

A  
RESOLUTION  
OF  
MOUNTAIN GATE COMMUNITY ASSOCIATION

**SISSO TREE REPLACEMENT**

**WEREA AS:** Section 3.11.8 of the Bylaws empowers the Board of Directors to exercise all powers of the association,

**WEREA AS:** Section 6.12 of the Covenants, Conditions, Restrictions, and Easements allows for the Association to use funds for the purpose of the common good and benefit of the Project and the Owners,

**WEREA AS:** Section 5.2 of the Covenants, Conditions, Restrictions, and Easements empowers the Board of Directors to manage the affairs of the association,

**WEREA AS:** The Board has determined that Sissoo Trees installed in the street theme areas of Lots within the community pose a potential hazard to Association and Owner property,

**WEREA AS:** The Board has determined that it is in the common good of the Association to assist Owners with the removal and replacement of the Sissoo Trees installed in the street theme areas,

**WEREA AS:** The Board in open session of the meeting held on the 24<sup>th</sup> day of May 2017 agreed to assist Owners with the removal and replacement of the Sissoo Trees installed in the street theme areas,

It is now, **THEREFORE RESOLVED;**

The Board of Directors of the Mountain Gate Community Association (HOA) hereby sets forth the following assistance program for Owners in the association.

1. Homeowners shall be allowed to remove Sissoo trees that exist in between the sidewalks and the street commonly known as the Street Theme Area (The Area). Removed trees must be replaced with trees from the Approved Planting List as set forth in the Design Standards and attached hereto as Exhibit A.
2. In an effort to assist Owners with this work, the HOA will credit an Owner's account \$300 per tree to subsidize the costs of the removal and replacement subject to the following conditions,
  - a. The Owner must complete the Sissoo Subsidy Application attached as Exhibit B.
  - b. The Owner must provide that the location of the trees to be removed.
  - c. Sissoo trees are known to sprout from roots which are left behind. Owners will be responsible for the ongoing maintenance of these sprouts.
  - d. Owner shall be solely responsible for any permits which may be required by the City of Surprise or any other applicable authority.
  - e. The Owner must have all utilities located by a location service prior to any work.

- f. The Owner must provide the species of tree which will be used to replace the Sissoo tree which must be selected from the Approved Planting List.
  - g. Replacement trees must be of 24" box tree size.
  - h. Replacement trees must be irrigated by the Owners regularly according to the best practices for that species of tree.
  - i. Upon completion of the installation of the replacement tree, the Owner must contact the Management Company and request an inspection to ensure the replacement trees were installed as described above.
  - j. After satisfactory inspection, the Owner's account shall be credited \$300. The HOA will not provide cash, check, or other monies to the Owner or third party other than an account credit.
- 3. An owner who wishes only to remove Sissoo trees and not replace trees will need to receive approval from the ARC prior to applying for a credit.
  - 4. By offering this credit, the HOA is not accepting or agreeing to any one time or ongoing maintenance of The Area. This credit is solely to assist Owners with the removal of a nuisance tree species.
  - 5. This Resolution shall be effective from August 1<sup>st</sup> 2017 through July 31<sup>st</sup> 2018 unless otherwise extended by the Board of Directors. All applications must be received by July 31<sup>st</sup> 2018 or other date which may be extended by the Board.

Owners are encouraged, but shall not be required to use a licensed contractor. Owners shall be responsible for any damage to HOA or any Owner's property as a result of their own or contractor's actions. The management company is authorized to administrate this program in order to expedite the process. The Board of Directors shall have the final say as to whether or not a credit is applied to an Owner's lot. In the event of a dispute, the Board's decision shall be final.

This resolution is **HEREBY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017

