

IFCIA wins lawsuit

Civil court jury rules against commercial development for country club property

By Greg Densmore
 Editor

In a precedent-setting case heard in 157th Civil Court in Houston, a jury last week delivered an early Christmas present to Inwood Forest homeowners when it ruled that the neighborhood country club and golf course could not be developed for anything other than recreational purposes.

The jury's verdict capped a near three-year legal campaign launched by the Inwood Forest Civic Improvement Association and the Near Northwest Management District that sought to prevent commercial development of the former golf course. The lawsuit followed a move by the new owners, Inwood Forest Partners LLC, to try and replat 8.3 acres of the property, changing it from restricted recreational use to unrestricted reserve, which would have paved the way for commercial development of the site.

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Inwood Forest Partners has 30 days to decide whether to appeal the verdict.

The 12-person jury were asked to consider the following questions:

- Was there a general plan or scheme of development of Inwood Forest whereby the golf course property was restricted to golf course use for the benefit of adjacent subdivided lot owners? (If they answered "yes" to this question, they moved on to questions two and three).

- Did Inwood Forest Partners have actual or constructive notice that the golf course property was part of the general plan or scheme you found in response to Question #1, as of

Feb. 1, 2007? (This is the date Inwood Forest Partners purchased the property).

- Attorney's fees that Inwood Forest Partners would have to reimburse IFCIA (to be considered if the answer to Question #1 was "Yes").

Because this was a civil trial, only 10 of the 12 members of the jury had to be in agreement on each issue. After deliberating for a little less than three hours, the jury voted "yes" on the first two questions, both by a 10-2 margin, and also agreed that Inwood Forest Partners would have to pay all legal fees requested by IFCIA.

Supporters of the IFCIA lawsuit could hardly contain their excitement over the jury's ruling.

"It's fantastic," said Clymer Wright, a former IFCIA board member who testified during the proceedings. "We're obviously happy and relieved."

Wright said the lead attorney for Inwood Forest Partners told the jury in his opening statement that they will set a major precedent in Texas law with their decision.

"He was right, but not the way he envisioned," said Wright. "Basically, we were able to prove that there was a general plan for homes and the property to blend together in a golf course community."

About 35 percent of the 1,000 homes in the Inwood Forest community have golf course frontage.

Wright said the verdict was especially rewarding given the fact that most observers didn't give the lawsuit much chance of success.

"They were all saying, 'you guys will never win.' What this proves is that you do what you think is right and then stick with it," he said.

Matt Kornhauser, one of the lead attorneys for the IFCIA, said it was a big win, but cautioned that there were "many, many more obstacles" still to come.

"Some days, you're the bug, some days you're the windshield. This time, we were the windshield," he said. "Seriously, you

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Precinct 1 officers spread

Officers with the Precinct 1 Constable's Office visits with a client at the Garden Oaks Adult Day Activity Center. A group of officers, along with Precinct 1 Constable

Jack
 visite
 Chris
 hold

The Year in Review

2009: new le and historic

A historic swearing-in launched 2009 and a precedent-setting jury decision ended it. In between came new city ordinances that changed the way we park our cars and treat apartment residents, a facelift for the local YMCA facility, a new HISD superintendent and a long-deserved award for the Aldine Independent School District.

Following is a month-by-month chronicle of some of the newsworthy events that affected northwest Houston residents during the past year.

JANUARY

WHEN ADRIAN GARCIA WAS

Use 'Getting to Know You'

Jury hearing civil lawsuit sides with IFCIP

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have to start somewhere, so this is a good first step."

In his summation before the jury, Kornhauser made it clear that the residents of Inwood Forest did not want the jury's sympathy, but rather wanted Inwood Forest Partners to abide by the original plan and scheme of Inwood Forest when it was developed.

"This case sets a precedent in Texas, because there is no other case that deals with reciprocal rights all under one plan of development," said Kornhauser. "The jury found that the golf course property has an implied reciprocal negative easement which would prohibit the development of it for something other than recreational purposes."

