

Burland Homeowners' Association, Inc. Meeting

June 13, 2009

PRESENT:

Cameron Wright	Roger Sawyer
Mary Ellen Sawyer	Diane Glover
Jacque Roberts	Pat White
Mark Ruckman	Earl Harris
Sonya Harris	Jeanette Evans
Larry Zentz	

The meeting was called to order at 10:00 a.m. It was determined that there was a quorum.

Minutes of the May meeting were read and approved.

President's Report

Cameron reported on disc golf which is being considered for installation at the Park. He explained the concept of disc golf, and there is one located at Rosalie, and also at Beaver Ranch if anyone cares to take a look. He met with a gentleman regarding the cost and layout, and starting with a 9-hole course, the estimate was \$700 to \$1000 per hole. The cost may possibly be less with purchasing online, and with volunteer help. They seem to be very popular as it is his understanding that Beaver Ranch is even giving T-times. A potential trash problem was also discussed as we have no means for trash removal. Insurance is also a consideration that would have to be addressed, and parking may be an issue if it is decided to proceed.

Cameron stated we had been in numerous discussions/emails with Colorado Open Lands and Bill, our attorney who is representing us in the matter of the potential land purchase (Schrant). Cameron stated we need to make a strong movement with Sarah (McDonald, COL) to purchase the land. Cameron then read Bill's email which follows.

“Cameron:

I hope this responds to your request.

Attached here is a revised version of the purchase contract that should be presented to the board for their review. The only changes I made were to use the legal description from the Pitsker survey and to change the initial deadlines from June 12 to June 19.

As far as I know everything is on track with Colorado Open Lands and the Schrants except that they have been expecting a signed purchase offer from Burland HOA for several weeks. I have discussed the conditions in this contract in general with Sarah, and while she has not seen the language she believes that the issues can be worked out. I have not had any direct communication with the Sellers or their attorney.

In my preliminary review I uncovered two potential issues, one of which was that the parcel appeared to be an illegal subdivision. However, that issue was resolved when the Seller provided a letter from Park County stating its interpretation that the parcel was legally subdivided. The only issue remaining from my review of survey and title documents is based on some uncertainty in the location of a single surveyed point at the south end of an area on the recent survey labeled the "50-foot strip". Pitsker & Associates estimates that the additional survey and office work needed will cost \$1,300.00. Sarah is asking for a written estimate so that she can present it to the Sellers for their comments.

Obviously there may be other issues to address as Colorado Open Lands prepares its management plan and conservation easement. In an attempt to minimize those issues, you asked for and received preliminary assurances from Sarah on several important points and those points were then put in the purchase agreement. So, at this time, I know of no significant outstanding issues within the scope of my review that should give the board any concerns.

- Bill -“

Mary Ellen provided the letter from the County referenced in Bill's email, and stated that Bill also stated (in an email dated June 9), that it (the County) was a "unique view" and that Jefferson County probably would not have viewed it the same way and he didn't know that a court would have either.

There was discussion of the 50 ft. strip which is located at the top of the land that seems to be an unknown as far as ownership, and this in all probability, will not be a part of the land purchase.

Regarding the property tax exempt question, Mary Ellen said she had been in contact with the State and the information received was that any time an additional parcel of land is acquired, a new application for exemption must be filed to get that parcel exempt. The State would then review the ownership and use of that parcel to determine whether it does qualify. Based on the facts provided, that would be the procedure in this case. The land is adjacent to the already exempt land, and once the State reviews the application, they will determine if it qualifies, and it may be possible to combine the two exempt parcels into one, but combining parcels is a decision left to the County Assessor which might save future paperwork, and filing fees. However, that is for a later date. The forms are available on the State website and Mary Ellen has accessed the forms for completion at which time the purchase is finalized.

Roger posed a question regarding what the scenario might be if our tower rent went away, and how we would pay the property taxes if the property is not determined to be "exempt". This of course, is an unknown. It was the consensus of opinion that although it may be a risk, it was a low risk, and that in all probability, the land would be exempt as is the Park land. The question was asked if we could ever sell the Schrant land, and Cameron explained that we could sell it with the restrictions that would be in place (with our purchase).

There was discussion on what would happen if Colorado Open Lands "goes away". Bill had given an opinion at one time; however, this is basically an unknown.

