

RESOLUTION BY THE BOARD OF DIRECTORS
OF THE LAKE OF THE WOODS OF JACARANDA HOMEOWNER'S ASSOCIATION, INC.
REGARDING REPLACEMENT, REMARKING AND/OR REMOUNTING OF
PERMANENT CONTROL POINTS (PCP'S)ALONG PRIVATE ROADWAYS

In response to a homeowner complaint by the owner of LOWLOJ022, the Board of Directors of the Lake of the Woods of Jacaranda Homeowners Association, Inc, hereby proffers the following course of action:

ORIGINAL HOMEOWNER COMPLAINT

Permanent Control Points (PCPs) on roadways, must be preserved or they need to be referenced and remonumented on the roadways you are resurfacing. How is this bring handled with the paving contractor? When property is transferred the surveyor will use these control points to reference the property corners. The surveyor who layed out our subdivision Raymond Brigham used PK nails and a disk with his registration number (2670) to monument the PCPs located in the roadway. I've attached pdf files of the plat book pages that clearly show the locations of the PCPs. I've also attached the Florida Statutes referenced by our County Surveyor. I'm sure you and all of the board members would want these important points preserved so future property transactions do not result in confusion and additional expenses to the property owners.

WHAT THE FLORIDA STATUTES SAY

177.121 Misdemeanor to molest monument or deface or destroy map or plat.—It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for any person to molest any monuments established according to this part or to deface or destroy any map or plat placed on public record.

177.031 If the location of the monument falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

PROFFERED RECOMENDATION BY THE BOARD

1. The PCP (permanent control point) survey markers on the private roads in ASSOCIATION were most likely damaged or removed long ago during prior road repair/resurfacing work. Based upon a cursory investigation by the BOARD and the Roads Committee, there do not appear to be any remaining visually identifiable PCP markers left on our private roads. This was verified by conducting spot walk-throughs at several locations within the ASSOCIATION prior to the re-paving project in January through March 2025. PCP markers are in place on the Lake of the Woods Drive, which is a Sarasota County road that was resurfaced in 2023. Numerous surveys have been conducted since the original roads were laid and those surveys do not appear to have relied on PCP nail/disk markers. This further suggests that they have been missing for many years (see attachment 1 showing an example of this).

2. The cost to replace, re-mark and/or re-monument all the numerous PCP locations (there are 100's) on ASSOCIATION private roads would represent a significant and potentially large cost to the ASSOCIATION that would result in an accordingly large special assessment on our MEMBERS.

3. When a property is bought or sold in the ASSOCIATION, the ordinary procedure for real estate and title preparation purposes is to use an existing survey, rather than creating a new one.
4. There are no new homes being built here for the foreseeable future, except in the case of a total loss. The only circumstance under which the PCP markers would likely be put to use in the future would be in the event of a property line dispute, expansion of a home's footprint, request for variance (setbacks/easements), complete home replacement, or a case where there is no usable survey in existence for a particular property.
5. Therefore, while the BOARD is aware that there would be a substantial cost involved in replacing all of those PCP markers, there is very little benefit to the ASSOCIATION to be gained from the expense involved to replace, re-mark, and/ or re-monument all of the PCP's at this time.
6. The Board of Directors recognizes that, should a new survey of a platted property become necessary, there would be a cost to replace, re-mark, and/or re-monument the PCP locations adjacent to that lot. In such a case, the HOA assents to pay the cost to replace, re-mark and/or re-monument PCP locations on any private street in LOWOJ on an as-necessary basis, if it is deemed that such replacement, re-marking and/or re-monumenting of the PCP locations would be necessary to enable such a survey of a single lot to be conducted. However, any ASSOCIATION payment for such replacement, re-marking, and/or re-monumenting shall require that the requesting homeowner provide the BOARD with clear and compelling documentation that the PCP nail/disk markers would be necessary for a surveyor to complete a survey and, thereby, represent a demonstrated need. Any such documentation provided shall be reviewed by the Board of Directors and a decision will be provided to the homeowner regarding its acceptability.

The BOARD believes that this resolution will prevent any ASSOCIATION homeowner from incurring undue expenses related to the need to conduct a new survey in those instances, while also limiting the potential for incurring a large expense that would necessarily have to be passed on to all ASSOCIATION MEMBERS in the form of a special assessment.

