

**MINUTES OF EXECUTIVE BOARD  
PIONEER PLAZA COMMERCIAL TOWNHOMES  
ASSOCIATION, INC.  
OCTOBER 30, 2024 – VIA ZOOM**

**Board Members:** Eric Roemer  
Rich Saperstein  
Matt Santor

**Others Present:** Tina Kempin  
Steve Winter  
Sally Johnson  
Kirk Haskell  
Rob Harper, Toad Property Management  
Aaron Huckstep (“Huck”), Legal Counsel

Rob of Toad Property Management called the meeting to order at 3:03 p.m. and confirmed a quorum. Rob said the purpose of the meeting was to discuss potential road realignments with legal counsel.

Rich explained the Board had been discussing how to protect owner’s rights regarding road realignments. Huck said over the course of 20 or 30 years the traffic patterns had not always been consistent with roads shown on the plat or on surveys. Huck explained encroachments were not unusual in the County, some small and some large but usually not intentional. Huck said the Board could not and did not protect the corners or edges of private property and that was legally an owner’s responsibility.

Huck said Lot 15 did have the largest impact of an encroachment and he had been speaking with the Lot 15 owners in an effort to resolve the impact of the encroachment. Huck explained one option might be to adjust setbacks on specific lots so an owner would have the ability to utilize their lot without anyone incurring large expenses for changes or dirtwork. The engagement of a surveyor for a limited scope survey would confirm the location of existing roadways and where lot lines existed. Huck said surveyors had not yet confirmed their availability or cost to perform that work.

Huck explained the use of private property over a period of 18 years or more and meeting certain other legal requirements created a prescriptive easement. Huck said the lot owner could move a prescriptive easement within a lot so development could occur on the land but the public use of the roadway could continue in a slightly different location.

Steve said he had hired Norman Whitehead to survey his lot and installed lot boundary markers. The alleys/roads had a small encroachment onto his lot. Huck explained an owner could grant use of an encroachment with the written understanding that the permission could be revoked by the owner at any time in the future. Snowplowing might cause damage to the boundary markers and Steve confirmed he had kept a copy of the location of the markers. Norman Whitehead had not identified any markers on Lot 5 from his original survey.

Rich said the Association would obtain two estimates for surveying some areas of concern and identifying encroachments. The Board would continue to gather information and update owners. Huck said there was no timeframe for the surveyors and it was unclear if the work could be performed in 2024.

Huck explained undeveloped land had allowed the alleys and roadways to spread and the driving surface of the alleys and roadways adjusted over the years. Huck displayed the County website showing lot lines although cautioned the County website did not take the place of an accurate survey. It appeared there were only a few areas with encroachments and many lots did not have any encroachment from the roads or alleys. Improvement Location Certificates (ILCs) might already exist for some lots and that information could be obtained from the County. Steve volunteered his recent Norman Whitehead survey for Lot 5.

At 3:48 p.m. Eric made a motion to adjourn the meeting. Rich seconded the motion and it was unanimously approved.

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Prepared by Rob Harper  
Toad Property Management