



Southgate News

September 2007

Our next meeting will be Tuesday, September 25nd at 7:30 at **Rice Temple Baptist Church**, 6409 Greenbriar at McClendon. Please try to attend. Your input is important to the neighborhood. The Agenda will include:

- **Traffic**
- **Efforts towards Refining Southgate's Deed Restrictions (see survey at back of this Newsletter)**
- **Other Topics of Interest**

Traffic Mitigation Efforts Move Forward

Recent History:

In the winter of 2007, the Hilton and the Houston Medical Center proprietors initiated a conversation with the city about removing the barrier across Southgate Blvd. These businesses expressed concern that the barrier, combined with the recent closure of Travis between Southgate and University, overly restricts access to their properties. The Civic Club responded that removing the barrier would adversely affect the community by allowing traffic to flow into the neighborhood from Main Street and the Baylor Clinic.

Defining Solutions:

The Civic Club has worked with Council Member Clutterbuck's office for the past several months to identify a solution acceptable to these businesses, the city, and the neighborhood. The Civic Club also surveyed Southgate residents about traffic issues. As a result of these efforts, the city and the Civic Club have agreed to the following course of action:

1. Removal of the existing barrier
2. Installation of a new and stronger barrier across Southgate and Addison **west** of Travis

3. Designation of **the east-most block** of Swift and McClendon as **1-way towards the TMC**
4. Installation of "**button medians**" on McClendon and Swift at Travis. These medians are designed to encourage compliance with the 1-way designation.
5. Pave the eastern tip of the Southgate blvd. esplanade to allow fire department ladder trucks to negotiate the turn from Addison to Southgate once the barrier is in place on the west side of Travis.

Current Status:

At the time of this writing, the tip of the Southgate Blvd esplanade has been paved. Council Member Clutterbuck's office has suggested that the entire project might be completed by the end of September.

There will be a thorough presentation and discussion of these efforts at the September meeting. It is likely that either the Council Member or one of her staff will attend the September Civic Club meeting

Highlights of the May 2007 General Meeting

Treasure's Report (John Boom)

Membership update:

215 members to date
Ahead of last year's pace
About 1/3 participation

A few members reported that the Civic Club fails to clearly notify them when their dues are due. There was a short discussion on how to make this information more readily available.

Traffic Committee (Curt Frisby)

Curt has been in communication with Tim Douglass in Council Member Clutterbuck's office about proposed changes to the traffic patterns in Southgate. The proposal includes moving the existing Southgate border to the west side of Travis and to making the east-most blocks of McClendon and Swift one-way flowing towards the TMC. The City has agreed to move forward with this plan pending approval from the Houston Fire Department.

Deed Restriction (C. Leachman)

The Committee is developing a framework from which to begin refining Southgate's aging deed restrictions. **PLEASE SEE THE SURVEY ATTACHED TO THIS NEWSLETTER.**

Special Election

A special election was held at the May 2007 Civic Club meeting to fill vacancies on the Executive Committee. The vacancies were created when two members of the Executive Committee moved out of Southgate. The newly elected officers are:

President: Neil Kelly
Vice President: Curt Frisby
Vice President: Bill Burge

Do you own your stuff or is your stuff owning you?

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Contact Natalie for more information on organization services.

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Architectural Review Committee

Thinking about remodeling? If you have plans to remodel your house or garage and it involves the exterior, you should have your plans reviewed by the architectural review committee. This committee will look at your plans and make sure that they conform to the deed restrictions of the neighborhood. Having your plans reviewed will avoid the possibility that you get half way through a project only to discover that there is a violation of some kind requiring a costly change in plans. You may not know that Southgate as a whole is made up of four separate sections, each with different deed restriction language. So just because you see something in one part of Southgate, or even across the street, it doesn't necessarily mean that it conforms to the restrictions in your section. **Contact Roger M. Cooner at (713) 822-4270, to arrange for the committee to review your plans.** You should allow two to three weeks for this process; the committee tries to be as quick as possible, but all are volunteers who have other obligations

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PLEASE JOIN

If you have not paid dues in calendar year 2007, please consider adding your support to the Southgate Civic Club. Simply complete the Resident Information Form below and mail it with your dues of \$50.00 per residence, to Southgate Civic Club, 2260 Holcombe Blvd., Box 162, Houston, Texas 77030.

