



JANUARY 2012 BULLETIN

Board Members

- President**-Mike Jacobs
- Vice President**-David Fosmire
- Secretary**-Sue Cox
- Treasurer**-Pat French
- Activities**-Ken Beres
- Building and Remodel**-
Robert Allen
- Clubhouse**-Harley O'Neil
- Grounds**-Kathi Peterson
- Reserves**-Rick Leary

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Innis Arden Welcomes New Residents!



- Catherine Clifford & Aaron **Bush** Ridgefield RD NW
- Alecia & Easton **Craft** 10TH AVE NW
- John O. & Mary A. **Crowley** 13TH AVE NW
- Kenneth & Carol **Dixon** 15TH AVE NW
- Cynthia & Peter **Esselman** Ridgefield RD NW
- Christine **Cosma** & Jeremy **Freeman** NW Springdale PL
- David & Jill **Going** Springdale CT NW
- Sayuri & Richard **Gould** 15TH AVE NW
- Tanya (Jamie) **Holter** NW 186TH ST
- Gary **Kocher** 17TH AVE NW
- Mark & Victoria **Latz** Springdale CT NW
- Daniel & Kristine **Lin** 14TH AVE NW
- Matthew & Laurra **McGregor** NW 190TH ST
- Ryan & Paula **Padgett** 17TH PL NW
- Anne L. **Sherwood** NW 175TH ST
- Mary Frances **Whealen** 10TH AVE NW
- Scott & Kathryn **Whitlock** Ridgefield RD NW
- Robert & Karen **Will** 13TH AVE NW

~Goodbye~

- | | |
|-----------------------------|--------------------------|
| Otto Enger | Christel & Sean McArthur |
| Ken Ulrickson | Jane & Roger Lowell |
| Helen & Niels Bakker | Jan & William Freitag |
| Joanna & Joh Uberuaga | Nancy & Richard Rust |
| Julie & Kevin Forster | Bonnie & Pat Melton |
| Karla & Theodore Therriault | Lisa & Patrick Walsh |
| Carol & Gerald Molitor | Sherri & Skip Robbins |
| Laura Trabucco | Stephen Dunn |

**Agenda for the February 14, 2012 7:00 PM
Board Meeting**

1. Approve minutes
2. Committee Reports
 - A. Treasurer
 - B. President/Vice President
 - C. Secretary
 - D. Building and Remodels —
Lin, 18113 14th Ave NW, extend master suite and kitchen, covered porch, new deck, same roof height. Visual aids and neighbor sign-offs are complete.
 - E. Activities
 - F. Grounds
 - G. Clubhouse
 - H. Reserves
3. Board Agenda
4. Community Comments
5. Adjourn

Over \$545K Recovered!

Since 2005, the Club's attorneys Eglick, Kiker and Whited have recovered **\$545,465.82** for fines, attorneys' fees and costs awarded to the Club. (A recovery of **\$78,179.76** plus interest is pending.)

These funds were recovered from those individuals who sued the Club concerning the covenants and from those individuals the Club has filed lawsuits against for their failure to bring their properties into compliance with board decisions.

Do you have any new neighbors?

If so, please contact the Hospitality Committee so they can deliver a welcome packet. The hospitality committee is:

Lella Norberg 542-4949

B&R Reminder

If you plan on changing or adding any structure on your property (deck, garden shed, patio, remodel/addition) contact the Building and Remodels chair Robert Allen at 542-3219. This is your responsibility and obligation as a member of a covenanted community!

**Save Richmond Beach moves to paid membership
to offset legal costs.**

To offset the cost of legal fees, in addition to the expense of hiring environmental and transportation experts, Save Richmond Beach, a grassroots community non-profit, will move to a \$120 annual membership fee.

"We have budgeted out our strategy for the next couple of years and the only way we can execute those strategies is by asking the community for financial support," says Caycee Holt, founder of Save Richmond Beach. "The community feels very strongly about this issue, especially after the Washington State Growth Board and King County Superior Court ruled in our favor. This is the best way to allow the people most affected by the potential urban development at Point Wells to participate in a meaningful way."

