

Bits From the Board

by AIA Board

As we all are aware, Central Texas is in a severe drought and Bastrop County, as-well-as surrounding counties, has issued a "Burn Ban" to prevent any undue risk for an uncontrolled fire. The roads will need some attention this fall as the dry weather has caused some minor cracks to appear. The best way to prevent further deterioration is to fill these cracks before the winter and possible freezing weather occurs. The Board will contract to have this work completed.

In the 2011 Texas Legislative session, the Texas Legislature enacted some new Home Owner Association (HOA) laws relating to a number of topics, including requirements for annual meetings, the election of board members, the guidelines for notifying and collecting delinquent assessments, including a section on rules governing foreclosure procedures. There are a number of other provisions regarding restrictive covenants on displaying flags, installing rain barrels, roof shingles and solar panels that are pertinent to our homeowners. These are summarized below:

Flags – Restrictive covenants that would prohibit a Homeowner from flying the flags of the United States, Texas or a branch of the United States military is void. An HOA may, however adopt and/or enforce provisions in its Dedicatory Instru-

ments that regulates the size, number, and/or location of flags, flag poles and lights to illuminate flags.

Rain Barrels - An HOA cannot restrict Homeowners from installing a rain barrel or rain harvesting systems on their lots, but an HOA can adopt and/or enforce provisions in its Dedicatory Instruments that regulate the location and color of the rain barrels or harvesting system.

Roof Shingles – An HOA cannot enforce or adopt a restrictive covenant that restricts Homeowners from installing roof shingles designed to be wind and hail resistant, provide heating or cooling efficiencies, or provide solar generation capabilities so long as the shingles are of similar appearance and same or better quality to authorized shingles.

Solar Panels – A HOA cannot enforce or adopt a restrictive covenant that restricts Homeowners from installing a solar energy panel on the roof of their home or in a fenced backyard so long as the installation conforms to the requirements specified in the new Section 202.010. If mounted on the roof of the home, the device may not extend higher than the roofline or does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or if located in a fenced yard or patio, is taller than the fence line. Section 202.010 Of the Texas

Property Code offers a more detailed explanation of this requirement.

The majority of the changes become effective January 1, 2012. A detailed summary will be posted on the Arbors website for your review. The good news is that most of the new legislation is already a standard practice with the Arbors HOA (Arbors Improvement Association) and our management company (Pioneer Property Management).

In closing, the Board wishes to thank all the volunteers that have assisted with the maintenance issues as well as those who have and continue to work the Welcome and Social Committee functions. We also hope that everyone will make plans to attend the Saturday, August 27, 2011, annual meeting, held at the First Methodist Church of Elgin social room, starting at 9:00am. We will need a quorum present or represented by proxy to transact any vote that might take place. At the present time, the only vote that we are aware of is for the election of one open Board of Director position. Look forward to seeing you there!!!

<p>AIA Annual Saturday August 27, 2011, 9:00 am First United Methodist Church Fellowship Hall 216 W. Third Street, Elgin Please park on Avenue A side</p>	Meetings
---	----------

Board Bio: Tim Herbst

by Tim Herbst

I am Tim Herbst, I have been on the AIA board since 2009 and am looking forward to another 2 year term.

My wife, Molly, and I have lived at 249 Arbors Circle for the last 10 years and have been involved with the community since we moved in. I have worked for a telecommunications company for the last 24 years and Molly works for the Elgin ISD. We are both involved in our church and volunteer organizations.

I am running for the Board to continue the reasonable and just rules/restrictions that help maintain and protect all of our property investments and to make sure that our dues, that we all contribute, are spent wisely for the benefit of the whole community. I want to make sure that property values of the Arbors are protected and hopefully increase in value. I also want to ensure that we continue to put aside enough monies, so that in the future,

we have sufficient funds to redo the road surfaces without a special assessment.

Molly and I have enjoyed living in the Arbors and we take a pride in the community and appreciate the efforts of our neighbors to keep their property in good order. I think that continued wise planning by the Board and proper budgeting of our funds is the top priority for the future of our community. We need to continue to look at the common property every year and properly maintain it in order to minimize future expenditures. We need residents to become involved in the community through serving on different committees, attending the Board meetings, and pitching in on some of the maintenance projects. I feel that the Board over the last 9 years has set us on the right path for the future and will continue to work in that direction.

I would appreciate your vote at the August annual meeting.

