

**RESOLUTION NO. 2024-03**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT, ADOPTING RULES PERTAINING TO MAINTENANCE AND COMPLIANCE WITH THE DECLARATION OF RESTRICTIVE COVENANT AND ENGINEERING CONTROL MAINTENANCE PLAN RELATING TO PROTECTION OF GROUNDWATER AND CONTAMINATED SOIL ON PROPERTY LOCATED WITHIN THE DISTRICT BOUNDARIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Los Cayos Community Development District (the "District") is a local unit of special-purpose government organized and existing in accordance with the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended; and

**WHEREAS**, District joined and consented to the Declaration of Restrictive Covenant ("DRC") recorded on March 28, 2024, in Book 34156, Page 2261 of the official public records of Miami-Dade County, which the District agreed to be responsible for the obligations described in the Engineering Control Maintenance Plan ("ECMP") dated December 29, 2023, regarding the engineering control inspection and maintenance of properties within the District boundaries; and

**WHEREAS**, the District has determined that based upon the DRC and ECMP, the District will need to inspect and report on the condition of the lands within the boundaries of the District, provide notices to Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resources Management ("DERM") and perform certain repairs, as may be necessary to stay in compliance with the DRC and ECMP; and

**WHEREAS**, District has the need to enact reasonable rules and regulations to perform its obligations under the DRC and ECMP regarding inspection and necessary repairs of properties within the District boundaries and ensuring compliance with the DRC and ECMP; and

**WHEREAS**, the District advertised a public hearing for April 17, 2024, in order to hear and receive comments on the proposed District Rules pursuant to the requirements of Chapter 120, Florida Statutes; and

**WHEREAS**, after a duly advertised public hearing held on April 17, 2024, the District Board of Supervisors finds it to be in the best interests of the District to adopt the proposed Rules attached to this Resolution as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT, THAT:**

Section 1. The above recitals are true and correct and are incorporated in and adopted as part of this Resolution.

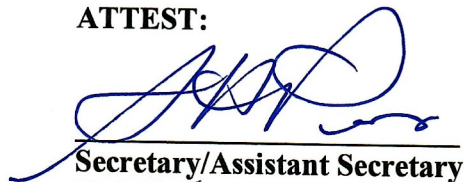
Section 2. The Rules attached to this Resolution as Exhibit A, are hereby adopted by the District.

Section 3. The District Manager is hereby directed to distribute this Resolution as required by Chapters 120 and 190, Florida Statutes.

Section 4. This Resolution shall be effective immediately upon adoption.

**PASSED AND ADOPTED THIS 17<sup>th</sup> DAY OF APRIL, 2024.**

**ATTEST:**

  
\_\_\_\_\_  
**Secretary/Assistant Secretary**

**LOS CAYOS COMMUNITY  
DEVELOPMENT DISTRICT**

  
\_\_\_\_\_  
**Chairman/Vice-Chairman**

**Exhibit A**

**RULES FOR COMPLIANCE WITH DECLARATION OF  
RESTRICTIVE COVENANT AND ENGINEERING  
CONTROL MAINTENANCE PLAN AS TO USE OF  
PROPERTY WITHIN THE BOUNDARIES OF THE  
DISTRICT**



- (1) General. The Los Cayos Community Development District ("District") joined and consented to a Declaration of Restrictive Covenant ("DRC") recorded on March 28, 2024, at Official Records Book 34156, Page 2261 in the Public Records of Miami-Dade County, Florida ("Covenant"), whereby the District agreed that it was responsible for the obligations described in the Engineering Control Maintenance Plan ("ECMP"), dated December 29, 2023 (attached hereto as **Exhibit 1**), providing for the inspection, maintenance and reporting requirements regarding properties situated within the District boundaries and as described in the DRC. The District will conduct certain routine inspections of property within the District boundaries to ensure compliance with the DRC and ECMP, require notification by the individual property owners of any penetration of the engineering controls on their property and any interaction with groundwater and reporting to the Department of Regulatory and Economic Resources, Division of Environmental Resources Management ("DERM"). Pursuant to the ECMP, the District is responsible for the maintenance of engineering controls, disclosing environmental conditions to prospective contractors, retention of a Florida licensed professional engineer to oversee and document work performed below the engineering controls, and submit Source Removal Reports and Engineering Control Repair reports, as necessary, as described in the DRC and ECMP.
- (2) Inspections. The District shall perform routine inspections under the direct supervision of a professional engineer on a semi-annual basis to determine compliance with the DRC and ECMP. The property owners within the boundaries of the District shall permit the entry of the District personnel to inspect the property owner's unimproved property in accordance of the DRC and ECMP. The property owner shall be notified by the District of the date and general time of the aforementioned inspections.
- (3) Notification. All property owners are required to be in compliance with the DRC. Each property owner shall inform the District, of the following:

- (a) intention of digging of holes or trenches which disturb or penetrate the engineering controls on the property owner's property; and
  - (b) intention to interact with groundwater on the property owner's property; and
  - (c) proof of permit issued by Miami-Dade County which provides for all requirements of the DRC; and
  - (d) notice of any violations received by Miami-Dade County/DERM regarding or arising out of the requirements of the DRC.
- (4) Compliance. Pursuant to the requirements of the DRC, the CDD requires that individual property owners disclose the environmental conditions and requirements of the DRC and ECMP to prospective contractors, engage a Florida licensed professional engineer to oversee and document work performed on their property, and provide all reports to the District, as required by the ECMP.
- (5) Reporting. It is the responsibility of the District to notify DERM of any violations of the Covenant. If the District is made aware of any violations of the DRC, the District will notify the property owner of said violations and advise the property owner to come into compliance therewith.
- (6) Maintenance. In the event of a failure of the property owner to comply with the requirements of the DRC, the District has the responsibility under the ECMP to repair and restore any damage to the engineering controls on the subject property at the property owner's sole cost and expense. The property owner shall pay all such costs to the District within thirty (30) days of written notice sent by the District to the property owner at the address on file at the County property appraiser for the subject property. If the property owner fails to timely pay all such costs incurred by the District, the District may impose such costs on the property owner as a maintenance special assessment on the subject property.

Specific Authority: §§ 120.54, 190.011(5), 190.012(3), Fla. Stat.  
190.012(3), Fla. Stat. Adopted \_\_\_\_\_