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Cc: [Stouder, Heather](#); [Parks, Timothy](#); [David Gordon](#)
Subject: 3706 Nakoma Road; Legistar File ID #72637
Date: Friday, August 26, 2022 7:40:59 AM

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Dear Alder Cole:

We represent David Gordon regarding 3706 Nakoma Road. Mr. Gordon is very appreciative of all your efforts to work with all sides during the Landmarks Commission's process, and now with the proposed Certified Survey Map. We appreciate your desire to make the process transparent for everyone and to provide everyone an opportunity to be heard. However, we are concerned that many of the neighbors that come to testify will misunderstand the limitations on the upcoming approvals.

The initial step of the process was Mr. Gordon requesting approval from the Landmarks Commission to move the lot line. At that meeting, Mr. Gordon asked that the lot line be moved, and that the landmarks designation be removed from the lot. Several neighbors testified in opposition to Mr. Gordon's request. The Landmarks Commission approved moving the lot line but did not remove the landmark designation. That substantive decision is over.

Mr. Gordon is now asking for a certified survey map to draw the new lot line. A certified survey map is a cleaner way to move lot lines; however, it is not necessary in this case. As noted in the staff report, Mr. Gordon could simply do a lot line adjustment without a certified survey map and without any required City approval. Accordingly, if the Plan Commission or the City Council denies the CSM or puts conditions on it that would prohibit or limit Mr. Gordon's use of the lot, Mr. Gordon would simply withdraw the CSM and do a lot line adjustment to accomplish the same result (moving the lot line). We have confirmed this fact with Staff, and they have included it in their report.

We wanted to stress this point to avoid any misunderstanding for the neighbors who may oppose the proposed CSM. We believe that many will have the mistaken belief that the Plan Commission or the City Council will be able to revisit the substantive issue of whether a new house can be built on the vacant lot. Even if the neighbors convince the Plan Commission and ultimately the City Council to deny the CSM or place conditions not acceptable to Mr. Gordon, it will not change the outcome—the lot line will be adjusted, and a new house built on the vacant lot.

We just want that to be crystal clear so that no one is mistaken as to what can and cannot be accomplished by referring the CSM to the Plan Commission and City Council. In other words, the neighbors that are opposing this project may have a false hope. If the City were to deny the CSM, we do not want the neighbors or anyone else coming forward thinking there was some sort of deception when the lot line is ultimately moved through a lot line adjustment and a new home is built on the vacant lot.

Mr. Gordon appreciates the need for transparency and the opportunity for everyone to be heard, but we wanted to make sure that everyone understands the limits that this approval will have on the project going forward.

If you have any questions, we are happy to discuss them with you.

Sincerely,

Robert Procter

Attorney

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