

the **Sea Breeze**

**PUBLISHED BY HILLSMERE SHORES
IMPROVEMENT ASSOCIATION**

JANUARY 2010

PRESIDENT'S COMMENTS

I usually try to start out with a comment about the weather. This month will be easy. I don't know about you, but I really enjoyed the Blizzard of '09. That was a great snow storm. As I have for several years, I volunteered to drive for the Anne Arundel Medical Center. It's a great excuse to get out and play while doing a good deed. However, there must be way too many SUV's in Annapolis because they never called me back. Don't put your shovels away just yet. This may be a very snowy winter.

The big story for this issue of *the Sea Breeze* was supposed to be the community poll or vote on what the HSIA Board of Directors should do about the offer to purchase community property along the beach strip and the threat of a new lawsuit if we don't comply with their demands. Our intention was to have a vote with several options so the board would have a clear idea of where the community stood on this issue. However, there were a few developments that caused us to postpone the vote for a few months, most likely in March.

On Tuesday, December 15th, we had a Community Town Hall Meeting at The Key School. The purpose of the meeting, attended by about 40 - 50 people, was to answer questions and disseminate

**Community Beach Strip
Vote Postponed.
See the President's
Comments for more
information.**

*Happy
New Year!*



(Continued on page 3)

THE SEA BREEZE

Published by: **HILLSMERE SHORES IMPROVEMENT ASSOCIATION**

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www.hillsmershores.net

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Submit articles, ads and features to above address or FAX

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Vice President	Noel Gasparin	410-263-4456
Secretary	Mark Jones	321-377-2527
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2010 BOARD MEETINGS - 7:00 p.m.

Jan 28	May 27	Sep 30
Feb 25	Jun 24	Oct 28
Mar 25	Jul 29	Nov 18
Apr 29	Aug 26	Dec 16

2010 GENERAL MEETINGS - 7:00 p.m.

Jan 14	May 13	Sep 9
Mar 11	Jul 8	Nov 11

All Board Meetings at The Key School Science and Library Center

All General Meetings at The Key School Multi-Purpose Building

(President's Comments continued)

information. Several HSIA board members were there along with our attorney, Dirk Schwenk. I am very happy to report that the meeting was very civil, even though there are some strong feelings about what we should do. A broad range of opinions were expressed from "sell the land no matter what" to "fight for our property under any circumstances". A number of people expressed the opinion that the amount offered, \$130,000, was woefully inadequate. One West Bay View resident said that when he purchased his property back in 1992, a property with riparian rights was worth 10% more than a similar non-riparian rights property on East Bay View (the "beach strip"). He stated that each of the nine properties would be worth nearly \$100,000 more if they acquired those rights by purchasing the community property. There were several questions about riparian rights and how they are affected by the 1736 Land Grant. One of the people who spoke was Jim Leary. He identified himself as one of the nine property owners who made the offer and threatened the lawsuit. He said "We just want to protect our land". At that point another homeowner pointed out that it wasn't his land, it was the community's. Jim explained where the \$130,000 offer came from. When the original beach strip lawsuit was just getting started, 13 of the residents decided to offer \$10,000 each to purchase the property to avoid a lawsuit. This was rejected by the HSIA board at that time. The nine lot owners simply repeated that amount in the current offer. This confirmed that the current offer was not based on the actual value of the property. Most importantly, Jim stated that they were willing to negotiate on the offer price. This was a very positive development.

At the HSIA board meeting two days later, the HSIA Board of Directors voted to postpone the community vote and enter into negotiations with the nine lot owners to see if we could reach an offer price that more accurately reflected the actual value of the community property and the increased value that the nine lot owners would receive if they purchased it. Mr. Simmons, the attorney representing the nine lot owners, agreed that we could discuss this directly with Jim Leary as a representative of his clients. We have scheduled a meeting for the first week of January to talk about the offer.

It is very important that everyone understand a few things about this process. First, the community vote, when it takes place, will be a non-binding poll of the community. The HSIA Board of Directors must make the final decision on what action we will take. Any decision to sell the community property would have to be then approved by the membership at a General meeting called for that purpose. Second, negotiating a higher price with the nine lot owners only changes the offer amount from \$130,000 to the new number. It does NOT mean that HSIA has decided to sell the property. The community vote will give that guidance to the board when they make their decision. It does simplify the community vote since we would know exactly how much they were truly willing to pay for the property. I assume that they will be negotiating in good faith to arrive at an offer based on the actual value of the property and the increased value of their lots. If not, then we would be back to square one.

I had hoped to have an update of the situation with the pool lease. The Hillsmere Pool Association (HPA) met to discuss the proposed lease terms and was to get back to me by before Christmas. However, that didn't happen. This is an important issue to the entire community. I will keep you informed and look for your guidance on what we should do. The bottom line is that there will continue to be a pool in Hillsmere. The pool is a wonderful, valuable resource for all of our community.

