

# STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region II  
905 Erie Ave, P.O. Box 536  
Pueblo, Colorado 81002  
(719) 546-5400  
FAX (719)546-5456



April 7, 1997

APR 9

Clifford Brockman  
Drexell Barrell & Co  
4840 Pearl East Circle  
Suite 114  
Boulder, CO 80301-2475

Post-it* Fax Note	7671	Date	# of pages
To	Rob Kidder	From	Cliff B
Co./Dept.	Color SRS	Co.	D & B
Phone #		Phone #	
Fax #	1-719 578 6161	Fax #	

Dear Mr. Brockman:

David Poling and Garth Englund of The Colorado Department of Transportation have met with the consultant DMJM regarding the Harrison CBC design. The following issues have come up with your proposed design:

1. Since Drexel Barrell is changing the design so that frequent, low flow will not go down our right of way instead of the infrequent high flows, CDOT would like the drainage to be taken in a pipe system. The constant low flow with a ditch design will cause new wetlands to form making maintenance very difficult.
2. Since DMJM will need to widen out for the interchange rework, the Drexell Barrell design needs to be redone based on the widening. A meeting needs to be coordinated between Drexel Barrell, DMJM, and CDOT to resolve any conflicts. The new design will need to be reviewed by Garth Englund when completed.
3. The previous comment regarding the weir length has not been addressed.

Please contact David Poling to set up a meeting to resolve these conflicts. Mr. Poling can be reached in Pueblo at (719) 546-5405.

If you have any questions please contact David at the above number or Garth Englund in Denver at (303) 757-9342.

Sincerely,

Jackie Hall  
Access Coordinator

xc: DMJM



CITY OF COLORADO SPRINGS

PLANNING, DEVELOPMENT AND FINANCE  
Development Services and  
Comprehensive Planning Division

February 4, 1997

**RECEIVE**

FEB 04 1997

City Engineering/Stormwater

El Paso County School District Number 2 - Harrison  
Mr. Don Smith  
1060 Harrison Road  
Colorado Springs, Colorado 80906

Dear Mr. Smith:

This letter is in response to your written comments regarding an administrative review subdivision request. The request was for preliminary and final plat approval for World Arena Subdivision Filing Number Four, Development Services file number AR S 97-00002.

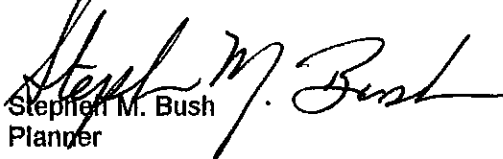
You referenced your request that the City call upon a (performance) bond, the stopping of issuance of building permits and an unresolved drainage issue. All of these issues are the responsibility of City Engineering. City Engineering has the authority to appropriately deal with this situation. Land Development Review does not.

Your statement that "...our comments have been totally ignored." is absolutely untrue. Each time you have provided me with your comments I have provided them to the applicant and more importantly, I have called City Engineering to inquire as to the status of the drainage issue. City Engineering has informed me that this is an on-going situation.

We request comments from various departments and organizations because we depend on your specific expertise to ensure development occurs to the benefit of the citizens of Colorado Springs. I also want to see any outstanding drainage issues be resolved but unfortunately, I am not in a position to assist you in your efforts.

If however, I can be of assistance in identifying personnel in City Engineering who might be able to help you or you need other land use assistance, please do not hesitate to contact me.

Sincerely,

  
Stephen M. Bush  
Planner

cc: File - AR S 97-00002  
James Mayerl, Senior Planner - Land Development Review  
Dave Lethbridge, City Engineering - Stormwater and Subdivisions



## CITY OF COLORADO SPRINGS

January 21, 1997

Mr. Kelly Dude  
Anderson, Dude, Pifher & Lebel  
Attorneys At Law  
P. O. Box 240  
Colorado Springs, CO 80901-0240

10000  
10000  
10000

RE: Harrison School District No. 2/Gates Land Company

Dear Mr. Dude:

My apologies for failing to answer your December 19, 1996 letter before now.

In reviewing this matter with my subdivision engineering review staff, I found out that Gates Land Company has submitted a summation letter report to us demonstrating that their calculated fully developed flows now and in the future, are substantially below the calculated historic flows due to detention and diversion up stream of the Harrison outfall. Currently, we are reviewing this matter in detail with the engineering firm of Drexel Barrell, Inc. We have made comments to their report and have sent them back to the engineer for final revisions. We expect to receive the final draft within the next two weeks and I will become involved in the final review of their engineering study.

At the appropriate time in the near future, I will contact Don Smith at Harrison School District No. 2, to discuss the details of the report and study. It is my intention, to not approve the revised report until after all parties have been informed.

Sincerely,

Gary R. Haynes  
City Engineer

c: Bruce Thorson, Stormwater and Subdivision Manager  
Robin Kidder, Senior Civil Engineer Stormwater and Subdivision  
Don Smith, Harrison School District No. 2  
Steve Sharkey, Gates Land Company

R.K.



Drexel Barrell & Co.

January 10, 1997

Robert Torres, P.E.  
District Preconstruction Engineer  
Colorado Department of Transportation  
P.O. Box 536  
905 Erie Avenue  
Pueblo, Colorado 81002

RECEIVED  
JAN 14 1997

Engineers/Surveyors

Boulder,  
Colorado Springs

4840 Pearl East Circle  
Suite 114  
Boulder, Colorado 80301-2475  
303 442 4338

Department of Stormwater

Dear Mr. Torres:

Drexel Barrell & Co. is pleased to present to you the preliminary design plans for the Harrison Outfall Diversion Structure & Channel (see enclosure).

We were retained by Gates Land Company in December 1996 to design a diversion structure for the Harrison Outfall Box Culvert. This diversion structure consists of two weirs, one weir controls flows into the Harrison Outfall Box Culvert to just less than 350 cfs, and the other controls flows into a trapezoidal channel, west of I-25, to 290 cfs. We have designed an earth channel with a capacity to convey the 290 cfs south, discharging into the World Arena Plunge Pool, southeast of the culvert and west of I-25.

As you may be aware, by previous agreement with CDOT, we can release no more than 350 cfs through the Harrison Box Culvert. The 290 cfs has increased, not due to more or denser contributing areas, but increases in City of Colorado Springs Criteria, which increased the rainfall amount approximately 25% to 40%. In the case of the frontage road drainage, it increases the flow from 119 cfs to 290 cfs.

Thank you for your time and feel free to contact us with questions or concerns.

Sincerely,

Christi M. Brasher  
Design Engineer

cc: Rob Kidder, City of Colorado Springs

# Financial Assurances and Inspections

Close

869

Subdivision: **Cheyenne Mountain Center No. 2**

Developer: **Gates**

Address:

Phone:

City, State:

Zip:

Bank Name: **Old Republic Surety Co.**

Verify

Expiration Date: **7/19/98**

Type of Assurance: **bond**

Original Date: **7/19/96**

Number: **RCN-479908**

Annual Rev Date: **7/19/97**

Account No.:

Today's Date: **7/25/96**

Improvement: **drainage**

Status: **active**

Amount: **\$60,000.00**

Remarks: **Harrison Creek channel imprs.**

Inspections

Inspector:

# Financial Assurances and Inspections

Close

684

Subdivision: **Cheyenne Mountain Center No. 2**

Developer: **Gates**

Address:

Phone:

City, State:

Zip:

Bank Name: **Old Republic Surety Co.**

Verify:

Expiration Date: **11/14/97**

Type of Assurance: **bond**

Original Date: **11/14/95**

Number: **RCN-0463050**

Annual Rev Date: **11/14/96**

Account No.:

Today's Date: **11/30/95**

Improvement: **drainage**

Status: **active**

Amount: **\$25,000.00**

Remarks: **Harrison Ouffall channel imprs.; also includes Lake Avenue Plaza # 4**

Inspections

Inspector:

# STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

District II  
905 Erie - P.O. Box 536  
Pueblo, Colorado 81002  
(719) 546-5400



February 27, 1997

Clifford R. Brockman, P.E.  
Drexel Barrell & Co.  
4840 Pearl East Circle  
Suite 114  
Boulder, CO 80301-2475

RECEIVED

FEB 27 1997

RE: Comments on Preliminary Drainage Report for the Modifications to the Harrison Outfall

Dear Mr. Brockman:

Mr. Garth Englund of The Colorado Department of Transportation (CDOT) hydraulic unit has reviewed the preliminary plan for the Harrison Outfall CBC inlet work. These comments are for the report submitted prior to the February 12, 1997 report just received by CDOT. His comments are as follows:

1. CDOT has a project to widen I-25 in this area. How the new ditch along I-25 and the CBC will fit with the proposed widening needs to be considered. The project manager for the I-25 widening project is Mr. David Poling. Please contact Mr. Poling at (719) 546-5405 in Pueblo to discuss this concern.
2. What kind of lining will be used in the ditch? Please submit the calculations for the erosion control lining requirements.
3. It appears that weir #2 (wall and fill) needs to be extended to the west to prevent the water from skirting around the end.

I have submitted the report dated February 12, 1997, to Mr. Poling to discuss with the consultant working on the hydraulics portion of the I-25 widening. If you have any questions concerning Mr. Englund's comments please contact him in Denver at (303) 757-9342. Any questions concerning the widening should be directed to Mr. Poling at the above number.

