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*** FAX TRANSMISSION ***

AQUATIC SYMBIOTICS, INC.
100 S. SEMORAN BLVD., SUITE A - ORLANDO, FL 32807
407-282-3092 OFC. 407-281-3816 FAX

Walt Wheeler

DATE: Aug. 12, 2002

TO: Ms. Charles Green

FAX NO.: 407-228-8019

NO. PAGES _____
(INCLUDING COVER PAGE)

FROM: Walt Wheeler
407-281-3816 FAX

Villas @ Lake Destiny } Found in
Memo and data of } Hanson-
Walter
Assoc.
file

SUBJECT: The enclosed includes a synopsis
of the regulatory history of the subject
wetland / Conservation Area and maintenance
up in the area. file review could not
confirm whether or not the tree plantings
with and south of "...the window..." area
were completed !?

Walt

Note: Our file record ends with the proposal
referenced in the fax sheet dated 5-25-99...

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* * * FAX TRANSMISSION * * *

AQUATIC SYMBIOTICS, INC.
100 S. SEMORAN BLVD., SUITE A
ORLANDO, FL 32807
PHONE: (407) 282-3092
FAX: (407) 281-3816
EMAIL: aquasym@mindspring.com

TO: Steve or Lance Earl (Innovative Bldg. Solutions)

DATE: 5.25-99

NO. OF PAGES: Lucky 13

5-2-97

MESSAGE: This is a project chronology. The Plan allows minor maintenance in the "window."
I would be happy to escort the City on site but have a couple of guys ready to pull weeds.

SENDER: Tom Jacobs will likely need a permit for a dock and Gazebo. I will prepare a proposal.

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PLATES AS



May 2, 1997

Ms. Lucee Price
Lakes Management Coordinator
City of Maitland
1776 Independence Lane
Maitland, FL 32751

Dear Ms. Price:

The Villas at Lake Destiny
Lake Shore Alteration
Compliance Plan

Introduction:

This Compliance Plan has been prepared following several negotiations and research into existing permits at the Villas at Lake Destiny. The following text will provide a history of the project and what actions will be taken to bring the project into compliance with the City's guidelines.

Project History:

The site was originally permitted in 1981 as the Sun Bay Club Condominiums - Units I and IV. The Florida Department of Environmental Regulation (FDER) issued a stormwater permit pursuant to Section 17-4248(5), F.A.C. Assuring the St. Johns River Water Management District (SJRWMD) that no changes were proposed for the project the Engineer of record, Hanson, Walter & Associates, Inc. (H.W.&A.), secured a letter from the District which allowed the stormwater management system to be designed and constructed.

The currently permitted wetland line was established by Aquatic Symbiotics, Inc., and confirmed by the SJRWMD on September 27, 1995. No filling, dredging, or other construction has taken place waterward of this wetland line.

The owners, in February or March, 1997, undertook some vegetation removal via mowing and/or cutting within the wetland jurisdictional area. The City of Maitland then sent a letter on March 24, 1997 notifying the project that the Florida Department of Environmental Protection (FDEP) (formerly DER) and the City would prohibit wetland clearing, and that a re-vegetation plan must be submitted.

**Aquatic
Symbiotics, Inc.**

100 S. Semoran Blvd.
Suite A
Orlando, Florida
32807
407/282-3092



Ms. Lucee Price, City of Maitland
The Villas of Lake Destiny
Lake Shore Alteration, Compliance Plan
May 2, 1997
Page Two

Project History (cont.):

Site meetings to resolve the issue were conducted as follows:

- April 3, 1997: Preliminary meeting with the owners and Aquatic Symbiotics, Inc. staff to assess activity.
- April 11, 1997: Meeting with DEP and City of Maitland staff to discuss resolution (No DEP violation or remediation).
- April 23, 1997: Site meeting with SJRWMD and City staff to discuss resolution.

As noted above, the DEP representative did not allege any violation occurred to sovereign submerged State lands because no activity was conducted there. The DEP agreed that the SJRWMD should be consulted regarding the activity in wetlands between the submerged-lands and uplands. DEP also noted that removal of Cattail (Typha sp.) was a permissible activity.

