

**EAST BONITA  
BEACH ROAD**

**COMMUNITY DEVELOPMENT  
DISTRICT**

**May 17, 2021**

**BOARD OF SUPERVISORS  
PUBLIC HEARINGS AND  
SPECIAL MEETING AGENDA**

# East Bonita Beach Road Community Development District

## OFFICE OF THE DISTRICT MANAGER

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone: (561) 571-0010 • Toll-free: (877) 276-0889 • Fax: (561) 571-0013

May 10, 2021

Board of Supervisors  
East Bonita Beach Road Community Development District

<p><b><u>ATTENDEES:</u></b> Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.</p>
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Dear Board Members:

The Board of Supervisors of the East Bonita Beach Road Community Development District will hold multiple Public Hearings and a Special Public Meeting on May 17, 2021, at 10:30 a.m., at the offices of D.R. Horton, 10541 Ben C. Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements
  - A. Presentation/Consideration of Amended and Restated Engineer's Report [Assessment Area 2 Project] (*for informational purposes*)
  - B. Presentation/Consideration of Final Methodology Report - Assessment Area Two (*for informational purposes*)
  - C. Affidavit/Proof of Publication
  - D. Mailed Notice to Property Owner(s)
  - E. Consideration of Resolution 2021-05, Making Certain Findings; Authorizing an Improvement Plan For Assessment Area Two; Updating the Master Improvement Plan; Providing an Estimated Cost of Improvements; Adopting an Assessment Area 2 Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments on Assessment Area Two; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property and Transfers of Property To Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date

4. Consideration of Resolution 2021-06, Approving a Proposed Budget for Fiscal Year 2021/2022 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date
5. Consideration of Resolution 2021-07, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022 and Providing for an Effective Date
6. Consideration of Seasons at Bonita Phase Two Subdivision Plat
7. Ratification of Documents Related to the Acquisition of Real Property
  - A. Special Warranty Deed/Acquisition Package
  - B. General Assignment and Assumption Agreement
8. Consideration of Acquisition of AA1 and AA2 Completed Improvements
9. Consideration of Ancillary Financing Matters
10. Approval of April 27, 2021 Special Meeting Minutes
11. Other Business
12. Staff Reports
  - A. District Counsel: *Hopping, Green & Sams, PA*
  - B. District Engineer: *Banks Engineering, Inc.*
    - Consideration of Requisition No. 1
  - C. District Manager: *Wrathell, Hunt and Associates, LLC*
    - I. 163 Registered Voters in District as of April 15, 2021
    - II. NEXT MEETING DATE: August 16, 2021 at 10:30 A.M.

○ QUORUM CHECK

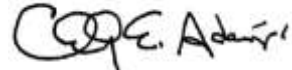
MICHAEL BONE	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
J WAYNE EVERETT	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
LANDON THOMAS	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
TIM MARTIN	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
ASHLEY KOZA	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO

13. Audience Comments/Supervisors' Requests

14. Adjournment

Should you have any questions, please do not hesitate to contact me directly at 239-464-7114.

Sincerely,



Chesley "Chuck" Adams  
District Manager

**FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE:**

**CALL IN NUMBER: 1-888-354-0094**

**CONFERENCE ID: 8593810**

**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**3A**

AMENDED AND RESTATED  
ENGINEER'S REPORT  
FOR THE  
EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT

PREPARED FOR:

BOARD OF SUPERVISORS  
EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT

ENGINEERS:

BANKS ENGINEERING  
10511 SIX MILE CYPRESS PKWY, SUITE 101  
FORT MYERS, FLORIDA 33966

**September 28, 2020**

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EXHIBIT 2A	DESCRIPTION FOR DISTRICT BOUNDARY
EXHIBIT 2B	SKETCH FOR ASSESMENT AREA ONE
EXHIBIT 2C	DESCRIPTION FOR ASSESSMENT AREA ONE
EXHIBIT 2D	DESCRIPTION FOR ASSESSMENT AREA TWO
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EXHIBIT 5	PHASING PLAN
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# ENGINEER'S REPORT

## 1. INTRODUCTION

### 1.1 Description of East Bonita Beach Road Community Development District

Seasons at Bonita ("**Development**"), to be served by the East Bonita Beach Road Community Development District ("**District**"), is located in Lee County, Florida lying in Section 1 Township 48, Range 26 East in Bonita Springs, east of I-75 and at the eastern end of Bonita Beach Road. The location is shown by Exhibit "1" of the Appendix. The Development is planned to be developed as a Residential Planned Development consisting of (548) single-family residential units allocated among the following product types: (i) 88 - 60' single-family lots (60'); and (ii) 263 - 50' single-family lots, and 197 - 40' lots.

The District's overall capital improvement plan ("**Capital Improvement Plan**," or "**CIP**"), as described herein, consists of the master stormwater management system, wetland/wildlife impact mitigation, and certain entry roadways, buffers, and irrigation, all of which functions as a system of improvements benefitting all developable lands within the District. While the CIP consists of a system of improvements, the CIP will be split into two distinct assessment areas and projects, known as "**Assessment Area One**" / "**Assessment Area One Project**" and "**Assessment Area Two**" / "**Assessment Area Two Project**." Assessment Area One consists of 102.69 acres, as described in **Exhibit 2B**, and Assessment Area Two is 65.76 acres which is the balance of the lands within the District. The Assessment Area One Project refers to that portion of the CIP allocable to Assessment Area One as previously described in that certain Engineers Report, adopted by the District's Board in January 2018, and, likewise, the Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two.

The CIP and the Development itself are expected to be constructed in two "**Phases**" over time – including "**Phase 1**" and "**Phase 2**," which phases generally correspond with the Assessment Areas. Because the CIP functions as a system of improvements, the Phase 1 construction (just like the Phase 2 construction) includes master infrastructure benefitting both Assessment Area One and Assessment Area Two. Thus, the use of the term "**Phases**" herein is not intended to address the exact geographic location of any construction per se, but rather is intended to identify the timing with which certain infrastructure will be constructed and/or acquired.

Phase 1 construction began January 2018, and Phase 2 construction is expected to commence in August 2020. The Development is planned to be completed in 2022.

Assessment Areas One and Two are expected to include two hundred eighty-four (284) and two hundred sixty-four (264) single-family units, respectively. The unit breakdown for the Assessment Areas is provided in Table 2 and also shown on Exhibit "5." D.R. Horton, the previous developer, constructed an amenity, which is not included as part of the District's CIP. The amenity is located in Assessment Area One and was developed as part of the Phase 1 construction and is owned and operated by the HOA.

The proposed land uses are included in Table 1 below.



**TABLE 1**  
Land Use Summary:

TYPE OF USE	ASSESSMENT AREA ONE (AC)	ASSESSMENT AREA TWO (AC)	TOTAL (AC)	% OF TOTAL PROJECT
RESIDENTIAL	52.12	45.16	97.28	57.8%
RIGHT-OF-WAY*	11.1	8.5	19.6	11.60%
LAKE	23.7	7.3	31	18.4%
BUFFER/COMMON	6.1	4.8	10.9	6.50%
AMENITY AREA	5.1	0	5.1	3.0%
PRESERVE	4.57	0	4.57	2.70%
<b>TOTAL</b>	<b>102.69</b>	<b>65.76</b>	<b>168.45</b>	<b>100%</b>

\*Public RLW area is 0.48ac.

**TABLE 2**  
UNIT COUNTS:

	Assessment Area One	Assessment Area Two	TOTAL
40' LOTS	98	99	197
50' LOTS	181	82	263
60' LOTS	5	83	88
<b>TOTAL</b>	<b>284</b>	<b>264</b>	<b>548</b>

## 1.2 Purpose and Scope of the Report

Prior to the date hereof, the District adopted its *Engineer's Report* dated January 2018 setting forth improvements to be financed, acquired and/constructed by the District as part of the Assessment Area One Project ("2018 Report"). The 2018 Report was created near the time of the start of the construction of the Assessment Area One Project, and was used in connection with the District's issuance of bonds to finance the Assessment Area One Project. The purpose of this Amended and Restated Engineers Report is to update the status of the Assessment Area One Project, and update the overall development cost of the Assessment Area Two Project. An assessment methodology will be developed by the District's methodology consultant, and such methodology shall identify the specific benefit derived to the lands within Assessment Area Two from the Assessment Area Two Project.

## 2. DISTRICT BOUNDARIES AND PROPERTIES SERVED

### 2.1 District Boundaries

Exhibit "1" delineates the boundaries of the District. The District is bounded on the south and west by Bonita Beach Road, the east by the Bonita National project, and the north by public land that is in preservation and owned by the South Florida Water Management District.

## **2.2 Description of Properties Served**

The District is located in Section 1, Township 48 South, Range 26 East, Lee County, Florida and is 168.45 acres in size. The property within the District is zoned for residential development and is depicted on Exhibit "3".

### **3. EXISTING INFRASTRUCTURE & PROPOSED DEVELOPER-FUNDED INFRASTRUCTURE**

#### **3.1 Existing Infrastructure**

The District has been previously cleared and partially filled and prior to development was primarily used for row crops, except for a small wetland that contains some native trees. In 2007 site construction commenced, all of the stormwater lakes were excavated, except for the planned lake within the amenity area. The excavated materials were used onsite to fill properties within the District. These lakes collect any runoff from the District and naturally fluctuate with the ground water. The water level is generally less than one foot below natural ground during the wet season and may drop up to 5 feet below existing grade in the dry season.

#### **3.2 Developer Infrastructure – Utilities, Amenities, Etc.**

The District is located within the Bonita Springs Utilities water-sewer franchise area. Bonita Springs Utilities will provide water and wastewater services to the District. At this time, Bonita Springs Utilities does not have effluent reuse irrigation water available to the District so onsite lakes will be the source for irrigation.

Potable water for the District is available via an existing 16" watermain along Bonita Beach Road. This existing potable watermain is operated by Bonita Springs Utilities. The location of this watermain is shown on Exhibit "4" of the Appendix. New potable water facilities are planned to be constructed to serve the Development. Upon completion, Bonita Springs Utilities will own and maintain these potable water facilities. The District will not finance any portion of the potable water facilities.

Wastewater for the District is available via an existing 12" forcemain along Bonita Beach Road. This existing forcemain is operated by Bonita Springs Utilities. The location of this forcemain is shown on Exhibit "4" of the Appendix. New wastewater facilities are planned to be constructed to serve the Development. Upon completion, Bonita Springs Utilities will own and maintain these potable water facilities. The District will not finance any portion of the wastewater facilities.

The District is located within the Cocohatchee River Drainage Basin with the receiving body being the Cocohatchee River via overland flow through offsite wetlands that connect to the Cocohatchee Canal, which is shown on Exhibit "6-1". This system ultimately discharges to the Gulf of Mexico.

The District is accessed on the south by Bonita Beach Road that is a public roadway that provides access to the District.

The District is located within the franchise areas of Florida Power & Light and CenturyLink. Cable service is available from Comcast. These utility companies will provide electrical power, telephone and cable television services to the Development located within the District.

An amenity center has been constructed as part of the Development. The amenity includes both active and passive recreation uses along with the mailboxes for the residents. The completed amenity area included tennis and pickleball courts, a clubhouse with fitness equipment and meeting areas, and a large pool with a cabana restaurant. The amenity area is currently owned by the developer but will ultimately be owned and maintained by the Seasons at Bonita Homeowners Association. The District will not finance any portion of the amenity area.

#### **4. PROPOSED DISTRICT INFRASTRUCTURE**

##### **4.1 Summary of the District Infrastructure**

Developable lands within the areas of the District will benefit from the proposed CIP. The District's infrastructure generally consists of the following:

- Irrigation
- Stormwater Management
- Buffers
- Public Roadways
- Wetland/Wildlife Impact Mitigation
- Professional Services
- Contingency

##### **4.2 Irrigation**

The District's irrigation system will consist of two irrigation pump stations and controls, irrigation mains of varying sizes, and irrigation services to the lots and other areas of the District. The irrigation system is schematically shown on Exhibit "7". The irrigation system withdraws from the onsite lakes that will be owned by the District. Approximately 36,000 linear feet of irrigation main will be constructed to serve the District. The individual sprinkler systems on the residential lots (and the amenity center) will not be part of the CIP and will not be owned nor maintained by the District. The District will either construct or acquire its portion of the irrigation system and will own and maintain the District irrigation system thereafter.

The Assessment One Area portion of the irrigation system has been completed but was not conveyed or acquired/funded by the District. The irrigation system within Assessment Area Two that makes up a portion of the Assessment Area Two Project will be constructed as part of the Assessment Area Two Project. The cost for the Assessment Area Two Project will also include the cost for the Assessment Area One Project that was constructed, but not requisitioned. Upon completion of the Assessment Area Two irrigation system, the entire system will be conveyed to the District for ownership and maintenance.

##### **4.3 Stormwater Management**

The District's stormwater management system is planned to consist of stormwater management lakes, drainage pipes, catch basins, water control structures, swales, berms, and other conveyance elements as schematically shown in Exhibit "8". Stormwater runoff from within the District will be collected and conveyed to the stormwater management lakes for water quality treatment and quantity storage. Stormwater runoff from the District will be stored in the lakes during the storm events.

The storm water management system has been designed and will be constructed in accordance with South Florida Water Management District standards for water quality treatment, quantity storage and flood protection. The existing storm water lakes will be reshaped to create littoral planting areas, and the lake banks will be re-graded as necessary to comply with regulatory requirements. The lake within the amenity area was excavated as part of the Assessment Area One Project, and the material generated used to reshape the other lakes within Assessment Areas One. Ground cover will be provided at all lakes and as necessary to prevent erosion. Ground cover will consist of sod, shrubs, and littoral and upland plantings in and around the lakes and berms.

Approximately 13,000 feet of valley gutter and 12,000 feet of drainage pipes and 85 inlets will be constructed as part of the District CIP. These are the conveyance elements that will drain the Development and connect to the stormwater lakes.

The stormwater management improvements for the Development will be constructed or acquired by the District when completed. Also, the Developer will sell to the District the fee title, based upon an appraisal, land where the storm water management lakes are located. The District will finance all or a portion of the costs of acquiring the fee title to the lakes, as well as any costs for completing the construction and/or acquisition of the work necessary to complete the stormwater management system. The District will own and maintain the stormwater management system.

The Assessment Area One portion of the stormwater management system has been completed and conveyed to the District, including ownership of the lakes within the Assessment One Area. The stormwater management system within the Assessment Area Two project area will be constructed as part of the Assessment Area Two Project. Upon completion of the Assessment Area Two stormwater management system, it will be conveyed to the District for ownership and maintenance along with the fee title for the lakes within Assessment Area Two.

#### **4.4 Buffers**

Buffers will be provided around the perimeter of the District. These buffers will consist of decorative plantings and a buffer wall and are shown on Exhibit "9". The buffers plantings will consist of ground cover, sod, shrubs, flowers, trees, and other plant materials adjacent to public properties. This vegetation will help beautify the District and the buffers provide a visual barrier between the District and the adjacent uses. The buffers will also include a perimeter wall that provides enhanced security to the District. The entry features outside of any gated structures will be part of the District CIP. The District cost will be for the wall and the planting materials that are on the outside of the perimeter wall along with the cost of the acquisition of the buffer tracts based on the appraised value.

The Assessment Area One portion of the buffers has been completed. The Assessment Area One buffer wall was conveyed to the District, but the plantings although constructed, were not requisitioned or conveyed. The buffers within Assessment Area Two will be constructed as part of the Assessment Area Two Project. The cost for the Assessment Area One plantings that were not requisitioned will be included as part of the Assessment Area Two Project cost. Upon completion, the Assessment Area Two buffers and Assessment Area One plantings will be conveyed to the District for ownership and maintenance.

#### **4.5 Public Roadways**

The roadways within the District will consist of two-lane curbed roadways. The roadways will provide access to the various land uses within the District. The roadways for the District will connect to Bonita Beach Road. The roadways will be constructed to City of Bonita Springs requirements within platted rights-of-ways and easements.

While 20,000 feet of roadway is proposed within the District, only the portion of the roadway (“**CDD Roadways**”) that is outside the entry gates will be owned by the District. The roadways (“**HOA Roadways**”) within the gates will be owned and maintained by the HOA. The CDD Roadways and HOA Roadways are shown on Exhibit “5”.

The CDD Roadways will be constructed or acquired by the District when completed. The District will acquire the completed CDD Roadways for the cost of the construction of the improvements for the CDD Roadways along with the cost of the right of way acquisition based on the appraised value. The District will be responsible for perpetual maintenance of the CDD Roadways. The public will have access to the CDD Roadways. A manned access gate will be owned and operated by the HOA (and not financed by the District) to secure access into the HOA Roadways.

Entry features will be located within and adjacent to the CDD Roadways. The CDD Roadways and entry features will be landscaped to help the CDD Roadways blend into the community. Landscaping may consist of sod, annual flowers, shrubs, trees and ground covers. These improvements are part of the CDD Roadways and District CIP and will be owned and maintained by the District.

The public roadway was completed as part of the Assessment One Area (Phase 1) Project. The cost for the road construction was requisitioned and conveyed to the District along with the fee interest in the property. The entry features and plantings within the roadway tract were not requisitioned or conveyed to the District. The cost for these facilities will be included as part of the Assessment Area Two (Phase 2) Project.

#### **4.6 Wetland/Wildlife Mitigation**

The wetland impact mitigation for the Development will consist of the enhancement of the onsite mitigation area generally reflected on Exhibit 10. The mitigation will be completed in accordance with SFWMD, ACOE and City of Bonita Springs requirements. Enhancement of the mitigation areas will occur through construction and planting of aquatic littoral zones in the mitigation areas, removal of exotic plant species and replanting of the preserve areas with native plants.

A vegetated buffer is required around the wetland as part of the wetland and wildlife mitigation. This buffer will be planted with native plants. The cost for the grading and planting of this buffer will be part of the District mitigation work.

The enhancement activities will be part of the District CIP and was in part financed by the District as part of the Assessment Area One Project and the remainder will be part of the Assessment Area Two Project. The acquisition of the conservation area, based on the appraised value, was part of the Assessment Area One Project.

The wetland/wildlife mitigation was partially completed as part of the Assessment One Area project and the mitigation area conveyed to the District. The planting of some additional mitigation plants are necessary since the plant coverage has not met the permit success criteria. These additional plants will be installed as part of the Assessment Area Two project. Upon

completion of the Assessment Area Two mitigation plantings, they will be conveyed to the District for ownership and maintenance.

#### **4.7 Professional Services**

The professional services for design and construction of all components of the District CIP including the engineering, utilities, soils investigation and testing, landscaping design, environmental consultation, and construction services for inspection of the CIP during construction will be financed by the District. The professional services for the design and construction of the private infrastructure will not be part of the District CIP, nor financed by the District.

The Assessment One Area portion of the professional services have been completed and conveyed to the District. The professional services for the Assessment Area Two will be part of the Assessment Area Two Project. Upon completion, the Assessment Area Two professional fees will be conveyed to the District.

#### **4.8 Contingency**

These costs include a reasonable contingency in the amount of approximately 10% to cover unexpected cost or unforeseen requirements, and to cover any inflationary cost since construction of some District infrastructure may not occur for several years.

### **5. OPINION OF PROBABLE CONSTRUCTION COSTS AND BENEFIT**

A summary of the opinion of probable costs for the public improvements comprising the CIP to be financed by the District is represented in Table 3. The costs do not include the legal, administrative, financing, operation or maintenance services necessary to finance and operate the District infrastructure.

\$562,202.49 of the cost contained within the Assessment Area Two Project estimate represents the amount of shortfall from the Assessment Area One Project that was not paid out of the bond proceeds from the Series 2018 bond issuance but remain eligible for reimbursement from the Series 2020 bond issuance. Said another way, the District acquired \$5,279,911 worth of improvements and real property in 2018 but only had \$4,717,708.51 in bond proceeds to reimburse the developer. Pursuant to the acquisition agreement between the developer and the District, should the District issue additional bonds in the future, the difference between the value of the improvements acquired by the District in 2018 and what the district could requisition from bond proceeds is eligible for reimbursement if the District issued bonds in the future. Accordingly, the shortfall has been made part of the Assessment Area Two Project Cost.

The public improvements comprising the CIP benefit the District and the estimate of probable cost is less than the benefit the assembled property within the District will receive as a result of the construction of the CIP. The District Assessment Methodology will apportion the cost based on the special benefit received by the residential units planned for the District.

There are no impact fee credits available for any improvements included within the CIP.

It is my professional opinion that these costs are reasonable for the work to be performed and benefit the developable real property in the District. I believe that the District's planned CIP is feasible and can be constructed within the budget set forth in this Report.

The cost estimates set forth herein are estimates based on current plans and market conditions, which are subject to change. Accordingly, the CIP as used herein refers to sufficient public infrastructure of the kinds described herein (i.e., stormwater/floodplain management, roadways, etc.) to support the development and sale of the planned residential units, which (subject to true-up determinations) number and type of units may be changed with the development of the CIP.

**TABLE 3**

Summary of Opinion of Probable Cost:

Project Description	Assessment Area One Estimated Construction Cost <sup>5</sup>	Assessment Area One Requisition	Assessment Area Two Estimated Construction Cost	Total CIP Construction Costs <sup>6</sup>
IRRIGATION	\$675,000		\$850,000	\$850,000
STORMWATER MANAGEMENT <sup>1</sup>	\$1,525,000	\$1,166,665	\$1,200,000	\$2,366,665
BUFFERS	\$475,000	\$310,507	\$650,000	\$960,507
PUBLIC ROADWAYS	\$250,000	\$8,289	\$300,000	\$308,289
WETLAND/WILDLIFE MITIGATION	\$35,000		\$10,000	\$10,000
PROFESSIONAL SERVICES	\$ 100,000	\$20,490	\$50,000	\$70,490
CONTINGENCY	\$310,000		\$300,000	\$300,000
UNREIMBURSED COST FROM ASSESSMENT AREA ONE PROJECT			\$562,202.49 <sup>4</sup>	
TOTALS	\$3,370,000	\$1,505,951	\$3,922,202.49	\$4,865,951 <sup>7</sup>
MASTER LAND ACQUISITION COSTS:		\$3,773,960 <sup>2</sup>	\$1,550,000 <sup>3</sup>	\$5,323,960
<b>GRAND TOTAL:</b>		\$5,279,911 <sup>4</sup>	\$5,472,202.49	<b>\$10,189,911</b>

1. All of this cost is for infrastructure work performed as of 2018 and does not include any amounts for excavation of the stormwater lakes prior to 2018.
2. The Phase 1 land value was computed as 37.58 acres x \$100,000 per acre for the CDD Roadways, stormwater, and buffer areas, plus 4.56 acres x \$3,500 per acre for the mitigation area. The land value is based on the appraisal provided by Integra Realty Resources.
3. The Phase 2 land value is based on the appraisal provided by Integra Realty Resources dated August 17, 2020 for the lakes and buffer tracts within Assessment Area Two.
4. \$4,717,708.51 of the \$5,279,911 Assessment Area One Project cost were reimbursed to the developer as part of the construction requisition for Assessment Area One. In accordance with the acquisition agreement between the District and the developer, the difference (\$562,202.49) will be part of the Assessment Area Two Project cost and eligible for reimbursement to the Developer.
5. These values in Table 3 are from the Engineering Report for East Bonita Beach Road CDD dated January 9<sup>th</sup>, 2018.
6. Total CIP is the Assessment Area One Project amounts previously reimbursed to the developer (\$4,717,708.51) plus the total estimated Assessment Area Two Project amounts.
7. The total for the construction cost for the Assessment Area One and Assessment Area Two project does not include the reimbursed cost from Assessment Area One.

6. **PERMITS**

**Overall Project Permits**

Permits for construction are required prior to the commencement of construction of infrastructure improvements. The permitting agencies have continuing jurisdiction over the public infrastructure being financed. The following permits have been obtained for the overall CIP:

- Local zoning approval.
- Army Corps of Engineers Dredge and Fill Permit.
- South Florida Water Management District Environmental Resource Permit (ERP).
- Development Order Approval for Site Infrastructure by the City of Bonita Springs.

The following permits have been obtained for the Phase 1 project:

- Bonita Springs Utilities Construction Approval for Water and Sewer Facilities.
- Florida Department of Environmental Protection Wastewater and Lee County Environmental Health Water Construction Permits.
- The subdivision plat for the Assessment Area One Project has been approved by the City of Bonita Springs and recorded.

The following permits have been obtained for approximately half of the Phase 2 Project:

- Bonita Springs Utilities Construction Approval for Water and Sewer Facilities.
- Florida Department of Environmental Protection Wastewater and Lee County Environmental Health Water Construction Permits.

The remaining permits and plats for construction of the CIP are expected to be obtained in due course.

All permits necessary for construction of the CIP are expected to be obtained in due course.

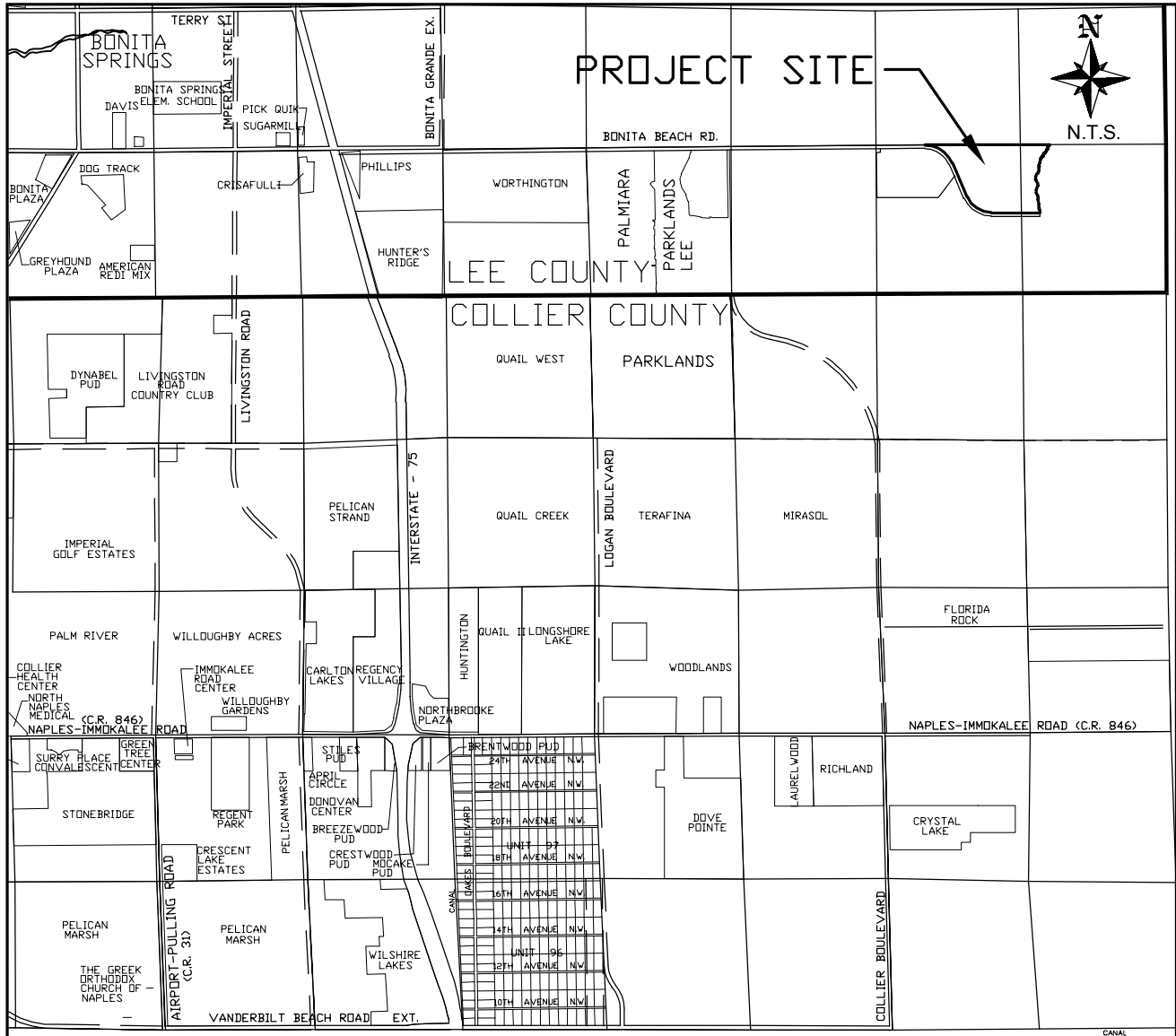
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David R. Underhill, Jr.                      Date  
FL License No. 47029  
District Engineer



## **APPENDIX**

# SITE LOCATION MAP

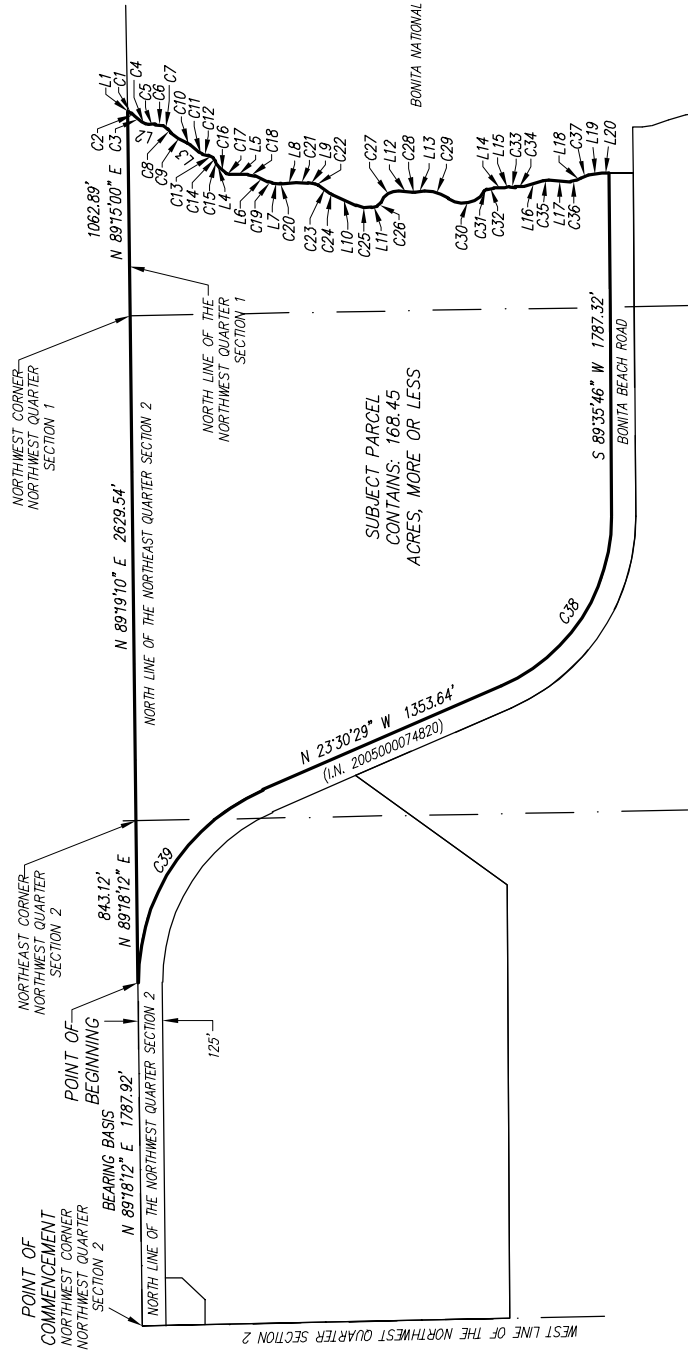


SECTION 1, TOWNSHIP 48 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA

# EAST BONITA BEACH ROAD C.D.D.

## PROJECT LOCATION MAP

EXHIBIT 1



### SKETCH OF DESCRIPTION

OF  
A TRACT OR PARCEL OF LAND LYING IN  
SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST,  
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA  
EXHIBIT "B"

THIS SKETCH OF DESCRIPTION  
IS NOT A BOUNDARY SURVEY

#### NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) BEARINGS ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS), WHEREIN THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST BEARS N 89°18'12" E.

#### CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	16.00'	60°18'50"	16.84'	16.08'	S 29°24'25" W
C2	83.50'	17°08'57"	24.99'	24.90'	S 50°59'21" W
C3	421.93'	06°20'50"	46.74'	46.72'	S 38°28'14" W
C4	56.00'	24°36'12"	24.05'	23.86'	S 22°59'43" W
C5	77.50'	24°36'11"	33.28'	33.02'	S 01°36'28" E
C6	63.21'	47°28'44"	45.76'	44.77'	S 06°49'48" W
C7	60.00'	26°53'54"	28.17'	27.91'	S 41°01'07" W
C8	117.50'	12°21'39"	25.35'	25.30'	S 48°17'15" W
C9	286.61'	19°57'14"	99.82'	99.31'	S 32°07'48" W
C10	55.00'	19°47'28"	19.00'	18.90'	S 32°02'55" W
C11	34.30'	41°00'49"	24.55'	24.03'	S 26°57'38" W
C12	97.33'	16°43'45"	28.42'	28.32'	S 10°49'28" W
C13	173.66'	10°26'14"	31.63'	31.59'	S 23°56'51" W
C14	22.00'	53°27'49"	20.53'	19.79'	S 56°00'49" W
C15	43.74'	28°18'10"	21.61'	21.39'	S 68°35'38" W
C16	147.00'	18°42'18"	47.99'	47.78'	S 41°12'21" W
C17	30.00'	31°47'50"	16.65'	16.44'	S 15°57'17" W
C18	85.00'	25°23'50"	37.68'	37.37'	S 12°45'17" W
C19	68.00'	19°17'07"	22.89'	22.78'	S 15°48'39" W
C20	48.50'	11°01'51"	8.95'	8.94'	S 00°39'10" W
C21	280.00'	12°06'24"	61.28'	61.16'	S 01°11'26" W
C22	47.50'	23°46'45"	19.71'	19.57'	S 19°08'00" W
C23	469.77'	09°07'39"	74.84'	74.76'	S 35°35'13" W
C24	47.50'	15°03'30"	12.48'	12.45'	S 32°37'17" W
C25	128.00'	37°51'48"	84.59'	83.06'	S 06°09'38" W
C26	29.97'	60°21'58"	31.58'	30.14'	S 41°12'00" E
C27	88.00'	76°48'36"	117.97'	109.33'	S 32°58'41" E
C28	65.00'	12°06'17"	13.73'	13.71'	S 00°37'32" E
C29	200.00'	37°46'33"	131.86'	129.49'	S 16°45'02" W
C30	130.00'	94°14'47"	213.84'	190.53'	S 11°29'05" E
C31	25.00'	39°51'42"	17.39'	17.04'	S 38°40'38" E
C32	98.14'	22°30'22"	38.55'	38.30'	S 07°29'36" E
C33	75.00'	23°56'39"	31.34'	31.12'	S 00°25'15" W
C34	87.00'	28°30'04"	43.28'	42.83'	S 01°51'28" E
C35	87.00'	20°01'46"	30.41'	30.26'	S 06°05'37" E
C36	56.00'	35°38'16"	34.83'	34.27'	S 13°53'52" E
C37	110.00'	23°00'29"	44.17'	43.88'	S 20°12'46" E
C38	955.00'	66°53'44"	1115.01'	1052.75'	S 56°57'22" W
C39	1081.00'	67°11'18"	1267.65'	1196.25'	S 57°06'09" W

#### LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 00°45'00" E	7.13'	L11	S 12°46'16" E	27.97'
L2	S 10°41'57" W	16.05'	L12	S 05°25'37" W	70.20'
L3	S 41°56'39" W	57.94'	L13	S 06°40'40" E	49.18'
L4	S 51°53'17" W	18.18'	L14	S 01°20'37" E	54.56'
L5	S 00°03'22" W	99.60'	L15	S 11°33'05" E	26.09'
L6	S 25°27'12" W	72.66'	L16	S 16°06'30" E	104.81'
L7	S 06°10'05" W	39.67'	L17	S 03°55'16" W	114.57'
L8	S 04°51'46" E	76.99'	L18	S 31°43'00" E	22.00'
L9	S 07°14'38" W	38.05'	L19	S 08°42'31" E	70.09'
L10	S 25°05'32" W	134.89'	L20	S 00°04'22" W	38.50'

#### LEGEND:

- LB INDICATES LICENSED BUSINESS
- I.N. INDICATES INSTRUMENT NUMBER
- L1 INDICATES LINE 1 FROM LINE TABLE
- C1 INDICATES CURVE 1 FROM CURVE TABLE

EXHIBIT 2

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DISTRICT BOUNDARY SKETCH  
EAST BONITA BEACH ROAD C.D.D.  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
10/25/2017	1324DR	CDD BNDY	JLW	JLW	DRU	N.T.S.	1

**EXHIBIT "B"**

DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING IN

SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST,  
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA

(AS RECORDED IN INSTRUMENT NUMBER 2005000070029)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST; THENCE N.89°18'12"E., ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1787.92 FEET TO THE **POINT OF BEGINNING**. THENCE CONTINUE N.89°18'12"E., ALONG SAID NORTH LINE A DISTANCE OF 843.12 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE N.89°19'10"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 2,629.54 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE N.89°15'00"E., ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,062.89 FEET; THENCE S.00°45'00"E., A DISTANCE OF 7.13 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 16.00 FEET, A CENTRAL ANGLE OF 60°18'50", A CHORD BEARING OF S.29°24'25"W., AND A CHORD LENGTH OF 16.08 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 16.84 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 83.50 FEET, A CENTRAL ANGLE OF 17°08'57", A CHORD BEARING OF S.50°59'21"W., AND A CHORD LENGTH OF 24.90 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 24.99 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 421.93 FEET, A CENTRAL ANGLE OF 06°20'50", A CHORD BEARING OF S.38°28'14"W., AND A CHORD LENGTH OF 46.72 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 46.74 FEET TO THE POINT OF CURVATURE OF A COMPOUND CURVE TO THE LEFT HAVING: A RADIUS OF 56.00 FEET, A CENTRAL ANGLE OF 24°36'12", A CHORD BEARING OF S.22°59'43"W., AND A CHORD LENGTH OF 23.86 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 24.05 FEET TO THE END OF SAID CURVE; THENCE S.10°41'37"W., A DISTANCE OF 16.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 77.50 FEET, A CENTRAL ANGLE OF 24°36'11", A CHORD BEARING OF S.01°36'28"E., AND A CHORD LENGTH OF 33.02 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 33.28 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 63.21 FEET, A CENTRAL ANGLE OF 41°28'44", A CHORD BEARING OF S.06°49'48"W., AND A CHORD LENGTH OF 44.77 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 45.76 FEET TO THE POINT OF CURVATURE OF A COMPOUND CURVE TO THE RIGHT HAVING: A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 26°53'54", A CHORD BEARING OF S.41°0'107"W., AND A CHORD LENGTH OF 27.91 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 28.17 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 117.50 FEET, A CENTRAL ANGLE OF 12°21'39", A CHORD BEARING OF S.48°17'15"W., AND A CHORD LENGTH OF 25.30 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 25.35 FEET TO THE

EXHIBIT 2A  
PAGE 1

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DESCRIPTION FOR DISTRICT BOUNDARY									
EAST BONITA BEACH ROAD C.D.D.									
LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET		
10/25/2017	1324DR	CDD BNDY	JLW	JLW	DRU	N.T.S.	1		

POINT OF CURVATURE OF A COMPOUND CURVE TO THE LEFT HAVING: A RADIUS OF 286.61 FEET, A CENTRAL ANGLE OF 19°57'14", A CHORD BEARING OF S.32°07'48"W., AND A CHORD LENGTH OF 99.31 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 99.82 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 19°47'28", A CHORD BEARING OF S.32°02'55"W., AND A CHORD LENGTH OF 18.90 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 19.00 FEET TO THE END OF SAID CURVE; THENCE S.41°56'39"W., A DISTANCE OF 57.94 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 34.30 FEET, A CENTRAL ANGLE OF 41°00'49", A CHORD BEARING OF S.26°57'38"W., AND A CHORD LENGTH OF 24.03 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 24.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 97.33 FEET, A CENTRAL ANGLE OF 16°43'45", A CHORD BEARING OF S.10°49'28"W., AND A CHORD LENGTH OF 28.32 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 28.42 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 173.66 FEET, A CENTRAL ANGLE OF 10°26'14", A CHORD BEARING OF S.23°56'51"W., AND A CHORD LENGTH OF 31.59 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 31.63 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 22.00 FEET, A CENTRAL ANGLE OF 53°27'49", A CHORD BEARING OF S.56°00'49"W., AND A CHORD LENGTH OF 19.79 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 20.53 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 43.74 FEET, A CENTRAL ANGLE OF 28°18'10", A CHORD BEARING OF S.68°35'38"W., AND A CHORD LENGTH OF 21.39 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 21.61 FEET; THENCE S.51°53'17"W., A DISTANCE OF 18.18 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 147.00 FEET, A CENTRAL ANGLE OF 18°42'18", A CHORD BEARING OF S.41°12'21"W., AND A CHORD LENGTH OF 47.78 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 47.99 FEET TO THE POINT OF CURVATURE OF A COMPOUND CURVE TO THE LEFT HAVING: A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 31°47'50", A CHORD BEARING OF S.15°57'17"W., AND A CHORD LENGTH OF 16.44 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 16.65 FEET TO THE END OF SAID CURVE; THENCE S.00°03'22"W., A DISTANCE OF 99.60 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 85.00 FEET, A CENTRAL ANGLE OF 25°23'50", A CHORD BEARING OF S.12°45'17"W., AND A CHORD LENGTH OF 37.37 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 37.68 FEET TO THE END OF SAID CURVE; THENCE S.25°27'12"W., A DISTANCE OF 72.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 68.00 FEET, A CENTRAL ANGLE OF 19°17'07", A CHORD BEARING OF S.15°48'39"W., AND A CHORD LENGTH OF 22.78 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 22.89 FEET TO THE END OF SAID CURVE; THENCE S.06°10'05"W., A DISTANCE OF 39.67 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 46.50 FEET, A CENTRAL ANGLE OF 11°01'51", A CHORD BEARING OF S.00°39'10"W., AND A CHORD LENGTH OF 8.94 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 8.95 FEET TO THE END OF SAID CURVE; THENCE S.04°51'46"E., A DISTANCE OF 76.99 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 290.00 FEET, A CENTRAL ANGLE OF 12°06'24", A CHORD BEARING OF S.01°11'26"W., AND A CHORD LENGTH OF 61.16 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 61.28 FEET TO THE END OF SAID CURVE; THENCE S.07°14'38"W., A DISTANCE OF 38.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 47.50 FEET, A CENTRAL ANGLE OF 23°46'45", A CHORD BEARING OF S.19°08'00"W., AND A CHORD LENGTH OF 19.57 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 19.71 FEET TO THE POINT OF CURVATURE OF A COMPOUND CURVE TO THE RIGHT HAVING: A RADIUS OF 469.77 FEET, A CENTRAL ANGLE OF 09°07'39", A CHORD BEARING OF S.35°35'13"W., AND A CHORD LENGTH OF 74.76 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 74.84 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 47.50 FEET, A CENTRAL ANGLE OF 15°03'30", A CHORD BEARING OF S.32°37'17"W., AND A CHORD LENGTH OF 12.45 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 12.48 FEET TO THE END OF SAID CURVE; THENCE S.25°05'32"W., A DISTANCE OF 134.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 128.00 FEET, A CENTRAL ANGLE OF 37°51'48", A CHORD BEARING

EXHIBIT 2B  
PAGE 2

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DESCRIPTION FOR DISTRICT BOUNDARY  
**EAST BONITA BEACH ROAD C.D.D.**  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
10/25/2017	1324DR	CDD BNDY	JLW	JLW	DRU	N.T.S.	1

FEET, A CENTRAL ANGLE OF 76°48'36", A CHORD BEARING OF S.32°58'41"E., AND A CHORD LENGTH OF 109.33 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 117.97 FEET TO THE END OF SAID CURVE; THENCE S.05°25'37"W., A DISTANCE OF 70.20 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 65.00 FEET, A CENTRAL ANGLE OF 12°06'17", A CHORD BEARING OF S.00°37'32"E., AND A CHORD LENGTH OF 13.71 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 13.73 FEET TO THE END OF SAID CURVE; THENCE S.06°40'40"E., A DISTANCE OF 49.18 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 37°46'33", A CHORD BEARING OF S.16°45'02"W., AND A CHORD LENGTH OF 129.49 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 131.86 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 130.00 FEET, A CENTRAL ANGLE OF 94°14'47", A CHORD BEARING OF S.11°29'05"E., AND A CHORD LENGTH OF 190.53 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 213.84 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 39°51'42", A CHORD BEARING OF S.38°40'38"E., AND A CHORD LENGTH OF 17.04 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 17.39 FEET TO THE POINT OF CURVATURE OF A COMPOUND CURVE TO THE RIGHT HAVING: A RADIUS OF 98.14 FEET, A CENTRAL ANGLE OF 22°30'22", A CHORD BEARING OF S.07°29'36"E., AND A CHORD LENGTH OF 38.30 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 38.55 FEET TO THE END OF SAID CURVE; THENCE S.01°20'37"E., A DISTANCE OF 54.56 FEET; THENCE S.11°33'05"E., A DISTANCE OF 26.09 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 23°56'39", A CHORD BEARING OF S.00°25'15"W., AND A CHORD LENGTH OF 31.12 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 31.34 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 87.00 FEET, A CENTRAL ANGLE OF 28°30'04", A CHORD BEARING OF S.01°51'28"E., AND A CHORD LENGTH OF 42.83 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 43.28 FEET TO THE END OF SAID CURVE; THENCE S.16°06'30"E., A DISTANCE OF 104.81 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 87.00 FEET, A CENTRAL ANGLE OF 20°01'46", A CHORD BEARING OF S.06°05'37"E., AND A CHORD LENGTH OF 30.26 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 30.41 FEET TO THE END OF SAID CURVE; THENCE S.03°55'16"W., A DISTANCE OF 114.57 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 56.00 FEET, A CENTRAL ANGLE OF 35°38'16", A CHORD BEARING OF S.13°53'52"E., AND A CHORD LENGTH OF 34.27 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 34.83 FEET TO THE END OF SAID CURVE; THENCE S.31°43'00"E., A DISTANCE OF 22.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 23°00'29", A CHORD BEARING OF S.20°12'46"E., AND A CHORD LENGTH OF 43.88 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 44.17 FEET TO THE END OF SAID CURVE; THENCE S.08°42'31"E., A DISTANCE OF 70.09 FEET; THENCE S.00°04'22"W., A DISTANCE OF 38.50 FEET; THENCE S.89°35'46"W., A DISTANCE OF 1,787.32 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 955.00 FEET, A CENTRAL ANGLE OF 66°53'44", A CHORD BEARING OF N.56°57'22"W., AND A CHORD LENGTH OF 1,052.75 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 1,115.01 FEET TO THE END OF SAID CURVE; THENCE N.23°30'29"W., A DISTANCE OF 1353.64 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1081.00 FEET, A CENTRAL ANGLE OF 67°11'18", A CHORD BEARING OF N.57°06'09"W., AND A CHORD LENGTH OF 1,196.25 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 1,267.65 FEET TO THE **POINT OF BEGINNING**. PARCEL CONTAINS 168.45 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS). WHEREIN THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST BEARS N 89°18'12" E.

