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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

BENCHVIEW NEIGHBORHOOD
ASSOCIATION, a Washington unincorporated
association,

Petitioner,

v.

CITY OF SEATTLE, a Washington municipal
corporation; BLUEPRINT SERVICES, LLC, a
Washington limited liability company; DAVID
BIDDLE, an individual Washington resident;
ALL DAY CONSTRUCTORS, LLC, a
Washington limited liability company; and
JMS HOMES, INC., a Washington
corporation,

Respondents.

No. 13-2-05025-1

SECOND DECLARATION OF RON DAY
IN SUPPORT OF RESPONDENTS'
MOTION FOR RECONSIDERATION OR
CLARIFICATION

I, Ron Day, make this declaration on my personal knowledge. I am more than 18
years old and am competent to testify in this matter.

1. My construction company, All Day Constructors, LLC, is one of the owners of
the property at issue in this case. My company also oversees construction on the property and
I live in the house which is on Lots 10 and 11.

1 2. I arranged and had prepared a building permit application for modifications to
2 Lots 10 and 11 and removal of a portion of an on grade existing wood deck that extended onto
3 Lot 9.

4 3. As stated in my August 2, 2013 Declaration, only a small part of the deck
5 associated with the existing house on the property extended onto Lot 9. The portion of the
6 deck that extended onto Lot 9 was only approximately one foot wide. The entire portion of
7 the deck that extended onto Lot 9 was less than 18 inches above grade. I know these facts
8 from my personal inspection of the property prior to removal of the deck and from preparation
9 of the building permit application to remove the deck, and from the lot boundary adjustment
10 drawings prepared and stamped by a State of Washington Registered Land Surveyor.

11 4. On sheet 2 of 3 of the original approved Boundary Line Adjustment there is a
12 topographical survey. Said survey clearly shows that the topography of the ground under the
13 deck was at elevation 324 (see exhibit A attached hereto). Depicted on the same topographical
14 survey, within the outline of the existing home on Parcel A-“House #3650 - FF 325.53”. FF
15 325.53 stands for Finished Floor Elevation-325.53. The step from the bedroom down onto the
16 upper deck step was 2-3 inches, clearly showing the deck was under 18” in height, in fact this
17 would show at a maximum the deck was no higher then 16 inches above existing grade. The
18 deck ledger is still in place and the former grade level can still be seen.

19 5. The attached photograph (exhibit B attached) was taken by my construction
20 lenders third party inspector, who on a monthly basis inspects the work performed the month
21 prior. This picture is a true and correct depiction of the area where the deck was removed and
22 where the new parking space will be located. Off to the left side of the photo, one can clearly
23 see that deck sat right on grade where Lot 9 begins. Also, thru the sliding glass door, one can

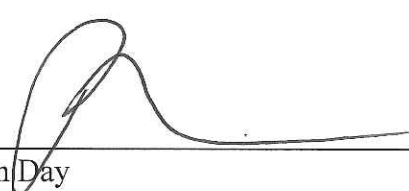
1 see the finished floor was higher than where the deck was built outside that door. This is
2 typical deck construction.

3 6. I have reviewed the Second Declaration of Kay Sansone. She refers to a
4 portion of the deck as being more than 18 inches above grade. The portion of the deck she is
5 referring was not above 18 inches since we have the topography mapped and it clearly shows
6 that the deck was no more than 16 inches above grade at the highest point. The deck then did
7 step down to about 8-9 inches above grade as shown in photo 612 contained in the Fourth
8 Declaration of David Allen.

9 7. I have reviewed the Fourth Declaration of David Allen, including the
10 photographs attached to his Declaration and numbered 610 through 614. Photographs labeled
11 610 through 612 are taken from high above the property and clearly depict the deck that
12 encroached by one foot onto Lot 9. However, those photographs do not identify existing
13 grade and are not sufficient to identify existing grade. Photographs labeled 613 and 614
14 depict a deck, but not the portion that encroached onto Lot 9. Instead, photographs labeled
15 613 and 614 depict the portion of the deck that is located on the north side of the house
16 adjacent to Manning Street well within Lots 10 and 11.

