

# Stagecoach Express



## MESSAGE FROM THE PRESIDENT

By Dave George

First of all please accept my apologies for missing last quarter's news letter. It is still my personal objective to publish an "Express" soon after the regular board meeting each quarter. This Express covers the last two quarters activities. It covers BOD meetings in October and January.

Just before the January meeting, director Mark Dernay resigned. I personally thank Mark for all of his efforts over the years and I also thank him for moving aside when personal circumstances change and interfere with duties. Mark has done more than most outsiders perceive and we are appreciative of his long time service to the Association. I welcome Ken DePaul to the board to fill the remainder of Mark's term. See elsewhere in the "Express" to

meet Ken. (See page 12)

This board has been dealing with some difficult issues during the last two quarters. In my message herein I am going to try to summarize these issues so you can understand them. Wish me luck.

The BOD voted at it's January meeting to initiate foreclosure on four lots for which Routt County Treasurer's deeds were soon to be issued. The payment of back taxes, the collection of back dues, the issuance of treasurer's deeds, and the right of the SPOA to foreclose on the lot, is a complicated process. The BOD's stated policy is to initiate foreclosure actions on lots for which the market value exceeds the cost of foreclosure including payment of all back taxes plus interest and attorney fees. The issues at the October

meeting were resolved by the passage of time, as we were not able to take action before the tax deeds were issued. Two issues are currently pending. It seems difficult to obtain accurate and complete information on the financial figures for each particular case so that the BOD can apply it's stated policy. The BOD is now reexamining it's policy. A committee has been appointed to develop a policy and procedure for dealing with non-payment of Association dues. I hope we can establish a pro-active and clear policy for collection of dues as required by the Association ByLaws.

There is belief by some, Brown Thompson and Greg Hermann are the biggest advocates, that the SPOA is entitled to some kind of ownership of common areas in Horseback and Black-

horse II. These common areas were involved in the bankruptcy proceedings of Woodmoor Corporation. Woodmoor originally intended that these properties be deeded to the Association to be maintained as common areas. In the bankruptcy proceedings, the bankruptcy court gave these properties back to the original owners because

*(President's message...,  
Continued on page 2)*

**“Messages from Board members printed in this publication are statements from that individual and do not represent policies of actions of the Board as a whole nor of the Association. Official policies and actions of the Board are in the minutes of official BOD meetings.”**

*(President's Message...  
Continued from page 1)*

Woodmore had not paid them for the properties. The common areas were transferred to MountainAir Co. as deeds in lieu of foreclosure. The issues in this case are complex and legal and not without precedent now (the Young's Ranch case). At the October BOD meeting the Board authorized expenditure of some funds so the SPOA attorney could look into the issues. He did so and came to the observation that there is little chance that the Association could ever attain ownership of the common areas and that it would take a court battle to do it. At the January meeting, the BOD resolved that it would no longer pursue the ownership issue. Letters from the SPOA attorney

ney are published herein. (Starting on page 7)

Although the issue of Association ownership of the two common areas is nearly a dead issue, a secondary issue has arisen. The two common areas are included in a recent filing with Routt County, by the MountainAir Company, for the Bushy Creek Meadows subdivision. The issue is whether all or any of the Stagecoach CC&R's apply to these common areas since the areas were originally platted as common areas within Stagecoach. The CC&R's require that any "re-subdivision" be approved by the Association. The MountainAir Company did not obtain this approval in its "re-subdivision" for Bushy Creek Meadows. The Association's options to

require MountainAir to obtain this approval would require filing (and winning) a lawsuit. The BOD voted to not pursue this issue, primarily because the development as proposed would likely meet the CC&R's and be approved anyway. The common areas will remain open space in Bushy Creek Meadows, but they will be private property and will not be available for "the use and enjoyment of Stagecoach owners." To protect Stagecoach interest, the BOD directed it's attorney to prepare a letter to MountainAir telling them that the SPOA is not giving up any rights to enforce CC&R requirements within the boundaries of the original Stagecoach plat, and will vigorously pursue enforcement of the CC&R's in

those areas.

Speaking of CC&R's, the Architectural Control Committee has been active, thanks to director Ken Burgess, in tracking and pursuing CC&R violations at Stagecoach. These violations are in the areas such as temporary structures not being used as temporary, non-allowed uses of property, poor maintenance such as trash accumulation, and so on. The BOD intends to be more active in enforcement of CC&R violations in the future, than it has been in the past. The present concern is catching up to a rather long list of violations that need to be resolved.

There are other items of importance happening, but I am out of space. I urge you to read the minutes and the other articles in this "Express".

# SPOA Board Meeting

## July 15, 2001

**Board members present:** Burgess, Dunn, George, Hermann, Schick, Sothan, Watwood, and Wittemyer (Quorum present.)

**Meeting called to order:** 10:10 AM, 7/15/01

Watwood appointed acting Chairperson.

**Secretary's report:**  
Copy of 5/12/01 Board Meeting minutes distributed to all members present. Approved with addition wording under

Treasurer's report, lease. Herman abstained.

Transcription/summary of tapes from special (telephone) Board Meetings of 2/19/01 and 2/23/01 not presented.

**Treasurer's report:**  
Same as was furnished at Annual Member's Meeting on 7/14/01. 1/3 of dues being allocated to subdivision accounts, 2/3 to general fund.

**Election of officers:**  
President: Sothan nomi-

nated Hermann, 2<sup>nd</sup> Schick.

Burgess nominated Watwood, 2<sup>nd</sup> Wittemyer Nominations closed.

Discussion: Hermann stated that he felt the most pressing matters for the Board to pursue in the coming year were to perfect the Association's title to as many of the common lots as justly possible and to attempt to assist the Oak Creek Fire District with the construction of a fire station at Stagecoach.

Watwood stated that he would be retiring from his business and would be devoting full time to the construction of a sewer extension and a spec house in Morningside.

Secret ballot: tied at 4 to 4.  
In response to a query from Janet Sothan (in the audience) as to how long he had served as President of the Association, Steve stated that he had been president of SPOA for five (5) years.

*(7/15 Minutes..., Continued on page 3)*

(7/15 Minutes..., Continued from page 2)

In response to a query from Dunn, Hermann stated that his power of attorney from Brown Thompson has only related to dealing with matters relating to the Thompson vs. Burgess lawsuit, and that his responsibilities to Thompson (as well as any potential conflict) had died with the settlement of that suit.

Secret ballot tied at 4 to 4.

Discussion included the fact that Dernay was absent from his third consecutive regular Board meeting.

**Watwood called a recess.**

**Meeting called back to order.**

Motion by Sothan to withdraw both existing Presidential nominations and re-open nominations. 2<sup>nd</sup> George. Passed unanimously.

Sothan nominated George for President. 2<sup>nd</sup> Wittemyer.

