

GID ELECTION APPROVED BY CITY COUNCIL

GID Would Construct Masonry Perimeter Fence

Submitted by Joint HOA Perimeter Fence Committee

By a vote of 8-0, at its May 16 public hearing, the Centennial City Council approved a resolution authorizing an election this November to form a General Improvement District (GID) to replace the current cedar perimeter fence abutting Willow Creek 1 and 2 with a masonry fence made of Allen Block or a similar product. The resolution included a provision for staff review of the project economics prepared by the investment banking firm of Ehlers, Inc. There were 147 people in attendance at the public hearing of which 98 (67%) signed in as supporters of the proposal and 49 (33%) signed in as opponents.

The City Council hearing followed the submission of petitions supporting creation of the GID which contained 586 signatures. These petitions were submitted two weeks early at the request of the City Clerk, to accommodate the election calendar, and were verified as adequate. By the official deadline, petitioners stated that they had identified over 700 residents in support of the proposal. At the deadline, the opposition submitted petitions containing approximately 340 signatures, which were not verified by the City Clerk. Consistent with support shown at the public hearing, these petition signatures also represented a ratio of 67% in support and 33% opposed.

At the hearing, the Council heard a report from City staff who had reviewed the application, a 20 minute presentation by the petitioner representatives (the Joint Fence Committee), a 20 minute presentation from the organized opposition, and a petitioner rebuttal. These presentations included the following arguments and responses:

- Opponents asserted that the HOA's could not "dedicate or transfer" the existing cedar fence to the GID without a 2/3 vote of the homeowners. Petitioners noted that the HOA would not dedicate or transfer the cedar fence, but simply abandon it as obsolete and contract with the GID to remove it. This is similar to what is often done with a dead tree or when an obsolete path or tennis court is replaced.
- Opponents claimed that the HOAs do not have the authority to grant an easement to the GID along common property. Petitioners responded that this claim is not supported by the HOA's attorneys. In October 2018 Willow Creek 1 homeowners voted on and approved an amendment to the HOA By-Laws to expressly permit the Board to grant easements with a 2/3 vote of the Board. The amendment passed with 89 percent support of the homeowners who voted. The Willow Creek 2 Board adopted a similar amendment, and has granted similar easements in the past for storm water and sanitary sewer purposes under authority of its existing governing documents. Opponents argued that WC2's actions were in violation of a statute. Petitioners noted that the statute which was referenced does not apply to Willow Creek 2.
- Opponents asserted that a masonry wall will deteriorate in a short period of time and have high maintenance costs. Petitioners responded that the examples given by opponents were of different applications, and in practice Allen Block free standing walls have not deteriorated as confirmed by an industry representative at the hearing. Estimated repair costs used in the proposal were developed by an experienced engineering firm.
- Opponents complained that the masonry wall would only be placed adjacent to Willow Creek 1 and 2 rather than all of Willow Creek. Petitioners noted that historically only Willow 1 and 2 have the same color

and design of cedar fence, and the Willow Creek drainage is a natural break between Willow Creek 1 and 2 to the north and Willow Creek 3's different fence to the south. Also, Willow West and WC 3 along Quebec Street have a relatively wide strip of South Suburban Park & Recreation District land located between Quebec and the fence. Because of this setback and landscape maturation, this fence has little visibility, and its exclusion from the proposed project has little impact. Along County Line Road adjacent to WC3, the WC3 HOA holds out hope that a governmental entity will pay for fence replacement at some point in connection with County Line Road widening. If that happens, it can be done to match the GID's perimeter masonry wall.

- Opponents argued that a masonry wall is cost prohibitive. Petitioners noted that because cedar needs to be repaired and replaced more often, after about 50-years the costs of masonry vs. cedar are similar. A one-time special assessment for an Allan Block masonry wall would be approximately \$3,750 per homeowner. Using a GID to finance masonry construction allows the spreading of costs out over 30 years, making it more affordable on a monthly basis to homeowners and allowing both existing and future homeowners to share in the cost. Petitioner's noted that in creating a GID, the projected average monthly costs for the different types of homes in the community would be: \$25.02 for single family homes, \$19.35 for WC2 cluster homes, and \$16.50 for WC1 patio homes. Alternatively, purchasing a new cedar fence would require increasing monthly dues in each HOA by amounts that would be potentially higher than the above amounts for a number of years.
- Opponents argued that the Fence Committee and HOA Boards were going against the will of the homeowners and not allowing a vote on the issue. Petitioners noted that the petitions submitted, support at the hearing and surveys taken all show that community support for the proposal is at least 67%, and a vote of the residents in the proposed district is exactly what is being authorized.

The Council then asked numerous questions of both the petitioners and opposition leaders. Over 20 individual residents provided comments limited to three minutes each. The entire proceedings were recorded and can be viewed at this link in the City web site:

<https://onbase.centennialco.gov/OnBaseAgendaOnline/Meetings/ViewMeeting?id=1555&doctype=1>

After hearing the presentations and public comment, the City Council unanimously approved the resolution to authorize the election. The resolution was based on the City Council's findings that the proposed perimeter wall improvements will confirm a general benefit on the proposed District (Willow Creek 1 and 2), and the cost of the proposed improvements was not excessive when compared to the total value of the property in the District.

The next step in the process will be for the City Council to approve an ordinance consistent with the approved resolution. This ordinance is expected to be on a regular City Council meeting agenda sometime in June when the Council will again allow 3 minute comments from the public.