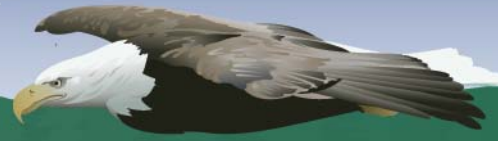


Piney-Z flyer



Summer 2005

Update on the Eagle Preserve Conservation Easement

Piney-Z Ltd. has sought a declaratory judgment interpreting their development rights pursuant to the Conservation Easement in effect on the eagle preserve area in Phase 8 of the Piney Z subdivision. The City of Tallahassee is the "owner" of the conservation easement, and the area subject to the easement has been formally "dedicated" to the Piney-Z Homeowners' Association (the HOA) by Piney-Z Ltd. The HOA received "all open spaces and landscape buffers" and the eagle protection area is designated as "open space" on the Phase 8 plat map. At the moment, the HOA is not an official party in the declaratory judgment case, but intervention in this case in support of the City's position has been encouraged by many residents of Piney-Z, and it is being seriously considered by the HOA.

So, what is the case about? The Developer has suggested that because the specific actual eagle's nest that existed at the time the original agreement was made is not there anymore, the rights to develop approximately half of the protection area are now available to them, because those rights are triggered when "the existing eagle's nest" is not occupied for 2 consecutive nesting seasons. (There have actually been 4 nests since the easement was signed) The developer acknowledges that eagles are still occupying "the habitat" in another nest in the area protected under the easement, but they assert that does not prevent them from obtaining their rights under their proposed strict reading of the easement. The City disagrees with the Developer's interpretation, and the City suggests that the term "existing eagle nest" in the conservation easement applies to eagles nesting in the subject area, and does not narrowly refer only to the particular nest that was occupied by eagles on the day the easement was signed. The City takes the position that since eagles have continuously occupied the protected eagle-habitat area, there is no cause to change or modify the present land use conservation conditions or more precisely, to allow development of the acreage that would be available if the area was no longer being occupied or used by eagles.



On June 29, 2005, the Leon County Circuit Court heard requests by both the Developer and the City for a legal interpretation "as a matter of law" of the meaning of the term "existing nest", according to their positions as discussed above. The HOA's attorney was present at this hearing only as an observer. After argument was presented by both the Developer and the City, the Court did not grant either party's Motion for Summary Judgment, stating that a factual record should be established and then the terms of the easement would be judicially interpreted. In other words, the Court decided that there should be a trial on the merits; evidence will be presented, appropriate memoranda of the applicable law will be submitted, and a full record developed before the Court issues its decision in the case, also recognizing that this complete trial record would be necessary if an appellate review was sought.

No trial date has been set, but we will keep you advised as the matter progresses.

Contributed by M.B. Adelson, Attorney for Piney-Z HOA

www.pineyz.com

HOA Board

Mildred Kelly
President 877-5191

Claudia Vaccaro
Vice-President 671-4339

Tonya Hightower
Secretary 671-4238

Rosemary White
Treasurer 385-3187

Susie Brierton
Committee Liaison 656-6326

Committees

Architectural Control (ACC)

John Boyle 942-0953
Dick Mergy 877-6855

Community Standards

Larry Pushor 878-7473
Ashok Jain 513-1872

Appeals

Vince Del Marco 656-6155

Crime Watch

Drew and Joanne Maholanyi
877-6633

HOA Board Meetings

July 12, 6:30pm in the Lodge

Annual Meeting is July 28 at
7:00pm in the Lodge

Everyone is Welcome

Join a Committee

One of the best ways to enjoy your community is to get involved in an HOA committee. Please contact a member of your committee of interest above.



Recent Vandalism of the Amenities

Since the end of May there have been at least four youths spotted trespassing on the amenities grounds after hours and vandalizing the pool area on more than one occasion. The crimes have occurred between approximately 4:00am and 6:00am. These youths have been described as three white males and one white female. One of the males has a tattoo on the upper right side of his back. On one occasion the youths were seen leaving the pool area on foot and heading generally toward the Eagleview section at 5:30am on Sunday, June 5.



If you have any information that could help us identify the youths please contact the Property Manager, Lance Rogers, at 656-4007. If you see these or other youths roaming the streets or near the amenities between 12:30am and dawn please contact the police immediately. Tell them you are reporting suspicious activity and that there has been some problems with youths trespassing at the Piney-Z Pool at night.

