

21800

PUBLIC FACILITIES REPORT

2ND EDITION

Prepared for the
LAGUNA LAKES COMMUNITY DEVELOPMENT DISTRICT
Lee County, Florida

August 13, 2008

Prepared by
Barraco and Associates, Inc.
2271 McGregor Boulevard
Fort Myers, FL 33901

Carl A. Barraco, P.E.
Florida Registration No. 38536
Florida Certificate of Authorization 7995

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I. PURPOSE AND SCOPE

At the request of the Laguna Lakes Community Development District ("the District"), this Public Facilities Report has been prepared to satisfy Florida Statutes section 189.415. Section 189.415 details special district public facilities reports. A copy of this section of the Florida Statutes is included in Appendix A of this report.

It is required by Florida Statutes Section 189.415 that the Public Facilities Report be updated every five years. This is the second edition of the Public Facilities Report for the Laguna Lakes Community Development District, intended to replace the previous edition prepared for the District by Rhonda Mossing dated December 2, 2002.

The purpose of this report is to provide a general description of public facilities owned by the District and also to outline any currently proposed facility expansion or replacement of facilities within the next five (5) years.

II. GENERAL INFORMATION

The Laguna Lakes Community Development District ("the District") is located in Fort Myers, Florida, within the jurisdiction of Lee County. The District provides perimeter security & landscaping, irrigation supply and surface water management service to its residents. The potable water distribution and wastewater collection facilities servicing the District were constructed by the District and subsequently conveyed to Lee County Utilities (LCU) for ownership, operation and maintenance.

The District was established on November 26, 2002, by resolution through the Lee County Board of County Commissioners Ordinance No. 02-033. This resolution provided for the establishment of the District and its charter in accordance with Florida Statutes Chapter 190 effective as of December 2, 2002. A copy of Lee County Ordinance 02-033 is included in Appendix B of this report.

III. EXISTING PUBLIC FACILITIES

A. POTABLE WATER DISTRIBUTION FACILITIES

The potable water supplying the District is provided by Lee County Utilities (LCU). There are two points of connection for the water distribution system serving the District. The first is located on the south side of Gladiolus Drive along the Gladiolus entrance to Laguna Lakes. The second is located on the east side of Bass Road along the Bass entrance to Laguna Lakes. The water distribution system provides water for both potable consumption and also fire protection needs.

The water distribution system for the development consists of approximately 4,352 lineal feet of 10" diameter pipe, 13,298 lineal feet of 8" diameter pipe, and 756 lineal feet of 4" diameter pipe. The facilities include all necessary valves and fittings to construct the system. Class-50 ductile iron piping is used for all vertical deflections and under all pavement, while DR-18 PVC piping is used for all other areas.

Generally, the potable water distribution system is located within the right-of-way of the roadways. In locations where the potable water system falls outside of the right-of-way, a designated Public Utilities Easement (PUE) or Lee County Utilities Easement (LCUE) is provided.

The potable water system was constructed by the District and conveyed to Lee County Utilities upon system clearance for use. The potable water system was accepted by the Lee County Board of County Commissioners on September 16, 2003 and March 16 & 30, 2004 and transferred to LCU for ownership, operation and maintenance.

The potable water system has been cleared by the Florida Department of Health in conjunction with Lee County HRS on August 12, 2003. A copy of this clearance is included in Appendix C of this report. The potable water capacity currently cleared by Lee County HRS is greater than or equal to the current estimated water demand placed on the facilities.

B. WASTEWATER COLLECTION FACILITIES

Treatment of the wastewater for the District is provided by Lee County Utilities. There is no wastewater treatment facility located within the boundaries of the District. Wastewater is collected through an onsite gravity system that feeds into a lift station, wherein the wastewater is pumped through a force main to an offsite treatment facility owned, operated and maintained by LCU.

The wastewater collection system for Laguna Lakes consists of approximately 47 lineal feet of 10" diameter force main, 1,101 lineal feet of 6" diameter force main, 3,679 lineal feet of 10" diameter gravity sanitary sewer, 12,696 lineal feet of 8" gravity sanitary sewer, 69 sewer manholes, and 1 lift station. All necessary valves and fittings to construct the system are also included. The force main is generally constructed of DR-18 PVC piping, with DR-14 PVC piping being utilized at all vertical deflections and under all roadways. The gravity sanitary sewer main is generally constructed

of SDR-26 PVC piping, with C900 DR-18 piping being utilized at the beginning of several gravity sewer runs where the gravity main has less than 4 feet of vertical cover.

Generally the wastewater collection system is located within the right-of-way of the roadway. In locations where the wastewater collection system falls outside of the right-of-way, a designated Public Utilities Easement (PUE) or Lee County Utilities Easement (LCUE) is provided.

The wastewater collection system for the development was constructed by the District and conveyed to LCU upon system clearance for use. The wastewater collection system was accepted by the Lee County Board of County Commissioners on September 16, 2003 and March 16 & 30, 2004 and transferred to LCU for ownership, operation and maintenance.

The wastewater collection system has been cleared by the Florida Department of Environmental Protection (FDEP) on August 22, 2003, September 19, 2003, and February 26, 2004. A copy of these clearances is included in Appendix D of this report. The wastewater capacity currently cleared by FDEP is greater than or equal to the current estimated wastewater demand placed on the facilities.

C. SURFACE WATER MANAGEMENT FACILITIES

The Laguna Lakes surface water management system is designed to pretreat, attenuate and convey stormwater runoff via a series of wet detention lakes. The stormwater management facilities are complete and have been accepted by the South Florida Water Management District to be in accordance with the Environmental Resource Permit No. 36-04104-P. A copy of this clearance is included in Appendix E of this report. The District is responsible for ownership, operation and maintenance of the Laguna Lakes surface water management system.

The surface water management facilities have sufficient capacity to accommodate the runoff associated with the completed phases of the development. The measure of this capacity is based on Lee County and South Florida Water Management District design criteria.

D. RECLAIMED WATER FACILITIES

The reclaimed water distribution system is currently supplied to the District by Lee County Utilities for the purpose of irrigation via a 6" reclaimed water meter assembly located in the northeast corner of

the District. This connection is authorized through an Interlocal Agreement between the District and Lee County dated March 16, 2004. A copy of this agreement is included in Appendix F of this report.

The District is responsible for ownership, operation and maintenance of all reclaimed water distribution facilities within the boundaries of District immediately downstream of the meter assembly. Lee County Utilities is responsible for ownership, operation and maintenance of the reclaimed water distribution system upstream of the meter assembly.

E. PERIMETER SECURITY & LANDSCAPING

It is the responsibility of the District to provide perimeter security and landscaping to the development. Therefore, the north and west boundaries of the District currently include a perimeter fence/wall and associated landscaping for security and aesthetic purposes.

IV. PROPOSED EXPANSION OF FACILITIES

A. POTABLE WATER DISTRIBUTION FACILITIES

The potable water distribution system constructed by the District has been conveyed to Lee County Utilities for ownership, operation and maintenance. Therefore no current plan for expansion of the potable water distribution facilities is proposed by the District.

B. WASTEWATER COLLECTION FACILITIES

The wastewater collection system constructed by the District has been conveyed to Lee County Utilities for ownership, operation and maintenance. Therefore no current plan for expansion of the wastewater collection facilities is proposed by the District.

C. SURFACE WATER MANAGEMENT FACILITIES

There are no current plans for expansion of the surface water management system owned by the District in the next five years.

D. RECLAIMED WATER FACILITIES

There are no current plans for expansion of the reclaimed water distribution system owned by the District in the next five years.

E. PERIMETER SECURITY & LANDSCAPING

The District proposes improvements along the east and south boundaries of the development. The planned improvements consist of installation of approximately 1,100 lineal feet of fence/wall and associated landscaping along the District's south boundary and approximately 2,600 lineal feet of fence/wall and associated landscaping along the District's east boundary. The intent of the improvements is increased security and aesthetics along the entire perimeter of the community.

V. PROPOSED REPLACEMENT OF FACILITIES

The District currently has no plans for replacement of any District facilities beyond the standard maintenance of lake slopes and littoral plantings.

