

**HILL FARM HOMEOWNERS ASSOCIATION  
An Arizona nonprofit corporation**

**RESOLUTION OF THE BOARD OF DIRECTORS  
REGARDING PERIMETER EASEMENTS**

At a meeting of the Board of Directors of Hill Farm Homeowners Association (the "Association"), an Arizona nonprofit corporation, duly called and held on the 17th day of May, 2021, a quorum being present and voting, the following resolution was adopted to revise and replace Resolution #13-01:

**1. PURPOSE & DISCLAIMER.**

This resolution and the attached map contain information regarding the ownership and maintenance of land surrounding Hill Farm on which the perimeter easements and common areas (collectively referred to as "easements") are located. This resolution defines the responsibilities of the Association and of the owners of the Lots in Hill Farm that abut the easements. The information was developed by the Board of Directors in conjunction with a real estate attorney, and from the plat maps of Hill Farm and other recorded documents pertaining to neighboring properties. This resolution also clarifies the Association's responsibilities concerning the Private Drainage Easements described in the Third Amended and Restated CC&Rs ("CC&Rs"), Article IX, Sec. 9.3 and in Exhibit A of the CC&Rs.

*This information is given for general guidance only. In the event of any dispute, reference should be made to the original recorded documents and the recorded plat maps for Hill Farm.*

**2. HOW TO USE THIS DOCUMENT.**

The map and the headings of paragraphs #4 thru #9 below show the locations of the six perimeter easements and the abutting lot numbers. The headings can be searched by lot number to find the specific information applicable to your lot. Lots at the corners of Hill Farm may appear under more than one heading. If your lot does not abut any perimeter easement, this document does not apply to you.

**3. INFORMATION APPLICABLE TO ALL LOTS.**

**a. Walls.** For the definition of "Perimeter", "Common" and "Association" walls and the responsibility for their maintenance, please refer to Article VII, Sec. 7.4. of the CC&Rs. The only walls for which the Association has a maintenance obligation are Association walls where there is no abutting Hill Farm lot on either side.

**b. Storage and Waste.** Homeowners may not store any material or dispose of waste of any kind in the easements, irrespective of easement ownership. This includes the discharge of water from swimming pools or other water sources.

**c. Trees.** The Association is responsible for the maintenance of trees that are growing on Hill Farm's Common Areas and those that are located on the individual lots outside the perimeter or Association walls, including those in the West Perimeter (see paragraph 4 below.) All other trees growing in easements are the responsibility of the respective owner of the lot on which the easement is located. Under pertinent law, any part of a tree that extends over an adjacent property line (including from an easement into your yard) may be cut back to the property line by the owner of the adjacent property so long as the pruning does not kill the tree. However, it is usually beneficial for both parties to agree on trimming that retains the shade, shape and appearance of the tree. Where roots are disturbing wall foundations, root trimming is preferable to tree removal.

**4. WEST PERIMETER**  
**West of Lot #s 1 thru 15 & 18.**

Each Owner of the Lot owns a 20' wide strip of land on the outside of the west perimeter wall, which has been dedicated as a utility easement. This easement is accessed by Pima County for maintaining the sewer lines and by Tucson Electric Power ("TEP") for maintaining the overhead power lines. For TEP, this maintenance includes major tree trimming adjacent to the power lines, and removing other vegetation to allow unobstructed access. Rancho Palomino Homeowners Association has been given access, informally, through the locked security gate to maintain the landscape on the east side of its perimeter walls.

Since the Association is solely responsible for the landscape maintenance of each lot outside the Association and perimeter walls, the Association maintains the general landscaping on the utility easement, but it does not duplicate the functions of TEP as described above.

As an exception to the Association's landscaping obligation, lot owners along the west perimeter may landscape out from their perimeter wall to a distance of 5' into the easement, provided they receive individual approval as provided in CC&Rs Section 7.3.3. No part of the vegetation or associated hardscape shall extend beyond 5' from the perimeter wall into the easement and the height of such vegetation shall be limited to 10'. Maintenance of such plantings is the sole responsibility of the lot owner. If a lot owner fails to maintain this landscaped area in compliance with the foregoing requirements, the property management company will give notice to make corrections. If corrections are not made within two weeks, the Association will provide maintenance at the homeowner's expense.

Vehicle access through the locked security gate at the south (Ft. Lowell Rd.) end of the easement may be obtained on request to the property management company.

The Association is only responsible for the maintenance of two sections of Association wall - at the end of Woodgate Lane between lots 15 and 18, and on Hill Farm Drive between lots 8 and 9.

**5. NORTH PERIMETER**  
**North of Lot #s 1, 77, 78 & 79.**

This is Common Area that is owned and maintained by the Association. The Association is responsible for the maintenance of the chain link fence at the northern and western boundaries of the area, for the fire gate on Hill Farm Drive that connects with Bosque Creek, and for maintaining the area for drainage. The actual Hill Farm property line is approximately 5ft north of the fence and fire gate.

**6. NORTHEAST PERIMETER**  
**Northeast of Lot #s 62, 65 thru 76, 116 & 117.**

This is a 15' drainage easement in favor of the Association on property owned by the neighboring Bosque Creek Homeowners Association. Owners of lots in Hill Farm which abut this easement have legal access to maintain the outside portion of their perimeter walls and to trim any overhanging trees and shrubs that are growing in their own yards. The Association is responsible for ensuring that this drainage easement is not obstructed, but it has no other obligations.

Trees that are growing in this easement are the property of Bosque Creek Homeowners Association. Problems with trees or any other issues should be reported to the Hill Farm property management company which will contact the property management company for Bosque Creek regarding any remedial action. However, neither the Association, nor its property managers, has any authority or responsibility to take remedial action, and the ultimate negotiation must be between the lot owner and Bosque Creek Homeowners Association.

**7. EAST PERIMETER (North Section)**  
**East of Lot #s 60, 61, 62, 114, 115 and a Portion of Lot 113.**

This is an easement on land owned by the neighboring Bosque Ranch Estates Homeowners Association (which is NOT the same Association as Bosque Creek), and by other individual property owners who are not members of Hill Farm Homeowners Association. Owners of lots in Hill Farm that abut this easement have legal access to maintain the outside portion of their perimeter walls and to trim any overhanging trees and shrubs growing in their own yards. The Association is responsible for ensuring that the drainage easement is not obstructed, including the repair of any banks, but it has no other obligations.

Trees that are growing in the easement are the responsibility of the respective property owners. Problems with trees or any other issues should be reported to the Hill Farm property management company which will contact the owners of the property on which the easement is located regarding any necessary remedial action. However, neither the Association, nor its property managers, has any authority or responsibility to take remedial action, and the ultimate negotiation must be between the Hill Farm lot owner and owner of the property on which the easement is situated.

**8. EAST PERIMETER (South Section)**  
**East of Lot #s 55, 111, 112, and a Portion of Lot 113.**

This private drainage easement is on Common Area that is owned and maintained by the Association. The Association is also responsible for maintaining the area for drainage. The only legal access is through the gates, where they exist, in each lot's common wall. Otherwise access can be obtained via the North Section (see above.)

**9. SOUTH PERIMETER**  
**South of Lots 18 thru 26, 104, & 110.**

This perimeter area includes utility easements, Common Areas, and the well site, all bordering on Ft. Lowell Rd. The area is maintained by the Association. The Association is also responsible for the maintenance of that portion of Association wall located in the Common Area between lots 24 and 25.

Adopted by the Board of Directors on 17<sup>th</sup> May 2021.

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By: Suzanne H. Jacoby  
Its: President