



City of Woodland Park
City Council
revised November 3, 2025

November 6, 2025 at 6:00 PM

AGENDA

- 1. CALL TO ORDER AND ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
 - A. Pledge of Allegiance by Woodland Park Cub Scout Pact 20
(Presenter Cub Master Jeremy Lyons)
- 3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS**
 - A. Proclamation declaring November 3 to November 7, 2025, as National Veterans Small Business Week. (A)
(Presenter Enrique Camcho of Model Citizen Coffee)
 - B. Proclamation declaring November 29, 2025, as Small Business Saturday. (A)
(Presenter Enrique Camcho of Model Citizen Coffee)
 - C. Sales Tax Update for the month of August 2025. (A)
(Presenter City Manager Vassalotti)
- 4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
- 5. CONSENT CALENDAR**
 - A. Approval of the October 16, 2025, City Council Meeting Minutes. (A)
(Presenter Deputy City Manager/City Clerk Leclercq)
 - B. Approval of Gold Hill Water Tank Construction Contract between the City of Woodland Park and Bonham Construction LLC in the amount of \$1,528,257. (A)
(Presenter Utilities Director Wiley)
 - C. Approval of the 1 - Year Holiday Lighting Contract between the City of Woodland Park and Timberline Landscaping for \$55,541.34. (A)
(Presenter Assistant City Manager Felts)
- 6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)**
- 7. UNFINISHED BUSINESS**

(Public Comment may be heard)
- 8. ORDINANCES ON INITIAL POSTING**

(Public comment may be heard)
- 9. PUBLIC HEARINGS**

(Public comment may be heard)

 - A. Approval of Ordinance No. 1510, Series 2025, an Ordinance of the City Council for the City of Woodland Park, Colorado Approving Vacating that Portion of South Fairview Street Right-of-Way Lying Between Chester Avenue and Foster

Avenue, East of Block 15 and West of Block 16, Foster's Addition to Manitou Park, City of Woodland Park, Teller County, Colorado, as requested by Andre Brewington (Applicant and adjacent Property Owner). (QJ) (Presenter Senior Planner CJ Gates & Planning Director Karen Schminke, AICP)

- B.** Approve Ordinance No. 1509, Series 2025, an Ordinance of the City of Woodland Park amending various sections of Chapter 10.08 Regarding the Removal and Disposal of Nuisance Vehicles. (L) (Presenter Police Chief Chris Deisler)

10. NEW BUSINESS

(Public comment may be heard)

- A.** Approve Resolution No. 936, Series 2025, a Resolution Amending the Council Rules of Procedure Regarding the Start Time of Regular Meetings. (A) (Presenter City Attorney Williams)

11. REPORTS

(Public comment not necessary)

- A.** Mayor's Report
- B.** Council Reports
- C.** City Attorney's Report
- D.** City Manager's Report
 - 1. November 4, 2025 Election Results for the City of Woodland Park. (A) (Presenter Deputy City Manager/City Clerk)

12. ADJOURNMENT

Key to agenda abbreviations:

(A) Administrative- matters involving day-to-day decisions such as approving contracts, hiring staff and the procurement of goods and services. Administrative actions generally do not require formal actions by the elected body.

(L)Legislative- typically in the policy arena; legislative matters affect large areas and large groups of people, such as enacting dog regulations or amending the City code. Legislative action generally involves motions, resolutions and ordinances.

(QJ)Quasi-Judicial- apply general rules to a specific interest, such as zoning change affecting a single piece of property, or a special use permit. Quasi-Judicial actions generally involve adjudication, sometimes in writing, but not a resolution or ordinance. Decision for Quasi-Judicial proceedings are made exclusively based upon the testimony presented on the record. Ex-parte communication (communication outside the official hearing) between elected officials and citizens is not permitted on Quasi-Judicial



NATIONAL VETERANS SMALL BUSINESS WEEK 2025

WHEREAS, the U.S. Small Business Administration has designated **November 3 - November 7, 2025** as *National Veterans Small Business Week*, honoring the entrepreneurial contributions of service members, veterans, members of the National Guard and Reserve, and military spouses; and

WHEREAS, veteran-owned businesses are an essential part of the City of Woodland Park's economy, contributing to the vitality, resilience, and unique character of our mountain community; and

WHEREAS, the **Pikes Peak Small Business Development Center (SBDC)** and the **Colorado Veterans Business Outreach Center (VBOC)**, hosted by Mt. Carmel Veterans Service Center, provide critical counseling, training, and access to resources that empower veteran entrepreneurs to start and grow successful businesses; and

WHEREAS, the **Greater Woodland Park Chamber of Commerce** and local partners work year-round to support small and veteran-owned businesses through advocacy, education, and community collaboration; and

WHEREAS, the **Veterans Small Business Conference**, to be held on **November 7, 2025**, serves as a highlight of this national celebration by connecting veteran entrepreneurs and their families with expert speakers, business training, and vital resources to strengthen and expand their enterprises; and

WHEREAS, it is fitting and proper that the City of Woodland Park recognize and celebrate the service, innovation, and entrepreneurial spirit of our veterans, who continue to enrich our economy and enhance our community's quality of life;

NOW, THEREFORE, the **City Council of Woodland Park, Colorado**, does hereby proclaim **November 3 through November 7, 2025** as

National Veterans Small Business Week

in the City of Woodland Park, Colorado and encourages all citizens, businesses, and community organizations to support and celebrate veteran entrepreneurs during this week and throughout the year.

Dated this ____ day of November, 2025

CITY COUNCIL OF WOODLAND PARK, COLORADO

Kellie Case, Mayor

City of Woodland Park, Colorado

PROCLAMATION

SMALL BUSINESS SATURDAY 2025

WHEREAS, Small Business Saturday was founded in 2010 and has since become a nationwide movement to celebrate and support small, independent businesses for their vital contributions to local communities and the national economy; and

WHEREAS, the U.S. Small Business Administration has officially recognized Small Business Saturday since 2011, encouraging consumers to shop local during the holiday season; and

WHEREAS, small businesses represent the overwhelming majority of enterprises in Colorado - approximately 99.5 percent of all businesses statewide - and play a vital role in sustaining jobs and fueling local prosperity; and

WHEREAS, in 2023, consumers spent and estimated **\$17 billion nationwide** at small businesses on Small Business Saturday, highlighting the importance of supporting local commerce; and

WHEREAS, shopping small keeps dollars circulating in Woodland Park's economy, supports local jobs, and preserves the character and vibrancy of our mountain community; and

WHEREAS, organizations such as the Pikes Peak Small Business Development Center (SBDC) and the Greater Woodland Park Chamber of Commerce provide year-round resources, advocacy, and the training to strengthen small businesses and entrepreneurs in our region; and

NOW, THEREFORE, the City Council of Woodland Park, Colorado, does HEREBY PROCLAIM
November 29, 2025, as

SMALL BUSINESS SATURDAY

in the City of Woodland Park, Colorado and encourages all residents to support local small businesses - both in person and online - on this day and throughout the year.

Dated this ____ day of November, 2025

CITY COUNCIL OF WOODLAND PARK, COLORADO

Kellie Case, Mayor

City of Woodland Park, Colorado

SALES TAX UPDATE

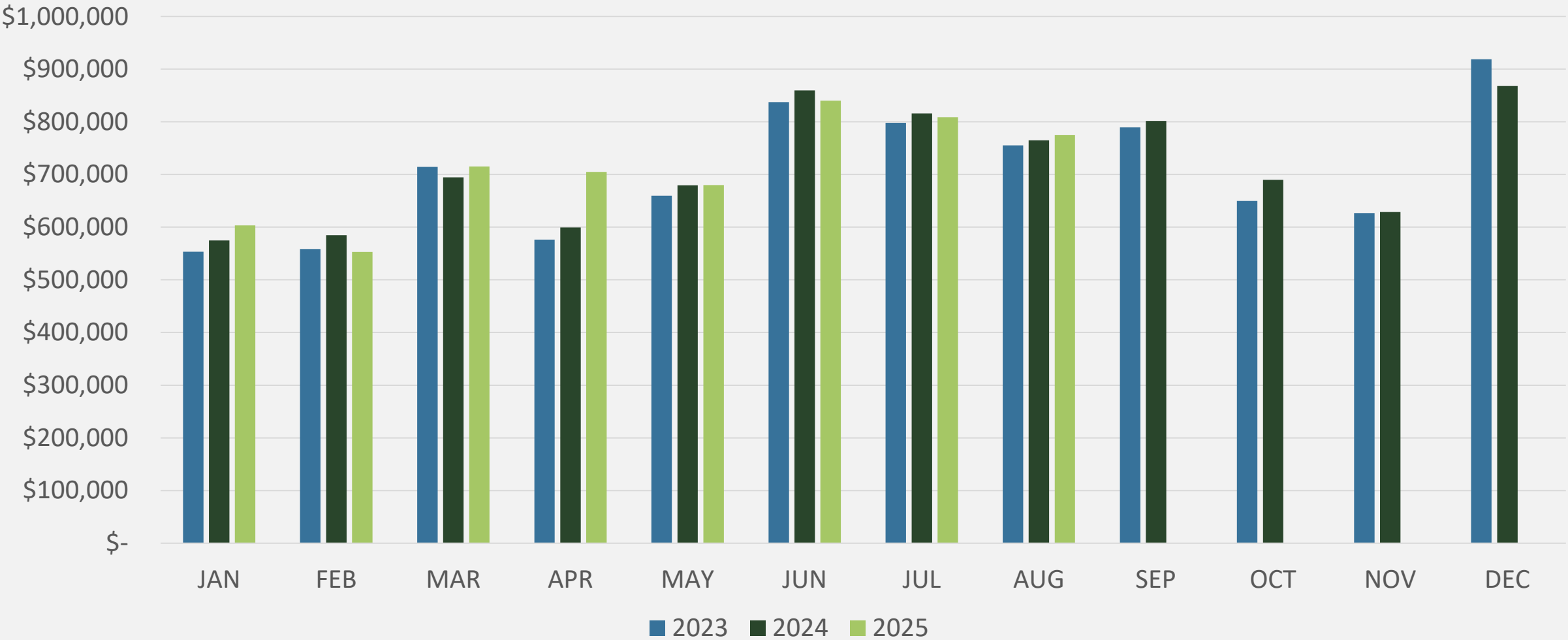


Woodland Park
Finance

AUGUST 2025

	2024	2025	\$ change	% change
Sales tax (3.0%)				
Year-to-date (Aug)	\$ 5,573,094	\$ 5,680,092	\$ 106,997	1.9%
Month vs. prior year (Aug)	764,870	774,719	9,848	1.3%
Lodging Tax				
Year-to-date (Aug)	\$ 271,509	\$ 172,893	\$ (98,616)	-36.3%
Month vs. prior year (Aug)	49,139	31,435	(17,704)	-36.0%

3 YEAR SALES TAX REVENUE



ANNUAL 3% SALES TAX – 10 YEARS

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
JAN	\$377,888	\$356,613	\$414,283	\$409,798	\$468,475	\$ 517,293	\$ 517,769	\$ 553,372	\$ 574,638	\$ 603,333
FEB	\$360,223	\$382,348	\$394,349	\$335,333	\$429,745	\$ 501,107	\$ 519,447	\$ 558,445	\$ 584,815	\$ 552,812
MAR	\$428,017	\$473,419	\$510,278	\$584,507	\$550,768	\$ 624,863	\$ 657,192	\$ 714,451	\$ 694,453	\$ 715,374
APR	\$386,018	\$420,061	\$417,470	\$435,343	\$477,439	\$ 560,228	\$ 590,301	\$ 576,509	\$ 599,286	\$ 704,837
MAY	\$440,998	\$450,957	\$499,858	\$522,008	\$576,357	\$ 619,873	\$ 628,188	\$ 659,802	\$ 679,456	\$ 679,925
JUN	\$544,496	\$581,725	\$607,795	\$642,569	\$692,663	\$ 801,844	\$ 821,751	\$ 837,351	\$ 859,613	\$ 840,262
JUL	\$510,770	\$545,874	\$553,063	\$594,348	\$637,881	\$ 735,042	\$ 759,799	\$ 798,123	\$ 815,963	\$ 808,831
AUG	\$494,905	\$510,191	\$554,799	\$644,473	\$594,142	\$ 462,311	\$ 730,453	\$ 755,409	\$ 764,870	\$ 774,719
SEP	\$538,141	\$573,766	\$614,404	\$610,360	\$730,476	\$ 752,688	\$ 894,146	\$ 789,353	\$ 801,822	
OCT	\$453,849	\$460,952	\$491,494	\$560,010	\$578,061	\$ 618,223	\$ 676,337	\$ 649,686	\$ 689,822	
NOV	\$434,807	\$482,500	\$470,367	\$461,604	\$523,004	\$ 642,557	\$ 610,575	\$ 626,645	\$ 628,882	
DEC	\$657,016	\$622,098	\$710,516	\$640,506	\$877,951	\$ 866,707	\$ 884,291	\$ 918,687	\$ 867,919	
TOTALS	\$5,627,128	\$5,860,504	\$6,238,675	\$6,440,861	\$7,136,962	\$ 7,702,736	\$ 8,290,247	\$ 8,437,833	\$ 8,561,540	\$ 5,680,092



Woodland Park

Finance



City of Woodland Park

October 16, 2025 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following a 5 PM Council Worksession regarding the 2026 Budget, Mayor Case called the meeting to order at 6:30 PM.

The following members of Council were in attendance: Mayor Case, Mayor Pro-tem Nakai, Councilmember Bryant, Councilmember Geer, Councilmember Jones and Councilmember Smith.

The following staff members were in attendance: City Manager Vassalotti, City Attorney Wilson, Deputy City Manager/City Clerk Leclercq, Planning Director Schminke, Utilities Director Wiley, Assistant City Manager Felts and Deputy City Clerk Sauer.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Celebration of the KWPB committee awarded a certificate of recognition into the President's Circle from Keep America Beautiful.
(Presenters: KWPB Members Leah Watters and Kassidi Gilgenast, and Staff Liaison to the KWPB Committee Kristen Higginbotham)

KWPB Committee members Leah Watters and Kassidi Gilgenast shared information on the Keep Woodland Park Beautiful Committee receiving the President's Circle award from Keep America Beautiful. They also shared information and updates as to what the committee has been doing for the past year.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

City Attorney Wilson shared that he will be writing a Resolution to amend the Council's Rules and Procedures changing the start time of Council Meetings from 6:30 PM to 6:00 PM. Wilson shared that the November 6, 2025, Council Meeting will begin at the new time of 6 PM.

