

THIS INSTRUMENT PREPARED BY:

Wellington Homeowners Association of Lee
County, Inc. c/o Florida Sunset Management
16596 McGregor Blvd
Fort Myers, FL 33908

STRAP No.: 03-46-24-06-0000B.00CE

Lake Maintenance Plan

This Lake Maintenance Plan, hereinafter referred to as the "Plan," is created this 28 day of October 2020, by **Wellington Homeowners Association of Lee County, Inc.**, a Limited Liability Company, licensed to do business in the State of Florida, whose address is 16956 Mc Gregor Blvd, Fort Myers, FL 33908, in favor of all **future owners** of the real property described herein, and **Lee County**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902 ("*County*").

Recitals

WHEREAS, the County has duly adopted the Lee County Land Development Code ("*LDC*"), which, in §10-329, establishes the need to develop a Lake Maintenance Plan which will provide for the long term maintenance of any lake and lake-shoreline areas and provide for the public's health and safety, preservation of property and enhancement of water quality.

WHEREAS, WELLINGTON HOMEOWNERS ASSOCIATION OF LEE COUNTY, INC. is the owner of certain real property located at 16733 Wellington Lakes Circle, Fort Myers, FL 33908, which Property is more particularly described in the Plat Book 62, Pages 56-58, herein, recorded in the Public Records of Lee County, Florida, on November 24, 1998, with the legal description contained in this record being incorporated herein by reference (the "*Property*");

WHEREAS, WELLINGTON HOMEOWNERS ASSOCIATION OF LEE COUNTY, INC. has applied to Lee County for a local development order to construct landscaping on the Property ("*LDO2020-00340*"); and

WHEREAS, with respect to those surface water management and drainage facilities to be constructed on the Property pursuant to LDO2020-00340, LDC §10-329 requires a Plan to be submitted to address the long term maintenance of the surface water management and drainage facilities, including any lake and lake shoreline areas on the Property. The Plan must be included as part of the application for local development order approval and, once approved by the County, must be recorded in the Public Records; and

WHEREAS, the Plan must include the 5 elements identified in LDC §10-329(d), all being set out herein below; and

WHEREAS, WELLINGTON HOMEOWNERS ASSOCIATION OF LEE COUNTY INC. intends this Plan to provide guidelines and direction to the future property owner(s), maintenance contractors and other persons conducting work on or in the surface water management and drainage facilities, including any lake and lake shoreline areas on the Property.

NOW THEREFORE, In consideration of the foregoing and the County's approval of WELLINGTON HOMEOWNERS ASSOCIATION OF LEE COUNTY, INC. aforementioned local development order LDO2020-00340, and other good and valuable consideration provided, including the benefits contained in the foregoing Recitals, the sufficiency adequacy of which is acknowledged by the parties hereto, the Parties agree as follows:

1. The above Recitals are accepted as true and correct and are fully incorporated into this Plan.
2. Pursuant to Lee County Land Development Code §10-329(d), this Plan specifically includes the following elements and required responses:
 - a. *Identification of the entity responsibility for the maintenance of the lake area including the lake shoreline:*

WELLINGTON HOMEOWNERS ASSOCIATION OF LEE COUNTY, INC. is the entity initially responsible for maintenance of all surface water management improvements contained in LDO2020-00340.

- b. *Identification of the methods to remove and control exotic and nuisance plants in perpetuity:*

Exotic and nuisance plants will be maintained from the subject property in perpetuity through a maintenance contract with a contractor with the licenses required to provide such services. Said maintenance contract will require a minimum of two visits per year for the purpose of exotics removal. The exotics will be removed through the use of hand-clearing or

appropriate herbicide treatments by a licensed applicator on an as-needed basis. Herbicides must be suitable and labeled for use in water areas. Said herbicide must not be detrimental to the desired littoral species. Said maintenance contract will also include provisions to ensure the proper and continued operation of the lake aerators and fountains in accordance with industry standards and guidelines.

- c. *Requirements that ensure littoral vegetation remains in a healthy and vigorous state in perpetuity:*

The use of trimming, mowing and herbicides to remove littoral plants is prohibited. Contractors performing landscape or lake maintenance work on the subject property will be so notified that trimming, mowing and use of herbicides to remove littoral plants is prohibited. The lake edge restoration provided for under this local development order will provide a physical barrier between the littoral plantings and landward maintenance activities. Appropriate native lake littoral plantings will be permitted to grow in their natural state to the limits permitted by the cross-section and water elevations

- d. *Demonstration as to how surface water runoff quantities and flow velocities will be controlled to prevent bank erosion, including but not limited to, routing roof drains away from lake shorelines:*

The surface sheet flow of runoff is provided over turf areas toward the lake. No roof drains will be permitted to allow concentrated flows in confined areas toward the lake shorelines. Roof drains will be so located as to provide surface runoff on relatively flat land to reduce velocities or will piped directly into underground drainage pipes, prior to reaching the shoreline of any lake or surface water retention area.

