

**2023 Annual SJV Member Meeting**  
**Meeting Minutes and Transcription of LOA Attorney Discussion**  
**July 2, 2023**

A total of 40 lots were represented (33 in person and 7 by proxy).

**Meeting called to order at 9:32am** on July 2nd, 2023. The meeting was recorded to aid in the writing of the meeting minutes.

**LOA Attorney** – Marti Whitmore of Hockersmith and Whitmore, LLC Ouray, CO was our guest speaker to address the access of San Juan Vista members to the USFS and key elements in the draft agreement she has been working on. The agreement describes a draft solution to USFS access regarding Lots 27 & 29. This issue has circulated within SJV for over a decade. A transcript of discussion with Marti Whitmore can be found below the meeting minutes.

An easement is created by 1) plat, 2) prescription, or 3) agreement. The 1971 plat map shows easements to the USFS in SJV. A prescriptive easement is a used trail or road that has been used for more than 18 years with no objection. Dependent on evidence and testimony, there may also be a prescriptive easement. The best way to establish an easement is by agreement – less costly and fewer hard feelings.

**Question** – Is there a right of access? **Answer** – Yes. A platted road that goes to USFS boundary is a right to use the road. All owners presumed to be able to use that road when they took property and bought land that contains roads within SJV.

**Q** – If plat not there, would then prescription for a commercial purpose be allowed? **A** – No.

**Q** – Timbering access? **A** – No.

**Q** – Recreation? **A** – Yes.

**Q** – For prescription, define uses versus users. **A** – There should be public access to USFS if there was public access before the plat; otherwise, reasonable to limit access to SJV people. As the draft agreement says no public access, that would close any argument.

Marty continued and stated that the Board thought agreement was reached two years ago and as of today, the agreement is not signed.

**Q** – What are key elements on draft agreement? **A** – The plat refers to a 60' easement known as Overlook Way. The agreement states that this be limited to 25' and it would be a perpetual exclusive easement over allowed uses, pedestrian and equestrian. Comments from members to ensure that pedestrian covers winter travel such as snowshoe and skiing. There is no motorized use. SJV landowners, family and guests have access. The owner is not required to be on the

trail when the guest accesses the easement. There is a question regarding renters or friends staying at cabins and the owner is not present on site.

Roles and responsibilities – With an easement, the LOA is responsible for maintenance and weed control. There is NO liability of Lots 27 & 29 owners or LOA as stated in existing CO law.

**Q** – The draft agreement doesn't list Lots 16 and 17 access. **A** – Marty doesn't decide policy; she was asked to draft an agreement to resolve a dispute of 11 years. She has not researched the east side access.

**Q** – What is the end game? **Discussion** – Amongst members, many questions included the 25' width, fire department access, county road versus private road (60' is width of a county road right-of-way), there are actually three easements and this agreement is about the one, a question about the timing to consider all three now.

Marti Whitmore departed.

Brian Rogers, President, reminded us that the issue folks are stuck on in the current draft agreement is due to an increased interest for rentals, can the renters use the easement to reach the Dallas Trail. Park Brady stated that anyone staying overnight whether they are a guest or a renter (including short term) have access via the access easement except during hunting season. This is the only issue left to resolve in a proposed agreement. If you have guests staying overnight or you are here with them then you can send them up. You don't have to be with them. If you rent your property out except during hunting season, those people have complete access. If you are here and have guests, those people have access. If you are not here and your guests are not staying overnight, no access. No daytrippers. We all don't want random people coming up to the subdivision.

Alex Lheritier proposed that the board could work with the affected landowners and hammer out the details. No motion was made.

Ted Moews raised that this such an important issue that this should go to all of the lot owners for their approval.

Tim McGrady shared that there is a website and an email address for the board ([board@sjvloa.com](mailto:board@sjvloa.com)). If you have comments on the issue of access to the forest boundary, get them to the board. To make sure that they have your input as they work on these first steps with the board.

