

June 27, 2025

Ronald A. Carl, Esq.
Arapahoe County Attorney
Arapahoe County Attorney's Office
5334 S. Prince St.
Littleton, CO 80120

Re: PM22-006 Minor Subdivision Plat for Arcadia Creek LLC, Response to letter of June 24, 2025 from Merc Pittinos, Esq. of the Fennemore law firm.

Dear Mr. Carl,

We represent Arcadia Creek, LLC ("Arcadia") with respect to the above referenced minor subdivision plat. We are aware that Merc Pittinos of the Fennemore law firm submitted a letter on behalf of Ivar A. and Anne Larsen dated June 24, 2025 ("Larsen Letter") and requested that it be included in the record for consideration by the county commissioners with respect to Arcadia's minor subdivision application and public hearing scheduled for July 8, 2025. The Larsen Letter is both misleading and incomplete. We ask that this letter—our response to the Larsen Letter—also be included in the record for consideration by the commissioners.

Background:

The first area in which the Larsen Letter is incomplete is in its failure to provide relevant documents that undermine the arguments set forth therein. For example, the Larsen Letter makes passing reference to the Order for Entry of Final Judgment that was entered in Arapahoe County District Court Case No. 92CV2564 (defined in the Larsen Letter as the "Final Judgment"). But the Larsen Letter does not include the Final Judgment as an exhibit, nor does it mention that the Final Judgment granted Arcadia—as a successor in interest to the Defendants in the 1992 litigation (the "1992 Access Case")—with an "unrestricted and unlimited permanent right" of ingress and egress across and through West Christensen Lane." A copy of the Final Judgment is attached as **Exhibit A** hereto.

The Larsen Letter also makes passing reference to an Order dated July 13, 2020 (defined in the Larsen Letter as the "2020 Court Order") entered in Arapahoe County District Court, Case No. 2019CV31104 (the "Arcadia Access Litigation"). But the Larsen Letter does not provide a copy of the 2020 Court Order, nor does it mention the context in which it was entered. Mr. Pittinos—the author of the Larsen Letter—represented a group of defendants (self-identified as the "Christensen Lane Homeowners") in the Arcadia Access Litigation. The Christensen Lane Homeowners, through Mr. Pittinos, were seeking to prevent Arcadia's use of Lane. Mr. Pittinos and his clients did not prevail in the Arcadia Access Litigation. To the contrary, the Court in that case confirmed Arcadia's has "unrestricted and unlimited" rights of ingress and egress over the Lane. The Court further declined to impose any "material restrictions on what is expressly defined as an 'unrestricted and unlimited' right of ingress and egress" across the Lane. A copy

of the 2020 Court Order is submitted as **Exhibit B** hereto. It would appear that Mr. Pittinos and his clients are attempting—through misleading argument and incomplete information—to get the County to impose restrictions on Arcadia’s use of the Lane that would be inconsistent with the Court’s rulings in both the 1992 Access Case and the Arcadia Access Litigation.

Alleged concerns about the width of the Lane:

The first substantive concern alleged in the Larsen Letter is that the Lane is not wide enough to meet the requirements of current Arapahoe County Infrastructure Design and Construction Standards. This argument is a complete red-herring. Arcadia isn’t touching the portion of the Lane discussed in Section II of the Larsen Letter. Arcadia’s improvements are: (a) all occurring west of the portion of the Lane referred to in Section II of the Larsen Letter; (b) all occurring within the surveyed boundaries of the Lane; and, (c) have been reviewed and recommended for approval by County staff. The reference to a portion of the Lane Arcadia is doing no work on is merely an attempt to mislead the commissioners.

Further, the Larsen Letter’s attempts to rely on the width of a portion of the Lane to restrict Arcadia’s access to and use thereof is an attempt to place the County into conflict with the orders entered in both the 1992 Access Case and the Arcadia Access Litigation. Arcadia’s rights of ingress and egress over the Lane are “unrestricted and unlimited.” 2020 Court Order. The word unrestricted means “not having limits.” *Id.* at p. 4. The word “unlimited” means “boundless, infinite.” *Id.* As counsel in the Arcadia Access Litigation, Mr. Pittinos already had every opportunity to seek to limit Arcadia’s use of the Lane in any way that was legally supportable. Having failed to achieve such a result in the Arcadia Access Litigation, he and the Larsen’s cannot seek to leverage the County to achieve a contrary result. *See, e.g., Strekal v. Espe*, 114 P.3d 67, 69 (Colo. App. 2004) (“Res judicata is the doctrine of claim preclusion. The doctrine bars claims that were litigated, or could have been litigated, in an earlier action that resulted in a final judgment on the merits.”) (internal citations omitted).

Alleged prohibition on tree removal:

The Larsen Letter next attempts to claim that Arcadia is prohibited from removing certain trees within the bounds of the Lane and that Arcadia’s plans violate that prohibition. These claims are provably false.

The Larsen’s tree-removal claims are based on the language of the Christensen Lane Settlement Agreement (hereinafter, the “CLSA”), a copy of which was attached to the Larsen Letter. The Larsen Letter claims that Section 3(g) of the CLSA prohibits Arcadia from removing existing vegetation within the Lane. But Section 3 doesn’t apply to Arcadia.

Section 3 of the CLSA is a series of covenants that attach to and run with the “Jefferson Bank Parcel.” Arcadia doesn’t own any portion of the Jefferson Bank Parcel. The Jefferson Bank Parcel is what ultimately became the Fox Hollow subdivision, which is located east of Arcadia’s property (and, in fact, east of the Larsen’s property). Instead, Arcadia is a successor in interest to William and Katherine Wieder, who were defendants in the 1992 Access Case and fall within the defined “Homeowners” in the CLSA. As a result, the portions of the CLSA that the

Larsen Letter relies upon—while they may be enforceable against owners of the Jefferson Bank Parcel, now known as the Fox Hollow subdivision—are completely inapplicable to Arcadia as the successor in interest to the Weiders. Instead, Arcadia’s rights are governed by the Final Judgment (**Exhibit A** hereto) and the 2020 Court Order (**Exhibit B** hereto), which provide that Arcadia’s rights of ingress and egress are “unrestricted and unlimited.”¹

The Larsen Driveway Easement:

The final argument advanced in the Larsen Letter is that Arcadia lacks the right install an upgraded culvert over Coon Creek to provide flood mitigation, enhanced safety, and access to the Arcadia and Larsen property. In brief, this relates to an easement from Christensen Lane, across Coon Creek and on Arcadia’s property for a driveway that serves both the Larsens and Arcadia. The assertion that Arcadia does not have the right to install the improved culvert as part of the driveway is incorrect and Arcadia has addressed this at length in response to previous questions from the County (attached as **Exhibit C**). Under the Larsen Easement Settlement Agreement and Larsen Easement Decree (as defined in the Larsen Letter) Arcadia, as successors to the Wieders, is the sole party with the right (and in some cases obligation) to maintain the driveway including the culvert. As further described in **Exhibit C**, ancillary improvements (such as rip rap for drainage) related to the driveway and culvert have always encroached slightly onto Larsen’s property and Arcadia, in order to comply with its obligations under the easement agreement, necessarily has the right to address these encroachments. More importantly, the County need not address this issue in considering Arcadia’s application, nor should the County place itself in the middle of a private dispute between Arcadia and the Larsens. This issue is ultimately a disagreement about a private easement that does not implicate the application being considered and the parties have all of their legal remedies to address the concern.²

Thank you for your consideration and we look forward to the upcoming public hearing.

¹ The “tree” argument in the Larsen Letter represents yet another argument that Mr. Pittinos could have, and should have, made in the Arcadia Access Litigation if he believed it had any merit. *See, e.g., Strekal v. Espe*, 114 P.3d 67, 69 (Colo. App. 2004) (“Res judicata is the doctrine of claim preclusion. The doctrine bars claims that were litigated, or could have been litigated, in an earlier action that resulted in a final judgment on the merits.”) (internal citations omitted).

² Specifically, if the Larsen’s really think that their easement does not grant Arcadia the necessary access rights to actually perform the maintenance Arcadia is charged with performing under the easement, then the Larsens are more than welcome to commence an appropriate legal proceeding against Arcadia to have that issue determined by a Court. If the County were to withhold approval on the basis of mere allegations by the Larsens, it could effectively prevent any such dispute from becoming ripe, thereby placing itself in the middle of the situation. If the Larsen’s wish to litigate the issue, Arcadia is happy to do so. Arcadia simply sees no need for the County to become involved in that dispute.

Very truly yours,

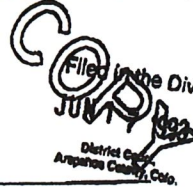
A handwritten signature in blue ink, appearing to read "Scott W. Wilkinson", with a stylized flourish at the end.

Scott W. Wilkinson

Exhibit A
Final Judgement 1992

153224

RECEIVED JUN 10 2002



DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO

Case No. 92 CV 2564, Division 3

ORDER FOR ENTRY OF FINAL JUDGMENT

JEFFERSON BANK & TRUST, a Colorado banking corporation, and LAGUNA
HOME BUILDERS, INC., a California corporation,

BOOK 7224 PAGE 676

Plaintiffs,

vs.

ROBERT RUSSELL, et al.,

Defendants.

This Court having reviewed the various stipulations entered into by the parties, the prior orders of this Court, the disclaimers executed by several defendants, its file and being fully advised in the premises, does hereby enter final judgment as to the plaintiffs, Jefferson Bank & Trust and Laguna Home Builders, Inc., and all of the defendants, Robert Russell, Victor Christensen, Edward V. Bowles, Charles W. Bowles, Walter A. Bowles, William O. Wieder, Katherine W. Wieder, First Interstate Bank of Englewood, N.A., Directors Mortgage Loan Corporation, Jon Labreche, Marilyn Fuller McGee, Union Federal Savings Bank of Indianapolis, Central Bank Southeast, N.A., William G. Pendleton, Hannah L. Pendleton, Western Federal Savings and Loan Association of Denver, Bank Western Federal Savings Bank, George G. Lange, Mildred F. Lange, Affiliated National Bank--Littleton, Countrywide Funding Corporation, Edmund Alan Pendleton, John Dettmer, Valerie Dettmer, Edmund Pendleton, Ed Pendleton, Beverly Pendleton, Colorado National Bank--Northeast, First Interstate Bank of Golden, N.A., Eagle Exploration Company, Beverly C. Pendleton, Dallas L. Christenson, Mary Jo Christenson, Knutson Mortgage Corporation, Steven J. Koets, Ann M. Koets, First Concord Mortgage Corporation, Craig D. Slater, Colleen M. Slater, Ecumenical Ministries, Inc., Central Bank of Chatfield, Irma N. Christensen, Christensen Lane Estates Partnership, Christensen Lane Estates Homeowners Association, and all unknown persons who claim any interest in the subject matter of this action, as follows:

1. The plaintiff, Jefferson Bank & Trust, owns a 14-acre parcel in Arapahoe County that fronts on West Christensen Lane and that is commonly known as 4960 West Christensen Lane. It is referred to hereinafter as the "Jefferson Bank Parcel." Its legal description is:

PARCEL A

BOOK 7224 PAGE 677

A PARCEL OF LAND LOCATED IN THE N $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 68 WEST, OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID N $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, WHICH IS 125.00 FEET EAST OF THE SOUTHWEST CORNER OF SAID N $\frac{1}{4}$ OF THE SW $\frac{1}{4}$; THENCE NORTH 89 DEGREES 40 MINUTES 21 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID NORTH $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, A DISTANCE OF 815.0 FEET; THENCE N 0 DEGREES 28 MINUTES 55 SECONDS W, A DISTANCE OF 552.44 FEET; THENCE N 34 DEGREES 45 MINUTES 43 SECONDS E, A DISTANCE OF 35.7 FEET THENCE N 0 DEGREES 18 MINUTES 17 SECONDS W, A DISTANCE OF 35.0 FEET; THENCE S 89 DEGREES 41 MINUTES 43 SECONDS W, A DISTANCE OF 90.0 FEET; THENCE N 0 DEGREES 18 MINUTES 17 SECONDS WEST, A DISTANCE OF 37.0 FEET; THENCE S 89 DEGREES 41 MINUTES 43 SECONDS W, A DISTANCE OF 750.16 FEET TO A POINT 120.0 FEET EAST OF THE WEST LINE OF SAID N $\frac{1}{4}$ OF THE SW $\frac{1}{4}$; THENCE S 0 DEGREES 40 MINUTES 56 SECONDS E, A DISTANCE OF 683.74 FEET, MORE OR LESS TO THE POINT OF BEGINNING, COUNTY OF ARAPAHOE, STATE OF COLORADO.

PARCEL B

A PARCEL OF LAND IN THE N $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE N $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 68 WEST, IN ARAPAHOE COUNTY, COLORADO, THENCE N 89 DEGREES 40 MINUTES 21 SECONDS E, ALONG THE SOUTHERLY LINE OF SAID N $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, 940 FEET TO THE TRUE POINT OF BEGINNING, THENCE N 0 DEGREES 28 MINUTES 55 SECONDS W, 552.44 FEET, THENCE N 34 DEGREES 45 MINUTES 43 SECONDS E, 17.05 FEET, THENCE N 89 DEGREES 41 MINUTES 43 SECONDS E, 82.31 FEET; THENCE S 8 DEGREES 28 MINUTES 55 SECONDS E, 566.10 FEET, THENCE S 89 DEGREES 40 MINUTES 21 SECONDS W, 94 FEET TO THE TRUE POINT OF BEGINNING, TOGETHER WITH AN EASEMENT OVER TRACT A AS SET FORTH IN THAT CERTAIN AGREEMENT DATED MAY 6, 1980 AND RECORDED MAY 23, 1980 IN BOOK 3221 AT PAGE 175, COUNTY OF ARAPAHOE, STATE OF COLORADO.

2. This Court has jurisdiction of this action inasmuch as the plaintiff's Complaint seeks to establish rights of ingress and egress across property, namely West Christensen Lane, located in the County of Arapahoe, State of Colorado.

3. Venue is proper in that West Christensen Lane is located in the County of Arapahoe, State of Colorado.

4. The legal description of West Christensen Lane is:

A TRACT OF LAND LOCATED IN THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, BEING MONUMENTED AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 19 BY A 2" IRON PIPE AND AT THE SOUTHWEST CORNER OF SAID SECTION 19 BY A NO. 3 REBAR WITH A LINE BETWEEN ASSUMED TO BEAR S00°01'28"W.

COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 19, THENCE S00°01'28"W AND ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, A DISTANCE OF 612.82 FEET TO THE SOUTHWEST CORNER OF THE BOUNDARY OF COVENTRY AMENDED PLAT, RECORDED IN PLAT BOOK 26 AT PAGES 19-22, SAID SOUTHWEST CORNER BEING THE POINT OF BEGINNING; THENCE N89°46'37"E AND ALONG THE SOUTH BOUNDARY LINE OF COVENTRY AMENDED PLAT, A DISTANCE OF 1,434.50 FEET TO THE SOUTHEAST CORNER OF COVENTRY AMENDED PLAT; THENCE S00°00'00"E AND ALONG THE WEST LINE OF THREE PONDS SUBDIVISION, RECORDED IN PLAT BOOK 23 AT PAGE 97, A DISTANCE OF 2.19 FEET TO THE SOUTHWEST CORNER OF THE BOUNDARY OF THREE PONDS SUBDIVISION; THENCE N89°54'25"E AND ALONG THE SOUTH BOUNDARY OF THREE PONDS SUBDIVISION, A DISTANCE OF 257.97 FEET TO THE SOUTHWEST CORNER OF CHRISTENSEN LANE ESTATES, RECORDED IN PLAT BOOK 105 AT PAGES 45-47; THENCE N89°45'09"E AND ALONG THE SOUTH BOUNDARY OF CHRISTENSEN LANE ESTATES, A DISTANCE OF 767.05 FEET TO THE NORTHWEST CORNER OF TRACT "C", CHRISTENSEN LANE ESTATES (PRIVATE ROAD); THENCE S00°01'05"E AND ALONG THE WEST LINE OF SAID TRACT "C", A DISTANCE OF 22.20 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 6315 AT PAGE 188, THENCE S89°43'49"W AND ALONG THE NORTH DEED LINES OF PARCELS OF LAND CONVEYED IN DEEDS RECORDED IN BOOK 6315 AT PAGE 188 AND IN BOOK 2835 AT PAGE 91, A DISTANCE OF 499.76 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 2835 AT PAGE 91; THENCE S00°01'05"E AND ALONG THE WEST DEED LINE OF SAID PARCEL OF LAND CONVEYED

IN DEED RECORDED IN BOOK 2835 AT PAGE 91, A DISTANCE OF 10.00 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 2247 AT PAGE 306; THENCE N89°56'27"W AND ALONG THE NORTH DEED LINES OF PARCELS OF LAND CONVEYED IN DEEDS RECORDED IN BOOK 2247 AT PAGE 306 AND BOOK 5468 AT PAGE 21, A DISTANCE OF 319.00 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3265 AT PAGE 584; THENCE N89°59'41"W AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3265 AT PAGE 584, A DISTANCE OF 191.44 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3172 AT PAGE 673;

THENCE S89°57'59"W AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3172 AT PAGE 673, A DISTANCE OF 327.16 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3036 AT PAGE 623; THENCE S89°57'59"W AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3036 AT PAGE 623, A DISTANCE OF 253.00 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 4726 AT PAGE 528; THENCE N89°59'50"W AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 4726 AT PAGE 528, A DISTANCE OF 749.17 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S00°23'42"E, A DISTANCE OF 0.76 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3560 AT PAGE 767; THENCE S89°57'37"W AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3560 AT PAGE 767, A DISTANCE OF 120.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE N00°01'28"E AND ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, A DISTANCE OF 28.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.627 ACRES.

AND

BEGINNING AT THE NORTHWEST CORNER OF TRACT "C", CHRISTENSEN LANE ESTATES (PRIVATE ROAD); THENCE N89°45'09"E, A DISTANCE OF 255.14 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 1820 AT PAGE 213, THENCE N88°44'55"E AND ALONG THE SOUTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 1820 AT PAGE 213, A DISTANCE OF 490.39 FEET TO THE NORTHEAST CORNER OF TRACT "D", CHRISTENSEN LANE

ESTATES; THENCE S21°43'54"W AND ALONG THE EAST LINE OF SAID TRACT "D", A DISTANCE OF 32.00 FEET TO THE NORTH LINE OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 6514 AT PAGE 442; THENCE N89°21'09"W AND ALONG SAID NORTH LINE, A DISTANCE OF 208.86 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 4314 AT PAGE 44; THENCE S89°16'27"W AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 4314 AT PAGE 44, A DISTANCE OF 524.75 FEET TO THE WEST LINE OF TRACT "D", CHRISTENSEN LANE; THENCE N00°01'05"W AND ALONG SAID WEST LINE, A DISTANCE OF 22.20 FEET TO THE POINT OF BEGINNING. CONTAINING 0.384 ACRE.

AND

BEGINNING AT THE NORTHEAST CORNER OF TRACT "D", CHRISTENSEN LANE ESTATES; THENCE N89°21'09"W ALONG THE NORTH LINE OF SAID TRACT "D", A DISTANCE OF 60.09 FEET; THENCE N21°43'54"E AND ALONG EAST LINE OF SAID TRACT "D", A DISTANCE OF 32.00 FEET; THENCE N88°44'55"E, A DISTANCE OF 81.27 FEET TO THE WESTERLY LINE OF PLATTE CANYON ROAD; THENCE S45°44'05"W AND ALONG SAID WESTERLY LINE, A DISTANCE OF 46.10 FEET TO THE POINT OF BEGINNING. CONTAINING 0.050 ACRE.

