

**RESOLUTIONS REGARDING FLIGHT OPERATIONS
AT THE SPRUCE CREEK AIRPORT (7FL6)**

WHEREAS, the Spruce Creek Property Owners Association, Inc., (hereinafter SCPOA) hereby acknowledges and reaffirms that the “Spruce Creek Fly-In Community” is a Private, Gated Community not open to the general public and that the Spruce Creek Airport is a Private Airport not intended for public use; and

WHEREAS, the SCPOA is the Owner and Sponsor of the Spruce Creek Airport designated by the FAA as 7FL6; and

WHEREAS, the Spruce Creek Airport, being a Private Airport, receives no Federal, State or local funding in support of its airport operations and is not subject to any state or federal grant assurance obligations; and

WHEREAS, the SCPOA is empowered and authorized to establish reasonable regulations and guidelines governing the commercial activity of flight training operations at the SC Airport that are conducted by an SCPOA Member, SCPOA Commercial Member, SCPOA Tenant, SCPOA Guest or non-Member to insure the safety and well-being of the entire community; and

WHEREAS, the privilege of utilizing the Spruce Creek Airport is available to SCPOA Members as defined and set forth in FISC Covenants & Restrictions, Article III, Property Rights in the Association Properties, Section 1, entitled “Members Easements of Enjoyment”, the Spruce Creek By-Laws as amended from time to time, and such Resolutions and Regulations as promulgated by the SCPOA and/or the AAC; and

WHEREAS, on October 17, 1991, the SCPOA Board of Directors adopted a Resolution promulgating additional rules, regulations and definitions governing the *Rights to Use Spruce Creek Airport*, a copy of which is attached as **Exhibit A**; and

WHEREAS, Section 3.D of the Spruce Creek Planned Unit Development Agreement as recorded on January 23, 1996 in Book 4071, Page 4294, of the Public Records of Volusia County restricts the use of the Commercial Area at Spruce Creek Airport to aircraft storage, aircraft sales and service, Fixed Base Operations, convenience store, Post Office or retail specialty shop; and

WHEREAS, Section 4.D of the Spruce Creek Planned Unit Development Agreement as recorded on January 23, 1996 in Book 4071, Page 4294, of the Public Records of Volusia County requires SCPOA approval for the operation of any Fixed Based Operations at the Spruce Creek Airport; and

WHEREAS, the Board of Directors, after consultation with the Spruce Creek Airport Authority Committee (AAC) and having reviewed the AAC’s recommendations on the subject of regulating flight instruction at 7FL6, has adopted the following regulations to govern the commercial activity of flight operations in order to insure that the Private Spruce Creek Airport shall not be available for use by non-SCPOA Members except as specifically provided herein.

NOW THEREFORE, pursuant to the authority granted by FISC Covenants & Restrictions, Article III governing enforcement and Section 3 of the 1991 Regulations entitled “Enforcement”, the Spruce Creek By-Laws as amended from time to time, and such Resolutions and Regulations as promulgated by the SCPOA and/or the AAC, it is hereby **RESOLVED** as follows:

1. **Regulated Use of 7FL6 Private Airport:** It is the intention of the SCPOA Covenants, Restrictions and Regulations to control commercial aviation activities at the Spruce Creek Private Airport and its ground facilities and strictly regulate the use thereof by any non-SCPOA Member. To that end, any flights into the Spruce Creek Airport conducted by a pilot who is not an SCPOA Member, SCPOA Commercial Member, SCPOA Tenant, or an authorized SCPOA Guest are strictly prohibited. Any such prohibited use of the Spruce Creek Airport shall be considered a trespass upon SCPOA Private Property subject to the appropriate legal process and penalties.

