

Sugar Hill Property Owners Association

P.O. Box 0443 • Jensen Beach, FL 34958 • www.sugarhilljensenbeach.com

Friday, June 23, 2023

Resolution for “Road Easement Right-of-Way Usage and Responsibility”

All of Sugarhill roads are contained in a 50 foot wide road right-of-way that is not owned by specific adjacent homeowners but rather by Sugar Hill Property Owners Association. The roads are contained in this 50 foot wide right-of-way and are approximately 21 feet wide. This leaves 14-1/2 feet of road right-of-way on both sides of the road that most people think they own in their front yard. Included in that 14-1/2 foot area starting at the edge of the road is an easement for utilities. The utilities that can be contained in that easement are Martin County Water (that includes the fire hydrants), AT&T, Comcast, and FP&L underground electricity.

1. The road right-of-way with utility easement area must be allowed for utilities and their needs and proper drainage.
2. The homeowner is responsible for maintaining the area in such a way as to not cause erosion, not block emergency hydrants and not create any undesirable appearance not in keeping with the normal condition of the majority of Sugar Hill POA homes and Martin County Code.
3. Failure to maintain the area, a Martin County code violation, will instigate Sugar Hill Property Owners Association to bring the area up to the standard set in item 2 and 5. The cost of this will be at the owners expense.
4. The homeowner must obtain landscape approval from the board of all landscaping other than sod in the road right-of-way easement area.
5. The homeowner must not impede any traffic visibility with landscape or foliage that overhangs or grows up into the roadway or easement visibility. (see attachment A)
6. No homeowners can use the road right-of-way easement area of a different homeowner for parking, foliage piles or trash without permission of that homeowner. We recommend that permission be in writing.
7. All vehicles parked in the easement area by the homeowner must not be on or overhang the paved road and should not be there more than 24 hours without board permission.
8. Any damage caused by the homeowner, their guests or persons given permission to the easement area of their property or any other homeowner’s easement area is the responsibility of the homeowner to repair.

This resolution is enacted by the undersigned Sugar Hill Property Owners Association board members of June 23, 2023.


John Doty
Board President

Dan Smith
Vice President

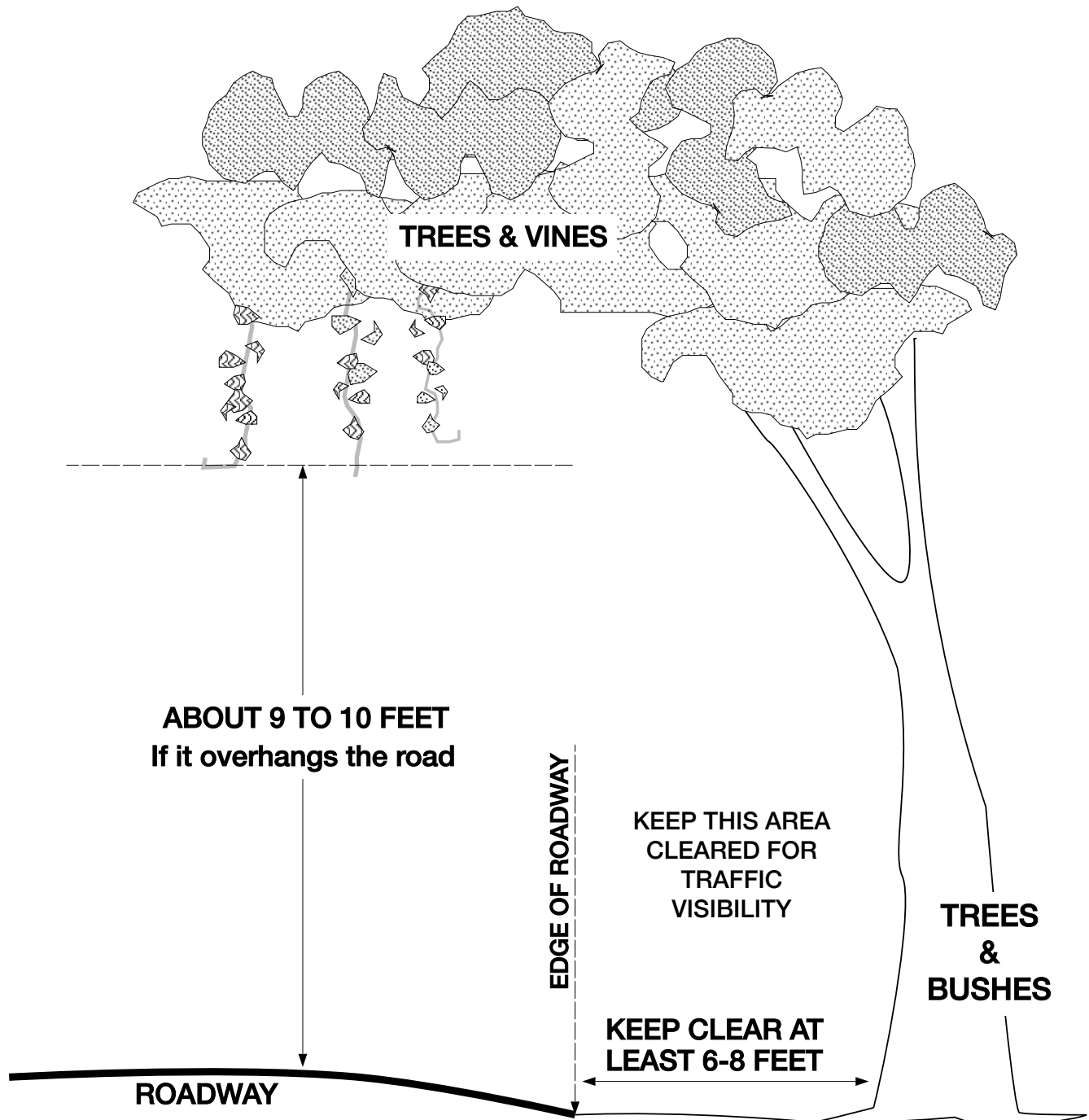
David Dangerfield
Board Secretary

George Secor
Member

Maddison Roswell
Treasurer



Sugarhill Roadway Clearance Covenant Requirement



This is the covenant that requires lot owners to keep the road right-of-way maintained and cleared:

Architectural Control Documents, Section IX - 14. Landscaping.
Landscaping within the road right of way must be maintained and cleared as to not obstruct vehicles moving on the roadway.

Here is the attorney's reply after viewing the first resolution attempt:

Have you considered adopting rules that address dumping on landscaping debris? In my opinion, you can adopt a rule stating that all debris must be placed in the road right of way in front of the owner's home. I also believe you can adopt a rule that requires contractors/guests to park on the right of way in front of the home.

In order to legally require owners to maintain the right of way, in my opinion, we must amend the declaration. However, they are responsible for maintaining landscaping that they installed on the right of way.

Please let me know if you have any questions.

Thanks,

Jacob