No other nominations were offered. George elected President by acclamation.

**George assumed position as chair of the meeting.**

**Vice-President:** Sothan nominated Watwood. 2<sup>nd</sup> Wittemyer.

Schick nominated Hermann. No 2<sup>nd</sup>.

No other nominations offered. Watwood elected Vice-President by acclamation.

**Treasurer:** Sothan nominated Wittemyer. 2<sup>nd</sup>

Watwood. No other nominations offered. Wittemyer elected Treasurer by acclamation.

**Secretary:** Sothan nominated Hermann. 2<sup>nd</sup> Schick.

No other nominations offered Hermann elected Secretary by acclamation.

Director Dernay arrived at meeting belatedly.

Board unanimously appointed Burgess, Dernay and Hermann to serve as the Architectural Control Committee, with Dernay to serve as Chairman.

**Treasurer's report**

(contd.): Motion by Watwood to accept \$2300 audit proposal from Hiratsaka & Schaus. 2<sup>nd</sup> Hermann.

Passed unanimously.

**Discussion of Keating lot consolidation application:**

Determination that the ACC, in the person of Hermann, was to report to the Board on the application in time for a phone meeting at 8:30 PM on 7/26/01. (No written notice of said meeting required because all Board members were present and advised of it. George said he would send out special meeting agenda by e-mail to all Board members.)

**Motion by Dunn:** To allot \$300 for reimbursement of mailing and copying expenses to the new road committee (as was formed by Art Fine=s motion at the 7/14/01 Annual Members= Meet-

ing). 2<sup>nd</sup> Burgess. Passed unanimously.

**Motion by Sothan:** To thank Ellen Westbrook for her service on the Board.

Passed by acclamation.

**Discussion of Marno violation of covenants:**

Unanimous agreement that a yurt is a tent and that a tent is a violation of the C,C & R=s.

**Noted:** That the installation of gravel on approximately 2 mile of Whiffletree Way is now complete and that the Treasurer should pay the invoice for the subject work upon notification be Steve Colby that the gravel meets the Morrison Creek Metropolitan Water & Sanitation District specs for access to a sewage vault by a pumper truck.

**Request from Wagonwheel Association:** That they be reimbursed for expenses incurred in erecting a new fence.

**Motion by Wittemyer:** The Treasurer be directed to set up three separate, appropriately proportional subdivision funds in Meadowgreen for Wagonwheel, Eaglesnest, and the (approximately) ninety (90) existing residential lots. 2<sup>nd</sup> Hermann. Passed unanimously.

**Motion by Hermann:** Pay Wagonwheel Association \$5800 reimbursement for new fence expense. 2<sup>nd</sup> Schick.

Passed unanimously.

**Request from Eagleswatch Association (Joe Patillo):**

Their 3<sup>rd</sup> Quarter >01 Budget be funded in the amount of \$1119, with line items as follows:

\$ E & O insurance: \$582  
\$ Three mailings: \$120  
\$ Post Box rental: \$ 32

\$ Picnic: \$385  
**Discussion:** Appropriateness of appropriating any SPOA dues for apparent operating vs. capital expenses. Point was raised that first year operating expenses could be regarded as Aoperating capital@ or Aseed money@ for fledgling Associations but that future operating expenses should be supported out of dues collected form said Associations= own members.

**Motion by Wittemyer:** Appropriate Eagleswatch Association \$1119 per their 3<sup>rd</sup> Qtr. Budget. 2<sup>nd</sup> Dunn. Passed, 5-4 with Burgess, George, Schick and Sothan opposed.

**Motion by Dunn:** Watwood follow through with the Sheraton Hotel to reserve meeting room (2 bays) for the Annual Members= Meeting scheduled for 7/20/02. 2<sup>nd</sup> Hermann. Passed unanimously.

**Discussion of the letter from members Mr. & Mrs. C.J. Crawford:** (Addressed to ex-President Watwood) Regarding taking a poll of the membership to determine membership interest in a class action suit against the County and/or

(7/15 Minutes ..., Continued on page 4)

(7/15 Minutes ...Continued from page 3)

The MCMW&SD in re: installation of infrastructure.

Motion by Wittemyer: No poll be taken. 2<sup>nd</sup> Dunn. Passed unani- mously.

Motion by Sothan: The SPOA write a letter to MCMW&SD asking con- sideration of District do- ing vault pumping. 2<sup>nd</sup> Dernay.

Passed 8-0 with Hermann abstaining.

Attorney for reviewing title situation on common lots: Hermann raised the point that it appears criti- cally important to him that the SPOA ought to retain a properly quali- fied real estate attorney to review the title situation on all of the common lots at Stagecoach and advise the Board as to how it might best proceed in order to perfect the SPOA=s title to as many of the common lots as it is justly entitled.

Watwood replied that

no such expenditure was needed, as the Board had retained Steamboat Title to provide a title commit- ment on as many of the common lots as possible about three years ago, and that the Association has learned that it actu- ally owned more of the common lots that it previ- ously thought it did as a result of that project.

No further discussion en- sued.

General assent by the Board, in response to a suggestion by Hermann, that Hermann, acting in his capacity as Secretary, should take steps to set up an official AProxy Book@ for the Associa- tion.

Discussion of content for the next AExpress@ newsletter:

\$ Contents to include draft minutes of the 7/14/01 Annual Meeting, as reviewed by the Board at the scheduled 7/26/01 phone meeting

\$ Contents also to in-

clude approved copy of these minutes (also to be approved at the 7/26/01 phone meeting.)

\$ Anyone who wishes to write an article for this issue to the AEx- press@ is to have it to Donna by 8/01/01.

\$ Publishing date: 8/14/01.

Motion by Dunn: To allo- cate dues for >01 as fol- lows:

\$ 1/3 to subdivision re- serves

\$ 2/3 to general fund (Exactly as was done in >00.)

2<sup>nd</sup> Wittemyer. Passed unanimously.

Motion by Wittemyer: Increase dues for >02 per maximum allowable per- centage per Association. Bylaws. 2<sup>nd</sup> Dunn.

Passed unanimously.

Motion by Wittemyer: To pass resolution authoriz- ing changes to bank sig- nature cards deleting those who are no longer SPOA officers from same

and adding newly elected officers to said signature cards. 2<sup>nd</sup> Hermann Passed unanimously.

Next regular Board Meet- ing: scheduled for 10/6/01 (Saturday) at 10:00 AM at Mike Holloran=s office in Steamboat Springs.

Motion by Wittemyer: Adopt a properly worded (by Holloran) resolution on Art Fine=s quiet title suit on a lot for which he has obtained a Treasurer=s Deed. 2<sup>nd</sup> Dunn. Passed unanimously.