ALL RECORDED DEEDS AND PLATS REFERRED TO IN THIS LEGAL DESCRIPTION ARE RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF ARAPAHOE COUNTY, COLORADO.

5. The plaintiffs and all subsequent owners of residences and lots within the Jefferson Bank Parcel, together with their successors, assigns, heirs, and personal representatives, and the family members, employees, agents, servants, independent contractors, guests, licensees, or invitees of the foregoing are entitled to unrestricted and unlimited permanent rights of ingress and egress across and through West Christensen Lane, a private road, to and from South Platte Canyon Drive.

6. Defendants and all unknown persons who claim any interest in the subject matter of this action, and their successors, assigns, heirs, and personal representatives, and the family members, employees, agents, servants, independent contractors, guests, licensees, or invitees of the foregoing are entitled to unrestricted and unlimited permanent rights of ingress and egress across and through West Christensen Lane, a private road, to and from South Platte Canyon Drive.

7. Defendants¹ and all unknown persons who claim any interest in the subject matter of this action, have no interest, estate or claim paramount to or inconsistent with the unrestricted and unlimited permanent rights of ingress and egress across and through West Christensen Lane to and from South Platte Canyon Drive of (a) the plaintiffs and the subsequent owners of residences and lots within the Jefferson Bank Parcel, and their successors, assigns, heirs, and personal representatives, and the family members, employees, agents, servants, independent contractors, guests, licensees, or invitees of the foregoing, and (b) any of the other named defendants in this action and their successors, assigns, heirs, and personal representatives, and the family members, employees, agents, servants, independent contractors, guests, licensees, or invitees of the foregoing.

DONE IN OPEN COURT this 17th day of June, 1993.

BY THE COURT:

MICHAEL J. WATANABE
DISTRICT JUDGE

District Court Judge

The moving party is hereby Ordered
to provide a copy of this Order to
all parties of record within five (5)
days from the date of this order

¹ With respect to the plaintiffs and defendants, Steven J. Koets, Ann M. Koets, William O. Wieder, Katherine W. Wieder, Jon LaBreche, Marilyn Fuller McGee, George G. Lange, Mildred F. Lange, John Dettmer and Valerie Dettmer, this is subject to the Settlement Agreement dated June 10, 1993, entered into by said parties.

Exhibit B
2020 Court Order

DISTRICT COURT, ARAPAHOE COUNTY, COLORADO 7325 South Potomac Street Centennial, Colorado 80112	DATE FILED: July 13, 2020 8:46 AM CASE NUMBER: 2019CV31104
<hr/> Plaintiff: ARCADIA CREEK LLC, a Colorado limited liability company, et al., vs. Defendant: MICHAEL W. ABSHER, et al.	<hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: 2019CV31104 Division: 15
ORDER RE: PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT	

This Matter is before the Court on Plaintiffs' Motion for Summary Judgment and Defendants' Cross-Motion for Summary Judgment. The Court has reviewed the Motions, Responses, Replies, the supporting exhibits and the procedural history of the case. The Court dispenses with any further argument and issues its ruling.

PROCEDURAL HISTORY

On June 17, 1993, a division of this Court entered Final Judgment in Case Number 92 CV 2564. In summary, the Court adopted the Stipulation of the Parties and approved the settlement agreement between the litigants in that proceeding. Accordingly, the Court approved the proposed language of the Stipulation and found the following:

5. The parties agree to the entry of a quiet title decree in this action, as follows;

(1) **The plaintiffs and all subsequent owners** of residences and lots within the Jefferson Bank Parcel, together with their successors, assigns, heirs, and personal representatives, and the family members, employees, agents, servants, independent contractors, guests, licensees, or invitees of the foregoing are entitled to **unrestricted and unlimited permanent rights of ingress and egress across and**

through West Christensen Lane, a private road, to and from South Platte Canyon Drive; (Emphasis added.)

(2) Defendants and all unknown persons who claim any interest in the subject matter of this action, and their successors, assigns, heirs, and personal representatives, and the family members, employees, agents, servants, independent contractors, guests, licensees, or invitees of the foregoing are entitled to **unrestricted and unlimited permanent rights of ingress and egress across and through West Christensen Lane, a private road, to and from South Platte Canyon Drive;** and (Emphasis added.)

(3) Defendant[s] and all unknown persons who claim any interest in the subject matter of this action, have no interest, estate or claim paramount to or inconsistent with the **unrestricted and unlimited permanent rights of ingress and egress across and through West Christensen Lane to and from South Platte Canyon Drive** of (a) the plaintiffs and the subsequent owners of residences and lots within the Jefferson Bank Parcel, and their successors, assigns, heirs, and personal representatives, and the family members, employees, agents, servants, independent contractors, guests, licensees, or invitees of the foregoing, and (b) any of the other named defendants in this action and their successors, assigns, heirs, and personal representatives, and the family members, employees, agents, servants, independent contractors, guests, licensees, or invitees of the foregoing. (Emphasis added.)

Since the Entry of this Judgment in 1993, the Jefferson Bank Parcel has been conveyed. However, the current litigation in this case involves whether this Court should grant Plaintiffs' Quiet Title action and enter a Declaratory Judgement which states that the language of the 1993 Order is clear, unambiguous and must be enforced as written. In contrast, Defendants have asked this Court to change, modify or clarify the language of the Order entered twenty-seven years ago based on the historical conduct of the property owners which may be affected by the 1993 Order of the Court.¹ Additionally, Defendants have filed a cross-motion for summary judgment where they ask this Court to find that the 1993 Order is a specific type of easement and therefore, restrictions upon Plaintiffs should be imposed.

STANDARD OF REVIEW

A motion for summary judgment is designed to avoid an unnecessary trial. *Terrell v. Walter E. Heller Co.*, 439 P.2d 989 (Colo. 1968); *Ruscitti v. Sackheim*, 817 P.2d 1046 (Colo. App. 1991). It furthers the prompt administration of justice, expedites litigation by avoiding needless trials, and enables one to speedily obtain judgment by preventing the interposition of unmeritorious defenses for the purpose of delay. *Blain v. Yockey*, 184 P.2d 1015 (Colo. 1947). Summary judgment is proper when the record establishes no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. *Crawford Rehab. Servs., Inc. v. Weissman*, 938 P.2d 540 (Colo. 1997).

¹ See Defendants' Motion to Determine a Question of Law.

The record the court considers includes the pleadings, depositions, answers to interrogatories, admissions, or affidavits. *Civil Serv. Comm'n v. Pinder*, 812 P.2d 645, 649-50 (Colo. 1991). The movant bears the burden of showing the absence of any genuine disputes of material fact. *Cont'l Airlines, Inc. v. Keenan*, 731 P.2d 708, 712 (Colo. 1987). Once this initial burden has been met, the burden shifts to the non-moving party to establish that there is a triable issue of fact. *Id.* at 713. Moreover, the non-moving party is afforded all favorable inferences that may be drawn from the allegedly undisputed facts. *Churchey v. Adolph Coors Co.*, 759 P.2d 1336, 1339-40 (Colo. 1988). Finally, all doubts as to the existence of factual issues are resolved in favor of the nonmoving party. *Travelers Ins. Co. v. Savio*, 706 P.2d 1258, 1276 (Colo. 1985).

HOLDING

A court order is interpreted as would any other contract between parties, and the Court must apply standard principles of contract interpretation. Courts interpret settlements, court orders, and even express easements in the same manner as it would a contract. See *Bumbal v. Smith*, 165 P.3d 844, 845 (Colo. App. 2007), as modified on denial of reh'g (Apr. 19, 2007); *In re Revised Abandonment List of Water Rights in Water Div. 2*, 2012 CO 35, ¶ 14; *Blecker v. Kofoed*, 672 P.2d 526, 528 (Colo. 1983) (same rules of interpretation apply in ascertaining the meaning of an ambiguous court order as to any other ambiguous writing or instrument); RESTATEMENT (THIRD) OF PROPERTY (SERVITUDES) § 4.1 (2000). A court's interpretation and enforcement of recorded instruments is no different. *Kroesen v. Shenandoah Homeowners Ass'n, Inc.*, 2020 COA 31, ¶ 31 (citing *Pulte Home Corp. v. Countryside Cmty. Ass'n*, 2016 CO 64, ¶ 23). The interpretation of a contract is a question of law. *Boulder Plaza Residential, LLC v. Summit Flooring, LLC*, 198 P.3d 1217, 1220 (Colo. App. 2008). The Court's task in interpreting a contract is to give effect to the intent of the parties. *Ad Two, Inc. v. City & Cnty. of Denver*, 9 P.3d 373, 376 (Colo. 2000). "The intent of the parties to a contract is to be determined primarily from the language of the instrument itself." *Id.* That "language must be examined and construed in harmony with the plain and generally accepted meaning of the words used, and reference must be made to all of the agreement's provisions." *Fibreglas Fabricators, Inc. v. Kylberg*, 799 P.2d 371, 374 (Colo. 1990). A court must interpret a contract in its entirety, harmonizing and giving effect to all provisions so that none is rendered meaningless. *Copper Mountain, Inc. v. Indus. Sys, Inc.*, 208 P.3d 692, 697 (Colo. 2009). Courts may not rewrite clear and unambiguous contract provisions. *Chacon v. Am. Family Mut. Ins. Co.*, 788 P.2d 748, 750 (Colo. 1990).

Whether an ambiguity exists in an agreement is a question of law. *Pepcol Mfg. Co. v. Denver Union Corp.*, 687 P.2d 1310, 1314 (Colo. 1984). To ascertain whether certain provisions of a contract are ambiguous, "the language used therein must be examined and construed in harmony with the plain and generally accepted meaning of the words employed and by reference to all the parts and provisions of the agreement and the nature of the transaction which forms its subject matter." *Cheyenne Mountain School Dist. No. 12 v. Thompson*, 861 P.2d 711, 715 (Colo. 1993) (quoting *Christmas v. Cooley*, 158 Colo. 297, 301, 406 P.2d 333, 335 (1965)). A written instrument is ambiguous when it is reasonably susceptible of more than one meaning. *Id.*; see *Dorman v. Petrol Aspen, Inc.*, 914 P.2d 909, 912 (Colo. 1996).

“In deciding whether a contract is ambiguous, a court ‘may consider extrinsic evidence bearing upon the meaning of the written terms, such as evidence of local usage and of the circumstances surrounding the making of the contract. However, the court may not consider the parties’ own extrinsic expression of intent.’” *Cheyenne Mountain*, 861 P.2d at 715 (internal citation omitted). Mere disagreement between the parties as to the interpretation of a contract does not in itself create an ambiguity as a matter of law. *Ad Two, Inc.*, 9 P.3d at 377.

The Court **FINDS** that the following language is clear and not ambiguous: “Unrestricted and unlimited permanent rights of ingress and egress across and through West Christensen Lane, a private road, to and from South Platte Canyon Drive.” The meaning of the word, unrestricted means “not having limits.” The meaning of the word unlimited means “boundless, infinite.”² And permanent means “continuing or enduring without fundamental or marked change.” *Merriam - Webster*. Similarly, the following language is also clear and unambiguous: “The plaintiffs and all subsequent owners...Defendants and all unknown persons who claim any interest.” “Subsequent” means “following in time”. “Unknown” means “not known”. *Merriam - Webster*. Further, assuming that this Order can be interpreted as the creation of an easement, an unambiguous easement is to be interpreted to ascertain and give effect to the express intent of the parties. *City of Lakewood v. Armstrong*, 2017 COA 159, ¶ 11. Accordingly, the Court does not have to resort to any rules of construction, further definition or rely upon 28 years of extrinsic evidence in order to ascertain the meaning of the Court Order.

Next, Colorado case law provides for “assuring the finality of civil judgments.” *In re Marriage of Wolford*, 789 P.2d 459, 460 (Colo. App. 1989). “The strong interest in the finality of civil judgments is reflected in the well-settled rule that such a judgment may be attacked collaterally in a later civil proceeding only when the court entering it lacked personal or subject matter jurisdiction.” *People v. Coyle*, 654 P.2d 815, 819 (Colo. 1982) (citing *Estate of Bonfils v. Davis*, 543 P.2d 701 (Colo. 1976); *McLeod v. Provident Mutual Life Insurance Co. of Philadelphia*, 526 P.2d 1318 (Colo. 1974); *Davidson Chevrolet v. City and County of Denver*, 330 P.2d 1116 (Colo. 1958).


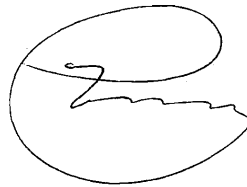
Accordingly, the Court **HOLDS** that the Final Judgment in 92 CV 2564 is clear and unambiguous and must be enforced as written. Specifically, the Final Judgment granted the then-current owners of the property bordering the Lane, and those persons’ successors, assigns, heirs, and personal representatives, and each of their family members, employees, agents, servants, independent contractors, guests, licensees and invitees, permanent “unrestricted and unlimited” rights of ingress and egress over the Lane. Here, a successor, assign ... of one or more of the defendants has property he/she may access via the Lane and the right to ingress and egress to and from the same. By the plain language of the Final Judgment, a successor, assign’s ... ingress and egress rights over the Lane are unlimited and unrestricted, meaning that once a successor, assign ... enters onto the portion of this Property that borders the Lane (here, the Arapahoe Parcel), the Final Judgment does not, and cannot serve as a basis for restricting any activity by the successor, assign (and this person’s “family members, employees, agents, servants, independent contractors, guests,

² “Un” is a prefix meaning, in relevant definitions: not, opposite of, contrary to, deprive of, remove, release from, free from. *Merriam-Webster*.

licensees and invitees”) may otherwise lawfully do thereon, including making entry upon the adjacent parcels of land of the successor, assign ... In conclusion, Plaintiffs’ Motion for Summary Judgment is **GRANTED** as set forth above. The Court also **DECLINES** to impose material restrictions on what is expressly defined as an “unrestricted and unlimited” right of ingress and egress in the Final Judgment of 92 CV 2564. Therefore, the Cross-Motion for Summary Judgment is **DENIED**.

Dated: July 13, 2020

BY THE COURT:



Frederick T. Martinez
District Court Judge

Exhibit C

Excerpt of Arcadia Responses to County Questions

- 3. Show or prove that you have obtained sufficient permanent and temporary property rights for the installation and future maintenance of the culvert to serve the proposed development in the location where it is currently proposed and specifically in the areas outside the development limits.***

When the Settlement Documents were executed, the Driveway existed in much the same condition as it currently exists, at least before the flood damage in June 2021. In 1995 and today, the Driveway includes a culvert that allows Coon Creek to flow under the Driveway such that ingress and egress to the Larsen Property and the Arcadia Property is possible. Without the culvert, the Driveway is not usable. The Original Culvert, including the culvert structure and stabilizing riprap, is located on both Arcadia and Larsen property, which was also the case when the Settlement Documents were executed. Arcadia has provided the county with supporting documentation showing the current culvert on both properties. *See Ex. 5.*

As a result of the 2021 flood, the County has required the culvert to be replaced to allow continued access to the Arcadia and Larsen properties, and Arcadia has designed and engineered a culvert based on recommendations from the Arapahoe County Technical Review Committee, South Metro Fire Rescue, SEMSWA, and Mile High Flood District. As currently proposed, once construction is completed, the culvert under the Driveway, which is necessary to the functioning of the Driveway, will be located completely within Arcadia's property and not on what is currently the Larsen Property. This is not an issue concerning property rights—no additional property rights are needed with respect to the location of the new culvert because the location the culvert is and will be located is solely on the Arcadia property. Rather, this is a question of limited access to the Larsen property in the course of installation, repair, and maintenance of the culvert, which otherwise rests upon Arcadia's property.

Arcadia, as successors to the Wieders, has the right—and if ingress and egress are threatened, bears the obligation—to repair and maintain the Driveway. The culvert is an integral and necessary part of the Driveway, and small portions of the culvert and related riprap incidentally spill onto the Larsen property (as they always have). In order to fulfill the terms of Settlement Documents as contemplated by the parties, limited access onto Larsen's property is required to install and repair riprap to address the drainage issues as identified by the County and SEMSWA. Consequently, the Settlement Documents require limited access onto Larsen's property, and the Larsens' refusal to allow Arcadia to do so constitutes a breach of the same.

Moreover, the integrity of the culvert is also essential to the integrity of the stream and addressing erosion control—both of which are of concern to the County and which the County has a duty to maintain. To that end, the County has an easement that allows them onto the Larsen property to address this issue. Arcadia would have easy access to the Larsen property for the repair and restructuring of the culvert under the County's easement rights as necessary for ensuring the integrity of the stream. In repairing the culvert, Arcadia would not only be performing obligatory work imposed on Arcadia to maintain the Driveway, but also taking on (and satisfying) the County's role in addressing erosion and drainage control for Coon Creek.

Establishment of the Easement

In 1995, Henry Reifsneider ("Reifsneider") owned the Larsen Property, and William and Katherine Wieder (the "Wieders") owned the Arcadia Property (originally the Christensen property). Reifsneider (together with Laguna Builders, the then-developer of the Fox Hollow property) was involved in litigation with the Wieders that sought to confirm Reifsneider's right to use the Driveway, which is currently Larsen's only legal access to the Larsen Property. That litigation resulted in the Stipulated Quiet Title Decree and Settlement Agreement (together, the "Settlement Documents"). Exs. 6–7. The Settlement Agreement binds the Arcadia Property as the Servient Estate and the Larsen Property as the Dominant Estate. Both documents are also found in the current title work in Schedule B, Part II of the ALTA Commitment, item 29.

The Settlement Documents were recorded in Arapahoe County on April 6, 1995 and set forth the rights and obligations of Reifsneider and the Wieders, and each of their successors in interest, concerning the use, repair, and improvement of the Driveway. Arcadia is a successor in interest to the Wieders, and Larsen is a successor in interest to Reifsneider. Consequently, both are bound by the terms of the Settlement Documents and the easement established therein.

The language of the Settlement Documents is clear. The Quiet Title Decree grants Reifsneider a non-exclusive easement for use of the Driveway:

5. The parties agree to the entry of this quiet title decree as follows:

- (a) "Reifsneider and all subsequent owners of the Dominant Estate, together with their successors, assigns, heirs, and personal representatives, and the family members, employees, agents, servants, independent contractors, guests, licensees, or invitees of the foregoing are entitled to unrestricted and unlimited permanent rights of ingress and egress across and through the Driveway, to and from the portion of Dominant Estate identified above and West Christensen Lane;"
- (b) "Reifsneider and all subsequent owners of the Dominant Estate have assumed certain responsibilities with respect to the easement conveyed in paragraph (a) above, which responsibilities are set out in the settlement agreement executed by Reifsneider, Laguna Builders, Inc., and William O. Wieder and Katherine W. Wieder."
- (c) "The interest described in paragraph (a) is an easement only, and the Wieders and their successors retain the same ownership interest in the Driveway and have the same right to use the Driveway which they held before the entry of this Stipulated Quiet Title Decree, except to the extent that interest and use is inconsistent with the rights set out in (a). Nothing in this decree nor in the "Settlement Agreement" shall give Reifsneider or his successors any right to use any portion of the Servient Estate except the Driveway. If Reifsneider or his successors

use any portion of the Servient Estate except the Driveway, they shall be liable to the Wieders for such use at a rate of \$100 per day, in addition to any damage caused by the use."