=====
Clip and Return with Your Dues Payment

SOUTHGATE RESIDENT INFORMATION

Names of Adult Residents: _____

Names of Any Children: _____

Address (Number & Street): _____

Telephone Number(s): _____ E-Mail Address: _____

May We Use Your E-Mail Address to Contact You About Critical News and Activities? _____

Check as Applicable: Own ___ Rent ___ Amount of Dues Enclosed: \$50 _____

Include my information in the upcoming Southgate Directory Yes _____ No _____

Feel free to contact any of your Civic Club officers with neighborhood information or with your interests and concerns about your neighborhood and Civic Club.

President	Neil Kelly		NKelly@andrewskurth.com
Vice President	Veljko Roskar	(713) 666-2416	veljko@earthlink.net
Vice President	Bill Burge		
Vice President and Traffic Committee	Curt Frisby	(713) 807-1149	CFrisby@marmonkeystone.com
Treasurer	John Boom	(713) 349-8775	johnmboom@yahoo.com
Secretary and Newsletter Editor	Andrew McCullough	(713) 666-9745	andrewjpm2005@yahoo.com
RACS Representative	Richard Lazear	(713) 942-7788	
Univ. Plc Assoc. Advisor	Thea Fabio	(713) 522-7200	fabiomerrl@aol.com
Rice Univ. Advisor	Richard Merrill	(713) 522-7200	fabiomerrl@aol.com
Deed Restriction	Catherine Leachman	(713) 669-1289	cleachman@houston.rr.com
Architect Review	Roger Cooner	(713) 822-4270	rogercooner@sbcglobal.net

Southgate Civic Club

A Texas Non-Profit Corporation

SOUTHGATE SECTIONS ONE AND TWO PROPOSED DEED RESTRICTIONS CHANGES SURVEY

THE SOUTHGATE CIVIC CLUB NEEDS YOUR FEEDBACK!

Recent inquiries from property owners in Southgate revealed some weaknesses in our deed restrictions. To address these weaknesses, the Southgate Civic Club has been looking into what we as a community would need to do to make some changes to our deed restrictions. To that end, we need to know how the property owners that would be affected view these proposed changes.

The Southgate subdivision is comprised of 4 different sections: the Southgate Annex, Southgate Addition (also referred to as Section 1), Southgate Section 2, and Southgate Section 3. Each section its own set of deed restrictions that were drafted and adopted at different times as the neighborhood developed over the years. **THE CHANGES CURRENTLY BEING CONSIDERED ONLY AFFECT THE ADDITION (SECTION 1) AND SECTION 2.** This includes roughly those properties from the south side of Southgate Boulevard to University and Greenbriar to Travis and excluding the Annex. These two sections contain some of the same language that has been problematic over the last several months. In addition, the process to change the deed restrictions for these two section is different from the Annex and Section 3. It is important to note that in the event any changes are adopted, all properties that are **currently in compliance with the current deed restrictions would be grandfathered** – the deed restriction changes will **ONLY AFFECT PROPERTIES AS WE GO FORWARD FROM THE TIME OF ADOPTION.**

The deed restrictions for Southgate Section 1 and Section 2 do not contain a provision for amending the deed restrictions, which means that the only way to change the deed restrictions is to follow the procedures set forth in the Texas Property Code. There are 2 sections in the Property Code (sections 201 and 204) with different procedures. Section 204 does not cover properties that are multi-family, and as every section of Southgate contains multi-family properties, the neighborhood cannot use this provision, but must proceed under Texas Property Code Section 201. This is not an easy or inexpensive process, and the Southgate Civic Club needs your feedback before we embark on this course of action. Please take a few moments to look at these issues and let us know what you think!

After we receive your feedback, we will have a Petition drafted under Section 201 that will have the changes that are supported by the neighborhood. The Petition will then be circulated and will need to be voted as a whole as required by Section 201 – there will not be an opportunity to vote separately on independent changes.

