

# Arden Wood HOA Easement Supplement Guidelines

On June 22, 2023 the Alteration Committee met with Lancaster Township to understand and clarify rules on easements.

On August 7, 2023 we provided a drawing outlining the placement of gates that may be used to cross a private easement. We have included this drawing in this updated document. We must follow Lancaster Township's ordinances and regulations as their ordinances and regulations supersede any H.O.A. rules.

We have come to an agreement and have a better understanding of the rules concerning easements.

- 1) Private easements are there to protect the residents of Arden Wood. They are in place to direct water and to manage the water flow through our property.
  - a. Many private easements are swells on the ground, which direct ground water away from resident's homes.
  - b. Also, many of the private easements have pipes underground that collect water and direct that water to the retention ponds around the community. An example would be rain gutter systems
  - c. Private easements are horizontal as well as vertical extending into the atmosphere.
  - d. The identification of private easements on a homeowner's property would be done by one of the following methods:
    - i. Using the plot plan provided it had measurements indicating how far from the house it is located.
    - ii. Hiring an outside survey company to come out and mark it.
    - iii. If the easement has an underground pipe, the homeowner could hire a private utility company to locate/mark it. 811 will not locate these lines because they are considered private and not public.
- 2) Public easements are controlled by utilities and the Township and possibly the state and federal governments.
  - a. There are utility (telephone, cable, water, sewer, electricity, gas easements) and they can be in front of your home, behind your home or on the sides of your home, That is why it is prudent to call 811 prior to planning and definitely prior to digging.
- 3) A public easement is horizontal as well as vertical extending up through the atmosphere.
- 4) Contrary to our association rules we cannot place a shed on any easement.
- 5) We cannot plant trees on any easement.
- 6) We can plant flowers and shrubs on any of the easements with an understanding those flowers and shrubs may be dug up at any time works needs to be done on the easement.
- 7) **We cannot build decks over any easement.**
- 8) Fences cannot cross public easements. Residents can place pavers over private easements.
- 9) Residents cannot cross an easement with poured concrete.

