

RESOLUTION NO. R-002- 161

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

A RESOLUTION TEMPORARILY RESTRICTING
VEHICULAR ACCESS TO A PORTION
OF CHEYENNE DRIVE

7p

WHEREAS, Cheyenne Drive is a dedicated Douglas County road open to public vehicular travel; and

WHEREAS, Cheyenne Drive is public property as that term is used in section 18-9-117, C.R.S.; and

WHEREAS, the segment of Cheyenne Drive located west of the point shown on the attached map marked as Exhibit A, incorporated herein with this reference (the "Restricted Road Segment"), is not maintained by Douglas County; and

WHEREAS, for reasons of health and safety, the Perry Park Metropolitan District (the "District") has requested that the Board of County Commissioners of the County of Douglas, (the "Board") restrict vehicular access on the Restricted Road Segment; and

WHEREAS, a copy of said request is attached hereto as Exhibit B; and

WHEREAS, the District has agreed to provide, maintain and administer an access gate system, with entry by key or combination, located at the point depicted on Exhibit A; and

WHEREAS, the Board will not be responsible for the purchase, construction or maintenance of said access gate; and

WHEREAS, the Board has the authority pursuant to section 18-9-117, C.R.S. to restrict vehicular access on the Restricted Road Segment; and

WHEREAS, the District will permit property owners who obtain access to their land from the Restricted Road Segment to be given special use permits by the District to allow such property owners and their guests vehicular access to the Restricted Road Segment; and

WHEREAS, the Board desires that equestrian, pedestrian, bicycle and other non-vehicular access to the Restricted Road Segment continue; now, therefore,

BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO, that vehicular access to the portion of Cheyenne Drive described on the attached Exhibit A (the “Restricted Road Segment”), is hereby temporarily restricted as follows:

1. **Vehicular Access Prohibited.** Vehicular access to the Restricted Road Segment is prohibited except for County personnel and vehicles, emergency vehicles, and holders of special use permits (“Authorized Persons”).
2. **Permits.**
 - a. Special use permits shall be issued to the owners and lessees of each property accessible from the Restricted Road Segment (“Authorized Properties”). Such permits shall consist of a numbered decal which shall be permanently affixed to the windshield of each motor vehicle to be used to access the Restricted Road Segment.
 - b. Visitor permits may also be issued to visitors of the Authorized Properties. Such visitor permits shall be displayed hung on the rear view mirror of the motor vehicle used by such visitors to access the Restricted Road Segment.
 - c. A contractor may obtain a reasonable number of temporary permits for motor vehicles of the contractor and the contractor’s employees for the period of time that the contractor is engaged in work on an Authorized Property.
 - d. All permits shall be numbered and shall not be transferable from one property owner to another.
 - e. All permits shall remain the property of the District.
3. **Access by the General Public.** The general public shall have equestrian, pedestrian, bicycle and other non-vehicular access to the Restricted Road Segment.
4. **Termination.** Within six months after the adoption of this Resolution, the District shall reevaluate whether restrictions placed on the Restricted Road Segment should be terminated, and so shall advise the Board. The Board may at any time by resolution repeal this Resolution or modify or terminate any or all of the restrictions prescribed in this Resolution.
5. **Enforcement.** This Resolution shall be enforced by the Douglas County Sheriff’s Office.

6. **Penalty.** Any person who violates any of the provisions of this Resolution commits a Class 3 Misdemeanor.

PASSED AND ADOPTED this 15th day of May, 2002, in Castle Rock, Douglas County, Colorado.

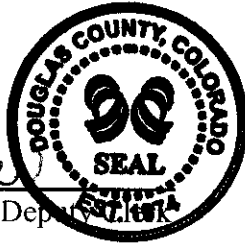
**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