Ex. 6. The "Settlement Agreement" dictates the maintenance obligations regarding the Driveway as follows:

3. All parties agree that the following covenants, warranties, and representations will apply, attach to, and run with the Dominant Estate and Servient Estate:

- (a) Wieders shall have the right, but not the duty (except where necessary to permit ingress and egress), to perform any and all maintenance of the Driveway and repairs thereto. The Wieders retain the right to make any changes to the Driveway which do not unreasonably interfere with the ingress and egress easement. The parties agree to share equally all reasonable and necessary expenses incurred in maintaining or repairing the Driveway, including but not limited to costs associated with snow removal, costs resulting from regrading of the Driveway, including costs incurred in repairing damage to the Driveway caused by either an act of God or by Some person or entity not a party to this Agreement, not a successor to a party to this Agreement, or not an agent, invite, employee, family member or guest to the parties to this Agreement.

Ex. 7.

Arcadia's right to enter the Larsen property for the purpose of maintenance and repair the easement.

As a general practice, it is typically the easement holder who bears responsibility for maintenance of an easement.³ However, when the easement is non-exclusive in nature, both the dominant and servient estate holder share that responsibility.⁴ However, this duty is delegable.⁵ Per the Settlement Agreement, the Wieders were delegated and assigned the right and, in certain

³ See n. 4, *infra*. See also Ex. 6 at Section 5(b) (referencing responsibilities of a dominant estate holder).

⁴ *Story v. Bly*, 217 P.3d 872, 879 (Colo. App. 2008), *as modified on denial of reh'g* (Feb. 5, 2009), *aff'd*, 241 P.3d 529 (Colo. 2010) (internal citations omitted)

Where an easement is nonexclusive in nature, both the holder of the easement and the owner of the land burdened by the easement have rights to use the property. Here, because [the dominant and servient estate holders share] the use of the road . . . it follows that the right to use the property engenders an equal right and obligation to maintain the property.

⁵ Restatement (Third) of Property (Servitudes) § 4.7 TD No 4 (1994)

The person obligated to perform a duty imposed by a servitude can delegate the duty to another . . . unless the holder of the benefit of the servitude has a substantial interest in having the person burdened by the servitude perform or control the acts required by the servitude.

circumstances, the obligation, to maintain the Driveway. Ex. 7 at Section 3(a). As the Arcadia property is burdened with the obligation to maintain the easement per the Settlement Agreement, Arcadia possesses those rights and obligations that would otherwise be imposed equally upon the Larsens, as the Dominant Estate to the nonexclusive easement, had the obligation to repair the easement not been solely delegated to the Servient Estate. That obligation includes maintenance and repair of those places under the control of the Dominant Estate necessary to enjoy the easement.⁶ Put differently, having contractually placed the obligation to maintain the Driveway upon the owner of the Servient Estate (Arcadia), the owner of the Dominant Estate (Larsen) cannot now frustrate its right to discharge its obligations under the Settlement Agreement by denying Arcadia the limited access to the Dominant Estate that is necessary to discharge such obligations. Therefore, Arcadia has the right and obligation to access the Larsen property to engage in activity for the repair of the Driveway as the sole party obliged to do so for the benefit of both parties' full enjoyment of the Driveway, just as Larsen would have had the right and obligation to access the Arcadia Property had the duty to maintain and repair not been delegated to solely to Arcadia. Although Arcadia has been assigned the obligation to repair the Driveway to ensure access and usability, the Larsens have the obligation to ensure the mutual right to use the property is not obstructed.⁷

For easement holders who are charged with maintaining the property they have interest in, those holders may do whatever is reasonably necessary for the improvement and maintenance of the easement.⁸ That standard naturally extends to the party tasked with maintaining the easement. It is clearly necessary for Arcadia to have limited access to the Larsen's property to make necessary repairs to the culvert, as the culvert is imperative to the use of the Driveway. Just because the Larsens are not the party tasked with maintaining the easement—by contractual agreement—does not mean that the Larsens can strip Arcadia of its ability to fulfill that obligation. When the original Dominant and Servient Estate holders delegated the obligation to maintain the Driveway to the Servient Estate holder, the Dominant Estate holder gave the Servient Estate holder implicit permission—and the right—to access the Dominant Estate in the same manner the Dominant Estate holder could have accessed the Servient Estate (i.e., to perform necessary maintenance and repairs) had the repair and maintenance obligation remained with the Dominant Estate.

⁶ Restatement (Third) of Property (Servitudes) § 4.13 TD No 4 (1994) (emphasis added)

[D]uties to repair and maintain the servient estate and the facilities used in the enjoyment of an easement or profit are as follows:

- (1) The beneficiary of an easement or profit has a duty to the holder of the servient estate to repair and maintain the portions of the servient estate and the facilities used in the enjoyment of the servitude that are **under the beneficiary's control**, to the extent necessary to
 - (a) prevent unreasonable interference with the enjoyment of the servient estate . .

⁷ See n. 2, *supra*; n. 7, *infra*.

⁸ *Lazy Dog Ranch*, 965 P.2d at 1238 (“[T]he owner of the easement may make any use of the easement (including maintenance and improvement) that is reasonably necessary to the enjoyment of the easement, and which does not cause unreasonable damage to the servient estate or unreasonably interfere with the enjoyment of the servient estate.”).

Larsen’s argument is that the duties that are most often assigned to an easement holder, or at the very least, shared with the burdened estate—maintenance and repair—are not able to be fulfilled using the same standard as an easement holder under circumstances where the obligation to maintain the easement has been contractually shifted to the burdened estate. This is contrary to common sense and general principles of law governing servitudes. Had the Larsens, as easement holders, been tasked with the same duties as Arcadia of maintenance and repair, the obligation would by necessity require the same access that Arcadia requires to fulfill that obligation.⁹ In short, when Reifsneider and the Wieders delegated the obligation to maintain and repair the Driveway to the Wieders, the delegation included permission and the right to engage in those actions Reifsneider would have had to engage in to fulfill that obligation, which includes incidental activity on his land.

The culvert is necessary for the use of the Driveway.

The flood of June 2021 washed out the Original Culvert such that ingress and egress were not possible, triggering Arcadia’s obligation to repair the culvert to allow ingress and egress both to the Larsen property and the Arcadia property. The replacement of the culvert is necessary to eliminate an unsafe condition created by the existing culvert structure after being washed out by the flood. SEMSWA has, on multiple occasions, stated that the culvert must be replaced.¹⁰ Additionally, SEMSWA, after learning of Larsen’s blatant disregard of Arcadia’s instructions and the Settlement Documents regarding the culvert—wherein Larsen filled in the culvert with concrete without Arcadia’s permission and in violation of the Settlement Documents—told Arcadia that the concrete that was placed could only be temporary, that it was not engineered and could potentially cause other short/long term issues.¹¹ See Ex. 8. Regardless of any other improvements or approvals, per the County, SEMSWA, and MHFD, the culvert must be replaced, and its replacement requires limited access to the Larsen property.

In connection with Arcadia’s obligations under Section 3(a) of the Settlement Agreement, Arcadia has the right and obligation to improve the Driveway, replace the original culvert, and enhance drainage to minimize future flooding and to ensure unrestricted and unlimited permanent rights of ingress and egress across and through the Driveway for the benefit of both the Dominant and Servient estates. Arcadia’s proposed improvements are based on

⁹ *Id.*

[W]here an easement is non-exclusive in nature, both the holder of the easement and the owner of the land burdened by the easement have rights to use the property. Consequently, the interests of both parties must be balanced in order to achieve due and reasonable enjoyment of both the easement and the servient estate.

¹⁰ SEMSWA noted that completing this work does not guarantee approval of any future development. Regardless of any speculative future plans for the properties, the culvert is required to be replaced.

¹¹ See *Amada Fam. Ltd. P’ship v. Pomeroy*, 2021 COA 73, ¶ 67 (“[T]he owner of the dominant estate may use the easement in any manner reasonably necessary to permit its full use, but cannot unreasonably interfere with the enjoyment of the servient estate.”) (internal quotations and citations omitted). Larsen’s actions unreasonably interfered with Arcadia’s use of the Driveway, as Larsen, without Arcadia’s permission, filled in the culvert with concrete, creating an issue that Arcadia is now forced to remedy given the inadequacy of Larsen’s solution in preventing future issues with the culvert and viability of the driveway.

recommendations from the Arapahoe County Technical Review Committee, South Metro Fire Rescue, SEMSWA, and Mile High Flood District. Ex. 9.

Section 3(a) further grants Arcadia the “right to make any changes to the Driveway that do not unreasonably interfere with the ingress and egress easement.”¹² Arcadia has engineered and designed the new culvert structure to be built only on Arcadia property, removing the original culvert from the Larsen property. Once construction begins on Arcadia’s driveway improvements and the culvert replacement, Arcadia will provide the Larsens with unrestricted ingress and egress across Arcadia’s property using Arcadia’s entrance on Leawood Drive during the duration of construction, minimizing any interference with the Larsens’ access to their property that could incidentally occur during repair of the culvert. Providing Larsen alternative access during repairs meets Arcadia’s obligations under the Settlement Documents to not unreasonably interfere with the Larsens’ right of ingress and egress.

Larsen’s refusal to allow Arcadia to repair the Driveway is a breach of the Settlement Documents.

Larsen’s refusal to provide Arcadia with adequate access to meet their obligations under Section 3(a) of the Settlement Agreement is a breach of the Settlement Agreement. The parties clearly intended for the Servient Estate to bear the responsibility of maintaining and making necessary repairs to the Driveway for the benefit of both the Dominant and Servient Estate holders. Larsen’s refusal to allow Arcadia to fulfill their contractual obligations, which again are for the benefit of both parties, amount to a breach of the Settlement Documents.

The Settlement Documents constitute a contract between the parties.¹³ Were the terms of the Settlement Agreement interpreted to prevent Arcadia from making any necessary repair to the Driveway when such repair requires incidental access to the Dominant Estate’s property, Arcadia’s right and obligation to repair the Driveway would be stripped of its meaning, as the owner of the Dominant Estate could deny the Servient Estate from making necessary repairs that are imperative to both parties’ use.¹⁴ While incidental access to the Larsen property to make necessary repairs to the Driveway is not explicitly spelled out within the Settlement Documents, a court would clearly find that this is reasonable term necessary to effectuate the intent of the contracting parties and would interpret the contract as incorporating that term as supplied by the court.¹⁵

¹² See *id.* (“The owner of the servient estate has a qualified right to put his or her property to any lawful use for which it may be adapted but cannot unreasonably interfere with the superior right of the person possessing the easement.”) (internal quotations and citations omitted).

¹³ Easements are also analyzed using the principals of contract law. See, e.g., *Sinclair Transportation Co. v. Sandberg*, 2014 COA 76M, ¶¶ 50-55, 350 P.3d 924, 933, as modified on denial of reh’g (July 3, 2014).

¹⁴ Courts “interpret a contract in its entirety and seek to harmonize and to give effect to all provisions so that none will be rendered meaningless.” *Ute Water Conservancy Dist. v. Fontanari*, 2022 COA 125M, ¶ 37, as modified on denial of reh’g (Jan. 19, 2023), cert. denied, No. 23SC83, 2023 WL 6882336 (Colo. Oct. 16, 2023) (internal quotations and citations omitted).

¹⁵ *Sinclair Transportation Co.*, 2014 COA 76M at ¶ 52 (internal citations and quotations omitted).

Each party to a contract has a justified expectation that the other will act in a reasonable manner in its performance. Consequently, in the face of a contract’s silence on an issue like this, we may imply reasonable terms to give effect to the expectations of the parties at the time they entered the

Larsen's breach of the Settlement Documents is not a basis to deny Arcadia the ability to fulfill its obligations under the same. If Larsen believes that Arcadia is not entitled under the Settlement Documents to access his property only to the extent necessary to repair the culvert essential to the functioning of the Driveway (even though Arcadia clearly has this right), it is incumbent upon Larsen to seek relief from the courts, not Arcadia.

Arcadia would have access under the County's drainage easement.

The County has independent authority to access that portion of the Larsen property necessary for the repair of the culvert under its drainage easement, which gives the County access to the flood plain areas surrounding Coon Creek, which encompasses the area the culvert sits. The Fox Hollow Filing 2 final plat grants the County an easement over the relevant portion of the Larsen Property for the express purpose of maintaining drainage improvements. The culvert that runs under the Driveway is necessary for the drainage of Coon Creek to prevent and minimize the damage of future flooding events, such as that which occurred in June 2021 causing the damage to the culvert that still exists today.

Arcadia's proposed work on the culvert is not simply structural—the new culvert aims to address erosion and drainage control and the integrity of the stream itself, which is precisely what the County's easement is meant to address. In repairing the culvert, Arcadia would not only be performing obligatory work imposed on Arcadia to maintain the Driveway, but also taking on (and satisfying, at no cost to the County) the County's own role in addressing erosion and drainage control for Coon Creek. Consequently, any assertions that Arcadia, with County approval, lacks the rights to necessary fulfill its obligations under the Settlement Agreement simply lack merit.

contract. When the parties to a bargain sufficiently defined to be a contract have not agreed with respect to a term which is essential to a determination of their rights and duties, a term which is reasonable in the circumstances is supplied by the court.

Christensen Lane Citizen Position Paper on the Proposed Arcadia Creek Development and Minor Subdivision Plan up for Arapahoe BoCC review on July 8, 2025

Rev. 6/30/2025

FROM: Ric Bechter

Fox Hollow resident & HOA Manager, and joint Arcadia Creek Committee member, 8-years running

For over 30 years the legal “1994 Settlement Agreement” signed on to by all of the independent Christensen Lane homeowners has delineated use and access rights and responsibilities of the 33-homes in the Fox Hollow HOA and the eight homes along West Christensen Lane—west of the entry to Christensen Lane Estates. The development of Fox Hollow would not have occurred without this agreement.

The Arcadia Creek development proposes to convert the 1250’ section west of the entrance to Fox Hollow that is today a rural driveway for two homes, to a paved, fence-to-fence alleyway for 23 new Jeffco homes and two new Arapahoe County homes. We understand why the developer wants this access to Platte Canyon Road, but there is virtually NO support from ANY Arapahoe County resident for this “square peg,” plan to dramatically change Christensen Lane.

The 1994 Legal Settlement Agreement accomplished four things:

- It guaranteed permanent and unlimited ingress and egress rights to the properties on the south-side of the private, western section of West Christensen Lane.
- It established that the Fox Hollow HOA was responsible for the ongoing maintenance of this lane for mutual benefit—to *ensure* and *maintain* its function and appearance.
- It ensured that Arapahoe County access to West Christensen Lane from Jefferson County would be limited to emergency vehicles only. That is, the signatories agreed to “no access” from Christensen Lane to Jeffco via the Leawood neighborhood and vice-versa.
- It ensured that Fox Hollow HOA would never support any attempt to make West Christensen Lane a public right-of-way.

Even after 8-years of battling to protect the lane, the agreement continues to have unanimous support from the Fox Hollow neighborhood southside homes along the lane, in addition to homes on the northside in Coventry, Three Ponds, and Christensen Lane Estates that back up to Christensen Lane. **(68 homes!)**

Without a new agreement between Arcadia Creek and the **41-Arapahoe County homes** legally-governed by the 1994 Settlement Agreement today, Arcadia Creek has no right or permission to make improvements to Christensen Lane that are required by Arapahoe County to support Arcadia Creek’s new homes.

The Arapahoe County residents are driven by serious concerns over safety, safety, safety, health, welfare, quality of life, desirability, and property values, as you will hear during the July 8, 2025 BoCC hearing.

30-years ago, the Fox Hollow developer acquired a 10-foot strip of land and additional private property rights-of-way to gain the approval of Arapahoe County and the utility companies. No such option exists for this much narrower western section of Christensen Lane. All the property lines were finalized and locked down 30-years ago. Fence-to-fence width on this section is only 27.9-30.5 feet! Take away 6-8 feet

for the Coventry storm drain easement (huge underground pipe system), allow some vegetation on both sides, and what is left is not much more than a single lane for traffic that hundreds of recreational users enjoy today.



- Yes, the owner of the Arcadia Creek property has permanent rights of ingress and egress to Christensen Lane.
 - But, ONLY the Arapahoe County BoCC has the authority to grant permission for the intended use for such a large number of new homes—an authority the county has invoked many times. There are many examples where the perceived welfare of the county residents took precedent over a development’s rights to access certain streets, as we will present.
 - It was agreed 30-years ago that lane residents and the two counties, would restrict access between Leawood Drive and Christensen Lane. Arapahoe County residents agreed to use Platte Canyon exclusively, and the 850 homes in Leawood would use Jeffco streets and their four major exits onto Bowles and Pierce.
 - Apparently, this agreement and the county’s verbal statements back then that, ‘Arapahoe County will never allow a Jeffco development access to Christensen Lane.’ are again up for review.
- The developer often states that the Fox Hollow HOA—the agreed to stewards of the lane—won’t negotiate a joint development and maintenance plan for a fully accessible reenvisioned lane. That is correct, since zero support for that plan exists in the dozens of homesites we are accountable to and that would be “putting the cart before the horse,” so to speak.
- Similarly, the developer has refused to negotiate a lesser number of homes having vehicle access to the lane or any other restrictions that have been put in place in similar neighborhoods—such as the recent Wild Plum development in Columbine Valley that heavily restricts vehicle access to Fairway Drive. Hence, we are at a standoff.

The Arcadia Creek developer—the *newest property owner on the lane*—took it upon themselves in October of last year to remove countless planted and volunteer small trees and bushes along the lane. They did not request permission for this purge as required in the Settlement Agreement. This is just one of many reasons, we don't trust Arcadia Creek. Had they not been confronted and stopped by Fox Hollow residents, they might have started chopping down the ~80-year-old signature cottonwood tree on the lane and the 20-plus Locust trees on our common neighborhood boundary—as they still claim they have the right to do!



Signature Cottonwood Summer Photo 'Before'



Cottonwood Autumn Photo 'After'

Therefore, our residents' and committee's recommendations to the BoCC are:

- **We respectfully request that the BoCC ask that the Public Works Engineering and Planning team change their recommendation for tree removal—issuing yet another variance if needed—but this time for Arapahoe County residents' benefit. (The two signature cottonwood trees that act as a great speed deterrent must stay.)**
- **The BoCC should demand that no gates be added to the Arcadia driveway intersection with Christensen Lane or in this Minor Subdivision at all, and request that a “vehicle traffic barrier,” like the ones in the nearby Wild Plum neighborhood (see photo below) be constructed on the county line border (or slightly west of there) on the driveway to allow only recreational vehicles such as golf carts and emergency access traffic to Christensen Lane from Jeffco. (Too**

many moving trucks get stuck on the lane and in Fox Hollow now and have to back out awkwardly. Arcadia Creek takes this challenge to a whole new level)



- **Therefore, we respectfully request that this Minor Subdivision and the associated variances receive a down vote--or one contingent upon the above recommendations.**

We understand that the BoCC has to make a difficult decision, but we believe that our position best supports Arapahoe County residents and goals, and specifically aligns with the county's Bicycle and Pedestrian Master Plans. The lane, the trees, the floodplain, the Arcadia access driveway, and the Coon Creek culvert should only get the *negotiated* improvements they need in any scenario.

