EAST BONITA **BEACH ROAD COMMUNITY DEVELOPMENT** DISTRICT **September 28, 2020 BOARD OF SUPERVISORS CONTINUED SPECIAL PUBLIC MEETING AGENDA**

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

September 21, 2020

ATTENDEES: Please identify yourself each

time you speak to facilitate accurate transcription of meeting minutes.

Board of Supervisors East Bonita Beach Road Community Development District

NOTE: Meeting Time

Dear Board Members:

The Board of Supervisors of the East Bonita Beach Road Community Development District will hold a Continued Special Public Meeting on September 28, 2020, at 10:30 a.m., remotely, via Zoom, at <u>https://us02web.zoom.us/j/82893295352</u>, Meeting ID **828 9329 5352** or by dialing **1-929-205-6099**, Meeting ID **828 9329 5352**. The agenda is as follows:

- 1. Call to Order/Roll Call
- 2. Public Comments
- 3. Presentation/Consideration of Engineer's Report [Assessment Area2 Project]
- 4. Presentation/Consideration of Special Assessment Methodology Report [Assessment Area 2 Project]
- 5. Consideration of Resolution 2020-08, 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
- 6. Consideration of Resolution 2020-09, Supplementing Its Resolution 2018-03 by Authorizing the Issuance of its East Bonita Beach Road Community Development District Special Assessment Revenue Bonds, Series 2020 (Assessment Area Two) in a Principal Amount of Not Exceeding \$8,000,000 for the Principal Purpose of Acquiring and Constructing Assessable Improvements; Delegating to the Chairman or Vice Chairman of the Board of Supervisors of the District, Subject to Compliance With the Applicable Provisions Hereof, the Authority to Award the Sale of Such 2020 Bonds to FMSbonds,

Board of Supervisors East Bonita Beach Road CDD September 28, 2020, Continued Special Public Meeting Agenda Page 2

> Inc., by Executing and Delivering to Such Underwriter a Bond Purchase Contract and Approving the Form Thereof; Approving the Form of and Authorizing the Execution of the Second Supplemental Trust Indenture; Appointing U.S. Bank National Association as the Trustee, Bond Registrar and Paying Agent for Such 2020 Bonds; Making Certain Findings; Approving Form of Said 2020 Bonds; Approving the Form of the Preliminary Limited Offering Memorandum and Authorizing the Use by the Underwriter of the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum and the Execution of the Limited Offering Memorandum; Approving the Form of the Continuing Disclosure Agreement and Authorizing the Execution Thereof; Authorizing Certain Officials of East Bonita Beach Road Community Development District and Others to Take All Actions Required in Connection With the Issuance, Sale and Delivery of Said 2020 Bonds; Providing Certain Other Details With Respect to Said 2020 Bonds; and Providing an Effective Date

- Exhibit A: Form of Second Supplemental Trust Indenture
- Exhibit B: Form of Bond Purchase Contract
- Exhibit C: Form of Preliminary Limited Offering Memorandum and Limited Offering MemorandumExhibit D: Form of Continuing Disclosure Agreement
- 7. Consideration of Forms of Ancillary Bond Documents
 - A. Acquisition Agreement
 - B. Completion Agreement
 - C. True Up Agreement
- 8. Consideration of Acquisition of Phase 2 Improvements and Real Property
- 9. Consideration of Hopping Green & Sams Fee Letter
- 10. Audience Comments/Supervisors' Requests
- 11. Adjournment

"Further, please be advised that the Florida Governor's Office has declared a state of emergency due to the Coronavirus (COVID-19). As reported by the Center for Disease Control and World Health Organization, COVID-19 can spread from person-to-person through small droplets from the nose or mouth, including when an individual coughs or sneezes. These droplets may land on objects and surfaces. Other people may contract COVID-19 by touching these objects or surfaces, then touching their eyes, nose or mouth. Therefore, merely cleaning

Board of Supervisors East Bonita Beach Road CDD September 28, 2020, Continued Special Public Meeting Agenda Page 3

facilities, while extremely important and vital in this crisis, may not be enough to stop the spread of this virus. "

"That said, the District wants to encourage public participation in a safe and efficient manner. Toward that end, anyone wishing to listen and participate in the meeting can do so via Zoom, details specified herein. Additionally, participants are encouraged to submit questions and comments to the District's manager at <u>adamsc@whhassociates.com</u>."

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

Sincerely,

COG. Ad

Chesley [₩]Chuck" Adams District Manager

OPTIONS FOR MEETING PARTICIPATION https://us02web.zoom.us/j/82893295352 MEETING ID: 828 9329 5352 OR CALL IN NUMBER: 1-929-205-6099 MEETING ID: 828 9329 5352

EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT



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

PREPARED FOR:

BOARD OF SUPERVISORS EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT

ENGINEERS:

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

September 14, 2020

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ENGINEER'S REPORT

1. INTRODUCTION

1.1 Description of East Bonita Beach Road Community Development District

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

The District's overall capital improvement plan ("Capital Improvement Plan," or "CIP"), as described herein, consists of the master stormwater management system, wetland/wild life impact mitigation, and certain entry roadways, buffers, and irrigation, all of which functions as a system of improvements benefitting all developable lands within the District. While the CIP consists of a system of improvements, the CIP will be split into two distinct assessment areas and projects, known as "Assessment Area One" / "Assessment Area One Project" and "Assessment Area Two" / "Assessment Area Two Project." Assessment Area One consists of 102.69 acres, as described in Exhibit 2B, and Assessment Area Two (together with Assessment Area One, the "Assessment Areas") will include the balance of the lands within the District. The Assessment Area One Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Project refers to that portion of the CIP allocable to Assessment Area Two Pr

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

Phase 1 construction began January 2018, and Phase 2 construction is expected to commence in August 2020. The Development is planned to be completed in approximately four (4) years.

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

The proposed land uses are included in Table 1 below.

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

TABLE 1 Land Use Summary:

*Public RLW area is 0.48ac.

| | Assessment Area One | Assessment Area Two | TOTAL |
|----------|------------------------|------------------------|-------|
| 40' LOTS | 98 | 99 | 197 |
| 50' LOTS | 181 | 82 | 263 |
| 60' LOTS | 5 | 83 | 88 |
| TOTAL | 284 | 264 | 548 |

TABLE 2 UNIT COUNTS:

1.2 Purpose and Scope of the Report

Prior to the date hereof, the District adopted its *Engineer's Report* dated January 2018 setting forth improvements to be financed, acquired and/constructed by the District as part of the Assessment Area One Project. The 2018 Report was created near the time of the start of the construction of the Assessment Area One Project, and was used in connection with the District's issuance of bonds to finance the Assessment Area One Project. The purpose of this Amended and Restated Engineers Report is to update the status of the project and completed improvements, and to provide an updated cost of the Assessment Area Two Project. An assessment methodology will be developed by the District's methodology consultant, and such methodology shall identify the specific portion of the CIP allocable to Assessment Area Two (i.e., the Assessment Area Two Project).

2. DISTRICT BOUNDARIES AND PROPERTIES SERVED

2.1 District Boundaries

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

2.2 Description of Properties Served

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

3. EXISTING INFRASTRUCTURE & PROPOSED DEVELOPER-FUNDED INFRASTRUCTURE

3.1 Existing Infrastructure

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

3.2 Developer Infrastructure – Utilities, Amenities, Etc.

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

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

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

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

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

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

An amenity center is planned to be constructed as part of the Development. The amenity will include both active and passive recreation uses along with the mailboxes for the residents. Tennis and pickleball courts are planned along with a clubhouse area that include fitness equipment. A large pool is planned that includes a cabana restaurant. Upon completion the

amenity area will be owned and maintained by the Seasons at Bonita Homeowners Association. The District will not finance any portion of the amenity area.

4. <u>PROPOSED DISTRICT INFRASTRUCTURE</u>

4.1 Summary of the District Infrastructure

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

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

4.2 Irrigation

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

The Assessment One Area portion of the irrigation system has been competed but was not yet conveyed to the District. The irrigation system within the Assessment Area Two project area will be constructed as part of the Phase 2 project. The cost for the Phase 2 project will also include the cost for the Phase 1 facilities that were constructed, but not requisitioned. Upon completion of the Phase 2 irrigation system, the entire system will be conveyed to the District for ownership and maintenance.

4.3 Stormwater Management

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

The storm water management system has been designed and will be constructed in accordance with South Florida Water Management District standards for water quality treatment, quantity storage and flood protection. The existing storm water lakes will be reshaped to create littoral planting areas, and the lake banks will be re-graded as necessary to comply with regulatory requirements. Additionally, the lake within the amenity area will need to be excavated and is expected to yield 20,000 cubic yards of material. Ground cover will be provided at all lakes and as necessary to prevent erosion. Ground cover will consist of sod, shrubs, and littoral and upland plantings in and around the lakes and berms.

