

Guidelines for Landscaping Certain HOA Properties Adjacent to Certain Lots:

Home owners in Greenway Parks may notice that their individual properties do not extend to the curbs of the adjacent street(s). In most cases, though not all, the “extra” land between one’s property line and the curb is owned and controlled by the HOA. These guidelines specify the approvable landscaping choices for these “parkways” adjacent to most lots in the neighborhood.

- It is easy to determine whether *your* individual lot is affected by these guidelines. Specifically, these guidelines apply to the common lands immediately adjacent to *all* lots within Greenway Parks *except*
 - Lots on blocks 16, 17, and 18, which are the lots numbered in the 5300s on the north side of Wenonah, both sides of Drane and Wateka, and the south side of W. University ; and
 - Lots on blocks 6 and 7, which are the lots numbered in the 5500s on the north side of Drane, both sides of Wateka and the south side of W. University.
- As background, most lots within Greenway Parks were platted prior to 1945, and the language used in those plats retained as private (and now controlled by the HOA) the parkways and lands which lie between a front property line and the curb of the street, and if applicable, the parkways and lands which lie between a side property line and the curbs along Greenway Boulevard, Eastern, or Inwood. For the rest of the blocks, platted in 1946, different language was used making the comparable adjacent areas “city rights of way” instead of HOA property, and as such these are subject to city rules.

These guidelines are superseded in many respects by the deed restrictions applying to our neighborhood and the rules of the Conservation District. Per the deed restrictions, each lot owner has the irrevocable right to build an entranceway between the front of their lot and the curb. Per the Conservation District, no privately-owned structures, personal property, or personal landscaping is allowed in these areas. Therefore, the landscaping choice for these properties is the sole responsibility of the HOA.

The goal of these guidelines is to maintain and augment the general feel of the openness and beauty of the neighborhood, though the HOA recognizes this is an aesthetic judgment subject to varying interpretations. Therefore, these guidelines are to be used by the officers and/or Board of the HOA (or whatever committee or persons the HOA may designate for these decisions) in making the particular judgments when individual lot owners request permission to install landscaping on HOA property.

The HOA landscaping guidelines are:

1. The HOA will approve of driveways (including circular driveways) and/or walkways which extend from a front property line to the curb in front of a lot, similar to what is already prevalent in the neighborhood. The HOA will also approve of a lot owner placing seasonal color or low, small shrubs beside and along these driveway or walkway entrances, also similar to what is already prevalent in the neighborhood.
2. For the HOA-owned parkway areas on the east and west sides of Greenway Boulevard, between a lot’s side property line and the back of the curb, the HOA pre-approves an adjacent homeowner establishing and irrigating grass or, in addition, for the area between the side property and the sidewalk, low-lying ground cover. No edging is allowed adjacent to the

sidewalks. The HOA may approve of additional seasonal color or low-lying shrubs in the area between a side property line and the existing sidewalk, but no trees or shrubs taller than 3 feet, and in no case may any shrubs, hedges, or other landscaping serve to "cordon off" or surround a significant portion of HOA property. The general goal should be for Greenway Boulevard to continue to develop so that it appears as wide and welcoming as possible, with the current trees the HOA maintains in the area between the curb and the sidewalks serving as the primary tree cover along these areas.

3. For the parkway areas between the front property lines and the curb, in addition to what is addressed in #1 above, the HOA pre-approves only grass, and specifically prohibits any trees or any dense shrubs taller than three feet in height which might obstruct a resident's ability to walk along the side of the street or may block the views down the street. In addition to #1 above and pre-approved grass, the HOA will approve a limited amount of low-lying seasonal color or shrubs in these areas, should the adjacent home owner so desire.
4. Individual members of the HOA adjacent to these relevant areas must receive written pre-approval from the HOA for any substantial landscaping activity in these areas, prior to making any changes. Any permission given to install landscaping granted by the HOA to an adjacent homeowner is in no way meant as a transfer of property or property rights, and in the event that a homeowner installs landscaping on these properties, such landscaping will become the property of the HOA, and the homeowner will need to agree to this in advance as a condition of installing such landscaping on behalf of the HOA.
5. These guidelines are meant to address how the HOA will respond to homeowners who seek to make changes to these HOA-owned areas adjacent to their properties. The HOA does not currently seek to retroactively alter existing landscaping in these parkways and areas to bring them into accordance with these guidelines, though it has that right and it may choose to do so in certain instances. Therefore, existing landscaping may be considered "grandfathered" until such future time as an adjacent homeowner seeks substantial changes or the HOA proactively determines to alter specific landscape features. Decisions on how to deal with any specific grandfathering questions (eg What happens if a particular existing tree or shrub dies?) will be dealt with in the sole discretion of the HOA.