Respectfully submitted. Thank you for your time and consideration.

To: Arapahoe County Board of County Commissioners

Re: Arcadia Creek Development (Case No. PM22-006)

From: John Brittan, 4852 Christensen Drive, Littleton, CO 80123 (Fox Hollow Neighborhood)

The purpose of my letter is to provide a summary of the many concerns/issues that the Fox Hollow neighborhood and other area neighborhood residents (from Coventry, Christensen Lane Estates, Columbine, and homes along Christensen Lane) and the Pedicord Stables business have with the Arcadia Creek's Minor Subdivision application. All of these neighborhoods are located in Arapahoe County.

First, it must be stated that we don't believe there is another section of road like this anywhere in Arapahoe County or the Denver metro area.

As part of their minor subdivision application in Arapahoe County, Arcadia Creek has requested and the Arapahoe County Technical Review Committee (TRC) has recommended approval of multiple variances that will have a substantially damaging impact on the Arapahoe County area homeowners. **Our community is requesting that the Board of County Commissioners deny the Minor Subdivision application and its associated variance requests** based upon the following information / discussion:

1. Background Information:
 - a. The east end of Christensen Lane to Platte Canyon road allows the 33 existing homes from the Fox Hollow neighborhood to travel east to reach Platte Canyon Road. It is the only entry/exit access for our neighborhood. This section of Christensen Lane meets state and county standards.
 - b. Wilder Elementary School, Columbine United Church, Christensen Lane Estates and five homes that border the Lane are located on this eastern section of Christensen Lane.
 - c. The far western section of Christensen Lane (from the entrance to Fox Hollow to the west) is ~1250 ft in length and is considerably narrower--down to **28 ft** in some sections. A storm drain system and large cottonwood trees further reduce the accessible width of the Lane to less than ~**22 ft** in a couple locations, and also currently provides a natural speed impediment for automobiles travelling on that section of the Lane.
 - d. **This west end of the Lane currently provides access to two Arapahoe County homes.**
 - e. The western section of Christensen Lane ends at the Jefferson County line with an emergency access gate.
 - f. Jefferson County's Leawood neighborhood (with 849 homes) is located to the west of the emergency access gate, thereby preventing automobile traffic between Christensen Lane and the Leawood Neighborhood. Both Arapahoe and Jefferson Counties and all property owners along the Lane neighbors agreed to this arrangement in a 1993 Settlement Agreement. The past owners of the Arcadia Creek properties were also party to the agreement.
 - g. The west end of the Lane has openings around the emergency access gate to allow walkers, joggers and cyclists (commuters and recreationalists) to freely move from between the counties.
2. The west end of Christensen Lane was never meant to be used to provide automobile access to more than just a few homes on the Arapahoe County side. **It is essentially a narrow one-lane driveway that has serviced only 2-3 homes over the years. Arcadia Creek now wants to benefit financially by turning it into a two-lane street.** There simply is not sufficient road width along the western section

of the Christensen Lane to support up to 200+ trips a day from a new development while continuing to be a safe corridor for children, pedestrians, and cyclists that currently use the Lane.

3. The entire stretch of Christensen Lane is used by school children to safely go to and return from Wilder Elementary School and to catch buses to the LPS middle and high schools.
 - a. Sun glare in the morning can be very difficult, adding to the safety concerns for children walking along a narrow road that is bordered north and south by a six foot high fence.
4. Christensen Lane is one of the few east-west corridors available to walkers, joggers and cyclists in this part of Arapahoe County.
 - a. I have attached an email from the Ride Director of the Denver Century Ride that explains how Christensen Lane is the only safe bike corridor in our area of Arapahoe County.
 - b. The Arapahoe County Transportation and Bicycle and Pedestrian Master Plans clearly states its goal of providing “an interconnected system that encourages walking and bicycling for travel and recreation.” As you know, the plan’s focus is to identify the safest connections/corridors. **It must also protect and preserve the existing recreation corridors.**
5. The developer has not addressed the issue of snow removal in his proposed plans for Christensen Lane as there is no good solution to this issue.
 - a. During the winter months, pushing the snow off to the sides of the Lane will essentially pile snow into the areas meant for pedestrians and cyclists that are utilized year-round.
 - b. The melting of snow during the winter months on the western section of the Lane is slow due to shade from fencing and trees, with snow piles frequently lasting for extended periods of time. Piled up snow would make walking, jogging, cycling on the west end of Christensen Lane nearly impossible to navigate while cars are traveling in both directions on the Lane.
6. The TRC has recommended approval of multiple variance requests to avoid having to meet county standards for road width, sidewalks, detention ponds, and floodplain requirements, etc.

(It should be noted that no variances were requested by Laguna Homes or granted by Arapahoe County when Fox Hollow was developed.

 - a. The variance requests associated with the county’s roadway cross-section and sidewalks should be denied. As discussed above, allowing these variances would directly affect the safety of the school children, walkers, joggers and cyclists that use the Lane.
 - i. These variances are needed by the developer because there is simply not sufficient width on the west end of Christensen Lane to meet Arapahoe County standards for road width and sidewalk requirements.
 - b. The detention pond waiver and installation of a new culvert should be denied because their impact has not been fully vetted and could result severe property damage to the multiple homes along the Coon Creek and the Pedicord Stables (which is located downstream of the Arcadia Creek property).
 - c. Coon Creek flows through the Arcadia Creek’s property and has seen severe flooding multiple times in the past few years. Allowing the developer to design/install the roadway for a 10-year floodplain within an area that is in a 100-year floodplain, simply makes no sense. Approving this would simply be ignoring the flooding history of this property/area and the reality of deteriorating Colorado weather.

7. The “Christensen Lane Settlement Agreement” between the Fox Hollow developer (Laguna Home Builders) and six property owners living along Christensen Lane was put in place in 1993 when the Fox Hollow neighborhood was being developed. The homeowner of the parcel of Arcadia Creek’s land on the Arapahoe County side was part of that agreement. We believe the Settlement Agreement stipulates several things that the Arcadia Creek developer is choosing to ignore: These include:
- a. Agrees to not seek, apply for or support any application to make any portion of West Christensen Lane a public right-of-way.
 - b. Agrees to not impair or destroy any current drainage or irrigation ditches.
 - c. Agrees that access between Jefferson County and Arapahoe County from West Leawood Drive would be limited to emergency vehicles only.
 - d. Establishes that the Fox Hollow HOA is responsible for the ongoing maintenance of Lane (*not Arcadia Creek*).
 - i. This would also mean preventing Arcadia Creek or Arapahoe County from removing trees and vegetation along Christensen Lane unless approved by the Fox Hollow HOA.

Conclusion:

This Jefferson County developer understandably wants to access and modify Christensen Lane. Arcadia Creek wants the Arapahoe County Commissioners to believe it can turn what is essentially a single-lane driveway into a multi-use two-way street and still maintain a safe passageway for children, walkers, and cyclists. Based upon the number and type of variances being requested, we (80 plus homeowners who border and drive on the Lane and a few hundred petition signers) strongly disagree.

As Mr. Tschetter of Arcadia Creek indicated at the Arapahoe County Planning Committee meeting, they want to use Christensen Lane because it enhances the property values of their development. But, as you have read, it would be at the expense of Arapahoe homeowners and multiples of people that utilize the Lane

There is a simple solution to this issue. The development’s 23-proposed homes in Jefferson County should utilize the 44 ft wide streets (plus sidewalks on both sides!) in the Leawood development that has multiple entry/exit points to Bowles and Pierce streets; and the two proposed homes in Arapahoe County would have full access to Christensen Lane.

If the Arcadia Creek development gains approval for this Minor Subdivision, it will have a permanent damaging effect on several Arapahoe County neighborhoods.



Re: Use of Christensen Lane

DCR Ride Director <ridedirectordcr@gmail.com>

Wed, Mar 19, 2025 at 11:41 AM

To: John Brittan

John,

Yes, the Denver Century Ride has once again been approved by Fox Hollow to use private Christensen Ln. during our event on Sept. 27. We have approximately 700 cyclists that travel this route on the ride every year. Christensen Ln is key to the event because it is the safest route to get from Jefferson County to Arapahoe County for the riders doing the 85 and 100 mile routes. I have studied the maps in great detail looking for alternatives, and frankly, there aren't any.

From the perspective of a Ride organizer, where safety is paramount, I look at a multitude of things before I decide on a route. It has been suggested we go through Chatfield State Park - there is no exit that doesn't eventually require Christensen Ln., (South Suburban Rec. doesn't allow organized events from Chatfield to Mineral Ave.). Coal Mine - goes from a 4 lane road with a decent shoulder to a two lane road with no shoulder, using the multi-use trail on the North side is not an option because there is no safe way to continue North on Platte Canyon. Ken Caryl Ave to Platte Canyon - the roundabout is not safe for cyclists. W Bowles Ave. to Platte Canyon/Lowell Ave. has no shoulder or bike lane.

Christensen Ln as a bike corridor is a fantastic and safe alternative for all cyclists riding in Jefferson Co. and Arapahoe Co. As the multi-use trails get busier with walkers, dog walkers, strollers etc. most avid cyclists prefer roads. They prefer roads with stop lights or 4-way stops to get on more major roads, and that's what this Lane offers.

If you'd like to discuss I'm happy to hop on a call.

Sabra Nagel

DCR Ride Director
RideDirectorDCR@gmail.com
215.262.7107

June 23, 2025

Molly Orkild-Larson
Arapahoe County Planning Division
6924 South Lima Street
Centennial, CO 80112

RE: PM22-006 Arcadia Creek Filing #1/ Minor Subdivision Location: 5100 Christensen Lane, Littleton, CO 80123

My name is Ann Koets and I reside at 4580 West Christensen Lane (the Lane). The Lane is a private road on the far west side of Arapahoe County. My husband and I have lived in our present home since 1988.

This letter is in response to The Plan for Minor Subdivision (the Plan). The Plan represents an approximate two-acre piece of land in Arapahoe County. However, the substantial bulk of the development (currently proposed to be 23 single-family detached home units) will be contained within approximately 7.5 acres in Jefferson County (the Jefferson County Parcel).

The developer asserts that he has the legal right to use West Christensen Lane for the entirety of his development (the Jefferson County Parcel and this Minor Subdivision). West Christensen Lane is a private, narrow, pedestrian-friendly lane that is bordered on the east side by Platte Canyon Road and on the west side by South Sheridan Boulevard. The west end of Christensen Lane dead ends at a permanent breakaway gate to be solely used by emergency vehicles. Presently, the Lane is only accessible from Arapahoe County.

West Christensen Lane does not currently meet Arapahoe County private roadway standards. As part of the Plan, the developer (Arcadia Creek) requested a variance to the private roadway cross-section required by the Arapahoe County Infrastructure Design and Construction Standards. This was reviewed by the Arapahoe County Technical Review Committee (TRC). We understand that the TRC has recommended approval of the variance by the Board of Commissioners of Arapahoe County.

The Notice of Public Hearing makes no mention of this variance request (or any of the other variance requests made by the developer), nor does it seem to contemplate that this is as much a part of the approval process as is the approval of the Minor Subdivision. This seems disingenuous and misleading. While I have no objection to the two homes being built in the Minor Subdivision, the Lane's usage by the Jefferson County Parcel is the crux of the significant opposition to the development.

Following are certain arguments that I would put forth as to why this variance should be denied.

(1) The Settlement Agreement, entered into in 1993, provided that the right-of-way contemplated by Exhibit A (to the Settlement Agreement) will be subject to the existing

improvements, including without limitation vegetation, located on West Christensen Lane, and such improvements shall be permitted to remain in their present location.

There are trees and bushes along the Lane that would have to be removed to enable Arcadia Creek to comply with the variance. The developer has attempted to use the argument that old growth trees have been removed by Fox Hollow Homeowners' Association (Fox Hollow) subsequent to the signing of the Settlement Agreement, so that should allow the developer the right to remove vegetation.

The obligation to maintain and repair the Lane, under the Settlement Agreement, was transferred to Fox Hollow. Fox Hollow was complying with their obligation to maintain the road by removing sick or dying trees. Arcadia Creek does not have the same ability to arbitrarily remove vegetation without approval from the other parties to the Settlement Agreement. Arcadia Creek is, in fact, bound to the Settlement Agreement as a successor to an original party to the agreement.

I am a party to the Settlement Agreement. No one has approached me for my approval to remove vegetation from the Lane. My objection to the removal of vegetation was voiced in a letter sent to the County prior to the Planning Commission Meeting. The Staff's response to this concern was "The portions the developer will be improving on the lane will, unfortunately, remove the existing vegetation and trees. The alternative would be to leave W. Christensen Lane unimproved and partially paved, with poor drainage." This response leads me to question why the Staff feels that the County and Arcadia Creek can simply ignore the legality of the Settlement Agreement with respect to this provision (and other provisions contained within the Settlement Agreement).

(2) Historically, the character and nature of the Lane has been consistent with a recreational corridor, while simultaneously providing for a short driving access point for the residents living on or immediately adjacent to West Christensen Lane. On any given day, there are numerous walkers (often with dogs and/or strollers), bikers and runners utilizing the Lane. There are also several properties on or near West Christensen Lane where horses are present, and it is not uncommon to see people riding their horses on the Lane. In addition to the recreational use of the Lane, it is also a significant passage for school children. Wilder Elementary School (Wilder) is located just north of the Lane near Platte Canyon Road. Numerous children walk or ride their bikes on the Lane coming from and going to Wilder. The ability of these users to safely utilize the Lane will be severely hindered should all traffic from the proposed development be allowed to funnel through West Christensen Lane.

(3) Several homes along Christensen Lane have acreage on the south side of their properties which require irrigation. They utilize an irrigation ditch which runs under the Lane. These irrigation ditches could be adversely impacted by the proposed changes reflected in the variance request. The developer has not acknowledged this easement even though it has been communicated to him on several occasions.

(4) The traffic arising from the two homes in the proposed Minor Subdivision would likely not require the contemplated changes to the Lane required by the variance. As to the Jefferson County Parcel, there is alternative access for the 23 homes through the Leawood Subdivision in Jefferson County. Jefferson County has stated that they would be comfortable with all ingress and egress of the development accessed solely through the Leawood Subdivision on county-maintained roads. The Jefferson County Leawood Subdivision has a greater infrastructure to bear the additional traffic flow caused by the Jefferson County Parcel.

For all of the above concerns, I sincerely hope that you, as Arapahoe County Commissioners, will deny the Minor Subdivision request, as well as all the variance requests that are part of it.

Thank you for your consideration,
Ann Koets
4580 West Christensen Lane
Littleton, CO 80123

June 30, 2025

Morkild-Larson@ArapahoeGov.com

commissioners@arapahoe.gov

RE: PM22-006

My name is Steve Koets, my wife and I have lived at 4580 Christensen Lane for 37 years. While I have many issues with the Proposed Minor Subdivision I am not opposed to the creation of two lots in Arapahoe County, I am opposed to allowing Jefferson County traffic access to Christensen Lane and the variance requests that has been submitted in order to allow this happen.

Although the proposal states that it will be a gated community, for the current homes on Christensen Lane, we have no assurance that these gates will remain in place long after the developer is out of the picture. If these gates go away or become inoperable all traffic from Jefferson County could access Christensen Lane.

In late 2000 we filed a request for a zoning variance for our property. We were required to inform the public, including the posting of a sign in order to give everyone adequate time prior to the scheduled hearing to review our request. This public posting was required to include the purpose of the hearing before the Arapahoe County Board of County Commissioners. When we presented our case, we had one Arapahoe County resident oppose our request, and on that basis our request was denied. In the current case there was no mention in the Notice of Public Hearing that the proposed variances are an integral part of the proposed Minor Subdivision, only the creation of two single family lots. I believe that this is misleading and does not constitute full disclosure.

As I stated, our request was denied by this Board as we had one Arapahoe County resident opposed to our request. In the current case as indicated by the petitions that have been presented to you, there are many Arapahoe County residents that are opposed to the variances that are part of this proposal and very few whom are in favor of the variances, this should be enough for this Board to deny the Proposed Minor Subdivision. Although there are other aspects of this case that I have issues with, I believe they have been addressed in other letters sent to the Board. I believe that the variance request that has been filed by the developer that would enable Jefferson County traffic to use Christensen Lane without the Lane meeting County standards will create a situation that is not safe especially for elementary school children and other nonvehicle users of the lane as well as for the Arapahoe County residents that live along Christensen Lane. I strongly encourage the Board to deny this Proposed Minor Subdivision including its related variance requests.

Thank you for your consideration of my concerns and please vote NO.

Thank You

Steve Koets

To the Arapahoe County Board of County Commissioners,

We are writing this letter to urge the commission to not approve access to Christensen Lane from the Arcadia Creek subdivision. We live at 4600 Christensen Lane. While we understand that the Arcadia Creek development is only requesting to build two homes in Arapahoe County, we do not think it should be considered a minor subdivision because the total home number will be 25. The county needs to consider the impact of the entire subdivision on the community, not only the two homes, because all 25 homes will impact the roads and infrastructure in Arapahoe County. The developer of Arcadia Creek has used the fact that some of the homes will be in Arapahoe County to seek access to Christensen Lane for 23 Jefferson County households and 2 Arapahoe County households. This same argument should be used to consider the entirety of the subdivision and it should not be approved as a minor subdivision in Arapahoe County.

Our main concern is the increased traffic on Christensen Lane and the intersection with Platte Canyon. The Arcadia Creek development currently has access off of Leawood Drive, a wide comfortable street that allows for two-way traffic and parking along both sides. It also allows access to both Bowles Avenue and Pierce Street through multiple side streets. If the developer's traffic study is accurate and the community is allowed to access Christensen Lane, the traffic count will nearly double the current traffic rates on Christensen Lane. His argument that it will be a gated, 55+ community does not relieve our concerns. At any point, the HOA could decide to leave the gates open, creating a throughway to Leawood Drive. A 55+ community also does not necessarily mean fewer drivers and trips. My own family will have two additional high school aged drivers when we qualify to live in a 55+ community. There are also few barriers to changing the designation of

Arcadia Creek from senior living to a regular subdivision in the future, which could result in even more traffic. While we are concerned about the safety of our children getting to and from school and bus stops, we also want to highlight how backed up traffic is on Platte Canyon during peak traffic hours. During that time, traffic is backed up between the lights and it can be almost impossible to turn on to Platte Canyon on a green light. If we double the traffic on Christensen Lane, we will have a hard time leaving our neighborhood.

We moved to Christensen Lane because we wanted to live on a quiet, dead end street so our children could ride bikes around the neighborhood, walk to school, and not worry about a constant flow of traffic. All of the so-called improvements that the developer wants to make on Christensen Lane will only encourage more traffic and speeding. Leawood Drive provides a safe, wide road to access this development without negatively impacting the current users of Christensen Lane.

We respectfully request that this planning commission listen to its Arapahoe County taxpayers and does not approve this application for a 25 home minor subdivision.

Sincerely,

Nathan and Carissa Koran
4600 Christensen Lane
Littleton, CO 80123

To: Arapahoe County Commissioners BoCC

Re: Arcadia Creek BoCC Meeting – 7/8/2025

I am strongly opposed to turning Christensen Lane into a two-lane street.

My family and I use this lane every single day—we walk, run, and bike along it regularly. It's a quiet, narrow road that currently feels safe for pedestrians, but increasing traffic would completely change that. The added volume would be tremendous and make it unsafe for the many people who rely on this lane for daily recreation and travel.

