



# HIGHLAND PARK NEIGHBORHOOD ASSOCIATION, INC.

7075 Campus Drive, Suite 200  
Colorado Springs, CO. 80920  
(719) 598-3198/fax 598-2337  
Email: HighParkAssoc@aol.com

January 4, 2006

Happy New Year!

We hope everyone had a great time over the holidays. This mailing covers a number of items, so please don't toss it in the trash before giving us your vote.

**TRASH:** At the last annual meeting, the Board of Directors were tasked with several items.



One was obtaining a trash contract whereby one garbage contractor would service all of Highland Park, as a dues-paid service of the Association. The Board contacted all of the trash contractors in the phone book, and after interviewing those that responded, selected Waste Management, which was the lowest bidder.

Their contract provides for a 20 gallon tote and several extra bags of trash per week. Our pick up date will be Monday. They will not charge more for reasonable move-in/move-out trash. Their cost is \$7.50 per house per month, plus a fuel surcharge that brings the actual cost to about \$8-8.50 per month (some owners reported paying \$18/month or more now). Because some owners have existing quarterly trash contracts, the new contract would not begin until March 1, 2006, and would be a six-month contract (gives us a chance to try them out without being locked in for a whole year).

The effect on the per lot annual dues is that if approved, the dues will be \$300 for 2006. If not approved, they will remain at \$200 for the year. Since there is no way to know when vacant lots will be built on, and we only bill for dues once per year, there is no provision for treating them differently, and any excess money will be placed in the HPA general fund.

The vote at the annual meeting said that once a contract was negotiated, this item would be brought to the owners for a vote, so your ballot is included in this mailing. Please vote FOR or AGAINST the adoption of the contract, and return your ballot as soon as possible. Thank you!

**OUTSIDE PARKING:** At the last general membership meeting, a motion was made and approved (not unanimously) to have the Board of Directors develop a proposed covenant change to allow for some outside parking of passenger vehicles (not trailers and RVs). The covenants presently require all vehicles to be garaged, but that is not being uniformly adhered to. The proposed covenant change must pass by a 3/4 majority of the lots vote in order to be effective.



The Board wrestled with this, and developed a proposed revision to the covenants, a copy of which is enclosed. Along with this, the Board has prepared policy, procedures, and a fee

structure to implement the amendment, if it is approved. That policy and procedure is also enclosed.

The Board, as a body, must be neutral as to whether or not the amendment is approved by a vote of the members, but has provided a Pro/Con sheet to assist you in your voting decision. If three-fourths of the lot owners (90 votes, one vote per lot) vote in favor of the amendment, the amendment will be recorded and will take effect upon recording. If it is defeated, then the covenants remain as they now are.

**WELL TAGGING:** Most owners do not know that one of the requirements of the State which is enumerated on their well permit is that the well must be identified with certain information. Almost nobody in the community has complied with this requirement. To assist owners, the Board has come up with a method of tagging the wells that it will implement in 2006. Since this is an individual (not HPA) duty, each owner will be asked to reimburse the HPA for the nominal cost (a few dollars, at most) of taking care of this for them at the time the tagging is done.



**BULLETIN BOARD:** One of the requirements of Senate Bill 100 is that the HPA must post notices of meetings and other HPA matters in a conspicuous place, in addition to whatever other methods of notice are used. The HPA has purchased a nice-looking, locking outdoor bulletin board which will be installed by the mailbox at the intersection of Forestgate Drive and Cairngorn Way. All HPA notices will be posted on this board, so you may wish to check it from time to time. Please do not use it for posting your for sale items, or advertising. Thank you.

**LEADERSHIP:** The current HPA Directors are Jim Morin, Doug Barber, Marge Shuger, Jeff Irwin, and Steve Mohan. Officers for 2006 are: Doug Barber, President; Jim Morin, Vice-President; Marge Shuger, Secretary/Treasurer.

**2006 BUDGET:** The 2006 budget approved by the Board of Directors is enclosed. The 2006 dues billing will be sent out after the ballots have been counted. For those of you who have not yet paid your 2005 dues, please do so when you send in your ballot. Thanks!

**WEBSITE:** We are making revisions to our Highland Park Neighborhood Association website ([www.rawhide.net/highlandpark.html](http://www.rawhide.net/highlandpark.html)). You will find most of the Association documents, including newsletters, and membership meeting minutes posted there in downloadable .pdf format (look in the *document archives*). The recorded plats have too much detail to be scanned at letter size, so we do not have those posted. You can buy a 24x36 copy at the El Paso County Clerk & Recorder's office, if you wish (\$5 per sheet). If you cannot open a document, please go to [www.adobe.com](http://www.adobe.com) and download the free Acrobat Reader.

