

COLBERT LANDINGS

**COMMUNITY DEVELOPMENT
DISTRICT**

BOARD OF SUPERVISORS

May 11, 2023

**CONTNIUED PUBLIC
HEARINGS AND REGULAR
MEETING AGENDA**

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

AGENDA
LETTER

Colbert Landings Community Development District

OFFICE OF THE DISTRICT MANAGER

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

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

May 4, 2023

ATTENDEES:

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

Board of Supervisors

Colbert Landings Community Development District

Dear Board Members:

The Board of Supervisors of the Colbert Landings Community Development District will hold Continued Public Hearings and a Regular Meeting on May 11, 2023 at 10:00 a.m., at the Hilton Garden Inn Palm Coast, 55 Town Center Blvd., Palm Coast, Florida 32137. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Public Hearing Confirming the Intent of the District to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments as Authorized and Permitted by Section 197.3632, Florida Statutes; Expressing the Need for the Levy of Non-Ad Valorem Assessments and Setting Forth the Legal Description of the Real Property Within the District's Jurisdictional Boundaries that May or Shall Be Subject to the Levy of District Non-Ad Valorem Assessments; Providing for Severability; Providing for Conflict and Providing for an Effective Date
 - A. Affidavit/Proof of Publication
 - B. Consideration of Resolution 2023-27, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Colbert Landings Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date
4. Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements
 - *Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.*

- *Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.*
 - A. Affidavit/Proof of Publication
 - B. Mailed Notice to Property Owner(s)
 - C. Master Engineer's Report *(for informational purposes)*
 - D. Master Special Assessment Methodology Report *(for informational purposes)*
 - E. Consideration of Resolution 2023-28, Authorizing District Projects for Construction and/or Acquisition of Infrastructure Improvements; Equalizing, Approving, Confirming, and Levying Special Assessments on Property Specially Benefited by Such Projects to Pay the Cost Thereof; Providing for the Payment and the Collection of Such Special Assessments by the Methods Provided for by Chapters 170, 190, and 197, Florida Statutes; Confirming the District's Intention to Issue Special Assessment Bonds; Making Provisions for Transfers of Real Property to Governmental Bodies; Providing for the Recording of an Assessment Notice; Providing for Severability, Conflicts and an Effective Date
5. Public Hearing to Hear Public Comments and Objections to the Adoption of the Rules of Procedure, Pursuant to Sections 120.54 and 190.035, Florida Statutes
- A. Affidavits of Publication
 - B. Consideration of Resolution 2023-29, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date
6. Consideration of Resolution 2023-07, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date
7. Consideration of Resolution 2023-14, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date
8. Consideration of Resolution 2023-18, Approving Proposed Budgets for Fiscal Year 2022/2023 and Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date
9. Consideration of Fiscal Year 2022/2023 and 2023/2024 Budget Funding Agreement

10. Approval of March 28, 2023 Organizational Meeting Minutes
11. Staff Reports
 - A. District Counsel: *Kilinski / Van Wyk, PLLC*
 - B. District Engineer (Interim): *Gulfstream Design Group, LLC*
 - C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - 0 Registered Voters in District as of April 15, 2023
 - NEXT MEETNG DATE: May 24, 2023 at 10:00 AM [Landowners' Meeting;
Board is not required to attend]
12. Board Members' Comments/Requests
13. Public Comments
14. Adjournment

If you should have any questions or concerns, please do not hesitate to contact me directly at (561) 909-7930.

Sincerely,



Daniel Rom
District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE

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

PARTICIPANT PASSCODE: 528 064 2804

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

3A

PROOF OF PUBLICATION

Daphne Gillyard
Colbert Landings Community Development District
2300 Glades RD # 410W
Boca Raton FL 33431-8556

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, said legal clerk, who, on oath says that he/she is LEGAL COORDINATOR of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Public Notices in the Circuit Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

04/03/2023, 04/10/2023, 04/17/2023, 04/24/2023

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he 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. Subscribed and sworn to before on 04/24/2023

[Signature]

Legal Clerk
[Signature]
Notary, State of WI, County of Brown

317127

My commission expires

Publication Cost: \$1397.16

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COLBERT LANDINGS COMMUNITY
DEVELOPMENT DISTRICT
NOTICE OF THE DISTRICT'S
INTENT TO USE THE UNIFORM
METHOD OF COLLECTION OF NON-
AD VALOREM SPECIAL
ASSESSMENTS

Notice is hereby given that the Colbert Landings Community Development District (the "District"), intends to use the uniform method of collecting non-ad valorem special assessments to be levied by the District pursuant to Section 197.3632, Florida Statutes. The Board of Supervisors of the District will conduct a public hearing on Monday, May 1, 2023 at 10:00 a.m., at the Hilton Garden Inn Palm Coast Town Center, 35 Town Center Blvd., Palm Coast, Florida 32137. The purpose of the public hearing is to consider the adoption of a resolution authorizing the District to use the uniform method of collecting non-ad valorem special assessments ("Uniform Method") to be levied by the District on properties located on land included within the District.

The District may levy non-ad valorem special assessments for the purpose of financing, acquiring, maintaining and/or operating community development facilities, services and improvements within and without the boundaries of the District, which may consist of, among other things, recreational facilities, stormwater management improvements, irrigation, landscape, roadways, and other lawful improvements or services within or without the boundaries of the District.

Owners of the properties to be assessed and other interested parties may appear at the public hearing and be heard regarding the use of the Uniform Method. This hearing is open to the public and will be conducted in accordance with the provisions of Florida law. The public hearing may be continued to a date, time, and location to be specified on the record of the hearing.

There may be occasions when Supervisors or District Staff may participate by speaker telephone. Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office, c/o Wrothell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (561) 571-0010, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Office.

A person who decides to appeal any decision made at the hearing with respect to any matter considered at the hearing is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

District Manager
L18641454 April 3, 10, 17, 24, 2023 11

KAITLYN FELTY
Notary Public
State of Wisconsin

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

3B

RESOLUTION 2023-27

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT EXPRESSING ITS INTENT TO UTILIZE THE UNIFORM METHOD OF LEVYING, COLLECTING, AND ENFORCING NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED BY THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT IN ACCORDANCE WITH SECTION 197.3632, FLORIDA STATUTES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Colbert Landings Community Development District (“District”) was established pursuant to the provisions of Chapter 190, *Florida Statutes*, which authorizes the District to levy certain assessments which include benefit and maintenance assessments and further authorizes the District to levy special assessments pursuant to Chapters 170 and 197, *Florida Statutes*, for the acquisition, maintenance, construction, or reconstruction of assessable improvements authorized by Chapter 190, *Florida Statutes*; and

WHEREAS, the above referenced assessments are non-ad valorem in nature and, therefore, may be levied and collected under the provisions of Section 197.3632, *Florida Statutes*, in which the State of Florida has provided a uniform method for the levying, collecting, and enforcing such non-ad valorem assessments (“Uniform Method”); and

WHEREAS, the Board has previously adopted Resolution 2023-24 declaring the intent to use the Uniform Method for the levy, collection and enforcement of non-ad valorem special assessments authorized by Section 197.3632, *Florida Statutes*, over certain lands within the District as described therein; and

WHEREAS, pursuant to Section 197.3632, *Florida Statutes*, the District has caused notice of a public hearing on the District’s intent to use the Uniform Method to be advertised weekly in a newspaper of general circulation within Flagler County for four (4) consecutive weeks prior to such hearing; and

WHEREAS, the District has held a public hearing pursuant to Section 197.3632, *Florida Statutes*, where public and landowners were allowed to give testimony regarding the use of the Uniform Method; and

WHEREAS, the District desires to use the Uniform Method for the levy, collection and enforcement of non-ad valorem special assessments authorized by Section 197.3632, *Florida Statutes*, for special assessments, including benefit and maintenance assessments, over all the lands in the District as further described in **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The Colbert Landings Community Development District, upon conducting its public hearing as required by Section 197.3632, *Florida Statutes*, hereby expresses its need and intent to use the Uniform Method of collecting assessments imposed by the District over the lands described in **Exhibit A**, as provided in Chapters 170 and 190, *Florida Statutes*, each of which are non-ad valorem assessments which may be collected annually pursuant to the provisions of Chapter 190, *Florida Statutes*, for the purpose of paying principal and interest on any and all of its indebtedness and for the purpose of paying the cost of operating and maintaining its assessable improvements. The legal description of the boundaries of the real property subject to a levy of assessments is attached and made a part of this Resolution as **Exhibit A**. The non-ad valorem assessments and the District's use of the uniform method of collecting its non-ad valorem assessment(s) may continue in any given year when the Board of Supervisors determines that use of the uniform method for that year is in the best interests of the District.

SECTION 2. The District's Secretary is authorized to provide the Property Appraiser and Tax Collector of Flagler County and the Department of Revenue of the State of Florida with a copy of this Resolution and enter into any agreements with the Property Appraiser and/or Tax Collector necessary to carry out the provisions of this Resolution.

SECTION 3. If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 4. This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this 11th day of May, 2023.

ATTEST:

**COLBERT LANDINGS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Legal Description of the Property

Exhibit A

Legal Description of the Property

Legal Descriptions

A PARCEL OF LAND LYING AND BEING IN U.S. GOVERNMENT SECTIONS 3, 39 AND 40, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT A 6" X 6" CONCRETE MONUMENT WITH BRASS DISK STAMPED "ORIGINAL SEC. COR. U.S. LAND SURVEY #261" FOUND AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND RUN THENCE ALONG THE WEST LINE OF SAID SECTION 11, SOUTH 01°28'12" EAST, 1280.33 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "LB 6566"; THENCE CONTINUE ALONG SAID WEST LINE, SOUTH 01°28'12" EAST, 691.36 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 88°13'11" EAST 659.28 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION; THENCE SOUTH 01°32'40" EAST, 673.19 FEET TO THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 251, PAGE 547, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; SAID LINE ALSO BEING 14.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 100 (F.D.O.T. SECTION 73020-2515), A 200 FOOT WIDE PUBLIC RIGHT OF WAY; THENCE ALONG SAID PARALLEL LINE SOUTH 89°29'02" EAST, 386.53 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" FOUND AT THE INTERSECTION OF SAID PARALLEL LINE AND THE WESTERLY RIGHT OF WAY LINE OF A 15 FOOT WIDE BIKE PATH RIGHT OF WAY, ALSO KNOWN AS PARCEL "B", AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 591 PAGE 773, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 05°36'17" EAST, 898.02 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" FOUND AT THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE WEST; HAVING A RADIUS OF 1895.00 FEET AND A DELTA ANGLE OF 48°32'17", WHOSE CHORD BEARS NORTH 18°39'51" WEST; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, ALONG THE ARC OF SAID CURVE IN A NORTHERLY AND COUNTER CLOCKWISE DIRECTION, 1605.35 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, TANGENT TO THE LAST CURVE, NORTH 42°56'00" WEST, 51.23 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A 15 FOOT WIDE PUBLIC BIKE PATH RIGHT OF WAY AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 474, PAGE 820, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1725.00 FEET AND A DELTA ANGLE OF 00°47'54", WHOSE CHORD BEARS NORTH 49°16'55" WEST; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE IN A NORTHWESTERLY AND COUNTER-CLOCKWISE DIRECTION, 24.03 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, TANGENT TO THE LAST CURVE, NORTH 49°40'52" WEST, 322.47 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION FOUND AT THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2075.00 FEET AND A DELTA ANGLE OF 20°49'27", WHOSE CHORD BEARS NORTH 39°16'08" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 754.16 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, SOUTH 61°02'26" WEST, 132.61 FEET TO THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 76.20 FEET AND A DELTA ANGLE OF 90°53'14", WHOSE CHORD BEARS NORTH 73°30'57" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 120.87 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION FOUND AT THE BEGINNING OF A COMPOUND CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2381.20 FEET AND A DELTA ANGLE OF 07°08'07", WHOSE CHORD BEARS NORTH 24°30'17" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 296.54 FEET TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 76.20 FEET AND A DELTA ANGLE OF 90°53'13", WHOSE CHORD BEARS NORTH 24°30'23" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHEASTERLY AND CLOCKWISE DIRECTION, 120.87 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" SAID CONCRETE MONUMENT ALSO BEING THE POINT OF BEGINNING OF THE LANDS BEING DESCRIBED; THENCE TANGENT TO THE LAST CURVE, NORTH 69°57'00" EAST, 143.00 FEET TO AN INTERSECTION WITH THE AFORESAID 15 FOOT WIDE PUBLIC BIKE PATH RIGHT OF WAY AS

DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 474, PAGE 820, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2075.00 FEET AND A DELTA ANGLE OF 14°15'57", WHOSE CHORD BEARS NORTH 10°10'32" WEST; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE IN A NORTHERLY AND CLOCKWISE DIRECTION, 516.64 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, NORTH 79°37'07" WEST, 378.84 FEET, THENCE NORTH 47°30'38" WEST, 210.90 FEET; THENCE NORTH 08°02'07" WEST, 278.13 FEET; THENCE NORTH 42°31'19" WEST, 644.26 FEET; THENCE NORTH 63°57'47" WEST, 302.89 FEET; THENCE NORTH 85°53'27" WEST, 132.53 FEET; THENCE NORTH 03°36'14" EAST, 123.70 FEET; THENCE NORTH 43°33'24" WEST, 406.24 FEET; THENCE SOUTH 43°05'57" WEST, 91.04 FEET; THENCE SOUTH 04°15'25" WEST, 104.75 FEET; THENCE SOUTH 40°22'25" WEST, 324.10 FEET; THENCE SOUTH 80°06'11" WEST, 55.25 FEET; THENCE NORTH 27°50'43" EAST, 332.95 FEET; THENCE NORTH 00°00'00" EAST, 85.47 FEET; THENCE NORTH 47°33'46" EAST, 191.77 FEET; THENCE NORTH 15°15'48" WEST, 155.15 FEET; THENCE NORTH 34°00'46" WEST, 636.31 FEET; THENCE SOUTH 85°20'40" WEST, 87.82 FEET; THENCE SOUTH 12°52'08" WEST, 314.39 FEET; THENCE NORTH 77°50'07" WEST, 101.47 FEET; THENCE NORTH 17°19'15" WEST, 156.79 FEET; THENCE NORTH 71°16'17" WEST, 309.76 FEET; THENCE SOUTH 78°29'33" WEST, 105.55 FEET; THENCE NORTH 58°58'10" WEST, 118.93 FEET; THENCE NORTH 00°58'16" EAST, 127.06 FEET; THENCE SOUTH 66°43'11" EAST, 277.69 FEET; THENCE NORTH 39°57'04" EAST, 104.92 FEET; THENCE SOUTH 67°50'42" EAST, 245.71 FEET; THENCE NORTH 37°03'07" WEST, 803.78 FEET; THENCE SOUTH 58°52'20" WEST, 606.67 FEET; THENCE SOUTH 49°01'16" WEST, 347.81 FEET; THENCE SOUTH 11°33'59" EAST, 145.51 FEET; THENCE SOUTH 32°19'01" WEST, 185.55 FEET; THENCE SOUTH 26°09'35" EAST, 79.41 FEET; THENCE SOUTH 28°37'27" WEST, 194.88 FEET; THENCE SOUTH 12°48'41" EAST, 131.57 FEET; THENCE SOUTH 39°58'25" EAST, 279.70 FEET; THENCE SOUTH 11°49'24" EAST, 69.15 FEET; THENCE SOUTH 07°16'18" EAST, 1441.48 FEET; THENCE SOUTH 37°58'06" EAST, 1030.47 FEET; THENCE SOUTH 68°55'03" EAST, 134.66 FEET; THENCE NORTH 23°12'03" EAST, 19.66 FEET; THENCE NORTH 14°17'00" EAST, 35.87 FEET; THENCE NORTH 27°21'21" WEST, 36.08 FEET; THENCE NORTH 41°53'24" WEST, 52.96 FEET; THENCE NORTH 23°06'37" WEST, 65.21 FEET; THENCE NORTH 26°21'14" WEST, 52.61 FEET; THENCE NORTH 42°14'07" WEST, 56.80 FEET; THENCE NORTH 30°24'21" WEST, 68.42 FEET; THENCE NORTH 00°37'21" WEST, 13.30 FEET; THENCE NORTH 29°09'39" EAST, 47.69 FEET; THENCE NORTH 34°24'50" EAST, 3.75 FEET; THENCE NORTH 85°44'23" EAST, 372.47 FEET; THENCE TO A POINT ON A TANGENTIAL CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 645.00 FEET AND A DELTA ANGLE OF 42°29'14", WHOSE CHORD BEARS NORTH 64°29'46" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHEASTERLY AND COUNTER-CLOCKWISE DIRECTION, 478.29 FEET; THENCE NORTH 43°15'09" EAST, 159.41 FEET; THENCE SOUTH 77°42'13" EAST, 85.36 FEET; THENCE NORTH 63°08'32" EAST 33.73 FEET; THENCE SOUTH 61°46'15" EAST, 26.08 FEET; THENCE SOUTH 06°41'01" EAST, 39.51 FEET; THENCE SOUTH 74°40'55" EAST, 41.27 FEET; THENCE NORTH 17°32'20" WEST, 17.16 FEET; THENCE NORTH 32°33'17" EAST, 23.37 FEET; THENCE NORTH 82°38'55" EAST, 72.30 FEET; THENCE NORTH 72°43'57" EAST, 53.76 FEET; THENCE SOUTH 57°36'12" EAST, 163.54 FEET TO A POINT ON A NON-TANGENTIAL CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 170.00 FEET AND A DELTA ANGLE OF 26°19'49", WHOSE CHORD BEARS SOUTH 79°52'53" EAST; THENCE ALONG THE ARC, OF SAID CURVE IN A SOUTHEASTERLY AND CLOCKWISE DIRECTION, 78.12 FEET; THENCE NORTH 20°09'45" EAST, 122.93 FEET TO A POINT ON A NON-TANGENTIAL CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 815.00 FEET AND A DELTA ANGLE OF 01°12'41"; WHOSE CHORD BEARS SOUTH 70°26'35" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHEASTERLY AND COUNTER-CLOCKWISE DIRECTION 17.23 FEET TO A POINT OF REVERSE CURVATURE; THENCE ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 225.00 FEET AND A DELTA ANGLE OF 29°22'15", WHOSE CHORD BEARS SOUTH 56°21'48" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHEASTERLY AND CLOCKWISE DIRECTION, 115.34 FEET; THENCE NORTH 48°19'19" EAST, 176.46 FEET; THENCE SOUTH 31°22'57" EAST, 337.36 FEET; THENCE SOUTH 58°37'03" WEST, 21.62 FEET; THENCE SOUTH 31°22'57" EAST, 170.00 FEET; THENCE NORTH 58°37'03" EAST, 120.00 FEET; THENCE SOUTH 31°22'57" EAST, 40.67 FEET; THENCE NORTH 00°50'41" WEST, 7.61 FEET; THENCE NORTH 38°05'23" EAST, 51.52 FEET; THENCE NORTH 73°10'15" EAST, 16.01 FEET; THENCE SOUTH 70°53'31" EAST, 61.73 FEET; THENCE SOUTH 50°53'52" EAST, 52.03 FEET; THENCE SOUTH 16°27'39" EAST, 55.82 FEET; THENCE SOUTH 32°59'09" EAST, 30.95 FEET; THENCE SOUTH 38°49'18" EAST, 64.12 FEET; THENCE SOUTH 14°45'31" EAST, 10.50 FEET; THENCE SOUTH

08°35'43" WEST, 46.61 FEET; THENCE SOUTH 21°39'02" EAST, 51.76 FEET; THENCE NORTH 62°10'19" EAST, 205.13 FEET; THENCE NORTH 69°57'00" EAST, 194.43 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF LAND LYING IN SECTIONS 3, 10, 11 AND 39, TOWNSHIP 12 SOUTH, RANGE 31 EAST, CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA, BEING A PORTION OF LANDS OF COLBERT LANE, LLC. AS RECORDED IN ORB 861, PG 1536, A PORTION OF SAID LANDS BEING A PORTION OF LOTS 4, 5 AND 6, BLOCK B. SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST OF THE PLAT OF BUNNELL DEVELOPMENT COMPANY AS RECORDED IN MAP BOOK (MB) 1, PAGE (PG) 1 OF THE PUBLIC RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY (R/W) LINE OF STATE ROAD 100, A 200 FOOT WIDE R/W PER STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 73020 -2515 AND THE EAST LINE OF SAID SECTION 10; THENCE RUN N01°28'12"W ON THE EAST LINE OF SAID SECTION 10 AND THE WEST LINE OF SAID PLAT OF BUNNELL DEVELOPMENT COMPANY FOR A DISTANCE OF 1,353.10 FEET TO THE POINT OF BEGINNING, SAID POINT BEARS N01°28'12"W, 1.00 FEET FROM THE NORTHEAST CORNER OF EDGE PROPERTIES, LLC AS RECORDED IN OFFICIAL RECORDS BOOK (ORB) 961, PG 1149; THENCE DEPARTING SAID SECTION AND PLAT LINES, RUN ON A LINE LYING 1.00 FOOT NORTH OF AND PARALLEL TO THE NORTH LINE OF SAID EDGE PROPERTIES, S89°37'11"W OVER AND ACROSS LANDS OF COLBERT LANE, LLC AS RECORDED IN ORB 861, PG 1536 FOR A DISTANCE OF 1,640.62 FEET TO A POINT, SAID POINT BEARS N01°28'12"W, 1.00 FEET FROM THE NORTHWEST CORNER OF SAID EDGE PROPERTIES; THENCE RUN S89°34'26"W FOR A DISTANCE OF 1,251.87 FEET TO A POINT ON THE EASTERLY LINE OF LANDS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION AS RECORDED IN ORB 551, PG 594 AND ORB 552, PG 1273; THENCE RUN N37°09'48"W ON SAID EASTERLY LINE FOR A DISTANCE OF 62.64 FEET TO A POINT; THENCE RUN N03°29'47"W FOR A DISTANCE OF 762.72 FEET TO A POINT; THENCE RUN N52°05'15"E FOR A DISTANCE OF 552.54 FEET TO A POINT; THENCE RUN N19°41'16"W FOR A DISTANCE OF 744.45 FEET TO A POINT; THENCE RUN N68°55'03"W FOR A DISTANCE OF 170.22 FEET TO A POINT, SAID POINT BEING ON THE SOUTHERLY LINE OF WATERFORD INVESTMENT PROPERTIES, INC. AS RECORDED IN ORB 1648, PG 766; THENCE DEPARTING SAID EASTERLY LINE RUN ON SAID SOUTHERLY LINE THE FOLLOWING 12 COURSES, 1) N23°12'03"E, 19.66 FEET; 2) N14°17'00"E, 35.87 FEET; 3) N27°21'21"W, 36.08 FEET; 4) N41°53'24"W, 52.96 FEET; 5) N23°06'37"W, 65.21 FEET; 6) N26°21'14"W, 52.61 FEET; 7) N42°14'07"W, 56.80 FEET; 8) N30°24'21"W, 68.42 FEET; 9) N00°37'21"W, 13.30 FEET; 10) N29°09'39"E, 47.69 FEET; 11) N34°24'50"E, 3.75 FEET; 12) N85°44'23"E, 372.47 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ON SAID CURVE TO THE LEFT HAVING AN ARC LENGTH OF 478.29 FEET, A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 42°29'14", A CHORD LENGTH OF 467.41 FEET AND A CHORD BEARING OF N64°29'46"E TO A POINT OF TANGENCY; THENCE RUN THE FOLLOWING 11 COURSES, 1) N43°15'09"E, 159.41 FEET; 2) S77°42'13"E, 85.36 FEET; 3) N63°08'32"E, 33.73 FEET; 4) S61°46'15"E, 26.08 FEET; 5) S06°41'01"E, 39.51 FEET; 6) S74°40'55"E, 41.27 FEET; 7) N17°32'20"W, 17.16 FEET; 8) N32°33'17"E, 23.37 FEET; 9) N82°38'55"E, 72.30 FEET; 10) N72°43'57"E, 53.76 FEET; 11) S57°36'12"E, 163.54 FEET TO A POINT ON A NONTANGENT CURVE; THENCE RUN EASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 78.12 FEET, A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 26°19'49", A CHORD LENGTH OF 77.44 FEET AND A CHORD BEARING OF S79°52'53"E TO A POINT ON A NONTANGENT LINE; THENCE RUN N20°09'45"E FOR A DISTANCE OF 122.93 FEET TO A POINT ON A NONTANGENT CURVE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE LEFT HAVING AN ARC LENGTH OF 17.23 FEET, A RADIUS OF 815.00 FEET, A CENTRAL ANGLE OF 1°12'41", A CHORD LENGTH OF 17.23 FEET AND A CHORD BEARING OF S70°26'35"E TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 115.34 FEET, A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 29°22'15", A CHORD LENGTH OF 114.08 FEET AND A CHORD BEARING OF S56°21'48"E TO A POINT ON A NONTANGENT LINE; THENCE RUN THE FOLLOWING 17 COURSES, 1) N48°19'19"E, 176.46 FEET; 2) S31°22'57"E, 337.36 FEET; 3) S58°37'03"W, 21.62 FEET; 4) S31°22'57"E, 170.00 FEET; 5) N58°37'03"E, 120.00 FEET; 6) S31°22'57"E, 40.67 FEET; 7) N00°50'41"W, 7.61 FEET;

8) N38°05'23"E, 51.52 FEET; 9) N73°10'15 "E, 16.01 FEET; 10) S70°53'31"E, 61.73 FEET; 11) S50°53'52"E, 52.03 FEET; 12) S16°27'39"E, 55.82 FEET; 13) S32°59'09"E, 30.95 FEET; 14) S38°49'18"E, 64.72 FEET; 15) S14°45'31"E, 10.50 FEET; 16) S08°35'43"W, 46.61 FEET; 17) S23°39'02"E, 51.80 FEET TO A POINT ON THE NORTHWESTERLY LINE OF FLAGLER LIFESTYLE COMMUNITIES, AS RECORDED IN ORB 1190, PG 1606; THENCE RUN S62°10'19"W ON SAID NORTHWESTERLY LINE FOR A DISTANCE OF 192.30 FEET TO A POINT; THENCE RUN S31°22'57"E FOR A DISTANCE OF 1,542.48 FEET TO A POINT; THENCE RUN N58°37'03"E FOR A DISTANCE OF 867.83 FEET TO A POINT ON THE WESTERLY LINE OF A 15 FOOT WIDE STRIP OF LANDS OF FLAGLER COUNTY, AS RECORDED IN ORB 474, PG 820, SAID STRIP OF LAND LYING PARALLEL TO AND ABUTTING THE WESTERLY R/W LINE OF COLBERT LANE, A 120 FOOT WIDE R/W AS RECORDED IN ORB 455, PG 876; THENCE DEPARTING SAID FLAGLER LIFESTYLE COMMUNITIES, RUN ON THE WESTERLY LINE OF SAID 15 FOOT STRIP S49°40'53"E FOR A DISTANCE OF 11.27 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 24.28 FEET, A RADIUS OF 1,725.00 FEET, A CENTRAL ANGLE OF 0°48'23", A CHORD LENGTH OF 24.28 FEET AND A CHORD BEARING OF S49°16'41 "E TO A POINT ON A NONTANGENT LINE, SAID POINT BEING ON THE WESTERLY LINE OF A 15 FOOT WIDE STRIP OF LANDS OF FLAGLER COUNTY, (PARCEL B) AS RECORDED IN ORB 591, PG 773, SAID STRIP OF LAND LYING PARALLEL TO AND ABUTTING THE WESTERLY R/W LINE OF COLBERT LANE, A 200 FOOT WIDE R/W (PARCEL A) AS RECORDED IN ORB 591, PG 773; THENCE DEPARTING SAID 15 FOOT WIDE STRIP AS RECORDED IN ORB 474, PG 820, RUN S42°55'59"E ON SAID 15 FOOT STRIP AS RECORDED IN ORB 591, PG 773, FOR A DISTANCE OF 36.95 FEET TO A POINT; THENCE DEPARTING SAID 15 FOOT STRIP RUN S58°37'03W OVER AND ACROSS SAID LANDS OF COLBERT LANE, LLC FOR A DISTANCE OF 793.83 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 10; THENCE RUN S01°28'12"E FOR A DISTANCE OF 618.62 FEET TO THE POINT OF BEGINNING.

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

4A

PROOF OF PUBLICATION

Daphne Gillyard
Colbert Landings Community Development District
2300 Glades RD # 410W
Boca Raton FL 33431-8556

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, said legal clerk, who, on oath says that he/she is LEGAL COORDINATOR of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Classified Legal CLEGL in the Circuit Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

04/11/2023, 04/18/2023

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he 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. Subscribed and sworn to before on 04/18/2023

Legal Clerk



Notary, State of WI, County of Brown

3/7/27

My commission expires

Publication Cost: \$11611.94

Order No: 8684109

of Copies:

Customer No: 923892

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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin



NOTICE OF PUBLIC HEARING TO CONSIDER IMPOSITION OF SPECIAL ASSESSMENTS PURSUANT TO SECTION 170.07, FLORIDA STATUTES, BY THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF ASSESSMENT
ROLL PURSUANT TO SECTION 197.3632(4)(b), FLORIDA STATUTES, BY
THE
COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT

NOTICE OF REGULAR MEETING OF THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors ("Board") of the Colbert Landings Community Development District ("District") will hold a public hearing on Monday, May 1, 2023 at 10:00 a.m., or as soon thereafter as the matter may be heard, at the Hilton Garden Inn Palm Coast, 55 Town Center Boulevard, Palm Coast, Florida 32137 to consider the adoption of an assessment roll, the imposition of special assessments to secure proposed bonds on benefited lands within the District, a depiction of which lands is shown below, and to provide for the levy, collection and enforcement of the special assessments. The streets and areas to be improved are geographically depicted below and in the District's Engineer's Report for the Colbert Landings Community Development District, dated March 28, 2023, as may be further amended (the master project described therein, the "CIP"). The public hearing is being conducted pursuant to Chapters 170, 190 and 197, Florida Statutes. A description of the property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the office of the District Manager located at c/o Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (561) 571-0010 ("District Manager's Office"). The District is a unit of special-purpose local government responsible for providing infrastructure improvements for lands within the District. The infrastructure improvements expected to be funded by the District ("Improvements") are described in the CIP, and are currently expected to include, but are not limited to stormwater management system, roadways, water and wastewater systems, hardscape/landscape/irrigation, environmental conservation, amenities, off-site improvements, and other improvements, all as more specifically described in the CIP, on file and available during normal business hours at the District Manager's Office. According to the CIP, the estimated cost of the Improvements, including contingency and professional services, is \$41,695,139.00.

The District intends to impose assessments on benefited lands within the District in the manner set forth in the District's Master Special Assessment Methodology for Colbert Landings Community Development District, dated March 28, 2023, as may be amended and supplemented ("Assessment Report"), which is also on file and available during normal business hours at the District Manager's Office. The purpose of any such assessment is to secure the bonds issued to fund the Improvements.

As described in more detail in the Assessment Report, the District's assessments will be levied against all benefited lands within the District. The Assessment Report identifies maximum assessment amounts for each land use category that is currently expected to be assessed. The method of allocating assessments for the Improvements to be funded by the District will initially be determined on an equal assessment per gross acre basis and will be allocated on an equivalent residential unit ("ERU") basis at the time that such property is platted or subject to a site plan. Please consult the Assessment Report for a more detailed explanation of the methodology.

The annual principal assessment levied against each parcel will be based on repayment over thirty (30) years of the total debt allocated to each parcel. The District expects to collect sufficient revenues to retire no more than \$57,370,000 in debt to be assessed by the District, exclusive of fees and costs of collection or enforcement, discounts for early payment and interest. The proposed annual schedule of assessments is as follows:

Land Use	Total # of Units/Acres	ERU Factor	Proposed Maximum Principal Per Unit/Acre	Proposed Maximum Annual Assessment Per Unit*
Single Family 50'	374	1.00	\$113,919.78	\$10,765.11
Single-Family 60'	108	1.20	\$137,703.73	\$12,918.13

* Includes costs of collection and early payment discounts when collected on the County tax bill. All amounts stated herein are subject to change and/or final determination at the public hearings and meeting identified above. Specific maximum amounts expected per parcel or product type are as set forth in the Assessment Report.

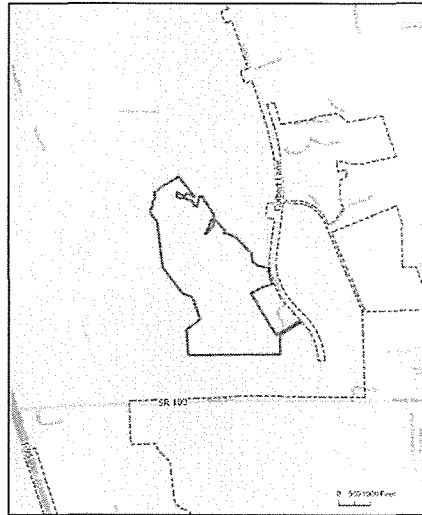
The assessments may be prepaid in whole at any time, or in some instances in part, or may be paid in not more than thirty (30) annual installments subsequent to the issuance of debt to finance the improvements. These annual assessments are anticipated to be collected on the Flagler County tax roll by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

At the same date, time, and place, the Board will hold a regular public meeting to consider any other business that may lawfully be considered by the District. The Board meeting and hearings are open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. The Board meeting and/or the public hearings may be continued in

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

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager's Office, Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, or by calling (561) 571-0010, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office.

COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT



RESOLUTION 2023-25

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

WHEREAS, the Colbert Landings Community Development District ("District") was established by Ordinance No. 2023-2 as adopted by the City Council of the City of Palm Coast, Florida, effective March 7, 2023, and is a local unit of special-purpose government organized and existing under and pursuant to Chapter 190, Florida Statutes, as amended, located entirely within the City of Palm Coast, Florida; and

WHEREAS, the District is authorized by Chapter 190, Florida Statutes, to finance, fund, plan, establish, acquire, install, equip, operate, extend, or construct certain improvements, including but not limited to: transportation facilities, utility facilities, recreational facilities, and other infrastructure projects, and services necessitated by the development of, and serving lands within, the District; and

WHEREAS, the Board of Supervisors ("Board") of the District hereby determines to undertake, install, plan, establish, construct or reconstruct, enlarge or extend, equip, acquire, operate, and/or maintain the infrastructure improvements described in the District's Engineer's Report for The Colbert Landings Community Development District, dated March 28, 2023 attached hereto as Exhibit A and incorporated herein by reference ("CIP" and the improvements described therein, the "Improvements"); and

WHEREAS, it is in the best interest of the District to pay all or a portion of the cost of the Improvements by special assessments levied on benefited lands within the District pursuant to Chapters 170, 190 and 197, Florida Statutes ("Assessments"); and

WHEREAS, the District is empowered by Chapters 170, 190, and 197, Florida Statutes, to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain the Improvements and to impose, levy and collect the Assessments; and

WHEREAS, this Resolution shall serve as the "resolution required to declare special assessments" contemplated by Section 170.03, Florida Statutes, for the assessment liens(s) levied against the property as described in Exhibits A and B that secure the Assessments.

WHEREAS, as set forth in the Master Special Assessment Methodology Report, dated March 28, 2023, attached hereto as Exhibit B and incorporated herein by reference ("Assessment Report"), and on file at Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 ("District Records Office"), the District hereby finds and determines that:

- benefits from the Improvements will accrue to the property improved,
- the amount of those benefits will exceed the amount of the Assessments, and
- the Assessments are fairly and reasonably allocated.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT:

- AUTHORITY FOR THIS RESOLUTION; INCORPORATION OF RECITALS.** This Resolution is adopted pursuant to the provisions of Florida law, including without limitation Chapters 170, 190, and 197, Florida Statutes. The recitals stated above are incorporated herein and are adopted by the Board as true and correct statements.
- DECLARATION OF ASSESSMENTS.** The Board hereby declares

that it has determined to undertake all or a portion of the Improvements and to defray all or a portion of the cost thereof by the Assessments and is as set forth in the Assessment Report attached as Exhibit B.

3. **DESIGNATING THE NATURE AND LOCATION OF IMPROVEMENTS.** The nature and general location of, and plans and specifications for, the Improvements are described in Exhibit A and as set forth in the CIP, which is on file at the District Records Office. Exhibit B is also on file and available for public inspection at the same location.

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

A. The total estimated construction cost of the Improvements is \$41,695,139 ("Estimated Cost").

B. The Assessments will defray approximately \$57,370,000.00 which is the anticipated maximum par value of any bonds and which includes all or a portion of the Estimated Cost, as well as other financing-related costs, capitalized interest, and a debt service reserve as set forth in Exhibit B.

C. The manner in which the Assessments shall be apportioned and paid is set forth in the Assessment Report attached as Exhibit B, as may be modified by supplemental assessment resolutions. Commencing with the years in which the Assessments are certified for collection, the Assessments shall each be paid in not more than thirty (30) annual installments. The Assessments may be payable at the same time and in the same manner as are ad valorem taxes and collected pursuant to Chapter 197, Florida Statutes; provided, however, that in the event the uniform non-ad valorem assessment method of collecting the Assessments is not available to the District in any year, or if determined by the District to be in its best interest, the Assessments may be collected as is otherwise permitted by law, including but not limited to by direct bill. The decision to collect Assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect Assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices.

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

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

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

8. **PUBLIC HEARINGS DECLARED; DIRECTION TO PROVIDE NOTICE OF THE HEARINGS.** Pursuant to Sections 170.07 and 197.3632(4)(b), Florida Statutes, among other provisions of Florida law, there are hereby declared two (2) public hearings to be held as follows:

NOTICE OF PUBLIC HEARINGS

DATE:	May 1, 2023
TIME:	10:00 AM
LOCATION:	Hilton Garden Inn Palm Coast Town Center 55 Town Center Blvd. Palm Coast, Florida 32137

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

Notice of said hearings shall be advertised in accordance with Chapters 170 and 197, Florida Statutes, and the District Manager is hereby authorized and directed to place said notice in a newspaper of general circulation within Flagler County (by two (2) publications one (1) week apart with the first publication at least twenty (20) days prior to the date of the hearing established herein). The District Manager shall file a publisher's affidavit with the District Secretary verifying such publication of notice. The District Manager is further authorized and directed to give thirty (30) days written notice by mail of the time and place of the hearing to the owners of all property to be assessed and include in such notice the amount of the assessment for each such property owner, a description of the areas to be improved and notice that information concerning all assessments may be ascertained at the District Records Office. The District Manager shall file proof of such mailing by affidavit with the District Secretary.

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

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

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

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

PASSED AND ADOPTED this 28th day of March, 2023.

Attest:

/s/ Daniel Rom
Assistant Secretary

COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT

/s/ Marth Schiffer
Chair, Board of Supervisors

Exhibit A: Engineer's Report for the Colbert Landings Community Development District, dated March 28, 2023

Exhibit B: Master Special Assessment Methodology Report, dated March 28, 2023

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

4B

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

AFFIDAVIT OF MAILING

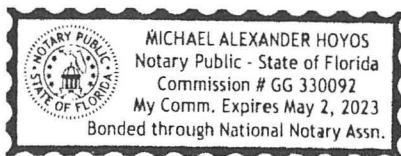
BEFORE ME, the undersigned authority, this day personally appeared Jonah Reuther, who by me first being duly sworn and deposed says:

1. I am over eighteen (18) years of age and am competent to testify as to the matters contained herein. I have personal knowledge of the matters stated herein.
2. I, Jonah Reuther, am employed by Wrathell, Hunt and Associates, LLC, and, in the course of that employment, serve as Assessment Roll Coordinator for the Colbert Landings Community Development District.
3. Among other things, my duties include preparing and transmitting correspondence relating to the Colbert Landings Community Development District.
4. I do hereby certify that on April 11, 2023 and in the regular course of business, I caused the letter, in the form attached hereto as Exhibit A, to be sent notifying affected landowners in the Colbert Landings Community Development District of their rights under Chapters 170, 190 and 197, *Florida Statutes*, with respect to the District's anticipated imposition of assessments.
5. I have personal knowledge of having sent the letters to the addressees, and those records are kept in the course of the regular business activity for my office.

FURTHER AFFIANT SAYETH NOT.

J. Reuther
Jonah Reuther

SWORN TO (OR AFFIRMED) AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this 11th day of April, 2023, by Jonah Reuther, for Wrathell, Hunt and Associates, LLC, who is ☒ personally known to me or ☐ has provided _____ as identification, and who did ___ / did not ___ take an oath.



NOTARY PUBLIC

Michael Hoyos
Print Name: Michael Hoyos
Notary Public, State of Florida
Commission No.: GG 330092
My Commission Expires: May 2, 2023

EXHIBIT A: Mailed Notice

EXHIBIT A



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| ☐ Certified Mail Restricted Delivery | \$ | |
| ☐ Adult Signature Required | \$ | |
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Total Postage

\$

Sent To

Street and

City, State

TAYLOR MORRISON OF FLORIDA INC
1275 W GRANADA BLVD SUITE 3B
ORMOND BEACH, FL 32174

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

See Reverse for Instructions

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

April 11, 2023

Via First Class U.S. Mail

MERITAGE HOMES OF FLORIDA INC
8800 E RAINTREE DRIVE SUITE 300
SCOTTSDALE, AZ 85260

RE: *Colbert Landings Community Development District*
Notice of Hearing on Assessments to Property
See attached Legal Description (Exhibit A)

Dear Property Owner:

You are receiving this notice because Flagler County records indicate that you are a property owner within the Colbert Landings Community Development District (“**District**”). The District is a special-purpose unit of local government that was established pursuant to Chapter 190, *Florida Statutes*. The property that you own that is the subject of this notice is identified in the description attached as **Exhibit A**.

At the March 28, 2023, meeting of the District’s Board of Supervisors (“**Board**”), the District approved the *Engineer’s Report for the Colbert Landings Community Development District*, dated March 28, 2023, as may be amended (“**Engineer’s Report**”). A copy of the Engineer’s Report is attached hereto as **Exhibit B**. The Engineer’s Report describes various infrastructure improvements being considered by the Board which may be built or acquired by the District that benefit lands within the District, including but not limited to stormwater management system, roadways, water and wastewater systems, hardscape/landscape/irrigation, environmental conservation, amenities, and off-site improvements as more specifically described in the Engineer’s Report (“**Improvements**”). The Engineer’s Report estimates that the total cost of the Improvements for the District’s entire CIP, including contingency, is **\$41,695,139**.

As a property owner of assessable land within the District, the District is considering assessing your property to fund the Improvements in the manner set forth in the District’s *Master Special Assessment Methodology for Colbert Landings Community Development District*, dated March 28, 2023, a copy of which is attached hereto as **Exhibit C (“Assessment Report”)**. The Assessments will defray up to approximately **\$57,370,000**, which includes the cost of the Improvements, plus financing-related costs, capitalized interest and a debt service reserve.