Motion by George: Make Sothan Chair of the nomi- nating committee for the >02 Board election at the >02 Annual Members= Meeting. With nominations to be due by the 10/06/01 regular Board Meeting. 2<sup>nd</sup> Hermann. Passed unanimously.

Meeting adjourned, ap- proximately 2:15 PM.

Gregory H. Hermann Director, Secretary Stagecoach Property



Stagecoach Property Owners Association.....

**Have a question??**

Call us at: (970) 736-0881

Or our toll free number:  
1 (800) 862-0606

Web Site:  
[www.stage-coach.com](http://www.stage-coach.com)

# SPOA Board Meeting

## Special BOD Meeting

### July 26, 2001

**Board members present:** Burgess, Dunn, George, Hermann, Sothan, Watwood, and Wittemyer. (Quorum present.)

**Meeting called to order:** 8:35 PM, 7/26/01

**Keating Lot Consolidation:** George read Hermann's e-mail to the Board on the Keating lot consolidation application to the attending members. Discussion of details of procedure ensued.

**Motion by Dunn:** Hermann is to construct letter to Keating, and to review working of same with Holloran (counsel) telling Keating that conditional approval has been granted for the Keating lot consolidation subject to Keating delivering to the Association three (3) original, executed (by them) notarized

copies of the Lot Consolidation Agreement, and that the Association's President and Secretary are authorized to execute and certify said agreements for the Association. Further, the Association's Secretary is directed to have said agreement recorded by the Routt County Clerk as soon as possible after the Plat of the Keating lot consolidation has been filed. 2<sup>nd</sup> Hermann.

Passed unanimously with Wittemyer abstaining due to previous work with Keating.

**Foreclosures on lots going to Treasurer's (property tax) deeds:**

**Motion by George:** Initiate foreclosure on Gregory lots in South Station 2. 2<sup>nd</sup> Sothan.

Discussion ensued. Motion passed unani-

mously with Hermann abstaining.

**Motion by Sothan:** Not to foreclose on Cheek lot in South Station 2. No 2<sup>nd</sup>.

More discussion on economics of foreclosure ensued. George emphasized need to let all members know that the Association will collect it's dues.

Sothan withdrew motion.

**Motion by George:** To initiate foreclosure on Cheek lot. 2<sup>nd</sup> Watwood.

Motion passed unanimously with Hermann abstaining.

George Advised Board of upcoming updates to the Association's web site.

No objections.

Changes in subdivision assignments made by George without objection:

1. George to take over

Skyhitch 2 and South Station 1.

2. Schick to take over South Shore.

3. Burgess to take over Morningside.

George advised of his decision to make the Association's mailing list available to any member at cost of materials (e.g.: mailing, label stock) via Donna after she builds a data base with member information.

No objection voiced to making the mailing list available to members on request.

Meeting adjourned, approximately 9:15 PM

Gregory H. Hermann  
Director, Secretary  
Stagecoach Property  
Owners' Association

# SPOA Board Meeting

## October 6, 2001

**Board members present:** Burgess, Dunn, George, Hermann, Schick, Watwood, and Wittemyer (Quorum present.)

**Meeting called to order:** 10:02 AM, 10/06/01 by President George.

**Holloran's Report:** Mentioned need for com-

mitments to action by BOD on pending covenant enforcement problems.

**Secretary's report:** Noted that past Secretary Dunn should amend draft minutes of 7/14/01 Annual Members' Meeting to reflect actual text of motion by Art Fine per

text of actual motion as provided by Judge Fine.

**Minutes of 7/15/01 Regular BOD Meeting approved as amended.**

**Minutes of 7/26/01 Special (telephone) BOD Meeting approved as amended.**

**Other Business:**

Motion by Watwood to create standing "Roads Committee" with Ellen Westbrook to be Chairperson. Second by Dunn. Passed unanimously.

**Report on roads presented by Ellen Westbrook.**

**Recess.**

*(10/6 Minutes...  
Continued on page 6)*

*(10/6 Minutes...  
Continued from page 5)*

Director Sothan arrived during recess and participated in balance of meeting.

Motion by Burgess: To accept Keating application for lot consolidation forming Sky Hitch Lot #72A. Hermann 2nd. All in favor except No vote by Schick and abstention by Wittemyer.

Ken DePaul, Treasurer of Eagles' Watch Association presented the EW Association budgets for Q4 '01 and all of '02, and a proposal for construction of a school bus passenger shelter.

Discussion ensued.  
Motion by Herman: To approve \$600 of funding for construction of school bus passenger shelter. 2nd, Schick  
Successful (unanimous) amendment by Watwood to make funding contingent on EW Assoc. obtaining lease for land involved.

Motion approved 7-1, with George voting no.  
Motion by Sothan: To deny approval of '02 EW Assoc. budget. 2nd Schick  
Motion passed (for denial) unanimously.

Pud Stetson (CPA for SPOA) presented the SPOA's Annual Financial Statements: A discussion of the SPOA's alternative approaches for filing the Association's federal tax returns.

Motion by Treasurer Wittemyer: To file the Asso-

ciation's federal tax return as a "Homeowners' Association, per Stetson's recommendation, contingent upon the Association's Auditor's agreement with Stetson's recommendation. 2nd Hermann  
Passed unanimously.

Motion by Hermann: To continue with current policy with regard to filing liens against lots owing past due Association dues.

2nd Schick  
Passed unanimously.

#### **5 minute Recess**

Motion by Hermann: To file lien, redeem tax lien, and commence foreclosure on Barry townhome. Passed unanimously.

Motion by Burgess: To redeem tax liens and proceed with foreclosures on Cheek and Abrams lots. 2nd, Sothan  
(Amendment by Hermann:  
Not to commit funds to tax lien redemption or foreclosure costs on any property where Attorney determined a risk exists of losing funds to an IRS lien.

Amendment approved unanimously)  
Motion passed 7-0 with Hermann abstaining.

Motion by Sothan: To allocate Meadowgreen funds per Art Fine letter to BOD. Passed unanimously. 2nd Hermann

Motion by Hermann: To

fund purchase and installation of mailbox at Association offices at MCMW&SD sewer plant, with Donna to coordinate action thereon. 2nd Schick  
Approved unanimously.

Motion by Dunn: For Association to abandon it's Post Office box in Steamboat Springs. 2nd Watwood  
Passed 7-1, Hermann voting No.

Next Regular BOD meeting: Scheduled for 11:00AM, 1/12/02, at MCMW&SD sewer plant. (Consensus)

Motion by Dunn: To authorize funding not to exceed \$8,000 to re-establish survey pins as appropriate for road improvements. 2nd, Schick  
Passed unanimously.

Motion by Dunn: To OK any free tree removal from road right of ways. 2nd, Hermann,

Passed unanimously.

Motion by Sothan: To table Schick request for road construction reimbursement. 2nd, George  
Passed (to table request) 5-2 with Schick abstaining.

