



**DOUGLAS COUNTY**  
COLORADO

**UGLAS COUNTY ROW**

Department of Public Works Engineering

Engineering Services

www.douglas.co.us

**THIS SPECIAL ACCESS PERMIT** is entered into this 28 day of May 2025 by and between FHB LLC & M&N Schmidt LLC (collectively the "Owner") and Department of Public Works Engineering, County of Douglas, a County of the State of Colorado ("County").

**WHEREAS**, the Owner is the owner of certain land known or described as State Parcel # 277109000008 ("Owner Property"), see attached Exhibit A. The Owner Property is 40 acres more or less; and

**WHEREAS**, , the un-named Right-of-Way ("Un-Named ROW") adjacent to the Owner Property was dedicated to Douglas County on July 10, 1886 by Quit Claim Deed, recorded at Book and Page 209, Account # R0446762 (SPN: 2771-103-99-001) of the records of the Douglas County Clerk and Recorder, see attached Exhibit A; and

**WHEREAS**, a road was never constructed in the Un-Named ROW; and

**WHEREAS**, Owner needs ingress and egress to and from the Owner Property over and on the Un-Named ROW for single family residential purposes and/or related agricultural uses, subject to the existing zoning of the Owner Property; and

**WHEREAS**, Owner desires to access Owner Property using a shared driveway to be constructed in conformity with the Douglas County Typical Driveway Construction Regulations and Policies; and

**NOW THEREFORE**, the County hereby issues this Permit subject to the following terms and conditions:

1. **Purpose.** The purpose of this Permit is to allow the Owner, his or her heirs, successors-in-interest, assigns and occupants of the Owner Property ("Permitee"), and the Permitee's guests and invitees a special use access permit for ingress and egress over and on the Un-Named ROW to the Owner Property for and restricted to such uses as are governed by the existing zoning of the Owner Property. The Permitee shall have the right to invite building or maintenance contractors, or other such workman, as long as their purpose to be on the Un-Named ROW adheres to the terms and conditions of this Permit.

2. **Permitee's Responsibilities.** Permitee understands that the enforcement of the uses allowed under this Permit are subject to criminal penalties pursuant to Colorado Revised Statutes (C.R.S.) § 18-9-117, as amended, and are enforceable by the Douglas County Sheriff's Office. It shall be the Permitee's responsibility to ensure that the use of the Un-Named ROW is not in violation of the terms and conditions of this Permit. The terms and conditions of this Permit issued by the County are binding upon all successors-in-interest, assigns, heirs, and occupants. If any material changes are made or will be made in the use of the Owner Property which will affect access, operation, traffic



volumes, or vehicle type, the Permittee shall contact the County to determine if a new permit and/or modification to this Permit are required.

3. Driveway Construction and Maintenance. The construction, repair and maintenance of any driveway located in the Un-Named ROW (the "Driveway") shall be the responsibility of the Permittee, including his or her heirs, successors-in-interest, assigns, and occupants, and any other holder of a special access permit for the Driveway issued by the County. Each permit holder shall pay a pro rata share of all costs reasonably necessary for the repair and maintenance of the Driveway, including culverts and driveway surfaces, calculated as a ratio of the total number of permit holders allowed special access to said Driveway, regardless of the size of any particular property or distance traveled over the shared driveway; provided, however, that in the event a said permit holder, or their agent, tenant or invitee, causes damage to the Driveway, other than ordinary wear and tear, said permit holder shall be required to repair such damage and bear the cost thereof exclusively. The County shall not be responsible for any maintenance or repair of the Driveway.

4. Driveway Permit Requirements. This Permit does not obviate the Permittee's obligation to obtain a driveway permit from the County, which permit shall not be unreasonably withheld, with future building permit applications.

5. Permit Area. The County is not obligated to improve any portion of the Driveway to meet County roadway standards. However, the County reserves the right, in its sole discretion, to allow the shared Driveway to be improved to meet the County's roadway standards at which point maintenance may be reassigned.

6. Compliance with Laws. Permittee, and all guests or invitees, shall observe and comply with all Federal, State and local laws while using said Un-Named ROW. Permittee will be solely responsible for any and all claims, suits, demands, costs and liabilities arising out of or in connection with the Permittee's use, and use by any of Permittee's guests and invitees, of the Un-Named ROW and the Driveway.

7. Liability. The County shall not be liable for any loss, injury, death or damage to any person or personal property which may arise from or related to the use or condition of the Un-Named ROW and/or the Driveway (including, but not limited to, loss, injury, death or damage resulting from ice, water, rain, snow, fire, theft) during the term of this Permit or any renewal thereof.

8. Term. The term of this Permit shall run with the land and cannot be revoked by transfer or other means by the County without due process of law. Notwithstanding anything to the contrary, the County may suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety.

9. Notification. The Owner shall be responsible to notify the County of any change in ownership of the Owner Property no later than 30 days after the change.

IN WITNESS WHEREOF, the parties have executed this Permit in the day and year first above written.

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

\_\_\_\_\_  
ABE LAYDEN, Chair

ATTEST:

\_\_\_\_\_  
Hayley Hall Clerk to Board

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

APPROVED:

DocuSigned by:

*Chris Pratt*

6/2/2025

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Chris Pratt

Sr. Assistant County Attorney

DocuSigned by:

*Janet Herman*

6/2/2025

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Janet Herman, P.E., Director  
Department of Public Works  
Engineering

ACCEPTED BY OWNER:

By: *Fred Beck* By: *Mark Schmidt* By: *Ngoc Schmidt*

Fred Beck  
(Print Names)

Mark Schmidt

Ngoc Schmidt