

# RIVERWALK NEWSLETTER

June 2019

## The Deed Restrictions are in Full Effect

*But it's your land, your landscape, your money*

### WHAT HAS THE BOARD DONE IN THE PAST 3 MONTH & WHY?

The intent of this newsletter is to inform property owners on the recent actions of the Board and give a little background info. It is simply to gain understanding and not to put blame on specific individuals who volunteered their time trying to make our community better.

Well over a decade ago, a small group of volunteers started the ACC (Architectural Control Committee) who followed the process outlined in the DR (Deed Restrictions). The first ACC guidelines were written. At the time, the intent was to help the property owners follow the DR. The ACC members were very aware of possible conflicts, consisting of making up new rules that were not in line with the DR, and wanted to stay away from becoming an "enforcement agency". Overtime the guidelines strayed. In March, shortly after the new BOD was formed, **we took a new direction**. A new ACC was created and tasked to rewrite an ACC guide that follows our DR.

Two members' info meetings were held. Homeowners could listen to Mr. Cagle, the new POA attorney. Please note that **the current BOD had to waive attorney-client (the POA) privilege to allow for maximum transparency.**

### WHAT'S THE ROLE OF THE ACC?

The ACC's primary function is to help the property owner build a structure that remains within the scope of the DR. So, essentially, the ACC is here to review permit requests. Whether it's to build a house, an addition, a garage, a shed, a fence, etc.

*Once the permit approval is done, the ACC's role ends.*

The ACC's role is not to enforce DR or add new restrictions.

[www.riverwalkpoa.com](http://www.riverwalkpoa.com)

June 2019

## WHAT'S THE ROLE OF THE ACC VS THE MANAGEMENT COMPANY?

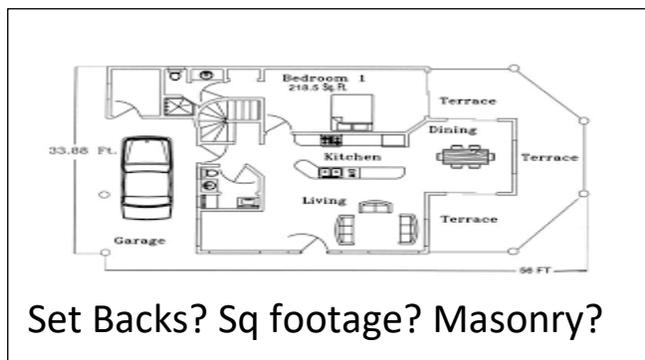
In order to enforce the DR, the Association hired a management company. They conduct inspections from the street, recommend actions to the Board and send letters to the property owners to communicate possible issues. If the property owners feels that the action from the Association is not warranted, the **property owners must be allowed to meet with the Board to try to come to a friendly resolution**. We urge the property owners to make that request if necessary. The last step would be possible enforcement via the POA's attorney.

**ACTION:** Although the Association is not permitted to disclose the enforcement actions being taken against individual homeowners, the BOD is reviewing them monthly.

Deed?



Guidelines?



Set Backs? Sq footage? Masonry?

As the initial guidelines evolved, a system of fees, fines and deposits was implemented but not supported by the original Association's documents.

June 2019

## THE LAST THREE MONTHS WE TOOK ACTIONS

### **ACTION:**

In order to return to compliance, we voted in favor to hire the firm of Mr. Cagle, an attorney expert on POA/HOA laws. He reviewed our documents. He also agreed to appear at the two informational Board meetings, **he clearly explained that neither the BOD nor the ACC has the authority to create new limitations to our original DR**. In reviewing our guidelines version 4, he noticed a *"host of new limitations that were problematic"*. (Listed next page)

June 2019

Generally, in RW, our DR does not allow our POA to:

- charge a plan review fee
- ask for a building deposit
- ask for a landscape deposit
- force people to have a landscape
- fix time limitations on the building process that are not in the DR
- Add restriction on cutting trees (even though we love them)
- Requires you to place your private info (name, phone # and what you're doing in your backyard) in plain view in the street on a permit
- **The ACC has no authority to levy most fees and fines per schedule A in the Guidelines version 4 (suspended)**

### **ACTION:**

We sent a directive (unanimously passed) to CIA Services to suspend fees, fines and deposits associated with the permit process that was used under ACC guideline version 4.

Also, to prevent the "vigilante" effect, the requirement to post permits in the front of your property has been terminated. We felt that it was a violation of privacy and it is not supported by the DR, which was clearly explained by Mr. Cagle.

### ***NEW PROCEDURE IS IN EFFECT***

- 1. YOU ASK FOR A PERMIT**
- 2. THE ACC REVIEWS IT**
- 3. IF AND ONCE APPROVED, THE ASSOCIATION OR THE ACC WILL SEND AN E-MAIL CONFIRMING APPROVAL AT WHICH POINT YOU CAN START YOUR PROJECT.**  
(THE OBJECTIVE IS A 2 WEEK TURNAROUND)

No more waiting for permit tags 😊

**ACTION**

### *Regaining ownership of your property*

You, the property owners, are back in control of your property. You control your landscape, your trees, your private information. No more tags.

A new set of ACC guidelines in line with the DR is drafted and will be filed shortly. Please note that the DR, along with other federal, state and local laws are the controlling documents.

*Another fee not authorized by the DR is the **constable assessment**. To make this a mandatory assessment, the POA will need to obtain a majority support from the entire membership for each section. Until then, it is a voluntary fee. We will work to place this to a membership vote.*

You'll have the opportunity to **vote on this assessment**

Thank you,

Thibaut and Gene,  
serving you on the Board

We fully support the Garden Club initiatives of the Yard of the Month to make our community look beautiful. 😊

For burning, county drainage and erosion control, please contact the proper authority.

## Action: Awarded work planned for late spring 😊

- **Major 1,600+ linear feet ditch clearing (in process): \$ 17,565** (more work to be done) was chosen over a broader proposal, well over twice the price & ½ the warranty, that included a very large amount of trees to be cut beyond the ditch and could create, in our point of view a severe erosion problem.
- **Resurfacing of the lake park driveway (about 20,000 sq/ft)**

**Completed & 100% Paid in full** as per contract (50% before & 50% after) drainage with catch basins, trash pad & gate pad concrete work: **\$ 27,550** with last minute add up for a concrete curb \$325. (note that we chose the bid from a contractor referred by CIA Services who submitted a bid earlier this year. It included over 2x the material and a small price increase compared to the next runner-up bid submitted last year from a different contractor).

In response to feedback from the community, the BOD is going to establish a committee of owners to study and recommend modifications to the DR. The BOD will review and consider possible modifications proposed by the committee. Proposed modifications could then **be submitted to the vote of the owners within each of the sections**. If you are interested in serving on this committee, please send an email with your contact information to: [rwpoacommunication@gmail.com](mailto:rwpoacommunication@gmail.com) who will forward to the BOD.

**PS: Again, please do not confuse ACC guidelines with the DR.**

We have no business relationship with any builders, land clearing business or realtors. We love our neighborhood with lots of trees, landscaping, and we like to keep our property values!

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**June 2019**