

I write to you for the purpose of submitting a public comment on behalf of my client, the Hotel Frisco, concerning the development application submitted by MM Properties LLC related to its development plans for 310 E. Main Street, Town of Frisco (aka the Rainbow Court).

The Hotel Frisco (308 Main Street, Town of Frisco) is located immediately adjacent to the Rainbow Court. My client has reviewed the Town of Frisco's Staff Report regarding MM Properties LLC's proposed development plan for the Rainbow Court (the "Project") and has a number of comments and concerns regarding the Project that the Hotel Frisco believes must be considered by the Town of Frisco before approving the Project. The Hotel Frisco's comments and concerns are as follows:

1. On Page 11 of the Staff Report, the issue of "Refuse Management" is addressed. The Staff Report states "At time of application review in 2019, the application materials noted that the property would continue to use the existing dumpster located at the Hotel Frisco, 308 Main Street." The Hotel Frisco believes it is important to inform the Town of Frisco that whether MM Properties has a valid and enforceable agreement with the Hotel Frisco regarding continued use of the dumpsters on the Hotel Frisco's property is the subject of intense litigation presently (See Summit County District Court Case No. 2020CV030008). In fact, it is the position of the Hotel Frisco that MM Properties is in material breach of its obligations to the Hotel Frisco by completely failing to pay the Hotel Frisco for the use of the dumpsters. As such, to the extent that there was ever a valid agreement between MM Properties and the Hotel Frisco regarding the use of the dumpsters on the Hotel's property, that agreement is terminated as a result of MM Properties' wholesale failure to pay for the cost of the dumpsters. Indeed, given the nature of the litigation, the Hotel Frisco believes that the Staff Report must require that this litigation be fully resolved before approval of the Project.
2. On Page 11 of the Staff Report, the issue of "Nuisances" is addressed. The Staff Report indicates that MM Properties's application "meets this standard." The Hotel Frisco believes that the Staff Report fails to account for the current condition of the Property and fails to require that MM Properties address present and existing nuisances associated with the Project. In particular, MM Properties began demolition of the Rainbow Court property in August of 2019. Since then (10 months ago) the property has been a blight to its neighborhood and neighbors. For reasons that are inexplicable, MM Properties commenced demolition of its property, leaving a large excavated hole in the ground surrounded, in part, by plywood. No meaningful work has been done of the Project since demolition. In the meantime, squatters have moved into the abandoned structure remaining on the Rainbow Court. In short, MM Properties started this Project but has stalled beyond the demolition phase. The result is a blighted and abandoned property that attracts squatters and repels tourists. The Hotel Frisco believes that any approval of MM Properties's development must impose on MM Properties obligations and bonds to mitigate and insure against future blight and nuisances occasioned by its stalled Project.
3. Page 27 of the Staff Report addresses "XCEL ENERGY" utility concerns regarding the Project. The Hotel Frisco believes that the Staff Report fails to address material issues regarding Xcel Energy's facilities on MM Properties property. The Hotel Frisco requests that the Town of Frisco reconsider the adequacy of its Staff Report regarding the issues explained herein and revise its Staff Report to require MM Properties to resolve all issues raised herein before approving the Project. Specifically, the Staff Report correctly notes that Excel Energy maintains

a transformer on the Rainbow Court property and that the Project requires MM Properties to relocate the transformer. However, what the Staff Report does not account for is that the transformer on the Rainbow Court property also serves the Hotel Frisco. After discussing this issue with Excel Energy, the Hotel Frisco has learned that relocation of the transformer on the Rainbow Court will not only result in electric service being terminated to the Hotel Frisco, but will require installation of new electrical facilities to serve the Hotel and resulting upgrade of much of the Hotel's electrical infrastructure. The cost of these new electrical facilities and upgrades for the Hotel will be tens of thousands of dollars, perhaps more. Excel Energy will not impose this type of disruption and expense on the Hotel without its consent, which the Hotel Frisco will not provide at this time, if ever. As such, the Hotel Frisco believes that the Staff Report must account for these issues relative to the Hotel.

4. Finally, the Hotel Frisco notes that there is a significant amount of irony in the Staff Report insofar as the Staff Report concludes that the Project is in conformity with the Town of Frisco's "principals and policies." This is ironic because in connection with its Project, MM Properties has sued both of its next door neighbors in a misguided attempt to "leverage" its neighbors into giving MM Properties concessions that it needs to complete and pay for its Project. With respect to the Hotel Frisco, MM Properties sued the Hotel to coerce it into essentially paying for MM Properties dumpster and utility requirements for its Project. With regard to its other neighbor, MM Properties unilaterally and with malice destroyed the Frisco Market Place's foundation, cut its natural gas lines, and removed a large portion of the soil that supported the Frisco Market Place's foundation. When the Frisco Market Place expressed its displeasure, MM Properties sued the Frisco Market Place, claiming that it was entitled to destroy its property and similarly demanded that the Frisco Market Place pay for MM Properties' utility costs associated with its Project. See Summit County District Court Case No. 2020CV030013. MM Properties apparently believes that a good neighbor is a litigious neighbor and so it is sadly ironic that the Staff Report concludes that the Project is consistent with the Town of Frisco's "principals and policies." The Hotel Frisco therefore believes that before the Staff Report recommends approval of the Project, that the Town first require MM Properties to resolve the litigation it has initiated against its neighbors for the purpose of bullying them into effectively paying for the cost of its Project.

Christopher J. ("CJ") Conant
WWW.HATCHLAWYERS.COM



730 SEVENTEENTH STREET, SUITE 200
DENVER, COLORADO 80202
(303) 298-1800
(303) 298-1804 (Fax)
(303) 567-6912 (Direct)

This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.