

## Understanding the Perpetual Easement Agreement

HDOA entered into a Perpetual Easement Agreement with Flagler County which was recorded on May 22, 2023. The Easement is part of a countywide plan to, among other things, coordinate restoration and ongoing maintenance of dunes and beachfront which have been damaged by hurricanes, protect the dunes, control erosion and control flooding.

The Easement grants the county a perpetual, non-exclusive right to perform on our beachfront property reasonable rehabilitative, restorative, mitigative, and maintenance action including, but not limited to, the following, subject to obtaining appropriate government permits and obtaining state and/or federal funding:

- a. Placing additional sand on the Property;
- b. Reconstructing and re-grading the Property's dune and beach;
- c. Installing temporary sand fencing;
- d. Planting native vegetation;
- e. Leveling escarpments;
- f. Conducting studies and surveys;
- g. Proposing armoring projects;
- h. Staging equipment and materials on the Property;
- i. Administration of Funding;
- j. Participating in Emergency Declarations at all government levels;
- k. Strategic shoreline/barrier island planning and resilience

The county will only perform the above work if it obtains a sufficient source of state and/or federal funding. Except in cases of a declared emergency, any maintenance, restorative, or rehabilitative activity performed by the county must be done pursuant to a separate written agreement signed by HDOA and the county.

**Nothing in the Easement affects the HDOA's right to determine the amount of assessments or collect assessments from any Owner or Subassociation pursuant to the governing documents.**

The above summary is not intended to be a complete list of all features of the Easement. Please read the Easement for a complete list of all of its features.