

From: [Barbara Buikema](#)
To: [Domine Barringer](#)
Subject: FW: Item 24: Resolution 2024-52: Timber Retaining Wall-Ribera Road
Date: Wednesday, August 28, 2024 9:48:31 AM
Attachments: [image001.png](#)

Jeff Bandy's response to Suzanne's query

You asked me about this last night

Barbara

From: Jeff Bandy <bandy@cawd.org>
Sent: Tuesday, August 27, 2024 11:24 AM
To: Suzanne Cole <cole@cawd.org>; rob@wellingtonlaw.com
Cc: Barbara Buikema <Buikema@cawd.org>
Subject: RE: Item 24: Resolution 2024-52: Timber Retaining Wall-Ribera Road

Hi Suzanne—

Thank you for checking in on the resolution regarding the Ribera Rd. retaining wall that you and the other Board members will be considering on Thursday's meeting. The recitals on page 137 that Rob and I wrote up are intended to state exactly what you mentioned, that the retaining wall is separate and distinct from the District's infrastructure ("...the existing retaining wall... has no current or future use to the District... the wall is being replaced solely at the request of and for the benefit of the Owners"). I believe that the agreement as written is sufficient to convey that this work has no relation to our sewer pipe, but if Rob feels it necessary to add another recital to that effect then I would be happy to issue a new agreement to the owners to sign.

Thanks again and looking forward to seeing you on Thursday,

Jeff

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From: Suzanne Cole <cole@cawd.org>
Sent: Monday, August 26, 2024 5:52 PM
To: Jeff Bandy <bandy@cawd.org>; rob@wellingtonlaw.com
Cc: Barbara Buikema <Buikema@cawd.org>
Subject: Item 24: Resolution 2024-52: Timber Retaining Wall-Ribera Road

Hello, Jeff and Rob,

In reviewing the above-referenced agenda item and the contract with the neighbors, there is a reference on pages 134, 135 and 143 that the retaining wall has no impact on the operability or reliability of the District's pipe.

Nevertheless, there is no recital to that effect in the agreement at page 137 of the BOD packet.

My question is would such a recital in the agreement be prudent, since as I understand it, the neighbors will be taking over the ownership and maintenance of the retaining wall in the future? Something to the effect "The District is of the opinion that the retaining wall has no impact on the operability or reliability of the District's pipe."

Leave it up to your good judgment. Best, *Suzanne*