



620 Main St., P.O. Box 280
Frisco, Colorado 80443-0280
Office: (970) 668-0176
FAX: (970) 668-3757

E-MAIL: andyr@richmondsummitlaw.com
www.richmondsummitlaw.com

RICHMOND SUMMIT LAW, LLC

Attorneys at Law

Mark Richmond
Andy R. Richmond

Serving Summit County since 1979

May 1, 2023

Susan Lee
Community Development Department
Frisco Town Hall * 1 Main Street
PO Box 4100
Frisco, CO 80443

Richmond-Lindrose Vacation Application for 6th Ave. Roadway **Reasons for the Requested Vacation**

My name is Andy Richmond and I was born and raised in Frisco. I purchased a home at 521 Pitkin St. almost two years ago. I have long been aware of the Town's pressing need for local's housing and, having personally seen Frisco grow and change over the past 30 years I want to be part of the solution. I have followed Council's recent working groups and discussions regarding the local housing issue. I know that Council is seeking as many solutions as it can to the local housing shortage. And I believe we have a proposal that will add a different, creative way to further address Frisco's need for local's housing.

The first step in our proposal is to request that the Town vacate the 6th Ave. right-of-way between our home at 521 Pitkin, and the Lindrose's home at 601 Pitkin. We understand that vacation of public right-of-way requires a show of "overriding public interest." Our proposal offers this public interest.

In exchange for the Town's vacation, my wife and I will encumber our current home at 521 Pitkin with a local's housing covenant. Additionally, we are proposing a subdivision of our lot so as to sell the back half, that home would also be subject to a local's housing covenant. In the vacated right-of-way, we would build a third home, also subject to a local's housing covenant. And finally, our neighbors and co-applicants the Lindroses, would, on longer time frame, contribute one more local unit to the proposed area. That is the potential for four local houses from one vacated right-of-way.

All four potential local units would contain the same restriction, contained in the Planned Unit Development ("PUD") application, which is proceeding in concert with this requested vacation. That restriction, in summary, is that these local units are only available to individuals who:

- Are registered voters in Frisco, Colorado;
- Work 30 hours/week at a business who holds a business license or pay taxes in Summit County and the income from that job comprises at least 75% of their total income, or a retired person who met these same requirements for 5 consecutive years prior to retirement; an

- Uses these units as their principal place of residence, as determined by Colorado law.

To clarify, my wife and I would immediately encumber our current home, our new back lot, and the parcel we gain from vacation with a local's housing covenant. The Lindroses would sign on to an agreement that as soon as they, or their successors in interest, built a garage or added on to their home in any way, they would be required to either add a mother-in-law apartment to the garage or build an additional local's home on their portion of the vacated parcel. You can see on the attached survey from Ten Mile Engineering that the 521 Pitkin side of the right-of-way would gain slightly more land than the 601 Pitkin side. This is because the 521 side will be providing three of the four local's units, and thus much of the public benefit.

We would be able to fit this number of houses on this property by subjecting the current Richmond house, as well as the two to be built immediately, the PUD mentioned above. The PUD is based on the Code's Cabin Housing designation with some changes that reflect an incentive for local's housing. The PUD forces two of those houses be no larger than 1250 sq. ft. with the third house being no larger than 1500sq. ft. This would have the added bonus of maintaining the small cabin character of the neighborhood. The Ten Mile Engineering site plan attached with this application illustrates how the cabin houses would fit in this area.

