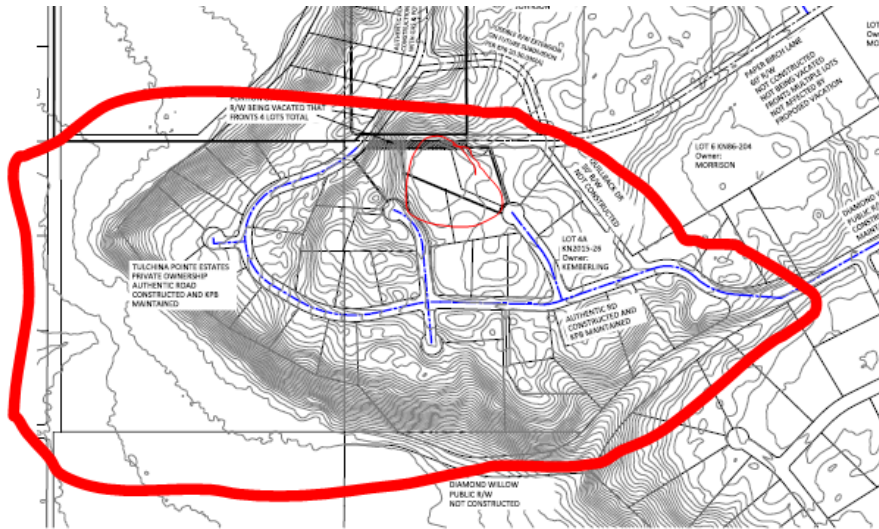


To whom it may concern:

I am writing in opposition of the vacation of a portion of Paper Birch Lane proposal. Although this proposal is an improvement to the original proposal, the petitioners are not taking into account the Assembly's guidance on the direction they would favor. The petitioners trespassed on Borough property, staking claim to an ideal, flat, view-location. And now, just as in their first proposal, they want the Borough to give them and their neighbor Borough owned land when there are other solutions available. As Assembly member Eckland said, "this one is egregious". Mayor Charlie Pierce called for "relief for the Borough".

The house is perched on one of the flattest location in the entire 84 acre subdivision (see figure 1).



E3-23

Figure 1. Tulchina Pointe Estates in red bold. Location of house in red fine point.

Who else made plans to take advantage of that flat spot? How about the developers who planned for a road to go there! With a house taking up half of the road easement, plus the request for additional setback, any potential road is pushed over to the side of the hill (figure 2).

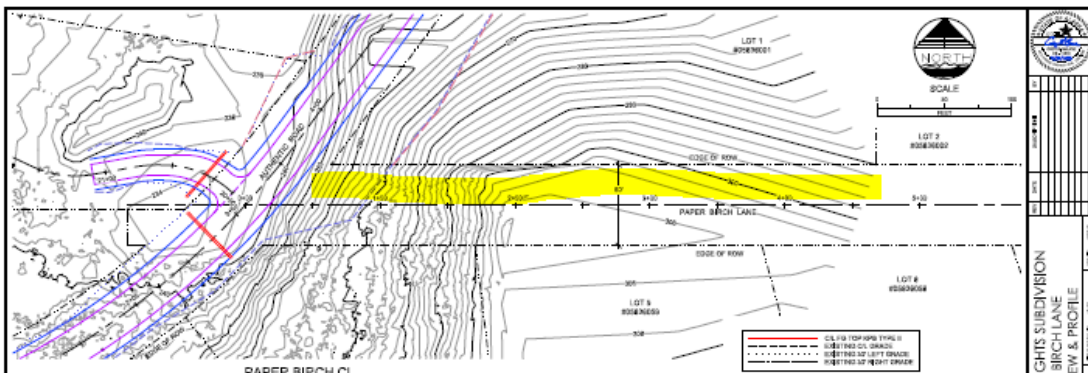


Figure 2. The highlighted segment would be the remaining easement if this partial vacation is approved. There is much more side hill and difficulties on this side of the easement.

Building a road/driveway on a slope, particularly right before the hill descends adds much cost and complexity to construction. This can be resolved in two ways: a foot print vacation, as Assembly President Johnson suggested, or moving the road easement to connect to Developer Circle on the petitioner's lot 8, which we will call the Developer Connection, see figure 3.



Figure 3. Developer Connection; a possible alternative. The angle of interesting Paper Birch is less than the already approved intersection of Quillback and Paper Birch.

In both proposals to vacate this easement, the petitioners are taking no responsibility for placing this house on property that did not belong to them. "This is troubling," said assembly member Bjorkman. Assembly member Cox said there are "consequences for not going through the right procedures." Vacating an easement and giving the petitioner an abundant amount of Borough land IS NOT A CONSEQUENCE. It is a REWARD! Relocating the easement onto their double lot to Developer Circle would show effort at remedying their mistake. This is such an obvious solution that, 1.) allows the petitioners to be a part of the remedy for the problem they created, 2.) addresses the difficulty of building a road alongside their house and 3.) no one is getting free land for making a huge "mistake".

