



October 25, 2017

Raimere Fitzpatrick
Project Manager
El Paso County Dev Services Department
2880 International Circle
Colorado Springs, CO 80910-6107

Dear Mr. Fitzpatrick:

Mountain View Electric Association, Inc. (MVEA) has these comments about the following:

Project Name: Waterbury Subdivision, Phase 2, Preliminary Plan

Project Number: SP-17-008

Description: 4 Way Ranch Joint Venture, LLC is requesting approval for Phase 2 of the Waterbury Subdivision. This filing will have 235 single family lots along with open space and road right of ways on approximately 80 acres. This development is located north of Stapleton Drive between Eastonville Road and Highway 35 in Section 28 & 29 & 33, Township 12 South, Range 64 West.

This area is within MVEA certificated service area. MVEA will serve this area according to our extension policy. Connection requirements may include provisions for necessary line extensions and or other system improvements, and payment of all fees under MVEA line extension policy. Information concerning these requirements can be obtained by contacting the Engineering Department of MVEA.

MVEA requests utility easements of five (5) foot side, ten (10) foot rear and a ten (10) foot front lot line easement that is adjacent to any PI while also being included in that easement along with a twenty (20) foot exterior easement on plat. If open space, drainage and landscape tracts are designed in this subdivision MVEA requests these areas be listed to include utilities. Additional easements may be required in order to serve this development.

Mountain View will require that the owner or developer of this project coordinate with it and the El Paso County concerning the location of any roads or other public improvements that it constructs, including any offsite modifications to existing roads or other public improvements, in order that arrangements can be made, in advance of entering into any construction contracts affecting such facilities, to complete any necessary relocation of Mountain View facilities prior to construction of said improvements, all in accordance with Colorado law and Mountain View's published policies and Bylaws. Mountain View will not proceed to relocate any facilities until after such coordination is complete and Mountain View has been paid those relocation costs that are properly owned it under its published policies and Bylaws and Colorado law.

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As has been indicated on this preliminary plan, MVEA has a private recorded easement that lays adjacent and to the immediate southeast of the County's existing Right of Way for Eastonville Road. MVEA currently operates a buried electric distribution line and other related facilities within this deeded Right of Way approximately 45' off the centerline of the existing Eastonville Road. MVEA intends to continue its use of this deeded utility easement to serve its existing and future members, including any necessary maintenance and/or upgrades of the existing distribution line and related facilities.

As indicated on the preliminary plan, the County seeks to expand the existing public dedication for Eastonville Road in a manner that encroaches on MVEA's preexisting deeded Right of Way. To the extent the County intends to take any actions now or in the future that are contrary to MVEA's property rights under its deeded Right of Way, the County must pay just compensation, as measured by all costs that MVEA would incur to obtain a suitable replacement, including but not limited to the cost of obtaining a new replacement easement, the cost of reconstructing the facilities that currently exist within MVEA's deeded Right of Way, and any and all related transaction, engineering, legal, and planning costs. To the extent the County presently desires to move MVEA's deeded Right of Way further away from Eastonville Road (and into what the developer has initially designated as private residential lots within the preliminary plan), MVEA would be willing to explore this option in good faith, so long as all costs associated with any resulting change in MVEA's deeded existing Right of Way would be borne by the County.

Separately, MVEA notes that Eastonville Road was classified as a Minor Arterial in the 2016 El Paso County Major Transportation Corridors Plan. However, because MVEA only operates a distribution line within its existing deeded Right of Way, Section 5.104(2) of Chapter 5 to Appendix B of the El Paso County Land Development Code (which expressly applies to the siting and/or upgrade of *transmission* lines) is inapplicable to any of the foregoing issues. Please let us know in writing if the County disputes this interpretation of the Land Development Code. If the County disputes this interpretation, MVEA reserves the right to provide additional comments—at a minimum, MVEA will not approve the preliminary plan unless and until the County agrees to: (1) extend the roadway Right of Way out to 105' off of centerline of Eastonville Road; (2) provide MVEA with a replacement deeded easement outside that expanded roadway; and (3) pay to relocate all of MVEA's existing distribution facilities.

If additional information is required, please contact our office at (719) 495-2283.

Sincerely,



Cathy Hansen-Lee
Engineering Administrative Assistant

This association is an equal opportunity provider and employer.