Drainage in the Arbors

Did you know that The Arbors of Dogwood Creek was the first subdivision master plan that the original designer, Sabine Investments, developed here in Bastrop County? Yes, they had created other developments, but all in established areas, surrounded by other subdivisions. The Arbors was the first community that was literally carved out of virgin land never before developed.

And this is a lead-in to another
2

issue in our community: drainage easements.

The Arbors drainage design in the Master Plan was professionally engineered (by law) to service not just our community, but properties surrounding the Arbors. For instance, we have all made fun of the vastly oversized culvert on Kingwood Dr ...but it was designed to allow for a controlled potential overflow from a large stock pond on property that borders the north side of the Arbors. The Master Plat registered by

Yard of the Month

by Welcome Committee

March 2011

*Eddie & Genny Gowens
114 Juniper Trail*

April 2011

*Danny & Darlene Lauve
138 Elm Wood Drive*

May 2011

*Jeffery & Lorie Schroeder
122 Sycamore Trail*

June 2011

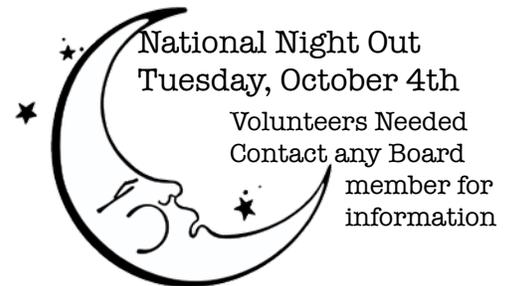
*Dee Barclay
278 Arbors Circle*

July 2011

*Bob and Dorothy Baker
565 Arbors Circle*

August 2011

*Rufus Vasquez
261 Maple Leaf Trail*



Sabine with Bastrop County clearly outlines drainage easements, upon which structures (and anything that impedes water flow) are prohibited. And not just by County law, but by the State of Texas. The Texas State Water Administration law (under Title 2, Sub. B, Chap. 11, Subchapter C) addresses "Unlawful use, diversion, waste etc." and outlines the consequences of compromising a drainage design, natural or planned. So while it is tempting, especially

Drainage continued page 3

Wildfire Prevention

by AIA Scribe

Recently the Elgin Volunteer Fire department in cooperation with, and sponsored by, the Texas Forest Service, the Elgin Fire Department, FireCAP, Inc., and Frontier Bank, offered Arbors residents a workshop on “Wildfire Preparedness for Homeowners”.

Approximately 40 Arbors residents attended this meeting. The workshop provided important information on characteristics of a wildfire, how to assess the fire risk on your property, how to reduce that risk, what activities can maintain your defensible space, how to prepare for any disaster, and what to expect if you have to evacuate. There were also examples shown of well protected properties and ones that would not survive a wildfire in the area.

Space available here does not allow a reiteration of the two hour presentation...however, a sparse recap would be as follows:

Understanding how a wildfire spreads is the first step in preventing fire loss. In our area, with its abundance of trees and shrubs, it is important to know that a fire kept close to ground is more manageable

Welcome Neighbors

by Welcome Committee

The Arbors Improvement Association would like to welcome our newest neighbors:

David & Pat Mikulencak
132 Arbors Circle

Delaris Barclay
278 Arbors Circle

than one that reaches into the canopy of vegetation.

If a fire can be kept away from living facilities, the battle is almost won. To do so the homeowner should view his property with a “firewise” eye. FireCap recommends a homeowner initiate a concentric “zone” concept around any structure.

Zone 1 is closest to the structure: Well irrigated, this area encircles the structure for at least 30 feet, providing space for fire suppression equipment. Water hoses should be able to reach every part of the entire house. Remove wood piles, composts, and other fire fuels. Planting should be limited to carefully spaced low flammability species: IE, Lantana, instead of Yaupon, Wax Myrtle, or Pyracantha.

Zone 2: Low flammability, low growing plants with irrigation available.

Zone 3: Low growing plants and well-spaced trees. To keep fires from reaching the canopy, prevent “laddering” by trimming all tree branches to above 10 feet. Cut shrubs away from the base of any

during such long drought periods as we are currently experiencing, to fill in those ditches or use them to dump debris, remember that weather always cycles. What is a dry stream bed today, this year, and maybe even the next, will eventually become a critical component in whether our community experiences flooding or not. So aside from the fact that it

tree.

Zone 4: This farthest zone can be a natural area; selectively prune and thin plants and remove highly flammable vegetation (IE, Yaupon, Deciduous Holly, Cherry Laurel). Maintain trees that have a low flammability rating (IE, Post Oak, Water Oak, Eastern Redbud) versus a high rating (IE, Blackjack Oak, Red Cedar, Loblolly Pine).

