

RESOLUTION 2025-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HARMONY WEST COMMUNITY DEVELOPMENT DISTRICT ADOPTING A RULE REGARDING LAKE USE AND TRESPASS ENFORCEMENT; AUTHORIZING THE ISSUANCE OF A LETTER REGARDING THE SAME; PROVIDING GENERAL AUTHORIZATION; AUTHORIZING SIGNAGE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Harmony West Community Development District ("**District**") is a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes*, for the purpose of providing, operating and maintaining infrastructure improvements, facilities and services to the lands within the District;

WHEREAS, the District has constructed or acquired various infrastructure improvements and provides certain services in accordance with the District's adopted improvement plan and Chapter 190, *Florida Statutes*;

WHEREAS, the District owns certain real property, including but not limited to stormwater retention ponds comprising a portion of the District's stormwater management system ("**Stormwater Management System**"), conservation and mitigation areas, and other open spaces (collectively, "**District Property**");

WHEREAS, the Stormwater Management System primarily serves to facilitate the treatment and attenuation of stormwater run-off and overflow, and District Property is not intended or maintained for recreational activities;

WHEREAS, the District desires to adopt a formal Rule regarding the use of the District Property and enforce the Rule through criminal and civil penalties (together, the "**Rule**");

WHEREAS, the District determines that the Rule is in the best interests of the District to protect the health, safety and welfare of persons present on District Property; and

WHEREAS, the District desires to secure the assistance of the County Sheriff's Office or such other law enforcement agencies as may be available, to prevent trespassing on District Property in contravention of the Rule.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HARMONY WEST COMMUNITY DEVELOPMENT DISTRICT:

1. ADOPTION OF RULE REGARDING USE OF DISTRICT PROPERTY. The Board hereby adopts the Rule attached hereto as **Exhibit 1** prohibiting recreational and other activities on District Property, including but not limited to fishing, boating or any other watercraft use, wading or swimming, and the use of unauthorized vehicles, and authorizing criminal and civil penalties.

2. AUTHORITY REGARDING ENFORCEMENT OF TRESPASS LAWS; FORM OF TRESPASS LETTER. The Board hereby acknowledges that District Staff, including the District's Manager and any of the staff or representatives of the District Manager, have the authority to act on behalf of the District with respect to the enforcement of the District's rules and policies, including but not limited to taking any actions necessary to the enforcement and/or prosecution of a trespass violation on behalf of the District and pursuant to Florida law. In addition, the Board hereby authorizes the District Manager to issue to District's residents and to the County Sherriff's Office a copy of this resolution and the attached trespass letter – substantially in the form attached as **Exhibit 2**, and as may be amended from time to time by the District Manager to update the names of authorized individuals – providing authorization with respect to the enforcement of trespass laws as they relate to the District's prohibition of activities within the District Property.

3. GENERAL AUTHORIZATION; AUTHORIZING SIGNAGE. The Chairman, members of the Board of Supervisors and District staff are hereby generally authorized, upon the adoption of this Resolution, to do all acts and things required of them by this Resolution or desirable or consistent with the requirements or intent hereof. District Staff is directed to obtain and install signage and otherwise take all actions reasonably necessary to ensure the enforceability of the Rule.

4. SEVERABILITY. The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

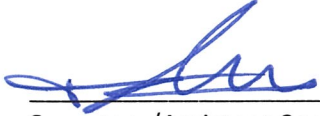
5. EFFECTIVE DATE. This Resolution shall take effect upon the passage and adoption of this Resolution by the Board of Supervisors of the Harmony West Community Development District.

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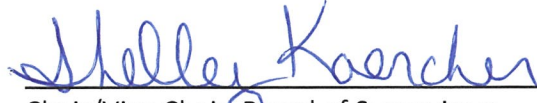
PASSED AND ADOPTED on the 21st day of November, 2024.

ATTEST:

**HARMONY WEST COMMUNITY DEVELOPMENT
DISTRICT**



Secretary/Assistant Secretary



Chair/Vice Chair, Board of Supervisors

- EXHIBIT 1:** Lake and Trespass Rule
- EXHIBIT 2:** Letter Regarding Trespass Enforcement

EXHIBIT 1

In accordance with Chapters 190 and 120, *Florida Statutes*, and on November 21st, 2024, at a duly noticed public meeting and after a duly noticed public hearing, the Board of Supervisors of the Harmony West Community Development District adopted the following Lake and Trespass Rule. All prior policies of the District governing this subject matter are hereby rescinded.

