

RESOLUTION 2010-14

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT ADOPTING POLICIES REGARDING THE PARKING OF VEHICLES AND VESSELS ON DISTRICT PROPERTY AND PUBLIC RIGHTS OF WAY TO PROVIDE AND PROMOTE THE SECURITY OF THE RESIDENTS HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT; AUTHORIZING STAFF TO PROVIDE NOTICE AS REQUIRED BY FLORIDA STATUTES TO ENFORCE SUCH POLICIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Harbor Bay Community Development District (the "District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated in Hillsborough County Florida; and

WHEREAS, Chapter 190, Florida Statutes, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the exercise of the District's general powers; and

WHEREAS, the Board of Supervisors finds that it is in the best interests of the District to adopt by resolution Parking Policies to provide and promote the security of the District's residents.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The Parking Policies adopted pursuant to this resolution are necessary to provide and promote the security of the District's residents. These rules shall stay in full force and effect until such time as the Board of Supervisors may further amend these rules in accordance with Chapter 190, Florida Statutes.

SECTION 2. If any provision of this Resolution or these Parking Policies is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 3. This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

SECTION 4. The Parking Policies as found in attached Exhibit "A" are hereby adopted as the rules and policies governing parking of vehicles and vessels, as defined in Chapter 715.07 Florida Statutes (2009), on District property and public rights of way within the District to provide and promote security of the District's residents.

SECTION 5. There are no regulatory costs associated with the adoption of these policies, however, compliance with advertisement and notice requirements under Florida Statutes by operation of these rules will incur costs, as required to comply with the advertising and notice provisions of the statutes.

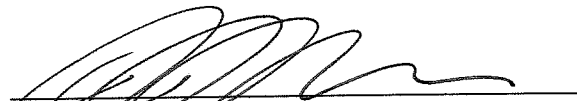
PASSED AND ADOPTED this 23rd day of September, 2010.

**HARBOR BAY COMMUNITY
DEVELOPMENT DISTRICT**



Chairman/Vice Chairman

ATTEST:



Secretary/Assistant Secretary

Exhibit A

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT

TOWING & PARKING POLICIES STATEMENT

RESERVATION OF AMENDMENT POWER

The Board of Supervisors of the Harbor Bay Community Development District reserves the right to amend, at any time, the policies contained herein at its sole and absolute discretion.

NOTICE

Failure to comply with the policies stated herein may possibly result in towing / removal of the violating personal property (Watercraft, Trailer, RV, Etc.) or vehicle (Car, Truck, Motorcycle) at owner' s expense.

Park At Your Own Risk: The District assumes no liability for any theft, vandalism and / or damage that might occur to personal property and / or vehicles parked on its property.

In the event theft, vandalism and / or damage occurs to either personal property or vehicles, affected owners are advised to contact the local law enforcement - Hillsborough County Sheriff' s Department.

In the event theft, vandalism and / or damage occurs District Security Staff will complete, record and file an incident report with the Residential Services Office only. District Staff & Security Personnel will not contact local law enforcement on behalf of affected owners.

SECTION I: DESIGNATED PARKING AREAS

Street Parking:

- Please Reference MiraBay Architectural Guidelines, Page 7, Chapter 6 - Vehicles & Vehicle Parking (6.3.3).

Clubhouse Parking Lot:

- Vehicle Parking for Recreational Facilities Users and District Staff, Employees & Vendors / Consultants Only
- No Parking Permitted in Roundabout Area in front of Clubhouse. This Area Reserved for Emergency & Law Enforcement Vehicle Parking Only
- No Parking After Facility Closes
- NO OVERNIGHT PARKING Permitted
 - Reserved Overnight Night Parking for Anchor Cove Residents only where indicated on Exhibit A (subsequently attached)
 - Reserved Overnight Parking by PERMIT ONLY
 - Permit must be displayed on bottom left side of windshield
 - Non-permitted vehicles will be subject to immediate tow (not subject to the protocol listed below in Section III) at owner' s expense.

