



**AVE MARIA STEWARDSHIP
COMMUNITY DISTRICT**

**COLLIER COUNTY
REGULAR BOARD MEETING
OCTOBER 6, 2020
9:00 A.M.**

Special District Services, Inc.
The Oaks Center
2501A Burns Road
Palm Beach Gardens, FL 33410

www.avemariastewardshipcd.org

561.630.4922 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
AVE MARIA STEWARDSHIP COMMUNITY DISTRICT
REGULAR BOARD MEETING

October 6, 2020

9:00 a.m.

Ave Maria Master Association (office/fitness center)

5076 Annunciation Circle, Suite 103

Ave Maria, Florida 34142

or

TO JOIN VIA ZOOM:

<https://us02web.zoom.us/j/81194690957>

MEETING ID: 811 9469 0957

DIAL IN AT: 1 929 436 2866

- A. Call to Order
- B. Pledge of Allegiance
- C. Invocation
- D. Proof of Publication.....Page 1
- E. Establish Quorum
- F. Additions or Deletions to Agenda
- G. Comments from the Public for Items Not on the Agenda
- H. Approval of Minutes
 - 1. September 7, 2020 Regular Board Meeting & Public Hearing Minutes.....Page 2
- I. Community Updates:
 - 1. Landscape Maintenance
- J. Old Business
- K. New Business
 - 1. Consider Resolution No. 2020-14 – Responding to Easement Encroachment Requests.....Page 11
 - Audience Comments
- L. Administrative Matters
 - 1. Legal Report
 - 2. Engineer Report
 - 3. Manager’s Report
 - a. AMSCD Projects Update.....Page 17
 - b. Financials.....Page 18
- M. Board Members Comments
- N. Adjourn

Naples Daily News

Sept. 29, 2020

Miscellaneous Notices

AVE MARIA STEWARDSHIP COMMUNITY DISTRICT NOTICE OF REGULAR BOARD MEETING The Board of Supervisors of the Ave Maria Stewardship Community District (the "District") will hold a Regular Board Meeting ("meeting") at 9:00 a.m. on October 6, 2020, in the Ave Maria Master Association located at 5076 Annunciation Circle, Suite 103, Ave Maria, Florida 34142 for the purpose of addressing District related items as noted on the Agenda. At such time the Board is so authorized and may consider any business that may properly come before it. A copy of the agenda may be obtained at the offices of the District Manager, Special District Services, Inc., 2501A Burns Road, Palm Beach Gardens, Florida 33410 (561) 630-4922, during normal business hours, or by visiting the District's website at www.avemariascd.org. It is anticipated that the meeting will take place at the location referenced above. In the event that the COVID-19 public emergency prevents the meeting from occurring in-person, the District may conduct the meeting by telephone or video conferencing communications media technology pursuant to governmental orders, including but not limited to Executive Orders 20-52, 20-69, 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. While it may be necessary to hold the above referenced meeting utilizing communications media technology due to the current COVID-19 public health emergency, the District fully encourages public participation in a safe and efficient manner. To that end, anyone wishing to listen to and/or participate in the meeting can do so utilizing the following login information: Join by URL for VIDEO ACCESS at: <https://us02web.zoom.us/j/81194690957> Meeting ID: 811 9469 0957 Dial In at: 1 929 436 2866 Participants are strongly encouraged to submit questions and comments to the District Manager's Office at akarmeris@sdsinc.org or by calling (561) 630-4922 by October 2, 2020, at 5:00 p.m. in advance of the meeting to facilitate the Board's consideration of such questions and comments during the meeting. The meeting is open to the public and will be conducted in accordance with the provisions of Florida law. The meeting may be continued to a date, time and place to be specified on the record at the meeting. There may be occasions when Board Supervisors or District Staff may participate by speak telephone. Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY)/1-800-955-8770 (Voice), for aid in contacting the District Manager's office. East person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that person will need a record of proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based. AVE MARIA STEWARDSHIP COMMUNITY DISTRICT www.avemariastewarshipcd.org September 29, 2020 #4393329

**AVE MARIA STEWARDSHIP COMMUNITY DISTRICT
REGULAR BOARD MEETING
SEPTEMBER 1, 2020
TO JOIN VIA ZOOM:
<https://us02web.zoom.us/j/89509047312>
MEETING ID: 895 0904 7312
DIAL IN AT: 1 929 436 2866**

A. CALL TO ORDER

The September 1, 2020, Regular Board Meeting of the Ave Maria Stewardship Community District was called to order at 9:0a a.m. via Zoom.

