare to put up a fence. [Snow on 11-10-13]

Nov. 15, 2013 – Walatka crew surveyed and staked all property lines and verified contours of SW ROW corners. The 163.4 elevation is consistent with original. The GAAB elevation contour was originally 164.

Jan. 10, 2014 – Tana (Asst. to Sharen Walsh) called. Sharen wants her to set up meeting with Sharen, Sam Severin, MOA Atty, and us the week of Jan. 20th. I will talk to Del and get back with her Monday, 1/13/14.

Jan. 13, 2014 – Sue email to Sharen Walsh re meeting request. Sent 2 attachments: Meeting notes from 5-10-13 and 10-28-13. Still need documents requested from MOA last May. Info on 2-4-2010 Stop Work Order, Survey report/data from Sept/Oct 2011, and a copy of Ron Wilde's report from 2010. Advise when docs available before meeting.

Jan. 24, 2014 – Tana from MOA called Sue and said previously requested documents were ready to pick up from her office. Sue picked up documents: 1) Walsh 1-23-14 letter to Isabelle, 2) Ron Wilde's Report dated 5/10/2010 – 9 pgs. w/ 24 attachments, 3) cd disk with Dowl topo only – no report, no grade shots, no fill qty.

Feb 28, 2014 – Meeting with Sharen Walsh, Isabelle's, and legal for both.

April 25, 2014 – Hand delivered Isabelle letter dated 4/25/14 to MOA. Advised Sharen Walsh unavailable. MOA personnel unclear who was taking her place so it was suggested to take it to Ron Thompson. Letter received by S. Schonenbach for Ron Thompson. Isabelle response to 1/24/14 letter and 2/28/14 meeting.

May 2, 2014 – Received certified letter dated 4/22/2014 (postmarked 4/28/14) from Ross Noffsinger, Acting Building Official, regarding conditions for lifting of stop work order, permits 00-6083 and 01-0076.

May 23, 2014 – Isabelle letter response to the letter received 5/2/14 written to Jerry Weaver, MOA Director. Isabelle continues to again ask for the code violation that forms the basis of the 2/4/2010 posted stop work order.

June 25, 2014 – Isabelle legal counsel receives copies of the two posted Stop Work Orders dated 8/26/2004 (Isabelle Exhibits 16 and 17 from Building Board Appeal BCA-03-2005) and copies of the Aug 16, 2006 Final Notice and Aug 3, 2006 Notice and Order as a response to the question of what forms the basis of the present stop work order.

Oct. 01, 2014 – Isabelle receives certified letter, 9-26-2014 Notice and Order (postmarked 9-29-2014) from MOA, Ronald J. Thompson, P.E.

Oct. 29, 2014 – Isabelle files request for Building Board Appeal on 9-26-14 Notice and Order and Appeal BCA-03-2005, etc.

Nov. 2014 – Isabelle records request.

Jan. 23, 2015 – Submit MOA requested payment of \$1,789.60 (Isabelle ck #9400) to obtain documents and records from November request.