



SINGLE FAMILY LOT EASEMENT

Most, but not all, of the single family lots within Village Park have a five, six, or seven and one-half foot easement on them extending from the front lot line to the rear lot line for the benefit of the neighboring lot adjoining the easement. In some instances, the easement is located on the common area.

For example, please refer to the one page map following this summary. Please refer to Lots 38 through 42 on Almond Tree Lane near the top of the map as examples. North is toward the right side of the page. Lots 41 and 42 have an easement over the east side of Lot 40. Lot 40 has an easement over the east side of Lot 39. Lot 39 has an easement over the east side of Lot 38.

Descriptions of easements are on the title report you received when you purchased your property. Maps may be obtained from the County Recorder's office or from a Title Company of your choice. You need to provide your Lot/Tract number as recorded on your deed and refer to the document as "Declaration of Establishment of Easement."

The Declaration of Establishment of Easement recorded against the single family lots creates several terms and conditions concerning the use of the easement: the easement may only be used "as a general recreational and garden area," which means a lot owner who has the easement over the adjacent lot may: install and maintain landscaping (including flowers, plants, lawn, and surface paving) on the easement; establish and maintain a drainage and irrigation system on the easement.

The lot owner who has the easement over the adjacent lot (such as Lots 42 and 41 with respect to Lot 40, and Lot 40 with respect to Lot 39 in the example above) may not use the easement for any other purposes. No object may be attached to a wall or building which belongs to the neighboring lot without the homeowner's permission, and the grading of the neighboring lot must not be disturbed in any manner which would endanger the neighboring lot.

The lot owner who has the easement over the adjacent lot has a legal right to enter onto the easement area for permitted purposes at reasonable times, upon reasonable notice and in a reasonable manner. Owners are encouraged to cooperate with their neighbors in that regard. While gates may be kept locked, access over the easement area must be given to the easement owner upon reasonable notice. Generally, "reasonable notice" for a large project would be 24-48 hours. In the case of an emergency, immediate access should be given.

The owner of the lot on which the easement is located also has a legal right at reasonable times to enter the easement area, including crossing over the neighboring lot for such entry, in order to perform maintenance and repairs to the residence and other improvements on his or her lot. Again, while gates may be kept locked, access must be given upon reasonable notice. Generally, "reasonable notice" for a larger project would be 24-48 hours. In the case of an emergency, immediate access should be given.



VILLAGE PARK COMMUNITY ASSOCIATION

A Planned Unit Development of 636 Homes

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In the event of a dispute between owners concerning the use of a side yard easement, the dispute must be resolved directly between the owners. VPCA does not become involved in such disputes.