

## **FINDINGS : CONSTRAINTS TO SELL OFF OF HOA COMMON AREAS**

This document forms a component of the official HOA meeting minutes of 19 February 2026

In early November 2025, David Anglea and Gary Barclay made a trip to Kiowa to discuss the suggested sale of parts of the greenbelt of Saddlewood with Elbert County representatives. After discussions with the Elbert County planning division, the Planning Dept and the Engineering Dept., below are the outlined steps necessary to sell and or develop any of the open spaces within the Saddlewood Planned Development.

1. Any desired change to the current plan platting of the development must be applied for, to the county. This change in plating to move planned greenbelt open space to future residential status would need to be approved by the Planning Commission. This could take up to 13 – 18 months.
2. If the change in platting would then require separating the platting change into multiple lots, this would require an additional approval by the Planning commission. This step could only occur after step 1 above is approved. In addition, a variance would then have to be applied for and approved by the Elbert County commissioners. This would likely take an additional 12 – 18 months, if there are no challenges to the plan, since it would need to be made available for public input.
3. Both of the steps above most likely require the use of an attorney, so substantial meaningful amounts of money will be required by the HOA. The funds for an attorney would need to be collected in advance of any actions on steps 1 and 2 above. Provisions for special assessments for each property owner with forced rapid payment will need to be implemented. See also items 10 and 11 below.
4. The above process applies specifically to the “picnic area” abutting County Road 17. However, it would apply to any other common area currently maintained through the HOA. Approval of step 1 above does not guarantee approval of step 2. Thus, the picnic area lot might not be divisible, meaning it must be sold as one large lot.
5. In discussion with the Engineering dept, there was a review of the nature of the green belt spaces on a topical map. All of the forested greenbelt space bordering the trails through the trees are labeled as water shed and drainage space. It is unlikely that approval to change this common space to residential would be received.

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6. In regard to the “picnic area” along CR17, in reviewing this space it was the opinion of the engineer we spoke with, that only a 40 Foot Square area along the very north west of the plain might be acceptable for development, but that entire space is a drainage area that cannot be eliminated without substantial construction of flood control structures. The hill on the south side of the flood plain, is required to remain in place as a flood prevention structure for water shed coming from the south. These flood control structures might need to be provided by the HOA before the property could be sold.
7. There are current regulations in place for the county requiring the presence of greenbelt open spaces in all planned communities. Although there was no one available to discuss this specific matter with at the time of our visit, it seems likely this is yet another matter that would have be addressed while going through steps 1 and 2 above.
8. If a variance could be received from the county to eliminate the common area mentioned in 5 above it might be possible to gift to adjoining property owners that border the trail if they agree to accept it. This would entail a complete surveying of the drainage area greenbelt space and allocating of that space and potential easements agreements. This gifting would be without compensation to the remainder of the Saddlewood property owners. If any trail bordering property owners refuse to accept a portion of the trail property, the HOA could be faced with the situation of having land locked common area. This would be very unacceptable.
9. Given the state of our current covenants / bylaws requiring a large majority of property owners to agree on covenant changes it is doubtful that such a majority could be achieved.
10. Sale of any portion of the common area will require re-titling of each property owner’s common area ownership.
11. There will likely be property owners that will actively work against any implementation of any common area property sale. It is possible that the HOA would not have authority to force the sale of property since each potential lot sale is 1/140 the owned by each property owner by title.
12. Finally, and this is a small item in comparison to all of the above constraints. The area around the mailbox kiosk would be included in property sales – meaning that the HOA shed and mail box kiosk must be removed. This is another cost item.

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Based on the above discussion, we hope that all further discussion of disposing of Saddlewood common areas at HOA meetings will stop.

These findings will be presented to the HOA board of directors at the 19 February 2026 HOA meeting and become part of the official meeting minutes

David Anglea Saddlewood HOA VP/Secretary

Gary Barclay Saddlewood Treasurer