

August 18, 2011

Cathy Helgerson - 408-253-0490

Comments – Public Meeting August 23, 2011 to discuss the Vacation of the Permanente Road

The illegal use and confiscation of the Permanente Road by collectively Lehigh Corporation is a crime in itself for they have held this road hostage since 1935 and this now needs to be rectified immediately.

Santa Clara County needed to recognize the need for determination of the legal ownership as of 1935 and did not enforce any such decree. There was no application submitted by Lehigh collectively or otherwise to acquire the road and the public was never given its legal right to comment and object to this take over.

Lehigh installed a guard shack and cut the public off from this public road illegally and now no one seems to see the criminal act committed and I must ask why has no one ever asked about this matter in the past?

The notification in the staff summary states the public was notified is limited to the current 2011 year if at all I see no dates submitted and if this is truly the case. The road is part of the Santa Clara County properties and this matter needed to be considered by all of the citizens of Santa Clara County and it never was.

The fact that Lehigh collectively has never paid the Santa Clara County a payment of any kind to lease or rent this road from Santa Clara County is negligence by Santa Clara County and also by Lehigh collectively.

The citizens of Santa Clara County have been cheated out of a great number of accumulated revenue and this matter needs to be rectified and Lehigh collectively needs to pay restitution and compensation needs to take place. The back payments for use of this public road lease or rental should be collectively imposed on Lehigh collectively in the sum of \$20 million dollars. If the road is not abandoned and it should not be and if Lehigh collectively wishes to continue to use the road then they should pay lease or rental fees to do so this is all subject of course to the approval of the citizens of Santa Clara County.

This prospect would be put up for review and formal vote issued by the citizens of Santa Clara County. This road belongs to the people of Santa Clara County and just because Lehigh collectively states that the Santa Clara County does not appear to them to have any specific application requirements for abandonment is not relevant. The question is what is relevant well the issue in my opinion is very clear Lehigh collectively has used the road illegally and they must pay the price for doing so the law does not care about the ignorance that Lehigh collectively and the Santa Clara County participated in it only cares about the law and that justice is served.

I also believe that the citizens of Santa Clara County have every right to sue Lehigh collectively and probably to sue Santa Clara County for their negligence which has cost the citizens of Santa Clara County a great deal of money in revenue.

The East Material Storage Area at Lehigh Corporation is what brought this whole matter to the attention of all concerned and now their needs to be full considerations considered. The Permanente Road is less than 1000 feet away from the EMSA and is a public road this stock piling of overburden is illegally placed and needs to be moved. Making this road private and giving it away to Lehigh Collectively will cause the ongoing heart ship of the citizens of Santa Clara County.

The health and safety risk is evident to all except Lehigh collectively their disregard for the rights of the people is unforgiveable. Lehigh collectively has denied this public road for use and for ownership to the people and have illegally taken ownership with no regard at all for the laws that protect our citizens.

I highly request that Lehigh collectively be denied this public road for use and for ownership but if in fact it is so determined by the Santa Clara County's Board against the publics requests to allow abandonment then I would like to ask that compensation be enforced in the material sum of \$20 million dollars. These funds shall be used for future clean up of Lehigh Southwest Cement and Quarry pending a review of the EPA's Region 9 Super Fund Site Division, who are conducting a Preliminary Assessment due to be completed in December of 2011, to determine if this facility and property will be subject to clean up.

It is my highest hope that you will read my comments and act accordingly so that justice maybe served.

Thank you,

Cathy Helgerson – CAP – Citizens against Pollution

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