

July 17, 2010

## George Ranch Policy on Tree Safety

### **Background:**

The combination of sudden oak death (SOD) syndrome exacerbated by the drought conditions in recent years contributed to several instances over the last 6 months where trees growing close to the roadways have fallen across the roads. Fortunately there were no injuries, but traffic was blocked. Prompt emergency response by our Ranch Manager, usually assisted by some homeowners cleared roadway passage. Subsequently, the remaining portions of the fallen trees were removed either by The Ranch or by the homeowner. Inspections along the roadways indicate that we will likely need to deal with further occurrences of at risk trees. At issue is the potential danger to drivers and their vehicles, as well as the possible liability of the Homeowners Association if identified risks are not responsibly addressed. This policy statement clarifies the existing policy and establishes procedures to manage risks from roadside trees.

### **Responsibility:**

Our roadways are constructed in an easement that extends 25 feet from the center of the roadway to each side of the roadway. This easement in favor of the Homeowners Association (GRCA) grants certain rights and attaches certain responsibilities to the GRCA, including maintenance of trees growing within the easement (i.e. the trunk is within the easement). Trees that grow on private property are the responsibility of the property owner. Reference to CC&R Article VII Common Area Easements, and subparagraphs 7.5 Loss or Damage to Common Areas and 7.6 Easements for Repairs, Maintenance, & Emergencies.

### **Safety Procedures:**

During the normal course of his work, the Ranch Manager will identify and 'tag' trees or limbs that appear to represent a danger of falling onto the roadway. Typically these will be dead or dying, but could include a large limb in a healthy tree that has 'drooped', inhibiting the right of way for trucks. He will notify Building and Grounds Committee (B&G). The Committee will schedule remediation for those trees growing within the easement. For trees on private property (or limbs emanating from private property trees), the B&G will advise the Board in writing(email), and before notifying the property owner the Board will inspect the site to assess the degree of risk to the roadway. In those cases where the Board agrees that the risk appears substantial, the Board will act on its obligation to preserve access and safety for the Homeowners and their guests by notifying the property owner in writing of necessary remedial actions and a timeframe within which the remediation is to be completed by the homeowner or a contractor of his/her choice. If the homeowner does not complete the work within the proscribed time frame, and the Board, if petitioned for an extension deems such extension to represent unacceptable risk, the Board shall act to remediate the risk, and the homeowner shall be charged for the expense incurred.

### **Emergency Response:**

When notified that a roadway is blocked by fallen tree or limb, the Ranch Manager, the B&G Committee, and /or the Board will respond as quickly as possible to clear the roadway. During an emergency response the GRCA will bear the expense of clearing the roadway (only). For trees growing within the easement, the GRCA will complete the removal. For trees growing on private property, the property owner will be responsible for completing removal. For private property trees that had been "tagged" per the 'safety procedure' described above, where remediation had

not been completed within the stipulated timeframe, emergency response expense (to clear roadway) will be billed back to the property owner.