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## *News you need to know from your trustees June 2020*

### **Special Assessment Canceled for 2020**

*By Mark Harvey, Trustee*

**Y**our University Heights Subdivision #1 trustees have decided to cancel the last year of the five-year special assessment beginning in June of this year. The regular yearly assessment continues and all property owners are responsible for payment. If a property owner has been delinquent in paying the special assessment, the charges still stand on your invoice.

Approved by a majority of property owners in 2016, the special assessment was for the purpose of empowering the trustees to defend our Indenture by covering the legal costs. In this case, The City of University City had granted developer Henry Warshaw with VRE Optics a zoning variance to provide commercial parking at 601 Trinity without a properly executed zoning change. It was our opinion that the 1904 Indenture does not allow commercial use there.

#### **The lawsuit and settlement**

The City argued that while zoned for public activity, the property was already being used for parking, so parking use could continue with a zoning variance. We argued that it had never been a parking lot, but instead the asphalt-paved play yard of Delmar-Harvard Elementary School.

We sued Mr. Warshaw, VRE Optics and The City. The suit was resolved by settlement. The settlement provided that the property could not be used for commercial parking without a zoning change through the proper procedure and that the City would pay \$30,000 cash to the subdivision for legal costs, plus provide us an additional \$20,000 in concrete work. The City had previously decided to provide \$100,000 in sidewalk replacement work at \$10,000 a year in a friendly settlement for use of Trinity Avenue, made at the time of the Delmar roundabout construction.

Our 2016 special assessment was to provide as much as \$250,000 over five consecutive years at \$50,000 per year to cover legal costs. We have received special assessment payments to date of \$171,396. The settlement was reached

through expenditure of \$77,696 on legal fees paid to our attorneys at Lashly & Baer.

The City settlement cash added \$30,000 to the reserve. All of our legal expenditures are for defending the Indenture. We can use these funds to cover legal costs moving forward. These include lien fees and property use agreement development.

The next case may be to defend zoning again and to clarify use of right-of-way by the City with maintenance agreement, or perhaps for establishing architectural standards for renovation, demolition, and infill housing development.

#### **How legal fees have been used**

This was the 20th time in the 116 years of the subdivision that matters have necessitated going to court. Changes to the Indenture can only be made through the circuit court. Our last case, in 2006, provided for six-year election of trustees in alternating years with staggered terms, with nominations only from the trustees and neighborhood association board.

### **River des Peres survey underway**

**W**hile surveying the property at the northeast corner of our subdivision, surveyor Theodore Lanaman of TL Consultants discovered discrepancies in surveys of properties along the north side of Dartmouth Avenue, particularly related to the rear property lines adjacent to the River des Peres. We've always been aware of these problems. The river channel has even moved over time, eroding the south bank in different places. Our Indenture mentions a portion of the south river bank owned by the subdivision, but the description is vague and we have no map. Mr. Lanaman already has determined that our 1904 map is correct in locating a five-foot wide strip south of the fence above the north bank all of the way down. The next 50 feet should be the City's property.

## River des Peres Survey *(continued from page one)*

But the Metropolitan Sewer District has a 50-foot easement, with 25 feet on either side of the river center. We are not sure where the ‘center’ is, and it may vary from property to property. So we decided to survey the River des Peres. It will be limited in scope and not too expensive, about \$1,200 unless we discover additional issues. Mr. Lanaman and staff of TL Consultants will complete the work over a period of a year or a little more. He will work closely with City Engineer Sinan Alpaslan. So when you see people slogging in the river with surveying equipment, it may not be MSD staff.



