



**RETURN COMPLETED FORM TO  
Ardsley Management**

3002 East 56<sup>th</sup> Street • Indianapolis, IN 46220  
Phone 317-253-1401 / Fax 317-259-0387  
ATTN: Chris Noll / cnoll@ardsleymgmt.com

**Request for Approval  
Personal Gardening in Waterscape Common Areas**

I/we request approval to place and maintain personal gardening materials in a specified portion of the Waterscape Common Areas as follows:

- Augment Existing Bed Plantings
- Create New Bed
- I/we have read the Waterscape HOA "Policies, Procedures and Responsibilities with regards to Grounds Maintenance Improvements and Replacements" (available for downloading at [www.waterscapehoa.com](http://www.waterscapehoa.com)) and assert that this portion of the Common Area is not a "Protected Area" as identified in Section H of that document.

Address \_\_\_\_\_

Proposed Common Area Location & Plan \_\_\_\_\_

*This Plan drawing need not be elaborate at all. It only needs to convey information about the area of and around the proposed personal gardening area. The plan does not need to be drawn to exact scale, but it needs to include measurements of the proposed bed and the adjacent structures and features shown on it.*

- Existing building/deck
- Footprint of owned condo
- Adjacent meter locations
- Adjacent A/C units (owners?)
- Nearby features (for example, pond, light, tree, sidewalk)
- Location/dimensions of bed
- Approximate location of plant materials in bed
- Encroachment into footprint of neighboring condo (if any)  
Address of affected condo  
(Owner must sign plan approving encroachment)

Contractor \_\_\_\_\_

Description / Proposed Plant Materials \_\_\_\_\_

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I understand that I must receive written approval from the Association prior to proceeding with this proposed installation and that any approval granted pursuant to this request is subject to final inspection after the installation has been completed.

I accept the following terms under which all approvals are granted:

Personal gardening approvals granted by the Association are for "temporary usage" of the specified portion of the Common Areas set forth above. Each Owner of a Waterscape Condominium Unit owns an undivided interest in the Common Areas equal to their Condominium Unit's Percentage Interest. Waterscape's Declaration and By-Laws prohibit the Association from granting any individual rights, interests, licenses, or ownership of any portion of the Common Areas to individual Owners and from infringing upon the rights of any other Owners to use and enjoy the Common Areas. Any approval for temporary usage granted hereunder shall not be construed in any way to grant or provide any right, license or interest in any portion of the Common Areas. Any and all personal gardening approvals granted by the Association are contingent upon the understanding that it may become necessary for the Association to reclaim the specified portion of the Common Areas for general usage and the Association retains the right to do so for any reason whatsoever and without interference.

I agree to abide by the following conditions under which personal gardening approvals are granted:

- I shall maintain at my own cost and expense, and to the standards required by the Association, the portion of the Common Areas for which I am granted approval for "temporary usage".
- I acknowledge and understand that I must remove any improvements installed in the Common Areas pursuant to this personal gardening approval at my sole cost and expense at any time upon reasonable notice by the Association for any reason.
- I acknowledge and understand that if I fail to maintain the improvements installed in the Common Areas pursuant to this personal gardening approval in accordance with the standards required by the Association, the Association may elect to maintain and/or remove any and all such improvements and assess the costs for such maintenance and/or removal to my Condominium Unit.
- I understand that there are many underground pipes, wires, cables and other utilities located throughout the Common Areas and, prior to breaking any ground or otherwise commencing any drilling or digging, no matter how shallow, I must first utilize line location services (such as, but not limited to, calling 811) and take all other prudent precautions to locate and identify such underground pipes, wires, cables and utilities. I acknowledge and understand that I am solely responsible for any damage to, and costs for repair of, any underground pipes, wires, cables and other utilities that are damaged by any activity performed by me in the course of making improvements under this personal gardening approval.
- I acknowledge and understand that I am solely responsible, on an ongoing basis, for any damage done to surrounding buildings and/or other improvements located on the Property that are caused in the course of making improvements under this personal gardening approval.
- I acknowledge and understand that I shall keep the area covered by this personal gardening approval, and any improvements made therein, free of any hazards that might cause injury or create a potential liability for the Association.
- I shall indemnify, defend, and hold the Association and all other Co-Owners of Waterscape Condominium Units safe and harmless from and against any and all claims, actions, causes of action, liabilities, losses, and/or costs (including reasonable attorneys' fees) which arise out of or in connection with my making of improvements under this personal gardening approval (whether said improvements are performed by me or by any employees, agents or contractors) and for breaches of any of the foregoing representations.

Submitted by \_\_\_\_\_ Date \_\_\_\_\_  
*(signature of deeded owner)*

Print Name \_\_\_\_\_

Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

**REQUEST APPROVED / Board of Directors, Waterscape Homeowners Association, Inc.**

By: \_\_\_\_\_ Its: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Conditions  
Placed on  
Approval

Final Inspection by \_\_\_\_\_ Date \_\_\_\_\_