

Hello, this is President Mark Generales with an important message from your Board of Directors of the Town and River (T&R) Civic Association. It is by direction from and consultation with our Board attorney, we inform every owner today, April 1, 2019, whose property lies within the three current Town and River “Deeds of Restriction” or DOR, the Board’s DOR enforcement obligations. In addition, we provide transparency regarding the process and procedures for construction, renovation and improvement plan approvals in T&R. First, as stated in our DOR:

“The acquisition of title to a Residential Lot or any other ownership interest in the Property, or the lease, occupancy or use of any portion of a Residential Lot or the Property, constitutes an acceptance and ratification of all provisions of this Deed of Restrictions as amended from time to time, and an agreement to be bound by its terms.”

Under Florida State statutes, T&R is a Deed Restricted Community with the Civic Association obligated to administer the current 3 separate Deeds of Restriction (DOR). DOR rules exist to keep Town and River the wonderful place in which we live. DOR’s are structured to ensure our property values continue to increase. At times, your Board is left to deal with issues ranging from trash receptacles being left in clear sight to nuisance issues (noise, etc.) to the height of hedges and fences. Similarly, the Civic Association will enforce rules specifically relating to new construction, renovation or as the DOR states – *any improvement*. In all cases, plans must be submitted to the Town and River Architectural Review Committee for approval *prior* to the commencement of any construction/repair. This includes property construction as well as construction and repair of docks and seawalls.

Our T&R Deeds of Restriction often vary from those of Lee County. This is especially important as it relates to setbacks. In many cases, the DOR’s specifically state the Board may not provide a waiver to any setback encroachment.

Your Board is required to and as such, will enforce the rules *as they stand today*, April 1, 2019. It is within this very specific *legal context*, that we have been instructed that we must perform our fiduciary oversight and DOR enforcement responsibilities for our community as best as possible. Simply stated, we seek to eliminate legal liabilities to the Civic Association and thereby the community as a whole.

Please note, your Board recognizes there have been and will continue to be circumstances where an owner may wish to construct or make an improvement that falls outside existing DOR rules. Yet, said owner may point to existing property(ies) with exactly the structure they wish to construct. According to the law and settled court cases, this is not legal justification for a waiver of an applicable DOR. In these situations, the Board must require the owner to abide by the legal DOR.

Our DOR’s, by-laws and other information is posted on our community website:

www.townandrivervfl.com

Construction or other plans may be submitted via email to archrev@townandrivervfl.com. We promise a prompt reply. And as always, feel free to call your Area Director or any Board officer for information or assistance.

Town and River is a terrific community. You help make it so with your understanding and support of your Boards efforts. Thank you for your time and consideration in reading this letter. Should you have questions, thoughts or comments please feel free to contact me, Mark Generales at 239-676-5676.