

Proposed rule change to incorporate embankment maintenance and proposal for implementation of new rule with regards to home owner rights.

11. LAKES, WATER BODIES, AND EMBANKMENTS. As provided in the Governing Documents, all lakes and water bodies within the Properties shall be aesthetic amenities and shall be used for surface water drainage retention only, and no other use shall be made thereof, including without limitation, swimming, boating, fishing, playing or use of personal flotation devices. No piers or docks, or observation decks or other structures shall be constructed on any portion of any lake nor attached to the shoreline or banks thereof, except for those approved by the Board and/or Architectural Review Board (ARB). The Association shall not be responsible for any loss, damage or injury to any person or “property arising out of the authorized or unauthorized use of any lake or waterbody within or adjacent to the Properties. At no time shall any tree, bush, or other debris or waste material be disposed of in the retention ponds or be allowed to accumulate on the sloped bank.

(a) Lake embankments. No landscaping of any kind shall be applied or allowed on the sloped sections of the retention pond banks. Grass on the sloped embankments shall be allowed to grow from six (6) to eighteen (18) inches and be trimmed three (3) times annually or as required to maintain the appropriate height. Any tree with a circumference of six (6) inches or less, bush or other woody growth saplings growing from the waterline to the top of the sloped bank shall be removed when discovered or thrice annually during maintenance cleaning. During removal, stumps shall be flush cut and not removed to help prevent erosion of the bank.

Remove from rule 11.

No landscaping of any kind, including cutting of grass and removal of natural fauna, shall take place from the top of the Lake bank(s) towards the center of any Lake.

Implementation

In accordance with advice of the association’s lawyer, the maintenance of the BMP embankments is the responsibility of the association. However, the board of directors acknowledges that homeowners still maintain property rights to the embankments, and in doing so may decline entry to their property by HOA representatives. Consequently the board has come to this compromise to maintain the embankments.

1. An initial maintenance of the embankments to comply with the new rule 11 shall be authorized by the board to be conducted by UPA and an approved landscaping team.

(a) UPA will inform all homeowners with a lakeside lot, in writing, of the proposed work dates at least two (2) weeks in advance.

(b) Work dates will be promulgated via the HOA newsletter and facebook as an informal way of informing home owners of the work.

(c) Any homeowner who does not wish to give access to their property for the sole purpose of maintaining the pond embankments, may refuse do so by contacting UPA in writing (Paper or email). UPA will ensure that any landscaping team does NOT maintain said property.

(1) Homeowners who elect this option are not exempt from rule 11, and will be held responsible for their pond embankment maintenance.

(2) Said election will be respected for any further maintenance of the embankments unless removed by the homeowner in writing.

(d) For this initial maintenance period only, any homeowner may request to have trees larger than the six (6) inches in circumference to be removed by tying a pink plastic marker around said tree.

(e) This initial maintenance shall be paid for from the capital improvements account.

2. Thrice annually UPA will have the pond embankments maintained in accordance with rule 11 and 1(a)-1(c) above.