

**LANDSCAPE POLICY & REQUIREMENTS**

**Victor Gardens**

**Exhibit H**

**to**

**Victor Gardens Master Disclosure Statement**



VICTOR GARDENS

## Landscape Design Approval

Date \_\_\_\_\_

Date of Final Approval: \_\_\_\_\_

Address: \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Victor Gardens

Plan Approval No. \_\_\_\_\_

Builder: \_\_\_\_\_

Homeowner: \_\_\_\_\_

Projected Date of Install Completion: \_\_\_\_\_

Comments:

---

---

---

---

---

---

---

---

---

---

**Victor Gardens**

Authorized by:

\_\_\_\_\_  
*Thank you for your cooperation.*



VICTOR GARDENS

## Landscape Policy & Requirements

THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ between \_\_\_\_\_ (The "Buyer") and Victor Gardens as part of the Homesite Selection Agreement as it relates to \_\_\_\_\_, Hugo, Minnesota, Lot \_\_\_\_\_, Block \_\_\_\_\_, Victor Gardens.

**Landscape Budget.** It is required that your professionally designed landscape plans must be a minimum of 2.5% of the purchase price of your home and lot combined (i.e.: \$350,000 package price = \$8750 landscape budget). The entire landscape budget is to be allocated solely to trees, shrubs, plant materials & sod.

**Irrigation Systems and Retaining Walls.** The above outlined landscape budget is to be allocated solely to trees, shrubs & sod. Irrigation systems and retaining walls are a separate financial consideration. All retaining walls must be natural boulder rock, laid rock or cultured stone adhered to cinder block or poured walls with footings. Keystone walls are not allowed in Victor Gardens with the exception of the "Country Manor" tumbled or equivalent. Retaining walls must be approved with your floor plan and cannot alter the drainage and utility easements or the final grading plan.

**Planting Materials.** The following list of landscape requirements are to be considered as the minimum amount of plantings accepted. Your landscape bid proposal/cost schedule must be applied to the following materials. (You will want to share this information with your professional landscaper to avoid delays in ARC approval). You will need to strictly adhere to these requirements so that you will promptly receive your escrowed allowance. These requirements pertain to your initial landscape installation:

- a. Tree Size-
- |                                  |                 |
|----------------------------------|-----------------|
| Deciduous Overstory (shade tree) | 2 1/2" calipher |
| Deciduous Overstory (clump)      | 10' height      |
| Deciduous Ornamental             | 2" calipher     |
| Deciduous Ornamental (clump)     | 6' height       |
| Evergreen Trees                  | 6' height       |
| Upright Evergreen shrubs         | 4' height       |
- b.) Shrub Size-
- |   | Pot Size | Height/Spread |
|---|----------|---------------|
| Small Deciduous shrubs (spireas, etc.)  | #2       | 15"           |
| Medium Deciduous shrubs (dwarf lilac)   | #3       | 18"           |
| Large Deciduous Shrubs (euonymus, etc.) | #5       | 24"           |
| Evergreen shrubs (junipers, etc.)       | #5       | 24"           |
| Perennials                              | #1       |               |

**Landscape Requirements:**

- 1.) A minimum of 2 ornamental trees are requested to be installed in the front yard or front foundation area.
- 2.) A minimum of 3 trees, 2" caliper (shade, ornamental or evergreen) are required to be installed in the backyard.
- 3.) Corner home sites require one additional shade tree of 2" caliper on the side yard.
- 4.) A minimum of twenty (20) shrubs (deciduous or evergreen) are required to be planted in the front or side foundation areas.
- 5.) Half of the additional trees planted must be deciduous shade trees and the balance may be a combination of evergreens and ornamental. Additional plantings of color (annuals or perennials) are encouraged but is not a requirement. However, if installed this herbaceous plant material will not count toward the shrub requirement.
- 6.) Mulches - Listed below are accepted mulches:

<u>Rock Mulch</u>	<u>Wood Mulch</u>	
River rock	1 1/2" or 2 1/2"	Cypress
CA Granite	3/4" or 1 1/2"	Cedar
Trap Rock	3/4" or 1 1/2"	Stained Harwood (Golden or
Buff Limestone	1 1/2"	Brown in color)

\*Shredded hardwood mulch is not acceptable.
- 7.) Edging –  
Vinyl – cobra or valley view, Brick or Stone  
\*Edging is required to be installed with rock mulches. It is not required with wood mulches.

