

THE

# GRIT

Sandia Heights Homeowners Association

March 2008

## President's Corner



In earlier articles I have asked for your opinions and inputs on what areas need to be a focus for your association. Recently we had our first Open House at the office on a Saturday. Thank you to everyone who participated in making it a resounding successful event. We had a steady flow of residents and they had the chance to talk to our office staff as well as many members of the Board of Directors. We even had a resident sign up to become a member. This event gave me a chance to discuss with many of you what was important to you and how the SHHA can be of added value. This face to face meeting is very valuable and adds immensely to our understanding of what the community holds as priorities. What emerged, in my view, was a clear statement that members want the Architectural Control Committee, the Covenant Support Committee, as well as the Board to ensure that we continue to enforce our covenants. This has been and always will be a priority for the SHHA. In so doing, there will always be give and take in the interpretation and application of the covenants and guidelines. However, these have been refined over many years of application and, unfortunately, several court cases which have been settled in favor of the association. If you have questions about when you must submit an application (if the project is on the outside it is almost always required) you can review most of the information on our website or call the office for additional guidance. Speaking of the website—it has a new look and is more user friendly. We are working to improve it and encourage you to give us your inputs on what you would like to see on the site and how we can better serve you through the site.

Also, in my discussions with members it became apparent that many are concerned about safety on our roads. In general, the speed limits in Sandia Heights are either 15 or 25 MPH, which in many cases are being violated on a regular basis. When I'm out I'm almost always stopped by pedestrians and asked what can we do about the speeding? We have a lot of walkers, runners, children, bikers and others on our streets—needless to say—cars and pedestrians can be a real hazard. Now I'm going say something that will get everyone's attention—speed bumps—there it is said and done. These are installed by the county under a county process\procedure and not by the SHHA. Why do we have them? Back to my first couple of sentences—speeding and pedestrians. It is that simple. On the driver's side of the issue, I'm asked why do pedestrians walk 2-3 wide? Why do they walk at night in dark clothes? Why do I see baby strollers, a walker and a dog on a leash in the middle of the street? If I knew these answers, well, I might have a best selling book. All I do know is that the answer to most of our most contentious issues is tolerance and patience and working with our neighbors. I can say this, when in your car no matter how important getting to your destination is; it is not worth the injury that you could deliver to a pedestrian that was out walking on the road. So I would ask all our drivers to please slow down, just as I would ask all our walkers to be considerate and step aside to let the cars pass and make sure you are visible when on the streets. We can each try and make this community a safer and better place to live—by working together to improve our community.

## January 2008 Treasurer's Report: Ed Whitten, Treasurer

CASH FLOW		ACCOUNT BALANCES	
		<b>Bank Accounts</b>	
<b>INFLOW</b>		CD #1	\$92,357.05
ACC Income	\$25.00	CD #2	\$35,852.73
GRIT Advertising	\$1,367.15	CD #3	\$15,000.00
NM Gross Receipts Tax	\$24.27	Checking	\$14,345.91
Membership Dues	\$13,247.95	Cash Accounts	\$1,711.98
<b>TOTAL INFLOW</b>	<b>\$14,664.38</b>	<b>Total Bank &amp; Cash</b>	<b>\$159,267.67</b>
		<b>ASSET ACCOUNTS</b>	
<b>OUTFLOW</b>		Miscellaneous	\$1,379.21
NM Gross Receipts Tax	\$1,562.49	Office Equipment	\$4,973.06
CS & Membership	\$1,942.38	Office Furniture	\$5,651.99
Communications & Publications	\$3,881.45	Software	\$932.34
Executive Committee	\$411.80	<b>TOTAL Asset Accounts</b>	<b>\$12,936.60</b>
Office Expense	\$8,573.47		
<b>TOTAL OUTFLOW</b>	<b>\$16,371.59</b>	<b>Liability Accounts</b>	
		Improvements & Legal Reserve	<b>\$86,421.96</b>
<b>OVERALL TOTAL</b>	<b>-\$1,707.21</b>		
		<b>OVERALL TOTAL</b>	<b>\$85,782.31</b>

### *Who* ME, VOLUNTEER?

*WHY?* BECAUSE WE HAVE A TREASURE nestled in this natural environment at the foot of the Sandias: a few minutes from markets, shopping, schools, restaurants, ice skating, skiing, hiking, filling stations, the Tram, outstanding Native American resorts/cultural communities, a major route into and out of town – and more.

