

Published by the



**MYERS PARK**  
HOMEOWNERS ASSOCIATION

# The Oak Leaf

Fall 2017

Join us for the  
**Myers Park Homeowners Association**

## **2017 Annual Meeting**

**Tuesday, November 14, 2017  
at The Duke Mansion**

Socializing: 6:00 pm

Meeting: 6:30 pm

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Have an idea, a suggestion,  
a compliment or a  
correction? Contact us at  
[info@mpha.com](mailto:info@mpha.com).

• **Keynote Speaker**

• **Connie Brown  
Preservation Award**

• **Election of 2017-18  
Board of Directors  
and Officers**

[mpha.com](http://mpha.com)

**All members are encouraged to attend.  
Not a member yet? Join at the meeting!**

## The Oak Leaf Returns

We hope you enjoy this edition of The Oak Leaf—our first in a while!

It underscores our commitment to inform our members of important news and events. Did you know you can also keep current via [www.mpha.com](http://www.mpha.com) and by asking to join our periodic email list?

For more information or to advertise in The Oak Leaf, contact us at [Info@mpha.com](mailto:Info@mpha.com)

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## 2017-18 Slated Officers & Directors

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your service:**

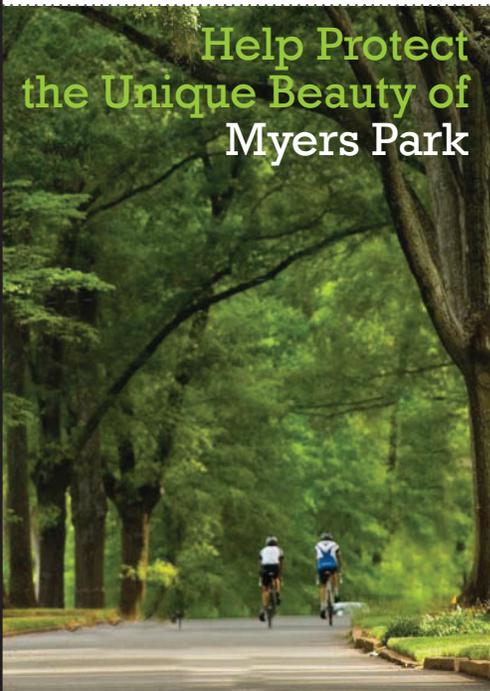
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<b>Full page</b> 7.5" W x 9.5" H	\$500.00	<b>Business Card</b> 3.625" W x 2.125" H	\$75.00
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Cut form below and mail with payment, or fill out the online form and pay online via PayPal at [www.mpha.com](http://www.mpha.com).



Help Protect  
the Unique Beauty of  
Myers Park

## 2017-18 Membership Form



Title(s) \_\_\_\_\_

Name(s) \_\_\_\_\_

Address \_\_\_\_\_

Mailing Address (if different than property address) \_\_\_\_\_

Phone \_\_\_\_\_

E-mail Address(es) \_\_\_\_\_

### Membership Options

MPHA Member: \$75

Myers Park Guardian: \$150

Myers Park Defender: \$300

Please consider an additional donation to help preserve our magnificent tree canopy

Tree Fund Donation: \$25

All three membership options include annual dues Total Amount Enclosed: \_\_\_\_\_

Make checks payable to MPHA and mail to: MPHA, PO Box 12733, Charlotte, NC 28220. Thank you!

## The President's Message:

# What Your Neighbor Doesn't Want to Tell You

*Pamela May, President*

Understanding one another is a not only a hot topic in our world, it has a place in the working of our neighborhood as well. One's perspective, for instance, on whether a planned house is too big depends on whether you're building the house or you're the next door neighbor. We hear from both — those neighbors who are pleading for intervention on a too-large neighboring structure and those who want to build a max-allowable development (and sometimes more) on their valuable lot. Fortunately, we have resources to mediate these competing desires: zoning and legally enforceable deed restrictions.\*

Although fighting to keep the park in Myers Park through reasonable building standards is by no means the only priority of the Myers Park Homeowners' Association (MPHA), it is one of the largest. It consumes many, many volunteer hours of your MPHA Board of Directors.

