

Hawk Ridge Homeowners Association

2023 Annual Meeting Minutes

Wednesday, October 8, 2023

Location: Black Forest Community Center
12530 Black Forest Rd Black Forest, CO, 80908

Preliminary

- P.1 Call to order – Meeting called to order at 6:03 pm
- P.2 Attendance and Quorum - Quorum met.
- P.3 Motion to approve/amend agenda – Agenda Approved
- P.4 Motion to approve/amend 2022 Annual Meeting Minutes – Minutes Approved

Discussion

- D.1 Water Meter Readings / Dues Reminder
 - a. Meter Readings are flowing in.
 - b. 1 annual due outstanding.
- D.2 Tree inspection report – Wayne Jones
 - a. Tree inspection report posted on website.
 - b. 1 Pine beetle and 1 dead tree were marked. ARC will follow up with homeowners.
 - c. Received an A Rating.
 - d. We can always thin more.
 - e. Do not necessarily need to rake needles.
 - f. ISP Beetle not a concern.
 - g. A few trees were hit by lightning and are still healthy.
 - h. Inspections will occur on 2-year interval.
- D.3 ARC Covenants Enforcement Guidelines – Felix Uhlik
 - a. Published Covenant Enforcement Guidelines a few years ago.
 - b. Method of handling compliance or possible violations: First check the Covenants that were updated last year. If you see a covenant violation, contact your neighbor, and discuss the issue. We want to try to resolve issues at the lowest level possible. If it doesn't get resolved, file the issue on the website.
 - c. We do have a process that if it's not resolved neighbor to neighbor, then there is a way to elevate. It will go the board and the board will make a decision. It could be

resolved at that level or fines could be imposed or possibly a lien put on property if the homeowner refuses to comply.

K. Witt – On the website there is a contact HOA ARC. You can use that list of ARC email addresses if you want to pursue a covenant violation after you have had a chance to speak to your neighbor and you don't feel like it's getting resolved.

d. ARC approvals – Application Request is on website – Documents link.

Q: What kinds of issues has the ARC seen this past year:

A: Vehicle parking – Vehicles in lawn out in front of houses. Covenants states vehicles need to be in rear of property, out of site or fenced in

D.4 Water Rights Issue – Ken Witt

a. We want to take a few minutes to frame the Water Rights issue so everyone understands on a larger scope what's going on. In Hawk Ridge and Colorado in general, water rights are controlled in terms of the quantity of water used. That is why we have to get your water meter readings, because there is a budget that is allowed for the HOA, and beyond that budget there is an agreement that says we have to follow the Augmentation Plan that states if we have drawn too much water, then we have to put the overdraft back in. That's the augmentation part of the augmentation plan. That's why we are required to keep count and report it, and it's tracked outside the HOA. We had the original developer who owned the property, they formed a development company which did some of the development of Hawk Ridge. They held the rights on another entity called Northgate Property Land Company. Northgate held some of the water rights. Those water rights had to be transferred to the HOA, and all of us as homeowners transferred our water rights to the HOA to make up the total amount available to be allocated against. There is an entity that tracks the augmentation plan – Great Divide Water Company (GDW). GDW manages and oversees the augmentation plan. They are required to exist because our development would not have been approved if the water rights management issue had not been approved by the State of Colorado.

b. Last year, GDW identified a list of HOA's that had some document issues that they felt existed with our water rights. We tried to find the documents thinking that they were just missing. We went through the Records Office and tried to go through the recordation review process to see if they could find any additional documents, and what they ended up with was remaining gaps. GDW will continue to oversee the augmentation plan for us, while we get this resolved.

