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FWF File No. 3517.002

March 27, 2020

Via Certified Mail, Return Receipt
Requested and U.S. Mail

Craig Dossey
Executive Director
El Paso County Planning and Community Development
2880 International Circle, #110
Colorado Springs, CO 80910

Re: March 23, 2020 Determination for Cost Recovery for Forest Lakes Drive

Dear Mr. Dossey:

On behalf of Willow Springs Ranch LLC, we hereby appeal your March 23, 2020 Determination for Cost Recovery for Forest Lakes Drive as provided in Section 8.7.2(F) of the El Paso County Land Development Code (the "Code"). The grounds for this appeal are:

Pursuant to Section 8.7.2(D)(1) of the Code, a subdivider seeking fair share reimbursement for costs of an improvement shall file a cost recovery statement with the DSD "no later than one year after the date of completion of the improvement." There is no provision in the Code allowing waiving or extending this deadline.

Pursuant to Section 5.3.15(E)(1) of the El Paso County Engineering Criteria Manual (the "Manual"), a permit holder of an improvement seeking acceptance [of the improvement] "... shall notify the ECM Administrator that the public improvements are complete and ready to be accepted by the County." (Emphasis added).

Pursuant to Section 5.3.15(E)(4) of the Manual, "A county public improvement is deemed to be complete when it is preliminarily accepted and taken over for maintenance by the County." (Emphasis added).

On October 11, 2016, the County preliminarily accepted Forest Lakes Drive. See Exhibit A attached hereto. Thus, per the Code, a cost recovery statement for these improvements had to be filed with DSD no later than October 10, 2017. The cost recovery statement from Forest Lakes Residential Development, LLC for Forest Lakes Drive was submitted to DSD on March 28, 2019, well past the deadline established by the Code.

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Executive Director
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and Community Development
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Consequently, the County has no jurisdiction to consider the cost recovery statement, or award any cost recovery, for Forest Lakes Drive. Thus, the March 23, 2020 Determination for Cost Recovery for Forest Lakes Drive is void and of no effect.

Sincerely,

A handwritten signature in black ink that reads "Bruce Wright". The signature is written in a cursive, slightly slanted style.

BRUCE M. WRIGHT

BMW/gad
Enclosure
cc: Danny Brown
Bridget Myers
Douglas Stimple

Dacc

Chuck Broerman
10/11/2016 03:55:00 PM
Doc \$0.00
Rec \$0.00

El Paso County, CO



3
Pages

216117486

RESOLUTION NO. 16-360

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

RESOLUTION TO APPROVE APPLICATION FOR ~~PRELIMINARY~~
ACCEPTANCE OF CERTAIN STREETS WITHIN FOREST LAKES FILING NO.
1 SUBDIVISION INTO THE EL PASO COUNTY ROAD MAINTENANCE
SYSTEM.

WHEREAS, the Board of County Commissioners of El Paso County, Colorado,
has received an application for preliminary acceptance of certain streets located
within the unincorporated area of El Paso County, more particularly described
herein, for addition and maintenance into the El Paso County Highway System;
and

WHEREAS, the same have been inspected by El Paso County, and the
investigations reveal the County should accept and maintain such streets;

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of
El Paso County, Colorado, hereby approves the preliminary acceptance for
maintenance of streets within the unincorporated area of El Paso County as
described in Exhibit A, which is attached hereto and incorporated by reference,
effective as of this date.

DONE THIS 11th day of October, 2016, at Colorado Springs, Colorado.