Neighbors called MPHA into a challenge with a developer on Sterling Road who built a two-story residence on a lot that was deed restricted to one and a half story. Rather than comply with the restriction, the developer sued the neighbors to challenge the validity of the restriction and to seek to have it declared unenforceable. After approximately two years of litigation, the court upheld the validity of the restriction as "clear and unambiguous," writing of the builder's contention that the restriction was unenforceable, "such a belief is not justified nor is it reasonable." A substantial financial compensation on the builder's side and the order confirming the validity are now on public record and serve as continued deterrent to overdeveloping our lovely neighborhood.

Neighbor Jim Teat has written, in this issue of the Oak Leaf, about the property behind the Myers Park Library and the ongoing, negotiated development there. There were necessary concessions from the surrounding neighbors to allow for a development that was more in keeping with the neighborhood than a plan being considered by the developer. That plan included an overwhelming 100-foot-tall structure, which the



developer would have been within rights to build per the previous zoning/restrictions.

This year, two negotiations facilitated by MPHA resulted in one deed restriction being modified, to some extent, to preserve a higher-impact restriction. In the case of a property at Queens Road West and Westfield, the allowable distance to Westfield was negotiated in order to preserve the front setback to QRW at the current sight line of approximately 56 feet from the sidewalk. The current houses are all built back a bit further than the previous restriction would have allowed. The neighbors agreed to let the builder push a bit closer to the side and back in exchange for his waiver of the right to build closer to QRW, which would have diminished its stately beauty. In so negotiating, all homeowners within that subsection of restrictions willingly recorded a more restrictive limit to their own front

setbacks as well. This issue will come up again, and we'll need to tackle it again.

In another instance, we objected to a rezoning petition seeking to go from residential to urban use on Selwyn Ave., which was dropped. These negotiations require skill, diplomacy and, again, many volunteer hours from your MPHA board. This year, they also required neighbors, like those on QRW, Sterling, Hopedale, Queens, and Granville, who treasure their neighborhood and fight for its preservation. We appreciate your community service.

Equally important to our neighborhood are our trees. Our matchless tree canopy is aging and in serious need of TLC. Please pay special attention to Bill Davis' article on this important topic. Stay tuned for some exciting news about two Charlotte areas up for promotion to Protected Tree Canopy (hint, one of them is Queens Road West)!

The CMPD needs our help in reducing the easy target for criminals that our streets have become with unlocked cars and valuables in view. Criminals riffling through neighborhood cars at 3 a.m. would be a terrible thing for one of us to confront when we have to leave home for an emergency or because we're on call. On the other hand, it wouldn't take too many fruitless nights of trying locked cars for the criminals to move off our streets.

Finally, we're reinstating the fun 4th of July parade in 2018! Join us then and for other social events. Know we're here for you and need you here for us, too. Join or renew today and let us know how we can help.

All the best to you and your family,

*Pamela*

## What is the MPHA?

**T**he Myers Park Homeowners Association was formed in the 1970s in response to the actions of the Charlotte City Council to rezone property on Dartmouth, Colonial, Hermitage Ct. and Amherst from single family to multi-family. The MPHA was legally incorporated in 1984 with the stated mission of preserving the original, historic layout of Myers Park and thereby preserving the value of its stock of single-family homes.

The MPHA Board is a group of volunteers that meets monthly to discuss issues confronting the approximately 3,300 single-family and multi-family residential property owners in what is now considered "Myers Park." We focus on the most pressing issues facing the neighborhood. In the past year, MPHA helped protect our neighborhood and your financial investment, in part, by:

- Negotiating to limit proposed mass and height and promote high design standards in a pivotal area for development at Queens and Providence Roads
- Participating in Charlotte's Urban Forestry Management stakeholders' project sponsored by the City of Charlotte and concerning our aging tree canopy
- Hosting leaders from the Nature Museum (now Discovery Place Nature) and others with future plans for renovation



## MYERS PARK HOMEOWNERS ASSOCIATION

### Deed Restrictions vs. Zoning

The entire area of Myers Park was developed in stages with more than 100 "subdivisions," each with specific criteria. Both zoning requirements and deed restrictions apply to individual properties and are important to each homeowner's investment.

The Charlotte-Mecklenburg building standards department controls zoning, but has no jurisdiction of deed restrictions. The MPHA works to help monitor and preserve the deed restrictions\*.

