

Woods On Seldom Seen – Phase III

Association Newsletter

Volume 4, Issue 1

June 2008

Neighborhood Upkeep

Spring or something like it is finally here. As we emerge from our winter hibernation, don't forget about the on-going maintenance of your home. There are already signs of spring cleanup and plantings throughout the neighborhood. The majority of homes already look outstanding but the association has received complaints concerning the lack of maintenance for some.



One of the primary roles of the Association is to maintain uniform and esthetic appearance of the neighborhood by encouraging compliance with the Declaration of Covenants and Restrictions (D&C's). Beauty and adequate yard maintenance is somewhat subjective. The area of the D&C's which pertain to the complaints received are as follows:

Article 1- General Restrictions 1.25

All Owners, including the Owners of unoccupied lots, shall at all times keep and maintain the part of the Property which they own in orderly manner and shall regularly remove weed, underbrush or other unsightly growth.

Article 1- General Restrictions 1.24

No refuse pile or other unsightly or objectionable material or things shall be allowed on any part of the Property. Trash, garbage, or other waste shall be kept in sanitary containers. Such containers shall be kept removed from view from the street and abutting properties.

As many of you know, while the current D&C's define the rules of the neighborhood it falls short of providing adequate enforcement rights to our Homeowner's Association. It is our hope this can be addressed in the future and supported by the community. We need everyone's help to keep our neighborhood looking great. Cut that grass, kill those weeds, keep your trash out of sight, and cut down those dead trees.

The Association has a website where you can obtain a copy of the entire Declaration of Covenants and Restrictions and Code of Regulations. The address is <http://www.wssiii.com/>.

Landscape Master Plan – Front Entrance Project Update

As discussed in the Annual Meeting on August 18 2007, the Association is working on a landscape master plan for the community. Farris Planning & Design LLC, a landscape architecture firm, was hired to assist with the process.

The Association is currently responsible for the neighborhood entrance from Rutherford Road. The entrance is defined as only the feature itself. The maintenance easement does not include the hill and road frontage along Rutherford Road. The goals of the project are:

- Evaluate the structural integrity of the current front entrance wall.
- Evaluate options for an overhaul or redesign.
- Incorporate design features of the main entrance to other entrances into the neighborhood from Bakircay and Menderes.
- Work with homeowners whose property may have or currently has landscape improvements located on their property to obtain support and feedback on the design.
- Produce a detailed landscape master plan design document to obtain cost estimates and present to the community for a vote.

The trustees have met with Farris Design and a draft design has been produced. The draft was reviewed by property owners directly affected by the landscape changes. The next step will be to incorporate suggested changes into the design in order to produce a revised plan for review.

Memories of Winter Past





**The Woods on Seldom Seen
Phase III Homeowners' Association Inc
Purpose, Governing Documents, & Highlights**

The mission of our Association is to maintain the Woods on Seldom Seen community as an enjoyable and attractive community in which to live. We envision an environment consistent with other upscale communities and desire to enhance the long-term value of each homeowner's investment. Our primary responsibilities include maintaining the front entryway and enforcing deed and covenant restrictions. Our neighborhood is comprised of all personal property. There are no common areas. The building and upkeep of the front entrance is possible because a maintenance easement exists on the two lots giving the Association the right to do so.

A homeowner's association is created by three documents prepared by the developer.

1) DECLARATION OF COVENANTS AND DEED RESTRICTIONS

The Deed Restrictions will run with the land and contain all the substantive provisions for the use of the land, formation of the homeowners association, levy of assessments, architectural control, lien rights, enforcement, and provisions for amendment.

2) ARTICLES OF INCORPORATION - ESTABLISHING THE HOMEOWNER'S ASSOCIATION AS A NOT FOR PROFIT CORPORATION

The Articles of Incorporation reference the Deed Restrictions and creates a public record of the existence of the association, its purpose to enforce deed restrictions, establish a Board of Trustees, and authorizes committees.

3) BYLAWS (CODE OF REGULATIONS) OF THE CORPORATION

The Bylaws govern the workings of the Board and of the general membership. It authorize rules and regulations, sets procedures for the architectural review committee, and address any other issues in the Deed Restrictions that need clarification or more detailed procedures defined.

