

RIVER RIDGE

COMMUNITY DEVELOPMENT DISTRICT

February 22, 2022

BOARD OF SUPERVISORS

REGULAR MEETING

AGENDA

River Ridge Community Development District
OFFICE OF THE DISTRICT MANAGER
2300 Glades Road, Suite 410W•Boca Raton, Florida 33431
Phone (561) 571-0010•Fax (561) 571-0013•Toll-free: (877) 276-0889

February 15, 2022

Board of Supervisors
River Ridge Community Development District

ATTENDEES:
Please identify yourself each
time you speak to facilitate
accurate transcription of
meeting minutes.

Dear Board Members:

The Board of Supervisors of the River Ridge Community Development District will hold a Regular Meeting on February 22, 2022 at 1:00 p.m., in the Sound Room at the River Club Conference Center (Second Floor of Fitness Center), 4784 Pelican Sound Boulevard, Estero, Florida 33928 and via Zoom at <https://us02web.zoom.us/j/86587552750>, Meeting ID: **865 8755 2750** or telephonically at **1-929-205-6099**, Meeting ID: **865 8755 2750**. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments: Agenda Items (*5 minutes per speaker*)
3. Discussion: SOLitude Lake Management Premium Waterbody Assessment and Coring (Lake H1B)
4. Continued Discussion: Traffic Safety in the Masters
 - Consideration of Lykins Signtek, Inc., No Parking Sign Estimate #44976
5. Consideration of Collier Paving & Concrete Estimates for Torrey Pines Curb and Pavement Repair Projects
 - A. Estimate #22-053 [\$8,912.84]
 - B. Estimate #22-054 [\$4,507.61]
 - C. Estimate #22-055 [\$6,748.70]
6. Consideration of MAJ Contracting Inc. Proposal to Move White Paver Stop Bar
7. Consideration of Resolution 2022-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the District's General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

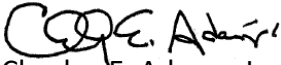
- 8. Discussion: Review of Annual Newsletter
- 9. Acceptance of Unaudited Financial Statements as of January 31, 2022
- 10. Approval of January 25, 2022 Regular Meeting Minutes
 - Active Action and Agenda Items
- 11. Staff Reports
 - A. District Counsel: *Woodward Pires & Lombardo, P.A.*
 - I. Memorandum Regarding Tow Policy
 - II. Memorandum Regarding Ownership Identification of Portion of Corkscrew Road
 - B. District Engineer: *Hole Montes, Inc.*
 - C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - I. Key Activity Dates
 - II. NEXT MEETING DATE: March 22, 2022 at 1:00 P.M.

• QUORUM CHECK

James (Jim) Gilman	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
Bob Schultz	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
Kurt Blumenthal	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
Terry Mountford	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
Bob Twombly	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO

- 12. Supervisors' Requests and Public Comments (*5 minutes per speaker*)
- 13. Adjournment

Please feel free to contact me directly at 239-464-7114 with any questions and/or concerns.

Sincerely,

 Chesley E. Adams, Jr.
 District Manager

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

3

River Ridge CDD

Premium Waterbody Assessment and Coring

Sample date: 1/19/2022

Report date: 1/26/2022

Produced by:

Ryan Ebanks, Laboratory Scientist

Christina Kennedy, Field Biologist



Report Site #H1B 2-5

Aquatic Glossary 6

SOLITUDE
LAKE MANAGEMENT

888.480.LAKE (5253)

solitudelakemanagement.com

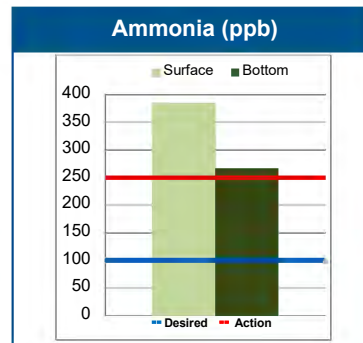
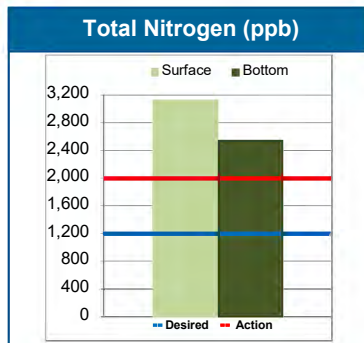
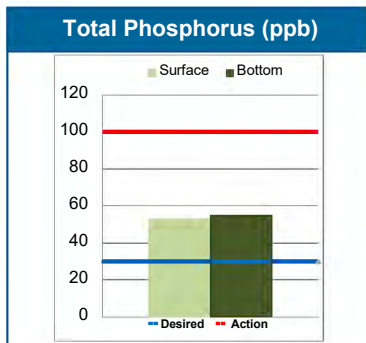
©2020 All rights reserved

Premium Waterbody Assessment: River Ridge CDD, Site #H1B

Date: 1/19/2022



Site Readings					
Test	Desired Range	Action Level	Surface	Bottom	This lake is:
Nutrients - Total Phosphorus	< 30 ppb	> 100 ppb	53	55	Normal
Nutrients - Total Nitrogen	< 1200 ppb	>2000 ppb	3,127	2,546	High*
Nutrients - Ammonia	< 100 ppb	>250 ppb	385	266	High*
Alkalinity	>80 ppm	N/A	205	205	Normal
pH Reading	Min. 6.5	Max 8.5	8.1	8.4	Normal
Water Clarity - Secchi Depth	≥ 4 Feet	N/A	1.83		Normal



Physical Lake Information	
Measured	Calculated Approximation
Perimeter Feet: 2,437	Gallons: 8,993,862
Surface Acres: 3.74	Acre Feet: 27.60
Depth: 11	

Observations

Field observations suggest that this site is experiencing issues with filamentous algae. Historically, this lake has had severe algae blooms. Presently, the blooms have been very infrequent.

Water quality analysis suggests that this site is experiencing elevated ammonia and nitrogen levels.

Ammonia is a byproduct of organic matter decomposition. It is common for ammonia to accumulate under low-oxygen conditions or from recent runoff events. Elevated ammonia may cause toxicity issues for aquatic life.

Elevated nitrogen may be due to fertilizer runoff, decaying plant material, or low oxygen levels at the bottom of the water column.

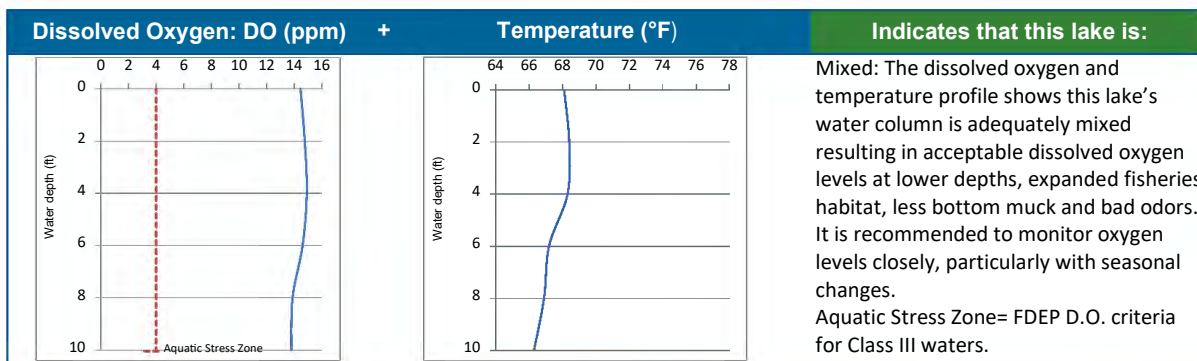
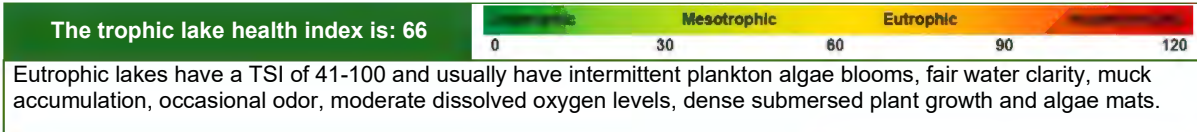
Please also note that many different species of filamentous algae can "mine" the sediments for phosphorus and are not limited to the phosphorus that is available in the water column.

Recommendations for This Lake

- Alum for improved water clarity
- Nitrogen/Ammonia reduction
- Watershed Management
- On-going water quality monitoring

The TN/TP Ratio is: 52.53

When the TN/TP ratio is < 75, the chances of having toxin producing cyanobacterial blooms (blue-green algae) as plankton or filamentous mats increase. Water column phosphorus needs to be reduced to promote more desirable algae groups.



Algae Identification

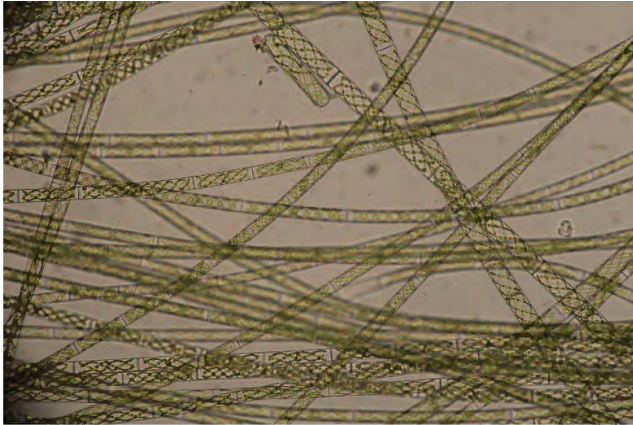


Figure 1. Microscopic image at 100X magnification of *Spirogyra* sp.

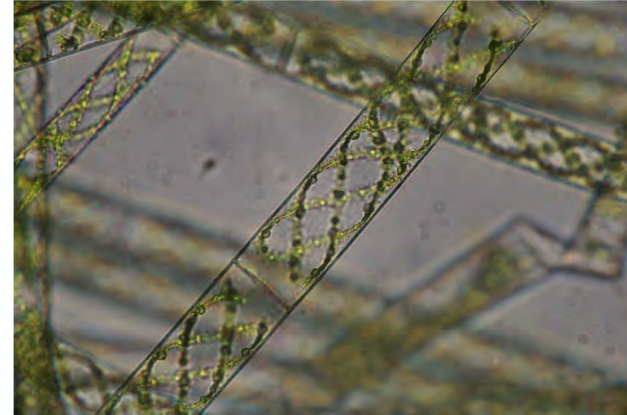


Figure 2. Microscopic image at 400X magnification of *Spirogyra* sp.

Dominant in Sample: *Spirogyra* sp.

Spirogyra sp. is a green filamentous alga (chlorophyte). It is commonly found along the perimeter of slow-moving waters and lakes. The mats formed by this genus may be either attached to the sediments or free-floating in the water body. The chloroplast is arranged in a spiral inside the cell giving this genus its name. In the field, these algae likely have a "slimy" or "silky" feel. While this genus is often in water bodies with good water quality, some species thrive in nutrient elevated systems. There are over 100 described species of this genus found in North America.

Muck Data: River Ridge CDD, Site #H1B

Date: 1/19/2022

Soil Readings

Test	Desired Range	Sample Location 1	Sample Location 2	Sample Location 3	Sample Location 4	This lake is:
Soil Organic Content	< 10 %	24.7	0.4	15.1	27.2	High
Muck Depth	0"	13.5	19	7	7	High

Muck Samples

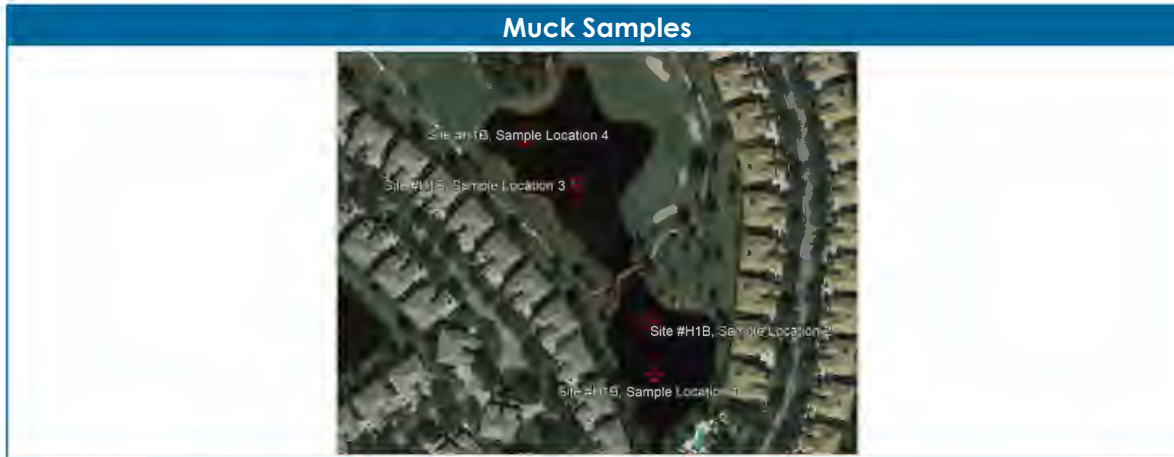


Photo of sample location 1 showing muck depth



Photo of sample location 2 showing muck depth



Trophic State Index (TSI)

A Trophic State Index (TSI) provides a single quantitative result for the purpose of classifying and ranking lakes in terms of water quality.

Nutrients such as phosphorus are usually the limiting resource for algae and plant abundance and therefore are used in creating a TSI reference number. Generally, the higher the lakes TSI the greater the likelihood of elevated nutrient levels, increased algae problems and decreased water clarity.

Due to the dynamic nature of Florida's geology and differing climate zones, regional locations may differ slightly in what is considered a healthy water quality profile.

TSI Values	Trophic Status	Attributes
30-40	Oligotrophic	Clear water, few plants and algae, small bass
40-50	Mesotrophic	Water moderately clear, but increasing probability of anoxia, green algae are likely dominant, balanced fishery with medium sized bass
50-60	Eutrophic	Decreased transparency, occasional light algal blooms, lots of available food making for large bass
60-70	Eutrophic	Dominance of blue-green algae, algal scums possible, extensive macrophyte problems possible, higher probability of anoxia, fishery starting to decline
70-80	Hypereutrophic	Dominance of blue-green algae, frequent algal scums, higher probability of anoxia, stunted fishery
>80	Hypereutrophic	Algal scums, higher probability of anoxia, fish kills, few macrophytes, very poor water clarity

More information on data sources available upon request.

Secchi depth

A mechanical test to judge water clarity, accomplished by lowering a black and white disk into the water and recording the point at which it can no longer be seen.

- Higher values indicate greater water clarity.
- Nutrient rich lakes tend to have Secchi depths less than 9 feet and highly enriched sites less than 3 feet.

Nutrient Tested	Desired Range	Action Level	Issues with high levels	Likely causes of high levels
Total Phosphorus	< 30 ppb	> 100 ppb	>100 ppb can unbalance the ecosystem	Reclaimed water discharge, landscape fertilizer runoff and agricultural drainage, phosphorus laden bottom sediments
Total Nitrogen	< 1200 ppb	>2000 ppb	>1200 ppb can unbalance the ecosystem	Landscape fertilizer runoff
Ammonia	< 100 ppb	>250 ppb	>500 ppb can be toxic to fish and animals	Organic decomposition, landscape/fertilizer runoff, and anoxic conditions (low oxygen)

Nutrient Thresholds

The desired range is the threshold value recommended for freshwaters in order maintain a balanced ecosystem.

If nutrients are measured above the action level, it is likely that the nutrient levels may have a detrimental effect on aquatic life and long-term lake health. Action needs to be taken at this point to maintain a healthy ecosystem. Nutrients above the action level will require more maintenance.

TN/TP Ratio

The TN/TP ratio can provide a useful clue as to the relative importance of nitrogen or phosphorus toward the abundance of algae in a waterbody.

In general, the lower the TN/TP ratio the more cyanobacteria bacteria will be present (i.e., Microcystis) and the higher the TN/TP ratio the more desirable green algae will be present.

Studies done on TN/TP ratios have found good agreement in predicting the type of algae present (Schindler et al., 2008; Yoshimasa Amano et al., 2008).

Dissolved Oxygen

The most critical indicator of a lake's health and water quality.

- Oxygen is added to aquatic ecosystems by aquatic plants and algae through photosynthesis and by diffusion at the water's surface and atmosphere interface.
- Oxygen is required for fast oxidation of organic wastes including bottom muck.
- When the oxygen is used up in the bottom of the lake, anaerobic bacteria continue to breakdown organic materials, creating toxic gasses such as hydrogen sulfide.
- For a healthy game-fish population, oxygen levels should not go below 4.0 ppm

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

4

Date: 2/10/2022
Estimate # : 44976
Created By:
Brittany Bowling



5935 Taylor Rd.
Naples FL. 34109

PHONE
FAX

brittany@lykins-signtek.com

Estimate/Contract

Prepared By Lykins Signtek, Inc. for : HOLE MONTES, INC C/O RIVER RIDGE CDD
Address: 6200 WHISKEY CREEK DR FORT MYERS FL 33919

To: John Baker Phone: 985-1204
From: Brittany Bowling Fax: 985-1259

Quote Description: No parking signs to be installed at River Ridge

Item Description	Quantity	@	Price
1) 12" x 18" .063 with red vinyl text and border to read "NO PARKING" in 1" tubular frame and backer. Mounted on 3" beaded posts with Naples base and ball finial. 84" from bottom of sign to ground. To be painted gloss black. For install.	5	\$860.00	\$4,300.00

Sub Total: \$4,300.00
Lee Sales Tax: \$279.50
Total: \$4,579.50

****NOTE :**

Signs are custom produced to your specifications.
All orders of \$250.00 or less require pre-payment unless prior credit arrangements are in place.

I accept the above proposal and agree to pay for said work promptly upon completion of same.

Authorized Signature: _____ Date: _____

Deposit Amount: _____ CHECK/CC # _____

Terms and Conditions:

Prices on this estimate are valid for 30 days.
A deposit of 60% is required for CBU's and 50% on other products with the balance due upon completion.
Signing of this document constitutes a legal and binding contract between parties named on this agreement.
Customer is responsible for landscape amenities within install area or as required for permitting
Lykins Signtek is NOT responsible for Irrigation or Private Underground Lines.
Goods sold remain the property of seller until paid in full.
Customer agrees to provide necessary information to obtain permit, electrical supply to sign or fixture location, and/or provide color and logo information where specified.
Customer is responsible for any cap rock, lime rock or unforeseen digging conditions
1.5 % Monthly Late Fee applied to all past due invoices

Warranties:

Workmanship: All signs or fixtures fabricated and installed by Lykins Signtek and its affiliates are warranted against defects in material and workmanship for one year, parts and labor.

Lykins-Signtek, Inc.
5935 Taylor Rd
Naples FL 34109



T: 239-594-8494
F: 239-591-3940
www.lykins-signtek.com

Standard Terms & Conditions

Design Approval

Customer approval of the design proof is a contractual agreement authorizing Lykins-Signtek to release the order for production and installation as approved. Any subsequent request to change product Specifications, content, location, or method of installation may result in a Change Order and additional charges. Quotes, Orders, Payments Prices on our quotes are valid for 30 days. Prices are subject to change as a result of material changes in customs duties or tariffs.

Quotes, Orders, Payments

Prices on our quotes are valid for 30 days. Prices are subject to change as a result of material changes in customs duties or tariffs.

If you are tax exempt, you must submit your tax certificate to us with your order or deposit, or sales tax will be irrevocably due. Orders are custom produced to your specifications. Unless other payment arrangements are in place, a down payment or advance payment is required to place an order, as follows:

- Advance payment is required for all orders ≤\$250
- Advance payment is required for all repair orders
- Advance payment of the standard fee is required for all permitting and engineering charges
- A deposit of 60% of order is required for all commercial mailbox systems
- A deposit of 50% of order is required for all other items

The balance is due upon completion. Past due invoices will be subject to a 1.5% monthly interest.

Goods sold remain the property of Lykins-Signtek until paid in full and we reserve the right to recover unpaid

Cancellation

Should a custom order be cancelled by the customer, a cancellation fee equal to the greater of 10% of order total OR the actual completed portion of the order, plus any custom-ordered parts and any design, permitting, and engineering fees, will apply and will be due or deducted from any refunds. Standard product order cancellations may be subject to a 20% restocking fee.

Customer Responsibilities

Unless other contractual arrangements have been made, and where applicable, customer is responsible for the timely provision of:

- Special fonts, color specifications, and high-resolution images or vector files for artwork
- Landlord or property manager approval, supporting information and documents required for permitting
- Property survey and location marking for any ground signs
- Removal/disposal of old signs and patching/caulking/painting of walls prior to installation of new signs
- A dedicated electrical circuit with a junction box located directly at or behind an electrical sign, within max. 6 ft of the sign.
- Reasonable access to the sign and any junction box or wiring path of an electrical sign. Access must be possible by ladder, lift, or bucket truck for installation and servicing purposes (ceiling access panel size min. 22.5" x 36" per NEC).

Permits posted must remain on-site until all inspections are signed off by the inspector. We recommend keeping

Installation and Service

When installation is included with your order or service is provided, Lykins-Signtek is NOT liable for:

- Damage to unmarked irrigation systems or private underground lines.
- Hidden obstructions or unusual digging conditions such as buried concrete, cap rock, lime rock or high water tables
- Landscaping removal, restoration, or supply to satisfy sign code and permit requirements
- The preservation, condition or storage of prior signs or mailboxes removed at customer's request

Additional charges may apply.

Please note that our Installers are not authorized to modify the product or change installation locations in the field without formal client approval through a Change Order.

Warranty

Our standard limited warranty covers parts and labor for one year from date of installation. Warranty coverage is contingent on full payment. Request our Warranty Form for details.

Monument Signs – Business Signs – Mailboxes – Street Traffic Signs – Illuminated Signs – ADA Signs – Vehicle Graphics
Project Signs – Pylon Signs – Flagpoles – Window Graphics – Plaques – Realty Signs – Bulletin Boards – Banners
Electrical Sign Service and LED conversions

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

5A

Curb replacements on
 Pelican Sound Blvd,
 Pinehurst Greens Ct.,
 Gleneagles Links Ct. & Dr.,
 Island Sound Cir.,
 Classics Ct.,
 Palmetto Dunes Dr.,
 Pelican Sound Dr., M
 asters Cir. and
 Southern Hills Ct. & Dr.



Divisions of Southern Striping Solutions, LLC.

239.591.5903 office
 239.719.7087 cell
 239.280.0762 fax
www.collierpave.com

PROPOSAL

Date: 2/4/2022
 Estimate #: 22-053
 Project: River Ridge Curb Restoration 2022 Est. 1
 Contractor: Hole Montes
 Location: Ft. Myers
 Scope: Concrete

Item No.	Description	Quantity	Unit	Unit Price	Extension	
	Mobilization, General Conditions	1	LS	\$ 780.00	\$ 780.00	
	Demo & Replace F Curb	11	LF	\$ 121.13	\$ 1,332.38	
	Demo & Replace Valley Gutter Curb	38	LF	\$ 68.98	\$ 2,621.18	
	Demo & Replace A Curb	43	LF	\$ 45.99	\$ 1,977.59	
	Demo & Replace Header Curb	14	LF	\$ 157.26	\$ 2,201.69	
				Total:	\$ 8,912.84	

TERMS AND CONDITIONS

Price excludes all full depth repair to Sub-base
 Price excludes all replacement of any Wheel Stops
 Price excludes all concrete repairs or replacements
 No Permits, Fee's or Bond
 No traffic control or devices
 No Testing
 No Q/C Plan or Services
 No Fine Grade of sub-base
 Progress invoicing based on work completed
 Price submitted is good for 30 days from date of proposal
 Excludes all Asphalt over-runs due to yielding sub-grade or Base
 Asphalt material costs subject to (Fuel Cost Adjustment) base on market pricing after 90/days form contract.
 Final Prices Based on Field Measurements

E Ray
 Eddie Rey

Estimator/Project Manager

Date of Acceptance _____

by: _____



**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

5B

Repairs to
 Torrey Pines Way where tree roots have broken through the asphalt
 - includes cutting back roots, installing a root barrier and replacing damaged
 curb and asphalt.



Divisions of Southern Striping Solutions, LLC.

239.591.5903 office
 239.719.7087 cell
 239.280.0762 fax
www.collierpave.com

PROPOSAL

Date: 2/4/2022
 Estimate #: 22-054
 Project: River Ridge Curb Restoration 2022 Est. 2
 Contractor: Hole Montes
 Location: Ft. Myers
 Scope: Root Barrier, Curb, Asphalt Patch

Item No.	Description	Quantity	Unit	Unit Price	Extension	
	Mobilization, General Conditions	1	LS	\$ 645.00	\$ 645.00	
	Excavate Remove Existing Roots and Install Root Barrier	20	LF	\$ 94.20	\$ 1,884.01	
	Demo and Replace Valley Gutter Curb	20	LF	\$ 68.93	\$ 1,378.60	
	Asphalt Patching	40	SF	\$ 15.00	\$ 600.00	
				Total:	\$ 4,507.61	

TERMS AND CONDITIONS

Price excludes all full depth repair to Sub-base
 Price excludes all replacement of any Wheel Stops
 Price excludes all concrete repairs or replacements
 No Permits, Fee's or Bond
 No traffic control or devices
 No Testing
 No Q/C Plan or Services
 No Fine Grade of sub-base
 Progress invoicing based on work completed
 Price submitted is good for 30 days from date of proposal
 Excludes all Asphalt over-runs due to yielding sub-grade or Base
 Asphalt material costs subject to (Fuel Cost Adjustment) base on market pricing after 90/days form contract.
 Final Prices Based on Field Measurements

E Rey

Eddie Rey
 Estimator/Project Manager

Date of Acceptance _____

by: _____



**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

5C

Repairs to replace flat areas of curb near
 21744 Masters Circle and
 20842 & 20844 Gleneagles Links Dr.
 Request for proposal mentioned cutting small trenches into curb to facilitate
 flow of water, and the proposal appears to be for the worst-case scenario of
 replacement of the curb altogether.



Divisions of Southern Striping Solutions, LLC.

239.591.5903 office
 239.719.7087 cell
 239.280.0762 fax
www.collierpave.com

PROPOSAL

Date: 2/4/2022
 Estimate #: 22-055
 Project: River Ridge Curb Restoration 2022 Est. 3
 Contractor: Hole Montes
 Location: Esteros, FL
 Scope: Concrete

Item No.	Description	Quantity	Unit	Unit Price	Extension	
	Mobilization, General Conditions	1	LS	\$ 545.00	\$ 545.00	
	Demo Existing and Replace Valley Gutter	90	LF	\$ 68.93	\$ 6,203.70	
				Total:	\$ 6,748.70	

TERMS AND CONDITIONS

Price excludes all full depth repair to Sub-base
 Price excludes all replacement of any Wheel Stops
 Price excludes all concrete repairs or replacements
 No Permits, Fee's or Bond
 No traffic control or devices
 No Testing
 No Q/C Plan or Services
 No Fine Grade of sub-base
 Progress invoicing based on work completed
 Price submitted is good for 30 days from date of proposal
 Excludes all Asphalt over-runs due to yielding sub-grade or Base
 Asphalt material costs subject to (Fuel Cost Adjustment) base on market pricing after 90/days form contract.
 Final Prices Based on Field Measurements

E Rey

Eddie Rey
 Estimator/Project Manager

Date of Acceptance _____

by: _____



**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

6

MAJ CONTRACTING INC.

To: Eric Long	Date: 2-1-22
Address: 4569 Pelican Sound Blvd	Job Name: Pelican Sound Repair
	Job Location: Estero, FL 33928
Architect/Engineer:	Date of Plans: Estimator: Daniel Sipma

MAJ Contracting, Inc. submits for your review and approval:

- We will remove and replace approximately 100 sf of standard concrete pavers, on no more than 1” compacted screening sand. Concrete edge restraint is included in landscape interface areas.
 - We will need all concrete curbing formed and poured prior to any paver installations. This will need to be done by others at their expense.
 - Standard brick pavers are: **BELGARD, 60MM, APPIAN COMBO, COLOR: NAPOLI; BELGARD, 60MM, HOLLAND, KNIGHTSBRIDGE; WHITE 4X8 PAVERS ARE INCLUDED IN ALL STOP-BAR AREAS.** Delivery to site is approximately 14-16 weeks from order date.

Inclusions:

Pavers
Screening sand
Mason sand topping
Concrete Edge Restraint in landscape areas
Removal of existing pavers from jobsite

Not included in this proposal:

Import fill or excessive grading
On-site dumpster for waste
Sealing of installed pavers
Survey stakeout or as-builts
Density testing
Aggregate base course
Concrete headers, footers, and curbs
Permits

Installation Date: Approximately 14-16 weeks from confirmed paver order.

MAJ Contracting proposes to furnish material and labor – complete in accordance with above specifications for the sum of:

Total: \$4,500 (FOUR THOUSAND, FIVE HUNDRED DOLLARS)

Payment to be made as follows: 50% at paver ship date, balance due on monthly draw request

- MAJ Contracting, Inc will **only** furnish and supply labor and materials to complete this job as specified above.
- MAJ Contracting, Inc. **will not be responsible for any residual damages** to grass, plants, or any above or below ground structure within 6’ area outside of our working area. **Grass areas used for stockpiled materials will be owner’s responsibility for repair.**
- Brick manufacturer and/or Subcontractors may send a Notice to Owner. **Lein Releases will be provided to customer only after payment in full has been received and will be mailed to customer within a fourteen (14) day period.**
- Color of actual pavers installed may vary. **No Guarantee of exact color match from installed pavers is made.**
- **Final billing may include square footage installed over and above the original contract.**
- **Failure to make payment in full upon completion of work will result in an immediate lien placed on property.**

Proposal/Acceptance

MAJ CONTRACTING INC.

2602 Dora St
Ft Myers, FL 33901

(239) 332-7989
Fax: (239) 332-7475

- A 1 ½% Finance charge will be added to all overdue invoices.

Customer Initials

If this is a credit transaction the agreement for credit is contained in a separate document, which is incorporated herein by reference and is made a part thereof.

I/We the undersigned are hereby authorizing MAJ Contracting, Inc to verify and review my/our credit record with an independent credit reporting agency and release them from all liability incurred from inadvertent admissions on errors.

NO WORK IS TO BE DONE OTHER THAN THAT SPECIFIED IN THIS CONTRACT WITHOUT ADDITIONAL CHARGES. VERBAL AGREEMENTS WILL NOT BE HONORED!

This agreement cancels and supersedes any other, verbal or otherwise. Sprinkler systems, utility lines and/or any other underground lines not specifically mentioned in the above contract will be the responsibility of customer and not MAJ Contracting, Inc

Authorized Signature:

MAJ Contracting, Inc.

Note: This proposal may be withdrawn by us if not accepted within 14 days.

Accepted By: _____
Authorized Signature

Date: _____

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

7

RESOLUTION 2022-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE RIVER RIDGE COMMUNITY DEVELOPMENT DISTRICT IMPLEMENTING SECTION 190.006(3), FLORIDA STATUTES, AND REQUESTING THAT THE LEE COUNTY SUPERVISOR OF ELECTIONS BEGIN CONDUCTING THE DISTRICT'S GENERAL ELECTIONS; PROVIDING FOR COMPENSATION; SETTING FOR THE TERMS OF OFFICE; AUTHORIZING NOTICE OF THE QUALIFYING PERIOD; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the River Ridge Community Development District ("District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated entirely within Lee County, Florida; and

WHEREAS, the Board of Supervisors of River Ridge Community Development District ("Board") seeks to implement section 190.006(3), Florida Statutes, and to instruct the Lee County Supervisor of Elections ("Supervisor") to conduct the District's General Elections ("General Election").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE RIVER RIDGE COMMUNITY DEVELOPMENT DISTRICT:

1. **GENERAL ELECTION SEATS.** Seat 1, currently held by James Gilman, Jr., and Seat 2, currently held by Bob Schultz are scheduled for the General Election in November 2022. The District Manager is hereby authorized to notify the Supervisor of Elections as to what seats are subject to General Election for the current election year, and for each subsequent election year.
2. **QUALIFICATION PROCESS.** For each General Election, all candidates shall qualify for individual seats in accordance with Section 99.061, *Florida Statutes*, and must also be a qualified elector of the District. A qualified elector is any person at least 18 years of age who is a citizen of the United States, a legal resident of the State of Florida and of the District, and who is registered to vote with the Lee County Supervisor of Elections. Campaigns shall be conducted in accordance with Chapter 106, *Florida Statutes*.
3. **COMPENSATION.** Members of the Board receive \$200 per meeting for their attendance and no Board member shall receive more than \$4,800 per year.
4. **TERM OF OFFICE.** The term of office for the individuals to be elected to the Board in the General Election is four years. The newly elected Board members shall assume office on the second Tuesday following the election.

5. **REQUEST TO SUPERVISOR OF ELECTIONS.** The District hereby requests the Supervisor to conduct the District's General Election in November, 2022, and for each subsequent General Election unless otherwise directed by the District's Manager. The District understands that it will be responsible to pay for its proportionate share of the General Election cost and agrees to pay same within a reasonable time after receipt of an invoice from the Supervisor.

6. **PUBLICATION.** The District Manager is directed to publish a notice of the qualifying period for each General Election, in a form substantially similar to **Exhibit A** attached hereto.

7. **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.

8. **EFFECTIVE DATE.** This Resolution shall become effective upon its passage.

PASSED AND ADOPTED THIS 22ND DAY OF FEBRUARY, 2022.

**RIVER RIDGE COMMUNITY DEVELOPMENT
DISTRICT**

CHAIR/VICE CHAIR, BOARD OF SUPERVISORS

ATTEST:

SECRETARY/ASSISTANT SECRETARY

Exhibit A

NOTICE OF QUALIFYING PERIOD FOR CANDIDATES FOR THE BOARD OF SUPERVISORS OF THE
RIVER RIDGE COMMUNITY DEVELOPMENT DISTRICT

Notice is hereby given that the qualifying period for candidates for the office of Supervisor of the River Ridge Community Development District will commence at noon on June 13, 2022, and close at noon on June 17, 2022. Candidates must qualify for the office of Supervisor with the Lee County Supervisor of Elections located at 2480 Thompson Street, Third Floor, Fort Myers, Florida 33901, (239) 533-8683. All candidates shall qualify for individual seats in accordance with Section 99.061, Florida Statutes, and must also be a qualified elector of the District. A qualified elector is any person at least 18 years of age who is a citizen of the United States, a legal resident of the State of Florida and of the District, and who is registered to vote with the Lee County Supervisor of Elections. Campaigns shall be conducted in accordance with Chapter 106, Florida Statutes.

The River Ridge Community Development District has two (2) seats up for election, specifically seats 1 and 2. Each seat carries a four-year term of office. Elections are nonpartisan and will be held at the same time as the general election on November 8, 2022, in the manner prescribed by law for general elections.

For additional information, please contact the Lee County Supervisor of Elections.