This is just a small sampling of how a homeowner can protect his property. Using construction materials that are fire-resistant or non-combustible also may mean the difference between a house salvaged and one burned to the ground. Elevated wood decks are an attractive feature, but a fire hazard when located at the top of a rise where a fire can move up-slope. Any roof and soffit vent should be screened to keep sparks from being sucked into the attic.

In addition, be aware that firefighters will prioritize saving human lives over property. In the end, a house can be rebuilt; a lost life cannot.

For more information on fire safety, please visit www.firewise.org.

Drainage

continued from Page 3

is illegal to dump, fill, build in, the drainage easements, remember it is there to protect your property.

For a link to the Texas State Water Administration law, please visit the Arbors web site (www.arborsia.org) and click on FAQs link.

A Short History of the Arbors at Dogwood Creek

The Arbors at Dogwood Creek is 14 years old this month, Section 1 plat having been filed on July 21, 1997. There have been a lot of changes since then, not the least of which is that what was once deemed “un-useable” land is now a “Premier Subdivision”!

Some of the original property buyers still live here, but with the passing of the years many of the properties have changed hands, and the history of our community is fast fading into the past. So with input from the Bastrop County engineer who helped design the roads and drainage for the developer, Sabine Investments, here is a bit of a recap for the history buffs.

The property which defines the Arbors was once part of a much larger parcel belonging to Camp Swift. The Camp at one time encompassed some 52,000 acres and was used from 1942 to 1946 for infantry training and prisoner of war internment. In 1947 however, the Army declared Camp Swift as surplus to the War Assets Administration and over the years that followed, portions of the Camp property were conveyed back to public and private owners. Today Camp Swift occupies approximately 12,000 acres, with over 40,000 of the original acres in the hands of some 2000 public and private owners.

One of the owners of a former Camp Swift land parcel was Elgin’s Dildy family. In fact, our late County Commissioner, Lee Dildy and his brother occupied a farm house on that parcel for a number of years. (That farm house, remodeled and updated, is located at 139 Spanish Oak Tr.)

In the mid 1990’s, Sabine Investments purchased 500 acres of land from the Dildy family; an area that was so heavily wooded that it was considered un-useable for ranching or farming. The news that Sabine planned to develop a subdivision on that property reportedly created a stir in the Elgin area. Long time area residents had seen how agonizingly slow lot sales had been in Cedar Hills, a smaller subdivision across Hwy 95 from the Arbors. Most pronounced that Sabine would fail to sell little or any property at the prices they were asking.

But Sabine had a vision, and it encompassed more than just clearing, cutting roads, and selling lots. The subdivision was to be first class, with wide, well engineered roads and underground utilities. And while Sabine had a successful track record with other developments, this was the first to be built in an essentially unsupported area; that is, unlike other Sabine developments ,

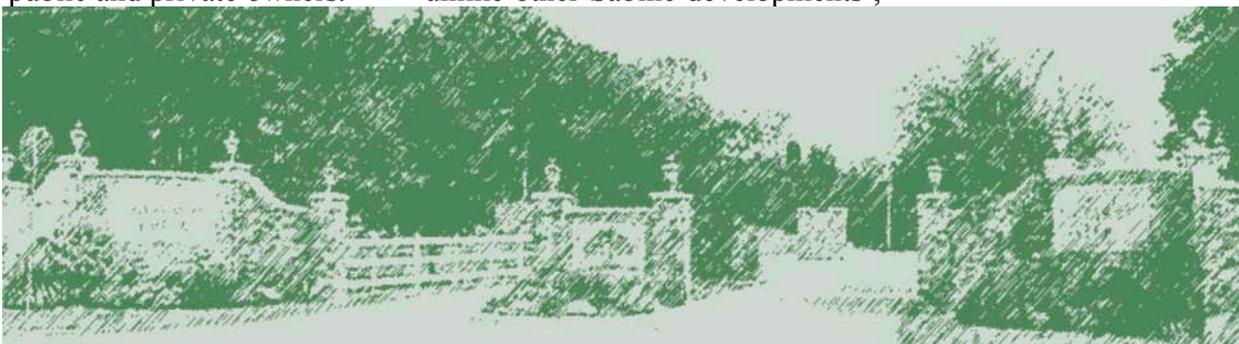
this one had no other subdivisions around it for support or comparables.

