

Maintenance of Masonry Screening Walls

Addison City Council 11-14-2023

The logo for Addison City Council, featuring the word "ADDISON" in blue, uppercase letters inside a white circle. The circle is set against a blue background that is part of a larger graphic design on the right side of the slide, which includes a white circle and a grey triangle.

Background

This discussion is a follow up to presentations staff made to Council in September 2022 and August 2023 regarding who is responsible for the maintenance of Masonry Single-Family Residential Perimeter Screening Walls.

The purpose of this presentation is to provide:

- Topic 1. Background information related to the origin of the topic and information included in the previous Council Presentations.
- Topic 2. Findings from additional research conducted since the August 2023 presentation.
- Topic 3. Information related to grant programs other communities are using to address neighborhood wall maintenance.
- Topic 4. Context for Council Policy discussion regarding a potential grant program, for Addison neighborhoods, in which funds can be allocated to masonry screening wall repair.

Background information regarding origin of the discussion.

- Representatives from several single-family residential neighborhoods made requests for the Town to maintain the masonry perimeter screening walls associated with their neighborhood.
- Representatives of the neighborhoods indicated previous town leadership committed to the maintenance of the screening walls.
- Previous Town leadership confirmed the verbal commitment was made to maintain residential masonry screening walls.
- Staff reviewed all neighborhood plat information and determined, in most instances, a documented instruments (Easements, Agreements etc.) that gave the town the authority to access private property could not be found.
- Staff also identified challenges interpreting maintenance responsibility since many of the neighborhood plats do not identify the location of the perimeter screening walls and / or was missing descriptions that defined the maintenance obligation of the wall easements.

Background Information Related to Previous Council Presentations

- Council directed staff should facilitate a study researching information regarding current documented ownership / maintenance responsibilities for residential masonry perimeter screening walls in Addison.
- As a result, staff approved an agreement with CobbFendley, a professional engineering firm, to conduct the study.
- CobbFendley representatives presented their findings to Council.

Topic 1 Cont'd.

Overview of the Information presented by Cobb Fendley

Location	Development	Subdivision HOA	Wall Easement Exists	Historical Town Maintenance	Linear Foot Wall	Professional Opinion Current Maintenance Responsibility with				
						HOA	Town	Individual Lot Owners	Commercial Property	Not the Town
North	Addison Place	X			1,650	X				
East	Oaks North Addition	X			2,600					X
	Stanford Court Villas	X			650	X				
	Celestial Place Addition		X	X	900			X		
	Town Hall Center				450				X	
South	Towne Lake	X			1,250	X				
	Addison Town Center		X	X	1,700		X			
	Chatham Court		X	X	1,750			X		
	Grand Addison II	X	X	X	1,050	X				
	Grand Addison III	X	X	X	900	X				
	Les Lacs Garden Homes		X*	X	4,000			X		
	Town Homes of Addison	X	X*		1,000	X				
	Waterford Park I		X*	X	2,350		X	X		
	Waterford Park II		X*	X	2,700		X	X		
	Westfield Court		X		600			X		
	Les Lacs I			X	550			X		
	La Mirada	X		X	150	X				
	Midway Meadows	X		X	350			X		
	Waterview Estates			X	350			X		
Totals				16,750	24,950	6,650	4,120	11,130	450	2,600
% Total LF		34%		67%		27%	17%	44%	2%	10%



Professional Opinion: Current Maintenance Obligation with the Town

- Wall located within dedicated area and wall easements.
- Wall Realignment License (2014) states that wall easements are used as a public easement to maintain wall.
- Historically maintained by Addison.

Waterford Park I



Professional Opinion:

Current Maintenance Obligation

1. Wall along Proton Dr and Beltway Dr with the Town.
2. Wall along Les Lacs Ave with the individual lot owners.

- Easement provided for wall along Proton Dr and Beltway Dr, but not for Les Lacs Ave.
- Wall easement is located within the private lots.
- Historically maintained by Addison.



