

Hidden Grove Open Space Ownership and Maintenance Description

To comply with provisions of the Town's municipal code pertaining to park/open space ownership and maintenance, the Town and Applicant will agree on a structure based on the following generally described options. Agreement on the specific structure would occur during the application review process, and the ultimate structure could contain elements of both options and additional details that are not described below.

1. Public easement; private ownership and maintenance. In this option, open space parcels within the Project will be owned by a homeowner's association (HOA) established prior to the recordation of the Project's first final map. Funded by annual assessments collected from the Project's residents, the HOA will pay for and oversee maintenance of the open space lots. Maintenance standards would be established by an agreement between the Town and the HOA, and that agreement could be recorded against the open space parcels at the time the final map creating those parcels is also recorded. The public would be able to access and enjoy the Project's open space in accordance with a perpetual easement that is also recorded against the open space parcels. Such easement may be established by the final map creating the open space parcels or by a separate document.

2. Public ownership; public maintenance. In this option, ownership of open space parcels within the Project would be transferred to the Town upon their creation. Additionally, an assessment district (such as a landscape and lighting district) or a community facilities district would be established prior to the recordation of the Project's first final map. That district would collect annual assessments or special taxes from property owners within the Project, and those funds would be expended by the Town for the maintenance of the open space parcels under the Town's ownership. Since the open space properties would be owned by the Town, they would be accessible to the public.