

Timber Cove's Private Hiking Trails Confirmed by Sonoma County Superior Court

On April 12, 2022, Timber Cove property owners received this message:

Congratulations Timber Cove. You won!

After four long years, our epic battle to save our Timber Cove pedestrian trails has been resoundingly won! Although the ink is barely dry, the two most important parts of that judgement, finalized today, are quiet title and declaratory relief, both affirmed by the Sonoma County Superior Court. The other causes of action were resolved by settlement. We will give more details when the judgement is published.

Judge René Auguste Chouteau ruled that all of the pedestrian easements shown on our 1965 subdivision map exist as private easements for the use and enjoyment of all property owners in Timber Cove. All defendants' arguments to the contrary failed. These six miles of pedestrian and equestrian easements are also affirmed in Clause VIII of our CC & Rs, which mandates that the TCHA maintain them.

Thank you to the folks who made it through this extraordinary ordeal after filing suit in 2018 to represent the interests of their neighbors and future generations, when their elected boards would not.

Tom and Claudia Giacinto

Susan Moulton

John Howland and Hannah Clayborn

Tim McKusick

and former plaintiffs Lorrie Uribe and Kris Kilgore

Thanks also to all of you who donated to this effort over the last eight years since our trails were first threatened in April of 2014, and to our wonderful attorneys Lewis Warren and Daniel Wilson.

Timber Cove Trail Supporters

That message has sparked a celebratory response in this small coastal community, which had, at last count, 164 residents and 94 registered voters. These trails, deeded in 1965, were once the focus of community pride and weekend work parties that usually ended in potluck social events. In recent decades periodic neglect by the Timber Cove Homes Association board, which has a mandate to maintain the trails in its CC & Rs, lead to disuse. Beginning about 2006, two property owners began to actively oppose these community trails by posting "No Trespassing" signs and blocking the easement with logs and wood debris. The debate over the trails truly ignited in late 2014 when one property owner petitioned the County to vacate the pedestrian easement through her property. Instead the County merely vacated a portion of an irrevocable offer of public dedication, made and rejected in 1965, but the County's action caused much confusion among PRMD staff and the public in general.

A takeover of the Timber Coves Homes Association Board in late 2017 by the anti-trail faction led to a board publication in March 2018 claiming that Timber Cove's trails do not exist. A group of property owners who supported the trails stepped forward as plaintiffs to file suit in October 2018 to, among other things, ask for quiet title and declaratory relief of the issue. Three subsequent trial dates were cancelled due to COVID and its resulting backlog of court cases. The issue finally went to trial on March 25, 2022.

These six miles of trails, when fully restored, will be an important recreational asset to the community and increase Timber Cove property values. Just as trails in Windsor and Annadel State Park aided firefighters in recent wildfires, Timber Cove Trails will provide firebreaks and emergency crew access, and in some locations will be the only means of escape when fire blocks the single access road.