

To: Beaver Creek Property Owners Association Members
From: Dawn Friedman – President
Date: July 14, 2010

Re: Beaver Creek Property Owners Association – Quarterly Newsletter

Annual Summer Picnic

The BCPOA Summer Picnic took place July 4, 2010 at the Beaver Creek Club. It was a sold-out event and 500 homeowners joined in to celebrate the Fourth with good music, good food, and the great company of neighbors and friends. The rain held off until 8:15 when everyone moved inside and some stayed to enjoy the fireworks. We offer many thanks to the Social Committee and all the helpers from the Board who volunteered for the event and special thanks to Sue Brandl and her team from the Beaver Creek Club.

Kenny G Concert

The BCPOA co-sponsored the Kenny G Concert at the Vilar Center on March 24, 2010. A cocktail party for BCPOA members, preceding the party, was well attended. Many members were offered the opportunity to chat with Kenny G before and after the event.

New Fire Engine

The Beaver Creek Metro Board has completed the purchase of the new state of the art, wildfire fighting fire engine. It is in residence at the Beaver Creek Fire Station. It was available for viewing at the Fourth of July Event and a number of the children received a tour of the engine from the firefighters.

Village Road Replacement or Repair

All BCPOA members should have received notification of the Public Meeting on July 16, 2010 at 2:00 in Village Hall to discuss the issue of whether Village Road needs to be replaced or whether it can continue to be repaired. If it is replaced, it will necessitate a six million dollar bond issue which will have to be voted on by Beaver Creek residents who are eligible to vote. This is an important issue since it can mean an increase in property taxes. All homeowners will be given the opportunity to questions the engineers about their recommendations. The engineers' report can be accessed at: www.beavercreekmetro.com If there is a "call in" telephone number for the meeting, it will be published on the Metro Board website. A video tape of the meeting will be available. Please contact the BCPOA at dcfried@hotmail.com for a copy.

Changes in Administration in Beaver Creek

John Garnsey is moving out of the day to day operations of Beaver Creek. He will be the co-president of the Mountain Division of Vail Resorts in charge of Vail and Beaver Creek. His office will be in the Seasons in Avon. A new person will be named to run the day to day operations of Beaver Creek for Vail Resorts.

Tony O'Rourke, Executive Director of the Resort Company for the past 14 years, will be leaving for a position in South Lake Tahoe starting the first week in August. We wish Tony the best of luck in his new job. An interim Executive Director will be named while a search is made for the new director.

Dead Lodgepole Pines on the Mountain

Vail Resorts and the Beaver Creek Metro District continue to cut down and dispose of dead lodgepole pines on the mountain. Some of the trees will be able to be recycled. Vail Resorts has purchased their own equipment for this process so that they do not have to be at the mercy of sawyers' schedules. Some reseeding and replanting is also being accomplished.

Alpine Slide

The lawsuit involving the Alpine Slide is currently in “administrative closure” (i.e. the case is on the shelf and in abeyance until one party to the lawsuit chooses to reactivate it). The reason for the administrative closure was to allow the parties to investigate alternative activities and alternative locations other than on Haymeadow (i.e. elsewhere within the Beaver Creek ski permit area). There are no active discussions on this subject. The BCPOA is pleased that it has been able to defer any construction activities on the Haymeadow site since this issue first arose back in 2006.

Bachelor Gulch Litigation

A number of members have asked how we got involved in the litigation with Bachelor Gulch and what it is all about. The following is a brief summary and up date.

When the Strawberry Park area was being developed in the mid 90’s, there was an agreement reached that no construction traffic would be allowed up Village Road or on Borders or Holden Road. Construction traffic for Strawberry Park had to go through Bachelor Gulch and across the construction road at the top of Bachelor Gulch. This agreement was included as a covenant in the Bachelor Gulch deeds. After eight years and after most of the houses in Strawberry Park were completed, the Bachelor Gulch Metro District passed a resolution banning construction traffic to Strawberry Park. The Bachelor Gulch Metro District hired guards to warn contractors and subs that they could not use the construction road to Strawberry Park. This was in violation of the covenant in the Bachelor Gulch deeds.

The Bachelor Gulch Village Association (the counterpart of the Beaver Creek Resort Company in Bachelor Gulch and the entity in charge of security in Bachelor Gulch) sued for an injunction against the Bachelor Gulch Metro District. They also named as defendants all parties affected by the breach of the covenants, BCPOA, Vail Resorts and the Strawberry Park Homeowners Association. That is how BCPOA became involved in the lawsuit.

The court ruled against the Bachelor Gulch Metro District and for the BCPOA and the other parties by granting an injunction and summary judgment in 2007. The summary judgment required all new construction traffic destined for Strawberry Park to travel through Bachelor Gulch rather than through Beaver Creek.

The remaining portion of the case (Bachelor Gulch Metro District’s claims against Vail Resorts for road repair damage) was decided in April, 2010. The court ruled in favor of Vail Resorts and did not require Vail Resorts to reimburse the Bachelor Gulch Metro District for any “road damage”.

Unfortunately, after four years of litigation, the Bachelor Gulch Metro District has now filed its claim of appeal to the Appellate Court on a number of issues. The only issue that continues to affect the BCPOA is Bachelor Gulch Metro District’s challenge of the award of attorney’s fees and costs in favor of the BCPOA in the amount of slightly over \$180,000. The BCPOA has filed with the Appellate Court its responsive papers to protect its rights to receive the payment of its attorneys’ fees and costs. The appellate process may take an additional 12 to 18 months.

Thank you to all of the BCPOA members for supporting the BCPOA in its efforts to protect the interests of the property owners in order to continue to make Beaver Creek the special place that it is.

Your continued support of the BCPOA is appreciated. If you have any questions or concerns, please contact me at dcfried@hotmail.com.

Dawn Friedman
President, BCPOA, Board of Directors