Christensen Lane is simply not wide enough for two-way vehicle traffic alongside pedestrian use. Forcing walkers and cyclists onto a narrow 4-foot sidewalk, while vehicles move in both directions, is dangerous and goes against common-sense planning.

There's also no practical reason for this change. All but two of the developer's proposed homes are located in Jefferson County and already have direct access through Leawood Drive. They do not need a second access point through Christensen Lane—this request is excessive and unnecessary.

While the project is labeled a 55+ community, that doesn't mean there will be low traffic. People in that age group are still active, often working, driving daily, and receiving regular deliveries and visitors. Without clear and enforceable occupancy rules, it's entirely possible these homes will include younger family members too. It's unrealistic to assume that traffic will be minimal.

This proposal feels like a developer pushing for convenience and profit at the expense of community safety and livability.

It also directly contradicts Arapahoe County's own Bicycle & Pedestrian Master Plan, which envisions "a comprehensive system... that safely connects neighborhoods and destinations and encourages walking and bicycling." Turning Christensen Lane into a two-lane road would require a variance to the County's own safety standards and undermines that vision entirely.

I hope our elected Commissioners will listen to those of us who live here and use this lane every day.

Please help us keep Christensen Lane safe and pedestrian friendly.

Thank you,

Sincerely, Kelly Land

4358 Christensen Ln, Littleton, CO 80123 | 720.203.6116

To: Arapahoe County Commissioners BoCC

Re: Arcadia Creek Development

My only objection to the new development is related to the expansion and redevelopment of Christensen Ln to allow vehicle access through Arapahoe county to the new homes. My family of 5 has lived in our home off Christensen Ln for over 13 years. One of our most cherished parts of our community is living on a dead-end street that has very limited vehicle access west of Fox Hollow entrance. We are a very active family and love walking, running, and biking down the lane.

Increased traffic will not be safe for my family. My youngest child goes to Wilder elementary and crosses the road 2 times per day. Also, all 5 members of my family use the dirt lane west of Fox Hollow daily for walking, running, and biking, and the proposed road changes and increased car traffic volume will no longer make those activities safe. The new development will already have car access through Leawood, and does not need another vehicle access point through Christensen Ln.

All the additional traffic from the new homeowners, their guests, maintenance workers, and package deliveries, will only have a negative impact on our neighborhood. There is no good reason to negatively impact so many existing homeowners that have lived in the community for so many years, just to appease new home developers to make their homes more marketable.

Please do not allow the expansion of Christensen Ln to allow vehicle access to the new development. Unfortunately, we are unable to be present at the hearing to voice our objection in person, so I wrote this letter in place of our appearance.

Thank you for your time.

Sincerely,

Jason Land

4358 Christen Ln,

Littleton, CO 80123

347.344.7187

From: [Michael Manning](#)
To: [Molly Orkild-Larson](#); [Kim Manning](#); [Michael Manning](#)
Subject: Arcadia Creek Development
Date: Monday, June 30, 2025 5:43:22 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Arapahoe County Commissioners,

We were one of the first buyers and custom home builders to Fox Hollow in 1994. We selected the lot that features Raccoon Creek and is situated in the flood zone, adjacent to open space, and offers the desirability of a private, rural neighborhood. Our Neighborhood lacks sidewalks and has a lovely, tree-lined lane that our HOA maintains.

The developer promised us, Barry Tally, that no Jefferson County traffic could use our lane due to legal agreements between existing Christensen Lane and Christensen Circle (Estates) homeowners and the county, with a locked, heavy metal gate only for emergency vehicles.

I was Fox Hollow's first President for three years and followed on the AOC and board for many years, and was instrumental in getting the now Larson lot annexed and for a second filing of Fox Hollow to ensure consistency of our neighborhood and conditions of the Lane.

I was instrumental in working with the Prior Jeff Good/ Acadia developer, Billy Weidee, to build only 12 homes. The Columbine Shooting happened on the county meeting day, and Weidee sold it to the Goods.

I worked with Arapahoe County to relocate 6 group homes near the church, and instead, we have four homes that better match our community.

I worked with Jeffco on the Vintage Club neighborhood to restrict views and density and not put Jeffco access out on Sheridan Blvd .

I have worked with Urban Drainage for years to secure the banks of our property against erosion and flooding, which continues to shift and pose a constant worry, a significant burden, and a substantial cost to maintain our property and ensure safety.

And, NOW for the past eight years - 8 years we have had our lives in a battle to protect our Property from water and land erosion, increased noise and nuisances of traffic going on in tree business and vehicles cutting through the Jeffco Good property, loud parties where police have been called at the Barn - which they want to keep as a community center, lights and people trespassing eager to be on our water property.

Jeff Good and his now partner, David Chester, have been, in my opinion,

aggressive and manipulative to our community and both Jeffco and Arapahoe County in their efforts to work with all interested parties to get this mostly Jeffco development done for huge profits at the expense of our established community and HOA and Arapahoe County regulations.

Only 2 of the 23-25 homes and barns are in Arapahoe County. Arapahoe County taxpayers and homeowners should have a say in maintaining and protecting our homes, properties, and the value of our daily lives.

I have shared with Jeffco and Arapahoe County in meetings that this is not just about the noise, the lights, the safety, the exposure, the potential for flooding and erosion, but the safety of the lane!

My car has been hit twice on Christiansen Lane, resulting in two severe neck and back injuries in the two accidents. The first - a car did not see my car leaving Fox Hollow at the Stop sign and slammed into me so hard that it ruined my engine, and my injuries were so severe that it changed my health forever. The second one was a Wildwe Elementary School parent driver who lost control of his car coming down the hill at the church parking lot on ice and T-boned my car with my child in it. i had to go to the emergency room with further bodily trauma!

Jeff Good publicly denied that anyone had been hurt on the lane and also stated that there were no noise issues. ALL lies.

Every day, the morning and evening sun, combined with the Lane trees, literally cause blindness when kids, adults, mothers, fathers, and babies in strollers are walking to school, to church, or to the Columbine Country Club.

There is no way to accommodate two lanes of traffic and large commercial vehicles while also protecting drivers, as well as pedestrians and animals, from hazards such as dogs and horses.

The developers do not care about children, people, or our neighborhood that existed first! Arapahoe County must protect its citizens' homes and rights, as well as the safety of our property and neighborhood rights, foremost.

Legally, there is NO PRECEDENCE to changing the rules on how the lane is to be maintained by our HOA. You can't change the intent and rural feel of our neighborhood.

The Developer and Jeff Good/David Chetter/Acadia, who owns this and stands to make significant profits at the expense of our lives, properties, and existing community, for only two Arapahoe County homes versus 25 Jeffco Homes.

No approval should be given, as they change their design and make false statements to all. DO NOT vote to support something that is NOT morally or ethically right!

Please follow the guidelines of Arapahoe County and Urban Drainage, which must instead consider what happens downstream rather than upstream. We need

this study done first!

Next - Acadia says they will have 55 plus, which is discriminatory. Or they say that they will do everything for their homeowners, so now we have even more cars than the added 150 plus a day, and they will be commercial drivers who don't care how fast they drive. And what happens when a big truck or others reach the end of The Lane and can't turn around? There is not enough land to support Jeffco traffic. Gates don't work!

I will tell you what happens - huge noise, nuisance lights at night, people trespassing, flooding, erosion, lower property values, and the worst - someone gets hurt or is injured due to not enough room on the private lane, which, truthfully, needs an 8-foot pedestrian lane marker, not the 4.

You must come out and see this for yourself! Come see that young children love on the lane, and there is no room for additional two-way traffic! The sun, trees, and narrowness do not make it safe, nor is it necessary!

Additionally, every other Arapahoe County neighborhood has gated even local developments to maintain the integrity of the development and prevent drivers from cutting through. This is the Norm, and it must be maintained.

You have to rule and vote on what is happening now. The Christensen Lane, Circle, and Drive homes, Wilder Elementary, the church, the Columbine Country Club, and all the pedestrians and golf carts need protection! As it stands, traffic at peak times is already backed up, as Platte Canyon can't accommodate the existing traffic, let alone the additional 150-plus cars from Jeffco residents, which was never intended to have driver access.

I beg you to vote with Arapahoe County homeowners. We are real people with children, and we deserve to be protected and have our homes and properties protected, and you can not allow a developer to talk you into anything that is not in our best interest!

The surrounding community is 100% against Jeffco homes having access down our private lane, which we are legally maintaining for our community's needs, not theirs.

I thank you with all my heart for sparing us another day of this burden, as it will change our lives and the values of our home.

Sincerely,
Kim Manning
5026 Christensen Drive
Littleton, CO 80123

303-956-6734
kimmanning0041@gmail.com

Date: June 18, 2024

To: Arapahoe County Commissioners

From: Marilyn McGee and Jon La Breche
4420 W.christensen Ln.

Re: Proposed Arcadia Creek Development

We are writing to protest the Arcadia Creek proposed development at the west end of Christensen Lane in Arapahoe County. My husband and I strongly oppose the developer's plan to provide access to Christensen Lane for the 23 homes on the Jefferson County portion of his property which is a totally separate project from the two homes he plans to put on his Arapahoe County property. He has direct access to the Jeffco property from Leawood Drive which is a standard size paved neighborhood street. Allowing access for these 23 homes thru the Arapahoe County portion of the property plus the two homes on the Arapahoe County section will nearly double the traffic down our quiet private lane which is not designed to handle nearly double the amount of traffic we currently have running in front of our homes.

My husband and I have lived on Christensen Lane for 33 years and have loved the feel of a "little bit of country in the city" that Christensen Lane offers. Christensen Lane was originally designed in 1917 as a private road leading to the Christensen family farmhouse at the end of the lane when the entire property was in Arapahoe County. I won't go into the entire history of the lane but it has seen a lot of changes throughout time. In the 1970's five homes were built along the lane on acreage. Then in early 1990's Christensen Lane Estates was developed on the far east end of the lane which had very little impact on the traffic along the lane.

In 1995 a developer purchased several acres at the west end of the lane which he planned to put 31 homes on and he hoped to widen the lane taking a portion of our front yards to do so. So we filed a law suit to stop the development. Eventually we reached a compromise in which he agreed not to take a small section of our front yards and we were forced to grant him access to his property because it was the only access he had. This development is Fox Hollow. We also required him to put a barrier at the west end of the lane to prevent any traffic from Jefferson County residents. And the developer was required by Arapahoe County to make improvements to the lane that met County standards in order to accommodate the additional traffic. This included paving the road which was done from the east end of the lane west to the entrance to Fox Hollow.

The portion of the lane west from the entrance to Fox Hollow to the very end of the lane has remained unpaved and a rough road since then. It includes some very large cottonwood trees and a lot of shrubbery which is to be left "as is" according to the original judgement in our

lawsuit with the Fox Hollow developer. Portions of the west end of the lane are not wide enough to meet the same county standards that were required for the Fox Hollow development.

Now the Arcadia Creek developer is asking Arapahoe County to approve a road thru the Arapahoe County portion of his property where he plans to build two additional homes so he will have access to our lane for all 23 homes in the Jefferson County portion of his project. He has excellent access for the 23 homes on Leawood Drive which leads to Pierce Street going west and Bowles Avenue going north. He has not explored the option of an alternative route going directly north of his property on Sheridan Avenue to Bowles all on city streets as opposed to a narrow private lane.

Allowing this development access to Christensen Lane for the 23 Jeffco homes not only increases the traffic on the lane by nearly double the current amount, it produces very serious safety concerns for our neighbors who have elementary school age children riding their bikes or walking to and from Wilder Elementary School Monday thru Friday. It makes it a lot less safe for people walking their dogs, riding their bikes, and runners who use the lane all day long every day. And those of us whose homes face the lane are at risk of being hit by a car or truck unless we use extreme caution as we pull out onto the lane. This risk will only increase if the access is approved by the county for the 23 homes in Jeffco.

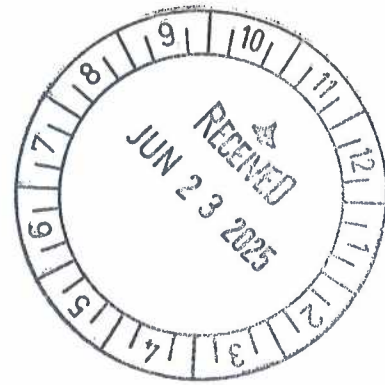
The developer's "half baked" design for improving the west end of the lane is in no way consistent with what the county required of the Fox Hollow developer when he wanted to build 5 more homes than Arcadia Creek proposes. I would hope Arapahoe County would be consistent in what is required of the Arcadia Creek developer to improve the west end of the lane for the sake of safety for all of the pedestrians and the traffic this will create if this access is approved.

Christensen Lane is already very heavily used for the type of narrow road it is and is not designed for the very heavy increase in traffic this proposed development would make. We urge Arapahoe County not to allow this road thru the Arapahoe County portion of the project for the Jeffco portion of his plan.

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***Background Brief for the Petition on new motor vehicle access to
Christensen Lane from Jefferson County***

- The proposed motor vehicle access use of Christensen Lane by the Arcadia Creek development, which will contain 23 homes in Jefferson County and two in Arapahoe County, would add significant traffic to Christensen Lane and out onto Platte Canyon Road.
- Christensen Lane has long been closed to any incoming motor vehicles from Jefferson County, and has minimal traffic from the homes along its length. It has long been used by the community neighbors for walking, biking, and healthy access to Wilder Elementary School, as well as by energy efficient golf carts. Neighbors meet each other along this pathway, providing a valuable asset for community connection and safe eyes-on-the-street, which help prevent crime. These uses would be severely impeded by the proposed motor vehicle access.
- The health and wellbeing impacts of access to spaces for physical activity and community connection, and for connectivity of such routes to schools, parks and wider pedestrian and bicycle routes, are well established in public health research.
- It is the only safe access from nearby homes in Arapahoe County to the walking parks and bike trails in Jeffco. (Alternate routes are distant and along very busy and unsafe thoroughfares of Bowles Avenue or Cole Mine Road).
- This transformation of a walkable/bikeable low traffic lane into a high use motor vehicle street is contrary to existing aims of the Arapahoe County Comprehensive Plan and the County Public Health Assessment.
- The proposal would change Christensen Lane from a community asset for neighborhood connection, physical activity and a safe route to school into an auto-centric road

access for their automobile trips. How can this proposed change would be more important than the health and wellbeing of the neighboring communities?

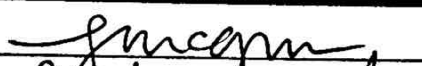
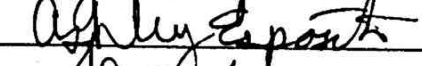

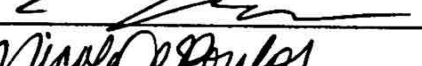
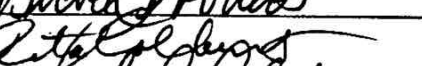
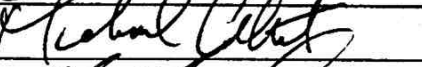






Can use information from the Background Brief to add to your letter.

Petition to Arapahoe County Planning Commission & the Arapahoe County Board of County Commissioners to STOP new motor vehicle access to Christensen Lane in Arapahoe County from the Jefferson County section of the proposed Arcadia Creek Development.

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WE, THE UNDRSIGNED, HEREBY PETITION the Arapahoe County Planning Commission and the Arapahoe County Board of County Commissioners to deny land development permits to the Arcadia Creek Development that would allow for motor vehicle access to Christensen Lane from any property in Jefferson County.



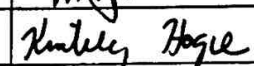






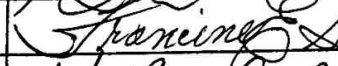
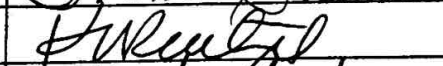
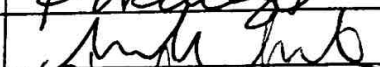
NAME	SIGNATURE	LEGAL ADDRESS	DATE
Lindsey McGraw		4433 Christensen Cir Littleton 80123	9-20-23
Ashley Esposito		4481 Christensen Cir Littleton 80123	9-22-23
Tamara Tadama		4585 Christensen Circle Littleton 80123	9-22-23
Nick Poulos		4521 Christensen Circle 80123	9-23-23
Nicole Poulos		4521 Christensen Cir. Littleton 80123	9-23-23
Rita Colbert		7900 W Layton Ave Unit 413 Denver 80123	9-25-23
Michael Colbert		7900 W Layton Ave Unit 813 Denver 80123	9-25-23
Maxwell Faith		11 Meadowlark Ln. Littleton CO 80123	9-25-2023
Patrick McGraw		4433 Christensen Cir. Littleton, CO 80123	9-25-23
Ekaterina Davis		4525 Christensen Cir 80123	9-24-23
Kevin Best		5286 W. Ontario Ave 80123	11-4-23
Jordan Best		5800 W. Ontario Ave 80123	10-4-23

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NAME	SIGNATURE	LEGAL ADDRESS	DATE
Shirley R Pendleton		4550 CHRISTENSEN LN LITTLETON 80123	09-17-23
LOU PENDLETON		4550 CHRISTENSEN LN LITTLETON 80123	9/17/23
Kim Hogue		11 Middlefield Rd Littleton, CO 80123	9/17/23
Patrick Britton		4852 Christensen CO 80123	9/17/23
ANDREW BOTHWELL		4904 CHRISTENSEN, LITTLETON, CO 80123	9/17/23
Scott Gilbert		9 Fairway Lane, Columbine Valley 80123	9/17/23
Lela Beutler		4802 Christensen Dr. Littleton CO	9/17/23
Beverly Obenchain		4531 Christensen Dr Littleton CO	9/17/23
FRANCINE SNOW		20 Calridge Ct. " "	9/17/23
Karen Reutzel		4903 Christensen Dr Littleton	9/23/23
Sarah Spratlan		5823 Shasta Cir Littleton CO	9/23/23
Ali Larsen		5304 W LAKE PL, Littleton CO	9/23/23

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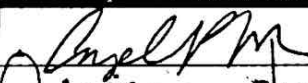
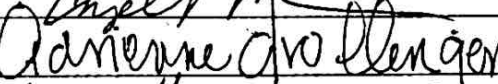
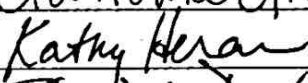
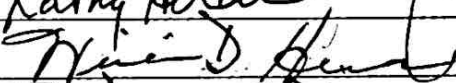
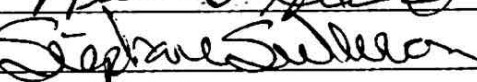
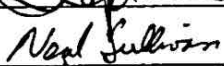


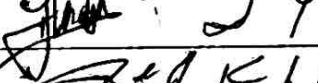



NAME	SIGNATURE	LEGAL ADDRESS	DATE
Barbara R. Baxter	Barbara R. Baxter	6268 S. Ponds Way	9-16-23
Mike Hyland	Mike Hyland	6350 S Ponds Way 80123	9-16-23
Peggy Noble	Peggy Noble	4429 W Ponds Cir 80123	9/16/23
Andrew Noble	Andrew Noble		
Kevin Rathbun	Kevin Rathbun	6227 S Ponds Way 80123	9/16/23
Joan Zivic	Joan Zivic	6369 S Ponds Way 80123	9/16/23
Dave Dean	Dave Dean	4284 W Ponds Cir 80123	9/16/23
Kayle Sibylstra	Kayle Sibylstra	4654 W Ponds Cir	9/23/23
ALDEN AMSBERRY	Alden Amberry	4504 W Ponds Cir	9/23/23
RICHARD KRITSCHE	Richard Kritsche	4406 W Ponds Dr	9/23/23
NICHOLAS NARBE	Nicholas Narbe	4476 W Ponds Dr	9/23/23
Phil Stephan	Phil Stephan	4506 W. Ponds Dr	9/23/23