Membership benefits:

- Access to a members-only e-newsletter with first looks at legal analysis and briefings.
- Access to financials in the form of an annual report upon request
- An annual social event for members to get an update on how things are going

To become a member, visit www.saverichmondbeach.org and click on Membership, or email info@saverichmondbeach.org.

Point Wells Urban Center STOPPED...for now!

Judge Dean Lum rules that Blue Square Real Estate's urban center application is not vested and enjoins Snohomish County from processing the development application.

Wednesday, November 23, 2011 – Richmond Beach – Judge Dean Lum in King County Superior Court granted Save Richmond Beach and the Town of Woodway's request for summary judgment.

Judge Lum ruled that the Blue Square Real Estate development application to build an urban center at Point Wells is not vested and Snohomish County is enjoined from processing the application.

The developer and Snohomish County have already appealed to the Washington State Court of Appeals. Their legal briefs are due at the end of January. Woodway and Save Richmond Beach will file their briefs shortly thereafter.

About Save Richmond Beach

Save Richmond Beach is a non-profit community group founded in early 2009, largely in response to the proposed "Urban Center" at Point Wells. Save Richmond Beach's mission is to protect Puget Sound and enhance quality of life in our communities through responsible, sustainable planning. The core group consists entirely of volunteers that care deeply about the community and the environment. Our consultants and experts (transportation, legal and environmental) either work for free or at a deeply discounted rate because they also believe strongly about this issue.

Response to R.L. Smith's email Concerning the Right-of-Way Lawsuit against the City

Dear R.L.:

Thank you for your January 9, 2012 e-mail because it tells me that there are misperceptions in the community concerning the right-of-way lawsuit that the Club filed in late 2010.

By way of background, there has never been a Club request or plan for a takeover of the ROW trees in Innis Arden. What actually happened (you can refer to the September 2010 Bulletin at page 4) was that resident Jeff Ledbetter applied to the City for a permit to height-reduce a right-of-way tree that was blocking many uphill residents' views. The City, contrary to its practice in years past, flatly told him he could not cut this tree which was in the dedicated right-of-way despite the fact that this tree was not on the City Engineer's list of approved right-of-way trees. Letters were exchanged between Peter Eglick and the City attorney, Ian Sievers, who stated that the City owned the trees in the rights-of-way and that the City had no obligation to allow pruning despite the longstanding Innis Arden Covenants, and that moreover, the City had the right to plant view obstructing trees in the rights-of-way if it chose to do so. Only after Mr. Sievers told us that he would not compromise or agree to mediation did the Club then file a lawsuit.

The lawsuit requests that the Court decide whether the City is obligated to abide by the Covenants which we believe govern the rights-of-way as intended by the grantors, the Boeings, in the 1940's when the rights-of-way were dedicated to the public.

I am responding to your questions as follows:

1. Is the IA Board in discussions on this issue with the City of Shoreline?

Yes. The Board met in December with Julie Underwood, the City Manager, and Mr. Sievers, and Harley and I met a second time with Ms. Underwood and Mr. Sievers. Ms. Underwood has expressed a sincere interest in resolving the longstanding disputes with the Club and has proposed Ordinance #617 for adoption by the City Council which would allow some limited tree removal in the ROW's.

2. Is the IA Board contemplating suing the City of Shoreline if they will not go along with the IA Board request?

The Board filed suit in 2010 but the suit has been recently continued (delayed) pending negotiations with the City.

3. Has the IA Board run a cost evaluation of what this would cost the IA home owners i.e. the IA Club per year if approved by the City of Shoreline?

The Club is not planning to "takeover" the ROW's so the cost to the Club is zero.

4. Has the IA Board put in place a plan for evaluating which trees they wish to remove for view preservation and who will be responsible for the tree decisions and who will pay for the work?

There are trees other than the Ledbetter tree that residents would like to remove and replant with trees that have a lower canopy. The cost to remove and replant these trees would be borne by the adjacent property owners or those who are requesting removal and replanting.

5. Does the IA Board [have] the legal right to sue the City of Shoreline if they refuse our request since the IA home owners association does not own the right of way?