### Setbacks

In most cases, setbacks established by deed restrictions are more stringent than zoning. In both cases, the setbacks are measured from the property line — from the edge of the City's right-of-way, which is almost always the back of the sidewalk. The distance from a structure to the street curb is not the relevant measurement.

Each year, the MPHA helps to protect our neighborhood and your financial investment by ensuring that deed restrictions and zoning are respected. **Your membership support is key to our efforts. Please consider joining or renewing today!** Use the form on page 2 or submit your request on our website: [www.mpha.com](http://www.mpha.com) under Membership.

\* Any element of deed restrictions that violates current local, state or federal law is null and void.



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Tu-Fr 8a - 6p      Sat 8a - 2p

# The Art of Collaboration

by Jim Teat with the MPHA

Perhaps you never noticed the 1960s-era apartment building tucked in behind the Myers Park branch library. The Providence Road side faced Harris Teeter, and the other side opened to Queens Road. Until a few months ago, that non-descript mid-rise served Queens University of Charlotte students as an off-campus dorm. What you'll certainly notice now is a five-plus story tower crane rising behind new construction fencing. And what you'll see late next year is an upscale condominium project taking form in this heart of our neighborhood.

The back story on transforming that aging apartment dorm into five buildings of high-end, pedestrian-friendly residences is one of proactive action and collaboration on our neighborhood's behalf. In Myers Park's very recent past, we've seen condominium developers, neighbors, Queens University, attorneys and local government agencies take on one another to debate invasion of new multi-family projects. In these other cases, discussions ranged over density, tree saves, traffic flow, setbacks, building heights above tree canopy, and zoning rights.

When the MPHA Board first received a request from Queens University via broker Bailey Patrick, President Pamela May and Board member Dank Pinckney put together a team to work toward



Jim Teat

a win-win solution with developer Jim Gross. By previous restrictions, he could have built a building as high as 100' on one side, undesirable to MPHA and much higher than our tree canopy. The MPHA experts included architect Jody Peer (past association president) and seasoned developers John Maxwell and Tom Coyle, who are among the most closely affected neighbors.

Pamela let Jim know he needed that team of neighbors' recommendation and approval to secure a site restrictions' waiver and the other concessions needed for the new design. Issues they faced, and ultimately satisfied, included height, front and side yard setbacks, vehicle access (in only from Providence, out only onto Queens), sufficient underground parking for guests and residents, and how to save major oaks. In the end, Jim saw it could be a win-win with our team. All suggestions were incorporated, and the Board endorsed the architect's plans.

Because of the proactive MPHA leadership working progressively with neighbors' interests and a talented developer, Opus residences will be a landmark worthy of our neighborhood. You may never have noticed the old apartment dorm, but you'll certainly notice the change.

*Jim Teat is a retired commercial real estate broker with experience that includes 5 hospitals, 13 schools, 14 county parks, and thousands of multi-family sites.*



Allie Gator, Cancer Stinks, Team LIB Strong/Drew's Crew. If at anytime you were a spectator or a participant on the 24 Hours of Booty course, it's likely you saw an exuberant member of one of these teams or members of countless other teams raising money to support those affected by cancer. The 24 Hours of Booty event is more

than just an event or a bike ride. It is an experience as unique and exciting as it is successful — 1,200 riders in Charlotte and more than \$1.7 million raised. Held on the beautiful "Booty Loop" in the Myers Park neighborhood, 24 Hours of Booty has as much energy, enthusiasm and camaraderie as any race or ride I've ever participated in.

I was asked reflect upon this event, not only as a Myers Park neighbor, but also as a participant and a cancer survivor. What makes it special? Why is it so successful? How important is it to the Myers Park neighborhood (and the neighborhood to the ride). There are so many good thoughts swirling through my mind that it is hard to choose which ones to describe. A few, however, stand out.

**The Riders.** Literally riders of all abilities and level of fitness participate. This is not a race. There is an unspoken bond among the riders — a commitment to a greater cause. I've never seen a more spirited, collegial, fun group of people joined together for a common purpose.

**The Survivor Lap.** The first lap is dedicated to riders who have survived cancer. The cheers and applause that ring out in support of these riders is truly moving. When we join literally a complete circle of riders stretching out along the entire loop, then we realize how we are a part of something so much bigger than ourselves.