Sincerely,

Jackie Hall

Access Coordinator

bxc: Robin Kidder-City of Co. Spgs.  
Garth Englund-Hydraulics  
Torres/Droge  
Poling  
Borge/Hall

CITY OF COLORADO SPRINGS

The "America the Beautiful" City

DEPARTMENT OF PUBLIC WORKS

CITY ENGINEERING DIVISION (303) 578-6606

30 S. NEVADA

SUITE 403

P.O. BOX 1575

COLORADO SPRINGS, COLORADO 80901

filed:

11/14/85

CHEYENNE MOUNTAIN CENTER  
MASTER DRAINAGE REPORT AND FILING NO. 1

CONDITIONS OF APPROVAL:

a. The letter of credit to be provided with this report for Filing No. 1 includes the amounts noted herein as items "A", "B", "C", and item "D" for the Sinton Outfall, El Paso County.

b. The Colorado Department of Highways shall maintain all drainage facilities within its right-of-way as stated in the September 9, 1985 letter from R. Q. Brown. All design analysis and proposed construction affecting the roadway and drainage facilities shall meet with the C.D.H.'s requirements.

c. The drainage facilities for the "Sinton Outfall" between Highway I-25 and Fountain Creek shall conform to the design and construction requirements of the El Paso County Department of Transportation.

d. Maintenance for the drainage ways in the Quail Lake Northerly Park area ("K-2 Pond" Basin), west of Venetucci Blvd. is subject to an agreement between the City Parks and Recreation Department and the Gates Land Company. The "K-2 Pond" facility to be maintained by the Department of Public Works after final acceptance.

e. A flood potential and erosion protection analysis will be required for any private properties adjacent to the "K-2 Pond" drainage way in the vicinity of Venetucci Blvd. and Tenderfoot Hills Rd. prior to construction drawing approval for any related drainage improvements.

f. Maintenance responsibilities for the Harrison Creek outfall and drainage way east of Highway I-25 are subject to an agreement by the Harrison School District. If maintenance responsibilities are not established, The Gates Land Company will be required to construct an adequate facility for the design discharge meeting City criteria. (Or appropriate letter of credit)

g. All proposed construction to be maintained by the City shall be subject to final design requirements and criteria. Only drainage facilities conveying runoff from public streets or

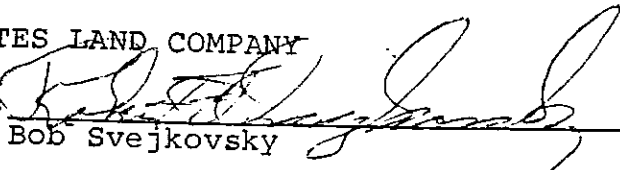


Cheyenne Mountain Center  
Master Drainage Report and Filing No. 1  
Conditions of Approval - Page Two

drainage facilities will be accepted for maintenance by  
the City.

GATES LAND COMPANY

By:

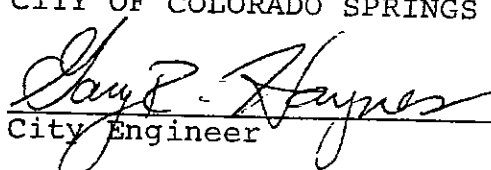
  
Bob Svejkovsky

Date:

11.14.85

Title: Director of Engineering

CITY OF COLORADO SPRINGS

  
City Engineer

11-14-85

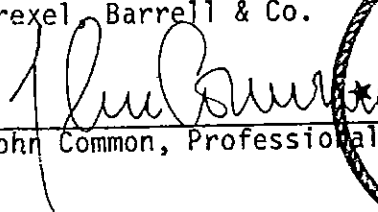
DRAINAGE REPORT STATEMENTS

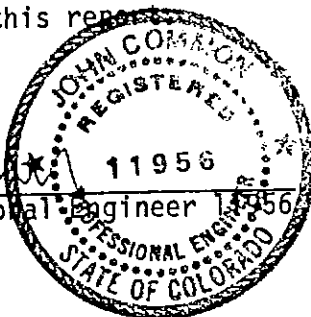
ENGINEER'S STATEMENT:

The Master Drainage Plan and Report for Cheyenne Mountain Center and Final Drainage Report and Plan for Cheyenne Mountain Center Filing No. 1, were prepared under by direction and supervision and are correct to the best of my knowledge and belief. Said drainage report has been prepared according to the criteria established by the City for drainage reports and said report is in conformity with the master plan of the drainage basin. I accept responsibility for any liability caused by the negligent acts, errors or omissions on my part in preparing this report.

FOR: Drexel, Barrell & Co.

BY:

  
John Common, Professional Engineer 11956

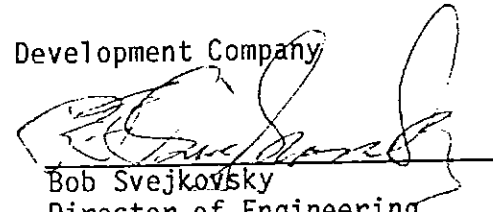


DEVELOPER'S STATEMENT:

The developer has read and will comply with all of the requirements specified in this drainage report.

Gates Land Development Company

BY:

  
Bob Svejkovsky

TITLE:

Director of Engineering

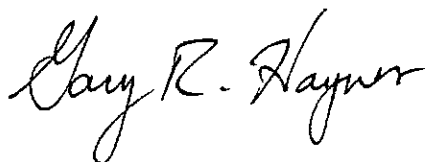
ADDRESS:

155 West Lake Avenue  
Colorado Springs, CO 80906

CITY OF COLORADO SPRINGS:

Filed in accordance with Section 15-3-906 of the Code of the City of Colorado Springs, 1980, as amended.

City Engineer



Date 11/14/85

Conditions:

- Subject to the attached  
- conditions of approval -



CITY OF COLORADO SPRINGS

February 26, 1996

Gates Land Company  
202 East Cheyenne Mountain Blvd.  
Colorado Springs, CO 80906  
Attn.: Bob Svejkovsky

Re: Cheyenne Mountain Center - Harrison Creek Outfall

Dear Mr. Svejkovsky:

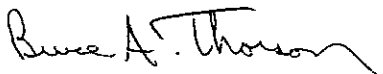
This letter is intended to document recent discussions and to further clarify the February 1, 1996 letter from Robin Kidder from this office regarding drainage responsibilities for the Harrison Creek Outfall east of I-25. Currently, our primary concern is that the requirements of the Cheyenne Mountain Center Master Drainage Report and Filing No. 1, dated November 14, 1985, are fulfilled by Gates Land Company.

The specific conditions of approval of this report regarding the Harrison Creek Outfall east of I-25 state: "Maintenance responsibilities for the Harrison Creek outfall and drainageway east of Highway I-25 are subject to an agreement by the Harrison School District. If maintenance responsibilities are not established, The Gates Land Company will be required to construct an adequate facility for the design discharge meeting City criteria or [provide an] appropriate letter of credit."

The City is aware that there have been previous discussions and a 1987 agreement between Gates and Harrison School District No. 2 relating to this and other issues. However, at this time the City does not feel that the requirements of the 1985 Drainage Report have been fully satisfied. Mr. Kidder's February 1, 1996 letter appears to concentrate on one of the options of constructing a facility. However, I want to state that the City is certainly willing to accept any of the options.

Due to continuing development in this subbasin, we ask for your immediate attention to resolve this issue and finalize compliance with the requirements of the 1985 Drainage Report.

Sincerely,



Bruce A. Thorson  
Stormwater & Subdivision Manager

c: Gary R. Haynes, City Engineer  
Robin R. Kidder, Senior Civil Engineer  
Don Smith, Executive Director of Finance, Harrison School Dist. #2



TELECOPIER  
TRANSMITTAL

CITY OF COLORADO SPRINGS

CITY ENGINEERING DIVISION  
STORMWATER AND SUBDIVISION SECTION

FAX NO.: (719) 578-6161

Date: 2/22/96  
Attention: Bob Svejkovsky  
Gatew Land Company

2/23/96 Per discussion  
with Bob Svejkovsky  
he said no problems  
with letter.

Sender's Initial: Bruce

Number of pages: 2  
(Including this one)

FAX No.: 576-2012

Subject: Cheyenne Mountain Center - Harrison Creek Outfall

MESSAGE OR INSTRUCTIONS:

Attached is a draft letter we agreed to send  
you for review. I believe it adequately  
addresses our recent discussion. Let me know  
if you have any comments.

Also, as we agreed, you will send us  
a letter stipulating a 5/31/96 date to  
comply with the 1985 Drainage Report Requirements;  
if not resolved at that time we would withhold  
future development actions.

Bruce A. Thomson

Please notify sender at (719) 578-6212 if transmission of this document is interrupted or is of poor quality.

The Department of Planning, Development and Finance  
City Engineering Division • Stormwater and Subdivision Section  
101 West Costilla, Suite 122 • P.O. Box 1575/MC 1110 • Colorado Springs, CO 80901-1575 (719)578-6212



CITY OF COLORADO SPRINGS

February 22, 1996

**DRAFT**

Gates Land Company  
202 East Cheyenne Mountain Blvd.  
Colorado Springs, CO 80906  
Attn.: Bob Svejkovsky

Re: Cheyenne Mountain Center - Harrison Creek Outfall

Dear Mr. Svejkovsky:

This letter is intended to document recent discussions and to further clarify the February 1, 1996 letter from Robin Kidder from this office regarding drainage responsibilities for the Harrison Creek Outfall east of I-25. Currently, our primary concern is that the requirements of the Cheyenne Mountain Center Master Drainage Report and Filing No. 1, dated November 14, 1985, are fulfilled by Gates Land Company.

The specific conditions of approval of this report regarding the Harrison Creek Outfall east of I-25 state: "Maintenance responsibilities for the Harrison Creek outfall and drainageway east of Highway I-25 are subject to an agreement by the Harrison School District. If maintenance responsibilities are not established, The Gates Land Company will be required to construct an adequate facility for the design discharge meeting City criteria or [provide an] appropriate letter of credit."

The City is aware that there have been previous discussions and a 1987 agreement between Gates and Harrison School District No. 2 relating to this and other issues. However, at this time the City does not feel that the requirements of the 1985 Drainage Report have been fully satisfied. Mr. Kidder's February 1, 1996 letter appears to concentrate on one of the options of constructing a facility. However, I want to state that the City is certainly willing to accept any of the options.

Due to continuing development in this subbasin, we ask for your immediate attention to resolve this issue and finalize compliance with the requirements of the 1985 Drainage Report.

Sincerely,

Bruce A. Thorson  
Stormwater & Subdivision Manager

c: Gary R. Haynes, City Engineer  
Robin R. Kidder, Senior Civil Engineer  
Don Smith, Executive Director of Finance, Harrison School Dist. #2

~~Gary~~  
Comments?  
BAJ

Bruce

Looks good to me. However, do you feel that paragraph 3 might inflame Steve S. again? I definitely like the last 2 sentences and they need to stay.  
Gary  
Thanks.

February 21, 1996

Gates Land Company  
202 East Cheyenne Mountain Blvd.  
Colorado Springs, CO 80906  
Attn.: Bob Svejkovsky

Re: Cheyenne Mountain Center - Harrison Creek Outfall

Dear Mr. Svejkovsky:

This letter is intended to document recent discussions and to further clarify the February 1, 1996 letter from Robin Kidder from this office regarding drainage responsibilities for the Harrison Creek Outfall east of I-25. Currently, our primary concern is that the requirements of the Cheyenne Mountain Center Master Drainage Report and Filing No. 1, dated November 14, 1985, are fulfilled by Gates Land Company.

The specific conditions of approval of this report regarding the Harrison Creek Outfall east of I-25 state: "Maintenance responsibilities for the Harrison Creek outfall and drainageway east of Highway I-25 are subject to an agreement by the Harrison School District. If maintenance responsibilities are not established, The Gates Land Company will be required to construct an adequate facility for the design discharge meeting City criteria or [provide an] appropriate letter of credit."

