



Terra Ridge Property Owners Association
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16 August 2022

El Paso Planning & Community Development
2880 International Circle
Colorado Springs, CO 80910

Subject: Statement by the Terra Ridge Property Owners Association Board in Opposition of the Proposed Development of "Terra Ridge North" (formerly "JeniShay Farms")

Dear Planning and Community Development Committee,

The Terra Ridge Property Owners Association (TRPOA) is submitting this update to its letter of opposition to Mr. Philip Shay Miles' proposed development 'Terra Ridge North'. A letter was previously sent to the El Paso Planning and Community Development on 16 January 2022. Since that letter, the development proposed by Mr. Miles has changed names from 'JeniShay Farms' to 'Terra Ridge North' and the updated proposal now requests lots of 2.5 acres whereas the prior proposal included 5 acre lots. Additionally, the prior proposal requested the deannexation of Lots 5 and 6 from TRPOA and the current proposal does not include these deannexations. Although Mr. Miles has proposed changes, the TRPOA continues to oppose the proposed development for the same principal reasons as stated in the 16 January 2022 letter. These include failure of Mr. Miles to gain approval for the extension of Fox Creek Lane by the TRPOA Architectural Control Committee (ACC) and failure to preserve the Equestrian Easement for the use of all association Members should the road extension be built. Both of these are in violation of the TRPOA Covenants to which Mr. Miles agreed to by purchasing Lots 5 and 6 within the TRPOA subdivision.

For the purpose of continuity, the entirety of the 16 January 2022 letter is provided below, though the TRPOA BOD recognizes that Mr. Miles is no longer requesting deannexation of Lots 5 and 6.

[Content dated from 16 January 2022 follows]

The Board of Directors of the Terra Ridge Property Owners Association (TRPOA) has been previously approached by Mr. Philip Shay Miles concerning his desires to develop property he has an ownership interest in. This property has been described as approximately 40 acres within a portion of Section 29, Township 11 South, Range 65 of the 6th P.M, El Paso County, Colorado. The development desired, as communicated informally to the Board of Directors, includes



- The deannexation of lots 5 and 6 from the TRPOA
- The replatting of these lots into the proposed development (JeniShay Farms)
- The extension of Fox Creek Lane to provide road access to the proposed development

The Board of Directors has given these proposals due consideration and determined that neither the deannexation of lots 5 and 6, the annexation of JeniShay Farms, or the extension of Fox Creek Lane are in the best interest of the Association or its members. A letter summarizing the Board's position on the proposals (as they existed at the time) was sent to Mr. Miles as well as the members of TRPOA on 5 May 2021.

Terra Ridge Estates is a common interest community managed by the Terra Ridge Property Owners Association (TRPOA) and falls under the purview of Colorado Revised Statutes (C.R.S.) Title 38, Article 33.3 also known as the Colorado Common Interest Ownership Act (CCIOA). There are flaws in the proposal for JeniShay Farms that need to be corrected before approval by El Paso County. While the proposed property is described as 40 acres both the submitted plat map and legal description describe an area of 50 acres +/- . The reason for this disparity is the inclusion of lots 5 and 6 of Terra Ridge Estates in the proposed plat map and legal description. Additionally, we note that the plat map suggests deannexation of Terra Ridge Estates Lots 5 and 6 to be added to JeniShay Farms.

It is the opinion of the Board that this proposal to deannex lots 5 and 6 from Terra Ridge Estates does not meet the requirements set forth in C.R.S. Section 38-33.3-221.5 - Withdrawal from merged common interest community. Lots 5 and 6 are subject to the Covenants of TRPOA and said covenants do not have a provision for removal of properties from the community. The proposal for JeniShay Farms is flawed as currently proposed and should be rejected until the documentation is revised to remove the deannexation of Terra Ridges Estates Lots 5 and 6 from the proposal.

