

## INFORMATION PAPER

**DATE:** August 7, 2020

**PURPOSE:** To provide background on a proposal by St Johns County to remove the berm at the end of Appaloosa Avenue and replace it with a fence.

**ISSUE:** A St Johns County engineer contacted Cindy Munera at First Coast Association Management via email July 29, 2020 to request to speak to the Las Calinas HOA about a proposed enhancement at the end of Appaloosa Avenue in Las Calinas. Ms. Munera forwarded the email to Mr. Marty Wilson, one of the three Board directors.

**BACKGROUND:** Mr. Wilson telephoned the County Engineer the next morning, July 30, 2020, to discuss the issue. The County Engineer proposed that St Johns County be allowed to remove the berm—wooden timbers, concrete pilings, vegetation, and dirt—and grade the area to accommodate a 6' fence that would separate Appaloosa Avenue from Pine Island Road, all at no cost to the HOA (*see picture below*). The contractor working for St Johns County would install the fence six feet north of the back of the curb on Appaloosa Avenue, placing the fence in the Pine Island Road right-of-way (*see .pdf of cross-section below*).

The County Engineer explained the berm had become unstable and was causing an erosion concern that is interfering with satisfactory completion of the paving and establishment of the swale along Pine Island Road for proper flow of storm water.

The County Engineer also commented there were two stipulations to St Johns County installing the fence at no cost to Las Calinas HOA:

1. Las Calinas HOA would request a right-of-way permit for maintenance of a fence in the County right-of-way.
2. Las Calinas HOA would be responsible for maintaining the fence.

Mr. Wilson simply acknowledged receiving the proposal, saying he needed to discuss the proposal with the other Board directors, Mr. Bernie Ruhl and Ms. Debbi Sauls.

## An aerial photograph of a property. A dirt road, labeled "PINE ISLAND ROAD", runs diagonally from the top left towards the center. Below the road is a grassy area labeled "APPALOOSA". A blue line, labeled "FENCE", runs horizontally across the grassy area. A black arrow, labeled "X-SECTION", points from the fence line towards the top right. In the bottom right corner, there is a house with a swimming pool. The pool is blue and has a curved shape. The house has a dark roof and a white fence around it. The surrounding area is filled with green trees and vegetation.

[illegible]

On July 30, 2020, Mr. Wilson forwarded all information to the other Board directors, citing there is a comparable fence at the end of Front Door Lane separating it from Shannon Road (behind/due East of the Circle K gas station on US1 near the entrance to Palencia). Mr. Wilson communicated to the other directors he believed the proposal was a reasonable and viable option to the berm, given the circumstances St Johns County planned to connect Appaloosa Avenue to Pine Island Road at some point in the future, if and when Pine Island Road was ever improved to county standards. Both directors responded that day. Mr. Wilson also asked Ms. Munera what potential legal issues could arise from such a proposal.

On August 3, 2020, Ms. Munera responded to the Board's inquiry regarding any potential legal concerns, recommending the Board consult with legal. The Board agreed, asking Ms. Munera on August 4, 2020 to contact a lawyer on this issue. Ms. Munera replied August 5, 2020 that First Coast Association Management would contact a lawyer and reply back to the Board.

**ADDITIONAL POINTS:** The HOA has budgeted for landscaping for the area of the berm but has not used those funds pending a decision on the berm. The Board has discussed planting hardy bushes or shrubs along the fence as screening material. Doing so would accomplish the following:

1. The bushes would act as screening material to block line of sight between Pine Island Road and Appaloosa Avenue, providing a degree of privacy to the neighborhood.
2. The bushes would also serve to deaden road noise coming from Pine Island Road.

**WHAT'S AHEAD:** As of August 6, 2020, the Board is awaiting a reply from legal counsel on this matter.