Come And get It Day will be on Saturday, February 27th from 10 am to 2 pm at the Key School. Be sure to put it on your calendar. This is when you can join HSIA, get your boat ramp keys and car stickers, etc. If the community beach strip vote occurs at the March General Meeting, as expected, then you will be able to fill out a ballot at Come And Get It Day.

(Continued on next page)

(President's Comments continued)

As I write this during the week between Christmas and New Years, I hope everyone had a great holiday. It's a wonderful time of the year when you spend time with friends and family and eat more than any human ever should. Have a great, safe, and prosperous New Year.

Bill Shuman
President, Hillsmere Shores Improvement Association

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HSIA NEWS

Community Beach Strip Vote Postponed -The community poll on what action to take regarding the offer to buy community property along East Bay View Drive and the threat of a new lawsuit has been postponed to allow negotiations with the nine lot owners involved. See the President's Comments for more information.

Festive Christmas Lights -Make sure you take some time during this holiday season to drive down Hillsmere Drive and see the light display at the Donaldson's home at 425 Hillsmere Drive. Leslie and her family all do a fantastic job, starting very early in the season to bring you a brilliant display of lights!

Come And Get It Day 2010 - Mark you calendars for our 2010 membership drive known as Come And Get It Day. Again this year, we will have Come And Get It Day at the Key School Science & Library Center, rooms 101 and 102. The date is Saturday, February 27, from 10 am to 2 pm. Come and Get It Day is a Hillsmere tradition that gives residents an opportunity to renew memberships, pick up car and trailer stickers, purchase boat ramp keys, and pay for slip rentals, dinghy rack rentals and boat park storage. More information will be in the February issue of *the Sea Breeze*.

2010 Beach Reservations - The 2010 beach calendar is open for reservations. To reserve the large beach pavilion, please contact the Administrator at 410-263-4456 or email admin@hillsmershores.net. A refundable \$200 security deposit is required. If you are serving alcohol at your party, you will need to get an Anne Arundel County One-Day Liquor License. Signed forms for a liquor license must be obtained from HSIA two weeks prior to your party and submitted to the County. New this year — you will be required to specify the time needed for your party. You can reserve the pavilion for the entire day or for as little as 2 hours. This will allow more residents use of the large pavilion for parties. Reservations are not final until you receive a confirmation from the HSIA Administrator. Thanks in advance for your help.

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East Bay View Beach Strip Lawsuit

By Bruce Walker, HSIA Treasurer

HSIA owned a strip of land from the Hillsmere Beach to the Hillsmere marina on East Bay View. This land was granted to HSIA by the Hillsmere Estates developer in 1955. There were 17 lot owners along East Bay View Drive whose properties abut the HSIA land. From 2002 to 2007, your homeowners association, HSIA, was involved in fighting a law suit from 3 of the 17 residents. They claimed adverse possession (sometimes know as squatters' rights) of the chunks of HSIA's beach strip that was between their property and the water edge. The 3 residents won the case in court and won the appeal HSIA filed to reverse that decision. Apparently Maryland law holds adverse possession very highly. As a result, HSIA's beach strip is now chopped up with no land access to the remaining strip. HSIA spent about \$65,000 of your money fighting this lawsuit and lost.

Now, nine more residents along East Bay View Drive have threatened to file an adverse possession lawsuit against HSIA unless HSIA sells them the land that is between their lots and the water edge. They have offered \$130,000 which is about the cost they will incur going to court. If HSIA fights the lawsuit, HSIA will probably spend another \$65,000 of your money. It is hard to tell how a lawsuit would come out. On the one hand, we already lost to 3 of the residents, so the odds are, we will lose to some or possibly all of these nine residents. On the other hand, the 3 residents who won probably had the best cases. One faction of the current Board would like to preserve HSIA ownership to construct a living shoreline that will restore the beach along this beach strip beyond the lot owners' bulkheads. I would think if that was to occur, there would be more lawsuits by the East Bay View residents to stop it. The project cost is also probably prohibitive (in the millions of dollars) for our community to try to restore the beach on its own. Associated with the law suit is: who owns the riparian rights? HSIA offered to accept the \$130,000 offer for the land (subject to Community approval) but not to include the riparian rights. The offer was rejected. HSIA currently owns the riparian rights to at least 11 of the 17 lots. The 3 residents who won in the previous lawsuit believe they have the riparian rights for their lots. For the 3 lots closest to the Beach pavilions, the HSIA beach strip has eroded away and is non-existent. One of the three residents that won in the previous lawsuit has recently obtained a County permit to build a pier and expects HSIA to grant them a Hillsmere construction permit. If we do not, that will be another law suit. There is also the issue of the 1736 King of England land patent which some Board members think gives HSIA ownership of the land under the water out to the 1736 boundaries. The lawyer for the nine residents, the same lawyer who already won in the previous lawsuit, says Maryland passed a law in 1862 which nullified the King's underwater grants.