*HOW* do we keep this 600 acre treasure? Through the non-profit Sandia Heights Homeowners Association (SHHA) staff and resident volunteers we maintain our investments and the character of our 42 subdivisions.

*WHEN?* Now. You probably already know that the slate for the June election of the SHHA Board is being drafted now. There are approximately 5,200 of us living here. And to serve all the requests in the community it takes only 25 or more people willing to give a small amount of time. The Directory of Residents lists the functions in which your talent and ideas are needed.

*WHAT NEXT?* Call Nomination Chair, Dick Cline at 463.7698, speak with representatives from your neighborhood, stop by the office, or interest others as well to invest in this treasure of ours – one of the best residential communities in this north-central part of New Mexico.

## COMMON AREAS ~ Jim Irving

Many residents have asked us about common area responsibilities within Sandia Heights. The most common description areas are things like swimming pools, tennis courts, etc., that are owned and operated by homeowners associations. There are no such areas within Sandia Heights. (Refer to the section of this article defining New Mexico laws re common areas.) The Sandia Heights Homeowners Association (SHHA) has incurred significant legal expense trying to identify responsibilities for areas that some consider "Common." This topic began with questions about damaged walls, and who was responsible for the repair of the same when needed. Our attorney looked into this and advised that, in general, the responsibility for repair lay with the individual homeowner, or in a few cases, with the County. There are some units of Sandia Heights wherein those units have assumed responsibility for certain areas. (See the section below entitled "Unit Covenants.")

New Mexico Laws re Common Areas: The only state statutes that mention common areas are: NM Statute 47-7-1 that deals with Condominiums and NM Statute 47-10-1 that deals with Mobile Home Parks. No statute deals with homeowners associations such as the Sandia Heights Homeowners Association (SHHA). However, we can get a clue from the Building Unit Ownership Act which defines common areas as "Property in common use or convenient to its existence, maintenance or safety."

By Amendment to the SHHA Articles of Incorporation dated 6/27/84, such Amendment provides, in part, that one of the purposes of the Corporation is to "perform certain maintenance and care for the common areas of the development." It does not define what common areas are, nor does it create common areas. It merely gives SHHA power to create such areas.

One of the places to look for possible common areas is the unit covenants themselves. There are 31 units, each with its own set of covenants. Some units have their own

homeowners associations (HOA), and units 21, 24 and 26 require mandatory membership in their respective HOAs. Unit 26 has assigned its respective duties and responsibilities to SHHA.

The covenants of Unit 21 provide that the individual property owners are responsible for the maintenance of any common areas/setback on or adjoining their respective lots. In fact, their covenants cover specific lots as being responsible for certain areas, including extension of lot lines to the base of retaining walls, and for plantings in the setback area between owner's property and the street.

Unit 24 covenants provide that the HOA of this unit is responsible for weed control, etc., in the rights of way of Tramway Terrace Court.

The covenants of units 25, 27A, B, & C and 28A, B & C provide that the property owners are responsible for easement areas within their property.

Bernalillo County Code Section 66-225 states the individual property owners are responsible for plantings in the setback area between the owner's property and the street. If the plantings (primarily chamisa) extend into the street to the extent they block visibility and create a hazard the county has the right to trim the plantings three feet into the setback property.

There are really very few common areas in Sandia Heights. Although we all use the parks, they are the responsibility of the County, as is the upkeep of the streets.

