



RE: Red Mountain Ranch

1 message

Patrick Adler <padler@projectadvancement.com>

Sat, Apr 18, 2020 at 8:35 AM

To: McCool Development Solutions <carrie@mccooldevelopment.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>, Brett Heron <BHeron@reddevelopment.com>, Chad Phillips <chad.phillips@townofeagle.org>

Carrie,

How is the Final Plat dealing with the recorded 2008 Memorandum of Agreement which recognizes certain provisions regarding the future conveyance of land for both the western and eastern roundabouts? I wasn't able to locate any reference to this recorded document on the Final Plat.

Attached is a copy of the recorded 2008 Memorandum of Agreement along with an additional Exhibit A to help give context of the areas mentioned within the Memorandum of Agreement.

I really feel that a comprehensive approach to deal with how all of these pieces interrelate is warranted.

Please share with me if Staff's recommendation for approval still stands.

I look forward to your guidance on how these items will be addressed.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: Patrick Adler

Sent: Friday, April 17, 2020 3:53 PM

To: McCool Development Solutions <carrie@mccooldevelopment.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>

Subject: RE: Red Mountain Ranch

Thanks Carrie – I definitely have concerns regarding the Final Plat – that it is setting up expectations which may become difficult to deliver on those expectations in the future – especially pertaining to the portion of land within Parcel 3 which is to be dedicated to the non-profit entity when the majority of that portion of land has been planned to be dedicated towards the right of way for Highway 6 for the western roundabout. My concerns were captured in the PDF I sent to you yesterday titled "RMR Zoning PUD Overlay PDF Marked" (attached).

Please share with me how these concerns will be shared and added to the public comments section. Will the Planning and Zoning Commission receive an updated notification today?

In addition, will these concerns change Staff's recommendation for Approval?

It really seems that these issues need to be re-reviewed in light of the emergence of these conflicts which do not seem to have been accounted for in the Final Plat or the access point identified on PUD Zoning Plan for R/PUD-3. The fact that I have to reference the PUD Zoning Plan illustrates one of the issues I am having with this case – it is hard to get context on what is being proposed because there is not a comprehensive link between the documents besides the boundary – for example the revised access points are not shown on the Final Plat – the revised access points are only shown on the PUD Zoning Plan (and it is assumed that those points are correlated with RMR's recently received CDOT access permits).

What I feel is lacking is a comprehensive view of how all of these pieces inter-relate and how they tie into the future Highway 6 roundabouts (both western and eastern).

As I shared with you on April 15th, our collective goal should be that we do not want to create tomorrow's problems today.

I look forward to your guidance on how these items will be addressed.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: McCool Development Solutions <carrie@mccooldevelopment.com>

Sent: Friday, April 17, 2020 2:53 PM

To: Patrick Adler <padler@ProjectAdvancement.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>

Subject: Re: Red Mountain Ranch

Hi Pat,

My apologies. It was my understanding that your concerns related to the annexation and PUD and not the final plat. We will be sure to add this to the record at the hearing.

Thank you,

Carrie McCool, Town Planner
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Fri, Apr 17, 2020 at 3:40 PM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I received the Red Mountain Ranch Staff Report for this coming Tuesday's hearing and I was surprised to find that it stated "No Public Comments were received".

Attached is a marked up version of the Staff Report along with the Public Notification added as the 1st two pages. In the Public Notification, it stated how Public Comments could be conveyed which included an email to Jessica Lake. In my email to you on 4/16/2020 outlining my concerns, Jessica was copied on the email, so it seems that my concerns should have been registered as a Public Comment.

I have a conference call that will begin in 20 minutes that should last for an hour. Please feel free to contact me either prior to or after my conference call to outline how my comments will be registered and brought to the Planning and Zoning Commissions attention.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: McCool Development Solutions <carrie@mccooldevelopment.com>

Sent: Thursday, April 16, 2020 8:05 AM

To: Patrick Adler <padler@ProjectAdvancement.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>

Subject: Re: Red Mountain Ranch

Thanks for the follow up, Pat. I have routed your email to engineering staff and will get back to you once I hear back. In the meantime, I'd like to virtually introduce you to Chad Phillips. He is the new Community Development Director and copied him on this email.

We'll be in touch soon.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
[4383 Tennyson Street, Unit 1-D](#)
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Thu, Apr 16, 2020 at 8:33 AM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I realize that I could have delineated a little better the items that I was seeing with the 3/5/2020 version of the Red Mountain Ranch PUD Zoning Plan when I attempted yesterday to overlay that plan with the future Highway 6 improvements for both the western and eastern roundabouts. Attached are the comments from my email embedded into the PDF exhibit to help us converge on the issues that need to be addressed.

It is important to note that both the western and eastern roundabouts have been planned in conjunction with the Town of Eagle and Red Mountain Ranch since prior to Eagle River Station's acquisition of the property in 2008. I have forwarded to you via WeTransfer.com a copy of the 2014 plans for both the western and eastern roundabouts in case you did not have prior access to these documents.

As I understand it, the plan, since prior to Eagle River Station's acquisition of the property on the north side of Highway 6 from Merv (Red Mountain Ranch), has been for Merv (Red Mountain Ranch) to dedicate the necessary right of way needed for both the western and eastern roundabouts in advance of these future improvements being constructed. You can see my concern when it appears that 3/5/2020 version of the Red Mountain Ranch PUD Zoning Plan does not seem to accommodate the future western and eastern roundabouts.

I am very interested in your thoughts on the appropriate course of action that should be taken moving forward regarding these issues.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: Patrick Adler
Sent: Wednesday, April 15, 2020 5:24 PM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Thanks Carrie,

After we spoke today I attempted to overlay the latest PUD Zoning Plan and it still seems like there are issues that need to be addressed pertaining to:

1. Planning Area 3 – C/PUD-2 (the Commercial/Educational Parcel)
 - a. Per the attached PDF page 2, you can see that this area will be covered with slope to accommodate the future western roundabout
2. Access to R/PUD -3
 - a. Per the attached PDF page 3, you can see that there are slope contours at the new access point for R/PUD-3 that need to be accounted for associated with the future eastern roundabout
3. The Discovery Trail alignment in OS-5 and C/PUD-2
 - a. Per the attached PDF page 2, you can see that the proposed alignment is located within the future roadway of the western roundabout

These concerns are in addition to the previously raised concerns associated with the location of the proposed Nature Education Center within the existing Drainage Easement.

I really think it is appropriate for these concerns to be on the record with an acknowledgement that whatever is moving forward in Red Mountain Ranch needs to appropriately integrate with the future improvements associated with the western and eastern round about so that proper expectations are set so that we aren't creating tomorrow's problems today.

What are your thoughts on how to best address these concerns?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: McCool Development Solutions <carrie@mccooldevelopment.com>
Sent: Wednesday, April 15, 2020 3:51 PM
To: Patrick Adler <padler@ProjectAdvancement.com>
Subject: Re: Red Mountain Ranch

Hi Pat,

It was nice talking with you this afternoon. Let me know if you need anything further.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Wed, Apr 15, 2020 at 3:46 PM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I wanted to follow up with our conversation from last week and see if there are any updates on your end. Can you tune me in when you get the opportunity?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: Patrick Adler
Sent: Friday, April 10, 2020 9:01 AM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Carrie, my bad, I had reviewed the Final Plat that I pulled from the Town's website on 4/5/2020 when I assembled the PDFs I shared with you. On 4/9/2020 (yesterday), I was in receipt of the latest Final Plat and had not looked at it closely and missed that the Drainage Easement is in fact now shown on the latest version. The latest version does not fully show the anticipated R/W dedication for the proposed RoundABOUTs on Highway 6 (only a portion as highlighted in orange on the attached). The proposed R/W is only a Plan View of what is to come and it is important to note that there are significant grade issues. I will send you a cleaner version of the overlay I pieced together trying to merge these items with the Concept Plan that was posted and how the grade issues radically impact the access points and the Nature Education Center shown on that plan. Getting a better understanding of the layout of Red Mountain Ranch beyond the Final Plat would be helpful to better understand if the new Concept Plan still has the same issues.

Sincerely,

Patrick Adler
Managing Member
602-989-2448



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From: Patrick Adler
Sent: Friday, April 10, 2020 8:11 AM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Thanks Carrie,

Attached is a copy of some slides I assembled where I attempted to overlay the Eagle Development Permanent Drainage Easement that exists on Red Mountain Ranch's property along with the proposed Highway 6 Right of Way Dedication and the proposed contours for the grading of the proposed RoundABOUTs. It appears that there are some issues that need to be worked out between the two property owners, what are your thoughts?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: McCool Development Solutions <carrie@mccooldevelopment.com>

Sent: Thursday, April 9, 2020 1:59 PM

To: Patrick Adler <padler@ProjectAdvancement.com>

Subject: Re: Red Mountain Ranch

Hi Patrick,

I left you a voicemail but thought I would follow up via email as well. The best number to reach me is my cell number which is 303.378.4540. The Red Mountain Ranch Team is working on revisions to their proposed PUD Guide and Zoning Plan. Once all town staff and external referral agency comments have been adequately addressed, the Annexation and Zoning applications will move forward for Town Board consideration. A new staff report will be issued prior to the Town Board public hearing. The Red Mountain Ranch 5th filing is set on the April 21st Planning and Zoning Commission agenda. The staff report will be issued on Friday, April 17th and posted on the Town's website. I have attached a copy of the Final Plat per your request. Please don't hesitate to reach out with any other questions.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Thu, Apr 9, 2020 at 2:36 PM Patrick Adler <padler@projectadvancement.com> wrote:

Good afternoon Carrie,

I received your email address from Jessica Lake and she referred me to contact you regarding additional files pertaining to Red Mountain Ranch. Is the phone number 970-328-9655 (which is listed for you on the Town's website) the best phone number for you or is there a different number that should be used?

I have a copy of the Town Board Staff Report dated 2019-3-26, has a new version been prepared to incorporate the latest information?

Also, do you have a copy of the project's ALTA Survey that you can forward to me?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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2 attachments

 **Memorandum of Agreement 2008-8-20.pdf**
152K

 **Exhibit A 2008-7-11.pdf**
137K

Town of Eagle
PO BOX 609
EAGLE CO 81631-0609

US POSTAGE AND FEES PAID

FIRST-CLASS
Mar 27 2020
Mailed from ZIP 81631
1 oz First-Class Mail Letter



071S00777793

USPS CERTIFIED MAIL



9407 1108 9876 5056 8607 43

Trinity Red Eagle Development
1 E WASHINGTON ST STE 300
PHOENIX AZ 85004-2513





March 27, 2020

RE: PP/FP19-01 Red Mountain Ranch Filing 5, Final Plat

Dear Property Owner:

Red Mountain Ranch Partnership, LLP has submitted an application for concurrent Preliminary Plan/Final Plat to subdivide the 106-acre property of annexed lands into 7 parcels and a Site-Specific Development Plan (vesting of property rights). This property is located at the east end of the town boundaries, south of Highway 6, north of the Eagle River. Parcel Numbers 193933100002, 193933100004, 193934200042, 193934200041, 193927300029, 193927400039, 193926300012.

The **Planning and Zoning Commission** of the Town of Eagle will hold a public hearing on this application at **6:00 PM on Tuesday, April 21, 2020**. Public Hearings shall be posted and conducted using an online platform where citizens can join and participate. Links to attend the virtual meetings can be found on the Agenda, Minutes and Packets page by following the link for the upcoming meeting. <https://www.townofeagle.org/773/Agendas-Minutes-and-Packets>. The Planning and Zoning Commission considers the application, hears public testimony, if any, and takes action on this land use application.

As an adjacent property owner of the subject property, you are being notified of these public hearings. In addition, **you are invited to comment on this request**, either by appearing (virtually) at the scheduled public hearings and giving testimony, **by sending an email to jessica.lake@townofeagle.org or peyton.heitzman@townofeagle.org**, or by sending a letter to Town of Eagle, c/o Jessica Lake or Peyton Heitzman –Planner I, P.O. Box 609, Eagle, CO 81631.

The application materials are available for review on the Town's website here: <https://www.townofeagle.org/418/Active-Land-Use-Applications>. If you have any questions regarding this application, please contact Jessica Lake or Peyton Heitzman via email, or at 970-328-9627 or 970-328-9619.

Sincerely,

Peyton Heitzman

Peyton Heitzman
Planner I



CERTIFICATE OF RECOMMENDATION

TO: Planning and Zoning Commission

FROM: Department of Community Development

DATE: April 21, 2020

PROJECT: Red Mountain Ranch Subdivision Filing 5, Final Plat

FILE NUMBER: PP/FP19-01

APPLICANTS: Red Mountain Ranch Partnership, LLLP, Eagle River Commercial, LLC, and Griffin Development, LLC

LOCATION: Approximately 106 acres on the east end of the town boundaries, south of Highway 6, north of the Eagle River

CODE: Chapter 4.12 – Subdivision Review

ZONING: (Existing) Resource (R) in Unincorporated Eagle County; Proposed Annexation and Planned Unit Development in the Town of Eagle

EXHIBITS: A: Application and Narrative
B: Red Mountain Ranch Subdivision Filing 5, Final Plat

PUBLIC COMMENT: No public comments received as of April 16, 2020.

STAFF CONTACT: Carrie McCool, Contract Planner Public Comments sent by Patrick Adler were received by Carrie McCool and Jessica Lake on 4/16/2020 outlining many concerns.

REQUESTS: Request for concurrent Preliminary Plan/Final Plat to subdivide the 106.194-acre property of land into seven (7) parcels.

BACKGROUND

On February 13, 2018, the Board of Trustees passed a resolution finding the Annexation Petition for Red Mountain Ranch to be in substantial compliance with Section 31-12-107(1) C.R.S. The annexation application was accompanied by a request to zone the property to Planned Unit Development (PUD) to allow a maximum of 153 dwelling units of various types, limited commercial uses, public and trails, open space/ park areas to be located along the Eagle River. The property is accessed by Highway 6 to the north and bounded by the Eagle River to the south and is currently zoned Resource in unincorporated Eagle County. Highway 6 is under the jurisdiction of Colorado Department of Transportation (CDOT) wherein the applicant has secured access permits to ensure each parcel has adequate and safe access.

Does not accommodate the future western and eastern roundabouts on Highway 6.

The Planning and Zoning Commission considered the Red Mountain Ranch PUD, Site-Specific Development Plan, Subdivision Sketch Plan, and Community Plan Exception Request at the February 19, 2019, regular meeting and recommended approval with conditions. On March 5, 2019, the Planning and Zoning Commission considered the Subdivision Sketch Plan and recommended approval with conditions.

After the Planning and Zoning Commission public hearing, it was discovered that a portion of the property was previously platted. Further, the applicants acknowledged their intent to collateralizing the property in order to fund the required infrastructure improvements. In order to ensure the parcels are free and clear of all liens and encumbrances, the applicant is re-platting the entire property to create nine parcels to align with the seven planning areas in the PUD as well as create two open space parcels in Planning Area 1 (OS-1 and OS-3) and a 3-acre public park (Parcel 5B) to be designated as fee simple parcels for future dedication to the town. This 5th filing of Red Mountain Ranch does not propose any development and does not include the design of any improvements. No roads, utilities, development lots, or blocks are proposed or requested for review and approval with this subdivision.

PROJECT SUMMARY

The applicant, Merv Lapin on behalf of Red Mountain Ranch Partnership, LLLP, Eagle River Commercial, LLC, and Griffin Development, LLC, proposes concurrent processing of a preliminary plan and final plat to subdivide 106.194 acres into nine parcels to accommodate a mixed-use development on the east end of the town boundaries, south of Highway 6, north of the Eagle River.

