

B Lazy M Ranch Owners Association
Resolution Number 01-2004
Ranch Road System

During a special Board of Directors (BOD) meeting held on January 31, 2004, and regular BOD meetings held on November 8, 2003 and March 13, 2004, the Board of Directors of the B Lazy M (BLM) Ranch Owners Association (ROA) discussed the subject of whether or not certain existing roads in un-platted right-of-way access easements should be regularly maintained by the ROA. The BOD has considered this issue, heard comments from ROA members, both pro and con, reviewed existing written documentation and finds as follows:

1. That some of the roads within the Ranch are not accurately aligned with the recorded Ranch Plat. The right-of-way access easements on the Plat are labeled as the "Private Access Road System".
2. That previous BOD's have addressed this issue in the past, and have determined to maintain the roads originally installed and paid for by the BLM Partnership, the exception being if roads were realigned as authorized by the BLM Protective Covenants.
3. That since the Ranch was established, various alignments of platted ROW access easements and re-alignments of roads have occurred for a period in excess of 25 years.
4. That individual members have a legal right to have access to their property. No parcel within the Ranch shall be landlocked.
5. As more and more members are building homes within the Ranch, it is necessary that all members know what the extent of the Ranch Road System encompasses, and that each parcel owner receives equitable treatment in being provided with basic road maintenance services.
6. This Resolution does not address the issue of whether to undertake an extensive survey project to update the Ranch Plat.

The above findings have been based, in part, upon the following written documentation:

- A. The BLM Ranch Plat recorded on March 13, 1979, at the Teller County Court House. Although the Plat accurately delineates the property boundaries of all parcels within the Ranch, there are many notable inaccuracies in other aspects of the Plat. The Plat has not been updated since it was recorded, so BOD

approved road re-alignments and extensions are not currently depicted on the Plat.

B. An article entitled, "Access at Last, The Use of Private Condemnation" by Robyn W. Kube, in a Real Estate Law Newsletter reprinted in the Colorado Lawyer/February 2000/Vol. 29, No. 2, page 77-80. The Conclusion of this article states in part, "The Colorado appellate courts have interpreted the Colorado Constitution, and the supporting statutes, so as to provide a powerful remedy for those whose property is without reasonable and practical access to the nearest public road."

C. BLM Declaration of Protective Covenants recorded on August 9, 1977. The BLM Partnership intended to provide legal access without private condemnation to all properties within the Ranch by including paragraph 7. ROADS: "Each parcel sold shall have a legal access by private roads to a maintained public County road. The specific access roads designated by the Declarants through the unplatted portion of the Ranch, may be modified or changed in the future, by Declarants or their successors or assigns, to improve flow or shorten the access for property owners."

D. BLM ROA Articles of Incorporation filed with the State of Colorado Secretary of State and accepted on August 12, 1980. This statement is included, "The purpose for which the corporation is organized shall be to maintain the private roads within the ranch, snowplow roads in winter...."

E. BLM Declaration of Protective Covenants recorded on October 5, 1987. The initial ROA BOD reiterated the intent that the ROA continue to provide legal access to all properties within the Ranch by including paragraph 8. ROADS: "Each parcel shall have a legal access by private roads to a maintained public County road."

F. Minutes of BOD meeting held on September 30, 1980. "III. Road Status: The B Lazy M Partnership, at its expense, has completed their final road work within the ranch. The roads are in excellent condition, but will require periodic maintenance, as would any road."

G. Minutes of BOD meeting held on August 15, 1983. "A word about the roads. As you all know, the roads within the boundaries of the Ranch proper, are private and designed to provide access to individual tracts of land."

H. Minutes of BOD meeting held on August 7, 1986. "Roads: The roads, as a whole, are in good shape. There is a stretch from Lot #1 to Lot #18 that needs ditching and culvert work."

I. Recommended road maintenance plan dated August 2, 1989, with attached road map (not to scale) showing the road system extending to Lot #20 and midway to the west boundary of Lot #18/SE boundary of Lot #11.

J. Ranch Road Map recorded at the Teller County Court House on April 1, 1996, along with a Teller County Commissioners Resolution. Map not to scale.

THEREFORE, IN REGARD TO A FORMAL ESTABLISHMENT OF THE EXTENT OF THE RANCH ROAD SYSTEM, THE RANCH OWNERS ASSOCIATION BOARD ADOPTS THE FOLLOWING RESOLUTIONS:

RESOLVED: The ROA Board recognizes the obligation of the ROA to provide each parcel within the Ranch legal access by private roads to a maintained public County road.

RESOLVED: The ROA Board will continue to maintain the private roads, including snowplowing, to the extent it has been done since at least 1977. Ranch maps (not to scale) are attached to this Resolution which depict the established Ranch Road System.

RESOLVED: Maintenance and snowplowing shall be accomplished using funds from a membership approved annual budget.

Adopted this 17th day of July, 2004.


President


Secretary


Treasurer

Attachments