

Dear Neighbors,

Following our email to Paine Development regarding the Six Ranges Condo project that we reported to you in our last update letter, Matt Paine asked to meet with the Board on the site to hear his responses and questions. Joe, Mickey & Jon met briefly with him, and discussed all of the main issues. No agreements or decisions were reached.

The conversation covered the following points:

1. Mr. Paine told us that the City had dropped its demand that Mill Creek be extended into his property. The City subsequently confirmed this.
2. Mr. Paine told us that the City asked him to explore with the CT Condo community connecting Mill Creek with some kind of path to the existing pathway on CT property, in order to create pedestrian “connectivity” between the CT and Six Range communities. That’s why he made the offer to install such a pathway in his previous email.
3. In discussing the location of the sidewalk on the west side of his property, Mr. Paine told us he only wanted to know if the CT community wants a sidewalk on Hanley. We told him that we did NOT want him to build a sidewalk on CT property next to Hanley.
4. We asked why he needed access to Hanley, since he has access (on his property) at three points on Babcock and one on Ferguson. His response was that it was required for fire and emergency access.
5. We discussed Mr. Paine’s offer to build a berm to block headlights from shining into Palisade units. Mr. Paine said he offered a berm with landscaping (in lieu of a fence or a wall), but it was our choice.
6. In order to present all of this to CT residents, we asked Mr. Paine to put in writing what he proposed and what responses he needed from CT.
7. Subsequently, we received the attached email, revised Site Plan and 11/27/21 letter to the Board. A few days later, we received draft documents prepared by his lawyer, which include the easement from Hanley that he is asking CT to grant to him, and the “waiver” agreement he would give CT Condominium guaranteeing that neither he nor any future owner would sue over the alleged “trespass” of Hanley Drive on the SW corner of the Paine property.
8. We next requested legal advice from Alanah Griffith (the Association attorney), regarding whether Hanley is “trespassing” on the property owned by Paine, and her opinion is that CT Condominium possesses

a prescriptive easement on the property (because of continuous use of Hanley for many years), and thus there is no “trespass.” The same is true of underground pipes that drain to the north from CT retention ponds.

9. Further, Alanah advised the Board that the only way an easement could be granted over the CT property between Hanley and the Paine property would be by an amendment to the Declaration, which would require a vote by the owners. We have so advised Mr. Paine.
10. Since Mr. Paine has offered to build a nice landscaped earth berm between his property and the northern border of CT’s property – as part of his proposed agreement to obtain the easement for access to Hanley - we have been researching what rights we have to a “barrier” between our property and the Paine property IF Mr. Paine withdraws his “offer” to build a landscaped berm. We are awaiting information from the City Planning Dep’t on this point.
11. Meanwhile, our attorney (Alanah) recently received a letter from Mr. Paine’s attorney threatening a lawsuit over the alleged “trespass” by Hanley and two pipes, unless the CT COA agrees to the easement to Hanley that Mr. Paine is seeking.
12. That is where things stand at present. Once Alanah has completed her research and consulted with the Board, then we will be reaching out to you again, to reach a decision on how to respond to Mr. Paine’s threat of a lawsuit. We are interested in any thoughts, questions, or concerns that any owner may have – please send them to the entire Board.

CT Condominium Board of Directors