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PF
8/12/13

TO: Burlington City Council
DATE: August 12th, 2013
RE: Questions relating to your support for basing, as soon as possible, the F-35s at BTV

Greetings.

My life partner and I reside in a home we own at 12 Woodbine Street in Mayfair Park in South Burlington, near but just within the boundary of the 65 dnl zone.

As stated and recommended in the EIS, when we decide at some point in the future to place our home on the market for sale, we'll need to disclose in advance to any potential buyer that our home lies within the area "incompatible ... for residential purposes due to noise." "HUD, FHA, and VA all recommend ... written disclosures to all prospective buyers or lessees of property within a noise zone."

If we don't provide such advance notice we can subsequently be sued by a buyer to both set aside the sale and for damages for our non-disclosure.

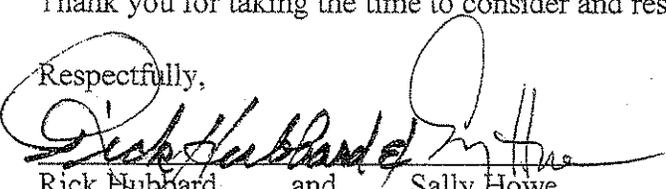
Although Burlington, as the owner of the airport which allows and enables basing of the current F-16s and future F-35s, creates this legal cloud on the real estate title, for us as well as for more than 1000 other homeowners, a purchase fund has been created for only about 100 homes with no plans or funds for all remaining homeowners.

This raises a number of legal questions which we respectfully request the City of Burlington respond to us about in writing as soon as reasonably possible.

1. Is it the city's position that this requirement to disclose that our home lies within an area deemed "incompatible due to noise" will have no adverse effect on the sales price offered by any prospective, future buyer?
2. Is the city's position that, even if it should have an effect, the city has no legal liability for the consequences of your own actions?
3. Does the city believe that by enabling this F-16/F35 basing, the city is adequately safeguarding it's city taxpayers from future lawsuits and potential court imposed liability for uncompensated loss to affected homeowners in South Burlington, Winooski, Williston and even parts of Burlington itself, as well as to potential loss of property tax revenues by the governments of these same cities?

Thank you for taking the time to consider and respond to these questions.

Respectfully,


Rick Hubbard and Sally Howe