

RESOLUTION 2015-8

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT ADOPTING A POLICY REGARDING RECREATIONAL ACTIVITIES ON DISTRICT PONDS; PROVIDING TRESPASS ENFORCEMENT AUTHORITY; AUTHORIZING THE ISSUANCE OF A LETTER REGARDING THE SAME; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Moody River Estates Community Development District (the “District”) was established pursuant to the Uniform Community Development District Act of 1980, codified as Chapter 190, *Florida Statutes*, as amended (the “Act”) for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure improvements within or without the boundary of the District; and

WHEREAS, in accordance with the Act, the District owns, operates and maintains certain stormwater management facilities within the District, including but not limited to stormwater management ponds (collectively, the “Ponds”); and

WHEREAS, the District desires to adopt a formal policy (the “Policy”) prohibiting boating, swimming, fishing and other recreational activities within the Ponds for any purposes other than for maintenance or repair of such Ponds; and

WHEREAS, the District desires to secure the assistance of the Lee County Sheriff’s Office or such other law enforcement agencies as may be available, to prevent trespassing on District property in contravention of the Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. ADOPTION OF POLICY REGARDING RECREATIONAL ACTIVITIES WITHIN DISTRICT PONDS. The Board hereby adopts the policy attached hereto as **Exhibit A** prohibiting recreational activities, including but not limited to boating, swimming, fishing, and any other recreational activities, within the Ponds for any purposes other than for maintenance or repair of such Ponds.

SECTION 2. AUTHORITY REGARDING ENFORCEMENT OF TRESPASS LAWS; FORM OF TRESPASS LETTER. The Board hereby acknowledges that District Staff, including the District’s Managers – Chuck Adams and Cleo Crismond of Wrathell, Hunt, and Associates, LLC – and any of the staff or representatives of the foregoing, have the authority to act on behalf of the District with respect to the enforcement of the District’s rules and policies, including but not limited to taking any actions necessary to the enforcement and/or prosecution of a trespass violation on behalf of the District and pursuant to Florida law. In addition, the Board hereby authorizes the District Manager to issue to the District’s residents and to the Lee County Sherriff’s Office a

copy of this resolution and the attached trespass letter – substantially in the form attached as **Exhibit B** – providing authorization with respect to the enforcement of trespass laws as they relate to the District’s prohibition of recreational activities within the Ponds.

SECTION 3. GENERAL AUTHORIZATION. The Chairman, members of the Board of Supervisors and District staff are hereby generally 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.

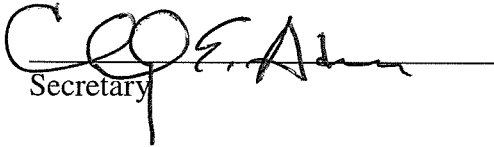
SECTION 4. SEVERABILITY. The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

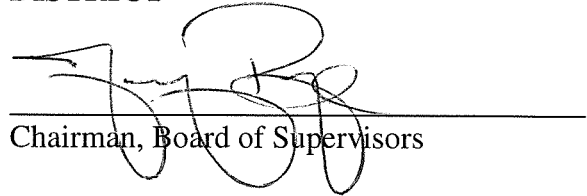
SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on the 21 day of May, 2015.

ATTEST:

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT
DISTRICT**


Secretary


Chairman, Board of Supervisors

- Exhibit A:** Policy Regarding Recreational Activities on District Ponds
- Exhibit B:** Letter Regarding Trespass Enforcement

EXHIBIT A

POLICY REGARDING RECREATIONAL ACTIVITIES ON DISTRICT PONDS

The stormwater management ponds (the "Ponds") owned, operated and maintained by the Moody River Estates Community Development District (the "District") as more particularly identified in **Attachment A**, attached hereto, are components of the District's surface water management system and are designed to help address stormwater run-off and overflow. They are not intended for fishing, boating, or swimming activities. Accordingly, it is the District's policy to prohibit fishing, boating, swimming or other recreational activities on or near the Ponds for any purposes other than for maintenance or repair of such Ponds.

EXHIBIT B

Moody River Estates Community Development District

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone (561) 571-0010 • Fax (561) 571-0013 • Toll-free: (877) 276-0889

_____, ____, 2015

Lee County Sheriff's Office

Re: Moody River Estates Community Development District Authorization for
Law Enforcement Officers to Enforce Trespass Violations

To Whom It May Concern:

I serve as District Manager for the Moody River Estates Community Development District and am authorized to issue this letter on behalf of the District. Pursuant to District Resolution 2015-____, a copy of which is attached, please be advised that:

1. The District's policies forbid recreational activities, including but not limited to swimming, fishing and boating on its ponds for any purposes other than for maintenance or repair of such ponds; and
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 of the Florida Statutes and any other applicable law against any such trespassers; and
3. The following are authorized to contact law enforcement officers in Lee County, Florida and provide this written authorization to law enforcement officers for the purpose of enforcing the District's policy (as stated in Section 1 above) and Florida law: (a) Chuck Adams and Cleo Crismond, the District's Managers, with Wrathell, Hunt and Associates, LLC; and (b) any of the staff or representatives of the foregoing; and
4. The Board of Supervisors and staff of the Moody River Estates 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 (239) 498-9020.

Sincerely,

Chuck Adams
District Manager

Attachment A: Resolution 2015-8 (with attachments)