



Bubba Reviews Protective Covenants

Description

Bubba's Review of the Covenants and Restrictions Part 1 – Written by Bubba McGillicuty HSV

It was another beautiful Sunday morning here in the Village even if it was barely above freezing. So, Bubba decided to read over the Protective Covenants Document to see what was in it. He was feeling ambitious and didn't want to freeze his toes off. That would completely ruin his chances of balancing the checkbook.

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Toasty Fire for Bubba's Cold Toes

The first thing Bubba noticed was that the Protective Covenants were adopted on April 18, 2018. This date sounds familiar. Oh yes, this is the date the CMP was officially adopted by the CEO and the BoD of the Hot Springs Village POA. Bubba wondered if this was a coincidence. Then he remembered the CMP mentioned some major changes to the PCs that the BoD felt were "required" to proceed with implementing the CMP. Bubba didn't like this very much. But, he kept reading anyway. It was good exercise for his tired old eyeballs. Then it dawned on him that the POA BoD adamantly stated more than once that the CMP Implementation plan did not start until after the CMP was adopted. Let's see now, the CMP was adopted April 18, 2018. It required changes to our PCs. The PC changes were adopted April 18, 2018. Wow, it must have been put together overnight on April 17th, 2018. That is an amazing accomplishment.

– Bubba suspected the POA BoD didn't tell the whole truth about starting implementation prior to approval. Then he wondered what else the BoD and CEO had been a little less than honest about.

As he started paging through it he found page #3 was the beginning of the INDEX for this huge document. It must be a huge document because it has 4 pages of index. Interesting that the author of this document created such a huge beast. – — Bubba wondered if that was on purpose.

Intentional Confusion?

But he kept reading and on the very first “real” page he found a statement that said, “Paragraphs 1 and 31 of the Protective Covenants, dated 5-21-14, have been preserved without modification below in sections 1.1 and 1.31, in accordance with provisions 1.a.iii and 2.a.i of the Assignment and Assumption of Developer Rights agreement between Cooper Communities, INC. and Hot Springs Village Property Owners Association, dated 4-5-11.” He tried to read the provisions mentioned but got lost several times and gave up. Too confusing and too difficult to find things in this document to understand them.

– Bubba wondered if this was intentional or was it just sloppy work?

Bubba Discovers Intent of Protective Covenants

Next was the section titled “INTENT” and the first sub-section 2.1 was titled “PURPOSE.” Then in the first sub-sub-section 2.1.1 it says the code is adopted to protect the health, safety and general welfare of the residents, property owners, and visitors to Hot Springs Village.

– Bubba grinned because he found something good about the document.

Then Bubba read the very next sub-sub-section 2.1.2 where it states, “**This code is intended to implement the Comprehensive Master Plan**, specifically:

a. To reduce financial burden on individuals caused by the historic imbalance between infrastructure and housing construction.

– Bubba had to really stretch his beliefs to understand this comment. It looks like they are blaming the increase in financial burden on an imbalance between infrastructure and housing construction. But it is up to the BoD to keep the balance even. So, does that mean they admit they goofed up?

It goes on through 10 more sub-sub-sections and some of them are very concerning, such as:

– c. to adjust market segmentation of residential dwelling units to match market demand.

– f. To promote development in locations and formats that support businesses within the Village.

– i. To support modes of transportation in addition to personal vehicles.

– j. To reduce vehicle trips within the Village and related infrastructure maintenance burden.

Protective Covenants Promote Reduced Vehicle Trips

– Bubba said, “Huh? [Wait a minute here. Reduce vehicle trips?](#) What do they expect us to do, walk to the store or walk to a bus stop? Do they realize the Village is located in the mountains with lots of uphill and downhill roads and walkways?” They must not realize that the majority of Village residents are senior citizens and many have physical or health issues that prevent them from walking more than a very short distance, if they can still walk at all. Walking uphill or downhill to a bus stop is an even more stupid idea. Bubba thinks the person who wrote this is not exactly the brightest bulb on the

Christmas tree, but kept reading anyway.



Road Too Steep for Bubba to Climb

In sub-sub-section 2.1.2 item k. says it is "To protect naturalistic character through:

- i. Preserving areas of the Village by removing development rights,
- ii. Preserving tree canopy,
- iii. Promoting the introduction of additional native tree and plant species,
- iv. Concentrating more intensive development within limited areas.

– Bubba thinks the first part ‘i’ is camouflage that is aimed directly at taking rights away from the [creator of the Village, CCI](#). Now why in the world would they be taking shots at CCI unless the POA is intending to get into the property development business, which they deny adamantly.

So many contradictions

– It made Bubba’s head spin when he read part ii about preserving the tree canopy. He wondered if the BoD consulted with anyone from the Village Gardening Clubs about this? If not, then he wonders which member of the BoD is an agrom... agron... tree expert. Who is their “Native tree and plants expert?” Bubba thinks they should rewrite this part of the PCs.

The next part iii says “Promoting the introduction of additional native tree and native plant species.”
– Bubba wondered if any of them realize that Poison Ivy is a native species? Bubba hopes the POA doesn’t plant a really nice ground cover of Poison Ivy in the gardens at the POA building. They might want to rewrite this part too.

Bubba Realizes The Magnitude of His Task

Then it dawned on Bubba that trying to read through and remove all the unwanted, ignorant, and poorly thought out items in the Protective Covenants would be a lot more difficult than originally thought. We need to reduce these "Protective" Covenants from 114 pages of ridiculous ideas to 10 or 15 pages of useable regulations.

Wow, this is getting to be a lot more complicated than Bubba originally thought it would be. He is 4 hours into this mess and barely even scratched the surface. All he managed to do is give himself a headache. It is time to go find a tall glass of iced tea and an aspirin or two.



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Tall Glass of Ice Tea For Bubba

Bubba will post more about the Protective Covenants in the weeks to come as he gets a chance to study them further.

I hope you find this information helpful or at least a bit entertaining.

Regards and stay strong in your beliefs. Our one little vote each DOES count.

Bubba McGillicuty (Staff Writer at Hot Springs Village People)

Category

1. Bubba's Ruminations
2. HSV Villager's Opinion

3. Living In Hot Springs Village

Tags

1. Bubba McGillicuty Hot Springs Village People
2. Bubba McGillicuty HSV
3. Bubba McGillicuty Protective Covenants
4. Bubba Protective Covenants
5. Hot Springs Village CMP

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