



June 4, 2007

Rod Gould, City Manager
Lisa Foster, City Attorney
City Of Poway
13325 Civic Center Drive
Poway, CA 92064

Subject: Minor Development Review Application (MDRA) 04-90
& Planning Resolution P-07-23

Dear Mr. Gould and Ms. Foster:

We are writing this letter in regard to the private gate that remains in the public road at the southern end of Mina de Oro Road. SOUTH POWAY RESIDENTS ASSOCIATION (SPRA), which represents over 170 Powegians, voted last year to support the issue of removing the private gate at Mina de Oro Road and restoring Mina de Oro to its rightful status as a public road.

The Superior Court ruled on February 9, 2007 that Mina de Oro is a public road and that the gate must be removed within 60 days (by April 9, 2007). On May 15, 2007 our Poway City Council voted unanimously to rescind the March, 2005 ordinance permitting the installation of this private gate, including all columns, pilasters and electronic and electrical gate accessories. Additionally, the city granted the Mina de Oro residents a new gate removal deadline of 60 days from May 15th (95 days beyond the Court's official deadline). Although the ruling may not have specifically addressed unlocking and opening the gate prior to its removal, we feel that not requiring this goes against the "spirit" and intent of the Court's ruling that Mina de Oro be fully restored as a public road by April 9th.

Thus, we would like to know why Mina de Oro Road currently remains locked and closed to public access? SPRA requests that this gate, at the very least, be unlocked and permanently propped open until the gate and all its fixtures are removed. If this cannot be done, or if the city's position is that this is not necessary or required, then we would respectfully like to ask why not?

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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As a public road, SPRA notes that Mina de Oro Road is a public property and a city asset in addition to a beautiful public trail and horse trail. We specifically request a response on why the City of Poway continues to allow residents in this neighborhood to maintain private obstacles and impediments to public access on Mina de Oro which would not be allowed to remain in place anywhere else in Poway on a public road?

If any of these questions is unclear, please do not hesitate to contact us. We look forward to your response on this matter.

Best Regards,

Joseph St. Lucas

Joseph St. Lucas
Chairperson

Connie Messina

Connie Messina
Vice Chairperson

Elda Parmley

Elda Parmley
Treasurer

Karen Knecht

Karen Knecht
Secretary

cc: Mayor Mickey Cafagna
Merrilee Boyack – Council Member
Bob Emery – Council Member
Don Higginson – Council Member
Betty Rexford – Council Member
Menachem “Manny” Shoval
Imad Shahhal, M.D.
Jordan Cohen – Attorney for Menachem Shoval
Jose Lopez and Pat Kumpan – POWAY NEWS CHIEFTAIN
Andrea Moss – NORTH COUNTY TIMES
Lisa Petrillo – SAN DIEGO UNION-TRIBUNE