EXHIBIT 2A  
PAGE 3

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DESCRIPTION FOR DISTRICT BOUNDARY  
**EAST BONITA BEACH ROAD C.D.D.**  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
10/25/2017	1324DR	CDD BNDY	JLW	JLW	DRU	N.T.S.	1

# SKETCH OF DESCRIPTION

OF  
A TRACT OR PARCEL OF LAND LYING IN  
SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST,  
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA



**CURVE TABLE**

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	247.50'	90°00'00"	388.77'	350.02'	S 44°19'10" W
C2	60.00'	55°09'29"	57.76'	55.56'	S 26°53'55" W
C3	20.00'	90°00'00"	31.42'	28.28'	S 44°19'10" W
C4	60.00'	90°00'00"	94.25'	84.85'	S 45°40'50" E
C5	60.00'	90°16'36"	94.54'	85.06'	S 44°27'28" W
C6	60.00'	90°00'00"	94.25'	84.85'	N 44°35'46" E
C7	60.00'	74°29'06"	78.00'	72.62'	S 53°09'41" E
C8	60.00'	105°30'54"	110.50'	95.53'	S 36°50'19" W
C9	955.00'	66°53'44"	1115.01'	1052.75'	N 56°57'22" W
C10	1081.00'	67°11'18"	1267.65'	1196.25'	N 57°06'09" W

**NOTES:**

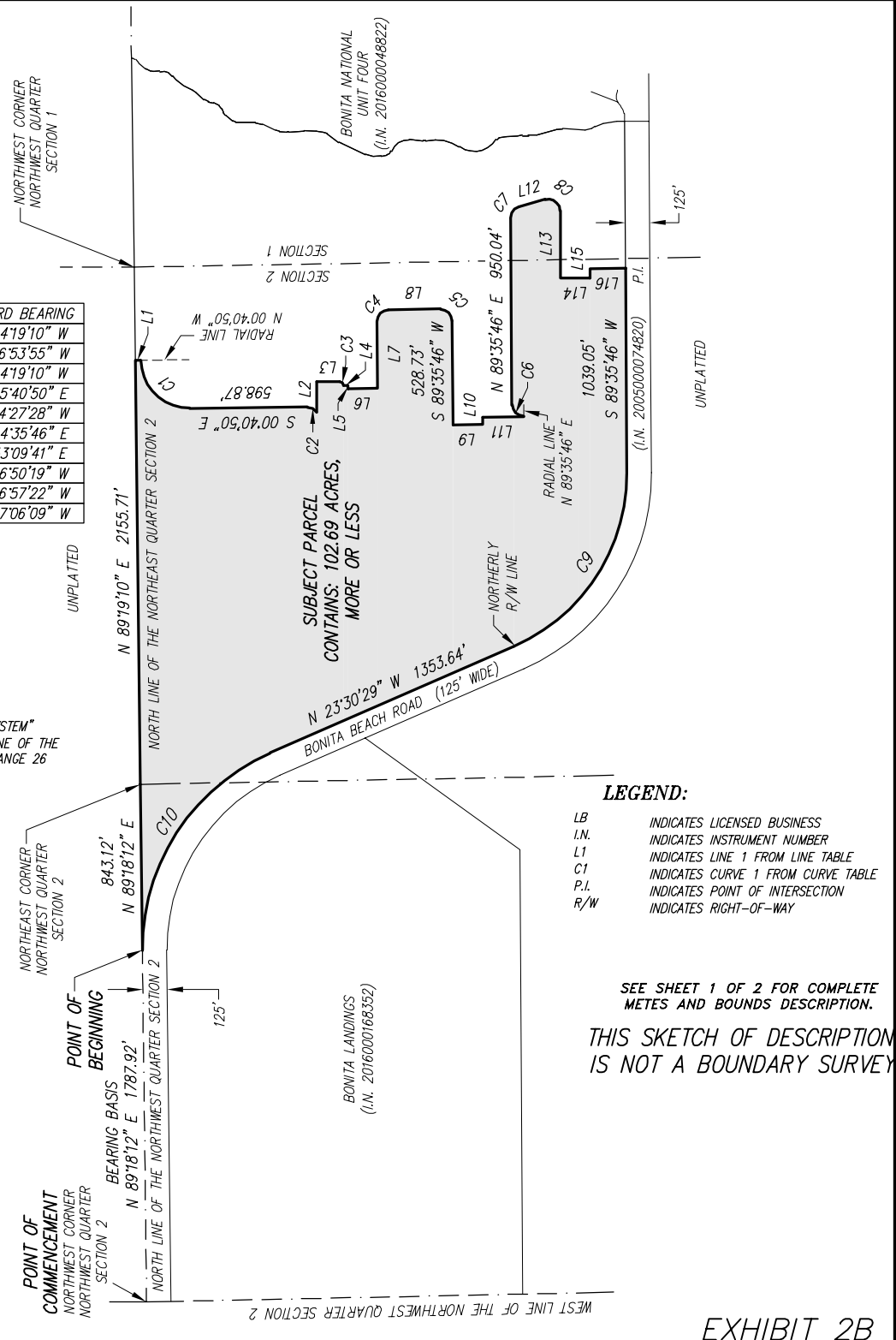
- 1) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2) BEARINGS ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS). WHEREIN THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST BEARS N 89°18'12" E.

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 00°40'50" E	25.00'
L2	N 89°19'10" E	153.22'
L3	S 00°40'50" E	117.88'
L4	S 00°40'50" E	22.50'
L5	S 89°19'10" W	17.52'
L6	S 00°40'50" E	150.00'
L7	N 89°19'10" E	340.03'
L8	S 00°40'50" E	263.74'

**LINE TABLE**

LINE	BEARING	DISTANCE
L9	S 00°24'14" E	150.00'
L10	N 89°35'46" E	38.32'
L11	S 00°24'14" E	210.00'
L12	S 15°55'08" E	138.03'
L13	S 89°35'46" W	344.57'
L14	S 00°24'14" E	150.00'
L15	N 89°35'46" E	47.66'
L16	S 00°24'14" E	180.00'



**LEGEND:**

- LB INDICATES LICENSED BUSINESS
- I.N. INDICATES INSTRUMENT NUMBER
- L1 INDICATES LINE 1 FROM LINE TABLE
- C1 INDICATES CURVE 1 FROM CURVE TABLE
- P.I. INDICATES POINT OF INTERSECTION
- R/W INDICATES RIGHT-OF-WAY

SEE SHEET 1 OF 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

EXHIBIT 2B

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SURVEY LICENSE # LB 6660  
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SKETCH FOR ASSESSMENT AREA ONE  
**EAST BONITA BEACH ROAD C.D.D.**  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
10/25/2017	1324DR	CDD BNDY	JLW	JLW	DRU	N.T.S.	1

DESCRIPTION  
OF  
A TRACT OR PARCEL OF LAND  
LYING IN  
SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST,  
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF BONITA SPRINGS, LYING IN SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST; THENCE N 89°18'12" E ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER FOR 1787.92 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE N 89°18'12" E ALONG SAID NORTH LINE FOR 843.12 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE N 89°19'10" E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2 FOR 2,155.71 FEET; THENCE S 00°40'50" E FOR 25.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 247.50 FEET TO WHICH POINT A RADIAL LINE BEARS N 00°40'50" W; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 388.77 FEET; THENCE S 00°40'50" E FOR 598.87 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 55°09'29" FOR 57.76 FEET; THENCE N 89°19'10" E FOR 153.22 FEET; THENCE S 00°40'50" E FOR 117.88 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 31.42 FEET; THENCE S 00°40'50" E FOR 22.50 FEET; THENCE S 89°19'10" W FOR 17.52 FEET; THENCE S 00°40'50" E FOR 150.00 FEET; THENCE N 89°19'10" E FOR 340.03 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 94.25 FEET; THENCE S 00°40'50" E FOR 263.74 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°16'36" FOR 94.54 FEET; THENCE S 89°35'46" W FOR 528.73 FEET; THENCE S 00°24'14" E FOR 150.00 FEET; THENCE N 89°35'46" E FOR 38.32 FEET; THENCE S 00°24'14" E FOR 210.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET TO WHICH POINT A RADIAL LINE BEARS N 89°35'46" E; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 94.25 FEET; THENCE N 89°35'46" E FOR 950.04 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 74°29'06" FOR 78.00 FEET; THENCE S 15°55'08" E FOR 138.03 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 105°30'54" FOR 110.50 FEET; THENCE S 89°35'46" W FOR 344.57 FEET; THENCE S 00°24'14" E FOR 150.00 FEET; THENCE N 89°35'46" E FOR 47.66 FEET; THENCE S 00°24'14" E FOR 180.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF BONITA BEACH ROAD (125 FEET WIDE) AS DESCRIBED IN INSTRUMENT NUMBER 2005000074820 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE S 89°35'46" W ALONG SAID NORTHERLY LINE FOR 1,039.05 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 955.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY LINE THROUGH A CENTRAL ANGLE OF 66°53'44" FOR 1,115.01 FEET; THENCE N 23°30'29" W ALONG SAID NORTHERLY LINE FOR 1,353.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1,081.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY LINE THROUGH A CENTRAL ANGLE OF 67°11'18" FOR 1,267.65 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS: 102.69 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS). WHEREIN THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST BEARS N 89°18'12" E.

*EXHIBIT 2C*

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DESCRIPTION FOR ASSESSMENT AREA ONE								
<b>EAST BONITA BEACH ROAD C.D.D.</b>								
LEE COUNTY, FLORIDA								
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	
10/25/2017	1324DR	CDD BNDY	JLW	JLW	DRU	N.T.S.	1	



**EXHIBIT 2D**

DESCRIPTION  
OF  
ASSESSMENT AREA TWO

ALL OF TRACTS "B-3", TRACT "FD", TRACT "D-4", TRACT "L-8", AND TRACT "L-9", AND THE EASTERLY 473.85 FEET OF TRACT "D-1", SEASONS AT BONITA, ACCORDING TO THE MAP OF PLAT THEREOF, RECORDED IN INSTRUMENT NUMBER 2018000200311, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT PROPERTY CONTAINS: 65.76 ACRES, MORE OR LESS.



N.T.S.

LEE COUNTY  
RURAL VACANT AG-2  
VACANT & AGRICULTURAL  
USES

SECTION ONE  
SECTION TWO

FUTURE LAND USE:  
URBAN FRINGE-COMMUNITY  
ZONED: EAST BONITA ACTIVE  
ADULT RPD

FUTURE LAND USE:  
CONSERVATION  
LANDS-WETLANDS  
ZONED: RURAL VACANT  
AG-2 VACANT &  
AGRICULTURAL  
USES

BONITA BEACH ROAD

FUTURE LAND USE:  
URBAN FRINGE-COMMUNITY  
ZONED: BONITA BEACH ROAD  
ESTATES RPD

PROPERTY  
BOUNDARY

15' TYPE "D"  
LANDSCAPE BUFFER

25' FPL  
EASEMENT

15' TYPE "B"  
LANDSCAPE BUFFER

EXHIBIT 3

**BANKS**  
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DISTRICT ZONING MAP  
EAST BONITA BEACH ROAD C.D.D.  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
10/25/2017	1324DR	ZONING	JLW	JLW	DRU	N.T.S.	1



N.T.S.

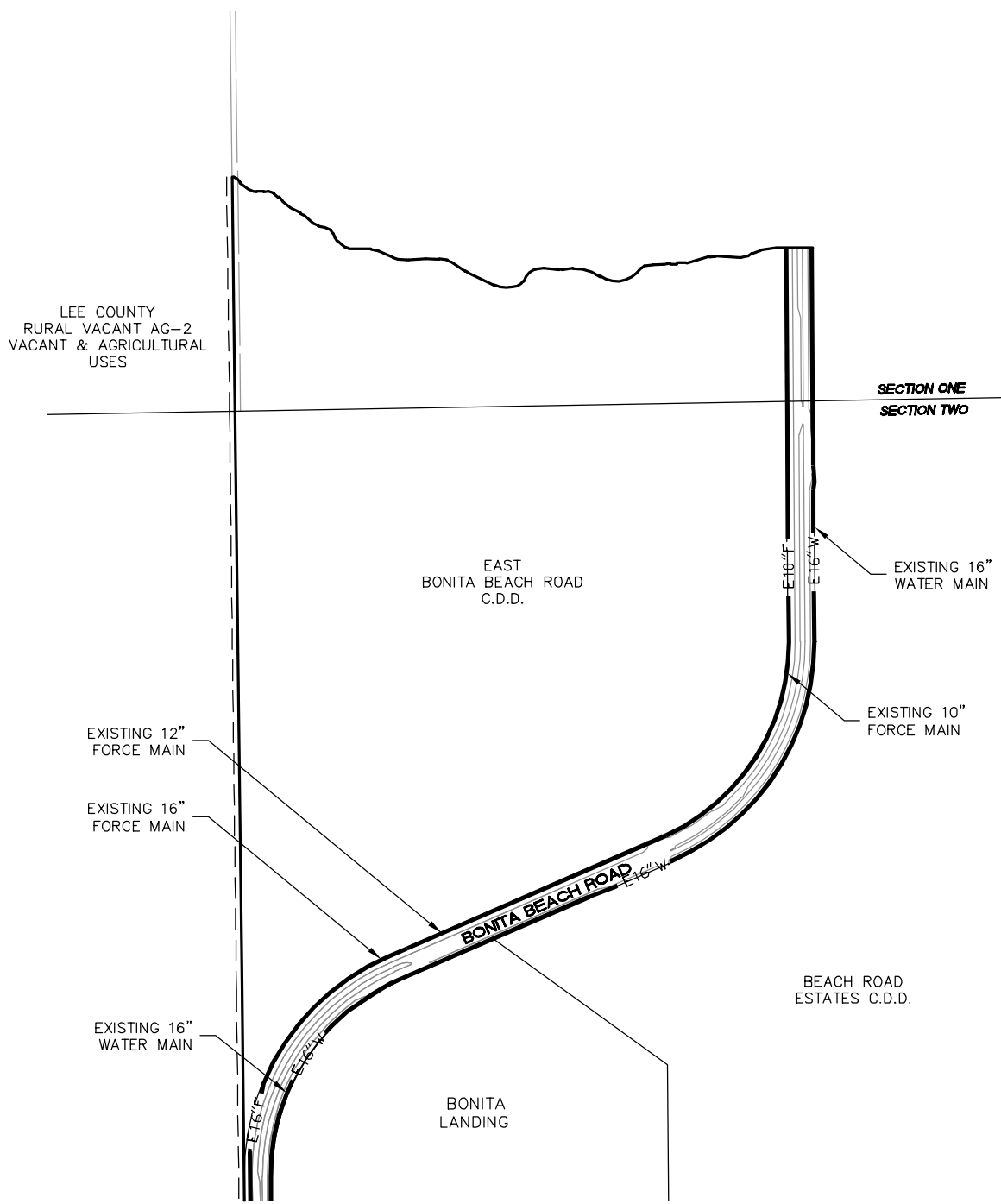


EXHIBIT 4

**BANKS**  
ENGINEERING

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FORT MYERS, FLORIDA 33966  
PHONE: (239) 939-5490 FAX: (239) 939-2523

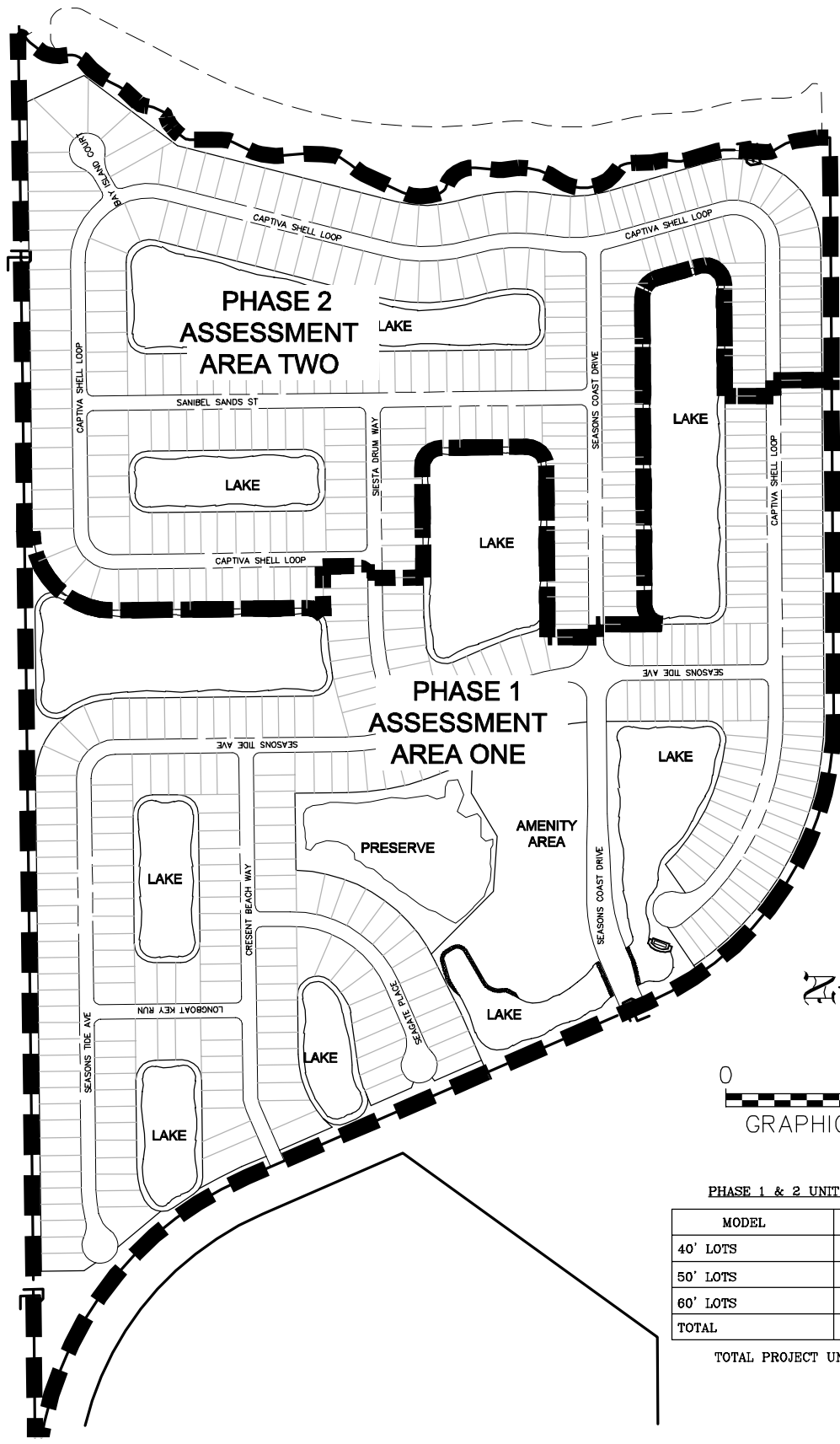
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EXISTING UTILITIES MAP  
EAST BONITA BEACH ROAD C.D.D.  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
10/25/2017	1324DR	EX UTIL	JLW	JLW	DRU	N.T.S.	1



PHASE 1 & 2 UNIT COUNT:

MODEL	PHASE 1	PHASE 2	TOTAL
40' LOTS	98	99	197
50' LOTS	181	82	263
60' LOTS	5	83	88
<b>TOTAL</b>	<b>284</b>	<b>264</b>	<b>548</b>

TOTAL PROJECT UNITS = 548 UNITS

EXHIBIT 5

**BANKS**  
ENGINEERING

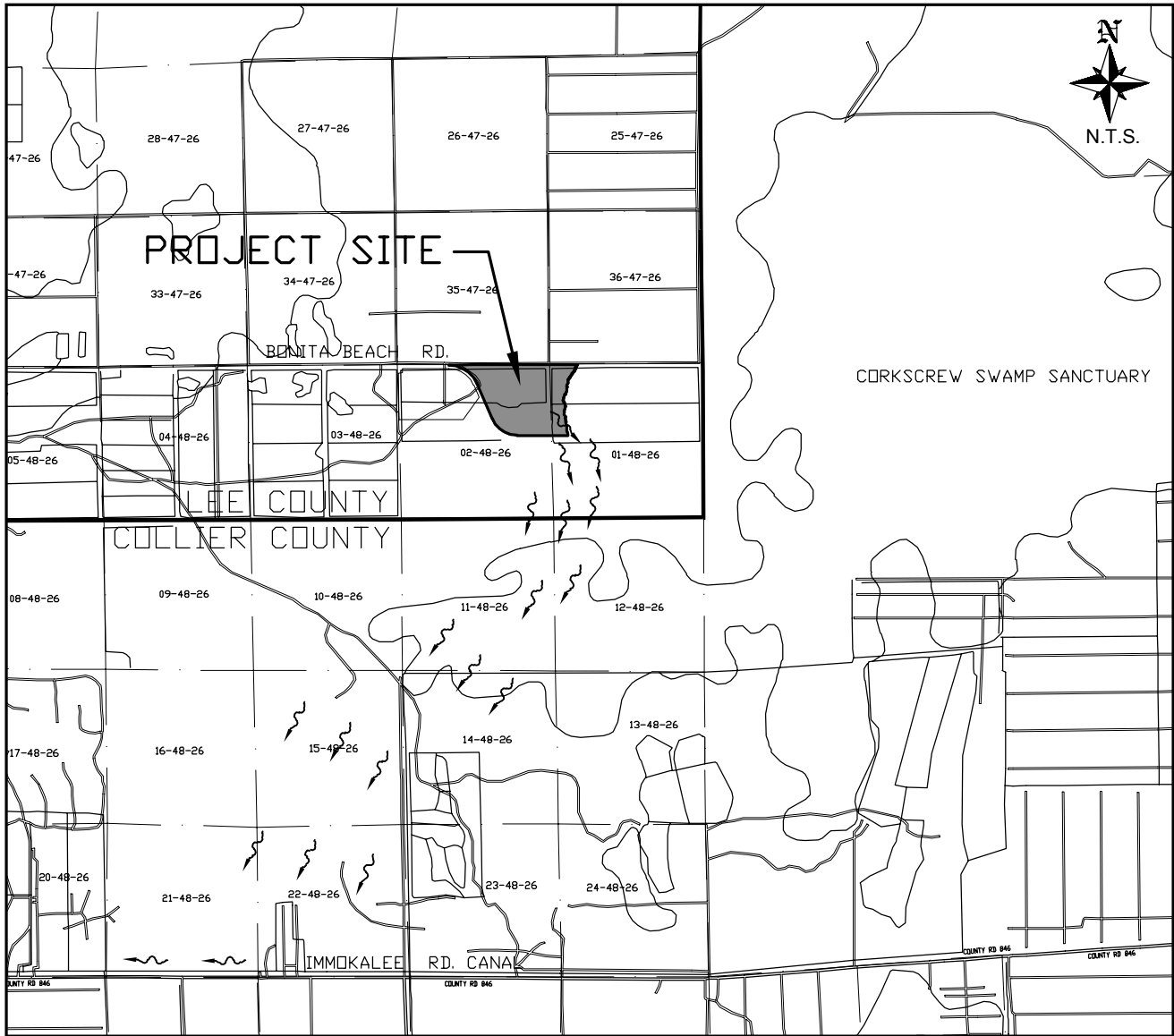
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PHASE PLAN  
EAST BONITA BEACH ROAD C.D.D.  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
10/25/2017	1324DR	PHASE	JLW	JLW	DRU	1"=500'	1



SECTION 1, TOWNSHIP 48 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA

# EAST BONITA BEACH ROAD C.D.D.

## OUTFALL MAP

*EXHIBIT 6-1*

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REGIONAL OUTFALL MAP  
EAST BONITA BEACH ROAD C.D.D.  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
10/25/2017	1324DR	OUTFALL	JLW	JLW	DRU	N.T.S.	1



EXHIBIT 6-2

# BANKS ENGINEERING

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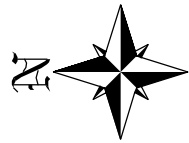
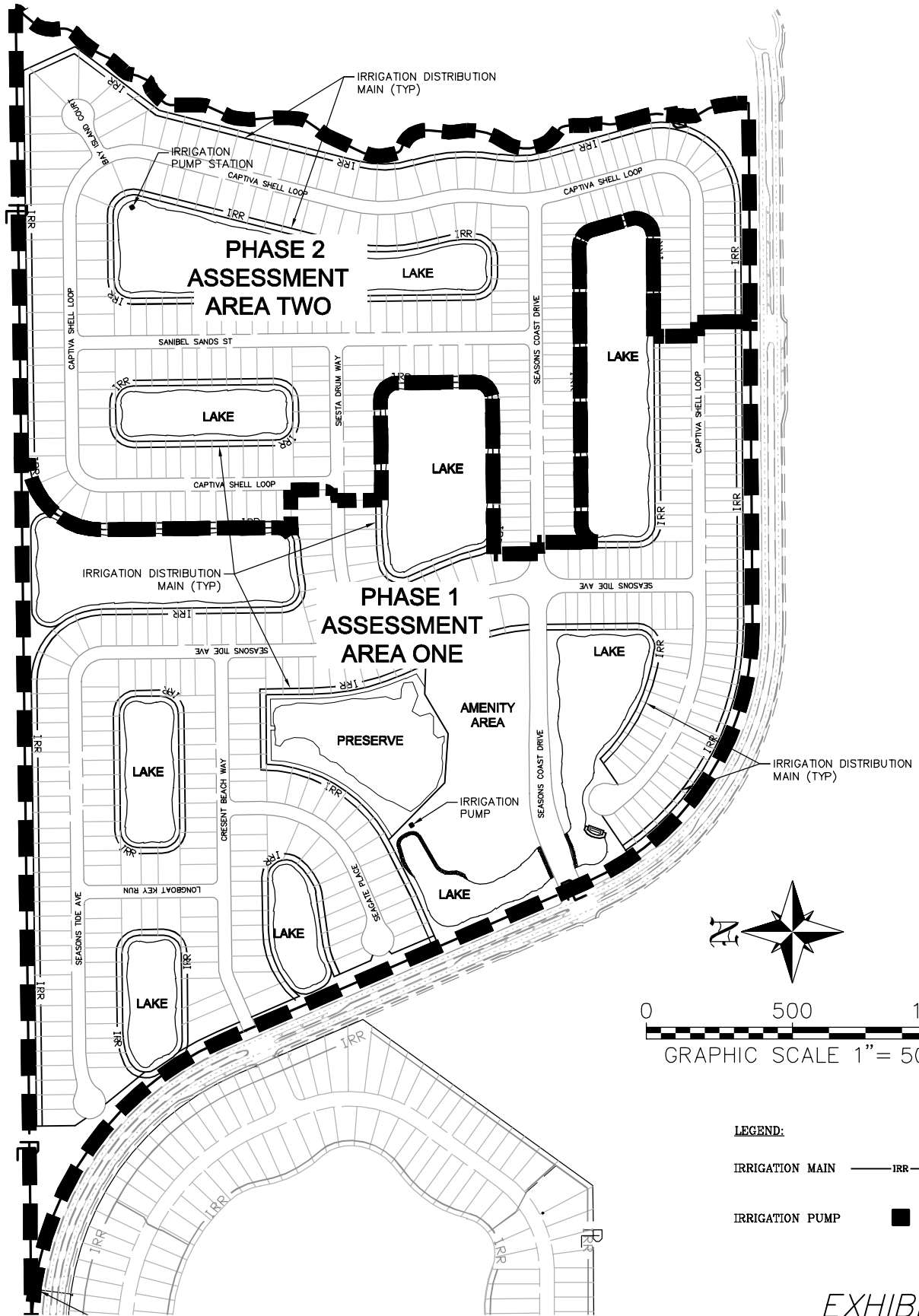
ENGINEERING LICENSE # EB 6469  
 SURVEY LICENSE # LB 6690

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DISTRICT OUTFALL MAP  
**EAST BONIT BEACH ROAD C.D.D.**  
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
10/25/2017	1324DR	OUTFALL	JLW	JLW	DRU	1"=1000'	1



**LEGEND:**

- IRRIGATION MAIN ——— IRR ———
- IRRIGATION PUMP ■

*EXHIBIT 7*

**BANKS**  
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SURVEY LICENSE # LB 6690  
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IRRIGATION FACILITIES  
**EAST BONITA BEACH ROAD C.D.D.**  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
10/25/2017	1324DR	IRRIGATION	JLW	JLW	DRU	1"=500'	1

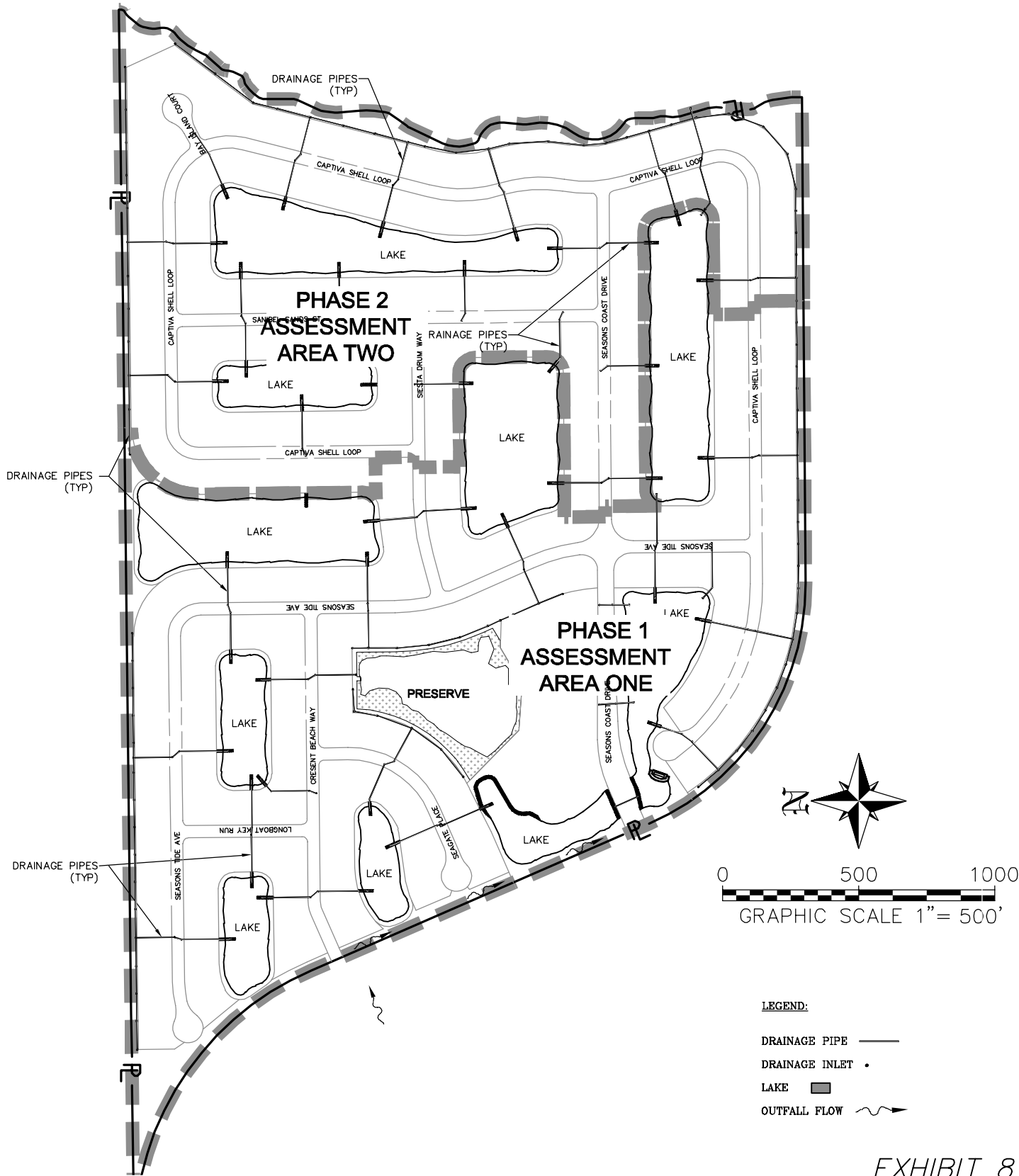


EXHIBIT 8

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 SURVEY LICENSE # LB 6690  
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STORMWATER FACILITIES  
**EAST BONITA BEACH ROAD C.D.D.**  
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
10/25/2017	1324DR	DRAINAGE	JLW	JLW	DRU	1"=500'	1



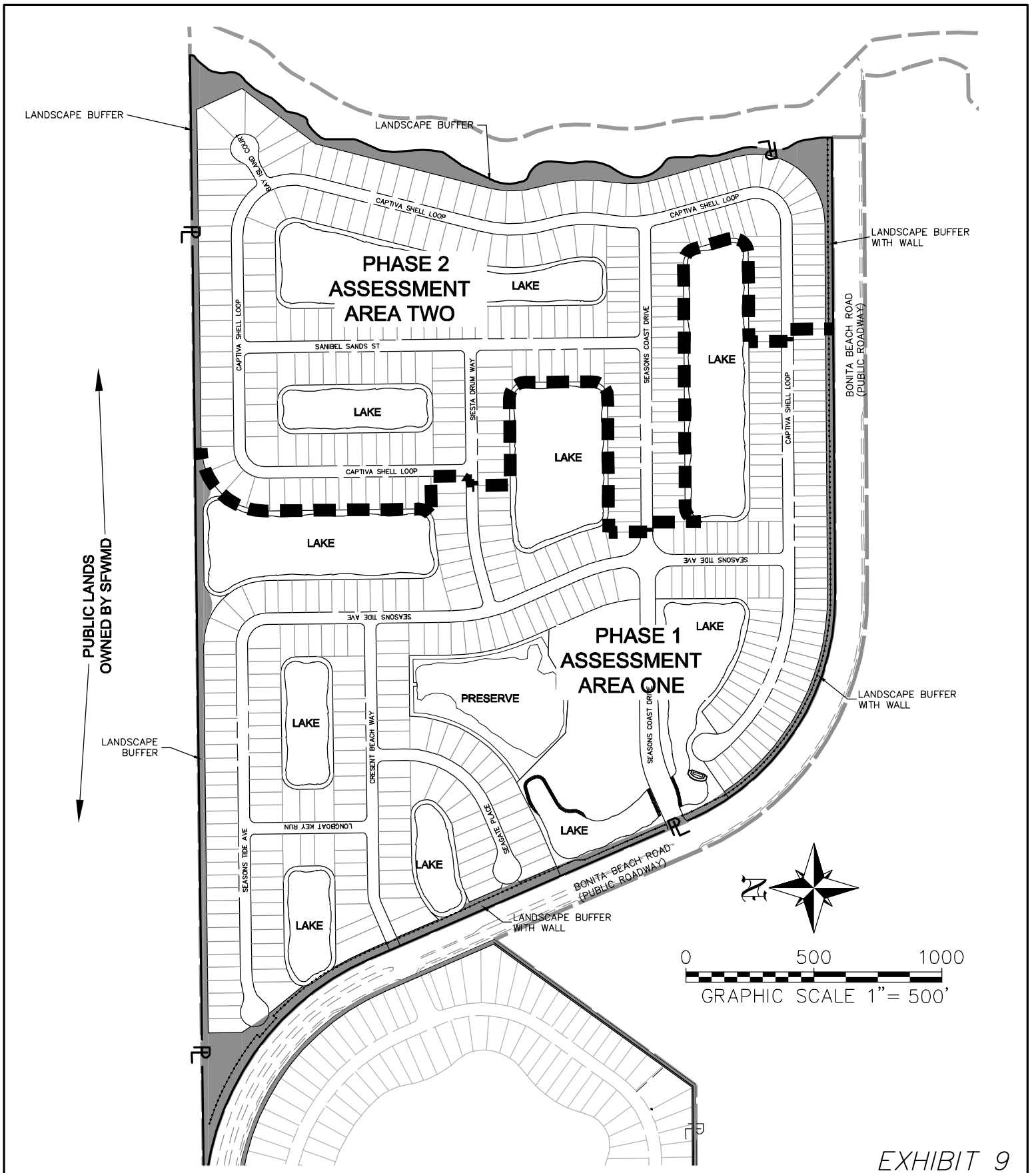


EXHIBIT 9

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 ENGINEERING LICENSE # EB 6469  
 SURVEY LICENSE # LB 6690  
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BUFFERS						
EAST BONITA BEACH ROAD C.D.D.						
LEE COUNTY, FLORIDA						
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE
10/25/2017	1324DR	BUFFERS	JLW	JLW	DRU	1"=500'
						SHEET
						1

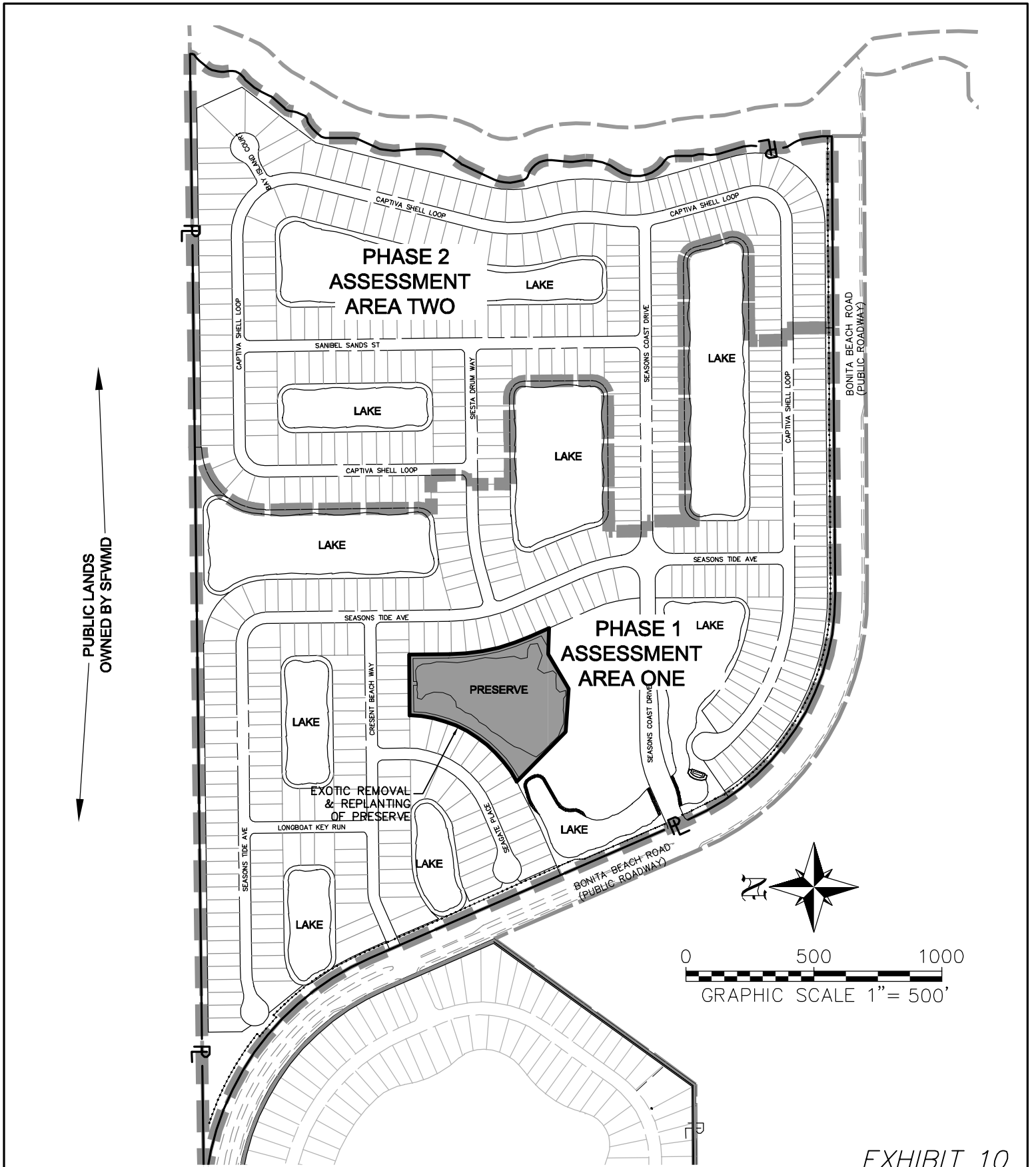


EXHIBIT 10

# BANKS ENGINEERING

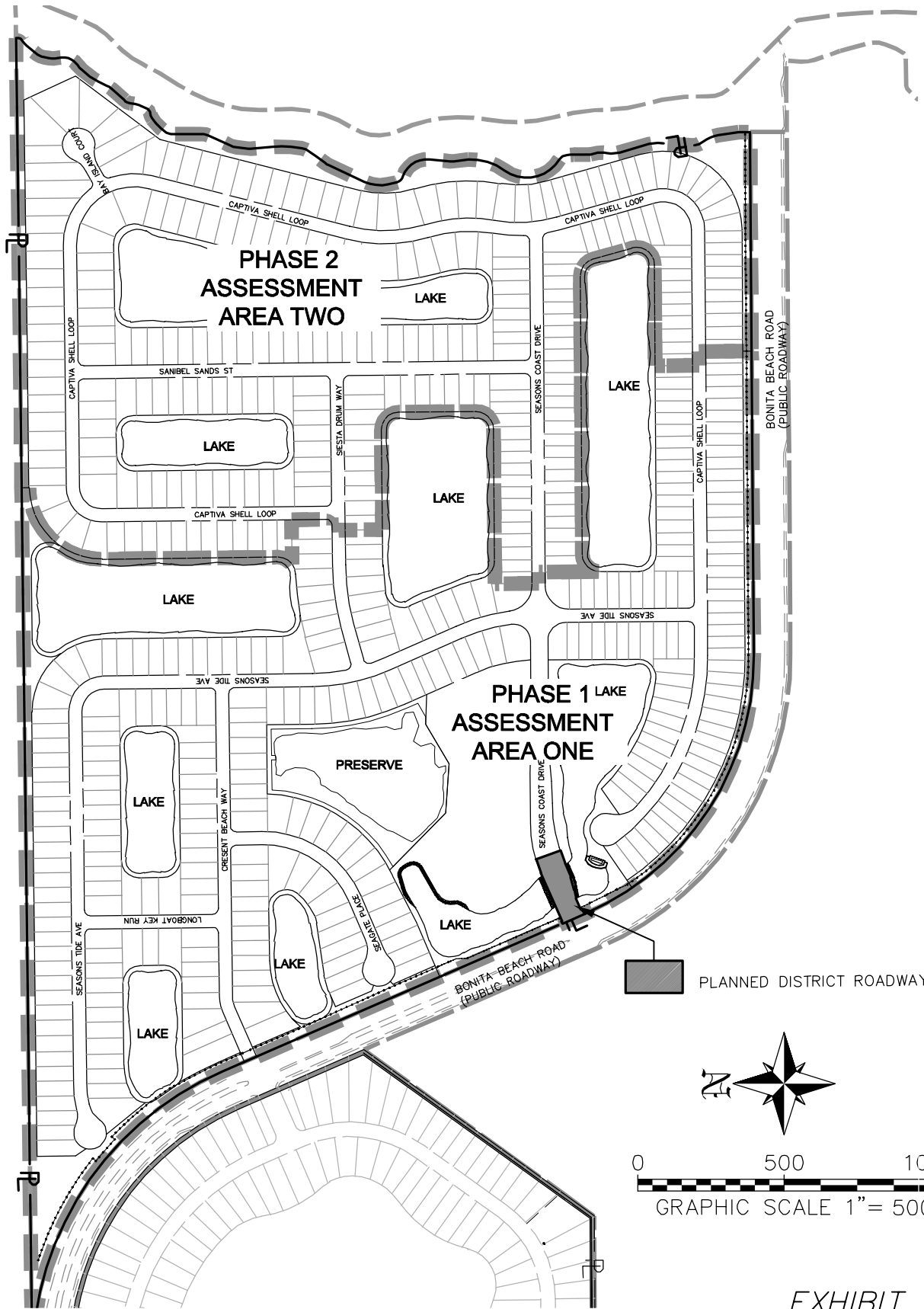
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SURVEY LICENSE # LB 6690  
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## WETLAND/WILDLIFE MITIGATION EAST BONITA BEACH ROAD C.D.D. LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
10/25/2017	1324DR	BUFFER	JLW	JLW	DRU	1"=500'	1

PUBLIC LANDS  
OWNED BY SFWMD



PLANNED DISTRICT ROADWAY



0 500 1000  
GRAPHIC SCALE 1"=500'

EXHIBIT 11

**BANKS**  
ENGINEERING

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SURVEY LICENSE # LB 6690  
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DISTRICT ROADWAYS  
EAST BONITA BEACH ROAD C.D.D.  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
10/25/2017	1324DR	BUFFER	JLW	JLW	DRU	1"=500'	1

**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**3B**

# EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT

Final Methodology Report  
- Assessment Area Two

April 15, 2021



Provided by:

**Wrathell, Hunt and Associates, LLC**  
2300 Glades Road, Suite 410W  
Boca Raton, FL 33431  
Phone: 561-571-0010  
Fax: 561-571-0013  
Website: [www.whhassociates.com](http://www.whhassociates.com)

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## **1.0 Introduction**

### **1.1 Purpose**

This Final Methodology Report - Assessment Area Two (the "Methodology Report") was developed to provide a financing plan and a special assessment methodology for what is known as "Assessment Area Two" (as defined in the Engineer's Report (defined herein)) within the East Bonita Beach Community Development District (the "District"), located in the City of Bonita Springs, Florida. This Methodology Report is being issued in connection with the District's proposed issuance of its second series of bonds intended to finance costs of the "Assessment Area Two Project," as defined in the Amended and Restated Engineer's Report for the East Bonita Beach Road Community Development District of Banks Engineering dated September 28, 2020 (the "Engineer's Report").