- Permit Cost - \$10.00 per Permit Annually
 - Permits are valid for one (1) year and run in accordance with the District's fiscal year (October 01 - September 30)
 - Reserved Overnight Parking Hours of Enforcement - 7:00 PM(EST) - 7:00 AM(EST)

Tennis Facility Parking Lot:

- Vehicle Parking for Recreational Facilities Users and District Staff, Employees & Vendors / Consultants Only
- No Parking After Facility Closes
- NO OVERNIGHT PARKING Permitted

Mirabay Boulevard Park, Boat Ramp, & Playground Parking Lot:

- Parking for Recreational Facilities Users and District Staff, Employees & Vendors / Consultants Only
- NO OVERNIGHT PARKING Permitted

Boat Lift:

- There are no Designated Parking Areas in the vicinity of the Boat Lift
- Street & Curbside are for Pickup & Drop Off Only
- Parking on Grass or Landscaped Areas is Prohibited
- NO PARKING Permitted at anytime

Other District Common Areas:

- *Parking for District Staff, Employee & Vendors / Consultants Only (Active Project or Construction Related Activities)
- NO OTHER PARKING Permitted at anytime

**Vehicles under this category must identified by a District Staff window pass, Vendor window pass, or have company vehicle signage clearly visible.*

SECTION II: PARKING EXCEPTIONS / SPECIAL DISPENSATION & CIRCUMSTANCES

1. Parking Exception / Special Dispensation & Circumstances Grant Authority.
 - a. District Coordinator - Up to 3 Day Grant Authority Only
 - b. District Manager - Up to 7 Day Grant Authority
 - c. District Board Chair / *Vice Chair - Up to 7 Day Grant Authority
 - d. District Board of Supervisors (Collective Unit) (^{1st}, ^{2nd}, MC) - 7 + Day Grant Authority

2. Parking exceptions will be granted by way of written correspondence through the expressed authority of those individuals identified in Section II, Paragraph 1 of this document.
 - a. No verbal grants of authority will be issued or be held valid
 - b. It is the responsibility of the person(s) requesting a parking exception to secure all necessary documentation and approvals
 - c. Failure to secure all necessary documentation and approvals will result in the towing and / or removal of the vehicle from the premises
3. Issuance of Written Exception Notice.
 - a. Copy of Notice to be placed on highly visible area of the vehicle for which exception was granted
 - b. Digital photograph of vehicle (to include identifying license plates or registration numbers if / whenever possible) for which exception was granted
 - c. Location of vehicle (as described above)
 - d. Reason & Special Terms of Parking Exception
 - e. Date & Time of Written Exception Notice Issuance
 - i. Long Date Format (e.g. Tuesday, May 26, 2009)
 - ii. 24 Hour Clock Format (e.g. 16:30)
 - f. Date & Time of Written Exception Notice Expiration
 - i. Long Date Format (e.g. Tuesday, June 02, 2009)
 - ii. 24 Hour Clock Format (e.g. 16:30)
 - g. Contact information of Resident Services Office & District Management Offices
 - i. District Coordinator
 - ii. District Manager
 - h. Signature of vehicle owner
4. Upon expiration of the Written Exception Notice, owner will have 24 hours to remove the vehicle in accordance with the policies stated herein.
 - a. Failure to remove the vehicle within the stated timeframe will result in the commencement of towing and removal procedures covered in Section III of this document.

SECTION III: TOWING / REMOVAL PROCEDURES

1. Signage & Language Compliance
 - a. The appropriate towing signage & verbiage will be posted on District Property in conformance with applicable Florida Statutes.
 - b. Signage to be placed in conspicuous locations for the areas identified in Section I (Designated Parking Areas) of this document.
2. Towing / Removal Discretion Authority.
 - a. Prior to any towing or removal action being taken by anyone other than the District Manager, the authorized individuals must first contact the District Manager for verification that no exceptions were granted for the subject personal property or vehicle.
 - i. District Coordinator - subject to written authorization from the District Manager
 - ii. District Manager

