



A Factual History of the Disincorporation of the Town of Eldora, Colorado

Compiled by Diane J. Brown

From news clippings, letters, court proceedings

Courtesy of the Bolton Collection

and from personal consultation with William F. Gross, Earl C. Bolton and
Deborah D. Evans

Back in the early 1970s alarm signals were being raised about the real estate promotion of Colorado. The Denver Post quoted real estate developer Paul Dawkins who said "More people want second homes with a view, and they have the dollars to make their dream come true." Time magazine wrote "There is mounting fear that the developers' bulldozers threaten the very qualities of their state that Coloradans cherish most."

These kinds of predictions set the minds of some to thinking about how to slow the pace of change in Colorado. Gold Hill applied for and received Historical Zoning in an effort to preserve its ambiance. In Eldora Earl Bolton and Jerry Brasel drafted a letter to Eldora property owners in which they stated, "Our desire to keep this area pretty much as it is now and to avoid over-development and exploitation prompts us to write this letter. To us, the charm and appeal of this area lies in its quiet, peaceful atmosphere, remote from the hustle and bustle and pressures of the more populous, so called progressive communities. There are very few areas similar to this remaining in this country of ours."

Bolton and Brasel proposed that in order to preserve the unique environment of Eldora, citizens consider abandoning the incorporation of the Town of Eldora and come under Boulder County jurisdiction as an historical site, as Gold Hill had done. Then

Boulder County would have jurisdiction and responsibility as regards zoning, roads, sanitation, law enforcement, etc. Because of a modest response from the 400 letters sent out to Eldora property owners, Bolton and Brasel concluded that people were not interested in their proposal.

At this point Phil Rouse, a lawyer whose family has owned property in Eldora for generations, stepped in. He realized the great importance of continuing on with a petition and told Bill Gross it was absolutely imperative to pursue disincorporation of Eldora. The primary reason he felt this way was because new laws had just been passed reducing the voting age to 18 and legal residency for voting to 30 days. There were only 19 registered voters in Eldora at the time, and it would only take 20 newcomers to outvote them on any issue. He recommended an excellent lawyer in Boulder for the case, and encouraged Bill Gross to take on the task of carrying out the mission.



On June 7, 1972 a petition was filed in the District Court, County of Boulder, State of Colorado, for a hearing for the dissolution of the Town of Eldora. The petitioners named on the public notice were Deborah D. Evans, G. N. Brasel, Earl C. Bolton and William F. Gross. Deb Evans was just in her early 20s at the time and had signed for her mother, Barbara Beach Dewey.

Judge John B. Barnard presided over the initial hearing in February of 1973. He ruled that the question of whether or not the Town of Eldora should be disincorporated should be voted on in a special municipal election before the court could do anything about it. The defendants in the case (property owners who wanted to reconstruct the town government) would have to deposit \$5000 as an advance to cover the expense of an election.

It should be noted that for more than 20 years the Town of Eldora had had no municipal elections, no election of municipal officers, no taxation for street maintenance, no municipal indebtedness and no ordinance granting any police powers, including

zoning. One question that needed resolution concerned which of the streets and alleys dedicated for public use are rights-of-way by necessity for persons owning land in the town.

In March of 1973 Eldora residents who wanted the town disincorporated filed a complaint in the Colorado Supreme Court in order to prevent a municipal election from being held. They asked for a writ of prohibition to stop the Boulder District from calling an election and filed for a motion in District Court for a new trial or an amendment to Judge Barnard's ruling. The complaint added that the problem caused by streets and alleys being vacated is not a proper reason for refusing to declare the town abandoned when all the facts exist which prove that it has ceased its municipal functions for a period in excess of twenty years. Over three hundred people were involved in the suit. William F. Gross filed a notarized statement in court that explained that there were 212 different titles of joint ownership in Eldora, held by 375 individuals. Gross received signed statements in support of disincorporation from 205 of those 375 individuals, representing 111 of the 212 joint ownerships.

On June 18, 1973 the Colorado Supreme Court ruled 5-0 that the Town of Eldora should be abandoned without holding a municipal election. That ruling overturned a finding by District Court Judge John Barnard. District Court Judge William D. Neighbors ruled that all streets, avenues and alleys within the former corporate limits of the town shall not be vacated, except as provided by law. "The existing streets, avenues and alleys," Judge Neighbors said, "are ways of necessity and shall not preclude statutory vacation proceedings. Judge Neighbors also ruled that \$372.54 held in escrow to the credit of the Town of Eldora be given to the four property owners who filed the suit asking for abandonment to offset the expenses they incurred in connection with the suit.

On August 16, 1973 the Boulder County Commissioners moved to prevent haphazard building and development in the mountain town of Eldora. Commissioner Jack Murphy said the situation leaving Eldora open territory for developers was "unprecedented...and an emergency as far as we're concerned." The planning staff felt forestry zoning was appropriate since all zoning surrounding the town is in that category. On February 21, 1973 at a public hearing the commissioners adopted a resolution rezoning the 126-acre former mining camp of Eldora to forestry zoning. An Historic Zoning District was not feasible in this case, the planning department said, because so many of Eldora's residents live there only on a seasonal basis. It was felt that Forestry Zoning would best protect the setting of the valley and would conform to the sentiments of the majority of property owners.

The disincorporation of the Town of Eldora was a time of community strife. Lines were drawn in the sand that still exist today. However, for those of us who weren't in Eldora at the time, we can only stand back and admire the tenacity of those before us who had a vision of what our valley should look like in the future, and who put forth an incredible amount of time, effort and financial support for their vision. They persevered through adversity and scorn for the benefit of us all and for the preservation of one of the most unique places on the Front Range of the Colorado Rockies. For this we respect, honor and thank them.