

Resolution  
Of  
The Board of Directors  
Of  
Beech Mountain Lakes Association  
In  
Drums Pennsylvania  
Adopting The Policy for  
Ditches and Swales Section 13.15

Adopted *August 26<sup>th</sup>*, 2003

The Association pursuant to Pennsylvania Law has adopted the following resolution, at a regular meeting of the Board of Directors.

RECITALS:

(A) The Beech Mountain Lakes Protective Covenants, Declarations, and Rules and Regulations, from here on referred to as the "Documents", describe how a property may be used, developed, and maintained within the community.

(B) The Beech Mountain Lakes Association, from here on referred to as the Association, Under Sections 3.7 and 13.1 of the Documents is granted the authority to maintain, restore or repair any lot, whether occupied or unoccupied, the cost of which shall be a Personal Charge to the Owner.

(C) The Architectural Control Committee, from here on referred to as the ACC, Under Section 13.15. of The Beech Mountain Lakes Protective Covenants the Power to implement General Use Restrictions including Section 13.15.

(D) The Beech Mountain Lakes Association community is in need of a uniform policy for the installation, repair and maintenance of Ditches, Swales and Culverts.

(E) The Property Owner, under Section 3.9 of the Documents, is charged with certain responsibilities regarding the care, maintenance, service, and preservation of property within Beech Mountain Lakes Association in Drums Pennsylvania.

(F) The Board of Directors and the Architectural Control Committee wish to adopt a uniform policy for the evaluation, approval, installation, and maintenance of Ditches and Swales.

(G) This policy shall include:

- (1) Implementation during Property Development Period
- (2) Maintenance Pre and Post Property Development
  - a) Identification and Verification
  - b) Property Owner Notification and Performance
  - c) Remedial Efforts
  - d) Cost Recovery
- (3) General Manager Implementation

- (4) Disclaimer
- (5) Effective Date

The Board of Directors of the Association and the ACC desire to adopt a uniform policy for the evaluation, installation and maintenance of Ditches and Swales.

NOW, THEREFORE, BE IT RESOLVED that the ASSOCIATION does hereby adopt the following policy.

1. Implementation during Property Development Period

- a. When a property is being developed the Architectural Control Committee (ACC) shall review and approve plot plans, and legible house plans which are to scale with finished grade lines identified, driveway-culvert pipe(s) located, and drainage to culvert ditches identifying erosion control and drainage means.
- b. All driveways leading from main road to house must have 12 inch or better culvert pipe underneath driveway for drainage purposes. Culvert pipes will be installed with the elevation of the bottom of the pipe established, prior to excavation for the foundation.
- c. Roadway swales and culvert pipe must remain open at all times. Property owner/contractor is responsible for repair of any damage caused by erosion during construction. Swales are to be cleaned and graded properly by the contractor.
- d. Any damage done to any roadways, shoulder, aprons, ditches etc. from any activity connected with the house construction will be immediately repaired, such restoration to be to the satisfaction of Beech Mountain lakes Association, Inc. All costs involved are to be borne by the property owner and/or the building contractor.
- e. The ACC will identify the damaged area and notify the property owner/contractor via letter so that there is recorded the date of the occurrence. Repair to the damaged area is to be resolved prior to security deposits being returned and property owner taking occupancy.

2. Maintenance Pre and Post Property Development

- a. **Identification and Verification** - The Roads and Maintenance Committee in conjunction with the ACC will provide the general manager or his designated officer with a list of properties which are deemed in violation of BMLA covenant 13.15. The Roads and Maintenance Committee will then recommend a "scope of work" a detailed list of what needs to be done to return the property to compliance. The general manager shall visit the property, verify the infraction, and review and approve the recommended repairs.
- b. **Property Owner Notification and Performance** - The property owner shall be notified of the infraction via certified mail return receipt, and first class mail. The notification letter will identify:
  - 1) the infraction(s) being cited,
  - 2) the recommended resolution(s),
  - 3) the covenant/policy number,
  - 4) penalties for failure to comply.

All repairs must be completed within thirty (30) calendar days from the date of the notice of violation letter. All extensions authorized must be in writing by the General Manager with the revised completion date identified.

Extensions are to be granted only for specific hardship cases or inclement weather, which precludes satisfactory completion by the due date. The property owner is required to make all corrections as indicated in the violation letter by the specified date, notify the General Manager of the planned start date, and the actual completion of the cited infractions' rework. The General Manager will perform a follow-up inspection and the property owner will be notified of the findings within seven (7) business days. Should the Property owner not make the corrections as indicated in the letter by the specified date, BMLA is authorized to administer performance of the effort.

- c. **Remedial Efforts** - BMLA is authorized under sections 3.7 and 13.1 of the Documents to maintain, restore or repair any property/easement and is authorized to administer performance of the effort. BMLA can at it's discretion have all remedial effort performed as identified in the violation notice letter.
- d. **Cost Recovery** - BMLA will establish all costs associated with the effort. The property owner will be billed for the total cost of the remedial effort plus an additional 15% for administration. The bill will be sent certified mail return receipt requested and first class mail, and the property owner will have Thirty (30) days from the billing date to pay the bill. The total cost and fee shall be added to the property owners account as a personal charge per Section 7.9 and if not paid within the Thirty (30) day period shall be deemed delinquent and subject to the provisions of Section 7.18 Non-Payment of Assessments and Other Charges, whereas a late fee of \$25.00 will be imposed, and the rights of the owner to use the common areas may be suspended.

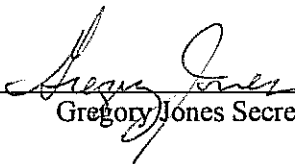
3. The General Manager will maintain a file and track the process to ensure that the policy is being implemented uniformly, accurately and in compliance with BMLA Covenants and By-laws.

4. Nothing in this policy shall be interpreted to negate any other portion of the Documents of the Association.

5. Effective Date. This policy shall be effective the first day after the execution of this resolution.

IN WITNESS WHEREOF, the undersigned have executed this Resolution the <sup>26<sup>th</sup></sup> day of <sup>August</sup> 2003.

  
\_\_\_\_\_  
Joseph Petko President

  
\_\_\_\_\_  
Gregory Jones Secretary