

STATE OF  
COLORADO

Lennberg - DNR, Patrick &lt;patrick.lennberg@state.co.us&gt;

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**Adams County Position Regarding Watkins Road South of 72nd Ave**

4 messages

**Lennberg - DNR, Patrick** <patrick.lennberg@state.co.us>

Thu, Sep 3, 2020 at 3:14 PM

To: Danni Danko-Holloway &lt;danni5280@yahoo.com&gt;, "Katie A. Roush" &lt;roush@fostergraham.com&gt;, "Michelle L. Berger" &lt;mberger@fostergraham.com&gt;

Cc: Jared Ebert - DNR &lt;jared.ebert@state.co.us&gt;, Jeff Fugate &lt;jeff.fugate@coag.gov&gt;

Good Afternoon,

I recently spoke with Greg Labrie with Adams County who is familiar with Watkins Road and the proposed mining operation. I specifically asked him if Adams County had a right-of-way along Watkins Road south of 72nd Ave. His reply is attached to this email.

Please let me know if you have any questions.

Thank you,  
Patrick

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**Patrick Lennberg**  
**Environmental Protection Specialist****COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

P 303.866.3567 x8114 | F 303.832.8106  
[1313 Sherman Street, Room 215, Denver, CO 80203](#)  
[Patrick.Lennberg@state.co.us](mailto:Patrick.Lennberg@state.co.us) | [DRMS Home Page](#)

**AdamsCounty\_PositiononRd\_south72Ave.pdf**  
263K**Katie A. Roush** <roush@fostergraham.com>

Wed, Sep 9, 2020 at 10:57 AM

To: "Lennberg - DNR, Patrick" &lt;patrick.lennberg@state.co.us&gt;, Danni Danko-Holloway &lt;danni5280@yahoo.com&gt;, "Michelle L. Berger" &lt;mberger@fostergraham.com&gt;

Cc: Jared Ebert - DNR &lt;jared.ebert@state.co.us&gt;, Jeff Fugate &lt;jeff.fugate@coag.gov&gt;

Hi Patrick, thank you for forwarding this information.

It is not clear to us how the map Adams County attached below demonstrates that there is a right-of-way (ROW) along Watkins road. At best, it demonstrates that there is conflicting information about whether there is a ROW, as the documents Danni included in her objection indicate that the 1889 Road Viewers ROW dedication did not include the portion of Watkin's road running along the property owned by Danni and her co-owners. Also, the legal description of Danni's property in the information provided by Adams County does not match the deed description.

At any rate, even if there is a public right-of-way along Watkins road, that ROW merely permits Adams County to build a road, and it is undisputed that Adams County has neither built nor maintains a public road along Watkins road. The ROW does not grant private citizens the right to do what Kelley Trucking has done, which is to essentially put a private driveway – with a gate foreclosing access to anyone but themselves—in the purported public right-of-way.

All that said, what is the effect of this information on the permit application from your perspective? Does this information change DRMS's likely treatment of the road as "Affected Lands"?

Also, to the extent necessary, please accept this email as our firm's entry of appearance on behalf of Danni.

Regards,

Katie

**Katie Roush**

**Partner**

**Foster Graham Milstein & Calisher, LLP**

360 South Garfield Street | Suite 600

[Denver, CO 80209](#)

**Main:** 303-333-9810

**Fax:** 303-333-9786

**Direct:** 303-962-7094

[Fostergraham.com](#)

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**Lennberg - DNR, Patrick** <patrick.lennberg@state.co.us>

Thu, Sep 10, 2020 at 10:27 AM

To: "Katie A. Roush" <roush@fostergraham.com>

Cc: Danni Danko-Holloway <danni5280@yahoo.com>, "Michelle L. Berger" <mberger@fostergraham.com>, Jared Ebert - DNR <jared.ebert@state.co.us>, Jeff Fugate <jeff.fugate@coag.gov>

Good Morning Katie,

You and your client's confusion is understandable and we would recommend that you discuss this matter with Adams County.

The Division must defer to Adams County about the designation of the unimproved public right-of-way along Watkins Road south of E 72nd Ave.

Based on a conversation with Mr. Labrie with Adams County, he stated that an entity can upgrade a public right-of-way as long as it is completed to county standards.

Currently, the Division is requiring the permit application be amended to include the road that was constructed to facilitate mining activities and considers the road "affected land".

Please let me know if I can be of further assistance.

