RESOLUTION 2021-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MEADOW POINTE IV COMMUNITY DEVELOPMENT DISTRICT ADOPTING REVISED POLICIES ON TREES LOCATED IN DISTRICT OWNED SUBDIVISION ROAD RIGHT OF WAYS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Meadow Pointe IV Community Development District (the “District”) owns most of the subdivision road right of ways within the District (the “District ROW”);

WHEREAS, the District ROW begins on the outer edge of the sidewalk and runs through the entire width of the sidewalk, the landscaping strip, the road, all the way to the outer edge of the sidewalk on the opposite side of the District ROW;

WHEREAS, the District maintains the roads and the sidewalks located within the District ROW and the District’s staff or vendors, on at least an annual basis, inspects the sidewalks and reports any unsafe conditions observed to the Board of Supervisors of the District (the “Board”);

WHEREAS, the developer/builders of the community installed trees within the landscaping strip within the District ROW that are the maintenance obligations of the homeowner who resides adjacent to the tree pursuant to the applicable Declaration of Covenants, Conditions, and Restrictions;

WHEREAS, it has come to the Board’s attention that certain trees are causing or are anticipated to cause damage to the District’s sidewalks and residents’ landscaping features;

WHEREAS, the Board is authorized to establish policies for District owned property and the maintenance thereof; and

WHEREAS, the Board desires to adopt the “Policy on Problem Trees Located in the District ROW” attached hereto as Exhibit A to resolve the issues caused by problem trees and adopt the “Policy on Non-Problem Trees Located in the District ROW” attached hereto as Exhibit B to provide an option to residents for any other reason to remove and replace non-problem trees within the District ROW.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:

1. Incorporation of Recitals. The above recitals are true and correct and by this reference are incorporated as a material part of this Resolution.

2. Adoption of Policies. The Board hereby adopts the Policy on Problem Trees Located in the District ROW and the Policy on Non-Problem Trees Located in the District ROW.

3. Future District ROW. In the event that subdivision road right of ways that are within the District’s boundaries and not currently owned by the District are in the future conveyed or dedicated to the District, then this Resolution and the policies adopted herein shall automatically apply to such subdivision road right of ways upon the District’s acceptance of such conveyance or dedication.

4. Conflicts. This Resolution replaces any resolution, policy, rules, actions, or motion in conflict with this Resolution.
5. **Severability.** If any section or part of a section of this Resolution is declared invalid, unconstitutional, or inconsistent with any law or regulation, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

6. **Effective Date.** This Resolution shall become effective immediately upon its adoption and shall remain in effect unless rescinded, repealed, replaced, or superseded.


Meadow Pointe IV Community Development District

Attest:

Greg Cox
Assistant Secretary

Liane Sholl
Chair of the Board of Supervisors
Exhibit A

Policy on Problem Trees Located in the District ROW

The Meadow Pointe IV Community Development District (the “District”) owns most of the subdivision road right of ways (“District ROW”) in the District. The District ROW begins on the outer edge of the sidewalk and runs through the entire width of the sidewalk, the landscaping strip, the road, all the way to the outer edge of the sidewalk on the opposite side of the District ROW. The District maintains the roads and sidewalks and residents maintain the landscaping strip, including any trees installed thereon.

Certain trees within the District ROW have begun uplifting the sidewalk and causing damage to the landscaping features and infrastructure installed by residents. Since the District owns the property upon which the trees are located and is ultimately responsible to Pasco County with respect to its tree ordinances, the District has decided to establish a process to address the trees causing damage:

1. Homeowners who wish to remove a tree within the District ROW that is causing damage must submit a detailed proposal to the District Manager from a licensed, bonded, and insured vendor for the tree removal, and the resident must list three prioritized preferences for a replacement tree. District-approved tree replacements are:

   a. Eagleston Holly
   b. Crape Myrtle
   c. Japanese Blueberry
   d. Walter’s Viburnum
   e. Yaupon Holly
   f. Indian Hawthorne
   g. Ligustrum
   h. Nelle Stevens Holly