5. CONSENT CALENDAR

- A. Approval of the October 2, 2025 City Council Meeting Minutes. (A)
(Presenter Deputy City Manager/City Clerk Leclercq)

Both items on the Consent Calendar were considered by the following motion.

Motion: to approve the October 2, 2025, City Council Meeting Minutes and approval of the Statement of Expenditures for September 2025. Geer/Smith. Motion carried 6-0.

- B. Approval of September 2025 Statement of Expenditures (A)
(Presenter City Manager Vassalotti)

See above motion.

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)

Tom Gearhart spoke regarding the Community Garden and said that he has tried to reach the City Manager on numerous occasions and that he is unresponsive.

Diane Reed thanked the City Council and Team Rubicon for their work on the Avenger Space Open Space and thanked them for protecting the sacred trees located on this property.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

None.

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

- A.** Approval of Ordinance No. 1510, Series 2025, on initial posting, an Ordinance of the City Council for the City of Woodland Park, Colorado Approving Vacating that Portion of South Fairview Street Right-of-Way Lying Between Chester Avenue and Foster Avenue, East of Block 15 and West of Block 16, Foster's Addition to Manitou Park, City of Woodland Park, Teller County, Colorado, as requested by Andre Brewington (Applicant and adjacent Property Owner), and set the Public Hearing for November 6, 2025. (QJ) (Presenter Planning Director Karen Schminke, AICP)

Planning Director Schminke introduced this ordinance on initial posting.

Motion: to approve Ordinance No. 1510, Series 2025 on initial posting, an Ordinance of the City Council for the City of Woodland Park, Colorado Approving Vacating that Portion of South Fairview Street Right-of-Way Lying Between Chester Avenue and Foster Avenue, East of Block 15 and West of Block 16, Foster's Addition to Manitou Park, City of Woodland Park, Teller County, Colorado, as requested by Andre Brewington (Applicant and adjacent Property Owner), and set the Public Hearing for November 6, 2025. Bryant/Jones. Motion carried 6-0.

- B.** Approve Ordinance No. 1509, Series 2025, on initial posting, an Ordinance of the City of Woodland Park amending various sections of Chapter 10.08 Regarding the Removal and Disposal of Nuisance Vehicles, and set the Public Hearing for November 6, 2025, (L)
(Presenter Planning Director Schminke, AICP)

Planning Director Schminke introduced this ordinance on initial posting.

Motion: To approve Ordinance No. 1509, Series 2025, on initial posting, an Ordinance of the City of Woodland Park amending various sections of Chapter 10.08 Regarding the Removal and Disposal of Nuisance Vehicles, and set the Public Hearing for November 6, 2025, Jones/Bryant. Motion carried 6-0.

9. PUBLIC HEARINGS

(Public comment may be heard)

- A.** Approval of Ordinance No. 1505, Series 2025, an Ordinance of the City Council for the City of Woodland Park, Colorado Approving the purchase of L6 B2 Bergstroms ADD & 1/2 Vacated Alley Adj. Property and 24-12-69 POR SW4NE4 & 1/2 Vacated Alley Adjoining Property. (QJ) (Presenter City Manager Vassalotti)

Prior to beginning the Public Hearings for 9A and 9B, Mayor Case shared that she is no longer involved with Keller Williams, has moved to a different agency and stated that she has

no interest in this property and will be receiving no compensation for this transaction.

City Manager Vassalotti reviewed Ordinance No. 1505, Series 2025 with the Council and the Public. There being no Council discussion, Mayor Case opened the Public Comment portion of the Public Hearing. There being no Public Comment, Mayor Case closed the Public Hearing and the following motion was made.

Motion: to approve Ordinance No. 1505, Series 2025, an Ordinance of the City Council for the City of Woodland Park, Colorado Approving the purchase of L6 B2 Bergstroms ADD & 1/2 Vacated Alley Adj. Property and 24-12-69 POR SW4NE4 & 1/2 Vacated Alley Adjoining Property. Nakai/Bryant. Motion carried 6-0.

- B.** Approval of Ordinance No. 1506, Series 2025, an Ordinance of the City Council for the City of Woodland Park, Colorado Approving the Purchase of Parcels 1,2,3,4,5,7,8,9,10,11,13 and 14 and Aidan LLC, a California Limited Liability Company, as to an Undivided 31% interest in and to Parcel 6 and Presidio Patio Homes at Shining Mountain Golf Course, LLC, a Colorado Limited liability Company, as to Parcel 12 and Gregory M. Brown, as his interests may appear, in and to Parcels 1, 2, 3, 4, 5, 7. 8. 9, 10, 11, 13 and 14, as to an Undivided 69% Interest in and Parcels 6. (QJ) (Presenter City Manager Vassalotti)

City Manager Vassalotti reviewed Ordinance No.1506, Series 2025 with the Council and the Public. There being no Council discussion, Mayor Case opened the Public Comment portion of the Public Hearing.

Thom Gearhart shared that the aquatic center is currently operating at a loss, and he was concerned that the same could happen with the golf course.

Jerry Penland shared that this is a tremendous opportunity for the City of Woodland Park.

There being no further public comment, Mayor Case closed the public comment portion of the public hearing and the following motion was made.

Motion: to approve of Ordinance No. 1506, Series 2025, an Ordinance of the City Council for the City of Woodland Park, Colorado Approving the Purchase of Parcels 1,2,3,4,5,7,8,9,10,11,13 and 14 and Aidan LLC, a California Limited Liability Company, as to an Undivided 31% interest in and to Parcel 6 and Presidio Patio Homes at Shining Mountain Golf Course, LLC, a Colorado Limited liability Company, as to Parcel 12 and Gregory M. Brown, as his interests may appear, in and to Parcels 1, 2, 3, 4, 5, 7. 8. 9, 10, 11, 13 and 14, as to an Undivided 69% Interest in and Parcels 6. Smith/Geer. Motion carried 6-0.

- C.** Approval of Ordinance No. 1507, Series 2025, an Ordinance Adjusting Expenditure Appropriations to the General Fund, in the Amounts and City of Woodland Park City Council - October 2, 2025 for the Purpose as set forth below, or the City of Woodland Park, Colorado for the 2025 Budget Year, and Amending Ordinance No. 1485, Series 2024. (A) (Presenter City Manager Vassalotti)

City Manager Vassalotti shared information with the Council and the audience on Ordinance No. 1507, Series 2025 and Ordinance No. 1508, Series 2025.

There being no Council discussion and no public comment, the following motion was made.

Motion: to approve Ordinance No. 1507, Series 2025, an Ordinance Adjusting Expenditure Appropriations to the General Fund, in the Amounts and City of Woodland Park City Council - October 2, 2025, for the Purpose as set forth below, or the City of Woodland Park, Colorado for the 2025 Budget Year, and Amending Ordinance No. 1485, Series 2024. Geer/Smith. Motion carried 6-0.

- D.** Approval of Ordinance No. 1508, Series 2025, an Ordinance Adjusting Expenditure Appropriations to the Various Funds, in the Amounts and for the Purpose as Set Forth Below, for the City of Woodland Park, Colorado for the 2025 Budget Year, and Amending Ordinance No. 1486, Series 2024. (A) (Presenter City Manager Vassalotti)

City Manager Vassalotti shared information with the Council and the audience on Ordinance No. 1508, Series 2025 and Ordinance No. 1508, Series 2025.

There being no Council discussion and no public comment, the following motion was made. to approve Ordinance No. 1508, Series 2025, an Ordinance Adjusting Expenditure Appropriations to the Various Funds, in the Amounts and for the Purpose as Set Forth Below, for the City of Woodland Park, Colorado for the 2025 Budget Year, and Amending Ordinance No. 1486, Series 2024. Geer/Bryant. Motion carried 6-0.

10. NEW BUSINESS

(Public comment may be heard)

None.

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor Case shared that she was extending the Youth Advisory Board application until October 28.

Mayor Case shared the upcoming events for the next two weeks.

B. Council Reports

Mayor Pro-tem Nakai shared an update of the Charter Review Committee.

Councilmember Bryant shared his thanks to the Charter Review Committee and shared that he has enjoyed participating in the thoughtful process they are going through. Bryant also commend the KWPB Committee for an amazing year and encouraged the public to get involved by joining a Board or Commission.

Councilmember Geer shared an update of HPC and encouraged everyone to vote.

Councilmember Jones shared that there would be a Main Street Open House and the DOLA representatives would be there.

Councilmember Smith shared an update of the PRAB Committee.

C. City Attorney's Report

D. City Manager's Report

Utilities Director Wiley shared an update of the Highway 67 projects.

12. ADJOURNMENT

There being no further City business Mayor cAse adjourned the Council meeting at 7:41 PM.

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS ____ DAY OF _____, 2025

Kellie Case, Mayor



STAFF REPORT

TO: Mayor Case and City Council

FROM: Kip Wiley, Utilities & Public Works Director

DATE: November 6, 2025

SUBJECT: Approval of Gold Hill Water Tank Construction Contract between the City of Woodland Park and Bonham Construction LLC in the amount of \$1,528,257. (A)
(Presenter Utilities Director Wiley)

BACKGROUND:

Gold Hill Tank Project – The Gold Hill water tank services our customers on the west side of town. It holds approximately 650K gallons and was built in 1988. Throughout the years the tank has had significant ice buildup in the winter months. Due to the ice buildup, the walls of the tank have deteriorated to a point where they are in need of repair. The tank was repainted about five years ago to a darker color and that has helped with ice buildup. The City has looked into repairing the tank walls however the tank will need to be taken out of service to make those repairs creating a need for temporary storage or constructing a new tank. We have chosen to construct a new tank adjacent to the old tank. This will provide additional fire protection as well as redundancy in the Gold Hill pressure zones. The City has already determined the type of tank (bolted steel) to be consistent with our newer tank and that technology has proven to work with our climate conditions.

The City has completed the Design with JVA. The City has secured the tank with a down payment of 10% with City Councils approval on June 5, 2025.

The City then advertised on Bidnet for the tank construction and received three responsive bids ranging in the amount of \$1.52M - \$1.74M.

The Gold Hill water tank project was planned and budgeted in the 2024 and 2025 budget at \$3.0M. Due to final approvals with the State and the manufacturing of the tank the construction will be completed in 2026. The 2026 Budget will reflect the tank construction. Water Enterprise Fund has a health fund balance and will pay cash for the project. Financing will not be needed for this project.

RECOMMENDATION: Approve Contract with Bonham Construction LLC in the amount of \$1,528,257.00 for the Gold Hill Water tank construction.

ATTACHMENTS: 1. gold hill final



CONSTRUCTION AGREEMENT

This **CONSTRUCTION AGREEMENT** (this "Agreement") is entered into this 4th day of September, 2025 by and between the City of Woodland Park, Colorado (hereinafter referred to as the "Owner") and Bonham Construction LLC (hereinafter referred to as the "Contractor").

Owner and Contractor, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1 WORK

- 1.01 Contractor shall complete all work as specified or indicated in the Contract Documents (defined below). The work is generally described as follows: Work will include all necessary labor, supervision, equipment, tools, and materials for improvements to the existing Gold Hill Tank site, including but not limited to, coordinating the construction of an owner preselected 500,000-gallon AWWA D103 storage tank by a tank manufacturer, along with associated site work including demolition, grading, erosion control, site piping, electrical, and instrumentation as indicated on the project drawings. Piping connections from the tank will extend 10-feet past the foundation by the tank manufacturer for connection by others. Review the pre-selected proposal from the tank manufacturer for coordination items and scope limitations, and refer to the summary of work (Section 01010) for more information. The contract for the preselected tank manufacturer and builder will be turned over to the awarded contractor on this bid.

ARTICLE 2 THE PROJECT

- 2.01 The project for which the work under the Contract Documents may be the whole or only a part is generally described as follows: Gold Hill Second Tank (the "Project").

ARTICLE 3 ENGINEER

- 3.01 Utilities Director shall serve as construction management engineer who is hereinafter called Engineer and who is to act as Owner's representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the work in accordance with the Contract Documents.

ARTICLE 4 WORKER WITHOUT AUTHORIZATION EMPLOYMENT

- 4.01 Contractor shall not knowingly employ or contract with a worker without authorization to perform work under this Agreement. Contractor shall not contract with a subcontractor that fails to certify that the subcontractor does not knowingly employ or contract with workers without authorization to work within the State of Colorado. By entering into this Agreement, Contractor certifies that as of the date of this Agreement it does not knowingly employ or contract with anyone not authorized to perform work within the State of Colorado who will perform work under the public contract for services.



ARTICLE 5 CONTRACT TIMES

5.01 Time is of the Essence

- A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

5.02 Days to Achieve Substantial Completion and Final Payment

- A. Contractor shall achieve Substantial Completion within September 1, 2026 of the issuance by the Owner of a Notice to Proceed and shall finally complete the Work so that it is ready for final payment within October 1, 2025 of the issuance by the Owner of a Notice to Proceed.

5.03 Liquidated Damages

- A. Contractor understands and agrees that time is an essential condition of this Agreement. Contractor further understands and agrees that delay in completion of the project will cause Owner to suffer substantial losses and damages which cannot be measured, including without limitation the loss of revenues for services, loss of other revenue incidental to the operation of the facility, additional engineering, legal, accounting and administrative costs, reduced public confidence and adverse public relations which would reduce future revenues, and additional interest and financing costs and charges if the Work is not completed within the times specified above, plus any extensions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or mediation proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring proof of such losses and damages, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay two hundred fifty dollars (\$250.00) for each day that expires after the time specified above for Substantial Completion until the Work is substantially complete.
- B. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the contract time or any proper extension thereof granted by Owner, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay two hundred fifty dollars (\$250.00) for each day that expires after the time specified above for final completion and readiness for final payment until the Work is finally complete and ready for final payment.
- C. Owner shall have the right to deduct the liquidated damages from any money in its hands, otherwise due, or to become due, to Contractor, or to sue for and recover compensation for damages for nonperformance of this Contract.
- D. Any liquidated damages payable by Contractor may, at Owner's election be deducted from any amounts owed to Contractor. In the event no funds are due Contractor at a time when Contractor becomes liable to Owner for liquidated damages, then Contractor agrees to pay all accrued liquidated damages to Owner on the first (1st) day and on the fifteenth (15th) day of each month when Contractor is liable to Owner for liquidated damages. Permitting Contractor to continue and finish the Work or any part thereof after the deadline for completion of the Work shall not act as a waiver of these liquidated damages provisions.
- E. The aggregate liability of Contractor to pay liquidated damages pursuant to this Article shall



not exceed an amount equal to fifty percent (50%) of the Contract Price. This Article shall not be construed to limit Contractor's other obligations or liabilities arising under or in connection with this Contract.

