Draper City Medical/Fire calls for July 1, 2014 through June 30, 2015 by zones

Zone 122

Medical	74
Fire	50
Unknown	10
Total	134

Zone 105

Medical	813
Fire	357
Unknown	55
Total	1225

Zone 114

Medical	527
Fire	189
Unknown	27
Total	743

Zone 124 Draper

Medical	143
Fire	55
Total	198

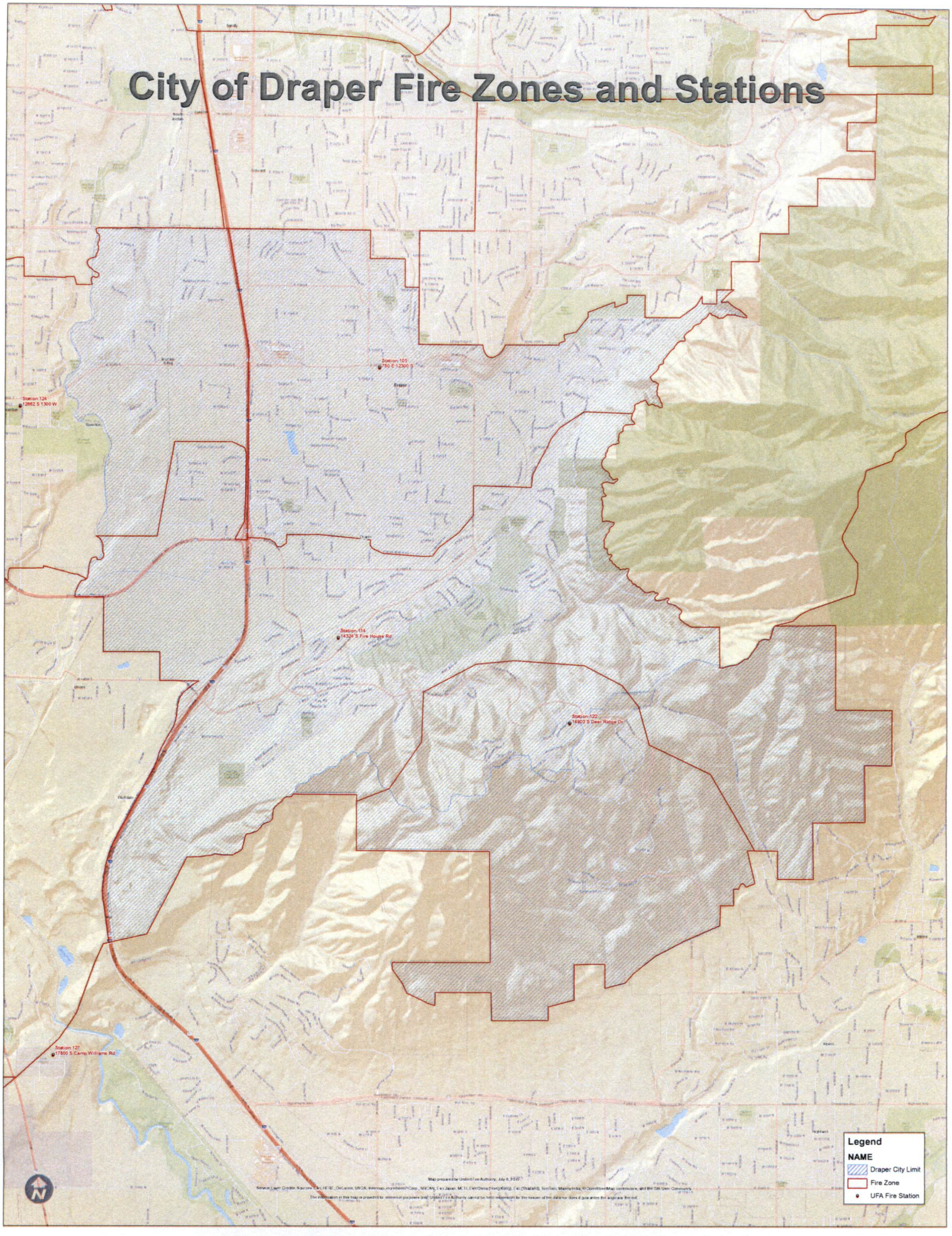
124 into 105 Zone = 300 calls

124 into 114 Zone = 74 calls

Med Determinant	Dispatched As:			
B	Abdominal Pain	2	Call Types	
C	Allergic Reaction	1	A	18
	Animal Bites	0	B	23
	Assaults/Rape	1	C	15
	Back Pain	0	D	15
B	Breathing Problem	4	E	2
D	Burn	0		
C	CO Poisoning	1		
C	Cardiac/Resp Arrest	3	ALS	32
	Chest Pain	1	BLS	41
A	Choking	2		
B	Convulsions/Seizures	5	Medical	74
	Diabetic	0	Fire	50
B	Drowning	0	Unknown	10
	Electrocution	0		
B	Eye Injury	0	Total Calls	134
	Fall	8		
B	Headache	0		
	Heart Problem	0		
	Heat/Cold Problem	1		
B	Hemorrhage	1		
	Industrial Accident	0		
D	Overdose/Poisoning	6		
B	Pregnancy Problem	1		
B	Psych	6		
	Sick	9		
E	Stabbing/Gunshot Wound	0		
B	Stroke/CVA	3		
C	Traffic Accident	7		
	Traumatic Accident	3		
	Fainting	6		
A	Unknown Problem	2		
B	Unknown Problem (man down)	0		
C				
C	Alarm Co	6		
E	Alarm Res	17		
A	Alarm Fire	2		
A	Fire Assist Pub	1		
	Fire Electrical	1		
B	Fire Invest	2		
	Fire Pers Lock	1		
C	Fire Sm Outside	1		
	Fire Smell	1		
D	Fire Vehicle	2		
C	Hazmat	1		

A	**Medical Standby**	**1**
A	**N/A**	**10**
	Natural Gas Leak	**4**
B	**Natural Gas Leak, LG**	**1**
	Smoke in Area	**2**
C		
A		
C		
C		
B		
C		
D		
D		
B		
D		
A		
B		
A		
A		
C		
C		
D		
B		
D		
B		
A		

City of Draper Fire Zones and Stations



Ron and Judy Larsen 13060 So. Fort St.

Last year in July 2014, we sold a ½ acre plus flag lot to Michael Breen of Utah Cribs. We sold it as raw ground,

the buyers being responsible for any and all improvements. This included relocating our irrigation service because it was on the drive way back to their property. Last Fall, Ron approached the buyer about the relocation, knowing full well, that it was easier to do when there was no water in the system. Nothing was done.

Again in the spring Ron spoke to WaterPro about the service before water would be in the system. He was told that it was the developers responsibility, but they would see what they could do.

On July 2nd 2015 Breens project manager came to our home, telling us it was repaired. Our son Eric came and he and Ron tried to get the sprinklers to work and they couldn't. We contacted Breens and were told they would send some one out to check, claimed later in the day it was fixed. Our son Charlie, who worked for Salt Lake City Water for 10 years, came today and dug down to the service. He turned it on and water sprayed up

4 to 5 feet. I took pictures. At the same time a Waterpro worker witnessed this.