Professional Opinion: Current Maintenance Obligation

1. Wall along Beltway Dr with the Town.
2. Wall along Les Lacs Ave with the individual lot owners.

- Easement provided for wall along Beltway Dr, not for Les Lacs Ave.
- Wall easement is located within the private lots.
- Historically maintained by Addison.

Background Information Related to Previous Council Presentations

- Staff gave an overview of the importance of masonry screening walls.
 - Continuity of an area
 - Aesthetic buffer
 - Screen differing uses and creates privacy
- Staff provided information for Council to have a policy discussion related to establishment of a grant program for the maintenance of masonry screening walls. Council directed staff to provide additional information related to this program. This information will be presented with Topic 4.

Topic 2

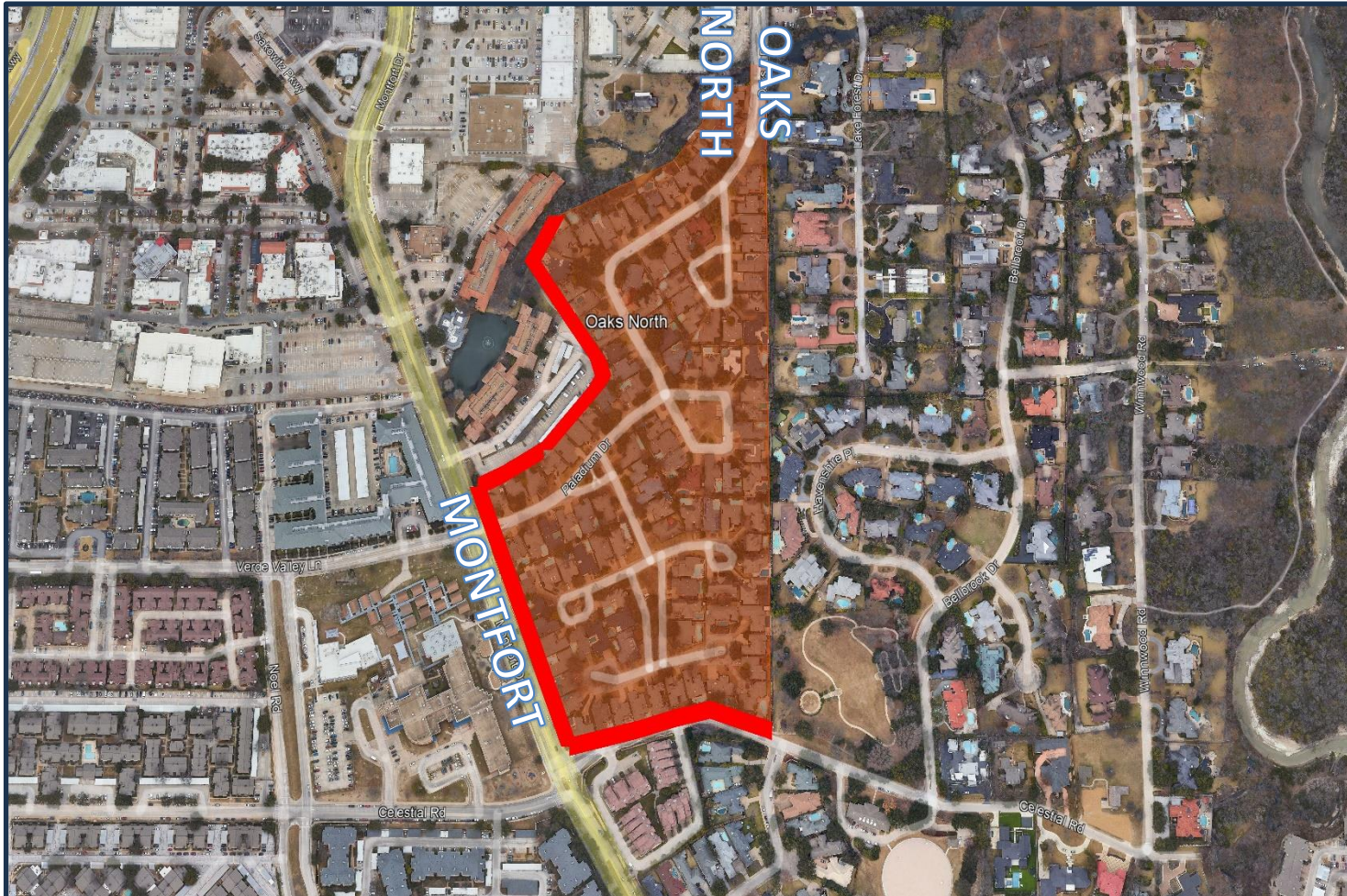
Findings from additional research conducted since the August 2023 presentation.

