

Counter Summary from owners of 1186 Lincoln (2/17/15)

This is a counter summary to the summary statement that the owners of 1188 Lincoln provided at the end of the appeal that was held on 2/17/15. Several of the points made in their summary statement from 1188 Lincoln are not documented and one in particular is not accurate.

Survey Report – With regard to the 2006 land survey that the owners of 1188 Lincoln had done (conducted by Sunde Land Surveying), we have never been provided with the results of said study produced by Sunde Land Survey. Without having had such opportunity to review said results, we are left only with self-serving findings that have never been verified by anyone.

Additionally, it appears that just this month, some severe modifications have occurred since on Feb 2, 2015 the “original [survey monuments] have disappeared” and “Sunde Surveyors have replaced the survey monuments on the East line corners”. This is further evidence of self-serving allegations that have been otherwise doctored by a 3rd party. This is not the evidence – just speculation.

Also worth mentioning, according to Sunde Surveying website they place a heavy emphasis on the use of GIS Technology. This is the same technology that the Ramsey County Surveyor website uses as well. As we provided in our documentation – the Ramsey County Surveyor website shows a pattern of property lines on our block shifting to the east since 2003.

<http://www.sunde.com/gis-technology/>

<http://www.co.ramsey.mn.us/cs>

Real Estate attorney – for many of the reasons shared above, we are left with only speculation and self-serving and bias opinions from a lawyer hired by the complainant. The complainant confirms that we possess “easement rights limited to the use of the driveway for ingress and egress purposes” yet we are restricted from parking our vehicles on said driveway. This defies all logic. The driveway in question has been present at least since 1985 based on the survey photos, and this is the firm time we or any prior land owners have received an objection to ongoing normal use of said driveway.

As discussed at the hearing the GIS photos have clearly shown migration to the East over the past 20+ years, including showing that one of our neighbors on the North side of Lincoln Avenue now owns the City sidewalk. Clearly, there is an issue with this program regarding its accuracy of all involved property lines.

Lastly, we have never been presented with nor responded to any easement/maintenance agreements until this complaint. The complainant is by all accounts a very sophisticated real estate agent who has been living for over 20+ years without any requests of the City or any other County District Courts to take action regarding this action.

Thanks again for providing us the opportunity to formally counter many of the inaccuracies and non-documented claims in the summary statement from the owners of 1188 Lincoln that was provided at the very end of the appeal today.

Regards,

Andrew & Gina McCabe
1186 Lincoln Avenue