



REVISED AGENDA
WOODLAND PARK PLANNING COMMISSION
Thursday, September 25, 2025, 6:30 P.M.
Council Chambers – 220 W. South Avenue

Zoom link from the calendar at the bottom of the front page of the City website (www.woodlandpark.gov).

1. **CALL TO ORDER & ROLL**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVE MINUTES:** ~~August 28, 2025~~ – **Minutes not available**
4. **PUBLIC HEARINGS**
 - A. **South Fairview Street Right-of-Way Vacation (A25-0219):** Request by Andre Brewington (Applicant and Adjacent Property Owner) to vacate a portion of South Fairview Street (a 60-foot wide undeveloped public right-of-way) located north of Foster Avenue and south of Woodland Avenue (112 Foster Avenue is adjacent to the west side of the subject right-of-way area) all in the City of Woodland Park, Teller County, Colorado in the Urban Residential (UR) zone. (QJ)

The City Council Public Hearing is currently scheduled for Thursday, November 06, 2025 at 6:30 P.M.
5. **REPORTS**
6. ~~**WORK SESSION**~~ ~~Code Review Project Review & Discussion~~ **Deleted**
7. **ADJOURN**

For more information, please contact the Planning Department 719.687.5202



Planning Commission Staff Report Public Hearing September 25, 2025

<u>Agenda Item</u>	<u>Department</u>	<u>Presenters</u>
4A	Planning	C.J. Gates, Sr. Planner Karen Schminke, Director

AGENDA ITEM 4A

South Fairview Street Right-of-Way Vacation (A25-0219): Request by Andre Brewington (Applicant and Adjacent Property Owner) to vacate a portion of South Fairview Street (a 60-foot wide undeveloped public right-of-way) located north of Foster Avenue and south of Woodland Avenue (112 Foster Avenue is adjacent to the west side of the subject right-of-way area) all in the City of Woodland Park, Teller County, Colorado in the Urban Residential (UR) zone. (QJ)

BACKGROUND

The subject property is located south of Highway 24 in one of the original sections of Woodland Park within the Plat of Fosters Addition to Manitou Park which was surveyed in 1889. As seen in Figure 2a, the site and surrounding properties were platted in a traditional grid pattern of rectangle shaped lots (150' x 50') that are 7,500 SF in area, 60'-wide streets, and 20'-wide alleys. This staff report will focus primarily on Block 16 of this subdivision, which is outlined in yellow, and the portion of South Fairview Street in question that is outlined in red. There is also some reference to Block 25 which is immediately south of Block 16.

Figure 1: Vicinity Map



Figure 2a: 1889 Foster's Addition Plat



Actual development patterns in the area deviated from the subdivision plat early and can be seen in aerial photos from 1938 (Figure 2b) and 1979 (Figure 2c). The primary difference from the original plat being the addition of Woodland Avenue which diagonally crosses through the area. Woodland Avenue begins at the intersection of S. Fairview and Chester and then diagonally crosses blocks 16 and 25 until it intersects with Sheridan Avenue. The section of Fairview Street between Chester Avenue and Foster Avenue (identified by the red circle on the aerial photos) has never been fully improved and, except for a small section immediately south of Chester Avenue, has not been used.

Figure 2b: 1938 Aerial Photo

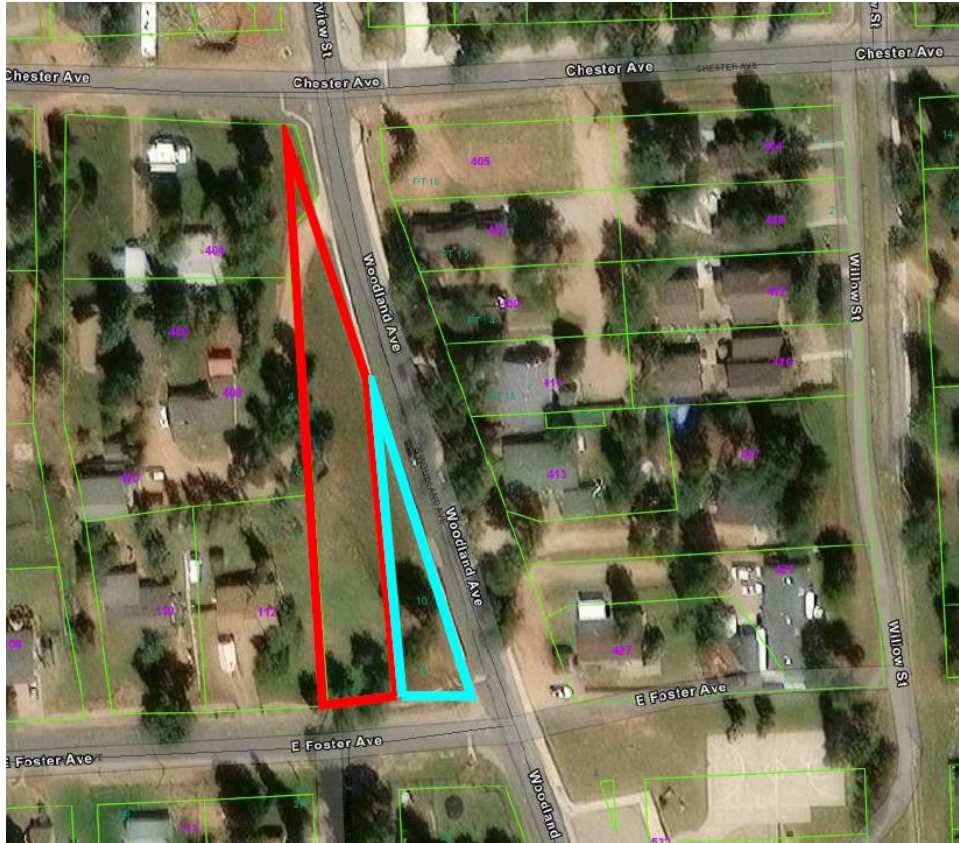


Figure 2c: 1979 Aerial Photo



Figure 2d is a current aerial photo, including the general location of property lines that shows the current development pattern in the area. The area outlined in red is the section of S. Fairview Street that is the subject of this application. The blue triangle between S. Fairview Street and Woodland Avenue is the land that is owned by the applicant.

Figure 2d: Current Aerial Photo

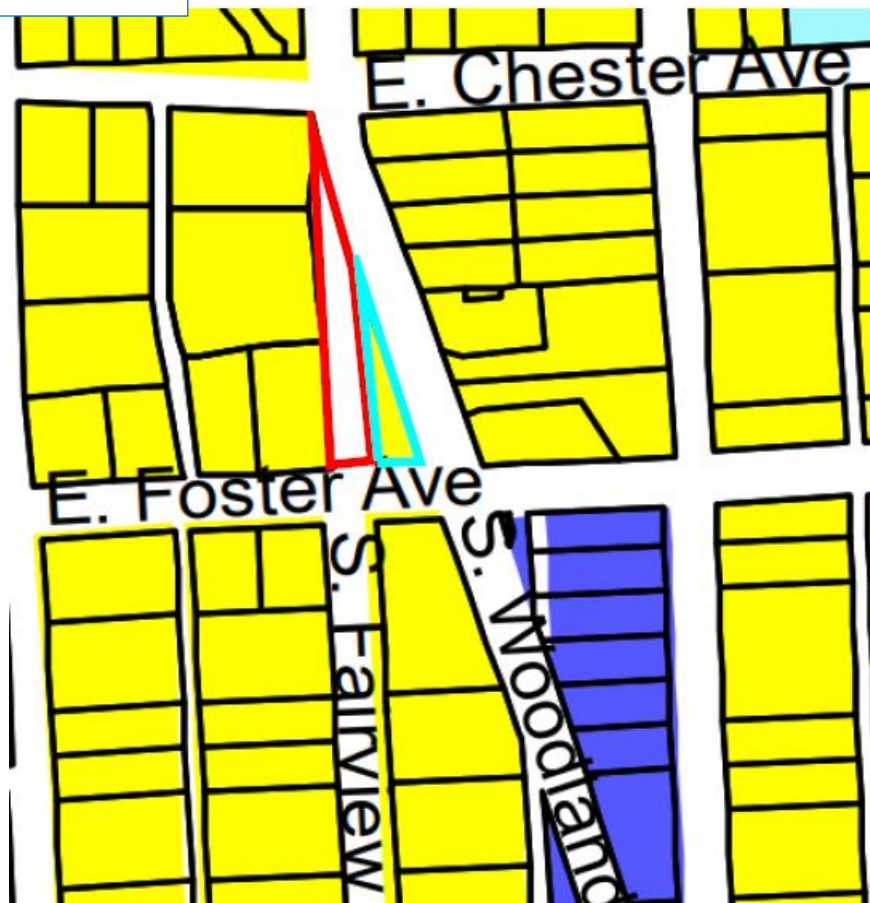


ZONING

The properties surrounding the subject ROW are zoned Urban Residential (Figure 3a). Southeast of the intersection of E. Foster Ave and Woodland Avenue is an area zoned Public/Semi-public Land (P/SPL) which is where Cavalier Park is located. The zone districts and current uses in the area immediately surrounding the subject property are as follows:

USE		ZONE
North	Single Family Dwellings	UR
East	Single Family Dwellings	UR
South/Southeast	Single Family Dwellings & Cavalier Park	UR & P/SPL
West/Southwest	Single family Dwellings	UR

