RED FEATHER LAKES PLANNING ADVISORY COMMITTEE
FIRE HOUSE MEETING ROOM
44 Fire House Lane, Red Feather Lake

August 13, 2009

MEETING NOTES

The meeting was called to order at 1:30 p.m. by Chairperson Ted Carter.

Members in Attendance: Gene Allen, Gene Barker, Ted Carter, Terry Ferebee, Dennis Frydendall, Bill Gilbert, Eunice Michalka, Ross Reid, Lucille Schmitt, Michael Sledge, Roger Svendsen, Bud Thomas

Members Excused Absences: All other members had excused absences

Adoption of Agenda: All RFLPAC members approved the adoption of the agenda.

Approval of Minutes: The July 16, 2009, minutes were approved by all RFLPAC members.

Communications from Committee Members: None

Larimer County Representative: Jill Bennett, LARCO Planning; Kathay Rennels, County Commissioner;

Guests Present: Stephen Johnson, Denny LaRue, Leora Sparks, Gary Bever, Chuck Hanebuth, Larry Pearson, Doug Burdette, Nela Huntsinger, Terry Zambon, Bob Cupp, Clem & Leona Rivard, Glenn Scott, Mary Clark, Larry Clark, Glenn Wells, Carol Wells, Shirley Koenig, Homer Lewis, Audrey Robinson, and Bob Keister, Budget Director from the Larimer County.

Communications from County Representatives: None

Comments from the Audience:

- Objection to public road designations from public included concerns that the roads were small, dead end, and some had signed a petition, not presented to PAC, from some residents of the Letitia and Eagle Tree Circle against public designation. Some asked that each road be considered separately, rather than as a 9 road public package.
- Others suggested that making roads public might give the county too much power over roads and more in Red Feather. Concern was also expressed over
the Kinnikinnik road closure/alterations by private land owners could be addressed..

**ACTION ITEMS:** Consideration of the recommendation that the Larimer County Commissioners designate the following nine local “traveled ways,” as Larimer County “Public Roads”: Hiawatha Highway, Firehouse Lane, portions of Main Street, portions of Grand Avenue, Nokomis Road, Letitia Drive, Monoma Road, Eagle Tree Circle, Ramona Drive.

Bill G. presented the history and reasons for the decision to recommend making the above roads public:

- There were recommendations at beginning to look at all RFL traveled ways/roads
  - At the August 14, 2008 meeting a motion was made to form a subcommittee of 3 to 5 PAC members to further study and develop a plan to bring to the full PAC committee.
  - The subcommittee worked with personnel from Larimer County engineering and planning to review the plat maps.
  - After reviewing plat maps, the subcommittee asked for a preliminary decision from the County Attorney via personnel from Larimer County engineering. Based on this preliminary decision it became clear that including all traveled ways/roads was deemed unfeasible.
  - Based on this recommendation the RFLPAC committee refined the recommendation to all or portions of 9 traveled ways/roads.
  - Subcommittee had several meetings with personnel from planning, engineering, the engineering dept. surveyor and the attorney representing the Quaintance trust.

After a careful review of the original plats from the late 20's, it is apparent that the developers envisioned certain roads, including those that we have identified, to become "public". It is further apparent that certain roads were intended to remain private; none of the roads we have identified are designated as such.

The maps show large gaps of unplatted land between platted subdivisions. Several of these traveled ways/roads cross these large sections of unplatted land. By leaving these traveled ways/roads private, it is possible that some owners could lose access to their property as pointed out in some of the comments received.

The road subcommittee, with RFLPAC approval, defined the following as positive benefits:

1. Defines where roads are actually located.
2. Defines allowable traveled way public use.
3. Adds value and simplifies transactions with lenders and title companies.
4. Voluntary maintenance is still allowed. Public designation DOES NOT imply county maintenance.
5. Defines what areas can be maintained and/or improved
6. Clarifies what traffic laws and Colorado Statues apply and where they apply.
Other positive benefits the subcommittee defined are:

- By designating the identified traveled ways as public, access to webs of numerous private roads will be secured for perpetuity.

- By designating the identified traveled ways as public, easements for future public utilities are inherent within that described area therefore resolving in advance one major hurdle to at least have the potential to extend trunk utilities to major pockets of private improved properties.

- By legally surveying and recording the traveled ways as they exist today it provides individual property owners legal documentation and standing to prevent future encroachment by others onto their property.

