

To: Southwinds Association, Inc. Homeowners

From: Southwinds Association Board

Re: Motion to Restrict Access to Birchmill Pond Trail to Only Pedestrian Traffic

Date: November 22, 2020

Over the past two years, homeowners near the Birchmill Pond trail have called with concern about an individual(s) using a motorbike on the trail leading to the floating dock and picnic area. The concerns expressed related to safety, noise and minor damage to one of the three man made decks constructed over wetland areas along the trail. Another concern relates to the liability of Southwinds Association, Inc. should an individual(s) become injured and its members failed to act in a reasonable and prudent manner prohibiting the use of motorized vehicles on the trail.

In review of the "Developer's Declaration of Restrictions and Easements" (March 21, 1979) it states in part: ..." Said land shall be held and conveyed subject to the restriction that in no event will motorcycles be allowed on the land designated 'open space'..." (page 3, section 8).

For these reasons, the Association Board is submitting the following motion for adoption:

Motion: To restrict access to Birchmill Pond Trail to only pedestrian traffic of Southwinds Association, Inc. homeowners and their guests with new signage to be posted at the trail head.