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MINUTES OF MEETING

CHANNING PARK  
COMMUNITY DEVELOPMENT DISTRICT

The **town hall** meeting of the Board of Supervisors of the Channing Park Community Development District was held on **Monday, October 26, 2015 at 6:00 p.m.** at the Channing Park Recreation Center located at 17358 Chelsea Downs Circle, Lithia, Florida 33547.

Present were:

Candice Smith	<b>Board Supervisor, Vice Chairman</b>
Rebecca Mitchell	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Sandy Oram	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Jere Earlywine	<b>District Counsel, Hopping, Green &amp; Sams, P.A.</b>
Trent Stephenson	<b>District Engineer, Waldrop Engineering</b>
Audience	

**FIRST ORDER OF BUSINESS**

**Town Hall Discussion Regarding  
Easement Encroachments  
Presentation by District Staff**

Ms. Oram addressed the residents, introduced herself, the Board members and District Counsel.

Mr. Earlywine introduced himself and gave a brief overview of what a Community Development District is and its responsibility to the community. He then reviewed a power point presentation regarding the topic of the swale between the 44 homes in Channing Park that have a fence installed in the easement/swale and the proposed solution to the drainage issue that is being presented to the residents. (presentation attached)

Upon discussion between the residents and the Board members present, the Board members stated that they would take a second look at the area to see if it would be possible to remove the fence, regrade the swale and reinstall the fence down the middle of the swale. The fence would be raised high enough off of the ground to provide the flow of water which will prevent the flooding that is currently occurring in the back of the lots attached to the fence. If this can be accomplished at the same cost or less, then the Board will notify the homeowners and proceed with the work.

If it is decided that this is not an option, the residents will be notified and further discussion will ensue between the Board and the residents. The meeting ended at 8:39 p.m.



# Channing Park CDD

**Presentation Regarding Drainage Easements**

**October 26, 2015**

# Who are all of these people?

- Introductions
- The Channing Park CDD is a special purpose unit of local government established to provide public infrastructure for your community
- The CDD owns and is responsible for managing, among other things, the community stormwater system

# What is this letter I received?

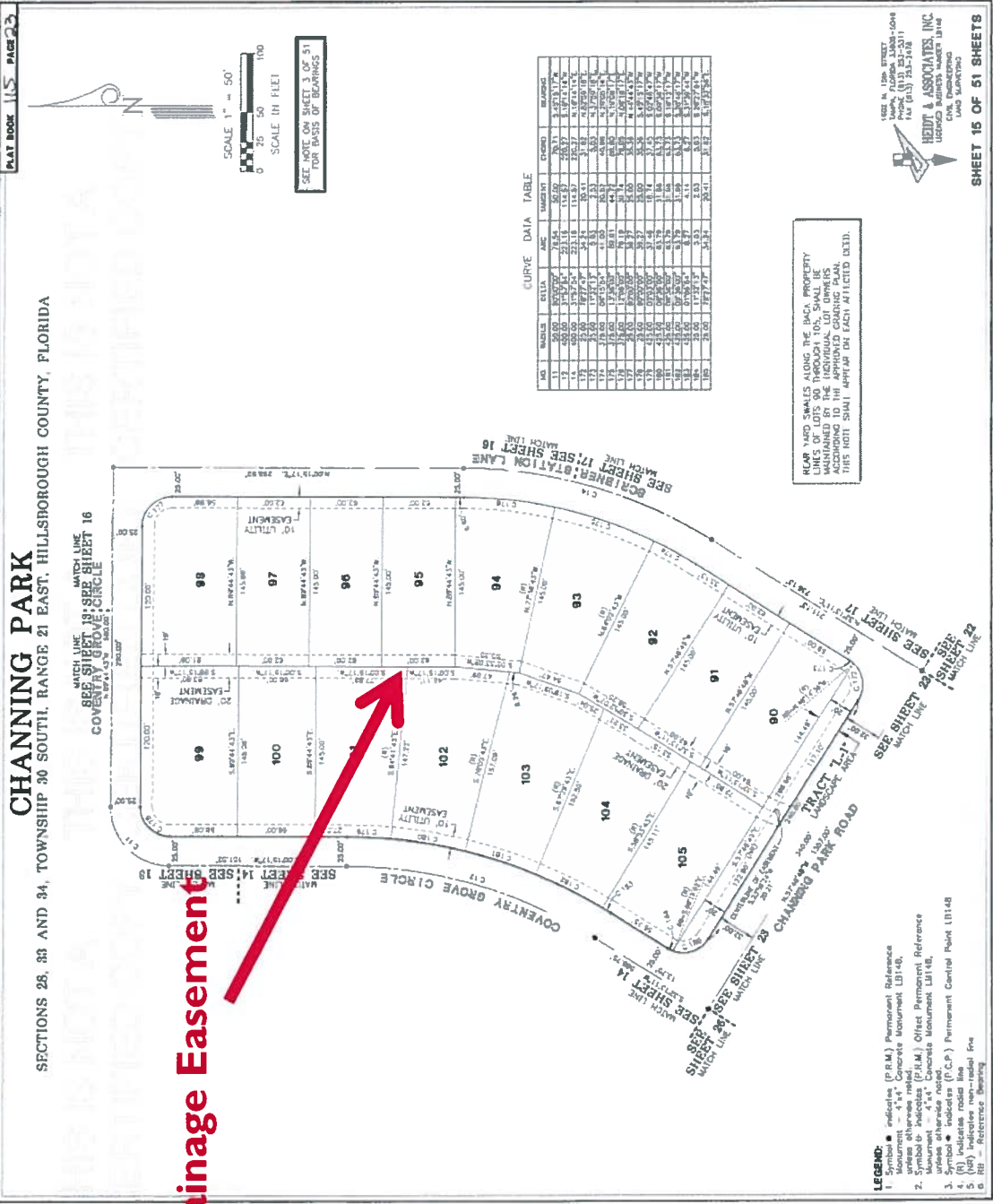
- The CDD is aware that there are fences installed within drainage easements behind certain Lots 67-105 (i.e., along Coventry Grove Circle and Scribner Station Lane)
- The CDD's stormwater system consists of stormwater ponds, pipes and other drainage improvements, some of which are located in easement areas
- These easement areas are necessary for the operation of the CDD's stormwater system  
**AND** for compliance with the CDD's permits