**Pizza Party.** Clearly a favorite among the riders, pizza is served at midnight on Friday. The chatter about pizza usually starts on the route around 10:00 p.m., when plans are eagerly made among the riders about when and where to meet for pizza. It's amazing how food this simple feels like a 5-star meal after having ridden for several hours. But what is most amazing about this party is not the food, but the upbeat and spirited mood of the riders, despite the late hour and the fatigue.

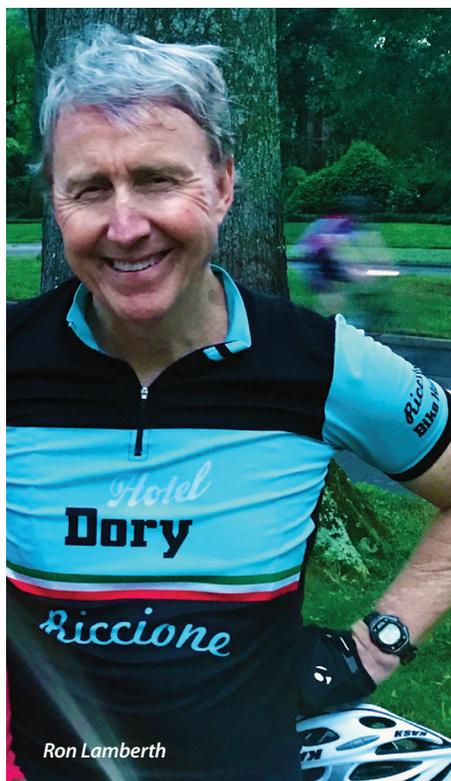
**Myers Park Neighborhood.** Words can't describe how much the neighborhood enhances the enjoyment of 24 Hours of Booty. There simply isn't a better setting. The bands, the parties and the crowds are incredible. It's an absolute adrenaline boost and clearly appreciated by all riders.

**Popsicles at the Top of Hopedale.**

Saturday can be a tough day on the ride. It is usually hot, the crowds are thinner and the miles start taking their toll. After about 30 times around the loop, climbing Hopedale is a chore. However, just as the day's temperature is about to peak, several families living at the top of Hopedale provide Popsicles to the riders. What a treat! I actually put in an extra loop or two knowing the Popsicles were waiting on me.

**Riding in the Middle the Night.** After the bands stopped playing, the parties ended, and the spectators have gone to bed, there is a quite calm to the neighborhood that is soothing. One can listen to the steady cadence of the bike while immersing themselves deep in thought. What a great time to contemplate the day's activities, how fortunate we are to be physically able to ride, why we ask others to financially support this cause, and how cancer has affected so many of our lives.

We all have friends and family members who have faced cancer. Some may be in the battle now. Some have lost their battle. So we ride not for the parties, the crowds, our personal



*Originally from Barium Springs, NC, Ron Lamberth has lived 25 of his 37 Charlotte years in Myers Park. A CPA and partner with Cherry Bekaert, LLP, he currently serves on the boards of WFAE and Humane Society of Charlotte. Ron and wife Joye have a daughter, Katherine, and son-in-law, Pell George, who live in DC.*

goals; we ride for those who have met this terrible disease head-on and have shown the courage and determination that inspire each and every one of us.



**THANK YOU  
from the  
24 Foundation**

24 Foundation is grateful to Levine Cancer Institute, the Myers Park neighborhood, Myers Park Traditional School, Queens University of Charlotte, Charlotte-Mecklenburg Police Department and the amazing volunteers, riders, cancer survivors, supporters and spectators who make *24 Hours of Booty* a premier annual event.

Together, we are part of a community impacting the battle against cancer through cutting-edge survivorship and navigation programs both locally and nationally. Our beneficiaries include: Carolinas HealthCare System's Levine Cancer Institute, Levine Children's Hospital, LIVESTRONG Foundation, Wind River Cancer Retreats, Go Jen Go, and Carolina Breast Friends.

Stay in touch with 24 Foundation throughout the year!

