



June 23, 2020

Re: June 16 RW HOA Board Meeting Excerpts - Q & A

Below are excerpts from the June 16 RW HOA Board Meeting regarding the explanation and discussion of the Islands Separation Proposal.

Attached is a list of questions and answers submitted by residents after the June 16 meeting.

Download [Questions and Answers PDF](#)

The RW HOA Board

HOA Website: www.rwhoa.org

June 16 RW HOA Board Meeting Excerpts

The Development Process

The Developer designs, markets and builds a community. At some point, the Developer decides to transition various pieces of developed property over to the HOA for ongoing maintenance. All members of the HOA share equally in the cost of maintenance of the common property. For example, we all share in the cost of maintenance of the roads, drainage systems, lake maintenance, landscaping etc. The HOA does not have any input into the design of the developed community nor in the HOA Declaration documents that the Developer creates.

Some sub-HOA's have maintenance responsibilities of their own with additional assessment payments. For example, the Hammocks and Brookridge residents maintain their own common areas, their pools and their neighborhood entrance signs. Brookridge opted to remove their entrance sign while Hammocks residents continue to budget and maintain their sign with lighting and flowerbeds.

The Foundation (the Master HOA), and the sub-HOA's own their respective common areas and budget and maintain these areas in the way they choose to maintain them.

Definition of Terms

* The Boat Ramp is the boat ramp, kayak launch, picnic area and parking lot.

* Operation and Maintenance of Ft. Hamer Gate has been the responsibility of the Foundation. This responsibility (up to this date) has included payments for Gate software systems, computer hardware, security personnel contracts and utilities.

* Tract 100 consists of approximately 4 miles of roadway within the Islands development. Within the Tract 100 roadway (50 ft. wide) is contained: the Islands entrance landscaping, (the Ft. Hamer Gate) six bridges, roads, curbs, sidewalks, street palms, a roundabout with fountain, two archways with gates and landscaping, irrigation and other landscaping. The Developer has installed (and re-installed) all of these features **at his expense**. The Foundation has no input into the design of Tract 100 and has **not made any payments to build or change roads, roundabouts, fountains, decorative urns, pavers in roads, bricks in roads etc.** The Foundation and the Islands Association/Developer need to agree on the exact itemization of the components of Tract 100 and who will budget and perform future maintenance.

* The "Foundation" commonly called the Master Association or HOA is the entity we all write our assessment check to: the River Wilderness of Bradenton Foundation, Inc.

The Developer has structured The Islands Tract 100 differently.

The Islands Association will own Tract 100 and River Wilderness residents have been granted a right to use easement to Tract 100 per the Islands Declaration recorded in 2007. To compensate the Islands for this right to use easement, the Developer required that the Foundation budget and maintain Tract 100. This means that all Foundation members must share in the cost to maintain the operations of the Ft. Hamer gate and the maintenance of the contents of Tract 100.

What are the issues with this funding and maintenance model?

The issues with this easement model are two fold: (1) It allows the Islands to determine the amount and type of maintenance that is to be performed on Tract 100, with little input from the Foundation; and (2) it forces all River Wilderness residents to maintain property and architectural features that predominately benefit only Islands residents.

This model going forward may leave the Islands residents unsatisfied with the maintenance provided by the Foundation and may make Foundation members unsatisfied with the cost of Islands maintenance. This will produce budget tensions every year going forward unless we precisely define "maintenance".

Why has this problem surfaced now?

* In 2018 the Developer responded to neighborhood discord and Ad-Hoc meetings by instituting a turnover of the HOA Board to the Foundation. This Turnover meant that previous budget deficits that were subsidized by the Developer in the past would now be the full responsibility of the Foundation members. This means, since Turnover, Foundation operating expenses for the Islands residents have exceeded the operating revenue the Foundation receives from Islands residents with no subsidy from the Developer.

* In 2019, the Islands Association (HOA) issued its first assessment to Islands residents. This caused Islands residents to question why they paid assessments to the Islands Association and to the Foundation and what benefits they received from the Foundation. This question is no different than what we hear from other sub-HOA residents. The Developer is now transferring Islands maintenance responsibility to

Islands residents. This caused Islands residents to question why they paid assessments to the Islands Association and to the Foundation and what benefits they received from the Foundation. This question is no different than what we hear from other sub-HOA residents. The Developer is now transferring Islands maintenance responsibility to the Islands Association. Since the Islands Association will own Tract 100 and the Ft. Hamer gate, Islands residents asked the Developer if a "separation" was possible so the Islands residents could maintain their own property.

* In 2019, the RD Initiative, caused Islands residents to be concerned about an additional assessment expense from the possible creation on an RW Recreational District.

