

AC-Mechum

PETITION TO RESCIND PEDESTRIAN EASEMENT
FROM 429 NAPLES ON TO WEISSER WAY CUL-DE-SAC
AND RESTORE RETAINING WALL TO ORIGINAL CONDITION

RECEIVED
CHULA VISTA CITY CLERK
2022 AUG 17 A 9:12

We the Home Owners and Residents of Weisser Way Cul-De-Sac do here by petition the City of Chula Vista and its Development Services Department to rescind any and all consent or permissions for the owner, occupier and/or resident(s) of any and all property(s) located at 429 Naples St. to establish, use, or maintain any pedestrian access to the Weisser Way Cul-De-Sac on, through, or by the previously constructed and long standing masonry retaining wall. We do hereby also request that said masonry retaining wall be ordered restored to its original condition and structural integrity.

The subject masonry retaining wall remarked upon herein was originally built in 1989 by the developer of the Weisser Way Cul-De-Sac as part of the City of Chula Vista engineering and development requirements. Per requirements it was then deeded to the City and remained intact and undisturbed until 2022, some 33 years. The cost of this wall was actually born by the home buyers, owners, and residents of Weisser Way. The City of Chula Vista has never maintained, financially or otherwise, any portion of this retaining wall.

During all of the subsequent 33 years the 17 home owners and residents of Weisser Way maintained a vested and persistent equitable interest in the preservation of this retaining wall as it assured increased home owner value, privacy, residential access, quietness, and the enjoyment of limited through traffic, along with the assurance of the continuity and cohesiveness of our neighborhood. However in 2022, the owner of 429 Naples constructed a backyard rental and sought to relive himself of all tenant access burdens across or through the front of his property to the backyard dwelling by seeking a permit to cut a pedestrian entry point through this 6 ft. masonry retaining wall into his backyard. This simply allowed his renters to enter his backyard rental via the Weisser Way Cul-De-Sac and transfer his burden of tenant access and parking to the owners and residents of Weisser Way. We believe and assert that any such permission or consent to construct said pedestrian passageway violates our vested equitable interests, our vested real property value(s) and interests, and that its construction directly damages and detrimentally impinges upon said values and interests. Additionally, we believe and assert that the transfer of the aforementioned burden from the homeowner at 429 Naples street to the owners and residents of Weisser Way unjustly conveys and grants an indivisible property value from us to his property. We believe and assert the likelihood of imposing such damage and hardships upon us was readily foreseeable and we note that no input nor permission whatsoever was sought from the Weisser Way home owners and residents by the Development Services Department. Plus, while our interests were not given adequate, nor any, consideration, they were none the less unfairly subordinated to pecuniary

interests of one home owner who is not and has never been a resident of nor contributed to the owners costs of the Weisser Way cul-de-sac nor its retaining wall.

In a written reply to one home owner's inquiry about this matter, a departmental official stated that the Development Services Department could and would initiate a review of this situation if the home owners and residents of Weisser Way provided proof of ownership of this retaining wall. Otherwise the immutable dictum of their unjust summary decision would remain extant and that we home owners and residents would be permanently, unilaterally, and intransigently denied any further consideration or review. Consequently we the home owners and residents of Weisser Way assert that we have and hold the paramount equitable interests here and that this departments choice to summarily authorize such an intrusive and destructive passageway unilaterally abrogated our vested home owner property value(s) and reliance upon the duty, purpose, and obligation of the City to preserve and defend them.

In addition, we the home owners and residents of Weisser Way remain concerned that by and through the actions noted above, the City of Chula Vista Development Services Department has demonstrated a need for more specific guiding principals, policies, and procedures to prevent recurrence of permitting such summary, intrusive, ramshackle, and debilitating construction that do not meet the standards and expectations of a well run and cohesive community. We urge a full review of them; with revision and implementation as need be ordered by the City Council, and request that these be adhered to, be kept open to scrutiny, and made readily available to all citizens of Chula Vista.

