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February 16, 2007

FEB 16 2007

City of Bellingham
Planning

Tim Stewart
Planning Director
City of Bellingham
210 Lottie Street
Bellingham, WA 98225

HAND DELIVERED

Re: Design Review Permit DRC2004-00033A

Greetings:

As you know, I represent Fairhaven Harbor, LLC and 8th & Harris Holding Company, LLC. This letter is the Applicant's formal election pursuant to the above-noted Final Decision on DRC2004-00033A. Fairhaven Harbor formally elects paragraph 4 and it:

"Withdraws its application to amend the Design Review Permit, DRC2004-00033, and [shall] proceed under the original Design Review Permit."

This election is made UNDER PROTEST and is done reserving all legal rights and remedies available to the Applicant. This election is made under protest and with reservation of rights for reasons set forth in a separate letter that is forthcoming shortly.

Very Truly Yours,



DOUGLAS K. ROBERTSON
Attorney at Law

DKR:jem
cc: Client