



The Rules We Live By

The US Constitution and the Bill of Rights

The Laws of the State of Texas

The Restrictive Covenants attached to your Property Deed

The Articles of Incorporation of the PIPOA

The Bylaws of the PIPOA

As Americans, we understand the significance of the US Constitution and the Bill of Rights. Above all, these documents contain the rules that we live and prosper under. This is what makes America Great.

Following next are the privileges granted us as Texans. The freedoms we enjoy in this great state are the envy of many around the world.

Next come the privileges granted us as landowners. Texas is unique across all 50 states in the protection of landowner's rights. Above all other states, in Texas the land is your land and your rights are stringently protected. You choose what restrictions are placed on your land, and outside forces are extremely limited in what restrictions they can place on you. As landowners the responsibility is yours to be ever vigilant and to

push back when any outside group attempts to place unauthorized restrictions upon you.

From the very moment our island community was created in the early 1970's, the legal documents were poorly planned and poorly drafted. On that first day there were 48 parcels of land, and each of them had their own unique restrictive covenants. While a large percentage of each set of covenants is identical, you must dig into each property to understand the unique rules that you have agreed to. This makes it difficult to evenly apply changes to the whole community. It also makes it nearly impossible to strike all the covenants and move everyone under a single uniform set of rules.

The day you purchased your land you were given a large packet of scanned and mimeographed "rules" that you are legally bound to follow as landowners. Your Covenants were written in an easy to understand language, but after decades of amendments they are now nearly impossible to read and understand. You must "convert" them into a readable document so you can understand them. We have done that for several subdivisions, and we will be exploring what we have found in the coming articles.

Your Covenants define an Employer/Employee relationship between you as the Owner and the PIPOA as the service provider. Too often people think of the Owner's reporting to the PIPOA, but as Owners we have HIRED the PIPOA to perform three specific jobs. Nothing more, and nothing less. As Owners we have also agreed to pay a fee for these services. These jobs, and how they are to be performed, are described in your Covenants.

1. It is in your Covenants where the Architectural Control Committee (ACC) is born. It is made up of neighbors who have volunteered their time to ensure that new homes are "congruous" with the other properties in your neighborhood. They are tasked with keeping the look and feel of the neighborhood you fell in love with. In the beginning nothing could be built on your block until an approved permit was issued by the ACC. In the covenants you assign the supervision of the ACC to the Board of Directors of the PIPOA. We will explore that relationship in a coming article.
2. Restrictive Covenant Enforcement (RCE), often referred to as "compliance", is another important function. We assign this task to the PIPOA so that neighbors do not have to fight with neighbors about the appearance of their properties. Recently we lived under the belief that RCE could include fines, which has now been determined to not be true. In a future article we will explore the truth behind RCE.

3. In your Covenants you assign the task of Common Area Maintenance to the PIPOA. We will dig deeper into this in the coming articles. We will investigate what is and is not “common area”, what we have authorized the PIPOA to spend our money on, and how our money is really being spent.

As rocker Neil Young wrote, “rust never sleeps”, and that is certainly true for the changing conditions of our community. Conditions and circumstances change over time, so the Covenants set out the rules for amending the Covenants, and well as limiting the liability in the performance of each of these three service functions.

In the coming weeks we will explore the three functions of the PIPOA, as determined by the Owners through the Covenants. We will unpack each area, talk about what is and is not working, and explore the money being spent in each area. We will look at how our employee has strayed from its authorized function, and what steps we can take to refocus our employee back on the core mission of providing these three services.

Once this story is told we will announce a new project that the ARCH has taken on.

The Padre Island ARCH
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