

# SURREY DOWNS COMMUNITY CLUB

Date: September 4, 2015

Dear Surrey Downs Property Owner,

On July 16, 2015, a small group of Surrey Downs property owners met with representatives of Sound Transit to discuss East Link project impacts. During the meeting, Sound Transit acknowledged that all of the lots in Surrey Downs are subject to recorded restrictive covenants that limit the use of the lots to residential purposes. Sound Transit further acknowledged that the light rail project is a non-residential use inconsistent with the covenants and, therefore, the covenants must be amended before Sound Transit can proceed with a portion of the project.

According to public documents, the Surrey Downs neighborhood consists of four groups of parcels (Additions): Surrey Downs Additions 1 and 2 and Hearthstone Additions 1 and 2. Each of the four Additions is subject to recorded covenants, which variously require approval from the owners of at least a majority and up to 75% of the lots in an Addition to amend the covenants. Any amendment must be in writing and must be notarized.

In preparing this letter, we consulted an attorney, who confirmed that restrictive covenants are valuable property rights and that, as a condemning agency, Sound Transit must provide just compensation to the lot owners before taking or damaging the rights created by the covenants.

Sound Transit has indicated that it intends to offer \$300 (Three Hundred Dollars) to lot owners in Surrey Downs in exchange for an agreement to sign its proposed amendment. Sound Transit intends to continue its effort until it has sufficient signatures to amend the covenants.

**While the light rail project may have varying impacts on different lots throughout Surrey Downs, amendment of the covenants will affect every one of our neighbors, regardless of whether he or she consented to the amendments. We are concerned that Sound Transit's approach may prove to be divisive and further impact livability and the residential character of our neighborhood.**

Sound Transit has indicated a desire to proceed quickly. However, we believe that significant unanswered questions should be addressed before Sound Transit proceeds. For example, what is an appropriate measure of damages for each lot for the loss of the protection of the covenants, and do

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such damages include compensation for increased noise and traffic, access limitations, temporary dislocations, and other project impacts?

We understand that Sound Transit may offer reimbursement for costs associated with having legal counsel and a professional appraiser review any offer to extinguish the covenants. With that in mind, we believe that Sound Transit must allow our neighbors sufficient time to consult with such professionals before agreeing to sign away a valuable property right that will impact our entire neighborhood.

We believe that it is important that our neighborhood proceed as a community, respecting both individual rights as well as the overriding value to our neighborhood provided by the covenants. We are concerned that Sound Transit's proposed approach will be "divide and conquer" and will result in hard feelings among neighbors and a loss of our collective bargaining power as a community.

Finally, we are mindful of the old adages that "in unity there is strength" and "knowledge is power." We will endeavor to keep you apprised of information as we receive it. We encourage you to seek out legal counsel, too. Please do not hesitate to contact us, should you have questions.

Sincerely,

Scott Lampe, President  
Surrey Downs Community Club Board  
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