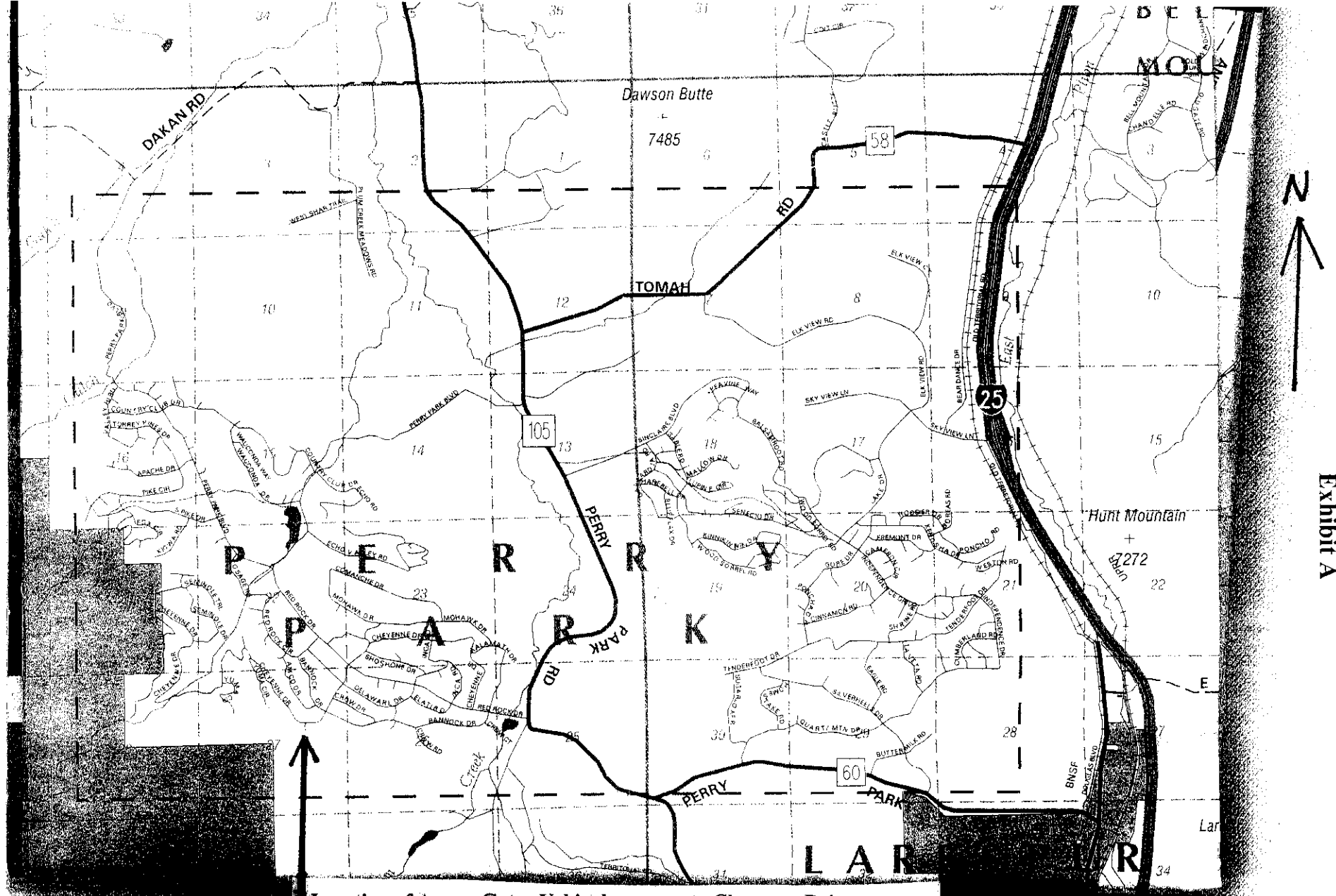
BY: _____

James R. Sullivan
JAMES R. SULLIVAN, Chair

ATTEST: _____

Judy Crenshaw
Chief Deputy, Deputy





Location of Access Gate. Vehicular access to Cheyenne Drive west of said location is prohibited, except as provided for in Resolution Restricting Vehicular Access to a Portion of Cheyenne Drive.

Exhibit A

PERRY PARK METROPOLITAN DISTRICT

Exhibit B

Douglas County

May 1, 2002

MAY 03 2002

Board of County Commissioners for
Douglas County
100 Third Street
Castle Rock, Colorado 80104

Department of Public Works

Dear Commissioners:

Due to the current drought conditions and extreme fire hazard that exists in Perry Park Ranch, the Board of Directors of the Perry Park Metropolitan District requests the immediate closure of the undeveloped portion of Cheyenne Drive ("Upper Cheyenne") as a necessary measure to protect lives and property in Perry Park.

This portion of Perry Park has been a long term safety issue due to the attractive nuisance created by miles of roughed-in, but undeveloped County owned right-of-ways. The area is utilized by youth and four-wheelers for off-road recreation and camping. The greatest danger is the uncontrollable proliferation of campfires started by the four-wheelers and campers.

Upper Cheyenne is subdivided and in private ownership as primarily one acre lots. We understand the issue of denying someone access to their property. This can no longer be tolerated as the excuse to do nothing. Therefore, we recommend the following:

1. The road closure shall be on an "Emergency" basis due to the extreme fire hazard and attractive nuisance causing illegal campfires.
2. The closure is to control access and not be a total ban on vehicular access. Anyone owning property will be given access through a locked gate located at the entrance to the area.
3. The gate shall be posted with signage stating a contact for obtaining access by either key or combination lock. One of the locks will be operated and maintained by the Larkspur Fire Protection District to insure emergency vehicle access at all times.
4. The gate and private lock will be operated, maintained and administered by the Perry Park Metropolitan District. The key or combination will also be provided to the County Road Supervisor for the area.
5. We request County resources for minor grading of washout areas to insure fire access through the fire season.
6. Anyone requesting access, including property owners, will be required to obtain permission, sign a disclosure of the fire risk, and carry appropriate basic fire

May 1, 2002

suppression tools when accessing the area. A potential source of ignition is vehicle exhaust systems.

