

KINGSTOWNE RESIDENTIAL OWNERS CORPORATION

**ADMINISTRATIVE RESOLUTION NO. 2
INSPECTION AND ACCEPTANCE PROCEDURES FOR COMMON AREA**

Date: 8 February 1991

WHEREAS, Article III, Section 3(b) of the Declaration of Covenants, Conditions and Restrictions of the Kingstowne Residential Owners Corporation states that "the Board of Trustees shall have all powers for the conduct of the affairs of the Residential Corporation which are provided by law or the Founding Documents and which are not specifically reserved to Members or the Founding Documents;" and

WHEREAS, Article V, section 1 of the Declaration of Covenants, Conditions and Restrictions of the Kingstowne Residential Owners Corporation states that the Corporation, "subject to the rights of the Members set forth in this Declaration, shall be responsible for the management and control for the benefit of the Members of the Common Area conveyed to it and all improvements thereon and shall keep the same good, clean, attractive and sanitary condition, order and repair in compliance with standards contained in the Book of Regulations;" and

WHEREAS, neither the Founding Documents nor State statutory law provide specific guidelines or procedures related to the satisfactory completion of the Common Area by the Declarant or Participating Builders and the transfer of maintenance responsibility for such Common Area from the Declarant or Participating Builders to the Corporation; and

WHEREAS, there is a need for orderly procedures whereby the Corporation and Declarant or Participating Builders may make a mutual determination as to the state of completion of Common Area which has been conveyed to the Corporation and the responsibility of the Declarant or Participating Builders and Corporation for the maintenance and upkeep of such Common Area;

NOW, THEREFORE, BE IT RESOLVED THAT the Board adopts the procedures set forth in Exhibit "A" to this resolution pertaining to the inspection and maintenance of Common Area which has been conveyed to the Corporation and the transfer of responsibility for the maintenance and upkeep of such Common Area from the Declarant or Participating Builders to the Corporation; and

BE IT FURTHER RESOLVED THAT the Board seek formal agreement by the Declarant and Participating Builders to the effect that the procedures set forth in Exhibit "A" shall be binding upon the Declarant, Participating Builders and the Corporation.

[PC FILE = ACCEPT]

EXHIBIT "A"
ADMINISTRATIVE RESOLUTION NO. 2
KINGSTOWNE RESIDENTIAL OWNERS CORPORATION

This resolution sets out the procedures for the inspection of common area improvements by the declarant, participating builders, and the Kingstowne Residential Owners Corporation ("KROC"), and for the transfer of responsibility for the maintenance and upkeep of common area from the declarant and participating builders to KROC.

This resolution addresses

1. Grassy common area in Kingstowne residential neighborhoods where a participating builder's performance bond release for site development has not occurred,
2. Snow clearance and ice control on Kingstowne residential neighborhood private streets where a participating builder's performance bond release for site development has not occurred,
3. Other Kingstowne common area improvements,
4. Rights-of-way along Kingstowne major thoroughfares which have been dedicated to the State of Virginia, but which have not been accepted into the Virginia Department of Transportation's ("VDOT's") maintenance program,
5. Kingstowne residential neighborhood and village monuments, and
6. Natural (or "save") areas within KROC residential perimeters.

I. NOTIFICATION OF COMPLETION OF COMMON AREA

- A. The declarant or participating builder shall notify KROC in writing of the completion or substantial completion of common area which has been conveyed to KROC, and shall request an inspection by KROC and the declarant and/or participating builder. The inspection shall assess the condition of such common area for the purpose of transferring responsibility for maintenance and upkeep to KROC.

Substantial completion of common area within a Kingstowne residential neighborhood section, including grassy common areas, private streets, and other improvements, shall mean that all such improvements have been built or installed in accordance with applicable industry standards and in compliance with all applicable county code and other requirements. In addition, at least eighty percent (80%) of the units to be built within a respective neighborhood shall have been conveyed to new unit owners other than the developer or a participating builder before KROC will accept such maintenance responsibility.