The purpose of any such assessment is to secure the bonds anticipated to be issued to finance the Improvements. As described in more detail in the Assessment Report, the District’s assessments will ultimately be levied against all benefitted lands within the District. The Assessment Report identifies the physical area contained within the District and assessment for the property that is expected to be assessed. Initially, the allocation of assessments for the

Improvements to be funded by the District will be determined on an equal pro-rata gross acre basis. As land is platted, the allocation of assessments will be determined on a first-platted, first-assessed basis within the District, which will be assigned to those properties at the per-unit amounts as follows, based on each property type's Equivalent Residential Unit ("ERU") factor, and as explained in more detail in the Assessment Report ("Maximum Assessments"). As the Assessment Report describes, the allocations is based on the building pad size (due to various lots with easements, as noted therein) rather than front footage and grouped in the below two categories:

Land Use	Total # of Units/Acres	ERU Factor	Proposed Maximum Principal Per Unit/Acre	Proposed Maximum Annual Assessment Per Unit*
Single-family 50'	374	1	\$113,919.78	\$10,765.11
Single-family 60'	108	1.20	\$136,703.73	\$12,918.13

** Includes costs of collection and early payment discounts when collected on the County tax bill. All amounts stated herein are subject to change and/or final determination at the public hearings and meeting identified above. Specific maximum amounts expected per parcel or product type are as set forth in the Assessment Report.*

The total maximum assessment amount to be levied against each parcel, and the number of units contained within each parcel, is detailed in the Assessment Report, as such Assessment Report may be amended at the below referenced hearing. The total revenue that the District will collect by these assessments is anticipated to be **\$57,370,000** exclusive of anticipated fees and costs of collection and enforcement, discounts for early payment, and the annual interest costs of the debt issued to finance the Improvements. The maximum annual revenue that the District will collect by these assessments is anticipated to be **\$5,421,308.35**, inclusive of anticipated fees and costs of collection and enforcement, discounts for early payment, and the annual interest costs, to be collected in not more than thirty (30) annual installments. The total assessment amount to be levied against property that you own is reflected on the preliminary assessment roll attached to the Assessment Report.

The assessments may appear on your regular tax bill issued by the Flagler County Tax Collector. However, the District may in its discretion at any time choose instead to directly collect these assessments. As provided in the Assessment Report, the assessments will constitute a lien against your property that may be prepaid in accordance with Chapter 170, *Florida Statutes*, or may be paid in not more than thirty (30) annual installments. The failure to pay any assessments collected on the tax roll will cause a tax certificate to be issued against your property within the District which may result in a loss of title. Alternatively, if the assessments are directly collected, the failure to pay such direct bill invoice may result in the District pursuing a foreclosure action, which may result in a loss of title.

Notwithstanding the description of the Maximum Assessments herein, landowners will not have a payment obligation until the issuance of bonds, at which time the fixed assessment amounts securing those bonds, as well as a collection protocol, will be determined. The fixed assessment amounts will be determined at a public meeting, pursuant to a supplemental assessment resolution, engineer's report and methodology but will in no event exceed the

Maximum Assessments noticed herein. Please note that the preceding statement only applies to capital (debt) assessments and shall have no effect on the ability of the District to levy assessments and collect payments related to the operation and maintenance of the District.

In accordance with Chapters 170, 190 and 197, *Florida Statutes*, this letter is to notify you that a public hearing for the above-mentioned assessments will be held on **Monday, May 1, 2023 at 10:00 a.m. or as soon thereafter as the matter may be heard, at the Hilton Garden Inn Palm Coast, 55 Town Center Boulevard, Palm Coast, Florida 32137**. At this hearing, the Board will sit as an equalizing board to hear and consider testimony from any interested property owners as to the propriety and advisability of making the Improvements, or some phase thereof, as to the cost thereof, as to the manner of payment thereof, and as to the amount thereof to be assessed against each property so improved. All affected property owners have a right to appear at the hearing and to file written objections with the Board within twenty (20) days of this notice.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Rom', with a stylized flourish at the end.

Daniel Rom
District Manager

Enclosures

Exhibit A: Legal description of the Property

Exhibit B: *Engineer's Report for the Colbert Landings Community Development District, dated March 28, 2023*

Exhibit C: *Master Special Assessment Methodology for Colbert Landings Community Development District, dated March 28, 2023*

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Consent and Joinder of Landowner
to the Establishment of a Community Development District
Proposed Colbert Landings Community Development District

Exhibit A:
Legal Description

A PARCEL OF LAND LYING AND BEING IN U.S. GOVERNMENT SECTIONS 3, 39 AND 40, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT A 6" X 6" CONCRETE MONUMENT WITH BRASS DISK STAMPED "ORIGINAL SEC. COR. U.S. LAND SURVEY #261" FOUND AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND RUN THENCE ALONG THE WEST LINE OF SAID SECTION 11, SOUTH 01°28'12" EAST, 1280.33 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "LB 6566"; THENCE CONTINUE ALONG SAID WEST LINE, SOUTH 01°28'12" EAST, 691.36 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 88°13'11" EAST 659.28 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION; THENCE SOUTH 01°32'40" EAST, 673.19 FEET TO THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 251, PAGE 547, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; SAID LINE ALSO BEING 14.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 100 (F.D.O.T. SECTION 73020-2515), A 200 FOOT WIDE PUBLIC RIGHT OF WAY; THENCE ALONG SAID PARALLEL LINE SOUTH 89°29'02" EAST, 386.53 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" FOUND AT THE INTERSECTION OF SAID PARALLEL LINE AND THE WESTERLY RIGHT OF WAY LINE OF A 15 FOOT WIDE BIKE PATH RIGHT OF WAY, ALSO KNOWN AS PARCEL "B", AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 591 PAGE 773, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 05°36'17" EAST, 898.02 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" FOUND AT THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE WEST; HAVING A RADIUS OF 1895.00 FEET AND A DELTA ANGLE OF 48°32'17", WHOSE CHORD BEARS NORTH 18°39'51" WEST; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, ALONG THE ARC OF SAID CURVE IN A NORTHERLY AND COUNTER CLOCKWISE DIRECTION, 1605.35 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, TANGENT TO THE LAST CURVE, NORTH 42°56'00" WEST, 51.23 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A 15 FOOT WIDE PUBLIC BIKE PATH RIGHT OF WAY AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 474, PAGE 820, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1725.00 FEET AND A DELTA ANGLE OF 00°47'54", WHOSE CHORD BEARS NORTH 49°16'55" WEST; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE IN A NORTHWESTERLY AND COUNTER-CLOCKWISE DIRECTION, 24.03 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, TANGENT TO THE LAST CURVE, NORTH 49°40'52" WEST, 322.47 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION FOUND AT THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2075.00 FEET AND A DELTA ANGLE OF 20°49'27", WHOSE CHORD BEARS NORTH 39°16'08" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 754.16 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, SOUTH 61°02'26" WEST, 132.61 FEET TO THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 76.20 FEET AND A DELTA ANGLE OF 90°53'14", WHOSE CHORD BEARS NORTH 73°30'57" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 120.87 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION FOUND AT THE BEGINNING OF A COMPOUND CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2381.20 FEET AND A DELTA ANGLE OF 07°08'07", WHOSE CHORD BEARS NORTH 24°30'17" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 296.54 FEET TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 76.20 FEET AND A DELTA ANGLE OF 90°53'13", WHOSE CHORD BEARS NORTH 24°30'23" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHEASTERLY AND CLOCKWISE DIRECTION, 120.87 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" SAID CONCRETE MONUMENT ALSO BEING THE POINT OF BEGINNING OF THE LANDS BEING DESCRIBED; THENCE TANGENT TO THE LAST CURVE, NORTH 69°57'00" EAST, 143.00 FEET TO AN INTERSECTION WITH THE AFORESAID 15 FOOT WIDE PUBLIC BIKE PATH RIGHT OF WAY AS

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DESCRIBED AND RECORDED IN OFFICIAL RECORDS OFFICIAL RECORDS BOOK 474, PAGE 820, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2075.00 FEET AND A DELTA ANGLE OF 14°15'57", WHOSE CHORD BEARS NORTH 10°10'32" WEST; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE IN A NORTHERLY AND CLOCKWISE DIRECTION, 516.64 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, NORTH 79°37'07" WEST, 378.84 FEET, THENCE NORTH 47°30'38" WEST, 210.90 FEET; THENCE NORTH 08°02'07" WEST, 278.13 FEET; THENCE NORTH 42°31'19" WEST, 644.26 FEET; THENCE NORTH 63°57'47" WEST, 302.89 FEET; THENCE NORTH 85°53'27" WEST, 132.53 FEET; THENCE NORTH 03°36'14" EAST, 123.70 FEET; THENCE NORTH 43°33'24" WEST, 406.24 FEET; THENCE SOUTH 43°05'57" WEST, 91.04 FEET; THENCE SOUTH 04°15'25" WEST, 104.75 FEET; THENCE SOUTH 40°22'25" WEST, 324.10 FEET; THENCE SOUTH 80°06'11" WEST, 55.25 FEET; THENCE NORTH 27°50'43" EAST, 332.95 FEET; THENCE NORTH 00°00'00" EAST, 85.47 FEET; THENCE NORTH 47°33'46" EAST, 191.77 FEET; THENCE NORTH 15°15'48" WEST, 155.15 FEET; THENCE NORTH 34°00'46" WEST, 636.31 FEET; THENCE SOUTH 85°20'40" WEST, 87.82 FEET; THENCE SOUTH 12°52'08" WEST, 314.39 FEET; THENCE NORTH 77°50'07" WEST, 101.47 FEET; THENCE NORTH 17°19'15" WEST, 156.79 FEET; THENCE NORTH 71°16'17" WEST, 309.76 FEET; THENCE SOUTH 78°29'33" WEST, 105.55 FEET; THENCE NORTH 58°58'10" WEST, 118.93 FEET; THENCE NORTH 00°58'16" EAST, 127.06 FEET; THENCE SOUTH 66°43'11" EAST, 277.69 FEET; THENCE NORTH 39°57'04" EAST, 104.92 FEET; THENCE SOUTH 67°50'42" EAST, 245.71 FEET; THENCE NORTH 37°03'07" WEST, 803.78 FEET; THENCE SOUTH 58°52'20" WEST, 606.67 FEET; THENCE SOUTH 49°01'16" WEST, 347.81 FEET; THENCE SOUTH 11°33'59" EAST, 145.51 FEET; THENCE SOUTH 32°19'01" WEST, 185.55 FEET; THENCE SOUTH 26°09'35" EAST, 79.41 FEET; THENCE SOUTH 28°37'27" WEST, 194.88 FEET; THENCE SOUTH 12°48'41" EAST, 131.57 FEET; THENCE SOUTH 39°58'25" EAST, 279.70 FEET; THENCE SOUTH 11°49'24" EAST, 69.15 FEET; THENCE SOUTH 07°16'18" EAST, 1441.48 FEET; THENCE SOUTH 37°58'06" EAST, 1030.47 FEET; THENCE SOUTH 68°55'03" EAST, 134.66 FEET; THENCE NORTH 23°12'03" EAST, 19.66 FEET; THENCE NORTH 14°17'00" EAST, 35.87 FEET; THENCE NORTH 27°21'21" WEST, 36.08 FEET; THENCE NORTH 41°53'24" WEST, 52.96 FEET; THENCE NORTH 23°06'37" WEST, 65.21 FEET; THENCE NORTH 26°21'14" WEST, 52.61 FEET; THENCE NORTH 42°14'07" WEST, 56.80 FEET; THENCE NORTH 30°24'21" WEST, 68.42 FEET; THENCE NORTH 00°37'21" WEST, 13.30 FEET; THENCE NORTH 29°09'39" EAST, 47.69 FEET; THENCE NORTH 34°24'50" EAST, 3.75 FEET; THENCE NORTH 85°44'23" EAST, 372.47 FEET; THENCE TO A POINT ON A TANGENTIAL CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 645.00 FEET AND A DELTA ANGLE OF 42°29'14", WHOSE CHORD BEARS NORTH 64°29'46" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHEASTERLY AND COUNTER-CLOCKWISE DIRECTION, 478.29 FEET; THENCE NORTH 43°15'09" EAST, 159.41 FEET; THENCE SOUTH 77°42'13" EAST, 85.36 FEET; THENCE NORTH 63°08'32" EAST 33.73 FEET; THENCE SOUTH 61°46'15" EAST, 26.08 FEET; THENCE SOUTH 06°41'01" EAST, 39.51 FEET; THENCE SOUTH 74°40'55" EAST, 41.27 FEET; THENCE NORTH 17°32'20" WEST, 17.16 FEET; THENCE NORTH 32°33'17" EAST, 23.37 FEET; THENCE NORTH 82°38'55" EAST, 72.30 FEET; THENCE NORTH 72°43'57" EAST, 53.76 FEET; THENCE SOUTH 57°36'12" EAST, 163.54 FEET TO A POINT ON A NON-TANGENTIAL CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 170.00 FEET AND A DELTA ANGLE OF 26°19'49", WHOSE CHORD BEARS SOUTH 79°52'53" EAST; THENCE ALONG THE ARC, OF SAID CURVE IN A SOUTHEASTERLY AND CLOCKWISE DIRECTION, 78.12 FEET; THENCE NORTH 20°09'45" EAST, 122.93 FEET TO A POINT ON A NON-TANGENTIAL CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 815.00 FEET AND A DELTA ANGLE OF 01°12'41"; WHOSE CHORD BEARS SOUTH 70°26'35" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHEASTERLY AND COUNTER-CLOCKWISE DIRECTION 17.23 FEET TO A POINT OF REVERSE CURVATURE; THENCE ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 225.00 FEET AND A DELTA ANGLE OF 29°22'15", WHOSE CHORD BEARS SOUTH 56°21'48" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHEASTERLY AND CLOCKWISE DIRECTION, 115.34 FEET; THENCE NORTH 48°19'19" EAST, 176.46 FEET; THENCE SOUTH 31°22'57" EAST, 337.36 FEET; THENCE SOUTH 58°37'03" WEST, 21.62 FEET; THENCE SOUTH 31°22'57" EAST, 170.00 FEET; THENCE NORTH 58°37'03" EAST, 120.00 FEET; THENCE SOUTH 31°22'57" EAST, 40.67 FEET; THENCE NORTH 00°50'41" WEST, 7.61 FEET; THENCE NORTH 38°05'23" EAST, 51.52 FEET; THENCE NORTH 73°10'15" EAST, 16.01 FEET; THENCE SOUTH 70°53'31" EAST, 61.73 FEET; THENCE SOUTH 50°53'52" EAST, 52.03 FEET; THENCE SOUTH 16°27'39" EAST, 55.82 FEET; THENCE SOUTH 32°59'09" EAST, 30.95 FEET; THENCE SOUTH 38°49'18" EAST, 64.12 FEET; THENCE SOUTH 14°45'31" EAST, 10.50 FEET; THENCE SOUTH

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08°35'43" WEST, 46.61 FEET; THENCE SOUTH 21°39'02" EAST, 51.76 FEET; THENCE NORTH 62°10'19" EAST, 205.13 FEET; THENCE NORTH 69°57'00" EAST, 194.43 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF LAND LYING IN SECTIONS 3, 10, 11 AND 39, TOWNSHIP 12 SOUTH, RANGE 31 EAST, CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA, BEING A PORTION OF LANDS OF COLBERT LANE, LLC. AS RECORDED IN ORB 861, PG 1536, A PORTION OF SAID LANDS BEING A PORTION OF LOTS 4, 5 AND 6, BLOCK B. SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST OF THE PLAT OF BUNNELL DEVELOPMENT COMPANY AS RECORDED IN MAP BOOK (MB) 1, PAGE (PG) 1 OF THE PUBLIC RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY (R/W) LINE OF STATE ROAD 100, A 200 FOOT WIDE R/W PER STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 73020 -2515 AND THE EAST LINE OF SAID SECTION 10; THENCE RUN N01°28'12"W ON THE EAST LINE OF SAID SECTION 10 AND THE WEST LINE OF SAID PLAT OF BUNNELL DEVELOPMENT COMPANY FOR A DISTANCE OF 1,353.10 FEET TO THE POINT OF BEGINNING, SAID POINT BEARS N01°28'12"W, 1.00 FEET FROM THE NORTHEAST CORNER OF EDGE PROPERTIES, LLC AS RECORDED IN OFFICIAL RECORDS BOOK (ORB) 961, PG 1149; THENCE DEPARTING SAID SECTION AND PLAT LINES, RUN ON A LINE LYING 1.00 FOOT NORTH OF AND PARALLEL TO THE NORTH LINE OF SAID EDGE PROPERTIES, S89°37'11"W OVER AND ACROSS LANDS OF COLBERT LANE, LLC AS RECORDED IN ORB 861, PG 1536 FOR A DISTANCE OF 1,640.62 FEET TO A POINT, SAID POINT BEARS N01°28'12"W, 1.00 FEET FROM THE NORTHWEST CORNER OF SAID EDGE PROPERTIES; THENCE RUN S89°34'26"W FOR A DISTANCE OF 1,251.87 FEET TO A POINT ON THE EASTERLY LINE OF LANDS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION AS RECORDED IN ORB 551, PG 594 AND ORB 552, PG 1273; THENCE RUN N37°09'48 "W ON SAID EASTERLY LINE FOR A DISTANCE OF 62.64 FEET TO A POINT; THENCE RUN N03°29'47"W FOR A DISTANCE OF 762.72 FEET TO A POINT; THENCE RUN N52°05'15"E FOR A DISTANCE OF 552.54 FEET TO A POINT; THENCE RUN N19°41'16"W FOR A DISTANCE OF 744.45 FEET TO A POINT; THENCE RUN N68°55'03"W FOR A DISTANCE OF 170.22 FEET TO A POINT, SAID POINT BEING ON THE SOUTHERLY LINE OF WATERFORD INVESTMENT PROPERTIES, INC. AS RECORDED IN ORB 1648, PG 766; THENCE DEPARTING SAID EASTERLY LINE RUN ON SAID SOUTHERLY LINE THE FOLLOWING 12 COURSES, 1) N23°12'03"E, 19.66 FEET; 2) N14°17'00"E, 35.87 FEET; 3) N27°21'21"W, 36.08 FEET; 4) N41°53'24" W, 52.96 FEET; 5) N23°06'37"W, 65.21 FEET; 6) N26°21'14"W, 52.61 FEET; 7) N42°14'07"W, 56.80 FEET; 8) N30°24'21"W, 68.42 FEET; 9) N00°37'21"W, 13.30 FEET; 10) N29°09'39"E, 47.69 FEET; 11) N34°24 '50"E, 3.75 FEET; 12) N85°44'23"E, 372.47 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ON SAID CURVE TO THE LEFT HAVING AN ARC LENGTH OF 478.29 FEET, A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 42°29'14", A CHORD LENGTH OF 467.41 FEET AND A CHORD BEARING OF N64°29'46"E TO A POINT OF TANGENCY; THENCE RUN THE FOLLOWING 11 COURSES, 1) N43°15'09"E, 159.41 FEET; 2) S77°42'13"E, 85.36 FEET; 3) N63°08'32"E, 33.73 FEET; 4) S61°46'15"E, 26.08 FEET; 5) S06°41'01"E, 39.51 FEET; 6) S74°40'55"E, 41.27 FEET; 7) N17°32'20 "W, 17.16 FEET; 8) N32°33'17"E, 23.37 FEET; 9) N82°38'55"E, 72.30 FEET; 10) N72°43'57"E, 53.76 FEET; 11) S57°36'12"E, 163.54 FEET TO A POINT ON A NONTANGENT CURVE; THENCE RUN EASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 78.12 FEET, A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 26°19'49", A CHORD LENGTH OF 77.44 FEET AND A CHORD BEARING OF S79°52'53"E TO A POINT ON A NONTANGENT LINE; THENCE RUN N20°09'45"E FOR A DISTANCE OF 122.93 FEET TO A POINT ON A NONTANGENT CURVE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE LEFT HAVING AN ARC LENGTH OF 17.23 FEET, A RADIUS OF 815.00 FEET, A CENTRAL ANGLE OF 1°12'41", A CHORD LENGTH OF 17.23 FEET AND A CHORD BEARING OF S70°26'35"E TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 115.34 FEET, A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 29°22'15", A CHORD LENGTH OF 114.08 FEET AND A CHORD BEARING OF S56°21'48"E TO A POINT ON A NONTANGENT LINE; THENCE RUN THE FOLLOWING 17 COURSES, 1) N48°19'19"E, 176.46 FEET; 2) S31°22'57"E, 337.36 FEET; 3) S58°37'03"W, 21.62 FEET; 4) S31°22'57"E, 170.00 FEET; 5) N58°37'03"E, 120.00 FEET; 6) S31°22'57"E, 40.67 FEET; 7) N00°50'41"W, 7.61 FEET;

Consent and Joinder of Landowner
to the Establishment of a Community Development District
Proposed Colbert Landings Community Development District

8) N38°05'23"E, 51.52 FEET; 9) N73°10'15 "E, 16.01 FEET; 10) S70°53'31"E, 61.73 FEET; 11) S50°53'52"E, 52.03 FEET; 12) S16°27'39"E, 55.82 FEET; 13) S32°59'09"E, 30.95 FEET; 14) S38°49'18"E, 64.72 FEET; 15) S14°45'31"E, 10.50 FEET; 16) S08°35'43"W, 46.61 FEET; 17) S23°39'02"E, 51.80 FEET TO A POINT ON THE NORTHWESTERLY LINE OF FLAGLER LIFESTYLE COMMUNITIES, AS RECORDED IN ORB 1190, PG 1606; THENCE RUN S62°10'19"W ON SAID NORTHWESTERLY LINE FOR A DISTANCE OF 192.30 FEET TO A POINT; THENCE RUN S31°22'57"E FOR A DISTANCE OF 1,542.48 FEET TO A POINT; THENCE RUN N58°37'03"E FOR A DISTANCE OF 867.83 FEET TO A POINT ON THE WESTERLY LINE OF A 15 FOOT WIDE STRIP OF LANDS OF FLAGLER COUNTY, AS RECORDED IN ORB 474, PG 820, SAID STRIP OF LAND LYING PARALLEL TO AND ABUTTING THE WESTERLY R/W LINE OF COLBERT LANE, A 120 FOOT WIDE R/W AS RECORDED IN ORB 455, PG 876; THENCE DEPARTING SAID FLAGLER LIFESTYLE COMMUNITIES, RUN ON THE WESTERLY LINE OF SAID 15 FOOT STRIP S49°40'53"E FOR A DISTANCE OF 11.27 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 24.28 FEET. A RADIUS OF 1,725.00 FEET, A CENTRAL ANGLE OF 0°48'23", A CHORD LENGTH OF 24.28 FEET AND A CHORD BEARING OF S49°16'41 "E TO A POINT ON A NONTANGENT LINE, SAID POINT BEING ON THE WESTERLY LINE OF A 15 FOOT WIDE STRIP OF LANDS OF FLAGLER COUNTY, (PARCEL B) AS RECORDED IN ORB 591, PG 773, SAID STRIP OF LAND LYING PARALLEL TO AND ABUTTING THE WESTERLY R/W LINE OF COLBERT LANE, A 200 FOOT WIDE R/W (PARCEL A) AS RECORDED IN ORB 591, PG 773; THENCE DEPARTING SAID 15 FOOT WIDE STRIP AS RECORDED IN ORB 474, PG 820, RUN S42°55'59"E ON SAID 15 FOOT STRIP AS RECORDED IN ORB 591, PG 773, FOR A DISTANCE OF 36.95 FEET TO A POINT; THENCE DEPARTING SAID 15 FOOT STRIP RUN S58°37'03W OVER AND ACROSS SAID LANDS OF COLBERT LANE, LLC FOR A DISTANCE OF 793.83 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 10; THENCE RUN S01°28'12"E FOR A DISTANCE OF 618.62 FEET TO THE POINT OF BEGINNING.

ENGINEER'S REPORT
FOR THE
COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT

PREPARED FOR:

BOARD OF SUPERVISORS
COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT

ENGINEER:

Matt Lahti, P.E., Gulfstream Design Group, LLC

March 28, 2023

COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT

ENGINEER'S REPORT

1. INTRODUCTION

The purpose of this report is to provide a description of the capital improvement plan ("CIP" or "Master Project") and estimated costs of the CIP, for the Colbert Landings Community Development District.

2. GENERAL SITE DESCRIPTION

The proposed District is located entirely within the City of Palm Coast, Florida, and covers approximately 293.31 acres of land, more or less. **Exhibit A** depicts the general location of the project. The site is generally located north of Moody Boulevard, west of Colbert Lane, and east of Interstate 95. The metes and bounds description of the external boundary of the proposed District is also set forth in **Exhibit B**.

As of the date of this Report, Phase 1 site is roughly 80% cleared and 10% of the grading has been completed. The pond grading is currently underway.

3. PROPOSED CAPITAL IMPROVEMENT PROJECT

The CIP intended to provide public infrastructure improvements for the lands within the District, which are planned for 482 residential units. The proposed site plan for the is attached as **Exhibit C** to this report, and the plan enumerates the proposed lot count, by type, for the District. The following charts show the planned product types and land uses for the District:

Table 1

Minimum Lot Width	Minimum Lot Depth	Unit Count
X ≥ 75-Ft	125-Ft	11
X ≥ 75-Ft	120-Ft	2
X ≥ 75-Ft	130-Ft	3
X ≥ 75-Ft	140-Ft	3
X ≥ 75-Ft	150-Ft	1
X ≥ 75-Ft W/ Drainage Easement	125-Ft	4
X ≥ 75-Ft W/ Drainage Easement	130-Ft	12
X ≥ 75-Ft W/ Drainage Easement	150-Ft	1
X ≥ 75-Ft W/ Drainage Easement	140-Ft	3
70-Ft	125-Ft	3
70-Ft W/ Drainage Easement	125-Ft	7
60-Ft	140-Ft	4
60-Ft	130-Ft	4
60-Ft	125-Ft	34
60-Ft	120-Ft	16
60-Ft W/ Drainage Easement	150-Ft	1
60-Ft W/ Drainage Easement	140-Ft	2
60-Ft W/ Drainage Easement	130-Ft	21
60-Ft W/ Drainage Easement	125-Ft	13

60-Ft W/ Drainage Easement	120-Ft	2
50-Ft	150-Ft	3
50-Ft	145-Ft	4
50-Ft	140-Ft	23
50-Ft	130-Ft	86
50-Ft	125-Ft	182
50-Ft	120-Ft	25
50-Ft W/ Drainage Easement	150-Ft	1
50-Ft W/ Drainage Easement	130-Ft	6
50-Ft W/ Drainage Easement	125-Ft	5
TOTAL		482

Table 2

Land Use	Acreage
Lot Development	82.84
Roads	8.94
Common Areas	15.00
Stormwater Ponds	56.90
Conservation Areas	129.63
TOTAL	293.31 +/-

The CIP infrastructure includes:

Roadway Improvements:

The CIP includes subdivision roads within the District. Generally, all roads will be 2-lane un-divided roads with periodic stop-controlled intersections. Such roads include the roadway asphalt, base, and subgrade, roadway curb and gutter, striping and signage and sidewalks within rights-of-way abutting non-lot lands. Sidewalks abutting lots will be constructed by the homebuilders. All roads will be designed in accordance with City standards. All internal roadways are anticipated to be financed by the District, and are anticipated to be owned by the District for ownership, operation, and maintenance or another designated governmental entity.

Stormwater Management System:

The stormwater collection and outfall system is a combination of roadway curbs, curb inlets, pipe, control structures and open lakes designed to treat and attenuate stormwater runoff from District lands. The stormwater system within the project discharges to Graham Swamp via onsite wetlands. The stormwater system will be designed consistent with the criteria established by the SJRWMD and the City for stormwater/floodplain management systems. The District will finance, own, operate and maintain the stormwater system.

NOTE: No private earthwork is included in the CIP. Accordingly, the District will not fund any costs of mass grading of lots.

Water, Wastewater and Reclaim Utilities:

As part of the CIP, the District intends to construct and/or acquire water, wastewater and reclaim infrastructure. In particular, the on-site water supply improvements include water mains that will be located within rights-of-way and used for potable water service and fire protection. Water main connections will be made in Colbert Lane Right of Way.

Wastewater improvements for the project will include an onsite 16,873 LF of 8" PVC SDR-26 diameter gravity collection system, offsite and onsite 2,585 LF of 4" PVC DR-18 & 1,260 LF of 6" PVC DR-18 totaling to 3,845 LF of PVC DR-18 force main and onsite lift stations. The offsite force main connection will be made in Colbert Lane Right of Way.

The water and reclaim distribution and wastewater collection systems for all phases will be completed by the District and then dedicated to the City for operation and maintenance.

Hardscape, Landscape, and Irrigation:

The District will construct and/or install landscaping, irrigation and hardscaping within District common areas and rights-of-ways. Moreover, hardscaping will consist of entry features and landscaping around the Lift Station and storm water management facility.

The City has distinct design criteria requirements for planting and irrigation design. Therefore this project will at a minimum meet those requirements but in most cases exceed the requirements with enhancements for the benefit of the community.

All such landscaping, irrigation and hardscaping will be owned, maintained and funded by the District. Such infrastructure, to the extent that it is located in rights-of-ways owned by the City will be maintained pursuant to a right-of-way agreement to be entered into with the City. The CDD will not fund any private irrigation systems on or serving private property.

Street Lights / Undergrounding of Electrical Utility Lines

The District intends to lease streetlights through an agreement with FPL in which case the District would fund the street lights through an annual operations and maintenance assessment. As such, street lights are not included as part of the CIP.

The CIP does however include the undergrounding of electrical utility lines within right-of-way utility easements throughout the community. Any lines and transformers located in such areas would be owned by FPL and not paid for by the District as part of the CIP.

Recreational Amenities:

The District intends to develop a residential amenity for the project, which may include but is not limited to active recreation in the form of an amenity center equipped with a playground, pool, and pickleball court along with walking trails along stormwater management facility berms equipped with park benches. In addition, the District intends to provide passive recreation in the form of wetlands / conservation areas along with common areas within common area tracts and drainage tracts.

Environmental Conservation/Mitigation

There are 22.79 acres of forested and herbaceous wetland impacts associated with the proper construction of the District's infrastructure which will require 22.79 acres of wetland mitigation. The District is anticipated to be responsible for the design, permitting, construction, maintenance, and government reporting of the environmental mitigation. These costs are included within the CIP.

Professional Services

The CIP also includes various professional services. These include: (i) engineering, surveying and architectural fees, (ii) permitting and plan review costs, and (iii) development/construction management services fees that are required for the design, permitting, construction, and maintenance acceptance of the public improvements and community facilities.

Off-Site Improvements

A development that is anticipated to include 494 single-family residential dwelling units are proposed for construction on the west side of Colbert Lane north of Highway 100 in the City of Palm Coast, Florida with an anticipated 2025 buildout.

Colbert Lane is a two-lane undivided roadway with a posted speed of 55 miles per hour (mph). The 2019 annual average daily traffic (AADT) is 5,800 vehicles per day (vpd) north of Roberts Road and 4,200 vpd south to SR 100. SR 100 is a four-lane divided roadway with a posted speed of 45 mph. The 2019 AADT ranges from 11,800 to 20,600 vpd from Old Kings Road to N Flagler Avenue.

The following summarizes the findings of the traffic study analysis:

- Access to the proposed development will be provided via two (2) full access driveways on Colbert Lane.
- The proposed development is anticipated to generate a total of 356 AM peak and 471 PM peak trips.
- The study area roadway segment is currently operating at LOS C or better and is anticipated to continue operating at LOS C under buildout conditions.
- Project traffic distribution on the study roadway segments and study intersections were estimated based on the existing AADT on each of the study roadway segments.
- Vehicle turning moving counts (TMCs) were collected during the AM peak period (7:00 AM – 9:00 AM) and PM peak period (4:00 PM – 6:00 PM) for Colbert Lane at Roberts Road and SR 100 at Roberts Road on December 16, 2020. The traffic counts were adjusted by applying a season factor of 1.05 to account for seasonal variations. SR 100 at Colbert Lane turning movement counts were collected on March 10, 2021 and adjusted by a 0.92 season factor.
- Year 2025 background traffic volumes were obtained by applying growth factors to the year 2021 existing traffic volumes.
- Year 2025 buildout traffic volumes include year 2025 background traffic volumes and the project traffic assignment.
- All the critical approaches of the study intersections are currently operating at LOS C or better and are anticipated to continue to operate at LOS C or better under year 2025 background and year 2025 buildout conditions.
- A northbound 335-foot left turn lane is required on Colbert Lane at South Project Access
- A southbound 300-foot right turn lane is required on Colbert Lane at South Project Access.

- A northbound 310-foot left turn lane is required on Colbert Lane at North Project Access.
- A southbound 300-foot right turn lane is required on Colbert Lane at North Project Access.
- Separate left and right turn lanes are recommended exiting South Project Access and North Project Access where any queue will be captured within the property.
- Proportionate share mitigation is not required.

The offsite improvements are anticipated to be financed and constructed at the cost of the CDD and be provided to Flagler County for perpetual maintenance.

The District's CIP functions as a system of improvements benefitting all lands within the District.

All of the foregoing improvements are required by applicable development approvals. Note that, except as stated herein, there are no impact fee or similar credits available from the construction of any such improvements.

The following table shows who will finance, own and operate the various improvements of the CIP:

TABLE 3

<u>Facility Description</u>	<u>Financing Entity</u>	<u>Ownership & Maintenance Entity</u>
Stormwater Management System	CDD	CDD
Roadways	CDD	CDD
Water & Wastewater Systems	CDD	City
Hardscaping, Landscaping, Irrigation	CDD	CDD
Conservation Areas	CDD	CDD
Amenity	CDD	CDD
Off-site Improvements	CDD	County

4. PERMITTING/CONSTRUCTION COMMENCEMENT

All necessary permits for the construction of the CIP have either been obtained or are currently under review by respective governmental authorities, and include the following:

Permit Name	Issued/ Pending	Permit #	Issue Date/ Exp Date	Projected Approval Dates	Plan Revision Date	Notes
City of Palm Coast Rezoning	Issued	ORD 2021-3, ORD 2021-4	3/16/2021	N/A	N/A	Approved
City of Palm Coast Subdivision Master Plan	Issued	AR# 4793	8/18/2021	N/A	7/7/2021	Approved Inst No:2021050284 BK:2605 PG:686 Pages:3
City of Palm Coast	Issued	AR# 4956	5/6/2022 5/6/2023	N/A	3/18/2022	Development Order Issued

Preliminary Plat Development Order						
City of Palm Coast Final Plat	Pending	Pending	Pending	TBD	Pending	During Construction
City of Palm Coast Site Development Order	Issued	2022051341	12/15/2022	TBD	n/a	
City of Palm Coast Amenity Center Technical Site Plan	Pending	Pending	Pending	TBD	Pending	Per Condition of the Preliminary Plat Development Order Need layout
City of Palm Coast Sales Center Site Plan	Pending	Pending	Pending	TBD	Pending	Need Layout.
Flagler County Right of Way	Issued	ROW 009298-2021	Issued 8/8/2022	N/A	8/04/2022	Approved
Flagler County Construction	Issued		12/16/2022		n/a	
SJRWMD Onsite ERP	Issued	97632-12	Issued 11/8/22	N/A	8/24/2022	Approved
SJRWMD Offsite	Issued	18477-12	Issued 7/21/22	N/A	3/18/2022	Approved
SJRWMD Conceptual	Issued	97632-13	Issued 11/4/22	N/A	9/7/2022	Approved
FDEP 404 Permit	Issued	18-0406482-002-SFI	Issued 11/14/22	N/A	8/24/2022	Approved
FDEP Water	Issued	0080282-364-DSGP	9/14/2022	N/A	6/28/2022	Approved
FDEP Wastewater	Issued	0018380-335-DWC	9/22/2022	N/A	6/28/2022	Approved

5. OPINION OF PROBABLE CONSTRUCTION COSTS

Table 4 shown below presents, among other things, the Opinion of Probable Cost for the CIP. It is our professional opinion that the costs set forth in Table 4 are reasonable and consistent with market pricing.

TABLE 4

Improvement	TOTAL CIP Estimated Cost
CDD Clearing / Grading	\$8,923,128
Stormwater Management System	\$4,339,542
CDD Roadways	\$5,054,749
Water & Wastewater	\$8,113,888
Hardscaping, Landscaping, Irrigation	\$1,036,750
Amenities	\$2,032,932
Offsite Improvements	\$2,086,238
Contingency	\$6,317,445
Design and Permitting	\$3,790,467
TOTAL	\$41,695,139

*The probable costs estimated herein do not include anticipated carrying cost, interest reserves or other anticipated CDD expenditures that may be incurred.

6. CONCLUSIONS

The CIP will be designed in accordance with current governmental regulations and requirements. The CIP will serve its intended function so long as the construction is in substantial compliance with the design.

It is further our opinion that:

- The estimated cost to the CIP as set forth herein is reasonable based on prices currently being experienced in the City of Palm Coast, Florida, and is not greater than the lesser of the actual cost of construction or the fair market value of such infrastructure;
- All of the improvements comprising the CIP are required by applicable development approvals;
- The CIP is feasible to construct, there are no technical reasons existing at this time that would prevent the implementation of the CIP, and it is reasonable to assume that all necessary regulatory approvals will be obtained in due course;
- The reasonably expected economic life of the CIP is anticipated to be at least 20+ years;
- The assessable property within the District will receive a special benefit from the CIP that is at least equal to such costs; and
- The CIP will function as a system of improvements benefitting all lands within the District.

The professional service for establishing the Construction Cost Estimate is consistent with the degree of care and skill exercised by members of the same profession under similar circumstances.

The CIP will be owned by the District or other governmental units and such CIP is intended to be available and will reasonably be available for use by the general public (either by being part of a system of improvements that is available to the general public or is otherwise available to the general public) including nonresidents of the District. All of the CIP is or will be located on lands owned or to be owned by the District or another governmental entity or on public easements in favor of the District or other governmental entity. The CIP, and any cost estimates set forth herein, do not include any earthwork, grading or other improvements on private lots or property. Regarding any fill generated by construction of the CIP, and that is not used as part of the CIP, such fill will only be placed on-site where the cost of doing so is less expensive than hauling such fill off-site.

Please note that the CIP as presented herein is based on current plans and market conditions which are subject to change. Accordingly, the CIP, as used herein, refers to sufficient public infrastructure of the kinds described herein (i.e., stormwater/floodplain management, sanitary sewer, potable water, etc.) to support the development and sale of the planned residential units in the District, which (subject to true-up determinations) number and type of units may be changed with the development of the site. Stated differently, during development and implementation of the public infrastructure improvements as described for the District, it may be necessary to make modifications and/or deviations for the plans, and the District expressly reserves the right to do so.

Matt Lahti, P.E. Date
FL License No. 71395

COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT

Master Special Assessment Methodology Report

March 28, 2023



Provided by:

Wrathell, Hunt and Associates, LLC

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1.0 Introduction

1.1 Purpose

This Master Special Assessment Methodology Report (the "Report") was developed to provide a financing plan and a special assessment methodology for the Colbert Landings Community Development District (the "District"), located entirely within the City of Palm Coast, Flagler County, Florida, as related to funding the costs of public infrastructure improvements (the "Capital Improvement Plan" or "CIP") contemplated to be provided by the District.

1.2 Scope of the Report

This Report presents the projections for financing the District's Capital Improvement Plan described in the Engineer's Report developed by Gulfstream Design Group, LLC (the "District Engineer") and dated March 28, 2023 (the "Engineer's Report"), as well as describes the method for the allocation of special benefits and the apportionment of special assessment debt resulting from the provision and funding of the CIP.

1.3 Special Benefits and General Benefits

The public infrastructure improvements undertaken and funded by the District as part of the CIP create special and peculiar benefits, different in kind and degree from general and incidental benefits to the public at large. However, as discussed within this Report, these general benefits are incidental in nature and are readily distinguishable from the special and peculiar benefits which accrue to property within the District. The District's CIP enables properties within its boundaries to be developed.

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

The CIP will provide public infrastructure improvements which are all necessary in order to make the lands within the District developable and saleable. The installation of such improvements will cause the

value of the developable and saleable lands within the District to increase by more than the sum of the financed cost of the individual components of the CIP. Even though the exact value of the benefits provided by the CIP is hard to estimate at this point, it is nevertheless greater than the costs associated with providing the same.

1.4 Organization of the Report

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

Section Three provides a summary of the CIP as determined by the District Engineer.

Section Four discusses the financing program for the District.

Section Five introduces the special assessment methodology for the District.

2.0 Development Program

2.1 Overview

The District will serve the Colbert Landings development, a master planned residential development located entirely within the City of Palm Coast, Flagler County, Florida (the "Development"). The land within the District consists of approximately 293.31 +/- acres and is generally located east of Interstate 95, west of Colbert Lane, and north of Moody Boulevard.

2.2 The Development Program

The development of Colbert Landings is anticipated to be conducted by Meritage Homes of Florida, Inc. or an affiliated entity (the "Developer"). Based upon the information provided by the Developer and the District Engineer, the current development plan envisions 374 Single-Family 50' units and 108 Single-Family 60' units to be developed over a multi-year period in one or more development phases, although unit numbers, land use types and phasing may change throughout the development period. Table 1 in the Appendix illustrates the current development plan for Colbert Landings.

3.0 The Capital Improvement Plan

3.1 Overview

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

3.2 Capital Improvement Plan

The public infrastructure improvements which are part of the CIP and are needed to serve the Development are projected to consist of master improvements which will serve all of the lands in the District. The District, however, reserves the right to create distinct assessment areas to coincide with the phases of development. The CIP will consist of CDD clearing/ grading, stormwater management system, CDD roadways, water & wastewater, hardscaping, landscaping, irrigation, amenities, and offsite improvements, along with contingency and professional costs which cumulatively are estimated by the District Engineer at \$41,695,139.

The public infrastructure improvements that comprise the CIP will serve and provide benefit to all land uses in the District and will comprise an interrelated system of improvements, which means all of improvements will serve the entire District and improvements will be interrelated such that they will reinforce one another.

Table 2 in the *Appendix* illustrates the specific components of the CIP.

4.0 Financing Program

4.1 Overview

As noted above, the District is embarking on a program of capital improvements which will facilitate the development of lands within the District. Generally, construction of public improvements is either funded by the Developer and then acquired by the District or funded directly by the District. As of the time of writing of this Report, the District will most likely acquire completed improvements from the Developer, although the District maintains the complete flexibility to either acquire the public infrastructure from the Developer or construct it, or even partly acquire it and partly construct it.

Even though the actual financing plan may change to include multiple series of bonds, it is likely that in order to fully fund costs of the CIP as described in *Section 3.2* in one financing transaction, the District would have to issue approximately \$57,370,000 in par amount of special assessment bonds (the “Bonds”).

Please note that the purpose of this Report is to allocate the benefit of the CIP to the various land uses in the District and based on such benefit allocation to apportion the maximum debt necessary to fund the CIP. The discussion of the structure and size of the indebtedness is based on various estimates and is subject to change.

4.2 Types of Bonds Proposed

The proposed financing plan for the District provides for the issuance of the Bonds in the approximate principal amount of \$57,370,000 to finance approximately \$41,695,139 in CIP costs. The Bonds as projected under this financing plan would be structured to be amortized in 30 annual installments following a 24-month capitalized interest period. Interest payments on the Bonds would be made every May 1 and November 1, and principal payments on the Bonds would be made either on May 1 or on November 1.

In order to finance the improvements and other costs, the District would need to borrow more funds and incur indebtedness in the total amount of approximately \$57,370,000. The difference is comprised of debt service reserve, capitalized interest, underwriter's discount and costs of issuance. Preliminary sources and uses of funding for the Bonds are presented in Table 3 in the *Appendix*.

Please note that the structure of the Bonds as presented in this Report is preliminary and may change due to changes in the development program, market conditions, timing of infrastructure installation as well as for other reasons. The District maintains complete flexibility as to the structure of the Bonds and reserves the right to modify it as necessary.

5.0 Assessment Methodology

5.1 Overview

The issuance of the Bonds provides the District with funds necessary to construct/acquire the infrastructure improvements which are part of the CIP outlined in *Section 3.2* and described in more detail by the

District Engineer in the Engineer's Report. These improvements lead to special and general benefits, with special benefits accruing to the assessable properties within the boundaries of the District and general benefits accruing to areas outside the District but being only incidental in nature. The debt incurred in financing the public infrastructure will be secured by assessing properties that derive special and peculiar benefits from the CIP. All properties that receive special benefits from the CIP will be assessed for their fair share of the debt issued in order to finance all or a portion of the CIP.

5.2 Benefit Allocation

The most current development plan anticipates the development of 374 Single-Family 50' units and 108 Single-Family 60' units to be developed over a multi-year period in one or more development phases, although unit numbers and land use types may change throughout the development period.