I think there is little probability of HSIA ever doing anything with what is left of the beach strip and riparian rights. I feel that we should negotiate the best price possible and sell the land to these Hillsmere residents. The HSIA Board would like guidance from the community. Do you wish to spend a minimum of another \$65,000 of your money fighting one or two more lawsuits or would you rather get something for this property by selling it?



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-Sylvia Wicklein

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And for your information as of December 18, 2009 ~ other properties listed for sale in our community;

Homes:	Price:	BR	BA
406 Walnut Drive	\$299,900	4	2*
101 Meade Drive	\$332,500	4	3*
315 Cedar Lane	\$334,900	4	3
133B Lee Drive	\$339,900	4	2
121 Maple Drive	\$349,900	6	3
293 Hillsmere Drive	\$358,900	3	2
102 Great Lake Drive	\$365,000	5	3
531 Harbor Drive	\$379,000	3	2
508 Duval Lane	\$415,000	4	3*
510 Harbor Drive	\$415,000	3	2
134 Locust Lane	\$474,900	5	5
102 Sunset Drive	\$539,000	5	2.2
533 Lee Circle	\$549,900	3	2*
507 Hillsmere Drive	\$615,000	5	3.5
100 Sunset Drive	\$720,000	4	3
105 Bay View Drive	\$995,000	3	2
630 Riverside Drive	\$2,950,000	4	3.5

* Under contract - list price, not necessarily sales price.

Other properties listed for rent in our community;

Homes:	Price:	BR	BA
107 Gardner Drive	\$1,550	3	2
118 Pinecrest Drive	\$1,600	4	2

The above information is deemed reliable but not guaranteed, as taken from the AACo Multiple Listing Service. It is not my intention to solicit listings of other Realtors. However, if you are not working with another agent I would love to be of service.



As always,
Nan



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Hillsmere Stats for 2009



	2009	2008
Average List Price	\$603,810	\$555,483
Average Sales Price	\$537,674	\$510,223
% Sold Price to List Price	89%	92%
Average Days on Market	165	82
Low Sales Price	\$228,553	\$283,000
High Sales Price	\$1,573,000	\$2,050,000

*Information is believed to be accurate, but should not be relied upon without verification.

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A View Of The Beach Strip

By Natalie Lobe, Outgoing HSIA Board Member

As I conclude four years on the HSIA Board, much of it spent on beach strip issues, I offer my thoughts in advance of the incoming Board members. I believe it is the clear responsibility of HSIA to retain the community's control of its waterfront strip and riparian rights on East Bay View Drive.

At this point, the only thing we have lost is the waterfront strip to three property owners as a result of last year's lawsuit. Now nine more East Bay View owners want to sue unless we sell our interest in all these lots for \$130,000. Some say, "Sell if we can get a better price." Some imply, "Peace at any price." I say, "No to all of this." We should not give up control. Fourteen beachfront lots belong to the community. With riparian rights, this land holds great potential for future beach restoration and pollution control with state-of-the-art techniques. Government funding and support is probable.

As did their three neighbors, the nine property owners would sue on adverse possession. But they have a much weaker case. (This explained by Bill Shuman in the December *Sea Breeze*.) The strength is on our side cost-wise, too. We have over 1200 households to share the costs compared to their nine. We can reasonably expect a cost per household of less than \$50.00

Envision the alternative. We sell the land and we have forever lost any chance for enhancing the waterfront of Hillsmere Shores. Imagine, instead, ad hoc, outdated or no erosion control at the East Bay View waterfront and piers at every lot. Even the owners will lose their view.

Some say, "If we had been more watchful, not allowed fences and bulkheads to be built over twenty years, we wouldn't have lost three lots. Now it's too late." I say if we erred in the past, let's not exacerbate the mistake by throwing the rest away. We owe this to future generations in Hillsmere. Give them options, give them a chance.

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The Christmas caroling was a small, joyous group. A few families caroled for about an hour and lifted the spirits of our neighbors. Join us in this fun event next year after Santa's Run. The Santa's Run was a great success and Hillsmere gave lots of wonderful presents to needy kids.

Look in the February *Sea Breeze* for a calendar of Hillsmere's 2010 Recreation and Entertainment events. Happy New Year!

Please enjoy this picture from the Halloween parade.