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

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

The Assessment One Area portion (Phase 1) of the stormwater management system has been completed and conveyed to the District, including ownership of the lakes within the Assessment One Area. The stormwater management system within the Assessment Area Two project area will be constructed as part of the Phase 2 project. Upon completion of the Phase 2 stormwater management system, the Phase 2 portion of the stormwater management system will be conveyed to the District for ownership and maintenance.

4.4 Buffers

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

The Assessment One Area (Phase 1) portion of the buffers has been completed. The Phase 1 buffer wall was conveyed to the District, but the plantings although constructed, were not requisitioned or conveyed. The buffers within the Assessment Area Two project area will be constructed as part of the Phase 2 project along with the cost for the Phase 1 plantings that were not requisitioned. Upon completion of the Phase 2 buffers and Phase 1 plantings will be conveyed to the District for ownership and maintenance.

4.5 Public Roadways

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

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

The CDD Roadways will be constructed or acquired by the District when completed. The District will acquire the completed CDD Roadways for the cost of the construction of the improvements

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

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

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

4.6 Wetland/Wildlife Mitigation

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

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

The enhancement activities will be part of the District CIP and will be financed by the District along with the cost for acquisition based on the appraised value of the conservation area.

The wetland/wildlife mitigation was partially completed as part of the Assessment One Area project and the mitigation area conveyed to the District. The planting of some additional mitigation plants is necessary since the plant coverage has not met the permit success criteria. These additional plants will be installed as part of the Assessment Area Two project. Upon completion of the Phase 2 mitigation plantings, they will be conveyed to the District for ownership and maintenance.

4.7 Professional Services

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

The Assessment One Area portion of the professional services have been completed and conveyed to the District. The professional services for the Assessment Area Two project will be part of the Phase 2 project. Upon completion of the Phase 2 Project the Phase 2 professional fees will be conveyed to the District.

4.8 Contingency

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

5. OPINION OF PROBABLE CONSTRUCTION COSTS AND BENEFIT

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

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

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

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

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

| Project Description | Phase 1 | Phase 1 | Phase 2 | Total CIP | |
|--------------------------------|--------------------------|-------------------------|--------------------------|---------------------------|--|
| Project Description | Construction Cost | Requisition Cost | Construction Cost | Construction Costs | |
| IRRIGATION | \$675,000 | | \$850,000 | \$850,000 | |
| STORMWATER MANAGEMENT* | \$1,525,000 | \$1,166,665 | \$1,200,000 | \$2,366,665 | |
| BUFFERS | \$475,000 | \$310,507 | \$400,000 | \$710,507 | |
| PUBLIC ROADWAYS | \$250,000 | \$8,289 | \$300,000 | \$308,289 | |
| WETLAND/WILDLIFE MITIGATION | \$35,000 | | \$10,000 | \$10,000 | |
| PROFESSIONAL SERVICES | \$ 100,000 | \$20,490 | \$50,000 | \$70,490 | |
| CONTINGENCY | \$310,000 | | \$140,000 | \$140,000 | |
| TOTALS | \$3,370,000 | \$1,505,951 | \$2,950,000 | \$4,455,951 | |
| MASTER LAND ACQUISITION COSTS: | | \$3,773,960** | \$1,550,000*** | \$5,323,960 | |
| GRAND TOTAL: | \$6,740,000 | \$5,279,911 | \$4,500,000 | \$9,779,911 | |

TABLE 3 Summary of Opinion of Probable Cost:

*All of this cost is for new infrastructure work and does not include any amounts for prior excavation of the stormwater lakes.

** The Phase 1 land value was computed as 37.58 acres x \$100,000 per acre for the CDD Roadways, stormwater, and buffer areas, plus 4.56 acres x \$3,500 per acre for the mitigation area. The land value is based on the appraisal provided by Integra Realty Resources.

*** The Phase 2 land value is based on the appraisal provided by Integra Realty Resources dated August 17, 2020 for the lakes and buffer tracts within Assessment Area Two.

6. <u>PERMITS</u>

Overall Project Permits

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

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

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

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

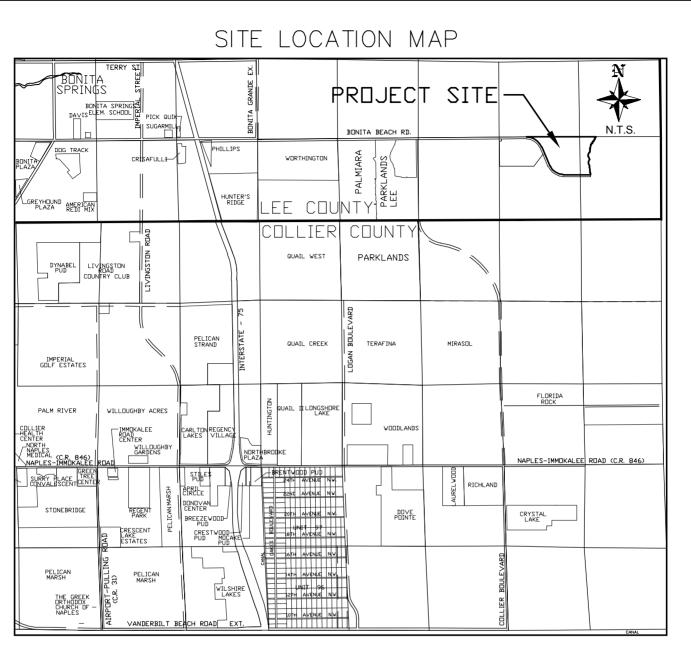
The following permits have been obtained for approximately half of the Phase 2 Project:

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

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

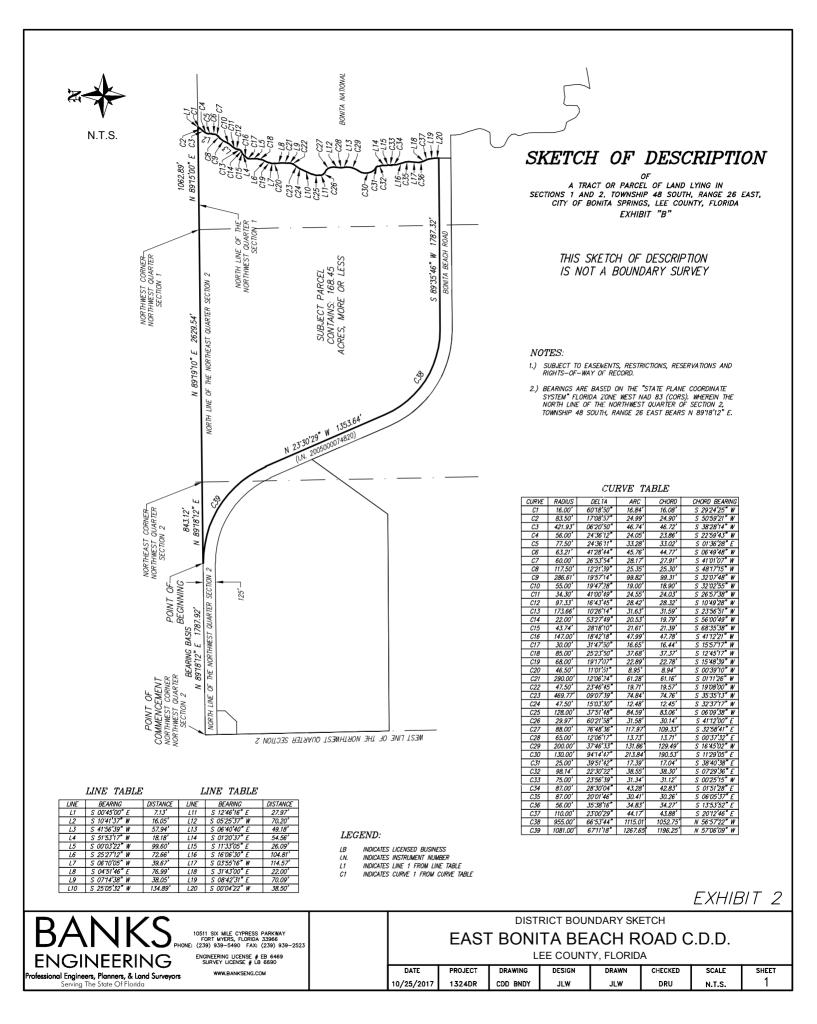
All permits necessary for construction of the CIP are expected to be obtained in due course.

