



**RESOLUTION
OF
BOARD OF DIRECTORS
OF
HUNTERS GREEN CLUSTER ASSOCIATION
ADOPTING
PROCEDURES AND RULES TO IMPLEMENT RESERVED
PARKING IN HUNTERS GREEN CLUSTER**

**Adopted June 29, 2001
and Modified August 14, 2001**

The following Resolution has been adopted by the HUNTERS GREEN CLUSTER ASSOCIATION, hereafter referred to as HGCA or the Association, pursuant to its governing laws and bylaws, at a regular meeting of the Board of Directors hereafter referred to as the Board.

RECITALS

Whereas the Association is charged with certain responsibilities regarding the management, care, and maintenance of its deeded common property in paragraph 2 of its Articles of Incorporation and as delegated by Article VII, Section 1(b) of the amended Reston Deed of Dedication, and

Whereas the Association's Board of Directors is empowered by Article VII, Section 2(b)(1) of the amended Reston Deed of Dedication, after notice and hearing, to establish reasonable rules for use of cluster common ground, including parking rules, and

Whereas during 1999 and 2000, various members of the Association complained to members of the Board that they frequently were unable to find parking within a reasonable, convenient distance of their residences and asked that the Board consider implementing assigned parking in the Cluster, and

Whereas during August and September of 2000, the Board conducted a survey of Cluster residents soliciting their opinions and wishes regarding implementing some form of assigned parking in the Cluster, in which 94 of 118 households or 80 percent participated, and

Whereas the results of said survey showed that 65 of the 94 or 69 percent of the survey participants favored some form of assigned or allocated parking, and

Whereas a plurality of 43 of the 94 respondents, constituting 66 percent of those favoring some form of assigned parking, voted in favor of assigning one reserved space per residence, and

Whereas the Board considered alternative forms of allocated or assigned parking, which they rejected because each appeared to be infeasible, impracticable, or illegal and

Whereas the Board of Directors of the Association desires to adopt codified systematic rules, procedures, and policies to implement a form of reserved parking in the parking areas of the common ground, such procedures complying with the provisions of the,

- (1) Nonstock Corporation Act of Virginia,
- (2) Property Owners' Association Act of Virginia,
- (3) Reston Deed of Dedication, amended December 20, 1984,
- (4) HCGA Articles of Incorporation, and
- (5) HGCA Bylaws, amended December 1, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Association does hereby adopt the following rules, procedures, and policies for the assignment and use of reserved parking spaces by residents of the Cluster.

Implementation.

1. The Board shall implement a plan that assigns to each of the 118 houses in Hunters Green Cluster one parking space from among the 250 marked parking spaces in the common ground. The parking space that is assigned to a residence shall be for the exclusive use by the occupants of that residence, unless they explicitly grant to others permission to use their parking space. The remaining 132 marked spaces shall remain unassigned and available for use by any Hunters Green Cluster resident or visitor.
2. Reserved spaces shall be clearly marked in such a manner as to enable residents and visitors to distinguish them easily from unreserved spaces.
3. By this Resolution, neither the Association nor its Board of Directors shall convey title, easement, or any other form of ownership to the parking space that is assigned to a residence. All parking spaces shall remain part of the common ground and thereby remain the property of the Association as a whole. While occupants of a residence may grant to others permission to use their assigned parking space, they may not sell, rent, nor receive any other form of remuneration for use of their space by others.
4. Residents are encouraged to register their vehicles with the Board to aid in administration of the enforcement section of this Resolution. Registration can be accomplished using the Hunters Green Cluster website, by sending e-mail to the Board@HuntersGreenCluster.org, or by USPS mail to the Association's post office box. Registration will not be considered complete before confirmation of registration is received from the website, the Board, or one of its members.
5. Notice of Effective Date. The Board shall notify all members and residents of Hunters Green Cluster of the existence and the provisions of this Resolution by distribution of a

paper copy on or before July 12, 2001. Except for the enforcement provisions, all policies and procedures set forth in this Resolution shall become effective upon notice given in written form to members and residents. The enforcement provisions in this Resolution shall become effective 30 days thereafter.

Operating Policy.

