ISLANDWALK
AT THE WEST VILLAGES

Town Hall
Re-stated Governing Documents
Review & Q&A

CASTLE GROUP

Agenda

- Why Vote on New Documents Now?
- Overview of Key Provisions that Remain
- Overview of Proposed Changes
- Top 5 Concerns from Owners & Responses
- Open Forum

Why Vote on New Documents Now?



- **Outdated Governing Documents**: IslandWalk's current governing documents were created in 2005 and are inconsistent with updated Chapter 720 laws and judicial case law.
- **Proposed Amendments**: New amended and restated documents align with current laws and best practices.
- **Consolidation of Amendments**: The new documents consolidate previous amendments into one comprehensive document, replacing all prior changes to the Declaration, Articles, and Bylaws.
- **Developer-Originated Documents**: The original documents were drafted by a developer for home sales, whereas the proposed changes are designed for long-term management by a resident-governed association.

Overview of Key Provisions that Remain the Same

Declaration of Covenants, Conditions & Restrictions

- **No Change to Rights**: Voting rights, ownership, lot boundaries, and assessment responsibilities remain unchanged.
- **Working Fund Contribution**: Section 3.10 keeps the working fund contribution unchanged but limits the Board's ability to increase it without membership approval.
- **Pet Policy**: Section 8.5 maintains pet limits but adds language to prohibit dangerous animals and permits off-leash activity in the dog park.
- **Approval Process**: The Proposed Declaration requires approval by a majority of all units in IslandWalk for adoption and future amendments

Overview of Key Provisions that Remain the Same

Articles of Incorporation & Bylaws

- **Membership Rights**: The proposed Articles of Incorporation do not alter membership rights or voting
- **Amendment Threshold**: The proposed Articles maintain the current requirement of a majority of members present and voting to amend the Articles.
- **Quorum**: The Proposed Bylaws preserve and maintain the highest quorum level permitted under Florida law of thirty percent (30%).

Overview of Proposed Changes
Declaration of Covenants, Conditions & Restrictions

- **Removal of Irrelevant Terms**: The proposed Declaration removes references to “neighborhoods” and “neighborhood assessments,” as IslandWalk has no formal neighborhoods.
- **Landscaping Assessment**: Article 3 introduces a "Landscaping Assessment" to equitably distribute landscaping maintenance costs, in line with historical practices. This cost will be included in the quarterly assessment. Owners will still only make a single payment to the HOA for all assessments.
- **Amenity Privileges**: Section 4.2(M) aligns the suspension of amenity privileges with statutory limits for violations.
- **Owner Improvements**: Section 5.1 allows owner improvements on lots but limits Association responsibility for improvements within easements.
- **Landscaping Maintenance**: The Association may vary its landscaping obligations for cost efficiency, apart from sod.
- **Alteration of Common Areas**: Section 5.2 restricts the Board’s ability to alter common areas without member approval for changes exceeding 1% of the annual budget.

Overview of Proposed Changes
Declaration of Covenants, Conditions & Restrictions

- **Variance Approval**: Section 6.4 requires Board liaison and two-thirds of the ACC to approve variances from guidelines.
- **Commercial Activity**: Section 8.1 prohibits impactful commercial activity (e.g., daycare or salon) but allows home offices.
- **Parking and Vehicle Restrictions**: Section 8.3 mirrors Florida Statutes regarding truck/commercial vehicle restrictions and allows rules for e-bikes and similar vehicles.
- **Flags, Flag Poles, and Antennas**: Sections 8.10, 8.11, and 8.18 align with current state and federal laws.
- **Golf Cart Use**: Section 8.31 removes the restriction on driving golf carts outside IslandWalk and maintains the ability to request insurance proof.
- **Lease Approval**: Article 10 introduces a comprehensive lease approval process with clear guidelines for denial.

Overview of Proposed Changes
Articles of Incorporation

- **Borrowing Approval Requirement**: Section III(G) requires majority member approval to borrow money (except in emergencies), expanding beyond just borrowing for improvements

- **Indemnification Updates**: The indemnification provisions are updated to align with recent Florida Statutes, ensuring protection for directors, officers, and committee members.

