

March 20, 2008

To: Mayor and City Council of the City of Berkeley Lake

From: Craig Belt

Subject: Temporary and Permanent Easement Clarification

The civil court case which is a condemnation of a portion of my property by the City of Berkeley Lake came up on the trial calendar before Judge Warren P. Davis on Monday February 25th. Dick Carothers and I were both in attendance.

It was agreed before the judge that I would confer with the city engineer in an attempt to clarify discrepancies regarding what is the true location of the property line. The documentation of my property which I provided is apparently inconsistent with the proffered drawings and legal descriptions of both the temporary and permanent easement. The differences are NOT small.

Leigh Threadgill has courteously forwarded to me an E-mail thread of correspondence which briefly recaps some of the steps taken so far by Rich Edinger to address this issue. That E-mail thread states a surveyor's opinion of the property line location and the same surveyor's opinions regarding the documentation which I provided.

A brief recap of some "opinions" stated in the e-mail thread is as follows:

- 1) The platted survey which I provided was described as incorrect (according to the e-mail).
- 2) The iron pin indicating the corner my property on the platted survey has been described as "not on the lot corner" (according to the e-mail).
- 3) The most recent addition to the e-mail thread states an opinion that "Mr. Belt's deed is incorrect".

The dimensions of my property as shown on a certified copy of a plat of Berkeley Lake Estates (and Miramont) agree with the other documentation which I provided.

The proposed "Consent Order and Final Judgment" which has been presented for review, signature and return contains the following sentence: "All issues of fact and law in the above-referenced case are thereby resolved." Some issues of fact have NOT been resolved.

While I have ample doubt that my deed is incorrect currently, I am certain that it will be incorrect and seriously confusing to anyone in the future if the easement is recorded using city proffered documents which are not in agreement with other legally recorded information.

1) I respectfully request that this topic be placed on the agenda for the next regular council meeting.

2) I also respectfully request that this topic be looked at by the Planning and Zoning Commission prior to that council meeting, with a goal of making some recommendations to the city council as to how this easement can be correctly recorded so that it does not conflict with my deed.

I truly believe that all parties concerned will be best served by correct legal recording of this easement.

sincerely,

Craig Belt