

# LAKE JEANETTE ASSOCIATION

April 3, 1995

Third Addendum - October 15, 1996

## Lake Jeanette Buffer (Zones 1 and 2) - Violations Policy

Within the deed for each lakeview lot at Lake Jeanette, Cone Mills Corporation (Cone) grants ingress and egress rights across the first fifty feet (50') located between the lot and the lake's edge (the buffer). In return for this easement, Cone requires that the lot owner maintain this easement by keeping it clean and free from trash. The zoning conditions which deal with the buffer appear on each plat for individual villages and are also included in all lakeview lot deeds. Compliance with these zoning conditions is important for they deal with water quality and protection of the plant life around the lake's edge. In short, the conditions are as follows: In Zone 1, the first twenty-five (25') feet from the shore line, homeowners are allowed to take out dead material only. No other improvement or alterations may be made in Zone 1. In Zone 2, the second twenty-five (25') feet, homeowners are allowed to take out dead material and trees four (4") inches or less in diameter measured at breast height.

The following policy has been adopted to maintain the buffer in as much a natural state as possible. The City of Greensboro, Cone Mills Corporation, Cornwallis Development Co. and the Lake Jeanette Association are committed to enforcing these conditions.

### Illegal Cutting or Removal of Trees

If a tree is illegally cut from Zone 1 or Zone 2, the stump of each tree will be measured to determine its diameter at the cut. Then, depending on the location and diameter of the illegally cut tree, replacement trees will be planted at the expense of the homeowner who illegally removed the tree. Because of the cost and availability of large replacement trees, multiple smaller trees, instead of a single large tree, may, at the option of Cone Mills Corporation, be used to achieve the required replacement diameter. The diameter of any replacement tree, though, must be two (2") inches in diameter minimum measured four (4') feet above the ground. The following chart shows how many replacement trees will be required.

		Diameter of Tree Cut			
		0" - 4"	4" - 6"	6" - 10"	10" - UP
Zone 1 First 25' from water	For every one (1") inch in diameter cut, one (1") inch must be replaced.	For every one (1") inch in diameter cut, two (2") inches must be replaced.	For every one (1") inch in diameter cut, four (4") inches must be replaced.	For every one (1") inch in diameter cut, six (6") inches must be replaced.	
	Zone 2 Second 25' from water	Allowed	For every one (1") inch in diameter cut, one (1") inch must be replaced.	For every one (1") inch in diameter cut, two (2") inches must be replaced.	For every one (1") inch in diameter cut, three (3") inches must be replaced.

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Trees will not be limited to any variety or species, but thirty (30%) percent will be evergreens. All trees will be planted within twenty-five (25') feet of, and be within the same zone as, the original tree cut down. Cone Mills Corporation will contract with a landscaper to install the necessary trees to meet the size ratios outlined above. All decisions about type, size and placement of replacement trees will be made by Cone Mills Corporation.

Because of the natural growing cycle, replacement trees will be planted between October and February only. An "estimated cost" pre-payment (amount to be determined on individual basis) will be required from the homeowner which will be placed in escrow until the funds are used. After installation, an invoice showing either a credit or additional payment needed will be forwarded to the homeowner for prompt payment or reimbursement.

This is a very tough policy for a very serious issue. The following is provided as an example illustrating how the policy will work:

If one seven inch diameter tree is cut out of Zone 1, twenty eight inches (or 7x4 - see the ratio on the previous page) will have to be planted as replacement. If you take three inch trees as the average size planted, it would take 9.3 trees. At a cost of \$210 a piece, the total equals \$1,960.

The way to avoid the hassle and expense related to violations of this zoning condition is to comply with Exhibit "A" of the lakeview lots deed. It simply states, "Grantee shall give written notice to Cone (or its designee) ... prior to the cutting of dead trees in Zone 1 and 2 and prior to cutting and removing understory vegetation and small saplings (as defined above) in Zone 2." If you wish to do any work within this buffer, contact a Lake Jeanette representative at 282-LAKE to set up a meeting on site to discuss this policy and to get approval prior to beginning any work.

## Addendum to Buffer Policy - August 10, 1995

### Limbing of Trees - Clearing of undergrowth

Limbing up is defined as the cutting off of any limbs, in part or whole, off a larger tree. In Zone 1, which again is the first twenty-five feet (25') from the water's edge, no alterations other than the cutting of dead trees and dead undergrowth is allowed. **There can be no limbing up or indiscriminate cutting or killing of undergrowth within Zone 1.** Limbing up of all trees to a point twelve feet (12') above their base and clearing of undergrowth is allowed within Zone 2 of the lake buffer.

