

Fairfield Mountains Property Owners Association
Developer Road Use to Access Property Policy

I. PURPOSE

This policy provides for developers and potential developers the process to use POA roads/property to develop adjacent land to the POA. This policy provides guidelines to developers who need or desire access through POA property or over POA roadways to access developer's land.

II. ADJACENT DEVELOPER LAND

Land adjacent to POA property provides the best opportunity for resort growth. Developers often desire to use POA roadways to access this land as it provides the most desirable route or only viable route to the property. Developers would need to own the adjacent property to be developed.

III. CREATION OF ROADWAYS

Roadways adjoining POA roadways may be constructed on the developer owned property to provide access to the developer's land provided the following criteria are met:

1. Roadways must be constructed to the current Town of Lake Lure standards.
2. Developer's property must be adjacent to current POA Property and not involving other non-POA property.
3. Legal documentation must be provided guaranteeing all developed property within the boundaries of the property being accessed will be subject to the POA Declaration of Covenants and Restrictions.
4. All construction and any other activity on the newly accessed developer land over POA property will be subject to the POA developer rules/restrictions. This includes, but not limited to, hours of operations, type of activity, and construction policies and procedures.

IV. DEVELOPER RESONSIBILITIES

1. The Developer will ensure each parcel/lot of the developed land sold is automatically subject to the POA at the time of closing.
2. All construction will be subject to ACC rules/regulations and approval even if property has not been formally subjected to the POA.
3. Any breach or violation of this policy or any agreement pertaining to the granting of right-of-way use will immediately result in use denial of POA right-of-way, roadways or property.

V. FINAL AGREEMENT

1. A developer's written request for the use of POA roads/property under this Policy shall be submitted to the General Manager, or his designee.
2. The POA General Manager will evaluate each developer road/property use request and submit a written recommendation or agreement to the Board for approval. Any agreement granted shall also include details of the proposed development, such as survey(s), plot plan(s), deed(s), etc.
3. If request is granted, the developer will pay to the POA \$100 Developer Dues per month in accordance with Article III of the Covenants & Restrictions, as *amended*. In addition, at the time of sale of any parcel within the newly developed area is sold, the developer will pay to the POA a \$500 Impact Fee per parcel/lot sold for infrastructure.

5/20/02

Section V. Final Agreement, 3. revision in Italic was adopted 4/19/04.