Park Brady recommended that the board meet as soon as possible to resolve this issue and that the board meets between annual meetings. It has already been discussed at the last three Annual LOA meetings. He's hopeful it will be resolved before the next annual meeting.

Brian Rogers provided additional history of the access, that vehicles used to drive right up to the boundary. A gate was installed to stop this but was removed. Concessions at that time also included relocating parking and issuing permits during hunting season. No motorized vehicles.

Park Brady shared that the board at that time approved the gate.

Alex Lheritier discussed that the end goal of this process is to address these gaps of uses and users by formalizing these agreements. By establishing agreements, we would be removing ambiguity and protecting access for the benefit of the community.

**MOTION** – Formalize our three platted access points and through the board and the landowners to make that a reasonable access point to maintain our communities' access to the forest land with a reasonable least amount of impact on the bordering property owners as could be. (Kelly Bynum)(2<sup>nd</sup> Alex Lheritier). **VOTE** – Approved with 27 yays, 8 oppose.

Discussion – One access is not even reasonable to consider as it is overgrown. Do we really need three access points? Better to not pursue the middle access point at this time. Tom Wiard asked if this could be put before the BOD and they could decide. Justin Jager felt that to do all three accesses concurrently is wasting time. Alex Lheritier shared that the Zadra easement is only 30 feet wide and is completely unrelated to the SJV platted easement. The easement on the plat map is a different easement. Ted Moews felt that the value of our land includes access to public lands; we are close to solving the ONE access.

**2022 Minutes** – Brian Rogers reviewed the 2022 minutes. Brian mentioned that he missed a couple items for these minutes that rather than go back a year, that we treat those “misses” as new business.

**MOTION** – Francine Lheritier moved to approve the minutes as is. Seconded by Tom Wiard. **VOTE** - Approved unanimously.

**Snow Report** – Janice Rogers tracks the annual snowfall and SJV had the second snowiest year since she's been measuring; 2023 is at about 314”, measurable. She reports the measurements to NOAA and to the National Weather Service as “Dallas Divide.” Brian mentioned that this past winter was certainly the windiest winter. In February, there were 93 knots (or 118 mph).

**Weed Spraying** – is upcoming with High Country Vegetation out of Norwood. Cost is \$1700 – 1800 to spray the roadsides where the road grader disturbs when performing road maintenance. Canada thistle and oxeye daisy are the two primary culprits, also stinging nettle. To the owners, put up signs “No Spray” with arrows if you prefer the roadside on your lot not to be sprayed.

**Road Grading** – is done by the company, Ground Pounders, from Sawpit. Road base added to softer spots. Two weeks from now they will clean out culverts.

**Financial Report** – No treasurer at the meeting. A financial issue needing discussion is the shared gate down by Last Dollar Road.

**MOTION** – Park Brady moved that we go with a metal gate without powder coating and leave the final decision to the BOD. Tom Wiard seconded. **VOTE** is unanimous – yes.

Discussion – Brad Siler put together a proposal (handout) and clarified the cost difference as using pine versus metal in response to a question. Discussion regarding a metal gate with no powder coating. \$4000 - \$8,000 depending if posts need to be replaced. We have the funds if that is something we'd like to do. We could ask Cradle Park residents to contribute. Hunters had gone around, hooked up and pulled posts down. We need that gate! Electronic opener was discussed but was cost prohibited. Discussion of moving the gate up to the top of SJV but SJV has responsibility for the whole road starting at departure from county road. If we move the gate up, we'd also need to replace the fenceline as hunters will just drive around.

**Winter Parking** – Board Member Justin Jager provided an update that options are being explored to increase parking spaces including leasing or purchasing land. A suggestion was made to have signs or reminders on best way to park; that type of information will be placed in the fall newsletter. If anyone has any other ideas, please let the BOD know. Ted Moews suggested winter users have a tag on their rearview mirror with their lot # so that someone can call if need be. There are lots of trailers taking up space. There is room for 20 cars and there are 80+ lots. We all need to be respectful. We were reminded that additional parking exists at the summer entrance area. Between the two we can accommodate about 40 cars. Please don't just park there to save yourself a space.

