

# Ballena Bay Townhouse Association

P.O. Box 512 • Alameda, Ca. 94501

NOTES TO HOMEOWNERS

JANUARY 1986

## THE NEW DEVELOPMENT

The New development of eleven new homes at the east end of Tideway, is now substantially complete, at least one has been sold and we shall have our first new neighbours there by the end of the month.

## HARBOUR

Our friends at the harbour have their new building pretty well finished. So far no more news of the hotel proposed for the other end of the island. The dumping activity that you may have noticed is fill to replace the erosion.

## SECURITY

No problems again. I am writing our annual letter of appreciation to the Alameda Police Department thanking them for their help and consideration. I think they are the finest force in California.

## HOLIDAY DECORATIONS

Once again a wonderful display of lights this year, the channel at night looked wonderful. Well done all of you. The tree to remember Jim Forni was donated this year by Fritz Mason, as they have done for four years Terry and Patricia Klaus provided the electricity. Our thanks to them again. By the way if you haven't disposed of your Xmas tree, the garbage men take it on a space available basis, put it by your garbage receptacle on Friday morning.

## DOCKS

The docks for the new homes are in the process of being assembled, some of you are playing host to the fingers until they are attached. There will be some more dinghy floats available that can be used to keep the walk ways on the docks clearer. Please get in touch with me to arrange for this.

## INSURANCE.

We received a very fine insurance report this year. The carrier has suggested that all homeowners install smoke alarms, these are relatively inexpensive, easily installed and available at most hardware stores. Paganos have them in stock. Another plus would be to utilize the dinghy floats referred to above, it will cut back our risk of accidents. The broker has just informed me, however, that the earthquake insurance carrier has declined to renew our earthquake policy. This is occurring throughout California. He has promised to notify us if and when it should become available again.

ROOFS.

We seem to have this under control now except of course for the poor structural condition. Once again, if you are unfortunate enough to get a leak. Please call me as near to 8 am. as you can manage, in order that we can deal with the problem promptly. We advise the addition of sump drains to the garage roofs that do not already have them. If in doubt please ask me about this.

ELECTION OF BOARD OF DIRECTORS.

After the annual meeting, I received a note in the mail implying the ballot count might have been incorrect, realising that if my unknown informant were right, then the composition of the board might be substantially altered, I took the action you will find described in the enclosed letter to the candidates. I have decided to send you a copy in order that you may be aware of what transpired. I thank Bob Partridge for his help and support in this matter. Also, in your behalf, extend our thanks to all the candidates.

DUES.

After careful consideration, it has been found necessary to raise the dues to \$95 per month, the quarterly bills will therefore reflect this in the amount of \$285. A major factor is the ever increasing cost of insurance. Ours has doubled and may well double again in August, this with higher deductibles and a history of no claims. Some Associations with poor claim histories can't buy insurance at all. The fact that we have the new homes involved enabled us to keep the dues as low as they are. You will find herewith a copy of the budgets of 1985 and 1986. My thanks to the Budget committee for their work.

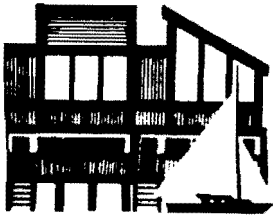
BOARD MEETINGS.

Board meetings are held from time to time, at each meeting the first item on the agenda is Homeowners Business. This is intended to accomodate homeowners with requests requiring the approval of the board. It should not be construed to mean that these meetings are general meetings. Our bylaws call for a three day notice period to board members. If you have a request to put before the board please call me or any board member.

WELCOME.

Philip & Alison Braverman have purchased 405 Cola Ballena and Edwin & Browyn Hall have purchased 412 Tideway both families have moved in. We hope they will enjoy their new homes, I am sure that they will make many friends here. I hope you have all had a wonderful festive season, and will have a happy and successful 1986. You are a grand bunch of neighbours

  
Ian



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NOTES TO HOMEOWNERS

JUNE 1986

## THE NEW ADDITION TO THE ASSOCIATION.

We are preparing to accept the new homes and the common areas into the Association. I honestly feel we can look with a great deal of pride at our new acquisition. These homes are well built and are a definite attribute to BBTHA. I am glad that we were able, in cooperation with the developer Great Sierra Group, to have this development reach completion. Barry Scgarrella, President of the development company and his staff have kept faith with us throughout. We wish him well in in his future ventures. Its a pity we have no more space. The general contractor also deserves an accolade. This is the W.E.Lyons Company, they have a splendid reputation and it is comforting to realise that they are there if we ever need them.

