

# AUTUMN WOODS COMMUNITY ASSOCIATION, INC. (AWCA)

## TROPICAL STORM AND HURRICANE PLAN



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**July 17, 2022**

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## INTRODUCTION:

This plan outlines community-specific actions to be taken in the event of an impending tropical storm or hurricane. Collier County Emergency Management is an excellent resource for individual and community-wide information and guidance—before, during and after a tropical storm, or hurricane. The following link address provides connection to the county’s emergency management web page: <https://www.colliercountyfl.gov/government/county-manager-operations/divisions/emergency-management>

Additionally, Collier County Emergency Management publishes an All-Hazards guide that is a very helpful reference that should be a part of an individual’s emergency plan materials:

<https://www.colliercountyfl.gov/government/county-manager-operations/divisions/emergency-management/collier-all-hazards-guide>

An Emergency Contacts list provided by the county is in Appendix I and maybe helpful.

This document is organized in a question-and-answer format to provide information. The property manager also has an action plan specific to actions needed to be taken on behalf of the AWCA. AWCA refers to the Autumn Woods Community Association, Inc., which is used in this document and is synonymous with the term “Master”. The three neighborhoods in the community include Cedar Ridge (Condominiums—88 units); Maple Brooke (110 single-family attached villas); and Oak Hollow Mahogany Run (350 detached single-family homes). There are a total of 548 residential units within the community. The roadways, drainage system, irrigation distribution system, community recreation facilities, preserve areas, and security gates/walls/fences in the community are the responsibility of the AWCA for operation and maintenance. The neighborhood associations have differing degrees of maintenance responsibility over the lots/property within their respective neighborhoods.

The recommended actions outlined in this plan will be used to guide our community (AWCA) response if any of the following conditions are present:

- 1) Collier County and Autumn Woods Community are placed under a “Hurricane Watch”.  
Or “Hurricane Warning.”
- 2) A storm is approaching and, in the judgement of the AWCA Board of Directors or AWCA Management based on guidance from the Collier County Emergency Management, the time for hurricane storm preparation has been reached.

Upon any of the above conditions, the property manager, in coordination with the AWCA BOD, will take actions to help with preparedness, promote safety among AWCA residents, mitigate association property damage and damage related costs, and aid in recovery after a tropical storm or hurricane event.

### STAY VS. GO DECISIONS FOR RESIDENTS:

If there is a mandatory evacuation order for residents, Collier County Emergency Management will broadcast this information thru local media outlets and through their web page. Ultimately, the decision to stay or go should be based on guidance received from Collier County Emergency Management Officials. The community property manager will plan to provide supplemental messages to the community via email blasts based on information received from Collier County Emergency Management, and the primary source of information should be local news outlets that receive their information from Collier County Emergency Management.

RESIDENT PREPARATIONS BEFORE THE EVENT: If Collier County is in the projected direct path of a tropical storm or hurricane, you should begin to follow your personal plan which should include, at a minimum, the following elements:

1. Review your plan and make sure you have a hard copy (i.e. if electricity is out) of the latest all hazards guide from the county that provides useful information (<https://www.colliercountyfl.gov/government/county-manager-operations/divisions/emergency-management/collier-all-hazards-guide>).
2. Begin monitoring local news & weather broadcasts.
3. Update your contact information with the Association.
4. Review your insurance policy for your residence.
5. Videotape your property and belongings.
6. Always have all necessary medications with you.
7. Charge your electronics, specifically, cell phones.
8. Have cash on hand.
9. When evacuating, shut off water.
10. Close doors/windows and put-up hurricane shutters.
11. Secure outdoor furniture, toys and objects that could become projectiles.
12. Prepare your vehicle, obtain gas, check tires, etc.
13. If staying, be sure to have ample nonperishable food supplies and water for a minimum of 3 to 5 days in the event of power loss, or access is impeded.
14. Monitor county and community guidance regarding recovery (i.e., debris removal/placement, curfew, access/driving restrictions, water/wastewater conservation, emergency services, gas availability, other services).

PREPARATIONS BY THE AWCA:

1. Monitor communications from Collier County Emergency Management and broadcast applicable communications to community via email.
2. Cancel scheduled clubhouse events, as applicable.
3. Secure pool furniture, lifesaving equipment and other possible projectiles, as applicable on AWCA property.
4. Turn off irrigation and aeration systems, as applicable.
5. Secure entry gates.
6. Install storm shutters on clubhouse and gatehouse.
7. Coordinate with pool company to super chlorinate and leave pumps running.
8. Coordinate with vendors (debris removal, landscape, irrigation, security, gate, sidewalks, and pool service) on their response availability.

MITIGATION BY THE AWCA:

1. Annual trimming of hardwoods and palms (complete by end of July). Work with neighborhoods on establishing annual tree trimming programs, too.
2. Strengthen community buildings/facilities (consider impact glass, hurricane/security screen, closed cell spray foam insulation, generator for buildings/lift stations).
3. Maintain community facilities, tracts, and properties in good working order:
  - a. Keep vegetation trimmed off walls and fences.
  - b. Keep preserves and other AWCA tracts/properties free of exotics.
  - c. Review preserve areas/tracts for tree conditions every 3 months (i.e., dead trees that could threaten pathways, properties, and buildings should be removed).
  - d. Maintain Gordon River Canal Easement (mow, trim trees, and coordinate with CC Stormwater Department on keeping water surface clear of debris).
  - e. Maintain storm water control structures and keep clear of debris (inspect/clean/clear every 3 months): control structures found in lakes 11, 10, 8, 1, and 3). Main community outfall control structure is in Lake 3 and discharges into the Gordon River Canal.
  - f. Desilt a portion of the Stormwater pipes annually (i.e., establish program to clean out pipes and inlet boxes, so each pipe inlet is cleaned/inspected once every 5-10 years).
  - g. Maintain a debris staging plan within the FPL easement along Goodlette-Frank Road to allow staging of community debris in the event Collier County solid waste suspends acceptance of horticultural waste, as occurred after Hurricane Irma (Appendix D).
4. Review Tropical Storm and Hurricane Plan annually and communicate the plan/updates to the community.
5. Develop a Property Manager's Operations Plan to establish maintenance standards for AWCA facilities.

