

Eagle Ridge Community Development District

12051 Corporate Boulevard, Orlando, FL 32817

Phone 407-382-3256; Fax 407-382-3254

Following is the proposed agenda for the Regular Board of Supervisors' Meeting for the Eagle Ridge Community Development District ("District") that is scheduled to be held on **Wednesday, August 8, 2018 at 10:30 a.m. at the 43700 Highway 27, Davenport, Florida 33837.**

For those unable to attend in person, you may participate by telephone:

Phone: 1-877-864-6450

Participant Code: 933751 (New Code)

Organizational Matters

- Call to Order
- Roll Call to Confirm a Quorum
- Public Comment Period
- 1. **Administer Oath of Office to Daniel Lopez**
- 2. **Consideration of the Minutes of the May 1, 2018 Board of Supervisors' Meeting**
- 3. **Consideration of Resolution 2018-04, Amending Resolution 2018-02 to Reschedule the Public Hearing Date Related to the Adoption of the Fiscal Year 2019 Budget**
- 4. **Consideration of Resolution 2018-05, Approving an Annual Meeting Schedule for Fiscal Year 2018-2019**

Business Matters

- 5. **Public Hearing on the Adoption of the District's Annual Budget**
 - a. **Public Comments and Testimony**
 - b. **Board Comments**
 - c. **Consideration of Resolution 2018-06, Adopting the Fiscal Year 2019 Budget and Appropriating Funds**
- 6. **Consideration of Funding Agreement for Fiscal Year 2018-2019**
- 7. **Review of Legislative Memo from District Counsel**
- 8. **Ratification of Funding Request # 54 – 57**
- 9. **Review of District's Financial Position and Budget to Actual Year to Date**

Other Business

- A. Staff Reports
 - 1. District Counsel
 - 2. District Manager
 - 3. District Engineer
- B. Audience Comments
- C. Supervisors Requests

Adjournment

**EAGLE RIDGE
COMMUNITY DEVELOPMENT
DISTRICT**

Administer Oath of Office to Daniel Lopez

**EAGLE RIDGE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
OATH OF OFFICE**

I, _____, A CITIZEN OF THE STATE OF FLORIDA AND OF THE UNITED STATES OF AMERICA, AND BEING EMPLOYED BY OR AN OFFICER OF EAGLE RIDGE COMMUNITY DEVELOPMENT DISTRICT AND A RECIPIENT OF PUBLIC FUNDS AS SUCH EMPLOYEE OR OFFICER, DO HEREBY SOLEMNLY SWEAR OR AFFIRM THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND OF THE STATE OF FLORIDA.

Board Supervisor

ACKNOWLEDGMENT OF OATH BEING TAKEN

STATE OF FLORIDA
COUNTY OF POLK

The foregoing oath was administered before me this ____ day of _____, 2018, by _____, who personally appeared before me, and is personally known to me or has produced _____ as identification, and is the person described in and who took the aforementioned oath as a Member of the Board of Supervisors of Eagle Ridge Community Development District and acknowledged to and before me that he/she took said oath for the purposes therein expressed.

(NOTARY SEAL)

Notary Public, State of Florida

Print Name: _____

Commission No.: _____ Expires: _____

**EAGLE RIDGE
COMMUNITY DEVELOPMENT
DISTRICT**

Minutes of the
May 1, 2018
Board of Supervisors' Meeting

EAGLE RIDGE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS' MEETING MINUTES

FIRST ORDER OF BUSINESS

Call to Order

The Board of Supervisors' Meeting for the Eagle Ridge Community Development District was called to order on Tuesday, May 1, 2018, at 10:43 a.m. at 43700 Highway 27, Davenport, Florida 33837. Board Members listed below constituted a quorum:

Anne Kabourek
Patsy Vanderveer
Jay Dicegle

Board Member
Board Member
Board Member

Also present were:

Michael Pawelczyk
Jennifer Walden

District Counsel (via phone)
Fishkind & Associates

SECOND ORDER OF BUSINESS

Public Comment Period

For the record, no members of the general public were in attendance at the meeting.

THIRD ORDER OF BUSINESS

**Consideration of Minutes of the
September 28, 2017 Board of
Supervisors' Meeting**

Board Members reviewed the minutes of the September 28, 2017 Board of Supervisors' meeting.

| |
|--|
| <p>On motion by Mr. Dicegle, second by Ms. Kabourek, with all in favor, the Board of Supervisors for the Eagle Ridge Community Development District adopted the Minutes of the September 28, 2017 Board of Supervisors' meeting.</p> |
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FOURTH ORDER OF BUSINESS

**Consideration of Minutes of the
November 7, 2017 Landowners'
Election**

Board Members reviewed the minutes of the November 7, 2017 Landowners' Election.

On motion by Ms. Kabourek, second by Mr. Dicegle, with all in favor, the Board of Supervisors for the Eagle Ridge Community Development District adopted the Minutes of the November 7, 2017 Landowners' Election.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2018-
03, Canvassing and Certifying the
Results of the Landowners'
Election**

Ms. Walden explained that this resolution canvasses and certifies the results of the Landowners' Election. Ms. Walden stated that Mr. Lopez received 702 votes, Ms. Vanderveer received 700 votes, and Mr. Dicegle received 702 votes.

