Ms. Michele Frishman
Open Space Program Manager
State Board of the Great Outdoors Colorado Trust Fund
1900 Grant Street, Suite 725
Denver, Colorado 80203

February 09, 2023

Re: Annual Report of the Rio Grande Railroad Corridor Covenant Enforcement Commission

Dear Ms. Frishman:

On November 04 2022, the Roaring Fork Transportation Authority Covenant Enforcement Commission ("CEC") held a meeting to review the progress of the Roaring Fork Transportation Authority ("RFTA") in enforcing the conservation covenants that apply to RFTA's Railroad Corridor. The members of the CEC appear on the attached list.

The members of the CEC include one elected official from each of the entities that participated in the purchase of the rail corridor: Aspen, Snowmass Village, Basalt, Carbondale, Glenwood Springs and the counties of Pitkin and Eagle. The CEC also includes two at-large members, one from each of Eagle and Pitkin County and one representative from each of Pitkin County Open Space and the Roaring Fork Open Space Special District. The Commission needs to fill the two at-large seats, as the Pitkin County and Eagle County at-large seats are currently vacant. In addition, the Town of New Castle, a RFTA member, is also invited to participate with the CEC.

I would like to remind you why the CEC member from the Roaring Fork Open Space Special District is not listed among the members of the CEC. The District was formed in 2000 by a majority vote of the District's electors. However, the electors failed to approve a companion ballot measure that would have provided taxes to fund the District. The District does not wish to participate in the CEC until such time as the District is funded.

<u>Background of the CEC</u>

The Roaring Fork Railroad Holding Authority ("RFRHA"), a consortium of Roaring Fork Valley Governments, initially purchased the Railroad Corridor on June 30, 1997. Additional contributors to the Corridor purchase were Great Outdoors Colorado ("GOCO") and the Colorado Department of Transportation ("CDOT"). When the Roaring Fork Transportation Authority was formed by voter approval in 2000, the operating plan included absorption of an existing transit system, and absorption of RFRHA. In 2001, RFRHA was dissolved and its assets, liabilities and obligations were transferred to RFTA.

Initially the Corridor was held subject to a Conservation Easement administered by the Aspen Valley Land Trust. However, when a Comprehensive Plan was developed for management of the Corridor, it was determined that many portions did not contain the attributes described as "conservation values" warranting protection under the conservation easement. Subsequently, RFRHA entered an amended agreement with GOCO to change the Conservation Easement over the entire Corridor to a Restrictive Covenant in 10 discreet areas covering roughly half of the Corridor. One of the requirements of GOCO for removal of the Conservation Easement was the formation of the CEC. The CEC monitors management by RFTA of the Restrictive Covenant areas called out in the Comprehensive Plan.

In 2002, RFTA hired an independent consultant to survey the entire length of the Corridor and report on potential violations of the Conservation Covenants. The same consultant, Newland Project Resources, was hired to assess the Corridor in 2003 through the present. The report for 2021 was submitted to the CEC which then reviewed and questioned in detail each potential violation cited in the report.

Summary Findings of the CEC for 2022

The following is a summary of the findings of the 2022 Corridor Assessment Report (the full report is included with this letter):

Staff feels the corridor is in excellent condition. They have continued to make progress controlling noxious weeds without using herbicides. They are constantly weeding and picking up trash, and will work in earnest to keep the values of the conservation areas intact. They are working on building relationships with adjacent property owners to rectify new encroachments and keep the values of the covenant intact.

Conclusions of the CEC

- The Rio Grande Trail within the Railroad Corridor is well used and maintained.

- The current encroachments are similar to past years. New violations noted in conservation areas #1. Violations still in place from the November 2021 report include area #7 and #8. Overall, the corridor is in outstanding condition, well used and maintained with a couple of violations still in need of consideration.

- Regarding the violations still in place: staff is working with Paul Taddune, RFTA's General Counsel, to address the two remaining in Area #7. We have proposed providing the property owner with a two-year agreement upon which they will need to remove the encroachments at their expense. If they are not remedied within the two-year period, RFTA will remove the items at our expense and put a lien on the property for the monies to be reimbursed to RFTA at a future date.

- The existing violation noted in area #8 involves an encroachment by an adjacent property owner updating an extensive new trail connecting private property to the Rio. Staff will require further guidance on this access as it was built to provide ADA access to the property owner up to the Trail.

In closing, a copy of the final 2022 CEC Report and Staff CEC Report are included with this letter. Please do not hesitate to contact me, or any of the members of the CEC listed on the following page with any questions regarding the report.

Sincerely,

The Roaring Fork Transportation Authority –
Corridor Covenant Enforcement Commission
By Abbey Pascoe
Asset and Railroad Manager

Enclosures: 2022 Corridor Assessment
2022 Staff Report
List of CEC Members
Letter to the RFTA Board of Directors from RFTA Attorney

RFTA COVENANT ENFORCEMENT COMMISSION 2021
(3-year term 6-1-2021 to 12-31-2023)

APPOINTED
Mr. Torre
City of Aspen

APPOINTED
Mr. Greg Poschman
Pitkin County Commissioner

APPOINTED
Mr. Ben Bohmfalk
Town of Carbondale

APPOINTED
Ms. Alyssa Shenk
Town of Snowmass Village

APPOINTED
Ms. Shelley Kaup
Glenwood City Council

APPOINTED
Ms. Tanya Allen
Eagle County Commissioner

APPOINTED
Mr. David Knight
Town of Basalt, Town Councilor

APPOINTED
Mr. Paul Holsinger
Pitkin County Open Space and Trails

APPOINTED, New Castle joined RFTA in 2005
Mr. Art Riddle
Town of New Castle

APPOINTED
Ms. Lynn Rumbaugh
Aspen Transportation Department