

BRANDYWINE OWNERS ASSOCIATION, INC.

REGULATION OF USE OF SHOULDERS OF STREETS

WITHIN BRANDYWINE BAY

This regulation is adopted by the Board of Directors of Brandywine Owners' Association Inc. under the authority of North Carolina General Statute 47F-3-102(1).

STATEMENT OF EXPLANATION

Street rights-of-way within Brandywine Bay are generally wider than the width of the pavement. This leaves an area between the edge of street pavement and lot boundary lines which area is referred to in this regulation as "shoulder of the street." Within the shoulder of the street it is practical and reasonable, and in some cases necessary, that adjacent property owners have use rights. It is the intent of this regulation to provide such use rights but, to protect the integrity of the street system, drainage system, and the general well-being of the Association as a whole.

SPECIFIC REGULATIONS

The regulations with respect to use of the shoulder of the street within Brandywine Bay are as follows. All work authorized by general permission in this regulation must nonetheless receive the approval of the Architectural Control Committee if required by the Brandywine Bay Declaration of Covenants, as amended, or the regulations promulgated there under.

1. General Permission is granted to the property owners in Brandywine Bay to install driveways perpendicular to the street not more than 14 feet in width and walkways perpendicular to the street not more than six (6) feet in width. Driveways and walkways must be installed in a manner that does not interfere with drainage. Driveways and walkways constructed prior to the date of these regulations that exceed the width limits provided herein are deemed compliant as long as they do not impede drainage.
2. General permission is granted to the property owners in Brandywine Bay to erect mailboxes on the shoulder of the street, generally in close proximity to their driveways or their side property lines, and in compliance with US Postal Service specifications.
3. General permission is given to the property owners to plant grass and mow grass on the shoulder of the street.
4. If culverts are needed under driveways or walkways to promote or continue drainage, or if other drainage features are needed in the shoulder of the street, permission for a property owner to install the same must be secured from the Drainage Committee, and will be subject to all of the drainage rules that are in place in Brandywine Bay.

5. If an owner wishes to landscape or perform other work in the shoulder of the street, other than planting and mowing grass, the Board of Directors must give express permission for such work. Should the Board determine that the requested work will have a material impact on the aesthetics of the neighborhood, the Board should consult with the Architectural Control Committee before authorizing such work.
6. No parking is permitted on the shoulder of the road except on the adjacent owner's driveway, and except for short periods of time of less than four (4) hours.
7. The Owners' Association reserves the right to perform all inspection, maintenance, repair, mowing, landscaping, drainage, and other work on the shoulder of the street, as the Board of Directors deems appropriate. The Board shall strive to perform such work in a manner that does not damage the items adjacent owners are allowed to maintain in the shoulder of the street; however neither the Board of Directors nor the Association will have liability to any property owner resulting from damage to or destruction of such items that occurs while Board authorized work takes place therein.
8. In the event items permitted under this regulation are determined to obstruct drainage, the Association shall have the authority to require the owner of the adjacent property to modify such features so as to eliminate the drainage obstruction.

Construction within, and use of, the shoulder of the street authorized by general permission in these regulations is authorized only within the shoulder of the street adjacent to the owner's property. No owner shall have the right to construct within, or use, the shoulder of the street adjacent to another's property.

Adopted by majority vote of the Board of Directors on 1 day of July 2009

BRANDYWINE OWNERS' ASSOCIATION, INC.

(corporate seal)

By: Janiece Wall
President

Attest:

Mike Kelly
Secretary