If these three documents reference each other, do not conflict, and clearly define procedures, the association can function smoothly. Our documents are tied together but there has been much debate regarding the content and possible changes. We still have work to do but in the mean time, everyone should understand the current documents, how we operate, and the deed restrictions. You can obtain a copy of all three documents on the association website. The website address is <http://www.wssiii.com>. Areas which contain sensitive information are password protected. If do not know the ID/PW for those areas, ask a neighbor or email one of the trustees. For those of you who just can't seem to find the time to read our governing documents, we understand. Here are some highlights that may of interest:

CODE OF REGULATIONS (BYLAWS)

Section 4.01-Three trustees are elected from the Members (homeowners). Trustees shall manage and conduct the business affairs of the Association and exercise the powers and duties established by the restrictions and the Articles of the Code of Regulations. Any trustee can be removed by an affirmative vote of 75% of all Members.

Section 4.04-The Board of Trustees shall hold meetings no less than quarterly. A regular Annual Meeting of all Members shall be held.

Section 5.01-Officers are elected by the Trustees. Officers shall be a President, Vice-President, Treasurer, and Secretary. Officers need not be Members of the Association, may be compensated, and the positions may be held by Trustees.

DECLARATION OF COVENANTS AND RESTRICTIONS

Section 1.08-Unless parked inside a garage, no trailer, camper truck, house trailer, truck in excess of three quarter ton or boat shall be kept on the property.

Section 1.11-No fences or walls may be constructed unless prior written approval is obtained.

Section 1.14-No remodeling or alteration of any structure which changes the outside appearance can be done without prior approval. (See section 2.01 Plan Approval)

Section 1.15-No trade or commercial activity of any kind shall be conducted.

Section 1.16-No construction, grading, or other improvements shall be made if such improvements interfere with or alter the general grading and drainage of the community.

Section 1.19-No trees larger than three inches in diameter may be cut or removed without approval. However, any dead plants and trees may be removed without approval.

Section 1.24-No refuse pile, unsightly material or thing shall be allowed on the property. Trash, garbage, or other waste shall be kept in containers and removed from view from the street and other properties.

Section 1.25-All owners shall keep and maintain their property in an orderly manner and shall regularly remove weeds, underbrush, or other unsightly growth.

Section 2.01-Plan Approval - The Association has 30 days after receipt of items submitted for approval to do one or more of the following: (1) approve the plans; (2) request additional plans, or clarification; (3) disapprove plans and provide reason in writing. If the Association does not respond in 30 days, then the plans are deemed to have been approved.

Section 4.03-This Declaration of Covenants and Restrictions may be amended by a duly executed and recorded instrument signed by the Owners of no less than two-thirds of the lots.

Township to install speed bumps, the use of Stop Signs was the only viable alternative to address this issue.

While the addition of Stop Signs is not a perfect solution, in the short time the signs have been present, it appears traffic volume and speed has moderated. Many vehicles are at minimum slowing at the intersections which has a carryover effect as they travel the length of Bakircay Lane. With the painting on the streets adjacent to the stops signs, this should increase driver's awareness to a greater extent.

Residences are encouraged to call the Delaware County Sheriff to request increased patrols. A number of homeowners have made such requests resulting in increased monitoring and several citations issued.

It should be noted the efforts undertaken on this issue were not representatives of our association even though this article appears in this newsletter. Those individuals responsible for taking this issue to the Liberty Township officials did so as concerned parents and not as representatives of the Woods On Seldom Seen III HOA.

Stop Signs on Bakircay Lane

Residents may have noticed the addition of new stop signs on Bakircay Lane at both the Menderes and Gediz intersections. The approval for the stop signs was granted by the Liberty Township Trustee's at their meeting on April 2, 2008.

The effort to address traffic control has been a concern of many residences on Bakircay Lane for some time. With the number of children and pedestrians using Bakircay Lane due to the lack of sidewalks, the volume and speed of traffic has continued to present safety concerns.

In the fall of 2007, a petition requesting stop signs was submitted to the Liberty Township Trustees signed by a total of thirteen residents of Gediz, Menderes, & Bakricay Lanes. At the request of the Township Trustees, the Delaware County Engineer conducted a traffic study which determined a high traffic volume and a majority of vehicles travel in excess of the posted speed limit. Speeds in excess of 60 – 70 mph were recorded in several instances.

