

LOS NIDOS HOMEOWNERS ASSOCIATION

POLICY REGARDING SNOW AND ICE MANAGEMENT

ON LOS NIDOS DRIVE

The City of Santa Fe (“City”) accepted Los Nidos Drive for permanent maintenance in February 1997 and confirmed that in a letter to the developers of the Los Nidos neighborhood subdivision. (see <http://estanciaprimer.org/wp-content/uploads/2019/01/City-Street-Acceptance-1997.pdf>) Accordingly, Los Nidos Drive is not part of the Los Nidos Homeowners Association (“Association”) common areas and the Association has no obligation and possibly no right to maintain it. The City, and only the City, has the right and the obligation to maintain Los Nidos Drive including snow removal and ice management. Accordingly, the City is solely liable for claims for any alleged negligence in the maintenance of Los Nidos Drive that might result in injury to any persons or property.

However, the Association has for some years at the sole discretion of the Board of Directors undertaken limited and occasional snow plowing along Los Nidos Drive when the City failed to plow the street and large snow accumulations developed that might have impeded the access of emergency vehicles to neighborhood homes or might have prevented owners with medical emergencies being transported to a medical facility by household members.

Accordingly:

1. The City of Santa Fe is legally responsible for performing routine snow plowing and ice management on Los Nidos Drive.
2. The Association will not undertake *routine* snow plowing on Los Nidos Drive.
3. However, the Board of Directors (“Board”) may decide to have the street plowed by a licensed and insured contractor when it believes that access of emergency vehicles to neighborhood homes might be impeded because of the City’s failure to maintain the street or because snow accumulations are large enough to prevent owners with medical emergencies being driven to medical facilities by household members. Any contractor hired will be required to provide the Association with a current Certificate of Liability Insurance.
4. The Association will not apply salt or other snow-melt compounds, scoria, or sand for management of ice accumulations on Los Nidos Drive.
5. Any homeowner with concerns regarding snow and ice management on Los Nidos Drive should *personally* contact the City of Santa Fe to get his/her concerns addressed.

(Adopted by Board of Directors, Board of Directors meeting, January 22, 2019 and revised by Board at Board meeting, July 21, 2020)