## Hurricane Questions and Answers:

### 1. What to expect after a hurricane?

Each hurricane is different (size, travel speed, center of circulation wind speed, storm surge, contributing rainfall, and location of land fall), so the impacts can vary as a result. Recent hurricanes directly impacting Collier County include: 1992 Andrew (95 mph in Naples); 2004 Charley (115 mph); 2005 Wilma (121 mph); and 2017 Irma (130 mph on Marco Island).

For the Autumn Woods Community (established in 1997), Charley, Wilma and Irma were hurricanes we experienced and from which we have learned how to better prepare for future storms. Irma was the most recent and its impacts to our community included: extensive tree damage, some roof/soffit damage, extensive fence damage caused by fallen exotic vegetation, minimal perimeter wall damage due to its recent replacement, sidewalk and irrigation damage caused by uprooted trees, minor street flooding caused by rainfall in the north end of the community, preserve area damage to trees, entry gate damage, and streets blocked by fallen trees. Autumn Woods did not experience any storm surge effects by this hurricane. Our community was fortunate to not have experienced a long-term power outage (we were out of power less than 4 hours) like the rest of the county experienced. Power outages countywide impacted area businesses and led to difficulties with food shopping in the days after the storm. Also, the county water/wastewater system was impacted by the lack of power. We were on a boil water notice due to a few countywide system line breaks and low pressure. The countywide sewer system was overwhelmed, though the Autumn Woods two sewer pump stations continued to work because of the available power to our community. Gasoline shortages were an issue countywide. Garbage collection resumed 9 days after the hurricane. Piles of debris was a significant issue countywide and, in our community, stacked debris was a problem blocking gutters/drainage pipes, obscuring driving sight lines, and blocking sidewalks/roads. Autumn Woods has not experienced the direct hit of a category 4 or 5 hurricane which would most likely cause more damage due to the higher winds, heavier rains, and possible storm surge.

## 2. What will the AWCA do immediately after a hurricane?

AWCA (aka Master Association) will triage the situation and commit resources where they are most immediately needed. Each tropical storm or hurricane is different and brings a different set of challenges. In the immediate aftermath of a major event, community resources are scarce since our vendors may have sustained personal damage and because county roadways may be impassible. In the case of Irma, clearing the community's roads and sidewalks was very important because of so many downed trees. Immediately after the storm the priority was to allow initial one-way traffic flow and then improve conditions as resources and time permitted (i.e., open the roadway completely, clear sidewalks, and clear the right of way). Community members personally helped open lanes of traffic in the immediate aftermath using their personal equipment. The AWCA vendors then cleared the streets further to permit 2-way traffic and open sidewalks up. In addition, the roadway gutters were kept clear of debris to permit the drainage system to function. Another community priority was to reestablish the security system. The AWCA assessed and began to repair community facilities, including fix entry gates and perimeter walls/fences; assess preserve areas; clear debris from community properties/tracts; remove hurricane shutters from community buildings; repair irrigation lines damaged by uprooted trees; make Clubhouse and Guardhouse building/roof repairs; repair sidewalk damaged by uprooted trees; remove debris from community property; trim/cut/stump grind community trees; and restore the community pools.

## 3. Who is responsible for the sidewalk repairs even if damaged by an owner's tree?

The AWCA maintains the sidewalks throughout the community and will mark damaged sidewalks as soon as possible after a storm and address repairs based on available resources. The AWCA typically would take care of replacing damaged sidewalk.

## 4. What irrigation lines will the AWCA have repaired?

The AWCA will repair damage to the **AWCA** irrigation system. From the main irrigation valve in each homeowner's front yard to the main pumps is the responsibility of the AWCA (i.e., at the shutoff valve to each individual property). The valve itself and irrigation lines, valves, and fittings on the other side of the shutoff is the responsibility of the homeowner (or in the case of Maple Brooke and Cedar Ridge, the neighborhood association).

5. My tree has fallen and is blocking the road. Who is responsible?

Individual property owners are responsible to clear their trees that have fallen into the right of way and are blocking the street or sidewalk. In the case of Irma, due to the emergency circumstances, the AWCA decided to clear the roadways and sidewalks that posed a hazard to the community that had not been removed by the property owners. The AWCA was either reimbursed by the individual property owner or the individual property owner paid the vendor directly to clear such debris, as applicable. The AWCA removed and cleared debris on AWCA property.

6. My tree fell and is blocking my neighbor's driveway or is leaning on their house or has damaged their roof. Who is responsible?

If the tree was dead, diseased, or damaged prior to the storm, you are responsible for any damage caused by the tree falling and the cost of removal. If the tree was healthy prior to the storm and was taken down by the storm, the responsibility for any damage caused by the downed tree lies with each affected homeowner. Each owner is responsible for removing that portion of the tree that is on their individual property (See Appendix E).

7. I have one of my neighbor's trees leaning into my property and just over my roof. What do I do and who is responsible?

You are within your rights to remove the portion of the tree over your property which is posing a clear and present danger. It is advisable to coordinate and communicate with your neighbor and to take pictures before acting (See Appendix E).