Overview of Proposed Changes

Bylaws

- **Electronic Notice and Voting**: The proposed Bylaws allow for electronic notice and voting, offering cost-saving alternatives to expensive mailing packages.
- **Board of Director Eligibility**: The proposed Bylaws limit Director eligibility to owners and spouses of owners, removing parents and children from eligibility
- **Board Vacancy Filling**: The proposed Bylaws allow the Board the ability to fill vacancies only until the next annual meeting when a new director must be elected.
- **Fiduciary Duty**: Section 4.18 outlines the Board's fiduciary duty to the members

Overview of Proposed Changes
Adding a Common Plot to the HOA

- When IslandWalk was developed, the original Declaration of Covenants only covered a small part of the community. As new sections were developed, the Developer amended the documents to include more areas. However, a portion of the lake behind the amenity center was inadvertently left out and was not included in the governing documents. As a result, this part of the lake was not considered part of the "common areas" and was taxed as if it were marketable land.
- The Board discovered this error during their due diligence on the turnover claims against the developer. In response, the developer agreed to correct the mistake, cover future taxes for a time, and work on a solution.
- After extensive discussions, the developer has proposed an amendment to the declaration to make the lake tract part of the common areas and have it taxed accordingly. Legal counsel has approved this amendment.
- **This will be a separate vote apart from approving the entire Re-stated Governing Document Package**

Overview of Proposed Changes

Adding a Common Plot to the HOA

- **If you vote in favor** of the amendment, then the lake parcel will be included within the footprint of the Association's declaration and **will avoid future property taxes**.
- If you vote against, then the Association will be forced to unnecessarily pay taxes on the lake parcel in the future.



Top 5 Concerns from Owners & Responses
Guest Rules

- **Issue:** Owners raised concerns that modifying the guest language in the documents could grant the Board of Directors excessive authority to limit owners' rights to host guests.
- **Response:** The Board is proposing a standard definition of guest (1.20) and keeping the original language (4.1) in the documents of rights of owners to have a guest.

1.20 "Guest" *means any person who is not the Owner or a lessee of a Lot , who is physically present in, or occupies a Home on a temporary basis at the invitation of the Owner or other legally permitted occupant.*

4.1 Appurtenant Easements. Subject to the restrictions found elsewhere in this Section 4, the Owner of each Lot, their guests, lessees and invitees, shall have as an appurtenance to their Lot a perpetual nonexclusive easement for ingress and egress over, across and through the Common Areas, for the use and enjoyment of all recreational facilities, such use and enjoyment to be shared in common with the other Owners of Lots, their guests, lessees, licensees and invitees, subject to the provisions of this Declaration.

Top 5 Concerns from Owners & Responses

Political Flags

- **Issue: Political signs are currently restricted but does not include the specific language for political flags.**
- **Response: Add specific language to state political flags are restricted and political flags and signs cannot be approved by the ACC, nor are they decorative items.**

8.9 Signs. No sign, banner, display poster or advertising device of any kind or nature whatsoever, specifically including, but not limited to political signs, political flags, or materials, regardless whether temporary or permanent in nature may be displayed in public view in, on or about any portion of any building or improvement, residential or otherwise, or in any yard or other grounds, or in, on, or about any vehicle, including but not limited to golf cart, and LSV style vehicles~~, without prior written consent from the ACC~~. Notwithstanding the above, home security notification signs, such as, but in manner to be limited to, home security system signs displayed for the purpose of alerting potential intruders to the presence of such a system are allowed subject to the condition they be placed within Association maintained mulched areas and, in such manner as to not interfere with lawn care or established walkways. In the event of a dispute as to whether a sign, banner, display poster or advertising device of any kind or nature whatsoever as defined above ~~decorative item~~ constitutes a prohibited sign, the Board's reasonable discretion shall be binding.

Top 5 Concerns from Owners & Responses
Non-Emergency Special Assessments

- **Issue:** The current documents do not allow the Board to impose a special assessment except in emergency situations. The concern is that if there is a shortfall in regular maintenance assessments, such as due to an unexpected insurance premium or an unfavorable lawsuit judgment against the HOA, there may not be enough funds available for payment without borrowing from reserves.