ATTEST:

By:

Charles D. B.
County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: *Walter R. Lem*
Vice Chair

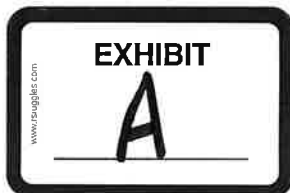


EXHIBIT "F"

EL PASO COUNTY

APPLICATION FOR PRELIMINARY ACCEPTANCE INTO THE EL PASO COUNTY MAINTENANCE SYSTEM

SUBDIVISION FOREST LAKES F1 S-T-R PLAT 12407
 APPLICANT CLASSIC COMMUNITIES DATE PLAT RECORDED 9/1/2006
 FILE REFERENCE SF-15-019 BOCC HEARING 10/11/2016

ROAD NO.	ROAD NAME	FROM	TO	LENGTH FT/Mi	ROW WIDTH	SURFACE TYPE	SURF WIDTH	F/F CG	CURB TYPE
853	LINDBERGH ROAD	MESA TOP DR NLY	118' N OF MESA TOP DR	118' / 0.02	60'	4" HBP/10" CTS	32'	36'	A
3777	LONG VALLEY DRIVE	94' S OF MESA TOP DR NLY	FOREST LAKES DR	94' / 0.02	100'	4" HBP/10" CTS	40'	44'	A
3779	FOREST LAKES DRIVE (MITCH)	BAPTIST RD NLY	FOREST LAKES DR	3358' / 0.64	120'	5.5" HBP/12" CTS	36'	40'	A
3779	FOREST LAKES DRIVE (MITCH)	FOREST LAKES DR NLY	SECTION LINE	576' / 0.11	120'	5.5" HBP/12" CTS	36'	40'	A
3780	MESA TOP DRIVE	762' W OF LINDBERGH RD EL	LINDBERGH RD	762' / 0.14	60'	4" HBP/10" CTS	32'	36'	A
3780	MESA TOP DRIVE	LINDBERGH RD SELY	FOREST LAKES DR	3036' / 0.58	60'	4" HBP/10" CTS	32'	36'	A
3782	FOREST LAKES DRIVE	2031' W OF MESA TOP DR EL	MESA TOP DR	2031' / 0.38	60'	4" HBP/10" CTS	32'	36'	A
3782	FOREST LAKES DRIVE	MESA TOP DR ELY	LAKEFRONT DR	1076' / 0.20	80'	4" HBP/10" CTS	40'	44'	A
3782	FOREST LAKES DRIVE	LAKEFRONT DR ELY	LAKEFRONT DR	1766' / 0.33	80'	4" HBP/10" CTS	40'	44'	A
3782	FOREST LAKES DRIVE	LAKEFRONT DR ELY	LONG VALLEY DR	2030' / 0.38	80'	4" HBP/10" CTS	40'	44'	A
3782	FOREST LAKES DRIVE	LONG VALLEY DR ELY	FOREST LAKES DR (MITCHELL)	367' / 0.07	100'	4" HBP/10" CTS	40'	44'	A
TOTAL LENGTH ACCEPTED				15214' / 2.87 mi					