8. The lake behind my house has risen and may flood my yard or lanai area. Who is responsible?

The stormwater management system in Autumn Woods is designed to detain rainfall events as required by county and state codes. Our lakes are interconnected with underground pipes and the lake water levels will rise in elevation when it rains, since the lakes are designed to store most of the runoff and rainfall. Our preserve areas will store received rainfall, too. Most properties on the lakes have lake maintenance easements and it is within these areas (i.e., lake bank slopes) where the lake levels will rise first. Our yards may also store or absorb the rainfall. A 100-year storm (sometimes the rainfall amount received in a hurricane or tropical storm) may cause street flooding or water to overflow into a garage/lanai. The idea is for the finished floors of our residences to not flood due to rising water caused by rainfall events. We have an outfall pipe and control structure that discharges into the Gordon River Canal extension (SE

corner of the property—on Lake 3) and it is designed to detain stormwater up to a 25-year storm event. Damage to items placed in the areas of expected water rise would be the responsibility of the individual homeowner. Likewise, flooding caused by rising flood waters would be the responsibility of the individual homeowner. Most homeowners in Autumn Woods are not required to carry flood insurance but carrying flood insurance is worth considering as an added protective measure. The AWCA is responsible to maintain the community stormwater management system in accordance with the state and county issued permits, with which we comply.

#### 9. What about a storm surge?

A storm surge, which we have not experienced in Autumn Woods from past hurricanes, would come from the Gulf or surge up from the Gordon River Canal. A storm surge can occur when a hurricane makes landfall and causes a wall of water to rush inland with water depths of 8 to 10 feet above existing ground elevations. High storm surge estimates are based on a hurricane making landfall at high tide and the wind circulation pushing the water landward from the Gulf. The storm surge concern is a prime reason why evacuations would be contemplated by the Collier County Emergency Management in the event a Category 3 to 5 hurricane was expected to make landfall in Collier County.

#### 10. Flying limbs from a neighboring or community property have damaged my property. Who is responsible?

If the damage occurred from limbs flying off healthy trees due to the storm, then you the homeowner would be responsible for what came from your neighbor, or the community property.

#### 11. I lost \$300 worth of food due to a power outage. Who is responsible?

You as the homeowner are responsible. As part of your hurricane response/evacuation plan, consideration of removing perishables from the refrigerator/freezer should be factored.

#### 12. Who removes all the downed limbs from my yard?

Individual homeowners are responsible for cleaning their yards after a storm. In the case of Irma, Collier County advised homeowners that the county could not accept debris immediately after the storm and recommended piling debris in the right of way for future collection. Normally, yard service providers haul off the debris so that it does not sit in the right of way; however, due to the county's directive after Irma, piling the debris in the right of way was necessary. When piling debris, it is important to **not** place it in the street, on the sidewalks and or in

the valley gutters (concrete curb along the side of the asphalt pavement). The valley gutters are an important part of our drainage system for our roads and should not be blocked with debris. In piling the debris in the right of way, the county does not permit putting debris in plastic bags since the waste will eventually go to a horticultural landfill which needs to be free of plastics that do not decompose. In the case of Irma, the AWCA ultimately had the debris removed from our right of ways and placed in the FPL easement that is AWCA property. We had to secure special approval from FPL to permit this and it included many restrictions (limitation of debris pile heights, separation from power poles, etc.—See Appendix D). This intermediate staging was done to remove the piled debris from the right of ways to address safety concerns of blocked driveways, sidewalks and pedestrian views, and obstructed water flow into the drainage pipes. Collier County ultimately removed the piled debris from the FPL easement. Based on several factors, Irma was a geographically large storm and Collier County Waste Collection had been inundated and could not respond to AW for several weeks, initially indicating it could possibly be months (See Appendix F thru H). The mounting debris presented serious fire and other hazards. The cost of this removal was factored into the hurricane Special Assessment.

13. My pool cage is a mess from falling trees that are from my neighbors' and common property. Who is responsible for the cleanup and repair?

If the trees were healthy prior to the storm, the homeowner is responsible for tree removal and repairing any damage to their pool cage.

14. My view been destroyed due to fallen trees from common property and neighbor's property. What will be done to restore my view?

Based on the amount of funds including any special assessment, the AWCA will make every effort to restore common areas after a storm. This may not be an immediate effort as widely damaged areas make take several years to reestablish.

15. Who is responsible for removing the massive piles of brush next to the roads and everywhere else?

Collier County is responsible. However, in the case of Irma, the AWCA had the debris removed for safety reasons and staged in the FPL easement along Goodlette-Frank Road, where Collier County ultimately picked it up from the consolidated debris piles (See Appendix D, F thru H).

16. Will sewer water back up into my home after a hurricane?

If we have an extended power outage, the sewer pump stations within our community will not be working because they are on the same power grid our homes are on. Our sewer water will collect in the sewer pipes under our streets and may eventually back up into our homes (usually noticed in a shower drain first—lowest point). If our electricity is working, and our pump stations are functioning, we will not likely have a sewer back up in our community. The sewer pump stations have check valves, so that once sewer water is pumped out, it will not flow back into the pump station. The county also has portable generators that they hook up to the pump stations, so they can pump down the gravity collection system within the community. With hundreds of pump stations in the county, it is difficult for the county wastewater collections staff to keep up when rotating generators to the pump stations throughout the county. One measure an individual property owner can do to prevent a sewer back up is to install a “sewer popper” in the sewer cleanout at your home. A “sewer popper” is a simple device that releases sewage outflow outside the house, instead of inside the house. It screws into most existing cleanouts and can be purchased at Lowes, Home Depot, Amazon, or plumbing stores for around \$30. (Refer to Appendix A, for Sewer Popper Specification Sheet).

