



Cypress Creek HOA

**Special Meeting –
Pond Erosion**

February 25, 2025

Agenda



- Call Meeting to Order
- Determination of Quorum
- Special Meeting Purpose: To consider and vote on a special assessment to repair pond erosion
 - Current State
 - Actions Taken in the Past 3 years
 - Risks & Issues – (5-10 min)
 - Financials & Options – (10-15 min)
 - Financial Elements
 - Options Considered
 - Discussion – (15-20 min)
 - First Vote – Approval of a Special Assessment to Address the Pond Erosion
 - Second Vote* - \$500 or \$900 Assessment

** Second vote will only occur if the first ballot measure passes*

Determination of Quorum

Quorum is achieved when the presence of 30% of the Cypress Creek HOA members, either in person or by proxy, participate in any official HOA action, will constitute a Quorum.

Cypress Creek HOA Bylaws mandate that 60% of the HOA membership who are present at the special meeting where a Quorum is present, needs to vote to “approve” on a special assessment or action to move a motion forward. If a Quorum isn’t met, a second meeting may be called, and the quorum at that meeting would be one-half of the required quorum at the preceding meeting, or owners representing 15% of the lots. See Article II, Section 6 of the Bylaws

If the first motion is approved, the membership is required to vote on the second motion.

A 60% vote in favor of option 1 or 2 would move forward on the second motion.

Pond Erosion & Cypress Creek HOA Responsibility



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Background, Risks & Issues

- Construction in Cypress Creek began in 2007. As part of the design, ponds along the floodplain were installed to manage stormwater. These ponds were designed with steep banks and utilized Bermuda grass for vegetative cover.
- Cypress Creek's common area includes four (4) ponds: 41st street pond, playground pond, East pond (located behind S 187th Pl E), and the south pond (located between the pool and Cypress Creek Estates).
- Since 2007, additional neighborhoods have been developed on 41st St., east of 135th St. These have added more ponds to the floodplain creek systems and channelized more water into Cypress Creek ponds speeding erosion.
- Areas around our ponds are eroding at an alarming rate and pose material risk to both common areas and property owners in our neighborhood by slowly encroaching on their property
- Other risks include safety, loss of pond volume and depth, accelerated erosion rates due to further soil instability.
- Cypress Creek HOA has responsibility to manage and maintain the common areas including the ponds and drainage elements associated to the ponds to protect the common areas and properties bordering the ponds.

Actions Taken in the Past 3 Years

- Southeast Pond Bank Repair – \$38,000 – recent repair from funds was saved from previous years' dues
- Civil engineer review of all pond erosion – Eagle Eye Construction – Bradley Banks
- Other vendor assessments include Shore Sox and Tall Grass Landscape
- Discussion with Cypress Creek developer for assistance . Not interested in helping
- Discussion with City of Tulsa storm water management. Cypress Creek was denied any assistance
- In person meeting with Tulsa City Counselor Christian Bengel to ask for financial support from the budgeted dollars he is allotted for his district. We were denied any financial assistance for our neighborhood
- Discussion with other HOA leaders regarding legal recourse
- Meeting with Cypress Creek HOA Attorney to discuss potential of taking legal action. No case for legal action
- Researched Federal grants as well as contacted Oklahoma Wildlife, Oklahoma Water Resources Board to research potential grant opportunities. Unable to get assistance
- Contacted Senator John Haste and Representative Kevin Hearn to inquire for financial assistance. No programs in the budgets that would pay for this type of repairs
- Changed the way we mow around ponds to allow native grass to grow taller to allow for a deeper root structure around the pond's edges and slow the velocity of water run off
- Researched and explored the use of Buffalo grass which has much deeper roots than Bermuda grass

Southeast Pond Bank Repair completed by Eagle Eye Construction, Inc and before sod was laid



