

RESOLUTION NO. 2024-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CREEK PRESERVE COMMUNITY DEVELOPMENT DISTRICT ADOPTING A POLICY REGARDING PARKING AND TOWING FROM DISTRICT OWNED COMMON AREA; AUTHORIZING THE ENGAGEMENT OF AN AUTHORIZED TOWING OPERATOR; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Creek Preserve Community Development District (the “**District**”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated in Hillsborough County, Florida;

WHEREAS, the District owns and maintains the District-owned parking areas, including the clubhouse located at 16702 Kingman Reef Street, Wimauma, FL and the mailbox kiosk parking area located near the entrance of the District (the “**District-Owned Property**”);

WHEREAS, the Board of Supervisors of the District (the “**Board**”) is authorized by Sections 190.011(15) and 190.012(2)(d), Florida Statutes, to contract with a towing operator to remove vehicles from District-Owned Property if the notice and procedures requirements of section 715.07, Florida Statutes, are followed;

WHEREAS, unauthorized vehicles or vessels on the District-Owned Property may pose a danger or cause a hazard to the health, safety, and welfare of the District, its residents, its infrastructure, and the general public;

WHEREAS, the District desires to contract with a towing operator that is included on an approved list of towing operators in Hillsborough County, Florida, to tow unauthorized vehicles from District-Owned Property;

WHEREAS, the Board held a public meeting to receive public comment on its proposed parking and towing policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:

1. **Incorporation of Recitals.** The above recitals are true and correct and by this reference are incorporated as a material part of this resolution.
2. **Adoption of Parking and Towing Policy.** The Board hereby adopts the Parking and Towing Policy attached hereto as **Exhibit “A”**.
3. **Authorizing the Engagement of an Approved Towing Operator.**
 - a. The Board hereby authorizes the District to enter into an agreement with a company that is authorized to perform towing or wrecker services in compliance with Florida law, applicable Hillsborough County regulations, and the Parking and Towing Policy.
 - b. The District shall coordinate with the towing operator to ensure that the required signage shall be posted on District-Owned Property in the manner required by applicable laws and regulations (including specifically Section 715.07, Florida Statutes).

Exhibit "A"

Creek Preserve Community Development District Parking and Towing Policy

The Creek Preserve Community Development District (the "**District**") has adopted the following policy (the "**Policy**") regarding the parking and towing of vehicles or vessels of any kind (as defined by Section 715.07, Florida Statutes) located on both the District-owned clubhouse parking area, located at 16702 Kingman Reef Street, Wimauma, FL and the mailbox kiosk parking lot located near the entrance of the District (the "**District Parking Areas**").

The term District Parking Areas shall include all common areas and sidewalks located adjacent to the District Parking Areas, and the grass strip between sidewalk and any roadway located adjacent to the District Parking Areas. This Policy is in addition to, and exclusive of, various state laws, county regulations, or homeowners' association standards governing parking.

1. There shall be no parking of vehicles on District Parking Areas except during permitted hours only and within a properly posted parking area or within properly marked parking spaces in accordance with this Policy.
2. No overnight parking is allowed.
3. No automobiles, motorcycles, or vehicles of any kind or nature may be parked overnight on District Parking Areas designated as a parking area.
4. No commercial vehicles (which for purposes of this provision are defined as vehicles not designed and used for normal personal/family transportation, vehicles with work racks, tool racks and/or visible equipment, and/or vehicles bearing lettering, graphics, contact information, logos, advertising and/or any other commercial insignia), may be parked on the District Parking Areas except during the period of delivery or the provision of services to the District.
5. No recreational vehicles, trailers of any kind or vessels may be parked on the District Parking Areas.
6. Any vehicle parked with 1/4 a tire width or more of a tire on the grass of the District Parking Areas is in violation of this Policy or applicable regulatory requirements and shall be towed, at the sole expense of the owner, in accordance with applicable laws and regulations (including Section 715.07, Florida Statutes).
7. Upon discovery of a violation, the towing operator with whom the District enters into a towing authorization agreement shall photograph the evidence of such violation and may then tow the vehicle or vessel from District Parking Areas in accordance with said agreement. The towing operator shall provide a report of all tow activity conducted overnight to the District Manager by 9:00 a.m. the following morning.
8. The towing operator may patrol the District Parking Areas for violations of this Policy (commonly referred to as "roam towing").


This policy was adopted by Resolution No. 2024-02; on October 9, 2023.


4. **Conflicts.** This Resolution replaces any prior resolutions, policies, rules, actions or any portion or content included therein in conflict with this resolution.
5. **Severability.** If any section or part of a section of this resolution is declared invalid, unconstitutional, or inconsistent with any law or regulation, the validity, force and effect of any other section or part of a section of this resolution shall not thereby be affected or impaired unless it clearly appears that such part of this resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.
6. **Effective Date.** This Resolution shall become effective upon its passage and shall remain in effect unless rescinded, repealed, replaced, or superseded.

Passed and Adopted on October 9, 2023

Attest:

**Creek Preserve
Community Development District**


Assistant Secretary


Name: Ciz K Camacho
Chair/Vice of the Board of Supervisors