B. PLEDGE OF ALLEGIANCE

C. INVOCATION

D. PROOF OF PUBLICATION

Proof of publication was presented indicating that notice of the Regular Board Meeting had been published in the *Naples Daily News* on August 12, 2020, and August 19, 2020, as legally required.

E. ESTABLISH A QUORUM

A quorum was established with the following:

Board of Supervisors

Chairman	Thomas Peek	Present
Vice Chair	Liesa Priddy	Present
Supervisor	Jay Roth	Present
Supervisor	Tom DiFlorio	Present
Supervisor	Robb Klucik	Present

District Staff in virtual attendance were:

District Manager	Todd Wodraska	Special District Services, Inc.
District Manager	Kathleen Meneely	Special District Services, Inc.
District Manager	Andrew Karmeris	Special District Services, Inc.
General Counsel	Jonathan Johnson	Hopping, Green & Sams
General Counsel	Alyssa Willson	Hopping, Green & Sams

District Engineer	Ted Tryka	Agnoli Barber & Brundage, Inc.
Owner Representative	David Genson	Barron Collier Companies

Also virtually present were the following:

Jason Bassler from Davie (Landscaping) and Roger, Donny Diaz, J Sonalia, County Commissioner Bill McDaniel, Ronny Lambotte, Kim Twiss, J Vogel, Debbi Oswald, Jim Rabenstine, Tommy Guscinski, Mark Anderson, Beatrice Sanford and Mya Ramero.

F. ADDITIONS OR DELETIONS TO THE AGENDA

Mr. Klucik suggested moving up items 1,2 and 7 from New Business because that is what most of the people in town may be interested in.

There were no objections from the Board.

G. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no comments from the public for items not on the agenda.

H. APPROVAL OF MINUTES

1. July 7, 2020, Regular Board Meeting

The July 7, 2020, Regular Board Meeting minutes were presented.

A **motion** was made by Mr. Peek, seconded by Mr. DiFlorio and passed unanimously approving the July 7, 2020, Regular Board Meeting minutes, as presented.

I. COMMUNITY UPDATES

1. Landscape Maintenance

The gentlemen from Davie (Jason Bassler and Roger) gave an update on the challenges they are experiencing in the community. The biggest issue is the change in products since they stopped using glyphosate. They are now using Cheetah Pro and that has been a big challenge, but with the rain, it takes much longer to be absorbed by the weeds, so they are not dying. They are trying a product called Spectacle as well. They have been working overtime, but the biggest challenges have been the change in products, the rain, and the lack of mulch in the community. They have been fertilizing and doing the weed control. Roger – everything that Jason just said is accurate, but to add, they have been working with the guys to trim all the shrubs and hedges on the property. The heavy rain and thunderstorms have their prevented employees from working, but they are pushing forward.

Mr. Klucik – the Roundup situation - what do you think the long-term solution is? Jason – we are not satisfied with what we are using at the moment. We were happy with Cheetah Pro before the heavy rain months. The issue is that the plants need approximately 6 hours to absorb the Cheetah Pro, but

rain can prevent that from happening. We are hiring additional personnel to hand the pulling of weeds until a better alternative to glysohate (Roundup) is found.

Mr. Klucik – do you think industry-wide will go away from glysohate? Jason – the legal liability of using glysohate is the only reason we are not using it. The big companies producing weed killers are working on more effective alternatives to glysohate.

Mr. Klucik – what is the feedback mechanism to make sure the onsite manager knows what is going onsite for things that are not part of your contract? Roger – I go through Donny and he contacts who needs to be contacted regarding anything I see. Kim Twiss – Roger does get with Donny and discuss any areas that need work. Jason – we have a quality site assessment that is done.

Mr. DiFlorio – this is a lot more than weeds. There are areas where the grass is not cut, the hedges are not trimmed, there are a lot of overgrown areas that need to be addressed. That was a few months ago, it looks as if things are getting better, so I am glad you are getting it under control. Jason – I have not been on site since March due to COVID, but we are on it and getting extra employees to manage the property.

Donny – The Park of Commerce is the current focus; we are putting new sod over there and I have been working with Davie to get the Park in shape.

1. Discussion Regarding SRA Agreement

David Genson –a neighborhood meeting was held last Wednesday and was well attended. He reported that Ave Maria Development is looking at changing the SRA that would include items such as:

- increase allowable civic uses;
- to establish a trip cap for the town to allow a shift in the different mixes of uses;
- make changes to the Town Center
- change the size of multi-family acreage.

