

**Information Item**

**Date:** September 5, 2018

**To:** The City Manager

**From:** Angela I. Carmon, City Attorney

**Council Action Requested:**

Discussion of a Resolution Approving the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Lake Park Subdivision

**Strategic Focus Area:** Service Excellence

**Strategic Objective:** No

**Strategic Plan Action Item:** No

**Key Work Item:** No



**Summary of Information:**

In July, the City acquired from Lake Park Development Inc. 22 lots in the Lake Park Subdivision and accepted transfer of the declarant rights under the existing declaration and amended declaration of covenants, conditions and restrictions of Lake Park Subdivision. On Thursday, August 23<sup>rd</sup>, I met with two residents and members of the Lake Park Homeowners' Association ("Association") to discuss possible revisions to the declaration, as amended.

Although the Association still has to meet, discuss and vote on the desired changes, the representatives that I met with indicated that they would like to see the declaration, as amended changed to:

(1) clarify the identity of the declarant which is now the City of Winston-Salem since all of the rights and obligations of the prior declarant were transferred to the City;

(2) increase the annual assessment amount to reflect the current assessed amount of \$150.00 per year, which is assessed against all lots, except that of the declarant which is now the City;

**Committee Action:**

<b>Committee</b>	_____	<b>Action</b>	_____
<b>For</b>	_____	<b>Against</b>	_____
<b>Remarks:</b>	_____		

(3) restore the prior language in Article VI in its entirety, which includes restoring the dwelling size restrictions: (a) 1700 square feet for a one-story single-family dwelling, (b) 2000 square feet for a two-story single-family dwelling, and (c) 1900 square feet for a split level or 1 ½ story single-family dwelling;

(4) increase the minimum amount that any newly constructed dwelling must appraise for, which is currently listed at \$110,000, and

(5) restore the limitation on conducting any business activity on any lot within the subdivision.

The changes requested above have been incorporated into the amended and restated declaration attached hereto. Additionally, the minimum dollar value of any dwelling and lot in the subdivisions has been changed from \$150,000 to \$195,000 in the amended and restated declaration. Finally, the amended and restated declaration will remain in effect for 20 years and will automatically extend for another 10 years for effective time period of 30 years (2048) from approval and execution by the City.

City staff will work with the Lake Park Homeowners' Association to answer questions regarding maintenance of the city's lots and overall plans for the subdivision.