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GARDEN CLUB



Our Jan 20th meeting will feature a demonstration by two of our members Katie Berry and Millie Sample of the technique for creating miniature flower designs. We will be preparing tea to warm us on a cold winter day and you can bring your own special cup if you like.

On Feb 17th we are delighted to have Mollie Ridout for our program speaker. Ms Ridout is the Director of Horticulture at the beautiful Paca Gardens. She will be doing her presentation on the historically significant book "The Garden Diary of William Faris". It should be an interesting program and well worth your time.

All are welcome to attend our meetings at the Eastport-Annapolis Neck Library. We start at 12:30 pm with refreshments, a business meeting at 1:00 and the program at about 1:30. Any questions? Call Jean at 410-268-0276.



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BUILDING PERMITS

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The following items are needed to obtain an HSIA Building Permit:

1. A copy of the Anne Arundel County Building Permit.
2. A copy of the construction location on the property when required by the County.
3. Cash or check in the amount of \$5.00 made payable to HSIA, unless we sent you a certified letter. Then the cost is \$20 for the permit.
4. Mail to HSIA, P.O. Box 3485, Annapolis, MD 21403



Permits are required for construction of new houses, new sheds, additions to houses or sheds, retaining walls, piers and bulkheads. When in doubt, or if you have any questions, please call the HSIA Building Permit Chairperson, Bill Anderson, at 410-263-4456.



*Working through the maze of technology,
accounting, and the tax code.*

MARIE GILBERT
Certified Public Accountant

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ITEMS OF INTEREST & FYI

HILLSMERE READERS

A reminder that this column welcomes your calls for community-related items of interest for services, affinity groups and appropriate announcements. Please feel free to take advantage of this.

♦ **Prevent Identify Theft** - *(A message from the Anne Arundel County Police Community Relations Council)*

Identity theft is one of the fastest rising types of crime today. It can give everyone a cause for worry since most personal information can be retrieved from your documents. However, a simple step can protect you from this common crime. You can reduce the risk of identity theft by simply shredding your files before throwing them away. It has already been determined that criminals usually go over the trash and find important information that can be retrieved. The information that they can get makes it possible for them to assume the true owner's identity and make new financial transactions at your expense. One great thing about shredding is that it is a cheap way to protect yourself from identity theft. The best paper shredder is the cross-cut shredder because it is more difficult to bring back together the small chunks of paper. The shredder itself is lightweight and easy to use. This step can provide significant protection to your finances and personal safety. Do not be another news story about identity theft. Start taking steps to stop identity theft from happening to you.

♦ **Smoke Alarm Outreach Program** - The Anne Arundel County Fire Department and the Fire Safety and Injury Prevention Office provide free smoke detectors to those Anne Arundel County citizens in financial need. To receive your free smoke detectors, please call 410-222-8303.

♦ **Winter Weather is Here! Put Your Driveway on a Low Salt Diet** - Choosing the right product for snow and ice and using it correctly is important to help protect our water resources. Please visit the web site www.cwp.org/Resource_Library/Special_Resource_Management/ColdClimate/snow_roadsalt_chesbay.pdf for information on environmentally safe products for snow and ice removal. And remember...shovel early and often. There's no substitute for muscle and elbow grease.

HSIA General Meeting

Thursday, January 14, 2010

7:00 pm

Key School Multi-Purpose Building

HSIA Board Meeting

Thursday, January 28, 2010

7:00 pm

Key School Science & Library Center

Deadline for the February/March

Sea Breeze is February 8, 2010



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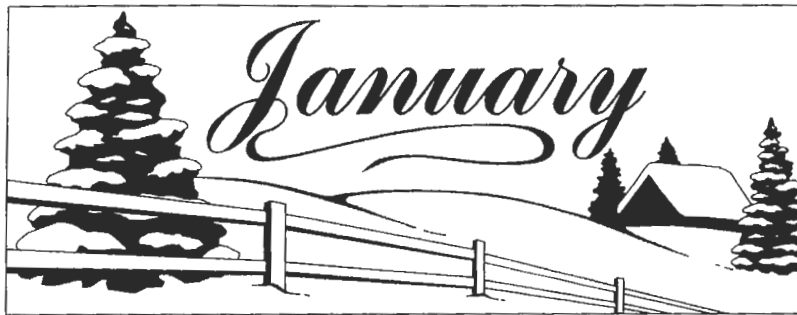
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SUN	MON	TUE	WED	THU	FRI	SAT
<i>New Year's Resolution's are easy to make, but even easier to break!</i>					1  New Year's Day	2
3	4	5	6	7	8	9
10	11	12	13	14 HSIA General Meeting	15	16
17	18 Martin Luther King Day	19	20 Garden Club	21	22	23
24 31	25	26	27	28 HSIA Board Meeting	29	30



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