

Boulder County homeowners appeal dismissal of road paving lawsuit

By John Fryar Staff Writer

Updated: 05/21/2015 04:21:11 PM MDT

TimesCall.com

Rural Boulder County homeowners who'd sued the county over the adequacy of its funding for rehabilitating their residential subdivisions' paved roads formally filed notice Thursday that they intend to appeal a dismissal of their lawsuit.

The plaintiffs notified the Colorado Court of Appeals that they're seeking to have the higher court overturn a senior district court judge's rulings against them in their original and amended Boulder District Court lawsuit.

Chuck Wibby, the lead plaintiff, said he and his fellow plaintiffs will have until late June or early July to file a formal legal brief detailing their disagreements with the decisions from Judge Dave Williams, a retired Larimer County judge who presided over the district court lawsuit.

On Dec. 30, Williams dismissed claims from the 300 individual and families suing Boulder County that contended the county had contractual obligations to pay the multimillion-dollar cost of maintaining and rehabilitating about 150 miles of paved roads in county's unincorporated residential subdivisions.

On April 2, Williams dismissed an amended version of the lawsuit, ruling that the property owning plaintiffs did not have the legal standing needed to pursue their claims against the county.

The plaintiffs contended in Thursday's filing with the Court of Appeals that the district judge erred in those rulings.

John Fryar: 303-684-5211, jfryar@times-call.com or twitter.com/jfryartc