The public infrastructure improvements that comprise the CIP will serve and provide benefit to all land uses in the District and will comprise an interrelated system of improvements, which means all of the public improvements will serve the entire District and improvements will be interrelated such that they will reinforce one another.

By allowing for the land in the District to be developable, both the public infrastructure improvements that comprise the CIP and their combined benefit will be greater than the sum of their individual benefits. All of the land uses within the District will benefit from each infrastructure improvement category, as the improvements provide basic infrastructure for community development to all land within the District and benefit all land within the District as an integrated system of improvements.

As stated previously, the public infrastructure improvements included in the CIP have a logical connection to the special and peculiar benefits received by the land within the District, as without such improvements, the development of the properties within the District would not be possible. Based upon the connection between the improvements and the special and peculiar benefits to the land within the District, the District can assign or allocate a portion of the District's debt through the imposition of non-ad valorem assessments, to the land receiving such special and peculiar benefits. Even though these special and peculiar benefits are real and ascertainable, the precise amount of the benefit cannot yet be calculated with mathematical certainty. However, such benefit is

more valuable than either the cost of, or the actual non-ad valorem assessment levied for, the improvement or debt allocated to that parcel of land.

The benefit associated with the CIP of the District is proposed to be allocated to the different product types within the District in proportion to the density of development and intensity of use of the infrastructure as measured by a standard unit called an Equivalent Residential Unit ("ERU"). Table 4 in the *Appendix* illustrates the ERU weights that are proposed to be assigned to the product types, based on the relative density of development and the intensity of use of master infrastructure, the total ERU counts for each unit type, and the share of the benefit received by each unit type.

The rationale behind different ERU weights is supported by the fact that generally and on average product types with a greater density and greater intensity of use of infrastructure, such as large single-family lots, will use and benefit from the District's improvements more than product types with lesser density and lesser intensity of use of infrastructure, generally and on average product types with lesser density and lesser intensity of use of infrastructure produce less storm water runoff, may produce fewer vehicular trips, and may need less water/sewer capacity than product types with greater density and greater intensity of use of infrastructure. Additionally, the value of the product types with greater density and greater intensity of use of infrastructure is likely to appreciate by more in terms of dollars than that of the product types with lesser density and lesser intensity of use of infrastructure as a result of the implementation of the CIP. As the exact amount of the benefit and appreciation is not possible to be calculated at this time, the use of ERU measures serves as a reasonable approximation of the relative amount of benefit received by the different product types from the District's improvements.

Please note that the method used to derive ERU values for Single Family units is based on the linear front footage of the various product types as a proportion to the product type that is set to a standard unit of 1 ERU. For example, if the product type that is set to a standard unit of 1 ERU is a Single Family 50' unit, a Single Family 60' unit would be 1.20 ERU ($60' / 50'$). In the event that a new product type was to be introduced, the aforementioned ERU value method would be applied accordingly.

If at any time, any portion of the property within the District is sold or otherwise transferred to a unit of local, state, or federal government (without consent of such governmental unit to the imposition of Bond Assessments (hereinafter defined) thereon), or similarly exempt

entity, all future unpaid Bond Assessments for such tax parcel shall become due and payable immediately prior to such transfer.

Table 5 in the *Appendix* presents the apportionment of the assessment associated with funding the District's CIP (the "Bond Assessments") in accordance with the ERU benefit allocation method presented in Table 4. Table 5 also presents the annual levels of the projected annual Bond Assessments per unit.

5.3 Assigning Debt

The Bond Assessments associated with repayment of the Bonds will initially be levied on all of the gross acres of land in the District. Consequently, the Bond Assessments will initially be levied on approximately 293.31 +/- gross acres on an equal pro-rata gross acre basis and thus the total bonded debt in the amount of \$57,370,000 will be preliminarily levied on approximately 293.31 +/- gross acres at a rate of \$195,595.10 per acre.

As the land is platted, the Bond Assessments will be allocated to each platted parcel on a first platted-first assigned basis based on the planned use for that platted parcel as reflected in Table 5 in the *Appendix*. Such allocation of Bond Assessments to platted parcels will reduce the amount of Bond Assessments levied on unplatted gross acres within the District.

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

5.4 Lienability Test: Special and Peculiar Benefit to the Property

As first discussed in *Section 1.3*, Special Benefits and General Benefits, public infrastructure improvements undertaken by the District create special and peculiar benefits to certain properties within the District. The District's improvements benefit assessable properties within the District and accrue to all such assessable properties on an ERU basis.

Public infrastructure improvements undertaken by the District can be shown to be creating special and peculiar benefits to the property within the District. The special and peculiar benefits resulting from each improvement include, but are not limited to:

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

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

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

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

The apportionment of the Bond Assessments is fair and reasonable because it was conducted on the basis of consistent application of the methodology described in *Section 5.2* across all assessable property within the District according to reasonable estimates of the special and peculiar benefits derived from the CIP by different product types.

5.6 True-Up Mechanism

The District's assessment program is predicated on the development of lots in a manner sufficient to include all of the planned ERUs as set forth in Table 1 in the Appendix ("Development Plan"). At such time as lands are to be platted (or re-platted) or site plans are to be approved (or re-approved), the plat or site plan (either, herein, "Proposed Plat") shall be presented to the District for a "true-up" review as follows:

- a. If a Proposed Plat results in the same amount of ERUs (and thus Bond Assessments) able to be imposed on the "Remaining Unplatted Lands" (i.e., those remaining unplatted lands after the Proposed Plat is recorded) as compared to what was originally contemplated under the Development Plan, then the District shall allocate the Bond Assessments to the product types being platted and the remaining property in accordance with this Report, and

cause the Bond Assessments to be recorded in the District's Improvement Lien Book.

b. If a Proposed Plat results in a greater amount of ERUs (and thus Bond Assessments) able to be imposed on the Remaining Unplatted Lands as compared to what was originally contemplated under the Development Plan, then the District may undertake a pro rata reduction of Bond Assessments for all assessed properties within the District, or may otherwise address such net decrease as permitted by law.

c. If a Proposed Plat results in a lower amount of ERUs (and thus Bond Assessments) able to be imposed on the Remaining Unplatted Lands as compared to what was originally contemplated under the Development Plan, then the District shall require the landowner(s) of the lands encompassed by the Proposed Plat to pay a "True-Up Payment" equal to the difference between: (i) the Bond Assessments originally contemplated to be imposed on the lands subject to the Proposed Plat, and (ii) the Bond Assessments able to be imposed on the lands subject to the Proposed Plat, after the Proposed Plat (plus applicable interest, collection costs, penalties, etc.).¹

With respect to the foregoing true-up analysis, the District's Assessment Consultant, in consultation with the District Engineer, District Counsel and the District's Bond Counsel, shall determine in his or her sole discretion what amount of ERUs (and thus Bond Assessments) are able to be imposed on the Remaining Unplatted Lands, taking into account a Proposed Plat, by reviewing: a) the original, overall development plan showing the number and type of units reasonably planned for the Development, b) the revised, overall development plan showing the number and type of units reasonably planned for the Development, c) proof of the amount of entitlements for the Remaining Unplatted Lands, d) evidence of allowable zoning conditions that would enable those entitlements to be placed in accordance with the revised development plan, and e) documentation that shows the feasibility of implementing the proposed development plan. Prior to any decision by the District not to impose a true-up payment, a supplemental methodology shall be produced demonstrating that there will be sufficient Bond

¹ For example, if the first platting includes 354 Single-Family 50' units and 108 Single-Family 60' units which equates to a total allocation of \$55,091,604.45 in Bond Assessments, then the remaining unplatted land would be required to absorb 20 Single-Family 50' units, which equates to \$2,278,395.55 in Bond Assessments. If the remaining unplatted land would only be able to absorb 10 instead of 20 Single-Family 50' units or \$1,139,197.78 in Bond Assessments, then a true-up, payable by the owner of the unplatted land, would be due in the amount of \$1,139,197.78 in Bond Assessments plus applicable accrued interest to the extent described in this Section.

Assessments to pay debt service on the applicable series of bonds and the District will conduct new proceedings under Chapters 170, 190 and 197, Florida Statutes upon the advice of District Counsel.

Any True-Up Payment shall become due and payable that tax year by the landowner of the lands subject to the Proposed Plat, shall be in addition to the regular Bond Assessment installment payable for such lands, and shall constitute part of the Bond Assessment liens imposed against the Proposed Plat property until paid. A True-Up Payment shall include accrued interest on the applicable bond series to the interest payment date that occurs at least 45 days after the True-Up Payment (or the second succeeding interest payment date if such True-Up Payment is made within forty-five (45) calendar days before an interest payment date (or such other time as set forth in the supplemental indentures for the applicable bond series)).

All Bond Assessments levied run with the land, and such Bond Assessment liens include any True-Up Payments. The District will not release any liens on property for which True-Up Payments are due, until provision for such payment has been satisfactorily made. Further, upon the District's review of the final plat for the developable acres, any unallocated Bond Assessments shall become due and payable and must be paid prior to the District's approval of that plat. This true-up process applies for both plats and/or re-plats.

Such review shall be limited solely to the function and the enforcement of the District's Bond Assessment liens and/or true-up agreements. Nothing herein shall in any way operate to or be construed as providing any other plat approval or disapproval powers to the District. For further detail on the true-up process, please refer to the True-Up Agreement and applicable assessment resolution(s).

5.7 Assessment Roll

The Bond Assessments of \$57,370,000 are proposed to be levied over the area described in Exhibit "A". Excluding any capitalized interest period, Bond Assessments shall be paid in thirty (30) annual principal installments.

5.8 Additional Items Regarding Bond Assessment Imposition and Allocation

This master assessment allocation methodology is intended to establish the necessary benefit and fair and reasonable allocation findings for a master assessment lien, which may give rise to one or more individual assessment liens relating to individual bond

issuances necessary to fund all or a portion of the project(s) referenced herein comprising the CIP. All such liens shall be within the benefit limits established herein and using the allocation methodology described herein, and shall be described in one or more supplemental reports.

As noted herein, the CIP functions as a system of improvements. Among other implications, this means that proceeds from any particular bond issuance can be used to fund improvements within any benefitted property or designated assessment area within the District, regardless of where the Bond Assessments are levied, provided that Bond Assessments are fairly and reasonably allocated across all benefitted properties.

As set forth in any supplemental report, and for any particular bond issuance, the Developer may opt to “buy down” the Bond Assessments on particular product types and/or lands using a contribution of cash, infrastructure or other consideration, and in order for Bond Assessments to reach certain target levels. Note that any “true-up,” as described herein, may require a payment to satisfy “true-up” obligations as well as additional contributions to maintain such target assessment levels. Any amounts contributed by the Developer to pay down Bond Assessments will not be eligible for “deferred costs,” if any are provided for in connection with any particular bond issuance.

No Bond Assessments will be allocated herein to any public or private amenities or other common areas planned for the Development. Such amenities and common areas will be owned and operated by the District and/or master homeowners’ association. If owned by a homeowners’ association, the amenities will be considered a common element for the exclusive benefit of property owners. Alternatively, if owned by the District, the amenities will be available for use by the public, subject to the District’s rules and policies. Accordingly, any benefit to the amenities and common areas flows directly to the benefit of all property in the District. As such, no Bond Assessments will be assigned to the amenities and common areas.

In the event that the CIP is not completed, required contributions are not made, additional benefitted lands are added to the District and/or assessment area(s), or under certain other circumstances, the District may elect to reallocate the Bond Assessments, and the District expressly reserves the right to do so, provided however that any such reallocation shall not be construed to relieve any party of contractual or other obligations to the District.

6.0 Additional Stipulations

6.1 Overview

Wrathell, Hunt and Associates, LLC was retained by the District to prepare a methodology to fairly allocate the special assessments related to the District's CIP. Certain financing, development and engineering data was provided by members of District Staff and/or the Developer. The allocation methodology described herein was based on information provided by those professionals. Wrathell, Hunt and Associates, LLC makes no representations regarding said information transactions beyond restatement of the factual information necessary for compilation of this report. For additional information on the Bond structure and related items, please refer to the Offering Statement associated with this transaction.

Wrathell, Hunt and Associates, LLC does not represent the District as a Municipal Advisor or Securities Broker nor is Wrathell, Hunt and Associates, LLC registered to provide such services as described in Section 15B of the Securities and Exchange Act of 1934, as amended. Similarly, Wrathell, Hunt and Associates, LLC does not provide the District with financial advisory services or offer investment advice in any form.

7.0 Appendix

Table 1

Colbert Landings Community Development District

Development Plan

Unit Type	Total Number of Units
Single-Family 50'	374
Single-Family 60'	108
Total	482

Table 2

Colbert Landings Community Development District

Capital Improvement Program

Improvement	Total Costs
CDD Clearing/ Grading	\$8,923,128
Stormwater Management System	\$4,339,542
CDD Roadways	\$5,054,749
Water & Wastewater	\$8,113,888
Hardscaping, Landscaping, Irrigation	\$1,036,750
Amenities	\$2,032,932
Offsite Improvements	\$2,086,238
Contingency	\$6,317,445
Design and Permitting	\$3,790,467
Total	\$41,695,139

Table 3

Colbert Landings

Community Development District

Preliminary Sources and Uses of Funds

Sources

Bond Proceeds:

Par Amount	\$57,370,000.00
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Total Sources	\$57,370,000.00
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Uses

Project Fund Deposits:

Project Fund	\$41,695,139.00
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Other Fund Deposits:

Debt Service Reserve Fund	\$5,096,029.85
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Capitalized Interest Fund	\$9,179,200.00
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Delivery Date Expenses:

Costs of Issuance	\$1,397,400.00
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Rounding	\$2,231.15
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Total Uses	\$57,370,000.00
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Table 4

Colbert Landings

Community Development District

Benefit Allocation

Unit Type	Number of Units	ERU per Unit	Total ERU
Single-Family 50'	374	1.00	374.00
Single-Family 60'	108	1.20	129.60
Total	482		503.60

Table 5

Colbert Landings

Community Development District

Assessment Apportionment

Unit Type	Total Number of Units	Total Cost Allocation*	Total Bond Assessment Apportionment	Bond Assessment Apportionment per Unit	Annual Bond Assessment Debt Service per Unit - paid in March**
Single-Family 50'	374	\$30,965,015.86	\$42,605,996.82	\$113,919.78	\$10,765.11
Single-Family 60'	108	\$10,730,123.14	\$14,764,003.18	\$136,703.73	\$12,918.13
Total	482	\$41,695,139.00	\$57,370,000.00		

* Please note that cost allocations to units herein are based on the ERU benefit allocation illustrated in Table 4

** Includes county collection costs of 2% (subject to change) and an early collection discount allowance estimated at 4% (subject to change)

EXHIBIT A

Bond Assessments in the estimated amount of \$57,370,000 are proposed to be levied over the area as described below:

Consent and Joinder of Landowner
to the Establishment of a Community Development District
Proposed Colbert Landings Community Development District

Exhibit A:
Legal Description

A PARCEL OF LAND LYING AND BEING IN U.S. GOVERNMENT SECTIONS 3, 39 AND 40, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT A 6" X 6" CONCRETE MONUMENT WITH BRASS DISK STAMPED "ORIGINAL SEC. COR. U.S. LAND SURVEY #261" FOUND AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND RUN THENCE ALONG THE WEST LINE OF SAID SECTION 11, SOUTH 01°28'12" EAST, 1280.33 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "LB 6566"; THENCE CONTINUE ALONG SAID WEST LINE, SOUTH 01°28'12" EAST, 691.36 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 88°13'11" EAST 659.28 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION; THENCE SOUTH 01°32'40" EAST, 673.19 FEET TO THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 251, PAGE 547, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; SAID LINE ALSO BEING 14.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 100 (F.D.O.T. SECTION 73020-2515), A 200 FOOT WIDE PUBLIC RIGHT OF WAY; THENCE ALONG SAID PARALLEL LINE SOUTH 89°29'02" EAST, 386.53 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" FOUND AT THE INTERSECTION OF SAID PARALLEL LINE AND THE WESTERLY RIGHT OF WAY LINE OF A 15 FOOT WIDE BIKE PATH RIGHT OF WAY, ALSO KNOWN AS PARCEL "B", AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 591 PAGE 773, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 05°36'17" EAST, 898.02 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" FOUND AT THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE WEST; HAVING A RADIUS OF 1895.00 FEET AND A DELTA ANGLE OF 48°32'17", WHOSE CHORD BEARS NORTH 18°39'51" WEST; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, ALONG THE ARC OF SAID CURVE IN A NORTHERLY AND COUNTER CLOCKWISE DIRECTION, 1605.35 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, TANGENT TO THE LAST CURVE, NORTH 42°56'00" WEST, 51.23 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A 15 FOOT WIDE PUBLIC BIKE PATH RIGHT OF WAY AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 474, PAGE 820, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1725.00 FEET AND A DELTA ANGLE OF 00°47'54", WHOSE CHORD BEARS NORTH 49°16'55" WEST; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE IN A NORTHWESTERLY AND COUNTER-CLOCKWISE DIRECTION, 24.03 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, TANGENT TO THE LAST CURVE, NORTH 49°40'52" WEST, 322.47 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION FOUND AT THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2075.00 FEET AND A DELTA ANGLE OF 20°49'27", WHOSE CHORD BEARS NORTH 39°16'08" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 754.16 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, SOUTH 61°02'26" WEST, 132.61 FEET TO THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 76.20 FEET AND A DELTA ANGLE OF 90°53'14", WHOSE CHORD BEARS NORTH 73°30'57" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 120.87 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION FOUND AT THE BEGINNING OF A COMPOUND CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2381.20 FEET AND A DELTA ANGLE OF 07°08'07", WHOSE CHORD BEARS NORTH 24°30'17" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 296.54 FEET TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 76.20 FEET AND A DELTA ANGLE OF 90°53'13", WHOSE CHORD BEARS NORTH 24°30'23" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHEASTERLY AND CLOCKWISE DIRECTION, 120.87 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" SAID CONCRETE MONUMENT ALSO BEING THE POINT OF BEGINNING OF THE LANDS BEING DESCRIBED; THENCE TANGENT TO THE LAST CURVE, NORTH 69°57'00" EAST, 143.00 FEET TO AN INTERSECTION WITH THE AFORESAID 15 FOOT WIDE PUBLIC BIKE PATH RIGHT OF WAY AS

Consent and Joinder of Landowner
to the Establishment of a Community Development District
Proposed Colbert Landings Community Development District

DESCRIBED AND RECORDED IN OFFICIAL RECORDS OFFICIAL RECORDS BOOK 474, PAGE 820, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2075.00 FEET AND A DELTA ANGLE OF 14°15'57", WHOSE CHORD BEARS NORTH 10°10'32" WEST; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE IN A NORTHERLY AND CLOCKWISE DIRECTION, 516.64 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, NORTH 79°37'07" WEST, 378.84 FEET, THENCE NORTH 47°30'38" WEST, 210.90 FEET; THENCE NORTH 08°02'07" WEST, 278.13 FEET; THENCE NORTH 42°31'19" WEST, 644.26 FEET; THENCE NORTH 63°57'47" WEST, 302.89 FEET; THENCE NORTH 85°53'27" WEST, 132.53 FEET; THENCE NORTH 03°36'14" EAST, 123.70 FEET; THENCE NORTH 43°33'24" WEST, 406.24 FEET; THENCE SOUTH 43°05'57" WEST, 91.04 FEET; THENCE SOUTH 04°15'25" WEST, 104.75 FEET; THENCE SOUTH 40°22'25" WEST, 324.10 FEET; THENCE SOUTH 80°06'11" WEST, 55.25 FEET; THENCE NORTH 27°50'43" EAST, 332.95 FEET; THENCE NORTH 00°00'00" EAST, 85.47 FEET; THENCE NORTH 47°33'46" EAST, 191.77 FEET; THENCE NORTH 15°15'48" WEST, 155.15 FEET; THENCE NORTH 34°00'46" WEST, 636.31 FEET; THENCE SOUTH 85°20'40" WEST, 87.82 FEET; THENCE SOUTH 12°52'08" WEST, 314.39 FEET; THENCE NORTH 77°50'07" WEST, 101.47 FEET; THENCE NORTH 17°19'15" WEST, 156.79 FEET; THENCE NORTH 71°16'17" WEST, 309.76 FEET; THENCE SOUTH 78°29'33" WEST, 105.55 FEET; THENCE NORTH 58°58'10" WEST, 118.93 FEET; THENCE NORTH 00°58'16" EAST, 127.06 FEET; THENCE SOUTH 66°43'11" EAST, 277.69 FEET; THENCE NORTH 39°57'04" EAST, 104.92 FEET; THENCE SOUTH 67°50'42" EAST, 245.71 FEET; THENCE NORTH 37°03'07" WEST, 803.78 FEET; THENCE SOUTH 58°52'20" WEST, 606.67 FEET; THENCE SOUTH 49°01'16" WEST, 347.81 FEET; THENCE SOUTH 11°33'59" EAST, 145.51 FEET; THENCE SOUTH 32°19'01" WEST, 185.55 FEET; THENCE SOUTH 26°09'35" EAST, 79.41 FEET; THENCE SOUTH 28°37'27" WEST, 194.88 FEET; THENCE SOUTH 12°48'41" EAST, 131.57 FEET; THENCE SOUTH 39°58'25" EAST, 279.70 FEET; THENCE SOUTH 11°49'24" EAST, 69.15 FEET; THENCE SOUTH 07°16'18" EAST, 1441.48 FEET; THENCE SOUTH 37°58'06" EAST, 1030.47 FEET; THENCE SOUTH 68°55'03" EAST, 134.66 FEET; THENCE NORTH 23°12'03" EAST, 19.66 FEET; THENCE NORTH 14°17'00" EAST, 35.87 FEET; THENCE NORTH 27°21'21" WEST, 36.08 FEET; THENCE NORTH 41°53'24" WEST, 52.96 FEET; THENCE NORTH 23°06'37" WEST, 65.21 FEET; THENCE NORTH 26°21'14" WEST, 52.61 FEET; THENCE NORTH 42°14'07" WEST, 56.80 FEET; THENCE NORTH 30°24'21" WEST, 68.42 FEET; THENCE NORTH 00°37'21" WEST, 13.30 FEET; THENCE NORTH 29°09'39" EAST, 47.69 FEET; THENCE NORTH 34°24'50" EAST, 3.75 FEET; THENCE NORTH 85°44'23" EAST, 372.47 FEET; THENCE TO A POINT ON A TANGENTIAL CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 645.00 FEET AND A DELTA ANGLE OF 42°29'14", WHOSE CHORD BEARS NORTH 64°29'46" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHEASTERLY AND COUNTER-CLOCKWISE DIRECTION, 478.29 FEET; THENCE NORTH 43°15'09" EAST, 159.41 FEET; THENCE SOUTH 77°42'13" EAST, 85.36 FEET; THENCE NORTH 63°08'32" EAST 33.73 FEET; THENCE SOUTH 61°46'15" EAST, 26.08 FEET; THENCE SOUTH 06°41'01" EAST, 39.51 FEET; THENCE SOUTH 74°40'55" EAST, 41.27 FEET; THENCE NORTH 17°32'20" WEST, 17.16 FEET; THENCE NORTH 32°33'17" EAST, 23.37 FEET; THENCE NORTH 82°38'55" EAST, 72.30 FEET; THENCE NORTH 72°43'57" EAST, 53.76 FEET; THENCE SOUTH 57°36'12" EAST, 163.54 FEET TO A POINT ON A NON-TANGENTIAL CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 170.00 FEET AND A DELTA ANGLE OF 26°19'49", WHOSE CHORD BEARS SOUTH 79°52'53" EAST; THENCE ALONG THE ARC, OF SAID CURVE IN A SOUTHEASTERLY AND CLOCKWISE DIRECTION, 78.12 FEET; THENCE NORTH 20°09'45" EAST, 122.93 FEET TO A POINT ON A NON-TANGENTIAL CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 815.00 FEET AND A DELTA ANGLE OF 01°12'41"; WHOSE CHORD BEARS SOUTH 70°26'35" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHEASTERLY AND COUNTER-CLOCKWISE DIRECTION 17.23 FEET TO A POINT OF REVERSE CURVATURE; THENCE ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 225.00 FEET AND A DELTA ANGLE OF 29°22'15", WHOSE CHORD BEARS SOUTH 56°21'48" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHEASTERLY AND CLOCKWISE DIRECTION, 115.34 FEET; THENCE NORTH 48°19'19" EAST, 176.46 FEET; THENCE SOUTH 31°22'57" EAST, 337.36 FEET; THENCE SOUTH 58°37'03" WEST, 21.62 FEET; THENCE SOUTH 31°22'57" EAST, 170.00 FEET; THENCE NORTH 58°37'03" EAST, 120.00 FEET; THENCE SOUTH 31°22'57" EAST, 40.67 FEET; THENCE NORTH 00°50'41" WEST, 7.61 FEET; THENCE NORTH 38°05'23" EAST, 51.52 FEET; THENCE NORTH 73°10'15" EAST, 16.01 FEET; THENCE SOUTH 70°53'31" EAST, 61.73 FEET; THENCE SOUTH 50°53'52" EAST, 52.03 FEET; THENCE SOUTH 16°27'39" EAST, 55.82 FEET; THENCE SOUTH 32°59'09" EAST, 30.95 FEET; THENCE SOUTH 38°49'18" EAST, 64.12 FEET; THENCE SOUTH 14°45'31" EAST, 10.50 FEET; THENCE SOUTH

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08°35'43" WEST, 46.61 FEET; THENCE SOUTH 21°39'02" EAST, 51.76 FEET; THENCE NORTH 62°10'19" EAST, 205.13 FEET; THENCE NORTH 69°57'00" EAST, 194.43 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF LAND LYING IN SECTIONS 3, 10, 11 AND 39, TOWNSHIP 12 SOUTH, RANGE 31 EAST, CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA, BEING A PORTION OF LANDS OF COLBERT LANE, LLC. AS RECORDED IN ORB 861, PG 1536, A PORTION OF SAID LANDS BEING A PORTION OF LOTS 4, 5 AND 6, BLOCK B. SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST OF THE PLAT OF BUNNELL DEVELOPMENT COMPANY AS RECORDED IN MAP BOOK (MB) 1, PAGE (PG) 1 OF THE PUBLIC RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY (R/W) LINE OF STATE ROAD 100, A 200 FOOT WIDE R/W PER STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 73020 -2515 AND THE EAST LINE OF SAID SECTION 10; THENCE RUN N01°28'12"W ON THE EAST LINE OF SAID SECTION 10 AND THE WEST LINE OF SAID PLAT OF BUNNELL DEVELOPMENT COMPANY FOR A DISTANCE OF 1,353.10 FEET TO THE POINT OF BEGINNING, SAID POINT BEARS N01°28'12"W, 1.00 FEET FROM THE NORTHEAST CORNER OF EDGE PROPERTIES, LLC AS RECORDED IN OFFICIAL RECORDS BOOK (ORB) 961, PG 1149; THENCE DEPARTING SAID SECTION AND PLAT LINES, RUN ON A LINE LYING 1.00 FOOT NORTH OF AND PARALLEL TO THE NORTH LINE OF SAID EDGE PROPERTIES, S89°37'11"W OVER AND ACROSS LANDS OF COLBERT LANE, LLC AS RECORDED IN ORB 861, PG 1536 FOR A DISTANCE OF 1,640.62 FEET TO A POINT, SAID POINT BEARS N01°28'12"W, 1.00 FEET FROM THE NORTHWEST CORNER OF SAID EDGE PROPERTIES; THENCE RUN S89°34'26"W FOR A DISTANCE OF 1,251.87 FEET TO A POINT ON THE EASTERLY LINE OF LANDS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION AS RECORDED IN ORB 551, PG 594 AND ORB 552, PG 1273; THENCE RUN N37°09'48 "W ON SAID EASTERLY LINE FOR A DISTANCE OF 62.64 FEET TO A POINT; THENCE RUN N03°29'47"W FOR A DISTANCE OF 762.72 FEET TO A POINT; THENCE RUN N52°05'15"E FOR A DISTANCE OF 552.54 FEET TO A POINT; THENCE RUN N19°41'16"W FOR A DISTANCE OF 744.45 FEET TO A POINT; THENCE RUN N68°55'03"W FOR A DISTANCE OF 170.22 FEET TO A POINT, SAID POINT BEING ON THE SOUTHERLY LINE OF WATERFORD INVESTMENT PROPERTIES, INC. AS RECORDED IN ORB 1648, PG 766; THENCE DEPARTING SAID EASTERLY LINE RUN ON SAID SOUTHERLY LINE THE FOLLOWING 12 COURSES, 1) N23°12'03"E, 19.66 FEET; 2) N14°17'00"E, 35.87 FEET; 3) N27°21'21"W, 36.08 FEET; 4) N41°53'24" W, 52.96 FEET; 5) N23°06'37"W, 65.21 FEET; 6) N26°21'14"W, 52.61 FEET; 7) N42°14'07"W, 56.80 FEET; 8) N30°24'21"W, 68.42 FEET; 9) N00°37'21"W, 13.30 FEET; 10) N29°09'39"E, 47.69 FEET; 11) N34°24 '50"E, 3.75 FEET; 12) N85°44'23"E, 372.47 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ON SAID CURVE TO THE LEFT HAVING AN ARC LENGTH OF 478.29 FEET, A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 42°29'14", A CHORD LENGTH OF 467.41 FEET AND A CHORD BEARING OF N64°29'46"E TO A POINT OF TANGENCY; THENCE RUN THE FOLLOWING 11 COURSES, 1) N43°15'09"E, 159.41 FEET; 2) S77°42'13"E, 85.36 FEET; 3) N63°08'32"E, 33.73 FEET; 4) S61°46'15"E, 26.08 FEET; 5) S06°41'01"E, 39.51 FEET; 6) S74°40'55"E, 41.27 FEET; 7) N17°32'20 "W, 17.16 FEET; 8) N32°33'17"E, 23.37 FEET; 9) N82°38'55"E, 72.30 FEET; 10) N72°43'57"E, 53.76 FEET; 11) S57°36'12"E, 163.54 FEET TO A POINT ON A NONTANGENT CURVE; THENCE RUN EASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 78.12 FEET, A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 26°19'49", A CHORD LENGTH OF 77.44 FEET AND A CHORD BEARING OF S79°52'53"E TO A POINT ON A NONTANGENT LINE; THENCE RUN N20°09'45"E FOR A DISTANCE OF 122.93 FEET TO A POINT ON A NONTANGENT CURVE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE LEFT HAVING AN ARC LENGTH OF 17.23 FEET, A RADIUS OF 815.00 FEET, A CENTRAL ANGLE OF 1°12'41", A CHORD LENGTH OF 17.23 FEET AND A CHORD BEARING OF S70°26'35"E TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 115.34 FEET, A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 29°22'15", A CHORD LENGTH OF 114.08 FEET AND A CHORD BEARING OF S56°21'48"E TO A POINT ON A NONTANGENT LINE; THENCE RUN THE FOLLOWING 17 COURSES, 1) N48°19'19"E, 176.46 FEET; 2) S31°22'57"E, 337.36 FEET; 3) S58°37'03"W, 21.62 FEET; 4) S31°22'57"E, 170.00 FEET; 5) N58°37'03"E, 120.00 FEET; 6) S31°22'57"E, 40.67 FEET; 7) N00°50'41"W, 7.61 FEET;

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8) N38°05'23"E, 51.52 FEET; 9) N73°10'15 "E, 16.01 FEET; 10) S70°53'31"E, 61.73 FEET; 11) S50°53'52"E, 52.03 FEET; 12) S16°27'39"E, 55.82 FEET; 13) S32°59'09"E, 30.95 FEET; 14) S38°49'18"E, 64.72 FEET; 15) S14°45'31"E, 10.50 FEET; 16) S08°35'43"W, 46.61 FEET; 17) S23°39'02"E, 51.80 FEET TO A POINT ON THE NORTHWESTERLY LINE OF FLAGLER LIFESTYLE COMMUNITIES, AS RECORDED IN ORB 1190, PG 1606; THENCE RUN S62°10'19"W ON SAID NORTHWESTERLY LINE FOR A DISTANCE OF 192.30 FEET TO A POINT; THENCE RUN S31°22'57"E FOR A DISTANCE OF 1,542.48 FEET TO A POINT; THENCE RUN N58°37'03"E FOR A DISTANCE OF 867.83 FEET TO A POINT ON THE WESTERLY LINE OF A 15 FOOT WIDE STRIP OF LANDS OF FLAGLER COUNTY, AS RECORDED IN ORB 474, PG 820, SAID STRIP OF LAND LYING PARALLEL TO AND ABUTTING THE WESTERLY R/W LINE OF COLBERT LANE, A 120 FOOT WIDE R/W AS RECORDED IN ORB 455, PG 876; THENCE DEPARTING SAID FLAGLER LIFESTYLE COMMUNITIES, RUN ON THE WESTERLY LINE OF SAID 15 FOOT STRIP S49°40'53"E FOR A DISTANCE OF 11.27 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 24.28 FEET. A RADIUS OF 1,725.00 FEET, A CENTRAL ANGLE OF 0°48'23", A CHORD LENGTH OF 24.28 FEET AND A CHORD BEARING OF S49°16'41 "E TO A POINT ON A NONTANGENT LINE, SAID POINT BEING ON THE WESTERLY LINE OF A 15 FOOT WIDE STRIP OF LANDS OF FLAGLER COUNTY, (PARCEL B) AS RECORDED IN ORB 591, PG 773, SAID STRIP OF LAND LYING PARALLEL TO AND ABUTTING THE WESTERLY R/W LINE OF COLBERT LANE, A 200 FOOT WIDE R/W (PARCEL A) AS RECORDED IN ORB 591, PG 773; THENCE DEPARTING SAID 15 FOOT WIDE STRIP AS RECORDED IN ORB 474, PG 820, RUN S42°55'59"E ON SAID 15 FOOT STRIP AS RECORDED IN ORB 591, PG 773, FOR A DISTANCE OF 36.95 FEET TO A POINT; THENCE DEPARTING SAID 15 FOOT STRIP RUN S58°37'03W OVER AND ACROSS SAID LANDS OF COLBERT LANE, LLC FOR A DISTANCE OF 793.83 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 10; THENCE RUN S01°28'12"E FOR A DISTANCE OF 618.62 FEET TO THE POINT OF BEGINNING.

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

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ENGINEER'S REPORT
FOR THE
COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT

PREPARED FOR:

BOARD OF SUPERVISORS
COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT

ENGINEER:
Matt Lahti, P.E., Gulfstream Design Group, LLC

March 28, 2023

COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT

ENGINEER'S REPORT

1. INTRODUCTION

The purpose of this report is to provide a description of the capital improvement plan ("CIP" or "Master Project") and estimated costs of the CIP, for the Colbert Landings Community Development District.

2. GENERAL SITE DESCRIPTION

The proposed District is located entirely within the City of Palm Coast, Florida, and covers approximately 293.31 acres of land, more or less. **Exhibit A** depicts the general location of the project. The site is generally located north of Moody Boulevard, west of Colbert Lane, and east of Interstate 95. The metes and bounds description of the external boundary of the proposed District is also set forth in **Exhibit B**.

As of the date of this Report, Phase 1 site is roughly 80% cleared and 10% of the grading has been completed. The pond grading is currently underway.

3. PROPOSED CAPITAL IMPROVEMENT PROJECT

The CIP intended to provide public infrastructure improvements for the lands within the District, which are planned for 482 residential units. The proposed site plan for the is attached as **Exhibit C** to this report, and the plan enumerates the proposed lot count, by type, for the District. The following charts show the planned product types and land uses for the District:

Table 1

Minimum Lot Width	Minimum Lot Depth	Unit Count
X ≥ 75-Ft	125-Ft	11
X ≥ 75-Ft	120-Ft	2
X ≥ 75-Ft	130-Ft	3
X ≥ 75-Ft	140-Ft	3
X ≥ 75-Ft	150-Ft	1
X ≥ 75-Ft W/ Drainage Easement	125-Ft	4
X ≥ 75-Ft W/ Drainage Easement	130-Ft	12
X ≥ 75-Ft W/ Drainage Easement	150-Ft	1
X ≥ 75-Ft W/ Drainage Easement	140-Ft	3
70-Ft	125-Ft	3
70-Ft W/ Drainage Easement	125-Ft	7
60-Ft	140-Ft	4
60-Ft	130-Ft	4
60-Ft	125-Ft	34
60-Ft	120-Ft	16
60-Ft W/ Drainage Easement	150-Ft	1
60-Ft W/ Drainage Easement	140-Ft	2
60-Ft W/ Drainage Easement	130-Ft	21
60-Ft W/ Drainage Easement	125-Ft	13

60-Ft W/ Drainage Easement	120-Ft	2
50-Ft	150-Ft	3
50-Ft	145-Ft	4
50-Ft	140-Ft	23
50-Ft	130-Ft	86
50-Ft	125-Ft	182
50-Ft	120-Ft	25
50-Ft W/ Drainage Easement	150-Ft	1
50-Ft W/ Drainage Easement	130-Ft	6
50-Ft W/ Drainage Easement	125-Ft	5
TOTAL		482

Table 2

Land Use	Acreage
Lot Development	82.84
Roads	8.94
Common Areas	15.00
Stormwater Ponds	56.90
Conservation Areas	129.63
TOTAL	293.31 +/-

The CIP infrastructure includes:

Roadway Improvements:

The CIP includes subdivision roads within the District. Generally, all roads will be 2-lane un-divided roads with periodic stop-controlled intersections. Such roads include the roadway asphalt, base, and subgrade, roadway curb and gutter, striping and signage and sidewalks within rights-of-way abutting non-lot lands. Sidewalks abutting lots will be constructed by the homebuilders. All roads will be designed in accordance with City standards. All internal roadways are anticipated to be financed by the District, and are anticipated to be owned by the District for ownership, operation, and maintenance or another designated governmental entity.

Stormwater Management System:

The stormwater collection and outfall system is a combination of roadway curbs, curb inlets, pipe, control structures and open lakes designed to treat and attenuate stormwater runoff from District lands. The stormwater system within the project discharges to Graham Swamp via onsite wetlands. The stormwater system will be designed consistent with the criteria established by the SJRWMD and the City for stormwater/floodplain management systems. The District will finance, own, operate and maintain the stormwater system.

NOTE: No private earthwork is included in the CIP. Accordingly, the District will not fund any costs of mass grading of lots.

Water, Wastewater and Reclaim Utilities:

As part of the CIP, the District intends to construct and/or acquire water, wastewater and reclaim infrastructure. In particular, the on-site water supply improvements include water mains that will be located within rights-of-way and used for potable water service and fire protection. Water main connections will be made in Colbert Lane Right of Way.

Wastewater improvements for the project will include an onsite 16,873 LF of 8" PVC SDR-26 diameter gravity collection system, offsite and onsite 2,585 LF of 4" PVC DR-18 & 1,260 LF of 6" PVC DR-18 totaling to 3,845 LF of PVC DR-18 force main and onsite lift stations. The offsite force main connection will be made in Colbert Lane Right of Way.

The water and reclaim distribution and wastewater collection systems for all phases will be completed by the District and then dedicated to the City for operation and maintenance.

Hardscape, Landscape, and Irrigation:

The District will construct and/or install landscaping, irrigation and hardscaping within District common areas and rights-of-ways. Moreover, hardscaping will consist of entry features and landscaping around the Lift Station and storm water management facility.

The City has distinct design criteria requirements for planting and irrigation design. Therefore this project will at a minimum meet those requirements but in most cases exceed the requirements with enhancements for the benefit of the community.

All such landscaping, irrigation and hardscaping will be owned, maintained and funded by the District. Such infrastructure, to the extent that it is located in rights-of-ways owned by the City will be maintained pursuant to a right-of-way agreement to be entered into with the City. The CDD will not fund any private irrigation systems on or serving private property.

Street Lights / Undergrounding of Electrical Utility Lines

The District intends to lease streetlights through an agreement with FPL in which case the District would fund the street lights through an annual operations and maintenance assessment. As such, street lights are not included as part of the CIP.

The CIP does however include the undergrounding of electrical utility lines within right-of-way utility easements throughout the community. Any lines and transformers located in such areas would be owned by FPL and not paid for by the District as part of the CIP.

Recreational Amenities:

The District intends to develop a residential amenity for the project, which may include but is not limited to active recreation in the form of an amenity center equipped with a playground, pool, and pickleball court along with walking trails along stormwater management facility berms equipped with park benches. In addition, the District intends to provide passive recreation in the form of wetlands / conservation areas along with common areas within common area tracts and drainage tracts.

Environmental Conservation/Mitigation

There are 22.79 acres of forested and herbaceous wetland impacts associated with the proper construction of the District's infrastructure which will require 22.79 acres of wetland mitigation. The District is anticipated to be responsible for the design, permitting, construction, maintenance, and government reporting of the environmental mitigation. These costs are included within the CIP.

Professional Services

The CIP also includes various professional services. These include: (i) engineering, surveying and architectural fees, (ii) permitting and plan review costs, and (iii) development/construction management services fees that are required for the design, permitting, construction, and maintenance acceptance of the public improvements and community facilities.

Off-Site Improvements

A development that is anticipated to include 494 single-family residential dwelling units are proposed for construction on the west side of Colbert Lane north of Highway 100 in the City of Palm Coast, Florida with an anticipated 2025 buildout.

Colbert Lane is a two-lane undivided roadway with a posted speed of 55 miles per hour (mph). The 2019 annual average daily traffic (AADT) is 5,800 vehicles per day (vpd) north of Roberts Road and 4,200 vpd south to SR 100. SR 100 is a four-lane divided roadway with a posted speed of 45 mph. The 2019 AADT ranges from 11,800 to 20,600 vpd from Old Kings Road to N Flagler Avenue.

The offsite improvements are anticipated to be financed and constructed at the cost of the CDD and be provided to Flagler County for perpetual maintenance.

The District's CIP functions as a system of improvements benefitting all lands within the District.

All of the foregoing improvements are required by applicable development approvals. Note that, except as stated herein, there are no impact fee or similar credits available from the construction of any such improvements.

The following table shows who will finance, own and operate the various improvements of the CIP:

TABLE 3

<u>Facility Description</u>	<u>Financing Entity</u>	<u>Ownership & Maintenance Entity</u>
Stormwater Management System	CDD	CDD
Roadways	CDD	CDD
Water & Wastewater Systems	CDD	City
Hardscaping, Landscaping, Irrigation	CDD	CDD
Conservation Areas	CDD	CDD
Amenity	CDD	CDD
Off-site Improvements	CDD	County

4. PERMITTING/CONSTRUCTION COMMENCEMENT

All necessary permits for the construction of the CIP have either been obtained or are currently under review by respective governmental authorities, and include the following:

Permit Name	Issued/ Pending	Permit #	Issue Date/ Exp Date	Projected Approval Dates	Plan Revision Date	Notes
City of Palm Coast Rezoning	Issued	ORD 2021-3, ORD 2021-4	3/16/2021	N/A	N/A	Approved
City of Palm Coast Subdivision Master Plan	Issued	AR# 4793	8/18/2021	N/A	7/7/2021	Approved Inst No:2021050284 BK:2605 PG:686 Pages:3
City of Palm Coast Preliminary Plat Development Order	Issued	AR# 4956	5/6/2022 5/6/2023	N/A	3/18/2022	Development Order Issued
City of Palm Coast Final Plat	Pending	Pending	Pending	TBD	Pending	During Construction
City of Palm Coast Site Development Order	Issued	2022051341	12/15/2022	TBD	n/a	
City of Palm Coast Amenity Center Technical Site Plan	Pending	Pending	Pending	TBD	Pending	Per Condition of the Preliminary Plat Development Order Need layout
City of Palm Coast Sales Center Site Plan	Pending	Pending	Pending	TBD	Pending	Need Layout.
Flagler County Right of Way	Issued	ROW 009298-2021	Issued 8/8/2022	N/A	8/04/2022	Approved
Flagler County Construction	Issued		12/16/2022		n/a	
SJRWMD Onsite ERP	Issued	97632-12	Issued 11/8/22	N/A	8/24/2022	Approved

SJRWMD Offsite	Issued	18477-12	Issued 7/21/22	N/A	3/18/2022	Approved
SJRWMD Conceptual	Issued	97632-13	Issued 11/4/22	N/A	9/7/2022	Approved
FDEP 404 Permit	Issued	18-0406482-002-SFI	Issued 11/14/22	N/A	8/24/2022	Approved
FDEP Water	Issued	0080282-364-DSGP	9/14/2022	N/A	6/28/2022	Approved
FDEP Wastewater	Issued	0018380-335-DWC	9/22/2022	N/A	6/28/2022	Approved

5. OPINION OF PROBABLE CONSTRUCTION COSTS

Table 4 shown below presents, among other things, the Opinion of Probable Cost for the CIP. It is our professional opinion that the costs set forth in Table 4 are reasonable and consistent with market pricing.

