

January 11, 2005

**Amended Resolution of the BLPOA Board of Directors Regarding BLPOA Lagoon  
Property Line Encroachments**

Whereas the BLPOA's Operations and Rules of the Belvedere Lagoon (2/98) states that owners of property adjacent to the Belvedere Lagoon are not permitted to fill, dig out, or build on BLPOA property and all members of the BLPOA and their tenants are bound by these Rules;

And whereas in August 1999, the BLPOA retained Kier & Wright, Civil Engineers & Surveyors, Inc. to prepare an aerial map of the Belvedere Lagoon with a boundary survey overlay indicating the lot line location of property owned by the BLPOA;

And whereas said aerial survey indicates existing encroachments on BLPOA property from certain residences adjacent to the Belvedere Lagoon;

And whereas, the BLPOA Board of Directors entered a resolution on November 22, 1999 regarding Lagoon property line encroachment, which remains in full force and effect, as amended and supplemented herein below;

Therefore, the following resolution is approved and added to the Minutes of the meeting of the Board of Directors on January 11, 2005:

- 1) No encroachment or easement on BLPOA property is permitted, including any permanent, floating or temporary dock, nor any anchor, footing, seawall, fill, excavation, mooring, structure, or other use of BLPOA property not specifically allowed by the Operations and Use of the Belvedere Lagoon as amended from time to time by the BLPOA Board of Directors, except as provided for herein;
- 2) For any new construction or improvements within approximately 3 feet or less of the BLPOA property line (as shown on the Kier & Wright aerial map / survey) that requires a building permit from the City of Belvedere, the BLPOA requests that City of Belvedere require the homeowner to obtain a survey and that the surveyed property line be indicated on the plans submitted to the City of Belvedere for approval of a building permit;
- 3) Any unauthorized encroachment may be removed by the BLPOA at the expense of the individual(s) responsible for said encroachment;
- 4) Existing encroachments identified in the aerial map / property line survey prepared by Kier & Wright in August, 1999, shall be allowed to exist and be maintained by the property owner provided that:
  - a) The property owner is and remains a member in good standing in the BLPOA;
  - b) If and when required by the BLPOA, the property owner executes a Release of Liability in favor of the BLPOA;
  - c) No modifications are made to the existing improvements that encroach onto the BLPOA's property, except for normal maintenance and replacement of worn or damaged components, without the prior written approval of the BLPOA; and
  - d) Any replacement of an existing dock which encroaches on BLPOA property shall be permitted only if the encroaching replacement is built in the exact same footprint as the existing dock, with no fill, seawalls, or other structures, other than support pilings, beneath a dock being added to or placed on BLPOA property, and the replacing encroachment must be constructed so that the uppermost surface of the encroachment shall not exceed 18" above summer operating level of the Lagoon.

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- 5) A lagoon homeowner shall be permitted to remove or reduce the size of any existing encroachment on the BLPOA's property without the prior approval of the BLPOA provided any and all debris is removed from BLPOA property and that portion of the reduced encroachment, if a dock which is encroaching on BLPOA property, conforms with the requirements of Section 4, above.

The Board of Directors of the Belvedere Lagoon Property Owners Association approved this resolution at its Board Meeting on January 11, 2005.

By:   
BLPOA Secretary