- F. In the event that this section conflicts with any other provisions regarding liquidated damages within the Contract Documents, this section shall control.

ARTICLE 6 CONTRACT PRICE

- 6.01 Owner shall pay Contractor one million five hundred and twenty eight thousand two hundred fifty seven _____ dollars (\$ 1,528,257.00 _____) for completion of the Work as full compensation for everything furnished and done by Contractor under this Agreement, including all loss or damage arising out of the work or from the action of the elements; for any unforeseen obstruction or difficulty encountered in the prosecution of the work, including increased prices for or shortages of materials for any reason, including natural disasters; for all risks of every description associated with the work; for all expenses incurred due to the suspension or discontinuation of the work; and for well and faithfully completing the work as provided in this Agreement.

ARTICLE 7 PAYMENT PROCEDURES

7.01 Submittal and Processing of Payments

- A. Contractor shall submit Applications for Payment to the Owner on a monthly basis, which shall be processed by the Engineer.

7.02 Progress Payments; Retainage

- A. Owner shall make progress payments towards the Contract Price, less five percent (5%) for retainage, on the basis of Contractor's Applications for Payment, as verified and recommended by Engineer, on or about the twenty-fifth (25th) day of each month during performance of the Work. In the Engineer's discretion, the Owner may withhold some or all of a progress payment where the Contractor's Application for Payment does not reflect the actual amount of the Work completed.

7.03 Final Payment

- A. Upon final completion and acceptance of the Work as recommended by the Engineer, Owner shall pay the remainder of the Contract Price, including any retainage previously withheld.

ARTICLE 8 PROJECT WARRANTIES

- 8.01 Contractor's warranties in respect of the Work (the "Project Warranties") are as follows: Contractor warrants to Owner that the Work shall be fit for its intended purposes, that materials and equipment furnished under this Agreement shall be of good quality and new, that all Work shall be free from defects and that all Work shall meet all of the requirements of this Agreement. Contractor shall furnish satisfactory evidence that it has met the Project Warranties. The Project Warranties shall commence on the date Contractor achieves final completion of the Work satisfactorily to Owner. If at any time within two (2) years after the date on which the Project Warranties commenced, any portion of the Work is found to be not in accordance with the



Project Warranties, Contractor shall correct it promptly after receipt of notice from Owner to do so unless Owner has previously given Contractor a written acceptance of such condition.

ARTICLE 9 INSURANCE

- 9.01 Insurance Requirements. Contractor shall not commence work under this Agreement until Contractor has obtained all insurance required under this Article and the insurance has been approved by the City Administrator or his designee. The City of Woodland Park shall be named as an additional insured. Certificates of insurance shall be issued prior to execution of the Notice to Proceed. Additionally, Contractor shall not allow any approved subcontractor to commence work on his or her subcontract until all similar insurance required of subcontractor has been so obtained and approved. The following insurance shall be required:
- A. Commercial General Liability Insurance: At a minimum, combined single limits of \$1,000,000 per occurrence and \$1,000,000 for general aggregate for bodily injury and property damage, which coverage shall include products/completed operations, independent contractors, and contractual liability each at \$1,000,000 per occurrence.
 - B. Workers' Compensation and Employer's Liability: Workers' compensation insurance for all of Contractor's employees engaged in work at the site of the project including occupational disease coverage in accordance with scope and limits as required by the State of Colorado.
 - C. Comprehensive Automobile Liability Insurance: Liability insurance with minimum combined single limits for bodily injury of not less than One Hundred Thousand Dollars (\$100,000.00) each person and each accident and for property damage of not less than Fifty Thousand Dollars (\$50,000.00) each accident with respect to each of the Contractor's owned, hired and non-owned vehicles assigned or used in performance of the Services. The policy shall contain a severability of interests provision. Such insurance coverage must extend to all levels of subcontractors. Such coverage must include all automotive equipment used in the performance of the Agreement, both on the work site and off the work site, and such coverage shall include non-ownership and hired cars coverage. Such insurance shall be endorsed to name the Owner as Certificate Holder and name the Owner, and its elected officials, officers, employees, and agents as additional insured parties.

ARTICLE 10 CONTRACTOR'S REPRESENTATIONS

- 10.01 In order to induce Owner to enter into this Agreement, Contractor makes the following representations:
- A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.
 - B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
 - C. Contractor is familiar with and is satisfied as to all federal, state, and local laws and regulations that may affect cost, progress, and performance of the Work.



- D. Contractor has obtained and carefully studied (or assumes responsibility for having done so) any examinations, investigations, explorations, tests, studies, and data concerning conditions at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor, including applying the specific means, methods, techniques, sequences, and procedures of construction, if any, expressly required by the Contract Documents to be employed by Contractor, and safety precautions and programs incident thereto.
- E. Contractor does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- F. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- G. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
- J. Contractor warrants and guarantees to Owner and Engineer that all Work will be in accordance with the Contract Documents and will not be defective within two (2) years of Substantial Completion.
- K. Contractor is organized, validly existing and in good standing under the laws of the State of Colorado and has all requisite power to own its properties and assets and carry on its business as now conducted or proposed to be conducted.

ARTICLE 11 CONTRACT DOCUMENTS

11.01 Contents

- A. The Contract Documents consist of the following:
 - 1. This Agreement;
 - 2. Bidding Documents;
 - 3. General Conditions;
 - 4. Supplementary Conditions;
 - 5. Technical Specifications;
 - 6. Measurement and Payment Provisions;
 - 7. Construction Plans;
 - 8. Labor & Materials Payment Bond;
 - 9. Performance Bond;
 - 10. _____;
 - 11. _____; and



12. Any written amendments or work change orders which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto.
- B. There are no Contract Documents other than those listed above in this Article.
- C. The Contract Documents may only be amended, modified, or supplemented by written agreement signed by both parties.

ARTICLE 12 PERFORMANCE BOND

- A. To secure performance of Contractor's obligations under this Agreement, the Contractor shall provide the Owner with a Performance Bond in the amount of the full contract price. Prior to execution of this Agreement, the Contractor shall provide the form of the Performance Bond to the City for its review and approval. The City shall be authorized to draw upon the Performance Bond to correct any default by Builder under this Agreement, which default shall be determined and substantiated by an Affidavit of Default signed by the Engineer. The Performance Bond shall be held by the City through the two (2) year Project Warranties period specified in this Agreement.

ARTICLE 13 MISCELLANEOUS

13.01 Indemnification

- A. The Contractor agrees to indemnify, save, and hold harmless the Owner, its officers, employees, and agents from any and all liability, loss, costs, charges, obligations, expenses, attorney's fees, litigation, judgments, damages, claims, and demands of any kind arising from or out of any negligent act, error, omission or other tortious conduct of the Contractor, its officers, subcontractors, employees, or agents in the performance or non-performance of its obligations under this Agreement.

13.02 Assignment of Contract

- A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

13.03 Successors and Assigns

- A. Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

13.04 Severability

- A. Any provision or part of the Contract Documents held to be void or unenforceable by any



court of competent jurisdiction shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

13.05 Independent Contractor

The Contractor shall perform the Services as an independent contractor and shall not be deemed by virtue of this Agreement to have entered into any partnership, joint venture, employer/employee relationship with the Owner other than as a contracting party and independent contractor/ The Owner shall not be obligated to secure, and shall not provide, any insurance coverage or employment benefits of any kind or type to or for the Contractor or the Contractor's employees, sub-consultants, contractors, agents, or representatives, including coverage benefits related but not limited to: local, state, or federal income or other tax contributions; insurance contributions (e.g., FICA); workers' compensation; disability, injury, or health; professional liability insurance, errors, and omissions insurance; or retirement account contributions.

13.06 No Waiver of Governmental Immunity

Nothing herein is intended as nor shall it be construed as a waiver of the protections and immunities afforded the Owner pursuant to the Colorado Governmental Immunity Act, Sections 24-10-101, et seq., Colorado Revised Statutes, or pursuant to any other applicable laws.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, Owner and Contractor have signed and executed this Agreement in duplicate on the date first written above. One counterpart each has been delivered to Owner and Contractor. All portions of the Contract Documents have been signed or identified by Owner and Contractor or on their behalf.

CITY OF WOODLAND PARK

Name: _____
Title: _____

ATTEST:

CONTRACTOR


Name: Justin Bonham
Title: President

ATTEST:

 _____





STAFF REPORT

TO: Mayor Case and City Council

FROM: Rob Felts, IT & Operations Manager

DATE: November 6, 2025

SUBJECT: Approval of the 1 - Year Holiday Lighting Contract between the City of woodland Park and Timberline Landscaping for \$55,541.34. (A)
(Presenter Assistant City Manager Felts)

BACKGROUND:

Request approval of the 1-Year Holiday Lighting Contract between the City of Woodland Park and Timberline Landscaping for \$55,541.34. This contract includes lighting and maintaining the trees throughout the holiday season in the medians located in the downtown area of US HWY 24, Lion's Park, Bergstrom Park, Memorial Park, and UPCC.

RECOMMENDATION:

ATTACHMENTS: 1. Main Decor



Commercial Christmas Decoration for Woodland Park

Summary items

Name	Description	# of Lights	Color	Qty	Subtotal
Trees/Shrubs					
Bergstrom Park Center		1300bl	Green Warm White Red	1	\$4,134.00
Bergstrom Park East		500bl	Warm White Red	1	\$1,590.00
Bergstrom Park West		600bl	Warm White Green	1	\$1,908.00
Culture Center Cluster		800bl	Warm White Warm White Warm White	1	\$2,544.00
Culture Center Tree		1000bl	Warm White Green	1	\$3,180.00
Island 01 Canopy c7		50bl	Warm White Warm White Warm White	1	\$159.00
Island 01 Trunk Wraps Minis		250bl	Warm White Warm White Warm White	1	\$152.50
Island 02 Canopy c7		100bl	Warm White Warm White Warm White	1	\$318.00
Island 02 Trunk Mini		400bl	Warm White Warm White Warm White	1	\$244.00
Island 03 Canopy c7		250bl	Warm White Warm White Warm White	1	\$795.00
Island 03 Trunk mini		250bl	Warm White Warm White Warm White	1	\$152.50
Island 04 Canopy c7		400bl	Warm White Warm White Warm White	1	\$1,272.00
Island 04 Trunk mini		700bl	Warm White Warm White Warm White	1	\$427.00
Island 05 Canopy c7		75bl	Warm White Warm White	1	\$238.50

			Warm White		
Island 05 Tree of Lights 12'	12' TREE OF LIGHTS	1200bl	Warm White Warm White Warm White	2	\$2,496.00
Island 05 Trunk mini		150bl	Warm White Warm White Warm White	1	\$91.50
Island 06 Canopy c7		375bl	Warm White Warm White Warm White	1	\$1,192.50
Island 06 Trunk mini		300bl	Warm White Warm White Warm White	1	\$183.00
Island 07 Canopy c7		450bl	Warm White Warm White Warm White	1	\$1,431.00
Island 07 Trunk mini		200bl	Warm White Warm White Warm White	1	\$122.00
Island 08 Canopy c7		150bl	Warm White Warm White Warm White	1	\$477.00
Island 08 Trunk mini		200bl	Warm White Warm White Warm White	1	\$122.00
Island 09 Canopy c7		1725bl	Warm White Warm White Warm White	1	\$5,485.50
Island 09 Trunk mini		2050bl	Warm White Warm White Warm White	1	\$1,250.50
Island 10 Canopy c7		300bl	Warm White Warm White Warm White	1	\$954.00
Island 10 Trunk mini		350bl	Warm White Warm White Warm White	1	\$213.50
Island 11 Canopy c7		150bl	Warm White Warm White Warm White	1	\$477.00
Island 11 Trunk mini		500bl	Warm White Warm White Warm White	1	\$305.00
Lions Park Tree 01		500bl	Red	1	\$1,590.00
Lions Park Tree 02		800bl	Blue	1	\$2,544.00
Lions Park Tree 03		600bl	White Green	1	\$1,908.00
Lions Park Tree 04		700bl	Purple	1	\$2,226.00

Woodland Park
200 N Park St
Woodland Park, CO 80863
(719) 680-5053



Christmas Decor by Timberline
8110 Opportunity View
Colorado Springs, CO 80939
(719) 638-1000
jbryarly@timberlinelandscaping.com

www.timberlinelandscaping.com

Lions Park Tree 05	TEAL	500bl	Green	1	\$1,590.00
Lions Park Tree 06		1300bl	Green White Red Blue	1	\$4,134.00
Lions Park Tree 07	PINK	450bl	Red	1	\$1,431.00
Lions Park Tree 08		600bl	Blue	1	\$1,908.00
Lions Park Tree 09		650bl	Green	1	\$2,067.00
Lions Park Tree 10		700bl	Red White	1	\$2,226.00
Lions Park Tree 12		400bl	White	1	\$1,272.00
Memorial park Main tree canopy		500bl	Red Orange Blue Green	1	\$0.00
Memorial park Main tree trunk		400bl	Warm White Warm White Warm White	1	\$0.00
Electrical					
Timer 1			Warm White Warm White Warm White	13	\$730.34
				Subtotal	\$55,541.34



Review and choose your plan

1 Year (2025) 2 Year (2026) 3 Year (2027)

Subtotal:	\$55,541.34	\$57,207.58	\$58,923.81
Surcharge:	\$0.00	\$0.00	\$0.00
Early install:	\$0.00	\$0.00	\$0.00
If installed before:	09/30/2025	09/30/2026	09/30/2027
Loyalty:	\$0.00	\$0.00	\$0.00
Discount:	\$0.00	\$0.00	\$0.00
Subtotal:	\$55,541.34	\$57,207.58	\$58,923.81
Sales tax:	\$0.00	\$0.00	\$0.00
Grand total:	\$55,541.34	\$57,207.58	\$58,923.81
Deposit:	\$55,541.34	\$57,207.58	\$58,923.81
Balance:	\$0.00	\$0.00	\$0.00
If paid in full:	\$55,541.34	\$57,207.58	\$58,923.81
	☐	☐	☐

Please select your plan by marking the checkbox and putting your initials on the side.

Terms & conditions

Christmas Décor Policies, Terms and Conditions

Christmas Decor's service is comprised of the design, installation, and takedown of holiday decorations. All lighting and decorations remain the property of the service provider. This is a service agreement only and no goods are being sold.

