

**Private Lot Boundaries &
Common Area Maintenance Guidelines
January 8, 2007**

Background

The Declarant (builder), using the authority given by CC&R Article 4, Section 3 Easements and Encroachments; constructed walls near but not exactly on property lines establishing an obvious boundary between private lot lines and common area. In some cases, the walls were built to enclose patios, which obviously do not establish a boundary between private lot lines and common area. This has caused some misunderstandings between the Common Grounds Committee and homeowners.

Therefore, the Common Grounds Committee needs to have clarity defining their responsibility and authority between the boundary of private lots and common area for the purpose of maintenance.

Support

The Board of Directors may, using the authority given by CC&R Article 4, Section 7 Maintenance Easement and Article 11, Section 1.2 Rights and Powers of Association, to perform maintenance on private lots as appropriate.

Three Scenarios (not limited)

Figure 1 – Private lot property line is beyond a wall or other structure, constructed by the Builder, which obviously establishes a boundary between the private lot and common area.

Figure 2 – Private lot property line is inside a wall or other structure, constructed by the Builder, which obviously establishes a boundary between the private lot and common area.

Figure 3 - Private lot property line is beyond a wall or other structure, constructed by the Builder, which obviously DOES NOT establishes a boundary between the private lot and common area. In this case the obvious boundary may be plants, rock color changes, or indeterminate.

Rights of Homeowner

The homeowner always has the right to establish or reestablish an obvious boundary at their property line.

Declaration

Be it resolved that the Common Grounds Committee has the authority to make a reasonable determination of the obvious boundary between private lot and common area for the purpose of but not limited to landscaping activities.

Figure 1 – Private Lot Pima County property line beyond walled/fenced in yard.

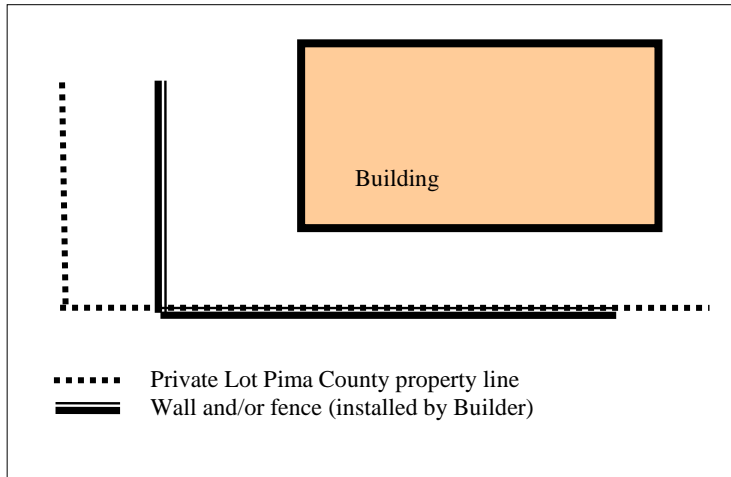


Figure 2 – Private Lot Pima County property line inside walled/fenced in yard.

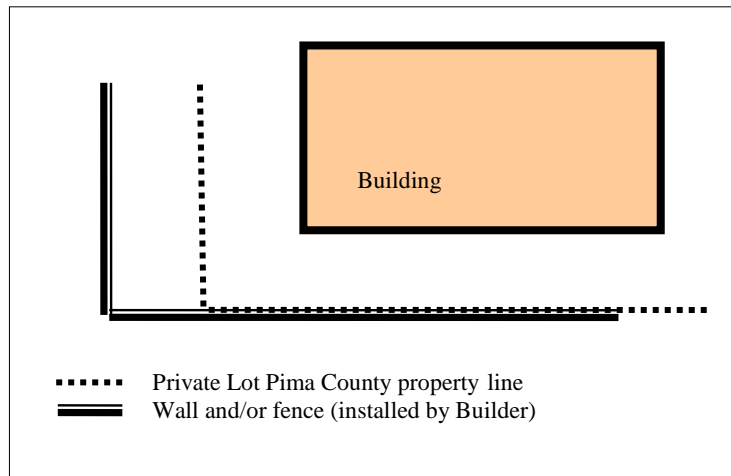


Figure 3 – Private Lot Pima County property line beyond wall/fenced in patio or small area.