**MOTION** – Stephanie Amend moved that the BOD look into doing the parking tags for and increasing available parking space. Dick Ames seconded. **VOTE** is unanimous – yes.

Discussion - How many passes will people get? It's more about plowing and knowing whose car. It's not so much as a permission or a pass. It's more of a way to find the owner. We can't limit it because it is the county. We accept the county maintenance so it's not private and we can't tow. Should people be parking their trailer, or tracked vehicles that should be staying on the snow. These will be reminders in the fall newsletter. Can the county grant any parking along the road? Traditionally, we used to park on the uphill side and they would plow it extra wide. This year, we lost a lot of space to amount of snow and snow drifts. But they couldn't keep it cleaned out. Four snowmobiles were completely buried in snow this year and it was dangerous. If you have a snowmobile and won't be around much, park it out of the way. Can there be a designated area for long-term storage? Leave the closer spots for people commuting daily. Need to address this in the fall newsletter as a proposal of layout for winter parking (cars and snowmobiles). Don't snowmobile over fences. Use gates and move snow machines out by May 15th.

**Emergency & Community Topics** – As a reminder, we choose to live in a remote area, and everyone is a volunteer here. Attempt to handle items yourselves and then can email the board that it was handled; if unable to, identify the issue, what is needed and contact the Board.

There is a rescue toboggan in the open area of the Roger's (Lot 58) lean-to that can be pulled by a snow machine. If there is another member that would like to store it, please contact Brian.

**The AED** is on the side of Jon Jones' cabin (Lot 53). That driveway is plowed by SJV in spring as a courtesy for this service.

**Speed issue** – Speed in San Juan Vista continues to be an issue. The posted speeds are 18 and 23 MPH. Unknown vehicles are going unreasonable speeds. Please talk to your contractors, guests, and renters. Bigger trucks, some hauling trailers are not caring. There was a request to set up the other speed bump near the Fox intersection. It will be set up really soon.

**Other road issue** – There is a big hole on Overlook Way. That road was not graded this year. **A member** offered to fill in the hole.

**Fire Wise** – Justin reminded us about the two grant opportunities with West Region Wildfire Council and NRCS (see the 2023 Spring Newsletter). If you are doing pile burning on your property, please go through the county. The county rules and regulations apply. Justin will test the 400-gallon mobile water container that is available to be on hand for prescribed burns or an emergency. A reminder that Telluride Fire District is available for prescribed burns and a donation. If you need more info on these items, you can email the board.

**Shared chipper cost** – Brad Siler offered to lead this up as he has a business contact. Let Brad know if you would like to share in the cost of this venture.

**Accessible Neighborhood Contact List** – Sherry Wright will coordinate this for those who wish to share their contact info. She will also establish a NextDoor app for our neighborhood. All voluntary. Justin Jager will follow up with members so they can voluntarily join the contact list and the NextDoor app.

**Wildlife Observations** – There have been sightings of a black bear sow and three cubs (Rogers), and a mountain lion taking down a deer (Gregorak). A reminder to take care with your pets and your trash. Be aware of your surroundings.

**BOARD ELECTION** – Many thanks to Brian for serving three terms on the Board. That is commendable. There was keen interest for the future Board with six people coming forward to be considered for the vacant positions. A one-year term will complete the term that Park Brady resigned from in September 2022; two three-year terms will be vacated and need to be filled.

Six people offered to run for the three vacant board positions. There were two three-year term positions and one year remaining from a three-year term to fill.

A vote was held with paper ballots and the results are:  
THREE-YEAR: Justin Jager (second term), Francine Lhertier  
ONE-YEAR: Emily Schneider

They join existing board members Ted Moews and Jeff Wetteland. The functions of each board member will be decided by the BOD.

