

Tract A Arfsten Rd.
Larkspur, CO 80118
State Parcel Number 2773-340-01-001

January 6, 2020

Dear Board of County Commissioners:

My wife and I are the owners of Tract A referenced above (the "Property"), and I am writing this narrative to request that the Property be renamed from "Tract A" to "Lot 32" in order to allow a single-family residence to be built on the Property pursuant to the Douglas County Subdivision Resolutions. The Property appears to be residential as it is zoned "Rural Residential," is assessed as a "Residential Vacant Lot," has had residential property taxes paid on it for the last fifty years, is governed in the Homeowners' Association bylaws and covenants the same as every other residential lot, and had been granted a household well permit by the State.

We discovered a problem in the records while we were under contract to sell the Property. Our buyer, unbeknownst to us, requested a subdivision replat from Rural Residential to Large Rural Residential and was told by the Planning Committee that "Tract A is not a residential lot." The sell unfortunately fell through due to this issue.

El Dorado Acres subdivision was established in 1969 with 31 lots and Tract A. At that time, the subdivision resolution required a 6% public land dedication (or approximately 10.6 acres - the size of Tract A). The Planning Committee believes, based on some handwritten notes and those rules, that the Property was intended to be dedicated as a park, open space, or school but was never conveyed or reserved to Douglas County. Because related records from that time were destroyed in a fire, no one can tell how the Property became available for private sale. The County Commissioners could have withdrawn their interest at the developer's request or due to other school district plans. The Planning Committee suggested we seek your approval to rename the Property "Lot 32" instead of "Tract A" to resolve the uncertainty and avoid future confusion, which would also allow the Property to become usable.

While the Subdivision Resolutions define a tract as being "used exclusively to identify areas to be dedicated for parks, schools, utilities, or landscape, and not for residential ...," other legal documents and resolutions appear to be in conflict. Current subdivision regulations require a 3% set-aside or cash payment and for the property to be transferred to the County. It would seem the Property would have been conveyed if it was intended to be reserved. Douglas County Zoning Resolution 502.03 allows for a principal residence to be built on property zoned "Rural Residential" as a matter of right. There is nothing on the plat that treats the property any differently than other lots other than the name "Tract A." C.R.S. 38-25-109 requires anything that encumbers or affects the title to real property be recorded. There is nothing recorded that indicates any encumbrance. Finally, numerous properties in or near El Dorado Acres are recorded as "tracts" in the County's legal descriptions. Even our parent's home at 15943 El Dorado Acres is titled "Tract 24 El Dorado Acres 4.50 AM/L." The large lots adjacent to the Property are also described as tracts in their legal descriptions.

Without such renaming, the Property will remain unusable and we will incur a financial hardship. We do not believe the County has any interest in acquiring the Property for a school (unsuitable, no demand) or park (too small, no irrigation). The Homeowners' Association and adjacent neighbors believed; as did realtors, buyers, sellers, and the title company; that the Property was available only for a single-family residence. A single-family residence is the best, most productive use; conforms to the HOA documents; fits in with surrounding properties; and would encourage regular maintenance compatible with the nearby homes.

We appreciate the County working with us to clarify the purpose of this Property and reduce the already burdensome process by waiving the fee. Thank you for your time and consideration.

Sincerely,
Mitchell and Jennifer Dawson