

Minutes for the Cherry Hills North Homeowners Association Board Meeting For March 21, 2013

The meeting was brought to order at 7:30p by President Margaret Bierman

In attendance: Board members - Margaret Bierman, Linda Carney, Alan Levin and Larry Weide

This meeting was held primarily to discuss the issues surrounding the destroyed street sign monument at the S/W corner of Happy Canyon and Holly Way. The following is a summary of what has transpired in terms of cost to rebuild, required permits and ownership;

The sign was destroyed by a driver of a car who ran through the intersection without braking and crashed into the sign head on. A court proceeding determine the driver's fault and insurance money was obtained for full replacement of the sign. Rebuilding arrangements have also been made with a construction company.

To begin the process, there have been several meetings with CHV to discuss and obtain whatever building permits are required for reconstruction. At this point it was discovered that 1) the sign partially lies on the Holly Way street right of way, and 2) it lies on top of the gas company's easement. In order to prove the location, the CHN Board was required to have minimal survey done to verify this information. In order to get a building permit CHV requires that its Board grants an Encroachment License for reconstruction - regardless of the fact that this monument has been in place for so many years.

During these meetings with CHV it was also discovered that electrical cabling, that runs under the streets to the monuments, were not buried deep enough. The result is that, at times, during street maintenance these cables have become damaged. Up to this time CHV has repaired them. However, CHV says that it may be that whoever owns the monuments may have to have the cables reburied deeper.

It was now vital, to obtain licensing and permits, to determine ownership. It was discovered that there is no record of ownership for the damaged monument or any of the other street sign monuments in the CHN filing subdivision. Over 40 years of recorded CHN HOA documentation has been gone over with no clear evidence for who owns the monuments. In addition, neither CHV or Arapaho county have any records for building permits, plans or taxing of these monuments. This is an extremely important issue because it concerns permits, liability, subsequent maintenance and utility costs. The CHN Board has had advice from our HOA attorney who agrees that ownership is not established by any known records.

A further complication involves the fact that the CHN Metropolitan Water Board pays the electrical lighting bill for these monuments. In fact, they were also involved in upgrades to these structures some years ago. The question is whether or not they have might actually have ownership. The CHN HOA is currently arranging a meeting with the MWB to discuss the issue.

The meeting was adjourned at 9:30p

Respectfully submitted, Larry Weide - Act. Sec.