Motion by George: To authorize Assoc. Attorney (Holloran) to spend but not to exceed 8 hours exploring the legal implications of the Bushy Creek Meadows Subdivision filing to Association property interests in various common lots. 2nd Sothan,  
Passed unanimously.

Motion by Schick: To approve \$2960 for road grading. 2nd Sothan  
Passed 6-1, with George voting No.

Meeting adjourned, approx. 2:30 PM.

Gregory H. Hermann  
Director, Secretary  
Stagecoach Property  
Owners' Association

## **NOTICE**

### **Board of Directors Meeting**

**Date: Saturday, April 6, 2002**

**Time: 11:00 A.M.**

**Place: Morrison Creek Water  
District Offices  
24490 Uncompahgre Rd  
Stagecoach**

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**Following is a letter to then President of the SPOA, Steve Watwood and two recent letters to the current President, Dave George.** Written by Mike Holloran (SPOA Attorney), they pertain to issues discussed in the January 12, 2002 Board Meeting, Minutes of which follow.

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February 25, 2000

Mr. Steve Watwood,  
President  
Stagecoach Property  
Owners= Association  
17835 RCR 29  
Oak Creek, CO 80467

Dear Steve:

You have asked me to address the issues posed by the letter to John Vanderbloemen dated February 8, 2000, from Greg Hermann. I have reviewed Mr. Hermann=s letter. I have reviewed the Articles of Incorporation for the Stagecoach Property Owners= Association (ASPOA@), the plat language for Horseback, the Trustee=s Deed dated June 30, 1978 to MountainAir, and the AYoung=s Ranch@ case. I have also discussed the facts with Mr. Vanderbloemen and Mr. Rhyne, MAC=s attorneys. I have received a letter from Mr. Rhyne giving me his views on the situation. My opinion is limited to the questions posed by Mr. Hermann, i.e.,

- 1) was MountainAir obligated to fulfill Woodmoor=s obligations to convey common area to the Association as a result of receiving a Bargain and Sale Deed to the property; and
- 2) did the Association err in executing a Quit Claim Deed to MAC for the common area at Horse-

back. I am also specifically addressing what are labeled as numbers 1 and 2 on pages 2 and 3 of Mr. Hermann=s letter. I am also assuming that the Trustee=s deed described the common areas for Horseback.

At the time of the conveyance from the Bankruptcy Court in the Woodmoor Bankruptcy to MountainAir (AMAC=), the following language existed on the plat for Horseback: ANumbered common areas shall in the future be conveyed by a granting instrument to the Stagecoach Property Owners= Association. Maintenance and management therefore shall thereupon become the responsibility of the Association.@ The first issue I considered was whether the conveyance to MAC was subject to the note on the plat, i.e., did the obligation of Stagecoach on the plat become the obligation of MAC as the result of the Bargain and Sale Deed. The Bargain and Sale Deed conveyed whatever interest in the real estate that the Bankruptcy Court possessed in and to the common area. The note on the plat appears to be a contractual responsibility, i.e. an executory contract to convey by Woodmoor, or

in this case, the Bankruptcy Court. It appears that the Bankruptcy Court, i.e. Woodmoor breached its obligation to convey to the Association by conveying the property of MAC. The note does not appear to be a covenant or a restriction running with the land. It appears to be a contractual responsibility of Woodmoor, i.e., the Bankruptcy Court, which was never fulfilled. It is my feeling that this contractual responsibility does not flow with the property and that MAC, in all likelihood, took title to the property without an Aobligation to convey@ resulting from the note on the plat.

In any event, even if my analysis is not correct, the transaction occurred on or about June 30, 1978, approximately 22 years ago. It is my understanding that MAC has been in possession of the common area and has paid taxes on the common area since that time. Therefore, if the Association still had an interest in the common area they would have lost that interest as a result of the expiration of several different statutes of limitations or, would probably have lost title as a result of the adverse use and/or payment of taxes together with color of title by MAC.

Therefore, assuming that the SPOA does not

own the common area in Horseback, was it a violation of their Articles and Bylaws to execute a Quit Claim Deed to MAC for the common area in Horseback?

Mr. Hermann is correct. The paragraph Article 4 (of the Articles of Incorporation) states that one of the powers of the Association is to Adedicate, sell, or transfer all or part of the common area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication, sale or transfer shall be effective unless two-thirds (2/3) of each class of members voting in person or by proxy, assent to such dedication, sale or transfer. @ While, on the surface this argument may seem compelling it is important to note the definition of common area within the documents of the Association. Certainly the Horseback area is referred to on the plat as common area. However, your Association documents define the common area differently. In particular, I direct your attention to Article 2, Section 3 of the Bylaws which defines common area as Ashall mean all real property owned by the Association (emphasis supplied) for the common use and enjoyment of the owners. @ In the Declaration, Article I, Section B, common

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*(Letters...,Continued from page 7)*

area, is defined as All real property owned by the Association (emphasis applied) for the common use and enjoyment of the owners. @ My understanding from the documentation is that the Association did not own the common area at Horseback at the time that it executed the Quit Claim Deed. Instead, that property had been conveyed to MAC in 1978. As such, I do not feel that the execution of the Quit Claim Deed, which con-

veys whatever interest that Association may have, to MAC violated the Articles of Incorporation, since SPOA does not appear to own any interest in the common area at Horseback.

I see no irregularity in the voting to approve the execution of the Quit Claim Deed by the Association even though the minutes did not reflect the conflict of a director, which is the better procedure. My understanding from your discussion is that Mr. Saterdal did not vote and specifically dis-

closed his interest in the property.

Mr. Hermann specifically suggest in his letter that the Board rescind its actions executing the deed to MAC and to request that MAC deliver a deed back to SPOA for the common area at Horseback. Certainly the Board would have the power to both attempt th rescind and to file a request. However, I feel that, if push comes to shove, the likelihood of succeeding against MAC in obtaining reconveyance of the common area

at Horseback would be very slight, if at all, because of the statements I have previously made in this letter. Of course, MAC could voluntarily re-convey the common area back to SPOA; however, I don=t feel this is likely based upon the statements of Mr. Saterdal and Mr. Rhyne concerning MAC=s position.

The research I have done in preparing this letter is by no means exhaustive, since you were trying to limit the cost of the review. If you have any additional ques-

December 5, 2001

David George, President  
Stagecoach Property Owners= Association  
873 23 Road  
Grand Junction, CO 8150

I have reviewed the Board motion to determine my charge from the Board concerning my review of the status of the Acommon areas@ at Horseback and Blackhorse II. I have also met with and obtained copies of the Brushy Creek subdivision from John Vanderbloemen. I have broken my analysis down to the following issues:

1. Does the Stagecoach Property Owners' Association have an ownership interest in the "common area" in Horseback or the "common open space" in Blackhorse II at Stagecoach?