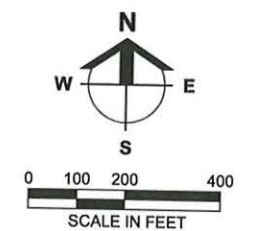
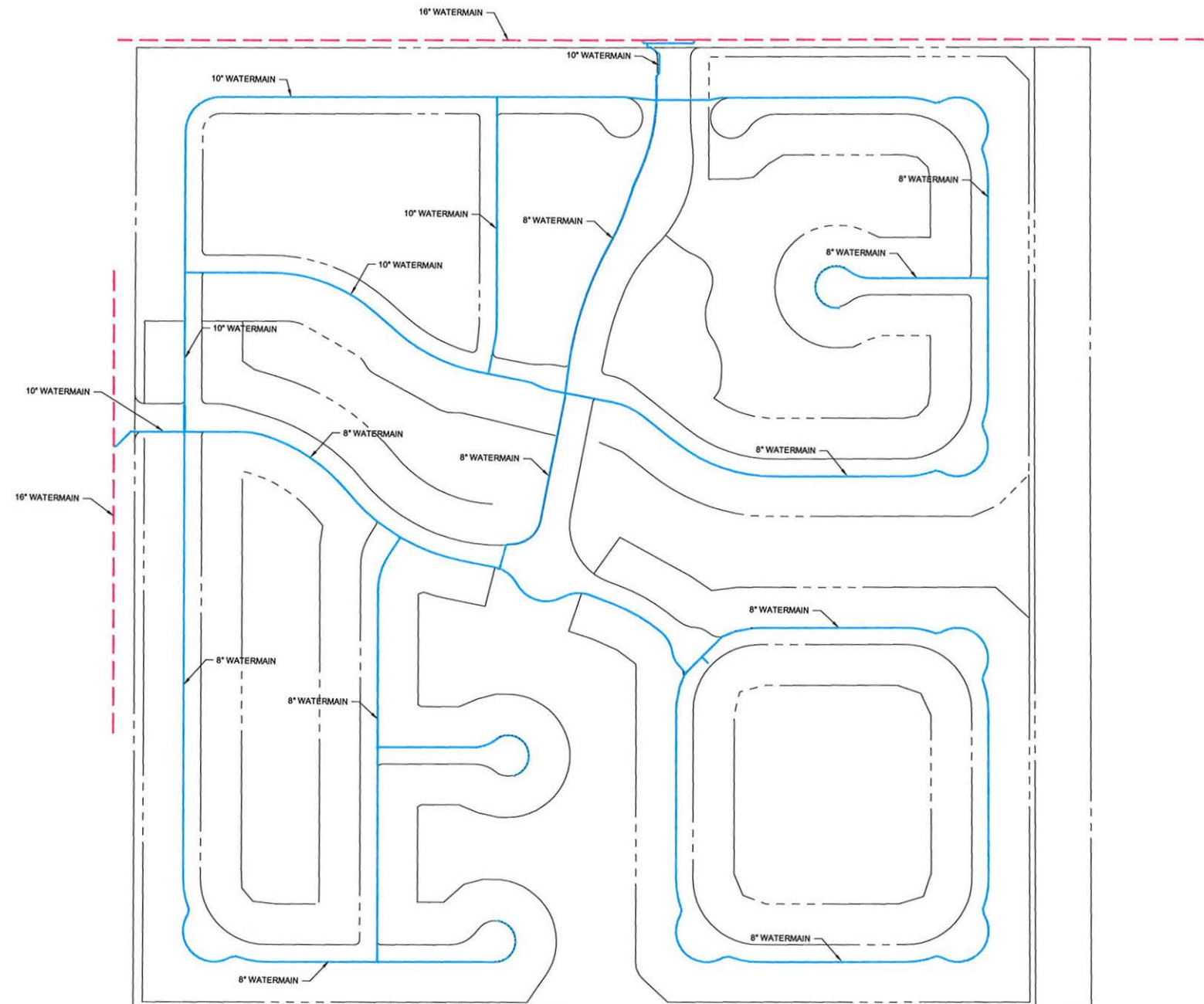
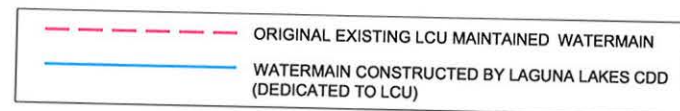


