

11-123. EASEMENTS AND ENCROACHMENTS.

(A) THE EXISTING PHYSICAL BOUNDARIES OF ANY UNIT OR COMMON ELEMENT CONSTRUCTED OR RECONSTRUCTED IN SUBSTANTIAL CONFORMITY WITH THE CONDOMINIUM PLAT SHALL BE CONCLUSIVELY PRESUMED TO BE ITS BOUNDARIES, REGARDLESS OF THE SHIFTING, SETTLEMENT, OR LATERAL MOVEMENT OF ANY BUILDING AND REGARDLESS OF MINOR VARIATIONS BETWEEN THE PHYSICAL BOUNDARIES AS DESCRIBED IN THE DECLARATION OR SHOWN ON THE CONDOMINIUM PLAT AND THE EXISTING PHYSICAL BOUNDARIES OF ANY SUCH UNIT OR COMMON ELEMENT. THIS PRESUMPTION APPLIES ONLY TO ENCROACHMENTS WITHIN THE CONDOMINIUM.

(B) IF ANY PORTION OF ANY COMMON ELEMENT ENCROACHES ON ANY UNIT OR IF ANY PORTION OF A UNIT ENCROACHES ON ANY COMMON ELEMENT, AS A RESULT OF THE DULY AUTHORIZED CONSTRUCTION OR REPAIR OF A BUILDING, A VALID EASEMENT FOR THE ENCROACHMENT AND FOR THE MAINTENANCE OF THE SAME SHALL EXIST SO LONG AS THE BUILDING STANDS.

(C) IF ANY PART OF A CONDOMINIUM IS DESTROYED PARTIALLY OR TOTALLY AS A RESULT OF FIRE OR OTHER CASUALTY OR AS A RESULT OF CONDEMNATION OR EMINENT DOMAIN PROCEEDINGS, AND THEN IS RECONSTRUCTED AS AUTHORIZED IN THIS TITLE, ENCROACHMENT [[OF PART OF ANY COMMON ELEMENT ON ANY CONDOMINIUM UNIT OR]] OF ANY CONDOMINIUM UNIT ON ANY [[OTHER CONDOMINIUM UNIT OR ON ANY]] COMMON ELEMENT, DUE TO SUCH RECONSTRUCTION, SHALL BE PERMITTED, AND VALID EASEMENTS FOR SUCH ENCROACHMENTS AND THE MAINTENANCE OF THEM SHALL EXIST SO LONG AS THE BUILDING STANDS.

(D) THE GRANT OR OTHER DISPOSITION OF A CONDOMINIUM UNIT SHALL INCLUDE AND GRANT, AND BE SUBJECT TO, ANY EASEMENT ARISING UNDER THE PROVISIONS OF THIS SECTION WITHOUT SPECIFIC OR PARTICULAR REFERENCE TO THE EASEMENT.

(E) THE COUNCIL OF UNIT OWNERS SHALL HAVE AN IRREVOCABLE RIGHT AND AN EASEMENT TO ENTER UNITS TO MAKE REPAIRS TO COMMON ELEMENTS WHEN THE REPAIRS REASONABLY APPEAR NECESSARY FOR PUBLIC SAFETY OR TO PREVENT DAMAGE TO OTHER PORTIONS OF THE CONDOMINIUM. EXCEPT IN CASES INVOLVING MANIFEST DANGER TO PUBLIC SAFETY OR PROPERTY, THE COUNCIL OF UNIT OWNERS SHALL MAKE A REASONABLE EFFORT TO GIVE NOTICE TO THE OWNER OF ANY UNIT TO BE ENTERED FOR THE PURPOSE OF SUCH REPAIRS. NO ENTRY BY THE COUNCIL OF UNIT OWNERS FOR THE PURPOSES SPECIFIED IN THIS SUBSECTION MAY BE CONSIDERED A TRESPASS.

11-124. DISCLOSURE REQUIREMENTS.

(A) NOT LATER THAN 15 DAYS PRIOR TO THE CLOSING OF THE INITIAL SALE OF EACH UNIT TO A MEMBER OF THE PUBLIC,