



Lido Sands Community Association

Post Office Box 1373, Newport Beach, CA 92659

Date: June 22, 2007
To: LSCA Homeowners
From: LSCA Board of Directors
Subject: **Easement Enforcement on the Estrada and Common Properties**

At the June 20, 2007 Board meeting, the LSCA Board of Directors passed a resolution to enforce the CC&R's and uphold and enforce the easements within Lido Sands (see text of resolution below).

Background

Within Lido Sands there exist property easements enforceable by the City of Newport Beach, mainly related to public utility facilities. An easement legally restricts development of any kind from portions of an individual's property, including fences, walls, planters, etc ... Within Lido Sands, easements exist between the individual lots, adjacent to the streets, and adjacent to the Estradas.

Over the years, several homeowners have illegally encroached upon the Estrada easements by extending fences, walls, etc ... The Estrada easement specifications are as follows:

- Lido Sands Dr/River Ave (excl. lots 43-48): 6 feet from Estrada center line, 12 feet total
- Lido Sands Dr/River Ave (lots 43-48): 5 feet from Estrada center line, 10 feet total
- Joanne Pl: 5 feet from Estrada center line, 10 feet total

Through the CC&R's, the Board of Directors has the ability to enforce compliance with the municipal easement restrictions (Article IV Section 2A & Article X Section 6). In addition, through the Waiver provisions of Article IV Section 2A, the Board has the power to enforce these restrictions on properties that have previously violated the easement encroachments (prior to this resolution).

Please note that this resolution does not establish new authority or powers of the LSCA Board of Directors, nor does it establish any new policies or procedures; rather, it memorializes the pre-existing powers of the Board of Directors via the CC&R's and the intent of the Board to pursue enforcement of the Estrada easement restrictions related to fences, walls, planters, etc ...

Text of Resolution

The following is the text of the resolution that was passed by the Board on June 20, 2007:

“A motion is proposed for the Board of Directors to enforce the CC&R's of LSCA and uphold and enforce the city guidelines, and designated regulations to include easements to maintain our community, and continuity of such common areas. There is an easement in the Estrada of 6' center line and 12' total the full length of Lido Sands Dr and River Ave with exclusions of lots 43-48 which are 5' center line and 10' total, as well 5' center line and 10' total for the Estrada at Joanne Ct. If any home encroaches past or present on this easement they are in violation. If any home requests a variance from the city it must have prior authorization from LSCA Board of Directors. Also, even if a home's fence is currently encroaching in the easement and they want to put a new fence up wood or block LSCA Board of Directors will enforce that the home need to correct it to the appropriate easement spacing. In the event a home is in violation the board will notify the homeowner of their violation and need for timely correction. Further if the homeowner refuses to comply the board will pursue matters with the CNB Code Enforcement Dept to uphold these easements which will then include city fines on top of correcting the matter.”