

Catspaw Property Owner's Association
Executive Board Meeting Conference Call
September 27, 2016

Attending: Frank Lee, Randy Aderhold, Jack Lurie, Susie Henderson, Laurie Holmes, Art Trufelli, Billy Dasher,

Not-attending: none

Action Items:

1. **Randy Aderhold to call Ben West, surveyor regarding the Clayson Road road bed and the property point in question. Jack Lurie, board member, will be the onsite point of contact for Ben West.**
2. **Billy Dasher will review the road work needed on Buckhead and move the Clayson Road roadbed, if needed.**
3. **Talk with any affected homeowners regarding the Evitt property location and any potential changes to the roadbed.**
4. **When possible, homeowners should be notified of the need to cut trees encroaching on power lines.**

The meeting was called to order at 7 p.m. by Frank Lee who notified all attendees that the meeting was being recorded. The purpose of the meeting is to discuss Chet and Myrna Mahon's letter regarding the intrusion from the Evitt's (non-Catspaw) 9.21 acre lot on Clayson Road. Plats of the affected area were sent out by email. The location of the intrusion was across Mahon's property about 20 feet from their property line with the Meuldjik lot. The Evitt's access their lot from Windy Gap Road.

Jack Lurie said that our biggest concern was the point where the Evitt property touches Catspaw on Clayson Road. Billy Dasher said that there does not seem to be a threat at this time from the Evitt's. He said there is not enough frontage on Clayson Road to build a road, but Mr. Evitt could request an easement from either the Mahon's or Meuldjik's to create a shortcut from Mill Creek to Walnut Creek. There would also be an advantage to us to shorten the distance to Yellow Mountain Fire Station, but in the end it would increase traffic and be a negative advantage.

Jack Lurie spoke with the Evitt's who hold bad feelings due to a prior owner cutting down trees on his property without permission about 10 years ago. Mahon's said that Mr. Dunegan, the prior owner of lot 59, was said to cut the trees.

Randy Aderhold asked whether Catspaw roads could be opened up to access by the Evitt's or not. Art Trufelli said that our roads were to support the 65 lot owners. Randy said we must move our road and Art said that a determination must be made as to whether we are encroaching on the Evitt property. Randy Aderhold recalled that Mr. Evitt made a prior request to open the roads for his development and was denied. Art Trufelli said that it was a fact issue and asked where the survey stake is. Jack Lurie said that the stake is located at the edge of the current road bed.

Susan Henderson pointed out that the location of the transformer on John Tyrrell's lot limits the road being moved to 2 – 5 feet. Randy Aderhold said we must get off the Evitt's land. Billy Dasher, road

chairperson, said that the road could be moved and would not require a lot of earth moving. There is apparently no Catspaw easement on the Evitt side.

Art Trufelli asked if Catspaw has ever owned any of the Evitt property? Is this simply an error in locating the road? Art said if there is an error that we should correct it. There was a discussion about whether a survey was needed. The underground power lines and transformer is an important consideration.

Motion: Randy Aderhold made a motion to **“Relocate the road to get off Mr. Evitt’s property and, if necessary, have a survey to mark where our 40 foot easement is.”** Art Trufelli seconded the motion.

Discussion: Art Trufelli asked if there was a benefit to reviewing the original easement plans. Billy suggested that we contact the original surveyor as the road may only touch the land and not cross it. Frank Lee and Randy Aderhold said that a survey was part of the motion.

Frank Lee restated the motion as: **“That Catspaw move the road off of Evitt’s property and if a survey is needed to do that in an accurate way and a legal way it should be obtained.”** It was seconded by the original individual and passed by the board. Randy Aderhold will contact Ben West, surveyor, about the road bed and point in question.

Jack Lurie asked if a notice by certified mail should be sent to Mr. Evitt? Someone asked whether the Evitt’s were apologetic and it was agreed that they were. It was pointed out that the Evitt’s have placed a fence at the Clayson Road intrusion since the discussion with Mahon’s and Jack Lurie.

Susan Henderson pointed out that there are two surveys and the one by Stephen Foster has a discrepancy. The Ben West survey in 1993 notes the Foster discrepancy and shows that the disputed area is actually Catspaw land. Art Trufelli said that Randy should ask Ben West to locate the point. Randy said that he would ask Ben West to contact Jack Lurie so that Ben would be directed to the point in question. Susan recommended that we talk with John Tyrrell about moving the road bed since it directly impacts his lot. All information will be gathered and then will be discussed with the Tyrrell’s.

Jack stated that the Mahon’s were afraid of the Evitt’s for possible physical damage to their property.

Frank Lee asked if there were any other issues for the board to discuss.

Frank said that an email should be sent to owners to look at the power lines and remove any trees that may be approaching power lines.

Billy Dasher said that the roads are in good shape except for the hill up Catspaw Road. Susan Henderson asked that we fix Buckhead Road with one or two loads of gravel to fix it as it is difficult to walk or drive on. Frank Lee asked Billy to check on this. There was a discussion about combining Buckhead work with other road work.

Frank Lee said that the covenants and restrictions committee is working together.

The meeting was adjourned at 7:45 p.m.