

**Report to the
Cypress Creek Property Owners' Association's
Board of Directors
from the Ad-hoc Options Committee
October 24, 2019**

This is the October, 2019 report of the Cypress Creek Property Owners Associations' Board of Director's appointed Ad-hoc Options Committee, Chaired by Board Member, Kelly Chiarella. Committee Members include Mikel Kline and Jamie Gould. Under direction from the Board of Directors, this Committee continues to work on behalf of the neighborhood.

Here are highlights of much of our activities since our last report:

- In a mailing to the community dated October 3, 2019, True Shot/Pulte informed the neighborhood that they have moved forward and chosen a potential recipient for the 87-acre donation: The YMCA. According to the YMCA, they are just starting their own due diligence analysis.

- On January 15, 1998, the Sun-Sentinel newspaper reported that the Weaver family sold, what they called, "the last undeveloped parcel from a 1,500 acre dairy farm", on the Southwest corner of the original 320-acre Cypress Creek Development, to the YMCA. The article went on to state that the golf course property itself was established for the Cypress Creek residents. Melvin Weaver further stated "that continued growth is destroying what we have built; you have to draw the line."

- The concentrations of hazardous chemicals that exist on the property exceed Florida Department of Environmental Protection's (FDEP) allowable residential and commercial/industrial direct exposure limits. As such, this committee made several inquiries into the potential costs for remediation when considering the donation for the CCPOA. The estimated costs for remediation exceed millions of dollars. The YMCA's mission to create a safe place for children to play and roll around in the grass will require extensive remediation of the 50 plus years of known arsenic contaminated soil and ground water on the golf course. The developer has mentioned that Pulte will pay for this required remediation. According to the FDEP, should the property be used as anything but a golf course, remediation will be required. This would be especially important for the YMCA if it plans on using the property for other purposes.

- Until the Court rules on our publicly recorded documents, it is unlikely that this project will move forward. Regardless, Pulte's prospective application to rezone the property to allow high density development will require a major change in the County's State-approved Comprehensive Plan (which the County does not usually accommodate) and their current plan is considered even more incompatible with the County's Unified Land Development Code.

- While the YMCA is a deserving charity, the recognized Covenants, signed by the Weavers, confirm that the terms and conditions on our Plat, that state “no further subdivision” is a covenant running with the land. When a covenant runs with the land, it is enforceable by a court. That is a significant issue in the lawsuit that was filed against True Shot.
- True Shot filed a Motion to Dismiss the active lawsuit based on several factors. One of those factors is that the CCPOA is an indispensable party (a party whose rights are directly affected by disposition of the case) and yet is not a party to the lawsuit. The Judge found that CCPOA fits this description. At the October 15, 2019 hearing, the Judge found no merit in True Shot’s outright dismissal of the court case, but she agreed with True Shot that the CCPOA must be added to the lawsuit. The Plaintiff group has yet to file a response to the Court.
- For clarification, there are two different types of cases. Cases in Equity and cases in Law. This lawsuit is a case in Equity, which means the Plaintiffs are requesting non-monetary relief. The Plaintiffs are asking for equity or fairness. The Plaintiffs are hoping the Courts will clarify the historical and future relationship between the Cypress Creek Golf Course and the remainder of the Cypress Creek Development. Ultimately, they hope the Court will recognize that the golf course owner can only use the parcel as a golf course as has been relied upon by the purchasers of homes in this community for over 40 years.
- The existing Plaintiffs are funding their expenses in the case with no financial support from the Association.
- The Complaint filed is available for review in the online court records. Those records currently illustrate that no complaints are directed at the CCPOA. Therefore, there is currently no requirement for the CCPOA to engage in the suit as the Plaintiffs are not seeking a remedy that the Association can provide.
- We have learned that there are two entities interested in purchasing the parcel that intend to resume golf operations on the land. Those golf restoration plans would likely have more success getting through the County zoning process and would return our community to its previous status as a golf course community.
- The Ad-hoc Committee supports the Board’s continued opposition to development on the golf course pending clarification by the Courts of True Shot’s ability to subdivide the golf course.

Respectfully submitted,

Kelly Chiarella, Committee Chair