Current State

- **Critical areas in need of repair - \$500 assessment per lot will cover these areas:**
 - East Pond: \$82,600 - Due to the length, size, and north/south winds beating against the shoreline, this pond's north and south ends need rip rap to stop the erosion. See appendix page 1
 - South Pond/north shore: \$28,500 - This area is critical to do as access will become difficult to get the machinery on the ponds due to the erosion encroaching on owner's property. If this happens, they will have to repair using more manual labor which would add greatly to the cost. See appendix page 2
 - Southwest Pond Culvert Outlet: \$22,700 – This culvert area is necessary to repair and is critical for proper water flow/drainage and for the integrity of the culver. See appendix 3
- **Additional Areas in need of repair - \$900 assessment per lot will cover all of the above areas and these:**
 - South pond/east end/north shore: \$20,000. See appendix 4
 - 41st St pond/SE end/South Shore: \$53,580 – the natural grade of this area means rain water will continue to follow the same drainage path year after year causing erosion. See appendix 5
 - South pond/south shore: \$48,950 – See appendix 6
- **Total cost of repairs – Total \$256,330**
 - Critical areas \$133,800
 - Additional areas \$122,530

Financials & Options

- Estimated costs to correct the current issues – Approximately \$144-260k – Based on 2024 quotes
- Options considered:
 - **Do nothing** – could/likely to incur a lawsuit which would result in the entire neighborhood sharing a lien
 - Would be even more expensive in the future and potentially cost prohibitive
 - Will impact homeowners when selling their homes
 - Likely to incur significant unplanned legal fees
 - **Borrow funds from the bank and repay them over time.**
 - Our covenants do not expressly give the Board the authority to take out a loan on behalf of Cypress Creek
 - Interest rates are on the high side so the ultimate cost for the repairs will be higher
 - Loans on HOA's Balance sheets are not fiscally desirable and could affect home values
 - **Raise HOA fees progressively** – not really viable but could be done YOY & challenging to reverse once committed. Optics for potential home buyers around neighborhoods having multiple increases in dues and/or assessments is negative.
 - **Multiple annual assessments** – TBD on the interval but would need to be voted on, re-bid, and recalculated annually. It would also be additive to existing HOA annual fees. Ultimately, this option would result in higher costs.
 - 2-year assessment – \$450 per household per year
 - 3-year assessment – \$300 per household per year
 - 4-year assessment - \$225 per household per year
- **Single year assessment** – approximately \$900 per household in addition to annual dues
 - A secondary, smaller \$500 per household assessment is also an option but will only cover essential areas in the near term

