

County Commissioners respond to Court of Appeals' Decision on Subdivision Paving

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Boulder County Commissioners' Office

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Boulder County Commissioners respond to Colorado Court of Appeals Decision on:

Plaintiffs-Appellants (Wibby et al.) v. Boulder County Board of County Commissioners

Background

In late 2014, a group of property owners in unincorporated Boulder County filed a lawsuit in Boulder District Court against the Boulder County Commissioners (Wibby et al. v. Boulder County Board of County Commissioners).

The group sought a court order requiring the county to reconstruct and/or repave local unincorporated subdivision roads using tax dollars previously used for other county services.

The Boulder District Court dismissed the lawsuit based on the county's argument that the issues raised by the property owners were political issues that should not be decided by the court system. The property owners appealed the district court's decision to the Colorado Court of Appeals, and the appeals court has upheld the lower court's decision.

Boulder County Commissioners' Statement (6/30/2016):

Today's [decision](#) by the Colorado Court of Appeals upholds the lower court's decision in

favor of Boulder County.

From the beginning of this case, we have said that this is a dispute that does not belong in the court system. Last year, the district court agreed with our position and dismissed the lawsuit. Today, three judges on the Colorado Court of Appeals unanimously affirmed that decision.

Now that a second court has affirmed its decision in favor of Boulder County, we look forward to working with the community to find a practical solution for repairing subdivision roads. Just as we have for the past several years, we continue to welcome and foster an open discussion on how to get all county subdivision roads back in good condition.

While we continue to seek a solution with property owners to repave all unincorporated subdivision roads, the county continues to provide routine maintenance on these roads.

We are also funding the repaving of community-use roads that exist within these subdivisions (i.e., those roads that connect public places or major roads) on an ongoing, annual basis. The amount allocated for community-use road repaving is about \$1 million each year. While each year must be evaluated for available funding, the county intends to ensure that all community-use roads are repaved within the next 10-15 years.

Boulder County Board of Commissioners
Boulder, Colorado

For more information on Boulder County's subdivision paving efforts, please visit our [Subdivision Paving webpage](#).



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