17. Why did the county request residents reduce water consumption immediately after the hurricane?

Immediately after the hurricane, the county may have a reduced treatment capability for water and wastewater, so conservation measures make sense. With widespread power outages, reducing water demand reduces sewer demand which would minimize sewer backups.

18. Should we boil our water after a hurricane, due to contamination?

Immediately after a hurricane, the county may reduce system pressures or line breaks may reduce system pressures. As a result, the county may issue a mandatory boil water notice until they system pressure is restored, repairs are made, and water samples confirm no contamination has entered the potable water system. Autumn Woods water and sewer service is provided by Collier County, so it is important to monitor the Collier County Emergency Management messages regarding water and sewer service. **Please note that the City of Naples operates a separate water/sewer system, and such notices from the City of Naples would not be applicable to Autumn Woods.**

19. Autumn Woods experienced a power outage lasting just a few hours during Irma and would this be the norm to expect in future events?

We were fortunate to have experienced a short power outage after Irma as compared to the rest of Collier County, but we should not have that expectation with future storms. Countywide, power outages were widespread and lasted many days, sometimes weeks. After Hurricane Wilma, Autumn Woods was without power for several days, so we should prepare to experience extended power outages after future storms.

20. Why doesn't the community have a reserve budget to cover hurricane recovery costs?

The AWCA has not included a reserve budget to cover hurricane recovery costs, because the impacts of tropical storms or hurricanes are very unpredictable. One of the best measures to reduce possible hurricane recovery costs is to mitigate against such damage through maintenance measures. These measures include annual trimming of hardwoods and palms (AWCA tracts/property/buffers, neighborhoods, and individual properties); annually desilting storm sewer pipes; and strengthening community buildings (impact glass; protective screens; closed cell spray foam insulation, etc.). Additionally, the State of Florida has an Emergency Powers statute (FS 720.316) which permits levying special assessments to cover the unforeseen expenses created by a hurricane.

**Individual homeowner insurance policies may have a provision to cover special assessments caused by such an emergency (i.e., loss assessment). You should review your individual homeowner policy or verify with your insurance company on whether you have such coverage, or if it is available.** The AWCA did pass such an assessment in response to Hurricane Irma and the resolution and budget document are provided in Appendix B and C as examples to guide a future AWCA BOD in the event the need arises.

APPENDIX A—SEWER POPPER SPECIFICATION SHEET

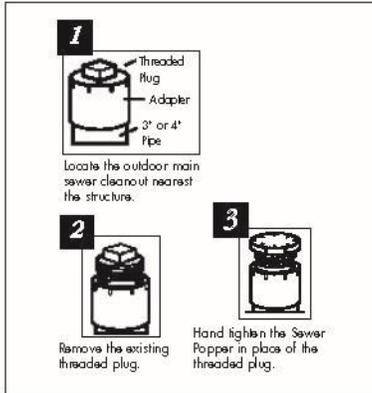
# SPECIFICATION SUBMITTAL SHEET

JONES STEPHENS CORPORATION

## SEWER POPPER™ CLEANOUT AND RELIEF VALVE

specification submittal sheet

PART NO. S62-304



- Automatic pop-up releases sewage overflow outside the house
- Prevents thousands of dollars in property damages
- Eliminates health hazards associated with sewage overflow
  - Vandal- and tamper-resistant center
  - Threaded for 3" or 4" pipe or tapped adapter
  - Constructed of white PVC
- Threaded unit can be used with PVC or ABS tapped adapter
  - For cast iron pipe, use standard no hub clamp
- Meets Southern Building Code Section 301.10, Principle No. 10
  - Patent No. 5,209,257

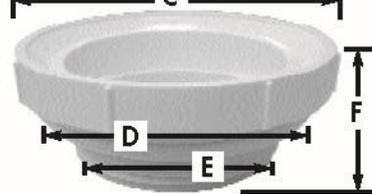
• SEE THE JONES STEPHENS CATALOG FOR MORE INFORMATION ON THIS AND OTHER ITEMS.



**A (OVERALL HEIGHT)**  
3 1/2"



**B (TOP OF POPPER)**  
4 5/8"



<b>C (TOP DIMENSION)</b>	<b>D (WIDTH OF THREADS)</b>	<b>E (WIDTH OF THREADS)</b>	<b>F (HEIGHT)</b>
5"	4"	3"	1 3/4"

3249 Moody Parkway • Moody, Alabama • 205•640•7200 • Toll Free 1•800•35•JONES  
 Fax (205) 640-7070 • Toll Free Fax 1•800•462•6991  
 www.plumbest.com

APPENDIX B—AUTUMN WOODS RESOLUTION 2017-001

**AUTUMN WOODS RESOLUTION NO. 2017-001**

**RESOLUTION OF THE AUTUMN WOODS COMMUNITY ASSOCIATION, INC. IN  
RESPONSE TO DAMAGE CAUSED BY AN EVENT FOR WHICH A STATE OF  
EMERGENCY IS DECLARED AND PLANS TO EXERCISE ASSOCIATION EMERGENCY  
POWERS IN ACCORDANCE WITH FLORIDA STATUTE (FS) 720.316 .**

WHEREAS, Governor Rick Scott of the State of Florida declared a" State of Emergency" in every county in the state on September 4, 2017 by Executive Order 17-235 due to the threat of Hurricane Irma

WHEREAS, the Collier County Board of County Commissioners declared a" State of Local Emergency" on September 6, 2017 by Resolution 2017-144 due to the threat of Hurricane Irma;

