

# HIGHLAND

# HIGHLIGHTS

Monthly Newsletter for The Highlands 460 • A Covenant Controlled Community

[www.highlands460.org](http://www.highlands460.org)

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## Highland 460 Annual Meeting

Our annual meeting, to be held on February 1st at 7 p.m. at the Metrum Credit Union, needs homeowners to attend to help make a quorum. In the December newsletter, the board asked for homeowner volunteers to help provide transportation to those who no longer drive after dark. Please consider volunteering to help with this important H460 meeting.

If you can volunteer for the evening of February 1st, please email [h460board@highlands460.org](mailto:h460board@highlands460.org) and include your phone contact information so you can be coordinated with those who need transportation.

If you need a ride that evening, either email the board or call the message line, 303-331-2366, and let us know how to call you back.

## Homeowner Dues Reminder

Each homeowner should be receiving a mailing close to January 1st which will contain the 2012 Highlands 460 Dues notice. We encourage you to send in your check right away and eliminate the time and expense of mailing another later in the year.

The voluntary dues of \$35 help provide the many programs and activities offered including the Large Item Pickup, Garage Sale, July 4th Parade, Annual Picnic, Weed Control and Clean-up Projects, as well as prizes for the wonderful holiday decorations.

## What To Do When A Neighbor's Tree Strays

From HindmanSanchez – legal counsel for the H460

You are baking a birthday cake and suddenly realize you are short about a cup of sugar. The reality hits. In the past, your neighbor happily supplied you with the missing ingredient, but now... ever since the "tree-branch incident" you are no longer on speaking terms.

The branches of your neighbor's old maple tree had expanded out and over your neighbor's property line and had begun to press against your garage in a rather menacing manner. You had approached your neighbor with your concerns, but the normally rational man had become quite agitated about the possibility of trimming the majestic tree and had refused to discuss the matter further. So, you took matters into your own hands and cut off the offending branch. Now, although your garage is safe, your once cordial relationship with your neighbor has soured.

**Was there a better way to have approached this situation? What were your rights?**

Encroaching tree branches and roots, as well as falling debris, provide a common source of tension between neighbors that can be difficult to resolve. If the tree's encroachment presents merely an inconvenience, the neighbor being encroached upon will most likely be expected to trim away the branches or roots him or herself. If the damage caused by the tree is more severe (like cracked pipes from expanding roots),

*continued on page 2*

## Holiday Lighting Contest Results

The judges have made their decision and the winners of the Holiday Lighting Contest are:

**1st Place: 8215 S. Jackson St.**  
(The Rogers family)

**2nd Place: 3898 E. Phillips Circle**  
(The Gehring family)

**3rd Place: 3624 E. Phillips Circle**  
(Jerry and Barbaralynn Flickinger)

**Children's Choice: 3866 E. Long Ave.**  
(The Kahler family)

All of the families selected the Food Bank of the Rockies as their charity. Donations of the prize awards will be sent to help the local and effective efforts of this organization.

Board member Jim Sturgell volunteered his time and efforts to coordinate this year's contest. He accompanied the judges who drove every street in the Highlands neighborhood. They narrowed down their choices to approximately 10 homes and looked at each of those again, sometimes even more than once, before making final decisions determining the winners.

Jim reported, "I was absolutely amazed at many of the efforts throughout the neighborhood. It made me wish we had more awards to give, but I felt the judges made great decisions in light of the charge they were given".

Congratulations to the winners and to all whose efforts made our neighborhood more festive during the holiday season.

## Next Board Meeting

Wed., January 4th, 2012  
7 p.m.

at the METRUM CREDIT UNION  
Meeting Room • 6980 S. Holly Cir.



**A Neighbor's Tree Strays**, continued from front page

Colorado may grant the neighbor the right to sue the tree owner. However, before following the costly path to court, some alternatives exist that a neighbor may want to explore first.

The following article outlines the various methods a property owner can attempt to solve the problem of an encroaching tree, as well as ways to broach the often emotional subject of tree trimming with your neighbor to avoid creating an antagonistic relationship.

First, you should determine whether trimming back the tree really needs to be your responsibility or whether another entity, such as the municipality, public service etc. has an interest in cutting back the offending tree parts. Cities are responsible for pruning trees located on or posing a threat to city property; so if the tree is on city property, a phone call (or two) to the correct city department may result in the tree being trimmed.

