INSTR # 2021140813
BK 11738 Pgs 0395-0397 PG(s)3
06/01/2021 10:30:03 AM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 27.00

St. James Crossing
This Instrument Prepared By: Christopher A. Desrochers, Esq., Christopher A. Desrochers, P.L., 2504 Ave. G NW, Winter Haven, FL 33880. (863) 299-8309.

BE IT RESOLVED that the following resolutions were duly moved, seconded, and approved by the Board of Directors of St. James Crossing Homeowners Association, Inc. ("the Association") at duly held meeting of the Board of Directors of the Association:

Note: For the purposes of these resolutions, the Declaration of Covenants, Conditions, and Restrictions of and for St. James Crossing, which is duly recorded in OR Book 7670, Page 956, Public Records of Polk County, Florida shall be referred to as "the CCRs".

WHEREAS, the Association has determined that the potential unlimited storage of trash and trash receptacles on lots or on or about the right of ways or common areas of the development constitutes a detriment to the health, safety, and welfare of the residents of St. James Crossing ("the community"); and

WHEREAS, under Article VI, Section 14(C) of the CCRs, and Article VI, Section 1(a) of the Bylaws of the Association, the Association, through its Board of Directors, has the right to promulgate rules and regulations respecting the use of both the common areas in the community, as well as the use of other property in the community; and

WHEREAS, Article VI, Section 1(a) of the Bylaws of the Association permits the Board of Directors to promulgate reasonable rules and regulations for the entire development; and

WHEREAS, under Article VI, Section 4, of the CCRs, noxious or offensive activities are prohibited; and

WHEREAS, under Article VI, Section 14(B) of the CCRs, the placement or storage of trash on common areas is prohibited; and

WHEREAS the Association, through its Board of Directors, has determined that the unlimited storage of trash and trash receptacles on lots or on or about the right of ways or common areas of the development constitutes a noxious or offensive activity that has become a nuisance or an annoyance to the neighborhood; and

WHEREAS the Association, through its Board of Directors, has determined that rules and regulations regarding the storage of trash and trash receptacles on lots and on or about the right of ways or common areas of the development is necessary to protect the health, safety, and welfare of the residents of the community, as well as to preserve and protect the property values of the community;

THE BOARD OF DIRECTORS of the Association has approved the following resolution, providing for rules and regulations regarding storage of trash and trash receptacles on lots or on or about the right of ways or common areas of the development, which are as follows:

Regulation Regarding Placement and Storage of Waste Receptacles:

WHEREAS, Article VI, Section Thirteen, Subsection 1 of the CCRs requires lot owners to wall in "garbage cans" to conceal them from view from others; and

WHEREAS, at the time of the drafting of the CCRs, individuals utilized their own, privately acquired garbage cans for waste management purposes; and

1. For the purposes of this Resolution, a "waste receptacle" is any device that is issued by Polk County or a governmental entity that has the right and actually does collect solid waste or recyclables from the lot where the waste receptacle is located; is for the purpose of collecting either solid waste or recyclables;

and is actually being used for one of those purposes.

2. A waste receptacle may only be placed in open storage on the right of way between the hours of 12:00 Noon the day before and 12:00 Noon of the day after that waste receptacle is scheduled for pickup by the appropriate governmental entity. At all other times, a waste receptacle may not be stored in open storage, may not be stored or placed upon the street or the right of way, and must be placed at a location at or behind the line parallel to the line that traverses the frontmost part of the dwelling that faces the street.

3. This Resolution does not excuse any requirement under the CCRs to obtain the advance approval of the Architectural Committee prior to the construction, installation, or planting of any construction or landscaping improvement intended to fulfill the requirements of this Resolution. This Resolution is supplemental to existing law on the subject, and does not excuse compliance with other relevant provisions of the CCRs and other rules and regulations of the Association, and is not intended to waive or release any relevant provisions of the governing documents on the subject.

4. Any garbage can or other container not qualifying as a "waste receptacle" found upon the streets or roads of the development; found upon any common area of the Association; or found upon any right of way of the development shall be considered abandoned property and may be disposed of by the Association without further notice or hearing. This paragraph shall not apply to garbage cans or other containers that are property of the Association and are placed with permission of the Association.

5. For the purposes of the CCRs and this Resolution, the term "garbage cans" shall apply equally in the singular as the plural.

6. The placement or open storage of trash or yard debris on the right of way or in any common area of the Association without the express permission of the Association at any time is prohibited. If a lot owner has scheduled a bulk pickup of waste or pickup of unpackaged yard debris, the lot owner may be excused from a violation of this rule if and only if, prior to the discovery of a violation, the lot owner first contacts the designated representative for the Association, informing the designated representative that a bulk pickup has been ordered, and of the estimated date for the bulk pickup. Items remaining after the estimated date and time for the bulk pickup are in violation unless the lot owner contacts the designated representative with a new estimated date and time prior to the discovery of the violation. The name and contact information for that designated representative may be found on the website for the Association.

7. The President and the Board of Directors have concurrent jurisdiction to promulgate reasonable rules and regulations to enforce and implement this Resolution.

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I hereby certify that this is a true and correct copy of the foregoing Resolution of the Association.

Dated 3-25-2021.

Cindy Brown
Secretary
St. James Crossing Homeowners Association, Inc.
STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 25 day of March, 2021, by Cindy Brown, Secretary, St. James Crossing Homeowners Association, Inc., who is personally known to me or has produced _____ as identification and who did not take an oath.

Monique Desrochers
Notary

MONIQUE DESROCHERS
Commission # HH 098178
Expires March 27, 2025
Bonded Thru Budget Notary Services

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