Lighting and Decorations:

Christmas Décor warrants the quality of our decorations and workmanship as provided below. Should you have any problems with the decorations, we want to correct them as soon as possible. We recommend that you turn the lights on for several hours over the first three to four evenings to test the lighting program (for early installs whose lights have not been plugged into the controller(s) yet. This will allow us to make corrections as soon as possible in order to maximize your enjoyment of the decorations.

Installation and Removal: Holiday decorations shall be installed and removed at your request if possible. Customers designating times are given priority based upon first-in-time notice. All services are subject to weather conditions and demand. The service provider retains sole discretion as to the timing of services and no breach occurs based on dates of services.

Maintenance:

Christmas Décor will gladly service any non-working decorations within reason. Individual bulbs will vary in length of operation, and some will expire before others.

Billing Issues and Quality of Service:

In the event that you have a question concerning our billing please contact our office within 30 days. Otherwise, we will assume that all billings are correct. Christmas Decor will provide quality workmanship and commercial-grade materials. However, we request that all questions regarding workmanship or materials

Woodland Park
200 N Park St
Woodland Park, CO 80863
(719) 680-5053



Christmas Decor by Timberline
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jbryarly@timberlinelandscaping.com

www.timberlinelandscaping.com

must be addressed within 72 hours of the service, or before the next service is to be performed, whichever comes first.

Terms and Conditions:

A deposit may be required at the time your order is placed. Full payment for every item and service is due according to the invoice terms on the date of service. In the event payment is not made within terms on invoice, a time-price differential (FINANCE CHARGE) of 18% (eighteen percent) per annum, but in no event in excess of the maximum amount allowed at law, shall be assessed and due on the unpaid balance from the due date until payment is received in full by the Christmas Décor service provider. Payments received will be applied first to any outstanding FINANCE CHARGE and the remainder to the unpaid balance on the account. In the event the purchaser fails to make payments as required, your account shall be considered to be in default and the purchaser shall be responsible for costs of collection and reasonable attorney's fees, as allowed by law. Incentive Discounts: You may be eligible for one of our incentive programs (Early Install or Multi-year). Multi-year incentives apply when you initially contract for two or more years. Multi-year service contracts offer the best, locked rates. If you elect this option, this contract will apply to the following decorating season(s): __ (Insert term here) __. A customer is only eligible for one of these two incentive programs. The percentage discount for an incentive will be determined at the time a contract is executed and stated on the front page and applies only to pre-tax services.

Early Installation: Full payment must be received prior to the early installation incentive date expressed on the front of this proposal.

Multi-year: Full payment must be received prior to scheduled installation date. If this Agreement is terminated by Owner before the contract term expires, the parties agree Timberline's damages will be substantial and difficult to ascertain. Therefore, if this Agreement is terminated by Owner prior to the expiration date for any reason other than because of any uncured default by Timberline, or terminated by Timberline for cause at any time, Owner will pay Timberline, as liquidated damages and not as a penalty, 50% of the remaining contract value through the end of the contract term. Owner shall also be responsible for any unpaid charges on Owner's account prior to termination.

BOTH PARTIES TO THIS CONTRACT AGREE THAT IN THE EVENT OF THE FAILURE OR MALFUNCTION OF THE LIGHTING AND/OR DECORATIONS PROVIDED, THE SOLE AND EXCLUSIVE REMEDY AVAILABLE TO THE CUSTOMER SHALL BE THE REFUND OF THE COST OF THE SERVICES PROVIDED UNDER THIS AGREEMENT OR THE REPAIR OR REPLACEMENT OF THE LIGHTING AND/OR DECORATIONS, TO BE DETERMINED SOLELY AT THE DISCRETION OF THE SERVICE PROVIDER. BOTH PARTIES AGREE THAT THE CHRISTMAS DECOR SERVICE PROVIDER WILL NOT BE LIABLE FOR ANY CONSEQUENTIAL DAMAGES OF ANY NATURE CAUSED TO THE PROPERTY OF THE CUSTOMER BY ANY FAILURE OR MALFUNCTION OF THE LIGHTING AND DECORATIONS PROVIDED UNDER THIS AGREEMENT. SOME STATES MAY NOT ALLOW FOR THE EXCLUSION OR LIMITATION OF INCIDENTAL AND CONSEQUENTIAL DAMAGES, SO THE ABOVE LIMITATION AND EXCLUSION MAY NOT APPLY TO YOU. BOTH PARTIES AGREE THAT ANY CLAIM BY THE CUSTOMER THAT THE WORKMANSHIP OR MATERIALS USED ARE DEFECTIVE OR NONCONFORMING MUST BE BROUGHT TO THE ATTENTION OF THE CHRISTMAS DECOR SERVICE PROVIDER IN WRITING WITHIN 72 HOURS OF THE SERVICE AND FAILURE TO DO SO RESULTS IN A COMPLETE AND FINAL WAIVER OF ALL CLAIMS Arbitration: ANY AND ALL DISPUTES THAT MAY ARISE BETWEEN THE PARTIES SHALL BE SETTLED BY ARBITRATION IN ACCORDANCE WITH STATE LAW WHERE THE SERVICE PROVIDER IS LOCATED. THE ARBITRATOR'S AWARD SHALL BE FINAL AND BINDING ON ALL PARTIES, AND JUDGMENT MAY BE ENTERED BY A COURT OF COMPETENT JURISDICTION IN THE COUNTY OF THE SERVICE PROVIDER WHERE ALL ARBITRATION PROCEEDINGS SHALL BE CONDUCTED THROUGH THE DISPUTE RESOLUTION CENTER, OR ITS SUCCESSOR.

With my signature I accept the terms and conditions of this commercial quote

Name: Woodland Park

Date:

Signature:

Woodland Park
200 N Park St
Woodland Park, CO 80863
(719) 680-5053



Christmas Decor by Timberline
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Colorado Springs, CO 80939
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jbryarly@timberlinelandscaping.com

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Customer notes:



STAFF REPORT

TO: Mayor Case and City Council

FROM: CJ Gates, Senior Planner, Karen Schminke, Director of Planning & Building Services

DATE: November 6, 2025

SUBJECT: Approval of Ordinance No. 1510, Series 2025, an Ordinance of the City Council for the City of Woodland Park, Colorado Approving Vacating that Portion of South Fairview Street Right-of-Way Lying Between Chester Avenue and Foster Avenue, East of Block 15 and West of Block 16, Foster's Addition to Manitou Park, City of Woodland Park, Teller County, Colorado, as requested by Andre Brewington (Applicant and adjacent Property Owner). (QJ) (Presenter Senior Planner CJ Gates & Planning Director Karen Schminke, AICP)

BACKGROUND: The applicant, Andre Brewington, submitted an application to the Woodland Park Planning Department requesting a Right-of-Way (ROW) 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 Chester Avenue. This one-block section of South Fairview Street, while platted in 1889, was never improved since Woodland Avenue, located to the east of the subject ROW, has been used as an improved right-of-way since before 1938.

Mr. Brewington purchased the property identified as Teller County Assessor account number R0022499 in October 2024 (deed recorded at Reception No. 770215 December 23, 2024). This triangular shaped parcel is bordered by Woodland Avenue on the east, Foster Avenue on the south, and the subject portion of South Fairview Street ROW on the west. According to the applicant's narrative, 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 Planning Commission held a public hearing on this item on September 25, 2025. At the conclusion of the hearing, the Commission approved recommending to City Council, that they approve the 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 with the following conditions:

1. A legal description of the exhibit is required for recording be corrected.

2. A legal staff review be made to determine whether Municipal Code Section 12.08.020 provision C or D applies.
3. To ultimately present to City Council a final map of how the right-of-way would be divided up.

See attached detailed report for additional information.

RECOMMENDATION: If City Council agrees with the Planning Commission recommendation, the recommendation is to approve Ordinance 1510, Series 2025, an Ordinance vacating that portion of South Fairview Street right-of-way lying between Chester Avenue and Foster Avenue, East of Block 15 and West of Block 16, Foster's Addition to Manitou Park, City of Woodland Park, Teller County, Colorado.

- ATTACHMENTS:**
1. 1. Brewington ROW Vacation- CC Staff Report
 2. 2. Ordinance 1510 -400 BLK S Fairview_ROW VAC
 3. 3. 2025-09-25 PC Meeting Minutes - DRAFT
 4. 4. Application S Fairview ROW Vacation - Brewington 2025-0605
 5. 5. Brewington Deed Reception #770215
 6. 6. CORE COMMENTS 8-28-25 Vacation of Right o Woodland Ave. - -
Brewington 1
 7. 7. Black Hills Comment



City Council Staff Report Public Hearing November 6, 2025

<u>Agenda Item</u>	<u>Department</u>	<u>Presenters</u>
9A	Planning	C.J. Gates, Sr. Planner Karen Schminke, Director

AGENDA ITEM 9A

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

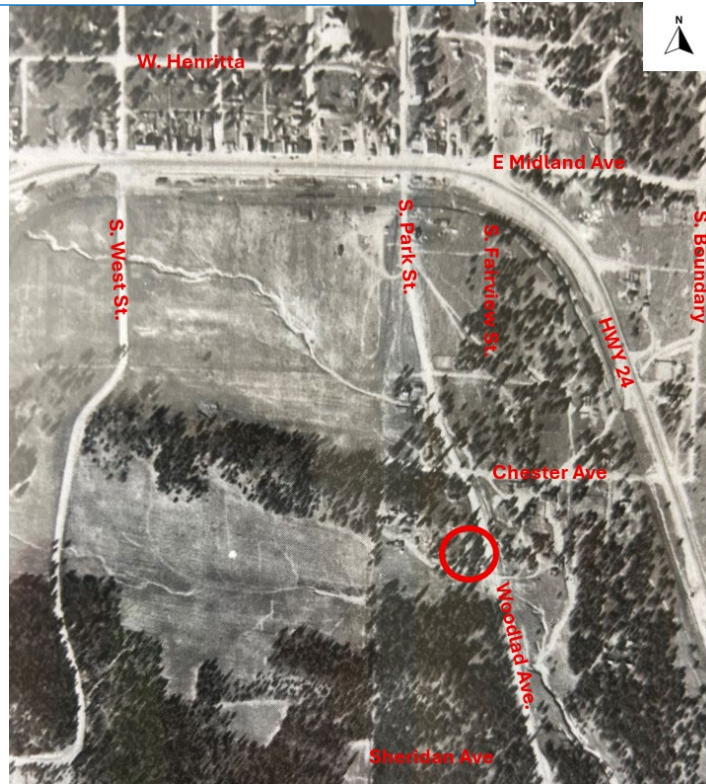


Figure 2c: 1979 Aerial Photo

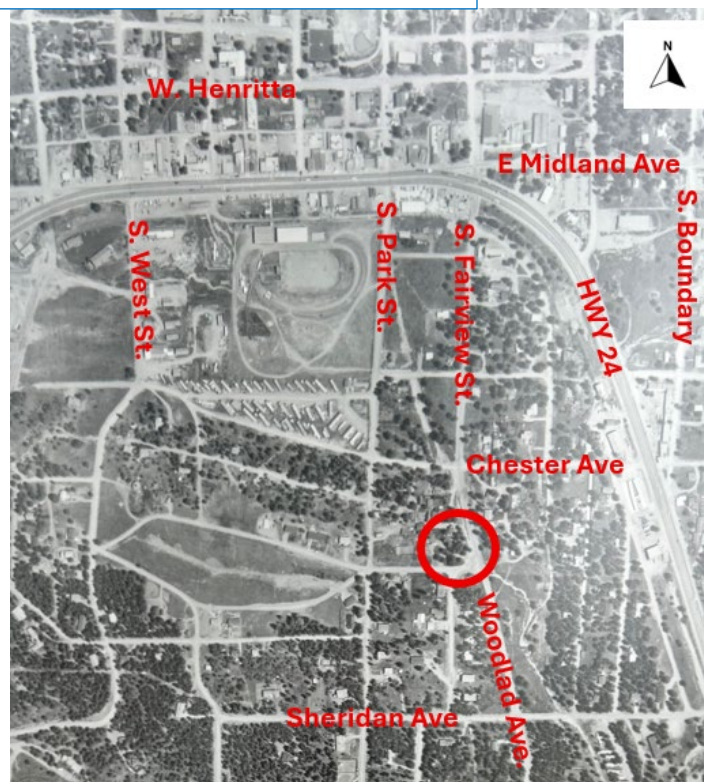
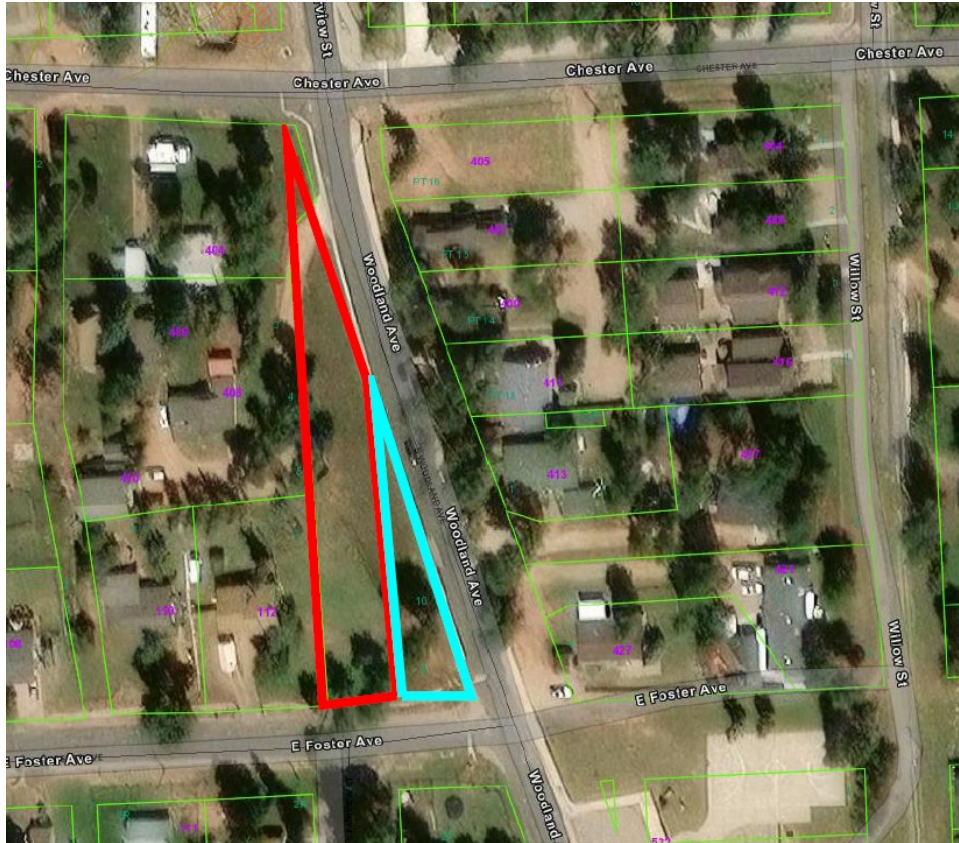


