

**Red Hawk Reserve documentation prepared 3/9/23 presentation Paul Kofman.
requested to be placed with official documents – Tract 503 input from County,
SWFMD and MSB Surveying, Ordinance 2001-053, etc.,**

The fundamental question in this discussion is who has jurisdiction the **County or SWFMD** and again I am focusing on the area sited by the County to RHR for the non-compliance area on Tract 503 simply, because that is the biggest source of contention at this point and the most immediate impact on homeowners financially. I as a homeowner want to know! The other tracts as stated earlier can be in my opinion dealt with later.

Therefore, Maris and I researched this topic and we sent an email to SWFMD to get factual answers not opinions on common area tracts, but facts. Further, we talked to the correct people not a help desk at SWFMD. **(Show and read email from the Sam Shiver)**

Red Hawk Reserve documentation prepared 3/9/23 presentation Paul Kofman.



Sam Shiver <Sam.Shiver@swfwmd.state.fl.us>

Feb 9, 2023,
9:39 AM

to Maris, me

Good morning,

Thank you for the additional information. I am sorry about the delay but they are in the process of hiring a new compliance engineer for that area so it took me a while to track down someone. I spoke with them and they directed me to the compliance environmental scientist for the area, Jason Lentz, who after reviewing the plans let me know that since there is nothing on the plans to indicate it is a mitigation area nor a

wetland per our rules SWFWMD would not have any jurisdiction over the area – his advice was to check with the county which I know you have already done.

I apologize I could not be more helpful in regard to the situation,

Sam

Samuel Shiver | Engineer | Regulation Division

To get rid of any doubt of ambiguity I asked a follow-up question:



Paul Kofman <paulrhrboard@gmail.com>

Feb 20, 2023,
9:56 AM

to Sam, me, Maris

Sam,

Thank you for your response. However, after reading your response I would like additional clarification. Please let me know if your response is referring to all of tract 503 in RHR, Open Space or other. Please be specific and again thank you,
Paul Kofman

I received the following area shown on a map from SWFWMD which is the same area the County is telling us they have jurisdiction and now SWFWMD is confirming the County has jurisdiction. What I have is a highlighted picture of the open preserve area in tract 503 circle depicting the same area as the County.



Sam Shiver
to me, Maris ▾

Feb 20, 2

Good afternoon Paul,

The specific space that I'm referring to is roughly outlined in red in the attached below, sorry for any confusion in my initial response.



Thanks,

Sam

Samuel Shiver | Engineer | Regulation Division
Southwest Florida Water Management District
7601 Highway 301 North | Tampa, Florida 33637-0797

RHR History: Red Hawk Reserve like many other communities originally operated under a different name: Clark Road Development Limited Liability Corp and later evolved into other communities and names to include Red Hawk Reserve, Foxfire, Waverly, etc. These communities were allowed to be built contingent on having so much open space and preserve areas whether it's a native habitat, mesic hammock, etc. Hence, the name Red Hawk Reserve. The words **open space** and **ordinance 2001 053** are needed to understand the rationale of why the County has jurisdiction over Tract 503 open space area.

“Native vegetation within proposed open space areas shall be conserved. All Activities involving filling, excavating, removing of vegetation (including trimming of both trees and understory) and storing of material shall be prohibited with open space conversation areas, unless written approval is first obtained from Resource Protection Services [now known as Environmental Compliance and Enforcement]. Limited clearing may be allowed to accommodate nature trails, picnic areas or other passive recreation if prior approval is obtained from Resource Protection Services.”