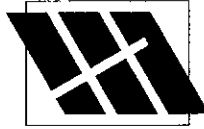
The City is aware that there have been previous discussions and a 1987 agreement between Gates and Harrison School District No. 2 relating to this and other issues. However, at this time the City does not feel it has adequate information from Gates to conclude that the requirements of the 1985 Drainage Report have been satisfied. Mr. Kidder's February 1, 1996 letter appears to concentrate on one of the options of constructing a facility. However, I want to state that the City is certainly willing to accept any of the options.

Due to continuing development in this subbasin, we ask for your immediate attention to resolve this issue and finalize compliance with the requirements of the 1985 Drainage Report.

Sincerely,

Bruce A. Thorson  
Stormwater & Subdivision Manager

c: Gary R. Haynes, City Engineer  
Robin R. Kidder, Senior Civil Engineer  
Don Smith, Executive Director of Finance, Harrison School Dist. #2



RECEIVED  
PLANNING & DEVELOPMENT/ENGINEERING  
COLORADO SPRINGS, COLO.

HARRISON SCHOOL DISTRICT TWO

JAN 17 1996

1060 HARRISON ROAD  
COLORADO SPRINGS, COLORADO 80906  
(719) 576-8360

January 16, 1996

Mr. Gary Haynes, P.E.  
City Engineer  
P. O. Box 1575, Mail Code 435  
Colorado Springs, CO 80901-1575

Dear Mr. Haynes:

I recently met with Rob Kidder regarding improvements to be completed by Gates Land Company on the public drainage system adjacent to Harrison High School. As you are aware, the district has been concerned for a number of years regarding increased flow under I-25 onto Harrison High School property.

It is my understanding that the existing drainage ditch both east and west of the Harrison High School property lines is a public ditch maintained by the City of Colorado Springs. If this is true, I have concerns about the amount of runoff being directed from a public ditch onto private property and then back into a public ditch. I would appreciate information from your office to address the following:

1. Should the City of Colorado Springs not be responsible for continuous runoff flows in a public ditch system?
2. Will the city accept the dedication of an easement across district property to create a continuous public drainage system?

Please advise me as to what steps or information is necessary on my part to open discussions on these issues.

Thank you for your prompt attention to this matter.

Sincerely,

Don Smith  
Executive Director of Finance

DS/pa

# Harrison School outbreak

2/20/96

Steve Shockey  
Bob Swelowski

Doug Quimby  
Gary

Bruce

copy to Gates: 1 of 3 options, construction fee is  
not only option  
copy to School Dist. after Gates reviewed

gates.doc

They separate letter to School Dist.  
referring to 3 MOOP options

60-90 days to work out agreement

~~5/31~~ Letter from Gates that an  
Agreement will be worked out  
with School Dist. by 5/31/96 or  
Gates will agree that no further  
bldg. permits if not worked out.



February 16, 1996

Post-it® Fax Note	7671	Date	# of pages ▶
To <i>Bruce</i>		From <i>Gary</i>	
Co./Dept.		Co.	
Phone #	<i>FBI for</i>	Phone #	
Fax #	<i>Area meeting</i>	Fax #	

Mr. Gary Haynes, P.E.  
City Engineer  
PO Box 1575, Mail Code 435  
Colorado Springs, CO 80901-1575

RE: Cheyenne Mountain Center - Harrison Creek Outfall  
Harrison School District

Dear Mr. Haynes:

We received a letter, dated February 1, 1996, addressed to Mr. Bob Svejkovsky from Robin R. Kidder, P.E., addressing certain aspects of the Harrison Creek Outfall as it traverses property owned by Harrison School District. Gates Land Company in all probability, has been significantly damaged by inappropriate and presumptive statements by Mr. Kidder, which I will address in more detail. This need not have happened, as Mr. Kidder was warned by Mr. Svejkovsky that he was pursuing an erroneous course of action and Gates would not passively stand by should this occur.

The fundamental issue relates to drainage facilities on and across Harrison School District property. The Cheyenne Mountain Center Master Drainage Report, in Filing No.1, item f. under "Conditions of Approval", stated that "maintenance responsibilities for the Harrison Creek Outfall and drainage way east of I-25 are subject to an agreement by the Harrison School District. If maintenance responsibilities are not established, Gates Land Company will be required to construct an adequate facility for the design discharge meeting City criteria, or post an appropriate letter of credit". While the language of this item f. is clear and straight forward, Gates Land Company, as Mr. Kidder is aware, believed that it reached such an agreement in May of 1987 with Mr. Don Smith, Executive Director of Finance for the School District.

Furthermore, on August 24, 1995, Mr. Kidder was a participant in a meeting which took place at the ~~Sinton~~<sup>Harrison</sup> Outfall location (both Mr. Svejkovsky and Mr. Kidder came to the conclusion that the previous work was not done according to plan, at which time Gates committed to having the work done properly). The more important issue, however, was that it was clear from that meeting that Mr. Smith was happy on behalf of the School District that the previous work was going to be corrected, and with the overall arrangement. There were no indications from that meeting that the School District was in any way unhappy with its agreement with Gates, in fact just the opposite. All this is consistent with the agreement Gates had reached much earlier with the School District, the circumstances of which Mr. Kidder has been made aware.

Additionally, there exists an agreement dated May 21, 1987 between Gates Land Company and School District No.2 (Harrison) in which item 5 states "per previous agreement, the drainage ditch at Harrison High School must be riprapped by Gates from the service road

**GATES LAND COMPANY**

202 E. CHEYENNE MOUNTAIN BOULEVARD, SUITE 1 / COLORADO SPRINGS, CO 80906 / (719) 576-8500 - 8516

south where the ditch turns to the east by August 15, 1987 at no cost to the District. This must include the turn to channel the water east. Plans for this job must be submitted to Harrison School District for approval prior to initiation of the work". This was part of the overall agreement between the School District and Gates, which did not involve the City directly but, Mr. Kidder was forwarded a copy of this agreement on January 30, 1996, during which time he was warned about interfering in the relationship between the School District and Gates.

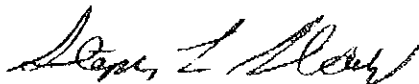
Don Smith's letters of January 16, 1996 to you merely asks a question regarding possible acceptance by the City of an easement across District property in order to create a continuous public drainage system. The letter was only asking for information, to which the City should have responded only in terms of its criteria for acceptance of the riprap channel across District property.

However, Mr. Kidder chose a wholly inappropriate and damaging course of action. In the second paragraph of his February 1, 1996 letter to Gates Land Company, Mr. Kidder stated "... it is presumed that many of these responsibilities have not been resolved between Gates Land Company and the School District" and goes on to indicate under what conditions the City would be willing to accept the improvement. Mr. Kidder, by making these assumptions, particularly after being warned not to do so, has placed the City in the position of interfering in the contractual relationship and agreement between Gates Land Company and Harrison School District. Furthermore, he has placed the weight of the City on the side of Harrison School District in making demands of Gates Land Company. In other words, his letter essentially encourages Harrison School District to "ask for the moon from Gates because the City will back you".

We have had a longstanding agreement with the School District of which Mr. Kidder has had direct, (and indirect) knowledge, but has chosen nonetheless to interfere with that relationship, without even a meaningful attempt to understand Gates' position. Gates will be damaged should the School District now demand that Gates improve the drainage facility on its property to meet City requirements for acceptance. I must tell you that Gates will not accept such an outcome, and, it also finds it wholly unacceptable that the City has decided to hold up processing of development plans, such as for Burger King, as a result of these events.

I request your immediate attention to this matter, and in our meeting of Tuesday February 20, 1996 at 4:00 pm, we will have an opportunity to discuss these items further.

Sincerely,  
GATES LAND COMPANY



Stephen L. Sharkey  
Vice President

SLS:rsw

MDDP calls for  
900' of channel;  
written conditions by  
Gary

February 1, 1996

Gates Land Company  
202 East Cheyenne Mountain Blvd.  
Colorado Springs, CO. 80906

RE: Cheyenne Mountain Center-Harrison Creek Outfall

Mr. Bob Svejksky:

As discussed, we have been recently contacted by the Harrison School District with regards to the future maintenance responsibility and ownership of the above referenced drainage which runs across district property just east of I-25 @ Circle Drive. Upon our review of the approved Master Drainage Report (11/14/85) for the adjacent Cheyenne Mountain Center, it appears that the issue of "maintenance responsibilities" of this drainage channel across district property was to be negotiated between Gates Land Company and the Harrison School District as a condition of future development in the Cheyenne Mountain Center complex. As stated in the attached list of "Conditions of Approval" from this Master Drainage Report, "If maintenance responsibilities are not established, the Gates Land Company will be required to construct an adequate facility for the design discharge meeting City criteria, or post appropriate letter of credit."

With the Harrison School District now asking the City to accept dedication of a "public drainage easement for this drainageway, it is presumed that maintenance responsibilities have not been resolved between Gates Land Company and the School District and as such, the City would be willing to accept ownership and maintenance responsibilities, but only after proper drainage improvements have been installed per the originally approved Master Drainage Report condition. Therefore, we are hereby requesting that Gates Land Company contact our office to open discussion on this matter, and so that construction drawings can be prepared and approved by the City prior to additional development in the Cheyenne Mountain Center Complex. We will then contact the School District and inform them that Gates Land Company will be installing the needed channel improvements to this drainageway and that they can then start the process to dedicate this drainageway to the City as a "Public" drainage easement to be owned and maintained by the City. If the steps outlined herein meet with your approval, please contact our office at your earliest convenience so that we may advise the School District accordingly. Thank You.

Respectfully

Robin R. Kidder, P.E.  
Senior Civil Engineer

c: Gary Haynes, P.E.-City Engineer  
Bruce A. Thorson, P.E.-City Stormwater & Subdivision  
Don Smith- Executive Director of Finance-Harrison School District

Dsmith.doc

Mr. Don Smith

DON'T SEND UNTIL  
GATES LETTER IS SENT  
(do we copy Gates ~~to~~ YES)

This letter is intended to further report on the Feb. 1, 1996 letter from Bob Kider to Gates Land Co. regarding drainage responsibilities for the Harrison creek outfall east of I-25 and to respond to your 1/16/96 letter to Gary Higgins.