Yes. The adjacent lot owners (which in some cases include the Club as Reserve Tract owner) own the underlying property in the ROW's because the dedications are a type of easement for road and utility purposes rather than a transfer of fee ownership. The Courts have time and again reaffirmed the Club's right and duty to represent the interests of the Innis Arden community as a whole in particular with regard to enforcement of the Covenants.

6. Is the IA Board planning to bring this plan/issue before the IA homeowners for a vote?

There is no new plan or issue. The issue was and is whether view blocking trees in the ROW's are to be treated differently from other view blocking trees on other private property, i.e, are the view blocking trees in the ROW's exempt from the Covenants?

This would be contrary to the Boeings' original intent. The Court of Appeals stated in the Binns decision that protection of the area's marine and mountain views is eminently reasonable, and such views very obviously are and always have been one of the principal attractions of the Innis Arden development. The

(Continued on page 4)

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grantor's intent, as evidenced by the easements, was to protect homeowners' views, and these [view preservation] amendments are clearly within that intent.

7. Does the IA Board [have] the legal right to do this without the approval of the IA homeowners?

Yes. The Board has been elected to manage Innis Arden affairs including Covenant Compliance issues. The Board has the legal right and fiduciary duty to protect the Covenants which the Court of Appeals has confirmed.

R.L., I hope the foregoing clarifies these issues for you and other concerned shareholders. As you know from having served on the Board in years past, the primary duty of the Board is to protect the Covenants.

Please let me know if you have any other questions or concerns.

Thank you.

Sincerely,
Michael L. Jacobs
Innis Arden Club President

**INNIS ARDEN BOARD MEETING –
January 10, 2012**

The January 10, 2012 Board meeting was called to order by President Mike Jacobs at 7:05 PM. Board members present: Harley O'Neil, Kathi Peterson, David Fosmire, Mike Jacobs, Sue Cox and Bob Allen. Absent: Ken Beres and Pat French.

The minutes of the December 13, 2011 Board meeting were amended to show Lee Lageschulte as attending the Council of Neighborhoods meeting. A motion carried approving the minutes as corrected.

PRESIDENT'S REPORT – Mike Jacobs: Mike reported that the Board met with City Manager Julie Underwood, City Attorney Ian Sievers, and Parks Department Director Dick Deal in early December concerning proposed Ordinance #617 which would allow for limited removal and replanting of trees in the City rights-of-way. Carol Solle presented two Powerpoint presentations at the meeting concerning the view covenants in Innis Arden and the obstruction of views and loss of property values over the years. Harley and Mike subsequently met again with Ms. Underwood and Mr. Sievers in late December to discuss the ordinance. The right-of-way lawsuit has been delayed pending negotiations with the City. The Board is hopeful that the City will recognize the covenants as Ms. Underwood has expressed a desire to work with the Club in this regard.

In response to a question raised by Sandra Cribbs at the December Board meeting, Mike reported that at the August 2010 Board Meeting as indicated in the minutes from that meeting (see September 2010 Bulletin), the Board voted to appeal the City's denial of the Bear permit application. The Board did not vote to require the legal costs to be paid by the Bear Re-

serve group. We did not anticipate that the City would act in such an arbitrary and unlawful manner which served to substantially increase the legal fees.

The Club obtained a \$75,000 judgment against Mr. Tronsen last year and Josh Whited at EKW will be filing legal papers soon to collect the same.

EKW will be taking up the enforcement of fines against Mr. Soderling and Mr. Cook for failure to bring their vegetation into compliance with the Board's decisions.

R.L. Smith sent Mike and e-mail on January 9th with questions regarding the right-of-way lawsuit against the City. Mike prepared a response by letter and this matter was discussed.

VICE PRESIDENT – David Fosmire: There is nothing to report for the Compliance Committee. I'm still waiting for the 30 days to pass, which will be on January 13, for Frazer Cook to respond to the latest petition against him.

