

JURAT

State of California
County of Riverside } ss.

Subscribed and sworn to (or affirmed) before me on this 22nd day of September, 2011, by Jerry W. Burgess, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



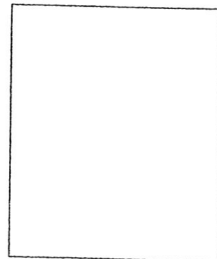
(seal)

Jennifer Johnson
Signature of Notary

OPTIONAL INFORMATION

Date of Document 09-22-2011
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Thumbprint of Signer



Type of Satisfactory Evidence:
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Capacity of Signer:
 Trustee
 Power of Attorney
 CEO / CFO / COO
 President / Vice-President / Secretary / Treasurer
 Other: _____

Check here if no thumbprint or fingerprint is available.

Other Information: _____

To: Weber County Planning Division
Attn: Iris Hennon, Code Enforcement Officer
Date: August 22nd, 2011
Re: File No. 06092011
Loc: 673 Ogden Canyon

I, Jerry W. Burgess, am the owner of the land (Lot 14) upon which you have issued a notice of violation for the storage of "Junk", per Ordinance 2001-15, Section 21-5-3. I am sending this letter to clarify my position with the "Junk", "Garbage", and "Out House" you have identified as being in violation. You are correct that these items are on my land, however, I can't claim ownership of the items. The items of your concern were placed on my land without my permission. My neighbor claiming to be the owner of the items lives to my south (Lot 13). "Bob Long" is the occupant on Lot 13. Bob Long is the son of "Fay Long", the actual land owner currently living in North Ogden. I telephoned and spoke to Fay Long in the summer of 2010 regarding the disregard of recorded boundary lines and the errant materials I have on my land. I was unable to reach any resolution with Fay Long. I also spoke personally to Bob Long this year. Bob Long believes that he has placed what he calls "collectables" on what he believes is his land (the "Junk" you cited as being on my land). He has refused to move the items since he believes he is entitled to the use of my land for reasons stated in paragraph 5.

To personally resolve this property line / land dispute, I referred to the recorded Plat map for my Tract and Lot filed with your county and contracted the services of Reeve and Associates to survey and locate existing markers or re-establish markers at the land boundary corners as identified in the original Plat Map. Additionally, I asked Reeve and Associates to document and identify the position of a "Jacuzzi", and "Shed" that have been placed on my property as encroachments. The survey was completed and a record of the survey was filed with your county offices because corner property markers were re-established. I have a signed survey document by Robert D. Kunz, "a registered professional land surveyor in the State of Utah" dated September 1st, 2011 showing the shed and Jacuzzi to be well within my boundary lines. The shed was positioned nearly in the center of my land that is only 40' in width at the rear area. The survey document shows all existing and re-established survey points and is available up your request. Corner boundary markers are still flagged on stakes and re-established markers have red plastic caps on rebar if you visit the site.

Bob Long and I have often discussed the land boundary lines as shown by the Plat Map in hopes to peacefully resolve the dispute about the illegal use of my land. Despite the fact Bob Long was here when the lots were created and documented, he ignores the dimensions for the lots as recorded. As of the date of this statement, Bob Long does not accept the placement of corner boundary markers, even after witnessing the recovery of original markers or even the recently re-established corner markers placed by Reeve and Associates.

The photo you included in your "notice of violation" shows a shed surrounded by "Junk" as defined by your Ordinance. Bob Long claims the shed as his shed, which is surrounded by all the material you have identified as the "Junk" creating the violation. I have already moved a few of the items on my land that you identified as "Junk" to promote my efforts to clean up trash and downed branches. I was approached and requested by Bob Long to NOT move any more of his materials as the items have value and may be damaged by movement. Bob Long is very protective of his "collectables"

Regarding the shed you show in your picture. I personally inquired at your county offices about the approximate 13'x16' shed to determine whether or not it was within the scope of permitted structures as I don't want to assume liability or responsibility for perceived ownership of this structure on my land if it violates zoning restrictions, setback, size or any other building code requirements, including building permits. I was unable to establish that the structure conforms to your codes. According to Bob Long, Bob built the very large shed upon my property after tearing down an existing smaller shed. He was not given permission to either tear down any existing structures or erect this structure on my land. Bob Long believes that the land upon which he built the illegal shed is now his land and he is entitled to its use without restriction, hence the collections you now see as "Junk" in your violation notice.

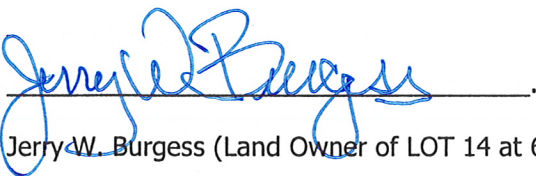
I formally request your Building Official to make an opinion as to the legality of the 13'x16' shed you show in your picture. Since this shed is on my land, I need to know if the shed is conforming to Building Codes, if the shed was constructed with a building permit on my land and if the shed complies with zoning setback restrictions / requirements. By making this request, I am making an effort to avoid the receipt of future violation notices regarding this shed (similar to the current "Junk" violation) and resolve any issues immediately regarding the shed while our focus is on clean-up at this site. If the Building Official determines there is a violation of a code or ordinance, if the shed is without a building permit, or the shed has any other violations, I would request the Building Official issue me a notice of violation, "Red Tag" or other device to document the violations. I would like to be aware of my options and responsibilities relative to any potential violations so I can resolve any issues with the shed now while everyone has their attention on this matter.

You mentioned 2 other items in your Notice of Violation, the "Out House" and "Garbage". The "Out House" is in the NE corner of my rear property, north of the shed we have discussed and photographed. The "Out House" is not my structure and is actually partially placed on the property line to my north, sharing land (LOT 15) belonging to a 3rd party. The "Garbage" would be within the "Junk" and is not part of any material I claim to have placed on my land.

There is an old historic Electric Railroad easement adjoining the rear of my property (LOT 14) of which I am 1/2 responsible for keeping clean and clear. I believe the Utah Power or Water now have rights or access along this easement. Building materials, tires, and other "Junk" items are stacked on this property easement. I have addressed the issue with Bob Long directly as his "collectables" are "spilling over" on to everyone's land surrounding his land. I request that enforcement of your Notice of Violation include the "Junk" located on the easement property behind my land so that ALL materials on the easement land that I am responsible for maintaining are included in your removal procedure.

Unfortunately, I am unable to respond to Ogden Canyon within your 14 day time period to remove the items that constitute a violation of your "Junk" Ordinance. I am a primary resident of the State of California and use the Ogden Canyon only as a vacation residence while still being employed in the State of California. I am also concerned that if I personally attempt to remove the "Junk" from my land, I surely will create a verbal if not potential greater conflict with Bob Long during the removal process. I will not personally be able to remove the "Junk" as you requested.

Finally, I have spent over \$3,300 so far in my own efforts to survey and prove the "Junk" was on my land without gaining any voluntary compliance or cooperation from Bob Long and the removal of errant items from my land. I now request your assistance in resolving this matter so my property complies with all your Ordinances related to the "Junk", "Out House", "Garbage" and "Shed". I hope this statement provides some clarity as to my involvement with the items in your Notice of Violation on my land.


Jerry W. Burgess (Land Owner of LOT 14 at 673 Ogden Canyon)



See attached
09-22-2011