To determine whether the tree stands on city property, visit city hall and consult a city map. Additionally, if the tree is on private property, the city may still decide to trim it if it endangers city property or poses a safety hazard (like blocking the view of an intersection). If the tree is in violation of a local ordinance, the city might order the owner to trim or remove it. The following are examples of situations typically governed by local ordinances:

**Trees that function as fences** – Trees are considered natural fences when they are planted close together and are used to demarcate a boundary. Local fence laws may dictate the allowable height and location of fences on property.

**Trees that are prohibited by law or are taller than permitted** – Some cities may have ordinances that list undesirable trees that are prohibited in the area. If the offending tree is a prohibited species, the tree owner may be ordered to remove it or it may be removed for her by the city.

**Diseased Trees** – Most cities require tree owners to remove hazardous trees and tree branches.

A utility company or a homeowners' association may also provide relief for your encroaching tree problem. If there is utility use around the tree, the utility company will trim the tree to prevent damage to its equipment. If you live in a covenant controlled community, there may be a covenant that regulates the location, kind and height of trees allowed. If the tree violates any of these restrictions, your homeowners' association may take the steps necessary to enforce the community's regulations.

If your situation does not lend itself to any of these solutions, you then should take advantage of your right of self-help. In Colorado, property owners have the common law right to cut off branches and roots that cross over their property lines. Courts really don't want to take up valuable court time settling disputes between neighbors. The right to self-help encourages neighbors to solve their problems themselves. In Colorado, the neighbor who trims the tree is responsible for any expense associated with the trimming. Trimming back large and numerous branches can be expensive. Consider talking with your neighbor about splitting the cost.

The right to self-help has limitations, so be careful as to how you proceed. First, you may not enter onto the tree owner's land without permission and may only trim up to your property line. Additionally, if you hire a tree service, they too must seek the tree owner's permission before setting up ladders or equipment on his or her property.

Second, you cannot take it upon yourself to cut down the entire tree or trim it in such a way that the tree is destroyed. This

**Highlands 460 Civic Association**

H460board@highlands460.org  
PO Box 2691, Centennial, CO 80161

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**Newsletter Editor:** .....h460news@highlands460.org

**Covenant Review Committee (For Home Improvement Requests & to Report Covenant Violations):** .....crc@highlands460.org

**H460 Club Coordinators:**

H460 Clubs are organized and run by H460 residents, for the purpose of servicing the interest of club members. The Activities of H460 Clubs are independent of and from the H460 Civic Association and H460 Board of Directors.

H460 Club Coordinator: Kaz Moreci ..H460board@highlands460.org

H460 Beautification Club: Virginia Livingston ....vliving@gmail.com

Garden Club: Sonja Stewart Nix .....303-794-2084

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does not mean if the tree looks absurd after trimming, you have destroyed it in a legal sense (although your neighbor may have another opinion!). Legal authorities will consider a tree destroyed if your trimming has compromised its health, not if the tree is rendered less than aesthetically pleasing as a result of your efforts. Be careful. If you have substantially harmed the tree, you may be liable to the tree owner for money damages.

Third, check with your city clerk's office before trimming because some cities require permits for trimming certain types of trees.

Perhaps the most important thing to do before embarking on the trimming of the tree is to approach your neighbor and discuss it with him or her first. This step could save you a lot of problems in the long run.

First, the tree owner, realizing that the pruning is inevitable, may want to take over the job to ensure that the tree remains healthy and symmetrical. Second, it's polite. People can be very protective of their trees and will become very upset if one day they discover a chunk of tree missing. Explaining what you plan to do and why it is necessary may help to keep the peace.

If the tree owner still refuses to cooperate after being approached, it is advisable to compose a letter to your obstinate neighbor describing your situation and intentions. Explain again in writing why the tree needs to be trimmed and try to soothe the

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**A Neighbor's Tree Strays**, continued from page 2

owner's fear for the tree's safety by telling the owner that you will be careful. If you plan to use a professional service, be sure to mention that as well. If your neighbor still refuses to cooperate, consider writing one final letter explaining the law in more detail. Since the right to trim another's tree when it encroaches on your land is a common law right, there are no statutes to reference. However, at this point, it may be well worth visiting an attorney to draft a letter for you on legal letterhead, which often commands more attention than personal stationary.

