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Thursday, February 9, 2006

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Almost, but not quite: ROPO needs amendment ballots signed yet again

By JAMIE MOCK

Wednesday, February 8, 2006 2:41 PM CST

Although the 75 percent mark has been met to approve the new River Oaks deed restrictions, the process of affirming them has suffered a setback. For those who voted in favor of the restrictions, the original ballot will reappear in their mailboxes, with an added date stamp requiring a second approval in an attempt to comply with Texas Property Code.

The Texas property code states a ballot amending deed restrictions must contain a date by which the ballot must be returned. The original document sent out by ROPO did not include such a date.

"It was brought to our attention that there may be a potential defect in the form of the ballot that we circulated," said George Craft, president of the River Oaks Property Owner's Association. "We checked with outside legal counsel. They felt that we were 99 percent safe with the original document, but the board (River Oaks Property Owners Association Board of Directors) determined that this is much too important of an issue to have even one percent potential margin of error."

The date marked for returning the resigned ballots is Dec. 1, 2006, "but we are urging people to get them back as soon as possible," said Craft.

The amendments consolidate the 23 separate sections of River Oaks and automatically renew every 10 years. The current restrictions, for all sections, require the notarized signatures of 50 percent of the residents every 10 years.

"It eats up a lot of time of the administrative staff of the property owner's association," said Craft.

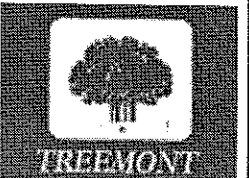
It has been a long road to the current proposed restrictions. After more than a year of tweaking, some of the more controversial amendments have been softened in an effort to

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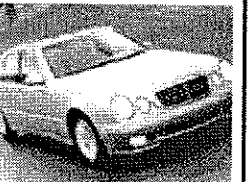
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Market Watch

NASDAQ Feb-09-2006 12:11 pm ET

Index	Last Trade	Change
NASDAQ	2278.56	11.58 ▲
S&P 500	1271.54	5.89 ▲
Russ 2000	725.01	3.85 ▲
AMEX	1837.43	21.02 ▲
NYSE	8029.11	54.20 ▲
30 YR BOND	47.02	0.21 ▲

Feb 9, 2006 12:48 PM ET
ComStock 20 min. delayed

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gain approval.

"Our paramount concern is having the current amendments to the restrictions adopted as soon as possible," said Craft. Without deed restrictions, neighborhoods are subject to the city of Houston's lack of zoning, which would allow a commercial or multifamily development to be built without restriction. "The downside of not having the amendments adopted is catastrophic," he said.

Two major points of contention have been tree preservation and the use of gas-powered leaf blowers. The Citizen's League for Environmental Action Now is sending a letter to residents discussing the "watered down" amendments.

"(We) didn't feel the deed restrictions were stringent enough," said Charles Stillman, project manager of CLEAN. "We are going to send out a letter, I think, telling people these restrictions are were to be passed, and those of you that are still concerned might want to voice your opinion."

In the original amendments, gas-powered leaf blowers were banned; in the current amendments, there are time restrictions concerning when they can be used.

"Based on all the comments from the neighborhood, we were concerned that if there was a total ban, the new amendments would not get adopted," said Craft. "There were other items along those same lines. Certain restrictions — if trees are removed they had to be replaced with certain sized trees; landscaping needs to be in continuity with the neighborhood. While in my opinion those are good restriction to have, we thought it would be too difficult to get the amendments passed."

Craft says those issues are not dead — amendments can be made to the restrictions at any time with 75 percent approval of residents.

"Let's get through stage one and get these adopted," said Craft.

"If people feel very strongly in other areas, we can get to work on those."

"I don't think it is dead at all," said Stillman. "We would welcome anyone who would like to write in and voice their concern."

Craft estimates about 80 percent of the re-signed ballots will be back within three weeks.

"Then we will have to go around and make calls and knock on doors for the balance," said Craft. "It is simply the same way it

was with the original amendments.”

Once the ballots are returned, the amendments will be filed with the County Clerk of Harris County and will apply to all River Oaks property owners, even those who did not sign the ballot.



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