Figure 3a: Zoning

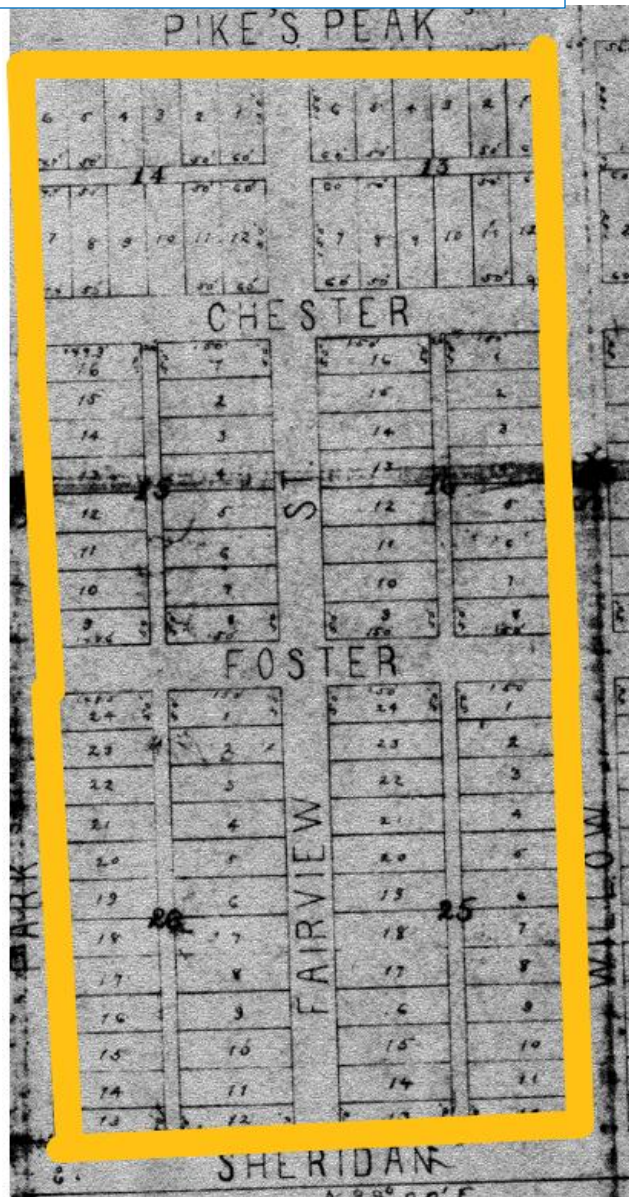


City of Woodland Park - Zoning Map

<u>Residential</u>	<u>Commercial</u>	<u>Other Zones</u>
Suburban Residential (SR)	Central Business District (CBD)	Public / Semi-Public Land (P/SPL)
Urban Residential (UR)	Neighborhood Commercial (NC)	Planned Unit Development (PUD)
Multi-Family Residential Suburban (MFS)	Community Commercial	Agricultural (AG)
Multi-Family Residential Urban (MFU)	Service Commercial (SC)	City Limits
Mobile Home Park (MHP)	Heavy Service Commercial Light Industrial	

Per Municipal Code Section 18.13, the minimum lot size within the UR district is 7,500 square-feet with a maximum density of two dwelling units (DU) per acre (43,560 SF in area). This subdivision was platted in 1889, well before zoning regulations which were adopted in the 1960's. A total of 104 lots were platted in the 23.14 acres that comprise Blocks 13, 14, 15, 16, 25, and 26 which results in a density of 4.49 DU/acre (reference Figure 3b). As currently developed, 60 dwellings have been constructed and there are three full-size vacant lots available for a total of 63 dwellings which will result in a density of 2.72 DU/acre. This density calculation includes the land area in the eastern half of Block 25 which is now Cavalier Park. The blue triangle identified on the zoning map in Figure 3a was omitted from these calculations.

Figure 3b: Area Used for Density Calculation



SITE AND SURROUNDING PROPERTIES

This section of S. Fairview Street has not been fully developed and there is nothing to indicate there is a platted right-of-way (ROW) to anyone driving past. Figure 4a is a photo taken from just south of Chester Avenue at the north end of Woodland Avenue and looks south. (Note: Google Earth mislabeled the street name in this photo). The dirt driveway on the east side of the Woodland Avenue pavement is located within the Fairview Street ROW.

Figure 4a: Google Map Photo looking south from Chester Ave.



Figure 4b is a photo taken from the intersection of Foster Avenue and Fairview Street looking north into the subject area. The red dot in this and subsequent photos indicates the approximate location of the applicant's current southwest property corner. A small portion of the house known as 112 Foster Avenue can be seen on the left side of this photo. The intersection of Foster Avenue and Woodland Avenue can be seen on the right side of this photo.

Figure 4b: Google Map Photo looking north from Foster Ave.



Figure 4c: Site Photo looking north from Foster Ave.

Figure 4c is a photo taken on September 10, 2025, looking north into the undeveloped section of S. Fairview Street and the applicant's property is on the right side of the photo. The wood lath in the photo identifies the applicant's southwestern property corner.

The photo in Figure 4d is taken from the intersection of Foster Avenue and Woodland Ave looking northwest into the applicant's property. The intersection of S. Fairview Street and Foster Avenue can also be seen on the left side of the photo.



Figure 4d: Site Photo from the intersection of Foster and Woodland Avenues



This final photo (Figure 4e) is taken from Woodland Avenue and looks west across the applicant's property to the neighboring property known as 112 Foster Avenue. As can also be seen in the prior photos, this picture helps illustrate the sloped topography of the applicant's property and the adjacent subject ROW.

Figure 4e: Photo looking west from Woodland Ave. across the applicant's property

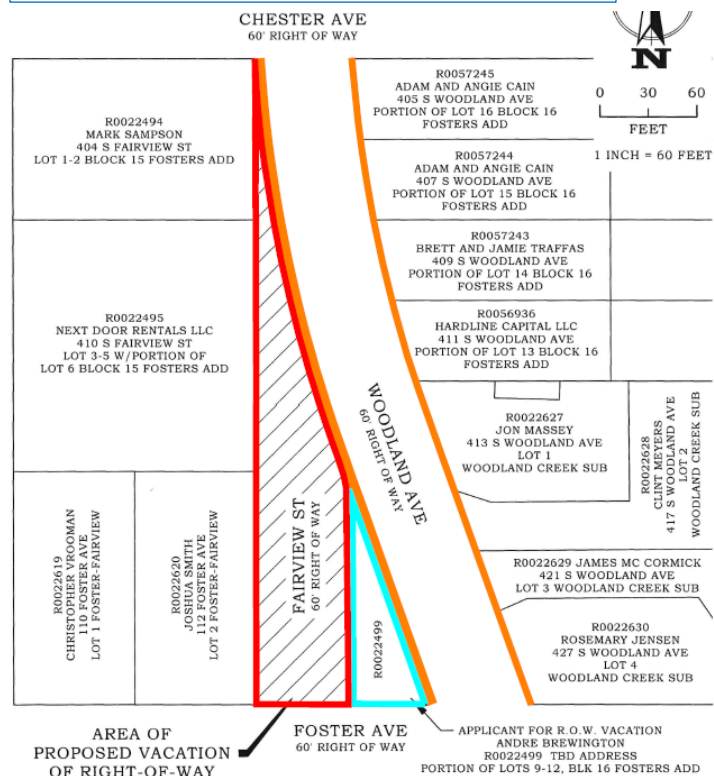


CURRENT PROPOSAL

Andre Brewington, the applicant, submitted an application to the Woodland Park Planning Department on December 24, 2024 requesting a Right-of-Way vacation of the portion of South Fairview Street (a 60-foot-wide undeveloped public right-of-way) located north of Foster Avenue and south of Woodland Avenue. Mr. Brewington had purchased the property identified as Teller County Assessor account number R0022499 in October 2024. Figure 5a depicts the location of the subject ROW (outlined in red) and Mr. Brewington's property (outlined in blue). Via an email dated January 1, 2025, Mr. Brewington requested the application be withdrawn.

After he withdrew the first application, Mr. Brewington had a surveyor stake the corners of his current parcel and engaged in conversations with the City of Woodland Park regarding the potential sale of this parcel to the

Figure 5a: Subject ROW location

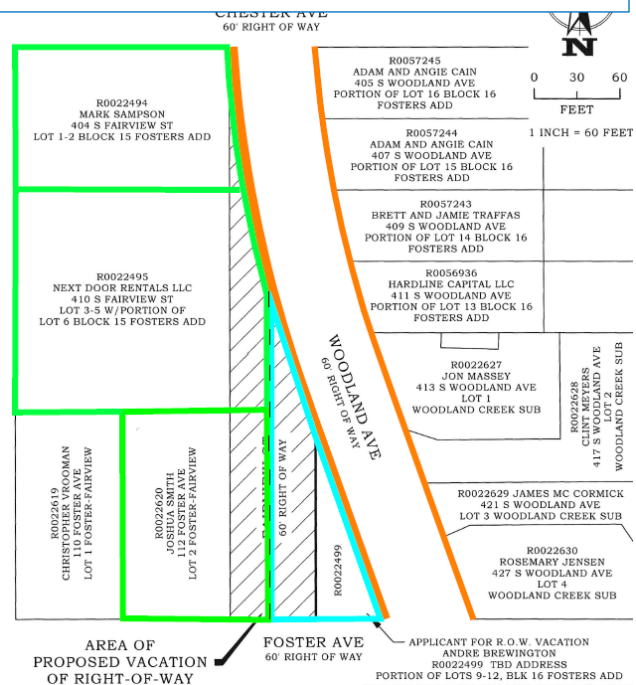


City. On August 22, 2025, Mr. Brewington sent an email to City staff stating that he will not be selling his property to the City of Woodland Park and requested that the ROW vacation of South Fairview Street be “*resubmitted immediately*”.

According to the applicant’s narrative (attached hereto) this ROW vacation request is “*made to facilitate the expansion the property associated with account number R0022499*”. He further explains that he is “*planning to construct a single-family home for myself and my family. However, due to the current size and setback limitations imposed by the City of Woodland Park, I am unable to proceed with this development.*”

The final paragraph of Mr. Brewington’s application narrative contains an additional request regarding how the ROW should be divided. Rather than splitting the ROW equally between the landowners on either side of the ROW as is prescribed in MC §12.08.020, he is requesting 60% of the vacated land be allocated to his parcel (R0022499). Figure 5b depicts how property lines would change should this vacation request be approved and the land divided as specified in City Code.

Figure 5b: Resultant property lines if ROW vacation is approved

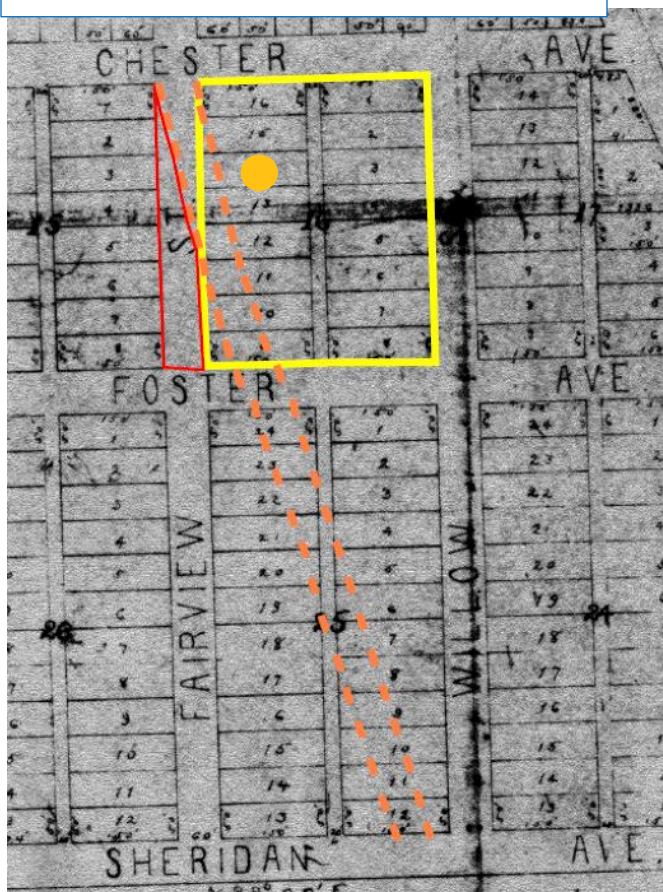


PARCEL HISTORY

Below is a timeline summary of the history of landownership and the establishment of Woodland Avenue as it pertains to Block 16 of the Foster's Addition to Manitou Park subdivision.

