
Cedar Heights News

Volume 4 Issue 10

October 2000

Cedar Heights Community Assoc. Officers:

- * President - Skip Williams
- * Vice President - Dave McIntyre
- * Secretary - Sarah Gleason
- * Treasurer - Fred Smith

Property Management Committee:

- * Bob Odien
 - * Richard Yates
-

September Community Meeting

By Pat Gulya

Attorney Scott Sullan was given a round of applause as soon as he introduced himself at the Cedar Heights community meeting which was held on Thursday, September 21 at 7:00 PM in the conservatory at the Briarhurst Manor. With more than 130 residents in attendance, Scott began a comprehensive PowerPoint presentation detailing the history of the Cedar Heights roads and the reasons for the lawsuit. It has been a long complicated process and the settlement is multi-faceted. The presentation took us from the building of the roads in 1982 to the last three weeks where negotiations resulted in 20-hour days often ending at 2:00 AM. He apologized for not being able to share information with the class action participants during the process but explained that information leaks could have been detrimental to the outcome.

Scott walked us through the definition of "good condition", explained the allegations, talked about the twelve worst areas of the roads and explained the pitfalls and complications that took place along the way. He summarized the possible trial scenarios and made it quite obvious why so much effort was placed on negotiating a settlement. He explained the settlement, which is quite complicated. He thanked the Cedar Heights board and the specifically named class member representatives for their support and cooperation throughout the process. They received a standing ovation from the community members.

Scott patiently answered all questions that were asked of him. He received another round of applause at the end of the presentation and made sure that Ron Sandgrund was recognized. He also introduced his assistant Marian Burley. Ron addressed the issue that with the developer giving up most of his rights under the covenants, many of the

prior difficulties with the covenants are resolved. Ron stated that covenants are comprehensive and well written.

In response to the questions, Scott explained that everything will be official and final by about Christmas. A fitting present for the community because the extremely dedicated board was willing to sacrifice so much of their energy and time to see this process through.

All members of the class should have received a Notice of Proposed Settlement last week via mail. In it is mentioned the Fairness Hearing to be held on November 6, 2000 at 3:30 PM in Judge Martinez' courtroom.

For those of you who were unable to attend the meeting, those of you who have thought of more questions since the meeting and those of you who just like meetings; Scott is willing to have another session towards the end of October. If you have an interest in this, please notify a member of the board so that another meeting can be arranged and the community notified.

A huge thank you to Chef Sigi and Candace Krauss for allowing us to meet in their wonderful facility, the conservatory at the Briarhurst Manor, and for providing a delicious feast of hors d'oeuvres. I heard many remarks on what a lovely setting it is. The food was a delightful array of wonderful aromas and colors and tastes. It made me sorry that I had not skipped dinner before the meeting. The room is a superb facility for a meeting and we even got to enjoy the sounds of the first rain in several weeks while we were meeting. If you haven't enjoyed a meal at the Briarhurst Manor, you owe it to yourself and those to you love to delay no longer. It is truly a local treasure.

QUARRY ACTIVITY

by Jay Kelley

You may have noticed as you exited Cedar Heights over the past few weeks that activity up at the quarry seems to have slowed down. And indeed you would be correct. They have removed the rock crusher and relocated it to another site. That has cut down on the noise level significantly. Additionally, they have slowed down the amount of rock they are removing from the quarry. Quarry officials indicate that this trend should continue through the fall and winter. The amount of winter activity will depend directly upon business needs. Normally things slow down quite a bit during the winter, according to officials.

night for over a week, a big ole papa bear lounged in the darkness under our bird feeder, cleaning up all the seeds kicked out of the feeder by the birds. As we viewed him from our second floor deck, he was totally oblivious to our flashlights and camera flash. It almost seemed as if he'd been there before. But this was our first occasion to actually see a bear in Cedar Heights. Another resident recently saw a papa bear conveniently perched on an electrical transformer box under an olive tree in darkness eating leaves. It was also reported that mama bear and her cub were found "swimming" in a neighbor's outside hot tub. That must have been an amusing sight.

