

TURNOVER OF CONTROL

Documents Needed in Transition of the Control of the Board Upon Gated, Subdivided Communities & Condominiums

The following speaks to documents and plans that are needed, or would help ease the management transition, for the control of a HOA or Condo Board, which is charged with private community infrastructure maintenance. Turnover of legal and financial instruments is not included. This is meant only to be a guide, primarily for private community management in Central Florida.

A. Copy of “As-Built” Final Engineering/Construction Plans

When the construction of the infrastructure has been completed, a survey is made of the improvements. From this information, the Project Engineer revises the construction plans, with depiction of the actual field-measured information. This revised set of plans is termed to be the ‘As-Builts’. However, this additional information depiction is very minimal, and certainly is not all-encompassing; usually the information is limited to information as to the depth and lengths of sanitary and storm sewer pipes, and perhaps some topographic information upon the stormwater ponds. However limited, this information is the most complete plans available in reflection of what was to be constructed, and perhaps how it changed.

B. Copy of Recorded Plat

The plat depicts mathematically correct information as to the lot, tract, and easement dimensions, together with legal information as to some restrictions and ownership upon the lands and easements of the plat.

This information is usually available via the web.

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C. Copy of Water Management District (WMD) Permit(s) with Conditions of Approval

The original Water Management District “Environmental Resource Permit” (ERP) permit, as issued to the permittee / developer may very well contain operational “Conditions” that will be binding upon the entity that is responsible for continued maintenance (which for gated communities is almost invariably the HOA/ Condo Association). Additionally, should the community have irrigation water that is supplied by well, the “Use” permit should be obtained.

D. Confirmation of HOA Permitting of “Operation Phase” of WMD Permits

The Construction of the improvements as permitted by the WMD permit will have been certified upon, by a Professional Engineer. This is necessary, for the “Operational” phase of the Permit to commence; additionally, the Permit will need to be transferred to the HOA/ Condo Board, or other entity responsible for the operation of the stormwater management system. This is also the case if the community was permitted with a “Use” permit, for water withdrawals.

E. Copy of Engineer’s Certifications upon Roads and Drainage Facilities

These documents are of help in ascertaining compliance and timelines, as well as providing professional contact information for the maintenance entity’s reference. Additionally, if any Geotechnical Engineering certifications upon underdrains or pond berms were required, these too should be provided.

F. Engineer’s Infrastructure Inspection Report, Compliant to Local Code (if Required)

Several local central Florida jurisdictions (unincorporated Orange County, Cities of Ocoee, Winter Garden) require the inspection and reporting upon condition of the roads and stormwater system, upon private subdivisions), prior to turnover of the control of the HOA Board to the resident members.

G. Engineer’s Confirmation of Required Repairs being made (if required by local code)

The needed remediation, as detailed within the Report referenced in the preceding section, is required (in some communities) to have been made; and such remediation should be confirmed by the Engineer that authored the report.

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H. Copy of Local Government Approval with Conditions of Approval, for the 'Preliminary Subdivision Plan'

This information seems to rarely be passed on to the community-controlled HOA/Board, but it may very well contain requirements upon the developer that may not have been fulfilled, as well as information that is relevant upon the community Board's management of common infrastructure.

I. Copy of any Conservation Easements, ROW agreements, or any other encumbrances upon common areas

Easements as well as Agreements that may be so associated may contain *use* and operational information that would be germane to the underlying fee owner, which would be the HOA Board or Condo Board, upon common tracts or elements.

J. Copy of any environmental permits issued upon the development

An environmental permit outside of those as may be issued by the WMD (such as by the Orange County Environmental Protection Department) , may contain both use and operational restrictions upon the community.

K. Copy of any relevant Developer's Agreements, in regard to commitments upon the development of the community

This information may well not be relevant to the operation of a completed community's infrastructure, but may indeed provide information upon certain developer obligations upon which it could be wise to confirm compliance.

L. Copy of all Contracts for operation and maintenance of improvements upon Common Areas

These could include grounds maintenance, aquatic weed control & aeration, environmental inspection compliance, gate maintenance, etc –all information that would be relevant to the operation and management of the infrastructure.

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M. Warranties, Operation Manuals

This information is relevant upon common amenities, such as the clubhouse, pool, walls, fencing, gate operators, playground, courts, and associated equipment.

N. Copy of Streetlight Agreement, and community-wide Cable TV Agreements

The lights may be funded through dues, or taxes. If there is a streetlight agreement, it would be of consequence to the Board. If there is an agreement that is between a cable-TV provider or re-seller and the community, these documents are of consequence.

NOTE: Sanitary sewer, potable water, and reuse-water systems within private single-family, condominium, and townhome communities are typically owned and maintained by a municipality or a utility company. Therefore, documents addressing the permitting, operating, and control of these utilities is not included.