

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE FOX CROSSING HOMEOWNERS ASSOCIATION
RELATING TO SMART LANDSCAPING**

The Board of Directors (“Board”) of the Fox Crossing Homeowners Association (“Association”), having duly noticed and convened a meeting of the Board pursuant to A.R.S. § 33-1804, hereby adopts the following resolution by a majority vote:

WHEREAS Article IV, Section 4.7 of the Association’s Bylaws provides that the Board shall have all powers necessary and shall be responsible for the administration of the affairs of the Association, and include but not be limited to make and amend rules and regulations respecting the operation, use and maintenance of Lots and Master Common Areas; and,

WHEREAS, the Board has determined that it is in the best interests of the community to adopt a policy that provides landscaping guidelines for the Lots that helps to preserve the values of the community, and that encourages selecting plants that are not invasive or damaging to surrounding exterior shared walls and structures on the Lot; and,

WHEREAS, capitalized terms used in the Resolution shall have the same meanings as defined in Arizona law, the CC&Rs, Articles of Incorporation, Bylaws, and Rules; and,

WHEREAS, having duly deliberated on and investigated the relative merits of adopting a smart landscaping resolution for Owners Lots, that provides landscaping guidelines for the Lots that helps to preserve the values of the community, and that encourages selecting trees, plants, and shrubs that are not invasive or damaging to surrounding shared exterior walls and structures on the Lot, the Board adopts the following Resolution to be inserted in the minute book of the corporation:

IT IS HEREBY RESOLVED MOVING FORWARD: The following rules are added to the Association's Rules and Regulations and Design Guidelines:

Smart Landscaping Guidelines:

1. A five (5) feet set back is required for planting trees near any exterior shared walls on the Lot.
2. Sissoo and Eucalyptus trees are prohibited from being planted on any portion of the Owner's Lot. Owners who currently have Sissoo or Eucalyptus trees on their Lot should consider removing these trees. Owners are reminded that they are responsible for the cost of repairing any damage caused by the roots of these trees to the exterior shared walls, to another Owner's property, or to the Association's Common Area.
3. When selecting trees for planting to submit for approval, Owners should choose trees that have a deep root system and are not invasive to any structures or walls located on the Lot.
4. Upon the removal of any tree, Owners must properly treat and remove all suckers to ensure that there is no reoccurrence.
5. In no event shall irrigation be directed towards any of the exterior walls on the Lot.
6. In no event may irrigation be applied within four (4) feet of any party or shared wall.
7. In no event shall the exterior shared walls be used as retaining walls of any type for planter beds or berms of any material.
8. Owners must keep all trees, plants, and shrubs from coming into contact with the view fencing if applicable on their Lot.
9. Owners should evaluate all landscaping and landscaping equipment on their Lots to determine if any are actively causing or likely to cause damage to the exterior shared walls. Owners should remove or relocate all landscaping or landscaping equipment that may cause damage to the exterior shared walls.

Owners are reminded that if a condition on their Lot causes damage to the exterior shared wall, that Owner shall be responsible for the cost of repairing the damage.

10. Any Owner who installs any plant, tree, shrub, or irrigation equipment after the date of this resolution that does not comply with the terms of this resolution shall be subject to a fine after notice and an opportunity for a hearing.

THIS RESOLUTION was adopted on Dec. 5, 2019, after full deliberation and a majority affirmative vote of the Board.



President

Secretary