

# **ROSEHEART HOMEOWNERS ASSOCIATION**

## **Policy Resolution of the Board Common Areas**

**WHEREAS**, the Board of Directors of the Roseheart Homeowners Association is empowered to establish rules, and also to make and enforce compliance with such reasonable rules, pursuant to Article IV of the Bylaws of the Roseheart Homeowners Association, and

**WHEREAS**, there is a need to establish specific rules governing the common areas beyond an owners' property lines, and

**WHEREAS**, it is the intent of the Board that this rule shall apply to all owners, tenants, guests, invitees, or any others who may be living within the boundaries of the Roseheart master planned community, who may wish to improve any portion of the common property effectively belonging to the Roseheart Homeowners Association, hereby known as common areas. This rule shall remain in effect until otherwise rescinded, modified, or amended by a majority vote of the Board of Directors, and

**NOW, THEREFORE BE IT RESOLVED THAT** the following rules in regards to the common areas belonging to the Roseheart Homeowners Association are hereby unanimously adopted by the Board of Directors:

### **Roseheart Common Areas Policy**

The Roseheart Homeowners Association owns the areas beyond lot boundaries. These commonly owned areas are not to be construed as extensions of the boundaries of the deeded area of the homeowner lots. Individual homeowners have no legal right to make any improvements to or use these areas. This includes, but is not limited to, the following: clearing brush, planting grass, constructing pathways to the walking trails, installing lighting, trimming of trees, planting shrubs, placing or storing anything in common area, etc. The original intent of the developer was to keep these area in their natural state for the enjoyment of all residents. **Any and all** actions to these common areas that change the natural state **must** receive approval in advance and in writing by the Architectural Control Committee (ACC). Changes to common areas can be considered only if it requires no removal of plants or trees.

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**Perimeter Lots** - (Those lots where there are no other lots between the deeded lot and the subdivision boundary).

The common areas outside perimeter lots are the most critical to leave natural and undisturbed. This provides screen/buffer against future development bordering our subdivision. The ACC recognizes that homeowners may desire access from their rear yards to the walking trails that avoids the mud. Therefore, the ACC will consider requests to place stepping stones to improve access providing the meet the following criteria:

1. Minimum disruption to the natural state.
2. Only natural limestone, sandstone, or slate stepping stones of irregular shapes are allowed.
3. The stepping stones should be loosely scattered in a random pattern.
4. The maximum dimension of any slab is two feet.
5. No border alongside the pathway of any material is acceptable (the intent is to not have a well defined pathway).
6. A bark mulch pathway is acceptable.

The following materials are not acceptable: concrete paths, artificial (concrete) stepping stones and cemented natural stone.

**Interior Lots**

Pathways as described above are also acceptable for interior lots. In addition, interior lots where the distance from the lot boundary to the walking trail is less than five (5) feet it is permissible, with the approval of the ACC, to continue rear yard landscaping scheme from the termination of the lot to the walking trail.

**APPROVED:        December 11, 2007**