

RESOLUTION NUMBER 25-97

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, DECLARING AN EMERGENCY RELATING TO THE SPRING RIDGE ESTATES CULVERT FAILURE AND DAMAGE TO CITY UTILITIES; RATIFYING AUTHORIZATION EMERGENCY ENTRY UPON PRIVATE PROPERTY, EMERGENCY PROCUREMENT, AND IMPLEMENTATION OF EMERGENCY PROTECTIVE MEASURES; AUTHORIZING PREPARATION OF A CITY-HOA EMERGENCY ENTRY AND COST-RECOVERY AGREEMENT; PROVIDING FOR REIMBURSEMENT AND SECURITY; PRESERVING ELIGIBILITY FOR FEDERAL OR STATE ASSISTANCE IF AVAILABLE; ACKNOWLEDGING HOA INSURANCE CLAIMS AND PREVENTING DUPLICATION OF BENEFITS; PROVIDING FOR LIMITATION OF LIABILITY, WAIVER OF FORMALITIES, AND AN EFFECTIVE DATE.

WHEREAS, on October 26, 2025, severe flash-flooding occurred throughout Lake County, including within the City of Eustis, causing structural failure of the privately owned culvert providing sole ingress and egress to a portion of Spring Ridge Estates, a gated homeowners' association subdivision; and

WHEREAS, the culvert collapse severed and damaged City-owned utilities and rendered a portion of the subdivision inaccessible to emergency vehicles and utility repair crews; and

WHEREAS, the Governor of the State of Florida, the Lake County Board of County Commissioners and the City of Eustis have issued States of Emergency for this event pursuant to Chapter 252, Florida Statutes; and

WHEREAS, the City Building Official has issued an Unsafe Structure Notice under the Florida Building Code and Section 553.80, Florida Statutes, identifying an imminent threat to public safety and City infrastructure in this area; and

WHEREAS, under Section 252.38, Florida Statutes, municipalities may exercise emergency powers to protect life and property, including entering private property, removing debris, and performing emergency protective measures, and may waive procedural formalities such as notice, publication, bidding, and contracting when necessary to meet the emergency; and

WHEREAS, the City of Eustis Code Section 2-340 (Emergency Purchases) authorizes the City Manager to make emergency purchases and contracts when absolutely necessary to meet an emergency, subject to Commission ratification; and

WHEREAS, the Spring Ridge Estates Homeowners' Association (HOA) remains responsible for ownership and long-term maintenance of its private culverts, roads, and stormwater facilities under its recorded covenants and under Section 102-27 of the City's Land Development Regulations; and

WHEREAS, the HOA has reported an insurance claim for the culvert loss under its property or liability policy, and the City's emergency action is undertaken solely to protect public safety and City utilities, not to supplant or impair any private insurance recovery; and

WHEREAS, any insurance or third-party proceeds received by the HOA or its insurer that are allocable to work funded or performed by the City shall be remitted to the City to prevent duplication of benefits and to reimburse public expenditures; and

WHEREAS, the Commission finds that immediate stabilization of the failed culvert area and restoration of City utilities are necessary to protect public health and safety, maintain emergency access, and preserve City infrastructure, serving a valid public purpose under Article VII, § 10 of the Florida Constitution; and

WHEREAS, the City's participation is temporary and limited to emergency protective measures and City utility restoration, not ongoing maintenance or private improvement; and

WHEREAS, the Commission desires to ratify authorization of emergency entry, procurement, and contracting; to direct preparation of a City–HOA Emergency Entry and Cost-Recovery Agreement; to secure reimbursement from the HOA; and to preserve eligibility for any available federal or state funding, all without pledging the City's credit or taxing power.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA:

Section 1. Findings and Declaration of Emergency.

The foregoing recitals are adopted as findings. The City Commission declares that an emergency exists as a result of the Spring Ridge Estates culvert collapse and related damage to City utilities, constituting an immediate danger to public health, safety, and welfare. This declaration remains in effect until terminated by further resolution.

Section 2. Authorization of Emergency Measures.

The City Manager is authorized and directed to:

- (1) Enter upon the Spring Ridge Estates property to perform emergency protective measures, stabilize the collapsed culver site, secure and restore City utility service.
- (2) Procure and contract for labor, materials, equipment, and services necessary for such emergency measures under Section 2-340 of the City Code and Section 252.38, Florida, Statutes.
- (3) Implement worksite safety and any traffic control needed consistent with emergency standards.
- (4) Coordinate with state and federal agencies regarding potential reimbursement eligibility.
- (5) Report all emergency actions and expenditures to the Commission at the next regular meeting.

Section 3. Duration; Not-to-Exceed; Cost Segregation.

Authority granted herein shall automatically expire 60 days from adoption unless extended by the Commission. Total City expenditures shall not exceed \$1,000,000.00 (NTE) without further authorization. The City Manager shall maintain separate cost codes distinguishing City utility restoration and emergency protective measures on HOA facilities.