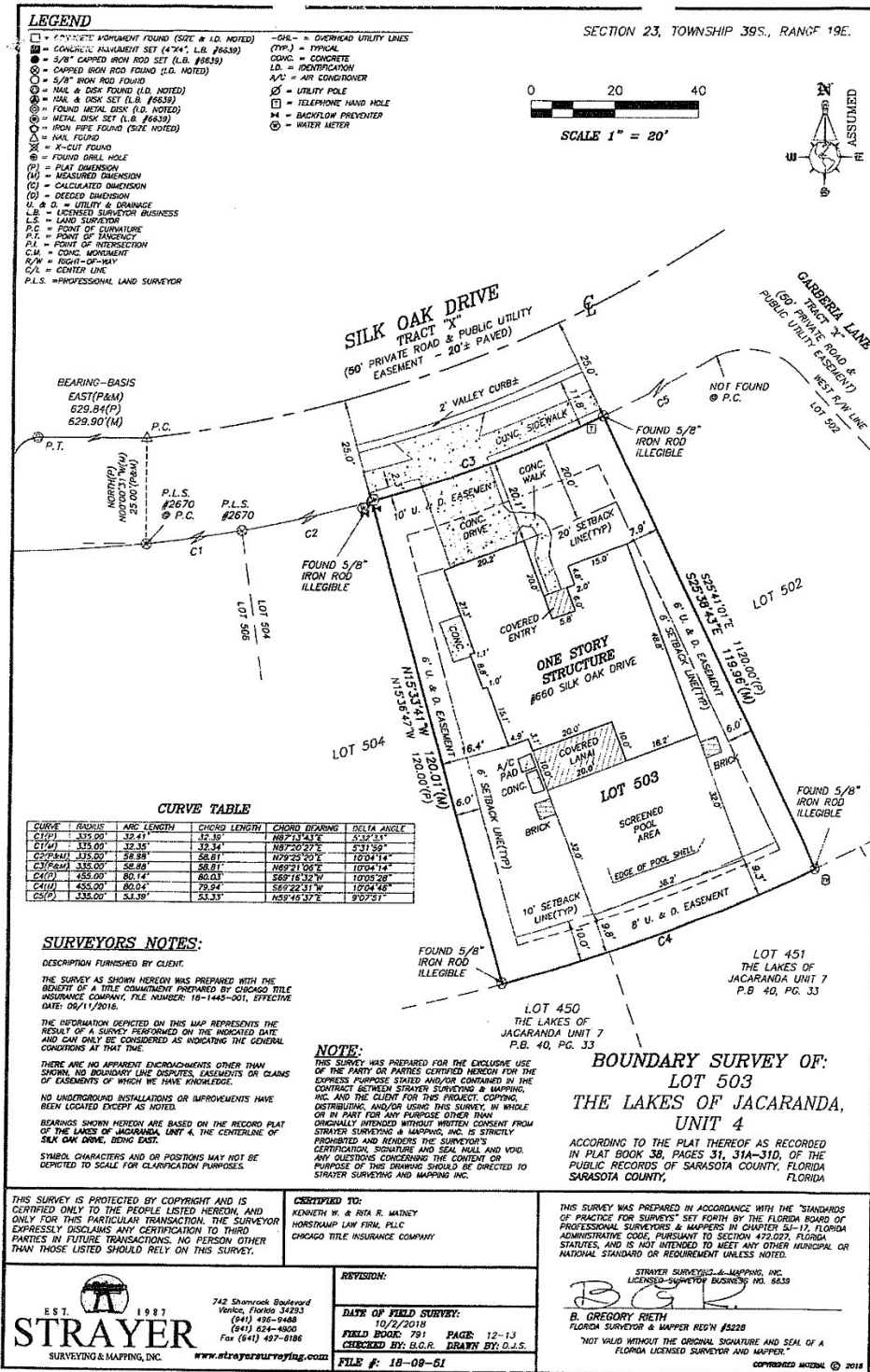


Figure 1: Example of Survey from 2018 showing lack of reliance on PCP's