

**SVILA RESOLUTION REGARDING EXISTING PRIVATELY
OWNED FACILITIES ON COMMON AREAS**

Adopted April 22, 2007

Updated 1/14/2012

Whereas, the Sun Valley Iowa Lake Association, a non-profit (504a) corporation organized and existing pursuant to the laws of the State of Iowa, hereinafter referred to as the “**ASSOCIATION**” to further and promote the common interests of property owners of the Association; and

Whereas, the Association is governed by a 5 member Board of Directors, hereinafter referred to as the “**Board**” which have been duly elected in accordance with the Association Articles and By-Laws; and

Whereas, the Association’s “Common Areas”, include the lake, specific lots designated as common area lots, roads, and beach area; and

Whereas, use of “Common Areas” is considered a privilege extended to authorized Association members in good standing with all dues, special assessments and fines paid; and

Whereas, the Association’s By-Laws state on page 2, Article 2, Section 3. “Privileges of Members” that: “Members shall have the right to use “Common Areas” subject to the provisions of the Declaration and subject to such other rules and conditions as may be established by the Board”; and

Whereas, the Association has for a number of years allowed boat lifts, docks and lights, owned by Association Members, to be installed onto some of the Association “Common Areas”; and

Whereas, there are currently more Association members with off-lake properties seeking “Common Area” lot space for privately owned docks, lifts and lights than there is acceptable space available; and

Whereas, the Association held a Town Hall meeting of the Association members on April 29, 2006 to solicit the views of the Association members on the issues related to lights, lifts, docks, mooring anchors attached to or on “Common Area” lots and input from said meeting is reflected in this resolution; and

Whereas, it is in the best interest of the Association to establish rules regarding the use of “Common Areas” lots by Association members in good standing; and

Whereas, on December 13, 2006 the Board established a Common Area Committee to identify additional areas for docks and lifts on the “Common Area” lots, help the Board to establish additional rules for selecting and placement of new docks and lifts on “Common Area” lots and help oversee membership compliance with these and future rules regarding the use of the Association’s “Common Area” lots.

NOW THEREFORE, BE IT RESOLVED BY THE SUN VALLEY IOWA LAKE ASSOCIATION; That from this day forward no Association member shall be allowed to erect or attach any new temporary or permanent structures including lights, lifts, docks, mooring anchors, other structures and the winter mooring of floating docks on or to an Association “Common Area” lot without an annual permit from the Association. Other than for those members with “grandfather” privileges, said permits to be provided based on acceptable space being available at the desired “common Area” lot and eligible permit holders selected from a list of interested parties. Permits so issued may be reauthorized annually provided:

- 1) The ownership of the real property originally justifying the owner's membership in the Association or the privately owned property attached to the “Common Area” lot and which is under ownership as the real property does not change in any manner. If the ownership of the real property justifying the owner's Association membership changes the authorization to have real property attached to or on a “Common Area” lot does not transfer to the new owner(s); and
- 2) The privately owned property on or attached to the “Common Area” lot meets all current Association standards as established herein and updated from time to time by the Association's board of Directors; and
- 3) Allowed docks, lift and other structures must be kept in a proper state of repair with all maintenance costs paid by owner, receive an Association approved annual permit, annually provide an insurance certificate, acceptable to the Association, and meet all current Association requirements; and
- 4) There can be one (1) permit per property owner regardless of the number of lots owned by said property owner or the number of persons who may have ownership interest in said property, or the manner in which title is held by them. Each permit to allow for only one (1) dock and/or boat lift and the property owners lot number must be clearly displayed on the dock, lift, light and other structures on or attached to a “Common Area” lot except two (2) authorized property owners may share a single authorized dock with two (2) boat lifts adjacent to the single authorized dock;
- 5) Each permit will allow for a minimum slot width of 16 feet. Slot width may vary based on actual common lot width and terrain and if more than one authorized boat lift is adjacent to an authorized dock. In no event will an authorized dock with two (2) authorized lifts occupy a slot width of more than twenty-four (24) feet. All docks and lifts must be positioned in the allotted slot to maximize usage of the “Common Area” lot.

