

RESOLUTION NO. 2026-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN SIMEON COMMUNITY DEVELOPMENT DISTRICT, ADOPTING RULES PERTAINING TO MAINTENANCE AND COMPLIANCE WITH THE DECLARATIONS OF RESTRICTIVE COVENANTS AND ENGINEERING CONTROL MAINTENANCE PLANS RELATING TO PROTECTION OF CONTAMINATED GROUNDWATER AND SOIL ON PROPERTY LOCATED WITHIN THE DISTRICT BOUNDARIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the San Simeon Community Development District (the “District”) is a local unit of special-purpose government organized and existing in accordance with the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended; and

WHEREAS, District entered into one (1) Declaration of Restrictive Covenants recorded on May 15, 2025, in Book 34758, Page 1589 of the official records of Miami-Dade County, which the District agreed to be responsible for the obligations described in the Engineering Control Maintenance Plan (“ECMP”) dated May 5, 2025, and also joined and consented to one (1) Declaration of Restrictive Covenant recorded on May 22, 2025, in Book 34769, Page 317 of the official records of Miami-Dade County, which the District agreed to be responsible for the obligations described in the ECMP dated October 4, 2024, and also entered into an assignment and assumption of four (4) Declarations of Restrictive Covenants recorded on July 26, 2019 in Book 31544, Page 2972, on July 16, 2020 in Book 32010, Page 2903, on October 9, 2019 in Book 31641, Page 4822, and on July 6, 2021 in Book 32601, Page 2511 of the official records of Miami-Dade County, accordingly, which the District agreed to be responsible for the obligations in the ECMPs dated July 3, 2019, May 5, 2020, October 7, 2019, and May 25, 2021, respectively, regarding the inspection and maintenance of properties within the District boundaries; and

WHEREAS, the District entered into an assignment and assumption and will join in and consent to two (2) additional Declarations of Restrictive Covenants, in substantial final form as they have not been recorded to date, which the District agrees to be responsible for the obligations in each DRC including the associated ECMPs, in substantial final form dated, December 14, 2022 and August 12, 2024, (hereinafter all Declarations of Restrictive Covenants are referred to collectively as “DRC” and all Engineering Control Maintenance Plans are referred to collectively as “ECMP”) for the inspection and maintenance of properties within the District boundaries; and

WHEREAS, the District has determined that based upon each respective DRC and ECMP, accordingly, the District will need to inspect and report on the condition of the lands within the boundaries of the District, provide notices to Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resources Management (“DERM”) and perform certain repairs, as may be necessary to stay in compliance with DRC and ECMP; and

WHEREAS, District has the need to enact reasonable rules and regulations to perform its obligations under DRC and ECMP regarding inspection and necessary repairs of properties within the District boundaries and ensuring compliance with the respective DRC and ECMP; and

WHEREAS, the District advertised a public hearing for November 14th, 2025, in order to hear and receive comments on the proposed District Rules pursuant to the requirements of Chapter 120, Florida Statutes; and

WHEREAS, after a duly advertised public hearing held on November 14th 2025, the District Board of Supervisors finds it to be in the best interests of the District to adopt the proposed Rules attached to this Resolution as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE SAN SIMEON COMMUNITY DEVELOPMENT DISTRICT, THAT:

Section 1. The above recitals are true and correct and are incorporated in and adopted as part of this Resolution.


Section 2. The Rules attached to this Resolution as Exhibit A, are hereby adopted by the District.

Section 3. The District Manager is hereby directed to distribute this Resolution as required by Chapters 120 and 190, Florida Statutes.

Section 4. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED THIS 14th DAY OF November, 2025.

ATTEST:

Signed by:

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Print name: Jesus Lorenzo
Secretary/Assistant Secretary

**SAN SIMEON COMMUNITY
DEVELOPMENT DISTRICT**

DocuSigned by:

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Print name: Teresa Baluja
Chairman/Vice-Chairman

Exhibit A

RULES FOR COMPLIANCE WITH DECLARATION OF RESTRICTIVE COVENANTS AND ENGINEERING CONTROL MAINTENANCE PLANS AS TO USE OF PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT

