

20130409000403590 1/24
City of Virginia Beach
04/09/2013
08:02:09 AM DECL
Tina E. Sinnen, Clerk

RESOLUTION 2013-1
of the
Board of Directors
of
CAMPUS EAST COMMUNITY ASSOCIATION, INC.

(Access Easements and Encroachments)

WHEREAS, Campus East Associates, Inc, a Virginia corporation ("Declarant"), submitted to record various restrictive covenants to create the subdivision of Campus East ("Association") by Campus East Community Association Declaration of Covenants, Conditions and Restrictions (the "Declaration") dated September 23, 1982, and recorded on January 7, 1983, in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia ("Clerk's Office"), in Deed Book 2234, Page 0760, and the same has been or may be amended from time to time; and

WHEREAS, the Declarant did cause incorporation of Campus East Community Association, Inc., as a nonstock corporation effective October 1, 1982, and thereafter adopted Bylaws of the nonstock corporation ("Bylaws"); and

WHEREAS, the Association is managed and operated pursuant to the Declaration and the Bylaws; and

WHEREAS, all Owners in the Association are Members of the Association by pursuant to Article VI of the Declaration, and as such all Owners are subject to all of the covenants, conditions and restrictions in the Declaration pursuant to Section 9.10 of the Declaration; and

WHEREAS, the Association's Board of Directors is empowered by Article IV and Article IX of the Declaration and by Article VII of the Bylaws to enforce the covenants contained in the Declaration and to enforce any Board Resolutions, Architectural Guidelines and Rules and Regulations adopted pursuant to the Declaration and Bylaws; and

WHEREAS, for the benefit and protection of the Association and of the individual Members, the Board of Directors deems it desirable to restate and to clarify the easement and encroachment provisions of the Association's Declaration and Architectural Guidelines, thereby attempting to minimize the necessity of seeking action to enforce such easement in or through a court of law; and

GPINS: See Exhibit A attached (too numerous to list)
Prepared By and Return To: Sarah R. Palamara, Atty., PLLC
15064 Carrollton Blvd., Ste H
Carrollton, VA 23314

WHEREAS, the Association's Declaration and Architectural Guidelines contain the following provisions regarding access easements:

1. Supplemental Declaration of Covenants, Conditions and Restrictions dated April 15, 1983, and recorded in the Clerk's Office in Deed Book 2256, Page 1302, creates

easements two (2) feet in width along the rear lot lines of all townhome lots and along the side lot lines of those townhome lots . . . for the purpose of providing access to the rear of the homes on said lots for utility companies and homeowners. Said easements shall be for access to the rear of the homes on said lots and the easements shall be for the exclusive use and benefit of the owners of the lots in such blocks, their guests, invitees, licensees, successors and assigns and also for utility companies. . . . Said easement areas shall not be blocked by walls, fences, bushes or the like and shall be properly maintained by respective owners.

2. Article IV of the Association's Declaration of Covenants, Conditions and Restrictions ("Declaration"), entitled Land Use Classifications, Permitted Uses and Restrictions, Section 2, Permitted Uses and Restrictions – Single Family, subsection E, Improvements and Alterations, states:

No building, fence, wall, residence or other structure shall be commenced, erected, maintained, improved, altered, made or done without the prior written approval of the Architectural Control Committee

3. The Association's Architectural Guidelines regarding Fences, item 1, states:

Repairs to the original fencing do not require submission of an Application as long as the fence does not encroach on the utility and access easements and maintains the 2 foot (2') access easement as required by the Association Declaration.

4. The Association's Architectural Guidelines regarding Fence Replacement/Installation Checklist, states in the provisions regarding Plat of Property:

There will be no encroachment on easements in Campus East without ACC approval and the ACC may only approve an encroachment if it can be shown not to close off or impede access to the rear yard of any neighbor's property (i.e., trashcans, lawnmowers, etc. must be able to be placed in the rear of units.)

5. The Association's Architectural Guidelines regarding Fences, item 1, states:

Any fences erected subsequent to a neighboring fence will conform to the line of existing fences in depth and style (pressure-treated dog-ear style). No fence will be installed across, around or through pedestrian access easements as shown on physical surveys.

WHEREAS, the Board of Directors will provide notice of this policy to all current Owners by mailing a copy of this Resolution to current Owners and to all future Owners by including the Resolution in resale disclosure packages prepared pursuant to Section 55-512 of the Property Owners' Association Act and by recording this Resolution in the Clerk's Office.

NOW THEREFORE, the Board of Directors of Campus East Community Association, Inc. (the "Board") does hereby adopt this Resolution in order to confirm and state the following:

The Association's Board of Directors shall enforce the access easement provisions set forth in the Supplemental Declaration and Architectural Guidelines as follows:

1. No fence shall be constructed, erected and/or installed without the prior written approval of the Campus East Architectural Control Committee ("ACC").
2. No fence shall be erected, constructed or maintained so that it impedes access to the rear of any Lot.
3. No fence shall be erected, constructed or maintained so that it does not match any adjacent fence in depth, height and/or style.
4. Any fence that has been constructed, erected and/or installed without prior written approval of the Campus East ACC shall be subject to modification and/or removal should the fence, after inspection by the ACC, impede any access easement conferred by the Declaration and/or the Supplemental Declaration and/or otherwise violate the Association's Declaration or Architectural Guidelines.
5. Any exterior modification or installation that encroaches into any access easement without prior written approval of the Campus East ACC shall be subject to modification or removal should the fence, after inspection by the ACC, impede any access easement conferred by the Declaration and/or the Supplemental Declaration and/or otherwise violate the Association's Declaration or Architectural Guidelines.

6. Costs of Enforcement. Any Owner found to be in violation of these provisions shall be responsible for all attorney's fees, administrative costs, including any postage fees and court costs that may result in the enforcement of the Association's Governing Documents. Such fees and costs shall have the same force and effect as if the charge was a part of the Common Expense attributable to such Owner.

CERTIFICATION

The undersigned President of the Association does hereby certify that this Resolution 2013-1 of the Board of Directors of Campus East Community Association, Inc. has been approved by a vote of more than a majority of the Members of the Board of Directors, as evidenced by their approval on file with the Association.

EXECUTED on the date first written above by a duly authorized officer of the Association.

CAMPUS EAST COMMUNITY
ASSOCIATION, INC.,
A Virginia Nonstock Corporation

By: _____
Jeffrey G. Lawn, President

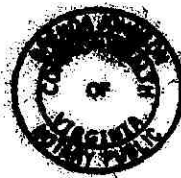
COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF Virginia Beach, to wit:

The foregoing instrument was acknowledged this 1 day of April, 2013, before me, the undersigned Notary Public, by Jeffrey G. Lawn, President of Campus East Community Association, Inc.

Notary Public

Notary Registration Number: 7502278

My Commission Expires: 2/28/2015



Brenda Johnson
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7502278
My Commission Expires
February 28, 2015