



**Above:** Donald Wescott Fire Protection District Sun Hills Station 3 is located in the yellow parcel in the middle of this map, showing its location within the Sun Hills Homeowners Association. The land for Station 3 (then Station 1) was donated by the land owner of the parcel east and south of this parcel for the purpose of building Wescott's first fire station in the early 1980s. Station 3 is no longer actively used by DWFPD, and the board has voted to sell the station to the dismay of the Sun Hills HOA, which argues that a half-acre residential lot does not meet HOA covenants for five-acre residences. Both sides have now engaged attorneys. *Map courtesy of the El Paso County Assessor's Office.*

we want to do it better this time.... It's too important to leave to chance. We are deciding the future of the fire district."

**Sale of Station 3 debated**

In November, the board voted to put the unmanned Sun Hills Station 3, at 15000 Sun Hills Drive, on the market. In December, George German, the property owner immediately adjacent to the station, protested this decision, saying the land for the station should revert to the donor instead of being sold as a residential property on 0.4 acres of land in the Sun Hills homeowners association (HOA) where all lots are five acres. He added that rezoning this lot from "fire station only" to residential with a waiver on the 5-acre limit would permanently damage this HOA covenant limit. In response to his request in December, the board delayed putting the station on the market for time for more research. *See [www.ocn.me/v16n12.htm#dwfjpd1115](http://www.ocn.me/v16n12.htm#dwfjpd1115) and [www.ocn.me/v17n1.htm#dwfjpd](http://www.ocn.me/v17n1.htm#dwfjpd).*

If the November 2017 mill levy increase passes, that extra property tax revenue would not actually come into the

district until 2019, so selling Station 3 would help bridge that property tax revenue gap. Burns said the sale money could be used to keep people employed, but that a reduction in staff would worsen the Insurance Standards Organization (ISO) rating affecting residents' insurance rates.

Rusnak later said that DWFPD could meet its response times from either station to almost all parts of the district, "so that would not affect the ISO rating except for that one small sliver along Northgate Road."

- German's comments included:
- In 1981 there was an agreement between the Wescott board and the Sun Hills HOA that gave DWFPD a waiver of covenants for the sole purpose of building a fire station.
  - It is clear that it was only granted to you, not whoever you wanted to sell it to.
  - It sounds like you knew of that agreement prior to putting the house on the market.

- Burns' comments included:
- There is no record of this anywhere, and it's not in the covenants for the property either.
  - The bill of sale says the property belongs to the taxpayers of the district. We want to sell it to try to bolster our program to survive the next couple of years to provide fire protection to the district residents.

- Chairman Greg Gent's comments included:
- German made an offer on Station 3 two years ago for \$15,000.
  - The county said we could sell this property as a residence. That land was donated by the HOA 35 years ago, so there could be a fire station here, and now you have two bigger stations for that purpose.
  - Everything around there is residen-

tial so it will become a residence, which I think the people there would like.

Joe Potter, former chairman of Sun Hills Homeowners Association Architectural Control Committee and former Wescott board director, spoke. His comments included:

- The HOA made a one-time exemption to its covenants with the understanding that once that station was no longer needed it would revert to covenants, and that documentation is there. We had a lengthy discussion with the Wescott board at the time.
- We have the document (showing agreement between DWFPD and Sun Hills HOA), but it is with our attorney.

Wescott and the HOA have both engaged lawyers who are also addressing this matter.

**Possible IGA with TLMFPD explained**

Rusnak asked about the possible intergovernmental agreement (IGA) with TLMFPD that OCN reported on last month in the TLMFPD meeting article. *See [www.ocn.me/v17n1.htm#tlmfpd](http://www.ocn.me/v17n1.htm#tlmfpd).*

Burns explained that DWFPD helps TLMFPD with medical calls in about a 7:1 ratio in the southern part of TLMFPD. Wescott has received no compensation for this after a handshake agreement between the two districts about two years ago, Burns said. He sent a letter to TLMFPD in December suggesting that they

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