*The meeting was adjourned at 11:44am.*

Thank you to Lisa Eckert for taking notes during the Annual LOA meeting and drafting the meeting minutes!

Thank you to the Ames Family for hosting the Annual LOA meeting again.

The prior LOA Board President, Brian Rogers, successfully served three terms for a total of nine years. Thank you to Brian for his commitment to the San Juan Vista community.

Thank you to Kevin Rogers for orchestrating and recording the audio of our annual meeting. Thank you also for support the LOA website and other technology needs of the LOA.

The Siler family hosted an afternoon potluck! The Rogers family and the Jager family donated the main course grillables. Thank you!

Thank you to the amazing community that came out to both events on July 2nd!

### **Transcription of SJV LOA Attorney's Discussion**

Marti Whitmore of Hockersmith and Whitmore, LLC Ouray, CO

(Members are referred to as Member 1, 2, etc. since from the recording it was hard to confirm who asked each question)

Marti Whitmore: I'm Marti Whitmore. I'm with the firm of Hockersmith and Whitmore from Ouray. My partner - former partner, Mike Hockersmith, who has retired. Is no longer licensed to practice law by his choice because he wanted to really retire, has worked with San Juan Vista for quite a few years. I came in on this a couple of years ago. I think Andy Mueller may have done some work as well but Mike Hockersmith represented SJV and did work on the easements quite a few years ago. The question he was asked pertained to a different easement than between lots 27 and 29. He was asked about one that had a Forest Service, a specific easement deed to the US Forest Service. You probably know easements are a right of access, for examples they can have utilities, you can have all kinds of easements. But what we are really here to talk about or what I was asked to talk about is an access easement into the forest. Easements can be created a number of ways. Easements can be created by deed. They can be created through

prescriptive easement. Prescriptive easement is where people have used a path, trail, road for a certain number of years, more than 18, and there has never been an objection and the road has never been cut off. So you can acquire an easement by prescription. You can also create an easement by a plat. And so in San Juan Vista's situation there is a plat from 1971 that shows the roads in San Juan Vista. And it shows roads going to the forest. Before that plat, however, people had been using roads and access point in San Juan Vista for a number of years. Could there be a prescriptive easement from the public? Potentially. Potentially. How do you determine whether there is a prescriptive easement? Or how do you determine what the rights are of people to access? It is always better to do it by agreement. Because yes, you can litigate it, you can do a quiet title action, you can do a declaratory judgment action. At that is sometimes the only way to resolve a dispute over access. If you can do it by agreement, that is always much much better. Less hard feelings and certainly less expensive.

So in this case, the question was, is there a right of access through lots 27 and 29? And the answer is yes, in my opinion, there is a platted road that goes to the forest service boundary that was to give people the right, everybody within San Juan Vista, that was to give right to use that road. It is shown on the plat. Everybody who purchased a lot here is presumed to have seen that plat when you purchased your property. It would have been referenced in your title opinion. Presumably, if you did any due diligence before you purchased the property, you would have seen the plat. So you took your property and you bought your land knowing that the plat contained roads throughout the subdivision and that in particular there were specific roads that accessed the boundary of the national forest. If that plat weren't there, as I say, there would probably be a prescriptive easement assuming that the testimony presented in court would verify that. That there have been a number of people who have over the years that said yes, they have access the forest service property for hunting, for recreation, and so on. Would it be access for commercial purposes? No. Would it be access for different uses, timbering access? Probably not. It would be limited to recreation and hunting. But there is on the plat a road through lots 27 and 29 that accesses the forest.

**Member 1:** I know easements can specify uses but also users. What can you say about that?

**Marti Whitmore:** Yes, sure. If in fact, it could be demonstrated that people accessed the forest through that road prior to even the lot, it could be a public prescriptive easement. The plat, I think, is clear that these are private roads. And so I think it is certainly reasonable to limit to access to San Juan Vista residents or family, friends, or whatever, or to San Juan Vista people.