WHEREAS, Hurricane Irma made a landfall in Collier County on September 10, 2017 and caused damage to utilities, community/residential buildings, streets, sidewalks, drainage systems, natural areas, recreation areas, landscape areas and perimeter walls/fences within the Autumn Woods Community;

WHEREAS, the recorded declaration or other recorded governing documents of the Autumn Woods Community Association, Inc. do not prohibit or specify actions in response to damage caused by a declared emergency;

WHEREAS, FS 720.316 Permits the Autumn Woods Community Association, Inc. to exercise the following relevant emergency powers:

- (a) Conduct board or membership meetings after notice of the meetings and board decisions is provided in as practicable a manner as possible, including via publication, radio, United States mail, the Internet, public service announcements, conspicuous posting on the association property, or any other means the board deems appropriate under the circumstances.
- (b) Cancel and reschedule an association meeting.
- (c) Designate assistant officers who are not directors. If the President is incapacitated or unavailable, the Vice President has the same authority during the state of emergency as the President.
- (e) Enter into agreements with Collier County to assist with debris removal.
- (f) Implement a disaster plan before or immediately following the event for which a state of emergency is declared, which may include, but is not limited to, turning on or shutting off electricity; water, sewer, or security systems; or air conditioners for association buildings.
- (g) Based upon the advice of emergency management officials or upon the advice of licensed professionals retained by the board, determine any portion of the association property unavailable for entry or occupancy by owners or their family members, tenants, guests, agents, or invitees to protect their health, safety, or welfare.
- (h) Based upon the advice of emergency management officials or upon the advice of licensed professionals retained by the board, determine whether the association property can be safely

**AUTUMN WOODS RESOLUTION NO. 2017-001**

inhabited or occupied. However, such determination is not conclusive as to any determination of habitability pursuant to the declaration.

(i) Mitigate further damage, including taking action to contract for the removal of debris and to prevent or mitigate the spread of fungus, including mold or mildew, by removing and disposing of wet drywall, insulation, carpet, cabinetry, or other fixtures on or within the association property.

(j) **Notwithstanding a provision to the contrary, and regardless of whether such authority does not specifically appear in the declaration or other recorded governing documents, levy special assessments without a vote of the owners.**

(k) Without owners' approval, borrow money and pledge association assets as collateral to fund emergency repairs and carry out the duties of the association if operating funds are insufficient. This paragraph does not limit the general authority of the association to borrow money, subject to such restrictions contained in the declaration or other recorded governing documents.

WHEREAS, the authority granted is limited to that time reasonably necessary to protect the health, safety, and welfare of the Autumn Woods Community Association, Inc. and the property owners and their family members, tenants, guests, agents, or invitees, and to mitigate further damage and make emergency repairs.

Be it resolved that the Autumn Woods Community Association, Inc. Board of Directors adopts this Resolution after motion, second, discussion, and majority vote favoring same this September 26, 2017.

ATTEST:

By \_\_\_\_\_

Tony McHugh, Property Manager, Recording Secretary, Autumn Woods Community Association, Inc.

By \_\_\_\_\_

Kurtis Johnson, President, Autumn Woods Community Association, Inc. Board of Directors

Autumn Woods Community Association Tropical Storm and Hurricane Plan

APPENDIX C—EXPENSES SPREADSHEET SAMPLE

<b>Autumn Woods Community Association, Inc.</b>		
<b>Hurricane Recovery - Estimated Expenses &amp; Credits</b>		
<b>Expenses</b>	<b>\$</b>	
Perimeter Wall Repair		Security
Perimeter Fence Repair (Chain Link & Aluminum Rail)		Security
Gate Repair		Security
Replacement of security cameras		Security
<b>Irrigation Repair--allowance</b>		Irrigation
Pump structures, bermad repairs, valve replacements, line repairs, heads		Irrigation
Main line breaks		Irrigation
Lakes - Tree Removal		Vegetation
Preserve Area - Tree Trimming and Removal (permit needed)		Vegetation
Clearing and Debris Removal (common tracts and roadways)		Vegetation/Roads
Clear Trees Gordon River Canal Extension Tract		Vegetation
Replacement Plantings--allowance		Vegetation
Sidewalk Repair		Roads
Street Sign Repair and Reset		Roads
Curb and asphalt parking area repairs--allowance		Roads
Roof Repair (Clubhouse, Guardhouse & Pumps)		Community Facilities
Pool Cleaning and Cover Repairs		Community Facilities
Tennis Court Light Fixture Replacement (& Fence repair)		Community Facilities
<b>Sub Total of Expenses</b>	\$ -	
<b>Credits</b>		
Insurance Estimate		
From Reserves		
Total expense after (potential) credits	\$ -	
<b>Per home</b>	\$ -	

APPENDIX D—FPL EASEMENT DEBRIS STAGING AREA

A Right-of-Way Consent Agreement needs to be entered into with FPL. AWCA Property Manager to coordinate.

Specific addendum conditions include:

1. Debris cannot exceed 6 ft in height above existing grade.
2. Safety six presentation required for all employees/contractors working within the lands prior to commencement. Contact FPL Transmission Operations to schedule the presentation.
3. Must maintain OSHA work safe distances for transmission and distribution lines.
4. Unloading or loading debris must be done with 20 ft clearance to transmission conductors and 75 ft from any transmission structure (pole).