EXHIBIT 1:
POTABLE WATER
DISTRIBUTION FACILITIES

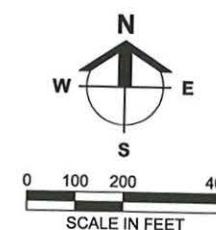
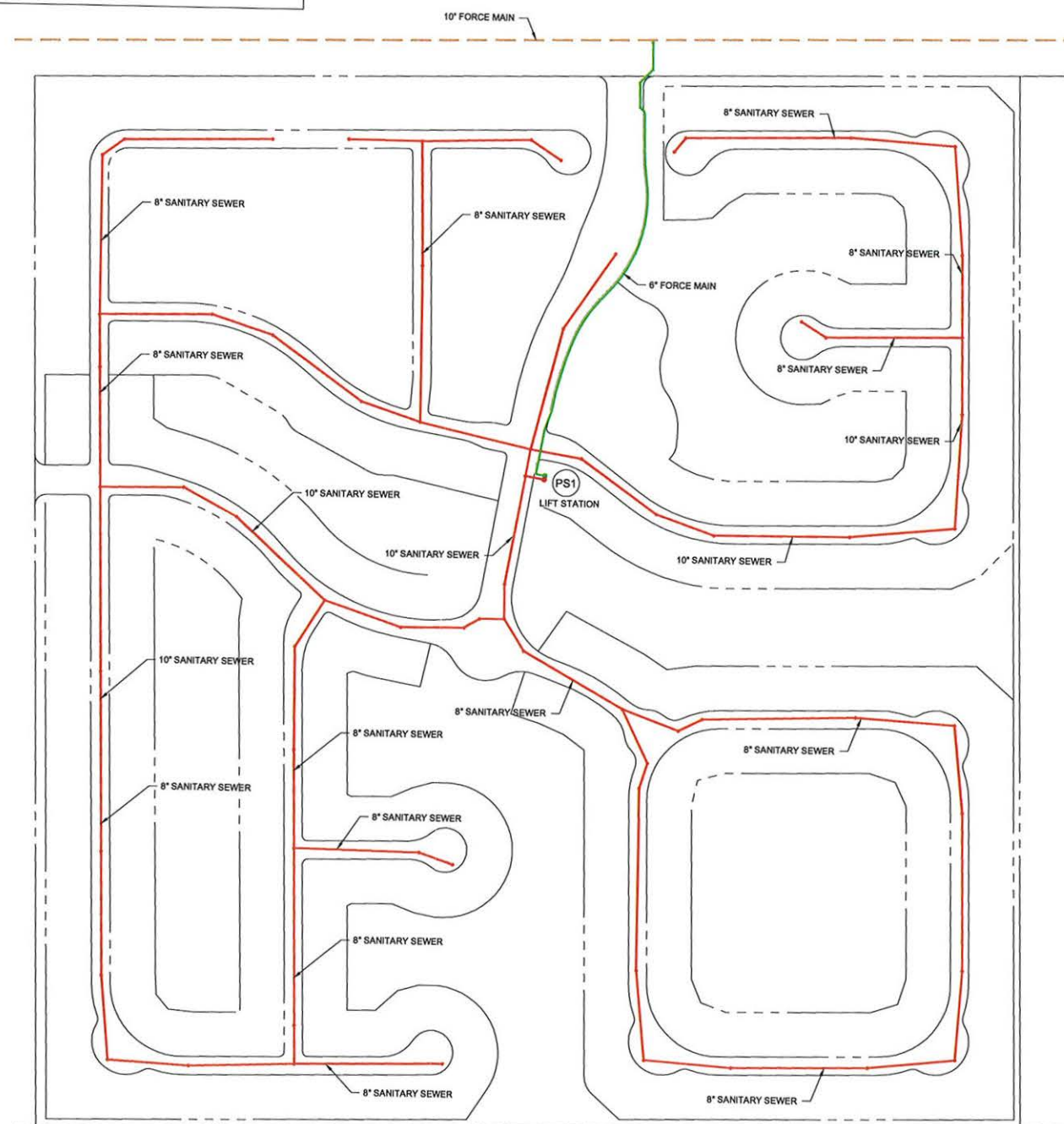
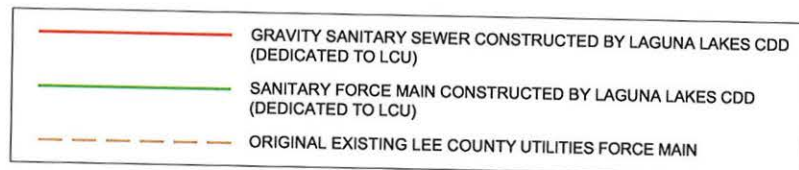
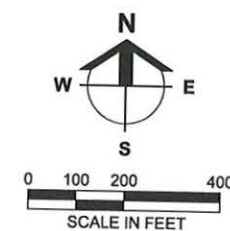
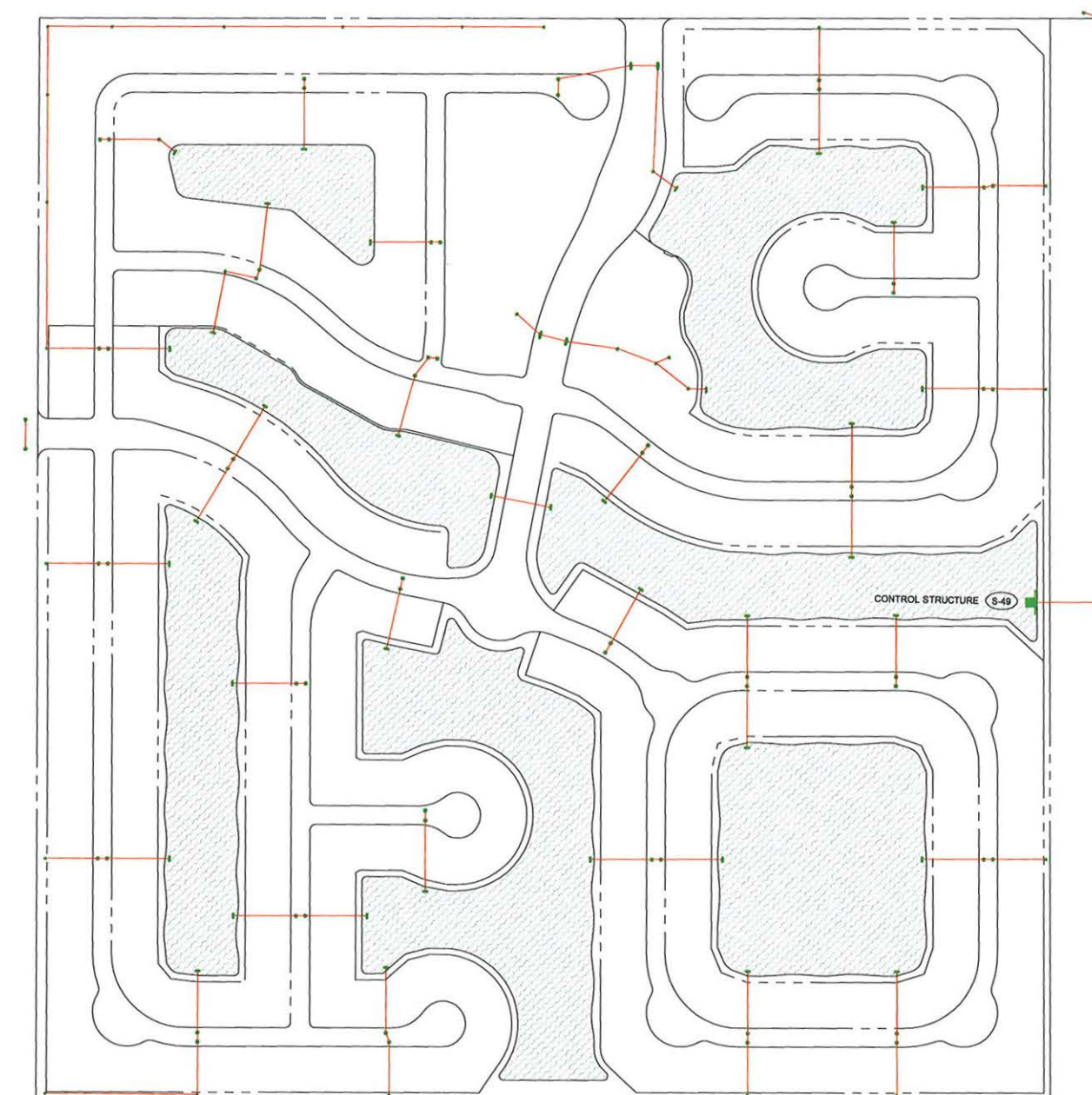
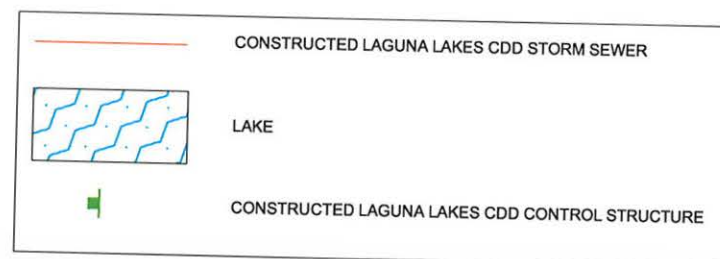
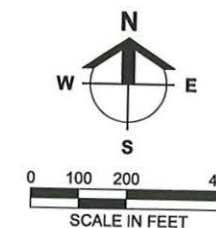
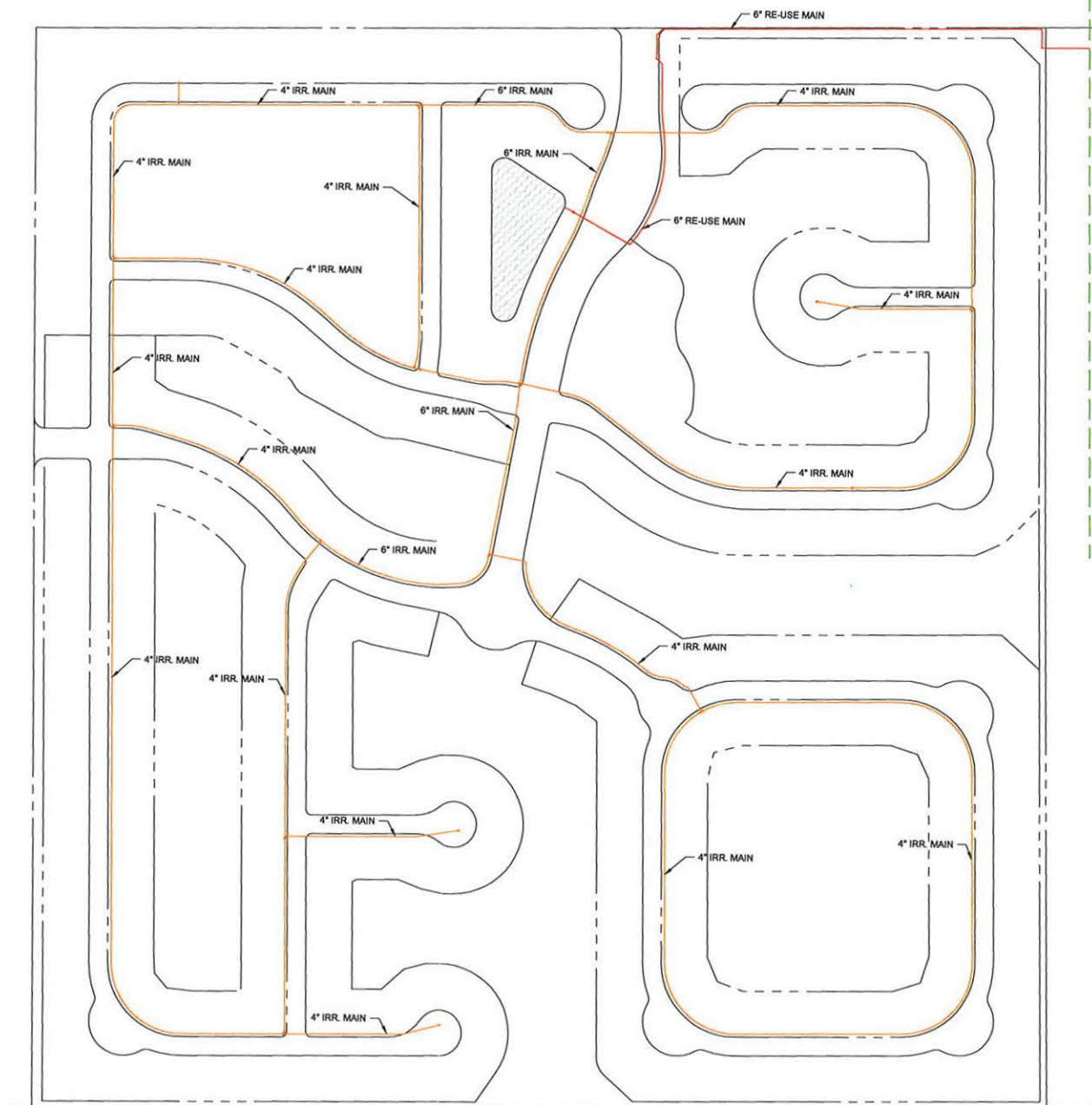
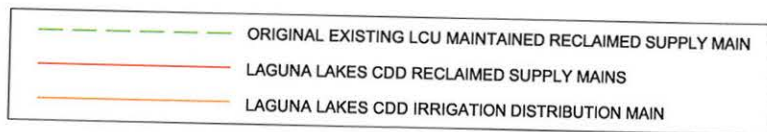


EXHIBIT 2:
WASTE WATER
COLLECTION FACILITIES






**EXHIBIT 4:
RECLAIMED WATER
FACILITIES**

Appendix A

Florida Statutes Section 189.415

Select Year: **2006** 

The 2006 Florida Statutes

Title XIII

Chapter 189

[View Entire Chapter](#)

PLANNING AND DEVELOPMENT

SPECIAL DISTRICTS: GENERAL PROVISIONS

189.415 Special district public facilities report.--

(1) It is declared to be the policy of this state to foster coordination between special districts and local general-purpose governments as those local general-purpose governments develop comprehensive plans under the Local Government Comprehensive Planning and Land Development Regulation Act, pursuant to part II of chapter 163.

(2) Each independent special district shall submit to each local general-purpose government in which it is located a public facilities report and an annual notice of any changes. The public facilities report shall specify the following information:

(a) A description of existing public facilities owned or operated by the special district, and each public facility that is operated by another entity, except a local general-purpose government, through a lease or other agreement with the special district. This description shall include the current capacity of the facility, the current demands placed upon it, and its location. This information shall be required in the initial report and updated every 5 years at least 12 months prior to the submission date of the evaluation and appraisal report of the appropriate local government required by s. 163.3191. At least 12 months prior to the date on which each special district's first updated report is due, the department shall notify each independent district on the official list of special districts compiled pursuant to s. 189.4035 of the schedule for submission of the evaluation and appraisal report by each local government within the special district's jurisdiction.

(b) A description of each public facility the district is building, improving, or expanding, or is currently proposing to build, improve, or expand within at least the next 5 years, including any facilities that the district is assisting another entity, except a local general-purpose government, to build, improve, or expand through a lease or other agreement with the district. For each public facility identified, the report shall describe how the district currently proposes to finance the facility.

(c) If the special district currently proposes to replace any facilities identified in paragraph (a) or paragraph (b) within the next 10 years, the date when such facility will be replaced.

(d) The anticipated time the construction, improvement, or expansion of each facility will be completed.

(e) The anticipated capacity of and demands on each public facility when completed. In the case of an improvement or expansion of a public facility, both the existing and anticipated capacity must be listed.

(3) A special district proposing to build, improve, or expand a public facility which requires a certificate of need pursuant to chapter 408 shall elect to notify the appropriate local general-purpose government of its plans either in its 5-year plan or at the time the letter of intent is filed with the Agency for Health Care Administration pursuant to s. 408.039.