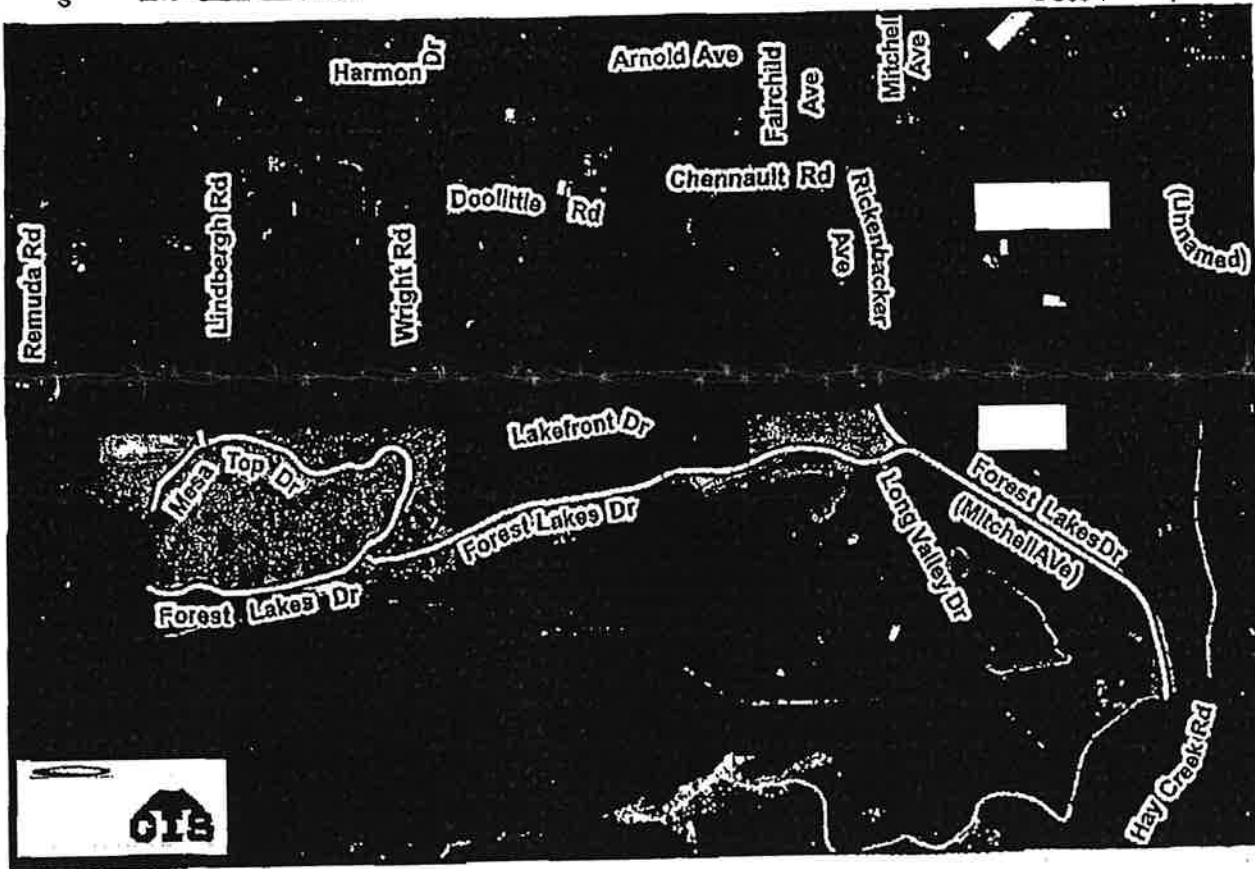
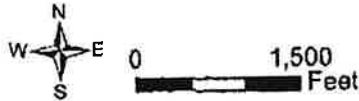
APPROVALS

JCL CONSTRUCTION SERVICES MGR
HW HIGHWAY DIVISION MGR
HW INSPECTION SUPERVISOR (DSD)

BK ROADS DATABASE TECHNICIAN
HW DEVELOPMENT SERVICES DIR

ACCEPTANCE RECOMMENDED

[Signature]
 COUNTY ENGINEER
[Signature]
 PUBLIC WORKS DIR



Forest Lakes Dr
From 2031' W of Mesa Top Dr
Ely
to Mesa Top Dr
Approx. Length: 2031' - 0.38 mi

Forest Lakes Dr
From Mesa Top Dr
Ely
to Lakefront Dr
Approx. Length: 1076' - 0.20 mi

Forest Lakes Dr
From Lakefront Dr
Ely
to Lakefront Dr
Approx. Length: 1766' - 0.33 mi

Forest Lakes Dr
From Lakefront Dr
Ely
to Long Valley Dr
Approx. Length: 2030' - 0.38 mi

Forest Lakes Dr
From Long Valley Dr
Ely
to Forest Lakes Dr
Approx. Length: 367' - 0.07 mi

Forest Lakes Dr (Mitchell Ave)
From Baptist Rd
Nly
to Forest Lakes Dr
Approx. Length: 3368' - 0.64 mi

Forest Lakes Dr (Mitchell Ave)
From Forest Lakes Dr
Nly
to Section Line
Approx. Length: 576' - 0.11 mi

Legend

- == Roads - Accepted for Maintenance
- Maintained Roads**
 - Paved and Maintained
 - Gravel and Maintained
- County Roads Not Maintained**
 - - Not Accepted for Maintenance
- Private Roads**
 - - Private Roads-Private Maintenance
- Misc Roads**
 - Other Govt Maintenance
 - Future Roads and Proposed Roads
- Forest Lakes F1
- Parcels

PLOW AREA 8