APPENDIX E—TREE AND LANDOWNER RESPONSIBILITY IFAS



FE962

## Handbook of Florida Fence and Property Law: Trees and Landowner Responsibility<sup>1</sup>

Michael T. Olexa, Eugene E. Shuey, and Patrick H. Todd<sup>2</sup>

### Preface

With approximately 19,000 livestock farms in the state, along with horse farms; orange groves; croplands of soybeans, sugarcane, cotton, and peanuts; and many other agricultural and livestock facilities, livestock and farming have a significant impact on Florida's economy. Florida's agricultural economy has been required to co-exist with rapid population and commercial growth in the state over the last twenty-five years. Conflicts between these interests bring to prominence issues such as the rights and responsibilities of adjoining landowners, farmers, and property owners in general. Due to the added importance placed on these areas of real property, the legal aspects of fences in the state of Florida have taken on significant importance.

This handbook is designed to inform property owners of their rights and responsibilities in terms of their duty to fence. Discussed areas include a property owner's responsibility to fence when livestock is kept on the property, the rights of adjoining landowners to fence, the placement of fences, encroachments, boundary lines, easements, contracts, nuisances, and a landowner's responsibilities towards persons who enter his or her property.

This handbook is intended to provide a basic overview of the many rights and responsibilities that farmers and farmland owners have under Florida's fencing and

property law. Readers may value this handbook because it informs them about these rights and responsibilities. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this handbook is based are subject to constant revision, portions of this handbook could become outdated at any time. This handbook should not be viewed as a comprehensive guide to fencing and property laws. Additionally, many details of cited laws are left out due to space limitations. This handbook should not be seen as a statement of legal opinion or advice by the authors on any of the legal issues discussed within. This handbook is not a replacement for personal legal advice, but is only a guide to inform the public on issues relating to fencing and property laws in Florida. For these reasons, the use of these materials by any person constitutes an agreement to hold the authors, the Institute of Food and Agricultural Sciences, the Center for Agricultural and Natural Resource Law, and the University of Florida harmless for any liability claims, damages, or expenses that may be incurred by any person as a result of reference to or reliance on the information contained in this book.

Readers wishing to find further information from the Florida Statutes may access those statutes online at <http://www.leg.state.fl.us/STATUTES/>.

1. This is EDIS document FE962, a publication of the Food and Resource Economics Department, UF/IFAS Extension. This information is included in the Handbook of Florida Fence and Property Law, Circular 1242. Published November 2014. Please visit the EDIS website at <http://edis.ifas.ufl.edu>.
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## Acknowledgments

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## Landowner Responsibilities for Trees

### What is the rule for the removal of a healthy tree on a boundary line?

The removal of a tree on the boundary by one landowner without the consent or authorization of the adjoining landowner may result in liability for “reduction in value of the land resulting from removal of the tree” as well as for the “loss of the ornamental value and creature comforts provided by the tree” (*Elowsky v. Gulf Power Company*, 172 So. 2d 643, 645 [Fla. 1st DCA 1965]).

In *Elowsky v. Gulf Power Company*, a tree was located on the boundary line between the properties of the plaintiff and the defendant (*Id.* 644). The plaintiff was a police officer who worked night shifts and regularly had to sleep during the day (*Id.*). The tree shaded and cooled the bedroom during the afternoon (*Id.*). The defendant removed the tree, and the plaintiff had trouble sleeping after its removal (*Id.*). The jury awarded the plaintiff \$500 in damages (*Id.*). The First District upheld the verdict and stated:

An owner of real estate has a right to enjoy it according to his own taste and wishes, and the arrangement of buildings, shade trees, fruit trees, and the like may be very important to him, may be the result of large expense, and the modification thereof may be an injury to his convenience and comfort in the use of his premises which fairly ought to be substantially compensated, and yet the arrangement so selected by him might be no considerable enhancement of the sale value of the premises, it might not meet the taste of others, and the disturbance of that arrangement, therefore, might not impair the general market value (*Id.* 645).

### What is the liability for over-hanging branches and encroaching roots?

Branches and roots frequently extend across property lines. Whether a branch or root from a tree on an adjacent landowner’s property is the responsibility of the landowner with the tree located on his or her property or the landowner of the property to which the branches overhang or roots encroach depends upon the branches or roots themselves. If the branches or roots are healthy, then the landowner with the tree located on his or her property is not liable

for damage caused by the branches or roots. The adjoining landowner may, at his or her own expense, trim back the branches or roots as he or she desires up to the property line. If the branches are dead, however, then the landowner with the tree located on his or her property is responsible and could be liable for damages caused by the branches (1 Fla. Jur 2d Adjoining Landowners section 8 [2014]).

In *Scott v. McCarty*, a property owner brought action against a neighbor alleging that overhanging branches and roots from the neighbor’s tree caused damage to his property (41 So.3d 989, 989 [Fla. 4th DCA 2010]). The Court affirmed the trial court’s dismissal with prejudice of appellant’s complaint for damages based upon *Gallo v. Heller*, 512 So. 2d 215, 216 (Fla. 3d DCA 1987), which explained the common law rule:

[A] possessor of land is not liable to persons outside the land for a nuisance resulting from trees and natural vegetation growing on the land. The adjoining property owner to such a nuisance, however, is privileged to trim back, at the adjoining owner’s own expense, any encroaching tree roots or branches and other vegetation which has grown onto his property.

*Scott*, 41 So. 3d at 989 (quoting *Gallo*, 512 So. 2d at 216) (alterations in original).