TREASURER – Pat French: Kathi Peterson read Pat's report in his absence. "The cash balance on 12/31/2011 was \$65,060, which represents our current cash reserve. Accounts payable was \$2,160. The clubhouse income through for 2011 was \$25,325, exceeding the \$18,000 2011 budget. Legal cost recapture (income) for the year was \$77,253, or \$27,253 budgeted income. Grounds costs were \$73,638 and under total 2011 budget of \$96,086. The natural reserves YTD costs of \$14,931 are below 2011 budget of \$52,000. Administration costs are \$261,585 as compared to the annual budget of \$193,000, as a result of legal and related legal costs defending our covenants. Adding in legal settlements, the net legal costs for the 2011 are

\$161,914 (239,167-77,253). Current past-due shareholder dues, including lien and legal fees, are \$22,607.”

BUILDING & REMODEL – Bob Allen: Bob moved we approve the application from the Dixons, 16765 15th Ave NW, extend living room, changes to roof. There have been no objections from neighbors. Motion seconded by Sue Cox and unanimously approved.

CLUBHOUSE – Harley O’Neil: I am happy to report that the Clubhouse revenue for 2011 is up about 30% over the previous year. People are starting to find out that this amenity is well worth the charges that we ask. During the month of December, the rental income was \$650.00 with no refunds. Refunds for December will go out in January. Clubhouse activity included the annual Innis Arden Holiday party, two resident Christmas parties, an office holiday gathering and several meetings. Please contact Shannon Mart-solf for all your 2012 function needs....martsolfshannon@yahoo.com or (206) 853-5461. Many rental inquiries have been received for the upcoming months.

GROUNDS – Kathi Peterson: In response to calls from a homeowner adjacent to the north side of the clubhouse grounds, Harley O’Neil met with Warren Anderson, owner of Tri Terra, a comprehensive construction company which has performed several projects for us in the past. Harley, Warren and also Dan Lyons met together and assessed some serious erosion issues pertaining to the retaining wall on the north side and northwest corner of the playfield. They discussed possible courses of action to take to repair structural damage. Harley also met with homeowner and neighbor Dr. Ruth Huwe and discussed the retaining wall situation with her. She indicated that she became aware of a problem last summer when two boys fell through one of the eroded areas. She roped off the area and put up a warning sign but the sign was later ripped off the rope and thrown into her yard. Dr. Huwe became concerned about someone getting injured and subsequently contacted Mike Jacobs, Bob Crozier from the City of Shoreline and most recently Deputy Chief Rathvon from the Shoreline Fire Department who provided caution tape which has been tied over the entrance to the holes.

Warren Anderson is getting a bid to us, hopefully in time for the January Board meeting. We’re also going to obtain several other comparative bids to resolve the current problem as soon as possible and then come up with a more long term solution. Harley and I

met with Eric Gilmore, City of Shoreline Surface Water Technician today. He’s ordering a Closed-Caption TV truck next week to check out the catch basin and water pipes leading from 15th Ave. N.W. up to the playfield to determine the water egress and condition of the pipes.

We also met with homeowner Dr. Ruth Huwe again who took us on a tour of her backyard. We discussed her primary concerns: Quickly resolving the problem of two holes in the retaining wall where young children were playing so there’s no potential of serious injuries, work together collegially with the Innis Arden Club, protect the integrity of the stream of water passing through her yard, and to insure that her future property value is not adversely affected. We assured her that we would pass along her concerns to the community and the Board and promised to resolve the problem, short term and develop a long term solution as soon as possible.

Last Sunday I attended a meeting in the clubhouse and noticed several families enjoying the newly resurfaced basketball court. A lot of younger children were playing on the playground equipment and several couples were walking and jogging around the clubhouse pathway which was also resurfaced. It was nice seeing so many people utilizing and enjoying the facilities at the clubhouse. The Board is pleased that the improvements were done so well and so professionally. Our landscaper, Greg Paquette, did an outstanding job this past season maintaining the clubhouse grounds, the four entrances and Springdale Triangle. We’re very fortunate to have someone so experienced, attentive and available working for the club.

I’d like to thank Harley for filling in for me this past week while our family dealt with a sad loss. Harley is a devoted husband and father and a very busy business man, but still manages to find the time to lend a hand to his friends.

If you have any questions, comments or concerns, please feel free to contact me at 206-399-5538.

