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March 15, 2022

Amanda A. Bradley, Esq.
Alderman Bernstein
101 University Blvd., #350
Denver, CO 80206
via email to: aab@ablawcolorado.com

Re: Letter to the Town of Vail dated March 9, 2022

Dear Ms. Bradley:

As you know, our firm represents the Town of Vail, and I write in response to the above-referenced letter to the Vail Town Council and the Town Attorney, Matt Mire.

First, we understand that you have initiated a formal appeal of the decision of the Design Review Board (the "DRB"), on behalf of your client Reggie D. Delponte. Because the appeal is pending, we are reluctant to comment on this matter. However, because your letter threatens litigation, we felt that an immediate response was required.

Second, the condition placed on the approval is legally permissible. The condition is not discretionary, and as such C.R.S. § 29-20-203(2) does not apply in the first instance. And if your client's property fails to comply with the Vail Town Code, it is entirely appropriate for the DRB to require compliance as a condition of approval. Here, your client's improvements on Town property constitute a clear violation of Chapter 14 of Title 5 of the Vail Town Code.

Third, the suggestion that the condition is "a requirement to provide services to the Town" is a stretch, to say the least. Your client placed improvements on Town property in violation of the Vail Town Code, and as such, is solely responsible for removing them.

Lastly, the DRB is expressly authorized to include conditions of approval, pursuant to Vail Town Code § 12-11-4(C)(2)(a). While your interpretation of the DRB's condition is strained, we will ensure that the Town Council clarifies the condition to require removal of only those improvements on Tract C that were placed there by or at the direction of your client or are used by your client and within your client's control. That clarification should satisfy the concerns raised on the second page of your letter.

3/15/2022

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If you have additional comments or questions, please direct them to me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kendra L. Carberry". The script is cursive and fluid.

Kendra L. Carberry
klc@hpwclaw.com

c: Mayor and Town Council