

October 22, 2005, 9 AM

HOA Fact Finding Mission

Present: Cliff Haac, Gary Giles, John Woodson, Hope Wyss, Ann O'Hale, Steve and Terri Campbell, Al Baldwin, Bob Ross, John Kessler

Issues:

Where are the existing paths from Bolin Creek Drive to Bolin Creek in relation to homeowners land and in relation to the Public Pedestrian and Bicycle Access Area.

What options exist for rerouting the current path if the HOA should decide such is necessary?

Findings:

1. The current path crosses a portion of Ann O'Hale's property. There is a steep bank just adjacent to the O'Hale property which is on the public pedestrian and bicycle access area, and there isn't much space between the current path and the creek to move it onto the public pedestrian and bicycle access area. The bank is very rocky. The only alternative route is across Dry Gulch Creek at the bottom of the steps onto Town property known as the Adam's Tract. This would require a bridge and agreement with the Town.
2. There is currently a parallel path along Day Gulch creek that begins where the O'Hale and Haac properties meet. This path could be cut back a bit to make it more visible so traffic can be diverted. Some areas of this path do run very close to the creek and care would need to be taken to prevent environmental damage. The fact that this path lies within a wooded area will help to prevent some of the kind of soil erosion we see at the exiting pathway across our commons. The path along Day Gulch Creek is on or near the public pedestrian and bicycle access area.
3. The path along Day Gulch Creek does not keep traffic off the O'Hale property.
4. The current footpath behind the Haac residence is on HOA common land.
5. This pathway facilitates access to our commons, our playground and Bolin Creek for our neighbors in Bolin Forest Phase II but also many others from surrounding neighborhoods. This existing pathway exhibits considerable wear and erosion. The path is not on any public pedestrian and bicycle access area until it reaches the playground. The entire path lies within an existing sewer easement that runs across and over the Common Area.
6. No part of the public pedestrian and bicycle access area is on the O'Hale property. A small portion of the path behind the O'Hale line is on the public pedestrian and bicycle access area.
7. Ann O'Hale currently does not mind the level of foot and bike traffic across her property.
8. The bank at the foot of Bolin Creek Drive is a street right-of-way for the town, and thus the steps and a portion of the current footpath running along the bottom of the bank are on public property.
9. The Covenants provide that Each Lot Owner shall have an easement in common with every other Lot Owner for access to, in, over and through the Common Area for the use and enjoyment thereof.

10. There are conflicting opinions regarding the right of BFP2 to restrict residents of other BF Phases from access or use of our common area. This will require additional research.
11. The current location of the footbridge is in a place where flat rocks form a natural crossing.
12. Constructing a bridge further down the creek towards Estes where the path from Wilson Park meets the path at Bolin Creek, would create a natural crossing point and would keep some amount of traffic away from the HOA common area. This is not HOA common land on either side.
13. A bridge could span Bolin Creek from the public pedestrian and bicycle access area at the intersection of Dry Gulch Creek with some difficulty. The other end would be on someone else's property.
14. The current bridge does not belong to the HOA but to private individuals. It spans from our common area's public pedestrian and bicycle access area to someone else's property.
15. There are environmental concerns related to any bridge crossing Bolin Creek.