



Legislation Details (With Text)

File #: 201163. **Version:** 1 **Name:**
Type: Staff Recommendation **Status:** Passed
File created: 4/27/2021 **In control:** City Commission
On agenda: 9/2/2021 **Final action:** 9/2/2021
Title: Amended and Restated Declaration of Covenants, Conditions and Restriction for Heartwood Community (B)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 201163_A City Commission Agenda 2018-01-04_2021.09.02.pdf, 2. 201163_B City Commission Minutes 2018-01-04_2021.09.02.pdf, 3. 201163_C Declaration of Covenants Conditions & Restrictions - Recorded_2021.09.02.pdf, 4. 201163_D Additional redline revisions to Amended and Restated Dec_2021.09.02.pdf

Date	Ver.	Action By	Action	Result
9/2/2021	1	City Commission	Approved as Recommended	

Amended and Restated Declaration of Covenants, Conditions and Restriction for Heartwood Community (B)

At the January 4, 2018, City Commission meeting the staff recommendation was approved and authorized the Mayor to execute the Declaration of Covenants, Conditions and Restrictions for the Heartwood Community (Declaration), and authorized the City Manager to record the Declaration in the Public Records of Alachua County.

Accordingly, on January 19, 2018, the Declaration was recorded in the Official Records (Instrument #3101857) Book 4570, Page 1751. Also approved during the January 4, 2018 meeting were the Heartwood subdivision plat and recording of the same, the names listed in the Articles of Incorporation of the Heartwood Homeowners' Association, Inc., to serve as officers of the Board, authorization for the Mayor to execute the Articles of Incorporation of the Heartwood Homeowners' Association, Inc., authorization for the City Attorney to file the Articles of Incorporation with the Secretary of State, and direction to CRA staff to bring an item to the City Commission to establish guidelines and a budget for CRA staff to act as the Board of Directors and Officers of the HOA.

Since that time, GCRA Staff has been working with the Heartwood Homeowners' Association outside counsel, Clayton and McCulloh, to review and clarify some of the clauses stated in the original Declaration of Covenants document. These changes were necessary due to the CRA/GCRA acting as Developer of the Heartwood Neighborhood. The redlined document with proposed changes is included as backup to this agenda item.

Proposed changes focus on areas of the Declaration that needed clarification, correct scrivener's errors, and make changes to the document to alleviate excessive application fees/deposits that added constraints to Homeowners for minor changes such as paint choices and repairs to their homes. Outside legal counsel recommended these fees be removed as they are not normally included in Homeowner Association Declarations

as a matter of practice.

Goal 3: A Great Place to Live & Experience

Goal 4: Resilient Local Economy

There is no fiscal impact to the budget at this time.

The City Commission to authorize the City Manager, or designee, to: 1) Approve of the recommended changes as shown in the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Heartwood Community and 2) Authorize the Mayor to execute the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Heartwood Community and 3) authorize the City Attorney to record the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Heartwood Community in the Public Records of Alachua County.