2. Are the "common areas" in Horseback, assuming that it is

owned by Mountain-Air Company, subject to the Declaration or the Notes on the Plat for Horseback? The same question applies to the "common open space" at Blackhorse II.

3. Assuming ownership of the "common areas" in Horseback and Blackhorse II in MountainAir Company did the Association or its members retain or acquire any easement rights to any property within the Horseback "common area" or the Blackhorse II "common open space"?

I have previously addressed a letter to the Board through Steve Watwood, a copy of which I am attaching, which I believe reflects my conclusions as it concerns the "common areas" within the Horseback subdivision. While the Horseback common

area conveyance was a "Deed and In Lieu Foreclosure" I don't believe that it changes the conclusions which I reached in my letter of February 25, 2000.

Mr. Vanderbloemen has supplied me with several items of correspondence as well as the minutes and the final Plat documents for Brushy Creek Meadows. I have also met with him to ascertain the terms and conditions upon which the County Commissioners approved Brushy Creek Meadows. I have also reviewed the Plat for Blackhorse II and the standard Declaration which was incorporated into the Blackhorse II subdivision. I would note for your information some issues concerning Blackhorse II:

1.I am assuming that the "common open space" for Blackhorse II, for purposes of this letter

was conveyed by that certain Trustee's Deed dated June 30, 1978 and recorded on June 30, 1978. It is difficult to ascertain exactly what portions of the Stagecoach property was conveyed under the Trustee's Deed because the property described in the Trustee's Deed, for the most part, is conveyed by a "metes and bounds" description and excepted certain lots and blocks in the development called Stagecoach.

2. The Plat for Blackhorse II calls for the 51-acre parcel "common open space". The term "common open space" is not defined in the Declaration for Stagecoach, the By-laws or the Articles of Incorporation of the Association. There is

*(Letters..., Continued on page 9)*

*(Letters..., Continued from page 8)*

language on the Notes to the Plat which reflect, in number 4, “development and management of areas designated as common open space to become responsibility of Stagecoach Property Owners’ Association.” Again, please note that there are no “common open space” defined by the Declaration, Articles or the Bylaws. I can only find it referred to on the Blackhorse II Subdivision Plat.

**Ownership issue:**

Based upon my review of the Trustee’s Deed and the assumption that the Trustee’s Deed included the “common open space” within Blackhorse II, I believe that the MountainAir Company owns the “common open space” within Blackhorse II. My rationale for the ownership concept is the same that I reflected for the ownership of the Horseback “common area” and I would refer you to my prior letter of February 25, 2000. MountainAir received title to both the “common area” of Horseback and the “common open space” in Blackhorse II via the Trustee’s Deed which I referred to above.

**Application of Declaration and Plat to the “common open space” in Blackhorse II and the “common area” in Horseback:**

Is the “common open space” subject to the terms and conditions of the Declaration and the respective Plats? Since the property was taken by a Trustee’s Deed, which was recorded after the recordation of the Declaration and the Plat, it is my conclusion that both the “common open area” for Blackhorse II and the “common area” for Horseback are subject to the Declaration and the Plat. As an aside, I discussed with you sharing this conclusion with John Vanderbloemen. He responded by indicating that he agreed that the Plat and the Declaration were certainly of record prior to the Trustee’s Deed but that many of the terms and conditions of the Declaration and the statements in the Plat do not apply to the “common open space” and the “common area”. In particular, he was adamant that the “resubdivision” section of the Declaration did not apply to the “common open space” and “common area”. As you requested on the phone, I will address this issue in a separate letter to you in a few days. I wanted to get this letter to you as soon as possible.

**Since both the “common open space” for Blackhorse II and the “common area” in Horseback are subject to the Declaration and the Plat does the Association have any easement rights or use**

**rights within the “common open space” or “common area”?**

Since the term “common open space” is not defined in the Declaration, the Articles of Incorporation, the Bylaws or the Plat, I believe the the “common open space” would not be considered “common area” as defined in the Declaration, subjecting it to the use by association members. The language on the Plat may be considered another “executory contract” which was never fulfilled by Woodmoor Corporation. A cause of action may lie against Woodmoor Corporation but would be worthless because of the Woodmoor bankruptcy. Even though MountainAir Company was a party executing the Plat and took title to the Blackhorse II “common open space” after the Plat was recorded, I don’t believe that a court would hold MountainAir Company to any type of requirement that the property be maintained as “common open

space”. There was never a definition or any specificity within any of the association or subdivision documents describing “common open space” or any restrictions on the “common open space”. My feeling is that a court would say that the lot would be called Common Open Space in the same matter that another lot would be called Lot 1, Horseback, etc. Regardless, the Board may feel that MountainAir has satisfied any open space requirements in its Brushy Creek Meadows development since it has agreed that the property previously designated as common open space be left undeveloped. I can get the exact language for you if you want it.

I believe this answers the questions posed by your motion. However, if my comments stir additional questions or if I have missed any issues, please let me know and I will be glad to respond.

Sincerely yours,  
Michael J. Holloran, LLC

**FIRST IMPRESSIONS**

A message by new Board Director Michael Schick

Dear fellow landowners:

This is my first letter to you as a SPOA Board Member. I apologize for my late beginning. As you are all aware, life gets busy sometimes and some things that we intend to do get delayed. Parallels could be made

towards development at Stagecoach. Many of you have been owners since the beginning and haven’t seen a lot of progress. I am a newcomer to all of this but my first thought on viewing the beautiful land we know as Stagecoach was:

*(First Impressions..., Continued on page 16)*

December 21, 2001

David George, President  
Stagecoach Property  
Owners= Association  
873 23 Road  
Grand Junction, CO  
81505

Dear David:

You have asked that I review the Bushy Creek subdivision documents from the perspective of whether the processing and filing of the subdivision violates the provisions of the Stagecoach Declaration in Article V, Section d. Re-subdividing.

In my letter to you dated December 5<sup>th</sup>, 2001, I reached the conclusion that the Declara-

tion was blinding upon the real property owned by MountainAir which was included in the subdivision known as AStagecoach@. The next issue is whether the use of the Common Areas in the subdivision for Bushy Creek constitutes a Further subdivision or resubdivision of any tracts or combination of tracts as shown on the plat.@ The Common Areas are certainly shown on the plat. Are the Common Areas Attracts or combination of tracts@?

The word ATracts@ is not defined in the Declaration. There is a mention of a Aresidential tract@ in Article V, Section a. I can only assume that

tract would mean any portion of the Property, i. e., Stagecoach, which is less than the total Property. Under this definition the Common Area would be a tract under the Declaration.