First, Gates Land Company is required to comply with the conditions of the Cheyenne Mountain Center Master Drainage Report and Filing No. 1, dated November 14, 1985. Regarding the Harrison creek outfall east of I-25, Gates had several options. They could work out a maintenance agreement with the School District, construct an adequate drainage facility, or provide a financial assurance to insure the construction. The City is aware that construction of some improvements ~~has been~~ has been completed along a portion of your property just downstream of I-25. In addition we know of the 1987 agreement between Gates and the School District relating to this construction and other issues. However, ~~currently~~ <sup>as you</sup> ~~the city~~ are aware, the city has recently requested Gates Land Co. to ~~help~~ resolve these ~~issues~~ <sup>issues</sup> with of compliance with the 1985 Drainage Report.

The following information is provided  
Second, to further respond to your January 16, 1996 letter if a private maintenance agreement is the

preferred option by Gates and the School District, the city would not be responsible for the drainage flows across the School District property. However, the city, ~~however~~, is willing to accept dedication of a public drainage easement across School District property where improvements have been constructed ~~to~~ <sup>and inspected</sup> to meet city standards and criteria and received inspection approval.

Again, Gates is required to resolve this issue of compliance with the <sup>DES</sup> drainage permit that allows for several options. ~~Since the issue is resolved between Gates and the School District, the need for dedication of easements will not be known until final resolution on the selected option.~~ <sup>upon resolution by Gates and the Sch. Dist.</sup>

If you have any questions or would like to discuss further, please call me at 578-6212.

## CITY OF COLORADO SPRINGS

February 26, 1996

Gates Land Company  
 202 East Cheyenne Mountain Blvd.  
 Colorado Springs, CO 80906  
 Attn.: Bob Svejkovsky

Re: Cheyenne Mountain Center - Harrison Creek Outfall

Dear Mr. Svejkovsky:

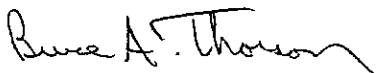
This letter is intended to document recent discussions and to further clarify the February 1, 1996 letter from Robin Kidder from this office regarding drainage responsibilities for the Harrison Creek Outfall east of I-25. Currently, our primary concern is that the requirements of the Cheyenne Mountain Center Master Drainage Report and Filing No. 1, dated November 14, 1985, are fulfilled by Gates Land Company.

The specific conditions of approval of this report regarding the Harrison Creek Outfall east of I-25 state: "Maintenance responsibilities for the Harrison Creek outfall and drainageway east of Highway I-25 are subject to an agreement by the Harrison School District. If maintenance responsibilities are not established, The Gates Land Company will be required to construct an adequate facility for the design discharge meeting City criteria or [provide an] appropriate letter of credit."

The City is aware that there have been previous discussions and a 1987 agreement between Gates and Harrison School District No. 2 relating to this and other issues. However, at this time the City does not feel that the requirements of the 1985 Drainage Report have been fully satisfied. Mr. Kidder's February 1, 1996 letter appears to concentrate on one of the options of constructing a facility. However, I want to state that the City is certainly willing to accept any of the options.

Due to continuing development in this subbasin, we ask for your immediate attention to resolve this issue and finalize compliance with the requirements of the 1985 Drainage Report.

Sincerely,



Bruce A. Thorson  
 Stormwater & Subdivision Manager

c: Gary R. Haynes, City Engineer  
 Robin R. Kidder, Senior Civil Engineer  
 Don Smith, Executive Director of Finance, Harrison School Dist. #2

*Bruce - Steve Shalby said that they "found" a letter that clears it all up. He is sending to one of us. Gary 2/29*



CITY OF COLORADO SPRINGS

February 27, 1996

Don Smith  
Executive Director of Finance  
Harrison School District No. 2  
1060 Harrison Road  
Colorado Springs, CO 80906

Re: Harrison High School Drainage

Dear Mr. Smith:

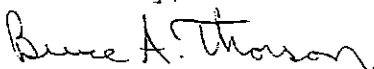
This letter is intended to further clarify the February 1, 1996 letter from Robin Kidder to Gates Land Company regarding drainage responsibilities for the Harrison Creek Outfall east of I-25 and to respond to your January 16, 1996 letter to Gary Haynes.

Gates Land Company is required to comply with the conditions of the Cheyenne Mountain Center Master Drainage Report and Filing No. 1, dated November 14, 1985. Regarding the Harrison Creek Outfall east of I-25, Gates had several options. They could work out a private maintenance agreement with the School District, construct an adequate drainage facility, or provide a financial assurance to insure the construction. The City is aware that construction of some improvements has been completed along a portion of the School's property just downstream of I-25. In addition, we know of the 1987 agreement between Gates and the School District relating to this construction and other issues. The City has recently requested Gates Land Company to resolve this issue to comply with the 1985 Drainage Report.

To further respond to your January 16, 1996 letter, the following information is provided. If a private maintenance agreement is the preferred option by Gates and the School District, the City would not be responsible for the drainage flows across the School District property. The City is willing to accept dedication of a public drainage easement across School District property where improvements have been constructed according to City standards and criteria and where City inspection approval is received.

If you have any questions or would like to discuss further, please call me at 578-6212.

Sincerely,



Bruce A. Thorson  
Stormwater & Subdivision Manager

c: Gary R. Haynes, City Engineer  
Robin Kidder, Senior Civil Engineer  
Bob Svejksky, Gates Land Co.  
Stormwater and Subdivision, 101 West Costilla, Suite 113 • TEL 719-578-6212 FAX 719-578-6161  
Mailing Address: Post Office Box 1575, Mail Code 1110 • Colorado Springs, Colorado 80901-1575

ROBIN KIDDER  
Senior Civil Engineer



CITY OF COLORADO SPRINGS

Bruce: Again it appears that Gutes would like to mix apples & oranges as I believe the attached letter specifically applies to the frontage road channel work previously done by Frazee, which had to be recently redone w/ concrete per the approval of Axel Barrell design. These improvements stop @ the S.W. corner of the school property, (although they do carry a little onto school property), and do not pertain to the unlined "pilot" channel which crosses some 900' west to east across the southern edge of the school property which the recent district letter was inquiring about public ownership. Therefore, Gutes has still not met their MDDP requirements.

Stormwater and Subdivision, 101 West Costilla, Suite 113

TEL 719-578-6212 • FAX 719-578-6161

Mailing Address: Post Office Box 1575, Mail Code 1110 • Colorado Springs, CO 80901-1575



March 4, 1996

RECEIVED

MAR 06 1996

Mr. Bruce A. Thorson  
Stormwater and Subdivision Manager  
City of Colorado Springs  
101 West Costilla, Suite 113  
P.O. Box 1575, Mail Code 1110  
Colorado Springs, CO 80901-1575

RE: Cheyenne Mountain Center - Harrison Creek Outfall

Dear Mr. Thorson:

We are in receipt of your letter of February 26, 1996 to Mr. Bob Svejkovsky regarding the above. Gates Land Company hereby reaffirms and accepts the requirements of approval of the Cheyenne Mountain Center Master Drainage Report dated November 14, 1985. Relative to this Gates Land Company agreed in our meeting with you and Gary Haines on February 20th that Gates would meet the requirements of the Cheyenne Mountain Center Master Drainage Report (specifically paragraph f.) through one of the following:

1. Obtain an agreement with School District 2 (Harrison) for maintenance of the channel across Harrison High School property;
2. Commence construction or an improved channel, meeting City requirements, across the Harrison School District property by not later than May 31, 1996;
3. Provide an appropriate letter of credit for the improved channel referenced in item 2.

It was also our understanding that the City would not delay or refuse to issue building permits for any of the Cheyenne Mountain Ranch until June 1, 1996 based solely on the Harrison Creek Outfall issues.

Subsequent to our meeting of February 20, 1996 a document surfaced which fully meets the requirement outlined in Item No. 1 above. This letter, dated January 13, 1988, from Mr. Don Shiverdecker, Director of Support Service for the Harrison School District to Mr. Chis Smith, then Subdivision Manager for the City of Colorado Springs, specifically states that Harrison School District has accepted the work and will assume the maintenance responsibilities for the Harrison Creek Outfall and Drainage way east of I-25 at Harrison High School.

Based on this document, as well as from other School Districts commitments contained in the documents we have previously provided to the City, it is clear that both the City and Gates Land Company can rely upon the documented commitment of the Harrison School District to maintain the outfall and drainage way on School District property.

**GATES LAND COMPANY**

202 E. CHEYENNE MOUNTAIN BOULEVARD, SUITE 1 / COLORADO SPRINGS, CO 80906 / (719) 576-8500 - 8516

Mr. Bruce A. Thorson  
Page Two

I do want to thank you for taking the time to understand our perspective on these issues, and for the generally very cooperative meeting of February 20, 1996.

Sincerely  
GATES LAND COMPANY



Stephen L. Sharkey,  
Vice President

SLS:rsw

cc: Mr. Gary Haines, City Engineer  
✓Mr. Robin R. Kidder, Senior Civil Engineer  
Mr. Don Smith, Executive Director of Finance, Harrison School District No. 2  
Mr. Bob Svejkovsky

January 13, 1988

Mr. Chris Smith  
Subdivision Administrator  
City Engineering Division  
Department of Public Works  
30 South Nevada, Suite 403  
Colorado Springs, CO 80901

Re: Cheyenne Mountain Center Filing No. 1 Drainage Report

Dear Mr. Smith:

This letter is to confirm that the drainage ditch for the Harrison Creek outfall and drainage way east of Highway I-25 at Harrison High School have been riprapped and improved as per our agreement with Gates Land Company.

Harrison School District has accepted the work that has been done, and will assume the maintenance responsibilities for that portion that intersects the southerly boundary of Harrison High School.

Sincerely,

Don Shiverdecker  
Director, Support Services  
Harrison School District #2

cc: Gates Land Company

DS/sc

163

Post-It <sup>®</sup> Fax Note	7671	Date: 3-14	# of pages: 9
To: Bruce Tharson		From: Bob S	
Co./Dept: City		Co: Gates	
Phone #		Phone #	
Fax # 578-6161		Fax #	

AGREEMENT

WHEREAS, Harrison High District No. 2 (hereinafter "the District") and Gates Land Company (hereinafter "Gates") have been engaged in a dispute over land to be dedicated or fees to be collected in lieu thereof pursuant to Colorado Springs City Ordinance; and

WHEREAS, the parties wish to resolve a portion of the dispute by this Agreement.

NOW, THEREFORE, in consideration of the promises contained therein, the parties agree as follows:

1. All grading at the ten-acre school site, hereinafter "school site" and more completely described in the attached "Exhibit A", incorporated herein by this reference, will be completed by Gates in accordance with that certain grading plan for Cheyenne Meadows South Filings No. 2 and No. 3, Plan No. 1Q352, prepared by Drexel, Barrell & Co., dated December 29, 1986, and approved by the City of Colorado Springs on January 6, 1987, no later than July 1, 1987, at no cost to the District.