### **1.2 Scope of the Methodology Report**

This Methodology Report presents the projections for financing the District's Assessment Area Two Project described in the Engineer's Report, as well as describes the method for the allocation of special benefits and the apportionment of special assessments to secure the debt resulting from the provision and financing of the Assessment Area Two Project.

### **1.3 Special Benefits and General Benefits**

Improvements undertaken and funded by the District as part of the Assessment Area Two Project (as defined in *Section 3.2* below) create special and peculiar benefits, different in kind and degree than general benefits, for properties within Assessment Area Two (as defined in *Section 2.2* below), as well as general benefits for the areas outside of the District and to the public at large. However, as discussed within this Second Supplemental Report, these general benefits are incidental in nature and are readily distinguishable from the special and peculiar benefits which accrue to property within Assessment Area Two. The sum of all public infrastructure improvements as described in the Engineer's Report will comprise an interrelated system of improvements, which means all of the improvements comprising the overall CIP, once constructed, will serve the entire District, and improvements will be interrelated such that they will reinforce one another.

There is no doubt that the general public and property owners of property outside the District will benefit from the provision of the Assessment Area Two Project. However, these benefits are only incidental since the Assessment Area Two Project is designed solely to provide special benefits peculiar to property within Assessment Area Two. Properties outside the District are not directly served by the Assessment Area Two Project and do not depend upon the Assessment Area Two Project to obtain or to maintain their development entitlements. This fact alone clearly distinguishes the special benefits which Assessment Area Two properties receive compared to those lying outside of Assessment Area Two's boundaries.

The Assessment Area Two Project will provide public infrastructure improvements and real property interests which are all necessary in order to make the lands within Assessment Area Two developable and saleable. The installation of such improvements will cause the value of the developable and saleable lands within Assessment Area Two to increase by more than the sum of the financed cost of the individual components of the Assessment Area Two Project. Even though the exact value of the benefits provided by the Assessment Area Two Project is hard to estimate at this point, it is nevertheless greater than the costs associated with providing the same.

#### **1.4 Organization of the Assessment Report**

*Section Two* describes the development program as proposed by the Landowner, as defined below.

*Section Three* provides a summary of the Assessment Area Two Project as determined by the District Engineer.

*Section Four* discusses the financing program for the District.

*Section Five* discusses the special assessment methodology for Assessment Area Two.

### **2.0 Development Program**

#### **2.1 Overview**

The District serves the Seasons at Bonita development (the "Development" or "Seasons at Bonita"), a master planned, residential development located in the City of Bonita Springs,



Florida. The land within the District consists of approximately 168.45 +/- acres and is generally north and east of Bonita Beach Road, and directly west of the Bonita National residential development. The land within Assessment Area Two consists of approximately 65.76 +/- acres within the District, as defined by legal description in the Exhibit "A" to the Second Supplemental Report.

## **2.2 The Development Program**

The development of Seasons at Bonita is conducted for Forestar Group, Inc. (the "Landowner") over a multi-year period. Based upon the information provided by the Landowner, the current development plan envisions a total of 548 residential units developed in two (2) phases and located within two (2) geographical areas referred to as Assessment Area One with a total of 284 residential units and Assessment Area Two with a total of 264 residential units. The development of Assessment Area One has already commenced, and all 284 residential units have been platted. Table 1 in the *Appendix* illustrates the development plan for the Seasons at Bonita.

## **3.0 Public Infrastructure Improvements**

### **3.1 Overview**

The public infrastructure costs to be funded by the District are described by the District Engineer in the Engineer's Report. Only public infrastructure that may qualify for bond financing by the District under Chapter 190, Florida Statutes and under the Internal Revenue Code of 1986, as amended, was included in these estimates.

### **3.2 Capital Improvement Plan / Assessment Area Two Project**

The public infrastructure improvements needed to serve the Development and set forth in the overall "Capital Improvement Plan" or "CIP," as described in the Engineer's Report, are projected to consist of irrigation, storm water management, buffers, public roadways, wetland/wildlife mitigation. Additionally, cost estimates include professional services, master land acquisition costs, as well as contingency. According to the Engineer's Report, the public infrastructure improvements are projected to be constructed in two (2) infrastructure construction phases. The Assessment Area One Project, as noted in the Engineer's Report, consists of that portion of the overall CIP that was funded in part from the District's first

bond issuance in 2018 and allocable to Assessment Area One, while the Assessment Area Two Project, consists of that portion of the overall CIP that will be funded by the District's second bond issuance in 2021 and allocable to Assessment Area Two. The District's second bond issuance to be secured by the special assessment lien imposed on Assessment Area Two is anticipated to finance the second portion of the overall CIP up to the amount of the construction from the 2021 bond issuance.

The sum of all public infrastructure improvements as described in the Engineer's Report will comprise an interrelated system of improvements, which means all of the improvements comprising the overall CIP, once constructed, will serve the entire District, and improvements will be interrelated such that they will reinforce one another. At the time of this writing, the total costs of the public infrastructure improvements are estimated at \$10,189,911, with the costs of the Assessment Area One Project based on actual costs of the Assessment Area One Project which were reimbursed from proceeds of District's first bond issuance in 2018 estimated at \$4,717,709, and the costs of the Assessment Area Two Project estimated at \$5,472,202. Table 2 in the *Appendix* illustrates the specific components of the public infrastructure improvements and their costs.

## **4.0 Financing Program**

### **4.1 Overview**

As noted above, the District is embarking on a program of capital improvements which will facilitate the development of lands within Assessment Area Two. Generally, construction of public improvements is either funded by the Landowner and then acquired by the District or funded directly by the District. The choice of the exact mechanism for providing public infrastructure has not yet been made at the time of this writing, and the District may either acquire the public infrastructure from the Landowner or construct it, or even partly acquire it and partly construct it.

The District intends to issue Special Assessment Revenue Bonds, Series 2021 (Assessment Area Two) in the principal amount of \$6,015,000 (the "Bonds") to fund the Assessment Area Two Project costs in the amount of \$5,472,202.49 and also to fund an additional amount of \$111,146.05 to be used as an additional CIP contingency and is referred to as Project Fund Contingency.

## **4.2 Types of Bonds Proposed**

The financing plan for Assessment Area Two provides for the issuance of the Bonds in the principal amount of \$6,015,000 to finance the Assessment Area Two Project cost estimated at \$5,472,202.49 and the Project Fund Contingency at \$111,146.05. The Bonds will be amortized in 30 annual installments. Interest payments on the Bonds will be made every May 1 and November 1, and principal payments on the Bonds will be made every May 1.

In order to finance the portion of the improvement costs described in *Section 4.1*, the District needs to borrow more funds and incur indebtedness in the total amount of \$6,015,000. The difference is comprised of debt service reserve, capitalized interest, and costs of issuance, including the underwriter's discount, as well as a net premium. Sources and uses of funding for the Bonds are presented in Table 3 in the *Appendix*.

## **5.0 Assessment Methodology**

### **5.1 Overview**

The issuance of the Bonds provides the District with the funds necessary to construct/acquire the infrastructure improvements which are part of the Assessment Area Two Project outlined in *Section 3.2* and described in more detail by the District Engineer in the Engineer's Report. The improvements funded with proceeds of the Bonds lead to special and general benefits, with special benefits accruing to properties within Assessment Area Two, as well as general benefits accruing to properties outside the District to the public at large, which general benefits are only incidental in nature. The debt incurred in financing the public infrastructure will be paid off by assessing properties that derive special and peculiar benefits from the portion of the Assessment Area Two Project funded with the Bonds. All properties within Assessment Area Two that receive special benefits from the Assessment Area Two Project funded with the Bonds will be assessed for their fair share of the debt issued in order to finance the Assessment Area Two Project.

### **5.2 Benefit Allocation**

The current development plan envisions the development of a total of 548 residential units developed in two (2) phases and located within two (2) defined geographical areas referred to as Assessment Area One with a total of 284 residential units and

Assessment Area Two with a total of 264 residential units, although development phasing, unit types and unit numbers may change throughout the development period.

The sum of all public infrastructure improvements as described in the Engineer's Report will comprise an interrelated system of improvements, which means all of the currently planned Assessment Area Two Project improvements and the already existing Assessment Area One Project improvements will serve the entire District and improvements will be interrelated such that they will reinforce one another, and their combined benefit will be greater than the sum of their individual benefits. All of the unit types within the District, both those in the Assessment Area One and those in the Assessment Area Two, will benefit from each infrastructure improvement category, as the improvements provide basic infrastructure to all land within the District and benefit all land within the District as an integrated system of improvements.

The portion of the public infrastructure improvements that are part of the Assessment Area Two Project and are funded with the Bonds have a logical connection to the special and peculiar benefits received by the land within the Assessment Area Two, as without such improvements, the development of the properties within the Assessment Area Two would not be possible. Based upon the connection between the improvements and the special and peculiar benefits to the land within the Assessment Area Two the District can assign or allocate a portion of the District's debt through the imposition of non-ad valorem assessments (the "Bond Assessment") to the land receiving such special and peculiar benefits. Even though these special and peculiar benefits are real and ascertainable, the precise amount of the benefit cannot yet be calculated with mathematical certainty. However, such benefit is more valuable than the cost of, or the actual Bond Assessment amount, levied on that parcel.

The benefit associated with the public infrastructure improvements described in the Engineer's Report is proposed to be allocated to the different unit types within the District in proportion to the density of development as measured by a standard unit called an Equivalent Residential Unit ("ERU"). Table 4 in the *Appendix* illustrates the ERU weights that are proposed to be assigned to the unit types contemplated to be developed within Assessment Area Two based on the relative density of development, the total ERU counts for each unit type category, and the share of the benefit received by each unit type.

This Methodology Report proposes to assign each SF 50' unit an ERU weight of 1.0 (the base weight), each SF 40' unit an ERU weight of 0.8, and each SF 60' unit an ERU weight of 1.2. The rationale behind different ERU weights is supported by the fact that generally and on average smaller units will use and benefit from the public infrastructure improvements less than larger units, as for instance, generally and on average smaller units produce less storm water runoff, may produce fewer vehicular trips, and may need less irrigation capacity than larger units. Additionally, the value of the larger units is likely to appreciate by more in terms of dollars than that of the smaller units as a result of the implementation of the public infrastructure improvements. As the exact amount of the benefit and appreciation is not possible to be calculated at this time, the use of ERU measures serves as a reasonable approximation of the relative amount of benefit received from the public infrastructure improvements.

Table 5 in the *Appendix* illustrates the allocation of the Assessment Area Two Project improvement costs of \$5,472,202.49 and the Project Fund Contingency at \$111,146.05 using the ERU benefit allocations developed in Table 4 in the *Appendix*, while Table 6 in the *Appendix* presents the apportionment of the Bond Assessment to the units within Assessment Area Two in accordance with the cost allocations presented in Table 5. Table 6 also presents the annual levels of the projected annual debt service assessments per unit.

### **5.3 Assigning Bond Assessment**

As the land in the District is not yet platted for its intended final use and the precise location of the different units by lot or parcel is unknown, the Bond Assessment will initially be levied on all of the land within Assessment Area Two on an equal pro-rata gross acre basis and thus the total bonded debt in the amount of \$6,015,000 will be preliminarily levied on approximately 65.76 +/- gross acres at a rate of \$91,468.98 per acre.

When the land is platted, the Bond Assessment will be allocated to each platted parcel within Assessment Area Two on a first platted-first assigned basis based on the planned use for that platted parcel as reflected in Table 6 in the *Appendix*. Such allocation of the Bond Assessment from unplatted gross acres to platted parcels will reduce the amount of Bond Assessment levied on unplatted gross acres within Assessment Area Two.

Further, to the extent that any parcel of land which has not been platted is sold to another third-party unaffiliated builder or developer, the Bond Assessment will be assigned to such parcel at the time of the sale based upon the development rights associated with such parcel that are transferred from seller to buyer. The District shall provide an estoppel or similar document to the buyer evidencing the amount of Bond Assessment transferred at sale.

#### **5.4 Lienability Test: Special and Peculiar Benefit to the Property**

As first discussed in *Section 1.3*, Special Benefits and General Benefits, improvements undertaken by the District and funded with proceeds of the Bonds create special and peculiar benefits to certain properties within Assessment Area Two. The District's improvements benefit assessable properties within Assessment Area Two and accrue to all such assessable properties within Assessment Area Two on an ERU basis.

Improvements undertaken by the District can be shown to create special and peculiar benefits to the property within Assessment Area Two. The special and peculiar benefits resulting from each improvement are:

- a. added use of the property;
- b. added enjoyment of the property;
- c. decreased insurance premiums; and
- d. increased marketability and value of the property.

The improvements which are part of the Assessment Area Two Project and are funded in part with proceeds of the Bonds make the land in Assessment Area Two developable and saleable and when implemented jointly as parts of the Assessment Area Two Project, provide special and peculiar benefits which are greater than the benefits of any single category of improvements. These special and peculiar benefits are real and ascertainable, but not yet capable of being calculated and assessed in terms of numerical value; however, such benefits are more valuable than either the cost of, or the actual assessment levied for, the improvement or debt allocated to the parcel of land.

#### **5.5 Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay**

A reasonable estimate of the proportion of special and peculiar benefits received from the improvements is delineated in Table 4 (expressed as ERU factors) in the *Appendix*.

The apportionment of the assessments is fair and reasonable because it was conducted on the basis of consistent application of the methodology described in *Section 5.2* across all assessable property within Assessment Area Two according to reasonable estimates of the special and peculiar benefits derived from the Assessment Area Two Project by different unit types.

Accordingly, no acre or parcel of property within the District will be liened for the payment of any non-ad valorem special assessment more than the determined special benefit peculiar to that property.

## **5.6 True-Up Mechanism**

The Assessment Methodology described herein is based on conceptual information obtained from the Landowner prior to construction. As development occurs, it is possible that the number of units may change. The mechanism for maintaining the methodology over the changes is referred to as true-up.

This mechanism is to be utilized to ensure that the Bond Assessment within Assessment Area Two on a per unit basis never exceed the initially allocated assessments as contemplated in the adopted assessment methodology. Bond Assessment per unit preliminarily equal the levels in Table 6 in the *Appendix* and may change based on the final bond sizing. If such changes occur, the Methodology is applied to the land based on the number of units within each and every parcel.

As the land in Assessment Area Two is platted, the Bond Assessment is assigned to platted parcels based on the figures in Table 6 in the *Appendix*. If as a result of platting and apportionment of the Bond Assessment to the platted parcels, the Bond Assessment per unit for land that remains unplatted remains equal to the figures in Table 6 in the *Appendix*, then no true-up adjustment will be necessary.

If as a result of platting and apportionment of the Bond Assessment to the platted parcels, the Bond Assessment per unit for land that remains unplatted equals less than the figures in Table 6 in the *Appendix* (for instance as a result of a larger number of units), then the per unit Bond Assessment for all parcels within the Assessment Area Two will be lowered if that state persists at the conclusion of platting of all land within Assessment Area Two.

If, in contrast, as a result of platting and apportionment of the Bond Assessment to the platted parcels, the Bond Assessment per unit

for land that remains unplatted<sup>1</sup> equals more than the figures in Table 6 in the *Appendix* (for instance as a result of a smaller number of units), taking into account any future development plans for the unplatted lands – in the District’s sole discretion and to the extent such future development plans are feasible, consistent with existing entitlements and governmental requirements, and reasonably expected to be implemented, then the difference in Bond Assessment plus accrued interest will be collected from the owner of the property which platting caused the increase of assessment per unit to occur, in accordance with the assessment resolution and a true-up agreement to be entered into between the District and the Landowner, which will be binding on assignees as provided therein.

The owner(s) of the property will be required to immediately remit to the Trustee for redemption a true-up payment equal to the difference between the actual Bond Assessment per unit and the Bond Assessment figures in Table 6 in the *Appendix*, multiplied by the actual number of units plus accrued interest to the next succeeding interest payment date on the Bonds, unless such interest payment date occurs within 45 days of such true-up payment, in which case the accrued interest shall be paid to the following interest payment date (or such other time as set forth in the supplemental indenture for the applicable series of Bonds secured by the Bond Assessment).

In addition to platting of property within the District, any planned sale of an unplatted parcel to a third-party unaffiliated builder or developer will cause the District to initiate a true-up test as described above to test whether the amount of the Bond Assessment per unit for land that remains unplatted within the Assessment Area Two remains equal to the figures in Table 6 in the *Appendix*. The test will be based upon the development rights as signified by the number of units associated with such parcel that are transferred from seller to buyer. The District shall provide an estoppel or similar document to the buyer evidencing the amount of Bond Assessment transferred at sale.

Note that, in the event that the Assessment Area Two Project is not completed, certain contributions are not made, multiple bond

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<sup>1</sup> For example, if the first platting includes 70 SF 50’ lots, then the remaining unplatted land within the Assessment Area Two would be required to absorb 99 SF 40’ lots, 12 SF 50’ lots, and 83 SF 60’ lots, or approximately \$4,400,544.48 in debt. If the remaining unplatted land would only be able to absorb 95 SF 40’ lots, 11 SF 50’ lots, and 83 SF 60’ lots, or approximately \$4,303,677.15 in debt, then a true-up, payable by the owner of the land subject to the initial plat, would be due in the amount of approximately \$96,867.33, calculated as 4 SF 40’ lots times \$18,450.92 plus 1 SF 50’ lot times \$23,063.65.



issuances are contemplated and not all are issued, or under certain other circumstances, the District may be required to reallocate the Bond Assessment, provided however that the Bond Assessment would only be reallocated as among lands within Assessment Area Two.

**5.7 Assessment Roll**

The Bond Assessment of \$6,015,000 is levied over the area described in Exhibit “A”. Excluding any capitalized interest period, debt service assessment shall be paid in thirty (30) annual installments.

**6.0 Appendix**

Table 1

**East Bonita Beach Road**

**Community Development District**

**Development Program**

Unit Type	Assessment Area One Units	Assessment Area Two Units	Total Units
SF 40'	98	99	197
SF 50'	181	82	263
SF 60'	5	83	88
<b>Total</b>	<b>284</b>	<b>264</b>	<b>548</b>

Table 2

# East Bonita Beach Road

## Community Development District

### Public Infrastructure Improvements

Description	Assessment Area One Estimated Construction Cost	Assessment Area One Cost Reimbursed from 2018 Bonds	Assessment Area Two Estimated Construction Cost	Total CIP
Irrigation	\$675,000	\$0	\$850,000	\$850,000
Storm Water Management Buffers	\$1,525,000	\$1,166,665	\$1,200,000	\$2,366,665
Public Roadways	\$475,000	\$310,507	\$650,000	\$960,507
Wetland/Wildlife Mitigation	\$250,000	\$8,289	\$300,000	\$308,289
Professional Services	\$35,000	\$0	\$10,000	\$10,000
Contingency	\$100,000	\$20,490	\$50,000	\$70,490
<b>Sub-Total</b>	<b>\$3,370,000</b>	<b>\$1,505,951</b>	<b>\$3,360,000</b>	<b>\$4,865,951</b>
Master Land Acquisition		\$3,211,758	\$2,112,202	\$5,323,960
<b>Total</b>	<b>\$3,370,000</b>	<b>\$4,717,709</b>	<b>\$5,472,202</b>	<b>\$10,189,911</b>

Table 3

## East Bonita Beach Road

### Community Development District

#### Sources and Uses of Funds

		Amount
<b>Sources:</b>		
	Bond Proceeds:	
	Par Amount	\$6,015,000.00
	Net Premium	\$105,181.60
<b>Total Sources</b>		<b>\$6,120,181.60</b>
<b>Uses:</b>		
	Project Fund Deposits:	
	Project Fund	\$5,472,202.49
	Project Fund Contingency	\$111,146.05
	Other Fund Deposits:	
	Debt Service Reserve Fund	\$166,250.00
	Capitalized Interest Fund	\$94,345.56
	Delivery Date Expenses:	
	Costs of Issuance	\$172,325.00
	Underwriter's Discount	\$103,912.50
<b>Total Uses</b>		<b>\$6,120,181.60</b>

Table 4

## East Bonita Beach Road

### Community Development District

#### Improvements Benefit Allocation

Unit Type	Assessment		Assessment
	Area Two Units	ERU per Unit	Area Two ERU
SF 40'	99	0.8	79.20
SF 50'	82	1.0	82.00
SF 60'	83	1.2	99.60
<b>Total</b>	<b>264</b>		<b>260.80</b>

Table 5

## East Bonita Beach Road

### Community Development District

#### Public Infrastructure Improvements Costs Allocation - Assessment Area Two

Unit Type	Assessment Area Two Units	ERU per Unit	Assessment Area Two ERU	Public Infrastructure Improvements Costs Financed with Bonds
SF 40'	99	0.8	79.20	\$1,695,556.77
SF 50'	82	1.0	82.00	\$1,755,500.69
SF 60'	83	1.2	99.60	\$2,132,291.08
<b>Total</b>	<b>264</b>		<b>260.80</b>	<b>\$5,583,348.54</b>

Table 6

## East Bonita Beach Road

### Community Development District

#### Bond Assessment Apportionment - Assessment Area Two

Unit Type	Total Bond Assessment Apportionment	Bond Assessment Apportionment per Unit	Annual Bond Assessment Payment Apportionment per Unit - March Pmt*	Annual Bond Assessment Payment Apportionment per Unit - Nov Pmt**
SF 40'	\$1,826,641.10	\$18,450.92	\$1,065.04	\$1,022.44
SF 50'	\$1,891,219.33	\$23,063.65	\$1,330.65	\$1,277.42
SF 60'	\$2,297,139.57	\$27,676.38	\$1,596.26	\$1,532.41
<b>Total</b>	<b>\$6,015,000.00</b>			

\* Includes Lee County costs of collection and 4% early payment discount allowance-March payment

\*\* Includes Lee County costs of collection-November payment

## **Exhibit "A"**

Bond Assessments of \$6,015,000 are proposed to be levied over the following land:

ALL OF TRACTS "B-3", TRACT "FD", TRACT "D-4", TRACT "L-8", AND TRACT "L-9",  
AND THE EASTERLY

473.85 FEET OF TRACT "D-1", SEASONS AT BONITA, ACCORDING TO THE MAP  
OF PLAT THEREOF,

RECORDED IN INSTRUMENT NUMBER 2018000200311, PUBLIC RECORDS OF  
LEE COUNTY, FLORIDA.

SUBJECT PROPERTY CONTAINS: 65.76 ACRES, MORE OR LESS.

**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**3C**

**The News-Press**  
**media group**  
news-press.com A GANNETT COMPANY

EAST BONITA BEACH ROAD CDD  
2300 GLADES RD STE 410W  
BOCA RATON, FL 33431  
ATTN EMMA GREGORY

STATE OF WISCONSIN COUNTY OF BROWN:

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC NOTICE

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

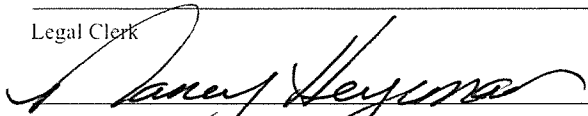
4/16/2021; 4/23/2021

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 23rd day of April, 2021.

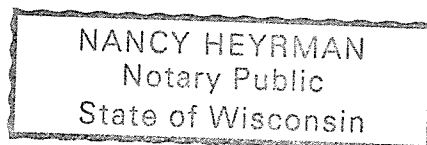


Legal Clerk

  
Notary Public State of Wisconsin County of Brown  
5.15.23

My commission expires

Publication Cost: \$5,599.56  
Ad No: GCI0632753  
Customer No: 5879  
PO#: PUBLIC NOTICE



**NOTICE OF PUBLIC HEARING TO CONSIDER IMPOSITION OF SPECIAL ASSESSMENTS PURSUANT TO SECTION 170.07, FLORIDA STATUTES, BY THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT**

**NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF ASSESSMENT ROLL PURSUANT TO SECTION 197.3632(4)(b), FLORIDA STATUTES, BY THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT**

**NOTICE OF SPECIAL MEETING**

The East Bonita Beach Road Community Development District ("District") Board of Supervisors ("Board") will hold public hearings on May 17, 2021 at 10:30 a.m., at the Offices of D.R. Horton, 10541 Ben C Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966 to consider the adoption of an assessment roll, the imposition of a master special assessment lien, and special assessments to secure proposed bonds on benefited lands within the District known as "Assessment Area 2," as shown in the geographic depiction below, and to provide for the levy, collection and enforcement of the special assessments. The streets and areas to be improved are within the area depicted below and are as more particularly set forth in the District's Amended and Restated Engineer's Report for the East Bonita Beach Road Community Development District, dated September 28, 2020 (the "Improvement Plan"). The public hearing is being conducted pursuant to Chapters 170, 190 and 197, Florida Statutes. A description of the property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained by contacting the District Records Office located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (561) 571-0010. At the conclusion of the public hearings, the Board will, by resolution, levy a master assessment lien as finally approved by the Board.

The District is a unit of special-purpose local government responsible for providing, in part, infrastructure improvements for lands within the District. The infrastructure improvements included in the Improvement Plan are currently expected to include, but are not limited to, roadways, stormwater management/earthwork improvements, landscape, irrigation, conservation and mitigation, street lighting, land acquisition, and other improvements within and without Assessment Area 2, all as more specifically described in the Improvement Plan (the "Assessment Area 2 Improvements"), on file and available during normal business hours from the District Records Office at the addresses provided above.

The District intends to impose assessments on benefited lands within the District in the manner set forth in the District's Final Methodology Report – Assessment Area Two, dated April 14, 2021 (the "Assessment Report"), which is on file and available during normal business hours from the District Records Office at the address provided above. The Assessment Report identifies each tax parcel identification number within the District and maximum assessments per parcel and platted unit for each land use category that is currently expected to be assessed. The method of allocating assessments for the Assessment Area 2 Improvements to be funded by the District will initially be determined on an equal pro-rata gross acre basis. At the time parcels are platted or otherwise subdivided into assessable units, individual assessments will be assigned to those parcels at the maximum per-unit amounts (determined according to the equivalent residential units, or "ERUs," assigned to each property type).

The methodology is explained in more detail in the Assessment Report. Also as described in more detail in the Assessment Report, the District's assessments will be levied against all assessable lands within the District. The Assessment Report will be preliminarily considered by the Board on April 27, 2021 at 4:00pm at the location set forth above and is expected to be adopted at the hearing on May 17, 2021 at the time and date set forth herein. The original master resolution is included for the public's reference.

The annual principal assessment levied against each parcel will be based on repayment over a maximum of thirty (30) years for the total debt allocated to each parcel. The District expects to collect sufficient revenues to retire no more than \$6,015,000.00 in principal per amount of debt to be assessed by the District, exclusive of additional fees and costs of collection and enforcement, discounts for early payment and the annual interest. The proposed annual schedule of assessments is as follows (the "Maximum Assessments"):

Lot Type	No. of Units	ERU	Maximum Principal per Unit	Maximum Annual Installment
SF 40'	99	0.8	\$18,450.92	\$1,065.04
SF 50'	82	1.0	\$23,063.65	\$1,330.65
SF 60'	83	1.2	\$27,676.38	\$1,596.26

\*\* Inclusive of anticipated fees and costs of collection and enforcement, discounts for early payment, and the annual interest costs of the debt anticipated to be issued to finance the Assessment Area 2 Improvements.

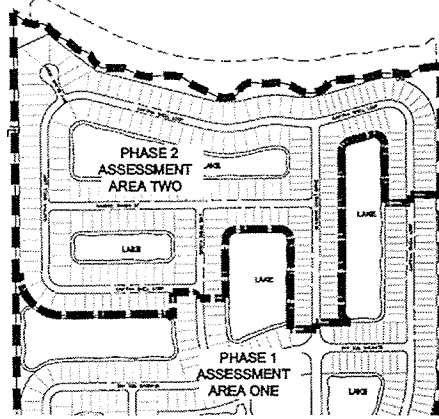
All amounts stated herein are subject to change and/or final determination at the public hearings and meeting identified above. Specific maximum amounts expected per parcel or product type is as set forth in the Assessment Report but may change at the public hearing. All affected property owners are encouraged to attend.

The assessments may be prepaid in whole at any time, or in some instances in part, or may be paid in not more than thirty (30) annual installments subsequent to the issuance of debt to finance the Assessment Area 2 Improvements. These annual assessments are anticipated to be collected on the Lee County tax roll by the Tax Collector. Alternatively, the District may choose to directly collect and enforce these assessments. All affected property owners have the right to appear at the public hearings and the right to file written objections with the District within twenty (20) days of the publication of this notice. Notwithstanding the description of the Maximum Assessments herein, landowners will not have a payment obligation until the issuance of bonds, at which time the fixed assessment amounts securing those bonds, as well as a collection protocol, will be determined. The fixed assessment amounts will be determined at a public meeting, pursuant to a supplemental assessment resolution, engineer's report and methodology but in no event will exceed the Maximum Assessments noticed herein. Please note that the preceding statement only applies to capital (debt) assessments and shall have no effect on the ability of the District to levy assessments and collect payments related to the operation and maintenance of the District.

Also on May 17, 2021, at 10:30 a.m., at the Offices of D.R. Horton, 10541 Ben C Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966, the Board will hold a special public meeting to consider any other business that may lawfully be considered by the District. The Board meeting and hearings are open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. The Board meeting and/or the public hearings may be continued in progress to a date and time certain announced at the meeting and/or hearings. Additional information regarding this public hearing may be obtained by contacting the District Manager, Chuck Adams, at info@eastbonitabeachroadcdd.net or by calling (561) 571-0010.

If anyone chooses to appeal any decision of the Board with respect to any matter considered at the meeting or hearings, such person will need a record of the proceedings and should accordingly ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which such appeal is to be based.

Any person requiring special accommodations at the meeting or hearings because of a disability or physical impairment should contact the District Office at (904) 940-5850 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Office.



**RESOLUTION 2020-08**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT DECLARING SPECIAL ASSESSMENTS; DESIGNATING THE NATURE AND LOCATION OF THE PROPOSED IMPROVEMENTS; DECLARING THE TOTAL ESTIMATED COST OF THE IMPROVEMENTS, THE PORTION TO BE PAID BY ASSESSMENTS, AND THE MANNER AND TIMING IN WHICH THE ASSESSMENTS ARE TO BE PAID; DESIGNATING THE LANDS UPON WHICH THE ASSESSMENTS SHALL BE LEVIED; PROVIDING FOR AN ASSESSMENT PLAN AND A PRELIMINARY ASSESSMENT ROLL; ADDRESSING THE SETTING OF PUBLIC HEARINGS; PROVIDING FOR PUBLICATION OF THIS RESOLUTION; AND ADDRESSING CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the East Bonita Beach Road Community Development District ("District") was established by Ordinance No. 08-02 of City Council of the City of Bonita Springs, Florida, effective March 21, 2008, as amended by Ordinance No. 16-02 duly enacted by the City Council and effective on March 2, 2016 and effective on April 1, 2016, for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure; and

WHEREAS, the District is a local unit of special-purpose government organized and existing under and pursuant to Chapter 190, Florida Statutes, as amended, and is located entirely within Lee County, Florida; and

WHEREAS, the District is authorized by Chapter 190, Florida Statutes, to finance, fund, plan, establish, acquire, install, operate, extend, construct, or reconstruct roadways, stormwater management/earthwork improvements, landscape, irrigation, conservation and mitigation, street lighting and other infrastructure projects, and services necessitated by the development of, and serving lands within, the District; and

WHEREAS, the District hereby determines to undertake, install, plan, establish, construct or reconstruct, enlarge or extend, acquire, operate, and/or maintain the infrastructure improvements described in the [Engineer's Report], dated September 28, 2020, attached hereto as Exhibit A and incorporated herein by reference ("Assessment Area 2 Project"); and

WHEREAS, it is in the best interest of the District to pay all or a portion of the cost of the Assessment Area 2 Project by special assessments pursuant to Chapter 190, Florida Statutes ("Assessments"); and

WHEREAS, the District is empowered by Chapter 190, the Uniform Community Development District Act, Chapter 170, Supplemental and Alternative Method of Making Local Municipal Improvements, and Chapter 197, the Uniform Method for the Levy, Collection and Enforcement of Non-Ad Valorem Assessments, Florida Statutes, to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, acquire, operate, and maintain the Assessment Area 2 Project and to impose, levy and collect the Assessments; and

WHEREAS, as set forth in the [Assessment Methodology Report], dated September 29, 2020, attached hereto as Exhibit B and incorporated herein by reference and on file at Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W Boca Raton, Florida 33431, ("District Records Office"), the District hereby finds and determines that:

- (i) benefits from the Assessment Area 2 Project will accrue to the property improved;
- (ii) the amount of those benefits will exceed the amount of the Assessments; and
- (iii) the Assessments are fairly and reasonably allocated;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT:**

1. **AUTHORITY FOR THIS RESOLUTION; INCORPORATION OF RECITALS.** This Resolution is adopted pursuant to the provisions of Florida law, including without limitation Chapters 170, 190 and 197, Florida Statutes. The recitals stated above are incorporated herein and are adopted by the Board as true and correct statements.
2. **DECLARATION OF ASSESSMENTS.** The Board hereby declares that it has determined to make all or a portion of the Assessment Area 2 Project and to defray all or a portion of the cost thereof by the Assessments.
3. **DESIGNATING THE NATURE AND LOCATION OF IMPROVEMENTS.** The nature and general location of, and plans and specifications for, the Assessment Area 2 Project are described in Exhibit A, which is on file at the District Records Office. Exhibit B is also on file and available for public inspection at the same location.

4. **DECLARING THE TOTAL ESTIMATED COST OF THE ASSESSMENT AREA 2 PROJECT, THE PORTION TO BE PAID BY ASSESSMENTS, AND THE MANNER AND TIMING IN WHICH THE ASSESSMENTS ARE TO BE PAID.**

- A. The total estimated construction cost of the Assessment Area 2 Project is \$5,050,415.79 ("Estimated Cost").
- B. The Assessments will defray approximately \$5,580,000.00, which is the anticipated maximum par value of any bonds and which includes all or a portion of the Estimated Cost, as well as other financing-related costs, as set forth in Exhibit B.
- C. The manner in which the Assessments shall be apportioned and paid is set forth in Exhibit B, as may be modified by supplemental assessment resolutions. Commencing with the years in which the Assessments are certified for collection, the Assessments shall each be paid in not more than thirty (30) annual installments. The Assessments may be payable at the same time and in the same manner as are ad valorem taxes and collected pursuant to Chapter 197, Florida Statutes; provided, however, that in the event the uniform non-ad valorem assessment method of collecting the Assessments is not available to the District in any year, or if determined by the District to be in its best interest, the Assessments may be collected as is otherwise permitted by law, including but not limited to by direct bill. The decision to collect special assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect special assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices.

5. **DESIGNATING THE LANDS UPON WHICH THE ASSESSMENTS SHALL BE LEVIED.** The Assessments shall be levied, within the District, on all lots and lands adjoining and contiguous or bounding and abutting upon such improvements or specially benefited thereby and further designated by the assessment plat hereinafter provided for.

6. **ASSESSMENT PLAN.** Pursuant to Section 170.04, Florida Statutes, there is on file, at the District Records Office, an assessment plan showing the area to be assessed, with certain plans and specifications describing the Assessment Area 2 Project and the estimated cost of the Assessment Area 2 Project, all of which are open to inspection by the public.

7. **PRELIMINARY ASSESSMENT ROLL.** Pursuant to Section 170.06, Florida Statutes, the District Manager has caused to be made a preliminary assessment roll, in accordance with the method of assessment described in Exhibit B hereto, which shows the lots and lands assessed, the amount of benefit to and the assessment against each lot or parcel of land and the number of annual installments into which the assessment may be divided, which assessment roll is hereby adopted and approved as the District's preliminary assessment roll.

8. **PUBLIC HEARINGS DECLARED; DIRECTION TO PROVIDE NOTICE OF THE HEARINGS.** Pursuant to Sections 170.07 and 197.3632(4)(b), Florida Statutes, among other provisions of Florida law, there are hereby declared two public hearings to be held as follows:

**NOTICE OF PUBLIC HEARINGS**

DATE: November 6, 2020  
 TIME: 10:00 a.m.  
 LOCATION: Offices of D.R. Horton  
 10541 Ben C Pratt  
 6 Mile Cypress Parkway  
 Fort Myers, Florida, 33966

The purpose of the public hearings is to hear comment and objections to the proposed special assessment program for District improvements as identified in the preliminary assessment roll, a copy of which is on file and as set forth in Exhibit B. Interested parties may appear at that hearing or submit their comments in writing prior to the hearings at the District Records Office.

At the time of adoption of this Resolution 2020-08 there are currently in place federal, state, and local emergency declarations and orders ("Declarations"). In the event the Declarations remain in effect or if future orders or declarations authorize, the hearing may be conducted remotely, using communications media technology pursuant to Executive Orders 20-52, 20-59, 20-112, 20-123, 20-139, 20-150 and 20-179, issued by Governor DeSantis, and any extensions or supplements thereof, and pursuant to Section 120.54(5)(b)2, Florida Statutes. Information regarding participation in any remote hearing may be obtained by contacting the District Manager at (877) 276-0889.

Notice of said hearings shall be advertised in accordance with Chapters 170, 190 and 197, Florida Statutes, and the District Manager is hereby authorized and directed to place said notice in a newspaper of general circulation within Lee County (by two publications one week apart with the first publication at least twenty (20) days prior to the date of the hearing established herein). The District Manager shall file a publisher's affidavit with the District Secretary verifying such publication of notice. The District Manager is further authorized and directed to give thirty (30) days written notice by mail of the time and place of this hearing to the owners of all property to be assessed and include in such notice the amount of the assessment for each such property owner, a description of the areas to be improved and notice that information concerning all assessments may be ascertained at the District Records Office. The District Manager shall file proof of such mailing by affidavit with the District Secretary.

9. **PUBLICATION OF RESOLUTION.** Pursuant to Section 170.05, Florida Statutes, the District Manager is hereby directed to cause this Resolution to be published twice (once a week for two (2) weeks) in a newspaper of general circulation within Lee County and to provide such other notice as may be required by law or desired in the best interests of the District.

10. **CONFLICTS.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

11. **SEVERABILITY.** If any section or part of a section of this resolution be declared invalid or unconstitutional, the validity, force, and effect of any other section or part of a section of this resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

12. **EFFECTIVE DATE.** This Resolution shall become effective upon its adoption, PASSED AND ADOPTED THIS 30th day of September, 2020.

ATTEST: EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT  
 s/ Chesley E Adams, Jr. Secretary  
 s/ J Wayne Everrett Chair, Board of Supervisors

Exhibit A: [Engineer's Report], dated September 28, 2020  
 Exhibit B: [Assessment Methodology Report], dated September 29, 2020



**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**3D**

STATE OF FLORIDA )  
COUNTY OF PAM BEACH )

**AFFIDAVIT OF MAILING**

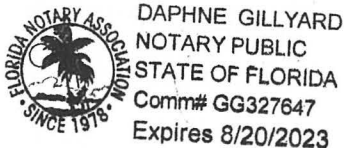
**BEFORE ME**, the undersigned authority, this day personally appeared Michal Szymonowicz, who by me first being duly sworn and deposed says:

1. I am over eighteen (18) years of age and competent to testify as to the matters contained herein. I have personal knowledge of the matters stated herein.
2. I, Michal Szymonowicz, serve as the Director of Financial Services at Wrathell, Hunt & Associates, LLC, which serves as District Manager for the East Bonita Beach Road Community Development District.
3. Among other things, my duties include preparing and transmitting invoices and related correspondence on the District's behalf.
4. I do hereby certify that on April 16, 2021, and in the regular course of business, I caused the mailed notice attached hereto as **Exhibit A**, to be sent via United States Mail to all owners of lands within Assessment Area 2 of the District, as such area is depicted in the notice attached hereto in **Exhibit A**.
5. I have personal knowledge of having sent the letter, and those records are kept in the course of the regular business activity for the District.

**FURTHER AFFIANT SAYETH NOT.**

  
\_\_\_\_\_  
Michal Szymonowicz

**SWORN AND ASCRIBED** before me by means of  physical presence or  online notarization, this 16th day of April, 2021, by Michal Szymonowicz, as Director of Financial Services at Wrathell, Hunt & Associates, LLC. He  is personally known to me or  produced \_\_\_\_\_ as identification.



  
\_\_\_\_\_  
Notary Public, State of Florida

Personally Known  
OR Produced Identification  
Type of Identification \_\_\_\_\_

**EXHIBIT A:** Mailed notice

7020 2450 0002 0734 1232

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Post

\$

Sent To

Street an

City, Stat

FORESTAR USA REAL ESTATE GROUP  
2221 E LAMAR BLVD SUITE 790  
ARLINGTON TX 76006



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 2450 0002 0734 1225

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Post

\$

Sent To

Street an

City, Stat

FORESTAR USA REAL ESTATE GROUP  
3330 CUMBERLAND BLVD STE 275  
ATLANTA, GA 30339



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

**Exhibit A**  
Letter

# East Bonita Beach Road Community Development District

## OFFICE OF THE DISTRICT MANAGER

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone: (561) 571-0010 • Toll-free: (877) 276-0889 • Fax: (561) 571-0013

### VIA U.S. MAIL – CERTIFIED/RETURN RECEIPT

April 16, 2021

FORESTAR USA REAL ESTATE GROUP  
2221 E LAMAR BLVD SUITE 790  
ARLINGTON TX 76006

**RE: *East Bonita Beach Road Community Development District  
Notice of Hearing on Assessments to Property  
Property described in Exhibit A including the property platted in instrument  
number 2021000025247, recorded in Lee County records***

Dear Property Owner:

You are receiving this notice because Lee County tax records indicate that you are a property owner within the East Bonita Beach Road Community Development District (the “District”). The District is a special-purpose unit of local government established pursuant to Chapter 190, *Florida Statutes*. The property you own that is the subject of this notice is identified above and in **Exhibit A** attached hereto and **includes the property platted in instrument number 2021000025247, recorded in Lee County records.**

At the September 30, 2020 meeting of the District’s Board of Supervisors, the District approved the *Amended and Restated Engineer’s Report for the East Bonita Beach Road Community Development District*, dated September 28, 2020 (the “Improvement Plan”), that describes the nature of the improvements that may be built or acquired by the District that benefit lands within the District that are included within Assessment Area 2, including, but not limited to, roadways, stormwater management/earthwork improvements, landscape, irrigation, conservation and mitigation, street lighting, land acquisition, and other infrastructure projects and other improvements, all as more specifically described in the Improvement Plan (the “Assessment Area 2 Improvements”). A courtesy copy of the Improvement Plan is attached hereto as **Exhibit B**. The District estimates that it will cost approximately \$6,015,000 to finance the Assessment Area 2 Improvements contemplated by the District, exclusive of fees and costs of collection or enforcement, discounts for early payment and the annual interest costs of the debt issued to finance the Assessment Area 2 Improvements. As a property owner of assessable land within the District, the District intends to assess your property in the manner set forth in the District’s *Final Methodology Report - Assessment Area Two*, dated April 14, 2021 (the “Assessment Report”). For your review, we have enclosed a copy of the Assessment Report as **Exhibit C**, which includes a preliminary assessment roll. This Assessment Report was also approved in substantial form at the Board’s September 30, 2020 public meeting and subsequently updated. Note that the assessment roll is created with information provided by Lee County.

April 16, 2021

RE: Notice of Public Hearing of Assessments to Property

The purpose of any such assessment is to secure the bonds anticipated to be issued to fund all or a portion of the Assessment Area 2 Improvements. As described in more detail in the Assessment Report, the District's assessments will be levied against assessable lands within the District. Please consult the Assessment Report for more details.

The Assessment Report identifies each tax parcel identification number within the District and maximum assessments per parcel and platted unit for each land use category that is currently expected to be assessed. The method of allocating assessments for the Assessment Area 2 Improvements to be funded by the District will initially be determined on an equal pro-rata gross acre basis. At the time parcels are platted or otherwise subdivided into assessable units, individual assessments will be assigned to those parcels at the maximum per-unit amounts (determined according to the equivalent residential units, or "ERUs," assigned to each property type) described in Table 5 of the Assessment Report, thereby reducing the assessments encumbering the unplatted or unplanned land by a corresponding amount. Any unassigned amount of assessments encumbering the remaining unplatted or unplanned land will continue to be calculated and levied on an equal pro-rata gross acre basis. The methodology is explained in more detail in the Assessment Report. Also as described in more detail in the Assessment Report, the District's assessments will be levied against assessable lands within the District. Please consult the Assessment Report for more details.