Mr. Genson noted that they were working to get hospital decision by the end of the year, doing what they can with Mr. Braden. People were worried we would be overbuilding multifamily, but that is not the intent. The intent is to make it easier for the site planning.

One of the question that has come up is “what is the legal authority of the District on zoning?” Ms. Willson noted that the district was a special purpose unit of local government and does not have the power on zoning, which is outside the District’s authority.

Mr. Klucik noted that the District gave the developer carte blanche to the sign easement. I would like to take a closer look at what is going on with the signs. David Genson – this just came up at the approval of Hyde Park due to lifestyle signs not being in compliance. Ms. Priddy asked if those lifestyle signs were within the community? Mr. Genson noted that they were all within the community.

2. Discussion Regarding Easement Encroachments

Mr. Genson noted that people were individually requesting letters from Ave Maria. We thought it may be easier to do one across the entire community. Ultimately, every permit that is being pulled

would have to come to us for approval. Ms. Willson noted that it was essential the waiver would provide protection to the District.

3. Consider Resolution No. 2020-13 – Adopting a Fiscal Year 2020/2021 Meeting Schedule

Resolution No. 2020-13 was presented, entitled:

RESOLUTION NO. 2020-13

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2020/2021 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Klucik indicated that residents in town prefer evening meetings.

A **motion** was made by Mr. Klucik, seconded by Ms. Priddy, changing the June 1, 2021, meeting to an evening meeting.

After further discussion, Mr. Klucik made a **motion** changing the November meeting to November 10th at 6:00 p.m. and the June 1st meeting to also be held at 6:00 p.m. That **motion** was seconded by Ms. Priddy and carried unanimously.

Mr. Klucik left the meeting at 9:58 a.m.

The Regular Board Meeting was then recessed and the Public Hearing was opened.

J. PUBLIC HEARING

1. Proof of Publication

Proof of publication was presented indicating that notice of the Public Hearing had been published in the *Naples Daily News* on August 12, 2020, and August 19, 2020, as legally required.

2. Receive Public Comment on the Fiscal Year 2020/2021 Final Budget

There was no public comment on the Fiscal Year 2020/2021 Final Budget.

3. Consider Resolution No. 2020-08 – Adopting a Fiscal Year 2020/2021 Final Budget

Resolution No. 2020-08 was presented, entitled:

RESOLUTION 2020-08

THE ANNUAL APPROPRIATION RESOLUTION OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGETS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

Ms. Priddy had a question about the plant replacement item, asking why that number was not higher? Mr. Wodraska indicated that much of the plant replacement she was thinking of is developer done and funded. Ms. Priddy noted that the District had spent almost \$70,000 this year. Ms. Twiss noted that the District may want to raise that line item. Mr. Genson agreed with the increase. Mr. Wodraska indicated that the plant replacement was doubling in the budget.

A **motion** was made by Mr. Peek, seconded by Ms. Priddy, adopting Resolution No. 2020-08, as amended. Upon being put to a vote, the **motion** carried 4 to 0 with Mr. Klucik not present for this item.

4. Consider Resolution No. 2020-09 – Adopting an Annual Assessment Resolution for Fiscal Year 2020/2021

Resolution No. 2020-09 was presented, entitled:

RESOLUTION 2020-09

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT MAKING A DETERMINATION OF BENEFIT AND IMPOSING SPECIAL ASSESSMENTS FOR FISCAL YEAR 2020/2021; PROVIDING FOR THE COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS, INCLUDING BUT NOT LIMITED TO PENALTIES AND INTEREST THEREON; CERTIFYING AN ASSESSMENT ROLL; PROVIDING FOR AMENDMENTS TO THE ASSESSMENT ROLL; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A **motion** was made by Ms. Priddy, seconded by Mr. Peek, adopting Resolution No. 2020-09, as presented. Upon being put to a vote, the motion carried 4 to 0 with Mr. Klucik not present for this item.

5. Consider Resolution No. 2020-10 – Adopting a Fiscal Year 2020/2021 Master Irrigation Utility System Budget

Resolution No. 2020-10 was presented, entitled:

RESOLUTION NO. 2020-10

A RESOLUTION OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT ADOPTING A PROPOSED FISCAL YEAR 2020/2021 BUDGET FOR THE MASTER IRRIGATION UTILITY SYSTEM

Ms. Priddy asked about the developer being required to approve the budget amendments. Ms. Willson noted that was typical in developer funding agreements.

