

Marcella Maes

From: Kirby Thompson <kirby@brittonflowers.com>
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To: PCD Hearings
Subject: Public Comments for File #VA244 Project #191107

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Dear Scott Weeks and Planning Commission Members,

We are in support of this project **except** for the applicant's intention to permanently block and gate Nevada Lane.

According to CRS 43-2-201, Nevada Lane became a public roadway by prescription many years ago because the public has **used it for well over 40 years** without objection and **by an overt act by El Paso County** when it completed the Woodmen Road Expressway project in 2009. At that time (once Adventure Way had been completed) the County purchased and installed permanent Road Name and Stop signs at the intersections of Adventure Way and Nevada Lane as well as other roads in this area, thus declaring the public's claim of right as a road easement by prescription. (adverse possession) As such, although they do pass across private lands, these roadways continue to be considered public rights of way and cannot lawfully be blocked or obstructed.

Therefore, we propose that this project be approved with the contingency that they must **NOT** permanently block/obstruct/abandon or gate off Nevada Lane. This road is regularly used and highly needed for ingress/egress by multiple land owners in this area and blockage of it would not only be unlawful for the above reasons, but its blockage would also cause significant safety and traffic concerns.

We are also **significantly concerned about drainage and erosion problems** that could be caused to roadways and properties to the south as a result of this project.

Thank you for your consideration!

All The Best,

Kirby J. Thompson, Member
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