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Dear Darin (and everyone else on this thread):

Thank you for your email clarifying the situation with the access road, sidewalks and postal boxes. In reliance thereon, I am pleased to let you know that IDGAS has decided to withdraw its objection to approval of T-Bone's application SF-20-022.

Please let me know if you have any questions.

Sincerely,

*Jim*

James R. Thompson, Esq.  
Of Counsel  
Miller & Law, P.C.  
1900 West Littleton Blvd.  
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Direct: 720.616.7070  
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**From:** Darin Weiss <[darin.weiss@tboneconstruction.com](mailto:darin.weiss@tboneconstruction.com)>  
**Sent:** Wednesday, June 16, 2021 2:44 PM  
**To:** James Thompson <[jrt@millerandlaw.com](mailto:jrt@millerandlaw.com)>; ryanhowser ([ryanhowser@elpasoco.com](mailto:ryanhowser@elpasoco.com)) <[ryanhowser@elpasoco.com](mailto:ryanhowser@elpasoco.com)>; jamesrwiss@aol.com; Jean Gilbo <[jean@homkor.com](mailto:jean@homkor.com)>; [elenakrebs@elpaso.com](mailto:elenakrebs@elpaso.com); Jennifer Duettra <[jdd@millerandlaw.com](mailto:jdd@millerandlaw.com)>  
**Cc:** Mike Thibault <[mike@tboneconstruction.com](mailto:mike@tboneconstruction.com)>; Brian Murphy <[brian@brianmurphyllaw.com](mailto:brian@brianmurphyllaw.com)>  
**Subject:** FW: T-Bone Construction, Inc. (SF-20-022)  
**Importance:** High

All,

This is to confirm that T-Bone Construction has no intention of removing or relocating the existing access drive to Lot 2 (Filing 7) that crosses over Lot 4 (Filing 7), without prior consultation with IDGAS, LLC. Also, this replat will not alter or affect the existing sidewalks or postal box locations.

Thank you.

**DARIN C WEISS ARCHITECT AIA**

**DESIGN AND DEVELOPMENT CONSULTANTS**

[darin.weiss@tboneconstruction.com](mailto:darin.weiss@tboneconstruction.com)

T-BONE CONSTRUCTION

1310 Ford St., Colorado Springs, CO 80915

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**From:** Ryan Howser <[RyanHowser@elpasoco.com](mailto:RyanHowser@elpasoco.com)>  
**Sent:** Wednesday, June 16, 2021 11:30 AM  
**To:** Darin Weiss <[darin.weiss@tboneconstruction.com](mailto:darin.weiss@tboneconstruction.com)>  
**Subject:** FW: T-Bone Construction, Inc. (SF-20-022)  
**Importance:** High

Darin,

It looks like we will have an opposing party at tomorrow's hearing. Please see below and prepare accordingly. You may want to prepare a specific response related to the concerns, and it is likely we will do an expedited hearing specifically regarding the concerns.

**From:** James Thompson <[jrt@millerandlaw.com](mailto:jrt@millerandlaw.com)>  
**Sent:** Wednesday, June 16, 2021 10:39 AM  
**To:** Ryan Howser <[RyanHowser@elpasoco.com](mailto:RyanHowser@elpasoco.com)>  
**Cc:** 'jamesrwiss@aol.com' <[jamesrwiss@aol.com](mailto:jamesrwiss@aol.com)>; Jean Gilbo <[jean@homkor.com](mailto:jean@homkor.com)>;  
[ElenaKrebs@elpaso.com](mailto:ElenaKrebs@elpaso.com); Jennifer Duettra <[jdd@millerandlaw.com](mailto:jdd@millerandlaw.com)>  
**Subject:** T-Bone Construction, Inc. (SF-20-022)  
**Importance:** High

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Hi Ryan,

This email follows the voice mail message I left for you a little while ago. My client, IDGAS, LLC, the owner of Lot 2 (Filing 7), only yesterday received the Notice of the hearing scheduled for tomorrow. I have a few questions regarding the application and the hearing, including whether I should plan to appear in person or remotely. Would you please give me a call today at your very earliest opportunity? Please call me on my cell: 303.319.5509, as I am working remotely.

Please note that **my client objects to approval** of the application as it appears to eliminate the only practical access to the rear of my client's property, which has existed since the shopping center was developed 20+ years ago. Moreover, under the recorded Easements and Declarations, the proposed subdivision can be completed without the consent of the Major Owners; namely, my client and Safeway. I understand that Safeway previously denied T-Bone's request and that T-Bone submitted the current application in an attempt to circumvent the recorded Easements and Declarations governing the development and use of the shopping center.

Accordingly, the proposed subdivision should be denied, as it fails to meet at least two of the approval criteria outlined in Section 7.2.3.A of the El Paso County Land Development Code (2019):

- Vacation of the recorded plat will not vacate road rights-of-way or access easements needed to access other property (the proposed "Tract A" does not appear to provide adequate substitute access); and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the vacation of the plat has been resolved.

Moreover, we are unable to determine whether the proposal impacts existing sidewalks and postal boxes. Having only just received Notice of this application, we have not yet had a chance to look into whether other approval criteria are met or not and my client reserves the right to raise additional objections to approval.

I look forward to speaking with you soon.

Thank you.

Sincerely,

*Jim*

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