As the owner of property within the District subject to assessments, the maximum total amount to be levied against property that you own is reflected on the preliminary assessment roll attached to the Assessment Report, exclusive of fees and costs of collection or enforcement, discounts for early payment and the annual interest costs of the debt issued to finance the Assessment Area 2 Improvements. The total amount to be levied against each parcel is detailed in the Assessment Report incorporated herein by this reference, as such Assessment Report may be amended at the below referenced hearing. Notwithstanding the description of the Maximum Assessments herein, landowners will not have a payment obligation until the issuance of bonds, at which time the fixed assessment amounts securing those bonds, as well as a collection protocol, will be determined. The amount of assessments actually allocated to your property in connection with any issuance of bonds will be determined by supplemental assessment resolution but will not exceed the amounts set forth herein. Please note that the preceding statement only applies to capital assessments and shall have no effect on the ability of the District to levy assessments and collect payments related to the operations and maintenance of the District. The assessment amounts may be amended at the below referenced hearing. However, the total amount of the assessments on each platted lot over thirty (30) years may be higher or lower depending on the actual terms of bonds issued. The total maximum annual revenue that the District will collect by these assessments for your property is anticipated to be \$347,041.67, inclusive of anticipated fees and costs of collection and enforcement, discounts for early payment, and the annual interest costs of the debt issued to finance the Assessment Area 2 Improvements. The proposed maximum annual schedule of assessments is as follows (the "Maximum Assessments"):

April 16, 2021

RE: Notice of Public Hearing of Assessments to Property

Lot Type	No. of Units	ERU	Maximum Principal per Unit*	Maximum Annual Installment*
SF 40'	99	0.8	\$18,450.92	\$1,065.04
SF 50'	82	1.0	\$23,063.65	\$1,330.65
SF 60'	83	1.2	\$27,676.38	\$1,596.26

*\* Inclusive of anticipated fees and costs of collection and enforcement, discounts for early payment, and the annual interest costs of the debt anticipated to be issued to finance the Assessment Area 2 Improvements.*

**All amounts stated herein are subject to change and/or final determination at the public hearings and meeting identified above. Specific maximum amounts expected per parcel or product type is as set forth in the Assessment Report but may change at the public hearing. All affected property owners are encouraged to attend.**

The assessments may appear on your regular tax bill issued by the Lee County Tax Collector. However, the District may in its discretion at any time choose instead to directly collect these assessments. As provided in the Assessment Report, the assessments will constitute a lien against your property that may be prepaid in accordance with Chapter 170, *Florida Statutes*, or may be paid in not more than thirty (30) annual installments. For delinquent assessments that were initially directly billed by the District, the District may initiate a foreclosure action or may place the delinquent assessments on the next year's county tax bill. The decision to collect special assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect special assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices. **It is important to pay your assessment since failure to pay will cause a tax certificate to be issued against the property which may result in loss of title, or for direct billed assessments, may result in a foreclosure action, which also may result in a loss of title.**

In accordance with Chapters 170, 190 and 197, *Florida Statutes*, this letter is to notify you that a public hearing for the above-mentioned assessments will be held on **May 17, 2021, at 10:30 a.m. at the Offices of D.R. Horton, 10541 Ben C Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966.** At this hearing, the Board will sit as an equalizing board to hear and consider testimony from any interested property owners as to the propriety and advisability of making the Assessment Area 2 Improvements, or some phase thereof, as to the cost thereof, as to the manner of payment thereof, and as to the amount thereof to be assessed against each property so improved. At the conclusion of the public hearings, the Board will, by resolution, levy assessments as finally approved by the Board. **All affected property owners have the right to appear at the public hearings / meeting and the right to file written objections with the District within twenty (20) days of this notice. Each person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearings or meeting is advised that person will need a record of proceedings and that accordingly, the person**

April 16, 2021

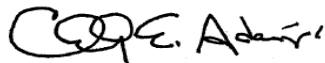
RE: Notice of Public Hearing of Assessments to Property

**may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.**

Also on **May 17, 2021, at 10:30 a.m. at the Offices of D.R. Horton, 10541 Ben C Pratt Six Mile Cypress Parkway, Fort Myers, Florida, 33966**, the Board will hold a special public meeting to consider any other business that may lawfully be considered by the District. The Board meeting and hearings are open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. The Board meeting and/or the public hearings may be continued in progress to a date and time certain announced at the meeting and/or hearings. Additional information regarding the public hearing and meeting may be obtained by contacting the District Manager, Chuck Adams, by e-mail at [info@eastbonitabeachroadcdd.net](mailto:info@eastbonitabeachroadcdd.net) or by calling (877) 276-0889.

Information concerning the assessments and copies of applicable documents are on file and available during normal business hours at the District's Records Office, located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, or by contacting the District Manager at (561) 571-0010. You may appear at the hearing or submit your comments in advance to the attention of the District Manager at its address above.

Sincerely,



Chelsey "Chuck" Adams  
District Manager

Enclosures:

- Exhibit A: Property
- Exhibit B: *Amended and Restated Engineer's Report for the East Bonita Beach Road Community Development District, dated September 28, 2020*
- Exhibit C: *Final Methodology Report - Assessment Area Two, dated April 14, 2021*



## **Exhibit A**

ALL OF TRACTS "B-3", TRACT "FD", TRACT "D-4", TRACT "L-8", AND TRACT "L-9", AND THE EASTERLY 473.85 FEET OF TRACT "D-1", SEASONS AT BONITA, ACCORDING TO THE MAP OF PLAT THEREOF, RECORDED IN INSTRUMENT NUMBER 2018000200311, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT PROPERTY CONTAINS: 65.76 ACRES, MORE OR LESS.

## Exhibit B

## Exhibit C

**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**3 E**

**RESOLUTION 2021-05**

**A RESOLUTION MAKING CERTAIN FINDINGS; AUTHORIZING AN IMPROVEMENT PLAN FOR ASSESSMENT AREA TWO; UPDATING THE MASTER IMPROVEMENT PLAN; PROVIDING AN ESTIMATED COST OF IMPROVEMENTS; ADOPTING AN ASSESSMENT AREA 2 ASSESSMENT REPORT; EQUALIZING, APPROVING, CONFIRMING AND LEVYING DEBT ASSESSMENTS ON ASSESSMENT AREA TWO; ADDRESSING THE FINALIZATION OF SPECIAL ASSESSMENTS; ADDRESSING THE PAYMENT OF DEBT ASSESSMENTS AND THE METHOD OF COLLECTION; PROVIDING FOR THE ALLOCATION OF DEBT ASSESSMENTS AND TRUE-UP PAYMENTS; ADDRESSING GOVERNMENT PROPERTY AND TRANSFERS OF PROPERTY TO UNITS OF LOCAL, STATE AND FEDERAL GOVERNMENT; AUTHORIZING AN ASSESSMENT NOTICE; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the East Bonita Beach Road Community Development District (“**District**”) is a local unit of special-purpose government established by ordinance of the City Council of the City of Bonita Springs, Florida and existing under and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, *Florida Statutes*, as amended (“**Act**”); and

**WHEREAS**, the District has previously indicated its intention to construct certain types of improvements and acquire certain property and to finance such improvements and such property through the issuance of bonds, notes or other specific financing mechanisms, which bonds, notes or other specific financing mechanisms would be repaid by the imposition of special assessments on benefited property known as “Assessment Area Two” within the District; and

**WHEREAS**, due to favorable market conditions interest rates have fallen and resulted in a higher par value of the bonds to be issued for the Assessment Area Two Project, and consequently, the allocation of Assessments has increased from previous adopted and noticed amounts; and

**WHEREAS**, the District adopted Resolution 2021-04, recommencing the assessment proceedings to supersede and replace the previous assessment proceedings declaring, levying and equalizing assessments on the Assessment Area Two property, including but not limited to Resolution Nos. 2020-08 and 2020-09, which assessments and assessment proceedings shall, at that time, be void and no longer in force and effect and an amended notice of such replaced and superseded assessments shall be recorded in the public records; and

**WHEREAS**, the District’s Board of Supervisors (“**Board**”) has noticed and conducted a public hearing pursuant to Chapters 170, 190 and 197, *Florida Statutes*, relating to the imposition, levy, collection and enforcement of such assessments, and now desires to adopt a resolution imposing and levying such assessments as set forth herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT AS FOLLOWS:**

1. **AUTHORITY.** This Resolution is adopted pursuant to Chapters 170, 190 and 197, *Florida Statutes*, including without limitation, Section 170.08, *Florida Statutes*. The recitals stated above are incorporated herein; are adopted by the Board as true and correct statements; and are further declared to be findings made and determined by the Board.

2. **FINDINGS.** The Board further finds and determines as follows:

***The Master Improvement Plan***

- a. The District is authorized by Chapter 190, *Florida Statutes*, to finance, fund, plan, establish, acquire, install, equip, operate, extend, construct, or reconstruct roadways, sewer and water distribution systems, stormwater management/earthwork improvements, landscape, irrigation and entry features, conservation and mitigation, street lighting, real property and other infrastructure projects, services and properties necessitated by the development of, and serving lands within, the District; and
- b. On April 27, 2021, and pursuant to Section 170.03, *Florida Statutes*, among other laws, the Board adopted Resolution 2021-04 (“**Declaring Resolution**”), and in doing so determined to undertake, install, plan, establish, construct or reconstruct, enlarge or extend, equip, acquire, operate, and/or maintain the infrastructure improvements and property described in the District’s *Amended and Restated Engineer’s Report for the East Bonita Beach Road Community Development District*, dated September 28, 2020, attached hereto as **Exhibit A** and incorporated herein by reference (“**Master Improvement Plan**,” and the project described therein, the “**Project**”); and
- c. The plans and specifications for the Project are on file in the offices of the District Manager at c/o Wrathell, Hunt & Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 (“**District Records Office**”); and

***The Debt Assessment Process***

- d. Also as part of the Declaring Resolution, the Board expressed an intention to issue bonds, notes or other specific financing mechanisms to provide a portion of the funds needed for the Project, and further declared its intention to defray the whole or any part of the expense of the Project by levying special assessments (“**Debt Assessments**”) on specially benefited property within all of the District (“**Assessment Area Two**”); and
- e. The Declaring Resolution was adopted in compliance with the requirements of Section 170.03, *Florida Statutes*, and prior to the time it was adopted, the requirements of Section 170.04, *Florida Statutes*, had been met; and
- f. As directed by the Declaring Resolution, said Declaring Resolution was published as required by Section 170.05, *Florida Statutes*, and a copy of the publisher’s affidavit of publication is on file with the Secretary of the District; and
- g. As directed by the Declaring Resolution, the Board caused to be made a preliminary assessment roll as required by Section 170.06, *Florida Statutes*; and
- h. As required by Section 170.07, *Florida Statutes*, and as part of the Declaring Resolution, the Board fixed the time and place of a public hearing at which owners of the property to be assessed and other persons interested therein could appear before the Board and be heard

as to (i) the propriety and advisability of making the improvements, (ii) the cost thereof, (iii) the manner of payment therefore, and (iv) the amount thereof to be assessed against each specially benefited property or parcel, and the Board further authorized publication of notice of such public hearing and individual mailed notice of such public hearing in accordance with Chapters 170, 190, and 197, *Florida Statutes*; and

- i. Notice of the scheduled public hearing was given by publication and also by mail as required by Sections 170.07 and 197.3632, *Florida Statutes*, and affidavits as to such publication and mailings are on file in the office of the Secretary of the District; and
- j. On May 17, 2021, and at the time specified in the Declaring Resolution, the Board conducted such public hearing in person and by communications media technology and heard and considered all complaints and testimony as to the matters described above; the Board further met as an “Equalization Board;” and the Board has made such modifications in the preliminary assessment roll as it deems necessary, just and right in the making of the final assessment roll; and

#### *Equalization Board Additional Findings*

- k. Having considered the estimated costs of the Project, the estimated financing costs and all comments and evidence presented at such public hearing, the Board further finds and determines that:
  - i. It is necessary to the public health, safety and welfare and in the best interests of the District that: (1) the District provide the Project as set forth in the Master Improvement Plan; (2) the cost of such Project be assessed against the lands specially benefited by such Project, and within Assessment Area Two; and (3) the District issue bonds, notes or other specific financing mechanisms to provide funds for such purposes pending the receipt of such Debt Assessments; and
  - ii. The provision of said Project, the levying of the Debt Assessments, and the sale and issuance of such bonds, notes, or other specific financing mechanisms serve a proper, essential, and valid public purpose and are in the best interests of the District, its landowners and residents; and
  - iii. The estimated costs of the Project are as specified in the Master Improvement Plan and Assessment Report (defined below), and the amount of such costs is reasonable and proper; and
  - iv. It is reasonable, proper, just and right to assess the cost of such Assessment Area Two Project against the properties specially benefited thereby in Assessment Area Two, using the method determined by the Board and set forth in the *Final Methodology Report – Assessment Area Two*, dated April 15, 2021 (“**Assessment Report**,” attached hereto as **Exhibit B** and incorporated herein by this reference), which results in the Debt Assessments set forth on the final assessment roll; and
  - v. The Project benefits all developable property within Assessment Area Two; and
  - vi. Accordingly, the Debt Assessments as set forth in the Assessment Report constitute a special benefit to all parcels of real property listed on said final

assessment roll, and the benefit, in the case of each such parcel, will be equal to or in excess of the Debt Assessments imposed thereon, as set forth in **Exhibit B**; and

- vii. All developable property within Assessment Area Two is deemed to be benefited by the Project, and the Debt Assessments will be allocated in accordance with the Assessment Report attached as **Exhibit B**; and
- viii. The Debt Assessments are fairly and reasonably allocated across the benefitted property, as set forth in **Exhibit B**; and
- ix. It is in the best interests of the District that the Debt Assessments be paid and collected as herein provided; and
- x. In order to provide funds with which to pay the costs of the Project which are to be assessed against the benefitted properties, pending the collection of the Debt Assessments, it is necessary for the District to issue revenue bonds, notes or other specific financing mechanisms, including refunding bonds (together, "**Bonds**").

3. **AUTHORIZATION FOR PROJECT; ADOPTION OF MASTER IMPROVEMENT PLAN.** The Master Improvement Plan identifies and describes the infrastructure improvements to be financed in part with the Bonds and sets forth the costs of the Project. The District hereby confirms that the Project serves a proper, essential, and valid public purpose. The use of the Master Improvement Plan in connection with the sale of the Bonds is hereby authorized, approved and ratified, and the proper officers, employees and/or agents of the District are hereby authorized and directed to take such further action as may be necessary or desirable to cause the same to be made.

4. **ESTIMATED COST OF IMPROVEMENTS.** The total estimated costs of the Project and the costs to be paid by the Debt Assessments on all specially benefited property are set forth in **Exhibits A and B**, respectively, hereto.

5. **ADOPTION OF ASSESSMENT REPORT.** The Assessment Report setting forth the allocation of Debt Assessments to the benefitted lands within Assessment Area Two is hereby approved, adopted, and confirmed. The District ratifies its use in connection with the sale of the Bonds.

6. **EQUALIZATION, APPROVAL, CONFIRMATION AND LEVY OF DEBT ASSESSMENTS.** The Debt Assessments imposed on the parcels specially benefited by the Project within Assessment Area Two, all as specified in the final assessment roll set forth in **Exhibit B**, attached hereto, are hereby equalized, approved, confirmed and levied. Immediately following the adoption of this Resolution, the lien of Debt Assessments as reflected in **Exhibit B**, attached hereto, shall be recorded by the Secretary of the District in the District's "**Improvement Lien Book.**" The Debt Assessments against each respective parcel shown on such final assessment roll and interest, costs, and penalties thereon, as hereafter provided, shall be and shall remain a legal, valid and binding first lien on such parcel, coequal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims.

- a. ***Supplemental Assessment Resolutions for Bonds.*** The lien for the Debt Assessments established hereunder shall be inchoate until the District issues Bonds. In connection with the issuance of any particular series of the Bonds, the District may adopt, without the need for further public hearing, a supplemental assessment resolution establishing specific Debt Assessments, in one or more separately enforceable Debt Assessment liens, securing such Bonds. Such subsequent resolutions shall be adopted at a noticed meeting of the District,



and shall set forth the actual amounts financed, costs of issuance, expected costs of collection, and the total amount of the assessments pledged to that issue, which amount shall be consistent with the lien imposed by this Resolution. Among other things, the supplemental assessment resolutions may provide for the issuance of multiple series of Bonds each secured by one or more different assessment areas within Assessment Area Two.

- b. ***Adjustments to Debt Assessments.*** The District may, by subsequent resolution, adjust the acreage assigned to particular parcel identification numbers listed on the final assessment roll to reflect accurate apportionment of acreage amongst individual parcel identification numbers. The District may make any other such acreage and boundary adjustments to parcels listed on the final assessment roll as may be necessary and in the best interests of the District, as determined by the Board by subsequent resolution. Any such adjustment in the assessment roll shall be consistent with the requirements of law.
- c. ***Impact Fee Credits.*** The District may or may not be entitled to impact fee credits as a result of the development of the Project, based on applicable laws and/or agreements governing impact fee credits. Unless otherwise addressed by supplemental assessment resolution, the proceeds from any impact fee credits received may be used in the District's sole discretion as an offset for any acquisition of any portion of the Project, for completion of the Project, or otherwise used against the outstanding indebtedness of any debt issuance that funded the improvement giving rise to the credits.

7. **FINALIZATION OF DEBT ASSESSMENTS.** When a project has been constructed or otherwise provided to the satisfaction of the Board, the Board shall adopt a resolution accepting the same and determining the actual costs (including financing costs) thereof, as required by Sections 170.08 and 170.09, *Florida Statutes*. Pursuant to Section 170.08, *Florida Statutes*, the District shall credit to each Debt Assessment the difference, if any, between the Debt Assessment as hereby made, approved and confirmed and the actual costs incurred in completing the applicable project. In making such credits, no credit shall be given for bond, note or other specific financing mechanism costs, capitalized interest, funded reserves or bond or other discounts. Such credits, if any, shall be entered in the Improvement Lien Book.

8. **PAYMENT OF DEBT ASSESSMENTS AND METHOD OF COLLECTION.**

- a. ***Payment.*** The Debt Assessments, as further set forth in each supplemental assessment resolution, and securing the issuance of each series of the Bonds, may be paid in not more than thirty (30) yearly installments of principal and interest – beginning upon the issuance of the particular series of the Bonds (and after taking into account any capitalized interest periods), provided, however, that the Board shall at any time make such adjustments by resolution, and at a noticed meeting of the Board, to that payment schedule as may be necessary and in the best interests of the District to account for changes in long and short term debt as actually issued by the District.
- b. ***Prepayment.*** Subject to the provisions of any supplemental assessment resolution, any owner of property subject to the Debt Assessments may, at its option, pre-pay the entire amount of the Debt Assessment any time, or a portion of the amount of the Debt Assessment up to two times, plus accrued interest to the next succeeding interest payment date (or the second succeeding interest payment date if such prepayment is made within forty-five (45) calendar days before an interest payment date (or such other time as set forth in the supplemental indenture for the applicable series of bonds secured by the Debt Assessments in question), attributable to the property subject to Debt Assessments owned

by such owner. Prepayment of Debt Assessments does not entitle the property owner to any discounts for early payment. If authorized by a supplemental assessment resolution, the District may grant a discount equal to all or a part of the payee's proportionate share of the cost of the Project consisting of bond financing costs, such as capitalized interest, funded reserves, and bond discount included in the estimated cost of the Project, upon payment in full of any Debt Assessment during such period prior to the time such financing costs are incurred as may be specified by the District.

- c. ***Uniform Method; Alternatives.*** The District may elect to use the method of collecting Debt Assessments authorized by Sections 197.3632 and 197.3635, *Florida Statutes* (“**Uniform Method**”). The District has heretofore taken all required actions to comply with Sections 197.3632 and 197.3635, *Florida Statutes*. Such Debt Assessments may be subject to all of the collection provisions of Chapter 197, *Florida Statutes*. Notwithstanding the above, in the event the Uniform Method of collecting its Debt Assessments is not available to the District in any year, or if determined by the District to be in its best interests, and subject to the terms of any applicable trust indenture, the Debt Assessments may be collected as is otherwise permitted by law. In particular, the District may, in its sole discretion, collect Debt Assessments by directly billing landowners and enforcing said collection in any manner authorized by law. Any prejudgment interest on delinquent assessments that are directly billed shall accrue at the applicable rate of any bonds or other debt instruments secured by the Debt Assessments. The decision to collect Debt Assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect Debt Assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices.
- d. ***Uniform Method Agreements Authorized.*** For each year the District uses the Uniform Method, the District shall enter into an agreement with the County Tax Collector who may notify each owner of a lot or parcel within the District of the amount of the special assessment, including interest thereon, in the manner provided in Section 197.3635, *Florida Statutes*.
- e. ***Re-amortization.*** Any particular lien of the Debt Assessments shall be subject to re-amortization where the applicable series of Bonds is subject to re-amortization pursuant to the applicable trust indenture and where the context allows.

## **9. ALLOCATION OF DEBT ASSESSMENTS; APPLICATION OF TRUE-UP PAYMENTS.**

- a. At such time as parcels of land, or portions thereof, are included in a plat or site plan, it shall be an express condition of the lien established by this Resolution that, prior to County approval, any and all plats or site plans for any portion of the lands within the District, as the District's boundaries may be amended from time to time, shall be presented to the District Manager for review. As parcels of land, or portions thereof, are included in a plat or site plan, the District Manager shall review the plat or site plan and cause the Debt Assessments securing each series of Bonds to be reallocated to the units being included in the plat or site plan and the remaining property in accordance with **Exhibit B**, and cause such reallocation to be recorded in the District's Improvement Lien Book.
- b. Pursuant to the Assessment Report, attached hereto as **Exhibit B**, and which terms are incorporated herein, there may be required from time to time certain true-up payments.

When a plat or site plan is presented to the District, the District Manager shall review the plat or site plan to determine whether, taking into account the plat or site plan, there is a net shortfall in the overall principal amount of assessments reasonably able to be assigned to benefitted lands within Assessment Area Two. Such determination shall be made based on the language in this Resolution and/or the tests or other methods set forth in **Exhibit B** (if any), or any tests or methods set forth in a supplemental assessment resolution and corresponding assessment report. If the overall principal amount of assessments reasonably cannot be assigned, or is not reasonably expected to be assigned, as set forth in more detail in and subject to the terms of **Exhibit B** (or any supplemental resolution and report, as applicable), to the platted and site planned lands as well as the undeveloped lands, then a debt reduction payment (“**True-Up Payment**”) in the amount of such shortfall shall become due and payable that tax year by the landowner(s) of record of the land subject to the proposed plat or site plan and of the remaining undeveloped lands, in addition to any regular assessment installment. The District’s review shall be limited solely to this function and the enforcement of the lien established by this Resolution. In the event a True-Up Payment is due and unpaid, the lien established herein for the True-Up Payment amount shall remain in place until such time as the True-Up Payment is made. The District shall record all True-Up Payments in its Improvement Lien Book.

- c. In connection with any true-up determination, affected landowner(s) may request that such true-up determination be deferred because the remaining undeveloped lands are able to support the development of all of the originally planned units within Assessment Area Two. To support the request, the affected landowner(s) shall provide the following evidence for the District’s consideration: a) proof of the amount of entitlements remaining on the undeveloped lands within Assessment Area Two, b) a revised overall development plan showing the number and type of units reasonably planned for the remainder of the development, c) evidence of allowable zoning conditions that would enable those entitlements to be placed in accordance with the revised development plan, and d) documentation prepared by a licensed engineer that shows the feasibility of implementing the proposed development plan. Any deferment shall be in the District’s reasonable discretion.
- d. The foregoing is based on the District's understanding that the community would be developed with the type and number of units set forth in **Exhibit B**, on the developable acres. However, more than the stated number of units may be developed. In no event shall the District collect Debt Assessments pursuant to this Resolution in excess of the total debt service related to the Project, including all costs of financing and interest. The District recognizes that such things as regulatory requirements and market conditions may affect the timing and scope of the development in the District. If the strict application of the true-up methodology to any assessment reallocation pursuant to this paragraph would result in Debt Assessments collected in excess of the District's total debt service obligations for the Project, the Board shall by resolution take appropriate action to equitably reallocate the Debt Assessments.
- e. As set forth in any supplemental assessment resolution and/or supplemental assessment report for a specific series of Bonds, the District may assign a specific debt service assessment lien comprising a portion of the Debt Assessments to an assessment area comprised of specific unplatted lands which are less than all of the unplatted lands in Assessment Area Two, and, accordingly, any related true-up determinations may be limited to determining whether the planned units for such specified lands in the assessment area have been and/or will be developed.

**10. GOVERNMENT PROPERTY; TRANSFERS OF PROPERTY TO UNITS OF LOCAL, STATE, AND FEDERAL GOVERNMENT.** Real property owned by units of local, state, and federal governments, or similarly exempt entities, shall not be subject to the Debt Assessments without specific consent thereto. If at any time, any real property on which Debt Assessments are imposed by this Resolution is sold or otherwise transferred to a unit of local, state, or federal government (without consent of such governmental unit to the imposition of Debt Assessments thereon), or similarly exempt entity, all future unpaid Debt Assessments for such tax parcel shall become due and payable immediately prior to such transfer without any further action of the District.

**11. ASSESSMENT NOTICE.** The District's Secretary is hereby directed to record a general Notice of Assessments in the Official Records of Lee County, Florida, which shall be updated from time to time in a manner consistent with changes in the boundaries of the District.

**12. SEVERABILITY.** If any section or part of a section of this Resolution is declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

**13. CONFLICTS.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

**14. EFFECTIVE DATE.** This Resolution shall become effective upon its adoption.

**APPROVED AND ADOPTED THIS 17TH DAY OF MAY, 2021.**

ATTEST:

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman / Vice Chairman

**Exhibit A:** *Amended and Restated Engineer's Report for the East Bonita Beach Road Community Development District, dated September 28, 2020*

**Exhibit B:** *Final Methodology Report – Assessment Area Two, dated April 15, 2021*

**Exhibit A**  
***Master Improvement Plan Report***

**Exhibit B**  
*Assessment Methodology Report*

**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**4**

**RESOLUTION 2021-06**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2021/2022 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW; ADDRESSING TRANSMITTAL, POSTING AND PUBLICATION REQUIREMENTS; ADDRESSING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the District Manager has heretofore prepared and submitted to the Board of Supervisors ("**Board**") of the East Bonita Beach Road Community Development District ("**District**") prior to June 15, 2021, a proposed budget ("**Proposed Budget**") for the fiscal year beginning October 1, 2021 and ending September 30, 2022 ("**Fiscal Year 2021/2022**"); and

**WHEREAS**, the Board has considered the Proposed Budget and desires to set the required public hearing thereon.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT:**

1. **PROPOSED BUDGET APPROVED.** The operating budget prepared by the District Manager for Fiscal Year 2021/2022 attached hereto as **Exhibit A** is hereby approved as the basis for conducting a public hearing to adopt said Proposed Budget.

2. **SETTING A PUBLIC HEARING.** A public hearing on said approved Proposed Budget is hereby declared and set as follows:

DATE: August 16, 2021

HOUR: 10:30 AM

LOCATION: Offices of D.R. Horton  
10541 Ben C. Pratt Six Mile Cypress Parkway  
Fort Myers, Florida 33966

3. **TRANSMITTAL OF PROPOSED BUDGET TO LOCAL GENERAL-PURPOSE GOVERNMENT.** The District Manager is hereby directed to submit a copy of the Proposed Budget to Lee County and the City of Bonita Springs at least 60 days prior to the hearing set above.

4. **POSTING OF PROPOSED BUDGET.** In accordance with Section 189.016, *Florida Statutes*, the District's Secretary is further directed to post the approved Proposed Budget on the District's website at least two days before the budget hearing date as set forth in Section 2, and shall remain on the website for at least 45 days.



5. **PUBLICATION OF NOTICE.** Notice of this public hearing shall be published in the manner prescribed in Florida law.

6. **SEVERABILITY.** The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

7. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED THIS 17<sup>th</sup> DAY OF MAY, 2021.**

ATTEST:

**EAST BONITA BEACH ROAD COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**Exhibit A: Fiscal Year 2021/2022 Budget**

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
FISCAL YEAR 2022  
PROPOSED BUDGET**

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
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**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND BUDGET  
FISCAL YEAR 2022**

	Fiscal Year 2021			Total Actual & Projected	Proposed Budget FY 2022
	Adopted Budget FY 2021	Actual through 3/31/2021	Projected through 9/30/2021		
<b>REVENUES</b>					
Assessment Levy: on-roll	\$ 71,324				\$ 71,298
Allowable discount (4%)	(2,853)				(2,852)
Assessment levy - net	68,471	\$ 67,996	\$ 475	\$ 68,471	68,446
Assessment levy: off-roll					
Forestar Real Estate Group, Inc	62,988	75,324	-	75,324	62,967
Interest & miscellaneous	-	5	-	5	-
Total revenues	131,459	143,325	475	143,800	131,413
<b>EXPENDITURES</b>					
<b>Professional &amp; administrative fees</b>					
Management advisory services*	48,000	24,000	24,000	48,000	48,000
Supervisor fees	600	200	400	600	600
Audit	5,000	1,000	4,000	5,000	5,000
Dissemination Agent Fees	1,000	500	500	1,000	1,000
Trustee	5,000	4,031	969	5,000	5,000
Arbitrage rebate calculation	1,200	-	1,200	1,200	1,200
Legal	12,000	9,084	2,916	12,000	12,000
Engineering	5,000	-	5,000	5,000	5,000
Postage	200	135	65	200	200
Insurance	5,300	5,381	-	5,381	5,900
Legal advertising	1,000	3,729	3,000	6,729	1,000
Other current charges	685	402	283	685	685
Office supplies	-	285	-	285	-
Annual district filing fee	175	175	-	175	175
Website	705	705	-	705	705
ADA website compliance	200	-	-	-	200
Intergovernmental: shared maintenance costs	29,680	13,348	16,332	29,680	20,440
Preserve maint., monitoring & reporting	15,000	10,142	4,858	15,000	10,000
	130,745	73,117	63,523	136,640	117,105
<b>Other Fees and Charges</b>					
Tax Collector	426	69	357	426	426
Property Appraiser	284	287	(3)	284	284
	710	356	354	710	710
	131,455	73,473	63,877	137,350	117,815
<b>Total Other Fees &amp; Charges</b>					
Total expenditures					
Net increase/(decrease) of fund balance	4	69,852	(63,402)	6,450	13,598
Fund balance - beginning (unaudited)	16,089	(31,797)	38,055	(31,797)	(25,347)
Ending fund balance (projected)	\$ 16,093	\$ 38,055	\$ (25,347)	\$ (25,347)	\$ (11,749)

Owner	Units 2022	Actual FY 2021 Assessment per Unit	Proposed FY 2022 Assessment per Unit	Total FY 2022 Assessment
Forestar Real Estates Group	284	\$ 251.14	\$ 251.05	\$ 71,298
Forestar Real Estates Group	264	\$ 238.59	238.51	62,967

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
DEFINITIONS OF GENERAL FUND EXPENDITURES**

**EXPENDITURES**

Supervisor fees	\$ 600
Statutorily set at \$200 (plus applicable taxes) for each meeting of the Board of Supervisors not to exceed \$4,800 for each fiscal year.	
Management advisory services*	48,000
<b>Wrathell, Hunt and Associates, LLC</b> specializes in managing community development districts in the State of Florida by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all governmental requirements of the District, develop financing programs, oversee the issuance of tax exempt bonds, and operate and maintain the assets of the community. The \$48,000 annual fee is inclusive of district management and recording services.	
Audit	5,000
The District is required to complete annual, independent examinations of its accounting records and procedures. This audit is conducted pursuant to Florida Law and the Rules of the Auditor General.	
Dissemination agent fees***	1,000
The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities Exchange Act of 1934.	
Trustee	5,000
Annual fees paid for services provided as trustee, paying agent and registrar.	
Arbitrage rebate calculation	1,200
To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate arbitrage rebate liability.	
Legal	12,000
The District's general counsel provides legal representation on issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.	
Engineering	5,000
The District's engineer provides consulting and construction services to assist in crafting sustainable solutions for the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.	
Postage	200
Mailing of agenda packages, overnight deliveries, correspondence, etc.	
Insurance	5,900
The District carries public officials insurance.	

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
DEFINITIONS OF GENERAL FUND EXPENDITURES**

**EXPENDITURES (continued)**

Legal advertising			1,000
<p style="margin-left: 20px;">The District will advertise in The Fort Myers News Press for monthly meetings, special meetings, public hearings, bidding, etc.</p>			
Other current charges			685
<p style="margin-left: 20px;">Bank charges and other miscellaneous expenses incurred throughout the year.</p>			
Annual district filing fee			175
<p style="margin-left: 20px;">Annual fee paid to the Department of Economic Opportunity.</p>			
Website			705
ADA website compliance			200
Intergovernmental: shared maintenance costs			20,440
<p style="margin-left: 20px;">Starting in fiscal year 2017, the District began participating in the responsibility for the maintenance and monitoring of the panther mitigation property in Labelle. The establishment and perpetual responsibility to maintain the property and provide a five year monitoring and reporting program (which ended in 2020) is a development order requirement for not only this District but also for 3 other neighboring communities. Additionally, the District participates in the costs of maintaining the common infrastructure along Bonita Beach Road serving the same communities, including landscaping, roadway , storm water maintenance and streetlighting began in 2021. e costs will be shared with the other communities by interlocal agreement and based upon previously agreed upon percentages.</p>			
Panther Mit and Monitoring	25,000		
Streetlighting	26,000		
Common Infrastructure Maint.	<u>95,000</u>		
Total	146,000		
CDD Share	14%	20,440	
Preserve maint., monitoring & reporting			10,000
<p style="margin-left: 20px;">The CDD has assigned it's onsite operational and maintenance responsibilities to the master association with the only exception being the maintenance, monitoring and reporting responsibilities associated with the 4.57 acre preserve. The CDD is under contract with licensed and qualified contractor for semi annual maintenance (which is required in perpetuity) and for 3 years of monitoring and reporting which will end during Fiscal Year 2021.</p>			
Maintenance	5,000		
Monitoring and Reporting	<u>5,000</u>		
		10,000	
Tax collector			426
<p style="margin-left: 20px;">The tax collector's fee is \$1.50 per parcel.</p>			
Property appraiser			284
<p style="margin-left: 20px;">The property appraiser's fee is \$1.00 per parcel.</p>			
Total expenditures			<u><u>\$ 117,815</u></u>

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
DEBT SERVICE FUND BUDGET - SERIES 2018  
FISCAL YEAR 2022**

	Fiscal Year 2021			Total Revenue & Expenditures	Proposed Budget FY 2022
	Adopted Budget FY 2021	Actual Through 3/31/2021	Projected Through 9/30/2021		
<b>REVENUES</b>					
Assessment levy: on-roll	\$ 352,954				\$ 352,954
Allowable discounts (4%)	(14,118)				(14,118)
Net assessment levy - on-roll	338,836	\$ 336,499	\$ 2,337	\$ 338,836	338,836
Interest	-	10	-	10	-
Total revenues	338,836	336,509	2,337	338,846	338,836
<b>EXPENDITURES</b>					
<b>Debt service</b>					
Principal	90,000	90,000	-	90,000	90,000
Interest	245,506	123,625	121,881	245,506	242,019
Tax collector	-	342	-	342	-
Total expenditures	335,506	213,967	121,881	335,848	332,019
Excess/(deficiency) of revenues over/(under) expenditures	3,330	122,542	(119,544)	2,998	6,817
Fund balance:					
Net increase/(decrease) in fund balance	3,330	122,542	(119,544)	2,998	6,817
Beginning fund balance (unaudited)	394,269	395,250	517,792	395,250	398,248
Ending fund balance (projected)	<u>\$397,599</u>	<u>\$ 517,792</u>	<u>\$ 398,248</u>	<u>\$ 398,248</u>	<u>405,065</u>
Use of fund balance:					
Debt service reserve account balance (required)					(169,063)
Principal expense - November 1, 2022					(95,000)
Interest expense - November 1, 2022					(120,138)
Projected fund balance surplus/(deficit) as of September 30, 2022					<u>\$ 20,864</u>



**East Bonita Beach Road**  
Community Development District  
Special Assessment Revenue Bonds, Series 2018  
\$5,200,000

**Debt Service Schedule**

<b>Date</b>	<b>Principal</b>	<b>Coupon</b>	<b>Interest</b>	<b>Total P+I</b>
11/01/2021	90,000.00	3.875%	121,881.25	211,881.25
05/01/2022	-	-	120,137.50	120,137.50
11/01/2022	95,000.00	3.875%	120,137.50	215,137.50
05/01/2023	-	-	118,296.88	118,296.88
11/01/2023	100,000.00	3.875%	118,296.88	218,296.88
05/01/2024	-	-	116,359.38	116,359.38
11/01/2024	105,000.00	4.375%	116,359.38	221,359.38
05/01/2025	-	-	114,062.50	114,062.50
11/01/2025	110,000.00	4.375%	114,062.50	224,062.50
05/01/2026	-	-	111,656.25	111,656.25
11/01/2026	110,000.00	4.375%	111,656.25	221,656.25
05/01/2027	-	-	109,250.00	109,250.00
11/01/2027	115,000.00	4.375%	109,250.00	224,250.00
05/01/2028	-	-	106,734.38	106,734.38
11/01/2028	120,000.00	4.375%	106,734.38	226,734.38
05/01/2029	-	-	104,109.38	104,109.38
11/01/2029	125,000.00	4.375%	104,109.38	229,109.38
05/01/2030	-	-	101,375.00	101,375.00
11/01/2030	135,000.00	5.000%	101,375.00	236,375.00
05/01/2031	-	-	98,000.00	98,000.00
11/01/2031	140,000.00	5.000%	98,000.00	238,000.00
05/01/2032	-	-	94,500.00	94,500.00
11/01/2032	145,000.00	5.000%	94,500.00	239,500.00
05/01/2033	-	-	90,875.00	90,875.00
11/01/2033	155,000.00	5.000%	90,875.00	245,875.00
05/01/2034	-	-	87,000.00	87,000.00
11/01/2034	160,000.00	5.000%	87,000.00	247,000.00
05/01/2035	-	-	83,000.00	83,000.00
11/01/2035	170,000.00	5.000%	83,000.00	253,000.00
05/01/2036	-	-	78,750.00	78,750.00
11/01/2036	180,000.00	5.000%	78,750.00	258,750.00
05/01/2037	-	-	74,250.00	74,250.00
11/01/2037	185,000.00	5.000%	74,250.00	259,250.00
05/01/2038	-	-	69,625.00	69,625.00
11/01/2038	195,000.00	5.000%	69,625.00	264,625.00
05/01/2039	-	-	64,750.00	64,750.00
11/01/2039	205,000.00	5.000%	64,750.00	269,750.00
05/01/2040	-	-	59,625.00	59,625.00
11/01/2040	215,000.00	5.000%	59,625.00	274,625.00
05/01/2041	-	-	54,250.00	54,250.00
11/01/2041	225,000.00	5.000%	54,250.00	279,250.00
05/01/2042	-	-	48,625.00	48,625.00
11/01/2042	240,000.00	5.000%	48,625.00	288,625.00
05/01/2043	-	-	42,625.00	42,625.00
11/01/2043	250,000.00	5.000%	42,625.00	292,625.00
05/01/2044	-	-	36,375.00	36,375.00
11/01/2044	265,000.00	5.000%	36,375.00	301,375.00
05/01/2045	-	-	29,750.00	29,750.00
11/01/2045	275,000.00	5.000%	29,750.00	304,750.00
05/01/2046	-	-	22,875.00	22,875.00
11/01/2046	290,000.00	5.000%	22,875.00	312,875.00
05/01/2047	-	-	15,625.00	15,625.00
11/01/2047	305,000.00	5.000%	15,625.00	320,625.00
05/01/2048	-	-	8,000.00	8,000.00
11/01/2048	320,000.00	5.000%	8,000.00	328,000.00
<b>Total</b>	<b>\$5,025,000.00</b>		<b>\$4,242,843.79</b>	<b>\$9,267,843.79</b>

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
ASSESSMENT COMPARISON  
PROJECTED FISCAL YEAR 2022 ASSESSMENTS**

On-Roll Assessments
---------------------

	Units	FY 2022 O&M Assessment per Unit	FY 2022 DS Assessment per Unit	FY 2022 Total Assessment per Unit	FY 2021 Total Assessment per Unit
SF 40'	98	\$ 251.05	\$ 1,064.29	\$ 1,315.34	\$ 1,315.43
SF 50'	181	251.05	1,329.71	1,580.76	\$ 1,580.85
SF 60'	5	251.05	1,595.13	1,846.18	\$ 1,846.27
Total	284				

Off-Roll Assessments
----------------------

	Units	FY 2022 O&M Assessment per Unit	FY 2022 DS Assessment per Unit	FY 2022 Total Assessment per Unit	FY 2021 Total Assessment per Unit
SF 40'	99	\$ 238.51	\$ -	\$ -	\$ 238.59
SF 50'	82	238.51	-	-	238.59
SF 60'	83	238.51	-	-	238.59
Total	264				

**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**5**

**RESOLUTION 2021-07**

**A RESOLUTION OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DATES, TIMES AND LOCATIONS FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS OF THE DISTRICT FOR FISCAL YEAR 2021/2022 AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the East Bonita Beach Road Community Development District (“District”) is a local unit of special-purpose government created by, and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within Lee County, Florida; and

**WHEREAS**, the Board of Supervisors of the District (“Board”) is statutorily authorized to exercise the powers granted to the District; and

**WHEREAS**, all meetings of the Board shall be open to the public and governed by the provisions of Chapter 286, *Florida Statutes*; and

**WHEREAS**, the Board is statutorily required to file annually, with the local governing authority and the Florida Department of Economic Opportunity, a schedule of its regular meetings.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1. ADOPTING REGULAR MEETING SCHEDULE.** Regular meetings of the District’s Board shall be held during Fiscal Year 2021/2022 as provided on the schedule attached hereto as **Exhibit A**.

**SECTION 2. FILING REQUIREMENT.** In accordance with Section 189.015(1), *Florida Statutes*, the District’s Secretary is hereby directed to file a schedule of the District’s regular meetings annually with Lee County and the Florida Department of Economic Opportunity.

**SECTION 3. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of May, 2021.

Attest:

**EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

Exhibit A

<b>EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT</b>		
<b>BOARD OF SUPERVISORS FISCAL YEAR 2021/2022 MEETING SCHEDULE</b>		
<b>LOCATION</b>		
<i>office of D.R. Horton, 10541 Ben C. Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966</i>		
<b>DATE</b>	<b>POTENTIAL DISCUSSION/FOCUS</b>	<b>TIME</b>
<b>May 16, 2022</b>	<b>Regular Meeting</b>	<b>10:30 AM</b>
<b>August 15, 2022</b>	<b>Public Hearing &amp; Regular Meeting</b>	<b>10:30 AM</b>

**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**6**

THIS INSTRUMENT WAS PREPARED BY:  
ALLEN M. VOSE III, P.S.M. (57191)

# BANKS ENGINEERING

PROFESSIONAL ENGINEERS, PLANNERS, & LAND SURVEYORS  
SERVING THE STATE OF FLORIDA  
10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33966  
PHONE: 239-939-5490 FAX: 239-939-2523  
FLORIDA BUSINESS CERTIFICATE NUMBER LB 6690

# SEASONS AT BONITA PHASE TWO

A SUBDIVISION LYING IN SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST  
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA,  
BEING A REPLAT OF TRACT "B-3", TRACT "FD", TRACT "D-4",  
TRACT "L-8", AND TRACT "L-9", SEASONS AT BONITA,  
RECORDED IN INSTRUMENT NUMBER 2018000200311,  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

### NOTICE:

LANDS DESCRIBED IN THIS PLAT MAY BE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE, WATER AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY THE CITY OF BONITA SPRINGS. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED TO DETERMINE WHETHER THE LOT MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE, WATER AND SEWER FACILITIES.

### NOTICE:

LANDS DESCRIBED IN THIS PLAT ARE SUBJECT TO A COMMUNITY DEVELOPMENT DISTRICT ESTABLISHED AND OPERATING PURSUANT TO FLORIDA STATUTES 190.001 ET SEQ. ANY PURCHASER OF A LOT IN THE SUBDIVISION ESTABLISHED BY THIS PLAT IS ADVISED THAT A COMMUNITY DEVELOPMENT DISTRICT MAY ENACT RULES, REGULATIONS AND ASSESSMENTS SEPARATE FROM THE CITY OF BONITA SPRINGS.

### LEGAL DESCRIPTION:

ALL OF TRACTS "B-3", TRACT "FD", TRACT "D-4", TRACT "L-8", AND TRACT "L-9", SEASONS AT BONITA, ACCORDING TO THE MAP OF PLAT THEREOF, RECORDED IN INSTRUMENT NUMBER 2018000200311, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

### SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT OF SEASONS AT BONITA PHASE TWO, A SUBDIVISION LYING IN SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST, CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA, BEING A REPLAT OF TRACT "B-3", TRACT "FD", TRACT "D-4", TRACT "L-8", AND TRACT "L-9", SEASONS AT BONITA, ACCORDING TO THE MAP OF PLAT THEREOF, RECORDED IN INSTRUMENT NUMBER 2018000200311, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, PART I, FLORIDA STATUTES.

I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THE PLAT.