1889 - Foster's Addition to Manitou Park subdivision was surveyed. Figure 6a is a portion of this plat with Block 16 outlined in yellow and Lot 14 of this block is identified by a light-orange dot on it. The subject section of Fairview Street is outlined in red.

Figure 6a: Block 16, Foster's Addition to Manitou Park



November 19, 1932 – Via individual Treasurer's Deeds (Reception Numbers 124691 through 124705), Lots 1 through 13 as well as Lots 15 and 16, of Block 16 were conveyed to George L. Wagner. Below is the legal description for Lot 10 as it appeared on the deed. This description is representative of how each lot was described in its respective deed.

Lot numbered Ten (10) in Block numbered Sixteen (16) Foster's
Addition to the Town of Woodland Park, formerly Manitou Park.

Lot 14 Block 16 was under another ownership at this time.

As was identified in the historic aerial photo from 1938 (Figure 2b) Woodland Avenue was established at that time and is depicted in Figure 6a above by the orange dotted lines.

October 16, 1939 – (#140495) Mr. Wagner used a quit claim deed to convey these 15 lots to his daughter, Leah B. Stringham with the following legal description:

All of Lots numbered One,(1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), thirteen (13), Fifteen (15), and Sixteen (16), being in Block Sixteen (16), Foster's Addition to the Town of Woodland Park, formerly Manitou Park, Teller County, Colorado.

January 29, 1941 – A quit claim deed (#143879) was recorded conveying these same 15 lots from Mr. George L. Wagner and his daughter, Leah B. Stringham to Mrs. George L. Wagner

A warranty deed (#143880) was also recorded this same day conveying these same 15 lots from Mr. George L. Wagner to Mrs. George L. Wagner. The legal description of the land in both deeds was:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15 & 16, all improvements.
Block 16 Foster Addition to the Town of Woodland Park Teller County Colorado

June 26, 1942 – (#146660) via a warranty deed, Mrs. George L. Wagner acquired Lot 14, Block 16 and now had ownership of the entire Block 16. That legal description was:

Lot Fourteen (14) in Block Sixteen (16), in Fosters Addition to the Town of Woodland Park, Teller County, Colorado.

Between June 26, 1942 and September 19, 1958, Lots 1 through 16 of Block 16 were conveyed several times, all with the same legal description:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 (and 16) in Block 16 of the Foster Addition to the Town of Woodland Park.

September 19, 1958 – This was the last time all 16 lots were called out in a conveyance. This was a Warranty Deed from Alfred F. Dust to Alfred F. Dust & Henrietta C. Dust (#174532). The legal description within the deed is:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 in Block 16 in Foster's Addition to Woodland Park (formerly Manitou Park) (sometimes known as the Foster Addition to the Town of Woodland Park)

August 5, 1970 – An unnumbered Town of Woodland Park Resolution accepting dedication of Woodland Avenue was recorded (Reception #206529). Per that Resolution:

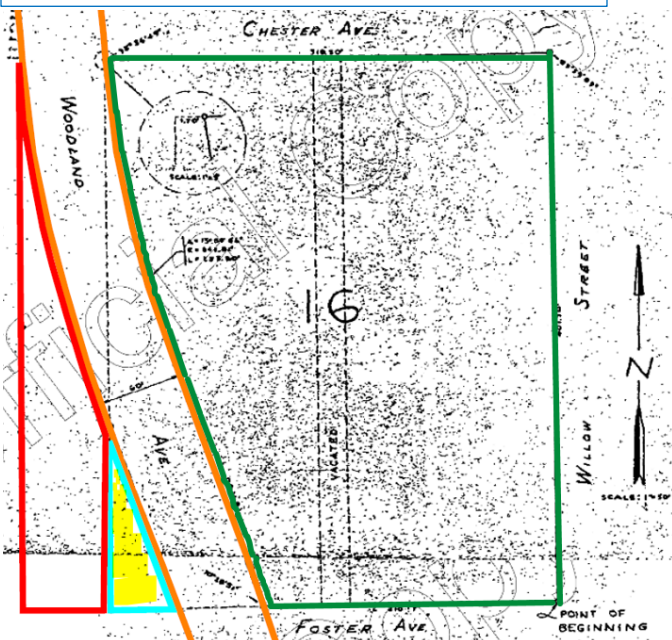
That the Board of Trustees of the Town of Woodland Park hereby accepts the dedication of Woodland Avenue as described in the several Dedication Deeds of the adjacent property owners for the purpose of establishment of a public Right-of-Way to be known as Woodland Avenue.

On this same day five separate dedication deeds were recorded (Reception numbers 206530 through 206534) where property owner adjacent to Woodland Avenue deeded a portion of their property to the Town of Woodland Park for the establishment of a public right-of-way. (Reception number 206534 is from Mr. and Mrs. Dust.) The description of the land on each deed was:

That portion of Woodland Avenue, as originally plotted lying northwesterly of the northerly Right-of-Way line of Sheridan Avenue and south of the southerly Right-of-Way line of Chester Avenue, the Town of Woodland Park, Teller County, Colorado, for the purpose of the establishment of a public Right-of-Way over lots 16 and 25 as designated on the official map of the Town of Woodland Park to be known as Woodland Avenue.

October 12, 1971 – As identified on the document, this is a property survey of a “Portion of Block 16”, which was prepared for Al Dust, and recorded at Reception #212441. Due to the quality of the recorded document, the legal description is difficult to read, but staff has determined it pertains to the area of the survey on the east side of Woodland Avenue that is outlined in green in (Figure 6b). There is no mention of the portion of Block 16 on the west side of Woodland Avenue which is outlined in blue with a yellow center. The subject section of Fairview Street is again outlined in red. The legal description appears on the land survey as follows:

Figure 6b: October 1971 Land Survey



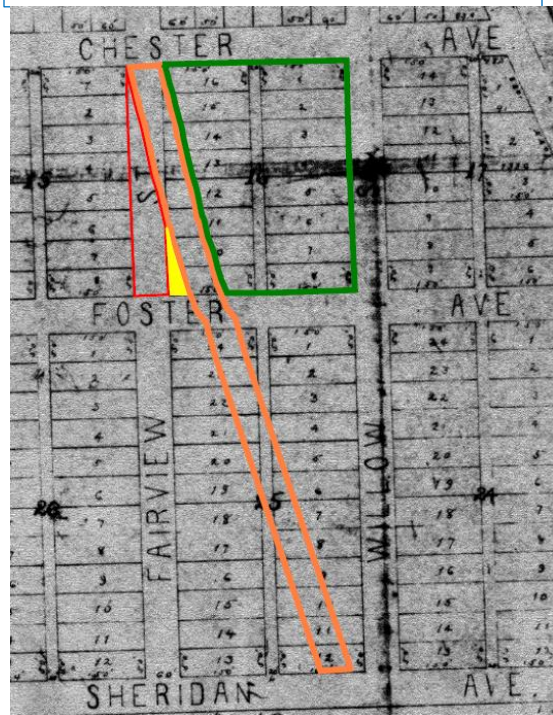
LEGAL DESCRIPTION

A portion of Block 16 of Foster's Addition to Manitou Park, formerly El Paso County, Colorado, now known as Woodland Park, Teller County, Colorado described as follows:

Beginning at the Southeast corner of said Block 16 as shown of record on plat of said Foster's Addition to Manitou Park, El Paso County, recorded May 22, 1889 in Book 0 at page 35 of the records of El Paso County, Colorado; thence westerly on the southerly boundary of said Block 16 a distance of 121.53 feet to the southerly right-of-way line of Woodland Avenue; thence angle right $70^{\circ}28'51''$ along said southerly right-of-way line a distance of 121.53 feet to a point of curve of a curve to the right; thence along said curve having a central angle of $15^{\circ}51'49''$ an arc length of 233.80 feet to a point; said point being on the southerly line of said Block 16; thence along the southerly line of said Block 16 a distance of 318.30 feet along said southerly line to the point of beginning of the last mentioned curve $99^{\circ}36'49''$ a distance of 401.70 feet along the southerly line of said Block 16 to the point of beginning of the last mentioned curve $89^{\circ}59'09''$ a distance of

For reference, Figure 6c provides a depiction of how this 1971 land survey would affect the original Foster's Addition to Manitou Park plat. In this illustration the triangle on the west side of Woodland Avenue is highlighted in yellow.

Figure 6c: Block 16, Foster's Addition to Manitou Park with 1971 land survey area



1976 through 1977 – There are several different documents that were recorded pertaining to the land area on the east side of Woodland Avenue in Block 16 all of which used the legal description from the October 12, 1971, land survey and there is no mention of the land on the west side of Woodland Avenue. These documents were:

Reception #252145 (11/18/1976) – Installment Contract for Deed

Reception #252146 (11/18/1976) – Consent to record installment contract for deed and escrow warranty and quit claim deeds

Reception #252147 (11/18/1976) – Assignment Deed of Trust

Reception #256944 (07/07/1977) – Quit Claim Deed

The legal description used in these documents was:

A portion of Block 16 of Foster's Addition to Manitou Park, formerly El Paso County, Colorado, now known as Woodland Park, Teller County, Colorado described as follows:

Beginning at the Southeast corner of said Block 16 as shown of record on plat of said Foster's Addition to Manitou Park, El Paso County, recorded May 22, 1889 in Book C at page 35 File No. 315 of the records of El Paso County, Colorado; thence Westerly on the Southerly boundary of said Block 16 a distance of 210.17 feet to the Easterly right-of-way line of Woodland Avenue; thence angle right $70^{\circ}28'51''$ along said Easterly right-of-way line a distance of 184.00 feet to a point of curve of a curve to the right; thence along said curve having a central angle of $150^{\circ}54'46''$ a radius of 641.81 feet an arc length of 233.80 feet to a point, said point being on the Northerly line of said Block 16; thence angle right from the tangent of the last mentioned curve $93^{\circ}36'49''$ a distance of 318.30 feet along said Northerly line to the Northeast corner thereof; thence angle right $89^{\circ}59'39''$ a distance of 401.70 feet along the Easterly line of said Block 16 to the point of beginning.