After the August 2023 presentation questions regarding the consultant's findings in three areas were brought forward. Staff elected to conduct further research.

Those locations are:

- Oaks North
- Chatham Court (Wall along Marsh Lane)
- Townhomes of Addison (Wall adjacent to commercial Development)

Topic 2. Findings from additional research conducted since the August 2023.



*Note this slide has been updated

Professional Opinion: Current Maintenance Obligation not with the Town.

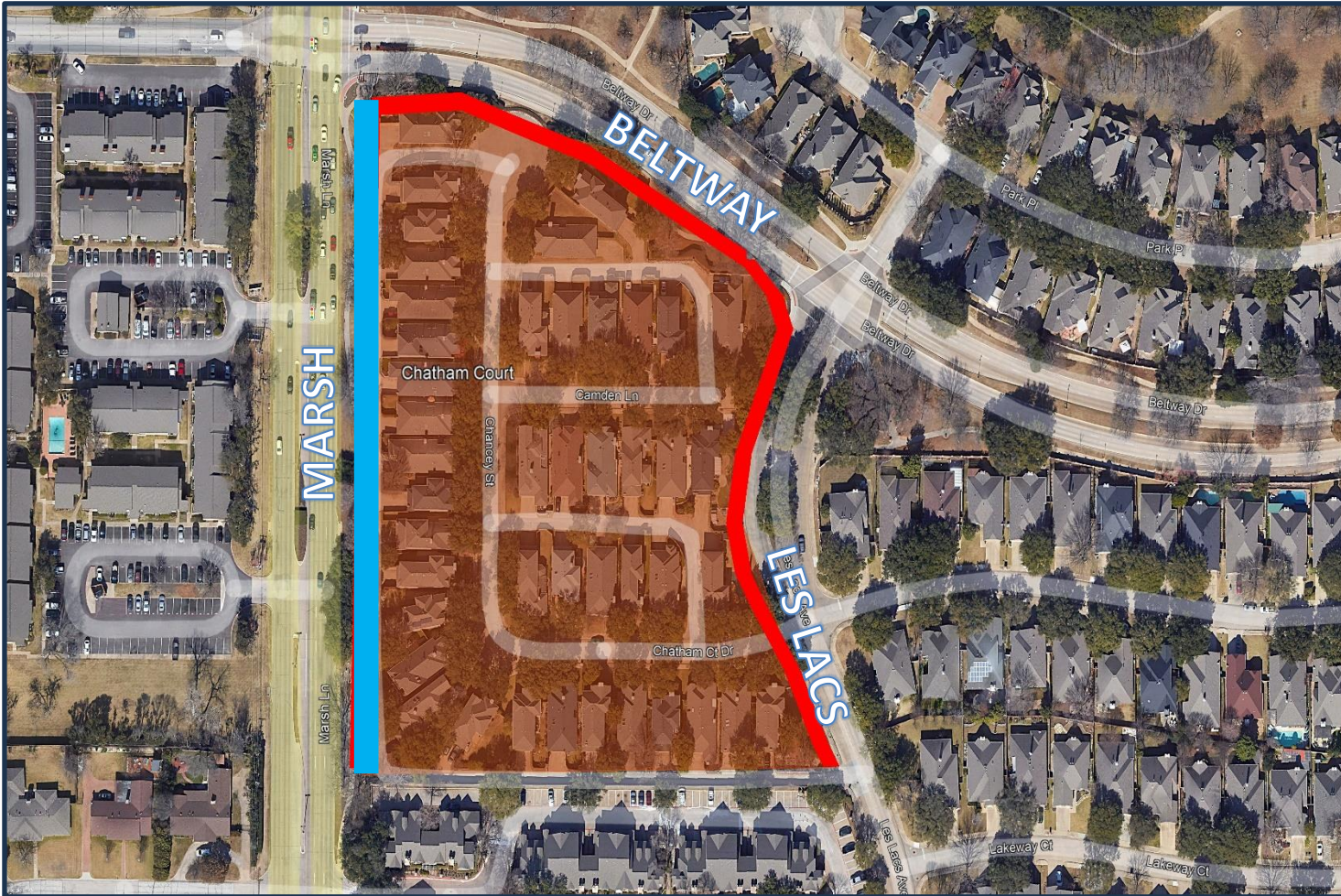
- HOA's original CCR explicitly states the Association shall pay for the maintenance of the brick wall on their property. [Article VI, Section 1.c].
 - Amendments remove and replace with language granting Addison the right to maintain/levy assessments if HOA is dissolved (1989) & then delete the updated language (2007).
 - HOA provided memo's to Addison Staff discussing deeding the walls to the Town. Addison is continuing to research but has found no record of any legal agreement accepting Town maintenance.
 - Property surveys show the wall on the individual lots.
- Historically maintained/claimed by the HOA [based on building permits as recent as 2016]
- The landscape area between Montfort and the wall is located within Dallas.