- (4) Those special districts building, improving, or expanding public facilities addressed by a development order issued to the developer pursuant to s. 380.06 may use the most recent annual report required by s. 380.06(15) and (18) and submitted by the developer, to the extent the annual report provides the information required by subsection (2).
- (5) The facilities report shall be prepared and submitted within 1 year after the district's creation.
- (6) For purposes of the preparation or revision of local government comprehensive plans required pursuant to s. 163.3161, a special district public facilities report may be used and relied upon by the local general-purpose government or governments within which the special district is located.
- (7) Any special district that has completed the construction of its public facilities, improvements to its facilities, or its development is not required to submit a public facilities report, but must submit the information required by paragraph (2)(a).
- (8) A special district plan of reclamation required pursuant to general law or special act, including, but not limited to, a plan prepared pursuant to chapter 298 which complies with the requirements of subsection (2), shall satisfy the requirement for a public facilities report. A water management and control plan adopted pursuant to s. 190.013, which complies with the requirements of subsection (2), satisfies the requirement for a public facilities report for the facilities the plan addresses.
- (9) The Reedy Creek Improvement District is not required to provide the public facilities report as specified in subsection (2).
- (10) Each deepwater port listed in s. 403.021(9)(b) shall satisfy the requirements of subsection (2) by submitting to the appropriate local government a comprehensive master plan as required by s. 163.3178(2)(k). All other ports shall submit a public facilities report as required in subsection (2).

History.—s. 20, ch. 89-169; s. 26, ch. 95-280; s. 16, ch. 97-255; s. 17, ch. 99-8.

Appendix B

***Lee County
Ordinance No. 02-033***

ORDINANCE NO. 02-033

AN ORDINANCE ESTABLISHING THE LAGUNA LAKES COMMUNITY DEVELOPMENT DISTRICT; SETTING FORTH THE AUTHORITY FOR ADOPTING THE ORDINANCE; ESTABLISHING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE GOVERNING DISTRICT CHARTER AS FLORIDA STATUTES CHAPTER 190; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Transeastern Laguna Lakes LLC has petitioned the Board of County Commissioners to establish Laguna Lakes COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the Board of County Commissioners, after proper published noticed, conducted a local public information-gathering ordinance hearing as required by law and finds as follows:

1. The petition is complete in that it meets the requirements of Section 190.005(1)(a), Florida Statutes; and all statements contained within the petition are true and correct.

2. The Executive Regulatory Oversight Committee has reviewed and approved the petition for establishment of the proposed district.

3. The costs to the County and government agencies from establishment of the district are nominal. There is no adverse impact on competition or employment from district establishment. The persons affected by establishment are the future landowners, present landowners, Lee County and its taxpayers, and the State of Florida. There is a net economic benefit flowing to these persons from district establishment as the entity to manage and finance the statutory services identified. The impact of district establishment and function on competition and the employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the rule, is as economically viable as establishing the district.

Methodology is set forth in the economic impact statement on file. The statement of estimated regulatory costs of this petition on district establishment is adequate.

4. Establishment of the proposed district, whose charter is Section 190.006 - 190.041, Florida Statutes, was created by general law, is not inconsistent with the local Comprehensive Plan of Lee County or the State Comprehensive Plan.

5. The area of land within the proposed district is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.

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

7. The community development services and facilities of the district will be compatible with the capacity and uses of existing local and regional community development services and facilities.

8. The area that will be served by the district is amenable to separate special district government.

9. The proposed district, once established, may petition the Board of County Commissioners for consent to exercise one or more of the powers granted by charter in Section 190.012(2), Florida Statutes.

10. Upon the effective date of this Ordinance, the proposed Laguna Lakes Community Development District will be duly and legally authorized to exist and exercise all of its general and special powers as limited by law; and has the right to seek consent from Lee County for the grant of authority to exercise special powers in accordance with FS 190.012(2), without question as to the district's continued right, authority and power to exercise its limited powers as established by this ordinance.

11. All notice requirements of law were met and complete notice was timely given.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: DISTRICT NAME

The community development district herein established will be known as Laguna Lakes Community Development District.

SECTION TWO: AUTHORITY FOR ORDINANCE

This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

SECTION THREE: ESTABLISHMENT OF COMMUNITY DEVELOPMENT DISTRICT

Laguna Lakes Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference.

SECTION FOUR: DESIGNATION OF INITIAL BOARD MEMBERS

The following five persons are designated to be the initial members of the Board of Supervisors:

- | | | |
|----|-------------------|--|
| 1. | Arthur Falcone | Transeastern Homes
3300 University Drive
Coral Springs, FL 33065 |
| 2. | Neil Eisner | Transeastern Homes
3300 University Drive
Coral Springs, FL 33065 |
| 3. | Cora DiFiore | Transeastern Homes
3300 University Drive
Coral Springs, FL 33065 |
| 4. | Marc Schneiderman | Transeastern Homes
3300 University Drive
Coral Springs, FL 33065 |

5. Jan Ickovic

Transeastern Homes
3300 University Drive
Coral Springs, FL 33065

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Laguna Lakes Community Development District will be governed by the provisions of Chapter 190, Florida Statutes.

SECTION SIX: NOTICE TO SUBSEQUENT PURCHASERS

Any and all agreements for the sale of property within the boundaries of the Laguna Lakes Community Development District must include the disclosure statement required in Florida Statutes §190.048 for the initial sale of the property. This requirement applies to the initial seller of a parcel as well as all subsequent sellers, successors and assigns, for the life of the Laguna Lakes Community Development District.

SECTION SEVEN: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other Lee County ordinance or other applicable law, the more restrictive will apply. If any phase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct and independent provision and such holding will not affect the validity of the remaining portion.

SECTION EIGHT: EFFECTIVE DATE

This Ordinance becomes effective upon filing with the Florida Secretary of State.

THE FOREGOING ORDINANCE was offered by Commissioner Janes, who moved its adoption. The motion was seconded by Commissioner Coy and, being put to a vote, the vote was as follows:

ROBERT JANES	<u>Aye</u>
DOUGLAS ST. CERNY	<u>Aye</u>
RAY JUDAH	<u>Aye</u>
ANDREW W. COY	<u>Aye</u>
JOHN E. ALBION	<u>Aye</u>

DULY PASSED AND ADOPTED THIS 26th day of November, 2002

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Michelle B. Cooper
Deputy Clerk

By: John E. Albion
Vice - Chairman

APPROVED AS TO FORM:

By: James E. Egbert
Office of County Attorney



S:\LUL\PL\UCDD\Laguna Lakes\Laguna Lakes CDD Ordinance.wpd DPL

Barraco
and Associates, Inc.

www.barraco.net
Civil Engineers, Land Surveyors and Consultants

August 8, 2001

Description

Parcel in
Section 33, Township 45 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 33, Township 45 South, Range 24 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

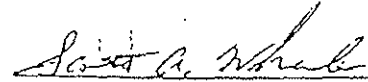
From the southeast corner of the southeast quarter (SE-1/4) of said Section 33, run N 01° 06' 34" W along the east line of said fraction for 1326.16 feet to the southeast corner of the north half (N-1/2) of said southeast quarter (SE-1/4) and the Point of Beginning.

From said Point of Beginning run S 88° 57' 39" W along the south line of said north half (N-1/2) for 2627.16 feet to an intersection with the easterly right-of-way line of Bass Road (50 feet wide); thence run N 01° 03' 37" W along said easterly right-of-way line for 2597.14 feet to an intersection with the southerly right-of-way line of Gladiolus Drive (140 wide); thence run N 88° 55' 27" E along said southerly right-of-way line for 2626.42 feet to an intersection with the east line of the northeast quarter (NE-1/4) of said Section 33; thence run S 01° 02' 33" E along said east line for 1272.65 feet to the southeast corner of the south half (S-1/2) of said northeast quarter (NE-1/4); thence run S 01° 06' 34" E along the east line of the southeast quarter (SE-1/4) of said Section 33 for 1326.16 feet to the Point of Beginning.

Subject to a Florida Power and Light Company easement recorded in Official Record Book 385 at Page 501, Lee County records and the right-of-way for former IDD Canal B-1 lying over and across the easterly 50 feet.

Containing 156.64 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the east line of the northeast quarter (NE-1/4) of said Section 33 to bear S 01° 02' 33" E. All distances shown are shown grid distances with a scale factor of 0.99942.

 1/23/0
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

21556
desc 8-8-01

ADD 2002-00066

AUG 23 2002

[illegible]

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

December 2, 2002

Honorable Charlie Green
Clerk of Circuit Court
Lee County
Post Office Box 2469
Ft. Myers, Florida 33902-2469

Attention: Ruth Frymier, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 27, 2002 and certified copies of Lee County Ordinance Nos. 02-33 and 02-34, which were filed in this office on December 2, 2002.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

RECEIVED
MINUTES OFFICE
2002 DEC -4 AM 11:07

Appendix C

Department of Health Potable Water Clearance

21556 / 21739

Jeb Bush
Governor



John O. Agwunobi, M.D., M.B.A.
Secretary

August 12, 2003

Mr. Andrew D. Fitzgerald
Barraco and Associates, Inc.
P.O. Box 2800
Fort Myers, Florida 33902

Reference: Laguna Lakes
Permit Number: 0125769-171DS
Bacteriological Clearance Dates: 07-23-03-07-24-03
Lee County Utilities/Green Meadows Water Treatment Plant
Complete Clearance

Dear Mr. Fitzgerald:

This will serve to acknowledge receipt of certification that the referenced water project has been completed in accordance with the plans and related materials approved by this department under the permit number and date shown.

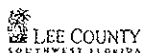
Based on this certification and satisfactory bacteriological results, we are clearing these facilities for service.

Sincerely,

A handwritten signature in cursive script that reads "Gary A. Maier".

