

FRANKLIN FARM FOUNDATION
Administrative Resolution 38

Open Space Voluntary Planting Guidelines and Procedures

WHEREAS, some residents may desire to donate and plant trees, shrubs and other plantings on open space at their own expense; and,

WHEREAS, Article II, Section 3 (c) (1), of the Declaration of Covenants and Restrictions empowers the Board of Trustees to acquire, own, hold, improve, maintain, manage, lease, pledge, convey, transfer or dedicate real or personal property for the benefit of the members in connection with the affairs of the Foundation; and,

WHEREAS, Article IV, Section 1 of the Declaration of Covenants and Restrictions obligates the Foundation to manage and control for the benefit of the Members the Common Area conveyed to it and all improvements thereon.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees has adopted the following procedures and guidelines that would allow donated trees, plants or shrubs to be planted on Foundation Open Space.

Part I - General Information

Section 1. Donations. Foundation members may donate trees, plants, shrubs and other plantings on Neighborhood or Foundation open space subject to the approval of the Board of Trustees.

Section 2. Authorized Plantings. The prioritized listing of trees authorized for donations are contained in the current Open Space Planting Plan. Other requested plantings will be considered on a case-by-case basis, but will require significant factual justification for approval.

Section 2. Planting Location. Planting will be in either Neighborhood open space or in Foundation open space. Neighborhood open space is that section of the Neighborhood identified in its' Supplementary Declaration as the Neighborhood Common Area. All other open space areas in Franklin Farm are Foundation open space areas. Plantings should be proposed in open space areas that will suit each respective specimen. Consideration should be given to the amount of sun, shade and water on the site. Size of the mature plant should also be considered so that it doesn't grow into pathways, roads or other yards.

Section 3. Planting Restrictions.

- A. Planting, or groups thereof, should not represent individual actions/efforts to establish vegetation barriers, screens, walls, etc. for any specific residence or residences to the exclusion of, or in conflict with, the open space principles. Open space shall remain areas designated for the collective enjoyment of all Franklin Farm residents. This is an important aspect of this program. It is not intended to enhance the individual property of any resident or properties of a group of residents. It is intended solely to provide another vehicle for enhancement of community open space.
- B. Plantings should not restrict access to open space, nor should they result in apparent expansion of one's property into open space.
- C. The Transco Pipeline, the Dairy Lou and Still Pond Centers, the ponds and the recreation areas are specifically excluded from these procedures.

Section 4. Quality of Donations. The Foundation requests donations of permanent tree(s), shrubs and perennial planting that require minimum maintenance to extend enjoyment over many seasons. A list of suggested donations for open space areas is maintained at the Foundation Office. Plants native to this region are strongly preferred. Trees should be fully branched, with a nice shape and they should have straight trunks with evenly spaced branches. Shrubs should have no missing branches. All plants should have a full and healthy root system, with no circling roots that may strangle the plant in the future.

Section 5. Donation Funding. Approval of a proposed donated planting does not constitute funding for planting or maintenance by the Foundation. All planting will be at the donor's expense.

Section 6. Ownership of Planting. Every tree, shrub or other planting on open space is irrevocably donated to the Foundation upon planting on open space. Every tree, shrub or other planting on open space is the sole and exclusive property of the Foundation and may be removed, in whole or in part, without recourse or obligation.

Section 7. Planting Impact with other Authorities. The Foundation is not the only entity whose guidelines and procedures are applicable to planting on open space. Among others, the Virginia Department of Highways and Transportation, as well as electric, water, communications, oil and gas utilities have easements and other rights and controls over certain open space. The donor is solely and exclusively responsible for consulting with and obtaining the requisite approval of all such entities.

Part II. - PROCEDURES

Section 1. Application Process. Any Member who desires to donate a planting in open space should submit a letter request with the following information to the Executive Director of the Foundation.

A. A sketch of the proposed area of open space area where the planting is proposed showing existing plantings and distances to pathways, roads, houses, etc.

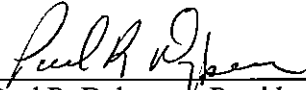
B. If the proposed planting site is in a Neighborhood Common Area, a signed statement by the Neighborhood Board stating concurrence with the proposed plan is required. This step is not necessary if there is no Neighborhood Board sanctioned by the Foundation.

C. A signed statement by the Foundation Open Space Committee Chairperson concurring with the proposed planting plan is required. When the Open Space Committee meeting reviews the proposed donation, the donor should attend in case additional information is needed by the committee concurrence.

Section 2. Approval Process. The completed letter with Neighborhood and committee endorsements will be sent to the Board of Trustees for final approval. When approved, the applicant may immediately implement the plan. The approved plan must be implemented within three months (90 days) of notification of approval, unless otherwise stipulated during the approval process. The optimum planting period is during the fall.


Section 3. Donor Responsibility. The donor is responsible for getting the planting started, e.g., caring for the planting long enough to get it established on its own. This shall include watering care for a full year. (Residents are encouraged to donate plantings that do not need constant care, and that will not only survive but thrive in this area). If the plant dies within a year, the person/agency responsible for planting it shall be responsible for its removal and disposition and restoration of the common areas affected.

Date: March 19, 2008



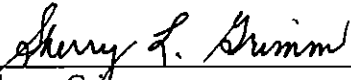
Paul R. Dykeman, President

Attest:



Jerry Schmitt
Executive Director

I hereby certify that a vote was duly taken and the above Resolution was adopted by a vote of two-thirds of the Trustees of the Board of Trustees at the meeting of the Board of Trustees on the 19th day of MARCH, 2008.



Sherry Grimm

SEAL

Book of Minutes No. _____
Meeting No. _____