- **Response:** The proposed documents include that the Board may levy non-emergency special assessments less than $200 per Lot and no more than 2 times per calendar year, absent a vote of the owners.

Top 5 Concerns from Owners & Responses
Corporate Board Members

- **Issue**: The existing Bylaws provide that Directors may be owners, spouses, parents or children of Members. The proposed Bylaws remove parents and children from eligibility to ensure that Directors are owners or spouses of owners. Further clarification was given if the home was owned by a corporation, partnership or in a trust, who may qualify as a Board Member.

- **Response**: A corporate officer may serve on the Board if they reside in IslandWalk.

4.2 Qualifications. Each Director must be an Owner or Primary Occupant or the spouse of an Owner or Primary Occupant. In the case of a Lot owned by a corporation, limited liability company, partnership, or other entity, any officer, manager, or partner of the corporation, limited liability company, partnership or other entity ***that occupies the applicable Lot as their full or part time personal residence*** *is eligible for election to the Board. If a Lot is held in trust, the trustee, grantor or settlor of the trust, or any one of the beneficial owners residing in the Lot is eligible for election to the Board.*

Top 5 Concerns from Owners & Responses

Barrier Walls

- The initial governing documents required property owners to maintain their free-standing privacy walls on Attaviano, DiMarco, Erice and Huerta streets that are located on their Lots. A document change was made by the Developer/Pulte in 2021 shifting the maintenance responsibility to the HOA.
- These new revised documents shift the maintenance responsibility for these free-standing privacy walls on Lots back to the owner and the HOA will be responsible for repair and replacement. This will be a shared responsibility with owner & HOA.
- The Association will be responsible for the repair and replacement of all Barrier Walls, regardless of location. The Association will also maintain Barrier Walls in Common Areas or those that face Common Areas.
- **This will be a separate vote apart from approving the entire Re-stated Governing Document Package**

