

April 12, 2013

Greenway Parks Home Owners Association  
c/o Bill Lockhart, President  
5354 Waneta Drive  
Dallas, TX 75209

Dear Neighbor:

On April 4<sup>th</sup>, the Greenway Parks Home Owners Association (the "HOA") distributed a "President's Message" email which contained, in part, a description of new guidelines the HOA will apply to landscaping choices it may approve on properties adjacent to certain individual lots in Greenway Parks. *If you received and read that email, and certainly if you logged onto the website and reviewed these guidelines, you have no further need to read further -- much of what follows simply repeats that message, and I apologize for the interruption.*

However, because a small but still significant number of home owners are not on the email distribution list (and furthermore, some of those who are might not read the emails, or they could be caught in a spam filter), it was suggested that we should mail out the guidelines directly to all home owners, given the matters involved and potential dollars of expense if a neighbor were to act unaware of the guidelines. We thought that was a reasonable perspective, and so we are sending out this memo by regular mail to all home owners.

Below is commentary substantially similar to the content of that "President's Message:"

Why do we need these new guidelines?

When Greenway Parks was first platted, it was done in a peculiar manner which, now that the Conservation District rules are in place, has important but unintended consequences that need to be addressed. It is not commonly known, but decidedly the case, that when much of our neighborhood was platted, the owners designated the property adjacent to the lots – in front of lots, typically, the space about 12.5 feet between the street curb and the front property line, and about 30 feet between the side property lines and the curb for lots on the main part of Greenway Boulevard -- as fee simple owned and reserved for use by the HOA, dedicating to the public only the areas between the curbs suitable for vehicular traffic (eg just the streets). If you look at the survey done of your own home, you will notice the gap between your property line(s), and the street(s) beside your property. Certain lots platted in 1946 -- lots located in the 5300s north of Wenonah and south of University, and lots located in the 5500s north of Drane and south of W. University -- were done in the more standard fashion, with *all* the area between the property lines and adjacent to the streets dedicated to the public as a city right of way (eg where the city could decide to install a sidewalk).

Technically, this means the Conservation District rules apply to these areas not individually owned and no one is allowed to put *any* personal landscaping on them (subject even to a fine), and practically, because the HOA does not have guidelines for how these areas it owns may be landscaped, this has meant that a very wide spectrum of landscaping choices had been allowed or tolerated in the past,

some of which are or could be suboptimal, and if a new or existing home owner actually requested to know what they could do, the HOA could offer only *ad hoc* responses.

To address these issues, the HOA approved a set of guidelines that should allow homeowners the ability to influence substantially how the HOA manages and landscapes these lands adjacent to and/or directly in front of their property (including the lands to either side of the sidewalks on Greenway Boulevard), while retaining for the HOA ultimately the property rights to fix any issue that might arise and avoid any unwanted use of these lands. The guidelines, reviewed and approved by a substantial majority of the Board, capture the spirit of our neighborhood, allow for many of the standard uses of these spaces (e.g. seasonal color or low shrubs alongside the end of driveways), and importantly avoid the possibility of future problems (e.g. no trees or tall privacy hedges on these properties that would obstruct views down the street or serve to enlarge personal space at the expense of common space).

If you're going to engage in a significant landscaping project and you'd like to address the common lands adjacent to your property (if applicable), you'll need to review the guidelines, which I've enclosed with this mailing. From a practical perspective, though, very little will change in terms of how most of us would choose to landscape these areas, and of course nothing in these guidelines alters the landscaping any of us may do *within* the lines of our own properties. The guidelines address requested *changes* to these areas, so unless you seek to make substantial changes to the landscaping on this land in front of your home (or, if you're on Greenway Boulevard, the lands adjacent to your lot), the HOA currently does not seek to bring any existing areas up to the new guidelines, which in effect 'grandfathers' existing landscaping.

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Like nearly everything in an HOA-controlled, Conservation District area, this isn't perfect for everyone and there may be other unintended consequences, so in the future the HOA may need to make appropriate adjustments. In the meantime, the HOA will not need to make too many individual decisions about these areas: better done than perfect, given the sheer amount of building going on in the neighborhood. Thanks again for your patience – I for one would much rather report on one of the fun parties (like last night's New Neighbor's party, thanks to the Weinbergs for hosting!) than these picayune rules we might need to create or manage from time to time.

All the best,

Bill Lockhart  
President  
Greenway Parks Home Owners Association

Enclosed: Guidelines for Landscaping Certain HOA Properties Adjacent to Certain Lots