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



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

EAST BONITA BEACH ROAD C.D.D. PROJECT LOCATION MAP EXHIBIT 1



EXHIBT "B"

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

(AS RECORDED IN INSTRUMENT NUMBER 2005000070029)

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

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST OUARTER OF SECTION 2. TOWNSHIP 48 SOUTH, RANGE 26 EAST; THENCE N.89°18'12"E., ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1787.92 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE N.89°18'12"E., ALONG SAID NORTH LINE A DISTANCE OF 843.12 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE N.89°19'10"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 2,629.54 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST OUARTER OF SAID SECTION 1; THENCE N.89°15'00"E., ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,062.89 FEET; THENCE S.00°45'00"E., A DISTANCE OF 7.13 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 16.00 FEET, A CENTRAL ANGLE OF 60°18'50", A CHORD BEARING OF S.29°24'25"W., AND A CHORD LENGTH OF 16.08 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 16.84 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT. HAVING: A RADIUS OF 83.50 FEET, A CENTRAL ANGLE OF 17°08'57", A CHORD BEARING OF S.50°59'21"W., AND A CHORD LENGTH OF 24.90 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 24.99 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 421.93 FEET, A CENTRAL ANGLE OF 06°20'50", A CHORD BEARING OF S.38°28'14"W., AND A CHORD LENGTH OF 46.72 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 46.74 FEET TO THE POINT OF CURVATURE OF A COMPOUND CURVE TO THE LEFT HAVING: A RADIUS OF 56.00 FEET, A CENTRAL ANGLE OF 24°36'12", A CHORD BEARING OF S.22°59'43"W., AND A CHORD LENGTH OF 23.86 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 24.05 FEET TO THE END OF SAID CURVE; THENCE S.10°41'37"W., A DISTANCE OF 16.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 77.50 FEET, A CENTRAL ANGLE OF 24°36'11", A CHORD BEARING OF S.01°36'28"E., AND A CHORD LENGTH OF 33.02 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 33.28 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 63.21 FEET, A CENTRAL ANGLE OF 41°28'44", A CHORD BEARING OF S.06°49'48"W., AND A CHORD LENGTH OF 44.77 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 45.76 FEET TO THE POINT OF CURVATURE OF A COMPOUND CURVE TO THE RIGHT HAVING: A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 26°53'54", A CHORD BEARING OF S.41°0 1'07"W., AND A CHORD LENGTH OF 27.91 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 28.17 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 117.50 FEET, A CENTRAL ANGLE OF 12°21'39", A CHORD BEARING OF S .48°17'15"W., AND A CHORD LENGTH OF 25.30 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 25.35 FEET TO THE

DESCRIPTION FOR DISTRICT BOUNDARY 10511 SIX MILE CYPRESS PARKWAY FORT MYERS, FLORIDA 33966 : (239) 939-5490 FAX: (239) 939-2523 EAST BONITA BEACH ROAD C.D.D. LEE COUNTY, FLORIDA ENGINEERING LICENSE # EB 6469 SURVEY LICENSE # LB 6690 engineering DATE PROJECT DRAWING DESIGN DRAWN CHECKED SCALE SHEET WWW.BANKSENG.COM ofessional Engineers, Planners, & Land Surveyors Serving The State Of Florida 1 10/25/2017 1324DR CDD BNDY JLW JLW DRU N.T.S.

EXHIBIT 2A

PAGE 1

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

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10/25/2017

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10511 SIX MILE CYPRESS PARKWAY FORT MYERS, FLORIDA 33966 E: (239) 939-5490 FAX: (239) 939-2523 ENGINEERING LICENSE # EB 6469 SURVEY LICENSE # LB 6690 WWW.BANKSENG.COM

DESCRIPTION FOR DISTRICT BOUNDARY EAST BONITA BEACH ROAD C.D.D. LEE COUNTY, FLORIDA PROJECT DRAWING DESIGN DRAWN CHECKED SCALE SHEET

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EXHIBIT 2B PAGE 2

N.T.S.

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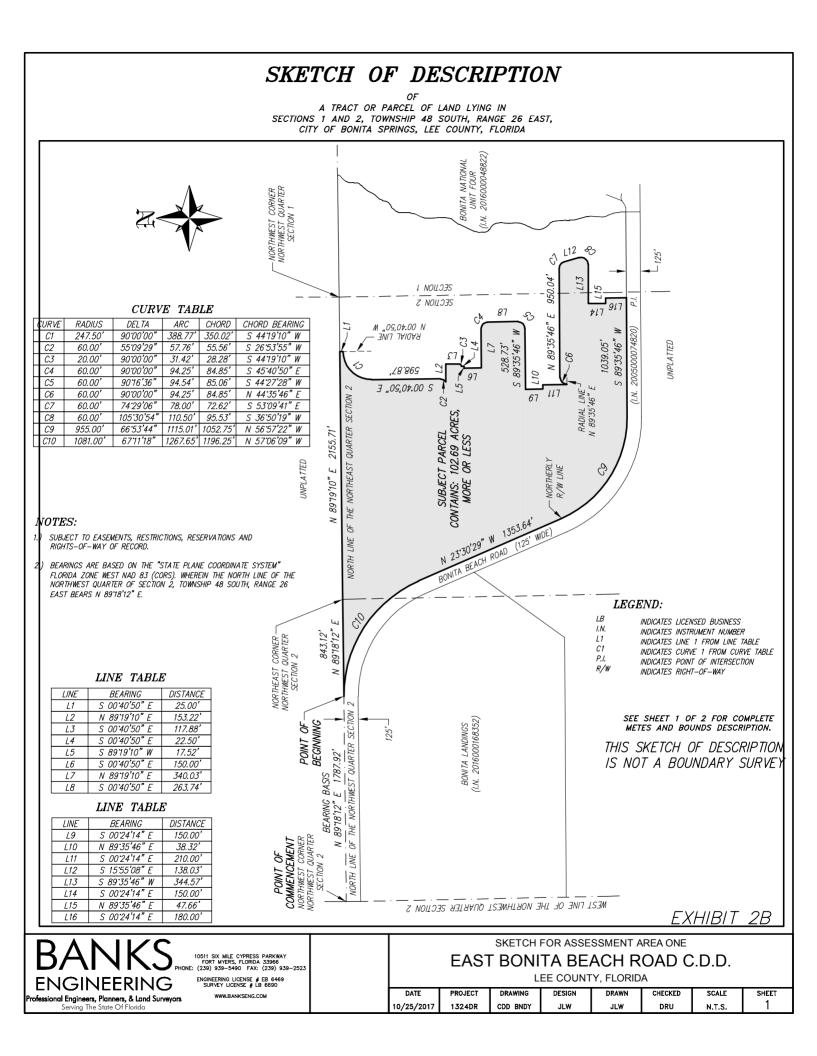
FEET, A CENTRAL ANGLE OF 76°48'36", A CHORD BEARING OF S.32°58'41"E., AND A CHORD LENGTH OF 109.33 FEET: THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 117.97 FEET TO THE END OF SAID CURVE; THENCE S.05°25'37"W., A DISTANCE OF 70.20 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS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

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

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

EXHIBIT 2A

PAGE 3 DESCRIPTION FOR DISTRICT BOUNDARY 10511 SIX MILE CYPRESS PARKWAY FORT MYERS, FLORIDA 33966 IE: (239) 939–5490 FAX: (239) 939–2523 EAST BONITA BEACH ROAD C.D.D. LEE COUNTY, FLORIDA ENGINEERING LICENSE # EB 6469 SURVEY LICENSE # LB 6690 engineering DATE PROJECT DRAWING DESIGN DRAWN CHECKED SCALE SHEET WWW.BANKSENG.COM ofessional Engineers, Planners, & Land Surveyors Serving The State Of Florida 1 10/25/2017 1324DR CDD BNDY JLW JLW DRU N.T.S.



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

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

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

PARCEL CONTAINS: 102.69 ACRES, MORE OR LESS.