Cameron stated that his signing the Purchase Agreement doesn't lock us in. There is a base line report, the Management Report, etc. to be completed. Cameron also read from an email dated May 8th from Sarah McDonald regarding the restrictions on our use of the land i.e., what we can, and cannot do:

- 1) To retain the right to drill a well on the property at some time in the future. – Yes
- 2) To maintain and improve the existing road. – Yes
- 3) To utilize the bottom portion of the property if needed for expanded parking. – Yes
- 4) To allow a helicopter to land occasionally to service the towers and or for firefighting purposes. – Yes
- 5) To allow removable disc golf pods and set up a course. – We didn't discuss this – I'm not sure exactly what this is, maybe you can clarify for me – we would not permit a permanent golf course.
- 6) To allow some sort of structures such as educational kiosks, meeting room, etc. – We definitely discussed kiosks and some sort of gazebo-like structure (you had suggested under 120 sq. ft.) but I would hesitate to say that we would be fine with a "meeting room".
- 7) To allow future electrical utilities such as power for the well pump. – Yes
- 8) To allow new trail construction and future signage. - Yes

Cameron then motioned for approval for him (Cameron) to sign the Purchase Agreement. It was seconded and approved. Those in favor were Cameron, Mark, and Pat. Roger and Mary Ellen voted "no". Cameron stated although Jack would like to have had approval to build a recreational type building on the land, he had a proxy vote in favor of the purchase. There was no further discussion.

Vice President's Report – There is currently no Vice President in place.

Roger stated that the BHA is on the Commissioners' agenda on Tuesday, June 16th to discuss the State noise ordinance and the motorcycle complaints that we receive. Roger and Mary Ellen had met earlier with Deputy DeBerry who stated that their approach was to tell the motorcycle riders that they could ride on their property, but not on the roads. One complaint we had is from a day sleeper and who also has a member of their family who has cancer. We didn't feel that that was an appropriate response. Roger, Mary Ellen and Dick Scofield are scheduled to go to Fairplay for the meeting.

Mary Ellen said that one of the two recent motorcycle complaints had been resolved after our "first" letter was sent. This was a property owner on Juniper. A second letter had been sent to the property owner on Aspen and Pinon as there had not been a favorable response to the first letter.

Park and Trail

Jack Roberts was unable to attend. Roger said he had picked up the trail signs from Zuni Sign Company in Evergreen. The posts have been purchased and trail work days, along with the Colorado State Forest Service volunteers will be here on July 10th and 11th. The volunteers will join us for the picnic on the 11th.

Web Page

Mary Ellen said she had sent everything to Rob River for the enhancements to our web site, and was waiting to hear from Rob on the completion.

The Burlander/Grant Writing

Mary Ellen said she would be working on the next edition and gathering advertisers. Regarding grant writing, based on information Shirley Franklin provided earlier, Mary Ellen will contact Gary Nichols at the County regarding the application for the grant for the land as it was to be available on June 15th. Mary Ellen will contact Gary Nichols for the application. Shirley had offered earlier to write a grant for the vault toilet if that purchase is finalized. Mary Ellen reminded everyone to keep track of their volunteer hours at the Park as that is an important part of the documentation of this particular grant.

Treasurer's Report

Roger presented the Treasurer's Report. He also said again, that with the potential purchase of the Schrant land, that it was his opinion that we should purchase a CD in the amount of \$60,000 as collateral.

Old Business

Diane stated that there had been a very limited response to the Flea Market planned for July 18th. There had been only 5 reservations, and one of those had just withdrawn. She felt that we should have at least 20 in order to make it worthwhile. She ran an ad in the Flume with a deadline of June 20th, so it was decided to wait until that time and then make a decision whether or not to go ahead with the event, or cancel.

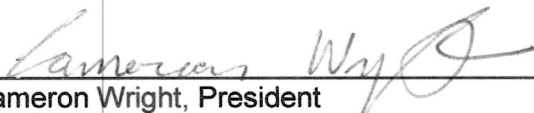
Mark said he had talked with the gentleman who had been the Postmaster at Pine and has since retired, about the locked mail box project and he will continue discussion with him and along with the information that Roger had from our past survey, discussion with the Bailey post office, and Denver operations, we will decide how to proceed.

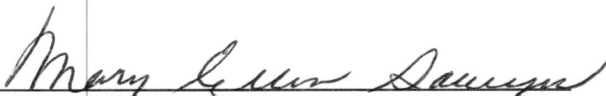
Mary Ellen read a thank you letter from Taylor Fraser who was the recipient of the BHA 2009 scholarship award.

New Business

Diane Glover was elected as District Director of District 4.

The meeting was adjourned at 12:00 Noon.


Cameron Wright, President


Mary Ellen Sawyer, Secretary
Homeownersminutes6.13.09

AGENDA FOR JUNE 13 2009

OPEN MEETING WITH 5 ACTIVE MEMBERS/DIRECTORS
AND OFFICERS.

PRESIDENTS REPORT. CAMERON WRIGHT

Report on disc golf course at the park. Land purchase agreement
and map review. Motorcycle complaints?

VICE PRESIDENT'S REPORT.

PARK AND TRAIL, JACK ROBERTS

Signs and vault toilets. Volunteer trail days on July 10th and 11th.

WEB PAGE, Any Ideas?

THE BURLANDER, MARY ELLEN SAWYER

Grant Writing.

TREASURES REPORT, ROGER SAWYER

NEW BUSINESS

Diane Glover with Flea Market update. Any other New Business.

CLOSE OF MEETING