

Common Area of Fine Avenue Townhouses Association

The common areas of the Association are generally on the east side, back and west side of the townhouse units. Any of the measurements may be a few inches more or less (MOL) than the figure stated.

East Side: The common area extends from the back edge of the property (fence and stemwall) 100 feet to Fine Avenue and includes a three foot raised width west to east from the side of the building, plus a 5 foot west to east ingress/egress section of pavement. The area contains plants, wooden posts encasing the raised 3' section, and pavement on the 5' section. *DIANA at East end (con't block)*

Back of Property: The common area is four feet wide south to north extending from the outer edge of the stemwall to inside the fence to the outer edge of the raised bed bounded by wood. The back of the common area extends 138 feet from the east end of the stem wall to the west end of the stem wall, which ends at the sidewalk that runs along Leroux Street. Within the common area is the back fence, the back stemwall, one large elm tree at the back of Unit 5 (Lot 4), a tree beside the Leroux sidewalk, gates, and gate locking mechanisms including the metal posts. Also inside the fence of each unit are plants that have been planted and cared for by each unit owner, within the common area.)

West Side. The west side common area extend east to west 5 feet from the edge of the building and fence of Unit 3 (Lot 5) to the inner edge of the sidewalk. (The sidewalk is not a part of the common area. However, according to city ordinance, because it borders the common area it is the Association's responsibility to remove snow from this sidewalk.) The west common area extends from south to north for 85' to 92' where the side walk runs at an angle into the handicapped curb area. Within this common area are trees, a large rock, shrubs, and various flowering plantings.

Note 1 ^{no} Water in the common areas has been provided by various adjoining unit owners.

Note 2. The area between the sidewalk and Leroux Street is City right-of-way, not owned by the Association. However, it is not maintained by the City. If the Association wants it maintained it would need to take on the responsibility. There is no water in this area. *not functioning.*

Comment: With respect to the common area in the back, we will need to decide if it is the association or each property owner that is responsible for fence repair and replacement. As it stands now, it would appear to me that the maintenance of the fence is the responsibility of the Association. We will also need to clarify that it is the property owner that is responsible for the plantings and water in each area that is inside the fence.