

EXHIBIT W:
Additional Opposition
Comments from RED dated
September 17, 2020
(ATTACHED)

From: [Patrick Adler](#)
To: [McCool Development Solutions](#)
Cc: [Jessica Lake](#); [Brett Heron](#); [Chad Phillips](#); [CWhite@BHFS.com](#); [Madden, Katherine J.](#)
Subject: Additional Comments Red Mountain Ranch
Date: Thursday, September 17, 2020 5:00:56 PM
Attachments: [Comments - Red Mountain Ranch - Project Advancement.pdf](#)

Carrie,

Attached are some additional comments in opposition to the Application

Sincerely,

Patrick Adler
Managing Member
602-989-2448



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Let's connect on [LinkedIn](#)



September 17, 2020

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VIA EMAIL

Town of Eagle
200 Broadway | P.O. Box 609
Eagle, CO 81631

RE: September 22, 2020 City Council Second Reading – Red Mountain Ranch Partnership, LLLP (“RMR”) Annexation, Planned Unit Development, and Preliminary Plan/Final Plat Application (the “Application”) with the Town of Eagle (the “Town”)

Dear Council Members:

This letter is sent on behalf of my client, Trinity Red Eagle Development, LLC (“RED”), one of the largest landowners in the Town and the owner of the property in the near vicinity of RMR and Highway 6 (the “Property”). For the reason discussed further below, RED cannot support RMR’s Application, specifically the Preliminary Plan/Final Plat Application.

I have attached Slides 1-6 to help give context on some of the issues associated with the Application in regards to the future goals of Eagle River Station (ERS) and the Town of Eagle.

1. **Slide 1** showcases that ERS does not have access to Highway 6
 - a. The Solid Blue Line of the Union Pacific Right of Way illustrated the barrier between ERS and Highway 6
2. **Slide 2** shows an aerial view of the two (2) existing PUC Railroad crossings that were installed by ERS in order to gain access to Highway 6.
 - a. These PUC Railroad crossings were installed at great expense to ERS. Typically a PUC Rail Road crossing is \$100k each (plus a lot of administrative work)
3. **Slide 3** shows the extension of Chambers Avenue into ERS and the two (2) ERS connection points to Highway 6 and shows the Western Round About and the Eastern Round About (with both utilizing the existing PUC Railroad crossings).
4. **Slide 4** shows the 2008 RMR agreed upon Right of Way for the Western Round About (an additional 115’ width)
5. **Slide 5** shows the 2008 RMR agreed upon Right of Way for the Eastern Round About (an additional 155’ width)
6. **Slide 6** shows the approximate location of the September 11, 2020 RMR CDOT Access Permit (approximately 515’ east of the existing PUC Railroad crossing)

Typically access along a highway is limited with CDOT requiring significant separation between access points. 515' between access points seems to be too short of a distance (but would need to be validated with CDOT).

A significant concern is that if a Round About intersection will be required for the access points for the extension of Chambers Avenue to Highway 6, then the additional right of way needed will need to be procured from RMR (Union Pacific will not give up any of its Right of Way). The additional access point Right of Way was anticipated in 2008 and was agreed upon by RMR and memorialized with the 2008 recorded Memorandum of Agreement for RMR to give to ERS the defined and necessary Right of Way.

If CDOT and the Town of Eagle are supportive of traditional intersections (in lieu of Round About intersections) for the extension of Chambers Avenue and ERS access to Highway 6, then a detailed engineering analysis needs to be performed to determine if such traditional intersections can fit within the existing CDOT 100' Right of Way (including the necessary grading transitions). If additional Right of Way is needed for the traditional intersections, provisions will need to be made with RMR. But this does not address the negative impacts to ERS associated with the re-alignment of Chambers Avenue along with the removal and replacement of the existing PUC Railroad crossings. These matters, in addition to other matters shared with RMR as part of a comprehensive resolution to the issues between ERS and RMR, were highlighted in a Term Sheet shared with RMR on June 15, 2020 and ERS is awaiting a written response. As illustrated herein, there are a number of issues that need to be resolved in a comprehensive manner before the Preliminary Plat and Final Plat are approved so that ERS (and the Town) are not "locked out" from having the Chambers Avenue extension gain its much needed access to Highway 6.