Wright said the attorneys for IFCIA were fortunate that some of the people who were present when the golf course was established almost 55 years ago "were still around" and able to testify for the plaintiffs.

"We had to reconstruct everything the way it was back in 1955," said Wright.

"We're so happy," said Julie Grothues, IFCIA's first vice president. "It was a very difficult case because of the way the property was platted. At the very least, this buys us more time."

Grothues had high praise for Kornhauser and the three other Hoover Slovacek attorneys who worked on the case.

"Our attorneys worked tirelessly on our lawsuit and always had the best interests of Inwood Forest and its residents at heart," she said.

Grothues also wanted to thank all the Inwood Forest residents who showed up in court to show their support. She pointed to two residents in particular, Dorothy Miller and Rob Burchfield, who have been working "every step of the way" with the IFCIA board on the lawsuit.

"Dorothy's knowledge of Inwood Forest, her contacts and

her persistence were extremely valuable as we worked our way through the lawsuit," said Grothues. "She has had daily involvement on the golf course issue since it first began in December 2006. During the first week of the trial, she was called to the courthouse each day, only to be told at the end of each day that she would be called to testify the next day. Dorothy finally got to take the witness stand on Friday morning."

With his background as a developer and builder, as well as his knowledge of Inwood Forest and his contacts, Burchfield "has also been a very important ally in this fight," she explained. "Rob's background was very valuable to the IFCIA board as we have worked our way through all of the golf course issues."

As to whether Inwood Forest Partners will appeal, Kornhauser was unsure.

"They were dealt a blow, for sure, but it's anyone's guess as to what their next step will be."

Kornhauser said the jury's decision "was the right thing to do."

The property, he said, "was purposely platted and developed as a golf course, and the jury said you can't come in 48 years later and develop it as something else."

Regarding the legal fees awarded to IFCIA, Judge Randy Wilson has some discretion regarding the amount ultimately awarded. He could reduce the amount awarded by the jury.

Grothues emphasized that the verdict has no effect on the amount of the 2010 assessment of \$550 for each Inwood Forest homeowner.

It is not known what effect the verdict will have on continuing negotiations between Inwood Forest Partners and the city of Houston for the golf course property. The week before Thanksgiving, the city has made an offer that was countered by Inwood Forest Partners. That counter contained a complex set of options being studied by the city as to their feasibility.



Toy bags for the little ones

Michael Grimland, Director of Manufacturing Production Equipment for Exterran, presents a toy bag to Maria Magee, Vice President of Fund Development for Northwest Assistance Ministries. Exterran employees collected toy bags for needy children, to be distributed through NAM's Holiday Project. NAM expects to distribute toys to about 3,500 children in December.

Sixty-eight new teachers graduate from LSC-CyFair, UHD partnership

Lone Star College-CyFair and University of Houston-Downtown recently celebrated a three-year partnership that has now graduated 68 new teachers, 65 of whom teach in the Cy-Fair community.

Presidents Dr. Audre Levy of LSC-CyFair and Dr. Bill Flores of UHD joined college and university staff at a Dec. 2 dinner to celebrate

means they will graduate as teachers within three semesters."

This college and university partnership began in May 2006 with a teacher education articulation agreement that now provides seamless transition from LSC-CyFair's

Associates of Arts in Teaching into the UHD Bachelor of Arts in Interdisciplinary Studies program focusing on teacher certification.

AAT students take all their courses toward Early Childhood through fourth-grade teacher certification,

primarily through LSC-CyFair's Weekend College, and then complete their degrees through UHD. These students conduct field work within the Cypress-Fairbanks Independent School District.

Collaboration with CFISD

provides a steady stream of qualified teacher applicants with whom the independent school district will have already become familiar, as well as CFISD paraprofessionals who are also able to obtain teacher certification through this program. While

CFISD has hired the majority of students, three were hired in Houston, Spring and Tomball ISDs.

Call 281-290-3435 or e-mail Constantinec@uhd.edu for information on the AAT/BAIS joint enrollment program.

Start off 2010 with leisure learning, training close to home

LSC North Harris can provide additional classes, or for Thorne Drive, one-half mile