**10) Residents may place a fence over a private easement with the following stipulations:**

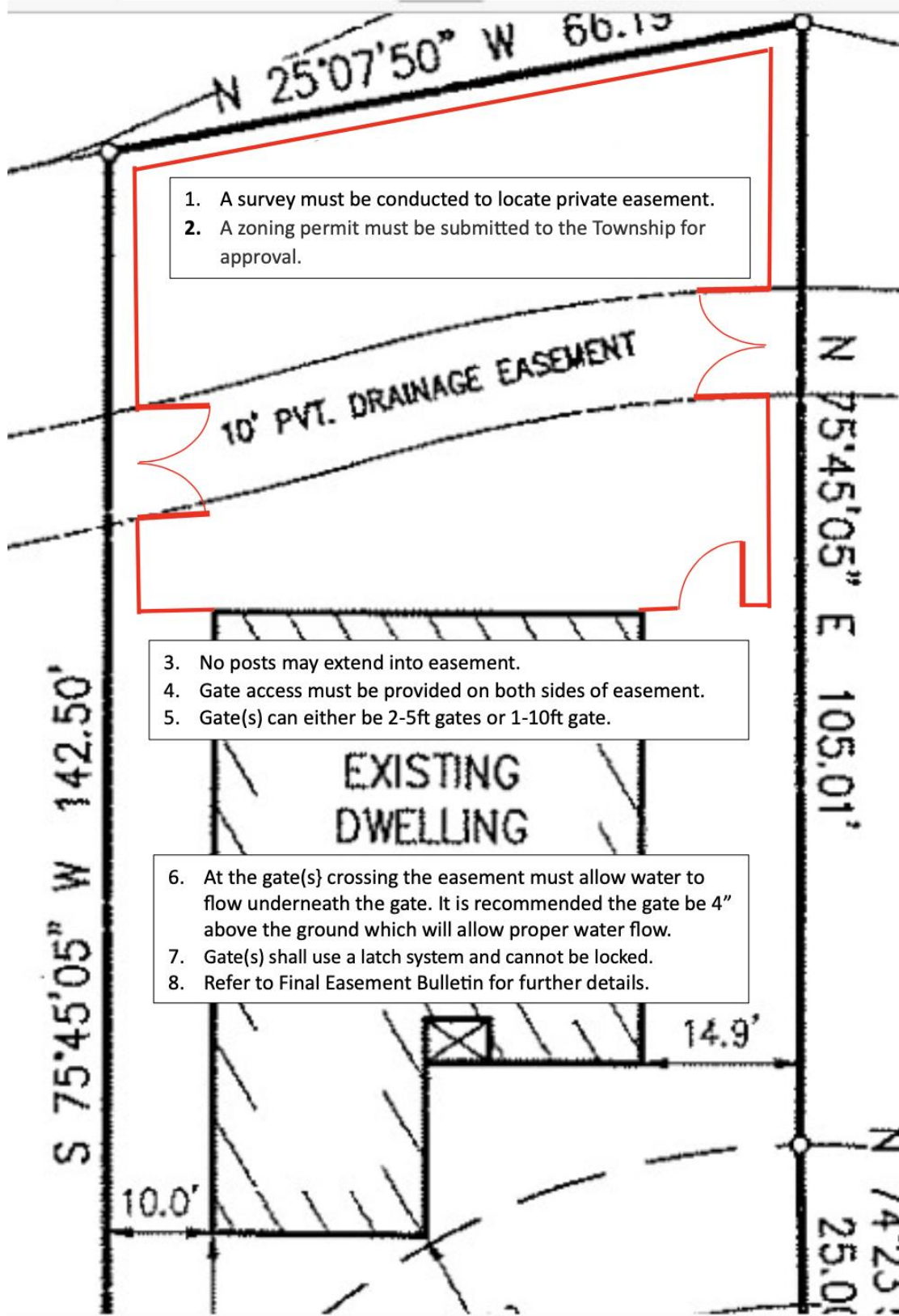
- a. A picture of the fence must be submitted to the Alteration Committee
- b. All fences must be approved by the H.O.A. prior to contracting the fence to be built.
  - i. When crossing a private easement there must be a 10' or 2-5' split gates joining in the center but with no post in the center. The gates must be on each side of the fence crossing the easement (See attached detail). Posts may NOT extend into the easement. The gates must use a latch system and cannot be locked.
  - ii. **A zoning permit must be submitted to the Township for approval.**
  - iii. The gate crossing the easement must allow water to flow underneath the gate. It is recommended the gates be 4" above the ground which will allow proper water flow. Again, this is a Township request to receive a Zoning Permit. At no time can the gate touch the ground within the easement.
  - iv. This zoning permit is necessary only when you cross any private easement. The approval must be returned to the homeowner by the Township prior to construction. A copy of the permit should be submitted to the H.O.A. as a record of approval by Lancaster Township.
  - v. As with the approval process a detailed drawing of the fence and gates on the plot plan must be submitted along with a new survey marking the easement, distance from the house to the easement, and the distance from the property lines. It is suggested the drawing for the fence be included in the new survey. These are requirements from Lancaster Township. Township zoning rules and H.O.A. rules must be followed.
  - vi. NO excavation to an easement may be done. If there is a swell in the surface of the ground it may not be disturbed.
  - vii. At no time can a fence interfere with the water flow in an easement. If there is a problem it is the homeowner's responsibility to fix the problem. There will be oversight to the repair process and any cost incurred will be the homeowner's responsibility.

**11) The Alterations Committee worked with the Township to come to an agreement that will protect Arden Wood residents and allow some residents the ability to utilize more of their property.**

- a. Be aware this will add a layer to the approval process and will extend the approval process. Plan well ahead and start the process early.

# ARDEN WOODS

Gate details for fence installed over private easement.



1. A survey must be conducted to locate private easement.
2. A zoning permit must be submitted to the Township for approval.

3. No posts may extend into easement.
4. Gate access must be provided on both sides of easement.
5. Gate(s) can either be 2-5ft gates or 1-10ft gate.

6. At the gate(s) crossing the easement must allow water to flow underneath the gate. It is recommended the gate be 4" above the ground which will allow proper water flow.
7. Gate(s) shall use a latch system and cannot be locked.
8. Refer to Final Easement Bulletin for further details.