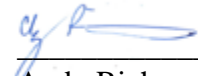
The covenant we propose would not have the AMI or resale caps that some of the current local housing projects in the Town do. As a recent home buyer, and judging from some of Council's recent discussions, AMI and resale caps can create some issues for buyers. That is not to say that they do not have a place, but rather that the Town should have several options in its local housing arsenal. AMI caps create a situation where some buyers are left behind because they make too much to qualify for an AMI cap but don't make enough for a free market home. Resale caps can provoke dissatisfaction because they essentially disallow locals from participating in the real estate market while second homeowners strike it rich when home values in town rise. Our local housing covenant would instead regulate the local requirement with a strict covenant limiting ownership of these homes to locals who work in Summit County, with a preference to locals who work in Frisco specifically. Additionally, there would be a covenant requiring that these homes be the primary residence of each owner. That ensures there is no real estate speculation or investment purchases in our development, each owner has to want to live there. Thus, we would regulate price with a combination of the local's covenant and the small size of the homes. Essentially, the fact that you must sell to a local, it must be that local's primary residence, and the house cannot be more than 1000 sq. ft. will not allow the prices on these homes to become prohibitive.

By signing on to these local covenants, we are giving up significant value. We have seen what homes in this neighborhood go for on the free market. However, we have also seen that once homes in our neighborhood are sold, they often become second homes or short-term rentals, thus deteriorating the quality and character of the neighborhood. We are willing to forego the big returns of the free market to ensure that we live in a local neighborhood with people who value the area enough to make it their primary residence.

The main point of our proposal is that the Town can ensure four permanent, primary residence, local units from one right-of-way, rather than risk yet another lot turning into a second

home that no local can ever afford thus taking it off the local's market forever. Considering the local's housing shortage in Frisco, this is the definition of "overriding public interest." Our proposal would provide a blueprint for future vacations and would give the Town tremendous leverage because it could forever tell future applicants "The 6th Ave. vacation gave us four local homes, that is the standard."

Thank you for your consideration.



Andy Richmond



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May 7, 2021

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PO Box 4100 * Frisco, CO 80443

Richmond-Lindrose Vacation Application for 6th Ave. Roadway **Names and Addresses of Record Owners of Adjacent Property**

The names and addresses of all record owners of property adjacent to the roadway proposed to be vacated are:

Andy Richmond and Lauren Echevarria

P.O. Box 92

Frisco, Colorado 80443

Owners of Lots 23, 24, Block 34 FRISCO TOWN SUB commonly known as 521 Pitkin Street,
Frisco, Colorado 80443

Albert and Marta Lindrose

1225 Gapter Rd

Boulder, CO 80303

Owners of Lots 13, 14, and part of Lot 15, Block 33 FRISCO TOWN SUB commonly known as
601 Pitkin Street, Frisco, Colorado 80443

All record owners are participating applicants to this application.



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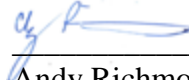
May 7, 2021

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Richmond-Lindrose Vacation Application for 6th Ave. Roadway **Certification of Statements**

