

**Woodmont County Club  
Board Meeting Minutes  
October 11, 2007**

**Members Present:** Brian Jacobson Edie Staiger  
Kelli Devitte Eileen Clemans  
Nancy Kennedy Evan Sorby

**Members Absent:** Carlotta Smith David Babbitt  
Adrienne Worah

The meeting was called to order at 7:10.

**Approval of Agenda:** The agenda was approved.

**Approval of Minutes:** The minutes of the September 2007 board meeting were approved as amended.

**President's Report:**

Steve Hanson is no longer on the board which leaves a position to be filled. One other board member may not be able to fill out her term which would leave another position open. Brian pointed out that this would be a good time to bring someone on that would be willing to be president next year since this will be Brian's last year as president. Evan suggested that an ad could be placed on the website. Some of the names that were suggested were Jim Boyd, Sven Kalve, Steve Swank, Eddie DeVito, and Rod McNew.

**ACTION:** Brian will call to find out if any of these members would be interested.

Northbeach members have requested permission to remove the "unsafe road" sign at the entrance to the beach road. The garbage driver refuses to travel the road with the sign up. Evan made a motion that if Northbeach wants the sign taken down, they must get a policy for \$1,000,000 liability insurance in the name of the Northbeach Association and that they name WCC as an additional insured party with a limit of no less than \$1,000,000 each occurrence of personal injury and property damage. The motion was seconded by Nancy. There was some discussion and the motion passed unanimously.

**ACTION:** Brian will contact Matt Small to communicate this with him.

**Treasurer's Report:**

Money being spent on the tennis courts comes from donated money for that purpose and not from the General Fund. A bill was received from Thundering Oak Enterprises for \$1200 for work done last year. This expense had been approved by the general membership. This item will go into Tree expense for this year with a footnote. There are currently 98 members in WCC. The Corky Fund has not been put into a CD yet.

**ACTION:** Brian and Edie will put the Corky Fund money into a CD.

**Dascenzo Easement/Community Letter:**

A WCC member meeting may need to be called for approval of expenses over \$1000 for survey and appraisal costs.

Evan made the motion that the board will contact a surveyor different from Shroeter Surveying and request an estimate of costs for a survey the parameter of which will be discussed with the surveyor. If it is greater than \$1000, execution will be delayed until after a community meeting. Nancy seconded the motion. After some discussion, the motion passed unanimously.

Brian presented the rough draft of a community letter to explain the situation and to request input from the membership. The letter was discussed by the board line by line and the final draft is as follows:

*October 11, 2007*

*Dear Neighbor,*

*The board has been working for several months with neighbors Lou and Donna Dascenzo who live at 26431 7<sup>th</sup> Ave. S., the southern most home at Northbeach, to resolve a number of issues related to encroachments on club property. The most important of these issues is an encroachment caused by a recent addition to their house and deck that may lead to an easement sold by the club. It is our intent through this letter to provide a thorough explanation of this situation and the rationale for the direction of the board's work to date and to involve our community to ensure that the end result represents the best solution for all involved. We recognize that this can be a very sensitive issue, as it involves neighbors with whom we live, as well as property most of us consider to be very valuable to the club. We hope we can be respectful of each other as we proceed, understand that our actions must best reflect the majority opinion of the club and respect opinions and decisions made by our membership that may differ from our individual position.*

*The board has become very concerned about a pattern we see that has developed over the years the Dascenzos have lived at this property. There have been numerous examples of encroaching on club property without notification or approval. It is the board's belief that the Dascenzos have not been forthcoming in regard to questions about property lines, and in some cases, they have not cooperated with requests made by the board. Over the years, examples of encroachments include the building of a deck above the beach and steps to the beach just south of their property, construction of steps and a pathway from the club parking area leading to the rear of their home, a raised planting bed alongside their house, garden areas with watering systems extending over a hundred feet onto club property and the storage of building materials and personal items on club property. To our knowledge, the club has not taken issue with these examples in the past.*

*Two years ago, however, the Dascenzos were asked by the board to remove the watering system, and they refused to fully comply.*

