

From: Rhoda Fry
Sent: Friday, August 19, 2011
To: Board of Supervisors, Office of the Clerk of the Board

From: Rhoda Fry, Cupertino 8/19/2011
RE: Agenda Item #7 8/23 BOS Meeting - County must not give away Permanente Road (also known as Stevens Creek Blvd.)

I urge the BOS to either defer a decision on vacation of Permanente Road (also known as Stevens Creek Blvd.) or deny the application for the following reasons:

1. Extensive research done by county staff earlier this year has not been included in the BOS packet. Hence, the BOS is unable to make an informed decision and the public is denied participation in the public process. All information pertaining to the road must be pulled from the vested rights research and be made available.
2. Also lacking from the attachments are deeds and maps and other appurtenant data for the multiple times that the properties exchanged hands. Of particular interest would be the sale from Kaiser to Hanson and Hanson to Lehigh. One would expect that Lehigh Southwest, owned by Heidelberg Cement Germany, would know that they were purchasing properties adjacent to a public road and the responsibilities that accompanied it.
3. Approval of giving the road away would set a very bad precedent for other property owners within the county. If the county gives away this 3.2-mile road, other property owners within the county with exclusive use of unimproved county roads would have just cause to obtain them for free from the county.
4. Should the county give away the road, your constituents would lose their rights to that road. Eventually that property will become open space and so the road is a valuable future asset. If you must, give them an easement, but please do not give away our assets.
5. As such, the statement on page 1 of the un-numbered resolution in Attachment 1 is incorrect: "The County of Santa Clara . . . has no plans to add it to the County maintained road system in the future."
6. Page 2 of attachment 3: It is odd that the Board has directed Lehigh Southwest request abandonment of Permanente Road (a public asset as shown above).
7. Note that the road leads to the cement plant which DOES require a conditional use permit.
8. Note that maps provided by the applicant prior to the vested rights hearing showed a segment of the road clearly OUTSIDE the bounds of their ownership. Sources: 1/4/2011 Diepenbrock Harrison letter, Appendix C last page, document date on first page and 11/05/2010 Diepenbrock Harrison letter EXHIBIT 9.
9. Finally, beyond the gate was a separate, publicly owned company, Kaiser Aluminum located on 23333 Stevens Creek Blvd (it is not called Permanente Road there). You'll find a copy of letterhead below.
10. Please consider these points when making your decision.

Respectfully,

Rhoda Fry

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KAISER
ALUMINUM

KAISER ALUMINUM & CHEMICAL CORPORATION

September 15, 1983

Ms. Vera Brady
Environmental Protection Agency
Mail T-2-2
215 Fremont Street
San Francisco, CA 94105

Dear Ms. Brady:

This is your notification that our address has changed from:

RCA 1 1. Kaiser Aluminum, Stevens Creek Road, Permanente, California *CA D0091552*
to: Kaiser Aluminum, Foil Plant, 23333 Stevens Creek Boulevard,
Cupertino, CA 95014.

*Super-Final
CDS
Docket* 2. Kaiser Cement is still located at the west terminus of Stevens *CA D00910953*
Creek Boulevard, Permanente, California.

We are two separate companies who are located next to each other.

Very truly yours,



G. A. McGee
Plant Engineer

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