So, Mr. Lopez and Mr. Dicegle will both serve a four-year term and Ms. Vanderveer will serve a two-year term. Ms. Walden requested a motion to approve Resolution 2018-03.

On motion by Ms. Kabourek, second by Mr. Clover, with all in favor, the Board of Supervisors for the Eagle Ridge Community Development District adopted Resolution 2018-03, Canvassing and Certifying the Results of the Landowners' Election.

SIXTH ORDER OF BUSINESS

**Letter from Supervisor of
Elections – Polk County**

Ms. Walden stated that this is required by statute to state on the record the number of registered voters in the District. Ms. Walden noted that the letter states that there are zero registered voters residing in the District. No action is required.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2018-
01, Election of Officers**

Ms. Walden explained that the current slate of Officers is as follows: Ms. Kabourek as Chair; Mr. Lopez, Ms. Vanderveer, and Mr. Clover as Assistant Secretaries; Dr. Fishkind as Treasurer; and Ms. Glasgow as Assistant Treasurer. This leaves the position of Vice-Chair open. Ms. Walden recommended Mr. Dicegle as Vice Chair; herself, Ms. Walden as Secretary; and Ms. Mullins as Assistant Secretary with keeping the other current officers the same.

On motion by Ms. Vanderveer, second by Mr. Dicegle, all in favor, the Board of Supervisors for the Eagle Ridge Community Development District approved Resolution 2018-01, Election of Officers, as follows: Ms. Anne Kabourek as Chair; Mr. Jay Dicegle as Vice Chair; Mr. Daniel Lopez, Ms. Patricia Vanderveer, Mr. Glenn Clover and Ms. Lynne Mullins as Assistant Secretaries; Ms. Jennifer Walden as Secretary;; Dr. Hank Fishkind as Treasurer; and Ms. Jennifer Glasgow as Assistant Treasurer.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2018-02, Approving a Preliminary Budget for Fiscal Year 2019 and Setting a Public Hearing Date

Ms. Walden explained that the preliminary budget is listed behind Tab 5 in the agenda package and District staff is proposing a small increase to add in the Audit which would increase the budget to \$11,825.00. Ms. Walden will check with District Counsel to see if an audit is necessary for this District. Ms. Walden suggested August 7, 2018 at 10:30 a.m. at this location as the public hearing date.

On motion by Ms. Kabourek, second by Ms. Vanderveer, with all in favor, the Board of Supervisors for the Eagle Ridge Community Development District approved Resolution 2018-02, Approving a Preliminary Budget and Set August 7, 2018 at 10:30 a.m. at 43700 Highway 27, Davenport, Florida 33837 for the Public Hearing.

NINTH ORDER OF BUSINESS

Consideration of Financial Advisory Agreement

Ms. Walden explained that this agreement is between the District and Fishkind & Associates, Inc. to update some changes regarding the MSRB for Financial Advisories. Ms. Walden noted that it states in there that there is a \$1,000.00 fee which is already included in the District Management fee. Ms. Walden requested a motion to approve the Financial Advisory Agreement.

On motion by Mr. Dicegle, second by Ms. Kabourek, with all in favor, the Board of Supervisors for the Eagle Ridge Community Development District approved the Financial Advisory Agreement with Fishkind & Associates, Inc.

TENTH ORDER OF BUSINESS

**Ratification of Funding Request
#45 – 53**

Board Members reviewed Funding Requests #45 – 53. Ms. Walden noted that the Chair previously approved these and they have been paid.

On motion by Ms. Kabourek, second by Mr. Dicegle, with all in favor, the Board of Supervisors for the Eagle Ridge Community Development District Ratified Funding Requests #45 – 53 .

ELEVENTH ORDER OF BUSINESS

**Review of District's Financial
Position and Budget to Actual
Year to Date**

Board Members reviewed the District's financial statements. Ms. Walden noted that the District is on budget. No action was required.

TWELFTH ORDER OF BUSINESS

Staff Reports

Attorney –

Mr. Pawelczyk reminded the Board that the deadline to submit their Form 1 Statement of Financial Interest is no later than July 1, 2018.

Manager –

No Report

THIRTEENTH ORDER OF BUSINESS

**Supervisor and Audience
Comments & Adjournment**

Ms. Walden asked if there were any Supervisor requests. Hearing none, a motion to adjourn was suggested.

On motion by Ms. Kabourek, second by Mr. Dicegle, with all in favor, May 1, 2018 meeting of the Eagle Ridge Community Development District Board of Supervisors was adjourned.