Gary A. Maier, P.E.
Director
Environmental Engineering

GAM/ksm
cc: Thom Osterhout, Lee County Utilities



LEE COUNTY HEALTH DEPARTMENT
Judith Hartner, M.D., M.P.H.
Director

REPLY TO: Environmental Engineering
60 Danley Drive, Unit #1
(239) 939-4245 Ft. Myers, Florida 33907

Appendix D

Florida Department of Environmental Protection Wastewater Clearance



Florida Department of Environmental Protection
Twin Towers Office Bldg., 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

DREW

**DOMESTIC WASTEWATER COLLECTION/TRANSMISSION SYSTEMS
CERTIFICATION OF COMPLETION OF CONSTRUCTION**

INSTRUCTIONS: This form is to be completed and submitted to the Department, prior to placing the system into operation. A collection/transmission system should not be placed into operation without prior Department approval. All information is to be typed or printed in ink and all blanks must be filled.

Construction Permit No: 47756-072-DWC Dated 09/18/02

Name of Project: Laguna Lakes (Phases I and III) (Partial)

Name of Owner: Transwestern Laguna Lakes, LLC

Name of design engineer and Florida registration number (if different from engineer signing certification):

Andrew D. Fitzgerald, P.E. #56776

Date(s) connection to existing system or treatment plant:

Treatment plant serving project

Name: Pleasant Village W.W.T.P.

County: Lee City: Fort Myers

DEP Identification Number (also known as WAFR or GMS Identification Number): FL00039829

Substantial deviations from the approved plans and specifications (attach additional sheets if required):

None

This application is for the certification of completion of construction for the gravity sewer system that includes manholes 1-6, 11-25, 54, and 55. Certification includes the pump station PSI and the 6" forcemain from the pump station to the point of connection on Gladiolus Drive.

Department of Environmental Protection

**Wastewater Collection/Transmission System
Certification of Completion**

APPROVAL FOR USE

Signed: Russell Eastman Date: 9/27/02

RECEIVED

AUG 26 2003

D.E.P. - South District

DEP Form 42-004, 2000/02
Revised May 1, 2002

Page 1 of 3

Northwest District
2225 Bayshore Pkwy., Suite 200
Tallahassee, Florida 32304-4700
904-444-8200

Midwest District
2225 Bayshore Pkwy., Suite 200
Tallahassee, Florida 32304-4700
904-444-8200

Central District
3615 Maple Blvd., Suite 100
Tallahassee, Florida 32304-4700
904-444-8200

Southwest District
3304 Chatham Pkwy., Suite 100
Tallahassee, Florida 32304-4700
904-444-8200

South District
2000 Virginia Ave., Suite 100
Tallahassee, Florida 32304-4700
904-444-8200

South District
2000 Virginia Ave., Suite 100
Tallahassee, Florida 32304-4700
904-444-8200



Florida Department of Environmental Protection

Twin Towers Office Bldg., 2600 Blair Stone Road, Tallahassee, Florida 32399

RECEIVED

DOMESTIC WASTEWATER COLLECTION/TRANSMISSION SYSTEM CERTIFICATION OF COMPLETION OF CONSTRUCTION

4/16/2003

South District

INSTRUCTIONS: This form is to be completed and submitted to the Department, prior to placing the system into operation. A collection/transmission system should not be placed into operation without prior Department approval. All information is to be typed or printed in ink and all blanks must be filled.

Construction Permit No: 47756-072-DWC Dated 08/20/03

Name of Project: Laguna Lakes (Phases II) (Final)

Name of Owner: Transeastern Laguna Lakes, LLC

Name of design engineer and Florida registration number (if different from engineer signing certification):

Andrew D. Fitzgerald, P.E. #56776

Date(s) connection to existing system or treatment plant: _____

Treatment plant serving project

Name: Fiesta Village W.W.T.P.

County: Lee City: Fort Myers

DEP Identification Number (also known as WAFR or GMS Identification Number): FL00339829

Substantial deviations from the approved plans and specifications (attach additional sheets if required):

None

This application is for the certification of completion of construction for the gravity sewer system that includes manholes

7-10-28-38-41-53 and 56.

<p>Department of Environmental Protection</p> <p>Wastewater Collection/Transmission System</p> <p>Certification of Completion</p> <p>APPROVAL FOR USE</p> <p>Signed: <u>Russell J. Gentry</u> Date: <u>9/1/03</u></p>



Thom O

Florida Department of Environmental Protection

Twin Towers Office Bldg., 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

JAN 20 2004

RECEIVED
P.E.B. South District

DOMESTIC WASTEWATER COLLECTION/TRANSMISSION SYSTEMS CERTIFICATION OF COMPLETION OF CONSTRUCTION

INSTRUCTIONS: This form is to be completed and submitted to the Department, prior to placing the system into operation. A collection/transmission system should not be placed into operation without prior Department approval. All information is to be typed or printed in ink and all blanks must be filled.

Construction Permit No: 47756-081-DWC/CG

Dated 07/17/03

Name of Project: Laguna Lakes (Pod "A")

Name of Owner: Transeastern Laguna Lakes, LLC

Name of design engineer and Florida registration number (if different from engineer signing certification):

Andrew D. Fitzgerald, P.E. #56776

Date(s) connection to existing system or treatment plant: January, 2004

Treatment plant serving project

Name: Fiesta Village Advanced W.T.P.

County: Lee

City: Fort Myers

DEP Identification Number (also known as WAFR or GMS Identification Number): FL00339829

Substantial deviations from the approved plans and specifications (attach additional sheets if required):

None

Department of Environmental Protection

Wastewater Collection/Transmission System
Certification of Completion

APPROVAL FOR USE

Signed: Russell Hartog

Date: 2/26/04

FEB 27 2004

Appendix E

South Florida Water Management District Acceptance of Construction Completion Certification



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

LOWER WEST COAST REGIONAL SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901
(239) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (239) 338-2936 • www.sfwmd.gov/lwc/

December 26, 2007

ANDY COHEN
LAGUNA LAKES COMMUNITY DEVELOPMENT DISTRICT
1820 RINGLING BLVD
SARASOTA, FL 34236

Dear Mr. Cohen :

**Subject : Acceptance of Construction Completion Certification
Initiate Permit Transfer & Conversion to Operation Phase
MONTEREY LAKES
Permit No. 36-04104-P, Application No. 010810-8
Lee County, S33/T45S/R24E**

This letter is to acknowledge receipt of your consulting engineer's construction completion certification pertaining to the subject parcel's surface water management system. The submitted information has been accepted and incorporated into the permit file.

By accepting the engineer's certification, the District staff considers the surface water management system permitted under the above listed application number(s) to be constructed in substantial conformance with the plans and specifications approved by the District. This satisfies your permit's conditions regarding submittal of an engineer's certification for construction completion of the permitted drainage facilities.

Although the certification has been accepted, further action by you, as permittee, is required. In accordance with Rule 40E-1 and 40E-4, Florida Administrative Code (FAC) - upon construction completion and acceptance of the engineer's certification of the surface water management system, the permittee shall initiate the permit transfer to the responsible operating entity and the permit conversion to the operation phase.

The enclosed permit conversion / transfer Form #0920 should be completed by an officer of the association (operating entity) and submitted (if not previously furnished), along with a copy each of:

1. the ownership transfer or turnover document, i.e., warranty deed, turnover meeting minutes, etc.,
2. the recorded declaration of covenants or declaration of condominium (including amendments, if any),
3. a copy of the SFWMD Permit recorded as an EXHIBIT to the recorded declarations or a recorded Public Noticing of the SFWMD Permit
4. a copy of the filed articles of incorporation,
5. a copy of the certificate of incorporation for the property owners association, and
6. a copy of all recorded plats (11 x 17 is preferred).

LAGUNA LAKES COMMUNITY DEVELOPMENT DISTRICT

December 26, 2007

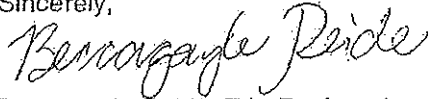
Page 2

Also enclosed is an affidavit which attests that the items required by the Basis of Review are contained in the documents. If you do not choose to execute the affidavit, you may enter the requisite information in the boxes and return to us in lieu of a checklist. Submitting this completed affidavit or checklist will expedite the legal / institutional review of your request for permit conversion / transfer to the operational phase. In addition, as required by rule 40E-4.361, F.A.C., the permit file must contain documentation that applicable conditions to the permit have been satisfied.

Please be aware that rules 40E-1.6107 and 40E-4.351, F.A.C. also specify "Until transfer is approved by the District, the permittee shall be liable for compliance with the permit. The permittee transferring the permit shall remain liable for any corrective actions that are required as a result of any violations of the permit which occurred prior to the transfer of the permit." As a consequence of noncompliance with these mandates you could be held responsible for adverse impacts to, or conditions of, the surface water management system. Please submit the above or notify District staff of your intentions within thirty (30) days of the date of this letter.

Should you have any questions, please contact Mary Ann Campbell, Regulatory Information Assistant, Sr at the Lower West Coast Service Center at (239) 338-2929 ext 7779.

Sincerely,



Beccagayle Reide, E.I., Engineering Specialist 3
Environmental Resource Compliance
Lower West Coast Service Center
South Florida Water Management District

br

Enclosure(s)

Form 0920

Affidavit

CERTIFIED MAIL NO. 7006 2150 0000 9480 3977

c: Carl A Barraco Pe, Barraco And Associates Inc

Appendix F

Interlocal Agreement for the Delivery and Use of Reclaimed Effluent Water

INTERLOCAL AGREEMENT FOR THE DELIVERY
AND USE OF RECLAIMED EFFLUENT WATER

THIS AGREEMENT is made and entered into on this 16th day of ,
March 20 04 , between Laguna Lakes Community Development
District and its assigns and successors in interest, hereinafter referred to as the
"USER," and LEE COUNTY, a political subdivision of the State of Florida, hereinafter
referred to as "COUNTY."

