

ROUND HILL ESTATES NORTH

P r o p e r t y O w n e r s A s s o c i a t i o n

RHENPOA Newsletter – December 2006, Vol. 3 No. 3

www.rhen.org

New Homeowner Directory – The last directory was published in 2004, so it is time for an updated booklet to include all new homeowners and to provide current contact information for existing homeowners. We would like to include as many neighbors as we can in it should any of us want or need to contact our neighbors. This directory helps us pull together as a community and offers the opportunity to get to know each other and provide aid in an emergency. Please note that only homeowners that supply this contact information will be included in the new directory and only those homeowners will receive a new directory. Please send your contact information (address, phone, cell, e-mail, etc.) to Management at:

Lisa Bockus
Common Interest management Services
315 Diablo Rd., Suite 221
Danville, CA 94526

Parking Problems – The Board has heard complaints from homeowners on the unsightly appearance of our neighborhood caused by numerous cars parked on the street and in driveways. We remind homeowners that RHEN policy requires that residents keep as many cars in their garage as there are spaces; only any additional cars exceeding the number of garage spaces may be kept in the driveway. Other, more aggressive associations ticket homeowners' cars violating this policy. We do not wish to pursue such measures but might be forced to do so if our warnings go unheeded.

Vandalism and Theft Alert – The Board recently has learned of theft of items from an open garage and several incidences of vandalism to construction sites. If you see any suspicious activity, please report it to the sheriff. Also, please keep garage doors closed and keep an eye on your neighbor's lot. The Board encourages homeowners to start localized neighborhood watches to discourage this type of activity in the neighborhood.

Activities Committee – RHEN unfortunately has never had many community activities, but we want to change that situation. We'd like to form an Activities Committee to develop possible ideas for community events and to organize those events. Some ideas the Board has heard in the past include block parties and special interest groups, e.g., walking or exercise. If you are interested in becoming a member of this committee, please contact a Board member or management.

Homeowner Request for An Easement on Association Common Land - The Board will address this homeowner's request at the Board meeting on January 30, 2007, with this newsletter hereby giving homeowners thirty days to comment on the request prior to the Board's action. Homeowners can either appear at the meeting or send in a written comment to a Board member and/or Management which will be read at the January meeting. Section 3.4 of our CC&Rs gives the Board the right to grant such an easement:

"The right to grant easements set forth in this Section 3.4 shall further include the right to grant exclusive easements over minor portions of the Common Area to individual Owners of Lots appurtenant thereto; provided, however, that no such easement may be granted if such easement would unreasonably interfere with the use, occupancy, or enjoyment of the Common Area by an Owner of any Lot, without the written consent of the Owner(s) affected."

First, some history on the lot needs to be outlined. The Board learned in about 1991 that the homeowner on Lot 158 (180 Tracy Lane) had installed a driveway which encroached onto common area (Lot 160) as an accident during original construction, perhaps due to believing that the old ranch fence defined the property line and not measuring it. In any event, on March 27, 1991, the Board in a letter to the homeowner blessed the accidental encroachment with the statement that "The directors of the association have agreed by consensus that the owner of Lot 158 may continue to maintain the subject improvements at their expense on Lot 160." While this letter did not directly convey an easement or a license to use,

our current legal opinion is that this letter did indeed convey an easement albeit not recorded. Recently, the new homeowner of Lot 158 has requested to extend the driveway further into common area to complete a roundabout. The drawing for the application is attached to the end of this newsletter. Note that the applicants are requesting a 25 foot radius turnaround while the fire department requires a 40 foot radius for their equipment.

Other factors weigh into the Board's decision. Presently, there is no easy access to the common area 160 for maintenance and repair. As part of any easement, the Board will require an access easement across lot 158 for access to common area 160. In addition, the Board has informed the applicant that all expenses associated with granting and recording an easement will be paid by the applicant. Also, the homeowner is using land currently owned by the association; the association, as landowner, is possibly liable for accidents which might happen on that land. As part of any agreement, the board will require an indemnification and disclosure agreement as a condition of granting the easement.

Finally, there are opposing arguments for not granting an easement. First, it sets a precedent for other easements to be granted. While each request is unique, in this case the area is "generally inaccessible" and "not of general use to the membership at large" (conditions which the Board will consider). Another concern is that the easement would create a cosmetically-attractive turnaround for the owner, increasing his lot's property value, but might not directly benefit the association's property values as a whole.

Audit of Books - The annual audit of the RHEN financial books was completed and approved by the Board and is included in this mailing. If you have any questions about the financial status of the association, please contact a Board member of management. The Board would like to assure members that the financial status of the association is sound, and we are well-funded for future liabilities associated with the maintenance of our common areas and roads as identified with the reserve study just completed this year. All of these documents are posted on the community website covering the past several years for your reference.

New Board Members – This year we had exactly seven homeowners who wanted to join the seven-member Board of Directors. In this case, the Bylaws mandate that the seven individuals be elected by acclamation, thereby eliminating the

need for an election. The new Board consists of five returning members and two new members, Margaret Palma and Habib Amin, both long-time residents of RHEN. We welcome the interest by homeowners willing to serve their community.

Annual Meeting Comments – The annual meeting of the homeowners was held on October 24 at the Round Hill Country Club. The Board was gratified that many homeowners came to review what has been happening and discuss current issues. The main subjects discussed were associated with property values in RHEN and the common area easement request (also discussed in this newsletter). The minutes from the meeting have been posted on the community website.

Where to Find Association Information - We remind you to visit our website, www.rhen.org, where you can find useful information on a variety of relevant topics: the new Home and Landscape Maintenance Rules, contact information, minutes from past Board meetings, agenda/time/location for the next Board meeting, documents and general information including the new CC&Rs and Bylaws, information on RHEN & area home sales, construction activities, photo gallery, announcements, and much more. Also, feel free to contact Management or any Board Member with your questions or concerns. In addition, we encourage homeowners to attend the monthly Board meetings to see how your association is being run and what issues the Board confronts.

***We wish you a wonderful
holiday season and a
prosperous new year!***

Steve Lange

BOARD OF DIRECTORS

Steve Lange - President
Mazi Ghorbani - Vice-President
Joe Bonn - Treasurer
Margaret Palma – Secretary
Habib Amin - Director
Valerie Schooley - Director
Dale Welch – Director

Proposed easement on common area Lot 160, as illustrated by applicant: Sketch D. shows the current driveway. The proposed easement would add an additional 2,200 square feet of RHEN common area to the common area applicant is currently using.



