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THE HPWBANA NEWS

Is that REAL?

By Rebecca Wolfe Spratlin

There is a lot of confusion about what is real and not real...when it comes to residential improvements and accessories in homes that are for sale. For example, is a refrigerator real property or is it personal property? Well, it depends. If it is built-in as are most Sub-Zero type refrigerators, it is real property. If it is not built in, it is personal property.

According to the "One to Four Family Residential Contract (Resale)" promulgated by the Texas Real Estate Commission, real property includes improvements and accessories to a home:

IMPROVEMENTS: The house, garage and all other fixtures and improvements attached to the ...real property, including without limitation, the following permanently installed and built-in items, if any: all equipment and appliances, valances, screens, shutters, awnings, wall-to-wall carpeting, mirrors, ceiling fans, attic fans, mail boxes, television antennas, mounts and brackets for televisions and speakers, heating and air-conditioning units, security and fire detection equipment, wiring, plumbing and lighting fixtures, chandeliers, water softener system, kitchen equipment, garage door openers, cleaning equipment, shrubbery, landscaping, outdoor cooking equipment, and all other property owned by Seller and attached to...real property.

ACCESSORIES: The following described related accessories, if any: window air conditioning units, stove, fireplace screens, curtains and rods, blinds, window shades, draperies and rods, door keys, mailbox keys, above ground pool, swimming pool equipment and maintenance accessories, artificial fireplace logs, and controls for: (i) garage doors, (ii) entry gates, and (iii) other improvements and accessories.

Sounds pretty clear, right? Actually, there are many grey areas. For example:

- Mirrors that are permanently installed (glued or screwed to walls) are real property, but mirrors that are hung similar to the way pictures are hung are considered personal property.

- The brackets that attach televisions and speakers to walls are considered real property, while the televisions and speakers themselves are personal property. Any speakers built directly into a wall or ceiling are real property.
- While built-in fireplace screens are defined as real property, fireplace tools and andirons are not. This can cause confusion, as screens, andirons and tools often come as parts of sets.
- Landscaping includes all plants in the ground which are real property, while pots and plants within those pots are personal property. But what about huge pots that would be very hard to move, or would damage surrounding landscaping if moved?
- Kitchen equipment is real property and includes any permanently installed items. It also includes accessories to stoves, microwaves and refrigerators. It becomes grey when determining if a pot rack hanging from the ceiling is real or personal property. The contract is not specific on that item.
- And most ambiguous is the last line, "(iii) other improvements and accessories" that leaves things totally up for interpretation.

The reason it is so important to determine whether items are real or personal, is that according to the sale contract, real property conveys with the home and personal property does not.

If sellers want to take items that are considered real property, those items **MUST** be noted in the contract and agreed upon by the buyers. For example, if sellers want to take the vintage chandelier in the dining room when they move, they **MUST** have that included in the contract. They cannot decide after the fact that they are taking the chandelier without going back and obtaining the buyers' approval, and perhaps some compensation to replace the chandelier and drawing up an amendment to the contract, signed by both parties. The buyer, however, is under no obligation to agree to allow the seller to take the chandelier, in which case it must convey with the home.

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Highland Park West Balcones Area

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(Continued from Cover)

In many cases, buyers want the sellers to leave personal property such as a piece of furniture, a refrigerator, washer and/or dryer that are not built-in. These items must also be in the contract, or they are not part of the purchase agreement. As an option, these items can be purchased outside of the real estate sales contract by using a conditional bill of sale.

Since many items fall in the grey area, it is most prudent to add these items to the contract. For example, if sellers want to take their pots and plants from their yard, or a pot rack from their kitchen, it is a good idea to include them in the contract as items that will not convey to the buyers. It is also wise to clearly define which mirrors will convey, as it is often hard to tell whether mirrors are permanently installed or temporarily hung, especially in bathrooms. Although the contract is clear that television and speaker brackets are real property, it is helpful to clearly define whether or not televisions and speakers will also convey.

Overall, when there are questions whether items are real or personal, it is best for buyers and sellers to err on the side of caution by specifically defining any items sellers want to take with them and buyers want to have conveyed with the house. This will help the transaction go smoothly with no misunderstandings. After all, don't we all want happy endings?



Fireplace screen (behind glass doors) is REAL property, as it is built-in.