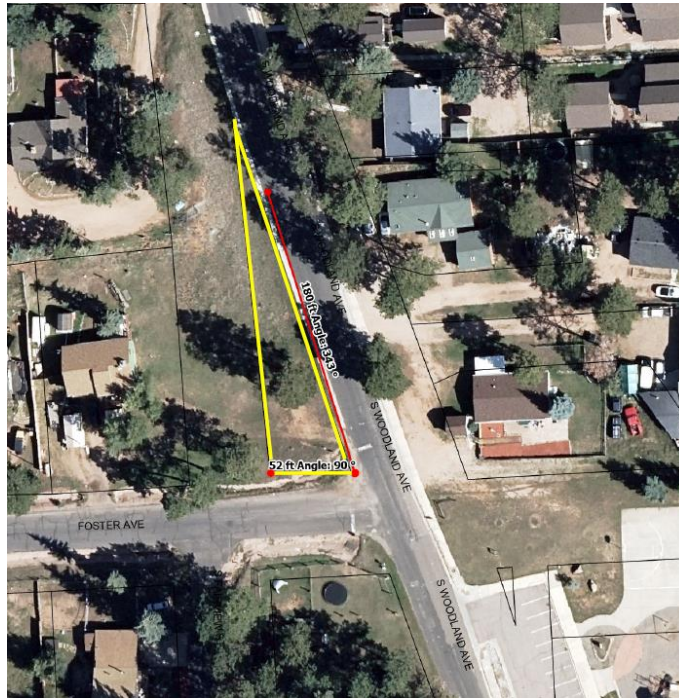
It is through these documents that the property described above and outlined in green in the above Figures 6b & 6c was conveyed to Arlie and Barbara Kyzer.

July 20, 1981 – (#294960) This document is an easement granted by Arlie Kyzer to the City of Woodland Park for a 60-foot wide temporary construction easement and a permanent 30-foot wide drainage easement described as follows:

A sixty (60) foot wide temporary construction easement which shall become null and void within sixty (60) days after completion of construction, and a permanent thirty (30) feet wide drainage easement over and across that portion of Lots 9, 10, 11 and 12, Block 16, Foster's Addition to Manitou Park (formerly El Paso County, Colorado), now Teller County, Colorado, as recorded in Plat Book C at Page 35 of the records of said El Paso County, being fifteen (15.00') feet on both sides of the following described centerline: Commencing at the Southwest corner of said Block 16; thence Easterly on the Southerly line of said Block 16, 52.00 feet to the point of beginning; thence angle left $107^{\circ}01'28''$ Northwesterly, 180.39 feet to a point on the Westerly line of said Block 16; also extending and/or foreshortening the side lines of said easement to intersect the Southerly and Westerly lines of said Block 16.

Figure 6d depicts the location of the center line of this easement (in red) and portion of Block 16 lying on the west side of Woodland Avenue (outlined in yellow). The description used above is the first time there is reference to a "portion of Lots 9, 10, 11 and 12, Block 16, Foster's Addition to Manitou Park".

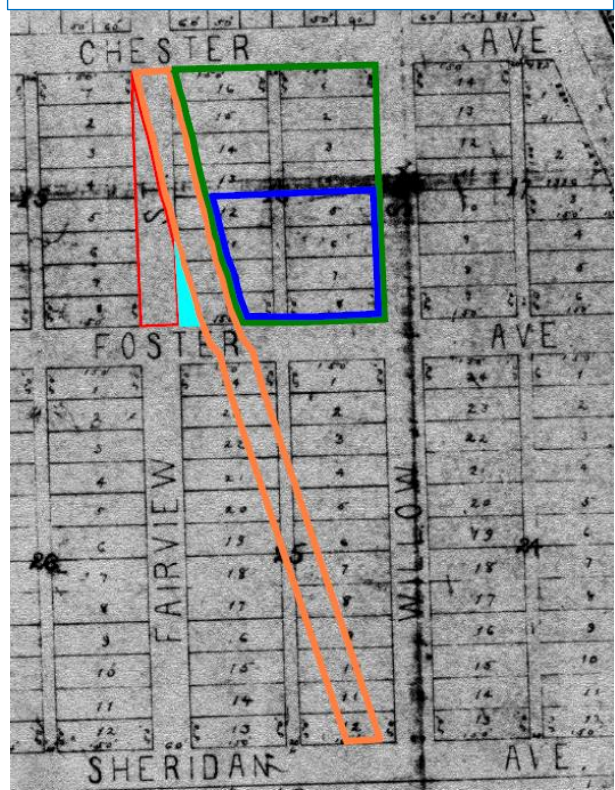
Figure 6d: July 1981 Drainage easement



July 26, 1984 – While the City of Woodland Park has had subdivision regulation since at least 1974 (Ordinance 14, Series 1974), the current subdivision regulations were adopted by Ordinance 327, Series 1984 on this date.

March 10, 1987 – Rather than adhering to the City's subdivision regulations and replatting the area, Arlie and Barbara Kyzer conveyed only the southern portion of Block 16 that lies east of Woodland Avenue to Timberline Baptist Church via a warranty deed (#352426). In Figure 6e this area is outlined in dark-blue and consists of Lots 5 through 8 as well as the part of Lots 9 through 12 that lies east of Woodland Avenue.

Figure 6e: March 1987 land conveyances



The legal description from that deed is:

That portion of the following described parcel, lying Southerly of the Northerly lines of Lots 5 and 12, Block 16, and their extensions, in Foster's Addition to Manitou Park: A portion of Block 16 of Foster's Addition to Manitou Park, formerly El Paso County, Colorado described as follows: Beginning at the Southeast corner of said Block 16 as shown of record on plat of said Foster's Addition to Manitou Park, El Paso County, recorded May 22, 1889 in Book C at Page 35 File No. 315 of the records of El Paso County, Colorado; thence Westerly on the Southerly boundary of said Block 16 a distance of 210.17 feet to the Easterly right-of-way line of Woodland Avenue, thence angle right 70°28'51" along said Easterly right-of-way line a distance of 184.00 feet to a point of curve of a curve to the right; thence along said curve having a central angle of 15°54'46" a radius of 841.81 feet an arc length of 233.80 feet to a point, said point being on the Northerly line of said Block 16; thence angle right from the tangent of the last mentioned curve 93°36'49" a distance of 318.30 feet along said Northerly line to the Northeast corner thereof; thence angle right 89°59'09" a distance of 401.70 feet along the Easterly line of said Block 16 to the point of beginning; BUT RESERVING UNTO GRANTOR, HIS HEIRS, DEVISEES, SUCCESSORS, AND ASSIGNS a easement for utility and maintainence purposes ten (10) feet on each side of an existing sewer line which crosses over the aforesaid real property in approximately the location of the platted, now vacated alley.

On this same date, via a separate quit claim deed, Arlie and Barbara Kyzer also conveyed to Timberline Baptist Church, the small light-blue triangle lying within Block 16 on the west side of Woodland Avenue (#352427) (reference Figure 6e). The legal description used in this document was:

That portion of Lots 9, 10, 11, and 12, Block 16, Foster's Addition to Manitou Park, El Paso now Teller County, lying westerly of the Westerly right-of-way line of Woodland Avenue, as it may be platted or physically be determined to exist.

September 13, 1996 – (#452615) via a warranty deed, Timberline Baptist Church conveyed the southern portion of Block 16 that lies east of Woodland Avenue (the area outlined in dark-blue in Figure 6e to Michael and Kathleen Gatt using the same legal description the Kyzer's did in 1987. This area was replatted into four lots as Woodland Creek Subdivision on August 20, 1997 (#480590).

June 2, 2006 – This is the first of three instances where the portion of Block 16 lying west of Woodland Avenue was conveyed via Treasurer's Deed. The Teller County Assessor identifies this piece of land as Account #R0022499. It is important to note that the Assessor's website includes the following disclaimers regarding use of the brief legal description associated with each property record:

Brief Legal Description is not intended for use on legal documents

Their website also includes this disclaimer regarding use of their GIS mapping:

below you agree to the following: **DISCLAIMER:** The GIS information shown on the following web pages is provided as a public resource for general information purposes only. The representation of locations in this GIS cannot be substituted for actual legal surveys. Use of this information is the sole responsibility of the user, and the County assumes no liability associated with the use or misuse of this information.

The three Treasure's Deed conveyances are as follows:

June 2, 2006 – (#594373) Treasurer's Deed to Jack D. England (formerly assessed in the name of Timberline Baptist Church). The legal description in this deed was:

**POR L9-12 B16 FOSTERS ADD LYING WLY OF THE
WLY ROW OF WOODLAND AVE**

April 26, 2012 – (#652672) Treasurer's Deed to Michael L. Gray (formerly assessed in the name of Jack D. England). The legal description in this deed was:

POR L9-12 B16 FOSTERS ADD LY WLY ROW WOODLAND AVE

June 9, 2023 – (#759323) Treasurer's Deed to Cindy Driscoll (formerly assessed in the name of Michael L. Gray). The legal description in this deed was:

POR L9-12 B16 FOSTERS ADD LY WLY ROW WOODLAND AVE

December 23, 2024 – (#770215) Warranty deed dated October 5, 2024, from Cindy Driscoll to Andre Brewington conveying the parcel identified by Teller County Assessor as Account #R0022499. This deed uses the following legal description and disclaimer:

the described property, located at: **POR L9-12 B16 FOSTERS ADD LY WLY ROW
WOODLAND AVE**

being sold as-is, ~~where-is~~ with no usage or building capability guarantees.

Using the surveyor information obtained by Mr. Brewington, Staff has calculated the size of the parcel as 2,862.31± SF which is well below the County Assessors' estimate of 5,227.2 SF and the minimum lot size of 7,500 SF required by City Code for lots in this UR zone. This land area of the current parcel is located to the right of the blue dashed line in Figure 6f. Should the requested ROW vacation of Fairview Street be approved, this parcel would then be 8,064.12± SF in area (outlined in blue in Figure 6f).

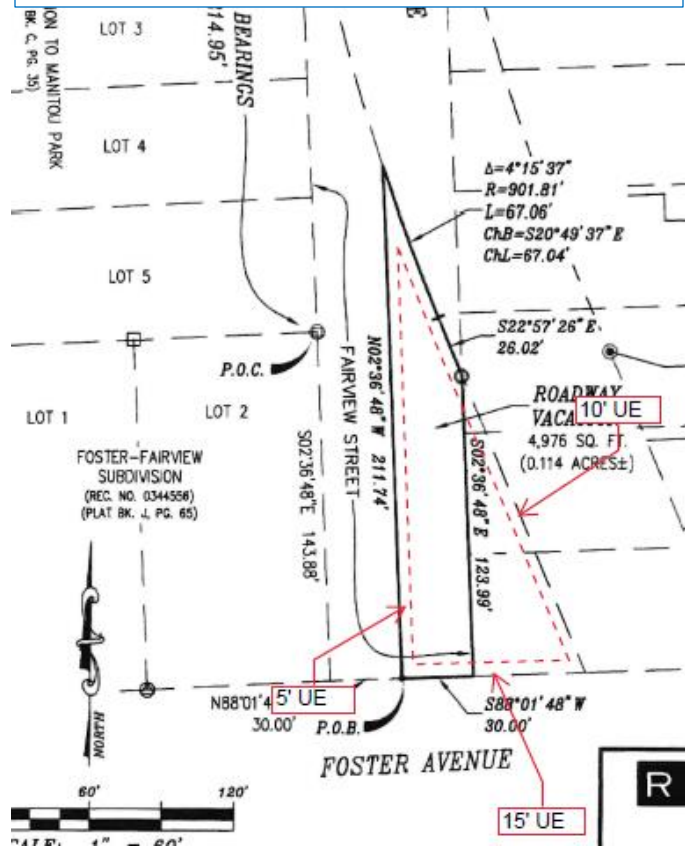
Per the City's Comprehensive Plan, Woodland Avenue has a proposed functional class as a Major Collector and Foster Avenue has a proposed functional class as a Minor Collector. Two

Staff applied a side yard setback of 8-feet to the west property line. The resultant triangular shaped building area of 1,382.60± SF is formed by connecting the three blue dots in Figure XXX. It is also important to remember, this property is not flat but has a definite slope from the north downhill to Foster Avenue (reference Figure 6f).

