Judge ends Boulder County subdivision paving lawsuit

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A senior district court judge has issued an order concluding further action in a lawsuit challenging Boulder County's local improvement district that sought to assess homeowners for most of the costs of repaving their rural residential subdivision roads.

Judge Robert Lowenbach's final judgment, issued Monday night, does not change his July 27 ruling that Boulder County "exceeded its legal jurisdiction and abused its discretion" in establishing the district and imposing road-rehabilitation assessments on properties within the district.

Lowenbach's latest court order does, however, reject the homeowners' attempt to keep their original lawsuit alive in order for them to pursue additional legal complaints against the county.

The plaintiffs who filed the original lawsuit last November had asked the judge not to end the case.

They had wanted the court's permission, for example, to amend the lawsuit to include their contention that by not paying for repaving the subdivision roads, Boulder County is violating state law and the road-maintenance obligations.

The plaintiffs had also asked the court to order Boulder County to fund the subdivision repaving work out of public funds the homeowners contend are already available for that purpose within the county budget.

Boulder County, which has dissolved the LID and sent refund checks totaling about $5.9 million to the owners of nearly 10,100 subdivision properties since Lowenbach's July 27 ruling, had filed a motion Aug. 20 asking Lowenbach to issue a final judgment and conclude the lawsuit.

The plaintiffs resisted the county's effort to end the lawsuit, but Lowenbach said in his Monday night order that the issues "that must be addressed" to resolve the plaintiffs' earlier complaints had been resolved in his July 27 ruling.

If the plaintiffs want to file a new lawsuit based on Boulder County's actions on subdivision paving since July 27, "they may do so," Lowenbach wrote.

Chuck Wibby, one of the plaintiffs and the chairman of Boulder County Fairness In Road Maintenance — an organization formed last year to fight the assessment-district — could not immediately be reached for comment on Wednesday.

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