

## SEAHURST WEST ADDITION

### Minutes of June 20, 2001 Annual Meeting

Mike Little called the meeting to order at approximately 7:15, having a quorum of nine families, represented by the following: Bob Krakowski, Darold and Marilyn Doell, Joe Swanzy, Steve Nardi, Margaret and Jim Emch, Ann El-Moslimany, May Mettler, Jacky Randall and Mike. Beth Williams also attended the meeting.

Approval of Minutes from Last Meeting. Joe Swanzy presented the minutes of the last meeting (of October 3, 2000), which were approved without comment.

Election of New Officers. Mike Little reviewed that at the last meeting, the community had endorsed the election of new Board members: Krakowski, Alex Reid, Nardi, DeVaney and Randall). Subsequently, the Board members (with the exception of Alex, who is in Japan) met together with Mike and Joe and elected on a preliminary basis, the following officers: Krakowski, president; DeVaney, treasurer; Nardi, maintenance, and Randall, secretary. The group approved the election without comment. Alex Reid will serve as the fifth Board member if he is still interested.

Financial/Maintenance Report. Joe Swanzy reported that maintenance costs have been approximately \$2000 this year, the same as last year. Last year, the community voted to increase the annual assessment to \$300, to brace for the anticipated repaving of the section of the community road near the Mettlers and Stadlers; as a result, the current balance exceeds \$9800.00. The goal is to save at least \$15,000, which represents half the cost of the last round of paving. Ann questioned the need for the higher assessment, given the balance of over \$9000 in the community account. Joe and Mike commented that cracks can already be seen in the drive, and that we will have to move quickly once more significant problems develop.

The meeting then moved onto new business, with Bob Krakowski presiding.

Assessment for the Coming Year. An assessment of \$300, due on October 1, 2001 to Jim DeVaney was passed without dissent. (Checks should be payable to Seahurst West.)

Water District Maintenance of Water Line. Darold Doell, who is a commissioner for Water District 85, advised the group that the Water District had applied for a FEMA grant to replace the water main running under our road, together with the side services to the meters (and replacement of the fill near Beth Williams' house). If the grant is approved, the Water District will let a contract after competition, which would probably be next winter. The estimated cost of the project is \$98,000. There will be no cost to property owners or adverse impact on water quality, and Darold does not anticipate that the job will damage the lines running from the meters to the houses. The main will be expanded to 8 inches from the current 4 inch diameter.

Water District Petition. Darold went on to explain that the adjoining Burien water district is trying to absorb Water District 85. Each water district is circulating a petition for and against the absorption of WD 85. Darold circulated his petition to the attendees.

Block Watch. Joe Swanzy told the group that we have belonged to the Burien block watch group for the last 1-1/2 years. He said that every year during August (August 7 this year), one evening is designated a "national night out", during which people are asked to leave their lights on from 7 to 10 and participate in a community activity. Joe brought several publications of the group (which will be on file with the minutes), and asked that the minutes reflect the following telephone numbers for responding to crimes:

Emergency (when a crime is in progress): 911  
Non-Emergency (when a crime has been committed, but is not  
Still in progress): 296-3311  
Crime prevention officer (Roy Galusha): 296-3370

Branson Property. Jacky Randall reported that the Branson property, a 7 acre, waterfront estate to our north on 151<sup>st</sup>, will either be subdivided into 5-18 lots, or turned into a low-key park providing beach access, walks and habitat protection. There was no clear consensus in favor of either option, with strong concerns expressed about security and traffic. It was agreed that we should continue monitoring the plans and participate or comment as needed.

Beach Maintenance and Improvements. Jacky raised the possibility of a grill, modest landscaping and acquisition of a community dinghy, and Margaret (on behalf of the Sanders) and several others raised several specific beach maintenance projects that needed attention this season. The option of a boat was rejected due to potential liabilities, but Krakowski and Swanzy agreed to donate boats for community use. The group agreed to form a work party in conjunction with the summer picnic to tackle the needed maintenance and improvements. It is anticipated that the work will take 1-1/2 days. The work will start on August 11 and continue on August 12, the day of the picnic (see below).