With the Arbors at Dogwood Creek, Sabine essentially created a market for their product, using potential buyers to guide them to profitable sales. Section 1 properties were originally divided to offer “country-style lots” of several acres, along with a few smaller one acre lots. However, Sabine soon discovered that while city folk might crave ranchetts, when faced with the reality of actually maintaining several acres, they usually turned back to the smaller, more manageable (and cheaper) one acre lots.

As part of their marketing plan, Sabine agents selectively sold lots, holding many back while testing the market for the optimum sale. In addition, some lots were sold at discount to potential builders...who were then advertised as “Approved Builders” to encourage property owners to build with confidence.

In addition to supplying builder credentials, the developer also offered attractive terms: IE, 10% down, with a 10% rate on 3-5 year loans, amortized over 25 years to keep monthly payments low. A balloon payment would be due in the last month. Many buyers purchased

History continued page 5



History

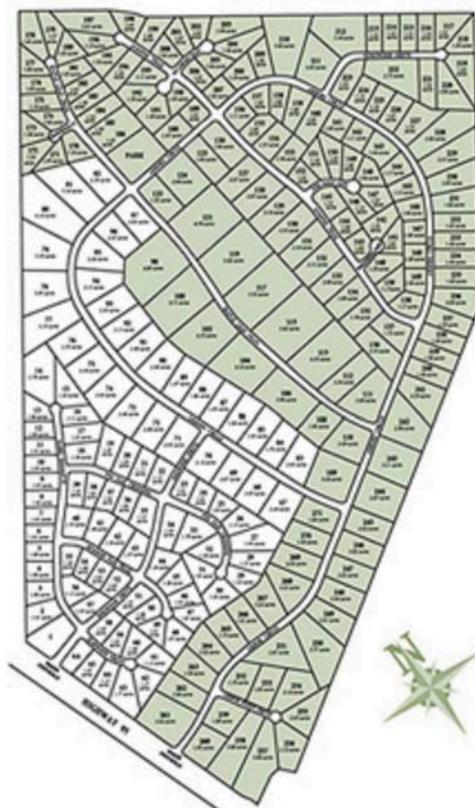
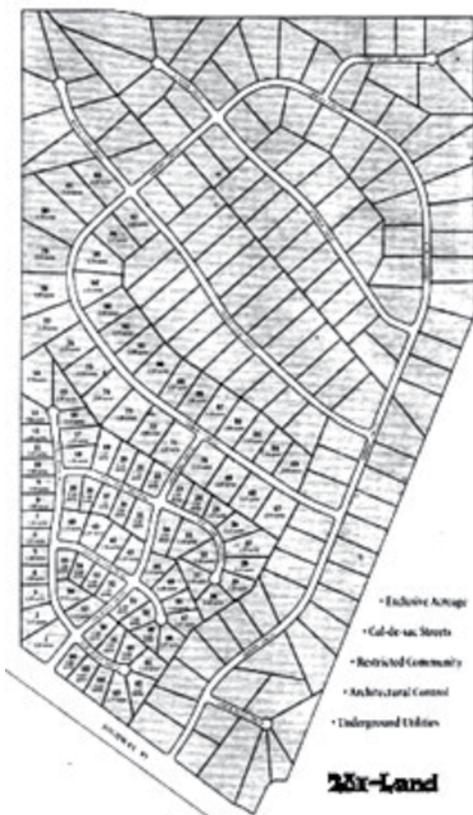
continued from Page 4

lots in hopes of seeing values rise and thus achieve a profitable sale before the balloon note came due. Predictably, year 3 and 5 on any sale saw many properties change hands.

In 1997, Sabine opened Section 2, but not until huge changes were made to the original concept. According to the County engineer, the drainage plans were more complicated in Section 2 with the existence of several natural ditches that had to be incorporated into the plat plan. And all plans had to comply with the Texas State law concerning compromising an area's natural drainage. IE, the large drainage culvert on Kingwood Dr, though visibly over-sized, was required to accommodate a possible overflow from a stock tank located north, outside the Arbors. Every design had to direct drainage under or around the roadbed, with adequate drainage areas on either side of the pavement.

Some lots had to be redesigned to allow for at least a reasonable building area. Because of lessons learned from Section 1 sales, the original Section 2 layout was redesigned to provide the development of smaller lots. IE, originally Section 2 did not have any of the current small cul-de-sacs (Sycamore Trail, Ironwood Cove, Whispering Cove, Pine Point Cove). In contrast, several lots along Maple Leaf Tr were originally long and narrow; by combining some of these, the current 5 acre lots were created.