ALLEN M. VOSE III, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATION NO. 7191  
BUSINESS CERTIFICATION NO. 6690

DATE: \_\_\_\_\_  
BANKS ENGINEERING  
10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33966

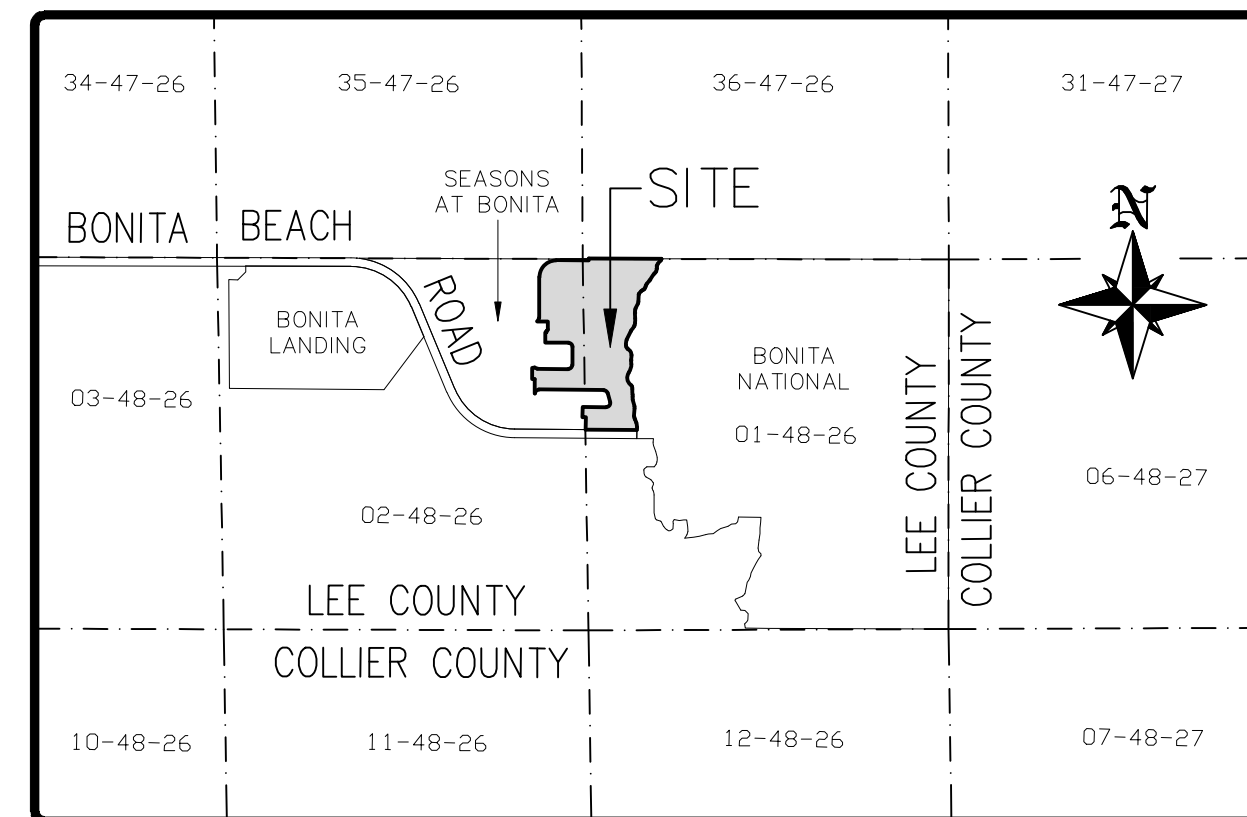
### NOTES:

- SUBJECT PROPERTY CONTAINS: 65.63 ACRES, MORE OR LESS.
- ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.
- BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 26 EAST BEARS N 89°15'00" E. THE STATION IS THE ANTENNA REFERENCE POINT OF THE GPS ANTENNA BASED AT PAGE FIELD. THE STATION IS A GPS CONTINUOUSLY OPERATING REFERENCE STATION DESIGNATION - FORT MYERS CORS ARP. HORIZONTAL VALUES WERE ESTABLISHED AND ADJUSTED BY THE NATIONAL GEODETIC SURVEY IN AUGUST 2011. THE HORIZONTAL VALUES WERE ESTABLISHED BY GPS OBSERVATIONS. THE LOCAL SCALE FACTOR IS 0.999954040.

### CLERK'S CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF SEASONS AT BONITA PHASE TWO, A SUBDIVISION LYING IN SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST, CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA, BEING A REPLAT OF TRACT "B-3", TRACT "FD", TRACT "D-4", TRACT "L-8", AND TRACT "L-9", SEASONS AT BONITA, ACCORDING TO THE MAP OF PLAT THEREOF, RECORDED IN INSTRUMENT NUMBER 2018000200311, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WAS FILED FOR RECORD AT \_\_\_\_\_ M., THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, AND DULY RECORDED AS INSTRUMENT NUMBER # \_\_\_\_\_ IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LENA DOGGETT  
CLERK OF CIRCUIT COURT  
IN AND FOR LEE COUNTY, FLORIDA



VICINITY SKETCH  
(NOT TO SCALE)

### EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT:

THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT HEREBY ACCEPTS THE DEDICATION AND ACKNOWLEDGES RESPONSIBILITY FOR MAINTENANCE OF THE INFRASTRUCTURE ASSOCIATED WITH THE DEDICATION.

COMMUNITY DEVELOPMENT DISTRICT

NAME: \_\_\_\_\_ BY: \_\_\_\_\_  
SECRETARY CHAIR  
BOARD OF SUPERVISORS

### ACKNOWLEDGMENT:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

THE FOREGOING INSTRUMENT WAS SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME BY MEANS OF ( ) PHYSICAL PRESENT OR ( ) ONLINE NOTARIZATION, ON THIS \_\_\_ DAY OF \_\_\_\_\_, 2020, BY \_\_\_\_\_ AS \_\_\_\_\_ OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT, ON BEHALF OF SAID DISTRICT WHO ( ) IS PERSONALLY KNOWN TO ME OR ( ) HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

NOTARY PUBLIC - STATE OF \_\_\_\_\_ (IF USING STAMP, PERMANENT INK IS REQUIRED)

PRINTED NAME

COMMISSION NO. MY COMMISSION EXPIRES

### APPROVALS:

THIS PLAT IS ACCEPTED AND APPROVED BY THE CITY COUNCIL OF BONITA SPRINGS, LEE COUNTY, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

PETER SIMMONS  
MAYOR

DEBBIE FILIPEK  
CITY CLERK

CARLY JEANNE SANSEVERINO  
CITY ATTORNEY

REVIEW BY THE DESIGNATED CITY PSM ON BEHALF OF THE CITY OF BONITA SPRINGS DETERMINED THAT THIS PLAT CONFORMS TO THE REQUIREMENTS OF F.S. CH. 177, PART I.

JAY L. SWEET, LS# 5747  
PROFESSIONAL SURVEYOR AND MAPPER

### SEASONS AT BONITA COMMUNITY ASSOCIATION, INC.:

SEASONS AT BONITA COMMUNITY ASSOCIATION, INC., A NOT-FOR-PROFIT FLORIDA CORPORATION, HEREBY ACCEPTS THE DEDICATION AND ACKNOWLEDGES RESPONSIBILITY FOR MAINTENANCE OF THE INFRASTRUCTURE ASSOCIATED WITH THE DEDICATION.

BY: \_\_\_\_\_ WITNESS \_\_\_\_\_  
NAME: \_\_\_\_\_ PRINTED NAME \_\_\_\_\_  
AS: \_\_\_\_\_ WITNESS \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

### ACKNOWLEDGMENT:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

THE FOREGOING INSTRUMENT WAS SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME BY MEANS OF ( ) PHYSICAL PRESENT OR ( ) ONLINE NOTARIZATION, ON THIS \_\_\_ DAY OF \_\_\_\_\_, 2020, BY \_\_\_\_\_ OF THE SEASONS AT BONITA COMMUNITY ASSOCIATION, INC., ON BEHALF OF SAID ASSOCIATION WHO ( ) IS PERSONALLY KNOWN TO ME OR ( ) HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

NOTARY PUBLIC - STATE OF \_\_\_\_\_ (IF USING STAMP, PERMANENT INK IS REQUIRED)

PRINTED NAME

COMMISSION NO. MY COMMISSION EXPIRES

### ACKNOWLEDGMENT:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

THE FOREGOING INSTRUMENT WAS SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME BY MEANS OF ( ) PHYSICAL PRESENT OR ( ) ONLINE NOTARIZATION, ON THIS \_\_\_ DAY OF \_\_\_\_\_, 2020, BY MICHAEL QUINLEY, AS PRESIDENT EAST REGION OF FORESTAR (USA) REAL ESTATE GROUP, INC., A DELAWARE CORPORATION, WHO ( ) IS PERSONALLY KNOWN TO ME OR ( ) HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

NOTARY PUBLIC - STATE OF \_\_\_\_\_ (IF USING STAMP, PERMANENT INK IS REQUIRED)

PRINTED NAME

COMMISSION NO. MY COMMISSION EXPIRES

### NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

### DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT FORESTAR (USA) REAL ESTATE GROUP, INC., A DELAWARE CORPORATION, THE OWNER OF THE HEREIN DESCRIBED LAND, HAS CAUSED THIS PLAT OF SEASONS AT BONITA PHASE TWO, A SUBDIVISION LYING IN SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST, CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA, BEING A REPLAT OF TRACT "B-3", TRACT "FD", TRACT "D-4", TRACT "L-8", AND TRACT "L-9", SEASONS AT BONITA, ACCORDING TO THE MAP OF PLAT THEREOF, RECORDED IN INSTRUMENT NUMBER 2018000200311, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA TO BE MADE AND DOES HEREBY DEDICATE THE FOLLOWING:

- TO SEASONS AT BONITA COMMUNITY ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, WITH THE RESPONSIBILITY FOR MAINTENANCE:
  - ALL OF TRACTS "A-2" THROUGH TRACT "A-4" AS PRIVATE ROAD RIGHT-OF-WAYS (R/W), SUBJECT TO A PUBLIC UTILITY EASEMENT (P.U.E.) DEDICATED BELOW, AND EASEMENTS DEPICTED HEREON.
  - ALL OF TRACTS "B-4" AND "B-5" AS COMMON AREAS, SUBJECT TO EASEMENTS DEPICTED HEREON.
  - ALL PUBLIC UTILITY EASEMENTS (P.U.E.) FOR PUBLIC UTILITIES.
- DEDICATE TO EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT, ITS SUCCESSORS AND ASSIGNS, WITH THE RESPONSIBILITY FOR MAINTENANCE:
  - ACCESS EASEMENT OVER TRACT "FD-2" FOR THE PURPOSE OF ACCESS TO TRACTS "L-8" AND "L-9" ONLY AS NECESSARY FOR MAINTENANCE.
  - ALL DRAINAGE EASEMENTS (D.E.) FOR STORM WATER MANAGEMENT, DRAINAGE AND MAINTENANCE.
  - ALL IRRIGATION EASEMENTS (I.E.) FOR IRRIGATION SYSTEM OPERATION AND MAINTENANCE.
  - ALL OF TRACTS "L-8" AND TRACT "L-9" FOR LAKES, STORM WATER MANAGEMENT, DRAINAGE, AND MAINTENANCE.
  - ALL LAKE MAINTENANCE EASEMENTS (L.M.E.) FOR STORM WATER MANAGEMENT, DRAINAGE AND MAINTENANCE.
  - THE PERPETUAL USE AND RIGHT OF INGRESS AND EGRESS OVER ALL ROADWAYS (TRACTS "A-2" THROUGH "A-4") FOR THE PURPOSE OF STORM WATER MANAGEMENT AREA, IRRIGATION, MAINTENANCE, AND SUBJECT TO A PUBLIC UTILITY EASEMENT (P.U.E.) AS DEDICATED BELOW.
  - ALL OF TRACT "D-4" AS COMMON AREA, SUBJECT TO THE EASEMENTS DEPICTED HEREON.
- TO ALL LICENSED OR FRANCHISED PUBLIC OR PRIVATE UTILITIES, A NON-EXCLUSIVE PUBLIC UTILITY EASEMENT (P.U.E.), AS SHOWN ON THIS PLAT FOR PUBLIC UTILITY PURPOSES, INCLUDING CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF THEIR RESPECTIVE FACILITIES, INCLUDING CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES.

IN WITNESS WHEREOF, FORESTAR (USA) REAL ESTATE GROUP, INC., A DELAWARE CORPORATION, HAS CAUSED THIS DEDICATION TO BE MADE THIS \_\_\_ DAY OF \_\_\_\_\_, 2020.

FORESTAR (USA) REAL ESTATE GROUP, INC.  
A DELAWARE CORPORATION

BY: MICHAEL QUINLEY WITNESS \_\_\_\_\_  
PRESIDENT - EAST REGION

PRINTED NAME \_\_\_\_\_

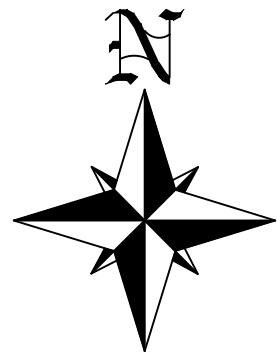
WITNESS \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

THIS INSTRUMENT WAS PREPARED BY:  
ALLEN M. VOSE III, P.S.M. (L57191)

# BANKS ENGINEERING

PROFESSIONAL ENGINEERS, PLANNERS, & LAND SURVEYORS  
SERVING THE STATE OF FLORIDA  
10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33966  
PHONE: 239-939-5490 FAX: 239-939-2523  
FLORIDA BUSINESS CERTIFICATE NUMBER LB 6690



## NOTES

- ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.
- ALL INTERNAL MONUMENTATION TO BE SET IN ACCORDANCE WITH F.S. SECTION 177.091.
- ALL LOT LINES SHOWN ARE RADIAL UNLESS OTHERWISE NOTED.

## FINISH FLOOR ELEVATIONS

THE SUBJECT PROPERTY AS SHOWN HEREON IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS. PER FLOOD INSURANCE RATE MAP NUMBER 12071C0685F, EFFECTIVE DATE AUGUST 28, 2008 (PANEL NOT PRINTED), THE SUBJECT PROPERTY LIES IN ZONE X HAVING NO BASE FLOOD ELEVATION.

THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) ENVIRONMENTAL RESOURCE PERMIT NO. 36-04234-P, ISSUED ON NOVEMBER 6, 2017, REQUIRES FINISH FLOOR ELEVATIONS BE ABOVE ELEVATION 18.22 FEET (NORTH AMERICAN VERTICAL DATUM OF 1988). IN ACCORDANCE WITH THE CITY OF BONITA SPRINGS REQUIREMENTS, THE FINISH FLOOR ELEVATIONS MUST BE PLACED ABOVE SFWMD MINIMUM FLOOR ELEVATION AND A MINIMUM OF 18 INCHES ABOVE THE CROWN OF THE ROAD, MEASURED AT THE CENTER OF THE LOT.

## TRACT USE TABLE

TRACT	DESIGNATED USE
TRACTS "A-2" THRU "A-4"	PRIVATE ROAD RIGHT-OF-WAY, INGRESS/EGRESS, PUBLIC UTILITY, IRRIGATION, DRAINAGE AND WATER DETENTION MAINTENANCE
TRACTS "B-4" AND "B-5"	COMMON AREAS, IRRIGATION, DRAINAGE, AND LANDSCAPING
TRACT "D-4"	COMMON AREAS, IRRIGATION, DRAINAGE, LANDSCAPING AND PRIVACY WALL
TRACT "FD-2"	FUTURE DEVELOPMENT AND ACCESS FOR LAKE MAINTENANCE
TRACT "L-8" AND "L-9"	LAKE, WATER DETENTION, DRAINAGE AND IRRIGATION

## LEGEND

- PG. - INDICATES PAGE
- I.R. - INDICATES IRON ROD
- C. - INDICATES CENTERLINE
- (NR) - INDICATES NON-RADIAL
- R.P. - INDICATES RADIUS POINT
- NTS - INDICATES NOT TO SCALE
- R/W - INDICATES RIGHT-OF-WAY
- 76 - INDICATES LOT NUMBER 76
- U.E. - INDICATES UTILITY EASEMENT
- LB - INDICATES LICENSED BUSINESS
- P.T. - INDICATES POINT OF TANGENCY
- R.E. - INDICATES ROADWAY EASEMENT
- D.E. - INDICATES DRAINAGE EASEMENT
- I.N. - INDICATES INSTRUMENT NUMBER
- I.E. - INDICATES IRRIGATION EASEMENT
- C.M. - INDICATES CONCRETE MONUMENT
- P.C. - INDICATES POINT OF CURVATURE
- ID.# - INDICATES IDENTIFICATION NUMBER
- P.I. - INDICATES POINT OF INTERSECTION
- O.R. - INDICATES OFFICIAL RECORDS BOOK
- P.U.E. - INDICATES PUBLIC UTILITY EASEMENT
- L1 - INDICATES LINE 1 OF THE LINE TABLE
- S.P.C. - INDICATES STATE PLANE COORDINATES
- L.M.E. - INDICATES LAKE MAINTENANCE EASEMENT
- P.R.C. - INDICATES POINT OF REVERSE CURVATURE
- C1 - INDICATES CURVE 1 OF THE CURVE TABLE
- P.C.C. - INDICATES POINT OF COMPOUND CURVATURE
- B.S.U.E. - INDICATES BONITA SPRINGS UTILITIES EASEMENT
- F.P.L.E. - INDICATES FLORIDA POWER AND LIGHT EASEMENT
- P.R.M. - INDICATES PERMANENT REFERENCE MONUMENT 5/8" IRON ROD AND CAP STAMPED P.R.M. BANKS ENG. LB 6690
- S.P.R.M. - INDICATES SET PERMANENT REFERENCE MONUMENT 5/8" IRON ROD AND CAP STAMPED P.R.M. BANKS ENG. LB 6690

## SYMBOL LEGEND

- ⊙ - INDICATES PERMANENT CONTROL POINT (P.C.P.), NAIL AND METAL DISK BEARING THE SURVEYOR'S CERTIFICATE NUMBER, TO BE SET IN ACCORDANCE WITH F.S. SECTION 177.091.
- - INDICATES BEGINNING OF CURVE OR ANGLE BREAK
- - INDICATES FOUND PERMANENT REFERENCE MONUMENT 4"x4" CONCRETE MONUMENT STAMPED "P.R.M. BARRACO & ASSOC. LB 6940" UNLESS OTHERWISE SHOWN

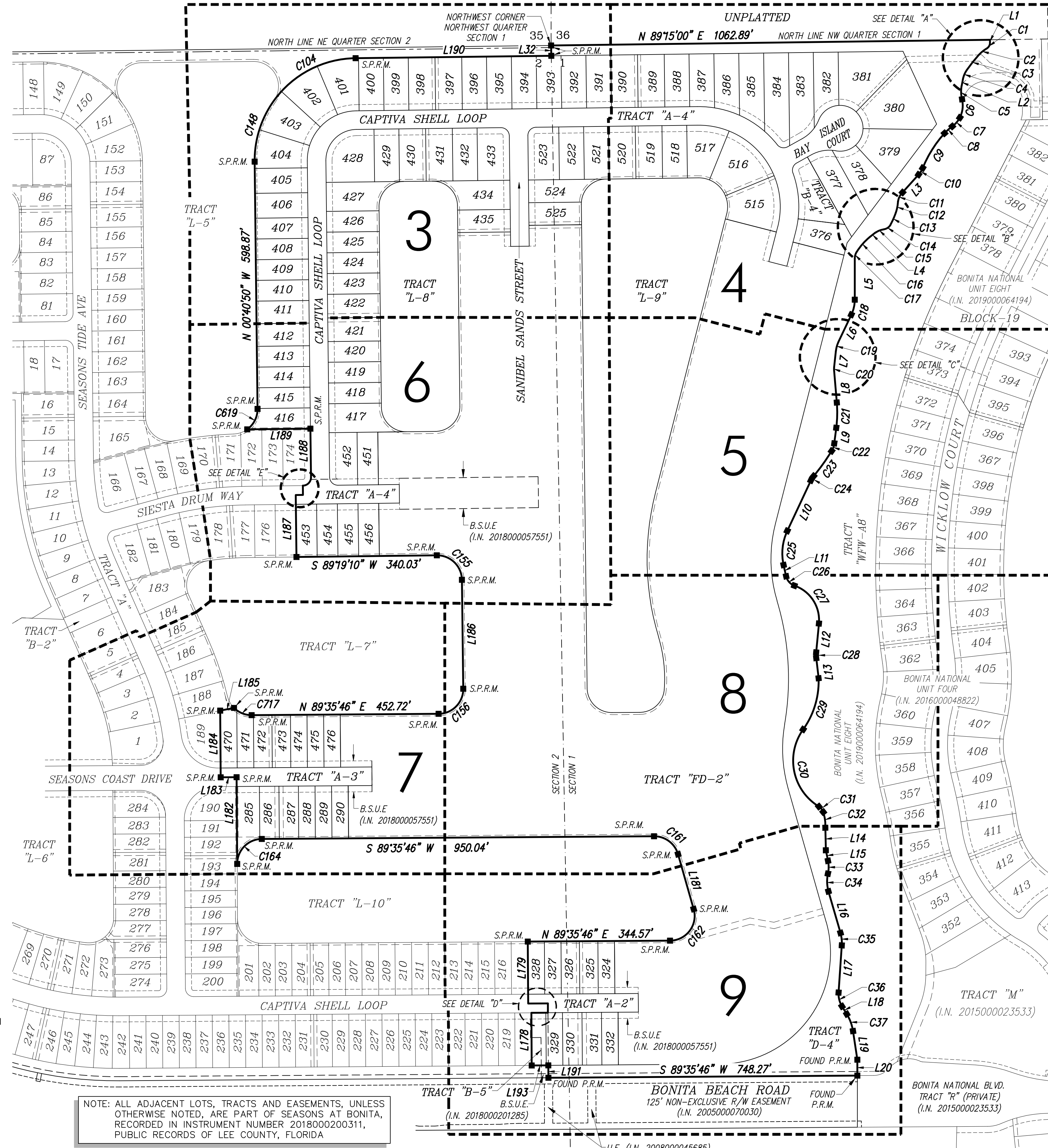
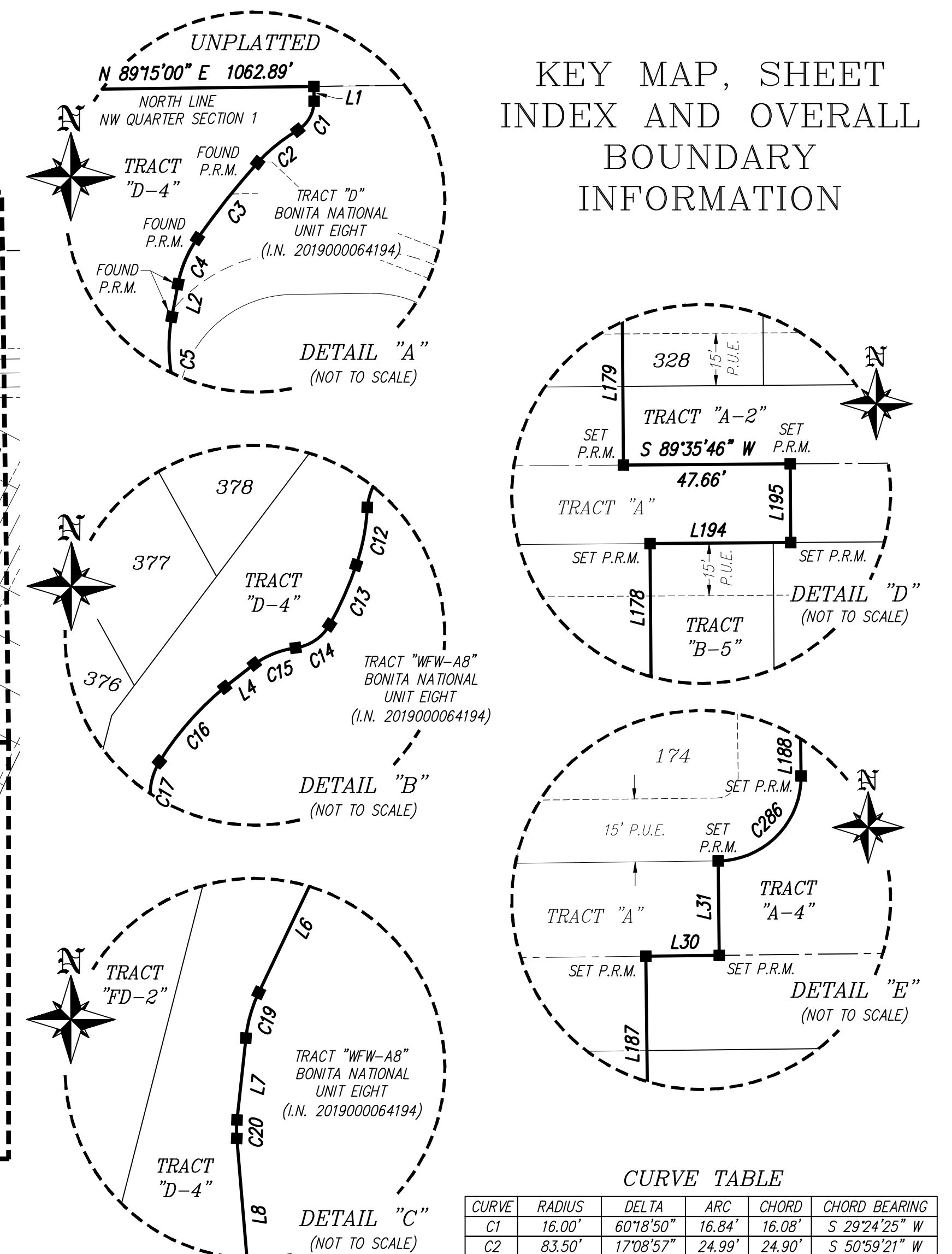
# SEASONS AT BONITA PHASE TWO

A SUBDIVISION LYING IN SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST  
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA,  
BEING A REPLAT OF TRACT "B-3", TRACT "FD", TRACT "D-4",  
TRACT "L-8", AND TRACT "L-9", SEASONS AT BONITA,  
RECORDED IN INSTRUMENT NUMBER 2018000200311,  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

INSTRUMENT NUMBER

SHEET 2 OF 9

## KEY MAP, SHEET INDEX AND OVERALL BOUNDARY INFORMATION



## LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°45'00" E	7.13'
L2	S 10°41'37" W	16.05'
L3	S 41°56'39" W	57.94'
L4	S 51°53'17" W	18.18'
L5	S 00°03'22" W	99.60'
L6	S 25°27'12" W	72.66'
L7	S 06°10'05" W	39.67'
L8	S 04°51'46" E	76.99'
L9	S 07°14'38" W	38.05'
L10	S 25°05'32" W	134.89'
L11	S 12°46'16" E	27.97'
L12	S 05°25'37" W	70.20'
L13	S 06°40'40" E	49.18'
L14	S 01°20'37" E	54.56'
L15	S 11°33'05" E	26.09'
L16	S 16°06'30" E	104.81'
L17	S 03°55'16" W	114.57'
L18	S 31°43'00" E	22.00'
L19	S 08°42'31" E	70.09'
L20	S 00°04'22" W	38.50'
L30	N 89°19'10" E	17.52'
L31	N 00°40'50" W	22.50'
L32	N 01°00'01" W	25.00'
L178	N 00°24'14" W	127.50'
L179	N 00°24'14" W	150.00'
L180	N 00°24'14" W	150.00'
L181	N 15°55'08" W	138.03'
L182	N 00°24'14" W	210.00'
L183	S 89°35'46" W	38.44'
L184	N 00°24'14" W	161.42'
L185	N 78°44'29" E	34.05'
L186	N 00°40'50" W	263.74'
L187	N 00°40'50" W	150.00'
L188	N 00°40'50" W	117.88'
L189	S 89°19'10" W	153.22'
L190	N 89°19'10" E	473.97'
L191	N 00°24'14" W	30.00'
L192	S 07°59'25" E	55.00'
L193	S 89°35'46" W	40.20'
L194	N 89°35'46" E	40.20'
L195	N 00°24'14" W	22.50'

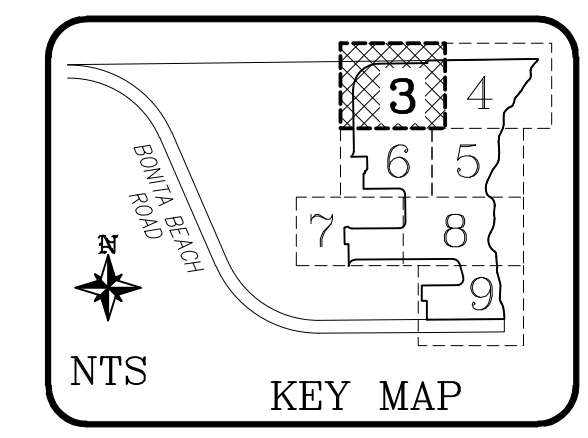
## CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	16.00'	60°18'50"	16.84'	16.08'	S 29°24'25" W
C2	83.50'	17°08'57"	24.99'	24.90'	S 50°59'21" W
C3	421.93'	06°20'51"	46.74'	46.72'	S 38°28'14" W
C4	56.00'	24°36'12"	24.05'	23.86'	S 22°59'43" W
C5	77.50'	24°36'11"	33.28'	33.02'	S 01°36'28" E
C6	63.21'	41°28'43"	45.76'	44.77'	S 06°49'48" W
C7	60.00'	26°53'55"	28.17'	27.91'	S 41°01'07" W
C8	117.50'	12°21'39"	25.35'	25.30'	S 48°17'15" W
C9	286.61'	19°57'14"	99.81'	99.31'	S 32°07'48" W
C10	55.00'	19°47'28"	19.00'	18.90'	S 32°02'55" W
C11	34.30'	41°00'49"	24.55'	24.03'	S 26°57'38" W
C12	97.33'	16°43'44"	28.42'	28.32'	S 10°49'28" W
C13	173.66'	10°26'14"	31.64'	31.59'	S 23°56'51" W
C14	22.00'	53°27'49"	20.53'	19.79'	S 56°00'49" W
C15	43.74'	28°18'10"	21.61'	21.39'	S 68°35'38" W
C16	147.00'	18°42'17"	47.99'	47.78'	S 41°12'21" W
C17	30.00'	31°47'50"	16.65'	16.44'	S 15°57'17" W
C18	85.00'	25°25'37"	37.68'	37.37'	S 12°45'17" W
C19	68.00'	19°17'07"	22.89'	22.78'	S 15°48'39" W
C20	46.50'	11°01'51"	8.95'	8.94'	S 00°39'10" W
C21	290.00'	12°06'24"	61.28'	61.16'	S 01°11'26" W
C22	47.50'	23°46'45"	19.71'	19.57'	S 19°08'00" W
C23	469.77'	08°07'40"	74.84'	74.76'	S 35°35'13" W
C24	47.50'	15°53'30"	12.48'	12.45'	S 32°37'17" W
C25	128.00'	37°51'48"	84.59'	83.06'	S 06°09'38" W
C26	28.97'	60°21'58"	31.58'	30.14'	S 41°12'00" E
C27	88.00'	76°48'35"	117.97'	109.33'	S 32°58'41" E
C28	65.00'	12°06'17"	13.73'	13.71'	S 00°37'32" E
C29	200.00'	37°46'33"	131.86'	129.49'	S 16°45'02" W
C30	130.00'	94°14'47"	213.84'	180.53'	S 11°29'05" E
C31	25.00'	39°51'42"	17.39'	17.04'	S 38°40'38" E
C32	98.14'	23°30'33"	38.55'	38.30'	S 07°29'36" E
C33	75.00'	23°56'58"	31.34'	31.12'	S 00°25'15" W
C34	87.00'	28°30'04"	43.28'	42.83'	S 01°51'28" E
C35	87.00'	20°01'46"	30.41'	30.26'	S 06°05'37" E
C36	56.00'	35°38'16"	34.83'	34.27'	S 13°53'52" E
C37	110.00'	23°00'29"	44.17'	43.88'	S 20°12'46" E
C104	247.50'	53°35'40"	231.51'	223.16'	S 62°31'20" W
C148	247.50'	36°24'20"	157.26'	154.63'	N 17°31'20" E
C155	60.00'	90°00'00"	94.25'	84.85'	S 45°40'50" W
C156	60.00'	90°16'36"	94.54'	85.06'	S 44°27'28" W
C161	60.00'	74°29'06"	78.00'	72.62'	S 53°09'41" E
C162	60.00'	105°30'54"	110.50'	95.53'	S 36°50'19" W
C164	60.00'	90°00'00"	94.25'	84.85'	N 44°35'46" E
C286	20.00'	90°00'00"	31.42'	28.28'	N 44°19'10" E
C619	60.00'	55°09'29"	57.76'	55.56'	N 26°53'55" E
C717	60.00'	45°21'07"	47.49'	46.26'	S 67°43'40" E

NOTE: ALL ADJACENT LOTS, TRACTS AND EASEMENTS, UNLESS OTHERWISE NOTED, ARE PART OF SEASONS AT BONITA, RECORDED IN INSTRUMENT NUMBER 2018000200311, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DOS17-40184-BOS / PL17-43368-BOS





# SEASONS AT BONITA PHASE TWO

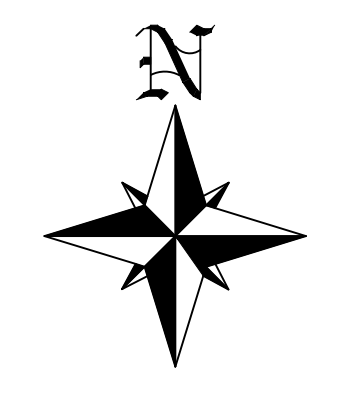
A SUBDIVISION LYING IN SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST  
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA,  
BEING A REPLAT OF TRACT "B-3", TRACT "FD", TRACT "D-4",  
TRACT "L-8", AND TRACT "L-9", SEASONS AT BONITA,  
RECORDED IN INSTRUMENT NUMBER 2018000200311,  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

THIS INSTRUMENT WAS PREPARED BY:  
ALLEN M. VOSE III, P.S.M. (LS7191)

## BANKS ENGINEERING

PROFESSIONAL ENGINEERS, PLANNERS, & LAND SURVEYORS  
SERVING THE STATE OF FLORIDA  
10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33966  
PHONE: 239-939-5490 FAX: 239-939-2523  
FLORIDA BUSINESS CERTIFICATE NUMBER LB 6690

NOTE: ALL ADJACENT LOTS, TRACTS AND EASEMENTS, UNLESS OTHERWISE NOTED, ARE PART OF SEASONS AT BONITA, RECORDED IN INSTRUMENT NUMBER 2018000200311, PUBLIC RECORDS OF LEE COUNTY, FLORIDA



LINE TABLE

LINE	BEARING	DISTANCE
L32	N 01°00'01" W	25.00'
L126	N 89°19'10" E	38.94'

CURVE TABLE

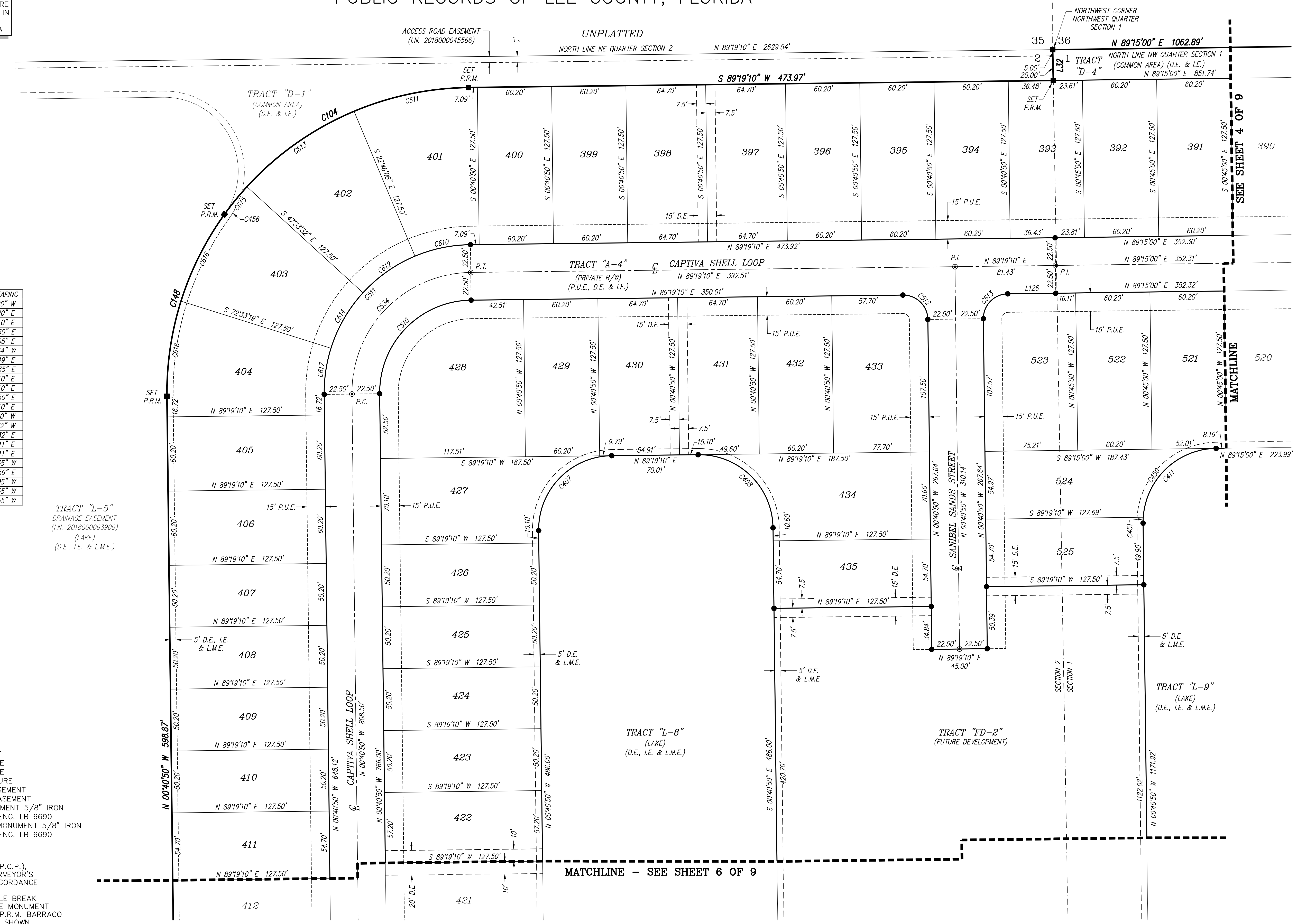
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C104	247.50'	53°35'40"	231.51'	223.16'	S 62°31'20" W
C148	247.50'	36°24'20"	157.26'	154.83'	N 17°31'20" E
C407	60.00'	90°00'00"	94.25'	84.85'	N 44°19'10" E
C408	60.00'	90°00'00"	94.25'	84.85'	S 45°40'50" E
C411	60.00'	89°55'50"	94.18'	84.80'	N 44°17'05" E
C450	60.00'	85°20'31"	89.37'	81.33'	S 46°34'44" W
C451	60.00'	04°35'19"	4.81'	4.80'	N 01°36'49" E
C456	65.00'	20°09'49"	22.87'	22.76'	N 25°38'35" E
C510	75.00'	90°00'00"	117.81'	106.07'	N 44°19'10" E
C511	120.00'	90°00'00"	188.50'	169.71'	N 44°19'10" E
C512	20.00'	90°00'00"	31.42'	28.28'	S 45°40'50" E
C513	20.00'	90°00'00"	31.42'	28.28'	N 44°19'10" E
C534	97.50'	90°00'00"	153.15'	137.89'	S 44°19'10" W
C610	120.00'	22°05'16"	46.26'	45.97'	S 78°16'32" E
C611	247.50'	22°05'16"	95.41'	94.82'	N 78°16'32" E
C612	120.00'	24°47'26"	51.92'	51.52'	N 54°50'11" E
C613	247.50'	24°47'26"	107.09'	106.25'	N 54°50'11" E
C614	120.00'	24°59'48"	52.35'	51.94'	S 29°56'35" W
C615	247.50'	06°42'59"	29.01'	29.00'	N 39°04'59" E
C616	247.50'	18°16'49"	78.97'	78.63'	S 26°35'05" W
C617	120.00'	18°07'31"	37.96'	37.80'	S 08°22'55" W
C618	247.50'	18°07'31"	78.30'	77.97'	S 08°22'55" W

### LEGEND

- PG. - INDICATES PAGE
- I.R. - INDICATES IRON ROD
- C - INDICATES CENTERLINE
- (NR) - INDICATES NON-RADIAL
- R.P. - INDICATES RADIUS POINT
- NTS - INDICATES NOT TO SCALE
- R/W - INDICATES RIGHT-OF-WAY
- 76 - INDICATES LOT NUMBER 76
- U.E. - INDICATES UTILITY EASEMENT
- LB - INDICATES LICENSED BUSINESS
- P.T. - INDICATES POINT OF TANGENCY
- R.E. - INDICATES ROADWAY EASEMENT
- D.E. - INDICATES DRAINAGE EASEMENT
- I.N. - INDICATES INSTRUMENT NUMBER
- I.E. - INDICATES IRRIGATION EASEMENT
- C.M. - INDICATES CONCRETE MONUMENT
- P.C. - INDICATES POINT OF CURVATURE
- ID.# - INDICATES IDENTIFICATION NUMBER
- P.I. - INDICATES POINT OF INTERSECTION
- O.R. - INDICATES OFFICIAL RECORDS BOOK
- P.U.E. - INDICATES PUBLIC UTILITY EASEMENT
- LI - INDICATES LINE 1 OF THE LINE TABLE
- S.P.C. - INDICATES STATE PLANE COORDINATES
- L.M.E. - INDICATES LAKE MAINTENANCE EASEMENT
- P.R.C. - INDICATES POINT OF REVERSE CURVATURE
- CI - INDICATES CURVE 1 OF THE CURVE TABLE
- P.C.C. - INDICATES POINT OF COMPOUND CURVATURE
- B.S.U.E. - INDICATES BONITA SPRINGS UTILITIES EASEMENT
- F.P.L.E. - INDICATES FLORIDA POWER AND LIGHT EASEMENT
- P.R.M. - INDICATES PERMANENT REFERENCE MONUMENT 5/8" IRON ROD AND CAP STAMPED P.R.M. BANKS ENG. LB 6690
- S.P.R.M. - INDICATES SET PERMANENT REFERENCE MONUMENT 5/8" IRON ROD AND CAP STAMPED P.R.M. BANKS ENG. LB 6690

### SYMBOL LEGEND

- ⊙ - INDICATES PERMANENT CONTROL POINT (P.C.P.), NAIL AND METAL DISK BEARING THE SURVEYOR'S CERTIFICATE NUMBER, TO BE SET IN ACCORDANCE WITH F.S. SECTION 177.091
- - INDICATES BEGINNING OF CURVE OR ANGLE BREAK
- - INDICATES FOUND PERMANENT REFERENCE MONUMENT 4"x4" CONCRETE MONUMENT STAMPED "P.R.M. BARRACO & ASSOC. LB 6940" UNLESS OTHERWISE SHOWN



DOST17-40184-BOS / PLT17-43368-BOS

THIS INSTRUMENT WAS PREPARED BY:  
ALLEN M. VOSE III, P.S.M. 157191

# BANKS ENGINEERING

PROFESSIONAL ENGINEERS, PLANNERS, & LAND SURVEYORS  
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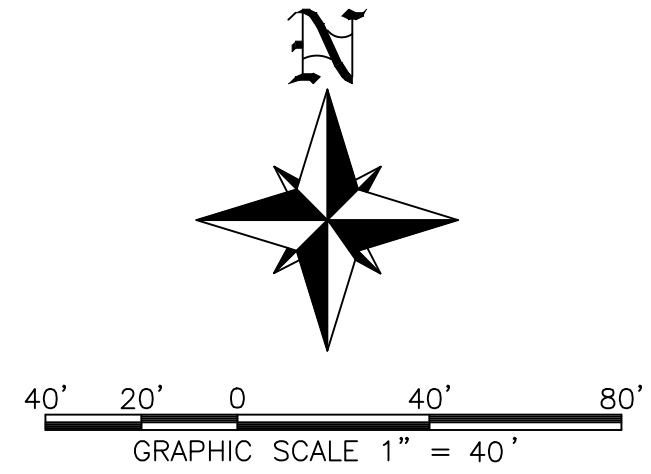
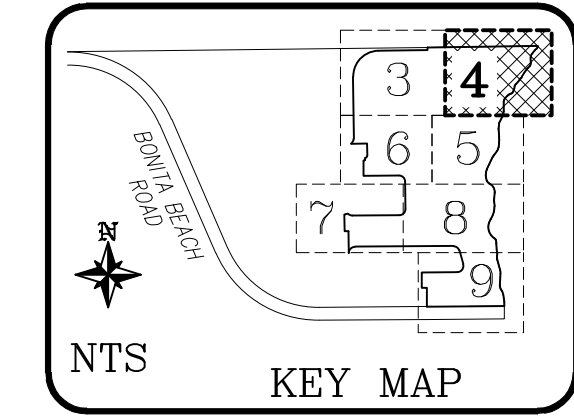
NOTE: ALL ADJACENT LOTS, TRACTS AND EASEMENTS, UNLESS OTHERWISE NOTED, ARE PART OF SEASONS AT BONITA, RECORDED IN INSTRUMENT NUMBER 2018000200311, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

# SEASONS AT BONITA PHASE TWO

A SUBDIVISION LYING IN SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST  
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA,  
BEING A REPLAT OF TRACT "B-3", TRACT "FD", TRACT "D-4",  
TRACT "L-8", AND TRACT "L-9", SEASONS AT BONITA,  
RECORDED IN INSTRUMENT NUMBER 2018000200311,  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

INSTRUMENT NUMBER \_\_\_\_\_

SHEET 4 OF 9



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°45'00" E	7.13'
L2	S 10°41'37" W	16.05'
L3	S 41°56'39" W	57.94'
L4	S 51°53'17" W	18.18'
L5	S 00°32'22" W	99.60'
L6	S 25°27'12" W	72.66'
L124	N 82°00'35" E	40.57'
L125	N 82°00'35" E	40.97'
L192	S 07°59'25" E	55.00'