Determination of wall maintenance obligation requires further analysis by the HOA.

Chatham Court

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Topic 2. Findings from additional research conducted since the August 2023.



Professional Opinion: Current Maintenance Obligation with the individual lot owner

- CCR states that the responsibility and maintenance of the wall is to the Declarant and its successors. (Article IV, Section 4.01).
- The conveyance of the lot to the individual lot owner would make the owner the successor to the Declarant.
- Wall easement on Beltway and Les Lacs is located within the individual lots.
- Wall easement along Marsh assigns maintenance obligation to the Town.
- Historically maintained by Addison.

Town Homes of Addison

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Topic 2. Findings from additional research conducted since the August 2023.



Professional Opinion: Current Maintenance Obligation by the HOA

- HOA's CCR states that the HOA is responsible for maintaining Common Properties, but if they do not maintain these areas or refuse to, then the Town will take responsibility of these areas.
- Perimeter wall is explicitly stated to be included as part of Common Properties.
- Developer of La Mirada granted a wall easement to Town Homes of Addison. The length in the easement matches the length of the all along the commercial property.

Topic 1 Cont'd.

Topic 2. Findings from additional research conducted since the August 2023.

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	Town Hall Center				450				X	
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	Chatham Court		X	X	1,750		X	X		
	Grand Addison II	X	X	X	1,050	X				
	Grand Addison III	X	X	X	900	X				
	Les Lacs Garden Homes		X*	X	4,000			X		
	Town Homes of Addison	X	X*		1,000	X				
	Waterford Park I		X*	X	2,350		X	X		
	Waterford Park II		X*	X	2,700		X	X		
	Westfield Court		X		600			X		
	Les Lacs I			X	550			X		
	La Mirada	X		X	150	X				
	Midway Meadows	X		X	350			X		
	Waterview Estates			X	350			X		
Totals				16,750	24,950	6,650	4,803	10,447	450	2,600
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Topic 3

Information related to grant programs other communities are using to address neighborhood wall maintenance.

Comparator Cities Grant Programs

City	Grant Name	Administered by	Match Required	Max. Request	Applied To
Allen	Neighborhood Stabilization Program (pilot project)	Neighborhood Enhancement	Not Specified but identified volunteer labor and planning a block party.	Not Specified	Entryway features
Carrollton	Neighborhood Enhancement Matching Grant Program	Community Development	2:1 Match can include cash, donations and sweat equity.	\$25,000	Landscape, wall, entry way and site amenity enhancements.
Farmer's Branch	Neighborhood Partnership Program	Economic Development	Match Required but amount not specified	Not Specified	Street sign toppers, entry features, walls, art, neighborhood park improvements, forming a neighborhood group, safety or LED lighting and professional project support.
Grapevine	Grapevine Township Revitalization Project, Inc.	Convention and Visitors Bureau	<ul style="list-style-type: none"> • 2:1 Grant for owner occupied • 1:1 Grant for residential rental homes 	<ul style="list-style-type: none"> • \$10,000 • \$5,000 	Exterior revitalization of historic homes.

