

**WOODLAKE VILLAGE HOMEOWNERS ASSOCIATION
POLICIES AND PROCEDURES**

FILE: CG-001-1

UPDATED: June 13, 2017

DATE: December 17, 2007

SUBJECT: Care of Common Grounds of the Association

COMMITTEE: Common Grounds

REFERENCE: Declaration of Covenants, Conditions and Restrictions, Article IV, Section 1, recorded December 10, 1984; and Amended By-Laws of the Woodlake Village HOA, Article VIII, Section 1(a) and Section 2(g), recorded May 30, 2000.

BACKGROUND: There are several areas in the Village where drainage or maintenance easements exist. Some requests have been made in the past for the Association to maintain these areas. According to existing maps these areas are either on homeowners' property or unidentified easements around the waterways where the homeowners' lot lines go to the easement and not the waterway. This presents a misunderstanding about who should maintain this property or in fact who is the owner.

A second problem area is the property behind Bluebird Lane that borders on Carolina Wren Lane. This property has been maintained in the past by the Village but in fact is property belonging to the homes on Bluebird Lane, separated by wetlands and should be the homeowners' responsibility.

Property behind Phase III Mailbox bordering on Lower Bluebird Lane (602 – 608) and the lower Wood Thrush area is an exception which has been identified as Wetlands/Common Ground Property.

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POLICY:

- The Common Property behind 602 and 608 Bluebird Lane which borders the drainage canal and adjacent to the rear Wood Thrush Drive Residents shall be mowed twice a season by the Grounds Maintenance Company under contract with Woodlake Village Homeowners Association.
- No other property with easements shall be cut.

PROCEDURE: None

DEFINITIONS:

- **Easement:** (1) a non-possessory (incorporeal) property interest (short of an estate) that one person (the benefited party) has in land owned by another (the burdened party), entitling the holder of the interest to limited use or enjoyment of the others' land, (2) an actual interest in land rather than a mere contractual agreement, (3) also created by necessity (as in landlocked situations), by implications, or by prescription.

Easements are classified as either appurtenant or in gross.

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- **Appurtenant:** a right in another's land (servient estate) that benefits and attaches to the owner's land (dominant estate). Common examples of easements appurtenant are the right to travel over another's property, party walls, and shared driveways. In a condominium: the right to walk over the parking area, to have utility lines running through the walls or to have a sewer pipe running beneath the land surface.
- **In gross:** is personal in nature and does not pass with the land because it does not benefit or attach to any dominant estate. Common examples of this type of situation are utility easements, power line easements, billboard-site easements and the like.
- **Servient estate:** property that is subject to use by another for a specific purpose. Example: a beachfront house that has a public walkway to the beach on its premises. It is (under) servient to the dominant property.