

Keyes Ferry Acres Maintenance Association

PO Box 269, Charles Town, WV 25414

USER AGREEMENT for KFA SHORELINE GATE KEY USE

This form documents key distribution to eligible recipients. The person receiving the key is asked to understand and agree to certain limitations and responsibilities, as outlined below and in the attached Guidelines and Rules document.

Terminology. For the purpose of this document, the following terms will be used:

"KFA" refers to properties of the Keyes Ferry Acres subdivision

"KFAMA" refers to Keyes Ferry Acres Maintenance Association, Inc.

"Gate," "lock," "key" refer to the KFA Shoreline Gate, the KFA Shoreline Gate lock, the KFA Shoreline Gate key

"Shoreline" refers to the section of Shenandoah River shore which is an area of land held 'in common' (that is, owned in part by each KFA lot owner)

"Residential property" refers to a residential house or apartment constructed on a KFA lot.

Eligibility. Any KFA lot owner is eligible to receive a gate key upon request. Only one key at a time per lot owner will be distributed. Additional keys will be distributed only as indicated below.

Key cost and replacement. Only one key per household will be issued. Lot owners who rent out properties may apply for a single key for each residential rental property. Note – for each key issued, the lot owner is the responsible party for insuring that a renter/occupant returns the key issued to their care.

The first key for each residential property will be issued at no cost to any KFA lot owner or to the person specifically designated by the lot owner to receive the key.

\$ 185 cost of a second key if a replacement is needed, e.g. due to loss or misplacement.

\$ 325 cost of a third key or subsequent key, issued only at the discretion of the KFAMA Board.

Proof of eligibility. To receive a key, please be prepared to provide verification of your identification including a photo ID and proof of lot ownership/occupancy (which includes your KFA residence address on a driver's license or current utility bill, for instance). The person signing for use of the key must be 18 years of age or older. A non-owner occupant is encouraged to provide written permission (by email or written note) from the owner/landlord authorizing that the key be issued to the specified recipient; the owner/landlord understands that he/she is the responsible party, even if the key is given to a non-owner.

Gate use. Please close and lock the gate immediately behind you to prevent unauthorized entry. Leaving an open gate risks entry by someone without a key so their vehicle could become locked in.

Shoreline area care. For everyone to enjoy the Shoreline area, please do your part to keep it neat and litter free. Gather trash in the appropriate bin. Responsibly pick up and dispose of pet poop. As a courtesy to other visitors, please ask their permission to release a dog from its leash. Abide by burning laws. Attend fires, lighted candles or torches while in use, then be sure they are completely extinguished. Avoid flames anywhere near flammables such as brush, deadwood, woodlands or dry grass which could catch fire and spread out of control.

_____ **Name of person being issued key (printed)**

☐ I am a non-owner, signing with permission of the responsible KFA lot owner.

_____ property address

_____ mailing address (if different)

_____ email address

_____ phone number

_____ **Name of KFA lot owner if different from above**

_____ email address for KFA lot owner

_____ phone number for KFA lot owner

Your signature below affirms that the contact information provided is accurate and that you will abide by the rules and guidelines set forth above and in the following Guidelines and Rules of Use.

Key Recipient Signature

Date

_____ **KFAMA Representative issuing key**

KFA Shoreline Common Area

Recreational Guidelines and Rules of River Access Gate Key Use

(Issued May 23, 2023)

Use of the river gate access key is governed by the following Guidelines and Rules:

Shoreline access. The Shenandoah River shore common area is private land and authorized access is limited to any Keyes Ferry Acres lot owner. You (the lot owner) and/or your representative/s—renter or guests—are asked to observe rules and regulations governing use of the area. So that all may safely enjoy recreation there, you are requested to see that the area is treated responsibly and show courtesy to other visitors.

Gate access. The gate does not bar pedestrian access to the river shore area, but is intended to help manage vehicular entry. The intention is to limit potential abuse of the area from reckless behavior by trespassers.

Key ownership. All gate keys remain the property of KFAMA. This signed agreement does not confer key ownership; it merely assigns the care, use and responsibility for the key. Under certain circumstances, surrender of the key back to KFAMA shall be required. If the key is not returned, a \$185 fine will be billed to the lot owner (the person held responsible for the key). If the fine is not paid, the amount will be added to the Annual Road Fee account, therefore potentially eligible for legal action to enforce payment that could entail a lien against the property.

Rules of key assignment. Keys are distributed solely at the discretion of the officers of the KFAMA board. Accepting a key is contingent upon understanding the rules and limits of use outlined here and providing accurate contact information (the User Agreement) that confirms eligibility to be assigned a key.

Cost and penalties. Only one key per household will be issued. The first key issued to an eligible user will be free of charge. To ensure responsible care of the key, the cost of a second key is **\$185** (subject to change). Subsequent keys will be issued only at the discretion of the KFAMA Board and at the cost of **\$325** per key (subject to change).

Key distribution to a designated representative. By written request (or email), a lot owner may specifically designate a representative/s—renter or guest—to be granted permission to use the shoreline common area. The lot owner is responsible for the cost of the key if the key is not returned by the renter or guest.

Firearms. Only law enforcement or persons authorized by the KFAMA board are allowed to carry firearms within the gated Shoreline area or the nearby parking section. Visitors are prohibited from using or carrying firearms in these areas.

Limits of liability. Use of the shoreline area or parking area near the gate is solely at the risk of the user. No liability implied or otherwise can be assigned to KFAMA or its representatives. KFAMA has no resources to patrol or monitor the parking area near the Shoreline access gate, or the Shoreline area. These are remote areas where visiting and recreation are entirely at the users' own risk. KFAMA assumes no liability for vandalism or damage to vehicles parked in the vicinity. Visitors assume any and all risks which may accompany recreation along a body of water. No lifeguard service is provided; visitors must be solely responsible for themselves and children in their care anywhere in or near the water. A locked gate cannot detain others who may enter the area without authorization; please remain alert and use common sense precaution toward unfamiliar visitors.

_____ - *Initials of key recipient indicating review, acceptance of these Guidelines and Rules, and receipt of a copy of the Guidelines and Rules*