LAKE AND TRESPASS RULE

Introduction

1. The Harmony West Community Development District (the “**District**”) owns certain real property, including but not limited to stormwater retention ponds (“**Ponds**”) comprising a portion of the District’s stormwater management system (“**Stormwater Management System**”), conservation and mitigation areas, and other open spaces (“**District Property**”).
2. The Ponds, as identified in **Attachment A** attached hereto, are components of the Stormwater Management System and are designed to function as retention ponds to facilitate the District’s treatment of stormwater run-off and overflow. As a result, contaminants may be present in the water. The Stormwater Management System is not intended or maintained for recreational purposes.
3. The District’s conservation and mitigation areas, common areas and open spaces are not intended or maintained for recreational use by motorized vehicles.
4. Nothing herein shall prohibit or limit the District’s ability to operate and maintain District Property consistent with the requirements of the applicable permits and approvals, and applicable law.
5. The District is not responsible for injury or damage to persons or property, including accidental death, resulting from the use of District Property.

Use of District’s Stormwater Management System

1. Swimming or wading, boating or use of other watercrafts (whether motorized or non-motorized, flotation devices, etc.), or other recreational activities in the Stormwater Management System by any person is prohibited. However, shoreline fishing is permitted on a catch and release basis from sunrise until sunset.
2. Pets are not allowed in the Stormwater Management System.
3. No docks or other structures, whether permanent or temporary, may be constructed and placed in or around the Stormwater Management System unless properly permitted and approved by the District and other applicable governmental agencies.
4. No foreign materials may be disposed of in the Stormwater Management System, including, but not limited to: tree branches, paint, cement, oils, soap suds, building materials, chemicals, fertilizers, or any other material that is not naturally occurring or which may be detrimental to the system.
5. Any hazardous condition concerning the Stormwater Management System must immediately be reported to the District Manager and the proper authorities.
6. Property owners and residents are responsible for their tenants’, guests’ and invitees’ adherence to these policies.
7. NOTE: Nothing in this section is intended to change existing rules/policies governing Buck Lake.

Unauthorized Vehicle Use on District Property

1. The District prohibits the use of unauthorized vehicles on District Property.

Trespass Authorization

1. District Staff, including the District's and any of the staff or representatives of the District Manager, have the authority to act on behalf of the District with respect to the enforcement of the District's rules and policies, including but not limited to taking any actions necessary to the enforcement and/or prosecution of a trespass violation on behalf of the District and pursuant to Florida law.
2. In addition, the District Manager is authorized to issue to the District's residents and to the County Sherriff's Office a trespass letter, providing authorization with respect to the enforcement of trespass laws as they relate to the District's prohibition of activities within the Stormwater Management System or on District Property.