Under the definition of Asubdivision@ and Are-subdivision@ used by the Association in the Burgess lawsuit, the division of the Common Area in Bushy Creek would be a subdivision or resubdivision under the Declaration.

Assuming the accuracy of the conclusions stated above, the central issue is Awhere do you want to go from here?@ It may be necessary to meet with the Board to explain

these issues and to determine a viable course of action. As I previously indicated, MountainAir will disagree with the conclusions that I have reached. MountainAir has already provided, in its subdivision, utility easements through the ACommon Area@ and has also agreed not to build within the ACommon Area@.

We should talk about these issues and some of the weaknesses that the Association may have with an adversarial approach.

I believe this answers the last question. I will await your comments after you have reviewed this letter.

Sincerely,  
Michael J. Holloran, LLC

# ELECTION NOTICE

**On May 7, 2002**, the Oak Creek Fire Protection District (OCFD) will be holding an election to increase their mil levy by five mils. All of Stagecoach lies within the OCFD. The OCFD currently has a Stagecoach fire house included in its long term capital spending plan, but passage of this tax issue is essential for it to stay that way. As those among us who actually reside at Stagecoach know, it is getting harder and harder to get property insurance without having a firehouse any closer than Oak Creek. Clearly, construction of a fire house is an essential element to the continued development of Stagecoach. All of our members (who have Stagecoach lots titled to them as natural persons) and their spouses who are registered to vote ANYWHERE in Colorado are qualified electors in the OCFD. All of our members who are eligible are URGED to obtain an absentee ballot and to vote in support of this important tax issue! The five mil increase would amount to approximately \$7.50 extra per year on a lot appraised (actual market value) by Routt County at \$5,000 and would amount to about \$115 extra per year on a home appraised (actual market value) by Routt County at \$250,000. Once we actually GET a firehouse at Stagecoach, it is a safe assumption that the annual cost of property insurance for a homeowner would drop significantly Mail in, absentee ballots for this very important election can be obtained by sending a written request to:

**Election Official  
Oak Creek Fire District  
P.O. # 101  
Oak Creek, Colorado  
80467**

Don't forget to ask for a ballot for both you and your wife, regardless of whether both of your names are on the title to your Stagecoach property! So long as you or your spouse owns property at Stagecoach and you are registered to vote ANYWHERE in Colorado, you are eligible to vote in this election.

# SPOA Board Meeting\*

## January 12, 2002

\*These minutes are drafted by the Secretary and have not been approved by the other Board members. These minutes will not become official until they are amended if necessary, corrected if necessary, and approved.

### **Board members pre-**

**sent:** Burgess, Dunn, George, Hermann, Schick, Sothan, and Wittemyer.

(Quorum present.)

### **Meeting called to order:**

11:00 AM, 1/12/02 by President George.

### **Holloran Report:**

Report on Fine quiet title action.

**Motion by Schick:** To authorize President (George) to execute quiet title settlement agreement with Fine, per counsel's recommendation.  
2nd Burgess

Director Wittemyer arrived @ 11:20 AM.

### **Other Business:**

**Motion by George:** To forego further action preparatory to foreclosure on Berry property due to lack of any established policy, existence of significant uncertainty, and a short time fuse, while reserving right to act per circumstances in similar situations in the future.  
2nd Sothan  
Passed unanimously with Wittemyer and Burgess abstaining.

**Motion by Hermann:** To authorize Holloran to check status of Waskow property.  
2nd Schick  
Passed unanimously.

### **Motion by Wittemyer:**

To adopt use of lien statement for past due SPOA dues as drafted by counsel.  
2nd Schick  
Passed unanimously with Sothan abstaining.

President George announced that he had received a letter of resignation from Director Dernay, and that, therefore, per the Bylaws, the Board presently assembled needed to appoint a successor to fill Dernay's seat on the Board.

Nominations included Tom Endre, Amy O'Donnell, and Ken DePaul.  
Secret ballot taken and votes counted:

6-DePaul

1-O'Donnell

0-Endre.

New Director Ken DePaul was present and proceeded to be seated as a member of the Board.

### **Discussion of Holloran's research into title situation regarding possible SPOA claims to ownership of common lots in Morningside, Horseback, and Blackhorse 2:**

Holloran summarized that his opinion was that the SPOA could spend a

lot of money in a protracted legal battle and was not likely to win much. Holloran quoted the plat note from the Blackhorse plat in his discussion. Hermann inquired as to whether Holloran was aware that the Horseback plat note was distinctly different from the others, and asked whether the facts that Mountainair Co. (MAC) was, in fact, a Declarant and also was still owner of record of the Horseback common lots might mean that MAC still might be bound by the obligation to convey stated in the Horseback plat note might change his opinion with respect to the Horseback common lots. Holloran replied "Probably not."

**Motion by George:** To, per counsel's opinion, abandon any pursuit of claims to SPOA ownership of common lots in Morningside, Horseback, and the portion of Blackhorse 2 purported to be owned by MountainAir Co..  
2nd Schick  
Passed unanimously with Wittemyer abstaining.

**Motion by Sothan:** To direct Holloran to advise Mountainair Co. that, while the SPOA regards issues regarding the

above subject common lots as moot, that the SPOA regards all lands which fall within the boundaries of the original Stagecoach plats as being subject to the CC&R's for the respective subdivisions.  
2nd Schick  
Passed unanimously.

### **Secretary's report:**

Minutes of 7/15/01 Regular BOD Meeting approved as amended.

Minutes of 7/26/01 Special (telephone) BOD Meeting approved.

Minutes of 10/6/01 Regular BOD Meeting approved.

### **Treasurer's Report:**

**Motion by Dunn,** To ratify checks #2348 through 2394, as presented in a listing by the Treasurer (Wittemyer).  
2nd Hermann  
Passed unanimously.

**Motion by Wittemyer:** To approve setting up a \$100 petty cash account for use by Donna Wylie.  
2nd Schick  
Passed unanimously.

### **Eagleswatch Presentation:**

Status of school bus shelter presented.

**Motion by DePaul:** To agree that all contingencies on the previous approval of \$600 of funding for

(1/12 Minutes..., Continued on page 12)

*(1/12 Minutes..., Continued from page 11)*

construction of school bus passenger shelter had been met.

2nd George  
Approved unanimously

Motion by DePaul: To appropriate \$7,600 for road maintenance/improvements in Eagleswatch  
2nd Dunn  
Discussion ensued, including question raised as to whether such maintenance was responsibility of Routt County.

Motion failed, unanimously.

Motion by Wittemyer: To authorize Holloran to research question of who is responsible for the maintenance of the roads in Eagleswatch.  
2nd Hermann  
Passed unanimously.