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

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

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DESCRIPTION FOR ASSESSMENT AREA ONE

EAST BONITA BEACH ROAD C.D.D.

| | | | | , - | | | |
|------------|---------|----------|--------|-------|---------|--------|-------|
| DATE | PROJECT | DRAWING | DESIGN | DRAWN | CHECKED | SCALE | SHEET |
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EXHIBIT 2C

EXHIBIT 2D

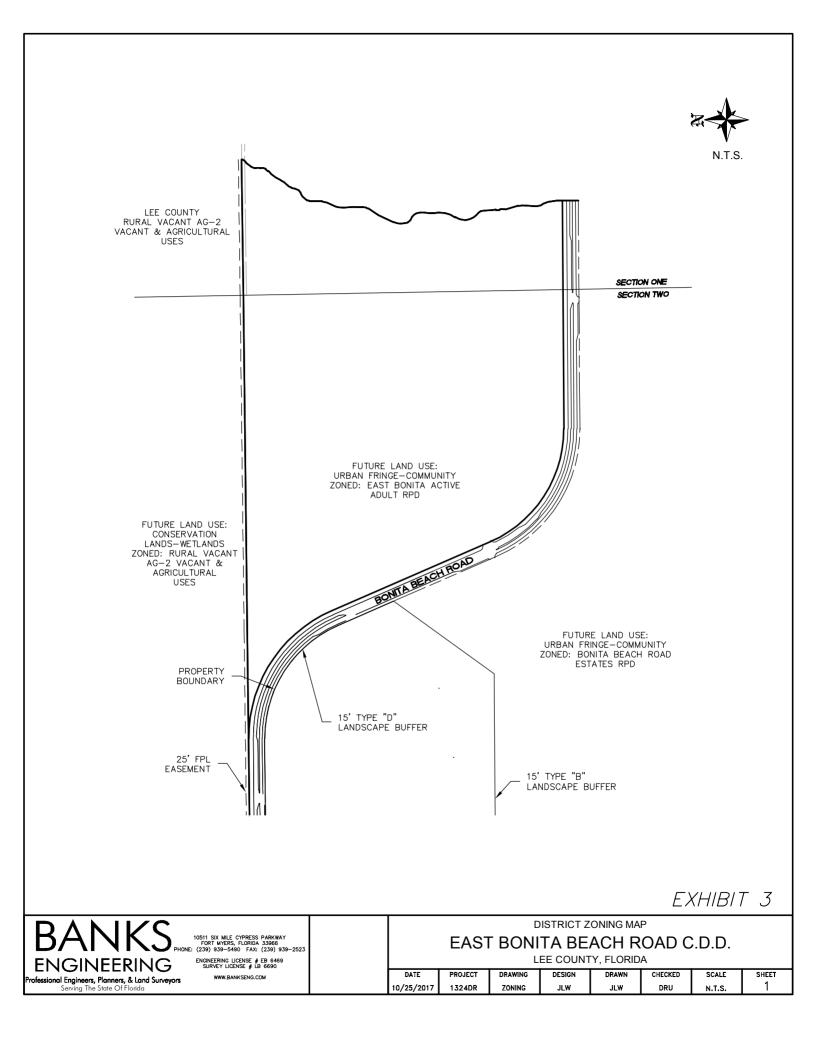
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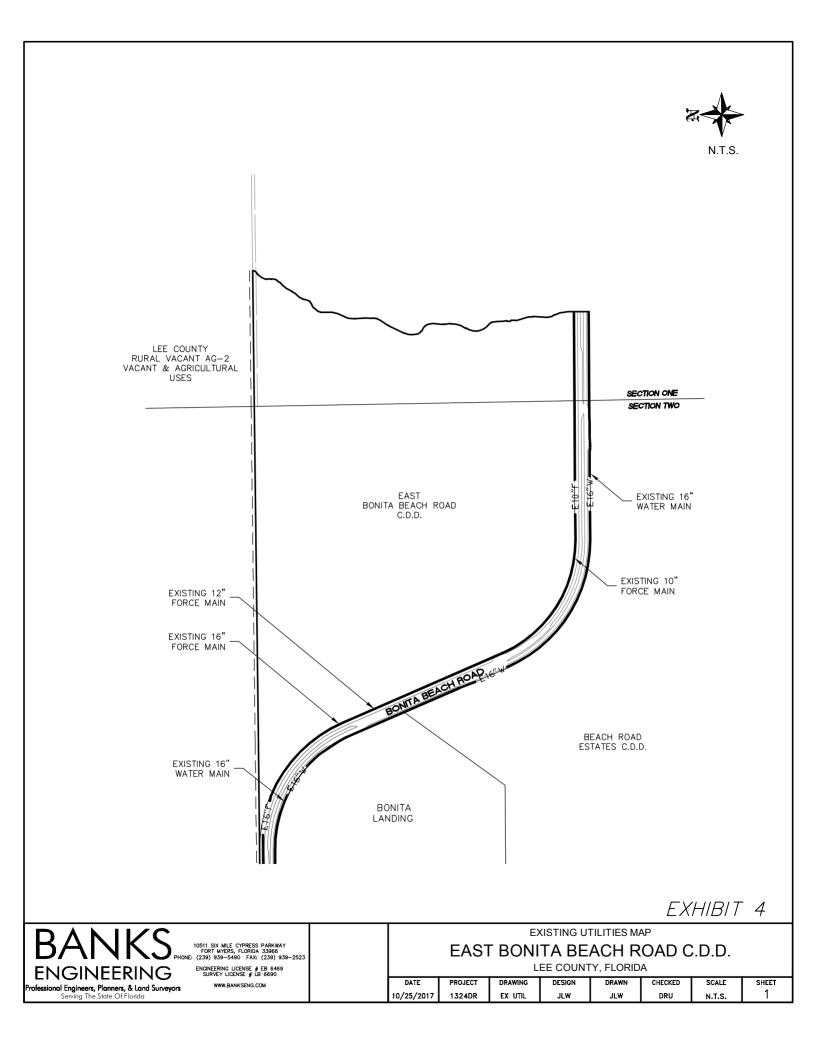
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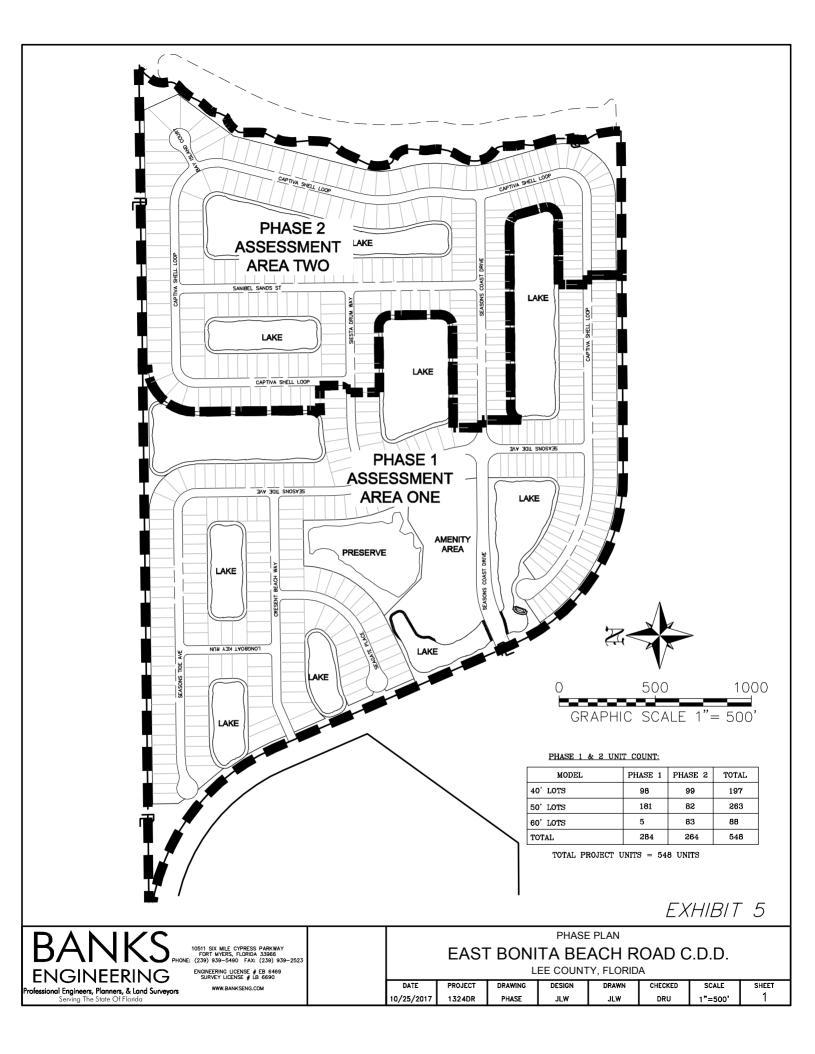
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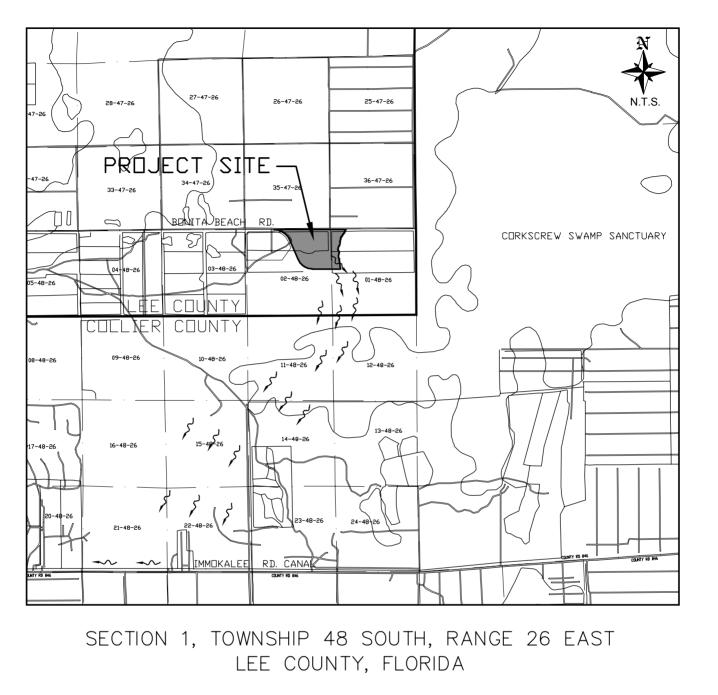
ALL OF TRACTS "B-3", TRACT "FD", TRACT "D-4", TRACT "L-8", AND TRACT "L-9", SEASONS AT BONITA, ACCORDING TO THE MAP OF PLAT THEREOF, RECORDED IN INSTRUMENT NUMBER 2018000200311, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT PROPERTY CONTAINS: 65.63 ACRES, MORE OR LESS.









