



6612 South Ward Street Littleton, Colorado 80127 303.409.2100 Fax 303.409.2140 www.ifoohills.org

November 9, 2009

Mesa View Estates Homeowner's Association
12265 W Bayaud Ave., Ste 110
Lakewood, CO 80228

Dear Mesa View Estates Homeowner's Association Board of Directors:

This correspondence is in response to your letter dated October 22, 2009, regarding Mesa View Estates Homeowner's Association's (Mesa View) proposal to manage Sixth Avenue West Estates Park (Estates Park). The Foothills Park & Recreation District (District) Board of Directors (Board) was disappointed with your proposal, as it did not attempt to incorporate the discussions held with Andrew Burt, Mesa View Estates HOA Chairman, at the October 13, 2009 Foothills Board meeting. I am attaching a copy of the approved minutes from the meeting to assist those of you, who were not in attendance, in understanding the direction of that discussion. In addition, many points listed in Mesa View's recent proposal are contrary to our previous discussions and written correspondence. In an effort to forward the conversation and respond to the concerns of Mesa View, the remainder of this letter will provide District comments that Mesa View may want to consider prior to future deliberations.

Subject to further consideration, the Foothills Board did state that they would be generally receptive to the establishment of a sub-district for Mesa View. However, as the details of creating a sub-district could take time, I would like to offer a more simplified and expedient approach. During our discussion on October 7, 2009, a management or operations agreement set up to allow transfer of maintenance responsibilities to your HOA was considered. I would suggest Mesa View enter into an operating agreement with the District for a term of two (2) years. This time period would provide Mesa View and its homeowners an opportunity to assess future desires for the park, and two (2) years could give the relationship between Mesa View and the District time to mature and evolve into something more lasting.

As mentioned in the letter presented to you on October 7, 2009, it is feasible that if Mesa View takes control of Estates Park in one of the ways outlined above, and further assumes the maintenance standards required by the District, it is reasonable to assume the District could convey the amount of revenue commensurate with the costs associated with park maintenance. However, given the position taken in your correspondence dated October 22, 2009, I can no longer ensure that the Foothills Board still favors this proposal, but I could still advocate this offer since the District would be transferring park maintenance responsibility to Mesa View. Should this arrangement be approved by the Board, the District would

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appropriate annual funds that are sufficient to operate and maintain the park commensurate with other neighborhood parks in our inventory. As discussed, we currently expend approximately \$25,500 annually on Estates Park. The District may consider approving the maintenance costs plus a 10% administrative addendum to be allocated to Mesa View for the management of Estates Park for a total of \$28,050. The District feels that this amount is sufficient to maintain Estates Park for 2010. During the budget process for 2011, and all subsequent years, park performance would be reviewed and future allocation decisions made at that time. There will be no guarantee the amounts allocated for Estates Park will remain constant, and any additional monies desired for Estates Park by Mesa View would need to be negotiated with the Foothills Board who will weigh the needs of the District as a whole. All such proceeds would be expensed through the District in accordance with the annual operating budget requirements. The District would expect Mesa View's sub-district to draft maintenance and operating standards for our approval and implementation. Any amounts of money requested for Estates Park improvements that are in excess of what the District is willing to appropriate would have to be funded by other means. All improvements made to Estates Park by Mesa View would require District approval, and would be subject to funding availability including unanticipated maintenance needs such as faulty sprinkler main lines, broken playground equipment, or other unanticipated occurrences not specifically addressed in the agreement. Similarly, if there are capital items to be addressed at Estates Park, this transfer of maintenance responsibilities would not preclude the District from investing in the park, using our routine processes.

Subject to Board approval, the District may be willing to enter into an operating agreement with Mesa View with the aforementioned parameters to commence effective January 1, 2010. It is the District's hope that the above described arrangement will be viewed by Mesa View as an acceptable transitional agreement to be followed until such time a formal sub-district may be established. During this timeframe, the District anticipates having a better understanding of both our concurring and opposing visions for Estates Park.

If you are interested in the proposal stated herein, please communicate your desire to my attention. After receiving Mesa View's preliminary approval of this offer, the District will draft the agreement, present said agreement to the Board for approval, and forward the agreement to Mesa View for signature.

Sincerely,



Ronald Hopp
Executive Director

CC: Foothills Board of Directors
Paul Rufien, Legal Counsel

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