

To:

From: Heritage Isles Community Development District

Date: February 16, 2022

Re: Vote on Ownership of All Roads within Heritage Isles Excluding Roads in Nassau Pointe

In the 2021 Florida Legislative Session, the Legislature passed and Governor signed a law which, among other things, provided for a mechanism for the District to secure certain public roads by agreement of the City of Tampa. A copy of the pertinent parts of the legislation are attached below.

A critical step in the process is securing the vote of the “landowners who are subject to the non-ad valorem assessments of the community development district and who are present by person or proxy at a properly noticed landowners meeting.” A vote of 2/3rd of the above referenced owners is required in order for the process to advance.

It is the opinion of your Board that All Roads within Heritage Isles Excluding Roads in Nassau Pointe is better served as a District owned and maintained road, subject to the complete gating and fencing of the District Governing Board. Recall the public will still have access to the same but will have to stop and check in through the gate monitoring process.

As you can discern from the legislation below, the City must concur in this step. However, the City will not entertain such action without first securing the consent of the owners as provided for in the legislation. Accordingly, you are asked to vote on this matter in the February 16, 2022 election to be conducted in person at Heritage Isles Fitness Center 10706 Plantation Bay Drive Tampa, FL 33647.

Any and all questions concerning this vote may be issued to Mark Vega, at 210 N. University Drive, Suite 702 Coral Springs, FL 33071 and mark.vega@inframark.com .

Section 1. Section 177.107, Florida Statutes, is created to read:

177.107 Closing and abandonment of roads; optional conveyance to a community development district; traffic control jurisdiction

(1) The governing body of a municipality or county may abandon the roads and rights-of-way dedicated in a recorded residential subdivision plat and simultaneously convey the municipality's or county's interest in such roads, rights-of way, and appurtenant drainage facilities to a community development district established under chapter 190 in which the subdivision is located, if all of the following conditions are met:

(a) The community development district has requested the abandonment and conveyance by written resolution for the purpose of converting the subdivision to a gated neighborhood with monitored public access.

(b) The community development district has received approval for the conveyance by a vote of two-thirds of the landowners who are subject to the non-ad valorem assessments of the community development district and who are present by person or proxy at a properly noticed landowners meeting.

(c) The community development district has executed an interlocal agreement with the municipality or county, as applicable, requiring the community development district to do all of the following:

1. Maintain the roads and any associated drainage, street lighting, or sidewalks identified in the interlocal agreement to municipal or county standards, as applicable.
2. Every 5 years, conduct a reserve study of the roads and any associated drainage, street lighting, or sidewalks identified in the interlocal agreement.
3. Levy annual special assessments in amounts sufficient to maintain the roads and any drainage, street lighting, or sidewalks identified in the interlocal agreement to municipal or county standards, as applicable.
4. Annually fund the amounts set forth in the reserve study.

(2) The community development district shall install, operate, maintain, repair, and replace all signs, signals, markings, striping, guardrails, and other traffic control devices necessary or useful for the roads unless an agreement has been entered into between the municipality or county and the community development district, as authorized under s. 196 316.006(2)(b) and (3)(b), respectively, expressly providing that the municipality or county has traffic control jurisdiction.

(3) Upon abandonment of the roads and rights-of-way and the conveyance thereof to the community development district, the community development district shall have all the rights, title, and interest in the roads and rights-of-way, including all appurtenant drainage facilities, as were previously vested in the municipality or county. Thereafter, the community development district shall hold the roads and rights-of-way in trust for the benefit of the public and owners of the property in the subdivision and shall operate, maintain, repair, and from time to time replace and reconstruct the roads and any associated street lighting, sidewalks, or drainage facilities identified in the interlocal agreement as

necessary to ensure their use and enjoyment by the public and property owners, tenants, and residents of the subdivision and their guests and invitees.

(4) The provisions of this section are supplemental and additional to the powers of municipalities and counties.