

PASEO COMMUNITY DEVELOPMENT DISTRICT

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Important Notice Re Encroachments

A recent survey of Paseo Community Development District (the “District”) easement areas and ownership tracts has shown that in certain areas landscaping or other improvements have been installed that encroach upon District areas. In order to provide additional information related to the easements and homeowner installed improvements the District is sending this letter to all homeowners but is not requesting that any action be taken at this time.

What is an easement?

An easement is a legal right that allows a particular party to use land they do not own in a particular manner. Within the District, there are easements along the edges of certain lots that allow the District to use the property to access and maintain drainage, lakes, landscaping, or other improvements and in order to effectuate District improvements. These easements are indicated on plats of the property or in other legal documents recorded in the Official Records of Lee County, Florida (the “County”).

What can I do in an easement on my property??

Generally, without written approval of the District, you may not install any improvements within an easement area that may interfere with the District’s ability to use or maintain the easements for their intended purpose. This includes installing any hardscape (fencing, pathways and the like), softscape (all plantings), or any other features that may hinder or block access to easement areas.

What does this mean for me?

While the District is not asking for the removal of the existing improvements at this time, please be aware that the District, at its sole discretion, may require homeowners to remove any or all improvements within a District easement or ownership tract. Furthermore, upon notice by the District seeking removal, the homeowner must remove the improvement(s) or, in the event of a threat to the health, safety or welfare of the District or its residents or property, the District may remove the improvement(s) and the homeowner may be responsible for the cost of removal thereof.

Going forward the District will require immediate removal of any new improvements installed within District easements or ownership tracts that have been installed without prior written consent of the District. The District will require you remove them at your own cost and may take available legal action in order to enforce its rights. Please refer to your property survey prior to installing any improvements without permission.

If you have any questions, please contact the District Office.