BE IT FURTHER RESOLVED: Those structures currently on or attached to an Association “Common Area” lot and under an existing approved annual permit will be “grandfathered” in and may remain provided:

- 1) The ownership of the real property originally justifying the owner's membership in the Association or the privately owned property attached to the “Common Area” lot and which is under the same ownership as the real property does not change in any manner. If the ownership of the real property justifying

the owner's Association membership changes the authorization to have real property attached to or on a "Common Area" lot does not transfer to the new owner(s); and

- 2) The privately owned property on or attached to the "Common Area" lot meets all current Association standards as established herein and updated from time to time by the Association's Board of Directors. Electrical installations, allowed to remain, must meet current GFI requirements; and
- 3) Existing docks, lifts, lights and other structures allowed to remain must be kept in a proper state of repair with all maintenance and utility costs paid by owner, receive an Association approved annual permit, and annually provide an insurance certificate, acceptable to the Association, and meet all current Association requirements; and
- 4) There shall be only one (1) permit per authorized property owner regardless of the number of lots owned by said property owner or the number of persons who may have ownership interest in said property, or the manner in which title is held by them. Each permit to allow for only one (1) dock and/or boat lift and the property owners lot number must be clearly displayed on the dock, lift, light and other structures on or attached to a "Common Area" lot except two (2) authorized property owners may share a single authorized dock with two (2) boat lifts adjacent to the single authorized dock. Any property owner with more than one (1) dock, lift and/or light attached to "Common Area" lot(s) will have one (1) year from the approval of these rules to remove any unapproved extra lifts, docks and lights; and
- 5) Existing docks, lifts and other structures allowed to remain may be modified or changed only with the review and endorsement of the SVILA Lake Manager and approval of the Board; and
- 6) Each permit will allow for a minimum slot width of sixteen (16) feet. Slot width may vary based on actual common lot width and terrain and if more than one (1) authorized boat lift is adjacent to an authorized dock. In no event will an authorized dock with two (2) authorized lifts occupy a slot width of more than twenty-four (24) feet. All docks and lifts must be positioned in the allotted slot to maximize usage of the "Common Area" lot.

BE IT FURTHER RESOLVED: Except for "grandfathered" installations, no new private electrical service/installations will be allowed on "Common Area" lots. Property owners wishing to install lights on "Common Area" lots may petition the Board for a variance/easement to do so. Each petition will be considered individually. Petitions approved will not be grounds for approval of later petitions. Petitions may not be approved if the proposed light is objected to by neighbors or for any other reason the Board finds.

BE IT FURTHER RESOLVED: No concrete anchors for winter mooring of floating docks will be allowed on Association "Common Area" lots. Only screw type temporary anchors may be used on "Common Area" lots and they must be removed when the floating dock is moved from its winter mooring location.

BE IT FURTHER RESOLVED: Any property owner who is authorized to have property on or attached to an Association “Common Area” lot or wishes to moor a floating dock for the winter must obtain an annual permit, pay a \$250 per year permit fee and show proof of liability insurance covering the privately owned property in a minimum amount of \$300,000 and have an endorsement written on the insurance policy showing Sun Valley Iowa Lake Association as an “additional insured”. All lot owners with an existing approved annual permit for a lift and/or dock, which is on or attached to an Association “Common Area” lot shall request the reinstatement of their annual permit and provide a new proof of insurance by April 1st each year. Annual requests for permits for the winter mooring of floating docks along with proof of insurance shall be made by October 1st each year. Docks, lifts and other structures to be allowed by annual permit must have said permit approved annually by the SVILA Lake Manager based on these rules established by the Common Area Committee. Any exceptions to the established rules must have the review and endorsement of the Board.

BE IT FURTHER RESOLVED: Any privately owned structures authorized to be on or attached to an Association “Common Area” lot are private and cannot be used by other Association members without permission of the owner.

BE IT FURTHER RESOLVED: The Association retains the right in the future to develop other uses for, further restrict or prohibit the placement of facilities on or to the Association’s “Common Area” lots or to change these rules.

BE IT FURTHER RESOLVED: Any privately owned dock, lift and/or light on or attached to an Association “Common Area” lot but no longer authorized to remain under conditions outlined above must be removed by the owner within thirty (30) days after written notification by the Association or said structure(s) shall be removed by the Association, and the cost will be charged to and paid for by the Owner. If the Owner does not pay such costs within thirty (30) days of billing, the Owner’s membership privileges shall be immediately deemed revoked.