17 I hereby declare, under penalty of perjury under the laws of the State of Washington,
18 that the foregoing is true and correct

19 DATED this 15 day of August, 2013.

20
21
22 
Ron Day

295 | 055

EXHIBIT 'A'

LOT BOUNDARY ADJUSTMENT NUMBER 3014542

Southwest Manning Street

Asphalt Street

5th Avenue Southwest

Southwest Orleans Street

Found Tick in Lead

332.61'

S 89°22'18" E 88'

332.61'

S 89°22'18" E 88'

332.61'

S 89°22'18" E 88'

332.61'

S 89°22'18" E 88'

332.61'

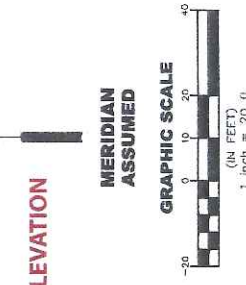
S 89°22'18" E 88'

332.61'

S 89°22'18" E 88'

332.61'

S 89°22'18" E 88'



324.0' - GROUND ELEVATION BELOW DECK

325.5' - FINISHED FLOOR OF HOUSE

Note:
Existing decks, garage and greenhouse are to be legally removed prior to separate sale and/or transfer of ownership under STI #8347893. SOUTHERN GAVLS C/O EXISTING HOUSE TO BE 1-1/2 FLEE BRK 50 UNDER STEEL # 637813.

SURVEY NOTES

INSTRUMENT USED: SOKKIA SET 5 EDM
METHOD USED: FIELD TRAVERSE

APPROXIMATE POINT ACCURACY: ±0.05'

SURVEY MEETS OR EXCEEDS STATE STANDARDS PER WAC 352-150-090.

MONUMENTS SHOWN HEREON WERE VISITED ON NOVEMBER 17, 2012.

THE INFORMATION SHOWN ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY MADE ON THE INDICATED DATE AND CAN ONLY BE CONSIDERED AS THE GENERAL EXISTING CONDITION AT THAT TIME.

NO EASEMENTS, RESTRICTIONS OR RESERVATION OF RECORD WHICH WOULD BE DISCLOSED BY A TITLE REPORT ARE SHOWN.

VERTICAL DATUM -- NAVD 88
CONTOUR INTERVAL -- 2 FEET

BENCH MARK: POINT NAME: SNH-012; Brass Disc w/ Punch Mark; Above 0.8', stromped 294, located at Int. of 55th Ave SW & SW Charleston; SI NE; Elev. 335.971

EMERALD LAND SURVEYING, INC.
PO BOX 13694 MILL CREEK WA 98082
PH: (425) 359-7498
E-mail: emeraldpls@aol.com

SURVEY IN S.E. 1/4, N.E. 1/4, SEC. 15, T. 24N, R. 3E	
DWN. BY: BLE	DATE: 3/18/13
CHK. BY: BLE	SCALE: 1" = 20'
	JOB NO. 12077
	SHEET 2 OF 3

