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October 27, 2021

VIA E-MAIL ONLY
PRIVILEGED & CONFIDENTIAL
ATTORNEY/CLIENT COMMUNICATION

Board of Directors
Huntington Group Master Association, Inc.
Ameri-Tech Community Management
24701 US Hwy. 19 North, Ste. 102
Clearwater, FL 33763

Re: Pond Maintenance

Dear Board Members:

The Board of Directors has indicated that the Association is currently experiencing erosion around portions of the banks of the ponds located within the community. The Board of Directors has requested an opinion regarding whether the Association or the individual Lot owners are responsible to maintain the areas in question. Please accept the following comments.

The Community has a total of three (3) ponds; Pond 1 (located at the corner of Green Springs Drive and Huntington Lane in Huntington Trails Phase 1) has three (3) homes that abut the pond and the rest of the land that surrounds the pond (approximately 80%) is owned by the Association. The area owned by the Association is referred to as Tract 1 (Common Area). The other two ponds, both located in Huntington Trails Phase 2 (Ponds 2 and 3) are totally private and are only accessible by the Owners of the Lots that the abut the ponds. In fact, the Lot lines for the Lots that abut ponds 2 and 3 extend down into the Pond. All three pond areas are labeled as drainage easements. It is my understanding that the Association has a contract with a pond maintenance company that was hired to maintain the water quality and appearance and has installed a water aeration equipment to help with water quality. It is my further understanding that the Association does not believe that there is an applicable SWFWMD permit governing the maintenance of the ponds.

The obligation to maintain property within the Association only flows from a limited number of sources -- primarily, the governing documents (Articles, Bylaws, Declaration, Plat, Rules), easements or other contractual agreements. The Amended and Restated Declaration of Covenants, Conditions and Restrictions for Huntington Trails, Phase 1 and Huntington Trails, Phase 2, states as follows:

Article II
Use Restrictions

Section 8. *Easements over the Lots for the installation and maintenance of electric, telephone, cable television, water, gas, drainage and sanitary sewer lines and facilities and the like are hereby reserved by Declarant, together with the right to grant and transfer the same. Said easements being more particularly described on the plat of HUNTINGTON TRAILS, PHASE I Subdivision as recorded in Plat Book 91, Pages 64 through 67, of the Public Records of Pinellas County, Florida and*

HUNTINGTON TRAILS, PHASE 2 Subdivision as recorded in Plat Book 93, Pages 96 through 100, of the Public Records of Pinellas County, Florida.

Section 11. All lots and yards shall be maintained in a neat and attractive manner so as not to detract from the appearance of the development.

ARTICLE V
ASSESSMENTS

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively to members of the Association who own property and/or reside in the subdivision...

b. Provide for the improvement and maintenance of the easement areas.

For Pond 1, the Association would be the responsible party to provide maintenance based upon ownership of the land. The Association would certainly be an appropriate party to maintain the drainage system as it owns the land in question and arguably has a duty to keep the pond from overflowing due to the drainage not properly functioning. As for the three (3) Lots that abut said pond, arguably, those individual Owners would be responsible for maintenance of any of the pond area that is included within their respective Lot.

As for the Pond 2 and 3, just like the three (3) Lots that abut Pond 1, the individual owners would be responsible for maintenance of any of the pond area that is included within their respective Lot.


Please be advised, I have made a records request from Southwest Florida Water Management District ("SWFWMD") in hopes of finding more documentation which would outline specific requirements for the Association, should an agreement exist. However, be advised, I have not received a response. I will notify the Association of my findings upon receipt of any documentation provided.

Lastly, I reviewed some documentation provided to my office, which included documents from Southwest Florida Water Management District and a letter from an Engineering firm which outlined "normal" maintenance requirements. (I have enclosed a copy of that letter for your easy reference). At a minimum, the Association should be undertaking the maintenance requirements listed in such letter.

As noted above, I am awaiting documentation from SWFWMD and my opinion on the matter might change should documentation be produced. I will keep the Association advised in the coming days of any documentation received.

As always, it is a pleasure serving you.

Sincerely,



Tiffany A. Grant, Esq.

TAG:cmg
Enclosure

December 14, 1984

E 01270

Mr. Harley Evans
Partner
Community Concept Group
600 Cleveland Street, Suite 678
Clearwater, Florida 33515

Re: Huntington Trails

Dear Mr. Evans:

Per Chapter 17-25, Florida Administrative Code for Regulation of Stormwater Discharge, we are required to furnish you a set of instructions for the maintenance and operation of the referenced stormwater discharge facility.

The stormwater discharge facility has been designed on modern engineering principles applicable to treatment and disposal of stormwater pollutants to operate for at least five years.

Normal maintenance requirements are as follows:

- o Sod should be routinely thatched
- o Clippings picked up
- o Screens cleaned
- o On an annual basis following a storm event, the entity responsible for maintenance should make inspection of the outfall structures to check that the underdrains are running at a substantial rate.

Plugging of the filter media may occur after five years and will require the following major maintenance:

- o Replace filter media;
- o Replace any sod on the side slope which covers the filter media;
- o Backwash underdrain system to clean filter aggregate and geotextile fabric;
- o Inspect system for any other problems.

DAIL29:87/1



Mr. Harley Evans
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After the major maintenance has been performed, the system should be routinely maintained as noted above. This letter should be given to the entity responsible for maintenance if different from applicant.

If you have any questions, please feel free to call.

Very truly yours,

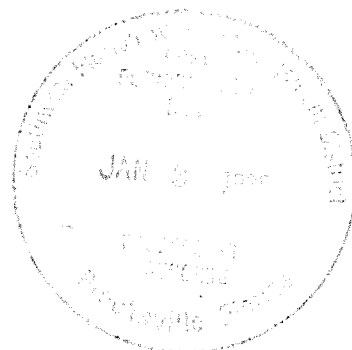
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Roland L. Gagne

RLG/bo
cc: R. Fidler

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