

Campus Commons Village Four Commemorative Bench Landscaping Policies

Introduction

Throughout Campus Commons, past residents have elected to place on the Village Four common areas various benches with plaques to designate the bench in honor of residents or as memorials. In order to maintain and control the aesthetics, function, and maintainability of the Village Four landscaping, any placement of such benches shall comply with the following standards.

Definitions

1. Village Four – Campus Commons Village Four Corporation
2. HOA – Campus Commons Village Four Homeowner’s Association Board of Directors
3. Placing Party – Homeowner or other party that has placed a bench on the Village Four common area
4. Requestor – Homeowner or other party that is requesting to install a bench on the Village Four common area

Board of Directors Authority

The HOA has the full and final authority to approve or deny all requests for bench placement. The HOA has the final authority to approve or deny requests for variances or waivers from standards. The HOA has the full and final authority to enforce compliance to standards.

The HOA shall take into consideration the Requestor’s preference for the bench’s location; however, the HOA has the final authority to determine the location of any bench.

In Perpetuity

Once a bench is placed, it shall remain in place in perpetuity EXCEPT under the following circumstances:

1. The bench becomes damaged beyond reasonable repair. The bench shall be removed or replaced at the expense of the Placing Party.
2. The bench is determined to be a hazard. If such a determination is made, the bench shall be removed or relocated at the Placing Party’s expense. If relocation is chosen, the new location will be determined by the HOA with the Placing Party’s input considered. The HOA has final authority to decide whether the bench will be removed or relocated.
3. There are material changes to the landscaping that necessitate the removal or relocation of the bench. The HOA will consult with the Placing Party to determine if the bench will be removed or relocated. All associated costs will be the responsibility of the HOA.
4. The HOA determines that the bench placement is inappropriate. The HOA will consult with the Placing Party to determine if the bench will be removed or relocated. All associated costs will be the responsibility of the HOA.

5. The Placing Party is no longer a resident of Village Four and is no longer willing or able to continue financial responsibility. In this case, the HOA may remove the bench and seek restitution through legal processes.

Removal of Benches

The HOA has full authority to remove or alter any approved bench without prior consent of the Placing Party that installed the bench without reimbursement to the Placing Party. The HOA shall notify the Placing Party of their intention to remove or alter the bench not less than thirty (30) days prior to the bench removal or alteration. The Placing Party may submit a challenge to the HOA for consideration. The HOA must consider this challenge prior to making a final decision.

If the Placing Party is no longer willing or able to maintain and support the bench, or wishes to remove it for any reason, the Placing Party must notify the HOA no less than thirty (30) days prior to the bench's removal. The Placing Party is responsible for all expenses related to the removal and any necessary repair or modification of the landscaped area.

Placing Party Becomes Non-Resident

In the event that the Placing Party no longer resides in Village Four, the bench will remain in place and all maintenance costs shall be the responsibility of Village Four. The HOA then assumes all rights and responsibilities with regard to the bench. If the Placing Party, at a later date, returns to residence within Village Four and the bench is still installed, the Placing Party may request in writing to resume all rights, responsibilities, and expenses for the bench. The HOA may, at its discretion, grant or deny the Placing Party's request. If the bench has since been removed, the Placing Party may request to install a replacement bench and the request will be considered a new request and be subject to all terms and conditions in effect at the time.

Failure to Comply

Any placement of benches without prior approval from the HOA may result in removal of the bench and the performance of any associated necessary repairs to the landscaping or structures. If such removal is ordered by the HOA or performed at the direction of the HOA, the Placing Party shall pay all associated costs of said removal and repairs. The HOA will provide not less than thirty (30) days notice to the Placing Party before bench removal. The Placing Party may, during that thirty-day period, apply to have the bench approved or remove the bench and repair any associated damage to its condition prior the bench installation. If the Placing Party elects to apply for approval of the bench and the HOA grants the request, no further action will be taken by the HOA. If the request is denied, the HOA will proceed with the removal as stated.

Number of Benches

A maximum number of eight (8) benches that may be placed within the Village Four boundaries. If a request for a bench is received by the HOA and the maximum number of benches has been reached, the HOA may, at its sole discretion, cause the removal of an existing

bench under the terms and conditions stated in “Removal of Benches” above in order to approve the new request.

Bench Limitations

Installed benches must conform to the following standards and limitations:

1. Benches must not exceed six feet in length
2. Benches must not exceed thirty-five inches in height
3. Benches must not exceed twenty-five inches in depth
4. Benches must be made of a rust-resistant metal or concrete
5. Benches must be mounted so as to be stable, secure, not able to be tipped over, not movable, installed according to manufacturer’s specifications and recommendations, and in compliance with all laws, codes, regulations, and ordinances.
6. No more than one bench every 50 feet may be installed
7. Benches with backs must be installed so that people sitting on the bench are facing any walking paths
8. Benches must be installed within five feet of established paths

Maintenance of Benches

Benches shall be maintained and kept in good repair. Placing Party shall be responsible for all costs of maintenance and repairs necessary to the bench.

Ownership of Benches

Upon installation, the bench becomes the property of Village Four. Maintenance shall be governed by “Maintenance of Benches” described herein.

Variations

Requestors may submit a request for a variance to these bench policies. Variations may be submitted along with the request or subsequent to the request submission and must be submitted in writing. The HOA has the sole discretion and authority to approve or reject requests for variations.

Changes to Policies

The HOA may change these policies by majority vote of the HOA. All benches in existence at the time of the change in policy will not be required to conform to the new policies with the following exceptions:

1. The new policies address safety issues and the existing bench is not in compliance with the aspect of the policy that addresses safety. Only the safety non-compliance issues must be brought into compliance.
2. The new policies are required by laws, codes, regulations, and ordinances and are not subject to “grandfathering.”