**Presentation on need for a Stagecoach Fire Station (by Association members present):**

Motion by Wittemyer: To form a committee to explore the feasibility of various financing options for a fire house, including a special assessment of the membership.  
2nd Hermann  
Passed unanimously.  
George appointed Hermann, DePaul, Burgess, Kathy Diener, and Julie Brusky to said committee with direction to pick their own chair.

**Other Business (cont'd.)**

Motion by Schick: That the SPOA commence use of 2 mailing addresses--with one to be the physical address at the sewer plant, and with the other to be the existing Post Office Box.  
2nd Hermann

Passed unanimously.

**Architectural Control Committee Report:**

In view of resignation of Chairman Dernay, DePaul appointed to ACC by acclaim, and Burgess appointed chair of ACC by acclaim.

Motion by Sothan: To authorize Holloran to spend not to exceed \$3,000 picking and pursuing a CC&R violation case regarded as highly "winnable".  
2nd DePaul

Passed unanimously.

President George appointed George, Dunn, and Wittemyer as a committee to review existing policy for distribution of subdivision reserve funds (without objection).

President George appointed Hermann, Schick, and member Brown Thompson III as a committee to develop a written policy on

SPOA collection of delinquent dues (without objection).

Motion by Wittemyer: To authorize ACC to work with counsel to draft and send a letter to subdividers (of platted multi-family lots) within the platted Stagecoach subdivisions regarding SPOA membership.  
2nd Schick  
Passed unanimously.

**Next Regular BOD meeting scheduled for**

11:00AM, 4/06/02, at MCMW&SD sewer plant.  
(Consensus)

Meeting adjourned, approx. 2:30 PM.

Gregory H. Hermann  
Director, Secretary  
Stagecoach Property Owners' Association

**Letter of Introduction**

A message from new Board Director and ACC Member Ken DePaul

As of January 12, 2002 I am the newest elected Board Member of the SPOA. Earlier that month I was advised that there was a position available due to a Board Member's resignation. The question proposed to me was would I consider being a candidate. I accepted the opportunity and on January 12th, the SPOA Board elected me as a Board Member to serve on the Architectural Control Committee.

Last year I served as the Treasurer of the AEPO (Eagleswatch) and I had attended SPOA Board meetings throughout the year. I became aware of the multi-talents, the level of professionalism and the integrity that the SPOA Board Members consisted of.

The Stagecoach area is probably one of the most beautiful areas in the country. We are experiencing rapid growth and development in the area

and this will most likely continue for several years. I do believe that the Board Members have every intention of maintaining the integrity and the beauty of Stagecoach as the area develops.

My personal background is as follows: I have been employed by Whittaker Clark & Daniels, Inc. for 28 years. The company manufactures inorganic - organic pigments, along with other minerals and chemicals. We have been involved with the following industries: paint coatings - plastics - ink - adhesives - food - pharmaceuticals - personal care and cosmetics.

I had been one of the owners of the Company up until three years ago when a German Company (Brenntag) acquired us. I still am employed by WC&D but am also on the integration team for Brenntag. My main focus for the two companies are National and International Account responsibilities.

I have served on many technical - manufacturing - and legal groups and committees. For several years served as a Board of Director for the NYSCT, including being a former Past President

*(Introduction..., Continued on page 15)*

As a result of an SPOA's Architectural Control Committee meeting - the existing "Building Plan Requirements" were updated. This should be considered a living document that changes to meet new conditions. Community comments are invited. The "Building Plan Requirements" are divided into three sections: the first being Site Plans, the second Building Plans and the last Additional Requirements and Recommendations not covered under the first two sections.

## Building Plan Requirements

The following items are needed for submission to the Architectural Control Committee. A submission will be deemed complete when the items have been submitted to the Committee at the designated drop off place. ( The Morrison Creek District offices at 24490 Uncompahgre Rd):

### Site Plan

- \$ Subdivision site layout with topographical lines at 2 foot intervals
- \$ Copy of Replat where lot consolidation has taken place
- \$ Perimeter setbacks
- \$ Distances from setbacks to building that fix location
- \$ Depiction of driveway and parking areas
- \$ Fences or "no fences" comment
- \$ Streams and bodies of water or "no streams or bodies of water" comment
- \$ Existing tree line and planned tree removals
- \$ Location of well or water source
- \$ Copy of well agreement with Morrison Creek Water and Sanitation if appropriate
- \$ Location and type of electrical source including meter location
- \$ Location and method of waster disposal including vault or septic tank and leech field as applicable
- \$ Location and method of screening propane tank (Note: burial is preferred)

### Building Plan

- \$ Acceptable Final plans
- \$ Engineered foundation plan as required
- \$ Engineered trusses as required
- \$ Square footage separately of residence area, decks and garage
- \$ Type and color of roofing, siding and trim
- \$ Location and field of exterior lighting
- \$ TV dish location
- \$ Planned temporary structure during the construction period and the commencement of that period.

### Additional Requirements and Recommendations

- \$ A return address and contact must be provided and will be used to return plans with comments and approvals.
- \$ ACC will require two sets of prints-one for return of approved plans and one for ACC files.
- \$ Submission of preliminary plans is encouraged to expedite approval of final plans.
- \$ Roof pitches of at least 5/12 are recommended unless truss design encourages high roof loading.
- \$ Earth tone colors are encouraged.
- \$ Do not include future building plans unless the above detail is available. These would be submitted for approval at a later date when detail is prepared.

**ACC will respond in writing regarding approval or the lack of approval for specific reasons.**

# STAGECOACH PROPERTY OWNERS ASSOCIATION

## Board of Directors

July 2001 to July 2002

---

### Three Year Term - July 2001 to July 2004

Michael S. Schick (July 2001)  
Representative of South Shore

4349 Biscay Street  
Denver, CO 80249  
Home: 303/371-7227  
Fax: 303/371-7277  
Pager: 303/259-6781  
E-mail: singconn2@aol.com

Ken Burgess (July 2001)  
Chairman, ACC Committee  
Representative of Morningside

24136 W. Curren Drive  
Golden, CO 80401  
Home: 303/526-1021  
Fax: 303/526-9408  
E-mail: theburgei@earthlink.net  
873 23 Road  
Grand Junction, CO 81505  
Home: 970/263-9714  
Fax: 970/263-9715  
E-mail: dgeorge@gvii.net

David George (July 2001)  
President  
Representative of Sky Hitch II & South Station I

### Three Year Term - July 2000 to July 2003

Chris Wittemyer (July 1997)  
Treasurer  
Representative of Horseback

P.O. Box 774944  
Steamboat Springs, Co 80477  
Home: 970/871-0795  
E-mail: chrisw@hotmail.net  
31125 Fallon Falcon Trail  
Oak Creek, CO 80467  
Home: 970/736-0591  
Fax: : 970/736-0593  
E-mail: fallenwolf1@mindspring.com  
5181 W. Maplewood Pl.  
Littleton, Co 80123  
Home: 303/794-7021  
Fax: 303/797-5476  
E-mail: normsothan@aol.com

