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Reply to: Lakewood Ranch

MEMORANDUM

TO: Chair Litwin and Supervisors
CrossCreek Community Development District

FROM: Andrew H. Cohen, Esq.

DATE: September 24, 2025

SUBJECT: Tree Trimming and Removal

Due to last year's storms as well as concerns in general, the CrossCreek Community Development ("CDD" or "District") had received multiple inquiries regarding the authority and responsibility for fallen or damaged trees. The purpose of this memorandum is to address some of those issues within the CrossCreek CDD community.

I am a homeowner in CrossCreek CDD and a tree from CDD property fell into my backyard. Who is responsible for cleaning it up?

You, as the private property homeowner, are responsible for the portion of a fallen tree located on your property. You are legally entitled to cut back or remove that portion of the tree up to your property line. The District is then responsible for the portion of the tree located on District property, which could involve

Lakewood Ranch
6853 Energy Court
Lakewood Ranch, Florida 34240

Venice
236 Pedro Street
Venice, Florida 34285

further cutting back or removing the remaining portion of the tree up to the property line. *As a property owner, you are always entitled to trim the “vertical plane” of tree limbs intruding onto your property either from a CDD tree or tree from your neighbor as long as you do not go past your property line or kill the subject tree.*

Why isn't the District responsible for moving the entire tree that fell from the adjoining District property?

As long as the tree was healthy and the District was not aware of any issues that would create a hazardous situation prior to the storms or other cause of falling, the responsibility for removing the tree from private property remains with the homeowner.

What if the tree damaged my fence, lanai or pool cage?

The District, as the adjoining landowner, is not responsible for any damages caused by a fallen tree on your property. You should notify your insurance carrier for coverage information regarding any damages. As a note, this is also generally true if your tree fell on your neighbor's house. There are, of course, some exceptions to that, but generally the homeowner is responsible for damages that occur on their property.

What should I be aware of before removing a fallen tree from my property?

Before you remove a tree, it is important to consider any HOA or CDD restrictions along with possible county permitting regulations. Another consideration is making sure any removal does not further damage the tree or vegetation to avoid any liability. (This is not often the case with a fallen tree, but it should be discussed when talking to the District or a tree removal company.)

Why is the District not removing dead trees that fell over from previous storms or other events in the preservation area behind my house?

The District is subject to certain restrictions and regulations that are dependent on the particular property and situation. In this situation, the District might be required to leave the tree as it fell as natural vegetation to decompose within the preserve area.

What should I do first if I have trees or other vegetation on my property?

Any fallen or damaged trees should be reported to the District staff so the property can be reviewed on a case-by-case basis and further actions discussed prior to trimming or removal. There may be restrictions, including easements, regulations and permitting, that will be taken into consideration in taking appropriate action.