Board of Directors
Roaring Fork Transportation Authority
1340 Main Street
Carbondale, Colorado 81623

February 11, 2020

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

Dear Directors:

This is to provide you with the Annual Report of the Rio Grande Railroad Corridor Covenant Enforcement Commission, based on information provided to me by Angela Henderson.

On December 3, 2020, 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 one at-large seat, as the Pitkin County at-large seat is currently vacant. In addition, the Town of New Castle, a RFTA member, is always 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 Railroad Corridor was initially purchased on June 30, 1997, by the Roaring Fork Railroad Holding Authority ("RFRHA"), a consortium of Roaring Fork Valley Governments. Additional contributors to the Corridor purchase were Great Outdoors Colorado ("GOCO") and the Colorado Department of Transportation. When RFTA 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 2020 was submitted to the CEC and the Commission reviewed and questioned in detail each potential violation cited in the report.

Summary Findings of the CEC for 2020

The following is a summary of the findings of the 2020 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.

Conclusions of the CEC

- Overall, the Railroad Corridor is in excellent condition. The Rio Grande Trail within the Railroad Corridor is well used and maintained.

- The current encroachments are far fewer than in past years. New violations noted in conservation areas #4 and #7. Violations still in place from the October 2019 report include areas #6. 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 me to address the longstanding encroachments in area #6.

- The new violations noted in areas #4 involve trash and storage and within the ROW. Staff has worked with the property owner to remove items from this area in the past and will notify them again of the where the RFTA Boundary lines. The violation noted in #7 involves an encroachment by the Roaring Fork Club, a private golf course that has expanded some greenspace next to the railroad tracks, inside the RFTA Corridor. Staff is working with the property manager on this encroachment, partially to assist the new staff with understanding the ownership lines and the requirements of the covenant areas.

In closing, a copy of the final 2020 CEC Report and Staff CEC Report are included with this letter. Please do not hesitate to contact Angela, any of the members of the CEC listed on the following page or me with any questions regarding the report.

Sincerely,

The Roaring Fork Railroad Corridor Covenant Enforcement Commission
By Paul Taddune
RFTA General Counsel

Enclosures: 2020 Corridor Assessment
2020 Staff Report
List of CEC members

RFTA COVENANT ENFORCEMENT COMMISSION 2020
(3-year term 4-1-17 to 11-1-19)

APPOINTED
Ms. Ann Mullins
City of Aspen Council Member

APPOINTED
Mr. George Newman
Pitkin County Commissioner

APPOINTED
Mr. Dan Richardson
Mayor - Town of Carbondale

APPOINTED
Ms. Markey Butler
Mayor - Town of Snowmass Village

APPOINTED
Ms. Shelley Kaup
Glenwood Springs City Council

APPOINTED
Ms. Jeanne McQueeney
Eagle County Commissioner

APPOINTED
Ms. Jacque Whitsitt
Mayor - Town of Basalt

APPOINTED
Mr. Paul Holsinger
Pitkin County Open Space and Trails

APPOINTED, New Castle joined RFTA in 2005
Mr. Art Riddle
Mayor - New Castle

APPOINTED
Mr. John Krueger
Aspen Transportation Department

AT LARGE MEMBER
George Trantow – Eagle County