Are there other questions?

**Member 2:** I like to ask a question because we are lots 27 and 29 and I am here representing [the other landowner] as well. You just said that access should be for family and friends. Plus the road coming up is private. Am I incorrect in that? So someone would have to walk all the way from the county road to get to that access and they would have to cross private land to get there. So practically speaking, I don't think public access was a reality.

**Marti Whitmore:** I understand and I don't disagree with you. All I am saying is before San Juan Vista was platted.

**Member 2:** I am just talking about what we have today.

**Marti Whitmore:** Understand

**Member 2:** So, we have come really close to an agreement.

**Marti Whitmore:** I drafted it.

**Member 2:** We wanted to make one change to that. Since we are talking about it, I bring it up here. So we wanted to say, we didn't feel it was right for anyone, if you are not here, to just send anyone up that access. And that is what we have asked and so that is where we are today. That is the only difference. We are there except that.

**Marti Whitmore:** And that is not my job.

**Member 2:** That is not you, that is a decision of the association and board.

**Marti Whitmore:** It's the decision of the board and the association. But yes, it's my understanding, and again, I wasn't here at two years ago. But it's my understanding that the board, at that time, had thought that an agreement had been reached and that resulted in a draft of an agreement. It was never signed. My understanding is....

**Member 2:** There is a reason for that because it was never agreed on because of that issue.

**Marti Whitmore:** There you go.

**Member 2:** Then the other question I have. The documents themselves say that unless it says it on the plat, there is no defined use. And the plat, both on our side and the east side, has no designation regarding San Juan Vista. There is nothing there that says this is for access. What is your position on that?



**Marti Whitmore:** They are clearly marked as private roads. But they are very clear on the plat. There would be no reason for them to go to the boundary of the forest service property if they weren't intended for access.

**Member 2:** And that is exactly the position that we feel we are in, is that both sides... and its been discussed here and that [a board member] has said openly in the last few meetings, and I know that we have used both sides. We feel like they are the same. There is no difference between the two.

**Marti Whitmore:** When Mike was asked to opine about there's another access road, I think it's between 16 and 17 or 17 and 18, he was asked to look specifically at what was deeded to the US Forest Service.

**Member 2:** Yah, that was all he was asked.

**Marti Whitmore:** Yes, that was all he was asked. He was not asked is there was access by way of the plat or by prescriptive easement. He was asked what the effect was of the deed to the forest service.

**Member 2:** Right. Ok.

**Marti Whitmore:** Yes, I mean I tend to think the same thing. You'd have probably, I don't know but I tend to think you could prove prescriptive easement as well there and certainly, the plat shows the road going all of the way.

**Member 2:** Ok. Thank you.

**Marti Whitmore:** Other questions?

**Member 3:** Could I ask, what are the key elements of this draft as it exists today.

**Marti Whitmore:** It's not a very long agreement. I'm not going to read the whole thing unless you want me to. But I can go through the ... as soon as I put my glasses on. I can see to drive or see to read but not both at the same time. So plat referenced a 60 ft wide easement known as Overlook Way. And basically, the proposed agreement was to limit that instead of 60 feet to 25 feet. And it would be a perpetual.... And Again, this is where it would be by agreement and by conveyance. Which as I say is always the preferable way to resolve these kinds of issues. It

would be a perpetual exclusive easement over, across, and under a 25 foot wide section of the 60 foot path as depicted on exhibit A, which is the plat.

