

KING FARM CITIZENS ASSEMBLY, INC.  
EQUITY RESOLUTION NO. 10

GRANT OF EASEMENT

WHEREAS, Section 5-104(a) of the Charter for King Farm Citizens Assembly (the “Charter”) states that the Developer had the right to “...modify or alter the size, number and location of the Community Property and Lots, as well as the improvements thereon, as it deems necessary or desirable in conjunction with the development of the Properties. Without limiting the generality of the foregoing, the Developer reserves the right to resubdivide all or a portion of the Properties, to convey all or a portion of the Community Property, to modify the site plans, to construct improvements on the Community Property, and to take whatever other action with respect to the Community Property and the Lots it deems to be necessary or desirable;” and

WHEREAS, Section 5-104 (c) of the Charter authorizes the Board of Trustees to “...grant easements, rights-of-way, licenses and similar interests over any part of the Community Property for any lawful purpose which it determines, in its own discretion, to be in the best interests of the Assembly;” and

WHEREAS Section 5-104 (d) of the Charter provides that each Lot is declared, without more, to have “...an easement not exceeding one (1) foot in width, over all adjoining Lots and Community Property for the purpose of accommodating any encroachment due to engineering errors, errors in the original construction...or any other similar cause. There shall be valid easement for the maintenance of said encroachments so long as they shall exist...;” and

WHEREAS the Board of Trustees has determined that some private driveways are constructed partially on a Lot and partially on Community Property; and

WHEREAS the Board of Trustees has determined that landscaping planted on Lot (“Lot Landscaping”) can encroach on Community Property as part of its natural growth; and

WHEREAS, Titleholders are responsible for the maintenance of their Lots pursuant to the Governing Documents; and

WHEREAS the Board of Trustees has determined that it is in the best interests of the Assembly to grant easements to Titleholders and Citizens onto Community Property for the maintenance and repair of private driveways and Lot Landscaping.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees does grant the following easements to Titleholders and Citizens:

I. Driveways

A. To the extent that a driveway for any Lot is partially on a Lot and partially on Community Property, the Titleholder of the Lot and the Citizen that resides on the Lot

shall have an easement onto the portion of the driveway located on Community Property and must perform the maintenance and repairs as necessary to maintain the full driveway in compliance with the Governing Documents.

B. Such easement shall be exercised in due care and without causing any damage or destruction to Community Property. To the extent that any damage is inflicted on the Community Property, the Titleholder or Citizen shall be responsible for the expense for the repair of the same.

C. The easement is limited to the confines of the existing driveway and the Titleholder and Citizen are prohibited from modifying the driveway to increase the encroachment on the Community Property without the prior written consent of the Assembly.

## II. Lot Landscaping

A. To the extent that Lot Landscaping encroaches onto Community Property as a part of its natural growth, Titleholders and Citizens shall have an easement onto Community Property for the purpose of maintaining the Lot Landscaping in compliance with the Governing Documents.

B. Such easement shall be exercised in due care and without causing any damage or destruction to Community Property. To the extent that any damage is inflicted on the Community Property, the Titleholder or Citizen shall be responsible for the expense for the repair of the same.

C. The easement is limited to the maintenance by Titleholders and Citizens of existing Lot Landscaping – it does not entitle Titleholders and Citizens to add any landscaping to Community Property without the prior written consent of the Assembly.

KING FARM CITIZENS ASSEMBLY, INC.

RESOLUTIONS ACTION RECORD

Resolution Type: Equity No. 10

Pertaining to: GRANT OF EASEMENT

ATTEST:

\_\_\_\_\_  
Tracy Jackson, Secretary

\_\_\_\_\_  
Date

Resolution Effective:

DRAFT