2. Gates will complete streets to the school site to the extent that construction traffic can utilize the streets by July 1, 1987, at no cost to the District.

3. Gates will install water and sanitary sewer utility lines in the street in front of the school site in order that necessary connections can be made by July 15, 1987, at no cost to the District. In addition, Gates will cooperate with the City so that the City can install the lines on a timely basis.

\* 4. The Cheyenne Meadows drainage channel, to be installed by Gates at no cost to the District, must include a four-foot concrete sidewalk as per plan submitted by Gates Land Company to the City and approved by the City November 14, 1986.

5. As per previous agreement, the drainage ditch at Harrison High School must be rippapped by Gates from the service road south where the ditch turns to the east by August 15, 1987, at no cost to the District. This must include the turn to channel the water east. Plans for this job must be submitted to Harrison School District for approval prior to initiation of the work.

o/c ? 6. Gates will provide to the District a copy of the survey which has just been completed on the ten-acre site at the time of conveyance.

o/c ? 7. The drainage and bridge fees attributable to the ten-acre site are waived for the District pursuant to the Annexation

Completed

Agreement between Gates Land Company and the City of Colorado Springs.

8. Gates shall install all necessary curbs, gutters and blacktop streets adjoining property dedicated to the District at no cost to the District.

9. The property south and east of Harrison High School will be surveyed and a fence will be constructed by Gates Land Company per previous agreement. This fence shall consist of approximately 690 feet of four strands of smooth wire. Posts shall be six feet high and spaced fifteen feet apart. Two stiffeners are to be placed between the posts and posts are to be braced at the corners. This project is to be completed by August 15, 1987, at no cost to the District.

OK? 10. Gates will order a title insurance commitment from Transamerica Title Insurance Company committing to ensure fee title to the District to the ten-acre tract in the amount of \$156,000.00, and will pay the premium for the policy and cause Transamerica to issue and deliver the policy to the District promptly after the deed is recorded.

OK? 11. Gates will pay to the District \$574.08 at the time the deed to the ten-acre parcel is conveyed which represents the difference in the amount of land required to be dedicated for the school site and the ten acres actually to be conveyed by the Deed referenced herein.

OK? 12. The currently approved and recorded plat Cheyenne Meadows South Filing No. 1 would require Gates to dedicate an additional 2.60 acres. The District and Gates agree to modify this plat to require the payment of fees representing this 2.60 acres instead of dedication with the fees to be collected at the time that building permits are issued.

OK? 13. In entering into this Agreement, the District in no way waives any claim, against either Gates Land Company or the City of Colorado Springs, to unpaid school fees for Cheyenne Meadows Subdivision Filings No. 3 and No. 4 and Pacific Hills Subdivision.

? 14. Gates agrees to use its best efforts to satisfy each of its obligations contained herein by the required dates.

OK? 15. Gates agrees to tender to the District by general Warranty Deed the ten-acre school site free and clear of all liens and encumbrances except those of record in the Clerk and Recorder's Office of El Paso County, Colorado, and real property taxes for 1987, due and payable in 1988.

16. Gates agrees to pay and hold harmless Gates from all real property taxes accruing through the date the Deed is recorded.

Dated this \_\_\_\_ day of May, 1987.

SCHOOL DISTRICT NO. 2

By: Robert L. Svejksky

GATES LAND COMPANY

By: Robert F. Svejksky  
Robert F. Svejksky

March 4, 1996

Mr. Bruce A. Thorson  
Stormwater and Subdivision Manager  
City of Colorado Springs  
101 West Costilla, Suite 113  
P.O. Box 1575, Mail Code 1110  
Colorado Springs, CO 80901-1575

RECEIVED

MAR 05 1996

City Engineering/Stormwater

RE: Cheyenne Mountain Center - Harrison Creek Outfall

Dear Mr. Thorson:

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It was also our understanding that the City would not delay or refuse to issue building permits for any of the Cheyenne Mountain Ranch until June 1, 1996 based solely on the Harrison Creek Outfall issues.

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Based on this document, as well as from other School Districts commitments contained in the documents we have previously provided to the City, it is clear that both the City and Gates Land Company can rely upon the documented commitment of the Harrison School District to maintain the outfall and drainage way on School District property.

**GATES LAND COMPANY**

202 E. CHEYENNE MOUNTAIN BOULEVARD, SUITE 1 / COLORADO SPRINGS, CO 80906 / (719) 576-8500 - 8516

Mr. Bruce A. Thorson  
Page Two

I do want to thank you for taking the time to understand our perspective on these issues,  
and for the generally very cooperative meeting of February 20, 1996.

Sincerely  
GATES LAND COMPANY

A handwritten signature in cursive script, appearing to read "Stephen L. Sharkey".

Stephen L. Sharkey,  
Vice President

SLS:rsw

cc: Mr. Gary Haines, City Engineer  
Mr. Robin R. Kidder, Senior Civil Engineer  
Mr. Don Smith, Executive Director of Finance, Harrison School District No. 2  
Mr. Bob Svejkovsky



January 13, 1988

Mr. Chris Smith  
Subdivision Administrator  
City Engineering Division  
Department of Public Works  
30 South Nevada, Suite 403  
Colorado Springs, CO 80901

Re: Cheyenne Mountain Center Filing No. 1 Drainage Report

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Sincerely,

Don Shiverdecker  
Director, Support Services  
Harrison School District #2

cc: Gates Land Company

DS/sc

February 19, 1981

MINUTES OF REGULAR MEETING OF  
THE BOARD OF EDUCATION OF HARRISON DISTRICT #2

- ROLL CALL** The regular meeting of the Harrison Board of Education was called to order at 7:35 p.m. by the President, Charles Root. Roll call was taken and the following were present: Barbara Borgen, Edwin Knudson, Charles Root, Athaniel Sneed, and Robert Turman. Also present were Dr. Krause, Mr. McCaa, Dr. Terry, Dr. Clark, Mrs. O'Connor, Mr. McCoy, Mrs. Hood, and Mr. Shiverdecker. Visitors present were members of the staff, patrons, Mr. Baldwin, Mr. Svejkovsky, and the news media.
- Approval of Agenda** Moved by Borgen, seconded by Sneed, to approve the agenda as stated. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye.
- Approval of Minutes** Moved by Sneed, seconded by Knudson to dispense with the reading of the minutes and approve the minutes of the regular meeting of February 5, 1981, as mailed. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye.
- Personnel** Moved by Borgen, seconded by Knudson, to concur in the recommendation of the administration for approval of all personnel actions listed below:
- Certificated  
Resignation, Katherine Jackson, effective March 20, 1981;  
Resignation, Classified, Otilla Cisneros, effective February 9, 1981,  
and Gloria Taylor  
Leave of Absence, Classified, Luanne Murphy and Gloria McVaugh, effective  
March 20, 1981  
Employment, Classified, Carla Clark, effective February 17, 1981
- The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye.
- Affirmative Action** Mr. McCaa reported that the finalization of the operation of the Affirmative Action Committee had been completed. He noted that Dr. Krause is still designated as the Affirmative Action Officer. Moved by Borgen, seconded by Sneed, to concur in the recommendation of the administration to authorize the establishment of an Affirmative Action Committee and to approve the time and sequence of action as proposed for developing an Affirmative Action Program. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye. (Attachment)
- Policy Chapter Six** Dr. Clark reported that Chapter Six, Instruction, was being presented for first reading; corrections and changes have been made as a result of presenting this chapter for review. Moved by Borgen, seconded by Sneed, to adopt on first reading Chapter Six, Instruction, as recommended by the district policy committee. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye. It was noted by Mr. Root that he had received some suggested changes which the committee needs to consider before the second reading.
- Grievance** Elsa Long, teacher Centennial Elementary, asked to appear in open session to present her grievance at Level III, as she felt it had not been resolved at Level II. Her grievance is that substitutes are not being hired for the art, music or P.E. teachers at Centennial. She feels the students are not receiving the instructions they are entitled to, but students in the other schools are. There is not a policy to cover this as the principal decides whether or not to hire substitutes for these areas. Ms. Long reported that lesson plans are not available, either regular teacher hasn't prepared such, or they are hard to interpret. Dr. Krause noted that there is not a policy in regard to substitutes, and also that the lesson plans had not been brought up at Level I or Level II.

(Cont'd page 2)

Page 2

Grievance  
(Cont'd)  
Executive  
Session

Moved by Borgen, seconded by Sneed, to convene in executive session at 7:55 p.m., to include the Board, Mr. McCaa, Dr. Terry, Dr. Krause, Dr. Clark, Mr. Askew, and Ms. Long. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; and Turman, aye.

The board reconvened in regular session at 8:30 p.m. Moved by Sneed, seconded by Borgen, to deny the grievance of Elsa Long; and further, to direct the administration to prepare administrative procedures to take care of substitutes in each building. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye.

BOCS  
Contract

Dr. Clark reported that the contract from the Pikes Peak Board of Cooperative Services was being presented for approval. The contract is for \$171,429.34, which covers Administration in the amount of \$7,212.95; Special Education, \$151,137.33; Film Library, \$7,444.80; and Zebulon Pike Detention Center, \$5,634.26. The budgeted amount for 1981 is \$164,800, so it is necessary to ask that \$6,629.34 be transferred from contingency reserve to handle the difference. Moved by Borgen, seconded by Sneed, to approve the 1981 Pikes Peak Board of Cooperative Services contract in the amount of \$171,429.34; and further, to transfer from contingency \$6,629.34 to handle difference in amount budgeted and the contract. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye.

Biennial  
School Board  
Election

Dr. Krause reported that the administration had and was taking care of the important dates regarding the biennial school board election. Mr. McCoy noted that there were two vacancies for the six year terms, and one vacancy for the four year term, and the candidate had to specify which he was running for. Moved by Borgen, seconded by Knudson, to direct public notice of the regular biennial school election to be held Tuesday, May 5; and further, to give public notice for the need of registration prior to the close of business at the Election Office April 3, 1981; and further, to provide all patrons in the district interested in being a candidate with the appropriate materials; and give notice that nominating petitions must be filed with the Secretary of the Board prior to 5:00 p.m., March 20, 1981. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman aye.

