

**From:** Lori Seago  
**Sent:** Tuesday, October 1, 2024 4:22 PM  
**To:** Scott Weeks  
**Cc:** Hao Vo; Daniel Torres; Kari Parsons  
**Subject:** RE: Nevada/Utah - Traffic Memo comment

Thanks for the clarification. To further clarify, if it's a private road, then there is no permissible "public" use. But yes, I think it becomes a civil matter between property owners as to whether those other property owners either have an express easement or an easement by prescription (adverse possession). It's my opinion that the project doesn't need to be put on hold. The affected property owners may never file anything in court. If they do, the County's approval of this land use does not affect their rights. You could even add a Notation on the approval to that effect.

Lori

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**From:** Scott Weeks <[ScottWeeks@elpasoco.com](mailto:ScottWeeks@elpasoco.com)>  
**Sent:** Tuesday, October 1, 2024 4:06 PM  
**To:** Lori Seago <[LoriSeago@elpasoco.com](mailto:LoriSeago@elpasoco.com)>  
**Cc:** Hao Vo <[HaoVo@elpasoco.com](mailto:HaoVo@elpasoco.com)>; Daniel Torres <[DanielTorres@elpasoco.com](mailto:DanielTorres@elpasoco.com)>; Kari Parsons <[kariparsons@elpasoco.com](mailto:kariparsons@elpasoco.com)>  
**Subject:** RE: Nevada/Utah - Traffic Memo comment

Hi Lori-

I think there is acknowledgment and agreement that Nevada is a private road. The question is whether the developer is allowed to close it off from public use. Nevada Road has been used as a means of access to properties to the south of the subject property for many years. The developer claims they have a right (by deeds and motion provided) that they can close the road (gate the road) and incorporate as part of their proposed use as a storage facility. If we can't make sufficient determination regarding the ongoing public use vs closure of the private road, does it become a civil matter between property owners? Would the project review be on hold until a court finding is made since they are proposing to gate the road and restrict access as part of their application?

Thanks-  
Scott

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**From:** Lori Seago <[LoriSeago@elpasoco.com](mailto:LoriSeago@elpasoco.com)>  
**Sent:** Tuesday, October 1, 2024 3:30 PM  
**To:** Scott Weeks <[ScottWeeks@elpasoco.com](mailto:ScottWeeks@elpasoco.com)>  
**Cc:** Hao Vo <[HaoVo@elpasoco.com](mailto:HaoVo@elpasoco.com)>; Daniel Torres <[DanielTorres@elpasoco.com](mailto:DanielTorres@elpasoco.com)>  
**Subject:** RE: Nevada/Utah - Traffic Memo comment

Scott, after further review of these documents, other deeds I pulled, and discussions with the applicant's attorney, I think it's fair to say that I can't definitively confirm whether this is a public road or not. I have not found any grant of ROW to the public or any specific mention of the relevant segment of Nevada Ln. in any deed other than the one to the Sedlaks, whom the applicant is accommodating. As of 2015 (the only year I have in my files), the County Road Book listed Nevada Ln. as a private road.

This could still be a public road if there is a deed out there that we don't have dedicating the road to public use. It could also be a public road by prescription if the public has used it for a period of 20 years or more and if there has been some overt act by the County sufficient to give notice of the public's claim of right, such as by plowing or spending money on maintenance or drainage improvements.

It's my legal opinion that we don't have sufficient info to take a position that this is a public road. If the County allows the applicant to fence off the access, other property owners could still take them to court and ask the court to declare it a public road.

Please let me know if you'd like to discuss further.

Lori

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**From:** Scott Weeks <[ScottWeeks@elpasoco.com](mailto:ScottWeeks@elpasoco.com)>  
**Sent:** Thursday, September 12, 2024 3:58 PM  
**To:** Lori Seago <[LoriSeago@elpasoco.com](mailto:LoriSeago@elpasoco.com)>

**Cc:** Hao Vo <[HaoVo@elpasoco.com](mailto:HaoVo@elpasoco.com)>; Daniel Torres <[DanielTorres@elpasoco.com](mailto:DanielTorres@elpasoco.com)>  
**Subject:** RE: Nevada/Utah - Traffic Memo comment

Hi Lori-

Please see the attached deeds for your review. I have also attached a copy of the title commitment. Thanks for your review and assistance with this issue.

Scott

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**From:** Lori Seago <[LoriSeago@elpasoco.com](mailto:LoriSeago@elpasoco.com)>  
**Sent:** Thursday, September 12, 2024 3:36 PM  
**To:** Scott Weeks <[ScottWeeks@elpasoco.com](mailto:ScottWeeks@elpasoco.com)>  
**Cc:** Hao Vo <[HaoVo@elpasoco.com](mailto:HaoVo@elpasoco.com)>; Daniel Torres <[DanielTorres@elpasoco.com](mailto:DanielTorres@elpasoco.com)>  
**Subject:** RE: Nevada/Utah - Traffic Memo comment

Scott, I believe you previously provided me with a deed or two to review in addition to the quiet title decree. I did not save those. Do you still have them?