- iii. District Board Chair / *Vice Chair
 - iv. District Board of Supervisors (Collective Unit) (1st, 2nd, MC)
 - b. The District Manager is to be copied on any written correspondence permitting / granting parking exceptions.
- 3. Issuance of Written Warning Notice.
 - a. Notice to be placed on highly visible area of violating personal property and / or vehicle
 - b. Digital photograph of violating personal property or vehicle (to include identifying license plates or registration numbers if / whenever possible)
 - c. Location of personal property and / or vehicle violation (as described above)
 - d. Description of violation
 - e. Date & Time of Written Warning Notice Issuance
 - i. Long Date Format (e.g. Tuesday, May 26, 2009)
 - ii. 24 Hour Clock Format (e.g. 16:30)
 - f. Date of potential personal property and / or vehicle tow / removal, if not removed
 - i. Long Date Format (e.g. Wednesday, May 27, 2009)
 - ii. 24 Hour Clock Format (e.g. 16:30)
 - g. Contact information of Resident Services Office & District Management Office
 - i. District Coordinator
 - ii. District Manager
- 4. Owner will have 24 hours from issuance of Written Warning Notice (Date & Time) to remove the violating personal property and /or vehicle.
 - a. The following information will be kept on file at the Resident Services Office:
 - i. Copy of Written Warning Notice Issuance
 - 1. Date & Time of Written Warning Notice Issuance
 - a. Long Date Format (e.g. Tuesday, May 26, 2009)
 - b. 24 Hour Clock Format (e.g. 16:30)
 - 2. Log of Date the personal property and / or vehicle was towed / removed
 - a. Long Date Format (e.g. Wednesday, May 27, 2009)
 - b. 24 Hour Clock Format (e.g. 16:40)
 - ii. Digital photograph of violating personal property and / or vehicle

SECTION IV: TOW / REMOVAL APPEAL & COST REIMBURSEMENT

- 1. Tow / Removal Appeal & Cost Reimbursement.
 - b. Any person(s) has the right to dispute and request cost reimbursement for a tow and / or removal action by appealing to the District' s Board of Supervisors
 - i. An appeal must be submitted in writing to the District Management Office for placement on the next regularly scheduled District meeting agenda
 - ii. The District Management Office must be in receipt of such appeal no fewer than ten (10) prior to the next regularly scheduled District meeting
 - c. Any person(s) appealing a tow and / or removal action will be governed by the following conditions:

- i. Must be physically present at meeting in which the appeal will be heard by the Board of Supervisors
 - 1. Failure of attendance will result in dismissal of appeal with no resubmission on future District agenda docket
- ii. Argument & basis for appeal will be limited to five (5) minutes per account
- iii. Must furnish own copies of any documentation to present to the Board of Supervisors supplementing the argument and basis for the appeal (if applicable)
- d. The District' s Board of Supervisors reserves the right to grant or deny any appeal and cost reimbursement at their sole and absolute discretion.
 - i. District action(s) will be resolved by way of successful Board motion (1st, 2nd, MC)

Notes & Clarifications:

**Whereby the Board Chair' s Signature & Authorization of the District' s Board of Supervisors cannot be obtained because of mental incapacity, physical ailment, or unavailability; the Board Vice Chair' s Signature & Authorization may substitute.*

For questions and further information, please contact the Resident Services Office:

Resident Services Office

Kristy Owens

District Coordinator

107 Manns Harbor Drive

Apollo Beach, Florida 33572

Hrs: (10:00AM - 5:00 PM EST, Mon. - Thurs.)
(10:00AM - 4:00 PM EST, Fri.)

Office #: 813-649-1500 Extension 23

Facsimile#: 813-649-1333

Email: kowens@rizzetta.com

District Management Office

Jonathan Miller

District Manager

3434 Colwell Avenue, Suite 200

Tampa, Florida 33614

Hrs: (8:00AM - 5:00PM EST, Mon. - Fri.)