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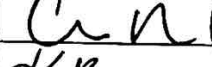



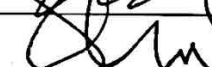
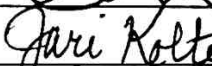
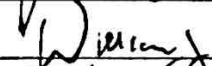
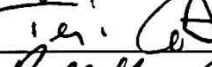


NAME	SIGNATURE	LEGAL ADDRESS	DATE
ANGELA MORSMAN		4251 W. POND VIEW DR ^{LITTLETON} CO 80120	09/16/23
Adrienne Drollinger		6126 S. Ponds Way, Littleton	9-16-23
Kathy Heran		4645 W. Ponds Dr.	303-730-1877
WILLIAM HERAN		4645 W. Ponds Dr	"
Stephanie Sullivan		6208 S Ponds Way Littleton	9-16-23
Neal Sullivan		6208 S. Ponds way Littleton	9/16/23
Greg Barth		4695 W. Ponds Dr	9/16/23
Becky Cox		6309 S. Ponds Way	9/16/23
David Lindgren		6329 S Ponds Way	9/16/23
Tell K. King		6330 S. Ponds Way	9-16-23
JOHN ZIVR		6369 S Ponds Way	9/16/23
Shaun Murray		6390 S Ponds Way	9/16/23

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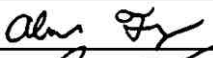
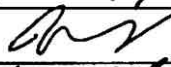



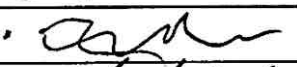
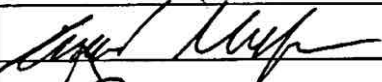

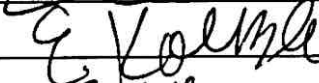
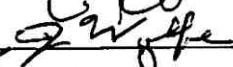

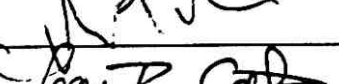
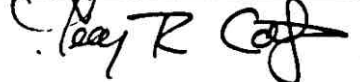
NAME	SIGNATURE	LEGAL ADDRESS	DATE
Jody Gilbert Fong		6381 S. Zenobia Ct Littleton CO	9/14/23
Lindsay Markley		4842 Christensen Dr.	9/14/23
Carissa Koran		4600 Christensen Ln	9/14/23
Kellen Bothwell		4904 Christensen Dr.	9/14/23
Drake Carpenter		4463 Christensen Cr.	9/14/23
Stacey McConlogue		4293 W. Pondview Pl	9/14/23
Ralph Glebe		4293 W. Pondview Pl	9/14/23
SHARON DEAN		4284 W. PONDVIEW PL	9/16/23
Jari Kolterman		4244 W. Pondview Pl.	9/16/23
William S Corbin		4243 W PONDVIEW PL	9/16/23
Teri L Corbin		4243 W PONDVIEW PL	9/16/23
Brianna Atherton		4216 W. Pondview Place	9/16/23

Petition to Arapahoe County Planning Commission & the Arapahoe County Board of County Commissioners to STOP new motor vehicle access to Christensen Lane in Arapahoe County from the Jefferson County section of the proposed Arcadia Creek Development.

Whereas:

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NAME	SIGNATURE	LEGAL ADDRESS	DATE
Alan Fong		6381 S Zenobia Ct Littleton 80123	10/4/23
Mat + Fong ^{Jody Fong}		6381 S Zenobia Ct Littleton 80123	10/4/23
Heath Rudolph		5153 W. FAIR AVE Littleton 80123	10/3/23
Natie Beattie		4959 W FAIR PL Littleton	10/3/23
Amanda Murphy		5970 S WOLFF CT Littleton	10/3/23
Amanda Stevens		5959 S WOLFF CT Littleton	10/3/23
DAN MURPHY		5970 S. WOLFF CT Littleton	10/3/23
Andrea Wright		5125 W LAKE AVE	10/3/23
Limby Kolbie		4142 S. ZENOBIA ST Denver	10/3/23
Jim Wolfe		6166 S. Coventry Ln. W. Littleton	10/4/23
Taylor Stevens		5959 S. Coventry Ln Littleton 80123	10/4/23
Michael Hein		5210 S COVENTRY LN E	10/4/23
Tracy R Gotsamira		4954 W Maplewood Ave Littleton	10/4/23

Petition to Arapahoe County Planning Commission & the Arapahoe County Board of County Commissioners to STOP new motor vehicle access to Christensen Lane in Arapahoe County from the Jefferson County section of the proposed Arcadia Creek Development.

W/B

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NAME	SIGNATURE	LEGAL ADDRESS	DATE
Arienne Blvers	Arienne Blvers	6358 S. Wolff Ct. Littleton, 80123	8/17/24
Andy Goodwin	Andy Goodwin	6348 S Wolff Ct Littleton 80123	8/18/24
Carolyn Goodwin	Carolyn Goodwin	6348 S Wolff Ct Littleton 80123	8/18/24
Coni YORMACK	Coni Yormack	6338 S. Wolff Ct. 80123	8/19/24
Barry YORMACK	Barry Yormack	6338 S. Wolff Ct 80123	8/19/2024
Bernadine Greer	Bernadine Greer	6398 S. Wolff Ct 80123	8/20/24
Natalie Hubble	Natalie Hubble	6368 S. Wolff Ct. 80123	8-20-24
GREG Hubble	GREG Hubble	6368 S Wolff Ct 80123	8/20/24
Dwight Eisnach	Dwight Eisnach	6337 S. Wolff Ct. 80123	8/20/24
LINDA EISNACH	Linda Eisnach	6337 S. Wolff Ct 80123	8/20/24
Robin Glanville Miller	Robin Glanville Miller	6367 S. Wolff Ct 80123	8/20/24
Devin Mulhern	Devin Mulhern	6377 S Wolff Ct 80124	08/20/24
Cheyl Tabor	Cheyl Tabor	6387 S. Wolff Ct. 80123	8/21/24

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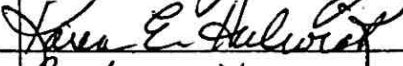
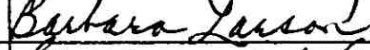

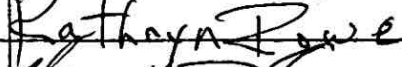
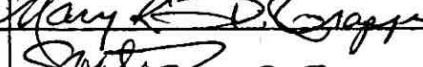

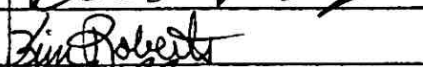

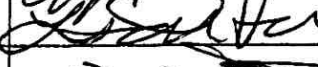



NAME	SIGNATURE	LEGAL ADDRESS	DATE
Susan Scheibel	Susan Scheibel	6395 S. XAVIER CT., LITTON	8-17-24
Robert Scheibel	Robert Scheibel	6395 S. XAVIER CT., LITTON	8/17/24
Natalia Simonson	Natalia Simonson	6376 S. XAVIER CT, LITTON	8/25/24
Natasha Simonson	Natasha Simonson	6376 S. XAVIER CT, LITTON	8/25/24
Sue Ann Jack	Sue Ann Jack	6290 S. Coventry Littleton	8/25/24
Michael S. Jack	Michael S. Jack	6290 S. Coventry Dr. E. Littleton	8/25/24
Andrea Holt	Andrea Holt	5042 W. FAIR AVE. Littleton	8/25/24
MARK HOLT	Mark Holt	5042 W. FAIR AVE LITTON	8/25/24
Steve M. Ley	Steve M. Ley	4989 W. FAIR PL Littleton	8/25/24
AMY SAGRATI	Amy Sagrati	5088 W. MAPLEWOOD AVE Littleton	8/26/24
MIKE SAGRATI	Mike Sagrati	5088 W. MAPLEWOOD AVE LITTON	8/26/24
Karen Gargan	Karen Gargan	6381 S. Coventry Lane Littleton	8/26/24

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NAME	SIGNATURE	LEGAL ADDRESS	DATE
Dustin Welz		6378 S. Wolff Ct ^{Littleton, CO 80123}	8/20/24
Karen Hulwick		1 Brassie Way Columbine Valley CO	8/21/24
Barbara LARSON		4928 Tule Lake Dr. Littleton CO ⁸⁰¹²³	8/21/24
Barbara Allen		49 Fairway Lane Littleton CO ⁸⁰¹²³	8/21/24
Kathryn Rose		19 Fairway Lane " "	8/21/24
Mary D. Grappa		705 East Ridge Rd. " 80120	8/21/24
Sarah Springer		6353 S. Yates Ct.	8/24/24
Kristie Rodriguez		6373 S. Yates Ct	8/22/24
Kim Roberts		6374 S. Yates Ct.	8/22/24
BRAD HOYER		6354 S. Yates Ct.	8/22/24
Lisa Hoyer		6354 S. Yates Ct.	8/21/24
Wade Pugsley		6388 S. Wolff Ct	8/21/24
Michele Pugsley		6388 S. Wolff Ct.	8/21/24

9)

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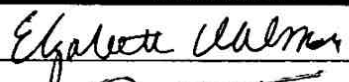



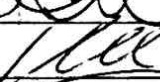

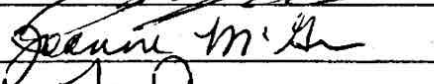
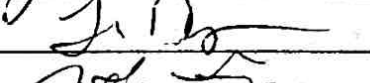

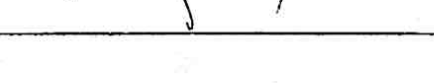
NAME	SIGNATURE	LEGAL ADDRESS	DATE
Mary A. Etchason	Maryanne Etchason	6267 S. Coventry Ln W Littleton, CO 80123	8/31/24
Linda Hootnick	Linda Hootnick	6147 S. Coventry Ln E. Littleton	8/31/24
Kenneth Hootnick	Kenneth Hootnick	6147 S COVENTRY LN E LITTLETON	8/31/24
Nancy J. Etchason		6267 S. Coventry Ln W Littleton	8/31/24
Nino Solo	Nino Solo	6333 S. York Ct Littleton	8/31/24
STEVEN SIMPSON	Steven Simpson	6376 SOUTH XAVIER COURT	8/31/24
Larry Solo	Larry Solo	6333 S 1/4th CT	8/31/24
JANE MILEY	Jane Miley	4969 W. Fair Pl	8/31/24
Andrew Schmidt	Andrew Schmidt	6335 S. Xavier Ct	9/3/24
Lisa Schmidt	Lisa Schmidt	6335 S Xavier Ct	9/3/24
Denise Slucki	Denise Slucki	6356 S Xavier Ct.	9/3/24
Brian Slucki	Brian Slucki	6356 S Xavier Ct	9/3/24

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NAME	SIGNATURE	LEGAL ADDRESS	DATE
Elizabeth Uhlman		4852 Christensen Dr., Littleton CO 80123	9/22/23
Michael Esposito		4487 Christensen Cir Littleton CO 80123	9/23
Bentley C. Tate		4511 Christensen Cir, Littleton 80123	9/23/23
Dave Tadavola		4585 Christensen Cir Littleton 80123	9-23-23
Kimberly Gustafson		4541 Christensen Cir 80123	9/23/23
Mick Mann, Jr.		5026 Christensen Dr 80123	9/23/23
JASON LAND		4358 Christensen Ln Littleton Co 80123	9/24/23
Joanne McGehee		555 So Holman St - Dr. CE 80123	9/24/23
Tricia Dye		6145 S Bowles Way 80123	9/24/23
Kathryn Sepino		6346 S. Newland Ct 80123	9/30/23

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NAME	SIGNATURE	LEGAL ADDRESS	DATE
SIERRAH PETTY	<i>Sierrah Petty</i>	7284 S. CHASE WAY, LITTLETON, CO	9-20-23
Darren Petty	<i>Darren Petty</i>	7284 S. Chase Way Littleton, CO	9-20-23
Landon Tucker	<i>Landon Tucker</i>	7331 S. Platte River Pkwy	9/20/23
Ashton Tucker	<i>Ashton Tucker</i>	7555 S. Sheridan Ct.	9-20-23
Jennie Tucker	<i>Jennie Tucker</i>	7555 S. Sheridan Ct.	9-20-23
JOHN T OVERMYER	<i>John T Overmyer</i>	4256 CHRISTENSEN LN	9-23-23
Helen Overmyer	<i>Helen Overmyer</i>	4256 Christensen Ln	9-23-23
Sarah Hamilton	<i>Sarah Hamilton</i>	7 Fairway Lane	10/4/23
Martha Gallagher	<i>Martha Gallagher</i>	4203 W Pondview Pl	10/4/23
D. J. Steines	<i>D. J. Steines</i>	6391 So. Zeno Dr. ACT	10/16/2023
Patricia Peppard Mgr.	<i>Patricia Peppard</i>	6483 S. Platte Canyon Rd	10/16/2023
Ernie M. Lase	<i>Ernie M. Lase</i>	5090 Christensen Ln	10/16/2023


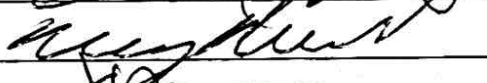

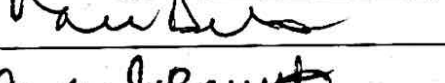
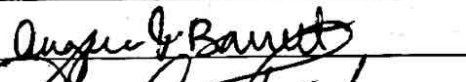

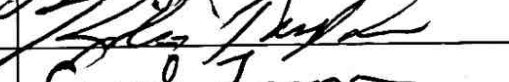
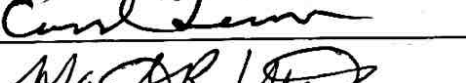
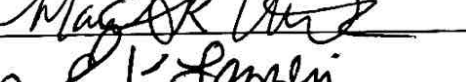
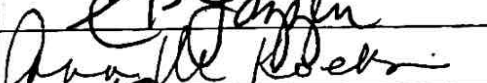

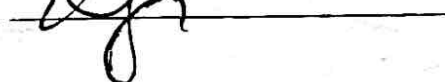
Ditch Creek Properties

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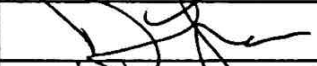
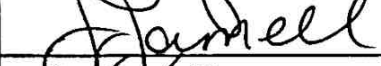


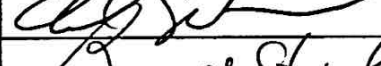



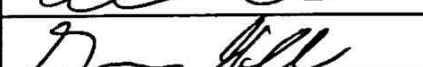
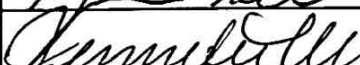
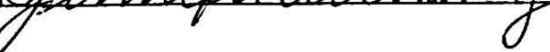
NAME	SIGNATURE	LEGAL ADDRESS	DATE
STEVEN KOETS		4580 CHRISTENSEN LN.	9/19/23
MOLLY MEINERT		5055 CHRISTENSEN DR	9/19/23
Jennifer Morris		5076 Christensen Dr.	9/19/23
Valerie Dettmer		4910 W. Christensen Ln	9/19/23
Angela Barrett		4452 W. Pondview Drive	9/20/23
Angela Tucker		4520 Christensen Dr.	9/21/23
Garlan Tucker		" "	" "
Carol Lerner		Leewood !	9/20/23
Martina Wilbanks		4944 Christensen Dr. ²⁰¹⁴⁰¹²³	9-20-23
Elizabeth Lazzari		5046 Christensen Dr.	9-20-23
Ann Koets		4580 Christensen Ln	9-20-23
Erishn Orum		6389 S Ponds Way	9-20-23

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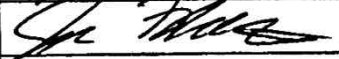
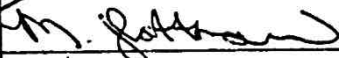
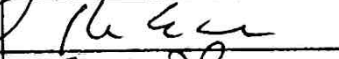
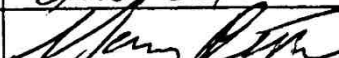

NAME	SIGNATURE	LEGAL ADDRESS	DATE
ADRIAN METZGER		5055 CHRISTENSEN DR, 80123	9/20/23
Darin Snow		5055 Christensen Dr, 80123	9/20/23
Jessica Jamell		5056 Christensen Dr 80123	9/21/23
Michael Dover		5076 Christensen Dr 80123	9/21/23
Allison Wheeler		5075 Christensen Dr 80123	9/21/23
Chad Scherer		5045 Christensen Dr 80123	9/21/23
Brenda Staab		4923 Christensen Dr 80123	9/21/23
Michael Staab		4923 Christensen Dr 80123	9/21/23
Wilson Wheeler		5075 Christensen Dr 80123	9/21/23
Ellie Monblatt		5055 Christensen Dr 80123	9/24/23
Jason Hall		5055 Christensen Dr 80123	9/24/23
Jennifer Chaney		9709 W. Cambridge Pl Littleton 80127	9/24/23

Petition to Arapahoe County Planning Commission & the Arapahoe County Board of County Commissioners to STOP new motor vehicle access to Christensen Lane in Arapahoe County from the Jefferson County section of the proposed Arcadia Creek Development.