In addition to the existing security measures in place, the CDD Property Manager is currently investigating even more ways to prevent trespassing and vandalism at the pool and on the amenities grounds. The pool is a strict No Trespassing area anytime—day or night—that the pool is not open for regular hours or special events. Signs issued by the Tallahassee Police Department are posted and TPD has full authority to arrest trespassers.

It should also be known that all parking areas at the Amenities are for use only by resident amenity members and their guests during the hours of operation and during special functions or parties. Vehicles left at the amenities outside of regular amenity hours and functions, or left overnight, are subject to towing at the owners expense.

We greatly appreciate your help with crime watch and prevention efforts.

New on the Web

www.pineyz.com

Don't forget to register at pineyz.com to receive the newsletter and other community announcements by email.

- Now available are Covenants & Restrictions for all phases of Piney-Z.
- Current and back issues of the newsletter are archived on the website.
- The “Special Features” page contains information on alligators in our area, tree and limb issues, and hurricane preparedness.
- Photos from the May 21 community yard sale are posted on the “Our Community” page.

Piney-Z CDD

Property Manager

Lance Rogers 656-4007
lance-piney-z@comcast.net

Office Hours

Monday-Thursday 10am-6pm
Fridays 10am - (varies due to schedule)
or by appointment

Board Members

Ed Livingston, Chair
(850) 914-3242

Jim Ward, District Manager
(954) 753-5841

Jan Bridges
Grace Dansby
Kim Murphy
Sam Diconcillio

CDD Corporate Offices

10300 NW 11 Manor
Coral Springs, FL 33071
(954) 753-0380

CDD Board Meetings:

July 11 at 1:00pm in the Lodge.
September 12 at 6:00pm in the Lodge (Budget Hearing).

HOA Annual Meeting

The annual meeting of the Piney-Z Homeowners Association will be held July 28 at 7:00pm in the Lodge. We will elect three board members at this meeting. If you would like to run for office, forms are available at the Lodge. Floor nominees will also be considered. The Board of Directors would like to have all members present for input and voting. If you cannot attend, you may be represented at the meeting by proxy.



Cleaner Lakes for Cleaner Drinking Water

In the May-June 2004 newsletter we detailed the recent restoration of Lake Piney-Z. The lake was drained, tons of muck were removed from the lake bottom and the restored lake was stocked with fish. A representative of the Ochlockonee River Soil and Water Conservation District spoke at the last HOA meeting to inform us that the Lake Lafayette system, which includes Lake Piney-Z, is in decline. He explained how stormwater runoff from area homes directly impacts area waterways and drinking water.

North Florida contains a unique and complex system of rivers, lakes, and springs. Sinkholes in the lake bottoms channel water directly to the Florida Aquifer, which supplies drinking water to area residents. That is how stormwater becomes part of our drinking water source. Water flowing over yards, driveways, and streets carries silt, car fluids, pesticides, fertilizers, leaves, and litter into storm drains and waterways. Anything that enters a storm sewer system is discharged untreated into waterbodies. Eroded soil muddies the water, while nitrogen and phosphorus from fertilizer stimulates excessive plant and algae growth. (The slimy green substance you sometimes see on water surfaces is an algae bloom.) Decomposing algae removes oxygen from the water, which kills fish and other aquatic organisms.



Fortunately, by practicing healthy household habits, homeowners can keep common pollutants off the ground and out of stormwater. Each of us can have a major effect on local water quality.

- **Examine the lay of your land.** Where does the water flow? Collect? Run off? Surfaces that don't absorb rain, like the roof, driveway, or even the lawn, will have water flowing from them. These are targets for "slow-the-flow" techniques. Direct downspouts away from paved surfaces.
- **Minimize soil erosion.** Minimize soil erosion by planting groundcovers and by creating mulched beds on bare areas or places where grass is hard to grow. No yard should have bare ground, which is the most vulnerable to erosion. Well-mulched beds can slow the flow of water while reducing the need for fertilizing, watering, mowing, and pesticide use, making your yard easier to manage and keeping it from eroding. You can create a place of beauty in your yard, a place that takes far less time and money to maintain than grass, and one that helps to protect your water resources.
- **Plant a rain garden.** A beautiful solution to pollution, rain gardens are landscaped areas planted with flowers and other moisture tolerant plants to replace areas of lawn or bare ground. Rainwater can be collected from your roof, driveway or lawn and conveyed to a rain garden in a low spot where water naturally drains. The garden fills with a few inches of water and allows the water to slowly filter into the soil.
- **Build berms and swales, terrace slopes.** Berms are raised earthen areas covered with vegetation that can be located to direct water flow. If you have a sloped area that is too steep for a berm or a rain garden, consider terracing. Simply convert the slope into a series of two or more stepped terraces.
- **Keep vehicles and garages water friendly.** When washing a vehicle, minimize the amount of dirty, soapy water flowing into the storm drain. Recycle oil and other automotive fluids at participating service stations. Clean any spilled fluids with an absorbent material like cat litter or sand.
- **Improve home improvement.** Before beginning an outdoor project, locate the nearest storm drains and protect them from debris and other materials. Clean paint brushes in a sink, not outdoors. Dispose of excess paint at the landfill or donate it to a local organization.
- **Use fertilizers and pesticides sparingly.** Avoid application if the forecast calls for rain.

