

MADEIRA COMMUNITY DEVELOPMENT DISTRICT

District Office · St. Augustine, Florida · (904) 436-6270
Mailing Address – 3434 Colwell Avenue, Suite 200, Tampa, Florida 33614
www.madeiracdd.org

February 16, 2022

**Board of Supervisors
Madeira Community
Development District**

REVISED AGENDA

Dear Board Members:

The audit committee meeting and regular meeting of the Board of Supervisors of Madeira Community Development District will be held on **Wednesday, February 23, 2022 at 2:00 p.m.** at the Holiday Inn Express & Suites, 2300 State Road 16, St. Augustine, Florida 32084. Following is the agenda for the meeting.

AUDIT COMMITTEE MEETING:

1. **CALL TO ORDER/ROLL CALL**
2. **BUSINESS ADMINISTRATION**
 - A. Review Instructions and Criteria for Proposals for District Auditing Services.....Tab 1
 - B. Establishing a Date for Second Audit Committee Meeting
3. **Adjournment**
1. **CALL TO ORDER/ROLL CALL**
2. **PUBLIC COMMENTS ON AGENDA ITEMS**
3. **BUSINESS ADMINISTRATION**
 - A. Consideration of Minutes of the Board of Supervisors' Regular Meeting held October 27, 2021.....Tab 1
 - B. Ratification of the Operation and Maintenance Expenditures for September 2021, October 2021, November 2021 and December 2021.....Tab 2
 - C. Consideration of Resolution 2022-01, Regarding the General Election.....Tab 3
4. **STAFF REPORTS**
 - A. District Counsel
 - 1.) Consideration of Kutak Rock, LLC Retention and Fee Agreement.....Tab 4
 - 2.) Memorandum Regarding Wastewater and Stormwater Needs Analysis.....Tab 5
 - B. District Engineer
 - 1.) Consideration of Proposal for Wastewater and Stormwater Needs Analysis.....Tab 6
 - C. Landscape Maintenance
 - 1.) Yellowstone Landscape Report
 - D. District Manager
 - 1.) Charles Aquatics Pond Report, February 1, 2022.....Tab 7
5. **BUSINESS ITEMS**
 - A. Consideration of Proposal(s) for Modifications at Exit Gate.....Tab 8
 - B. Consideration of Resolution 2022-02, Prompt Payment Policy.....Tab 9

- C. Consideration of Proposals for Pressure Washing.....Tab 10
- D. Consideration of Proposal for Preventative Maintenance Services
On Wells.....Tab 11
- E. Consideration of Agreement with Madeira at St. Augustine Master Owners'
Association regarding Parking on CDD-Owned StreetTab 12

6. SUPERVISOR REQUESTS

7. ADJOURNMENT

I look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to contact me at (904) 436-6270.

Very truly yours,
Lesley Gallagher

Prepared by and return to:
Hans C. Wahl, Esq.
Cobb & Gonzalez, P.A.
4655 Salisbury Rd., Suite 200
Jacksonville, Florida 32256

**AGREEMENT BETWEEN MADEIRA COMMUNITY DEVELOPMENT DISTRICT
AND MADEIRA AT ST. AUGUSTINE MASTER OWNERS' ASSOCIATION, INC.
CONCERNING THE CDD-OWNED ROADS AND COMMON PROPERTY WITHIN
MADEIRA AT ST. AUGUSTINE MASTER OWNERS' ASSOCIATION, INC.**

WHEREAS, the Declaration of Covenants, Conditions, Restrictions and Easements for Madeira at St. Augustine ("Declaration") was recorded on June 19, 2008 in the Official Records of St. Johns County, Florida at Book 3095, Page 900; and

WHEREAS, the Madeira Community Development District ("CDD") is a special purpose form of local government established and existing pursuant to Chapter 190, Florida Statutes, concerning the Madeira community; and

WHEREAS, Madeira at St. Augustine Master Owners' Association, Inc. ("Association") is a homeowners association established pursuant to Chapter 720, Florida Statutes, as the governing homeowners' association for the Madeira community and as is more fully described in the Declaration; and

WHEREAS, the roads within the Madeira community are owned by the CDD; and

WHEREAS, the CDD and Association each have certain authority regarding the CDD-owned roads and other common property within the Association according to each entities' respective rights and remedies under the Florida Statutes, and both the CDD and Association desire, through this Agreement, to declare and put the Association's members and public on notice that the CDD and Association have such authority regarding the CDD-owned roads and common property within the Association; and

WHEREAS, Section 6.8 of the Declaration grants the Association and/or any applicable sub-associations that may be established, the power and authority to enforce parking and vehicular restrictions on the CDD-owned roads and common property within the Association, including the power and authority to tow vehicles in violation of the Association's covenants, restrictions, rules, and regulations, irrespective of the roads being owned by the CDD; and

WHEREAS, as of the date of execution and recording of this Agreement, turnover of the Association's Board of Directors to the members has not occurred, and the Association is controlled and operated by the Developer, who has sole authority to act on behalf of the Association, including authority to enter into this Agreement on behalf of the Association; and

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Madeira

Community Development District and the Board of Directors of Madeira at St. Augustine Master Owners' Association, Inc.,

THAT both the CDD and Association each have certain authority regarding the CDD-owned roads and common property within the Association, including separate remedies afforded to the CDD and Association under the statutes governing each respective entity, including but not limited to the power and authority to tow vehicles. The CDD acknowledges the Association's right and authority to enforce its covenants, restrictions, rules, and regulations, as they currently exist and as they may be amended from time to time, over the CDD-owned roads and other common property within the Association, and the CDD does not object to the Association's concurrent enforcement rights. Notwithstanding the foregoing, nothing herein shall result in the CDD-owned roads and/or common property from being "public" and, should any enforcement action or authority exercised hereunder result in the CDD-owned roads and/or common property being deemed "private" under Florida or Federal law, the District and/or the Association agree to immediately cease such action and/or authority. The Association's enforcement of its covenants, restrictions, rules, and regulations on the CDD-owned roads and common property is solely pursuant to the requirements of the Association's Declaration and other governing documents and the Florida HOA Act, Ch. 720, Florida Statutes. By the recording of this Agreement in the St. Johns County Official Records, all members of the Association and also the public at large are on notice of the Association's enforcement rights and authority regarding the CDD-owned roads and common property within the Association.

MADEIRA AT ST. AUGUSTINE
MASTER OWNERS' ASSOCIATION,
INC., a Florida non-profit corporation

By: _____
Doug Maier, President

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Doug Maier, as President of Madeira at St. Augustine Master Owners' Association, Inc., a Florida non-profit corporation, on behalf of the corporation. Such person did take an oath and: *(Notary must check applicable box)*.

- is/are personally known to me.
- produced a current driver's license as identification.
- produced _____ as identification.

{Notary Seal must be affixed}

SIGNATURE OF NOTARY

Name of Notary *(Typed, Printed or Stamped)*

MADEIRA COMMUNITY
DEVELOPMENT DISTRICT, a local unit of
special purpose government

By: _____
William R. Lanius , Board of Supervisors

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by William R. Lanius, as a member of the Board of Supervisors of Madeira Community Development District, a Florida non-profit corporation, on behalf of the corporation. Such person did take an oath and: *(Notary must check applicable box)*.

- is/are personally known to me.
 produced a current driver's license as identification.
 produced _____ as identification.

{Notary Seal must be affixed}

SIGNATURE OF NOTARY

Name of Notary *(Typed, Printed or Stamped)*