**On Twitter:**  
[www.twitter.com/24Foundation](http://www.twitter.com/24Foundation)

**On Facebook:**  
[www.facebook.com/24Foundation](http://www.facebook.com/24Foundation)

For more information, visit [www.24foundation.org](http://www.24foundation.org).

## Meet Our Response Area Coordinator

In 2016, Officer David Padgett was transferred to the position of the Providence Division Response Area 1 Coordinator for the Myers Park Neighborhood, as well as the Chantilly, Cherry, Crescent, Eastover, Elizabeth, Myers Park Manor and Poplar Gables neighborhoods. He had previously been the Response Area Coordinator for the Oakhurst, Oakhurst Park and Amity Garden neighborhoods, and the Monroe Road Corridor.

A Charlotte Mecklenburg Police Officer for 25 years, Officer Padgett has held various positions, such as detective with the District Attorney's office, research officer in the CMPD Research, Planning and Analysis Division, and Field Training Officer. He regularly attends MPHA Board meetings with crime reports and prevention tips.

In addition to his position within Myers Park and conducting business/residential security screenings, Officer Padgett gives talks on personal/home safety to community members, businesses, organizations and schools and works with Habitat for Humanity in conducting safety classes for new homeowners.

### Did you know that Officer Padgett is also a Crisis Intervention Trained Officer?

CIT is a community-based collaboration between law enforcement, mental health agencies, consumers and family members, National Alliance on Mental Illness (NAMI)-Charlotte, and Central Piedmont Community College (CPCC). Law Enforcement Officers are frequently front-line responders to persons in crisis with a serious mental illness. Officers go through 40 hours of scenario-based training to assist them in de-escalating individuals going through a mental crisis and assisting them in getting the appropriate resources they need for help. Officers Padgett also works with homeless individuals in the area and has made numerous referrals to Urban Ministries to help these individuals get into the Homeless Housing Programs.

### Officer Padgett on Crime Prevention

Crime prevention is a partnership between law enforcement and the community.

It is my hope that the work through these partnerships will keep repeat offenders off the streets and improve the quality of life for not only neighborhoods, but the city as a whole. I look forward to working with everyone in the community.

**If you have a questions, please feel free to email me at [dpadgett@cmpd.org](mailto:dpadgett@cmpd.org).**

— Officer David Padgett





## Safety Corner

### Safe Up with a No-Cost Residential Security Survey

Due to recent residential “Breaking and Entering” incidents near the Myers Park neighborhood, Officer David Padgett has been conducting a number of residential security surveys. The most like entry point for any residence will be a side door or a rear door since that area is out of sight from the road.

Often side and rear doors residences lack security measures such as double cylinder locks or security door braces. Doors with glass windows allow criminals to break out a window pane and reach inside to unlock the door. With these types of doors, it is important to change out single-cylinder locks to double-cylinder locks where a key must be used on both sides of the door. Officer Padgett also recommends a door brace installation for side and rear doors

Consider having a Residential Security Survey done for your residence. A copy of the survey and the security recommendations will be provided to assist you in making your home a harder target for criminals. There is no cost for the assessment, and it only takes 30-45 minutes to conduct. If you would like Officer Padgett to conduct a residential security survey, email [dpadgett@cmpd.org](mailto:dpadgett@cmpd.org) with dates and times that are convenient for you.



### If you are burglarized:

1. Do not enter your house if you return home and find signs that a burglary is taking place or has taken place. Go to a safe place immediately, such as a neighbor's home and call the police.
2. If you enter into your home and find evidence of a burglary, call the police immediately. Do not touch anything or move anything around. Give the police a chance to gather evidence.
3. Try to determine what has been taken and prepare a list of stolen items (with serial numbers if possible) to assist police in their investigation.

### Remove Temptation — Keep Packages from Lingering on Your Doorstep

USPS, FedEx and UPS offer push email notifications based on your address so you will know when a package is coming, particularly important during the holidays. Log on to their websites to sign up for this free service.

### Safety First: Reduce Opportunity in Myers Park

**Crime prevention is everyone's responsibility.** Here are some key tips from the Charlotte Mecklenburg Police.

#### VEHICLE SAFETY:

- Remove items in plain sight. Most car break-in cases involves items left in plain sight.
- **Always lock vehicles.**
- Always **remove firearms** from vehicles when you exit them.
- Remove valet keys from the vehicle.