Discussion



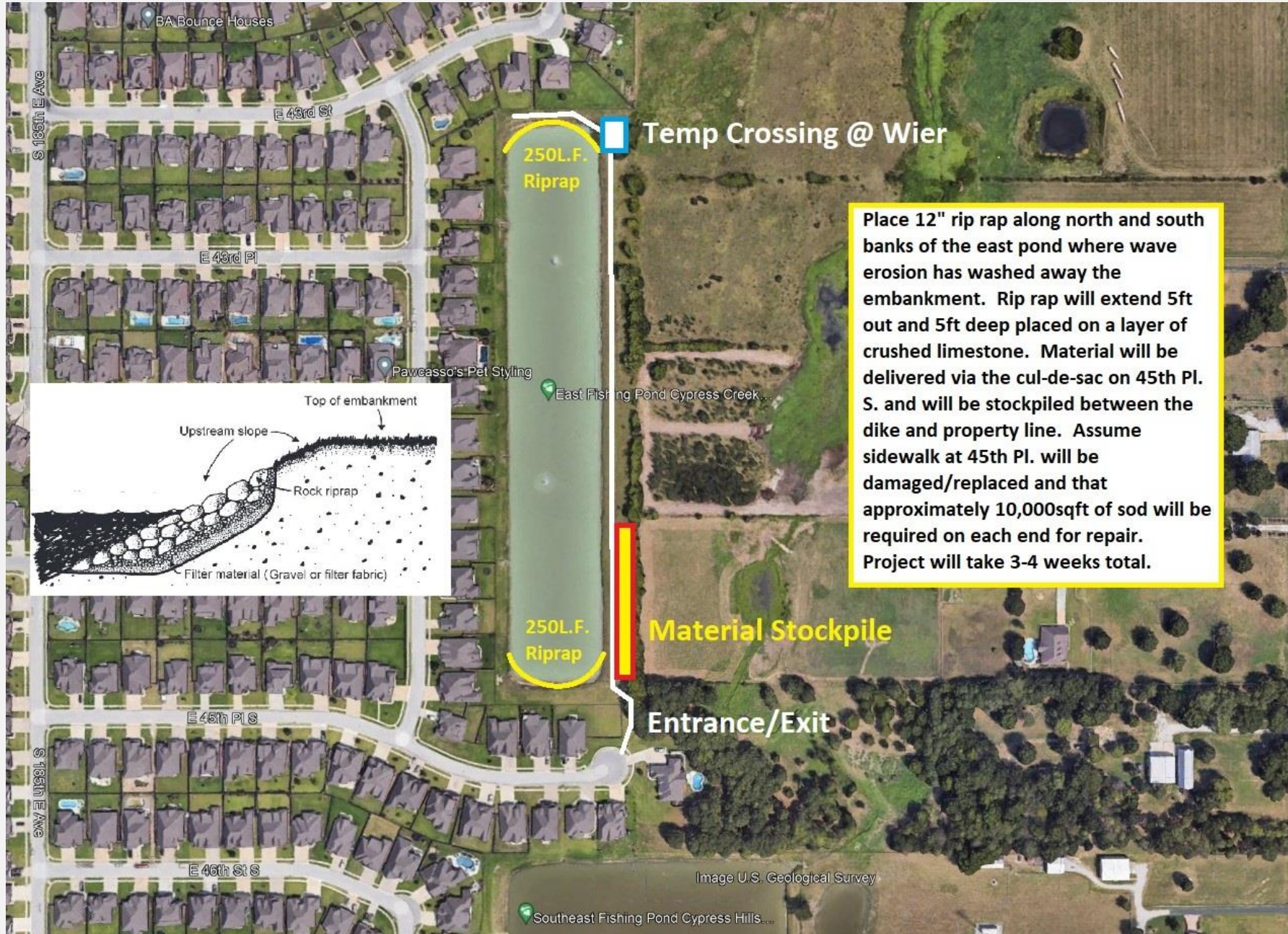
Appendix



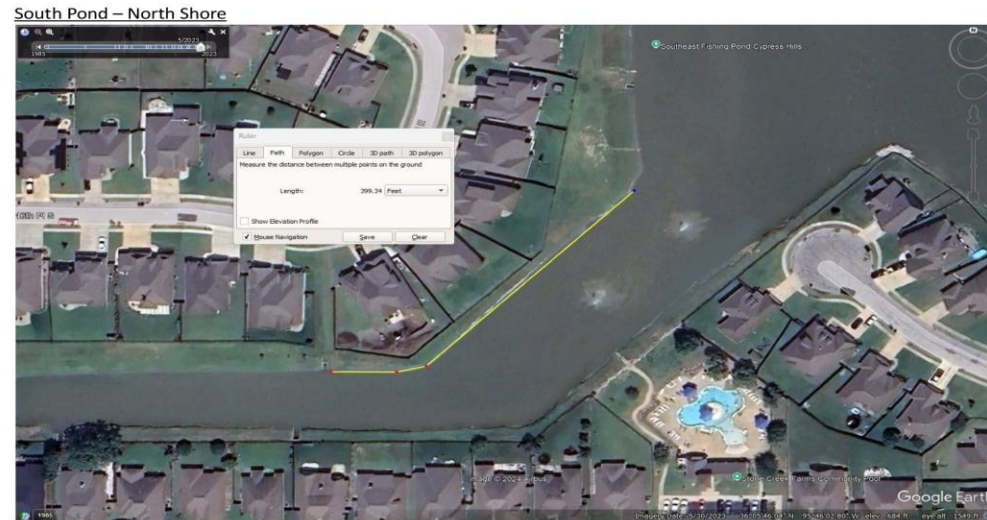
Documents

- East Pond: 1
- South Pond/North Shore: 2
- Southwest Pond Culvert Outlet: 3
- South pond/east end/north shore: 4
- 41st St pond/SE end/South Shore: 5
- South pond/South Shore: 6