**Member 4:** Why would we limit that there?

**Marti Whitmore:** You wouldn't have to. But sometimes again, when you come to an agreement on things both sides, both sides, compromise. My understanding is that two years ago, the board at that time, an agreement had been reached so if it was limited to 25 feet instead of 60 feet as shown on the plat that that would be acceptable to the lot owners. The allowed uses, the easement is limited to San Juan Vista landowners association members, their families, and their guests for purposes of pedestrian and equestrian ingress and egress and leashed pets for access to and from the national forest. No motorbike, vehicle, or non-motorized vehicles shall be allowed on the easement. The easement shall not be used for any commercial purpose and shall be maintained for private use only. Guests of lot owners occupying shall use the easement for access but no short term renters shall use the easement during hunting season when hunting parking permits are required.

**Member 5:** Is skiing the same as pedestrian?

**Marti Whitmore:** Yes, I think that would be considered pedestrian use. But certainly it wouldn't hurt to clarify that. He was asking if skiing would be considered pedestrian. I think it wouldn't be a bad thing to clarify that.

The homeowner association, the landowner association would be responsible for trail maintenance and weed control within the easement. There is an indemnification by the association to the landowners for injuries and damages and that kind of things. That's fairly common. There is also Colorado Law that suggests landowners that allow people to go through their property for recreational purposes have some protection from liability as well.

**Member 2:** Could I ask you a question while you are reading that? At present, are we protected at all as owners by anyone using that access?

**Marti Whitmore:** As I say, I think existing Colorado law protects you. And it is because it is on the plat as a private road. Now, people should also not be off the road. Right now it is a 60 ft wide road. People should not be wandering.

Any person using the easement shall observe courteous behavior at all times. A San Juan Vista landowner association member is not required to be present during use of the easement by a

member, guest, or family member. Any use of the easement by a person is that individuals own risk. The lot owners lot 27 and 29 and the land owners association and its members are not liable for any action or injury on the part of someone traveling the easement. Nothing contained in this easement shall be deemed to be a gift or dedication of any portion grantor's grantee's property to the general public or for any public purpose whatsoever including for any but not limited dedication as a public way easement or public access to the national forest. And then the rest of this is a lot of legalese that if any portion of this is found to be unlawful, the rest of it is fine. If you end up litigating, the prevailing party gets the legal fees.

**Member 6:** It doesn't address the other access point that sounds like through 16 and 17.

**Marti Whitmore:** That is correct.

**Member 6:** And if we'd done the research and we have shown that there are two platted access points at these two various spots, why do we need to change anything? We done the research. There is access 60 feet wide in both of these places. We can all agree as members to use it appropriately and if we need some legal indemnification of the adjoining landowners that I'll that I think we need because it is already there. I mean it is already established.

**Marti Whitmore:** I understand. And again, my job is not to decide policy for you all. I'm just, I'm doing what I was asked to do and I was asked to do an agreement that was a compromise of sorts to resolve a dispute.

**Member 7:** What is our end game here? Are we trying to sign this agreement or are we discussing it? What are we doing?

**Marti Whitmore:** My understanding is that this topic has come up at several annual meetings. It's been kind of an on-going or off and on-going dispute if you will for about 11 years, 10 or 11 years. And so the board thought that apparently there are some new members, new people who might not understand what the issues were or might not be familiar with the situation so they just asked me to come up and explain it. And then what you do with it is not my business.

**Member 1:** Maybe just to address this, I think part of the issue is that the easements, the access points show up on the plat but the way the plat was done in the 1970's they're a little bit deficient in their definitions and uses. They don't even say who those easements are to specifically. So I think the end goal of this is so that there is a formal document that they exist as they are shown on the plat or with some variation with the intended user and uses. I think that

is the end goal. Because they show up on the plat but a modern day plat would specially call out who the easement is granted to and for what purpose and our plat doesn't show that.

**Marti Whitmore:** That's a really good explanation. That is correct.

**Member 8:** But in order to do that we are losing a good part of the 60 foot easement.

**Marti Whitmore:** And again, that's your decision. As I say, I was asked to draft this based on what the board thought had been reached as a specific agreement. I'm not trying to make policy for you.

