

RESOLUTION 2017-10

A RESOLUTION OF THE GOLDEN LAKES COMMUNITY DEVELOPMENT DISTRICT ADOPTING A POLICY PROHIBITING RECREATIONAL USE OF DISTRICT PONDS; PROVIDING TRESPASS ENFORCEMENT AUTHORITY; AUTHORIZING THE ISSUANCE OF A TRESPASS LETTER; PROVIDING A FINE FOR VIOLATION OF DISTRICT POLICY; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the Golden Lakes Community Development District ("District") was established pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended ("Act"), for purposes of planning, financing, acquiring, constructing, operating and/or maintaining certain infrastructure improvements within the District;

WHEREAS, in accordance with the Act, the District owns, operates and maintains certain real property and improvements, including ponds and man-made lakes comprising a portion of the District's storm water management system, conservation/mitigation areas and open space, as more particularly depicted on Exhibit A attached (collectively, the "Ponds");

WHEREAS, the Ponds, being designed for the management of storm water runoff, may have contaminated water and are not intended for recreation;

WHEREAS, the Board of Supervisors of the District ("Board") desires to adopt a formal policy prohibiting recreational use of the Ponds; and

WHEREAS, the District desires to secure the assistance of the Polk County Sheriff's Office, and/or other agencies having jurisdiction, to prevent trespassing on District property in contravention of the Policy (as defined below).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE GOLDEN LAKES COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. ADOPTION OF POLICY PROHIBITING RECREATIONAL USE OF DISTRICT PONDS. The District prohibits recreational activities (including without limitation wading, swimming, fishing, boating (motorized and non-motorized), use of any watercraft, canoeing, kayaking, paddle boarding, rafting or other similar activities), on, around or near the Ponds, for any purpose other than maintenance or repair of such Ponds by the District or its employees, agents, contractors or assigns (the "Policy"). Nothing herein shall prohibit or limit the District's ability to operate and maintain the Ponds in accordance with applicable permits, approvals and requirements. Property owners and residents of the District are responsible for compliance with the Policy by their tenants, guests and invitees.

SECTION 2. AUTHORITY REGARDING ENFORCEMENT OF TRESPASS LAWS; FORM OF TRESPASS LETTER. The Board hereby authorizes the District staff, including the District Manager and any other employee or designee of the District, to act on behalf of the District with respect to the enforcement of the Policy, including without limitation

taking any actions necessary to the enforcement and/or prosecution of a trespass violation pursuant to Florida law. In addition, the Board hereby authorizes the District Manager to issue to the Polk County Sheriff's Office (or other agency with jurisdiction) a trespass letter in substantially the form attached hereto as Exhibit C, providing authorization for the enforcement of trespass laws related to the Policy.

SECTION 3. LEGAL ACTION; CRIMINAL PROSECUTION. If any person is found to have violated the Policy, such person may be subject to arrest for trespassing and/or other applicable civil or criminal legal action.

SECTION 4. ENFORCEMENT OF COSTS. For any violation of the Policy, the District shall have the additional right to impose an administrative fee of \$100.00 against any person for whom a trespass notice is issued to compensate the District for the staff time required to deal with trespass issues and attorneys' fees as provided by Florida law.

SECTION 5. DISTRICT NOT LIABLE. The District is not responsible for injury or damage to persons or property, including accidental death, resulting from the use of District property in violation of the Policy.

SECTION 6. GENERAL AUTHORIZATION. The Board Chairman, other members of the Board and District staff are hereby authorized, upon the adoption of this Resolution, to do all acts and things required of them by this Resolution or desirable or consistent with the requirements or intent hereof.

SECTION 7. SEVERABILITY. The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 8. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on the 18th day of July, 2017.

**GOLDEN LAKES COMMUNITY
DEVELOPMENT DISTRICT**


Chairman

ATTEST:


Secretary
EXHIBIT A

Charles W. Fox

MAP OF DISTRICT PONDS

EXHIBIT B

GOLDEN LAKES COMMUNITY DEVELOPMENT DISTRICT

313 Campus Street
Celebration, FL 34747
407-566-1935
FAX 407-566-2064
admin@goldenlakescdd.org

_____, 2017

Polk County Sheriff's Office
1891 Jim Keene Blvd
Winter Haven, FL 33880

Re: Golden Lakes Community Development District Authorization for Law Enforcement Officers to Enforce Trespass Violations

To Whom It May Concern:

I serve as District Manager for the Golden Lakes Community Development District ("District") and am authorized to issue this letter on behalf of the District. Pursuant to District Resolution 2017-___, a copy of which is attached hereto, please be advised that:

1. The District's policies prohibit recreational activities (including without limitation wading, swimming, fishing, boating (motorized and non-motorized), canoeing, kayaking, paddle boarding, rafting or other similar activities), on, around or near its storm water management ponds, for any purpose other than maintenance or repair of such ponds by the District or its employees, agents, contractors or assigns;

2. The District hereby authorizes any law enforcement officer to order trespassers to leave the District's property for violation of the District's policy (as stated in Section 1 above), and to otherwise enforce the provisions of Sections 810.08 and 810.09, Florida Statutes, and any other applicable law against any such trespassers; and

3. The following are authorized by the District's Board of Supervisors ("Board") to act on behalf of the District with respect to the enforcement of the District's policy (as stated in Section 1 above): (a) the District Manager; and (b) any other employee or staff of District; and

4. The Board and staff of the Golden Lakes Community Development District will aid in the prosecution of any individuals arrested pursuant to this grant of authority.

Should you have any questions regarding this authorization, please contact me at (407) 566-1935.

Sincerely,

Gary Moyer
District Manager

Attachment A: Resolution 2017-__ (with attachments)