

CAUGHLIN RANCH ARCHITECTURAL CONTROL COMMITTEE
SIDEWALK AND LANDSCAPING GUIDELINES

WHEREAS, Article V, Section 1 of the Caughlin Ranch Homeowners Association's (Association) Second Restated Bylaws' states that "...the business and affairs of the Association and all corporate powers shall be exercised by or under the authority and control of the Board of Directors. ..."

WHEREAS, Article V, Section 1 (B) of the Association's Second Restated Bylaws' grants the Board of Directors the authority "To conduct, manage and control the affairs and business of the Association, and to make such rules and regulations not inconsistent with law, with the Articles of Incorporation or the Bylaws, as they may deem appropriate."

WHEREAS, various sidewalks within Caughlin Ranch have been adversely affected by the planting of trees and other landscape improvements which require remediation.

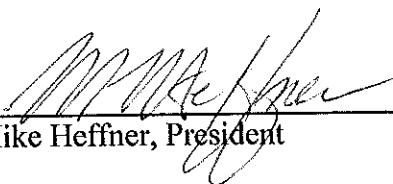
NOW THEREFORE, BE IT RESOLVED THAT the following SIDEWALK GUIDELINES are established:

1. The Association hereby adopts the City of Reno's "Guidelines for the Determination of Deteriorated Sidewalks, Curb and Gutter" current as of the date of enforcing these guidelines ("Guidelines") and shall utilize these Guidelines to identify surfaces in need of repair.
2. Pursuant to Section 12.20 of the Reno Municipal Code ("Code"), the Association confirms that it is the duty of the owner of any property which abuts any curb, gutter, or sidewalk ("Sidewalk") in a public right-of-way ("Public Sidewalk") to maintain the same in good repair and safe condition in accordance with the provisions set forth in the Guidelines.
3. This duty includes the repair and reconstruction of any Public Sidewalk that abuts the owner's property if the owner caused the need for such repair or reconstruction. It is further established that Pursuant to Section 12.20 of the Code, homeowners shall be responsible for the general maintenance of a Public Sidewalk in the public right-of way that abuts the property of the homeowner, including, without limitation, sweeping, removal of snow, ice and weeds, and maintenance of any grass, shrubs or trees ("Landscaping") that encroach on the Public Sidewalk.
4. In the event that Landscaping between the Public Sidewalk and the street curb causes the need to repair or replace the Public Sidewalk pursuant to the Guidelines, the Owner shall be responsible for the repair or replacement of the Public Sidewalk unless the Landscaping causing the repair or replacement of the Public Sidewalk was planted by the original developer/declarant, in which case the Association will repair or replace the Public sidewalk one-time only to conform to the Guidelines. The homeowner shall thereafter be responsible to maintain the Landscaping such that it will not cause any damage to the Public Sidewalk, which may include removal and treatment of the Landscaping roots with an herbicidal fabric and/or tree root barrier adjacent to the Public Sidewalk in accordance with the manufacturer specifications.
5. If any Sidewalk is not within the public right-of-way, but is instead in the common area owned by the Association ("Common Area Sidewalk") the Association will maintain, repair or reconstruct the Common Area Sidewalk and the Landscaping within the common area pursuant to Article II Land Use, Paragraph C Common Areas, Item 3 Maintenance, of the Caughlin Ranch Declaration of Protective Covenants, unless: (1) a sub-association's supplemental Declaration of Covenants, Conditions and Restrictions obligate the homeowner to maintain, repair or reconstruct the Common Area Sidewalk or the Landscaping; or (2) the homeowner causes the need for such maintenance, repair or reconstruction.