Additional Enforcement; Penalties/Fines

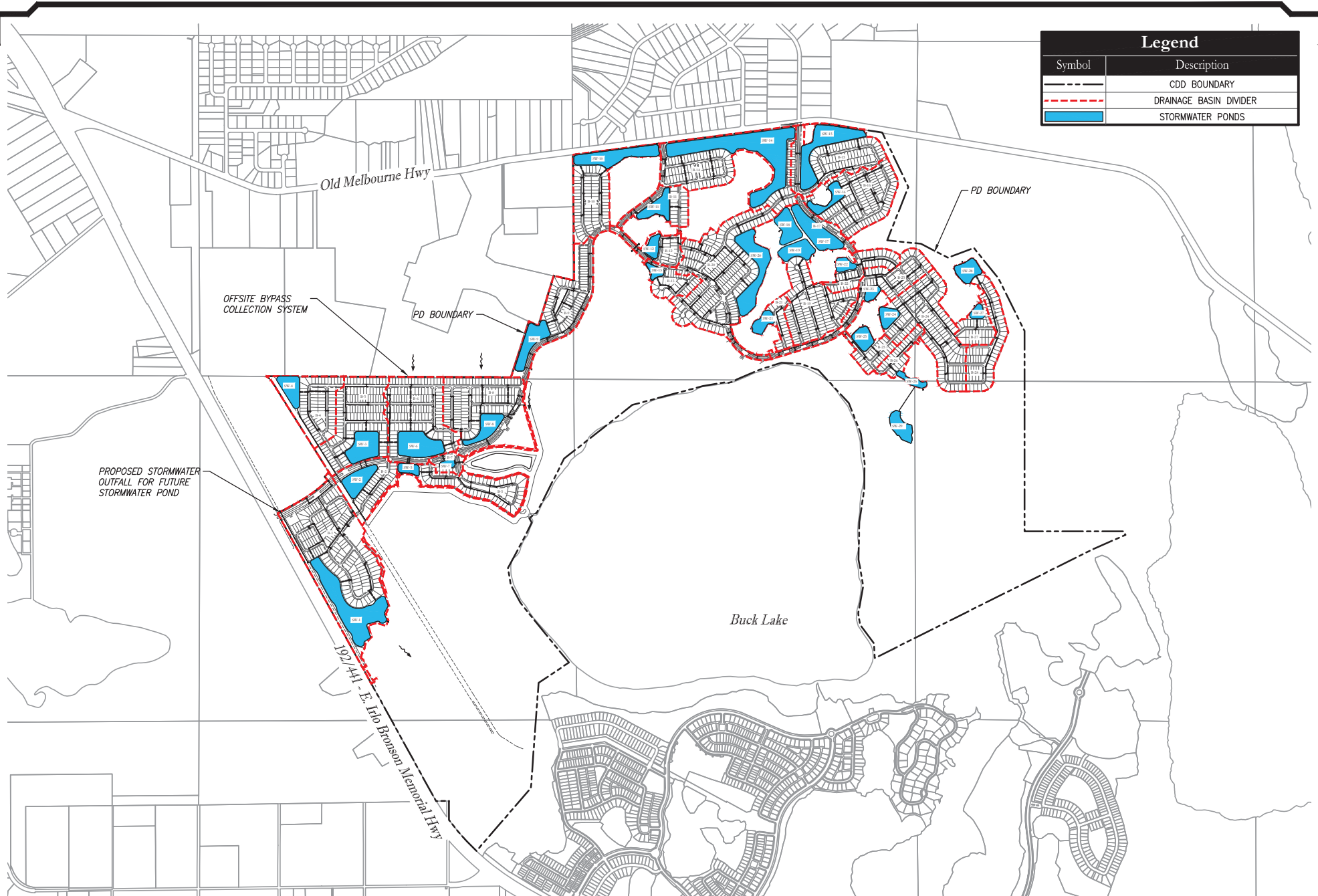
For any violation of this Rule, and pursuant to Sections 190.012(3), 120.69, F.S., the District shall have the right to impose a fine of up to the amount of \$1,000 per violation and collect such fine and attorney's fees as provided pursuant to Florida law.

Severability

If any section, paragraph, clause or provision of this Rule shall be held to be invalid or ineffective for any reason, the remainder of this Rule shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this rule would have been adopted despite the invalidity or ineffectiveness of such section.

ATTACHMENT A: MAP OF DISTRICT STORMWATER PONDS

Legend	
Symbol	Description
	CDD BOUNDARY
	DRAINAGE BASIN DIVIDER
	STORMWATER PONDS



Post Development Basin Map

The Villages at Harmony

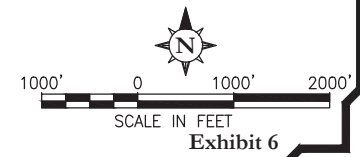


EXHIBIT 2
HARMONY WEST COMMUNITY DEVELOPMENT DISTRICT

Wrathell, Hunt and Associates, LLC
2300 Glades Road, Suite 410W
Boca Raton, FL 33431
Office: 561-571-0010

November 21st, 2024

Osceola County Sheriff's Office
2601 E. Irlo Bronson Memorial Highway
Kissimmee, Florida 34744

Re: Harmony West Community Development District Authorization for
Law Enforcement Officers to Enforce Trespass Violations

To Whom It May Concern:

I serve as District Manager for the Harmony West Community Development District (the "**District**") and am authorized to issue this letter on behalf of the District. Pursuant to District Resolution 2025-03, a copy of which is enclosed with this letter, please be advised that:

1. The District's policies forbid recreational and other activities on District property, including but not limited to fishing, swimming and boating on the stormwater retention ponds and the use of unauthorized vehicles on District property; and
2. The District hereby authorizes any law enforcement officer to order trespassers to leave the District's property for violation of the District's Rule (as stated in Item 1 above), and to otherwise enforce the provisions of Sections 810.08 and 810.09, *Florida Statutes*, and any other applicable law against any such trespassers; and
3. The following are authorized to contact law enforcement officers in Osceola County, Florida and provide this written authorization to law enforcement officers for the purpose of enforcing the District's rule (as stated in Item 1 above) and Florida law:

Name/Position	Address

4. The Board of Supervisors and staff of the Harmony West Community Development District will aid in the prosecution of any individuals arrested pursuant to this grant of authority.

Should you have any questions regarding this authorization, please contact me at (561)571-0010.
Sincerely,

Kristen Suit
District Manager

Enclosure A: Resolution 2025-03 (with attachments)