

OR CCB # 174389/WA VICTOCL924DE

Victory Construction, LLC
DBA Premier Pools and Spas of Oregon
9150 SW Pioneer Ct., Suite G
Wilsonville, OR 97070
Ph. (503) 855-4117
Email: natashas@ppas.com, vitaliys@ppas.com

Job Site Address: Larz and Robin Malony 19551 SW 56<sup>th</sup> Court Tualatin, OR 97062

Permit # POOL21-1593

Date: 06/27/20202

Dear Tualatin City Council,

First, please allow me, on behalf of Premier Pools, to offer our humble apology for what looks to be a pool project whose perimeter is inside the easement lines established by the Tualatin City Council by 20-24 inches. We acknowledge the issue that the City of Tualatin has pointed out. Our promise to you is that we will fully cooperate with you in the solution of this issue.

You have requested that we professionally and respectfully address the genuine issues that you have brought up. Per your communication and request, please allow me to address below:

### The issued permit and its requirements:

Premier Pools hired a professional to go through the permitting process and do what was necessary to acquire a permit based on the City of Tualatin's requirement. It was Premier Pools' understanding that a three foot is standard for setbacks.

#### What went wrong that resulted in non-conformance:

The gentleman contracted to go through the permitting process proceeded and advised Premier Pools that all was in order based on the proposed installation diagram. Premier Pools only became aware of any requested amendments after the first inspection was made.

The circumstances are outlined below:

The person contracted to go through the permitting process received adjustment requests from the City of Tualatin. We have come to find out that this person then did not remeasure. They simply made a notation on Premier Pools' proposed installation diagram but did not notify Premier Pools of the update. Therefore Premier Pools made the assumption that all was well proceeded with the installation of the pool for the home owner. This action was based on the original advice of the permitting individual and without being aware that this individual had received amendments from the city regarding the easement.

Premier Pools installs pools in the Oregon and Washington area regularly based on a three ft setback therefore, without any further advice or update from the permitting individual, we made an ill-advised assumption and proceeded with the installation of the pool. After the first inspection was made Premier Pools received notification that the pool was set inside the city easement line. Due to the individual, tasked with the responsibility of the permitting process not advising Premier Pools of the amendments requested by the City of Tualatin, we were not aware that there was any problem until the first inspections were made and it was at this time that Premier pools first became aware of the issue.

We are deeply sorry for this miscommunication that resulted poor judgment and in the non-conformance advice by the City of Tualatin.

#### What can be done to correct the entire non-conformity:

Premier Pools, based on our experience, believes that we can address and professionally correct the non-conformity issue by utilizing an underground boring system. This procedure would be the best solution, least invasive and the most ideal way to address the issue that the city has pointed out. This procedure would minimize any potential issues with fence line and hardscaping in the future and allow for efficient installation of utilities if required in the future.

#### What magnitude of correction you are proposing and amount of encroachment:

Referring to above, Premier Pools is confident that the corrective boring measures would address and achieve resolution of the non-conformity issues. This would allow for access for future utilities to be installed if required. Premier Pools is experienced and fully capable of performing this boring procedure if required in the future.

Re: Neighbor Communication: The homeowners at 19551 SW 56<sup>th</sup> Court, Tualatin, OR 97062 have addressed the setback/easement non-conformity issue with their affected neighbors at 19577 SW 56<sup>th</sup> Court and have taken time to make sure that their neighbors are fully aware of the concerns of the City of Tualatin. The homeowners at 19577 SW 56<sup>th</sup> Court have confirmed that it is not a problem for them and have signed a statement confirming their position. We humbly include this signed statement for your reference.

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Sincerely,		
Premier Pools and Spas of Oregon		*
Natasha Shavlovskiy		
Owner-Manager		
Signature NalaMM	Date	06/27/22
		,
Homeowner		
Name Laurence and Robin Malor	ny	
Address: 19551 SW 56th Court Tualatin, OR 97062		,
Signature IM Walswy	Date	6/2-1/22
(Dr. DML)		, ,
Signature Kabu III along	Date	6/27/22
,		



Date: 6-24-22
During the construction of a swimming pool at the residence of:
Buyer: Laurence and Robin Malony
Address: 19551 SW 56th Ct.
City: Tualatin, OR Phone: 503-691-8988
The property of: 19577 SW 56th Ct. Tualatin, OR 97062
Name: Garyand Janel Buskuhl
Address: 19577 SW 56th Ct.
city: Tualatin, OR Phone: 503-702-3007
will have to be used for access during the construction:
By signing this agreement, I am giving my permission to let Premier Pools & Spas® use my property for access to construct a swimming pool. I am also aware that my neighbor, for whom the pool is being built, will assume all responsibility for damages, if any, during the normal construction of the swimming pool.
Property Owner: ART Pust 6/24/2022
Property Owner: Janet & Buskuhl 6/24/2022
I do hereby agree to assume all responsibility for any damages incurred during normal construction of the swimming pool to both my own and my neighbor's property.
Buyer: Januar & Malony 6/24/22
Buyer: Roben F Malony 6/24/22
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77.5

BENTAL NUMBER

FOXHILL PASSA

HOSAITAI SAVAANIST

# FOXHILL NO. I

CLACKAMAS COUNTY, OREGON CITY OF TUALATIN LOCATED IN THE SOUTHWEST QUARTER, SECTION 19, T2S, RIE, W.M.