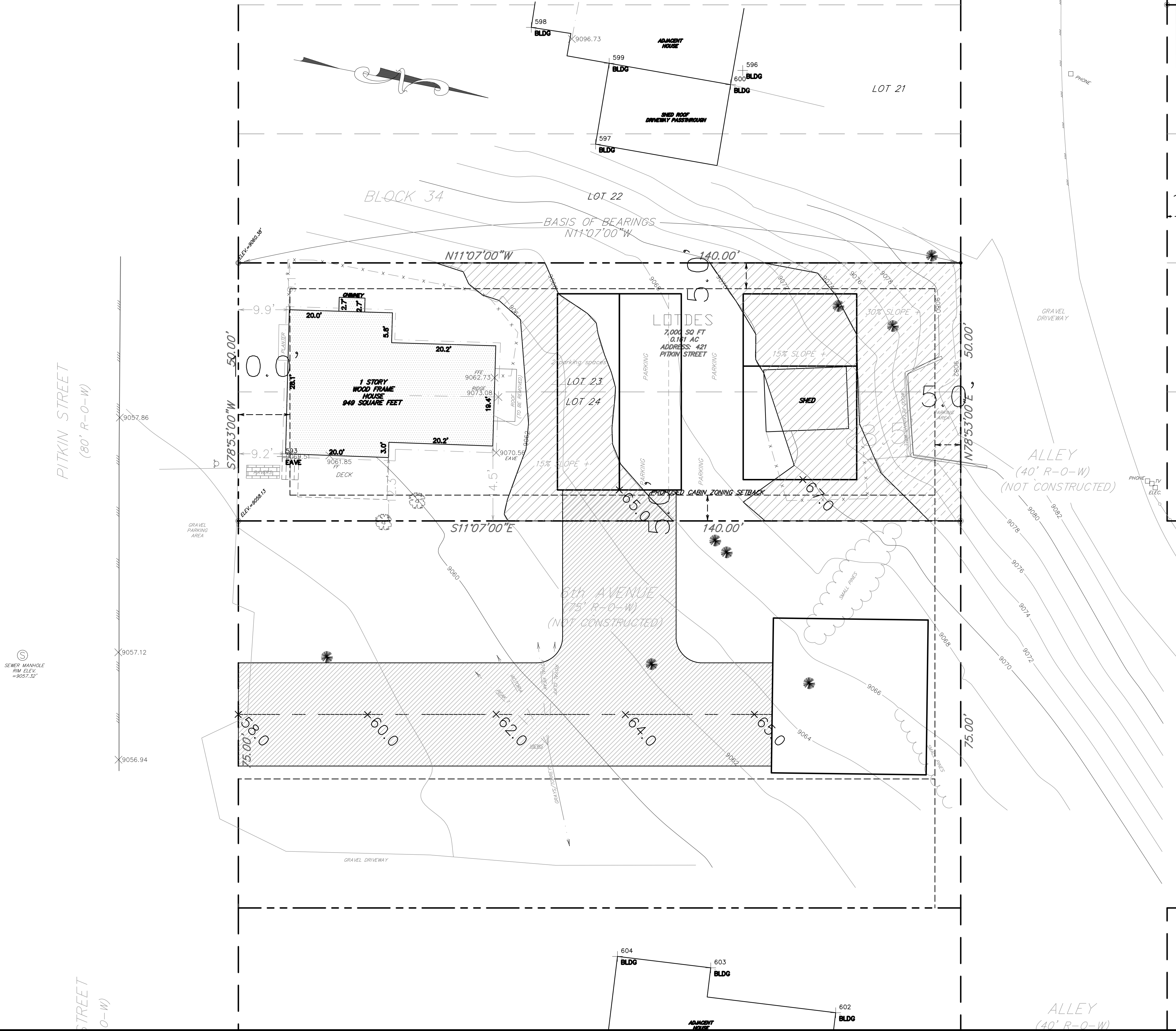
As primary applicant, I, Andy Richmond, certify that the following statements are true:

1. That no land adjoining any roadway to be vacated is left without an established public road connecting said land with another established public road.
2. That the roadway or easement to be vacated is no longer necessary for present or prospective public use or convenience.



Andy Richmond

A TOPOGRAPHIC MAP OF
LOTS 23, 24 & 6TH AVE., BLOCK 34
AMENDED FRISCO TOWNSITE
TOWN OF FRISCO, SUMMIT COUNTY, COLORADO



LEGEND

8650 PROPOSED 2' AND 10' CONTOUR
8652 EXISTING 2' AND 10' CONTOUR

PROPOSED STORM SEWER W/ FES
EXISTING GAS WITH METER AND VALVE
EXISTING WATER WITH METER AND VALVE
EXISTING FIRE HYDRANT
EXISTING WATER MANHOLE
EXISTING SANITARY WITH MANHOLE
EXISTING CLEAN OUT
EXISTING STORM SEWER MANHOLE
EXISTING TELEPHONE PEDESTAL
EXISTING TELEPHONE MANHOLE
EXISTING SIGNAL BOX
EXISTING SIGNAL POLE
EXISTING SIGN
EXISTING ELECTRIC LINE
FL FLOWLINE ELEVATION
LP LOW POINT ELEVATION
HP HIGH POINT ELEVATION
TBC TOP BACK OF CURB
EOA EDGE OF ASPHALT
TOW TOP OF WALL
GEF GROUND ELEVATION AT FACE OF WALL
EXISTING WETLANDS
EXISTING WETLANDS SETBACK
LIMITS OF EXCAVATION
PROPOSED RETAINING WALL
FLOW ARROW
CONSTRUCTION FENCE
CURB AND GUTTER

0 5 10 20
SCALE: 1" = 10'
ORIGINAL GRAPHIC SCALE

CALL UTILITY NOTIFICATION
CENTER OF COLORADO
811
CALL 2 BUSINESS DAYS IN ADVANCE
BEFORE YOU DIG, GRADE OR EXCAVATE
FOR THE MARKING OF UNDERGROUND
MEMBER UTILITIES.