Figure 2d is a current aerial photo, including the general location of property lines that shows the current development pattern in the area. The area outlined in red is the section of S. Fairview Street that is the subject of this application. The blue triangle between S. Fairview Street and Woodland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

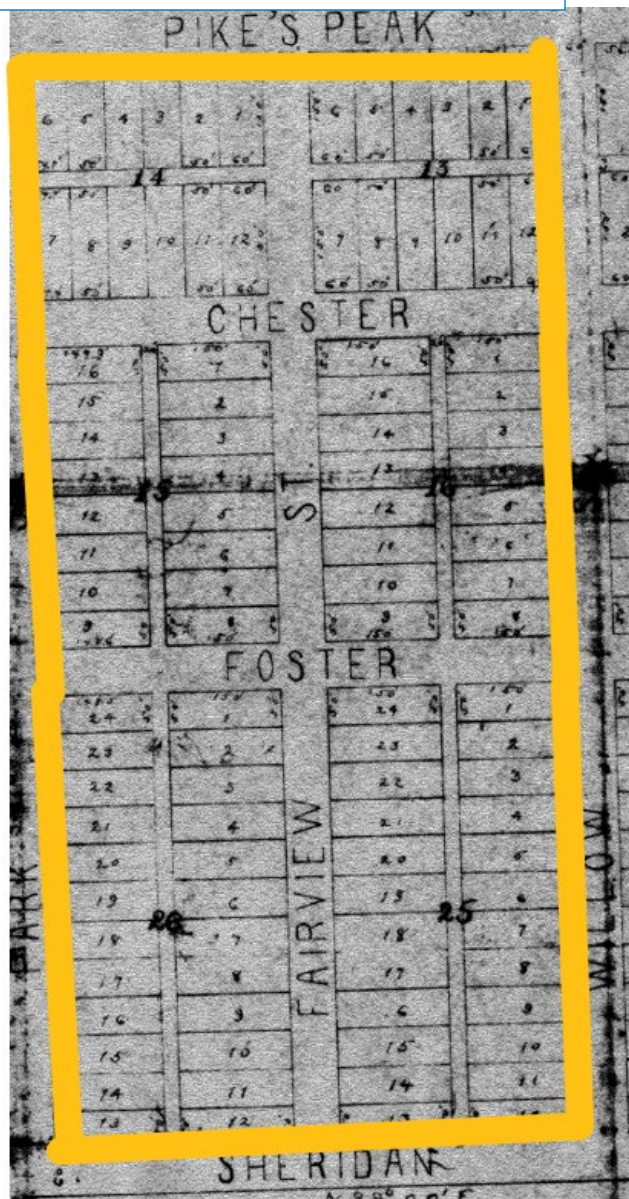


City of Woodland Park - Zoning Map

<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.

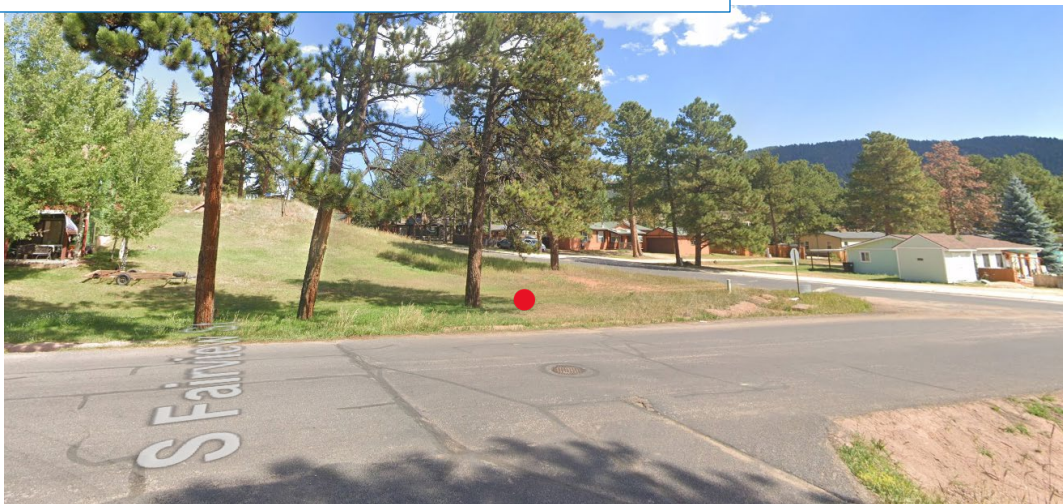


Figure 4c: Site Photo looking north from Foster Ave.

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

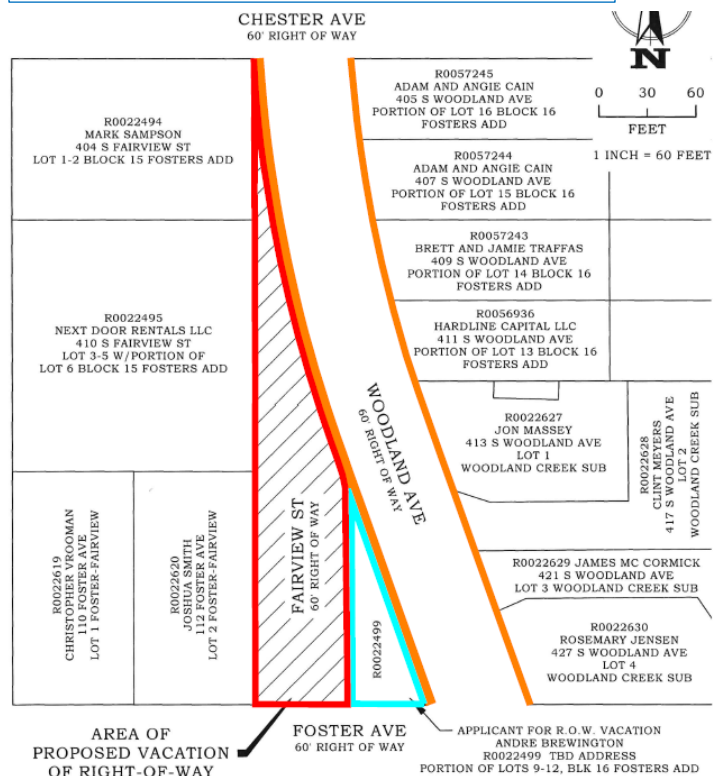


CURRENT PROPOSAL

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

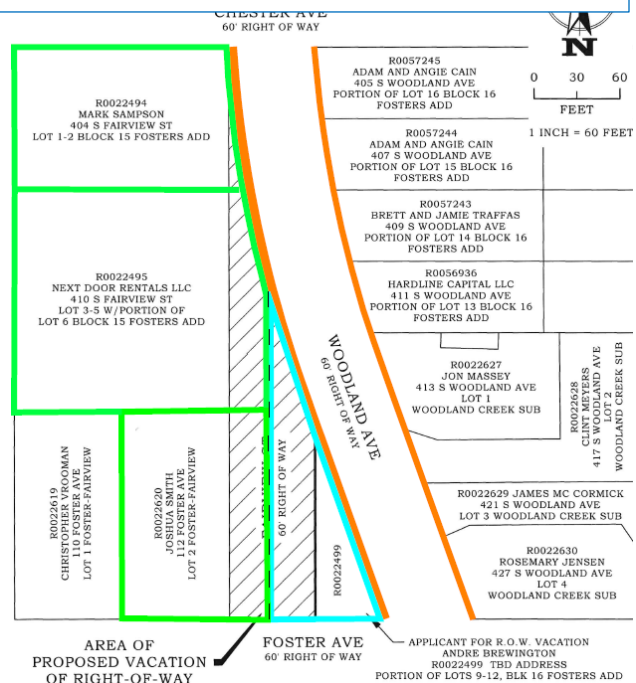


City. On August 22, 2025, Mr. Brewington sent an email to City staff stating that he will not be selling his property to the City of Woodland Park and requested that the ROW vacation of South Fairview Street be “*resubmitted immediately*”.

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

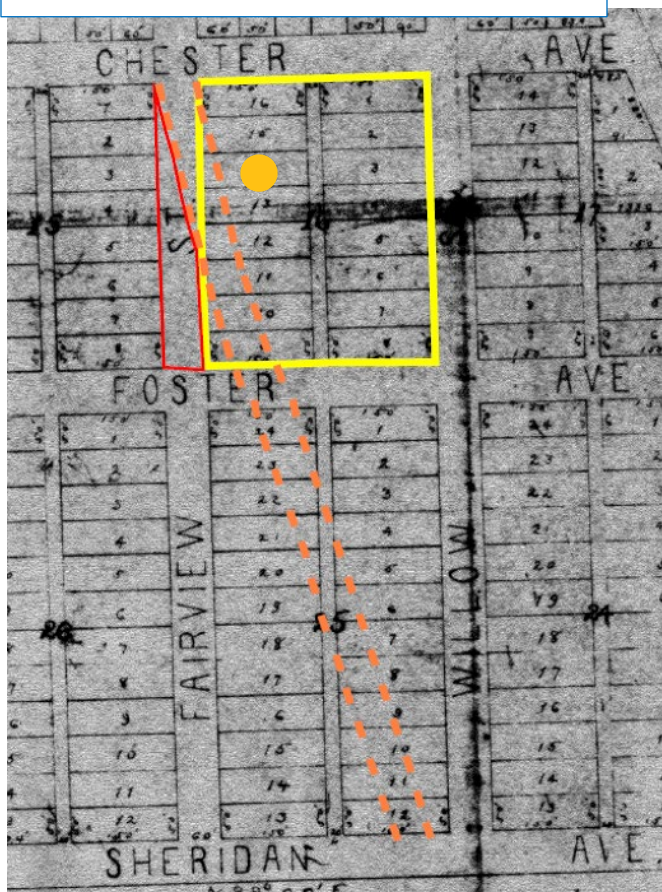


PARCEL HISTORY

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:

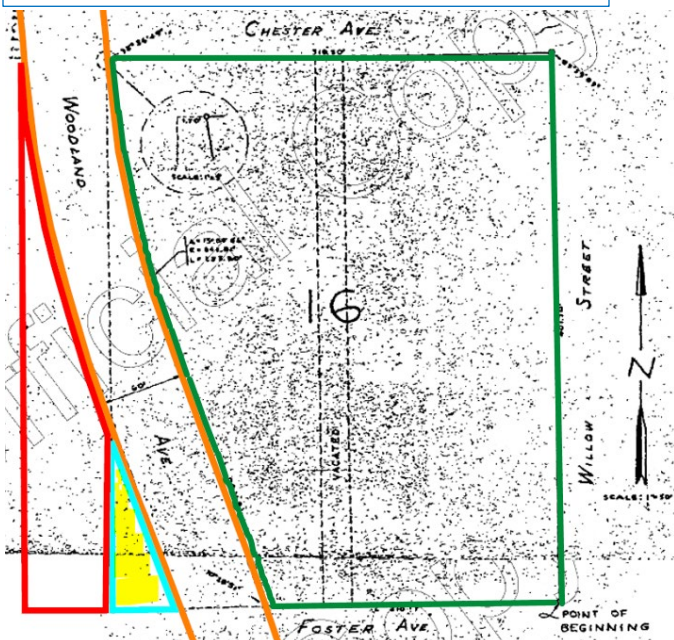
That the Board of Trustees of the Town of Woodland Park hereby accepts the dedication of Woodland Avenue as described in the several Dedication Deeds of the adjacent property owners for the purpose of establishment of a public Right-of-Way to be known as Woodland Avenue.

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



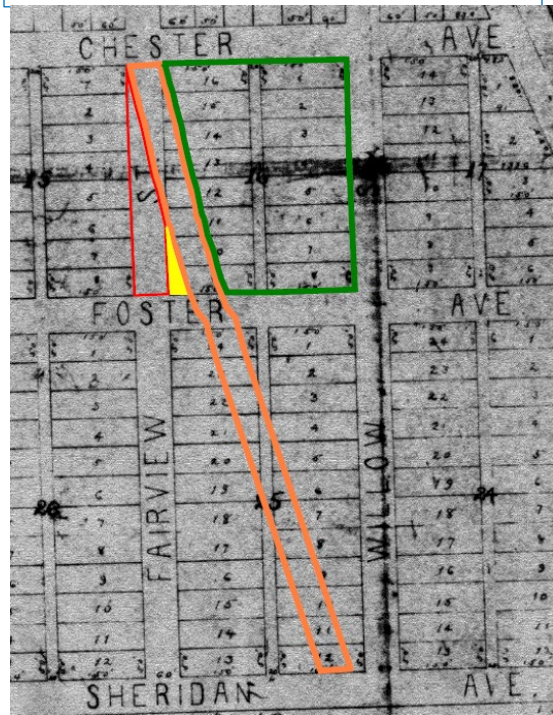
LEGAL DESCRIPTION

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 121.03 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 121.03 feet to a point of curve of a curve to the right; thence along said curve having a central angle of $15^{\circ}31'15''$ 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 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; thence angle right $89^{\circ}59'09''$ 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".

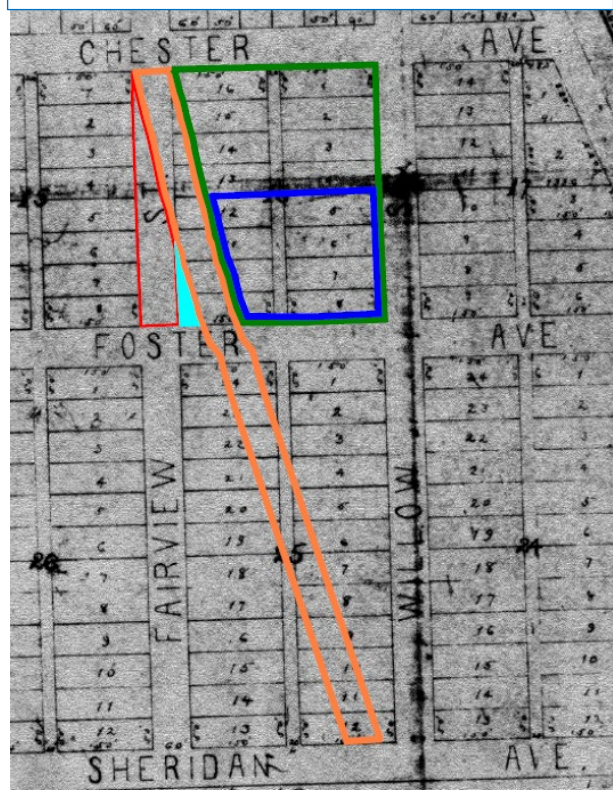
Figure 6d: July 1981 Drainage easement



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 disclaimer 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.

