

MAYOR'S REPORT



Mayor Mike Wozniak

SOUTH SUBURBAN LITIGATION

We are disappointed to report that on November 16th the Colorado Supreme Court declined to review the decision of the Colorado Court of Appeals in the South Suburban Park and Recreation District appeal. The effect of the decision is that the Village will pay South Suburban approximately \$1.4 million per year through 2019. Because Village residents would have paid South Suburban approximately \$2.5 million per year had we remained in the district, the Village has the revenues it needs to continue to maintain its parks and trails to the standard expected by our residents. After the obligation is retired in 2019, taxes paid by residents will be applied exclusively to priorities within Village boundaries.

The decision by the Supreme Court not to review the case means that the *sole* reason for the award was that the Colorado courts believed it was “fair and equitable” that the Village pay the district to compensate for the district’s loss of revenue for ten years following the exclusion vote. Because the plain language of the statute provides that the Village “shall not be subject to any property tax” levied by the district *after* exclusion, and because the statute had never been applied to require a municipality to pay a district for loss of *future* revenues, we were hopeful that the Colorado Supreme Court would review the issue, at least to provide explanation and guidance for other Colorado districts and municipalities. We are disappointed that the Colorado Supreme Court passed on an opportunity to explain the rationale for a judgment that directs residents to pay taxes for the next 10 years to a district to which we no longer belong.

On the positive side, our residents will see no changes as a result of the Supreme Court’s action. During the appellate process, the Village has been setting aside revenues necessary to pay the judgment, and will be able to retire the judgment from existing, expected revenues. The Village will continue to provide our residents better parks and trail maintenance than South Suburban was ever able to provide, and continue to fund our recreational reimbursement program. The effect of the decision will be, however, to postpone until 2019, the full benefit of our residents’ decision to withdraw from the district. If you have any questions about the South Suburban decision or issues going forward please contact **Mayor Pro Tem Russell Stewart**. Russ has worked tirelessly on this appeal and we all owe him our sincere thanks for his diligent efforts.

Please have a safe and joyous holiday season!
Mike

ACCESSORY STRUCTURE AND RECREATIONAL USE SETBACKS UPDATED FOR R-4 AND R-3A ZONE DISTRICTS

On October 20th, the City Council voted unanimously to update the building setbacks for accessory structures and recreational uses for the R-4 zone district and R-3A zone district’s ½-acre designated lots. The new setbacks are 25 feet from the front property line and 15 feet from the rear and side property lines. The previous setbacks for accessory structures and recreational uses in these two districts were considered more restrictive than those for the other residential zone districts throughout the City and were updated to be consistent with the other districts.

The new setbacks apply to all R-4 zoned lots and R-3A lots between ½ acre and 1 acre in area. R-4 zoned neighborhoods include: Cherry Vale Acres; Cherry Vale Meadows; Cherrydale; Cherry Hills North; Cherry Hills East; Southmoor Vista; and parts of Charlou/Charmont and Mansfield Heights. R-3A zoned neighborhoods include: Buell Mansion and Covington. If you have any questions, please contact the City’s Community Development Department at **303-783-2721**.

INSTALLATION OF NEW WIRELESS INFRASTRUCTURE UNDERWAY THROUGHOUT CITY

NewPath Networks LLC is in the process of installing several wireless communication “nodes” throughout the City as part of a larger infrastructure project aimed at boosting cell phone coverage throughout Cherry Hills Village, Greenwood Village and Centennial. Each node includes a series of small antennas on utility poles or light poles and equipment pedestals at the base of the poles. There are currently ten nodes being installed in Cherry Hills Village. The network of antennas will operate as a repeater system to boost calls throughout the City. The network can be utilized by multiple wireless carriers and NewPath Networks has reported to the City that they currently have agreements in place with AT&T Wireless and Verizon, and are in negotiations with additional carriers. It is anticipated that the system will be operating in Cherry Hills Village by the end of the year.