- (1) General. The San Simeon Community Development District (“District”) entered into a Declaration of Restrictive Covenant recorded on May 15, 2025, in Book 34758, Page 1589 of the official records of Miami-Dade County, which the District agreed to be responsible for the obligations described in the Engineering Control Maintenance Plan (“ECMP”) dated May 5, 2025 and joined and consented to a Declaration of Restrictive Covenant recorded on May 22, 2025, in Book 34769, Page 317 of the official records of Miami-Dade County, which the District agreed to be responsible for the obligations described in the ECMP dated October 4, 2024. The District entered into an assignment and assumption of four (4) Declarations of Restrictive Covenants were recorded on July 26, 2019 in Book 31544, Page 2972, on July 16, 2020 in Book 32010, Page 2903, on October 9, 2019 in Book 31641, Page 4822, and on July 6, 2021 in Book 32601, Page 2511 in the official records of Miami-Dade County, Florida, which the District agreed to be responsible for the obligations described in the ECMPs dated July 3, 2019, May 5, 2020, October 7, 2019, and May 25, 2021, respectively, affecting properties within the District boundaries and are attached hereto as **Composite Exhibit 1**. Each respective DRC and associated ECMP provide for the inspection, maintenance and reporting requirements regarding properties situated within the District boundaries. The District will conduct certain routine inspections of property within the District boundaries to ensure compliance with each respective DRC and ECMP, require notification by the individual property owners of any penetration of the engineering controls on their property and any interaction with groundwater and reporting to the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (“DERM”). Pursuant to the ECMP, the District is responsible for the maintenance of engineering controls, disclosing environmental conditions to prospective

contractors, retention of a Florida licensed professional engineer to oversee and document work performed below the engineering controls, and submit Source Removal Reports and Engineering Control Repair reports, as necessary, as described in DRC and ECMP.

The District entered into an assignment and assumption and will join in and consent to two (2) additional DRCs, in substantial final form as they have not been recorded to date, which the District agrees to be responsible for the obligations in each DRC including the associated ECMPs, in substantial final form dated, December 14, 2022 and August 12, 2024, (hereinafter all Declarations of Restrictive Covenants are referred to collectively as “DRC” and all Engineering Controls Maintenance Plans are referred to collectively as “ECMP”) for the inspection and maintenance of properties within the District boundaries and are attached hereto as **Composite Exhibit 2**.

- (2) Inspections. The District shall perform routine inspections under the direct supervision of a professional engineer on a quarterly and semi-annual basis in accordance with the requirements of the associated ECMP to determine compliance with ECMP. The property owners within the boundaries of the District shall permit the entry of the District personnel to inspect the respective property owner’s unimproved property in accordance of the associated DRC and ECMP. The property owner shall be notified by the District of the date and general time of the aforementioned inspections.
- (3) Notification. All property owners are required to be in compliance with the respective DRC. Each property owner shall inform the District, of the following:
 - (a) intention of digging holes or trenches which disturb or penetrate the engineering controls on the property owner’s property; and
 - (b) intention to interact with groundwater on the property owner’s property; and
 - (c) intention to move or reuse soil from property owner’s property in contravention of the DRC; and
 - (d) proof of permit issued by Miami-Dade County which provides for all requirements of DRC; and

- (e) notice of any violations received by Miami-Dade County/DERM regarding or arising out of the requirements of DRC.
- (4) Compliance. Pursuant to the requirements of the respective DRC, the District requires that individual property owners disclose the environmental conditions and requirements of DRC and ECMP to prospective contractors, engage a Florida licensed professional engineer to oversee and document work performed on their property, and provide all reports to the District, as required by associated ECMP.
- (5) Reporting. It is the responsibility of the District to notify DERM of any violations of DRC. If the District is made aware of any violations of DRC, the District will notify the property owner of said violations and advise the property owner to come into compliance therewith.
- (6) Maintenance. In the event of a failure of the property owner to comply with the requirements of the respective DRC, the District has the responsibility to bring the subject property into compliance, including under ECMP to repair and restore any damage to the engineering controls on the subject property, at the property owner's sole cost and expense. The property owner shall pay all such costs to the District within thirty (30) days of written notice sent by the District to the property owner at the address on file at the County property appraiser for the subject property. If the property owner fails to timely pay all such costs incurred by the District, the District may impose such costs on the property owner as a maintenance special assessment on the subject property.

Specific Authority: §§ 120.54, 190.011(5), 190.012(3), Fla. Stat.
190.012(3), Fla. Stat.

Adopted _____, 2025 (Resolution No.)

Composite Exhibit 1

Composite Exhibit 2

Certificate Of Completion

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Status: Completed

Subject: San Simeon: Complete with Docusign: 8-15-25 Minutes.pdf, Resolution 2026-01.pdf, Assignment and Assu

Source Envelope:

Document Pages: 102

Signatures: 9

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Ellen Acosta

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1001 Bradford Way

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eacosta@gmssf.com

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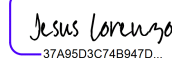
Jesus Lorenzo

jlorenzo@gmssf.com

Security Level: Email, Account Authentication
(None)

Signature

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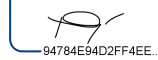
Teresa Baluja

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Chair

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Electronic Record and Signature Disclosure:

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In Person Signer Events

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Editor Delivery Events

Status

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Agent Delivery Events

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Intermediary Delivery Events

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Certified Delivery Events

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Payment Events	Status	Timestamps