

NEWINGTON FOREST COMMUNITY ASSOCIATION, INC.

ADMINISTRATIVE RESOLUTION NO. 16

PROCEDURES FOR CONSTRUCTION OF ADDITIONAL PARKING SPACES,  
SPEED BUMPS, OR OTHER IMPROVEMENTS ON TOWNHOUSE PARKING  
LOTS AND SECTIONS  
(5/24/22)

WHEREAS, Article IV, Section 4.03(e) of the Association's Declaration of Covenants, Conditions and Restrictions requires that services which primarily benefit the members of a section, as such sections are shown on the recorded subdivision plat maps, be paid for by the members of that section;

WHEREAS, Article IV, Section 4.01 of the Association's Bylaws provides that the business and affairs of the Association shall be managed by the Board of Directors; and

WHEREAS, the Board believes that it is necessary to establish and clarify the procedures to be followed when townhouse sections of the community wish to construct additional parking spaces, speed bumps, or other improvements in their sections.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors does hereby adopt the following administrative procedures governing the construction of additional parking spaces, speed bumps, or other improvements:

1. Owners of homes in a townhouse area (section/streets) who wish to petition the Board to add parking spaces, speed bumps, or other improvements in their townhouse area (section/streets) must contact the Association's office to request a petition form and map of their townhouse section/streets. The map shall depict the possible locations in the townhouse area where the owners want the Association to construct additional parking spaces, speed bumps, or other improvements.
2. The owners who want to pursue an improvement shall attend a Board meeting to discuss their proposal and to review the process that needs to be followed for its implementation.
3. After this initial discussion, if the owners are still interested in pursuing their proposal, the Board will obtain an estimate of the cost associated with constructing the improvements requested by the petitioning owners. The Board reserves the right to specially assess the petitioning owners for the cost incurred by the Association to obtain the cost estimate, if any.

4. The petitioning owners shall circulate a petition to all of the owners of the townhouse section/streets affected by their proposal, including the estimated cost per townhouse lot.
5. Upon receipt of a petition signed by a majority of the owners approving the proposal in the affected townhouse section/streets, the Board will provide to each owner in the townhouse section/streets a letter agreement which: (a) sets forth the total cost of the construction project, (b) sets forth each owner's pro rata share of the cost of constructing the project, and (c) indicates the owner's agreement that he or she shall pay the owner's pro rata share of the cost of constructing the project.
6. The Board will not render a decision on whether to construct additional improvements in a townhouse area unless and until a majority of the owners of homes in a particular townhouse section/streets return to the management office a signed letter agreement evidencing their agreement to pay a pro rata cost of the construction project. If the Board does not receive signed letter agreements from a majority of owners of homes in a particular townhouse area within forty-five (45) days of the date management mailed out the letter agreement, the Board will consider the matter closed and the application will be denied. The Board will not approve the construction of additional improvements if the cost of constructing the improvements would cause the Association to exceed the maximum capital improvements for that year.
7. If a majority of the owners of homes in a particular townhouse section/streets return to the management office a signed letter agreement within forty-five (45) days evidencing their agreement to pay a pro rata cost of the construction project and the Board approves the construction of additional parking spaces, speed bumps, or other improvements in that townhouse area, then the Board shall levy a special assessment against all owners in the townhouse section/streets that shall receive the additional parking spaces, speed bumps, or other improvements to cover the costs incurred by the Association in constructing the improvements. All property owners in a townhouse section/streets are required to pay such a special assessment, regardless of whether they returned to the management office a signed letter agreement.<sup>1</sup>
8. If the cost of an improvement only requires a one-time payment of less than \$100.00 per lot, an owner may just remit the payment and this will satisfy and indicate the owner's agreement to support the project in lieu of a letter agreement. The Association will deposit the payment and post it to the owner's account. After funds have been received from a majority of owners, the Board will place

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<sup>1</sup> A majority of the owners in the affected area must respond in the affirmative. If an owner does not sign a circulated petition indicating their approval of a proposal or return a signed letter agreement, this is a "no" vote. For example, if one hundred (100) homes are in the affected area, a minimum of fifty-one (51) owners must approve the proposal.

the proposal on the agenda of a regularly-scheduled Board meeting and then render a decision on the project. In the event a majority of owners do not pay their pro rata share of the cost, the Association will return the payment in full to the owners that have paid for the project. The Association may either refund the payment or reduce the balance of the next quarterly assessment to “return” the payment to an owner.