

**Resolution By The Raintree Homeowners Association, Inc. Board Regarding Declared Utility And Storm Drain Easements**

Whereas, the Raintree Homeowners Association, Inc. Board hereby acknowledges that “Storm Drain Easements” exist as declared in certain portions of the Covenants Conditions & Restrictions (CC&Rs), on the various original recorded and zoning-approved Planned Unit Development (PUD) plats, as well as, on various common area, limited common area and individual owner lot deeds and surveys.

Whereas, such easements are also referred to on such documents recorded publicly with the county Register of Deeds.

Whereas, these easements were declared and intended to be for the primary purpose of utility and storm drainage access for the developer, its successors, utility companies and public entities.

Whereas, the Board and Architectural Review Committee (ARC) see a need to affirm a uniform and consistent interpretation of utility and drainage easement usage when considering property owner lot improvement requests or violations.

Whereas, the Association acknowledges that property owners in the past may have installed structures, plantings or other items, approved or non-approved by the Association.

Whereas, property owners may have been, or may be, granted approval by the Association to use or install items in a such easement, the Association asserts that compliance with city, county and zoning requirements, whether stated explicitly by Association or not, has always been and continues to be solely the risk and responsibility of the property owner as required in the CC&Rs. And as such, the Association shall not accept any responsibility or liability for property owners who encroach on such easements, knowingly or unknowingly, with approval or not, by the Association.

**Now,**

Therefore it is Resolved, The Association Board adopts the current, as of July 1, 2015, official City of Charlotte and Mecklenburg County Storm Water Services Department policy regarding items allowed to be placed or installed in a storm water easement.

This policy is published publicly, restated and adopted here as follows:

<p><b>Allowed in a Storm Water Services easement</b></p> <ul style="list-style-type: none"><li>• Fences (most types but <b>NOT</b> permanent features such as stone, block or concrete)</li><li>• Trees (as long as the root system is not a threat to the drainage system)</li><li>• Shrubs</li><li>• Flowers</li></ul>	<p><b>NOT permitted in a Storm Water Services easement</b></p> <ul style="list-style-type: none"><li>• Trees planted over storm water pipes</li><li>• Tennis courts or swimming pools</li><li>• Dams or anything that might block the flow of water</li><li>• Permanent structures not intended to be moved, such as walls or structures made of brick, block or concrete</li><li>• Sheds or other buildings</li></ul>
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This policy and interpretation shall be followed by the Association Board, ARC, Sub-committees, or any other parties serving in their interests, regarding items allowed in utility and drainage easements as declared in Association governing documents.

This adopted resolution, shall NOT provide, nor imply, automatic approval of past, current, or future installations in, nor use of, easements.





This adopted resolution does NOT eliminate the requirement to obtain specific approvals for lot improvement requests from the Association, which is authorized to grant or deny requests as described under its governing documents.

This Resolution shall stand until revoked and may be amended in the future by majority vote of the Raintree Homeowners Association Board, as city and county policy changes from time to time, so long as it does not violate or conflict with other zoning requirements, laws or other CC&R requirements.

Adopted by Raintree Homeowners Association, Inc. Board of Directors

Date: July 1 2015

Board Members:

	Hermes Goudes
	Dione Rippe
	Christina Greene
	Mike Gozur

To be distributed to homeowners, ARC, and sub-committees by website and available in print upon request at the HOA Office at 8900 Raintree Lane, Charlotte NC 28277.