

# Opinion: Time for S. Tahoe to honor its written agreements

**Publisher's note:** *The following letter was read into the record at the Aug. 2, 2011, South Lake Tahoe City Council meeting.*

**Dear Mr. [Hal] Cole and Members of the City Council,**

Landscaping the Highway 50 Linear Park in front of Tahoe Meadows must be a top priority of the City this year in fulfilling an agreement between the City and Tahoe Meadows in 1999. Here is why this project should be number one, two or three on the City's Capital Improvement Project (CIP) list.

On March 16, 1999, now more than twelve years ago, the City of South Lake Tahoe entered into a legally binding agreement with Tahoe Meadows Association and other individual homeowners within Tahoe Meadows for the purchase of property along Highway 50 in order to create a "Linear Park". The Deed is filed with the El Dorado County recorders office under document 99-0016968. Part of the negotiated agreement stipulates that the City upon completion of the transaction shall landscape from the Highway 50 curb to five feet inside the fence in a manner acceptable to Tahoe Meadows.

No fewer than five different times within the last twelve years, we have sought to have this agreement enforced, to no avail. I quote a May 25, 2005 letter from our then president, Mr. Michael Fry to the City of South Lake Tahoe Planning Department, which says:

"Re: Linear Park Bike Trail Agreement for Acquisition of Real Property & Escrow Instructions – March 1997 to August 1997. The City entered into the above mentioned agreement with property owners along the Linear Park Bike Trail. Paragraph 3 b. of the agreement states, 'Upon receipt of a written request

from Seller, and mutual approval of a conceptual landscape plan, Buyer shall landscape and maintain a five (5) foot wide area along the length of the Seller's lot.'"

Our board has repeatedly asked that the City, as Buyer, do its part to fulfill the agreement. The Linear Park should be landscaped with grass between the bike path and Highway 50 similar to what has been installed across Highway 50 and along Ski Run Boulevard. From the bicycle path to the City-owned fence should be a transition zone of shrubs and trees. Irrigation must be provided so that planting will not die, including the negotiated zone of five feet inside the fence. (I was informed ... that the inside-the-fence irrigation may originate on the highway side of the fence). Irrigation is also important from a fire safety standpoint.

The Tahoe Meadows Board believes that the City has reneged on its legal promise because since 1999, the city has undertaken to landscape Ski Run Boulevard and other projects before fulfilling its prior commitment to Tahoe Meadows. As of this writing, the Linear Park has still not been landscaped and is thus a continuing eyesore. Our attempts to enforce the 1999 agreement have met with delays and excuses until recently.

We became optimistic when two years ago, Gene Palazzo engaged Landscape Architect Brett Long to develop plans for landscaping the linear park. However, in spite of repeated requests I made to Gene after these plans were drawn, he never allowed me (or anyone within Tahoe Meadows) to see the result of Mr. Long's work. Finally, after Gene left the city's employ, I contacted Nancy Kerry to determine the status of the project. On May 27, 2011, for the first time, I was able to see the plans and share them with the Tahoe Meadows Board on May 29, 2011. The board was not happy with several aspects of the plan as drawn by Mr. Long. We specifically asked for grass between the bike path and highway all along the linear park from the North Gate to the South to join with the grass in front of McDonald's Restaurant. Our members at a Membership

meeting ratified our request for grass prior to the time the park property was purchased by the City under threat of eminent domain. On Mr. Long's plans we also objected to the Plum at the entrance gate as being un-natural in this environment. We would prefer aspen or another species native to the Tahoe Meadows area at the entry. We would also like to see trash containers and cigarette disposal containers near the bus stops along with lighting incorporated into the plan for safety and fire reasons.

I am asking you to move forward in doing whatever is necessary to revise the plans as we request, obtain our approval for those revisions and take whatever action is required to implement the landscaping plan this year. Time is of the essence. We want to work with the City to avoid unnecessary continued delays. Please inform me of the Linear Park Landscaping ranking in the City CIP projects immediately following your August 2 Council meeting.

Sincerely,

**Frank Bliss, president of Tahoe Meadows home owners**