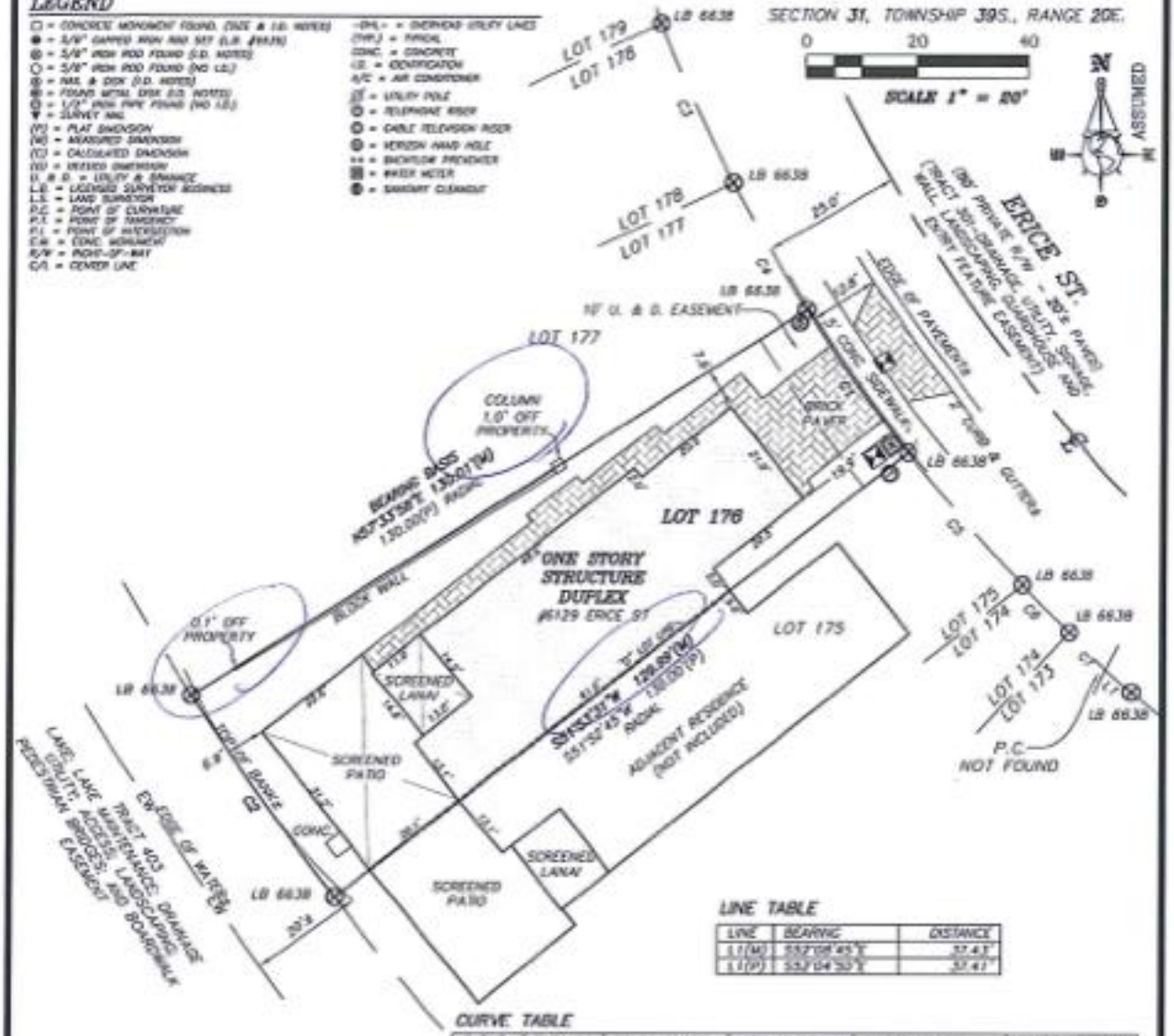
LEGEND

□ = CONCRETE MONUMENT FOUND. (SIZE & I.D. NOTED)
● = 5/8" CAPPED IRON ROD SET (L.B. #6638)
◎ = 5/8" IRON ROD FOUND (I.D. NOTED)
○ = 5/8" IRON ROD FOUND (NO I.D.)
⊕ = NAIL & DISK (I.D. NOTED)
⊕ = FOUND METAL DISK (I.D. NOTED)
⊙ = 1/2" IRON PIPE FOUND (NO I.D.)
▼ = SURVEY MAG.
(P) = PLAT DIMENSION
(M) = MEASURED DIMENSION
(C) = CALCULATED DIMENSION
(D) = DEEDED DIMENSION
U. & D. = UTILITY & DRAINAGE
L.B. = LICENSED SURVEYOR BUSINESS
L.S. = LAND SURVEYOR
P.C. = POINT OF CURVATURE
P.T. = POINT OF TANGENCY
P.I. = POINT OF INTERSECTION
C.M. = CONC. MONUMENT
R/W = RIGHT-OF-WAY
C/L = CENTER LINE

-OHL- = OVERHEAD UTILITY LINES
(TYP.) = TYPICAL
CONC. = CONCRETE
I.D. = IDENTIFICATION
A/C = AIR CONDITIONER
= UTILITY POLE
= TELEPHONE RISER
= CABLE TELEVISION RISER
= VERIZON HAND HOLE
= BACKFLOW PREVENTER
= WATER METER
= SANITARY CLEANOUT

SECTION 31, TOWNSHIP 39S., RANGE 20E.