### Which landowner is responsible for dead or live trees falling on adjoining property?

The health of the tree determines which landowner is responsible for damages to property (1 Fla. Jur 2d Adjoining Landowners section 8 [2014]). In the situation where a dead tree falls on an adjoining property and damages that property owner’s home, the landowner who owns the property where the tree originally was located is responsible for damages. Alternatively, in the situation where a live tree falls on an adjoining property and damages that property owner’s home, the adjoining property landowner is responsible for damages. Put another way, consider Landowner A (property owner of tree) and Landowner B (adjoining landowner). If Landowner A’s dead tree falls on Landowner B’s property, Landowner A is responsible for damages. Conversely, if Landowner A’s live tree falls on Landowner B’s property, Landowner B is responsible for damages.

## Summary

A landowner is not liable to the adjoining property owner for an alleged nuisance caused by overhanging branches and roots from a tree on his or her property; however, the

adjoining property owner is legally entitled to trim back, at the adjoining owner's own expense and only up to the property line, any encroaching tree roots or branches and other vegetation that had grown onto his or her property. If the branches or roots are dead, or a dead tree falls onto the adjoining landowner's property, then the landowner of the property where the tree was originally located is responsible. If a live tree falls onto the adjoining landowner's property, then the adjoining landowner is responsible for any damages.

### **Further Information**

Circular 1242, Handbook of Florida Fence  
and Property Law <http://edis.ifas.ufl.edu/>  
TOPIC\_BOOK\_Florida\_Fence\_and\_Property\_Law

APPENDIX F—FEMA DEBRIS REMOVAL FACT SHEET



FEMA

# Fact Sheet

## Debris Removal and Demolition

Debris removal is defined as the clearance, removal, and/or disposal of items such as trees, sand, gravel, building components, wreckage, vehicles, and personal property. For debris removal to be eligible, the work must be necessary to:

- Eliminate an immediate threat to lives, public health and safety.
- Eliminate immediate threats of significant damage to improved public or private property.
- Ensure the economic recovery of the affected community to the benefit of the community-at large.
- Mitigate the risk to life and property by removing substantially damaged structures and associated appurtenances as needed to convert property acquired through a FEMA hazard mitigation program to uses compatible with open space, recreation, or wetlands management practices.

### Examples of eligible debris removal activities include:

- Debris removal from a street or highway to allow the safe passage of emergency vehicles; and
- Debris removal from public property to eliminate health and safety hazards.



### Examples of ineligible debris removal activities include:

- Removal of debris, such as tree limbs and trunks, from natural (unimproved) wilderness areas.
- Removal of pre-disaster sediment from engineered channels.
- Removal of debris from a natural channel unless the debris poses an immediate threat of flooding to improved property.

### Private Property Debris Removal

Debris removal from private property is generally not eligible because it is the responsibility of the individual property owner. If property owners move the disaster-related debris to a public right-of-way, the local government may be reimbursed for curb side pickup and disposal for a limited period of time. If the debris on private business and residential property is so widespread that public health, safety, or the economic recovery of the community is threatened, FEMA may fund debris removal from private property, but it must be approved in advance by FEMA.

###

*"FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards."*

May 2016

[APPENDIX G—FEMA DEBRIS REMOVAL FROM PRIVATE PROPERTY FACT SHEET](#)



FEMA

Fact Sheet

**Debris Removal from Private Property**

Generally, debris removal from private property following a disaster is the responsibility of the property owner. Following a disaster local officials may implement various options to assist residents in the collection and disposal of debris which was a result of the disaster. Communities may develop drop sites where residents bring their debris or implement a curbside collection program, among other options. Voluntary Agencies may also offer disaster survivors help in clearing their property of disaster debris.

In certain circumstances, FEMA may reimburse eligible applicants (State, Tribal, and local governments or certain private non-profit) under the Public Assistance program for various methods of debris removal from private property. FEMA will reimburse eligible applicants for the cost of removing debris from streets and other rights of way. In extraordinary circumstances, State, Tribal or local officials may invoke their authority to declare that debris on private property is a health and safety threat to the public-at-large. This usually occurs in large-scale disasters where enormous quantities of debris are deposited on private property over a large area resulting in widespread immediate threats to the public-at-large. In such instances, the local government or its contractor will enter private property to address the public health threat by removing debris. The eligible applicant may request prior approval from FEMA for the reimbursement of private property debris removal conducted for a health and safety threat.

**Statutory and Regulatory Authorities**

Sections 403(a)(3)(A) and 407 of the Stafford Act, 42 U.S.C. 5170b and 5173, respectively, provide FEMA authority to fund an eligible applicant's debris removal from private property provided that the appropriate State or local government public health authority or other public entity that has legal authority determines that disaster-generated debris on private property in the designated area constitutes an immediate threat to life, public health, and safety; and that removal of the debris is in the public interest. The State or local government must also arrange an unconditional authorization for removal of the debris, and agrees to indemnify the Federal government against any claim arising from the removal. FEMA regulations at 44 CFR 206.224 define "public interest."

Any State or local government that intends to seek reimbursement to remove debris from private property within a designated area will, prior to commencement of work, submit a written request for reimbursement to, and receive approval from, the Federal Coordinating Officer (FCO). The FCO would identify an area(s) eligible for private property debris removal. The State and local government would identify specific properties for such debris removal.

The FCO makes a determination as to areas eligible for private property debris removal based on the Public Assistance applicant's showing of the following:

- 1) Public Interest (44 CFR 206.224)

Debris removal is in the public interest when it is necessary to:

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- eliminate immediate threats to life, public health, and safety; or
- eliminate immediate threats of significant damage to improved public or private property; or
- ensure economic recovery of the affected community to the benefit of the community-at-large.

FEMA will work with states affected by a disaster to designate those areas where the debris is so widespread that removal of the debris from private property is in the “public interest” pursuant to 44 CFR 206.224, and thus is eligible for FEMA Public Assistance reimbursement. This determination is made on a case-by-case basis.