## HOMES AVAILABLE

In addition to the new homes discussed above the following fine homes are for sale Phillis Hickman's 459 Cola Ballena, Rich and Liisa Prehn's 312 Tideway, Joe and Betty Oakey's 352 Tideway and although he actually sold some years ago, Darby Betts's 410 Tideway. While I am sorry to lose these folks as neighbours, thats life. If you have friends that you'd like to see move here, please tell them of these fine opportunities.

While on this topic, we must say goodbye to Ken and Nancy Main they've moved to England (fancy that) and sold their home to Sherwood and Maureen Marshall. We are sure that they will enjoy living here. Paul and Annie Altman have sold to Jim Oliver. All the best to Paul and Annie and welcome to Jim, he's all the way from Crown Harbour, but we'll get him into shape, after all Bob Brown came from there. Also its farewell to Dougal and Diane Macdonald who are moving to Dixon, so far their house is unsold but I understand that it is being rented. In addition in the Welcome category it is our pleasure to welcome Russell and Janice Kirk at 512 Tideway, Robin Loh at 342 Tideway, Paul and Sylvia Becker at 507 Tideway and Peter Wang at 511 Tideway. We are sure they will enjoy the neighbourhood and we can count ourselves fortunate to have them.

SECURITY

Up until Tuesday we had no problems, however some wretch broke the security lock at the new development and tried to steal our new neighbour Paul Becker's beautiful Pearson ketch. The miscreant was unable to get it out of the harbour and abandoned it. It fetched up on the rocks off Crown Harbour, I understand that it was not severely damaged. It is difficult to know what, if anything, can be done to prevent this kind of outrage. Perhaps it will be necessary to chain boats to the docks. I believe that this is the first incident like this in Ballena Bay.

Now the fair weather has set in we can anticipate more waterborne traffic in the channel. Last season, a lot of owners were bothered by the regular appearance of a large number of fishing boats which anchored in the channel adjacent to their homes all day. In addition to being a nuisance this also blocked the channel. The channel is tidal, however we do own the land underlying the water from the individual property line (the edge of your decks) to the center of the channel. There is only one easement, to the City, 10 feet in the center for storm drain purposes, as the outfall of the storm drains does run into the channel. While it is not practical to deny the use of the channel to boaters other than our invitees. I think it is logical that we can prevent anchoring and certainly landing.

On a recent week-end I was somewhat startled to see a motor boat tie up to the Neil's dock, two people go up the ramp, peer through the house windows and then climb the side fence. I'm sure my indignant bellow disturbed your Sunday afternoon's rest, by the time I arrived on Ballena Blvd., these people had disappeared. I then asked the people in the boat the reason for this intrusion. I was told "Well we ran out of gas, Man!" This despite the fact that many Home-owners were out on their decks, in full view of the boat in question. In order that the importance of this obvious disregard for property rights be made clear, I insisted that the police talk to these people. I offered as an analogy, that, if I ran out of gas on the street outside their home, I would not have the right to climb their fence in order to obtain help. Also, it seemed logical to me, to first ask for help from those people who were obviously at home sitting out on their decks.

#### DOCKS

Some docks sustained some damage in the last two sets of storms but we have repaired them. we are nearly sure that the use of a high pressure trash pump will take care of a great deal of our silting problems to keep the headfloats from grounding too badly, although I suppose we will always have some to contend with. More particularly where the end fingers have been turned. There are still a few dinghy floats that have not been spoken for, these can be used to keep the walk ways on the docks clearer. Please get in touch with me to arrange for this. If you have already applied we are still awaiting the crane to put them into the water

#### INSURANCE.

As you will remember the carrier has suggested that all homeowners install smoke alarms, many of us have already installed them they are relatively inexpensive and available at most hardware stores. So far no change in the earthquake insurance situation. We are keeping a close eye on this, also we do not know what the renewal rate for our general insurance will be. We are keeping in touch with the broker and hoping that the market will improve.

#### ROOFS.

Two months ago we went through two of the worst series of storms that we've had for many years and managed to keep the water out. The few leaks that did develop were dealt with promptly thanks to the cooperation of the affected homeowners. The roof sump problem and the solution recommended by the roofer for the garages is working out well. You will remember, I suggested the addition of these sump drains to the garage roofs that do not already have them; in a previous Homeowners Notes. Once again, if you are unfortunate enough to get a leak. Please call me as near to 8 am. as you can manage, in order that we can deal with the problem promptly.

