

LANTERN HILL BOARD OF DIRECTORS SPECIAL MEETING

9 January 2025

MEETING SUBJECT: Boundary encroachment behind 26 Woodbridge

MEETING LOCATION AND TIME: Zoom 9:30AM

Attendees: **Attendees: Anthony Arleth (President), Melissa Regan (Treasurer); Scott Neilson (Secretary); Stefan Richter (Counsel for Lantern Hill HOA); Michael Klein Continental Property Management (CPM).**

ACTION from 10 December 2024 Board meeting

Boundary encroachment behind 26 Woodbridge. Letter has been sent to resident stating that Lantern Hill plans to proceed with removal of the fence and reclaiming the property.

POST MEETING UPDATE: Resident has indicated that they are prepared to fight over this issue. It is up to Lantern Hill to determine next steps.

ACTION: Michael to arrange meeting with attorney to discuss options.

ZOOM Meeting Notes:

Board met with Stefan Richter to discuss options and decide next steps.

CONCERNS EXPRESSED BY BOARD WERE:

- Allowing neighbor to encroach on Lantern Hill property would create a precedent that might encourage others to do so.
- A liability for Lantern Hill may exist on that property even though the neighbor erected a fence enclosing it.
- It would be irresponsible for the Board to allow a neighboring resident to encroach on the HOA's property.
- It is a small piece of land (less than 100 SF) in a remote and barely visible part of the Lantern Hill property, and it is shielded by numerous trees and bushes. It is not worth a significant investment to remedy the situation.

ISSUES PRESENTED BY COUNSEL:

- Neighbor (Heckler) feels that the property is his since it has been enclosed by fencing for over 40 years. However, he had replied in 2017 to a Lantern Hill request to remove the fencing in which he indicated that he did not own that piece of the property and therefore disclaimed ownership of the fencing. Therefore, he would have difficulty making the case now that the property is his. The requirements of an adverse possession claim have not been met and his threat of legal action is likely without foundation.
- If Heckler did choose to take legal action it would be costly considering the small parcel of land at issue.
- The Lantern Hill Board of Directors is not authorized to allow the encroachment. If the Board decided to NOT pursue legal action, it would require a vote by the Lantern Hill Home Owners to approve.
- If Lantern Hill chooses to NOT take legal action documentation should still be prepared holding Heckler responsible and Lantern Hill harmless should a liability issue arise.
- A licensing agreement could be presented, as had been done previously with Heckler, and for which a precedent has been set with Kinney on Hillcrest Drive (just a few properties away from Heckler). This is a middle ground which would resolve the issue of ownership (it would remain with Lantern Hill), allow use by Heckler (although Lantern Hill would retain the right to repossess at any time, and clear Lantern Hill of liability until such time as Lantern Hill would choose to repossess. It would also be a less costly an option.

CONCLUSION:

It was decided that a letter should be sent from Lantern Hill legal counsel reminding Heckler of his previous position denying ownership of that parcel of land and indicating Lantern Hill intent to remove existing fencing and potentially replace with new fencing on the property line. The letter would also offer the opportunity for a licensing agreement.

ACTION: Letter to be prepared by Richter and circulated to Board for approval.