Bus  
Purchases

Dr. Terry and Mr. Shilverdecker reported on the purchasing of two new buses, special education and regular. It is hoped that the two old buses can be sold; however, considering the market, they probably will be used for parts. Bids were received from the following for the 28 passenger Special Education bus:

Rocky Mountain Bus Sales (Ward)	\$24,043.00
American Transportation and Equipment (Wayne)	25,995.00
Elder-Quinn and McGill, Inc. (Blue Bird)	25,122.16

Bids for the 65 passenger bus were:

Rocky Mountain Bus Sales (Ward)	\$24,050.00
American Transportation and Equipment (Wayne)	24,247.00
Elder-Quinn and McGill, Inc. (Blue Bird)	26,815.00

It was noted that the district could be replacing two buses each year. Mr. Root asked about the funding, as one is funded from the 1981 General Fund and the other from the 1981 Capital Reserve Budget. Only one bus had been funded in the budget; it is hoped that better budgeting will be used in the future. Moved by Sneed, seconded by Knudson, to purchase a 28 passenger, 1981 Chevrolet Chassis with a Ward body from Rocky Mountain Bus Sales; purchase price to be \$24,043. Funding for purchase to be funded from the 1981 General Fund Budget, bus replacement; and further, to purchase a 65 passenger, 1981 Chevrolet Chassis with a Wayne body from American Transportation and Equipment; purchase price to be \$24,247.00. Purchase to be funded from the 1981 Capital Reserve Budget. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye.

(Cont'd page 3)

**Drainage  
Easement,  
High School**

Mr. Shilverdecker reported that Gates Land Company is asking for permission to construct an easement on school property south of the high school. Mr. Shilverdecker introduced Mr. Svejkovsky of Gates Land Company. Mr. Svejkovsky presented a drawing to the board which showed the easement paralleling the A.T. & T. right-of-way. Gates proposes to change the drainage swale that now traverses the school site; the construction of the permanent channel and grading within the school property would be at no cost to the school district. This would be of great improvement to the district as the present drainage system is inadequate to control the flow of water during a heavy run-off period. Moved by Borgen, seconded by Sneed, to permit the Superintendent of Schools to coordinate with Gates Land Company and the City of Colorado Springs to grant a drainage easement on Harrison School District No. Two property south of Harrison High School and authorize the President of School Board to sign said document. The granting of this easement, construction of the permanent channel, grading within the school property and relocating existing fence will be at no cost to Harrison School District Two at this time. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye.

**Bus  
Rental**

Mr. Shilverdecker reported that the Pikes Peak Community College is hosting the VICA Skill Olympics on March 18 and 19. They have contacted the school district asking for bus transportation from the Four Seasons to the college; the Cosmetology Center in Wildfield; and the Flying W Ranch. The district had assisted the college in the past and this could be handled without interfering with regular bus schedule. The district will be reimbursed for the total cost. Moved by Sneed, seconded by Knudson, to authorize use of district buses to assist Pikes Peak Community College in the movement of students during the State VICA Olympics on March 18 and 19. Harrison School District to be reimbursed for all costs. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye.

**Public  
Comment**

Mr. Freehill invited the Board to visit the high school Monday, will have the ninth graders visiting for their orientation.

**Financial  
Reports**

Mr. McCoy presented the financial reports for the month. Revenue receipts are \$776,705.36; accounts payable, \$212,448.15; lunch, \$38,653.94; Capital Reserve Fund, \$6,024.56; additional accounts payable for 1980, \$45,959.39; and additional Capital Reserve in the amount of \$5,173.82; Supplemental, \$5,974.78; total payroll in the amount of \$989,349.02, except for lunch. Moved by Sneed, seconded by Knudson, to approve the bills for payment and file the financial statements. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye.

**District  
Growth  
Projections**

Dr. Terry made a slide presentation of the projected growth in the district comparing capacity of buildings and the projected enrollments. The projected enrollment for '81-'82 is 7,787; '82-'83, 8,322; '87-'88, 10,928; the present enrollment is 7,252. The building of a new high school and two elementaries would probably take care of the district for years to come. If a new junior high is built the Gorman complex could be incorporated in with the high school. If the district is to do any building, it would be necessary to hold a bond election, asking the electorate to increase the mill levy. The growth committee will become active and do another survey of the patrons, and one of the questions would be regarding the mill levy increase thus raising taxes. The cost of a high school would be approximately \$10,000,000; junior high \$5,000,000. The problem at the present time is to come up with an alternate for the split session at the high school, any building project would take two to three years to complete. It was noted that at the present time our bonding capacity is \$14,000,000. Dr. Terry presented two alternatives for handling the high school enrollment; several alternatives had been worked with but these two seemed to be the most feasible. Alternative #6 - high school have grades 11 and 12; Gorman, 8th, 9th and 10th; Carmel and Panorama would enroll 7th, 8th and 9th graders. This means that all 7th graders would be at Carmel or Panorama, and new attendance boundaries established. All 10th graders would attend Gorman; the physical difference between 8th and 10th graders could be a problem. This would also necessitate transferring teachers from the high school to Gorman, and from Gorman to Carmel and Panorama. The operation of the high school kitchen would be an expense, as well as bus transportation.

Growth (cont'd)

Alternative #8 - high school would have grades 11 and 12; Gorman would house 9th and 10th graders, while Carmel and Panorama would house all 7th and 8th graders and a third of the 9th graders. This would entail the setting of new attendance boundaries for 7th and 8th graders. The physical age difference between 9th and 10th graders would not be as great a problem. This would also necessitate the transferring of staff and the busing of students. The cost of operating the kitchen would also be an expense. With either of these alternates some electives would not be offered because of decrease in student class requests. Regardless of which alternate or decision is made for handling the split session at the high school it will involve much time for planning and transferring of equipment and supplies. The administration recommends that the high school continue on the split session for the 1981-1982 school year. It was the consensus of the board that they agree with the administration.

The Growth Committee is anxious to become active and will be meeting with Dr. Terry at an early date.

Future Agendas

Policies and growth will continue to be topics on agendas.

Adjournment

With no further business to come before the board, the meeting adjourned at 9:57 p.m.

\_\_\_\_\_  
President

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
Director

HARRISON SCHOOL DISTRICT #2

WHERE EXCELLENCE IS BASIC

*Gates*

January 15, 1988

Kelly Dude  
Anderson, Johnson & Gianunzio  
104 S. Cascade Ave.  
Suite 204  
Colorado Springs, Colorado 80903

Dear Kelly,


Gates Land Company has asked Harrison School District #2 to submit the attached letter to the City Engineering division. I have also attached the original minutes that addressed this issue.

Don Shiverdecker has assured me that Gates Land Company has completed all of the work on the ditch at Harrison High School that they agreed to complete however, I have several concerns:

- 1) The original motion on January 19, 1981 stated that there would be no cost to Harrison School District at that time.
- 2) The current letter dated January 13, 1988 which is attached indicates that Harrison School District assumes the maintenance responsibilities. I would think that if we granted an easement for the ditch that Gates Land Company should retain the responsibility for maintaining the ditch.
- 3) Does this ditch belong to the City of Colorado Springs and is it their responsibility to maintain?
- 4) Why does the city need this release?

I need advice in regards to the problems the district may encounter if we sign the attached letter.

Thanks for your assistance.

  
Don Smith  
Asst. Supt./Business Services

DS:cc

attachments

January 13, 1988

Mr. Chris Smith  
Subdivision Administrator  
City Engineering Division  
Department of Public Works  
30 South Nevada, Suite 403  
Colorado Springs, CO 80901

Re: Cheyenne Mountain Center Filing No. 1 Drainage Report

Dear Mr. Smith:

This letter is to confirm that the drainage ditch for the Harrison Creek outfall and drainage way east of Highway I-25 at Harrison High School have been ripped and improved as per our agreement with Gates Land Company.

Harrison School District has accepted the work that has been done, and will assume the maintenance responsibilities for that portion that intersects the southerly boundary of Harrison High School.

Sincerely,

Don Shiverdecker  
Director, Support Services  
Harrison School District #2

cc: Gates Land Company

DS/sc

HARRISON SCHOOL DISTRICT #2

WHERE EXCELLENCE IS BASIC

B.C: Kelly Dade  
Don Shiverdecker

May 18, 1988

Chris Smith  
Subdivision Administrator  
City Engineering Division  
Department of Public Works  
30 South Nevada, Suite 403  
Colorado Springs, Colorado 80901

Mr. Shiverdecker and I have reviewed the drainage information provided by Drexel Barrell Inc. regarding the proposed Tenderfoot Hill Subdivision by Gates Land Company. The following comments are based on our review:

1. Harrison School District #2 does not have the funds to hire a consulting engineer to dispute the drainage figures presented by Drexel Barrell.
2. There needs to be a long-term solution to the increased drainage problems at the Harrison High School site caused by further development along Lake Avenue.
3. Everyone who is contributing to this problem should be expected to share in the cost of solving the problem.
4. We realize that historical flows across Harrison School District property calculated on a 100 year basis probably did exceed the flows which can currently pass through the tube under Interstate 25. However, the concentration of flows through the area have greatly increased in average flow and frequency following development along Lake Avenue.
5. Harrison School District's objection to drainage concerns prior to the construction of the around the Red Lion Inn were never resolved and now we are asked to accept additional concentrated runoff.
6. We continue to have a concern about the major Mountain Bell line which runs under and along the ditch on our property.

In conclusion, Harrison School District #2 is not in a position to accept what we feel are additional concentrated flows of runoff which pose a threat to district property.

If I can provide further information please contact me.

Sincerely,



Asst. Supt./Business Services

DS:cc

cc: Keith Martin, Gates Land Company

1060 Harrison Rd. • Colorado Springs, CO. • 80906 • (719) 576-8360



  
CITY OF COLORADO SPRINGS

March 18, 1996

Stephen L. Sharkey  
Vice President  
Gates Land Company  
202 E. Cheyenne Mountain Blvd., Suite I  
Colorado Springs, CO 80906

Re: Cheyenne Mountain Center - Harrison Creek Outfall

Dear Mr. Sharkey:

I am responding to your March 4, 1996 letter in which you refer to a January 13, 1988 letter from Don Shiverdecker, Harrison School District, to Chris Smith, City Subdivision Administrator. You stated this letter and the 1987 Agreement between Gates and the School District provided compliance with the Cheyenne Mountain Center Master Drainage Report. However, based on Don Smith's March 6, 1996 letter to me regarding this same letter (unsigned), there still appears to be disagreement on this matter.

My conclusion based on the above information is that the requirements of the 1985 Drainage Report have not been satisfied. We anticipate a solution will be worked out in the near future between Gates and the School District to achieve compliance with the 1985 Drainage Report. As previously agreed to with Gates, if compliance with the 1985 Drainage Report is not achieved by May 31, 1996, the City will not release any additional building permits for sites tributary to the Harrison Creek Outfall until the requirements are satisfied.