Harley added that railroad ties were used to build the retaining wall and the northwest corner is deteriorating due to water from a storm water line, but a sewer line is there, too. Two more bids are being obtained as well as a geo-tech engineer review.

Maggie Taber noted that 8-10 years ago this same problem surfaced. Soil studies were done at that time

by Joe Brosik. Mike recommended Harley have Ron Free take a look at the area.

ACTIVITIES – Ken Beres: Sue read Ken’s report: “I am of course out of town again. Here is my brief update. Upcoming activities are: **Rummage Sale - March 17th & 18th, Wine Tasting - March 23rd and Ladies Night TBD** - We need a Chairperson to make this event happen! Brian Branagan will be taking over when he is ratified at the annual meeting. I will be in attendance at the annual meeting and have a review of the year for the meeting.” June Howard added Ladies Night will be May 11th and that the event has chairpersons and a special night is being planned.

BOARD AGENDA:

A motion was made and seconded to appoint Rick Leary to serve as a member of the Board for the remainder of this term. The motion passed unanimously. A new Board position will be filled at the Annual Meeting and that person will serve for 2012 and 2013.

COUNCIL OF NEIGHBORHOODS – June Howard:

The Council of Neighborhoods had its January 2012 meeting at 6:30 p.m. on January 4, 2012. We had a report from Scott MacCall, Intergovernmental Relations Manager, City of Shoreline about negotiations with the owner of Wells Point and an update on the process.

Some events of interest to the neighborhood were announced. They were:

*Friday, April 6, 2012- The Fourth Annual Shoreline Youth Jam will be held in the PUB at Shoreline Community College. This event is open to youth 18 or younger with musical aspirations. Performers should contact Scott Beck, scottb@fourfoldarchitecture.com. Those wanting general information should contact Stefanie Gendreau-Stroud at lebbonbird@yahoo.com

*The American Cancer Society Relay for Life of Shoreline is scheduled for June 2-3, 2012 at King’s High School. For more information, contact kara.fortney@cancer.org

*Neighborhoods, USA has opened its annual awards competition. The 2012 Award categories are:
-The Neighborhood of the Year Award
-The Best Neighborhood Program Award
-Neighborhood Newsletter Competition
Entrants must submit a completed application post-

marked February 14, 2012. Further information can be obtained from Nora Smith (nsmith@shorelinewa.gov) and the NUSA website at <http://www.nusa.org/awardapplications.aspx>. The Richmond Beach newsletter won this award last year.

Nora announced that about 70 applications had been received for a half time position. She is going to change to working half-time so the City is hiring a replacement for the half of the position that she is giving up.

Judy Allen reported the Richmond Beach Point Wells group held a meeting and celebration at the IA Clubhouse this past Sunday. The group has spent a considerable amount in legal fees and is now broke. She was asking that we grant gratis rent to the group, though they do pay a reduced rent, but it was determined this could not be done.

Bob Allen moved, seconded by Kathi Peterson, that as a gesture of support we donate \$1,000 to Save Richmond Beach and also encourage shareholders to become members by joining Save Richmond Beach organization with a contribution of \$120 per year. The motion carried unanimously.

Kathi had attended the Sunday meeting and shared notes she’d taken.

Mike asked Bob to email Pat French with news of the donation and ask Pat to get a check drawn to Save Richmond Beach.

Judy noted that if you have a blue “No Urban Center at Point Wells” sign on your property it should be taken up at this time and saved until further notice is received to display the sign again.

Mike said he would contact Caycee Holt from Save Richmond Beach to speak at the Annual Meeting and have a table for Save Richmond Beach representatives to talk with interested shareholders and recruit memberships. All of us have a lot at stake. There has been minimal support from Innis Arden residents, so far. Richmond Beach has been providing most of the support financially and the volunteers.

Al Wager’s request for financial information will be dealt with by his making a motion at the Annual meeting. The Secretary will provide printed copies of the motion at that meeting along with proxy voting cards.

