

## MEDIATE THIS !

## A NEIGHBORLY EASEMENT AND A DRIVEWAY INVASION

BY STEVEN P. DINKIN

## Dear Mediator,

A year ago, after our next-door neighbors got a dog, they fenced in their backyard and put a gate across their driveway. Because of that blocked access, the easiest way to enter their backyard is by walking down our driveway. We agreed to this to remain on friendly terms. But the constant foot traffic has become a big problem. Their friends peek into our windows as they pass close by our house, and a backyard construction project has brought us a steady invasion of workers and trucks. Any suggestions?

*Longing for Privacy  
in Minneapolis*

## Dear Longing,

A special category of mediation cases involves the proverbial good deeds that do not go unpunished.

When a neighborly easement is granted informally, the recipient will be grateful at first. But over time, the “gift” will feel like an entitlement. If the arrangement generates conflict later down the road, rescinding the favor will seem like a hostile act.

Opening up lines of communication is a critical first step in any

mediation. In cases like yours, approaching a neighbor who may lose a privilege she or he has routinely abused should be done with care and deliberation.

You are wise to place a priority on good neighbor relations. But you are not facing a binary decision: either say something that will provoke a dispute or suffer in silence.

In conflict resolution, we strive to take up unpleasant issues with a pleasant and respectful demeanor. The goal is not to confront other people but to appeal to them for help with a vexing problem.

Until you know otherwise, extend the benefit of the doubt. Annoying conduct often stems from cluelessness. Start with the assumption that if you clue your neighbor in, the driveway incursions will lessen or even stop.

Luckily, the construction project gives you an opportunity to strike up an amiable conversation, which can set the stage for a more difficult discussion if needed.

If you are contemplating the idea of a property upgrade (and what homeowner isn't?), you will naturally want to ask your neighbors for tips and recommendations.



JANDRIELOMBARD GETTY IMAGES

**This week's question deals with a problem resulting from an agreement between next-door neighbors and property access.**

As they describe the project, ask about different features, like scope, cost estimates, materials, design elements and *duration*. When might the construction be finished? This could present an opening to mention that you understand the work disruptions are temporary and you look forward to seeing how nice the remodel will be.

Once you've put the driveway issue on the table by addressing

its most irksome aspect (intrusive construction), you should give your neighbors time to mull the situation over.

If the streaming traffic problem continues, a more direct approach will be in order. You can handle it adroitly by staying grounded in the friendly manner that is now your default mode.

This more pointed exchange will center on your understandable need for privacy and consid-

eration. You've already demonstrated your own empathy for your neighbors' interests. Now you're asking for their empathy in return.

In managing any dispute, open-ended questions are more effective than close-minded conclusions. Once you have acquainted your neighbors with your genuine dilemma, ask them how you might resolve it together. Can they come up with a different entryway? Can you work out some agreement to impose limits on the incursions?

If all else fails, you may have to install a barrier of fencing or landscaping to reclaim your driveway for your own exclusive use. But this will clearly be a last resort that happens after you've made a good faith effort to be a cooperative neighbor.

Steven P. Dinkin is a professional mediator who has served as President of the San-Diego based National Conflict Resolution Center since 2003. **Do you have a conflict that needs a resolution?** Share your story with The Mediator via email at [mediatethis@ncrconline.com](mailto:mediatethis@ncrconline.com) or as an online submission by visiting [www.ncrconline.com/MediateThis](http://www.ncrconline.com/MediateThis). All submissions will be kept anonymous. If you have questions, please email me at [lora.cicalo@sduiontribune.com](mailto:lora.cicalo@sduiontribune.com)

## NOTEBOOKS

From Union-Tribune reporting staff

## OUTDOORS: ERNIE COWAN

## Bats steal show during photo hunt

You could almost see the last fumes of daylight evaporating from the hot desert sands as the sun dipped behind the San Ysidro Mountains.

In the wash of deepening gray, black-tailed jackrabbits were becoming more active, and the black-throated sparrows were no longer coming to the small pond for water.

Another summer day was changing from light to dark, and a different world was about to awaken.

Against a sky that was now the last shade of dark blue, a bat flashed by. Our mission was about to begin.

With friends Russ Hunsaker and bat expert Dick Wilkins, we had set up sophisticated photo equipment that would soon allow us to capture these fascinating creatures as they swooped out of the night to drink or capture insects on the surface of the desert pond.

I was hoping to get a few good images of these interesting creatures that are rarely seen by most people.