A **motion** was made by Mr. Peek, seconded by Ms. Priddy, adopting Resolution No. 2020-10, as presented. Upon being put to a vote, the *motion* carried 4 to 0 with Mr. Klucik not present for this item.

6. Consider Fiscal Year 2021 Deficit Funding Agreement

Mr. Klucik returned to the meeting at 10:16 a.m.

A **motion** was made by Ms. Priddy, seconded by Mr. Roth, approving the Fiscal Year 2021 Deficit Funding Agreement. Upon being put to a vote, the **motion** carried 5 to 0.

The Public Hearing was then closed and the Regular Board Meeting was reconvened.

K. OLD BUSINESS

There were no Old Business items to be addressed by the Board.

L. NEW BUSINESS

3. Consider Resolution No. 2020-11 – Setting Forth the Specific Terms of the Revenue Refunding Bonds Series 2020

Resolution No. 2020-11 was presented, entitled:

RESOLUTION 2020-07

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT RATIFYING AND APPROVING BOARD ACTIONS APPROVED AND ADOPTED AT A DULY ADVERTISED PUBLIC MEETING OF THE BOARD OF SUPERVISORS HELD JUNE 2, 2020; ADDRESSING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Willson presented the resolution, indicating that this sets the specific terms and final numbers. She recommended approval.

A **motion** was made by Mr. Peek, seconded by Mr. DiFlorio, adopting Resolution No. 2020-07, as presented. Upon being put to a vote, the **motion** carried 4 to 1 with Mr. Klucik dissenting.

4. Consider Resolution No. 2020-12 – Ratifying the Sale of Revenue Refunding Bonds Series 2020

Ms. Willson presented Resolution No. 2020-12, entitled:

RESOLUTION 2020-12

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT RATIFYING, CONFIRMING, AND APPROVING THE SALE OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2020; RATIFYING, CONFIRMING, AND APPROVING THE ACTIONS OF THE CHAIRMAN, VICE CHAIRMAN, TREASURER, SECRETARY, ASSISTANT SECRETARIES, AND ALL DISTRICT STAFF REGARDING THE SALE AND CLOSING OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2020; DETERMINING SUCH ACTIONS AS BEING IN ACCORDANCE WITH THE AUTHORIZATION GRANTED BY THE BOARD; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A **motion** was made by Mr. Peek, seconded by Mr. DiFlorio and passed unanimously, adopting Resolution No. 2020-12, as presented.

5. Consider Supplemental Disclosure of Public Financing, Series 2020 Bonds Maple Ridge Phase 4

A **motion** was made by Mr. Peek, seconded by Ms. Priddy and passed unanimously, approving the Supplemental Disclosure of Public Financing, Series 2020 Bonds Maple Ridge Phase 4, as presented.

6. Consider Amended and Restated Notice of Series 2020 Special Assessments

A **motion** was made by Mr. Peek, seconded by Ms. Priddy and passed unanimously approving the Amended and Restated Notice of Series 2020 Special Assessments, as presented.

M. ADMINISTRATIVE MATTERS

1. Legal Report

It was reported that the legal team would continue to monitor any orders coming out of the Governor's office.

2. Engineer's Report

There was no additional Engineer's Report at this time.

3. Manager's Report

a. AMSCD Projects Update

Mr. Klucik brought up Anthem Boulevard, indicating that he had noticed it was designed to eventually be two lanes, but is currently only one lane. He noted that believes we are quickly reaching the point when we need that road paved.

Mr. Klucik also brought up Del Webb. He asked if one was being deleted or what was happening? Mr. Tryka noted that he would check on this and report back to the Board. Mr. Genson went over the items.

Mr. Klucik commented on the security cameras, given the current environment. Ms. Priddy hoped the District would explore the other options besides Comcast.

b. Financials

Mr. Wodraska went over the financials. There were no questions from the Board.

N. BOARD MEMBER COMMENTS

Mr. Klucik closed the meeting with a prayer.

O. ADJOURNMENT

There being no further business to come before the Board, the Regular Board Meeting was adjourned at 10:58 a.m. by Mr. Peek. There were no objections.

