

Oak Forest Villas - North Property Report

September 18, 2024

Residents have been concerned about the northern undeveloped property. Issues of maintenance and nuisance attraction (unhoused individuals camping there) are among the concerns.

Having received complaints from a neighbor, Ms. Kathryn Cosentino, about trespassers on the northern property, the board has worked with the Sarasota County Sheriff's Office Homeless Outreach Team on multiple occasions to check the property and remove individuals.

The board has concerns about unauthorized persons being on the property as well as acreage of underbrush and invasive red pepper plants and the liability this may present to the Association.

Signage has been placed indicating that this is private property. The board has received estimates on repairing a fence, with a gate for utility access, on the north border running from the Cosentino property west along Jamaica Street, as well as fencing on the east border. Some clearing of the property is necessary to be able to erect the fence. Because a fence was previously in these locations, the attorney's opinion is that this is considered repair and doesn't require owner vote as a substantive change.

Tom Ward, John Wesley White and Linda Bardach met on February 20, 2024 to review old architectural maps/drawings of the area and to obtain Mr. White's remembrances of the history of Oak Forest. It appears the approximately 3 acres was designed to serve as a drainage area for the developed property to the south where the condo units were erected. The property includes right of way for the county to the sewage lift station, accessible from the west, and telephone utility right of way along the east. Water from a creek runs through the property. Water appears to feed into a lake on Ms. Cosentino's property, and from Red Bug Slough.

Several conservation groups have been contacted about accepting the property as a gift. Before considering investigation of the gifted property, the Association must show evidence of the ability to have the area be considered a separate parcel by the county, and possibly be able to provide stewardship endowment funds. Separating the property is an ownership issue that was taken to our attorney and a vote of owners would be necessary. The county itself has not been accepting parcels of this size for some time. Ongoing endowment funding is probably not acceptable to owners.

Based on the information obtained to date, as well as opinions and feedback from community members, the board decided at its meeting on May 16, 2024 to move forward with the repair of a fence on the northern border with Jamaica Street, and to investigate the cost of bushhogging the property to reduce fire damage. Estimates for these have been obtained and are being considered as part of the budget process.

On August 15, 2024, the association's attorney, Cindy Hill of Tannenbaum, Lemole & Hill, provided the following information regarding the possibility of dividing the property:

"The only real property that the County Property Appraiser's website shows the Association owning is the Association's Common Element property. So, the approximate 2 acres of drainage/undeveloped property you mention below must be part of the Common Elements.

Pursuant to the Condominium Act, all of the Unit Owners in the Association own, as an appurtenance to their Units, an undivided share in the Common Elements. As a result, the Association cannot sell or donate any part of the Common Elements without the approval of all (100%) of the Unit Owners and any lienholders on their Units.

So, unless you think that the homeless problem is such that all Owners in the community would agree to remove that approximate 2 acres from the Common Elements to either sell or donate it, I cannot advise that the Association pursue this idea."

The Board feels that this vote would be impossible as 100% of unit owners plus lienholders (mortgage carriers, etc.) is not realistically attainable.

The Board will continue to pursue repair and maintenance possibilities as funding allows.