**Why did the Board stop collecting the $50.00 “voluntary fee” from the owners of the vacant lots in order to maintain the City pf Prescott’s 12-foot x width of the lots right of way space any longer?**
Article VI – Section 6 (CCR’s) **Uniform Rate of Assessmen**t
***Both annual and special assessments must be fixed at a uniform rate for all lots and may be collected on a monthly, quarterly, annually or other basis as determined by the Board.***
Previously, the $50.00 additional fee was presented as a ‘voluntary’ fee. If the owners did not pay the ‘voluntary’ $50.00 fee, their road frontage, ie. City of Prescott right of way, was not maintained. Thus, the practice was stopped in order to come into compliance with our CCRs. But two (2) owners threatened to sue the Board if we did not reinstate the collection of the fee. This caused the Board to spend money with our Attorney, Carpenter Hazlewood LLC, for clarification. Additionally, “PSPOA money” (their term – not ours) can be used to maintain the City of Prescott’s 12 feet right-of-way that the City does not maintain. ***The CC&Rs have no specific provisions regarding Association maintenance of City right of way within the Association. In other words, nothing that specifically allows or prohibits the use of funds in this manner. But Article VI, Section 2 generally discusses how the Association is to use assessments. This section limits use to "promoting the general benefits, recreation, health, safety and welfare of the Owners and Occupants of the Property". Arguably, removing brush from the City right of way promotes the safety of owners and occupants, so arguably this use complies with Article VI, Section 2.***
This matter is now settled and is final***.***