

**Gold Mountain Homeowners Association**  
**RULES**  
**Private Road Right-of-Way – Maintenance, Use and Improvements**

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**RECITALS**

The following rule is established to address maintenance and for any Owner desiring to do work or make improvements in the private road right-of-way located with the Gold Mountain Homeowners Association (the "Association").

Section 5.5 of the *Second Restated Declaration of Covenants, Conditions and Restrictions of Gold Mountain* (the "CC&Rs"), as recorded on August 17, 2011, in the office of the Plumas County Recorder, and Section 8.1.1 of the *First Restated Bylaws of Gold Mountain Homeowners Association* (the "Bylaws") authorize the Board of Directors (the "Board") to adopt Rules. The terms defined in the CC&Rs and the Bylaws have the same meaning when used herein unless the context indicates a contrary intention.

The private roads throughout the development exist on the individual lots, as opposed to the roads being a separate lot. The roads are a private right-of-way, or an easement, over each of the lots it crosses (the "ROW"). The ROW is forty feet (40') wide, with twenty feet (20') existing on either side of the lot boundary line. The paved portion of the ROW is approximately eighteen feet (18'), meaning that roughly eleven feet (11') is unpaved on each applicable lot.

**Purpose:**

The purpose of this Rule is to specify requirements for improving, maintaining and using the private road right-of-way (the "ROW") in order to maintain safety for Owners, residents, pedestrians and motorists, aesthetic quality and proper drainage while allowing Owner's limited use and improvements to the unpaved portion of the ROW. The ROW, as established in the community of Clio and as recorded in the County of Plumas, consists of the paved private road-ways and the unpaved areas that extends from the pavement shoulder onto the Owner's lot.

**Effect:**

The effect of this Rule is that the unpaved portion of the ROW will be maintained in appearance from the edge of the pavement shoulder to the boundary of the ROW on the Owner's lot. It also affects how Owners use and maintain the unpaved portion of the ROW in a safe manner by clarifying and limiting improvements that are permitted in the unpaved portion of the ROW.

**RULE**

**Private Street Right-of-Way – Use and Improvements**

This Rule specifies the requirements for improving, maintaining and using the private road right-of-way (the "ROW") in order to maintain safety for Owners, residents, pedestrians and motorists, aesthetic quality and proper drainage while allowing Owner's limited use and improvements to the area. The ROW, as established in the community of Clio and as recorded in the County of Plumas, consists of paved private road-ways and the unpaved areas that extend from the pavement shoulder onto the Owner's lot.

The primary purpose of the unpaved portion of the ROW is to permit the flow of rain water and snow melt to the storm drain system and away from the private streets. Improvements located in the unpaved portion of the ROW cannot obstruct or impede the flow of water to the storm drain system.

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**1. Maintenance, Repair, and Replacement of the Private Road Right-of-Way**

- a. Owners are required to provide routine maintenance, repair, and replacement of improvements to the unpaved portion of the ROW, which is the area on the Owner's lot adjacent to the edge of the gravel shoulder portion of the private road, and is roughly ten (10) feet wide.
- b. "Routine maintenance" in the unpaved portion of the ROW includes removing weeds and leaves, fire prevention through fuel reduction, periodic replenishment of rock and/or ground cover, driveway maintenance and/or repair, and maintaining any culverts under driveway(s), walkways or swale area to ensure proper drainage. Approved landscape and/or hardscape may not impede the flow of water within the unpaved portion of the ROW (that is, rock or other material may not be used to block the culvert pipe's opening and exit points).
- c. The Association will periodically clear the culverts, swales and other drainage facilities in the unpaved areas of debris and weeds to ensure proper drainage only, but such maintenance will only take place once or twice per year and it will be up to the Owners to perform all other maintenance.
- d. The Association shall maintain the paved portion of the ROW, including the gravel shoulder. Association maintenance shall include snow clearing and removal. The unpaved portion of the ROW is a snow removal storage area, so plowed snow will be left in such areas.
- e. The Association shall be permitted to trim vegetation or trees in the ROW as needed for traffic safety and visibility.
- f. If the unpaved portion of the ROW is in a state of disrepair, the Owner will be notified by the Association that the Owner must restore the unpaved portion of the ROW with the approved landscape or other improvements that were approved for the ROW by the Association's Design Review Committee (the "DRC").

**2. Approval by the Association Required**

- a. To avoid the flow of debris and erosion of dirt into the storm drain system, Owners may be required to incorporate landscape, vegetation, or other improvements in the unpaved portion of the ROW. This is typically done during the landscape phase of construction or when an Owner proposes changes to the front yard landscape or hardscape. The unpaved portion of the ROW can be maintained in a "natural" condition as long as measures are taken to prevent excessive flows of dirt and debris that would block the storm drain system. The unpaved portion of the ROW must be maintained as to keep it from becoming a fire hazard.
- b. Any improvement to the unpaved portion of the ROW shall require an application and a plan to be submitted by the Owner to the DRC for review and approval prior to commencing construction of any Improvement within the unpaved portion of the ROW. Proper drainage must be maintained at all times.

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c. The unpaved portion of the ROW area may include vegetation or other approved landscape or hardscape as may be approved by the DRC. Approved ground cover would be of a type that would not be hazardous to pedestrians that may seek a safe area off the edge of the private street. Approved landscape or hardscape may not prevent pedestrians from exiting the edge of the private street to seek a safe area off of road-way.

d. Structures or other improvements will only be permitted within the unpaved portion of the ROW if approved by the DRC process. Owners may with approval by the DRC install landscape, grade-level hardscape, or other improvements in the unpaved portion of the ROW.

**3. Existing Improvements**

a. Existing improvements in the unpaved portion of the ROW will be maintained, repaired, and replaced at the Owner's expense. The Association shall provide notice to any owner if corrections to improvements in the unpaved portion of the ROW are needed. If the corrections are not made within the time specified by the Association, the work may be completed by the Association and the costs may be charged to the Owner as a Reimbursement Assessment.

b. The Association may require removal of any existing improvements located within the unpaved portion of the ROW. Any landscape or hardscape improvements that are located within the unpaved portion of the ROW, including planters, rocks, boulders, logs, reflectors, snow poles or other improvements shall be removed by the Owner within a reasonable amount of time as may be required by the Association.

**CERTIFICATE OF SECRETARY**

The undersigned declares that she is the duly appointed Secretary of the Association and that the foregoing Rules were duly approved by at least a majority of the Directors at its meeting held on October 10, 2014, and that said Rules remain in full force and effect.

Dated: \_\_\_\_\_, 2014

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Secretary