All yard areas must be sodded or hydro-seeded. The area between curb and sidewalk must be sodded. Exceptions to sodded or hydro-seeded areas would be planting beds, decks, gardens, play areas and pavements. Vegetable gardens and play areas must be located in the rear yard. The combined total of garden and play area must not exceed 30% of the rear yard area. Be aware and considerate of what your neighbors view from their yards.

**Grading Plan.** Be aware that your "as built" landscaped grades must meet the grading plan approved by the City of Hugo on your certificate of survey. If you are bringing in black dirt, you must coordinate your final grade with your builder and landscaper accordingly. As you add black dirt, you increase the elevation on your lot, thus changing the grade plan. This causes drainage problems for you and your neighbor. Just be aware.

**Professional Landscape Design Plan Process.** Prior to receiving a Certificate of Occupancy from the City of Hugo, you must submit the following to the Land Office for review and approval by the ARC Committee

- a) A professionally designed landscape plan is to be received in the Land Office no later than 45 days in advance of your targeted occupancy date. The dated plan needs to be drawn at 1" = 10' or 1" = 5' scale with directional North/South arrow and projected completion date of installation. Three copies of the plan are required, including the name of the design firm, designer name, telephone and fax number, owners name, Victor Gardens address and lot and block number. If you intend to plant your design in phases, submit two separate drawings:
  1. An overall design
  2. A phase 1 planting design, labeled as such
  3. A projected date of final installation of each phase

You may contact any of the Victor Gardens recommended landscape contractors on the attached list to design your plan –OR– any other professional landscape contractor you have experience with. If you choose to do the installation yourself, or hire a firm other than the plan designer, you must follow the plan design as approved, taking note of tree caliper, shrub container sizes and plant sizes.

b) A bid proposal must include a description of the plant material, plant container or tree caliper size, rock or mulch bed square feet, retaining wall square footage showing height, length and material, and sod square yardage. The overall price, including labor cost, must be included in the proposal.

Please bring this landscape policy with you when you meet with your landscaper to design your plan. It helps them understand the Landscape procedure and will also save time.

**Reimbursement.** Victor Gardens will reimburse directly to the resident \$2000 of their lot cost upon inspection approval of completed landscape installation according to the approved plan and an “as built” survey as provided by your builder to the Land Office.

Once your landscaping is installed you should call the Victor Gardens Land Office to schedule an inspection. A staff member will come out to your home and check to see that the landscape planting substantially conforms to the approved landscape plan. Upon approval, you will receive notice of completion within 10 working days. At notice of completion, you must request from your builder an “as built” survey. When the Land Office receives the “as built” survey, you will receive your reimbursement of \$2,000 within 10 working days. If the plan was not followed, you will be required to complete items/areas which did not follow the approved landscape plan. Once it is corrected, staff will recheck the installation and you will receive your reimbursement within 10 working days. If you do not complete your plant material installation in a timely manner, Victor Gardens reserves the right to complete it for you, withhold your reimbursement in full, and back charge you for any associated expenditures above the reimbursable amount of \$2000.

**Exterior Lights.** Fixtures are permitted on exterior buildings when submitted and approved by ARC. Fixtures should maintain tradition to style throughout Victor Gardens. Yard lights or lawn lighting should have “candle” or low light bulbs. ARC also must approve these fixtures.

**Fencing.** All types of fencings must be submitted and approved by ARC. Chain link fencing is not permitted in Victor Gardens. If fencing is added after occupancy, a permit must be applied for at the city.