BY: BURTON ENGINEERING AND SURVEYING 302 TIGARD PLAZA TIGARD, OREGON 97223

SYNTHENES

SIDE 2 OF 2

## SURVEYORS CERTIFICATE

ID, THOMAS H, BURTON, BEING FIRST DULY SHORM, DO HEREBY DEPOSE AND SAY THAI I HAVE CORRECTLY SUPEYED AND MARKED HAP OF POPPER MOUNTHING THE LANDS REPRESHIED ON THE AWREED HAP OF FAMILL MO. 1, AND THAT SAID LAND HEREIMFEER DESCRIBED IS IN THE S.M. DUARTER OF ESCION 39, TOWNSHIP Z SOUTH, RANGE I EAST OF HE OWN HILLAMETTE MERIDIAN, CITY OF TUNLATHIN, CLACKAMAS, COUNTY, OREGON, AND THAT FOR THE HITTAL POINT I SET A I THEN X 50 HICH GENY, CHECK OF THE GROUD, SAID HITTAL POINT AND THAT FOR THE HITTAL ADMITUMY CAP SCRIBED 7, BURTON P.L.S. 590° TO THE SHEAD THE SHEAD

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REGISTERED OREGON LAND SURVEYOR NO. 590

NOTARY PUBLIC FOR STATE OF ORE.

MY COMMISSION EXPIRES 6.17.80

PS-CI-9 to II., second

ROY B. ROGERS, MAYOR
ATTEST THIS 30 DAY OF May
CITY OF TUALATIN

ASSESSOR AND TAX COLLECTOR PURSUANT TO O.R.S. 195, I HEREBY CERTIFY THAT ALL TAXES HAVE BEEN PAID TO 6-30-85

BY: Brown Bry By BY: Bry Befury Sugar COUNTY SURVEYOR DATE 1984 14-84 DATE

BY: TEPHEN A. RHODES, CITY RECORDER

20 Service

Dale Harlan

APPROVED THIS 20 DAY OF May 1984 CITY OF TUALATIN

TRACT "S IS HERE Y DED CATED OF THE CITY OF TUNIATIN FOR STREET FUNG PUROSES.

TO CONTROL OF THE CONTROL OF THE

AVENUES AND EASTMENTS SHOWN THEREON TO THE PUBLIC FOR PUBLIC USE FOREVER. THE ABOVE NAMED BOOKS HEREBY DEDICATE TO THE PUBLIC ALL STREETS, AND ALL STREETS AND AVENUES BEING OF THE WIDTHS THEREON SETFORTH PLAT THEREOF. ALL LOTS BEING THE DIMENSIONS SHOWN ON SAID PLAT AN OREGON CORPORATION, DOES HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED PLAT OF "FOXHILL NO. 1", AS PARTICULARLY DESCRIBED IN THE SURVEYORS CERTIFICATE HEREUNTO ATTACHED, A TRUE MAP AND

KNOW ALL MEN BY THESE PRESENTS: THAT CENTURY 21 HOMES, INC.,

SURVEYED, NOVEMBER, 1983

DEDICATION

Cynthia C Bengan

HIS IS TO CERTIFY: THAT ON THIS 17th DAY OF Advance. WE BEFORE HE, A NOTARY PUBLIC IN AND TOTAL SIDE STIPE AND C. PERSONALLY APPEARED DAYID L. OR HIGOURYH, PRESIDENT OF CORPORATION, HAND END IN THE ADDRESS DENITORY, HAND BEHIGF SOURH LID SAY HAT HE IS THE PRESIDENT OF THE AFORE SAND HAT HIS STORATURE OFFIXED TO SAID INSTRUMENT HAS FREE ACT AND DEED.

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E SAID CORPORATION
HAS HIS OWN

COUNTY OF CLACKAMAS) S.S. ACKNOWLEDGEMENT STATE OF OREGON

NOTARY PUBLIC FOR STATE OF OREGON

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES

VICTORIA A PALMER VICTORIA A PALMER NOTARY PUBLIC - OREGON Ny Commission Expres 19 - 9-7 - 8-6

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