

00-6083

01-0076

D.A. & M.S. ISABELLE

SUBMITTAL

OCT 03 2003

SCOTT HAAN

September 30, 2003

Mr. Scott M. Haan P.E.
Chief of Building Inspections
Municipality of Anchorage
P. O. Box 196650
Anchorage, AK 99519-6650

FAXED to 343-8200

RE: Lot 7B, Block 2, Seaview Heights Subdivision
Stop Work Order on Permits 00-6083 and 01-0076 - Sept. 29, 2003

Dear Mr. Haan:

Yesterday we were advised by phone @ 4:30pm that a Stop Work order was posted on our property. This verbally advised Stop Work order is without merit and we are requesting that it be removed immediately.

We have responded to all issues addressed in your letter dated August 15, 2003. It is true that you issued a Stop Work order August 6, 2003 on the complaints received from the Crockett's who own the adjoining property at Lot 7A, Block 2, Seaview Heights. Mr. Crockett had previously given verbal permission to allow fill spillage on his property north of the Right-of-Way. This year he apparently changed his mind through his wife and did not inform us but made numerous complaints to the City.

Your letter states, *"A survey was performed and verified that the access driveway to your property was built on the Crockett's property."* The access driveway was not built on the Crockett's property as your letter infers. Mr. Crockett had given us verbal permission last year to allow fill encroachment on his property to allow a smooth transition and usage between the two properties north of the Right-of Way. Apparently Mr. Crockett changed his mind this year at the urging of Mrs. Crockett and did not discuss it with us. Mr. Crockett refused to divulge who did his purported survey (wood stake & spray paint) showing the corner coming into the side of a small portion of the driveway 2-3 foot. The fill was approximately 15' deep as opposed to your letter stating it being 30 feet deep. We did have a registered surveyor perform a survey to establish correct property corners and proceeded to remove all fill from the Crockett's corner by September 6, 2003 as agreed.

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We would like to note that this was the remaining unfilled Crockett property corner at the base of an adjoining crevasse that delineates both of our property corners. The Crockett's have filled their property on the North property line beyond current code requirements without permit along the subject property line with exception of the subject corner that initiated the August 6, 2003 site meet and Stop Work order.

The next paragraph in your letter states *"The Crockett's agreed that you could access your property across their property with a time limit of 30 days for the condition to be corrected."* For the record, we have never needed to cross the Crockett's property in order to access our property, which was our position on August 6, 2003 when you subjected us to the first Stop Work order. We have previously submitted to you a written agreement with the Crockett's per the verbal agreements made on August 6, 2003 in your presence within the time frame you required, signed by us but apparently not signed by the Crockett's. Since we are proceeding with the original approved plan, and all fill has been removed from their property, it is not necessary to have any written agreement with the Crockett's even though one was submitted by us as we agreed.

The signed written agreement from the Mann's, the adjoining property owners to the West, has been previously submitted to you, also as we agreed.

On August 6, 2003 we also discussed the problem of the electrical pole that only services the Crockett's property is in the center of the Municipal Right-of-Way and blocks proper access to our property. Our working around the pole so as not to inconvenience the Crockett's in the past is no longer a factor. The Municipality should assist us as taxpayers by making sure that the Municipal Right-of-Way is clear of this type of encroachment. We brought this to your attention, as well as Chugach Electric, yet the pole still remains.

We understand that we will not be able to ever satisfy the Crockett's because the problem always will be that they do not want any development of any type on our property but that is simply not reasonable. We are property owners and taxpayers as well and do have a right to develop our property which is properly permitted and bonded. We have been responding to unsubstantiated complaints through the Municipality by the neighbors for almost three years now. We are within our approved permitted plan. Our property is not draining on any of the neighbors property rather their property is draining on ours. We have maintained bathroom facilities on the site whether it is by a trailer with facilities on-site or a port-a-potty. Our one deviation and mistake

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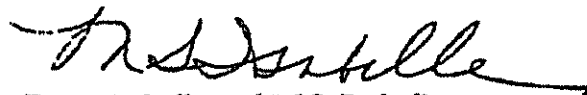
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was to make a verbal agreement with Mr. Crockett regarding fill north of the right-of-way. We made a mistake by making a verbal agreement with Mr. Crockett and that will never happen again. We corrected that error by removing all fill encroaching their property. However, the Municipality should not continue to waste the taxpayer's monies jumping to every ongoing "cry wolf" by the neighbors. And, subjecting us to unreasonable Stop Work orders to simply pacify the neighbors is not justified

We are proceeding with the original approved plan submitted which our permit was based upon. We are not at the present time making any changes to that plan. We had previously discussed with you possibly installing a retaining wall and are aware that would require a change or upgrade to the design but we have not decided to make that change. In the event that we do decide to make a change and install a retaining wall, we will submit the engineering updates and changes that are required.

Therefore, since we have complied timely, as agreed, to the issues at the onsite meeting August 6, 2003 and in your August 15, 2003 letter and are proceeding with our original approved plan under Permit 00-6083, it was unnecessary and inappropriate to subject us with another Stop Work order. We are again requesting that the Stop Work order issued on our property yesterday be removed immediately.

Sincerely,



D. A. Isabelle and M.S. Isabelle
Property Owners/Taxpayers

Encl: Copy of Haan 8/15/03 letter

CC: Ron Thompson
Mark Begich
Dan Sullivan

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