Sincerely,



Bruce A. Thorson  
Stormwater & Subdivision Manager

c: Gary Haynes, City Engineer  
Robin Kidder, City Engineering  
Dave Lethbridge, City Engineering  
Don Smith, Executive Director of Finance, Harrison School Dist. #2,  
1060 Harrison Rd., Colorado Springs, CO 80906



CITY OF COLORADO SPRINGS

March 19, 1996

Don Smith  
Executive Director of Finance  
Harrison School District No. 2  
1060 Harrison Road  
Colorado Springs, CO 80906

Re: Cheyenne Mountain Center - Harrison Creek Outfall

Dear Mr. Smith:

Attached is a copy of a 1987 Agreement between Gates and the School District that was provided to us by Gates. It is my assumption this relates to the "other School District commitments" that Mr. Sharkey refers to in his March 4, 1996 letter to me.

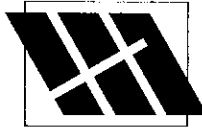
I have also included a copy of a letter in which I responded to Mr. Sharkey's March 4, 1996 letter relating to the letter (unsigned) from Don Shiverdecker to Chris Smith. I anticipate that Gates will be working with the School District to resolve this issue in the near future. If you have any further questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Bruce A. Thorson".

Bruce A. Thorson  
Stormwater & Subdivision Manager

c: Robin Kidder, City Engineering



**HARRISON SCHOOL DISTRICT TWO**

March 6, 1996

1060 HARRISON ROAD  
COLORADO SPRINGS, COLORADO 80906  
(719) 576-8360

Mr. Bruce A. Thorson  
Stormwater and Subdivision Manager  
**CITY OF COLORADO SPRINGS**  
101 West Costilla, Suite 113  
P. O. Box 1575, Mail Code 1110  
Colorado Springs, CO 80901-1575

**RECEIVED**

MAR 07 1996

City Engineering/Stormwater

Re: Cheyenne Mountain Center - Harrison Creek Outfall

Dear Mr. Thorson:

The following information is provided in response to a letter sent to you on March 4, 1996 by Stephen L. Sharkey, Vice President, Gates Land Company.

1. Attached Board of Education meeting on 2-19-81 where Gates Land Company presented their drainage plan to the district which was approved by the Board.
2. January 15, 1988 letter to Kelly Dude, legal counsel, regarding a letter prepared by Gates Land Company to Mr. Chris Smith that they wanted Don Shiverdecker to sign.
3. May 18, 1988 letter to Chris Smith indicating a need for the resolution of the drainage issues at Harrison High School.
4. According to my records, the January 13, 1988 letter prepared by Gates Land Company to Chris Smith was never signed by an authorized district representative.
5. In Mr. Sharkey's letter dated March 4, 1996, he refers to other district commitments regarding this issue. Please forward copies of these commitments as I do not have them in my files.

This has been an ongoing issue with Gates Land Company that needs to be resolved. Until this issue is resolved, Harrison School District opposes the issuance of any further building permits or certificates of occupancy for projects in the Cheyenne Mountain Center complex.

Please advise me as to what action I need to take to resolve this issue.

Sincerely,

  
Don Smith  
Executive Director/Finance

Attachments

cc: Mr. Gary Haines, City Engineer  
Mr. Robin Kidder, Senior Civil Engineer  
Mr. Stephen Shorkey, Vice President, Gates Land Company  
Mr. Kelly Dude, Legal Counsel, Harrison School District

## Gates - Harrison Outfall/School Issue

5/21/06

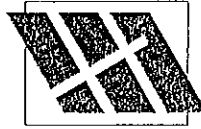
Doug Quindy  
Steven Shanley  
Bruce  
Gary  
Rob

Shanley was trying to portray that School Dist. was even receiving less than historic flows after I-25 was built 1955+. 700 cfs before vs. 350 cfs thru I-25 (not sure these nos. are correct) <sup>we are</sup>

We discussed issue of drainage law that refers to both quantity and form. Certainly the form has changed and there are increasing situations with flow due to development/improvements areas that normally causes increased erosion.

Shanley also stated Gates owns a piece of land downstream of School Dist. that they have never given permission to allow increased developed flow from school property. They may use this as a hammer.

Some like Gates will post a bond (need cost estimate of improvement across school property) in order to meet ~~one~~ 1 of the 3 options in the Master Drainage Report. Gary noted that this doesn't solve the issue as the school will be putting pressure on us to ~~build~~ have the improvement built and we may at some not-to-distant date say we need the improvement and for Gates to build or cash the bond.



HARRISON SCHOOL DISTRICT TWO

1060 HARRISON ROAD  
COLORADO SPRINGS, COLORADO 80906  
(719) 576-8360

RECEIVED

APR 25 1996

City of Colorado Springs

April 19, 1996

Stephen L. Sharkey  
Vice President  
Gates Land Company  
202 E. Cheyenne Mountain Blvd.  
Suite I  
Colorado Springs, CO 80906

RE: Cheyenne Mountain Center - Harrison Creek Outfall

Dear Mr. Sharkey:

I am contacting you in regards to the issue referred above and particularly that section of the Harrison Creek Outfall that transverses the property at Harrison High School. As you are aware, we met several weeks ago regarding this issue but to date I have received no further correspondence.

Based upon the information provided by the district and the City of Colorado Springs the following issues need to be resolved prior to May 31, 1996.

1. In researching our files, the attached letter dated February 12, 1981, indicates the desire of Gates Land Company to have the district grant an easement to the City of Colorado Springs so that they could construct a permanent channel across our property.
2. Compliance with the 1985 Drainage report has never been complied with to date.
3. Recently we were provided information that water rights have been granted to Gates Land Company for the runoff west of I-25. This water then transverses our property in the above referenced outfall for sale to farmers down Fountain Creek. If this is true, are we now dealing with a public or private ditch?

4. This particular issue has gone unresolved for 15 years. If this issue cannot be resolved by May 31, 1996, we will be forced to ask Mr. Bruce Thorson, Stormwater and Subdivision Manager, to discontinue release of any building permits for sites tributary to the Harrison Creek Outfall. This issue was referenced in Mr. Thorson's letter to you dated March 18, 1996.

I would reiterate that the district's position remains unchanged. The portion of the Harrison Creek Outfall across our property should be improved per the 1985 Drainage Report and designated a public ditch by the City of Colorado Springs.

I look forward to your timely response to our request.

Sincerely,



Don Smith  
Executive Director of Finance

DS/ht

cc: Kelly Dude  
Bruce A. Thorson

*F-10*

February 12, 1981

Dr. Richard Krause, Superintendent  
School District 2  
2755 Janitell Road  
Colorado Springs, Colorado 80906

Dear Dr. Krause:

Gates Land Company and the developer adjacent to the south property line of the high school would like to have the cooperation of School District 2 in installing a drainage channel to transition the flow of storm water from the high school property into the drainage channel being constructed by Gates at the southeast corner of the property. We are requesting that the School District grant to the City of Colorado Springs the necessary drainage easement to accommodate this transition channel.

In exchange for the easement, Gates proposes to change the alignment of the drainage swale that now traverses the southerly portion of the high school site from the southeast corner to the easterly line of the frontage road. The construction of the permanent channel and grading within the school property would be at no cost to School District 2. We would like to have this request placed on the Board of Education agenda February 19, 1981. I will make a presentation to the Board if you feel it is necessary for me to make this explanation.

Sincerely,



Robert F. Svejkovsky  
Director of Engineering

RFS:ak  
Enclosure

**GATES LAND COMPANY**

155 WEST LAKE AVENUE / COLORADO SPRINGS, COLORADO 80906 / (303) 576-8500 - 8522

Board of School Directors  
2/19/81

**Drainage  
Easement,  
High School**

Mr. Shiverdecker reported that Gates Land Company is asking for permission to construct an easement on school property south of the high school. Mr. Shiverdecker introduced Mr. Svejkovsky of Gates Land Company. Mr. Svejkovsky presented a drawing to the board which showed the easement paralleling the A.T. & T. right-of-way. Gates proposes to change the drainage swale that now traverses the school site; the construction of the permanent channel and grading within the school property would be at no cost to the school district. This would be of great improvement to the district as the present drainage system is inadequate to control the flow of water during a heavy run-off period. Moved by Borgen, seconded by Sneed, to permit the Superintendent of Schools to coordinate with Gates Land Company and the City of Colorado Springs to grant a drainage easement on Harrison School District No. Two property south of Harrison High School and authorize the President of School Board to sign said document. The granting of this easement, construction of the permanent channel, grading within the school property and relocating existing fence will be at no cost to Harrison School District Two at this time. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye.

**Bus  
Rental**

Mr. Shiverdecker reported that the Pikes Peak Community College is hosting the VICA Skill Olympics on March 18 and 19. They have contacted the school district asking for bus transportation from the Four Seasons to the college; the Cosmetology Center in Widefield; and the Flying W Ranch. The district had assisted the college in the past and this could be handled without interfering with regular bus schedule. The district will be reimbursed for the total cost. Moved by Sneed, seconded by Knudson, to authorize use of district buses to assist Pikes Peak Community College in the movement of students during the State VICA Olympics on March 18 and 19. Harrison School District to be reimbursed for all costs. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye.

**Public  
Comment**

Mr. Freehill invited the Board to visit the high school Monday, will have the ninth graders visiting for their orientation.

**Financial  
Reports**

Mr. McCoy presented the financial reports for the month. Revenue receipts are \$776,705.36; accounts payable, \$212,448.15; lunch, \$38,653.94; Capital Reserve Fund, \$6,024.56; additional accounts payable for 1980, \$45,959.39; and additional Capital Reserve in the amount of \$5,173.82; Supplemental, \$5,974.78; total payroll in the amount of \$989,349.02, except for lunch. Moved by Sneed, seconded by Knudson, to approve the bills for payment and file the financial statements. The motion was put and carried with Borgen, aye; Knudson, aye; Root, aye; Sneed, aye; and Turman, aye.