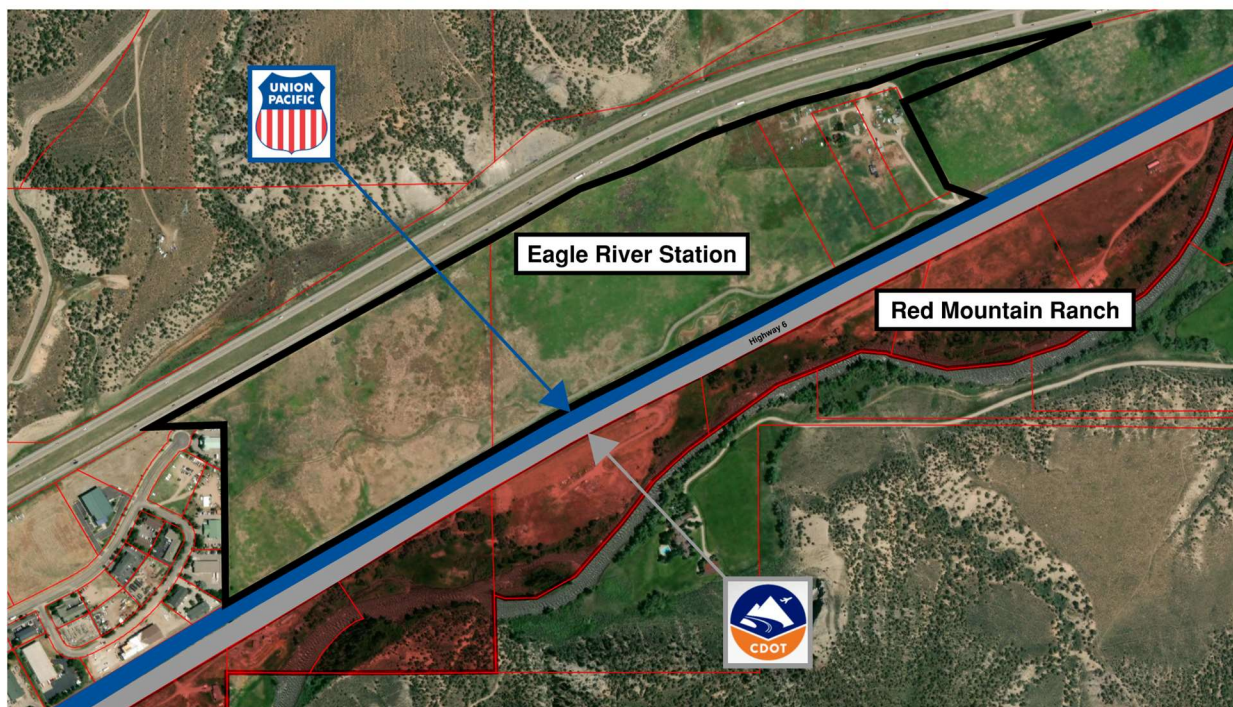
Thank you for the opportunity to comment on the Application.