Substantial completion of right-of-way along any Kingstowne major thoroughfare shall mean that all right-of-way improvements have been built or installed in accordance with all applicable industry standards and in compliance with all applicable county code and other requirements. In addition, at least eighty percent (80%) of the residential units on both sides of the thoroughfare section in question have been conveyed to new unit owners other than the developer or a participating builder before KROC will accept such maintenance responsibility.

Substantial completion of other Kingstowne common area improvements shall mean that any such improvement has been built or installed in accordance with all applicable industry standards and in compliance with all applicable county code and other requirements, and that any builder performance bond covering the improvement in question has been released by Fairfax County.

Substantial completion of any Kingstowne residential neighborhood monument shall mean that any such improvement has been built or installed in accordance with applicable industry standards and in compliance with all applicable county code and other requirements. In addition, at least eighty percent (80%) of all units planned for the respective neighborhood have been conveyed to new unit owners other than the developer or participating builder, and that all original construction and landscaping is complete. Substantial completion of any Kingstowne village monument shall mean that at least eighty percent (80%) of all units planned in the most immediately adjacent residential neighborhood have been conveyed to new unit owners other than the developer or participating builder, and that all original construction and landscaping is complete.

Substantial completion of natural (or "save") areas shall mean that any and all improvements within such area have been built or installed in accordance with applicable industry standards and in compliance with all applicable county code and other requirements, and that any applicable performance bond has been released by Fairfax County.

- B. The notification of completion and request for inspection shall include the following information:
1. A description of the common area which is the subject of the notification and inspection request, including, section number, parcel identification with reference to the record plat and a statement of the improvements constructed or installed on the common area.

2. A statement that the common area is complete or essentially complete and was completed in accordance with approved development plans.
3. A statement of any incomplete items or deficiencies which will be completed or remedied by the declarant or participating builder following the assumption of maintenance responsibilities by the Corporation and the projected time frame for the completion of any outstanding items.
4. Identification of any changes or modifications made or contemplated which represent deviations from the development plans initially approved by Fairfax County.
5. The status of the common area with respect to inspections by government authorities including the projected time frame for bond release inspections. Copies of applicable releases, if any, should accompany the notification.

II. FINANCIAL RESPONSIBILITY
FOR MAINTENANCE AND UPKEEP OF COMMON AREA

- A. The declarant or participating builder shall pay all expenses associated with the maintenance and upkeep of common areas until such time as KROC accepts maintenance responsibilities for any area in question. Thereafter, the Corporation shall pay all maintenance expenses, except for those related to deficiencies which are to be corrected by the declarant or participating builder. KROC's assumption of common area maintenance and care responsibilities in no way exonerates the participating builder from any obligation for turf, tree, or shrub improvement, or any other improvement whatsoever, at the time of the builder performance bond release inspections.

III. INITIAL INSPECTION OF COMMON AREA

- A. In response to a notification from the declarant or participating builder, the common area shall be mutually inspected by one or more representatives of the declarant or participating builder, selected homeowner representatives, Corporation representatives, and, as applicable, the Corporation's managing agent.
 1. An inspection shall be scheduled by the Corporation within fifteen (15) days following the receipt of notification from the declarant or participating builder. This period may be extended with the consent of the party requesting the inspection.

2. The Corporation may, at its option, retain one or more professionals (i.e., landscape architect, professional engineer, etc.) to participate in the inspection process. Any compensation for such professionals shall be paid by the Corporation.

IV. PERFORMANCE
AND EVALUATION STANDARDS

- A. In making a determination as to whether or not common area has been satisfactorily completed, the Corporation shall rely upon, and be limited to plans, specifications, legally binding representations, proffers for such common area approved by Fairfax County, Virginia, and other applicable requirements imposed by Fairfax County as a matter of law or standards imposed by the declarant.

The declarant or participating builders shall provide any applicable plans and specifications upon request by the Corporation.

