

PREPARED BY AND RETURN TO: Allen C. Moseley
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NORTH CAROLINA

DECLARATION OF WATER WELL POLICY
AND OBLIGATIONS OF SORRENTO SKIES
PROPERTY OWNERS ASSOCIATION, INC.

WATAUGA COUNTY

THIS DECLARATION OF WATER WELL POLICY AND OBLIGATIONS OF SORRENTO SKIES PROPERTY OWNERS ASSOCIATION, INC. is made this 28 day of March, 2023, by Sorrento Skies Property Owners Association, Inc., a North Carolina Non-Profit Corporation (hereinafter the "Association").

WITNESSETH:

WHEREAS, C. E. Pitts was the developer of those certain subdivisions located in Watauga County, North Carolina and known as Sorrento Skies, Sections I, II, III, and IV; and

WHEREAS, pursuant to his development of the above-referenced subdivisions, C. E. Pitts recorded those certain Declarations of Restrictions which impose obligations and restrictions on owners of lots; and

WHEREAS, two other subdivisions known as Sorrento Forest and Sorrento Forest II, as shown on the plats recorded in Plat Book 10, Page 233, and Plat Book 12, Page 186, Watauga County, North Carolina, Public Registry, were developed by other developers who conveyed said lots subject to the terms and provisions of the Declaration of Restrictions for Sorrento Skies, Section II; and

WHEREAS, various Amendments to the recorded Declarations of Restrictions for the above-referenced subdivisions have been recorded under which the Declarations of Restrictions for Sorrento Skies were modified in order that Sorrento Skies, Sections I, II, III, IV, and Sorrento Forest I and Sorrento Forest II were all subjected to the same protective covenants and restrictions as set forth in said Amendments, which Amendments have been recorded in Book of Records 417, Page 417, Book of Records 620, Page 361, Book of Records 621, Page 139, and Book of Records 1981, Page 165, Watauga County, North Carolina, Public Registry; and

WHEREAS, the developer, C. E. Pitts, installed water wells in Sections I-IV and also installed a water line distribution system to provide water service to all lots in Sorrento Skies, Sections I-IV; and

WHEREAS, the Association entered into an agreement in 2006 with C. E. Pitts, under which C. E. Pitts transferred all rights as well as obligations to the Association associated with the water system in Sorrento Skies and the Association accepted the sum of \$50,000.00 from C. E. Pitts in consideration for its assumption of the responsibility for the well and water distribution in Sections I-IV; and

WHEREAS, at the time Sorrento Forest I and Sorrento Forest II were developed by a third party developer, the water wells in Sorrento Forest I and Sorrento Forest II were installed by the third party developer and private well agreements were recorded under which each of the property owners in Sorrento Forest I and Sorrento Forest II were deeded an undivided interest in a specific well together with an easement for the maintenance and repair of water lines leading to their respective lots from said well, subject to each lot owner's obligation to share in all costs of maintenance, repairs and upkeep to the water well and related accessories and the water lines associated with said well; and

WHEREAS, inasmuch as the Association collects uniform dues and assessments from all owners in Sorrento Skies Sections I-IV as well as Sorrento Forest I and Sorrento Forest II, the Association, by and through its Board of Directors, has determined that it is necessary and appropriate to establish a uniform policy and statement with respect to the obligations and responsibilities of the Association as well as the obligations and responsibilities of the individual lot owners in all subdivisions referenced herein with respect to the water wells and distribution lines which are serving all properties located in said subdivisions.