The nine parcels would accommodate four residential (mixed unit types) planning areas, two commercial planning areas, one public parcel (Parcel 5B), two open space parcels (OS-1, OS-2) to be dedicated to the Town of Eagle for parks and open space and 1.4 acres of land within Parcel 3 to be dedicated to a non-profit entity to accommodate an environmental education center. Existing easements, including the Colorado Parks and Wildlife Conservation easement, are depicted on this plat. Existing and proposed utility and drainage easements, as well as new access easements, are depicted along the Highway 6 frontage. Since no development is proposed, no right-of-way will be dedicated.

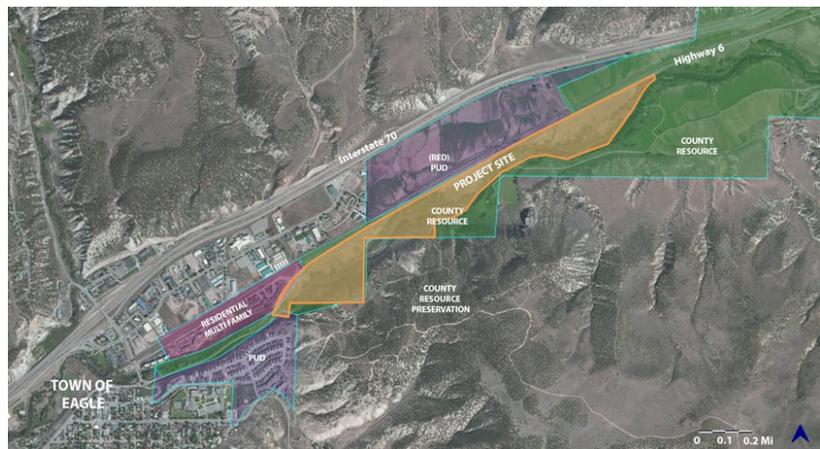


Figure 1: Vicinity Map

STANDARDS FOR APPROVAL

Subdivision Final Plat

Section 4.12.020.C of the Municipal Code outlines the requirements for Final Plat review and approval in the Town of Eagle. Per the Municipal Code, staff, the Planning and Zoning Commission, and the Town Council shall review the Final Plat to determine conformance with the approved Preliminary Plan and requirements for subdivision final Plat.

Staff finds that the proposed Final Plat is in compliance with the town's Subdivision regulations subject to the recommended conditions listed later in this staff report.

This area is severely impacted by the future western and eastern roundabouts on Highway 6.

REVIEW OF STANDARDS

Subdivision Final Plat

Per Section 4.12.020.C, the purpose of the final plat is to complete the subdivision of land consistent with the technical standards as an instrument for recording. Staff has reviewed the Preliminary Plan/Final Plat per the requirements of Section 4.12.020.C.2.f of the Town's Municipal Code. Staff finds the following:

- The plat was prepared by a registered surveyor.
- The technical preparation of the plat is in general compliance with the requirements for bearings, lengths, monuments of record, and error thresholds.
- The plat includes the various pieces of information required by the town code including legal description and project information, and acreages of various tracts and lots
- The plat does not create new streets but depicts existing streets
- The plat includes the various certifications and title blocks for the signatories per plat recording requirements; however, staff has noted technical revisions that need to be addressed prior to recordation. Staff has included a condition of approval for the Commission's consideration.

Staff Review

The Town's Engineer or surveying consultant compared the legal description of the subject property with the County records and confirmed that:

- The property described contains all contiguous single ownership;
- The lots and parcels have descriptions which both close and contain the area indicated; and
- The plat is correct in accordance with surveying and platting standards of the State.

Subdivision Design, Improvements and Dedication

Below is an analysis of conformance with the relevant requirements of Chapter 4.13 of the Municipal Code.

Lot and Block Design (Sec. 4.13.070)

Each lot in a development is designed to provide adequate, readily accessible building site for a structure devoted to the intended use of the land. Specifically:

- Each parcel has a minimum of 25 feet of frontage on a dedicated public street and allows vehicular access from a public street.
- Lots and blocks will be designed to afford the maximum solar access to each building site at time of Development Permit or re-subdivision.
- Lot sizes will be in conformance with applicable planned unit development regulations at the time of Development Permit or re-subdivision.

Drainage (Sec. 4.13.050)

The submitted drainage report summarizes off-site and on-site drainage conditions and considerations and outlines the guidelines that will be used to design sustainable and Low Impact Design (LID) drainage mitigation measures for each area that meet the intent of the River Corridor Plan. All existing drainage easements have been depicted on the final plat document. Public Works/Engineering Staff is addressing all utility, grading, and drainage considerations to be incorporated into the Annexation and Development Agreement, which will be considered by Town Council.

School Land Dedication (Sec. 4.13.080)

The Annexation and Development Agreement states the Developer shall pay cash-in-lieu of conveyance of school lands in accordance with Code Sec. 4.13.080 D, as amended.

Streets and Alleys (Sec. 4.13.090)

The proposed plat creates non-developable parcels. The layout and design, construction, street lights, and maintenance of the streets will be addressed at time of Development Permit or re-subdivision.

Easement (Sec. 4.13.100)

All existing easements are depicted on the plat. Access and a 50' water line and sewer easements are depicted on the plat.

Access (Sec. 5.13.120)

The subject property abuts Highway 6, which is under the jurisdiction of CDOT. The applicant has secured access permits from CDOT and dedicated a 50-foot access easement along the entire frontage of Highway 6 to ensure each parcel has adequate and safe access.

Water Distribution (Sec. 13.140) and Wastewater Collection (Sec. 4.13.150)

Development is prohibited on the property until connection to the Town of Eagle municipal water and wastewater system or the developer proposes a reliable alternative.

Dedications, General (Sec.4.13.180)

The purpose of this plat is to ensure that future dedication of land and easements are free and clear of all liens and encumbrances. The developer has agreed to convey parcel OS_1 and OS-3 to the Town by special warranty deed within 30 days after issuance of the first Development Permit for Planning Area 1, or within ten (10) years of the Effective Date of the Annexation and Development Agreement, whichever occurs first. Parcel 5B slated for a public park will be conveyed to the Town by special warranty deed within 30 days after issuance of the first Development Permit for Planning Areas 4, 5, or 6, or within ten (10) years of the Effective Date of the Annexation and Development Agreement, whichever occurs first.

Municipal and Park Land Dedication (Sec. 4.13.190)

Final municipal and park land dedication requirements will be met at the time of the first Development Permit of the respective planning areas where development is contemplated or within ten (10) years of the Effective Date of the Annexation and Development Agreement (see above).

Impact Fees

The Developer has agreed to pay all impact fees (street improvement, fire department, public safety, and others).

Adequate Public Facilities

Since this plat does non-developable parcels, a determination of adequate public facilities will be required at the time of Development Permit or re-subdivision that creates individual build-able lots.

PUBLIC NOTICE AND COMMENTS

The public hearing was publicly noticed in accordance with the applicable public notification requirement of the Eagle Land Use and Development Code. **No public comment has been received.**

STAFF RECOMMENDATION

Public Comments sent by Patrick Adler were received by Carrie McCool and Jessica Lake on 4/16/2020 outlining many concerns.

Staff recommends **approval** of the Red Mountain Ranch Subdivision Filing 5, Final Plat **with the following condition**:

1. Final technical redlined comments from Town Planner, Town Engineer, and Town Attorney shall be addressed prior to final plat recordation.

PLANNING & ZONING COMMISSION

1. Questions of Staff and/or Applicant
2. Public Comment
3. Deliberations

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to Red Mountain Ranch Subdivision Filing 5, Final Plat PP/FP19-01:

1. I find the application substantially meets the standards for approval, and move to **APPROVE** the final plat with no conditions.
2. I find the application substantially meets the standards for approval, and move to **APPROVE** the final plat with the following condition(s) of approval:

<insert conditions of approval>
3. I find that the applicant has not provided sufficient information to review the application per the standards for approval and move to **CONTINUE** the request for final plat approval to the next regularly scheduled meeting.
4. I find that the application does not substantially meet the standards for approval and move to **DENY** the final plat.



July 17, 2019

Ms. Carrie McCool
Town of Eagle
PO Box 609
Eagle, CO 81632

HAND DELIVERED

Re: Red Mountain Ranch

Dear Carrie:

On behalf of the Red Mountain Ranch Partnership, Ltd, the Mervyn Lapin Revocable Trust and Griffin development LLC please accept this letter and the attachments as a formal application for a combined Subdivision Preliminary Plan and Final Plat application for the Red Mountain Ranch property.

These applications are submitted in support of and in combination with previously submitted applications for annexation and **PUD Zoning Plan**.

Under cover of this letter please find:

- An application form for a combined Subdivision Preliminary Plan and Final Plat. Red Mountain ranch is currently working under a deposit system with the Town of Eagle and the appropriate fees may be deducted from the account.
- Four copies of a brief application narrative describing the intent of the proposed subdivision.
- Four full size copies of the proposed final plat;
- One copy of a property title report.

Thank you for your attention to this application. We look forward to continuing to work with you on this exciting project. If you have any questions or require additional information please contact me at your convenience.

Sincerely,

Rick Pylman

Rick Pylman
Copy: Mervyn Lapin, Eric Eves

CERTIFICATE OF OWNERSHIP AND DEDICATION

We, GRIFFIN DEVELOPMENT LLC, EAGLE RIVER COMMERCIAL LLC, & RED MOUNTAIN RANCH PARTNERSHIP LLLP the sole owners in fee simple of all that real property described as follows:

A parcel of land situate in Sections 26, 27, 33, and 34, Township 4 South, Range 84 West, of the Sixth Principal meridian, being a portion of Tracts 58, 59 and 70, of said Township and Range, County of Eagle, State of Colorado, being a portion of those lands described in Land Survey Plat No. 574, 575, and 576, as deposited in the Eagle County Eagle County Land Survey Plat Records, and also being Lot 1, Red Mountain Ranch Filing 1, according to the plat thereof file for record at Book 340, Page 139 of the Eagle County Clerk's Records, more particularly described as follows:

Beginning at a point on the south line of Highway 6 right of way and subject property; thence departing said south line S 73°54'09" E, 166.16 feet; thence N 83°53' E, 164.37 feet; thence N 63°16'32" E, 207.75 feet; thence N 88°53'49" E, 1444.68 feet; thence N 09°03'48" E, 1304.45 feet; thence N 89°56'08" E, 1452.88 feet; thence N 01°26'49" W, 410.52 feet to the approximate centerline of the Eagle River; thence along said approximate centerline of the Eagle River S 74°05'42" E, 61.00 feet; thence N 89°29'45" E, 168.06 feet; thence N 60°21'13" E, 237.26 feet; thence N 41°29'08" E, 382.43 feet; thence N 36°38'50" E, 287.00 feet; thence N 47°37'56" E, 301.83 feet; thence N 53°45'25" E, 221.64 feet; thence N 56°52'49" E, 306.49 feet; thence N 67°43'57" E, 484.77 feet; thence S 85°00'54" E, 131.72 feet; thence S 75°53'38" E, 341.87 feet; thence N 83°7'06" E, 341.07 feet; thence N 71°13'40" E, 310.58 feet; thence N 57°40'11" E, 499.51 feet; thence N 42°33'30" E, 259.34 feet; thence N 32°48'52" E, 262.87 feet; thence N 21°21'27" E, 371.70 feet; thence N 18°01'29" E, 171.02 feet; thence N 38°30'11" E, 154.44 feet; thence N 52°40'07" E, 201.11 feet; thence departing said approximate centerline of the Eagle River N 26°50'41" W, 63.81 feet to the south line of Highway 6 right of way; thence along said south line of Highway 6 right of way S 63°08'01" W, 3932.72 feet; thence in a southwesterly direction with a non-tangent curve turning to the left with a radius of 11410.00 feet, having a chord bearing of S 61°05'01" W and a chord distance of 816.31 feet, having a central angle of 04°06'00" and an arc length of 816.48 feet; thence S 59°02'01" W, 2572.80 feet; thence in a southwesterly direction with a tangent curve turning to the left with a radius of 2242.00 feet, having a chord bearing of S 42°51'01" W and a chord distance of 1262.26 feet, having a central angle of 32°42'00" and an arc length of 1279.56 feet; thence S 26°20'01" W, 267.31 feet to the Point of Beginning - Containing 106,194 acres more or less

have by these presents laid out, platted and subdivided the same into lots and blocks as shown on this plat and designate the same as the RED MOUNTAIN RANCH FILING 5 Subdivision in the Town of Eagle, County of Eagle, State of Colorado; and do hereby dedicate the access easements shown on this plat, and do hereby dedicate to the Town of Eagle the waterline and sewer easements shown in this plat.

We hereby accept the responsibility for the completion of all required public improvements for the Subdivision, and further, hereby grant the right to install and maintain all necessary structures to the entity responsible for providing the services for which the easements are established.

We further state that this subdivision shall be subject to the protective covenants filed and recorded for this subdivision in the offices of the Clerk and Recorder of Eagle County, Colorado, in as Reception No. _____

Owner: EAGLE RIVER COMMERCIAL LLC
232 W MEADOW DR
VAIL, CO 81657-5079

By: Mervyn Lapin, as of EAGLE RIVER COMMERCIAL LLC
STATE OF COLORADO
County of Eagle

The foregoing Certificate of Dedication and Ownership was acknowledged before me this day of A.D. 20 by Mervyn Lapin as of Trustee of EAGLE RIVER COMMERCIAL LLC.

Witness my hand and official seal. My Commission expires

Notary Public

Owner: RED MOUNTAIN RANCH PARTNERSHIP LLLP
In Care Of Name MERVYN LAPIN
Owner Address 232 W MEADOW DR
VAIL, CO 81657-5079

By: Mervyn Lapin, of RED MOUNTAIN RANCH PARTNERSHIP LLLP
STATE OF COLORADO
County of Eagle

The foregoing Certificate of Dedication and Ownership was acknowledged before me this day of A.D. 20 by Mervyn Lapin, of RED MOUNTAIN RANCH PARTNERSHIP LLLP.

Witness my hand and official seal. My Commission expires

Notary Public

Owner: GRIFFIN DEVELOPMENT LLC
Owner Address PO BOX 3149
VAIL, CO 81658-3149

By: Rodrigo Cortina, as of GRIFFIN DEVELOPMENT LLC
STATE OF COLORADO
County of Eagle

The foregoing Certificate of Dedication and Ownership was acknowledged before me this day of A.D. 20 by Rodrigo Cortina, as of GRIFFIN DEVELOPMENT LLC.

Witness my hand and official seal. My Commission expires

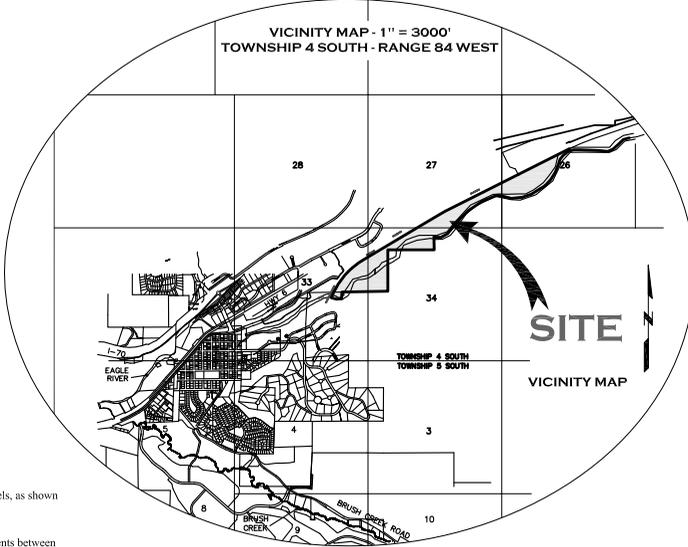
Notary Public

Remove the last sentence of notes 12(a), 2(b) and 13.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you had discovered such defect, or in no event, may any action based upon any defect in this survey be commenced more than five years from the date of certification hereon. Additionally, this document is prepared for the sole purpose of use by the parties stated herein. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted.