Secretary/Assistant Secretary

Chair/Vice-Chair

**EAGLE RIDGE
COMMUNITY DEVELOPMENT
DISTRICT**

Resolution 2018-04,
Amending Resolution 2018-02 to Reschedule the
Public Hearing Date Related to the Adoption of the
Fiscal Year 2019 Budget

RESOLUTION 2018-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAGLE RIDGE COMMUNITY DEVELOPMENT DISTRICT RATIFYING THE ACTIONS OF THE DISTRICT MANAGER IN RE-SCHEDULING AND RE-NOTICING THE PUBLIC HEARING ON THE DISTRICT'S ADOPTION OF THE FISCAL YEAR 2018/2019 BUDGET; AMENDING RESOLUTION 2018-02 TO SET THE PUBLIC HEARING THEREON FOR AUGUST 8, 2018, AT 10:30 A.M. AT 43700 HIGHWAY 27, DAVENPORT, FLORIDA 33837.

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

WHEREAS, the Board of Supervisors of the District (the "Board") previously adopted Resolution 2018-02, which, among other things, set the date, time, and location for the public hearing to consider the adoption of the District's proposed budgets for the fiscal year beginning October 1, 2018, and ending September 30, 2019 ("Fiscal Year 2018/2019"), for August 7, 2018, and

WHEREAS, due to lack of quorum, the Board was unable to hold the public hearing on August 7, 2018; and

WHEREAS, the District Manager, at the direction of the Chairman of the Board of Supervisors, rescheduled the date of the public hearing to August 8, 2018, at 10:30 a.m. at 43700 Highway 27, Davenport, Florida 33837, and caused notice thereof to be provided pursuant to Florida law.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EAGLE RIDGE COMMUNITY DISTRICT;

SECTION 1. Resolution 2018-02 is hereby amended to reflect the changed date of the public hearing on the adoption of the proposed budgets for Fiscal Year 2018/2019 from August 7, 2018 to August 8, 2018 at 10:30 a.m. at 43700 Highway 27, Davenport, Florida 33837.

SECTION 2. The action of the District Manager in re-scheduling and re-noticing the public hearing is hereby ratified and approved.

Adopted this 8th day of August, 2018.

ATTEST:

**EAGLE RIDGE COMMUNITY
DEVELOPMENT DISTRICT**

Secretary

By: _____
Its: _____

**EAGLE RIDGE
COMMUNITY DEVELOPMENT
DISTRICT**

Resolution 2018-05,
Approving an Annual Meeting Schedule for Fiscal
Year 2018-2019

RESOLUTION 2018-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF EAGLE RIDGE COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DATES, TIME AND LOCATION FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Eagle Ridge Community Development District (hereinafter 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 Mulberry, Florida; and

WHEREAS, the District is an independent special district as defined in Chapter 189, *Florida Statutes*, and subject to certain requirements therein; and

WHEREAS, Section 189.015(1), *Florida Statutes*, requires that the Board of Supervisors of the District (“Board”), file a schedule of its regular meeting dates, times, and location either quarterly, semi-annually, or annually with the local governing authority and the Florida Department of Economic Opportunity; and

WHEREAS, the District is required by Section 189.069(13), *Florida Statutes*, to post the regular meeting dates, times, and locations on its official website, and cause the same to be published in a newspaper of general circulation; and

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

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

Section 1. Regular meetings of the Board of the District shall be held as provided on the schedule attached as Exhibit “A”.

Section 2. In accordance with Sections 189.015 (1), and 189.069(13), *Florida Statutes*, the District’s Secretary is hereby directed to file this resolution with the City of Mulberry and Polk County, Florida, publish a notice of the regular meeting dates, times, and locations in a newspaper of general circulation, and post the same on the District’s official website.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 8TH DAY OF AUGUST, 2018.

EAGLE RIDGE COMMUNITY
DEVELOPMENT DISTRICT

CHAIRPERSON

ATTEST:

SECRETARY/ASSISTANT SECRETARY

EXHIBIT "A"
BOARD OF SUPERVISORS MEETING DATES
EAGLE RIDGE COMMUNITY DEVELOPMENT DISTRICT
FOR FISCAL YEAR 2018/2019

November 6, 2018

February 5, 2019

May 7, 2019

August 6, 2019

All meetings will convene at 10:30 a.m. on the specified dates at 43700 Highway 27, Davenport,
FL 33837.

**EAGLE RIDGE
COMMUNITY DEVELOPMENT
DISTRICT**

Resolution 2018-06,
Adopting the Fiscal Year 2019 Budget and
Appropriating Funds

RESOLUTION 2018-06

THE ANNUAL APPROPRIATION RESOLUTION OF THE EAGLE RIDGE DEVELOPMENT DISTRICT (THE "DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has, prior to the fifteenth (15th) day in June, 2018, submitted to the District's Board of Supervisors (the "Board") a proposed budget for the next ensuing budget year along with an explanatory and complete financial plan for each fund of the Eagle Ridge Community Development District, pursuant to the provisions of Section 190.008(2)(a), Florida Statutes; and

WHEREAS, at least sixty (60) days prior to the adoption of the proposed annual budget (the "Proposed Budget"), the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), Florida Statutes; and

WHEREAS, the Board set August 8, 2018, as the date for a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), Florida Statutes; and

