

COVERED BRIDGE PROPERTY OWNERS ASSOCIATION

P.O. Box 92649
Austin, TX 78709
Phone (512) 288-2376
Fax (512) 288-2389

November 28, 2011

Re: Notice of Special Association Meeting December 7th to vote on 2012 increase to regular assessments. *Please submit absentee ballot or proxy form (both forms attached) ASAP, or plan on coming to the meeting to cast your vote.*

Dear Neighbors,

We will hold a meeting to vote on approving an increase to regular annual assessments to support activities to protect the health and benefit of the Covered Bridge community as it relates to the current Dream City site development plan and the administrative review process the City used to approve the plan without notice to registered interested parties. An appeal of that site plan approval has been denied.

The increase contemplated is an additional \$200 in assessments for 2012, to be earmarked for Association activity in opposition to the Dream City site plan. This would raise the total annual assessment for each Member for 2012 to \$596. The additional assessment is only proposed for the 2012 budget year. The assessment can be paid all at once or via payments with the first payment due January 1, 2012, for \$298 and the second due April 28, 2012, for \$298.

To the extent these extra earmarked funds to oppose the Dream City site plan are not used, they will be applied as pre-paid regular assessments, pro-rata for all Members, for the next available annual assessment after a Board determination is made that the funds are no longer required for their stated purpose.

The Special Meeting of Members will be held on **Wednesday, December 7, 2011, at the Travis County Community Center at 8656 Hwy. 71, Building A, at 7:30 p.m.** If you cannot attend the meeting, please either submit the absentee ballot attached to CAM, or provide a proxy in the form attached to a neighbor who plans to attend the special meeting or fax a proxy to CAM. (Detailed instructions for submittal are on the respective attached proxy and absentee ballot forms). Per state law all Members can now vote by absentee ballot.

Your neighbors will be canvassing the community soon to provide you with additional information. You are urged to send in your absentee ballot (enclosed) ASAP if you cannot attend the meeting. Or, if you would prefer to send a proxy to the meeting rather than cast a vote by absentee ballot, please use the enclosed proxy form.

Thank you.

On behalf of the entire Board of Directors,

Eli del Angel, President
CBPOA

Enclosures:
Oakhill Newspaper article
Absentee ballot*
Proxy form*

***Please submit one (but not both) forms if you cannot attend the meeting in person.**

Dear Covered Bridge Residents:

Below is a copy of the text of a press release written by our neighbors to the west in Hill Country Estates. We believe you will find this informative and it fairly represents the past and current positions taken by the Covered Bridge Board concerning the “Dream City” development.

The Board of Directors unanimously opposes the **process** and **precedent** set by the City to administratively approve the “Dream City” site plan. A process that does not require notification by the Director of Planning and Development Review Department to interested parties, as decisions are made on permissible land uses. The **precedent** set by expanding religious assembly use to include an outdoor music venue (amphitheater) in a residential area that includes musical and theatrical performances as well as other civic events.

We support our neighbors in Hill Country Estates and others in the Oak Hill area in their opposition the Dream City” development. We do not oppose the construction of a church; we do oppose the construction this Church is proposing.

Sincerely,

Covered Bridge Board of Directors

October 31, 2011:

Hill Country Estates Homeowners Association Press Release

Hill Country Estates Neighborhood Opposes Dream City Plans

The Hill Country Estates Homeowners Association representing a neighborhood of more than seventy families opposes plans by the Promise Land West Church to build an outdoor music amphitheater on 71 West, and objects to the covert manner in which a single employee of the City of Austin redefined the meaning of “Religious Assembly use” without public notice. The development site, called Dream City by the Church, resides between the Hill Country Estates, Westview Estates and Covered Bridge neighborhoods, and includes an outdoor amphitheater with 1,000 fixed seats and hillside seating for another 2,500 designed for entertainment with amplified sound and lighting. Church minister, Randy Philips, is the member of a popular Christian rock group.

We oppose the plan for the following reasons:

- The area is zoned for rural residential development. While religious assemblies have exceptional property development rights, the planned outdoor music venue is contrary both to zoning standards, and to the City's approved Neighborhood Plan. Such facilities are only allowed in a few commercial zoning districts if a conditional use permit is granted by the Planning Commission. No such permit has been issued.
- The precedent-setting decision to approve the inclusion of the amphitheater to this plan was made by a single City of Austin staff member, outside any formal site plan review process, and without notice to registered interested parties. Greg Guernsey, the Director of Planning and Development Review for the City of Austin, approved the outdoor amphitheater by accepting the representation that the outdoor amphitheater was for religious assembly. Contrary to the claimed religious assembly use, Mr. Guernsey also authorized musical and theatrical performances as well as concerts to be held at the outdoor amphitheatre.
- Hill Country Estates Homeowners Association attempted to file an appeal to the interpretation of Austin Zoning Code contained within the approved site plan, but our right to appeal this decision was denied to us because the decision was reported to have been made in a private email exchange between Mr. Guernsey and the project engineer in 2008.
- Despite statements by Promise Land West that they are working with the neighbors, church leaders stopped communicating with the homeowners associations in 2008, and have repeatedly ignored our requests for information and for restrictive covenants that would protect homeowners and home values.
- The City of Austin is setting a precedent with this decision that, if allowed to stand, permits any religious group to build an outdoor entertainment facility in any neighborhood, regardless of zoning. They have, effectively, rewritten the zoning and land use standards for Religious Assembly use, without public or elected official review. The Hill Country Estates Homeowners Association believes that this decision usurps the authority of the City Council by effectively amending the Austin City Zoning Code to administratively approve a commercial type use in a residential zoning district without the required conditional use permit.