6. The Supplemental Declaration of Protective Covenants, Caughlin Ranch (Caughlin Cottages, Unit One), (Caughlin Cottages, Unit Two), and (Caughlin Cottages, Unit Three) (“Cottages”) and Caughlin Creek Units 4-7 (“Deer Creek”) provide “Maintenance of Landscaped Areas.” Each homeowner shall have the obligation at this or her cost to maintain all landscaped areas on his or her Lot, and including any areas which may lie between sidewalk and curb. Homeowner responsibilities shall include, but not be limited to, irrigation, maintenance of the irrigation system, addition of needed drip emitters as the tree matures, weeding and pruning” (“Supplemental Responsibilities”).
7. In the event that Common Area Sidewalks are required to be removed or repaired under the Guidelines because of Landscaping between a homeowner’s lot and the Common Area Sidewalk (“Planter Box”) for which the homeowner had Supplemental Responsibilities, the homeowner shall be responsible for the removal and replacement of such Landscaping. The homeowner shall also be responsible for the repair or replacement of the Common Area Sidewalks because of Landscaping within the Planter Box for which the homeowner had Supplemental Responsibilities unless the Landscaping causing the repair or replacement of the Common Area Sidewalk was planted by the original developer/declarant, in which case the Association will repair or replace the Common Area Sidewalks one-time to conform to the Guidelines in conjunction with the removal, replacement or pruning of the Landscaping by the homeowner. Thereafter, the homeowner will be responsible to remove or replace the Common Area Sidewalk to the extent such removal or replacement is caused by the Landscaping within the Planter Box or the homeowner’s lot.
8. A homeowner who is responsible for the removal or replacement of Landscaping which has caused the need to repair or replace the Public Sidewalk or Common Area Sidewalk shall either elect to remove the Landscaping, or may elect to keep the Landscaping and remove and treat the Landscaping roots with an herbicidal fabric and/or tree root barrier adjacent to the Sidewalk in accordance with the manufacturer specifications. Homeowners are encouraged to consult with a Certified Arborist when determining to keep or treat the existing Landscaping. All such removal, replacement or treatment of the Landscaping shall occur in conjunction with the repair or replacement of the Sidewalk.
9. All removal, replacement, repair, treatment or installation of any Sidewalk or Landscaping shall be submitted to the Association’s Architectural Control Committee (“ACC”) with detailed plans, including a rendering showing the intended location of the existing Sidewalk and Landscaping which will be removed, replaced, repair, installed or which will receive Treatment and the proposed installation of the new Landscaping and Sidewalk for the ACC’s review and approval consideration. The ACC may require that the homeowner replace the Landscaping with trees on the approved species list adopted from time to time by the ACC. Receipt of city and/or county approval shall not override ACC approval or its requirements. To maintain the tree-lined look of the Cottages, any trees within the Planter Box within the Cottages which are removed must be replaced with a tree on the current approved species list adopted by the ACC. Homeowners shall install a tree root barrier (to manufacturer specifications) when planting new trees which could cause the need in the future to repair or replace the Sidewalk.
10. Homeowners will be provided notice for any Sidewalk or Landscaping which needs to be repaired, replaced, removed, or treated by the homeowner (“Notice”) In the event that a homeowner fails to comply with the Notice within the timeframe set forth therein, the homeowner will be subject to the Administrative Rules and Fine Structures for Landscaping Violations which shall result in a request to attend a Violation Hearing.

11. Failure to make the requested repair, replacement, removal, or treatment of the Landscaping or Sidewalk within the time requested in the Notice, and after the Violation Hearing has occurred, the Association may make or have the repairs, replacement, removal or treatment of the Landscaping and/or Sidewalk completed by a licensed and insured contractor and charge the cost to the homeowner, and enforce such costs and costs of collection as a lien on the homeowners unit.

This document was approved at a duly noticed Executive Board Meeting by the Caughlin Ranch Board of Directors on July 10, 2013.



Mike Heffner, President



Michele Attaway, Secretary

APPROVED TREE SPECIES LIST

The following list of tree species will be APPROVED by the ACC for installation adjacent to streets or parkways:

Apollo Maple, Armstrong Maple, Capital Pear, Columnar Norway Maple, Columnar Tulip, Corinthian Linden, Crimson Sentry Maple, Crimson Spire Oak, Dawyck Purple Beech, Emerald Sentinel Sweetgum, Frans Fontaine Hornbeam, Green Pillar Oak, and Princeton Sentry Ginkgo. Homeowners requesting to plant any of these trees will be given automatic written approval from the ACC.

The following list of tree species may only be APPROVED for installation adjacent to streets or parkways upon the express approval by the ACC:

- Small trees will have a small trunk diameter and will reach 25 feet or less in height; they are good for planting beneath power lines include: Amur Maple, Canada Red Chokecherry, Chitalpa, Columnar Mountain Ash, Columnar Sergeant Cherry, Crabapple (non-fruit bearing), Eastern Redbud, Flowering Dogwood (Pagoda), Golden Raintree, Hedge Maple, Japanese Tree Lilac, Kwansan Cherry, Purple Leaf Flowering (non-fruit bearing), Smoke Tree, Tatarian Maple, Thornless Cockspur Hawthorn, Trident Maple, and Turkish Hazel (Filbert).
- Medium trees will have a moderate trunk diameter and will reach between 30 and 50 feet in height: Amur Corktree, Armstrong Maple, Autumn Blaze Maple, Autumn Purple Ash, Blue Ash, Chinese Pistache, Chinkapin Oak, Columnar English Oak, Columnar Norway Maple, Common Hackberry, Crimson Sentry Norway Maple, European Hornbeam, Flowering Ash, Flowering Pear, Ginkgo – Maidenhair, Heritage River Birch, Honeylocust, Legacy Sugar Maple, October Glory Maple, Raywood Ash, Redpointe Maple, Red Sunset Maple, Sweetgum, Sycamore Maple, and Urbanite Ash.

The following list of tree species may NOT BE APPROVED by the ACC for installation adjacent to streets or parkways:

Aspen, Black Locust, Box Elder, Cottonwood, Elm, Goldenchain, Purple Robe Locust, Russian Olive, Silver Maple, Tamarisk, Walnut, and Willow. All fruit bearing trees such as apples, pears, peaches, plums, and cherries are NOT ALLOWED.