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The zoning conditions also allow for a walking trail to the water's edge. This trail must be situated as so it does not require the removal of any tree over 4" diameter measured at breast height (DBH) within Zone 1. Selective limbing of trees may take place in order to open the trail head as it reaches the water's edge, but care must be taken to not change the overall character of the shoreline. As always, Conc Mills requires a representative to come to each site and review your plans for cutting before any work may be done. Pursuant to the terms of your deed, you must give written notice to Conc prior to installing walking trails and erosion control devices, prior to the cutting of dead trees in Zone 1 and 2 and prior to cutting and removing understory vegetation and small saplings in Zone 2. Illegal limbing and clearing of ground cover in Zone 1 will be handled as follows:

**Limbing of trees** - Limbs on trees within Zone 1 that are cut in any way will be classified into two groups, large (4" in diameter and greater) and small (4" in diameter and less). In the large group, each limb cut will require one (1) two inch (2") sapling of the same species to be planted within a twenty-five foot (25') radius of the trunk of the effected tree. Small trees will take the same calculation and specifications but the total number of replacement saplings will be divided by one-half.

**Indiscriminate cutting or killing of undergrowth** - Undergrowth along the water's edge plays a vital role in the protection of the lake. As each site will be different in slope, soil type, density of vegetation, etc., each corrective measure will be different. Actions may include, but will not be limited to, providing a permanent vegetative cover by sowing grass or planting water grasses and other aquatic-based shrubs. Erosion control measures such as matting, silt fencing, or berming will also be used as needed. If any grading of the lake's edge is done, in addition to the killing of the undergrowth, all efforts will be taken to return the shoreline to the original configuration. Each site will be visited and a determination of damage and the appropriate corrective action will be taken.

#### **Cutting of material on adjacent properties**

Each lakeview lot at Lake Jeanette has Ingress/Egress lines that extend from the back corners of the lot to the shoreline (see the recorded plat or the exhibit attached to your deed). These lines delineate for most lots (see deed, Exhibit "A", lakeview lots) an area for exclusive movement and access for the homeowner, across Conc Mill's property, from his house to the water. When any material is cut from an Ingress/Egress (I/E) area other than that owned by the homeowner, a five-hundred dollar (\$500) fine will be levied for every property line crossed. This fine will be added to moneys collected for replacement costs of all illegal cutting, thinning, or killing of material on those properties. All moneys will then be used to replace such material with trees and shrubs as required by the replacement policy. The owners whose property is

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encroached upon will be given the opportunity to have appropriate amounts of replacement trees and shrubs planted on their I/E adjacent to the cut material. If these property owners do not wish to have replacement trees planted, the homeowner in violation will be required to plant those trees on his I/E at an area of his choosing - with the condition that all material must be placed within the same zone as the cut material it is replacing.

### **Addendum to Buffer Policy - October 15, 1996**

#### **Storage of Personal Property within Buffer**

The ingress / egress easement agreement granted by Cone to lakeview lot owners requires that Zones 1 and 2 of the Lake Jeanette easement area must be left in a natural and un-improved state. This easement grants movement across the property for permitted purposes of boating and fishing, but does not allow the storage of property of any kind in the zones. This includes, but is not limited to, boats, furniture, planters, hammocks, yard waste and other such items. These items impede the natural infiltration of water and kill vegetation and ground cover. Also, the natural look of the lake's edge is changed when these objects can be viewed while on the water.

Article II, Section 1(d) of the Lake Jeanette Development Declaration of Covenants, Conditions and Restrictions grants the Association the right to impose regulations for the use of the common area which includes Zone 1 and 2 of the easement area. Upon discovery of any offending object within the buffer, the Association will notify the lot owner by certified mail that, upon the receipt of this letter, he/she has forty eight (48) hours to remove the property. If the property is not removed within this time period the Association will remove the property and put it into storage. Depending on the size and nature of the object(s), a fee for moving and daily rent will be charged to the lot owner until the property is claimed. After the third time the Association has to remove and store property of a particular lot owner, the Association will request that Cone terminate the easement agreement granted to their lot.