

# NEWS

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Greetings from your Neighbors!

Join us at our annual picnic on

Saturday, June 20th

**Hudson Bend Colony Neighborhood Association**

Current Officers:

President: Charles and Carol Sikes

Vice President: Wyoma Craighead

Treasurer: Erika Rogala

Secretary: Gary Paisley

Directors:

Stan Rogala

Judy Bowen

Dean Modgling

Randy Beck

Betsy Dyke

Bobby Peace

The purpose of the Hudson Bend Neighborhood Association is to protect and promote the quality of life, the value of

property, and the residential plan and goals of our neighborhood.

It is time to join the H.B.C. Neighborhood Association. If you will not be at the picnic, please send your dues of \$25.00 to our Treasurer:

Erika Rogala

6209 Hudson Bend Road

Austin, Texas, 78734

Regular membership in the neighborhood association enables you and your family to attend our annual picnic, to vote for next year's officers and board of directors, to receive newsletters and notices about important events affecting our neighborhood and to have access to the boat ramp which is located at the end of marina point.

**\*\*\* MARK YOUR CALENDAR \*\***  
**\*\*\* ANNUAL PICNIC \*\*\***

**\*SATURDAY JUNE 20th, \*\***

**\*\*\*5:00 P.M\*\*\***

**\*\*\*16500 FOREST WAY\*\*\***

The Annual Picnic will be held this year at the Sikes, 16500 Forest Way. Our Association will provide BBQ, beans, potato salad, beer and cold drinks. Please bring a salad or a dessert to share with your neighbors. Also bring chairs or a blanket for your family to use.

Call Stan or Erika Rogala, 266-1279, to reserve a plate for each member of your family. Your \$25 dues will include dinner for you, your spouse and children under 18. The charge for adult children and guests is \$5.00 per person.

A business meeting will be held before supper. Nominees for offices are

President: Gary Paisley

Vice President: Wyoma Craighead

Treasurer: Erika Rogala

Secretary: Jodi Taylor

Directors:

Charles Sikes

Betsy Dykes

Bobbi Peace

Patti Stalik

R.B. Klug

S.C. McIntosh, F.C. Hopkins and Godard Edwards, the restrictions read:

"That no house, building, or other structure except otherwise incident to such house, building, or structure, shall be placed or constructed upon any of the lots of this subdivision except for residential purposes, save and except on lots 16, 17 and 18 in block No. 4, and lots 1, 2, 13 and 14, Block No.5 which are hereby designated as commercial property." (The exceptions refer to the property which was the old Lake Travis Lodges and Marina property.)

Hudson Bend Colony Subdivision No. 2, (Blocks 1, 2, 3, 5, 6, 7) was filed in the fifties by Webb, McIntosh, and Jesse James, with the following restrictions:

"The premises shall never be used except for residential purposes, and only one single family detached residence structure, together with any necessary out buildings, shall be located on the premises conveyed hereby."

And "No temporary residence, trailer, basement, garage, barn, or other temporary structure shall ever be used as a place of residence on the premises conveyed herein."

Other partial plats, that were filed without the restrictions appearing on them as are on the principal plats, have now been flagged with references to the more complete plat. This should prevent the restrictions being overlooked as was the case when the owner of the Taco Stand did his research.

It is abundantly clear that our HBC subdivisions were intended for residential purposes. The restrictions against "trailers" needs interpretation because fifty years ago the words "mobile" and "modular" home did not exist. Much time, thought and consideration with into the interpretation of what was intended by the reference of "trailers". First, it is important for all to understand that the mobile homes already existing in our area are "grandfathered". However, any new construction in our area must meet the revised code which says in brief that

your property is for single family residential housing. It excludes any of the following uses:

- Apartment buildings or other multifamily housing.
- Any commercial use.
- Storage facilities except as incidental to a residence.
- Trailers or mobile homes, as defined.

Mobile homes already in place may not be replaced with another mobile home or significantly altered. Modular homes are O.K.

I believe that the new code is as close to the spirit of what was intended by the original subdividers and understood by the first lot owners as can be achieved. I applaud the fairness and correctness of the updating committee and I urge all of you who have not signed to add your approval.