*Since then, they have erected a fence along the trail behind their home that appears to encroach on club property and re-built their deck to include an enlarged living space below that appears to violate set-back requirements and appears to encroach on our property. At both the eastern and southern property lines shared with the club, they encroach up to approximately 3 feet. They have provided a notification to the club from the City of Des Moines that no permit is required for the replacement of their deck.*

*Shortly before any of these projects were started, the Dascenzos had a survey done showing the boundaries of their property. They continued with their improvement plans, while they appeared to be fully aware of these encroachments. When questioned about existing survey markers they replied there were no markers visible, yet weeks later, they revealed a marker under a door mat. When the club sought out the same survey company to conduct another survey, the company would not perform the survey without the Dascenzos permission, which was not granted. Weeks later, the Dascenzos shared with us the survey marker under the door mat.*

*Recently, the board has asked the Dascenzos to remove all improvements, plantings and personal items from club property. They have complied with our requests, including the removal of the deck and watering system, and have plans to close off the steps and pathway leading behind their home.*

*There may be several options available to the club to deal with the existing encroachment. The two most obvious are:*

- 1) The club could ask that all improvements be removed to respect the existing property lines.*
- 2) The club could sell the Dascenzos an easement to permanently allow use of a defined portion of our property.*

*The board is recommending the second option to sell an easement to the Dascenzos for the use of the small piece of property along the south side of their home where the deck and living space were enlarged. The Dascenzos have been asked to remove any portion of the fence along the east and south sides of their home that encroaches on Woodmont Club property.*

*It is difficult to assess the monetary value of an easement such as this and there are many considerations to keep in mind. There is already a parking easement granted to the Northbeach Homeowners Association for parking in this area, so the easement would lie on top of an existing easement. It should also be noted that because of the encroachment, the prior parking easement granted to Northbeach may have been slightly reduced, which could lead to complications with the Northbeach Homeowners Association.*

*An appraiser may consider an easement for 100-200 square feet to be of little value, however, we as a board would not want to set a precedent that encourages similar actions in the future. We also recognize the value this brought to the Dascenzos converting what was an awkward entry to their house into a larger entry. Therefore, while we believe it is necessary to provide an appraisal to the membership, it is possible*

*a recommendation from the board would not consider the appraised value. The goal is to respect and protect the integrity of the WCC property lines.*

*A meeting will be held on Thursday, October 25<sup>th</sup>, 2007 to seek approval for the cost of a survey and appraisal and to provide an opportunity for discussion on this matter. We hope you plan to attend.*

*Sincerely,*

*The WCC Board of Directors*

This letter will be sent out to the membership and will also be read at the meeting. Dascenzo's will be given 5 minutes to address the membership.

**ACTION:** Eddie will call Woodmont School to reserve the gym from 7-8:30 P.M.

**ACTION:** Brian will call Donna Dascenzo to inform her that a letter is being sent out. Brian will have our attorney review our letter and will hope to send it out by Tuesday.

### **Christmas Event:**

Nancy announced that the Tour d' Woodmont is on for December 9 from 1-4 P.M. There will be a food box for donated items. The Palmers, Richard and Evelyn Meyers, Porters, Bartletts, Staigers and Sorbys will be the six hosting homes with the Kennedy home as back up.

**ACTION:** Nancy will contact Jim McMillan to let him know that the Board isn't doing the tree decorating this year.

### **Fall Clean-up:**

Evan is cancelling the fall clean-up for this year. He will do a winter clean-up event to clean up leaves and overgrown tree branches.

### **Committee Reports:**

**Maintenance**— Gravel is needed for the steps on the Northbeach trail.

**Social**—No report.

**Trees**—No report.

**Membership**—No report.

**Electronic Communication**—No report.

**Communication**—No report.

**New Business:**

Evan noted that the new tennis court surface is blistering.

**ACTION:** Brian will check our warranty and will then hook Evan up with the contractor.

Nancy commented that she had e-mailed a realtor advertising in Woodmont that they should be clear that membership dues are required to use the beach and facilities.

The meeting was adjourned at 9:45.

**Next meeting: November 8, 2007 @ Nancy's**

Respectfully submitted,

Eileen Clemans  
Secretary