

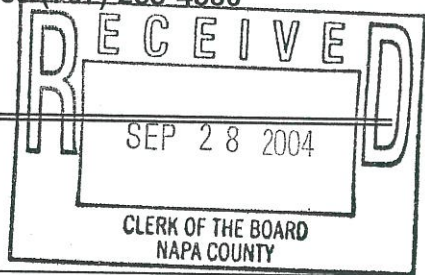
S. Lederer

NAPA COUNTY
CLERK OF THE BOARD'S OFFICE
1195 Third Street, Room 310, Napa, California, 94559 (707) 253-4580

APPEALS

(Chapter 2.88 of Napa County Code)

TO BE COMPLETED BY APPELLANT*
(Please type or print legibly)



Appellant's Name: The Highlands at Silverado Owners Association

Telephone #: (510) 864-3600 Fax #: (510) 864-3601 E-Mail: Jchapman@chapmanandintrieri.com
C/O Chapman & Intrieri, L.L.P.

Mailing Address: 2236 Mariner Square Dr., Ste. 300, Alameda, CA 94501
No. Street City State Zip

Status of Appellant's Interest in Property: Adjacent property owner
project applicant, adjacent property owner, other (describe)

Action Being Appealed: Tentative Parcel Map Request #04147-PM Approval

Permittee Name: Silverado Napa Corporation

Permittee Address: 1600 Atlas Peak Road, Napa, CA 94558

Permit Number: Date of Decision: Parcel Map #04147-PM Date of Decision: September 15, 2004

Nature of Permit or Decision: Tentative Parcel Map Approval

Reason for Appeal (Be Specific - If the basis of the appeal will be, in whole or in part, that there was a prejudicial abuse of discretion on the part of the approving authority, that there was a lack of a fair and impartial hearing, or that no facts were presented to the approving authority that support the decision, factual or legal basis for such grounds of appeal must be expressly stated or they are waived.)
(attach additional sheet if necessary): The grounds for appeal are described in detail in the addendum submitted herewith, and Exhibits 1-6 attached hereto, and include Appellant's contention that the decision to grant parcel map approval constituted a prejudicial abuse of discretion and is without sufficient factual or legal basis.

Project Site Address/Location: East of Silverado subdivisions, south of Atlas Peak Road, north of Monticello Road, Napa, CA
Street City State Zip

Assessor's Parcel No.: 0061-040-004 and 061-180-001

September 28, 2004
Date

Mark G. Intrieri
PRINT NAME

TO BE COMPLETED BY CLERK OF THE BOARD

Total Fee: \$ 893.30 Receipt Nos. 846360 Received by: Miller Date: 9-28-04

* The following information, in addition to the information required by this form also needs to be provided as attachments hereto pursuant to County Code Section 2.88.050 (F-H): Title Insurance Report, Assessor's Map Book Pages, and Appeals Fee

ADDENDUM TO APPEAL OF TENTATIVE PARCEL MAP REQUEST # 04147-PM

Appellant: The Highlands at Silverado Owners Association
Permittee Name: Silverado Napa Corporation
Permit No. Parcel Map #04147-PM
Date of Decision: September 15, 2004
Nature of Permit or Decision: Tentative Parcel Map Approval
Re: Assessor Parcel No. 0061-040-004 and 061-180-001

The Highlands at Silverado Owners Association (hereinafter the "Association") submits the instant appeal challenging the September 15, 2004 decision of the Napa County Conservation, Development and Planning Department granting tentative parcel map approval to Silverado Napa Corporation as described above. Pursuant to Napa County Local Ordinance 2.88.090, "the Board shall exercise its independent judgment in determining whether the decision appealed was correct." The Association hereby submits that the Planning Department's decision to grant tentative parcel map approval to Silverado Napa Corporation was incorrect, constitutes a prejudicial abuse of discretion and is without sufficient factual or legal basis.

I. The Planning Department's Decision Was Incorrect and an Abuse of Discretion as it Is Not Based upon a Sufficient Factual or Legal Basis.

Attached hereto as Exhibits 1, 2, 3 and 4 are letters submitted to the Department on behalf of the Association challenging Silverado Napa Corporation's Tentative Parcel Map Request on several grounds. Specifically, the letters are dated June 8, June 14, July 6, and September 13, 2004.

Silverado Napa Corporation's request is premised upon access to the subject parcels over an easement through the Association's property. The legal validity of said easement is disputed and subject to pending litigation between these parties (Napa County Superior Court Case No. 26-25756). Silverado Napa Corporation contends, and the Association disputes, that the subject easement is the only viable means of access to the subject parcels. The Association's position with regard to the invalidity of the alleged easement is described in detail in Exhibits 1, 2, 3 and 4 hereto.

In short, the Association contends that the subject easement was not properly granted by the Association to Silverado Napa Corporation in accord with the Association's governing documents and procedural protocol. Under Article II, Section 2.10(iv) of the Association's Covenants, Conditions & Restrictions ("CC&Rs"), the Association's Board of Directors has the power to grant an easement over the common area in order to accomplish a purpose that is in the "best interest" of the Association and its members and does not unreasonably interfere with the use and enjoyment of the common area. (See Exhibit 1 and Exhibit B attached thereto.) The Association contends that the purported easement was not granted pursuant to a properly noticed meeting of the Board at which