

MEMORANDUM

To: All Meadows-Ferndale HOA (MFHOA) Owners and Residents
From: MFHOA Board of Directors
Date: May 2, 2022
Subject: BICYCLES ON TRAIL

The Board recently distributed a memo (dated April 25, 2022) stating that our trails are for "foot traffic only". However, it has come to our attention that Paragraph 3.3 of the Meadows CC&Rs states that the trail system is, in fact, a "non-exclusive perpetual easement for pedestrian and non-motorized bicycle access" for "all Owners and the general public". This language clearly enables the use of the trail system by non-motorized bicycles. The Board regrets the error and hereby rescinds that portion of the aforementioned memo.

Our primary motivation for the memo was a concern over the safety of trail users. While we agree that the trails are generally safe for everyone, including younger children, there have been instances of older children or adults using the trails in a potentially unsafe manner. The trail is narrow for much of its length, has a number of blind curves, and is ringed with thorned shrubs - making it a particularly hazardous place to take a fall. Additionally, bikes make little or no sound to serve as a warning of their approach.

The CC&Rs were drafted in the early days of this development based on Ferndale city park rules (which do allow bikes), and by an original agreement with the city that these spaces remain open to the public. But that does not mean they are a city park; they are administered by our HOA and Windermere Property Management, and maintenance is funded by our monthly dues. It is therefore up to all of us to keep these spaces safe.

These trails are used by seniors, families with toddlers and infants in strollers, children playing or walking alone, dog walkers, and everyone else. For the sake of safety, we would prefer the trails be "Foot Traffic Only", as indicated on our current city-approved signs at trail entrances. However, in view of the facts stated above and differing opinions on the matter, we rescind the bicycle portion of our recent memorandum indefinitely. In other words, until further notice we will not attempt to deter cyclists from using the trails. This issue will however remain under review, and it is possible that current policy may change sometime in the future.

We caution all residents to use extreme care when on these trails and understand the risks involved. Neither the HOA, its Board members, Windermere Property Management, nor the city of Ferndale assume liability for an accident resulting from an encounter between a cyclist and another person, dog, or property on one of the trails. Should one occur, it is suggested that you contact 911 for police or medical aid. Any legal action must be arbitrated through one's own legal counsel.

Thanks for your attention to this matter.

Board of Directors

Meadows-Ferndale Homeowners' Association