During the years that Sabine controlled the administration of



the Arbors, the issue of entry gates was raised. The subdivision had not been conceived as a “gated” community, but it soon became evident to Sabine sales department that they could easily create such a market, as it was a concept that was beginning to be more and more in demand. In addition, stats showed that gated properties were valued higher than non-gated ones. In November of 1998 gates were installed at the entrances of the subdivision. Property owners were given the access code or a remote control and encouraged to keep these private.

But this caused an immediate problem. Sabine's original plan had been to eventually turn ownership of the roads and easements (and thus their maintenance responsibility) over to Bastrop County. But they were quickly informed that State law did not allow public monies to be used for maintaining private roads. And according to the county commissioner, the gates could not only be not closed at any time, they would have to be removed entirely. Thus a decision had to be made.

In May 1999, all property owners received a letter from Sabine outlining the dilemma: Sabine built the gates in order to limit general access...but in doing so, violated the requirements for a public, county maintained road. The letter notified all property owners of record that the gates would remain for now, but when the homeowners association was formed, property owners would have to make a decision on whether to turn the roads over to the

History *continued page 6*

History

continued from Page 5

County, remove the gates to create public access to the subdivision... or keep the gates, establish the roads as private, and take on the responsibility for road/easement maintenance. Sabine asked for owner responses; the sales agent indicated at a later meeting that the majority of the responses were "for" keeping the gates. (no official count was publicized for verification)

Then another issue surfaced. In February 2001, property owners were informed by letter from the Department of the Army that the Corps of Engineers was seeking a right of entry for access to land which records showed had once been utilized as a training installation by Camp Swift. The Corps sought to discover and retrieve any old ordinance, scrap or unexploded, that might still be on the property as a result of those training exercises in the 1940's. This took many property owners by surprised as Sabine had already done due-diligence as required by lenders; records show an archeology investigation had revealed nothing, not even a shell casing.

There were only a few lots, all in the far north corner of the Arbors that had been within range of any live fire from the training fields. The Corps however, did their survey but were unable to find anything of significance ...only a few unidentifiable pieces of old metal scrap. The case was finally closed.

By mid 2001, Sabine had sold 75% of the 260 building lots, a number that as per the registered Deed

Restrictions (CC&R's) required the developer to turn the administration of the subdivision over to a home owners association. On November 1, 2001 a Transitional Team consisting of resident volunteers was formed and a meeting held with the then Sabine CEO, Steve Mills, to discuss the formation of the Arbors Improvement Association (AIA).

August 2, 2002, was the first official (Annual) meeting of the AIA. As per the By-Laws put in place by Sabine, three Board members were elected and approximately \$9000.00 was turned over to the newly Board appointed property management company (Pioneer Property Mgmt) for the Arbors account. Minutes of the Transitional meeting and the official "turn-over" meeting in August, 2002, can be found on the Arbors web site.

During the year that followed, the AIA Board added several important amendments to the By-Laws (primarily legal enhancements) and enacted several policies on the recommendation of the new Architectural Control Committee. Sabine had unfortunately been lax in enforcing the CC&R's in the last few years before turning the Arbors over to the AIA. Among several violations, the AIA inherited the problem of an abandoned slab which stood empty on a lot for years, though the CC&R's clearly states "All residences must be completed within one year from start of construction." The lot sold after many years and with the building of a house on the empty slab, the CC&R violation was

finally resolved.

Other obvious violations also occurred that were not so easily resolved: Section 1 CC&R's, specified properties along Dogwood and Spanish Oak to install white rail fencing, a requirement that had not been evenly enforced. Subsequent Architectural Committees have remediated as many of the older violations as reasonably possible, but some simply had to be grandfathered.

At the August 2003 Annual Meeting the Gates issue was finally resolved: a ballot was put forth to the 119 members present concerning the matter. The issue was debated by several residents and it was clearly explained to all present that maintaining both gates & roads would require funds be allocated for that purpose and could possibly require an increase in dues or assessment in the future. The ballot was distributed indicating to vote for or against keeping the neighborhood a gated community. Votes were tabulated by Pioneer Mgmt employees and result was that the majority, by almost 2 to 1, favored keeping the gates and roads private.

Over the years the Arbors has earned a reputation as a first-class community, a desirable place to build a home, and a subdivision that rigorously enforces it's deed restrictions. So far, it is still the only such community in the Elgin area, in a large part due to residents who willingly volunteer their time to create and maintain a Piece of Heaven in the country...!