

Burland Homeowners' Association, Inc. Meeting

January 10, 2009

PRESENT:

Cameron Wright
Linda DeHoff
Jack Roberts
Roger Sawyer

Dave DeHoff
Pat White
Mary Ellen Sawyer

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

Minutes of the December meeting were approved as read.

President's Report

Land Next to Park - Cameron said that he had hoped Sarah McDonald from the Colorado Open Lands would be able to attend today; however, she is ill. Cameron furnished copies of information that Sarah provided regarding the land for sale next to the park that is being considered for purchase.. This memo states in part:

"....a conservation easement is a legal agreement between a landowner and a land trust that permanently limits uses of the land in order to protect its conservation values. It allows landowners to continue to own and use their land, or to sell it or pass it on to heirs, but the conservation easement is attached to the land in perpetuity. Because the conservation easement permanently restricts land use, it lowers the value of the remaining land interests (fee title). The donation of a conservation easement to a qualified organization (such as Colorado Open Lands) may generate tax incentives for the donor.

The original discussion with the landowners centered on the donation of a conservation easement to Colorado Open Lands in order to generate tax benefits and then the subsequent donation of the fee title (encumbered by the conservation easement) to the Burland Civic Association for further tax benefits. In this scenario, the landowner was seeking financial assistance from BCA in order to offset the costs of creating an easement. However, after obtaining legal counsel on the matter, Colorado Open Lands has been advised that the IRS does not allow the donation of real property to a homeowners' association to be treated as a charitable contribution despite its non-profit status. Therefore, the donation of the land to the BCA would not benefit the landowner.

An alternative scenario that might meet the interests of all the parties is that the landowners will move forward with the donation of a conservation easement, and will pay all of the associated costs of creating the easement and then the BCA can purchase the fee title, but the price will be reduced by the conservation easement encumbrance. Although the exact numbers cannot be determined without an appraisal, an estimate of the possible numbers might help to illustrate this scenario:

Value of 34-acre parcel (fee title market value before easement)	\$300,000
Value of conservation easement	\$225,000
Value of 34-acre parcel (fee title market value after easement)	\$75,000

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Using these numbers, the 34-acre parcel would be available to the BCA for purchase of \$75,000. The BCA would then hold the fee title to the property and would be able to manage, use and sell the property subject only to the terms of the conservation easement.”

Cameron stated that he had spoken with Gary Nichols of Park County and the County may have some interest in becoming involved with this land.

It was asked if there is a well, or water on the land and this is unknown. Roger stated that the information from the realtor, sometime back, indicated that there was a well permit; however, beyond that, it is unknown concerning the water situation. Roger will research this and report back.

Discussion continued regarding land surveys, costs, etc., and the fact that we would have to be in possession of a survey of this land if in fact, we do make the purchase.

Mary Ellen stated that we would in all probability want to employ legal counsel with regard to our moving forward and finalizing the purchase of this land, and this is emphasized if the County would be involved in any way.

Linda mentioned that maybe grant money could be requested. (It is unknown if Colorado Lottery grant money is available for land purchase.)

Shirley Franklin had offered a few months ago to write a grant for a vault toilet and Cameron will contact Shirley to see if she still plans to be involved in grant writing.

Cameron said that he will continue to be in contact with Sarah McDonald (COL) regarding the land as the owner's plans progress. Cameron also said that Sarah stated that the BHA would have the first right of refusal (from COL, not the landowner).

Legal – Cameron stated he had talked with Bill about the possibility of changing our legal counsel and fee structure. Bill sent an email outlining his fee structure and copies of this were provided to everyone in attendance. This was reviewed and discussed. Cameron asked for a motion, and it was moved and seconded that we would move forward with legal counsel on an “as needed” basis at Bill's hourly rate of \$225. Cameron will contact Bill for a written agreement outlining this for our review and approval, and ask Bill for clarification concerning how specific needs would be handled such as real estate matters i.e., if an outside attorney might be needed with specific expertise in real estate, etc.

Vice President's Report

Dave said he had nothing to report at this time.

Park and Trail

Jack said he had nothing to report on signage, but would have some information at the next meeting.

Jack further stated that with the departure of Ryan Staychock (Colorado State Forest Service) we don't currently have a contact with that organization concerning trail work volunteers, and he will make an effort to reestablish contact with them.

Web Page

Cameron asked if anyone had any comments or suggestions for the web page and Linda stated that she thought it would be good to have more pictures on the site. Mary Ellen will contact Robert River, our web page manager, to see if this could be done and what he would require.

Burlander

Mary Ellen reported that the Burlander had gone to the printer this past week.

Treasurer's Report

The report was approved as read.

Roger said that with regard to another CD, the current rate with Country Wide is 2.8% and he wanted to pass that along before purchasing the CD. Pat stated that I-Bonds are currently at 5.73%; however, it was not known what these types of bonds are restricted to, etc. Roger will look into this and the availability of other CD rates.

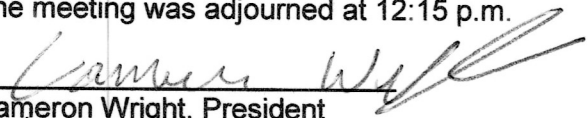
New Business

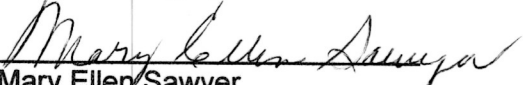
Footbridge - Cameron presented a sketch and costs proposal on the footbridge at the top of Mt. Bailey. The estimated costs were \$17,700.00. There was lengthy discussion concerning this and the potential costs, methods of moving concrete up the mountain, and variations for the construction, and possible other less expensive options. In the end, it was determined that Cameron would revisit this proposal with the idea of shortening the length of the footbridge for one, and any other considerations that may lessen the costs.

Scholarship - Linda suggested that we begin earlier this year on the scholarship project, maybe in March, as they will not be available some of the time this spring. The scholarship was discussed and with increasing costs, it was decided to increase the scholarship beginning this year to \$5,000 (\$1,250 each year for four years). Cameron asked for a motion, and it was moved and seconded to increase the 2009 scholarship to \$5,000 (\$1,250 each year for four years). The scholarship application will be reviewed for any changes we may need to make, in addition to the dollar amount, and Mary Ellen will make the changes accordingly.

Meeting site was discussed and Cameron said he would contact the pastor at the Lutheran Church to discuss the availability of a meeting room at their facility.

The meeting was adjourned at 12:15 p.m.


Cameron Wright, President


Mary Ellen Sawyer