

RESOLUTION NO. 2020-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WALNUT CREEK COMMUNITY DEVELOPMENT DISTRICT, AMENDING THE WALNUT CREEK COMMUNITY DEVELOPMENT DISTRICT GATE FACILITIES RULE BY REVISING SECTION 7.0 RELATING TO GATE FACILITIES DAMAGE FEES AND COSTS; PROVIDING FOR AN INCREASE TO THE FEE 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, residents, their guests, and visitors to the community, who damage the Gate Facilities, or portions thereof, are responsible for the costs incurred by the District to repair or replace the damaged Gate Facilities; and

WHEREAS, due to recent improvements to the Gate Facilities by the District, the costs incurred by the District for repairing or replacing damaged Gate Facilities has increased, requiring an increase to the fee charged pursuant to Section 7.0 of the Gate Facilities Rule; and

WHEREAS, the District advertised a public hearing for January 21, 2020, in order to hear and receive comments on the proposed amendment to the 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 amendment to the Gate Facilities Rule.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE WALNUT CREEK 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. Section 7.0 of the District Gate Facilities rule is hereby amended, as follows:

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~~ 400.00;

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

Section 3. The District Manager is hereby directed to take all actions consistent with this Resolution.

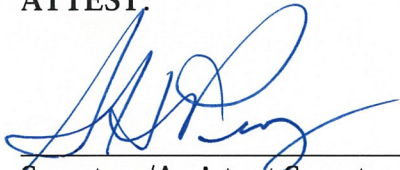
Section 4. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section or other part or application of this Resolution is held by a court of competent jurisdiction to be unconstitutional or invalid, in part or as applied, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED THIS 21st DAY OF JANUARY, 2020.

ATTEST:


Secretary/Assistant Secretary

**WALNUT CREEK COMMUNITY
DEVELOPMENT DISTRICT**


Chairman/Vice-Chairman