CURVE TABLE

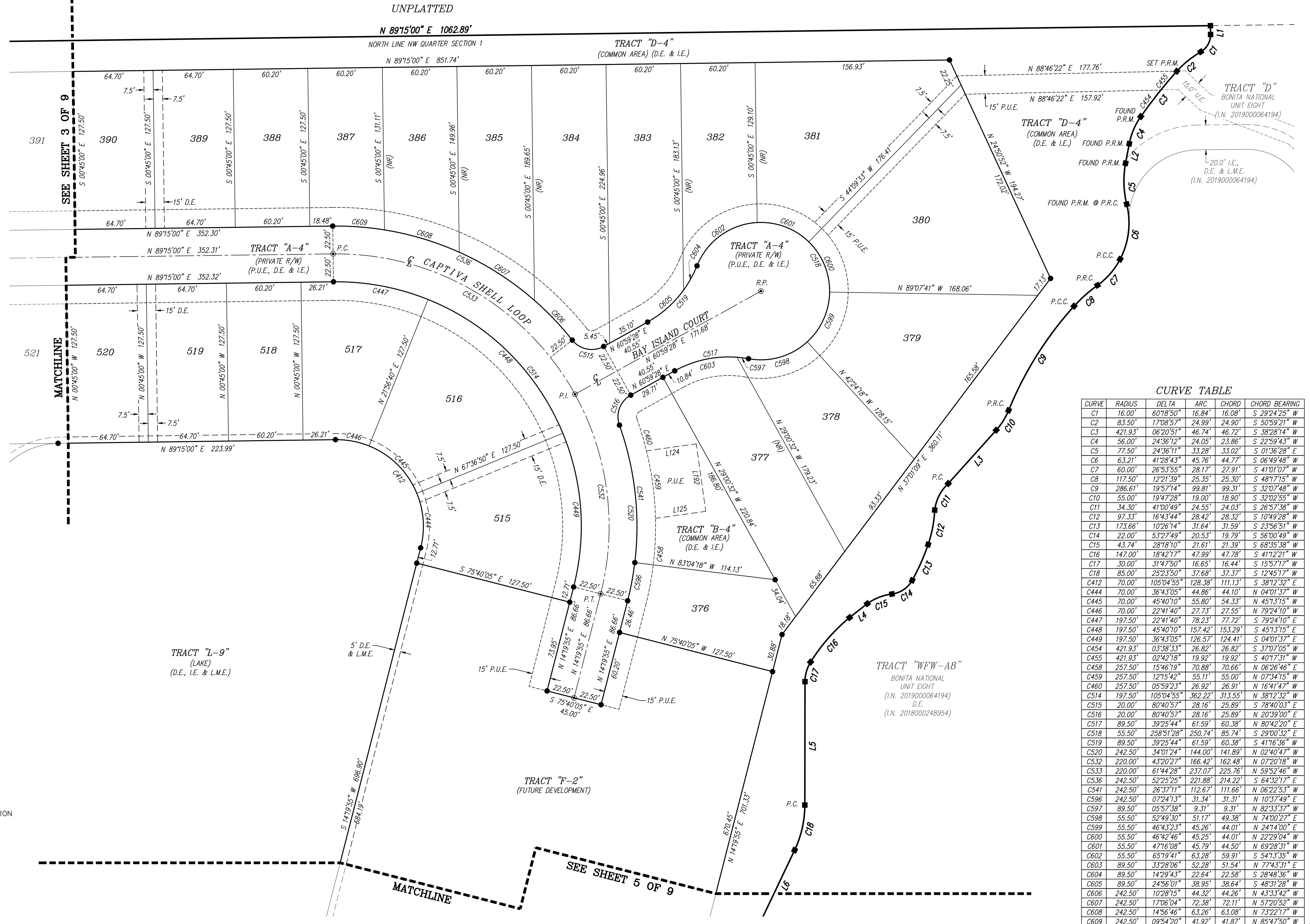
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	16.00'	60°18'50"	16.84'	16.08'	S 29°24'25" W
C2	83.50'	17°08'57"	24.99'	24.90'	S 50°59'21" W
C3	421.93'	06°20'51"	46.74'	46.72'	S 38°28'14" W
C4	56.00'	24°36'12"	24.05'	23.86'	S 22°59'43" W
C5	77.50'	24°36'11"	33.28'	33.02'	S 01°36'28" E
C6	63.21'	41°28'43"	45.76'	44.77'	S 06°49'48" W
C7	60.00'	26°53'55"	28.17'	27.91'	S 41°01'07" W
C8	117.50'	12°21'39"	25.35'	25.30'	S 48°17'15" W
C9	286.61'	19°57'14"	99.81'	99.31'	S 32°07'48" W
C10	55.00'	19°47'28"	19.00'	18.90'	S 32°02'55" W
C11	34.30'	41°00'49"	24.55'	24.03'	S 26°57'38" W
C12	97.33'	16°43'44"	28.42'	28.32'	S 10°49'28" W
C13	173.66'	10°26'14"	31.64'	31.59'	S 23°56'51" W
C14	22.00'	53°27'49"	20.53'	19.79'	S 56°00'49" W
C15	43.74'	28°18'10"	21.61'	21.39'	S 68°35'38" W
C16	147.00'	18°42'17"	47.99'	47.78'	S 41°12'21" W
C17	30.00'	31°47'50"	16.65'	16.44'	S 15°57'17" W
C18	85.00'	25°23'50"	37.68'	37.37'	S 12°45'17" W
C42	70.00'	105°04'55"	128.38'	111.13'	S 38°12'32" E
C44	70.00'	36°43'05"	44.86'	44.10'	N 04°01'37" W
C45	70.00'	45°40'10"	55.80'	54.33'	N 45°13'15" W
C46	70.00'	22°41'40"	27.73'	27.55'	N 79°24'10" W
C47	197.50'	22°41'40"	78.23'	77.72'	S 79°24'10" E
C48	197.50'	45°40'10"	157.42'	153.29'	S 45°13'15" E
C49	197.50'	36°43'05"	126.57'	124.41'	S 04°01'37" E
C45A	421.93'	03°38'33"	26.82'	26.82'	S 37°07'05" W
C45B	421.93'	02°42'18"	19.92'	19.92'	S 40°17'31" W
C45C	257.50'	15°46'19"	70.88'	70.66'	N 06°26'46" E
C45D	257.50'	12°15'42"	55.11'	55.00'	N 07°34'15" W
C46D	257.50'	05°59'23"	26.92'	26.91'	N 16°41'47" W
C51A	197.50'	105°04'55"	362.22'	313.55'	S 38°12'32" E
C51B	20.00'	80°40'57"	28.16'	25.89'	S 78°40'03" E
C51C	20.00'	80°40'57"	28.16'	25.89'	N 20°39'00" E
C51D	89.50'	39°25'44"	61.59'	60.38'	N 80°42'20" E
C51E	55.50'	258°51'28"	250.74'	85.74'	S 29°00'32" E
C51F	89.50'	39°25'44"	61.59'	60.38'	S 41°16'36" W
C520	242.50'	34°01'24"	144.00'	141.89'	N 02°40'47" W
C532	220.00'	43°20'27"	166.42'	162.48'	N 07°20'18" W
C533	220.00'	61°44'28"	237.07'	225.76'	N 59°52'46" W
C541	242.50'	52°25'25"	221.88'	214.22'	S 64°32'17" E
C596	242.50'	07°24'37"	31.34'	31.31'	N 10°37'49" E
C597	89.50'	05°57'38"	9.31'	9.31'	N 82°33'37" W
C598	55.50'	52°49'30"	51.17'	49.38'	N 74°00'27" E
C599	55.50'	46°43'23"	45.26'	44.01'	N 24°44'00" E
C600	55.50'	46°42'46"	45.25'	44.01'	N 22°29'04" W
C601	55.50'	47°16'08"	45.79'	44.50'	N 69°28'31" W
C602	55.50'	65°19'41"	63.28'	59.91'	S 54°13'35" W
C603	89.50'	33°28'06"	52.28'	51.54'	N 77°43'31" E
C604	89.50'	14°29'43"	22.64'	22.58'	S 28°48'36" W
C605	89.50'	24°56'01"	38.95'	38.64'	S 48°31'28" W
C606	242.50'	10°28'15"	44.32'	44.26'	N 43°33'42" W
C607	242.50'	17°06'04"	72.38'	72.11'	N 57°20'52" W
C608	242.50'	14°56'46"	63.26'	63.08'	N 73°22'17" W
C609	242.50'	09°54'20"	41.92'	41.87'	N 85°47'50" W

LEGEND

- PG. - INDICATES PAGE
- I.R. - INDICATES IRON ROD
- C - INDICATES CENTERLINE
- (NR) - INDICATES NON-RADIAL
- R.P. - INDICATES RADIUS POINT
- NTS - INDICATES NOT TO SCALE
- R/W - INDICATES RIGHT-OF-WAY
- 76 - INDICATES LOT NUMBER 76
- U.E. - INDICATES UTILITY EASEMENT
- LB - INDICATES LICENSED BUSINESS
- P.T. - INDICATES POINT OF TANGENCY
- R.E. - INDICATES ROADWAY EASEMENT
- D.E. - INDICATES DRAINAGE EASEMENT
- I.N. - INDICATES INSTRUMENT NUMBER
- I.E. - INDICATES IRRIGATION EASEMENT
- C.M. - INDICATES CONCRETE MONUMENT
- P.C. - INDICATES POINT OF CURVATURE
- ID.# - INDICATES IDENTIFICATION NUMBER
- I.# - INDICATES POINT OF INTERSECTION
- O.R. - INDICATES OFFICIAL RECORDS BOOK
- P.U.E. - INDICATES PUBLIC UTILITY EASEMENT
- L1 - INDICATES LINE 1 OF THE LINE TABLE
- S.P.C. - INDICATES STATE PLANE COORDINATES
- L.M.E. - INDICATES LAKE MAINTENANCE EASEMENT
- P.R.C. - INDICATES POINT OF REVERSE CURVATURE
- C1 - INDICATES CURVE 1 OF THE CURVE TABLE
- P.C.C. - INDICATES POINT OF COMPOUND CURVATURE
- B.S.U.E. - INDICATES BONITA SPRINGS UTILITIES EASEMENT
- F.P.L.E. - INDICATES FLORIDA POWER AND LIGHT EASEMENT
- P.R.M. - INDICATES PERMANENT REFERENCE MONUMENT 5/8" IRON ROD AND CAP STAMPED P.R.M. BANKS ENG. LB 6690
- S.P.R.M. - INDICATES SET PERMANENT REFERENCE MONUMENT 5/8" IRON ROD AND CAP STAMPED P.R.M. BANKS ENG. LB 6690

SYMBOL LEGEND

- ⊙ - INDICATES PERMANENT CONTROL POINT (P.C.P.), NAIL AND METAL DISK BEARING THE SURVEYOR'S CERTIFICATE NUMBER, TO BE SET IN ACCORDANCE WITH F.S. SECTION 177.091
- - INDICATES BEGINNING OF CURVE OR ANGLE BREAK
- - INDICATES FOUND PERMANENT REFERENCE MONUMENT 4"x4" CONCRETE MONUMENT STAMPED "P.R.M. BARRACO & ASSOC. LB 6940" UNLESS OTHERWISE SHOWN



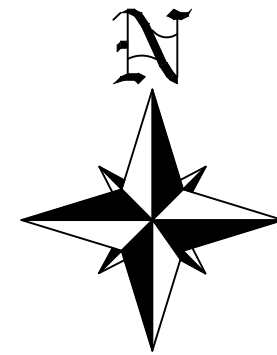
DOST17-40184-BOS / PLT17-43368-BOS

THIS INSTRUMENT WAS PREPARED BY:  
ALLEN M. VOSE III, P.S.M. (157191)

# BANKS ENGINEERING

PROFESSIONAL ENGINEERS, PLANNERS, & LAND SURVEYORS  
SERVING THE STATE OF FLORIDA  
10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33966  
PHONE: 239-939-5490 FAX: 239-939-2523  
FLORIDA BUSINESS CERTIFICATE NUMBER LB 6690

NOTE: ALL ADJACENT LOTS, TRACTS AND EASEMENTS, UNLESS OTHERWISE NOTED, ARE PART OF SEASONS AT BONITA, RECORDED IN INSTRUMENT NUMBER 2018000200311, PUBLIC RECORDS OF LEE COUNTY, FLORIDA



**LINE TABLE**

LINE	BEARING	DISTANCE
L6	S 25°27'12" W	72.66'
L7	S 06°10'05" W	39.67'
L8	S 04°51'46" E	76.99'
L9	S 07°14'38" W	38.05'
L10	S 25°05'32" W	134.89'
L11	S 12°46'16" E	27.97'

**CURVE TABLE**

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C19	68.00'	191°7'07"	22.89'	22.78'	S 15°48'39" W
C20	46.50'	110°1'51"	8.95'	8.94'	S 00°39'10" W
C21	290.00'	12°06'24"	61.28'	61.16'	S 01°11'26" W
C22	47.50'	23°46'45"	19.71'	19.57'	S 19°08'00" W
C23	469.77'	09°07'40"	74.84'	74.76'	S 35°35'13" W
C24	47.50'	15°03'30"	12.48'	12.45'	S 32°37'17" W
C25	128.00'	37°51'48"	84.59'	83.06'	S 06°09'38" W
C26	29.97'	60°21'58"	31.58'	30.14'	S 41°12'00" E
C27	88.00'	76°48'35"	117.97'	109.33'	S 32°58'41" E
C413	650.00'	31°07'36"	353.12'	348.79'	S 01°13'53" E
C540	350.00'	31°07'36"	190.14'	187.81'	N 01°13'53" W

**LEGEND**

- PG. - INDICATES PAGE
- I.R. - INDICATES IRON ROD
- C - INDICATES CENTERLINE
- (NR) - INDICATES NON-RADIAL
- R.P. - INDICATES RADIUS POINT
- NTS - INDICATES NOT TO SCALE
- R/W - INDICATES RIGHT-OF-WAY
- 76 - INDICATES LOT NUMBER 76
- U.E. - INDICATES UTILITY EASEMENT
- LB - INDICATES LICENSED BUSINESS
- P.T. - INDICATES POINT OF TANGENCY
- R.E. - INDICATES ROADWAY EASEMENT
- D.E. - INDICATES DRAINAGE EASEMENT
- I.N. - INDICATES INSTRUMENT NUMBER
- I.E. - INDICATES IRRIGATION EASEMENT
- C.M. - INDICATES CONCRETE MONUMENT
- P.C. - INDICATES POINT OF CURVATURE
- ID.# - INDICATES IDENTIFICATION NUMBER
- P.I. - INDICATES POINT OF INTERSECTION
- O.R. - INDICATES OFFICIAL RECORDS BOOK
- P.U.E. - INDICATES PUBLIC UTILITY EASEMENT
- L1 - INDICATES LINE 1 OF THE LINE TABLE
- S.P.C. - INDICATES STATE PLANE COORDINATES
- L.M.E. - INDICATES LAKE MAINTENANCE EASEMENT
- P.R.C. - INDICATES POINT OF REVERSE CURVATURE
- C1 - INDICATES CURVE 1 OF THE CURVE TABLE
- P.C.C. - INDICATES POINT OF COMPOUND CURVATURE
- B.S.U.E. - INDICATES BONITA SPRINGS UTILITIES EASEMENT
- F.P.L.E. - INDICATES FLORIDA POWER AND LIGHT EASEMENT
- P.R.M. - INDICATES PERMANENT REFERENCE MONUMENT 5/8" IRON ROD AND CAP STAMPED P.R.M. BANKS ENG. LB 6690
- S.P.R.M. - INDICATES SET PERMANENT REFERENCE MONUMENT 5/8" IRON ROD AND CAP STAMPED P.R.M. BANKS ENG. LB 6690

**SYMBOL LEGEND**

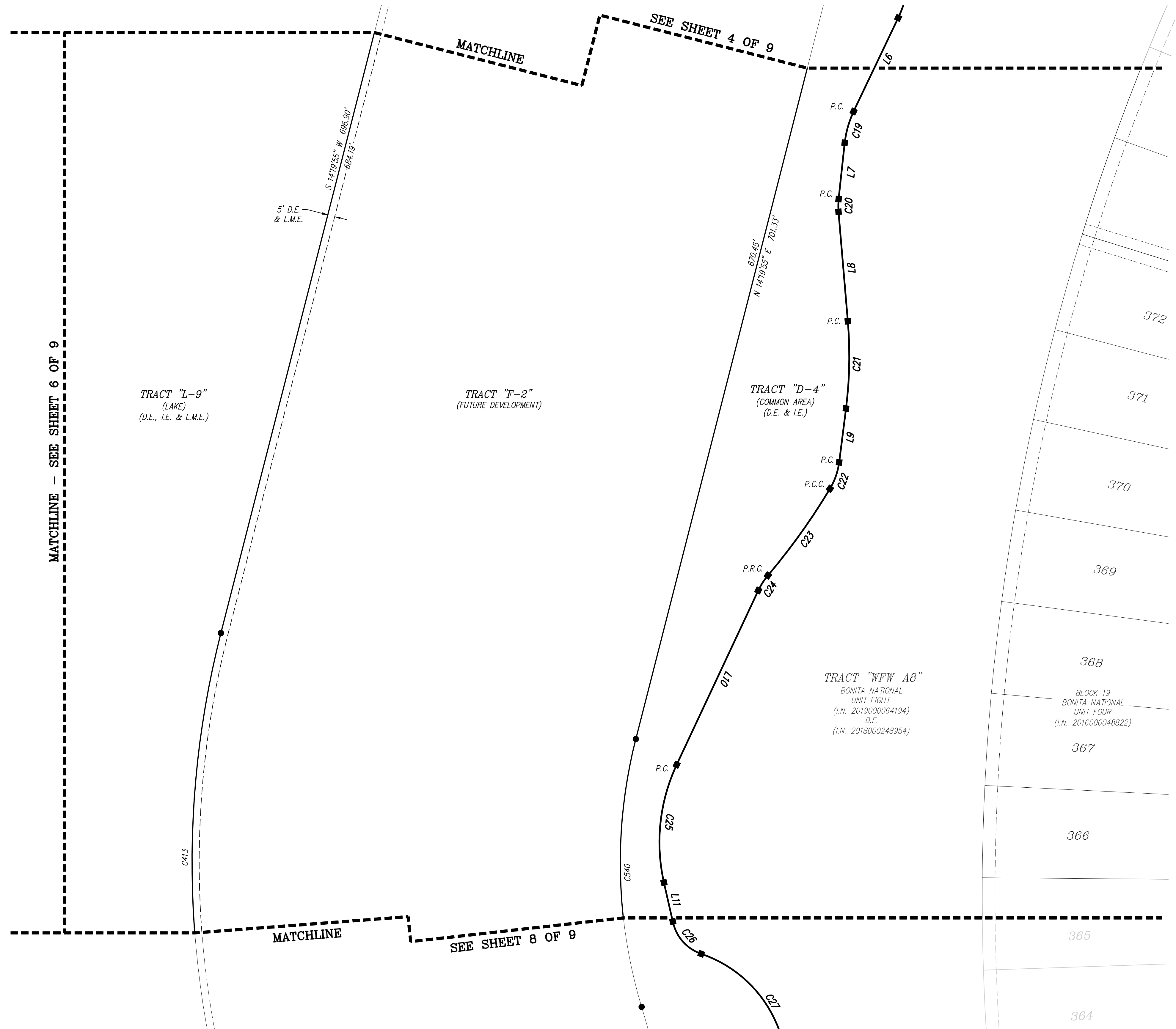
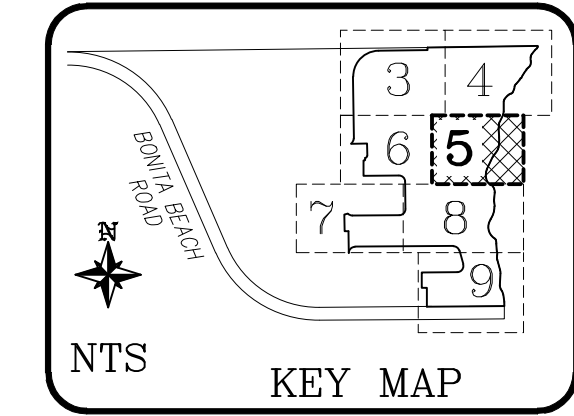
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# SEASONS AT BONITA PHASE TWO

A SUBDIVISION LYING IN SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST  
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA,  
BEING A REPLAT OF TRACT "B-3", TRACT "FD", TRACT "D-4",  
TRACT "L-8", AND TRACT "L-9", SEASONS AT BONITA,  
RECORDED IN INSTRUMENT NUMBER 2018000200311,  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

INSTRUMENT NUMBER \_\_\_\_\_

SHEET 5 OF 9



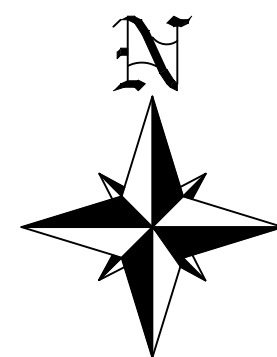
DOST17-40184-BOS / PLT17-43368-BOS

THIS INSTRUMENT WAS PREPARED BY:  
ALLEN M. VOSE III, P.S.M. (L57191)

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FLORIDA BUSINESS CERTIFICATE NUMBER LB 6690

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40' 20' 0 40' 80'  
GRAPHIC SCALE 1" = 40'

### LINE TABLE

LINE	BEARING	DISTANCE
L30	N 89°19'10" E	17.52'
L31	N 00°40'50" W	22.50'
L187	N 00°40'50" W	150.00'
L188	N 00°40'50" W	117.88'

### CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C155	60.00'	90°00'00"	94.25'	84.85'	S 45°40'50" E
C286	20.00'	90°00'00"	31.42'	28.28'	N 44°19'10" E
C409	60.00'	90°00'00"	94.25'	84.85'	S 44°19'10" W
C410	60.00'	90°00'00"	94.25'	84.85'	N 45°40'50" W
C509	20.00'	90°00'00"	31.42'	28.28'	S 45°40'50" E
C619	60.00'	55°09'29"	57.76'	55.56'	N 26°53'55" E
C642	65.00'	45°21'09"	51.45'	50.12'	S 21°59'45" W

### LEGEND

- PG. - INDICATES PAGE
- I.R. - INDICATES IRON ROD
- C - INDICATES CENTERLINE
- (NR) - INDICATES NON-RADIAL
- R.P. - INDICATES RADIUS POINT
- NTS - INDICATES NOT TO SCALE
- R/W - INDICATES RIGHT-OF-WAY
- 76 - INDICATES LOT NUMBER 76
- U.E. - INDICATES UTILITY EASEMENT
- LB - INDICATES LICENSED BUSINESS
- P.T. - INDICATES POINT OF TANGENCY
- R.E. - INDICATES ROADWAY EASEMENT
- D.E. - INDICATES DRAINAGE EASEMENT
- I.N. - INDICATES INSTRUMENT NUMBER
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- O.R. - INDICATES OFFICIAL RECORDS BOOK
- P.U.E. - INDICATES PUBLIC UTILITY EASEMENT
- LI - INDICATES LINE 1 OF THE LINE TABLE
- S.P.C. - INDICATES STATE PLANE COORDINATES
- L.M.E. - INDICATES LAKE MAINTENANCE EASEMENT
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### SYMBOL LEGEND

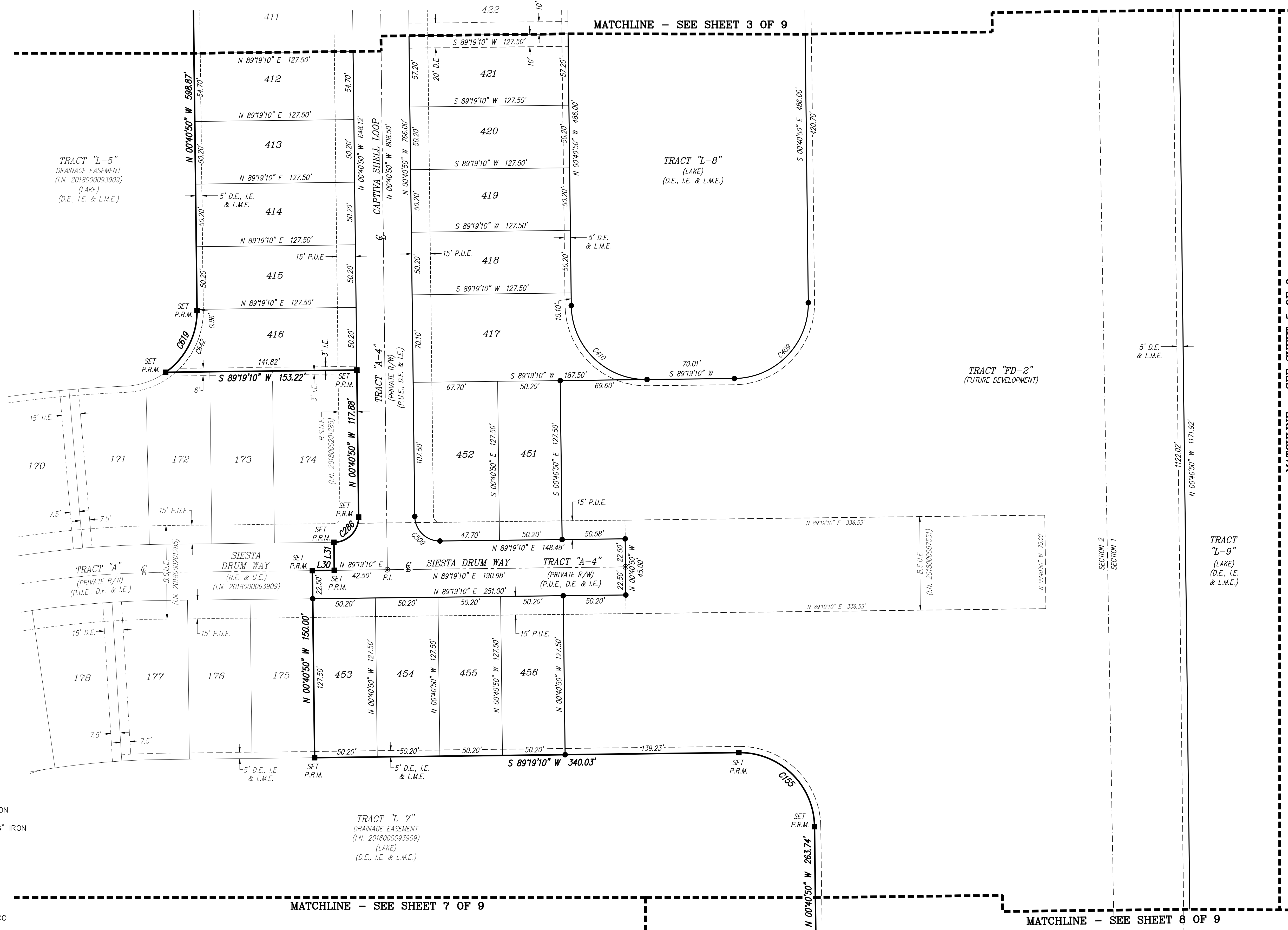
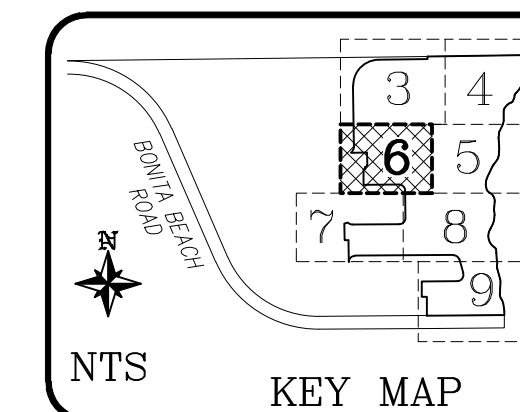
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# SEASONS AT BONITA PHASE TWO

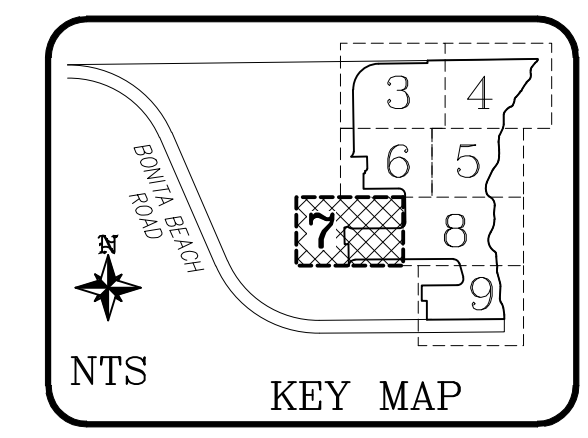
A SUBDIVISION LYING IN SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST  
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA,  
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RECORDED IN INSTRUMENT NUMBER 2018000200311,  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

INSTRUMENT NUMBER \_\_\_\_\_

SHEET 6 OF 9



DOST17-40184-BOS / PLT17-43368-BOS



# SEASONS AT BONITA PHASE TWO

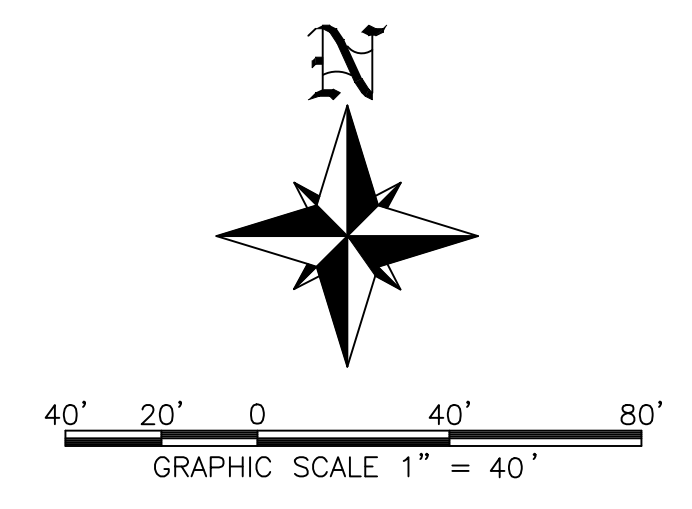
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CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA,  
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THIS INSTRUMENT WAS PREPARED BY:  
ALLEN M. VOSE III, P.S.M. (LS7191)

## BANKS ENGINEERING

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10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33905  
PHONE: 239-939-5490 FAX: 239-939-2523  
FLORIDA BUSINESS CERTIFICATE NUMBER LB 6690

NOTE: ALL ADJACENT LOTS, TRACTS AND EASEMENTS, UNLESS OTHERWISE NOTED, ARE PART OF SEASONS AT BONITA, RECORDED IN INSTRUMENT NUMBER 2018000200311, PUBLIC RECORDS OF LEE COUNTY, FLORIDA



**LINE TABLE**

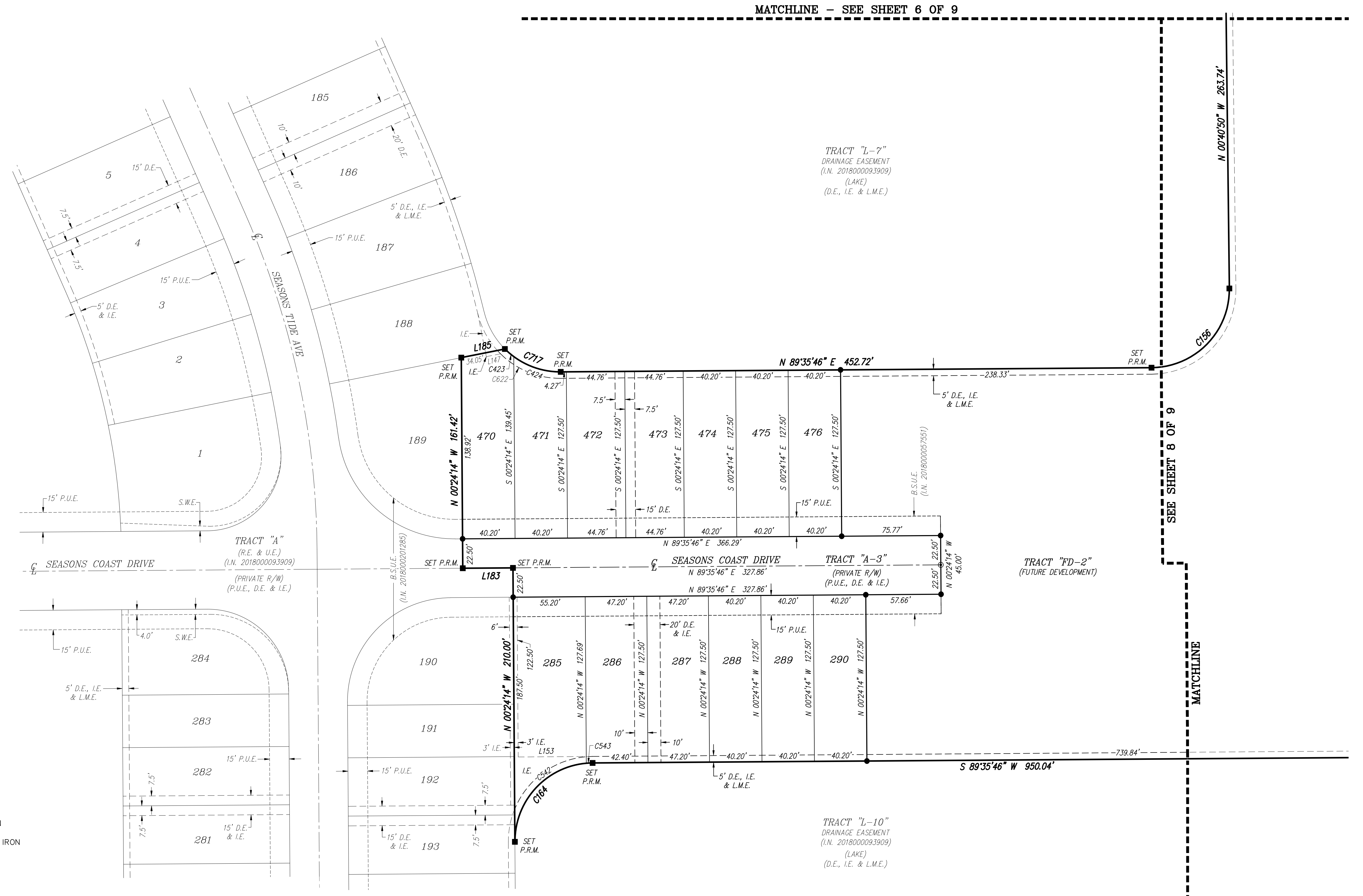
LINE	BEARING	DISTANCE
L147	S 78°44'29" W	11.08'
L153	N 89°35'46" E	57.00'
L183	S 89°35'46" W	38.44'
L185	N 78°44'29" E	34.05'

**CURVE TABLE**

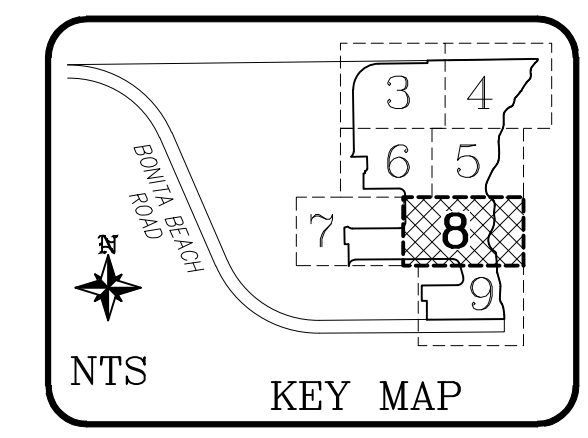
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C156	60.00'	90°16'36"	94.54'	85.06'	S 44°27'28" W
C164	60.00'	90°00'00"	94.25'	84.85'	N 44°35'46" E
C423	60.00'	08°34'06"	8.97'	8.96'	S 49°20'10" E
C424	60.00'	36°47'01"	38.52'	37.86'	S 72°00'43" E
C542	60.00'	85°24'41"	89.44'	81.39'	N 42°18'07" E
C543	60.00'	04°35'19"	4.81'	4.80'	S 87°18'07" W
C622	65.00'	45°07'10"	51.19'	49.87'	N 67°50'39" W
C717	60.00'	45°21'07"	47.49'	46.26'	S 67°43'40" E

- LEGEND**
- PG. - INDICATES PAGE
  - I.R. - INDICATES IRON ROD
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  - (NR) - INDICATES NON-RADIAL
  - R.P. - INDICATES RADIUS POINT
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  - R/W - INDICATES RIGHT-OF-WAY
  - 76 - INDICATES LOT NUMBER 76
  - U.E. - INDICATES UTILITY EASEMENT
  - LB - INDICATES LICENSED BUSINESS
  - P.T. - INDICATES POINT OF TANGENCY
  - R.E. - INDICATES ROADWAY EASEMENT
  - D.E. - INDICATES DRAINAGE EASEMENT
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  - S.P.R.M. - INDICATES SET PERMANENT REFERENCE MONUMENT 5/8" IRON ROD AND CAP STAMPED P.R.M. BARRACO & ASSOC. LB 6940 UNLESS OTHERWISE SHOWN

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DOST17-40184-BOS / PLT17-43368-BOS



# SEASONS AT BONITA PHASE TWO

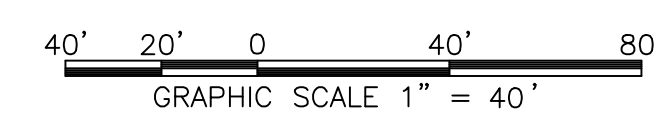
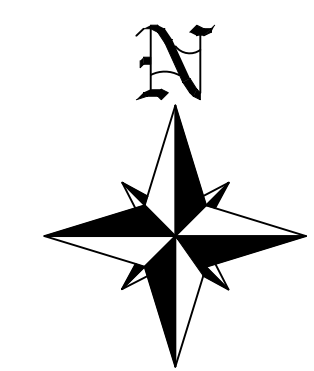
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INSTRUMENT NUMBER 2018000200311,  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA



LINE TABLE

LINE	BEARING	DISTANCE
L12	S 05°25'37" W	70.20'
L13	S 06°40'40" E	49.18'
L14	S 01°20'37" E	54.56'
L15	S 11°33'05" E	26.09'

CURVE TABLE

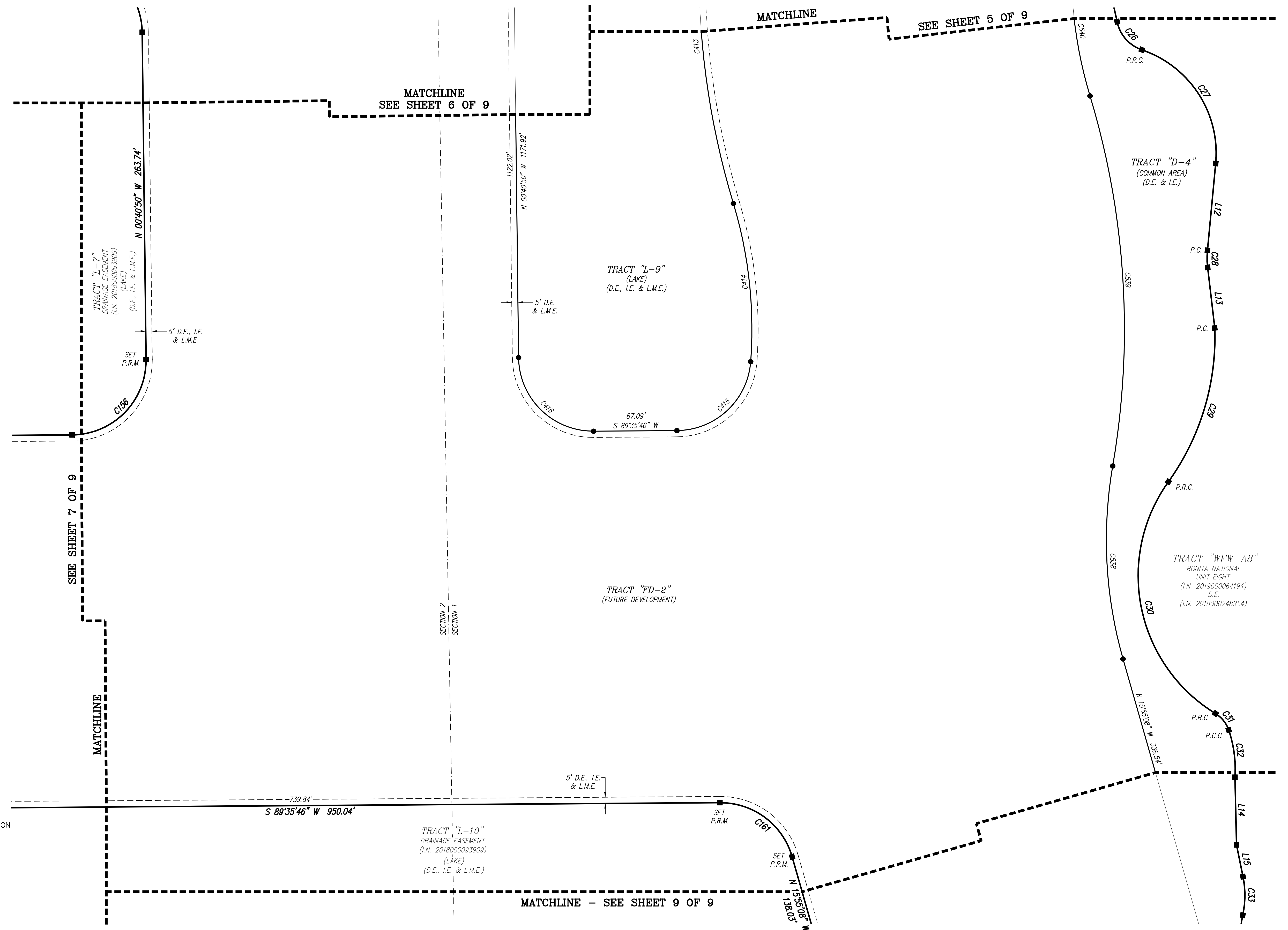
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C26	29.97'	60°21'58"	31.58'	30.14'	S 41°12'00" E
C27	88.00'	76°48'35"	117.97'	109.33'	S 32°58'41" E
C28	65.00'	120°16'17"	13.73'	13.71'	S 00°37'32" E
C29	200.00'	37°46'33"	131.86'	129.49'	S 16°45'02" W
C30	130.00'	94°14'47"	213.84'	190.53'	S 11°29'05" E
C31	25.00'	39°51'42"	17.39'	17.04'	S 38°40'38" E
C32	98.14'	22°30'23"	38.55'	38.30'	S 07°29'36" E
C33	75.00'	23°56'38"	31.34'	31.12'	S 00°25'15" W
C156	60.00'	90°16'36"	94.54'	85.06'	S 44°27'28" W
C161	60.00'	74°29'06"	78.00'	72.62'	S 53°09'41" E
C413	650.00'	31°07'36"	353.12'	348.79'	S 01°13'53" E
C414	350.00'	21°07'42"	129.06'	128.33'	S 06°13'50" E
C415	60.00'	85°15'45"	89.29'	81.27'	S 46°57'54" W
C416	60.00'	89°43'24"	93.96'	84.65'	N 45°32'32" W
C538	350.00'	25°42'02"	157.00'	155.68'	N 03°04'07" W
C539	650.00'	26°34'34"	301.50'	298.80'	N 03°30'23" W
C540	350.00'	31°07'36"	190.14'	187.81'	N 01°13'53" W

**LEGEND**

- PG. - INDICATES PAGE
- I.R. - INDICATES IRON ROD
- C - INDICATES CENTERLINE
- (NR) - INDICATES NON-RADIAL
- R.P. - INDICATES RADIUS POINT
- NTS - INDICATES NOT TO SCALE
- R/W - INDICATES RIGHT-OF-WAY
- 76 - INDICATES LOT NUMBER 76
- U.E. - INDICATES UTILITY EASEMENT
- LB - INDICATES LICENSED BUSINESS
- P.T. - INDICATES POINT OF TANGENCY
- R.E. - INDICATES ROADWAY EASEMENT
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- O.R. - INDICATES OFFICIAL RECORDS BOOK
- P.U.E. - INDICATES PUBLIC UTILITY EASEMENT
- LI - INDICATES LINE 1 OF THE LINE TABLE
- S.P.C. - INDICATES STATE PLANE COORDINATES
- L.M.E. - INDICATES LAKE MAINTENANCE EASEMENT
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DOST17-40184-BOS / PLT17-43368-BOS

THIS INSTRUMENT WAS PREPARED BY:  
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PROFESSIONAL ENGINEERS, PLANNERS, & LAND SURVEYORS  
SERVING THE STATE OF FLORIDA

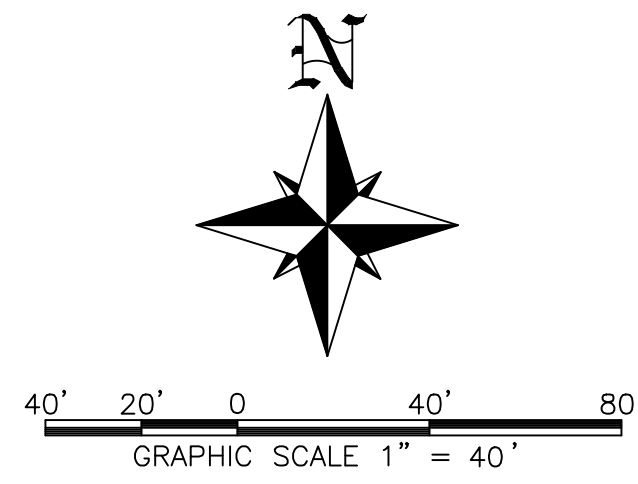
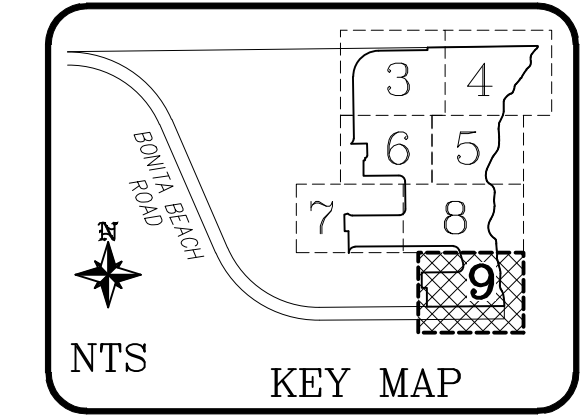
10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33966  
PHONE: 239-939-5490 FAX: 239-939-2523  
FLORIDA BUSINESS CERTIFICATE NUMBER LB 6690

# SEASONS AT BONITA PHASE TWO

A SUBDIVISION LYING IN SECTIONS 1 AND 2, TOWNSHIP 48 SOUTH, RANGE 26 EAST  
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA,  
BEING A REPLAT OF TRACT "B-3", TRACT "FD", TRACT "D-4",  
TRACT "L-8", AND TRACT "L-9", SEASONS AT BONITA,  
RECORDED IN INSTRUMENT NUMBER 2018000200311,  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