This fire pit came with a propane tank which meant it was PERSONAL property... but then it was plumbed with natural gas, and is now REAL property



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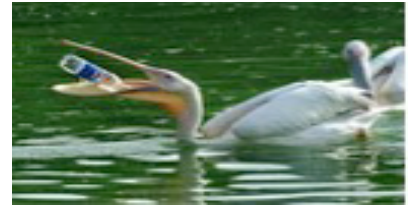
Highland Park West Balcones Area



Lettuce Recycle!

by Dena Houston

PLASTICS – THE GOOD, THE BAD AND THE UGLY! PART 2



From Part 1 of “Plastics – The Good, The Bad and the Ugly”, it is clear that plastic products have a valuable place in our lives. Plastics have replaced natural materials, making our possessions cheaper, lighter, safer, and stronger. In particular, the increase in bottled water use is directly related to the desire for healthy living in countries where there are ongoing concerns about groundwater contamination and the quality of tap water. Use of bottled water has improved the health of people where there are these water problems.

THEN, THERE’S THE BAD!

Every minute, a million plastic bottles are bought around the world. That number will increase another 20% by 2021. Most plastic bottles used for soft drinks and water are made from polyethylene terephthalate (PET) and are highly recyclable. However, as their use soars around the globe, efforts to collect and recycle these bottles and keep them out of our landfills and oceans are failing. Fewer than half the plastic bottles purchased globally in 2016 were collected for recycling and just 7% were turned into new bottles.

In our country, there are many great recycling programs in place to make plastic recycling effective. Many cities have plastic bag bans. There are many more recycling collection bins in public places. In the future, there should be little reason for a plastic bottle to end up in the ocean. Unfortunately, these programs do not exist everywhere in the world or even in the United States. We still have a long way to go!

THE UGLY!

There are many countries that cannot provide the recycling of plastics necessary to make a difference and many countries are so overwhelmed by the amount of plastic being thrown into the rivers and streams that it is impossible to get a handle on the situation. For example, the Pasig River was once a treasured waterway flowing through downtown Manila, Philippines, into Manila Bay. It’s now listed among the top 10 rivers in the world that carry plastic waste to the sea. In 1990, the Pasig was declared biologically dead. The problem is that many of the tributaries that feed this river are overflowing with plastic waste from poor settlements along its banks. One of the tributaries is so choked with plastic debris you can walk across it.

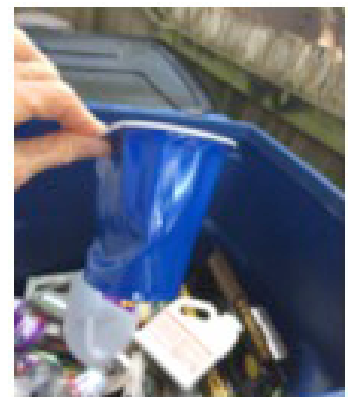
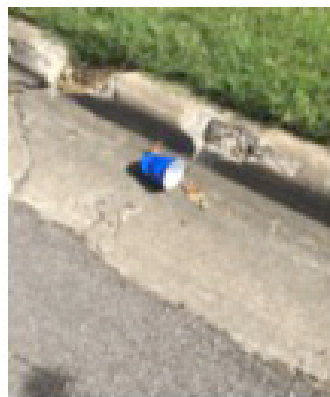
National Geographic Magazine recently published an article on the plastics crisis. You can read it at: <https://www.nationalgeographic.com/magazine/2018/06/plastic-planet-waste-pollution-trash-crisis/>. In this article, the “UGLY” is quite disturbing.

OUR CHALLENGE AND THE SOLUTION!

There are many challenges to the plastic problem. One of the solutions begins with you and me. This morning, I found a recyclable plastic cup in the gutter near my house. With the next rain, that cup

would have gone down the street into the storm drain. From there, it would have gone into the Gulf of Mexico by way of Lady Bird Lake and the Colorado River. In the Gulf of Mexico, that same plastic cup would be food for a turtle or a pelican.

I did nothing heroic; I just picked up the cup and put it into my blue recycling bin. That’s one small step for recycling and one giant step for the health of the pelican.



MORE THAT WE CAN DO

- Be more conscientious about placing our plastic bottles and containers into our blue curbside bins.
- Take all plastic bags and film wrap to our local plastic collection bins located at most grocery stores.
- Try to reuse plastic as much as possible.
- Work with local governments to get more recycling collection containers in parks and stadiums and other places where lots of plastics are being used.

Sources

The Guardian

<https://www.theguardian.com/environment/2017/jun/28/a-million-a-minute-worlds-plastic-bottle-binge-as-dangerous-as-climate-change>

National Geographic magazine <https://www.nationalgeographic.com/magazine/2018/06/plastic-planet-waste-pollution-trash-crisis/>

CURBSIDE COMPOSTING ALERT – PROBLEM WITH CONTAMINATION – GLASS CONTAINERS IN THE GREEN BIN!