WHEREAS, the District Manager posted the Proposed Budget on the District's website at least two days before the public hearing; and

WHEREAS, Section 190.008(2)(a), Florida Statutes, requires that, prior to October 1, of each year, the District Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

WHEREAS, the District Manager has prepared a Proposed Budget, whereby the budget shall project the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies, emergencies or other unanticipated expenditures during the fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF EAGLE RIDGE COMMUNITY DEVELOPMENT DISTRICT;

Section 1. Budget

- a. The Board of Supervisors has reviewed the District Manager's Proposed Budget, a copy of which is on file with the office of the District Manager and at the District's Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.
- b. The District Manager's Proposed Budget, as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), Florida Statutes, and incorporated herein by reference; provided, however, that the comparative figures contained in the adopted budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures for Fiscal Year 2018 and/or revised projections for Fiscal Year 2019.
- c. The adopted budget shall be maintained in the office of the District Manager and at the District's Records Office and identified as "The Budget for the Eagle Ridge Community Development District for the Fiscal Year Ending September 30, 2019", as adopted by the Board of Supervisors on August 8, 2018.

Section 2. Appropriations

There is hereby appropriated out of the revenues of the Eagle Ridge Community Development District, for the fiscal year beginning October 1, 2018, and ending September 30, 2019, the sum of \$_____ to be funded per the Developer Funding Agreement for Fiscal Year 2019, executed on August 8, 2018.

Section 3. Supplemental Appropriations

The Board may authorize by resolution, supplemental appropriations or revenue changes for any lawful purpose from funds on hand or estimated to be received within the fiscal year as follows:

- a. Board may authorize a transfer of the unexpended balance or portion thereof of any appropriation item.
- b. Board may authorize an appropriation from the unappropriated balance of any fund.
- c. Board may increase any revenue or income budget amount to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.

The District Manager and Treasurer shall have the power within a given fund to authorize the transfer of any unexpected balance of any appropriation item or any portion thereof, provided such transfers do not exceed Ten Thousand (\$10,000) Dollars or have the effect of causing more than 10% of the total appropriation of a given program or project to be transferred previously approved transfers included. Such transfer shall not have the effect of causing a more than \$10,000 or 10% increase, previously approved transfers included, to the original budget appropriation for the receiving program. Transfers within a program or project may be approved by the Board of Supervisors. The District Manager or Treasurer must establish administrative procedures which require information on the request forms proving that such transfer requests comply with this section.

Introduced, considered favorably, and adopted this 8th day of August, 2018.

ATTEST:

**BOARD OF SUPERVISORS OF THE
EAGLE RIDGE COMMUNITY
DEVELOPMENT DISTRICT**

Secretary

By: _____

Its: _____

Eagle Ridge Community Development District
Adopted Annual Operations & Maintenance Budget
Fiscal Year 2019

| <u>Revenues:</u> | Adopted Budget FY 2017-2018 | Adopted Budget FY 2018-2019 |
|----------------------------------|--------------------------------|--------------------------------|
| Developer Contribution | \$9,050 | \$8,825 |
| Total Revenues | \$9,050 | \$8,825 |
| <u>Expenditures:</u> | | |
| District Management | \$1,000 | \$1,000 |
| District Counsel | 3,000 | 3,000 |
| Audit Fees | 0 | 0 |
| General Liability, D&O Insurance | 2,000 | 2,000 |
| Telephone | 100 | 100 |
| Mailing Expenses | 50 | 50 |
| Printing & Binding | 100 | 100 |
| Legal Advertising | 1,500 | 1,500 |
| Dues, Licenses & Fees | 175 | 175 |
| Bank Fees | 225 | 0 |
| Website maintenance | 900 | 900 |
| Total Expenditures | \$9,050 | \$8,825 |

**EAGLE RIDGE
COMMUNITY DEVELOPMENT
DISTRICT**

Funding Agreement for Fiscal Year 2018-2019

**EAGLE RIDGE COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2018/2019 FUNDING AGREEMENT**

This agreement (“**Agreement**”) is made and entered into this ___ day of _____, 2018, by and between:

EAGLE RIDGE COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, and located in the City of Mulberry, Florida (hereinafter "**District**"), and

EAGLE RIDGE (MULBERRY), LLC a Florida limited liability company and a landowner in the District (hereinafter "**Developer**").

RECITALS

WHEREAS, the District was established by an ordinance adopted by the City Council of the City of Mulberry, Florida, 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 developing the majority of all real property described in **Exhibit A**, attached hereto and incorporated herein (“**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 Fiscal Year 2018/2019, which year commences on October 1, 2018, and concludes on September 30, 2019; and

WHEREAS, this general fund 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 2018/2019 Fiscal Year budget, or utilizing such other revenue sources as may be available to it; and

WHEREAS, in lieu of levying assessments on the Property, the 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, the Developer agrees that the 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, the 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 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 of which and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **FUNDING.** The 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 2018/2019 Fiscal Year 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. These payments are made by the Developer in lieu of taxes, fees, or assessments which might otherwise be levied or imposed by the District.

