

Land's End Homeowners Association

POLICY RESOLUTION NUMBER 10

SPECIAL ASSESSMENT FOR ROAD DAMAGE

WHEREAS, Article IX Section 9.5 Special Assessments, of the Declaration of Covenants, Conditions, Restrictions and Easements for Land's End at Lake Fork (the "Declaration") provides for the assessment of Special Expenses against certain Lots; and

WHEREAS, the Association has consulted with numerous professionals in the field of road construction and road maintenance, and these professionals have informed the Association that major damage to the roads was caused by, and will continue to be caused by, heavy trucks associated with the construction of new homes; and changes/additions to existing homes; and

WHEREAS, the Board of Directors (the "Board") desires to adopt a uniform and equitable process by which non-specific stress damage to Common Area roadways is partially assessed against those Owners who did/will contribute to said damage through the use of heavy trucks and equipment during the construction of new homes and outbuildings;

NOW, THEREFORE, BE IT RESOLVED THAT a Special Assessment of \$0.60 per square foot (total size under roof) shall be fixed and established against each Lot for all structures that currently exist, are under construction, have been approved for construction, and for all future structures that may be submitted for construction approval, in accordance with the following guidelines:

1. This Special Assessment is for the payment of Special Expenses associated with the repair of damage to non-specific areas of the roadways caused by heavy trucks during the construction of a dwelling or outbuilding.
2. Any specific roadway damage directly attributed to the construction of an individual dwelling or outbuilding may become an additional Special Assessment against that individual Lot for payment to repair such specific damage.
3. This Special Assessment is effective March 2021 for all existing and approved structures and effective upon submission of Application for Approval for any new structures.
4. In accordance with Section 9.5 of the Declaration, a hearing before the Board to allow any assessed Owner the opportunity to present evidence that proves no road damage resulted from heavy trucks used in the construction of that Owner's structure. Failure to appear at this hearing, or if unable to appear failure to submit written evidence, by any assessed Owner will act as acceptance of this Special Assessment and waive any future rights to appeal.
5. The Application for Construction Permit must clearly reflect this Special Assessment and provide the opportunity for a hearing before the Board to allow the assessed Owner to present evidence that no road damage will occur as a result of construction of that Owner's dwelling or outbuilding.
6. All decisions by the Board at any hearing shall be final and binding upon the parties.
7. No Application for Construction Permit of a dwelling or outbuilding may be approved unless the Special Assessment has been paid, or unless the Board has ruled in favor of an Owner at a hearing to appeal the assessment.

ATTEST:

April 2020

(Date)


President of the Association