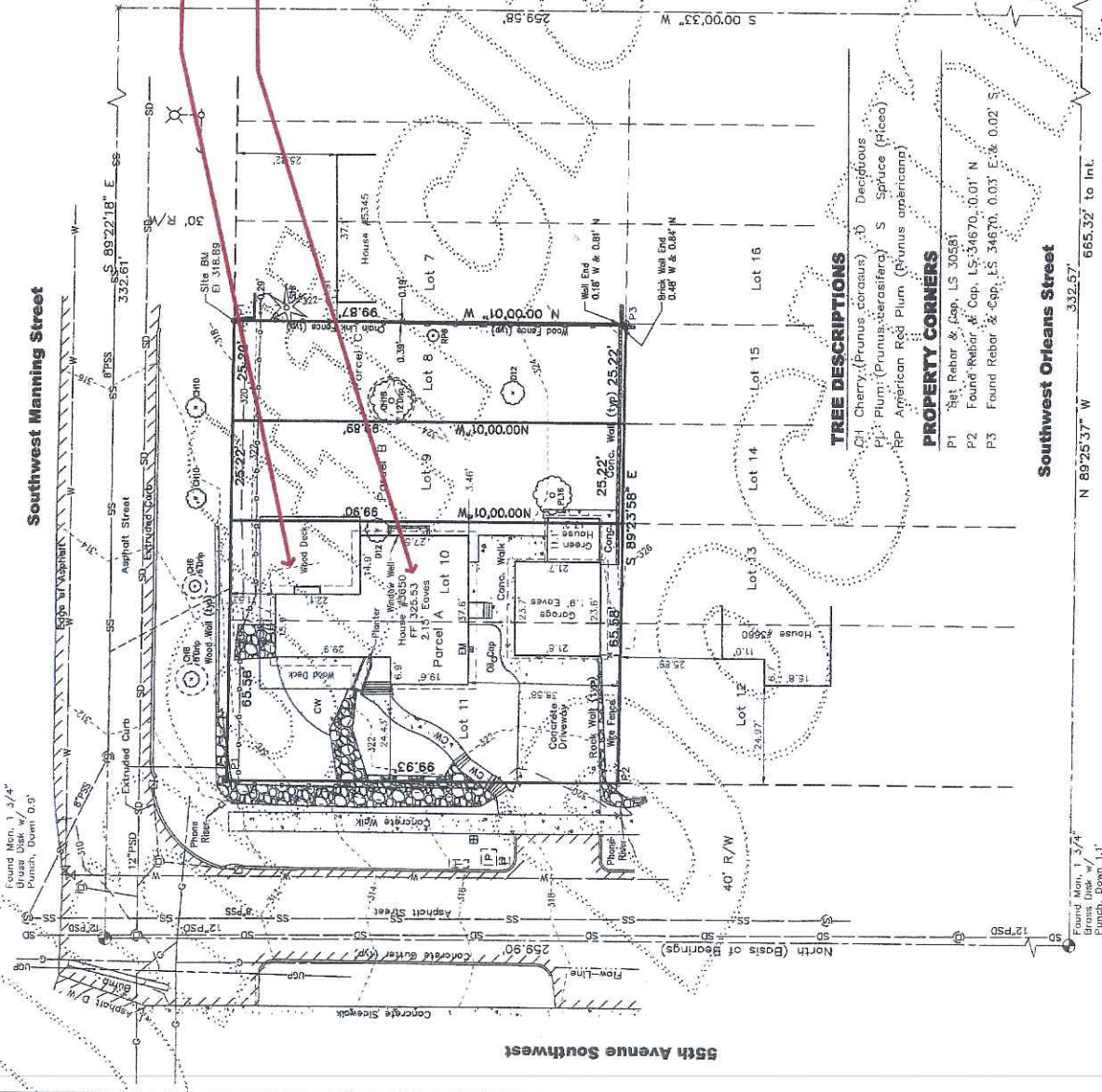
RECORD OF SURVEY
All Day Constructors, LLC
3650 55th Avenue Southwest
Seattle, WA 98116



SURVEYOR'S CERTIFICATE
This map represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of _____ 2012
ALL DAY CONSTRUCTORS, LLC

DATE _____ County, _____
Auditor _____ Deputy Auditor _____
Certificate Number 30581

20130214900003
PLS-198 2P 054 40L 289 PG 054
KING COUNTY, WA



TREE DESCRIPTIONS

- P1 Cherry (Prunus cerasus) 10 Deciduous
- P2 Plum (Prunus-basilaris) 5 Spruce (Picea)
- P3 American Red Plum (Prunus americana)

PROPERTY CORNERS

- P1 8ft Rebar & Cap, LS 30581
- P2 Found Rebar, 4' Cap, LS:34670, 0.01' N
- P3 Found Rebar & Cap, LS: 34670, 0.03' E & 0.02' S

Found Mon. 1 3/4" Brass Disc w/ Punch Mark, 10 30, 300, 300, 300, 300

Found Mon. 1 3/4" Brass Disc w/ Punch Mark, 11' 332.57' 665.32' to Int.