FINAL PLAT
RED MOUNTAIN RANCH FILING 5
A PARCEL OF LAND IN SECTIONS 26, 27, 33, AND 34 | TRACTS 58, 59, AND 70, TOWNSHIP 4 SOUTH, RANGE 84 WEST OF THE 6TH. P.M.
TOWN OF EAGLE - COUNTY OF EAGLE - STATE OF COLORADO

Table with 3 columns: LOT, AREA, LAND USE per approved PUD and ADA. Rows include PARCEL 1 (17,510 ac, R/PUD), PARCELOS-1 (1,733 ac, OPEN SPACE), PARCELOS-3 (15,399 ac, OPEN SPACE), PARCEL 2 (5,535 ac, C/PUD), PARCEL 3 (14,519 ac, C/PUD), PARCEL 4 (13,812 ac, R/PUD), PARCEL 5B (3,006 ac, OPEN SPACE), PARCEL 5 (14,631 ac, R/PUD), PARCEL 6 (20,049 ac, R/PUD), and Total (106,194 Acres).



NOTES:

- 1) The purpose of this Final Plat is to vacate Lot 1, Red Mountain Ranch Filing 1, and create parcels, as shown hereon. There are no public improvements associated with this plat.
2) ASSUMED BASIS OF BEARINGS: S63°08'01"W for north line of the subject parcel monuments between found monuments as shown and further described hereon.
3) Survey Date: January, 2019.
4) Approval of this plan creates a Vested Property Right pursuant to Section 24-68-103 C.R.S.
5) Lineal Units of the U.S. Survey Foot were used herein.
6) All existing easements shown hereon were derived from Commitment No. 454-H0455614-610-ETO, Amendment No. 2 provided by Heritage Title Company.
7) Property is subject to a Holy Cross Electric Easement/Agreement, as recorded at Book 558 and Pages 525 and 526 of the Eagle County Clerk's records, apparent location as shown hereon.
8) Property is subject to a Conservation/Fishing Easement, as recorded at Book 496 and Page 133 of the Eagle County Clerk's records. The Conservation/Fishing Easement is shown at the request of the Town of Eagle, based on located High Water Mark as surveyed for this project which is general in nature and subject to change over time due to natural erosion and/or a site specific study. The access portion of said Conservation/Fishing Easement affecting subject property is plottable and is shown hereon as Access Easement 3.
9) Property is subject to the Amended and Restated Easements, Covenants and Option Agreement filed for record at Book 337, Page 284 and Agreement thereto to extinguish a Temporary Easement to Water Livestock recorded in Book 414 at Page 958 of the Eagle County Clerk's Record.
10) Floodplain shown on this plat is from the Eagle County/FEMA GIS Floodplain Mapping adopted by the Eagle County Commissioners on on January 4, 2005 and by FEMA on on December 4, 2007.

- 11) EAGLE RIVER COMMERCIAL LLC, RED MOUNTAIN RANCH PARTNERSHIP LLLP, and GRIFFIN DEVELOPMENT LLC, hereby dedicates to the Town of Eagle the following, non-exclusive easements:
a) Waterline Easement on, over, under, above, across and through the northerly 50 feet of the entire length of the platted lands herein and along Highway 6 right of way for the purposes of acquisition, treatment and transmission of domestic potable water and/or irrigation water, the installation, use, repair, replacement, improvement and maintenance of waterline structures including but not limited to pipelines, valves, hydrants and pumps, together with a perpetual right of ingress and egress thereto. Said Waterline Easement may be vacated as each planning area is developed and a defined route and replacement easement is provided.
b) Sewer Easement on, over, under, above, across and through the northerly 50 feet of the entire length of the platted lands herein and along Highway 6 right of way for the purposes of disposal and transmission of domestic sewage, the installation, use, repair, replacement, improvement and maintenance of sanitary sewer structures including but not limited to manholes, pipes and all related structures, together with a perpetual right of ingress and egress thereto. Said Sewer Easement may be vacated as each planning area is developed and a defined route and replacement easement is provided.
12) EAGLE RIVER COMMERCIAL LLC, RED MOUNTAIN RANCH PARTNERSHIP LLLP, and GRIFFIN DEVELOPMENT LLC, for itself, its successors and specific assigns, hereby create common access easements on, over, under, above, across and through those parts of Parcel 1, Parcel 4 and Parcel 6, inclusive, that are designated hereon as "Access Easement" for the benefit of the adjoining properties of each that are designated as "Access Easement", for both pedestrian and vehicular, and passage upon, across and over such access easements. Said Access Easements may be vacated as each planning area is developed and a defined route and replacement easement is provided.

SURVEYOR'S CERTIFICATE

I, Theodore J. Archibeque, do hereby certify that I am a professional land surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct, and complete Final Plat of RED MOUNTAIN RANCH FILING 5, as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, stacked upon the ground in compliance with Section 38-51-105 C.R.S., as amended, and all other regulations governing the subdivision of land.

EXECUTED this day of A.D. 20.



Theodore J. Archibeque, PLS 37902
Professional Land Surveyor
State of Colorado

Archibeque Land Consulting, Ltd
~ Professional Land Surveying & Mapping ~
115 Broadway - P.O. Box 3893 Eagle, Colorado 81631
970.328.6020 Office 970.328.6021 Fax
INFO@PROLANDSURVEY.COM

REVISED TJA 4-16-2020 TJA PER TOWN COMMENTS
REVISED TJA 4-2-2020 TJA PER TOWN COMMENTS
REVISED TJA 3-6-2020 TJA PER TOWN COMMENTS
REVISED TJA 1-2-2020 TJA PER TOWN COMMENTS
REVISED TJA 12-10-2019 TJA PER TOWN COMMENTS
REVISED TJA 11-14-2019 TJA PER TOWN COMMENTS
REVISED TJA 9-3-2019 TJA PER TOWN COMMENTS
REVISED TJA 8-29-2019 TJA PER TOWN COMMENTS
REVISED TJA 8-23-2019 TJA PER TOWN COMMENTS
REVISED TJA 8-19-2019 TJA PER TOWN COMMENTS

CERTIFICATE OF TAXES PAID

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of upon all parcels of real estate described on this Plat are paid in full.

Dated this day of A.D., 20.

Treasurer of Eagle County, Colorado

TOWN COUNCIL CERTIFICATE

This Plat approved by the Town Council of the Town of Eagle, Colorado, this day of 20, for filing with the Clerk and Recorder of Eagle County, Colorado, and for conveyance or dedication to the Town of the public dedications shown hereon; subject to the provisions that approval in no way obligates the Town of Eagle for financing or constructing of improvements on said lands, streets or easements dedicated to the public except as specifically agreed to by the Town Council of the Town of Eagle. Further, said approval in no way obligates the Town of Eagle for maintenance of public improvements until construction of said improvements has been completed in accordance with the Town of Eagle's specifications and the Town of Eagle has agreed to accept said improvements. This approval does not guarantee that the size, soil conditions, sub-surface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit, development permit, or any other required permit will be issued. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and all other improvements that may be required shall be the responsibility of the owners designated hereon and not the Town of Eagle, unless otherwise specifically agreed to in writing by the Town Council.

TOWN OF EAGLE, COLORADO

By: Mayor

Witness my hand and seal of the Town of Eagle, Colorado.

ATTEST: Town Clerk

TITLE CERTIFICATE

I, Heritage Title Company, do hereby certify that I have examined the title to all lands shown on this plat and that title to such lands is vested in

free and clear of all liens, taxes, and encumbrances, except as follows:

EXECUTED this day of 20.

Title Examiner

PLANNING COMMISSION CERTIFICATE

This plat approved by the Town of Eagle Planning Commission the day of 20.

Chairman

EAGLE COUNTY CLERK AND RECORDER CERTIFICATE

This plat was filed for record in the office of the Eagle County Clerk and Recorder at o'clock on the day of 20 and is duly recorded as Reception No.

EAGLE COUNTY CLERK & RECORDER

By: Deputy

Declarations or Protective Covenants are filed as Reception No.

FINAL PLAT
RED MOUNTAIN RANCH FILING 5
A PARCEL OF LAND IN SECTIONS 26, 27, 33, AND 34 | TRACTS 58, 59, AND 70, TOWNSHIP 4 SOUTH, RANGE 84 WEST OF THE 6TH. P.M.
TOWN OF EAGLE - COUNTY OF EAGLE - STATE OF COLORADO

Table with 2 columns: DRAWING BY: TJA, DRAWING NAME: 16109_FP_RMR-F1.dwg. Row 2: SHEET 1 of 4, DATE: 7-12-2019, CHECKED BY: DDM

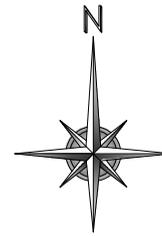
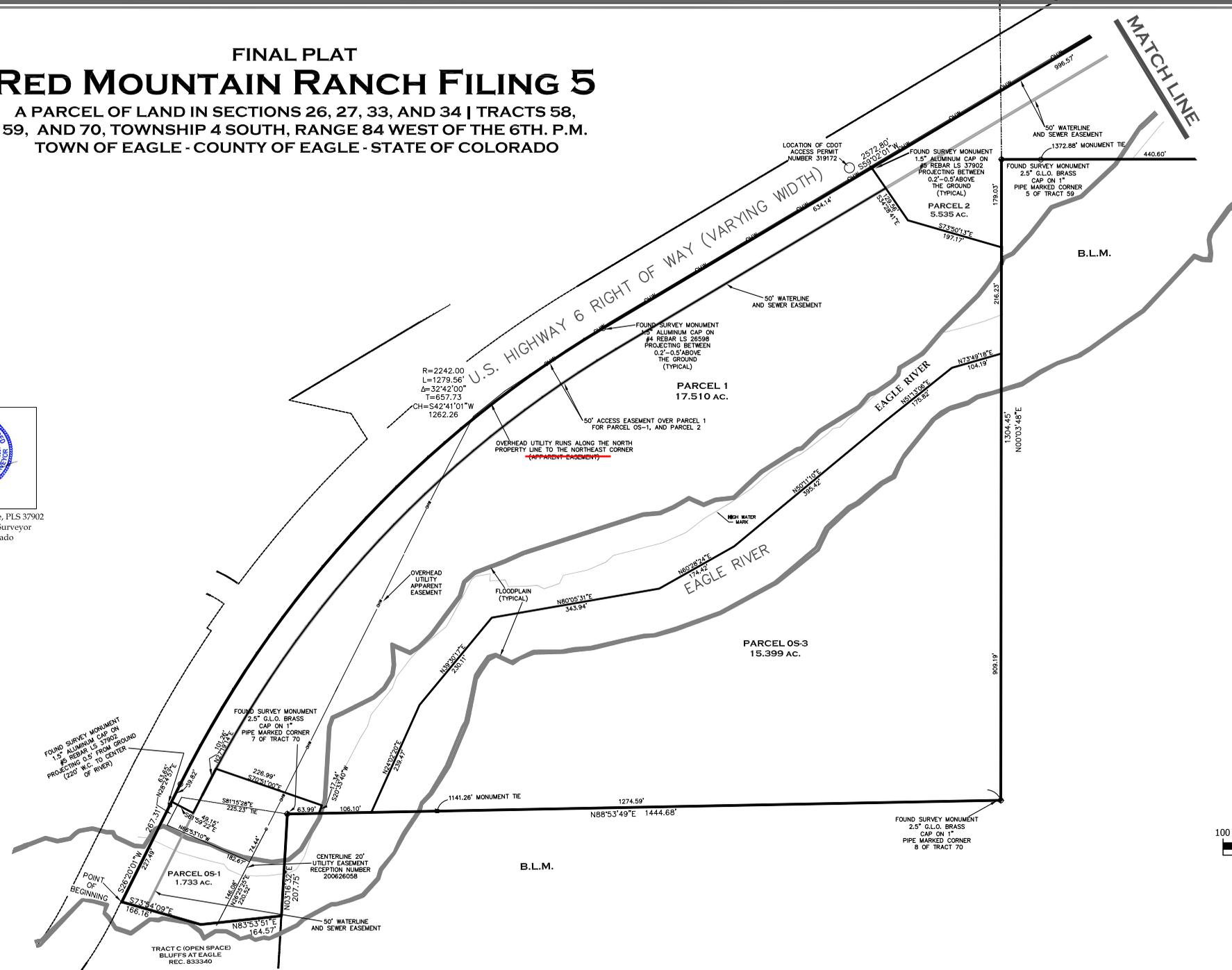
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FINAL PLAT RED MOUNTAIN RANCH FILING 5

A PARCEL OF LAND IN SECTIONS 26, 27, 33, AND 34 | TRACTS 58,
59, AND 70, TOWNSHIP 4 SOUTH, RANGE 84 WEST OF THE 6TH. P.M.
TOWN OF EAGLE - COUNTY OF EAGLE - STATE OF COLORADO



Theodore J. Archibeque, PLS 37902
Professional Land Surveyor
State of Colorado



1 INCH = 100 FEET

Archibeque Land Consulting, Ltd
~ Professional Land Surveying & Mapping ~
115 Broadway - P.O. Box 3893 Eagle, Colorado 81631
970.328.6020 Office 970.328.6021 Fax
INFO@PROLANDSURVEY.COM

REVISED TJA 4-16-2020 TJA PER TOWN COMMENTS
REVISED TJA 4-2-2020 TJA PER TOWN COMMENTS
REVISED TJA 3-6-2020 TJA PER TOWN COMMENTS
REVISED TJA 12-2020 TJA PER TOWN COMMENTS
REVISED TJA 12-10-2019 TJA PER TOWN COMMENTS
REVISED TJA 11-14-2019 TJA PER TOWN COMMENTS
REVISED TJA 8-29-2019 TJA PER TOWN COMMENTS
REVISED TJA 8-23-2019 TJA PER TOWN COMMENTS
REVISED TJA 8-19-2019 TJA PER TOWN COMMENTS

FINAL PLAT RED MOUNTAIN RANCH FILING 5 A PARCEL OF LAND IN SECTIONS 26, 27, 33, AND 34 TRACTS 58, 59, AND 70, TOWNSHIP 4 SOUTH, RANGE 84 WEST OF THE 6TH. P.M. TOWN OF EAGLE - COUNTY OF EAGLE - STATE OF COLORADO			
DRAWN BY:	TJA	DRAWING NAME:	16109_FP_RMR-F1.dwg
SHEET	2 of 4	DATE:	7-12-2019
		CHECKED BY:	DDM

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NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect, or, in no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon. Additionally, this document is prepared for the sole purpose of use by the parties stated herein. The improvements are generally situated as shown and any apparent (unless otherwise noted) improvements and encroachments are noted. Archibeque Land Consulting, Ltd., its owner(s) and employee(s) will not be liable for more than the cost of this document, and then only to the parties specifically shown herein. Acceptance and/or use of this document for any purpose constitutes acknowledgment and agreement to all terms stated herein.

4

When recorded, return to:

Eagle Development, Inc.
c/o Katz Law Firm
J. Richard Crawford, Esq.
435 Nichols Road, Suite 200
Kansas City, MO 64112

MEMORANDUM OF AGREEMENT

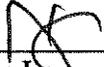
Notice is hereby given that Eagle Development, Inc., a Colorado corporation ("EDI") and Red Mountain Ranch Partnership, LLLP, a Colorado limited liability limited partnership ("RMR"), have entered into a certain Fourth Amendment to Agreement of Sale (the "Fourth Amendment") dated August 20, 2008, which includes certain provisions regarding the future conveyance of the land legally described in Exhibit A, attached hereto (individually an "RMR Tract" and collectively the "RMR Tracts"). Interested parties are directed to consult with EDI and RMR concerning the affect of the Fourth Amendment on the RMR Tracts. The terms of this Memorandum shall expire upon the conveyance or dedication of each RMR Tract as to the RMR Tract so conveyed or dedicated pursuant to the terms of the Fourth Amendment.

IN WITNESS WHEREOF, this Memorandum of Agreement has been executed as of the 200 day of August, 2008.

