

Transitional HOA Meeting Notes

(Note: next HOA meeting is on Dec 13th at the Elgin Primary School cafeteria – 7 pm)

Date: November 1, 2001

Location: First Nat'l Bank Mtg Rm, Elgin, Tx.

Time: 7 pm

Participants:

Various lot/home owners (Arbors at Dogwood Creek subdivision); see sign-in sheet for those present

Tracie Bone & Steve Mills (Sabine Investments)

Lee Dildy (Bastrop County Commissioner)

Reason for Meeting: Representatives of Sabine Investments, developer of the Arbors at Dogwood Creek were invited to be present at this pre-HOA monthly meeting of Arbors lot/home owners in order to field questions concerning the present and future state of the subdivision. The county Commissioner, who himself owns a lot in this subdivision, was also present to provide answers concerning county interests.

Memorandum of Discussion

Item: Arbors HOA

- As per Steve Mills Sabine is approaching a sold position of 75% and anticipates turning over the subdivision to a representative HOA around the first part of next year ('02). He suggests now is the time for the various lot/home owners to nominate their representatives for a transition team.
- Mills has committed the presence of a Sabine representative at future HOA monthly meetings to help address resident concerns and to aid in the transition.

Item: Fiscal Status

- The current balance for the Assoc is \$25,000 and is expected to be \$15,000 at year's end. It is expected to remain fairly static, as there are no new or outstanding projects planned. The subdivision had been running "in the red" for a while but is now self-sufficient. Questions raised concerning a \$36,000 debt (info reportedly given out by a Sabine representative) could not be substantiated by Mills, who indicated the representative in question is no longer employed by Sabine.
- Mills was queried by a member of the audience concerning the availability of an itemized financial statement, which has thus far not been forthcoming, even though several requests have been made of Sabine. A request was made for expenditure info for both 2000 and 2001
- Mill indicated that due to a change in their corporate structure such information has been slow in coming together. He made a commitment to get this itemized expenditure information to our group.
- Homeowner's dues payments are very good: about a 90% ratio.
- Sabine does not pay dues on lots they still own, but do "contribute" (no further definition given)
- Sabine takes about 6 months (!) to verify to the County Appraisal District that a lot has sold. Mills indicated Sabine wants to establish a payment record with the purchaser before that official ownership change is made for the tax records.

Item: Maintenance

- Sabine is responsible for the upkeep and maintenance of common areas, including the park, esplanades and entrances. Members raised issues concerning the lack of attention to all three areas: mowing of grass areas is inconsistent and infrequent; the park is messy with dirty restrooms, missing lights and a broken volleyball net becoming the norm; the entrances have lost all visual appeal due to lack of attention to plantings and cleanliness. The lights at both entrances have been out for more than a month as of last week. In addition at least one gate at the main entrance is stuck in a permanently open position.
- One Arbors resident voiced the feelings of many present when he said that with all the focus on the development and beautification of The Colony in Bastrop, the Arbors is seen as being treated as a step-child.
- Steve Mills, who indicated he was not aware of these issues, reiterated that it was just as important to Sabine that the subdivision appeal to new buyers as it was to the current residents and owners that the common areas be properly maintained. He made a commitment to address and rectify these problems “quickly”.
- Water fountain for the park: this issue has been raised several times with Sabine. Mills admitted that this expenditure had been approved and he was not sure why the project had not been completed this past spring. He has committed that this will now be done but will have to wait till next spring after all freezing weather has passed. The piping is evidently not where it is supposed to be and there is a need to cut some concrete in order to install the fountain.

Item: Fire Hydrants

- Several residents voiced concerns that there seemed to be few fire hydrants for the number of houses being built. Mills explained that there were sufficient hydrants for the purpose that they were built: i.e. not for hooking up to and hosing down a fire, but only to fill pumper trucks. Bastrop county does not have a requirement that fire hydrant lines be “fire rated” which would require a heavy duty pipe that could withstand the pressures needed to pump down a fire. As a result, the less expensive PVC piping has been installed and the current hydrants are designed to fill pumper trucks.
- There are no plans to increase the number of hydrants currently installed.