EAST BONITA BEACH ROAD C.D.D. OUTFALL MAP EXHIBIT 6-1

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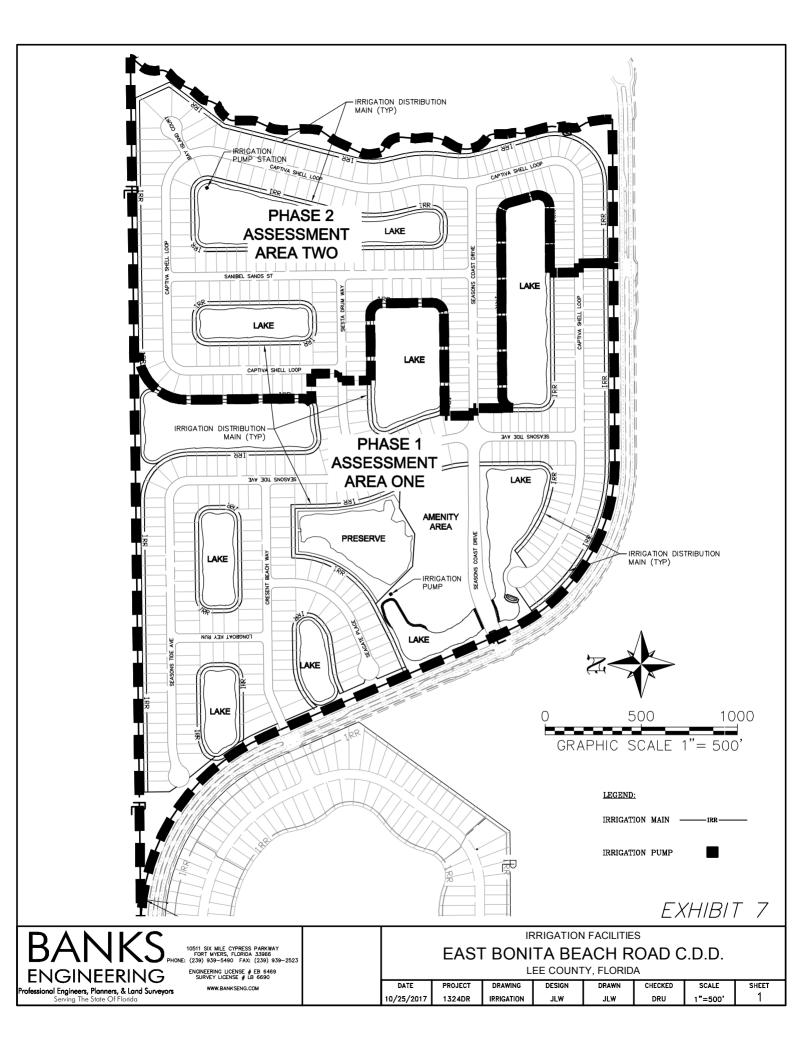
10511 SIX MILE CYPRESS PARKWAY FORT MYERS, TOURIDA 33966 2 (239) 399-5490 FAX: (239) 939-2523 ENGIREERING LICENSE # EB 6469 SURVEY LICENSE # LB 6690 WWW.BANKSENG.COM EAST BONITA BEACH ROAD C.D.D.

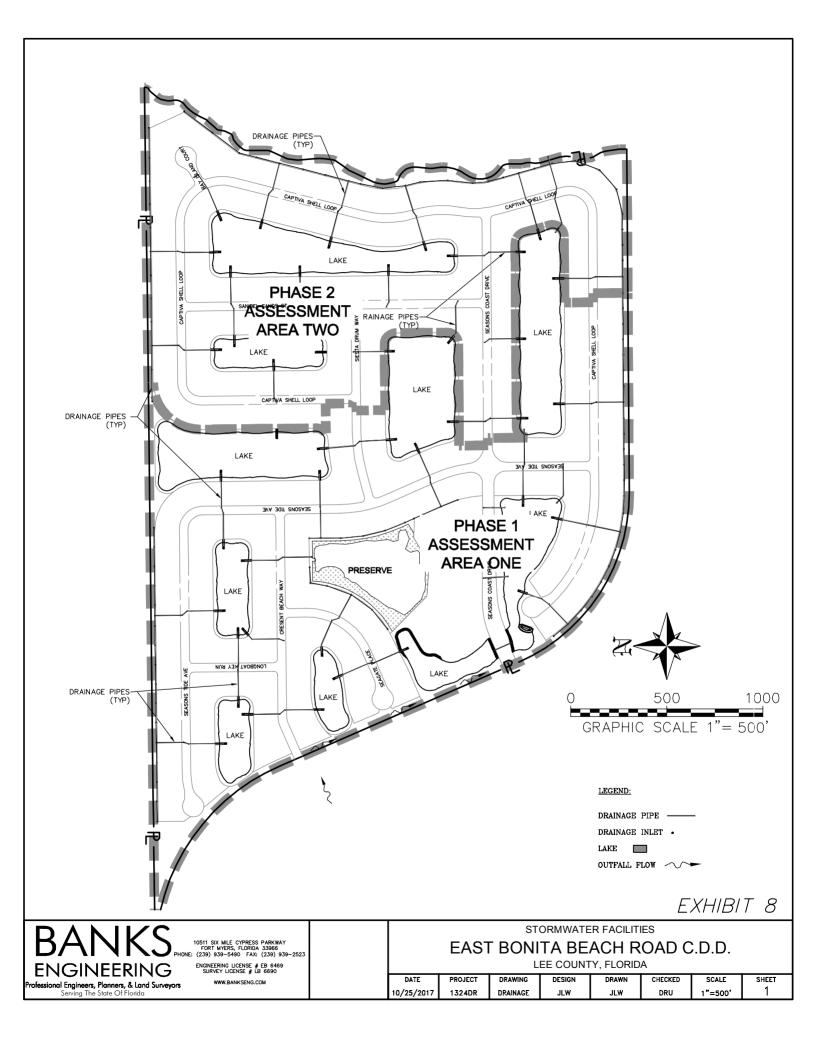
| LEE COUNTY, FLORIDA | | | | | | | |
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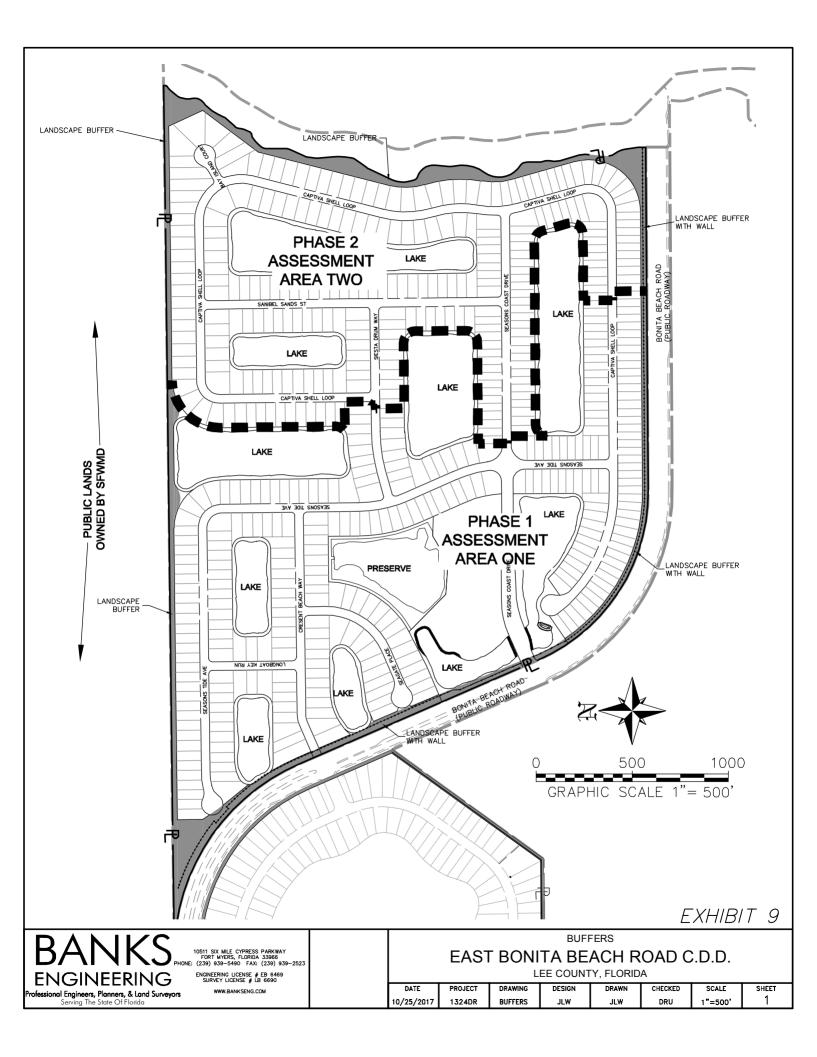
REGIONAL OUTFALL MAP