Sincerely,  
Highland Park Neighborhood Association, Inc.  
Board of Directors

**PROS AND CONS**  
**Of Proposed Covenant Amendment Allowing Limited Parking Outside of an Enclosed Garage**

**ARGUMENTS IN FAVOR**

1. My children have reached driving age, and for the remaining years they are at home we need an extra car(s) for them to get to work/school. It's just a couple of years, then they'll be gone, and I cannot justify building a detached garage for that short a time span.
2. We have a multi-generational home, which requires more cars than garage spaces.
3. A family member is deployed for a tour of duty in the military, and we must store their car.
4. An owner is moving in or moving out, and during that period of time the garage may be full of boxes and personal property, precluding vehicle storage.
5. An owner intends to build an accessory building to house vehicles and equipment, but needs to park outside until it is completed.
6. The vehicle is physically too large to fit in the garage bay.

**ARGUMENTS AGAINST**

1. Covenants are provided to maintain values. If they are degraded, ignored, or not enforced property values typically decline.
2. All property owners received the covenants with their title work, and were thus aware of the covenant restrictions prior to purchasing. When the purchase was made, the owner entered into a contract to uphold the covenants. The covenants require indoor parking and storage of vehicles, and should be enforced.
3. The indoor parking requirement provides for a much nicer community appearance than one where vehicles are kept outside. The covenants in this subdivision are not super restrictive, maintaining a more relaxed environment, but also maintaining an upscale subdivision. Homes here are \$500,000 and up. Most property owners are taking great pride in maintaining their homes and making sure their properties are not cluttered with vehicles or have unsightly items about. Do we want to change that?
3. This will be opening Pandora's box. People will abuse of the rule, and we will wind up with vehicles everywhere. Even though the new amendment is restrictive about acceptable reasons to leave a vehicle out all the time, how many folks will take advantage of the opportunity to: 1) now buy that huge vehicle that won't fit in the current garage; or 2) take out of storage, or move home from the workplace that truck/van that wouldn't fit into the garage. After all, the fee for a permit is way less than storing the vehicle or putting up with the inconvenience of having a vehicle off site.
4. Although a number of the reasons for allowing/not allowing a vehicle to be parked outside are listed in policy and procedures, the whole process will be an administrative nightmare for the Association. All situations cannot be covered and, by the policy wording, so decisions may be subjective. This leads to speculation that, although the Association is bending over backward to be fair and equitable, a decision is arbitrary. r the HPA, as it will have to review applications, decide which should be awarded permits, and enforce the permit system. This is not a good use of volunteers' time, and will lead to bad feelings on the part of those who are denied permits.
5. What does this say to those people who have built detached garages at great expense in order to follow the covenants?

DRAFT AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS  
HIGHLAND PARK

Reference Declaration of Protective Covenants affecting the property known as Highland Park subdivision, Filings 1, 1A, 1B and 2 (“the Covenants”), which were recorded June 13, 2000 at Reception No. 200068418 and August 29, 2002 at Reception No. 202145113 of the records of Park County, Colorado.

WHEREAS Paragraph 25 (TERM OF COVENANTS) provides that the covenants may be amended at any time by a three-fourths (3/4) majority vote of all property owners (one vote per lot); and

WHEREAS owners in Highland Park representing a three-fourths majority of all owners desire to amend the covenants as set forth herein; and

WHEREAS Paragraphs, 3.A. and 20 of the Covenants provide that all vehicles must be parked inside a garage; and

WHEREAS the owner desire to make provision for limited outside parking of vehicles on a temporary basis;

NOW THEREFORE, the Covenants are amended as follows:

1. Sentences 5-9 of Paragraph 3.A. are modified to read as follows (the modification is in italics):

Doors shall be kept closed and all vehicles parked inside (see also paragraph 20), *except as provided in Paragraph 20.A.* Garages shall face the side or rear of the house, and shall not open toward the street where the driveway originates. Oversized garages with extra stalls are recommended as economical and practical shop and storage space for the extra equipment and vehicles which people often have. Outside parking of recreational vehicles (boats, RV’s, trailers, etc.) is not permitted, *except as provided in Paragraph 20.A.* Garages will be designed where possible to appear as part of the house.