Section 4. Emergency Procurement; Insurance; Indemnity.

Competitive procedures are hereby found impracticable due to the immediate threat to life and property. The City Manager has use of emergency procurement, provided contractors maintain customary insurance—Commercial General Liability, Automobile, Workers' Compensation, and Umbrella/Excess—with the City named as Additional Insured on a primary and non-contributory basis and waiver of subrogation. Professional consultants shall maintain Professional Liability.

All contractors shall indemnify and hold harmless the City to the fullest extent permitted by Section 725.06, Florida Statutes, for claims arising from their work, except for the City's sole negligence. Any indemnification shall be conspicuous, state a liability cap not less than the insurance limits, and comply with Section 725.06. Nothing herein waives the City's sovereign immunity or Section 768.28 limitations.

Section 5. Federal and State Assistance Eligibility.

The Commission recognizes that the October 2025 flood event may or may not qualify for FEMA or State Public Assistance funding. The City Manager shall ensure all emergency actions are documented consistent with FEMA/State PA standards to preserve eligibility should such funding become available.

Insurance or third-party recoveries related to the culvert or associated infrastructure shall

be treated as applicable credits under FEMA Public Assistance policy if such funding becomes available.

The City Manager is authorized to coordinate with FDEM, Lake County, and FEMA, to submit documentation, and to execute routine forms or assurances as necessary, without obligating the City to rely upon or accept such funding.

Section 6. Owner Designation; Liens.

For construction-law purposes, the HOA is the “Owner.” The HOA shall record a Notice of Commencement under Section 713.13, Florida Statutes and furnish any required payment bond, and ensure timely payment to prevent liens. No lien shall attach to City property or utilities.

Section 7. Preparation of Agreement and Cost Recovery.

The City Attorney and City Manager are authorized to prepare a City–HOA Emergency Entry and Cost-Recovery Agreement establishing: (a) scope of emergency work; (b) HOA reimbursement for non-City-utility costs; (c) a contractual lien on HOA common areas; (d) insurance, indemnity, and maintenance disclaimers; and (e) administrative interest not exceeding the rate in Section 55.03, Florida Statutes. The Agreement shall be presented for Commission ratification.

Section 8. Documentation, Insurance, and Duplication of Benefits.

All emergency actions shall be documented per FEMA/State PA audit standards.

- (a) The HOA shall cooperate in providing records.
- (b) The City shall retain all records for not less than six (6) years following project completion.
- (c) The City’s right of reimbursement extends to any insurance, surety, or third-party recovery related to the culvert failure or emergency work. The HOA shall promptly notify the City of any such claim and remit or assign to the City any proceeds allocable to City-funded work, to prevent duplication of benefits. The City’s participation shall not affect or limit the HOA’s insurance coverage except as necessary to avoid duplication.

Section 9. Acceptance; No Ongoing Duty.

Upon inspection and written acceptance of the emergency stabilization and City utility restoration, the City assumes no ongoing ownership, maintenance, or warranty obligations for the culvert or private infrastructure. All future responsibilities rest with the HOA.

Section 10. Permits, Mutual Aid, and Interagency Coordination.

The City Manager is authorized to obtain any necessary authorization from all relevant regulatory agencies, including but not limited to, FDEP, USACE, FDOT, and Lake County; to request or provide assistance under the Statewide Mutual Aid Agreement; and to execute necessary forms for lawful emergency work.

Section 11. Limitation of Liability and No Pledge of Credit.

All actions are undertaken solely for the public purpose of protecting health, safety, and City infrastructure. Nothing shall constitute a loan or extension of public credit to the HOA or any private party, nor a pledge of the City's taxing power or credit under Article VII, § 10, Fla. Const. The City retains all defenses and limitations in Section 768.28, Florida Statutes.

Section 12. Waiver of Formalities; Sunshine Compliance.

Based on the emergency findings herein, the Commission determines that abbreviated notice satisfied Section 286.011, Florida Statutes. Pursuant to Section 252.38, Florida Statutes, formalities such as publication, competitive bidding, and standard notice are waived to the extent necessary to meet the emergency, provided all actions are documented and reported to the Commission. The Clerk shall certify notice timing and method in the minutes.

Section 13. Conflicts; Severability; Effective Date.

All resolutions in conflict are superseded to the extent of conflict. If any provision is held invalid, the remainder shall remain effective. This Resolution shall take effect immediately upon adoption.

PASSED, ORDAINED, AND ADOPTED in Regular Session of the City Commission of the City of Eustis, Florida, this 6th day of November, 2025.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Willie L. Hawkins
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 6th day of November 2025 by Willie L. Hawkins, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial Number:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for reliance and use by the Eustis City Commission.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 25-97 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