TABLE 4

Improvement	TOTAL CIP Estimated Cost
CDD Clearing / Grading	\$8,923,128
Stormwater Management System	\$4,339,542
CDD Roadways	\$5,054,749
Water & Wastewater	\$8,113,888
Hardscaping, Landscaping, Irrigation	\$1,036,750
Amenities	\$2,032,932
Offsite Improvements	\$2,086,238
Contingency	\$6,317,445
Design and Permitting	\$3,790,467
TOTAL	\$41,695,139

*The probable costs estimated herein do not include anticipated carrying cost, interest reserves or other anticipated CDD expenditures that may be incurred.

6. CONCLUSIONS

The CIP will be designed in accordance with current governmental regulations and requirements. The CIP will serve its intended function so long as the construction is in substantial compliance with the design.

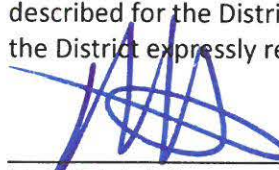
It is further our opinion that:

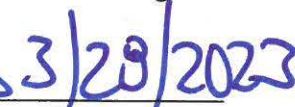
- The estimated cost to the CIP as set forth herein is reasonable based on prices currently being experienced in the City of Palm Coast, Florida, and is not greater than the lesser of the actual cost of construction or the fair market value of such infrastructure;
- All of the improvements comprising the CIP are required by applicable development approvals;
- The CIP is feasible to construct, there are no technical reasons existing at this time that would prevent the implementation of the CIP, and it is reasonable to assume that all necessary regulatory approvals will be obtained in due course;
- The reasonably expected economic life of the CIP is anticipated to be at least 20+ years;
- The assessable property within the District will receive a special benefit from the CIP that is at least equal to such costs; and
- The CIP will function as a system of improvements benefitting all lands within the District.

The professional service for establishing the Construction Cost Estimate is consistent with the degree of care and skill exercised by members of the same profession under similar circumstances.

The CIP will be owned by the District or other governmental units and such CIP is intended to be available and will reasonably be available for use by the general public (either by being part of a system of improvements that is available to the general public or is otherwise available to the general public) including nonresidents of the District. All of the CIP is or will be located on lands owned or to be owned by the District or another governmental entity or on public easements in favor of the District or other governmental entity. The CIP, and any cost estimates set forth herein, do not include any earthwork, grading or other improvements on private lots or property. Regarding any fill generated by construction of the CIP, and that is not used as part of the CIP, such fill will only be placed on-site where the cost of doing so is less expensive than hauling such fill off-site.

Please note that the CIP as presented herein is based on current plans and market conditions which are subject to change. Accordingly, the CIP, as used herein, refers to sufficient public infrastructure of the kinds described herein (i.e., stormwater/floodplain management, sanitary sewer, potable water, etc.) to support the development and sale of the planned residential units in the District, which (subject to true-up determinations) number and type of units may be changed with the development of the site. Stated differently, during development and implementation of the public infrastructure improvements as described for the District, it may be necessary to make modifications and/or deviations for the plans, and the District expressly reserves the right to do so.


Matt Lahti, P.E.


Date

FL License No. 71395

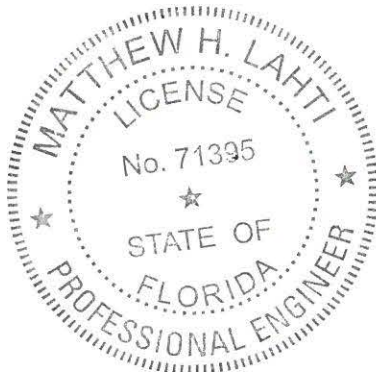
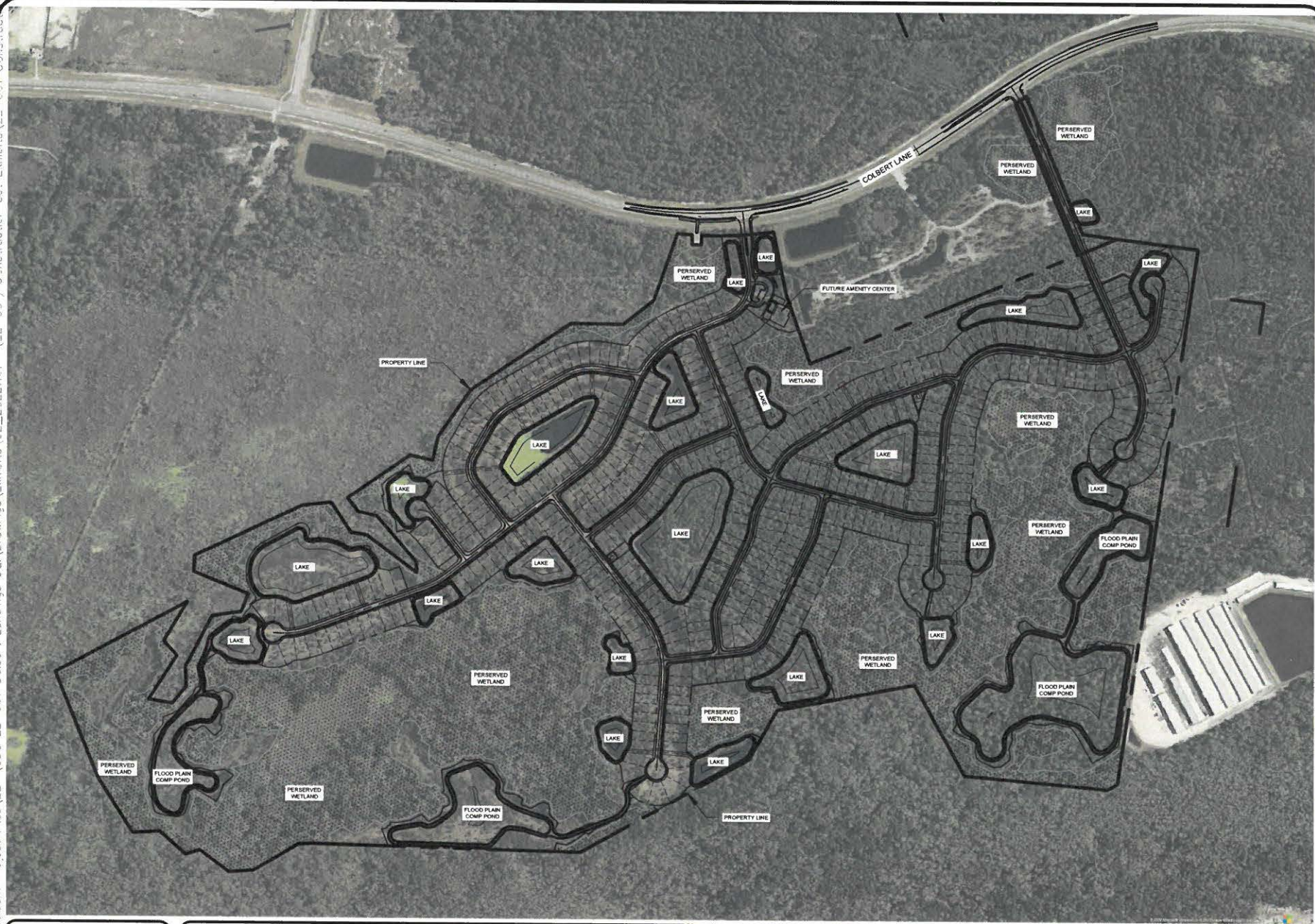


Exhibit A:

Location Map



PROJECT NO:	22-061
ISSUE DATE:	10-11-22
DRAFTED BY:	ELS
DESIGNED BY:	MHL
CHECKED BY:	MHL

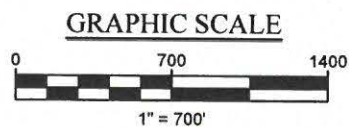


EXHIBIT PLAN FOR COLBERT LANDINGS

LOCATION MAP

CITY OF PALM COAST, FLORIDA

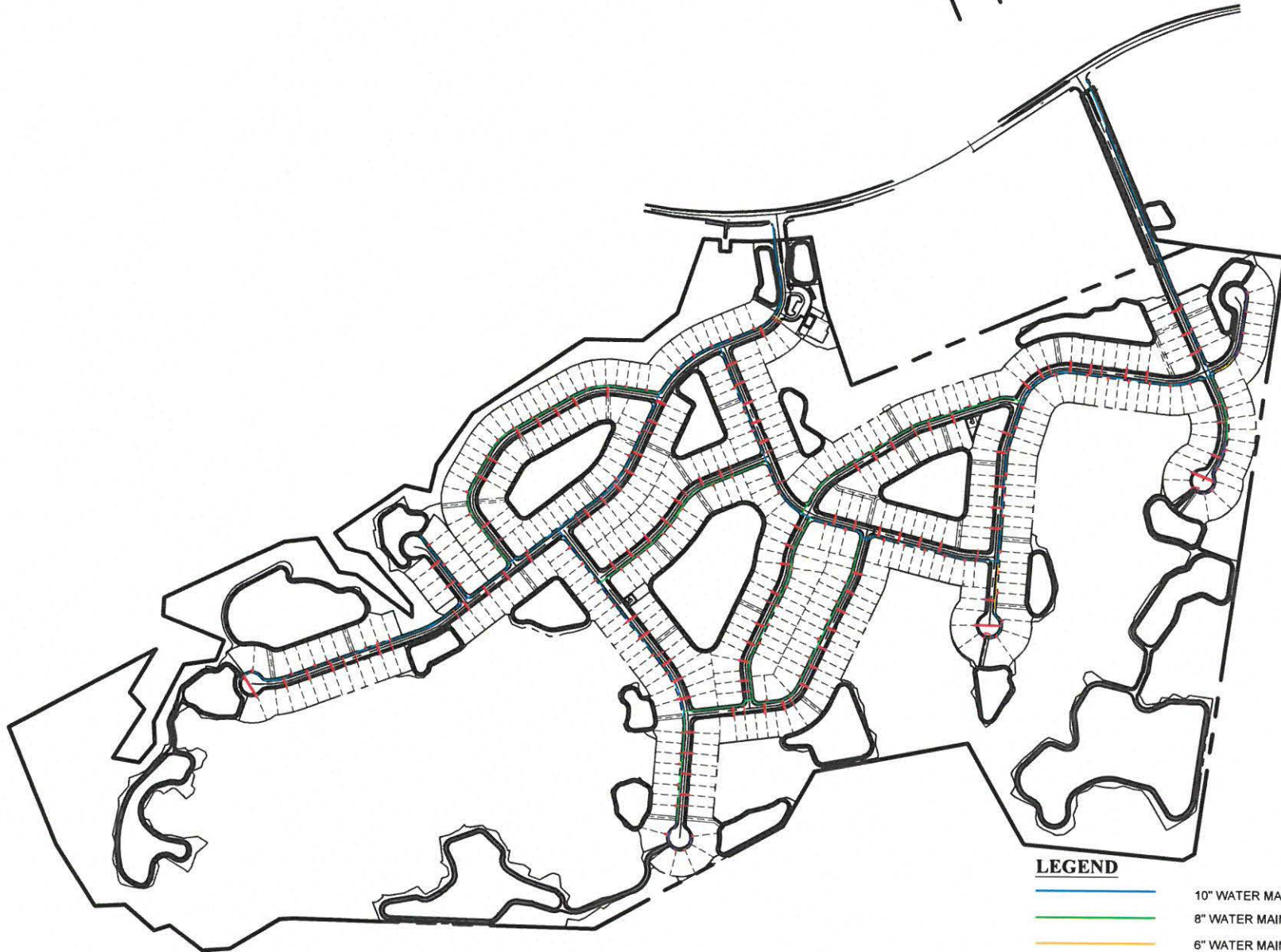


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Exhibit B:

Boundary Plans

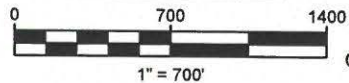


LEGEND

- 10" WATER MAIN (10,472 LF)
- 8" WATER MAIN (6,924 LF)
- 6" WATER MAIN (380 LF)
- 4" WATER MAIN (964 LF)
- 1" WATER MAIN (15,078 LF)

PROJECT NO:	22-061
ISSUE DATE:	10-11-22
DRAFTED BY:	ELS
DESIGNED BY:	MHL
CHECKED BY:	MHL

GRAPHIC SCALE



**EXHIBIT PLAN FOR
COLBERT LANDINGS**

CDD BOUNDARY CONCEPTUAL POTABLE WATER LAYOUT

CITY OF PALM COAST, FLORIDA



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LEGEND

-  PROPOSED 8" SDR-26 SEWER MAIN (16,952 LF)
-  PROPOSED SANITARY MANHOLE (83 TOTAL)
-  PROPOSED LIFT STATION (2 TOTAL)
-  6" PROPOSED FORCE MAIN (1,241 LF)
-  4" PROPOSED FORCE MAIN (2,709 LF)

PROJECT NO:	22-061
ISSUE DATE:	10-12-22
DRAFTED BY:	ELS
DESIGNED BY:	MHL
CHECKED BY:	MHL

GRAPHIC SCALE

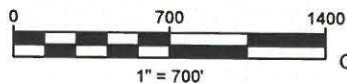


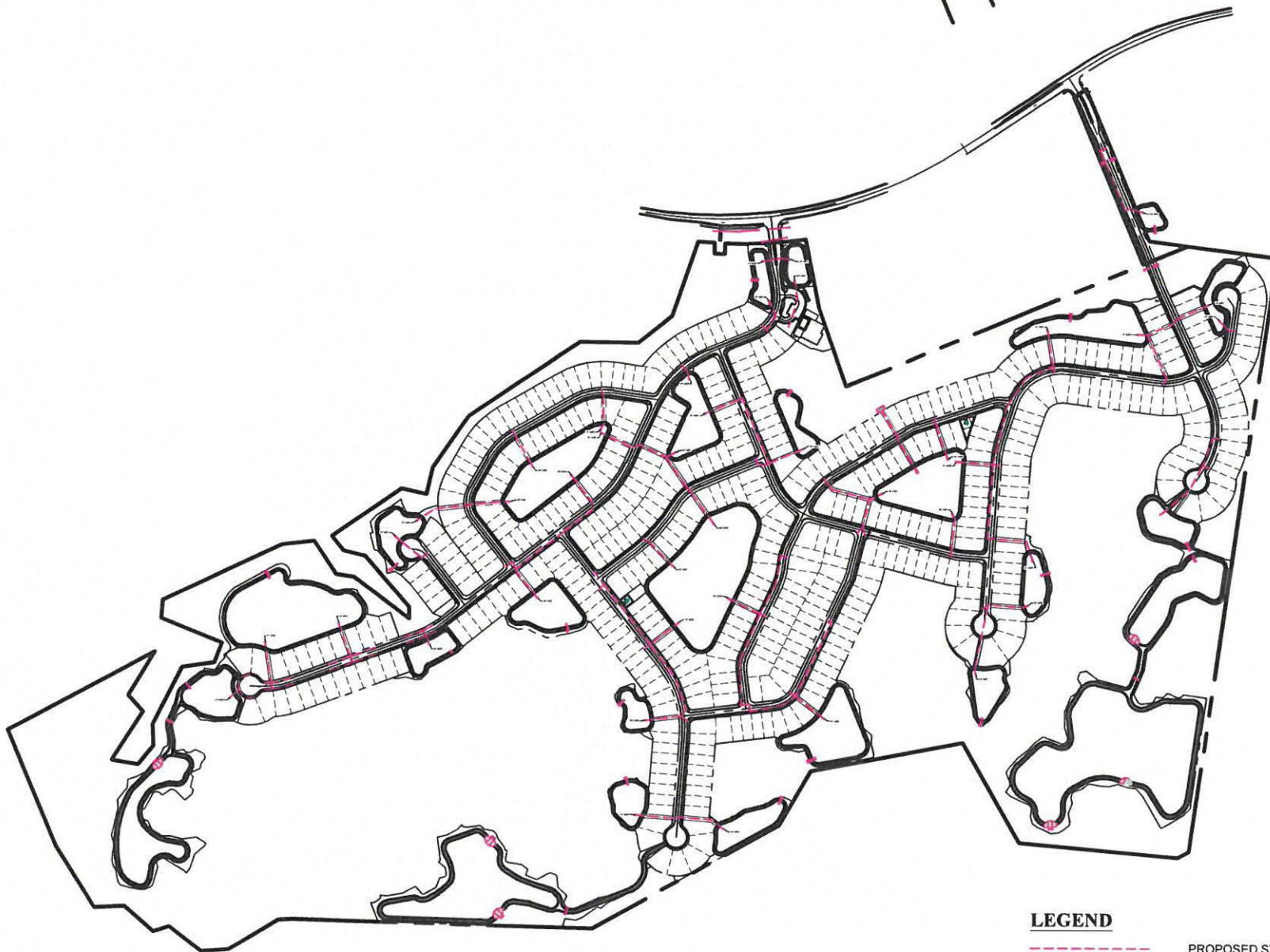
EXHIBIT PLAN FOR COLBERT LANDINGS

CDD BOUNDARY CONCEPTUAL SANITARY SEWER LAYOUT

CITY OF PALM COAST, FLORIDA



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LEGEND



PROPOSED STORM PIPE
PROPOSED STORM STRUCTURES

PROJECT NO:	22-061
ISSUE DATE:	10-12-22
DRAFTED BY:	ELS
DESIGNED BY:	MHL
CHECKED BY:	MHL

GRAPHIC SCALE

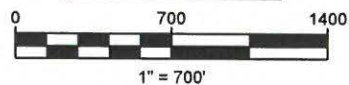
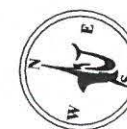


EXHIBIT PLAN FOR COLBERT LANDINGS

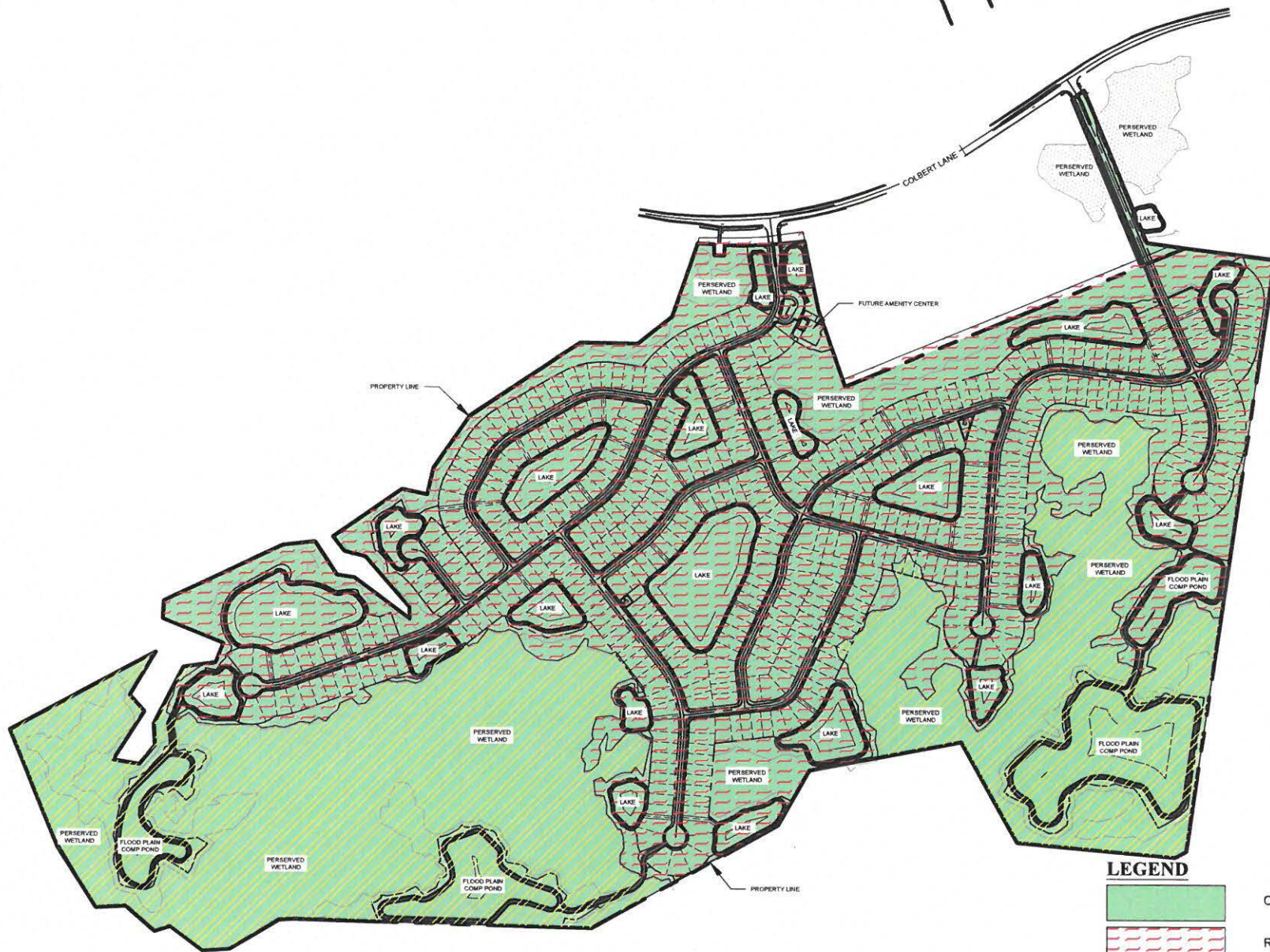
CDD BOUNDARY CONCEPTUAL STORMWATER LAYOUT

CITY OF PALM COAST, FLORIDA



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LEGEND

-  CDD BOUNDARY
-  RESIDENTIAL FLU
-  CONSERVATION FLU

PROJECT NO:	22-061
ISSUE DATE:	10-12-22
DRAFTED BY:	ELS
DESIGNED BY:	MHL
CHECKED BY:	MHL

GRAPHIC SCALE

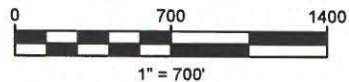
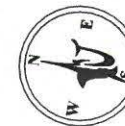


EXHIBIT PLAN FOR COLBERT LANDINGS

CDD BOUNDARY WITH PROPOSED FUTURE LAND USE

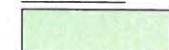
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LEGEND

 CDD BOUNDARY

PROJECT NO:	22-061
ISSUE DATE:	10-11-22
DRAFTED BY:	ELS
DESIGNED BY:	MHL
CHECKED BY:	MHL

GRAPHIC SCALE

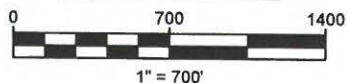


EXHIBIT PLAN FOR COLBERT LANDINGS CDD BOUNDARY CITY OF PALM COAST, FLORIDA



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Exhibit C:

Site Plan

LEGEND

- EXISTING PROPERTY LINE
- EXISTING R/W LINE
- PROPOSED R/W LINE & TRACTS
- PROPOSED CURB & GUTTER
- PROPOSED CENTER LINE
- PROPOSED BUILDING OUTLINE
- PHASE LINE
- PROPOSED BUILDING SETBACK
- PROPOSED LOT LINE
- PROPOSED UTILITY EASEMENT
- PROPOSED TOP OF BANK
- NORMAL WATER LEVEL
- PROPOSED POND GRADE BREAK
- EXISTING FLOODPLAIN
- FLOOD ZONE BFE
- WETLAND LINE
- PROPOSED STANDARD DUTY ASPHALT PAVEMENT
- PROPOSED CONCRETE SIDEWALK
- UPLAND BUFFER
- UPLAND PRESERVATION
- SURFACE WATER
- EXISTING WETLANDS
- PROPOSED VEGETATIVE NATURAL BUFFER
- PROPOSED LIGHT POLE

NOTE: IF MODEL HOMES ARE PROPOSED, NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL A STABILIZED ACCESS, WATER AND SEWER SERVICE AND NEAREST FIRE HYDRANT ARE PROVIDED AND ACCEPTED BY NECESSARY REGULATORY AGENCIES.

SITE DATA TABLE		
GROSS PROPERTY AREA	12,776,148 SF	293.30 AC
DEVELOPABLE PROJECT AREA	8,907,867 SF	204.96 AC
EXISTING WETLAND AREA	5,319,982 SF	122.13 AC
EXISTING UPLANDS	8,530,156 SF	195.83 AC
PROPOSED WETLAND IMPACTS	1,004,498 SF	23.06 AC
TOTAL IMPERVIOUS AREA:		
PROPOSED PAVEMENT	389,232 SF	8.94 AC
PROPOSED SIDEWALKS	90,767 SF	2.29 AC
LOTS @ 75%	1,950,196 SF	36.59 AC
GROSS IMPERVIOUS AREA	2,039,215 SF	46.81 AC
GROSS IMPERVIOUS SURFACE RATIO	MAX 75%	15.96 %
PROPERTY ID NO:	03-12-31-0000-01010-0150 03-12-31-0000-01010-0180	
ZONING:	CONSERVATION AND RESIDENTIAL	
FLUM:		
FEMA FIRM PANEL NUMBER	120350C0141E & 120350C0231E	
FLOOD ZONE:	X & AE	
TRACT LEGEND		
	MINIMUM	PROPOSED
FRONT YARD SETBACK	20	20
REAR YARD SETBACK	10	10
SIDE YARD SETBACK	5	5
MINIMUM LOT SIZE	6,000 SF	
MAXIMUM BUILDING HEIGHT	30'	
NUMBER OF UNITS	482 (PH1 = 248, PH2 = 234)	
MAX DENSITY	7 UNITS/AC	
PROPOSED DENSITY	1.84 UNITS/AC	
RECREATION AREA/OPEN SPACE	9.34 AC	

TRACT LEGEND

(NOTE - TRACTS ARE IN ACCORDANCE WITH PLAT TRACTS DEVELOPED BY GRIFFIO & ASSOCIATES, INC.)

- TRACT D-1: COMMON AREA DRAINAGE AND MAINTENANCE TRACT
- TRACT D-2: COMMON AREA DRAINAGE AND MAINTENANCE TRACT
- TRACT D-3: COMMON AREA DRAINAGE AND MAINTENANCE TRACT
- TRACT D-4: COMMON AREA DRAINAGE AND MAINTENANCE TRACT
- TRACT D-5: COMMON AREA DRAINAGE AND MAINTENANCE TRACT
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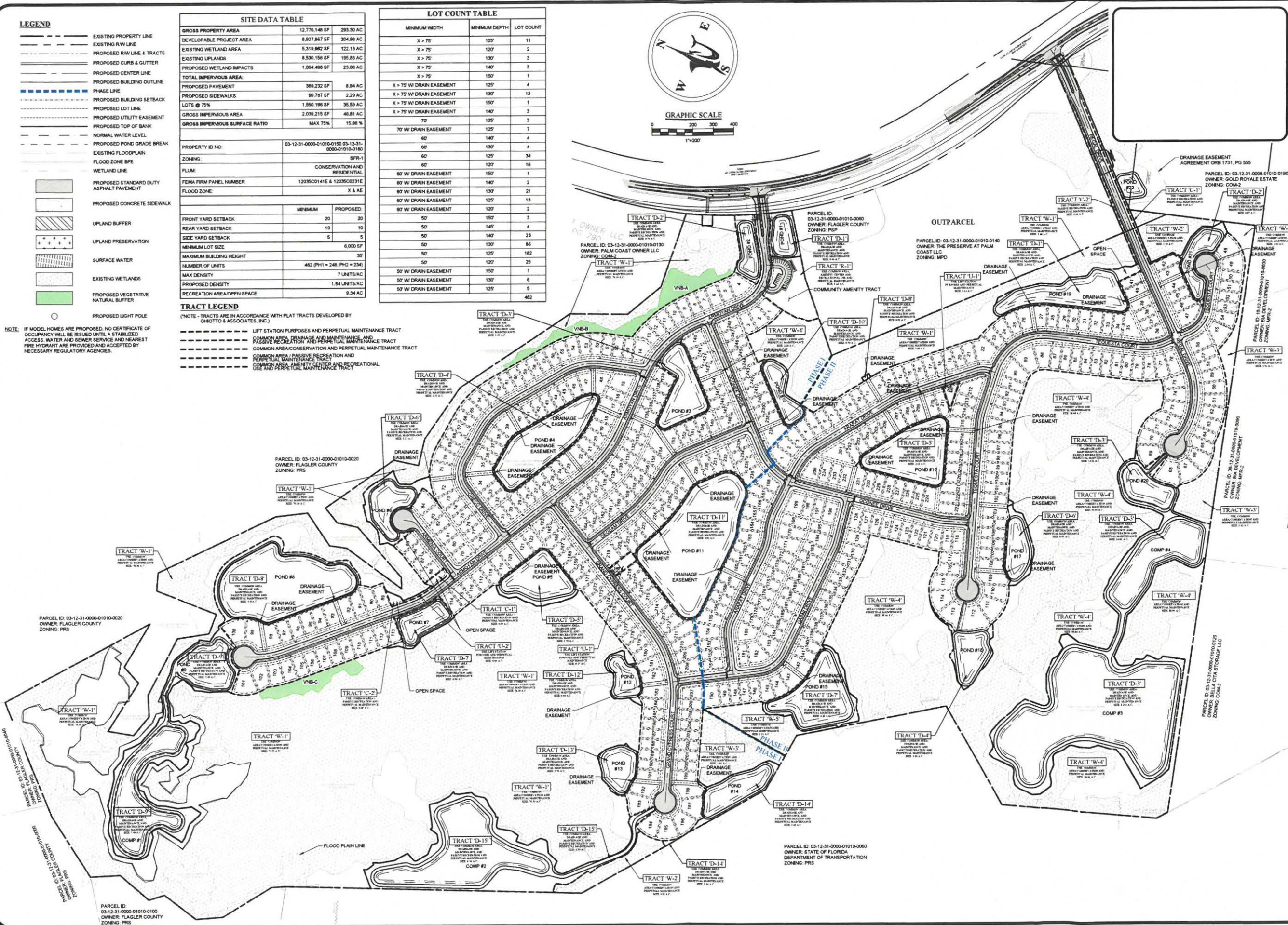
LOT COUNT TABLE		
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X > 75	120	2
X > 75	130	3
X > 75	140	3
X > 75	150	1
X > 75 W/ DRAIN EASEMENT	125	4
X > 75 W/ DRAIN EASEMENT	130	12
X > 75 W/ DRAIN EASEMENT	150	1
X > 75 W/ DRAIN EASEMENT	140	3
70	125	3
70 W/ DRAIN EASEMENT	125	7
60	140	4
60	130	4
60	125	34
60	120	16
60 W/ DRAIN EASEMENT	150	1
60 W/ DRAIN EASEMENT	140	2
60 W/ DRAIN EASEMENT	130	21
60 W/ DRAIN EASEMENT	125	13
60 W/ DRAIN EASEMENT	120	2
50	150	3
50	145	4
50	140	23
50	130	86
50	125	182
50	120	25
50 W/ DRAIN EASEMENT	150	1
50 W/ DRAIN EASEMENT	130	6
50 W/ DRAIN EASEMENT	125	5
		482



GRAPHIC SCALE

0 200 300 400

1"=200'



REVISIONS		
NO.	DATE	DESCRIPTION
1	10/01/22	ISSUED PER CITY OF PALM BEACH COMMENTS
2	10/01/22	ISSUED PER CITY OF PALM BEACH COMMENTS
3	10/01/22	ISSUED PER CITY OF PALM BEACH COMMENTS
4	10/01/22	ISSUED PER CITY OF PALM BEACH COMMENTS
5	10/01/22	ISSUED PER CITY OF PALM BEACH COMMENTS
6	10/01/22	ISSUED PER CITY OF PALM BEACH COMMENTS
7	10/01/22	ISSUED PER CITY OF PALM BEACH COMMENTS
8	10/01/22	ISSUED PER CITY OF PALM BEACH COMMENTS
9	10/01/22	ISSUED PER CITY OF PALM BEACH COMMENTS
10	10/01/22	ISSUED PER CITY OF PALM BEACH COMMENTS

ENGINEERING PLANS FOR COLBERT LANDINGS MASTER GEOMETRY PLAN CITY OF PALM BEACH, FLORIDA



FINAL ENGINEERING PLANS



2225 A1A SOUTH, SUITE A2
ST. AUGUSTINE, FLORIDA 32080
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matt@gulfstreamdesign.com

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PROJECT NO:	20-081
ISSUE DATE:	08-30-21
DRAFTED BY:	MS
DESIGNED BY:	TVB
CHECKED BY:	MHL

NOT VALID WITHOUT SEAL

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

4D

COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT

Master Special Assessment Methodology Report

March 28, 2023



Provided by:

Wrathell, Hunt and Associates, LLC

2300 Glades Road, Suite 410W

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1.0 Introduction

1.1 Purpose

This Master Special Assessment Methodology Report (the "Report") was developed to provide a financing plan and a special assessment methodology for the Colbert Landings Community Development District (the "District"), located entirely within the City of Palm Coast, Flagler County, Florida, as related to funding the costs of public infrastructure improvements (the "Capital Improvement Plan" or "CIP") contemplated to be provided by the District.

1.2 Scope of the Report

This Report presents the projections for financing the District's Capital Improvement Plan described in the Engineer's Report developed by Gulfstream Design Group, LLC (the "District Engineer") and dated March 28, 2023 (the "Engineer's Report"), as well as describes the method for the allocation of special benefits and the apportionment of special assessment debt resulting from the provision and funding of the CIP.

1.3 Special Benefits and General Benefits

The public infrastructure improvements undertaken and funded by the District as part of the CIP create special and peculiar benefits, different in kind and degree from general and incidental benefits to the public at large. However, as discussed within this Report, these general benefits are incidental in nature and are readily distinguishable from the special and peculiar benefits which accrue to property within the District. The District's CIP enables properties within its boundaries to be developed.

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

The CIP will provide public infrastructure improvements which are all necessary in order to make the lands within the District developable and saleable. The installation of such improvements will cause the

value of the developable and saleable lands within the District to increase by more than the sum of the financed cost of the individual components of the CIP. Even though the exact value of the benefits provided by the CIP is hard to estimate at this point, it is nevertheless greater than the costs associated with providing the same.

1.4 Organization of the Report

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

Section Three provides a summary of the CIP as determined by the District Engineer.

Section Four discusses the financing program for the District.

Section Five introduces the special assessment methodology for the District.

2.0 Development Program

2.1 Overview

The District will serve the Colbert Landings development, a master planned residential development located entirely within the City of Palm Coast, Flagler County, Florida (the "Development"). The land within the District consists of approximately 293.31 +/- acres and is generally located east of Interstate 95, west of Colbert Lane, and north of Moody Boulevard.

2.2 The Development Program

The development of Colbert Landings is anticipated to be conducted by Meritage Homes of Florida, Inc. or an affiliated entity (the "Developer"). Based upon the information provided by the Developer and the District Engineer, the current development plan envisions 374 Single-Family 50' units and 108 Single-Family 60' units to be developed over a multi-year period in one or more development phases, although unit numbers, land use types and phasing may change throughout the development period. Table 1 in the Appendix illustrates the current development plan for Colbert Landings.

3.0 The Capital Improvement Plan

3.1 Overview

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

3.2 Capital Improvement Plan

The public infrastructure improvements which are part of the CIP and are needed to serve the Development are projected to consist of master improvements which will serve all of the lands in the District. The District, however, reserves the right to create distinct assessment areas to coincide with the phases of development. The CIP will consist of CDD clearing/ grading, stormwater management system, CDD roadways, water & wastewater, hardscaping, landscaping, irrigation, amenities, and offsite improvements, along with contingency and professional costs which cumulatively are estimated by the District Engineer at \$41,695,139.

The public infrastructure improvements that comprise the CIP will serve and provide benefit to all land uses in the District and will comprise an interrelated system of improvements, which means all of improvements will serve the entire District and improvements will be interrelated such that they will reinforce one another.

Table 2 in the *Appendix* illustrates the specific components of the CIP.

4.0 Financing Program

4.1 Overview

As noted above, the District is embarking on a program of capital improvements which will facilitate the development of lands within the District. Generally, construction of public improvements is either funded by the Developer and then acquired by the District or funded directly by the District. As of the time of writing of this Report, the District will most likely acquire completed improvements from the Developer, although the District maintains the complete flexibility to either acquire the public infrastructure from the Developer or construct it, or even partly acquire it and partly construct it.

Even though the actual financing plan may change to include multiple series of bonds, it is likely that in order to fully fund costs of the CIP as described in *Section 3.2* in one financing transaction, the District would have to issue approximately \$57,370,000 in par amount of special assessment bonds (the “Bonds”).

Please note that the purpose of this Report is to allocate the benefit of the CIP to the various land uses in the District and based on such benefit allocation to apportion the maximum debt necessary to fund the CIP. The discussion of the structure and size of the indebtedness is based on various estimates and is subject to change.

4.2 Types of Bonds Proposed

The proposed financing plan for the District provides for the issuance of the Bonds in the approximate principal amount of \$57,370,000 to finance approximately \$41,695,139 in CIP costs. The Bonds as projected under this financing plan would be structured to be amortized in 30 annual installments following a 24-month capitalized interest period. Interest payments on the Bonds would be made every May 1 and November 1, and principal payments on the Bonds would be made either on May 1 or on November 1.

In order to finance the improvements and other costs, the District would need to borrow more funds and incur indebtedness in the total amount of approximately \$57,370,000. The difference is comprised of debt service reserve, capitalized interest, underwriter's discount and costs of issuance. Preliminary sources and uses of funding for the Bonds are presented in Table 3 in the *Appendix*.

Please note that the structure of the Bonds as presented in this Report is preliminary and may change due to changes in the development program, market conditions, timing of infrastructure installation as well as for other reasons. The District maintains complete flexibility as to the structure of the Bonds and reserves the right to modify it as necessary.

5.0 Assessment Methodology

5.1 Overview

The issuance of the Bonds provides the District with funds necessary to construct/acquire the infrastructure improvements which are part of the CIP outlined in *Section 3.2* and described in more detail by the

District Engineer in the Engineer's Report. These improvements lead to special and general benefits, with special benefits accruing to the assessable properties within the boundaries of the District and general benefits accruing to areas outside the District but being only incidental in nature. The debt incurred in financing the public infrastructure will be secured by assessing properties that derive special and peculiar benefits from the CIP. All properties that receive special benefits from the CIP will be assessed for their fair share of the debt issued in order to finance all or a portion of the CIP.

5.2 Benefit Allocation

The most current development plan anticipates the development of 374 Single-Family 50' units and 108 Single-Family 60' units to be developed over a multi-year period in one or more development phases, although unit numbers and land use types may change throughout the development period.

The public infrastructure improvements that comprise the CIP will serve and provide benefit to all land uses in the District and will comprise an interrelated system of improvements, which means all of the public improvements will serve the entire District and improvements will be interrelated such that they will reinforce one another.

By allowing for the land in the District to be developable, both the public infrastructure improvements that comprise the CIP and their combined benefit will be greater than the sum of their individual benefits. All of the land uses within the District will benefit from each infrastructure improvement category, as the improvements provide basic infrastructure for community development to all land within the District and benefit all land within the District as an integrated system of improvements.

As stated previously, the public infrastructure improvements included in the CIP have a logical connection to the special and peculiar benefits received by the land within the District, as without such improvements, the development of the properties within the District would not be possible. Based upon the connection between the improvements and the special and peculiar benefits to the land within the District, the District can assign or allocate a portion of the District's debt through the imposition of non-ad valorem assessments, to the land receiving such special and peculiar benefits. Even though these special and peculiar benefits are real and ascertainable, the precise amount of the benefit cannot yet be calculated with mathematical certainty. However, such benefit is

more valuable than either the cost of, or the actual non-ad valorem assessment levied for, the improvement or debt allocated to that parcel of land.

The benefit associated with the CIP of the District is proposed to be allocated to the different product types within the District in proportion to the density of development and intensity of use of the infrastructure as measured by a standard unit called an Equivalent Residential Unit ("ERU"). Table 4 in the *Appendix* illustrates the ERU weights that are proposed to be assigned to the product types, based on the relative density of development and the intensity of use of master infrastructure, the total ERU counts for each unit type, and the share of the benefit received by each unit type.

The rationale behind different ERU weights is supported by the fact that generally and on average product types with a greater density and greater intensity of use of infrastructure, such as large single-family lots, will use and benefit from the District's improvements more than product types with lesser density and lesser intensity of use of infrastructure, generally and on average product types with lesser density and lesser intensity of use of infrastructure produce less storm water runoff, may produce fewer vehicular trips, and may need less water/sewer capacity than product types with greater density and greater intensity of use of infrastructure. Additionally, the value of the product types with greater density and greater intensity of use of infrastructure is likely to appreciate by more in terms of dollars than that of the product types with lesser density and lesser intensity of use of infrastructure as a result of the implementation of the CIP. As the exact amount of the benefit and appreciation is not possible to be calculated at this time, the use of ERU measures serves as a reasonable approximation of the relative amount of benefit received by the different product types from the District's improvements.

Please note that the method used to derive ERU values for Single Family units is based on the linear front footage of the various product types as a proportion to the product type that is set to a standard unit of 1 ERU. For example, if the product type that is set to a standard unit of 1 ERU is a Single Family 50' unit, a Single Family 60' unit would be 1.20 ERU ($60' / 50'$). In the event that a new product type was to be introduced, the aforementioned ERU value method would be applied accordingly.

If at any time, any portion of the property within the District is sold or otherwise transferred to a unit of local, state, or federal government (without consent of such governmental unit to the imposition of Bond Assessments (hereinafter defined) thereon), or similarly exempt

entity, all future unpaid Bond Assessments for such tax parcel shall become due and payable immediately prior to such transfer.

Table 5 in the *Appendix* presents the apportionment of the assessment associated with funding the District's CIP (the "Bond Assessments") in accordance with the ERU benefit allocation method presented in Table 4. Table 5 also presents the annual levels of the projected annual Bond Assessments per unit.

5.3 Assigning Debt

The Bond Assessments associated with repayment of the Bonds will initially be levied on all of the gross acres of land in the District. Consequently, the Bond Assessments will initially be levied on approximately 293.31 +/- gross acres on an equal pro-rata gross acre basis and thus the total bonded debt in the amount of \$57,370,000 will be preliminarily levied on approximately 293.31 +/- gross acres at a rate of \$195,595.10 per acre.

As the land is platted, the Bond Assessments will be allocated to each platted parcel on a first platted-first assigned basis based on the planned use for that platted parcel as reflected in Table 5 in the *Appendix*. Such allocation of Bond Assessments to platted parcels will reduce the amount of Bond Assessments levied on unplatted gross acres within the District.

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

5.4 Lienability Test: Special and Peculiar Benefit to the Property

As first discussed in *Section 1.3*, Special Benefits and General Benefits, public infrastructure improvements undertaken by the District create special and peculiar benefits to certain properties within the District. The District's improvements benefit assessable properties within the District and accrue to all such assessable properties on an ERU basis.