Just a few weeks ago, Jay and I returned from a marvelous trip to Alaska where we enjoyed the beautiful scenery and went on several "safari trips" to view wild animals in their natural habitat. Honestly, we could have saved ourselves some money by just staying home and sitting on our own deck to view beautiful scenery and wildlife up-close-and-personal in our own back yard. The old adage is true: THERE'S NO PLACE LIKE HOME.

AN EDITORIAL

by Marty Kelley

For nearly three years, Cedar Heights residents have been engaged in litigation over the issue of our roads. In early September, the principal players on both sides reached a class settlement out of court, just in time to avert a trial. The court gave preliminary approval of the settlement September 20, 2000, and the Final Formal Fairness Hearing is set for November 6, 2000. Following the preliminary approval, a court notice regarding the proposed class action settlement was mailed to "members of the class", those involved in the class action lawsuit. And a meeting of Cedar Heights residents was held at the Briarhurst September 21, 2000 where our lawyers, Scott Sullan and Ron Sandgrund, explained the proposed settlement and answered questions from residents. Everyone has now had an opportunity to be educated and informed on the terms of the settlement and it's implications for the future.

Not surprisingly, word of the settlement first reached most of us through an article in the Gazette. The Gazette was probably tipped off by local realtors who have had their ears to the ground for weeks in anticipation of some kind of resolution to the roads issue. At that point, the settlement was still only a proposal, had just been filed in Judicial District Court and still needed the judge's preliminary approval. The ink wasn't even dry on the proposal. Nevertheless, the Gazette article was well written and seemed to accurately describe the terms of the settlement. The explanation of the settlement to Cedar Heights residents at the September 21st meeting was another step in the process and the formal settlement hearing in November will likely end the issue. The explanation of the proposed settlement by Scott Sullan at the meeting was well received by those residents in attendance

and it seems that the best possible conclusion to the case was reached.

No matter what side of the argument you were on, we all owe our Cedar Heights Board Members and Class Representatives many, many thanks for acting on our behalf in the legal process. There were many twists and turns in this process, many ups and downs, many hours spent in preparing the case for trial and many hours spent in arbitration to reach a successful conclusion. Our deep gratitude goes to Skip Williams, Dave McIntyre, Sarah Gleason, Fred Smith, Bob Odien and Richard Yates (Cedar Heights Board Members), to Joel Klein, Michael Elkington, Carol Duster and Steven Fasken (Class Representatives) and many unnamed others who toiled without any remuneration through endless hours of depositions, negotiations and discussions to reach this agreement. Thanks also to Scott Sullan and Ronald Sandgrund (attorneys for our homeowners) and all their folks for the dedication and loyalty they devoted to this case on behalf of our homeowners. Though the lawyers do receive payment for their work, they have labored these past many months on a contingency basis and in the end have opted to take less compensation for their services than they are due. With the support of the majority of Cedar Heights homeowners, all of these people have dedicated a large portion of their lives to doing what they think was the right thing to do—trying to make things better for the residents of Cedar Heights.

I know many of you have "been in the dark" regarding the law suit filed against our developer et al; some wondered what all the fuss was about, some felt the wording of the law suit was too personal, some felt the roads were fine. Most of us did not know the details of the engineering reports spelling out the seriousness of the road problems, and few of us knew what was taking place in the legal process from day to day and month to month. Unfortunately, your newsletter writers were constrained from penning monthly updates and explanations on the progress (or lack of progress) in the litigation process itself as it unfolded. To do so was impractical and unworkable. Confidentiality was of key importance. Any updates or explanations in this newsletter could have been misconstrued, misinterpreted or taken out of context, thus possibly jeopardizing the proceedings.