Sincerely,

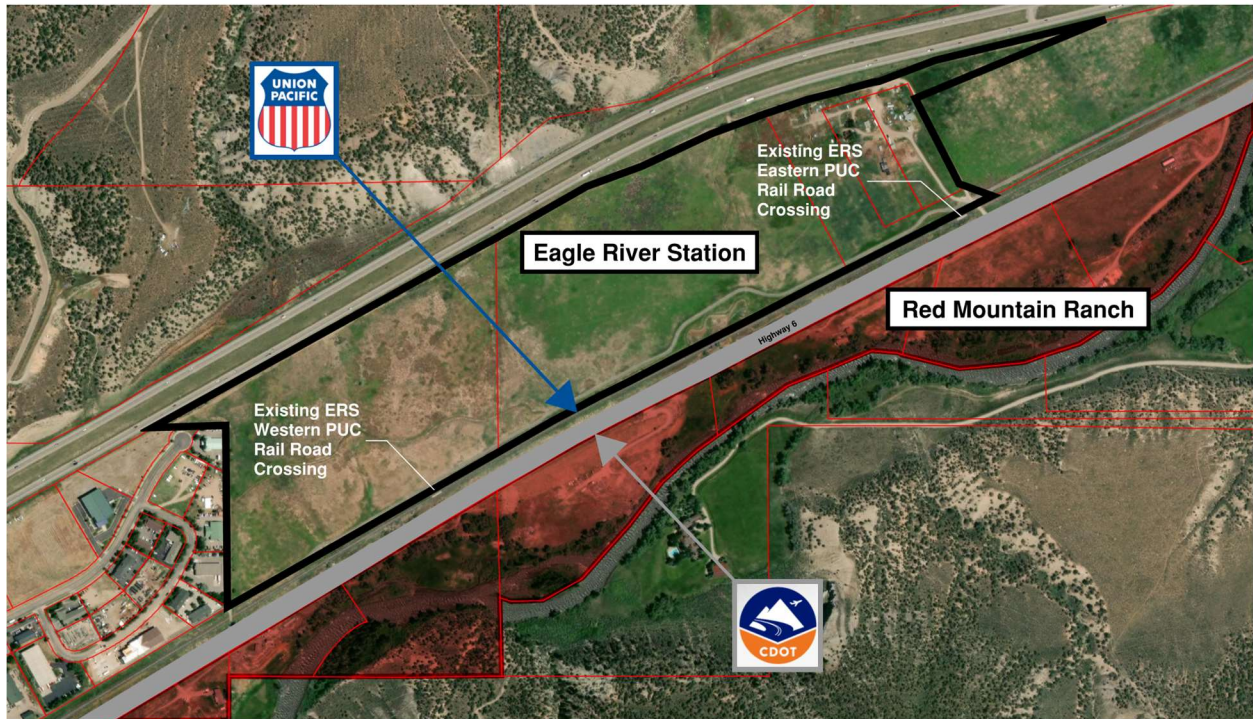


Patrick Adler

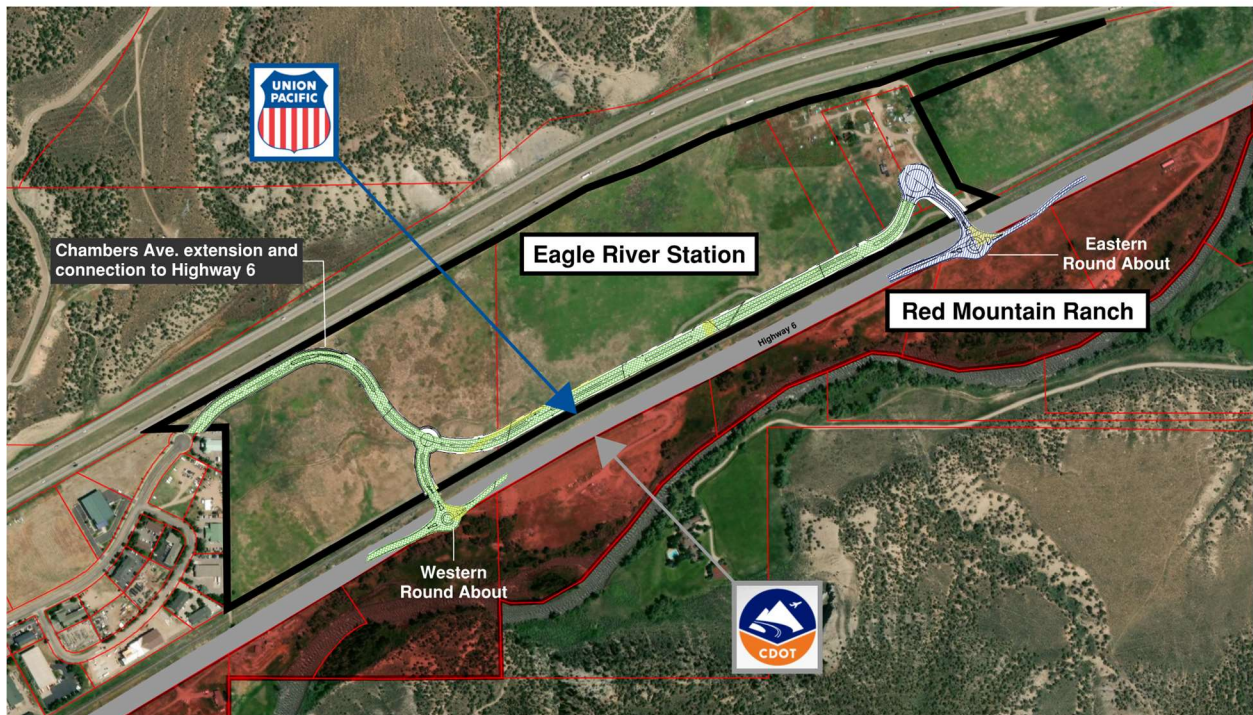
Slide 1



Slide 2

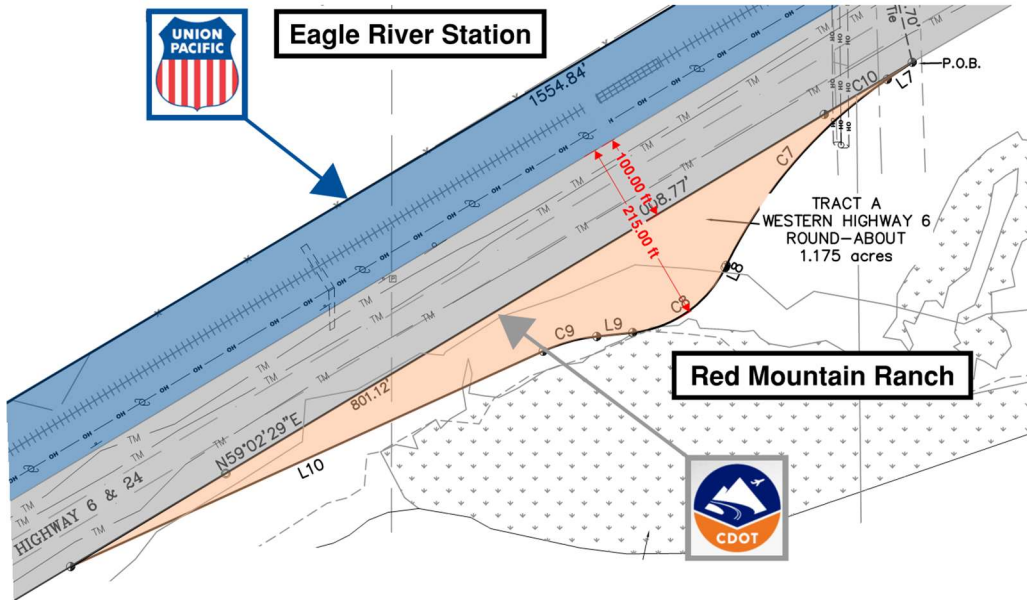


