

SECTION 8 LANDSCAPING

8.1 GENERAL

It is the general policy of the District not to allow any landscaping to be planted or maintained within any of the District's rights-of-way or easements or within 20 feet from the edge of any body of water as measured from the control elevation. It has been determined by the District that the placement of landscaping within the District's rights-of-way, easements or reservations may be detrimental to the storage/flowage of stormwater throughout the District water management facilities and may also cause damage to the District's facilities or impede the maintenance of the facility. The owner should be aware that certain landscaping is protected under the rules of the Broward County Department of Planning and Environmental Protection. In addition, certain approvals may be required prior to the removal of the landscaping instructed by the District. The owner will be responsible for all costs involved in obtaining the approvals.

8.2 LANDSCAPING LOCATED IN RIGHTS-OF-WAY DEDICATED TO THE DISTRICT

The District may remove any landscaping that is deemed to be detrimental to flowage of water or may impede the District's ability to maintain the adjacent water body or which the District determines may cause damage to the District's facilities. If the District determines that landscaping placed within a right-of-way or easement is detrimental to the District's facilities, the District shall notify the adjacent property owner, person or agency that placed the landscaping in said area and allow thirty (30) days for the landscaping to be removed. Should the landscaping not be removed within the thirty (30) day period, the District will remove the landscaping; and the cost associated with the removal shall be the responsibility of the person or agency responsible for the landscaping.

8.3 LANDSCAPING LOCATED WITHIN EASEMENTS OR RIGHTS IN RESERVATIONS

Any landscaping located within easements or rights in reservations is the responsibility of the fee simple owner of the property to remove. If it is determined by the District that landscaping within an easement or rights in reservations restricts the District's use of the easement or rights in reservations, the District shall instruct the property owner, by written notification, to remove the landscaping and allow thirty (30) days for the said removal. If the property owner does not remove the landscaping within the thirty (30) day period, the District will cause the landscaping to be removed; and the cost of which will be the responsibility of the property owner.

8.4 PAYMENTS TO DISTRICT FOR LANDSCAPING REMOVAL

After a property owner has been given an appropriate time to remove landscaping and has failed to do so and the District subsequently removes any landscaping that the property owner has been provided with the opportunity to remove, the District will submit a bill to the property owner for costs incurred by the District. If the costs are not paid to the District in full within thirty (30) days after said notice is mailed to the property owner, the District will place a lien on the property owner's property by filing a claim of lien in the Broward County Clerk's Office. Said lien is to include all costs incurred by the District including attorney fees incurred in having to place a lien on the property and in foreclosing on the lien. A copy of the lien will be mailed to the property owner, and if not paid within thirty (30) days after mailing, the attorney for the District will commence foreclosure proceedings to recover all costs incurred by the District including attorney fees.

8.5 APPROVAL BY DISTRICT TO PLACE LANDSCAPING IN EASEMENTS OR RIGHTS-OF-WAY

Notwithstanding the foregoing, the property owner may request approval from the District to plant landscaping on the District's easements or rights-of-way. A complete landscape plan showing the proposed landscaping shall be submitted to the District for approval. The property owner requesting the landscape planting shall enter into an agreement with the District that

indemnifies and holds harmless the District from any and all damage that may be caused by the landscaping to the property or any and all damage that the District causes to said landscaping. The property owner that requests the landscaping shall be responsible at all times for the maintenance of the landscaping to the satisfaction of the District. If the District requires the use of the property on which the landscaping is planted, the property owner or person that planted the landscaping shall promptly remove it upon request of the District. If the landscaping is not removed within the time allotted by the District, the District will remove the landscaping; and the property owner will be responsible to the District for the cost of the removal. The District will not be responsible for any damage caused during the removal.

8.6 REMOVAL OF LANDSCAPING BY THE DISTRICT

Notwithstanding the foregoing provisions, the District reserves the right to remove, without notice, any landscaping or portion of landscaping that the District Director or other District personnel are of the opinion must be removed to maintain drainage throughout the District or to protect the health, safety and/or welfare of the property owners and residents of the District.

The District does not assume and specifically disavows any liability for any damage that may be caused by any landscaping which falls within or outside rights-of-way, easements or rights in reservations located within the District's boundaries.