(Signatures on following page)

“EDI”

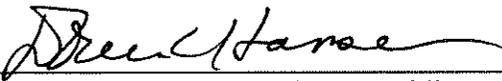
Eagle Development, Inc., a Colorado corporation:

By: 
Dan Lowe, President

STATE OF MISSOURI)
) ss
COUNTY OF JACKSON)

The above and foregoing document was acknowledged before me this 13 day of Aug 2008, by Dan Lowe as President of Eagle Development, Inc., a Colorado corporation.

WITNESS MY HAND AND OFFICIAL SEAL.



Notary Public

DOREEN C. HANSEN
Notary Public-Notary Seal
STATE OF MISSOURI
Jackson County

My commission expires

My Commission Expires: Oct 28, 2011
Commission # 07384893

EXHIBIT A

NORTH I-70 INTERCHANGE LAND

A parcel of land located within Tracts 58 and 62, Section 27, Township 4 South, Range 84 West of the Sixth Principal Meridian, according to the Supplemental Plat of the Independent Resurvey thereof accepted in the U.S. Surveyor General's Office, June 20, 1922, Eagle County, Colorado, with the bearings described hereon based on a bearing of S89°54'19"E for the 1 - 2 line of said Tract 62 between Corner No. 1 and Corner No. 2 of said Tract 62, both being a 2 1/2" GLO brass caps on 1" iron pipe, found in place, said parcel being more particularly described as follows:

Beginning at a point from which said Corner No. 1 of Tract 62 also being Corner No. 2 of said Tract 58 bears N50°31'16"W, 372.82 feet; thence N87°23'28"E, 595.77 feet; thence S82°43'35"E, 577.05 feet to a point on the northerly right-of-way of Interstate 70 (I-70); thence along said northerly right-of-way line the following two (2) courses:

- 1) S77°08'41"W, 981.93 feet;
- 2) along a non-tangent curve to the left having a length of 1213.70 feet, a radius of 5879.57 feet, a tangent of 609.02 feet, a delta of 11°49'39" and a chord of 1211.55 feet that bears S71°13'56"W;

thence departing said northerly right-of-way N51°41'52"E, 267.66 feet; thence N56°06'22"E, 875.64 feet to the Point of Beginning. Said parcel containing 8.158 acres, more or less.

AND

TRACT A

A parcel of land located in Tract 59, Section 33 and 34, Township 4 South, Range 84 West of the Sixth Principal Meridian, County of Eagle, State of Colorado, being a portion of the land described in Book 327 at Page 290, with the bearings described herein based on a bearing of S89°52'27"W for the 3 - 4 line of said Tract 59, Corner No. 3 being a 2 1/2 inch GLO brass cap on 1 inch Iron pipe, found in place and Corner No. 4 being a 2 1/2 inch aluminum cap on 2 1/4 inch aluminum pipe, PE\PLS #23089, found in place, said parcel of land being more particularly described as follows:

Beginning at a point on the southerly right-of-way line of Highway 6 and 24, from which said Corner No. 3 of said Tract 59 bears N13°03'47"W, 297.70 feet; thence departing said southerly right-of-way line the following seven (7) courses:

- 1) S55°44'50"W, 34.69 feet;
- 2) along a curve to the left having a length of 285.80 feet, a radius of 550.00 feet, a tangent of 146.21 feet, a delta of 29°46'23" and a chord of 282.60 feet that bears S40°51'38"W;
- 3) S25°58'26"W, 2.79 feet
- 4) along a curve to the right having a length of 135.34 feet, a radius of 134.00 feet, a tangent of 74.08 feet, a delta of 57°52'09" and a chord of 129.66 feet that bears S54°54'31"W;
- 5) S83°50'35"W, 41.51 feet;
- 6) along a curve to the left having a length of 64.03 feet, a radius of 200.00 feet, a tangent of 32.29 feet, a delta of 18°20'33" and a chord of 63.75 feet that bears S74°40'18"W;
- 7) S65°30'02"W, 596.03 feet

to a point on said southerly right-of-way line; thence along said right-of-way line N59°02'29"E, 1008.77 feet; thence along a curve to the right having a length of 117.34 feet, a radius of 11410.00 feet, a tangent of 58.67 feet, a delta of 0°35'21" and a chord of 117.34 feet that bears N59°20'10"E to the Point of Beginning. Said parcel containing 1.175 acres, more or less.

AND

EAGLE RIVER STATION
TRACT B

A parcel of land located in Tract 58 and 59, Section 27, Township 4 South, Range 84 West of the Sixth Principal Meridian, County of Eagle, State of Colorado, being a portion of the land described in Book 327 at Page 290; Book 340 at Page 139; and Book 378 at Page 880, with the bearings described herein based on a bearing of S89°52'27"W for the 3 - 4 line of said Tract 59, Corner No. 3 being a 2 1/2 inch GLO brass cap on 1 inch iron pipe, found in place and Corner No. 4 being a 2 1/2 inch aluminum cap on 2 1/4 inch aluminum pipe, PE\PLS #23089, found in place, said parcel of land being more particularly described as follows:

Beginning at a point on the southerly right-of-way line of Highway 6 and 24, from which said Corner No. 3 of Tract 59 bears S70°05'26"W, 2212.63

feet; thence along said right-of-way line N63°08'29"E, 1168.55 feet; thence departing said southerly right-of-way line the following five (5) courses:

- 1) S49°50'09"W, 345.81 feet;
- 2) along a curve to the right having a length of 235.19 feet, a radius of 1100.00 feet, a tangent of 118.04 feet, a delta of 12°15'01" and a chord of 234.74 feet that bears S55°57'39"W;
- 3) along a non-tangent curve to the right having a length of 265.10 feet, a radius of 155.00 feet, a tangent of 178.29 feet, a delta of 97°59'42" and a chord of 233.95 feet that bears S66°43'15"W;
- 4) along a non-tangent curve to the right having a length of 190.31 feet, a radius of 1100.00 feet, a tangent of 95.39 feet, a delta of 09°54'46" and a chord of 190.07 feet that bears S75°08'34"W;
- 5) S80°05'56"W, 187.89 feet

to the Point of Beginning. Said parcel containing 2.021 acres, more or less.



RE: Red Mountain Ranch

1 message

Patrick Adler <padler@projectadvancement.com>

Sat, Apr 18, 2020 at 8:35 AM

To: McCool Development Solutions <carrie@mccooldevelopment.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>, Brett Heron <BHeron@reddevelopment.com>, Chad Phillips <chad.phillips@townofeagle.org>

Carrie,

How is the Final Plat dealing with the recorded 2008 Memorandum of Agreement which recognizes certain provisions regarding the future conveyance of land for both the western and eastern roundabouts? I wasn't able to locate any reference to this recorded document on the Final Plat.

Attached is a copy of the recorded 2008 Memorandum of Agreement along with an additional Exhibit A to help give context of the areas mentioned within the Memorandum of Agreement.

I really feel that a comprehensive approach to deal with how all of these pieces interrelate is warranted.

Please share with me if Staff's recommendation for approval still stands.

I look forward to your guidance on how these items will be addressed.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: Patrick Adler

Sent: Friday, April 17, 2020 3:53 PM

To: McCool Development Solutions <carrie@mccooldevelopment.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>

Subject: RE: Red Mountain Ranch

Thanks Carrie – I definitely have concerns regarding the Final Plat – that it is setting up expectations which may become difficult to deliver on those expectations in the future – especially pertaining to the portion of land within Parcel 3 which is to be dedicated to the non-profit entity when the majority of that portion of land has been planned to be dedicated towards the right of way for Highway 6 for the western roundabout. My concerns were captured in the PDF I sent to you yesterday titled “RMR Zoning PUD Overlay PDF Marked” (attached).

Please share with me how these concerns will be shared and added to the public comments section. Will the Planning and Zoning Commission receive an updated notification today?

In addition, will these concerns change Staff's recommendation for Approval?

It really seems that these issues need to be re-reviewed in light of the emergence of these conflicts which do not seem to have been accounted for in the Final Plat or the access point identified on PUD Zoning Plan for R/PUD-3. The fact that I have to reference the PUD Zoning Plan illustrates one of the issues I am having with this case – it is hard to get context on what is being proposed because there is not a comprehensive link between the documents besides the boundary – for example the revised access points are not shown on the Final Plat – the revised access points are only shown on the PUD Zoning Plan (and it is assumed that those points are correlated with RMR's recently received CDOT access permits).

What I feel is lacking is a comprehensive view of how all of these pieces inter-relate and how they tie into the future Highway 6 roundabouts (both western and eastern).

As I shared with you on April 15th, our collective goal should be that we do not want to create tomorrow's problems today.

I look forward to your guidance on how these items will be addressed.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: McCool Development Solutions <carrie@mccooldevelopment.com>

Sent: Friday, April 17, 2020 2:53 PM

To: Patrick Adler <padler@ProjectAdvancement.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>

Subject: Re: Red Mountain Ranch

Hi Pat,

My apologies. It was my understanding that your concerns related to the annexation and PUD and not the final plat. We will be sure to add this to the record at the hearing.

Thank you,

Carrie McCool, Town Planner
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Fri, Apr 17, 2020 at 3:40 PM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I received the Red Mountain Ranch Staff Report for this coming Tuesday's hearing and I was surprised to find that it stated "No Public Comments were received".

Attached is a marked up version of the Staff Report along with the Public Notification added as the 1st two pages. In the Public Notification, it stated how Public Comments could be conveyed which included an email to Jessica Lake. In my email to you on 4/16/2020 outlining my concerns, Jessica was copied on the email, so it seems that my concerns should have been registered as a Public Comment.

I have a conference call that will begin in 20 minutes that should last for an hour. Please feel free to contact me either prior to or after my conference call to outline how my comments will be registered and brought to the Planning and Zoning Commissions attention.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: McCool Development Solutions <carrie@mccooldevelopment.com>

Sent: Thursday, April 16, 2020 8:05 AM

To: Patrick Adler <padler@ProjectAdvancement.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>

Subject: Re: Red Mountain Ranch

Thanks for the follow up, Pat. I have routed your email to engineering staff and will get back to you once I hear back. In the meantime, I'd like to virtually introduce you to Chad Phillips. He is the new Community Development Director and copied him on this email.

We'll be in touch soon.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
[4383 Tennyson Street, Unit 1-D](#)
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Thu, Apr 16, 2020 at 8:33 AM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I realize that I could have delineated a little better the items that I was seeing with the 3/5/2020 version of the Red Mountain Ranch PUD Zoning Plan when I attempted yesterday to overlay that plan with the future Highway 6 improvements for both the western and eastern roundabouts. Attached are the comments from my email embedded into the PDF exhibit to help us converge on the issues that need to be addressed.

It is important to note that both the western and eastern roundabouts have been planned in conjunction with the Town of Eagle and Red Mountain Ranch since prior to Eagle River Station's acquisition of the property in 2008. I have forwarded to you via WeTransfer.com a copy of the 2014 plans for both the western and eastern roundabouts in case you did not have prior access to these documents.

As I understand it, the plan, since prior to Eagle River Station's acquisition of the property on the north side of Highway 6 from Merv (Red Mountain Ranch), has been for Merv (Red Mountain Ranch) to dedicate the necessary right of way needed for both the western and eastern roundabouts in advance of these future improvements being constructed. You can see my concern when it appears that 3/5/2020 version of the Red Mountain Ranch PUD Zoning Plan does not seem to accommodate the future western and eastern roundabouts.

I am very interested in your thoughts on the appropriate course of action that should be taken moving forward regarding these issues.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: Patrick Adler
Sent: Wednesday, April 15, 2020 5:24 PM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Thanks Carrie,

After we spoke today I attempted to overlay the latest PUD Zoning Plan and it still seems like there are issues that need to be addressed pertaining to:

1. Planning Area 3 – C/PUD-2 (the Commercial/Educational Parcel)
 - a. Per the attached PDF page 2, you can see that this area will be covered with slope to accommodate the future western roundabout
2. Access to R/PUD -3
 - a. Per the attached PDF page 3, you can see that there are slope contours at the new access point for R/PUD-3 that need to be accounted for associated with the future eastern roundabout
3. The Discovery Trail alignment in OS-5 and C/PUD-2
 - a. Per the attached PDF page 2, you can see that the proposed alignment is located within the future roadway of the western roundabout

These concerns are in addition to the previously raised concerns associated with the location of the proposed Nature Education Center within the existing Drainage Easement.

I really think it is appropriate for these concerns to be on the record with an acknowledgement that whatever is moving forward in Red Mountain Ranch needs to appropriately integrate with the future improvements associated with the western and eastern round about so that proper expectations are set so that we aren't creating tomorrow's problems today.

What are your thoughts on how to best address these concerns?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: McCool Development Solutions <carrie@mccooldevelopment.com>
Sent: Wednesday, April 15, 2020 3:51 PM
To: Patrick Adler <padler@ProjectAdvancement.com>
Subject: Re: Red Mountain Ranch

Hi Pat,

It was nice talking with you this afternoon. Let me know if you need anything further.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
[4383 Tennyson Street, Unit 1-D](#)
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Wed, Apr 15, 2020 at 3:46 PM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I wanted to follow up with our conversation from last week and see if there are any updates on your end. Can you tune me in when you get the opportunity?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



www.ProjectAdvancement.com

Let's connect on [LinkedIn](#)

From: Patrick Adler
Sent: Friday, April 10, 2020 9:01 AM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Carrie, my bad, I had reviewed the Final Plat that I pulled from the Town's website on 4/5/2020 when I assembled the PDFs I shared with you. On 4/9/2020 (yesterday), I was in receipt of the latest Final Plat and had not looked at it closely and missed that the Drainage Easement is in fact now shown on the latest version. The latest version does not fully show the anticipated R/W dedication for the proposed RoundABOUTs on Highway 6 (only a portion as highlighted in orange on the attached). The proposed R/W is only a Plan View of what is to come and it is important to note that there are significant grade issues. I will send you a cleaner version of the overlay I pieced together trying to merge these items with the Concept Plan that was posted and how the grade issues radically impact the access points and the Nature Education Center shown on that plan. Getting a better understanding of the layout of Red Mountain Ranch beyond the Final Plat would be helpful to better understand if the new Concept Plan still has the same issues.

Sincerely,

Patrick Adler
Managing Member
602-989-2448



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From: Patrick Adler
Sent: Friday, April 10, 2020 8:11 AM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Thanks Carrie,

Attached is a copy of some slides I assembled where I attempted to overlay the Eagle Development Permanent Drainage Easement that exists on Red Mountain Ranch's property along with the proposed Highway 6 Right of Way Dedication and the proposed contours for the grading of the proposed RoundABOUTs. It appears that there are some issues that need to be worked out between the two property owners, what are your thoughts?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: McCool Development Solutions <carrie@mccooldevelopment.com>

Sent: Thursday, April 9, 2020 1:59 PM

To: Patrick Adler <padler@ProjectAdvancement.com>

Subject: Re: Red Mountain Ranch

Hi Patrick,

I left you a voicemail but thought I would follow up via email as well. The best number to reach me is my cell number which is 303.378.4540. The Red Mountain Ranch Team is working on revisions to their proposed PUD Guide and Zoning Plan. Once all town staff and external referral agency comments have been adequately addressed, the Annexation and Zoning applications will move forward for Town Board consideration. A new staff report will be issued prior to the Town Board public hearing. The Red Mountain Ranch 5th filing is set on the April 21st Planning and Zoning Commission agenda. The staff report will be issued on Friday, April 17th and posted on the Town's website. I have attached a copy of the Final Plat per your request. Please don't hesitate to reach out with any other questions.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Thu, Apr 9, 2020 at 2:36 PM Patrick Adler <padler@projectadvancement.com> wrote:

Good afternoon Carrie,

I received your email address from Jessica Lake and she referred me to contact you regarding additional files pertaining to Red Mountain Ranch. Is the phone number 970-328-9655 (which is listed for you on the Town's website) the best phone number for you or is there a different number that should be used?