Item: Deed Restrictions

- Various members of the audience indicated that the Restrictions were not being given to all new lot/home owners...especially if the purchase was from a private party and not Sabine. A comparison of the documents reveal that there are some differences in the restrictions between Section 1 vs. Section 2, even though Steve Mills asserted these are the same. He verified that the only “official” restrictions were those that were filed with the county; the forms given to, and signed by, lot owners at time of purchase are non-legalese versions for convenience only.
- Members also pointed out that many restrictions were not being enforced, an issue with which Mills agreed, saying that when the new HOA is formed it will have to contend with the variances that Sabine has already allowed. An example given was the seemingly abandoned house slab on a lot on Arbors Circle. (Reportedly this owner does not consider a slab construction as coming under the building rules in the Restrictions. Sabine has contacted the owner several times and further construction is to start “soon”.)
- As one member of the audience pointed out, the current Restrictions, however flawed and inconsistent, “are what they are”, and could be re-done to clear up some inconsistencies whenever the Arbors HOA takes over.
- Steve Mills indicated that Sabine has a current checklist in their contracting process that includes the dissemination of the deed restrictions. However, when buyers purchase from a former owner, these restrictions may or may not be part of the information process. It is really

incumbent on the buyer to pursue such information as it is revealed in the final closing and the property deed itself.

- “For Sale by Owner” signs are not allowed under the current deed restrictions and have been banned so that the Arbors will not have a sign clutter problem. In addition, many such signs tend to devalue the properties as a whole.

Item: Roads and Gates

- A fairly large portion of this meeting was a discussion concerning the issue of a Gated vs. non-Gated Community. As pointed out by one member, the words “Gated Community” have been painted over on the main entrance sign. Lee Dildy, County Commissioner explained: It is against state law to gate public streets; the county cannot spend taxpayer money on gated/private community roads.
- This is an issue that has been in debate almost 3 years; on May 20, 1999, a letter from Steve Mills outlining this issue was sent to homeowners. A ballot was offered on which homeowners could indicate their preference for the gates to remain open or closed. Sabine never made the results of that ballot public, and the issue is still in limbo.
- Sabine has dedicated Arbor streets to Bastrop County, and while that county has not officially accepted those streets, when (or if) they do, the gates must be removed. For those residents who purchased property under the impression that they would be living in a gated community, Dildy could only offer this option: when the Arbors HOA is formed it can make the decision to keep privatize the roads or turn them over to the county. If these roads are privatized then the Arbors may gate them...but the HOA will then become responsible for the total upkeep and repair of these roads, the esplanades and right-of-way. If the county takes on the responsibility for the roads then the HOA will have no monetary outlays, but will also have to accept that these roads become “open to the general public”....no gates, no restrictions.
- There followed a lengthy discussion on the pros and cons of county vs. private roads. Lee Dildy owns a lot in the Arbors, but currently resides in Cedar Hills, a subdivision whose roads are maintained by the county, but are decidedly inferior to those of the Arbors. Dildy admits that with today’s County road standards, Bastrop County could not/would not have accepted the Cedar Hills roads; they were not built on an engineered roadbed and remain a problem. He also says the county would have no problem taking over the fine roads in the Arbors, which were engineered to the standards, and the county is by law required to maintain them in their current condition. The county would also maintain and mow the right-of-way culverts and repair any erosion problems that might occur in the future.
- Dildy did make a point that mowing done by the county on the esplanades and right-of-ways would in no way be considered “manicured” and would probably be below the mowing standards of the average homeowner.
- Currently Sabine still has the responsibility for the roads. Mills was not aware that the gates continue to remain open at night.

Action:

- Nominate representatives to serve on an HOA Transition Team
- Include in future meeting to visually over-head any itemized expenditure documents Sabine has promised to provide.
- Include in future meeting a facilitated discussion of the pros & cons of privatizing the roads and gating this community. Analyze these pros and cons, draw up a proposal for a lot/home owner vote.