

Minutes of Meeting
Durbin Crossing
Community Development District

The regular meeting of the Board of Supervisors of the Durbin Crossing Community Development District was held Monday, November 15, 2021 at 6:00 p.m. at the Durbin South Amenity Center, 145 South Durbin Parkway, Jacksonville, Florida.

Present and constituting a quorum were:

Peter E. Pollicino	Chairman
Tim Brownlee	Vice Chairman
Sarah Gabel Hall	Supervisor
Jason Harrah	Supervisor
William Clarke	Supervisor

Also present were:

Daniel Laughlin	District Manager
Mike Eckert	District Counsel
George Katsaras	District Engineer by telephone
Margaret Alfano	Vesta
Danelle DeMarco	Vesta
Zach Davidson	Vesta
Billy Genovese	VerdeGo

The following is a summary of the discussions and actions taken at the November 15, 2021 meeting. An audio copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Pledge of Allegiance

Mr. Laughlin called the meeting to order and led the pledge of allegiance

SECOND ORDER OF BUSINESS

Roll Call

Mr. Laughlin called the roll.

THIRD ORDER OF BUSINESS

Audience Comments

Ms. Hall joined the meeting at this time.

November 15, 2021

Durbin Crossing CDD

FOURTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of Minutes of the October 25, 2021 Meeting**
- B. Balance Sheet and Statement of Revenues and Expenses**
- C. Assessment Receipt Schedule**
- D. Check Register**

On MOTION by Mr. Brownlee seconded by Mr. Pollicino with all in favor the consent agenda items were approved.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Landscape Maintenance Team - Report

Mr. Genovese gave an overview of the landscape report, a copy of which was included in the agenda package.

B. District Counsel

Mr. Eckert stated you had asked me to look at the 10-foot easement at the back and front of lots and the 5-foot easements on the sides of lots. I looked through all our assignments of easements that we have on our document management system and all the recorded ones I could find, and I could not find any assignment of those easements from the developer to the CDD. I could find the assignment of easements for everything that is depicted on the plat sketches, but if you will recall, this is an easement that is in the HOA documents, it is not an easement that is on the actual plat sketch. It is on the face of the plat by reference, but it is not something the CDD has ever taken an assignment of. I did not do a full-blown title search where you hire somebody to look at a piece of property and find every encumbrance that could possibly be out there, and I have no recollection of us taking an assignment of that easement. At this point in time that easement is not one the CDD can grant a release from because it is not something that has been conveyed to the CDD. It is not really our issue at this point in time, however, I reached out and spoke with Jeri Poller, the legal counsel for the developer that was here, and she is the one we worked with on cleaning up the little parcel about a year ago. I'm hoping she is going to run down the questions that I asked her, which was, (1) do you have any record of assigning it to the CDD and if so I will take a look at it and (2) did you assign it to the HOA either through a separate

November 15, 2021

Durbin Crossing CDD

document or by virtue of the HOA turning it over to resident control did the HOA assume some of the declarant rights, which would include control of that easement. I have passed that off to her because ultimately that is going to be a question for HOA counsel, it is not something that we can deal with. The final question I asked her was, what was the developer's long-term plan for that easement. Were they going to assign it to anybody or were they going to just let it kind of vanish when they vanished? Because the easement would still be there on the property but there wouldn't be an entity for somebody to reach out to, to get a release from that easement. I put it on her radar and hope to hear back from her. She is usually thorough so I didn't expect a response before tonight's meeting, but I do think she will get back to me before your next meeting. In short, there isn't anything that I can find that says the CDD has a right to give up an easement because it was never given to the CDD.

Mr. Clarke asked what is the recourse for the homeowner?

Mr. Eckert stated they have to live with an easement on their property, which was on their property when they bought the property. I don't know if that is recourse or not, but that is a result. If in fact the developer has conveyed that easement to the HOA either by operation of law because it transitioned over to resident control and some of the declarant rights went to the HOA, then the resident could reach out to the HOA and try to get a release of that easement. If it never transferred over from the developer, the resident could talk to the developer about releasing the easement because the developer is still the one that owns it.

Mr. Harrah asked how did it get to the HOA rather than the CDD?

Mr. Eckert stated there are some easements that are out there for the HOA, on the plat there are probably some easements. There are easements within the covenants and restrictions for the HOA. The water management district usually makes the HOA and CDD also have responsibilities. The best-case scenario is that those rights transferred to the HOA when it turned over and the HOA can be the one to grant a release. Next best-case scenario is the developer will say we don't really care, we will release it because it is not affecting us and the developer may choose to do that. I think the developer will probably reach out to the CDD or HOA and say we want to assign these easements and be done with it.

C. District Engineer

There being none, the next item followed.

November 15, 2021

Durbin Crossing CDD

D. District Manager

There being none, the next item followed.

E. General Manager - Report

Ms. Alfano recognized staff members for all their hard work and presented an award to Ryan Wheeler, Evan McCall and Zach Davidson for turning the field into a dream, then gave an overview of the General Manager’s Report and presented a proposal for holiday lighting.

On MOTION by Mr. Pollicino seconded by Ms. Hall with all in favor the holiday lighting proposal in the amount of \$10,425 was approved.

Ms. Alfano presented a proposal to replace the dishwasher and refrigerator in the south amenity center and the board took the following action.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the purchase of a dish washer and refrigerator for the south amenity center in an amount not to exceed \$2,200 was approved.

F. Operations Manager – Report

Mr. Davidson reviewed the operation manager’s report, then presented the repair plan for the inlet by the south amenity center.

On MOTION by Mr. Harrah seconded by Mr. Brownlee with all in favor the storm inlet repair at the south amenity center in the amount of \$3,600 was approved.

G. Amenity Manager – Report

Ms. DeMarco reviewed the amenity manager’s report, copy of which was included in the agenda package.

SIXTH ORDER OF BUSINESS

Supervisor’s Requests and Audience Comments

There being none, the next item followed.

November 15, 2021

Durbin Crossing CDD

SEVENTH ORDER OF BUSINESS

**Next Scheduled Meeting – December 13, 2021
@ 6:00 p.m. at the Durbin South Amenity
Center**

Mr. Laughlin stated as of now we have the December meeting scheduled; we have canceled it in the past and there is no need to have it this year so if everyone is in agreement, we will cancel it.

Ms. Alfano stated we will see how the water feature bids come back and we will contact Daniel and go from there.

Mr. Pollicino stated if you want me for emergencies, I can do that.


Mr. Harrah stated that will work.

On MOTION by Mr. Brownlee seconded by Clarke with all in favor the December meeting was canceled.

On MOTION by Mr. Clarke seconded by Mr. Harrah with all in favor the meeting adjourned at 7:03 p.m.

DocuSigned by:

B48FC211DC1144D...
Secretary/Assistant Secretary

DocuSigned by:

DE5FE8AA9DF041B...
Chairman/Vice Chairman