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Information related to grant programs other communities are using to address neighborhood wall maintenance.

Comparator Cities Grant Programs

City	Grant Name	Administered by	Match Required	Max. Request	City
Irving	Neighborhood Grant Program			\$1,750	Neighborhood communications, neighborhood identity, physical improvement and special vent
Lewisville	Neighborhood Enhancement Program	Neighborhood Services	1:1 Match can include donation and sweat equity.	\$12,500	Improve neighborhood public spaces, beautify and benefit the community, provide positive long-term impact in the community, nurture a shared sense of neighborhood identity and community pride.
Plano	Neighborhood Vitality & Beautification Grant	Neighborhood Services	<ul style="list-style-type: none"> 30% of Pre-Tax Costs for Voluntary Neighborhood Group 50% of Pre-Tax Costs Mandatory Neighborhood Groups 	\$10,000	Entryway landscaping, decorative lighting, sign toppers, screening wall repairs, monument signage, benches, etc.
Richardson	Neighborhood Vitality Program	Community Services (Bond Funds)	Not Specified	Not Specified	Used for entry features, screening walls, landscaping and bridges.

Topic 3

Information related to grant programs other communities are using to address neighborhood wall maintenance.

Other Cities Grant Programs

City	Grant Name	Administered by	Match Required	Max. Request	City
Colleyville	Neighborhood Entrance Beautification Grant	Economic Development	50% Match	\$25,000	Landscaping to include perennials, shrubs, trees, masonry walls, water features, lighting, monument signs, rock outcroppings, pavers and art.
Austin	Neighborhood Partnering Program	Transportation and Public Works	Unspecified Match	Less than \$500,000	Trails, park improvements, pocket parks, community gardens, bike lanes, sidewalks, beautification, landscaping, rain gardens, street furniture, art and adopting a median / ROW.

Context for Council Policy discussion regarding a potential grant program.

Recommended framework of the **Addison Neighborhood Vitality Program**

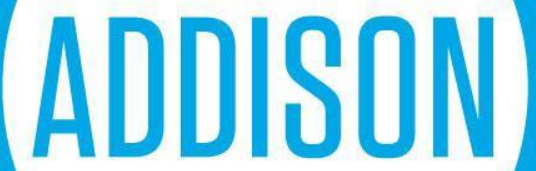
- Purpose:** Provide grant funds to help ensure the vitality of Addison's residential neighborhoods.
- Eligibility:** Individual Homeowners and Homeowner Associations located within the City limits of Addison.
Preference given for individual homeowners submitting a group application vs. individual applications.
- Applied to:** Predominate emphasis will be for the repair of masonry screening walls. Could consider other neighborhood enhancements such as public facing enhancements like landscaping.
- Match Required:** 80 / 20 for the repair of masonry screening walls, limited to typical maintenance repairs.
Time applying for the grant, gathering quotes and managing implementation can be counted towards the 20% match.
- 50 / 50 for other neighborhood enhancements. Match could include donated services, sweat equity etc.
- Maintenance:** Grant recipient is responsible for maintenance of the project in perpetuity.

Context for Council Policy discussion regarding a potential grant program.

Recommended Implementation of the **Addison Neighborhood Vitality Program**

- Process:** Applications for the grant will be made by the individual homeowner or a neighborhood association. Where there is a neighborhood association in place the grant application must be made by the neighborhood association.
- Administered by:** Neighborhood Services through the Development Review Process (DRC) which will include support from other Town Departments.
- Budget:** Initial operation budget of \$100,000. If potential awarded grant applications exceed this amount town staff can elect to include a decision package for additional funds as part of the budget process or could approve the funds to be awarded in the next budget year.
- Timeline:** Grant applications due late February of each year. Town staff will review the applications and make recommendations for award. Timelines for completion of work will be established with the grant award and funds will not be distributed until the work is complete.

Questions

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