Colorado Revised Statute 43-2-201 Section (1) reads as follows: "The following are declared to be public highways:"

Subsection (1)(c) reads as follows: "All roads over private lands that have been used adversely without interruption or objection on the part of the owners of such lands for twenty consecutive years".

The roads the RFLPAC recommends meet this standard.

Some comments questioned why PAC did not deal with the maintenance question. PAC decided that a clear picture of exactly where the roads are "on the ground" was needed prior to attempting to deal with the maintenance issue.

Declaring traveled ways/roads public will only affect the roads as they exist today. There was and is NO intent to make them wider, move them or condemn adjoining property.

With formation of a road district, Hiawatha Highway was designated as a public road. It is included in this list since it would "benefit" from a GPS centerline survey and recorded mapping.

Declaring the traveled ways/roads public will not give any additional powers to the county.

Public meeting notices were sent via post card to 946 property owners and 315 RFL P.O. boxes (Total = 1261.) There were 27 post cards returned as 'not deliverable.' There were approximately 50 to 60 citizens in attendance at the July 21st public meeting. (Approximately 5%)

To date 21 comment sheets, emails and letters have been received (Approximately 35% of those attending the public meeting.) Copies of the comments have been mailed to the RFLPAC members and are also available on the Larimer County website, www.larimer.org.
Therefore the road subcommittee recommends the following resolution and motion be considered by the full RFLPAC:

The recommendation as voted on by PAC is copied in full later in the minutes.

DISCUSSION:

PAC member comments and concerns:
- Incorporation would give the community more control over local issues
- concern about disallowing use ORV in RFL if the roads are designated public;
- concern over setback rules and triggering code violations if the roads are made public,
- Jill Bennett confirmed that designating a road public does not trigger any more setback problems than we already have
- at this time Quaintance estate willing to convey roads public over their property so that access will not be denied in the future
- comments that ATV users do not represent a majority of the community
- PAC is only an advisory committee and does not have the power some people believe. If PAC recommends the roads be designated public, the commissioners will have a public meeting before making a decision, at which time community members will have a chance to present comments directly to the decision makers
- the benefits of making the roads public should not be derailed by misunderstandings
- this beginning is needed to continue the path of potential benefits
- can we ask the county to allow ATVs on our local roads? Maybe, but only if RFL incorporates
- when roads are private all disputes are under civil law; individuals can block a de facto public road and the only way to stop them may be to sue
- public roads preserve the access to all who use the roads; the roads cannot be moved or closed by individuals if declared ‘public’
- setback problem will continue unless there is a centerline survey to serve as baseline
- if the “20 year rule” is used to make roads public, it will stop a great deal of conflict and will establish that the roads are where they are. Concern that designating such a limited amount of roads public won’t solve all problems
- these roads are the main arteries; moreover, a centerline survey of all 20 year roads would be unreachable financially
- although the original plats are not consistent in explaining private and public roads, the county attorney advised that the solid and dotted lines could be used to designate the intention for public and private roads; roads designated as private by dotted lines would take a different process to designate public; commissioners do not have jurisdiction over those roads and it would involve a court process
- many community comments were not negative, but were expressing questions and concerns; many were actually positive
• regarding Letitia and Eagle Tree, Letitia goes into Fox Acres, is used by employees and maintenance, and is designated an emergency exit; Eagle Tree was a through road until it was closed by the Forest Service gate
• regarding ATV’s and the Sheriff’s Department, the response in the Q&A indicates enforcement discretion may be used; authority to enforce all Model Traffic Code on public roads would ensue, but limited resources and the lengthy response time would limit their enforcement
• we have a limited time to get the center line survey at an affordable price – this fall before snow interferes. this is not a written contract, but a verbal commitment from the surveying company
• understand from feedback of people in community what people want is control over their own area; feel the only way to accomplish this is incorporation; PAC has not addressed that
• communication with 7 community members who had been very negative and signed a petition against the public roads made it clear they had not read the information disseminated by PAC; after receiving more information, they all said they would not have signed the Letitia petition if they had understood the issues better
• regarding the issue of access through private land, many property owners have no guaranteed access to their property; designating the roads as public will prevent the roads from being closed by a private individual and would guarantee many property owners access to their properties forever. this could be the most important issue we are addressing now

The motion was made by Michael S. and seconded by Terry F. that PAC approve the recommendation of the Road Subcommittee as written.