District Manager
River Ridge Community Development District

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

9

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
JANUARY 31, 2022**

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
JANUARY 31, 2022**

	<u>General Fund</u>	<u>Special Revenue Fund</u>	<u>Total Governmental Funds</u>
ASSETS			
Cash			
SunTrust			
Operating	\$ 234,422	\$ -	\$ 234,422
Loan account 2019	-	75,316	75,316
SRF - Pelican Sound	-	1,094,609	1,094,609
Florida Community Bank			
Note reserve 2016	-	10,000	10,000
Note reserve 2019	-	10,000	10,000
Prepaid expense	705	-	705
Total assets	<u>\$ 235,127</u>	<u>\$ 1,189,925</u>	<u>\$ 1,425,052</u>
LIABILITIES			
Liabilities			
Accrued wages payable	<u>\$ 1,076</u>	<u>\$ -</u>	<u>\$ 1,076</u>
Total liabilities	<u>1,076</u>	<u>-</u>	<u>1,076</u>
FUND BALANCE			
Assigned			
Working capital	53,775	271,120	324,895
Unassigned	<u>180,276</u>	<u>918,805</u>	<u>1,099,081</u>
Total fund balance	<u>234,051</u>	<u>918,805</u>	<u>1,099,081</u>
Total liabilities and fund balance	<u>\$ 235,127</u>	<u>\$ 1,189,925</u>	<u>\$ 1,425,052</u>

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES - GENERAL FUND
FOR THE PERIOD ENDED JANUARY 31, 2022**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 5,546	\$ 201,801	\$ 214,350	94%
Interest & miscellaneous	2	6	750	1%
Total revenues	<u>5,548</u>	<u>201,807</u>	<u>215,100</u>	94%
EXPENDITURES				
Administrative				
Supervisors	1,076	3,229	10,918	30%
Management/accounting	4,284	17,136	51,408	33%
Audit	-	-	7,100	0%
Special assessment preparation	6,500	6,500	6,500	100%
Legal fees	2,088	3,026	10,000	30%
Line of credit - costs	-	9,000	-	N/A
Engineering	10,650	12,239	10,000	122%
NPDES reporting filing	-	7,610	13,000	59%
Telephone	33	133	400	33%
Postage	250	374	1,000	37%
Insurance	-	6,958	7,100	98%
Printing & binding	63	250	750	33%
Legal advertising	-	533	1,000	53%
Contingencies	11	1,308	3,880	34%
Subscriptions & memberships	-	175	175	100%
Website maintenance	-	-	705	0%
ADA website compliance	199	199	210	95%
Property taxes	-	10	-	N/A
Total administrative	<u>25,154</u>	<u>68,680</u>	<u>124,146</u>	55%
Field services				
Other contractual - field management				
Q & A	217	867	2,601	33%
Contingencies	-	-	1,000	0%
Other contractual	9,444	11,050	40,000	28%
Street lighting	608	1,193	4,500	27%
Plant replacement	-	-	4,000	0%
Street sweeping	-	-	10,000	0%
Roadway repairs	-	-	2,500	0%
Aquascaping	135	135	20,000	1%
Total field services	<u>10,404</u>	<u>13,245</u>	<u>84,601</u>	16%

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES - GENERAL FUND
FOR THE PERIOD ENDED JANUARY 31, 2022**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
Other fees and charges				
Property appraiser	-	-	1,725	0%
Tax collector	-	2,278	2,588	88%
Total other fees and charges	-	2,278	4,313	53%
Subtotal expenditures: general	<u>35,558</u>	<u>84,203</u>	<u>213,060</u>	40%
Net change in fund balances	(30,010)	117,604	2,040	
Fund balances - beginning				
Unassigned	264,061	116,447	75,868	
Fund balances - ending				
Assigned				
Working capital	53,775	53,775	53,775	
Unassigned	180,276	180,276	24,133	
Fund balances - ending	<u>\$ 234,051</u>	<u>\$ 234,051</u>	<u>\$ 77,908</u>	

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES:
SPECIAL REVENUE FUND - PELICAN SOUND PROGRAM
FOR THE PERIOD ENDED JANUARY 31, 2022**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy: Pelican Sound	\$ 28,043	\$ 1,008,976	\$ 1,083,980	93%
Interest & miscellaneous: Pelican Sound	11	24	500	5%
Total revenues	<u>28,054</u>	<u>1,009,000</u>	<u>1,084,480</u>	93%
EXPENDITURES				
Professional services				
Audit	-	-	3,400	0%
Legal	-	-	5,000	0%
Engineering	1,899	1,899	20,000	9%
Contingencies	60	222	600	37%
Total professional services	<u>1,959</u>	<u>2,121</u>	<u>29,000</u>	7%
Other contractual				
Field management	417	1,667	5,000	33%
Lake/wetland	14,976	32,530	95,000	34%
Drainage pipe annual inspection and cleaning	46,091	46,091	45,000	102%
Lake bank remediation	-	-	50,000	0%
2019 Note - capital outlay	-	4,875	90,000	5%
Capital outlay - phase 2 pavers	-	-	674,000	0%
Roadway RM/traffic calming	-	23,900	35,000	68%
Contingencies	18	18	25,000	1%
Total other contractual	<u>61,502</u>	<u>109,081</u>	<u>1,019,000</u>	11%
Net change in fund balances	(35,407)	897,798	36,480	
Fund balances - beginning				
Unassigned	1,225,332	292,127	299,406	
Fund balances - ending				
Assigned				
Working capital	271,120	271,120	271,120	
Unassigned	918,805	918,805	64,766	
Fund balances - ending	<u>\$ 1,189,925</u>	<u>\$ 1,189,925</u>	<u>\$ 335,886</u>	

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT
CHECK REGISTER
JANUARY 2022**

River Ridge CDD Check Register January 2022

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill Pmt -Check	CBI	01/05/2022	F P L	151.002 · Suntrust Operating Account		-292.55
Bill	55697-04520 122821	01/04/2022		538.431 · Street Lighting	-292.55	292.55
TOTAL					-292.55	292.55
Bill Pmt -Check	CBI	01/05/2022	FEDEX	151.002 · Suntrust Operating Account		-137.48
Bill	7-605-31066	01/04/2022		519.410 · Postage	-15.83	15.83
Bill	7-612-59288	01/04/2022		519.410 · Postage	-15.75	15.75
Bill	7-596-94613	01/04/2022		519.410 · Postage	-105.90	105.90
TOTAL					-137.48	137.48
Bill Pmt -Check	CBI	01/31/2022	F P L	151.003 · SRF - Pelican Sound		-18.40
Bill	67220-91268 012722	01/28/2022		539.040 · Contingencies	-18.40	18.40
TOTAL					-18.40	18.40
Bill Pmt -Check	CBI	01/31/2022	F P L	151.002 · Suntrust Operating Account		-315.20
Bill	55697-04520 012622	01/28/2022		538.431 · Street Lighting	-315.20	315.20
TOTAL					-315.20	315.20
Bill Pmt -Check	6073	01/05/2022	A J C ASSOCIATES, INC.	151.002 · Suntrust Operating Account		-6,500.00
Bill	120121	01/04/2022		513.310 · Assessment Roll Services	-6,500.00	6,500.00
TOTAL					-6,500.00	6,500.00
Bill Pmt -Check	6074	01/05/2022	HOLE MONTES, INC.	151.002 · Suntrust Operating Account		-6,072.50
Bill	86983	01/04/2022		519.320 · Engineering	-5,742.69	6,072.50
				519.320 · Engineering	-329.81	348.75
TOTAL					-6,072.50	6,421.25
Bill Pmt -Check	6075	01/05/2022	PASSARELLA & ASSOCIATES, INC.	151.002 · Suntrust Operating Account		-1,055.00
Bill	18WHA2867 2A	01/04/2022		519.320 · Engineering	-1,055.00	1,055.00
TOTAL					-1,055.00	1,055.00
Bill Pmt -Check	6076	01/05/2022	SOLITUDE LAKE MANAGEMENT	151.002 · Suntrust Operating Account		-135.00
Bill	PI-A00728732	01/04/2022		538.461 · Aquascaping	-135.00	135.00
TOTAL					-135.00	135.00

**River Ridge CDD
Check Register
January 2022**

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill Pmt -Check	6077	01/05/2022	WOODWARD, PIRES AND LOMBARDO. P.A.	151.002 · Suntrust Operating Account		-1,320.00
Bill	20976	01/04/2022		514.310 · Legal Fees	-1,200.00	1,200.00
Bill	20968	01/04/2022		514.310 · Legal Fees	-120.00	120.00
TOTAL					-1,320.00	1,320.00
Bill Pmt -Check	6078	01/05/2022	WRATHELL, HUNT AND ASSOCIATES, LLC	151.002 · Suntrust Operating Account		-4,596.58
Bill	2021-0557	01/04/2022		513.311 · Management	-3,927.93	4,284.00
				519.411 · Telephone	-30.56	33.33
				519.470 · Printing and Binding	-57.31	62.50
				539.020 · Field Management	-382.04	416.67
				538.336 · Q & A	-198.74	216.75
TOTAL					-4,596.58	5,013.25
Bill Pmt -Check	6079	01/05/2022	HOLE MONTES, INC.	151.003 · SRF - Pelican Sound		-1,855.00
Bill	86169	09/30/2021		519.320 · Engineering	-1,506.25	1,506.25
Bill	86983	01/04/2022		519.320 · Engineering	-329.81	6,072.50
				519.320 · Engineering	-18.94	348.75
TOTAL					-1,855.00	7,927.50
Bill Pmt -Check	6080	01/05/2022	SOLITUDE LAKE MANAGEMENT	151.003 · SRF - Pelican Sound		-7,487.76
Bill	PI-A00725185	01/04/2022		539.021 · Lake/Wetland	-7,487.76	7,487.76
TOTAL					-7,487.76	7,487.76
Bill Pmt -Check	6081	01/05/2022	WRATHELL, HUNT AND ASSOCIATES, LLC	151.003 · SRF - Pelican Sound		-416.67
Bill	2021-0557	01/04/2022		513.311 · Management	-356.07	4,284.00
				519.411 · Telephone	-2.77	33.33
				519.470 · Printing and Binding	-5.19	62.50
				539.020 · Field Management	-34.63	416.67
				538.336 · Q & A	-18.01	216.75
TOTAL					-416.67	5,013.25
Bill Pmt -Check	6082	01/07/2022	LAZS LAWN SERVICE INC.	151.002 · Suntrust Operating Account		-9,443.60
Bill	4844	01/07/2022		538.340 · Other Contractual Services	-2,099.60	2,099.60
Bill	4843	01/07/2022		538.340 · Other Contractual Services	-7,344.00	7,344.00
TOTAL					-9,443.60	9,443.60
Bill Pmt -Check	6083	01/31/2022	ADA SITE COMPLIANCE	151.002 · Suntrust Operating Account		-199.00

River Ridge CDD
Check Register
January 2022

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill	1214	01/28/2022		519.408 · ADA Website Compliance	-199.00	199.00
TOTAL					-199.00	199.00
Bill Pmt -Check	6084	01/31/2022	FEDEX	151.002 · Suntrust Operating Account		-112.59
Bill	7-369-58426	01/28/2022		519.410 · Postage	-112.59	112.59
TOTAL					-112.59	112.59
Bill Pmt -Check	6085	01/31/2022	HOLE MONTES, INC.	151.002 · Suntrust Operating Account		-3,522.50
Bill	87228	01/28/2022		519.320 · Engineering 519.320 · Engineering	-2,446.13 -1,076.37	3,522.50 1,550.00
TOTAL					-3,522.50	5,072.50
Bill Pmt -Check	6086	01/31/2022	THE STRANGE ZONE	151.002 · Suntrust Operating Account		-704.99
Bill	2022-0031	01/28/2022		155.000 · Prepaid Expense	-704.99	704.99
TOTAL					-704.99	704.99
Bill Pmt -Check	6087	01/31/2022	WOODWARD, PIRES AND LOMBARDO. P.A.	151.002 · Suntrust Operating Account		-767.75
Bill	21702	01/28/2022		514.310 · Legal Fees	-767.75	767.75
TOTAL					-767.75	767.75
Bill Pmt -Check	6088	01/31/2022	HOLE MONTES, INC.	151.003 · SRF - Pelican Sound		-1,550.00
Bill	87228	01/28/2022		519.320 · Engineering 519.320 · Engineering	-1,076.37 -473.63	3,522.50 1,550.00
TOTAL					-1,550.00	5,072.50
Bill Pmt -Check	6089	01/31/2022	M.R.I. CONSTRUCTION INC.	151.003 · SRF - Pelican Sound		-46,090.64
Bill	28	01/28/2022		539.022 · Drainage Pipe Annual Inspection	-46,090.64	46,090.64
TOTAL					-46,090.64	46,090.64
Bill Pmt -Check	6090	01/31/2022	SOLITUDE LAKE MANAGEMENT	151.003 · SRF - Pelican Sound		-7,487.76
Bill	PI-A00741092	01/28/2022		539.021 · Lake/Wetland	-7,487.76	7,487.76
TOTAL					-7,487.76	7,487.76

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

10

DRAFT

**MINUTES OF MEETING
RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the River Ridge Community Development District held a Regular Meeting on January 25, 2022 at 1:00 p.m., in the Sound Room at the River Club Conference Center (Second Floor of Fitness Center), 4784 Pelican Sound Boulevard, Estero, Florida 33928 and via Zoom at <https://us02web.zoom.us/j/86587552750>, and telephonically at 1-929-205-6099, Meeting ID: 865 8755 2750 for both.

Present were:

Bob Schultz	Chair
Terry Mountford	Vice Chair
Kurt Blumenthal	Assistant Secretary
James Gilman	Assistant Secretary
Robert Twombly	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Shane Willis	Operations Manager
Lenore Brakefield	District Counsel
Charlie Krebs	District Engineer
Eric Long	PSGRC General Manager
Travis Childers	PSGRC Assistant General Manager
Lamar Stoltzfus	PSGRC President
Jim McGivern	PSGRC Vice President
Dick Renaud	Masters HOA President
Larry Fiesel	Resident
Bill Costick	Public Affairs Panel and Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 1:00 p.m. All Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items (5 minutes per speaker)

43 There were no public comments.

44

45 **THIRD ORDER OF BUSINESS**

Updates: SOLitude Lake Management

46

47 • **Status of Lake H1-B**

48 Mrs. Adams reported the following on behalf of Mr. Kurth who was not present:

49 ➤ All "H" lakes were looking very good.

50 ➤ The test results to establish a baseline for water quality were pending.

51 ➤ Lake H1-B nano-bubbler electrical project remained ongoing. Florida Power & Light (FPL)
52 passed the meter box inspection and the electrician is now waiting on the directional bore.

53 Mr. Mountford felt that the Lake H1-B water levels are always lower than the other
54 lakes and asked if a natural flow of water existed between the lakes to bring it up to the same
55 level. Mr. Krebs stated that Lakes H1-B, H2-B and H3-B are interconnected; the surveyor would
56 have to mark the water levels at the same time on all three lakes to determine if there is a
57 difference in the elevation. He noted that, when water levels drop, plantings around the lakes
58 make it appear as if the lake is lower than it is. Mr. Krebs would inspect Lake H1-B.

59 Mr. Schultz agreed that Lake H1-B looked good and noted that Lake H1-A had algae
60 along the shorelines. Mrs. Adams stated she would submit a work order to SOLitude.

61

62 **FOURTH ORDER OF BUSINESS**

**Continued Discussion: Corkscrew Circle
Project**

63

64

65 • **Signage at Roundabout**

66 • **Lykins-Signtek, Inc., Solar Yield Sign Estimate #44182**

67 Mr. Krebs presented a \$4,500 proposal to install a flashing yield sign. Mr. Blumenthal
68 and Mr. Mountford were concerned about the cost of the sign. Rather than installing a sign, the
69 Board agreed with Staff's suggestion to provide an updated safety letter to Mr. Long and for
70 Mr. Long to e-blast it to residents and address it during the upcoming Safety Saturdays.

71

72 **FIFTH ORDER OF BUSINESS**

**Continued Discussion: Traffic Safety in the
Masters**

73

74

75 Mr. Krebs referred to the parking requirements, which state that no parking is permitted
76 within 20' of an intersection and 30' of a stop sign. He stated that the Masters' request would
77 prohibit parking at each intersection and, although it would result in the corner of the
78 homeowners' lots not having guest parking in front of the residence, he recommended it
79 because it addresses the visibility issues in that area. Mr. Krebs indicated that the specification
80 for sign spacing is 25' to 75' apart; a total of five signs going out and two at each corner would
81 be needed. He was unsure if yellow paint would stop people from parking in the area.

82 Mr. Blumenthal voiced his opinion that three of his neighbors in attendance would
83 disagree with Mr. Krebs' point of view. He felt that painting a strip on the east side of the road
84 would not solve the problem but it would, though, for the intersections. As he observed several
85 work trucks with trailers working on various projects, he believed The Masters' request to limit
86 parking was disingenuous. He noted that some residents hold parties where guests park on
87 both side of the streets, which creates the same type of emergency access problems.

88 A resident disagreed with Mr. Blumenthal's point and voiced their opinion that the
89 entrance had worsened due to vendor delivery trucks and it being used as a picnic area. He
90 was concerned about emergency vehicle response times and supported no parking signage on
91 the east side of the road.

92 Masters HOA President Dick Renaud thanked the Board for discussing this matter. As
93 safety is of everyone's concern, the need to ensure access for emergency vehicles was of
94 paramount concern, he encouraged the Board to continue discussions and support installing a
95 no parking sign on one side of the street, from the northeast corner house to the edge of the
96 road, as soon as possible.

97 Resident Bill Costick agreed with the previous comment and stated he experienced
98 several instances where he could not drive his golf cart through. He felt that installing "No
99 Parking" signage on the east side from the main drive, was a reasonable request.

100

101

102

103

104

105

106

107

On MOTION by Mr. Gilman and seconded by Mr. Schultz, with Mr. Gilman, Mr. Schultz, Mr. Mountford and Mr. Twombly in favor and Mr. Blumenthal dissenting, acceptance of the District Engineer's plan and authorizing the District Engineer to obtain proposals to present at the next meeting, was approved. [Motion passed 4-1]

108 **SIXTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial
Statements as of December 31, 2021**

109
110
111 Mrs. Adams presented the Unaudited Financial Statements as of December 31, 2021.
112 The FY2022 Operations Financial Impact Analysis Report was distributed.

113 Mr. Schultz commented owing The Club money. Mr. Adams stated that payment to The
114 Club was in progress; the invoice was received two days ago and covered everything except for
115 the three filter injection systems and minor electrical work. He believed the project will come in
116 under the \$674,000 budgeted.

117 In response to a question about the CDD paying for the injection systems, Mr. Adams
118 stated the initial system was not working as intended. He would request an updated proposal
119 from Mr. Mike Radford, of M.R.I., and send a copy to Mr. Long to review for accuracy.

120 Mr. Adams responded to questions and explained the “Due to Special Revenue Fund
121 (SPF)” budget line item. He felt that the amount budgeted for “NPDES report filing” was
122 sufficient. Page 3 of the Check Detail Report reflected payment to Counsel, Greenspoon Marder
123 LLP, instead of netting it out to the line of credit proceeds.

124 The financials were accepted.

125

126 **SEVENTH ORDER OF BUSINESS**

**Approval of December 14, 2021 Regular
Meeting Minutes**

127
128
129 Mrs. Adams presented the December 14, 2021 Regular Meeting Minutes. All edits were
130 previously submitted to Management, which included the following change:

131 After Line 32: Insert “Lamar Stoltzfus” and “PSGRC President”

132

**On MOTION by Mr. Gilman and seconded by Mr. Blumenthal, with all in favor,
the December 14, 2021 Regular Meeting Minutes, as amended to incorporate
edits previously submitted to Management, were approved.**

133

134

135

136

137

138 • **Active Action and Agenda Items**

139 Items 3, 4, 8, 9, 12, 13, 14, 15 and 18 were completed.

140 Item 11 was deleted, as it was a duplicate of Action Item 5.

141

142 **EIGHTH ORDER OF BUSINESS****Staff Reports**

143

144 **A. District Counsel: *Woodward Pires & Lombardo, P.A.***

145 Ms. Brakefield reported on the following:

146 ➤ Tow Policy: The CDD is authorized to tow vehicles once signage is posted.

147 ➤ Ownership of Portion of Corkscrew Road: After in depth research, Mr. Pires concluded
148 that Lee County owns Corkscrew Road and only the County Commissioners can vacate that
149 ownership.150 Mr. Long stated that Mr. David Willems, of the Village of Estero, contacted him today
151 regarding providing him with information about something in the zoning that pointed out
152 ownership for that section of Corkscrew Road. Mr. Long conveyed Mr. Pires' conclusion, which
153 differed. He was asked to forward the information to Staff.154 District Counsel would present a memorandum related to each of the above items at
155 the next meeting.156 Discussion ensued regarding the PSGRC having maintained the landscape on a
157 voluntarily basis and the CDD having striped the road. Mr. Krebs stated he would email
158 information to Mr. Pires and District Staff about needing to address long-term stormwater
159 management in that area, sometime. Mr. Krebs discussed the Village of Estero having the
160 ability to obtain a federal grant to install a multi-use path, which would eventually benefit the
161 CDD.162 **B. District Engineer: *Hole Montes, Inc.***

163 Mr. Krebs reported the following:

- 164 •
- Proposal for Moving Paver Stop Bar Located at Pelican Sound Blvd. & Pelican**
-
- 165
- Sound Dr.**

166 Mr. Krebs presented a \$4,500 proposal from MAJ to move the paver stop bar 4' to
167 resolve line of sight issues with the monument sign. The proposal included labor and materials;
168 it would be necessary to order additional white pavers, which were out of stock.169 Mr. Krebs gave an overview of specific areas where vehicles are experiencing visibility
170 issues. He recommended moving the stop bar so that it is parallel to the cross walk, similar to
171 what was discussed for Island Sound, unless the PSGRC decides to move the monument within
172 the next few months. Mr. Long thought that this is the most dangerous intersection in the CDD

173 and offered to look into the suggestion to move the monument, as the PSGRC designated funds
174 to replace the smaller monuments in 2025. Discussion ensued regarding where the original
175 pavers were located prior to the first paver project and how the suggestion to install a traffic
176 mirror would not resolve the issue.

177 Mr. Schultz motioned to move the stop bar and approve the proposal. The motion died
178 due to a lack of a second.

179 Mr. Krebs reported the following:

180 ➤ The pipe repair project at Turnberry was completed and available for viewing on video.

181 ➤ A Change Order to repair the junction box and install the new one is necessary. M.R.I.
182 had difficulty locating the junction box and, once found, had to break the seal and found an
183 intrusion of tree roots.

184 ➤ Curb and Pavement Repair Project: Collier Paving was preparing the proposal, which
185 would be forwarded to Mrs. Adams upon receipt.

186 ➤ PowerPoint Presentation: Homeowners at the HOA meeting about drainage were
187 appreciative of the information provided.

188

189 **On MOTION by Mr. Mountford and seconded by Mr. Blumenthal, with all in**
190 **favor, the Change Order for additional funds to replace and seal the new**
191 **junction box at Turnberry and to complete the repairs, in a not-to-exceed**
192 **amount of \$6,500, was approved.**

193

194

195 Mr. Schultz asked for the status of the Torrey Pines asphalt project. Mr. Krebs stated
196 that Collier Paving was preparing the proposal for both the curb and pavement repair projects.
197 He suggested having the roots cut to prevent future incidents prior to repairing the missing
198 piece of asphalt before the right turn into Gleneagles.

199 Mr. Blumenthal stated that he received emails from several Pinehurst residents about
200 the Dry Retention area near the road, at the Corkscrew Circle entrance, filling up between the
201 T-Box and River Holes 8 and 9, which might result in spilling into the retention pond and
202 overflowing elsewhere.

203 Mr. Schultz felt that the area does not give a good first impression of the community
204 and it needs to be cleaned. Mr. Mountford felt that Lake Hole 9 should be cleaned, as well.

205 Mr. Krebs was asked to research and determine what these areas were designated as
206 and to have MRI inspect the current conditions of the pipes at the 4515 through 4523 and 4559
207 locations, including determining if drainage is working as designed.

208 **C. District Manager: *Wrathell, Hunt and Associates, LLC***

209 **I. Key Activity Dates**

210 The Key Activity Dates List was included for informational purposes.

211 **II. NEXT MEETING DATE: February 22, 2022 at 1:00 P.M.**

212 • **QUORUM CHECK**

213 All Supervisors confirmed their attendance at the February 22, 2022 meeting.
214

215 **NINTH ORDER OF BUSINESS**

**Supervisors' Requests and Public
Comments (5 minutes per speaker)**

216
217
218 Mr. Schultz assigned the following tasks to CDD Staff:

219 ➤ Mr. Long, Mr. Krebs and Mr. Adams: Provide updated information on the upcoming golf
220 course irrigation filtration system upgrade project in the next few months in preparation for the
221 proposed Fiscal Year 2023 budget discussions in May.

222 ➤ Mr. Willis: Review the prior year's CDD annual newsletter and work with Mr. Twombly
223 to prepare one for review at the next meeting. The newsletter would be posted on the CDD
224 website and e-blasted.

225 ➤ Mrs. Adams: Respond to homeowner and resident emails directed to her and Mr. Long.
226

227 **TENTH ORDER OF BUSINESS**

Adjournment

228
229 There being nothing further to discuss, the meeting adjourned.
230

231 **On MOTION by Mr. Blumenthal and seconded by Mr. Gilman, with all in favor,**
232 **the meeting adjourned at 2:06 p.m.**

233
234

235

236

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

237

238

239

240

241

242 _____
Secretary/Assistant Secretary

_____ Chair/Vice Chair

RIVER RIDGE CDD
ACTIVE ACTION AND AGENDA ITEMS
From 01.25.22 Meeting – for 02.22.22 Agenda

1. **CONTINUING** **ACTION:** Speakers to identify themselves.

2. **CONTINUING** **AGENDA:** Traffic calming discussion. **As of 09.24.19** Mr. Childers to remind residents about 15 MPH zone, etc.

3. **ACTION** **10.26.21** Mr. Kurth of SOLitude to take a benchmark water sample of Lake H1-B. **01.25.22** The water sample results were pending. **ONGOING**

4. **ACTION** **10.26.21** Staff to implement additional visual inspection and reporting processes for identification of depressions to be inspected via ROV. **ONGOING**

5. **ACTION/AGENDA** **10.26.21** Mr. Childers to follow up regarding a request for Florida Power & Light (FPL) to install a street light at the intersection of Pelican Sound Drive and Southern Hills Drive. **12.14.21** Mr. Childers to collect data and create a chart depicting totals regarding Southern Hills Drive. **01.25.22** Mr. Childers to present chart at the next meeting. **ONGOING**

6. **ACTION** **12.14.21** PSGRC to send weekly e-blast communications. **ONGOING**

7. **ACTION** **12.14.21** Mr. Krebs to obtain a proposal for the curb repairs from Collier Paving. **01.25.22** Vendor preparing proposal. **ONGOING**

8. **ACTION** **12.14.21** Mr. Krebs to oversee Collier Paving’s handling of an issue with water pooling at a Gleneagles and Masters residence. **ONGOING**

9. **ACTION** **01.25.22** Mr. Krebs to inspect Lakes H1-B, H2-B and H3-B to determine if a survey is needed to determine if all three are at different elevations. **ONGOING**

10. **ACTION** **01.25.22** Mrs. Adams to submit Work Order to SOLitude to treat algae along the shoreline of Lake H1-A. **ONGOING**

11. **ACTION** **01.25.22** Staff to prepare updated safety letter regarding drivers yielding at Corkscrew Circle and send to Mr. Long to e-blast and to address during the upcoming Safety Saturdays. **ONGOING**

12. **ACTION/AGENDA** **01.25.22** Mr. Krebs to obtain proposals to proceed with the traffic safety plans to present at the next meeting. **ONGOING**

13. **ACTION/AGENDA** **01.25.22** Mrs. Adams to obtain an updated proposal from M.R.I. for the three filter injection systems and forward a copy to Mr. Long to review for accuracy. Updated data to be included in the proposed Fiscal Year 2023 budget for the budget discussion in May. **ONGOING**

RIVER RIDGE CDD
ACTIVE ACTION AND AGENDA ITEMS
From 01.25.22 Meeting – for 02.22.22 Agenda

- 14. ACTION/AGENDA 01.25.22** Mr. Pires to research the CDD Tow Policy and research concluding Lee County owned the portion of Corkscrew Road. **COMPLETED (subsequent to the 01.25.22 meeting)**
- 15. ACTION 01.25.22** Mr. Long to email the zoning information from Mr. David Willem, of The Village of Estero, to Mr. Pires and Staff pertaining to ownership of a portion of Corkscrew Road. **ONGOING**
- 16. ACTION 01.25.22** Mr. Krebs to email information to Mr. Pires and District Staff about the need to address long-term stormwater management in the area of Corkscrew Road. **ONGOING**
- 17. ACTION 01.25.22** Mr. Krebs to research, inspect and determine what the Dry Retention area between the T-Box and River Golf Holes 8 and 9 were designated as and if it is working as designed. Mr. Krebs to have M.R.I. inspect the condition of the pipes located at 4515 through 4523 and 4559 locations. **ONGOING**
- 18. ACTION 01.25.22** Mr. Willis to review the prior year’s CDD annual newsletter, prepare one for 2022 and send the newsletter to Mr. Twombly to review before presenting it at the next meeting. **ONGOING**
- 19. ACTION 01.25.22** Mrs. Adams was asked to respond to homeowners’ emails addressed to her and Mr. Long. **COMPLETED (subsequent to the 01.25.22 meeting)**

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

11AI




Anthony P. Pires, Jr.

Respond to the Naples Office:

3200 Tamiami Trail North, Suite 200
Naples, FL 34103
Phone: 239-649-6555
Facsimile: 239-649-7342
E-Mail: apires@wpl-legal.com

MEMORANDUM

TO: Board of Supervisors, River Ridge Community Development District ("District")
FROM: Anthony P. Pires, Jr., District Counsel. 
DATE: February 15, 2022
RE: Towing by District of vehicles or vessels on District property; Ch. 2016-94, Laws of Florida, amending Section 190.012(2)(d), Florida Statutes

BACKGROUND

Chapter 2016-94 Laws of Florida (CS/HB No. 971), effective July 1, 2016, amended various sections of Chapter 190, Florida Statutes, the chapter of the Florida Statutes relating to community development districts. See attached **Exhibit "A"**. The subject matter of this Memorandum is the amendment to Section 190.12(2)(d), Florida Statutes concerning towing.

This 2016 amendment to Section 190.012(2)(d), Florida Statutes added the following underlined language:

"(d) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries. However, this paragraph does not prohibit a district from contracting with a towing operator to remove a vehicle or vessel from a district-owned facility or property if the district follows the authorization and notice and procedural requirements in s. 715.07 for an owner or lessee of private property. The district's selection of a towing operator is not subject to public bidding if the towing operator is included in an approved list of lowing operators maintained by the local government that has jurisdiction over the districts facility or property."

A copy of section 715.07, Florida Statutes is attached as **Exhibit "B"** to this Memorandum. Section 715.07(1)(a), F.S. defines a "vehicle" as "any mobile item which normally uses, wheels, whether motorized or not." Thus included are cars, trucks, trailers, golf carts, bicycles, or any other item on wheels.

Section 715.07(1)(a), F.S. defines a "vessel" as "every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02."

DISCUSSION AND RECOMMENDATION

If the Board of Supervisors (Board) wishes to implement this expanded ability to tow vehicles and vessels, the following steps are suggested:

1. If necessary, adopt rules, policies or practices concerning parking, no parking and controlled parking areas. In that vein in my opinion, the Board should adopt a District towing policy resolution, in pertinent part outlining the responsibilities and authority of District staff or management with respect to towing; designating specific persons as agents/designated representatives of the District for the towing and removal; and, clearly describing and denoting where parking is prohibited. A sample of a resolution is attached as **Exhibit "C"**.

As part of the preparation of such a resolution and policy, the District may want to coordinate with The Village of Estero and the Lee County Sheriff's Office as to any specific towing requirements of that local government or law enforcement agency. The statute is a minimum standard and does not preclude enactment of additional or more stringent regulations by any county or municipality.

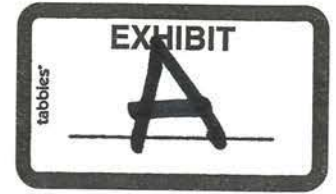
2. Ensure that the towing is provided by a towing operator "regularly engaged in the business of towing vehicles." to perform all towing related services for the District in compliance with the statutory requirements of Section 715.07, F.S. Note that If the District and the towing operator desire to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle, then the towing operator must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage location an identical rate schedule and the fact that the towing operator has a contract with the District that authorizes the towing operator to remove vehicles.
3. For a comprehensive towing program, it is my opinion that the District needs to ensure that posted notices meet all of the statutory requirements, including but not limited to the following requirements:

Signs prominently placed at each driveway access or curb cut allowing vehicular access to the property, within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted at a space of no less than one sign for each 25 feet of lot frontage. See Section 715.07(2)(a)5a, F.S.

The required and appropriate signage meeting the size, height, location and content requirements of Section 715.07, F.S., could be maintained/installed/erected at the following locations: the entrances to District property; on District property. It is my opinion that maintaining/erecting compliant tow away zone signs in these locations will meet with the requirements of Section 715.07, F.S.

Strict compliance with statutory and local requirements will permit the District to remove vehicles/vessels "without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage." But, if a vehicle is wrongly removed, the District would become liable to the vehicle's owner or lessee for the costs of removal, transportation, and storage; any damages resulting from the removal, transportation, or storage of the vehicle; attorney's fees; and court costs.

CHAPTER 2016-94



Committee Substitute for House Bill No. 971

An act relating to community development districts; amending s. 190.005, F.S.; amending the acreage threshold for the establishment, by rule or ordinance, of a community development district; revising criteria for requiring a petition for a proposed district to be filed with the Florida Land and Water Adjudicatory Commission; amending s. 190.012, F.S.; authorizing a district to contract with a towing operator to remove vehicles or vessels from specified facilities or properties, subject to certain requirements; amending s. 190.046, F.S.; revising the criteria necessary for amending the boundaries of a district; authorizing up to a certain number of districts to merge into one surviving district, subject to certain requirements; providing for membership of the surviving merged district board; providing requirements of the merger agreement; providing for public hearings subject to certain requirements; prohibiting a petition to merge from being filed within a specified timeframe; conforming cross-references; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (1) and (2) of section 190.005, Florida Statutes, are amended to read:

190.005 Establishment of district.—

(1) The exclusive and uniform method for the establishment of a community development district with a size of 2,500 ~~1,000~~ acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.

2. The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be

included in the district, and when real property to be included in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(14), the written consent by such governmental entity.

3. A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. 190.006.

4. The proposed name of the district.

5. A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.

6. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but are not binding and may be subject to change.

7. A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the Community Planning Act.

8. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.

(b) Prior to filing the petition, the petitioner shall:

1. Pay a filing fee of \$15,000 to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the boundaries of which are contiguous with, or contain all or a portion of the land within, the external boundaries of the district.

2. Submit a copy of the petition to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the district.

3. If land to be included within a district is located partially within the unincorporated area of one or more counties and partially within a municipality or within two or more municipalities, pay a \$15,000 filing fee to each entity. Districts established across county boundaries shall be required to maintain records, hold meetings and hearings, and publish notices only in the county where the majority of the acreage within the district lies.