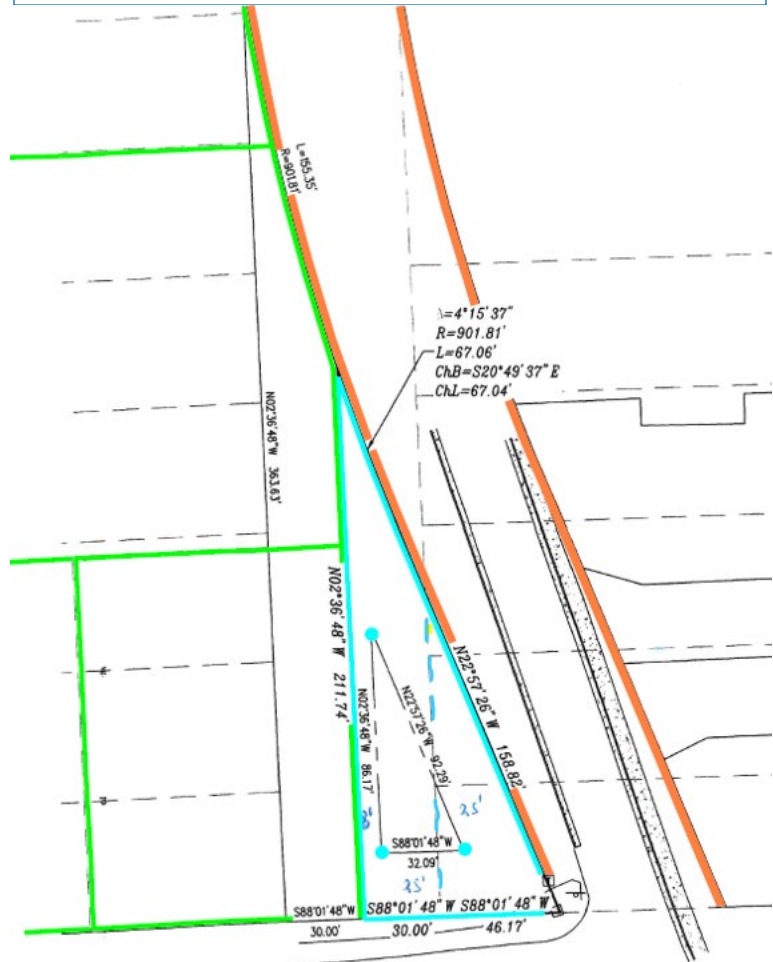
Using the surveyor information obtained by Mr. Brewington, Staff has calculated the size of the parcel as 2,862.31± SF which is well below the County Assessors' estimate of 5,227.2 SF and the minimum lot size of 7,500 SF required by City Code for lots in this UR zone. This land area of the current parcel 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

of the property lines for this parcel are adjacent to these two streets and the required setback measured from these property lines is 25-feet.

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 6f. 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).

Figure 6f: Brewington parcel with setbacks

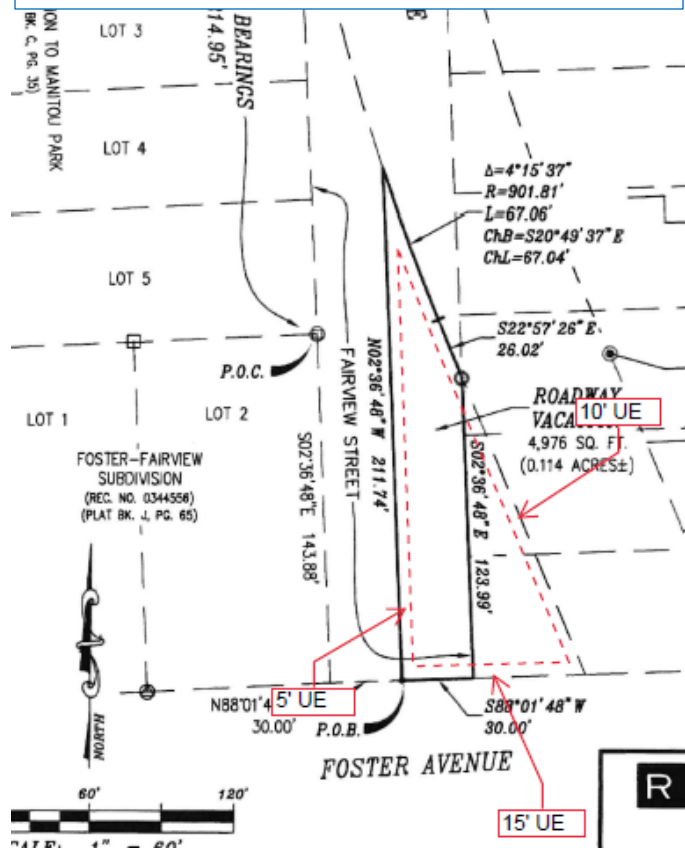


REFERRALS

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

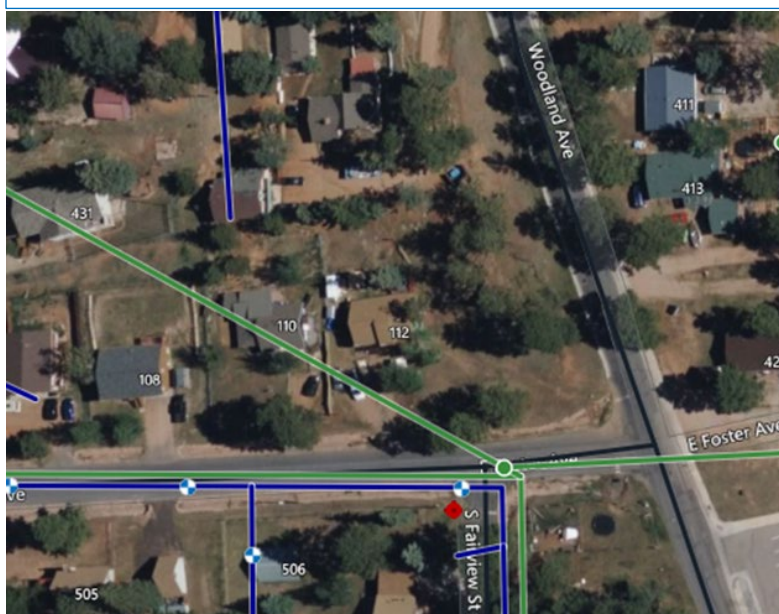


The City of Woodland Park Utilities Department submitted a comment that, “Utilities does not approve of the ROW vacation for the following reasons:

- 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

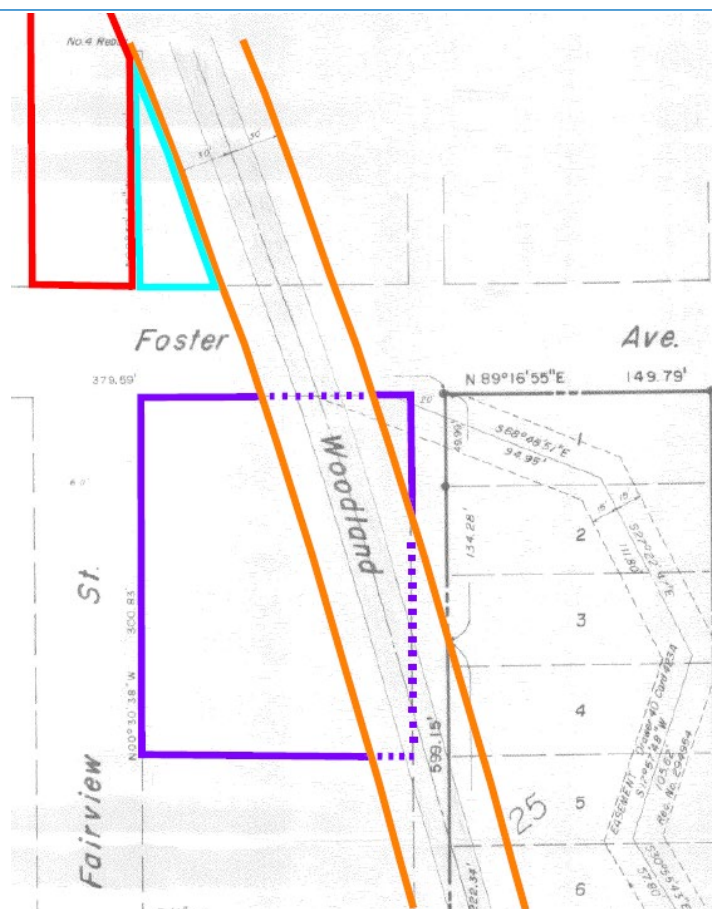
In reviewing the Parcel History information, it is Planning Staff's opinion that Mr. Brewington's property, identified by Teller County Assessor as Account #R0022499, is not a legal buildable parcel. Instead, Staff has determined it is a scrap of land that was forgotten after the 1970 dedication of Woodland 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 25 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 25 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 to PLANNING COMMISSION

While there may not be a compelling reason related to utilities or access for the City to keep this section of Fairview Street 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.

PLANNING COMMISSION RECOMMENDATION

At the conclusion of their public hearing on September 25, 2025, Commissioner Hoying moved and Commissioner Newcome seconded the Planning Commission approve recommending to the City Council to approve the 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 with the following conditions:

1. A legal description of the exhibit is required for recording be corrected.
2. A legal staff review be made to determine whether Municipal Code Section 12.08.020 provision C or D applies.
3. To ultimately present to City Council a final map of how the right-of-way would be divided up.

Additionally, as recommended by the Commission during the Planning Commission meeting, Planning Staff met with the Parks and Recreation Board (PRAB) at their October 8, 2025, meeting regarding this ROW vacation request. The PRAB Board's discussion concluded with a 5-2 vote recommending that "the proposed ROW vacation does not serve any park related purpose".

RECOMMENDATION

If City Council agrees with the Planning Commission recommendation, they should move to approve Ordinance 1510, Series 2025, an Ordinance vacating that portion of South Fairview Street right-of-way lying between Chester Avenue and Foster Avenue, East of Block 15 and West of Block 16, Foster's Addition to Manitou Park, City of Woodland Park, Teller County, Colorado.

ATTACHMENTS

1. Ordinance 1510, Series 2025
2. September 25, 2025 Draft PC Minutes
3. Applicant Application
4. Warranty Deed (Reception #770215) conveying land to Andre Brewington
5. CORE Comment
6. Black Hills Existing Infrastructure Map

CITY OF WOODLAND PARK, COLORADO

ORDINANCE NO. 1510, SERIES 2025

AN ORDINANCE VACATING THAT PORTION OF SOUTH FAIRVIEW STREET RIGHT-OF-WAY LYING BETWEEN CHESTER AVENUE AND FOSTER AVENUE, EAST OF BLOCK 15 AND WEST OF BLOCK 16, FOSTER'S ADDITION TO MANITOU PARK, CITY OF WOODLAND PARK, TELLER COUNTY, COLORADO.

WHEREAS, the City Council, after public hearing with notice as required by law, finds that it is in the best interest of the citizens of the City of Woodland Park to grant the requested vacation; and

WHEREAS, no land adjoining the public right-of-way requested to be vacated would be left, by reason of this vacation, without an established public road or public access easement connecting said land with another established public road.

NOW, THEREFORE, THE CITY OF WOODLAND PARK, COLORADO, ORDAINS:

That the Ordinance entitled "AN ORDINANCE VACATING THAT PORTION OF SOUTH FAIRVIEW STREET BETWEEN CHESTER AVENUE AND FOSTER AVENUE, EAST OF BLOCK 15 AND WEST OF BLOCK 16, FOSTER'S ADDITION TO MANITOU PARK, CITY OF WOODLAND PARK, TELLER COUNTY, COLORADO," be and is hereby adopted as follows:

Section 1. The portion of the South Fairview Street right-of-way lying south of Chester Avenue and north of Foster Avenue, more particularly shown in Exhibit A and described by the attached legal description, is hereby vacated.

Section 2. The applicant seeking the vacation of the right-of-way shall pay to the City Treasurer the amount necessary to reimburse the City of Woodland Park for its actual cost of publishing, posting, recording, and any other cost directly associated with this Ordinance.

Section 3. Title to the lands included within the right-of-way vacated by this Ordinance shall vest as provided in C.R.S. §43-2-302, subject to the same encumbrances, liens, limitations, restrictions, and estates as the land to which it accrues.

Section 4. This Ordinance shall be in full force and effect from and after its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING
PUBLIC HEARING THIS _____ DAY OF _____, 2025.

Kellie Case, Mayor

ATTEST: _____
Suzanne Leclercq, City Clerk

LEGAL DESCRIPTION – ROADWAY VACATION:

A SIXTY FOOT (60') 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:

BEGINNING 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 N02°36'48"W ALONG THE WESTERLY RIGHT-OF-WAY LINE OF FAIRVIEW STREET, A DISTANCE OF 219.75 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, SAID POINT ALSO BEING A POINT ON THE EASTERLY LINE OF LOT 1 OF SAID FOSTER'S ADDITION TO MANITOU PARK;

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 14°07'50", AN ARC LENGTH OF 222.41 FEET (THE LONG CHORD OF WHICH BEARS S15°53'30"E, A LONG CHORD DISTANCE OF 221.85 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 60.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, SAID POINT ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID FAIRVIEW STREET;

THENCE N02°36'33"W ALONG THAT LINE COMMON TO SAID EASTERLY LINE OF SAID LOT 2 AND SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 143.88 FEET (144.70 FEET OF RECORD) TO THE POINT OF BEGINNING.

SAID ROADWAY VACATION CONTAINS 13,258 SQUARE FEET (0.304 ACRES) OF LAND, MORE OR LESS.