FURTHER COMMENTS FROM THE AUDIENCE

• don’t vote on the recommendation today just because it is a good deal financially
• Letitia and Eagle Tree Circle were platted as private and should remain private
• talking about a “survey” is scary in this area. we won’t know the impact of the survey until it is done. Can the survey be done before the road is declared public?
• the setback problems will not be cleared up by designating the roads public because determined by right of way not centerline
• what markers are used as reference points for the centerline survey
• setback determined from traveled way, road, or property line, whichever is greater distance regardless of public or private

FURTHER DISCUSSION AND CLARIFICATION BY PAC

• what are rights of property owners if road is blocked?
• survey of property boundaries is a mess in this area; the centerline survey is different. it will use GPS technology to locate the center line of the existing road, then measure the width of the existing road, regardless of original plat; it will then
be mapped, platted and recorded. base monuments will be set for further reference for the roads.

- the roads, as they exist now, will be surveyed, not private property
- set back issues
- Comment from Kathay Rennels: some issues, such as ATV use and setback problems, can be addressed with changes, clarifications or additions to the RFL Plan
- In the Q&A, the county attorney explained the right of way width: “The law says the width is the traveled way plus any area needed for maintenance and drainage. Right of way acquired by dedication from owner can be whatever (additional) width is negotiated.”

It was suggested that the definition of “traveled way,” as defined by the Colorado Revised Statutes should be included in the recommendation. This was agreed to by consensus and added to the recommendation.

NOTE: The Colorado Revised Statutes 43-2-2-1. Public Highways states “declaration of public road does not result in the acquisition of a property interest by any particular party but rather only makes available to the public a route through private land.” Dept. of Natural Res. V cyvers, 74P. 3d447 (Colo. app. 2003)

The Question was called by Gene Barker

The recommendation voted upon by PAC reads as follows:

Whereas the Red Feather Planning Advisory Committee (RFLPAC) has studied issues of community needs over a period of over 5 years;

and whereas the RFLPAC has researched and identified local road issues to be central in addressing many community issues;

and whereas the RFLPAC voted at the May 8, 2008 meeting to focus on all or portions of nine(9) roads as the primary traveled ways in the community;

and whereas the RFLPAC has worked with Larimer County staff from the Engineering and Planning Depts and the County Attorney to identify a process whereby the Board of County Commissioners (BOCC) can designate these traveled ways as public roads;

and whereas the RFLPAC solicited public comments on this proposal through a mailing to all property owners of record and to all Red Feather Lakes postal box holders, and conducted a public open house;

and whereas the RFLPAC recognizes that while some concerns remain in the community regarding the Public Road designation, these concerns can be addressed through continued outreach to the affected interests;
and whereas PAC believes that the public designation of these traveled ways is consistent with the adopted Red Feather Lakes Area Plan, and the planning process set forward in the plan; and is in the best interest of the community;

and, whereas, as stated in the Colorado Revised Statutes 43-2-201, (1) "The following are declared to be public highways:" 43-2-201 (1)(c) "All roads over private lands that have been used adversely without interruption or objection on the part of the owners of such lands for twenty consecutive years".

Therefore, the RFLPAC moves to recommend that the Larimer County Board of County Commissioners (BOCC) designate the following nine (9) local "traveled ways," as so defined in Colorado Revised Statutes, as Larimer County "Public Roads":

- Hiawatha Highway
- Firehouse Lane
- portions of Main Street
- portions of Grand Avenue
- Nokomis Road
- Letitia Drive
- Monoma Road
- Eagle Tree Circle
- Ramona Drive

The RFLPAC further requests that BOCC fund the approximately $10,000 cost (available now and through Fall 2009) to perform a legal, centerline survey of all nine(9) named "traveled ways" as they become legally designated Public Roads.

The RFLPAC members gladly offer their time and assistance to BOCC in answering detail questions of process, location, time concerns, and impact or intent and will meet with BOCC upon request.

Roll Call Vote

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gene Allen</td>
<td>yes</td>
</tr>
<tr>
<td>Gene Barker</td>
<td>yes</td>
</tr>
<tr>
<td>Susan Bradley</td>
<td>absent</td>
</tr>
<tr>
<td>Ted Carter</td>
<td>yes</td>
</tr>
<tr>
<td>Terry Ferebee</td>
<td>yes</td>
</tr>
<tr>
<td>Dennis Fryendall</td>
<td>yes</td>
</tr>
<tr>
<td>Bill Gilbert</td>
<td>yes</td>
</tr>
<tr>
<td>Eunice Michalka</td>
<td>abstain</td>
</tr>
<tr>
<td>Ross Reid</td>
<td>yes</td>
</tr>
<tr>
<td>Lucille Schmitt</td>
<td>yes</td>
</tr>
<tr>
<td>Michael Sledge</td>
<td>yes</td>
</tr>
</tbody>
</table>
Roger Svendsen  yes  
Bud Thomas  no  

The motion passed.