Summer Picnic. The Summer Picnic was set for August 12 at the beach lot. Krakowski volunteered to organize the event and handle the menu.

Neighborhood Resources. At the past meeting, Jim DeVaney had suggested that we set up an e-mail bulletin board to circulate names of suggested contractors. The group decided to operate by word of mouth, instead.

#### Other Business.

Ann raised, and Beth agreed, that the maintenance crew's truck is leaking oil wherever they part. Nardi, Little and Krakowski said they would speak to the crew.

Concerns were raised about burning of trash or yard waste on the beach. The community is reminded that although beachfront property owners are allowed to have small campfires, other materials are not to be burned. Additionally, it would help if those burning would be conscious of prevailing winds and conditions so the rest of the community is not affected. The Fire Department may be called if there appear to be violations.

There being no other business, the meeting was adjourned at approximately 8:40 p.m.

R. Michael Little  
2650 SW 151<sup>st</sup> Place  
Seattle, WA 98166

September 10, 2002

Steve Sandelius, Superintendent  
Water District #85, King County  
PO Box 824  
Seahurst, WA 98062

Dear Steve:

I am writing this letter as a follow-up to our conversation this morning. As I told you then, the Seahurst West Addition (SWA) Board of Trustees has appointed me to be their "focal point" for communication with Water District #85 (WD85) regarding some issues which are of grave and urgent concern to the 17 property owners in Seahurst West.

Lee and Carol Sanders, who are SWA property owners (2685 SW 151<sup>st</sup> Place), recently informed the Board of Trustees that they understood, based on conversations with James McDonald, representing Cambridge Integrated Services Group, Inc., WD85's "insurer/risk manager", that his attorney had expressed the "preliminary legal" opinion that perhaps WD85 has no ownership responsibility for the Seahurst West water system because WD85 can find no record of ownership in its files, and thus WD85's responsibilities were limited to "preventing loss of its product". During our conversation this morning, I understood you to confirm that to be the case. Later today, I spoke by telephone with Joe Bennett, who told me he is the attorney for the "insurer/risk manager" cited above, and that it is not his opinion, but is instead the opinion of one or more of WD85's Commissioners, and that he is in the process of evaluating that opinion.

Regardless of the source of the opinion, such speculation has generated significant concern and alarm for the Seahurst West community. The purpose of this letter is to express the SWA Board's immediate concerns and to request your immediate action. As I stated this morning, neither the SWA Board nor I are involved in any way with the Sanders' recent claim for water damages to their property (letter to WD85 dated 6/15/02.) Obviously, the SWA Board and the property owners of Seahurst West, including the Sanders, are in communication; however, the issues addressed in our conversation this morning and documented in this letter are exclusively the SWA Board's issues.

SWA does have, in its files, a record of transfer of ownership of the water system from SWA to WD85. That transfer of ownership was implemented through a signed Bill of Sale and Agreement mailed to the attorney for WD85 via a letter dated 6/20/68. A copy of that document and related correspondence from our files was provided to you by Lee Sanders on 9/5/02, and this morning I showed you our file copies with their original signatures. A letter dated 5/29/68, from W.H. Harris, attorney for WD85, initiated the related correspondence. That letter asked that Norsen-Peter, Inc., the original developer of Seahurst West, "execute the original and return to me. The copy is for your files." The documents in our files, copies of which are in your possession, show that the requested action took place.

As a result, there should be no doubt that ownership was transferred to WD85 more than 34 years ago. The fact that WD85 has not been able to find the original in its files does not change the fact that our records show that the original was executed and returned to WD85's attorney.

