

# BANBURY MEADOWS HOMEOWNERS' ASSOCIATION, INC

## Resolution of The Board of Directors Regarding

### Maintenance of Waterway, Stream and Adjacent Banks/Common Areas

March 14, 2016

- A. Purpose: This resolution establishes guidelines, restrictions and procedures for the maintenance of Banbury Meadows waterway, stream and adjacent banks/common area.
- B. Location: The Banbury Meadows Waterway is located between Chipper Way and W. Whiff Dr. / W. Colchester Dr. The Stream runs from the back of the BBGC, 16<sup>th</sup> Hole (Tee Box), under Chipper Way via culvert to the waterway (Plat Maps attached).
- C. The Banbury Meadows HOA will perform the following annual/seasonal maintenance of the waterway, stream and adjacent banks/common area (subject to the availability of funding):
- Maintain an aeration pump system with four (4) bubbler nozzles appropriately spaced throughout the length of the waterway. This aeration system will operate on a seasonal basis as determined by the HOA and its contracted landscaper.
  - Maintain a set of high volume sprinkler heads and supporting irrigation lines at the South/Chipper Way end of the waterway. This system will spray/apply water on the surface of the waterway to breakup algae and miscellaneous debris for the purpose of enhancing aeration, water quality and health of the waterway.
  - Cut/trim the weeds/vegetation growing on the banks of the waterway approximately two (2) times per season. The weeds/vegetation will be cut/trimmed to a length of eight (8) inches at the top of the bank and at an even and increasing angle to achieve eighteen (18) inches at the bottom or the water's edge.
  - Spray/treat the banks/common area boarding the waterway and stream for noxious and other invasive weeds approximately two (2) times each season.
  - Treat the water in the waterway approximately two (2) times per season with an approved chemical additive to suppress the growth of weeds and algae.
  - Rake/remove algae and miscellaneous debris from the surface of the waterway. This service will be performed approximately eight (8) times per season, twice per month (May through August) or as determined by the landscaper based on seasonal conditions.
  - Arrange to have the banks of the waterway and stream inspected on a regular basis (as determined by the board) for possible erosion damage and arrange for repairs when required.
  - Engage the services of a certified trapper, approved by Idaho Fish & Game, to trap and control the population of muskrats and beaver in and around the Banbury Meadows waterway and stream.
  - Maintain the Wing Walls surrounding the entrance and exit of the waterway culverts and notify ACHD when the culverts require maintenance or repairs.

D. Contractors authorized to perform maintenance on the bank/common area bordering the waterway/stream (subject to change by the HOA board as it deems necessary or appropriate):

HOA - The majority of maintenance performed and required by the HOA to maintain the waterway/stream banks and common area will be accomplished using the contracted services provided by the HOA's current Landscaping Company. Work that exceeds that company's expertise will be outsourced by the Landscaper or the Association's Management Company, DSI, as needed and appropriate.

Homeowners - Homeowners who desire to have more frequent limited maintenance performed on the bank/common area bordering their property (as outlined in this Resolution) must independently contract those services using ONLY one of the two Landscaping Companies currently under contract with the main HOA or The Villas. Due to liability & safety concerns under NO circumstances is the homeowner authorized to personally perform ANY maintenance on the banks or common area of the waterway/stream.

E. Limited maintenance homeowners are authorized to perform on the banks/common area of the waterway or stream bordering their property line:

The homeowner may be authorized to contract with one of the designated landscapers to cut/trim weeds and grasses from the top of the bank to the edge of the waterway or stream. This trimming will not be lower than 8 Inches at the top of the bank and at an even gradual angle ending at not less than 18 inches at the water's edge.

The landscaper and homeowner are responsible for limiting the amount of cut grass/weeds and other material that enters the waterway/stream. Should it be determined that an excessive amount of cuttings/material is left behind on the banks, waterway surface or enter the stream, the landscaper will be directed (at the homeowners expense) to remove the debris. In the event the homeowner fails to meet this obligation the License Agreement will be terminated and a special assessment levied in the amount of the landscaper's fees to accomplish this task.

F. Procedure for Homeowners to request HOA authorization to perform limited maintenance on the banks/common area of the waterway/stream:

Homeowners with properties/lots adjacent to the waterway and stream may request HOA Authorization to have (at their own expense) additional trimming/grooming of the weeds/grasses between their property line and the edge of the waterway/stream. To obtain this authorization the homeowner must submit an ARC Application Review Form accompanied by a signed "Revocable License Agreement". This application must outline the scope of work to be performed and must meet the guidelines and restrictions outlined in paragraphs (D) & (E) above. The homeowner must receive an APPROVED ARC Application Form back prior to any work being performed on the banks or common area of the waterway or stream.

The cost/price to perform this work will be determined by a separate independent contract between the homeowner and the selected landscaping company. The Banbury Meadows HOA, its board, representatives or DSI will not be involved or have any liability in the terms of the contract. The billing and payment process for this service will also be solely between the homeowner and landscaping company. Upon the homeowner's request, DSI will provide contact details for the two landscaping companies authorized to perform this service and maintenance.

G. Revocable License Agreement:

The attached Revocable License Agreement MUST be completed by the homeowner and submitted along with their ARC Application Review Form. This Agreement, Resolution document and ARC Application Form can be found on the HOA's website (<http://www.banburymeadows.org>) under the "homeowners Information tab", Item #3".

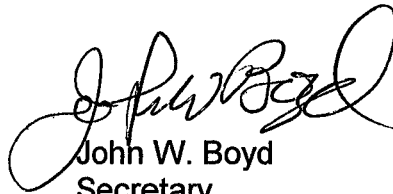
This Resolution and License Agreement have been reviewed and approved by the Banbury Meadows Board of Directors on March 14, 2016.

FOR THE BOARD OF DIRECTORS:



A.J. Allan  
President

Date: 03/14/2016



John W. Boyd  
Secretary

Date: 03/14/2016

Cc: Brenda Hines, Mgt Sp, DSI  
HOA Records File  
HOA Website, Homeowner Information