Whereas:

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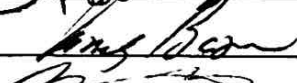
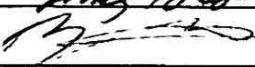


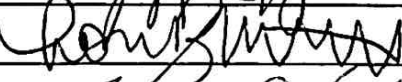






NAME	SIGNATURE	LEGAL ADDRESS	DATE
Michael Horn		7589 S. Quay Ct. Littleton 80120	9/17
Jim Forman		6714 S. YATES CT LITTLETON, CO 80120	9/17/23
Mikael Attman		6714 S. Yates Ct. Littleton	80120 9/17/23
Carol Jannison	Carol Jannison	4924 Christensen Dr	9-17-23
Rhonda Bower	Rhonda Bower	4420 Christensen Lane	9-17-23
Jeanette Gilbert	Jeanette Gilbert	9 Fairway Lane	9/17/23
KEVIN O'BRIEN		3 DRIVER LANE	9/17/23
Ellen O'Brien	Ellen O'Brien	3 Driver Lane	8/17/23
GARY BEVELER		9802 CHRISTENSEN DR.	9-17-23
Annette Feser	Annette Feser	7727 Christensen Cr	9-17-23
	Nathan Koran	4600 Christensen Ln	9-17-23
Christina Christensen	Christina Christensen	4851 Christensen Ln	9/17/23

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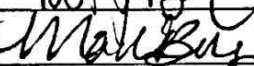


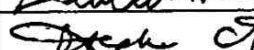
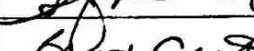
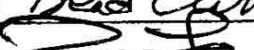



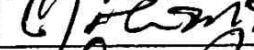
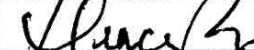
NAME	SIGNATURE	LEGAL ADDRESS	DATE
Ashley Olson		6351 S. Zenobia Ct. ^{Littleton} CO 80120	9/22/23
James Bean		8870 W. Firwood Ave	9/23/23
Zach Reinkens		1511 E. Bakes Ave ^{Englewood} CO 80113	9/23/23
Sabra 	Sabra Nagel	10324 Hondah Trl, Littleton	9/23/23
Jeff Stonger		4872 Christensen Dr, Littleton	9/23/23
Hori Bechter		4993 Christensen Dr	9/23/23
Gary Jamell		5056 Christensen Dr	9/23/23
Chris Orgon		6389 S. Ponds Way	9/23/23
Kellie Stonger		4872 Christensen Dr	9/23/23
KATIE SPRICK		4891 Christensen Dr	9/24/23
Aaron Lay		4943 Christensen Dr	9/29/22
Sharon Lay		4943 Christensen Dr	9/29/2022

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PATRICK BURGESS		4408 CHRISTENSEN LANE	9/20/23
Maria Burgess		4400 Christensen Ln	9-20-23
Anarea Jones		4520 Christensen Ln	9-20-23
Daniel Mayes		23495 YORKMAN BL	9/20/23
Stephanie Christensen		4328 Christensen Ln	9/20/23
Brad Christensen		4328 Christensen Ln	9/20/23
Bob Lazzari		5046 Christensen Dr	9/21/23
Bob Wilbanks		4944 Christensen Dr	9-21-23
Martha McNamara		4974 Christensen Dr	9-21-23
John McNamara		4974 Christensen Dr	9/21/23
Tracy Murphy		4820 Christensen Lane	9/21/23
Marilyn McGee		4420 Christensen Ln	9-22-23

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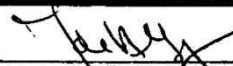
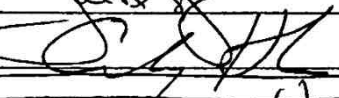

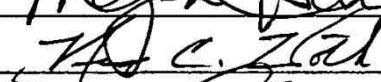

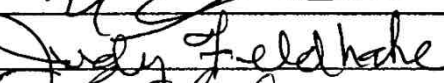



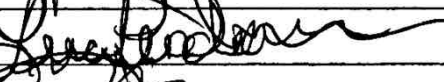
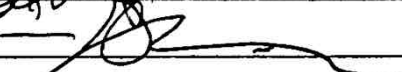
NAME	SIGNATURE	LEGAL ADDRESS	DATE
Trish Brunck	Trish Brunck	4954 Christensen Drive	9/21/23
Christie Heller		5005 Christensen Dr.	9/22/23
Patrick Bolick		4994 Christensen Dr.	9/22/23
William Brunck		4954 Christensen Dr.	9/22/23
Marie Newman	M. Newman	4477 Christensen Circle	9/22/23
Donna J. Jank JANK VSTH		5006 CHRISTENSEN DR	9/23/23
Steven Arnold	STEVEN Arnold	5212 W. Fair Drive, Littleton 80123	9/23/23
Tobi Morgan	Tobi Morgan	16514 S. Balsam Ct Littleton 80123	9/23/23
Stephen Morgan		6514 S. Balsam Ct Littleton 80123	9-23-23
Kent Bassett	Kent Bassett	4953 Christensen Dr Littleton 80123	9/23-23
Mike Schuster	Mike Schuster	870 South Race St	9/23/23
FREDERIC J BECHTER		4993 CHRISTENSEN DR	9/23/23

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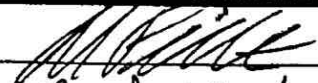

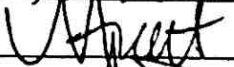
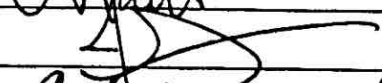
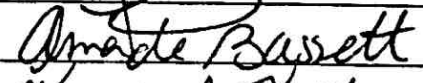
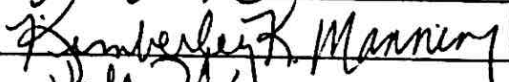
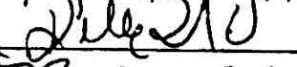
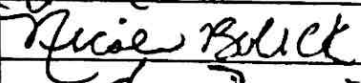

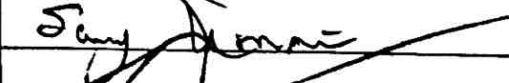
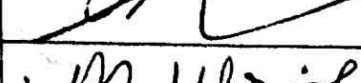
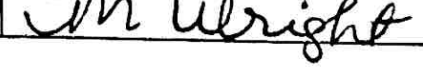
NAME	SIGNATURE	LEGAL ADDRESS	DATE
Jill A. Hany		14 Meadowlark Lane	9-23-23
Cynthia Hahn		6219 So. Sheridan Blvd Littleton CO 80125	9/23/23 9/23/23
Megan Hahn		6219 So. Sheridan Blvd Littleton CO 80125	9/23/23
Ned Voth		5006 Christensen Dr.	9/24/23
Michael Miller		4841 Christensen Drive	9/24/23
Judy Feldhake		4101 W. Lake Cir North	9/24/23
Frank Dixon		4822 Christensen Dr	9/24/23
SCOTT CHRISTENSEN		4851 CHRISTENSEN DR	9/25/23
Michael Heller		5005 Christensen Dr. 80125	9/25/23
Laura Pendleton		4892 Christensen Dr. 80125	9/24/23
Jason Williams		6504 W LEAVARD DR UTTERA	9/23/23

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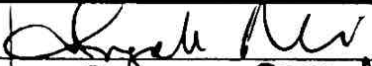




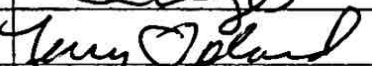

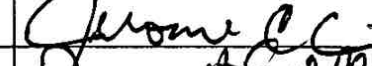
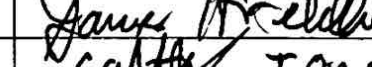



NAME	SIGNATURE	LEGAL ADDRESS	DATE
Edward Alu Pendleton		4882 Christensen Dr. Littleton	9-17-23
FRANK CLARK		3. GLENRIDGE DR LITTLETON CO 80123	9-18-23
Nicole Ament		4388 Christensen Ln Littleton	9-18-23
Jackie Scherer		5045 Christensen Dr Littleton 80123	9-19-23
Amanda Bassett		4953 Christensen Dr Littleton 80123	9-19-23
Kimberley Manning		5026 Christensen Drive Littleton 80123	9-19-23
Kelly Land		4358 Christensen Ln Littleton 80123	9/19/23
Nicole Bolick		4994 Christensen Lane 80123	9/19/2023
Carl Unrein		4565 Christensen Cir 80123	9/19/2023
Sandy Unrein		4565 Christensen Cir 80123	9/19/2023
Steve Wright		12 Maclean Drive 80123	9/19/2023
Marcia Wright		12 Maclean Dr. 80123	9/19/2023

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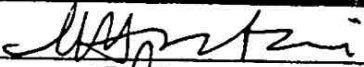
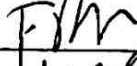

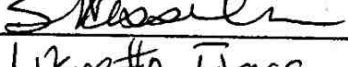
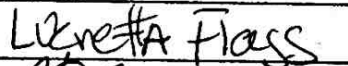



NAME	SIGNATURE	LEGAL ADDRESS	DATE
Angela Miller		4841 Christensen Dr. 80123	9/21
Sandra Pule		4511 Christensen Cir 80123	9/21/23
Aaron Lay		4943 Christensen Dr 80123	9/21/23
Meghan Lay		4943 Christensen Dr 80123	9/21/23
SCOTT CHRISTENSON		4851 CHRISTENSON DR 80123	9/22/23
Linsey Garcia		8 Meadowlark Ln Littleton 80123	9/22/23
Terry Opland		5532 W. Fair Dr. Littleton 80123	9-22-23
Steve Loe		15 Dutch Cr. Dr. Littleton 80123	9-22-24
Jerome Cain		4608 W Lake Cir S. Littleton 80123	9-22-21
James A. Beldhake		4101 W Lake Cir N Littleton 80123	9/22/23
CAITLYN JONES		899 MERCURY CIR Lone Tree 80123	9/22/23
Olaf Jacobson		6345 S. Chase St. 80123	9/22/23

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Michelle Anastasi		60372 S. Zenobia, Littleton	8/18
Filipe Prota		60372 S. Zenobia Ct	8/18
Jeff Kesselman		6341 S. Zenobia Ct.	8/18
Shannon Kesselman		6341 S. Zenobia Ct.	8/18
Shirley Tagg		6361 S. Zenobia Ct	8/18
Kent Starnes		6391 S. Zenobia Ct	8/19
Chad Broer		6362 S. Zenobia Ct	8/20
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 - Eliminating a critical walking & biking route that connects paths of Arapahoe and Jefferson Counties;
 - Making Christensen Lane unsafe as a walking/biking route to Wilder Elementary School, and to the school bus stops for Goddard Middle and Heritage High Schools;
 - *Of no benefit to Arapahoe County* and contrary to health, pedestrian & transit aims stated in Arapahoe County Comprehensive Plan and Community Health Assessment;

[illegible]

01

Petition to Arapahoe County Planning Commission & the Arapahoe County Board of County Commissioners to STOP new motor vehicle access to Christensen Lane in Arapahoe County from the Jefferson County section of the proposed Arcadia Creek Development.

Whereas:

1. The undersigned live near or use Christensen Lane.
2. The proposed motor vehicle access by 23 new Jefferson County homes onto Christensen Lane would significantly increase traffic, thus:
 - Increasing Platte Canyon Road traffic;
 - Severely limiting current pedestrian/bicycle use;
 - Negatively impacting community safety, health & wellbeing;
 - Eliminating a critical walking & biking route that connects paths of Arapahoe and Jefferson Counties;
 - Making Christensen Lane unsafe as a walking/biking route to Wilder Elementary School, and to the school bus stops for Goddard Middle and Heritage High Schools;
 - Of no benefit to Arapahoe County and contrary to health, pedestrian & transit aims stated in Arapahoe County Comprehensive Plan and Community Health Assessment;

WE, THE UNDERSIGNED, HEREBY PETITION the Arapahoe County Planning Commission and the Arapahoe County Board of County Commissioners to deny land development permits to the Arcadia Creek Development that would allow for motor vehicle access to Christensen Lane from any property in Jefferson County.

NAME	SIGNATURE	LEGAL ADDRESS	DATE
Debbie McKinley	Debbie McKinley	6355 S Xavier Ct Littleton	10/24/23
TIM O'CONNELL	Timothy O'Connell	6392 S ZENOBIA CT LITTLETON	10/24/23
John O'Connell	Lauren O'Connell	" "	"
ERIC FISHER	Eric Fisher	6382 S. Zenobia Ct. Littleton	10/24/23
Kent Steines	Kent Steines	6391 S. Zenobia Ct. Littleton	10/25/23
Andrew Chamberlaine	Andrew Chamberlaine	7 Dutch Creek Dr Littleton	10/27/23
Whitney Chamberlaine	Whitney Chamberlaine	7 Dutch Creek Dr, Littleton	10/27/23
Jonah Baercke	Jonah Baercke	4420 CHRISTENSEN LN LITTLETON	10/28/23
Nanci Bottcher	Nanci Bottcher	6185 S. Coventry Ln Littleton	07/22/2024

Whereas:

- WE, THE UNDRSIGNED, HEREBY PETITION the Arapahoe County Planning Commission and the Arapahoe County Board of County Commissioners to deny land development permits to the Arcadia Creek Development that would allow for motor vehicle access to Christensen Lane from any property in Jefferson County.**

[illegible]

From: [Patricia Peppard](#)
To: [Molly Orkild-Larson](#)
Cc: [Joseph Boateng](#)
Subject: RE: Comment re: Arcadia Creek
Date: Friday, June 27, 2025 2:46:33 PM
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Orkild-Larson,

I was just informed this morning by a neighbor that comments are due about the Arcadia Creek project on this coming Monday, June 30th. I was told my comments should be addressed to you. My particular concerns are related to additional flooding on property which I have owned for 25+ years and where flooding issues have continued to increase during that period of time as development continues upstream on Dutch Creek.

Can you please direct me to where I may find the items online that may pertain to this flooding issue comment requests for this project so that I may review and possibly respond? I tried to call you earlier today but the message said to email your office. Therefore, I am contacting you via email as requested to find out this additional information.

Thank you.

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES
6483 S. Platte Canyon Rd.
Littleton, Colorado 80123
303-437-4622 Cell
pep.pedicord@gmail.com
ppeppard@mindspring.com
www.pedicordstables.com

From: Joseph Boateng <JBoateng@arapahoegov.com>
Sent: Thursday, July 27, 2023 12:20 PM
To: Patricia Peppard <ppeppard@mindspring.com>
Subject: 2nd submittal review due date

Patricia,

Per our conversation this afternoon, I informed you that the Arapahoe County Review Due date for Arcadia Creek (PM22-006) has been extended from July 27 to August 10.

Thanks,

Joseph Boateng, PE

Engineering II

Arapahoe County Public Works & Development

6924 S Lima St, Centennial, CO 80112-3853

Direct: 7208746575 | Main: 720-874-6500

jboateng@arapahoegov.com <http://www.arapahoegov.com>

RE: CASE NO PM22-006, ARCADIA CREEK SUB #01 / MINOR SUBDIVISION PLAT (PM)

DATE: June 30, 2025

TO: Ms. Molly Orkild-Larson/Joseph Boateng/Arapahoe County Planning and Board of County Commissioners

We previously provided information about our concerns regarding further development upstream on Dutch Creek and now have concerns also for Coon Creek. We are concerned about the continuing impact on our property downstream, located in unincorporated Arapahoe County with a street address of 6483 S. Platte Canyon Rd., Littleton, CO 80123. We have previously expressed many of these concerns to you/Arapahoe County and also to Jefferson County.

But as a single property owner we often do not receive written notice of development plans since, for example, we are not an HOA or similar type of group entitled to notice under County regulations. We usually find out about these developments from neighbors because we do not see the signs posted because they are not in a place where we would drive or walk (such as a dead-end street such as Christensen Lane). We have owned our 9+ acre property for over 25 years. We have continued to see significant change in our flood issues, creek bank destabilization and sediment buildup as more and more development has occurred around us. We have in the past missed important comment deadlines because we have learned about the development late in the process. That is not the case with this development; however, many of the flooding, bank destabilization and sediment buildup issues for Dutch Creek were already in play before this Applicant entered the picture. Nevertheless, we have tried to thoughtfully provide input when the opportunity has presented itself. Therefore, we want to continue to weigh in on any County decision making on this or any other development that does not or may not fully consider the impact on our property and animals.

I have previously provided you a copy of our Letter dated in August 2022, addressed to Jefferson County regarding flood issues pertaining to Dutch Creek and the impact on our downstream property along with other emails and information. I would like to update that prior Letter and subsequent communications with Arapahoe County (and SEMSWA) with some additional information for your and the other Arapahoe County decision makers' consideration.

Since the time of the August 2022 Letter, I have been in communication with Tiffany Clark with SEMSWA. I expressed concerns not only about the continuing flood issues that seem to be more significant from year to year but also the continuing sediment buildup in Dutch Creek and the continuing bank destabilization along Dutch Creek downstream from the Arcadia Creek proposed development, including on our property and even bordering our property. Although we are respectful of the Applicant's right to develop the Applicant's property, we want the County to factor into its review and assessment decision making process whatever is necessary to prevent an increase to the historic runoff from the upstream properties to our downstream property along Dutch Creek and specifically how these decisions will pertain to both flooding and sediment buildup in Dutch Creek (and also in Coon Creek) and its impact on the downstream properties along Dutch Creek.

In this review process for Arcadia Creek, we continue to request the County alleviate the adverse impacts of increased flooding, sediment buildup and destabilization of the banks of Dutch Creek on our property and neighboring properties as a result of the approval of development upstream (and frankly also as development was approved downstream previously in the Town of Columbine Valley). I have attached photos from 1983 and 2009 and one can readily see the difference clearly in 2009 when comparing the state of the Dutch Creek banks in 1983 in the attached Black & White photo and that in a group of 2009 photos of our property and also photos of Dutch Creek immediately north of our property, as an example.

Unfortunately, our property is sandwiched in between the development downstream in the Town of Columbine Valley and then upstream by the ever increasing development in Jefferson and Arapahoe Counties bordering Dutch Creek. (See the 1983 Dutch Creek Black & White photo of the area. Particularly notice that immediately East of Platte Canyon in the Town of Columbine Valley in the circa 1983 Aerial shot the width and irregular nature of the creek and then compare it to how straight and defined the Dutch Creek banks are now in the Town of Columbine Valley at that same location. Conversely, the Dutch Creek banks on our property and immediately to the north of our property are very destabilized as seen in photos of the Dutch Creek banks taken in the attached 2009 group of photos of Dutch Creek immediately north of our property as documented by a professional photographer but the Creek banks do not seem to be nearly so ragged in the 1983 photo).

Sadly, the increasing urbanization facilitated by local governments' decision making has sandwiched our property in such a way as to disproportionately burden us with flooding and related issues. We are continually being harmed by this ongoing development without any helpful infrastructure support from those very same County entities who approve or at least have a say in the approval of various developments.

Last I heard, SEMSWA was working on some of these concerns with the Applicant for this project "but not all." We have had little feedback on our concerns about sediment buildup in the Dutch Creek creek bed and the resulting additional flooding impacts. And from my review of culvert sizing, or should I say culvert mis-sizing, especially one that is undersized, it can create significant sediment issues for downstream owners. I did not find a specific response to sediment buildup concerns downstream in Dutch Creek in the feedback provided by the County to public comments about the proper size of the proposed culvert on Coon Creek. That is, I did not find a discussion about what steps are being taken to prevent downstream sediment buildup. If there were responses to these comments, can you please direct me to those responses?

Another auxiliary concern is that of water quality in Dutch Creek. The historic use of the creek has encompassed agricultural uses including horses drinking the water (see photo attached). Even though we provide city water in addition to this historic use we continue to have concerns about water quality as our animals still drink from the creek and walk/frolic in the creek and have for many years (see aerial photo from May 13, 1999 where a white horse is drinking from Dutch Creek on our property and a picture taken last month of one of our horses walking in [and who at that same time was also drinking from] Dutch Creek). What is being done to address water quality especially vis a vis additional development upstream? This too is an area that is a concern and where we have received less than

satisfactory input by SEMSWA. It is not surprising that with additional developments there would be more storm water drainage issues and this would create an impact on water quality. Is this a negative impact? I am assuming so but I do not know. Therefore, our concerns about this issue are genuine. Statements by government officials that they know “little about horses” does not really address our “water quality” concerns and, in our opinion, is a less than adequate response to us when we have raised this issue. Yes, we are in a floodplain but we have a historic use of animals drinking from Dutch Creek for decades and therefore the location of this water resource in a “floodplain” does not minimize our water quality concern. And recent comments by officials that the stables are located (in part) in a floodplain is again, in our opinion, completely unresponsive to our water quality concerns.

We understand there is an upgrade from a 2-year culvert to a 10-year culvert on Coon Creek in your plan. However, from our reading of technical information that upgrade may still not be sufficient to address our downstream concerns. What other remediation is the County via this developer’s project or otherwise doing to address our concerns and the harm to our property raised in this Letter and our prior communications with County officials?