The initial application from December 2024, as well as the resubmitted application from August 22, 2025 were referred to City departments including the City Attorney, the City Manager, the City Clerk, Utilities, Public Works, Police Department, Planning and Building Department. It was also referred to external agencies including Northeast Teller County Fire Protection District, Black Hills Energy, Core Electric, Colorado Department of Transportation, Century Link/Lumen, and TDS Telecom.

CORE Electric submitted a comment via email on August 28, 2025, and stated that they will be requesting easements on all three sides of the property (Figure 7a) during the platting process if the ROW vacation is approved by City Council. Attached to the staff report is CORE's full comment.

Figure 7a: CORE's requested easements



Black Hills Energy commented on the initial application and submitted a comment stating, "It appears that we have no gas facilities in the area of construction. I still will need to have a technician go and verify that we have no service lines in the construction area before we can give the ok. This will happen on This coming Monday February 10th and then I can get you that verification letter. Black hills will have similar easement requirements as core." Black hills also included a map of their existing infrastructure shown in Figure 7b but has not provided any follow-up comments.

Figure 7b: Black Hills infrastructure

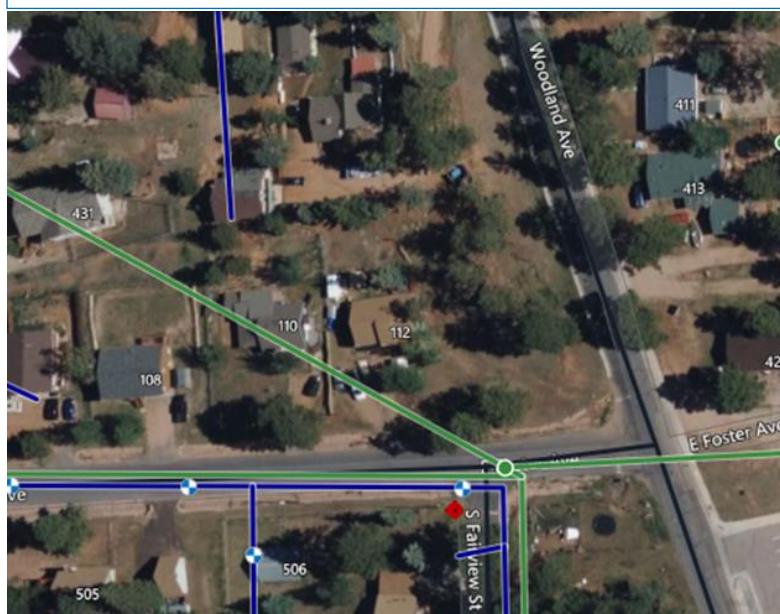


The City of Woodland Park Utilities Department submitted a comment that, “Utilities does not approve of the ROW vacation for the following reasons:

- Currently, there is no physical water available to serve this lot unless the applicant extends the water main.
- The Woodland Park Utilities Department has not planned to serve this lot (R0022499) with water because it is a leftover piece of land split apart by the construction of Woodland Ave. At the time of construction of Woodland Ave, the ROW split up lots, 9, 10, 11, and 12 within the Fosters Addition to Manitou Park and Mr. Brewington’s parcel was left over. In 1996, the eastern portions of the lots were re-platted and later single-family dwellings were built on them. If the applicant is successful with the ROW vacation and would like to construct a single-family dwelling on the property, Woodland Park City Council will have to make the decision on whether the City will sell him a tap.”

Existing City utilities in the area are identified in Figure 7c. The green lines are sanitary sewer mains, the purple lines are water mains, and the dark-blue lines are stormwater mains.

Figure 7c: Existing City utilities infrastructure



ROW VACATION CRITERIA

This request is subject to Municipal Code (MC) chapter 12.08 Vacation of Public Rights-of-Way and the City’s right to vacate public rights of way is specified as follows:

§12.08.030 City right to vacate

The City Council, by ordinance, may vacate any street, alley, easement or public right-of-way or part thereof located within the corporate limits of the city, subject to the provisions of the City Charter and the Constitution and statutes of the state.

This vacation request was reviewed and assessed to ensure compliance with the applicable sections of MC Chapter 12.08 as follows:

§12.08.010 Policy declaration – The City declares the following to be its general policy regarding vacation of streets, alleys, easements and public rights-of-way:

The vacation of streets, alleys, easements and public rights-of-way shall be considered based on its effect on utilities located in said rights-of-way, emergency services assess, feasibility of road construction, access to lots abutting the vacation, area traffic patterns and adjacent landowners input.

Complies. The vacation complies with this policy. Currently, there are no known utilities within the ROW that is proposed to be vacated. Staff received a referral comment from CORE Electric stating that new easements will be needed to provided for access and general utilities; their proposed easement widths fall within the required setbacks.

§12.08.020 Vesting of title upon vacation – Whenever any roadway has been conveyed to, or acquired by, the city for use as a street, alley, easement or public right-of-way, and thereafter is vacated, title to the lands included within such street, alley, easement or public right-of-way or so much thereof as may be vacated shall vest, subject to the same encumbrances, liens, limitations, restrictions, and estates as the land to which it accrues as follows:

- A. In the event that a street, alley, easement or public right-of-way, which constitutes the exterior boundary of a subdivision or other tract of land, is vacated, title to the street, alley, easement or public right-of-way shall vest in the owners of the land abutting the vacated street, alley, easement or public right-of-way, at the time the street, alley, easement or public right-of-way was acquired for public use, was a part of the subdivided land, or was a part of the adjacent land.*
- B. In the event that less than the entire width of a street, alley, easement or public right-of-way is vacated, title to the vacated portion shall vest in the owners of the land abutting such vacated portion.*
- C. In the event that a street, alley, easement or public right-of-way bounded by straight lines is vacated, title to the vacated street, alley, easement or public right-of-way shall vest in the owners of the abutting land, each abutting owner taking to the center of the street, alley, easement or public right-of-way, except as provided in subsections A and B of this section. In the event that the boundary lines of abutting lands do not intersect the roadway at a right angle, the land included within such roadway shall vest as provided in subsection D.*
- D. In all instances not specifically proved for, title to the vacated roadway shall vest in the owners of the abutting land, each abutting owner taking that portion of the vacated roadway to which his land or any part thereof is nearest in proximity.*
- E. No portion of a roadway upon vacation, shall accrue to an abutting roadway.*

May comply. The applicant's request to have 60% of the ROW vested to his property does not comply with this Code section 12.08.020. However, if approved subject to this Code Section, the 60-foot wide ROW would be divided down the middle with land area then

being vested to the applicant's property as well as the three properties that border the ROW to the west.

§12.08.040 Vacation of roadway on boundary lines. – If a roadway constitutes the boundary lines of the city, it may be vacated only by joint action of the board of county commissioners and the city council.

Not applicable. This vacation is completely contained within the City, so this section does not apply.

§12.08.050 Connecting public road required – No roadway or part thereof shall be vacated so as to leave any land adjoining the street, alley, easement or public right-of-way without an established public road connecting the land with another established public road.

Complies. If the ROW vacation is approved, all lots that have frontage on Fairview Street will still have frontage on and be connected to a public right-of-way.

§12.08.060 Reservation of land for utility uses – In the event of vacation of rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water or similar pipelines and appurtenances, for ditches, canals, or drainage and appurtenances, and for electric, telephone and similar lines and appurtenances.

Complies. Currently, there are no known utilities within the ROW that is proposed to be vacated. Staff received a referral comment from CORE Electric stating that new easements will be needed to be provided for access and general utilities; their proposed easement widths fall within the required setbacks.

§12.08.070 Procedure for requesting a vacation – Any person desiring the vacation of any street, alley, easement or other public rights-of-way, located within the city, shall file with the city clerk the following at least thirty (30) days prior to the next regular scheduled planning commission meeting:

A completed application form; Plat and legal description of proposed vacation; plat shall be drawn by a registered land surveyor and shall be on eight and one-half inches by eleven-inch paper whenever possible; A processing fee as established by city council;

The names and addresses of all adjacent property owners.

May Comply. A complete application meeting the above criteria has been submitted to and is attached to this staff report. However, the proposed legal description and associated exhibit that would be attached to the required City Ordinance does not accurately reflect the full width of the right-of-way being vacated. Any potential approval of this request would need to include the condition that the legal description and exhibit required for recording be corrected.

§12.08.080 Hearing – Planning Commission and City Council action. – The planning commission shall hold a public hearing on the vacation request. Notice of the public hearing shall be published in the official city newspaper at least seven days prior to the public hearing. The property proposed to be vacated shall be posted at least ten days prior to the public hearing and notices shall be sent to adjacent property owners at least ten days prior to the

public hearing. The planning commission shall recommend approval or disapproval to the council, or table the request until the next regularly scheduled meeting.

The planning commission shall make its written recommendations to the city council.

The city council shall conduct a public hearing concerning the proposed recommendations by the planning commission, which recommendation shall be part of the council records for such hearing. Notice of public hearing shall be published at least seven days prior to the public hearing, the notice for the city council public hearing may be done at the same time as the notice for the planning commission hearings.

Complies. The Planning Commission public hearing is scheduled for September 25, 2025, and the City Council public hearing is scheduled for November 06, 2025. All public hearing notices have been published, mailed, and posted per Municipal Code requirements.

§12.08.090 Vacation to be accomplished by ordinance – After the public hearing, if the council elects to proceed with the vacation, the actual vacation of any property within the street, alley, easement or other public right-of-way within the city shall be accomplished by ordinance.

May comply. A draft ordinance will be created and presented to the City Council prior to the Public Hearing. As noted previously, any potential approval of this request would need to include the condition that the legal description and exhibit required for recording be corrected.

§12.08.100 Recording of vacation ordinance – An ordinance for vacation of any street, alley, easement or public right-of-way, once duly passed and effective, shall be filed with the office of the county clerk and recorder for Teller County.

Complies. If approved, the Ordinance along with a ROW vacation exhibit and legal description will be recorded with Teller County Clerk and Recorder.

