

Bella Housa Village Homeowners Association

General Policies and Procedures

Section: Use of Common Space

Subsection: Greenbelt Permitted Use

Policy: Policy regarding Homeowner's Use of Greenbelt space immediately adjacent to their property.

Greenbelt Definition:

For purposes of this policy discussion, the "Greenbelt" is defined as parcels 33860000001 and 33860000002 on the Thurston County Tax Assessor's parcel map. These parcels are long, slender strips of land on the immediate north (-001) and south (-002) boundaries of the subdivision. They include the landscaped strips between the fencing and the street on the immediate east and west boundaries bordered by Mountain View Drive and Burnett Road.

In light of the following facts:

1. The Homeowners Association at large jointly owns these parcels. This means that each homeowner owns 1/52 of each parcel. The Association owns these parcels with no liens or encumbrances.
2. The City of Yelm retains easement rights on these parcels which amounts to free access by City employees or their assigns for the purpose of conducting City business including maintenance of drainage infrastructure and the like.
3. The Association has placed irrigation infrastructure in the form of soaker hose, valves, etc. on these parcels, and retains explicit easement rights on these parcels for any and all maintenance activity.
4. A few homeowners (mostly on the south side) have relocated their back fences to effectively incorporate the adjacent portion of said Greenbelt into their back yards. Other homeowners have expressed a desire to do likewise.
5. The City may at any time demand to exercise their easement, in which case, any homeowners who have relocated their fences would be liable to move or breakdown their fences at their own expense.
6. The Association and its assigns may at any time demand to exercise their easement, in which case, any homeowners who have relocated their fences would be liable to move or breakdown their fences at their own expense.

The Association Board of Directors has considered these facts, and adopted the following policy regarding the Greenbelt and involved fencing:

It is the policy of the Association that it shall retain common ownership of the Greenbelt parcels in perpetuity. Therefore, in order to avoid potential adverse possession disputes, any homeowners who have relocated their fences will be required to sign a quitclaim of adverse possession, granting them permission to use the area, but acknowledging that this does not presume any transition of ownership.

It is further the policy of the Association that any additional homeowners who wish to move their fences must first be fully informed of the liabilities and risks of doing so, vis-à-vis standing easements, and

thereafter if they still desire to move their fences, they shall be required to sign a quitclaim of adverse possession.

And finally, it is the policy of the Association that this policy in no way addresses or attempts to supplement or clarify Washington State laws and regulations pertaining to ownership and maintenance of fencing located on or near residential property lines.