#### HOME SAFETY:

- Never allow people you do not know into your home (e.g., salespeople, people who want to use the phone).
- Improve exterior lighting.
- Keep doors and windows locked day and night.
- Never leave your garage door open.
- Don't have your valuables visible through windows.
- Keep ladders locked in the garage. Burglars can use them for access to otherwise inaccessible second story windows.
- Suspend or have someone pick up your mail/newspapers when on vacation.
- Don't hide a key outside. Don't advertise new gifts or purchases. Break up the cartons before leaving them at the curb.
- Call the police immediately when you see suspicious persons or activities. **“See something, Say something”** by calling 911. Give description of person, vehicle, and license plate.
- Get to know your police officers.
- Make a list of the serial numbers of your property and take photographs.
- When you go on vacation, request a “zone check” on your property by emailing Officer Padgett at [dpadgett@cmpd.org](mailto:dpadgett@cmpd.org). Include name, address, cell phone, dates, anyone with access to your home and pets.

# Charlotte's

by Bill Davis

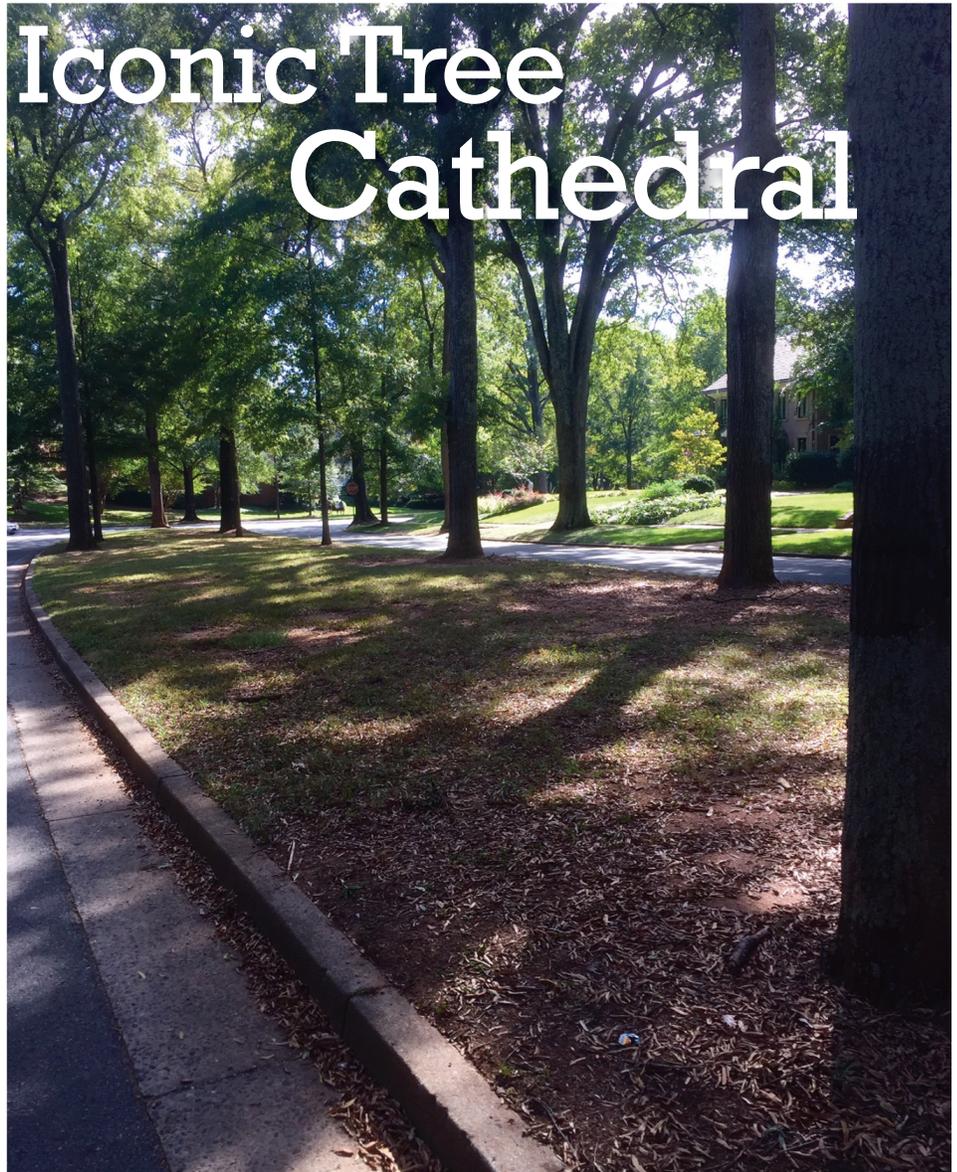
Charlotte is the city of trees! Myers Park is defined by Charlotte's most beautiful collection of trees. This historic 1911 planting on John Myers' cotton farm became our "park." We are all blessed to live under a series of intentional "cathedrals" that the willow oak canopy created. We all should feel gratitude to John Myers, George Stephens, Dr. John Nolen, the world known landscape architect, and Earl Draper, for creating this urban forest—"Nolen Forest."