The SJRWMD staff did not notify the owners of a violation. The District does not authorize construction activity in the wetland but does not regard the area as a "no touch" preservation area.

Compliance Issues:

- I.) Define "Conservation Area". Can selective removal of nuisance and view obstructing vegetation be conducted periodically?
- II.) What remediation is proposed?
- III.) How will area be monitored and maintained?
- IV.) What are the long range plans?

I.) Conservation Area: There is no definition of this term in Chapters 373 or 403, F.S. or any of the SJRWMD Rules. The SJRWMD's Chapter 40C-44, F.A.C. Environmental Resource Permits: Regulation of Agricultural Surface Water Management Systems does define "Conservation Plan" as follows:



Ms. Lucee Price, City of Maitland
The Villas At Lake Destiny
Lake Shore Alteration/Compliance Plan
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Compliance Issues (cont.):

I.) Conservation Area (cont.): "... a document, which describes a system of management practices to control and reduce soil erosion and sediment loss, and improve the quality of discharged water for a specific parcel, which has been either:

- a.) prepared by the U.S.D.A. ... or
- b.) prepared by a private consultant..."

The Funk and Wagnalls Standard College Dictionary defines conservation as:

- 1.) The act of keeping or protecting from loss or injury.
- 2.) The preservation of natural resources, as forests, fisheries, etc. for economic or recreation use; also, an area so preserved.

The owner commits to the proposed Compliance Plan provided below. The Plan will exceed the recommendations of the SJRWMD's Conservation Plan language and adheres to the literal translation of the word conservation. Compliance issues II, III and IV above (proposed mitigation, monitoring, maintenance, and long range plans) are provided below.

Compliance Plan:

A.) Plant installation: A total of twenty (20) trees will be installed as illustrated on the attached exhibit. Ten (10) Sweetbay (Magnolia virginiana) and ten (10) Water oak (Quercus nigra) will be planted. Each tree will be a minimum three (3) gallon size. The existing piles of dead vegetation will be removed to reduce the chances of a large, unnatural nutrient release to Lake Destiny.



Ms. Lucee Price, City of Maitland
The Villas at Lake Destiny
Lake Shore Alteration/Compliance Plan
May 2, 1997
Page Four

Compliance Plan (cont.):

B.) Monitoring and Maintenance: Semi-annual monitoring will be conducted and submitted to the City annually for a period of five (5) years. The monitoring report will be a panoramic photo and a letter counting any tree loss and providing a maintenance plan as necessary. Any installed tree loss below 80% of the original installation will be supplemented within forty-five (45) days of the monitoring event. Nuisance and exotic species will be removed on a semi-annual basis. Nuisance and exotic species include, but are not limited to: Cattail, Primrose willow (Ludwigia peruviana), Carolina willow (Salix caroliniana), Brazilian pepper (Schinus terebinthifolius), Chinese tallow (Sapium sebiferum), Grape (Vitis sp.), Catbriar (Smilax sp.) and Cherry (Prunus caroliniana).

Prior to any maintenance of nuisance or exotic species the City will be notified in writing.

C.) Long Range Plans: The aesthetic "window" to Lake Destiny will be maintained. At no time will any construction (except a dock facility discussed below) be conducted in the wetland area.

Any species in the "window" corridor exceeding six (6) feet in height will be cut and allowed to decompose in place.

Any nuisance and exotic species found in the entire wetland area will be removed (to reduce re-vegetation). Any activity within FDEP submerged-lands will be conducted only after receipt of a permit from FDEP.

The owner has a plan to construct a private docking facility in the future. All regulatory permits will be acquired prior to installation.

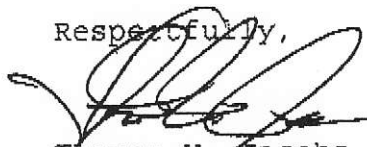
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Ms. Lucee Price, City of Maitland
The Villas at Lake Destiny
Lake Shore Alteration, Compliance Plan
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We appreciate the City's cordial communications and negotiation platforms during this procedure. Please call me with any questions or amendment requests.