(c) Such county and each such municipality required by law to receive a petition may conduct a public hearing to consider the relationship of the petition to the factors specified in paragraph (e). The public hearing shall be concluded within 45 days after the date the petition is filed unless an extension of time is requested by the petitioner and granted by the county or municipality. The county or municipality holding such public hearing may by resolution express its support of, or objection to the granting of, the petition by the Florida Land and Water Adjudicatory Commission. A resolution must base any objection to the granting of the petition upon the factors specified in paragraph (e). Such county or municipality may present its resolution of support or objection at the Florida Land and Water Adjudicatory Commission hearing and shall be afforded an opportunity to present relevant information in support of its resolution.

(d) A local public hearing on the petition shall be conducted by a hearing officer in conformance with the applicable requirements and procedures of the Administrative Procedure Act. The hearing shall include oral and written comments on the petition pertinent to the factors specified in paragraph (e). The hearing shall be held at an accessible location in the county in which the community development district is to be located. The petitioner shall cause a notice of the hearing to be published in a newspaper at least once a week for the 4 successive weeks immediately prior to the hearing. Such notice shall give the time and place for the hearing, a description of the area to be included in the district, which description shall include a map showing clearly the area to be covered by the district, and any other relevant information which the establishing governing bodies may require. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published fewer than 5 days a week. In addition to being published in the newspaper, the map referenced above must be part of the online advertisement required pursuant to s. 50.0211. All affected units of general-purpose local government and the general public shall be given an opportunity to appear at the hearing and present oral or written comments on the petition.

(e) The Florida Land and Water Adjudicatory Commission shall consider the entire record of the local hearing, the transcript of the hearing, resolutions adopted by local general-purpose governments as provided in paragraph (c), and the following factors and make a determination to grant or deny a petition for the establishment of a community development district:

1. Whether all statements contained within the petition have been found to be true and correct.

2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.

3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.

4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.

6. Whether the area that will be served by the district is amenable to separate special-district government.

(f) The Florida Land and Water Adjudicatory Commission shall not adopt any rule which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006-190.041, except as provided in s. 190.012. A rule establishing a community development district shall only contain the following:

1. A metes and bounds description of the external boundaries of the district and any real property within the external boundaries of the district which is to be excluded.

2. The names of five persons designated to be the initial members of the board of supervisors.

3. The name of the district.

(g) The Florida Land and Water Adjudicatory Commission may adopt rules setting forth its procedures for considering petitions to establish, expand, modify, or delete uniform community development districts or portions thereof consistent with the provisions of this section.

(2) The exclusive and uniform method for the establishment of a community development district of less than 2,500 ~~1,000~~ acres in size or a community development district of up to 7,000 acres in size located within a connected-city corridor established pursuant to s. 163.3246(14) shall be pursuant to an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located granting a petition for the establishment of a community development district as follows:

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the county commission. The petition shall contain the same information as required in paragraph (1)(a).

(b) A public hearing on the petition shall be conducted by the county commission in accordance with the requirements and procedures of paragraph (1)(d).

(c) The county commission shall consider the record of the public hearing and the factors set forth in paragraph (1)(e) in making its determination to grant or deny a petition for the establishment of a community development district.

(d) The county commission shall not adopt any ordinance which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006-190.041. An ordinance establishing a community development district shall only include the matters provided for in paragraph (1)(f) unless the commission consents to any of the optional powers under s. 190.012(2) at the request of the petitioner.

(e) If all of the land in the area for the proposed district is within the territorial jurisdiction of a municipal corporation, then the petition requesting establishment of a community development district under this act shall be filed by the petitioner with that particular municipal corporation. In such event, the duties of the county, hereinabove described, in action upon the petition shall be the duties of the municipal corporation. If any of the land area of a proposed district is within the land area of a municipality, the county commission may not create the district without municipal approval. If all of the land in the area for the proposed district, even if less than 2,500 ~~1,000~~ acres, is within the territorial jurisdiction of two or more municipalities or two or more counties, except for proposed districts within a connected-city corridor established pursuant to s. 163.3246(14), the petition shall be filed with the Florida Land and Water Adjudicatory Commission and proceed in accordance with subsection (1).

(f) Notwithstanding any other provision of this subsection, within 90 days after a petition for the establishment of a community development district has been filed pursuant to this subsection, the governing body of the county or municipal corporation may transfer the petition to the Florida Land and Water Adjudicatory Commission, which shall make the determination to grant or deny the petition as provided in subsection (1). A county or municipal corporation shall have no right or power to grant or deny a petition that has been transferred to the Florida Land and Water Adjudicatory Commission.

Section 2. Paragraph (d) of subsection (2) of section 190.012, Florida Statutes, is amended to read:

190.012 Special powers; public improvements and community facilities. The district shall have, and the board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area

included therein, any or all of the following special powers relating to public improvements and community facilities authorized by this act:

(2) After the local general-purpose government within the jurisdiction of which a power specified in this subsection is to be exercised consents to the exercise of such power by the district, the district shall have the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

(d) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries. However, this paragraph does not prohibit a district from contracting with a towing operator to remove a vehicle or vessel from a district-owned facility or property if the district follows the authorization and notice and procedural requirements in s. 715.07 for an owner or lessee of private property. The district's selection of a towing operator is not subject to public bidding if the towing operator is included in an approved list of towing operators maintained by the local government that has jurisdiction over the district's facility or property.

Section 3. Paragraph (e) of subsection (1) and subsection (2) of section 190.046, Florida Statutes, are amended, subsections (4) through (9) are renumbered as subsections (5) through (10), respectively, and a new subsection (4) is added to that section, to read:

190.046 Termination, contraction, or expansion of district.—

(1) A landowner or the board may petition to contract or expand the boundaries of a community development district in the following manner:

(e)1. During the existence of a district initially established by administrative rule, the process to amend the boundaries of the district pursuant to paragraphs (a)-(d) shall not permit a cumulative net total greater than 50 ~~10~~ percent of the land in the initial district, and in no event greater than 1,000 ~~250~~ acres on a cumulative net basis.

2. During the existence of a district initially established by county or municipal ordinance, the process to amend the boundaries of the district pursuant to paragraphs (a)-(d) shall not permit a cumulative net total greater than 50 percent of the land in the initial district, and in no event greater than 1,000 ~~500~~ acres on a cumulative net basis.

(2) The district shall remain in existence unless:

(a) The district is merged with another district as provided in subsection (3) or subsection (4);

(b) All of the specific community development systems, facilities, and services that it is authorized to perform have been transferred to a general-purpose unit of local government in the manner provided in subsections (4), (5), (6), and (7) ~~(6)~~; or

(c) The district is dissolved as provided in ~~subsection (7)~~, subsection (8), ~~or~~ subsection (9), or subsection (10).

(4)(a) To achieve economies of scale, reduce costs to affected district residents and businesses in areas with multiple existing districts, and encourage the merger of multiple districts, up to five districts that were established by the same local general-purpose government and whose board memberships are composed entirely of qualified electors may merge into one surviving district through adoption of an ordinance by the local general purpose government, notwithstanding the acreage limitations otherwise set forth for the establishment of a district in this chapter. The filing of a petition by the majority of the members of each of the district board of supervisors seeking to merge constitutes consent of the landowners within each applicable district.

(b) In addition to meeting the requirements of subsection (3), a merger agreement entered into between the district boards subject to this subsection must also:

1. Require the surviving merged district board to consist of five elected board members.

2. Require each at-large board seat to represent the entire geographic area of the surviving merged district.

3. Ensure that each district to be merged is entitled to elect at least one board member from its former boundary.

4. Ensure a fair allocation of board membership to represent the districts being merged. To that end:

a. If two districts merge, two board members shall be elected from each of the districts and one member shall be elected at-large.

b. If three districts merge, one board member shall be elected from each of the three districts and two board members shall be elected at-large.

c. If four districts merge, one board member shall be elected from each of the four districts and one board member shall be elected at-large.

d. If five districts merge, one board member shall be elected from each of the five districts.

5. Require the election of board members for the surviving merged district to be held at the next general election following the merger, at which

time all terms of preexisting board members shall end and the merger shall be legally in effect.

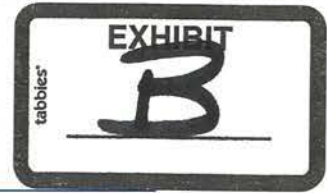
(c) Before filing the merger petition with the local general-purpose government under this subsection, each district proposing to merge must hold a public hearing within its district to provide information about and take public comment on the proposed merger, merger agreement, and assignment of board seats. Notice of the hearing shall be published at least 14 days before the hearing. If, after the public hearing, a district board decides that it no longer wants to merge and cancels the proposed merger agreement, the remaining districts must each hold another public hearing on the revised merger agreement. A petition to merge may not be filed for at least 30 days after the last public hearing held by the districts proposing to merge.

Section 4. This act shall take effect July 1, 2016.

Approved by the Governor March 24, 2016.

Filed in Office Secretary of State March 24, 2016.

Select Year: 2021



The 2021 Florida Statutes

[Title XL](#)

[Chapter 715](#)

[View Entire Chapter](#)

REAL AND PERSONAL PROPERTY

PROPERTY: GENERAL PROVISIONS

715.07 Vehicles or vessels parked on private property; towing.—

(1) As used in this section, the term:

(a) “Vehicle” means any mobile item which normally uses wheels, whether motorized or not.

(b) “Vessel” means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a “documented vessel” as defined in s. [327.02](#).

(2) The owner or lessee of real property, or any person authorized by the owner or lessee, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle or vessel parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles or vessels, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

(a) The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel is subject to substantial compliance with the following conditions and restrictions:

1.a. Any towed or removed vehicle or vessel must be stored at a site within a 10-mile radius of the point of removal in any county of 500,000 population or more, and within a 15-mile radius of the point of removal in any county of fewer than 500,000 population. That site must be open for the purpose of redemption of vehicles on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour or she or he will be in violation of this section.

b. If no towing business providing such service is located within the area of towing limitations set forth in sub-subparagraph a., the following limitations apply: any towed or removed vehicle or vessel must be stored at a site within a 20-mile radius of the point of removal in any county of 500,000 population or more, and within a 30-mile radius of the point of removal in any county of fewer than 500,000 population.

2. The person or firm towing or removing the vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

3. A person in the process of towing or removing a vehicle or vessel from the premises or parking lot in which the vehicle or vessel is not lawfully parked must stop when a person seeks the return of the vehicle or vessel. The vehicle or vessel must be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal service as provided in subparagraph 6. The vehicle or vessel may be towed or removed if, after a reasonable opportunity, the owner or legally authorized person in

control of the vehicle or vessel is unable to pay the service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel.

4. A person may not pay or accept money or other valuable consideration for the privilege of towing or removing vehicles or vessels from a particular location.

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, before towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 10 feet from the road, as defined in s. 334.03(22). If there are no curbs or access barriers, the signs must be posted not fewer than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not fewer than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not fewer than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.

d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not fewer than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not fewer than 24 hours before the towing or removal of any vehicles or vessels.

e. The local government may require permitting and inspection of these signs before any towing or removal of vehicles or vessels being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not fewer than 4-inch high, light-reflective letters on a contrasting background.

g. A property owner towing or removing vessels from real property must post notice, consistent with the requirements in sub-subparagraphs a.-f., which apply to vehicles, that unauthorized vehicles or vessels will be towed away at the owner's expense.

A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle or vessel is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control or custody of a vehicle or vessel to pay the costs of towing and storage before redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

7. Any person or firm towing or removing any vehicles or vessels from private property without the consent of the owner or other legally authorized person in control or custody of the vehicles or vessels shall, on any trucks, wreckers as defined in s. 713.78(1)(c), or other vehicles used in the towing or removal, have the name, address, and telephone number of the company performing such service clearly printed in contrasting colors on

the driver and passenger sides of the vehicle. The name shall be in at least 3-inch permanently affixed letters, and the address and telephone number shall be in at least 1-inch permanently affixed letters.

8. Vehicle entry for the purpose of removing the vehicle or vessel shall be allowed with reasonable care on the part of the person or firm towing the vehicle or vessel. Such person or firm shall be liable for any damage occasioned to the vehicle or vessel if such entry is not in accordance with the standard of reasonable care.

9. When a vehicle or vessel has been towed or removed pursuant to this section, it must be released to its owner or person in control or custody within 1 hour after requested. Any vehicle or vessel owner or person in control or custody has the right to inspect the vehicle or vessel before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle or vessel from liability for damages noted by the owner or person in control or custody at the time of the redemption may be required from any vehicle or vessel owner or person in control or custody as a condition of release of the vehicle or vessel to its owner or person in control or custody. A detailed receipt showing the legal name of the company or person towing or removing the vehicle or vessel must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

(b) These requirements are minimum standards and do not preclude enactment of additional regulations by any municipality or county including the right to regulate rates when vehicles or vessels are towed from private property.

(3) This section does not apply to law enforcement, firefighting, rescue squad, ambulance, or other emergency vehicles or vessels that are marked as such or to property owned by any governmental entity.

(4) When a person improperly causes a vehicle or vessel to be removed, such person shall be liable to the owner or lessee of the vehicle or vessel for the cost of removal, transportation, and storage; any damages resulting from the removal, transportation, or storage of the vehicle or vessel; attorney's fees; and court costs.

(5)(a) Any person who violates subparagraph (2)(a)2. or subparagraph (2)(a)6. commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(b) Any person who violates subparagraph (2)(a)1., subparagraph (2)(a)3., subparagraph (2)(a)4., subparagraph (2)(a)7., or subparagraph (2)(a)9. commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

History.—s. 1, ch. 76-83; s. 221, ch. 77-104; s. 2, ch. 79-206; s. 2, ch. 79-271; s. 2, ch. 79-410; s. 1, ch. 83-330; s. 51, ch. 87-198; s. 3, ch. 88-240; s. 9, ch. 90-283; s. 839, ch. 97-102; s. 18, ch. 2001-64; s. 5, ch. 2005-137; s. 11, ch. 2006-172; s. 10, ch. 2014-70; s. 7, ch. 2020-174.

RESOLUTION 2018-08

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) OUTLINING TOWING/REMOVAL PROCEDURES FOR VEHICLES OR VESSELS PARKED OR LOCATED IN DISTRICT DESIGNATED “TOW-AWAY ZONES”, INCLUDING BUT NOT LIMITED TO DISTRICT OWNED ROAD(S) RIGHT(S)-OF WAY; PROVIDING DEFINITIONS; PROVIDING AN EFFECTIVE DATE

WHEREAS, there has been a recent increase in unauthorized parking of vehicles on District owned property, including but not limited to unauthorized parking of vehicles in and on District owned road(s) right(s)-of-way; and,

WHEREAS, Chapter 2016-94 Laws of Florida (CS/HB No. 971), effective July 1, 2016, amended Section 190.012(d), Florida Statutes, authorizing the District to contract with a towing operator to remove vehicles or vessels from specific facilities or properties, subject to certain requirements, including but not limited to following the authorization and notice and procedural requirements in Section 715.07, F.S. for an owner or lessee of private property; and,

WHEREAS, Section 715.07(1)(a), F.S. defines a “Vehicle” as “any mobile item which normally uses, wheels, whether motorized or not.”, thus including cars, trucks, recreational vehicles, trailers, golf carts, bicycles, or any other item on wheels, and, Section 715.07(1)(b), F.S. defines a “Vessel” as “every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a “documented vessel” as defined in s. 327.02.”; and,

WHEREAS, the District’s selection of a towing operator is not subject to public bidding if the towing operator is included in an approved list of towing operators maintained by the local government that has jurisdiction over the Districts facility or property; and,

WHEREAS, the District desires to outline the responsibilities and authority of District staff or management with respect to towing; designating the specific individuals as agents/designated representatives of the District for the towing and removal; and establish and designate initial Tow-Away Zones.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT, LEE COUNTY, FLORIDA;

SECTION 1. INTRODUCTION.

The District finds that the unauthorized parking of Vehicles and Vessels (hereinafter defined) on certain of its property cause hazards and danger to the health,



safety and welfare of District property, District residents and the public and this Resolution establishes the process of the District to remove such unauthorized parked Vehicles and Vessels from District designated Tow-Away Zones consistent with procedures outlined in this Resolution.

SECTION 2. DEFINITIONS.

In addition to the definitions of "Vehicles" and "Vessels" in Sections 715.07(1)(a) and (b), Florida Statutes.

- A.** *Vehicle.* As defined in Section 715.07(1)(a), Florida Statutes, any mobile item which normally uses wheels, whether motorized or not, thus including but not limited to cars, trucks, recreational vehicles, motor homes, campers, trailers, golf carts, bicycles, or any other item on wheels.
- B.** *Vessel.* As defined in Section 715.07(1)(b), Florida Statutes, every description of watercraft, barge, or airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02.
- C.** *Parked.* A Vehicle or Vessel left unattended by its owner or user.
- D.** *Tow-Away Zone.* District property, including but not limited to District owned road(s) right(s)-of-way in which parking is prohibited and in which the District is authorized to initiate a towing and/or removal action.

SECTION 3. ESTABLISHMENT OF TOW-AWAY ZONES.

Those areas within the boundaries of the District road(s) right(s)-of-way depicted in **Exhibit A**, which **Exhibit A** is incorporated herein by reference, are hereby established and declared as "Tow-Away Zones" for all unauthorized parked Vehicles and Vessels ("**Tow Away Zone**"). The Board reserves the right by future Resolutions to designate additional areas within the boundaries of District property, including but not limited to the District's road(s) rights-of-way, as Tow-Away Zones.

SECTION 4. TOWING/REMOVAL PROCEDURES.

A. SIGNAGE AND LANGUAGE REQUIREMENTS.

Notice of the Tow-Away Zones shall be approved by the District's Board of Supervisors and shall be posted on District property in the manner set forth in section 715.07, *Florida Statutes*. Such signage is to be placed in conspicuous locations, in accordance with section 715.07, *Florida Statutes*.

B. TOWING/REMOVAL AUTHORITY.

To effect towing/removal of a Vehicle or Vessel, the District Manager or his/her designee must verify that the subject Vehicle or Vessel was not authorized by the District to park in the Tow-Away-Zone and then must contact a firm

authorized by Florida law to tow/remove Vehicle or Vessel for the removal of such unauthorized Vehicle or Vessel at the owner's expense. The Vehicle or Vessel shall be towed/removed by the firm in accordance with Florida law, specifically the provisions set forth in section 715.07, *Florida Statutes*.

C. AGREEMENT WITH AUTHORIZED TOWING SERVICE.

The District's Board of Supervisors is hereby authorized to enter into and maintain an agreement with a firm authorized by Florida law to tow/remove unauthorized Vehicles or Vessels in accordance with Florida law and with the policies set forth herein.

SECTION 5: EFFECTIVE DATE

This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 21st DAY OF JUNE, 2018.


Secretary/Asst. Secretary

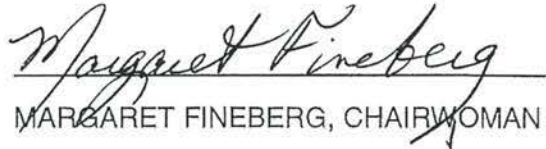

MARGARET FINEBERG, CHAIRWOMAN

Exhibit A
To
Resolution 2018-08

A portion of Commerce Lakes Drive Right-of-way, being a tract or parcel of land lying in Section 18, Township 45 South, Range 26 East, Lee County, Florida which tract or parcel is more particularly described on Exhibit "A-1" attached hereto.

EXHIBIT "A-1"

LEGAL DESCRIPTION
(Commerce Lakes Drive)

COMMERCE LAKES DRIVE RIGHT-OF-WAY, BEING A TRACT OR PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: A TRACT OR PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS: FROM THE INTERSECTION OF THE WEST LINE OF SECTION 19 AND THE NORTHWESTERLY LINE OF DANIELS PARKWAY RUN NORTH 54°00'05" EAST ALONG THE NORTH LINE OF DANIELS PARKWAY FOR 3085.75 FEET TO AN INTERSECTION WITH THE CENTER LINE OF GATEWAY BOULEVARD; THENCE RUN NORTH 35°59'56" WEST ALONG SAID CENTERLINE FOR 291.85 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 1300.00 FEET (CHORD BEARING NORTH 18°44'01" WEST) (CHORD 771.66 FEET) (DELTA 34°31'48") FOR 783.46 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 01°28'07" WEST ALONG SAID CENTERLINE FOR 337.86 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 2800.00 FEET (CHORD BEARING NORTH 05°41'04" WEST) (CHORD 411.68 FEET) (DELTA 08°25'54") FOR 412.05 FEET; THENCE RUN NORTH 80°05'59" EAST FOR 75.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID GATEWAY BOULEVARD AND THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING RUN NORTHERLY AND NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 30.00 FEET (CHORD BEARING NORTH 34°12'43" EAST) (CHORD 41.76 FEET) (DELTA 88°13'29") FOR 46.19 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 78°19'27" EAST FOR 181.89 FEET; THENCE RUN NORTH 11°40'33" WEST FOR 15.00 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN EASTERLY AND NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 2345.00 FEET (CHORD BEARING NORTH 74°39'17" EAST) (CHORD 300.16 FEET) (DELTA 07°20'20") FOR 300.37 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 70°59'07" EAST FOR 474.34 FEET; THENCE RUN NORTH 35°59'55" WEST FOR 94.10 FEET; THENCE RUN SOUTH 70°59'07" WEST FOR 446.86 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY AND WESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 2255.00 FEET, (CHORD BEARING SOUTH 74°39'17" WEST) (CHORD 288.64 FEET) (DELTA 07°20'20") FOR 288.84 FEET; THENCE RUN NORTH 11°40'33" WEST FOR 15.00 FEET; THENCE RUN SOUTH 78°19'27" WEST FOR 181.89 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY AND NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 30.00 FEET (CHORD BEARING NORTH 57°33'48" WEST) (CHORD 41.76 FEET) (DELTA 88°13'29") FOR 46.19 FEET TO A POINT OF TANGENCY ON THE EAST LINE OF SAID GATEWAY BOULEVARD; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 2875.00 FEET (CHORD BEARING SOUTH 11°40'33" EAST) (CHORD 178.14 FEET) (DELTA 03°33'03") FOR 178.17 FEET TO THE POINT OF BEGINNING. BEARINGS HEREIN ABOVE MENTIONED ARE PLANE COORDINATE FOR THE FLORIDA WEST ZONE (1979 ADJUSTMENT)
(93,610 SF OR 2.15 AC)

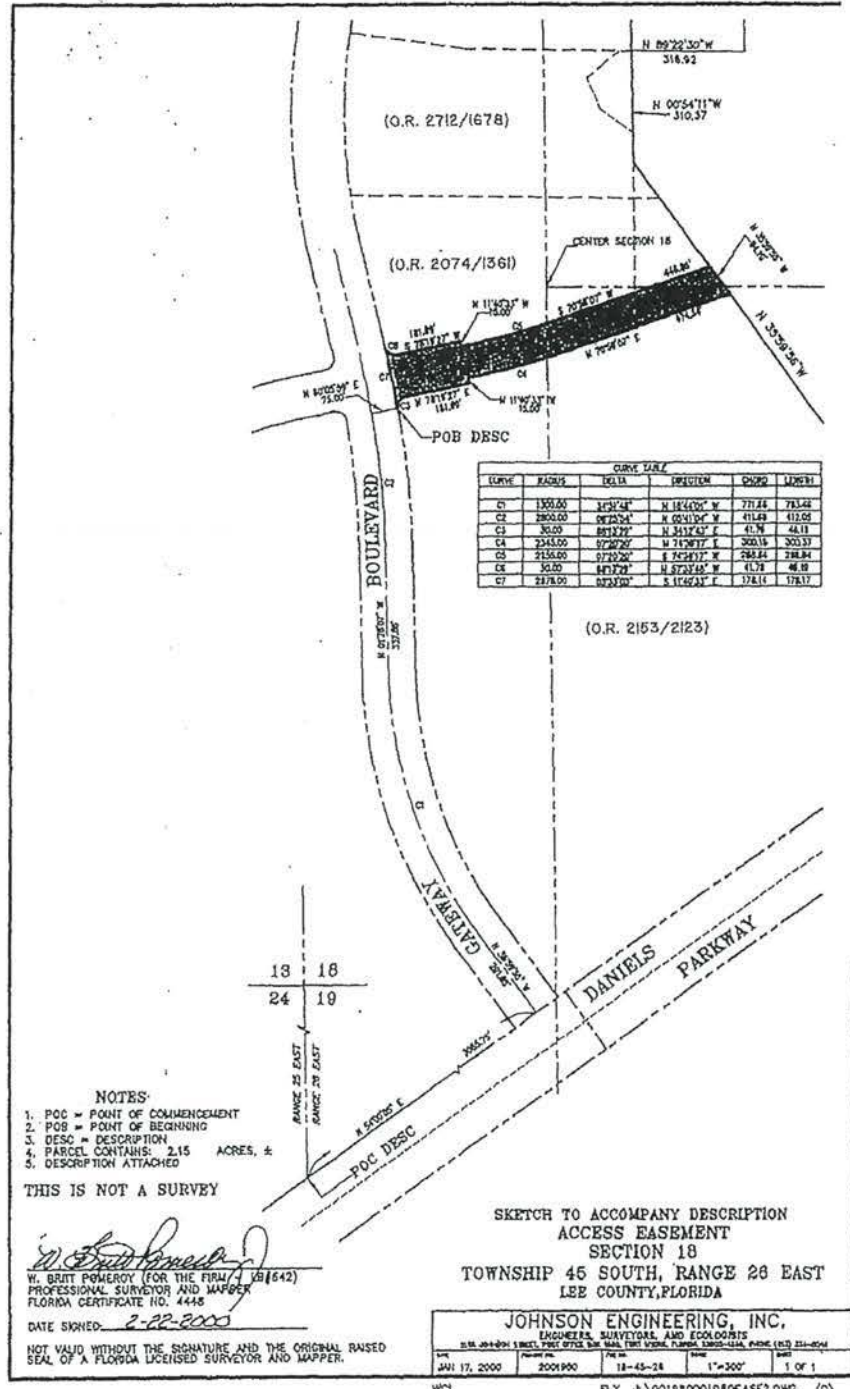


EXHIBIT "A-1"

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

1 1 A II

WOODWARD, PIRES, & LOMBARDO, P.A.
ATTORNEYS AT LAW

Craig R. Woodward
Mark J. Woodward
Anthony P. Pires, Jr.
J. Christopher Lombardo

Respond to the Naples Office:
3200 Tamiami Trail North, Suite 200
Naples, FL 34103
Phone: 239-649-6555
Facsimile: 239-649-7342
E-Mail: apires@wpl-legal.com

Eleanor W. Taft
Robert E. Murrell

Jennifer DeVries
Jennifer M. Tenney
Matthew P. Flores
J. Todd Murrell

MEMORANDUM

TO: Board of Supervisors, River Ridge Community Development District
FROM: Anthony P. Pires, Jr., Esq. 
DATE: February 23, 2015
RE: Corkscrew Road West, a/k/a Corkscrew Road Extension

Recently, inquiries have been made by residents and the Board of Supervisors ("Board") of the River Ridge Community Development District ("District") as to: A. the ownership of Corkscrew Road West a/k/a Corkscrew Road Extension ("Corkscrew Road") as well as, B. maintenance responsibilities, including but not limited to: 1.) roadway maintenance; 2.) sidewalk maintenance; and 3.) landscape maintenance.

This Memorandum offers and provides a preliminary opinion, based on a review of materials and research to date (with some of the materials and research being included with this Memorandum) as to ownership and/or maintenance responsibilities. The preliminary opinion(s) herein is(are) subject to revision based upon receipt of additional documents and a more detailed review of documents and materials, including any additional documents. Further, the preliminary opinion(s) is(are) subject to revision based upon judicial, legislative or administrative decisions, actions or revisions.

BACKGROUND

ESTABLISHMENT/OWNERSHIP CORKSCREW ROAD

The segment of Corkscrew Road from U.S. 41 to the Pelican Sound entrance is a road known as a "viewer's road", established as a public road by the Lee County Commission in January, 1934, as evidenced by County Commissioner's Minutes Book ("CCMB") 7, Page 237, of the Public Records of Lee County. See graphic **Exhibit "A-1"** and CCMB 7, Page 237, **Exhibit "A-2"**. That same viewer's road/Corkscrew Road is referenced as a "county road" in a County Deed from Lee County to The Koreshan Unity Foundation, Inc. dated October 18, 1995, recorded at OR Book 2647, Page 3226, Public Records Lee County

(Exhibit "B") and at times has been called the Koreshan Park entrance road. The County Deed references:

".. the centerline of a *county road* 50 feet wide as declared in *County Commission Minute Book 7, at Page 237* of said public records..."

.....
"SUBJECT to the herein above described *County Road*."

A portion of the original viewer's road through Pelican Sound was vacated by action of the Lee County Commission in May, 1996, by the adoption of Lee County Resolution #96.05-13, see Exhibit "C".

On February 3, 1997, Scott Gilbertson, Deputy Director of Lee County Public Works Transportation Division, in conjunction with a WCI application to the South Florida Water Management District ("SFWMD"), executed an Affidavit (see Exhibit "D") where he swore and deposed, in pertinent part, as follows:

"I am the authorized representative of Lee County, the owner of the property described in County Commissioner's Minute Book 7, at page 237, also referred to as the Corkscrew Road Right-of-way."

On June 11, 1997, Hole Montes ("HM"), on behalf of WCI Communities, L.P.¹ ("WCI") submitted an "Application For A Development Order" to Lee County for a project known as "Corkscrew Road-Extension River Ridge (hereafter the "Corkscrew D.O. Application", see attached Exhibit "E-1", assigned number #DOS9706104009). The Corkscrew D.O. Application listed the owner as "Lee County Board of County Commissioners" and the property involved as "County ROW". A summary sheet for #DOS9706104009 printed out from the Lee County website on January 13, 2015 lists the owner of Corkscrew Road as "Lee County BOCC", see Exhibit "E-2")

On or about December 1, 1997, Scott Gilbertson with the Lee County Department of Public Works, signed a Gopher Tortoise Relocation Permit (see attached Exhibit "F-1") on behalf of Lee County, for the following property:

"Affected Site: Corkscrew Road Right-Of-Way, Lee County Ownership, West of U.S. 41 and South of Koreshan State Park in Estero,..."

Additional documents associated with this Gopher Tortoise Relocation Permit include a letter from Mr. Gilbertson referencing the "Lee County 50 foot ROW of Corkscrew Road Extension" and an Affidavit executed by Mr. Gilbertson on November 26, 1997 (see attached Exhibit "F-2"), wherein Mr. Gilbertson in pertinent part:

"I am the authorized representative of Lee County, the owner of the property described in County Commissioner's Minute Book 7, at page 237, also referred to as the Corkscrew Road Right-of-way."

MAINTENANCE OF CORKSCREW ROAD/#DOS9706104009/"Road and Landscape Maintenance and Hold Harmless Agreement"

Under applicable Florida case law, a governmental body has a duty to maintain its roads, sidewalks, and rights-of-way in a reasonably safe condition. However, it appears from a review of various documents that after meetings with County staff and submittals to County staff associate with #DOS9706104009, that while Lee County staff and Lee County documents variously stated/agreed that Corkscrew Road: 1. is a county road, 2. is a public road, 3. is a dedicated public road easement, and 4. the right-of-way is "still county property", various memorandums/letters written by Lee County staff asserted that Lee County did not maintain, and did not intend to maintain, Corkscrew Road (see attached composite **Exhibit "G"**).

Lee County staff agreed to issue the development order to WCI for improvements to Corkscrew Road conditioned upon WCI entering into an agreement to maintain the improved county roadway, and landscaping, In order to obtain the Lee County D.O. for Corkscrew Road, WCI agreed and acknowledged to maintain the improved roadway and landscaping and further agreed to assign WCI's responsibility to either the Pelican Sound Golf and River Club, Inc. ("PSGRC") or the River Ridge Community Development District. (See attached **Exhibit "H"**). In furtherance of that condition, WCI and Lee County signed that certain "Road and Landscape Maintenance and Hold Harmless Agreement" dated August 26, 1998, the "WCI Maintenance Agreement", a copy of which is attached as **Exhibit "I"**.

For an assignment of the "WCI Maintenance Agreement" to be valid, the assignment must be made by the assignor (the one assigning the agreement) and accepted by the assignee (the one accepting the assignment of the agreement and thus accepting the obligation under the assigned agreement). As of the date of this Memorandum, no evidence of an assignment of the "WCI Maintenance Agreement" to either the PSGRC or the District has(have) been provided nor are any assignment documents known to have been executed and accepted. A search by the District Staff of their files and records have not disclosed any assignment or acceptance of assignment of the "WCI Maintenance Agreement" to the District. A search by the PSGRC Staff of their files have not disclosed any assignment or acceptance of assignment of the "WCI Maintenance Agreement" to the PSGRC. I have not yet been provided any document that obligates the District to maintain Corkscrew Road. The fact that WCI may have agreed to assign any agreement it entered into does not result in an assignment of the "WCI Maintenance Agreement".

Based on the foregoing, it is my opinion that the then WCI (the "old WCI", see below discussion as to bankruptcy) and Lee County were/are the only parties to the "WCI Maintenance Agreement".

On August 4, 2008 (the "Petition Date"), 2009 Real Estate Corporation f/k/a WCI Communities, Inc. ("Old WCI") and 126 of its direct and indirect subsidiaries (collectively, the "Initial Debtors") each filed in the United States Bankruptcy Court for the District of Delaware (the "Court") a voluntary petition for relief under chapter 11 of the Bankruptcy Code. On July 1, 2009, three newly-formed subsidiaries of Old WCI, WCI Communities, Inc. f/k/a WCI 2009 Corporation, WCI 2009 Asset Holding, LLC and WCI 2009 Management, LLC (together with

the Initial Debtors, the "Debtors"), each filed in the Court a voluntary petition for relief under chapter 11 of the Bankruptcy Code. On July 17, 2009, the Debtors filed their Second Amended Joint Chapter 11 Plan of Reorganization for WCI Communities, Inc. and its Affiliated Debtors (the "Plan"). On August 26, 2009, the Bankruptcy Court entered its order confirming the Plan (the "Confirmation Order"). Based upon prior interactions with counsel for the "Old WCI" and "New WCI", it is believed that the "New WCI" will assert that it has no liability under the "WCI Maintenance Agreement" or any other action or inaction by any defined Debtor occurring prior to the Petition Date; that the "WCI Maintenance Agreement" is a "rejected" "executory contract"; and, that any claims based upon any such action or inaction can only result in a claim against the Debtors before the bankruptcy court.

OPINION

Based upon the foregoing, at the present time, subject to revision or correction based upon receipt and review of additional documents and materials or judicial, legislative or administrative decisions, actions, proceedings or revisions, in my opinion:

1. Corkscrew Road is owned by Lee County, is Lee County property.
2. the validity and viability of the "WCI Maintenance Agreement" as to the "New WCI" is questionable.
3. the District is not a party to the "WCI Maintenance Agreement" and the District has no obligations under the "WCI Maintenance Agreement".