I have a copy of the Town Board Staff Report dated 2019-3-26, has a new version been prepared to incorporate the latest information?

Also, do you have a copy of the project's ALTA Survey that you can forward to me?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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2 attachments

 **Memorandum of Agreement 2008-8-20.pdf**
152K

 **Exhibit A 2008-7-11.pdf**
137K



Comments

Patrick Adler <padler@projectadvancement.com>
To: Jessica Lake <jessica.lake@townofeagle.org>
Cc: McCool Development Solutions <carrie@mccooldevelopment.com>

Tue, Apr 21, 2020 at 5:14 PM

Jessica,

The attached file will be helpful for the Planning and Zoning Commission to have handy when I share my public comments tonight. This file consolidates many of the documents I have shared with Carrie McCool over the last 2 weeks.

Sincerely,

Patrick Adler
Managing Member
602-989-2448



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2020-4-21 Composite.pdf
6468K



RE: Red Mountain Ranch

Patrick Adler <padler@projectadvancement.com>

Fri, Apr 17, 2020 at 3:40 PM

To: McCool Development Solutions <carrie@mccooldevelopment.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>, Brett Heron <BHeron@reddevelopment.com>, Chad Phillips <chad.phillips@townofeagle.org>

Carrie,

I received the Red Mountain Ranch Staff Report for this coming Tuesday's hearing and I was surprised to find that it stated "No Public Comments were received".

Attached is a marked up version of the Staff Report along with the Public Notification added as the 1st two pages. In the Public Notification, it stated how Public Comments could be conveyed which included an email to Jessica Lake. In my email to you on 4/16/2020 outlining my concerns, Jessica was copied on the email, so it seems that my concerns should have been registered as a Public Comment.

I have a conference call that will begin in 20 minutes that should last for an hour. Please feel free to contact me either prior to or after my conference call to outline how my comments will be registered and brought to the Planning and Zoning Commissions attention.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: McCool Development Solutions <carrie@mccooldevelopment.com>

Sent: Thursday, April 16, 2020 8:05 AM

To: Patrick Adler <padler@ProjectAdvancement.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>

Subject: Re: Red Mountain Ranch

Thanks for the follow up, Pat. I have routed your email to engineering staff and will get back to you once I hear back. In the meantime, I'd like to virtually introduce you to Chad Phillips. He is the new Community Development Director and copied him on this email.

We'll be in touch soon.

Best,



Carrie McCool, Town Planner
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Thu, Apr 16, 2020 at 8:33 AM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I realize that I could have delineated a little better the items that I was seeing with the 3/5/2020 version of the Red Mountain Ranch PUD Zoning Plan when I attempted yesterday to overlay that plan with the future Highway 6 improvements for both the western and eastern roundabouts. Attached are the comments from my email embedded into the PDF exhibit to help us converge on the issues that need to be addressed.

It is important to note that both the western and eastern roundabouts have been planned in conjunction with the Town of Eagle and Red Mountain Ranch since prior to Eagle River Station's acquisition of the property in 2008. I have forwarded to you via WeTransfer.com a copy of the 2014 plans for both the western and eastern roundabouts in case you did not have prior access to these documents.

As I understand it, the plan, since prior to Eagle River Station's acquisition of the property on the north side of Highway 6 from Merv (Red Mountain Ranch), has been for Merv (Red Mountain Ranch) to dedicate the necessary right of way needed for both the western and eastern roundabouts in advance of these future improvements being constructed. You can see my concern when it appears that 3/5/2020 version of the Red Mountain Ranch PUD Zoning Plan does not seem to accommodate the future western and eastern roundabouts.

I am very interested in your thoughts on the appropriate course of action that should be taken moving forward regarding these issues.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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ADVANCEMENT

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Let's connect on [LinkedIn](#)

From: Patrick Adler
Sent: Wednesday, April 15, 2020 5:24 PM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Thanks Carrie,

After we spoke today I attempted to overlay the latest PUD Zoning Plan and it still seems like there are issues that need to be addressed pertaining to:

1. Planning Area 3 – C/PUD-2 (the Commercial/Educational Parcel)
 - a. Per the attached PDF page 2, you can see that this area will be covered with slope to accommodate the future western roundabout
2. Access to R/PUD -3
 - a. Per the attached PDF page 3, you can see that there are slope contours at the new access point for R/PUD-3 that need to be accounted for associated with the future eastern roundabout
3. The Discovery Trail alignment in OS-5 and C/PUD-2

a. Per the attached PDF page 2, you can see that the proposed alignment is located within the future roadway of the western round-about

These concerns are in addition to the previously raised concerns associated with the location of the proposed Nature Education Center within the existing Drainage Easement.

I really think it is appropriate for these concerns to be on the record with an acknowledgement that whatever is moving forward in Red Mountain Ranch needs to appropriately integrate with the future improvements associated with the western and eastern round about so that proper expectations are set so that we aren't creating tomorrow's problems today.

What are your thoughts on how to best address these concerns?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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Let's connect on [LinkedIn](#)

From: McCool Development Solutions <carrie@mccooldevelopment.com>
Sent: Wednesday, April 15, 2020 3:51 PM
To: Patrick Adler <padler@ProjectAdvancement.com>
Subject: Re: Red Mountain Ranch

Hi Pat,

It was nice talking with you this afternoon. Let me know if you need anything further.

Best,



Carrie McCool, Town Planner
McCool Development Solutions
[4383 Tennyson Street, Unit 1-D](https://www.mccooldevelopment.com)
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Wed, Apr 15, 2020 at 3:46 PM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I wanted to follow up with our conversation from last week and see if there are any updates on your end. Can you tune me in when you get the opportunity?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



PROJECT
ADVANCEMENT

www.ProjectAdvancement.com

Let's connect on [LinkedIn](#)

From: Patrick Adler
Sent: Friday, April 10, 2020 9:01 AM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Carrie, my bad, I had reviewed the Final Plat that I pulled from the Town's website on 4/5/2020 when I assembled the PDFs I shared with you. On 4/9/2020 (yesterday), I was in receipt of the latest Final Plat and had not looked at it closely and missed that the Drainage Easement is in fact now shown on the latest version. The latest version does not fully show the anticipated R/W dedication for the proposed RoundABOUTs on Highway 6 (only a portion as highlighted in orange on the attached). The proposed R/W is only a Plan View of what is to come and it is important to note that there are significant grade issues. I will send you a cleaner version of the overlay I pieced together trying to merge these items with the Concept Plan that was posted and how the grade issues radically impact the access points and the Nature Education Center shown on that plan. Getting a better understanding of the layout of Red Mountain Ranch beyond the Final Plat would be helpful to better understand if the new Concept Plan still has the same issues.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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ADVANCEMENT

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Let's connect on [LinkedIn](#)

From: Patrick Adler
Sent: Friday, April 10, 2020 8:11 AM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Thanks Carrie,

Attached is a copy of some slides I assembled where I attempted to overlay the Eagle Development Permanent Drainage Easement that exists on Red Mountain Ranch's property along with the proposed Highway 6 Right of Way Dedication and the proposed contours for the grading of the

proposed RoundABOUTs. It appears that there are some issues that need to be worked out between the two property owners, what are your thoughts?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



PROJECT
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www.ProjectAdvancement.com

Let's connect on [LinkedIn](#)

From: McCool Development Solutions <carrie@mccooldevelopment.com>
Sent: Thursday, April 9, 2020 1:59 PM
To: Patrick Adler <padler@ProjectAdvancement.com>
Subject: Re: Red Mountain Ranch

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Best,

Carrie McCool, Town Planner
McCool Development Solutions
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Denver, CO 80212
w: 720.465.4320 ext. 101
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On Thu, Apr 9, 2020 at 2:36 PM Patrick Adler <padler@projectadvancement.com> wrote:

Good afternoon Carrie,

I received your email address from Jessica Lake and she referred me to contact you regarding additional files pertaining to Red Mountain Ranch. Is the phone number 970-328-9655 (which is listed for you on the Town's website) the best phone number for you or is there a different number that should be used?

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Sincerely,

Patrick Adler

Managing Member

602-989-2448

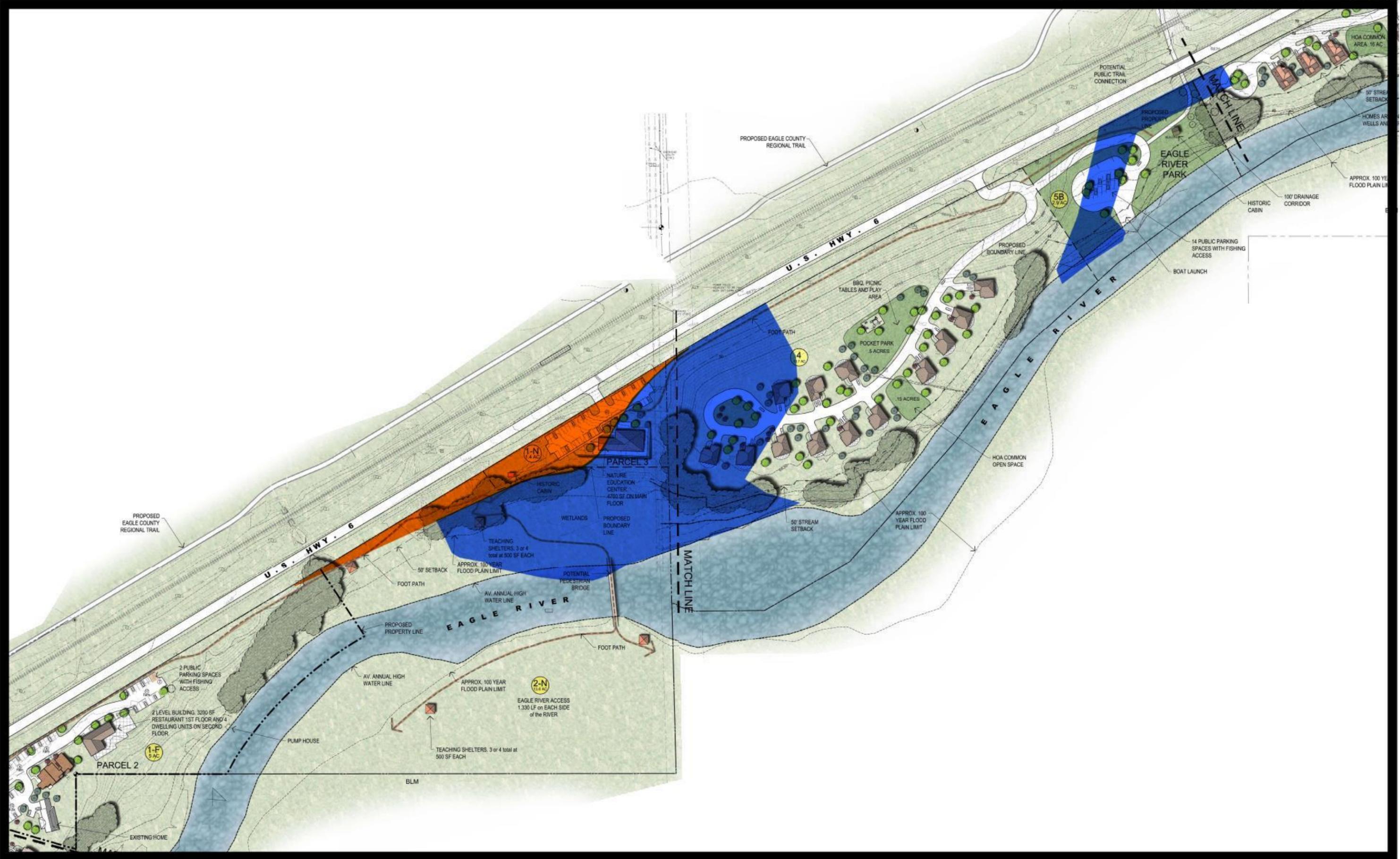


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 **RMR PandZ Staff Report MARKED.pdf**
4575K



EAGLE RIVER STATION EXHIBIT A SITEPLAN

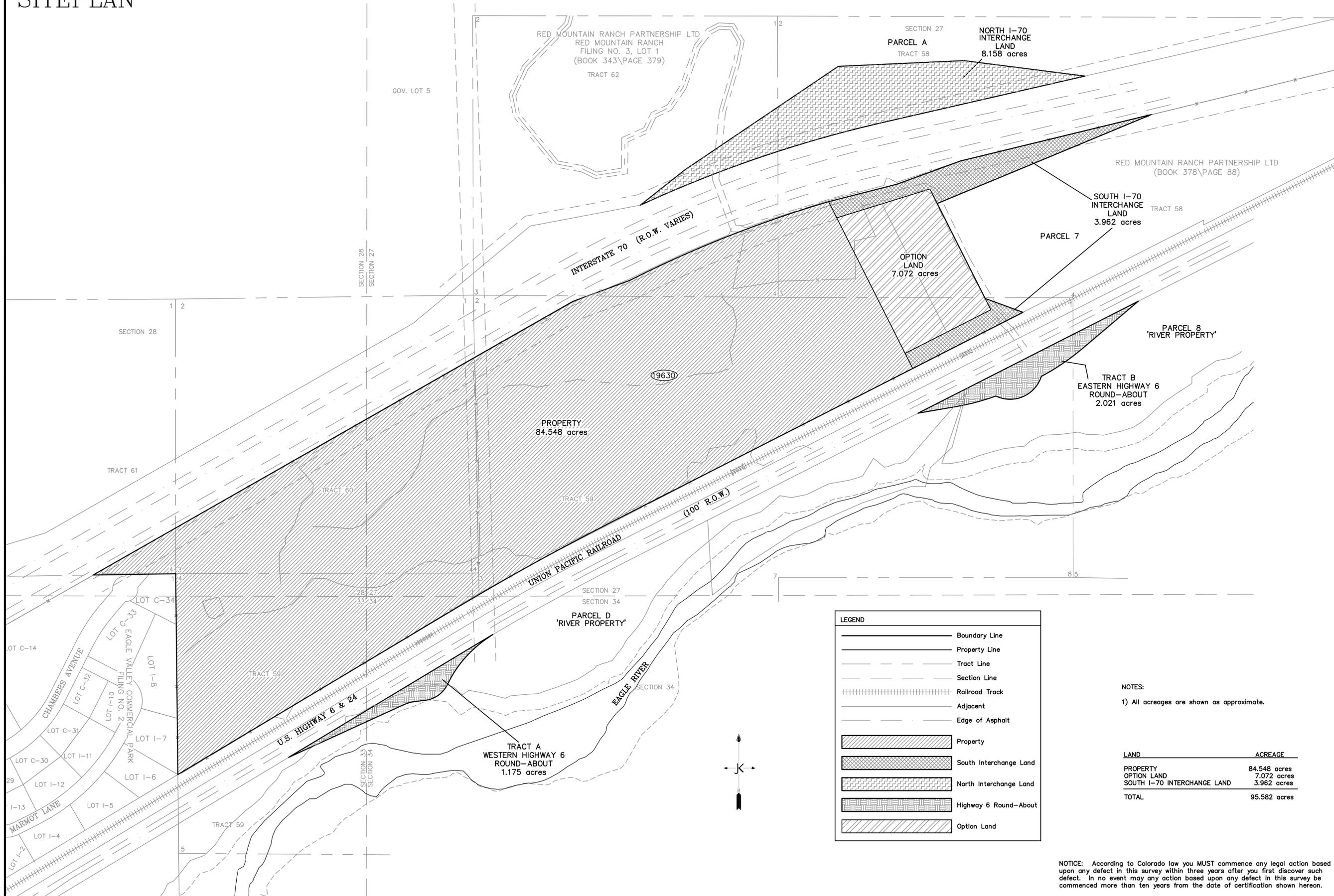
Exhibit A and Memorandum of Agreement



J&K, INC.