* In 2020, after many speeding complaints on Rive Isle Run and River Shores Trail, the Islands Association began strict enforcement of the Tract 100 easement condition of "RW residents only" in an effort to reduce vehicle traffic through the Islands neighborhood.

Option A - Clarifying the Islands Declaration

The current language regarding Foundation maintenance requirements is not specific and is contradictory. Per the Islands Declaration, the Foundation is required to "collect such amounts as allocated by the Association and shall promptly remit the amounts collected to the Association". If the Foundation is responsible to perform maintenance, this needs to be clarified.

* In 2018, the Foundation proposed a detailed maintenance agreement to the Developer. This maintenance agreement itemized the following Foundation responsibilities, operation of the Ft. Hamer Gate, maintenance of the Ft. Hamer Gate building, gatehouse utilities, maintenance of two miles of road surface on Tract 100 from Islands Estates Drive to the inside of the Ft. Hamer Gate and landscaping around the Boat Ramp. The Foundation suggests that the agreement proposed in 2018 be reviewed again and signed.

* With the proposed 2018 maintenance agreement, the Foundation will operate and maintain the Ft. Hamer Gate and River Wilderness residents (only) will be able to use the Ft. Hamer Gate and boat ramp. Islands residents will continue to pay Foundation assessments. Islands residents, guests and vendors may access the Old Tampa Gate.

Option B – Islands Association/Developer High Level Proposal

Ft. Hamer Access - after the proposed Separation

- * The Islands Association operates and maintains the Ft. Hamer Gate, Tract 100 and the Boat Ramp.
- * Islands residents pay no assessment to the Foundation.
- * River Wilderness residents (only) who want access to Ft. Hamer are required to pay a yearly fee (of \$\$\$) per user.
- * River Wilderness residents will have access to the Boat ramp.
- * River Wilderness residents may use Ft. Hamer Gate, not their vendors, not their guests.

Old Tampa Access - After the proposed Separation

- * The Foundation continues operation and maintenance of the Old Tampa Gate. Barcode installation for RW residents moves to Old Tampa Gate (or the Community Center).
- * Since the Islands must have access to a secondary gate, the Foundation will grant Islands residents (only) access to the Old Tampa Gate via a written easement. The Foundation may propose that the Islands Association pay the Foundation a fixed yearly fee (of \$,\$,\$) so that all Islands residents have access to the Old Tampa Gate.
- * Islands residents (only) may travel on all Foundation roads. Islands resident's guests, vendors and construction vehicles may not enter the Old Tampa Gate.
- * Islands residents (and guests) may not use other Foundation common areas such as (but not limited to) the RV lot or the Community Center.

Other Considerations - After the proposed Separation

- * Barcodes for the two communities must be compatible. Vehicles should need only one barcode to access both communities.
- * Gate software and security vendors may not necessarily be the same but should work together for the benefit of both communities.

Other Questions and Concerns

Members in attendance expressed concerns about Ft. Hamer Gate and Boat Ramp access assurances and pricing fees.

Any separation agreement must include long term protection of the easements to River Wilderness residents with fair, reasonable and affordable access fees (all items still to be discussed).

The survey was unfair, I did not like Option A or Option B.

The survey presented the only two options that presently exist before the RW HOA Board. The survey received 258 responses.

* Option A is what is described in the Islands Declaration of 2007 and is the default option if separation does not occur. (97 responses)

* Option B is the Islands/Developer proposal to separate the Islands and River Wilderness into two communities. (106 responses)

* Some survey respondents said they wanted an Option C or stated they desired "neither". This count was included in the survey results as "Option C". (28 responses)

* Some survey respondents said they needed much more information or asked additional questions. This count was included in the survey results as "none". (27 responses)

* Please remember this was a survey to obtain your opinion. This survey was not a vote.

What are the voting requirements to implement Islands Separation?

* HOA separations have never been done in Florida.

* Two thirds of the Islands residents including Developer lots will need to either vote or sign affidavits agreeing to Islands Separation.

* It is unclear if two thirds of all Foundation members or just two thirds of the Islands Foundation members must vote in the affirmative to implement Islands Separation. Additional attorney review is required.

Will Separation cause my Foundation assessments to go up or down?

Foundation assessments will remain about the same. Islands operating revenue will be eliminated and so too will Islands operating expenses be eliminated. All remaining Foundation expenses will be divided among fewer members.

In Option A, if the Foundation maintains Tract 100, why does my Foundation assessment increase?

Until now the Foundation did not maintain Tract 100 because the Foundation has not had a definitive agreement with the Developer to maintain the infrastructure on Tract 100 (above and beyond the operations of the Gate). These infrastructure expenses will be new maintenance expenses (in addition to the Gate) that must be assessed to all Foundation members, hence an assessment increase "estimated" to be \$150 to \$300 per lot.

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