RECOMMENDATION

As it is important to the District and its residents and property owners that the Corkscrew Road entrance be maintained in a safe and attractive condition, and as it appears that Lee County staff at the present time would not support Lee County maintaining Corkscrew Road, an appropriate course of action could be for the Board to authorize and direct District staff and the Chair (or his designee) to contact Lee County staff and negotiate a roadway and landscaping maintenance agreement to be entered into between the District and the Lee County Board of County Commissioners. As the property to the South of Corkscrew Road is not yet developed and as it is anticipated that any use of that property would entail access by way of Corkscrew Road, it is further suggested that any agreement require that the property owner(s) to the South of Corkscrew Road contribute to the roadway and landscaping maintenance costs.

¹. Also referred to in various documents as WCI Communities, Limited Partnership.

EXHIBIT "A-1"

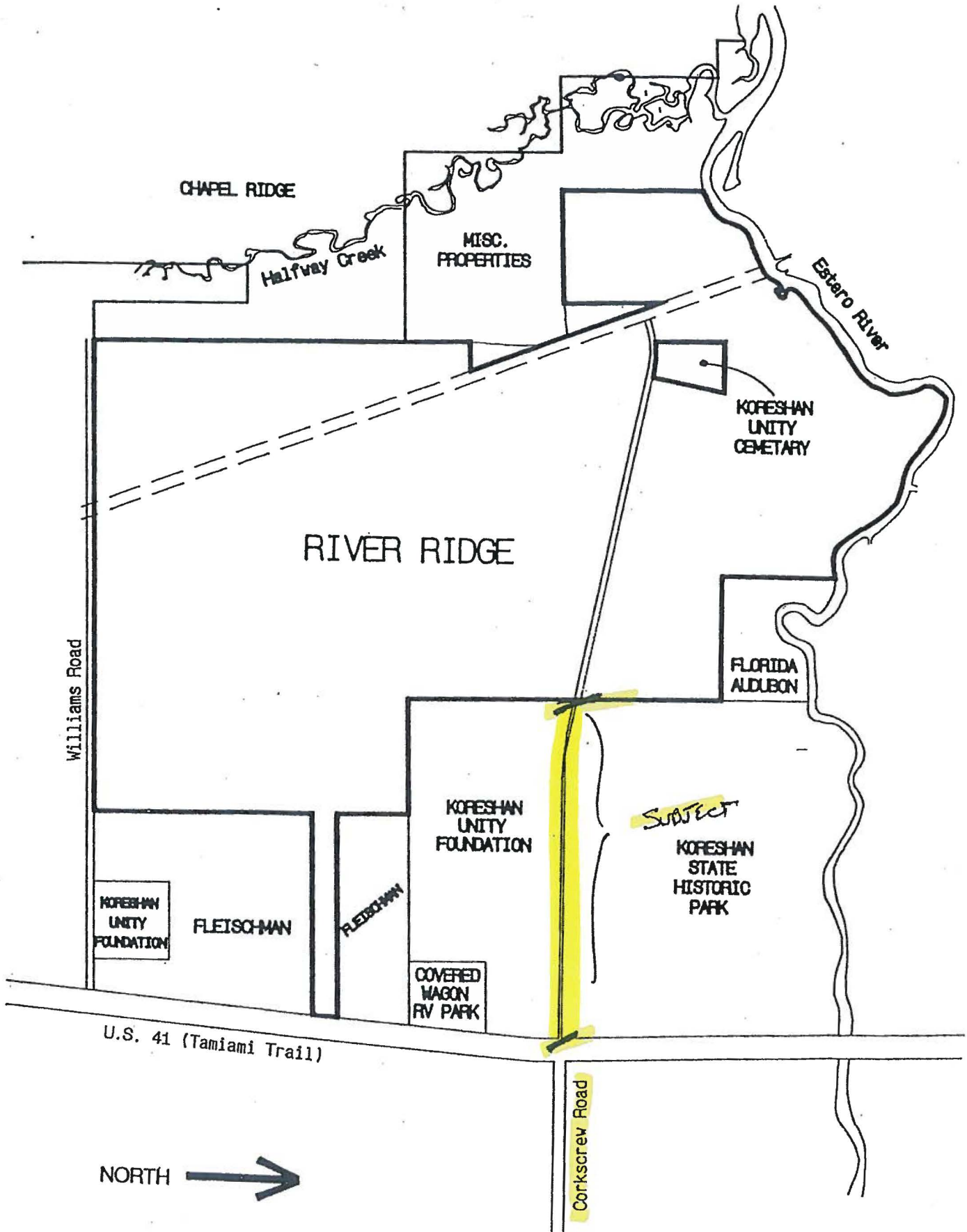


EXHIBIT "A-2"

W.L. Draughon, Clerk.

By D. J. Farnham D.C.

WEDNESDAY, JANUARY 3rd., 1934.

Regular meeting of the Board of Lee County Commissioners, held this date at their office in the Court House Fort Myers, Florida, with all members present.

Meeting called to order at 10:00 o'clock A. M., by Chairman.

Reading of the Minutes of December 6th., 18th., and 20th., which was upon motion of Commissioner Blount and seconded by Commissioner Gorton, adopted as read.

Upon Motion of Commissioner Gibson and seconded by Commissioner Clay, Roy D. Stubbs was appointed as Attorney for the Board of County Commissioners for the year 1934, and the Clerk instructed to write a letter of appreciation to Mr. Stubbs, for his services for the past year, 1933.

Upon motion of Commissioner Gorton and seconded by Commissioner Gibson, ^{motion} the / of December 6th., 1933, as shown on page 230 of County Commissioners Minutes, which reads "upon motion of Commission Gorton and seconded by Commissioner Gibson, the pay of the Sheriff for feeding prisoners was set at 50¢ per day each straight, (authorization, see Senate Bill 639, Acts 1933, page 252)" was rescinded due to the increase cost of Groceries, etc., and that the fees shall be on the prior basis.

Motion by Commissioner Blount and seconded by Commissioner Gorton to adjourn until 1:30 O'clock P.M.

1:30 o'clock P.M., all Commissioners present.

Motion by Commissioner Clay and seconded by Commissioner Blount the Notary Public Bonds, of Ralph Kurts and Maude B. Woodson, in the sum of \$500.00 each with the American Surety Company of N. Y., as sureties were approved.

The Bids on re-roofing of the old Club House Building at the Fair Grounds, were opened and after considering carefully all bids, upon motion by Commissioner Clay and seconded by Commissioner Blount the bid of Joe V. Lewis, to furnish New Lock Tight 28 Roofing, and to furnish Ridge Cap Nails, and Valley Iron and to remove the old shingles from the Club House, and put the new roofing on, all work to be done in workmanlike manner for the sum of \$380.00 was awarded to him.

Upon motion of Commissioner Gibson and seconded by Commissioner Gorton, Engineer W. Gibson was instructed to get all information possible to get reforestation in Lee County.

The monthly reports of G.W. Shipp and J.R. West on Fines and Forfeitures, J.A. Hendry on Marks and Brands, R.V. Lee on Occupational and Store License and Poll Taxes were received, examined, checked and ordered filed.

Motion by Commissioner Gibson and seconded by Commissioner Blount the road viewers report of D.J. Richards, Richard B. Dumbleton and Geo. W. Hurt was accepted on the following described roads commencing at

§. 22- A point where the Tamiami Trail intersects the South Line of the N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 33 Township 46 South Range 25 East and running North 87° 15' West to Station 22 plus 85.5 with 1: P. C. of 3 degrees curve to Right with delta of 11° - 36', thence follow said curve of 3 degrees to Station 26 plus 72.2 which is P. T. of 3 degree to Right, thence North 75° - 40' West to

Station 58 plus 72.15 which is P. C. of 8° degree Curve to Left with selta of 32° - 32', thence follow said curve of 8 degrees to left to Station 62 plus 78.4 wich is P. T. of said Curve, thence South 71° - 50' West to Station 62 plus 82.8 which is Right of Way of S.A.L. Railroad.

The Board is in receipt of \$20.00 for the sale of an old Ford Sedan to O.H. Edwards, of Alva, Florida, which was previously ordered sold, and same ordered deposited in Road & Bridge Fund and credit be given district 4.

Motion by Commissioner Gorton and seconded by Commissioner Clay all approved bills of this date were ordered paid and warrants drawn for same except where no funds:

GENERAL REVENUE FUND

Jan., 3rd., No.	To whom issued	Purpose of Expenditure	Amount
5810	Bob Ing	Sheriff Attend. Co. Comr's.	\$ 8.00
1	Bob King	Res. for Contg.	13.85
2	Bob King	Sheriff General Court Work	60.00
3	Foxworthy Insurance Agency	Insurance	44.75
4	Harry J. Wood	Insurance	10.00
5	C. N. Field	Water	10.50
6	W. L. Draughon	Clerk's General Court Work	45.00
7	W. L. Draughon	Res. for Contg.	9.00
8	W. L. Draughon	Res. for Contg.	1.00
9	Franklin Hardware Co., Inc.	Res. for Contg., Jail	5.00
20	Franklin Hardware Co., Inc.	Res. for Cong.	1.50
1	Mr. Harry J. Wood	Insurance	10.00
2	Standard Oil Co.	Fuel	.23
3	Panama Carbon Co.	General Stationery	3.00
4	Geo. D. Barnard, Sta., Co.	Record Books	32.53
5	Bryan Keefe & Adams	Water	10.00
6	City of Port Myers	Water & Gas	69.75
7	Marshall & Bruce Co.	Record Books	53.99
8	Mr. F. C. Des Kochers	Repair to Jail	13.75
9	Penole Chemical Co.	Res. for Contg.	56.50
30	Mrs. Maggie Lee Stancel	Widow's Pension for December	7.50
1	Mrs. Mamie V. Briggs	Widow's Pension	12.50
2	Mrs. Eugenia Corbitt	Widow's Pension	7.50
3	Mrs. Nellie Johnson	Widow's Pension	15.00
4	Mrs. Maggie Parker	Widow's Pension	15.00
5	Mrs. Lela Alderman	Widow's Pension	15.00
6	Mrs. Tillie Keene	Widow's Pension	15.00
7	Mrs. Minnie Leonardy	Widow's Pension	12.50
8	Mrs. Lorena Keen	Widow's Pension	10.00
9	Mrs. Anna Sheffield	Widow's Pension	10.00
40	Mrs. Daisy Weeks	Widow's Pension	15.00
1	Mrs. Rosa Sota	Widow's Pension	15.00
2	Mrs. B. R. Thomas	Widow's Pension	12.50
3	Mrs. S. D. Williams	Widow's Pension	7.50
4	Roesch Paper Co.	Water, drinking cups	7.35
5	Florida Power & Light, Co.	Lights	39.92
6	Office Equipment Co. Inc.	Record Books	54.60
7	Biggar & Biggar Inc.	Res. for Contg.	4.00
8	W. L. Draughon	Clerk's General Court Work	5.00
9	S. A. L. Railway Co.	Res. for Contg.	15.00
50	Marshall & Bruce Co.	Record Books	49.89
1	Roesch Paper Co.	Res. for Contg.	9.30
2	W. A. Gibson	Per Diem, December	12.00
3	Roy D. Stubbs	Attorney Co. Commissioners	100.00
4	David Elmer Ward	Salary County Judge	100.00
5	W. L. Draughon	Clerk County Commissioners	135.00
6	W. L. Draughon	Clerk's Recording & General Ct. Wrk.	9.09
7	E. M. Magaha	County Prosecuting Attorney	50.00
8	Mr. S. H. Simmons	Expense County Building	4.00
9	Elizabeth Pentecost	Res. for Contg.	4.50
60	Hunter's Drug Store	Paupers	59.68
1	Lawrence A. Powell, Inc.,	Paupers	60.00
2	Heitman Evans Co.	Res. fo. Contg.	.75
3	H. M. Stringfellow	Per Diem for December	15.00
4	S. H. Simmons	Caretaker	40.00
5	Mrs. Nellie Carlson	Widow's Pension	12.50
6	C. N. Field	Janitor	72.50
7	W. G. Gibson	County Engineer	150.00
8	Mrs. Clyde Gonzalez	Sup. Registration	37.50
9	Dr. E. Whisman		

November 18, 1933.

CCM-7-193-220-237

To the Honorable Board of County
Commissioners of Lee County, Fla.

Gentlemen:

We, the undersigned viewers heretofore appointed by your Honorable Board as viewers to view and mark out the best route for the proposed road as is hereinafter described, beg to report that we have taken the oath required by law, and have personally viewed and marked out the best route for the said proposed road, and we beg to report herewith that the best route is as follows: commencing at

A point where the Tamiami Trail intersects the South Line of the $N\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 33 Township 46 South Range 25 East and running North $87^{\circ} 15'$ West to Station 22 plus 85.5 which is P. C. of 3 degree curve to Right with delta of $11^{\circ}-36'$, thence follow said curve of 3 degrees to Station 26 plus 72.2 which is P. T. of 3 degree to Right, thence North $75^{\circ}-40'$ West to Station 58 plus 72.15 which is P. C. of 8 degree Curve to Left with delta of $32^{\circ}-30'$, thence follow said curve of 8 degrees to Left to Station 62 plus 78.4 which is P. T. of said Curve, thence South $71^{\circ}-50'$ West to Station 62 plus 88.8 which is Right of Way of S.A.L. Railroad.

We respectfully recommend that this report be accepted, and that your Honorable Board will make and enter an order declaring the same to be a public road of Lee County, Florida, and that the same shall be a width of _____ feet.

Respectfully submitted this the _____ day of _____ A. D., 19__.

D. J. Richards
Richard B. Tumbler
Geo. W. Hunt

Witness.

Book 7
BCC

W. H. ...
Chairman

ATTEST:

W.L. Draughon, Clerk.

By D. J. ... D.C.

WEDNESDAY, JANUARY 3rd., 1934.

Regular meeting of the Board of Lee County Commissioners, held this date at their office in the Court House Fort Myers, Florida, with all members present.

Meeting called to order at 10:00 o'clock A. M., by Chairman.

Reading of the Minutes of December 6th., 18th., and 20th., which was upon motion of Commissioner Blount and seconded by Commissioner Gorton, adopted as read.

Upon Motion of Commissioner Gibson and seconded by Commissioner Clay, Roy D. Stubbs was appointed as Attorney for the Board of County Commissioners for the year 1934, and the Clerk instructed to write a letter of appreciation to Mr. Stubbs, for his services for the past year, 1933.

Upon motion of Commissioner Gorton and seconded by Commissioner Gibson, the / of December 6th., 1933, as shown on page 230 of County Commissioners Minutes, which reads "upon motion of Commission Gorton and seconded by Commissioner Gibson, the pay of the Sheriff for feeding prisoners was set at 50¢ per day each straight, (authorization, see Senate Bill 639, Acts 1933, page 252)" was rescinded due to the increase cost of Groceries, etc., and that the fees shall be on the prior basis.

Motion by Commissioner Blount and seconded by Commissioner Gorton to adjourn until 1:30 o'clock P.M.

1:30 o'clock P.M., all Commissioners present.

Motion by Commissioner Clay and seconded by Commissioner Blount the Motary ... in the sum of 1500.00 each with the

The bids on reroofing of the old Club House Building at the Fair Grounds, were ordered opened and after considering carefully all bids, upon motion by Commissioner Clay and seconded by Commissioner Blount the bid of Joe V. Lewis, to furnish New Lock Tight 28 ... Roofing, and to furnish Edge Cap Nails, and Valley Iron and to remove the old shingles on the Club House, and put the new roofing on, all work to be done in workmanlike manner for the sum of 4380.00 was awarded to him.

On motion of Commissioner Gibson and seconded by Commissioner Gorton, Engineer W. ... was instructed to get all information possible to get reforestation in Lee County.

The monthly reports of U.W. Shipp and J.N. West on Fines and Forfeitures, J.A. Hendry on Marks and Brands, R.V. Lee on Occupational and Store License and Poll Taxes were received, examined, checked and ordered filed.

Report of ... by Commissioner Blount the read ...

The following described road commencing at

- 21' A point where the Tamiami Trail intersects the South Line of the $\frac{1}{4}$ of $\frac{1}{4}$ of Section 33 Township 46 South Range 25 East and running North $87^{\circ} 15'$ West to Station 22 plus 85.5 with is P. C. of 3 degree curve to Right with delta of $11^{\circ} - 36'$, thence follow said curve of 3 degrees to Station 26 plus 72.2 which is P. T. of 3 degree to Right, thence North $75^{\circ} - 40'$ West to

Station 58 plus 72.15 which is P. C. of 8° degree Curve to Left with delta of 32° - 32', thence follow said curve of 8 degrees to Left to Station 62 plus 78.4 which is P. T. of said Curve, thence South 71° - 50' West to Station 62 plus 82.8 which is Right of Way of S.A.L. Railroad.

The Board is in receipt of \$20.00 for the sale of an old Ford Sedan to O.H. Edwards, of Alva, Florida, which was previously ordered sold, and same ordered deposited in Road & Bridge Fund and credit be given district 4.

Motion by Commissioner Corton and seconded by Commissioner Clay all approved bills of this date were ordered paid and warrants drawn for same except where no funds:

GENERAL REVENUE FUND

Jan., 3rd., No.	To whom issued	Purpose of Expenditure	Amount
5810	Bob Ing	Sheriff Attend. Co. Comms.	8.00
1	Bob King	Res. for Contg.	13.85
2	Bob King	Sheriff General Court Work	60.00
3	Foxworthy Insurance Agency	Insurance	44.75
4	Harry J. Wood	Insurance	10.00
5	C. N. Field	Water	10.50
6	W. L. Draughon	Clerk's General Court Work	15.00
7	W. L. Draughon	Res. for Contg.	9.00
8	W. L. Draughon	Res. for Contg.	1.00
9	Franklin Hardware Co., Inc.	Res. for Contg., Jail	5.00
20	Franklin Hardware Co., Inc.	Res. for Contg.	1.50
1	Mr. Harry J. Wood	Insurance	10.00
2	Standard Oil Co.	Fuel	.23
3	Panama Carbon Co.	General Stationery	3.00
4	Geo. D. Barnard, Sta., Co.	Record Books	12.53
5	Bryan Keefe & Adams	Water	10.00
6	City of Fort Myers	Water & Gas	69.75
7	Marshall & Bruce Co.	Record Books	51.99
8	Mr. F. C. Des Rochers	Repair to Jail	13.75
9	Penole Chemical Co.	Res. for Contg.	56.50
30	Mrs. Maggie Lee Stancel	Widow's Pension for December	7.50
1	Mrs. Mamie V. Briggs	Widow's Pension	12.50
2	Mrs. Eugenia Corbitt	Widow's Pension	7.50
3	Mrs. Della J. ...	Widow's Pension	15.00
4	Mrs. ...	Widow's Pension	15.00
5	Mrs. ...	Widow's Pension	7.50
6	Mrs. ...	Widow's Pension	7.00
7	Mrs. Minnie Leonardy	Widow's Pension	12.50
8	Mrs. Lorena Keen	Widow's Pension	10.00
9	Mrs. Anna Sheffield	Widow's Pension	10.00
10	Mrs. Daisy Weeks	Widow's Pension	15.00
1	Mrs. Rosa Sota	Widow's Pension	15.00
2	Mrs. B. R. Thomas	Widow's Pension	12.50
3	Mrs. S. D. Williams	Widow's Pension	7.50
4	Roesch Paper Co.	Water, drinking cups	7.35
5	Florida Power & Light, Co.	Lights	39.92
6	Office Equipment Co. Inc.	Record Books	51.60
7	Biggar & Biggar Inc.	Res. for Contg.	4.00
8	W. L. Draughon	Clerk's General Court Work	5.00
9	S. A. L. Railway Co.	Res. for Contg.	15.00
30	Marshall & Bruce Co.	Record Books	49.89
1	Roesch Paper Co.	Res. for Contg.	9.36
2	W. A. Gibson	Per Diem, December	12.00
3	Roy D. Stubbs	Attorney Co. Commissioners	100.00
4	David Elmer Ward	Salary County Judge	100.00
5	W. L. Draughon	Clerk County Commissioners	135.00
6	W. L. Draughon	Clerk's Recording & General Ct. Wrk.	9.09
7	E. M. Magaha	County Prosecuting Attorney	50.00
8	Mr. S. H. Simmons	Expense County Building	1.00
9	Elizabeth Pentecost	Res. for Contg.	4.50
30	Hunter	79.68
1	Laurens	50.00
2	Heltman Evans Co.75
3	S. M. Stringfellow	...	15.00
4	S. H. Simmons	...	50.00
5	Mrs. Nellie Darnell	Widow's Pension	12.50
6	C. N. Field	...	72.50
7	W. J. Gibson	County Engineer	150.00
8	Mrs. Clyde Gonzalez	Sup. Registration	37.50
9	Dr. B. Whisanant	County Physician	100.00
70	Dr. W. H. Grace	Insanity Fees	10.00
1	Mr. J. B. Parker, Inc.	General Stationery	29.39
2	A. Corton	Per Diem for December	1.00
3	B. S. Clay	Per Diem, December	12.00
4	Mrs. Elizabeth Clemens	Widow's Pension	7.50
5	Mrs. Nancy Gibbs	Widow's Pension	10.00
6	Mrs. Dora Golden	Widow's Pension	12.50
7	Mrs. Jenny Griffin	Widow's Pension	12.50
8	Mrs. Luella Hand	Widow's Pension	12.50



EXHIBIT "B"

1050
10/20

This Instrument Prepared by:

Lee County Attorney's Office
Post Office Box 398
Fort Myers, FL 33902-0398

STRAP No.

3860827

Documentary Tax Pd. \$ 20
\$ _____ Intangible Tax Pd
COLLECTED AS PER CHARTER, LEE COUNTY
By Robinson Deputy Clerk

OR2647 PG3226

THIS SPACE FOR RECORDING

COUNTY DEED
(Statutory)

THIS DEED, executed this 18th day of October, A.D., 19 95, by LEE COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398 first party, to THE KORESHAN UNITY FOUNDATION, INC., a Florida not-for-profit Corporation (being the successor in interest by merger to Koreshan Unity Foundation, Inc., a New Jersey Corporation), whose principal place of business is in Estero, Lee County, Florida second party.

WITNESSETH: That the said first party, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the said second party, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said second party, its successors and assigns forever, the following described land, which is also that land conveyed in accordance with the Deed and Trust Agreement recorded in the public records at OR Book 353, Page 475 and the Quitclaim Deed recorded at OR Book 1295, Page 302, lying and being in Lee County, Florida:

SEE ATTACHED EXHIBIT "A"

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF the said first party has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:
CHARLIE GREEN, CLERK

By: [Signature]
Deputy Clerk

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: [Signature]
Chairman

APPROVED AS TO LEGAL FORM:

[Signature]
Office of County Attorney

● RECORDED VERIFIED - CHARLIE GREEN, CLERK ●
● BY: MARK JO ROBINSON, D.C. ●

KORESHAN OPL

C11b
10-18-95

EXHIBIT "A"

A tract or parcel of land lying in the north half (N½) of Section 33, Township 46 South, Range 25 East which tract or parcel is described as follows:

From the northwest corner of said Section 33 run N 88° 48' 50" E along the north line thereof for 395.00 feet; thence run S 0° 57' 10" E parallel with the west line of said section, along the westerly line of lands conveyed to the Florida State Board of Parks by deed recorded in Official Record Book 95 at page 256 of the public records of Lee County for 1,204.13 feet to the centerline of a county road 50 feet wide as declared in County Commission Minute Book 7 at page 237 of said public records and the point of beginning of lands herein described.

From said point of beginning run S 79° 00' 50" E along said centerline and along the southerly line of said lands described in Official Record Book 95 at page 256 for 485.35 feet; thence run N 89° 24' 30" E along said southerly line of said lands, along said centerline of said County Road for 2,419.0 feet to a point on the westerly right-of-way line, 68.0 feet from the centerline, of the Tamiami Trail (State Road No. 45) thence run southwesterly along said westerly right-of-way line to an intersection with the north line of the south half (S½) of the southwest quarter (SW¼) of the northeast quarter (NE¼) of said section; thence run westerly along said northerly line to the northwest corner of said south half (S½) of the southwest quarter (SW¼) of the northeast quarter (NE¼); thence southerly along the west line of said fraction of a section to the quarter corner at the center of said Section 33; thence run westerly along the quarter section line to an intersection with a line parallel with and 395.0 feet (as measured on a perpendicular) easterly from said west line of said Section 33 passing through the point of beginning; thence run N 0° 57' 10" W along said line to the point of beginning. SUBJECT to the hereinabove described County Road.

OR2647 PG3227

EXHIBIT "C"

MEMORANDUM

DATE: June 10, 1996
TO: David Caldwell, Vivien Hastings
FROM: Kitty Green *KG*
RE: Corkscrew Road Vacation

Attached is a copy of the final resolution vacating the viewers road through River Ridge for your files.

For some reason they listed the petitioner as Pelican Landing instead of WCI or River Ridge Communities. I don't know if it matters but Neale Montgomery said she would attempt to correct.

Copy: David Crawford

2460

OR2707 PG3201

THIS INSTRUMENT PREPARED BY:

Department of Community Development
Division of Zoning & Development Services
1831 Hendry Street
Fort Myers Florida 33901

3966680

RESOLUTION NUMBER #96-05-13
FOR PETITION TO VACATE NUMBER 96-02-153.03R

WHEREAS, Petitioner PELICAN LANDING,
in accordance with F.S. Ch. 336 and Lee County Administrative Code (LCAC) 13-8, filed
a Petition to vacate, abandon, close and discontinue the public's interest in the right-of-way
or portion of a right-of-way legally described in the attached Exhibit A; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a
public hearing concerning the Petition to vacate on May 1, 1996; and

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public
Hearing on Petition to Vacate Number 96-02-153.03R, a copy of which is attached
as Exhibit B, was entered into the minutes of the County Commission Meeting; and

WHEREAS, the Petitioner did provide notice to all affected property owners
concerning the intent of the Petition to vacate in accordance with LCAC 13-8; and

WHEREAS, it appears that vacating, abandoning, closing or discontinuing the
subject right-of-way or portion of right-of-way is in the best interest of the public and
promotes the public's health, safety and welfare without invading or violating individual
property rights; and

WHEREAS, the letters of review and recommendation provided by the various
governmental and utility entities indicate granting Petitioner's request is appropriate and
in accordance with F.S. Ch. 336.

RECORDED & VERIFIED - CHARLIE GREEN, CLERK
BY: MARY JO ROBINSON, D.C.

OR2707 PG3202

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners as follows:

1. Petition to Vacate Number 96-02-153.0^{3R} is hereby granted.
2. The public's interest in the right-of-way or portion of right-of-way described in Exhibit A and graphically depicted in Exhibit A is hereby vacated, abandoned, closed and discontinued.
3. A Notice of Resolution of Adoption will be published one time within 30 days of adoption in a newspaper of general circulation. An affidavit of Publication for the Notice of Resolution Adoption will be attached to this Resolution as Exhibit c.
4. This Resolution will become effective upon the recording of a fully executed Resolution, including all exhibits referred to above, in the public records of Lee County, Florida.

This Resolution passed by voice and entered into the minutes of the Board of County Commissioners of Lee County, Florida, this 1st day of May, 1996.

ATTEST:

CHARLIE GREEN, CLERK

By: Lisa L. Pierce
Deputy Clerk Signature

LISA L. PIERCE
Printed Name

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

By: Douglas St. Cerny
Chairman Signature

Douglas St. Cerny
Printed Name

APPROVED AS TO FORM

By: Douglas E. Perry-Lerner
County Attorney Signature

Douglas E. Perry-Lerner
Printed Name

2158 JOHNSON STREET
TELEPHONE (813) 334-0046
TELECOPIER (813) 334-3661
POST OFFICE BOX 1550
FORT MYERS FLORIDA
33902-1550

November 1, 1993

DESCRIPTION

SECTIONS 32 & 33, T. 46 S., R. 25 E.
LEE COUNTY, FLORIDA

A strip of land 50 feet wide lying in the north half (N-1/2) of Section 32, and the northwest quarter (NW-1/4) of Section 33, Township 46 South, Range 25 East, Lee County, Florida lying 25 feet each side of the following described centerline:

From the northeast corner of the northeast quarter (NE-1/4) of said Section 32 run N 89° 15' 27" E along the north line of Section 33 line for 395.00 feet; thence run S 00° 30' 33" E for 1204.07 feet to the Point of Beginning.

From said Point of Beginning run N 78° 34' 13" W for 2908.62 feet to a point of curvature; thence run along the arc of a curve to the left of radius 716.20 feet (delta 32° 32' 00") (chord bearing S 85° 09' 47" W) (chord 401.23 feet) for 406.67 feet to a point of tangency; thence run S 68° 53' 47" W for 16.81 feet to an intersection with the east boundary line of a Florida Power and Light Company Transmission Line Easement and the end of the herein described centerline. Also being that same 50 foot right-of-way (ROW) as described in County Commissioner's Minutes Book 7 at page 237 of the Public Records of Lee County. Contains 3.82 acres, more or less.

Bearings hereinabove mentioned are based on ties to the east boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at pages 58 through 60, Public Records of Lee County, Florida where in said line bears N 00° 18' 31" W.

OR2707 PG3203

CHAIRMAN
ARCHIE T. GRANT, JR.

PRESIDENT
FORREST H. BANKS

JOSEPH W. EBNER
STEVEN K. MORRISON
ANDREW D. TILTON
JEFFREY C. COONER

DAN W. DICKEY
KENTON R. KEILING
GEORGE J. KALAL
MICHAEL L. HARMON
THOMAS L. FENDLEY
W. DAVID KEY, JR.
W. BRITT POMEROY
CARL A. BARRACO
GARY R. BULL
KEVIN M. WINTER
STEPHEN W. ADAMS
PATRICIA H. NEWTON

CONSULTANT
LESTER L. BULSON

SLF/kc
19466a

Steven L. Ford
Steven L. Ford
Professional Land Surveyor
Florida Certificate No. 4992
// - 2 - 93

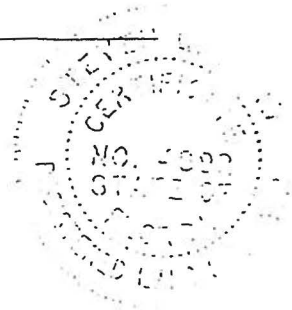


EXHIBIT "A"

Exhibit B

NOTICE OF PUBLIC HEARING ON PETITION TO VACATE NUMBER 96-02-153.03R TO WHOM IT MAY CONCERN:

PH slip b 4:55 PM

DR2 707 PG3204

NEWS-PRESS Published every morning — Daily and Sunday Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA COUNTY OF LEE

Before the undersigned authority, personally appeared Brenda Leighton

who on oath says that he/she is the Legal Coordinator of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a notice of public hearing

in the matter of Petition to Vacate #96-02-153.03R

in the Court

was published in said newspaper in the issues of April 15, 1996

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 said newspaper has heretofore been continuously published in said Lee County; Florida, each day, and has been entered as a second class mail 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 the advertisement; and affiant further says that he/she has neither 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.

Brenda Leighton (signature)

Sworn to and subscribed before me this 18th day of

April 19 96 by

Brenda Leighton

who is personally known to me or who has produced

as identification, and who did or did not take an oath:

Notary Public Linda Gale Shiley

Print Name LINDA GALE SHEILEY

My Commission Expires: MY COMMISSION EXPIRES APRIL 4, 1998 # CC 361392

CLASS-16 BONDED THRU TROY FAIN INSURANCE NOTARY PUBLIC, STATE OF FLORIDA

NOTICE IS HEREBY GIVEN that on Wednesday, the 1st day of May, 1996 at 4:55 o'clock p.m., in the County Commissioners Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of a right-of-way, legally described as follows:

DESCRIPTION Sections 32 & 33, T. 46 S., R. 25 E.

Lee County, Florida A Strip of land 50 feet wide lying in the north half (N-1/2) of Section 32, and the northwest quarter (NW-1/4) of Section 33, Township 46 South, Range 25 East, Lee County, Florida lying 25 feet each side of the following described centerline:

From the northeast corner of the northeast quarter (NE-1/4) of said Section 32 run N 89°15'27" E along the north line of Section 33 line for 395.00 feet; thence run S 00°30' 33" E for 1204.07 feet to the Point of Beginning. From said Point of Beginning run N 78°34'13" W for 2908.62 feet to a point of curvature; thence run along the arc of a curve to the left of radius 716.20 feet (delta 32°32'00") (chord bearing S 85°09'47" W) (chord 401.23 feet) for 406.67 feet to a point of tangency; thence run S 68°53'47" W for 16.81 feet to an intersection with the east boundary line of a Florida Power and Light Company Transmission Line Easement and the end of the herein described centerline. Also being that same 50 foot right-of-way (ROW) as described in County Commissioner's Minutes Book 7 at page 237 of the Public Records of Lee County. Contains 3.82 acres, more or less.

Bearings hereinabove mentioned are based on ties to the east boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at pages 58 through 60, Public Records of Lee County, Florida where in said line bears N 00°18'31" W.

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department, on the second floor of the Courthouse Office building, 2115 Second Street, Fort Myers, Florida. BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

FILED

MAY 01 1996

CIRCUIT COURT FROM DPL 11.57.2m #2

NEWS-PRESS
 Published every morning — Daily and Sunday
 Fort Myers, Florida
Affidavit of Publication

STATE OF FLORIDA
 COUNTY OF LEE

Before the undersigned authority, personally appeared _____
Brenda Leighton

who on oath says that he/she is the _____
Legal Coordinator of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County, Florida; that the
 attached copy of advertisement, being a _____
notice of resolution

in the matter of Petition to Vacate #96-02-153.03R

in the _____ Court

was published in said newspaper in the issues of _____
May 15, 1996

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 said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail 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 the advertisement; and affiant further says that he/she has neither 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.

Brenda Leighton

Sworn to and subscribed before me this _____
15th day of _____

May, 1996 by

Brenda Leighton

who is personally known to me or who has produced _____

as identification, and who did or did not take an oath.

Notary Public Linda Gale Sheley

Print Name _____

My Commission Expires:

CLASS-16



NOTICE OF RESOLUTION ADOPTION REGARDING PETITION TO VACATE NUMBER 96-02-153.03R TO WHOM IT MAY CONCERN
 NOTICE IS HEREBY GIVEN that on May 1, 1996, the Board of County Commissioners of Lee County, Florida adopted Resolution Number #96-05-13. The effect of this Resolution is to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described as follows:

Exhibit A
 Description
 Sections 32 & 33, T. 46 S., R. 25 E., Lee County, Florida
 A strip of land 50 feet wide lying in the north half (N 1/2) of Section 32, and the northwest quarter (NW 1/4) of Section 33, Township 46 South, Range 25 East, Lee County, Florida lying 25 feet each side of the following described centerline:
 From the northeast corner of the northeast quarter (NE 1/4) of said Section 32 run N

89°15'27" E along the north line of Section 33 line for 395.00 feet; thence run S 00°30'33" E for 1204.07 feet to the Point of Beginning. From said Point of Beginning run N 78°34'13" W for 2908.62 feet to a point of curvature, thence run along the arc of a curve to the left of radius 716.20 feet (delta 32°32'00") (chord bearing S 85°09'47" W) (chord 401.23 feet) for 406.67 feet to a point of tangency; thence run S 68°53'47" W for 16.81 feet to an intersection with the east boundary line of a Florida Power and Light Company Transmission Line Easement and the end of the herein described centerline. Also being that same 50 foot right-of-way (ROW) as described in County Commissioner's Minutes Book 7 at page 237 of the Public Records of Lee County. Contains 3.82 acres, more or less.

