

# Summer Hill HOA Policy for Common Areas

Pursuant to the Colorado Common Interest Ownership Act (CCIOA), homeowners' associations are to adopt certain policies regarding various issues. The following policy relates to the use of Common Areas, which is to be part of the governance of the subdivision.

This policy applies to the Common Areas defined as Tracts 3-4, 7-1, 7-2, 7-3, and 7-4 in Summer Hill Filing No. 7a. (27 March 2015).

Article I Section 1.1 in the Ninth Amended declaration of covenants, conditions and restrictions for Summer Hill Subdivision Area", defines "Common Areas" as any and all real property and the improvements and fixtures on it owned, leased or controlled by the Association for the common use and enjoyment of the Members, plus any street or other lighting fixtures owned or controlled by the Association and signage on any Common Area for the general benefit of the Subdivision or Owners, whether or not located on the real property owned or leased by the Association. The Common Area shall be as shown on the recorded plat of the Property and described on the Map.

Article III, Property Rights in the Lots and Common Areas, Section 3.01, Title to Common Area, specifies the Association shall be responsible for the landscaping and maintenance of the Common Areas (including but not limited to repair of signs, fencing, irrigation equipment, lighting and electrical fixtures, and equipment and plantings). No owner shall, in whole or in part, change the landscaping, grade or fencing on any portion of the Common Area without approval of the HOA Board and within specific restrictions as determined by the HOA Board (See Article III Section 3.06 below).

No building, fence, wall, sign or other structure or improvement shall be commenced, erected or maintained on the Common Area, without approval by the HOA Board. In Section 8.06, Variance, the HOA Board may grant variances; however, the grant of any variance shall remain in force for the specific definition of the variance and current resident and shall not serve as a basis for subsequent variances or changes in residential status.

The above recorded provisions being said, the following guidelines shall apply to any changes requested by residents or the Association to the Common Area:

## Article III Section 3.06 (new)

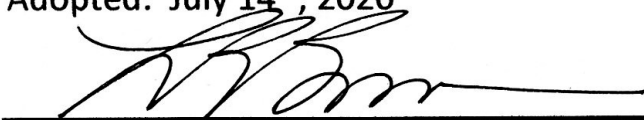
2. Changes to the common area are limited to the improvement of the area, not only for the personal benefit of any homeowner.
  1. No change shall be permitted unless it substantially improves the appearance, utility, safety, and ease of maintenance while at the same time, not allowing inappropriate use, undue impacts on neighbors, or creating hazards or safety concerns related to the common area where the change is requested.

3. Any requested change must be submitted to the HOA Board for review and final approval.
4. With any changes to the Common Area, it must be made clearly understood that the improvement does not change any home owner's legal lot line as defined on their legal plat.
5. When and if the property changes hands, the purchaser must be made aware that any changes to the common area prior to their purchase of the property does not change the legal lot line as defined on the sales definition, applicable legal plat and prior changes are permanent.
6. If a homeowner without permission of the HOA makes a change to a common area, the HOA Board can request the area be returned to its original condition by the homeowner without reimbursement.
7. The restrictions for yard ornamentation as stated in Section 10.05 of the CC&R's shall apply to any changes in the Common Area.
8. Existing changes to improved common areas are considered permanent and not be subject to reversion to the previous condition at a future date.

Special Considerations:

1. Summer Hill HOA has several natural areas and drainage, that by definition are not intended to be taken out of their natural state. These areas are defined as natural drainages, creek beds and native grass areas.
  - a. The sole legal obligation the HOA as to drainages and creek bed is to assure that water flow is patent and poses no threat of flooding.
  - b. If, over time, the banks of these natural areas decline and native shrubs die and become unsightly, HOA assumes responsibility for the liability mitigation and maintenance
  - c. This policy about these Common Areas is specific to routine trimming and removal of dead plants, or weeds that may pose a fire hazard, flood hazard, or unsightly appearance.

Adopted: July 14<sup>th</sup>, 2020



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Summer Hill Homeowner's Association Board Secretary