Signed,

\_\_\_\_\_

Name

\_\_\_\_\_

Title

EXHIBIT A  
PERMITTED PLANT  
MATERIALS

TREES

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>
Acacia Berlandieri	Guajillo, Berlandier Acacia
Acacia Constricta	Whitehorn Acacia, Mescat Acacia
Acacia Farnesiana	Sweet Acacia
Acacia Greggii	Catclaw Acacia
Acacia Millefolia	Santa Rita Acacia
Acacia Rigidula	Blackbrush Acacia
Acacia Roemeriana	Roemer Acacia, Catclaw
Acacia Schaffneri	Twisted Acacia, Schaffner's Acacia
Acacia Willardiana	Palo Blanco
Acacia Wrightii	Wright Acacia
Arecastrum Romanzoffianum	Queen Palm
Bauhinia Variegata	Purple Orchid Tree
Cercidium Floridum	Blue Palo Verde
Cercidium Microphyllum	Littleleaf Palo Verde, Foothills Palo Verde
Cercidium Praecox	Palo Brea, Sonoran Palo Verde
Chamaerops Humilis	Mediterranean Fan Palms
Fraxinus Oxycarpa "Raywood"	Raywood Ash
Fraxinus Velutina	Fan Tex Ash
Jacaranda Mimosifolia	Jacaranda
Olea Europaea "Wilsonii"	Wilsonni Fruitless Olive
Olneya Tesota	Ironwood
Parkinsonia Aculeata	Mexican Palo Verde
Phoenix Dactylifera	Date Palm
Phoenix Roebelenii	Pigmy Date Palm
Pinus Eldarica	Mondel Pine
Pistacia Species	Chinese Pistache
Prosopis Chilensis	Chilean Mesquite
Prosopis Glandulosa Var. Glandulosa	Honey Mesquite, Texas Mesquite
Prosopis Pubescens	Screwbean Mesquite, Tornillo
Prosopis Velutina	Velvet Mesquite
Prunus Cerasifera "Atropupurea"	Purple-leaf Plum
Quercus Virginiana	Southern Live Oak
Ulmus Parvifolia	Athena Evergreen Elm
Washington Filifera	California Fan Palm

EXHIBIT B

[Click here to enter text.](#)

# APPLICATION FOR DESIGN REVIEW

## SISSOO TREE REPLACEMENT

All applications for changes to the exterior of your residence must be submitted to the [Click here to enter text.](#)'s Architectural Design Review Committee/Board of Directors. The Association's Covenants, Conditions and Restrictions (CC&Rs) require that a homeowner obtain the prior written approval for any structural change, alteration or addition to a property within the community.

Please note that approved applications must be completed in a timely manner. A project completion date is required on the Application. If additional time is required for you to finish your project, an extension request is listed on the second page of these forms.

**To comply with the CC&Rs, please submit this application with all the required attachments to:**

[Click here to enter text.](#)

c/o Vision Community Management

16625 S Desert Foothills Pkwy • Phoenix, AZ 85048

Phone: (480) 759-4945 • Fax: (480) 759-8683

Email: [Click here to enter text.](#)@WeAreVision.com • Website: [www.wearevision.com](http://www.wearevision.com)

If you have not received any form of communication from the Committee or the Association after (30) days, please call Vision Community Management for a status update.

Homeowner's Name: \_\_\_\_\_

Homeowner's Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Lot #: \_\_\_\_\_

Property Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

The undersigned hereby submits its Application for Design Review to the Architectural Committee or the Board of Directors of [Click here to enter text.](#) for review and approval of the following item:

Tree Installation	Number of Trees to be installed
_____	_____

Tree Species: \_\_\_\_\_  
\_\_\_\_\_

Tree Size: (must be at least 24" box sized)  
\_\_\_\_\_  
\_\_\_\_\_

Click here to enter text.

**APPLICATION FOR DESIGN REVIEW**

**PAGE TWO**

Attached please find plans and/or specifications of the above marked items for application, which includes (if appropriate):

_____	_____
Plant Type	Plant location
_____	_____
Any necessary or required permits	
_____	_____
Photographs or sample elevations for a visual picture of the proposed project	
_____	_____
Person doing installation/work:	_____
_____	
Licensed contractor:	Yes                      No
Expected completion date:	_____

Please notify me at \_\_\_\_\_ if you have any questions. I understand that should the application not be complete in order to determine approval or disapproval, the Architectural Committee or Board will disapprove the Application and return it to me with a statement for the disapproval. The owner agrees to comply with all applicable City, County, and State laws and to obtain all necessary permits. This application and the drawing will be retained for the Association's records.

**I hereby acknowledge and agree to maintain The Area and the tree installed and should any damage to the common area or surrounding properties arise because of the tree installation it will be my sole responsibility to make any necessary repairs. I agree to contact the Management company upon the completion of the project so that an inspection can occur to ensure that the tree was properly installed.**

Homeowner's Signature \_\_\_\_\_ Date:  
\_\_\_\_\_

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\_\_\_\_\_

## FOR ASSOCIATION USE ONLY

Click here to enter text. **Architectural Committee or Board of Directors**

Approves the above application

\_\_\_\_ Approves the above application with the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Disapproves the above application for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date Received	Mailed to Committee	Received from Committee	Mailed to Homeowner
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