



May 11, 2007

Mayor Mickey Cafagna
Council Member Merrilee Boyack
Council Member Bob Emery
Council Member Don Higginson
Council Member Betty Rexford
City Of Poway
13325 Civic Center Drive
Poway, CA 92064

Subject: Minor Development Review Application (MDRA) 04-90

Dear Mayor and Council Members:

As a citizens group representing many South Poway area residents, SOUTH POWAY RESIDENTS ASSOCIATION (SPRA) would like to make you aware that our group members voted last year to officially support Menachem Shoval in his legal effort to remove the private gate at Mina de Oro Road near the Poway Grade and restore Mina de Oro as a public road.

The outcome of the Shoval case is a vital public interest matter since Mina de Oro has now been ruled to be a public road and, thus, is a public property. We believe that, as a general rule, the city should never be allowed to give away public property or public assets to private person(s) as it has done with Mina de Oro Road.

The Shoval property begins about 250 yards north of the Poway Grade. We note that on County Parcel Map #4857 (dated 1976) Mina de Oro is clearly shown as a public road with a width of 60 feet extending north from Poway Grade up to and including the Shoval property.

In the recent case of the cross complaint filed by Menachem Shoval against The City of Poway in Keena v. Shoval (San Diego Superior Court case no. GIC 856239), the judge ruled against the city and determined that Mina de Oro is a public road and should be returned to its status as such. This ruling also referenced County Parcel Map #4857, which notes the 60-foot width of Mina de Oro. Thus, the gate which was installed within this 60-foot road width was ordered to be removed within 60 days. SPRA notes that, since the court ruling was filed on February 9, 2007, this gate is long overdue to be removed. Since the installation of this gate on a public road has been found to be illegal, SPRA notes that the expected decision by the Poway City Council on May 15, 2007 is to rescind the original resolution of March 22, 2005 (Resolution P-05-20) which initially allowed the gate to be installed.

SOUTH POWAY RESIDENTS ASSOCIATION

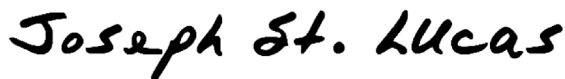
JOE ST. LUCAS – CHAIRPERSON • CONNIE MESSINA – VICE CHAIRPERSON
ELDA PARMLEY – TREASURER • KAREN KNECHT – SECRETARY
ADDRESS: 13033 EARLGATE COURT, POWAY, CA 92064 • PHONE: 858-679-8386
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Additionally, however, it is important that the gate and all of its fixtures, columns, pilasters, accessories, electronic equipment and electrical equipment --- items installed well within the 60-foot width --- be removed as well. To restore Mina de Oro to its rightful status as a public road, all of these obstacles and impediments should not be allowed to remain in place. Nowhere in the court's ruling to remove the gate is stated that selected elements of the gate could be allowed to remain in place at the discretion of the city. We believe it was not the court's intention to allow such exceptions. And, certainly, none of these obstacles and impediments would be allowed on any other public road within a standard 60-foot road width anywhere in Poway.

SPRA specifically requests that the city disallow any items that could legally be considered obstacles or impediments to remain in place at the currently existing gate area of Mina de Oro near the Poway Grade. Additionally, we request that a reasonable deadline date be set for the removal of all gate-related items.

If you have any questions, please do not hesitate to contact us.

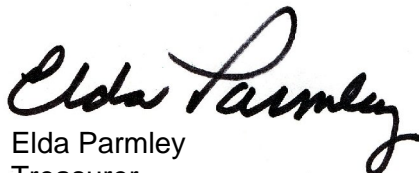
Best Regards,



Joseph St. Lucas
Chairperson



Connie Messina
Vice Chairperson



Elda Parmley
Treasurer



Karen Knecht
Secretary

cc: Rod Gould, City Manager – City of Poway
Lisa Foster, City Attorney – City of Poway
Jose Lopez and Pat Kumpan – POWAY NEWS CHIEFTAIN
Andrea Moss – NORTH COUNTY TIMES
Lisa Petrillo – SAN DIEGO UNION-TRIBUNE
Jordan Cohen - Attorney for Menachem Shoval