# Inspection Results

- To better assess the circumstances, the CDD conducted an inspection of the lots within the community
- Most of the lots only include fencing, but a few additionally include landscape beds, trees, and other improvements



# (Sample) Platted Easement



# Prohibitions

Improvements such as fences, trees, landscaping, and other structures are prohibited within public drainage easements. As the plat for Channing Park (Plat Book 115, Pages 9 et seq.) indicates at Note 4:

“Public Drainage Easements shall not contain permanent improvements, including, but not limited to, sidewalks, driveways, impervious surfaces, patios, decks, pools, air conditioners, structures, utility sheds, poles, fences, sprinkler systems, trees, shrubs, hedges, and landscaping plants other than grass . . .”

# Prohibitions

The community's Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Channing Park, recorded as Instrument 2008339381, Book 18879, Pages 1084 et seq., similarly provides at Section 8.6.2 that:

“Within such easements (whether or not located on Lots), no structure, planting or other material may be placed or permitted to remain that will unreasonably interfere with access to and use of such easements for their intended purpose . . . . These easements shall be deemed to include the right of the parties holding such easements to require the cutting, trimming, removal or relocation of vegetation, including trees and hedges, walls, fencing, and any other improvement determined by such party to be a hindrance to access or use of an easement for its intended purpose, in which event an Owner or any Neighborhood Association, as applicable, shall have the obligation to remove such items without cost to the easement holder.”



# The District Engineer's Letter

- The CDD's Engineer has said that the fences and other improvements within the easements are impeding the flow of water and need to be removed



Candice Smith  
Re: Channing Park CDD  
Drainage Issue

Dear Ms. Smith

It has come to my attention that there is a drainage issue in relation to the back to back lots along Coventry Grove Circle. It appears that the home owners have placed their privacy fence into the 20' Drainage easement and this is impeding water from following to the south into the existing drainage inlet.

I am requesting the board move forward with having the fences relocated to the property owner's lot line and to have someone reestablish the drainage swale located within the existing 20' drainage easement.

Please let me know if you have any questions.

Thank you.

R. Trent Stephenson  
District Engineer

# Potential Solution

- CDD will remove the fences
- CDD will reinstall the fences, if requested by homeowner (and homeowner enters into a letter agreement)
- Developer has agreed to share a portion of the cost
- Special circumstances



## Logistics

- Issue letters to affected homeowners, and provide 30 days to execute the letter agreement and prepare for the project
- The CDD's contractor would then remove the fences and improvements, and install the new fences

# Questions?