Please return your survey by October 15 to:

**Southgate Civic Club
2260 Holcombe Blvd.
Box 162, Houston, Texas 77030.**

I. Multi-Family Lots. The eastern perimeter of Section 1 and 2 has many properties on which “apartments and duplexes” may be constructed. We have had several inquiries from prospective purchasers of some of the lots as to whether the deed restrictions would allow the construction of townhouses or multiple free-standing single family homes on those lots. In almost every case, the proposed density was less than the current number of apartment units (*i.e.*, 2 townhomes instead of the current 4 apartments) and many of the proposed projects were for upscale, expensive homes. The Southgate Civic Club has been advised that the language in the deed restrictions would not allow for such a development of the property. It should be noted that the deed restrictions do not have a height limit or a limit on the number of apartment units that can be built, so theoretically, a developer could buy one of the 4-plexes and put as many apartment units as he/she wanted on the lot.

The Southgate Civic Club proposes changing the deed restrictions of Sections 1 and 2 to allow for the construction of townhouses or other multiple single family homes on those lots that are currently designated as allowing apartments and duplexes.

- _____ I am in favor of this change to the deed restrictions.
- _____ I oppose this change to the deed restrictions, but will vote for the Petition to change the deed restriction if it is included.
- _____ Inclusion of this provision in the deed restrictions changes would cause me to vote against the Petition.

Comments:

II. Single Family Use. The original deed restrictions provide that all lots not designated for use as apartments or duplexes shall be of the “single family type” and in a separate clause, that all such lots shall be used for residence purposes only. The Civic Club was advised us that this creates an ambiguity and a court might interpret the language as meaning that as long as the structure on the lot is architecturally a single-family type, any number of unrelated persons might use it for residence purposes (*i.e.* renting one home to 5 students). This provision has never been tested and the Civic Club proposes to clarify this provision during this amendment process to make clear that all lots not designated as allowing apartments and duplexes be limited to single - family residence purposes only and that a definition of “single family” be incorporated which would allow for persons related by blood and marriage and no more than two unrelated persons to live in the same house.

- _____ I am in favor of this change to the deed restrictions.
- _____ I oppose this change to the deed restrictions, but will vote for the Petition to change the deed restriction if it is included.
- _____ Inclusion of this provision in the deed restrictions changes would cause me to vote against the Petition.

Comments:

III. Standing to Sue. Currently the Southgate Civic Club has no standing to bring suit in its own name against those who violate the deed restrictions in our neighborhood. As many of you know, the Civic Club has over the years amassed a fairly sizeable amount of money through the voluntary dues that we collect that is in a fund set

aside specifically to enforce our deed restrictions. This money can and has been spent over the years to ensure enforcement of our deed restrictions. However, if a lawsuit has to be filed, only a current property owner of a lot within the Southgate section affected can be named as plaintiff. The Civic Club can assist and contribute funds and time, but an individual property owner must be named as plaintiff. This may put that individual property owner not only in an awkward situation but also in a situation in which he or she may be named in a countersuit. The Civic Club proposes to change the deed restrictions to confer on the Southgate Civic Club the standing to bring suit in its own name to enforce the deed restrictions.

- _____ I am in favor of this change to the deed restrictions.
- _____ I oppose this change to the deed restrictions, but will vote for the Petition to change the deed restriction if it is included.
- _____ Inclusion of this provision in the deed restrictions changes would cause me to vote against the Petition.

Comments:

IV. Amendment Clause. Our efforts to change the deed restrictions in Sections 1 and 2 must be done under the provisions of Texas Property Code Section 201 because there is no provision on the original deed restrictions to amend or change them and we do not qualify to use Section 204 because of the multi-family lots that exist in each section. This is a burdensome and costly process which requires a vote of 75% of owners to amend and allows those who do not wish to join the option of refusing to sign on to the changes (they will still be bound by those deed restrictions in force at the time of the amendment). The Civic Club proposes to include an amendment process in the changes to the deed restrictions to allow the deed restrictions to change as circumstances change with either a vote of 51% or 60% of the owners of the parcels in a given section. A parcel would essentially be defined as contiguous lots or portions thereof owned by the same person(s) which are used for a single purpose (i.e. a home located on the east 30 feet of lot 1, all of lot 2, and the west 30 feet of lot 3).

