
From: Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>
Sent: Wednesday, April 08, 2020 3:56 PM
To: Jane Fredman <Jane@fredmanlawco.com>; Nina Ruiz <NinaRuiz@elpasoco.com>; 'Tish Norman' <tishnorman@gmail.com>
Subject: RE: WOSC open space replat/vacation/annex

That is what I understand to be so.

Elizabeth Nijkamp, PE
Engineer Review Manager
719-520-7852

From: Jane Fredman <Jane@fredmanlawco.com>
Sent: Wednesday, April 8, 2020 2:21 PM
To: Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>; Nina Ruiz <NinaRuiz@elpasoco.com>; 'Tish Norman' <tishnorman@gmail.com>
Subject: RE: WOSC open space replat/vacation/annex

Hi Elizabeth – While I agree WOSC will not be creating any new lots, the annexation/replat process we have been contemplating will cause the inclusion of those “red squares” to become additions to the existing adjacent lots, and the existing lots will increase in size. The existing lots all have homes on them and covenants on the lots (to include when the lots are enlarged) will prohibit future building in the additional area.

To the extent a lender with a deed of trust delays the process of an individual lot owner being able to replat their “red square” into their existing lot (because lenders have to ratify the plat), the individual owner’s “red square” will be platted as a tract, with the ability to come back later and replat the tract to be part of the existing lot.

Hopefully my explanation is understandable. I just want to make sure we are all on the same page about the replat into both larger lots and individual tracts, depending on the adjacent lot owners’ individual situations.

**Thanks,
Jane**

From: Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>
Sent: Wednesday, April 08, 2020 1:11 PM
To: Nina Ruiz <NinaRuiz@elpasoco.com>; 'Tish Norman' <tishnorman@gmail.com>
Cc: Jane Fredman <Jane@fredmanlawco.com>
Subject: RE: WOSC open space replat/vacation/annex

Yes, that makes a big difference. The LDC gives me the discretion to not require a drainage report if I feel one is not needed. Because you are not creating any lots, and only tracts, I can waive the requirement for a drainage report or letter.

Please let me know if there any additional questions I can answer for you.

Elizabeth Nijkamp, PE
Engineer Review Manager
719-520-7852

From: Nina Ruiz <NinaRuiz@elpasoco.com>
Sent: Wednesday, April 8, 2020 11:20 AM
To: 'Tish Norman' <tishnorman@gmail.com>
Cc: Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>; Jane Fredman <Jane@fredmanlawco.com>
Subject: RE: WOSC open space replat/vacation/annex

Thank you! Elizabeth- does that change anything? If they are now not proposing any "new" lots with the action?

From: Tish Norman <tishnorman@gmail.com>
Sent: Wednesday, April 8, 2020 11:10 AM
To: Nina Ruiz <NinaRuiz@elpasoco.com>
Cc: Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>; Jane Fredman <Jane@fredmanlawco.com>
Subject: Re: WOSC open space replat/vacation/annex

Nina--we essentially sold 4 acres: 6-.5 acre sites not attached to ProTerra's development and now 2 acres attached to their site to ProTerra to be able to afford to purchase our property and for the process. The 4-4-19 map attached shows the 3 lots with additional land in green, plus ProTerra's Cloverleaf F2.2 map shows the additional land they are purchasing from us. Sorry, we don't have one map that shows it all together until after our surveyor finishes.

Does that make sense?
Thanks,
Tish

On Wed, Apr 8, 2020 at 11:01 AM Nina Ruiz <NinaRuiz@elpasoco.com> wrote:

Hi Tish,

IN the past (and as shown on the site plan you attached), it was discussed that you would add a few additional lots in order to help pay for going through the process. Is that no longer the case?

Nina

From: Tish Norman <tishnorman@gmail.com>
Sent: Wednesday, April 8, 2020 10:58 AM
To: Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>
Cc: Nina Ruiz <NinaRuiz@elpasoco.com>; Jane Fredman <Jane@fredmanlawco.com>

Elizabeth--the discussion we had last year (ProTerra, NES and WOSC were present at the county with you and Nina) was that due to the HOA CCRs only allowing one small "out" building on our properties, we (WOSC LLC) would be grandfathered. As you said, I may have misunderstood but wanted to clear up any further misunderstanding on my part.

Most folks are only adding @ .2 acre to their property which would equate to 114 homeowners on the boundary adding 28 acres to their combined properties for the entire 96 acres we are purchasing for the community (that's how we were able to make the money to purchase and save most of the open space). The other 68 acres would remain open with only trails and eventually donated to our HOA for a common area. Since we are just a group of homeowners

who are not familiar with these types of reports, is there any problem piggy-backing on our developer partner's (Pro-Terra) report as they are building homes on the adjacent 35 acres (which we could not afford)?

I've attached our map with includes the homes with additions to their backyards (red boxes) and the proposed path we are working with our surveyor (JR Engineering)

Thanks again for your patience and explanation as we work through this.

