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Book 7781 Page 604

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DONETTA DAVIDSON
ARAPAHOE COUNTY

RESOLUTION
of the
EXECUTIVE BOARD of
CHARLESTON PLACE ASSOCIATION, INC.

MAINTENANCE OF and RESPONSIBILITY FOR
the
BACK YARD/PATIO

In accordance with the Declaration of Covenants, Conditions and Restrictions of Charleston Place Association, Inc., which was duly recorded in the office of the Clerk and Recorder of Arapahoe County on May 10, 1978 at Book 2773, Page 196, the Executive Board hereby adopts the following Resolution concerning the responsibility for maintenance and liability for the fenced-in area of the back yards/patios. This Resolution serves to combine and clarify several policies which have been in existence since the inception of Charleston Place, and which have been stated in the Declaration, as well as in the Homeowners' Manual, as well as to establish some additional guidelines.

The fenced-in back yard/patio of each unit is Limited Common Element, which means that this area belongs to the homeowners' Association and not to the owner of the unit to which it is appurtenant, but the use of and access through this area is reserved for use by the occupant(s) of said unit.

Maintenance of any items or landscaping in the back-yard/patio area is the responsibility of the unit owner(s). The Association is responsible for the maintenance of the concrete patio slab and steps, as well as of fences and gates, and for repairs to these items necessitated by normal wear and tear. (This does not include cleaning, sweeping or snow removal, which are the responsibility of the unit occupant(s).) Damage inflicted to the fence or gate by the unit occupant(s) or visitor(s) is billed back to the unit owner.

Per Section V., Paragraph M. of the Rules and Regulations, any planned alteration of the fence or gate must be approved by the Executive Board prior to the commencement of said activity. Likewise, any structure which is higher than the top of the surrounding fence, and any addition and/or alteration to the patio or deck must be pre-approved. All requests must be in writing and sent or delivered to the office of the Association. Since the underground utilities serving each unit run under the back yard, no trees or large shrubs may be planted henceforth. Any tree(s) or shrub(s) already in the back yard as of the date of this Resolution, whether existing at the time of purchase by the current unit owner(s), or planted by the current owner(s) are the responsibility of the current owner(s) to maintain.

Any item altered added, installed or planted without meeting the

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stipulations contained herein is a violation. In addition to a fine, the Board may request that the violation be removed or corrected. If it is not removed or corrected within the time frame allowed by the Board, the item may be removed, corrected or repaired by the Association at the unit owner's expense. Such expense shall be added to the owner's account and collected in accordance with Resolution #94-III.

The expense to repair any damage to other units, buildings, fences, gates, car ports, patios, or underground utilities which results from any landscaping, alteration, or addition in the back yard shall be the sole responsibility of the current owner(s). Such expense shall be added to the owner's account and collected in accordance with Resolution #94-III.

A right-of-way and easement exists for the Association, or any representative, employee or contractor thereof, to enter the back yard of any unit for the purpose of maintenance, to enforce rules, in case of emergency, or to carry out any duly-authorized, Board-mandated action.

The foregoing Resolution by the Executive Board was duly adopted on the 17th day of November, 1994.

Attest:

Diana Spera
Diana Spera, Secretary