2. **CONTINUING LIEN.** 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 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 date and time of the recording of a "Notice of Lien for FY 2018/2019 Budget" in the public records of Polk County, Florida, stating among other things, the description of the real property and the amount due as of the recording of the Notice, and the existence of this Agreement. The District Manager, in its sole discretion, is hereby authorized by the District to file the Notice of Lien for FY 2018/2019 Budget on behalf of the District, without the need of further Board action authorizing or directing such filing. At the District Manager's direction, the District may also 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 the Developer has demonstrated, in the District's sole discretion, such release will not materially impair the ability of the District to enforce the collection of funds hereunder. In the event the Developer sells any of the Property described in **Exhibit A** after the execution of this Agreement, the Developer's rights and obligations under this Agreement shall remain the same, provided however that the District shall only have the right to file a lien upon the remaining Property owned by the Developer.

3. **ALTERNATIVE COLLECTION METHODS.**

a. In the alternative or in addition to the collection method set forth in Paragraph 2 above, the District may enforce the collection of funds due under this Agreement by action against the Developer in the appropriate judicial forum in and for Polk 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 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. The 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 Polk County property appraiser.

4. **AGREEMENT; AMENDMENTS.** 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.

5. **AUTHORIZATION.** 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.

6. **ASSIGNMENT.** 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.

7. **DEFAULT.** 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 Paragraphs 2 and 3 above.

8. **THIRD PARTY RIGHTS; TRANSFER OF PROPERTY.** 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 the 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, the Developer shall continue to be bound by the terms of this Agreement and additionally shall expressly require that the purchaser agree to be bound by the terms of this Agreement. The Developer shall give 90 days prior written notice to the District under this Agreement of any such sale or disposition.

9. **FLORIDA LAW GOVERNS.** This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida.

10. **ARM'S LENGTH TRANSACTION.** 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.

11. **EFFECTIVE DATE.** The 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

Attest:

**EAGLE RIDGE COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

By: _____
Its: _____

EAGLE RIDGE (MULBERRY), LLC a
Florida limited liability company

By: Alafia & Eagle Ridge (Mulberry)
Venture, LLLP, Delaware limited liability
limited partnership, its member/manager

By: Alafia & Eagle Ridge (Mulberry) ASLI
V, LLLP, a Delaware limited liability limited
partnership, its sole general partner

By: Avanti Properties Group II, L.L.L.P., a
Delaware limited liability limited
partnership, its sole general partner

By: Avanti Management Corporation, a
Florida corporation, its sole general partner

By: _____
Its: _____

- EXHIBIT A:** Property Description
- EXHIBIT B:** Fiscal Year 2018/2019 General Fund Budget

EXHIBIT "A"

LEGAL DESCRIPTION OF LANDS ENCOMPASSED WITH THE
EAGLE RIDGE COMMUNITY DEVELOPMENT DISTRICT

543722 v6

North74°53'54"West, 1658.42 feet, thence North52°33'28"West, 851.72 feet; thence North64°40'59"West, 81.50 feet; thence North00°22'34"West, 306.29 feet to the point of Beginning.

LESS AND EXCEPT: (The Martha Smith parcel)

A portion of that certain parcel of land as described and recorded in Official Record Book 3661, Page 874, Public Records of Polk County, Florida, said parcel identified under Section 9 in paragraph (ii) being a part of the Southwest quarter of the Northwest quarter of Section 9, Township 30 South, Range 23 East, Polk County, Florida, bounded on the East by those certain parcels described and recorded in said Official Record Book 3661, page 874, identified under Section 9 in paragraphs (f) and (j), bounded on the West by that certain parcel described and recorded in said Official Record Book 3661, page 874, identified under Section 9 in paragraph (h) and bounded on the North by that certain parcel of land as described and recorded in Official Record Book 4885, Page 610, Public Records of Polk County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 9; thence North00°27'07"West along the East line thereof a distance of 360.00 feet; thence South89°41'15"West a distance of 326.00 feet to the West line of aforesaid parcel identified under Section 9 in paragraph (f); thence North00°29'57"West along said West line a distance of 253.07 feet to the POINT OF BEGINNING; thence continue North00°29'57"West along said West line of parcel in paragraph (f) and continuing along the West line of aforesaid parcel identified under Section 9 paragraph (j) a distance of 94.50 feet to the boundary line of aforesaid parcel as described and recorded in Official Record Book 4885, Page 610; thence South79°27'49"West along said boundary line a distance of 77.42 feet to the East line of aforesaid parcel identified under Section 9 in paragraph (h); thence South10°48'45"East along said East line a distance of 93.56 feet; thence North78°59'22"East a distance of 60.50 feet to the POINT OF BEGINNING. Containing 0.15 acres MORE OR LESS.

LESS AND EXCEPT: (Corrective Deed Parcel)

Begin 988 feet North and 328.86 feet West of the Southeast corner of the Southwest 1/4 of the Northwest 1/4 of Section 9, Township 30 South, Range 23 East, Polk County, Florida, run then North 105 feet, thence West 100 feet, thence South 105 feet, thence East 100 feet to the Point of Beginning.