Respectfully,



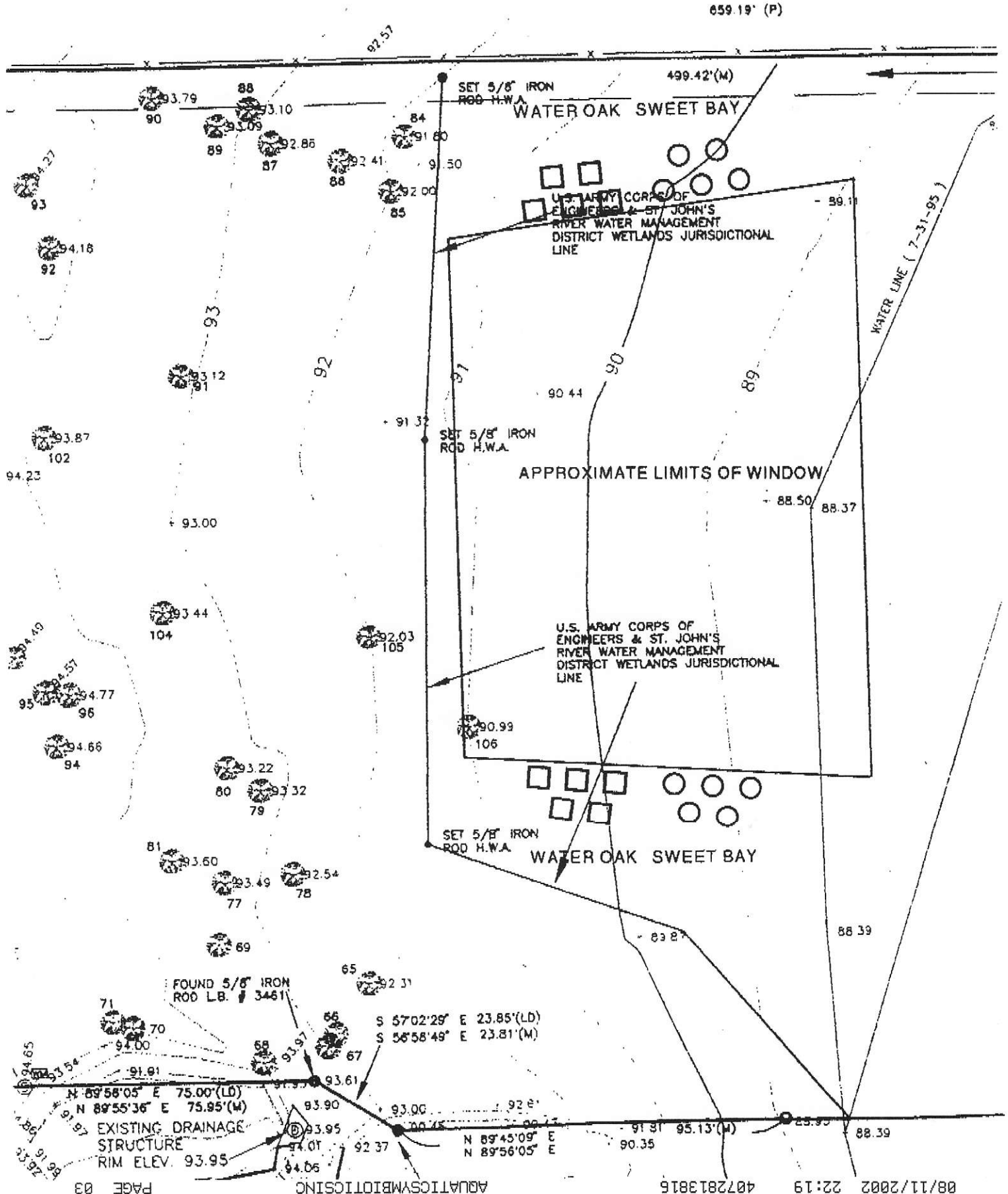
Thomas W. Jacobs
Vice President

TWJ:lw
VLKDS

c: Mr. Bill Carlie, SJRWMD
Mr. Phillip Knoll, P&G, Inc.
Mr. Jim Traweek, P&G, Inc.

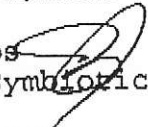
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MEMORANDUM

TO: Mr. Phil Knoll
Mr. Jim Trawick

FROM: Tom Jacobs 
Aquatic Symbiotics, Inc.

