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Jonathan Gunn
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July 12, 2024

Scott Dubois, Attorney for Mustang Development, LLC
Via email: Scott DuBois SDuBois@parsonsbehle.com

Scott,

You have requested that the Town of Hideout (Town) issue a letter addressing Substantial Completion of infrastructure in Golden Eagle Phase 1. The Town Engineer has determined that, as of today, July 12, 2024, in Golden Eagle Phase 1 Subdivision, there is Substantial Completion of the infrastructure as that term is defined in the March 11, 2010, Master Development Agreement for the Hideout Canyon Master Planned Community (MDA). With Substantial Completion of the infrastructure, the town is able to issue certificates of occupancy.

The Town bases its determination on: (i) the meeting between the engineers involved in reviewing the subject infrastructure; (ii) the Town’s recent acceptance of the two water systems in Golden Eagle Phase 1, and (iii) the professional opinion of Mr. Brad Gilson, who is the District Engineer for Hideout Local District 1 (the District). As for the latter, on or about June 27, 2024, Mustang Development (Mustang) provided the Town with a letter authored by Mr. Gilson which states: “I have reviewed the storm drain and sewer infrastructure and all other infrastructure for the proposed Golden Eagle Subdivision as per the attached as-constructed drawing set. This confirms the completion of the infrastructure, (sic) included in the attached as-constructed drawing set for phase one of the Golden Eagle subdivision.” “Attachment: As-constructed Drawings, dated ____” Attached to Mr. Gilson’s letter was a file named “As-Constructed Combined 06.26.24.”

Please note that although the Town has determined the subject infrastructure is substantially complete as defined by the MDA, the Town has not made a determination that the infrastructure, other than water infrastructure, is constructed to Town standards so as to be accepted by the Town as public. Moreover, based on statements made by District representatives to the Town and others, the Town anticipates that the District is the public entity that will ultimately accept the sewer, the storm-water system, and road infrastructure consistent with its purpose to provide streets and roads within the District. (See Notice of Impending Boundary Action dated 4/21/2010 and Resolution 10-6).

Also note that once qualifying home owners apply for and are granted Certificates of Occupancy, the Town will charge the owners the current sewer fees for the costs associated with downstream conveyance, pumping, electricity and JSSD costs which are being assumed by the Town. Similarly, the Town will collect the Storm Drain fees due to the downstream/downhill impacts related to the Storm Drain.

In the meantime, we appreciate your willingness to allow Mustang's Engineer to meet with the Town Engineer, providing Mr. Gilson's letter, and your patience as we have worked through these issues. I feel that both the engineer's meeting and the Gilson letter were particularly helpful in allowing the Town to make its determination as outlined herein.

As we've discussed, the Town and Mustang have many mutual goals. I hope we can work together amicably to achieve them.

Sincerely,

A handwritten signature in cursive script, appearing to read "Polly McLean". The signature is written in dark ink on a white background.

Polly McLean, Town Attorney