

***Lumsden Trace/Valrico Homeowners Assoc.***  
**Box 1822 Valrico FL 33595-1822**

27 Jan 2021

From: President, Vice President and Chair Building and Grounds Committee, Lumsden Trace/Valrico HOA  
To: Hillsborough County Public Works; Engineering and Operations Department Att: Josh Bellotti  
County Center, 22nd Floor, 601 E. Kennedy Blvd., Tampa, FL 33602

CC: Bivins & Hemenway PA; 1060 Bloomingdale Ave, Valrico, FL 33596

Subj: Identification and Notification of Risk to Personal Safety and Public Health: RE: Lumsden Trace Circle

This letter serves as formal notification of a continuing and growing personal safety and public health risk to residents of Lumsden Trace Circle; hereinto referred to as the "HOA." As you are aware, the HOA is a Deed Restricted neighborhood requiring its residents to comply with the provisions of its Governing Documents; to include applicable State statutes and County ordinances. As a registered and insured Florida corporation N99000000316, the HOA has maintained itself in good standing with all applicable State, County, local guidelines and regulations, to include recurring Southwest Florida Water Management District (SWFWMD) Environmental Resource Permits specifically ensuring our stormwater management system is inspected and operating in compliance as designed. It is with this understanding and consideration that the HOA submits this notification to your office for remediation; specifically:

- A. Tree growth, specifically root incursion into the curb/gutter and roadway of the county road Lumsden Trace Circle, is preventing the proper run-off of precipitation from residential properties and the roadway from entering the stormwater system as designed (pictures attached). This issue continues to deteriorate with the continued growth and maturity of trees located on the County easement throughout the community. This lack of proper run-off/drainage results in the pooling of water along the roadway and residential properties creating conditions that are allowing mosquito larvae to grow as well as preventing the normal cleansing effect proper runoff allows of vacating leaves and other normal road debris from the curb areas. Residents are complaining that they must drive/walk through standing, stagnant, infested water to access their property. This is unacceptable given the commitment the HOA has in ensuring a safe, healthy, and viable community can be maintained. Our commitment and adherence to the SWFWMD inspection program ensures our stormwater system is functional. We expect the County to ensure their responsibility to this managed "ecosystem" is likewise maintained and functional.
- B. Tree growth and incursion on sidewalks located on the County easement within the HOA. The HOA has previously submitted work requests and contacted County representatives regarding the extreme personal safety issue the condition of the County-maintained sidewalks within the HOA presents (pictures attached). In conjunction with the stormwater runoff issue, this conditioning is worsening by the day and residents have rightly so expressed their concern to the Board on this personal liability and public safety issue. The HOA is comprised of various age demographics from extremely elderly to infants and toddlers. All frequently attempt to utilize the sidewalks as intended, but cannot due to the trip, obstacle, or injury hazard; leaving the only viable option as the street/roadway as their primary means to navigate the neighborhood. We have previously discussed how the standing water and lack of correct runoff has impacted the roadway and street access for residents. This sidewalk condition is likewise untenable and must be addressed. The HOA will not accept culpability or assume liability for acts of omission or commission regarding these public safety and health concerns. This letter, in part, serves as formal notification by the HOA in duly informing the County as to the need for immediate remediation.

The Board has furnished a courtesy copy of this notification to our legal representation for further advisement. We request acknowledgement of your receipt of this notification with an action plan for implementation an immediate, mid, and long-term solution provided within 30 days and returned to Bivins and Hemenway PA at the address noted above. No long-term solution is acceptable past CY2021. On behalf of the community and Board members, we thank you for your attention to this matter. Should you have questions, please feel free to contact the below undersigned.

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Valrico Homeowners Association  
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Committee  
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