2. **Flying Clubs:** Flying Clubs are not an authorized commercial use as defined in the Spruce Creek Planned Unit Development Agreement. Therefore, establishment of a Flying Club in circumvention of this provision which would allow direct or indirect commercial use of and/or access to the Spruce Creek Private Airport to NON-SCPOA Members is strictly prohibited. By way of example, a prohibited indirect commercial use would include a Non-SCPOA Member acquiring an ownership or membership interest in a corporation, limited liability company, club, or unincorporated association that is a Tenant to a commercial lease at the Spruce Creek Airport. An exception to the foregoing prohibition, permits co-ownership of an aircraft properly based in the Commercial Use areas at the Spruce Creek Airport that is partially owned by a SCPOA Member with no more than four (4) Non-Member co-owners, whether such ownership interest be held in the owners individual names, or via an interest in a corporation, limited liability company, unincorporated association, or other such collective ownership vehicle. The Spruce Creek Airport Authority Committee (AAC) shall have continuing oversight (subject to the SCPOA’s ultimate authority) over any SCPOA Member seeking to establish a Flying Club at 7FL6 to insure compliance with all applicable regulations adopted by the SCPOA governing such commercial activity.

3. **Flight Training Operations:**

A. **Prohibited Flight Training:** Flight training operations of any kind conducted by a non-Member for the benefit of a non-Member, including, but not limited to, practice approaches, take-offs, landings, simulated engine out maneuvers and touch and goes, are strictly prohibited at the Spruce Creek Airport. Any such prohibited flight training at the Spruce Creek Airport shall be considered a trespass upon SCPOA Private Property subject to the appropriate legal process and penalties.

B. **Flight Training of Non-Members:** An SCPOA Member holding an appropriate CFI, CFII or other appropriate flight training rating or certificate may provide flight instruction for compensation to a non-Member which initiates and/or terminates at the Spruce Creek Airport only under the following conditions:

- i) All such flight instruction, with the exception of the initial takeoff and terminating landing, must take place at airports or airspace located beyond the Spruce Creek Airport (7FL6) and its traffic pattern; and
- ii) All such flight instruction must be conducted in strict conformance with these regulations, the Spruce Creek Airport Operating Procedures and all relevant Federal or State Regulations governing such activities; and
- iii) Any SCPOA Member seeking to conduct flight training operations for compensation initiating from the Spruce Creek Airport must procure and present evidence of liability insurance coverage from a AAA-rated insurance company having a minimum liability coverage for a single accident of no less than \$500,000. The policy must name the SCPOA as an additional insured and proof of such insurance must be submitted to the SCPOA General Manager for approval prior to conducting any flight training operations authorized herein. The required minimum insurance limits and terms are subject to change by the SCPOA Board of Directors, provided such changes apply to all authorized users of the Spruce Creek Airport.

C. **SCPOA Member Flight Training**: Nothing in these regulations shall be deemed to prohibit an SCPOA Member from receiving flight training from either an SCPOA Member or non-Member. In such circumstances, the SCPOA Member is permitted to receive customary and reasonably necessary flight training initiating from or returning to the Spruce Creek Airport.

4. The Spruce Creek Airport Authority Committee (AAC) shall have continuing jurisdiction to oversee and review flight training operations for compensation that initiate at the Spruce Creek Airport to ensure compliance with all applicable regulations adopted by the SCPOA governing such activity.

6 Votes In Favor
1 Votes Against

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Spruce Creek Property Owners Association during a Public Meeting held on **June 8th, 2021**, during which a Quorum of the Board was present.



John D. Murray
Secretary

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BE IT RESOLVED that the Board of Directors of Spruce Creek Property Owners' Association does hereby resolve and adopt the following rules and regulations concerning the Invitee Policy at Spruce Creek Airport:

ATTEST:

Karla K. Sannora
Secretary

(Corporate Seal)

Spruce Creek Property Owners'
Association, Inc.