PREPARED BY:

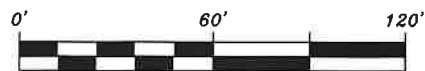
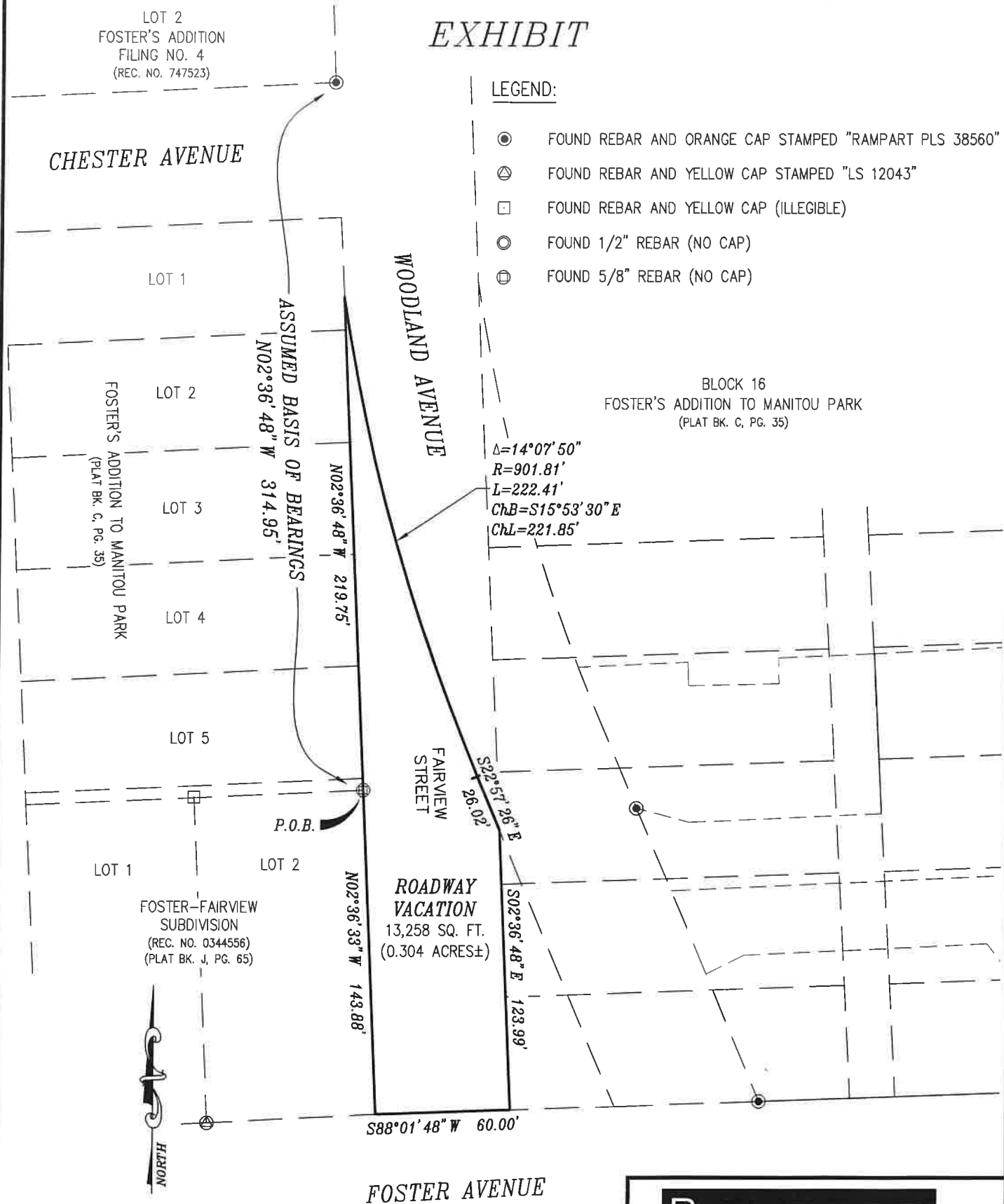
ERIC SIMONSON, COLORADO P.L.S. NO. 38560
FOR AND ON BEHALF OF RAMPART SURVEYS, LLC
P.O. BOX 5101
WOODLAND PARK, COLORADO 80866
719-687-0920



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)



SCALE: 1" = 60'

JOB NO.: 25123
OCTOBER 26, 2025

RAMPART SURVEYS

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

WOODLAND PARK PLANNING COMMISSION
MEETING MINUTES for September 25, 2025
Council Chambers, 220 W. South Avenue, Woodland Park

This meeting was a hybrid meeting with in-person and virtual attendance. The Zoom meeting link is in the calendar on the City website front page. Public input is very important to the Planning Commission. Comments were encouraged in writing in advance of the meeting to be submitted by mail to the Planning Department at PO Box 9007, Woodland Park, CO, 80866 or email to kschminke@woodlandpark.gov.

1. CALL TO ORDER & ROLL: Chair Brown called the meeting to order at 6:35 pm.

Present	Vice Chair Larry Larsen
Present	Commissioner Don Dezelle
Present	Commissioner Ken Hartsfield
Present	Commissioner Don Hoying
Present	Commissioner Ken Kennedy (via Zoom)
Present	Commissioner Jarrod Newcom
Present	Chair Lee Brown
Staff Present:	Planning Director Karen Schminke, AICP
	Senior Planner CJ Gates
	City Attorney Nina Williams

Quorum requirements are satisfied.

2. PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: The minutes for the August 28, 2025 will be reviewed at the next meeting.

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)

Senior Planner Gates presented the Staff Report, reviewing the location and a partial history of the applicant's parcel and this section of S. Fairview Street right-of-way, which was first surveyed and platted in 1889. He also presented current photos and reviewed the current zoning of Urban Residential (UR). The UR zone requires a minimum lot size of 7500 SF, and a maximum density of two dwelling units per acre. This subdivision currently has a density of 2.72 DU/acre, accounting for the inclusion of Cavalier Park in this calculation. He then showed a map of the proposed request vacating the ROW and the proposed property lines after the vacation.

Director Schminke then reviewed the history of the applicant's parcel, including the 1889 survey and ownership changes, noting that the last time all 16 lots of this block were conveyed together was in 1958. In August of 1970, in an unnumbered Resolution, the Town of Woodland Park dedicated Woodland Avenue, which cut across the lots in question. Of particular note is that each Dedication Deed contains the same general legal description of Woodland Avenue for purposes of establishment of the legal right-of-way. In 1971, the property owner of all the Lots within Block 16 obtained a survey of a "portion of Block 16," which encompassed the land on the east side of Woodland Avenue, but omitted the portion of Block 16 on the west side of Woodland Avenue. Only the land on the east side of Woodland Avenue was conveyed to a

new owner (the Kyzer's) in 1977. The next time the portion of Block 16 west of Woodland Avenue is identified in the Clerk and Recorder records is in 1981 when a 30-foot drainage easement associated with this area was recorded.

Director Schminke then noted that the City has had subdivision regulations since at least 1974 and the Subdivision Regulations in their current form were adopted in 1984. In 1987, the land owner (the Kyzer's) conveyed the southern half of Block 16 that lies east of Woodland Avenue to a church via a warranty deed. They also conveyed the triangular area on the west side of Woodland Avenue to the same church, via a quick claim deed. In 1996, the church conveyed the land lying east of Woodland Avenue to the Gatt's, who then replatted this area into the Woodland Creek Subdivision in 1997.

The triangular portion of Block 16 that lies west of Woodland Avenue was conveyed through a treasurer's deed in 2006, 2012, and again in 2023. Director Schminke highlighted the disclaimers on the County Assessor's website which pertain to use of their abbreviated legal descriptions and GIS mapping. She concluded her portion of the presentation noting this triangular parcel was most recently conveyed by Warranty Deed from Cindy Driscoll to Mr. Brewington using the Assessor's abbreviated legal description and included a disclaimer on the deed that states that the parcel is not guaranteed to be useable or buildable.

Mr. Gates then resumed presenting the staff report by reviewing additional facts pertaining to the applicant's triangular shaped property and the requirements of the UR zone district. The applicant's current parcel is approximately 2862.31± square feet (SF) in area. The minimum lot size in Woodland Park's UR zone is 7500 SF. The topography slopes from the north to the south. If the ROW vacation is approved, then the lot size would be approximately 8064.12 ± SF. The required setbacks for this triangular lot are a front of 25' (applied to each property line abutting a street) and side of 8'. The possible building area envelope is calculated at approximately 1382.60 ± SF.

This application was referred to all required internal and external departments and agencies. Comments received included:

- CORE requested easements on all three sides.
- Black Hills Energy found that currently there are no gas facilities servicing this parcel.
- City of Woodland Park Utilities recommended not approving this application because no physical water or sewer service lines are established to this parcel, there are no plans to serve this parcel because it consists of parts of Lots 9, 10, 11, and 12 that were never replatted into a single lot when the construction of Woodland Avenue bisected them, splitting them from their original platted lots. In 1996, portions of these lots were replatted and single-family homes were constructed on them. If the applicant is successful with the ROW vacation, and would like to construct a single-family dwelling on the property, the City Council would have to decide whether or not to sell the applicant a tap.

Senior Planner Gates continued the staff report with a Code Analysis, reviewing the sections of Municipal Code 12.08 Vacation of Public Rights-of-Way. He also noted additional considerations include that currently the applicant's property is not a buildable legal parcel; this is not the only instance where a property is bisected by a ROW; the use of Treasurer's Deeds to convey property does not support the idea that this should be considered a legal parcel; the current deed contains a disclaimer of "the property is being sold as-is, where-is with no usage or building capability guarantees,"; adding property as a lot will further increase density of DU/acre beyond what is allowed in the zone district; the sloped topography and the application of required setbacks severely restrict any potential building site; additional lot development will detract from current open feeling of the neighborhood; and the Woodland Park Utilities Department does not consider this a buildable lot and has not planned for water on this parcel.

The application was publicly noticed, no comments were received during the public comment period.

Staff concluded the presentation, that while there may not be a compelling reason related to utilities or access for the City to keep this section of ROW, there are several reasons for the City to retain ownership of it. Based on the following points, the City of Woodland Park should retain ownership of the subject ROW:

1. The applicant's parcel is not a legally established lot and should not be allowed to increase in size.
2. The density of the dwelling units in this area should not be further increased.
3. The sloped topography and the application of required setbacks severely restrict the potential for building on this property.
4. Establishing and developing an additional lot at this location will detract from the 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.

Staff recommends 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.

Planning Commissioners clarified with Staff:

- If the vacation is approved, the applicant would need to have a legal description rewritten, which would happen with a subdivision process. The parcel would become the sole lot in the newly platted subdivision.
- The minimum lot size is met with the vacation, but the density limit is already exceeded in this area.
- The Parks and Recreation Advisory Board (PRAB) did not review this application because it's a ROW vacation and not a Subdivision application or review. Planning staff is not aware of any interest PRAB may have in this triangular parcel.
- The parcel may have been previously conveyed because of the treasurer deeds for tax purposes, and this possible vacation would increase the parcel size for tax purposes.
- The applicant has requested 60% of the proposed vacated ROW be added to their parcel, but the Code only allows for the ROW to be split in half, with 50% of the ROW to be added to each adjoining property.

Chair Brown then called for the applicant's presentation.

Andre Brewington of Manitou Springs, CO, introduced himself as a Colorado native and a veteran who returned to the area in 2023 with the goal of building a home for his family. He stated that in 2024 he found this property and will either have a really nice garden or will build a home for his family. With extensive research he found that it is possible to build on. He's prepared to replat the land into one lot; he has reviewed the process with a surveyor; he stated that 1300 SF buildable area is more than enough to build a home for his family. At the end of his statements, he added that he's a disabled veteran wanting to build a home for his family.

Planning Commission addressed several questions with the applicant, including:

- Mr. Brewington agreed to modify the request to adding 50% of the ROW to his parcel instead of the 60% as originally applied for;
- Staff recommendations are based on current, not future conditions, thus the applicant understands that getting water to the property and the water tap is his responsibility at a possible cost of \$60,000.

- Mr. Brewington has had discussions with the City about the property prior to purchasing int, but nothing of substance;
- the parcel with the addition of vacated ROW would meet the lot size requirement in the UR zone;
- Since the density of lots is already over the maximum allowed, the applicant does not believe adding one more home makes that fact any different;
- The applicant said he has talked with the neighboring property owners possibly affected by the ROW vacation, and he would be interested in purchasing their vacated ROW portion.

Chair Brown then opened and closed the Public Hearing with no comments from the audience or Zoom.

The Planning Commission addressed questions and issues to Staff, including:

- The City's Public Notice requirements included a public notice in the newspaper of record, public notice signage on the property, and letters to surrounding property owners. The bulk of the landowners do not live on these properties. If the ROW is vacated, the adjoining properties to the vacation receive a portion of the ROW; further conveyance from adjacent property owners to Mr. Brewington would be done through a replatting process.
- Confirmation that the applicant initiated the vacation process, then withdrew the application and entered into negotiations for the City to purchase the property; then dropped that and went back to the vacation process.
- A question on if 12.08.020 "Condition D" should be applied instead of "Condition C", thus the shape and area of the property would change due to where the frontage and ROW vacation line is drawn. If Condition D is applied, the parcel in question may not meet the minimum lot size of 7500 SF. Staff's position is that the new property line should be drawn down the center of the proposed S. Fairview Street to be vacated, as the Woodland Avenue ROW is clearly and legally defined.
- A discussion concerning if Parks and Recreation is interested in the property, but the property could be used as public land. Would like to have PRAB feedback available to City Council, especially since vacation is voluntary.
- As the ROW vacation process goes forward to City Council, the ordinance would have a legal description of the area being vacated which is done by a surveyor. The City acknowledges the inaccuracy in the current legal description, and a verified legal description would be a condition of approval.
- When a subdivision was platted prior to density rules the City does not deny building permits on lots as platted. A modification of property lines keeping the number of lots the same, or with a reduction in the number of lots/parcels would be an exemption plat and is allowed. Increasing the number of lots is not allowed.