2. District Staff will review the proposal for completeness and will contact the District Field Manager to confirm that the tree is causing damage. If confirmed, the District’s Field Manager will coordinate with the resident on the type of replacement tree and suitable replacement location in the District ROW adjacent to the resident’s home. The District Field Manager will consider the type of nearby street trees to ensure an aesthetic appearance for the neighborhood and will ensure that the replacement District ROW tree is of a type different than existing on the resident’s front lot. If there is no suitable location within the District ROW, the District Field Manager will make a recommendation to the District Manager, such as possibly planting a replacement tree at another location on the lot.

3. The District Staff will provide the resident a Tree Maintenance Agreement, ensuring that the resident agrees to maintain the tree. Upon receipt of a fully executed agreement, District Staff will send the resident an email (ensuring the District Manager is copied) permitting resident to use the requested vendor, at the resident’s expense, to remove the tree. The resident will be responsible for obtaining any permission or permits from Pasco County and any applicable homeowner’s association approval prior to the work commencing.

4. Upon removal of the tree, the District will install the replacement tree at District expense.
5. The District Manager will inform the Property Manager of the Homeowner's Association of all relevant decisions.

This Policy is intended to only be utilized once per location, but the District does reserve the right to review, amend, replace, or rescind this Policy. Nothing in this Policy shall be construed to create or imply (1) a present or continuing obligation on the part of the District to maintain the replacement tree or (2) a grant of permission for a resident to perform any other alterations on the landscaping strip within the District ROW without the express written permission of the District.
Exhibit B

Policy on Non-Problem Trees Located in the District ROW

The Meadow Pointe IV Community Development District (the “District”) owns most of the subdivision road right of ways (“District ROW”) in the District. The District ROW begins on the outer edge of the sidewalk and runs through the entire width of the sidewalk, the landscaping strip, the road, all the way to the outer edge of the sidewalk on the opposite side of the District ROW. The District maintains the roads and sidewalks and residents maintain the landscaping strip, including any trees installed thereon.

The District desires to provide residents interested in removing and replacing non-problem trees within the District ROW (non-problem trees are any trees not covered by the District’s Policy on Problem Trees Located in the District ROW) an opportunity to remove existing trees with suitable replacement trees. Since the District owns the property upon which the trees are located and is ultimately responsible to Pasco County with respect to its tree ordinances, the District has decided to establish a process to permit residents who desire to remove and replace such trees:

1. Homeowners who wish to replace a non-problem tree within the District ROW must submit a detailed request to the Homeowner Association’s (HOA) Architectural Review Board (ARB). The HOA Property Manager will provide the District Manager a copy of the proposal. The District has ten working days to concur or comment; otherwise, the ARB will process the application and inform the homeowner of the results.

2. District-approved tree replacements are

   a. Eagleston Holly
   b. Crape Myrtle
   c. Japanese Blueberry
   d. Walter’s Viburnum
   e. Yaupon Holly
   f. Indian Hawthorne
   g. Ligustrum
   h. Nelle Stevens Holly

   Ilex x attenuate ‘Eagleston’
   Lagerstroemia spp.
   Elaeocarpus decipens
   Viburnum obovatum (tree; not shrub)
   Ilex vomitoria
   Raphiolepis spp.
   Ligustrum japonicum
   Ilex x 'Nellie R. Stevens'

3. If the application is approved, the homeowner will be responsible for all costs to remove and replace the tree and for obtaining any permission or permits from Pasco County prior to the work commencing.

This Policy is intended to only be utilized once per location, but the District does reserve the right to review, amend, replace, or rescind this Policy. Nothing in this Policy shall be construed to create or imply (1) a present or continuing obligation on the part of the District to maintain the replacement tree or (2) a grant of permission for a resident to perform any other alterations on the landscaping strip within the District ROW without the express written permission of the District.