DATE: May 20, 1997

SUBJECT: Villas at Lake Destiny
City Approval of Compliance Plan

Ms. Lucee Price of the City of Maitland verbally approved the Compliance Plan dated May 2, 1997, with one (1) exception. The City requests that two (2) Bald Cypress (Taxodium distichum) of the same specifications as other proposed trees be installed on each side of the "window", four (4) Cypress total. Ms. Price will confirm the approval in writing. We recommend the Cypress be placed waterward of the other planted trees.

Please call with any questions.

TWJ:lw
VLKDS.2

**Aquatic
Symbiotics, Inc.**

100 S. Semoran Blvd.
Suite A
Orlando, Florida
32807
407/282-3092



Mayor
Robert Breaux
Vice Mayor
Raymond A. Link
Council
James P. Panico
Sascha Rizzo
Keith White



City Manager
Dean E. Sprague
City Clerk
Donna L. Williams

Tom Jacobs
Aquatic Symbiotics
100 S. Semoran Blvd.
Suite A
Orlando, Florida 32807

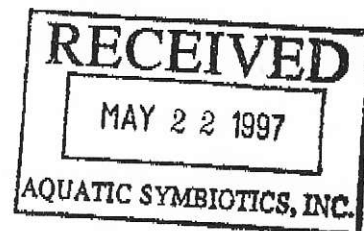
Mr. Jacobs,

The Lake Shore Alteration Compliance Plan, received May 9, 1997, has been reviewed by the Community Planning Director and myself. The plan has been approved with the following addition: add two (2) Bald Cypress (Taxodium distichum), minimum three (3) gallon size, on each side to total four (4).

Thank you for your cooperation in this matter. Should you have any questions, please call me at 539-6203.

Sincerely,

Lucee Price
Lakes Management Coordinator



Mayor
Robert Breaux
Vice Mayor
Raymond A. Link
Council
James P. Panico
Sascha Rizzo
Keith White



City Manager
Dean E. Sprague
City Clerk
Donna L. Williams

July 9, 1997

Stephen Korshak
2345 Sand Lake Road
Suite 120
Orlando, Florida 32809

Mr. Korshak,

On Wednesday, July 9, 1997, I completed a final inspection of the mitigation work required at The Villas of Lake Destiny, 1010 N. Winderley Place, Maitland, Florida.

At this time you are in compliance with Maitland City Code as well as the "Lakeshore Alteration Compliance Plan" submitted by Aquatic Symbiotics, regarding the violation documented first on February 6, 1997.

Should you have any questions please call me at 539-6203.

Sincerely,

Lucee Price
Lake Management Coordinator

file

Villasok1.doc

407/539-6200

1776 Independence Lane

Maitland, Florida 32751

Obviously no site work
observation authorized

5-2599

DEPT. INSPECTOR'S
STATEMENT OF VIOLATION
& REQUEST TO CHIEF CODE ENFORCEMENT OFFICER FOR HEARING

1. Location/address where violation exists: Address: 1010 Winderly Place, Villas at Lake Destiny. Tax Roll No.: 26-21-29-5468-00093. Also Described as: Maitland Center Sec. 3, part of tract 9, Orange County, Florida.
2. Name and address of property owner: Stephen Korshak, 2345 Sand Lake Rd., Ste. 120, Orlando, FL 32809.
3. Violation: On February 6, 1997 I inspected the wetland area at the property indicated above and found the work being done in violation with Maitland City Code. On February 17, 1997 a letter was sent regular mail to Owner with no response. The same letter was sent March 26, 1997 via registered mail (enclosed). A compliance plan was submitted, approved by the city with revisions, and mitigation work was completed within the time period requested. The entire delineated wetland area according to the site plans and the compliance plan dated May 9, 1997, was to remain preserved in its natural condition except for the removal of invasive, exotic plants. On Wednesday, June 18, 1997, a landscaping crew was pruning all trees located in the wetland area immediately south of the initial violation, including species such as Wax Myrtle and Longleaf Pine. This is in violation of the City of Maitland Code, Section 8.4, Specific Intent; and Section 8.7 "Tree and Vegetation During Development and Construction." Preservation of existing native vegetation as well as the "Villas at Lake Destiny Lake Shore Alteration Compliance Plan" submitted by the company (chosen by owner), Aquatic Symbiotics on May 9, 1997. (Codes enclosed).
4. Violation first observed: June 18, 1997
5. Owner or agent given notice of violation: June 18, 1997 a stop work order was issued at this time.
6. The last inspection was made: July 10, 1997 and work has not recurred, but violation does exist in that the second wetland cleared has not grown back.