ARCHITECTURE
CIVIL ENGINEERING
LAND SURVEYING
MAPPING
PLANNING
STRUCTURAL ENGINEERING

POST OFFICE BOX 409
1286 CHAMBERS AVE., SUITE 200
EAGLE, COLORADO 81631
P 970 328 6368
F 970 328 1035
WWW.JK-INC.COM

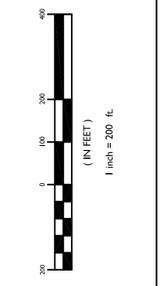


LEGEND	
	Boundary Line
	Property Line
	Tract Line
	Section Line
	Railroad Track
	Adjacent
	Edge of Asphalt
	Property
	South Interchange Land
	North Interchange Land
	Highway 6 Round-About
	Option Land

NOTES:
1) All acreages are shown as approximate.

LAND	ACREAGE
PROPERTY	84.548 acres
OPTION LAND	7.072 acres
SOUTH I-70 INTERCHANGE LAND	3.962 acres
TOTAL	95.582 acres

NO.	DATE	DESCRIPTION	BY	CHK
1	7/1/09	ERS PROPERTY EXHIBIT	GDH	
		ISSUE		
		REVISIONS		



SCALE
JOB NO. **8109**
SHEET NO. **1**

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown herein.

INTEGRITY
FROM THE GROUND UP™

4

When recorded, return to:

Eagle Development, Inc.
c/o Katz Law Firm
J. Richard Crawford, Esq.
435 Nichols Road, Suite 200
Kansas City, MO 64112

MEMORANDUM OF AGREEMENT

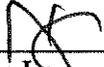
Notice is hereby given that Eagle Development, Inc., a Colorado corporation ("EDI") and Red Mountain Ranch Partnership, LLLP, a Colorado limited liability limited partnership ("RMR"), have entered into a certain Fourth Amendment to Agreement of Sale (the "Fourth Amendment") dated August 20, 2008, which includes certain provisions regarding the future conveyance of the land legally described in Exhibit A, attached hereto (individually an "RMR Tract" and collectively the "RMR Tracts"). Interested parties are directed to consult with EDI and RMR concerning the affect of the Fourth Amendment on the RMR Tracts. The terms of this Memorandum shall expire upon the conveyance or dedication of each RMR Tract as to the RMR Tract so conveyed or dedicated pursuant to the terms of the Fourth Amendment.

IN WITNESS WHEREOF, this Memorandum of Agreement has been executed as of the 200 day of August, 2008.

(Signatures on following page)

“EDI”

Eagle Development, Inc., a Colorado corporation:

By: 
Dan Lowe, President

STATE OF MISSOURI)
) ss
COUNTY OF JACKSON)

The above and foregoing document was acknowledged before me this 13 day of Aug 2008, by Dan Lowe as President of Eagle Development, Inc., a Colorado corporation.

WITNESS MY HAND AND OFFICIAL SEAL.



Notary Public

DOREEN C. HANSEN
Notary Public-Notary Seal
STATE OF MISSOURI
Jackson County

My commission expires

My Commission Expires: Oct 28, 2011
Commission # 07384893

EXHIBIT A

NORTH I-70 INTERCHANGE LAND

A parcel of land located within Tracts 58 and 62, Section 27, Township 4 South, Range 84 West of the Sixth Principal Meridian, according to the Supplemental Plat of the Independent Resurvey thereof accepted in the U.S. Surveyor General's Office, June 20, 1922, Eagle County, Colorado, with the bearings described hereon based on a bearing of S89°54'19"E for the 1 - 2 line of said Tract 62 between Corner No. 1 and Corner No. 2 of said Tract 62, both being a 2 1/2" GLO brass caps on 1" iron pipe, found in place, said parcel being more particularly described as follows:

Beginning at a point from which said Corner No. 1 of Tract 62 also being Corner No. 2 of said Tract 58 bears N50°31'16"W, 372.82 feet; thence N87°23'28"E, 595.77 feet; thence S82°43'35"E, 577.05 feet to a point on the northerly right-of-way of Interstate 70 (I-70); thence along said northerly right-of-way line the following two (2) courses:

- 1) S77°08'41"W, 981.93 feet;
- 2) along a non-tangent curve to the left having a length of 1213.70 feet, a radius of 5879.57 feet, a tangent of 609.02 feet, a delta of 11°49'39" and a chord of 1211.55 feet that bears S71°13'56"W;

thence departing said northerly right-of-way N51°41'52"E, 267.66 feet; thence N56°06'22"E, 875.64 feet to the Point of Beginning. Said parcel containing 8.158 acres, more or less.

AND

TRACT A

A parcel of land located in Tract 59, Section 33 and 34, Township 4 South, Range 84 West of the Sixth Principal Meridian, County of Eagle, State of Colorado, being a portion of the land described in Book 327 at Page 290, with the bearings described herein based on a bearing of S89°52'27"W for the 3 - 4 line of said Tract 59, Corner No. 3 being a 2 1/2 inch GLO brass cap on 1 inch Iron pipe, found in place and Corner No. 4 being a 2 1/2 inch aluminum cap on 2 1/4 inch aluminum pipe, PE\PLS #23089, found in place, said parcel of land being more particularly described as follows:

Beginning at a point on the southerly right-of-way line of Highway 6 and 24, from which said Corner No. 3 of said Tract 59 bears N13°03'47"W, 297.70 feet; thence departing said southerly right-of-way line the following seven (7) courses:

- 1) S55°44'50"W, 34.69 feet;
- 2) along a curve to the left having a length of 285.80 feet, a radius of 550.00 feet, a tangent of 146.21 feet, a delta of 29°46'23" and a chord of 282.60 feet that bears S40°51'38"W;
- 3) S25°58'26"W, 2.79 feet
- 4) along a curve to the right having a length of 135.34 feet, a radius of 134.00 feet, a tangent of 74.08 feet, a delta of 57°52'09" and a chord of 129.66 feet that bears S54°54'31"W;
- 5) S83°50'35"W, 41.51 feet;
- 6) along a curve to the left having a length of 64.03 feet, a radius of 200.00 feet, a tangent of 32.29 feet, a delta of 18°20'33" and a chord of 63.75 feet that bears S74°40'18"W;
- 7) S65°30'02"W, 596.03 feet

to a point on said southerly right-of-way line; thence along said right-of-way line N59°02'29"E, 1008.77 feet; thence along a curve to the right having a length of 117.34 feet, a radius of 11410.00 feet, a tangent of 58.67 feet, a delta of 0°35'21" and a chord of 117.34 feet that bears N59°20'10"E to the Point of Beginning. Said parcel containing 1.175 acres, more or less.

AND

EAGLE RIVER STATION
TRACT B

A parcel of land located in Tract 58 and 59, Section 27, Township 4 South, Range 84 West of the Sixth Principal Meridian, County of Eagle, State of Colorado, being a portion of the land described in Book 327 at Page 290; Book 340 at Page 139; and Book 378 at Page 880, with the bearings described herein based on a bearing of S89°52'27"W for the 3 - 4 line of said Tract 59, Corner No. 3 being a 2 1/2 inch GLO brass cap on 1 inch iron pipe, found in place and Corner No. 4 being a 2 1/2 inch aluminum cap on 2 1/4 inch aluminum pipe, PE\PLS #23089, found in place, said parcel of land being more particularly described as follows:

Beginning at a point on the southerly right-of-way line of Highway 6 and 24, from which said Corner No. 3 of Tract 59 bears S70°05'26"W, 2212.63

feet; thence along said right-of-way line N63°08'29"E, 1168.55 feet; thence departing said southerly right-of-way line the following five (5) courses:

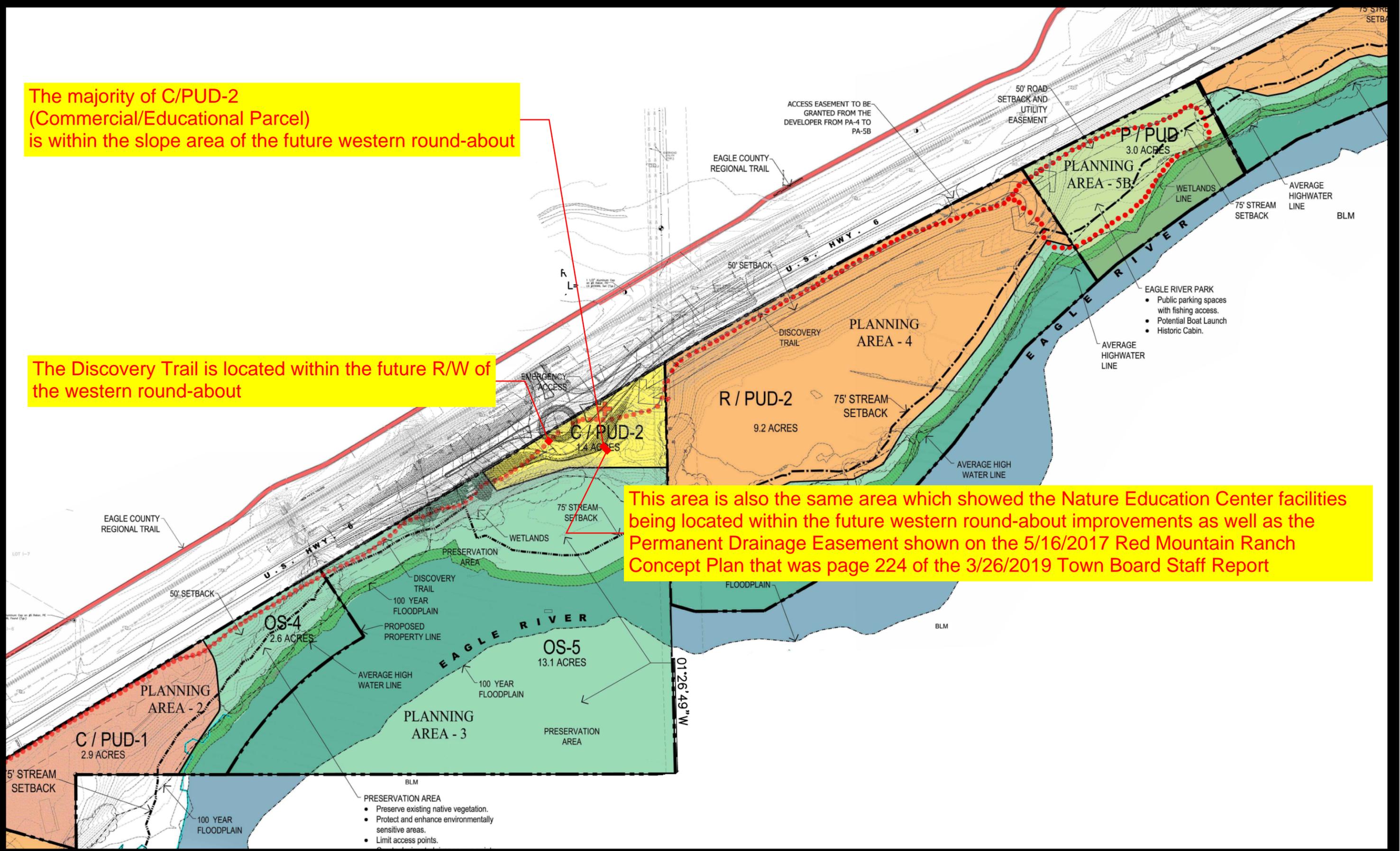
- 1) S49°50'09"W, 345.81 feet;
- 2) along a curve to the right having a length of 235.19 feet, a radius of 1100.00 feet, a tangent of 118.04 feet, a delta of 12°15'01" and a chord of 234.74 feet that bears S55°57'39"W;
- 3) along a non-tangent curve to the right having a length of 265.10 feet, a radius of 155.00 feet, a tangent of 178.29 feet, a delta of 97°59'42" and a chord of 233.95 feet that bears S66°43'15"W;
- 4) along a non-tangent curve to the right having a length of 190.31 feet, a radius of 1100.00 feet, a tangent of 95.39 feet, a delta of 09°54'46" and a chord of 190.07 feet that bears S75°08'34"W;
- 5) S80°05'56"W, 187.89 feet

to the Point of Beginning. Said parcel containing 2.021 acres, more or less.

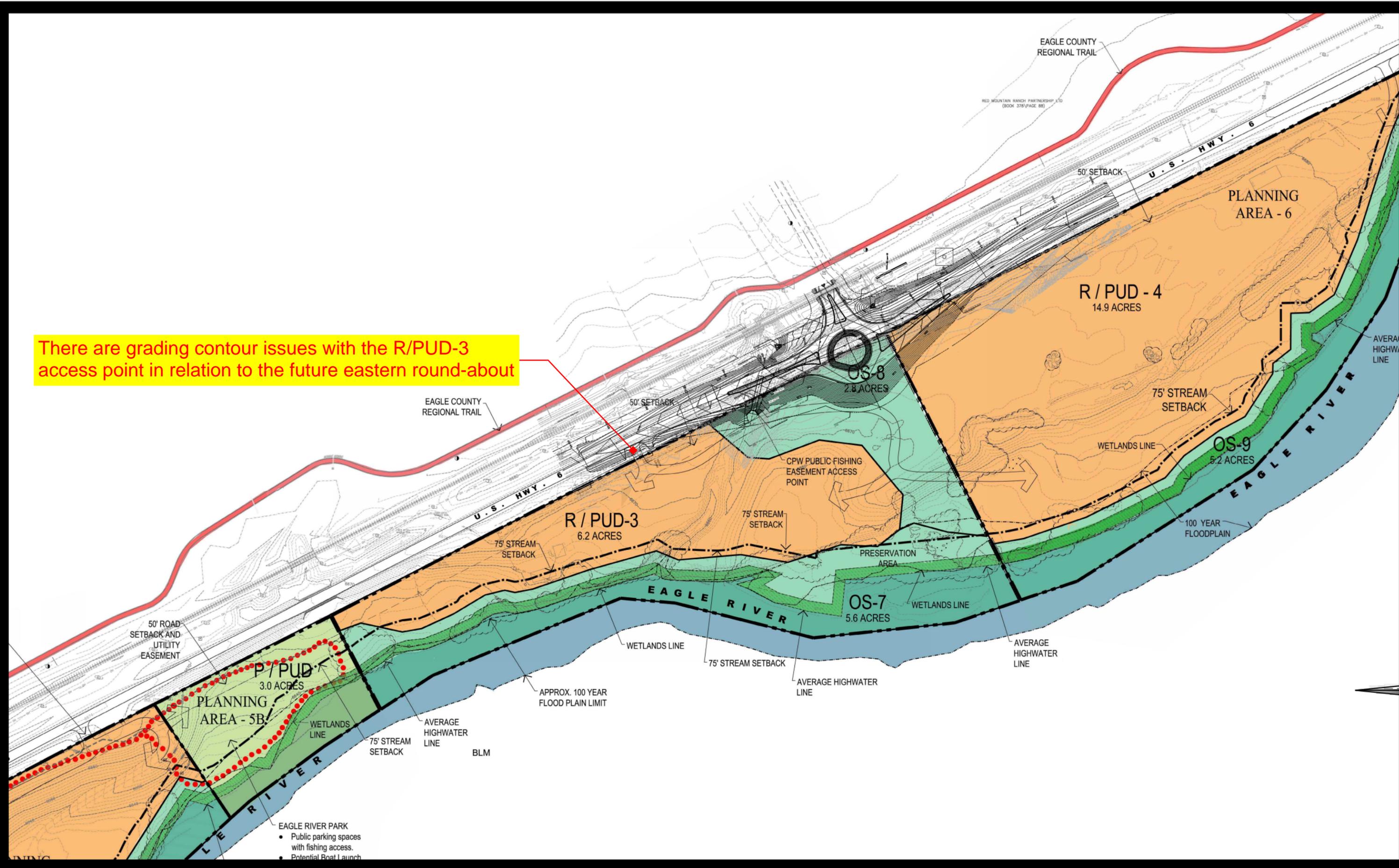
The majority of C/PUD-2 (Commercial/Educational Parcel) is within the slope area of the future western round-about

The Discovery Trail is located within the future R/W of the western round-about

This area is also the same area which showed the Nature Education Center facilities being located within the future western round-about improvements as well as the Permanent Drainage Easement shown on the 5/16/2017 Red Mountain Ranch Concept Plan that was page 224 of the 3/26/2019 Town Board Staff Report



- BLM
- PRESERVATION AREA**
- Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.