LESS AND EXCEPT: (Corrective Deed Parcel)

Begin 440 feet North of the Southwest corner of the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 8, Township 30 South, Range 23 East, Polk county, Florida, for a Point of Beginning, run thence North 30 feet, thence East 105 feet, thence South 30 feet, thence West 105 feet to the Point of Beginning.

EAGLE RIDGE

Legal Description

PARCEL 3

That part of Sections 4, 5, 8 and 9, of Township 30 South, Range 23 East, Polk County, Florida, described as follows:

Begin at the Southwest corner of Section 5, Township 30 South, Range 23 East, and run North00°23'14"West, along the West boundary of Section 5 a distance of 3341.93 feet to a point on the South boundary of a Conservation Easement (recorded in Official Records, Book 2731, Page 840, of the Public Records of Polk County, Florida), said point being Point Number 4071 in said Official Records Book legal description; thence along said South boundary of said Conservation Easement the following 16 courses (1) North75°16'45"East, 2531.01 feet; thence (2) North41°55'10"East, 340.56 feet; thence (3) North62°29'02"East, 398.11 feet; thence (4) South60°45'04"East, 566.58 feet; thence (5) South34°14'00"East, 870.91 feet; thence (6) South28°00'04"East, 1281.25 feet; thence (7) South23°44'00"East, 1067.05 feet; thence (8) South33°59'34"East, 1749.05 feet; thence (9) North72°36'27"East, 355.88 feet; thence (10) South75°27'06"East, 331.51 feet; thence (11) South49°46'22"East, 782.22 feet; thence (12) South37°53'35"East, 996.94 feet; thence (13) North54°34'52"East, 296.55 feet; thence (14) South39°11'18"East, 138.79 feet; thence (15) South64°00'45"West, 73.69 feet, thence (16) South25°59'15"East, 60.00 feet to a point on the North Right-of-Way line of State Road No. 676; thence South60°08'55"West, along said North Right-of-Way, 1302.66 feet; thence South64°33'05"West, 254.93 feet; thence South25°18'13"East, 9.99 feet; thence along a curve having a Radius of 1322.21 feet, Delta of 05°19'36", a Chord Distance of 122.88 feet, a Chord Bearing of South67°21'30"West, an Arc length of 122.92 feet; thence leaving said North Right-of-Way, North11°42'47"West, 60.00 feet, thence North04°04'59"West, 21.84 feet; thence North 05°22'45"West, 73.77 feet; thence North01°51'10"West, 99.98 feet; thence North01°50'01"West, 99.98 feet; thence North02°22'16"West, 100.07 feet; thence North12°40'31"West, 22.33 feet; thence North03°35'33"West, 226.47 feet; thence South89°34'45"West, 346.70 feet; thence South00°31'54"East, 385.23 feet; thence South79°26'08"West, 288.83 feet; thence South11°34'40"East, 124.58 feet; thence South88°46'34"West, 287.81 feet; thence South89°21'36"West, 131.11 feet; thence North00°30'54"West, 121.58 feet; thence South89°17'13"West, 313.19 feet; thence South00°20'01"West, 229.66 feet; thence South89°53'50"West, 248.23 feet; thence North00°34'51"West, 209.97 feet; thence South89°59'39"West, 199.98 feet; thence South25°43'58"West, 10.34 feet; thence South01°21'43"West, 209.62 feet; thence South00°11'10"West, 285.29 feet to a point on the North Right-of-Way of Nichols Road (State Road No. 676); thence along said North Right-of-Way, North87°55'44"West, 84.84 feet; thence North89°10'07"West, 99.85 feet; thence North89°28'26"West, 100.10 feet; thence North88°58'38"West, 100.55 feet; thence leaving said North Right-of-Way, North42°53'42"West, 177.06 feet; thence South87°17'53"West, 312.71 feet; thence North52°07'43"West, 1688.23 feet; thence North49°47'11"West, 282.88 feet; thence South45°45'44"West, 170.03 feet; thence

Eagle Ridge Community Development District
Adopted Annual Operations & Maintenance Budget
Fiscal Year 2019

Exhibit B

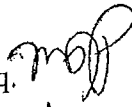
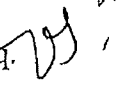
| <u>Revenues:</u> | Adopted Budget FY 2017-2018 | Adopted Budget FY 2018-2019 |
|----------------------------------|--------------------------------|--------------------------------|
| Developer Contribution | \$9,050 | \$8,825 |
| Total Revenues | <u>\$9,050</u> | <u>\$8,825</u> |
| | | |
| <u>Expenditures:</u> | | |
| District Management | \$1,000 | \$1,000 |
| District Counsel | 3,000 | 3,000 |
| Audit Fees | 0 | 0 |
| General Liability, D&O Insurance | 2,000 | 2,000 |
| Telephone | 100 | 100 |
| Mailing Expenses | 50 | 50 |
| Printing & Binding | 100 | 100 |
| Legal Advertising | 1,500 | 1,500 |
| Dues, Licenses & Fees | 175 | 175 |
| Bank Fees | 225 | 0 |
| Website maintenance | 900 | 900 |
| Total Expenditures | <u>\$9,050</u> | <u>\$8,825</u> |

**EAGLE RIDGE
COMMUNITY DEVELOPMENT
DISTRICT**

Legislative Memo from District Counsel

MEMORANDUM

TO: District Manager

FROM: Michael J. Pawelczyk, Esq. 
Vanessa T. Steinerts, Esq. 

