

Christmas Lake Village
Board of Directors
10/15/15

Special Meeting

**Disinger Lot 01-071
Property Line Placement**

Pending Approval at November 12, 2015 Meeting

The meeting was called to order by President Don Vogel at 6:00 PM and noted that a quorum was present.

All Board Members were present - Don Vogel, Brian Greulich, Jayson Heltzel, Ryan Flannagan, Robert Alvey, Mark Evans, Amy Busler, Fred Kanzler and Lisa Gengelbach.

There were (7) Association Members in attendance.

President Vogel reviewed the issue – The Disingers recently purchased (3) lots on Pine Drive. The surveyor discovered that the assumed pin location was not near the actual pin location. The Disingers requested at the 10/8/15 Monthly Board Meeting that the board approve (1) pin be moved 80'. During the October meeting, President Vogel requested that the Board take this issue under advisement. This gave all Board Members time to look at the property and review the request.

President Vogel summarized a few of the details concerning the property:

Lots 01-71, 01-72 & 01-73 measure 205' on the street side & 187.15 along the shore line.

There is a 20' Right of way on the front and back of each lot. Along the lakeshore, there is a 30' easement. This is where the main sewer lines run. The lot in question is listed as "E", which means that the lot owner has exclusive use of the lake.

The depths of the lots are 202' along Melchior Drive S; 200' adjacent to boat dock common area; 205' along Pine Drive. This information was taken directly off the Plat filed at the Spencer County Courthouse.

Lisa Gengelbach asked about the purchase of the property. The Disingers knew the day of the signing where the pins were placed.

President Vogel brought up another issue: The C & R's do not allow the Board of Directors to make a decision to grant the Disingers any of the CLV Common Area. President Vogel read a portion of section 12.A titled Ownership. The only exception is for the use of utilities.

The Disingers' lawyer spoke about property possession. Since this property has been this way for 40+ years and the previous owners have taken care of it, the property should belong to them based on reverse possession.

Lisa Gengelbach noted that instead of asking for this area of land, why can't we move forward and give them the easement. We would make the variance that was issued years ago, official. During the conversation between Lisa and the Disingers, it was determined that the new home construction would be built over the current property line.

President Vogel suggested that we correct the problem now and move forward.

President Vogel asked for a motion from the Board:

Fred Kanzler made a motion to leave the pins as placed according to the latest survey.

Robert Alvey seconded the motion.

Amy Busler made an amendment to the motion which gives them a variance to build up to the property line.

Lisa Gengelbach seconded the motion.

All in Favor to the amendment – Vote 8 to 0.

All in Favor to the original motion – Vote 8 to 0.

Meeting adjourned at 6:41 PM

Respectfully submitted

Julie Benningfield
Office Manager
Christmas Lake Properties