

RESOLUTION 20-07

A RESOLUTION ADOPTING PROCESS AND PROCEDURES FOR UNAUTHORIZED HOME IMPROVEMENTS ON DISTRICT OWNED RIGHTS OF WAYS WITHIN THE BOUNDARIES OF THE VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 4.

1. **WHEREAS**, Village Community Development District No. 4 (District) desires to outline the process and procedures for unauthorized improvements on District rights of ways; and
2. **WHEREAS**, the process and procedures will ensure the District provides an organized and systematic process for responding to resident concerns pertaining to unauthorized improvements on District rights of ways; and
3. **WHEREAS**, a public education and awareness period of October 1, 2020 through September 30, 2021 will be in effect.

NOW, THEREFORE, BE IT RESOLVED by VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 4 as follows:

1. There are hereby adopted process and procedures for unauthorized home improvements on District owned rights of ways as provided in attached Exhibit A.
2. The established process and procedures, upon adoption of Resolution 20-07, shall become effective immediately.

DONE AND RESOLVED at The Villages, Marion County, Florida, this 11th day of September 2020.

ATTEST

VILLAGE COMMUNITY
DEVELOPMENT DISTRICT NO. 4

By: _____

Richard J. Baird, Secretary

James Murphy, Chairman

The Villages®

Community Development Districts

District 4

TITLE: Process and procedures for unauthorized home improvements on District owned rights of ways.

PURPOSE:

1. To outline the process and procedure for unauthorized improvements on Village Community Development District No. 4 (District) rights of ways.
2. Establish a program with the timeline in order to address unauthorized improvements on District rights of ways.
3. To ensure the District provides an organized and systematic process for responding to resident concerns pertaining to unauthorized improvements on District rights of ways.
4. The main concern from a legal perspective is the significant potential for exposing the District to liability. The safest option is to require all unauthorized improvements on District rights of ways to be removed.
5. Definition of tolerable rights of ways improvements that are not addressed within this Policy.

POLICY:

- No unauthorized improvements/structures shall be permitted on District rights of ways.
- For the purpose of this Policy, a structure is defined as a man-made framework, feature or construction that is built with identifiable elements giving stability and form and able to resist strains and stresses.
- For purposes of this Policy, originally installed or approved trees, shrubbery, driveway extensions, driveway pavers, driveway paintings, irrigation systems and other structures as defined by staff measured from an adjacent ground elevation which shall not to exceed four (4) inches in height, are not addressed.
- Complaints of unauthorized improvements on District rights of ways may be made by any person, including residents, non-residents and staff.
- Once a complaint is received, Community Standards shall field visit the property to verify that the unauthorized improvements are on District rights of ways. Once verified, Community Standards will photograph, record and make contact with the homeowner to advise them the improvements must be removed within sixty (60) calendar days from the

initially recorded notification. The homeowner is offered a consultation to determine how the encroachment can be brought into compliance.

- Community Standards will send a letter regular and certified mail to the owner of record of the property according to the County Property Appraiser's records and any other known address. The letter shall identify the unauthorized improvement on District owned rights of ways and include the following:
 - i. A copy of this procedure.
 - ii. A prescribed time allotment to remedy the encroachment.
 - iii. Photographs of the encroachment.
- A public education and awareness period of October 1, 2020 through September 30, 2021 will be in effect.
- If Community Standards receives a complaint within the aforementioned public education and awareness timeframe, staff will notify the homeowner to provide education and awareness of unauthorized improvements on District owned rights of ways.
- Once this Policy is in effect, Community Standards will review complaints and any corrective action to ensure improvements in District rights of ways are removed within the prescribed time allotment.
- If any action is required to be taken on homeowner improvements on District rights of ways, the case shall be presented to the Village Community Development District No. 4 Board of Supervisors in a Public Hearing where the Board will determine and issue an Order of Enforcement identifying the enforcement mechanisms.
- In the event the homeowner removes the improvements and restores the property back to its original design within the prescribed time allotment, the case may be closed.
- In the event the homeowner has not removed the improvements or has not restored the property back to its original design, the District may elect to remove the improvements and/or restore the property to its original design and charge the costs to the homeowner or fine the homeowner \$150.00 to be paid within ten (10) days of the invoice and \$50.00 per day until the improvements have been removed and restoration of the property has been completed. If the fines reach \$1,500.00, the case may be turned over to District Counsel to seek all available legal remedies which may include initiating a lawsuit against the homeowner and placing a lien on the property. If District Counsel is required to initiate a lawsuit, the homeowner may be required to reimburse the District for the attorneys' fees and costs expended by the District in pursuing the action against the homeowner.