

# Epworth Forest Administration Committee

September 6, 2014

# Announcements

- Meeting 9:00 to 10:30
- Registration forms for contact information – email
- Pier Inquiry Form for individual issues, requests, suggestions
- Please hold questions until the end

# Epworth Forest Administration Committee (EFAC) Board of Directors

- Richard Presser, President
- Sharon Anson, Vice President
- Kara Lusby, Secretary
- Sue Montovani, Treasurer
- Fifth “Neutral” Member (To be determined)

## Purpose of EFAC

- The purpose of the EFAC will be to manage all rights, obligations, and disputes related to the Easement created by the original Plat and defined by the 1994 Order and subsequent rulings, and to accept the assignment from the Conference of all the 1994 duties. (Apr 15, 14a)
- The Board of Directors shall have such powers as are reasonable and necessary for the administration of the affairs of the Committee and to accomplish the performance of their duties, conferred by the Indiana Nonprofit Corporation Act or by other law. (Bylaws, Article IV ,Sec 5)

# Communication Methods

- E-mail – [efpier@gmail.com](mailto:efpier@gmail.com)
- Web site – [www.efpier.org](http://www.efpier.org)
- All communication, including invoices for pier fees, will be via e-mail.
- All documents will be posted to web site. Court order, bylaws, agendas, meeting notes, and delinquent pier fees.
- Inquiries, requests, suggestions and concerns should be submitted via the Pier Inquiry Form on the web site or an e-mail.
- Application/Change for Pier Assignment form on website for off-shore change of ownership

# Our Approach

- Form the new Committee
  - Establish relationships within the team
  - Address the administrative necessities
  - Identify 5<sup>th</sup> member
- Develop alternatives for the future state
  - Gather and review facts and data
  - Identify the types of problems to be solved
  - Think through future scenarios that need to be addressed
  - Educate ourselves on the policies, rulings, and instructions from the court

- Understand/Examine the current state of the situation
  - Develop new solutions
  - Gather additional information affecting potential solutions
  - Anticipate impact (on-shore and off-shore, as well as others involved)
- Develop a strategy/direction for the future state
  - Review alternatives
  - Confirm adherence to the policies, rulings, and instructions from the court
- Implement the solution
  - Instruct/Communicate any changes
  - Enforce and manage
  - Look for areas for further improvement

# Court Orders

- 1994 Judgment still in effect.
- Allow for the placement of only one pier and the docking of only one boat or other watercraft for each off-shore owner. (Jan 21, P6)
- Requests for pier sites and/or pier slips should be assigned in the order they are received. (Jan 21, P7c)
- In the event of a change of ownership of a property with assigned pier access, the new owner shall apply to the Committee for a transfer of the pier assignment utilizing the “APPLICATION/CHANGE FOR PIER ASSIGNMENT” form. Pier assignments are not deeded with the property nor are all non-lakefront property owners guaranteed a pier assignment. However, it is the intent to retain the original assignments where possible as long as such assignments are in compliance with current guidelines. (Apr 2011, Pier Admin Policy, P9)
- Ability to install more group and/or community piers to meet any unmet pier request should be explored. (Jan 21, P7d)



- Penalties for repeat offenders and/or ongoing violations should also include possible suspension and/or revocation of pier placement and/or docking privileges. (Jan 21, P7f)
- Time frames for enforcement proceedings should be reduced for the first, second, and third notice to seven days. (Jan 21, P7g)
- Off-shore owners are further required to access their pier assignments, or their use of the walkway, by utilizing the various streets, platted easements, and/or “fire lanes” which lead from public streets to the easement, and specifically, access to the pier assignments or the public walkway should not be across the lots of on-shore owners without express permission of the on-shore owners. (Jan 21, P7i) (Mar 20, P34h, xiii) (Apr 15, P14m) (AI P2.03K) (Bylaws, Article IV, Sec 6j)
- The use of the easement as a “promenade” prohibits motorized vehicles, bicycles, golf carts, and the like. (Jan 21, P7j) (Mar 20, P34h, xiv) (Apr 15, P14n) (Bylaws, Article IV, Sec 6h)

- Piers and related facilities are not to be stored upon walkway or the on-shore owners' property without express permission having been granted for such placement by the on-shore owner. (Jan 21, P7j)
- Strive to allow/provide for a five (5) foot clearance on both sides [for a total of ten (10) feet] of the dividing line between pier sites so that a ten (10) foot buffer zone may exist between facilities and equipment utilized on the pier sites. (Jan 15, P8a)
- Strive to burden any on-shore owner with only one (1) off-shore pier site (Jan15, 8b)
- EFAC will possess the authority to levy reasonable fines for violations of policies and pier assignments and to levy reasonable late fees for failure to pay pier fees. (Mar 20, P34h,vii) (Apr 15, P14g) (AI P2.03E) (Bylaws, Article IV, Sec 6m)

