

Villages of Westcreek Owners' Association, Inc.
Administrative Resolution No. 20

Acceptance of Deed for the Easement Property in the Forest

WHEREAS, Article VII, Section 7.13 of the BYLAWS directs the BOARD to exercise for the Villages of Westcreek Owners' Association, Inc., (ASSOCIATION) all powers, duties and authority vested in or delegated to this ASSOCIATION and not reserved to the membership by other provisions of these BYLAWS, the ARTICLES OF INCORPORATION, or the VILLAGES OF WESTCREEK DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("PROJECT DOCUMENTS"); and

WHEREAS, the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS establishes as a purpose for the creation of a Homeowners' Association the preservation of values and amenities of the lots in the subdivision; and

WHEREAS, Article VII, Paragraph 7.02., of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS establishes as a power of the Association the ability to own real property; and

WHEREAS, the extent of maintenance is not otherwise defined; and

WHEREAS, Article X, Paragraph 10.12., of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS requires, "The Owner and lessee of any lot shall have the duty of and responsibility for keeping the premises, Improvements and appurtenances and landscaping in a well maintained, safe, clean and attractive condition at all times. If, in the opinion of the Declarant or its assigns or successors, or the Association, any such owner or lessee is failing in this duty and responsibility, then the Declarant, its successors or assigns or the Association may give notice of such fact and such Owner or lessee shall within ten (10) days of such notice, undertake the care and maintenance required to restore said Owner's or lessee's Lot to a safe, clean and attractive condition"; and

WHEREAS, KB Homes currently holds the deed for the Valero gas line easement running through the Forest: and,

WHEREAS, there is a requirement that KB provide for continuing maintenance of this easement; and,

WHEREAS, KB Homes has expressed the desire to transfer this property to the ASSOCIATION so as to absolve itself of this maintenance requirement; and

WHEREAS, the ASSOCIATION will accept the easement as deeded and will perform required maintenance when the transfer of the easement is complete and asserts homeowners abutting the easement will have access to the easement in perpetuity; and

WHEREAS, it is the intent of the BOARD to maintain the aforesaid easement in accordance with the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS; and

NOW, THEREFORE IT IS RESOLVED THAT the ASSOCIATION will accept the deed for the easement from KB Homes for the aforementioned property, as detailed in the attached QUITCLAIM DEED with attachments.

Approved by vote of the BOARD, October 18, 2001, and recorded in the Book of Minutes.

ATTEST:

Kathy Kirby, Secretary