

Dana Cross

From: Mark Miller
Sent: Thursday, May 9, 2019 4:35 PM
To: Dana Cross
Subject: FW: 955 encroachment

Need to add this email trail in for discussion. Specifically item IV.

From: Geoffrey Burke <gburke@burkelawpractice.com>
Sent: Thursday, May 9, 2019 12:25 PM
To: Mark Miller <mmiller@parkfairfax.info>
Cc: Thomas Junker <tjunker@fiskelawgroup.com>; Wilbert Washington <wwashington@chadwickwashington.com>; C. Tapscott Buchanan <scbuchanan@gmail.com>
Subject: Re: 955 encroachment

Mark, You seem to be using the defeat as both a shield and sword. Please consider this my request for the Board to reconsider the request to repair the pathway. Of course, you should maintain the existing path such that it is usable or remove it altogether.

Please do not encroach the common areas with the Boards as this is an attempt to reduce the common area footprint contrary to law and the Bylaws.

Thanks

Geoff

Geoffrey S. Burke
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On Thu, May 9, 2019 at 12:08 PM Mark Miller <mmiller@parkfairfax.info> wrote:

In red below

From: Geoffrey Burke <gburke@burkelawpractice.com>
Sent: Thursday, May 9, 2019 11:30 AM
To: Mark Miller <mmiller@parkfairfax.info>
Cc: Thomas Junker <tjunker@fiskelawgroup.com>
Subject: Fwd: 955 encroachment

Dear Mr. Miller:

I am following up regarding yesterday's voicemail. Please note the following concerns:

I. Common Area Extinguishment

As the attached images demonstrate, before the ivy was removed behind 955, the open space was far greater than where staff has placed large wooden objects. Please have the boundary remain the same as it was before removal of the ivy.

The location follows the original plan that was presented to the board. In order to limit slope run off velocity is was necessary to move the cribbing out slightly further. This will allow for the planned sod to fully root and no get undermined by water.

II. Attic Inspection

Park Fairfax provided notice to me many weeks ago that it would inspect the attic in April. I understand that the attic has not been inspected. Please advise.

You had alerted us that we could not access your attic via your unit, we inspected via your neighbor's at 1514 MT. Eagle on May the 2nd. Attached is a copy of the inspection for May the 2nd. As this is in litigation I request that your attorney contact Wil Washington.

III. CLS Lawnmowers Ruining the Grounds on Mount Eagle.

Lawnmowers are compacting the soil in a manner that has in the past killed, and will continue to kill, all grass in the path of the large heavy equipment that CLS is using to mow behind 955 and many other buildings. Please have them cease this destructive activity as it is adversely impacting the common areas. **With the grounds being wet we do see from time to time mower track imprints. I will alert the contractor and have them exercise care and caution in the areas.**

IV. Pathway

The Board did not defeat the motion to improve the pathway, with a vote of 2-2. I would like this matter brought before the Board again for a vote.

The motion indeed did fail. Per Robert's Rules of Order, "On a tie vote the motion is lost". No one can vote twice. Please put your request in writing to the Board for inclusion for discussion. If you plan on having in for next week's meeting we would need it no later than 12:00pm tomorrow.

V. Pathway

The pathway is being overgrown by bushes to the area behind buildings opposite of my building. Many large trees were removed in this area with the plan of establishing a definite boundary between woods and usable common area. Please note that the bushes have overgrown the pathway such that people are creating a path parallel to the existing pathway.

With the motion to address the path failing aside from Parkfairfax staff resetting the path pavers, nothing else is currently being considered at this time.

Thank you for your attention to these matters. Please let me know if questions.

Sincerely,

Geoff

