

A P R I L , M A Y , J U N E 2 0 1 5

Water's Edge News

Volume 2, Issue 2

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On page 6 is the letter from the Superintendent of Center Grove Schools regarding redistricting. Please take note of deadlines for waivers at Maple Grove. Our students will be attending Center Grove Elementary for the 2015-2016 school year.



2015 ANNUAL HOA DUES

There are still a few homeowners who have not paid their annual dues. Your dues are very important as we need to be able to fund our operating budget.

For those who did not pay by March 31 the dues are \$675. You may submit your dues to Jennifer Clutter (see the attached form)

For any home owners who pay after December 31, 2015 (\$675, + **legal fees and interest)**

BASKETBALL GOALS/TRAMPOLINE

Important Information

In our last newsletter we reported the continued refusal of two homeowners to comply with our Covenants regarding the use of temporary basketball goals and a trampoline. This refusal is in spite of **numerous** written requests to remove the items and adhere to the published covenants. Your Homeowners Association Board of Directors believes it is in the best interest of all to pursue **legal action** to enforce our covenants and reported to you our intent to engage legal counsel. In November, we spoke with outside legal counsel but shortly thereafter the offending items were removed. However, we remain concerned that the items will reappear with warmer weather.

Your Homeowners Association Board of Directors will not take hiring outside legal action lightly and realizes it will be a costly endeavor. Our legal counsel advised us that further action will require **a minimum \$10,000 retainer** which our operating budget does not support. If we are forced to move forward with this action, **we will require a Special Assessment** from each home within Waters Edge to cover the legal expenses.

Our covenants state that "Present or future Owners or the Association shall be entitled to injunctive relief against any violation or attempted violation of any such covenants and restrictions, and shall, in addition, be entitled to damages for any injuries or losses resulting from any violations thereof...". *Recovery of the legal expenses is a possibility but is at the discretion of the court.* Your Board of Directors believes this to be the best interest for ALL homeowners and thereby maintain an enforceable covenant/contract as written. Our concern is that at some point, undefined by law, after which non-enforcement of parts of the covenants will result in ALL of the covenants and restrictions becoming non-enforceable.

BASKETBALL GOALS/TRAMPOLINE

Important Information

Language from our covenants...

Our subdivision known as Water's Edge was platted and the "Declaration of Covenants, Conditions, Easements, and Restrictions" were filed with Johnson County in November 1997. The document commonly referred to as our "covenants" is part of the legal description of the property and represents a contract with the county defining the use of the land. The covenants are a defined set of conditions regarding the use of the land regardless of owner and "are for the mutual benefit and protection of the present and future Owners". It becomes the responsibility of the property owners, the Waters Edge Homeowners Association, to adhere to and enforce this contract. Our covenants detail specific items or conditions that may or may not be located on the properties. In particular, *Section 19, subsection e* states, "**No exterior gym sets, trampolines, swing sets, jungle gyms, playpens, or the like shall be permitted without Architectural Review Board approval**".

Section 19, subsection c states, "Approved wood fences and free standing basketball goals with clear acrylic backboards may be constructed **upon approval of the Architectural Review Board**".

It has been the standing policy of the Architectural Review Board and the Homeowners Association Board of Directors **NOT** to approve specific items such as trampolines and free standing basketball goals. Basketball goals, with specifications defined in the covenants, must be placed in the ground, secured in concrete (a portable basketball goal does not comply with our covenants).

This is very concerning and something that we hope we do not have to pursue, however are willing to take action if the violators do not comply.

YARD LIGHTS

The architectural Review Board shall regulate the external design, appearance, use, location, and maintenance of residences, structures or other improvements on the Real Estate in such manner as to preserve and enhance values and to maintain a harmonious relationship among structures, improvements and the natural vegetation and topography. (Section 15 b Waters Edge Covenants)

Architectural Review Board

Section 19 (l) requires, among other things, **all lots shall have a dusk to dawn coach, e.g. yard, light installed as approved.** The HOA Board has discussed the meaning of this sentence. The term coach light refers to a light which looks similar to the historic lamps used on a coach, wagon or carriage. A coach light consisted of a light source, a flame, enclosed by glass and mounted on the side or top of a coach, wagon or carriage. The modern version is a wall-mounted or post-mounted exterior light used for security and convenience lighting. The majority of the homes in our community have a coach light mounted on a post and secured in the front yard. This is commonly referred to as a "yard light". The HOA has encouraged the installation of yard lights. However, the Covenants as written permit a wall mounted version. A wall mounted version may be on the side of the house or on a brick structure. In all cases, the common requirement is for the fixture to be a dusk to dawn controlled light. *Lights mounted in soffits are not, by definition, coach lights.*

These lights are not only required by our Covenants but they are an added security feature. Place them strategically to light a darkened part of the front of your house. Houses in Smokey Row Estates employ photocell controlled dusk to dawn lights on every garage. The number of lights is equal to the number of garage doors. These lights, in combination with their street lights, produce a well lighted community at night. If you do not have one, please consider adding one. A yard light is a relatively easy "retro" install. An outside electrical outlet can be used as a power source.

This provision applies to **every home** so if you do not have a light installed that meet the guidelines you are in violation of the covenants. Please have a light installed. If there are questions you may contact Jim Wikel.