Some residents are placing their food scraps into glass containers and placing that container in the green bin. **DO NOT PUT GLASS OF ANY KIND INTO THE GREEN CURBSIDE COMPOST**

(Continued on Page 6)

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(Continued from Page 4)

BIN! The glass contaminates the compost. The glass goes into a tumbler with the other compostable materials and is crushed and then placed in the compost berm to cook for 11 months. At the end of that time, if the crushed glass is detected, the entire berm is declared contaminated and can't be used. If the glass is not detected, the new compost with crushed glass is bagged and sold and becomes a danger to the consumer. No one wants to put compost in his or her yard with crushed glass in it.

Please use only compostable plastic bags, newspaper, or paper bags as containers for food product for curbside composting.

BULK ITEM REMINDER – Any bulk items the City of Austin picks up go to the landfill. Nothing is recycled. Please check your items left out after the entrepreneurs come by to be sure nothing you have left could be placed in your blue recycling cart or given to a local charity.

QUESTION FROM A READER:

CAN WE RECYCLE SMALL ITEMS LIKE SCREW-ON CAPS FOR PLASTIC WATER AND MILK BOTTLES? I HAVE BEEN TOLD THAT PIECES THAT SMALL WILL CREATE PROBLEMS IN THE INDUSTRIAL SORTING PROCESS. IS ANYTHING TOO SMALL? This is a great question. Here is the answer from the Balcones Recycling Facility (where our neighborhood recycling is processed). Loose plastic caps fall through the gaps on the conveyor belts in the sorting process and do not get recycled properly. It is very important to leave the plastic bottle caps attached to the plastic bottles. This makes it much more likely that they will be recycled properly. Also, metal lids on glass containers should be separated from the container. There are powerful magnets that will attract these lids and put them into the proper recycling stream. Some glass jars have plastic lids (like French's Classic Yellow Mustard). Please leave the lid off a jar like this so that the plastic lid will be combined with the plastics.

Here is a very informative City of Austin recycling website:
<http://www.austintexas.gov/what-do-i-do>

Stay tuned for future tips that will include creative ways to recycle or reuse. If you have any questions or recycling ideas, please send them to: recycling@hpwbana.org



Women's Collective Giving Group Welcomes New Members to Power Its Next Round of High-Impact Grants

Impact Austin recently awarded \$446,000 to area nonprofits through high-impact grants powered by the collective giving of 446 women philanthropists in the Austin area. The 2018 Community Partners whose programs will change the lives of Central Texas youth and families are Jeremiah Program, CASA of Travis County, Helping Hand Home for Children, and Communities In Schools of Central Texas. Each organization received a grant of \$111,500.

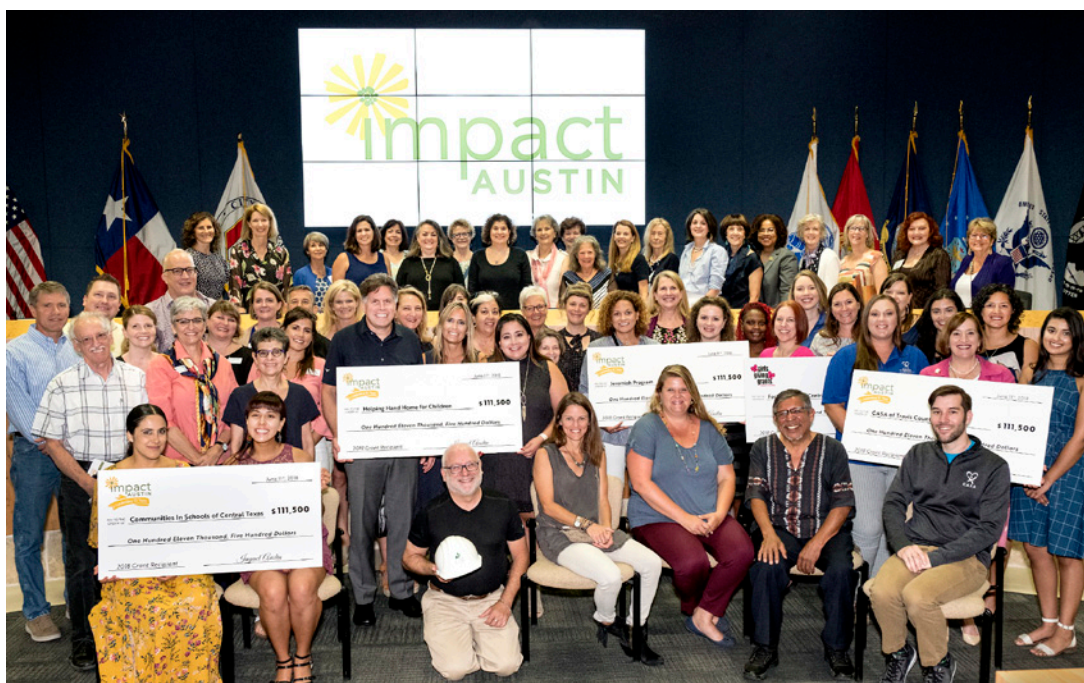
"For 15 years, the women of Impact Austin have diligently reviewed more than 1,500 grant applications, made countless site visits and selected the most qualified and worthy finalists, all before our members select our newest Community Partners by live vote," says Lauren Paver, board president, Impact Austin. "Our collective giving has injected close to \$6.5 million in grant dollars into the local community, and we could not be more proud of our women members and our Community Partners who work so tirelessly serving Central Texas."