Although some states will allow a property owner to sue if the neighbor's tree has caused substantial damage, the general rule remains that the property owner's most feasible solution is self-help. The Colorado appellate courts have not yet issued an opinion on the question of whether or not a neighbor can sue the owner of a healthy tree. If all else has failed and you are determined to try to sue, the damage caused by the encroaching branches or roots will have to be serious.

If you are looking for a court order directing your neighbor to trim back the tree, the suit must be brought in district court and you should hire a lawyer. However, if you are looking for compensatory money damages under \$7,500, the suit can be brought in small claims court. Before hauling your neighbor into court, write a demand letter explaining the damages and the law. A small claims court judge will want to see that such a letter has been sent and maybe explaining the law to your neighbor will sway him or her to pay you for your damages. In that case, you will be able to avoid the courtroom altogether!

Be prepared to prove the following: 1) the person you are suing owns the tree; 2) its branches or roots have crept over the property line (photographs showing the tree branches extending

into your property are the best proof); 3) you have notified the tree owner in writing of the problem; and 4) what damage the tree has caused.

With all that said and done, the best solution remains trying to compromise with your neighbor. Consider mediation. Mediation has brought about settlements in situations which at first glance appeared to have no amicable solution. By keeping the lines of communication open with your neighbor, hopefully you can get the tree trimmed while keeping sugar-borrowing privileges.

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**Satellite Motor Vehicle Office Moves**

The Arapahoe County Clerk and Recorder's Office will move its Centennial Branch (formerly the "Southeast Branch") to the County's new Lima Plaza, located at 6954 S. Lima Street in Centennial, just 1.4 miles west from its prior location on Arapahoe Road.

The Arapahoe County Motor Vehicle Division handles the licensing and registration of vehicles for County citizens. The Division's three Express Driver's License Offices assist residents with the issuance and renewal of driver's licenses, permits and Colorado identification cards; out-of-state transfers; motorcycle endorsements; name and address changes; voter registration and organ donor registration.

The Centennial Branch joins the Arapahoe/Douglas Works! Workforce Center, Public Works Department and Open Spaces Program at the new Lima Plaza. The Judicial Services Division also will move to Lima Plaza in early 2012. The new campus, purchased in April 2011 for \$4.5 million, allows the County to consolidate several functions into one central location, make better use of office space and invest taxpayer dollars into property that is owned instead of leased.

Citizens can contact the Arapahoe County Clerk and Recorder's Office at 303-795-4500 or visit [www.co.arapahoe.co.us](http://www.co.arapahoe.co.us) and click on "Departments" and then "Clerk and Recorder" for more information.

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## City of Centennial Website

The City of Centennial has launched a new and improved website at [www.centennialcolorado.com](http://www.centennialcolorado.com).

It boasts “a fresh new design providing visitors a more user-friendly and interactive experience”. The site reflects the look and feel of the Centennial community while incorporating a host of new features and tools designed to help residents, visitors and community partners quickly locate the information and services they need.

### Some of the site’s new interactive features include:

“My Dashboard” – a customized viewing experience. Visitors may choose the modules, features, keywords and favorite pages they would like to view most often including calendars, news items and emergency alerts. Favorite pages may be saved within ‘My Dashboard’ making information easier to find.

“iCalendar” allows users to import internet calendars and/or events into their personal calendar applications (Microsoft Outlook, Apple iCal, Google Calendar, and Most Smart Phone Desktop Applications). Users can add a single event or subscribe to the entire calendar for automatic updates.

“Resources iPhone App” links the iPhone to the online Resource Directory. This directory lists community services, local businesses and non-profit organizations serving Centennial. A description of the service or businesses contact information, web addresses and direction for each resource is listed in the Resource Directory.

“Photo Gallery” allows users to view photos or slideshows. Select a picture to view full size or to give it a “Thumbs Up” to vote for a spot in the “People’s Choice” spotlight.

The City plans to continue enhancements to the site. In 2012, the site will offer the “Facilities iPhone App” where users can search Centennial Center Park’s availability, browse its amenities, view maps and photos of the facility, retrieve location information, and reserve the space, if available. In addition, the site will offer the “Citizen Request Tracker iPhone App” and “Citizen Request Tracker Facebook App” which allows citizens to report issues such as potholes, graffiti, down streets lights, etc. to the City and track requests and comments.

Problems reported regarding the errors on the form citizens are to use when reporting problems were made known to the city, but have not been corrected at the time of this article’s preparation. If you cannot report a problem or code violation on the new web site, phone the city at 303-325-8000 and ask for assistance.