7. Non-vehicular access shall be permitted for pedestrians, bicyclists and horse riders. During six years of patrolling the area we have found little or no threat from these activities.

Perry Park Metro District has administered a volunteer patrol program in this area for six years in cooperation with the Larkspur Fire Protection District and Douglas County Sheriff's Office. Unfortunately, the problem is now well beyond all of our capabilities to control the wildfire exposure to our residents. We also request that a more long-term solution be developed by the end of the fire season in order to reduce Douglas County's and our residents' exposure to this ongoing problem.

We request your immediate attention to this matter, again as a measure to protect life and property.

Respectfully,



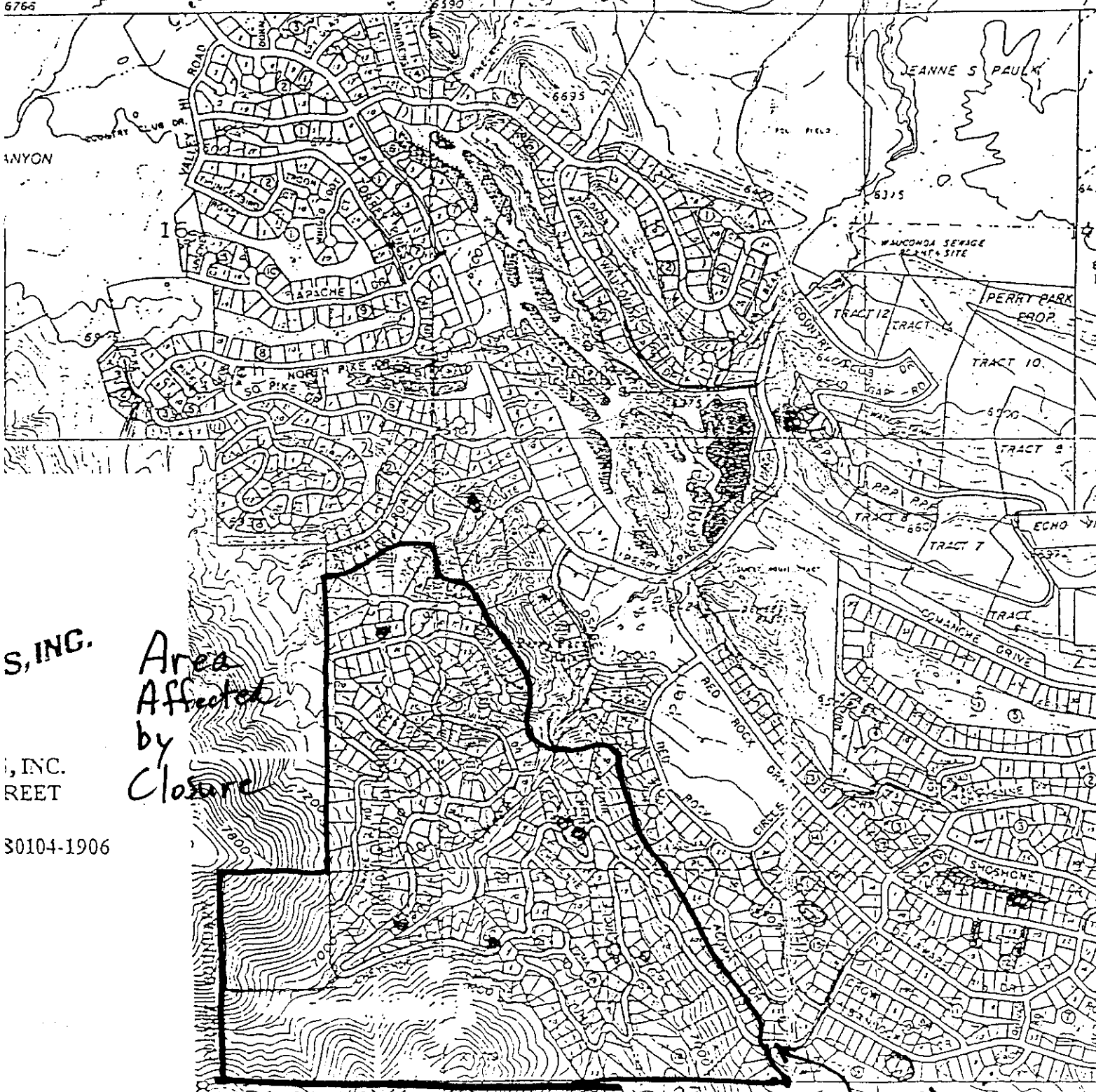
Keith A. Worley
Secretary

Cc: Keith Mathena, LFPD
James Raymond, DCSO
Fred Koch, DC Engineer

P.O. BOX 183 • LARKSPUR, CO • 80118

Perry Park Ranch
Proposed Road Closure
May, 2002

"UPPER-Cheyenne"



S, INC.

Area
Affected
by
Closure

, INC.
REET

30104-1906

1728791

Cheyenne Drive
End of County Minc.