EAGLE RIVER STATION EXHIBIT A SITEPLAN

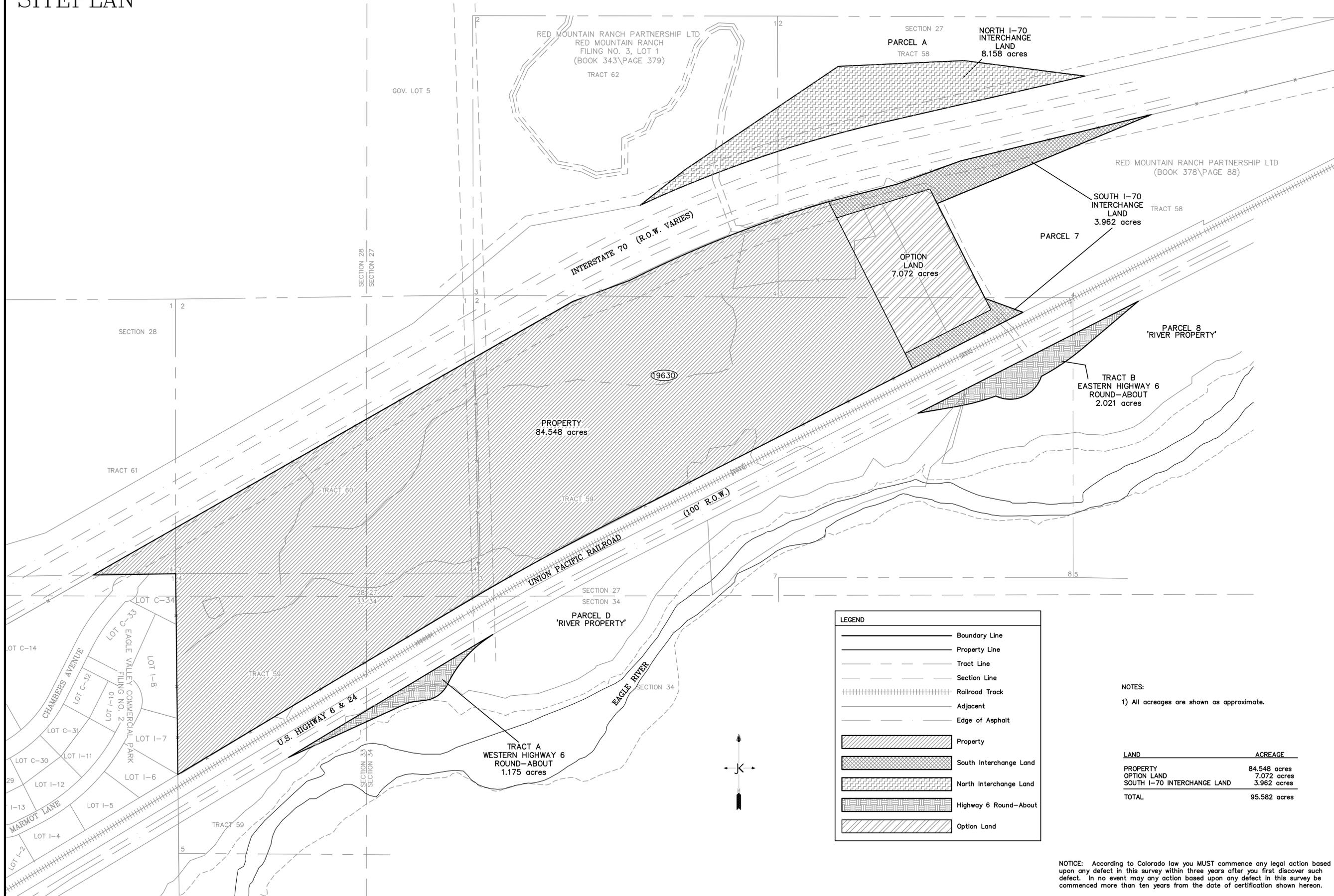


J&K, INC.

ARCHITECTURE
CIVIL ENGINEERING
LAND SURVEYING
MAPPING
PLANNING
STRUCTURAL ENGINEERING

POST OFFICE BOX 409
1286 CHAMBERS AVE., SUITE 200
EAGLE, COLORADO 81631
P 970 328 6368
F 970 328 1035
WWW.JK-INC.COM

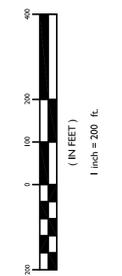
NO.	DATE	DESCRIPTION	BY	CHK
1	7/1/09	ERS PROPERTY EXHIBIT	GDH	
		ISSUE		
		REVISIONS		



	Boundary Line
	Property Line
	Tract Line
	Section Line
	Railroad Track
	Adjacent
	Edge of Asphalt
	Property
	South Interchange Land
	North Interchange Land
	Highway 6 Round-About
	Option Land

NOTES:
1) All acreages are shown as approximate.

LAND	ACREAGE
PROPERTY	84,548 acres
OPTION LAND	7,072 acres
SOUTH I-70 INTERCHANGE LAND	3,962 acres
TOTAL	95,582 acres



SCALE
JOB NO. **8109**

SHEET NO.
1

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INTEGRITY
FROM THE GROUND UP™



McCool Development Solutions <carrie@mccooldevelopment.com>

RE: Red Mountain Ranch

Patrick Adler <padler@projectadvancement.com>

Thu, Apr 23, 2020 at 3:31 PM

To: McCool Development Solutions <carrie@mccooldevelopment.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>, Brett Heron <BHeron@reddevelopment.com>, Chad Phillips <chad.phillips@townofeagle.org>

Thanks Carrie, the information is very helpful.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



PROJECT
ADVANCEMENT

www.ProjectAdvancement.com

Let's connect on [LinkedIn](#)

From: McCool Development Solutions <carrie@mccooldevelopment.com>

Sent: Thursday, April 23, 2020 2:29 PM

To: Patrick Adler <padler@ProjectAdvancement.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>

Subject: Re: Red Mountain Ranch

Hi Patrick,

Please see my responses in **red** below.



Carrie McCool, Town Planner
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Thu, Apr 23, 2020 at 10:48 AM Patrick Adler <padler@projectadvancement.com> wrote:

Good morning Carrie,

What are the next steps for the Red Mountain Ranch Filing 5 Final Plat?

Can you please share with me the next steps as well as details on the following items?

1. When will the case be presented to the Town Board of Trustees? **The answer here depends on the applicant. We are anticipating a resubmittal on the zoning and the Annexation and Development Agreement needs to be finalized. The annexation, zoning and final plat will be considered by Town Council at the same hearing.**
2. What is the window of time (both beginning and ending time periods) for Public Comments to be submitted on the case for the Town Board of Trustees hearing? **The hearing will be noticed in accordance with the public notification process outlined in the Code. Publication will occur once a week for four (4) successive weeks – which actually means that notice of hearing will be published 5 separate times. The public can email their comments to Jessica Lake.**
3. When will the video from the Town Planning and Zoning Commission hearing from 4/21/2020 be uploaded to the Town's website (see image below)? **Town staff is currently working on this. I'll let you know when it is uploaded.**

In addition, can you validate if the Title Report that is currently posted to the Town's website is the same version that is referenced in Note #6 on the cover of the 4/2/2020 Final Plat? This Final Plat Note #6 is pasted below and it refers to an Amendment No. 2 of Commitment No: 454-H0455614-610-ETO which I was not able to locate within the attached file (the Title Report that is currently posted to the Town's website). If the posted Title Commitment is not the version referenced in the Final Plat, can you please send me a copy of the Title Commitment that is referenced on the Final Plat? **I'll review the title work and get back to you on this.**

6) All existing easements shown hereon were derived from Commitment No: 454-H0455614-610-ETO, Amendment No. 2 provided by Heritage Title Company.

Most Recent Events		Category	
Name	Date/Time	Media	Files
4/21/2020 Planning & Zoning Commission	4/21/2020 6:00 PM		Download
Town Board of Trustees	4/14/2020 6:00 PM		Download

Sincerely,

Patrick Adler

Managing Member

602-989-2448



PROJECT
ADVANCEMENT

www.ProjectAdvancement.com

Let's connect on [LinkedIn](#)

From: McCool Development Solutions <carrie@mccooldevelopment.com>

Sent: Monday, April 20, 2020 3:44 PM

To: Patrick Adler <padler@ProjectAdvancement.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>

Subject: Re: Red Mountain Ranch

Hi Patrick,

I hope you had a great weekend. The scope of this subdivision is limited to re-platting the entire property to create nine parcels to align with the seven planning areas in the PUD as well as create two open space parcels in Planning Area 1 (OS-1 and OS-3) and a 3-acre public park (Parcel 5B) to be designated as fee simple parcels for future dedication to the town. It does not propose any development and does not include the design of any improvements. No roads, utilities, development lots, or blocks are proposed or requested for review and approval with this subdivision. There is no requirement to dedicate right-of-way at this time. That will come later on in the entitlement process, which would be Development Permit or re-subdivision. There will be numerous Development Permits and replats on the RMR property as it builds out. The applicant

is fully aware, and the Town will include the requirement in the future Annexation and Development Agreement that they shall dedicate additional land within the property to the Town for the construction of a new roundabout on Highway 6. Approval of that future location is that of CDOT as they have jurisdiction over Highway 6. The Town cannot enforce agreements between private parties. All we can do is implement the current town regulations.

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Best,

Carrie McCool, Town Planner
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Sat, Apr 18, 2020 at 12:30 PM Patrick Adler <padler@projectadvancement.com> wrote:

Thanks Carrie – I have intermittent availability today and I will be offline for the next several hours.

In order to keep the others included on our correspondence in the most efficient manner, it might be best to keep our correspondence via email.

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Sincerely,

Patrick Adler

Managing Member

602-989-2448



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Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>
Subject: Re: Red Mountain Ranch

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Subject: Re: Red Mountain Ranch

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Thank you,

Carrie McCool, Town Planner
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On Fri, Apr 17, 2020 at 3:40 PM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I received the Red Mountain Ranch Staff Report for this coming Tuesday's hearing and I was surprised to find that it stated "No Public Comments were received".

Attached is a marked up version of the Staff Report along with the Public Notification added as the 1st two pages. In the Public Notification, it stated how Public Comments could be conveyed which included an email to Jessica Lake. In my email to you on 4/16/2020 outlining my concerns, Jessica was copied on the email, so it seems that my concerns should have been registered as a Public Comment.

I have a conference call that will begin in 20 minutes that should last for an hour. Please feel free to contact me either prior to or after my conference call to outline how my comments will be registered and brought to the Planning and Zoning Commissions attention.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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Let's connect on [LinkedIn](#)

From: McCool Development Solutions <carrie@mccooldevelopment.com>
Sent: Thursday, April 16, 2020 8:05 AM
To: Patrick Adler <padler@ProjectAdvancement.com>
Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>
Subject: Re: Red Mountain Ranch

Thanks for the follow up, Pat. I have routed your email to engineering staff and will get back to you once I hear back. In the meantime, I'd like to virtually introduce you to Chad Phillips. He is the new Community Development Director and copied him on this email.

We'll be in touch soon.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Thu, Apr 16, 2020 at 8:33 AM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I realize that I could have delineated a little better the items that I was seeing with the 3/5/2020 version of the Red Mountain Ranch PUD Zoning Plan when I attempted yesterday to overlay that plan with the future Highway 6 improvements for both the western and eastern roundabouts. Attached are the comments from my email embedded into the PDF exhibit to help us converge on the issues that need to be addressed.

It is important to note that both the western and eastern roundabouts have been planned in conjunction with the Town of Eagle and Red Mountain Ranch since prior to Eagle River Station's acquisition of the property in 2008. I have forwarded to you via WeTransfer.com a copy of the 2014 plans for both the western and eastern roundabouts in case you did not have prior access to these documents.

As I understand it, the plan, since prior to Eagle River Station's acquisition of the property on the north side of Highway 6 from Merv (Red Mountain Ranch), has been for Merv (Red Mountain Ranch) to dedicate the necessary right of way needed for both the western and eastern roundabouts in advance of these future improvements being constructed. You can see my concern when it appears that 3/5/2020 version of the Red Mountain Ranch PUD Zoning Plan does not seem to accommodate the future western and eastern roundabouts.

I am very interested in your thoughts on the appropriate course of action that should be taken moving forward regarding these issues.

Sincerely,

Patrick Adler
Managing Member
602-989-2448



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Let's connect on [LinkedIn](#)

From: Patrick Adler
Sent: Wednesday, April 15, 2020 5:24 PM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Thanks Carrie,

After we spoke today I attempted to overlay the latest PUD Zoning Plan and it still seems like there are issues that need to be addressed pertaining to:

1. Planning Area 3 – C/PUD-2 (the Commercial/Educational Parcel)
 - a. Per the attached PDF page 2, you can see that this area will be covered with slope to accommodate the future western round-about
2. Access to R/PUD -3
 - a. Per the attached PDF page 3, you can see that there are slope contours at the new access point for R/PUD-3 that need to be accounted for associated with the future eastern round-about
3. The Discovery Trail alignment in OS-5 and C/PUD-2
 - a. Per the attached PDF page 2, you can see that the proposed alignment is located within the future roadway of the western round-about

These concerns are in addition to the previously raised concerns associated with the location of the proposed Nature Education Center within the existing Drainage Easement.

I really think it is appropriate for these concerns to be on the record with an acknowledgement that whatever is moving forward in Red Mountain Ranch needs to appropriately integrate with the future improvements associated with the western and eastern round about so that proper expectations are set so that we aren't creating tomorrow's problems today.

What are your thoughts on how to best address these concerns?

Sincerely,

Patrick Adler
Managing Member
602-989-2448



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Let's connect on [LinkedIn](#)

From: McCool Development Solutions <carrie@mccooldevelopment.com>
Sent: Wednesday, April 15, 2020 3:51 PM
To: Patrick Adler <padler@ProjectAdvancement.com>
Subject: Re: Red Mountain Ranch

Hi Pat,

It was nice talking with you this afternoon. Let me know if you need anything further.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
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Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Wed, Apr 15, 2020 at 3:46 PM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I wanted to follow up with our conversation from last week and see if there are any updates on your end. Can you tune me in when you get the opportunity?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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Let's connect on [LinkedIn](#)

From: Patrick Adler
Sent: Friday, April 10, 2020 9:01 AM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Carrie, my bad, I had reviewed the Final Plat that I pulled from the Town's website on 4/5/2020 when I assembled the PDFs I shared with you. On 4/9/2020 (yesterday), I was in receipt of the latest Final Plat and had not looked at it closely and missed that the Drainage Easement is in fact now shown on the latest version. The latest version does not fully show the anticipated R/W dedication for the proposed RoundABOUTs on Highway 6 (only a portion as highlighted in orange on the attached). The proposed R/W is only a Plan View of what is to come and it is important to note that there are significant grade issues. I will send you a cleaner version of the overlay I pieced together trying to merge these items with the Concept Plan that was posted and how the grade issues radically impact the access points and the Nature Education Center shown on that plan. Getting a better understanding of the layout of Red Mountain Ranch beyond the Final Plat would be helpful to better understand if the new Concept Plan still has the same issues.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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Let's connect on [LinkedIn](#)

From: Patrick Adler
Sent: Friday, April 10, 2020 8:11 AM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Thanks Carrie,

Attached is a copy of some slides I assembled where I attempted to overlay the Eagle Development Permanent Drainage Easement that exists on Red Mountain Ranch's property along with the proposed Highway 6 Right of Way Dedication and the proposed contours for the grading of the proposed RoundABOUTs. It appears that there are some issues that need to be worked out between the two property owners, what are your thoughts?