2) Documentation of Legal Responsibility (44 CFR 206.223(a)(3))

A detailed explanation documenting the requesting State or local government’s legal responsibility at the time of disaster to enter private property to remove debris in order to address immediate threats to public health and safety, and confirmation that all legal processes and unconditional authorization requirements (e.g., right-of-entry, including indemnification provisions) for such action have been satisfied.

3) No Duplication of Benefits

FEMA is prohibited by Section 312 of the Stafford Act 42 U.S.C. 5155, from providing assistance to an entity that may receive benefits from any other source. The local government is obligated as a condition of the grant to ensure that there will be no duplication of benefits, such as from insurance proceeds. The right-of-entry or other permit should include information about property insurance covering debris removal.

4) Eligible and Ineligible Debris

FEMA policy DAP 9523.13 Section VII.F elaborates on what debris is eligible and ineligible for removal from private property. Generally, commercial property is not considered eligible for debris removal. All FEMA policies can be found at [www.fema.gov](http://www.fema.gov).

###

*“FEMA’s mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.”*

May 2016

APPENDIX H—HURRICANE IRMA PICTURES



*Figure 1 Fallen trees blocked intersections in Autumn Woods in the aftermath of Hurricane Irma.*



*Figure 2 Fallen trees completely blocked some streets as depicted here. Annual trimming of trees is a suggested mitigation measure to allow the winds to better blow through canopy trees and possibly not topple them like this example.*



*Figure 3: Toppled trees also blocked cul-de-sacs and covered fire hydrants as depicted here at the north end of Sugar Magnolia Ct. Such conditions inhibit emergency services and were a priority to clear once initial access lanes were established.*



*Figure 4 The initial clearing effort of crews was to create access lanes along all community street. As depicted here, branches were cleared off the road but large branches and trunks still remain.*

Autumn Woods Community Association Tropical Storm and Hurricane Plan



*Figure 5 Initial clearing operations established travel along road; follow up clearing work removed trees leaning over sidewalks and sides of roads.*



*Figure 6 Initial road clearance accomplished, but blocked driveways at the condos would be cleared later by the condo association vendor.*



*Figure 7 In addition to clearing roadways, fallen trees were further cut to permit access on community sidewalks.*



*Figure 8 A significant issues with piled debris was the impact on driver sight lines at intersections. Another priority item was to keep fire hydrants visible and accessible.*

Autumn Woods Community Association Tropical Storm and Hurricane Plan



*Figure 9 The community wall held up well in the hurricane due to its recent construction and being designed for 150 mph wind speeds. Sections where trees fell directly on them (as seen here) were replaced.*



*Figure 10 Tall Australian Pine Trees (exotic) have shallow roots and do not hold up well in hurricanes. Trees similar to these along the Gordon River Canal were leaning over a residence in Autumn Woods.*



*Figure 11 The east fence line along the Autumn Woods property perimeter had to be replaced due to intertwined vegetation that caused the fence to fall in the hurricane. Part of the hurricane recovery was to clear the tract of land of exotics and replant with native plants that will be maintained.*



*Figure 12 Piled debris blocked sidewalk access and roadway drainage gutters throughout the community.*



*Figure 13 A good example of properly stacked debris not blocking the roadway drainage gutters. The roadway drainage gutters drain the roadways and also receive runoff from the front half of our homes, so it is important to keep them clear of debris.*



*Figure 14 A good example of stacked debris not blocking the sidewalk and also not blocking the roadside street gutters.*



Figure 15 Falling trees also had an impact on community street signs.



Figure 16 Uprooted trees lifted sidewalks and irrigation lines as seen here with this large fallen tree on Red Oak Blvd, just past the community main entranceway and gatehouse.



*Figure 17 Non-native Washingtonian Palms look like native Cabbage Palms but grow taller and do not hold up well in hurricanes (tree fell on vehicle in this case). They are now prohibited in the community planting guide.*

APPENDIX I—EMERGENCY CONTACTS LIST

<b>Emergency Contacts</b>	
<b>EMERGENCY - Dial 911</b>	
Emergency Hotline	311 or 239-252-8444
Sheriff	239-252-9300
AMERICAN RED CROSS	239-596-6868
<b>HOSPITALS</b>	
Naples Community Hospital	239-624-5000
North Collier Health Care Center (24 hours) & Brookdale	239-624-5700
Physicians Regional Medical Center - Pine Ridge Road	239-348-4000
Physicians Regional Medical Center - Collier Boulevard	239-354-6000
<b>UTILITIES</b>	
FPL	800-468-8243
Comcast	800-934-6489
CenturyLink	800-201-4099
Waste & Water Service	239-252-2380
WATER MAIN BREAKS	239-252-6245
Trash Collection	239-252-2380
Debris Removal	239-252-2380
<b>OTHER</b>	
Naples Post Office	800-275-8777
Florida Fish, Wildlife & Water Safety	561-625-5122
Coast Guard	239-261-7375
Naples Chamber of Commerce	239-262-6141
AAA Naples	239-594-5006
Emergency Road Service (Sheriff)	239-252-9300
<b>FIRE DEPARTMENTS</b>	
North Collier	239-597-3222
<b>GOVERNMENT</b>	
Collier County Schools	239-377-0001
Collier County Contractor Licensing	239-252-2431
Collier County Security	239-252 8380
Collier County Structural	239-252-2433
Collier County Electrical	239-252-5723
Collier County Plumbing	239-252-4282
Dept. of Insurance & Consumer Affairs	800-342-2762
Florida Highway Patrol (Naples) (FTM) District Office	239-344-1730