WITNESSETH:

WHEREAS, the COUNTY owns, maintains, and operates wastewater treatment facilities in Lee County and intends to produce treated effluent of a quality for the irrigation of grasses, woodlands, and certain crops; and

WHEREAS, the COUNTY desires to deliver this treated effluent for irrigation use by others as a means of effluent disposal; and

WHEREAS, the COUNTY intends to utilize a reclaimed effluent distribution system in order that delivery can be made under pressure directly to USER in a closed system; and

WHEREAS, USER now owns or otherwise controls the land upon which the reclaimed effluent water is to be used for irrigation purposes; and

WHEREAS, the COUNTY BELIEVES THAT IT IS IN THE BEST PUBLIC INTEREST TO ENTER INTO THIS Agreement in order to further dispose of effluent water from its wastewater treatment facilities.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the USER AND COUNTY do hereby agree as follows:

1. EASEMENTS

(a) If the Point of Delivery is within the USER'S property, the USER will grant to the COUNTY, an easement for operation and maintenance of the delivery system for the reclaimed effluent water on the USER'S property. The easement agreement itself, and the legal description of the property subject to the easement are incorporated by reference, attached hereto as Exhibit A, and made a part of this Agreement.

(b) Upon execution by both parties of Exhibit A, it shall be recorded in the appropriate record book in the official records of Lee County, Florida.

2. TERMS OF THE AGREEMENT

The COUNTY shall deliver and the USER shall accept and use reclaimed effluent water produced by the COUNTY from one of its wastewater treatment facilities, and this Agreement shall be effective on the date of the execution and for a term of twenty (20) years from March 16 2004. The term of this Agreement shall be renewed automatically from year to year beyond the initial twenty-year term, unless terminated by

COPY

C108
03/16/04

the USER by written notice not less than one (1) year (365 days) in advance or by the COUNTY by written notice not less than one (1) year (365 days) in advance of the anniversary of the commencement of each renewal.

3. USE OF RECLAIMED WATER: USER'S IRRIGATION SYSTEM

(a) The USER shall use reclaimed water delivered by the COUNTY for agricultural or urban irrigation; to include, but not be limited to, golf courses, lawns, and roadway right-of-way, or other purposes in any manner determined by the USER, except that use of the reclaimed water shall be consistent with all local, state, and federal regulations, and in such a manner as not to require a federal wastewater discharge permit.

(b) The USER agrees to receive reclaimed water within thirty (30) days of receipt of written notice from the COUNTY that deliveries will commence. The USER shall be solely responsible for the operation and maintenance of all portions of the USER'S irrigation system located within the boundaries of USER'S property and in accordance with the conditions established in Exhibit B of this Agreement at the current rate as established by the County from time to time.

4. WATER QUALITY

Reclaimed water delivered under this Agreement shall be treated to levels acceptable to meet the requirements of Chapter 17-6 Florida Administrative Code and D.E.R. requirements for irrigation on lands for public access.

5. VOLUME OF WATER: DELIVERY SCHEDULE

The COUNTY will deliver reclaimed water and the USER shall accept and use a volume of gallons of reclaimed water per day in accordance with the conditions established in Exhibit B. The COUNTY will require the USER to install appropriate meters as required by Lee County Utilities Operation Manual at the Point of Delivery so that the volume of reclaimed water delivered will be monitored.

6. POINT(S) OF DELIVERY

The Point(s) of Delivery of reclaimed water from the COUNTY to the USER is immediately downstream of the meter. The COUNTY shall own, operate, and maintain the reclaimed water distribution system upstream of the Point(s) of Delivery. The USER shall own, operate, and maintain all works downstream of the Point(s) of Delivery.

The USER shall provide, in a manner approved by the appropriate regulatory agencies, a positive check-valve between the reclaimed water irrigation system and any other irrigation water source(s). The cost of such check-valve and its installation shall be borne by the USER, and the complete operation of the check-valve shall be the responsibility of the USER. The USER agrees to identify to the COUNTY all well(s) connected to the irrigation system. The USER may continue to use its existing well(s) and/or lake or pond water source(s) for its irrigation system, provided that the two are not operated simultaneously.

It shall be the USER'S responsibility to construct all lines, meters, etc., necessary to extend reclaimed water lines from existing COUNTY facilities. Construction shall be in accordance with COUNTY Standards. Record drawings shall be submitted to the COUNTY, as well as a Certificate of Contributory Assets, covering all facilities on the upstream side of, and including, the meter. A Release of Lien and a One-Year Warranty shall be furnished prior to the Utilities Department forwarding the project to the Board of County Commissioners for final acceptance of the portion of the line upstream of the meter.

7. DELIVERY OF RECLAIMED WATER UNDER ADVERSE CONDITIONS

(a) Adverse weather conditions or unforeseen circumstances may necessitate modification of the normal delivery schedule. Their USER may have the right to restrict the use of the reclaimed water to be delivered in the event of adverse weather conditions or unforeseen circumstances. The USER shall not restrict the use of reclaimed water until all alternate application sites available to the USER have been utilized to their capacity. Notice to the COUNTY of the USER'S intent to restrict the use of the reclaimed water shall be in writing and accepted by the COUNTY in advance. If advance notice to the COUNTY is not practical, then the USER shall give oral notice of the restriction to the COUNTY immediately, to be followed by a written document as soon as it is practical, fully describing the circumstances for the restriction.

(b) Both parties also recognize that adverse weather conditions or unforeseen circumstances may result in a need for reclaimed water greater than the volume set forth in Paragraph 5. Each USER shall have the right to draw additional water, subject to availability of reclaimed water supplies. During any period in which more than one USER exercises the right to draw additional reclaimed water, the COUNTY will furnish water, if available, as the transmission and delivery systems are capable of handling.

(c) If the COUNTY'S transmission or distribution system fails for reasons or events beyond the COUNTY'S control, then delivery of reclaimed water under the requirements of this Agreement may be interrupted or limited in quantity.

8. EMERGENCY SITUATIONS

The COUNTY shall not be held liable by the USER for failure to deliver reclaimed water if an emergency situation preventing such delivery exists.

If and when emergency situations occur, the COUNTY will notify the USER by telephone and follow up with a letter stating the nature of the emergency and the anticipated duration.

9. TERMINATION OR ASSIGNMENT

(a) The USER may have the right to terminate its obligations under this Agreement only upon two (2) years advance written notice to the COUNTY. The USER shall be liable for all costs and expenses that the COUNTY may incur for developing any alternate method of disposal of the effluent not taken as the result of the USER'S termination, unless such termination is mandated by a State or Federal regulatory agency.

(b) The COUNTY shall have the express right to collect from USER, all costs expended by the COUNTY that are associated with any alternate method of disposal of the effluent not taken as the result of the USER'S termination, subject to the condition in Part 9(a) above.

(c) The COUNTY shall have the right to terminate this Agreement if performance is prevented by third-party litigation or any other event beyond the control of the COUNTY.

(d) The COUNTY shall have the right to transfer all or any part of the treatment or distribution facilities to others and to assign all or any part of its rights and obligations under this Agreement to others who shall be bound by and accept, and be exclusively responsible for all applicable terms and conditions of this Agreement.

10. EXCUSE FROM PERFORMANCE BY GOVERNMENTAL ACTS

If for any reason during the term of this Agreement, Local, State or Federal governments or agencies shall fail to issue necessary permits, grant necessary approvals, or shall require any change in the operation of the treatment, transmission and distribution systems or the application and use of reclaimed water, then to the extent that such requirements shall affect the ability of any party to perform any of the terms of this Agreement, the affected party shall be excused from the performance thereof and a new Agreement shall be negotiated by the parties hereto in conformity with such permits, approvals, or requirements.

11. TRANSFER OR MODIFICATION OF USER'S COMMITMENT

Sale of Land: The USER'S right to sell, transfer or encumber the land described in Exhibit A shall not be restricted by this Agreement, except that immediate written notice of any proposed sale or transfer must be given to the COUNTY at the address noted in Section 20 herein, and any subsequent party in interest shall be obligated to receive and use the allocation of reclaimed water described in Paragraph 5 and the buyer or transferee must execute and deliver to the COUNTY prior to the sale or transfer, an acknowledgment and acceptance of the prior USER'S commitment under the same terms and conditions of this Agreement. In effect, this Agreement shall run with the land, and as such, shall be properly filed with the Property Records of Lee County, Florida.

12. INDEMNIFICATION

(a) The COUNTY, pursuant to Florida Law, shall indemnify and hold harmless the USER, including its officers, directors, members, employees and agents, against any and all claims, actions, suits, proceedings, costs, expenses, damages or liabilities arising out of any injury, illness, or disease to persons or property alleged to have been caused directly or indirectly, in whole or in part, by the reclaimed water furnished by the COUNTY at Florida Department of Environmental Regulations (DER) Standards, to the USER hereunder.

(b) The obligation of the COUNTY to indemnify the USER shall be conditioned upon the compliance of the USER with all regulatory agency requirements and regulations for the use of the reclaimed water from the point of the USER'S control,

provided that the noncompliance with the said regulations by the USER is the primary or proximate cause of the alleged injury, illness or disease to persons or to property.