Tish

Tish Norman

Director, WOSC LLC

Working Together to Preserve South Woodmoor Open Space

Cell (719) 534-3495

On Wed, Apr 8, 2020 at 8:39 AM Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com> wrote:

Jane,

Sorry for the delayed response. This site, as well as the adjacent site, will be required to submit a drainage report. This drainage report is needed because of the additional lots. If you were just going to add the tracts, I could waive the requirement for a report. However due to the fact that you are adding lots, a report is needed.

My apologies if someone misinterpreted my comments.

Elizabeth Nijkamp, PE

Engineer Review Manager

719-520-7852

From: Nina Ruiz <NinaRuiz@elpasoco.com>
Sent: Monday, April 6, 2020 1:16 PM
To: 'Jane Fredman' <Jane@fredmanlawco.com>
Cc: Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>; Tish Norman <tishnorman@gmail.com>
Subject: RE: WOSC open space replat/vacation/annex

Hello,

Elizabeth can correct me if I am wrong, but the ECM only allows for a drainage letter to be submitted for a platting action if there is already an approved drainage report on file for the subject parcel. In any event, we do require that all platting applications include a drainage report/letter that analysis the drainage and if any fees are due.

Please keep in mind that we require applicants to meet the criteria in place at the time of submission and to pay those fees which are due at the time of submission. You will want to make sure to review the revised subdivision and engineering regulations prior to submission.

Please let me know if you have any additional questions.

Nina

From: Jane Fredman <Jane@fredmanlawco.com>
Sent: Friday, April 3, 2020 2:24 PM
To: Nina Ruiz <NinaRuiz@elpasoco.com>
Cc: Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>; Tish Norman <tishnorman@gmail.com>

Hi Nina –

This is my quarterly pulse-taking to make sure WOSC's proposed project is on track with what the county's requirements will be at the time of submittal, which hopefully will be later this summer. WOSC wants to make sure there will be no expensive and unanticipated surprises. WOSC is expecting to close on the purchase of the property around 6/1/20.

I believe you may also be the planner assigned to the ProTerra project next door to WOSC's project. To the extent possible, WOSC wants to utilize, as much as possible and where required, any reports and analyses prepared for the ProTerra development project, or at least use the same consultants, in an effort to save money.

According to WOSC reps who attended a county meeting where Pro Terra and Elizabeth were present to discuss drainage issues, the WOSC reps understood that Elizabeth said that because WOSC's proposal would not affect drainage, since it was all going to be open space, no drainage report would be necessary. In one of your emails below, you state the drainage report will need to state whether drainage fees are or are not required. Is the county expecting WOSC to submit a full blown drainage report for the replat, or because of the non-existent or minimal impact on drainage (due to it being open space) that a drainage letter is more appropriate? Elizabeth is cc'd on this if she can also provide some guidance to us.

Can you please let us know if any county requirements have changed that could impact WOSC's replat ?

Thanks for your help!

Jane

From: Nina Ruiz <NinaRuiz@elpasoco.com>
Sent: Thursday, December 05, 2019 12:36 PM
To: Jane Fredman <Jane@fredmanlawco.com>
Cc: Tish Norman <tishnorman@gmail.com>
Subject: RE: WOSC open space replat/vacation/annex

Hi Jane,

I have reviewed the list of questioned items. I understand your confusion and can explain. This platting action will result in the creation of either larger lots or tracts which can be created and then combined with other parcels for buildable area in the future. As you are aware, the existing subdivisions are quite old and did not need to submit the

same documentation as we require today. Many of our submittal items are required per Statute. I wanted to respond to each of the items and explain why they are needed.

Authority to represent--- if you are dealing with multiple property owners, we will need verification they are OK with you representing them.

CGS Receipt--- you are creating new lots, which statutorily requires the CGS review.

All associated water docs--- Cole strongly believes this action qualifies as a change in water supply, which triggers a new water review.

Commitment letters--- these providers are already providing services. This is a standard item to ensure they are OK with the proposal and do not need anything specific as far as easements. Sometimes they do not respond in EDARP.

Soils and geology--- per statute we must send to CGS for a review. We need to ensure there are no "no build" areas to be identified.

GEC--- in the EA our engineers identified that water quality/detention will likely be required. This so you may provide what those features will look like.

Natural features--- to ensure there are no significant environments which need to be preserved in "no build".

Traffic memo- this does not need to be an official memo at this time but can just be a statement outlining that the proposed action will not result in an increase in traffic.

Please let me know if I missed anything or if you have additional questions. Thank you!

Nina Ruiz

From: Jane Fredman <Jane@fredmanlawco.com>

Sent: Wednesday, December 4, 2019 12:48 PM

To: Nina Ruiz <NinaRuiz@elpasoco.com>

Cc: Craig Dossey <craigdossey@elpasoco.com>; Tish Norman <tishnorman@gmail.com>

Hi Nina:

On December 3, 2019, WOSC (Walters Open Space Committee) and ProTerra Properties LLC signed separate contracts to purchase portions of the 99-acre open space tract in South Woodmoor (the "Property"). As you know (or will soon know), ProTerra also plans to purchase an adjacent 33-acre parcel for development of a residential community. ProTerra's development application will be processed separately from the WOSC replat of the open space.