OVERALL GENERAL NOTES:

1. THE CONTRACTOR SHALL OBTAIN, AT HIS EXPENSE, ALL PERMITS WHICH ARE NECESSARY TO PERFORM THE PROPOSED WORK.
2. TRENCHES SHALL BE EXCAVATED AND THE PIPE EXPOSED FOR INSPECTION AT ANY LOCATION ON THE PROJECT IF SO ORDERED.
3. ALL STREET STATIONING IS ALONG THE CENTERLINE OF THE ROADWAY UNLESS OTHERWISE NOTED. FOR SEPARATE WATER & SANITARY SEWER PLANS THE STATIONING IS ALONG THE CENTERLINE OF THE PIPE.
4. THE PROFILE GRADE ON THE PLANS IS ALONG THE ROADWAY CENTERLINE UNLESS OTHERWISE NOTED.
5. THE CONTRACTOR SHALL HAVE ON HIS POSSESSION AT THE SITE A COPY OF THE APPROVED CONSTRUCTION PLANS.
6. LIMITS OF WORK: NO AREAS SHALL BE DISTURBED OUTSIDE OF THE TEMPORARY CONSTRUCTION EASEMENTS AND THE ROADWAY DISTURBANCE LIMITS.
7. ALL CONSTRUCTION SHALL CONFORM TO THE SUMMIT COUNTY STANDARDS AND SPECIFICATIONS AS APPLICABLE. ALL WORKMANSHIP SHALL BE SUBJECT TO INSPECTION BY THE DEVELOPER, SUMMIT COUNTY, OR THEIR REPRESENTATIVES. ONE OR ALL OF THE PARTIES HAS THE RIGHT TO REJECT MATERIALS AND WORKMANSHIP WHICH DO NOT CONFORM TO SPECIFICATIONS.
8. THE CONTRACTOR SHALL NOTIFY THE SUMMIT COUNTY AND THE PUBLIC UTILITY COMPANIES PRIOR TO PROCEEDING WITH ANY EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ANY EXISTING UTILITY (INCLUDING DEPTHS) WHICH MAY CONFLICT WITH THE PROPOSED CONSTRUCTION. ALL EXISTING UTILITIES SHALL BE PROTECTED FROM DAMAGE BY THE CONTRACTOR. DAMAGED UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT HIS OWN EXPENSE. ALL ITEMS SHOWN ON THE PLANS AS EXISTING ARE SHOWN IN APPROXIMATE LOCATIONS ONLY. THE ACTUAL LOCATIONS MAY VARY FROM THE PLANS, ESPECIALLY IN THE CASE OF UNDERGROUND UTILITIES. WHENEVER THE CONTRACTOR DISCOVERS A DISCREPANCY IN LOCATIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER IMMEDIATELY. ALL WORK PERFORMED IN THE AREA OF THE PUBLIC UTILITIES SHALL BE PERFORMED ACCORDING TO THE REQUIREMENTS OF THESE AGENCIES.
9. CONTRACTOR SHALL GIVE 48 HOURS NOTICE TO COUNTY PERSONNEL TO PERFORM REQUIRED INSPECTIONS AND PRIOR TO ANY CONSTRUCTION ON THIS SITE.
10. ALL EXCAVATION SHALL COMPLY WITH OSHA SAFETY REGULATIONS.