Appendix 1: East Pond \$82,600



Appendix 2: South Pond/North Shore \$28,500

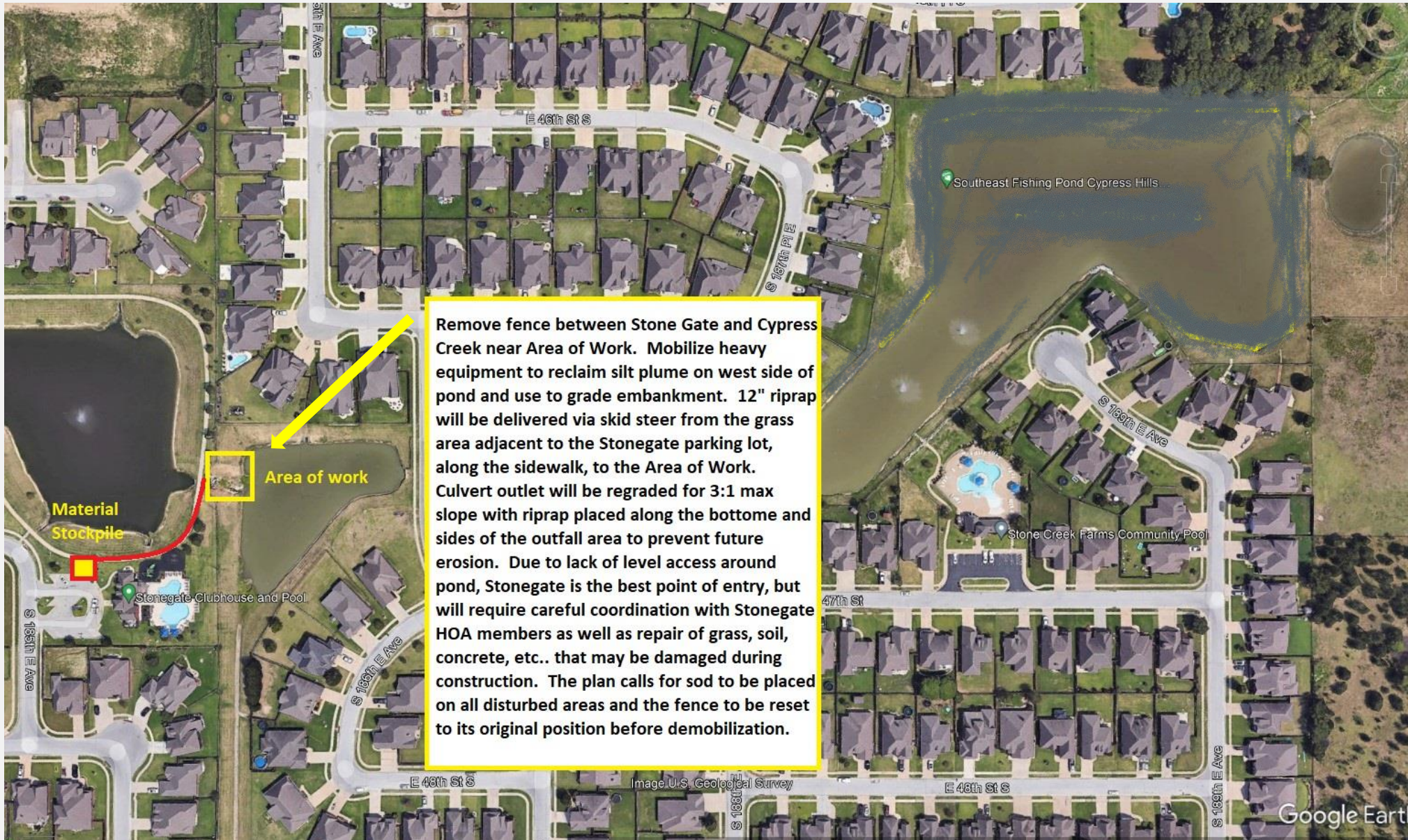


1. Place 20 tons of 3" crushed limestone rock along edge of shoreline behind 4617 S. 187 Pl. E. to stabilize bottleneck
2. Place 200 tons of 12"-24" diameter rip rap along 400ft of shoreline.
3. Repair top of bank with clean topsoil.
