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June 21, 2024

Windwalker Ventures LLC
Attn: Mr. Kirby Thompson
7075 Wyoming Lane
Colorado Springs, CO 80923

Re: Nevada Lane easement

Dear Mr. Thompson:

I am writing in response to your letter dated June 6, 2024, and your email sent June 20, 2024. While I appreciate you reaching out with your concerns after receiving the notice dated May 29, 2024 sent on behalf of Woodmen-Utah, LLC, I strongly encourage you to consult with an attorney.

Your assertions regarding the easement commonly known as Nevada Lane being a public highway are simply not correct. Colorado law is clear that mere use without intent to dedicate and without evidence by which intent to dedicate may be inferred is insufficient to create a public highway. Please see *Starr v. People*, 17 Colo. 458, 30 P. 64 (1892); *Friel v. People*, 4 Colo. App. 259, 35 P. 676 (1894); *Lieber v. People*, 33 Colo. 493, 81 P. 270 (1905); *People ex. rel. Mayer v. San Luis Valley Land & Cattle Co.*, 90 Colo. 23, 5 P.2d 873 (1931). Also, please refer to the El Paso County Engineering Criteria Manual; Chapter 4, Section 4.4, regarding mailbox location, and Section 8.6.4 regarding requirements for acceptance of a public road.

The principals of Woodmen-Utah, LLC are willing to meet with the neighbors regarding their plans for the property, but please know that my client's intent to gate the easement is settled and will not be discussed. Either George Hess or Chad Thurber will reach out to you directly about scheduling a neighborhood meeting, and please have your attorney reach out to me to discuss any concerns beforehand.

Sincerely,



Sara M. Frear

SMF:kwf

cc: Mr. George Hess
Mr. Chad Thurber
Ms. Julie Shoemaker