Headed down to the River Des Peres  
<https://www.youtube.com/watch?v=fX1UIUuP6bk>

## MSD completes sewer work for now

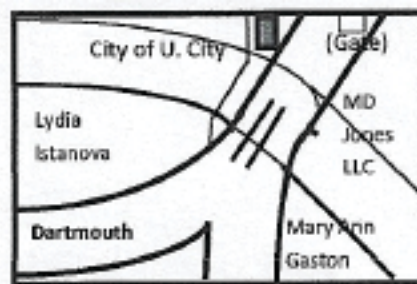
Last summer and again this spring Metropolitan Sewer District (MSD) staff were working to better equip the River des Peres channel on the north edge of our subdivision for preventing erosion. A few neighbors were having extensive problems, losing areas of their yards to the river. MSD staff dredged, removed some of the concrete and the base, replaced some of the bottom, poured new concrete banks on the south side, repaired masonry on the *(continued on page four)*

## And more surveys and a shed

We have a shed again! After all these years storing subdivision owned equipment in various places, the last being trustee Mark Harvey’s garage, the tools now have a permanent home. And there’s more. The neighborhood association can store and distribute supplies for the luminaria, neighborhood picnic and other events. We will add electrical service soon, including interior lighting, receptacles and security lighting.

### A long road to the shed

Some of you remember when we had a garage at the northeast corner of the subdivision. As far as we know it was there before the subdivision existed (estab. 1904) as was the bridge nearby over the River des Peres. A dirt road over the bridge went to Vernon Avenue. Now the river goes into a large conduit underground just to the west. After the garage came down the concrete slab remained. The subdivision has maintained the property since 1904. Little did we know that placing a new shed would be so complicated. The trustees applied to the City for a permit to place a new shed at the location. City Engineer Sinan Alpaslan told us there was a problem of



property ownership clarification. We did a title search with Investors’ Title, and hired a surveyor, Theodore Lanaman of TL Consultants.

We discovered a 1937 quit claim deed that showed the City of University City owns a triangular portion of the lot, plus a 50-foot wide strip extending to the west boundary of the subdivision (north of the north Dartmouth lots) which constitutes the riverway. The remaining two-thirds of the northeast lot is the extended right-of-way of Harvard Avenue. The trustees are responsible for maintaining it, for as long as we do not vacate the avenue.

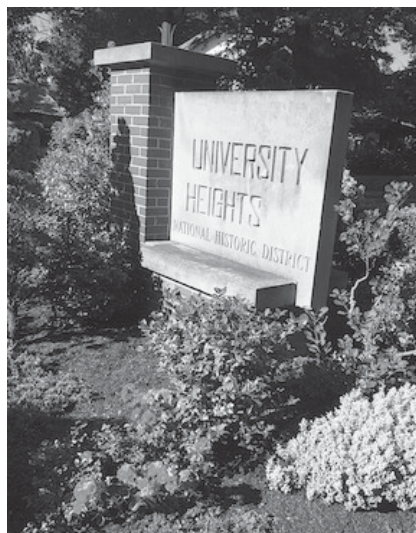
We do not intend to vacate. The City agreed to allow us to put a shed on what we know now is their land for agreement to continue to maintain the property (east of the fence—not the riverway) in perpetuity. Tuff Shed installed our new shed in mid-May. Each trustee has a key, as does our trustee intern, Anil Pilai. Anil keeps another key which can be used by neighborhood association leaders when needed. Maintenance tools in the shed are for use in maintaining subdivision-owned property, not for individual homeowner property maintenance use.

## Architectural standards for U. Heights moving forward

The beauty of our neighborhood is undeniable. We are proud of our designation on the National Register of Historic Places. To help preserve and enhance our unique residential heritage the University Heights Architectural Review Committee was created. Talented architects from the neighborhood—Rebecca Waltman, Kevin Kerwin, Mike Jackson and Dean Smith—with trustee Myra Vandersall.

They have taken a good look at other U. City private neighborhoods standards and the City's codes, and at a community development managing approach of other private subdivisions in University City. The result is a substantive document they will soon make available to all neighbors on our website. Along with City codes, these standards will be our tool for conversing with homeowners, renovation contractors and new housing developers to guard the historic character and unique flavor of University Heights No. 1.

University City already requires that in the 11 private subdivisions all plans are submitted to trustees for approval before submission for City construction permitting. Your trustees are now delegating the initial work to our architectural review committee. They are now applying these standards and making recommendations to trustees.