Thank you in advance for joining with all of us who are working to keep our neighborhood a good place to live. Whether we are raising children or retiring our old age, or retreating from the city on weekends, we surely want an attractive, safe, friendly neighborhood where traffic is at a minimum, where we can enjoy nature's sights and sounds, and where our property's value will be maintained. Let's all join together in these common goals as members of our association. I hope you will JOIN and SIGN.

Yours very truly,

Carole McIntosh Sikes

**THE GREAT FLOOD of 1991 and 1992 and it's effects on Hudson Bend Houses below 710 ft. Elevation.**

On Christmas day 1991, Lake Travis crested at an elevation of 710.46 ft. above mean sea level and on February 6, 1992 returned to an elevation of 704.3 ft.

**A Letter**

Dear Neighbor:

Your Hudson Bend Colony Neighborhood Association was founded in 1984 primarily for the purpose of upholding a and continuing the *residential* environment which was the intent of those who created our subdivision approximately 50 years ago. At the time of our founding a concert dome had been constructed in violation of the restrictions. Our association was successful in having it removed. There have been other violations and we have been less successful.

We now have a way under the law to support our intentions to preserve the character of our neighborhood. In 1989 a committee was formed to rewrite the subdivisions restrictive covenants, interpreting and updating, but not changing the essential spirit of the original intent. In accordance with the directives in Property Code 202.001 of the Texas State Legislature, we are gathering signatures of property owners who understand the importance of this and who agree with the new updates. Our goal is to collect as many signatures as possible. We are over the 50% mark. It is a time consuming task to contact each person and notarize each signature, so please call me or one of the officers to make an appointment to sign. Erika and Dean will again be at the picnic to collect and notarize signatures this year.

On the original 1939 subdivision plat of Hudson Bend Colony No. 1, filed with the county and signed by H.M. Webb,

This was a historical high of the lake level and a second historical high since the construction of the lake. In Hudson Bend, many houses were built at elevations lower than these levels. The Austin Yacht Club was constructed at an elevation of 707 because that was the historical high reached in 1957 and few expected the lake to reach that high again. Many lots were not designed to have houses at higher elevations, many were built between 1957 and 1976 when we first heard about the Federal Flood Insurance and 1982 when the current version of the act came into existence.

The Federal Emergency Management Act (FEMA) provided for an agency, and for that agency to write rules that applied to all situations in the country when there was an emergency or conditions that could create danger to the citizens - and to provide for federal flood insurance. The agency wrote the insurance policy uniform for the entire country and provided guidelines for various state, county and city governments to implement the national flood insurance program.

Travis County, wanting to have federal flood insurance, implemented an ordinance that followed the federal guidelines. These guidelines are the same whether it is rising rivers, falling rocks, protected seashore, or like Lake Travis, slowly rising man made lakes. All structures built prior to FEMA and the "rules" were grandfathered to a limited extent, and construction in a "flood plain" without special authority was prohibited. Consistent with the federal policy, the grandfathering was limited by providing that if the structure was improved or damaged more than 50% after the effective date of the "rules" then the structure could not be repaired or improved without obtaining a variance from this general prohibition. Structures built within the flood plain after the effective date could not be improved or repaired without a variance. Actually, the County had the authority to prohibit construction within the flood plain altogether but they never did and in fact never exercised any permit requirements within the flood plain as the ordinance required. Travis County authorities apparently did not believe

that Lake Travis would ever go above the 700 ft. elevation again.

After the flood, when we first learned about the permit requirements and that building permits were being denied right and left, HBNCA offered to help all persons affected to obtain permits and to do so without any cost. To repair a structure that was damaged more than 50% or built subsequent prior to 1976, a variance was required under FEMA and the County ordinance. Over 60 forms were sent out to interested residents whose homes had been damaged by the rising waters of the lake and who could not legally repair their homes without a variance.

Very few people took advantage of this opportunity to protect the value of their homes. We suspect that most just repaired the damage without going to the trouble of obtaining a permit. At last count Travis County had issued 8 variances; we have not heard of anyone who applied for a variance using the forms sent out by HBNCA being denied. In fact the county granted a variance to Mr. Alvord of Graveyard Point on the basis of the story on the Lake Travis View and the initiative of our county commissioner.