Sincerely,

Patrick Adler
Managing Member
602-989-2448



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Let's connect on [LinkedIn](#)

From: McCool Development Solutions <carrie@mccooldevelopment.com>
Sent: Thursday, April 9, 2020 1:59 PM
To: Patrick Adler <padler@ProjectAdvancement.com>
Subject: Re: Red Mountain Ranch

Hi Patrick,

I left you a voicemail but thought I would follow up via email as well. The best number to reach me is my cell number which is 303.378.4540. The Red Mountain Ranch Team is working on revisions to their proposed PUD Guide and Zoning Plan. Once all town staff and external referral agency comments have been adequately addressed, the Annexation and Zoning applications will move forward for Town Board consideration. A new staff report will be issued prior to the Town Board public hearing. The Red Mountain Ranch 5th filing is set on the April 21st Planning and Zoning Commission agenda. The staff report will be issued on Friday, April 17th and posted on the Town's website. I have attached a copy of the Final Plat per your request. Please don't hesitate to reach out with any other questions.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
[4383 Tennyson Street, Unit 1-D](#)
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Thu, Apr 9, 2020 at 2:36 PM Patrick Adler <padler@projectadvancement.com> wrote:

Good afternoon Carrie,

I received your email address from Jessica Lake and she referred me to contact you regarding additional files pertaining to Red Mountain Ranch. Is the phone number 970-328-9655 (which is listed for you on the Town's website) the best phone number for you or is there a different number that should be used?

I have a copy of the Town Board Staff Report dated 2019-3-26, has a new version been prepared to incorporate the latest information?

Also, do you have a copy of the project's ALTA Survey that you can forward to me?

Sincerely,

Patrick Adler
Managing Member
602-989-2448



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RE: Red Mountain Ranch

Patrick Adler <padler@projectadvancement.com>

Tue, Apr 28, 2020 at 4:50 PM

To: McCool Development Solutions <carrie@mccooldevelopment.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>, Brett Heron <BHeron@reddevelopment.com>, Chad Phillips <chad.phillips@townofeagle.org>

Thanks Carrie, I was just on the Town's website and it looks like the posted Title Report is still the older version. Can you share with me your anticipated timing for the release of the Commitment referenced in Note # 6 of the Final Plat?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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Let's connect on [LinkedIn](#)

From: Patrick Adler

Sent: Thursday, April 23, 2020 2:32 PM

To: McCool Development Solutions <carrie@mccooldevelopment.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>

Subject: RE: Red Mountain Ranch

Thanks Carrie, the information is very helpful.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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Let's connect on [LinkedIn](#)

From: McCool Development Solutions <carrie@mccooldevelopment.com>

Sent: Thursday, April 23, 2020 2:29 PM

To: Patrick Adler <padler@ProjectAdvancement.com>
Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>
Subject: Re: Red Mountain Ranch

Hi Patrick,

Please see my responses in red below.



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On Thu, Apr 23, 2020 at 10:48 AM Patrick Adler <padler@projectadvancement.com> wrote:

Good morning Carrie,

What are the next steps for the Red Mountain Ranch Filing 5 Final Plat?

Can you please share with me the next steps as well as details on the following items?

1. When will the case be presented to the Town Board of Trustees? **The answer here depends on the applicant. We are anticipating a resubmittal on the zoning and the Annexation and Development Agreement needs to be finalized. The annexation, zoning and final plat will be considered by Town Council at the same hearing.**
2. What is the window of time (both beginning and ending time periods) for Public Comments to be submitted on the case for the Town Board of Trustees hearing? **The hearing will be noticed in accordance with the public notification process outlined in the Code. Publication will occur once a week for four (4) successive weeks – which actually means that notice of hearing will be published 5 separate times. The public can email their comments to Jessica Lake.**
3. When will the video from the Town Planning and Zoning Commission hearing from 4/21/2020 be uploaded to the Town's website (see image below)? **Town staff is currently working on this. I'll let you know when it is uploaded.**

In addition, can you validate if the Title Report that is currently posted to the Town's website is the same version that is referenced in Note #6 on the cover of the 4/2/2020 Final Plat? This Final Plat Note #6 is pasted below and it refers to an Amendment No. 2 of Commitment No: 454-H0455614-610-ETO which I was not able to locate within the attached file (the Title Report that is currently posted to the Town's website). If the posted Title Commitment is not the version referenced in the Final Plat, can you please send me a copy of the Title Commitment that is referenced on the Final Plat? **I'll review the title work and get back to you on this.**

6) All existing easements shown hereon were derived from Commitment No: 454-H0455614-610-ETO, Amendment No. 2 provided by Heritage Title Company.

Most Recent Events		Category	
Name	Date/Time	Media	Files
4/21/2020 Planning & Zoning Commission	4/21/2020 6:00 PM		Download
Town Board of Trustees	4/14/2020 6:00 PM		Download

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Patrick Adler

Managing Member

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Managing Member

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Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>

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Sincerely,

Patrick Adler

Managing Member

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Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>

>

Subject: Re: Red Mountain Ranch

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Carrie McCool, Town Planner
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w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Fri, Apr 17, 2020 at 3:40 PM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I received the Red Mountain Ranch Staff Report for this coming Tuesday's hearing and I was surprised to find that it stated "No Public Comments were received".

Attached is a marked up version of the Staff Report along with the Public Notification added as the 1st two pages. In the Public Notification, it stated how Public Comments could be conveyed which included an email to Jessica Lake. In my email to you on 4/16/2020 outlining my concerns, Jessica was copied on the email, so it seems that my concerns should have been registered as a Public Comment.

I have a conference call that will begin in 20 minutes that should last for an hour. Please feel free to contact me either prior to or after my conference call to outline how my comments will be registered and brought to the Planning and Zoning Commissions attention.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: McCool Development Solutions <carrie@mccooldevelopment.com>

Sent: Thursday, April 16, 2020 8:05 AM

To: Patrick Adler <padler@ProjectAdvancement.com>

Cc: Jessica Lake <jessica.lake@townofeagle.org>; Brett Heron <BHeron@reddevelopment.com>; Chad Phillips <chad.phillips@townofeagle.org>

Subject: Re: Red Mountain Ranch

Thanks for the follow up, Pat. I have routed your email to engineering staff and will get back to you once I hear back. In the meantime, I'd like to virtually introduce you to Chad Phillips. He is the new Community Development Director and copied him on this email.

We'll be in touch soon.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Thu, Apr 16, 2020 at 8:33 AM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I realize that I could have delineated a little better the items that I was seeing with the 3/5/2020 version of the Red Mountain Ranch PUD Zoning Plan when I attempted yesterday to overlay that plan with the future Highway 6 improvements for both the western and eastern round-abouts. Attached are the comments from my email embedded into the PDF exhibit to help us converge on the issues that need to be addressed.

It is important to note that both the western and eastern round-abouts have been planned in conjunction with the Town of Eagle and Red Mountain Ranch since prior to Eagle River Station's acquisition of the property in 2008. I have forwarded to you via WeTransfer.com a copy of the 2014 plans for both the western and eastern round-abouts in case you did not have prior access to these documents.

As I understand it, the plan, since prior to Eagle River Station's acquisition of the property on the north side of Highway 6 from Merv (Red Mountain Ranch), has been for Merv (Red Mountain Ranch) to dedicate the necessary right of way needed for both the western and eastern round-abouts in advance of these future improvements being constructed. You can see my concern when it appears that 3/5/2020 version of the Red Mountain Ranch PUD Zoning Plan does not seem to accommodate the future western and eastern round-abouts.

I am very interested in your thoughts on the appropriate course of action that should be taken moving forward regarding these issues.

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: Patrick Adler
Sent: Wednesday, April 15, 2020 5:24 PM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Thanks Carrie,

After we spoke today I attempted to overlay the latest PUD Zoning Plan and it still seems like there are issues that need to be addressed pertaining to:

1. Planning Area 3 – C/PUD-2 (the Commercial/Educational Parcel)
 - a. Per the attached PDF page 2, you can see that this area will be covered with slope to accommodate the future western round-about
2. Access to R/PUD -3
 - a. Per the attached PDF page 3, you can see that there are slope contours at the new access point for R/PUD-3 that need to be accounted for associated with the future eastern round-about
3. The Discovery Trail alignment in OS-5 and C/PUD-2
 - a. Per the attached PDF page 2, you can see that the proposed alignment is located within the future roadway of the western round-about

These concerns are in addition to the previously raised concerns associated with the location of the proposed Nature Education Center within the existing Drainage Easement.

I really think it is appropriate for these concerns to be on the record with an acknowledgement that whatever is moving forward in Red Mountain Ranch needs to appropriately integrate with the future improvements associated with the western and eastern round about so that proper expectations are set so that we aren't creating tomorrow's problems today.

What are your thoughts on how to best address these concerns?

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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From: McCool Development Solutions <carrie@mccooldevelopment.com>
Sent: Wednesday, April 15, 2020 3:51 PM
To: Patrick Adler <padler@ProjectAdvancement.com>
Subject: Re: Red Mountain Ranch

Hi Pat,

It was nice talking with you this afternoon. Let me know if you need anything further.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

On Wed, Apr 15, 2020 at 3:46 PM Patrick Adler <padler@projectadvancement.com> wrote:

Carrie,

I wanted to follow up with our conversation from last week and see if there are any updates on your end. Can you tune me in when you get the opportunity?

Sincerely,

Patrick Adler
Managing Member
602-989-2448



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Let's connect on [LinkedIn](#)

From: Patrick Adler
Sent: Friday, April 10, 2020 9:01 AM

To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Carrie, my bad, I had reviewed the Final Plat that I pulled from the Town's website on 4/5/2020 when I assembled the PDFs I shared with you. On 4/9/2020 (yesterday), I was in receipt of the latest Final Plat and had not looked at it closely and missed that the Drainage Easement is in fact now shown on the latest version. The latest version does not fully show the anticipated R/W dedication for the proposed RoundABOUTS on Highway 6 (only a portion as highlighted in orange on the attached). The proposed R/W is only a Plan View of what is to come and it is important to note that there are significant grade issues. I will send you a cleaner version of the overlay I pieced together trying to merge these items with the Concept Plan that was posted and how the grade issues radically impact the access points and the Nature Education Center shown on that plan. Getting a better understanding of the layout of Red Mountain Ranch beyond the Final Plat would be helpful to better understand if the new Concept Plan still has the same issues.

Sincerely,

Patrick Adler
Managing Member
602-989-2448



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From: Patrick Adler
Sent: Friday, April 10, 2020 8:11 AM
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Subject: RE: Red Mountain Ranch

Thanks Carrie,

Attached is a copy of some slides I assembled where I attempted to overlay the Eagle Development Permanent Drainage Easement that exists on Red Mountain Ranch's property along with the proposed Highway 6 Right of Way Dedication and the proposed contours for the grading of the proposed RoundABOUTS. It appears that there are some issues that need to be worked out between the two property owners, what are your thoughts?

Sincerely,

Patrick Adler
Managing Member
602-989-2448



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Let's connect on [LinkedIn](#)

From: McCool Development Solutions <carrie@mccooldevelopment.com>
Sent: Thursday, April 9, 2020 1:59 PM
To: Patrick Adler <padler@ProjectAdvancement.com>
Subject: Re: Red Mountain Ranch

Hi Patrick,

I left you a voicemail but thought I would follow up via email as well. The best number to reach me is my cell number which is 303.378.4540. The Red Mountain Ranch Team is working on revisions to their proposed PUD Guide and Zoning Plan. Once all town staff and external referral agency comments have been adequately addressed, the Annexation and Zoning applications will move forward for Town Board consideration. A new staff report will be issued prior to the Town Board public hearing. The Red Mountain Ranch 5th filing is set on the April 21st Planning and Zoning Commission agenda. The staff report will be issued on Friday, April 17th and posted on the Town's website. I have attached a copy of the Final Plat per your request. Please don't hesitate to reach out with any other questions.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212
w: 720.465.4320 ext. 101
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www.mccooldevelopment.com

On Thu, Apr 9, 2020 at 2:36 PM Patrick Adler <padler@projectadvancement.com> wrote:

Good afternoon Carrie,

I received your email address from Jessica Lake and she referred me to contact you regarding additional files pertaining to Red Mountain Ranch. Is the phone number 970-328-9655 (which is listed for you on the Town's website) the best phone number for you or is there a different number that should be used?

I have a copy of the Town Board Staff Report dated 2019-3-26, has a new version been prepared to incorporate the latest information?

Also, do you have a copy of the project's ALTA Survey that you can forward to me?

Sincerely,

Patrick Adler
Managing Member
602-989-2448



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RE: RMR re-submittal

Patrick Adler <padler@projectadvancement.com>

Wed, Apr 29, 2020 at 5:00 PM

To: McCool Development Solutions <carrie@mccooldevelopment.com>

Cc: Chad Phillips <chad.phillips@townofeagle.org>, Peyton Heitzman <peyton.heitzman@townofeagle.org>, Jessica Lake <jessica.lake@townofeagle.org>

Thanks so much Carrie!

Sincerely,

Patrick Adler

Managing Member

602-989-2448



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Let's connect on [LinkedIn](#)

From: McCool Development Solutions <carrie@mccooldevelopment.com>

Sent: Wednesday, April 29, 2020 2:14 PM

To: Patrick Adler <padler@ProjectAdvancement.com>

Cc: Chad Phillips <chad.phillips@townofeagle.org>; Peyton Heitzman <peyton.heitzman@townofeagle.org>; Jessica Lake <jessica.lake@townofeagle.org>

Subject: Fwd: RMR re-submittal

Hi Patrick,

I located the email wherein the applicants sent us updated Title Work. Let me know if you need anything further. Have a great day.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212
w: 720.465.4320 ext. 101
c: 303.378.4540
www.mccooldevelopment.com

----- Forwarded message -----

From: Eric Eves <eeves@hotmail.com>

Date: Thu, Jan 23, 2020 at 9:10 AM

Subject: Re: RMR re-submittal

To: McCool Development Solutions <carrie@mccooldevelopment.com>, Rick Pylman <rick@pylman.com>

Cc: April Kroner <april.kroner@townofeagle.org>, Merv Lapin <mervlapin@hotmail.com>, Spencer Blair <spencerblair@gmail.com>, Rocky Cortina <rcortina@hotmail.com>

Carrie,

Please find updated commitments attached.

thank you,

Eric

1. Parcel: 193933100002
2. Parcel: 193933100004
3. Parcel: 193934200042
4. Parcel: 193934200041
5. Parcel: 193927300029
6. **Parcel: 193927400039**
7. Parcel: 193927400042



RE: 4/21/2020 P&Z Public Hearing Recording

Patrick Adler <padler@projectadvancement.com>
To: McCool Development Solutions <carrie@mccooldevelopment.com>
Cc: Chad Phillips <chad.phillips@townofeagle.org>, Jessica Lake <jessica.lake@townofeagle.org>

Fri, Apr 24, 2020 at 11:53 AM

Thanks so much Carrie, have a great weekend!

Sincerely,

Patrick Adler
Managing Member
602-989-2448



www.ProjectAdvancement.com

Let's connect on [LinkedIn](#)

From: McCool Development Solutions <carrie@mccooldevelopment.com>
Sent: Friday, April 24, 2020 9:55 AM
To: Patrick Adler <padler@ProjectAdvancement.com>
Cc: Chad Phillips <chad.phillips@townofeagle.org>; Jessica Lake <jessica.lake@townofeagle.org>
Subject: 4/21/2020 P&Z Public Hearing Recording

Hi Patrick,

The P&Z public hearing recording is now online. See link: <https://www.townofeagle.org/773/Agendas-Minutes-and-Packets>.

Let me know if you need anything further on this. Have a great weekend.

Best,

Carrie McCool, Town Planner
McCool Development Solutions
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Denver, CO 80212
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