Ken DePaul (Jan. 2002)  
ACC Committee  
Representative of Eagleswatch & Meadowgreen

Norman Sothan (July 2000)  
Representative of Sky Hitch III

### Three Year Term - July 1999 to July 2002

Steve Watwood (July 1990)  
Vice President  
Representative of Black Horse I, II & South Station II

17835 RCR 29  
Oak Creek, Co 80467  
Home: 970/736-2470  
Fax: 970/736-8542  
P.O. Box 774272  
Steamboat Springs, Co 80477  
Home: 970/879-5454  
Fax: 970/879-7652  
E-mail: bearbvd@cmn.net

Greg Hermann (July 1999)  
Secretary & ACC Committee  
Representative of High Cross & Overland

Norman Dunn (Nov 1977)  
Representative of Sky Hitch & IV

10130 W. 64th Ave.  
Arvada, Co 80004  
Home: 303/421-7548  
4411 S. High St.  
Englewood, CO 80110  
Home: 303/781-7915  
Fax: 303/762-8843

Al Saterdal (July 1983)  
Director Emeritus (Non-voting)

Steamboat Springs, CO 80477  
**1-800-862-0606**  
**970/736-0177**  
Maybell, CO 81640  
970/272-3056  
970/272-3057

SPOA P.O. Box 774845  
Donna Wylie (Administrative Assistant) Toll free

Stetson=s (Accountants) P.O. Box 128  
Phone  
Fax

*(Introduction..., Continued from page 12)*

and also had been the Chairman for the following committee's updated legislation: floor, program, by-laws, historical, nominating, finance, budgeting, long term planning, financial planning, and good & welfare. I have served the organization for 28 years and still an active member.

Other organizations

served are the SPE as a Board of Director on the program and public relations committees and I'm still an active member. Also served on the Metro Panit & Association as a Board of Director, good & welfare public relations, and program chairman. Currently I'm also a member of the Rocky Mountain Society for Coatings Technology located in Denver, CO.

Received certificates

from the American Management Association for various management training courses.

Graduated from Seton Hall University with degrees in Political Science and Business Administration.

Served in the Marine Corp 1966 - 1968. Tour of Duty Viet Nam - 2 purple hearts - bronze star - and presidential citation.

Last year served as the

Treasurer for the AEPO and in December of 2001 elected as President of the AEPO.

I am looking forward in working with the SPOA Board along with the residents of Stagecoach to ensure that our area maintains it's beauty, historical values and integrity.

Regards,  
Kenneth J. DePaul

## “Lot Consolidations - are they desirable or not?”

Message from Director Ken Burgess

Last February my wife and I settled a lawsuit between Mr. Brown Thompson, the SPOA Board and ourselves. The controversy revolved around the consolidation of our two lots into one for the purpose of qualifying for a septic system. A process for Board review and action had not been in place. Today it is. This does not mean, however, that the desirability of lot consolidation has been clarified or that Board members are unified on that question. The common concern that I have heard is the need to support the rights of the small acre owners. I absolutely share that concern but believe that discouraging lot consolidation impacts the right of those owners to fair market values as investment in the valley grows.

In the summer of 1999 the membership was surveyed regarding lot con-

solidation. The membership narrowly expressed approval but with specific conditions.

Separately, recent Board response to a request for consolidation included a comment to the effect that interior lot lines would remain in effect and no structure, roadway, utility or fence would be placed across the interior lot line. It seems clear that these restrictions have the effect of reducing motivation to consolidate.

There seem to be three alternatives:

1. Discourage consolidations and continue to experience the attendant slow growth, disillusionment and subsequent abandonment to lower than market and tax sales

2. Take a middle ground of no position - hoping that the County will back off the 5-acre requirement for septic -

or that Special Improvement Districts (SIDs) will provide for central sewer and water

3. Support consolidation that can add value for everyone in the valley - but as an additional alternative to vaults systems, at least while still available

Taking each alternative in turn:

First, the slowly increasing rate of ownership turnover is not driven by existing owners making a killing in real estate. Speculators making current purchases generally only do so at lower prices, which reflect disillusionment. My experience (not research) is that only those with current and near term plans on the horizon are the ones paying market price and there are few of those.

The second alternative regarding septic service appears attractive until

one realizes that Routt County has been setting precedent with the 5-acre rule throughout the county for years and would be hard pressed to reverse what is probably a no or controlled growth position. Separately, SIDs or LIDs have been discussed also for years without significant results. I have investigated the feasibility of Special Improvement Districts and was discouraged by professionals in that business who felt that there was insufficient value to support a District. It may be possible - and one is being studied now. But nothing has borne fruit over the decades thus far.

The third alternative above - support consolidation - does not promise a magic solution. But it does encourage private investment in the valley for:

1. Speculators
2. Those who do see a

*(Lot Consolidations..., Continued on page 16)*

*(Lot Consolidation...,  
Continued from page 15)*

way to gather five acres for private use or speculation, and

3. Those who need consolidation of less than five acres to make a site work for them

Each time someone builds or invests, the market price for everyone goes up. Examples are:

1. SPOA Board funding of the three phase line to Skyhitch I
2. Individual investment in power lines to their property
3. Individual investment in wells which are held in the name of Morrison Creek Water and Sanitation

4. Individual investment in common roads leading to their property

The power line my wife and I paid to have installed passes near several Skyhitch properties. Recently one of the properties, a 2.3 acre parcel, was put on the market for \$25,000 - listing the availability of electrical power.

I do not think signing over wells to the District and paying extra dues discourage potential investors. I do think the retention of interior lot lines with the prohibition against any private development, yet for common use by anyone, does sig-

nificantly detract from the quiet use of property and, therefore, investment. I believe that with the support of your Board of Directors, consolidations can be made more attractive and significant values added for the benefit of all - regardless of whether you retain your property for the future or ultimately put it on the market.

In my view, discouraging consolidation is, ultimately, another form of a no-growth policy.

Please let me know your thoughts and concerns.

Ken Burgess  
Fax: 303-526-9408  
Email:  
theburgei@earthlink.net

*(First Impressions...,  
Continued from page 9)*

Why hasn't much of anything happened here? That is why I got involved. I believe that nothing good happens anywhere until good people get involved. People, we need your help and support: we need you to get involved! Your SPOA Board has a new outlook on all things relating to Stagecoach but there are only a few of us. We will do what we can but your support and involvement will be critical to our success. Please help out in any way that you can. Your suggestions, input, ideas, and vision is needed and appreciated.  
Sincerely,  
Michael Schick

**Stagecoach Property Owners Association**  
**24490 Uncompahgre Road**  
**Oak Creek, CO 80467**  
**Toll Free 1(800) 862-0606**

