

January 8, 2016

County Executive Dave Somers and to Members of the Snohomish County Council  
3000 Rockefeller Ave. M/S 407  
Everett, WA 98201

RE: Courthouse Project / Rectifying Eminent Domain

To County Executive, Dave Somers and to each of the members of the Snohomish County Council:

First, we would like to congratulate Mr. Somers on a successful bid for the County Executive position, as well as the newly and reelected members of the County Council. We have faith that you will continue to serve Snohomish County with your constituency's best interest at heart, throughout all your terms in office. We write to you today, however, to ask you to consider the property owners who were displaced as a result of the Courthouse Project. While we may be presumptively asking for relief for all the displaced property owners of the Rockefeller "Redevelopment" Site, we want to clarify that this letter comes only on behalf of ourselves, Brian and Melissa Sullivan. We have cc'd other stakeholders, below.

Our understanding is that the Courthouse Project will not in the foreseeable future be going forward on the Rockefeller Redevelopment Site. Vacant, the buildings of respected attorneys and legal services have become a boarded-up eye sore on what was once an established row of small businesses, each of which relied on and supported other local businesses, and each of which regularly conducted business at the local courthouse.

Now, in the course of our representation of clients, we are daily reminded of the historic row of law firms and businesses that now are shut down, with plywood covering the windows of the historical law office buildings and legal support services offices leading litigants to the courthouse. Those buildings once proudly proclaimed to all litigants that services on par with any major metropolitan area were available to those in need, here in Snohomish County. The buildings have now become a blight on the County's heart. Our County's homeless now utilize the grounds as a make-shift camp site. We are consistently reminded by our peers that the degrading buildings are a shameful reminder of poor governance and the consequences of taking from private property owners without due diligence and transparency.

Of course, the property owners had resisted selling – none of us were ready to do so. We rightly voiced our concerns: we showed up at public meetings and spoke out that the prior executive was not being forthcoming about the problems associated with going forward at the Rockefeller Redevelopment Site.

Specifically, we were most concerned about an issue that has been dispositive of the situation: our former Executive's plans showed less than 30 parking spots. We pleaded with the County to take more time before forcing eminent domain proceedings; to make sure that the project would actually proceed before taking our property along with historic buildings. The not so subtle threat of an expensive court battle weighed over each of our heads as the County authorized a huge legal budget to fight the soon-to-be-displaced property owners.

The former Executive's office responded to our questions and concerns by misleading the County Council. Disingenuously, the property owners, as well as the Council, were told there were no significant issues, that due diligence was complete, and that the project would go forward without any major issues and within

budget. Yet, the former Executive's office knew better – or at least should have known better, given the information they had. The former Executive's office must have known that they were running afoul of prior agreements with the City of Everett in regards to parking, not to mention code. Yet, they recklessly disregarded those contracts and codes and, for whatever reason, continued to mislead the City of Everett, the County Council, and the Property Owners.

One by one, we submitted to the government's demand that we vacate our premises based on the County's assurance that they had done their due diligence and that the project would break ground within months. In the end, our concerns had been spot on. The lack of sufficient parking would be an issue that would eventually scuttle the entire project. Some of the affected parties have already filed tort claim forms. Before we do so, we wanted to give the County the opportunity to make things right.

As such, we are suggesting a resolution to this unfortunate issue. To that end, we suggest that the County consider taking the following action:

1. Offer a purchase right of first refusal to the property owners whose land was taken. Though the properties have fallen into disrepair, and likely have lost significant monetary value to the original owners, many of us would like the chance to restore and reoccupy our former properties.
2. Condition the right above on an agreement to (a) re-sell to the County, at fair market value, if the Courthouse project does eventually go forward at the same location.
3. Condition an agreement on points (1) and (2) above by a release to the County from any fraud claims based upon the inducements the County made to compel sales and stipulations for use by the property owners.

We welcome a meeting with the County Executive or members of the County Council on this issue. I believe that the above proposal is in the best interest of our county as it will help to restore a blighted area in Everett's Historic Business District; it will increase business in the downtown core; and it is the right thing to do for the displaced property owners.

Thank you for your time and consideration on this matter. I am happy to meet with you in person or communicate further by phone, mail, or email. I know that your first month in the new office will be busy, but I respectfully request some of your attention be directed to rectifying this issue.

Sincerely,

Sullivan Law Group, PLLC

/s/ Brian M. Sullivan  
Brian M. Sullivan

/s/ Melissa W. Sullivan  
Melissa W. Sullivan

CC: Royce Fergusson; David and Jeanine Jolly; ABC Legal Services; County Executive Director Stephen Clifton; The Everett Herald; MyEverettNews.com; The Seattle Times; The Seattle PI; Komo 4 News; King 5 News; Kiro 7 News; Q13 Fox News.