(c) The USER shall save and hold harmless and indemnify COUNTY, its agents, representatives, servants and employees, insofar as it legally may from all claims costs, penalties, damages and expenses (including attorney's fees) arising out of the following:

1. Claims related to the USER'S construction, erection, location, operation, maintenance, repair, installation, replacement or removal of that part of the system controlled by the USER for efficient disposal and reuse;
2. Claims arising out of USER'S negligence or omissions upon any areas controlled by COUNTY that are contained within, adjoining or abutting USER'S property, or claims arising out of USER'S negligence or omissions within an area controlled, operated, or maintained by USER;
3. Claims or demands that the use of the reclaimed irrigation water by the USER in the manner set forth in this Agreement constitutes a nuisance, or is in violation of Statutes or regulations, within or upon any areas controlled, operated, or maintained by USER, except as provided for in paragraph 12(a) above. USER'S indemnification of the COUNTY in the above listed claims are subject to the terms and conditions contained in Paragraphs 7 and 8 of this Agreement.

13. RIGHT TO SET RATES, FEES AND CHARGES

Nothing in this Agreement shall be construed as affecting in any way COUNTY'S right and obligation to set reasonable fees, rates and charges, and its authority to regulate the delivery, storage, use, or spraying of effluent. COUNTY specifically, and without limitation, reserves the right to set reasonable rates, fees and charges for the provision of treated effluent in accordance with the authority vested in COUNTY and in accordance with the rules, regulations, and procedures prescribed for COUNTY under the Laws of Florida.

14. CHARGES AND RELATED CONSIDERATIONS

The COUNTY shall bill the USER monthly on the number of gallons committed to by this Agreement or the actual use, which ever is greater, at the current rate per 1000 gallons. Payment shall be made to the COUNTY within 30 days following receipt of the bill.

15. ACCESS

The COUNTY shall have the right, at any reasonable time and upon written notice to the USER in advance, to enter upon the property of the USER to review and

inspect the practices of the USER with respect to conditions agreed to herein, to include compliance with any and all Local, State and Federal regulatory agencies.

Such entry shall normally be for the purpose of review of the operation of reclaimed water irrigation system, for inspection of COUNTY-owned mains and appurtenances, and for sampling at any monitoring wells located on the property of the USER. The USER has the option of having a representative accompany the COUNTY personnel. All such on-site monitoring will be at COUNTY'S expense.

16. DISCLAIMER OF THIRD PARTY BENEFICIARIES

This Agreement is solely for the benefit of the formal parties hereto 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.

17. SEVERABILITY

If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of this Agreement if the rights and obligations of the parties contained therein are not materially prejudiced and if the intentions of the parties can continue to be effected. To that end, this Agreement is declared to be severable.

18. LAND USE APPROVALS

This Agreement shall not be construed as a basis for (1) granting or assuring or indicating or (2) denying, refusing to grant or preventing any future grant of land use or zoning approvals, permissions, variances, special exceptions, or rights with respect to the real property in the irrigated area.

19. APPLICABLE LAW

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

20. NOTICES

All notices required or authorized under this Agreement shall be given in writing and shall be served by mail on the parties at the addresses below:

COUNTY: LEE COUNTY UTILITIES
Post Office Box 398
Fort Myers, FL 33902-0398

USER: Laguna Lakes Community Development District
10300 N.W. 11th Manor
Coral Springs, FL 33071

21. WAIVER OF RIGHTS AFFORDED BY THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

The USER acknowledges having been informed of his rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The USER also acknowledges receipt of a copy of EPA Regulations and Implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and hereby voluntarily waives these rights.

22. EXHIBITS AND ADDENDUMS

This Agreement incorporates the following exhibits and addendums which are specifically made a part of this Agreement:

- Exhibit A: Delivery and Use of Reclaimed Water Easement
Exhibit B: Contract Conditions between LEE COUNTY and Laguna Lakes Community Development District.

IN WITNESS WHEREOF, this Agreement, with its attached Exhibits and Addendums, constitutes the entire Agreement between the parties and has been entered into voluntarily and with independent advice and legal counsel, and has been executed by the authorized representative of each party on the date written herein. Modifications to and waivers of the provisions herein shall be made in writing by the parties hereto.

SIGNED, SEALED AND DELIVERED IN
THE PRESENCE OF:

WITNESS: Laguna Lakes Community Development District
Owner/Corporation

Cindy D'Angelo
1st Witness

By: [Signature]

[Signature]
2nd Witness
Commission #DD219158
Expires: Jun 02, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

Supervisor of the Laguna Lakes Community Development District
Title ASST. SECRETARY

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 12 day of December, 2003 by Cindy D'Angelo (Print or Type Name) who
KAREN COMBES

has produced DRIVER ID 556-542-46-020-0 (Type Of Identification and Number) as identification, and who (did) (did not) take an oath.

Ann Wyant

Notary Public Signature

ANN WYANT

Printed Name of Notary Public



Commission #DD219158
Expires: Jun 02, 2007

Notary Commission Number (Do Not Write) (NOTARY SEAL)

Approved As To Form

Scott S. [Signature]

Office of County Attorney

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA

By: Lisa L. Pierce
Deputy Clerk

By: [Signature]
Chairman



EXHIBIT A
DELIVERY AND USE OF RECLAIMED WATER EASEMENT

Transeastern Laguna Lakes, LLC, whose mailing address is 3300 University Drive, Suite 661, Coral Springs, FL 33065, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived, hereby grant and set over to the COUNTY OF LEE, a political subdivision of the State of Florida, with its mailing address being Post Office Box 398, Fort Myers, Florida 33902-0398, hereinafter referred to as "GRANTEE," a non-exclusive easement for the use and benefit of the Lee County Public Utilities Department for the delivery of reclaimed effluent water, and the use of public utility facilities and equipment in connection with the delivery of said reclaimed effluent water, through and across real property located in Lee County, Florida, being more particularly described in Figure A-1 attached hereto and made a part hereof.

This is a non-exclusive easement with the GRANTOR reserving unto itself, its heirs, successors or assigns, the right to the continued free use and enjoyment of the property herein described, for any purposes which are not inconsistent or restrictive of the rights and uses granted herein unto the GRANTEE.

At such time as the facilities of GRANTEE are removed or abandoned, this easement shall terminate and all rights shall revert to the GRANTOR, its heirs, successors, or assigns.

IN WITNESS WHEREOF, the GRANTOR, and GRANTEE have caused these presents to be duly executed this 16th day of March, 20 04.

WITNESS: Transeastern Laguna Lakes, LLC

Owner/Corporation

Jim Wyant

1st Witness

Andin Smith

2nd Witness

By: Marc B. Schleiderman

MARC B. SCHLEIDERMAN

Vice President

Title

ATTEST:
CHARLIE GREEN, CLERK

By: Charlie Green

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA

By: William J. ...

Chairman (Vice)

Approved as to Form

Office of the County Attorney

EXHIBIT A
FIGURE A-1

Laguna Lakes
(Name of Association)

LEGAL DESCRIPTION OF PROPERTY TO BE SERVED:

SEE ATTACHED LEGAL DESCRIPTION

EXHIBIT A
FIGURE A-1
DESCRIPTION OF LANDS TO BE PLATTED
A PARCEL IN
SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN THAT PORTION OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 33, RUN NORTH 01° 06' 34" WEST ALONG THE EAST LINE OF SAID FRACTION FOR 1326.16 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF (N-1/2) OF SAID SOUTHEAST QUARTER (SE-1/4) AND THE POINT OF BEGINNING:

FROM SAID POINT OF BEGINNING RUN SOUTH 88° 57' 39" WEST ALONG THE SOUTH LINE OF SAID NORTH HALF (N-1/2) FOR 2577.16 FEET;

THENCE RUN ALONG A LINE 50.00 FEET EASTERLY AND PARALLEL TO THE EASTERLY RIGHT OF WAY LINE OF BASS ROAD, NORTH 01° 03' 37" WEST, FOR 2597.17 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (140 FEET WIDE);

THENCE RUN NORTH 88° 55' 27" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 2576.42 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 33;

THENCE RUN SOUTH 01° 02' 33" EAST ALONG SAID EAST LINE FOR 1272.65 FEET TO THE SOUTHEAST CORNER OF THE SOUTH HALF (S-1/2) OF SAID NORTHEAST QUARTER (NE-1/4);

THENCE RUN SOUTH 01° 06' 34" EAST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 33 FOR 1326.16 FEET TO THE POINT OF BEGINNING.

SUBJECT TO A FLORIDA POWER AND LIGHT COMPANY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 385 AT PAGE 501, LEE COUNTY RECORDS AND THE RIGHT-OF-WAY FOR FORMER IDD CANAL B-1 LYING OVER AND ACROSS THE EASTERLY 50 FEET.

CONTAINING 153.66 ACRES, MORE OR LESS.

BEARINGS HEREINABOVE MENTIONED ARE STATE PLANE FOR THE FLORIDA WEST ZONE (NAD 1983/90 ADJUSTMENT) AND ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 33 TO BEAR SOUTH 01° 02' 33" EAST.

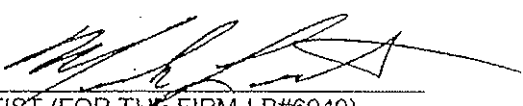

MARK G. LEIST (FOR THE FIRM-LB#6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5836

EXHIBIT A
FIGURE A-2

PUBLIC UTILITY EASEMENT

SEE ATTACHED LEGAL DESCRIPTION

SKETCH OF DESCRIPTION NOT A SURVEY

0 20 40 80
SCALE IN FEET

NORTH



Gladiolus Drive
(140' Right of Way)

1/4-1/4 Section Line

Center Line

Southerly Right of Way Line

POINT OF
COMMENCEMENT

TRACT "L"
(L.B.D.E.)