Thank you,  
Patrick

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9/15/2020

State.co.us Executive Branch Mail - Adams County Position Regarding Watkins Road South of 72nd Ave

**Katie A. Roush** <roush@fostergraham.com>

Mon, Sep 14, 2020 at 12:32 PM

To: "Lennberg - DNR, Patrick" <patrick.lennberg@state.co.us>

Cc: Danni Danko-Holloway <danni5280@yahoo.com>, "Michelle L. Berger" <mberger@fostergraham.com>, Jared Ebert - DNR <jared.ebert@state.co.us>, Jeff Fugate <jeff.fugate@coag.gov>

Thank you Patrick.

Katie

[Quoted text hidden]

**STATE OF  
COLORADO****Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>**

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## Proposed Mining Operation Near E. 72nd Avenue and Watkins Road

1 message

**Greg Labrie** <GLabrie@adcogov.org>

Wed, Sep 2, 2020 at 12:44 PM

To: "patrick.lennberg@state.co.us" &lt;patrick.lennberg@state.co.us&gt;

Cc: Katie Keefe &lt;KKeefe@adcogov.org&gt;, Gail Moon &lt;GMoon@adcogov.org&gt;

Patrick,

As a result of our conversation regarding the review for the proposed mining operation near E. 72<sup>nd</sup> Avenue and Watkins Road and per your request, I have attached documentation showing that Watkins Road south of E. 72<sup>nd</sup> Avenue is unimproved public right-of-way. I have attached a copy of the Adams County GIS map showing Watkins Road as right-of-way and I have attached the legal descriptions of the properties' west and east of Watkins Road. Email or call if you need additional information.

Sincerely,

Greg Labrie, PE, CFM

Ph # 720-523-6824

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### 3 attachments

**GIS Roadway Map at 72nd and Watkins Rd.pdf**

108K

**Legal Description for Parcel Number 0181900000194.pdf**

42K

**Legal Description 33000 E 72nd Avenue.pdf**

42K

# Adams County Map



## Legend

- Highways**
  - Interstate
  - Highway
  - Tollway
- Streets**
  - Streets
  - Ramp
- Building**
  - Building
- County Parks and Open Space**
  - County Parks and Open Space
- Small Lakes**
  - Small Lakes
- Major Lakes**
  - Major Lakes
- Rivers**
  - Canal
  - Ditch
  - Primary Creek
  - River
  - Secondary Creek
  - Stream
- Parcels**
  - Parcels
- County Boundary**
  - County Boundary

1: 11,354



0.4 0 0.18 0.4 Miles

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

# Adams County

## Agricultural Property Profile

**Parcel Number:** 0181900000194

<u>Owners Name and Address:</u>	<u>Property Address:</u>
DANKO DANNI R AND DANKO L R UND 2/3 INTAND CERVI MIKE UND 1/3 INT  2671 SOUTH KEARNEY ST DENVER CO 80222	AURORA CO

### Account Summary

#### Legal Description

SECT,TWN,RNG: 1-3-65 DESC: ALL OF SEC 1 EXC W2 OF THE W2 AND EXC N 30 FT AND E 30 FT FOR RDS 478/014A

#### Subdivision Plat

N/A

#### Account Summary

Account Numbers	Date Added	Tax District	Mill Levy
R0083695	On or Before 01/01/1996	<a href="#">385</a>	101.956

### Permits

#### Permit Cases

[ANX1987-00029](#)

### Sales Summary

# Adams County

## Agricultural Property Profile

**Parcel Number:** 0181706200001

<u>Owners Name and Address:</u>	<u>Property Address:</u>
CHANG IRVING  22479 E FAIR PL AURORA CO 80015-6637	33000 E 72ND AVE CO

### Account Summary

#### Legal Description

SECT,TWN,RNG:6-3-64 DESC: PARCEL 1 PT OF THE NW4 OF SEC 6 DESC AS BEG AT THE N4 COR SD SEC TH N 88D 53M 44S W 2214/75 FT TO THE TRUE POB TH S 00D 08M 47S W 2631/50 FT TH N 89D 41M 09S W 587/51 FT TH N 00D08M 47S E 2639/60 FT TH S 88D 53M 44S E 587/59 FT TO THE TRUE POB EXC RD (REC NO 2016000030027) 35/0065AC

#### Subdivision Plat

N/A

#### Account Summary

Account Numbers	Date Added	Tax District	Mill Levy
R0141949	06/11/2002	<a href="#">426</a>	99.478

### Permits

#### Permit Cases