

## **COMMON OPEN SPACE ACCESS AND USE POLICY**

Adopted:

The following policy has been adopted by the Moonridge Falls Homeowners Association (“Association”) at a regular meeting of the Board of Directors.

Purpose: The Board has a duty to protect Association property and enforce the Association’s Amended and Restated Declaration of Covenants, Conditions, and Restrictions (“Declaration”). The purpose of this Common Open Space Access and Use Policy is to provide for the safety and welfare of Owners and their guests and to prevent excessive wear and reduce maintenance cost related to the Common Area and property of the Association. Capitalized terms shall have the meaning as defined in the Declaration, unless otherwise noted.

Authority: Article XIII, Section 1 of the Declaration grants the Board broad authority to impose rules and regulations upon Owners for the use of Common Areas and Association property.

NOW, THEREFORE, IT IS RESOLVED that the Association adopts the following Common Open Space and Access Use Policy:

1. The Board has determined that the Association’s Common Open Space or Outlots, designated as Outlot A and C on the Plat of Moonridge Falls – Filing No. Two and designated as Outlots A-1 and A on the Plat of Moonridge Falls – Filing No. Three Plat, are Common Areas as defined by the Declaration.
2. The Board has determined that it has the authority to regulate the use of the Common Areas pursuant to Article XIII, Section 1 of the Declaration.
3. Outlot A as shown on the Plat of Moonridge Falls – Filing No. Two and Outlot A-1 as shown on the Plat of Moonridge Falls – Filing No. Three are the same lot, which contains irrigation facilities and a pond. That lot is commonly known as the “Pond”.
4. The Board has determined that access to the Pond needs to be regulated to prevent unfettered access to protect the Association’s Irrigation Facilities and to ensure the safety of Owners, their guests, and unauthorized users.
5. Owners can use the Pond as a Common Open Space and for activities consistent with its intended use.

6. The Board has determined that all Owners shall be required to close the Pond gate after entering or exiting the Pond. No Owner shall allow a gate to remain open after passing through it. Additionally, the Board has determined that when dangerous conditions exist, including, but not limited to, ice being present on the surface of the pond, or when maintenance or irrigation activities require, the Board, in its sole discretion, shall prevent access to the Pond. Access will be prevented by locking the access gates to the Pond. After access has been locked, the Board, in its sole discretion, shall determine when access shall be restored, and the gates unlocked.
7. The Board may delegate its duty to determine when gates to the Pond shall be locked or unlocked to an individual, committee, or the Association's manager. Likewise, the Board may designate an individual, committee, or the Association's manager to be responsible for locking or unlocking the gates.

#### CERTIFICATE

I certify that the foregoing Common Area Use and Access Policy of the Moonridge Falls Homeowners Association was adopted by the Board at a regular meeting duly called and held pursuant to proper notice on the 31 day of August, 2021.

Moonridge Falls Homeowners  
Association

By   
Secretary