



City of DeBary

16 Colomba Road, DeBary, Florida 32713-3264 Phone: (386) 668-2040

April 22, 2014

Saxon Woods Property Owners Association, Inc.
c/o Premier Association Management of Central Florida
725 Primera Boulevard, Suite 115
Lake Mary, FL 32746

Re: Saxon Woods Subdivision Stormwater Pond RA7 Improvements

To Whom It May Concern:

The City of DeBary recently adopted an Ordinance¹ that clarifies the maintenance responsibility of privately owned stormwater facilities and provides additional enforcement tools for the City to achieve proper maintenance. More specifically, the Ordinance requires that the *responsible legal entity maintain and repair private stormwater management systems*, and also gives the City the right, but not the obligation, to access, repair, maintain and replace private stormwater systems and facilities and then assess a lien for such maintenance and repairs when the responsible legal entity fails to do so. A copy of the Ordinance is enclosed for your reference.

According to information on file with the Florida Department of State Division of Corporations (www.sunbiz.org), the **Saxon Woods Property Owners Association, Inc. (c/o Premier Association Management of Central Florida)** is listed as the responsible legal entity for maintaining the stormwater management systems within the various phases of Saxon Woods Subdivision.

- Saxon Woods Subdivision Stormwater Pond RA7 experienced two (2) separate berm failures during extreme weather events that occurred in 2004 (Hurricanes “Frances” and “Jeanne”) and 2008 (Tropical Storm “Fay”). The 2008 berm failure caused significant downstream property damage within the DeBary Villas community.
- In an effort to prevent a future berm failure and potentially another repeat catastrophe, the City has actively participated in seeking viable and cost effective improvements to remedy this stormwater deficiency.
- City staff transmitted Conceptual Design Plans (Sheet Pile Alternative) for the Saxon Woods Subdivision Stormwater Pond RA7 Improvements to representatives of the Saxon Woods Property Owners Association in October 2013. Although some limited communication has occurred since October 2013, construction has not commenced as yet.

¹ Ordinance 11-13 was adopted by the City of DeBary on November 6, 2013.

- City staff received (via e-mail) the most recent communication from the association's legal representation on April 17, 2014 which indicated that the association is amenable to constructing the Saxon Woods Subdivision Stormwater Pond RA7 Improvements (Sheet Pile Alternative) and agrees that construction should be expedited given the threat potential of another catastrophe. However, and because the association is currently seeking some type of fiscal participation from multiple parties, the timeframe for commencing construction is unknown.

As the responsible legal entity, please consider this letter as official notification that construction of the Saxon Woods Subdivision Stormwater Pond RA7 Improvements (Sheet Pile Alternative) must be commenced within 30-days from the date of receipt of this letter and completed to the City's satisfaction within 30-days thereafter. Failure to comply with these construction requirements may require the City to construct the Saxon Woods Subdivision Stormwater Pond RA7 Improvements and take any appropriate action to recover the incurred costs pursuant to the legal authority granted by Ordinance 11-13.

Please contact me at 386-668-2040, **Extension 317**, with any questions or concerns that you may have regarding the content of this letter. Thank you for your prompt attention to this matter.

Sincerely,

**** signature ****

Enclosure
Attachments

cc: Dan Parrot, City of DeBary
Kassandra Blissett, City of DeBary
Dan Langley, Fishback Dominick
David Hamstra, Pegasus Engineering

Certified Mail #0000-0000-0000-0000