What is going to happen to those who were denied a permit and repaired and replaced anyway? The County is not likely to shut off utility service or anything drastic like that. The FEMA rules really don't fit Lake Travis. The water rises gently and recedes the same way: while everything gets wet it will dry out and not wash down the hill and create a hazard to the public in any way. The County does not want to force hardship - if it can serve without losing FEMA insurance for the whole county. The most probable result is when the property is sold, the value may be affected because of the violation. Flood insurance may not be available - and the septic may undergo closer scrutiny.

The Travis County ordinance does not have a built in time limit for applying for and obtaining a variance. Even the new owners (when the property sells) could

presumably file for a variance. People also forget and maybe that will happen here. For those of you who did obtain a variance - it was the right thing to do.

One last thought, ad valorem taxes are assessed as of January 1 of each year. If your house was under water on that date you should be able to tell the Travis central appraisal district that bit of news and receive a deduction to the taxable value for 1992. It's an ill wind..

-Conrad Werkenthin

### Marina Point Update

The new owner of Marina Point, Lee Biggart, and the Marina Association Board of Directors are apparently resolving the difficulties resulting from the long standing easements and shared usage of the point of land at the end of Hudson Bend Road. Together they are turning the neglected and abused area into a clearly defined, attractive area. There is a new road leading directly to the marina parking lot and fencing to define Mr. Biggart's private beach, which should encourage ONLY those who have business at the marina and the boat launch.

The LCRA's one acre of land and boat launch has been purchased by the Marina Association and will be patrolled on the weekends. Call the Marina Association's office (Jim Chapman - manager) 222-3290 for an appointment to launch your boat on the weekends. During the week the gate at the launch can be opened as usual, however there is a new combination lock code. The new code will be printed on your 1992-1993 HBCNA membership card. Please take your membership card with you when launching your boat or swimming to make the security patrol's duty of identifying persons who are authorized to use the boat ramp much easier.

Because of these improvements and especially with an attendant on duty in the Marina's parking lot, we can expect a reduction in week end traffic through our neighborhood. Since space for parking is limited, we are asked to return our boat trailers to our homes while boating. There is room only for cars, without trailers attached, in the parking lot.

Inconveniences such as carrying membership cards and removing trailers from the parking area during boating are small contributions and ways in which we can show our appreciation for the improvements being made by Biggart and the association of Marina slip owners. We all seem to be sharing in the goal of keeping our part of Hudson Bend safer, quieter, and hopefully free from most of the problems that occur along Commanche Trail and around public parks in the lake area.

The Hudson Bend Neighborhood Association wishes to thank both the Lake Travis Marina Association, especially president Bob Campbell, and Lee Biggart for their continued consideration and courtesies to us.

## S.C. McIntosh

S.C. McIntosh, a longtime resident and original subdivider of Hudson Bend Colony died on November 20th, 1991.

S.C. McIntosh and his wife Georgia Bassett McIntosh moved from their home in our neighborhood in 1988 to live at the Clairmont Retirement Home and then at the Forum where he passed away two weeks after his 96th birthday.

They moved to Lake Travis, 30 years ago, after his retirement from the Railroad Commission of Texas. McIntosh's long interest in our area began in 1939 when he and Hugh Webb purchased what is now called Hudson Bend Colony and later the adjoining property, which was sold to and subdivided by Charles Webb and partners Vier and Fellers, now called Woods of Lake Travis.

He is survived by his wife who continues to reside at the Summit (until recently it was called the Forum) also by a daughter, son-in-law, and grandchildren. The Sikes now reside in their parent's home

on McIntosh Cove which was so named by this association to honor him.

Carole and Charles Sikes will literally pass on to our next HBCNA president, and to subsequent presidents, a gavel which was crafted by McIntosh when he was involved with a woodworking hobby.

## NEW MEMBERS

Welcome new neighbors and members:

David and Beverly Roberts with a new baby boy on May 18.

Randy Smitheal

Emma Goss

Amor and Suzi Forwood

Pat and Brenda Castro

Albert and Barbara Pecuch