**From:** Susan
**To:** Dock, Joel
**Subject:** 5602 Chenoweth Run Road
**Date:** Wednesday, January 20, 2016 1:57:01 PM

---

Hello Joel,

Thank you for your assistance. When we started this process we had no idea of the amount of time it would take to split our land. Unfortunately, it's not only our family that has been effected but our buyer's family as well. We are praying for an approval so all of us can move forward with our plans. Both of our families are downsizing and planning for our future retirements. Below are the details about our land split. I am hoping you can use some of it in your letter to the Development Review Committee.

When MSD had to take the J-town treatment plant off-line and relocate it because of pollution to Chenoweth Run Creek we understood we would be able to split our land since sewers were being put in along the creek. Before the sewers were installed we understood only 5 acre lots or larger could have a septic tank and since our land is just over 3.5 acres it wasn't a possibility. The new sewers would allow us to sell some of our land which would provide a nest egg for our retirement when we were ready to sell. During the neighborhood meetings with MSD we ask many questions about this possibly and were provided an extra tap on our land. This would allow our property to have 2 lots with sewer connections.

We decided this past summer when the real estate market was exceptionally strong we were ready and started this process by conferring with three land surveyors all of which did not feel we would have any challenges splitting the property. In September, we hired an experienced surveyor, Richard Matheny, at Cardinal Surveying to survey our land and submit a minor plat to Planning and Design. One parcel has our home and 2 acres and the other is 1.3 acres and is a prime location for building a home. Our home is not in the 100 year flood plain or the local regulatory flood plain and there is plenty of room to build a home on the other land while keeping it out of the flood plain. Richard submitted the plan to the city on October 5, 2015.

Since we did not expect a problem we listed both properties at the end of September contingent on minor plat approval. We have had a contract pending on our home since Oct 3rd and just a couple of weeks later had a very strong offer on our land. In November we got comments back from MSD saying we would have to apply for a variance for access/driveway. We were very surprised to find out there are two points on our street that may flood and our house along with several other homes are in between the two points. In the seven years we have lived here we have not seen Chenoweth Run Road flood at these two points. In fact, we thought perhaps the local flood plains would change since we were told at the MSD sewer neighborhood meetings the creek could possibly be dry often because of the removal of the J-town treatment plant. Because of these issues we did not take the offer on our land and removed it from the market. We also pulled out of a contract on another home we were financially invested in for fear the minor plat may not be approved.

We then ask MSD to approve a note on tract 2 saying we would not build without further

approvals. We took this approach in order to close the house and 2 acres in a timely manner. MSD legal had our request for several weeks and we received notification of "note" approval on the minor plat on January 16th. Our buyers extended their contract although they lost their interest rate lock in and had to lock in at a higher rate last week. We have spent over 3,000.00 on the minor plat and lost several hundred dollars on inspections for a home we terminated contract on because it would have over extended us financially if we couldn't close on this house. We are all very anxious to move on with the sale of our home and will determine next steps for tract 2 at a later time. Thank you for your time and if you have any questions please feel free to contact me at 502-693-1104 or email me at this address.

Sincerely,

Susan Oppel

Sent from Mail for Windows 10