81

82

TRACT "M" 100' WIDE F.P. & L
COMPANY TRANSMISSION LINE
EASEMENT (O.R. 385, PG. 501)

20 FOOT WIDE RECLAIMED WATER
UTILITY EASEMENT TO LEE COUNTY
(O.R. 3426, PG. 1983)

TRACT "N" (FORMER I.D.D. CANAL B-1)
(O.R. 1264, PG. 2142)

East Line of Northeast 1/4

LAGUNA LAKES DESCRIPTION OF A 20 FEET WIDE UTILITY EASEMENT TO LEE COUNTY

A TRACT OR PARCELS OF LAND LYING IN THAT PORTION OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING THAT PART OF TRACT "L" AND "M" OF LAGUNA LAKES, A SUBDIVISION AS RECORDED IN PLAT BOOK 74, PAGES 1 THROUGH 8, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRACT "N" OF SAID LAGUNA LAKES SAID POINT ALSO BEING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF GLADIOLUS DRIVE, 140 FEET WIDE, AND THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 33 RUN SOUTH 01°02'33" EAST ALONG SAID EAST LINE OF SECTION 33, A DISTANCE OF 59.22 FEET;

THENCE RUN SOUTH 88°57'27" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE WESTERLY LINE OF A 20 FOOT WIDE RECLAIMED WATER UTILITY EASEMENT TO LEE COUNTY (O.R. 1284, PG. 1983); SAID POINT ALSO BEING THE POINT OF BEGINNING:

FROM SAID POINT OF BEGINNING RUN SOUTH 88°57'27" WEST, 120.00 FEET;

THENCE NORTH 01°02'33" WEST, 59.22 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE OF GLADIOLUS DRIVE;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, NORTH 88°57'27" EAST, 20.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT "M";

THENCE ALONG SAID WESTERLY LINE OF TRACT "M", SOUTH 01°02'33" EAST, 39.22 FEET;

THENCE NORTH 88°57'27" EAST, 100.00 FEET TO SAID WESTERLY LINE OF A 20 FOOT WIDE RECLAIMED WATER UTILITY EASEMENT;

THENCE ALONG SAID WESTERLY LINE, SOUTH 01°02'33" EAST, 20.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBES AN AREA OF APPROXIMATELY 3,184 SQUARE FEET.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS BASED ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 33 TO BEAR SOUTH 01°02'33" EAST, PER RECORD PLAT.

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. AC - DENOTES ACRES.
3. I.D.D. - DENOTES IONA DRAINAGE DISTRICT.
4. L.B.D.E. - DENOTES LANDSCAPE BUFFER AND DRAINAGE EASEMENT.
5. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
6. PG. - DENOTES PAGE.
7. SF - DENOTES SQUARE FEET.

SCOTT A. WHEELER (FOR THE FIRM: LBS&D)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5844

DATE SIGNED: 11/11/03
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

TRANSEASTERN HOMES 204 UNIVERSITY DRIVE SUITE 101 FORT MYERS, FLORIDA 33901 PHONE 941-344-1111 FAX 941-344-1112 WWW.TRANSEASTERN.COM	
PART OF SECTION 33 TOWNSHIP 45 SOUTH RANGE 24 EAST LEE COUNTY, FLORIDA	
PLAT BOOK 74, PAGES 1 THROUGH 8	
EXHIBIT "A" FIGURE "A-2" 20' WIDE UTILITY EASEMENT	
SKETCH TO ACCOMPANY DESCRIPTION	
PROJECT FILE NO. 2003-01	SHEET NUMBER 1 OF 1

COPY

EXHIBIT B
CONTRACT CONDITIONS BETWEEN
AND LEE COUNTY

THE FOLLOWING conditions are agreed to by , (hereinafter referred to as "USER"), and LEE COUNTY (hereinafter referred to as "COUNTY"), for the use of reclaimed effluent water. Conditions set forth in this Exhibit B are in accordance with the Agreement and are meant to meet the specific needs of the individual USER and the COUNTY.

All conditions of this Exhibit B are specifically added to and made part of this Agreement.

Location of Property and Distribution Points:

The property identified by the USER to receive reclaimed water is described in Exhibit A of the Agreement. The distribution point (or Point of Delivery) to where the County is to deliver the reclaimed water shall be considered a point inside the easement shown in Figure A-1.

Quantity of Reclaimed Water:

The COUNTY will deliver and the USER shall accept a monthly average flow of .135730 million gallons per day (MGD) reclaimed water. Availability of the reclaimed water shall be determined by the COUNTY based upon: flow into the treatment facility, quality of the reclaimed water, and/or priority level as established in the Agreement. The maximum rate available to the USER, under these adverse conditions, will be twice the average daily flow rate of .135730 MGD, or .27146 MGD.

Operation and Maintenance Practices:

The USER will apply reclaimed water in accordance with all appropriate Local, State, and Federal rules and regulations.

Reclaimed water irrigation systems shall protect human health and the environment, which includes, but is not limited to, the following:

1. Appropriate warning signs shall be posted around the sites utilizing reclaimed water by the USER to designate the nature of the water and its non-potability.
2. The USER will also take all reasonable precautions, including signs and labeling, to clearly identify reclaimed water systems to prevent inadvertent human consumption.
3. The USER shall ensure that no inter-connections are made between the reclaimed water system and other water systems, which includes the

installation of irrigation check valves on existing wells that are to remain connected to the irrigation system for reclaimed water.

4. A distance of 500 feet should be maintained between the periphery of the reclaimed water irrigation system application site and any existing or approved (but not yet constructed) shallow drinking water wells.
5. A distance of 1,000 feet shall be maintained between potable water wells and holding ponds which are incorporated into the irrigation system.
6. The USER shall give approval to the COUNTY to conduct soil borings and locate monitoring wells at the perimeter of the property in areas agreeable to the USER so as not to interfere with USER'S operations. These monitoring wells shall be installed and sampled at periodic intervals by the COUNTY at the COUNTY'S expense.

COST ALLOCATION

All costs for operating and maintaining the USER'S irrigation distribution system shall be exclusively paid by the USER.

Automated Reuse Meter Station

If the County desires an upgrade to the standard meter station at the point of delivery, the county will bear all costs, associated with the construction of the upgrades made to the meter station over and above the appurtenance shown of Lee County Utilities' standard detail 9/43, Lee County Utilities Operation Manual. Lee county Utilities shall furnish the equipment for the upgrade to Laguna Lakes CDD and Lee county Utilities will reimburse Laguna Lakes CDD for labor associated with the upgrade.

COPY

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20040221-UTL**

1. REQUESTED MOTION:

ACTION REQUESTED:

Authorize the chairman, on behalf of the BOCC, to approve construction of one 6" diameter effluent reuse meter station by executing Exhibit A of the "Agreement for the Delivery and Use of Reclaimed Effluent Water" between Lee County and Transeastern Laguna Lakes, LLC, for a project known as *Laguna Lakes*. Also, approve recording of Agreement. This is a Developer Contributed Asset and the project is located at the southeast corner of Gladiolus and Bass Roads.

WHY ACTION IS NECESSARY:

Provides effluent reuse service for the irrigation of open green space for the existing residential development.

WHAT ACTION ACCOMPLISHES:

Complies with the Lee County utilities Operations Manual and provides adequate irrigation infrastructure.

2. DEPARTMENTAL CATEGORY: 10 - UTILITIES
COMMISSION DISTRICT #: 3

C10H

3. MEETING DATE:

03-16-2004

4. AGENDA:

☒ **X** CONSENT
 _____ ADMINISTRATIVE
 _____ APPEALS
 _____ PUBLIC
 _____ WALK ON
 TIME REQUIRED: _____

5. REQUIREMENT/PURPOSE:

(Specify)
 _____ STATUTE
 _____ ORDINANCE
 _____ ADMIN. CODE
☒ **X** OTHER *Approval to Construct*
And Reuse Agreement

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER: _____
 B. DEPARTMENT: *Lee County Public Works*
 C. DIVISION/SECTION: *Utilities Division*
 BY: *Rick Judah, P.E., Utilities Director*
 DATE: *2/26/04*

7. BACKGROUND:

Letter of Intent has been received.
 Review fee has been paid.
 The plans have been reviewed for conformance to the Lee County Utilities Operations Manual.
 The project is to construct 140"± of 6" diameter irrigation pressure main and one 6" diameter meter station.
 Project location Map---copy attached.
 Potable water and sanitary sewer service is provided by Lee County Utilities.
 Funds are available for recording fees in account number OD5360748700.504930.

SECTION 33 TOWNSHIP 45S RANGE 24E DISTRICT 3 COMMISSIONER JUDAH

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) OTHER	(E) COUNTY ATTORNEY	(F) BUDGET SERVICES				(G) COUNTY MANAGER
					OA	OM	Risk	GC	
<i>J. Lavender</i> Date: <i>3-1-04</i>	N/A Date: _____	N/A Date: _____	<i>P.O.</i> T. Osterhout Date: <i>2-26</i>	<i>S. [Signature]</i> Date: <i>3/2/04</i>	<i>3/3/04</i>	<i>3/3/04</i>	<i>3/3/04</i>	<i>3/3/04</i>	<i>J. Lavender</i> Date: <i>3-1-04</i>

10. COMMISSION ACTION:

☒ **APPROVED**
 _____ **DENIED**
 _____ **DEFERRED**
 _____ **OTHER**

Rec. by CoAtty
 Date: *3/2/04*
 Time: *3:00 pm*
 Forwarded To:
Admin
3-2-04

RECEIVED BY
 COUNTY ADMIN:
03/02/04
3:55 pm
 COUNTY ADMIN
 FORWARDED TO:
3/3/04
2 pm