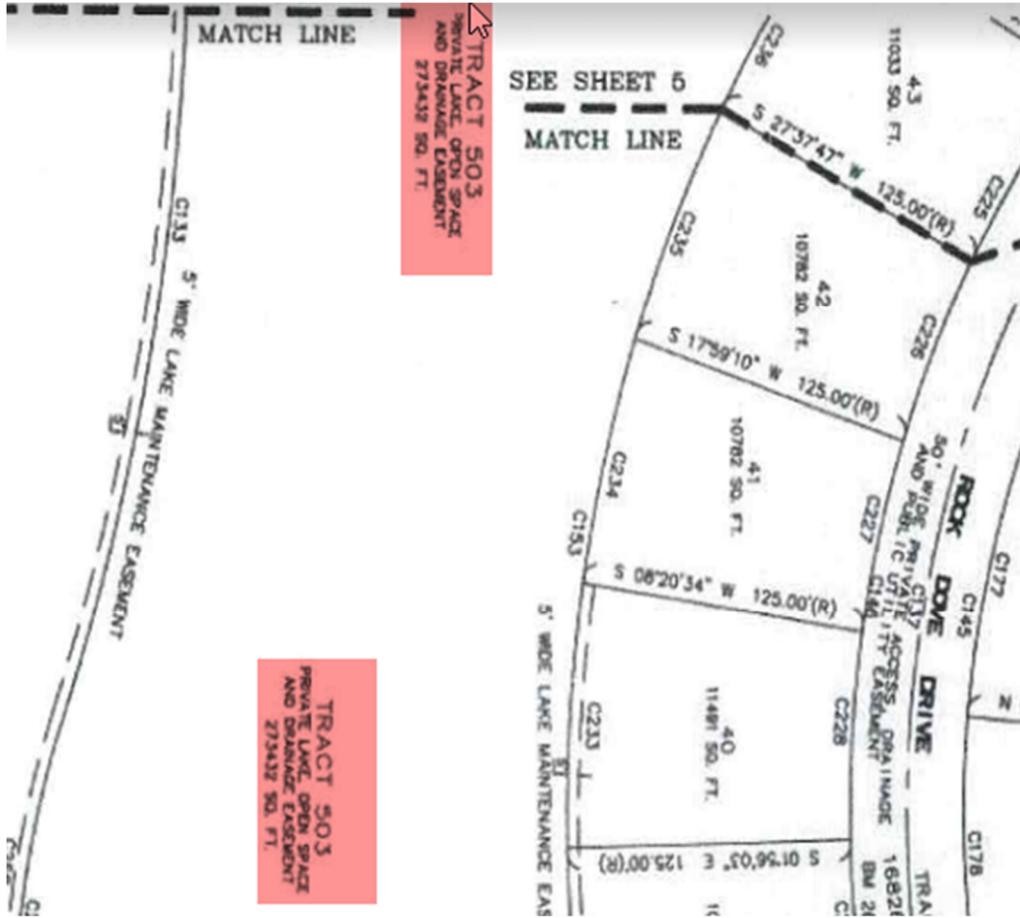
CONCURRENT CONSTRUCTION PLANS
FOR
RED HAWK RESERVE
SUBDIVISION
SECTIONS 7 & 8, TOWNSHIP 37 S., RANGE 19 E.
SARASOTA, FLORIDA

