

SOUTH MOUNTAIN HOMEOWNERS ASSOCIATION

November 17, 2007

Draper City Council

1020 E. Pioneer Road

Draper, UT 84020

On behalf of our homeowners, the South Mountain Homeowners Association wishes to express our concern over the issue of city property encroachment. In no way do we condone deliberate land grabbing or encroachment on the part of the homeowners.

It is, however, our opinion that few homeowners deliberately encroached but merely extended their landscaping to improve the overall look of the area. In the early days of South Mountain development, many of the original residents worked hand in hand with the city to remove the debris left by the developers, protect the land, and beautify the area for everyone's enjoyment.

In fact, section 9 of the 1994 South Mountain Design Guidelines says that "homeowners with small lots are encouraged to visually expand their yards". This is an official city development document and leaves much room for interpretation.

Subsequent owners naturally assumed that their properties, as defined by fences and landscaping were legitimate.

Our hope is that the city council will consider each violation on a case-by-case basis considering key variables as follows:

- The actual size of the encroachment
- The positive and negative impact on the community and homeowner of the problem
- The positive and negative impact on the community and homeowner of the "correction"
- The homeowner responsible for the encroachment

As an organization, we do not believe that punitive action is warranted without very careful consideration of the individual circumstances and would appreciate your thoughtful consideration in this matter.

Joan M Little

President

South Mountain Homeowner's Association