While the Board recognizes Mr. Miles may develop his property (as described above) subject to the rules and regulations of El Paso County and the City of Colorado Springs, we object to the development, as proposed, for the following reasons:

1. The proposal is flawed due to the proposal to deannex Terra Ridge Lots 5 and 6 since the proposal does not meet the requirements as set forth in C.R.S. Section 38-33.3-221.5.
2. The TRPOA Covenants do not allow for Mr. Miles to withdraw Lots 5 & 6 from Terra Ridge Estates.
3. The Boards does not support annexation of the 40 acre property into Terra Ridge Estates and subject to the Covenants of TRPOA, specifically Article XIII (4), Annexation of new property requires the consent of 2/3 of the membership of Terra Ridge. Mr. Miles has not formally approached the Board (eg in writing) to request that such a vote take place.



1. As described in the 5 May letter, the Board does not feel that proposed development creates substantial benefit to its members, and in fact is likely to increase traffic, congestion, noise, liabilities, and other complications.
4. The proposed extension for Fox Creek Lane through Terra Ridge Estates Lot 6 should not be allowed because:
 1. No road easement or right of way exists.
 2. Two platted easements exist that allow access to the 40 acre property
 3. Adding a road to Lot 6 is in conflict with TRPOA covenants and The board will not give approval for a road on this property due to this condition

Further on the subject of extending Fox Creek Lane through Terra Ridge Estates Lots 5 and 6, the Board would like to make clear the following:

1. There is no existing easement or right of way to extend Fox Creek Lane to connect with the proposed JeniShay Farms property.
2. Improvements to the Terra Ridge Estates Lots 6, and to individual owners' properties, require the approval of the Architectural Review Committee (ARC). Mr. Miles has not formally approached the ARC (eg in writing), as required by the Covenants, for consideration of the extension of Fox Creek Lane. Based on the proposed development plans and draft plat drawings, the ARC would deny a request to extend Fox Creek Lane on the following grounds:
 - a. Article IX (Restrictions) Point 20(b) states that "No Unit Owner shall engage in any activity which will temporarily or permanently deny free access to any part of the Common Elements to all Members, nor shall any Unit Owner place any structure whatsoever upon the Common Elements". The proposed extension of Fox Creek Lane would inherently deny access to the Equestrian Easement (as defined in existing Plats and Covenants; See Article X (3)) during the construction phase of the proposed road. Additionally, the proposed road extension would permanently obstruct usage of the Equestrian Easement for all Members.
 - b. The proposed changes would substantially impact the unit owners within the TRPOA, particularly the existing owners on Fox Creek Lane. These impacts include construction debris, noise, and safety related concerns during construction, and increased traffic upon the completion of the proposed extension
3. The TRPOA Board of Directors has reviewed the existing Plat maps and note that two road easements are already platted and roads can be established to the proposed development by way of existing access from Black Forest Road on the west side of the property, which is included in the approximately 40 acres parcel, or by development of the Windfield Road easement, located at the northeast corner of Mr. Miles' property.

We, the Board of Directors of TRPOA do not believe that the JeniShay Farms development should be approved as currently proposed. Further, it is the position of the TRPOA Board that



regardless of County Approval, the extension of Fox Creek Lane would require the approval of the TRPOA ARC. Regardless of the County's decision regarding the proposed extension, it is TRPOA's intention to protect its interests, as defined in our Covenants and Bylaws, via appropriate legal action including the levying of fines and/or liens against Mr. Miles' lots within Terra Ridge should the road extension proceed without approval by TRPOA.

We request that the El Paso County reject the proposal as submitted and request that corrections be made excluding Terra Ridge Estates Lots 5 and 6 as well as the proposal for an extension of Fox Creek Lane to be removed from any proposal for JeniShay Farms.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chris McLellan", with a long, sweeping horizontal stroke at the end.

Christopher McLellan
Board Member at Large, Terra Ridge Property Owners Association
On behalf of the TRPOA Board of Directors