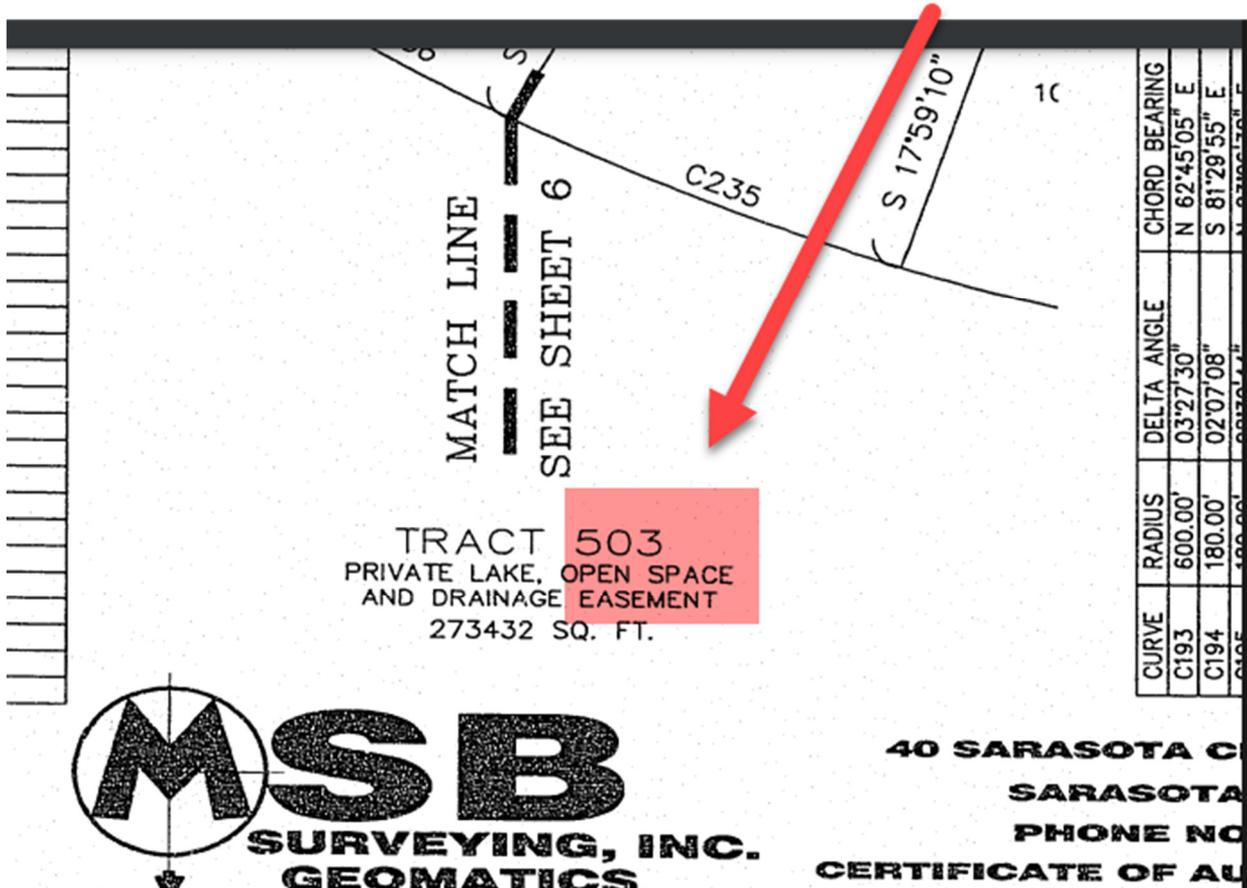


ORDINANCE 2001-053

11. The on-site wetlands and associated upland vegetative buffer shall be maintained as a preserve and labeled a preserve on all plans. All activities involving filling, excavating, removing of vegetation (including trimming of both trees and understory) and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from Resource Protection Services.
12. The limits of the on-site mesic hammock area needs to be flagged in the field and confirmed by Resource Protection Services prior to development plan submittal. Mesic hammock area not approved for removal shall be preserved. All activities involving filling, excavating, removing of vegetation (both trees and understory) and storing of materials shall be prohibited within preservation areas.
13. Native vegetation within proposed open space areas shall be conserved. All activities involving filling, excavating, removing of vegetation (including trimming of both trees and understory) and storing of materials shall be prohibited within open space conservation areas, unless written approval is first obtained from Resource Protection Services. Limited clearing may be allowed to accommodate nature trails, picnic areas or other passive recreation if prior approval is obtained from Resource Protection Services.

Further, the current recorded plat of RHR Tract 503 lists the area above as open space.





MSB Surveying certified phase I and II of RHR submitted maps that were used as our plat maps.

From: M S B <msb@msbsurveying.com>
 Sent: Wednesday, February 22, 2023 1:01 PM
 To: Maris Jaunakais <mjaukusa@msn.com>
 Subject: RE: Red Hawk Reserve Survey and Plat Phase II

Maris,

I just met with Mr. Britt. He has read all the emails you have sent. In this email Note #13 it states that you must get permission from Sarasota County Resource Protection Services when you are wanting to do anything in the "open area". He feels that with the information you have obtained that you or someone needs to go to them and state your case to them. If the HOA disturbs this area without their permission first, they could be fined and have to replant everything back....

Hope this answers your question and guides you in the right direction.

Thanks,

Sandy Britt Culpepper

Office Manager

WE HAVE MOVED

MSB Surveying, Inc.

536 Interstate Ct.

Sarasota, FL 34240

Ph: 941-341-9935



Branches
can
overlay in
water 6 to
10 feet.