2. Paragraph 20 is modified to read as follows (the modification is in italics):

20. VEHICLE PARKING AND EQUIPMENT: *Except as provided in Paragraph 20.A.*, no boat, trailer, camper (on or off the supporting vehicle), tractor, commercial vehicle, van, mobile home, motor home, motorcycle, any towed trailer, truck or other vehicle shall be stored or parked within the subdivision, except in a completely enclosed approved garage or accessory building. Three car attached garages are required (oversized or even larger garages are recommended). The intent of this covenant is to prevent clutter and enhance natural appearance (see also paragraph 3).

3. The following Paragraph 20.A. is added to the Covenants:

The Highland Park Neighborhood Association, Inc. (HPA) may issue a temporary permit for outside parking of one vehicle. For purposes of this covenant, a vehicle is defined as a registered, licensed, operating passenger car, or light pickup truck or van up to a one ton rating, in reasonable condition and which does not, in the sole opinion of the HPA, attract undue attention by its appearance, whether due to body damage, paint scheme or advertising thereon. Motor homes, recreational vehicles, mowers, boats, motor homes, tractors, and trailers of any type are not included in this definition, and must be garaged or kept elsewhere. The HPA may establish reasonable fees, procedures, rules, and time limits for the issuance of such permits.

The intent of this covenant is not to generally permit owners to maintain a vehicle outside the garage, but to provide for reasonable exceptions to the rule requiring indoor storage of vehicles for a limited period when justified. Guidelines for granting permits under this Para 20.A shall be published by the HPA and provided to all property owners.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2006, and effective on the date recorded in El Paso County, Colorado.

\_\_\_\_\_

Following will be either signature sheets for owners to sign, or a statement by the Association that the requisite number of owners have signed a document agreeing to the amendment, whichever our lawyer feels is best.

STATE OF COLORADO

ss: The foregoing document was acknowledged before me this \_\_\_\_

COUNTY OF EL PASO

day of \_\_\_\_\_, 2006 by \_\_\_\_\_.

My commission expires \_\_\_\_\_

\_\_\_\_\_

Notary Public

Recorded in El Paso County, Colorado

Reception Number \_\_\_\_\_

Date: \_\_\_\_\_

## **Policies and Procedures for Outside Parking Permits**

### **Authority**

The authority for this policy and procedure is derived from Paragraph 20.A. of the Declaration of Protective Covenants of Highland Park.

### **1. Fees:** (Fees are subject to revision at any time without notice)

A. Application Fee: A \$50.00 non-refundable application fee shall be submitted with the application. If approved, the application fee shall apply to the initial permit fee.

B. Permit Fee: \$200.00 for a 12 month permit and \$100 for a 6 month permit, due upon issuance or renewal of the permit.

### **2. Term of Permit:**

A. Initial Term: The initial permit will expire at the end of the 6th calendar month or 12th calendar month after issuance (this means the initial permit period may actually be a bit longer than 6 or 12 months, depending on the date of issuance).

B. Renewal: The permit may be renewed for six or twelve calendar months with the permission of the HPA.

3. When Required: A permit is required if a vehicle is parked outside three months after move-in (it is reasonable to provide for move-in period parking, when the garage space may be full of boxes).

### **3. Procedure:**

A. Initial Application: The applicant shall submit an application on a form provided by the HPA, together with the application fee. No application shall be processed without both the fee and form.

B. Action: The HPA shall act to approve or deny the application within forty-five (45) days after receipt thereof, and action shall be taken at a meeting of the Board of Directors. The HPA shall be permitted to visit the property, and have access to the garage to verify the reason for the request. If approved, the property owner will receive a decal or tag to be placed in/on the vehicle, so as to be easily viewed. If the permit is denied, the denial and reasons therefor shall be in writing.

C. Renewal: A written request for renewal on a form provided by the HPA, together with the appropriate permit fee, is required thirty (30) days prior to the expiration date.

D. Permit: The permit is issued for a particular vehicle, not to an owner. The permit shall not be transferred to another vehicle without the prior written consent of the HPA. The permit shall remain the property of the HPA, and may be revoked at any time for cause determined by the board of Directors.

#### **4. Guidelines for Approval or Denial:**

A. These guidelines are not intended to be a conclusive list of reasons for approval or denial, but to give applicants an idea of reasons why an application might be approved or denied. Even if the reason is deemed acceptable, an application may be denied if the vehicle is not deemed acceptable.

B. Examples of reasons for which an application might be approved include, but are not limited to:

- \* An emergency responder vehicle (if outside parking of such vehicle is required by law, all fees shall be waived).
- \* Maintaining/storing the vehicle of an active duty military person while they are deployed in the military.
- \* Families who have extra cars during teen driving years.
- \* A structural limitation on garage size prevents inside storage of vehicle.