INSTRUMENT NUMBER \_\_\_\_\_

SHEET 9 OF 9



**LINE TABLE**

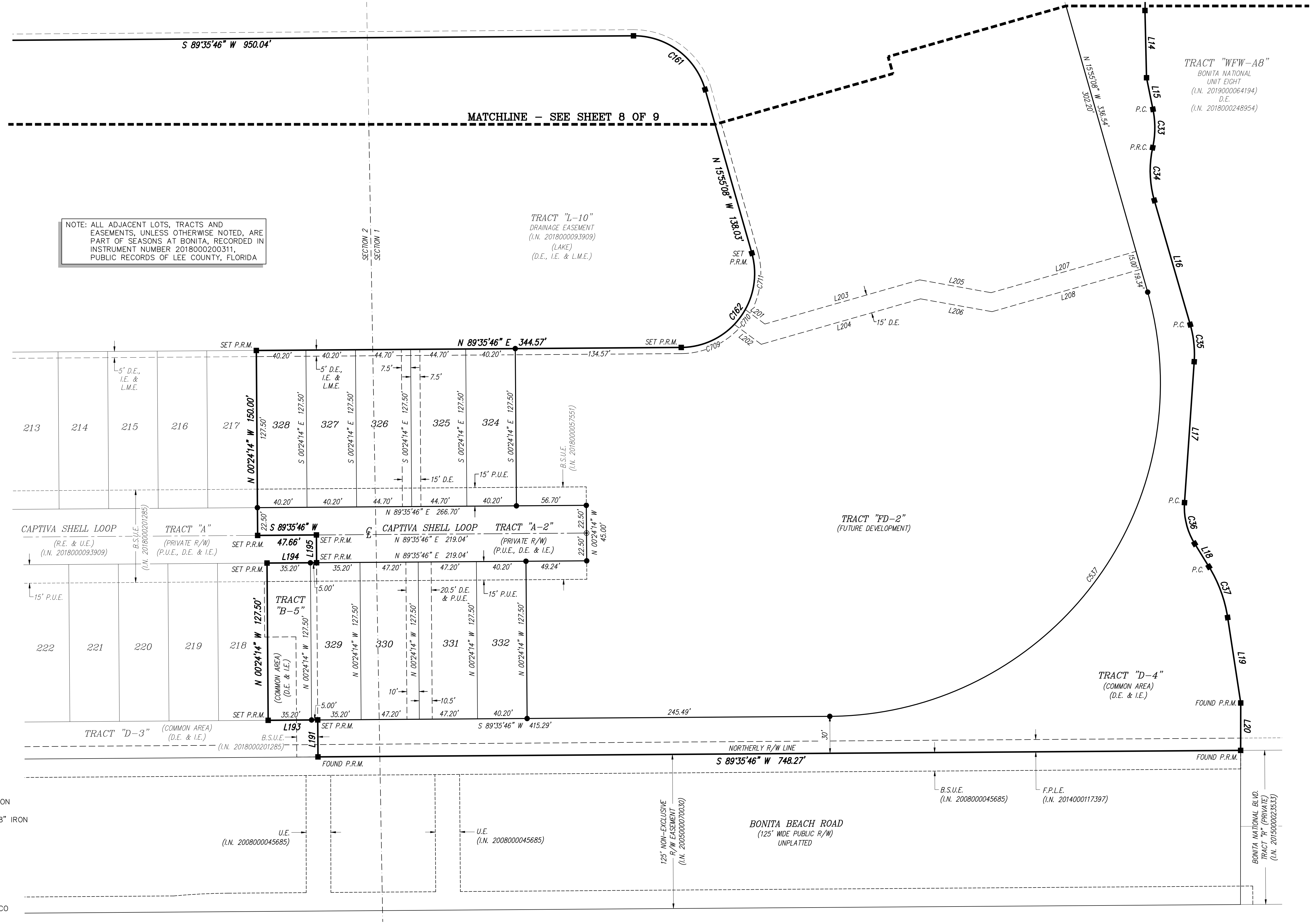
LINE	BEARING	DISTANCE
L14	S 01°20'37" E	54.56'
L15	S 11°33'05" E	26.09'
L16	S 16°06'30" E	104.81'
L17	S 03°55'16" W	114.57'
L18	S 31°43'00" E	22.00'
L19	S 08°42'31" E	70.09'
L20	S 00°04'22" W	38.50'
L191	N 00°24'14" W	30.00'
L193	S 89°35'46" W	40.20'
L194	N 89°35'46" E	40.20'
L195	N 00°24'14" W	22.50'
L201	S 53°36'45" E	19.75'
L202	S 53°36'45" E	27.11'
L203	N 74°04'52" E	130.48'
L204	N 74°04'52" E	134.37'
L205	S 79°48'46" E	58.88'
L206	S 79°48'46" E	58.88'
L207	N 74°04'52" E	122.24'
L208	N 74°04'52" E	125.71'

**CURVE TABLE**

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C33	75.00'	23°56'38"	31.34'	31.12'	S 00°25'15" W
C34	87.00'	28°30'04"	43.28'	42.83'	S 01°51'28" E
C35	87.00'	20°01'46"	30.41'	30.26'	S 06°05'37" E
C36	56.00'	35°38'16"	34.83'	34.27'	S 13°53'52" E
C37	110.00'	23°00'29"	44.17'	43.88'	S 20°12'46" E
C162	60.00'	105°30'54"	110.50'	95.53'	S 36°50'19" W
C537	270.00'	105°30'54"	497.23'	429.88'	N 36°50'19" E
C709	60.00'	46°01'40"	48.20'	46.91'	N 66°34'56" E
C710	60.00'	14°21'41"	15.04'	15.00'	N 36°23'15" E
C711	60.00'	45°07'33"	47.26'	46.04'	S 06°38'38" W
C161	60.00'	74°29'06"	78.00'	72.62'	S 53°09'41" E

- LEGEND**
- PG. - INDICATES PAGE
  - I.R. - INDICATES IRON ROD
  - C - INDICATES CENTERLINE
  - (NR) - INDICATES NON-RADIAL
  - R.P. - INDICATES RADIUS POINT
  - NTS - INDICATES NOT TO SCALE
  - R/W - INDICATES RIGHT-OF-WAY
  - 76 - INDICATES LOT NUMBER 76
  - U.E. - INDICATES UTILITY EASEMENT
  - LB - INDICATES LICENSED BUSINESS
  - P.T. - INDICATES POINT OF TANGENCY
  - R.E. - INDICATES ROADWAY EASEMENT
  - D.E. - INDICATES DRAINAGE EASEMENT
  - I.N. - INDICATES INSTRUMENT NUMBER
  - I.E. - INDICATES IRRIGATION EASEMENT
  - C.M. - INDICATES CONCRETE MONUMENT
  - P.C. - INDICATES POINT OF CURVATURE
  - ID.# - INDICATES IDENTIFICATION NUMBER
  - P.I. - INDICATES POINT OF INTERSECTION
  - O.R. - INDICATES OFFICIAL RECORDS BOOK
  - P.U.E. - INDICATES PUBLIC UTILITY EASEMENT
  - L1 - INDICATES LINE 1 OF THE LINE TABLE
  - S.P.C. - INDICATES STATE PLANE COORDINATES
  - L.M.E. - INDICATES LAKE MAINTENANCE EASEMENT
  - P.R.C. - INDICATES POINT OF REVERSE CURVATURE
  - C1 - INDICATES CURVE 1 OF THE CURVE TABLE
  - P.C.C. - INDICATES POINT OF COMPOUND CURVATURE
  - B.S.U.E. - INDICATES BONITA SPRINGS UTILITIES EASEMENT
  - F.P.L.E. - INDICATES FLORIDA POWER AND LIGHT EASEMENT
  - P.R.M. - INDICATES PERMANENT REFERENCE MONUMENT 5/8" IRON ROD AND CAP STAMPED P.R.M. BANKS ENG. LB 6690
  - S.P.R.M. - INDICATES SET PERMANENT REFERENCE MONUMENT 5/8" IRON ROD AND CAP STAMPED P.R.M. BANKS ENG. LB 6690

- SYMBOL LEGEND**
- ⊙ - INDICATES PERMANENT CONTROL POINT (P.C.P.), NAIL AND METAL DISK BEARING THE SURVEYOR'S CERTIFICATE NUMBER, TO BE SET IN ACCORDANCE WITH F.S. SECTION 177.091
  - - INDICATES BEGINNING OF CURVE OR ANGLE BREAK
  - - INDICATES FOUND PERMANENT REFERENCE MONUMENT 4"x4" CONCRETE MONUMENT STAMPED "P.R.M. BARRACO & ASSOC. LB 6940" UNLESS OTHERWISE SHOWN



NOTE: ALL ADJACENT LOTS, TRACTS AND EASEMENTS, UNLESS OTHERWISE NOTED, ARE PART OF SEASONS AT BONITA, RECORDED IN INSTRUMENT NUMBER 2018000200311, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

TRACT "L-10"  
DRAINAGE EASEMENT  
(I.N. 2018000093909)  
(LAKE)  
(D.E., I.E. & L.M.E.)

TRACT "FD-2"  
(FUTURE DEVELOPMENT)

TRACT "D-4"  
(COMMON AREA)  
(D.E. & I.E.)

BONITA BEACH ROAD  
(125' WIDE PUBLIC R/W)  
UNPLATTED

BONITA NATIONAL BLVD.  
TRACT "B"  
(PRIVATE)  
(I.N. 201500002353)

DOST17-40184-BOS / PLT17-43368-BOS

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

**7A**



This instrument was prepared by:

(This space reserved for Clerk)

HOPPING GREEN & SAMS P.A.  
119 South Monroe Street, Suite 300  
Tallahassee, Florida 32301

### **SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made to be effective as of the \_\_\_\_ day of April, 2021, by and between **Forestar (USA) Real Estate Group, Inc.**, a Delaware corporation, with an address of 10700 Pecan Park Blvd, Suite 150, Austin, TX 78750 ("**Grantor**"), and the **East Bonita Beach Road Community Development District**, a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes* ("**District**" or "**Grantee**") whose address is c/o Wrathell Hunt & Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

(Wherever used herein, the terms "Grantor" and "Grantee" include all of the parties to this instrument, the heirs, legal representatives and assigns of individuals, and the successors and assigns of trustees, partnerships, limited liability companies, governmental entities, and corporations.)

### **WITNESS**

THAT GRANTOR, for good and valuable consideration to it in hand paid by Grantee, the receipt and sufficiency whereof are hereby acknowledged, hereby grants, bargains and conveys to Grantee forever, all of the right, title, interest, claim and demand which the Grantor has in and to the lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, and more particularly described in **Exhibit A** attached hereto ("**Property**").

Such conveyance is subject to all matters of record; however, reference hereto shall not operate to re-impose the same. The Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple and that the Grantor has good right and lawful authority to sell and convey said land. Further, the Grantor hereby warrants the title to said land and will defend the same against the lawful claims of all persons or entities whomsoever claiming by, through or under Grantor, but against none other.

### **RESERVATION OF EASEMENT**

Grantor hereby reserves unto itself and its successors and assigns, and, to the extent required, Grantee by acceptance hereby gives and grants unto Grantor and its successors and assigns, non-exclusive easements for ingress and egress over, upon and across the Property conveyed hereby, together with the rights to maintain, repair, plant, mow, cultivate, irrigate, improve and care for all landscaping and related aesthetic features, and the right to maintain, repair and replace and improve any improvements now or hereafter located on the Property including, but not limited to, drainage improvements, sidewalks, trails and related features; provided, however, that Grantor's reservation of rights hereunder shall not be deemed to impose any obligations on Grantor to maintain, repair or replace any part of the Property or improvements located thereon.

**IN WITNESS WHEREOF**, Grantor has caused these presents to be executed to be effective as of the day and year first above written.

**WITNESSES**

**FORESTAR (USA) REAL ESTATE GROUP, INC.**  
a Delaware corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**STATE OF** \_\_\_\_\_  
**COUNTY OF** \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_, as \_\_\_\_\_ of FORESTAR (USA) REAL ESTATE GROUP, INC., a Delaware corporation, on its behalf who appeared before me this day in person, and who is either personally known to me, or produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF \_\_\_\_\_

(NOTARY SEAL)

Name: \_\_\_\_\_  
(Name of Notary Public, Printed, Stamped or  
Typed as Commissioned)

**EXHIBIT A**  
**Legal Description**

All of Tracts L-8, L-9 and D-4, Seasons at Bonita Phase Two, according to the map of plat thereof, recorded in Instrument Number 2021000025247, public records of Lee County, Florida.

DRAFT

**TRANSFER CERTIFICATION PURSUANT TO SECTION 1.1445-2  
(SECTION 1445 WITHHOLDING INTERNAL REVENUE CODE)**

Section 1445 of the Internal Revenue Code provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. For U.S. tax purposes (including section 1445), the owner of a disregarded entity (which has legal title to a U.S. real property interest under local law) will be the transferor of the property and not the disregarded entity. To inform the transferee that withholding of tax is not required upon the disposition of a U.S. real property interest (refer to **Exhibit A** hereto annexed for description of such property) by Forestar (USA) Real Estate Group, Inc. (Seller), the undersigned hereby certifies the following on behalf of Seller:

1. Seller is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations);
2. Seller is not a disregarded entity as defined in Section 1.1445-2(b)(2)(iii);
3. Seller's U.S. employer identification number is 74-1213624; and
4. Seller's office address is 10700 Pecan Park Boulevard, Suite 150, Austin, Texas 78750.

Seller understands that this certification may be disclosed to the Internal Revenue Service by transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury, I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct and complete, and I further declare that I have authority to sign this document on behalf of Seller.

DATED: \_\_\_\_\_, 2021

SELLER

**FORESTAR (USA) REAL ESTATE GROUP, INC.**

a Delaware corporation

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

**EXHIBIT A – LEGAL DESCRIPTION**

All of Tracts L-8, L-9 and D-4, Seasons at Bonita Phase Two, according to the map of plat thereof, recorded in Instrument Number 2021000025247, public records of Lee County, Florida.

DRAFT

## CLOSING STATEMENT

Seller: **Forestar (USA) Real Estate Group, Inc.**

Purchaser: **East Bonita Beach Road Community Development District**

Closing Agent: \_\_\_\_\_

Property: **Approximately 13.81 acres located in Lee County, Florida ("Real Property")**

Closing Date: \_\_\_\_\_, **2021**

Real Property Purchase Price: \_\_\_\_\_

Amount Available from Series 2021 Bonds for Real Property Transaction:

Documentary Stamps:

Recording Costs:

Title Insurance:

Net Amount to Be Wired by Closing Agent to Seller at Closing: \_\_\_\_\_

### Notes:

1. This is the amount that will be wired to the Closing Agent. Wiring instructions are included as Exhibit B.
2. The provisions of this Closing Statement shall survive the Closing and shall not be merged into any of the documents executed and delivered in connection with the Closing. In the event of any errors in this Closing Statement, the parties agree to make appropriate adjustments.
3. The Seller represents that the purchase price for the Real Property described in this Closing Statement is equal to the lesser of the Seller's cost basis in the Real Property or the appraised value of such Real Property, as described in the *Appraisal Report* dated August 25, 2020. Further, the Seller represents that such price does not include the value of any Improvements constructed on the Real Property.
4. The Closing Agent will pay all closing costs from the Series 2021 Bonds, but because these are Seller obligations, such costs will be counted against the amounts owed to Seller. This Closing Statement is governed by the terms of that *Acquisition Agreement* between the Seller and the Buyer/District ("Acquisition Agreement"). Pursuant to the Acquisition Agreement, and without intending to change the terms thereof, the proceeds from the District's Series 2021 Bonds may be insufficient to pay the full purchase price, in which case the District shall have no further payment obligation.
5. The undersigned acknowledge that in preparing this Closing Statement, Closing Agent, has necessarily relied upon information by others and, therefore, cannot warrant the accuracy of that information.
6. This Closing Statement has been reviewed and approved and Closing Agent is irrevocably authorized and directed to complete the Closing of the transaction and make disbursement in accordance herewith. Seller and Purchaser authorize Closing Agent to disburse sums in the manner as is set forth above. This Closing Statement may be executed in multiple counterparts and by facsimile.

[CONTINUED ON FOLLOWING PAGE]

DRAFT

**FORESTAR (USA) REAL ESTATE GROUP, INC.,**  
a Delaware corporation

**EAST BONITA BEACH ROAD COMMUNITY  
DEVELOPMENT DISTRICT**, a local unit of special-  
purpose government established pursuant to  
Chapter 190, *Florida Statutes*

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Exhibit A: Legal Description  
Exhibit B: Wire Instructions for Seller

DRAFT



**Exhibit A: Legal Description and Valuation**

All of Tracts L-8, L-9 and D-4, Seasons at Bonita Phase Two, according to the map of plat thereof, recorded in Instrument Number 2021000025247, public records of Lee County, Florida.

DRAFT

**Land Valuation Information**

<b>TRACT</b>	<b>FOLIO ID</b>	<b>PARCEL ID</b>	<b>TYPE OF TRACT</b>	<b>ACREAGE PER PROPRTY APPRAISER</b>	<b>LESSER OF LAND VALUE OR COST BASIS</b>	<b>TOTAL LAND VALUE</b>
L-8	10587459	02-48-26-B1-080L8.0000	Drainage Easement	2.57		\$280,000
L-9	10587460	02-48-26-B1-080L9.0000	Drainage Easement	6.71		\$740,000
D-4	10587449	01-48-26-B1-080D4.0000	Common Area	4.53		\$530,000

**TOTAL:                    \$1,550,000.00**

**Exhibit B: Wire Instructions for Seller**

DRAFT

**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**7B**

## GENERAL ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS GENERAL ASSIGNMENT AND ASSUMPTION AGREEMENT (this "Assignment") is made this \_\_\_\_ day of \_\_\_\_\_ 2021 (the "Effective Date"), by and between **FORESTAR (USA) REAL ESTATE GROUP, INC.**, a Delaware corporation ("Assignor"), and **EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes ("Assignee").

### WITNESSETH:

WHEREAS, Assignor has on the date hereof conveyed unto Assignee certain real property lying and being in Lee County, Florida, more particularly described on Exhibit A, attached hereto and incorporated herein by reference (the "Land"); and

WHEREAS, in connection with the conveyance of the Land, Assignor and Assignee intend that certain related assets with respect to the Land be assigned and transferred by Assignor to Assignee.

NOW, THEREFORE, in consideration of the foregoing premises, the sum of Ten and No/100 Dollars (\$10.00) in hand paid by Assignee to Assignor at and before the execution, sealing and delivery hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby convey and agree, and Assignee does hereby agree, as follows:

1. Assignment.

(a) As of the Effective Date Assignor hereby assigns, conveys, sets over and transfers to Assignee all rights, title, interest, powers, privileges, benefits and options of Assignor, if any, or otherwise accruing to the owner of the Land, in, to and under, all of the following (collectively, the "Assigned Interests"):

(i) Plans and Specifications. All architectural and engineering plans, drawings and specifications developed by Assignor pertaining to the Land;

(ii) Licenses and Permits. All of the right, title, interest, powers, privileges, benefits and options of Assignor, or otherwise accruing to the owner of the Land, in, to and under any and all certificates of occupancy, licenses, permits, and other governmental approvals pertaining to the Land, and the use thereof; and

(iii) Warranties. All existing warranties pertaining to the Land, to the extent assignable.;

(b) Assignor does not warrant the quality or nature of Assignor's title to or ownership of the Assigned Interests. Assignor does warrant that Assignor has not previously transferred, sold, conveyed, assigned or encumbered Assignor's interest, if any, in the Assigned Interests.

(c) To the extent that any of the Assigned Interests also pertain to real property owned by Assignor on the Effective Date which is separate and distinct from the Land, then Assignor and Assignee acknowledge and agree that as to any such of the Assigned Interests that this Assignment shall

be on a non-exclusive basis and the Assigned Interests received by Assignee hereunder shall not extend or relate to any of the real property which is retained by Assignor.

2. Acceptance. Assignee hereby accepts the assignment of the Assigned Interests as of the Effective Date.

3. Indemnification.

(a) Assignor shall, and does hereby, indemnify, defend and forever hold harmless Assignee from, against, and in respect of any and all liabilities, damages, losses, costs and expenses of any kind or nature whatsoever (including reasonable and actual attorneys' fees and disbursements) suffered, incurred or sustained by Assignee as a result, by reason of or in connection with: (i) the acts or omissions of Assignor with respect to the Assigned Interests prior to the Effective Date; or (ii) the duties or obligations of Assignor under or with respect to the Assigned Interests arising prior to the Effective Date.

(b) Subject to and without waiver of the provisions of Section 768.28, Florida Statutes, Assignee shall, and does hereby, indemnify, defend and forever hold harmless Assignor from, against, and in respect of any and all liabilities, damages, losses, costs and expenses of any kind or nature whatsoever (including reasonable and actual attorneys' fees and disbursements) suffered, incurred or sustained by Assignor as a result, by reason of or in connection with: (i) the acts or omissions of Assignee with respect to the Assigned Interests from and after the Effective Date; or (ii) the duties or obligations of Assignee under or with respect to the Assigned Interests arising from and after the Effective Date.

4. Further Assurances. Assignor shall do all such additional and further acts and shall execute and deliver all such additional and further instruments and documents, as Assignee or Assignee's counsel may reasonably require fully to vest in and assure to Assignee full right, title, and interest in and to the Assigned Interests to the full extent contemplated by this Assignment.

5. Miscellaneous. This Assignment shall be binding upon and enforceable against, and shall inure to the benefit of, Assignor and Assignee and their respective legal representatives, successors and assigns. This Assignment shall be governed by, construed under, and interpreted and enforced in accordance with the laws of the State of Florida. This Assignment may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts together shall constitute one and the same instrument.

[Signatures on following page]

IN WITNESS WHEREOF, Assignor has caused its duly authorized representative, to execute, seal and deliver this Assignment, and Assignee has caused its duly authorized representatives to execute, seal and accept delivery of this Assignment, all the day and year first written above.

Signed, sealed and delivered  
in the presence of:

ASSIGNOR:

**FORESTAR (USA) REAL ESTATE GROUP, INC.**  
a Delaware corporation

Witness:

\_\_\_\_\_  
Name: \_\_\_\_\_

Witness:

\_\_\_\_\_  
Name: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_, as \_\_\_\_\_ of FORESTAR (USA) REAL ESTATE GROUP, INC., on its behalf, who appeared before me this day in person, and who is either personally known to me, or produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_

State of Florida at Large

Commission Expires: \_\_\_\_\_

(NOTARY SEAL)

[SIGNATURES CONTINUED ON NEXT PAGE]

[SIGNATURES CONTINUE FROM PREVIOUS PAGE]

Signed, sealed and delivered  
in the presence of:

ASSIGNEE:

**EAST BONITA BEACH ROAD COMMUNITY  
DEVELOPMENT DISTRICT**, a local unit of special-  
purpose government established pursuant to  
Chapter 190, Florida Statutes.

Witness:

\_\_\_\_\_  
Name: \_\_\_\_\_

Witness:

\_\_\_\_\_  
Name: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_, as Chairman/Vice Chairman of the East Bonita Beach Road Community Development District, a local unit of special purpose government established pursuant to Chapter 190, Florida Statutes, on behalf of the District. He/She is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_

State of Florida at Large

Commission Expires: \_\_\_\_\_

(NOTARY SEAL)

**Exhibit A to General Assignment**

All of Tracts L-8, L-9 and D-4, Seasons at Bonita Phase Two, according to the map of plat thereof, recorded in Instrument Number 2021000025247, public records of Lee County, Florida.

DRAFT



**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**8**

\_\_\_\_\_, 2021

East Bonita Beach Road Community Development District  
c/o Chuck Adams  
Wrathell Hunt & Associates  
2300 Glades Road, Suite 410W  
Boca Raton, FL 33431

Re: East Bonita Beach Road Community Development District  
Acquisition of Remaining Assessment Area One Project Improvements

Dear Mr. Adams:

Pursuant to the *Agreement by and between the East Bonita Beach Road Community Development District and Forestar (USA) Real Estate Group, Inc., Regarding the Acquisition of Certain Work Product, Improvements and Real Property – Series 2018 Bonds*, dated September 20, 2018, you are hereby notified that Forestar (USA) Real Estate Group Inc. (“Landowner”), has completed and wishes to sell to the East Bonita Beach Road Community Development District (“District”) certain remaining roadway, buffer, landscape, hardscape and irrigation improvements, and stormwater management improvements (“Improvements”) included in the “Assessment Area One Project” as described the *Engineer’s Report for the East Bonita Beach Road Community Development District*, dated January 9, 2018, and more specifically described in **Exhibit A** attached hereto.

Notwithstanding anything to the contrary herein, certain amounts may still be owed to contractors (balance to finish & retainage) and Landowner agrees to timely make payment for all remaining amounts owed, and to ensure that no liens are placed on the Improvements with no additional expense to the District. Also, the Landowner agrees to convey or cause to be conveyed when finalized any and all site plans, construction and development drawings, plans and specifications, surveys, engineering and soil reports and studies, and approvals (including but not limited to licenses, permits, zoning approvals, etc.), pertaining or applicable to or in any way connected with the development, construction, and ownership of the Improvements described in such subparagraphs.

Sincerely,

---

Forestar (USA) Real Estate Group Inc.

cc: David Underhill, District Engineer  
Jennifer Kilinski, District Counsel

**Exhibit A**  
**Identification of Improvements**

**All roadway improvements including paving, curb, gutter, and storm piping, all as located within the public rights-of-way designated as Tract \_\_\_\_\_, Seasons at Bonita – as recorded in Pages 1-18 of Instrument Number 2018000233011 in the Official Records of Lee County, Florida.**

	<u>Amount</u>
Juniper Landscaping of Florida, LLC	\$194,705.30
Contract Date:	

Tropical Fence, Inc.	\$8,744.44
Contract Date:	

The Italian Terrazzo & Mosaic Co., Inc.	\$1,560.00
Contract Date:	

**All buffers, including walls, structures and common area improvements, all as located within Tracts \_\_\_\_\_ (Buffer/Common Area Tracts), Seasons at Bonita – recorded in pages 1-18 of Instrument Number 2018000233011 in the Official Records of Lee County, Florida.**

	<u>Amount</u>
Juniper Landscaping of Florida, LLC	\$379,965.75
Contract Date:	

**All irrigation systems, including but not limited to wells, pumps, lines, spray heads, and related system components, all as located within Tracts \_\_\_\_\_, Seasons at Bonita – recorded in pages 1-18 of Instrument Number 2018000233011 in the Official Records of Lee County, Florida.**

	<u>Amount</u>
Juniper Landscaping of Florida, LLC	\$500,995.23
Contract Date:	

**All of the work associated with mitigation, including annual monitoring, observations, surveys, exotic vegetation removal and maintenance, all as located within Tracts \_\_\_\_\_, Seasons at Bonita – recorded in pages 1-18 of Instrument Number 2018000233011 in the Official Records of Lee County, Florida.**

	<u>Amount</u>
Juniper Landscaping of Florida, LLC	\$25,835.00
Contract Date:	

**All of the work product relating to the Assessment Area One Project, including all plans, designs, construction and development drawings, engineering and soil reports and studies, surveys, testing, permits, approvals, and other work product.**

	<u>Amount</u>
Universal Engineering Sciences	

King Engineering Associates, Inc.

Banks Engineering

**AFFIDAVIT REGARDING COSTS PAID**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I, Michael Quinley, as President-East Region of Forestar (USA) Real Estate Group Inc., a Delaware corporation (“Landowner”), being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Michael Quinley, and I am President – East Region of the Landowner. I have authority to make this affidavit on behalf of Landowner.
3. Landowner is the landowner of certain lands within the East Bonita Beach Road Community Development District, a special purpose unit of local government established pursuant to Chapter 190, *Florida Statutes* (“District”).
4. The District’s *Engineer’s Report for the East Bonita Beach Road Community Development District*, dated January 9, 2018 (“Engineer’s Report”) describes certain public infrastructure improvements and/or work product that the District intends to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, or maintain pursuant to Chapter 190, *Florida Statutes*.
5. Pursuant to contracts in place between Landowner and certain contractors and construction related professionals, as may be more particularly identified on the attached **Exhibit A**, Landowner has expended funds to develop improvements that are included and described in the Engineer’s Report and are part of the District’s capital improvement plan. The attached **Exhibit A** accurately identifies the completed Improvements and states, at least in part, the amounts that Landowner has spent on the completed improvements through the date of execution of this affidavit.
6. In making this affidavit, I understand that the District intends to rely on this affidavit for purposes of acquiring the completed improvements that Landowner has developed consistent with the Engineer’s Report.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Executed this \_\_\_\_ day of \_\_\_\_\_, 2021.

**FORESTAR (USA) REAL ESTATE GROUP  
INC., a Delaware corporation**

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2021, by Michael Quinley, as President-East Region of Forestar (USA) Real Estate Group Inc., a Delaware corporation, and who has personally appeared before me and is personally known to me.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
(Name typed, printed or stamped)  
Notary Public, State of \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**ACKNOWLEDGMENT OF ACQUISITION OF CERTAIN INFRASTRUCTURE  
IMPROVEMENTS AND THE RIGHT TO RELY UPON ANY WARRANTIES AND  
CONTRACT TERMS FOR THE CONSTRUCTION OF SAME**

THIS ACQUISITION AND WARRANTY ACKNOWLEDGMENT is made the \_\_\_ day of \_\_\_\_\_, 2021 by **Juniper Landscaping of Florida, LLC**, with a mailing address of 5880 Staley Road, Fort Myers, Florida 33905 (“Contractor”), in favor of the **East Bonita Beach Road Community Development District** (“District”), which is a local unit of special-purpose government situated in Lee County, Florida, and having offices located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

**SECTION 1. DESCRIPTION OF CONTRACTOR’S SERVICES.** Contractor has provided construction services as general contractor in connection with the construction of certain infrastructure improvements (“Improvements”) for Forestar (USA) Real Estate Group Inc., a Delaware corporation, and landowner of lands within the District (“Landowner”). A copy of the contract for the construction of said Improvements is attached as **Exhibit A** (“Construction Contract”). The Improvements constructed and acquired are more generally described in the attached **Exhibit B**.

**SECTION 2. ACQUISITION OF IMPROVEMENTS.** Contractor acknowledges that the District is or has acquired the Improvements, constructed by Contractor in connection with the Construction Contract attached as Exhibit A, from Landowner, and thereby securing the unrestricted right to rely upon the terms of the Construction Contract for same.

**SECTION 3. WARRANTY.** Contractor hereby expressly acknowledges the District’s right to enforce the terms of the Construction Contract, including any warranties provided therein and to rely upon and enforce any other warranties provided under Florida law.

**SECTION 4. INDEMNIFICATION.** Contractor indemnifies and holds the District harmless from any claims, demands, liabilities, judgments, costs, or other actions that may be brought against or imposed upon the District in connection with the Improvements identified in **Exhibit B** because of any act or omission of Contractor, its agents, employees, or officers. Said indemnification shall include, but not be limited to, any reasonable attorney’s fees and costs incurred by the District.

**SECTION 5. CERTIFICATE OF PAYMENT.** Contractor hereby acknowledges that it has been compensated at least \$ \_\_\_\_\_ through execution of this Acknowledgement for its services and work directly related to completion of the Improvements. Contractor further certifies that approximately \$ \_\_\_\_\_ left in outstanding balance to complete and retainage exists to close out the services and work directly related to the Improvements identified in **Exhibit B**, including any payments to subcontractors, materialmen, suppliers or otherwise, and that there is no disagreement as to the appropriateness of payment made for the Improvements. This document shall constitute a waiver and release of lien for payments due to Contractor by Landowner for the Improvements identified in **Exhibit B**, up to the amount specified in this Section 5.

**SECTION 6. EFFECTIVE DATE.** This Acquisition and Warranty Acknowledgement shall take effect upon execution.

ATTEST

**JUNIPER LANDSCAPING OF  
FLORIDA, LLC**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
[print name]

By: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
[print name]

DRAFT

**ACKNOWLEDGMENT OF ACQUISITION OF CERTAIN INFRASTRUCTURE  
IMPROVEMENTS AND THE RIGHT TO RELY UPON ANY WARRANTIES AND  
CONTRACT TERMS FOR THE CONSTRUCTION OF SAME**

**THIS ACQUISITION AND WARRANTY ACKNOWLEDGMENT** is made the \_\_\_ day of \_\_\_\_\_, 2021, by **Triple J Grassing, LLC**, with a mailing address of 2360 Prince Street, Fort Myers, Florida 33916 (“Contractor”), in favor of the **East Bonita Beach Road Community Development District** (“District”), which is a local unit of special-purpose government situated in Lee County, Florida, and having offices located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

**SECTION 1. DESCRIPTION OF CONTRACTOR’S SERVICES.** Contractor has provided construction services as general contractor in connection with the construction of certain infrastructure improvements (“Improvements”) for Forestar (USA) Real Estate Group Inc., a Delaware corporation, and landowner of lands within the District (“Landowner”). A copy of the contract for the construction of said Improvements is attached as **Exhibit A** (“Construction Contract”). The Improvements constructed and acquired are more generally described in the attached **Exhibit B**.

**SECTION 2. ACQUISITION OF IMPROVEMENTS.** Contractor acknowledges that the District is or has acquired the Improvements, constructed by Contractor in connection with the Construction Contract attached as Exhibit A, from Landowner, and thereby securing the unrestricted right to rely upon the terms of the Construction Contract for same.

**SECTION 3. WARRANTY.** Contractor hereby expressly acknowledges the District’s right to enforce the terms of the Construction Contract, including any warranties provided therein and to rely upon and enforce any other warranties provided under Florida law.

**SECTION 4. INDEMNIFICATION.** Contractor indemnifies and holds the District harmless from any claims, demands, liabilities, judgments, costs, or other actions that may be brought against or imposed upon the District in connection with the Improvements identified in **Exhibit B** because of any act or omission of Contractor, its agents, employees, or officers. Said indemnification shall include, but not be limited to, any reasonable attorney’s fees and costs incurred by the District.

**SECTION 5. CERTIFICATE OF PAYMENT.** Contractor hereby acknowledges that it has been fully compensated for its services and work related to completion of the Improvements, which is approximately \$310,507.88. Contractor further certifies that no outstanding requests for payment exist related to the Improvements identified in **Exhibit B**, including any payments to subcontractors, materialmen, suppliers or otherwise, and that there is no disagreement as to the appropriateness of payment made for the Improvements. This document shall constitute a final waiver and release of lien for any payments due to Contractor by Landowner for the Improvements identified in **Exhibit B**.

**SECTION 6. EFFECTIVE DATE.** This Acquisition and Warranty Acknowledgement shall take effect upon execution.



ATTEST

TRIPLE J GRASSING, LLC

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
[print name]

By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
[print name]

DRAFT

**ACKNOWLEDGMENT OF ACQUISITION OF CERTAIN INFRASTRUCTURE  
IMPROVEMENTS AND THE RIGHT TO RELY UPON ANY WARRANTIES AND  
CONTRACT TERMS FOR THE CONSTRUCTION OF SAME**

**THIS ACQUISITION AND WARRANTY ACKNOWLEDGMENT** is made the \_\_\_ day of \_\_\_\_\_, 2021, by **Tropical Fence, Inc.**, with a mailing address of 2869 NW 10<sup>th</sup> Court, Suite B, Fort Lauderdale, Florida 33311 (“Contractor”), in favor of the **East Bonita Beach Road Community Development District** (“District”), which is a local unit of special-purpose government situated in Lee County, Florida, and having offices located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

**SECTION 1. DESCRIPTION OF CONTRACTOR’S SERVICES.** Contractor has provided construction services as general contractor in connection with the construction of certain infrastructure improvements (“Improvements”) for Forestar (USA) Real Estate Group Inc., a Delaware corporation, and landowner of lands within the District (“Landowner”). A copy of the contract for the construction of said Improvements is attached as **Exhibit A** (“Construction Contract”). The Improvements constructed and acquired are more generally described in the attached **Exhibit B**.

**SECTION 2. ACQUISITION OF IMPROVEMENTS.** Contractor acknowledges that the District is or has acquired the Improvements, constructed by Contractor in connection with the Construction Contract attached as Exhibit A, from Landowner, and thereby securing the unrestricted right to rely upon the terms of the Construction Contract for same.

**SECTION 3. WARRANTY.** Contractor hereby expressly acknowledges the District’s right to enforce the terms of the Construction Contract, including any warranties provided therein and to rely upon and enforce any other warranties provided under Florida law.

**SECTION 4. INDEMNIFICATION.** Contractor indemnifies and holds the District harmless from any claims, demands, liabilities, judgments, costs, or other actions that may be brought against or imposed upon the District in connection with the Improvements identified in **Exhibit B** because of any act or omission of Contractor, its agents, employees, or officers. Said indemnification shall include, but not be limited to, any reasonable attorney’s fees and costs incurred by the District.

**SECTION 5. CERTIFICATE OF PAYMENT.** Contractor hereby acknowledges that it has been fully compensated for its services and work related to completion of the Improvements, which is approximately \$310,507.88. Contractor further certifies that no outstanding requests for payment exist related to the Improvements identified in **Exhibit B**, including any payments to subcontractors, materialmen, suppliers or otherwise, and that there is no disagreement as to the appropriateness of payment made for the Improvements. This document shall constitute a final waiver and release of lien for any payments due to Contractor by Landowner for the Improvements identified in **Exhibit B**.

**SECTION 6. EFFECTIVE DATE.** This Acquisition and Warranty Acknowledgement shall take effect upon execution.

ATTEST

**TROPICAL FENCE, INC.**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
[print name]

By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
[print name]

DRAFT

**ACKNOWLEDGMENT OF ACQUISITION OF CERTAIN INFRASTRUCTURE  
IMPROVEMENTS AND THE RIGHT TO RELY UPON ANY WARRANTIES AND  
CONTRACT TERMS FOR THE CONSTRUCTION OF SAME**

THIS ACQUISITION AND WARRANTY ACKNOWLEDGMENT is made the \_\_\_ day of \_\_\_\_\_, 2021, by **The Italian Terrazzo & Mosaic Co. Inc.**, with a mailing address of 8624 Bridle Path Court, Davie, Florida 33328 (“Contractor”), in favor of the **East Bonita Beach Road Community Development District** (“District”), which is a local unit of special-purpose government situated in Lee County, Florida, and having offices located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

**SECTION 1. DESCRIPTION OF CONTRACTOR’S SERVICES.** Contractor has provided construction services as general contractor in connection with the construction of certain infrastructure improvements (“Improvements”) for Forestar (USA) Real Estate Group Inc., a Delaware corporation, and landowner of lands within the District (“Landowner”). A copy of the contract for the construction of said Improvements is attached as **Exhibit A** (“Construction Contract”). The Improvements constructed and acquired are more generally described in the attached **Exhibit B**.

**SECTION 2. ACQUISITION OF IMPROVEMENTS.** Contractor acknowledges that the District is or has acquired the Improvements, constructed by Contractor in connection with the Construction Contract attached as Exhibit A, from Landowner, and thereby securing the unrestricted right to rely upon the terms of the Construction Contract for same.

**SECTION 3. WARRANTY.** Contractor hereby expressly acknowledges the District’s right to enforce the terms of the Construction Contract, including any warranties provided therein and to rely upon and enforce any other warranties provided under Florida law.

**SECTION 4. INDEMNIFICATION.** Contractor indemnifies and holds the District harmless from any claims, demands, liabilities, judgments, costs, or other actions that may be brought against or imposed upon the District in connection with the Improvements identified in **Exhibit B** because of any act or omission of Contractor, its agents, employees, or officers. Said indemnification shall include, but not be limited to, any reasonable attorney’s fees and costs incurred by the District.

**SECTION 5. CERTIFICATE OF PAYMENT.** Contractor hereby acknowledges that it has been fully compensated for its services and work related to completion of the Improvements, which is approximately \$310,507.88. Contractor further certifies that no outstanding requests for payment exist related to the Improvements identified in **Exhibit B**, including any payments to subcontractors, materialmen, suppliers or otherwise, and that there is no disagreement as to the appropriateness of payment made for the Improvements. This document shall constitute a final waiver and release of lien for any payments due to Contractor by Landowner for the Improvements identified in **Exhibit B**.

**SECTION 6. EFFECTIVE DATE.** This Acquisition and Warranty Acknowledgement shall take effect upon execution.

ATTEST

**THE ITALIAN TERRAZZO &  
MOSAIC CO., INC.**

\_\_\_\_\_

\_\_\_\_\_  
[print name]

\_\_\_\_\_

\_\_\_\_\_  
[print name]

\_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

DRAFT

**ACKNOWLEDGMENT OF ACQUISITION OF CERTAIN INFRASTRUCTURE  
IMPROVEMENTS AND THE RIGHT TO RELY UPON ANY WARRANTIES AND  
CONTRACT TERMS FOR THE CONSTRUCTION OF SAME**

**THIS ACQUISITION AND WARRANTY ACKNOWLEDGMENT** is made the \_\_\_ day of \_\_\_\_\_, 2021, by **Florida Fountains and Equipment, LLC**, with a mailing address of 17252 Alico Center Road, Suite 2, Fort Myers, Florida 33967 (“Contractor”), in favor of the **East Bonita Beach Road Community Development District** (“District”), which is a local unit of special-purpose government situated in Lee County, Florida, and having offices located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

**SECTION 1. DESCRIPTION OF CONTRACTOR’S SERVICES.** Contractor has provided construction services as general contractor in connection with the construction of certain infrastructure improvements (“Improvements”) for Forestar (USA) Real Estate Group Inc., a Delaware corporation, and landowner of lands within the District (“Landowner”). A copy of the contract for the construction of said Improvements is attached as **Exhibit A** (“Construction Contract”). The Improvements constructed and acquired are more generally described in the attached **Exhibit B**.

**SECTION 2. ACQUISITION OF IMPROVEMENTS.** Contractor acknowledges that the District is or has acquired the Improvements, constructed by Contractor in connection with the Construction Contract attached as Exhibit A, from Landowner, and thereby securing the unrestricted right to rely upon the terms of the Construction Contract for same.

**SECTION 3. WARRANTY.** Contractor hereby expressly acknowledges the District’s right to enforce the terms of the Construction Contract, including any warranties provided therein and to rely upon and enforce any other warranties provided under Florida law.

**SECTION 4. INDEMNIFICATION.** Contractor indemnifies and holds the District harmless from any claims, demands, liabilities, judgments, costs, or other actions that may be brought against or imposed upon the District in connection with the Improvements identified in **Exhibit B** because of any act or omission of Contractor, its agents, employees, or officers. Said indemnification shall include, but not be limited to, any reasonable attorney’s fees and costs incurred by the District.

**SECTION 5. CERTIFICATE OF PAYMENT.** Contractor hereby acknowledges that it has been fully compensated for its services and work related to completion of the Improvements, which is approximately \$310,507.88. Contractor further certifies that no outstanding requests for payment exist related to the Improvements identified in **Exhibit B**, including any payments to subcontractors, materialmen, suppliers or otherwise, and that there is no disagreement as to the appropriateness of payment made for the Improvements. This document shall constitute a final waiver and release of lien for any payments due to Contractor by Landowner for the Improvements identified in **Exhibit B**.

**SECTION 6. EFFECTIVE DATE.** This Acquisition and Warranty Acknowledgement shall take effect upon execution.

ATTEST

**FLORIDA FOUNTAINS &  
EQUIPMENT, LLC**

\_\_\_\_\_

\_\_\_\_\_  
[print name]

\_\_\_\_\_

\_\_\_\_\_  
[print name]

\_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

DRAFT

**WARRANTY AND RELEASE OF RESTRICTIONS ON THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT'S RIGHT TO USE AND RELY UPON DRAWINGS, PLANS, SPECIFICATIONS AND RELATED DOCUMENTS CREATED OR UNDERTAKEN IN CONNECTION WITH THE CONSTRUCTION OF CERTAIN INFRASTRUCTURE IMPROVEMENTS**

**THIS WARRANTY AND RELEASE** is made the \_\_\_ day of \_\_\_\_\_, 2021, by David R. Underhill Jr., Vice President of Banks Engineering, whose address is 10511 Six Mile Cypress Parkway, Fort Myer, FL 33966, ("Professional"), in favor of the **East Bonita Beach Road Community Development District** ("District"), which is a local unit of special-purpose government situated in Lee County, Florida, and having offices located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

**SECTION 1. DESCRIPTION OF SCOPE OF SERVICES.** Professional has provided work product in connection with the construction/installation of certain infrastructure improvements for Forestar (USA) Real Estate Group Inc., a landowner within the District ("Landowner"). An outline of the scope of services provided by Professional is attached as **Exhibit A** ("Work Product").

**SECTION 2. USE OF WORK PRODUCT.** Professional acknowledges that the Landowner may in the future convey the Work Product to the District and for that purpose has requested Professional to confirm the release of all restrictions on the District's right to use and rely upon the Work Product.

**SECTION 3. WARRANTY.** Professional hereby expressly guarantees that the Work Product identified in **Exhibit A** is fit for any and all purposes, including the purposes for which it is intended. This expressed warranty shall not serve to eliminate any responsibility of Professional for the Work Product under Florida Statutes or case law, or to exclude any implied warranties and responsibilities.

**SECTION 4. RELEASES.** Premised upon the District's agreement to make no revisions or modifications to the Work Product without prior written permission of Professional, Professional confirms the release of all restrictions upon the District's right to use and rely upon the Work Product for any and all purposes, including the purposes for which it is intended. Professional hereby affirmatively agrees that the Work identified in **Exhibit A** is free of all claims, security agreement, encumbrances or liens.

**SECTION 5. CERTIFICATE OF PAYMENT.** Professional hereby acknowledges that it has been compensated for its services and work related to completion of the Work Product in the approximate amount of \$ \_\_\_\_\_ as of execution of this document and that there remains approximately \$ \_\_\_\_\_ in balance of work remaining to complete such Work Product, which amounts shall be paid pursuant to the existing Agreement between Professional and Landowner. Professional further certifies that that there is no disagreement as to the appropriateness of payment made for the Work Product. This document shall constitute a waiver and release of lien for any payments due to Professional by Landowner and/or the District for the Work Product identified in **Exhibit A** up to the amounts specified herein.