#### BOARD MEETINGS.

The first item on the agenda at all Board Meetings is Homeowners Business. This is intended to accomodate homeowners with requests requiring the approval of the board. If you have a request to put before the board please call me or any board member. You will find attached the minutes of the February Meeting. The next minutes will be distributed within a couple of weeks, after they are approved. For your information the audited report for 1985 was delayed at the auditors by circumstances beyond our and apparently their control. I anticipate being able to distribute this at the same time as the minutes.

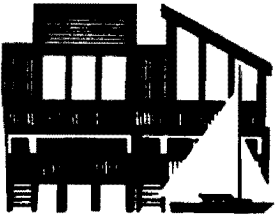
BOARD OF DIRECTORS.

Perhaps it is worth pointing out to the membership and to the new owners in particular that the Board of Directors is a group of volunteer homeowners, just like yourselves, who are elected by the members. They are responsible for the management of your Association which is in fact a corporation. They receive no pay or any other consideration for their efforts, they devote a great deal of their leisure time to their tasks. They often have to make difficult decisions. Sometimes you may disagree with them, however I know that they try very hard to do their best for the rest of us. I am grateful to them and proud to be associated with them.

THANKS.

My Thanks are due to Don Gutleben, who helped me replace the faulty streetlights, this thankyou belongs in the last notes, sorry Don. To Tom Sullivan who assisted by getting the sand bar out from under his headfloat and who tried valiantly albeit unsuccessfully to rescue my glasses from their watery grave off his dock. Yes folks I went in again while moving the floats that were about to be repaired. In that effort I must thank Ed Smith not a member of the association but a friend of Fritz Mason and now mine. This man gave up about four of his valuable days off to help move these floats. Good man! To Bob Liptai who has located the missing float we'll pick it up the next time Ed Smith comes by. To the Board of Directors who by their support and help make it all possible. To you all, You are a grand bunch of neighbours

Ian



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## NOTES TO HOMEOWNERS

JULY 1986

### THE NEW ADDITION TO THE ASSOCIATION.

Barry Scgarrella, President of the development company Great Sierra is planning a "Fun Weekend" with a sailing cruisers race. Beginning off Tiberon it will culminate at Ballena Bay, where a barbeque and hospitality will be offered all entrants. Running the mechanics of the affair is our own Dick Aronoff so we can be assured that it will be handled fairly and well. The entrance fees for the event go to the Alameda Boys Club. Prizes include Trophies, Trips to Hawaii, Fine dinners for four at the Beau Rivage and Whale's Tail and many other goodies. Of course Barry will not mind if some of the participants in this affair should happen to buy one of his homes or one of the excellent homes that our members have for sale. To allow the visitors to see what is available, all his unsold homes and such of ours that wish to participate will be entertainment centers for that weekend. This may be a better idea than those interminable "Open Houses".

### HOMES AVAILABLE

In addition to the six new homes remaining in Great Sierra's inventory the following fine homes are for sale. Phillis Hickman's 459 Cola Ballena, Rich and Liisa Prehn's 312 Tideway, Joe and Betty Oakey's 352 Tideway and although he actually sold some years ago, Darby Betts's 410 Tideway. If you have friends that you'd like to see move here, please tell them of these opportunities.

### WELCOME

You may have noticed Curt Simon's SCIMITAR moored at 1209 Ballena Blvd. He is having the home refurbished before moving here from Montclair.

### SECURITY

Please keep an eye out for small boaters who attempt to land either on the docks or the banks, they have also been seen under the houses in small rubber rafts. While this may seem, and may well be, just a silly prank. It could have much more serious consequences. If you see any of this, call a board member or the police. By the way, we do own the property out to center channel.

JAMES ADAMS.

Our good friend James Adams, this community's mailman since its inception, died on July the 10th. Ater talking to many of you on the telephone, I learned that it was your wish, that we remember him with a floral tribute. As there is no provision for such an expenditure from association funds, the consensus was that this could best be achieved by a donation of \$5 from those who wished to contribute. At that time I also asked, that if enough were contributed, I could have your approval to send not only a wreath but a cheque to assist his family with the funeral arrangements. For after talking with the postal authorities, I found that they were following this course. I therefore ordered a suitable wreath. By the evening before the funeral, I formed the opinion that when the pledges were to hand, there would be approximately \$450 available. Consequently after paying for the wreath, I was able to send a Cheque in your name for \$400 to James' mother. Although as yet, not all the pledges have come in. It looks as if, thanks to your generosity, I shall be able to send at least another \$100 and perhaps more at the end of this week. Mrs Adams telephoned to thank you all and asked that I thank you for your kindness. She remarked that James had really loved this community, I assured her that his love and regard had been reciprocated. The association was well represented at the funeral by Bev Partridge, Jean Maynard, John and Ingrid Buono, Joan Sullivan, and Dianne MacDonald. It was a very moving service. James was a fine man he will be sorely missed by all.