DATE: June 22, 2018

RE: 2018 Legislative Session, Recently Approved Legislation

Attached please find copies of three (3) new laws recently adopted by the Florida Legislature during the 2018 Legislative Session and enacted into law. These new laws could have some impact on special districts and are summarized below.

1. Chapter 2018-52, Laws of Florida. This act prohibits a company that is on the "Scrutinized Companies that Boycott Israel" List or that is engaged in boycott of Israel, from bidding on, submitting proposals for, or entering into or renewing a contract for any amount with an agency or local governmental entity for goods or services. A company that is on the "Scrutinized Companies with Activities in Sudan" List, or the "Scrutinized Companies with Activities in the Iran Petroleum Energy Sector" List, or which is engaged in business operations in Cuba or Syria, is ineligible to, and may not, bid on, submit a proposal for, or enter into or renew a contract with an agency or local governmental entity for goods or services in the amount of One Million Dollars (\$1,000,000) or more. At the time a company submits a bid or proposal for a contract or before the company enters into or renews a contract with an agency or local governmental entity for goods or services, the company must certify that the company is eligible under the Section 287.135, Florida Statutes. This section provides for certain exceptions and requires contracts that have already been entered into to contain termination provisions.

This legislation becomes effective July 1, 2018.

2. Chapter 2018-146, Laws of Florida. This act relates to public record laws and provides for a new exemption from public records disclosure requirements for fire safety systems of certain properties held by an agency and exempts from public records and public meetings requirements portions of meetings that would reveal fire safety system plans held by an agency. The act provides for a retroactive application of the exemption.

This legislation became effective on April 6, 2018.

3. Chapter 2018-158, Laws of Florida. The act provides that special districts that are building, improving or expanding public facilities addressed by a development order issued to a developer may use the most recent local government report submitted by the developer on a development of regional impact required by Section 380.06(6), Florida Statutes, as its public facilities report, provided that all information required by Section 189.08(2), Florida Statutes, is in the report.

This law became effective April 6, 2018.

Should you have any questions regarding these newly enacted laws please do not hesitate to contact this office.

**EAGLE RIDGE
COMMUNITY DEVELOPMENT
DISTRICT**

Funding Request # 54 – 57

Anne Kabourek
Avanti Properties Group
923 N. Pennsylvania Ave.
Winter Park, FL 32789
(407) 628-8488
(407) 644-3115
akabourek@avantiprop.com

Eagle Ridge CDD
4/23/2018
Funding Request # 54

| <u>Vendor</u> | <u>Invoice Number</u> | <u>Invoice Date</u> | <u>Fiscal Year</u> | <u>Category</u> | <u>Amount</u> |
|-------------------------------|-----------------------|---------------------|--------------------|-------------------------------|----------------------|
| 1 Billing Lyles Cochran | 148534 | 3/31/2018 | FY 18 | Legal Fees - March 2018 | 250.00 |
| 2 Fishkind & Associates, Inc. | 22474 | 4/10/2018 | FY 18 | 3rd Quarter - DM Fee & Reimb. | 479.26 |
| | | | | TOTAL | <u>729.26</u> |

Secretary

Chairman

Anne Kabourek
Avanti Properties Group
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(407) 628-8488
(407) 644-3115
akabourek@avantiprop.com

Eagle Ridge CDD
5/30/2018
Funding Request # 55

| <u>Vendor</u> | <u>Invoice Number</u> | <u>Invoice Date</u> | <u>Fiscal Year</u> | <u>Category</u> | <u>Amount</u> |
|-------------------------|-----------------------|---------------------|--------------------|-------------------------|----------------------|
| 1 Billing Lyles Cochran | 149285 | 4/30/2018 | FY 18 | Legal Fees - April 2018 | 250.00 |
| | | | | TOTAL | <u><u>250.00</u></u> |

Secretary

Chairman

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Eagle Ridge CDD
6/25/2018
Funding Request # 56

| <u>Vendor</u> | <u>Invoice Number</u> | <u>Invoice Date</u> | <u>Fiscal Year</u> | <u>Category</u> | <u>Amount</u> |
|-------------------------|-----------------------|---------------------|--------------------|-----------------------|----------------------|
| 1 Billing Lyles Cochran | 149788 | 5/31/2018 | FY 18 | Legal Fees - May 2018 | 250.00 |
| | | | | TOTAL | <u><u>250.00</u></u> |