Bearings hereinabove mentioned are based on ties to the east boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at pages 58 through 60, Public Records of Lee County, Florida where in said line bears N 00°18'31" W.
 Please Govern Yourself Accordingly.
BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA
 P.O. 602230
 May 15 No. 12373

DR2707 PG3205

HARLE GREEN LIL CITY FL
 96 MAY 21 AM 10:46

96 MAY 16 PM 1:58

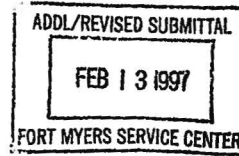
EXHIBIT "D"

AFFIDAVIT

I, Scott Gilbertson, Deputy Director of the Lee County Department of Transportation, being duly sworn, depose and say that I am the authorized representative of Lee County, the owner of the property described in County Commissioner's Minutes Book 7, at page 237, also referred to as the Corkscrew Road Right-of-Way, and that I hereby authorize WCI Communities Limited Partnership and its consultant, Hole, Montes & Associates, Inc. to apply to the South Florida Water Management District for the surface water permits related to the improvements within the Corkscrew Road right-of-way (from US 41 to a point 2900 +/- feet to the west of US 41) to serve the River Ridge community.

Scott Gilbertson

Scott Gilbertson, P.E.
Deputy Director, Lee County DOT

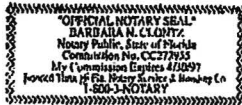


STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 3rd day of February, 1997, by Scott Gilbertson, Deputy Director, Lee County Department of Transportation, who is known to me or has produced personally known as identification.

Barbara N. Clontz
Signature of Notary Public

Barbara N. Clontz
Printed Name of Notary Public



Fort Myers Service Center
960819-7
Application Number

EXHIBIT "E-1"



APPLICATION FOR A DEVELOPMENT ORDER



Applicant's Name: WCI Communities, L.P. Phone # (941) 947-2600

Project Name: Corkscrew Road Extension - River Ridge

STRAP Number: (N/A - County ROW)

Brief description of proposed development project: Site Improvements associated with the extension of Corkscrew road from U.S. 41 to the Eastern Property Boundary of River Ridge R.P.D. Improvements include: Paving, Grading, drainage, water main and force main installation.

STAFF USE ONLY

Case Number: 97-06-104-000

Fee: 2665.00

Date of Review: _____

Date Fee Paid: 06/11/97 (CNTG)

Reviewed By: _____

Receipt Number: 0320

DO Issued? YES NO

Intake By: Don

YES with Stipulations

DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING AND DEVELOPMENT SERVICES DIVISION
1831 HENDRY STREET P.O. BOX 398
FORT MYERS, FLORIDA 33902
PHONE (941) 335-2235

PROJECT # _____
PROJECT TYPE _____

EXPLANATIONS FOR PART I

- A. *Legal description.* A legal description for the property must be submitted. Label as "Exhibit I-A-1". [Sec. 10-153(2) & 10-154 (3)]

Boundary survey. A boundary survey prepared by a surveyor, meeting the minimum technical standards for land surveying in the state, as set out in chapter 21 HH-6, Florida Administrative Code, shall be submitted. Boundaries must be clearly marked with a heavy line. The boundary line shall include the entire area to be developed. The Federal Emergency Management Agency flood zone and required finished floor elevations shall be shown. Label as "Exhibit I-A-2" [Sec. 10-154(5)]

Aerial photograph. A recent aerial photograph of the property and all properties within 660 feet of the perimeter of the property, with a scale of one inch equals 300 feet, shall be submitted. Label as "Exhibit I-A-3" [Sec. 10-154(10)]

EXPLANATIONS FOR PART II

- A. Name of development. [Sec. 10-153(1)a.]
- C. Name of applicant: The applicants shall designate a representative who shall have full power and authority to represent and bind all legal and equitable owners of the property. Legal and equitable owners of the property include but are not limited to the heirs, successors and assigns of the legal and equitable owners, all mortgagees, purchasers of all or any portion of the property under a sales contract or an agreement for deed, and all trustees. [Sec. 10-107 & 10-153(1)b]
- D. Relationship of applicant to property. In the event the applicant is not the owner, a notarized letter signed by the owner of the property authorizing the applicant to submit and be responsible for the application is required. All legal and equitable owners of the property must jointly authorize the filing of an application for a development order and any subsequent amendments thereto. See Exhibit II-D for sample form. [Sec. 10-107 & 10-154(1)]
- E. Name of developer. [Sec. 10-153(1)c.]

PART I

LEGAL DESCRIPTION

A. Legal Description: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

X, NO Attach a legible copy of the legal description and a boundary survey as well as an aerial photograph.. Label as "Exhibits II-A-1, II-A-2, and II - A - 3 " respectively.

YES Property is identified as: Subdivision Name: _____

Plat Book: _____ Page: _____ Unit: _____ Block: _____ Lot: _____

B. Sub-area: Is the property to be developed smaller than the property described above?

NO YES. If yes, attach a legal description of the property to be included in this development order. Attach a map showing the relationship of this portion to the property described above. Label as "Exhibits I-B-1 and I-B-2".

C. STRAP NUMBER(s): N/A - County ROW

PART II

OWNER/APPLICANT/DEVELOPER INFORMATION

A. Name of the proposed development: Corkacrew Road Improvements - River Ridge

B. Project street Address: N/A

C. Name of applicant: X Mr. Mrs. Ms. Frank Kurchinski

Mailing Address: Street 24301 Walden Center Drive

City: Bonita Springs State: FL Zip: 34134

Phone Number: Area Code: 941 Number: 947-2600 Ext:

Fax Number: Area Code: 941 Number:

D. Relationship of applicant to property:

Owner Trustee* Option holder* Lessee*

Contract Purchaser* X Other (Indicate)* Access to Applicant's Property

*Applicant must submit a notarized authorization form. [see Exhibit II-D (attached)].

E. Name of developer: WCI Communities, L.P.

Mailing Address: Street: 24301 Walden Center Drive

City: Bonita Springs State: FL Zip: 34134

Phone Number: Area Code: 941 Number: 947-2600 Ext:

Fax Number: Area Code: Number:

- F. Name of owner(s). The name of all parties having interest in the subject property, including names of stockholders owning ten percent or more of outstanding stock, and names of beneficiaries of trusts. A notarized statement of ownership or unified control of the entire development is required. Label submission as Exhibit II-F. [Sec. 10-153 & 10-154(2).]
- G. Professional Consultants: A listing of the professional consultants* employed in preparing the application or submitted documents. The names, addresses and telephone numbers shall be provided for consultants such as but not limited to architects, engineers, attorneys, landscape architects, planners, surveyors. Please complete Exhibit II-G. [Sec. 10-153(1)f.]
- * An engineer must be employed by the developer to design all required improvements such as streets, drainage structures, drainage systems, bridges, bulkheads, water and sewage facilities, etc. All plans, drawings, reports and calculations shall be prepared, signed and sealed by the appropriate licensed professional, such as engineers, architects, landscape architects, land surveyors and attorneys, registered in the state. Other specialized consultants, such as environmental consultants, archaeologists, etc., may be required to assist in the preparation of the plans, drawings, reports and other documents required as development order submittals. [Sec. 10-102].

EXPLANATIONS FOR PART III

- A. The date the property was acquired. [Sec. 10-153(2)b.]

Title assurance. Title assurance in the form of either a title certification by an attorney or a title insurance policy is required. Label as "Exhibit III-A" [Sec. 10-154(4)]

- B. The property dimensions and area must be provided. [Sec. 10-153(2)c.]

- C & D. No development orders or plats shall be approved for the subject property if ad valorem taxes or assessments against the property are delinquent or if there are outstanding tax certificates issued for the property. [Sec. 10-108.1.]

- F. *Protected species survey.* A species survey must be submitted, if applicable, as required by Section 10-471 et seq. Of the LDC. Label as "Exhibit III-F". [Sec. 10-154(15)]

F. Name of owner of property*: Lee County Board of County Commissioners

Mailing Address: Street: _____

City: _____ State: _____ Zip: _____

Phone Number: Area Code: _____ Number: _____ Ext: _____

Fax Number: Area Code: _____ Number: _____

* A notarized statement of ownership or unified control of the entire development is required. [see Exhibit II-F (attached)].

F. Professional consultants. Were Professional consultants used in the preparation of this application or submitted documents? _____ NO YES If yes, please complete Exhibit II-G (attached).

**PART III
PROPERTY INFORMATION**

A. Date the property was acquired: _____ Submit a copy of Title assurance. Label as "Exhibit III-A"

B. Property Dimensions:

1. Width (average if irregular parcel): 50 feet

2. Depth (average if irregular parcel): _____ feet

3. Frontage on road or street: N/A feet

4. Width along waterbody (if applicable): N/A feet

5. Total land area: _____ acres or _____ square feet

C Are any ad valorem taxes or assessments against the property delinquent? NO _____ YES

D Are there any outstanding tax certificates issued for the property? NO _____ YES

E Current use of property: Access right-of-way

F. Are there any protected species* on the property? NO _____ YES

*
Confirm

* Submit a Protected Species Survey (if applicable) as required by Section 10-471 et seq. Of the LDC. Label as "Exhibit III -F".

EXPLANATIONS FOR PART IV

A. **Current Zoning:** A copy of the most recent zoning resolution for the subject property shall be submitted. Label as "Exhibit IV-A-1". [Sec. 10-154(7)]

A.1. In accordance with administrative code policy 13-4, as it may be amended, any applicant who intends to submit an application for development order approval on a project which was zoned RPD, MHPD, RVPD, CPD, CFPD, IPD or AOPD prior to December 2, 1991, shall submit four complete sets of plans and documents to the zoning review staff, who will review the submittals for full compliance with the adopted master concept plan and any conditions of approval.

Plans may be reviewed concurrently for compliance with this chapter and with the terms of the zoning approval. No development orders shall be issued for the project in question until the plans have been determined to be in compliance with the terms of the zoning approval. [Sec. 10-103(a)]

A.2. **Special Conditions.** A copy of any pertinent special exceptions or variance documents, shall be submitted. Label as "Exhibit IV-A-2". [Sec. 10-154(7)]

B. For developments that require rezoning, the applicant may make application for a development order and the rezoning simultaneously. The development order will be reviewed for compliance with the requirements of this chapter and the requirements of chapter 34 for the proposed zoning of the property. No approval of the development order will be granted until the proposed rezoning is approved and a zoning resolution signed by the chairman of the Board of County Commissioners is issued. If application for rezoning has been made, submit a copy of the application and label it "Exhibit IV-B". [Sec. 10-103(c)]

F. **Administrative Deviations.** Copies of development order exemptions or deviations on the property must be submitted. Label as "Exhibit IV-F". [Sec. 10-153(3)]

I. Provide copies of any Federal, State and Local permits which affect the property. Label as "Exhibit IV-I". [Sec. 10-153(3)]

**PART IV
GENERAL DEVELOPMENT INFORMATION**

A. Current Zoning: N/A Zoning Resolution Number* (if any): _____ Date: _____
* attach a copy of the approving resolution to this application. Label as "Exhibit IV - A - 1"

1. If property is zoned RPD, MHPD, RVPD, CFPD, CPD, IPD, MPD or AOPD, was it rezoned prior to December 2, 1991? x NO _____ YES If yes, submit four (4) copies of the plan to the zoning review staff to verify compliance with the Master Concept Plan.
2. Were any special conditions (special exceptions, variances, deviations, unusual uses, temporary uses, density limitations) granted for this property which were not included in the Zoning Resolution? _____ NO _____ YES. If yes, attach a copy of the approving resolution to this application. Label as "Exhibit IV - A - 2"

B. Is a rezoning, special exception, or zoning variance required or requested? x NO _____ YES

If yes, has application for the requested change been made? x NO * _____ YES If yes, submit a copy of the application. Label as "Exhibit IV - B".

* Application must be filed for the change or approval before submitting a Development Order application.

C. Are any variances or deviations requested for this development? x NO _____ YES: If yes, please provide:

Case/Hearing Number: _____

Type of variance/deviations granted (use addition pages if needed): _____

D. Has a DSO preapplication informal meeting been conducted for this project? _____ NO x YES If yes, date of meeting: 3/27/97

E. Has any other development order application for this property (or any portion thereof) ever been filed with the Division of Zoning and Development Services? _____ NO x YES

1) Under what name? _____

2) D.O. number? _____ Approval/Denial date? _____

3) Type of Development Order (or Exemption): _____

4) Current Status? _____

F. Has an administrative deviation from the technical standards of the Land Development Code been requested? x NO _____ YES If yes, attached a copy of the decision (or a copy of the application if still in process). Label as "Exhibit IV-F".

G. Is the property located within the Boundaries of the Six-Mile Cypress Slough Water Shed? x NO _____ YES

H. Is the property located within the Boundaries of the Lakes Park Water Shed? x NO _____ YES

I. Have any Federal, State or Local permits or stipulations been issued which affect this property (i.e. dredge and fill permits, canal excavation, airport height restrictions, etc.) _____ NO x YES. If yes, please indicate what they are and attach a copy of the permit/stipulation. Label as "Exhibit IV - I".

SFWM - E. R. P.

ACOE

This page intentionally blank

**PART V
PROPOSED DEVELOPMENT**

A. Approximate acreage and percentage of total proposed for:

	<u>Area</u>	<u>Percent</u>
1. Single-Family detached residential:	_____	_____
2. Two-Family residential:	_____	_____
3. Multiple-Family residential:	_____	_____
4. Commercial:	_____	_____
5. Industrial:	_____	_____
6. Open space:	_____	_____
7. Lakes, ponds, other water bodies:	_____	_____
8. Roads, parking and other impervious (not including buildings):	(1.92)	_____
9. Other (specify): <u>Parkway-Green Area</u>	(1.41)	_____
10. Total Impervious area:	_____	_____
Total Percent:	3.33 Ac.	<u>100%</u>

B. Does the development plan include any new roads that are proposed for county maintenance?
 _____ NO YES If yes, is such designation indicated on the drawings? _____ NO YES

C. Is this proposed development part of a Development of Regional Impact? NO _____ YES
 If yes, give name _____ and Regional Planning
 Case Number _____.

D. Type of structures proposed:

1. Nonresidential N/A
 - a. Total number of buildings: _____
 - b. Maximum height of buildings: _____
 - c. Maximum height of other structures
(signs, fences, light standards, etc.): _____
 - d. Total floor area of buildings: _____
2. Residential N/A
 - a. Total number of buildings: _____
 - b. Total number of dwelling units: _____
 - c. Total number of rental units: _____
 - d. Maximum height of buildings: _____

This page intentionally blank

E. Parking and loading area. The total number of parking and loading spaces to be provided: N/A

1. Parking, Covered: _____ Open: _____

2. Loading, Covered: _____ Open: _____

F. Type of recreational facilities to be provided: N/A

G. Phasing:

1. Is project proposed to be developed in phases? NO

2. If phasing is proposed:

a. Estimated number of phases: _____

b. Estimated time schedule of phases: _____

c. Estimated completion of total project: _____

**PART VI
PERMITS REQUIRED FOR THIS DEVELOPMENT**

A. FEDERAL AND/OR STATE: Are any additional Federal or State permits required for this development?
NO X YES* If yes, list the permits required and the current status of any application:

SFWM - E.R.P.

HRS - Potable Water

FDEP - Waste water transmission - (Dry-line)

FDOT - U.S. 41 Improvements/Utility connection

* If application has been made or approved, attach a copy of the application. Label as "Exhibit VI".

B. List the local permits which will be required for this development:

<u>X</u> Tree Removal	_____ Mangrove Trimming	<u>X</u> Street Construction
_____ Septic Systems	_____ Utilities Installation	_____ Building Permit
_____ Well Permit	<u>X</u> Cert. of Compliance	_____ Cert. of Occupancy
_____ Driveway or Parking Lot Access Permit	<u>X</u> Archaeological/Historic Resources Certificate to Dig	<u>X</u> Other (specify) <u>Gulf Utilities</u>

EXPLANATION FOR OTHER SUBMITTALS

Existing conditions and improvements drawing. An existing conditions and improvements drawing shall be submitted, showing at a minimum the following: [Sec. 10-154(8)]

- a. An area location map showing the location of the property to be developed in relation to arterial and collector streets.
- b. Coastal construction control lines, if applicable.
- c. The location and name of abutting streets together with the number of lanes, the widths of rights-of-way and easements, and the location and purpose of abutting utility easements. The established centerline of streets on or abutting the property shall be shown.
- d. Existing elevations based on the National Geodetic Vertical Datum of 1929. Sufficient spot elevations based on the National Geodetic Vertical Datum of 1929 shall be shown to indicate the slope of the land and any rises, depressions, ditches, etc., that occur, but in no case shall spot elevations be shown at a spacing greater than 200 feet. Spot elevations shall be shown beyond the development boundary extending a minimum of 25 feet. The director of development review may direct a closer grid pattern or elevations more than 25 feet beyond the development boundary to provide sufficient satisfactory information. For developments of 40 acres or more, contours at one-foot intervals shall be shown.
- e. Identification of wetlands as defined in the Lee Plan. The applicant may be required to flag these areas for site inspection by the staff of the department of community development.
- f. Vegetation associations (not land use category) on the site as listed in the Florida Land Use, Cover and Forms Classification System, mapped at the same scale as the site plan. The map shall include significant areas of rare and unique upland habitats as defined in the Lee Plan.
- g. The location of all existing buildings and structures on the property. If buildings or structures are to be moved or razed, this should be noted.
- h. The location and size of all public water and sewage systems, private wells, irrigation and flowing wells, sidewalks, curbs, gutters, storm drains and manholes on or abutting the property.
- i. The zoning classifications for the subject property, as well as the zoning and actual use of all abutting properties.
- j. The fire district in which the proposed development is located.
- k. The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File, and the location of any part of the property which is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. A description of proposed improvements that may impact archaeological resources shall also be provided.
- l. The location of existing and proposed public transit service areas, and bus routes and stops, including passenger amenities, e.g., shelters, lighting, benches, walkways, passenger parking, bicycle racks, etc.
- m. A diagram depicting the existing surface hydrology of the property.

Proposed development plan drawings. Proposed development plan drawings shall be submitted, showing as a minimum the following: [Sec. 10-154(9)]

- a. If the development is a subdivision, all lot lines and lot numbers.
- b. Phasing plan. Where a large development is being proposed, the applicant shall submit a master phasing plan with the stages numbered in sequence. It is understood that, for long-term projects, the details of a given phase may change as the economic, environmental, social and legal elements of the proposed development change. For such phased developments, each phase shall be issued a separate development order, but each phase shall be considered in relation to the rest of the overall project. The phasing plan shall show how each phase fits into the master plan for the continuance of streets, drainage, storm water management, potable water, fire protection, sewage collection, landscaping and buffers. Specific requirements for phased projects are specified in section 10-117.
- c. Proposed buildings or proposed structures. The building envelope, that is, the perimeter of the area within which the building will be built, the height of all buildings and structures, the maximum number of dwelling units or gross floor area, and no less than the minimum number of required parking spaces, including the number of spaces for the handicapped, shall be shown.
- d. Open space, parks and recreation. All proposed open space, parks and recreation areas and facilities shall be shown and identified as either public or private. If common facilities, including but not limited to recreation areas or facilities and common open space, are proposed, a statement shall be included explaining how the area or facilities shall be permanently operated and maintained, and identifying who will be responsible for such maintenance. A list of the facilities to be constructed within each park or recreational area shall be provided or shown on the drawings.

PART VII AFFIDAVIT

I, Frank Kurchinski, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of the Lee County Department of Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application.

Signature of owner or owner-authorized agent

Date:

Frank Kurchinski

Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 6th day of June, 1997, by Frank Kurchinski, who is personally known to me or who has produced _____ as identification.

(SEAL)

Sally A. Rosier
Signature of notary public

SALLY A. ROSIER
Printed name of notary public



- e. Proposed vehicular ingress and egress for the development.
- f. Proposed streets within the development.
- g. Proposed location of on-site sidewalks and bikepaths with ingress to and egress from the development, as well as to or from common open space areas.
- h. Where applicable, the proposed location and type of public transit amenities to be provided.
- i. Parking and service areas. All off-street parking areas and all landscaped areas to be reserved for future parking spaces pursuant to section 34-2017(d), and all service areas for delivery of goods or services, shall be shown for all developments that are not subdivisions.
- j. Utilities. A statement indicating the proposed method intended to provide water, sewer, electricity, telephone, refuse collection and street lighting, including but not limited to:
 - 1. The names and address of all utilities, governmental or private, intended to supply the service.
 - 2. The names and addresses of the owners of all existing public water and sewage systems within one-quarter mile of the proposed development.
 - 3. A plan showing the location and size of all water mains and services, fire hydrants, sewer mains and services, treatment plants and pumping stations, together with plan and profile drawings showing the depth of utility lines and points where utility lines cross one another or cross storm drain or water management facilities. The location of services shall be shown.
- k. Drainage and storm water management plan. A drawing showing the location of all curbs and gutters, inlets, culverts, swales, ditches, water control structures, water retention or detention areas, and other drainage or water management structures or facilities shall be submitted. Sufficient elevations shall be shown to adequately show the direction of flow of storm water runoff from all portions of the site. A copy of all drawings and calculations submitted to the South Florida Water Management District of the Florida Department of Environmental Protection (as applicable) shall also be submitted. The plan shall also identify the U.S. Department of Agriculture Soil Conservation Service soils classifications of the site to determine the feasibility of the proposed pollution control and drainage plans.
- l. Landscaping and buffering. A landscaping plan shall be submitted showing not less than the required open space and buffer areas, and including:
 - 1. A tree location map or aerial photographic overlay which depicts the preservation of existing trees and the planting of any new trees required by county regulations.
 - 2. All proposed landscaping, fencing, screening and buffering.
 - 3. The size, variety, species and number of all trees and shrubs, with site-specific location, used in landscaping, open space and buffer areas.
 - 4. All proposed signs and exterior lighting.
 - 5. The calculations to determine the minimum open space and other landscaping calculations.
- m. Historical and archaeological resources. The plan shall show the outline of historic buildings and approximate extent of archaeological sites. Where this information is not available from published sources, a professionally conducted archaeological survey may be required.
- n. Excavations. Where applicable, the location of all excavations shall be shown, including the outline or boundaries of the excavation, both the outline of the top of the bank and the outline when the lake is at its maintained elevations, the depth of all excavations, and the slopes of all excavations.
- o. A description of potential impacts to groundwater and surface water.
- p. A description of impacts on wetlands and mitigation measures.
- q. A description of impacts on floodplains or riverine areas and mitigation measures.
- r. Benchmarks. There shall be a minimum of one benchmark per 40 acres or portion thereof. Each benchmark shall be shown and described on the plans.

Plat. If the development is a subdivision, a plat meeting the requirements of F.S. ch. 177 shall be submitted. [Sec. 10-154(6)]

Traffic impact statement. A traffic impact statement (TIS) shall be submitted, which shall survey current and anticipated traffic conditions and public transportation in order to identify potential traffic problems posed by the proposed development. Adverse traffic impacts created by the development, both on-site and off-site, shall be mitigated by the applicant as specified in the traffic impact mitigation plan and development order. Criteria for traffic impact statements are specified in article III, division 2, of this chapter. [Sec. 10-154(11)]

Traffic impact mitigation plan. A traffic impact mitigation plan shall be submitted, which shall be based on the approved traffic impact statement and shall identify in detail those on- and off-site road and intersection improvements necessary to mitigate the proposed development's adverse impacts by maintaining or restoring adopted levels of service on the public roads providing immediate access to the site, including any collector or arterial to which the adjacent street is tributary. Criteria for traffic impact mitigation plans are specified in article III, division 2, of this chapter. [Sec. 10-154(12)]

PART VIII
SUBMITTALS

COPIES		EXHIBIT	SUBMITTAL DOCUMENT
SUB'D	REQ'D		
	1 & 3		Completed application [Sec. 10-153]
	1 & 1	I-A-1	Legal Description [Sec. 10-154(3)]
	8	I-A-2	Boundary survey [Sec. 10-154(5)]
	4	I-A-3	Aerial Photograph [Sec. 10-154(10)]
	4	I-B-1	Sub-area legal description (if applicable) [Sec. 10-154(3)]
	4	I-B-2	Sub-area location map (if applicable) [Sec. 10-154(3)]
	1 & 1	II-D	Notarized Letter of Authorization (if applicable) [Sec. 10-154(1)]
	1	II-F	Ownership and Unified Control [Sec. 10-154(2)]
	1 + 3	II-G	List of professional consultants [Sec. 10-153(1)f.]
	1	III-A	Title assurance [Sec. 10-154(4)]
	1 & 2	III-F	Protected species survey [Sec. 10-154(15)]
	4	IV-A-1	Zoning Resolution [Sec. 10-154(7)]
	4	IV-A-2	Special Conditions Resolution [Sec. 10-154(7)]
	4	IV-B	Application for Rezoning (if applicable) [Sec. 10-103(c)]
	4	IV-F	Administrative Deviation (if applicable) [Sec. 10-153(3)]
	4	IV-I	Federal, State, Local Permits affecting property [Sec. 10-153(3)]
	1 & 2	VI-B-1	SFWMD OR FDEP permit (if applicable) [Sec. 10-154(23)]
	1 & 2	VI-B-2	FDOT permit (if applicable) [Sec. 10-154(23)]
	1 & 2	VI-B-3	DER permit (if applicable) [Sec. 10-154(23)]
	1 & 2	VI-B-4	HRS permit (if applicable) [Sec. 10-154(23)]
	8		Existing Conditions Drawing [Sec. 10-154(8)]
	8		Proposed development plan drawings. [Sec. 10-154(9)]
	1		Plat (if applicable) [Sec. 10-154(6)]
	1 & 1		Traffic Impact Statement [10-154(11)]
	1 & 1		Traffic Impact Mitigation plan [Sec. 10-154(12)]
	1 & 1		Hazardous materials emergency plan (if applicable) [Sec. 10-154(13)]
	1 & 1		Port Facilities permits (if applicable) [Sec. 10-154(14)]
	1 & 1		Protected species habitat management plan (if applicable) [Sec. 10-154(16)]
	1 & 1		Cert. to dig; historic preservation reports (if applicable) [Sec. 10-154(17)]
	1 & 1		Historical/archaeological impact assessment (if applicable) [Sec. 10-154(18)]
	1 & 1		Exotic vegetation removal plan (if applicable) [Sec. 10-154(19)]
	1 & 1		Fire protection plan (if applicable) [Sec. 10-154(21)]
	1 & 1		Emergency preparedness plan (if applicable) [Sec. 10-154(22)]
	1 & 3		Operation and maintenance covenants (if applicable) [Sec. 10-154(24)]
	1 & 2		Construction costs [Sec. 10-154(26)]
	1 & 2		Assurance of completion [Sec. 10-154(27)]

Hazardous materials emergency plan. Any applicant for a private port facility who did not receive approval of a hazardous materials emergency plan at the time of rezoning shall be required to submit a hazardous materials emergency plan, which shall be subject to the approval of the county divisions of emergency management, water resources and planning, and of the appropriate fire district. The plan shall also provide for annual monitoring for capacity and effectiveness of implementation. At the minimum, the plan shall comply with the spill prevention control and countermeasure plan (SPCC) as called for in the federal oil pollution prevention regulations, 40 CFR 112, as amended. [Sec. 10-154(13)]

Port facility permits. New or improved port developments shall submit copies of all required leases and permits from other jurisdictions and agencies. [Sec. 10-154(14)]

Protected species habitat management plan. A management plan for protected species habitat shall be submitted, if applicable, as required by article III, division 8, of this chapter. [Sec. 10-154(16)]

Certificate to dig; historic preservation forms and reports. When applicable, an archaeological/historic resources certificate to dig shall be obtained from the department of community development and submitted to the director of development review. Florida Master Site File forms for historical or archaeological resources, facade or other historic or scenic easements related to the subject property or reports prepared by a professional archaeologist as may be required by chapter 22 shall be submitted to the director of development review. [Sec. 10-154(17)]

Historical/archaeological impact assessment. An impact assessment for historical or archaeological resources describing the following treatments: demolition, relocation, reconstruction, rehabilitation, adaptive use, excavation, filling, digging, or no impact, shall be submitted to the director of development review. [Sec. 10-154(18)]

Exotic vegetation removal plan. An exotic vegetation removal plan, as specified in article III, division 6, of this chapter, shall be submitted to the director of development review. [Sec. 10-154(19)]

Fire protection plan. Where the development falls outside of a fire district, the applicant shall submit proof, in writing, that he has provided for fire protection as approved by the county fire official. [Sec. 10-154(21)]

Emergency preparedness plan. Prior to final approval of a development order for a hospital, nursing home, assisted living facility (ALF) or developmentally disabled housing project, an emergency preparedness plan approved by the director of the division of emergency management shall be submitted. [Sec. 10-154(22)]

Operation and maintenance covenants. Where applicable, a copy of the covenants used for the maintenance and operation of the improvements as required by this chapter shall be provided, and shall include but not be limited to private streets and adjacent drainage, drainage and storm water management systems, utilities, public water and sewage systems, open space, parks, recreation areas and buffers. [Sec. 10-154(24)]

Opinion of probable construction costs. The estimated cost of installing all streets, drainage systems, water management systems, potable water treatment and distribution systems, sewage collection and treatment systems, park and recreation improvements, landscaping and buffers shall be prepared by the developer's consultant, as follows: [Sec. 10-154(26)]

- a. For subdivisions, both on-site and off-site systems.
- b. For all other developments, off-site improvements.

The opinion of probable cost shall include an estimated date of completion for the work.

Assurance of completion of improvements. Assurance of completion of the development improvements as specified in subsections a. and b. of this section will be required for all off-site improvements prior to commencing any off-site or on-site development. Assurance of completion of the development improvements for on-site subdivision improvements will be required prior to the acceptance of the subdivision plat. Those on-site subdivision improvements which have been constructed, inspected and approved by the director of development review may be excluded from the requirements of subsections a. and b. of this section. In addition to the assurance of completion for off-site improvements, all subdivisions for single- and two-family residential structures shall provide the assurance of completion of on-site improvements, or the construction of on-site improvements, within one year of the date of issuance of the final development order for that subdivision. [Sec. 10-154(27)]

- a. **Surety or cash performance bond.** Security in the form of a surety or cash performance bond shall be posted with the board and made payable to the county in an amount equal to 110 percent of the full cost of installing the required improvements as approved by the county. If the proposed improvement will not be constructed within one year of issuance of the final development order, the amount of the surety or cash performance bond shall be increased by ten percent compounded for each year of the life of the surety or bond. Alternatively, the surety or cash performance bond may be renewed annually at 110 percent of the cost of completing the remaining required improvements as approved by the director of development review. Bonds shall be reviewed and approved as to form by the county attorney's office prior to acceptance.
- b. **Other types of security.** The board may accept letters of credit or escrow account agreements or other forms of security provided that the reasons for not obtaining the bond are stated and the county attorney approves the document.

EXHIBIT II - D

LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as _____ and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate _____ as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Owner

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 19____, by _____, who is personally known to me or who has produced _____ as identification.

Notary Public

(Name typed, printed or stamped)

This page intentionally blank

EXHIBIT II - F

DEVELOPMENT ORDER COVENANT OF UNIFIED CONTROL

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as _____ and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for a Development Order. We hereby designate Hole, Montes & Associates, Inc as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to Lee County.

The undersigned recognize the following and will be guided accordingly in the pursuit of development of the project:

- 1. The property will be developed and used in conformity with the approved development order including all conditions placed on the development and all commitments agreed to by the applicant in connection with the development order.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the development order, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by Lee County.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the development order will constitute a violation of the Land Development Code.
4. All terms and conditions of the development order will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the development must be consistent with those terms and conditions.
5. So long as this covenant is in force, Lee County can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the development order, seek equitable relief as necessary to compel compliance. The County will not issue permits, certificates, or licenses to occupy or use any part of the development and the County may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the development order.

[Signature]
Owner
Frank Kurchinski
Printed Name

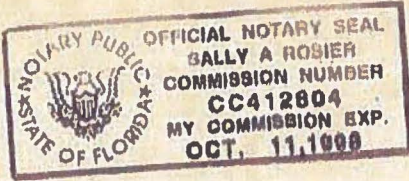
STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this (10) day of May-June, 1997 by Frank Kurchinski who is personally known to me or has produced _____ as identification.

[Signature]
Notary Public

SALLY A. ROSLER
(Name typed, printed or stamped)

(Serial Number, if any)



This page intentionally blank

EXHIBIT II - G

PROFESSIONAL CONSULTANTS/OWNER INFORMATION

PROFESSIONAL CONSULTANTS: If professional assistance was used in preparing the application or submitted documents, the names, address, and phone numbers shall be provided, i.e. architects, engineers, landscape architects, planners, surveyors.

- 1) ENGINEER: HOLE, MONTES AND ASSOCIATES, INC.
ADDRESS: 6202-F PRESIDENTIAL COURT FORT MYERS, FL 33919
PHONE NUMBER: (941) 481-7874 FAX: (941) 481-8795
- 2) ARCHITECT: N/A
ADDRESS: _____
PHONE NUMBER: _____
- 3) LANDSCAPE ARCHITECT: N/A
ADDRESS: _____
PHONE NUMBER: _____
- 4) PLANNER: N/A
ADDRESS: _____
PHONE NUMBER: _____
- 5) SURVEYOR: HOLE, MONTES AND ASSOCIATES, INC.
ADDRESS: _____
PHONE NUMBER: _____

EXHIBIT "E-2"

Home	Case Types	Status	Parcel	Help
----------------------	----------------------------	------------------------	------------------------	----------------------

View Case Status

The information below summarizes the permit/case you selected.