The only membership requirements for Impact Austin are to be female and donate \$1,250 each year. Impact Austin combines the annual donations from its members and awards large grants each year to local worthy causes selected by its members. Grant applications are accepted in each of the following areas: community, education, and health and well-being. A catalyst grant is awarded

to organizations to improve their infrastructure and sustainability.

Girls Giving Grants (g3), the youth initiative of Impact Austin, recently awarded its largest grant in its history, \$8,200, to Foster Angels of Central Texas. g3's 2017-2018 class was comprised of 82 young women in grades 8 – 12, from 18 area schools, who each donated \$100 to create a meaningful grant that the group awarded to a Central Texas nonprofit of their choice. g3 is a model of collective giving designed by Impact Austin to educate and engage young philanthropists.

Both groups are open for membership. To learn more about Impact Austin and Girls Giving Grants, visit www.impactaustin.org.



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Head Lice

Head lice can become a problem brought home from summer camp or during the school year. These insects are small, tan to gray, and wingless. Eggs, also called nits, are glued to the hair shaft near the scalp. Nits are dark in color until they have hatched and turn white. It takes 7-11 days for eggs to hatch. Females lay 3-5 eggs each day and live from 7-10 days.

Head lice reside on the hairy part of the head. If they drop off, they only live for about 2 days. They are incapable of surviving on pets and are not known to transmit any diseases from person to person.

Several states, including Texas, now have what are being called "super lice". Essentially these lice are resistant to pesticides commonly found in over the counter lice treatments. If you are using an over the counter treatment for lice and they are not dying, then you need to see a physician. Doctors are able to prescribe other treatments that can kill the lice.

To manage lice:

1. Use an effective treatment. Head louse shampoos contain insecticides so they must be used properly and with care. Wash the infested person's hair in a sink or basin so insecticide does not come into contact with other parts of the body. The person shampooing should wear rubber gloves. Do NOT use off label products such as flea & tick shampoo, other insecticides, or gasoline. Only treat the infested person(s), but check everyone in the household.
2. Hair combing is an extremely important step in controlling head lice. Shampoos may not kill all eggs, so thorough combing can help remove eggs from the hair shaft. Wet hair and use a special metal louse comb to comb through small sections of hair. Remove debris from the comb with a tissue and place it in a plastic bag that can be sealed and disposed of when you are finished combing through all hair. Hair should be combed daily until no more lice or nits are found.

3. Clothing and bedding of the infested person should be washed in hot, soapy water at the same time as the treatment. If items cannot be washed, try dry cleaning. For items that cannot be laundered, place them in a sealed plastic bag in the freezer for at least 24 hours.
4. It's important to contact anyone your child has had close contact with to let them know of the head louse infestation. This can help everyone manage the problem at the same time so there is less chance of reinfestation occurring.

For more information or help with identification, contact Wizzie Brown, Texas AgriLife Extension Service Program Specialist at 512.854.9600. Check out my blog at www.urban-ipm.blogspot.com

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Anyone with an associate degree or higher is invited to join as a member for the 2018-19 year. Our public policy team, STEM committee, program committee, and variety of interest groups will share their plans for the coming year at our annual kick-off celebration.