SCALE 1" = 20'



LINE TABLE

LINE	BEARING	DISTANCE
L1(M)	S52°08'45"E	37.43'
L1(P)	S52°04'30"E	37.41'

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1(M)	318.00'	5°41'26"	31.58'	31.57'	S35°23'30"E
C1(P)	318.00'	5°41'11"	31.56'	31.55'	S35°16'38"E
C2(M)	445.00'	5°41'08"	44.46'	44.44'	N35°23'52"W
C2(P)	445.00'	5°41'13"	44.47'	44.45'	N35°16'38"W
C3(M)	318.00'	5°41'35"	31.60'	31.58'	S29°59'45"E
C3(P)	318.00'	5°41'17"	31.56'	31.55'	S30°04'12"E
C4(M)	318.00'	5°41'18"	31.57'	31.55'	S24°30'31"E
C4(P)	318.00'	5°41'13"	31.56'	31.55'	S24°35'25"E
C5(M)	318.00'	5°41'00"	31.54'	31.53'	S41°02'27"E
C5(P)	318.00'	5°41'39"	31.60'	31.58'	S40°58'04"E
C6(M)	318.00'	5°45'28"	31.96'	31.94'	S46°37'13"E
C6(P)	318.00'	5°44'45"	31.85'	31.88'	S46°41'17"E
C7(P)	318.00'	2°31'09"	13.98'	13.98'	S50°49'16"E
C7(M)	318.00'	2°31'09"	13.98'	13.98'	S50°49'16"E

SURVEYORS NOTES:

DESCRIPTION FURNISHED BY CLIENT.

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NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.

BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLAT OF **ISLANDWALK AT THE WEST VILLAGES, PHASE 1A REPLAT**, THE NORTH LINE OF **LOT 178**, BEING **N. 57°37'56" E.**

OTHER CHARACTERS AND OR POSITIONS MAY NOT BE DEPICTED TO SCALE FOR CLARIFICATION PURPOSES.

BOUNDARY SURVEY OF:
LOT 176, ISLANDWALK AT THE WEST VILLAGES, PHASE 1A REPLAT

ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK **46**, PAGE **5**, WHICH PLAT IS A REPLAT OF PLAT BOOK **45**, PAGE **37**, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA
CITY OF NORTH PORT, FLORIDA

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RUSSELL J. DERRY
JUSTIN A. DERRY
FLAGSTAR BANK, FSB
HORSTKAMP LAW FIRM, PLLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

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B. GREGORY RETH
FLORIDA SURVEYOR & MAPPER NO. 6559

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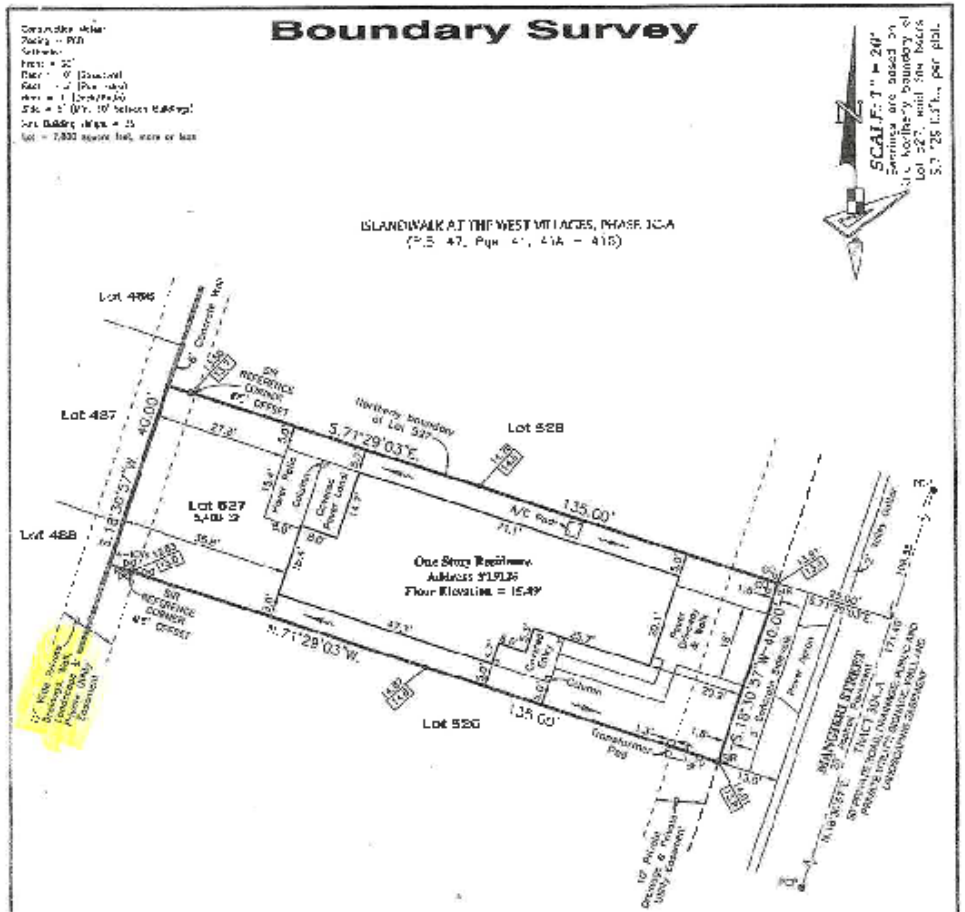
742 Shamrock Boulevard
Venice, Florida 34293
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(941) 624-4950
Fax (941) 497-8189
www.strayersurveying.com