DOCKS

All damaged docks should now have been repaired. If you are aware of some that we may have missed, please give me a call. As the result of complaints registered with me, some painfully early in the morning (5 a.m). I think it a good idea to ask that the use of boat motors be controlled during normal sleeping hours. It is a little hard if this kind of thing is allowed to rob other owners of their sleep. Perhaps it might be a solution, if these nocturnal uses are absolutely essential, that the offending vessel leave the day before and berth overnight in a commercial marina.

Some questions have arisen as to the legitimate use of the docks. In one case, it appeared from an advertisement, that one berth might have been offered for sale with a boat. In another case a tenant had been renting a berth to another party, and in yet another an owner had rented his berth to a non member. These irregular arrangements have now been terminated.



To clear up any doubts about these matters, I consulted the association's attorney. His answer appears below within the following quotation marks.

"You have requested advice as to whether the "docking easement" which is the subject of Article XIV of the Supplemental Declaration of Covenants Conditions, and Restrictions ("C.C.&R.") applicable to the Ballena Bay Community may be the subject of a lease, by the owner of the residence lot to which it is appurtenant, in favor of a third party who is not a member of the family, tenant, or contract purchaser, residing on the residence lot.

In that regard, please be advised that it is our opinion that such a lease is not permissible under the C.C. & R.'s and is not permissible under the general characteristics applicable to appurtenant easements.

Thus the subject easement, being appurtenant to the residence lot, should be held to be incapable of being apportioned or severed from the land to which it is appurtenant.

The provisions of article V, Section 1(c) and Section 2 of the C.C. & R.s, appear to stress the purpose of the docking easement as being for the benefit of the particular residence lot to which it is appurtenant, and extend the rights of enjoyment of the common area to persons residing on the property (members of the family, tenants or contract purchasers) the same as a member. These provisions would reinforce the concept that non-members were not intended to benefit from the docking easement, and a member's attempted granting of such rights as a sub-easement should be held to be impermissible."

RAMPS.

We are undertaking a program of ramp reconditioning and repair, a list has been prepared and prioritised in order to bring the defective ramps up to standard. This will include the replacement, where necessary, of the posts and hand rails. Also we plan to strengthen some of the pilings under the landings.

INSURANCE.

As we anticipated the broker has given us warning of a considerable hike in our insurance premium. So far no change in the earthquake insurance situation. We have asked for a quotation and the broker has promised to obtain one for us. Although it appears that the cost may well be prohibitive.

ROOFS.

The rain resulted in just one report of a leak, 1209 Ballena, which has been empty for some time so we do not know whether that may be an old leak or no. Once again, if you should get a leak. Please call me as near to 8 am. as possible, in order that we can deal with the problem promptly.

BOARD MEETINGS.


The first item on the agenda at all Board Meetings is Homeowners Business. This is intended to accomodate homeowners with requests requiring the approval of the board. If you have a request to put before the board please call me or any board member. Approvals granted by the board are made in accordance with the governing documents of the association, Architectural control is limited to the intent of this document, we can only consider the "harmony of external design, color and location in relation to surrounding structures and topography". The board is not competent to pass on engineering matters nor can it usurp the power of the proper authorities who control such matters. You will find attached the minutes of the April Meeting and at long last the audited report for 1985 which was delayed at the auditors by circumstances beyond our and apparently their control. I am glad to be able to say that our affairs are in good shape and as we knew, have been handled properly.

BOARD OF DIRECTORS.

As I pointed out in my last Homeowners Notes, the Board of Directors is a group of volunteer homeowners, like you. Elected by the membership, responsible for the management of your Association which is in fact a corporation, they receive no pay or any other consideration for their efforts and devote a great deal of their leisure time to their tasks. Nearly all the homeowners appear to appreciate these efforts, but there are a few, mercifully very few, who demand an unfair amount of attention and for whatever reason seem determined to make the job of the board more difficult. You may not agree with all actions and decisions taken by this body, however I know that they do their very best for the rest of us. I am grateful to them and proud to be associated with them.

THANKS.

My Thanks are due to John Conner, for his policing of the two fishing points, to Ed Smith not a member of the association, who helped me move floats. To Bob Liptai for we have still been unable to pick up our errant float, Ed Smith has been ill. To the Board of Directors who by their support and help make it all possible. To you all, You are a grand bunch of neighbours



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