The process of evaluating traffic control mitigation options and has been carefully researched and discussed with township officials. Due to the reluctance (due to wear and tear on emergency and township vehicles and cost) of Liberty



Treasurer's Update

At our August 18, 2007 budget meeting, our members voted to approve the 2007-2008 Fiscal Operating Budget by unanimous vote. As stated in our Bylaws, 67% of the members present at the meeting must vote to approve the budget for it to be adopted.

Our base annual dues remain at \$275. Our dues, by comparison to other associations, continue to be considerably less given the valuations of our homes. As of December 2007 we achieved 100% of the association dues paid in full matching our past year's collections. Thank you to all.

Included in this year's dues (2007-2008) was a one-time recovery of cost for damage to the lights at the front entrance which occurred last July, and the 2007 holiday luminaries. These items accounted for the increased invoice amount from \$275 to \$300. It is anticipated that we will again include the cost for luminaries in our 2008-2009 dues to be voted on at this year's budget meeting in August.

As presented, the Operating Budget has stayed consistent year over year with respect to budgeted line items. We have seen slight increases in some operating costs which have been offset by savings in other areas. On balance, other than anticipated cost of living adjustments, the budget has stayed predictable and we anticipate this process continuing to be



manageable over time. It is the intent of the officer to maintain our current level of annual dues given our current circumstances. It is our hope we can continue to experience predictable annual expenses and retain capital to budget for future capital expenditures that may occur.

In order for our new members to keep up to date with our financial history, a short re-cap of our financial history is presented below:

2003-2004

Association controlled by Developer (Paul Phillips). Residences met with Developer on numerous occasions and promised financial assistance to complete front entrance if residences agree to take over control of Association. Amount financial assistance promised by developer is called into question due to large degree of unfinished work at Rutherford entrance. On December 30, 2003, association meeting (Developer controlled) is called to elect new Trustees. Residence's refuse to assume control of association upon learning of a complete reversal of promised financial assistance by Paul Phillips (Developer).

2004-2005

Association control is assumed by residences upon determination that other options are limited. Initial Operating Budget (\$275 dues) is passed with one time "Special Assessment" (\$296) to address front entrance and legal documents. Association discovers funds set aside for WSSIII by developer and freezes asset. Developer files lawsuit against Association (see "Epilogue" in the Spring 2005 newsletter on WSSIII.com for details).

Upon settlement of dispute with developer, front entrance is completed as per original plans submitted to Liberty Township by developer. Electric, irrigation, street boring, and plantings cost are bundled thereby saving funds. Lighting installed for the amount budget for prior items.

2005-2006

No major capital expenditures incurred. Expenditure items consistence with budget. Expenditures for legal work associated with the process of updating and restating D & C Restrictions and Bylaws. Budgeted current year funds used as well as escrowed funds from prior year budget.

2006-2007

Our cash reserves not expected to be used for near term expenditures and continue to be in an interest bearing savings account.

2007-2008

No major capital expenditures incurred. Vandalism to lighting at front entrance of approximately \$900. Recovery of these costs assessed in dues as one time charge. Cash reserves continue to be in interest bearing savings account.

Painting of Fire Hydrants

You may have noticed the deteriorating condition of the paint on many of the Fire Hydrants in our neighborhood. Del-Co



Water Company has been contacted and is responsible for the upkeep and painting of all hydrants in Liberty and surrounding townships. We have been informed by Chris Meyers of Del-Co Water that our hydrants are in fact on the schedule to be painted. Del-Co has over 6000 hydrants scheduled to be painted and has hired one person to facilitate accomplishing this process. She could not give us a specific time table for completion of the painting but has moved us up on the schedule do to the conditions of our hydrants.

Special thanks to Mark Stevens for his efforts addressing this matter.

Street and Traffic Control Signs & Guardrail Projects

One of the projects under consideration is the replacement of the posts and signage backs on the street and traffic control signs throughout our neighborhood. Our neighborhood currently has a mixed assortment of sign posts on the street signs, and galvanized metal posts on the traffic control signs. It is our goal to create a uniform and cosmetically appealing look for our neighborhood.

Over the last few months, we have been consulting with the Liberty Township Road Department evaluating our options to upgrade signage posts on all traffic and street signs with cedar posts complete with enhanced signs. We have obtained three sample illustrations (see inserts) acceptable to Liberty Township that are from neighborhoods in the Powell area.

