

## GRAND HAVEN COMMUNITY SYMPOSIUM REGARDING LIVE OAK STREET TREES, SIDEWALKS, ROADWAYS AND HOMES

### LEGAL, LIABILITY AND FINANCIAL QUESTIONS

- ✓ There have been differing opinions from the CDD and GHMA attorneys regarding the question of who is responsible for maintaining/repairing the sidewalks on residential properties. Can the attorneys address this issue? (X4)
- ✓ Where specifically in the CC&R'S does it require oak trees? *ARCHITECTURAL DESIGN GUIDELINES*
- ✓ If the requirement for oak trees is in the CC&R'S, what specific steps would residents need to take to get this changed? *SCHEME OF COMMUNITY*
- ✓ If the requirements for oak trees is not in the CC&R'S, what specific steps would residents need to take to get the ADC to change its policies?
- ✓ The land development code requires street trees (although no necessarily oaks) every 50 feet on center. What is the process to change the land development code if residents want relief from this requirement? Would such a change necessarily affect all of Palm Coast or just Grand Haven?
- ✓ Some parcel owners claim that FL 720.3035, paragraph 4, gives them "rights" to protect their units. Please explain FL 720.3035. *(ADOPTED 2002 - NO COURT CASES)*
- ✓ Does FL. 720.3035 give the parcel owner the right to violate and ignore specific Master Declarations or By-Laws or policies or rules of the GHMA, when the parcel owner believes his rights are being violated?
- ✓ Can the CDD or GHMA or the management company vet preferred infrastructure contractors to make available a choice list of vendors that can make infrastructure repairs that meet best practices of the community? I know that we have discussed this issue in the past, however with both attorneys present perhaps we can arrive a legal position that will hold harmless the CDD and GHMA that we can all live with. (X2)
- ✓ What remedy does a parcel owner have when they disagree with the Master Declaration or the rules of the community?
- ✓ Why can't the GHMA just vote to change the rules of the community and give the resident permission to do anything they want to do, within reason?

- ✓ Why can't the GHMA just vote to change the CC&R'S and eliminate the problems?
- ✓ When a parcel owner believes that the CC&R'S or the rules of the community are going to "harm" them or their property, why do they have to abide by the rules? Aren't they allowed to selectively follow just the rules that they believe are correct?
- ✓ Do the residents or the GHMA Board decide to change the CC&R'S?
- ✓ Some parcel owners believe that Florida Statutes protect them and their property from the jurisdiction of the GHMA, so why do they need to follow any rules?
- ✓ Somebody else planted the trees in front of my house and they are now raising the sidewalk on my property. I think that the roots from these trees are that I did not plant are going to cause me problems and raise my driveway, crush my sewer pipes and damage my house foundation. I am trying to prevent that from happening so why can't I just remove these trees? I'll plant something else instead.
- ✓ The City of Palm Coast gave me permission to remove my trees. Why is the GHMA preventing me from doing something that the City gave me permission to do?
- ✓ I had an engineer look at my sidewalk and he told me that the street tree roots are lifting and cracking the concrete. This is my property and my responsibility to keep it safe. The GHMA and the ADC are not engineers, why must I follow the rules and harm my property?
- ✓ When I moved into Grand Haven no one told me that there were rules about what street trees I can have on my property. If these trees are going to cause me problems now and in the future, I'm going to remove them. If the City of Palm Coast gives me permission, how can anyone stop me from protecting my investment?
- ✓ When I moved into Grand Haven, I was given 322 pages of Master Declarations and another 75 pages of Standards and also a book of By-Laws of the community. You can't expect me to read and understand all of that material. I'm not interested in what anybody else is doing. I just want to keep my home and property safe. How can the GHMA stop me from doing what is right for me and my property?

What specific steps can the Master Association take to modify the rules governing Oak Trees and Sidewalks? How can the resident's interests be represented when the black and white CC&R'S agreed to when we purchased here, but not created by the homeowners are obviously not in the homeowners best interests.

**Questions based on Attached Narrative: (Notes should not be detached from questions)**

- 1) Given a prior failure to correctly designate management of Easements, Sidewalks, and Street Trees, does failure to act ( creation of legal transfer) on part of the “Declarant in CONVYING” and the GHA, Inc. in receiving a Conveyance” constitute default acceptance based upon rules of the CC&R’s and governing State, County, and Local Ordinances?**
  - 2) Did this failure “become a Voluntary assumption by the governing body” as was dedicated in the plat maps. (Governing body in this case would be THE HOA and the CDD)**
  - 3) Does the CDD require a transfer document from the Declarant/Developer or the GHMA, Inc. HOA to be the Governing Management and Maintenance agency for Curbs, Sidewalks and Street Trees?**
  - 4) Given the above summary of applicable laws and ordinances, does the misuse of the language and the fact that it will take 66 ¾ percent of the entire Grand haven owner population to vote to approve any CC&R change, and that ADC Standards have been misinterpreted and failed to promptly implement the miss-stated CC&R’s, how will the GHMA, Inc. Master Association resolve this grave error presented CCR 8.6? (covered in notes)**
  - 5) Why has approval not been sought between 2001 and current by the GHMA BOD ton bring the CC&R’s into line with changing laws? (Several Find-Law legal opinions and case study reflect ”at least parodic amendment to update CC&R’s to meet changing laws is necessary”).**
  - 6) Since DEDICATIONS and RESERVATIONS are clearly stated and dedicated in individual Plat Maps, how can a correction to all existing and required legal issues be implemented without severe impact on the overall Grand Haven Concept plan?**
  - 7) Through concurrence from governing agencies, with the correct ownership and maintenance responsibilities assigned, and appropriate budget assessments implemented, can the Sidewalk/Tree issue be resolve the Sidewalk/Tree issue?**
  - 8) How did the ADC Standard for a 30’ interval planting of street Oak Trees”, in the 2001 ADC Standards evolve into a 2015 ADC standard of planting “street trees” at an “average ratio of one (1) tree per thirty (30) lineal feet of total street frontage” without including the FDOT Street Cut measurements with the lot owner owning the dirt from the tar-mac (pins) to the Garage Door referred to as Private Drive and no trees are permitted in a Private Driveway?”**
- (13 page attached narrative emailed to panelists as a PDF document)**