The idea of photographing bats struck me while preparing to photograph the Perseid meteor shower a few months ago. As we were setting up tripods and cameras at the edge of a mountain pond, I noticed bats swooping toward the water in the final wisps of dusk.

But how do you go about capturing a tiny mammal in total darkness moving erratically at high speeds?

That's where Wilkins came in. He's traveled to remote corners of the world to photograph bats, using infrared sensors that trigger camera and flash when bats pass by.

We met about two hours before dark, and it takes more than an hour to set up and align the sensors, multiple flash units and cameras. As dark approached, we were ready to go.

Shortly after dark the flash units went off. We had our first shot. Over the next few hours I captured more than three dozen images of these rarely seen animals.

Bats have a bad reputation. They are often characterized as disease carriers that will swoop out of the night to bite humans.



ERNIE COWAN  
A Townsend's big-eared bat reflecting in a pond.

ERNIE COWAN

In reality, these flying mammals are very clean, grooming constantly, like cats. San Diego bats primarily feed on insects. They are an important contributor to the control of insects, with some species consuming as many as 1,000 mosquitoes an hour. Bats are also important pollinators for many agricultural crops such as dates, figs, peaches, almonds and cashews.

For those reasons, they are also beneficial around your garden.

Most bats live in caves, rock crevices, abandoned buildings, or tree cavities, often in large colonies.

When they emerge at night, their first task is getting a drink of water, which they do on the fly, opening their mouths and dipping into the water.

To attract bats, many people put out bat houses to provide daytime roosting spots. There are online plans available for bat house construction as well as commercially available boxes for sale.

Despite being highly beneficial, bats do not make good pets.

Wilkins, who rehabilitates injured bats, pointed out they don't interact with people and are in no way warm and cuddly. They should be respected simply as beneficial wildlife and left alone.

Bats can carry rabies like any other mammal. If you do encounter a bat that is dead or appears sick or injured, you should avoid handling it.

During our photography session, we primarily captured images of two species, the Townsend's big-eared bat and our smallest species known as the canyon bat. There are 22 species in the county and more than 1,200 worldwide.

Wilkins, however, was excited by something else.

"I think I captured two more species. One I can't ID, but the second is the California leaf-nosed bat. I've never seen this bat in the wild or in my hand, so I was pretty excited to see it turn up in my photos," Wilkins said.

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## THE READERS' REPRESENTATIVE: ADRIAN VORE

## Pullout section will recognize 150th

To mark the Union-Tribune's 150th year, the paper has been running archived stories on B2 every day during 2018.

A 48-page sesquicentennial historical section was published in April.

And Wednesday, the date of the first San Diego Union in 1868, readers will receive a commemorative pullout section that highlights that first front page and the U-T's journalistic principles.

The section is frankly a work of art by U-T design director Michael Price and page designer Anita Arambula.

"The piece contains a few historic nuggets," Price said, "but it is primarily a piece that promotes the role of journalism in society and provides insight into the U-T's journalistic tenets, and in this age of social media, the guide also provides information to help readers become wise consumers of news and to improve their journalistic literacy."

The content about the principles comes from the U-T's webpage, "Our journalism, explained." It can be found on [sandiegouniontribune.com](http://sandiegouniontribune.com), then click on "Sections" in the upper left.

"Our journalism, explained" includes information on how the U-T conducts its work. It describes the different types of articles that appear on the U-T's website and in print, defines real news vs. "fake news," and outlines the paper's fairness checklist.

"Our journalism explained" is a first for the U-T. It's a direct response to fabrications and unprincipled reports widely spread on the internet and to the undermining of mainstream media institutions.

Wednesday's gatefold section will feature a quote from William Jefferson Gatewood, the founding editor and publisher of The San Diego Union, published in that first edition Oct. 10, 1868.

"The Union will be a faithful mirror, reflecting from its pages times of distress as well as of prosperity — hopes and fears, gloom and gayety and smiles and tears. A truthful chronicler of to-day and a future reliable historian of the past."

Well put.



The cover of the section readers will see Wednesday.

## Changes to stocks listing

Newspaper readers like things to be familiar. Change a feature or move one, and you'll hear about it. That's what happened last week when new stock listings appeared Tuesday in the Business section.

The previous charts listed "Most widely held" ("includes the top 125 stocks based on shares outstanding"); "San Diego stocks" ("includes San Diego County-based companies traded on the NYSE, Nasdaq Global Market or NYSE MKT exchanges"); and San Diego OTC/Small Cap.

The new charts list "Most widely held" ("Includes the top 100 stocks based on shares outstanding" but will include the top 100 stocks based on market capital); "San Diego County-based companies"; and "Stocks of local interest."