Found Mon. 1 3/4" Brass Disc w/ Punch, Down 1.1'

Found Mon. 1 3/4" Brass Disc w/ Punch, Down 1.1'

Found Mon. 1 3/4" Brass Disc w/ Punch, Down 1.1'

Found Mon. 1 3/4" Brass Disc w/ Punch, Down 1.1'

Found Mon. 1 3/4" Brass Disc w/ Punch, Down 1.1'

EXHIBIT B-Deck Removal Photo Ron Day 2nd Declaration

Customer	All Day Constructors, LLC		
Property Address:	3650 55th Ave SW		
City, State Zipcode:	Seattle	WA	98116
Desc/Loc on Lot:	SFR	Reha	Existing Rehab

Loan/Bldg.#	120442	1
Draw#	2	Funding Date: 2/8/2013

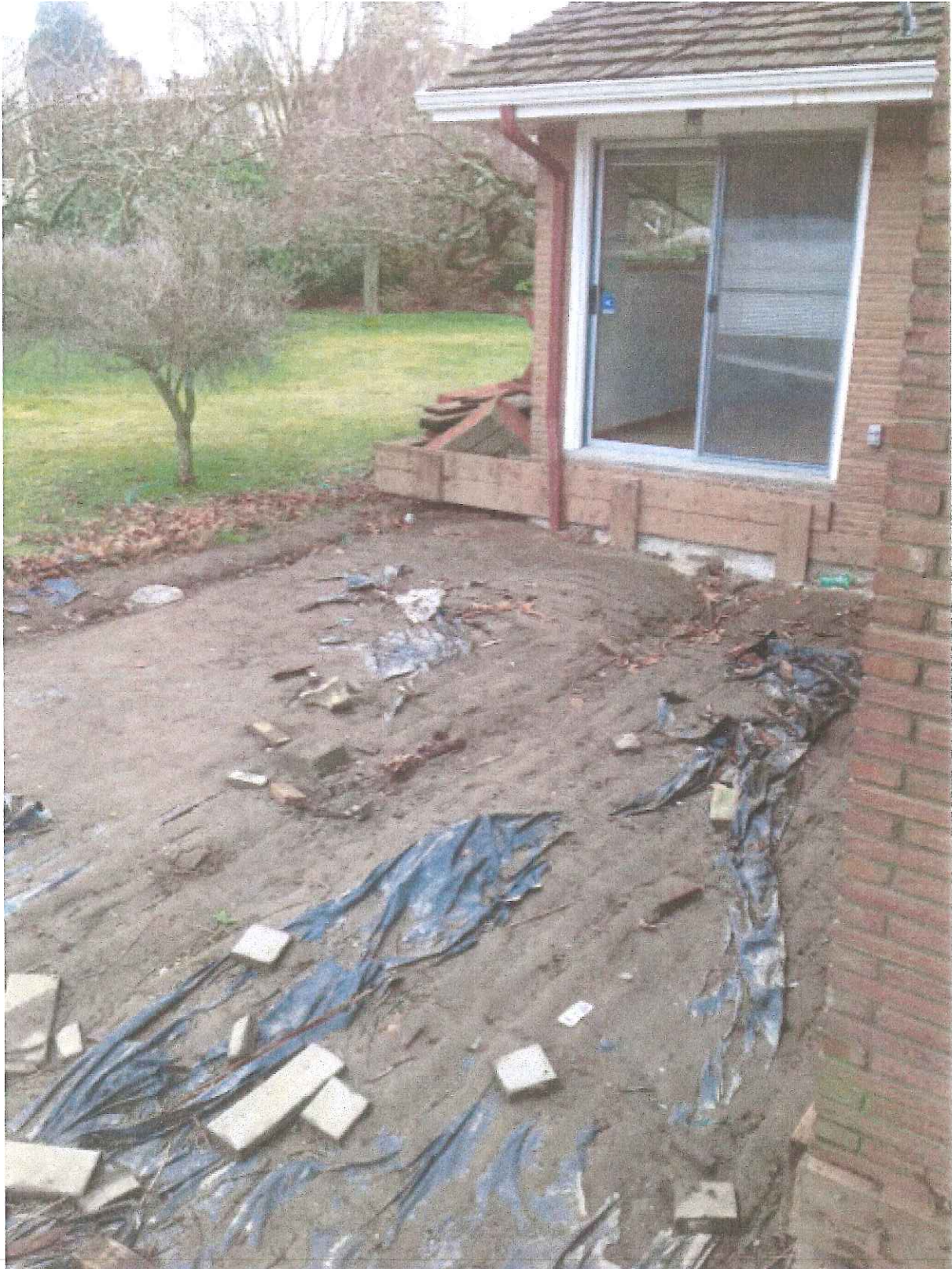


Photo 2-3-2013 10.32.44 AM.jpg