Mr. Brewington provided an applicant rebuttal, stating Director Schminke misrepresented the survey and the viability of the request. No trails exist on the property, and it would not make sense to have one to nowhere. The county surveyor, an elected official, has spent extensive time on this parcel, and thus should not be in question. The applicant believes Option C applies to this case, thus the entire east side of Fairview Street would be added to his parcel according to Colorado Revised Statute. The survey exhibit is within six inches. The property description is two pages long, and includes the longitude and latitude. The acquisition of the adjacent properties will be determined later. Right now the adjacent and affected properties do not have a say, but they could write a quick claim to convey land to him. It makes no sense for a trail to go through this property; Parks and Rec will have no interest in the parcel. He

gave the City a chance, he's still waiting on a response from the City-appointed realtor from July; he discussed the sale with him. He was very patient with the City; attempted to sell the parcel to the City as he felt he was in over his head, but was shot down, ignored, and with his questions unanswered then decided to pursue this. He said the City had the option to buy this; they said they needed the next City Council meeting to review it. Four City Council meetings went by without hearing anything from the City Realtor of the City Manager's office. The only answer he got from the City Manager's office was that the City had higher priorities and more expensive things they were working on.

After the applicant's rebuttal was closed, Planning Commission opened their further discussion:

- A ROW vacation does not need to produce buildable land. The intent is not relevant.
- The neighboring landowners did not take a position. Mr. Brewington interrupted that this is not correct, they were supportive.
- There was concern if this is in the best interest of the City, if PRAB wants it, should it remain green, and the lack of clarity on how the vacated area would be distributed to adjacent properties.
- A new proper legal description would be a condition.
- Questioning if option C or D from the Code applies to the northern portion of Fairview Street. Staff applied 12.08.020 C, resulting in the parcel being 8063 SF. If D is applied, the resulting parcel square footage would go down to 7100 SF. Staff had not previously considered D., but now believes that is the correct option.
- This is a parcel of land, thus there is confusion on the term "legal parcel." What would it take to be a legal lot? Planning Director Schminke clarified that this piece of land is an outstanding "scrap," which was essentially divided by the 1986 conveyance without going through any review or platting process. The applicant owns it and he can plant a flower garden on it. Per the County Assessor he owns and has paid the property taxes.
- The concern of if the City (Utilities, Parks and Rec, etc.) desires to vacate this property, as once Fairview Street is vacated, it's gone. It's not clear if the City wants to get rid of this.
- Mr. Brewington interrupted and countered that he has a greater understating than the City in this parcel. Per Mr. Brewington, if the City wants to keep a mobile home and trash on it, then just leave it as is. He reiterated that he offered to sell the parcel to the City, but was ignored. He questioned the Planning Commission on their public hearing process of when he could offer a rebuttal and also doubted any of the Planning Commissioners have been to the parcel and really know what is going on there.
- There was a discussion of any precedents that should be considered. Senior Planner Gates explained that every application stands on its own. The most recent ROW vacation the Planning Commission reviewed was of Midland Avenue, where the ROW was divided between Les Schwab, Big D, and another adjoining landowner.

Chair Brown asked if anyone would like to offer a motion.

Commissioner Kennedy commented that he was inclined to send this to the City Council. Director Schminke clarified that this goes to City Council regardless of the motion to recommend approval or denial of the request.

Planning Commission further discussed that in a ROW vacation, they make a recommendation for either vacation or for the City to retain the ROW. Commissioner Kennedy stated he is in favor of ROW vacation approval subject to the conditions recommended by

staff in the memo, including a corrected legal description. Commissioner Hoying added that a condition should be added that 12.08.020 "C or D" applies, he'd like a legal review, and would like the vacation exhibit to be redrawn reflecting that.

The Chair asked again for a motion. Director Schminke noted that there was not currently a motion on the table.

The applicant asked to speak again, stating that the current exhibit is presentable to City Council with no greater accuracy. He emphasized that the County Surveyor, Eric Simonson, is elected, he knows the code, advised the applicant through the entire process, thus the exhibit should stand.

Commissioner Hoying, with a substantial preamble, summarized that with the comments made earlier, not contingent on this being a buildable parcel, the owner understands the risks concerning development of the parcel and that it may not be possible. Believing that land under active management is better than inactive management a beautiful garden is better than land not being managed. The question does remain over how the ROW would be divided.

MOTION: Commissioner Hoying moved and Commissioner Newcome seconded the Planning Commission approve recommending to the City Council to approve the 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 with the following conditions:

1. A legal description of the exhibit is required for recording be corrected.
2. A legal staff review be made to determine whether Municipal Code Section 12.08.020 provision C or D applies.
3. To ultimately present to City Council a final map of how the right-of-way would be divided up.

The Chair called for discussion. Commissioner Hartsfield reviewed Staff's concerns:

- this is not a legally established lot; a survey would make correction and define this legally
- whether it is developable or not; to be determined in the future
- density issue has not been addressed, but no building permit has been issued and City Council may address that in their review;
- sloped topography; the applicant knows what's there and you can fix anything with time and money and is not Planning Commission's concern;
- the establishment and development of an additional lot detracting from the current open feel of neighborhood; Commissioner Hartsfield stated he was not buying into this since the right to develop a property will always effect the neighborhood;
- City Council will determine if a water tap is available; the extension of utilities is the applicant's expense.

Commissioner Hartsfield concluded by saying the only one of these items he is concerned with is possible the density, but is comfortable deferring that to Council.

The Chair asked for any additional discussion regarding the comment from City Utilities about an additional utility tap. Commissioner Hoying added a disclaimer that this recommendation does not in any way imply any future approvals on subsequent steps: platting, building permit, utility tap, and this has to go through all those processes on its own merit.

The Chair called the question.

YES: Dezelle, Hartsfield, Hoving, Kennedy, Newcome, Brown, Larsen.

NO: None.

Motion carried 7-0.

The City Council Public Hearing is currently scheduled for Thursday, November 6, 2025, at 6:30 P.M.

5. **REPORTS:** Director Schminke updated the Planning Commission that as reported in the newspaper, the City Council let the proposed State-mandated ADU code changes die by not making a motion to schedule a public hearing on that proposed Ordinance. The item is not being considered further at this time. Several municipalities in Colorado are pursuing litigation against the State and City Council is waiting to see how that pans out.

The Code Update continues, and Director Schminke will update the Planning Commission on how their comments were addressed and incorporated. Staff is currently going through the City Attorney's comments. Overall, the Planning Commission's recommendations were solid given how few legal comments there were.

Planning Commission will be notified about the possible meeting on October 9th.

6. **ADJORN** - The regular meeting was adjourned at 8:29 p.m.

The next Planning Commission meeting is tentatively scheduled for October 9, 2025.

Approved this _____ day of _____, 2025 by

Lee Brown, Chair



**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 _____

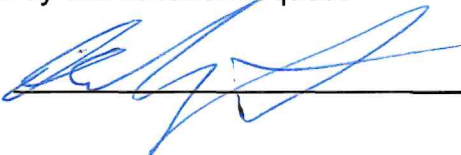
4. Submittal Requirements

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

PROPOSED VACATION OF RIGHT-OF-WAY
PORTION OF FAIRVIEW STREET WOODLAND PARK, CO
PREPARED DECEMBER 20, 2024



A horizontal scale bar with vertical tick marks at 0, 30, and 60. The word "FEET" is centered below the bar.

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,

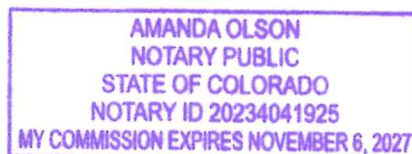
a notary public in and for the state of Colorado by
Cindy M. Driscoll

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)

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

CHESTER AVENUE

LOT 1

LOT 2

LOT 3

LOT 4

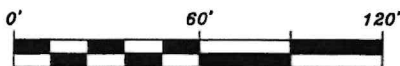
LOT 5

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)



SCALE: 1" = 60'

JOB NO.: 25123

MAY 19, 2025

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

P.O.C.

LOT 2

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

N88°01'48" E
30.00'

P.O.B.

S88°01'48" W
30.00'

FOSTER AVENUE

**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

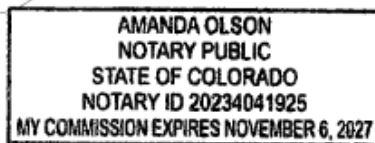
a notary public in and for the state of Colorado by
Cindy M. Driscoll

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

LOT 2

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

WOODLAND AVENUE

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

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

P.O.C.

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

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

S22°57'26" E
26.02'

ROADWAY
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4,976 SQ. FT.
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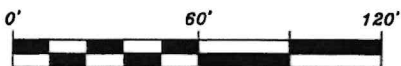
S02°36'48" E 123.99'

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
<i>address</i>	198 County Line Rd. Palmer Lake, CO

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STAFF REPORT

TO: Mayor Case and City Council

FROM: Chris Deisler, Chief of Police

DATE: November 6, 2025

SUBJECT: Approve Ordinance No. 1509, Series 2025, an Ordinance of the City of Woodland Park amending various sections of Chapter 10.08 Regarding the Removal and Disposal of Nuisance Vehicles. (L) (Presenter Police Chief Chris Deisler)

BACKGROUND:

RECOMMENDATION: Approve Ordinance No. 1509, Series 2025, an Ordinance of the City of Woodland Park amending various sections of Chapter 10.08 Regarding the Removal and Disposal of Nuisance Vehicles.

ATTACHMENTS: 1. Ord 1509

CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1509
(Series of 2025)

**AN ORDINANCE OF THE CITY OF WOODLAND PARK AMENDING VARIOUS
SECTIONS OF CHAPTER 10.08 REGARDING THE REMOVAL AND DISPOSAL OF
NUISANCE VEHICLES**

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a Home Rule City under the Colorado Constitution and the Home Rule Charter of the City; and

WHEREAS, in a review of the City’s code, it sometimes becomes necessary to make amendments to bring code sections in line with how they are enforced; and

WHEREAS, abandoned and nuisance vehicles can have a negative impact on the community as a whole and on how visitors to the community view the City; and

WHEREAS, the City Council finds that the amendments adopted herein promote the public health, safety, and welfare of the residents of Woodland Park.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:

Section 1. The City Council incorporates the foregoing recitals as conclusions, facts, determinations, and findings by the City Council.

Section 2. *Municipal Code § 10.08.020, Definitions, enacted.*

Section 10.08.020, Definitions is hereby enacted to read as follows:

10.08.020 – Definitions.

For the purposes of this Chapter, the following words shall have the definitions as set out below:

Abate shall mean to bring to a halt, eliminate or where that is not possible or feasible, to suppress, reduce, and minimize.

Community Parking Lot shall mean an area not within a building that is controlled, maintained and/or owned by the City where motor vehicles may be left for the purposes of temporary off-street parking use when such use is not accessory to any other use. A parking fee may or may not be charged.

Inoperable shall mean a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed.

Unlicensed shall mean a condition of the absence of an effective registration plate. This includes a lack of registration or expired registration.

Vehicle shall mean any trailer (including contents of trailer), whether or not self-propelled, and any nonaquatic, self-propelled vehicle which, as originally built, contained an engine, regardless of whether it contains an engine at any other time, including, without limitation, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.

Section 3. *Municipal Code § 10.08.040, Removal, disposal of nuisance vehicles, amended.*
Section 10.08.040, Removal, disposal of nuisance vehicles is amended to read as follows:

10.08.040 – Removal, disposal of nuisance vehicles.

A. Members of the police department and planning department are authorized to remove, or have removed at their direction a nuisance vehicle from any property within the city limits. For purposes of this section “nuisance vehicle” means any motor vehicle that meets **any** of the following qualifications:

1. Is unlicensed;

2. Left unattended for 72 hours or more;

~~3. Is three years old or older; and~~

~~3.4.~~ Is extensively damaged, such damage including but not limited to any of the following: a broken window, windshield or both, missing wheels, tires, motor or transmission, extensive body damage or missing body parts. Vehicles that are screened from street view and adjacent neighbors, or have a fitted cover designed for vehicles, earth tone in color, will not be considered a nuisance vehicle;~~;~~

~~4.5.~~ Any vehicle left unattended in a community parking lot for 48 hours or more;~~;~~

~~5.6.~~ Any vehicle parked upon the roadway or in a community parking lot in violation of the prohibitions or restrictions posted on official signs;~~;~~**or**

~~6.7.~~ Any vehicle parked upon a roadway or in a community parking lot for the purpose of:

(i) Displaying the vehicle for sale, although displaying a “For Sale” sign in a vehicle that is using the community parking lot for the purposes normally associated with a parking lot shall not be a violation;

(ii) Washing, greasing, painting, or repairing a vehicle except repairs as necessitated by an emergency; or

(iii) A display or advertisement that requires a permit from the city.

B. The officer shall record the make of motor vehicle, the serial number, when available, and shall also detail the damage or missing equipment.

C. No person shall willfully leave a nuisance vehicle on public or private property for a period greater than 72 hours. Any such vehicle so left shall be posted by a police officer or city employee as a nuisance vehicle. Said posting shall provide notification of impoundment within seven days. If such nuisance is then not abated, the city may then arrange for impoundment of the nuisance vehicle.

D. Disposition of impounded nuisance vehicles pursuant to this section shall be in conformance with state law. Prior to releasing impounded nuisance vehicles, proof of abatement of the nuisance vehicle conditions shall be submitted to the police department if no such proof is submitted, the registered owner of the nuisance vehicle shall be issued a summons and complaint into municipal court.

Section 4. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 5. *Effective Date.* This ordinance shall be in full force and effect upon its publication as required by law.

Section 6. The codifier of the City’s Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Woodland Park Municipal Code.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS ____ DAY OF _____, 2025.

City of Woodland Park

Kellie Case, Mayor

ATTEST:

City Clerk, Suzanne Lecler

**CITY OF WOODLAND PARK, COLORADO
RESOLUTION NO. 936, SERIES 2025**

A RESOLUTION AMENDING THE COUNCIL RULES OF PROCEDURE REGARDING THE START TIME OF REGULAR MEETINGS.

WHEREAS, the City Councilmembers present at the October 2nd Regular Meeting had an informal discussion about changing the start time for regular meetings from 6:30 pm to 6:00 pm, and,

WHEREAS, such a change would be formally accomplished by passage of a Council Resolution approving an amendment to Section 5a. of the Council Rules of Procedure:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO:

Section 1. Section 5a. of the Woodland Park City Council Rules of Procedure is hereby amended as follows:

Section 5. Council Meetings, Occurrence, Notice Provisions, and Minutes.

- a. Regular Meetings. Regular Meetings are held the first and third Thursdays of the month at ~~6:30~~ 6:00 p.m., except that Council meetings times may be adjusted to accommodate holding executive session(s) prior to the order of business.

The foregoing Resolution was adopted by the City Council of, Woodland Park, Colorado, on the 6th day of November, 2025.

Honorable Mayor Case

ATTEST:

Suzanne Leclercq, City Clerk