One of our attorneys has recommended that we treat signs describing various individual units as common areas, and, therefore, the responsibility of SHHA, however, the costs would be assessed to the individual property owners of that particular unit which, in all practicality, almost negates the common area responsibility by shifting those costs to a particular unit. The SHHA Board of Directors currently passed a resolution that the SHHA will provide limited financial assistance in the repair/replacement of descriptive unit signs.

SHHA has the power to designate certain areas as common areas pursuant to the amended Articles of Incorporation, but has not done so.



**Executive Committee**

President – Sy Caudill  
Vice President – Ed Tull  
Secretary – Larry Desonier  
Treasurer – Ed Whitten

**Board Members**

Andy Anderson  
Kerney Bolton  
Alyson Clark  
Dick Cline  
Frances Desonier  
Pete Heinstejn  
Jim Irving  
Don Keller  
Deborah B. Liebner  
Phyllis Moore  
Suzanne L. Popejoy  
Burt O’Neil  
Mona Lee Schilling  
Marsha Thole  
Steve Walsh  
Mike Winokur

**Office Staff**

Lena Martinez – ACC  
Administrative Assistant  
Sheraz Saint-Lôt – Publications  
& Communications Editor

**SHHA Office**

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**GRIT Editorial Policy is:**

- Attempt to publish both sides of every issue, including constructive criticism; no abusive or insulting remarks.
- Reserve the right to edit any submission.
- Not to print any unsigned letters or articles.



**Stats and more from the Sandia Heights Security Patrol**

Month of January Call Type	# of calls	Month of January Call Type	# of calls
Alarms	23	Theft	2
Car accident	1	Utility Co. Assist	5
Construction site burglary	2	Special request	3
Fire	1	Customer assist	18
Lost/found item	1	Dumped/Spilled material	1
Lost/found pet	2	Noise complaints	1
Motorist assist	4	S.O. Assist	1
Open door/window	5	Parking problem	1
Pet nuisance	2	Vandalism	7
Speeding vehicle	2	Vehicle Burglary	1
Suspicious person	15	Newspaper pickup	40
Suspicious vehicle	6	Special patrol	25
Salesman problem	1	Homeowners on vacation	177
		<b>Total Calls</b>	<b>347</b>

If you have questions regarding these stats, please call Security at 856-6347. Please be reminded that Sandia Heights Security is a subscription service separate from Sandia Heights Homeowners Association membership. Membership in SHHA does not include SHS membership. You can call Security to confirm your membership with them.



A homeowner just finished getting an underground water leak repaired on their property. The leak had started in December. They were able to discover the leak by noting that their last water bill was out of line with normal usage. They also know of another neighbor near them that had also experienced similar problems. They

attributed the leak to cold temperatures and no snow blankets. Please use the monthly water bill as the monitor for any issues that may be happening with your plumbing and irrigation systems on a year round basis. If you notice something out of the ordinary Sandia Heights Services is more than happy to check meter readings and movement on a customer’s meter as part of their services.

## Community Services and Membership Committee News

~ Kerney Bolton, Chair

### We're Going To Do It Again!

The SHHA Office Meet 'n Greet open house was jammed with new residents and old-timers alike on Saturday, January 26<sup>th</sup>. The office staff, SHHA Directors and Chairpersons greeted 60 or 70 residents and good snacks, hot food, beverages and talk were enjoyed by all. Many residents discovered the Contractor Evaluation Binders which are a rich source of information on contractors who have one work in Sandia Heights. Free SHHA coffee mugs also found new homes that day.

Looks like Meet 'n Greets are going to become a regular event! Watch the GRIT for future announcements!

### Largest Coffeehouse Crowd Ever!

Don't miss the next Sandia Heights Coffeehouse Series concert--the word is out about these great events that are free to SHHA members.

Over 140 of your friends and neighbors enjoyed the Music of James Talley, Nashville composer and performer at the January Coffeehouse...the largest audience ever for the 7<sup>th</sup> offering in this series.

