

JAMES A. GRAASKAMP COLLECTION OF TEACHING MATERIALS

V. INDUSTRY SEMINARS AND SPEECHES - SHORT TERM

I. Other Presentations In Which Either The Date And /
Or Sponsoring Organization Is Missing

5. Market Analysis/Urban Economics/Real Estate
Process

1. "Homeowner's Associations as a Design
Factor", no date

Homeowners Associations as a design factor

I. Introduction

- A. - Just versus Marinette County
- B. Evolution of the physical design concepts of residential development
 - 1. Integration of land subdivision function and building construction function
 - 2. Naturalism as the standard residential environment
 - 3. The green belt concept to segregate land uses
 - 4. Clustering for economy versus range of the personal estate
 - 5. Group ownership control versus individual perogatives
- C. Regent Park - 1812- John Nash
- D. Frederick Law Olmstead - Riverside - Chicago - 1869
 - 1. Tuxedo Park - an estate with more than one house on it
 - 2. Clarence Stein - Radburn - control of the automobile
- E. Noteworthy Madison naturalistic subdivisions
 - 1. The Arboretum
 - 2. Nakoma
- F. Park like subdivision leads to the garden city - Ebenezer Howard - 1898
- G. U. S. greenbelt towns
 - 1. Radburn, New Jersey; Greendale, Wisconsin;
- H. The power of the Decentrists
 - 1. Lewis Mumford
 - 2. Clarence Stein & Henry Wright
 - 3. Catherine Bower Wurster
- I. The counterattack to American Romanticism led by the international stylists and the urban sociologists and political scientists
 - 1. Le Corbusier
 - 2. Jane Jacobs

II. Fetish for naturalism conflicts with need for capital cost reductions and land conservation

- A. Clustering - physical construction economies
- B. Clustering - Density reduces unit cost of land
- C. Clustering favors community tax revenue-service cost balance
- D. Clustering requires design innovation
 - 1. Conventional 2.5 units per acre
 - 2. Four D.U.'s per acre
 - 3. Six D.U.'s per acre
 - 4. Eight D.U.'s per acre
 - 5. Fourteen D.U.'s per acre (same density as a trailer court)
- E. Physical clusters lead to group ownership
 - 1. Restrictive deed covenants
 - 2. Homeowners associations
 - 3. Condominium
 - 4. The unsolved design problem is the law governing the relationship of owners in a cluster project

III. The problem is to provide legal controls which are consistent and firm to be enforceable but which can anticipate the need for change in lifestyles and building techniques over the years

- A. One approach to private land use control is to create restrictions against certain types of activities which detract from safety or quality of a residential area
 - 1. Dedication
 - 2. Easement
 - 3. A defeasible estate
 - 4. Covenants in equity
 - 5. Conveyance as distinguished from contract
 - B. Express easements are created by conveyance and represent a specific real estate interest. It is permanent and inflexible as it either forbids or requires somebody to do something
 - C. Covenants running with the land bind third parties to contracts they never make so long as they purchase land with adequate notice of the promise. Sometimes called an equitable servitude
 - D. Creation of a homes association makes possible discretionary or temporary land use control
- IV. Legal foundations of neighborhood associations require four basic steps which must be taken concurrently and completed before any lots are sold
- A. Preparation and recording of a final plat
 - 1. Plat as a conveyance
 - 2. Plat as a means of notice
 - B. Preparation and recording of covenants applicable to plat
 - C. Preparation of articles and by laws of a homes association and its incorporation
 - D. Sale and conveyance by a deed subject to the above.
 - E. The plat and covenants have several functions:
 - 1. Defines rights and duties of the developer, the lot buyer, the association and the public.
 - 2. The plat is a type of conveyance and may imply dedication of all community areas to the public unless carefully worded.
 - 3. The plat serves notice on existence of covenants and future land uses.
 - 4. Defines cross-easements for community improvements, etc.
 - F. To be enforceable, covenants must be uniform, a lot must be sold, and provisions applied consistently over the years.
 - G. While developer cannot freely modify the plan, he may withhold control or title to open space until a certain percentage of lots are sold or a date specified occurs.
 - H. Provision must be made for maintenance of common areas or the right of municipal assessment.
- V. The success of a home association in creating and maintaining an environment and special services for the residents depends on its powers to raise money and secure full participation of its membership.
- A. Covenant to pay assessments requires positive action rather than no action.
 - B. General assessment vs. user charge
 - C. Equitable method of proration
 - D. Personal obligation or lien on property
 - E. Subordination to debt but inclusion in loan covenants
 - F. Stability ~~and~~ of monthly charges and hidden escalators