**District  
Growth  
Projections**

Dr. Terry made a slide presentation of the projected growth in the district comparing capacity of buildings and the projected enrollments. The projected enrollment for '81-'82 is 7,787; '82-'83, 8,322; '87-'88, 10,928; the present enrollment is 7,252. The building of a new high school and two elementaries would probably take care of the district for years to come. If a new junior high is built the Gorman complex could be incorporated in with the high school. If the district is to do any building, it would be necessary to hold a bond election, asking the electorate to increase the mill levy. The growth committee will become active and do another survey of the patrons, and one of the questions would be regarding the mill levy increase thus raising taxes. The cost of a high school would be approximately \$10,000,000; junior high \$5,000,000. The problem at the present time is to come up with an alternate for the split session at the high school, any building project would take two to three years to complete. It was noted that at the present time our bonding capacity is \$14,000,000. Dr. Terry presented two alternatives for handling the high school enrollment; several alternatives had been worked with but these two seemed to be the most feasible. Alternative #6 - high school have grades 11 and 12; Gorman, 8th, 9th and 10th; Carmel and Panorama would enroll 7th, 8th and 9th graders. This means that all 7th graders would be at Carmel or Panorama, and new attendance boundaries established. All 10th graders would attend Gorman; the physical difference between 8th and 10th graders could be a problem. This would also necessitate transferring teachers from the high school to Gorman, and from Gorman to Carmel and Panorama. The operation of the high school kitchen would be an expense, as well as bus transportation.





January 21, 1997

Mr. Kelly Dude  
Anderson, Dude, Pifher & Lebel  
Attorneys At Law  
P. O. Box 240  
Colorado Springs, CO 80901-0240

RE: Harrison School District No. 2/Gates Land Company

Dear Mr. Dude:

My apologies for failing to answer your December 19, 1996 letter before now.

In reviewing this matter with my subdivision engineering review staff, I found out that Gates Land Company has submitted a summation letter report to us demonstrating that their calculated fully developed flows now and in the future, are substantially below the calculated historic flows due to detention and diversion up stream of the Harrison outfall. Currently, we are reviewing this matter in detail with the engineering firm of Drexel Barrell, Inc. We have made comments to their report and have sent them back to the engineer for final revisions. We expect to receive the final draft within the next two weeks and I will become involved in the final review of their engineering study.

At the appropriate time in the near future, I will contact Don Smith at Harrison School District No. 2, to discuss the details of the report and study. It is my intention, to not approve the revised report until after all parties have been informed.

Sincerely,

A handwritten signature in cursive script that reads "Gary R. Haynes".

Gary R. Haynes  
City Engineer

c: Bruce Thorson, Stormwater and Subdivision Manager  
Robin Kidder, Senior Civil Engineer Stormwater and Subdivision  
Don Smith, Harrison School District No. 2  
Steve Sharkey, Gates Land Company

**ANDERSON, DUDE, PIFHER & LEBEL, P.C.**

ATTORNEYS AT LAW  
104 SOUTH CASCADE AVENUE, SUITE 204  
COLORADO SPRINGS, COLORADO 80903  
TELEPHONE: (719) 632-3545  
TELEFAX: (719) 632-5452

ADDRESS CORRESPONDENCE TO:  
P.O. BOX 240  
COLORADO SPRINGS, COLORADO 80901-0240

LAWRENCE A. HECOX  
LENARD RIOTH  
JOSEPH B. WILSON  
SPECIAL COUNSEL

C.B. HORN (1963)  
ROBERT E. ANDERSON (1993)

W. KELLY DUDE  
MARK T. PIFHER  
STEPHEN J. LEBEL  
DEBRA L. GEIBIG

December 19, 1996

Gary R. Haynes, City Engineer  
City of Colorado Springs  
30 South Nevada Avenue, Suite 403  
Colorado Springs, CO 80903

RECEIVED  
PLANNING & DEVELOPMENT/ENGINEERING  
COLORADO SPRINGS, COLO.

DEC 2 1996

Re: Harrison School District No. 2/Gates Land Company

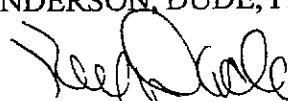
Dear Mr. Haynes:

As you may recall, this office represents Harrison School District No. 2. On November 19, 1996, I sent a letter to the attorney representing Gates Land Company asking that the long-standing drainage issue matter described in that letter be finally resolved. I sent a copy of the letter to you.

As I explained in that letter, it is my understanding that the City of Colorado Springs advised Gates earlier this year that it was to build a channel across the school site and obtain an easement from the School District to do so, or obtain the District's permission to accept the water, which it has refused to do. It is my further understanding that the City required Gates to post a bond to cover the costs of construction of the improvements required for the drainage channel.

Since Gates has not provided written assurance to the District as outlined in that letter, or otherwise contacted the District, the District regrettably must ask the City to call upon the bond and require the improvements to be constructed. Please call me or Don Smith at the District (579-2033) if you have questions. Thanks

Very truly yours,  
ANDERSON, DUDE, PIFHER & LEBEL, P.C.



Wm. Kelly Dude

cc: Don Smith  
Doug Quimby, Esq.

7/25/96

Harrison Outfall Mtg. with  
School Dist. No. 2

Don Smith

Got copy of 6/20/96 letter to Kelly Dude  
to Rainby (Gates attorney)

Kelly Dude  
(SD #2 Attorney)

Bruce

Discussed history of situation back to 1981  
School Board item in which SD agreed  
to provide easement in exchange for Gates  
constructing channel at no cost to City.  
No one is aware of whether an Easement  
was ever ~~given~~ granted (to Gates or City?)  
Don Smith to check into files or get O&E report.

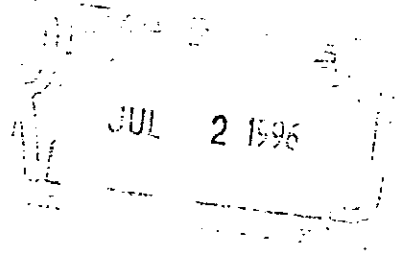
RS

~~Don~~ Don Smith told K. Dude to write letter  
to Gary Haynes indicating requesting that  
we withhold further building permits unless  
channel is constructed soon.  
School Dist. also intends to respond to  
Rainby's letter.

# Quimby & Higgins LLP

Attorneys at Law

Suite 618  
6 South Tejon Street  
Colorado Springs, Colorado 80903  
Telephone (719) 471-2911  
FAX (719) 471-2915



June 26, 1996

William Kelly Dude, Esq.  
Anderson, Dude, Pifer & Lebel, P.C.  
104 S. Cascade Avenue, Suite 204  
Colorado Springs, CO 80903

Dear Kelly:

Gates Land Company has discovered that Harrison School District No. 2 is discharging water runoff in excess of historic flows onto property owned by Gates. This water flows from the southeast corner of the Harrison High School site into a public drainage channel owned by the City. This channel crosses property owned by third parties and then discharges onto unplatted property owned by Gates, located 1,600 to 1,900 feet east of the Harrison High School site. We have been unable to locate any easement or agreement that gives the District the right to discharge developed flows onto Gates' land.

Gates might be willing to agree to accept the District's developed flows if the District is willing to agree to maintain the existing private channel across the Harrison High School site. If such an agreement cannot be reached by August 1, 1996, then Gates will not accept the discharge of water in excess of historic flows and will take steps to require the District to detain water on the Harrison High School site in order to maintain flows onto the Gates land at historic levels.

Sincerely,

B. DOUGLAS QUIMBY

BDQ:psa

(QUIMBY\LETTERS\DUDE.626)

*File -  
HHS Drainage*

ANDERSON, DUDE, PIFHER & LEBEL, P.C.

ATTORNEYS AT LAW  
104 SOUTH CASCADE AVENUE, SUITE 204  
COLORADO SPRINGS, COLORADO 80903  
TELEPHONE: (719) 632-3545  
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W. KELLY DUDE  
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STEPHEN J. LEBEL  
JONATHAN C. DEHMLow

ADDRESS CORRESPONDENCE TO:  
P.O. BOX 240  
COLORADO SPRINGS, COLORADO 80901-0240

C.B. HORN (1963)  
ROBERT E. ANDERSON (1993)

MEMORANDUM

TO: Gary R. Haynes, City Engineer  
FROM: Kelly Dude *K.D.*  
DATE: July 3, 1996  
RE: Gates Land Company/Harrison School District/drainage  
issue

Don Smith at Harrison School District asked that I send you a copy of a letter I received yesterday from the attorney for Gates Land Company regarding water runoff into a drainage channel owned by the City. This relates to the ongoing dispute between Gates and the school district as to who ought to be responsible for the drainage channel on school district property. As you know, the district firmly believes this has been the obligation of Gates to address for some time.

cc: Don Smith (w/enclosure)

BRUCE THORSON  
Stormwater & Subdivision Manager



CITY OF COLORADO SPRINGS

Discussion with Rob on the  
revised 5-yr. discussion for Gates

Date: 2/13/97

- For:  Comments  Signature & Return  
 Approval  Files  
 Information  Action

Area ~~45 = 255~~

Volume (per I-25) =  $Q_{100} = 560 \text{ ac. (Fig. 1)}$

Box capacity = 350 cfs  $Q_{100} = 760 \text{ cfs (current criteria)}$   
 $Q_5 = 233 \text{ cfs}$

Volume = 256 ac. (Fig. 1A)

See Fig. 1 & 1A

Volume report = 462 <sup>cfs</sup>  $Q_{100}$  @ Harrison Bay (112 by pass south)  
 $Q_5 = 218 \text{ cfs}$

Weather basin overflow water plan (dred) =

640 cfs @ Harrison Bay (250 cfs overflow south)

Revised Div. Study: Hwy 85/87 and Lake Ave

$Q_5 \text{ (current)} = 330 \text{ cfs @ Harrison Bay}$

( new weir configuration  
developed to Harrison box is 132 cfs  
P5 inside of 233 cfs.

Summary:  
- level. = 218 from 1985 study  
( by 1994 criteria was 330 cfs ).

there more to p. 8/8?



CITY OF COLORADO SPRINGS

March 19, 1997

Mr. Kelly Dude  
Anderson, Dude, Pifher, and Lebel  
Attorneys at Law  
P. O. Box 240  
Colorado Springs, CO 80901-0240

RE: Harrison School District No. 2 -  
Gates Land Company Drainage Outfall

Dear Mr. Dude:

The City Engineering Division has received a final report from Gates Land Company concerning the drainage outfall conditions in the Harrison outfall under I-25. This report is being provided to you for your review and comment. I will be contacting your office in the near future to establish a convenient time to meet with representatives of the Gates Land Company, Harrison School District, and City Engineering Division staff to discuss the proposals in this report.

Sincerely,

A handwritten signature in cursive script that reads "Gary R. Haynes".

Gary R. Haynes  
City Engineer

GRH/db

c: Bruce Thorson, Stormwater and Subdivision Manager  
Robin Kidder, Sr. Civil Engineer  
Steve Sharkey, Gates Land Company  
Clifford Brockman, Drexel Barrell and Company  
Don Smith, Harrison School District No. 2