On May 28th 2015 Ron suffered a stroke that affected his right side. It left him blind also. On June 4th 2015, he suffered another stroke that affected his left side and vision. Some tunnel vision has returned. He isn"t able physically to fix or deal with this. My arthritis and disc disease prevents me from dragging a hose around to water our remaining ½ acre, which seems to be what the project manager thinks will solve the problem. We received notice today that Vista Visions?? would have our culinary water shut off tomorrow from 10 to 2 tomorrow. We assume they are going to run a water line back to the buyers property. I called Waterpro and the secretary didn"t know. I asked her to find out and call us back, but that didn't happen.

Our front lawn has died. When I asked the project manager about restoring it, he said "it will come back. We have been paying the irrigation bill of $ 45.00 a month since the sale.

I had contacted

Alan Summerhays , who immediatetly retured my call and came to our house, found the buried service, and offered to have someone fix it for us. We declined, not wanting to let the developer out of his due diligence.

We do not want to begin a costly legal process. We just want our irrigation water service moved onto our property and functioning properly. We realize this a civil matter, but any help or suggestion from Draper City would be appreciated. Thank you for your time.

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Dennis Workman: dennis@draper.ut.us

Via Email

July 7, 2015

Re: Snow Crest Development and Don and Helen Cozzens, property owners

Attention City Council Members for Draper City:

I am asking that the City Council delay this decision until they research the law and damages that are likely to result if they approve this Application of Snow Crest, and ultimately to deny it outright to protect the dignity, sanctity, and legal rights of the property of Don and Helen Cozzens.

You have heard from Helen Cozzens and she has outlined the facts of how we get to this point. Don and Helen Cozzens own the property that the right of way runs over. They alone pay the taxes and have paid the taxes for over 40 years through today for that property. They initially took out a part of their yard to make a path way to get to their garage and as a favor for a then dear family friend now deceased, let him go over the path and build two homes behind them. This was 1974, 31 years ago.

This path has now evolved into a small road way that as Helen explained was originally a favor, to what is now an uncontemplated extreme use of the path as a right of way to what could eventually be 6 homes behind the Cozzens. Yes 6! The 4 homes being proposed where there once was one, and the likely possibility of 2 more where there once was the other. We go from the original intent of 2 homes to a likely ending point of 6, a fact or possibility that was never contemplated in the original granting of the right of way. The law does not allow this increased burden on the Cozzens property.

