

Facts About the Proposed Perimeter Fence Project

(Prepared by Joint Willow Creek 1 & 2 Perimeter Fence Committee)

The Perimeter Fence Project, to be funded through creation of a Governmental Improvement District (GIS), was unanimously approved by the Joint Fence Committee and all 14 members of the two HOA Boards, as being the best solution to replace the aging perimeter fence around Willow Creek 1 and 2. It has been reviewed by both HOA attorneys and the Centennial City Attorney. However, a very small group of homeowners is circulating a flyer and petition for your signature, in opposition to the Project. This flyer contains inaccurate and misguided claims. These claims are false, and if left uncorrected, these claims could prevent our community from doing ANYTHING about our end-of-life perimeter fence.

Following are responses to opposition claims which correct the misperceptions:

Article V of the Covenants prohibiting transfer of ownership of common property is not being violated.

First, there will be no transfer of ownership and the GID will not own our existing cedar fence. The HOAs will authorize the GID to demolish it for us when and as the GID builds the new fence. Second, our HOA documents provide for the disposal of obsolete assets. Otherwise, how would the HOA ever replace anything as it has done for decades, including demolition and replacement of the first cedar fence, clubhouse roofs, pool equipment, trees and tennis courts? Finally, this issue has been reviewed by both HOA attorneys who independently determined that it is in compliance with the Covenants.

GID fence ownership and management is not a violation of Covenants.

Most of the HOA's current cedar fence is located on City property. Nothing in our Covenants prohibits a GID from building a masonry fence on City property, across easements which have currently exist at the back of homeowners' lots, and/or at the edge of our greenbelts under easements granted by the HOAs. The GID will own the new masonry fence, and the GID is made up of voters who are residents of Willow Creek 1 and 2. In return for issuing and guaranteeing the bonds used to build the new fence, the Centennial City Council will serve as the GID Board of Directors. When the City Council is acting as the GID Board, it is just as accountable to the Willow Creek 1 and 2 residents as the HOA Boards would be if the fence was under HOA jurisdiction. The City cannot collect or spend more than you authorize in the petition and election, and the funds cannot be used for any other purpose.

A GID is not "an end run around our covenants."

The fact that the City owns and maintains our streets is not an end run around our covenants, and neither will this be. The GID vehicle was selected because it provides a practical and lower-cost means to finance the project. Burdening the HOAs with multi-million-dollar loans would be irresponsible and much more expensive than the GID (even if it was feasible). It in no way conflicts with or violates HOA governing documents.

A GID does not violate the HOA 'one vote per household rule.'

This would be true if the HOAs were constructing the new fence – but it is not relevant to use of a GID. GIDs are authorized by Colorado law, and were provided by the Legislature for this very purpose. They do not conflict with HOA governing documents.

The fence replacement covers more than only 2 sides of the neighborhood, as the opposition claims.

The fact is that it will cover all or at least part of all four sides. The South Suburban Parks & Rec. property on either side of the main waterway channel of Willow Creek provides a natural break between the areas served by the new fence and those that are not. The omitted sections are adjacent to Willow Creek 3 and Willow West. Willow Creek 3 also did not participate in the project almost 30 years ago to replace the first cedar fence, and both Willow Creek 3 and Willow West continue to be "out of reach" for this project.

The cost is not prohibitive when compared to the alternative and when spread over 30-years.

Payments on our home mortgages will cost us more than the market value of our home over a 15 or 30-year term. But we pay them anyway because they allows us to live in and enjoy our home while making payments we can afford. The same is true of the GID and bond financing of the new fence. Using the GID provides a quality solution with reasonable and affordable monthly costs. The alternative would be to not replace our existing worn out, unattractive fence. Also, because cedar requires regular ongoing maintenance and must be replaced every 25-30 years (vs. 75+ for masonry), the cost is not substantially more in the long term.

Payments based on home values is consistent with Special Districts now in existence.

GID payments are based on the property tax system according to state law. A GID is a type of special district, similar to our school, park & rec, fire, library, and other special districts, which we fund through our property tax. For all of those, each of us pays property tax based on the value of our home, and so what we pay varies from home to home. And so it also will be with a GID-funded fence.

Don't be fooled by the inaccurate opposition flyer and petition!

See HOA website for complete details of GID Perimeter Fence Project