

Easements

1. The Architectural Review Committee(A.C.C.) , ACIA Board of Trustees, nor the Management Company cannot approve any activity involving an encroachment on an easement until the homeowner provides a Consent for Encroachment from all easement grantees. Any non-portable structure on an easement, other than landscaping or fencing, is considered permanent, and thus an encroachment. Homeowners must secure a Consent to Encroachment or a Release of Easement from ALL affected utility companies. If the homeowner plans show an encroachment, they must obtain Consent for Encroachment before applying to the A.C.C., or the application will be rejected. If there is an aerial easement on the lot, the utility company may permit you to place a permanent structure in the easement, as long as the structure is not higher than the aerial easement. The homeowner should discuss all possible issues with the easement grantee(s) first to be on the safe side.
1. Approval by the A.C.C. of an encroachment of an easement shall not serve as an amendment or change of that easement and shall not create any liability through the Association, any encroachment upon such easement shall be at the sole risk and expense of the owner.