Our lawyers, our Board and our Class Reps did an outstanding job of representing Cedar Heights in the lawsuit. The settlement that was reached averted a jury trial. And that's good. Though we may still lack the funds to deal with all the road problems in Cedar Heights, the award provides enough money to get started on the repair of the five or six problem areas deemed most serious. The board will soon begin to prioritize the areas to be fixed and will then hire a road construction firm to do the work. Keep in mind that the money acquired in the settlement will go towards the repair of our roads. The purpose of the litigation was to achieve viability and safety of our roads and the award money from

the settlement goes into a separate fund (not the Cedar Heights operational budget) and will be used exclusively for road repairs.

Separate from the "settlement fund" is the normal Cedar Heights treasury, our operational fund, derived from a large portion of our quarterly dues. This account is going to be stretched thin for a year or two. Due to the terms of the settlement, the developer will not be paying dues on a specified number of platted but vacant lots. Dues on those lots was money that went into our operational account in the past. Under the terms of the settlement, a certain percentage of the future sale of 40 lots will go directly into the "settlement funds" account and be used for road repairs. Once those lots are sold, the new owners will be subjected to the same dues as the rest of us pay, but until that time, there will be a budget shortfall.

As the New Year approaches, the Cedar Heights Property Management Committee will start planning the operational budget for next year. Be prepared. In view of the aforementioned decrease in income, it may be necessary to increase our quarterly dues in the near future. We still have all the requirements of snow removal, mowing and trimming, common land upkeep, guard salaries and the like. Medical and workman's compensation costs for the guards have increased substantially. We could use a part-time handyman to do outdoor work for us. And we may need a CPA and/or a lawyer to help us properly manage the settlement funds, particularly the tax implications of such funds. But we can all work these issues together as we look to the future. And the future does look much brighter than it did. Starting now, it's time to mend fences, repair roads and enjoy life in Cedar Heights.

OLD COLORADO CITY

—Old Colorado City is on the Web! Check out www.oldcoloradocity.com to find out what's taking place in "our town".

—New 2000-2001 shopping and dining guides are now available at the Pine Creek Art Gallery.

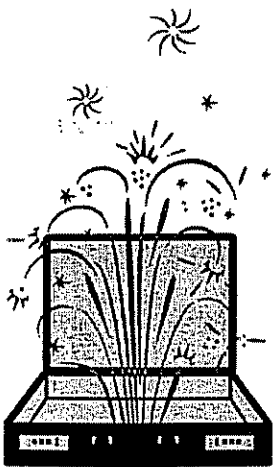
—Don't forget that Saturday, October 14th is the last Farmer's Market of the season in Old Colorado City.

—This year, Halloween falls on a Tuesday. Old Colorado City will once again be sponsoring their annual "Safe Treats" on Halloween Day, October 31st, from 3:00 to 5:00 PM. Candy is handed out to hundreds of children at street corners and in front of stores.

ADVERTISE NOW! A business card (2 x 3.5 ") size Ad in The Cedar Heights News sells for \$10.00 for one month. Call 685-1100 for annual & semi-annual rates. Please make checks payable to Cedar Heights Community Association.

While we appreciate our advertisers, we are advised to inform you that inclusion of advertisements in no way implies endorsement of providers or service.

Thanks for your feedback and please continue to let us know what you like and don't like about the newsletter. Also let us know if you have news items. You can contact the editor, Pat Gulya at (719) 685-1100 or Email at patcg@clsp.uswest.net or patcmis@cassd11.k12.co.us mailing address, 4230 Old Scotchman Way, CS, CO 80904 or reporter, Marty Kelley, 685-5300, jaymarkell@worldnet.att.net



CLASSIFIED ADS are free to Cedar Heights Residents - Call 685-1100 and leave message or leave your written ad at the guard gate addressed to Pat Gulya.

MARK MELTON
CALL: 460-4884



Only the best for you!

JOHANNES HUNTER JEWELERS
DOWNTOWN. TEJON & BIJOU. 633-8982