Public infrastructure improvements undertaken by the District can be shown to be creating special and peculiar benefits to the property within the District. The special and peculiar benefits resulting from each improvement include, but are not limited to:

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

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

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

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

The apportionment of the Bond Assessments is fair and reasonable because it was conducted on the basis of consistent application of the methodology described in *Section 5.2* across all assessable property within the District according to reasonable estimates of the special and peculiar benefits derived from the CIP by different product types.

5.6 True-Up Mechanism

The District's assessment program is predicated on the development of lots in a manner sufficient to include all of the planned ERUs as set forth in Table 1 in the Appendix ("Development Plan"). At such time as lands are to be platted (or re-platted) or site plans are to be approved (or re-approved), the plat or site plan (either, herein, "Proposed Plat") shall be presented to the District for a "true-up" review as follows:

- a. If a Proposed Plat results in the same amount of ERUs (and thus Bond Assessments) able to be imposed on the "Remaining Unplatted Lands" (i.e., those remaining unplatted lands after the Proposed Plat is recorded) as compared to what was originally contemplated under the Development Plan, then the District shall allocate the Bond Assessments to the product types being platted and the remaining property in accordance with this Report, and

cause the Bond Assessments to be recorded in the District's Improvement Lien Book.

b. If a Proposed Plat results in a greater amount of ERUs (and thus Bond Assessments) able to be imposed on the Remaining Unplatted Lands as compared to what was originally contemplated under the Development Plan, then the District may undertake a pro rata reduction of Bond Assessments for all assessed properties within the District, or may otherwise address such net decrease as permitted by law.

c. If a Proposed Plat results in a lower amount of ERUs (and thus Bond Assessments) able to be imposed on the Remaining Unplatted Lands as compared to what was originally contemplated under the Development Plan, then the District shall require the landowner(s) of the lands encompassed by the Proposed Plat to pay a "True-Up Payment" equal to the difference between: (i) the Bond Assessments originally contemplated to be imposed on the lands subject to the Proposed Plat, and (ii) the Bond Assessments able to be imposed on the lands subject to the Proposed Plat, after the Proposed Plat (plus applicable interest, collection costs, penalties, etc.).¹

With respect to the foregoing true-up analysis, the District's Assessment Consultant, in consultation with the District Engineer, District Counsel and the District's Bond Counsel, shall determine in his or her sole discretion what amount of ERUs (and thus Bond Assessments) are able to be imposed on the Remaining Unplatted Lands, taking into account a Proposed Plat, by reviewing: a) the original, overall development plan showing the number and type of units reasonably planned for the Development, b) the revised, overall development plan showing the number and type of units reasonably planned for the Development, c) proof of the amount of entitlements for the Remaining Unplatted Lands, d) evidence of allowable zoning conditions that would enable those entitlements to be placed in accordance with the revised development plan, and e) documentation that shows the feasibility of implementing the proposed development plan. Prior to any decision by the District not to impose a true-up payment, a supplemental methodology shall be produced demonstrating that there will be sufficient Bond

¹ For example, if the first platting includes 354 Single-Family 50' units and 108 Single-Family 60' units which equates to a total allocation of \$55,091,604.45 in Bond Assessments, then the remaining unplatted land would be required to absorb 20 Single-Family 50' units, which equates to \$2,278,395.55 in Bond Assessments. If the remaining unplatted land would only be able to absorb 10 instead of 20 Single-Family 50' units or \$1,139,197.78 in Bond Assessments, then a true-up, payable by the owner of the unplatted land, would be due in the amount of \$1,139,197.78 in Bond Assessments plus applicable accrued interest to the extent described in this Section.

Assessments to pay debt service on the applicable series of bonds and the District will conduct new proceedings under Chapters 170, 190 and 197, Florida Statutes upon the advice of District Counsel.

Any True-Up Payment shall become due and payable that tax year by the landowner of the lands subject to the Proposed Plat, shall be in addition to the regular Bond Assessment installment payable for such lands, and shall constitute part of the Bond Assessment liens imposed against the Proposed Plat property until paid. A True-Up Payment shall include accrued interest on the applicable bond series to the interest payment date that occurs at least 45 days after the True-Up Payment (or the second succeeding interest payment date if such True-Up Payment is made within forty-five (45) calendar days before an interest payment date (or such other time as set forth in the supplemental indentures for the applicable bond series)).

All Bond Assessments levied run with the land, and such Bond Assessment liens include any True-Up Payments. The District will not release any liens on property for which True-Up Payments are due, until provision for such payment has been satisfactorily made. Further, upon the District's review of the final plat for the developable acres, any unallocated Bond Assessments shall become due and payable and must be paid prior to the District's approval of that plat. This true-up process applies for both plats and/or re-plats.

Such review shall be limited solely to the function and the enforcement of the District's Bond Assessment liens and/or true-up agreements. Nothing herein shall in any way operate to or be construed as providing any other plat approval or disapproval powers to the District. For further detail on the true-up process, please refer to the True-Up Agreement and applicable assessment resolution(s).

5.7 Assessment Roll

The Bond Assessments of \$57,370,000 are proposed to be levied over the area described in Exhibit "A". Excluding any capitalized interest period, Bond Assessments shall be paid in thirty (30) annual principal installments.

5.8 Additional Items Regarding Bond Assessment Imposition and Allocation

This master assessment allocation methodology is intended to establish the necessary benefit and fair and reasonable allocation findings for a master assessment lien, which may give rise to one or more individual assessment liens relating to individual bond

issuances necessary to fund all or a portion of the project(s) referenced herein comprising the CIP. All such liens shall be within the benefit limits established herein and using the allocation methodology described herein, and shall be described in one or more supplemental reports.

As noted herein, the CIP functions as a system of improvements. Among other implications, this means that proceeds from any particular bond issuance can be used to fund improvements within any benefitted property or designated assessment area within the District, regardless of where the Bond Assessments are levied, provided that Bond Assessments are fairly and reasonably allocated across all benefitted properties.

As set forth in any supplemental report, and for any particular bond issuance, the Developer may opt to “buy down” the Bond Assessments on particular product types and/or lands using a contribution of cash, infrastructure or other consideration, and in order for Bond Assessments to reach certain target levels. Note that any “true-up,” as described herein, may require a payment to satisfy “true-up” obligations as well as additional contributions to maintain such target assessment levels. Any amounts contributed by the Developer to pay down Bond Assessments will not be eligible for “deferred costs,” if any are provided for in connection with any particular bond issuance.

No Bond Assessments will be allocated herein to any public or private amenities or other common areas planned for the Development. Such amenities and common areas will be owned and operated by the District and/or master homeowners’ association. If owned by a homeowners’ association, the amenities will be considered a common element for the exclusive benefit of property owners. Alternatively, if owned by the District, the amenities will be available for use by the public, subject to the District’s rules and policies. Accordingly, any benefit to the amenities and common areas flows directly to the benefit of all property in the District. As such, no Bond Assessments will be assigned to the amenities and common areas.

In the event that the CIP is not completed, required contributions are not made, additional benefitted lands are added to the District and/or assessment area(s), or under certain other circumstances, the District may elect to reallocate the Bond Assessments, and the District expressly reserves the right to do so, provided however that any such reallocation shall not be construed to relieve any party of contractual or other obligations to the District.

6.0 Additional Stipulations

6.1 Overview

Wrathell, Hunt and Associates, LLC was retained by the District to prepare a methodology to fairly allocate the special assessments related to the District's CIP. Certain financing, development and engineering data was provided by members of District Staff and/or the Developer. The allocation methodology described herein was based on information provided by those professionals. Wrathell, Hunt and Associates, LLC makes no representations regarding said information transactions beyond restatement of the factual information necessary for compilation of this report. For additional information on the Bond structure and related items, please refer to the Offering Statement associated with this transaction.

Wrathell, Hunt and Associates, LLC does not represent the District as a Municipal Advisor or Securities Broker nor is Wrathell, Hunt and Associates, LLC registered to provide such services as described in Section 15B of the Securities and Exchange Act of 1934, as amended. Similarly, Wrathell, Hunt and Associates, LLC does not provide the District with financial advisory services or offer investment advice in any form.

7.0 Appendix

Table 1

Colbert Landings Community Development District

Development Plan

Unit Type	Total Number of Units
Single-Family 50'	374
Single-Family 60'	108
Total	482

Table 2

Colbert Landings Community Development District

Capital Improvement Program

Improvement	Total Costs
CDD Clearing/ Grading	\$8,923,128
Stormwater Management System	\$4,339,542
CDD Roadways	\$5,054,749
Water & Wastewater	\$8,113,888
Hardscaping, Landscaping, Irrigation	\$1,036,750
Amenities	\$2,032,932
Offsite Improvements	\$2,086,238
Contingency	\$6,317,445
Design and Permitting	\$3,790,467
Total	\$41,695,139

Table 3

Colbert Landings

Community Development District

Preliminary Sources and Uses of Funds

Sources

Bond Proceeds:

Par Amount	\$57,370,000.00
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Total Sources	\$57,370,000.00
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Uses

Project Fund Deposits:

Project Fund	\$41,695,139.00
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Other Fund Deposits:

Debt Service Reserve Fund	\$5,096,029.85
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Capitalized Interest Fund	\$9,179,200.00
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Delivery Date Expenses:

Costs of Issuance	\$1,397,400.00
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Rounding	\$2,231.15
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Total Uses	\$57,370,000.00
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Table 4

Colbert Landings

Community Development District

Benefit Allocation

Unit Type	Number of Units	ERU per Unit	Total ERU
Single-Family 50'	374	1.00	374.00
Single-Family 60'	108	1.20	129.60
Total	482		503.60

Table 5

Colbert Landings

Community Development District

Assessment Apportionment

Unit Type	Total Number of Units	Total Cost Allocation*	Total Bond Assessment Apportionment	Bond Assessment Apportionment per Unit	Annual Bond Assessment Debt Service per Unit - paid in March**
Single-Family 50'	374	\$30,965,015.86	\$42,605,996.82	\$113,919.78	\$10,765.11
Single-Family 60'	108	\$10,730,123.14	\$14,764,003.18	\$136,703.73	\$12,918.13
Total	482	\$41,695,139.00	\$57,370,000.00		

* Please note that cost allocations to units herein are based on the ERU benefit allocation illustrated in Table 4

** Includes county collection costs of 2% (subject to change) and an early collection discount allowance estimated at 4% (subject to change)

EXHIBIT A

Bond Assessments in the estimated amount of \$57,370,000 are proposed to be levied over the area as described below:

Consent and Joinder of Landowner
to the Establishment of a Community Development District
Proposed Colbert Landings Community Development District

Exhibit A:
Legal Description

A PARCEL OF LAND LYING AND BEING IN U.S. GOVERNMENT SECTIONS 3, 39 AND 40, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT A 6" X 6" CONCRETE MONUMENT WITH BRASS DISK STAMPED "ORIGINAL SEC. COR. U.S. LAND SURVEY #261" FOUND AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND RUN THENCE ALONG THE WEST LINE OF SAID SECTION 11, SOUTH 01°28'12" EAST, 1280.33 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "LB 6566"; THENCE CONTINUE ALONG SAID WEST LINE, SOUTH 01°28'12" EAST, 691.36 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 88°13'11" EAST 659.28 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION; THENCE SOUTH 01°32'40" EAST, 673.19 FEET TO THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 251, PAGE 547, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; SAID LINE ALSO BEING 14.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 100 (F.D.O.T. SECTION 73020-2515), A 200 FOOT WIDE PUBLIC RIGHT OF WAY; THENCE ALONG SAID PARALLEL LINE SOUTH 89°29'02" EAST, 386.53 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" FOUND AT THE INTERSECTION OF SAID PARALLEL LINE AND THE WESTERLY RIGHT OF WAY LINE OF A 15 FOOT WIDE BIKE PATH RIGHT OF WAY, ALSO KNOWN AS PARCEL "B", AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 591 PAGE 773, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 05°36'17" EAST, 898.02 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" FOUND AT THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE WEST; HAVING A RADIUS OF 1895.00 FEET AND A DELTA ANGLE OF 48°32'17", WHOSE CHORD BEARS NORTH 18°39'51" WEST; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, ALONG THE ARC OF SAID CURVE IN A NORTHERLY AND COUNTER CLOCKWISE DIRECTION, 1605.35 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, TANGENT TO THE LAST CURVE, NORTH 42°56'00" WEST, 51.23 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A 15 FOOT WIDE PUBLIC BIKE PATH RIGHT OF WAY AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 474, PAGE 820, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1725.00 FEET AND A DELTA ANGLE OF 00°47'54", WHOSE CHORD BEARS NORTH 49°16'55" WEST; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE IN A NORTHWESTERLY AND COUNTER-CLOCKWISE DIRECTION, 24.03 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, TANGENT TO THE LAST CURVE, NORTH 49°40'52" WEST, 322.47 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION FOUND AT THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2075.00 FEET AND A DELTA ANGLE OF 20°49'27", WHOSE CHORD BEARS NORTH 39°16'08" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 754.16 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, SOUTH 61°02'26" WEST, 132.61 FEET TO THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 76.20 FEET AND A DELTA ANGLE OF 90°53'14", WHOSE CHORD BEARS NORTH 73°30'57" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 120.87 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION FOUND AT THE BEGINNING OF A COMPOUND CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2381.20 FEET AND A DELTA ANGLE OF 07°08'07", WHOSE CHORD BEARS NORTH 24°30'17" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 296.54 FEET TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 76.20 FEET AND A DELTA ANGLE OF 90°53'13", WHOSE CHORD BEARS NORTH 24°30'23" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHEASTERLY AND CLOCKWISE DIRECTION, 120.87 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" SAID CONCRETE MONUMENT ALSO BEING THE POINT OF BEGINNING OF THE LANDS BEING DESCRIBED; THENCE TANGENT TO THE LAST CURVE, NORTH 69°57'00" EAST, 143.00 FEET TO AN INTERSECTION WITH THE AFORESAID 15 FOOT WIDE PUBLIC BIKE PATH RIGHT OF WAY AS

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DESCRIBED AND RECORDED IN OFFICIAL RECORDS OFFICIAL RECORDS BOOK 474, PAGE 820, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2075.00 FEET AND A DELTA ANGLE OF 14°15'57", WHOSE CHORD BEARS NORTH 10°10'32" WEST; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE IN A NORTHERLY AND CLOCKWISE DIRECTION, 516.64 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, NORTH 79°37'07" WEST, 378.84 FEET, THENCE NORTH 47°30'38" WEST, 210.90 FEET; THENCE NORTH 08°02'07" WEST, 278.13 FEET; THENCE NORTH 42°31'19" WEST, 644.26 FEET; THENCE NORTH 63°57'47" WEST, 302.89 FEET; THENCE NORTH 85°53'27" WEST, 132.53 FEET; THENCE NORTH 03°36'14" EAST, 123.70 FEET; THENCE NORTH 43°33'24" WEST, 406.24 FEET; THENCE SOUTH 43°05'57" WEST, 91.04 FEET; THENCE SOUTH 04°15'25" WEST, 104.75 FEET; THENCE SOUTH 40°22'25" WEST, 324.10 FEET; THENCE SOUTH 80°06'11" WEST, 55.25 FEET; THENCE NORTH 27°50'43" EAST, 332.95 FEET; THENCE NORTH 00°00'00" EAST, 85.47 FEET; THENCE NORTH 47°33'46" EAST, 191.77 FEET; THENCE NORTH 15°15'48" WEST, 155.15 FEET; THENCE NORTH 34°00'46" WEST, 636.31 FEET; THENCE SOUTH 85°20'40" WEST, 87.82 FEET; THENCE SOUTH 12°52'08" WEST, 314.39 FEET; THENCE NORTH 77°50'07" WEST, 101.47 FEET; THENCE NORTH 17°19'15" WEST, 156.79 FEET; THENCE NORTH 71°16'17" WEST, 309.76 FEET; THENCE SOUTH 78°29'33" WEST, 105.55 FEET; THENCE NORTH 58°58'10" WEST, 118.93 FEET; THENCE NORTH 00°58'16" EAST, 127.06 FEET; THENCE SOUTH 66°43'11" EAST, 277.69 FEET; THENCE NORTH 39°57'04" EAST, 104.92 FEET; THENCE SOUTH 67°50'42" EAST, 245.71 FEET; THENCE NORTH 37°03'07" WEST, 803.78 FEET; THENCE SOUTH 58°52'20" WEST, 606.67 FEET; THENCE SOUTH 49°01'16" WEST, 347.81 FEET; THENCE SOUTH 11°33'59" EAST, 145.51 FEET; THENCE SOUTH 32°19'01" WEST, 185.55 FEET; THENCE SOUTH 26°09'35" EAST, 79.41 FEET; THENCE SOUTH 28°37'27" WEST, 194.88 FEET; THENCE SOUTH 12°48'41" EAST, 131.57 FEET; THENCE SOUTH 39°58'25" EAST, 279.70 FEET; THENCE SOUTH 11°49'24" EAST, 69.15 FEET; THENCE SOUTH 07°16'18" EAST, 1441.48 FEET; THENCE SOUTH 37°58'06" EAST, 1030.47 FEET; THENCE SOUTH 68°55'03" EAST, 134.66 FEET; THENCE NORTH 23°12'03" EAST, 19.66 FEET; THENCE NORTH 14°17'00" EAST, 35.87 FEET; THENCE NORTH 27°21'21" WEST, 36.08 FEET; THENCE NORTH 41°53'24" WEST, 52.96 FEET; THENCE NORTH 23°06'37" WEST, 65.21 FEET; THENCE NORTH 26°21'14" WEST, 52.61 FEET; THENCE NORTH 42°14'07" WEST, 56.80 FEET; THENCE NORTH 30°24'21" WEST, 68.42 FEET; THENCE NORTH 00°37'21" WEST, 13.30 FEET; THENCE NORTH 29°09'39" EAST, 47.69 FEET; THENCE NORTH 34°24'50" EAST, 3.75 FEET; THENCE NORTH 85°44'23" EAST, 372.47 FEET; THENCE TO A POINT ON A TANGENTIAL CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 645.00 FEET AND A DELTA ANGLE OF 42°29'14", WHOSE CHORD BEARS NORTH 64°29'46" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHEASTERLY AND COUNTER-CLOCKWISE DIRECTION, 478.29 FEET; THENCE NORTH 43°15'09" EAST, 159.41 FEET; THENCE SOUTH 77°42'13" EAST, 85.36 FEET; THENCE NORTH 63°08'32" EAST 33.73 FEET; THENCE SOUTH 61°46'15" EAST, 26.08 FEET; THENCE SOUTH 06°41'01" EAST, 39.51 FEET; THENCE SOUTH 74°40'55" EAST, 41.27 FEET; THENCE NORTH 17°32'20" WEST, 17.16 FEET; THENCE NORTH 32°33'17" EAST, 23.37 FEET; THENCE NORTH 82°38'55" EAST, 72.30 FEET; THENCE NORTH 72°43'57" EAST, 53.76 FEET; THENCE SOUTH 57°36'12" EAST, 163.54 FEET TO A POINT ON A NON-TANGENTIAL CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 170.00 FEET AND A DELTA ANGLE OF 26°19'49", WHOSE CHORD BEARS SOUTH 79°52'53" EAST; THENCE ALONG THE ARC, OF SAID CURVE IN A SOUTHEASTERLY AND CLOCKWISE DIRECTION, 78.12 FEET; THENCE NORTH 20°09'45" EAST, 122.93 FEET TO A POINT ON A NON-TANGENTIAL CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 815.00 FEET AND A DELTA ANGLE OF 01°12'41"; WHOSE CHORD BEARS SOUTH 70°26'35" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHEASTERLY AND COUNTER-CLOCKWISE DIRECTION 17.23 FEET TO A POINT OF REVERSE CURVATURE; THENCE ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 225.00 FEET AND A DELTA ANGLE OF 29°22'15", WHOSE CHORD BEARS SOUTH 56°21'48" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHEASTERLY AND CLOCKWISE DIRECTION, 115.34 FEET; THENCE NORTH 48°19'19" EAST, 176.46 FEET; THENCE SOUTH 31°22'57" EAST, 337.36 FEET; THENCE SOUTH 58°37'03" WEST, 21.62 FEET; THENCE SOUTH 31°22'57" EAST, 170.00 FEET; THENCE NORTH 58°37'03" EAST, 120.00 FEET; THENCE SOUTH 31°22'57" EAST, 40.67 FEET; THENCE NORTH 00°50'41" WEST, 7.61 FEET; THENCE NORTH 38°05'23" EAST, 51.52 FEET; THENCE NORTH 73°10'15" EAST, 16.01 FEET; THENCE SOUTH 70°53'31" EAST, 61.73 FEET; THENCE SOUTH 50°53'52" EAST, 52.03 FEET; THENCE SOUTH 16°27'39" EAST, 55.82 FEET; THENCE SOUTH 32°59'09" EAST, 30.95 FEET; THENCE SOUTH 38°49'18" EAST, 64.12 FEET; THENCE SOUTH 14°45'31" EAST, 10.50 FEET; THENCE SOUTH

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08°35'43" WEST, 46.61 FEET; THENCE SOUTH 21°39'02" EAST, 51.76 FEET; THENCE NORTH 62°10'19" EAST, 205.13 FEET; THENCE NORTH 69°57'00" EAST, 194.43 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF LAND LYING IN SECTIONS 3, 10, 11 AND 39, TOWNSHIP 12 SOUTH, RANGE 31 EAST, CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA, BEING A PORTION OF LANDS OF COLBERT LANE, LLC. AS RECORDED IN ORB 861, PG 1536, A PORTION OF SAID LANDS BEING A PORTION OF LOTS 4, 5 AND 6, BLOCK B. SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST OF THE PLAT OF BUNNELL DEVELOPMENT COMPANY AS RECORDED IN MAP BOOK (MB) 1, PAGE (PG) 1 OF THE PUBLIC RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY (R/W) LINE OF STATE ROAD 100, A 200 FOOT WIDE R/W PER STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 73020 -2515 AND THE EAST LINE OF SAID SECTION 10; THENCE RUN N01°28'12"W ON THE EAST LINE OF SAID SECTION 10 AND THE WEST LINE OF SAID PLAT OF BUNNELL DEVELOPMENT COMPANY FOR A DISTANCE OF 1,353.10 FEET TO THE POINT OF BEGINNING, SAID POINT BEARS N01°28'12"W, 1.00 FEET FROM THE NORTHEAST CORNER OF EDGE PROPERTIES, LLC AS RECORDED IN OFFICIAL RECORDS BOOK (ORB) 961, PG 1149; THENCE DEPARTING SAID SECTION AND PLAT LINES, RUN ON A LINE LYING 1.00 FOOT NORTH OF AND PARALLEL TO THE NORTH LINE OF SAID EDGE PROPERTIES, S89°37'11"W OVER AND ACROSS LANDS OF COLBERT LANE, LLC AS RECORDED IN ORB 861, PG 1536 FOR A DISTANCE OF 1,640.62 FEET TO A POINT, SAID POINT BEARS N01°28'12"W, 1.00 FEET FROM THE NORTHWEST CORNER OF SAID EDGE PROPERTIES; THENCE RUN S89°34'26"W FOR A DISTANCE OF 1,251.87 FEET TO A POINT ON THE EASTERLY LINE OF LANDS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION AS RECORDED IN ORB 551, PG 594 AND ORB 552, PG 1273; THENCE RUN N37°09'48 "W ON SAID EASTERLY LINE FOR A DISTANCE OF 62.64 FEET TO A POINT; THENCE RUN N03°29'47"W FOR A DISTANCE OF 762.72 FEET TO A POINT; THENCE RUN N52°05'15"E FOR A DISTANCE OF 552.54 FEET TO A POINT; THENCE RUN N19°41'16"W FOR A DISTANCE OF 744.45 FEET TO A POINT; THENCE RUN N68°55'03"W FOR A DISTANCE OF 170.22 FEET TO A POINT, SAID POINT BEING ON THE SOUTHERLY LINE OF WATERFORD INVESTMENT PROPERTIES, INC. AS RECORDED IN ORB 1648, PG 766; THENCE DEPARTING SAID EASTERLY LINE RUN ON SAID SOUTHERLY LINE THE FOLLOWING 12 COURSES, 1) N23°12'03"E, 19.66 FEET; 2) N14°17'00"E, 35.87 FEET; 3) N27°21'21"W, 36.08 FEET; 4) N41°53'24" W, 52.96 FEET; 5) N23°06'37"W, 65.21 FEET; 6) N26°21'14"W, 52.61 FEET; 7) N42°14'07"W, 56.80 FEET; 8) N30°24'21"W, 68.42 FEET; 9) N00°37'21"W, 13.30 FEET; 10) N29°09'39"E, 47.69 FEET; 11) N34°24 '50"E, 3.75 FEET; 12) N85°44'23"E, 372.47 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ON SAID CURVE TO THE LEFT HAVING AN ARC LENGTH OF 478.29 FEET, A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 42°29'14", A CHORD LENGTH OF 467.41 FEET AND A CHORD BEARING OF N64°29'46"E TO A POINT OF TANGENCY; THENCE RUN THE FOLLOWING 11 COURSES, 1) N43°15'09"E, 159.41 FEET; 2) S77°42'13"E, 85.36 FEET; 3) N63°08'32"E, 33.73 FEET; 4) S61°46'15"E, 26.08 FEET; 5) S06°41'01"E, 39.51 FEET; 6) S74°40'55"E, 41.27 FEET; 7) N17°32'20 "W, 17.16 FEET; 8) N32°33'17"E, 23.37 FEET; 9) N82°38'55"E, 72.30 FEET; 10) N72°43'57"E, 53.76 FEET; 11) S57°36'12"E, 163.54 FEET TO A POINT ON A NONTANGENT CURVE; THENCE RUN EASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 78.12 FEET, A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 26°19'49", A CHORD LENGTH OF 77.44 FEET AND A CHORD BEARING OF S79°52'53"E TO A POINT ON A NONTANGENT LINE; THENCE RUN N20°09'45"E FOR A DISTANCE OF 122.93 FEET TO A POINT ON A NONTANGENT CURVE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE LEFT HAVING AN ARC LENGTH OF 17.23 FEET, A RADIUS OF 815.00 FEET, A CENTRAL ANGLE OF 1°12'41", A CHORD LENGTH OF 17.23 FEET AND A CHORD BEARING OF S70°26'35"E TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 115.34 FEET, A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 29°22'15", A CHORD LENGTH OF 114.08 FEET AND A CHORD BEARING OF S56°21'48"E TO A POINT ON A NONTANGENT LINE; THENCE RUN THE FOLLOWING 17 COURSES, 1) N48°19'19"E, 176.46 FEET; 2) S31°22'57"E, 337.36 FEET; 3) S58°37'03"W, 21.62 FEET; 4) S31°22'57"E, 170.00 FEET; 5) N58°37'03"E, 120.00 FEET; 6) S31°22'57"E, 40.67 FEET; 7) N00°50'41"W, 7.61 FEET;

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8) N38°05'23"E, 51.52 FEET; 9) N73°10'15 "E, 16.01 FEET; 10) S70°53'31"E, 61.73 FEET; 11) S50°53'52"E, 52.03 FEET; 12) S16°27'39"E, 55.82 FEET; 13) S32°59'09"E, 30.95 FEET; 14) S38°49'18"E, 64.72 FEET; 15) S14°45'31"E, 10.50 FEET; 16) S08°35'43"W, 46.61 FEET; 17) S23°39'02"E, 51.80 FEET TO A POINT ON THE NORTHWESTERLY LINE OF FLAGLER LIFESTYLE COMMUNITIES, AS RECORDED IN ORB 1190, PG 1606; THENCE RUN S62°10'19"W ON SAID NORTHWESTERLY LINE FOR A DISTANCE OF 192.30 FEET TO A POINT; THENCE RUN S31°22'57"E FOR A DISTANCE OF 1,542.48 FEET TO A POINT; THENCE RUN N58°37'03"E FOR A DISTANCE OF 867.83 FEET TO A POINT ON THE WESTERLY LINE OF A 15 FOOT WIDE STRIP OF LANDS OF FLAGLER COUNTY, AS RECORDED IN ORB 474, PG 820, SAID STRIP OF LAND LYING PARALLEL TO AND ABUTTING THE WESTERLY R/W LINE OF COLBERT LANE, A 120 FOOT WIDE R/W AS RECORDED IN ORB 455, PG 876; THENCE DEPARTING SAID FLAGLER LIFESTYLE COMMUNITIES, RUN ON THE WESTERLY LINE OF SAID 15 FOOT STRIP S49°40'53"E FOR A DISTANCE OF 11.27 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 24.28 FEET. A RADIUS OF 1,725.00 FEET, A CENTRAL ANGLE OF 0°48'23", A CHORD LENGTH OF 24.28 FEET AND A CHORD BEARING OF S49°16'41 "E TO A POINT ON A NONTANGENT LINE, SAID POINT BEING ON THE WESTERLY LINE OF A 15 FOOT WIDE STRIP OF LANDS OF FLAGLER COUNTY, (PARCEL B) AS RECORDED IN ORB 591, PG 773, SAID STRIP OF LAND LYING PARALLEL TO AND ABUTTING THE WESTERLY R/W LINE OF COLBERT LANE, A 200 FOOT WIDE R/W (PARCEL A) AS RECORDED IN ORB 591, PG 773; THENCE DEPARTING SAID 15 FOOT WIDE STRIP AS RECORDED IN ORB 474, PG 820, RUN S42°55'59"E ON SAID 15 FOOT STRIP AS RECORDED IN ORB 591, PG 773, FOR A DISTANCE OF 36.95 FEET TO A POINT; THENCE DEPARTING SAID 15 FOOT STRIP RUN S58°37'03W OVER AND ACROSS SAID LANDS OF COLBERT LANE, LLC FOR A DISTANCE OF 793.83 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 10; THENCE RUN S01°28'12"E FOR A DISTANCE OF 618.62 FEET TO THE POINT OF BEGINNING.

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

4E

RESOLUTION 2023-28

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING DISTRICT PROJECTS FOR CONSTRUCTION AND/OR ACQUISITION OF INFRASTRUCTURE IMPROVEMENTS; EQUALIZING, APPROVING, CONFIRMING, AND LEVYING SPECIAL ASSESSMENTS ON PROPERTY SPECIALLY BENEFITED BY SUCH PROJECTS TO PAY THE COST THEREOF; PROVIDING FOR THE PAYMENT AND THE COLLECTION OF SUCH SPECIAL ASSESSMENTS BY THE METHODS PROVIDED FOR BY CHAPTERS 170, 190, AND 197, FLORIDA STATUTES; CONFIRMING THE DISTRICT'S INTENTION TO ISSUE SPECIAL ASSESSMENT BONDS; MAKING PROVISIONS FOR TRANSFERS OF REAL PROPERTY TO GOVERNMENTAL BODIES; PROVIDING FOR THE RECORDING OF AN ASSESSMENT NOTICE; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Colbert Landings Community Development District (the "District") previously indicated its intention to construct certain types of infrastructure improvements and to finance such infrastructure improvements through the issuance of bonds, which bonds would be repaid by the imposition of special assessments on benefited property within the District; and

WHEREAS, the District Board of Supervisors (the "Board") noticed and conducted a public hearing pursuant to Chapters 170, 190, and 197, *Florida Statutes*, relating to the imposition, levy, collection and enforcement of such assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT AS FOLLOWS:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to Chapters 170, 190, and 197, *Florida Statutes*, including without limitation, Section 170.08, *Florida Statutes*.

SECTION 2. FINDINGS. The Board hereby finds and determines as follows:

(a) The District is a local unit of special-purpose government organized and existing under and pursuant to Chapter 190, *Florida Statutes*, as amended.

(b) The District is authorized by Chapter 190, *Florida Statutes*, to finance, fund, plan, establish, acquire, install, equip, operate, extend, construct, or reconstruct stormwater management facilities; roadways; water and wastewater facilities; off-site improvements;

electrical utilities (street lighting); recreational amenities; and other infrastructure projects and services necessitated by the development of, and serving lands within, the District, together the "Improvements."

(c) The District is authorized by Chapter 190, *Florida Statutes*, to levy and impose special assessments to pay all, or any part of, the cost of such infrastructure projects and services and to issue special assessment bonds payable from such special assessments as provided in Chapters 170, 190, and 197, *Florida Statutes*.

(d) It is necessary to the public health, safety and welfare and in the best interests of the District that (i) the District provide the capital improvements ("Capital Improvements"), the nature and location of which is described in the *Engineer's Report for Colbert Landings Community Development District*, dated March 28, 2023 (the "Engineer's Report") (attached as **Exhibit A** hereto and incorporated herein by this reference), and which plans and specifications are on file at the office of the District Manager c/o Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 ("District Records Offices"); (ii) the cost of such Capital Improvements be assessed against the lands specially benefited by such Capital Improvements; and (iii) the District issue bonds to provide funds for such purposes pending the receipt of such special assessments.

(e) The provision of said Capital Improvements, the levying of such Assessments (hereinafter defined) and the sale and issuance of such bonds serves a proper, essential, and valid public purpose and is in the best interests of the District, its landowners, and residents.

(f) In order to provide funds with which to pay all or a portion of the costs of the Capital Improvements which are to be assessed against the benefitted properties, pending the collection of such Assessments, it is necessary for the District from time to time to sell and issue its Special Assessment Bonds, in one or more series (the "Bonds").

(g) By Resolution 2023-25, the Board determined to provide the Capital Improvements and to defray the costs thereof by making Assessments on benefitted property and expressed an intention to issue Bonds, notes or other specific financing mechanisms to provide all or a portion of the funds needed for the Capital Improvements prior to the collection of such Assessments. Resolution 2023-25 was adopted in compliance with the requirements of Section 170.03, *Florida Statutes*, and prior to the time it was adopted, the requirements of Section 170.04, *Florida Statutes*, had been met.

(h) As directed by Resolution 2023-25, said Resolution 2023-25 was published as required by Section 170.05, *Florida Statutes*, and a copy of the publisher's affidavit of publication is on file with the Secretary of the Board.

(i) As directed by Resolution 2023-25, a preliminary assessment roll was adopted and filed with the Board as required by Section 170.06, *Florida Statutes*.

(j) As required by Section 170.07, *Florida Statutes*, upon completion of the preliminary assessment roll, the Board adopted Resolution 2023-25, fixing the time and place of a public hearing at which owners of the property to be assessed and other persons interested therein may appear before the Board and be heard as to (1) the propriety and advisability of making the infrastructure improvements, (2) the cost thereof, (3) the manner of payment therefore, and (4) the amount thereof to be assessed against each specially benefited property or parcel and provided for publication of notice of such public hearing and individual mailed notice in accordance with Chapters 170, 190, and 197, *Florida Statutes*.

(k) Notice of such public hearing was given by publication and also by mail as required by Section 170.07, *Florida Statutes*. Affidavits as to such publications and mailings are on file in the office of the Secretary of the Board.

(l) On May 1, 2023, which hearing was continued to May 11, 2023, at the time and place specified in Resolution 2023-25 and the notice referred to in paragraph (k) above, the Board met as an Equalization Board, conducted such public hearing, and heard and considered all complaints and testimony as to the matters described in paragraph (j) above. The Board has made such modifications to the preliminary assessment roll as it deems necessary, just and right in the making of the final assessment roll.

(m) Having considered the estimated costs of the Capital Improvements, estimates of financing costs and all complaints and evidence presented at such public hearing, the Board further finds and determines:

- i. that the estimated costs of the Capital Improvements is as specified in the Engineer's Report, which Engineer's Report is hereby adopted and approved, and that the amount of such costs is reasonable and proper; and
- ii. it is reasonable, proper, just and right to assess the cost of such Capital Improvements against the properties specially benefited thereby using the method determined by the Board set forth in the *Master Special Assessment Methodology for Colbert Landings Community Development District*, dated March 28, 2023 (the "Assessment Report," attached hereto as **Exhibit B** and incorporated herein by this reference), for the Bonds, which results in the special assessments set forth on the final assessment roll included within such Exhibit B (the "Assessments"); and
- iii. the Assessment Report is hereby approved, adopted and confirmed. The District ratifies its use in connection with the issuance of the Bonds;
- iv. it is hereby declared that the Capital Improvements will constitute a special benefit to all parcels of real property listed on said final assessment roll and that the benefit, in the case of each such parcel, will be equal to or in excess of the Assessments thereon when allocated as set forth in Exhibit B;

- v. that the costs of the Capital Improvements are fairly and reasonably apportioned to the properties specifically benefitted as set forth in Exhibit B;
- vi. it is in the best interests of the District that the Assessments be paid and collected as herein provided; and
- vii. it is reasonable, proper, just and right for the District to utilize the true-up mechanisms and calculations contained in the Assessment Report in order to ensure that all parcels of real property benefiting from the Capital Improvements are assessed accordingly and that sufficient assessment receipts are being generated in order to pay the corresponding bond debt-service when due;

SECTION 3. AUTHORIZATION OF DISTRICT PROJECT. That construction of Capital Improvements initially described in Resolution No. 2023-25, and more specifically identified and described in Exhibit A attached hereto, is hereby authorized and approved and the proper officers, employees and/or agents of the District are hereby authorized and directed to take such further action as may be necessary or desirable to cause the same to be made.

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

SECTION 5. EQUALIZATION, APPROVAL, CONFIRMATION AND LEVY OF SPECIAL ASSESSMENTS. The Assessments on the parcels specially benefited by the Capital Improvements, all as specified in the final assessment roll set forth in Exhibit B, attached hereto, are hereby equalized, approved, confirmed and levied. Immediately following the adoption of this Resolution, these Assessments, as reflected in Exhibit B attached hereto, shall be recorded by the Secretary of the Board of the District in a special book, to be known as the "Improvement Lien Book." The Assessment or assessments against each respective parcel shown on such final assessment roll and interest, costs and penalties thereon, as hereafter provided, shall be and shall remain a legal, valid and binding first lien on such parcel until paid and such lien shall be coequal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims. Prior to the issuance of any Bonds, including refunding bonds, the District may, by subsequent resolution, adjust the acreage assigned to particular parcel identification numbers listed on the final assessment roll to reflect accurate apportionment of acreage within the District amongst individual parcel identification numbers. The District may make any other such acreage and boundary adjustments to parcels listed on the final assessment roll as may be necessary in the best interests of the District as determined by the Board by subsequent resolution. Any such adjustment in the assessment roll shall be consistent with the requirements of law. In the event the issuance of Bonds, including refunding bonds, by the District would result in a decrease of the Assessments, then the District shall by subsequent resolution, adopted within sixty (60) days of the sale of such Bonds at a publicly noticed meeting and without the need for further public hearing, evidence such a decrease and amend the final assessment roll as shown in the

Improvement Lien Book to reflect such a decrease.

SECTION 6. FINALIZATION OF SPECIAL ASSESSMENTS. When the entire Capital Improvements project has both been constructed or otherwise provided to the satisfaction of the Board, the Board shall adopt a resolution accepting the same and determining the actual costs (including financing costs) thereof, as required by Sections 170.08 and 170.09, *Florida Statutes*. Pursuant to the provisions of Section 170.08, *Florida Statutes*, regarding completion of a project funded by a particular series of bonds, the District shall credit to each Assessment the difference, if any, between the Assessment as hereby made, approved and confirmed and the proportionate part of the actual costs of the Capital Improvements, as finally determined upon completion thereof, but in no event shall the final amount of any such special assessment exceed the amount of benefits originally assessed hereunder. In making such credits, no credit shall be given for bond financing costs, capitalized interest, funded reserves or bond discounts. Such credits, if any, shall be entered in the Improvement Lien Book.

SECTION 7. PAYMENT OF SPECIAL ASSESSMENTS AND METHOD OF COLLECTION.

(a) The Assessments may be paid in not more than thirty (30) substantially equal consecutive annual installments of principal and interest. The Assessments may be paid in full without interest at any time within thirty (30) days after the completion of the Capital Improvements and the adoption by the Board of a resolution accepting the Capital Improvements, unless such option has been waived by the owner of the land subject to the Assessments; provided, however, that the Board shall at any time make such adjustments by resolution, at a noticed meeting of the Board, to that payment schedule as may be necessary and in the best interests of the District to account for changes in long and short term debt as actually issued by the District. All impact fee credits received and/or value received for impact fee credits shall be applied against the Capital Improvements costs and/or the outstanding indebtedness of any debt issuance that funded the improvement giving rise to the credits which application may be addressed by such resolutions. At any time subsequent to thirty (30) days after the Capital Improvements have been completed and a resolution accepting the Capital Improvements has been adopted by the Board, the Assessments may be prepaid in full including interest amounts to the next succeeding interest payment date or to the second succeeding interest payment date if such a prepayment is made within forty-five (45) calendar days before an interest payment date. The owner of property subject to Assessments may prepay the entire remaining balance of the Assessments at any time, or a portion of the remaining balance of the Assessment one time if there is also paid, in addition to the prepaid principal balance of the Assessment, an amount equal to the interest that would otherwise be due on such prepaid amount on the next succeeding interest payment date, or, if prepaid during the forty-five day (45) period preceding such interest payment date, to the interest payment date following such next succeeding interest payment date. Prepayment of Assessments does not entitle the property owner to any discounts for early payment.

(b) The District may elect to use the method of collecting Assessments authorized by

Sections 197.3632 and 197.3635, *Florida Statutes* (the "Uniform Method"). The District has heretofore taken or will use its best efforts to take as timely required, any necessary actions to comply with the provisions of said Sections 197.3632 and 197.3635, *Florida Statutes*. Such Assessments may be subject to all of the collection provisions of Chapter 197, *Florida Statutes*. Notwithstanding the above, in the event the Uniform Method of collecting its special or non-ad valorem assessments is not available to the District in any year, or if determined by the District to be in its best interest, the Assessments may be collected as is otherwise permitted by law. The District may, in its sole discretion, collect Assessments by directly assessing landowner(s) and enforcing said collection in any manner authorized by law.

(c) For the period the District uses the Uniform Method, the District shall enter into an agreement with the Tax Collector of Flagler County who may notify each owner of a lot or parcel within the District of the amount of the special assessment, including interest thereon, in the manner provided in Section 197.3635, *Florida Statutes*.

SECTION 8. APPLICATION OF TRUE-UP PAYMENTS.

(a) Pursuant to the Assessment Report, attached hereto as Exhibit B, there may be required from time to time certain true-up payments. As parcels of land or lots are platted, the Assessments securing the Bonds shall be allocated as set forth in the Assessment Report. In furtherance thereof, at such time as parcels or land or lots are platted, it shall be an express condition of the lien established by this Resolution that any and all initial plats of any portion of the lands within the District, as the District's boundaries may be amended from time to time, shall be presented to the District Manager for review, approval and calculation of the percentage of acres and numbers of units which will be, after the plat, considered to be developed. No further action by the Board of Supervisors shall be required. The District's review shall be limited solely to this function and the enforcement of the lien established by this Resolution. The District Manager shall cause the Assessments to be reallocated to the units being platted and the remaining property in accordance with Exhibit B, cause such reallocation to be recorded in the District's Improvement Lien Book, and shall perform the true-up calculations described in Exhibit B, which process is incorporated herein as if fully set forth (the "True-Up Methodology"). Any resulting true-up payment shall become due and payable that tax year by the landowner(s) of record of the remaining unplatted property, in addition to the regular assessment installment payable with respect to such remaining unplatted acres.

(b) The District will take all necessary steps to ensure that true-up payments are made in a timely fashion to ensure its debt service obligations are met. The District shall record all true-up payments in its Improvement Lien Book.

(c) The foregoing is based on the District's understanding with landowner and/or developer that it intends to develop the unit numbers and types shown in Exhibit B, on the net developable acres and is intended to provide a formula to ensure that the appropriate ratio of the Assessments to gross acres is maintained if fewer units are developed. However, no action by the District prohibits more than the maximum units shown in Exhibit B from being developed.