Secretary/Assistant Secretary

Chair/Vice-Chairman

AVE MARIA STEWARDSHIP COMMUNITY DISTRICT

SEPTEMBER 2020- FINAL

Project Name	Start Date	End Date	Est. Cost	% Complete	Responsible Party	Comments
Entry Landscaping at Oil Well Rd	11/2019	09/2020	\$900,000	75%	AMD	Work delayed due to COVID-19
Landscaping S. AMB- Phase II	07/2020	TBD	TBD		AMD	Need input from D. Genson
Landscaping N. of Town Ctr	03/2020	12/2020	TBD		AMD	On hold
Battlecreek Crosswalks	04/2020	10/2020	\$20,000	95%	District Engineer/ AMD	Substantially complete, need final lift installed
Intersection Analysis	02/2020	10/2020	\$10,000	50%	District Engineer/ AMD	Moving forward as MapleRidge develops
Sign Elimination Analysis	05/2020	07/2020	\$2,000	100%	District Engineer/ AMD	Determined all signs are necessary. Completed
External Projects						
Fire Station Construction	03/2020	02/2021	N/A		Immokalee Fire District	Groundbreaking March 2020
Public School K-5	03/2020	08/2022			AMD/School Bd	Pushed out to 2022
Security Cameras	01/2020	TBD		20%	MPOA	Need Internet Cnct

RESOLUTION 2020-14

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
AVE MARIA STEWARDSHIP COMMUNITY DISTRICT
REGARDING RESPONDING TO EASEMENT
ENCROACHMENT REQUESTS AND PROVIDING FOR
SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, the Ave Maria Stewardship Community District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 2004-461, Laws of Florida, and situated in Collier County, Florida; and

WHEREAS, the District was established for the single purpose of the provision of government systems, facilities, services, improvements, works and infrastructure to the Ave Maria Community; and

WHEREAS, the District has been dedicated many easements within the District (the “Easements”) in order to access and maintain District improvements and infrastructure located within such Easements and on adjacent property; and

WHEREAS, there have been requests from property owners to construct improvements meeting Collier County’s definition of Minor Encroachment which include fences, air condition equipment/concrete pads, generators, and sidewalks within the Easements; and

WHEREAS, in processing such requests, Collier County requires the District to provide a letter of no objection; and

WHEREAS, the District wishes to provide such letters of no objection so long as it is in receipt of a waiver and acknowledgement from such homeowner in the form attached hereto as **Exhibit A** (the “Waiver”) which provides in part that the privilege granted to homeowner to install the Minor Encroachment within the Easement area shall be at the homeowner’s own risk and homeowner provides District with funds to cover the cost of recording the Waiver; and

WHEREAS, the District’s Board of Supervisors (the “Board”) finds that it is in the best interests of the District to adopt by resolution the below procedures for handling requests to construct Minor Encroachments within District Easement areas.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD
OF SUPERVISORS OF AVE MARIA STEWARDSHIP
COMMUNITY DISTRICT:**

SECTION 1. The District hereby finds it is in the best interest of the District and its residents to authorize the District Manager and its designee to process requests for Minor Encroachments in District Easement areas. The District Manager and its designee are authorized to execute letters of no objection and provide such to Collier County so long as an executed Waiver is on file with the District and homeowner has provided funds in the amount necessary to record the Waiver. District staff shall submit Waivers for recording in the Public Records of Collier County.

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

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

PASSED AND ADOPTED this 6th day of October, 2020.

ATTEST:

**AVE MARIA STEWARDSHIP
COMMUNITY DISTRICT**

ASSISTANT SECRETARY

CHAIRMAN/VICE CHAIRMAN

Exhibit A

After recording, please return to:

District Manager
Ave Maria Stewardship Community District
2501A Burns Road
Palm Beach Gardens, Florida 33410

WAIVER AND ACKNOWLEDGEMENT FOR IMPROVEMENT INSTALLATION

This Waiver and Acknowledgement for Improvement Installation (“**Waiver and Acknowledgement**”) is executed as of this ____ day of _____, 20____, by _____ (the, “**Owner**”).

WITNESSETH:

WHEREAS, Owner is the owner of Lot _____, as per the plat (“**Plat**”) of _____ recorded in Plat Book _____, Pages _____ et seq., of the Public Records of Collier County, Florida (“**Property**”);

WHEREAS, Owner desires to erect improvements meeting the definition of a Minor Encroachment¹ (“**Improvements**”) as depicted on building permit application number _____, filed with Collier County Growth Management Department, and attached hereto as **Exhibit A**, within the (“**Easement**”), located on the Property dedicated to the Ave Maria Stewardship Community District (“**District**”) and Ave Maria Master Association, Inc., (“**Association**”) per the Plat;

WHEREAS, due to the District and Association’s legal interests in the Easement, among other reasons, Owner requires the District and Association’s consent to constructing improvements within any portion of the Surface Water Management System, including the Easement; and

WHEREAS, the District and Association have agreed to consent to the installation of the Improvements within the Easement, subject to the terms and conditions set forth in this Waiver and Acknowledgement.