## Sometimes A Hug Trumps A Fight

The next time your small child throws a temper tantrum, try giving him or her a hug instead of a lecture. You might be surprised at how effective a hug can be in quieting a child in the midst of a meltdown.

Hugs can defuse a child’s hurt or anger, making it easier for him or her to listen to what you have to say. Once calm, your child can take part in a larger discussion about the problem and his or her behavior. Children do better when they feel secure and loved, no matter what.



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**Centennial Ordinance 11-0-30**

Reported by **Andrea Suhaka**

A new ordinance approved by the City Council on December 5th is intended to prevent obstruction of pedestrian and vehicular traffic on Centennial's streets and sidewalks. The ordinance provides for a fine of up to \$1,000 for violators who place (or allow to accumulate) items on public sidewalks and roadways, or who allow materials on private property to encroach on or above public sidewalks and roadways.

This means, among other things, that the ordinance prohibits obstructing sidewalks with trash containers, landscape materials, trash, debris, etc. or placing snow and ice on them (i.e., when shoveling/clearing walks and driveways). This does not make snow shoveling mandatory, but you need to shovel onto your property! The practice of placing snow and ice on public streets is prohibited by this ordinance. Shoveling into the street often creates an ice block or dam in the street and can be dangerous.

Additionally, the ordinance prohibits items on private property from "encroaching" on sidewalks and roadways: 8 feet above in the case of sidewalks, and 15 feet for roadways. A typical example of this would be a portable basketball hoop, which people often leave on the sidewalk or street, or extending over the sidewalk or street or your bushes and trees.

What should citizens do with their trash containers, bagged leaves, bundled materials and large appliances which are to be picked up by trash haulers? The ordinance permits these items to be placed on public property (for example at curbside) as long as the items are NOT on the sidewalk or other pedestrian way, and as long as they are not there for over 24 hours. Nor can you park a vehicle to block the sidewalk.

*"It is better to meet danger than to wait for it."*  
— Charles Caleb Colton

**Vacancies on Centennial Budget Committee**

The City of Centennial is currently accepting applications to fill openings on the Budget Committee, which is a committee required by the Centennial Home Rule Charter. The purpose of this committee is to promote citizen involvement in the budgeting decisions of the City. The Committee reviews all phases of the budget and makes recommendations and provides reports to City Council.

Terms are for a period of three years. Meetings are scheduled on an as needed basis and take place at the Centennial Civic Center located at 13133 East Arapahoe Road, Centennial, 80112.

The application deadline is Thursday, January 5, 2012 at 5:00 p.m. Further details and application forms may be obtained on the City website, [www.centennialcolorado.com](http://www.centennialcolorado.com), or from the City Clerk, 303-754-3302.

**SMD Schedule**

The next meeting for SOUTHERN METROPOLITAN DISTRICT will be January 19, 2012.



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## Teen Services

To add your teen's name, please email **Colorado Lasertype** at [getinfo@coloradolasertype.com](mailto:getinfo@coloradolasertype.com) and leave the following information: the **neighborhood you live in**, your age, phone number and the categories you would like included. Categories: **(B)** Baby-sitting; **(\*)** Red Cross Cert for CPR; **(L)** Lawn care; **(S)** Snow removal; **(P)** Pet & House sitting. No recommendation or endorsement of any of the names on this list is implied or stated by the homeowners association board or Colorado Lasertype.

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Faith V.	15	B/P	720-219-7989
Stephen W.	15	B*/P/L/S	303-488-0079
Sam W.	12	B/P/L/S	303-488-0079
Will W.	15	B/P/L/S	303-803-5282

## How To Make Resolutions You'll Actually Keep

Making a New Year's resolution is like setting any other type of goal. You have to choose wisely if you want to achieve something significant. Remember that a good resolution, like a solid goal, usually has a few definable characteristics:

- **Focus.** Set a definite target: "Lose 10 pounds by June" is better than "Lose some weight."
- **Challenge.** Your resolution should be neither too hard, nor too easy.
- **Commitment.** Share your resolutions with others who will help you work on them.
- **Presence.** Write down your resolutions in detail, and post your list where you'll see it often.
- **Vision.** Visualize the results you want to achieve every day.

