

Board Meeting 4/28/10: (Quad underground utility issue)

In the quads, there is a utility line which runs underground beneath each quad's patio, fencing and a portion of common area where the individual lines connect at a clean out and then flow into one pipe. The issue was who (member or Assoc.) would be responsible for the individual line that runs under the common area.

The President, Sue Reil, read the statement provided by the Association attorney, Gary Fields on 4/20/10 regarding underground utility issues: "If the utility is located on the common open space, the documents are not completely clear. Art. IV. Sec 1, provides that the Association is responsible for the common open space. However, in Art 1, Sec 4, the common open space" is defined as "all real property owned by the Association for the common use and enjoyment of the Owners..." Although the sewer and underground conduit would be considered part of the real property, if it serves only one unit it is not for the common use of the owners. Accordingly, if the line serves just one unit, the Board could take the position that it is the owner's responsibility, or the Board could take the position that, as part of the common open space, it is the Associations responsibility. Whichever position the Board adopts should be made part of the Board minutes and be consistently followed." (the e-mail from the Assoc. attorney is attached to the minutes in the Assoc. minutes book)

On a motion made by Ron Grimm and seconded by Dr. Laremont, it was unanimously resolved that the utility line serves just one unit, and it therefore the owners' responsibility.

Board Meeting 6/7/10: (Townhome outside drains)

There are 18 townhomes where a drain is in the courtyard. The drain connects to a pipe that runs underground from the drain to a bubbler at the road. The issue was who (member or Assoc.) would be responsible for the individual line that runs under the common area.

The President, Sue Reil, read the statement provided by the Association Attorney Gary Fields on 5/24/10 regarding the drain issue: "It would seem this falls into the same category as the opinion I gave you on underground utility lines, and the Board could also set a policy that where such drains and lines serve only one unity, they are the responsibility of the unit owner." (the e-mail from the Assoc. attorney is attached to the minutes in the Assoc. minutes book)

A motion was made by Dr. Laremont to approve the recommendations from the Association Attorney that responsibility for the lines be consistent with that of the utility lines. Ron Grimm seconded, and the motion passed unanimously.