Case Number	Case Type	Following your case on eConnect	Status
DOS970610400D	Not Available		Finald

Project Name:	CORKSCREW ROAD EXTENSION - RIV		
Address:		Strap #:	3346250000000000
Description:	Corkscrew Road Extension - River Ridge		
Important Dates:	Received: 6/12/1997	Issued: 6/11/1997	Finald: 7/2/1997

People

Role	Name	Address
Applicant	Hole, Montes + Associates	6202-F Presidential Court Fort Myers FL 33919
Engineer	Hole, Montes + Associates	6202-F Presidential Court Fort Myers FL 33919
Developer	WCI Communities, L.P.	24301 Walden Center Drive Bonita Springs FL 34134
Owner	Lee County BOCC	

Application Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff
DO1 Application (Large DO)	6/11/1997	7/2/1997	7/2/1997	DEN	
Staff Contact	6/11/1997	7/2/1997	7/2/1997	DEN	
Review Fire Protection Design	6/12/1997	6/23/1997	6/23/1997	DEN	
Review Utility Design	6/12/1997	6/23/1997	6/23/1997	DEN	
Review Engineers Cost Estimate	6/12/1997	6/23/1997	6/23/1997	DEN	
Review Environmental Matters	6/12/1997	6/23/1997	6/23/1997	DEN	
R01 Application (Resubmittal)	7/21/1997	7/30/1997	7/31/1997	DEN	
Review Engineers Cost Estimate	7/29/1997	7/30/1997	7/31/1997	DEN	
Review Utility Design	7/29/1997	7/30/1997	7/31/1997	DEN	
R02 Application (Resubmittal)	10/6/1997	10/15/1997	10/14/1997	STP	
Review Utility Design	10/8/1997	10/15/1997	10/14/1997	STP	
Review Engineers Cost Estimate	10/8/1997	10/15/1997	10/14/1997	STP	
M01 Application (Minor Change)	11/20/1997	12/1/1997	11/20/1997	STP	
Review Other Matter	11/20/1997	12/1/1997	11/20/1997	STP	
M02 Application (Minor Change)	3/27/1998	4/3/1998	4/8/1998	DEN	
Review Other Matter	3/31/1998	4/3/1998	4/8/1998	DEN	
M03 Application (Minor Change)	7/24/1998	7/31/1998	8/11/1998	STP	
Review Environmental Matters	8/3/1998	7/31/1998	8/11/1998	APP	
Review Other Matter	8/3/1998	7/31/1998	8/11/1998	APP	

Fees

Item	Fee Amount	Fee Remaining
No fees attached to this case		

EXHIBIT "F-1"



DO # 99-66-104-00D

Pete Eckenrode



FLORIDA GAME AND FRESH WATER FISH COMMISSION

QUINTON L. HEDGEPEETH, DDS Miami	MRS. GILBERT W. HUMPHREY Miccosukee	THOMAS B. KIBLER Lakeland	JAMES L. "JAMIE" ADAMS JR. Bushnell	JULIE K. MORRIS Sarasota
-------------------------------------	--	------------------------------	--	-----------------------------

ALLAN L. EGBERT, Ph.D., Executive Director
VICTOR J. HELLER, Assistant Executive Director

Office of Environmental Services
29200 Tuckers Grade
Punta Gorda, Florida 33955
December 1, 1997

Mr. Scott Gilbertson
Lee County Department of Public Works
Transportation Division
1500 Monroe Street
Ft. Myers, FL 33901

RE: Gopher Tortoise Relocation-
Special, Lee County, GTRS-97-
LEE-1, Corkscrew Road West of
US 41

Dear Mr. Gilbertson:

Based upon the information provided by Mr. Terrence Dolan in his letter dated November 23, 1997 and your letter dated November 26, 1997, the gopher tortoises on the designated site can be addressed through the enclosed Special Gopher Tortoise Relocation Permit GTRS-97-LEE-1. Please sign the enclosed permit and return a signed copy (your original signature, not a copy) to my office address. The signature indicates acceptance and understanding of the provisions/conditions listed in the permit.

Please note that construction of a gopher tortoise fence between the construction area and Koreshan State Park is a special condition of this permit. This condition has been discussed with Mr. Dolan.

Sincerely,

Kimberly A. Dryden
Biological Scientist IV

KD/kd
ENV 3-2/4
cksrwkor
Enclosure

cc: Mr. Terrence Dolan, WCI Communities
Ms. Jeanne Parks, Koreshan State Park
Mr. Pete Eckenrode, Lee Co. Comm. Dev.

RECORDED
FLOOR
DEC 12 2017

Lt. Colonel Greg Holder
Florida Game and Fresh Water Fish Commission
3900 Drane Field Road
Lakeland, Florida 33811-1299

LE, GFC, Lakeland

Mr. Brian A. Millsap, Bureau of Nongame Wildlife
Florida Game and Fresh Water Fish Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600

PERMIT

Issued Under Authority of the Wildlife Code of the State of Florida
(Chapter 39, Florida Administrative Code) by the

STATE OF FLORIDA GAME AND FRESH WATER FISH COMMISSION

Issuing Office: Office of Environmental Services
29200 Tuckers Grade
Punta Gorda, Florida 33955

Permit Type: Gopher Tortoise Relocation - Special

Permit Number: GTRS-97-LEE-1

Issuance Date: December 1, 1997

Expiration Date: 90 days
following
issuance
date

Permittee: Mr. Scott Gilbertson

Permittee Address: Lee County Department of Public Works
Transportation Division
1500 Monroe Street
Ft. Myers, FL 33901

Permittee Signature*: _____

Location of Affected Site: Corkscrew Road Right-Of-Way, Lee County Ownership,
West of US 41 and south of Koreshan State Park in Estero, south Lee County.

County: Lee

Address of R/T/S: Section 33, Township 46S, Range 25E

* Signature indicates acceptance and understanding of the provisions/conditions listed below. Please return a signed copy to this office.

Provisions/Conditions:

1. Gopher tortoises may be live-captured by non-harmful means, relocated and released in association with construction or land clearing activities. Captured tortoises are to be released in suitable habitat on-site. Temporary fencing or other barriers may be erected, if necessary, to preclude individuals from returning to capture points.
2. This permit extends to no more than five tortoises on any given site, and may be exercised only once on the given site.

3. This permit is issued with the stipulation and understanding that all alternatives to relocation insofar as accommodating the tortoises in situ must have been explored and demonstrated to be infeasible. All local, regional, state and/or federal permits associated with a particular activity must be secured before exercising any authorization conferred herein.

4. This permit must be available for inspection at all times while engaged in the permitted activities. Personnel other than the permittee executing the work must have written authorization from the permittee to do so.

5. This permit is subject to revocation pursuant to Chapter 120, F.S.

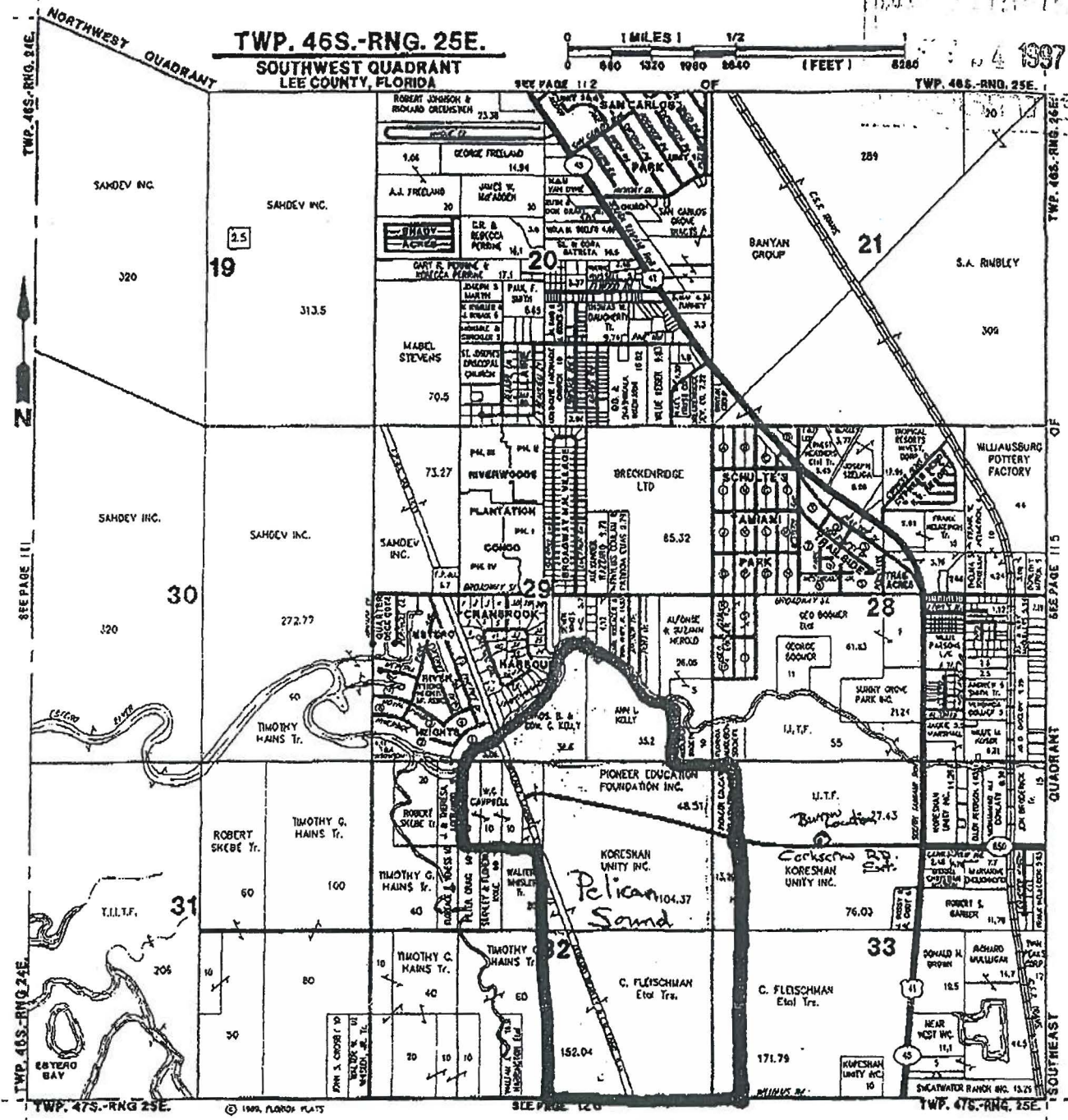
6. A gopher tortoise fence shall be constructed along the north right-of-way property boundary to preclude tortoises from the adjacent Koreshan State Park from entering the work area. The fence will be constructed on Lee County property only, not on adjacent State Park lands.

Allan L. Egbert, Ph.D.
Executive Director

By:

Kimberly Dryden

ENV 3-2/4
cksrwkor



THE Broderick Corporation

Specializing In:

- Florida Land Trust (Ch. F.S. 689.071)
- Nursing Homes Buyers & Sellers
- Health Facilities & Retirement Housing Developers

813/549-8400

4706 47TH Terrace
Cape Coral, Florida 33904

Kessler & Associates

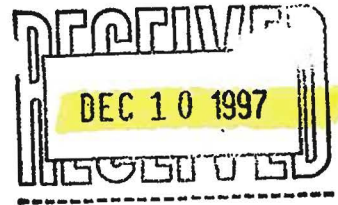
Commercial & Agricultural Properties

MARILYN D. KESSLER
Licensed Real Estate Broker

Office: (813) 275-0085
After Hours: (813) 481-1741
(813) 482-5272

1625 Colonial Boulevard
Fort Myers, Florida 33907

REALTOR®



PERMIT

Issued Under Authority of the Wildlife Code of the State of Florida
(Chapter 39, Florida Administrative Code) by the

STATE OF FLORIDA GAME AND FRESH WATER FISH COMMISSION

Issuing Office: Office of Environmental Services
29200 Tuckers Grade
Punta Gorda, Florida 33955

Permit Type: Gopher Tortoise Relocation - Special

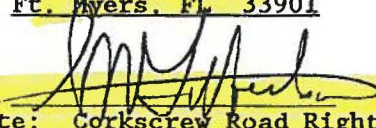
Permit Number: GTRS-97-LEE-1

Issuance Date: December 1, 1997

Expiration Date: 90 days
following
issuance
date

Permittee: Mr. Scott Gilbertson

Permittee Address: Lee County Department of Public Works
Transportation Division
1500 Monroe Street
Ft. Myers, FL 33901

Permittee Signature*: 

Location of Affected Site: Corkscrew Road Right-Of-Way, Lee County Ownership,
West of US 41 and south of Koreshan State Park in Estero, south Lee County.

County: Lee

Address of R/T/S: Section 33, Township 46S, Range 25E

* Signature indicates acceptance and understanding of the provisions/conditions listed below. Please return a signed copy to this office.

Provisions/Conditions:

1. Gopher tortoises may be live-captured by non-harmful means, relocated and released in association with construction or land clearing activities. Captured tortoises are to be released in suitable habitat on-site. Temporary fencing or other barriers may be erected, if necessary, to preclude individuals from returning to capture points.

2. This permit extends to no more than five tortoises on any given site, and may be exercised only once on the given site.

EXHIBIT "F-2"



FLORIDA GAME AND FRESH WATER FISH COMMISSION



QUINTON L. HEDGEPEETH, DDS
Miami

MRS. GILBERT W. HUMPHREY
Micanook

THOMAS B. KIBLER
Lakeland

JULIE K. MORRIS
Sarasota

ALLAN L. EGBERT, Ph.D., Executive Director
VICTOR J. HELLER, Assistant Executive Director

FAX TRANSMISSION

FLORIDA GAME AND FRESH WATER FISH COMMISSION
29200 Tuckers Grade
Punta Gorda, Florida 33955
(941) 575-5765
Fax: (941) 575-5766

To: Scott Kirkbrantson, Lee DOT Date: 12-1-97
Fax #: (941) 479 8520 Pages: 5 including cover
From: Kim Dryden
Subject: GT Incidental Take Permit, Corkscrew Rd.

COMMENTS:
Sign a copy, send with your orig signature back to me. Send a copy with your orig signature to Terry Dolan. You can fax him a signed copy for short term to get them going

2) Location Map to go w/ permit
97-06-104.000

XC: DONNA MARIE COLLINS
ANDY GETCH
www.state.fl.us/gfc/
ONE OF "FLORIDA'S BEST" WEB SITES
BC: MARGARET LAWSON



FLORIDA GAME AND FRESH WATER FISH COMMISSION

QUINTON I. HEDGECORTH, DDS MRS. GILBERT W. HUMPHREY THOMAS B. KIBLER JAMES L. "JAMIE" ADAMS JR. JULIE K. MORRIS
 Miami Miccosukee Lakeland Bushnell Sarasota

ALLAN L. EGBERT, Ph.D., Executive Director
 VICTOR J. HELLER, Assistant Executive Director

Office of Environmental Services
 29200 Tuckers Grade
 Punta Gorda, Florida 33955
 December 1, 1997

Mr. Scott Gilbertson
 Lee County Department of Public Works
 Transportation Division
 1500 Monroe Street
 Ft. Myers, FL 33901

RE: Gopher Tortoise Relocation-
 Special, Lee County, GTRS-97-
 LEE-1, Corkscrew Road West of
 US 41

Dear Mr. Gilbertson:

Based upon the information provided by Mr. Terrence Dolan in his letter dated November 23, 1997 and your letter dated November 26, 1997, the gopher tortoises on the designated site can be addressed through the enclosed Special Gopher Tortoise Relocation Permit GTRS-97-LEE-1. Please sign the enclosed permit and return a signed copy (your original signature, not a copy) to my office address. The signature indicates acceptance and understanding of the provisions/conditions listed in the permit.

Please note that construction of a gopher tortoise fence between the construction area and Koreshan State Park is a special condition of this permit. This condition has been discussed with Mr. Dolan.

Sincerely,

Kimberly A. Dryden
 Kimberly A. Dryden
 Biological Scientist IV

KD/kd
 ENV 3-2/4
 cksrwkor
 Enclosure

cc: Mr. Terrence Dolan, WCI Communities
 Ms. Jeanne Parks, Koreshan State Park
 Mr. Pete Eckenrode, Lee Co. Comm. Dev.

Lt. Colonel Greg Holder
Florida Game and Fresh Water Fish Commission
3900 Drane Field Road
Lakeland, Florida 33811-1299

LE, GFC, Lakeland

Mr. Brian A. Millsap, Bureau of Nongame Wildlife
Florida Game and Fresh Water Fish Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600

PERMIT

Issued Under Authority of the Wildlife Code of the State of Florida
(Chapter 39, Florida Administrative Code) by the

STATE OF FLORIDA GAME AND FRESH WATER FISH COMMISSION

Issuing Office: Office of Environmental Services
29200 Tuckers Grade
Punta Gorda, Florida 33955

Permit Type: Gopher Tortoise Relocation - Special

Permit Number: GTRS-97-LEE-1

Issuance Date: December 1, 1997

Expiration Date: 90 days
following
issuance
date

Permittee: Mr. Scott Gilbertson

Permittee Address: Lee County Department of Public Works
Transportation Division
1500 Monroe Street
Ft. Myers, FL 33901

Permittee Signature*:

Location of Affected Site: Corkscrew Road Right-Of-Way, Lee County Ownership,
West of US 41 and south of Koreshan State Park in Estero, south Lee County.

County: Lee

Address of R/T/S: Section 33, Township 46S, Range 25E

* Signature indicates acceptance and understanding of the provisions/conditions listed below. Please return a signed copy to this office.

Provisions/Conditions:

1. Gopher tortoises may be live-captured by non-harmful means, relocated and released in association with construction or land clearing activities. Captured tortoises are to be released in suitable habitat on-site. Temporary fencing or other barriers may be erected, if necessary, to preclude individuals from returning to capture points.
2. This permit extends to no more than five tortoises on any given site, and may be exercised only once on the given site.

3. This permit is issued with the stipulation and understanding that all alternatives to relocation insofar as accommodating the tortoises in situ must have been explored and demonstrated to be infeasible. All local, regional, state and/or federal permits associated with a particular activity must be secured before exercising any authorization conferred herein.

4. This permit must be available for inspection at all times while engaged in the permitted activities. Personnel other than the permittee executing the work must have written authorization from the permittee to do so.

5. This permit is subject to revocation pursuant to Chapter 120, F.S.

6. A gopher tortoise fence shall be constructed along the north right-of-way property boundary to preclude tortoises from the adjacent Koreshan State Park from entering the work area. The fence will be constructed on Lee County property only, not on adjacent State Park lands.

Allan L. Egbert, Ph.D.
Executive Director

By: Kimberly N. Dwyer

ENV 3-2/4
cksrwkor



FAX TRANSMITTAL

FROM
LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING & DEVELOPMENT SERVICES DIVISIONS
P.O. BOX 398
FORT MYERS, FL 33902-0398
TELEPHONE 941-479-8585

DEVELOPMENT SERVICES FAX NO. 479-8386
PLANNING FAX NO. 479-8319

DATE: *NOVEMBER 26, 1997*
TO: *KIM DRYDEN FGFWFC* FROM: *PETE ECKENRODE*
TELEPHONE # TELEPHONE # *(941) 479-8376*

RE: *CORKSCREW ROAD EXTENSION*

Kim,

*The ATTACHED AUTHORIZATIONS ARE SENT
AT THE REQUEST OF TERRY Dolan. Please
ADVISE IF YOU REQUIRE ANYTHING FURTHER*

[Signature]

FAX No: (941) 575-5766

TOTAL NUMBER OF PAGES INCLUDING THIS TRANSMITTAL: 3

H:\FORMS\GENERAL\FAXDS-PL.FRM

D.O. File No. 97-06-104.000



BOARD OF COUNTY COMMISSIONERS

P.O. Box 398
Fort Myers, Florida 33902-0398
(941) 335-2111
479-8580

Writer's Direct Dial Number

November 26, 1997

John E. Manning
District One

Douglas R. St. Cemy
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Ms. Kim Dryden, Biologist
Florida Game and Freshwater Fish Commission
Office of Wildlife and Environmental Services
29200 Tuckers Grade
Punta Gorda, FL 33955

**RE: REQUEST FOR RELOCATION PERMIT, GOPHER
TORTOISE BURROW, CORKSCREW ROAD
EXTENSION, SEC. 33, TOWNSHIP 46S, RANGE 25E,
ESTERO, FLORIDA**

Dear Ms. Dryden:

Per your discussion with Mr. Terrence Dolan of WCI Communities on November 23, 1997, please accept the attached affidavit to allow Mr. Dolan to act as the on-site contact and supervisor in regards to any gopher tortoise activity related to the Corkscrew Road Extension work, west of US 41. It is my understanding that he is currently monitoring a solitary burrow that is within the Lee County 50 foot ROW of Corkscrew Road Extension.

If he discovers any subsequent burrows within or immediately adjacent to the ROW, Mr. Dolan will contact your office promptly. Our street address is:

Lee County Department of Public Works
1500 Monroe Street
Fort Myers, FL 33901

Thank you for your attention to this matter.

Very truly yours,

DEPARTMENT OF PUBLIC WORKS
TRANSPORTATION DIVISION

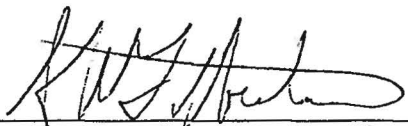
Scott M. Gilbertson, P.E.
Acting Director

AJG/SMG/mlb

H:\DOCUMENT\KID-RELPR.WPD

AFFIDAVIT

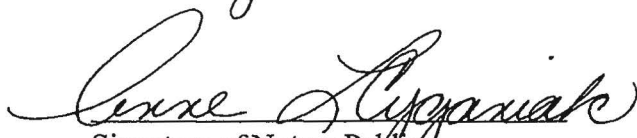
I, Scott M. Gilbertson, Acting Director of the Lee County Division of Transportation, being duly sworn, depose and say that I am the authorized representative of Lee County, the owner of the property described in County Commissioner's Minute Book 7, at page 237, also referred to as the Corkscrew Road Right-of-way, and that I hereby authorize WCI Communities limited Partnership and its consultant, Hole, Montes & Associates, Inc. to apply to the Florida Game and Freshwater Fish Commission for the gopher tortoise relocation permits related to the improvements within the Corkscrew Road right-of-way (from US 41 to a point 2900± feet to the west of US 41) to serve the River Ridge community.




Scott M. Gilbertson, P.E.
Acting Director, Lee county DOT

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 26 day of November, 1997, by Scott M. Gilbertson, Acting Director, Lee County Division of Transportation, who is known to me or has produced Personally known as identification.



Signature of Notary Public

 ANNE L. CYGANIAK
COMMISSION # CC 423427
EXPIRES NOV 29, 1998
BONDED THRU
ATLANTIC BONDING CO., INC.

Printed Name of Notary Public



FAX TRANSMITTAL
 FROM
 LEE COUNTY
 DEPARTMENT OF COMMUNITY DEVELOPMENT
 PLANNING & DEVELOPMENT SERVICES DIVISIONS
 P.O. BOX 398
 FORT MYERS, FL 33902-0398
 TELEPHONE 941-479-8585
 DEVELOPMENT SERVICES FAX NO. 479-8366
 PLANNING FAX NO. 479-8319

DATE: 12-1-97	
TO: TERRY DOLAN	FROM: PETE ECKENRODE
TELEPHONE #	TELEPHONE # 479-8376

FAX # 498-8273

RE: Corkscrew RD EXT.

ATTACHED IS THE CO. AUTHORIZATION AS FAXED
 TO KIM DRYDEN ON 11-26-97.

TOTAL NUMBER OF PAGES INCLUDING THIS TRANSMITTAL: 3



facsimile transmittal

To: Peter Eckenrode Fax: 479-8341
 From: Terrey Doherty Date: 11-24
 Re: Corkscrew Rd. Ext. Pages: 2
 CC:

Urgent For Review Please Comment Please Reply Please Recycle



MESSAGE

Pete: Hopefully I now have this worked out w/ Kim Dryden. She needs a letter of this type from your office in order to issue the Relocation Permit. Please call me @ 498-8533 or page me @ 999-3350 (ASAP)

Kim's Fax # is 1-941-575-5766; she is waiting for this type of letter -

—Thanks,
 —Terrey

WCI Communities, LLC
 Planning & Development
 24301 Walden Center Drive
 Bonita Springs, FL 34134
 Phone: 941-947-2600
 Fax: 941-498-5275

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0318
CONNECTION TEL	881p941p5755766
CONNECTION ID	
ST. TIME	11/26 14:37
USAGE T	01'29
PGS.	3
RESULT	OK

From: DONNA MARIE COLLINS
To: DEPARTMENT OF TRANSPORTATION (GETCHAJ)
Date: 12/1/97 3:55pm
Subject: Corkscrew Road west ext. by WCI - Gopher Tortoise Permitting
-Reply

Reply requested by 12/2/97

Andy--

I think it is okay for Scott to sign the permit so long as we have something in writing from WCI that states they will comply with all conditions of the permit on our behalf. Once we have that, Scott can authorize WCI, in writing to proceed with the gopher relocation in accordance with condition 4. I agree that WCI should provide the location map.

dmc

>>> ANDREW GETCH 12/01/97 02:44pm >>>
Donna Marie,

I am faxing you a copy of a fax Scott received from Kim Dryden at FGFWFC requesting Scott sign the permit. Scott asked if you would please review the permit to see if we can sign.

I noticed that Kim is also asking for a location map. I think that should be supplied by WCI.

Thanks
Andy

97-06-104.000

From: MARGARET LAWSON
To: County Attorney, COLLINS D
Date: 12/1/97 4:00pm
Subject: Corkscrew Road west ext. by WCI - Gopher Tortoise Permitting
-Reply

DMC - HERE IS MY TWO CENTS WORTH ON THIS REQUEST FOR SCOTT'S SIGT I WOULD LIKE TO DISCUSS WHY SCOTT WOULD BE THE COUNTY AUTHORITY TO SIGN OFF - WHEN IN FACT DOT HAS NEVER LAID CLAIM TO THE RIGHTOFWAY. IT IS NOT CM AND IN FACT THE OWNERSHIP MAY BE VESTED PRIVATELY. AT THE TIME DOT SIGNED OFF ON THE AFFDAVIDT FOR THE SFWM PERMIT THE DO HAD NOT BEEN ISSUED. DOT WAS NOT THE APPLICANT FOR THE SFWMD PERMIT WE JUST GAVE THE OK FOR THEM TO GET THE PERMIT. THIS FLORIDA GAME AND FRESH WATER FISH COMMISSION PERMIT REQUEST IS COMPLETELY DIFERENT. THERE IS LANGUAGE IN THE PERMIT THAT STATES THE ROW IS LEE COUNTY OWNERSHIP. THIS WAS HOTTLY DISCUSSED AT THE DO APPLICATION AND IN FACT THERE IS A STIPULATION IN THE DO THAT STATES THE ROAD WILL REMAIN PRIVATE AND THAT WCI MUST PROVIDE A MAINTENANCE AGREEMENT.

THERE IS AN ISSUE OF OWNERSHIP - THAT AT SOME POINT MAY HAVE TO BE ANSWERED BY PRIVATE PARTIES AND IF THERE IS A PERMIT SIGNED BY THE ACTING DIRECTOR WHAT IF ANY INFERENCES CAN BE DRAWN LEGALLY.

CAN WE DISCUSS THIS PLEASE

CC: GILBERSM, GETCHAJ

PAVESE, GARNER, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.

A FLORIDA LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AND COUNSELORS AT LAW

POST OFFICE DRAWER 1607
FORT MYERS, FLORIDA 33902-1607

(941) 334-2195
FAX (941) 332-2243
<http://pavesegarner.com>

STREET ADDRESS:
1833 HENDRY STREET
FORT MYERS, FLORIDA 33901

PLEASE REPLY TO:
FORT MYERS OFFICE

Neale Montgomery
(941) 336-6235

July 6, 1998

Mr. Walter McCarthy, Director
Lee County Development Services
1500 Monroe Street
P. O. Box 398
Fort Myers, FL 33901-0398

RE: Corkscrew Road Extension - River Ridge
D.O. # 97-06-104.00D - DO

Dear Mr. McCarthy:

I wanted to take this opportunity to respond to some of the issues raised in your letter of April 8, 1998. I am writing in regards to item 2, which states:

2. Please provide Letters of No Objection from the parties holding underlying fee ownership for the right-of-way easement. The County cannot authorize installation of landscaping in the easement without these approvals.

I would respectfully disagree with the position taken in this paragraph. The County owns an easement for road right-of-way purposes. Roadway landscaping is a normal use which can be located in the road right-of-way. The County has located landscaping in many of its rights of way. The County permitted landscaping within the right-of-way of Coconut, and Coconut is a viewer's road. There is no legal requirement that Letters of No Objection be obtained from the underlying owner. Mr. Johansson, Mr. Byrlanski and I met with Dawn Perry-Lehnert on July 2, 1998 and confirmed that there is no valid legal basis for requiring Letters of No Objection. Ms. Lehnert confirmed that the location of landscaping within the County's right-of-way is consistent with the County's ownership interest. Ms. Lehnert indicated that she had informed Development Services that the attorney's office did not agree with the legal position taken in paragraph number 2.

Subsequent to our meeting with Ms. Lehnert we visited with Pete Eckenrode. Pete indicated that the problem in this instance in the objection of the state, specifically the park manager. Pete indicated that the County feels compelled to address the issues of compatibility and public safety

4635 S. DEL PRADO BLVD.
P.O. BOX 88
CAPE CORAL FLORIDA 33910-0088
(941) 542-3148
FAX (941) 542-8953

461 S. MAIN STREET
P.O. DRAWER 2280
LABELLE, FLORIDA 33935
(941) 675-5800
FAX (941) 675-4998

410 LEE BOULEVARD
P.O. DRAWER 99
LEHIGH ACRES, FLORIDA 33970-0099
(941) 369-6499
FAX (941) 369-6460

SUITE 203
4524 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33415
(561) 471-1366
FAX (561) 471-0522

Mr. Walter McCarthy
July 6, 1998
Page 2

raised by the park manager. It is herein submitted that there are no issues of compatibility that should be at issue relative to landscaping the road right-of-way. The County has established a policy of endorsing the landscaping of road rights of way, and in fact the District commissioner is in support of the landscaping of this right-of-way. The landscaping of the roadway would be an aesthetic improvement, not a detriment, and as such "compatibility" should not be an issue.

It is my understanding that there are some issues relative to the landscaping that fall under the heading of public safety issues. These issues are, adherence to site distance requirements, the use of exotic vegetation that would crowd out native vegetation at the Koreshan Park, interference with the prescribed burn program at the Park, and maintenance of a mowed roadside buffer.

The site distance concern is a valid public safety concern. It is my understanding that the landscaping plan has been revised to comply with the site distance requirements of the LDC. The plan has been reviewed by the project engineer, and it is my understanding that there are no site distance public safety issues remaining in regards to the current plans.

The landscaping in the right-of-way does not include any invasive exotics. First, Lee County does not permit the use of invasive exotics in landscaped areas. Secondly, the vegetation will be 100% native. Since the vegetation will be 100% native, there is no basis for concern regarding the effect of the right-of-way landscaping on the park vegetation. It should be noted that the Koreshan Park is the birthplace of the melaleuca introduction to this area, and the park has a pre-existing infestation problem. The park's existing exotic infestation may jeopardize the existence of the native vegetation within the park, but the landscaping proposed for the right-of-way will have no impact.

The third issue is the impact on the controlled burns within the park. The controlled burns are regulated in part by the fire department. It is my understanding that there used to be overhead power lines. No burning could take place within a reasonable proximity of the power lines, so this area was not a part of the burn program. Furthermore, the landscaping is going to be located within the right-of-way. There is a grassed area outside of the right-of-way, and before one reaches the park fence which is available for use as a mowed roadside buffer. This area can be utilized by equipment used to control the fire lines during the burns. The location of landscaping within the right-of-way does not, or should not, have an impact on the controlled burns. The burn should not have been done in close proximity to the public right-of-way.

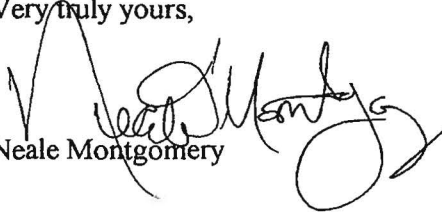
It is my understanding that there is some concern about pedestrian traffic. WCI volunteered to provide a sidewalk in exchange for the right to install signage, and Koreshan declined the offer. Thus, the park manager waived the ability to have a sidewalk along the right-of-way. Furthermore, there is a four foot grassed area that will be available to any persons desirous of accessing the park by foot.

Mr. Walter McCarthy
July 6, 1998
Page 3

It is herein submitted that there is no basis in the LDC for requiring a letter of no objection from the underlying fee owner, and there is no basis to deny the landscaping proposal so long as it is consistent with the LDC.

Your consideration of this matter is greatly appreciated.

Very truly yours,



Neale Montgomery

NM:llg

F:\WPDATA\NM\RV.RID

PAVESE, GARNER, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.

A FLORIDA LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AND COUNSELORS AT LAW

POST OFFICE DRAWER 1607
FORT MYERS, FLORIDA 33902-1607

STREET ADDRESS:
1833 HENDRY STREET
FORT MYERS, FLORIDA 33901

Neale Montgomery
(941) 336-6235

(941) 334-2195
FAX (941) 332-2243
<http://pavesogarnier.com>

PLEASE REPLY TO:
FORT MYERS OFFICE

July 2, 1998

Walter McCarthy
Development Review
1500 Monroe Street
Fort Myers, Florida 33901

Re: Corkscrew Road Extension - River Ridge
D.O. No. 97-06-104.00D - DO

Dear Mr. McCarthy:

I wanted to take this opportunity to respond to the some of the issues raised in your letter of April 8, 1998. I am writing in regards to item 2. which states:

2. Please provide Letters of No Objection from the parties holding underlying fee ownership to the right-of-way easement. The County cannot authorize installation of landscaping in the easement without these approvals.

I would respectfully disagree with the position taken in this paragraph. The County owns an easement for road right-of-way purposes. Roadway landscaping is a normal use which can be located in the road right-of-way. The County has located landscaping in many of its rights of way. The County permitted landscaping within the right-of-way of Coconut, and Coconut is a viewer's road. There is no legal requirement that Letters of No Objection be obtained from the underlying owner. Mr. Johanson, Mr. Byrlanski and I met with Dawn Perry-Lenhert on July 2, 1998 and confirmed that there is no valid legal basis for requiring Letters of No Objection. Ms. Lenhert confirmed that the institution of landscaping within the County's right-of-way is consistent with the County's ownership interest. Ms. Lenhert indicated that she had informed Development Services that the attorney's office did not agree with the legal position taken in paragraph number 2.

Subsequent to our meeting with Ms. Lenhert we visited with Pete Eckenrode. Pete indicated that the problem in this instance in the objection of the state, specifically the park manager. Pete indicated that the County feels compelled to address the issues of compatibility and public safety raised by the park manager. It is herein submitted there are no issues of compatibility that should be at issue relative to landscaping the road right-of-way. The County has established a policy of endorsing the landscaping of road rights of

4035 S. DEL PRADO BLVD
P O BOX 08
CAPE CORAL FLORIDA 33910-0088
(941) 542-3148
FAX (941) 542-8053

461 S MAIN STREET
P O DRAWER 2200
LABELLE, FLORIDA 33935
(941) 875 5800
FAX (941) 875 4908

410 LEE BOULEVARD
P O DRAWER 00
LEHIGH ACRES, FLORIDA 33970-0099
(941) 369 0400
FAX (941) 369 0400

SUITE 203
4524 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33415
(561) 471-1300
FAX (561) 471-0522

way, and in fact the District commissioner is in support of the landscaping of this right-of-way. The landscaping of the roadway would be an aesthetic improvement, not a detriment, and as such "compatibility" should not be an issue.

It is my understanding that there are some issues relative to the landscaping that fall under the heading of public safety issues. These issues are, adherence to site distance requirements, the use of exotic vegetation that would crowd out native vegetation at the Koreshan Park, interference with the prescribed burn program at the Park, and maintenance of a mowed roadside buffer.

The site distance concern is a valid public safety concern. It is my understanding that the landscaping plan has been revised to comply with the site distance requirements of the LDC. The plan has been reviewed by the project engineer, and it is my understanding that there are no site distance public safety issues remaining in regards to the current plans.

The landscaping in the right-of-way does not include any invasive exotics. First, Lee County does not permit the use of invasive exotics in landscaped areas. Secondly, the vegetation will be 100% native. Since the vegetation will be 100% native, there is no basis for concern regarding the effect of the right-of-way landscaping on the park vegetation. It should be noted that the Koreshan Park is the birthplace of the melaleuca introduction to this area, and the park has a pre-existing infestation problem. The park's existing exotic infestation may jeopardize the existence of the native vegetation within the park, but the landscaping proposed for the right-of-way will have no impact.