§12.08.110 Reimbursement to City – In addition to the processing fee, the applicant shall reimburse the city for all publishing, posting, ordinance drafting and filing costs.

May comply. These are typical costs that all applicants are subject to and are billed upon completion of the hearing process.

ADDITIONAL CONSIDERATIONS

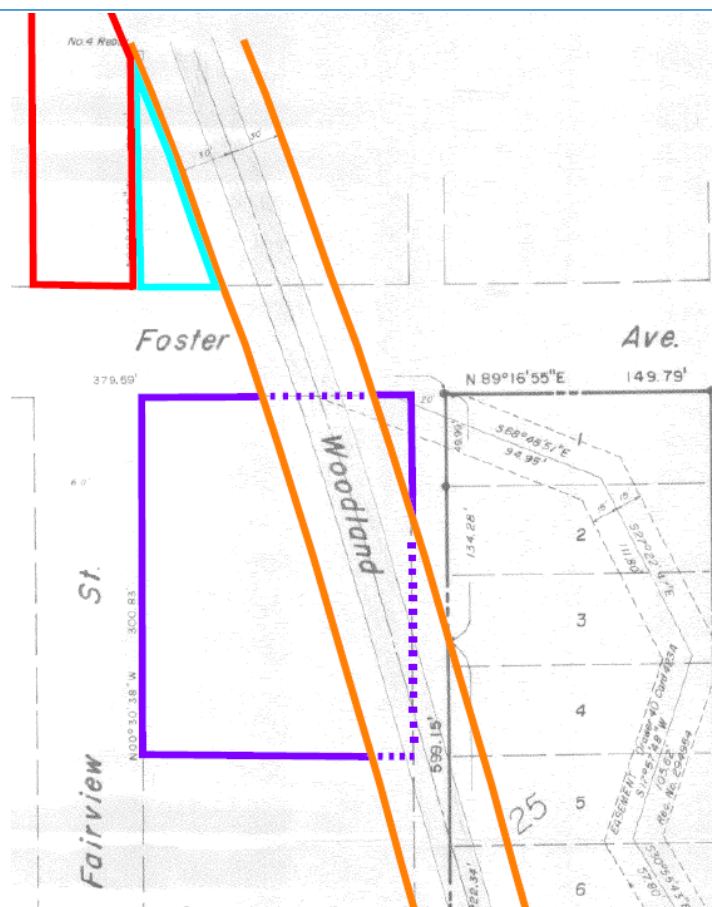
In reviewing the Parcel History information, it is Planning Staff's opinion that Mr. Brewington's property, identified by Teller County Assessor as Account #R0022499, is not a legal buildable parcel. Instead, Staff has determined it is a scrap of land that was forgotten after the 1970 dedication of Woodland Avenue and the subsequent conveyances of the portions of Lots 9 through 12, Block 16 on both sides of Woodland Avenue.

This is not the only instance where a property owner has a lot bisected by a ROW. Across Foster Avenue from Mr. Brewington's property is another property in Block 15 of Foster's Addition to Manitou Park that consists of four lots that is also bisected by Woodland Avenue. The legal

description for this property remains intact and the smaller portion of this property, located on the east side of Woodland Avenue, has not been severed from the main portion of the property. In Figure 8a, this neighboring property is outlined in purple; consistent with prior Figures, Mr. Brewington's property is outlined in blue and the sides of Woodland Avenue are in orange.

It is important to note that the use of Treasure's deeds to convey the property known as Teller County Assessor as Account #R0022499 since 2006 does not support the idea that this is a legal parcel with development rights. The County Assessor is charged with the responsibility of identifying and ensuring all property within the County is accounted for and taxed accordingly. Additionally, given the information included on Mr. Brewington's deed, "the property is being sold as-is, where-is with no usage or building capability guarantees" it is reasonable to conclude that Mr. Brewington was aware of this property's limitations when he purchased it.

Figure 8a: Portion of Block 15 Foster's Addition to Manitou Park



As identified previously, the existing density of 2.72 DU/acre exceeds the 2 DU/acre established in City Code. Adding this property as a lot will further increase the number of dwelling units per acre beyond what is allowed.

Additionally, the existing sloped topography and the application of the required setbacks further limits the potential for building a house or any other structure at this location.

It should also be noted that this northwest corner of the intersection of Foster Avenue and Woodland Avenue has remained open and undeveloped for over 100-years. This undeveloped condition adds to the overall open feeling in the area. Establishing an additional lot and developing at this location will detract from this current open feeling.

Since Mr. Brewington acquired this property, the City of Woodland Park adopted Ordinance 1495, Series 2025 on April 17, 2025. The purpose of this Ordinance is to require development applications to address connection and availability of water several times throughout the entitlement process (zone changes, subdivision, as well as conditional and special use permits).

It is Code Section 18.72.021 – Zoning development permit – Water availability, that directly pertains to this situation:

- A. No building shall be erected on any lot, nor shall a building permit be issued for a building unless the owner has established, to the approval and acceptance of the City, that connection and availability of a water source exists that is sufficient to service the needs of the intended uses and structures of such lot(s).

Additionally, as noted in the Referrals section of this report, the Woodland Park Utilities department does not approve of the ROW vacation for reasons previously stated.

NOTIFICATIONS AND PUBLIC COMMENT

Adjacent property owners within 150 feet of the subject right-of-way were mailed a letter notifying them of the application as well as all meeting dates including the scheduled Planning Commission and City Council public hearings. The site was posted with public notice posters and notice of the public hearings was published in the Pikes Peak Courier in compliance with the Municipal Code. To date, Staff has received no public comments on the proposal.

STAFF RECOMMENDATION

While there may not be a compelling reason related to utilities or access for the City to keep this section of right-of-way, there are several reasons for City to retain ownership of it. Based on the following points, the City of Woodland Park should retain ownership of the subject right-of-way:

1. The applicant's parcel is not a legally established lot and should not be allowed to increase in size.
2. The density of dwelling units in this area should not be further increased.
3. The sloped topography and the application of required setbacks severely restricts the potential for building on this property.
4. Establishing and developing an additional lot at this location will detract from this current open feeling in the neighborhood.
5. The City Utilities Department does not consider this a lot and has not planned to serve water to this property.

The recommendation is that, the Planning Commission recommend City Council deny the request to vacate a portion of South Fairview Street (a 60-foot wide undeveloped public right-of-way) located north of Foster Avenue and south of Woodland Avenue (112 Foster Avenue is adjacent to the west side of the subject right-of-way area) all in the City of Woodland Park, Teller County, Colorado in the Urban Residential (UR) zone.

ATTACHMENTS

1. Applicant Application
2. Warranty Deed (Reception #770215) conveying land to Andre Brewington
3. Legal Description and Exhibit for the proposed vacated area
4. CORE Comment
5. Black Hills Existing Infrastructure Map



**VACATION OF A PUBLIC
RIGHT-OF-WAY
2024 Application Form
(Revised 1/1/2024)**

Project # _____
 Fees:
 ROW Vacation=\$1041.00
 (Plus publication and recording fees)

1. Applicant Information (Include all property owners involved with the vacation request)

Property Owner (First and Last Name)	#1 Andre Brewington	#2
Mailing Address	109 Via Vallecito, Manitou Springs, CO 80829	
E-Mail Address	Andre@duetix.com	
Phone Numbers	(719)-374-2822	

2. Property Information

- a. Street Address R0022499, ADDRESS TBD
- b. Legal Description (Lot, Block, Subdivision) POR L9-12 B16 FOSTERS ADD LY WLY ROW WOODLAND AVE
- c. Zone District City/ RE-2

3. Vacation/Establish Easement Request Information

- a. Provide a General Description of the Area Requested to be Vacated/Established
previously planned and abandoned extension of Fairview street north of Foster ave. comprising of 14,008 sq. feet west of
R0022499
- b. Reason for Request Expansion of R002499 to a comparable size of adjacent lots and providing a
buildable square footage for a single family home. Past road development by the city of Woodland Park
had reduced the size substantially leaving the property inadequate for zoned usage.
- c. What Utilities or Drainage Facilities Exist in the Area? Storm drain to south of R0022499
Gas lines at nothwest property line of right of way
- d. Will Any Lots Be Denied Street Access If This Vacation Is Approved?
 Yes ☐ No ☒ If Yes, Please Describe _____

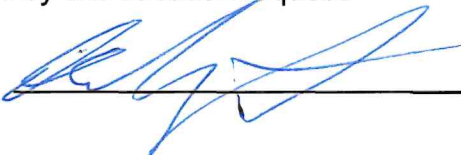
4. Submittal Requirements

The following information must be submitted with the application pursuant to Chapter 12.08 for the vacation of streets, alleys, easement, or other public rights of way.

Applicant Check	City Check	Submittal Requirements:
☒		Complete Application A completed application for a vacation upon forms supplied by the Planning Department.
☒		Application Fee As outlined on page one.
☒		Recording/Publication Fees Teller County Clerk and Recorder charges fees to record documents. You will be billed for these costs plus publication costs incurred by the Planning Department. <i>Recording fees: \$13.00 for the first page, \$5.00 for each page thereafter, plus \$2.00 e-file fee.</i>
☒		Adjoiners List (Required only for Vacation of Right of Way) A complete list of names and mailing addresses of all adjacent property owners within 150' of the subject property.
☒		Proof Of Ownership Warranty deed or title policy.
☒		Exhibit/Drawing An exhibit or drawing by a registered land surveyor showing the proposed easement or right of way vacation. The exhibit shall be drawn on 8 1/2" x 11" paper. A legal description of the subject property is also required.

5. Certification

I (we) do hereby declare and affirm that I (we) am (are) the owner(s) of the subject property(s) affected by this vacation request.

➡ Owner  Date 12/23/24

➡ Owner _____ Date _____

City Use Only	
1.	Submission _____, 20____, taken by _____
2.	Review and Approval from the Utility Service Companies IREA (electric) _____ Century Link (phone) _____ Black Hills (natural gas) _____ Baja (cable TV) _____
3.	Public Hearing Notices Posted On _____, 20____ Published on _____, 20____ Property Owner Notification _____, 20____

To:

Woodland Park Planning Commission
Woodland Park City Council
All Relevant Approval Authorities

Subject: Request for Vacation of Public Right-of-Way – “Fairview Street”

Dear Members of the Planning Commission, City Council, and Relevant Authorities,

I, Andre Brewington, hereby submit a formal request for the vacation of the public right-of-way known as “Fairview Street,” which was previously abandoned in favor of Woodland Avenue. This request is made to facilitate the expansion of the property associated with account number R0022499. As the sole owner of this property, I am planning to construct a single-family home for myself and my family. However, due to the current size and setback limitations imposed by the City of Woodland Park, I am unable to proceed with this development.