FURTHER DISCUSSION:

- concern was expressed about the Biomass project, in that it only deals with logs, which leaves the question of how the slash will be disposed of.
- PAC's recommendation regarding ATV use in Red Feather needs to be presented to the commissioners
- the sheriff has a great deal of discretion; even though we want black and white answers, we will not get them
- the sheriff and the community want reckless, dangerous riding stopped; responsible riding won't cause much problem; we cannot know how this issue will be approached in the future with different personnel; there is no way to answer all the questions
- the county attorney suggested policies specific to RFL regarding setback issues
- important for PAC to be a presence at the public meeting held by the commissioners

A motion was made by Gene B. and seconded by Michael S. that item #6 in the Q&A, regarding setbacks, be actively addressed by the Road Subcommittee with county personnel. The answer to item #6 states “Best approach is to establish an administrative policy/procedure to deal with existing and potential non-conforming situations, specifically tailored to Red Feather Lakes. Perhaps establishing basic criteria when granting variances e.g. not obstructing access avoid wells/structures/septics, not interfere with drainage, etc. Properties which meet the basic criteria would receive the requested variance. May need to amend Land Use Code.”

Role Call Vote

Gene Allen  yes  
Gene Barker  yes  
Susan Bradley  absent  
Ted Carter  yes  
Terry Ferebee  yes  
Dennis Frydendall  yes  
Bill Gilbert  yes  
Eunice Michalka  yes  
Ross Reid  yes  
Lucille Schmitt  yes  
Michael Sledge  yes  
Roger Svendsen  yes  
Bud Thomas  yes
The motion passed.

Appreciation was expressed to the Road Subcommittee and Jill Bennett for all the work on this issue and the time spent putting the Recommendation together.

RFLPAC meeting adjourned at 3:30 p.m.

Submitted

Michael Sledge
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

Please do not change the roads to the control of the county. Keep the roads private and in the hands of the property owners. There was no hard given assurance of future rules that the county may impose on to the property owners.

Optional: Name:
Phone or email:
☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

Not in favor - City council can patrol and ATV's are not allowed on the roads - we plan snow with ATV.

__________________________
Optional: Name:
__________________________
Phone or email:

☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

We appreciate the efforts of the RAC. What is disappointing is that the "other" roads are not addressed. We own two lots in Red Feather. The "plotted" road is on the west edge of the lots. The "traveled" road bisects the lots. This limits the value of the lots because there is now less that we can do with the land we own. We understand that the surveys are not totally accurate, but it seems that if a plotted road is not where it is at, then the road should be in just where it is plotted. There should be an easier way (more cost effective) to move a road!!

Tony Jorstad

Optional: Name: tonyjorstad@yahoo.com
Phone or email:

☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

I DO NOT WANT LETITIA DR. PUBLIC
Chuck Haselwood
319 Letitia Dr.

Elouise Trapp
Letitia Dr.

Augebright

Optional: Name:
Phone or email:

☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

We would like Red Feather left as it is today.

Optional: Name:
Phone or email:

☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

I do not think it is perfect, but I do believe this should forward.

My fear is the power this gives Red County in the future. Center line designation of "Travelled Way" has many down sides as expressed by public comment at the open house.

Optional: Name: Brian Schumm
Phone or email: bschumm1@comcast.net

☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

We think it is great that some of roads will be finally designated (with a legal survey) as public roads! Red Feather needs realize what century this is that we live in! This will ultimately help us save our lakes.

Optional: Name: Carla + Wally Keeseecher
Phone or email:
☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

Not in Favor Due to Utilities & Law Enforcement

Optional: Name:

Phone or email:

☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

It seems that accessibility to property is the real issue. If there were a way to designate/codify existing roads without going thru this that would be better. When we bought our property Linda Gordon told us that roads are what they are. They exist where they were not platted and platted but never built. So find a way to codify existing roads and help folks that have or are losing access.

Optional: Name: Mary Jo Baldwin
Phone or email: billanamarjjo@gmail.

☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

WE (RFC) community desperately need a centerline survey for dedicated roads to provide public access etc. and move forward with progressive implementation of improvements.