It is WOSC's intent to complete the replat which will consist of an approximate 70-acre open space tract and replat of 100+ existing lots surrounding the open space that will add more land to the lots of those adjacent homeowners who contributed toward the purchase of the open space. Alternatively, for those (hopefully few) lot owners who are unable to get mortgage lenders to timely sign off on the initial replat, their portions of the Property will be platted into tracts for future replat with their existing lots.

Attached you will find the current EDARP list of submittal documents. Highlighted are those documents WOSC is questioning whether they need to be submitted, since this is not a typical replat of a parcel for development. None of the Property will be served by water, wastewater, electric or gas since there will be no development on any portion of the Property. As there will be no development, is there a need for a soils and geology report and grading and erosion control plan? You indicate below that since there will not be new lots developed, no traffic fee will be assessed. But is there a need for a traffic study since the open space will be used by local owners and not turned into a public park?

WOSC is under a tight budget and wants to ensure it can raise enough funds to complete the replat application. If you would please comment on whether these items are truly required or not, it would be appreciated. If it is easier to schedule a meeting or phone call to discuss it, please let me know.

Thanks

Jane

From: Nina Ruiz <NinaRuiz@elpasoco.com>
Sent: Monday, April 15, 2019 8:42 AM
To: Jane Fredman <Jane@fredmanlawco.com>
Cc: 'Tish Norman' <tishnorman@gmail.com>
Subject: RE: WOSC open space replat/vacation/annex

Sorry, typo. It will need to outline IF drainage fees will, or will not, be due.

From: Jane Fredman [<mailto:Jane@fredmanlawco.com>]
Sent: Monday, April 15, 2019 8:37 AM
To: Nina Ruiz
Cc: 'Tish Norman'

Thanks Nina – just a point of clarification as I think there may be a word or two missing from the highlighted portion below.

-Jane

From: Nina Ruiz <NinaRuiz@elpasoco.com>
Sent: Monday, April 15, 2019 8:23 AM
To: Jane Fredman <Jane@fredmanlawco.com>
Cc: 'Tish Norman' <tishnorman@gmail.com>
Subject: RE: WOSC open space replat/vacation/annex

Good Morning,

I have setup the project based upon the project scope outlined below. The initial fee will be \$3737 for the replat. As long as no new lots are being created, there will not be any new impact fee assessed for traffic. **The drainage report will need to outline of drainage fees will, or will not, be due.** We will send the application to Parks for review as well. I would imagine that as long as no new lots are created, there will be no fee with them either.

I understand that you will submit a few different replats after the initial replat for those who had difficulties getting their mortgage holders to sign off. I understand that these will be submitted in groups so that you complete 1 replat action of, for example, 10 lots versus each person submitting their own replat. Each one of these replat groups will require a fee of \$1737.

Please let me know if you need anything else. Have a great day!

Nina Ruiz

Planner II

El Paso Planning & Community Development
2880 International Circle
Colorado Springs, CO 80910
(719) 520-6300 (Main)
(719) 520-6313 (Direct)

From: Jane Fredman [<mailto:Jane@fredmanlawco.com>]

Sent: Monday, April 15, 2019 7:55 AM

To: Nina Ruiz

Cc: Tish Norman

Nina,

As one of WOSC's representatives, I am advising you that WOSC is choosing the following option (which I think you and I discussed over the phone with Craig a few weeks ago):

- 1. Combine the existing 5 tracts into one tract for open space (approx. 96 acres total). Take portions (up to .2-.5 acres ("mini-tracts" for purposes of this email) behind 120 homes surrounding the open space and replat them with those lots. Those replats may need to be done in 3-4 additional applications, depending on the speed at which owners of mortgaged lots can get their lenders to agree to loan modifications to allow the replat. We assume that for those owners of lots who purchase their mini – tracts who cannot get their lenders to sign a plat ratification form in time to submit with the initial application will have their mini-tracts platted initially as *tracts* behind the owner's lots, pending a replat/ annexation(?) with the owner's lot at a later date.**
- 2. There will be no new lots created by WOSC as a result of its process above (WOSC will plat one 70 acre open space tract and replat 120 existing lots to add land to them). ProTerra intends to use about 4 acres of the existing 99-acre open space and plat 6 lots as part of its adjacent development, which I think has been discussed with the county already.**
- 3. For the option described above, we believe the county will require a survey showing the open space tract, the lots subject to replat with the first application, and tracts behind the homes that are pending a future**

replat. The county will also require a title commitment, and a fee of \$3737 for the initial application. Are there any other fees for the initial application? And, for future replats of mini-tracts with their adjacent homeowner lots, which we intend to replat in "bulk" with 3-4 additional applications as homeowners get their lenders' approval, will the fee just be \$1737 per "bulk" application if they occur in the next couple of years (subject to the county from increasing their fee structure in the future, but we need to figure out what each application will cost). The cost of the county process(es) is important for WOSC to understand from the start.

Does this give you enough information to send us a checklist or outline of the process? If you have any questions or need more information, please let me know.

Thanks,

Jane

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