The vacation of Fairview Street, which was previously abandoned in favor of Woodland Avenue, would allow for the restoration of the property size to a configuration similar to its pre-Woodland Avenue status, where a significant portion of the land was dedicated to the public road. This action would facilitate the construction of a single-family residence on the property and bring the size of R0022499 into alignment with the surrounding lots.

In accordance with standard procedures, I understand that vacated property is typically divided equally among adjacent landowners. However, I respectfully request that sixty percent of the vacated land be allocated to R0022499, given the financial responsibility and effort I have personally undertaken in pursuing this vacation. While I acknowledge the rights of adjacent landowners to claim a portion of the vacated land, I alone bear the financial burden and responsibility for this request.

I appreciate your consideration of this request and look forward to your response.

Sincerely,
Andre Brewington

Attached are the names and addresses of all adjacent property owners.

506 S FAIRVIEW ST:

BROEKER, JACOB L & MICHEALA M

411 WINDCHIME PL APT 5

COLORADO SPRINGS, CO 809191984

413 S WOODLAND AVE:	MASSEY, JON 352 PLAINVIEW PL MANITOU SPRINGS, CO 80829
411 S WOODLAND AVE:	HARDLINE CAPITAL LLC, A COLORADO LLC PO BOX 10096 COLORADO SPRINGS, CO 809321096
409 S WOODLAND AVE:	TRAFFAS, BRETT & JAMIE 4817 W 64TH TER PRAIRIE VILLAGE, KS 662081339
407 S WOODLAND AVE:	CAIN, ANGIE 2908 SW BRIDLEWOOD CIR LEES SUMMIT, MO 640812473
404 S FAIRVIEW ST:	SAMPSON, MARK J 11801 SUNCREST DR ANCHORAGE, AK 995153127

EXHIBIT

PROPOSED VACATION OF RIGHT-OF-WAY PORTION OF FAIRVIEW STREET WOODLAND PARK, CO

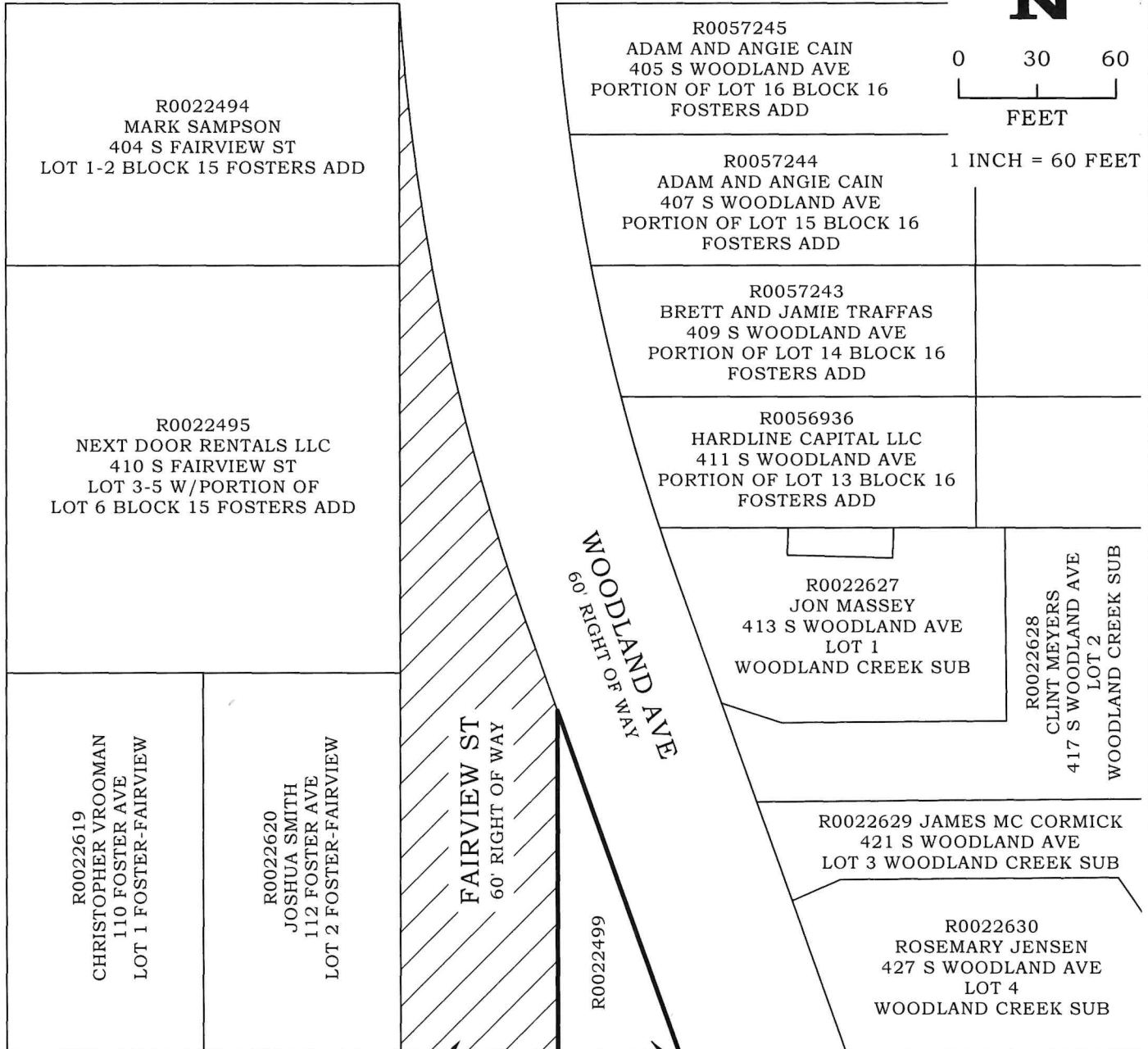
PREPARED DECEMBER 20, 2024

CHESTER AVE
60' RIGHT OF WAY



0 30 60
FEET

1 INCH = 60 FEET



AREA OF
PROPOSED VACATION
OF RIGHT-OF-WAY
FAIRVIEW STREET

14,008 SQ. FT. +/-
0.32 ACRES +/-

FOSTER AVE
60' RIGHT OF WAY

APPLICANT FOR R.O.W. VACATION
ANDRE BREWINGTON
R0022499 TBD ADDRESS
PORTION OF LOTS 9-12, BLK 16 FOSTERS ADD

PREPARED BY
HIGH COUNTRY LAND SERVICES
LAND SURVEYING AND MAPPING
4175 NORTH ROAD DIVIDE, CO 80814
719-505-3576

WARRANTY DEED

Property Tax Parcel Account Number- R0022499 / 6029.244120030

This Warranty Deed is made on October 5, 2024 between Cindy M. Driscoll Grantor, of Savannah, Tennessee and

Andre Brewington, Grantee, of Colorado Springs, Colorado.

For valuable consideration, the Grantor hereby sells, grants and conveys the following described real estate, in

fee simple, to the Grantee to have and hold forever, along with all easements, rights and buildings belonging to

the described property, located at: POR L9-12 B16 FOSTERS ADD LY WLY ROW WOODLAND AVE

Area: Foster's Add, .12 acres

Together with all wind, mineral and water rights owned by Grantor appurtenant to described property.

The Grantor warrants that it is the lawful owner and has full right to convey this property, and that the property is

being sold as-is, where-is with no usage or building capability guarantees. The Grantor states and confirms that

the property is free from all claims, liabilities and/or indebtedness, and the Grantor and its successors will warrant

and defend title to the Grantee against the lawful claims of all persons. Taxes for the tax year of 2023 shall be

paid by the Grantee, are not paid by the Grantor and are not pro-rated.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth

above.

Cindy M. Driscoll
Grantor

STATE OF COLORADO

COUNTY OF El Paso

The foregoing instrument was acknowledged before me
Amanda Olson,

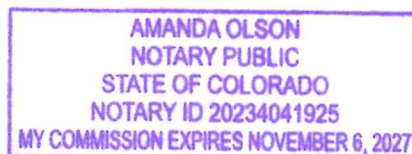
a notary public in and for the state of Colorado by
Cindy M. Driscoll

on the 5th day of October 2024.

Witness my hand and official seal

Amanda Olson
NOTARY PUBLIC

My commission expires: Nov. 6, 2027 NOTARY SEAL



LEGAL DESCRIPTION – ROADWAY VACATION:

A THIRTY FOOT (30') WIDE ROADWAY VACATION BEING A PORTION OF FAIRVIEW STREET, AS DEPICTED ON THE PLAT OF FOSTER'S ADDITION TO MANITOU PARK, AS RECORDED IN PLAT BOOK C AT PAGE 35 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AND LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF WOODLAND PARK, TELLER COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2, OF FOSTER-FAIRVIEW SUBDIVISION, AS RECORDED IN PLAT BOOK J AT PAGE 65, UNDER RECEPTION NO. 0344556 OF THE RECORDS OF THE TELLER COUNTY CLERK AND RECORDER, AS MONUMENTED BY A 5/8" REBAR (NO CAP), FROM WHICH THE SOUTHEAST CORNER OF LOT 2, FOSTER'S ADDITION FILING NO. 4, AS RECORDED UNDER RECEPTION NO. 747523 OF SAID TELLER COUNTY RECORDS, AS MONUMENTED BY A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 38560" BEARS N02°36'48"W, A DISTANCE OF 314.95 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE S02°36'48"E ALONG THE EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 143.88 FEET (144.70 FEET OF RECORD) TO THE SOUTHEAST CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF FOSTER AVENUE, AS DEPICTED ON SAID PLAT OF FOSTER'S ADDITION TO MANITOU PARK;

THENCE N88°01'48"E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING OF SAID ROADWAY VACATION;

THENCE N02°36'48"W, A DISTANCE OF 211.74 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF WOODLAND AVENUE AS DEDICATED IN THAT RESOLUTION AS DESCRIBED IN DRAWER 3 AT CARDS 517-522 UNDER RECEPTION NO'S. 206529-206534 AND MORE PARTICULARLY DESCRIBED IN DRAWER 5 AT CARD 1639 UNDER RECEPTION NO. 212441, ALL OF SAID TELLER COUNTY RECORDS;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A 901.81 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 04°15'37", AN ARC LENGTH OF 67.06 FEET (THE LONG CHORD OF WHICH BEARS S20°49'37"E, A LONG CHORD DISTANCE OF 67.04 FEET) TO A POINT OF TANGENCY;

THENCE S22°57'26"E CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 26.02 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID FAIRVIEW STREET, SAID POINT ALSO BEING A POINT ON THE WESTERLY LINE OF BLOCK 16, OF SAID FOSTER'S ADDITION TO MANITOU PARK;

THENCE S02°36'48"E ALONG THAT LINE COMMON TO SAID EASTERLY RIGHT-OF-WAY LINE AND SAID BLOCK 16, A DISTANCE OF 123.99 FEET TO THE SOUTHERLY COMMON CORNER THEREOF, SAID POINT ALSO BEING A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE;

THENCE S88°01'48"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

SAID ROADWAY VACATION CONTAINS 4,976 SQUARE FEET (0.11 ACRES) OF LAND, MORE OR LESS.