- e. *Requirements that educational materials be provided to residents describing the purpose and function of the bank slope and littoral areas. The materials must also explain the individual property owner's responsibilities with respect to compliance with bank slope and littoral area management plans. Educational materials may take the form of signs and brochures.*

WELLINGTON HOMEOWNERS ASSOCIATION OF LEE COUNTY, INC. intends this Plan to provide guidelines and direction to the future property owner(s), maintenance contractors and other persons conducting work on or in the surface water management and drainage facilities, including any lake and lake shoreline areas on the Property.

3. This Plan is binding on the heirs, successors, and assigns of the WELLINGTON HOMEOWNERS ASSOCIATION OF LEE COUNTY, INC.,


and is intended to run with the land and, as such, will be recorded in the Public Records of Lee County, Florida. The Owner also covenants to and with the County that they are lawfully seized of the Property and the Owner has good and lawful title thereof, with the right to encumber any and all interests therein such that Owner will forever warrant and defend the title and terms of this Plan against any claims. If the Owner makes this Plan subject to any mortgages, liens or other encumbrances, then a properly executed Consent and Joinder or Subordination of each such encumbrance is attached to this Plan or will be recorded referencing this Plan to preserve the intended effect of this Plan on all successors and assigns of the WELLINGTON HOMEOWNERS ASSOCIATION OF LEE COUNTY, INC..

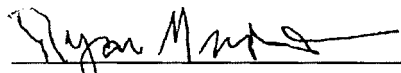
4. WELLINGTON HOMEOWNERS ASSOCIATION OF LEE COUNTY, INC. further expressly states the County is provided the legal right to enforce this Plan by any and all legal and equitable means, including, but not limited to, specific performance, and as such the County may revoke or refuse to issue any development approvals relating to the Property, if WELLINGTON HOMEOWNERS ASSOCIATION OF LEE COUNTY, INC. fails to timely provide legally sufficient documentation of having recorded this Plan prior to subsequently conveying, granting or transferring any interest in the Property.

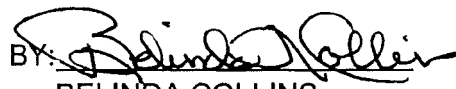
IN WITNESS WHEREOF, this Lake Maintenance Plan is executed this 28 day of October, 2020.

Signed, sealed and delivered
in the presence of:

**Wellington Homeowners Association
of Lee c/o Florida Sunset Mgmt**
A Florida Limited Liability Company


[1st Witness' Signature]
Kacie Murphy
[Type or Print Name]


[2nd Witness' Signature]
RYAN MURPHY
[Type or Print Name]

BY: 
BELINDA COLLINS
President Wellington HOA

COUNTY OF Lee :
STATE OF Florida :



Letter of Transmittal

6200 Whiskey Creek Drive
Fort Myers, Florida 33919
(239) 985.1200 Fax (239) 985.1259

HM Job No. 2018.028
Date: 11/10/2020

To: **Belinda Odom**
Lee County Board of County
Commissioners
1500 Monroe St
Fort Myers, FL 33901

From: **Charles L. Krebs**
Copy To: **File**
Re: **Wellington**
LDO2020-00340

Via: ☐ U.S. Mail ☒ Courier ☐ Federal Express ☐ UPS ☐ Other

We are sending the following items: ☐ Attached ☐ Under Separate Cover

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of Letter ☐ Change Order ☒ Other _____

COPIES	DATE	NO.	DESCRIPTION
1			Lake Maintenance Plan (original)

THESE ARE TRANSMITTED AS CHECKED BELOW:

<input type="checkbox"/> For Approval	<input type="checkbox"/> Approved as Submitted	<input type="checkbox"/> Copies for Approval _____
<input checked="" type="checkbox"/> For Your Use	<input type="checkbox"/> Approved as Noted	<input type="checkbox"/> Copies for Distribution _____
<input type="checkbox"/> As Requested,	<input type="checkbox"/> Returned for Corrections	<input type="checkbox"/> Corrected Prints _____
<input type="checkbox"/> For Review & Comment	<input type="checkbox"/> For Bids Due _____	
<input type="checkbox"/> Prints Returned After Loan to Us	<input type="checkbox"/> Other _____	

Comments:

Signature: _____

Name: Jackie Lopez, Permitting Coordinator