Lori

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**From:** Scott Weeks <[ScottWeeks@elpasoco.com](mailto:ScottWeeks@elpasoco.com)>  
**Sent:** Wednesday, September 11, 2024 1:47 PM  
**To:** Ann Odom <[aodom@nescolorado.com](mailto:aodom@nescolorado.com)>; Lori Seago <[LoriSeago@elpasoco.com](mailto:LoriSeago@elpasoco.com)>  
**Cc:** Hao Vo <[HaoVo@elpasoco.com](mailto:HaoVo@elpasoco.com)>; Daniel Torres <[DanielTorres@elpasoco.com](mailto:DanielTorres@elpasoco.com)>  
**Subject:** RE: Nevada/Utah - Traffic Memo comment

Hi Ann-

I think it might be best at this point to have your attorney speak with our attorney, Lori Seago, regarding the closure of Nevada Lane, currently a private road with longstanding public access. I have included her on this email and attached the document in question.

Thanks-  
Scott

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**From:** Ann Odom <[aodom@nescolorado.com](mailto:aodom@nescolorado.com)>  
**Sent:** Tuesday, September 10, 2024 3:00 PM  
**To:** Scott Weeks <[ScottWeeks@elpasoco.com](mailto:ScottWeeks@elpasoco.com)>; Hao Vo <[HaoVo@elpasoco.com](mailto:HaoVo@elpasoco.com)>; Daniel Torres <[DanielTorres@elpasoco.com](mailto:DanielTorres@elpasoco.com)>  
**Subject:** RE: Nevada/Utah - Traffic Memo comment

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Thanks for the reply, Scott.

Our attorney said that this documentation is sufficient so could you provide clarification on what additional information they would need to be sufficient?

Also, have you received a response from the CSU reviewer about removing or updating their comments? I notice they are still in the record.

---

**From:** Scott Weeks <[ScottWeeks@elpasoco.com](mailto:ScottWeeks@elpasoco.com)>

**Sent:** Tuesday, September 10, 2024 2:29 PM

**To:** Ann Odom <[aodom@nescolorado.com](mailto:aodom@nescolorado.com)>; Hao Vo <[HaoVo@elpasoco.com](mailto:HaoVo@elpasoco.com)>; Daniel Torres <[DanielTorres@elpasoco.com](mailto:DanielTorres@elpasoco.com)>

**Subject:** RE: Nevada/Utah - Traffic Memo comment

Hi Ann-

Based on the information provided and the county attorney's office review of the Decree Quieting Title recorded document (reception no. 222062672), there is insufficient evidence that allows Nevada Road to be fully closed and restricted from public access. As Gilbert advised Hao Vo, if Nevada Ln is closed, it does not need to meet the county's standard pavement requirements. However, if it remains open, it must comply with the county's pavement standards. Until it can be verified that Nevada Lane can be closed, any improvements will need to meet county standards.

Thanks-  
Scott

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**From:** Ann Odom <[aodom@nescolorado.com](mailto:aodom@nescolorado.com)>

**Sent:** Tuesday, September 10, 2024 10:03 AM

**To:** Hao Vo <[HaoVo@elpasoco.com](mailto:HaoVo@elpasoco.com)>; Scott Weeks <[ScottWeeks@elpasoco.com](mailto:ScottWeeks@elpasoco.com)>; Daniel Torres <[DanielTorres@elpasoco.com](mailto:DanielTorres@elpasoco.com)>

**Subject:** RE: Nevada/Utah - Traffic Memo comment

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Thank you, Hao! I hope you are able to enjoy your time off!

Daniel, the 'road' in question is Nevada Lane. In the title commitment uploaded with the variance of use application there is documentation showing that this segment of Nevada Lane that runs through the property is all within the ownership configuration at the site. There is only one nearby landowner that has rights to an easement over this segment so I am not sure that this should be classified as a road. It is really more of an internal drive aisle with a prescriptive easement over it. Can you help clarify how this would meet the definition of a 'road'?



Best,

**Ann Odom**  
Planner

**N.E.S. Inc.**

619 North Cascade Avenue, Suite 200  
Colorado Springs, CO 80903

Office 719.884.1374

[www.nescolorado.com](http://www.nescolorado.com)

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**From:** Hao Vo <[HaoVo@elpasoco.com](mailto:HaoVo@elpasoco.com)>

**Sent:** Monday, September 9, 2024 2:41 PM

**To:** Ann Odom <[aodom@nescolorado.com](mailto:aodom@nescolorado.com)>; Scott Weeks <[ScottWeeks@elpasoco.com](mailto:ScottWeeks@elpasoco.com)>; Daniel Torres <[DanielTorres@elpasoco.com](mailto:DanielTorres@elpasoco.com)>

**Subject:** Re: Nevada/Utah - Traffic Memo comment

Hello Ann,

Gilbert confirmed that if Nevada Ln is closed, it does not need to meet the county's standard pavement requirements. However, if it remains open, it must comply with the county's pavement standards.