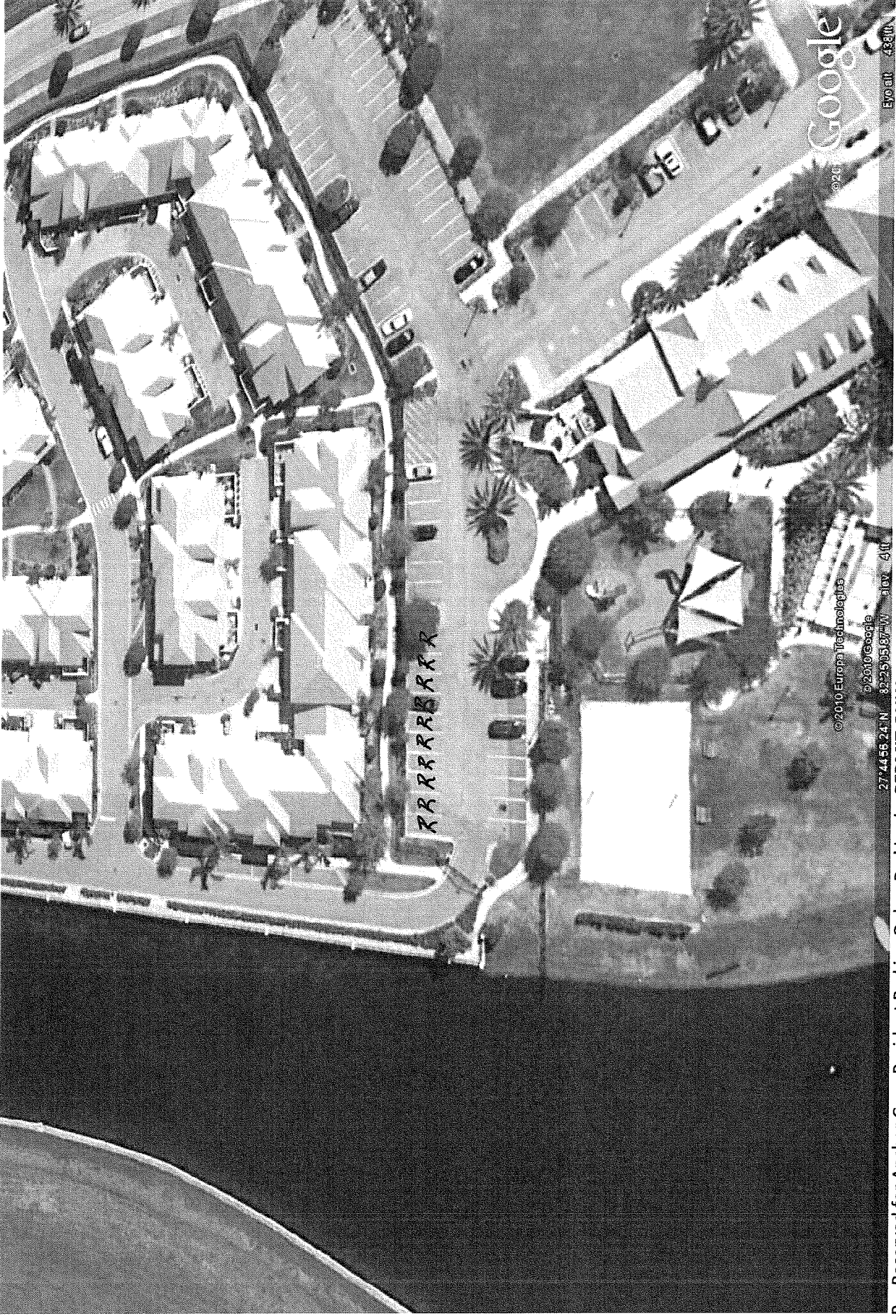
Office #: 813-933-5571

Facsimile #: 813-935-6212

Email: jjmiller@rizzetta.com

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT – MiraBay Club Parking Lot

EXHIBIT A



R – Reserved for Anchor Cove Resident Parking Only – Parking by PERMIT ONLY
Enforcement Hours: Between the hours of 7 PM (EST) and 7 AM (EST), Monday – Sunday