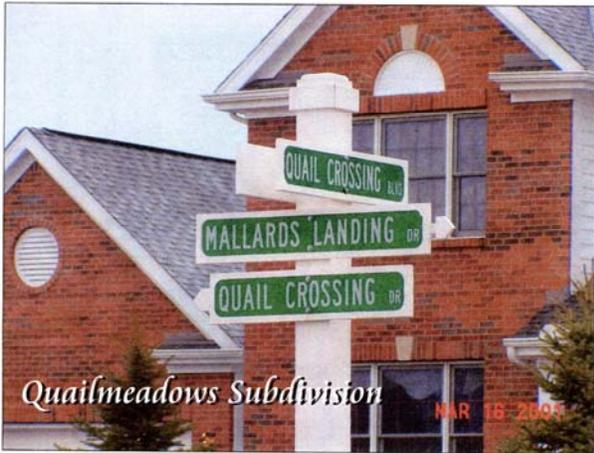
The installation of all posts would be provided by Liberty Township Road Department at no cost to the association. The association would be responsible for purchasing the cedar post and sign backings. The association has been offered pricing at a reduced cost through Liberty Township.

It is our intent to present this issue for a vote of the members of the association. Once we have compiled complete cost estimates, further communications will be forthcoming.

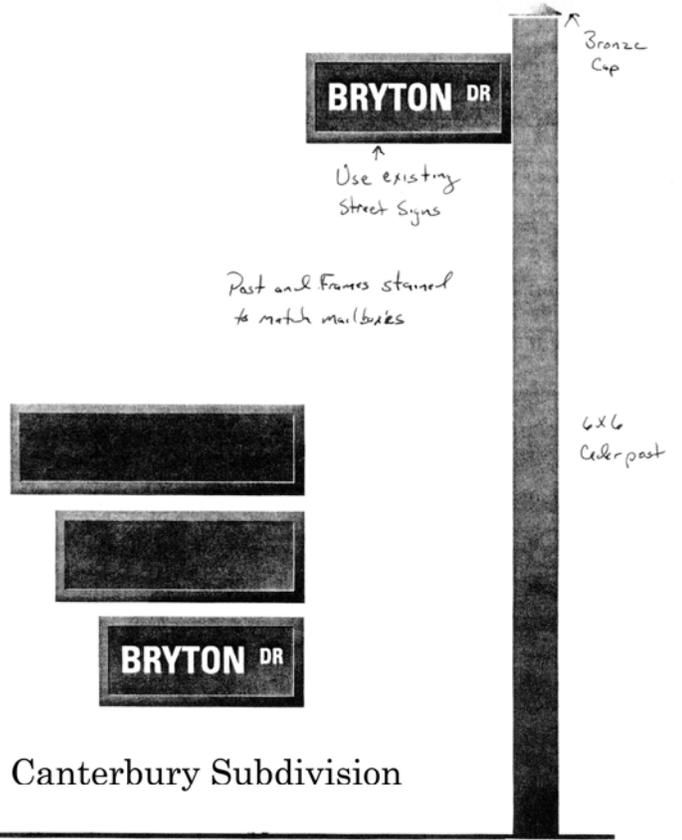
ILLUSTRATIONS FOLLOW....



Canterbury Subdivision



Quailmeadows Subdivision



Canterbury Subdivision

9' post (13' buried 3'6") 6" cedar
 12" sign blades - 2" cedar planks (24" - 30" - 36")

118 SOUTH YALE AVENUE
 COLUMBUS, OHIO 43222
 Phone (614) 276-1181
 Fax (614) 274-6048

MORRISON
 SIGN COMPANY, INC.

WEDGEWOOD

DATE
 DRAWING

At the request of homeowners, one other cosmetic item we have been addressing is the painting of the steel guardrails along Filiz Drive near the pond viaduct. We have received approval from Liberty Township based on township guidelines for paint type and color. The color will be consistent with the color of the guardrails along Rutherford Road. We current have two bids and will present this to our members in the next couple of weeks.

Serving His Country

The neighborhood would like to acknowledge Jeff Gouhin and his family for their service to our country. As many of you are aware, Jeff is a member of the Ohio National Guard Reserves. Jeff's unit is currently in the process of being deployed to the Anbar Province in Iraq. Jeff's unit serves to keep supply chains readied and open for the military's front lines.

During this 4th of July holiday, please keep Jeff and his family in your thoughts. Kim, Rob, Drew & Madison.

Summer is Here!



Photos by John Newcomer
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