COVERED BRIDGE PROPERTY OWNERS ASSOCIATION, INC.

BALLOT AND INSTRUCTIONS FOR SPECIAL MEETING OF MEMBERS (12-7-11)

This is an **Absentee Ballot**, if you will not be attending the meeting, please vote this absentee ballot.
Ballots will be available at the meeting for those attending the meeting.

Proposal: The Association may increase regular assessments by more than 10% with the approval of 2/3 of members casting votes. An increase of \$200 in assessments for 2012 is proposed to be earmarked for Dream City activity to express concern about, oppose, and/or attempt to negotiate favorable alteration of, the Dream City project. This would raise the total annual assessments for 2012 to \$596. To the extent that any extra Dream City earmarked funds are not used (at any time the Board determines no further work shall be performed by the Association regarding Dream City), they will be applied as pre-paid regular assessments pro rata for all owners. A vote of the owners is required to approve this increase as it represents over a 10% increase.

Notice required by statute: By casting your vote via absentee ballot you will forgo the opportunity to consider and vote on an action from the floor on these proposals, if a meeting is held. This means that if there are amendments to these proposals your votes will not be counted on the final vote on these measures. If you desire to retain this ability, please attend any meeting in person. You may submit an absentee ballot and later choose to attend any meeting in person, in which case any in-person vote will prevail.

Instructions for completion and submission of ballots:

- Only one ballot per lot may be cast. If you own more than one lot, please complete and return one ballot for each lot owned.
- Cast your vote as specified on the ballot.
- Ballots cast in advance of the meeting should be **RECEIVED** by the association's managing agent **no later than 12:00 noon December 7, 2012**, otherwise, it cannot be assured that your vote will be counted. Otherwise, please attend the meeting, give your absentee ballot to someone who will be attending the meeting and can bring it to the meeting, or assign your proxy (a form was provided by the board with this same mailout) to someone who will be attending the meeting and can vote for you.
- Once a ballot is cast, it cannot be revoked or revised other than by attending the meeting and casting a vote in person.

BALLOT for Regular Assessment Increase

I hereby vote (check one) FOR or AGAINST the increase in regular assessments by an additional \$200 for 2012 to \$596, with the \$200 to be earmarked for Dream City activity as described above.

Owner signature: _____

Owner address in Covered Bridge: _____

Owner printed name: _____

Date: _____

Please return this COMPLETED and SIGNED absentee ballot to Community Association Management, Inc. attn: Jack Baker via fax to 512-288-2389 or via email to jack@camanagers.com no later than December 7th at 12:00 noon. Unsigned ballots cannot be counted per state law.

COVERED BRIDGE PROPERTY OWNERS ASSOCIATION, INC.

PROXY – SPECIAL MEETING OF MEMBERS (12-7-11)

If you cannot attend you are encouraged to vote directly by submitting an absentee ballot (an absentee ballot is included in the same association mailout that included this proxy). If you prefer, however, you may assign this proxy to someone who will be attending the meeting. **Do not return the ballot and the proxy. Submit one or the other.**

Instructions: If you are not able to attend the Special Meeting of the Association on December 7, 2011, you may and return this proxy form authorizing either the Association's President, or another individual who will be in attendance, to cast your vote. Completion of a proxy form will ensure that a sufficient number of lots are represented at the meeting for the Association to legally hold a membership vote. As indicated below, this proxy can be revoked by you at any time and will terminate automatically after the Special Meeting, including any adjournment and reconvention thereof. If you own more than one lot within Covered Bridge, please complete one proxy form for each lot owned. Completed proxy forms must be delivered to the Association according to the instructions below in order to be effective. **Please be sure to sign and date this proxy form. Un-signed or un-dated proxy forms are invalid. All proxies forms for the above-described meeting, signed prior to signing this proxy form are void.**

Grant of Proxy: I, _____ (write in/print lot owner's name), am the owner of the Covered Bridge lot located at _____ (write in/print physical address). I hereby grant my proxy to the individual indicated below, and I authorize that individual to cast my vote at the Special Meeting of the Association scheduled for December 7, 2011, including any adjournment and reconvention thereof.

Proxy Holder: I appoint the following individual to serve as my proxy holder (**check only one**):

- The President of the Association or, in their absence, any presiding officer [the President intends to vote in favor of the assessment increase]; **OR**
- _____ (insert name of any one individual who has indicated that he/she will be attending the Special Meeting)

Revocation/Termination: I may revoke this proxy and the rights granted herein at any time. The rights granted under this proxy shall automatically cease after the Special Meeting referenced herein is concluded, including any adjournment and reconvention thereof.

Please SIGN and DATE below. Un-signed or un-dated proxy forms are invalid. This signed proxy form voids any previously signed proxy forms. If proxies are delivered by mail or fax, they must be received at the address indicated below no later than 12:00 noon on the day of the Special Meeting. Otherwise, proxies must be hand delivered to the Secretary of the Association at the Special Meeting BEFORE the 7:00 p.m. commencement time.

Signature: _____

Date: _____

Address for Delivery of Proxy

Covered Bridge Property Owners Association, Inc.
c/o Community Association Management
P.O. Box 92649
Austin, Texas 78709
Fax: 512-288-2389