In email communications with Tiffany Clark with SEMSWA in November 2023 and December 2023, she indicates that our reach 2 on Dutch Creek is on a Capital Improvement list but it would take at least 2 years to move forward with that work but then she states, “*priority of projects can vary year over year.*” Therefore, we have no real news that any of these decades-old concerns will be addressed any time soon. It is now over 1-1/2 years later since those email communications with Ms. Clark and we have had no update on any proposed work on Dutch Creek that will address our ongoing concerns. And we fear with additional development there will be continued adverse impacts to us, our property and our animals.

Consequently, we request the Arapahoe Board of County Commissioners (“BOCC”) thoughtfully evaluate our input and we also request the BOCC not approve any recommendations that will cause adverse impacts on us, the downstream neighbors, by allowing the Applicant to fail to factor in the historic uses (and runoff) of the Applicant’s property vis a vis our downstream property. That is, we request the BOCC determine that the post-development peak runoff rates will not exceed the predevelopment (historic) rates so that we do not experience increased flooding, erosion and/or other harm caused by accelerated consequences resulting from this development, including decreased water quality in Dutch Creek.

Best regards,

Patricia (Trish) Peppard

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES
6483 S. Platte Canyon Rd.
Littleton, Colorado 80123
303-437-4622 Cell
pep.pedicord@gmail.com
ppeppard@mindspring.com
www.pedicordstables.com



P.O. Box 500
39 North Platt Street
Albion, New York 14411
(585) 589-9482
Fax (585) 589-9275

December 16, 2002

To Whom It May Concern:

The photo referenced by number B536-045 was taken by our photographer, Derre Owsley, on May 13, 1999. If any further information is needed, please contact us at the numbers listed above.

Sincerely,

Tina Schleede
Office Manager

AERIAL PHOTO SERVICES
A DIVISION OF AMERICAN REPROGRAPHICS, INC

DATE FLOWN: 10-27-83

FRAME #: 8-15

SCALE: 1"=200' (+)

2620 WEST 2ND AVENUE
DENVER, COLORADO 80219

(303) 922-1642









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Photographed April 7, 2009 by Steve Wille www.stevewille.com These are proofs of unaltered images provided on a CD. Page 11



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	A	B	C	D	E
1	Submission Date	Name	Email:	Phone Number	Why did you sign?
2	Jun 29, 2025	Allyson Phillips	acphillips59@gmail.com	(415) 518-9496	Because I agree with all the residents objections.
3	Jun 29, 2025	Angela Tucker	angela.tucker101@gmail.com	(303) 478-3907	I live on the street and do not want the increased traffic. Our lane is used by families, bikes, horses and columbine high school cross country team. We would like it to remain safe for all who live on and use the lane. Thank you for your consideration
4	Jun 28, 2025	Erika Bauermeister	ebauermeister2@gmail.com	(720) 854-9849	Because I live by the area and walk down that lane all the time. We do not need more traffic and noise through there.
5	Jun 27, 2025	Kathryn Bird	katarinski@hotmail.com	(720) 255-7018	This street is unsafe and would also worsen air and noise pollution in our community
6	Jun 27, 2025	Maureen Wallner	maureen2814@hotmail.com	(303) 547-5925	Don't want more traffic and too narrow.
7	Jun 24, 2025	Imanol Flores	Imanolpersonal@gmail.com		Save the community from money hungry developers
8	Jun 24, 2025	Kerri Luther	kjluther29@gmail.com		
9	Jun 21, 2025	Jason Land	jdland4358@gmail.com	(347) 344-7187	Increased traffic will not be safe for my family. My youngest child goes to Wilder elementary and crosses the road 2 times per day. Also, all 5 members of my family uses the road daily for walking, running, and biking, and the proposed road changes and increased car traffic volume will no longer make those activities safe. The new development will already have car access through Leawood, and does not need another vehicle access point through Christensen Ln. All the additional traffic from the new homeowners, their guests, maintenance workers, and package deliveries, will only have a negative impact on our neighborhood. There is no good reason to negatively impact so many existing homeowners that have lived in the community for so many years, just to appease new home developers to make their homes more marketable. Please do not allow the expansion of Christensen Ln to allow vehicle access to the new development. Thank you for your time.

	A	B	C	D	E
10	Jun 21, 2025	Kelly Land	jkland4358@gmail.com	(720) 203-6116	<p>We do not want Christensen lane to become a 2 lane street. We walk, bike and run down this lane daily and the increase in traffic will make the lane unsafe. The lane is not wide enough! the increase in traffic and access is not needed when there is already access through Leawood. Although they mention 55+ community this argument means nothing. Those 55+ that age group is driving more daily than a younger working class demographic not to mention online deliveries, guests etc.</p> <p>we haven't seen anything about the housing demographic rules either, will all parties in the household be 55+? Or will there be households with an older member and many younger in the household - people have families much later in life these days so will it really be a 55+ community?</p> <p>This builder is just being greedy with this ask.</p>
11	Jun 19, 2025	Daniel Koehn	Djkoehn78@gmail.com	(832) 584-6729	To keep Christiansen Lane safe for children and families.
12	Jun 16, 2025	Sandy King	sandyking727@gmail.com	(720) 917-5475	<p>Widening the street is not code. We have codes for a reason. Safety for children walking and biking to school, air and noise pollution, increasing already congested Platte Canyon road, and the importance of a bike lane and walking paths for mental health and community connections are all important.</p>
13	Jun 10, 2025	Lou Pendleton	lwpen@comcast.net	(303) 921-8266	<p>I live on the lane and it has historically been a private thoroughfare for pedestrians, horseback riders, hikers, and schoolchildren walking to school. To allow a developer to make changes to the lane and destroy the ambiance of the surrounding neighborhoods for the sake increasing profits is not doing justice to all the Arapahoe County tax paying residents living in these neighborhoods. The majority of the development will be located in Jefferson County and it is my belief the Jefferson County portion of the development should access the roads through Leawood a Jefferson County neighborhood. The Leawood roads are wide able to handle</p>
14	Jun 10, 2025	Simone Pendleton	srpendleton@me.com	(303) 594-5265	<p>I do not want to see added traffic to Christensen Lane. Leawood neighborhood has wider streets that can handle the traffic. Christensen Lane is used by pedestrians, cyclists and horseback riders, when those are present on the lane there isn't enough room for 2 cars to pass.</p>

	A	B	C	D	E
15	Jun 9, 2025	Emund Pendleton	pendletonal@hotmail.com	(303) 798-6682	Lived on the lane for over fifty years. The road is heavily used by pedestrians, people walking dogs, kids on bikes, numerous golf carts and even the occasional horse back-rider. It might be hard to believe but the lane is used on a daily basis significantly more by pedestrians than the adjacent South Suburban path. The lane can't be widen enough to make it safe. With the additional traffic someone is going to get killed. The County Commissioner must see the lane for themselves before they make their decision! Don't forget, this additional traffic will be Jefferson County traffic.
16	Jun 3, 2025	Jordan Roos	roosjordan2@gmail.com		
17	May 30, 2025	Tom Green	j8tomg@gmail.com	(303) 941-5937	Stop this illegal development!!
18	May 19, 2025	Jared Ingwalson	jbicolorado@aol.com	(303) 795-9667	The lane is private and safe for kids to walk to school and ride bikes. Will the developer pay for future road maintenance to Platte Canyon. Will the Acadia creek home owners or the county pay. No they won't. So, we who live along the lane will. Unfair. And which county will get the most property taxes from the development and which will get the most traffic? I understand Jefferson gets the money and Arapahoe the added traffic
19	May 12, 2025	Alena Sherman	Alena.sims@gmail.com	(720) 218-4439	We live nearby and walk this ride almost on a daily basis. I can't imagine it being a two lane road.
20	May 4, 2025	Abigail Epperhart	abi.epperhart@gmail.com	(303) 856-5053	I have grown up walking on this street for 35 years. As a child this was a great place to live and know my children will see it change for the worse.
21	Apr 27, 2025	Jacki Davis	jaxntay16@gmail.com		Nice quiet street, safe for kids. Leave it alone
22	Apr 27, 2025	Katherine Weller	klafw10@gmail.com	(720) 277-1176	It's a cute st leave it alone and kids ride /play here
23	Apr 27, 2025	Leslee Simon-Blum	simonblum@msn.com	(720) 635-7544	I'm a Leawood resident and often walk with my dog along Christianson Lane.
24	Apr 21, 2025	Eric Anden	eric.anden@gmail.com	(630) 290-3871	I just moved in next to Christensen Lane and would be devastated to see it turn into a 2 lane street. I would love to walk my kids to school there every day if we could.
25	Apr 21, 2025	Alexandra Anden	alexandra.anden@gmail.com	(630) 297-3803	Our home backs up to Christensen Lane. We would love to be able to use this road to walk our three kids to Wilder. We are also concerned about safety if the roads are widened, as there does not seem to be much space to make this a two lane road.
26	Apr 17, 2025	Blake Pech	blakepech@gmail.com		I love to use this for walking dogs/running

	A	B	C	D	E
27	Apr 8, 2025	Judy Feldhake	jafeldhake@comcast.net	(720) 839-5868	We need to keep area more for recreation then traffic areas. Children use this to walk to school and is heavily used for recreation by neighbors.
28	Mar 20, 2025	Elizabeth Rowbotham	liz.rowbotham@comcast.net	(720) 934-3820	I walk along the lane frequently. Please keep it quiet and peaceful!
29	Mar 20, 2025	Janet Causey	chiquitawan@aol.com	(702) 401-0051	Just put offer on house adjacent to road. DO NOT WANT A TWO LANE RD.
30	Mar 18, 2025	Rylee von Stein	rylee.causey6@gmail.com	(702) 423-4528	
31	Mar 18, 2025	Lindsey McGraw	lindsey.m.mcgraw@gmail.com	(303) 995-7713	Our kids and family use the lane daily. We are concerned about pedestrian safety while on bikes and walking. The lane is narrow and will not accommodate two lanes and SAFE area for pedestrians.
32	Mar 17, 2025	Tyler McGrath	tmcgrat8@gmail.com	(720) 315-9453	Street is already unsafe for pedestrians, more traffic will compound the issue
33	Mar 17, 2025	Sierrah Petty	sierrah.tucker@gmail.com	(303) 319-8798	I grew up on the street and enjoyed riding my bike and scooter along the lane for many years. I want my children to be able to do the same while at their grandparents house.
34	Mar 16, 2025	Beverly Obenchain	obenchain@obenchain.net	(303) 738-9293	Because the lane is a beautiful, residential path that nicely connects our neighborhoods and should never, ever be a two way street or heavily trafficked road. It is our community, health and conservation!
35	Mar 15, 2025	Nadya Hill	nmhmusic@gmail.com		I've lived in this neighborhood most of my life and it would be a travesty to see Christianson Lane turned into a two way thoroughfare. It would be so incredibly dangerous to pedestrians and drivers alike, not to mention the sheer noise from traffic.
36	Mar 15, 2025	Sarah Hamilton	jshamil@comcast.net	(720) 244-7975	I walk this everyday and see many kids on bikes and people walking dogs. It's not wide enough to make it a through street and accommodate the pedestrian traffic
37	Mar 14, 2025	Jenny Icabone	Jenny@accessprint.biz	(719) 250-4224	Too much traffic in an area. Children and families walk down that road. There is no need to add so much traffic
38	Mar 13, 2025	David Tabor	DAVIDLTABOR@HOTMAIL.COM	(303) 520-5525	Keep Christensen Lane SAFE for pedestrian use!

June 21st, 2025

RE: Arcadia Creek subdivision – Case # PM22-006

Located at 5100 Christensen Lane in Jefferson County.

Dear Arapahoe County Commissioners,

My wife and family have lived at 4520 Christensen Lane, Littleton since 2000. We've raised our three children here and now our six grandchildren visit us 2-4 times weekly.

They have ridden golf carts, bikes, and horses on the lane. My wife and I as well as many neighbors & pets walk almost daily on the lane for exercise and enjoyment.

The Columbine Cross Country teams use our lane to train on because its currently safe.

Today the number of children ages 5-15 riding on electric scooters on our lane is amazing, often 2-3 at a time.

We are opposed to the 23 Arcadia Creek Jefferson County proposed homes having vehicle access to the Arapahoe County private Lane. We and our neighbors including Fox Hollow have offered much safer golf cart access, but David Tschetter declined.

There is no need for the 23 homes to drive down the Lane from Platte Canyon to gain access to this Jefferson County development as they can easily access it from Pierce St. or Bowles Ave.

Have you been on Platte Canyon at morning or afternoon rush hour? It already backs up from Coal Mine past Christensen Lane to the north. We don't have the capacity on Platte Canyon or on our little Lane to handle the potentially hundreds of vehicle trips daily going down the lane because of the new 23 Jefferson County homes.

David Tschetter would not want the increased traffic to risk the safety of his family or impact the quality of his life if he lived on the lane like we do as our home is just 35 ft from the lane.

We've lived here 25 years, and our home represents our largest investment. He will make his millions, then never be seen or heard from again. Meanwhile we will still be here living with the aftermath.

Please see the enclosed photos of our narrow lane. It's only wide from Platte Canyon to the entrance at the stop sign to Christensen Lane Estates. Then it narrows substantially all the way to Fox Hollow where it again narrows even further. There's is no room for pedestrian sidewalks.

Opposing traffic must slow when meeting each other and often stop if there are also kids present as with no sidewalks, they are on the lane also.

It's likely with increased traffic the odds of a vehicle striking a person or family walking the lane will increase substantially. One day it's quite possible someone may get hurt or worse from all

the new traffic and higher speeds. Not everyone obeys the 15-mph speed limit on a private lane with no police patrol and with more cars will come more speeders.

You will not gain property tax revenue from granting access to 23 Jefferson County homes. There is no upside for Arapahoe County or the residents who live on and along the lane.

Tschetter however, will promote his development as a Columbine Country Club access neighborhood at our expense. His 55+ community represents the prime age people play the most golf as they near retirement and are in retirement. This means they will travel down our Lane to gain direct access to the Club directly across Platte Canyon. In fact, Platte Canyon's name changes to Fairway Lane at the Platte Canyon intersection.

I and several of my neighbors plow the snow on our private lane, many of us have helped maintain the Lane's shoulders to keep them free of weeds. We who live on the Lane take pride in its privacy, beauty and country feel, bordered by horse properties, and we all would like to keep it this way.

Please don't change our way of life or the safety of our families by removing the yellow gate at the west end, which for the history of our lane has blocked Jefferson County access.

This Jefferson County developer doesn't need access to our lane to have a successful development.

Kindly,
Karl and Angela Tucker
4520 Christensen Lane
Littleton, Co. 80123
Cell – 720-746-8282







From: [wilson wheeler](#)
To: [Commissioners](#)
Cc: [Molly Orkild-Larson](#)
Subject: Minor Subdivision PM22-006 - Arcadia Creek
Date: Monday, June 30, 2025 1:10:31 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Molly - will you please add this to the Commissioners packet for the upcoming hearing on Arcadia Creek?

Dear County Commissioners,

I am writing to express my opposition to the proposed Arcadia Creek development (Case # PM22-006) which is located along the west edge of the County near Platte Canyon Rd. And Coal Mine Ave. I am specifically opposed to the proposed use and modification of Christensen Lane to access the 23 homes planned for the Jefferson County side of the parcel. I am very concerned for the safety of my family and the surrounding community if this development proceeds as planned. When deciding whether or not to approve this plat, I respectfully ask that you consider the following:

- * Converting this narrow rural corridor (which is effectively a driveway for two homes) to a two lane road will result in an extremely dangerous situation for pedestrians, cyclists, and equestrians that currently use the Lane on a daily basis.

- * While I appreciate the time spent by County planning and engineering staff, their analysis and recommendations do not adequately account for the current volume of pedestrian, bicycle, and equestrian traffic. Over the last three decades, the Lane has served as a critical pedestrian and cyclist path as it is the only safe route for surrounding neighborhoods to reach Wilder Elementary School and the Platte Canyon trail network.

- * Jefferson County access via the Lane is not required for the development to proceed. There are other existing access points. And, as the developer told the Planning Commission at the last hearing, he only wants to use the Lane to increase home prices in his development.

- * The width of the Lane does not meet the minimum (safety-based) width requirements for a private road in the County's design standards. There simply isn't an engineering solution that will safely allow an increase in vehicle traffic with the Lane's current recreational use.

- * The variances required to use the Lane for Jefferson County access directly contradict the primary, safety-focused goals of the County's Transportation and Bike/Pedestrians master plans.

- * Modifying the Lane for increased vehicle traffic will be detrimental to the existing communities and only benefit the developer.

Thank you for your consideration.

Wilson Wheeler
5057 Christensen Dr.
Littleton, CO 80123

To the Arapahoe County Board of County Commissioners

Re: Arcadia Creek Subdivision

Executive Summary

- **Concerns Over Drainage Modifications:** We are particularly concerned about the Developer's plans to modify Coventry HOA's existing drainage systems without proper consultation of Coventry. We are also concerned that the Developer is not taking any legal responsibility for potential flooding issues he may cause with these modifications. We do not understand who at Arapahoe County is allowing the Developer the right to make such modifications without consulting Coventry HOA (the owner of the drainage system).

For the past seven years, we have been involved with Arcadia Creek and Arapahoe County.

We are not opposed to the safe development of Arcadia Creek and would be more than willing to work with the Developer to address our Safety concerns.

Unfortunately, at no point in time over these seven years has Arcadia Creek reached out to the Coventry Homeowner's Association to directly discuss this development. The Developer has met with both Fox Hollow HOA and Christensen Lane HOA. We are not sure why the Developer has not dealt directly with Coventry HOA over this time. We have personally invited the Developer numerous times to speak with our HOA but he has always declined.

Obviously, neither Arapahoe County nor the Developer has contacted Coventry HOA to request any information associated with the open pan culverts that Coventry HOA built in the 1970s and has properly maintained since that time. These open pans carry storm water out of Coventry, the storm water is then collected in a 72" pipe that extends along Christensen Lane and then drains into Coon Creek.

In April, 2025, we became aware that the Developer, with Arapahoe County's permission, submitted plans to modify the open pans without obtaining approval from Coventry HOA or (and more importantly) taking over any legal responsibility for any issues that may arise from these modifications.

We have repeatedly asked both the Developer and Arapahoe County if there is any information needed regarding the open pan drainage system, along with the 72" pipe Coventry clearly built.

During this time, the Developer and Arapahoe County have claimed that the information was requested by the Developer back in the summer of 2023. We have asked Arapahoe County when this document by the Developer was provided to the public. As of this writing, we have still not received an answer from Arapahoe County.

Eight days ago we became aware of a request from the Developer asking Coventry HOA to produce any easements that Coventry HOA may have associated with the open pan drainage system that extends nine feet onto Christensen Lane. This request was several pages into a response by the Developer to a number of concerned stakeholders who submitted letters to Arapahoe County.

We are now searching for the documents made public last week by the Developer and Arapahoe County to support Coventry HOA's ownership of the open pans on Christensen Lane.

We have still not been presented with any reasoning by Arapahoe County or the Developer on what allows Arcadia Creek the right to modify Coventry HOAs open pans without taking over the legal responsibility for any flooding issues that may arise from such modifications.

We continue to be dismayed and dissatisfied with the process whereby Arapahoe County has still not reached out to Coventry HOA to request these documents. We expect this from the Arcadia Creek Developer, but not our own County.

As stated above, we are not opposed to the safe development of Arcadia Creek. But to allow a Developer to take an HOA's property and not allow them ample time to provide supporting documentation does not seem like the way things should work in our County.

Sincerely,

Kent and D.J. Steines