Two trustees must sign all three copies of plans required by the City. We will work more intentionally than in some times in the past to ensure that the City applies this process which is part of their own code. Because we are a National Historic Place some of our requirements are more stringent than the international codes the City Department of Community Development applies to all submittals. For instance, we seek to maintain uniform consistent streetscape pertaining to driveway widths, distance of fencing from sidewalks, and elevations of homes in relation to adjacent properties.

The standards spell out the relationship to and role of University City's Historic Preservation Commission for review and approval of demolition of any home in the subdivision identified as historic significance.

A process is defined for consultation between property owners and developers, the architectural review committee and the trustees. Trustees make final approvals. The standards do not specifically limit any particular style of architecture. The committee determined that a strong feature of the subdivision is the diversity of architectural style, developed and allowed over time. The challenge is moving forward to preserve this character while not

systemically preventing either new construction or demolition of properties deemed economically unreasonable for restoration.

### 6916 Dartmouth Condemned

For nearly a decade 6916 Dartmouth has been vacant. The property has deteriorated both inside and out. A double garage at the rear of the property contains two decrepit, unused vehicles. Thanks to persistent work by neighbors Sondi Harris and Eileen and Phil Pfeiffer and active response by City Councilpersons Mike Glickert, Paulette Carr and Tim Cusick, the property has been condemned. The owner was given 60 days to rectify code violations or submit a plan and proof of financial ability and did not. The next step will be either demolition or ownership transfer facilitated by the City. One option will be for the trustees to take ownership and sell it to someone who can assure redevelopment. We've come too far to slow down now. We will keep you posted.

#### *Call for photographers*

Ansel Adams, Annie Leibovitz, William Wegman? Calling all neighborhood photographers, professional or amateur. We are looking for images to include on our website and welcome those made by our residents. Please email [f.castiglione@liftxl.com](mailto:f.castiglione@liftxl.com) with images of past or present U. Heights. We will assume if you email the images, the subject approves being shown on the site and copyrights are clear for use.

Go to our website [universityheightsonline.com](http://universityheightsonline.com) for examples.



# Who are the trustees and what do they do?

Mark Harvey (314) 398-7485, markcharvey@sbcglobal.net

Contact Mark for tree lawn, sidewalk, lights, street maintenance, manages the shed and the lock to the northeast gate.

Frank Castiglione (612) 578-5851, f.castiglione@liftxl.com

Contact Frank for legal and government relations issues.

Myra Vandersall (314) 518-1451, myravandersall@gmail.com

Contact Myra for assessments, real estate, other financial issues. Myra is our liaison to our accounting firm, DNI and the Architectural Review Committee

Anil Pillai trustee intern 314-308-1288, bloggerpillai@gmail.com. He is the liaison between the neighborhood association and the trustees. Contact Anil for ornamental lamp/marker bulb and bulb replacements, garage key for the neighborhood association.

For more information about the trustees and what we do, go to [universityheightsonline.com](http://universityheightsonline.com)

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## MSD completes sewer work for now

*(Continued from page two)*

north bank, and added large rock fill on the south bank from Yale to Pennsylvania. We expect that in the next few weeks MSD will release their comprehensive plan. This might help us get an idea whether or not further work will be needed on the river channel or storm sewer beneath streets in our neighborhood.

They took core samples on Yale and Dartmouth two years ago, considering the possibility of placing a large relief conduit beneath Dartmouth to connect back into the river before it goes underground.

We still live with the seasonal eau de Des Peres fragrance, some of us more than others. We are also aware that we have drainage problems on most streets. Please call MSD at 314-768-6260 if a storm drain is clogged and not draining properly.

## Some safety tips

Keep your Covid 19 precautions going. Wear your mask and stay six feet apart in public. With the state of Missouri lifting most restrictions, we are more casual about our health. The virus is still with us and will be for a while.

### Walking in the street

Our neighborhood is here to enjoy, but walking in the street is not a good idea. Our streets are narrow, our cars are large and drivers don't necessarily obey stop signs.

Keep your distance from each other on our sidewalks. You can still do the six feet rule.

Streets are for cars. Sidewalks are for people.