

Ken-Caryl Ranch Master Association

Landscape Rules Violation Enforcement Policies and Procedures (adopted April 8, 2014, revised May 21, 2019)

The Master Association's Board of Directors ("Board") recognizes that some homeowners in Ken-Caryl Ranch have made landscape improvements that encroach on property owned by the Master Association ("Association"). To protect the Association properties for the benefit of all members landscape extensions into open space are considered rules violations and will be corrected through procedures identified in the Ken-Caryl Ranch Open Space and Parks Rules and Enforcement Policy.

The goal of the Board is to reclaim the Association's property. Past rule violations, identified at the time as encroachments, were cured through a variety of processes including licensing agreements which are no longer offered. If a property owner has caused a rules violation by extending their landscaping onto Master Association property, the following process will apply:

Rules Enforcement Policy and Procedure:

Rangers will write the member a Contact Notice for any rules violation. Any subsequent rules violation in a 36 month period may result in a Notice of Hearing to appear before the Master Association Board of Directors.

Pursuant to Section 3.08 of the Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of the Ken-Caryl Ranch, the Board of Directors of the Ken-Caryl Ranch Master Association can invoke one or more of the following remedies after giving the owner Notice and Hearing;

- 1) Impose a special charge (fine) upon such owner of fifty (\$50) for each violation. If the fine remains unpaid for a period of ten days or more, it may become a continuous lien against the property.
- 2) Suspend the right of such owner and his family, guests, licenses, lessees and invitees to use Association property for a period of not more than thirty (30) days for each violation.
- 3) Cause the violation to be cured and charge the cost to such owner. A continuing lien may be placed against the property for the cost to cure.
- 4) Seek injunctive relief from a court of competent jurisdiction to enjoin the violation.

The following guidelines will be followed:

1) The Association's staff will attempt to notify all property owners who have landscape extensions or other alterations that encroach onto the Association's property. This will be accomplished by a periodic review of the community. In some cases this will be difficult and some margin of error should be expected given that this is not a professional property line survey. When a landscape extension or other alteration is found by staff the property owner will be issued a Contact Notice with a deadline to remove the landscape extension

or other alteration and restore the open space property pursuant to the Ken-Caryl Ranch Open Space and Parks Rules and Enforcement Policy.

If the property owner disagrees with staff's issuance of the Contact Notice because of a dispute over the location of the property boundary, the Association may contract for a complete improvement survey plat of the disputed property line (estimated cost - \$750 – \$1,200). If the property owner disagrees with the property line as identified by staff, they may obtain their own survey. If the owner's surveyed property line is substantially different from that determined by staff, to the property owner's benefit, the Association will reimburse the property owner for the actual cost of the property owner's survey. If legal action is required to enforce the Association's rights, the Association will seek recovery of costs.

2) Fees collected for Encroachment License Agreements will be used for recording with Jefferson County Colorado.

3) Any irrigation system that is installed on an unlicensed encroachment must be either removed or the irrigation line capped and the sprinkler head removed by the homeowner. If the homeowner opts to leave an irrigation system in place, it will be removed by the Association and the homeowner subsequently billed for the removal expense.

4) Residents may request an assessment of their property boundary line adjacent to the open space at any time by the Association. Any professional survey required to complete such an assessment shall be at the residents' expense.