

Mayan Seaside Property Owners Association Limited

Mayan Seaside Architectural Committee (MSAC)

Overview

For most of the residents of Mayan Seaside, the task of Title Transfer, and then getting approval for building a home in a new and unfamiliar country can be a daunting task. Art Higgins, the Developer of this site has had a great deal of experience in managing projects in Belize and has agreed to share a little of some of the experiences he has had and what he has accomplished so this place could be here for us.

“In 1996 I bought this Seaside property (50 acres based on 1910 survey) and had a plan done based on this acreage, which gave me 125 lots including parks. I think the British were doing almost all the survey work in Belize 100 years ago and they were known for their accurate survey work. Thinking I had 50 acres, I worked with a land consultant to draw plans based on 125 lots. But when I brought my own surveyor in to re-survey the lots approved in my Provisional Approval Subdivision Plan, we had to reduce the number of lots because the sea had taken about 3 acres over the 90 years due to erosion. So we ended up with fewer lots. I did this by cutting 4 lots from Smugglers Rd. and 4 front each side of the other two east-west roads.”

“I could have reclaimed the land lost to the sea, but it would have been very expensive. This is why I built the rather massive sea walls. The land between Ray's property and the pier was initially to be beach area.”

“Another amusing bit of history is that Ray sold me the north half of a 100 acre parcel he owned. He had assumed, the now called Smugglers Rd, split the property. But in fact, after we started surveying, we found that the road was actually on my property. This left him with no legal road access to his land. We moved the road so that now we have a shared road. His original road also wound through our entrance park.”

“Originally the subdivision plan known as Mayan Seaside was to have three phases and these had been proposed to the Belize Land Utilization Authority, Minister of Natural Resources by a private developer operating as RENAISSANCE PROPERTIES LIMITED. This company was incorporated under the Companies Act of Belize. They gave approval for the three phases. The first phase approval was granted in 2002, the second phase in 2005, and the final phase in 2006.”

During the initial stages of development, Art Higgins was solely responsible to ensure that, upon sale of residential lots, the new owners accepted Mayan Seaside Covenants and Site Building Rules governing construction of all structures and improvements within the subdivision.

To assist in the review and oversight of construction projects Art Higgins formed and managed the Mayan Seaside Architectural Committee (MSAC) beginning in 2010.

As originally planned, and agreed by the developer, upon the sale of approximately 75% of the residential lots, the Mayan Seaside Property Owners Association Limited (MSPOA¹) was formed to assume management responsibility of the subdivision. MSPOA became a Company recognized by the government of Belize effective January 14, 2016 .

The Articles of Association of MSPOA require that a Board of Directors (hereinafter referred to as the Board) be elected by residential lot owners (hereinafter referred to as “Members”) and held responsible by the government of Belize for management of all residential and community properties at Mayan Seaside.

The Board is further responsible to ensure that current and future Members sign an agreement to comply with MSPOA Covenants and Site Building Rules plus acknowledge the legitimacy of the Board and guideline documents of the community.

Through regularly scheduled meetings, and communications, the Board of Directors strives to keep Members aware of the merits of the Board and it’s Committees plus helps ensure that the interests of off-site Members are represented in decisions made by the Board.

Prior to the formation of MSPOA some decisions may have been made to address circumstances other than what presently exist. The Board considers such issues as “grandfathered” and therefore accepted although not necessarily applicable to any new situations that may arise. Any proposal made to MSPOA which does not comply with current Covenants and Site Building Rules shall be considered a “variance” by the Board and decided on a case-by-case basis.

In summary, the Board of Directors has final authority to manage Mayan Seaside as a community. All current and future Members of MSPOA are bound by the Articles of Association, Bylaws, Covenants and Site Building Rules. All rules and regulations are, in principle, intended to be in accordance with the original intent of the subdivision.

COMMITTEE STRUCTURE

The Mayan Seaside Architectural Committee shall consist of a Chairperson appointed by the Board and at least one other member. If required, other members may be added.

COMMITTEE RESPONSIBILITIES

MSAC is responsible to the Board to assist in the review, approval and oversight of residential construction to ensure compliance with MSPOA Covenants and Site Building Rules and to act in accordance with the best interests of the community.

Additional analysis may be offered to help identify potential issues, possible alternatives and potential future issues.

¹ MSPOA in this document refers to the Mayan Seaside Property Owners Association Board of Directors

At the discretion of the Board, MSAC is available to review work and/or proposed modifications or improvements to community property and/or structures.

Although MSAC is directly answerable to the Board, the Committee may also be considered as a volunteer asset and/or resource to any and all owner/builder Members in Mayan Seaside.

MSAC does not claim to be an engineering or architectural authority, however the Committee may engage external council for skilled, technical, substance or consequential matters as necessary and/or as determined and approved by the Board.

MSAC has no judicial or legal responsibilities. When representing MSAC a Committee member cannot claim to advise or consult without specific approval by the Board.

A detailed list of procedures may be found in the “MSAC Responsibilities” Document below.

FINANCIAL RESPONSIBILITIES

There are no fees due from any Member to MSPOA as a result of processing an application for construction. MSAC has no authority to acquire, manage or spend funds related to MSPOA.

MSAC has no authority to engage, manage or be associated in a business way with employees or contractors to MSPOA.

DOCUMENTS & REFERENCES

The following documents describe details relevant to MSAC

1. MPSOA Background and Overview.
2. Mayan Seaside POA Architectural Review Form.
3. MSAC Form Instructions
4. Mayan Seaside Site Building Rules
5. Contractor Rules.
6. MSPOA Policy Guidelines for Committees
7. MSAC Organization
8. MSPOA Covenants.
7. Central Building Authority (CBA) of Belize, <http://www.cbabelize.org/>

MSAC shall review and update documents at the discretion of the Board.

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