Slide 3



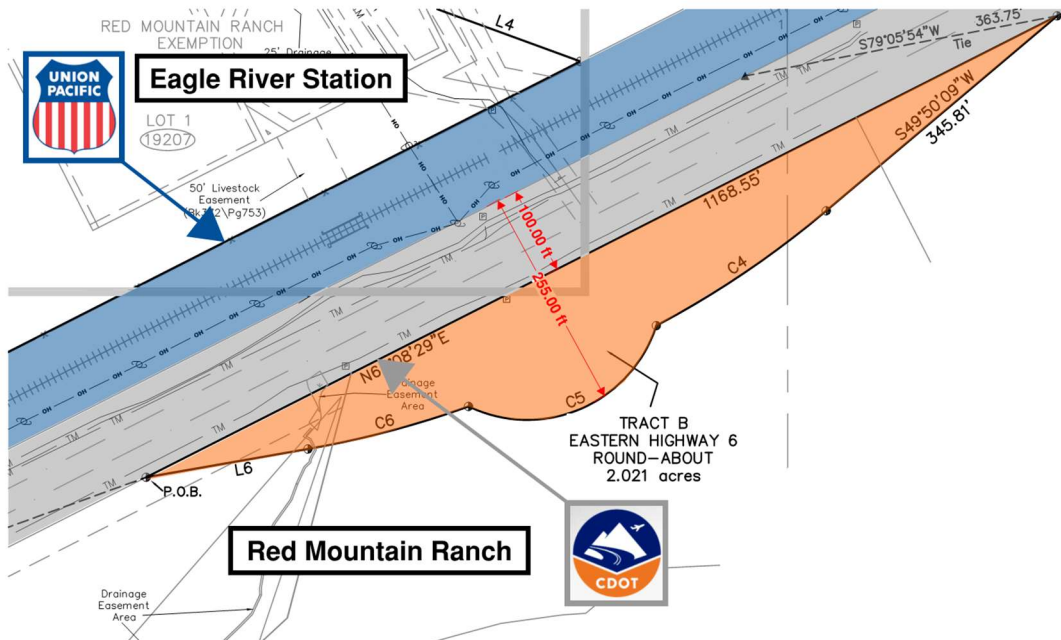
Slide 4

Western Round About Right of Way



Slide 5

Eastern Round About Right of Way



Slide 6