The third issue is the impact on the controlled burns within the park. The controlled burns are regulated in part by the fire department. It is my understanding that there used to be overhead power lines. No burning could take place within a reasonable proximity of the power lines, so this area was not a part of the burn program. Furthermore, the landscaping is going to be located within the right-of-way. There is a grassed area outside of the right-of-way, and before one reaches the park fence which is available for use as a mowed roadside buffer. This area can be utilized by equipment used to control the fire lines during the burns. The location of landscaping within the right-of-way does not, or should not, have an impact on the controlled burns. The burn should not have been done in close proximity to the public right-of-way.

It is my understanding that there is some concern about pedestrian traffic. WCI volunteered to provide a sidewalk in exchange for the right to install signage, and Koreshan declined the offer. Thus, the park manager waived the ability to have a sidewalk along the right-of-way. Furthermore, there is a four foot grassed area that will be available

Walter McCarthy
Development Review
July 2, 1998
Page Three

to any persons desirous of accessing the park by foot.

It is herein submitted that there is no basis in the LDC for requiring a letter of no objection for the underlying fee owner, and there is no basis to deny the landscaping proposal so long as it is consistent with the LDC.

Your consideration of this matter is greatly appreciated.

Sincerely,


Neale Montgomery

NM:lam
FAWPDATANMRIVERRIV.RID



LEE COUNTY
SOUTHWEST FLORIDA

(941) 335-2236

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

John E. Manning
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

June 16, 1998

Neale Montgomery, Esq.
Pavese, Garner, Haverfield, Dalton,
Harrison & Jensen
Post Office Drawer 1507
Fort Myers, Florida 33902-1507

Re: Pelican Strand a/k/a River Ridge
File No: LU-95-1672

Dear Neale:

Please accept this as a response to your letter of June 12, 1998 to Donna Marie Collins. In accordance with your request, I contacted Preston Keyes and determined that Lauren Langham is the attorney working on this issue for Gulf Utility. I explained some of the history behind this viewer's road, including its use by WCI as access to U.S. 41 and the previous vacation action. Ms. Langham indicated that she would need to do some additional research concerning viewer's roads.

During the course of our conversation, I also explained to Ms. Langham that the portion of Corkscrew Road extension west of Pelican Strand and east of U.S. 41 remains a valid viewer's road. The County holds an easement interest in this road, even though it is maintained by WCI. However, this easement interest may not be sufficient to grant the utility company the right to place utility facilities within the road right-of-way. Consequently, Ms. Langham was invited to provide the County with information to substantiate the right to place utilities within the viewer's road right-of-way.

Your June 12, 1998 letter also mentions landscaping this same area of road right-of-way. The Board of County Commissioners has stated that they are generally in favor of right-of-way landscaping. Administrative Code 11-11 is evidence of this position. This Administrative Code deals specifically with landscaping along County maintained right-of-way. Since the road at issue is not County maintained, strict adherence to this code may not be possible.

MONTGOM3.WPD

Neale Montgomery, Esq.
June 16, 1998
Page 2

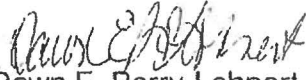
Re: Pelican Strand a/k/a River Ridge
File No: LU-95-1672

It is my understanding that Development Services has made a determination concerning the landscaping issue as part of the development order process. Based upon my conversations with Development Services some time ago, I believe a determination was made that landscaping is not appropriate at the location desired by WCI. Consequently, before preparing hold harmless or other agreements related to the landscaping issues, I strongly recommend that you contact Development Services.

Should you have any questions concerning the above, please do not hesitate to contact me.

With kind regards, I am

Very truly yours,


Dawn E. Perry-Lehnert
Assistant County Attorney

DPL/plm

cc: Donna Marie Collins, Assistant County Attorney
Walter McCarthy, P.E., Director, Development Services
Peter Eckenrode, Development Services

EXHIBIT "G"

430 8/1/96 - Spoke to Rick, from side, Ken

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: July 19, 1996

To: Margaret Lawson
Department of Transportation

FROM:

Joseph M. Madden, Jr.
Assistant County Attorney

RE: CORKSCREW ROAD EXTENSION WEST
LU--361 (C)

Recently, the County Attorney's Office was contacted, again, regarding the above referenced matter. As you remember, in late 1993 and early 1994, the legal representatives of WCI Communities were entering the zoning phase for the River Ridge Development. There were some questions regarding the validity of a viewer's road dedication for Corkscrew Road Extension West.

The attached letter from the County Attorney's Office was sent to Neale Montgomery on behalf of WCI. The substance of the response is that the viewer's road statute being substantially complied with, that the Corkscrew Road Extension West or that viewer's road that is described at CCMB 7 Page 237 was a validly dedicated public road easement.

Today, it is my understanding that the Hole, Montes firm on behalf of WCI Communities has done field work in trying to locate the legal description of this viewer's road on the ground and has determined that 1) it does not close, 2) the improved area of Corkscrew Road Extension West is far outside the boundaries of the legal description for the viewer's road and 3) that by approaching the description from the railroad right-of-way rather than starting at U.S. 41, the description comes somewhat closer to what is improved currently as the Corkscrew Road Extension West.

Rick Brylanski of Hole, Montes is a civil engineer that it is involved with the project. As you know from the zoning process, the entrance to River Ridge will be via Corkscrew Road Extension West and will probably be gated. In addition to the River Ridge Development, the road is supposed to provide access to several single family dwellings west of the River Ridge project. Mr. Brylanski has requested the County's assistance in determining the location of the County's viewer's road easement. It seems to me that it would be important that Lee County DOT identify the location of this viewer's road easement for its purposes at the same time River Ridge is looking at it for their purposes. With the assistance of your survey department I think it would be practical for Lee County DOT to locate this right-of-way so that the County's records accurately reflect what

LAWSON,JMM

RECEIVED
2748
JUL 19 1996

LC DOT-2

DRR001283



Margaret Lawson
July 19, 1996
Page 2

Re: CORKSCREW ROAD EXTENSION WEST

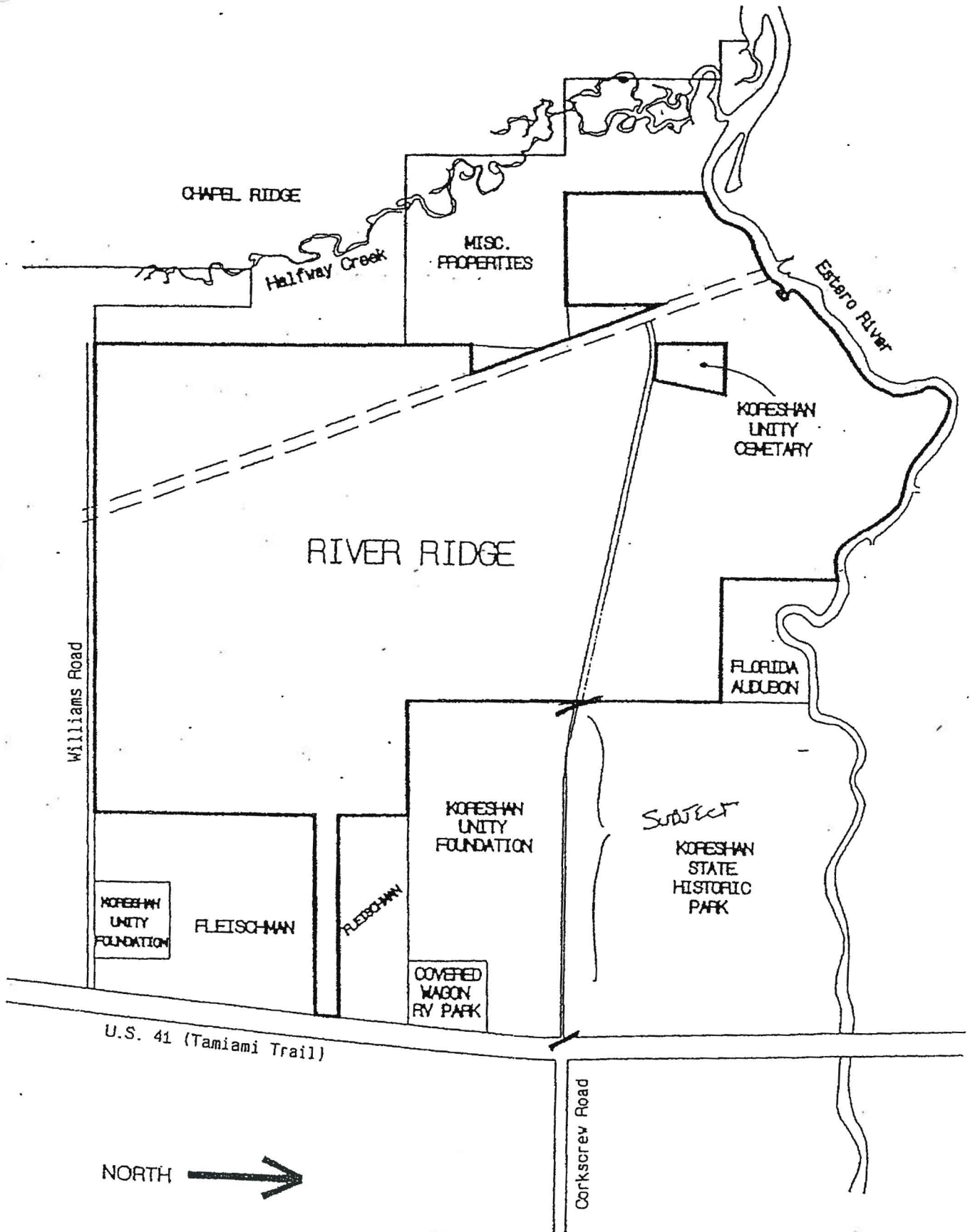
is in the County road easement inventory.

As is stated in the attached letter, the County Attorney's Office has provided the opinion to all, that the viewer's road established pursuant to the resolution recorded in County Commission Minute Book 7 at Page 237 does purportedly create a valid public road easement. Should you have any additional questions or comments, please do not hesitate to contact me.

JMMjr/smr
attachment

xc: Rick Brylanski, Hole, Montes & Associates, Inc.





interoffice
M E M O R A N D U M

to: Peter Eckenrode
Senior Dev. Services Representative

from: Steven R. Sodemann, P.E.
DOT - Professional Engineer II

subject: Corkscrew Road West of US 41 *SRS*
D.O. 97-06-104.00D

date: October 13, 1997

Please be advised that the Department of Public Works Division of Transportation does not maintain the existing Koreshan State Park entrance road. In addition, the Division of Transportation will not recommend to the Board of County Commissioners that the improved and extended entrance road be accepted for public maintenance.

SRS/mlb

interoffice
M E M O R A N D U M

to: David Owen, Assistant County Attorney

from: Margaret Lawson, Right-of-way Supervisor

Margaret

subject: Corkscrew Road West

date: July 17, 1998

Corkscrew Road West, entrance to Koreshan State Park, is not County maintained. It has never been maintained by Lee County DOT. Attached for your review are copies of documents from my Corkscrew Road West file. The Corkscrew Road Extension - River Road D.O. is #97-06-104.00D. There is a letter written to Hole, Montes & Associates that has language stating the County will not accept Corkscrew Road Extension for maintenance. Also, I have included for your review a copy of the Road Viewers Report.

After you review these documents, if you have any questions, please don't hesitate to call me.

MAL/mlb

cc: J. W. French, Public Works Director
File

Woodward, Pires & Lombardo, P.A.
ATTORNEYS-AT-LAW

CRAIG R. WOODWARD*
MARK J. WOODWARD
ANTHONY P. PIRES, JR.
J. CHRISTOPHER LOMBARDO
STEVEN V. BLOUNT
JOHN A. GARNER
CARRIE POULOS-LADEMAN
BURT L. SAUNDERS
OF COUNSEL
*(BOARD CERTIFIED REAL ESTATE ATTORNEY)

August 11, 1998

Stephen Pierce
WCI Communities
24301 Walden Center Drive
Bonita Springs, Florida 34134

Re: Corkscrew Road West/River Ridge Development Utility Lines

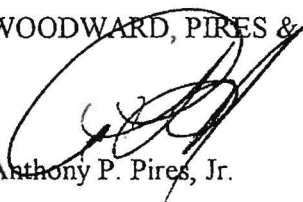
Dear Stephen:

Enclosed please find a copy of correspondence received from David Owen of July 28, 1998 concerning Corkscrew Road West and River Ridge Development Utility lines. Please note the strong recommendation of Mr. Owen that "WCI's consultants coordinate with relevant Lee County DOT personnel for the obtaining of any required licenses or permits for the locating of the utility lines, in as much as the right-of-way is still County property." Please advise as to whether all of these permits have been obtained. This is an important issue before a new conveyance can occur.

If you have any questions, please do not hesitate to contact me.

Sincerely,

WOODWARD, PIRES & LOMBARDO, P.A.


Anthony P. Pires, Jr.

APP:slw

Enclosure as noted.

cc: Rick Brylanski (w/encl.)
Dan Cielieski (w/encl.)

RiverRidge\Corresp\SP-A11

PLEASE RESPOND TO: NAPLES

PELICAN BAY 801 LAUREL OAK DR., SUITE 710, NAPLES, FLORIDA 34108 (941) 566-3131 FAX (941) 566-3161
606 BALD EAGLE DR., SUITE 500, P.O. BOX 1, MARCO ISLAND, FLORIDA 34146 (941) 394-5161 FAX (941) 642-6402

DRR001275



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 335-2236

John E. Manning
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

July 28, 1998

Neale Montgomery, Esq.
Pavese, Garner, Haverfield, Dalton, Harrison & Jensen
P.O. Drawer 1507
Fort Myers, FL 33902-1507

Re: Corkscrew Road West/River Ridge Development Utility Lines

Dear Neale:

Per our telephone discussion of last week in reference to the above, I am providing this letter at your request, and offering the following:

The question as I understand it, is whether Westinghouse Communities, Inc. (WCI) is required to provide to Gulf Environmental Services, Inc. (GES), perpetual utility easements as part of WCI's dedication to GES, as a contributory asset, certain water and wastewater lines now located in the Corkscrew Road West right-of-way serving the River Ridge Development?

For purposes of this opinion, I am assuming that this discussion centers on that portion of Corkscrew Road West that extends westerly for approximately 3000 ± linear feet from the intersection of U.S. 41 with Corkscrew Road West, to the River Ridge property line, per Lee County D.O. No. 97-06-104.00D.

In conjunction with the March 3, 1994 letter to you from Dawn Perry-Lehnert, Esq., of our office, regarding the nature of the County's "Viewer's Road" rights in Corkscrew Road West, and the July 19, 1996 memorandum from Joe Madden, Esq., formerly of our office, to Margaret Lawson, DOT (both enclosed), I am advising that for the portion of Corkscrew Road West under discussion, the County holds sufficient legal interest in the right-of-way via the Viewer's Road rights, that subterranean utilities may be placed into the subject right-of-way in the same manner, and with the same authorizations required from Lee County, as any other county road. The only difference being that, unlike most county roads, your client WCI, as the developer, has agreed to accept the maintenance of the road in perpetuity, rather than the County, as a part of its D.O. process for the River Ridge Development.

MONTGOME.1

Neale Montgomery, Esq.
July 28, 1998
Page 2

Re: Corkscrew Road West/River Ridge Development

In sum, and from the County's perspective, I am of the opinion that no additional easements are required from the County for the placement of the developer's water and wastewater lines, so long as they are placed within the described area of the county's Viewer's Road along the subject portion of Corkscrew Road West. However, even though the County is not maintaining the subject portion of Corkscrew Road West, and in conjunction with the requirement of the D.O., I am strongly recommending that WCI's consultants coordinate with relevant Lee County DOT personnel for the obtaining of any required license(s) or permits for the locating of the utility lines, inasmuch as the right-of-way is still county property, based on the "Viewer's Road" rights granted in 1933.

Additionally, I have been advised by Tony Pires, Esq., of Woodward, Pires, et.al., who represents the CDD for the River Ridge Development, that his client has an interest in this matter, and as the result, I am providing him with a copy of this opinion along with the enclosures for his consideration.

Please advise if I can be of any further assistance.

Cordially,



David M. Owen
Assistant County Attorney

DMO:pr
enclosure

xc: James G. Yaeger, County Attorney
Robert W. Gray, Deputy County Attorney
Timothy Jones, Assistant County Attorney
Dawn E. Perry-Lehnert, Assistant County Attorney
J.W. French, P.E., Director, Public Works
Scott Gilbertson, P.E., Director, DOT
Margaret Lawson, DOT
Walter McCarthy, Director, Development Services
Tony Reeves, Gulf Environmental Services, Inc.
Kathy Babcock, Gulf Environmental Services, Inc.



Gulf Utility Company

19910 S. Tamiami Trail
P.O. Box 350
Estero, FL 33928-0350
941/498-1000
FAX 941/498-0625

April 22, 1998

RECEIVED
APR 23 1998

Mr. John Cook
Lee County Department
of Transportation
1500 Monroe Street
Ft. Myers, FL 33901

Re: Corkscrew Road - West Extension (Pelican Sound)

Dear Mr. Cook:

Corkscrew Road has been extended by the developer of Pelican Sound for approximately 3,000 feet west of U.S. 41.

Gulf Utility Company is requesting a statement regarding the legal status of the right-of-way on the north and south sides of this extension. In addition to access, we want to ascertain that the right-of-way includes utility installations.

If you have any questions, or need more information, please do not hesitate to contact me at (941) 498-1000.

Sincerely,

Kathy Babcock
Administrative Manager



BOARD OF COUNTY COMMISSIONERS

P.O. Box 398
Fort Myers, Florida 33902-03
(941) 335-2111
941-479-8348

Writer's Direct Dial Number

John E. Manning
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
*County Hearing
Examiner*

November 20, 1997

Richard E. Brylanski, P.E.
Hole, Montes & Associates
6202F Presidential Court
Fort Myers, FL 33919

RE: Corkscrew Road Extension - River Ridge
D.O. # 97-06-104.00D - DO Minor Change M01

Dear Mr. Brylanski:

Your plans for the above-referenced project have been reviewed and approved for a Minor Change with stipulation(s) for the following:

Approved for a modification of Stipulation No. 13 from the Engineering Checklist to require the submittal of perpetual maintenance documents prior to issuance of a Certificate of Compliance rather than prior to commencement of construction.

The following stipulations apply:

MINOR CHANGE
Minor Change Checklist.

Stipulations:

Prior to the issuance of a Certificate of Compliance, the documents providing for perpetual operation and maintenance of the Corkscrew Road extension must be submitted, reviewed and recorded.

Approval of this Minor Change does not give the developer the undeniable right to receive any building permit approval for development which exceeds the 2010 Overlay use allocation for the applicable subdistrict.

DRR001279

Hole, Montes & Associates
Corkscrew Road Extension - River Ridge
D.O. # 97-06-104.00D
November 20, 1997

Page

If you have any questions concerning this matter, please contact this office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division



Walter J. McCarthy, P.E.
Director

WJM/PJE

Attachments: No plans to be returned.



P.O. Box 398
Fort Myers, Florida 33907
(941) 335-2111
941-479-8348

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number

October 14, 1997

John E. Manning
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Richard E. Brylanski, P.E.
Hole, Montes & Associates
6202F Presidential Court
Fort Myers, FL 33919

RE: Corkscrew Road Extension - River Ridge
D.O. # 97-06-104.00D - DO Resubmittal R02

Dear Mr. Brylanski:

Please be advised that your plans for the above-referenced project have been reviewed and approved for Concurrency and a Development Order with stipulation(s). Concurrency and the Development Order are granted for the following:

Approved for the construction of 2,900+/- L.F. of two lane roadway with drainage structures, curb and gutter, 3,000+/- L.F. of 12" water main, 3,400+/- L.F. of 8" sewage force main and related site improvements.

Concurrency Reference No: C97-2295.

THIS CERTIFICATE OF CONCURRENCY SHALL BE VALID AND EFFECTIVE UNTIL OCTOBER 14, 2000. DURING THE NEXT THREE (3) YEARS, the Development Services Division is authorized to issue building permits for the construction of the building(s) indicated above without further review of the Concurrency requirements by the Division. Upon expiration of the Concurrency Certificate, the project will be subject to the concurrency program in effect at the time of expiration. No vested right to a Concurrency Certificate will exist solely due to the existence of an otherwise effective Development order.

THIS DEVELOPMENT ORDER WILL BE VALID FOR A PERIOD OF SIX (6) YEARS AND IS SCHEDULED TO EXPIRE ON OCTOBER 14, 2003.

Development Order approval is subject to the following stipulation(s) and/or comment(s):

ENGINEERING #ZDS0208
13) Miscellaneous items.
Comments:

Pursuant to the attached memoranda from LDOT, they will recommend to the BOCC that the County not accept the Corkscrew Road Extension for County maintenance. We will therefore require that prior to commencement of construction

DRR001281

Hole, Montes & Associates
Corkscrew Road Extension - River Ridge
D.O. # 97-06-104.00D
October 14, 1997

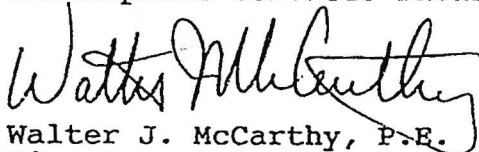
Page

the applicant shall submit documents which provide for perpetual maintenance of the roadway by the applicant and it's successors. Prior to issuance of a Certificate of Compliance, the documents shall be reviewed and approved by County Attorney's office and recorded.

Approval of this Development Order does not give the developer the undeniable right to receive any building permit approval for development which exceeds the 2010 Overlay Use Allocation for the applicable subdistrict.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division


Walter J. McCarthy, P.E.
Director

WJM/PJE

Attachments: Five (5) sets of approved drawings.

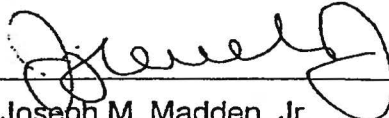
430 8/1/96 - Spoke to Rick, from Hole, Montes

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: July 19, 1996

To: Margaret Lawson
Department of Transportation

FROM:


Joseph M. Madden, Jr.
Assistant County Attorney

RE: CORKSCREW ROAD EXTENSION WEST
LU--361 (C)

Recently, the County Attorney's Office was contacted, again, regarding the above referenced matter. As you remember, in late 1993 and early 1994, the legal representatives of WCI Communities were entering the zoning phase for the River Ridge Development. There were some questions regarding the validity of a viewer's road dedication for Corkscrew Road Extension West.

The attached letter from the County Attorney's Office was sent to Neale Montgomery on behalf of WCI. The substance of the response is that the viewer's road statute being substantially complied with, that the Corkscrew Road Extension West or that viewer's road that is described at CCMB 7 Page 237 was a validly dedicated public road easement.

Today, it is my understanding that the Hole, Montes firm on behalf of WCI Communities has done field work in trying to locate the legal description of this viewer's road on the ground and has determined that 1) it does not close, 2) the improved area of Corkscrew Road Extension West is far outside the boundaries of the legal description for the viewer's road and 3) that by approaching the description from the railroad right-of-way rather than starting at U.S. 41, the description comes somewhat closer to what is improved currently as the Corkscrew Road Extension West.

Rick Brylanski of Hole, Montes is a civil engineer that it is involved with the project. As you know from the zoning process, the entrance to River Ridge will be via Corkscrew Road Extension West and will probably be gated. In addition to the River Ridge Development, the road is supposed to provide access to several single family dwellings west of the River Ridge project. Mr. Brylanski has requested the County's assistance in determining the location of the County's viewer's road easement. It seems to me that it would be important that Lee County DOT identify the location of this viewer's road easement for its purposes at the same time River Ridge is looking at it for their purposes. With the assistance of your survey department I think it would be practical for Lee County DOT to locate this right-of-way so that the County's records accurately reflect what

LAWSON:JMM

RECEIVED
2798
JUL 19 1996

LCDDOT-2

DRR001283

Margaret Lawson
July 19, 1996
Page 2

Re: CORKSCREW ROAD EXTENSION WEST

is in the County road easement inventory.

As is stated in the attached letter, the County Attorney's Office has provided the opinion to all, that the viewer's road established pursuant to the resolution recorded in County Commission Minute Book 7 at Page 237 does purportedly create a valid public road easement. Should you have any additional questions or comments, please do not hesitate to contact me.

JMMjr/smr
attachment

xc: Rick Brylanski, Hole, Montes & Associates, Inc.



FILE

P.O. Box 398
Fort Myers, Florida 33902-0398
(813) 335-2111

BOARD OF COUNTY COMMISSIONERS

~~813/335-2236~~
Writer's Direct Dial Number

John E. Manning
District One

March 3, 1994

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Neale Montgomery, Esq.
PAVESE, GARNER ETAL
P.O. Drawer 1507
Fort Myers, FL 33902-1507

Franklin B. Mann
District Four

John E. Albion
District Five

RE: Corkscrew Road Extension West
LU-94-361(C)

Donald D. Stilwell
County Administrator

Dear Neale:

James G. Yaeger
County Attorney

Please accept this as a response to your inquiries dated December 14, 1993 and February 18, 1994 directed to this office. It is my understanding that you seek a determination as to the ownership interest of two roads described in County Commission minutes from 1927 and 1934.

Diana M. Parker
County Hearing Examiner

Based upon the information you have supplied with your correspondence, I was able to verify the existence of two viewer's roads. My research with respect to viewer's roads in general and the subject roads in particular, leads me to believe these roads were legally established in accordance with the law applicable at the time in question, namely, Chapter 4338 of the 1985 Laws of Florida.

For purposes of clarity, I have set out below the means by which each road was created.

1. "Williams Road"

The April 6, 1927 Board meeting recorded at CCMB 6, Page 44-45 reflects presentation of a petition to the Board for a road between Townships 46 and 47, Range 25E. At this meeting, viewers were appointed to mark the route. During the May 11, 1927 Board meeting recorded at CCMB 6, Page 51-52, the Board accepted the viewers' report for a public road to

commence at the intersection of the Tamiami Trail with Township line between Township 46

Neale Montgomery, Esq.
March 3, 1994
Page -2-

RE: Corkscrew Road Extension West
LU-94-361(C)

and 47, following said line west as far as proposed road is required; crossing what is known as Half-Way Creek and across next pine island. A detour from said line across slough west from this point might be advisable; said road to be opened up to a width of sixty (60) feet.

Copies of the minutes are attached for your reference.

The Property Appraiser's maps for Sections 4 and 5, Township 47, Range 25, depict a road labeled as Williams Road that appears to fit the viewer's road description. I have not verified whether Williams Road is a presently existing right-of-way or if it is depicted on the future right-of-way map.

2. "Corkscrew Road Extension West"

A petition for this road was presented at the Board's November 8, 1933 meeting recorded at CCMB 7, Page 224. The Board accepted the viewers' report at the January 3, 1934 meeting recorded at CCMB 7, Page 237, for a road: commencing at

A point where the Tamiami Trail intersects the South Line of the N1/2 of NE1/4 of Section 33 Township 46 South Range 25 East and running North 87° 15' West to Station 22 plus 85.5 which is P.C. of 3 degrees curve to Right with delta of 11°-36', thence follow said curve of 3 degrees to Station 26 plus 72.2 which is P.T. of 3 degree to Right, thence North 75°-40' West to Station 58 plus 72.15 which is P.C. of 8° degree Curve to Left with delta of 32°-32', thence follow said curve of 8 degrees to Left to Station 62 plus 78.4 which is P.T. of said Curve, thence South 71°-50' West to Station 62 plus 82.8 which is Right of Way of S.A.L. Railroad.

The Property Appraiser's maps for Sections 32 and 33, Township 46, Range 25, depict a western extension of

Neale Montgomery, Esq.
March 3, 1994
Page -3-

RE: Corkscrew Road Extension West
LU-94-361(C)

Corkscrew Road. For your ready reference, a copy of the Appraiser's maps mentioned herein are enclosed. A review of the aeriels contained in the Redi-Map books clearly shows a road of some type that follows a similar path. I believe the description of the subject viewer's road and the road depicted on the Redi-Maps would be very similar if compared. As with "Williams Road", I have not verified the existence of this road beyond the statements mentioned herein.

It is the County's position that a viewer's road created as indicated above establishes at least a valid public easement for right-of-way purposes. Therefore, in order to extinguish this public easement, you would be required to undergo the vacation process with respect to these roads. Prior to initiating the vacation process, I believe it would be advantageous to your client to contact Lee County Department of Transportation with respect to its determination as to proposed future use of these roads. This may save your client the expense of application fees if DOT indicates a vacation will not be approved.

If I can be of further assistance with respect to this matter, please let me know.

Trusting the above is satisfactory, I am

Very truly yours,

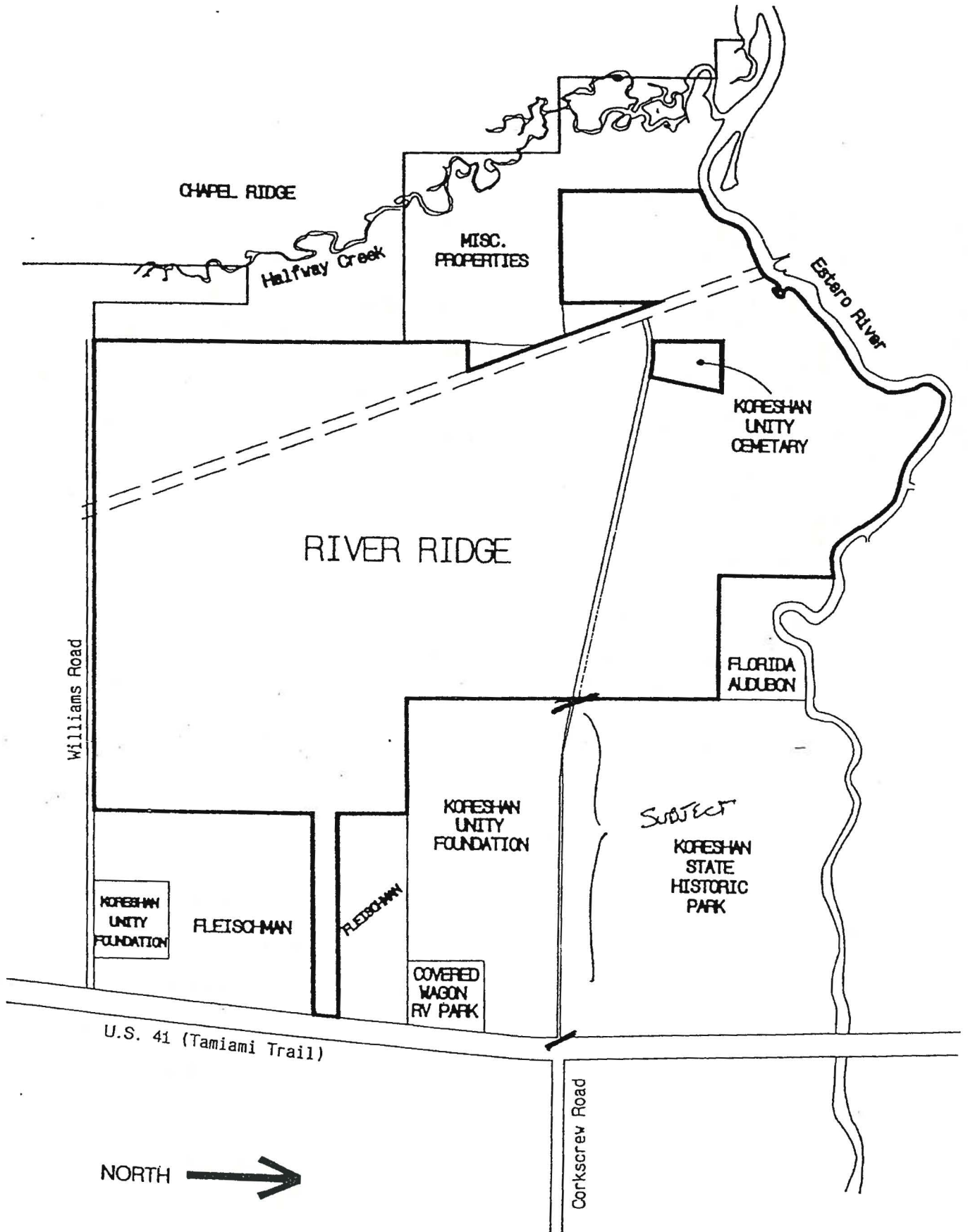


Dawn E. Perry-Lehnert
Assistant County Attorney

DPL:pr
enclosures

cc: Timothy Jones, Assistant County Attorney
Donna Marie Collins, Assistant County Attorney
Margaret Lawson, Planning, DOT

DRR001287





LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

LEE COUNTY
RECEIVED

00 JUL 19 PM 2:19 479-8580
Writer's Direct Dial Number:

COMM. DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

July 16, 1999

John E. Manning
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Mr. Rick Mercer
Development Director
Watermark Communities, Inc.
24301 Walden Center Drive
Bonita Springs, FL 34134

RE: CORKSCREW ROAD (WEST OF US 41)

Dear Mr. Mercer:

Lee County Department of Transportation has reviewed your request with regard to overhead lighting on the FP&L poles. You stated in your letter that there were no other developments existing along this corridor; however, Corkscrew Road West is also the entrance road to Koreshan State Park. **Corkscrew Road West is not a County maintained roadway.** A development order was issued with regard to the Pelican Sound development and DOT has reviewed the D.O. for this project. Based upon our review, there does not appear to be specific language regarding lighting or safety concerns regarding lighting. DOT holds that we do not have a position street lighting installation on the existing FP&L poles. DOT suggests that you contact FP&L and also the Koreshan State Park staff regarding installation of the lighting.

I trust this information is helpful, and if you would like to discuss this please do not hesitate to contact me.

Yours very truly,

DEPARTMENT OF TRANSPORTATION

Scott M. Gilbertson, P.E.
Director

MAL/SMG/mlb

cc: Margaret Lawson
Pete Eckenrode, Development Services

\\LCFNW04\DATA\SHARED\DOT\DOCUMENT\SMG\LETTERS\LAWSON\corkscrew rd.doc

EXHIBIT "H"

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: November 14, 1997

TO: Walter McCarthy
Director, Development Services

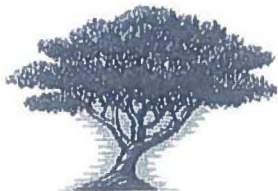
FROM: *Sheila L. Rash*
Sheila L. Rash
County Attorney's Office

RE: WCI Communities
Pelican Sound (formerly River Ridge) Entry Road,
Corkscrew Road Extension's, Long Term Maintenance

Per your request, find attached the original letter from WCI Communities with regards to the above-referenced matter. Should you have any further questions, please do not hesitate to contact Donna Marie. Thank you.