The same day the new listings started, reader Lou Cumming of La Jolla emailed.

"Today's stock listings have deleted certain stocks, like US Bank, like Philip Morris, like Mondelez, like General Motors. ... And in the S.D. County listing, PacWest Bank is amongst the missing."

Maurine Pool, the Business section editor, said readers had been asking for months for the listings to include more San Diego companies. Also, the contract with the listings' provider was ending, so the editors decided the timing was right to make changes, along with bringing in a new provider.

"In order to get more local companies included in the fixed space, some national companies dropped off the list in the first days, based on shares outstanding," Pool said. "At least one company moved to 'stocks of local interest' because it was not San Diego-based."

That stock was Pacific Western Bank, based in Los Angeles.

The daily listings run Tuesday through Saturday. The larger week-in-review listings will move from Saturday to Sunday.

"Unfortunately, the weekly dividends will no longer be available," Pool said. "But we hope the new provider will give our readers a consistent look at stocks of interest."

## FROM THE ARCHIVES | LOOKING BACK OVER 150 YEARS

## BURNING OIL TANKS LIGHT UP WATERFRONT

The San Diego Union-Tribune will mark its 150th anniversary in 2018 by presenting a significant front page from the archives each day throughout the year.

## Sunday, October 7, 1913

In 1913 a Standard Oil Company tank farm on the city's waterfront exploded. Burning oil and gasoline spread to a nearby lumberyard and flowed into the bay. Firefighters battled the blaze for three days.

Here are the first few paragraphs of the story:

## WAVE OF BLAZING OIL SWEEPS LUMBER YARDS

## QUARTER MILLION GALLON GASOLINE TANK BLOWS UP SCATTERING FIRE ABROAD

Flaming Oil Spreads Out Over Bay and Attacks the Lumber Yards of Buchanan and Whitney-Mead Companies; All Firemen Escape, Although It Was Rumored Some Were Caught in Sea of Flames

## SPECTATORS REPORTED TO BE MAROONED ON WHARF; REPORT IS NOT VERIFIED AS YET

Flee From Explosion to Standard Oil Wharf, Which Blazed Behind Them; Flames Were Balked of Prey by Rescuers in Boats; Warehouse Also Ablaze; Fire Still Raging at 3 O'Clock This Morning

WITH a roar that rocked the walls of the Savage Tire Company three hundred yards away, shook a trolley car on the rails five blocks off, and rattled the windows in

the houses within the radius of over a mile, the Standard Oil Company's 250,000-gallon distillate tanks blew up yesterday just before noon.



The explosion came after the fire had burned for thirty-five hours and had attracted tens of thousands to the foot of Twenty-sixth street to watch the conflagration.

Immediately after the explosion the burning oil and gasoline spread out over the bay in a wave of flame and attacked the lumber yards of the Buchanan Lumber Company and the Whiting-Mead Commercial Company.

The fire was beaten back from the yards of the Buchanan Company, but at an early hour this morning was still burning through the lumber piled acreage of the Whiting-Mead corporation.

## RESCUED BY LAUNCHES

A roll call of the firemen early this morn-

ing showed that all were safe. Whether any spectators who were gathered on the knoll across the Santa Fe tracks and between the fire and the bay, lost their lives could not be ascertained, although other spectators declared last night that they had sought safety on the wharf of the Standard Oil Company.

Within fifteen minutes after the explosion this wharf was burning, but it is believed that the marooned victims of the explosion were rescued by launches and sailboats that had gathered in the bay to witness the fire. The lumber schooner Fred A. Sander, which was lying in the bay within one hundred yards of the burning oil tanks, pulled up anchor after the explosion and made its way further out into the stream. The captain had been warned early in the afternoon.

The crude oil tank, which contained 1,260,000 gallons of crude oil has been a roaring furnace since Sunday noon. At 11 o'clock last night one of the big doors on the west blew out and took with it a part of the entire western side. Instantly a wave of burning oil several feet in height poured forth across the vacant block to the west and advanced with a roar upon the yards of the Whiting-Mead Company, a block away.

This roaring wave forced back precipitately the few that had gathered on the outskirts of the lumber yard. It poured in a torrent into the ditch occupied by the tracks of the Santa Fe Railroad and flowed east and west into the bay, cutting off the escape of those who were gathered on the knoll opposite to watch the conflagration.

**ONLINE:** View this and other anniversary front pages online at [sandiegouniontribune.com/150-years](http://sandiegouniontribune.com/150-years).