

PRESS RELEASE

Eagle City • 660 E. Civic Lane • Eagle, ID 83616

December 22, 2015 – For Immediate Release

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Re: Laguna Public Trail

In October 2014, while processing a design review modification request for landscaping at the entrance of the Laguna Pointe Subdivision, the City of Eagle learned that the Laguna Pointe HOA had erected an unpermitted and illegal barbed wire fence directly along the City's recently purchased public pathway. The City spent approximately \$200,000.00 in compensation to the Laguna Pointe HOA and 2 other property owners for acquisition of the pathway easement. Like the entranceway landscaping, the HOA was required to seek design review approval for the fence in its common lot. A barbed wire fence has never been approved by the City's design review for installation in a subdivision common area.

The City staff and elected officials have worked tirelessly, including walking the pathway no less than 6 times with the HOA representative in an effort to get the fence in a location that does not pose a danger to the pathway users. But for a few limited areas where they agreed to move the fence back, the HOA's position has been that if the fence is to be moved back, the City must provide additional compensation to the HOA. The alternative was to widen the pathway on the river side or replace the barbed wire with a smooth wire in some areas. These options were not possible in a substantial portion of the pathway and still left the barbed wire fence directly along the public pathway.

On October 18, 2015, the district court issued a decision that effectively foreclosed the HOA's ability to challenge the fence type because the HOA failed to comply with the statutory exhaustion requirements and the City's decision approving a wrought iron fence was final. The HOA requested reconsideration of the court. On December 10, 2015, the district court reversed the dismissal as final and held that the HOA did not prevail on its claims under chapter 65, title 67, Idaho Code. The HOA could file civil claims under the Settlement Agreement with another court but the court expressed its doubts whether that court would allow claims regarding the fence type to proceed due to this prior litigation. A full copy of the order can be found here: <http://bit.ly/1Om6oO7> or on our website www.cityofeagle.org.

During its meeting on December 15, 2015, the City Council declared the fence a dangerous nuisance. The barbed wire has been removed and returned to the HOA. The City hopes that a fence that is safe to the public trail users can be accomplished in lieu of further litigation by the HOA.