Perhaps more significantly, all of WD85's actions for the past 34 years, up until the time the Sanders filed their claim, have demonstrated ownership of the system by WD85. The system has been repeatedly and consistently repaired, modified, improved, and extended by WD85 with no interaction with SWA that would indicate that WD85 believed SWA "owned" the system. WD85 has never approached SWA, or any one of the Seahurst West property owners, from the perspective of doing maintenance on a system owned by SWA or its property owners. Permission has never been sought to work on the system; no releases, waivers, or easements have been requested when such work was done, and SWA has never reviewed a WD85 work plan.

Hopefully, the copy of the "Bill of Sale and Agreement" in your possession since 9/5/02, coupled with the information I provided this morning and am documenting in this letter, confirms that WD85 does in fact own the system, and has owned it for more than 34 years. In fact, we believe that the documents we have provided, along with WD85's actions for 34 years, place the burden of proof on WD85 to show that it does not own the system. For example, does WD85 have any correspondence in its files that indicates that W.H. Harris did not receive a satisfactory reply (i.e., an executed Bill of Sale and Agreement) in response to his letter dated 5/29/68? We do not have copies of any such correspondence in our files.

**As a result, SWA requests that WD85 acknowledge and confirm its ownership of the system immediately.**

The basis for our sense of urgency is that, as you stated this morning, repairs and improvements to the system are being delayed by WD85 until the ownership issue raised by the "insurer/risk manager" and/or one or more Commissioners is resolved, because of a concern that if WD 85 behaves as if it owns the system, then a court might conclude that WD85 must bear ownership responsibility. Such a concern seems remarkably spurious, given that WD85 has behaved as if it owns the system for more than 34 years.

Apparently though, no matter how spurious the concern, much-needed repairs and improvements are being delayed. The leak (or perhaps leaks?) described in the Sanders' letter dated 6/15/02, estimated by the Sanders to be 5760 gallons per day (based on only the visible outflow), continues unabated. There is no doubt that it is WD85 water (fluoride content measured by WD85 more than 4 months ago), and there is no doubt that the leak(s) could be repaired easily and quickly. Failure to do so could result in damage to surrounding properties, including the beach lot owned jointly by Seahurst West property owners, and/or neighboring properties outside Seahurst West. At a minimum, failure to repair the leak(s) represents unnecessary loss of a valuable resource (the treated water that is flowing into Puget Sound).

**As a result, SWA requests that the known leak(s) be repaired immediately.**

We also have urgent concerns regarding the fire hydrants. During our conversation this morning, you noted that our fire hydrants are in need of maintenance and repair, and that you are particularly concerned about the condition of one of them. We appreciate your making us aware of that concern. However, it is completely unacceptable to permit such a situation to continue, in view of the potential tragic impact if the hydrant(s) in question were to fail at the time of a fire.

**As a result, SWA requests that the fire hydrant(s) be repaired immediately.**

As I noted during our conversation this morning, the SWA Board of Trustees has other concerns and issues. I described some of those concerns with you this morning, and can provide them in writing if necessary.

I do want to highlight one concern. Two residences in our community are for sale. The total of the two "asking prices" exceeds \$1M. In view of the potential impact of questions about water system ownership on the market value of the homes in our community, the SWA Board of Trustees feels compelled to inform the owners of the two properties about this potential issue, and to provide them with copies of this letter.

In summary, SWA requests that you provide, within one week of receipt of this letter, a written response that:

1. Acknowledges and confirms that WD85 owns the Seahurst West water system, and has owned it since June 20, 1968.
2. Provides your commitment to promptly repair the known leak(s), and the approximate date of repair.
3. Provides your commitment to promptly repair the fire hydrant(s), and the approximate date of repair.

A closing thought – it has occurred to me that WD85's "risk manager/insurer", and/or one or more of WD85's Commissioners, in causing WD85 to delay needed repairs to the Seahurst West system by raising questions about ownership, may be subjecting WD85 to potential liabilities far in excess of the Sanders claim.

Sincerely,

R. Michael Little

Cc: Doug Moreland, Attorney for WD85 (hand delivered on 9/11/02);  
Joe Bennett, Attorney for Cambridge Integrated Services Group, Inc. (via e-mail on 9/11/02)