

Attachment to permit application to augment the wood fence permitted under PERMIT ID: 2013-01684. Although I have been granted a permit to construct a wood fence along my property boundary at "B" (see figure and explanation below), such a fence would impede all traffic at that point, and my intention is to impede ONLY motor vehicle traffic there.

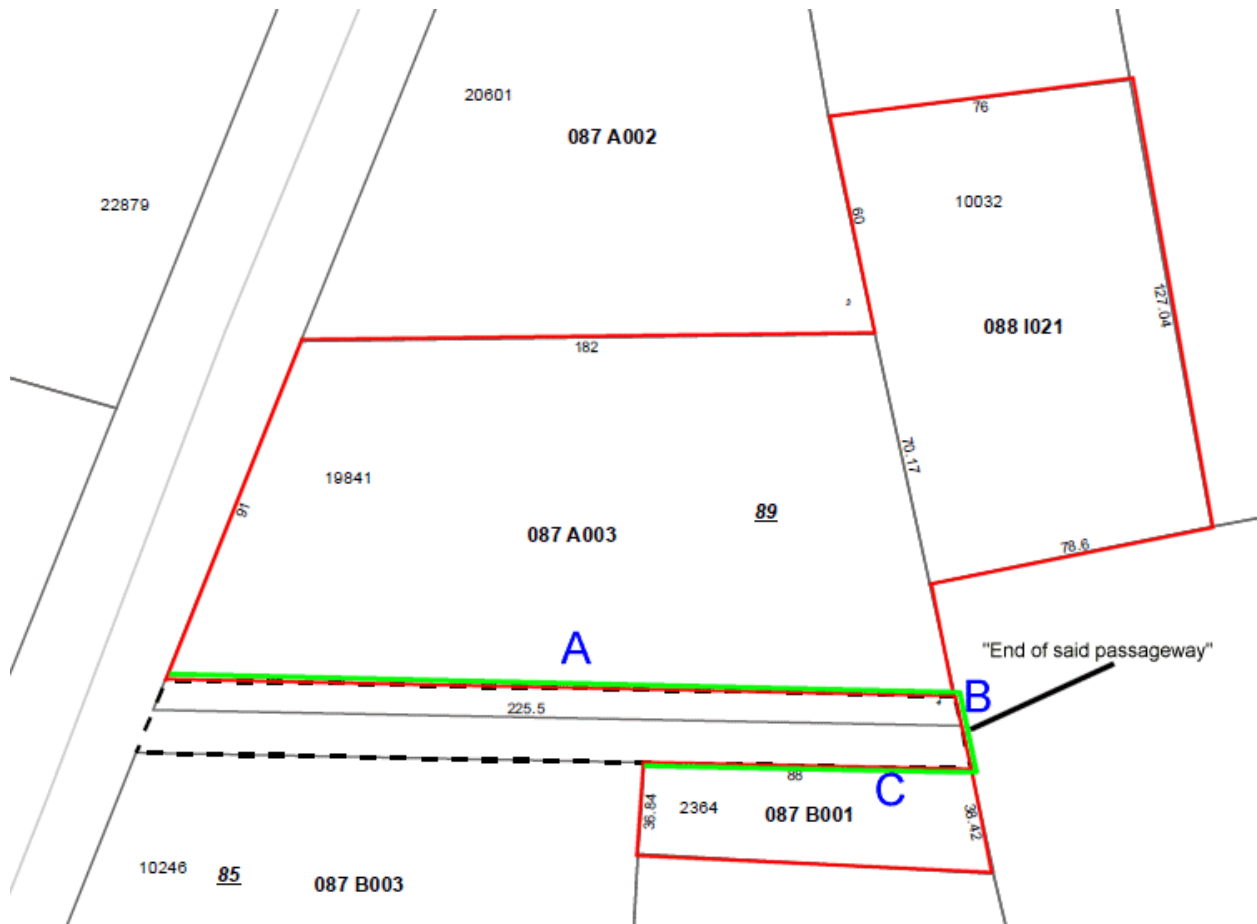
This application to augment the permitted boundary line fence is for the installation of four 8" concrete sonotubes from 4' below grade to 4' above grade as a motor vehicle barrier which would not impede equestrian, pedestrian, or bicycle traffic. The barrier would be installed as equidistant posts along the property line at "B" ("end of such passageway") in the figure below.

The intent of the above barrier is to prevent motor vehicles from crossing my property at the easterly end of the passageway that leads from Pleasant Avenue to Island Avenue according to the Exhibit A from the deed in BK 11673 PG 284. The right to traverse this passageway would not be hindered by granting this permit. The right has always been to traverse the passageway FROM "B" TO Island Avenue. There is no right and there has never been a right to CROSS my boundary at "B". The access rights to the passageway were granted to families to cross from the current passageway to Island Avenue. No right was ever granted to Johnson to drive vehicles from his property ACROSS my property line at "B" in the figure below. In fact Johnson has no rights of access to the passageway, but this application is not intended to address that issue. The only issue here is that the passageway was for property owners on either SIDE of the passageway to reach Island Avenue, NOT for Johnson or anyone else to cross my property at "B" with motor vehicles, including large commercial trucks.

The easterly END of this passageway is my property. The deed in question states that my property line is located (in part):

"...by the northerly sideline of said passageway easterly two hundred twenty-three and one-half (223-1/2) feet to the end of said passageway [see "A" in figure below]; thence South 3 degrees west to the southerly line of said passageway [see "B"]; thence North ... [see "C"]"

(See figure.)



In the figure, the red line indicates my property for which a permit (2013-01684) has been issued for a wood fence on property boundaries.

The green line indicates the partial description of the property boundary from the deed, where "B" is described as "the end of said passageway." The deed clearly describes segment "B" as a part of the property line.

However, we do not wish to construct the wood fence along segment B because it would impede the travel of equestrians, pedestrians, and bicyclists. Our only intent is to prevent vehicular traffic from crossing our boundary line along that portion of our property line indicated as "B" in the figure.

Thus, we ask that the permit be modified and that we be issued a permit to construct a boundary that would only impede vehicular traffic from crossing our property line at the end of the passageway. The passageway is intended to provide access from our property and adjoining properties along its length to Island Avenue. No such access has ever been granted to Johnson or anyone else to CROSS the boundary at "B". Even though the access from Pleasant to Island avenues has long been closed off by agreement of the original families that held access rights to the portion of the passageway crossing from Pleasant to Island Avenues, there is currently a significant amount of vehicular trespassing across our property at "B". The proposed boundary will prevent this traffic.

Although I may claim limited access to the passage way FROM segment "B" to Pleasant Avenue, the current application does NOT address this claim and simply asks that I be granted the right to prevent vehicular from crossing my property at "B", a right that I have NEVER granted to any property holder.

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