

NORTH BOULEVARD COMMUNITY DEVELOPMENT DISTRICT
Amended and Restated Encroachment Policy

Effective: July 20, 2026

1. **Scope.** This policy applies to requests to construct/install improvements on property owned by or within easements held by the North Boulevard Community Development District (“District”) and requests to construct/install improvements attaching to District property. No improvements, including fences, pavers, landscaping, etc., may be constructed or installed on District property, within District easements, or attached to District property (ex. fences and perimeter walls) without approval from the District. This policy is intended to prevent damage which may be caused by unauthorized installation of improvements on District property, obstruction of District easements or attachment to District fences.
2. **Request Procedures.** Individuals who wish to construct or install improvements on District property, within a District easement, or construct or install improvements attaching to District property must (a) submit an application form to the District Manager or his or her designee, and (b) pay a **\$75** fee to offset the costs of processing the request. The application must be signed by the owner(s) of the property. Please note that fences and other improvements may not be permissible in certain easement areas due to underground improvements, access and maintenance requirements, or other factors in the District’s discretion.
3. **Review.** The District Engineer shall review the variance request to determine if the proposed improvement(s) would have a negative impact on any District property and/or improvements, including the stormwater management system. Such review may include, in the District Engineer’s discretion, conducting an in-person site inspection. The District Engineer shall recommend one of the following actions:
 - a. Approve the variance request, with or without conditions; or
 - b. Deny the variance request.
4. **Approval.** If approved, the owner(s) of the property must execute an agreement in a form acceptable to the District, which shall be recorded in the Public Records of Polk County, Florida. The District Manager shall have authority to approve applications upon receiving the District Engineer’s recommendation. There shall be no requirement to bring the application before the Board of Supervisors (“Board”) for approval, unless extraordinary circumstances warrant Board consideration. The District’s approval of an application constitutes approval from the District only. The requestor is responsible for obtaining any other necessary approvals, permits and authorizations for the project, including but not limited to approvals from an HOA, county, municipality, or any other entity having an interest in the project or property utilized.
5. **Denial.** The District reserves the right to deny any request, even if recommended for approval by the District Engineer, if the request, in the District’s sole discretion, poses an undue risk of damage to District property or improvements; unduly limits the District’s rights to use an easement for its stated purpose; poses an undue risk to the health, safety, or welfare of District residents, guests, staff, and invitees; and/or is otherwise incompatible with the nature of the property and/or easement in question. If a request is denied, the requestor may appeal the denial at the next meeting of the Board that is at least ten (10) days from the notice of denial. The Board’s decision upon appeal shall be final.
6. **Encroachment Without Approval.** If improvements are constructed or installed on District property, within a District easement, or attached to District property without approval, or exceed the scope of any prior approval, the District reserves the right to take all available legal action against the person or entity engaging in such unauthorized use.

7. **Severability.** The invalidity or unenforceability of any one or more provisions of these policies shall not affect the validity or enforceability of the remaining provisions, or any part of the policies not held to be invalid or unenforceable.
8. **Sovereign Immunity.** Nothing herein shall constitute or be construed as a waiver of the District's sovereign immunity or limitations on liability contained in Section 768.28, *Florida Statutes*, or other statutes or law.