Based on this information, the undersigned Code Enforcement Officer certifies that the violation described herein does exist at this time and because of the predisposition for the violation to recur this violation should be referred to the Board for public hearing.

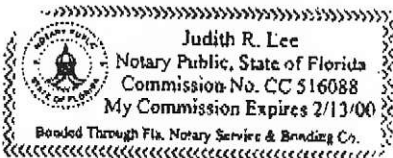
DATED this 28 day of July, 1997.

Lucee Price
Lucee Price
Lakes Management Coordinator

STATE OF FLORIDA

COUNTY OF ORANGE

Sworn to (or affirmed) and subscribed before me this 28 day of JULY, 1997 by LUCEE PRICE, Lakes Management Coordinator for the City of Maitland, who is personally known to me OR has shown _____ for identification.



Judith R. Lee
Notary



August 8, 1997

Mr. Steve Korshak
Korshak and Beaulieu
2345 Sand Lake Road
Suite 120
Orlando, FL 32809

Dear Mr. Korshak:

Villas at Lake Destiny
Environmental Assessment of
Recent Management

Introduction:

This letter has been prepared to summarize the assessment performed by Aquatic Symbiotics, Inc. staff of the recent plant management along the southern property boundary. As you are aware, the City of Maitland approved a Lake Shore Alteration Compliance Plan, dated May 2, 1997, for this project in May, 1997. Said plan included management over the entire wetland frontage (excluding submerged land) as follows:

"Any nuisance exotic species found in the entire wetland will be removed (to reduce re-vegetation)."

Assessment Results:

On August 4, 1997 Aquatic Symbiotics, Inc. staff reviewed the recent management (see attached photos). It appears that although removal of nuisance and exotic species occurred, minor pruning of native desirable plants was also initiated. Said pruning is not authorized by the Compliance Plan.

We have included a photo series of the northern undisturbed lake shore to compare to the recently managed area to the south. The pruning of desirable species did not destroy the pruned plants and will, in fact, enhance light penetration to the swamp floor. This increase in light penetration will cause ground cover species to proliferate and enhance seedling propagation. Seedling Red maple (Acer rubrum), Wax myrtle (Myrica cerifera) and Dahoon holly (Ilex cassine) were observed in the recently managed area.

**Aquatic
Symbiotics, Inc.**

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Mr. Steve Korshak, Korshak and Beaulieu
Villas at Lake Destiny
Environmental Assessment of Recent Management
August 8, 1997
Page Two

Assessment Results (cont.):

The second photo exhibit, the undisturbed shore, illustrates how badly infested this shoreline was with Grapevine (Vitis rotundifolia). The development will want to remove this vine per the Compliance Plan. The City has already authorized the removal of the dead tree shown in the exhibit.

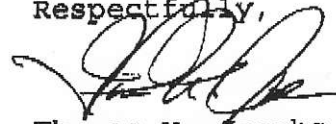
Conclusions and Recommendations:

The development should proceed and continue with nuisance species removal as approved in the Compliance Plan. Upon initiation of said activity it is recommended to schedule the City's Lake Management Coordinator on site. Pruning of native wetland species should not occur.

The Compliance Plan calls for removal of nuisance and exotic materials. However, within the lake "window" any authorized pruning of desirable plants should be left in place to decay. Again, it is recommended to escort the City's representative on site prior to (and perhaps during) the work.

We are pleased to provide this report of our assessment. Please advise us if additional copies of the photo exhibits will be required. Please call with any questions.

Respectfully,



Thomas W. Jacobs
Vice President

TWJ:lw
VLKDS.1

Attachments

AS