I've included Daniel for any further assistance. Please reach out to him while I'm out of the office from September 10 to October 4.

Thank you,

Hao

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**From:** Hao Vo <[HaoVo@elpasoco.com](mailto:HaoVo@elpasoco.com)>

**Sent:** Friday, September 6, 2024 2:33 PM

**To:** Ann Odom <[aodom@nescolorado.com](mailto:aodom@nescolorado.com)>; Scott Weeks <[ScottWeeks@elpasoco.com](mailto:ScottWeeks@elpasoco.com)>

**Subject:** Re: Nevada/Utah - Traffic Memo comment

Hi Ann,

Thank you for reaching out. Since Nevada Ln will see an increase of 200 or more trips per day, the county requires it to be upgraded to a paved roadway to protect air quality. I need to verify with Gilbert on Monday regarding whether it should follow the county's standard roadway requirements. I'll provide you with the most accurate information after that.

Thanks,



**Hao Vo, Ph.D., P.E.**

Engineer

Department of Public Works, El Paso County, CO

Cell Phone: 719-439-5593; Desk Phone: 719-520-7550

<https://publicworks.elpasoco.com/>

---

**From:** Ann Odom <[aodom@nescolorado.com](mailto:aodom@nescolorado.com)>  
**Sent:** Friday, September 6, 2024 1:36 PM  
**To:** Scott Weeks <[ScottWeeks@elpasoco.com](mailto:ScottWeeks@elpasoco.com)>  
**Cc:** Hao Vo <[HaoVo@elpasoco.com](mailto:HaoVo@elpasoco.com)>  
**Subject:** RE: Nevada/Utah - Traffic Memo comment

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Hey Scott –

We'll detail this in our resubmittal as well but the title commitment includes links to documents demonstrating ownership of the road, not just a prescriptive easement. Please refer to the document highlighted below. This demonstrates ownership of the eastern 15' of Nevada Lane obtained via the quiet title process in 2022. A prescriptive easement was granted only to the owners of 7215 Nevada Lane in 2004 and is being maintained. The western 15' of Nevada Lane is and has always been part of the ownership configuration.

**Chain of Title Documents:**

[El Paso county recorded 05/04/2022 under reception no. 222062672](#)

[El Paso county recorded 12/23/2010 under reception no. 210131368](#)

[El Paso county recorded 04/27/2000 under reception no. 200046023](#)

Best,



**Ann Odom**

Planner

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**From:** Scott Weeks <[ScottWeeks@elpasoco.com](mailto:ScottWeeks@elpasoco.com)>

**Sent:** Friday, September 6, 2024 1:27 PM

**To:** Ann Odom <[aodom@nescolorado.com](mailto:aodom@nescolorado.com)>

**Cc:** Hao Vo <[HaoVo@elpasoco.com](mailto:HaoVo@elpasoco.com)>

**Subject:** RE: Nevada/Utah - Traffic Memo comment

Hi Ann-

I think the first step is to confirm whether Nevada Lane can be closed to public access. While it is a private road, based on the documentation received the road remains a prescriptive easement and available for public access. That will guide the standards that will be required to be followed regarding paving. I have included Hao Vo, staff engineer, for additional input.

Thanks-

Scott

---

**From:** Ann Odom <[aodom@nescolorado.com](mailto:aodom@nescolorado.com)>

**Sent:** Friday, September 6, 2024 9:31 AM

**To:** Scott Weeks <[ScottWeeks@elpasoco.com](mailto:ScottWeeks@elpasoco.com)>

**Subject:** Nevada/Utah - Traffic Memo comment

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Hey Scott –

We have documentation of Nevada Ln being a private road and will be sure to include that in our resubmittal. Because it is a private road and based on our conversation a few weeks ago about the private road functioning as more of an internal drive aisle to the RV Storage area, we think that the comment pasted below from the traffic memo should be removed. While we do intend to pave the private road, it will not be to county standard because it won't be functioning as a thru street and it is not open to the public.

...identified that would impact the proposed develop

Review C1: According to ECM section 2.2.7.C.3: The road is projected to have an ADT of 200 or more. All roads with a projected ADT of 200 or more shall be paved to facilitate compliance with Colorado Air Quality Control Commission Regulation No. 1, Emission Control Regulations for Particulates, Smokes, and Sulfur Oxides for the State of Colorado.

Review C2: Unresolved. Please see the trip calculation for a miniwarehouse.

Best,



**Ann Odom**

Planner

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