Please remember to pick up after your pets and "scoop the poop"



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Highland Park West Balcones Area

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SHOAL CREEK CONSERVANCY RELEASES DRAFT SHOAL CREEK TRAIL: VISION TO ACTION PLAN

Plan lays the groundwork for a continuous 13-mile pathway along Shoal Creek

Shoal Creek Conservancy released the draft Shoal Creek Trail: Vision to Action Plan (“Trail Plan”), which lays the foundation for implementing major improvements to the existing 3.9 mile Shoal Creek Trail, extending the Trail by nearly 9 miles, and connecting it to the Walnut Creek Trail north of Highway 183. Ultimately, the extended Shoal Creek Trail will become part of a 30-mile continuous “Big Loop” of urban trails traversing the city from Lady Bird Lake to Walnut Creek Metropolitan Park (see map on next page).

“As our city continues to grow, Austinites increasingly want practical alternative transportation options and green places of respite,” said Joanna Wolaver, Shoal Creek Conservancy Executive Director. “The Shoal Creek Trail will serve both as a cycling and pedestrian thoroughfare and as a revitalizing setting where families can enjoy the Creek and enjoy nature.”

The City of Austin Public Works Department (PWD), the Conservancy’s chief partner in crafting the Trail Plan, has adopted the Plan as a framework to guide future Trail improvements. “It is with great pleasure that the Public Works Department accepts the Shoal Creek Trail: Vision to Action Plan as a guiding document for trail projects along the Shoal Creek corridor,” said Janae Spence, Urban Trails Program Manager with PWD.

The Conservancy, in partnership with PWD and McCann Adams Studio, led a yearlong public process to guide development of the Plan. The Conservancy hosted three public workshops for over 230 community members during 2017 to share information and collect input on the proposed Plan.

In addition to general public input, two advisory entities provided guidance on Plan development: a Community Advisory Group (CAG) comprised of representatives from over 70 stakeholder organizations and businesses, and a Technical Advisory Group (TAG) including representatives from over 10 City departments and other public entities with an interest in Shoal Creek. In addition to PWD, key TAG entities included the City of Austin Watershed Protection, Transportation, and Parks & Recreation Departments. “We are excited to work towards implementing the transformative vision of this plan brought forward with broad community support,” said Laura Dierenfield, Active Transportation Program Manager with the Transportation Department.

Michael L. Personett, Watershed Protection Department Interim Manager, also expressed support on behalf of his department: “The Watershed Protection Department is excited to continue working with Shoal Creek Conservancy and other City departments to implement the Shoal Creek Trail: Vision to Action Plan. Our department strives to improve the urban environment by promoting public use and enjoyment of Austin’s creeks. Through thoughtful, environmentally-

sensitive design, trails can be successfully integrated along waterways and will help foster a deeper appreciation of these unique resources by connecting people with nature.”

The CAG, TAG, and members of the public identified and ranked five projects for priority implementation. In order of importance, these projects include:

1. Shoal Creek Blvd.: Re-stripping of Shoal Creek Boulevard, from West 38th Street to Foster Lane, to create a two-way protected bicycle lane and a wider sidewalk, where space is available, on the western edge of the street.
2. Wayfinding & Interpretation: Creation and implementation of an Interpretive and Wayfinding Master Plan for the entire Shoal Creek Trail Corridor.
3. Safety Gaps: Addressing key connectivity and safety gaps along the route, including the bicycle/pedestrian crossings at West 34th and West 38th streets, and the intersection of West 45th Street and Shoal Creek Boulevard.
4. Cypress & Shoal: Creation of a public plaza at the intersection of Shoal Creek and 3rd Street, which will involve construction of a bicycle/pedestrian underpass at 3rd Street, and repurposing the nearly century-old railroad trestle bridge as a scenic overlook.
5. 5th to 6th Streets Trail: Implementing Trail improvements between West 5th Street and West 6th Street, including installation of a formal Trail access point adjacent to the West 6th Street Bridge.

Over the next several months, Shoal Creek Conservancy and the Public Works Department will give informational presentations on the Plan to City Council and to City boards and commissions. A schedule of upcoming presentations can be found at www.shoalcreekconservancy.org/trailplan. Ultimately, the Public Works Department will work to incorporate the Plan as an amendment to the City’s Urban Trails Plan (UTP) during the UTP’s next revision process.

Members of the public are encouraged to view the draft Plan and provide input at www.shoalcreekconservancy.org/trailplan. Public feedback will be collected through July 31, 2018.

Shoal Creek Conservancy is a 501(c)(3) nonprofit organization that champions the 13-square-mile Shoal Creek watershed and the creek and trail running through it. The Conservancy engages in thoughtful public-private partnerships, leads fun and meaningful educational programming, and spearheads on-the-ground improvements that make Shoal Creek and the Shoal Creek Trail safer, more accessible, and more inspiring places to be. Learn more at www.shoalcreekconservancy.org.



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