DRIVEWAY GENERAL NOTES:

1. EARTHWORK OPERATIONS SHALL BE IN ACCORDANCE WITH GEOTECHNICAL REPORT
2. PAVING SHALL NOT START UNTIL SUBGRADE COMPACTING TESTS ARE TAKEN AND MEET THE REQUIREMENTS OF THE PLANS AND SPECS AND FINAL PAVEMENT DESIGN BY GEOTECHNICAL ENGINEER AND/OR SUMMIT COUNTY STANDARDS, WHICHEVER ARE MORE STRINGENT. THE PAVEMENT SECTION SHALL BE IN ACCORDANCE WITH THE GEOTECHNICAL REPORT FOR THIS PROJECT. THE MINIMUM DEPTH OF ASPHALT SHALL BE 3 INCHES.
3. THE CONTRACTOR SHALL SAW-CUT ALL EXISTING PAVEMENT WHERE MATCH LINES WITH EXISTING EDGE OF PAVEMENT OCCUR.
4. PORTLAND CEMENT CONCRETE SHALL MEET THE FOLLOWING REQUIREMENTS:
 - A. COMPRESSIVE STRENGTH OF 4000 PSI AFTER 28 DAYS OF CURE TIME;
 - B. AIR CONTENT OF 6.5% ± 1.5%;
 - C. MAXIMUM SLUMP OF 5" ± 1";
 - D. "FIBER MESH" FIBERS SHALL BE ADDED TO CONCRETE FOR STRENGTH, AT A RATE OF 1.5 POUNDS OF FIBER PER CUBIC YARD OF CONCRETE.
5. ROADWAY RETAINING WALL VERTICAL AND HORIZONTAL INFORMATION HAVE BEEN ESTABLISHED AS PART OF THESE ROADWAY PLANS. STRUCTURAL, GEOTECHNICAL, AND DRAINAGE ENGINEERING FOR THE WALLS IS BY OTHERS (SEE SEPARATE DESIGN DOCUMENTS).
6. COMPACTION TESTING FOR THE BASE COURSE IN THE ROADWAY SHALL MEET 95% OF MODIFIED PROCTOR (ASTM D-1557) THE MATERIAL BEING WITHIN 2.0 PERCENT OF OPTIMUM MOISTURE. EACH LIFT OF ASPHALT SHALL MEET THE MINIMUM DENSITY OF 92-96 PERCENT MAXIMUM THEORETICAL DENSITY AS DETERMINED BY THE RICE DENSITY METHOD (ASTM D-2041). TESTS SHALL BE MADE AT A FREQUENCY OF EVERY 200 LINEAR FEET AND AT EVERY 12" COMPACTED LIFT OF FILL PLACED, AND FOR EVERY LIFT OF ASPHALT PLACED OR ROLLED. ASPHALT DENSITY TESTING SHALL BE PERFORMED ON EACH LIFT AT INTERVALS OF ONE TEST PER EVERY 250 LINEAR FEET PER LANE. TEST LOCATIONS ON EACH LIFT AND EACH LANE SHALL BE STAGGERED.
7. DURING EARTHWORK OPERATION GEOTECHNICAL ENGINEER SHALL ASSESS ACTUAL SUB-SURFACE CONDITIONS AND REQUEST ADDITIONAL REQUIREMENTS IF NECESSARY.

NOTE:

- 1) ALL WALLS OVER 4' TO BE DESIGNED BY OTHERS. SEE PLANS BY STRUCTURAL ENGINEER FOR ADDITIONAL DETAILS ON WALL TYPE AND DESIGN REQUIREMENTS.
- 2) NOTIFY ENGINEER 48 HOURS BEFORE START OF CONSTRUCTION.
- 3) SEE STRUCTURAL AND GEOTECHNICAL PLANS FOR DETAILS ON FOUNDATION DRAINS.

**TEN MILE
ENGINEERING, INC.**
Professional Civil Engineers
Po Box 1785
Frisco, CO 80443
970.485.5773
tenmileengineer@aol.com

Project	
Date	07/06/19
Scale	1"=10'
Sheet	C1

