

Board of County Commissioners

Agenda Request

Date of Meeting: February 3, 2009

Date Submitted: January 16, 2009

To: Honorable Chairman and Members of the Board

From: Commissioner Kessler

Subject: Wakulla Gardens and Other Home Owners Association Covenants and Restrictions in Wakulla County

Statement of Issue:

This agenda item requests the Board to direct the County Attorney to give a legal opinion as to the validity of Home Owner Association Covenants and Restrictions that contains certain language.

Background:

Some subdivisions were created in Wakulla County when a system of inequality was allowed to exist in Wakulla County. The Panacea Development Corporation imposed on the subdivision known as "Wakulla Gardens" restrictions that included discrimination against all people except "white people". When homes are sold in Wakulla Gardens, as a matter of full disclosure, these restrictions are expected to be disclosed to the prospective home buyer. This situation may exist in other subdivisions.

Analysis:

The discriminating verbiage is unconstitutional. Yet, the document or documents exist and present a problem for the prospective home buyer and for the realtors even though the Home Owners Association may not legally exist because of lapsed legal filings. Is there a way that such discriminatory documents be legally judged null and void and without force.

Options:

1. Direct the County Attorney to give a legal opinion as to the status of such restrictive documents and what authority, if any, such restrictive documents may have.
2. Board Direction.

Recommendation:

Option #1

Attachment(s):

1. Restrictions Document.