

# Mango HOA Accomplishments 2020

## Acting President's Report

### **1. The Marketable Record Title Act, (MRTA) Ch 712 FL Statutes**

What MRTA provides is that the title to real property can, with the passage of enough time and under certain circumstances, become free and clear of certain recorded claims, restrictions and covenants that would otherwise be binding on the property. They arise out of declarations and similar recorded documents that were initially recorded when Mango was developed. at the development phase of our community. planned residential and commercial subdivisions.

Under the **MRTA**, we, Mango **HOA**, must file a " Notice to Preserve " in the public records of Manatee County prior to the expiration of the 30-year period. This notice must be approved by at least two-thirds of our Board of Directors.

### **2. The Pond**

We have made significant progress in correcting the violations that were cited in the pond inspection report of 2019 by the SWFWMD. The SWFWMD (not Manatee County) is the governmental agency with the authority to regulate the protection of water quality and flood control in southwest Florida. Primarily, we have been able to amend our existing Environmental Resource Permit (ERP) to avoid having to incur the very high cost of replacing the failed treatment system, by replacing it with a simpler and more effective “wet detention” system. It is very important to understand that doing the work to bring the pond into compliance with the overall permit also includes maintaining the north bank of the pond. While that maintenance has always been required under the permit, it has not been kept up and that bank has become very overgrown over the years. This element of complying with the permit will clearly be the most costly and its completion is **NOT** optional, as emphasized by our engineer in the recent conference call. Our permit has specific, required conditions that are legally enforceable by the SWFWMD. Our goal is to be able to improve the north bank over a period of time in the hope that by showing progress and good faith to the SWFWMD, they will work with us to spread this cost over that time period. Failure to commence work on the north bank now could result in the SWFWMD issuing a time-sensitive demand, subject to their regulatory enforcement powers, which could include substantial daily fines for noncompliance. While we do not expect that outcome, it

is clearly in our best interests to proceed with this work, as well as with the construction of the water control structures of the wet detention system.

Our specific progress to date is as follows:

- A professionally licensed engineer (Gary Bethune, P.E.) with extensive experience in matters involving ERP has been retained to provide a plan and complete construction work on the filtration system and water control structure (weir).
- The ERP for the pond has been modified to meet the SWFWMD requirements for the new system, and the permit has been approved.
- A meeting (conference call) for owners was held on 11/02/2020. Mr. Bethune presented recommendations and answered owner questions. Detailed draft minutes are available on the website. Elements of that discussion are included in this report.
- Construction work to modify the filtration system will take place over the next several months (notch the weir and install the control structure). Cost will be \$8,000 (2020 approved funding from our reserve account). Wetland plants will be installed around the south bank (referred to as the Littoral Zone, as provided in the ERP), costing \$4,500 (needs approval to use 2021 reserve funds) as part of this work. This installation represents approximately one-half of the Littoral Zone (LZ) plantings, with the rest to be completed when the north bank has been improved sufficiently to allow access and planting of the remainder. The construction and LZ plantings will be inspected by the permit deadline of April 22, 2021.
- A plan will be developed to clear the north bank of invasive vegetation and other excess growth. Again, this will be the most expensive requirement for compliance. A site clearing company gave a ballpark figure of \$100,000. Mr. Bethune believes it can be done for substantially less, provided the HOA utilizes self-help, and employs its creativity to the maximum extent possible. As noted above, it is in the HOA's best interest to spread the cost to manage/maintain the north bank over several years. Using a hypothetical planning budget of \$60,000, it would be prudent and advisable to approve a \$200/owner special assessment to provide \$12,000 in 2021 to begin work on the north bank. We are paying now for

work that has not been done for the past 25 years to maintain the north bank as part of the common HOA property as required in the original permit.

- The cost to date for all pond work is roughly \$12,000, taken from the reserve budget of 2020. Work in 2021 also will be funded by the reserve account. Immediate funds required are estimated to be \$4,500. This requires Board approval. Future work, beyond this has not been fully determined so estimates are not available.

### **3. The Budget**

- We do have an approved budget for 2021. Dues were not increased. At the start of this year, we have **\$14,419** amount in the operating account and **\$27,287** in the reserve account. The reserve is where we should focus. Note: \$8,000 of reserve has been committed for the pond by Board in Nov 2020. That leaves \$19,287 in uncommitted reserve \$.
- Some neighbors have expressed the need and interest to improve (freshen) the overall appearance of our community and to properly maintain the common areas using the reserve funds that are intended for this purpose.
- Projects that were delayed in 2020 include painting the front wall (a must to avoid deterioration); cleaning/repairing brick pavers (avoid future problems, more uneven spots and to improve appearance); maintaining the lighted mango sign, maintaining our 60 mailboxes and if owners want we could include updating the front entrance plantings, especially the annuals. These are above and beyond the pond requirements.
- The board members differ on how to finance common area projects and the required pond work. One way is to pay as you go, which is basically what we have now. The other is to build funds gradually so the HOA can pay for projects and emergencies when needed. Both approaches have the same results. We have to pay. The only reason I see for taking the pay as you go approach is if you plan on leaving the neighborhood.
- So in conclusion, I estimate that after the Board approves the two projects (pond & wall) we will have \$6800 in uncommitted reserves. Add \$4000 from 1st QT dues. That's \$10,800 until April when we collect dues again.