4. Replace approximately 5,500sqft of damaged/disturbed grass with new Bermuda sod.
5. Repair sidewalk that will likely break from repeated heavy equipment traveling across it with riprap.

Estimated Total Construction Cost: \$28,500.00

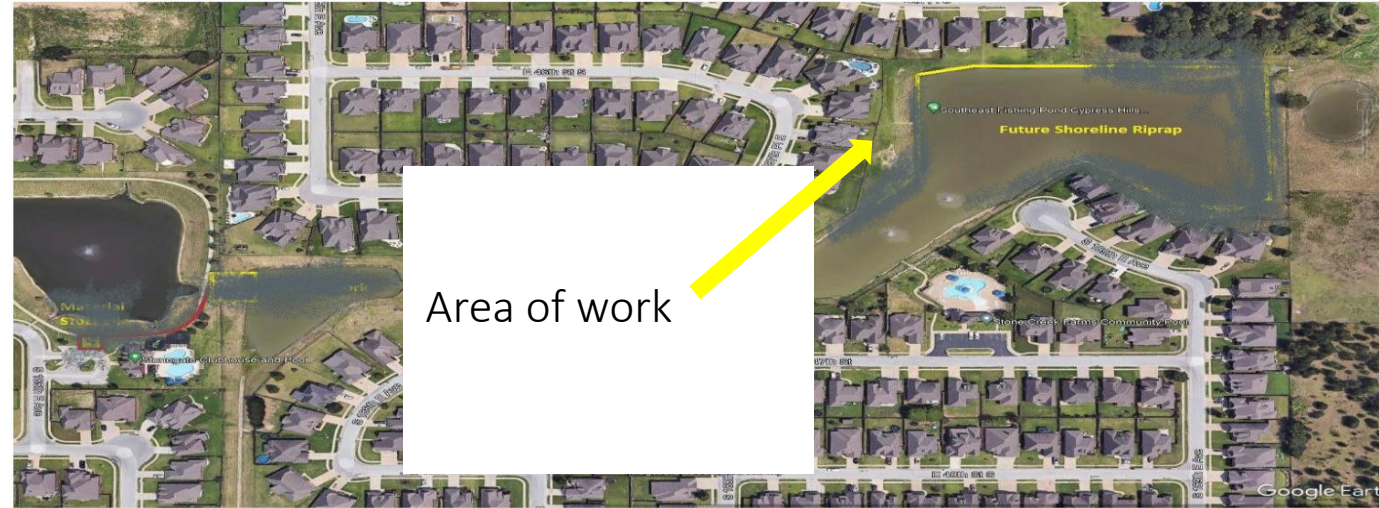
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Appendix 3: Southwest Pond Culvert Outlet \$22,700