REVISIONS:

DATE OF FIELD SURVEY: 3-28-17
FIELD BOOK: 718 PAGE: 34
CHECKED BY: B.G.R. DRAWN BY: J.R.J.

FILE #: 17-03-71

Boundary Survey



CERTIFIED TO:
Tina M. T. Kelly
Barbara A. Kelly
Pulte Mortgage, LLC
PGP Title of Florida, Inc.
Premier Land Title Insurance Company

PREPARED FOR:
Pulte Group

PREPARED FOR:
PULTE GROUP
19125 Mangleri Street
CITY OF NORTH PORT,
SARASOTA, FL

SURVEYOR'S NOTES:
1. This survey is prepared without the benefit of title or abstract information. Additional restrictions may be found in the Public Records of Sarasota County, Florida, not shown hereon.
2. This survey is limited to above ground visible improvements and does not include any below ground improvements, located or visible, such as footings, foundations, utilities, etc.
3. The words "certify" or "certificate" as used on this survey shall mean that, based upon the information gathered by the undersigned, in the undersigned's professional opinion, the facts stated are correct to the best of the undersigned's knowledge and belief.
4. Elevations shown hereon are referenced to the National Geodetic Vertical Datum of 1929 (N.G.V.D. 1929).

Last Date of Field Survey: 01/29/19

This certifies that a survey of the herein described property was made under my supervision and meets the Standards of Practice set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

FLOOD ZONE:
The Platted Lands of ISLANDWALK AT THE WEST VILLAGES, PHASE 10-A, shown hereon, lie in Flood Zone "X", according to Flood Insurance Rate Map for Sarasota County, Florida (Unincorporated Areas), Community Panel Number 125144 0325 G, Dated Nov. 1, 1984.

DESCRIPTION: Lot 527, ISLANDWALK AT THE WEST VILLAGES, PHASE 10A, as recorded in Plat Book 47, Pages 41 through 41B, inclusive, of the Public Records of Sarasota County, Florida.

LEGEND:



Implications for Architectural Control Committee Guidelines

ACC

Painting of Attached Homes

Current documents - roof mates must agree on BOTH

*Need to paint & *Color scheme

* Results in potential conflicts requiring arbitration

Proposed documents – Allow one roof mate to paint – even if the other is not ready.

Must use the same color schemes

Implications for Architectural Control Committee Guidelines Lanai Enclosures

Current Documents

- Hurricane screens, shade screens, etc.
- May be opened and closed at Owner's Discretion.
- <u>If not completely opaque</u>

Proposed Documents:

- Hurricane screens, shade screens, etc.
- May be opened and closed at Owner's Discretion.
- Opacity requirement is dropped



Implications for Architectural Control Committee Guidelines

Current Documents:

- **Clear polycarbonate resin thermoplastic (AKA Lexan) panels :**
  - **May be Permanently attached to an exterior bathroom window …*Not subject to the Ten Day Rule***

Proposed Documents:

- **May be attached to non-opening windows**
- **On side or rear of home**
- ***Not subject to the Ten Day Rule***

Open Forum

Questions?

Concerns?

Comments?