**SECTION 6. EFFECTIVE DATE.** This Warranty and Release shall take effect upon execution.

WITNESSES

**BANKS ENGINEERING**

\_\_\_\_\_

\_\_\_\_\_

[print name]

Signature

David R. Underhill Jr, P.E.

Print Name

Its: Vice President

\_\_\_\_\_

[print name]

DRAFT

**WARRANTY AND RELEASE OF RESTRICTIONS ON THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT'S RIGHT TO USE AND RELY UPON DRAWINGS, PLANS, SPECIFICATIONS AND RELATED DOCUMENTS CREATED OR UNDERTAKEN IN CONNECTION WITH THE CONSTRUCTION OF CERTAIN INFRASTRUCTURE IMPROVEMENTS**

**THIS WARRANTY AND RELEASE** is made the \_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_ of King Engineering Associates, Inc., whose address is \_\_\_\_\_ (“Professional”), in favor of the **East Bonita Beach Road Community Development District** (“District”), which is a local unit of special-purpose government situated in Lee County, Florida, and having offices located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

**SECTION 1. DESCRIPTION OF SCOPE OF SERVICES.** Professional has provided work product in connection with the construction/installation of certain infrastructure improvements for Forestar (USA) Real Estate Group Inc., a landowner within the District (“Landowner”). An outline of the scope of services provided by Professional is attached as **Exhibit A** (“Work Product”).

**SECTION 2. USE OF WORK PRODUCT.** Professional acknowledges that the Landowner may in the future convey the Work Product to the District and for that purpose has requested Professional to confirm the release of all restrictions on the District’s right to use and rely upon the Work Product.

**SECTION 3. WARRANTY.** Professional hereby expressly guarantees that the Work Product identified in **Exhibit A** is fit for any and all purposes, including the purposes for which it is intended. This expressed warranty shall not serve to eliminate any responsibility of Professional for the Work Product under Florida Statutes or case law, or to exclude any implied warranties and responsibilities.

**SECTION 4. RELEASES.** Premised upon the District’s agreement to make no revisions or modifications to the Work Product without prior written permission of Professional, Professional confirms the release of all restrictions upon the District’s right to use and rely upon the Work Product for any and all purposes, including the purposes for which it is intended. Professional hereby affirmatively agrees that the Work identified in **Exhibit A** is free of all claims, security agreement, encumbrances or liens.

**SECTION 5. CERTIFICATE OF PAYMENT.** Professional hereby acknowledges that it has been compensated at least \$\_\_\_\_\_ for its services and work related to completion of the Work Product and there is approximately \$\_\_\_\_\_ remaining to complete such Work Product pursuant to an agreement between the Professional and the Landowner. Professional further certifies that all outstanding requests for payment related to the Work Product identified in **Exhibit A** shall be pursued with Landowner and not the District and that there is no disagreement as to the appropriateness of payment made for the Work Product. This document shall constitute a waiver and release of lien for any payments due to Professional by Landowner and/or the District for the Work Product identified in **Exhibit A** up to the amounts herein stated.

**SECTION 6. EFFECTIVE DATE.** This Warranty and Release shall take effect upon execution.

WITNESSES

**KING ENGINEERING ASSOCIATES,  
INC.**

\_\_\_\_\_

\_\_\_\_\_

Signature

\_\_\_\_\_  
[print name]

\_\_\_\_\_  
Print Name

\_\_\_\_\_

\_\_\_\_\_  
[print name]

DRAFT

**BILL OF SALE**

KNOW ALL MEN BY THESE PRESENTS, that **FORESTAR (USA) REAL ESTATE GROUP INC.**, a Delaware corporation, whose local mailing address is 3330 Cumberland Blvd., Suite 275, Atlanta, Georgia 30339 (“**Seller**”), and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, to it paid by the **EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special purpose government organized and existing under Chapter 190, *Florida Statutes*, whose mailing address is 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 (“**District**”), the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred and delivered, and by these presents does grant, bargain, sell, transfer, and deliver unto the District, its successors and assigns, the following described property, attached hereto as **Exhibit A**, assets and rights, to-wit.

TO HAVE AND TO HOLD all of the foregoing unto the District, its successors and assigns, for its own use forever, free and clear and discharged of and from any and all obligations, claims or liens.

AND the Seller does hereby covenant to and with the District, its successors and assigns, that it is the lawful owner of the above-described personal property and assets; that said personal property and assets are free from all liens and encumbrances; that Seller has good right to sell said personal property and assets; that all contractors, subcontractors and materialmen furnishing labor or materials relative to the construction of the personal property and assets have been paid in full; and that Seller will warrant and defend the sale of its said personal property and assets hereby made, unto the District, its successors and assigns, against the lawful claims and demands of all persons whosoever.

[SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, the Seller has caused this instrument to be executed in its name  
this \_\_\_\_ day of \_\_\_\_\_, 2021.

**FORESTAR (USA) REAL ESTATE GROUP  
INC., a Delaware corporation**

\_\_\_\_\_  
By: Michael Quinley  
Its: President – East Region

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence  
or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2021, by Michael Quinley, as President-  
East Region of Forestar (USA) Real Estate Group Inc., a Delaware corporation, and who has  
personally appeared before me and is personally known to me.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
(Name typed, printed or stamped)  
Notary Public, State of \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**Exhibit A: Description of Improvements**

**Exhibit A**  
**Identification of Improvements**

**All roadway improvements including paving, curb, gutter, and storm piping, all as located within the public rights-of-way designated as Tract \_\_\_\_\_, Seasons at Bonita – as recorded in Pages 1-18 of Instrument Number 2018000233011 in the Official Records of Lee County, Florida.**

	<u>Amount</u>
Juniper Landscaping of Florida, LLC	\$194,705.30
Contract Date:	

Tropical Fence, Inc.	\$8,744.44
Contract Date:	

The Italian Terrazzo & Mosaic Co., Inc.	\$1,560.00
Contract Date:	

**All buffers, including walls, structures and common area improvements, all as located within Tracts \_\_\_\_\_ (Buffer/Common Area Tracts), Seasons at Bonita – recorded in pages 1-18 of Instrument Number 2018000233011 in the Official Records of Lee County, Florida.**

	<u>Amount</u>
Juniper Landscaping of Florida, LLC	\$379,965.75
Contract Date:	

**All irrigation systems, including but not limited to wells, pumps, lines, spray heads, and related system components, all as located within Tracts \_\_\_\_\_, Seasons at Bonita – recorded in pages 1-18 of Instrument Number 2018000233011 in the Official Records of Lee County, Florida.**

	<u>Amount</u>
Juniper Landscaping of Florida, LLC	\$500,995.23
Contract Date:	

**All of the work associated with mitigation, including annual monitoring, observations, surveys, exotic vegetation removal and maintenance, all as located within Tracts \_\_\_\_\_, Seasons at Bonita – recorded in pages 1-18 of Instrument Number 2018000233011 in the Official Records of Lee County, Florida.**

	<u>Amount</u>
Juniper Landscaping of Florida, LLC	\$25,835.00
Contract Date:	

**All of the work product relating to the Assessment Area One Project, including all plans, designs, construction and development drawings, engineering and soil reports and studies, surveys, testing, permits, approvals, and other work product.**

	<u>Amount</u>
Universal Engineering Sciences	

King Engineering Associates, Inc.

Banks Engineering

**DISTRICT ENGINEER'S CERTIFICATION TO  
EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT  
REGARDING EAST BONITA BEACH ROAD IMPROVEMENTS**

STATE OF FLORIDA  
COUNTY OF LEE

BEFORE ME, the undersigned, personally appeared David R. Underhill, Jr., Vice President of Banks Engineering, who, after being first duly sworn, deposes and says:

I, David R. Underhill, Jr., am a Professional Engineer registered in the State of Florida. I have reviewed certain documentation, including, but not limited to, permitted plans and specifications, as-builts and applicable permits. I, or my authorized agent, have conducted on-site observations of the East Bonita Beach Road Improvements ("Improvements"), as described in **Exhibit A**.

I hereby certify to the East Bonita Beach Road Community Development District ("District") the below listed matters:

- 1) The Improvements have been completed in substantial compliance with the applicable permit requirements and in substantial accordance with the permitted plans and specifications and all warranties, releases and work product has been transferred to the District for said Improvements.
- 2) The Improvements are free from obstruction and are functional for their intended purpose.
- 3) In my opinion, the acquisition amounts described in Exhibit A (1) relates directly to the construction of certain improvements described in the *Engineer's Report for the East Bonita Beach Road Community Development District*, dated January 9, 2018 (2) specifically benefits property within the boundaries of the District as described in the Engineer's Report, and (3) is fair and reasonable. Further, in my opinion, this amount does not exceed the value of the Improvements as installed.

[CONTINUED ON NEXT PAGE]

FURTHER AFFIANT SAYETH NOT.

**BANKS ENGINEERING**

By: \_\_\_\_\_  
David Underhill Jr., P.E.

STATE OF FLORIDA

COUNTY OF LEE

Sworn to and subscribed before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2021, by David Underhill Jr., P.E., an authorized representative of Banks Engineering, who [ ] is personally known to me or [ ] produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
(Name typed, printed or stamped)

Notary Public, State of \_\_\_\_\_

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



**CERTIFICATE OF DISTRICT ENGINEER  
RE: CONVEYANCE OF PROPERTY**

\_\_\_\_\_, 2021

Board of Supervisors  
East Bonita Beach Road Community Development District

Re: East Bonita Beach Road Community Development District (Lee County, Florida)  
Conveyance of Property – Assessment Area One Project

Ladies and Gentlemen:

The undersigned, a representative of Banks Engineering (“**District Engineer**”), as District Engineer for the East Bonita Beach Road Community Development District (“**District**”), hereby makes the following certifications in connection with the District’s acquisition of certain property and/or improvements, attached hereto as Exhibit A (“**Property**”) constructed and/or acquired by the District as part of what is known as Seasons at Bonita, Assessment Area 1, as identified Exhibit A and in that Special Warranty Deed and Non-Exclusive Construction Easement both dated on or about the same date as this Certificate. The undersigned, an authorized representative of the District Engineer, hereby certifies that:

1. I have reviewed certain documentation relating to the Property, including but not limited to, agreements, invoices, plans, and other documents.
2. In my opinion, the Property is within the scope of the District’s capital improvement plan as set forth in the District’s Master Engineer Report, dated January 9, 2018 (“**Engineer’s Report**”); the Property is capable of performing the functions for which it is intended; and the Property specially benefits property within the District as further described in the Engineer’s Report.
3. The total costs associated with the Property represent the actual costs as set forth in the Appraisal Report, attached hereto as Exhibit A, and in reliance on such are as presented, fair and reasonable.
4. All known plans, permits and specifications necessary for the operation and maintenance of the Property are complete and on file with the District, and have been transferred, or are reasonably capable of being transferred, to the District for operations and maintenance responsibilities.
5. With this document, I hereby certify that it is appropriate at this time to transfer the Property to the District for ownership, and operation and maintenance responsibilities.

Under penalties of perjury, I declare that I have read the foregoing certificate and that the facts stated in it are true.

**BANKS ENGINEERING**

By: \_\_\_\_\_  
David Underhill Jr., P.E.

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me by means of  physical presence or  online notarization this \_\_\_\_ day of \_\_\_\_\_, 2021, by David Underhill Jr., P.E., an authorized representative of Banks Engineering, who [ ] is personally known to me or [ ] produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
(Name typed, printed or stamped)  
Notary Public, State of \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**Exhibit A**

DRAFT

\_\_\_\_\_, 2021

East Bonita Beach Road Community Development District  
c/o Chuck Adams  
Wrathell Hunt & Associates  
2300 Glades Road, Suite 410W  
Boca Raton, FL 33431

Re: East Bonita Beach Road Community Development District  
Acquisition of Assessment Area Two Project Improvements

Dear Mr. Adams:

Pursuant to the *Agreement by and between the East Bonita Beach Road Community Development District and Forestar (USA) Real Estate Group, Inc., Regarding the Acquisition of Certain Work Product, Improvements and Real Property – Series 2020 Bonds*, approved September 28, 2020, you are hereby notified that Forestar (USA) Real Estate Group Inc. (“Landowner”), has completed and wishes to sell to the East Bonita Beach Road Community Development District (“District”) certain structural, roadway, buffer, and stormwater management improvements (“Improvements”) and real property (“Property”), each of which are included in the “Assessment Area Two Project” as described the *Amended and Restated Engineer’s Report for the East Bonita Beach Road Community Development District*, dated September 28, 2020, and more specifically described in **Exhibit A** attached hereto.

Notwithstanding anything to the contrary herein, certain amounts may still be owed to contractors (balance to finish & retainage) and Landowner agrees to timely make payment for all remaining amounts owed, and to ensure that no liens are placed on the Improvements and Property and with no additional expense to the District. Also, the Landowner agrees to convey or cause to be conveyed when finalized any and all site plans, construction and development drawings, plans and specifications, surveys, engineering and soil reports and studies, and approvals (including but not limited to licenses, permits, zoning approvals, etc.), pertaining or applicable to or in any way connected with the development, construction, and ownership of the Improvements and Property described in such subparagraphs.

Sincerely,

Forestar (USA) Real Estate Group Inc.

cc: David Underhill, District Engineer  
Jennifer Kilinski, District Counsel

**Exhibit A**  
**Identification of Improvements**

All buffers, including walls, structures and common area improvements, all as located within Tract D-4, (Buffer/Common Area Tracts), Seasons at Bonita Phase Two – recorded in Instrument Number 2021000025247 in the Official Records of Lee County, Florida.

Amount                      Balance to Finish                      Retainage

All buffers, including walls, structures and common area improvements, all as located within Tracts L-8, L-9 and D-4, Seasons at Bonita Phase Two, according to the map of plat thereof, recorded in Instrument Number 2021000025247, public records of Lee County, Florida.

Amount                      Balance to Finish                      Retainage

All stormwater management systems, including but not limited to lakes, ponds, water control structures, pipes and other water conveyance structures, as well as all catch-basins and related stormwater facilities (including without limitation curbs, gutters and inlets), all as located within Tracts L-8 and L-9 (Lakes, Stormwater Management, Drainage, and Maintenance), Seasons at Bonita Phase Two – recorded in Instrument Number 2021000025247 in the Official Records of Lee County, Florida.

Amount                      Balance to Finish                      Retainage

All of the work product relating to the Assessment Area Two Project, including all plans, designs, construction and development drawings, engineering and soil reports and studies, surveys, testing, permits, approvals, and other work product.

	<b>Amount</b>	<b>Balance to Finish</b>	<b>Retainage</b>

**AFFIDAVIT REGARDING COSTS PAID**

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

I, Michael Quinley, as President-East Region of Forestar (USA) Real Estate Group Inc., a Delaware corporation (“Landowner”), being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Michael Quinley, and I am President – East Region of the Landowner. I have authority to make this affidavit on behalf of Landowner.
3. Landowner is the landowner of certain lands within the East Bonita Beach Road Community Development District, a special purpose unit of local government established pursuant to Chapter 190, *Florida Statutes* (“District”).
4. The District’s *Amended and Restated Engineer’s Report for the East Bonita Beach Road Community Development District*, dated September 28, 2020 (“Engineer’s Report”) describes certain public infrastructure improvements, real property and work product that the District intends to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, own, operate, or maintain pursuant to Chapter 190, *Florida Statutes*.
5. Pursuant to contracts in place between Landowner and certain contractors and construction related professionals, as may be more particularly identified on the attached **Exhibit A**, Landowner has expended funds to develop improvements that are included and described in the Engineer’s Report and are part of the District’s capital improvement plan. The attached **Exhibit A** accurately identifies the completed Improvements and states, at least in part, the amounts that Landowner has spent on the completed improvements through the date of execution of this affidavit.
6. In making this affidavit, I understand that the District intends to rely on this affidavit for purposes of acquiring the completed improvements that Landowner has developed consistent with the Engineer’s Report.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Executed this \_\_\_\_ day of \_\_\_\_\_, 2021.

**FORESTAR (USA) REAL ESTATE GROUP  
INC., a Delaware corporation**

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2021, by Michael Quinley, as President-East Region of Forestar (USA) Real Estate Group Inc., a Delaware corporation, and who has personally appeared before me and is personally known to me.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
(Name typed, printed or stamped)  
Notary Public, State of \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**ACKNOWLEDGMENT OF ACQUISITION OF CERTAIN INFRASTRUCTURE  
IMPROVEMENTS AND THE RIGHT TO RELY UPON ANY WARRANTIES AND  
CONTRACT TERMS FOR THE CONSTRUCTION OF SAME**

THIS ACQUISITION AND WARRANTY ACKNOWLEDGMENT is made the \_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_, having offices located at \_\_\_\_\_ (“Contractor”), in favor of the **East Bonita Beach Road Community Development District** (“District”), which is a local unit of special-purpose government situated in Lee County, Florida, and having offices located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

**SECTION 1. DESCRIPTION OF CONTRACTOR’S SERVICES.** Contractor has provided construction services as general contractor in connection with the construction of certain infrastructure improvements (“Improvements”) for Forestar (USA) Real Estate Group Inc., a Delaware corporation, and landowner of lands within the District (“Landowner”). A copy of the contract for the construction of said Improvements is attached as **Exhibit A** (“Construction Contract”). The Improvements constructed and acquired are more generally described in the attached **Exhibit B**.

**SECTION 2. ACQUISITION OF IMPROVEMENTS.** Contractor acknowledges that the District is or has acquired the Improvements, constructed by Contractor in connection with the Construction Contract attached as Exhibit A, from Landowner, and thereby securing the unrestricted right to rely upon the terms of the Construction Contract for same.

**SECTION 3. WARRANTY.** Contractor hereby expressly acknowledges the District’s right to enforce the terms of the Construction Contract, including any warranties provided therein and to rely upon and enforce any other warranties provided under Florida law.

**SECTION 4. INDEMNIFICATION.** Contractor indemnifies and holds the District harmless from any claims, demands, liabilities, judgments, costs, or other actions that may be brought against or imposed upon the District in connection with the Improvements identified in **Exhibit B** because of any act or omission of Contractor, its agents, employees, or officers. Said indemnification shall include, but not be limited to, any reasonable attorney’s fees and costs incurred by the District.

**SECTION 5. CERTIFICATE OF PAYMENT.** Contractor hereby acknowledges that it has been compensated at least \$\_\_\_\_\_ through execution of this Acknowledgement for its services and work directly related to completion of the Improvements. Contractor further certifies that approximately \$\_\_\_\_\_ left in outstanding balance to complete and retainage exists to close out the services and work directly related to the Improvements identified in **Exhibit B**, including any payments to subcontractors, materialmen, suppliers or otherwise, and that there is no disagreement as to the appropriateness of payment made for the Improvements. This document shall constitute a waiver and release of lien for payments due to Contractor by Landowner for the Improvements identified in **Exhibit B**, up to the amount specified in this Section 5.



**SECTION 6. EFFECTIVE DATE.** This Acquisition and Warranty Acknowledgement shall take effect upon execution.

ATTEST



\_\_\_\_\_

\_\_\_\_\_

[print name]

By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_

[print name]

DRAFT

**ACKNOWLEDGMENT OF ACQUISITION OF CERTAIN INFRASTRUCTURE  
IMPROVEMENTS AND THE RIGHT TO RELY UPON ANY WARRANTIES AND  
CONTRACT TERMS FOR THE CONSTRUCTION OF SAME**

THIS ACQUISITION AND WARRANTY ACKNOWLEDGMENT is made the \_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_, having offices located at \_\_\_\_\_ (“Contractor”), in favor of the **East Bonita Beach Road Community Development District** (“District”), which is a local unit of special-purpose government situated in Lee County, Florida, and having offices located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

**SECTION 1. DESCRIPTION OF CONTRACTOR’S SERVICES.** Contractor has provided construction services as general contractor in connection with the construction of certain infrastructure improvements (“Improvements”) for Forestar (USA) Real Estate Group Inc., a Delaware corporation, and landowner of lands within the District (“Landowner”). A copy of the contract for the construction of said Improvements is attached as **Exhibit A** (“Construction Contract”). The Improvements constructed and acquired are more generally described in the attached **Exhibit B**.

**SECTION 2. ACQUISITION OF IMPROVEMENTS.** Contractor acknowledges that the District is or has acquired the Improvements, constructed by Contractor in connection with the Construction Contract attached as Exhibit A, from Landowner, and thereby securing the unrestricted right to rely upon the terms of the Construction Contract for same.

**SECTION 3. WARRANTY.** Contractor hereby expressly acknowledges the District’s right to enforce the terms of the Construction Contract, including any warranties provided therein and to rely upon and enforce any other warranties provided under Florida law.

**SECTION 4. INDEMNIFICATION.** Contractor indemnifies and holds the District harmless from any claims, demands, liabilities, judgments, costs, or other actions that may be brought against or imposed upon the District in connection with the Improvements identified in **Exhibit B** because of any act or omission of Contractor, its agents, employees, or officers. Said indemnification shall include, but not be limited to, any reasonable attorney’s fees and costs incurred by the District.

**SECTION 5. CERTIFICATE OF PAYMENT.** Contractor hereby acknowledges that it has been fully compensated for its services and work related to completion of the Improvements, which is approximately \$\_\_\_\_\_. Contractor further certifies that no outstanding requests for payment exist related to the Improvements identified in **Exhibit B**, including any payments to subcontractors, materialmen, suppliers or otherwise, and that there is no disagreement as to the appropriateness of payment made for the Improvements. This document shall constitute a final waiver and release of lien for any payments due to Contractor by Landowner for the Improvements identified in **Exhibit B**.

**SECTION 6. EFFECTIVE DATE.** This Acquisition and Warranty Acknowledgement shall take effect upon execution.

ATTEST



\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
[print name]

By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
[print name]

DRAFT

**WARRANTY AND RELEASE OF RESTRICTIONS ON THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT'S RIGHT TO USE AND RELY UPON DRAWINGS, PLANS, SPECIFICATIONS AND RELATED DOCUMENTS CREATED OR UNDERTAKEN IN CONNECTION WITH THE CONSTRUCTION OF CERTAIN INFRASTRUCTURE IMPROVEMENTS**

**THIS WARRANTY AND RELEASE** is made the \_\_\_ day of \_\_\_\_\_, 2021, by David R. Underhill Jr., Vice President of Banks Engineering, whose address is 10511 Six Mile Cypress Parkway, Fort Myer, FL 33966, ("Professional"), in favor of the **East Bonita Beach Road Community Development District** ("District"), which is a local unit of special-purpose government situated in Lee County, Florida, and having offices located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

**SECTION 1. DESCRIPTION OF SCOPE OF SERVICES.** Professional has provided work product in connection with the construction/installation of certain infrastructure improvements for Forestar (USA) Real Estate Group Inc., a landowner within the District ("Landowner"). An outline of the scope of services provided by Professional is attached as **Exhibit A** ("Work Product").

**SECTION 2. USE OF WORK PRODUCT.** Professional acknowledges that the Landowner may in the future convey the Work Product to the District and for that purpose has requested Professional to confirm the release of all restrictions on the District's right to use and rely upon the Work Product.

**SECTION 3. WARRANTY.** Professional hereby expressly guarantees that the Work Product identified in **Exhibit A** is fit for any and all purposes, including the purposes for which it is intended. This expressed warranty shall not serve to eliminate any responsibility of Professional for the Work Product under Florida Statutes or case law, or to exclude any implied warranties and responsibilities.

**SECTION 4. RELEASES.** Premised upon the District's agreement to make no revisions or modifications to the Work Product without prior written permission of Professional, Professional confirms the release of all restrictions upon the District's right to use and rely upon the Work Product for any and all purposes, including the purposes for which it is intended. Professional hereby affirmatively agrees that the Work identified in **Exhibit A** is free of all claims, security agreement, encumbrances or liens.

**SECTION 5. CERTIFICATE OF PAYMENT.** Professional hereby acknowledges that it has been compensated for its services and work related to completion of the Work Product in the approximate amount of \$ \_\_\_\_\_ as of execution of this document and that there remains approximately \$ \_\_\_\_\_ in balance of work remaining to complete such Work Product, which amounts shall be paid pursuant to the existing Agreement between Professional and Landowner. Professional further certifies that that there is no disagreement as to the appropriateness of payment made for the Work Product. This document shall constitute a waiver and release of lien for any payments due to Professional by Landowner and/or the District for the Work Product identified in **Exhibit A** up to the amounts specified herein.

**SECTION 6. EFFECTIVE DATE.** This Warranty and Release shall take effect upon execution.

WITNESSES

**BANKS ENGINEERING**

\_\_\_\_\_

\_\_\_\_\_

[print name]

Signature

David R. Underhill Jr, P.E.

Print Name

Its: Vice President

\_\_\_\_\_

[print name]

DRAFT

## **BILL OF SALE**

KNOW ALL MEN BY THESE PRESENTS, that **FORESTAR (USA) REAL ESTATE GROUP INC.**, a Delaware corporation, whose local mailing address is 3330 Cumberland Blvd., Suite 275, Atlanta, Georgia 30339 (“**Seller**”), and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, to it paid by the **EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special purpose government organized and existing under Chapter 190, *Florida Statutes*, whose mailing address is 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 (“**District**”), the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred and delivered, and by these presents does grant, bargain, sell, transfer, and deliver unto the District, its successors and assigns, the following described property, assets and rights, to-wit:

All roadway improvements including paving, curb, gutter, and storm piping, all as located within Tracts L-8, L-9 and D-4, Seasons at Bonita Phase Two, according to the map of plat thereof, recorded in Instrument Number 2021000025247, public records of Lee County, Florida.

All buffers, including walls, structures and common area improvements, all as located within Tracts L-8, L-9 and D-4, Seasons at Bonita Phase Two, according to the map of plat thereof, recorded in Instrument Number 2021000025247, public records of Lee County, Florida.

All stormwater management systems, including but not limited to lakes, ponds, water control structures, pipes and other water conveyance structures, as well as all catch-basins and related stormwater facilities (including without limitation curbs, gutters and inlets), all as located within Tracts L-8, L-9 and D-4, Seasons at Bonita Phase Two, according to the map of plat thereof, recorded in Instrument Number 2021000025247, public records of Lee County, Florida.

All of the work product relating to the Assessment Area Two Project, including all plans, designs, construction and development drawings, engineering and soil reports and studies, surveys, testing, permits, approvals, and other work product.

TO HAVE AND TO HOLD all of the foregoing unto the District, its successors and assigns, for its own use forever, free and clear and discharged of and from any and all obligations, claims or liens.

AND the Seller does hereby covenant to and with the District, its successors and assigns, that it is the lawful owner of the above-described personal property and assets; that said personal property and assets are free from all liens and encumbrances; that Seller has good right to sell said

personal property and assets; that all contractors, subcontractors and materialmen furnishing labor or materials relative to the construction of the personal property and assets have been paid in full; and that Seller will warrant and defend the sale of its said personal property and assets hereby made, unto the District, its successors and assigns, against the lawful claims and demands of all persons whosoever.

IN WITNESS WHEREOF, the Seller has caused this instrument to be executed in its name this \_\_\_\_ day of \_\_\_\_\_, 2021.

**FORESTAR (USA) REAL ESTATE GROUP  
INC., a Delaware corporation**

\_\_\_\_\_  
By: Michael Quinley  
Its: President – East Region

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_ (name), as \_\_\_\_\_ (title) of Forestar (USA) Real Estate Group Inc., a Delaware corporation, and who has personally appeared before me and is personally known to me.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
(Name typed, printed or stamped)  
Notary Public, State of \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**DISTRICT ENGINEER'S CERTIFICATION TO  
EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT  
REGARDING EAST BONITA BEACH ROAD IMPROVEMENTS**

STATE OF FLORIDA  
COUNTY OF LEE

BEFORE ME, the undersigned, personally appeared David R. Underhill, Jr., Vice President of Banks Engineering, who, after being first duly sworn, deposes and says:

I, David R. Underhill, Jr., am a Professional Engineer registered in the State of Florida. I have reviewed certain documentation, including, but not limited to, permitted plans and specifications, as-builts and applicable permits. I, or my authorized agent, have conducted on-site observations of the East Bonita Beach Road Improvements ("Improvements"), as described in **Exhibit A**.

I hereby certify to the East Bonita Beach Road Community Development District ("District") the below listed matters:

- 1) The Improvements have been completed in substantial compliance with the applicable permit requirements and in substantial accordance with the permitted plans and specifications and all warranties, releases and work product has been transferred to the District for said Improvements.
- 2) The Improvements are free from obstruction and are functional for their intended purpose.
- 3) In my opinion, the acquisition amounts described in Exhibit A (1) relates directly to the construction of certain improvements described in the *Amended and Restated Engineer's Report for the East Bonita Beach Road Community Development District*, dated September 28, 2020 (2) specifically benefits property within the boundaries of the District as described in the Engineer's Report, and (3) is fair and reasonable. Further, in my opinion, this amount does not exceed the value of the Improvements as installed.

[CONTINUED ON NEXT PAGE]



FURTHER AFFIANT SAYETH NOT.

**BANKS ENGINEERING**

By: \_\_\_\_\_  
David Underhill Jr., P.E.

STATE OF FLORIDA

COUNTY OF LEE

Sworn to and subscribed before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_\_\_, 2021, by David Underhill Jr., P.E., an authorized representative of Banks Engineering, who [ ] is personally known to me or [ ] produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
(Name typed, printed or stamped)  
Notary Public, State of \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**EXHIBIT A:**

All roadway improvements including paving, curb, gutter, and storm piping, all as located within Tracts L-8, L-9 and D-4, Seasons at Bonita Phase Two, according to the map of plat thereof, recorded in Instrument Number 2021000025247, public records of Lee County, Florida.

All buffers, including walls, structures and common area improvements, all as located within Tracts L-8, L-9 and D-4, Seasons at Bonita Phase Two, according to the map of plat thereof, recorded in Instrument Number 2021000025247, public records of Lee County, Florida.

All stormwater management systems, including but not limited to lakes, ponds, water control structures, pipes and other water conveyance structures, as well as all catch-basins and related stormwater facilities (including without limitation curbs, gutters and inlets), all as located within Tracts L-8, L-9 and D-4, Seasons at Bonita Phase Two, according to the map of plat thereof, recorded in Instrument Number 2021000025247, public records of Lee County, Florida.

All of the work product relating to the Assessment Area Two Project, including all plans, designs, construction and development drawings, engineering and soil reports and studies, surveys, testing, permits, approvals, and other work product.

**CERTIFICATE OF DISTRICT ENGINEER  
RE: CONVEYANCE OF PROPERTY**

\_\_\_\_\_, 2021

Board of Supervisors  
East Bonita Beach Road Community Development District

Re: East Bonita Beach Road Community Development District (Lee County, Florida)  
Conveyance of Property – Assessment Area Two Project

Ladies and Gentlemen:

The undersigned, a representative of Banks Engineering (“**District Engineer**”), as District Engineer for the East Bonita Beach Road Community Development District (“**District**”), hereby makes the following certifications in connection with the District’s acquisition of certain property and/or improvements, attached hereto as Exhibit A (“**Property**”) constructed and/or acquired by the District as part of what is known as Seasons at Bonita, Assessment Area 2, as identified Exhibit A and in that Special Warranty Deed dated on or about the same date as this Certificate. The undersigned, an authorized representative of the District Engineer, hereby certifies that:

1. I have reviewed certain documentation relating to the Property, including but not limited to, agreements, invoices, plans, and other documents.
2. In my opinion, the Property is within the scope of the District’s capital improvement plan as set forth in the District’s *Amended and Restated Engineer’s Report for the East Bonita Beach Road Community Development District*, dated September 28, 2020 (together, “**Engineer’s Report**”); the Property is capable of performing the functions for which it is intended; and the Property specially benefits property within the District as further described in the Engineer’s Report.
3. The total costs associated with the Property represent the actual costs as set forth in the Appraisal Report, attached hereto as Exhibit A, and in reliance on such are as presented, fair and reasonable.
4. All known plans, permits and specifications necessary for the operation and maintenance of the Property are complete and on file with the District, and have been transferred, or are reasonably capable of being transferred, to the District for operations and maintenance responsibilities.
5. With this document, I hereby certify that it is appropriate at this time to transfer the Property to the District for ownership, and operation and maintenance responsibilities.

Under penalties of perjury, I declare that I have read the foregoing certificate and that the facts stated in it are true.

**BANKS ENGINEERING**

By: \_\_\_\_\_  
David Underhill Jr., P.E.

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_\_\_, 2021, by David Underhill Jr., P.E., an authorized representative of Banks Engineering, who [ ] is personally known to me or [ ] produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
(Name typed, printed or stamped)

Notary Public, State of \_\_\_\_\_

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**Exhibit A**

All of Tracts L-8, L-9 and D-4, Seasons at Bonita Phase Two, according to the map of plat thereof, recorded in Instrument Number 2021000025247, public records of Lee County, Florida.

DRAFT

This instrument was prepared by and upon recording should be returned to:

Jennifer Kilinski  
HOPPING GREEN & SAMS P.A.  
119 South Monroe Street, Suite 300  
Tallahassee, Florida 32301

(This space reserved for Clerk)

## **SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made this \_\_\_ day of \_\_\_\_\_, 2021, by **FORESTAR (USA) REAL ESTATE GROUP INC.**, a Delaware corporation with an address of 3330 Cumberland Boulevard, Suite 275, Atlanta, GA 30339, hereinafter called the “Grantor,” to **EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special-purpose government organized under Chapter 190, Florida Statutes, with an address c/o Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, hereinafter called the “Grantee:”

(Wherever used herein the terms “Grantor” and “Grantee” include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations or governmental entities.)

### **WITNESSETH:**

That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Polk County, Florida, further described in **Exhibit A**. Subject to restrictions, covenants, conditions and easements, of record; however, reference hereto shall not be deemed to reimpose same.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons or entities whomsoever claiming by, through or under grantor.

Grantor represents that grantor has complied with the requirements of Section 196.295, *Florida Statutes*.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

WITNESSES:

FORESTAR (USA) REAL ESTATE GROUP INC.  
a Delaware Corporation

\_\_\_\_\_  
Witness Signature  
Printed name: \_\_\_\_\_

\_\_\_\_\_  
By: Michael Quinley  
Its: President – East Region

\_\_\_\_\_  
Witness Signature  
Printed name: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_\_\_, 2021 by Michael Quinley, as President – East Region of Forestar (USA) Real Estate Group Inc., a Delaware Corporation, for and on behalf of said entity. She/He [ ] is personally known to me or [ ] produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
(Name typed, printed or stamped)  
Notary Public, State of \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**Note to Examiner: This instrument evidences a conveyance of an interest in unencumbered real estate as a gift and is exempt from Florida documentary stamp tax pursuant to Rule 12B-4.014(2)(a), Florida Administrative Code.**

**EXHIBIT A:**

All of Tracts L-8, L-9 and D-4, Seasons at Bonita Phase Two, according to the map of plat thereof, recorded in Instrument Number 2021000025247, public records of Lee County, Florida.

DRAFT



**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**10**

**DRAFT**

**MINUTES OF MEETING  
EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the East Bonita Beach Road Community Development District held a Special Meeting on April 27, 2021, at 4:00 p.m., at the offices of D.R. Horton, 10541 Ben C. Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966.

**Present were:**

J. Wayne Everett	Chair
Michael Bone	Vice Chair
Ashley Koza	Assistant Secretary
Landon Thomas	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Jennifer Kilinski	District Counsel

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 4:00 p.m. Supervisors Everett, Bone, Thomas and Koza were present, in person. Supervisor Martin was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Presentation of Amended and Restated  
Engineer's Report, dated September 28,  
2020 (for informational purposes only)**

Mr. Adams stated the District Engineer was not present. There were no material changes to the Engineer's Report since it was last viewed and approved by the Board.

38 **FOURTH ORDER OF BUSINESS**

**Presentation of Final Methodology Report -  
Assessment Area Two, dated April 15, 2021**

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41 Mr. Adams stated final pricing on the bond was received. He reviewed the Final  
42 Methodology Report for Assessment Area Two, dated April 15, 2021, highlighting the updates in  
43 Section 4.1, on Page 4 under “Overview”, and in the Appendix Tables, on Pages 11 through 14.  
44 The Total Bond Assessment Apportionment equaled \$6,015,000.

45 Ms. Kilinski stated the after-assessment lien that was previously approved was redone  
46 because the par amount of bonds assigned to each parcel increased. As a result, a Resolution  
47 would be presented declaring the assessment hearing for May 17, 2021 and ratifying Staff’s  
48 actions to carry out the noticing requirements of publicizing a notice in the newspaper and  
49 transmitting a mailed notice to the Landowner.

50

51 **FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-04,  
Declaring Special Assessments for  
Assessment Area Two; Designating the  
Nature and Location of the Proposed  
Assessment Area Two Project  
Improvements; Declaring the Total  
Estimated Cost of the Improvements, the  
Portion to Be Paid By Assessments, and the  
Manner and Timing in Which the  
Assessments are to Be Paid; Designating the  
Lands Upon Which the Assessments Shall  
Be Levied; Providing for an Assessment Plan  
and a Preliminary Assessment Roll;  
Addressing the Setting of Public Hearings;  
Providing for Publication of this Resolution;  
and Addressing Conflicts, Severability and  
an Effective Date**

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69 Mr. Adams presented Resolution 2021-04.

70 A Board Member commented that it seemed as though assessments increased and  
71 questioned the Table 2 “Irrigation”, “Stormwater Management” and “Professional Services”,  
72 under Assessment Area Two Estimated Construction Costs, on Page 12. Mr. Adams stated the  
73 amount of the lien increased but the annual repayment amount remained unchanged due to

74 savings on the interest side of the assumptions. He explained that several items were  
75 reimbursed, as the construction funds were depleted. Since there were qualifying expenses that  
76 were not realized for reimbursement in Assessment Area One, some or all of the infrastructure  
77 items shifted into Phase 2, Assessment Area Two.

78

79 **On MOTION by Mr. Bone and seconded by Mr. Thomas, with all in favor,**  
80 **Resolution 2021-04, Declaring Special Assessments for Assessment Area Two;**  
81 **Designating the Nature and Location of the Proposed Assessment Area Two**  
82 **Project Improvements; Declaring the Total Estimated Cost of the Improvements,**  
83 **the Portion to Be Paid By Assessments, and the Manner and Timing in Which the**  
84 **Assessments are to Be Paid; Designating the Lands Upon Which the Assessments**  
85 **Shall Be Levied; Providing for an Assessment Plan and a Preliminary Assessment**  
86 **Roll; Addressing the Setting of Public Hearings; Providing for Publication of this**  
87 **Resolution; and Addressing Conflicts, Severability and an Effective Date, was**  
88 **adopted.**

89

90

91 **SIXTH ORDER OF BUSINESS**

**Consideration of Financing Matters**

92

93 Mr. Kilinski recommended approval of the Bond Financing Agreements and stated similar  
94 forms of agreements were presented and approved in 2018. If there are any substantive changes,  
95 Staff would present them at the May 17<sup>th</sup> meeting. She reviewed each of the following  
96 Agreements:

- 97 **A. Agreement by and Between the East Bonita Beach Road Community Development**  
98 **District and Forestar (USA) Real Estate Group Inc., Regarding the Completion of Certain**  
99 **Improvements**

100

101 **On MOTION by Mr. Everett and seconded by Mr. Thomas, with all in favor, the**  
102 **Agreement by and Between the East Bonita Beach Road Community**  
103 **Development District and Forestar (USA) Real Estate Group Inc., Regarding the**  
104 **Completion of Certain Improvements, was approved.**

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- 107 **B. Collateral Assignment and Assumption of Development Rights Series 2021 Bonds,**  
108 **Assessment Area Two**

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**On MOTION by Mr. Thomas and seconded by Mr. Everett, with all in favor, the Collateral Assignment and Assumption of Development Rights Series 2021 Bonds, Assessment Area Two, were approved.**

- C. Agreement by and Between the East Bonita Beach Road Community Development District and Forestar (USA) Real Estate Group Inc., Regarding the True-Up and Payment of 2021 Assessments**

**On MOTION by Ms. Koza and seconded by Mr. Thomas, with all in favor, the Agreement by and Between the East Bonita Beach Road Community Development District and Forestar (USA) Real Estate Group Inc., Regarding the True-Up and Payment of 2021 Assessments, was approved.**

- D. Agreement Between the East Bonita Beach Road Community Development District and Forestar (USA) Real Estate Group Inc., Regarding the Acquisition of Certain Work Product, Improvements and Real Property – Series 2021 Bonds**

**On MOTION by Mr. Thomas and seconded by Ms. Koza, with all in favor, the Agreement Between the East Bonita Beach Road Community Development District and Forestar (USA) Real Estate Group Inc., Regarding the Acquisition of Certain Work Product, Improvements and Real Property – Series 2021 Bonds, was approved.**

- E. Declaration of Consent to Jurisdiction of East Bonita Beach Road Community Development District and to Imposition of Special Assessments (Assessment Area Two)**  
Ms. Kilinski recommended approval of this item, in substantial form, with a final signature from the Board Chair.

**On MOTION by Mr. Bone and seconded by Mr. Thomas, with all in favor, the Declaration of Consent to Jurisdiction of East Bonita Beach Road Community Development District and to Imposition of Special Assessments (Assessment Area Two), in substantial form, and authorizing execution by the Chair upon completion, was approved.**

145 **SEVENTH ORDER OF BUSINESS** **Consideration of FMSbonds, Inc., Rule G-17**  
 146 **Disclosure Letter**

147  
 148 Mr. Adams presented the FMSbonds, Inc., Rule G-17 Disclosure Letter, to serve as the  
 149 District’s Underwriter.

150

151 **On MOTION by Ms. Koza and seconded by Mr. Thomas, with all in favor, the**  
 152 **FMSbonds, Inc., Rule G-17 Disclosure Letter, was approved**

153

154

155 **EIGHTH ORDER OF BUSINESS** **Consideration of Acquisition of**  
 156 **Improvements and Work Product (to be**  
 157 **provided under separate cover)**

158

159 This item was deferred to the May meeting.

160

161 **NINTH ORDER OF BUSINESS** **Acceptance of Unaudited Financial**  
 162 **Statements as of March 31, 2021**

163

164 Mr. Adams presented the Unaudited Financial Statements as of March 31, 2021.  
 165 Assessment revenue collections were at 99%. The financials were accepted.

166

167 **TENTH ORDER OF BUSINESS** **Approval of December 14, 2020 Special**  
 168 **Meeting Minutes**

169

170 Mr. Adams presented the December 14, 2020 Special Meeting Minutes.

171

172 **On MOTION by Mr. Bone and seconded by Mr. Thomas, with all in favor, the**  
 173 **December 14, 2020 Special Meeting Minutes, as presented, were approved.**

174

175

176 **ELEVENTH ORDER OF BUSINESS** **Other Business**

177

178 There being no other business, the next item followed.

179

180 **TWELFTH ORDER OF BUSINESS** **Staff Reports**

181

182 A. District Counsel: *Hopping, Green & Sams, PA*

183 Ms. Kilinski stated there would be a brief legislative session update at the May meeting.

184 B. District Engineer: *Banks Engineering, Inc.*

185 There being no report, the next item followed.

186 C. District Manager: *Wrathell, Hunt and Associates, LLC*

187 • NEXT MEETING DATE: May 17, 2021 at 10:30 A.M.

188 ○ QUORUM CHECK

189 Supervisors Bone, Thomas and Koza confirmed their attendance at the May 17, 2021  
190 meeting.

191

192 THIRTEENTH ORDER OF BUSINESS

Audience Comments/Supervisors' Requests

193

194 There being no audience comments or Supervisors' requests, the next item followed.

195

196 FOURTEENTH ORDER OF BUSINESS

Adjournment

197

198 There being nothing further to discuss, the meeting adjourned.

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On MOTION by Mr. Bone and seconded by Mr. Thomas, with all in favor, the meeting adjourned at 4:20 p.m.

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair



**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

**12CI**

# WRATHELL, HUNT & ASSOCIATES LLC.

2300 GLADES RD, #410W  
BOCA RATON FL 33431

Lee County FL – Community Development Districts

04/15/2021

<b>NAME OF COMMUNITY DEVELOPMENT DISTRICT</b>	<b>NUMBER OF REGISTERED VOTERS AS OF 04/15/2021</b>
Babcock Ranch	0
Bayside Improvement	2,956
Bay Creek	748
Beach Road Golf Estates	1,127
Bonita Landing	321
Brooks I of Bonita Springs	2,225
Brooks II of Bonita Springs	1,453
East Bonita Beach	163
Mediterra	454
Moody River Estates	1,137
Parklands Lee	525
Parklands West	570
River Hall	1,534
River Ridge	1,454
Stonewater	0
Stoneybrook	1,721
Verandah East	779
Verandah West	937
University Square	0
University Village	0
Waterford Landing	1,298
WildBlue	228

Send to: Daphne Gillyard [gillyardd@whhassociates.com](mailto:gillyardd@whhassociates.com) Phone: 561-571-0010

Tammy Lipa – Voice: 239-533-6329

Email: [tlipa@lee.vote](mailto:tlipa@lee.vote)

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

**12CII**

**EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT**

**BOARD OF SUPERVISORS FISCAL YEAR 2020/2021 MEETING SCHEDULE**

**LOCATION**

*office of D.R. Horton, 10541 Ben C. Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966*

<b>DATE</b>	<b>POTENTIAL DISCUSSION/FOCUS</b>	<b>TIME</b>
<b>November 6, 2020</b>	<b>Public Hearings and Special Meeting</b>	<b>10:00 AM</b>
<b>November 9, 2020</b>	<b>Landowners' Meeting</b>	<b>10:30 AM</b>
<b>December 14, 2020</b>	<b>Special Meeting</b>	<b>11:00 AM</b>
<b>April 27, 2021</b>	<b>Special Meeting</b>	<b>4:00 PM</b>
<b>May 17, 2021</b>	<b>Public Hearings &amp; Special Meeting</b>	<b>10:30 AM</b>
<b>August 16, 2021</b>	<b>Public Hearing &amp; Regular Meeting</b>	<b>10:30 AM</b>