NOW, THEREFORE, the Association, by and through its Board of Directors, hereby states the following policies, responsibilities, and obligations relating to the water wells and distribution lines in Sorrento Skies, Sections I-IV, and Sorrento Forest I and Sorrento Forest II (hereinafter referred to collectively as "the Subdivisions"):

- 1.) **Water Wells.** There are currently 19 active water wells located in the Subdivisions. The specific location of these active water wells is set forth on Exhibit A attached hereto and incorporated herein by reference. These water wells currently have sufficient capacity to serve all residences located in the Subdivisions. Provided, that

in the event additional residences are constructed or capacity from existing wells is no longer sufficient to serve all residences in the Subdivisions, the Association shall be responsible for the cost associated with the installation of the new wells and related accessories and the distribution lines, and the Association shall also be responsible for ensuring that water is made available when the initial connection is made to the water well.

- 2.) **Additional Association Responsibilities.** In addition to the Association's responsibility for installing new wells, related accessories, and distribution lines as needed in the future for insuring that water is made available for all residences in the Subdivisions, the Association shall also be responsible for the repair and replacement costs for all main distribution lines in the Subdivisions, including the existing distribution lines as well as any new distribution lines. Private lines from the main distribution lines serving individual dwellings shall be the responsibility of each lot owner.
- 3.) **Well User Responsibilities.** For all wells located in the Subdivisions, which are governed by the terms and provisions of this Declaration, lot owners who are connected to a shared well shall be responsible for their pro rata share of all expenses in connection with the operation, maintenance, repair, and replacement of the well's components and infrastructure. This includes, but is not limited to, pumps, electric and water supply lines to pressure tanks, pressure tanks, filters, switches, gauges, miscellaneous hardware, well houses, and heaters. These expenses shall be shared equally among all users connected to the well. Each individual well user shall be responsible for the valve and water line connecting their dwelling to the main distribution line. Each well has a designated Well Manager who is responsible for coordinating well maintenance and repairs and coordinating payment of all bills.
- 4.) **Duration and Future Amendments.** This Water Policy is provided for the benefit for all property owners as well as future property owners in the Subdivisions. Any revisions, modifications or amendments to this Water Policy will be updated and recorded in order to provide all owners with written notice relating to rights, obligations and responsibilities relating to the water system in the Subdivisions.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed the day and year first above written.

{SIGNATURE PAGE ATTACHED}

Sorrento Skies Property Owners Association, Inc.,
a North Carolina Non-Profit Corporation

By: *Karen Fioramonti* (SEAL)
Karen Fioramonti, President

STATE OF N.C.

COUNTY OF Watauga

I, *Shannon Taylor*, a Notary Public of said State, does hereby certify that Karen Fioramonti, President of Sorrento Skies Property Owners Association, Inc., a North Carolina Non-Profit Corporation, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of the corporation.

WITNESS my hand and official seal this the 28 day of March, 2023.

Shannon Taylor
NOTARY PUBLIC

My commission expires:
2-16-25

NOTARIAL SEAL:



Exhibit A

SORRENTO SKIES POA

Shared Well Listing

as of: 2/1/2023

WELL CONNECTIONS :

SORRENTO SKIES Sec 1-4:

<u>Well #</u>	<u>Well Location</u>	<u># of Houses</u>	
1	Sec. I, Lot 18C	3	
2	Sec. I, Lot 9	5	
3	Sec. II, Lot 5	6	
4	Sec. II, Lot 29	5	
5	Sec. IV, Lot 27	6	
6	Sec. III, Lot 12	5	
7	Sec. III, Lot 2	3	
8	Sec. IV, Lot 12	N/A	Shut down Nov., 2020 due to low water level.
9	Sec. III, Lot 1	3	
10	Sec. II, Lot 16	5	
11	Sec. IV, Lot 2	7	
12	Sec. I, Lot 10	7	
13	Sec. III, Lot 25	6	
14	Sec. II, Lot 41	5	
15	Sec. IV, Lot 12	5	
16	Sec. IV, Lot 21C	7	

SORRENTO FOREST :

<u>Well #</u>	<u>Well Location</u>	
A	Sec. V(I), Lot 17	7
B	Sec. V(I), Lot 16	5
C	Sec. V(II), between Lot 5 & 6	6
D	Sec. V(II) Lot 8	6