Optional: Name: STEVEN SCHLIEINING
Phone or email: airstorm95 @ q.com

☐ Please contact me. RFC CO
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

If the survey is done - my concern is I do not want that the roads will be widened and asphalted. That would destroy the beauty of Red Feather.

---

Optional: Name:

Phone or email:

☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

PAC - Stop the work on the roads
it is a waste of time & money
I see no advantage to doing it

Optional: Name: Del McNally
Phone or email:

☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

I realize that Red Feather was plotted incorrectly by today's standards and is difficult for realtors to find property lines.

If these proposed public right of ways roads change existing roads then more problems arise for all concerned—not just the homes that are trying to be sold.

Optional: Name: Janet McCulloch
Phone or email: jmcnolte7@comcast.net

☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

I am against the designation of public roads for only a few roads. My address plate shows Estes Park as private.

You have not shown one major reason to make it public.

I am concerned that this opens the doors for future changes to right of ways of public roads. This has happened before.

Chuck Ambruso
319 Letitia P.
970-881-2601

Optional: Name:
Phone or email:

☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

County attorney must state whether designation would give county any additional powers or if adjacent land (other than traveled way + drainage) would become any more advisable via easements, etc...

C6. Does designation make condemnation easier?

Optional: Name: Ben Myers
Phone or email: bengo@tenamcadence.com

☐ Please contact me.
I thought the meeting was informative and over-all a good meeting. I am in favor of surveying the roads to establish the center line of the major roads in Red Feather Lakes. The days of building anything, changing the location of roads, are over. The establishing of the Center Line is the first of many presently needed changes, no doubt the future will identify several others. Chris Deits
7/23/2009

Red Feather Lakes Planning Advisory Committee
Larimer County Planning Dept.
Kathay Rennels

cc: Steve Johnson, Tom Donnelly

Re: Red Feather Lakes Roads Open House

Comments for Red Feather Lakes Planning Advisory Committee

I am going to restrict most of my comments to the East Owassa Subdivision and in particular to Letitia Drive. I would, however, like to comment that I believe the establishment of the center lines of all roads is a good idea. To start with the initial set of roads is at least a step in the right direction. Making Letitia Dr. a public road is not in the best interest of anyone, particularly the property owners on and around Letitia Dr.

I have never seen decisions made on specific roads where the property owners on those roads were not solicited for comments by mail. There are a lot of property owners in Red Feather Lakes (RFL) that have second homes here and cannot make public meetings. I would strongly recommend that at least the property owners on the roads that are being discussed be solicited by mail for their comments, advising them that making the roads public does not include road maintenance.

I do not believe that Letitia Dr. should be made public for the following reasons:

Â· Letitia Dr. was platted as a private road in 1928 by the initial developer of East Owassa Subdivision and should remain so. I checked our familyâ€™s initial Abstract of Title number 51222 which included the Plat of East Owassa Subdivision and confirmed that it was initially established with all private roads, including Letitia Dr.

(FYI: The part of Letitia Dr. shown in yellow on your chart, as possibly belonging to the Quintanceâ€™s is shown on the original Plat and has been used since at least the late 1920â€™s. It therefore cannot be on the property of or owned by the Quintanceâ€™s.)

Â· The original â€œQuarter Section Brass Capâ€ at east of our cabin was initially incorrectly
placed. The quarter section Brass Cap was used to lay out part of East Owassa, including our cabin, and the quarter section Brass Cap east of our cabin was used to lay out other lots. This has caused an easement in the layout of East Owassa. The easement due to the survey points, combined with people taking shortcuts across property, which eventually became the traveled road, has caused some cabins, holding tanks and septic systems to be placed incorrectly on lots. If an easement was placed on a Letitia Dr. as a public road, it could go through holding tanks, septic systems and cabins.

I realize that it was stated that the current move would not change the road or cause easements, however, there is no guarantee that this will not happen in the future. Many times governments, including Larimer County, have decided to establish or increase easements on public roads. One of the RFLPAC board member stated at the meeting that you are thinking about a public water and septic system in the future. This of course would be prohibitive in cost, digging through solid granite, but is an example of something that would require an easement.

Â· While roads are a major issue in the community the overwhelming comments and concerns are the maintenance of the roads, which is not being addressed. I did not hear at the meeting one substantial argument for making Letitia Dr. a public road.

Â· Letitia Dr. is only 0.5 miles long, dead ending in Fox Acres. It is certainly not a major thoroughfare of Red Feather Lakes.

