

RESOLUTION NO. 2015-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WALNUT CREEK COMMUNITY DEVELOPMENT DISTRICT, ADOPTING A DISTRICT RULE PERTAINING TO "GATE FACILITIES," AUTHORIZING DISTRICT MANAGEMENT TO DEACTIVATE GATE ACCESS CARDS, TRANSPONDERS, AND READERS UNTIL SUCH TIME PAST DUE AMOUNTS FOR GATE DAMAGE HAVE BEEN PAID TO THE DISTRICT; PROVIDING FOR GATE DAMAGE FEES AND COSTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Walnut Creek Community Development District (the "District") was established pursuant to Chapter 190, Florida Statutes, and City of Pembroke Pines Ordinance No. 1339; and

WHEREAS, the District funds, operates, and maintains certain security and security-related improvements, facilities and equipment, including guardhouses, gates, gate arms, cameras, audio-visual and recording equipment, lighting, wiring, cabling, and electrical facilities, and other appurtenant security or security-related improvements benefiting the residents and property owners within the District (collectively, the "Gate Facilities"); and

WHEREAS, the Gate Facilities, or portions thereof, are often damaged by residents, their guests, and visitors to the community, who fail to yield when gate arms are in the down or closed position, who take action to manually lift or open gates, or whose vehicles strike such facilities; and

WHEREAS, the District is responsible for the maintenance of the Gate Facilities; and

WHEREAS, when Gate Facilities are damaged and evidence is available connecting a particular vehicle or individual to the damage, the District attempts to be made whole and works towards collecting gate damage fees and costs associated with repairing said damage; and

WHEREAS, in some circumstances, residents of Walnut Creek have damaged the Gate Facilities and have refused to respond or refused to pay for damage caused to the Gate Facilities despite clear visual and documentary evidence linking the damage to a vehicle they own or which is registered to their household; and

WHEREAS, the District Board of Supervisors desires to protect the integrity, operation and aesthetics of the Gate Facilities of the District, while ensuring that those responsible for damaging the Gate Facilities pay for the repair of such damaged Gate Facilities; and

WHEREAS, the District advertised a public hearing for February 3, 2015, in order to hear and receive comments on the proposed District Rule pursuant to the requirements of Chapter 120, Florida Statutes; and

WHEREAS, after a duly advertised public hearing, the District Board of Supervisors finds it to be in the best interests of the District, the integrity and maintenance of its Gate Facilities, and the residents and property owners of the District to adopt the proposed Rule attached to this Resolution as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TURTLE RUN COMMUNITY DEVELOPMENT DISTRICT, THAT:

Section 1. The above recitals are true and correct and are incorporated in and adopted as part of this Resolution.

Section 2. The Rule attached to this Resolution as Exhibit A, is hereby adopted by the District.

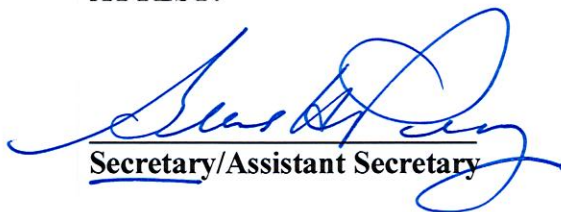
Section 3. The District Manager is hereby directed to distribute this Resolution as required by Chapters 120 and 190, Florida Statutes. The District Manager is further directed to publish the Rule on the District's website, and to generally make copies of such Rule available to inspection or copying by members of the general public pursuant to Florida's Public Records Law.

Section 4. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED THIS 3rd DAY OF FEBRUARY, 2015.

ATTEST:

**WALNUT CREEK COMMUNITY
DEVELOPMENT DISTRICT**


Secretary/Assistant Secretary


Chairman/Vice-Chairman

Exhibit A

GATE FACILITIES RULE

WALNUT CREEK COMMUNITY DEVELOPMENT DISTRICT

GATE FACILITIES RULE

Adopted February 3, 2015

1.0 This rule may be cited and referred to as the Walnut Creek Community Development District (“District”) Gate Facilities Rule.

2.0 The District funds, operates, and maintains certain security and security-related improvements, facilities and equipment, including guardhouses, gates, gate arms, cameras, audio-visual and recording equipment, lighting, wiring, cabling, and electrical facilities, and other appurtenant security or security-related improvements benefiting the residents and property owners within the District (collectively, the “Gate Facilities”), which Gate Facilities are located at the two means of ingress and egress for the Walnut Creek development.

3.0 The District Manager or his or her designee (the “District Manager”) shall have the authority to de-activate all gate access cards, transponders, and readers issued to a particular unit within the District for unpaid Gate Facilities damage fees, after the following:

3.1 The District possesses video, eyewitness, or documentary evidence that a vehicle registered to the unit within the District or a guest to that unit has caused damage to the Gate Facilities of the District; and

3.2 The District has sent a correspondence to said unit, which correspondence shall (1) detail the date and location of the incident, the vehicle(s) involved, and the damage caused to the District Gate Facilities, (2) indicate that such gate damage must be paid to the District within at least thirty (30) days, and (3) indicate that all gate access cards, transponders, and readers issued to the unit will be de-activated if payment is not received by the District within said thirty (30) day period.

4.0 Prior to the expiration of the thirty (30) day period referenced in section 3.2 above, the de-activation and the Gate Facilities damage fees may be appealed in writing directly to the District Board of Supervisors, which will hear said appeal at its next regular meeting. During the time of the appeal, cards/transponders will not be de-activated.

5.0 Gate access cards and transponders may be re-activated by the District Manager upon payment of all Gate Facilities damage fees and costs to the District or when directed

by the District Board of Supervisors after an appeal filed and heard pursuant to section 4.0 above.

6.0 In addition to the authority provided in Section 3.0 above, upon receiving video, eyewitness, or documentary evidence of damage to the Gate Facilities, the District Manager or his or her designee shall have the authority on behalf of the District to impose and take all appropriate and lawful means to collect from the owner or driver of any vehicle or from any individual causing damage to the Gate Facilities all fees and costs associated with damages to the Gate Facilities, including those Gate Damage Fees set forth in Section 6.0 below. Any litigation pertaining to the collection of Gate Damage Fees shall first be authorized by the District Board of Supervisors.

7.0 Gate Facilities damage fees shall be as follows:

7.1 Removing, pulling, or knocking off gate arm requiring re-attachment (no damage to gate arm or other Gate Facilities).....\$150.00;

7.2 Re-activating a de-activated gate access card, transponder, or reader.....\$30.00 per card/reader or \$50.00 per unit (covers all cards/transponders assigned to unit), whichever is less.

7.3 Damage to other Gate Facilities not referenced in this section shall be assessed at cost plus ten (10%) for administration fees.