By:

Donald C. White
President

INVITEE POLICY

WHEREAS, Spruce Creek Property Owners' Association, Inc. (hereinafter "POA") is the corporation not-for-profit designated by the various covenants and restrictions applicable to Spruce Creek to enforce and implement said covenants and restrictions; and

WHEREAS, the Members of Spruce Creek, their tenants and guests have a non-exclusive easement of enjoyment for the normal use of the taxiways and runways and common areas at Spruce Creek and specifically at Spruce Creek Airport (hereafter "Airport"); and

WHEREAS, said non-exclusive easement is subject to the rules and regulations of the association; and

WHEREAS, limitations on the use of the landing strip, runway or taxiway facilities at the Airport may be imposed if required by law or governmental regulation; and

WHEREAS, Spruce Creek Airport is licensed as a private Airport as defined by F.S. 330.27(10) and POA is the named licensee at the Airport; and

WHEREAS, F.S. 330.27(10) limits or defines a private Airport as one that is "publicly or privately owned which is used primarily by the licensee but which is available for use by invitation of the licensee." and

WHEREAS, the number of Members who are pilots, their tenants and guests who fly and others who use Spruce Creek Airport is such that an orderly system is necessary to regulate what constitutes "use by invitation of the licensee" (i.e. of the POA).

NOW THEREFORE, the Board of Directors of Spruce Creek Property

Owners' Association, Inc. does hereby resolve and adopt the following rules and regulations concerning use of the Spruce Creek Airport:

Rights to Use Spruce Creek Airport

1. Definitions

- (a) "Member" means a member of the Spruce Creek Property Owners' Association, Inc. as defined by its Articles of Incorporation.
- (b) "Tenant" means a person who rents or leases property at Spruce Creek from a Member;
- (c) "Guest" means any person whose right to enjoy the taxiways, runways, landing strip and other common areas at Spruce Creek Airport is solely derived from a valid invitation.
- (d) "Airport" means the Spruce Creek Airport.
- (e) "Invitation" means a specific oral or written offer to allow a specific person or persons to visit the Spruce Creek Airport, with or without compensation or remuneration.
- (f) "Commercial Member" means a member who owns a commercial lot.

2. Invitations to use the Airport

- (a) A member may use the Airport.
- (b) Any member may invite a guest to use the Airport.
- (c) A tenant may use the Airport, but a tenant ~~may not~~

extend invitations to guests to use the Airport,
unless:

- 1) the right to extend invitations to guests is specifically included in a written lease between the tenant and his landlord/member; and
- 2) said written lease is approved in writing by the POA; and
- 3) an owner who includes the right to use the airport in his lease of property to a tenant, gives up both his own right to use the airport and his right to extend invitations to guests, appurtenant to that specific property. Owners of multiple pieces of property at Spruce Creek may lease away their right to use and extend invitations appurtenant to some property and retain said right as to others.

(d) Commercial members may extend invitations to their clients and prospective clients to be guests at and to use the Airport provided:

- 1) that said use is limited to doing business with the commercial members; and
- 2) that invitations by commercial members are specific and not in the form of advertising directed to the public in general. Any advertisement carrying a designation ~~that~~ ~~is~~

activity is located at Spruce Creek Airport must also contain the phrases "private airport" and "by invitation only."

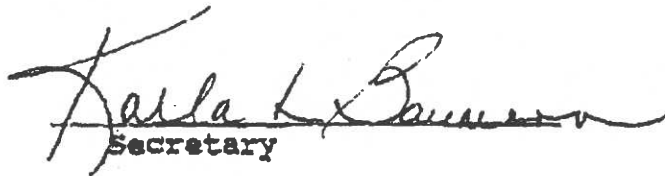
(e) A guest may not extend invitations to other persons to use the Airport.

3. Enforcement

Violations of the provisions of Section 2 above will result either a) in the Member's suspension of his or her right to use the Airport and to extend invitations to use the Airport for such a period as the Board of Directors of Spruce Creek Property Owners' Association, Inc. considers appropriate, pursuant to Article III, Section 3(d) of the Declaration of Covenants and Restrictions for Fly In Spruce Creek Inc. Subdivision, as amended, or b) in the levy of a fine against the offending Member, in a reasonable amount to be determined by the Board, or both.

BE IT RESOLVED that the Board of Directors of Spruce Creek Property Owners' Association does hereby resolve and adopt the following rules and regulations concerning Aircraft Procedures and Safety Rules for Airport Environment at Spruce Creek Airport:

ATTEST:


Secretary

(Corporate Seal)

Spruce Creek Property Owners'
Association Inc.

By:

