



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

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<b>Board Members:</b> City Manager Gary La Venia, Chairman City Engineer Brett Tobias City Land Planner Greg Beliveau Jeff Gerling, Building Official Judd Wright, Fire Inspector Tracy Kelley, CDD	<b>Board Members:</b> Chief Donald Gilpin, Fire Department Dale Bogle, Public Works Director Lori Davis, Code Enforcement
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**MINUTES**  
**TECHNICAL REVIEW COMMITTEE**  
**SEPTEMBER 4, 2018**  
**10:00AM**

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- I. **MEETING CALLED TO ORDER:** Meeting called to order 10:03 AM.
- II. **MEMBERS PRESENT:** Board members present with the exception of Jeff Gerling, Building Official and Judd Wright, Fire Inspector. CDD Tracy Kelley introduced Interim Police Chief Eric Luce and called Chairman La Venia to appoint Interim Police Chief as Vice Chairman. Also in attendance John McGlohorn, PSM, BESH.
- III. **MINUTES FROM PREVIOUS MEETING:** Motion to approve meeting minutes from August 7, 2018 by Brett Tobias, City Engineer. Second by Lori Davis, Code Enforcement. Approved 8-0.
- IV. **OLD BUSINESS:** NONE
- V. **NEW BUSINESS:**
  - A. Jim Richardson Plat Vacation Application for Vacant Property located west of Hawk Landing and north of Otters Pond Road (ALT Key #3776296)

The Wingspread Property Owners Association is seeking to vacate Sub Tract B to sell to the adjacent property owner Jim Richardson.

City Land Planner Beliveau opened discussion to question the applicant's reason for application. Applicant Jim Richardson stated he has been maintaining the property because there is no easement to access said property by the HOA. The Plat shows five feet (5') of access on each side but there is path of ten feet (10') that would need to be cleared down the lot line for access. Land Planner Beliveau questioned if it was Applicant Richardson's lot line. Jim Richardson stated access was blocked from mowing on both easement access areas which are five feet (5') down the lot line on one side of the tract and five feet (5') on the other side of the tract as well. Land Planner Beliveau stated according to the Plat, the HOA is required to maintain the lot. Jim Richardson stated that the tract is inaccessible to the HOA for maintenance purposes because they would have to access from either his lot or the adjacent neighbor's lot.

Jim Richardson explained during a former hurricane a large tree fell within Tract B and there was no access for the HOA to cleanup. Jim Richardson stated the HOA would use his property for access but he would be required to sign a hold harmless waiver; he does not agree to sign a hold harmless waiver. Jim Richardson stated the HOA is negotiating the land on Tract B in lieu of tree removal. Jim Richardson stated that his goal is to apply for Unity of

Title; it is his understanding if he decides to sell in the future and the Plat is not vacated that he will be unable to sell the property fee simple.

Land Planner Beliveau stated the plat cannot be vacated because of all the restrictions on Tract B. Jim Richardson stated there are retention requirements and wetland lines on surrounding lots that go to the center of the pond. City Engineer Brett Tobias stated that those lots will still be part of the Plat. City Land Planner Beliveau stated existing lots are still retained with conditions. Engineer Tobias stated there is access to the tract by conditions of the Plat. Jim Richardson stated there is an easement off of Otters Court and an easement behind those properties. Engineer Tobias stated there is a drainage easement on the west side of Lot 15. Jim Richardson stated it is a drainage easement. Engineer Tobias stated Wingspread Declarations and Covenants of Restrictions state all drainage easements grant the right to access for maintenance. Jim Richardson referred to the aerial photograph and made mention of the trees as the easement is against the property line. City Engineer Tobias stated he does not know if trees located in the easement constitutes blocking legal access. Jim Richardson stated trees would need to be removed and City Engineer Tobias agreed. CDD Kelley stated the HOA is allowed to remove trees.

CDD Kelley questioned instead of vacating the Plat why wouldn't the applicant simply purchase it from the Home Owner's Association and record a Unity of Title? CDD Kelley stated the Plat does not need to be vacated for the applicant to have ownership. Jim Richardson stated he understands and he does not have a problem as long as the property can be sold fee simple. Engineer Tobias stated he does not understand why he would not be able to sell the property fee simple and Jim Richardson stated his attorney advised vacating. Engineer Tobias stated if HOA sells the property to Jim Richardson they are still obligated to maintain the property since the Declarations of Covenants and Restrictions require maintenance of drainage easements. The St. John's River Water Management District Permit requires the drainage easement remain for future developments and any changes require modification to permit.

Engineer Tobias stated the Home Owner's Association is responsible for the removal of fallen trees in the Stormwater Management System. Jim Richardson stated it is also the HOA's responsibility to remove anything unsightly upon their lot or land regardless if it is impacting the Stormwater Management System. Jim Richardson stated the tree is unsightly and the estimate to remove the tree is seven thousand dollars (\$7,000.00). Jim Richardson stated he did not want a problem to arise if he does the Unity of Title and then later wants to sell the property. City Land Planner Beliveau stated the City would have no problem with the Unity of Title if the applicant purchases Tract B and combines with his parcel. Jim Richardson stated he would seek advisement from his attorney. City Engineer Tobias stated if the property was annexed by Plat, then vacating it would mean the property is no longer located within the City of Fruitland Park. PSM McGlohorn stated from a City standpoint we want to make sure that the conservation easement will not be jeopardized.

CDD Kelley stated the Declarations of Covenants and Restrictions state "within these easements, no structure, planting or other material shall be placed or permitted to remain that may damage or interfere with the installation and maintenance of utilities, change the direction of flow of drainage channels in the easements or obstruct or retard the flow of water through drainage channels in the easements." City Land Planner Beliveau stated stormwater would have to be channeled if the applicant added anything to his property. City Engineer Tobias stated any building could not displace the swale. Jim Richardson stated the swale does not exist except for a small section and there is a slope to the pond. City Engineer Tobias stated the HOA is supposed to be maintaining the swale. City Engineer Tobias stated that the Stormwater Permit includes an inspection period every ten years or so and the HOA must hire an engineer to certify the system is still working and maintained. Engineer Tobias stated the Stormwater Permit includes a swale around the pond. Jim Richardson stated the swale is not currently maintained. City Engineer Tobias stated he would recommend the applicant require

the HOA fix any issues with the land before taking ownership of the property. CDD Kelley stated the SJRWMD Permit issued in 2003 states the permittee shall notify the District in writing with any sale or other transferred ownership. Mr. Moukhtara is the permittee who should have notified the District when the HOA became responsible for the property. The HOA would then need to notify the District when transferring ownership to Applicant Richardson. Engineer Tobias stated it is not a city issue. Engineer Tobias stated the SWRWMD Permit is available on their website and he will email the information to CDD Kelley.

**MEMBERS' COMMENTS:** No additional comments

**ADJOURNMENT:** 10:26 AM