

Amber Slayton

From: Tracy J. Robin <TRobin@srvlegal.com>
Sent: Friday, February 24, 2017 11:22 AM
To: Mark Moriarty; Amber Slayton; Barbara Lockhart; Jonathan Lewis
Cc: Vivek K. Babbar; 'Vega, Mark (Mark.Vega@STServices.com)'; seat5@Woodlandscdd.org; seat4@Woodlandscdd.org; seat3@Woodlandscdd.org; seat2@Woodlandscdd.org; seat1@Woodlandscdd.org
Subject: Woodlands and Resolution 2017-R-05

Amber,

I was quite surprised to see other material changes to the proposed resolution that were not mentioned in your email, particularly changes that do not conform to the text of the documents referenced. For example, in the 5th Whereas clause, the text states “. . . District’s plat dedication of *an easement* on Panacea and Plantation . . .” However, nowhere on the Plat itself which is an exhibit to the Resolution, does the plat include or use the word “easement.” This rephrasing of the text may create an ambiguity that could have unintended consequences. For that reason, this text should be consistent with the Plat exhibit.

Similarly, the 7th Whereas clause, also references “conditions of the *easement* acceptance” stated in the prior 2015 Resolution. However, a careful reading of the of the resolution discloses that the word “easement” is nowhere mentioned. With all due respect, this language should reference the Plat and say: “. . .Plat acceptance.” The effect of the public dedication on the plat is well defined in case law as you know.

Finally, for the record, unless North Plantation is ultimately included in this amended resolution, we object to and disagree with any subsequent interpretation that the new 6th Whereas clause may be suggest, imply or be read to say that the District agrees with continuing the exclusion of North Plantation, by virtue of the City’s approval of the amended Resolution. We desire no misunderstanding about this comment by any City Commissioner or other party reading this communication. The Board of Supervisors of the District and the District’s residents greatly appreciate this modification and the City’s acceptance of Panacea for landscape maintenance. We applaud the City Commission for making this change. However, North Plantation was also included (for City landscape maintenance) throughout the plat approval process and in discussions with City Staff, as evidenced by the Staff recommendation and the Commission’s action at the April 2015 plat approval public hearing. The exclusion of landscape maintenance on both North Plantation and Panacea in the 2015 resolution was apparently inserted by Staff following the April 2015 public hearing, and that change was observed in some of the discussion at the Commission meeting last month.

Thank you again. If further revisions are made, we would appreciate receiving a copy.

Tracy J. Robin
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