- EFAC will possess the authority to place a lien on any lot in Epworth Forest to secure payment of any assessed fee and to secure a judgment obtained against a lot owner. (Mar 20, P34h, viii) (Apr 15, P14h) (AI P2.03F) (Bylaws, Article IV, Sec 6o)
- On-shore owners' pier assignments will continue from year to year and be presumed permanent. An off-shore pier assignment / location may be changed only for substantial change of circumstances making the prior assignment unreasonable under current facts and circumstances. An on-shore pier assignment may be changed only upon the request in writing of the on-shore owner. (Mar 20, P34h, x) (Apr 15, P14j) (Bylaws, Article IV, Sec 6b,c,d)
- Every off-shore (AI P2.03H) owner that seeks a pier must show proof to EFAC of adequate liability insurance in such reasonable amounts as determined by the EFAC. Amount to be \$500,000 or greater. (Mar 20, P34h, xi) (Apr 15, P14k) (Bylaws, Article IV, Sec 6f)

- EFAC will develop, establish and maintain community piers where possible. The separate fee for use of a community pier shall be in addition to regular pier fees. (Mar 20, P34h, xvi) (Apr 15, P14p) (AI P2.03J) (Bylaws, Article IV, Sec 6i)
- To establish the amount of the assessments against each member for each pier owned. (Bylaws, Article IV, Sec 6g)
- To send written notice of each assessment to each applicable owner. (Bylaws, Article IV, Sec 6k)
- To cause the Easement, including any improvements thereon, to be maintained to the extent, if any, of the Committee's responsibilities transferred to the Committee by the Conference. (Bylaws, Article IV, Sec 6s)

# Enforcement

- Ability to levy fines. (Mar 20, P34h,vii) (Apr 15, P14g) (AI P2.03E) (Bylaws, Article IV, Sec 6m)
- Ability to place a lien on a lot. (Mar 20, P34h, viii) (Apr 15, P14h) (AI P2.03F) (Bylaws, Article IV, Sec 6o)
- Three notices of violation via e-mail. Notices given 7 days apart. (Jan 21, 7g)
- EFAC will have watercraft, lift and pier removed. Fees incurred will be assessed to the owner of the pier. Authorized by: (Bylaws, Article IV, Sec 5, 6)
- If you are occupying a location not assigned to you. DO NOT PUT IN YOUR PIER. It will be removed at your cost. Authorized by: (Bylaws, Article IV, Sec 5, 6)

# Requirements for Pier Assignment On-shore

- Continue current placement of pier. (Bylaws, Article IV, Sec 6b)
- Pier should be located on the property of the on-shore owner
- Written request and approval required to change location. (Bylaws, Article IV, Sec 6d)
- Identify pier with pier number
- On-shore owner does not have the authorization to allow an unassigned pier to be located on their property. Must be approved by the EFAC. Authorized by: (Bylaws, Article IV, Sec 5, 6)
- Other than the 16 feet assigned to the off-shore owner and the 10 feet of spacing between piers, the on-shore owner is free to use the available space on their lot as they choose.

# Requirements for Pier Assignment Off-shore

- Sign contract agreeing to:
  - Release of liability for all properties crossed to access pier and for property hosting the pier assignment. Under legal review.
  - Adherence to pier policies and regulations.
- Provide current copy of liability insurance with a minimum of \$500,000 of coverage. (Bylaws, Article IV, Sec 6f)
- Provide current copy of watercraft registration.
- Identify pier with pier number

# Off-Shore Pier Regulations

- Resident of Epworth Forest
- No sub-leasing of pier space to another lot owner
- 16 feet of lift, boat, and pier
- 10 feet between individual piers/boats and lifts (Jan 15, P8a)
- One boat or other watercraft per assignment (Jan 21, P6)
- Pier maintained in good repair with sections matching
- Pier placement between April 1<sup>st</sup> through October 31<sup>st</sup>
- Subject to Indiana Law and DNR rules
- Quiet hours requested prior to 9am and after 8pm
- Loss of pier assignment location upon verified complaint of property owner
- Community pier assignees are responsible for damage to docks



# Examples of existing shoreline issues that the EFAC will address in 2015.

- Illegal placement of piers
- Boatlifts and watercraft with minimal space in between assignments
- Multiple watercrafts on the same off-shore pier assignment
- Pier assignments that utilize more than the allotted footage (16 ft for off-shore and 24 ft for on-shore (if it crowds off-shore assignment))
- Off-shore: assignments with no piers, piers with no boats and piers not maintained
- Intentional blockage/obstruction of the easement
- “Renting/sub-leasing” off-shore piers to others
- On-shore pier placements that are not on their own property
- On-shore owners granting personal permission to off-shore owners to place a pier in front of their property if it interferes with Pier Administration Assignment of off-shore pier.
- Damage to Community Pier
- On-shore owners denying an approved off-shore pier placement in front of their property

# Problem Resolution

- Piers that are too close together. Committee will consider a shared pier. Unwilling to share, move to Community Pier. Still too close, most recent assigned / placed pier will be moved to Community Pier.
- Empty piers. Pier location assigned to those on wait list with boat registration.
- Illegal Piers. If never assigned, pier will be removed at cost to owner. If a recent change due to over-crowding, review and see if shared piers will resolve. If not, most recent assigned/placed pier will be moved to Community Pier.
- Wait list. Assign to Community Pier.

# Shared Piers

- Two off-shore owners sharing a single pier. One boat on left and one on the right.
- Off-shore owners decide amongst themselves how to provide pier sections and provide for the placement, removal, and maintenance of the pier sections.
- Each off-shore owner pays the full amount of the pier fee.
- Using a shared pier saves up to 14 feet of space. May be enough to allow both to stay in the same location.



# Problem

## Damage to Community Pier