c. We have retained an attorney. Our water rights are allocated along with Hawk Ridge West, and it's a consolidated report. We worked together cooperatively to

identify an attorney that we and GDW are satisfied with, and one with reasonable charges. The attorney has done this many times before, as they specialize in water rights. We are happy with what they have proposed, and they have provided a Scope of Services. They have looked at the issue and believe they have identified what is the remaining issue and have an Action Plan to go through it. It will involve tracking down the heirs and their assigns, which is the Hawk Ridge Land Company. Hawk Ridge Land Company did not properly transfer the water rights, and we need to get these individuals to agree that those water rights should have been transferred. If we cannot successfully identify or do not get a transfer successfully by all individuals that may be involved, then there might be an administrative law action and perhaps a Quiet Title Action on the water rights. This is a significant issue, but this has played out a number of times in the area. So far, they haven't had problems getting water rights resolved. GDW and the attorney feel there isn't any malice or malicious act here, rather just an oversight. But people have since died and entities have disappeared, and it wasn't noticed for 20 years. Now we must figure out how to fix it.

d. The Scope of Services from the attorney is posted on the website, so that you know exactly what they are saying they have to do. We want to make sure everyone is informed.

e. The costs are not easily identified yet, but the estimates put us in the \$28,000 range or more. Right now, Hawk Ridge has reserves, but we can't deplete those because we would not be able to deal with an emergency. We transferred \$15,000 from reserves that will cover the initial expense, but we believe it's going to be more than that; around \$30,000. That means you can expect a \$100.00 Special Assessment for each lot soon. That would give us \$8000.00 in reserves as we expend them. The expectation is that it's going to cost up to \$30,000 to get this resolved. Therefore, you should expect a \$200.00 Special Assessment a little later. We are doing this in two pieces in case they can get it satisfied and find a couple of extra documents. Then it wouldn't cost as much, and we haven't asked for more money than it actually takes to cover the expenses. If we take our reserve down to zero, and something comes up, we are in trouble. As we draw the reserves down, we will replenish slowly with two special assessments, and will try to limit it to \$100.00 or \$200.00 as needed and not all at once.

Q: Can Hawk Ridge Land Company be held accountable?

A: We believe it was an oversight.

Q: Are the expenses shared with HRW?

A: Yes. Costs are prorated by the number of lots. 88 for Hawk Ridge, and 35 for Hawk Ridge West.

Q: Are we talking about Chester Pratt?

A: Yes. He is no longer living.

Q: Do the other HOA's mentioned have the same issue?

A: I'm not going to speak of the other HOA's.

Q: Can we work together with the other HOA's to resolve this?

A: No. Not the same issues.

Q: Will a title company be involved?

A: Yes, at the right time. The attorney has already mentioned that.

f. Please check back on the website every month or so for updates. We will post as we get updates from the attorney of where we are in the process. We will be reaching out for the first Special Assessment and expect it very soon for \$100.00. We will try to hold off on the 2nd one until it's clearly necessary. This is in lieu of raising the annual dues. Raising dues is different than reoccurring expenses.

Action

A.1 Approve 2024 budget – Terry Etnyre

a. 2024 Budget reviewed and adopted as proposed.

A.2 Board Election (term expires 12/31/2023 for McNabb, Etnyre) - Board recommends electing Marty McNabb and Terry Etnyre for another term – Ken Witt.

a. 2 years ago, we amended the By Laws to have a rolling board to have continuity. That way, the entire board doesn't disappear. This year is the 2-seat year, and next year will be the 3-seat year. The 2 seats that are open are Marty McNabb and Terry Etnyre. They are both willing to serve again. We propose we re-elect both Marty and Terry, but you are welcome to nominate someone.

b. Motion to approve board recommendations – motion made and seconded.

Ken noted that it is a lot of work and can't say enough about the current board. Everyone on this board genuinely works hard to get it right for everyone. It is refreshing to see they are not at odds with one another and hopes everyone appreciates them as much as he does.

Q: Any update on Roundabout?

A: It's in the plan, but it is not funded.

Adjournment

Z.1 Motion to adjourn - Meeting adjourned at 6:43 pm.

Notes and Reminders

Bring proxy or ballot to meeting, or mail to:

Hawkridge HOA

PO Box 2093

Monument, CO 80132