

GRASSY RUN HOMEOWNERS' ASSOCIATION

OPERATING RULE 17-04

EASEMENT MAINTENANCE

WHEREAS, the term "Road Easement" is defined in Operating Rule 17-01 as being "that portion of any parcel of land within Grassy Run shown on any parcel map and/or plot plan, recorded in the Official Records of El Dorado County, as a non-exclusive easement for the purposes of utilities, roads and/or other common uses for the benefit of all members of GRHA";

AND WHEREAS, the last sentence of Article V of Resolution 05-02, adopted on September 28, 2005 at a regular meeting of the Board of Directors, provides that "Each parcel owner and tenant is responsible for weed control, keeping ditches and culverts clear on his and/or her portion of the Road Easement;"

AND WHEREAS, requests for voluntary action by some parcel owners and residents to control weeds, overgrown shrubs/trees, and other dangerous items growing within the Road Easements on their parcels have, on numerous occasions, gone unheeded;

AND WHEREAS, the Board has determined that the danger of fire and other hazards created by the continued maintenance of uncontrolled weeds, overgrown shrubs/trees, and other hazardous conditions within the Road Easement may constitute clear and present dangers to the entire Grassy Run community, particularly during the late Spring, Summer and early Fall months, necessitating serious and significant action for the protection of the Grassy Run community as a whole;

AND WHEREAS, because of the frequency of continuing and recurring of violations of the last sentence of Article V of Resolution 05-02, the Board believes that specific provision for enforcement should be made with regard thereto;

NOW, THEREFORE, THE BOARD DOES HEREBY ADOPT THIS OPERATING RULE 17-04, AS FOLLOWS:

1. The failure and/or refusal to remedy a condition or conditions of uncontrolled weeds, overgrown shrubs/trees, and/or any other dangerous condition on that portion of his or her parcel located within the Road Easement after written notice to do so has been given to said owner and/or resident by regular mail, constitutes sanctionable conduct within the meaning of Operating Rule 17-06.

2. After the Board has made factual findings that any GRHA parcel owner and/or resident has failed and refused to remedy a condition or conditions of the type described in paragraph 1 above, after written notice to remedy such condition or conditions has been given to said owner and/or resident by regular mail, the Board, after further written notice to said owner and/or resident by regular mail of its intent to do so, may take such action or actions as it deems


necessary and appropriate to remedy that condition or conditions itself, and may charge the owner and/or resident for the costs of such action or actions. Collection of any such charge may be undertaken and accomplished by any means authorized by law.

3. The provisions of paragraph 2 hereinabove apply to all situations in which the condition or conditions that have been found by the Board to be in violation of the C&Rs and/or the Operating Rules are physically and legally able to be remediated. As to those situations in which the violative condition or conditions, or action or actions, cannot physically or legally be remediated, the procedures set forth in paragraph 2 do not apply. A non-exclusive example of such a situation is one in which the Board has found that an unpermitted cutting of a tree or trees in violation of Operating Rule 17-03, paragraph 5, and Operating Rule 17-10, has occurred. In those situations, an "intent to sanction" letter may be sent to the parcel owner without the prior sending of a "remedy the violation" letter.

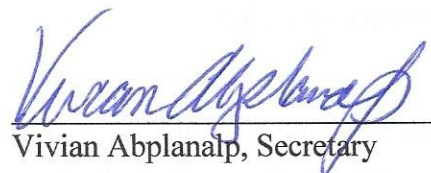
4. Additionally, whether or not the Board elects to pursue the remedies set forth in paragraphs 2 or 3 above, the Board may also impose sanctions upon the parcel owner and/or resident for violation of this Operating Rule, in accordance with Operating Rule 17-06.

ADOPTED BY THE BOARD OF DIRECTORS OF THE GRASSY RUN HOMEOWNERS' ASSOCIATION at a regular meeting of the Board held on the 24th day of October, 2017, by the following vote of the Board:

AYES: 3 NOES: 0 ABSTENTIONS: ABSENTS OR VACANCIES: 2



Jack Martin, President



Vivian Abplanalp, Secretary

History: Adopted June 28, 2017
 Amended October 24, 2017