

## **Status of the Tract #4472 greenbelt**

The new CC&Rs draft makes no change to the status of the greenbelt in Tract #4472 from that which is recorded except that the boundaries are described more accurately by surveying and the cost of maintenance is transferred from the homeowners in #4472 to the Association, as is the case with all Common Areas.

The Grant Deed for each lot purchase states that it is subject to:

- (1) All real property taxes and assessments; and
- (2) All other covenants, conditions, restrictions, reservations, rights, rights-of-way, easements and title exceptions of record as well as any matters that are apparent from an inspection or survey of the Property or which could be ascertained from inquiry or party(ies) in possession.

The currently recorded **2012 CC&Rs** include the greenbelt as Common Area.

### **Section 1.7 states:**

Section 1.7. "Common Area" shall mean and refer to all of that certain real property and to all Improvements thereon which are owned or leased by the Association, or over which the Association has an easement for the use, care or maintenance for the common use, benefit and enjoyment of all Owners. The Common Area shall include, without limitation, entry area monumentation, the controlled access system, guardhouse and related Improvements, private storm drains, private streets and private utilities, if any, public rights-of-way, parkways, slopes, greenbelts and such other Improvements as may be designated and transferred to the Association, in fee, leasehold, or by easement, from time to time. The Common Area as of the date of recordation of this Declaration is more fully described in Exhibit "A" to this Declaration, attached hereto and incorporated herein by reference.

### **The current Exhibit A describes the Common Area as:**

- b. That portion of Tract #4472 in use as common area for walkways, Mall and landscaping at the date of recording of this Declaration (i.e. Mall Maintenance Area) shall also comprise "Common Area" for purposes of this Declaration.

### **The new draft CC&Rs do not change the Common Area designation of the greenbelt and repeat that it is not owned by the Association.**

**Section 1.7. "Common Area"** shall mean and refer to all of the certain real property and to all Improvements thereon which are owned by the Association, or over which the Association has an easement, for the use, care, or maintenance for the common use, benefit, and enjoyment of all Owners. The Common Area shall include, without limitation, entry area monumentation, the controlled access system, guardhouse and related Improvements, storm drains though the Common Area, private streets, and private utilities, if any, public rights-of-way, parkways, slopes, greenbelts and such other Improvements as may be designated and transferred to the Association,

in fee, leasehold, or by easement, from time to time. The Common Area as of the date of recordation of this Restated Declaration is more fully described in Exhibit "A" to this Restated Declaration, attached hereto and incorporated herein by reference. All references to Common Area, wherever occurring in this document and not otherwise restricted, shall include those portions of Lots in Tract #4472 comprised of greenbelt that the Association maintains for the common use, benefit, and enjoyment of all Owners, which are not owned by the Association but over which the Association has an easement for maintenance and for the common use, benefit, and enjoyment of all Owners.

**The new Exhibit A repeats that the greenbelt is not owned by the Association and more precisely defines its boundaries by providing surveyed borders.**

b. Those portions of Lots in Tract #4472, bordered by the metes and bounds below, that the Association maintains for the common use, benefit, and enjoyment of all Owners, which are not owned by the Association but over which the Association has an easement for maintenance and for the common use, benefit, and enjoyment of all Owners, shall also comprise "Common Area" for purposes of this Declaration:

[METES AND BOUNDS GOES HERE]