**Member 9:** Can you also clarify the eastern easement. Is it exactly the same thing?

**Marti Whitmore:** Well, it's on the plat the same way. There was an easement specifically to the forest service that wouldn't have given anyone else access. Is there a prescriptive easement there? I don't know. My understanding is that probably there would be testimony and evidence to demonstrate that if nothing else there was prescriptive use of that access. But Mike Hockersmith was not asked that question and I really haven't been asked to research that question either.

**Member 10:** Excuse me. So what this is doing is just between that one easement so that the other is going to stay 60 feet.

**Marti Whitmore:** Yes, this is only Overlook Way. Yes.

**Member 11:** In regards to the 60 ft, if the easement is really only used for accessing trails and no motorized vehicles, you could take a pack horse up there, isn't 25 feet enough? YOU can go through hiking trails and they are barely that wide.

**Marti Whitmore:** I think that was kind of the rationale for coming to that as a compromise.

**Member 2:** We originally asked for 10 feet.

**Member 12:** Just to be clear, there are three easements shown on this plat map that go up to the national forest boundary. One of them has specific language noted on the plat map about what we are talking about. The plat map does show anything. The plat map does show something and that is what Mike Hockersmith weighed in on that one. The other two show nothing. So there are actually three easements up to the forest service.

**Marti Whitmore:** The one you just referenced has never been in dispute.

**Member 1:** So I'm a land surveyor so I spend a lot of time looking at plats. So what you are alluding too is that there is one specifically has a note on it that says easement, that middle one. But it references a line type, once you call that out on a plat as an easement, that is the line type for an easement. That line type is an easement everywhere it is on the plat. So you don't need to label every single easement line as easement as long as you identify which lines represent easements. Which lines represent lot lines, which lines represents centerlines or ditches. They all have their own line type.

**Member 2:** [Member 1] on that middle one, there is a hash mark down at the bottom and a hash mark at a number of other locations that are fire water. There is a stream running right there. So who knows what the intent was?

**Member 1:** Based on the plat, the intent was the same. We'd have to concede that that would be a 60 foot easement for access to the forest service. Whatever we decide as a community to do to anyone of them, I think we'll have to apply to some effect to those other two. It's an all or none thing I think we are going to have to decide. Either the easements are there and we agree to make some minor changes and use them. And if there is no trail, no one is going to use it. Or we are going to agree that we just don't think that those access easements are for us and we are not going to not worry about it. I think over the course of the few years that I've been here that no one is really interested in losing the forest access. I think we've gotten some very good and well explained opinions about the fact that the plat does indicate the locations of those easements and the intended use and users of those easements. I think we are a very short step away from finding that agreement between the membership, board, and hopefully the lot owners so these deficiencies can be eliminated in perpetuity.

**Marti Whitmore:** And if I might just add on, and thank you because you are very helpful as a surveyor to help explain. One of the real critical pieces here is that everyone took title to their lot understanding, or should have understood, that there were these easements. It didn't come as a surprise to anyone. You took title knowing that there were these access easements and there were these roads. From a legal standpoint, that is an important piece of the puzzle is that everybody took title with those roads and easements in place.

**Member 13:** I just have a question in regard to fire equipment. What's these footage for right of way for fire equipment?

**Marti Whitmore:** I think generally speaking that's why you have 60 ft road easements. 60 feet is the presumed, just as an example, 60 feet is the presumed width of any county road. Not all public roads are county roads but all county roads are public roads. Right. So 60 ft is what you assume the right of way is for any county road even when county roads are much narrower. You always assume it's 60 feet.

**Member 13:** So when they were on the plats when they do these subdivisions and they put in easements and they say forest service and they literally they mean access to the forest service for the people not just hikers and [untranscribable].

**Marti Whitmore:** In this particular case, San Juan Vista, I believe the way it is labeled it showed them as private roads. So not county roads. And as I say not all public roads are county roads but all county roads are public roads. Any other questions? Alright. I am going to leave you to it.

**Many Members:** Thank you!