

Policy: Right-of -Way (ROW) Usage and Limits

Approved by the Board of Directors on March 14, 2007

Purpose: To protect the Right-of-Way in order to prevent road base and erosion damage

Preamble: The Arbors' private road Right-of-Way [ROW] is 60 feet wide, measured from lot survey rod (1/2" rebar driven into the ground when the lots were originally surveyed) to the lot survey rod on the opposite side of the roadway. In general, the existing paved roads within the Arbors are about 25 feet wide and are generally placed within the middle of the 60 feet of ROW. This means that the road ROW extends an estimated 15 to 17 feet beyond the edge of the street pavement. Although this 15/17 feet of land is attached to each lot, the land is not part of the lot nor does it belong to the lot owner. This land is owned by the Arbors Improvement Association (AIA), as described in the CC&R's and on the recorded development plat filed with Bastrop County by the original developer Sabine.

Damage to the unpaved portion of the road Right-of-Way can lead to erosion damage which negatively impacts preservation of the road base supporting our privately owned roads. As our roads age, repair costs associated with the road system will be the single most costly item in the Arbors maintenance budget and thus impacts our personal financial outlay in the form of homeowner dues and/or other assessments. The maintenance and condition of the roads is also one of the important items that impacts home values in a community. Based on these concerns, the Board completed a survey of all owners and using the results of the survey developed the following policy to establish rules for Right-of-Way protection:

Policy: For the protection of the road Right-of-Way, driving on or across the Right-of-Way is not allowed. Lot access is thru the installed driveway only. Parking on the Right-of-Way is limited to the first 2 feet of the Right-of-Way at the roads edge.

Limited access to lots for construction or other projects that require lot access without an installed driveway may be allowed at the discretion of the Board upon written request from the lot owner and inspection of the Right-of-Way by the designed Board representative. The Board may designate a member of the Board, the Architectural Control Committee or the Maintenance Committee to inspect the Right-of-Way as part of the request consideration.

The Board may require preventative measures for Right-of-Way use and protection; written agreements for preventive measure usage and/or repairs expected; and may require limited time frames for Right-of-Way access. The Board may deny a request if the requested action is determined to cause severe damage to the Right-of-Way and/or endangerment to the existing road base.

Damage to the Right-of-Way along any lot must be repaired as soon as possible, regardless of the cause of the damage. Owners that do not have the ability to repair severe damage should contact a Board representative to discuss the issue and determine an appropriate course of action.

Owners are responsible for the actions of their guests, contractors, builders or other situations that creates damage to the Right-of-Way attached to their lot. Fines may be assessed according to the established fine schedule for unrepaired damage or unapproved lot access thru the Right-of-Way.