In no event shall the District collect Assessments pursuant to this Resolution in excess of the total debt service related to the Capital Improvements, including all costs of financing and interest. The District recognizes that such events as regulatory requirements and market conditions may affect the timing and scope of the development in the District. If the strict application of the True-Up Methodology to any assessment reallocation pursuant to this paragraph would result in Assessments collected in excess of the District's total debt service obligation for the Capital Improvements, the Board shall by resolution take appropriate action to equitably reallocate the Assessments. Further, upon the District's review of the final plat for the developable acres, any unallocated Assessments shall become due and payable and must be paid prior to the District's approval of that plat.

(d) The application of the monies received from true-up payments or Assessments to the actual debt service obligations of the District, whether long term or short term, shall be set forth in the supplemental assessment resolution adopted for each series of Bonds actually issued. Such subsequent resolution shall be adopted at a noticed meeting of the District, and shall set forth the actual amounts financed, costs of issuance, expected costs of collection, and the total amount of the assessments pledged to that issue, which amount shall be consistent with the lien imposed by this Resolution. Each such supplemental resolution shall also address the allocation of any impact fee credits expected to be received from the provision of the project funded by the corresponding series of Bonds issued or to be issued.

SECTION 9. GOVERNMENT PROPERTY; TRANSFERS OF PROPERTY TO UNITS OF LOCAL, STATE, AND FEDERAL GOVERNMENT. Property owned by units of local, state, and federal government shall not be subject to the Assessments without specific consent thereto. If at any time, any real property on which Assessments are imposed by this Resolution is sold or otherwise transferred to a unit of local, state, or federal government (without consent of such governmental unit to the imposition of Assessments thereon), all future unpaid Assessments for such tax parcel shall become due and payable immediately prior to such transfer without any further action of the District.

SECTION 10. ASSESSMENT NOTICE. The District's Secretary is hereby directed to record a general Notice of Assessments in the Official Records of Flagler County, Florida, which shall be updated from time to time in a manner consistent with changes in the boundaries of the District.

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

SECTION 12. CONFLICTS. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

SECTION 13. EFFECTIVE DATE. This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED this 11th day of May 2023.

Attest:

**COLBERT LANDINGS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: *Engineer's Report – Colbert Landings Community Development District, dated March 28, 2023*

Exhibit B: *Master Special Assessment Methodology for Colbert Landings Community Development District, dated March 28, 2023*

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

5A

PROOF OF PUBLICATION

Daphne Gillyard
Colbert Landings Community Development District
2300 Glades RD # 410W
Boca Raton FL 33431-8556

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, said legal clerk, who, on oath says that he/she is LEGAL COORDINATOR of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Public Notices in the Circuit Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

04/02/2023

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he 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. Subscribed and sworn to before on 04/02/2023



Legal Clerk.



Notary, State of WI, County of Brown

3/7/27

My commission expires

Publication Cost: \$267.16

Order No: 8641359

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NOTICE OF RULE DEVELOPMENT
BY THE
COLBERT LANDINGS COMMUNITY
DEVELOPMENT DISTRICT

In accord with Chapters 120 and 190, *Florida Statutes*, Colbert Landings Community Development District ("District") hereby gives notice of its intention to develop Rules of Procedure to govern the operations of the District.

The Rules of Procedure will address such areas as the Board of Supervisors, officers and voting, district offices, public information and inspection of records, policies, public meetings, hearings and workshops, rulemaking proceedings and competitive purchase including procedure under the Consultants Competitive Negotiation Act, procedure regarding auditor selection, purchase of insurance, pre-qualification, construction contracts, goods, supplies and materials, maintenance services, contractual services and protests with respect to proceedings, as well as any other area of the general operation of the District.

The purpose and effect of the Rules of Procedure is to provide for efficient and effective District operations and to ensure compliance with Florida law. The legal authority for the adoption of the proposed Rules of Procedure includes Sections 190.011(5), 190.011(15) and 190.035, Florida Statutes (2022). The specific laws implemented in the Rules of Procedure include, but are not limited to, Sections 112.08, 112.3143, 112.31446, 112.3145, 119.07, 119.0701, 189.053, 189.069(2)(a)16, 190.006, 190.007, 190.008, 190.011(3), 190.011(5), 190.011(15), 190.033, 190.035, 218.33, 218.391, 255.05, 255.0518, 255.0525, 255.20, 286.0105, 286.011, 286.0113, 286.0114, 287.017, 287.055 and 287.084, Florida Statutes (2022).

A copy of the proposed Rules of Procedure may be obtained by contacting the District Manager, c/o Wrathell, Hunt and Associates, LLC, located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (561) 571-0010.

District Manager
Colbert Landings Community
Development District
L#8641359 April 2, 2023 11

KAITLYN FELTY
Notary Public
State of Wisconsin

THE DAYTONA BEACH
NEWS-JOURNAL

P.O. Box 630476, Cincinnati, OH 45263-0476

PROOF OF PUBLICATION

Daphne Gillyard
Colbert Landings Community Development District
2300 Glades RD # 410W
Boca Raton FL 33431-8556

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, said legal clerk, who, on oath says that he/she is LEGAL COORDINATOR of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Public Notices in the Circuit Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

04/03/2023

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Legal Clerk

Notary, State of WI, County of Brown

317127

My commission expires

Publication Cost: \$434.40

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**NOTICE OF RULEMAKING
REGARDING THE RULES OF
PROCEDURE OF THE COLBERT
LANDINGS COMMUNITY
DEVELOPMENT DISTRICT**

A public hearing will be conducted by the Board of Supervisors of Colbert Landings Community Development District ("District") on May 1, 2023 at 10:00 a.m., at the Hilton Garden Inn Palm Coast Town Center, 55 Town Center Blvd., Palm Coast, Florida 32137.

In accord with Chapters 120 and 190, Florida Statutes, the District hereby gives the public notice of its intent to adopt its proposed Rules of Procedure. The purpose and effect of the proposed Rules of Procedure is to provide for efficient and effective District operations and to ensure compliance with recent changes to Florida law. Prior notice of rule development was published in a newspaper of general circulation on April 2, 2023.

The Rules of Procedure may address such areas as the Board of Supervisors, officers and voting, district offices, public information and inspection of records, policies, public meetings, hearings and workshops, rulemaking proceedings and competitive purchase including procedure under the Consultants Competitive Negotiation Act, procedure regarding auditor selection, purchase of insurance, pre-qualification, construction contracts, goods, supplies and materials, maintenance services, contractual services and protests with respect to proceedings, as well as any other area of the general operation of the District.

Specific legal authority for the adoption of the proposed Rules of Procedure includes Sections 190.01(1), 190.01(13) and 190.025, Florida Statutes (2022). The specific laws implemented in the Rules of Procedure include, but are not limited to, Sections 112.08, 112.21(2), 112.31(4), 112.31(5), 119.07, 119.07(1), 189.053, 189.059(2)(a)16, 190.006, 190.027, 190.028, 190.01(13), 190.01(15), 190.01(15), 190.022, 190.025, 218.31, 218.39, 255.05, 255.05(8), 255.05(2), 255.20, 256.015, 256.01, 256.013, 256.014, 257.017, 257.025 and 257.064, Florida Statutes (2022).

A copy of the proposed Rules of Procedure may be obtained by contacting the District Manager's Office, c/o Wrathell, Hunt and Associates, LLC, located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (561) 571-0010.

Any person who wishes to provide the District with a proposal for a lower cost regulatory alternative as provided by Section 120.54(1), Florida Statutes, must do so in writing within twenty-one (21) days after publication of this notice to the District Manager's Office.

This public hearing may be continued to a date, time, and place to be specified on the record at the hearing without additional notice. If anyone chooses to appeal any decision of the Board with respect to any matter considered at a public hearing, such person will need a record of the proceedings and should accordingly ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which such appeal is to be based. At the hearing, staff or Supervisors may participate in the public hearing by speaker telephone. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8771 or 1-800-955-8770 for aid in contacting the District Office.

District Manager
Colbert Landings Community Development District
Run Date: April 3, 2023

LRSS-0030 April 3, 2023 11

KAITLYN FELTY
Notary Public
State of Wisconsin

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

5B

RESOLUTION 2023-29

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT ADOPTING RULES OF PROCEDURE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Colbert Landings 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 unincorporated Flagler County, Florida, Florida; and

WHEREAS, Chapter 190, *Florida Statutes*, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business; and

WHEREAS, to provide for efficient and effective District operations and to maintain compliance with Florida law, the Board of Supervisors finds that it is in the best interests of the District to adopt by resolution the Rules of Procedure attached hereto as **Exhibit A** for immediate use and application; and

WHEREAS, the Board of Supervisors has complied with applicable Florida law concerning rule development and adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The attached Rules of Procedure are hereby adopted pursuant to this resolution as necessary for the conduct of District business. These Rules of Procedure shall stay in full force and effect until such time as the Board of Supervisors may amend these rules in accordance with Chapter 190, *Florida Statutes*.

SECTION 2. If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 3. This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this 11th day of May, 2023.

ATTEST:

**COLBERT LANDINGS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A

Rules of Procedure

**RULES OF PROCEDURE
COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT**

EFFECTIVE AS OF MAY 11, 2023

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Rule 1.0 General.

- (1) The Colbert Landings Community Development District (“District”) was created pursuant to the provisions of Chapter 190 of the Florida Statutes, and was established to provide for the ownership, operation, maintenance, and provision of various capital facilities and services within its jurisdiction. The purpose of these rules (“Rules”) is to describe the general operations of the District.
- (2) Definitions located within any section of these Rules shall be applicable within all other sections, unless specifically stated to the contrary.
- (3) Unless specifically permitted by a written agreement with the District, the District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours.
- (4) A Rule of the District shall be effective upon adoption by affirmative vote of the District Board. After a Rule becomes effective, it may be repealed or amended only through the rulemaking procedures specified in these Rules. Notwithstanding, the District may immediately suspend the application of a Rule if the District determines that the Rule conflicts with Florida law. In the event that a Rule conflicts with Florida law and its application has not been suspended by the District, such Rule should be interpreted in the manner that best effectuates the intent of the Rule while also complying with Florida law. If the intent of the Rule absolutely cannot be effectuated while complying with Florida law, the Rule shall be automatically suspended.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.011(5), 190.011(15), Fla. Stat.

Rule 1.1 Board of Supervisors; Officers and Voting.

- (1) Board of Supervisors. The Board of Supervisors of the District (“Board”) shall consist of five (5) members. Members of the Board (“Supervisors”) appointed by ordinance or rule or elected by landowners must be citizens of the United States of America and residents of the State of Florida. Supervisors elected or appointed by the Board to elector seats must be citizens of the United States of America, residents of the State of Florida and of the District and registered to vote with the Supervisor of Elections of the county in which the District is located and for those elected, shall also be qualified to run by the Supervisor of Elections. The Board shall exercise the powers granted to the District under Florida law.
 - (a) Supervisors shall hold office for the term specified by Section 190.006 of the Florida Statutes. If, during the term of office, any Board member(s) vacates their office, the remaining member(s) of the Board shall fill the vacancies by appointment for the remainder of the term(s). If three or more vacancies exist at the same time, a quorum, as defined herein, shall not be required to appoint replacement Board members.
 - (b) Three (3) members of the Board shall constitute a quorum for the purposes of conducting business, exercising powers and all other purposes. A Board member shall be counted toward the quorum if physically present at the meeting, regardless of whether such Board member is prohibited from, or abstains from, participating in discussion or voting on a particular item.
 - (c) Action taken by the Board shall be upon a majority vote of the members present, unless otherwise provided in the Rules or required by law. Subject to Rule 1.3(10), a Board member participating in the Board meeting by teleconference or videoconference shall be entitled to vote and take all other action as though physically present.
 - (d) Unless otherwise provided for by an act of the Board, any one Board member may attend a mediation session on behalf of the Board. Any agreement resulting from such mediation session must be approved pursuant to subsection (1)(c) of this Rule.
- (2) Officers. At the first Board meeting held after each election where the newly elected members take office, the Board shall select a Chairperson, Vice-Chairperson, Secretary, Assistant Secretary, and Treasurer.
 - (a) The Chairperson must be a member of the Board. If the Chairperson resigns from that office or ceases to be a member of the Board, the Board shall select a Chairperson. The Chairperson serves at the pleasure of the Board. The Chairperson shall be authorized to execute resolutions and contracts on the District’s behalf. The Chairperson shall convene and conduct all meetings of the Board; provided, however, for meeting cancellations, the

District Manager will endeavor to contact each individual Board member to confirm the desire to so cancel and take such information under advisement in making said determination. In the event the Chairperson is unable to attend a meeting, the Vice-Chairperson shall convene and conduct the meeting. The Chairperson or Vice-Chairperson may delegate the responsibility of conducting the meeting to the District's manager ("District Manager") or District Counsel, in whole or in part.

- (b) The Vice-Chairperson shall be a member of the Board and shall have such duties and responsibilities as specifically designated by the Board from time to time. The Vice-Chairperson has the authority to execute resolutions and contracts on the District's behalf in the absence of the Chairperson. If the Vice-Chairperson resigns from office or ceases to be a member of the Board, the Board shall select a Vice-Chairperson. The Vice-Chairperson serves at the pleasure of the Board.
- (c) The Secretary of the Board serves at the pleasure of the Board and need not be a member of the Board. The Secretary shall be responsible for maintaining the minutes of Board meetings and may have other duties assigned by the Board from time to time. An employee of the District Manager may serve as Secretary. The Secretary shall be bonded by a reputable and qualified bonding company in at least the amount of one million dollars (\$1,000,000), or have in place a fidelity bond, employee theft insurance policy, or a comparable product in at least the amount of one million dollars (\$1,000,000) that names the District as an additional insured.
- (d) The Treasurer need not be a member of the Board but must be a resident of the State of Florida. The Treasurer shall perform duties described in Section 190.007(2) and (3) of the Florida Statutes, as well as those assigned by the Board from time to time. The Treasurer shall serve at the pleasure of the Board. The Treasurer shall either be bonded by a reputable and qualified bonding company in at least the amount of one million dollars (\$1,000,000), or have in place a fidelity bond, employee theft insurance policy, or a comparable product in at least the amount of one million dollars (\$1,000,000) that names the District as an additional insured.
- (e) In the event that both the Chairperson and Vice-Chairperson are absent from a Board meeting and a quorum is present, the Board may designate one of its members or a member of District staff to convene and conduct the meeting. In such circumstances, any of the Board members present are authorized to execute agreements, resolutions, and other documents approved by the Board at such meeting. In the event that the Chairperson and Vice-Chairperson are both unavailable to execute a document previously approved by the Board, the Secretary or any Assistant Secretary may execute such document.

- (f) The Board may assign additional duties to District officers from time to time, which include, but are not limited to, executing documents on behalf of the District.
 - (g) The Chairperson, Vice-Chairperson, and any other person authorized by District Resolution may sign checks and warrants for the District, countersigned by the Treasurer or other persons authorized by the Board.
- (3) Committees. The Board may establish committees of the Board, either on a permanent or temporary basis, to perform specifically designated functions. Committees may include individuals who are not members of the Board. Such functions may include, but are not limited to, review of bids, proposals, and qualifications, contract negotiations, personnel matters, and budget preparation.
- (4) Record Book. The Board shall keep a permanent record book entitled "Record of Proceedings," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, and corporate acts. The Records of Proceedings shall be located at a District office and shall be available for inspection by the public.
- (5) Meetings. For each fiscal year, the Board shall establish a schedule of regular meetings, which shall be published in a newspaper of general circulation in the county in which the District is located and filed with the local general-purpose governments within whose boundaries the District is located. All meetings of the Board and Committees serving an advisory function shall be open to the public in accord with the provisions of Chapter 286 of the Florida Statutes.
- (6) Voting Conflict of Interest. The Board shall comply with Section 112.3143 of the Florida Statutes, so as to ensure the proper disclosure of conflicts of interest on matters coming before the Board for a vote. For the purposes of this section, "voting conflict of interest" shall be governed by the Florida Constitution and Chapters 112 and 190 of the Florida Statutes, as amended from time to time. Generally, a voting conflict exists when a Board member is called upon to vote on an item which would inure to the Board member's special private gain or loss or the Board member knows would inure to the special private gain or loss of a principal by whom the Board member is retained, the parent organization or subsidiary of a corporate principal, a business associate, or a relative including only a father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law.
 - (a) When a Board member knows the member has a conflict of interest on a matter coming before the Board, the member should notify the Board's Secretary prior to participating in any discussion with the Board on the matter. The member shall publicly announce the conflict of interest at the meeting. This announcement shall appear in the minutes.

If the Board member was elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, the Board member may vote or abstain from voting on the matter at issue. If the Board member was elected by electors residing within the District, the Board member is prohibited from voting on the matter at issue. In the event that the Board member intends to abstain or is prohibited from voting, such Board member shall not participate in the discussion on the item subject to the vote.

The Board's Secretary shall prepare a Memorandum of Voting Conflict (Form 8B) which shall then be signed by the Board member, filed with the Board's Secretary, and provided for attachment to the minutes of the meeting within fifteen (15) days of the meeting.

- (b) If a Board member inadvertently votes on a matter and later learns he or she has a conflict on the matter, the member shall immediately notify the Board's Secretary. Within fifteen (15) days of the notification, the member shall file the appropriate Memorandum of Voting Conflict, which will be attached to the minutes of the Board meeting during which the vote on the matter occurred. The Memorandum of Voting Conflict shall immediately be provided to other Board members and shall be read publicly at the next meeting held subsequent to the filing of the Memorandum of Voting Conflict. The Board member's vote is unaffected by this filing.
- (c) It is not a conflict of interest for a Board member, the District Manager, or an employee of the District to be a stockholder, officer or employee of a landowner or of an entity affiliated with a landowner.
- (d) In the event that a Board member elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, has a continuing conflict of interest, such Board member is permitted to file a Memorandum of Voting Conflict at any time in which it shall state the nature of the continuing conflict. Only one such continuing Memorandum of Voting Conflict shall be required to be filed for each term the Board member is in office.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 112.3143, 190.006, 190.007, Fla. Stat.

Rule 1.2 District Offices; Public Information and Inspection of Records; Policies; Service Contract Requirements; Financial Disclosure Coordination.

- (1) District Offices. Unless otherwise designated by the Board, the official District office shall be the District Manager's office identified by the District Manager. If the District Manager's office is not located within the county in which the District is located, the Board shall designate a local records office within such county which shall at a minimum contain, but not be limited to, the following documents:
- (a) Agenda packages for prior 24 months and next meeting;
 - (b) Official minutes of meetings, including adopted resolutions of the Board;
 - (c) Names and addresses of current Board members and District Manager, unless such addresses are protected from disclosure by law;
 - (d) Adopted engineer's reports;
 - (e) Adopted assessment methodologies/reports;
 - (f) Adopted disclosure of public financing;
 - (g) Limited Offering Memorandum for each financing undertaken by the District;
 - (h) Proceedings, certificates, bonds given by all employees, and any and all corporate acts;
 - (i) District policies and rules;
 - (j) Fiscal year end audits; and
 - (k) Adopted budget for the current fiscal year.

The District Manager shall ensure that each District records office contains the documents required by Florida law.

- (2) Public Records. District public records include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business of the District. All District public records not otherwise restricted by law may be copied or inspected at the District Manager's office during regular business hours. Certain District records can also be inspected and copied at the District's local records office during regular business hours. All written public records requests shall be directed to the Secretary who by these rules is appointed as the

District's records custodian. Regardless of the form of the request, any Board member or staff member who receives a public records request shall immediately forward or communicate such request to the Secretary for coordination of a prompt response. The Secretary, after consulting with District Counsel as to the applicability of any exceptions under the public records laws, shall be responsible for responding to the public records request. At no time can the District be required to create records or summaries of records, or prepare opinions regarding District policies, in response to a public records request.

- (3) Service Contracts. Any contract for services, regardless of cost, shall include provisions required by law that require the contractor to comply with public records laws. The District Manager shall be responsible for initially enforcing all contract provisions related to a contractor's duty to comply with public records laws.
- (4) Fees; Copies. Copies of public records shall be made available to the requesting person at a charge of \$0.15 per page for one-sided copies and \$0.20 per page for two-sided copies if not more than 8 ½ by 14 inches. For copies of public records in excess of the sizes listed in this section and for outside duplication services, the charge shall be equal to the actual cost of reproduction. Certified copies of public records shall be made available at a charge of one dollar (\$1.00) per page. If the nature or volume of records requested requires extensive use of information technology resources or extensive clerical or supervisory assistance, the District may charge, in addition to the duplication charge, a special service charge that is based on the cost the District incurs to produce the records requested. This charge may include, but is not limited to, the cost of information technology resource, employee labor, and fees charged to the District by consultants employed in fulfilling the request. In cases where the special service charge is based in whole or in part on the costs incurred by the District due to employee labor, consultant fees, or other forms of labor, those portions of the charge shall be calculated based on the lowest labor cost of the individual(s) who is/are qualified to perform the labor, taking into account the nature or volume of the public records to be inspected or copied. The charge may include the labor costs of supervisory and/or clerical staff whose assistance is required to complete the records request, in accordance with Florida law. For purposes of this Rule, the word "extensive" shall mean that it will take more than 15 minutes to locate, review for confidential information, copy and re-file the requested material. In cases where extensive personnel time is determined by the District to be necessary to safeguard original records being inspected, the special service charge provided for in this section shall apply. If the total fees, including but not limited to special service charges, are anticipated to exceed twenty-five dollars (\$25.00), then, prior to commencing work on the request, the District will inform the person making the public records request of the estimated cost, with the understanding that the final cost may vary from that estimate. If the person making the public records request decides to proceed with the request, payment of the estimated cost is required in advance. Should the person fail to pay the estimate, the District is under no duty to produce the requested records. After the request has been fulfilled, additional payments or credits may be

due. The District is under no duty to produce records in response to future records requests if the person making the request owes the District for past unpaid duplication charges, special service charges, or other required payments or credits.

- (5) Records Retention. The Secretary of the District shall be responsible for retaining the District's records in accordance with applicable Florida law.
- (6) Policies. The Board may adopt policies related to the conduct of its business and the provision of services either by resolution or motion.
- (7) Financial Disclosure Coordination. Unless specifically designated by Board resolution otherwise, the Secretary shall serve as the Financial Disclosure Coordinator ("Coordinator") for the District as required by the Florida Commission on Ethics ("Commission"). The Coordinator shall create, maintain and update a list of the names, e-mail addresses, physical addresses, and names of the agency of, and the office or position held by, all Supervisors and other persons required by Florida law to file a statement of financial interest due to his or her affiliation with the District ("Reporting Individual"). The Coordinator shall provide this list to the Commission by February 1 of each year, which list shall be current as of December 31 of the prior year. Each Supervisor and Reporting Individual shall promptly notify the Coordinator in writing if there are any changes to such person's name, e-mail address, or physical address. Each Supervisor and Reporting Individual shall promptly notify the Commission in the manner prescribed by the Commission if there are any changes to such person's e-mail address.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 112.31446(3), 112.3145(8)(a)1., 119.07, 119.0701, 190.006, Fla. Stat.

Rule 1.3 Public Meetings, Hearings, and Workshops.

- (1) Notice. Except in emergencies, or as otherwise required by statute or these Rules, at least seven (7) days' public notice shall be given of any public meeting, hearing or workshop of the Board. Public notice shall be given by publication in a newspaper of general circulation in the District and in the county in which the District is located. "General circulation" means a publication that is printed and published at least once a week for the preceding year, offering at least 25% of its words in the English language, qualifies as a periodicals material for postal purposes in the county in which the District is located, is for sale to the public generally, is available to the public generally for the publication of official or other notices, and is customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public. The annual meeting notice required to be published by Section 189.015 of the Florida Statutes, shall be published in a newspaper not of limited subject matter, which is published at least five days a week, unless the only newspaper in the county is published less than five days a week, and shall satisfy the requirement to give at least seven (7) days' public notice stated herein. Each Notice shall state, as applicable:
- (a) The date, time and place of the meeting, hearing or workshop;
 - (b) A brief description of the nature, subjects, and purposes of the meeting, hearing, or workshop;
 - (c) The District office address for the submission of requests for copies of the agenda, as well as a contact name and telephone number for verbal requests for copies of the agenda; and
 - (d) The following or substantially similar language: "Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager at [###-###-###]. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770 or 1 (800) 955-8771, who can aid you in contacting the District Office."
 - (e) The following or substantially similar language: "A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based."

- (f) The following or substantially similar language: “The meeting [or hearing or workshop] may be continued in progress without additional notice to a time, date, and location stated on the record.”

The date, time, and place of each meeting, hearing, or workshop of the Board shall additionally be posted on the District’s website at least seven (7) days before each meeting, hearing, or workshop.

- (2) Mistake. In the event that a meeting is held under the incorrect assumption that notice required by law and these Rules has been given, the Board at its next properly noticed meeting shall cure such defect by considering the agenda items from the prior meeting individually and anew.
- (3) Agenda. The District Manager, under the guidance of District Counsel and the Chairperson or Vice-Chairperson, shall prepare an agenda of the meeting/hearing/workshop. The agenda and any meeting materials available in an electronic format, excluding any confidential, and any confidential and exempt information, shall be submitted to staff for inclusion in the agenda at least eight days before the meeting/hearing, and available to the public at least seven days before the meeting/hearing/workshop, except in an emergency. Any member of the Board may request a meeting agenda item and such agenda item will be on the next succeeding agenda so long as supporting material, if applicable, is provided at least eight days before the meeting/hearing/workshop. However, the District Manager, in consultation with the Chairperson or Vice Chairperson, if the Chairperson is unavailable, may reduce the number of agenda items if necessary to ensure orderly and efficient meetings. Meeting materials shall be defined as, and limited to, the agenda, meeting minutes, resolutions, and agreements of the District that District staff deems necessary for Board approval. Inclusion of additional materials for Board consideration other than those defined herein as “meeting materials” shall not convert such materials into “meeting materials.” For good cause, the agenda may be changed after it is first made available for distribution, and additional materials may be added or provided under separate cover at the meeting. The requirement of good cause shall be liberally construed to allow the District to efficiently conduct business and to avoid the expenses associated with special meetings.

The District may, but is not required to, use the following format in preparing its agenda for its regular meetings:

- Call to order
- Roll call
- Public comment
- Organizational matters
- Review of minutes
- Specific items of old business
- Specific items of new business

Staff reports

- (a) District Counsel
- (b) District Engineer
- (c) District Manager
 - 1. Financial Report
 - 2. Approval of Expenditures

Supervisor's requests and comments

Public comment

Adjournment

- (4) Minutes. The Secretary shall be responsible for preparing and keeping the minutes of each meeting of the Board. Minutes shall be corrected and approved by the Board at a subsequent meeting. The Secretary may work with other staff members in preparing draft minutes for the Board's consideration.
- (5) Special Requests. Persons wishing to receive, by mail, notices or agendas of meetings, may so advise the District Manager or Secretary at the District Office. Such persons shall furnish a mailing address in writing and shall be required to pre-pay the cost of the copying and postage.
- (6) Emergency Meetings. The Chairperson, or Vice-Chairperson if the Chairperson is unavailable, upon consultation with the District Manager and District Counsel, if available, may convene an emergency meeting of the Board without first having complied with sections (1) and (3) of this Rule, to act on emergency matters that may affect the public health, safety, or welfare. Whenever possible, the District Manager shall make reasonable efforts to provide public notice and notify all Board members of an emergency meeting twenty-four (24) hours in advance. Reasonable efforts may include telephone notification. Notice of the emergency meeting must be provided both before and after the meeting on the District's website, if it has one. Whenever an emergency meeting is called, the District Manager shall be responsible for notifying at least one newspaper of general circulation in the District. After an emergency meeting, the Board shall publish in a newspaper of general circulation in the District, the time, date and place of the emergency meeting, the reasons why an emergency meeting was necessary, and a description of the action taken. Actions taken at an emergency meeting may be ratified by the Board at a regularly noticed meeting subsequently held.
- (7) Public Comment. The Board shall set aside a reasonable amount of time at each meeting for public comment and members of the public shall be permitted to provide comment on any proposition before the Board. The portion of the meeting generally reserved for public comment shall be identified in the agenda. Policies governing public comment may be adopted by the Board in accordance with Florida law.
- (8) Budget Hearing. Notice of hearing on the annual budget(s) shall be in accord with Section 190.008 of the Florida Statutes. Once adopted in accord with Section

190.008 of the Florida Statutes, the annual budget(s) may be amended from time to time by action of the Board. Approval of invoices by the Board in excess of the funds allocated to a particular budgeted line item shall serve to amend the budgeted line item.

- (9) Public Hearings. Notice of required public hearings shall contain the information required by applicable Florida law and by these Rules applicable to meeting notices and shall be mailed and published as required by Florida law. The District Manager shall ensure that all such notices, whether mailed or published, contain the information required by Florida law and these Rules and are mailed and published as required by Florida law. Public hearings may be held during Board meetings when the agenda includes such public hearing.
- (10) Participation by Teleconference/Videoconference. District staff may participate in Board meetings by teleconference or videoconference. Board members may also participate in Board meetings by teleconference or videoconference if in the good judgment of the Board extraordinary circumstances exist; provided however, at least three Board members must be physically present at the meeting location to establish a quorum. Such extraordinary circumstances shall be presumed when a Board member participates by teleconference or videoconference, unless a majority of the Board members physically present determines that extraordinary circumstances do not exist.
- (11) Board Authorization. The District has not adopted Robert's Rules of Order. For each agenda item, there shall be discussion permitted among the Board members during the meeting. Unless such procedure is waived by the Board, approval or disapproval of resolutions and other proposed Board actions shall be in the form of a motion by one Board member, a second by another Board member, and an affirmative vote by the majority of the Board members present. Any Board member, including the Chairperson, can make or second a motion.
- (12) Continuances. Any meeting or public hearing of the Board may be continued without re-notice or re-advertising provided that:
 - (a) The Board identifies on the record at the original meeting a reasonable need for a continuance;
 - (b) The continuance is to a specified date, time, and location publicly announced at the original meeting; and
 - (c) The public notice for the original meeting states that the meeting may be continued to a date and time and states that the date, time, and location of any continuance shall be publicly announced at the original meeting and posted at the District Office immediately following the original meeting.
- (13) Attorney-Client Sessions. An Attorney-Client Session is permitted when the District's attorneys deem it necessary to meet in private with the Board to discuss

pending litigation to which the District is a party before a court or administrative agency or as may be authorized by law. The District's attorney must request such session at a public meeting. Prior to holding the Attorney-Client Session, the District must give reasonable public notice of the time and date of the session and the names of the persons anticipated to attend the session. The session must commence at an open meeting in which the Chairperson or Vice-Chairperson announces the commencement of the session, the estimated length of the session, and the names of the persons who will be attending the session. The discussion during the session is confined to settlement negotiations or strategy related to litigation expenses or as may be authorized by law. Only the Board, the District's attorneys (including outside counsel), the District Manager, and the court reporter may attend an Attorney-Client Session. During the session, no votes may be taken and no final decisions concerning settlement can be made. Upon the conclusion of the session, the public meeting is reopened, and the Chairperson or Vice-Chairperson must announce that the session has concluded. The session must be transcribed by a court-reporter and the transcript of the session filed with the District Secretary within a reasonable time after the session. The transcript shall not be available for public inspection until after the conclusion of the litigation.

- (14) Security and Firesafety Board Discussions. Portions of a meeting which relate to or would reveal a security or firesafety system plan or portion thereof made confidential and exempt by section 119.071(3)(a), Florida Statutes, are exempt from the public meeting requirements and other requirements of section 286.011, Florida Statutes, and section 24(b), Article 1 of the State Constitution. Should the Board wish to discuss such matters, members of the public shall be required to leave the meeting room during such discussion. Any records of the Board's discussion of such matters, including recordings or minutes, shall be maintained as confidential and exempt records in accordance with Florida law.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 189.069(2)(a)16, 190.006, 190.007, 190.008, 286.0105, 286.011, 286.0113, 286.0114, Fla. Stat.

Rule 1.4 Internal Controls to Prevent Fraud, Waste and Abuse

- (1) Internal Controls. The District shall establish and maintain internal controls designed to:
- (a) Prevent and detect “fraud,” “waste” and “abuse” as those terms are defined in section 11.45(1), Florida Statutes; and
 - (b) Promote and encourage compliance with applicable laws, rules contracts, grant agreements, and best practices; and
 - (c) Support economical and efficient operations; and
 - (d) Ensure reliability of financial records and reports; and
 - (e) Safeguard assets.
- (2) Adoption. The internal controls to prevent fraud, waste and abuse shall be adopted and amended by the District in the same manner as District policies.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: § 218.33(3), Fla. Stat.

Rule 2.0 Rulemaking Proceedings.

- (1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District. A “rule” is a District statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the District (“Rule”). Nothing herein shall be construed as requiring the District to consider or adopt rules unless required by Chapter 190 of the Florida Statutes. Policies adopted by the District which do not consist of rates, fees, rentals or other monetary charges may be, but are not required to be, implemented through rulemaking proceedings.
- (2) Notice of Rule Development.
 - (a) Except when the intended action is the repeal of a Rule, the District shall provide notice of the development of a proposed rule by publication of a Notice of Rule Development in a newspaper of general circulation in the District before providing notice of a proposed rule as required by section (3) of this Rule. Consequently, the Notice of Rule Development shall be published at least twenty-nine (29) days prior to the public hearing on the proposed Rule. The Notice of Rule Development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the specific legal authority for the proposed rule, and include a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.
 - (b) All rules as drafted shall be consistent with Sections 120.54(1)(g) and 120.54(2)(b) of the Florida Statutes.
- (3) Notice of Proceedings and Proposed Rules.
 - (a) Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the District shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action, a reference to the specific rulemaking authority pursuant to which the rule is adopted, and a reference to the section or subsection of the Florida Statutes being implemented, interpreted, or made specific. The notice shall include a summary of the District’s statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in Section 120.541(2) of the Florida Statutes, and a statement that any person who wishes to provide the District with a lower cost regulatory alternative as provided by Section 120.541(1), must do so in writing within twenty-one (21) days after publication of the notice. The notice shall additionally include a statement that any affected person may request a public hearing by submitting a written request within twenty-one (21) days after the date

of publication of the notice. Except when intended action is the repeal of a rule, the notice shall include a reference to both the date on which and the place where the Notice of Rule Development required by section (2) of this Rule appeared.

- (b) The notice shall be published in a newspaper of general circulation in the District and each county in which the District is located not less than twenty-eight (28) days prior to the intended action. The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.
 - (c) The notice shall be mailed to all persons named in the proposed rule and to all persons who, at least fourteen (14) days prior to such mailing, have made requests of the District for advance notice of its rulemaking proceedings. Any person may file a written request with the District Manager to receive notice by mail of District proceedings to adopt, amend, or repeal a rule. Such persons must furnish a mailing address and may be required to pay the cost of copying and mailing.
- (4) Rule Development Workshops. Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the Chairperson must explain in writing why a workshop is unnecessary. The District may initiate a rule development workshop but is not required to do so.
- (5) Petitions to Initiate Rulemaking. All Petitions to Initiate Rulemaking proceedings must contain the name, address, and telephone number of the petitioner, the specific action requested, the specific reason for adoption, amendment, or repeal, the date submitted, the text of the proposed rule, and the facts showing that the petitioner is regulated by the District or has a substantial interest in the rulemaking. Not later than sixty (60) calendar days following the date of filing a petition, the Board shall initiate rulemaking proceedings or deny the petition with a written statement of its reasons for the denial. If the petition is directed to an existing policy that the District has not formally adopted as a rule, the District may, in its discretion, notice and hold a public hearing on the petition to consider the comments of the public directed to the policy, its scope and application, and to consider whether the public interest is served adequately by the application of the policy on a case-by-case basis, as contrasted with its formal adoption as a rule. However, this section shall not be construed as requiring the District to adopt a rule to replace a policy.
- (6) Rulemaking Materials. After the publication of the notice referenced in section (3) of this Rule, the Board shall make available for public inspection and shall provide, upon request and payment of the cost of copies, the following materials:
 - (a) The text of the proposed rule, or any amendment or repeal of any existing rules;

- (b) A detailed written statement of the facts and circumstances justifying the proposed rule;
 - (c) A copy of the statement of estimated regulatory costs if required by Section 120.541 of the Florida Statutes; and
 - (d) The published notice.
- (7) Hearing. The District may, or, upon the written request of any affected person received within twenty-one (21) days after the date of publication of the notice described in section (3) of this Rule, shall, provide a public hearing for the presentation of evidence, argument, and oral statements, within the reasonable conditions and limitations imposed by the District to avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceedings. The District shall publish notice of the public hearing in a newspaper of general circulation within the District either in the text of the notice described in section (3) of this Rule or in a separate publication at least seven (7) days before the scheduled public hearing. The notice shall specify the date, time, and location of the public hearing, and the name, address, and telephone number of the District contact person who can provide information about the public hearing. Written statements may be submitted by any person prior to or at the public hearing. All timely submitted written statements shall be considered by the District and made part of the rulemaking record.
- (8) Emergency Rule Adoption. The Board may adopt an emergency rule if it finds that immediate danger to the public health, safety, or welfare exists which requires immediate action. Prior to the adoption of an emergency rule, the District Manager shall make reasonable efforts to notify a newspaper of general circulation in the District. Notice of emergency rules shall be published as soon as possible in a newspaper of general circulation in the District. The District may use any procedure which is fair under the circumstances in the adoption of an emergency rule as long as it protects the public interest as determined by the District and otherwise complies with these provisions.
- (9) Negotiated Rulemaking. The District may use negotiated rulemaking in developing and adopting rules pursuant to Section 120.54(2)(d) of the Florida Statutes, except that any notices required under Section 120.54(2)(d) of the Florida Statutes, may be published in a newspaper of general circulation in the county in which the District is located.
- (10) Rulemaking Record. In all rulemaking proceedings, the District shall compile and maintain a rulemaking record. The record shall include, if applicable:
 - (a) The texts of the proposed rule and the adopted rule;
 - (b) All notices given for a proposed rule;

- (c) Any statement of estimated regulatory costs for the rule;
- (d) A written summary of hearings, if any, on the proposed rule;
- (e) All written comments received by the District and responses to those written comments; and
- (f) All notices and findings pertaining to an emergency rule.

(11) Petitions to Challenge Existing Rules.

- (a) Any person substantially affected by a rule may seek an administrative determination of the invalidity of the rule on the ground that the rule is an invalid exercise of the District's authority.
- (b) The petition seeking an administrative determination must state with particularity the provisions alleged to be invalid with sufficient explanation of the facts or grounds for the alleged invalidity and facts sufficient to show that the person challenging a rule is substantially affected by it.
- (c) The petition shall be filed with the District. Within 10 days after receiving the petition, the Chairperson shall, if the petition complies with the requirements of subsection (b) of this section, designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties. The failure of the District to follow the applicable rulemaking procedures or requirements in this Rule shall be presumed to be material; however, the District may rebut this presumption by showing that the substantial interests of the petitioner and the fairness of the proceedings have not been impaired.
- (d) Within 30 days after the hearing, the hearing officer shall render a decision and state the reasons therefor in writing.
- (e) Hearings held under this section shall be de novo in nature. The petitioner has a burden of proving by a preponderance of the evidence that the existing rule is an invalid exercise of District authority as to the objections raised. The hearing officer may:
 - (i) Administer oaths and affirmations;
 - (ii) Rule upon offers of proof and receive relevant evidence;
 - (iii) Regulate the course of the hearing, including any pre-hearing matters;

- (iv) Enter orders; and
 - (v) Make or receive offers of settlement, stipulation, and adjustment.
 - (f) The petitioner and the District shall be adverse parties. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (12) Variances and Waivers. A “variance” means a decision by the District to grant a modification to all or part of the literal requirements of a rule to a person who is subject to the rule. A “waiver” means a decision by the District not to apply all or part of a rule to a person who is subject to the rule. Variances and waivers from District rules may be granted subject to the following:
- (a) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person, and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.
 - (b) A person who is subject to regulation by a District Rule may file a petition with the District, requesting a variance or waiver from the District’s Rule. Each petition shall specify:
 - (i) The rule from which a variance or waiver is requested;
 - (ii) The type of action requested;
 - (iii) The specific facts that would justify a waiver or variance for the petitioner; and
 - (iv) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.
 - (c) The District shall review the petition and may request only that information needed to clarify the petition or to answer new questions raised by or directly related to the petition. If the petitioner asserts that any request for additional information is not authorized by law or by Rule of the District, the District shall proceed, at the petitioner’s written request, to process the petition.

- (d) The Board shall grant or deny a petition for variance or waiver and shall announce such disposition at a publicly held meeting of the Board, within ninety (90) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. The District's statement granting or denying the petition shall contain a statement of the relevant facts and reasons supporting the District's action.
- (13) Rates, Fees, Rentals and Other Charges. All rates, fees, rentals, or other charges shall be subject to rulemaking proceedings. Policies adopted by the District which do not consist of rates, fees, rentals or other charges may be, but are not required to be, implemented through rulemaking proceedings.

Specific Authority: §§ 190.011(5), 190.011(15), 190.035, Fla. Stat.

Law Implemented: §§ 190.011(5), 190.035(2), Fla. Stat.

Rule 3.0 Competitive Purchase.

- (1) Purpose and Scope. In order to comply with Sections 190.033(1) through (3), 287.055 and 287.017 of the Florida Statutes, the following provisions shall apply to the purchase of Professional Services, insurance, construction contracts, design-build services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) Board Authorization. Except in cases of an Emergency Purchase, a competitive purchase governed by these Rules shall only be undertaken after authorization by the Board.
- (3) Definitions.
 - (a) “Competitive Solicitation” means a formal, advertised procurement process, other than an Invitation to Bid, Request for Proposals, or Invitation to Negotiate, approved by the Board to purchase commodities and/or services which affords vendors fair treatment in the competition for award of a District purchase contract.
 - (b) “Continuing Contract” means a contract for Professional Services entered into in accordance with Section 287.055 of the Florida Statutes, between the District and a firm, whereby the firm provides Professional Services to the District for projects in which the costs do not exceed two million dollars (\$2,000,000), for a study activity when the fee for such Professional Services to the District does not exceed two hundred thousand dollars (\$200,000), or for work of a specified nature as outlined in the contract with the District, with no time limitation except that the contract must provide a termination clause (for example, a contract for general District engineering services). Firms providing Professional Services under Continuing Contracts shall not be required to bid against one another.
 - (c) “Contractual Service” means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. Contractual Services do not include auditing services, Maintenance Services, or Professional Services as defined in Section 287.055(2)(a) of the Florida Statutes, and these Rules. Contractual Services also do not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of any facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to Chapter 255 of the Florida Statutes, and Rules 3.5 or 3.6.
 - (d) “Design-Build Contract” means a single contract with a Design-Build Firm for the design and construction of a public construction project.

- (e) “Design-Build Firm” means a partnership, corporation or other legal entity that:
 - (i) Is certified under Section 489.119 of the Florida Statutes, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or
 - (ii) Is certified under Section 471.023 of the Florida Statutes, to practice or to offer to practice engineering; certified under Section 481.219 of the Florida Statutes, to practice or to offer to practice architecture; or certified under Section 481.319 of the Florida Statutes, to practice or to offer to practice landscape architecture.
- (f) “Design Criteria Package” means concise, performance-oriented drawings or specifications for a public construction project. The purpose of the Design Criteria Package is to furnish sufficient information to permit Design-Build Firms to prepare a bid or a response to the District’s Request for Proposals, or to permit the District to enter into a negotiated Design-Build Contract. The Design Criteria Package must specify performance-based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project. Design Criteria Packages shall require firms to submit information regarding the qualifications, availability, and past work of the firms, including the partners and members thereof.
- (g) “Design Criteria Professional” means a firm who holds a current certificate of registration under Chapter 481 of the Florida Statutes, to practice architecture or landscape architecture, or a firm who holds a current certificate as a registered engineer under Chapter 471 of the Florida Statutes, to practice engineering, and who is employed by or under contract to the District to provide professional architect services, landscape architect services, or engineering services in connection with the preparation of the Design Criteria Package.
- (h) “Emergency Purchase” means a purchase necessitated by a sudden unexpected turn of events (for example, acts of God, riot, fires, floods, hurricanes, accidents, or any circumstances or cause beyond the control of the Board in the normal conduct of its business), where the Board finds that the delay incident to competitive purchase would be detrimental to the interests of the District. This includes, but is not limited to, instances where

the time to competitively award the project will jeopardize the funding for the project, will materially increase the cost of the project, or will create an undue hardship on the public health, safety, or welfare.