Mark your calendars now for September 13 when Robin & Linda Williams and Their Fine Group will perform at the next Coffeehouse at Church of the Good Shepherd. They are regular performers on Garrison Keillor's *A Prairie Home Companion*, where they perform as the "Hopeful Gospel Quartet". They have also performed on *The Grand Ole Opry*, *Austin City Limits*, and *The American Radio*

*Company*, and appeared with Emmylou Harris, Mary Chapin Carpenter, and The Seldom Scene.

Hear them on PHC on KANW-FM 89.1 Saturdays at 4 p.m. and Sundays at 7 p.m., or at [robinandlinda.com](http://robinandlinda.com).



### Bernalillo County Ordinance regarding animals:

The Bernalillo County Ordinance No. 88-16 Section VI. E. states "Animal Nuisances on Sidewalks, Public Parks, Alleys, and Other Places Open to the Public. It is unlawful for the owner of any animal to permit, either willfully or through failure to exercise due care of control, any such animal to commit any nuisance upon the sidewalk or public park; or upon the floor or wall of any common hall in any multiple dwelling; or upon any entrance way, stairway or wall immediately abutting on a public sidewalk, or upon the floor or wall of any theater, shop, store, office building or other building used in common by the public; or upon any private property other than the owners of the animal."

Leaving your dog's mess is not only unsightly but also inconsiderate. Please be considerate of your neighbors and pick up your dogs waste material.



## ACC Activity Log

*The following is a summary of your Architectural Control Committee's activity since the last GRIT.*

Tract A, Sandia Heights South, Unit 16 – Cognitive Behavioral Institute of Albuquerque office building. Neighborhood Review completed. Approved with conditions.

42 Cedar Hill Place – Replace evaporative cooler & garage door. Approved.

61 Pinon Hill – Replace railings. Approved.

125 Whitetail Drive – Retaining wall & mailbox. Previously disapproved. Project revised. Approved.

151 Whitetail Drive – Wall and trees. Started without ACC approval. Owner has not responded to 2 requests for applications. Owner notified by SHHA's attorney.

154 Juniper Hill Road – Patio. Approved.

182 Bighorn Ridge Drive – Replace HVAC units & install vents. Approved.

313 Big Horn Ridge – Re-stucco. Approved.

339 White Oaks Drive – Fence. Approved.

431 Live oak Loop – Replace garage doors, construct wall. Approved.

532 Roadrunner Lane – Replace roof & windows. Approved.

925 Tramway Lane – Replace roof. Approved.

727-9 Cedar Hill Lane – Replace windows & doors. Approved.

663 Roadrunner Lane – Addition, stucco, replace windows & doors. Approved.

869 Tramway Lane Court – Replace roof, install HVAC equipment. Approved with conditions.

996 Lynx Loop – Replace roof. Approved.

1004 Tramway Lane – Replace windows. Approved.

1038 Tramway Lane – Landscaping – Approved with conditions.

1113 Goldenrod Drive – Replace roof. Approved.

1191 Laurel Loop – Replace rail road tie retaining wall with interlocking blocks. Approved.

1149 Marigold – Replace roof, windows, doors, re-stucco. Approved.

1565 Eagle Ridge Court – Re-stucco. Approved.

1701 Quail Run Court – Replace roof. Approved.

1715 Quail Run Court – Refinish trim. Approved.

1913 Quail Run Drive – Replace roof. Approved.

1929 Quail Run Drive – Mailbox. Approved.

*Check the ACC Project Log at the Sandia Heights Homeowners (SHHA) website [sandiahomeowners.org](http://sandiahomeowners.org). Click on THE A.C.C. then on Architectural Control Committee Project Log and read about all projects currently under ACC management.*



## Community Services and Membership Committee News

~ Kerney Bolton, Chair

NON-MEMBERS - HELP US TO MAKE SANDIA HEIGHTS EVEN BETTER

The Community Services & Membership Committee recently received the following question from a Sandia Heights resident.