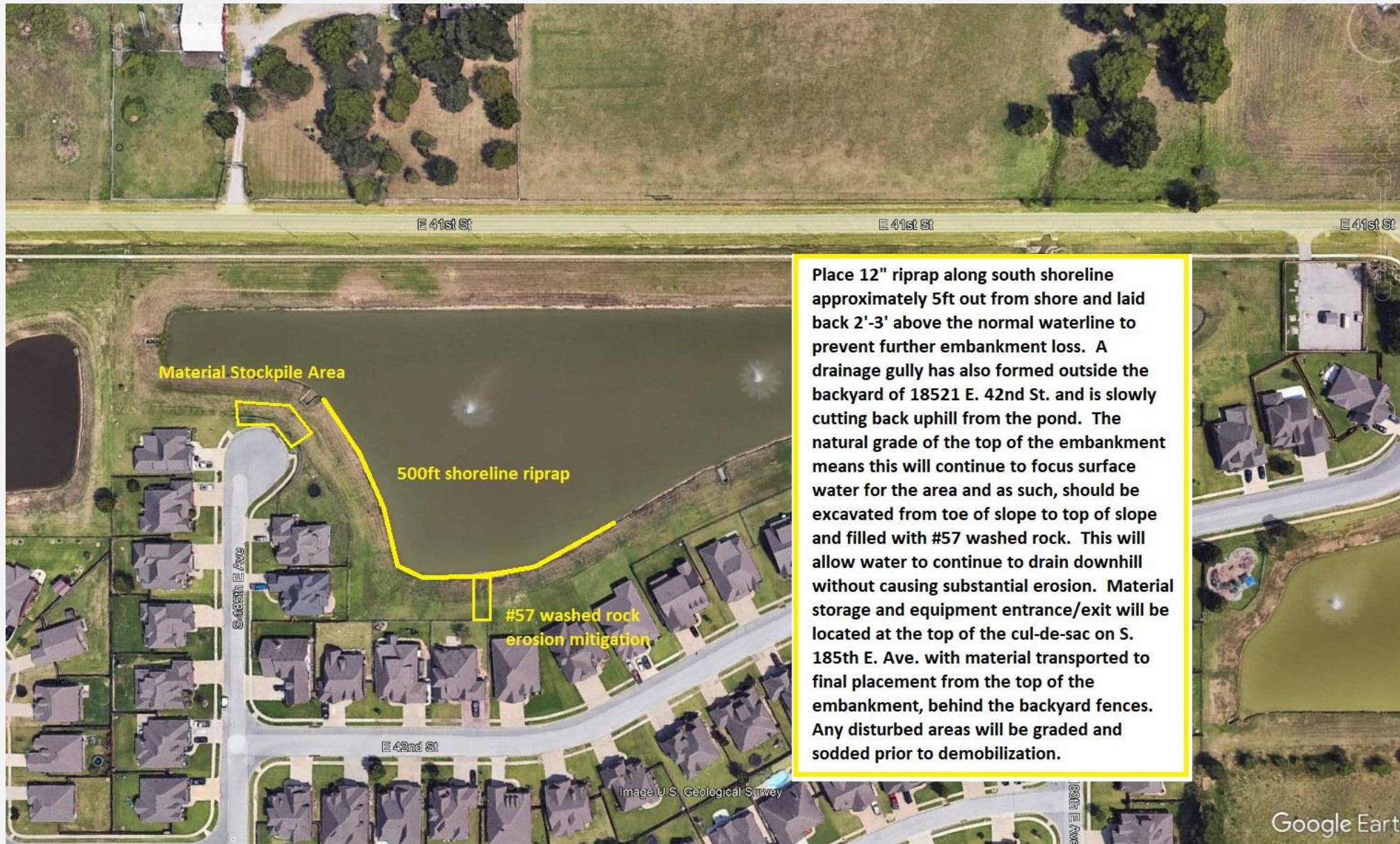
Appendix 4: South pond/east end/north shore \$20,000

SW Pond – Culvert Outlet Erosion Repair



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Appendix 5: 41st St Pond/SE end/South Shore \$53,580



Appendix 6: South Pond/South Shore \$48,950



1. Make entry at cul-de-sac and place materials in west end.
2. Place 100 tons of 3" crushed limestone rock along edge of shoreline where it's too narrow for machine travel.
3. Place 400 tons of 12"-24" diameter rip rap along 700ft of shoreline.
4. Repair top of bank with clean topsoil.
5. Replace approximately 7,000sqft of damaged/disturbed grass with new Bermuda sod.
6. Repair sidewalk that will likely break from repeated heavy equipment traveling across it with riprap.

Estimated Total Construction Cost: \$48,950.00

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