PREPARED BY:

ERIC SIMONSON, COLORADO P.L.S. NO. 38560
FOR AND ON BEHALF OF RAMPART SURVEYS, LLC
P.O. BOX 5101
WOODLAND PARK, COLORADO 80866
719-687-0920



EXHIBIT

LEGEND:

- FOUND REBAR AND ORANGE CAP STAMPED "RAMPART PLS 38560"
- ⊗ FOUND REBAR AND YELLOW CAP STAMPED "LS 12043"
- FOUND REBAR AND YELLOW CAP (ILLEGIBLE)
- FOUND 1/2" REBAR (NO CAP)
- ⊙ FOUND 5/8" REBAR (NO CAP)

CHESTER AVENUE

LOT 2
FOSTER'S ADDITION
FILING NO. 4
(REC. NO. 747523)

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 1

ASSUMED BASIS OF BEARINGS
N02°36'48"W 314.95'

FOSTER'S ADDITION TO MANITOU PARK
(PLAT BK. C, PG. 35)

FOSTER-FAIRVIEW
SUBDIVISION
(REC. NO. 0344556)
(PLAT BK. J, PG. 65)

P.O.C.

LOT 2

N88°01'48"E
30.00'

FOSTER AVENUE

WOODLAND AVENUE

N02°36'48"W 211.74'

S02°36'48"E 143.88'

$\Delta=4^{\circ}15'37''$
 $R=901.81'$
 $L=67.06'$
 $ChB=S20^{\circ}49'37''E$
 $ChL=67.04'$

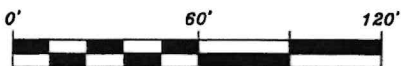
S22°57'26"E
26.02'

ROADWAY
VACATION
4,976 SQ. FT.
(0.114 ACRES±)

S02°36'48"E 123.99'

S88°01'48"W
30.00'

P.O.B.



SCALE: 1" = 60'

JOB NO.: 25123

MAY 19, 2025

**RAMPART
SURVEYS**

P.O. Box 5101
Woodland Park, CO. 80866
(719) 687-0920



WARRANTY DEED

Property Tax Parcel Account Number- R0022499 / 6029.244120030

This Warranty Deed is made on October 5, 2024 between Cindy M. Driscoll
Grantor, of Savannah, Tennessee and

Andre Brewington, Grantee, of Colorado Springs, Colorado.

For valuable consideration, the Grantor hereby sells, grants and conveys the
following described real estate, in

fee simple, to the Grantee to have and hold forever, along with all easements,
rights and buildings belonging to

the described property, located at: POR L9-12 B16 FOSTERS ADD LY WLY ROW
WOODLAND AVE

Area: Foster's Add, .12 acres

Together with all wind, mineral and water rights owned by Grantor appurtenant to
described property.

The Grantor warrants that it is the lawful owner and has full right to convey this
property, and that the property is

being sold as-is, where-is with no usage or building capability guarantees. The
Grantor states and confirms that

the property is free from all claims, liabilities and/or indebtedness, and the Grantor
and its successors will warrant

and defend title to the Grantee against the lawful claims of all persons. Taxes for
the tax year of 2023 shall be

paid by the Grantee, are not paid by the Grantor and are not pro-rated.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth

above.

Cindy M. Driscoll
Grantor

STATE OF COLORADO

COUNTY OF El Paso

The foregoing instrument was acknowledged before me

Amanda Olson

a notary public in and for the state of Colorado by

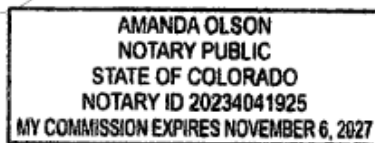
Cindy M. Driscoll

on the 5th day of October 2024.

Witness my hand and official seal

Amanda Olson
NOTARY PUBLIC

My commission expires: Nov. 6. 2027 NOTARY SEAL



EXHIBIT

LEGEND:

- FOUND REBAR AND ORANGE CAP STAMPED "RAMPART PLS 38560"
- ⊗ FOUND REBAR AND YELLOW CAP STAMPED "LS 12043"
- FOUND REBAR AND YELLOW CAP (ILLEGIBLE)
- FOUND 1/2" REBAR (NO CAP)
- ⊙ FOUND 5/8" REBAR (NO CAP)

CHESTER AVENUE

LOT 2
FOSTER'S ADDITION
FILING NO. 4
(REC. NO. 747523)

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 1

ASSUMED BASIS OF BEARINGS
N02°36'48" W 314.95'

WOODLAND AVENUE

BLOCK 16
FOSTER'S ADDITION TO MANITOU PARK
(PLAT BK. C, PG. 35)

$\Delta=4^{\circ}15'37''$
 $R=901.81'$
 $L=67.06'$
 $ChB=S20^{\circ}49'37'' E$
 $ChL=67.04'$

S22°57'26" E
26.02'

ROADWAY
VACA 10' UE
4,976 SQ. FT.
(0.114 ACRES±)

P.O.C.

LOT 2

FOSTER-FAIRVIEW
SUBDIVISION
(REC. NO. 0344556)
(PLAT BK. J, PG. 65)

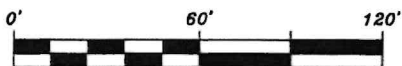
FAIRVIEW STREET
N02°36'48" W 211.74'
S02°36'48" E 143.88'

N88°01'45" E 30.00' P.O.B.

S88°01'48" W 30.00'

FOSTER AVENUE

15' UE



SCALE: 1" = 60'

JOB NO.: 25123

MAY 19, 2025

**RAMPART
SURVEYS**

P.O. Box 5101
Woodland Park, CO. 80866
(719) 687-0920

From: [Henderson, Marcus](#)
To: [Christopher Gates](#); andre@duetix.com
Subject: Vacation of Right of Away
Date: Friday, February 7, 2025 11:17:53 AM
Attachments: [Vacation of right away pic.png](#)

EXTERNAL: This message has originated from outside the City of Woodland Park. Do not 'sign-in' to any links or attachments.

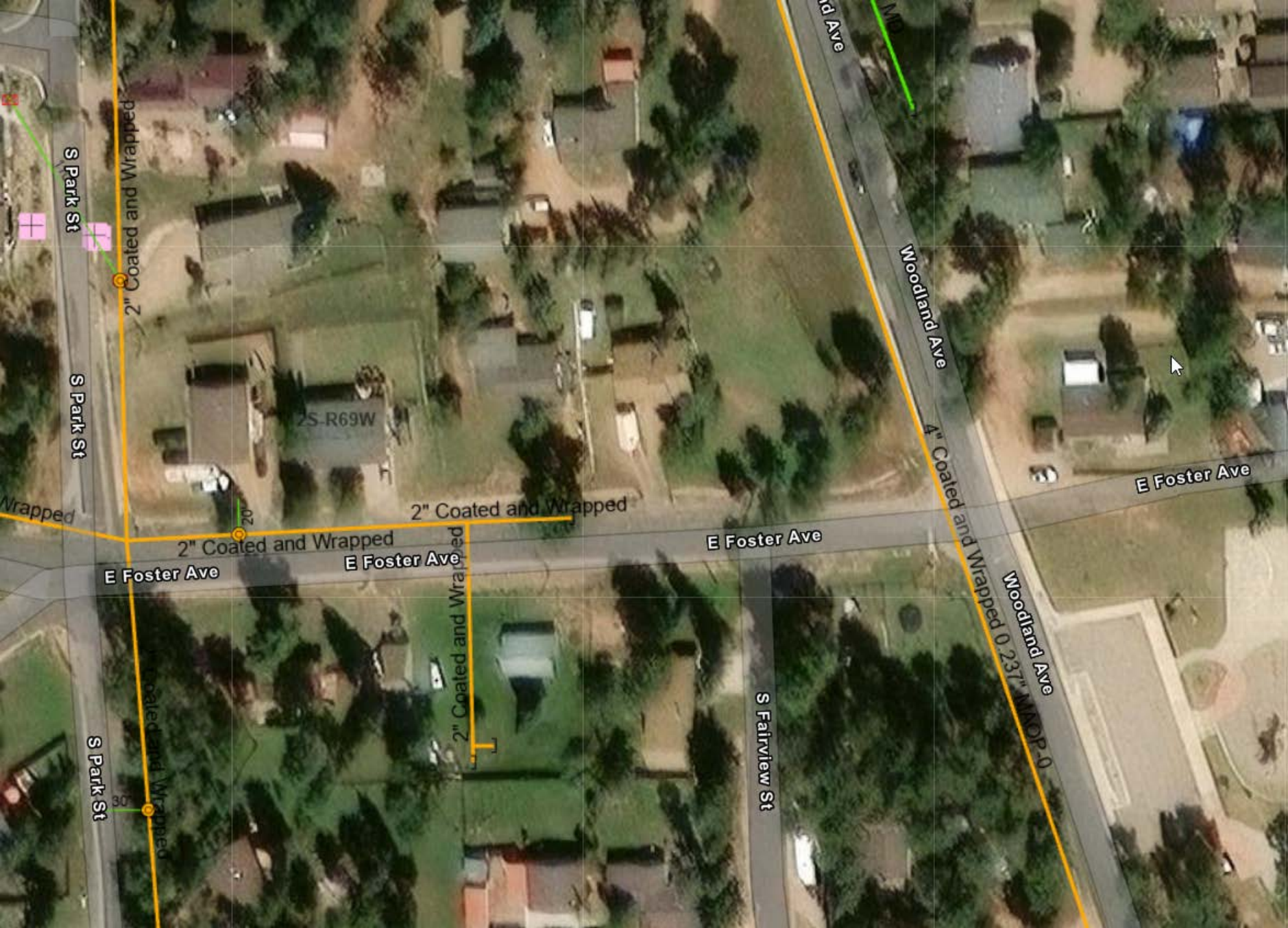
It was nice talking with you Andre, and thanks for getting back to me Chris. I have attached a copy of our maps in the system. It appears that we have no gas facilities in the area of construction. I still will need to have a technician go and verify that we have no service lines in the construction area before we can give the ok. This will happen on This coming Monday February 10th and then I can get you that verification letter. Black hills will have similar easement requirements as core.

MARCUS HENDERSON

Construction Planner for Monument and Woodland Park

<i>phone</i>	719-502-5594
<i>email</i>	Marcus.henderson@blackhillsenergy.com
<i>website</i>	Black Hills Energy
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S Park St

S Park St

2" Coated and Wrapped

2" Coated and Wrapped

2" Coated and Wrapped

E Foster Ave

Woodland Ave

4" Coated and Wrapped

Woodland Ave

E Foster Ave

S Fairview St

S Park St

2" Coated and Wrapped

2S-R69W

WOODPOP 0