C. Examples of reasons for which an application might be denied include, but are not limited to:

- \* Personal property stored in garage, so there is no room for parking of a vehicle.
- \* Having multiple vehicles because one is a collector.
- \* No room in garage due to storage of recreational or utility vehicles or trailers, mowers, or similar vehicles.



**HIGHLAND PARK  
NEIGHBORHOOD ASSOCIATION, INC.**

7075 Campus Drive, Suite 200  
Colorado Springs, CO. 80920  
(719) 598-3198/fax 598-2337

**OUTSIDE PARKING PERMIT APPLICATION FORM**

This application is for:  Initial issuance of permit  Renewal of permit

No. \_\_\_\_\_

Application is for:  Six months  Twelve months

Photograph of vehicle is attached.

Vehicle For Which Permit Is Requested:

Make: \_\_\_\_\_

Model: \_\_\_\_\_

Color: \_\_\_\_\_

Advertising or unique exterior on vehicle?  No  Yes (describe) \_\_\_\_\_

Reason Permit Is Requested:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Guidelines for Approval or Denial: These guidelines are not intended to be a conclusive list of reasons for approval or denial, but to give applicants an idea of reasons why an application might be approved or denied. Even if the reason is deemed acceptable, an application may be denied if the vehicle is not deemed acceptable.

A. Examples of reasons for which an application might be approved include, but are not limited to: an emergency responder vehicle (if outside parking of such vehicle is required by law, all fees shall be waived); maintaining/storing the vehicle of an active duty military person while they are deployed in the military; families who have extra cars during teen driving years; a structural limitation on garage size prevents inside storage of vehicle.

B. Examples of reasons for which an application might be denied include, but are not limited to: personal property stored in garage, so there is no room for parking of a vehicle; having multiple vehicles because one is a collector; no room in garage due to storage of recreational or utility vehicles or trailers, mowers, or similar vehicles.

**Action By HPA**

Approved Date Issued: \_\_\_\_\_ Expiration: \_\_\_\_\_ Permit No. \_\_\_\_\_

Denied (see reason below)

- Appearance of vehicle objectionable
- Permit already issued for another vehicle
- Insufficient reason provided
- Other \_\_\_\_\_

(11/22/05)

**HIGHLAND PARK NEIGHBORHOOD ASSOCIATION, INC.**  
**2006 BUDGET (1/1/06)**

<b>INCOME</b>	<b>Trash Service Voted In</b>		<b>Trash Service Not Voted In</b>
Dues	\$35,700.00		\$23,800.00
Interest (estimated)	<u>\$300.00</u>		<u>\$300.00</u>
Total Income	\$36,000.00		\$24,100.00
 <b>EXPENSES</b>			
Maintenance - 1	\$9,640.00	Note 1	\$9,640.00
Utilities	\$360.00		\$360.00
Insurance	\$1,500.00		\$1,500.00
Taxes	\$20.00		\$20.00
Postage/mailings	\$675.00		\$675.00
Legal	\$4,000.00		\$400.00
Water Augmentation	\$5,000.00		\$5,000.00
Meetings	\$250.00		\$250.00
Accounting	\$100.00		\$100.00
Bank Charges	\$40.00		\$40.00
Trash Service	<u>\$12,138.00</u>	Note 2	<u>\$0.00</u>
Total Expenses	\$33,723.00		\$17,985.00
 <b>Budget Income / (Shortfall)</b>	 \$2,277.00		 \$6,115.00
 Reserve For Replacements - 3	 <u>\$2,277.00</u>	 Note 3	 <u>\$6,115.00</u>
 <b>Increase to / (Decrease) from HPA General Fund</b>	 \$0.00		 \$0.00

**NOTES**

1. Maintenance includes, but is not limited to, mowing of the grassy areas between the vinyl fences and Black Forest and Vollmer Roads, landscape maintenance of roundabouts, sidewalk, entry sign, and trail, lighting replacement at roundabouts and entrances, snow removal, asphalt maintenance and mowing at mailbox units.
2. At the 2005 general membership meeting, a majority of the owners voted to have the Board of Directors negotiate a contract for community trash service as a dues-paid service. The Board has done so, resulting in a contract at approximately \$8.50 per month per lot, or \$102 per year. If the contract is approved by a majority of owners, the left column will be the 2006 budget, and dues will be \$300 per lot for 2006. If not approved, the right column will be the 2006 budget, and the dues will be \$200 per lot for 2006.
3. The Board of Directors established a separate line item in the budget for a reserve for replacement of capital assets (fences, entrances, etc.). They also voted to fund the reserves to a level of \$20,000.00, using income from the 2006 budget, and the remainder from general fund cash reserves built up prior to turnover of the HPA to the property owners. This will leave approximately \$22,000-\$26,000 in cash reserves.
4. The draft 2006 budget was delivered at the last general membership meeting. This is the final, approved budget as of January 1, 2006.

