

MVEHA Landscape and Access Easements

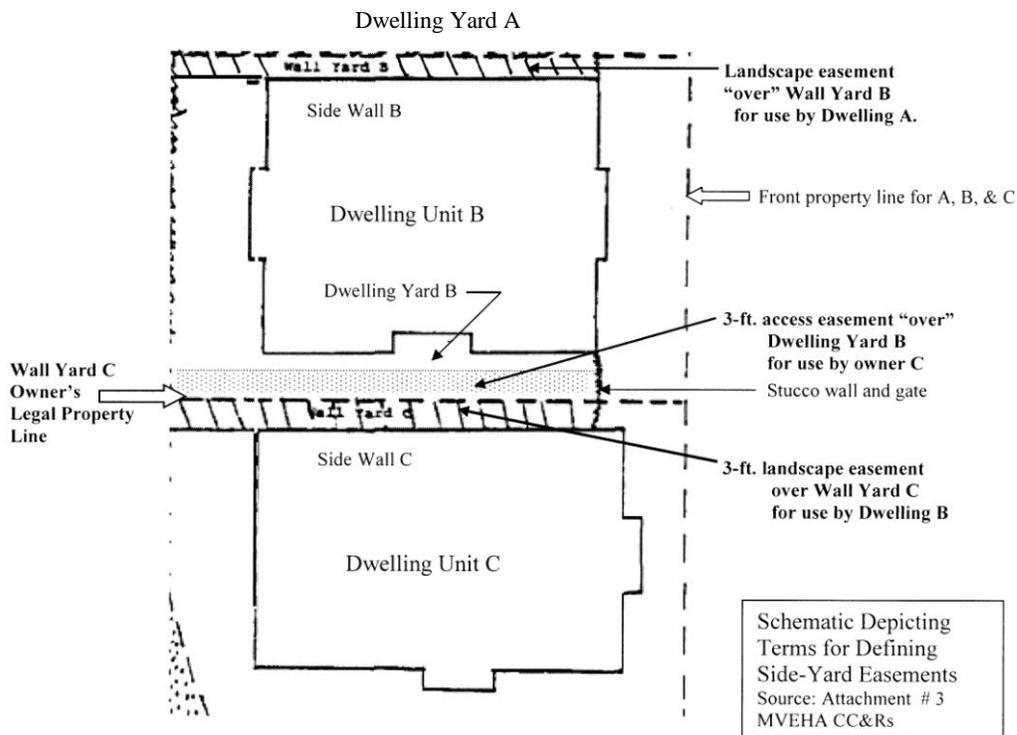
Questions arise about easements, which reserve rights use a neighbor's property. Some of these are answered here to aid an understanding of the locations, purposes, and limitations of easements in the Estates.

First, no Estate houses are built on a lot line, i.e. a zero-lot line. Instead, all houses are at least 3 feet from the property line.

The interior-lot houses have an easement on both sides of the property: (1) one side has an easement for landscaping on an adjoining neighbor's property and (2) the other side has an easement for access onto an adjoining owner's property for maintenance of the dwelling. Corner and end lots have different easements and are considered later.

Q: What and where are landscaping easements?

A: Easements are provided for Estates owners to install landscaping on an adjoining neighbor's property. (CC&R's Section 9.8) Each dwelling unit has a mostly windowless "Side Wall" side (CC&R's Section 9.7). An area between a Side Wall and its side-property boundary is called a "Wall Yard." The usual Wall Yard is approximately 3-ft wide and extends the length of the structure (and its contiguous walls). MVEHA governing documents reserve a landscape easement "over" the Wall Yards, depicted by the hatched areas (\\ \\ \\ \\) of interior lot "B" and end lot "C" in the following schematic.



Q: What is meant by "Dwelling Yard" and where is it located?

A: The term Dwelling Yard describes an area between an owner's Dwelling Unit and the neighboring Wall Yard, shown between Unit B and Yard C above. (CC&Rs Section 9.7)

Q: What and where are access easements?

A: An entry and use right conveyed by access easements in the Estates allows use by Wall-Yard owners for construction, maintenance, repair, and replacement of their Side Wall and extensions. A 3-ft. strip of the Dwelling Yard property adjacent to and extending along the Dwelling Unit's side boundary is

reserved for this purpose. Entry is through a gate in the stucco wall at the front ends of the Dwelling and Side Wall Yards. (CC&Rs Section 9.10).

Q: Are there limits and responsibilities for shared use of the Wall Yard easement?

A: Yes. The landscaping easement for the Dwelling Yard owner is limited to responsible plantings and supporting irrigation and drainage.

Shared use is mandatory. For example, the Wall Yard easement area may provide drainage for the Side Wall dwelling owner, who is also the owner of the easement area, and a landscaping benefit for the adjoining owner.

Shared uses require shared responsibilities. The landscaping on the easement cannot block physical access needed to maintain the Side Yard house. The soil level in the landscape easement area must be maintained in ways that conform with California Uniform Building and Plumbing codes; e.g., slope away from the house, not interfere with natural drainage off the lot, and the finished grade must be greater than 4 inches below the weep screed of the Side Wall structure. Sprinklers must be directed away from the Side Wall—or better, drip irrigation may be used as a neighborly consideration for protecting the structure integrity and preventing excessive wall wetting and damage.

Q: Are landscape easements defined for corner or end lots in the Estates?

A: Yes, but what and where are different. Refer to descriptions and diagrams in the CC&Rs' Section 9.9 and Attachments for details.

Q: Do properties at 87 to 99 Village Circle have landscape and access easements?

A: Yes, but the location and limitations of the easements on these properties do not seem to be entirely consistent because of some of the house configurations and wall placements.

Q: Can a dwelling be enlarged by moving walls into or over a legally established easement area?

A: No.

Q: Where are landscape and access easements described in the CC&Rs?

A: See Sections 9.7, 9.8, 9.9, and 9.10.

Q: Do easements have legal standing?

A: Yes.