NOW, THEREFORE, it is acknowledged as follows:

1. **Recitals.** The recitals set forth above are acknowledged as true and correct and are incorporated herein by reference.
2. **Owner Responsibilities.** The Owner has the following responsibilities and acknowledges:
 - a. The Owner shall be fully responsible for the installation and maintenance of the Improvements.

¹ Minor Encroachments include fences, air conditioning equipment/concrete pads, pool equipment/concrete pads, generators, and sidewalks.

- b. The Owner shall be responsible for ensuring that the installation and maintenance of the Improvements are conducted in compliance with all applicable laws (including but not limited to building codes, set back requirements, etc.).
- c. The Owner shall be responsible for obtaining any and all applicable permits and approvals relating to the work (including but not limited to any approvals of the Association, as well as any other necessary legal interests and approvals).
- d. The Owner shall ensure that the installation and maintenance of the Improvements does not damage any property of District, Association or any third party's property, and, in the event of any such damage, the Owner shall immediately repair the damage or compensate the District or Association, as applicable, for such repairs, at the District or Association's option.
- e. Owner's exercise of rights hereunder shall not interfere with the District or Association's rights under the Easement. Further, the Improvements shall be installed in such a manner as to not interfere with or damage any culvert pipe that may be located within the Easement, or any utilities within the Easement. It shall be Owner's responsibility to locate and identify any such stormwater improvements and/or utilities.
- f. Upon completion of the installation, the Improvements will be owned by the Owner. Owner shall be responsible for the maintenance and repair of any such Improvements and shall maintain the Improvements in good condition.
- g. Additionally, the Owner shall keep the Easement area free from any materialmen's or mechanic's liens and claims or notices in respect to such liens and claims, which arise by reason of the Owner's exercise of rights granted to install the Improvements, and the Owner shall immediately discharge any such claim or lien.

3. **Removal and/or Replacement of Improvements.** Owner acknowledges the legal interest of the District and Association in the Easement described above and agrees never to deny such interest or to interfere in any way with District and Association's use. Owner will exercise the privilege granted to install Improvements at Owner's own risk, and agrees that Owner will never claim any damages against District or Association for any injuries or damages suffered on account of the exercise of such privilege, regardless of the fault or negligence of the District or Association. Owner acknowledges that District or Association retain the right, in its respective sole discretion, to demand by written request that the Improvements be removed from the Easement area, which Owner shall do at Owner's sole cost and expense within a reasonable time from receipt of such request. In the event Owner fails to comply with such request or in a case of emergency, Owner further acknowledges that, without notice, the District or Association may remove all, or any portion or portions, of the Improvements installed upon the Easement at Owner's expense, and that the District or Association is not obligated to re-install the Improvements to its original location and is not responsible for any damage to the Improvements, or its supporting structure as a result of the removal. Owner further acknowledges that District or Association will recover all costs and expenses associated with such removal from the Owner.

4. **Indemnification.** Owner agrees for him/herself and successors and assigns that they shall indemnify, defend and hold harmless Collier County, the District, South Florida Water Management District, and the Association, as well as any officers, supervisors, staff, agents and representatives, and successors and assigns, of the foregoing, against all liability for damages, obligations, claims, liabilities, expenses and/or fees (including reasonable attorney's fees and court costs) including personal injury or property damage arising out of the use of the Easement Area by the Owner, his/her respective contractors, agents, employees or invitees at any time which the Encroachment remains within the Easement area or otherwise resulting from, arising out of, or in any way connected with, this Waiver and Acknowledgement or the exercise of the privileges granted to install the Improvements. Further, Owner, for him/herself, successors and assigns agrees to release and hold the District and Association harmless from and against any and all obligations, claims, liabilities, expenses and/or fees (including reasonable

attorney's fees and court costs) including personal injury or property damage arising out of the use of the Easement Area by the District or Association, including but not limited to, damage which may occur to the Improvements and/or the infrastructure, which may now or in the future be located within the Easement Area.

