



Florida River Estates Water Company, Inc. Board Meeting

Meeting Date: December 1st, 2023

Meeting Time: 8:30AM-10:00AM

Location: Paul Kosnik's Office

SPECIAL MEETING of BOD & PAUL KOSNIK

Attendees: John Bernazzani, Terra Bumpers, Jim Scholan, Riley Searle, Paul Kosnik, Mark Fuson

Minutes:

Regarding the potential drainage ditch easement at the property of Riley Searle:

1. The county owns the easement document as well as the relationship with Goff engineering for the purpose of this work. Riley &/or HOA will contact the county for an Improvement Location Certificate (ILC) as well as to place flags for the easement on the property for visual confirmation prior to Riley being comfortable signing the easement agreement. This is not part of the easement documentation, but a prerequisite.
2. We discussed the verbiage around county consideration to Riley in the amount of \$10 and whether it is appropriate for more consideration to be granted. Discussed benefits and detriments of easement. Since this is less about ability to cross property, not build on it, etc. and more about cleaning the culvert, and because there is precedence of similar or lower amounts of consideration for similar work, the discussion was not in favor of this. However, Riley can approach the county. If modified, this would be a modification to the document.
3. Indemnification to county but not to guarantor (Riley) was evident in the easement document. No indemnification can protect from gross negligence. Discussed how all FRE contractors are required to have insurance. An insurance requirement is listed in the easement document already. Suggested to add Riley to Indemnification. Riley &/or HOA will contact county for this addition. If modified, this would be a modification to the document.
4. Discussed ownership and rights of property owner to use the easement for a pedestrian bridge, trees, grass, rocks, etc. He is still the sole owner, but cannot interfere with ability to drain or maintain easement or modify water flow. We reviewed easement usage in document. Riley should consult with the county about verbiage about right to landscape to the easement document. Advice was simply that you can modify anything as long as it doesn't interfere with the rights in the document, and that some landscaping could be

Contact Information

Emergency Contact
Mark Fuson 970-398-5540
mfuson265@gmail.com

Billing Questions
Jamie Matthews or Debbie Smith 970-460-8575
fre_water@hotmail.com



destroyed while servicing the ditch within the proposed easement. If modified, this would be a modification to the document. Covenants 3.1 already allows for FRE to enter properties to maintain water rights, etc.

5. HOA commits to provide Grass Seed for Searle residence post proposed easement work
6. Discussed BLM land and concern of water pooling on that side. It is not HOA responsibility or obligation to have or not have any impact on the BLM land. If Riley wishes to pursue cleaning up or creating ditch on the BLM land, that is something to pursue directly with BLM.

Regarding the ditch cleaning at the property of Greg Madeen and other ditch cleaning needs:

1. Ditch cleaning and the easement is an HOA (water company) matter because we have a duty to public safety and because the lack of these ditches and cleaning results in significant risk and cost to the neighborhood and the ability to maintain clean water.
2. HOA Promises to Greg Madeen
 - a. Drought resistant Wildflower and/or Grass Seed and/or Mulch to line the ditch
 - b. Slash piles and downed tree to be chipped and spread along sides of the ditch
 - c. Provide homeowner a timeline for these activities and be in communication about future work in advance with permission
3. Paul (counsel) recommends seeking formal easements on the properties of Madeen, Karle, Stransky, & Bernhardt for the right to clean these ditches. Verbiage should include the right, but not the responsibility, as well as only being allowed to maintain historical water flow, not modify.

Contact Information

Emergency Contact
Mark Fuson 970-398-5540
mfuson265@gmail.com

Billing Questions
Jamie Matthews or Debbie Smith 970-460-8575
fre_water@hotmail.com