

McBride Hills Homeowners Association
Statement of Work
January 9, 2023

Background

The Officers of the McBride Hills Homeowners Association (the HOA) are seeking a legal clarification regarding ownership and responsibility for maintenance and repair of infrastructure (such as drainage ditches and culverts), roads, and related items in the HOA. Currently the HOA has maintained and paid for the paving and maintenance of roads within the HOA but responsibility for repairs of other infrastructure, such as drainage ditches that cross HOA roads, is unclear.

The issue has come to the forefront because a culvert with a two-foot drainage pipe that extends under McClure Drive is in need of repair, replacement, re-paving and grading. The HOA has obtained estimates to repair this collapsing drainage pipe and the best estimate is to complete the job for \$18,400. Maps of the HOA show that the property owners own to the center of McClure Drive but language in the Covenants seem to indicate that the HOA is responsible for maintaining the safety of the roads. Further, there are a number of other such drainage ditches that may need repair in the future.

Pertinent Resources

Pertinent documents related to this topic are the original Covenants of the HOA, an Amendment to that document in 1987, the HOA By-Laws, HOA and County Assessor, property maps, and information about HOAs found in the *Florida Statutes* Section 720.301. There may also be court rulings that relate to the issues at hand or other sources of which the Officers are unaware. Of special interest is Article XXIII and the first Amendment to the Covenants. The HOA Covenants, Amendments to the Covenants, and By-Laws can be found at: <http://www.mcbridehills.com/Documents.html>.

Specific Questions

Do homeowners own into the center of the street and if yes, for what, specifically can they do or not do with that part of the street that they own?

If homeowners do own into the center of the street, are they responsible for street repairs like culverts, infrastructure, etc. that are on their property?

Can the HOA invoice the homeowner for all or some part of the repair bill? If yes, what penalties could the HOA employ to encourage compliance?

What are the HOA's responsibility and liability for infrastructure and road repairs?

Does the HOA Board of Directors have the authority to proceed with infrastructure and road repairs without a vote or approval from (1) the membership or from (2) individual property owners of the property affected?

Logistics

To proceed, the Officers of the HOA would like to know the firm's hourly billable rate, have an estimate of the amount of time that might be required to answer these questions in a written opinion, and the promptness which such an opinion could be completed. The HOA has its annual membership meeting January 25, 2023 and we would want the written opinion by January 20, 2023 if at all possible. If useful, the HOA Officers could participate in an initial consultation (in person or via Zoom) to clarify and/or expand on information provided in this work statement

Attachments:

- McBride Hills HOA Property Map