APPROVED ARCHITECTUAL COMMITTEE PROJECTS

The architectural Review Board shall regulate the external design, appearance, use, location, and maintenance of residences, structures or other improvements on the Real Estate in such manner as to preserve and enhance values and to maintain a harmonious relationship among structures, improvements and the natural vegetation and topography. (Section 15 b Waters Edge Covenants)

Requests should be made for all additions/improvements/modifications to the property such as basketball goals, desks, satellite dishes, fences, landscaping, lighting, pools, room additions etc. **FAILURE TO GAIN PRIOR APPROVAL MAY RESULT IN WORK STOPPAGE OR LEGAL RECOURSE BY THE HOA.**

The following projects have been approved by the architectural Review Board since January 1, 2015:

1. Project Approved: Patio Addition 3281 Streamside

Dear parents:

I want to share with you the final [Enrollment Management Proposal](#) I will be recommending to our school board for approval on Thursday, March 19, 2015. Through our informational meetings, emails, and phone calls, we have heard from more than 120 families. We have used this feedback, along with additional information provided by area builders and other sources, to hone our proposal into one that we hope will manage enrollment in our district for several years.

Our team has taken all of this information into consideration during its final review of the enrollment management plan and has determined one modification will be made to the February proposal. Due to the potential growth in this neighborhood and the low number of students currently attending Center Grove, Calvert Farms will remain in the CGES/MSC boundary. However, Calvert Farms will be marked as an "Enrollment Management Area" and their attendance boundaries will be re-evaluated in the spring of 2017 for the 2017-2018 school year. We will continue to monitor Calvert Farms' growth closely and make changes as necessary after the initial evaluation period in 2017.

I also want to share with you the timeline for submitting "Grandfathering" requests for current (School Year 2014-15) 4th grade and 7th grade students to allow them to remain in their present schools for their 5th or 8th grade year (2015-16). **Applications will be accepted online to grandfather your student beginning at 6:00 p.m. on Sunday April 12, 2015 and ending at midnight on Friday, April 17, 2015.** Due to the anticipated number of requests, we will hold firm on this deadline. All "Grandfather requests" submitted before the deadline will be approved.

We have also established the window for intra-district transfer requests. **Applications for intra-district transfer requests will be accepted online beginning at 6:00 p.m. on Sunday, April 19, 2015 through midnight on Friday, April 24, 2015.** Again, we are anticipating a high number of requests and will not have any flexibility with that deadline. Transfer requests must be submitted within the window via the online application and will be considered on a case-by-case basis. Several considerations, including building capacity (determined and posted by April 10, 2015) and class size, are factors in these decisions and it is possible that NOT all applications will be approved due to these limitations. All applications will be date/time stamped upon submission and will be processed in the order in which they are received.

I truly appreciate all of the feedback we've received. Involved parents are one of the greatest assets of our school district. Thank you for your patience as we've worked through this process.

Sincerely,
Rich Arkanoff, EdD



Replacement Mailboxes

www.mailproducts.com

Style: N1023734
Color: Verde Green

This is information in case your mailbox has been vandalized or needs replaced.

BABYSITTING!

If there are any young people (7-12th grade or college students) wanting to earn some money and enjoy children, please email watersedgehoa.in@gmail.com. We are happy to share your information with other neighbors.

CALLING NEW BOARD MEMBERS!!

Any one interested in joining the AWESOME HOA board?

We are pursuing an HOA Management Company to oversee all legal, financial and communications.
WE NEED YOUR HELP!

Reminder: Please do not dump in any lakes or ponds.

Let your lawn care company know that dumping debris and blowing leaves in the lake or ponds is not allowed.

We had very large trees dumped in the main lake last fall.

Neighborhood Watch Program:

We have almost made it a year with the crime watch program!! Overall, it has been very successful. Lately, we have been swamped with contractors regarding hail damage. This is technically considered soliciting. They should have a permit to go door to door. If they do not have a permit, the Sheriff's non-emergency number should be called to report it. The same company was going door-to-door repetitively this week. They should not be harassing us. Either call or contact your Block Captain.

As of right now, the detective on the case for the "Works Bomb" said they are assuming it was teenagers, as they do not have any new information. I have been in contact with the Sheriffs office numerous times to follow up. My email is mikastark1@gmail.com, if you have more questions.

WELCOME NEW NEIGHBORS!!

Andy and Katie Corsaro : 4729 Pearcrest Way

Guillermo Arriz and Claudia Alcocer : 4702 Waters Edge Way

We strive to keep the Neighborhood Contact List updated. If you have any changes please let us know by sending an email to watersedgehoa.in@gmail.com

If you are new to Waters Edge or have a new neighbor and they need a copy of the contact list or need to be added to the contact list please ask them to send an email to watersedgehoa.in@gmail.com with their contact details so we can include them in the neighborhood watch program and send them other important neighborhood communications.

CONTACT LIST

If you have updates that need to be made to the neighborhood contact list please complete the form attached and email to Mika Stark (mikastark1@gmail.com)

BOARD MEMBERS:

Rose Kelly-Falls (President)
Mika Stark (Secretary)
Jennifer Clutter (Treasurer)
Jim Wikel (Architectural Committee Chair)
Tom Westell (Maintenance)
Jerry Long (Member)
Jeff Paxson (Member)
David Vornehm (Legal Counsel)

EMAIL: watersedgehoa.in@gmail.com

WEBSITE: www.thewatersedgehoa.com

NEIGHBORHOOD WATCH:

Mika Stark (Coordinator)
John Baldea
Chris Earnhart
Jerry Long
Janet Miller
Gene Ritchie
Lisa Field
Tom Westell

FRIENDLY REMINDER
Parking on the Street

Please remember there is no parking on the street during the week Monday-Thursday 11:00 pm - 7:00 am. Johnson County Ordinance 89-24 states the guidelines. The Johnson County Sheriffs department will be enforcing this ordinance therefore if any cars are parked on the street that violates the ordinance they will be ticketed. This ordinance includes park-ing in and around all cul-de-sacs and in front of homes during the week.

SPRING GARAGE SALE!!
MAY 30, 2015

Thank you for Peggy Richie for coordinating our Spring Garage Sale. Water's Edge, Bradford place and Smokey Row will be participating this year. Start cleaning out your closets!