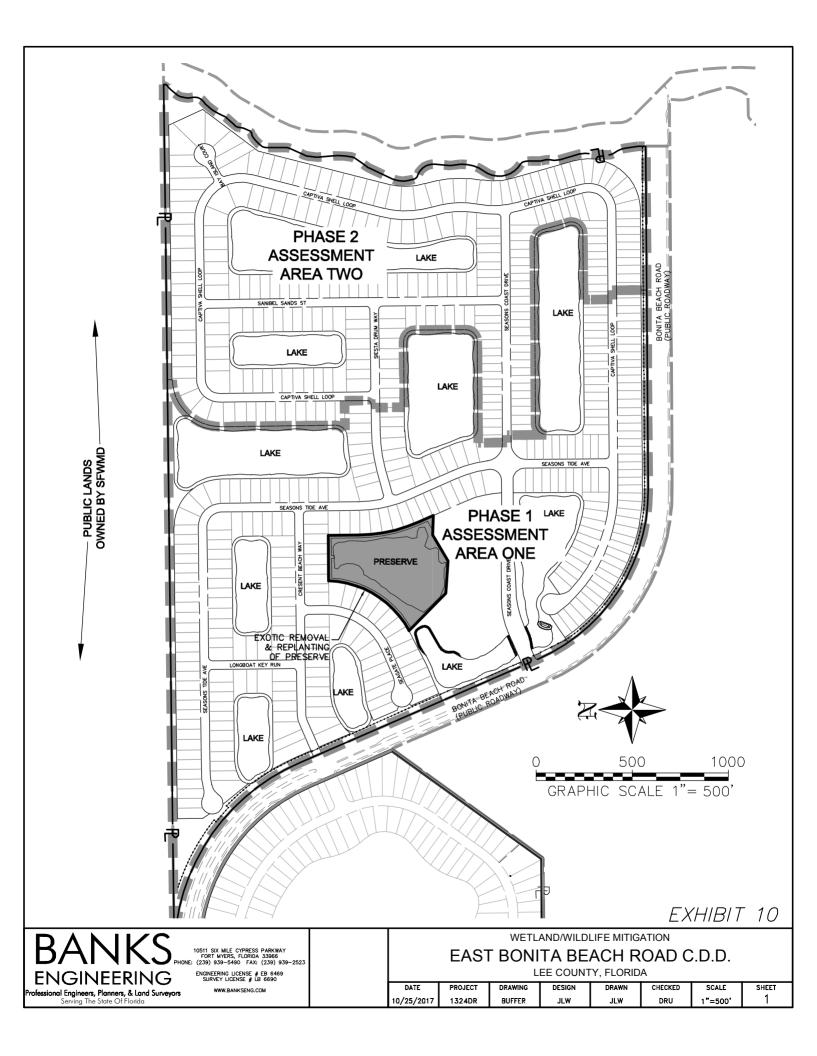


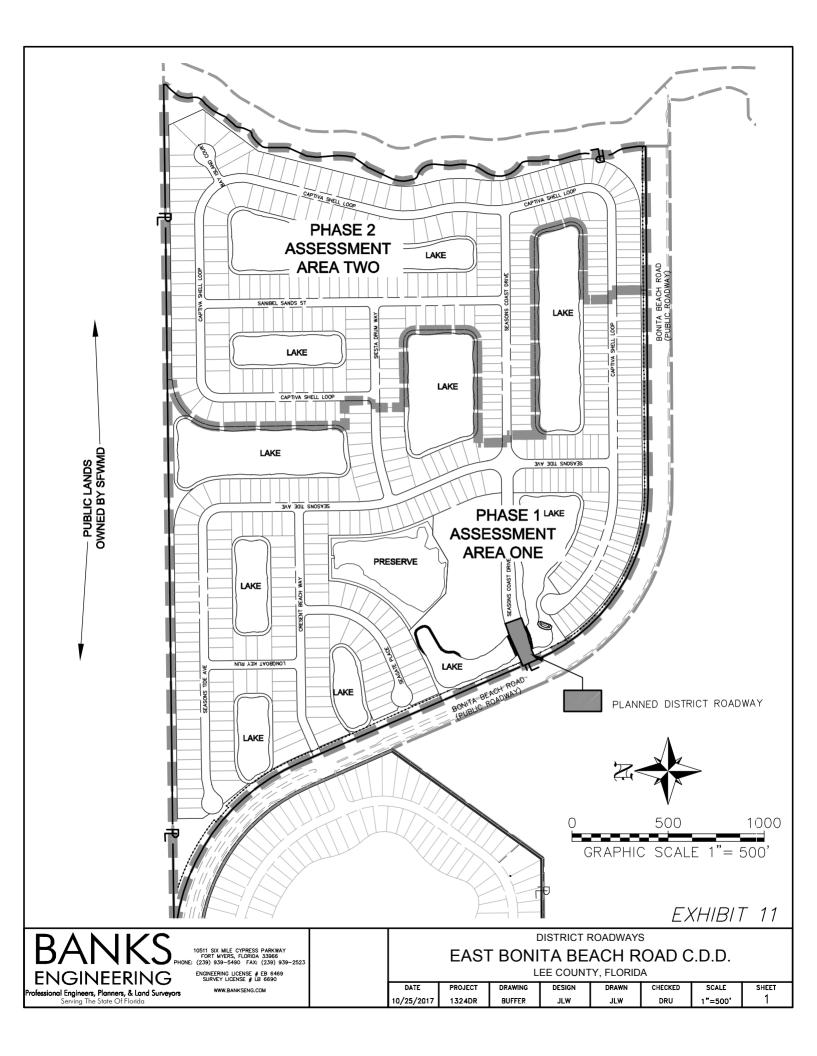
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|--|---|------------------------------|--|--|--|--|--|
| | DISTRICT OUTFALL MAP | | | | | | |
| BAINKS 10511 SX MILE CYPRESS PARKWAY FORT MYERS, FLORIDA 33966 PHONE: (239) 939-5490 FAX: (239) 939-2523 | EAST BONIT BEACH ROAD C.D.D. | EAST BONIT BEACH ROAD C.D.D. | | | | | |
| ENGINEERING ENGINEERING LICENSE # EB 6469 SURVEY LICENSE # LB 6690 | LEE COUNTY, FLORIDA | | | | | | |
| Professional Engineers, Planners, & Land Surveyors WWW.BANKSENG.COM | DATE PROJECT DRAWING DESIGN DRAWN CHECKED SCALE | SHEET | | | | | |
| Serving The State Of Florida | 10/25/2017 1324DR OUTFALL JLW JLW DRU 1"=1000 | · 1 | | | | | |











EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT



EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT



RESOLUTION 2020-08

A RESOLUTION OF THE BOARD OF SUPERVISORS OF EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT DECLARING SPECIAL ASSESSMENTS: DESIGNATING THE NATURE AND LOCATION OF THE PROPOSED IMPROVEMENTS; DECLARING THE TOTAL ESTIMATED COST OF THE IMPROVEMENTS, THE PORTION TO BE PAID BY ASSESSMENTS, AND THE MANNER AND TIMING IN WHICH THE ASSESSMENTS ARE TO BE PAID; DESIGNATING THE LANDS UPON WHICH THE ASSESSMENTS SHALL BE LEVIED; PROVIDING FOR AN ASSESSMENT 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 East Bonita Beach Road Community Development District ("District") was established by Ordinance No. 08-02 of City Council of the City of Bonita Springs, Florida, effective March 21, 2008, , as amended by Ordinance No, 16-02 duly enacted by the City Council and effective on March 2, 2016 and effective on April 1, 2016, for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure; and

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

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

WHEREAS, the District hereby determines to undertake, install, plan, establish, construct or reconstruct, enlarge or extend, equip, acquire, operate, and/or maintain the infrastructure improvements described in the [Engineer's Report], dated September 14, 2020, attached hereto as Exhibit A and incorporated herein by reference ("Assessment Area 2 Project"); and

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

WHEREAS, the District is empowered by Chapter 190, the Uniform Community Development District Act, Chapter 170, Supplemental and Alternative Method of Making Local Municipal Improvements, and Chapter 197, the Uniform Method for the Levy, Collection and Enforcement of Non-Ad Valorem Assessments, Florida Statutes, to finance, fund, plan,

establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain the Assessment Area 2 Project and to impose, levy and collect the Assessments; and

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

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

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

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

2. **DECLARATION OF ASSESSMENTS.** The Board hereby declares that it has determined to make all or a portion of the Assessment Area 2 Project and to defray all or a portion of the cost thereof by the Assessments.