6. All residents and visitors of Hunters Green Cluster shall respect the right of the occupants of a residence to have exclusive use of the parking space assigned to that residence.
7. All residents of Hunters Green Cluster shall be responsible for ensuring that their visitors, including service vehicles, refrain from occupying any reserved parking space other than the one assigned to their own residence.
8. When parking in any space, whether it is reserved or unreserved, residents and their visitors shall park squarely between the space markers, perpendicular to the curb, and avoid overlapping into any adjacent space.

Enforcement.

9. The Board expects residents to observe the provisions of this Resolution and to refrain from the use, without permission, of any reserved parking space other than the one assigned to their residence. By respecting the rights of their neighbors and ensuring that their visitors do the same, residents will minimize the need for enforcement actions.
10. Definitions.
 - a. Violation. The use, without permission, of any reserved parking space by a resident (or their visitors including service vehicles) other than the one assigned to that resident and his/her household shall be considered a violation of the reserved parking rules.
 - b. Offender. For purposes of enforcement, all persons of a household and their vehicles, and all visitors to the household and their vehicles, when in violation of the parking rules shall be considered the same offender.
11. First Violations. The Board expects residents to work out among themselves any simple misunderstandings regarding the use or misuse of reserved parking spaces. Consequently, even if it has been apprised of the matter, the Board will take no direct action on a first violation of the reserved parking rules by a resident or a visitor to that resident. Nevertheless, if a resident has made a personal effort to resolve a parking problem with another resident, but has been unsuccessful, and the offended resident believes that enforcement action by the Board may become necessary, the resident shall make the violation a matter of record by notifying the Board. This notification shall be in writing and must include the name and address of the complaining resident, the name and address of the offender, the wrongly parked vehicle's license plate state and number, the date(s) on which the violation(s) occurred, and the date(s) on which the resident amicably sought to resolve the issue.

12. Second Violations. Upon receipt from a resident of a written complaint, which meets the requirements specified in paragraph 11 above, and which constitutes a second reserved parking violation by the same offender, the Board shall send a letter to the offender by both regular mail and certified mail, return receipt requested, formally asking the offender to cease those actions that constitute violations of the reserved parking rules.
13. Third Violations. Upon receipt from a resident of a written complaint which meets the requirements specified in paragraph 11 above, and which constitutes a third violation by the same offender, the Board shall send a letter by both regular mail and certified mail, return receipt requested, notifying the offender that a third violation has occurred, and that the offender will be assessed a charge of \$25 for violation of the reserved parking rules. The letters shall state that any further violations of the reserved parking rules by the offender may result in the towing of the offending vehicles without further notice. The letters shall notify the offender of his/her right, within 10 days of the postmark of the letters, to request a hearing before the Board within 30 days to appeal the assessment. Assessments for rules violations are subject to the same collection procedures as are other dues and fees, in that they may draw late fees and interest if not paid by the end of the quarter in which they are assessed.
14. Fourth and Subsequent Violations. Upon receipt from a resident of a written complaint which meets the requirements specified in paragraph 11 above, and which constitutes a fourth or subsequent violation by the same offender, the Board may have the offending vehicle towed from the Cluster without notice. Alternatively, the Board may invoke the same penalty and procedures as for a third violation. Additionally the Board may seek injunctive relief to enforce the provisions of this Resolution. Any legal expenses incurred by the Association in seeking the injunction shall be assessed to the offender.
15. Towing by Order of the Board. Normally, the Board shall not order towing of a vehicle without due process as established in paragraphs 11 through 14. However, nothing in this resolution shall preclude the Board, [after having received a written complaint meeting the requirements specified in paragraph 11 above](#), from ordering the towing from a reserved space of a vehicle that cannot be identified as belonging to a resident or to a visitor to a resident. Furthermore, nothing in this resolution shall preclude the Board from ordering a vehicle removed from any location in Hunters Green Cluster where the Board judges it to be a hazard to traffic.
16. Towing by Order of a Resident. No one other than a member of the Board has the authority to order the towing of a vehicle in the name of the Association. While nothing in these rules or this Resolution can preclude a resident from causing a vehicle to be removed from their reserved parking space, the Board strongly discourages that practice. In any event, neither the Association nor its Board of Directors shall bear any liability or responsibility for towing actions initiated by anyone other than a member of the Board.
17. Nothing in this Resolution shall require the Association or its Board of Directors to take the specified enforcement actions in each and every case. The Board reserves the right to judge each purported parking rules violation on its own merits.

[end of text]