For more information, go to www.tappwater.org or contact Nancy Caire Miller at (850) 224-8277. TAPP (Think About Personal Pollution) is a campaign to improve water quality through individual efforts—one yard and one landscape at a time.



Consider a Rain Garden for Your Yard

A rain garden is a landscaped area designed to capture and hold excess water for a short period, allowing it to soak into the soil. The garden is planted with vegetation that prefers a slightly wetter environment, but can tolerate dry times, too. It is a place to grow some beautiful plants like blue-flag iris and black-eyed susans, and offers a break in the monotony of ordinary landscaping. Rain gardens are easy to maintain and many rain garden plants attract birds and other wildlife.



Rainwater that falls on the roof, driveway and lawn is channeled into a low or excavated area of the yard where the rain garden is located. A healthy rain garden is composed of loose soil that is well mulched to create a dynamic system teeming with life. Water is absorbed by the plants or filtered into the soil where, over time, natural chemical and biological processes break down pollutants. A well-placed, carefully designed rain garden can capture virtually all of the runoff from the property in all but the heaviest storms. Instead of washing your soil and fertilizers to the nearest stream or lake, the water is utilized in an attractive garden which enhances the beauty of your yard while protecting your water.

Does a rain garden form a pond? No. The rainwater should soak in so that the garden is dry between rainfalls. (Note: Some rain gardens can be designed to include a permanent pond, but that type of rain garden is not addressed in this publication.)

Does a rain garden provide a breeding ground for mosquitoes? No. Mosquitoes need 7 to 10 days to lay and hatch eggs. Standing water in the garden will last for a few hours after most storms. Mosquitoes are more likely to lay eggs in bird baths, storm sewers, and lawns than in a sunny rain garden. Also, rain gardens attract dragon flies, and they eat mosquitoes.

Do rain gardens require a lot of maintenance? No. Rain gardens can be maintained with little effort after the plants are established. As with any garden, some weeding and watering will be necessary in the first two years, and perhaps some thinning in later years as plants mature.

Is a rain garden expensive? It doesn't have to be. Cost is site specific and will vary depending on who does the work and what plants you choose to use. To keep costs down you can invite family and friends to help build the garden or start with smaller planted areas.

For detailed instructions and plant recommendations, go to www.tappwater.org or contact Nancy Caire Miller at (850) 224-8277.

Keeping It Beautiful

Fertilizer can be a good thing, because it contains nutrients that plants need to grow; but excess fertilizer can be a bad thing when it gets into our lakes. Many fertilizers supply more phosphorus than we need. Many of our Florida soils already have adequate phosphorus available to plants. If we apply excess phosphorus, it can run off into our stormwater and on into our lakes. There it stimulates excessive algae and plant growth and can result in fish kills. So the excess fertilizer we apply in our yards becomes a water-pollution problem.

Unless you have had a soil test that tells you that you need to add phosphorus, a 15-0-15 fertilizer is a good general-purpose landscape fertilizer to use. It has no phosphorus. And if you select a 15-0-15 fertilizer with 7.5% slow-release nitrogen, you reduce the amount of nitrogen that can leach into groundwater or run into lakes, too. The slow-release characteristic will also lengthen the amount of time that the plant will be able to utilize the nitrogen from the fertilizer.

Finally, don't apply too much fertilizer. Six pounds of the 15-0-15 fertilizer (with slow-release nitrogen) per 1,000 square feet is the proper rate. Cut that rate in half if there is less slow-release nitrogen in the fertilizer.

*Contributed by David Marshall
Agriculture/Natural Resources
Program Leader
University of Florida IFAS
Extension in Leon County*