This is where this matter becomes a legal issue that the Council should be very leery of and move cautiously. One of the Planning Commissioners stated it was important that a person be protected and allowed to do what they want with their own real property when he voted to allow the development. He was thinking only of the developer when he said this, but his statement

applies even more so to the owner of the land upon which the right of way crosses. The Cozzens should be strongly protected by the government of Draper in their property rights so as to not

allow anyone to abuse them. The Cozzens have a right be protected and allowed to do what they intended with their own real property.

As to intent, it is obvious from a clear reading of the 1990 Quit Claim Deed that the right of way was reserved for three potential users at best. John Kerbs personal representative, the Havelones, and Mr. Anderson. We do not dispute that anyone claiming through one of these three persons

is allowed to use the right of way, but we strongly dispute that anyone of those three persons can multiply the use on the right of way going beyond the original intent in granting such.

Case law is clear on this issue. While the persons who own the right to go over this land of the Cozzens may enjoy it to the fullest extent conferred by the document, that person may not alter its character so as to burden or increase the restriction upon the owner of the land. It is disingenuous to think that expanding the use of the right of way from 3 persons to 4 families as proposed in the application, and to another 2 families if the other property owner sells out and uses this as a precedent, does not alter its character so as to burden or increase the restriction upon the owner, herein the Cozzens. I urge you to look at some Utah case law. Look at the case of McBride v. McBride, 581 P.2d 996, at 997 (Utah1978). Look also at the Utah case of Harvey v. Haights Bench Irrigation Co., 318 P.2d 343 (Utah 1957). The Harvey case discusses the damages that would require compensation to the landowner for the loss of value to the property because of intensification of use over the original intent or the intent of the Deed. There are many cases in Utah law that should cause this Council to pause. The damage to the Cozzens is the loss of their home as they have enjoyed for 40 plus years. It will be a total loss. They will not remain at the home should you allow this expansion and burden to be put upon them. You will in essence be taking away their home as they know it.

It should also be of concern to this Council that because we are dealing with private as opposed to public land, the intensity of use allowed on that private road is much more severely limited than it would be on a public right of way. Take a look at the Utah case of Orton v. Carter, 970 P.2d 1254 (Utah 1998).

This Council must determine that it is comfortable that the private use intended in this Quit Claim Deed is not being expanded beyond that contemplated 31 years ago when it was granted by allowing the use of this part of the Cozzens private property to expand from the 3 persons named in the deed to the multiple family use being sought in this application and the use that will flow once the flood gates are opened. Once you rule that one single person can increase the use to 4 families, then there is no way to stop anyone else on that allowed list from doing the same with the land they have. Just the traffic of one family with three licensed drivers equals the contemplated use. What will multiple families, their guests, and services do as to increasing the burden on the right of way? The answer is obvious. What about the developer building the first 4 family homes require as to use of the right of way? Was that clearly intended in the Quit Claim Deed? We contend it was not.

There are clear questions of who keeps the right of way clear of snow and debris, repairs it when damaged, and assures the safety of the children in the area. The Cozzens' have 33 grandchildren and great grandchildren that play in their back yard, which access this very roadway. The point

of entry and exit is 1300 East where extensive traffic flows and the safety of this private lane is now being severely threatened.

I don't have time to discuss all the cases that support this Council denying this application, but suggest that it look at all relevant cases before making a decision. Look at the North Union Canal Company v. Newell case, 550 P.2d 178 (Utah 1976) where the Court recognized the dichotomy of interests involved anytime there is private right of way or easements involved, and

the Court must look to keep these in balance. Here, balance is to allow the three persons given the right of way to use the right of way, and if they want to assign or pass on through succession their use they be allowed to do so. On the other hand, they should not be allowed to increase the burden on the right of way and multiply the use to their financial benefit and to the detriment of the owner of the property.

The Wycoff v. Barton case held a right of way on a deed is limited to the uses and extent fixed by the instrument. Utah 1982, found at 646 P.2d 756.

Lastly, the Utah Supreme Court addressed the standard of proof involved in a case where a private road was being overrun by use making it public in nature. Although not specifically the case here, the analysis was important. The court stated the standard of proof in taking someone's privately owned property requires proof of clear and convincing evidence. A very high standard. It stated "this higher standard of proof is demanded since the ownership of property should be granted a high degree of sanctity and respect". This is what the Cozzens contend this Council must do. Show a high degree of sanctity and respect to the rights of the property owner. Do not allow others who were given a gift of use to expand that use by selling it to others and multiplying the persons entitled to use the right of way. Let this right of way exist as it has for the last 31 years since it was established, that is with 3 persons having the right to use it.

If you have any questions regarding this matter, please feel free to contact me.

Thank you.

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Attorney for Don and Helen Cozzens

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