

My name is Richard Fay. I live at 1328 Granvia Altamira and have lived in PVE for over 30 of the last 40 some years.

On June 29th the Superior Court issued a decision that the 2012 sale of parkland on Via Panorama was illegal. I am here asking you not to appeal that decision.

First of all the decision is exactly what I think most PVE citizens wanted. I have discussed this with many, all of whom are delighted by it. So if you appeal you will be going against the wishes of the community.

Secondly an appeal is probably an expensive effort destined to lose. Two judges have now said the parkland can not be sold, this one via Declaratory Judgement. I suggest you might get some independent legal analysis of your chances before wasting more of the city's money.

Third, there is nothing in this decision that erodes many of the major benefits from the original deal. The School Board's agreement to abide by the deed restrictions on other properties is not affected. The "voluntary" donation to the School District should not be affected. What do you gain by appealing?

This entire matter has brought a cloud over the honesty of PVE officials. This is viewed as a secret backroom deal.

The citizens were kept in the dark. There was no Parklands Commission review, no Planning Commission review, nothing in the local press, no notice on the property, no notice to the residents on Via Panorama. The city does a better job of informing the public about a potential new stop sign than it did about selling parkland.

The comments to the Daily Breeze story on the June 29th decision, none of which are mine, provide a barometer as to what some think of this decision and PVE governance in general.

As I mentioned earlier, in the original deal the School Board agreed to abide by the deed restrictions on all of its property. Excellent. There appears to be nothing in the June 29 decision that would change that. The judge wrote that she is prepared to issue an injunction prohibiting the City and Homes Association from taking any action in the future to eliminate the deed restrictions on any properties. So it would seem that in protecting this tree, protection was strengthened for the entire forest.

I might add that it is a very sad day for the community that a California Superior Court judge thinks she may need to issue an injunction to protect the parkland from the City and the Homes Association.

So my wish is that you do not appeal and that you begin an orderly process to carry out the final order of the court when issued. Get the public parkland property back from the homeowner and force him to remove his illegal encroachments. Start rebuilding trust in city government.