

To: John DiBari, Chair of the Land Use and Planning Committee and Committee members  
From: Don & Karen Henrikson  
121 Saranac Drive, Missoula  
Re: Hillview Crossing  
Date: July 31, 2019

In light of the Missoulian article of July 30<sup>th</sup> reporting the possible lawsuit by the developers of the Hillview Crossing townhome project against the City of Missoula we feel the Land Use and Planning Committee should be made aware of the following.

We recently received a revised homeowner's policy (from our national insurance company which has been our provider for nearly the entire time we have lived in our home). The company has stipulated some exclusions, two of which made us sit up and take notice. Of particular and timely notice to us were those that had to do with earth movement and water.

Regarding earth movement, the policy excludes any damage related to earth movement *including landslides, mudslides, or mudflow resulting from improper compaction, site selection, or excavation.*

Regarding water, the policy excludes any damage resulting from overflow of any body of water, including any release, escape or rising of any body of water, or *any water held, contained, diverted by a dam, levee, dike or any type of water containment, diversion or flood control device.*

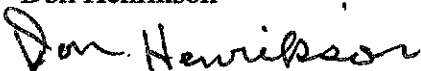
Those are circumstances that could potentially result from the Hillview Crossing development.

We still have concerns that we identified earlier to you, but feel that these issues of earth movement and water should be part of the record as they raise concerns about liability. If this development goes through and we experience damage from earth movement or water damage as listed above, who is liable? The developers? The City of Missoula? Or us because 54 years ago we bought a house situated below an undeveloped area which we understood to be too unstable to support a development of the density proposed for Hillview Crossing?

We do appreciate the diligence that you and your committee are doing and know a huge amount of time and effort has gone into the approval process thus far. Whatever the outcome we thank you for your hard work to arrive at a fair and safe decision.

Sincerely,

Don Henrikson



Karen Henrikson

