

**RESOLUTION OF THE GOVERNORS VILLAGE POA ARCHITECTURAL
REVIEW BOARD
RESOLUTION # 07-**

WHEREAS, the Governors Village POA Architectural Review Board (hereinafter the “ARB”) has the authority, under the Declarations of Covenants, Conditions and Restrictions (hereinafter the “Declarations”) of the Governors Village Property Owners Association (hereinafter “the Association”) to impose rules and regulations for all improvements, structures, landscaping and objects on the building lots within Governors Village; and

WHEREAS, the ARB has determined that children’s play sets should be allowed on the building lots under certain restrictions and conditions; and

WHEREAS, the ARB desires to set forth guidelines for children’s play sets that protect the beauty of the community, provide the proper installation of children’s play sets and minimize the visibility of the children’s play sets from the street or other building lots while limiting the liability of the Association.

NOW, THEREFORE, the ARB resolves and enacts rules and regulations as follows:

1. **Definition:** “Children’s Play Set “ shall mean a permanently installed piece of equipment or structure that is designed and constructed to clearly be for the outdoor use and recreation of pre-teen children and not for use, exercise or recreation of or by adults.
2. **Application:** An application for approval of a children’s play set must be submitted to the ARB prior to beginning construction of the play set. The application, which may be submitted to the ARB, c/o Talis Management Group, shall be made on or in such forms as are published by the ARB and shall be available from the Association website or from Talis Management Group.
 - (a) The application shall specify location, dimensions, materials, colors, ground cover and shall include a graphic representation or photograph.
 - (b) The application shall include all manufacturers’ specifications and representation that the homeowner/applicant will follow all manufacturers’ installation and safety instructions.
3. **Location:** The children’s play set shall be located in the rear yard of the home. No portion of the play set may be nearer than six feet (6’) to the applicant’s property line.

4. Screening: The children's play set shall be screened from view from the street by positioning relative to the applicant's home and/or garage and, if needed, by means of either a five foot (5') tall screening fence or equivalent shrubbery at the time of installation of the play set to hide it from the street. The fence placement, shrubbery and plant installation must be specifically approved by ARB and completed at the time of the installation/construction of the play set.
5. Dimensions: The children's play set must be of reasonable size and dimensions with the following limitations:
 - (a) The total of all raised platforms horizontal to the ground must not exceed forty (40') square feet in total raised platform (horizontal area above and covering the ground) area.
 - (b) No platform may be more than five feet (5') above the ground.
 - (c) The highest point of the play set must not exceed six feet (6') in total height above the highest raised platform (e.g. for a five foot raised platform, the highest part of any play set must not exceed eleven feet (11') above the ground.)
 - (d) Extensions to the play set for the purpose of hanging ropes, grab handles, swings, or other extension, may not exceed a total of eight (8) linear feet, unless the ARB approves based upon the play set's site and design.
 - (e) The play set shall be of "open" design and should not be enclosed such that it creates a tree house, playhouse or other fully enclosed or weather-tight area.
6. The design shall limit the use of highly colored or tinted parts and use as many naturally colored and wood materials as possible.
7. The children's play set may not use trees as supports, nor shall it be constructed in such a way that trees may be damaged by its use or a tree's growth restricted.
8. The ground cover under and surrounding the children's play set must be specified in the application. Care shall be taken that ground cover does not present a danger of injury.
9. Neither the Association, nor the ARB has or represents that they have knowledge, experience nor expertise in or safety of construction of children's play facilities. It shall be the responsibility of the

homeowner/applicant to obtain expert advice and assistance in the design, installation and safe operation of the children's play set. **By submitting an application to the ARB, the homeowner waives and releases the Association, the ARB, their respective members and directors, their agents, employees and assigns from any and all liability for injury, damage or death arising from or associated with the installation, construction, use or misuse of the children's play set, and agrees to indemnify and hold harmless the Association, the ARB, their respective members and directors, their agents, employees and assigns from any and all liability or loss in connection with the children's play set.**

9. Homeowners shall agree to maintain the children's play set in good and attractive condition and to maintain the screening as described and required herein. After due process hearing by the Association Board of Directors or its designees, and failure by the homeowner to correct specified defects in maintenance of the children's play set or the screening material, within thirty (30) days after written notice of the defects, the Association Board of Directors may order removal of the children's play set and/or assess a fine in accordance with the Declarations and N.C.G.S. §47F.
10. Homeowners with existing children's play sets not previously approved by the ARB shall apply for approval under these rules and regulations within sixty (60) days of the date of publication of this resolution. The ARB reserves the right to waive or modify the rules and regulations established herein for existing children's play sets following a showing of a good faith effort to comply.

The rules and regulations contained herein are effective immediately.

Resolved this __ day of _____, 2007.

_____, Chairman
Governors Village Architectural Review Board