5. **Covenants Run with the Land.** This Acknowledgement and Waiver shall be recorded at the Owner's expense in the Official Records of Collier County, Florida. This Acknowledgement and Waiver, and all rights and obligations contained herein, shall run with the land and shall be binding upon and inure to the benefit of the Owners hereto and their respective heirs, successors and assigns, including, but without limitation, all subsequent owners of any portions of the property described herein and all persons claiming under them. Whenever the word "Owner" is used herein, it shall be deemed to mean the current owner of the Property and its successors and assigns. Upon the sale of the Property, the Owner shall advise the subsequent owner of the terms and conditions of this Acknowledgement and Waiver.

6. **Sovereign Immunity.** Nothing in this Acknowledgement and Waiver shall be deemed as a waiver of immunity or limits of liability of the District beyond any statutory limited waiver of immunity or limits of liability which may have been adopted by the Florida Legislature in Section 768.28, Florida Statutes or other statute, and nothing in this Acknowledgment and Waiver shall inure to the benefit of any third party for the purpose of allowing any claim which would otherwise be barred under the doctrine of sovereign immunity or by operation of law.

IN WITNESS WHEREOF, the Owner has executed the day and date first above written.

Witnesses:

[INSERT OWNER INFORMATION]

By: _____

By: _____

Print Name

By: _____

Print Name

STATE OF FLORIDA)

COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ___ day of _____, 2020, by. He [___] is personally known to me or [___] produced _____ as identification.

Print Name: _____

Notary Public, State of Florida

Exhibit A

[Insert Homeowner's Collier County Building Permit Application]

AVE MARIA STEWARDSHIP COMMUNITY DISTRICT

OCTOBER 2020- DRAFT

Project Name	Start Date	End Date	Est. Cost	% Complete	Responsible Party	Comments
Entry Landscaping at Oil Well Rd	11/2019	09/2020	\$900,000	75%	AMD	Work delayed due to COVID-19
Landscaping S. AMB- Phase II	07/2020	TBD	TBD		AMD	Need input from D. Genson
Landscaping N. of Town Ctr	03/2020	12/2020	TBD		AMD	On hold
Battlecreek Crosswalks	04/2020	10/2020	\$20,000	95%	District Engineer/ AMD	Substantially complete, need final lift installed
Intersection Analysis	02/2020	10/2020	\$10,000	50%	District Engineer/ AMD	Moving forward as MapleRidge develops
Anthem Parkway widening analysis	09/2020	TBD	TBD	0%	AMD/District Engineer	Widen from 2 to 4 lanes
Anthem Parkway Phase 4	12/2020	04/2021	\$2.6M	0%	AMD	
External Projects						
Fire Station Construction	03/2020	02/2021	N/A		Immokalee Fire District	Groundbreaking March 2020
Public School K-5	03/2020	08/2022			AMD/School Bd	Pushed out to 2022
Security Cameras	01/2020	TBD		20%	Master Assoc.	

Ave Maria Stewardship Community District
Budget vs. Actual
October 2019 through August 2020