Secretary

Chairman

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akabourek@avantiprop.com

Eagle Ridge CDD
7/24/2018
Funding Request # 57

| | <u>Vendor</u> | <u>Invoice Number</u> | <u>Invoice Date</u> | <u>Fiscal Year</u> | <u>Category</u> | <u>Amount</u> |
|---|-----------------------------|-----------------------|---------------------|--------------------|-------------------------------|----------------------|
| 1 | Billing Lyles Cochran | 150561 | 6/30/2018 | FY 18 | Legal Fees - June 2018 | 250.00 |
| 2 | Fishkind & Associates, Inc. | 22990 | 7/9/2018 | FY 18 | 4th Quarter - DM Fee & Reimb. | 516.84 |
| | | | | | TOTAL | <u><u>766.84</u></u> |

Secretary

Chairman

**EAGLE RIDGE
COMMUNITY DEVELOPMENT
DISTRICT**

District's Financial Position and Budget to Actual
Year to Date

Eagle Ridge CDD
Statement of Activities
As of 6/30/2018

General Fund

Revenues

| | |
|-------------------------|-------------------|
| Developer Contributions | \$5,691.88 |
| Total Revenues | <u>\$5,691.88</u> |

Expenses

| | |
|--------------------------|-------------------|
| Insurance | \$1,701.00 |
| Management | 750.00 |
| District Counsel | 2,000.00 |
| Telephone | 4.86 |
| Postage & Shipping | 6.10 |
| Legal Advertising | 379.92 |
| Web Site Maintenance | 675.00 |
| Dues, Licenses, and Fees | 175.00 |
| Total Expenses | <u>\$5,691.88</u> |

Other Revenues (Expenses) & Gains (Losses)

| | |
|--|---------------|
| Total Other Revenues (Expenses) & Gains (Losses) | <u>\$0.00</u> |
|--|---------------|

| | |
|----------------------|--------|
| Change In Net Assets | \$0.00 |
|----------------------|--------|

| | |
|---------------------------------|-----------------|
| Net Assets At Beginning Of Year | <u>\$765.17</u> |
|---------------------------------|-----------------|

| | |
|---------------------------|------------------------|
| Net Assets At End Of Year | <u><u>\$765.17</u></u> |
|---------------------------|------------------------|

Eagle Ridge CDD
Statement of Financial Position
As of 6/30/2018

General Fund

Assets

Current Assets

| | |
|--|-------------------|
| General Checking Account | \$765.17 |
| Accounts Receivable - Due from Developer | 250.00 |
| Total Current Assets | <u>\$1,015.17</u> |

Total Assets

\$1,015.17

Liabilities and Net Assets

Current Liabilities

| | |
|---------------------------|-----------------|
| Accounts Payable | \$250.00 |
| Total Current Liabilities | <u>\$250.00</u> |

Total Liabilities

\$250.00

Net Assets

| | |
|---------------------------------|-----------------|
| Net Assets - General Government | \$765.17 |
| Total Net Assets | <u>\$765.17</u> |

Total Liabilities and Net Assets

\$1,015.17

Eagle Ridge CDD
 Budget to Actual
 For the period of 10/1/2017 Through 06/30/2018

| | Year To Date | | | FY 18 Budget |
|---|----------------------|----------------------|----------------------|----------------------|
| | Actual | Budget | Variance | |
| <u>Revenues</u> | | | | |
| Developer Contributions | \$5,691.88 | \$6,787.50 | \$(1,095.62) | \$9,050.00 |
| Net Revenues | <u>\$5,691.88</u> | <u>\$6,787.50</u> | <u>\$(1,095.62)</u> | <u>\$9,050.00</u> |
| <u>General & Administrative Expenses</u> | | | | |
| Insurance | \$1,701.00 | \$1,500.00 | \$201.00 | \$2,000.00 |
| Management | 750.00 | 750.00 | \$0.00 | 1,000.00 |
| District Counsel | 2,000.00 | 2,250.00 | \$(250.00) | 3,000.00 |
| Telephone | 4.86 | 75.00 | \$(70.14) | 100.00 |
| Postage & Shipping | 6.10 | 37.50 | \$(31.40) | 50.00 |
| Copies | 0.00 | 75.00 | \$(75.00) | 100.00 |
| Legal Advertising | 379.92 | 1,125.00 | \$(745.08) | 1,500.00 |
| Bank Fees | 0.00 | 168.75 | \$(168.75) | 225.00 |
| Web Site Maintenance | 675.00 | 675.00 | \$0.00 | 900.00 |
| Dues, Licenses, and Fees | 175.00 | 131.25 | \$43.75 | 175.00 |
| Total General & Administrative Expenses | <u>\$5,691.88</u> | <u>\$6,787.50</u> | <u>\$(1,095.62)</u> | <u>\$9,050.00</u> |
| Total Expenses | <u>\$5,691.88</u> | <u>\$6,787.50</u> | <u>\$(1,095.62)</u> | <u>\$9,050.00</u> |
| Net Income (Loss) | <u><u>\$0.00</u></u> | <u><u>\$0.00</u></u> | <u><u>\$0.00</u></u> | <u><u>\$0.00</u></u> |