



ENCROACHMENT APPLICATION

APPROVED:	
<input type="checkbox"/> TSC _____	
<input type="checkbox"/> SMA _____	

Application Date:	Lot:	Unit:	Homeowner Name:

Please be advised that proposing an encroachment area, as part of a landscaping submittal, takes additional review time and can possibly delay approvals for up to 60 days due to pending considerations. Additional fees and involved costs will also be required. Construction on any landscaping improvements may not commence until all approvals are finalized and associated costs paid to the Design Review Office of the Santaluz Maintenance Association.

SERVICE	COST (If applicable)	PAYMENT RECEIVED
Encroachment Application Fee <i>Santaluz Maintenance Association</i>	\$200	
Legal Documentation <i>Richard Salpietra, Attorney at Law</i>		
Meets & Bounds Description <i>Rick Engineering</i>		
Landscape/Irrigation Hard Costs <i>O'Connell Landscape/The Santaluz Club</i>		
Notarizing Fee (\$10 per Signature) <i>Santaluz Maintenance Association</i>		
TOTAL COST FOR ENCROACHMENT		

Encroachment Details:

1. Where on the property is the planned encroachment?

2. What is the proposed square footage of the proposed encroachment area?

3. Are you proposing to encroach on the entire easement or a portion thereof?

4. Reason for the encroachment request:

5. Estimated start of construction:

I certify that I have read and agree with the Santaluz Encroachment Policy (on the reverse side of this document) and that the plans above are complete and within the Santaluz guidelines for the home.

Homeowner Signature

Date

Printed Name



ENCROACHMENT POLICY:

In accordance with the Custom Homesite Design Book and the Guest Builder Design Guidelines of Santaluz, in certain circumstances, individual residential homesite owners may request authorization to install and maintain improvements for their personal use or general aesthetic benefit within properties which are adjacent to their property and are owned and maintained by the Santaluz Maintenance Association (SMA) or The Santaluz Club (TSC), henceforth "the respondents" or portions of the individual property owners' property which are or will be maintained by either SMA or TSC in accordance with maintenance easements recorded against the property.

As duly constituted, the Aesthetic Council of SMA and the Design Review Committee of Santaluz Limited Liability Corporation (SLLC), act as the review and approval bodies for any proposed improvements. They will review proposed encroachments as to their conformance with the guidelines and aesthetic value. They may not, however, approve encroachments but may only recommend encroachments to the respondents.

The following policies and procedures shall govern the process of request, review and approval of encroachments:

1. An encroachment application fee of \$200 for easement encroachments will be added to plan check fees upon submittal.
2. Each submittal of plans, which include a proposed encroachment, shall be increased from 3 to 4 copies with the encroachment clearly demarcated, one of which shall be given to the respondent for review. The submitter must stake the boundaries of the encroachment area and fence line through use of a licensed surveyor and must permit access through the property for inspection by the respondent. It is the submitter's responsibility to supply the Design Review Office with a copy of the 'surveyor stamped plans' when the required staking is completed and ready for viewing.
3. The respondent will have 30 days to reply. That reply shall contain a review of the proposal, whether it is acceptable, what modifications (if any) would be required and a proposed price for relocating or removing irrigation components, and making any necessary landscape repairs. This process may be repeated if the plan for encroachment changes.
4. If the respondent agrees to the encroachment and the plan is approved, the plans will not be officially stamped or approved until the applicant remits the full amount of any costs associated with moving irrigation/landscaping repair expenses, and executes any legal documents including easements and vacations of easements as required by the respondent. In the event such legal documents must be prepared, which is at the sole discretion of the respondent, the applicant must pay the cost of any legal or engineering fees required to accomplish same. Such cost shall also be paid in full prior to release of approved plans. The submitter must also provide the Grant Deed for the said property.
5. During implementation of encroachment improvements, should any damage occur to landscaping or improvements maintained by the respondent, the cost to repair or replace said facilities shall be deducted from the conformance/construction deposit, if adequate, and if not, billed to and payable by the applicant. The reviewing entity may enforce an "order to stop work" in the event such charges are not paid in full and timely.