

SAND FLOWER COMMUNITY ASSOCIATION

Issue Brief Number 4

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Subject: Monumentation at Arroyo Seco and Windmill Roads

Introduction

Some Owners have questioned the absence of any monuments identifying the homes on Arroyo Seco as part of Sand Flower. The purpose of this paper is to explain some of the issues involved and to provide the rationale for the Board's stance on this matter.

Discussion

The project now underway to refurbish the existing monuments and perimeter walls in the community has sparked the obvious question of "What about Arroyo Seco?" For whatever reason, the developer did not place any monuments at the intersection of Arroyo Seco and Windmill Roads. The actual corners contain mandatory sight distance triangles extending sixty feet from the centerline of Windmill road and nothing higher than eighteen inches can be installed within these triangles. Moreover, these corners are the private property of the Owners of Lots 92 and 100; the Association does not own any land at Arroyo Seco and Windmill and can not erect any monuments unilaterally. And, unlike the corners at Arroyo Hondo and Windmill or Hayden and Black Mountain where the monuments were placed on private property by the developer and the homes were purchased with full knowledge of the existing structures, that is not the case at Arroyo Seco. The Owners of Lots 92 and 100 made no such agreements at the time of purchase and have no obligation to modify their properties to accommodate a monument. So, a purely voluntary agreement by the Owners of Lots 92 and 100 would be a necessary first step to any consideration of monuments.

The Board's View

In view of the reasons cited above, the Board has not taken any position with regard to erecting monuments at Arroyo Seco and Windmill Roads because any initiative by the Board could be perceived as a coercive act. If a proposal were brought to the Board, it would be considered on its merits. As with the project for the existing monuments and perimeter walls, permanent easements should be obtained and recorded (and also any required City permits obtained) before any community funds are expended. While permanent easements do not convey title to property, they define the perpetual rights and obligations of the affected parties. Even a monument as simple as a large boulder with the words "Sand Flower" and/or the logo, if erected with community funds, would require an easement to protect the community in the event a future Owner decided to alter or remove it.