

by  Windows Live**NOTICE of CLAIM for DAMAGES and DEMAND for ACTION**From: **Cate Riley** (criley@investorspropertyservices.com)

Sent: Mon 6/09/08 7:55 AM

To: Chris Yates (townofsky@verizon.net)

To Whom It May Concern,

Wednesday June 04, 2008 BNSF Railway began rogue environmental remediation efforts upon Town of Skykomish streets and property. The Town took no action to halt unauthorised, unapproved efforts.

The Skykomish Hotel, its resident, occupants and businesses have suffered and continue to suffer damages as a result of the Town's gross negligence and wanton and reckless disregard for human life and property. **Hotel owners are making CLAIM upon the Town of Skykomish for these damages.**

Initial Damages:

1. 2008-06-04. 2nd floor hot water heater propane leak. Had this gone undiscovered, water heater electronic ignition or other ignition source could have set off an explosion resulting in catastrophic loss of life and property.
2. 2008-06-04. 2nd floor women's restroom water leak. Had this gone undiscovered Hotel could have experienced extensive water damage on 1st and 2nd floors.
3. 2008-06-04. Extreme dust and noise enters Hotel requiring owner/occupants to wear dust masks and hearing protection. Cat goes into hiding for two days. Owner was required to extensively clean and wipe down quarters, wash all bedding, clothes, etc.
4. 2008-06-07. Water main break in front of Hotel caused water to flow into Hotel crawl space. Hotel structure has settled. The sidewalk underneath Hotel front balcony which had sustained damage on 2008-06-04 was further damaged by erosion from the water main break. The sidewalk should have been cordoned off by the Town to prevent pedestrian injury. Water service was restored following repairs without required Health Department cleaning and testing to assure safety to water consumers and without Health Department required notification to affected property owners.
5. Mr. Benz has developed a severe wheezing and cough and is seeking medical attention.

It is further alleged that the Town's failure to act continues to cause severe stress to Hotel owners, resident, occupants and their business interests. Hotel owners and managing agent have repeatedly brought specific concerns in writing to the Town only to have them go unanswered and unresolved.

Hotel owners DEMAND the Town immediately undertake the following actions:

1. Halt all environmental remediation within Town limits until it can be demonstrated that such actions are authorised, legal, and safe and will not result in further health or property damage to residents.
2. Restore all areas where unauthorised remediation action was undertaken.
3. Restore access to the Hotel.
4. Enforce safety regulations. Hotel owners have extensive video/audio recording of environmental remediation activities which include numerous examples of contractor employees and town residents being subjected to extreme quantities of dust without breathing equipment or even dust masks. The Town should be monitoring and reporting violations to OSHA, LNI and other appropriate governmental agencies.
5. Take all appropriate action to ensure residents, visitors and businesses are not further subjected to noxious or dangerous chemicals, effluents, noise, dust, etc.
6. The Town's STOP sign at the corner of 5th and Railroad Ave. is routinely being disregarded by contractors. They apparently do not believe they need to stop as Railroad Ave. is now closed to traffic at 5th Street. Unfortunately, school children and other pedestrians continue to use the sidewalk on north Railroad Ave. and continue to cross 5th street as they do so. The requirement to stop at stop signs must be enforced.

Forward this initial **Claim for Damages** to the Town's insurance carrier without delay. They may contact Hotel's legal counsel Mr. Howard Jensen at 206.623.1745.

Thank you.

Cate Riley

Designated Broker

Investors Property Services Llc

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