- _____ I am in favor of this change to the deed restrictions.
 - _____ I support a required vote of the owners of 60% of the lots in my section.
- OR**
- _____ I support a required vote of the owners of 51% of the lots in my section.

- _____ I oppose this change to the deed restrictions, but will vote for the Petition to change the deed restriction if it is included.
- _____ Inclusion of this provision in the deed restrictions changes would cause me to vote against the Petition if the required percentage is 51%. OR
- _____ Inclusion of this provision in the deed restriction changes would cause me to vote against the Petition if the required percentage is 60%.

Comments:

V. Minimum Side Setback. The deed restrictions for sections 2 and 3 require a minimum building side setback of 5 feet on each side of an interior lot for a main building and 3 feet for an outbuilding; the deed restrictions for Section 1 do not contain *any* side setback requirements. Therefore, in Southgate Section 1, a house can be built on the property line so long as it conforms to other City building codes. The Civic Club proposes to change the deed restrictions of Southgate Section 1 to conform to the deed restrictions of Sections 2 and 3 and provide for a 5 foot side setback for main buildings and a 3 foot side setback for outbuildings such as a detached garage. (As noted above, this only applies to construction started after any deed restrictions are approved.)

- _____ I am in favor of this change to the deed restrictions.
- _____ I oppose this change to the deed restrictions, but will vote for the Petition to change the deed restriction if it is included.
- _____ Inclusion of this provision in the deed restrictions changes would cause me to vote against the Petition.

Comments:

VI. Minimum Lot Size. We can all see the increase in density of homes in areas around us with 2 or more townhouses being erected on formerly single-family lots. The City has an ordinance which has proven to be problematic for the various sections of Southgate to conform to because of varying lot sizes within a block. A change to the deed restrictions requiring that a lot be no less than a certain number of square feet eliminates the uncertainty of the City's ordinance. The Civic Club therefore proposes that all lots currently designated as single-family contain no less than 5,000 square feet and those lots on which apartments and duplexes are allowed could be subdivided to no less than 2500 square feet per unit.

- _____ I am in favor of this change to the deed restrictions.
- _____ I oppose this change to the deed restrictions, but will vote for the Petition to change the deed restriction if it is included.
- _____ Inclusion of this provision in the deed restrictions changes would cause me to vote against the Petition.

Comments:

VII.. For many years the Southgate Civic Club has maintained an architectural review committee. This has been provided as a free service to the owners of property in Southgate and has served to inform people that their plans were or were not in compliance with the deed restrictions. Unfortunately, there have been those who have not availed themselves of this service and have found themselves part-way through a costly project only to learn that they are out of compliance with the deed restrictions and that legal action might follow if the plans were carried out unchanged. The Southgate Civic Club proposes to make architectural review of building plans a mandatory service, the *sole purpose and authority of which would be to ensure that the proposed building plans conform to the deed restrictions*. This would include an appeal process should the architectural review committee deny an owner's plans.

- _____ I am in favor of this change to the deed restrictions.
- _____ I oppose this change to the deed restrictions, but will vote for the Petition to change the deed restriction if it is included.
- _____ Inclusion of this provision in the deed restrictions changes would cause me to vote against the Petition.

Comments:

VII. Height Restrictions. Currently there is no height restriction for structures in the neighborhood. The Civic Club has discussed including a change in the deed restrictions to limit the height of single family homes to no more than three stories.

- _____ I am in favor of this change to the deed restrictions.
- _____ I oppose this change to the deed restrictions, but will vote for the Petition to change the deed restriction if it is included.
- _____ Inclusion of this provision in the deed restrictions changes would cause me to vote against the Petition.

Comments:

Name:

Address:

Legal Description of Lot (if readily available):

Thank you for taking the time to complete and return this survey. If you would like to volunteer to help with this effort, please provide us with your contact information.