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October 21, 2008

Alan Tolhurst
Chairman
El Dorado County Planning Commission
2850 Fairlane Court
Placerville, CA 95667

Sent via Facsimile and Email

Re: Lomita Way Subdivision
Z07-0023, TM07-1444
Commission Agenda Item October 23, 2008

Dear Chairman Tolhurst:

My office represents the Southpointe Owners Association, the maintenance entity for the roadways within the Vista Del Lago and Southpointe communities (the "Southpointe community"). As noted in the Staff report for the above referenced project, there is a controversy involving the utilization of the Association roads as a secondary access for the proposed project. Although the Southpointe roadways were originally dedicated to the County when the project was originally approved, including the small section between Castec and Lomita Way, the County abandoned them in 1995 at the request of the owners. The Lomita Way developers seek to install a fire access road on the abandoned easement without the consent of the Southpointe community. As none of the roads within Southpointe are available to the public, the proponents of the Lomita Way project have no legal right to utilize the roads for any purpose.

My clients are not opposed to the development of the Lomita Way property and, as set forth in the Staff report, expressed a willingness to consider an annexation into the Association as a means to accommodate the project. However, absent such an annexation, they are unwilling to provide consent to enter upon the Association roads unless such access is strictly limited to emergencies. It is our understanding that the proponents are suggesting that a gate be installed that would "discourage" access by requiring that a button be pushed to cause the gates to open. Although it is agreed this may provide some discouragement, it allows traffic unrelated to the owners within the Southpointe community to pass onto the Association roads without consent. This is not acceptable.

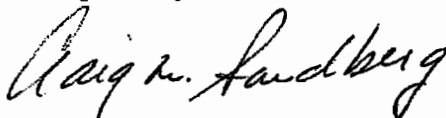
Alan Tolhurst
October 21, 2008
Page 2

The Southpointe community is an attraction for a number of people due to its proximity to Lake Folsom and the views from the property. The gates were originally proposed and approved as a means to prevent primarily young people from gathering along the road and having nighttime parties and enjoying the nightly "submarine" races. Even with the roads privatized, the Southpointe community has continued to deal with trespassers who have started fires, littered the property, and endangered the residents. It would not take long for any number of people to learn the "backdoor" into Southpointe thus opening the door to recurring problems and potential security issues.

Further, it is fundamentally unfair to provide for the use of privately maintained roads by persons not obligated to participate in the maintenance of those roads. The Southpointe residents currently spend and reserve tens of thousands of dollars per year for the maintenance and repair of the roads. The Lomita Way developers have not provided for any manner of participation in this ongoing expense. Finally, allowing for the public use of the private roads exposes the Association to liability to persons utilizing the road for purposes completely unrelated to the owners within the Southpointe community.

The Southpointe Owners Association, representing all of the owners within the Southpointe community, will not consent to the use of their private roads, except for strictly emergency purposes. We realize this may put the proponents at odds with the Fire Department, which discourages emergency only gates, but the Association is not willing to compromise the security of the community.

Respectfully submitted,



Craig M. Sandberg

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cc: Southpointe Owners Association