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Martha P. Whitmore

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Via email:

Park Brady: park@parkbrady.com

John Pryor: 1johnhans@gmail.com

Dear Mr. Brady and Mr. Pryor:

This firm represents the non-recused members of the Board of the San Juan Vista Landowners Association. This letter is in response to a proposal made for access to USFS lands adjacent to San Juan Vista.

Our clients desire an amicable solution regarding the issue of USFS access. Access paths are shown on the original subdivision plat map from Forest Rd (boundary of Lots 16/17/18), and from two other areas, the boundary of Lots 24/25 and Overlook Way (boundary of Lots 27/29). Our firm has reviewed the plat and other documents and correspondence related to access. The Forest Road access has a different history than the Overlook Way access. The Forest Road access included an historic easement granted to the United States Department of Agriculture, US Forest Service. An easement also was granted for the maintenance of Boyd-Collins/Leopard Creek/Corey Collection irrigation ditches that existed prior to the creation of SJV subdivision. These easements are shown and referenced on the subdivision plat map and are different from the access descriptions for the other two access points through Lots 24/25 and 27/29. The USFS easement was never used by the USFS and has not been incorporated into a USFS Forest Management Plan or Travel Management Plan. However, this access has been used for many years by members of the San Juan Vista community.

SJV Subdivision was created before Colorado and San Miguel County subdivision regulations were adopted, and prior to the current practice of including detailed terms and conditions of subdivision approval on the plats. The SJV plat map shows roads throughout the subdivision and the three access easements described above as 60' wide easements without limitations as to use. The historic road from the end of SJV Overlook Way had continuous usage until the access was relocated onto the route depicted in the plat map (Boundary of 27/29). Public access to the National Forest existed via that route before the subdivision was created.

In previous agreements with Lot 27 and 29 owners, the access was relocated from the adjacent old road to the boundary of Lots 27 & 29 as depicted on the plat map. The access is limited to non-vehicular use beyond the cul-de-sac. The Board has previously agreed to limit parking to specific spaces, and the parking area was relocated north in 2021 in an effort to address concerns raised by the owners of Lots 27/29. Additionally, it was agreed that parking during hunting

season requires a vehicle or ATV permit, and it was also agreed to lock the Cradle Park gate during hunting seasons as an additional means of controlling access to the area.

The Board members believe an agreement was reached in 2021 to acknowledge an irrevocable and perpetual access easement of 60' width, with no requirements for a landowner to be present, for pedestrian, equestrian, pack animals, and leashed pets. The Board agreed that no vehicles would be allowed, and that the community would stress acceptable, courteous behavior on the path, no commercial usage, SJVLOA weed control, trail maintenance, use of the path is at your own risk (no Lot 27/Lot 29/SJVLOA Liability). They believe that such an agreement is in the best interests of the SJV community, and do not agree to the much more limited proposal offered. They suggest that this be further discussed at the annual meeting. However, we believe that the legal right of access does exist, and cannot be limited without consent of the other landowners, represented by the Board.

Again, it is the desire of our clients to maintain good relationships within the SJV community through agreement, while protecting the USFS access rights of the membership. Please feel free to contact me if you have any questions.

Best regards,

HOCKERSMITH & WHITMORE, LLC



By:

Martha P. Whitmore