This side intentionally left blank.

**BALLOT**

Please complete your ballot, and mail to the HPA in the enclosed envelope. Alternatively, you may fax it to (719) 598-2337. We need all votes by January 17, 2006, please. Any ballot issue not marked will be counted as a NO vote. Any ballot that is not signed by an owner of the lot will be invalid, and will be treated as a NO vote.

**ISSUE 1-TRASH:** Shall the HPA enter into a contract with a trash company, whereby one garbage contractor would service all of Highland Park, as a dues-paid service of the Association?

YES \_\_\_\_\_ NO \_\_\_\_\_

---

**ISSUE 2-PARKING:** Shall the Protective Covenants of Highland Park be amended to make provision for some temporary parking of cars outside of an enclosed garage, as set forth in the Draft Amendment sent to Highland Park owners with the January, 2006 newsletter?

YES \_\_\_\_\_ NO \_\_\_\_\_

---

Lot Number(s) \_\_\_\_\_ or Address \_\_\_\_\_

\_\_\_\_\_  
Owner Date

\_\_\_\_\_  
Owner Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

## **ERRATA**

The following was not part of the 1/4/06 newsletter mailout. It was sent out in January of 2006 to all owners by email.

1. The newsletter notes that the trash service will include 20 gallon trash containers. It should say 96 gallon containers.
2. The budget noted \$400.00 in one column for legal expense, and \$4,000.00 in the other column. Both columns should say \$4,000.00. The corrected 2006 budget follows. this page.

HIGHLAND PARK NEIGHBORHOOD ASSOCIATION, INC.  
2006 BUDGET (1/1/06)

INCOME	Trash Service Voted In		Trash Service Not Voted In
Dues	\$35,700.00		\$23,800.00
Interest (estimated)	<u>\$300.00</u>		<u>\$300.00</u>
Total Income	\$36,000.00		\$24,100.00
EXPENSES			
Maintenance - 1	\$9,640.00	Note 1	\$9,640.00
Utilities	\$360.00		\$360.00
Insurance	\$1,500.00		\$1,500.00
Taxes	\$20.00		\$20.00
Postage/mailings	\$675.00		\$675.00
Legal	\$4,000.00		\$4,000.00
Water Augmentation	\$5,000.00		\$5,000.00
Meetings	\$250.00		\$250.00
Accounting	\$100.00		\$100.00
Bank Charges	\$40.00		\$40.00
Trash Service	<u>\$12,138.00</u>	Note 2	<u>\$0.00</u>
Total Expenses	\$33,723.00		\$21,585.00
Budget Income / (Shortfall)	\$2,277.00		\$2,515.00
Reserve For Replacements - 3	<u>\$2,277.00</u>	Note 3	<u>\$2,515.00</u>
Increase to / (Decrease) from HPA General Fund	\$0.00		\$0.00

NOTES

1. Maintenance includes, but is not limited to, mowing of the grassy areas between the vinyl fences and Black Forest and Vollmer Roads, landscape maintenance of roundabouts, sidewalk, entry sign, and trail, lighting replacement at roundabouts and entrances, snow removal, asphalt maintenance and mowing at mailbox units.
2. At the 2005 general membership meeting, a majority of the owners voted to have the Board of Directors negotiate a contract for community trash service as a dues-paid service. The Board has done so, resulting in a contract at approximately \$8.50 per month per lot, or \$102 per year. If the contract is approved by a majority of owners, the left column will be the 2006 budget, and dues will be \$300 per lot for 2006. If not approved, the right column will be the 2006 budget, and the dues will be \$200 per lot for 2006.
3. The Board of Directors established a separate line item in the budget for a reserve for replacement of capital assets (fences, entrances, etc.). They also voted to fund the reserves to a level of \$20,000.00, using income from the 2006 budget, and the remainder from general fund cash reserves built up prior to turnover of the HPA to the property owners. This will leave approximately \$22,000-\$26,000 in cash reserves.
4. The draft 2006 budget was delivered at the last general membership meeting. This is the final, approved budget as of January 1, 2006.