Owners and Residents supporting this petition are set forth below

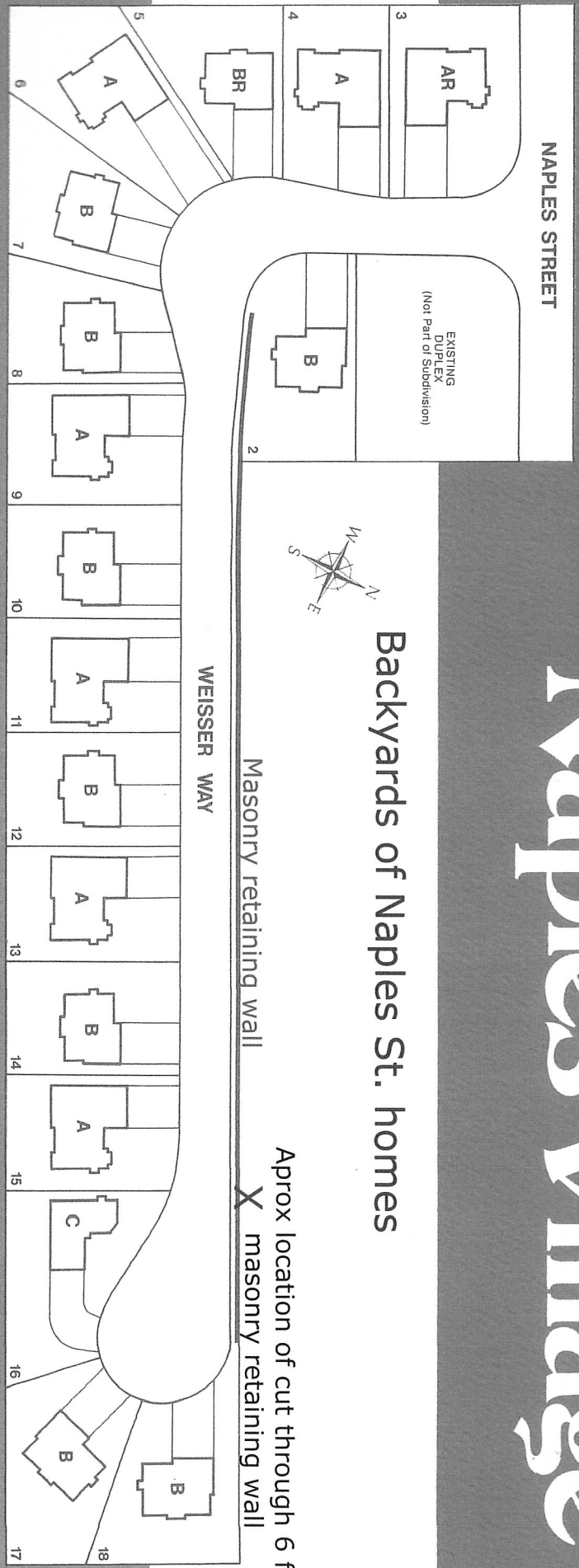
Date	Address	Signed Name	Printed Name
8/14/22	[Redacted] Weisser Way	[Redacted Signature Block]	DEBORAH MECUM
8/14/22	[Redacted] Weisser Way		Anita R. Kincaide
8/14/22	[Redacted] Weisser Way		Sarah M. Reddiconto
8/14/22	[Redacted] Weisser Way		Shaun Rabenics
8/14/2022	[Redacted] WEISSER WAY		CESAR RIVAS
8/14/2022	[Redacted] Weisser way		Ramon Orantes

Date	Address	Signed Name	Printed Name
8-14-22	[REDACTED] <u>Weisser way</u>	[REDACTED]	<u>Adriana Johansen</u>
8/14/22	[REDACTED] <u>Weisser way</u>		<u>ERIC RODRIGUEZ</u>
8-14-22	[REDACTED] <u>Weisser way</u>		<u>Teresa Bartlett</u>
8/14/22	[REDACTED] <u>WEISSER way</u>		<u>T. PÉREZ GARCÍA ET</u>
8/14/22	[REDACTED] <u>Weisser way</u>		<u>Mario Martinez</u>
8/14/22	[REDACTED] <u>weisser way</u>		<u>Art B</u>
8/14/22	[REDACTED] <u>WEISSER way</u>		<u>Marta Bora</u>
8/14/22	[REDACTED] <u>Weisser way</u>		
8/14/22	[REDACTED] <u>Weisser way</u>		<u>MARY E. ESPINOSA</u>
8/14/22	[REDACTED] <u>Weisser way</u>		<u>Joc Espinosa</u>
8/14/22	[REDACTED] <u>Weisser way</u>		<u>Pérez E. Ma. de Lourdes Pérez E.</u>
8/14/22	[REDACTED] <u>Weisser way</u>		<u>Genara Pérez E.</u>
8/15/22	[REDACTED] <u>Weisser way</u>		<u>Paola Blanca Villalpa</u>
8/15/22	[REDACTED] <u>Weisser way</u>		<u>Anna Villalpando</u>
8/15/22	[REDACTED] <u>Weisser way</u>	<u>Dolores Pérez</u>	

Date	Address	Signed Name	Printed Name
8/15/22	[REDACTED] WEISSERWAY	[REDACTED]	ED MUNDO PEREZ
8/15/22	Weisser Way	[REDACTED]	Amanda Ortiz
8/15/22	WEISSER WAY	[REDACTED]	JERRY ORTIZ
8/15/22	WEISSER WAY	[REDACTED]	STANLEY ARTHUR
8-15-22	weisser way	[REDACTED]	Carla Arthur
8/16/22	Weisserway	[REDACTED]	Cristalyn Murray
8/16/22	Weisserway	[REDACTED]	Sandra Hernandez
8/16/22	eisser way	[REDACTED]	Chelsea Arthur
8/16/22	eissalway	[REDACTED]	Carolina Cisneros
8/16/22	Weisserway	[REDACTED]	Juan J. Villalpondo
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Naples Village

Backyards of Naples St. homes



Masonry retaining wall

Approx location of cut through 6 ft.
X masonry retaining wall