- (i) “Invitation to Bid” is a written solicitation for sealed bids with the title, date, and hour of the public bid opening designated specifically and defining the commodity or service involved. It includes printed instructions prescribing conditions for bidding, qualification, evaluation criteria, and provides for a manual signature of an authorized representative. It may include one or more bid alternates.
- (j) “Invitation to Negotiate” means a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or services.
- (k) “Negotiate” means to conduct legitimate, arm’s length discussions and conferences to reach an agreement on a term or price.
- (l) “Professional Services” means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of Florida, or those services performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper, in connection with the firm's or individual's professional employment or practice.
- (m) “Proposal (or Reply or Response) Most Advantageous to the District” means, as determined in the sole discretion of the Board, the proposal, reply, or response that is:
 - (i) Submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements, who has the integrity and reliability to assure good faith performance;
 - (ii) The most responsive to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation as determined by the Board; and
 - (iii) For a cost to the District deemed by the Board to be reasonable.
- (n) “Purchase” means acquisition by sale, rent, lease, lease/purchase, or installment sale. It does not include transfer, sale, or exchange of goods, supplies, or materials between the District and any federal, state, regional or local governmental entity or political subdivision of the State of Florida.
- (o) “Request for Proposals” or “RFP” is a written solicitation for sealed proposals with the title, date, and hour of the public opening designated and

requiring the manual signature of an authorized representative. It may provide general information, applicable laws and rules, statement of work, functional or general specifications, qualifications, proposal instructions, work detail analysis, and evaluation criteria as necessary.

- (p) “Responsive and Responsible Bidder” means an entity or individual that has submitted a bid that conforms in all material respects to the Invitation to Bid and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. “Responsive and Responsible Vendor” means an entity or individual that has submitted a proposal, reply, or response that conforms in all material respects to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. In determining whether an entity or individual is a Responsive and Responsible Bidder (or Vendor), the District may consider, in addition to factors described in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the following:
 - (i) The ability and adequacy of the professional personnel employed by the entity/individual;
 - (ii) The past performance of the entity/individual for the District and in other professional employment;
 - (iii) The willingness of the entity/individual to meet time and budget requirements;
 - (iv) The geographic location of the entity’s/individual’s headquarters or office in relation to the project;
 - (v) The recent, current, and projected workloads of the entity/individual;
 - (vi) The volume of work previously awarded to the entity/individual;
 - (vii) Whether the cost components of the bid or proposal are appropriately balanced; and
 - (viii) Whether the entity/individual is a certified minority business enterprise.
- (q) “Responsive Bid,” “Responsive Proposal,” “Responsive Reply,” and “Responsive Response” all mean a bid, proposal, reply, or response which conforms in all material respects to the specifications and conditions in the

Invitation to Bid, Request for Proposals, Invitations to Negotiate, or Competitive Solicitation document and these Rules, and the cost components of which, if any, are appropriately balanced. A bid, proposal, reply or response is not responsive if the person or firm submitting it fails to meet any material requirement relating to the qualifications, financial stability, or licensing of the bidder.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.033, 255.20, 287.055, Fla. Stat.

Rule 3.1 Procedure Under the Consultants' Competitive Negotiations Act.

- (1) Scope. The following procedures are adopted for the selection of firms or individuals to provide Professional Services exceeding the thresholds herein described, for the negotiation of such contracts, and to provide for protest of actions of the Board under this Rule. As used in this Rule, "Project" means that fixed capital outlay study or planning activity when basic construction cost is estimated by the District to exceed the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FIVE, or for a planning study activity when the fee for Professional Services is estimated by the District to exceed the threshold amount provided in Section 287.017 for CATEGORY TWO, as such categories may be amended or adjusted from time to time.
- (2) Qualifying Procedures. In order to be eligible to provide Professional Services to the District, a consultant must, at the time of receipt of the firm's qualification submittal:
 - (a) Hold all required applicable state professional licenses in good standing;
 - (b) Hold all required applicable federal licenses in good standing, if any;
 - (c) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the consultant is a corporation; and
 - (d) Meet any qualification requirements set forth in the District's Request for Qualifications.

Evidence of compliance with this Rule may be submitted with the qualifications, if requested by the District. In addition, evidence of compliance must be submitted any time requested by the District.

- (3) Public Announcement. Except in cases of valid public emergencies as certified by the Board, the District shall announce each occasion when Professional Services are required for a Project or a Continuing Contract by publishing a notice providing a general description of the Project, or the nature of the Continuing Contract, and the method for interested consultants to apply for consideration. The notice shall appear in at least one (1) newspaper of general circulation in the District and in such other places as the District deems appropriate. The notice must allow at least fourteen (14) days for submittal of qualifications from the date of publication. The District may maintain lists of consultants interested in receiving such notices. These consultants are encouraged to submit annually statements of qualifications and performance data. The District shall make reasonable efforts to provide copies of any notices to such consultants, but the failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process. The Board has the right to reject any and all

qualifications, and such reservation shall be included in the published notice. Consultants not receiving a contract award shall not be entitled to recover from the District any costs of qualification package preparation or submittal.

(4) Competitive Selection.

- (a) The Board shall review and evaluate the data submitted in response to the notice described in section (3) of this Rule regarding qualifications and performance ability, as well as any statements of qualifications on file. The Board shall conduct discussions with, and may require public presentation by consultants regarding their qualifications, approach to the Project, and ability to furnish the required services. The Board shall then select and list the consultants, in order of preference, deemed to be the most highly capable and qualified to perform the required Professional Services, after considering these and other appropriate criteria:
 - (i) The ability and adequacy of the professional personnel employed by each consultant;
 - (ii) Whether a consultant is a certified minority business enterprise;
 - (iii) Each consultant's past performance;
 - (iv) The willingness of each consultant to meet time and budget requirements;
 - (v) The geographic location of each consultant's headquarters, office and personnel in relation to the project;
 - (vi) The recent, current, and projected workloads of each consultant; and
 - (vii) The volume of work previously awarded to each consultant by the District.
- (b) Nothing in these Rules shall prevent the District from evaluating and eventually selecting a consultant if less than three (3) Responsive qualification packages, including packages indicating a desire not to provide Professional Services on a given Project, are received.
- (c) If the selection process is administered by any person or committee other than the full Board, the selection made will be presented to the full Board with a recommendation that competitive negotiations be instituted with the selected firms in order of preference listed.
- (d) Notice of the rankings adopted by the Board, including the rejection of some or all qualification packages, shall be provided in writing to all consultants

by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's ranking decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

(5) Competitive Negotiation.

- (a) After the Board has authorized the beginning of competitive negotiations, the District may begin such negotiations with the firm listed as most qualified to perform the required Professional Services at a rate or amount of compensation which the Board determines is fair, competitive, and reasonable.
- (b) In negotiating a lump-sum or cost-plus-a-fixed-fee professional contract for more than the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, the firm receiving the award shall be required to execute a truth-in-negotiation certificate stating that "wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting." In addition, any professional service contract under which such a certificate is required, shall contain a provision that "the original contract price and any additions thereto, shall be adjusted to exclude any significant sums by which the Board determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs."
- (c) Should the District be unable to negotiate a satisfactory agreement with the firm determined to be the most qualified at a price deemed by the District to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the District shall immediately begin negotiations with the second most qualified firm. If a satisfactory agreement with the second firm cannot be reached, those negotiations shall be terminated and negotiations with the third most qualified firm shall be undertaken.
- (d) Should the District be unable to negotiate a satisfactory agreement with one of the top three (3) ranked consultants, additional firms shall be selected by the District, in order of their competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.

(6) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.

- (7) Continuing Contract. Nothing in this Rule shall prohibit a Continuing Contract between a consultant and the District.
- (8) Emergency Purchase. The District may make an Emergency Purchase without complying with these Rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 190.011(3), 190.033, 287.055, Fla. Stat.

Rule 3.2 Procedure Regarding Auditor Selection.

In order to comply with the requirements of Section 218.391 of the Florida Statutes, the following procedures are outlined for selection of firms or individuals to provide Auditing Services and for the negotiation of such contracts. For audits required under Chapter 190 of the Florida Statutes but not meeting the thresholds of Chapter 218 of the Florida Statutes, the District need not follow these procedures but may proceed with the selection of a firm or individual to provide Auditing Services and for the negotiation of such contracts in the manner the Board determines is in the best interests of the District.

(1) Definitions.

- (a) "Auditing Services" means those services within the scope of the practice of a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.
- (b) "Committee" means the auditor selection committee appointed by the Board as described in section (2) of this Rule.

(2) Establishment of Auditor Selection Committee. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Board shall establish an auditor selection committee ("Committee"), the primary purpose of which is to assist the Board in selecting an auditor to conduct the annual financial audit required by Section 218.39 of the Florida Statutes. The Committee shall include at least three individuals, at least one of which must also be a member of the Board. The establishment and selection of the Committee must be conducted at a publicly noticed and held meeting of the Board. The Chairperson of the Committee must be a member of the Board. An employee, a chief executive officer, or a chief financial officer of the District may not serve as a member of the Committee; provided however such individual may serve the Committee in an advisory capacity.

(3) Establishment of Minimum Qualifications and Evaluation Criteria. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Committee shall meet at a publicly noticed meeting to establish minimum qualifications and factors to use for the evaluation of Auditing Services to be provided by a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.

- (a) Minimum Qualifications. In order to be eligible to submit a proposal, a firm must, at all relevant times including the time of receipt of the proposal by the District:

- (i) Hold all required applicable state professional licenses in good standing;
- (ii) Hold all required applicable federal licenses in good standing, if any;
- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the proposer is a corporation; and
- (iv) Meet any pre-qualification requirements established by the Committee and set forth in the RFP or other specifications.

If requested in the RFP or other specifications, evidence of compliance with the minimum qualifications as established by the Committee must be submitted with the proposal.

- (b) **Evaluation Criteria.** The factors established for the evaluation of Auditing Services by the Committee shall include, but are not limited to:
 - (i) Ability of personnel;
 - (ii) Experience;
 - (iii) Ability to furnish the required services; and
 - (iv) Such other factors as may be determined by the Committee to be applicable to its particular requirements.

The Committee may also choose to consider compensation as a factor. If the Committee establishes compensation as one of the factors, compensation shall not be the sole or predominant factor used to evaluate proposals.

- (4) **Public Announcement.** After identifying the factors to be used in evaluating the proposals for Auditing Services as set forth in section (3) of this Rule, the Committee shall publicly announce the opportunity to provide Auditing Services. Such public announcement shall include a brief description of the audit and how interested firms can apply for consideration and obtain the RFP. The notice shall appear in at least one (1) newspaper of general circulation in the District and the county in which the District is located. The public announcement shall allow for at least seven (7) days for the submission of proposals.
- (5) **Request for Proposals.** The Committee shall provide interested firms with a Request for Proposals (“RFP”). The RFP shall provide information on how proposals are to be evaluated and such other information the Committee determines

is necessary for the firm to prepare a proposal. The RFP shall state the time and place for submitting proposals.

- (6) Committee's Evaluation of Proposals and Recommendation. The Committee shall meet at a publicly held meeting that is publicly noticed for a reasonable time in advance of the meeting to evaluate all qualified proposals and may, as part of the evaluation, require that each interested firm provide a public presentation where the Committee may conduct discussions with the firm, and where the firm may present information, regarding the firm's qualifications. At the public meeting, the Committee shall rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to subsection (3)(b) of this Rule. If fewer than three firms respond to the RFP or if no firms respond to the RFP, the Committee shall recommend such firm as it deems to be the most highly qualified. Notwithstanding the foregoing, the Committee may recommend that any and all proposals be rejected.
- (7) Board Selection of Auditor.
 - (a) Where compensation was not selected as a factor used in evaluating the proposals, the Board shall negotiate with the firm ranked first and inquire of that firm as to the basis of compensation. If the Board is unable to negotiate a satisfactory agreement with the first ranked firm at a price deemed by the Board to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the Board shall immediately begin negotiations with the second ranked firm. If a satisfactory agreement with the second ranked firm cannot be reached, those negotiations shall be terminated and negotiations with the third ranked firm shall be undertaken. The Board may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. If the Board is unable to negotiate a satisfactory agreement with any of the selected firms, the Committee shall recommend additional firms in order of the firms' respective competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.
 - (b) Where compensation was selected as a factor used in evaluating the proposals, the Board shall select the highest-ranked qualified firm or document in its public records the reason for not selecting the highest-ranked qualified firm.
 - (c) In negotiations with firms under this Rule, the Board may allow the District Manager, District Counsel, or other designee to conduct negotiations on its behalf.

- (d) Notwithstanding the foregoing, the Board may reject any or all proposals. The Board shall not consider any proposal, or enter into any contract for Auditing Services, unless the proposed agreed-upon compensation is reasonable to satisfy the requirements of Section 218.39 of the Florida Statutes, and the needs of the District.
- (8) Contract. Any agreement reached under this Rule shall be evidenced by a written contract, which may take the form of an engagement letter signed and executed by both parties. The written contract shall include all provisions and conditions of the procurement of such services and shall include, at a minimum, the following:
 - (a) A provision specifying the services to be provided and fees or other compensation for such services;
 - (b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract;
 - (c) A provision setting forth deadlines for the auditor to submit a preliminary draft audit report to the District for review and to submit a final audit report no later than June 30 of the fiscal year that follows the fiscal year for which the audit is being conducted;
 - (d) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed. The maximum contract period including renewals shall be five (5) years. A renewal may be done without the use of the auditor selection procedures provided in this Rule but must be in writing.
 - (e) Provisions required by law that require the auditor to comply with public records laws.
- (9) Notice of Award. Once a negotiated agreement with a firm or individual is reached, or the Board authorizes the execution of an agreement with a firm where compensation was a factor in the evaluation of proposals, notice of the intent to award, including the rejection of some or all proposals, shall be provided in writing to all proposers by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests regarding the award of contracts under this Rule shall be as provided for in Rule 3.11. No proposer shall be entitled to recover any costs of proposal preparation or submittal from the District.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: §§ 119.0701, 218.33, 218.391, Fla. Stat.

Rule 3.3 Purchase of Insurance.

- (1) Scope. The purchases of life, health, accident, hospitalization, legal expense, or annuity insurance, or all of any kinds of such insurance for the officers and employees of the District, and for health, accident, hospitalization, and legal expenses upon a group insurance plan by the District, shall be governed by this Rule. This Rule does not apply to the purchase of any other type of insurance by the District, including but not limited to liability insurance, property insurance, and directors and officers insurance. Nothing in this Rule shall require the District to purchase insurance.
- (2) Procedure. For a purchase of insurance within the scope of these Rules, the following procedure shall be followed:
 - (a) The Board shall cause to be prepared a Notice of Invitation to Bid.
 - (b) Notice of the Invitation to Bid shall be advertised at least once in a newspaper of general circulation within the District. The notice shall allow at least fourteen (14) days for submittal of bids.
 - (c) The District may maintain a list of persons interested in receiving notices of Invitations to Bid. The District shall make reasonable efforts to provide copies of any notices to such persons, but the failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process.
 - (d) Bids shall be opened at the time and place noted in the Invitation to Bid.
 - (e) If only one (1) response to an Invitation is received, the District may proceed with the purchase. If no response to an Invitation to Bid is received, the District may take whatever steps are reasonably necessary in order to proceed with the purchase.
 - (f) The Board has the right to reject any and all bids and such reservations shall be included in all solicitations and advertisements.
 - (g) Simultaneously with the review of the submitted bids, the District may undertake negotiations with those companies that have submitted reasonable and timely bids and, in the opinion of the District, are fully qualified and capable of meeting all services and requirements. Bid responses shall be evaluated in accordance with the specifications and criteria contained in the Invitation to Bid; in addition, the total cost to the District, the cost, if any, to the District officers, employees, or their dependents, the geographic location of the company's headquarters and offices in relation to the District, and the ability of the company to guarantee premium stability may be considered. A contract to purchase insurance

shall be awarded to that company whose response to the Invitation to Bid best meets the overall needs of the District, its officers, employees, and/or dependents.

- (h) Notice of the intent to award, including rejection of some or all bids, shall be provided in writing to all bidders by United States Mail, by hand delivery, or by overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's procurement of insurance under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: § 112.08, Fla. Stat.

Rule 3.4 Pre-qualification

- (1) Scope. In its discretion, the District may undertake a pre-qualification process in accordance with this Rule for vendors to provide construction services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) Procedure. When the District seeks to pre-qualify vendors, the following procedures shall apply:
 - (a) The Board shall cause to be prepared a Request for Qualifications.
 - (b) For construction services exceeding the thresholds described in Section 255.20 of the Florida Statutes, the Board must advertise the proposed pre-qualification criteria and procedures and allow at least seven (7) days notice of the public hearing for comments on such pre-qualification criteria and procedures. At such public hearing, potential vendors may object to such pre-qualification criteria and procedures. Following such public hearing, the Board shall formally adopt pre-qualification criteria and procedures prior to the advertisement of the Request for Qualifications for construction services.
 - (c) The Request for Qualifications shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall allow at least seven (7) days for submittal of qualifications for goods, supplies and materials, Contractual Services, maintenance services, and construction services under two hundred fifty thousand dollars (\$250,000). The notice shall allow at least twenty-one (21) days for submittal of qualifications for construction services estimated to cost over two hundred fifty thousand dollars (\$250,000) and thirty (30) days for construction services estimated to cost over five hundred thousand dollars (\$500,000).
 - (d) The District may maintain lists of persons interested in receiving notices of Requests for Qualifications. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any pre-qualification determination or contract awarded in accordance with these Rules and shall not be a basis for a protest of any pre-qualification determination or contract award.
 - (e) If the District has pre-qualified vendors for a particular category of purchase, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies or responses in response to the applicable Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

- (f) In order to be eligible to submit qualifications, a firm or individual must, at the time of receipt of the qualifications:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;
 - (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
 - (iv) Meet any special pre-qualification requirements set forth in the Request for Qualifications.

Evidence of compliance with these Rules must be submitted with the qualifications if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the qualifications.

- (g) Qualifications shall be presented to the Board, or a committee appointed by the Board, for evaluation in accordance with the Request for Qualifications and this Rule. Minor variations in the qualifications may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature.
- (h) All vendors determined by the District to meet the pre-qualification requirements shall be pre-qualified. To assure full understanding of the responsiveness to the requirements contained in a Request for Qualifications, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion and revision of qualifications. For construction services, any contractor pre-qualified and considered eligible by the Department of Transportation to bid to perform the type of work the project entails shall be presumed to be qualified to perform the project.
- (i) The Board shall have the right to reject all qualifications if there are not enough to be competitive or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of qualification preparation or submittal from the District.
- (j) Notice of intent to pre-qualify, including rejection of some or all qualifications, shall be provided in writing to all vendors by United States Mail, electronic mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time

prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's pre-qualification decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11; provided however, protests related to the pre-qualification criteria and procedures for construction services shall be resolved in accordance with section (2)(b) of this Rule and Section 255.20(1)(b) of the Florida Statutes.

(3) Suspension, Revocation, or Denial of Qualification

(a) The District, for good cause, may deny, suspend, or revoke a prequalified vendor's pre-qualified status. A suspension, revocation, or denial for good cause shall prohibit the vendor from bidding on any District construction contract for which qualification is required, shall constitute a determination of non-responsibility to bid on any other District construction or maintenance contract, and shall prohibit the vendor from acting as a material supplier or subcontractor on any District contract or project during the period of suspension, revocation, or denial. Good cause shall include the following:

- i. One of the circumstances specified under Section 337.16(2), Fla. Stat., has occurred.
- ii. Affiliated contractors submitted more than one proposal for the same work. In this event the pre-qualified status of all of the affiliated bidders will be revoked, suspended, or denied. All bids of affiliated bidders will be rejected.
- iii. The vendor made or submitted false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any District contract.
- iv. The vendor or its affiliate defaulted on any contract or a contract surety assumed control of financial responsibility for any contract of the vendor.
- v. The vendor's qualification to bid is suspended, revoked, or denied by any other public or semi-public entity, or the vendor has been the subject of a civil enforcement proceeding or settlement involving a public or semi-public entity.
- vi. The vendor failed to comply with contract or warranty requirements or failed to follow District direction in the performance of a contract.
- vii. The vendor failed to timely furnish all contract documents required by the contract specifications, special provisions, or by any state or federal statutes or regulations. If the vendor fails to furnish any of the subject contract documents by the expiration of the period of suspension, revocation, or denial set forth above, the vendor's pre-qualified status

shall remain suspended, revoked, or denied until the documents are furnished.

- viii. The vendor failed to notify the District within 10 days of the vendor, or any of its affiliates, being declared in default or otherwise not completing work on a contract or being suspended from qualification to bid or denied qualification to bid by any other public or semi-public agency.
 - ix. The vendor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents.
 - x. The vendor has demonstrated instances of poor or unsatisfactory performance, deficient management resulting in project delay, poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects, uncooperative attitude, contract litigation, inflated claims or defaults.
 - xi. An affiliate of the vendor has previously been determined by the District to be non-responsible, and the specified period of suspension, revocation, denial, or non-responsibility remains in effect.
 - xii. The vendor or affiliate(s) has been convicted of a contract crime.
 - 1. The term “contract crime” means any violation of state or federal antitrust laws with respect to a public contract or any violation of any state or federal law involving fraud, bribery, collusion, conspiracy, or material misrepresentation with respect to a public contract.
 - 2. The term “convicted” or “conviction” means a finding of guilt or a conviction of a contract crime, with or without an adjudication of guilt, in any federal or state trial court of record as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
- (b) A denial, suspension, or revocation shall prohibit the vendor from being a subcontractor on District work during the period of denial, suspension, or revocation, except when a prime contractor’s bid has used prices of a subcontractor who becomes disqualified after the bid, but before the request for authorization to sublet is presented.
- (c) The District shall inform the vendor in writing of its intent to deny, suspend, or revoke its pre-qualified status and inform the vendor of its right to a hearing, the procedure which must be followed, and the applicable time limits. If a hearing is requested within 10 days after the receipt of the notice of intent, the hearing shall be held within 30 days after receipt by the District of the request for the hearing. The decision shall be issued within 15 days after the hearing.

- (d) Such suspension or revocation shall not affect the vendor's obligations under any preexisting contract.
- (e) In the case of contract crimes, the vendor's pre-qualified status under this Rule shall be revoked indefinitely. For all violations of Rule 3.4(3)(a) other than for the vendor's conviction for contract crimes, the revocation, denial, or suspension of a vendor's pre-qualified status under this Rule shall be for a specific period of time based on the seriousness of the deficiency.

Examples of factors affecting the seriousness of a deficiency are:

- i. Impacts on project schedule, cost, or quality of work;
- ii. Unsafe conditions allowed to exist;
- iii. Complaints from the public;
- iv. Delay or interference with the bidding process;
- v. The potential for repetition;
- vi. Integrity of the public contracting process;
- vii. Effect on the health, safety, and welfare of the public.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.033, 255.0525, 255.20, Fla. Stat.

Rule 3.5 Construction Contracts, Not Design-Build.

- (1) Scope. All contracts for the construction or improvement of any building, structure, or other public construction works authorized by Chapter 190 of the Florida Statutes, the costs of which are estimated by the District in accordance with generally accepted cost accounting principles to be in excess of the threshold amount for applicability of Section 255.20 of the Florida Statutes, as that amount may be indexed or amended from time to time, shall be let under the terms of these Rules and the procedures of Section 255.20 of the Florida Statutes, as the same may be amended from time to time. A project shall not be divided solely to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of construction services is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation in the District and in the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least twenty-one (21) days for submittal of sealed bids, proposals, replies, or responses, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of bids, proposals, replies, or responses. If the Board has previously pre-qualified contractors pursuant to Rule 3.4 and determined that only the contractors that have been pre-qualified will be permitted to submit bids, proposals, replies, and responses, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation need not be published. Instead, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be sent to the pre-qualified contractors by United States Mail, hand delivery, facsimile, or overnight delivery service.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
 - (d) If the District has pre-qualified providers of

construction services, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, or responses to Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations.

- (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;
 - (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the bidder is a corporation; and
 - (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Any contractor that has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects including but not limited to, reemployment assistance, safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years may be considered ineligible by the District to submit a bid, response, or proposal for a District project.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply, or response, if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and these Rules. Minor variations in the bids, proposals, replies, or responses may be waived by the Board. A variation

is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.

- (g) The lowest Responsive Bid submitted by a Responsive and Responsible Bidder in response to an Invitation to Bid shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, and responses.
- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No contractor shall be entitled to recover any costs of bid, proposal, response, or reply preparation or submittal from the District.
- (i) The Board may require potential contractors to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
- (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses, shall be provided in writing to all contractors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of construction services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
- (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase construction services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of construction services, in the manner the

Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the construction services without further competitive selection processes.

- (3) Sole Source; Government. Construction services that are only available from a single source are exempt from this Rule. Construction services provided by governmental agencies are exempt from this Rule. This Rule shall not apply to the purchase of construction services, which may include goods, supplies, or materials, that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules. A contract for construction services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
- (4) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (5) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board Meeting.
- (6) Exceptions. This Rule is inapplicable when:
 - (a) The project is undertaken as repair or maintenance of an existing public facility;
 - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
 - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contract; or
 - (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 189.053, 190.033, 255.0518, 255.0525, 255.20, 287.055, Fla. Stat.

Rule 3.6 Construction Contracts, Design-Build.

- (1) Scope. The District may utilize Design-Build Contracts for any public construction project for which the Board determines that use of such contract is in the best

interest of the District. When letting a Design-Build Contract, the District shall use the following procedure:

(2) Procedure.

- (a) The District shall utilize a Design Criteria Professional meeting the requirements of Section 287.055(2)(k) of the Florida Statutes, when developing a Design Criteria Package, evaluating the proposals and qualifications submitted by Design-Build Firms, and determining compliance of the project construction with the Design Criteria Package. The Design Criteria Professional may be an employee of the District, may be the District Engineer selected by the District pursuant to Section 287.055 of the Florida Statutes, or may be retained pursuant to Rule 3.1. The Design Criteria Professional is not eligible to render services under a Design-Build Contract executed pursuant to the Design Criteria Package.
- (b) A Design Criteria Package for the construction project shall be prepared and sealed by the Design Criteria Professional. If the project utilizes existing plans, the Design Criteria Professional shall create a Design Criteria Package by supplementing the plans with project specific requirements, if any.
- (c) The Board may either choose to award the Design-Build Contract pursuant to the competitive proposal selection process set forth in Section 287.055(9) of the Florida Statutes, or pursuant to the qualifications-based selection process pursuant to Rule 3.1.
 - (i) Qualifications-Based Selection. If the process set forth in Rule 3.1 is utilized, subsequent to competitive negotiations, a guaranteed maximum price and guaranteed completion date shall be established.
 - (ii) Competitive Proposal-Based Selection. If the competitive proposal selection process is utilized, the Board, in consultation with the Design Criteria Professional, shall establish the criteria, standards and procedures for the evaluation of Design-Build Proposals based on price, technical, and design aspects of the project, weighted for the project. After a Design Criteria Package and the standards and procedures for evaluation of proposals have been developed, competitive proposals from qualified firms shall be solicited pursuant to the design criteria by the following procedure:
 - 1. A Request for Proposals shall be advertised at least once in a newspaper of general circulation in the county in which the District is located. The notice shall allow at least twenty-one (21) days for submittal of sealed proposals, unless the Board,

for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of proposals.

2. The District may maintain lists of persons interested in receiving notices of Requests for Proposals. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
3. In order to be eligible to submit a proposal, a firm must, at the time of receipt of the proposals:
 - a. Hold the required applicable state professional licenses in good standing, as defined by Section 287.055(2)(h) of the Florida Statutes;
 - b. Hold all required applicable federal licenses in good standing, if any;
 - c. Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the proposer is a corporation;
 - d. Meet any special pre-qualification requirements set forth in the Request for Proposals and Design Criteria Package.

Any contractor that has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects including but not limited to reemployment assistance, safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years may be considered ineligible by the District to submit a bid, response, or proposal for a District project.

Evidence of compliance with these Rules must be submitted with the proposal if required by the District. Failure to

submit evidence of compliance when required may be grounds for rejection of the proposal.

4. The proposals, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. In consultation with the Design Criteria Professional, the Board shall evaluate the proposals received based on evaluation criteria and procedures established prior to the solicitation of proposals, including but not limited to qualifications, availability, and past work of the firms and the partners and members thereof. The Board shall then select no fewer than three (3) Design-Build Firms as the most qualified.
5. The Board shall have the right to reject all proposals if [the proposals are too high](#), or rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of proposal preparation or submittal from the District.
6. If less than three (3) Responsive Proposals are received, the District may purchase design-build services or may reject the proposals for lack of competitiveness. If no Responsive Proposals are received, the District may proceed with the procurement of design-build services in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the design-build services without further competitive selection processes.
7. Notice of the rankings adopted by the Board, including the rejection of some or all proposals, shall be provided in writing to all consultants by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's rankings under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

8. The Board shall negotiate a contract with the firm ranking the highest based on the evaluation standards and shall establish a price which the Board determines is fair, competitive and reasonable. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the second most qualified firm, based on the ranking by the evaluation standards. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the second most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the third most qualified firm. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the third most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. Should the Board be unable to negotiate a satisfactory contract with any of the selected firms, the Board shall select additional firms in order of their rankings based on the evaluation standards and continue negotiations until an agreement is reached or the list of firms is exhausted.
 9. After the Board contracts with a firm, the firm shall bring to the Board for approval, detailed working drawings of the project.
 10. The Design Criteria Professional shall evaluate the compliance of the detailed working drawings and project construction with the Design Criteria Package and shall provide the Board with a report of the same.
- (3) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
 - (4) Emergency Purchase. The Board may, in case of public emergency, declare an emergency and immediately proceed with negotiations with the best qualified Design-Build Firm available at the time. The fact that an Emergency Purchase has occurred shall be noted in the minutes of the next Board meeting.
 - (5) Exceptions. This Rule is inapplicable when:

- (a) The project is undertaken as repair or maintenance of an existing public facility;
- (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
- (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contractor; or
- (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 189.053, 190.033, 255.0518, 255.0525, 255.20, 287.055, Fla. Stat.

Rule 3.7 Payment and Performance Bonds.

- (1) Scope. This Rule shall apply to contracts for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work and shall be construed in addition to terms prescribed by any other Rule that may also apply to such contracts.
- (2) Required Bond. Upon entering into a contract for any of the services described in section (1) of this Rule in excess of \$200,000, the Board should require that the contractor, before commencing the work, execute and record a payment and performance bond in an amount equal to the contract price. Notwithstanding the terms of the contract or any other law, the District may not make payment to the contractor until the contractor has provided to the District a certified copy of the recorded bond.
- (3) Discretionary Bond. At the discretion of the Board, upon entering into a contract for any of the services described in section (1) of this Rule for an amount not exceeding \$200,000, the contractor may be exempted from executing a payment and performance bond.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: § 255.05, Fla. Stat.

Rule 3.8 Goods, Supplies, and Materials.

- (1) Purpose and Scope. All purchases of goods, supplies, or materials exceeding the amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, shall be purchased under the terms of this Rule. Contracts for purchases of “goods, supplies, and materials” do not include printing, insurance, advertising, or legal notices. A contract involving goods, supplies, or materials plus maintenance services may, in the discretion of the Board, be treated as a contract for maintenance services. However, a purchase shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of goods, supplies, or materials is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least seven (7) days for submittal of bids, proposals, replies, or responses.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, or Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
 - (d) If the District has pre-qualified suppliers of goods, supplies, and materials, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, or responses.
 - (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;

- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
- (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply or response if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

Any firm or individual whose principal place of business is outside the State of Florida must also submit a written opinion of an attorney at law licensed to practice law in that foreign state, as to the preferences, if any or none, granted by the law of that foreign state to business entities whose principal places of business are in that foreign state, in the letting of any or all public contracts. Failure to submit such a written opinion or submission of a false or misleading written opinion may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses shall be publicly opened at the time and place noted on the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, and this Rule. Minor variations in the bids, proposals, replies, or responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.
- (g) The lowest Responsive Bid, after taking into account the preferences provided for in this subsection, submitted by a Responsive and Responsible Bidder in response to an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be accepted. If the lowest Responsive Bid is submitted by a Responsive and Responsible Bidder whose principal place of business is located in a foreign state which does not grant a preference in competitive purchase to businesses whose principal place of business are in that foreign state, the lowest Responsible and Responsive Bidder whose principal place of business is in the State of

Florida shall be awarded a preference of five (5) percent. If the lowest Responsive Bid is submitted by a Responsive and Responsible Bidder whose principal place of business is located in a foreign state which grants a preference in competitive purchase to businesses whose principal place of business are in that foreign state, the lowest Responsive and Responsible Bidder whose principal place of business is in the State of Florida shall be awarded a preference equal to the preference granted by such foreign state.

To assure full understanding of the responsiveness to the solicitation requirements contained in an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, and responses.

- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.
 - (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
 - (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of goods, supplies, and materials under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
 - (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase goods, supplies, or materials, or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of goods, supplies, and materials, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the goods, supplies, and materials without further competitive selection processes.
- (3) Goods, Supplies, and Materials included in a Construction Contract Awarded Pursuant to Rule 3.5 or 3.6. There may be occasions where the District has

undergone the competitive purchase of construction services which contract may include the provision of goods, supplies, or materials. In that instance, the District may approve a change order to the contract and directly purchase the goods, supplies, and materials. Such purchase of goods, supplies, and materials deducted from a competitively purchased construction contract shall be exempt from this Rule.

- (4) Exemption. Goods, supplies, and materials that are only available from a single source are exempt from this Rule. Goods, supplies, and materials provided by governmental agencies are exempt from this Rule. A contract for goods, supplies, or materials is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process. This Rule shall not apply to the purchase of goods, supplies or materials that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules.
- (5) Renewal. Contracts for the purchase of goods, supplies, and/or materials subject to this Rule may be renewed for a maximum period of five (5) years.
- (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 189.053, 190.033, 287.017, 287.084, Fla. Stat.

Rule 3.9 Maintenance Services.

- (1) Scope. All contracts for maintenance of any District facility or project shall be set under the terms of this Rule if the cost exceeds the amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR. A contract involving goods, supplies, and materials plus maintenance services may, in the discretion of the Board, be treated as a contract for maintenance services. However, a purchase shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of maintenance services is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least seven (7) days for submittal of bids, proposals, replies, or responses.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
 - (d) If the District has pre-qualified suppliers of maintenance services, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, and responses.
 - (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;

- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
- (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply, or response if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses shall be publicly opened at the time and place noted on the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, and these Rules. Minor variations in the bids, proposals, replies, and responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.
- (g) The lowest Responsive Bid submitted in response to an Invitation to Bid by a Responsive and Responsible Bidder shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate or Competitive Solicitation the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, or responses.
- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No Vendor shall be

entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.

- (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
 - (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's procurement of maintenance services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
 - (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase the maintenance services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of maintenance services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the maintenance services without further competitive selection processes.
- (3) Exemptions. Maintenance services that are only available from a single source are exempt from this Rule. Maintenance services provided by governmental agencies are exempt from this Rule. A contract for maintenance services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
 - (4) Renewal. Contracts for the purchase of maintenance services subject to this Rule may be renewed for a maximum period of five (5) years.
 - (5) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
 - (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

Specific Authority: §§ 190.011(5), 190.011(15), 190.033, Fla. Stat.
Law Implemented: §§ 119.0701, 190.033, 287.017, Fla. Stat.

Rule 3.10 Contractual Services.

- (1) Exemption from Competitive Purchase. Pursuant to Section 190.033(3) of the Florida Statutes, Contractual Services shall not be subject to competitive purchasing requirements. If an agreement is predominantly for Contractual Services, but also includes maintenance services or the purchase of goods and services, the contract shall not be subject to competitive purchasing requirements. Regardless of whether an advertisement or solicitation for Contractual Services is identified as an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, no rights or remedies under these Rules, including but not limited to protest rights, are conferred on persons, firms, or vendors proposing to provide Contractual Services to the District.
- (2) Contracts; Public Records. In accordance with Florida law, each contract for Contractual Services shall include provisions required by law that require the contractor to comply with public records laws.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 190.011(3), 190.033, Fla. Stat.

Rule 3.11 Protests with Respect to Proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, and 3.9.

The resolution of any protests with respect to proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, and 3.9 shall be in accordance with this Rule.

(1) Filing.

- (a) With respect to a protest regarding qualifications, specifications, documentation, or other requirements contained in a Request for Qualifications, Request for Proposals, Invitation to Bid, or Competitive Solicitation issued by the District, the notice of protest shall be filed in writing within seventy-two (72) calendar hours (excluding Saturdays, Sundays, and state holidays) after the first advertisement of the Request for Qualifications, Request for Proposals, Invitation to Bid, or Competitive Solicitation. A formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file a notice of protest shall constitute a waiver of all rights to protest the District's intended decision. Failure to file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.
- (b) Except for those situations covered by subsection (1)(a) of this Rule, any firm or person who is affected adversely by a District's ranking or intended award under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, or 3.9 and desires to contest the District's ranking or intended award, shall file with the District a written notice of protest within seventy-two (72) calendar hours (excluding Saturdays, Sundays, and state holidays) after receipt of the notice of the District's ranking or intended award. A formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file a notice of protest shall constitute a waiver of all rights to protest the District's ranking or intended award. Failure to file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.
- (c) If the requirement for the posting of a protest bond and the amount of the protest bond, which may be expressed by a percentage of the contract to be awarded or a set amount, is disclosed in the District's competitive solicitation documents for a particular purchase under Rules 3.1, 3.2, 3.3,

3.4, 3.5, 3.6, 3.8, or 3.9, any person who files a notice of protest must post the protest bond. The amount of the protest bond shall be determined by District staff after consultation with the Board and within the limits, if any, imposed by Florida law. In the event the protest is successful, the protest bond shall be refunded to the protestor. In the event the protest is unsuccessful, the protest bond shall be applied towards the District's costs, expenses, and attorney's fees associated with hearing and defending the protest. In the event the protest is settled by mutual agreement of the parties, the protest bond shall be distributed as agreed to by the District and protestor.

- (d) The District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours.
- (2) Contract Execution. Upon receipt of a notice of protest which has been timely filed, the District shall not execute the contract under protest until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances showing that delay incident to protest proceedings will jeopardize the funding for the project, will materially increase the cost of the project, or will create an immediate and serious danger to the public health, safety, or welfare, the contract may be executed.
- (3) Informal Proceeding. If the Board determines a protest does not involve a disputed issue of material fact, the Board may, but is not obligated to, schedule an informal proceeding to consider the protest. Such informal proceeding shall be at a time and place determined by the Board. Notice of such proceeding shall be sent via facsimile, United States Mail, or hand delivery to the protestor and any substantially affected persons or parties not less than three (3) calendar days prior to such informal proceeding. Within thirty (30) calendar days following the informal proceeding, the Board shall issue a written decision setting forth the factual, legal, and policy grounds for its decision.
- (4) Formal Proceeding. If the Board determines a protest involves disputed issues of material fact or if the Board elects not to use the informal proceeding process provided for in section (3) of this Rule, the District shall schedule a formal hearing to resolve the protest. The Chairperson shall designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer to conduct the hearing. The hearing officer may:
 - (a) Administer oaths and affirmations;
 - (b) Rule upon offers of proof and receive relevant evidence;
 - (c) Regulate the course of the hearing, including any pre-hearing matters;
 - (d) Enter orders; and

- (e) Make or receive offers of settlement, stipulation, and adjustment.

The hearing officer shall, within thirty (30) days after the hearing or receipt of the hearing transcript, whichever is later, file a recommended order which shall include a caption, time and place of hearing, appearances entered at the hearing, statement of the issues, findings of fact and conclusions of law, separately stated, and a recommendation for final District action. The District shall allow each party fifteen (15) days in which to submit written exceptions to the recommended order. The District shall issue a final order within sixty (60) days after the filing of the recommended order.

- (5) Intervenors. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (6) Rejection of all Qualifications, Bids, Proposals, Replies and Responses after Receipt of Notice of Protest. If the Board determines there was a violation of law, defect, or an irregularity in the competitive solicitation process, the Bids, Proposals, Replies, and Responses are too high, or if the Board determines it is otherwise in the District's best interest, the Board may reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew. If the Board decides to reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew, any pending protests shall automatically terminate.
- (7) Settlement. Nothing herein shall preclude the settlement of any protest under this Rule at any time.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: § 190.033, Fla. Stat.

Rule 4.0 Effective Date.

These Rules shall be effective May 11, 2023, except that no election of officers required by these Rules shall be required until after the next regular election for the Board.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.011(5), 190.011(15), Fla. Stat.

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

6

RESOLUTION 2023-07

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT DESIGNATING THE PRIMARY
ADMINISTRATIVE OFFICE AND PRINCIPAL HEADQUARTERS OF THE DISTRICT
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Colbert Landings Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within the City of Palm Coast, Flagler County, Florida; and

WHEREAS, the District desires to designate its primary administrative office as the location where the District’s public records are routinely created, sent, received, maintained, and requested, for the purposes of prominently posting the contact information of the District’s Record’s Custodian in order to provide citizens with the ability to access the District’s records and ensure that the public is informed of the activities of the District in accordance with Chapter 119, *Florida Statutes*; and

WHEREAS, the District additionally desires to specify the location of the District’s principal headquarters for the purpose of establishing proper venue under the common law home venue privilege applicable to the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF
COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT:**

SECTION 1. The District’s primary administrative office for purposes of Chapter 119, *Florida Statutes*, shall be located at Wrathell, Hunt and Associates, LLC, located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

SECTION 2. The District’s principal headquarters for purposes of establishing proper venue shall be located at [REDACTED] within the City of Palm Coast, Flagler County, Florida.

SECTION 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 11th day of May, 2023.

ATTEST:

**COLBERT LANDINGS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

7

RESOLUTION 2023-14

A RESOLUTION OF THE BOARD OF SUPERVISORS OF COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DATES, TIMES AND LOCATIONS FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS OF THE DISTRICT FOR THE FISCAL YEAR 2022/2023 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Colbert Landings Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within the City of Palm Coast, Flagler County, Florida; and

WHEREAS, the District is required by Section 189.015, *Florida Statutes*, to file quarterly, semi-annually, or annually a schedule (including date, time, and location) of its regular meetings with local governing authorities; and

WHEREAS, further, in accordance with the above-referenced statute, the District shall also publish quarterly, semi-annually, or annually the District’s regular meeting schedule in a newspaper of general paid circulation in the county in which the District is located; and

WHEREAS, the Board desires to adopt the annual meeting schedule for the fiscal year beginning October 1, 2022, and ending September 30, 2023 (Fiscal Year 2022/2023), attached as **Exhibit A**.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The Fiscal Year 2022/2023 annual meeting schedule attached hereto and incorporated by reference herein as **Exhibit A** is hereby approved and shall be published in accordance with the requirements of Florida law and also provided to applicable governing authorities.

SECTION 2. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 11th day of May, 2023.

