

This instrument was prepared by, or under
the supervision of
(and after recording return to):

Frazier & Bowles, Attorneys at Law
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**2022-1 RESOLUTION OF THE RESOLUTION OF SOUTH FORK OF
HILLSBOROUGH COUNTY III HOMEOWNERS ASSOCIATION, INC.
REGARDING TREES**

WHEREAS, the South Fork of Hillsborough County III Homeowners Association, Inc. ("Association") has on record its Declaration of Covenants, Conditions, Restrictions, and Easements for the community ("Declaration"), recorded on February 17, 2006 in the Official Records Book 16127, Page 1568, in the Public Records of Hillsborough County, Florida; and

WHEREAS, Section 3 of Article IX of the Declaration grants the Board of Directors reasonable rule and regulation making authority; and

WHEREAS, under Article VII of the Declaration the Association may establish rules and guidelines for certain alterations to be considered permissible in the community; and

WHEREAS, pursuant to Section 2 of Article IX of the Declaration, the Board of Directors may review the matter and defer via resolution to County ordinances in the case of a conflict, via a majority vote of the Board of Directors;

WHEREAS, Section 4 of Article VII of the Declaration permits variances as approved by the Board of Directors or respective committees to the architectural provisions of the Declaration or the Planning Criteria in the Declaration for a multitude of reasons, including hardship or environmental considerations; and

WHEREAS, Section 21 of Article IX of the Declaration establishes several rules regarding tree maintenance and removal, including a requirement that one oak tree must be maintained on each easement between the street and sidewalk, but the same provision also states that in case of conflict with a restrictive arbor ordinance or environmental law, upon a review and majority vote of the Board of Directors the ordinance or law would control and would be followed by the Association and Board of Directors; and

WHEREAS, Hillsborough County Ordinance 6.06.05, regarding Street Trees, and other relevant codes and regulation further described on the County's "approved street tree" website a screenshot of which is enclosed as an exhibit to this resolution, outlines limitations on new tree installations along streets and sidewalks; and

WHEREAS, Hillsborough County Ordinance 6.03.02 sets clear requirements regarding the use of sidewalks, such as “safe pedestrian circulation” and “accessibility requirements”; and

WHEREAS, the Board of Directors has conducted a review of the community and has determined that trees installed as outlined under the current version of Section 21 of Article IX of the Declaration, such as trees within the easement, may impact sidewalks, and also may be contrary to Hillsborough County Ordinances in some regard, thus creating a hardship for owners, a potential violation with County Ordinances, and thus a potential violation of the Declaration itself; and

WHEREAS, the Board wishes to avoid any potential conflicts within the Declaration or with local ordinances, and minimize hardships for owners with regards to installation of new trees or maintenance of their front easement; and

WHEREAS, the Board of Directors can determine the make-up of the ARB, which may include the Board of Directors itself, and for the purposes of this resolution and related issues described in this resolution, the Board of Directors shall act as the ARB; and

WHEREAS, the Board of Directors held a Board Meeting on _____, that was properly noticed, in which this resolution and any applicable associated rules were motioned and properly adopted to address this ARB issue; and

NOW, THEREFORE BE IT RESOLVED that the Association hereby adopts this resolution, as further outlined below:

- 1) The Board of Directors, the ARB, and the Association will not enforce any provision in the Declaration that is in direct conflict with local, state, or federal laws and regulations, but only after a review and vote by the Board of Directors.
- 2) This resolution will serve as a variance with regards to any tree installations in the easement area of a Lot, as long as the owner or resident completely complies with all local, state, and federal laws and regulations, including but not limited to complying with all tree removal and/or installation requirements from Hillsborough County.
- 3) Proof of compliance with governmental laws and regulations may be required by the Association on any exterior alteration application to the ARB;
- 4) For the purposes of complying with Section 4 of Article VII of the Declaration, regarding two signatures of the ARB Committee for any approved variance, this resolution by signature of at least two directors acting as the ARB Committee and majority approval of the Board, will be used to meet the obligations of the aforementioned variance provision, as long as the owner complied with all other Association rules and covenants, along with all other governmental requirements.

- 5) Nothing within this resolution or any other document waives the obligations of an owner or resident to comply with governmental requirements, and any person who relies upon this resolution to make an alteration to their property that violates any law or ordinance shall indemnify and hold the Association and its directors harmless, and be responsible for any and all attorney fees and costs involved in any associated dispute.
- 6) Regarding any requirements for trees in the front easement area of any Lot, the Board of Directors and the Association will not pursue enforcement of covenants that violate the aforementioned County Ordinances in this resolution.
- 7) Nothing within this resolution waives an owner's or resident's obligation to submit an ARB application for any exterior alteration.

IN WITNESS WHEREOF, Association has caused the Resolution to be executed at a Board Meeting in accordance with the authority hereinabove expressed this _____ day of _____ 2022, at Hillsborough County, Florida.

**SOUTH FORK III OF HILLSBOROUGH
COUNTY HOMEOWNER'S ASSOCIATION, INC.**

By: _____	By: _____
President	Secretary
Print Name: _____	Print Name: _____

Witnessed By: _____	Witnessed By: _____
Print Name: _____	Print Name: _____

**STATE OF FLORIDA
COUNTY OF _____**

THE FOREGOING INSTRUMENT was acknowledged before me this _____ day of _____, 2022, by _____, as President, and by _____, as Secretary, who ☐ are personally known to me or ☐ has produced _____ as identification.

Notary Public

Print Name

(Notary Seal)

EXHIBIT A