Â· The vast majority of the people present at the meeting that straw-voted were not in favor of making the streets public. I believe that it was 2 for and 15 against making the roads public. The other people present apparently did not feel affected by the proposal, which reinforces my comment that the major issue with roads is road maintenance.

Charles C. Hanebuth

319 Letitia Dr. PO Box 509
970-881-2601
In response to the PAC proposal to have Larimer County designate several Red Feather roads as "public," we feel that property owners along each "traveled way" under consideration should vote about whether or not they want this change. Because owners of property bordering the "roads" will be the most impacted, they should have the sole right to determine if it occurs. The vote should be on a road-by-road basis, since property owners on Ramona may have different perspectives than residents on Letitia or Hiawatha. Since the potential impact of the change could be so great, this vote should be a 2/3 majority, rather than a simple plurality.

The issue of roads has been a priority since the Red Feather planning process was initiated. However, citizen concern has always been for road MAINTENANCE, not road LOCATION. There appears to be universal agreement that designating public roads will not affect the way Red Feather roads are maintained (or not maintained, as the case may be). Therefore, how does the designation as a public road address this issue crucial to the property owners? Another concern also arises -- if road maintenance, not road location, is an important agenda item to the property owners, but is not addressed by the PAC proposals, exactly what agenda is being promoted? Certainly not the wishes and suggestions that average Red Feather residents discussed in all those public meetings. Exactly who does PAC represent and why is it not responding to residents? This is yet another reason for property owners along each affected road to vote about whether or not to make "their" road public.

The next problem is using the original plat of survey to determine the centerline for the roads. As we discovered when we purchased Red Feather property, not even the United States government, in the form of the Forest Service, acknowledges the legitimacy and accuracy of the platted roads and property lines in Red Feather. If the plats are inaccurate by federal standards, why should we use those to determine our roads and property boundaries? We all know where our property lines are (although we may not always like what we know) and can see where the center of a "traveled way" actually is. If we must use centerlines to determine property boundaries, let's GPS what IS, not what was inaccurately represented many years ago.

Another problem with the proposal involves Colorado law. The "traveled way" to the west of our cabin is actually totally on our platted property instead of half of our lot and half on our neighbors.' It's easy to see how this happened - people just drove around trees rather than cutting them down to build a road. Since this "traveled way" has existed for many years, we have no legal claim on "our" property, regardless of what our plat of survey says. However, if the "traveled way" on the east side of our lot becomes public and GPS discovers it is in the
“wrong place,” suddenly the right-of-use aspect of Colorado law is overturned. We may be forced to cede land, either by easement or directly. At the meeting, we were told there may be monetary compensation for easements, but money does not compensate for eating away already-tiny lots. Will we then have the right to force our neighbors to drive where the plat says they are supposed to? Right of use or follow the plat? You can’t have it both ways.

There are better ways to address the issue of property lines and road location than by designating all the roads mentioned as “public.” First, property owners along each affected road should vote about whether they want this change. Secondly, residents, the PAC, and the county need to acknowledge what IS and provide county help to mediate disputes and quit claim overlapping property (do we really want half of our neighbor’s outhouse anyway?) Where necessary, GPS the existing property boundaries to expedite future real estate transactions. Third, the PAC and the county could research grants for swapping out potentially polluting outhouses with composters – but the cost of digging a municipal waste system through Red Feather granite already makes a Clivis Composter look like a bargain.

This still leaves the REAL citizen concern about road MAINTENANCE unaddressed. Any suggestions?

Sincerely yours,

Rodger and Barbara Butler

247 Letitia Drive

Red Feather Lakes, CO 80545
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

I am property owner on Ramona Drive. Roads should be moved into platted lanes wherever possible as it will help with problems in the future. Pin roads down the centerline.

Optional: Name: MARK CORWIN
Phone or email: 219 3875 7520 or corwinri.ch@gmail.com

☐ Please contact me.
Red Feather Lakes Roads Open House
Comments for the Red Feather Lakes Planning Advisory Committee

You may return your comments tonight or mail or bring them to the Larimer County Planning Department, 200 W. Oak Street, PO Box 1190, Fort Collins CO 80522 by August 7, 2009. You may also email your comments to jbennett@larimer.org.

I am in agreement on the public designation of the roads. We have to start somewhere. Eventually we can get a tax base to do the roads like they have done in Hiawatha.

Bud & I are always looking for help with the pot holes.

Optional: Name: Alan Anderson
Phone or email: alanzeni02@gmail.com

☐ Please contact me.