ATTEST:

**COLBERT LANDINGS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Fiscal Year 2022/2023 Annual Meeting Schedule

EXHIBIT "A"

COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2022/2023 MEETING SCHEDULE		
LOCATION		
TBD		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
June __, 2023	Regular Meeting	__:__ AM/PM
July __, 2023	Regular Meeting	__:__ AM/PM
August __, 2023	Regular Meeting	__:__ AM/PM
September __, 2023	Regular Meeting	__:__ AM/PM

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

8

RESOLUTION 2023-18

A RESOLUTION OF THE BOARD OF SUPERVISORS OF COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT APPROVING THE PROPOSED BUDGETS FOR FISCAL YEAR 2022/2023 AND FISCAL YEAR 2023/2024 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW; ADDRESSING TRANSMITTAL, POSTING AND PUBLICATION REQUIREMENTS; ADDRESSING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Colbert Landings Community Development District (the “District”) was established by Ordinance No. 2023-2, adopted by the City Council of the City of Palm Coast, Flagler County, Florida, effective as of March 7, 2023; and

WHEREAS, the District Manager has prepared and submitted to the Board of Supervisors of Colbert Landings Community Development District (the “Board”) the proposed budgets for the fiscal year beginning October 1, 2022, and ending September 30, 2023 (“Fiscal Year 2022/2023”) and the fiscal year beginning October 1, 2023, and ending September 30, 2024 (“Fiscal Year 2023/2024”); and

WHEREAS, the Board has considered the Proposed Budgets and desires to set the required public hearings thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. PROPOSED BUDGETS APPROVED. The Proposed Budgets prepared by the District Manager for Fiscal Year 2022/2023 and Fiscal Year 2023/2024, attached hereto as **Exhibit A** are hereby approved as the basis for conducting a public hearing to adopt said Proposed Budgets.

SECTION 2. SETTING PUBLIC HEARING. A public hearing on the approved Proposed Budgets is hereby declared and set for the following date, hour, and location:

DATE: _____

HOUR: _____

LOCATION: _____

SECTION 3. TRANSMITTAL OF PROPOSED BUDGETS TO LOCAL GENERAL PURPOSE GOVERNMENTS. The District Manager is hereby directed to submit a copy of the Proposed Budgets to Flagler County, Florida at least (sixty) 60 days prior to the hearing set above.

SECTION 4. POSTING OF PROPOSED BUDGETS. In accordance with Section 189.016, *Florida Statutes*, the District’s Secretary is further directed to post the approved Proposed Budgets on the District’s website at least two (2) days before the budget hearing date as set forth in Section 2 and shall remain on the website for at least (forty-five) 45 days.

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

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

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

PASSED AND ADOPTED this 11th day of May, 2023.

ATTEST:

**COLBERT LANDINGS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Fiscal Year 2022/2023 Proposed Budget
Fiscal Year 2023/2024 Proposed Budget

Exhibit A

Fiscal Year 2022/2023 Proposed Budget

Fiscal Year 2023/2024 Proposed Budget

**COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT
PROPOSED BUDGET
FISCAL YEAR 2023**

**COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT
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**COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND BUDGET
FISCAL YEAR 2023**

	Proposed Budget FY 2023
REVENUES	
Landowner contribution	\$ 63,265
Total revenues	<u>63,265</u>
EXPENDITURES	
Professional & administrative	
Management/accounting/recording**	20,000
Legal	25,000
Engineering	2,000
Audit	-
Arbitrage rebate calculation*	-
Dissemination agent*	250
Trustee*	-
Telephone	200
Postage	500
Printing & binding	500
Legal advertising	6,500
Annual special district fee	175
Insurance	5,500
Contingencies/bank charges	750
Website hosting & maintenance	1,680
Website ADA compliance	210
Total expenditures	<u>63,265</u>
Excess/(deficiency) of revenues over/(under) expenditures	-
Fund balance - beginning (unaudited)	-
Fund balance - ending	<u>\$ -</u>

* These items will be realized when bonds are issued

** WHA will charge a reduced management fee of \$2,000 per month until bonds are issued.

**COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

EXPENDITURES

Professional & administrative

Management/accounting/recording**	\$ 20,000
Wrathell, Hunt and Associates, LLC (WHA), specializes in managing community development districts by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all of the District's governmental requirements. WHA develops financing programs, administers the issuance of tax exempt bond financings, operates and maintains the assets of the community.	
Legal	25,000
General counsel and legal representation, which includes issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.	
Engineering	2,000
The District's Engineer will provide construction and consulting services, to assist the District in crafting sustainable solutions to address the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.	
Audit	-
Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.	
Arbitrage rebate calculation*	-
To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.	
Dissemination agent*	250
The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities Exchange Act of 1934. Wrathell, Hunt & Associates serves as dissemination agent.	
Telephone	200
Telephone and fax machine.	
Postage	500
Mailing of agenda packages, overnight deliveries, correspondence, etc.	
Printing & binding	500
Letterhead, envelopes, copies, agenda packages	
Legal advertising	6,500
The District advertises for monthly meetings, special meetings, public hearings, public bids, etc.	
Annual special district fee	175
Annual fee paid to the Florida Department of Economic Opportunity.	
Insurance	5,500
The District will obtain public officials and general liability insurance.	
Contingencies/bank charges	750
Bank charges and other miscellaneous expenses incurred during the year and automated AP routing etc.	
Website hosting & maintenance	1,680
Website ADA compliance	210
Total expenditures	<u><u>\$ 63,265</u></u>

**COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT
PROPOSED BUDGET
FISCAL YEAR 2024**

**COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT
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**COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND BUDGET
FISCAL YEAR 2024**

	Proposed Budget
REVENUES	
Landowner contribution	\$ 610,282
Total revenues	<u>610,282</u>
EXPENDITURES	
Professional & administrative	
Management/accounting/recording**	48,000
Legal	25,000
Engineering	2,000
Audit	5,500
Arbitrage rebate calculation*	500
Dissemination agent*	1,000
Trustee*	5,500
Telephone	200
Postage	500
Printing & binding	500
Legal advertising	1,750
Annual special district fee	175
Insurance	5,500
Contingencies/bank charges	750
Website hosting & maintenance	705
Website ADA compliance	210
Total professional & administrative	<u>97,790</u>
Field operations	
Landscape maintenance	180,000
Landscape replacement	5,000
Irrigation repairs	3,500
Pond maintenance	20,000
Wetland monitoring	10,000
Nuisance exotic plant removal	2,500
Walking trails	2,500
Dog stations	3,000
Lift station	10,000
Pressure washing	7,500
Misc. repairs & replacements	10,000
Holiday lights	5,000

**COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND BUDGET
FISCAL YEAR 2024**

	Proposed Budget
Amenities	
Operations Management	40,392
Pool maintenance	12,000
Repairs & maintenance	3,500
Court maintenance	1,500
Tot lot maintenance	1,500
Janitorial	9,600
Access control/monitoring	14,500
Potable water	1,500
Electricity - amenity	5,000
Internet	2,000
Insurance - property	25,000
Utilities	
Electricity - common	12,000
Water - recalimed	75,000
Streelights	50,000
	<u>512,492</u>
	<u>610,282</u>
Excess/(deficiency) of revenues over/(under) expenditures	-
Fund balance - beginning (unaudited)	-
Fund balance - ending (projected)	
Assigned	
Working capital	-
Unassigned	-
Fund balance - ending	<u>\$ -</u>

* These items will be realized when bonds are issued

** See page for more information regarding these items.

**COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

EXPENDITURES

Professional & administrative

Management/accounting/recording** \$ 48,000

Wrathell, Hunt and Associates, LLC (WHA), specializes in managing community development districts by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all of the District's governmental requirements. WHA develops financing programs, administers the issuance of tax exempt bond financings, operates and maintains the assets of the community.

Legal 25,000

General counsel and legal representation, which includes issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.

Engineering 2,000

The District's Engineer will provide construction and consulting services, to assist the District in crafting sustainable solutions to address the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.

Audit 5,500

Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.

Arbitrage rebate calculation* 500

To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.

Dissemination agent* 1,000

The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities Exchange Act of 1934. Wrathell, Hunt & Associates serves as dissemination agent.

Telephone 200

Telephone and fax machine.

Postage 500

Mailing of agenda packages, overnight deliveries, correspondence, etc.

Printing & binding 500

Letterhead, envelopes, copies, agenda packages

Legal advertising 1,750

The District advertises for monthly meetings, special meetings, public hearings, public bids, etc.

Annual special district fee 175

Annual fee paid to the Florida Department of Economic Opportunity.

Insurance 5,500

The District will obtain public officials and general liability insurance.

Contingencies/bank charges 750

Bank charges and other miscellaneous expenses incurred during the year and automated AP routing etc.

Website hosting & maintenance 705

Website ADA compliance 210

Field operations

Landscape maintenance 180,000

Landscape replacement 5,000

Irrigation repairs 3,500

Pond maintenance 20,000

Wetland monitoring 10,000

Nuisance exotic plant removal 2,500

**COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

Walking trails	2,500
Dog stations	3,000
Lift station	10,000
Pressure washing	7,500
Misc. repairs & replacements	10,000
Holiday lights	5,000
Amenities	
Operations Management	40,392
Pool maintenance	12,000
Repairs & maintenance	3,500
Court maintenance	1,500
Tot lot maintenance	1,500
Janitorial	9,600
Access control/monitoring	14,500
Potable water	1,500
Electricity - amenity	5,000
Internet	2,000
Insurance - property	25,000
Utilities	
Electricity - common	12,000
Water - recalimed	75,000
Streelights	50,000
Total expenditures	<u><u>\$610,282</u></u>

**COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT
FUTURE PROJECTS**

Build-out analysis based on 561 units

COMPONENT	Est. Useful Life (in years)	Unit of Measure	Unit Cost	Quantity	TOTAL COST	Est. remaining useful life (in years)	Est. replacement cost	Est. fund balance	To be funded	Required funding
Signs, Walls & Fences - Repair Allowance	10	Allowance	25,000	1	25,000	10	25,000	-	25,000	2,500
Gate Access Control	20	Each	10,000	3	30,000	20	30,000	-	30,000	1,500
Mail Kiosk	10	Each	2,075	20	41,500	10	41,500	-	41,500	4,150
Walking Trails	5	Each	35,000	1	35,000	20	35,000	-	35,000	1,750
Sports Courts	10	Each	5,000	4	20,000	10	20,000	-	20,000	2,000
Paving	25	SY	10	65,000	650,000	25	650,000	-	650,000	26,000
Pool Resurfacing	8	Each	15,000	2	30,000	8	30,000	-	30,000	3,750
Clubhouse Roofing	15	Each	30,000	2	60,000	15	60,000	-	60,000	4,000
Clubhouse Paint	5	Each	10,000	2	20,000	5	20,000	-	20,000	4,000
Clubhouse Interior Renovation	10	Allowance	10,000	2	20,000	10	20,000	-	20,000	2,000
						TOTALS	931,500	-	931,500	51,650

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

9

**COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2022/2023 AND 2023/2024 BUDGET FUNDING AGREEMENT**

THIS AGREEMENT ("Agreement") is made and entered into this 11th day of May, 2023 by and between:

COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes*, with a mailing address of c/o Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 (the "District"), and

MERITAGE HOMES OF FLORIDA, INC., a Florida corporation, with a mailing address of 4745 Sutton Park Court, Suite 501, Jacksonville, Florida 32224 ("Developer").

RECITALS

WHEREAS, the District was established by Ordinance No. 2023-2 adopted by the City Council of the City of Palm Coast, Florida, effective March 7, 2023, for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure; and

WHEREAS, the District, pursuant to Chapter 190, *Florida Statutes*, is authorized to levy such taxes, special assessments, fees and other charges as may be necessary in furtherance of the District's activities and services; and

WHEREAS, Developer presently owns and/or is the primary developer of the real property described in **Exhibit A**, attached hereto and incorporated herein by reference ("Property") within the District, which Property will benefit from the timely construction and acquisition of the District's facilities, activities and services and from the continued operations of the District; and

WHEREAS, the District is adopting its general fund budget for the remainder of Fiscal Year 2022/2023, which concludes on September 30, 2023, and for the Fiscal Year 2023/2024, which begins October 1, 2023, and ends September 30, 2024 (together, "Budgets"); and

WHEREAS, the Budget, which both parties recognize may be amended from time to time in the sole discretion of the District, is attached hereto and incorporated herein by reference as **Exhibit B**; and

WHEREAS, the District has the option of levying non-ad valorem assessments on all land, including the Property, that will benefit from the activities, operations and services set forth in the Budgets, or utilizing such other revenue sources as may be available to it; and

WHEREAS, in lieu of levying assessments on the Property, Developer is willing to provide such funds as are necessary to allow the District to proceed with its operations as described in **Exhibit B**; and

WHEREAS, Developer agrees that the District activities, operations and services provide a special and peculiar benefit equal to or in excess of the costs reflected on **Exhibit B** to the Property; and

WHEREAS, Developer has agreed to enter into this Agreement in lieu of having the District levy and collect any non-ad valorem assessments as authorized by law against the Property located within the District for the activities, operations and services set forth in **Exhibit B**; and

WHEREAS, Developer and the District desire to secure such budget funding through the imposition of a continuing lien against the Property described in **Exhibit A** and otherwise as provided herein.

NOW, THEREFORE, based upon good and valuable consideration and the mutual covenants of the parties, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

SECTION 1. The recitals stated above are true and correct and by this reference are incorporated herein as a material part of this Agreement.

SECTION 2. Developer agrees to make available to the District the monies necessary for the operation of the District as called for in the Budget attached hereto as **Exhibit B**, as may be amended from time to time in the District's sole discretion, within fifteen (15) days of written request by the District. Amendments to the District's Budget as shown on **Exhibit B** adopted by the District at a duly noticed meeting shall have the effect of amending this Agreement without further action of the parties. Funds provided hereunder shall be placed in the District's general checking account. In no way shall the foregoing in any way affect the District's ability to levy special assessments upon the property within the District, including any property owned by Developer, in accordance with Florida law, to provide funds for any unfunded expenditures whether such expenditures are the result of an amendment to the District's Budget or otherwise. These payments are made by Developer in lieu of taxes, fees, or assessments which might otherwise be levied or imposed by the District.

SECTION 3. The District shall have the right to file a continuing lien upon the Property described in **Exhibit A** for all payments due and owing under the terms of this Agreement and for interest thereon, and for reasonable attorneys' fees, paralegals' fees, expenses and court costs incurred by the District incident to the collection of funds under this Agreement or for enforcement of this lien, and all sums advanced and paid by the District for taxes and payment on account of superior interests, liens and encumbrances in order to preserve and protect the District's lien. The lien shall be effective as of the execution of this Agreement. If Developer fails to pay sums due according to the terms of this Agreement, at the District Manager's direction, the District may bring an action at law against the record title holder to the Property to pay the amount due under this Agreement or may foreclose the lien against the Property in any manner authorized by law. The District may partially release any filed lien for portions of the Property subject to a plat if and when Developer has demonstrated, in the District's sole discretion, that such release will not materially impair the ability of the District to enforce the collection of funds hereunder.

SECTION 4. This Section provides for alternative methods of collection. In the event Developer fails to make payments due to the District pursuant to this Agreement, and the District first provides Developer with written notice of the delinquency to the address identified in this Agreement and such delinquency is not cured within five (5) business days of the notice, then the District shall have the following remedies:

- A.** In the alternative or in addition to the collection method set forth in Section 2 above, the District may enforce the collection of funds due under this Agreement by action against Developer in the appropriate judicial forum in and for Flagler County, Florida. The enforcement of the collection of funds in this manner shall be in the sole discretion of the District Manager on behalf of the District. In the event that either party is required to enforce this Agreement by court proceedings or otherwise, then the parties agree that the substantially prevailing party shall be entitled to recover from the other all costs incurred, including reasonable attorneys' fees and costs for trial, alternative dispute resolution, or appellate proceedings.
- B.** The District hereby finds that the activities, operations and services set forth in **Exhibit B** provide a special and peculiar benefit to the Property, which benefit is initially allocated on an equal developable acreage basis. Developer agrees that the activities, operations and services set forth in **Exhibit B** provide a special and peculiar benefit to the Property equal to or in excess of the costs set forth in **Exhibit B**, on an equal developable acreage basis. Therefore, in the alternative, or in addition to the other methods of collection set forth in this Agreement, the District, in its sole discretion, may choose to certify amounts due hereunder as a non-ad valorem assessment on all or any part of the Property for collection, either through the Uniform Method of Collection set forth in Chapter 197 or under any method of direct bill and collection authorized by Florida law. Such assessment, if imposed, may be certified on the next available tax roll of the Flagler County property appraiser. Developer hereby waives and/or relinquishes any rights it may have to challenge, object to or otherwise fail to pay such assessments if imposed, as well as the means of collection thereof.

SECTION 5. This instrument shall constitute the final and complete expression of the agreement between the parties relating to the subject matter of this Agreement. Amendments to and waivers of the provisions contained in this Agreement may be made only by an instrument in writing which is executed by both of the parties hereto.

SECTION 6. The execution of this Agreement has been duly authorized by the appropriate body or official of all parties hereto, each party has complied with all the requirements of law, and each party has full power and authority to comply with the terms and provisions of this instrument.

SECTION 7. This Agreement may be assigned, in whole or in part, by either party only upon the written consent of the other, which consent shall not be unreasonably withheld.

SECTION 8. A default by either party under this Agreement shall entitle the other to all remedies available at law or in equity, which shall include, but not be limited to, the right of damages, injunctive relief and specific performance and specifically including the ability of the District to enforce any and all payment obligations under this Agreement in the manner described herein in Sections 3 and 4 above.

SECTION 9. This Agreement is solely for the benefit of the formal parties herein and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto. Nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person or corporation other than the parties hereto any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof; and all of the provisions, representations, covenants and conditions herein contained

shall inure to the sole benefit of and shall be binding upon the parties hereto and their respective representatives, successors and assigns. In the event Developer sells or otherwise disposes of its business or of all or substantially all of its assets relating to improvements, work product, or lands within the District, Developer shall continue to be bound by the terms of this Agreement and additionally shall expressly require that the purchaser agrees to be bound by the terms of this Agreement. In the event of such sale or disposition, Developer may place into escrow an amount equal to the then unfunded portion of the applicable adopted Budget to fund any budgeted expenses that may arise during the remainder of the applicable fiscal year. Upon confirmation of the deposit of said funds into escrow, and evidence of an assignment to, and assumption by the purchaser, of this Agreement, Developer's obligation under this Agreement shall be deemed fulfilled and this Agreement terminated. Developer shall give 90 days' prior written notice to the District under this Agreement of any such sale or disposition.

SECTION 10. This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida. The parties agree and consent to, for the purposes of venue, the exclusive jurisdiction of the courts of Flagler County, Florida.

SECTION 11. This Agreement has been negotiated fully between the parties as an arm's length transaction. The parties participated fully in the preparation of this Agreement with the assistance of their respective counsel. In the case of a dispute concerning the interpretation of any provision of this Agreement, the parties are each deemed to have drafted, chosen and selected the language, and the doubtful language will not be interpreted or construed against any party.

SECTION 12. Developer understands and agrees that all documents of any kind provided to the District in connection with this Agreement may be public records and treated as such in accordance with Florida law.

SECTION 13. This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall be an original; however, all such counterparts together shall constitute, but one and the same instrument. Signature and acknowledgment pages, if any, may be detached from the counterparts and attached to a single copy of this document to physically form one document.

SECTION 14. This Agreement shall be effective after execution by both parties hereto. The enforcement provisions of this Agreement shall survive its termination, until all payments due under this Agreement are paid in full.

[signatures appear on the following page]

IN WITNESS WHEREOF, the parties execute this Agreement the day and year first written above.

ATTEST:

**COLBERT LANDINGS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

WITNESS:

MERITAGE HOMES OF FLORIDA, INC., a
Florida corporation

Witness

- Exhibit A:** Legal Description of the Property
- Exhibit B:** Fiscal Year 2022/2023 General Fund Budget
Fiscal Year 2023/2024 General Fund Budget

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

MINUTES

DRAFT

**MINUTES OF MEETING
COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT**

An Organizational Meeting of the Colbert Landings Community Development District was held on March 28, 2023 at 10:00 a.m., at the Hilton Garden Inn Palm Coast, 55 Town Center Blvd., Palm Coast, Florida 32137.

Present at the meeting were:

Martha Schiffer	Chair
Chris Trahan	Vice Chair
Rose Bock	Assistant Secretary
Michael Owens	Assistant Secretary

Also present were:

Daniel Rom	District Manager
Jennifer Kilinski	District Counsel
Matt Lahti	Interim District Engineer
George Smith	George A. Smith PLLC
Sete Zare	MBS Capital Markets, LLC

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Rom called the meeting to order at 10:01 a.m. Mr. Michael Owens, Mr. Chris Trahan, Ms. Martha Schiffer and Ms. Rose Bock, named in the Petition to Establish the District as Initial Board Supervisors, were present. Ms. Megan Germino, also named in the Petition to Establish the District as an Initial Board Supervisor, was not present.

▪ **Administration of Oath of Office to Initial Board of Supervisors**

This item, previously the Third Order of Business, was presented out of order.

Mr. Rom, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Owens, Mr. Trahan, Ms. Schiffer and Ms. Bock.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

38

39 **GENERAL DISTRICT ITEMS**40 **THIRD ORDER OF BUSINESS**

**Administration of Oath of Office to Initial
Board of Supervisors *(the following will be
provided in a separate package)***

41

42

43

44 The Oath of Office was administered during the First Order of Business.

45 Mr. Rom provided and explained the following items:

46 **A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**

47 **B. Membership, Obligations and Responsibilities**

48 **C. Chapter 190, Florida Statutes**

49 **D. Financial Disclosure Forms**

50 **I. Form 1: Statement of Financial Interests**

51 **II. Form 1X: Amendment to Form 1, Statement of Financial Interests**

52 **III. Form 1F: Final Statement of Financial Interests**

53 **E. Form 8B: Memorandum of Voting Conflict**

54 Mr. Rom will email an electronic version of Form 1 to each Supervisor, along with
55 information on how to submit it electronically.

56

57 **FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-01,
Designating Certain Officers of the District,
and Providing for an Effective Date**

58

59

60

61 Mr. Rom presented Resolution 2023-02. Ms. Bock nominated the following:

62 Chair Martha Schiffer

63 Vice Chair Chris Trahan

64 Secretary Craig Wrathell

65 Assistant Secretary Rose Bock

66 Assistant Secretary Michael Owens

67 Assistant Secretary Megan Germino

68 Assistant Secretary Daniel Rom

69 Treasurer Craig Wrathell

Assistant Treasurer

Jeff Pinder

No other nominations were made.

On MOTION by Ms. Bock and seconded by Ms. Schiffer, with all in favor, Resolution 2023-01, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-02, Designating a Date, Time, and Location for Landowners' Meeting of the District, and Providing for an Effective Date

Mr. Rom presented Resolution 2023-02.

On MOTION by Ms. Schiffer and seconded by Ms. Bock, with all in favor, Resolution 2023-02, Designating a Date, Time, and Location of June 26, 2023 at 10:00 a.m. at the Hilton Garden Inn Palm Coast, 55 Town Center Blvd., Palm Coast, Florida 32137 for a Landowners' Meeting of the District, and Providing for an Effective Date, was adopted.

ORGANIZATIONAL ITEMS

SIXTH ORDER OF BUSINESS

Consideration of the Following Organizational Items:

- A. Resolution 2023-03, Appointing and Fixing the Compensation of the District Manager and Methodology Consultant; Providing an Effective Date
- Agreement for District Management Services: *Wrathell, Hunt and Associates, LLC*

Mr. Rom presented Resolution 2022-03 and the Fee Schedule and Management Agreement. A reduced monthly Management Fee of \$2,000 will be charged until bonds are issued.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-03, Appointing and Fixing the Compensation of Wrathell, Hunt and Associates, LLC as the District Manager and Methodology Consultant; Providing an Effective Date, was adopted.

B. Resolution 2023-04, Appointing District Counsel for the District, and Authorizing Compensation; and Providing for an Effective Date

- **Fee Agreement: *Kilinski / Van Wyk, PLLC***

Ms. Kilinski presented Resolution 2023-04 and the Kilinski|Van Wyk, PLLC Fee Agreement.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-04, Appointing District Counsel for the District, and Authorizing Compensation; and Providing for an Effective Date, was adopted.

C. Resolution 2023-05, Designating a Registered Agent and Registered Office of the District, and Providing for an Effective Date

Mr. Rom presented Resolution 2023-05.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-05, Designating Craig Wrathell as the Registered Agent and 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 as the Registered Office of the District, and Providing for an Effective Date, was adopted.

D. Resolution 2023-06, Appointing an Interim District Engineer for the Colbert Landings Community Development District, Authorizing Its Compensation and Providing for an Effective Date

- **Interim Engineering Services Agreement: *Gulfstream Design Group, LLC***

Mr. Rom presented Resolution 2023-06 and the Interim Engineering Services Agreement and accompanying Exhibits.

On MOTION by Ms. Schiffer and seconded by Ms. Bock, with all in favor, Resolution 2023-06, Appointing Gulfstream Design Group, LLC, as Interim District Engineer for the Colbert Landings Community Development District, Authorizing Its Compensation and Providing for an Effective Date, was adopted, and the Agreement and accompanying Exhibits, were approved.

E. Authorization of Request for Qualifications (RFQ) for Engineering Services

Mr. Rom presented the RFQ for Engineering Services and Competitive Selection Criteria.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, the Request for Qualifications (RFQ) for Engineering Services and Competitive Selection Criteria and authorizing Staff to advertise, was approved.

F. Board Member Compensation: 190.006 (8), F.S.

Ms. Bock elected to receive the allowable compensation. Mr. Owens, Mr. Trahan and Ms. Schiffer declined compensation.

G. Resolution 2023-07, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date

This item was deferred.

H. Resolution 2023-08, Setting Forth the Policy of the District Board of Supervisors with Regard to the Support and Legal Defense of the Board of Supervisors and District Officers, and Providing for an Effective Date

- **Authorization to Obtain General Liability and Public Officers' Insurance**

Mr. Rom presented Resolution 2023-08.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-08, Setting Forth the Policy of the District Board of Supervisors with Regard to the Support and Legal Defense of the Board of Supervisors and District Officers, and Providing for an Effective Date, was adopted, and authorizing Staff to obtain General Liability and Public Officers' Insurance, was approved.

- I. **Resolution 2023-09, Providing for the Public’s Opportunity to Be Heard; Designating Public Comment Periods; Designating a Procedure to Identify Individuals Seeking to Be Heard; Addressing Public Decorum; Addressing Exceptions; and Providing for Severability and an Effective Date**

Mr. Rom presented Resolution 2023-09.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-09, Providing for the Public’s Opportunity to Be Heard; Designating Public Comment Periods; Designating a Procedure to Identify Individuals Seeking to Be Heard; Addressing Public Decorum; Addressing Exceptions; and Providing for Severability and an Effective Date, was adopted.

- J. **Resolution 2023-10, Providing for the Appointment of a Records Management Liaison Officer; Providing the Duties of the Records Management Liaison Officer; Adopting a Records Retention Policy; and Providing for Severability and Effective Date**

Mr. Rom presented Option 1 and Option 2 versions of Resolution 2023-10. The Board selected Option 2, keeping all records.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-10, Providing for the Appointment of a Records Management Liaison Officer; Providing the Duties of the Records Management Liaison Officer; Adopting a Records Retention Policy; and Providing for Severability and Effective Date, was adopted.

- K. **Resolution 2023-11, Granting the Chairperson and Vice Chairperson the Authority to Execute Real and Personal Property Conveyance and Dedication Documents, Plats and Other Documents Related to the Development of the District’s Improvements; Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date**

Mr. Rom presented Resolution 2023-11. This Resolution grants the Chair and Vice Chair and other officers in the Chair’s absence, the authority to work with the District Engineer,

District Counsel and District Staff and to execute certain documents in between meetings, to avoid delays in construction.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-11, Granting the Chairperson and Vice Chairperson the Authority to Execute Real and Personal Property Conveyance and Dedication Documents, Plats and Other Documents Related to the Development of the District's Improvements; Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date, was adopted.

L. Resolution 2023-12, Ratifying, Confirming and Approving the Recording of the Notice of Establishment of the District, and Providing for an Effective Date

Mr. Rom presented Resolution 2023-12.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-12, Ratifying, Confirming and Approving the Recording of the Notice of Establishment of the District, and Providing for an Effective Date, was adopted.

M. Authorization of Request for Proposals (RFP) for Annual Audit Services

Mr. Rom presented the RFP For Annual Audit Services.

- **Designation of Board of Supervisors as Audit Committee**

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, the Request for Proposals for Annual Auditing Services, authorizing the District Manager to advertise the RFP and designating the Board of Supervisors as the Audit Committee, was approved.

N. Strange Zone, Inc., Quotation #M23-1010 for District Website Design, Maintenance and Domain Web-Site Design Agreement

Mr. Rom presented the Strange Zone, Inc. (SZI) proposal.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Strange Zone, Inc., Quotation #M23-1010 for District Website Design, Maintenance and Domain Web-Site Design Agreement in the amount of \$1,679.99 per year, was approved.

O. ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit

Mr. Rom presented the ADA Site Compliance proposal.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, the ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit, in the annual amount of \$210, was approved.

P. Resolution 2023-13, to Designate Date, Time and Place of Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rules of Procedure; and Providing an Effective Date

I. Rules of Procedure

II. Notices [Rule Development and Rulemaking]

These items were included for informational purposes.

Mr. Rom presented Resolution 2023-13.

On MOTION by Ms. Schiffer and seconded by Ms. Bock, with all in favor, Resolution 2023-13, to Designate Date, Time and Place of May 1, 2023 at 10:00 a.m., at the Hilton Garden Inn Palm Coast, 55 Town Center Blvd., Palm Coast, Florida 32137 for a Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rules of Procedure; and Providing an Effective Date, was adopted.

Q. Resolution 2023-14, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date

278 This item was deferred.

279 **R. Resolution 2023-15, Approving the Florida Statewide Mutual Aid Agreement;**
280 **Providing for Severability; and Providing for an Effective Date**

281 Mr. Rom presented Resolution 2023-15.

282

283 **On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor,**
284 **Resolution 2023-15, Approving the Florida Statewide Mutual Aid Agreement;**
285 **Providing for Severability; and Providing for an Effective Date, was adopted.**

286

287

288 **S. Stormwater Management Needs Analysis Reporting Requirements**

289 Mr. Rom stated this item is not currently relevant to the CDD.

290

291 **BANKING ITEMS**

292 **SEVENTH ORDER OF BUSINESS**

**Consideration of the Following Banking
Items:**

293

294

295 **A. Resolution 2023-16, Designating a Public Depository for Funds of the District and**
296 **Providing an Effective Date**

297 Mr. Rom presented Resolution 2023-16.

298

299 **On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor,**
300 **Resolution 2023-16, Designating Truist Bank as Public Depository for Funds of**
301 **the District and Providing an Effective Date, was adopted.**

302

303

304 **B. Resolution 2023-17, Directing the District Manager to Appoint Signors on the Local**
305 **Bank Account; and Providing an Effective Date**

306 Mr. Rom presented Resolution 2023-17.

307

308 **On MOTION by Ms. Bock and seconded by Ms. Schiffer, with all in favor,**
309 **Resolution 2023-17, Directing the District Manager to Appoint Signors on the**
310 **Local Bank Account; and Providing an Effective Date, was adopted.**

311

BUDGETARY ITEMS**EIGHTH ORDER OF BUSINESS****Consideration of the Following Budgetary Items:**

- A. Resolution 2023-18, Approving Proposed Budgets for Fiscal Year 2022/2023 and Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date**

Mr. Rom presented Resolution 2023-18 and the proposed budgets.

Discussion ensued regarding the plat, assessments and timing of amenities and landscaping expenses. This item was deferred to the May 1, 2023 meeting.

- B. Fiscal Year 2022/2023 and 2023/2024 Budget Funding Agreement**

This item was deferred to the May 1, 2023 meeting.

- C. Resolution 2023-19, Adopting the Alternative Investment Guidelines for Investing Public Funds in Excess of Amounts Needed to Meet Current Operating Expenses, in Accordance with Section 218.415(17), Florida Statutes**

Mr. Rom presented Resolution 2023-19.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-19, Adopting the Alternative Investment Guidelines for Investing Public Funds in Excess of Amounts Needed to Meet Current Operating Expenses, in Accordance with Section 218.415(17), Florida Statutes, was adopted.

- D. Resolution 2023-20, Authorizing the Disbursement of Funds for Payment of Certain Continuing Expenses Without Prior Approval of the Board of Supervisors; Authorizing the Disbursement of Funds for Payment of Certain Non-Continuing Expenses Without Prior Approval of the Board of Supervisors; Providing for a Monetary Threshold; and Providing for an Effective Date**

Mr. Rom presented Resolution 2023-20.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-20, Authorizing the Disbursement of Funds for Payment of Certain Continuing Expenses Without Prior Approval of the Board of Supervisors; Authorizing the Disbursement of Funds for Payment of Certain Non-Continuing Expenses Without Prior Approval of the Board of Supervisors; Providing for a Monetary Threshold; and Providing for an Effective Date, was adopted.

- E. Resolution 2023-21, Adopting a Policy for Reimbursement of District Travel Expenses; and Providing for Severability and an Effective Date

Mr. Rom presented Resolution 2023-21.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-21, Adopting a Policy for Reimbursement of District Travel Expenses; and Providing for Severability and an Effective Date, was adopted.

- F. Resolution 2023-22, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date

Mr. Rom presented Resolution 2023-22.

Ms. Schiffer stated she will review Funding Requests for Meritage Homes.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-22, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.

- G. Resolution 2023-23, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date

Mr. Rom presented Resolution 2023-23.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-23, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date, was adopted.

H. Consideration of E-Verify Memo with MOU

Mr. Rom presented the E-Verify Memo related to the requirement for all employers to verify employment eligibility utilizing the E-Verify System and for the CDD to enroll with E-Verify and execute a Memorandum of Understanding (MOU) with E-Verify.

On MOTION by Ms. Schiffer and seconded by Ms. Bock, all in favor, acknowledging the E-Verify Memo requirements, as set forth in the Memorandum of Understanding, and authorizing enrollment and utilization of the E-Verify program, was approved.

BOND FINANCING ITEMS

NINTH ORDER OF BUSINESS

**Consideration of the Following Bond
Financing Related Items:**

A. Bond Financing Team Funding Agreement

Ms. Kilinski presented the Bond Financing Team Funding Agreement.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, the Bond Financing Team Funding Agreement, was approved.

B. Engagement of Bond Financing Professionals

I. Underwriter/ Investment Banker: *MBS Capital Markets, LLC*

Ms. Zare presented the MBS Capital Markets, LLC, Agreement for Underwriting Services and G-17 Disclosure.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, the MBS Capital Markets, LLC Agreement for Underwriting Services and G-17 Disclosure, was approved.

II. Bond Counsel: *George A. Smith PLLC*

Mr. Smith presented the Bond Counsel Retainer Agreement.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, the George A. Smith Bond Counsel Retainer Agreement, was approved.

III. Trustee, Paying Agent and Registrar: *U.S. Bank Trust Company, N.A.*

Mr. Rom presented the U.S. Bank Trust Company, N.A. Engagement Letter.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, the U.S. Bank Trust Company, N.A. Engagement Letter to serve as Trustee, Paying Agent and Registrar, was approved.

C. Resolution 2023-24, Designating a Date, Time, and Location of a Public Hearing Regarding the District's Intent to Use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing; and Providing an Effective Date

Mr. Rom presented Resolution 2023-24.

On MOTION by Ms. Bock and seconded by Ms. Schiffer, with all in favor, Resolution 2023-24, Designating a Date, Time, and Location of May 1, 2023 at 10:00 a.m., at the Hilton Garden Inn Palm Coast, 55 Town Center Blvd., Palm Coast, Florida 32137 for a Public Hearing Regarding the District's Intent to Use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing; and Providing an Effective Date, was adopted.

D. Presentation of Master Engineer's Report

Mr. Lahti presented the Engineer's Report dated March 28, 2023, and noted the following:

- The site is approximately 293 acres.
- A total of 482 residential units are planned on approximately 82 acres of lots.
- Generally, the Capital Improvement Plan (CIP) includes the internal two-lane undivided roads, stormwater management system, hardscape, landscape, irrigation, and a residential amenity.
- Street lights will be maintained through an agreement with Florida Power & Light (FPL).

E. Presentation of Special Assessment Methodology Report

Mr. Rom presented the Master Special Assessment Methodology Report dated March 28, 2023. He reviewed the pertinent information and discussed the Development Program, CIP, Financing Program, Assessment Methodology, lienability tests, True-up Mechanism and the Appendix Tables. He noted the following:

- The land within the CDD consists of approximately 293 acres.
- Development of the CDD is anticipated to be conducted by Meritage Homes of Florida, Inc., or an affiliated entity. The current development plan envisions 374 Single-Family 50' units, 65 Single-Family 60' units, 23 Single-Family 70' units, and 20 Single-Family 75' units to be developed over a multi-year period in one or more development phases.

Mr. Rom stated the Tables included in the agenda were updated and new copies were shared separately.

Ms. Kilinski stated that Section 2.2 will be clarified to reflect that assessments will be calculated based upon building pad size and not lot size, as some functional drainage easements impair the use of the lots.

- The proposed financing plan for the CDD provides for issuance of bonds in the approximate principal amount of \$57,370,000 to finance approximately \$41,695,139 in CIP costs, as reflected in the District Engineer's Report.

- District Management will provide estoppel letters for unplatted residential land sales.

F. Resolution 2023-25, Declaring Special Assessments; Designating the Nature and Location of the Proposed Improvements; Declaring the Total Estimated Cost of the

Improvements, the Portion to be Paid By Assessments, and the Manner and Timing in Which the Assessments are to Be Paid; Designating the Lands Upon Which the Assessments Shall Be Levied; Providing for an Assessment Plat and a Preliminary Assessment Roll; Addressing the Setting of Public Hearings; Providing for Publication of this Resolution; and Addressing Conflicts, Severability and an Effective Date

Mr. Rom presented Resolution 2023-25 and read the title.

Ms. Kilinski stated the blank in Section 4B will be filled in with \$57,370,000. The final forms of the Reports, approved in substantial form today, will be attached with the validation complaint, to be filed later this week.

On MOTION by Ms. Bock and seconded by Mr. Trahan, with all in favor, Resolution 2023-25, Declaring Special Assessments; Designating the Nature and Location of the Proposed Improvements; Declaring the Total Estimated Cost of the Improvements, the Portion to be Paid By Assessments, and the Manner and Timing in Which the Assessments are to Be Paid; Designating the Lands Upon Which the Assessments Shall Be Levied; Providing for an Assessment Plat and a Preliminary Assessment Roll; Addressing the Setting of Public Hearings on May 1, 2023 at 10:00 a.m., at the Hilton Garden Inn Palm Coast, 55 Town Center Blvd., Palm Coast, Florida 32137; Providing for Publication of this Resolution; and Addressing Conflicts, Severability and an Effective Date, was adopted.

G. Resolution 2023-26, Authorizing the Issuance of Not to Exceed \$57,370,000 Aggregate Principal Amount of Colbert Landings Community Development District Special Assessment Revenue Bonds, in One or More Series to Pay All or a Portion of the Costs of the Planning, Financing, Construction And/Or Acquisition of Public Infrastructure Improvements Including, But Not Limited to Earthwork (Not Land Development), Stormwater System, Sanitary Sewer, Water Distribution, Undergrounding of Electric Conduit, Reclaimed Water System, Landscape/Hardscape, Site Amenities, Hardscape, On-Site Roadways, Contingency, and Professional Costs and Incidental Costs Related Thereto Pursuant to Chapter 190, Florida Statutes, as Amended; Appointing a Trustee; Approving the Form of and Authorizing the Execution and Delivery of a Master Trust

Indenture; Providing that Such Bonds Shall Not Constitute a Debt, Liability or Obligation of Colbert Landings Community Development District, City Of Palm Coast, Florida, or the State of Florida or of Any Political Subdivision Thereof, But Shall Be Payable From Special Assessments Assessed and Levied on the Property Within the District Benefited by the Improvements and Subject to Assessment; Providing for the Judicial Validation of Such Bonds; and Providing for Other Related Matters

Mr. Rom presented Resolution 2023-26, which accomplishes the following:

- Authorizes issuance of not to exceed \$57,370,000 aggregate principal amount of bonds.
- Authorizes and approves execution and delivery of the Master Trust Indenture.
- Appoints U.S. Bank Trust Company N.A. as the Trustee, Registrar and Paying Agent.
- Authorizes and directs District Counsel and Bond Counsel to file for validation.

The following changes were made to Resolution 2023-26:

Title, Section 2 and where appropriate: Change “\$41,695,139” to “\$57,370,000”

The Exhibits are approved in substantially final form as part of Resolution 2023-26.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, Resolution 2023-26, as amended, Authorizing the Issuance of Not to Exceed \$57,370,000 Aggregate Principal Amount of Colbert Landings Community Development District Special Assessment Revenue Bonds, in One or More Series to Pay All or a Portion of the Costs of the Planning, Financing, Construction And/Or Acquisition of Public Infrastructure Improvements Including, But Not Limited to Earthwork (Not Land Development), Stormwater System, Sanitary Sewer, Water Distribution, Undergrounding of Electric Conduit, Reclaimed Water System, Landscape/Hardscape, Site Amenities, Hardscape, On-Site Roadways, Contingency, and Professional Costs and Incidental Costs Related Thereto Pursuant to Chapter 190, Florida Statutes, as Amended; Appointing a Trustee; Approving the Form of and Authorizing the Execution and Delivery of a Master Trust Indenture; Providing that Such Bonds Shall Not Constitute a Debt, Liability or Obligation of Colbert Landings Community Development District, City Of Palm Coast, Florida, or the State of Florida or of Any Political Subdivision Thereof, But Shall Be Payable From Special Assessments Assessed and Levied on the Property Within the District Benefited by the Improvements and Subject to Assessment; Providing for the Judicial Validation of Such Bonds; and Providing for Other Related Matters, was adopted.

CONSTRUCTION ITEMS

TENTH ORDER OF BUSINESS

Consideration of the Following
Construction Related Item:

- Acquisition Agreement

Mr. Rom presented the Acquisition Agreement.

On MOTION by Ms. Schiffer and seconded by Mr. Trahan, with all in favor, the
Acquisition Agreement, was approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: *Kilinski/Van Wyk, PLLC*
- B. District Engineer (Interim): *Gulfstream Design Group, LLC.*
- C. District Manager: *Wrathell, Hunt and Associates, LLC*

There were no Staff Reports.

TWELFTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

THIRTEENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Schiffer and seconded by Ms. Bock, with all in favor, the
meeting adjourned at 11:18 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

COLBERT LANDINGS
COMMUNITY DEVELOPMENT DISTRICT

STAFF
REPORTS



Kaiti Lenhart ★ FLAGLER COUNTY SUPERVISOR OF ELECTIONS

1769 E. Moody Boulevard, Building 2, Suite 101 ★ PO Box 901 ★ Bunnell, Florida 32110-0901 Phone
(386) 313-4170 ★ Fax (386) 313-4171 ★ www.FlaglerElections.gov

April 17, 2023

Daphne Gillyard
Wrathell, Hunt and Associates, LLC
2300 Glades Road, Suite 410W

Boca Raton, Florida 33431

RE: CDD Registered Voters

Dear Daphne Gillyard:

Per your request, in accordance with the requirements of Chapter 190(3)(a)(d), the total number of registered voters for the following Community Development District as of April 15, 2023 is:

Colbert Landings Community Development District: **0**
Palm Coast 145 Community Development District: **0**
Hunter's Ridge Community Development District No. 1: **327**
Hunter's Ridge Oaks Community Development District No. 1: **0**

If you have any questions or require any further assistance, please contact this office.

Thank you,

A handwritten signature in blue ink, appearing to read "Kaiti Lenhart", with a stylized flourish at the end.

Kaiti Lenhart
Supervisor of Elections