**Boulevard Tree Policy.** Victor Gardens has a master plan for site amenity features that has been designed to create an attractive community that follows a Traditional Neighborhood theme. The boulevard trees are planted as part of the amenity features to frame the streets and sidewalks and complete the streetscape for residents. The boulevard trees are planted near the curb and in front of the sidewalk on those sides of the street where sidewalks are located. The tree locations, spacing and species have been designed as part of the neighborhood image. The trees are installed in each phase after the curbs are set, streets are installed, the small utilities are trenched and the sidewalks are installed. The trees are warranted for one year from installation by the Victor Gardens vendor. Victor Gardens will continue to maintain them in growing condition until the home site is sold. All home sites are sold “as is” with the resident taking into consideration that all trees are not created equal and adjacent lots can have similar trees of different health, vigor, shape color, etc. You should take note of these differences when selecting your home site and choose accordingly.

Note: Boulevard trees in Phase 3 – Phase 6 will be installed after construction is completed.

You should be aware of the following regarding boulevard trees:

- a) **Warranty.** Once the builder/resident purchases the lot and construction begins, Victor Gardens no longer has control over excavations, soil stockpiling and grading operations on the home site. Nor can Victor Gardens control delivery and storage of construction materials, parking of cars and trucks, excavation for utility service lines, the installation of irrigation systems, etc., all of which impact the health of boulevard trees. Following the lot purchase by the builder/resident, the responsibility for the health of the tree goes to the builder/resident. Victor Gardens suggests that boulevard trees be fenced off for their protection during construction. During summer construction, if long dry periods are experienced, the trees should be watered by the builder/resident. Once the resident occupies the home, irrigation, mowing, weeding, fertilizer and herbicide practices can all affect the continued health of the boulevard trees. If trees are severely damaged or killed during the home construction process or after the resident occupies the home, Victor Gardens requires that they be replaced with the same variety and size of tree by the builder/resident.
- b) **Moving Boulevard Trees.** The builder/resident may decide to design the home such that the boulevard trees need to be moved to accommodate the driveway placement. The builder/resident may have the trees moved laterally along the street with Victor Gardens approval and at the builder/resident expense. The procedure to move a boulevard tree is as follows:
  - 1. Builder/resident to stake proposed new location.
  - 2. Builder to have utilities located.
  - 3. Builder to have new location approved by Victor Gardens.
  - 4. Builder to contract to have the tree moved by a tree spade service using a tree spade appropriate to the size of the tree and spacing with the sidewalk. If the sidewalk is damaged while removing the tree or in the new location, it will be the responsibility of the builder/resident to repair the sidewalk at his /her own expense.
  - 5. Any warranty for this move is to be negotiated between the builder/resident and the spade company.
- c) **Removal of Boulevard Trees.** Victor Gardens does not permit the removal of boulevard trees unless they are to be replaced with equal or better trees. If a boulevard tree dies of natural causes (disease, insects, or environmental stress) Victor Gardens requires that the homeowner replace the tree in an appropriate size and species within 30 days of removal or June 15<sup>th</sup> of the following year if removal occurs between November 1<sup>st</sup> and May 15<sup>th</sup>.

THE BUYER FULLY UNDERSTANDS the Landscape policy as outlined above and in signing below agrees to adhere to the policy in full.

\_\_\_\_\_ Date: \_\_\_\_\_  
BUYER

\_\_\_\_\_ Date: \_\_\_\_\_  
BUYER

## Victor Gardens Recommended Landscape Contractors

The following Landscape contractors are recommended to provide Victor Gardens residents with landscape design service and installation. Please contact them to start the design process as soon as construction of your home will allow. This design must be submitted to the ARC Committee for review and approval any time during construction, but not later than 45 days before occupancy of your home.

### COMPANY

#### HEINS NURSERY

9050 Hudson Road

Woodbury, MN 55125

Dennis Heins/Brad Hanson

651-739-6310

#### BUELL'S INC.

7077 Manning Avenue

Hastings, MN 55033

Rick Moeller

651-459-9331

#### WILDERNESS LANDSCAPING

2317 Boxwood

Maplewood, MN 55119

Tim Erb

651-702-5965

#### SELFSCAPES, INC.

Woodbury, MN

John O. Putzier

651-730-6478