RESOLUTION M-07

BULKHEAD AND WATERWAY MAINTENANCE

1. <u>**Purpose.**</u> This Resolution establishes Ocean Pines Association (Association) policies regarding the maintenance of bulkheads and waterways.

2. <u>Authority</u>.

a. The Declarations of Restrictions for the Sections of the Association specify Association responsibilities for waterways, bulkheads, and waterfront improvements. These responsibilities are not uniform among the Sections of the Subdivision. The Declaration of Restrictions for a Section must be consulted to determine the maintenance responsibilities of the Association within that Section.

b. The Declarations of Restrictions for the Sections of the Association reserve for the Association easements for the preservation of the navigation and recreational use of waterways and, where applicable, bulkhead and waterfront improvement maintenance by the Association.

c. The Articles of Restatement of the Charter of the Association include providing for the maintenance of bulkheads and waterways as a purpose of the Association.

3. <u>Association Responsibility</u>. In accordance with the provisions in the various Declarations of Restrictions and the Charter, the Association is responsible for maintaining bulkheads and waterways in a manner that preserves navigation and recreational use of the waterways. This responsibility shall be performed in accordance with applicable local, state, and federal laws and regulations.

4. Canal Depth.

a. The Association shall be responsible for maintaining the following minimum canal depths for canals owned by or under the control of the Association. Depth is measured when the tide is at mean low water level.

(1) Canal channels (typically near canal centers) of 48 inches; and

(2) 36 inches at ten feet out from the bulkheads.

b. Owners of lots with an existing dock and/or boat lift and those owners making application for construction of a dock/boat lift are responsible for determining that there is sufficient depth to allow for launching or retrieval of a boat.

5. <u>Lot Owner Responsibilities</u>. Lot owners have the following responsibilities when the Association performs maintenance and preservation of waterways, bulkheads, and waterway improvements.

a. Lot owners are responsible for the removal of improvements or plantings within easements that interfere with Association maintenance of bulkheads and waterways. This responsibility applies without regard to prior approval of improvements by the Association or local, state, or federal agencies having jurisdiction over the waterways.

b. Lot owners are responsible for the replacement of improvements which have been removed for bulkhead and waterway maintenance. A new permit for replacement which is in accord with a prior approval of the Association is not required. However, such replacement shall be in compliance with all applicable local, state, or federal laws and regulations.

c. The cost of removal, and subsequent replacement, of improvements and plantings for the purpose of bulkhead and waterway maintenance shall be borne by the lot owner.

d. If a lot owner does not remove improvements or plantings that interfere with the required maintenance activity, the Association shall have the right to take such action as necessary and invoice the lot owner for the effort. In the event such invoice is not paid, the Association shall have the right to place a lien against the property in the same manner as liens are placed for maintenance performed by the Association under the Declarations of Restrictions.

6. <u>Notification to Lot Owners</u>. The Association shall notify lot owners at least thirty (30) days prior to any planned bulkhead or waterway maintenance so that the owner may remove or alter structures or plantings that may interfere with the maintenance effort or cause added cost to the Association.

7. Effective Date: ____June 16, 2010____

Approved by the Board of Directors on:	June 16, 2010	
/S/_W. M. RakowPresident	Attest <u>/S/ Edgar Purcell</u>	_Secretary
Review History		
General Manager <u>/S/ Thomas J. Olson</u>	Date: <u>6-16-2010</u>	
Legal	Date:	
By-Laws & Resolutions Advisory Committee	<u>/S/ James Trummel</u> Date:	6-16-2010