Sue Cox, Secretary

January Activities Announcements

Save the Date
For the Fun Community
Activities Committee Events

Rummage Sale	March 17th & 18th
Wine Tasting	March 23rd
Easter Egg Scramble	April 7th
Ladies Night	May 11th
4-Corners Brewfest	August 12th
Salmon Barbecue	September 9th
Oktoberfest	October 13th or 20th
Holiday Party	December 2nd
Tennis Lessons	spring/summer
Men's Night Out	TBD

Innis Arden Annual Wine Tasting Event Friday March 23, 7:00 PM

Join your neighbors and other wine enthusiasts at the clubhouse for the annual wine tasting event on Friday night, March 23 at 7:00 pm. This year the Edmonds QFC wine steward will be bringing us tastes from around the world. We will also provide an array of appetizers catered by a local company along with an assortment of cheese platters to compliment the variety of wines. Orders can be placed that night with Edmonds QFC on any combination of wines tasted for a 10% discount. Make your reservation now!

\$20.00 per person in advance (by March 22)
\$25.00 per person at the door
\$25.00 per person (non-resident)

Make checks payable to the IAAC and mail to:
Jan Holbrook
16830 14th Ave NW
Shoreline, WA 98177

Needed: Rummage! Volunteers! Boxes!

The 2012 Innis Arden Rummage Sale annual fundraiser will be held March 17th and 18th, 2012. We need your rummage, volunteers, and empty boxes.

Volunteers:

We are seeking rummage collection volunteers to collect and sort rummage on Monday collection dates from 10am-noon and Saturday collection dates from 2-4pm.

If you are willing to sort and box rummage on even just one of the following collection dates, please contact Jan Schnall (542-7774 schnallj@yahoo.com). We need your help!

What Rummage we collect:

Please note these Rummage Sale Collection Dates and donate items and household goods in clean, sellable condition. We collect clothing (men's women's, children's, infants), bedding, linens, housewares, glassware, collectables, furniture, toys, games, books, stuffed animals, small working appliances, holiday items, tools, paintings, pictures, jewelry (costume and real). Clothing items should be clean, meaning no major spots and freshly laundered.



Also note that we cannot accept: computers, monitors, printers, TVs, stereos, speakers, mattresses, box springs, bed pillows, bed

frames, adult skis, adult ski boots, washers, dryers, sinks, toilets, microwaves, encyclopedias, car batteries, and copy/fax machines.

Boxes:

Please contact Janet Schnall if you can donate boxes. Or, just drop a few boxes by during collection times.

Last year the rummage sale brought in approximately \$11,000 to fund neighborhood events and updates to our common areas such as the tennis courts and playground. We appreciate your rummage and support!

INNIS ARDEN CLUB
P.O. Box 60038
Richmond Beach, WA 98160

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COMING EVENTS
Rescheduled Annual Meeting
February 1st, 6-9 PM
Board Meeting
February 14, 7:00 PM
At the Clubhouse
==>Rummage Collection<==
Saturday, January 28, 10 AM-noon
Monday, February 13, 2-4 PM
Saturday, February 25, 10 AM-noon
Behind the Clubhouse

**Deadline for February Bulletin—
February 19th**

Community Notices
(no anonymous items)
Carol Solle, 542-4978
csolle66@gmail.com
17061 12th Avenue N.W.

Remodels—Robert Allen 542-3219

We're on the Web!
www.innisarden.com

 **Innis Arden Bulletin Board** 

Annual Meeting Rescheduled

Due to the snow storm, our hilly topography and dangerous driving conditions, the Annual Shareholders' Meeting was postponed to Wednesday, February 1st. A postcard will be mailed to confirm.



Photo Courtesy of Lee Lageschulte

2012 Directory

The Innis Arden Directory will soon be updated. Is your information correct in the 2011 directory?

Neighborhood youth may wish to list their skills on the 'Youth Employment' page of the Directory free of charge. Skills may include animal sitting, babysitting, lawn mowing, plant care, car wash, party help, house-cleaning, yard work, and/or all of the above.

Would you like to advertise your business in the directory (\$40 for the size of a business card)?

Please contact Carol Solle by 2-25-12 at 542-4978 or csolle66@gmail.com for corrections, youth employment entries, and paid advertising.