3. **DESIGNATING THE NATURE AND LOCATION OF IMPROVEMENTS.** The nature and general location of, and plans and specifications for, the Assessment Area 2 Project are described in **Exhibit A**, which is on file at the District Records Office. **Exhibit B** is also on file and available for public inspection at the same location.

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

- B. The Assessments will defray approximately \$5,580,000.00, which is the anticipated maximum par value of any bonds and which includes all or a portion of the Estimated Cost, as well as other financing-related costs, as set forth in Exhibit B.
- **C.** The manner in which the Assessments shall be apportioned and paid is set forth in **Exhibit B**, as may be modified by supplemental assessment resolutions.

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

5. **DESIGNATING THE LANDS UPON WHICH THE ASSESSMENTS SHALL BE LEVIED**. The Assessments shall be levied, within the District, on all lots and lands adjoining and contiguous or bounding and abutting upon such improvements or specially benefitted 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 Assessment Area 2 Project and the estimated cost of the Assessment Area 2 Project, all of which are open to inspection by the public.

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

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

| DATE: | , 2020 |
|-----------|----------------------------|
| TIME: | |
| LOCATION: | Offices of D.R. Horton |
| | 10541 Ben C Pratt |
| | 6 Mile Cypress Parkway |
| | Fort Myers, Florida, 33966 |
| | |

NOTICE OF PUBLIC HEARINGS

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

At the time of adoption of this Resolution 2020-08 there are currently in place federal, state, and local emergency declarations and orders ("**Declarations**"). In the event the Declarations remain in effect or if future orders or declarations authorize, the hearing may be conducted remotely, using communications media technology pursuant to Executive Orders 20-52, 20-69, 20-112, 20-123, 20-139, 20-150 and 20-179, issued by Governor DeSantis, and any extensions or supplements thereof, and pursuant to Section 120.54(5)(b)2., *Florida Statutes*. Information regarding participation in any remote hearing may be obtained by contacting the District Manager at (877) 276-0889.

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

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

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

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

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

PASSED AND ADOPTED this 28th day of September, 2020.

ATTEST:

EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A:[Engineer's Report], dated September 14, 2020Exhibit B:[Assessment Methodology Report], dated _____, 2020

<u>Exhibit A</u>

Engineer's Report

<u>Exhibit B</u> Assessment Methodology Report



A RESOLUTION OF EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT SUPPLEMENTING ITS RESOLUTION 2018-03 BY AUTHORIZING THE ISSUANCE OF ITS EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2020 (ASSESSMENT AREA TWO) IN A PRINCIPAL AMOUNT OF NOT EXCEEDING \$8,000,000 FOR THE PRINCIPAL **PURPOSE** OF ACOUIRING AND **CONSTRUCTING ASSESSABLE IMPROVEMENTS; DELEGATING TO** THE CHAIRMAN OR VICE CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE DISTRICT, SUBJECT TO COMPLIANCE WITH THE APPLICABLE PROVISIONS HEREOF, THE AUTHORITY TO AWARD THE SALE OF SUCH 2020 BONDS TO FMSBONDS, INC. BY EXECUTING AND DELIVERING TO SUCH UNDERWRITER A BOND PURCHASE CONTRACT AND APPROVING THE FORM THEREOF: APPROVING THE FORM OF AND AUTHORIZING THE THE **EXECUTION** OF SECOND **SUPPLEMENTAL** TRUST **INDENTURE; APPOINTING U.S. BANK NATIONAL ASSOCIATION AS** THE TRUSTEE, BOND REGISTRAR AND PAYING AGENT FOR SUCH 2020 BONDS: MAKING CERTAIN FINDINGS: APPROVING FORM OF SAID 2020 BONDS; APPROVING THE FORM OF THE PRELIMINARY LIMITED OFFERING MEMORANDUM AND AUTHORIZING THE USE BY THE UNDERWRITER OF THE PRELIMINARY LIMITED **OFFERING MEMORANDUM** AND THE LIMITED OFFERING MEMORANDUM AND THE EXECUTION OF THE LIMITED OFFERING MEMORANDUM: APPROVING THE FORM OF THE **CONTINUING DISCLOSURE AGREEMENT AND AUTHORIZING THE EXECUTION THEREOF: AUTHORIZING CERTAIN OFFICIALS OF** BONITA BEACH ROAD COMMUNITY DEVELOPMENT EAST DISTRICT AND OTHERS TO TAKE ALL ACTIONS REOUIRED IN **CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SAID** 2020 BONDS; PROVIDING CERTAIN OTHER DETAILS WITH **RESPECT TO SAID 2020 BONDS; AND PROVIDING AN EFFECTIVE** DATE.

WHEREAS, East Bonita Beach Road Community Development District (the "District") is authorized by Florida Statutes, Chapter 190 (the "Act") and Ordinance No. 08-02 and No. 16-02 of City of Bonita Springs, Florida, (the "Ordinance"), to issue its bonds for the purpose of acquiring and constructing assessable improvements all as provided in the Act and the Ordinance; and

WHEREAS, the District is authorized by the Act to make payments of principal, interest, and premium, if any, with respect to its bonds by levying and collecting special assessments on property located within the District and specially benefited by the assessable improvements to be financed with certain proceeds of its bonds; and

WHEREAS, the District pursuant to its Resolution 2018-03 as (the "First Resolution") authorized the issuance of its not exceeding \$15,000,000 principal amount of its special assessment revenue bonds (the "Bonds") in separate series for the purposes set forth in said First Resolution and approved the form of the Master Indenture (hereinafter defined) in substantially the form attached to the First Resolution; and

WHEREAS, the only Bonds previously issued by the District are its \$5,200,000 initial principal amount Special Assessment Revenue Bonds, Series 2018 (Assessment Area One); and

WHEREAS, the Bonds were validated by final judgment rendered by the Circuit Court in and for Lee County, Florida on February 5, 2020; and

WHEREAS, the District now desires to supplement the First Resolution, to authorize the issuance of and award the sale of its Special Assessment Revenue Bonds, Series 2020 (Assessment Area Two) (the "2020 Bonds") in a principal amount not exceeding \$8,000,000, to approve the Supplemental Indenture (hereinafter defined) and to provide for various other matters relating to the issuance of the 2020 Bonds; and

WHEREAS, the Board of Supervisors of the District (the "Board") has received from FMSbonds, Inc. (the "Underwriter") a proposal in the form of a Bond Purchase Contract (the "Contract") for the purchase of the 2020 Bonds and the Board has determined that acceptance of such proposal and the sale of the 2020 Bonds to the Underwriter is in the best interest of the District for the reasons hereafter indicated;

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

SECTION 1. Definitions. All words and phrases used herein in capitalized form, unless otherwise defined herein, shall have the meaning ascribed to them in the Indenture (hereinafter defined).

SECTION 2. Authorization. There is hereby authorized to be issued the 2020 Bonds in a principal amount not exceeding \$8,000,000. The 2020 Bonds shall be issued under and secured by that Master Trust Indenture dated as of September 1, 2018 (the "Master Indenture") as supplemented by that Second Supplemental Trust Indenture (the "Supplemental Indenture") both by and between the District and U.S. Bank National Association, as trustee (the "Trustee") (the Master Indenture and the Supplemental Indenture are referred to collectively as the "Indenture"). The proceeds of the 2020 Bonds shall be used for the purposes set forth in the Supplemental Indenture and the Limited Offering Memorandum (hereinafter defined).