	<u>Oct '19 - Aug 20</u>	<u>19/20 Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Expenditures				
01-1130 · Payroll Tax Expense	535.50	612.00	-76.50	87.5%
01-1131 · Supervisor Fees	7,000.00	8,000.00	-1,000.00	87.5%
01-1310 · Engineering	55,710.50	50,000.00	5,710.50	111.42%
01-1311 · Management Fees	64,364.63	70,216.00	-5,851.37	91.67%
01-1312 · Secretarial Fees	4,125.00	4,500.00	-375.00	91.67%
01-1313 · Website Management	2,291.63	2,500.00	-208.37	91.67%
01-1315 · Legal Fees	63,067.02	55,000.00	8,067.02	114.67%
01-1320 · Audit Fees	11,700.00	12,500.00	-800.00	93.6%
01-1330 · Arbitrage Rebate Fee	2,600.00	2,600.00	0.00	100.0%
01-1441 · Travel & Lodging	1,014.00	2,000.00	-986.00	50.7%
01-1450 · Insurance	9,706.00	11,870.00	-2,164.00	81.77%
01-1480 · Legal Advertisements	7,063.00	5,000.00	2,063.00	141.26%
01-1512 · Miscellaneous	3,752.60	4,000.00	-247.40	93.82%
01-1513 · Postage and Delivery	1,011.13	1,750.00	-738.87	57.78%
01-1514 · Office Supplies	2,151.50	3,500.00	-1,348.50	61.47%
01-1540 · Dues, License & Subscriptions	175.00	500.00	-325.00	35.0%
01-1541 · Misc Filing, Notices, etc.	0.00	500.00	-500.00	0.0%
01-1733 · Trustee Fees	25,968.63	22,000.00	3,968.63	118.04%
01-1734 · Continuing Disclosure Fee	7,500.00	9,000.00	-1,500.00	83.33%
01-1735 · Assessment Roll	0.00	15,000.00	-15,000.00	0.0%
01-1806 · Roadways & Bridges	15,984.40	0.00	15,984.40	100.0%
01-1808 · Irrigation Repair	35,112.41	85,000.00	-49,887.59	41.31%
01-1815 · Miscellaneous Maintenance	950.02	0.00	950.02	100.0%
01-1816 · Electric-Streetlights,Landscape	84,645.89	85,000.00	-354.11	99.58%
01-1817 · Maintenance Street Sweeping	0.00	5,000.00	-5,000.00	0.0%
01-1818 · Striping & Traffic Markings	945.87	25,000.00	-24,054.13	3.78%
01-1819 · Street Light Maintenance	68,301.42	50,000.00	18,301.42	136.6%
01-1820 · Maint Sidewalk/Curb Repairs	70,408.16	40,000.00	30,408.16	176.02%
01-1830 · Maintenance Contracts	616,156.42	615,000.00	1,156.42	100.19%
01-1831 · Tree Trimming	28,680.00	45,000.00	-16,320.00	63.73%
01-1832 · Maint Landscaping Storm Cleanup	0.00	25,000.00	-25,000.00	0.0%
01-1833 · Maint Landscaping Plant Replace	93,794.15	30,000.00	63,794.15	312.65%
01-1834 · Mulch	65,972.40	140,000.00	-74,027.60	47.12%

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01-1838 · Water Management & Drain	3,300.00	4,000.00	-700.00	82.5%
01-1839 · Entry Feature/Near Well Water	3,275.62	1,000.00	2,275.62	327.56%
01-1840 · Maintenance Misc. Utilities	0.00	2,500.00	-2,500.00	0.0%
01-1841 · Maintenance Irrigation Water	108,688.44	100,000.00	8,688.44	108.69%
01-1842 · Maint Fountain/Repair	2,678.54	10,000.00	-7,321.46	26.79%
01-1843 · Maintenance Rodent Control	8,450.00	4,000.00	4,450.00	211.25%
01-1844 · Maint Equipment Repair	9,609.49	0.00	9,609.49	100.0%
01-1845 · Maint Signage Repair	0.00	10,000.00	-10,000.00	0.0%
01-1846 · Maint Storm Drain Cleaning	0.00	15,000.00	-15,000.00	0.0%
01-1847 · Mnt Drainage/Lke Mnt/Littorals	77,115.38	60,000.00	17,115.38	128.53%
01-1848 · Maintenance Aerators	0.00	1,000.00	-1,000.00	0.0%
01-1850 · Maint-Preserve Maintenance	31,639.00	50,000.00	-18,361.00	63.28%
01-1853 · Maintenance Small Tools	1,369.75	2,500.00	-1,130.25	54.79%
01-1854 · Maint Miscellaneous Repairs	27.18	5,000.00	-4,972.82	0.54%
01-1855 · Maint Vehicle Lease/Fuel/Repair	3,030.12	0.00	3,030.12	100.0%
01-1856 · Maint Mosquito Control	210,875.06	200,000.00	10,875.06	105.44%
01-1858 · Maint Temp EMS/Fire Facility	101,988.43	80,000.00	21,988.43	127.49%
01-1859 · Maint-Administrative Supplies	390.00	500.00	-110.00	78.0%
01-1861 · Maint Office Utilities	602.63	0.00	602.63	100.0%
01-1862 · Maintenance Technicians	95,271.57	85,500.00	9,771.57	111.43%
01-1863 · Maint Base Management Fee	18,005.68	20,000.00	-1,994.32	90.03%
01-1864 · Maintenance Admin Payroll	47,572.32	30,000.00	17,572.32	158.57%
01-1890 · Maint-Reserve Fund	0.00	27,500.00	-27,500.00	0.0%
01-1891 · Maint Contingency	9,350.00	15,000.00	-5,650.00	62.33%
01-1901 · Permit Review/Inspection Fees	1,289.87	0.00	1,289.87	100.0%
Total Expenditures	2,085,216.36	2,149,548.00	-64,331.64	97.01%