Question:

*I see where all Sandia Heights residents will receive The Grit in 2008. I would like to know why I should continue to pay \$8.00 monthly?*

Answer:

The GRIT is paid for primarily by advertising revenue. As a member of SHHA, your dues pay for a number of benefits available to members only. These include:

- The SHHA Directory of Residents
- No charge for ACC applications for your building and landscaping projects (Non-member fees run as high as \$100.00)
- SHHA office staff & facilities – notary services, information and resources for homeowners, personal use of copy machine, staff support for Sandia Heights issues
- Free Sandia Peak Tramway Passes (Up to 4 per day, up to a \$70.00 savings for each day that you use them)
- Access to Contractor Evaluation sheets at the SHHA office (An invaluable source for selecting contractors for your projects)
- Free admission to the Sandia Heights Coffeehouse Concert Series - Nationally touring shows (non-member tickets, \$15.00 adult, \$10.00 senior, \$5.00 kids)
- Additional perks are in the works!

It is only fair to mention that the SHHA provides the following 2 services to both members and non-members:

- Covenant Enforcement – Helps keep property values up and the neighborhood looking beautiful
- Community Representation – SHHA represents the interests of Sandia Heights in County and State government; road re-paving, parks, regulation of commercial development

In addition to the SHHA's legal obligations in these areas, these services are provided to all for the common good of all.

The SHHA extends an invitation to all Sandia Heights residents who are not members of SHHA to join with the majority of your neighbors, and become SHHA members. The SHHA office is open from 9am to 4pm weekdays. Drop by and tell the office staff you would like to become a member and share in the benefits and common interest of making Sandia Heights an even better place to live.

## RECYCLING UPDATE ~ Alyson Clark



Many of our readers have inquired about recycling in the Northeast Heights. Although we do not yet have curbside recycling in Sandia Heights, we do have convenient drop off centers within 5 miles of us. These are giant trash bins located in the parking lots of the Wyoming @ Paseo del Norte Smith's, the Smith's at Tramway and Montgomery, the ABQ Convenience Center aka the dump at 6301 Eagle Rock NE, the Assembly of God church on the north west corner of Montgomery and Wyoming and JoAnn's Fabrics on Wyoming @ Menaul. Since these bins are in public places, they are always accessible. Recycle glass, paper (including cardboard, magazines, and newspaper) tin, aluminum and plastic (bottles and bags.) It is worth your time and effort to be environmentally conscientious.

# LETTERS TO THE EDITOR

Letters to the editor or submitted articles may not necessarily be the position of the Association but reflect the concerns of individual Sandia Heights residents.

Dear Editor,

As a resident of Sandia Heights and a member of the SHHA I need to report two instances of vandalism which I think have most likely gone unnoticed. I work as a real estate broker for NAI The Vaughan Company. One of my clients is the owner of the vacant 10.4 acre lot on the eastside of Tramway at the intersection of Tramway and Paseo Del Norte. We have had two FOR SALE signs stolen in the past five weeks. Together both signs cost well over \$600.00. We have informed both the Bernalillo County Sheriff's office as well as Sandia Heights Security patrol and they have informed us that once we post yet another sign they will take notice. Any information that can be provided which may lead to the person or persons responsible for these thefts would be greatly appreciated. Thank you for your help with this unnecessary vandalism. Feel free to contact the Bernalillo County Sheriff's office as well as Sandia Heights Security.

Sincerely,  
David L. Fox

*SHHA is always concerned when it comes to vandalism in our community. Please be vigilant and report to the proper authorities any information you may have on such incidents.*

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The Bernalillo County Animal Ordinance is changing. The District 4 County Commissioner's hearing is scheduled for Wednesday, March 26, 6-7 pm at the Lt. Sibrava substation. Check [www.bernco.gov](http://www.bernco.gov) closer to the date/time to confirm. A copy of the proposed changes to the ordinance can be found at: [http://www.bernco.gov/upload/images/animal\\_care/ordinance\\_propose51407.pdf](http://www.bernco.gov/upload/images/animal_care/ordinance_propose51407.pdf). Contact Tim

Cummins (your District 4 County Commissioner) [emckinley@bernco.gov](mailto:emckinley@bernco.gov) and Becky Darrow, Acting Manager, Animal Care and Regulations ([bdarrow@bernco.gov](mailto:bdarrow@bernco.gov)) if you have comments on the proposed County ordinance changes.