Sadly, the Myers Park tree canopy is in peril. Our canopy is Charlotte's (perhaps the State's) largest, most historic and the most at risk urban tree canopy. Our "cathedral" is now at about 60% of the original planting. Various studies predict that our canopy will decrease another 57% over the next 20 years. This is a 77% canopy loss from the original planting. This is not an acceptable outcome for the City, Myers Park, the animals, or our environment.

The majority of the willow oaks live between the sidewalks, thus they are owned and cared for by the city. In the past there has not been any, repeat... any preventive maintenance, including trimming and fertilizing of these majestic trees. The planting of new trees has not been acceptable, with some areas along Queens Road West barren of trees over 20 years. When trees are replaced, often Nolen's historic plan is not honored. There is good news for us. Charlotte has many new personnel—Tim Porter (chief arborist), Laurie Reid Dukes (tree planting and preservation manager) and Erin Oliverio (tree canopy manager) that have made positive, encouraging steps in advancing good stewardship.

I, along with a few passionate volunteers, have been working with the City to promote proper stewardship of these majestic senior citizens and replace only when needed. We are asking Charlotte to follow the original historic planting plan that John Nolen devised that created Myers Park. We need to save Nolen Forest.

# Iconic Tree Cathedral



*Here is an example of how the City of Charlotte has not maintained or replanted in over 15 years. This one photograph shows just a part of the median where nine trees were removed and not replanted.*

Charlotte's budget for trees is half that of a similar-sized city, but if one factors in the size of our tree canopy, then we are only 25% funded. Charlotte enjoys the many benefits of the canopy. We need to urge Charlotte to steward these trees, with as much urgency as they would repair a leaking roof at City Hall. The Myers Park tree canopy is in a state of massive decline.

The risk factors are understood. Our trees are in an increasingly Urban environment, they are old, not maintained and "Nolen Forest" was designed with a monoculture with willow oaks, which promotes a higher incidence of negative health issues. All of these issues can

be overcome or mitigated. The cost is high, with the city spending just under \$800 for a planted tree, but the costs will be much higher if nothing is done. Care of our majestic canopy should be a top priority for our city.

Elections are coming up; ask your candidate where they stand on preserving, protecting and restoring "our" historic Nolen Forest. If action is not taken soon, Myers Park could revert back to the treeless fields of 1911.

*Bill is a native Charlottean, resident of Myers Park, designated Master Tree Farmer, and grows Christmas trees, pine and ginseng. This is funded by working in commercial real estate and as an airline pilot.*



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# MYERS PARK

A Jim Gross Company development

**24 RESIDENCES | 2-4 BR | 2.1-3.1 BA | \$1,250,000 - \$1,600,000**

Jim Gross has created a unique and visionary development located at the intersection of two of Charlotte's most iconic roads, Queens and Providence. Opus Myers Park offers 24 full-floor, premium-finished residences with windows in nearly every room and no shared lobbies or hallways. Each of the five steel and concrete buildings will serve to create a gas-lit urban mews recalling many European pedestrian streets with their cozy intimate feel. Opus Myers Park offers the opportunity to own a premium home in an extraordinary location.

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**VALERIE MITCHENER**

OWNER/BROKER

704-577-8200

[valerie@hmproperties.com](mailto:valerie@hmproperties.com)

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**HM PROPERTIES**

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