

**RESOLUTION 2023-10**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MONTECITO COMMUNITY DEVELOPMENT DISTRICT AMENDING AND RESTATING RESOLUTION 2018-04, AFFIRMING AND APPROVING THE PROCESS FOR HOMEOWNER'S ASSOCIATION ARCHITECTURAL REVIEW BOARD APPROVAL FOR LANDOWNER IMPROVEMENTS; PROVIDING FOR A PROCESSING FEE FOR THE COSTS INCURRED BY THE DISTRICT; AUTHORIZING THE GENERAL MANAGER OF THE MONTECITO BEACH CLUB AMENITY CENTER, OR IN HIS OR HER ABSENCE, THE DISTRICT MANAGER TO APPROVE AND EXECUTE TEMPORARY ACCESS EASEMENT AGREEMENTS WITH LANDOWNERS PURSUANT TO APPROVAL THE PROCESS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Montecito Community Development District (the "District") is a local unit of special purpose government created and existing under Chapter 190, Florida Statutes; and

**WHEREAS**, at its meeting of February 26, 2018, the District Board of Supervisors (the "Board") adopted Resolution 2018-04, providing for a means to process certain temporary access easements; and

**WHEREAS**, the Board has determined that it is necessary to update and amend the procedures and approval process contained in Resolution 2018-04; and

**WHEREAS**, landowners are required to apply and receive approval from the Montecito Homeowner's Association Architectural Review Board ("ARB") prior to work proceeding on the landowner property; and

**WHEREAS**, the District receives requests from landowners within the District for approval of temporary access to and through District property so that landowners can undertake improvements to their property; and

**WHEREAS**, the District desires to amend and restate the content of Resolution 2018-04 to provide for a procedure for the receipt, review and determination of the request by landowners on an expedited basis; and

**WHEREAS**, the District incurs costs of approximately \$300 for the review, research, preparation and execution of the requested temporary access easement agreements; and

**WHEREAS**, the District Board of Supervisors determined at its meeting of July 12, 2023 that it is in the best interest District and its landowners that the General Manager of the Montecito Beach Club Amenity Center, or in his or her absence, the District Manager review and approve temporary access easement agreements on behalf of the District pursuant to a specific procedure.

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

**Section 1.** The foregoing recitals clauses are true and correct and are hereby incorporated into this Resolution by reference.

**Section 2.** The District hereby approves the following procedure for requests from landowners for temporary access on and through the District property by landowners and their agents (collectively, the "Landowners"):

- a. Landowner provides the General Manager of the Montecito Beach Club Amenity Center (the "General Manager") with the written approval from the ARB for the improvements to Landowner property;
- b. Landowner provides the General Manager with a detailed description of the proposed work to be performed for the improvements and the estimated time for construction;
- c. Landowner provides the General Manager with a sketch or drawing of the location of the District property that landowner is seeking the temporary access easement over;
- d. Landowner provides the General Manager proof of ownership of the Landowner property;
- e. Landowner pays a fee of \$300 made payable to the Montecito Community Development District for the review, preparation and execution of the temporary access agreement; and
- f. General Manager authorizes District Counsel to prepare the temporary access easement agreement upon verification that the above items have been satisfied by Landowner.

**Section 3.** That the General Manager, and in his or her absence, the District Manager, is hereby authorized to act on behalf of the District and review and approve the temporary access easement agreements as forth herein.

**Section 4.** The legal form of each temporary access easement agreement executed pursuant to this Resolution shall be acceptable to the District Counsel of the District, in his or her discretion, subject to Board direction.

**Section 5.** Upon adoption of this Resolution, Resolution 2018-04 is hereby replaced in its entirety and of no further force and effect from the date of adoption of this Resolution.

**Section 6.** The proper District officials are hereby authorized and directed to take all steps necessary to effectuate the intent of this Resolution.

**Section 7.** All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 8.** This Resolution shall take effect upon adoption.

**THIS RESOLUTION WAS PASSED AND ADOPTED** by the District at its regularly scheduled meeting this 12<sup>th</sup> day of July 2023.

**ATTEST:**

**MONTECITO COMMUNITY  
DEVELOPMENT DISTRICT**

*George Flint*

Print Name: George Flint

Secretary/Assistant Secretary

*Catherine LeCesne*

Print Name: Catherine LeCesne

Chairman/ Vice Chairman