V. ASSOCIATION
RESPONSE TO INITIAL INSPECTION

- A. Within fifteen (15) days following completion of the initial inspection process, the Corporation shall notify the declarant or participating builder, in writing, of: (i) any deficiencies in the common area which require completion or corrective action; and, (ii) whether or not the common area is sufficiently complete to transfer general responsibility for maintenance and upkeep to the Corporation, irrespective of any deficiencies.
- B. The Corporation shall accept responsibility for maintenance of the common area if all of the following conditions are met:
 1. The common area is substantially completed;
 2. Any deficiencies do not preclude the assumption of maintenance responsibilities or result in higher maintenance costs than would be applicable if the common area was entirely completed and/or without deficiencies;
 3. The common area is suitable for the use or purpose intended;
 4. Any deficiencies do not present a threat to health, safety or welfare.

VI. RESPONSIBILITY TO
REMEDY DEFICIENCIES AFTER ACCEPTANCE

- A. After acceptance of common area for maintenance responsibility, and upon receipt of notice from the Corporation of a deficiency in a common area, the declarant or participating builder shall notify the corporation, in writing, of agreement or disagreement both with respect to the existence of such deficiency and the obligation to remedy such deficiency. If there is agreement, the response to the Corporation shall also include a time frame for correcting the deficiency. Such corrections shall always be made in a timely fashion, and such time frame shall not ordinarily exceed sixty (60) days, except when a longer period is required to the season of year and/or weather conditions.

- B. The declarant or participating builder shall notify the Corporation, in writing, when a deficiency in a common area has been corrected and request a re-inspection of the common area. The procedures applicable to an initial inspection shall apply to a re-inspection.

KINGSTOWNE RESIDENTIAL OWNERS CORPORATION

RESOLUTIONS ACTION RECORD

Resolution type Administrative No. 2

Pertaining to: Acceptance procedures for common area

Duly adopted at a meeting of the Board of Trustees of the Kingstowne Residential Owners Corporation held on February 12, 1991.

Motion by: Bruce Thompson Seconded by: David Wilkinson

OFFICER		VOTE:			
		YES	NO	ABSTAIN	ABSENT
<u>Bruce Thompson</u>	, President	<u>X</u>	_____	_____	_____
<u>Ed Naro</u>	, Vice President	<u>X</u>	_____	_____	_____
<u>Steve Fleischman</u>	, Secretary/ Treasurer	<u>X</u>	_____	_____	_____
<u>Vic Scalia</u>	, Trustee	<u>X</u>	_____	_____	_____
<u>David Wilkinson</u>	, Trustee	<u>X</u>	_____	_____	_____
<u>Evelyn Scalia</u>	, Trustee	<u>X</u>	_____	_____	_____
<u>Les Ratner</u>	, Trustee	<u>X</u>	_____	_____	_____
<u>Mary Beth Nancw</u>	, Trustee	<u>X</u>	_____	_____	_____
<u>Nancy Sutton</u>	, Trustee	<u>X</u>	_____	_____	_____

ATTEST:

Secretary

Date

Resolution Effective: February 12, 1991

[PC File = ACTREC]

Kingstowne Residential Owners Corporation
Administration Resolution

This action was taken at the May 6, 2004 Board of Trustees Meeting for Kingstowne Residential Owners Corporation.

Board Members Present: President Kathleen Snyder, Vice President of Operations James Trinka, Secretary/Treasurer Alan Norris, and Members-at-Large Samantha Hedgspeth and Doug Sweeney. Vice President of Public Relations Cynthia Jacobs Carter joined the meeting after all formal business had been concluded.

From the meeting minutes-

Fire Lane Approval: Staff has requested authority to approve requests from neighborhoods for removal of individual fire lane signs with replacements of one at each entrance to neighborhoods as allowed by the Fairfax County Fire Marshall.

Motion: James Trinka moved to grant authority to the KROC staff to approve the removal of individual fire lane signs with replacement at the entrance to the neighborhood per the requirements of the Fire Marshall. Seconded by Doug Sweeney. Voting: Passed on a 5-0 Voice Vote.