If we in District 4 do not voice our support for the proposed ordinance changes and express our desire for these further improvements, we may not get the provisions that protect us from the negative impacts associated with irresponsible pet owners. Remember the County ordinance applies to south valley, north valley, east mountains, and far NE heights. Responsible people tend to be quiet; let's not let the voices that support cruelty and populate the animal shelters with unwanted animals be the loudest.

Written by: Vivian George  
E-mail [vgdragon@q.com](mailto:vgdragon@q.com) if you have questions.

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### ***Dogs in Sandia Heights and Bernalillo County Ordinance No. 88-16 Section VI.***



Recently a young man was walking his leashed dog. He was approaching another resident who also had a dog, but their dog was unleashed. As the two dogs confronted one another the young man got between his dog and the unleashed dog. Unfortunately this young man, in his efforts to keep the two dogs apart, was bitten by his own dog. We ask all dog owners in the Sandia neighborhood to be more considerate in sharing the roads and trails. Keep in mind that it is unlawful for any person to allow or permit any animal to run at large in or on any street, alley, sidewalk, vacant lot, public property, other unenclosed place in the County. Any animal permitted to run at large in violation of this section is declared to be a nuisance, a menace to the public health and safety, and shall be taken up and impounded.





Sandia Heights Homeowners Association  
2-B San Rafael Ave NE  
Albuquerque, NM 87122

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*Don't forget to:*

**SPRING**

*Forward*

*on Sunday, March 9th!*



## Community Event Bulletin Board

*Not all of these groups are sponsored by SHHA. Information is provided to keep residents informed*

### **SOSH - SINGLES OF SANDIA HEIGHTS**

We are a group of Sandia Heights residents formed to attend social events and participate in activities around the area. If you are interested in joining the group (age range is 40s to 80s), please call Marsha Thole (856-3352) to be placed on the membership list. Members enjoyed a good time attending the following over the past two months: *The Menopause Musical*, *Jazz at Lincoln Center Orchestra* with Wynton Marsalis, *Swan Lake* performed by the St. Petersburg Ballet Theater, and a cooking and wine tasting class at *Le Cafe Miche*. Upcoming activities include: trumpeter *Chris Botti*, and Irving Berlin's *I LOVE A PIANO*.

**Church of the Good Shepherd** - the Preschool is holding their "Spring Fling" April 7<sup>th</sup> thru the 11<sup>th</sup>. This is a fundraiser to help support its programs. To donate or to get more details call 505-856-1005.

**The Sandia Heights Wildflower Club** cordially invites you to attend the March 19, 2008 meeting featuring Margo Murdock as the guest speaker. She is a master gardener and has a wonderful slide show on how to create a rock garden. She will share with you the kind of plants that thrive best in this venue, and more importantly, the erosion control that a rock garden will provide. The meeting will be held at Dan and Jacque Caudillo's home at 2744 Tramway Circle NE, (phone 856-6617) at 7:30 pm. New members are always welcome.

Future events for the Sandia Heights Wildflower Club:

May 17, 2008: Progressive Dinner

June 14, 2008: Garden Walk

### **SWEET JAZZ**

Fund raiser for Interfaith Hospitality Network---helping homeless families get into their own home.

Sandia Presbyterian Church, 10704 Paseo del Norte, N.E.

Sunday March 30, 2008, 7-9pm. -- Doors open at 6:00 -- \$15 per ticket

Local professional musicians are donating their time, Sid Fendley, Patty Stephens, Kari Simmons, Dianna Hughes, Linda Myers, and Susan Clark, Mark Smith, Ken Battat, and Paul Gonzales.

The "sweet" part of the title is free dessert at intermission.