**CLASSIFIEDS**

Classified ads are \$2.95/line for 2011. Contact **Colorado Lasertype** at 303-979-7499 or [getinfo@coloradolasertype.com](mailto:getinfo@coloradolasertype.com) to place an ad. To view our display ad prices, visit our website at [www.coloradolasertype.com](http://www.coloradolasertype.com). The deadline for placing a classified or display ad is the 15th of the month for the next month's issue (i.e., 15th of Sept. for Oct. issue), except the January issue, which has a deadline of December 6th.

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**PC Prices Are Down, BUT ...**

If you are in the market for a new PC you are probably seeing some very low prices. Brand new desktop computers can be as low as \$399.00. Brand new notebook computers have comparable pricing. However, before you budget your new computer based on those prices alone, here are some things to consider putting into your new computer price estimates.

New computers are going to be running Windows 7, which is a vast improvement over Vista and much easier to use than XP, once you get used to the differences. If your printer is more than 5 years old, your installation disk for it may not be compatible with Windows 7. Many manufacturers have not updated the programs on their website to support the new operating system. Therefore, you may need to buy a new printer because your current one will not work on Windows 7. Check the website of the manufacturer to be sure it has drivers for your printer to run on Windows 7.

Some older versions of software, such as Quickbooks, will need an upgrade in order to run on the new computer. Also, if you no longer have the CD's for software such as Microsoft Office, you will have to purchase it again. If you use Microsoft Outlook, you need to keep in mind that the cheapest version of Microsoft Office, (Home and Student) does NOT include Outlook. You will have to purchase that separately or purchase Microsoft Office version Home and Business. It costs twice as much, approximately \$250.00 as opposed to \$125.00

So, before you purchase what seems to be a good bargain on a new computer, you need to do a little research. You may have everything you need already, or you may be buying more than just the computer in order to be able to use it.

Paul Vaccarelli is general manager of PC-911, LLC. He can be reached at 303-807-2911. Phone consultations are free.

— Paul Vaccarelli

**Perimeter Landscaping & Entry Islands**

Southern Metropolitan District is a special taxing district that is responsible for the maintenance of the perimeter landscaping and the five entry islands for the original Highlands 460 subdivision. Their next public meeting will be on November 17th at noon at 8247 S. Holly Street. Additional information concerning board of directors, contacts, 2011 Budget, and the meeting minutes is available at [www.SouthernMetroDistrict.com](http://www.SouthernMetroDistrict.com). Questions or emergency contact should be directed to the current SMD board chairman, Richard Boon, at 303-221-1559.

**Highlands 460 – 2012 Budget**

<b>PROJECTED INCOME</b>	\$ 22,350		
<b>EXPENSES</b>			
July 4th Parade	300.00	Covenants Administration	900.00
Administrative	831.00	Directory Accrual	1,000.00
Office supplies	150.00	Garage Sale	225.00
CenCon & CO Registration	40.00	Large Item Pickup	5,975.00
Post Office box	60.00	Legal Fees – General	1,640.00
Voicemail	181.00	Membership Drive	1,350.00
Volunteers (gift certificates)	300.00	Newsletter	1,500.00
Website	100.00	Picnic	4,850.00
Weed control	1,500.00	<b>TOTAL EXPENSES</b>	<b>\$ 22,102.00</b>
Directors Insurance	1,200.00	<b>NET INCOME</b>	<b>\$ 248.00</b>

**Requirements of the Covenants**

All owners of property in the Highlands 460 are legally bound to comply with the requirements of the covenants. Whether a homeowner supports the community by paying the voluntary yearly dues or not, they are still required to comply with the requirements of their covenant contract. Real property in the Highlands 460 is held, sold and conveyed subject to the easements, restrictions, covenants and conditions stated in the declaration of covenants. The purpose of this is to protect the value and desirability of the property.

The volunteers who take part in H460 association business make repeated efforts in the newsletter and on the website to remind homeowners that no building, fence, wall or other structure shall be erected or alterations made on any building until construction plans and specifications regarding quality of workmanship, type of material, and harmony of external design is approved by the Covenant Review Committee. Homeowners are reminded that improvement requests are handled by volunteer homeowners and a minimum of three weeks lead time must be planned. Homeowners should not enter into contracts or initiate construction prior to approval by the CRC.

For a copy of the form and additional information, visit the website at [www.highlands460.org](http://www.highlands460.org). To contact the CRC, please send an email to [crc@highlands460.org](mailto:crc@highlands460.org) or write to H460 Covenant Review Committee, P.O. Box 2691, Centennial, CO 80161.

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