/slr
Attachment

Pitotickarante
the original letter for Dis
side. (10)
97-06-104.00D



WCI COMMUNITIES

24301 Walden Center Drive, Suite 300
Bonita Springs, Florida 34134
(941) 947-2600

November 11, 1997

Donna Marie Collins, Esq.
Assistant County Attorney
Lee County Attorney's Office
2115 Second Street
Fort Myers, Florida 33901

97 NOV 12 PM 11 33
LEE CO. ATTORNEY

Dear Ms. Collins:

This letter is pursuant to your conversation with Frank Kurchinski on 11/7/97 regarding Pelican Sound (formerly River Ridge) entry road, Corkscrew Road Extension's, long term maintenance.

Please consider this letter acknowledgment that WCI, Inc. will assign such responsibility to either the master property owners association, the Pelican Sound Golf and River Club, Inc., or the River Ridge Community Development District, to insure that maintenance of the road will continue beyond the involvement of the developer. As discussed, we are uncertain at this time exactly how we will be maintaining the ROW, or which above entity above will be doing so, and it would be most prudent that the actual road improvements be maintained by the same entity.

As discussed, this acknowledgment will suffice until the improvements are complete. Prior to completion certification of those improvements WCI will provide your office with the documents necessary to insure that the maintenance will be accomplished by one or the other above entity into the future.

Thank you for your understanding and cooperation in this matter, should you need any further information, please let us know.

Sincerely,

Jerry H. Schmoyer
Senior Vice President/General Manager

JHS:cad

EXHIBIT "I"

THIS INSTRUMENT PREPARED BY:
Lee County Attorney's Office
Post Office Box 398
Fort Myers, FL 33902

RECEIVED
JUL 30 1998

PERMIT COUNTER

ROAD AND LANDSCAPE MAINTENANCE AND

HOLD HARMLESS AGREEMENT

THIS ROAD AND LANDSCAPE MAINTENANCE AND HOLD HARMLESS AGREEMENT (this "Agreement") is entered into this 26th day of August 1998 by and between LEE COUNTY, a political subdivision of the State of Florida (hereinafter referred to as "County"), and WCI COMMUNITIES LIMITED PARTNERSHIP, Delaware limited partnership, its successor and/or assigns (hereinafter referred to as "Developer").

RECITALS

- A. Developer is the owner and developer of certain property located in Sections 29, 32 and 33, Township 46-S, Range 25-E, Lee County, Florida, specifically known as Pelican Sound.
- B. Developer has received development approval from County for a residential subdivision to be known as "Pelican Sound" on the real property described on Exhibit "A" attached hereto and incorporated herein by this reference.
- C. Developer has constructed the 2,900± L.F. of two lane roadway improvements with drainage structures, curb and gutter referred to as "Corkscrew Road Extension" (the "Road") in accordance with the terms of that certain Development Order No. 97-06-104.00D of the Lee County, Florida Board of Commissioners (the "Development Order"), over the real property described on Exhibit "B" attached hereto and incorporated herein by this reference (the "Road right-of-way")
- D. Developer desires to improve the appearance of the portion of the Road-right-of-way, not otherwise improved by the Road improvements, in accordance with the landscape plans attached hereto as Exhibit "C" attached hereto and incorporated herein by this reference (the "Landscape Plans") for the purpose of enhancing the appearance of the Corkscrew Road Extension corridor.
- E. County has agreed to allow Developer to improve and landscape the portion of the Road right-of-way if Developer or Developer's successors and/or assigns in interest agrees to

maintain the Road in accordance with the Development Order and agrees to maintain and replace the landscaping improvements as necessary at no cost to County.

- F. Developer contemplates that it will incorporate a homeowner's association for the property owners of Pelican Sound. Such association or the River Ridge Community Development District will ultimately assume all or part of the responsibility for the maintenance of the Road and the maintenance and replacement of the landscaping improvements as necessary in accordance with the terms and provisions of this Agreement, which will be incorporated into the covenants and restrictions or other homeowner's documents prepared by the Developer binding the association or the River Ridge Community Development District.
- G. Reference to Developer includes all assigns and successors in interest.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Developer agrees to maintain the Road in accordance with the terms of the Development Order and to maintain and replace the landscaping improvements, as necessary, at no cost to County, including the installation of plant materials within the Road right-of-way, in accordance with the Landscape Plans approved by Developer and Lee County Department of Transportation. The cost of construction and initial landscaping will be borne by Developer.
2. County agrees to authorize the installation of the landscaping improvements within a portion of the Road right-of-way.
3. Developer agrees to maintain the landscape improvements and other items incidental to the landscaping, including the replacement of dead sod or plant materials and avoidance of wetting the roadway or pedestrian walkways by landscape irrigation.
4. Developer has the right to replant or alter the landscaping scheme and the number, species or location of plant materials within the Road right-of-way, provided any alteration to the landscaping scheme or location of plant material is approved by the Lee County Department of Transportation, however, this right does not diminish Developer's responsibility to maintain the landscape improvements.
5. To the extent permitted by law, Developer and its assigns agrees to indemnify, hold harmless and defend County and all of its officers, agents, consultants and employees from and against all losses, claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recoverable against it or them by reason of any act or omission of Developer, its agents, consultants, employees, or subcontractors, in the installation of landscaping or maintenance contemplated by this Agreement and agrees to assume any related

costs, to the maximum statutory limits as outlined within Section 768.28, Florida Statutes. A copy of the certificate of insurance provided by Developer is attached hereto as Exhibit "D" and incorporated herein by this reference. The insurance shall remain in effect until such time as Developer's successors or assigns can provide similar proof of insurance to the satisfaction of the County Attorney's Office.

6. Developer, or its successors or assigns, will assume all risk and bear any loss or injury to property or persons occasioned by Developer's neglect, acts or omissions.
7. Developer agrees to assume all responsibility for loss by reason of neglect or violation by Developer of any state or federal law or local government rule, regulation or order. Developer will give all required notices relating to the Road or landscaping or maintenance contemplated by this Agreement to the proper authorities. In addition, Developer will obtain all official permits and licenses and pay all proper fees.
8. Developer will repair any damage that may occur to any adjoining building, structure, utility, roadway, County property, or private property in the course of this work.
9. Developer agrees that if the Road is widened, repaired or reconstructed, Developer will move or remove the landscaping improvements within thirty (30) days of receipt of written notice at no cost to the County. The cost of relocation, replacement or removal of the landscaping improvements will be paid entirely by Developer.
10. Developer agrees that if the placement, repair, relocation or reconstruction of public utilities, including, but not limited to, water, sewage, gas, power, telephone, located within the Road right-of-way, requires the relocation or removal of the landscape improvements referenced herein, then Developer will move or remove the landscape improvements within thirty (30) days of receipt of written notice at no cost to County or utility.
11. This Agreement will continue in full force and effect until such time as the Road is closed, abandoned, vacated, discontinued or reconstructed, conveyed to the River Ridge Community Development District or until Developer receives written notice of termination of this Agreement by County or until such time as Developer notifies County in writing of the intent to terminate this Agreement. Further, in the event this Agreement is terminated for any reason other than the Road is conveyed to the River Ridge Community Development District, Developer, at its sole cost and expense, will be required to, at County's option, remove all of the landscaping improvements within the Road right-of-way by virtue of this Agreement, other than the Road, within thirty (30) days of receipt of written notice.

12. This Agreement binds and inures to the benefit of the parties as well as their respective legal representatives, successors, and assigns.
13. Developer may assign the rights and obligations set forth herein to successor owner(s), developer(s) or homeowner association(s), or the River Ridge Community Development District, except that Developer will remain responsible under the terms of this Agreement until such time as the Developer or such assignee or successor in interest can provide written documentation to the reasonable satisfaction of the County Attorney's Office, which confirms that they have assumed responsibility for the compliance with the terms and conditions of this Agreement and obtained liability insurance with respect to the Road and landscaping improvements so as to indemnify County in all respects consistent with this Agreement.
14. This Agreement must be construed, and its performance enforced under Florida law.
15. This Agreement is the entire agreement between the parties and shall not be modified or replaced except by another signed written agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

Witnesses:

Paula Bidwell
Signature

Paula Bidwell
Name Printed, Stamped or Typed

[Signature]
Signature

Daniel J. Ciesielski
Name Printed, Stamped or Typed

WCI COMMUNITIES LIMITED
PARTNERSHIP

By: [Signature]
Armando J. Goenaga
Senior Vice President

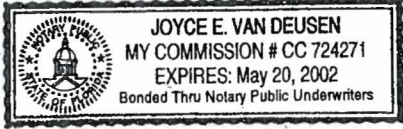
("Developer")

STATE OF FLORIDA
COUNTY OF LEE

The foregoing agreement was acknowledged before me this 29th day of July 1998, by Armando J. Goenaga, as Senior Vice President of WCI Communities

Limited Partnership, a Delaware limited partnership, on behalf of the limited partnership, who is personally known to me or who has provided _____ as identification.

My commission expires: 5/20/02



Joyce E. Van Deusen
Notary Public, State of Florida at Large

Joyce E. Van Deusen
Name of Notary - Stamped or Typed

Attest:

Charlie Green, Board Clerk

By: [Signature]
Deputy Clerk

LEE COUNTY, FLORIDA

By: [Signature]
County Manager
~~XXXXXXXXXX~~

Approved as to form:

By: [Signature]
County Attorney

List of Exhibits

Exhibit "A"	Property Description, Pelican Sound
Exhibit "B"	Sketch Map of Corkscrew Road Extension
Exhibit "C"	Landscape Plans
Exhibit "D"	Insurance Certificate



HOLE, MONTES & ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS

Preserving and enhancing Florida's quality of life since 1966

HMA PROJECT #1997050
8/17/98
REF. DWG. #B-2427
PAGE 1 OF 2

LEGAL DESCRIPTION

A PORTION OF SECTIONS 29, 32 AND 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN NORTH 00°55'53" WEST, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32, FOR A DISTANCE OF 1226.64 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF A 100 FOOT WIDE FLORIDA POWER AND LIGHT TRANSMISSION LINE EASEMENT; THENCE RUN NORTH 20°51'33" WEST, ALONG SAID SOUTHWESTERLY LINE, FOR A DISTANCE OF 982.50 FEET TO A POINT ON THE EAST LINE OF LOT A55, OF "FLORIDA GULF LAND COMPANY'S SUBDIVISION" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 00°58'53" EAST, ALONG THE EAST LINE OF SAID LOT A55, FOR A DISTANCE OF 808.97 FEET TO THE SOUTHEAST CORNER OF SAID LOT A55; THENCE RUN SOUTH 88°27'02" WEST, ALONG THE SOUTH LINE OF LOTS A55, A54 AND A53 OF SAID "FLORIDA GULF LAND COMPANY'S SUBDIVISION", FOR A DISTANCE OF 965.93 FEET TO THE SOUTHWEST CORNER OF SAID LOT A53; THENCE RUN NORTH 00°43'04" WEST, ALONG THE WEST LINE OF SAID LOT A53, FOR A DISTANCE OF 1180 FEET, MORE OR LESS, TO THE WATERS OF THE ESTERO RIVER; THENCE RUN NORTHEASTERLY, NORTHERLY, NORTHEASTERLY, EASTERLY, SOUTHEASTERLY AND EASTERLY, ALONG THE WATERS OF THE ESTERO RIVER FOR A DISTANCE OF 5396 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 29; THENCE RUN SOUTH 00°11'00" EAST, ALONG THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 29, FOR A DISTANCE OF 990 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SECTION 32; THENCE RUN NORTH 89°49'47" EAST, ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32, FOR A DISTANCE OF 671.22 FEET TO THE NORTHEAST CORNER OF SAID SECTION 32; THENCE RUN NORTH 89°15'27" EAST, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 33, FOR A DISTANCE OF 395.00 FEET; THENCE RUN SOUTH 00°30'33" EAST FOR A DISTANCE OF 2647.83 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 33; THENCE RUN NORTH 88°52'56" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 33, FOR A DISTANCE OF 987.19 FEET; THENCE RUN SOUTH 00°31'21" EAST FOR A DISTANCE OF 572.68 FEET; THENCE RUN NORTH 88°52'56" EAST FOR A DISTANCE OF 1740.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41(S.R. NO. 45), A 200 FOOT RIGHT-OF-WAY; THENCE RUN SOUTH 05°19'58" WEST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 201.27 FEET; THENCE RUN SOUTH 88°52'56" WEST FOR A DISTANCE OF 1720.01 FEET; THENCE RUN SOUTH 00°31'21" EAST FOR A DISTANCE OF 1845.84 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WILLIAMS ROAD (A 60.00 FOOT RIGHT-OF-WAY); THENCE RUN SOUTH 89°00'54" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1382.17 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 33; THENCE RUN SOUTH 89°00'18" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2644.88 TO A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 32; THENCE RUN NORTH 00°56'02" WEST, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 32, FOR A DISTANCE OF 2614.19 FEET TO THE POINT OF BEGINNING, CONTAINING 551.647 ACRES, MORE OR LESS.

EXHIBIT "A"

LESS AND EXCEPT THEREFROM THE FOLLOWING PARCEL 1.

PARCEL 1 (KORESHAN CEMETERY)

A PORTION OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

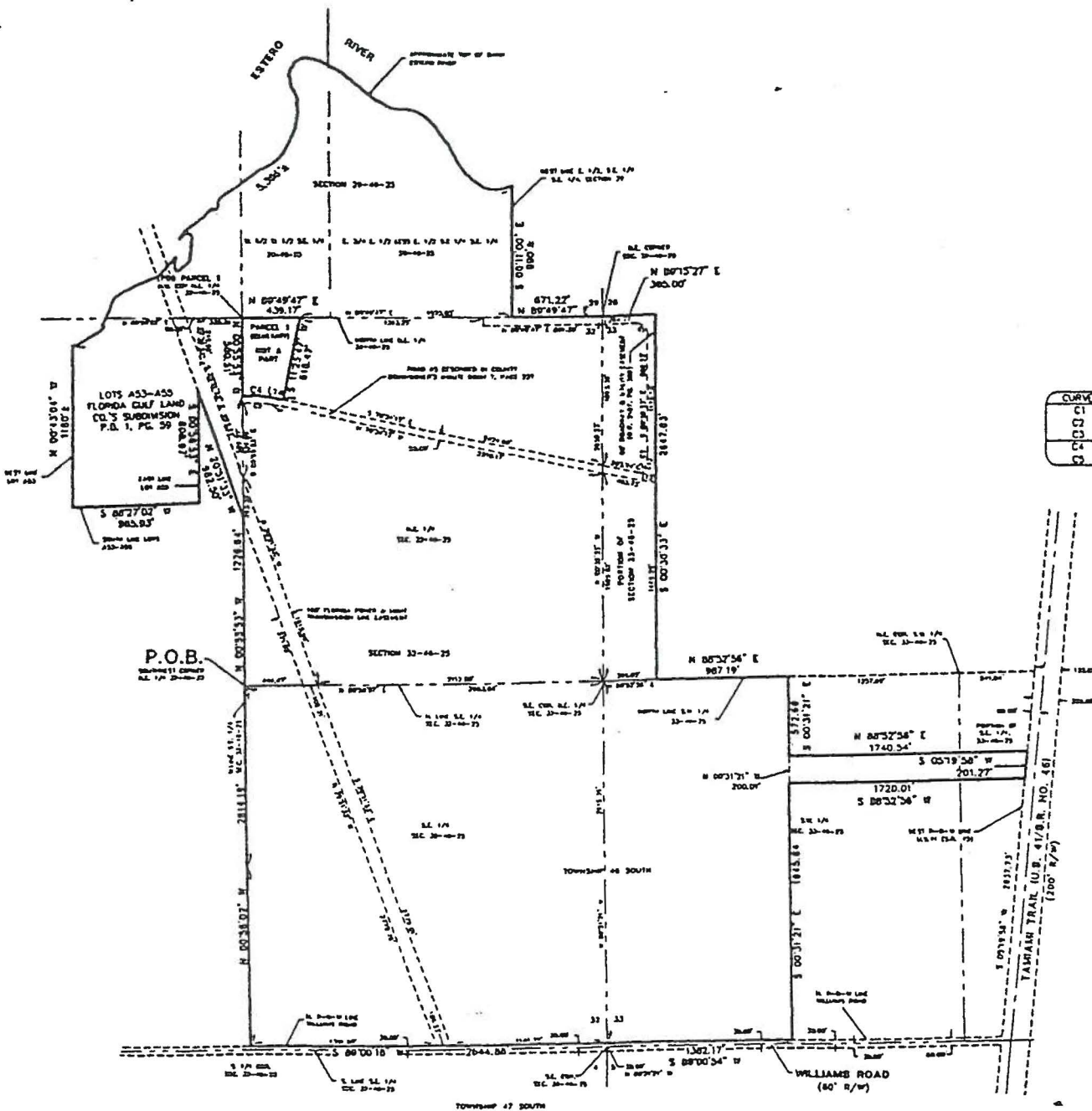
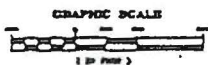
BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN NORTH 89°49'47" EAST, ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32, FOR A DISTANCE OF 439.17 FEET; THENCE RUN SOUTH 11°25'47" WEST FOR A DISTANCE OF 618.47 FEET TO A POINT ON THE NORTH LINE OF A 50.00 ROADWAY EASEMENT DESCRIBED IN COUNTY COMMISSIONERS MINUTE BOOK 7 AT PAGE 237 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN NORTH 78°34'13" WEST, ALONG THE NORTH LINE OF SAID ROADWAY EASEMENT, FOR A DISTANCE OF 75.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTH LINE OF SAID ROADWAY EASEMENT AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 741.20 FEET THROUGH A CENTRAL ANGLE OF 18°09'13", SUBTENDED BY A CHORD OF 233.86 FEET AT A BEARING OF NORTH 87°38'50" WEST, FOR A DISTANCE OF 234.84 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32; THENCE RUN NORTH 00°55'53" WEST, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32, FOR A DISTANCE OF 580.51 FEET TO THE POINT OF BEGINNING, CONTAINING 5.033 ACRES, MORE OR LESS.

BEARINGS REFER TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING NORTH 89°50'02" EAST.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

HOLE, MONTES AND ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA



LINE	DIRECTION	DISTANCE
L1	N 18°05'44" E	307.44
L2	N 06°13'08" E	308.51'
L3	N 18°57'09" W	243.78'
L4	N 44°08'50" W	173.42'
L5	S 43°17'48" E	312.43'
L6	S 81°51'11" E	233.99'
L7	S 52°03'38" E	253.17'
L8	S 30°47'15" E	324.87'
L9	S 49°04'53" E	230.18'
L10	N 87°05'46" E	214.88'
L11	S 00°10'13" E	60.00'
L12	S 11°25'47" W	93.15'
L13	N 78°34'13" W	120.00'
L14	N 78°34'13" W	73.00'

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	70.00'	110.24'	93.20'	N 45°17'33" W	90°14'00"
C2	30.00'	47.12'	42.43'	N 56°25'47" E	90°00'00"
C3	100.00'	70.84'	70.80'	N 05°27'37" E	11°56'20"
C4	741.20'	234.84'	233.86'	N 87°38'50" W	18°02'13"
C5	891.20'	72.07'	723.09'	N 87°51'27" W	18°24'27"

LEGEND

- POINT OF BEGINNING
- POINT OF ENDING
- POINT OF INTERSECTION

NO.	DESCRIPTION	DATE

RIVER RIDGE CDD

DATE	04/18/97
BY	B/CJM
DATE	8/98
BY	B/M
DATE	8/98
BY	B/M
DATE	11/4/00
BY	B/M

HMA
HOLE MONTES & ASSOCIATES
 ENGINEERS-PLANNERS-SURVEYORS
 MAPLES-FORT WATERS-BONNIA SPRINGS
 10030 ABERNATHY STREET-BONNIA SPRINGS, FLORIDA 33923 (813) 992-0783

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

A PORTION OF SECTIONS 29, 32 AND 33
 TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

"THIS IS NOT A SURVEY"

**CORKSCREW ROAD EXTENSION
LEGAL DESCRIPTION
SECTION 33, T. 46 S., R. 25 E.
LEE COUNTY, FLORIDA**

A strip of land 50 feet wide lying in the north half (N-1/2) of Section 33, Township 46 South, Range 25 East, Lee County, Florida lying 25 feet each side of the following described centerline:

From the northwest corner of said northwest quarter (NW-¼) of said Section 33 run N 89° 15' 27" E along the north line of said Section line for 395.00 feet; thence run S 00° 30' 33" E for 1204.07 feet to the Point of Beginning.

From said Point of Beginning run S 78° 34' 13" E for 291.35 feet to a point of curvature; thence run along the arc of a curve to the left of radius 1913.46 feet (delta 11° 34' 40") (chord bearing S 84° 21' 33" E) (chord 386.00 feet) for 386.65 feet to a point of tangency; thence run N89° 51' 07" E for 2225.01 feet to an intersection with the west boundary line of State Road 45 (Tamiami Trail) and the end of the herein described centerline. Also being that same 50 foot right-of-way (ROW) as described in County Commissioner's Minutes Book 7 at page 237 of the Public Records of Lee County.

Contains 3.33 acres, more or less.

Bearings hereinabove mentioned are based on ties to the east boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at pages 58 through 60, Public Records of Lee County, Florida where in said line bears N 00° 18' 31" W.

CERTIFICATE OF INSURANCE

DATE (MM/DD/YY)

08/17/98

PRODUCER
 727-796-6666
 Acordia SE, Central Fla Divsn
 P.O. Box 31666
 Tampa, FL 33631-3666

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

- COMPANY
A HARTFORD INSURANCE GROUP
- COMPANY
B National Union Fire Insurance
- COMPANY
C
- COMPANY
D

INSURED
 WCI Communities Limited
 Partnership ETAL
 24301 Walden Dr. #300
 Bonita Springs FL 34134

COVERAGE

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFF. DATE (MM/DD/YY)	POLICY EXP. DATE (MM/DD/YY)	LIMITS		
A	GENERAL LIABILITY	21UENME9691C	1/01/98	1/01/99	GENERAL AGGREGATE	2000000	
	<input checked="" type="checkbox"/> COMM. GENERAL LIABILITY				PROD-COMP/OP AGG.	2000000	
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERS. & ADV. INJURY	1000000	
	<input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE	1000000	
A	AUTOMOBILE LIABILITY	21UENME9691C	1/01/98	1/01/99	FIRE DAMAGE (One Fire)	300000	
					<input checked="" type="checkbox"/> ANY AUTO	MED EXP (Any one person)	10000
					<input type="checkbox"/> ALL OWNED AUTOS	COMBINED SINGLE LIMIT	1000000
					<input type="checkbox"/> SCHEDULED AUTOS	BODILY INJURY (Per person)	
					<input checked="" type="checkbox"/> RENTED AUTOS	BODILY INJURY (Per accident)	
					<input checked="" type="checkbox"/> NON-OWNED AUTOS	PROPERTY DAMAGE	
					<input type="checkbox"/>	AUTO ONLY-EA ACCIDENT	
					<input type="checkbox"/>	OTHER THAN AUTO ONLY:	
					<input type="checkbox"/>	EACH ACCIDENT	
					<input type="checkbox"/>	AGGREGATE	
B	EXCESS LIABILITY	BE3673203	1/01/98	1/01/99	EACH OCCURRENCE	5000000	
					<input checked="" type="checkbox"/> UMBRELLA FORM	AGGREGATE	5000000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	21W8ME9690	1/01/98	1/01/99	STATUTORY LIMITS		
					<input type="checkbox"/> OTHER THAN UMBRELLA FORM	EACH ACCIDENT	500000
					<input checked="" type="checkbox"/> INCL	DISEASE-POLICY LIMIT	500000
					<input type="checkbox"/> EXCL	DISEASE-EACH EMPL.	500000
	OTHER						

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

RE: PELICAN SOUND ROAD AND LANDSCAPE MAINTENANCE AND HOLD HARMLESS AGREEMENT

CERTIFICATE HOLDER

LEE COUNTY COMMISSIONERS
 P.O. BOX 398
 FT. MYERS, FL 33902

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

James K. Hoyer

RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT

9220 Bonita Beach Road, suite 214
Bonita Springs, FL 34135

August 25, 2015

Randy Cerchie, Acting Director
Lee County Department of Transportation
1500 Monroe St., Fort Myers, FL 33901

Re: Corkscrew Road West Extension; Voluntary Assistance To Lee County Of Repair/Maintenance Activities By River Ridge Community Development District; Contribution To Lee County

Dear Mr. Cerchie:

The River Ridge Community Development District (RRCDD) specifically denies that it has any obligation or responsibility to perform any repair/maintenance work in or on Corkscrew Road West Extension. However, in order to assist Lee County on a one time limited basis in the maintenance of a public road not owned by nor the responsibility of the RRCDD, the RRCDD recently applied for a right-of-way permit (ROWP) to donate its services on a one time limited basis to Lee County over that road way segment that is not the responsibility of the RRCDD. In response, Lee County advised that it would not issue a ROWP for such activity.

This letter is for the purpose of advising Lee County that the RRCDD intends to proceed with the above described activities on a limited one-time basis and that the RRCDD, by engaging in such activities is not accepting, not assuming and not acknowledging that it has any maintenance or ownership responsibility or interest in or for Corkscrew Road West Extension and in fact, as noted above disputes and denies that it has any obligation or responsibility to perform any repair/maintenance work in or on said Corkscrew Road West Extension and RRCDD.

Sincerely,

RIVER RIDGE COMMUNITY DEVELOPMENT DISTRICT



Terry Mountford, Chairman

Cc: Peter Lombardi, Village of Estero

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

11CI

RIVER RIDGE CDD

Key Activity Dates

Updated: February 2022

Description	Reference	Submit To	Due Date	MONTH/DATE
FPL and Outfall Ditch	SOP	N/A	Quarterly reviews and maintenance performed as required. Maintenance completed week of January 3rd.	Jan/May/August/Oct
Bubble-Up Structures located between Gleneagles/Golf Course within the Dry Retention	SOP	N/A	Quarterly reviews and maintenance performed as required. Maintenance completed week of January 3rd.	Jan/May/July/Oct
Street Sweeping @ 5 MPH	SOP	N/A	Weekly December 1 through February & 2 x's per week March thru April 31, Bi weekly remainder of the year. Street Sweeper provides their gate pass to the Foreman with each visit.	January thru December
Additional Street Sweeping by Precision Cleaning	SOP	N/A	Street Sweeping of all Roadways within the Boundaries of the District proposal consideration at the May Draft Budget meeting. To include weekly sweeping September 1st thru November 30th annually.	5/2022 Agenda Item Budget Consideration
Aeration Inspection Review and Reporting	SOP	N/A	Bi-Annual Inspection was completed in December 2021.	June/December
Annual Letter to the Residents to include quarterly Letters submitted by Bob Twombly.	SOP	All Residents as well as PSGRC Staff & mailed to Estero Property Owners Association	Annual news letter to be distributed to all residents during the February time frame providing past projects & accomplishments as well as upcoming events. Board of Supervisors to provide information to District Staff in a timely manner in order to be included in the Newsletter. Newsletters are to be emailed to Pelican Sound GM, Meadows Representative and Mailed to Estero Property Owners Association only.	2/25/2022
NPDES Report Filing	SOP	N/A	As mandated, the District must participate in the National Pollutant Discharge Elimination System Program. It is designed to improve storm water quality through construction activity monitoring, periodic facility review and inspection, public education, etc.	10/1/2022 - Agenda Item - Presentation in October
Lake Littoral Plantings	SOP	N/A	Review of ponds for littoral supplemental planting during annual audit.	5/1/2022
Lake & Dry Retention Audit Report	SOP	N/A	Annual inspection and report of all District owned Lakes & Dry Retention. Report includes review of specific items related to water quality, lake maintenance deficiencies, littoral plant health and population, structural integrity of lake banks and pipework, aerator operation and any unauthorized activities in or adjacent to the lakes.	5/1/2022
Dry Retention Maintenance Projects	SOP	N/A	Annual Maintenance Plan approved at the 6/22/21 BOS meeting for a cost of \$18,350.00. Solitude to commence projects in the dry season 2022. Note: Annual Cord Grass trimming to be completed in October 2022	3/1/2022

Lake Bank Remediation	SOP	N/A	Continue to monitor E8-C for future repairs.	5/1/2022
Certificate of District Registered Voters	190(3)(a)(d)	District receives annually from the local Supervisor of Elections	Due April 15th of each year and must be read into the record at a regularly scheduled meeting (no additional filing is required)	4/15/2022
Culvert/Interconnecting Drain Pipe Inspection and cleanout	SOP	N/A	Annual inspection and report of all District roadside catch basins, interconnect piping and outfall structures. This is an annual agenda item for Board's consideration. Proposal to clean 25% or more.	April 2022 Inspection/Cleaning May 2022
Road & Gutter Inspections & Inspections of asphalt depressions	SOP	N/A	Annual Inspection to be completed by the District Engineer during the month of October. Including review of asphalt depressions in the event we need to ROV a pipe - MRI to inspect if necessary.	Oct-22
Sidewalk & Line of Sight Inspections	SOP	N/A	Inspection completed in August & October by the PSGRC & by the District Engineer. Note: Sidewalk grinder to be rented @ a cost of \$750.00 per week as necessary.	April/October
River (8) Tee Box Harvesting & H1-B Canna Lilly trimming	SOP	N/A	Harvesting to be completed July/October 2022. Staff to mow Canna Lilly at this location, as well as H1-B (resident side of pond) on an annual basis and may be necessary twice per year.	July and October
Water Quality Sampling of Lake H1-B	SOP	N/A	Solitude Lake Management to provide a water quality analysis in order to see the parameters when the lake looks good, so if it goes bad again, we can compare what changed by obtaining an additional sample for comparison.	January 2022 first sample
Annual Financial Report	190.008/218.32 & 39	Florida Department of Financial Services	45 days after the completion of the Annual Financial Audit but no more than 9 month's after the end of Fiscal Year.	6/1/2022
Proposed Budget	189.016, 189.418 & 200.065	Due to local governing authority (county or municipality)	Due to local governing authority (county or municipality) by June 15 each year. Long Range Capitol Improvements forecast to include landscape plans from the PSGRC.	6/15/2022
2023 Proposed Budget to include Golf Course Irrigation System Cost	SOP	N/A	Draft Budget to include updated Golf Course Irrigation Cost	5/1/2023
Assessment Roll Certification	Local County Requirement	Local County Tax Collector	For most counties, submission and certification of the annual assessment roll is due by September 15th of each year.	9/15/2022
Insurance Renewal	SOP	N/A	Bind Insurance for upcoming Fiscal year with an effective of October 1st thru September 30th	10/1/2022
Adopted Budget	189.016, 189.418 & 200.065	Due to local governing authority (county or municipality)	Due to local governing authority (county or municipality) by October 1st each year.	10/1/2022

Qualified Public Depositor Annual Report to CFO	280.17	Department of Financial Services - Division of Treasury - Collateral Management	By November 30 of each year, file annual report for the period ending September 30th.	11/30/2022
Fiscal Year Annual District Filing Fee and Update Form	190, 189.064 & 189.018 & Chapter 73C-24, F.A.C.	Florida department of Economic Opportunity (Special District Accountability Program)	Annual filing fee of \$175.00 is paid to the Florida Department of Economic Opportunity. The filing of the Update Form is required to verify the status of the Special District and to update any changes (including changes to the registered agent). Filing Fee invoice and Update Form is mailed out by the State on October 1st of each year. The fee and form are due and must be postmarked by the following December 3rd.	12/1/2022
Letter of Explanation for the Assessment Levels.	SOP	All Residents as well as PSGRC Staff	BOS requested staff to develop a letter to be sent to Residents explaining the increase in their assessments and is required to be distributed (20) days before the Public Hearing.	To be mailed no later than August 4th annually, as maybe necessary

**RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

11CII

RIVER RIDGE COMMUNITY DEVELOPMENT DISTRICT**BOARD OF SUPERVISORS FISCAL YEAR 2021/2022 MEETING SCHEDULE****LOCATION**

*River Club Conference Center (upstairs above the Fitness Center)
4784 Pelican Sound Boulevard, Estero, Florida 33928*

DATE	POTENTIAL DISCUSSION/FOCUS	TIME	ROOM
October 26, 2021	Regular Meeting	1:00 PM	Sound
Join Zoom Meeting, https://us02web.zoom.us/j/83622713909 Meeting ID: 836 2271 3909 Dial by your location 1 929 205 6099 Meeting ID: 836 2271 3909			
November 9, 2021* CANCELED	Regular Meeting	1:00 PM	Lakes
Join Zoom Meeting, https://us02web.zoom.us/j/84298872943 Meeting ID: 842 9887 2943 Dial by your location 1 929 205 6099 Dial Meeting ID: 842 9887 2943			
December 14, 2021*	Regular Meeting	1:00 PM	Sound
Join Zoom Meeting, https://us02web.zoom.us/j/86551909864 Meeting ID: 865 5190 9864 Dial by your location 1 929 205 6099 Meeting ID: 865 5190 9864			
January 25, 2022	Regular Meeting	1:00 PM	Sound
Join Zoom Meeting, https://us02web.zoom.us/j/86587552750 Meeting ID: 865 8755 2750 Dial by your location 1 929 205 6099 Meeting ID: 865 8755 2750			
February 22, 2022	Regular Meeting	1:00 PM	Sound
Join Zoom Meeting, https://us02web.zoom.us/j/86587552750 Meeting ID: 865 8755 2750 Dial by your location 1 929 205 6099 Meeting ID: 865 8755 2750			
March 22, 2022	Regular Meeting	1:00 PM	Sound
Join Zoom Meeting, https://us02web.zoom.us/j/86587552750 Meeting ID: 865 8755 2750 Dial by your location 1 929 205 6099 Dial by your location Meeting ID: 865 8755 2750			
April 26, 2022	Regular Meeting	1:00 PM	Sound
Join Zoom Meeting, https://us02web.zoom.us/j/86587552750 Meeting ID: 865 8755 2750 Dial by your location 1 929 205 6099 Meeting ID: 865 8755 2750			
May 24, 2022	Regular Meeting	1:00 PM	Sound
Join Zoom Meeting, https://us02web.zoom.us/j/86587552750 Meeting ID: 865 8755 2750 Dial by your location 1 929 205 6099 Meeting ID: 865 8755 2750			

DATE	POTENTIAL DISCUSSION/FOCUS	TIME	ROOM
June 28, 2022	Regular Meeting	1:00 PM	Sound
Join Zoom Meeting, https://us02web.zoom.us/j/86587552750 Meeting ID: 865 8755 2750 Dial by your location 1 929 205 6099 Meeting ID: 865 8755 2750			
July 26, 2022	Regular Meeting	1:00 PM	Sound
Join Zoom Meeting, https://us02web.zoom.us/j/86587552750 Meeting ID: 865 8755 2750 Dial by your location 1 929 205 6099 Meeting ID: 865 8755 2750			
August 23, 2022	Public Hearing & Regular Meeting	1:00 PM	Sound
Join Zoom Meeting, https://us02web.zoom.us/j/86587552750 Meeting ID: 865 8755 2750 Dial by your location 1 929 205 6099 Meeting ID: 865 8755 2750			
September 27, 2022	Regular Meeting	1:00 PM	Sound
Join Zoom Meeting, https://us02web.zoom.us/j/86587552750 Meeting ID: 865 8755 2750 Dial by your location 1 929 205 6099 Meeting ID: 865 8755 2750			

*** Exceptions**

November meeting is two weeks earlier to accommodate the Thanksgiving holiday.

December meeting is two weeks earlier to accommodate the Christmas holiday.