DEVELOPER CONNECTIN OPTION

The Developer Connection would involve turning Paper Birch Lane at the east corner of lot 8 and connecting to Developer Circle in a property exchange. It would show accountability, set a good standard for the Borough by seeking alternative remedies that provide relief for the Borough, and reduce the length and difficult terrain

to connect the roads. The Developer Connection would not add any additional road development cost, unlike the current proposal. The distance from Paper Birch Lane to Developer Circle along Lot 8 is only 266' (figure 4), which is half the length of continuing to Authentic Dr (figure 5), and would cut off difficult terrain (figure 6). It is relatively flat and without difficult side hills or slopes.



Figure 4. Developer Connection; a possible alternative. Only 266' long.

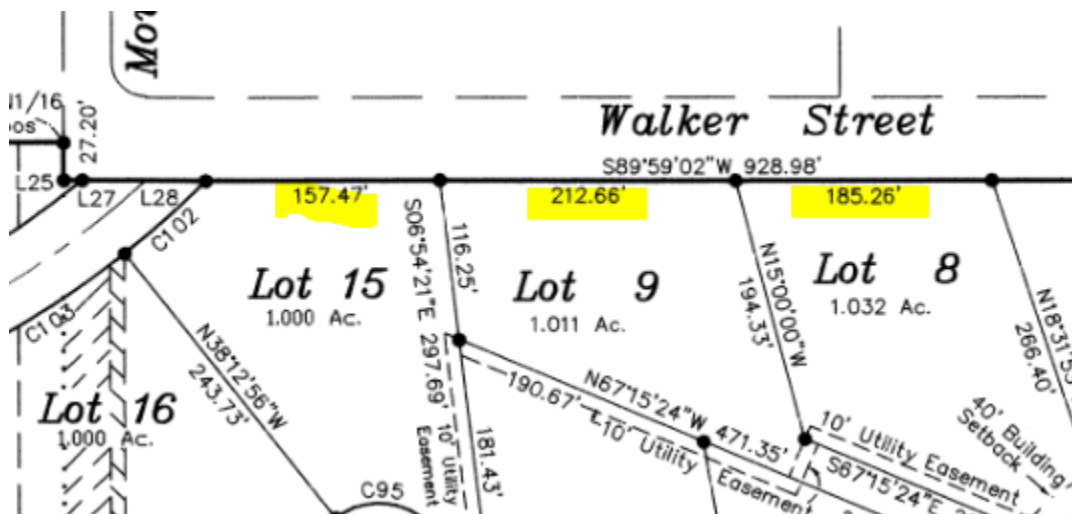


Figure 5. Paper Birch (formerly Walker St), the distant from lot 8, 9 and 15 to Authentic Dr. 555.39' Enlarged from Tulchina Pointe Estates plat.