SECTION 3. Approval of Supplemental Indenture; Appointment of Trustee. The Supplemental Indenture is hereby approved in substantially the form set forth as Exhibit A hereto and the Chairman or the Vice Chairman of the Board are hereby authorized and directed to execute and deliver such Supplemental Indenture on behalf of and in the name of the District and the Secretary or any Assistant Secretary of the Board is hereby authorized to attest such execution, with such additions and deletions therein as may be made and approved by the Chairman or the Vice Chairman executing the same, such execution to be conclusive evidence of

such approval. The Trustee is hereby appointed to serve as Trustee, Bond Registrar and Paying Agent under such Supplemental Indenture.

SECTION 4. Negotiated Sale. The Board hereby determines that a negotiated sale of the 2020 Bonds to the Underwriter is in the best interest of the District because of prevailing market conditions, because delays caused by soliciting competitive bids could adversely affect the District's ability to issue and deliver the 2020 Bonds at presently favorable interest rates, and because the nature of the security for the 2020 Bonds and the sources of payment of debt service on the 2020 Bonds require the participation of an underwriter in structuring the bond issue.

SECTION 5. Contract Approved. The Board hereby approves the Contract submitted by the Underwriter in substantially the form attached as **Exhibit B** hereto. The Chairman or Vice Chairman of the Board is hereby authorized to execute the Contract and to deliver the Contract to the Underwriter with such changes, amendments, modifications, omissions and additions as may be approved by the executing Chairman or Vice Chairman; provided that (i) the principal amount of the 2020 Bonds shall not exceed \$8,000,000; (ii) the arbitrage yield of the 2020 Bonds will not exceed four and one-half percent (4.5%) per annum; (iii) the Underwriter's discount shall not exceed two percent (2.0%) of the principal amount of the 2020 Bonds; (iv) the 2020 Bonds shall be subject to optional redemption no later than November 1, 2032 at a Redemption Price not in excess of 100% of the principal amount to be redeemed plus accrued interest to the redemption date; and (v) the final maturity of the 2020 Bonds shall be no later than the maximum allowed under applicable Florida law.

SECTION 6. Preliminary Limited Offering Memorandum and Limited Offering Memorandum. The District hereby approves the Preliminary Limited Offering Memorandum in substantially the form attached hereto as **Exhibit C** (the "Preliminary Limited Offering Memorandum") and authorizes its distribution and use by the Underwriter in connection with the offering for the sale of the 2020 Bonds. If between the date hereof and the mailing of the Preliminary Limited Offering Memorandum it is necessary to make insertions, modifications and changes to the Preliminary Limited Offering Memorandum, the Chairman or Vice Chairman is hereby authorized to approve such insertions, changes and modifications, and, the Chairman or Vice Chairman is hereby authorized to deem the Preliminary Limited Offering Memorandum "final" within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") under the Securities Exchange Act of 1934, in the form as mailed and in furtherance thereof to execute a certificate evidencing same. The preparation of a final Limited Offering Memorandum is hereby approved and the Chairman or Vice Chairman is hereby authorized to execute such final Limited Offering Memorandum to be dated the date of the award of the 2020 Bonds and, upon such award, to deliver the same to the Underwriter for use by it in connection with the sale and distribution of the 2020 Bonds. The Limited Offering Memorandum shall be substantially in the form of the final Preliminary Limited Offering Memorandum, with such changes as shall be approved by the Chairman or Vice Chairman as necessary to conform to the details of the 2020 Bonds and such other insertions, modifications and changes as may be approved by the Chairman or Vice Chairman. The execution and delivery of the Limited Offering Memorandum by the Chairman or Vice Chairman shall constitute evidence of the approval thereof. The District hereby authorizes the use of the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum and the information contained therein in connection with the offering and sale of the 2020 Bonds.

SECTION 7. Form of 2020 Bonds. The 2020 Bonds shall be in substantially the form as set forth in an exhibit to the Supplemental Indenture, with such additions, deletions and other changes thereto as the officials of the Board executing the 2020 Bonds shall approve, such approval to be conclusively evidenced by the execution of the 2020 Bonds (by manual or facsimile signature) by such officials. The Board hereby authorizes and approves the use of a facsimile of the District seal on the 2020 Bonds.

SECTION 8. Continuing Disclosure Agreement. The form and content of the Continuing Disclosure Agreement (the "Disclosure Agreement") relating to the 2020 Bonds attached hereto as **Exhibit D** is hereby approved. The Chairman or Vice Chairman and the Secretary or any Assistant Secretary are hereby authorized to execute on behalf of the District the Disclosure Agreement in substantially the form attached hereto, with such additions, deletions, and other changes as may be necessitated by applicable law, this Resolution and the Contract as such officers may approve (such approval to be conclusively evidenced by their execution of the Disclosure Agreement).

SECTION 9. Open Meetings. It is hereby found and determined that all official acts of this Board concerning and relating to the issuance, sale, and delivery of the 2020 Bonds, including but not limited to adoption of this Resolution, were taken in open meetings of the members of the Board and all deliberations of the members of the Board that resulted in such official acts were in meetings open to the public, in compliance with all legal requirements including, but not limited to, the requirement of Florida Statutes, Section 286.011.

SECTION 10. Other Actions. The Chairman, the Vice Chairman, the Secretary, any Assistant Secretary and the District Manager of the District, and any authorized designee thereof (collectively, the "District Officers"), Akerman LLP, as Bond Counsel, Hopping Green & Sams, P.A. the District's General Counsel, and any other consultant or experts retained by the District in connection with the issuance of the 2020 Bonds, are hereby authorized and directed to take all actions necessary or desirable in connection with the issuance and delivery of the 2020 Bonds and the consummation of all transactions in connection therewith. The District Officers are hereby authorized and directed to execute all necessary or desirable certificates, documents, papers, and agreements necessary to the undertaking and fulfillment of all transactions referred to in or contemplated by the Supplemental Indenture, the Preliminary Limited Offering Memorandum, the Limited Offering Memorandum, this Resolution, the Disclosure Agreement and the Contract.

SECTION 11. Approval of Prior Actions. All actions taken to date by the members of the Board and the officers, agents, and employees of the District in furtherance of the issuance of the Bonds are hereby approved, confirmed and ratified.

SECTION 12. Inconsistent Resolutions and Motions. All prior resolutions of the Board inconsistent with the provisions of this Resolution are hereby modified, supplemented and amended to conform with the provisions herein contained and, except as so modified, supplemented and amended hereby, shall remain in full force and effect.

SECTION 13. Severability. If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or ineffective for any reason, the remainder of this

Resolution shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this Resolution would have been adopted despite the invalidity or ineffectiveness of such section, paragraph, clause or provision.

SECTION 14. Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED this 28th day of September, 2020.

EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT

By:___

Chairman

[SEAL] Attest:

By:_

Secretary

Exhibit A: Form of Second Supplemental Trust Indenture

Exhibit B: Form of Bond Purchase Contract

Exhibit C: Form of Preliminary Limited Offering Memorandum and Limited Offering Memorandum

Exhibit D: Form of Continuing Disclosure Agreement











Hopping Green & Sams

Attorneys and Counselors

August 20, 2020

Board of Supervisors East Bonita Beach Road Community Development District c/o Craig Wrathell Wrathell, Hunt & Associates 2300 Glades Road, Suite 410W Boca Raton, Florida 33431

Re: Hopping Green & Sams 2020 Rates

Dear Board Members:

It has been our pleasure to serve as District counsel to the East Bonita Beach Road Community Development District ("District") since 2008. This letter sets forth our proposal for an adjustment in the legal fees charged to the District. The increases in billing rates for existing clients are based upon our costs of doing business, increases in the experience and expertise of our attorneys and market trends. We have enjoyed the opportunity to work with the District and appreciate this opportunity to address our rates.

Please note that in light of the financial difficulties faced by the District during the economic downturn, a bulk arrangement, and other considerations, we have not proposed annual rate increases contemplated by the Agreement between the District and our firm since 2012. With respect to fees for our services beginning in Fiscal Year 2020-2021, my hourly rate is proposed to adjust from \$205 to \$285, which represents an annual increase of approximately 3-4% per year. The hourly rate of Lauren Gentry the associate most likely to provide services to the District, is proposed to adjust from \$180 to \$240. The rate for paralegal services will increase from \$125 to \$150. I request these changes be made effective October 1, 2020.

As we have in the past, we will endeavor to keep our fees as low as possible to you, while maintaining our professional and ethical obligations to provide service. We do not expect these rates to negatively affect the District's budget.

We welcome the opportunity to discuss this proposal with you further. If you have any questions, please feel free to call.

Accepted:

Very truly yours,

HOPPING GREEN & SAMS, P.A.

J. Wayne Everett Chair, Board of Supervisors

Date:

/s/ Jennifer L. Kilinski

Jennifer L. Kilinski For the Firm