

**ASSOCIATION OF PROPERTY OWNERS AGREEMENT  
MINIMUM REQUIREMENTS**

**The Association of Property Owners shall be formed and operated under the following provisions:**

1. A description of the Association including its bylaws and methods for maintaining improvements in common ownership, including but not limited to open space, streets, stormwater management infrastructure and facilities, trails, recreation facilities, water supply and sewage disposal infrastructure and facilities etc.
2. A stipulation that the Association shall be organized by the developer and shall be operated with financial subsidization by the developer, before the sale of any lots or units within the development.
3. Membership in the Association is mandatory for all owners of property and their successors. The conditions and timing of transferring control of the Association from the developer to the property owners shall be identified.
4. The Association shall be responsible for maintenance and insurance on all improvements not dedicated to the local municipality including but not limited to open space, streets, stormwater management infrastructure and facilities, trails, recreational facilities, water supply and sewage disposal infrastructure and facilities, etc.
5. Maintenance obligations may be enforced by the county and/or municipality and liens may be placed to cover the costs of such. Any governmental body with jurisdiction in the area where the development is located may place such liens on the owners.
6. The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association bylaws.
7. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
8. In the event of a proposed transfer, within the methods permitted herein and within the Union County Subdivision and Land Development Ordinance, of open space or other improvements by the Association or of the assumption of maintenance of such lands or improvements by the municipality, notice of such action shall be given to all property owners within the development.
9. The Association shall have or hire adequate staff or service providers to administer common facilities and property and shall properly and continually maintain such.
10. The Association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
  - a. The residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);
  - b. The common open space land to be leased shall be maintained for the purposes set forth in this Ordinance and local and county comprehensive plans and recreation plans; and

- c. The operation of open space facilities may be for the benefit of the residents only, or may be open to the public at the election of the developer and/or Association, as the case may be.
11. The lease shall be subject to the approval of the Commission and any transfer or assignment of the lease shall be further subject to approval. Lease agreements so entered upon shall be recorded with the Union County Recorder of Deeds office within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Commission and the municipality.
  12. Association documentation demonstrating compliance with the provisions herein shall be filed with the final plans. At the time of Preliminary Plan submission, the Applicant shall provide draft property owners association documentation with sufficient detail to demonstrate feasible compliance with the Union County Subdivision and Land Development Ordinance and these minimum requirements.