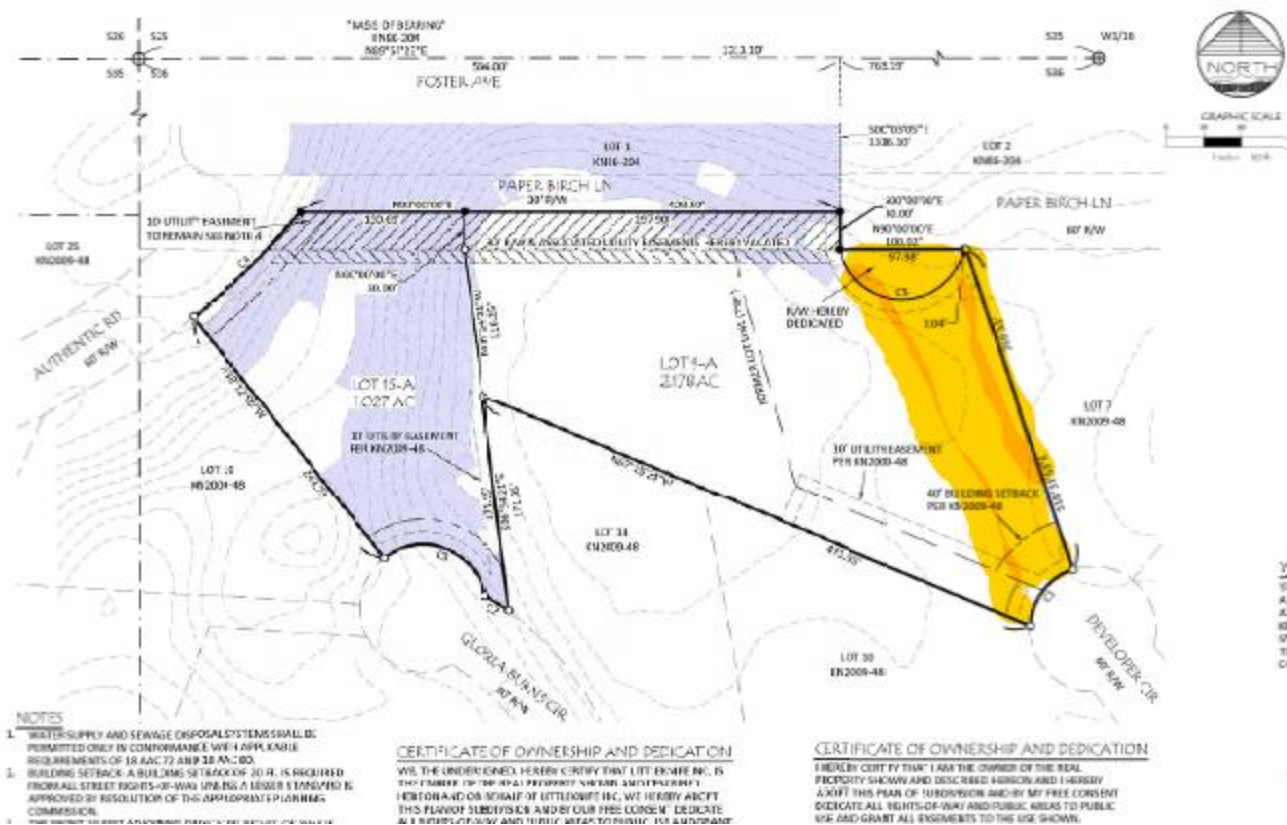


Figure 6. The yellow highlighted portion would be the Developer Connection. It has few terrain difficulties compared to remaining road easement if this vacation is approved.

The Developer Connection also “improve(s) the block” which was a concern of the KPB Road Department.

Why does the borough need to GIVE AWAY a third of an acre, which causes a reduction in access when they could EXCHANGE .36 (266’x60’) while creating better and cheaper access and not set a bad precedent for building in easements?

FOOTPRINT VACATION OPTION

Assembly President Johnson suggested the petitioners consider a footprint vacation. This proposal is far from a footprint vacation. The petitioners are still seeking an outcome that most favors them! Not their neighbors or anyone desiring access. This vacation still AWARDS a third of an acre to them, whereas a footprint vacation would award the minimal amount of square footage needed to satisfy the encroachment. **The planning commission is under no obligation to give away more land than would satisfy the encroachment.** Just because they are asking for all of the easement (30’ x 428’), doesn’t mean the Borough has to give it away. Especially where there are other, better alternatives! Assembly member Elam said the petitioners (in their last proposal) were requesting a “full back yard”. This proposal is no different. “It’s a take,” he commented.

LOT 15 EASEMENT VACATION

Another aspect in this proposal that should cause the entire case to be thrown out is the request that lot owner 15 also be awarded Borough property (see figure 4 for lot locations). This property is not relevant to the encroachment. Vacating the easement on lot 15 does nothing to help fix the house encroachment. If anything, it further limits the location of a road/driveway, which also increase the road construction cost. Adding the easement vacation of lot 15 into the proposal suggests that that this is nothing more than an egregious land grab.

The owner of lot 15 resides on Lot 16. Lot 15 is a side yard. This lot, which has not been altered since purchased a few years ago, is hilly. The owner, purchased the lot knowing the terrain (and road easement) would restrict development. The owner of the lots described the hill as Mount Alyeska; so steep that four-wheelers would topple over backward on their riders. Please see figures 7 and 8 to see the nature of the hill and terrain in question. Does it appear that a “tram is needed to get to the top”? Please judge with your own eyes from the pictures provided by the petitioners and weigh if exaggerations have been made.

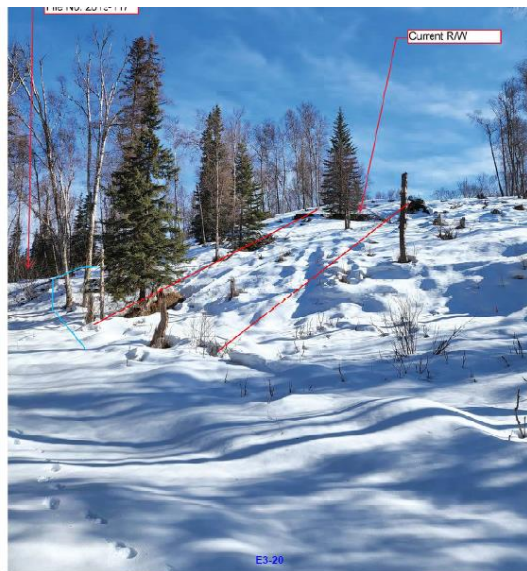


Figure 7 and 8. Photos of the terrain.

“I appreciate the Assembly standing up and showing support that the Planning Commission can say no,” said Assembly member Eckland. We encourage the Planning Commission to recognize that there are better options available than what is offered in this proposal; both for the Borough and neighbors desiring access. Please take the Assembly’s UNANIMOUS veto as a signal to ask the petitioners to provide a proposal that provides an acceptable replacement access instead of just vacating the existing access. Assembly President Johnson said the Assembly’s action of vetoing the original proposal was sending “a good direction for the Planning Commission.” Assembly member Hibbert encouraged Planning Commission members to “stand strong.” Please send this proposal back to the petitioners.

Sincerely,

Kevin and Heidi Morrison